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of America

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PROCEEDINGS AND DEBATES OF THE *107th* CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, February 14, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

During times of repentance or in moments of humiliation, as well as times of overwhelming joy or affirmation, You enlighten us by Your spirit, Lord. At such times with the psalmist of old, we see inner depths in ourselves and our relationships, and we pray: "Out of the depths, I cry to You; O Lord. Lord, hear my voice."

Trusting this ancient wisdom to guide us further, our Nation and this Congress seeks forgiveness in You, Lord, and counts on Your Word always.

Longing for full resolve of all of the issues and dangers we face as a people, we need to wait, wait for You, O Lord, for the new day You will always show us.

We trust in Your mercy as we search the immediate darkness.

The Capitol Police and guardians of security across this country watch attentively. Like them, each of us must be on alert, tracking the enemy who would destroy us from outside and quietly stirring deeper virtue within until the fullness of redemption is found in You.

With Your Holy Name on our lips we pray, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 342, nays 51, answered "present" 1, not voting 41, as follows:

[Roll No. 35]

YEAS—342

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boyd
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Condit
Cooksey
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (TX)
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hill
Hinchey
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Largent
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Nadler
Napolitano
Nethercutt
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Paul
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Stump
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NAYS—51

Abercrombie
Aderholt
Baird
Borski
Brady (PA)
Costello
Crane
Doggett
English
Ferguson
Filner
Gutknecht
Hansen
Hastings (FL)
Hefley
Hilleary
Hilliard
Hobson
Hulshof
Jones (NC)
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
LoBiondo
McDermott
Menendez
Miller, George
Moore
Moran (KS)
Ney
Pallone
Pastor
Peterson (MN)
Platts
Pryce (OH)
Sabo
Sanchez
Schaffer
Schakowsky
Scott
Slaughter
Stupak
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Visclosky
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—41

Barton
Berman
Boucher
Brady (TX)
Clay
Combest
Conyers
Cox
Coyne
Cubin
DeLay
Ehrlich
Ford
Gephardt
Goode
Gordon
Hall (OH)
Herger
Hinojosa
Hyde
Kelly
Meek (FL)
Murtha
Myrick
Neal
Oberstar
Oxley
Payne
Pombo
Riley
Roukema
Ryun (KS)
Sessions
Smith (NJ)
Stark
Traficant
Udall (NM)
Waters
Weldon (PA)
Young (AK)
Young (FL)

□ 1027

Mr. HEFLEY changed his vote from "yea" to "nay."

Mr. ISSA changed his vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Mr. HINOJOSA. Mr. Speaker, on rollcall No. 35, had I been present, I would have voted "yea."

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following vote. If I had been present, I would have voted as follows: Rollcall vote No. 35, on approving the Journal, I would have voted "yea."

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. SIMPSON). Will the gentleman from California (Mr. SCHIFF) come forward and lead the House in the Pledge of Allegiance.

Mr. SCHIFF led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 325. Concurrent Resolution permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that the Senate has passed concurrent resolutions of the following titles in which the concurrence of the House is requested.

S. Con. Res. 96. Concurrent Resolution commending President Pervez Musharraf of Pakistan for his leadership and friendship and welcoming him to the United States.

S. Con. Res. 97. Concurrent Resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minute speeches will be postponed until the end of the day.

PROVIDING FOR CONSIDERATION OF SENATE AMENDMENTS TO H.R. 622, HOPE FOR CHILDREN ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 347 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 347

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and to consider in the House, without intervention of any point of order, a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the respective amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendments and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

□ 1030

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time is yielded for the purpose of debate only.

Mr. Speaker, House Resolution 347 provides for a single motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in each of the Senate amendments with the amendment printed in the report of the Committee on Rules accompanying this resolution.

The resolution waives all points of order against consideration of the motion to concur in the Senate amendments with an amendment. It provides 1 hour of debate in the House, equally divided and controlled by the chairman and ranking member of the Committee on Ways and Means. Finally, the resolution provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion or demand for division of the question.

Mr. Speaker, the amendment to be included in the motion provided for in this resolution would amend the Internal Revenue Code to: One, provide for supplemental stimulus payments; and, two, accelerate the 25 percent individual income tax rate. It also sets forth provisions specifically applicable to business, including: One, a special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004; two, a temporary increase in section 179 expensing; and, three, an increased carryback period for certain losses.

The amendment extends various expiring provisions including: One, the credits for qualified electrical vehicles, work opportunity credit, and the welfare-to-work credit; and, two, provisions concerning a taxable income limit on percentage depletion for oil and natural gas produced from marginal properties, parity in the application of certain limits to mental health benefits, and the availability of medical savings accounts. The amendment also reauthorizes Temporary Assistance for Needy Families supplemental grants for population increases for fiscal year 2002, and provides special allowances for a designated "New York Liberty Zone" for the area damaged in the 9-11-2001 terrorist attacks.

Mr. Speaker, the amendment further provides a program of temporary extended unemployment compensation, establishes a displaced worker insurance credit, and amends the Workforce Investment Act of 1998, with respect to national emergency grants, to authorize grants for employment and training assistance and temporary health care coverage assistance to workers affected by major economic dislocations. Finally, the amendment provides for temporary State health care assistance.

Mr. Speaker, as my colleagues know, this is our third effort to pass a much-needed stimulus package. Regrettably, the other body has failed thus far to act with equal dispatch on this important legislation. Today we will attempt once again to move forward with a carefully crafted, balanced package of measures designed to stimulate economic recovery and to provide assistance to those affected by the recent economic downturn. It is our hope that the other body will respond in an affirmative fashion to this initiative and that we can quickly move this important legislation to the President's desk as soon as possible.

Accordingly, Mr. Speaker, I urge my colleagues to support both this resolution and the motion to be offered by the gentleman from California (Mr. THOMAS).

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to strongly oppose this rule because Republican leaders are using this rule to block immediate assistance for the millions of Americans who cannot find work in this recession.

Those are the facts, Mr. Speaker, plain and simple. They are not hard to understand, and, unfortunately, they are not surprising, because Republican leaders have consistently used their power to block bipartisan compromise on economic security.

Mr. Speaker, we want a simple straight up or down vote on a 13-week extension of unemployment benefits. The Republicans, on the other hand, want a 13-week extension, plus a junked-up stimulus package, a package they know has no chance of being passed by the United States Senate. So their cynical action has the effect of denying people the 13 weeks of unemployment benefits. This is not very complicated.

Last Sunday morning I was sitting around at home and I was watching one of my favorite Sunday interview shows, Fox News Sunday, and the Republican leader of the other body was on that show. He was asked a question. He was asked, "Well, Senator, what about the fact that we are going to have a budget deficit again, that we are going to have a budget deficit of $70 billion, $80 billion or $90 billion this year?"

His response was, "Don't worry about that budget deficit. We are never going to pass a stimulus package, so we won't have a budget deficit."

Now, the package that the other side has brought forward, again, has a $70 billion cost, contribution to the deficit, in fiscal year 2002, a $70 billion cost in fiscal 2003, a $175 billion cost over the next 5 years. They know it is not going anywhere.

What we are asking is a straight up or down vote on something that has already passed the Senate, a 13-week extension of unemployment benefits. They have refused to give us that straight up or down vote, and we will resist the rule because of that.

The gentleman from New York (Mr. RANGEL) has asked for the opportunity to offer the measure that passed the Senate. They denied that in the Committee on Rules. We will present that on the floor again this morning. Today, unfortunately, we have done everything we can.

We can stop politics as usual, we as a body, if we want to. We can pass a noncontroversial bipartisan bill to help the millions of Americans who are suffering through this recession. Make no mistake, these hard-working people need help now.

Remember, this recession started last March, nearly 1 full year ago, and a bad economy only got worse after September 11. Since that day, more than 1 million Americans have seen their unemployment assistance expire, and another 2 million workers will exhaust their benefits over the next 6 months. Today, almost 8 million Americans are unemployed and looking for work.

These are people who work hard and play by the rules. But now, through no fault of their own, they are out of work. They have got bills to pay and children to feed. They need a helping hand just to get through until they can find another job to support their families.

Now, Mr. Speaker, in the Committee on Rules last night, the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), testified that Republican leaders in the House are trying to help laid-off workers. They have tried before, he said, and they will keep on trying.

Well, as much as one might admire such persistence, Mr. Speaker, Americans who lose their jobs need more than "trying." "Trying" will not pay their rent. It will not buy you groceries. And it will not pay for your health care or prescription drugs. The truth is, what Republican leaders call "trying" is nothing more than partisan gamesmanship and politics as usual.

Mr. Speaker, Republicans can stop trying today, and instead can act to help laid-off workers. That is what the United States Senate did last week when it acted unanimously to provide 13 additional weeks of unemployment benefits to Americans who have lost their jobs in this recession, and that is what the Congress has done during the past five recessions.

Mr. Speaker, of course House Democrats would like to do much, much more than the simple measure passed by the Senate. We have tried repeatedly to expand eligibility for unemployment insurance and to ensure that you do not lose your health care when you lose your job. We have proposed fiscally responsible tax relief to stimulate the economy and give a boost to small business.

Democrats have reached out to find bipartisan consensus on these ideas. In fact, the gentleman from California (Mr. DOOLEY) came to the Committee on Rules last night with a substitute motion that would have combined business depreciation relief with the extension of unemployment benefits, but Republican leaders refused to budge. They would rather play election-year politics than work together to restore the economy.

Mr. Speaker, we can stop that today. We can fill the most pressing need created by the recession. We can pass extended unemployment assistance so the President can sign it into law tomorrow, but for that to happen, Republicans will have to put politics aside for just a few hours this morning. They will have to stop using out-of-work Americans as pawns for their partisan games. They will have to stop holding laid-off workers hostage to the amendment the gentleman from California (Mr. THOMAS) is offering today, a warmed-over version of the same old Republican plan that has failed twice before in the United States Senate.

Mr. Speaker, that Republican plan is not bipartisan. It will not do much to help the laid-off workers or provide economic stimulus. And because it will put Americans further in debt, it threatens Social Security and Medicare and is just plain dangerous to the economy over the long term.

But Republicans have the majority in the House. They can bring it up any time they want. Today, however, by attaching it to the bill passed by the Senate, Republican leaders are blocking immediate help for those Americans hardest hit by the recession.

Mr. Speaker, the choice we face this morning could not be more simple: Out-of-work Americans have been waiting months for assistance. If you defeat this rule, we can act today to give them the helping hand they need. But if you pass this rule and block the noncontroversial bipartisan Senate bill, you will force laid-off workers to keep on waiting.

Mr. Speaker, I urge my colleagues to show a little heart on this Valentine's Day. Do not hold laid-off workers hostage. Defeat the rule and provide them with the help they need now.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid improper references to Senators, such as quoting remarks of Senators in the media.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I cannot believe that my friend from Texas thinks we should not try, that we should not try, to help those who are currently unemployed because of the events of September 11, because of the recession, and we should not try to help people get a job.

People want a paycheck. Yes, we got to help those who are currently displaced by the horrible events of September 11 and the worsening economy that resulted, but ultimately we are going to get these people back to work. That is what they want, that is what they deserve, that is where they are going to get the dignity they want and the financial security they want.

On September 11 our economy got a whole lot worse. It was already struggling. Americans are now looking at this body for help. Not politics. They are looking for help, and we are going to try, and we are going to try and try and try.

This is the third time that we have brought to the floor a balanced package that helps those who are displaced. In fact, it helps those who are displaced who have lost their jobs a lot more than the clean unemployment insurance legislation that the gentleman just proposed. It does more than extend for 13 weeks. It does more to take care of their health care.

We are going to hear more about this later, but what we are proposing is something much more generous for those who have been unemployed, but also, very importantly, to get those folks back to work. A million people have lost their jobs.

So we are going to try. We are going to try and try again. Maybe the third time is a charm. Maybe Valentine's Day will bring something special. Maybe we can show a little heart today and help people, not just with their unemployment, but for them to get back to work.

It does two things. First it helps get the consumer back in the business. It helps give people some more money back in their own pockets to get this economy going. The economists we have talked to, and we have talked to dozens of them, all agree. We need to get the consumer back into the business of buying and getting this economy going from the bottom up. It does that.

It helps those who did not get tax relief last year because they do not pay Federal income taxes. Who can use it more than those people? They are going to get out there and spend that money. We want to help them to do it. It also helps those who are middle-income American families by accelerating the tax relief we passed last spring.

Second, it incentivizes businesses to go out and create jobs. Now, when I am home talking to my small-business people, they are very excited about what is in this package. They want to see an immediate expensing of 30 percent of anything that they buy. That is going to help create jobs. Small businesses are going to benefit directly by this.

This is not about politics; this is about jobs. This is a balanced package. I urge my colleagues to help everybody, those who are unemployed, but also help those people who are currently employed whose jobs are at risk, to ensure that we can get people back to work and to do so quickly.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. HASTINGS), a member of the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my good friend from Texas, the ranking member, for yielding time.

Two hundred billion dollars and 10 years later, I predict for you that this measure that we are going to vote on in this bad rule will not have given one child hope. I cannot imagine how much cynicism it took to name this the "Hope for Children Act."

Last night House Members diligently studied, debated and approved new campaign finance laws for America, and the Committee on Rules, the gentleman from Texas (Mr. FROST) and I and others, met at 11:30 at night and reported out a rule that the majority of Members did not see then and have not seen now. It is a bill that Members are being asked to vote on this morning before they or their staffs have even had a chance to read the text of the bill.

□ 1045

Yesterday afternoon, the talk was that the House was going to vote on an extension of unemployment benefits. That is what the Senate did. This is a plan that is both bipartisan and bicameral that we could pass. In addition, economists and labor experts alike have pointed out that the extension of unemployment benefits is a true economic stimulus.

However, the bill that Members are being asked to vote on today is not just an extension of unemployment benefits; that is something, as I said, that the Senate passed. Instead, the majority has taken an issue as important as the extension of unemployment benefits and wrapped it up in a blanket of tax cuts to those who need them least. This bill is a third example of how the majority insists on playing politics with American lives. It is Lent season that began on yesterday. Maybe you all ought to give up the stimulus package for Lent, because it is not going to pass the Senate, and everybody over there and over here knows that.

At a time when our country's unemployment level is the highest it has been in more than a decade and workers who lost their job in the wake of September 11 will exhaust their 26 weeks of unemployment and insurance benefits beginning mid-March, it is shameful that Congress has not acted. The fact of the matter is, if this bill is approved, it will never go to President Bush's desk. Unemployment benefits will not be extended. On the contrary, the bill will return to the other body where it will meet its death and all of us know that.

My grandmother used to let me listen to a program on the radio called "Let's Pretend" and that is exactly what we are doing here. I do not know when it is that we stopped pretending. The gentlewoman from Pennsylvania (Ms. HART) on that side and myself introduced H.R. 2946 that provides for human needs, dealing with education for health care coverage and providing a quality education for these children that this bill is supposed to give some hope to. Our bill extends unemployment and health care benefits, while also providing job training.

Mr. Speaker, we talk about jobs. Evidently that $500 tax cut did not get to K-Mart and Toys-R-Us to be spent by us, because they seem not to be doing business so well.

We have opportunity, Mr. Speaker, to help Americans fulfill their human needs. Defeat this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 1½ minutes to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me time.

Had we had an opportunity to try to amend this bill that this rule provides for, I would have offered an amendment to lift the income tax on the unemployment compensation that many people have been receiving and, nevertheless, have to pay tax on it. Because of a quirk in the law of 1986, those unemployment benefits, the ones which we are discussing here today, are taxable.

My amendment to this rule would have provided for repealing the tax and make it retroactive through the year 2001. Why? Because in 2001, we began to see a creep-up of unemployment compensation claims as a result of the layoffs that were occurring. And that became exacerbated on September 11 and, what followed, because even more people, by the exigencies of what happened there, applied for unemployment compensation.

So what I plan to do is to entice all of my colleagues to get on a bill that we have introduced to reduce and to eliminate the taxes on unemployment compensation. This has an additional double benefit. If we remove the income taxes from the unemployment compensation benefits back to 2001, it constitutes a tax cut. That is an absolute tax cut in the image of what the President needs to stimulate the economy, because it will be cash remaining in people's pockets, especially those who are unemployed and are on unemployment compensation. Secondly, it is the fair and right thing to do. Why should we see a situation in which a person receives an unemployment compensation check and then has to pay tax on it?

Mr. FROST. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from New York (Mr. RANGEL), the ranking member of the Committee on Ways and Means.

Mr. RANGEL. Mr. Speaker, I have been in this august body with great pride for over 3 decades. I have seen some pretty political things happen on this floor on both sides of the aisle, but this has to be one of the most mean things that I have seen since I have been here.

The reason for that is that we are holding hostage millions of Americans that we promised early on that we were going to help. How many of my colleagues remember when we voted to give $15 billion to bail out the airline industry? How dramatically the minority leader and the Speaker got on the floor and promised that we would provide health benefits and unemployment compensation to those people who, through no fault of their own, have lost their jobs and lost their health benefits. All of a sudden, this was folded into a stimulus package. We did not say that we had to pass obscene tax cuts to help these people. We said that standing alone, these were hard-working Americans that deserved help from their country during time of war and time of recession.

So each time we address this question, we have to find out how many billions of dollars of tax cuts we are prepared to absorb. What are we willing to do in order to bring these people along?

The chairman of the committee says he is going to keep doing it this way until they finally get it. Well, what is it that the other body has to get? Whether they are right, whether they are wrong, whether they are incompetent, the fact is, they have said that they have thrown up their hands in complete surrender as it relates to a stimulus package and sent over here with a unanimous vote the mere benefit of extending unemployment compensation for 13 weeks. Should they be proud of that? I think not. Should we be proud to accept that? I think not.

But worse than just going home and saying, that is all we could do is extend this, there are two things that are worse than that. One would be to do nothing. To say, because it was not enough, we in the Congress felt that we should do nothing. Because we did not provide for health benefits, we should do nothing. That would be worse.

But the second worse thing, the second painful thing is to be hypocritical enough to allow these wretched souls to believe that we are doing something to help them, knowing that this bill has been stacked to leave the House to face defeat because the Senate cannot and will not even take it up. Who knows this? Mr. Speaker, 435 Members of this House of Representatives know today that the Senate will not, and they would claim politically and parliamentarily, cannot take it up.

To give false hopes to these people is one of the meanest things that I have ever seen happen. And who are these people? Are they illegal aliens? Are they people who are not citizens? Are they threats to our national security? Are they terrorists? Are they people that get our vital patriotic juices up so that we are against them? Oh, no. These are people that work every day, that have families, rent to pay, electricity to pay, mortgage payments, tuition. These are families that are breaking up all over America because of the burden of not being able to have the dignity of having a job.

Are we doing enough for them to give them unemployment benefits? Of course not. These people do not want handouts. They want a hand up. They want a job. But just because genius minds on the Republican side decide that the best way to give them a job is to give them refunds of tax benefits that they have paid; the best way to give them jobs is to make permanent the tax system sometime in 2011; the best way to give them jobs is to come up with a new health delivery system that destroys the employer-employee relationship.

Wonderful ideas, but what about the guy and the lady that has a family, that has lost their home, that has lost their hope, that has lost their reason for being and they are waiting for us just to help out a little bit. Are we going to give them sophisticated and complex reasons why we cannot help? What a rough day to be a Member of this House.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means.

Mr. THOMAS. Mr. Speaker, I thank the gentleman for yielding me this time.

I always enjoy my colleague's description of legislation. It is difficult to recognize it when he finishes. I find interesting the fact that we are now reduced to simply saying that 13 weeks of unemployment insurance is the proper response to a Nation in need, not just those who are currently finding themselves, through no fault of their own, unemployed, but a business sector that does create jobs looking for help.

What the gentleman from New York did not tell us was that there are provisions in this bill to provide $13.7 billion to people who do not pay income taxes and perhaps not even payroll taxes. This was a help as a stimulus to individuals who will clearly consume every dollar that they have been provided. The President supported this; we support it. It seems now our friends on the other side of the aisle have decided that is not necessarily a good idea. Oh, it may be a good idea, but it is not worth fighting for. The Senate has defined what it is that we can do. Unemployment insurance is all that we can do.

Well, I will tell my colleagues, on this side of the aisle we find that unacceptable. We provide unemployment insurance in this package in a way in which where, when States have more than 4 percent of unemployment, they do not just get the 13 weeks that the gentleman from New York is pleading for; they get 13 weeks after 13 weeks after 13 weeks, that is, a continued renewed 13 weeks if the State continues to have high unemployment. In other words, it takes unemployment insurance out of the political football category. We sent unemployment payments to the Senate in October of last year. We are now receiving their response in February. Who is at fault? We are. We can devise a system that takes unemployment insurance out of the political football business. If this is to become law, then a State in need for the rest of calendar year 2002 will automatically trigger the ability to receive 100 percent-funded Federal unemployment benefits.

But it seems to me also that the gentleman from New York failed to mention that we have what is called the "liberty zone package" here. The people from New York took a hit for all Americans. In this is a provision to help rebuild Lower Manhattan. I guess because the Senate said they did not want to do it, we should set that aside.

What we are really hearing from the other side is that what we ought to do is the lowest common denominator. That is not acceptable. Business needs some help, low-income individuals need some help. Those who are unemployed need some help. This package does it. Why do we not, instead of talking about how little we can do, look at this package as the appropriate response and tell the Senate what the Senate did was not good enough.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

I have listened very patiently to my colleague and friend from California. What my colleague from California is urging is the old-fashioned game of chicken. Let us all play chicken with the Senate while people who are out of work do not get the 13 weeks of extended benefits. It is time for those kinds of games to stop.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

□ 1100

Mr. BENTSEN. Mr. Speaker, this bill has two problems. The first problem is that the majority has written a brand-new stimulus bill costing at least $150 billion over 10 years and brought it to the floor on the day that we are recessing for the President's Day holiday or work week. The Senate is, if they have not left already will be leaving soon, and so what happens is even if the House is to adopt this, the Senate is not going to take it up for at least another week and a half or longer. People who have been unemployed since last spring of 2001 are going to get nothing.

Now, we can argue over what should be in a stimulus package and what should not be in there; but the fact is we could very easily extend unemployment compensation for 13 weeks today, and it would be done for the time being until we get back. But the other side does not want to do that because they want to continue the debate and the bickering that goes on, and I think that is a mistake.

The second problem is that no one is recognizing the fact that in the last year we have lost $4 trillion in surplus value in this country and we are now eating into the Social Security surplus. And here is another $150 billion. There are some good ideas in here. I like some of the ideas. But at some point somebody is going to have to pay for it. The taxpayers are going to have to pay for it. My children will have to pay for it, your children. We are just adding on to the debt again. Last year we were debating how quickly we could pay down the national debt. Now we are talking about adding another $150 billion in debt and digging into Social Security.

In the long run that is not going to do anything. And so much of the stimulus package does not even occur until the out-years. The economy will be well out of a recession, I hope, by 2003, 2004. But this package is cutting into the surplus or what used to be the surplus all through those years.

I think we have two problems here. Let us pass an unemployment compensation extension today that can go to the President's desk today so we can help the people today, and we will come back after the President's Day work week and we can continue to go back and figure out how we do a bill and how we protect the taxpayers from a mounting public debt because of the loss of a surplus.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, this is the third time we have had to pass this stimulus bill. The gentleman from Texas claims that we are creating a log jam in our process in order to defeat the items in this bill. I think on the other hand it is the Senate that is creating the log jam. The Senate did not have the courage to pass more than 13 weeks of unemployment to this body. How many times are we going to have to pass this bill before we can get the Senate to wake up and break that log jam?

The Senate sent a bill back to us with 13 weeks of unemployment. No potential extension for States like my State, second highest unemployment in this Nation, Washington State. The bill that they sent over had no health care coverage. That is a huge problem. I have a problem, 7.1 percent unemployment in the State of Washington, and the Senate sends over to us a bill that gives those folks 13 weeks of unemployment insurance but no coverage for health care or for anything else.

I want to talk about this bill, Mr. Speaker. This bill contains a $37 billion amount that would be used for retraining of folks who lost their jobs since last March 15, and includes over $13 billion for health coverage alone. And we do not do this coverage just for COBRA people, for people who worked for big companies who get off that job and can buy their own COBRA insurance. We also cover the people who work for small businesses, under 20 people, that do not have access to COBRA. That is very important. Our bill is much broader, much deeper.

Let us talk about these rich people whose marginal tax rate is being reduced. These marginal people are 660,000 entrepreneurs in my State of Washington alone. These rich people who are in the 27 percent rate bracket that we want to bring down immediately to 25, they are that single school teacher who is earning $30,000 a year who cannot even afford to live in the community where her school exists and has to drive miles every day. This is the rich person that our opposition talks about, Mr. Speaker, that we are trying to help. You bet we are trying to help that person. We are trying to help that person in many different ways.

The reality is that the Senate has delayed this bill. For the third time we will send this bill back over to the Senate. We have a President who is willing to sign this bill, a bill that contains rebate checks for low-income working folks who did not get checks last year, a bill that includes accelerated depreciation so small businesses and businesses of every size can catch up and make purchases for their company and buy those computers which would help stimulate that portion of our economy. I would like to put death tax permanence in this bill, but we are keeping this bill clear so we can move it through as fast as possible.

Mr. Speaker, I urge the Senate to get off their chairs, to stand up for the people at home, the people who are going to lose their jobs in my district because of Boeing, the folks who are losing their jobs all over this country. See the wisdom of this bill and the delicate balance we have defined and pass this bill out as we pass it today.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Members are reminded to not urge action on the part of the other body.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), who represents a number of unemployed people who used to work for Enron.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman for yielding me time.

Mr. Speaker, I believe what is recognized by the unemployment assistance provided by the other body is that we are in a crisis. We are in a recession. We helped the airlines; but yet with 12,000 and thousands of employees being laid off we did not help those employees. As the months and weeks got longer and longer, we saw more and more companies across the Nation laying off hard-working Americans.

More than 1 million jobless workers have had their unemployment benefits expire since September 11. And, Mr. Speaker, 2 million will likely exhaust their regular unemployment again in the first half of 2002, inability to pay mortgages and car notes and tuition payments and, most of all, health care.

What we are saying today, Mr. Speaker, if we are truly sincere about the thousands of ex-Enron employees that are laid off and all other employees across this Nation who are telling us that they will have no unemployment insurance, no ability to pay their health care in the next couple of months, let us pass a stand-alone bill.

I had last night, Mr. Speaker, an amendment that would have extended the unemployment benefits for a year. It was not tied to the unemployment percentages in your State. And the reason is if you are unemployed and your State happens to have a 4.10, 4.1, 4.2 unemployment rate, and it is higher than the baseline, you are still hurting. You still need the time. You still are unemployed. Yes, we want jobs. And I would like to join my colleagues on the other side of the aisle in establishing a premise upon which we can secure more jobs. But these are hard-working Americans who were laid off. They had jobs. They want jobs but they need to survive now.

Let us vote up or down on the unemployment stimulus package that deals with unemployment only, and let us make sure we get that passed. I would have wanted this amendment to be in, but it did not happen. And let us avoid exploding and taking away from the Social Security Trust Fund. Let us do it right and work together. I ask my colleagues to defeat the previous question in the rule so we can work on behalf of the workers of the United States of America.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I rise in strong support of the rule and of the underlying economic security and worker assistance act.

It is Valentine's Day, Mr. Speaker; but there is obviously not a lot of love in this room. And there should be. One million Americans have fallen into unemployment this year. While Congress focuses on issues that 1 or 2 percent of the American people think are urgent, a million American families are struggling under the weight of this recession. It is our hope on this side of the aisle, Mr. Speaker, that the third time is the charm. But I want to speak specifically to several comments made by the gentleman from Texas in a passionate and typically eloquent way.

He accused this measure offered by the majority of being cynical. And I do not know, Mr. Speaker, I am new to this town, but it seems to me that what is more cynical: Trying to help people that are unemployed by helping not only the wage earner but also the wage payer, or is it more cynical to offer a stimulus bill that does nothing for the people that you want folks to be hired back by?

And we have been accused of blocking today, Mr. Speaker. Again, I am new to Washington and I am from south of Highway 40, but it seems to me this is the third time we have passed a stimulus bill with benefits for the unemployed in it and it has been blocked, Mr. Speaker, somewhere else. And only in Washington, D.C. would you be accused of having tried thrice to accomplish something and now you are blocking it.

Should we do more? We have been accused by the gentleman from Texas. Well, we are. We are offering not just 13 weeks but we are triggering additional unemployment benefits and vouchers to pay 60 percent of the cost of health insurance coverage. And this business of using laid-off workers as pawns, who uses the hurting family as a pawn, the one who labors to meet their need for assistance today and a job tomorrow, or the person content with accepting uncompromising obstruction that does nothing to help the plight of the unemployed today?

I urge passage of the rule and this measure.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, the laid-off workers of America are waiting and waiting and waiting. They are waiting for help they need and have been promised time and time again. But it looks as if they will once again be held hostage by the majority leadership's decision to attach their economic agenda to a worker-relief bill.

In October we were promised, and displaced workers were promised, an assistance package as soon as Congress passed a bill to help the airline industry. Airlines got help; displaced workers did not. Broken promise.

In December we were promised, and displaced workers were promised, they would receive help. It did not happen. Broken promise. Even the President wants this Congress to pass a stand-alone worker-relief bill instead of continuing to play stimulus politics. I have here a chart that shows part of a letter from the President of the United States to me on December 11 on which he called on Congress to send him a stand-alone worker-relief bill regardless of the success or failure of any other elements of the economic stimulus measures now pending.

The last week the Senate passed worker-relief legislation; but instead of fulfilling the promise to displaced workers, House is still trying to get a so-called stimulus package and displaced workers are the victims once again. Broken promise.

Who are these displaced workers? These are people who just need assistance. They lost their jobs through no fault of their own because of the recession or because of September 11. They were taxpayers before, and they will be taxpayers again just as soon as they find a job. But they need to be able to survive until they find that next job. 300,000 workers ran out of unemployment benefits in December. More ran out in January, and each month more will run out until we pass this package and give assistance to these people again.

Today we have the opportunity to expend for 13 weeks unemployed benefits. The President has asked for a stand-alone package. The Senate has passed it. Laid-offer workers deserve it. Let us give them a helping hand. Let us vote against this rule. Promises made, promises broken. The American people are watching and the clock is ticking.

Mr. HASTINGS of Washington. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me time.

I am very impressed with the letter that my colleague, the gentleman from Kansas (Mr. MOORE), just placed before us. And I would commend it to my colleagues. He is absolutely right. The President said that by the end of the year he did want a package that would address the unemployment issue. But notice the next line in there. The President also insisted on having a health benefits package.

Guess what? The measure we are going to be voting on right here will help meet the demand that the President has put forward. It seems to me that we need to realize that if we were to wait on the other body for every action that we have taken, we would not have passed Trade Promotion Authority. We would not have passed an energy bill to help us attain domestic energy self-sufficiency. We would not have passed the faith-based legislation. We would not, as I was reminded last night, have passed the very important bipartisan election reform measure that came out of this institution.

It seems to me that we need to realize that the important thing for us to do right now is to focus not only on this very important issue of providing benefits to those who are suffering, those who are hurting, unemployment benefits and health benefits; but also we needs to focus on what it is that will address this issue. And that is what the gentleman from California (Mr. THOMAS) and the members of his committee have done, and that is job creation and economic growth.

We know full well that the President wants that because he understands that the only way that you are going to effectively deal with those who are hurting today is to create an opportunity for a job for them. And so tying the two together is something that is absolutely essential if we are going to address this in a long-run way. So I urge my colleagues to vote for this rule and vote for the package that will allow us to provide unemployment benefits and health benefits for the American people along with the very important job-creation vehicle necessary.

□ 1115

Mr. FROST. Mr. Speaker, I would inquire about the time remaining.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Texas (Mr. FROST) has 8½ minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 12½ minutes remaining.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, last night the Republican leadership here in the House kept us until almost 3:00 in the morning in order to try to kill campaign finance reform, and this morning, a few hours later, they offer us this bill—proof positive of how desperate our Nation is for approval of campaign finance reform.

Today, of course, is Valentine's Day, but here in the House almost every day is Valentine's Day for special interest allies of this Republican leadership. They live and die by the motto, "friends help friends get tax breaks whenever they can."

Indeed, before the dust had settled over Ground Zero on September 11, within hours, the same folks that are promoting this bill were wrapping their old tax-break rhetoric in red, white and blue and claiming it was necessary in the war on terrorism.

Only a few days later they were working to repeal the alternative minimum tax to ensure that the appeal of President Bush for sacrifice in this Nation would be met by our largest corporations being willing to sacrifice by accepting a tax rebate check. Who do my colleagues suppose was leading that effort in the special interests? None other than Enron.

Cannot my colleagues imagine that call to Houston, "Kenny Boy, can you accept a mere $254 million of taxes that Enron paid and could not avoid over the last 14 years as your share of sacrifice?" Is that enough sacrifice for Enron? And this morning, the same folks that were doing that, after a little public scrutiny of their proposed $254 million gift for Enron, decided they could not repeal it. So they determined instead to repeal all the elements of the same tax, and they are willing to hold the unemployed workers of America, including unemployed workers at Enron, hostage so that Ken Lay, who still has six or seven houses to live in, and his company and other companies can share the sacrifice demanded in these difficult times by paying no taxes at all.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I rise in support of the rule and the underlying bill. It is interesting to listen to my friends on the Democratic side of the aisle make up excuse after excuse why we should do nothing about getting this economy moving again. We have to remember why we are here. Our Nation is at war against terrorism. We are building our homeland security, and we are in an economic recession, and winning the war against terrorism requires getting our economy moving again.

Almost a million Americans have lost their jobs since the terror attack on September 11, tens of thousands in the area that I represent around Chicago, and we know that terrorists directly attacked our economy.

We have to work in this Congress to help those who are unemployed. The plan that the gentleman from California (Mr. THOMAS) has brought before us is more generous than what we passed before. It is more generous than what the Senate sent over last week, and I would note that no one falls through the cracks under this plan, and this plan also provides the opportunity to give confidence back to investors and consumers who lost it after the terror attacks.

Twice this House has acted to get this economy moving again. We must give workers the opportunity to go back to work, and that is why we need to pass this legislation again today.

Investment drove this economy in the past decade, creating hundreds of thousands of new jobs. The stimulus and economic security package that is before us today rewards investment and the creation of jobs. This plan includes the 30 percent expensing, accelerated depreciation as well as giving small business the opportunity to expense more, up to $40,000, and when my colleagues think about it, what this means to workers is that when a business or employer buys a computer or buys a pickup truck, there is a manufacturing worker somewhere who made that product. There is also someone who is going to install it. There is someone who is going to service it, and, of course, someone who is going to operate that piece of equipment, and accelerated expensing and accelerated depreciation will help. It also helps homeland security, making it easier to afford safety and security equipment.

The bottom line is we need to get the economy moving again. Let us give American workers the opportunity to go back to work. Let us pass this bipartisan economic stimulus and economic security plan.

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

That is very peculiar logic on the other side. The Senate has sent us a 13-week extension. If the other side does not want the 13-week extension, let us have a vote as the gentleman from New York (Mr. RANGEL) has asked on the 13-week extension, and they can vote no. Let them vote no, but they do not have the courage to do that. Instead they are denying us a vote on the 13-week extension in the guise of we have got something much better.

Well, something much better is not going to happen, and we can argue about whether it is better, but if they do not want the 13 weeks today, then let us have a vote on that, and let them vote no against the 13 weeks extension.

Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, the bill that is before us today is almost savage in its insensitivity to the plight of American families who have lost their jobs through no fault of their own, the plight of the American worker who lost their job before September 11 and found job-hunting much more difficult after September 11, the people who have lost their job since September 11 and do not qualify for any unemployment benefits because of all of the loopholes that have been riddled in this system. It is savage in its insensitivity to what these families are going through.

I have had an opportunity to meet with unemployed workers in Los Angeles and Indiana and New Jersey, people who have worked for 15 or 20 years, and their job disappeared through no fault of their own because of terrorism, because of an economic downturn, and now they find themselves without any resources. Unemployment is running out, 11,000 people a day. While my colleagues are on recess, 120,000 people will lose their unemployment benefits. More people exhausted their unemployment benefits in December than any time since 1973.

What does this Congress do? What does the Republican leadership do? It insists, it insists upon playing ping-pong back and forth with the future and the lives and the well-being of these American families.

Thirteen weeks of unemployment insurance for those people running out of unemployment who have exhausted their benefit is available today, but the Republican leadership is going to play ping-pong. We are going to send it back to the Senate and go home. Happy Valentine's Day.

Listen to the unemployed. Maybe my colleagues do not spend much time with them. Listen to the people who talk about invading their 401(k)s, their IRAs to try to save the mortgage, to try to say save their automobiles so they can continue to look for work. Listen to these individuals who are lining up never before in their life in food pantries so they can feed their families. Listen to the people who are working at the margins in the hospitality industry. They have no savings. They have no rainy day fund. They have no place to go, no credit. They were working at the margins. When that unemployment check stops, if even they are qualified, the music stops for them and their families.

Listen to the young truck driver out there who is working for Sunkist when it went bankrupt, laid them off, 15 years. He finally bought a house in Los Angeles. Now he was scrambling, begging his extended family, his friends to meet the mortgage payment. He invaded his retirement to make the mortgage payment. All he did was lose much of his retirement value down the road. No insensitivity at all on my colleagues' part for these families, for these workers, for these employees who have been thrust into this system where they get no benefits. No, my colleagues are going to send the bill to the Senate and go home, to go home and turn their back on the American worker.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Speaker, I actually had a written statement to present, but I have been listening to this debate, and frankly I am outraged.

As I listened to the gentleman from California (Mr. GEORGE MILLER) accuse us of turning our backs on the worker, I look at their side of the aisle and have seen how many times since last fall they have voted down or tried to vote down an economic stimulus package. As for the gentleman from Texas (Mr. FROST) and his concern that there is not going to be a vote on that defenestrated piece of legislation that was sent over here from the Senate, let me help him with this.

The Senate will not even allow a vote on our stimulus package. They have been bottling this up now for months and months. Fifty bills held up in the Senate and they will not let them free, and frankly, it is on their heads what is happening to American workers, and I say this because in one region of my district alone the manufacturing sector has been hemorrhaging, a total of more than 4,000 jobs in less than 18 months. These job losses have dealt a $100 million blow to our region's economy, and the picture throughout my district looks like the rest of western Pennsylvania and more and more like the rest of the country.

During a single week in December, the number of workers receiving unemployment benefits who could not find new jobs rose by over 300,000 to over 4 million, the biggest 1-week jump in 27 years, and meanwhile, the Senate and some of our friends on the other side of the aisle are playing the usual political game.

Every day we fail to sign the economic stimulus package into law that the President asked us to pass months ago, it is another day where a worker or a dozen workers or a hundred workers are laid off or a business closes its doors. The statistics do not tell the whole story. American workers need help. They need help now. We have neighbors in need. We should act. Pass this legislation, get it done, get it to the President's desk as he has requested and as American workers need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action or inaction by the Senate or characterizing Senate action or inaction.

Mr. FROST. Mr. Speaker, let me inquire about the time remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 3 minutes remaining. The gentleman from Washington (Mr. HASTINGS) has 8½ minutes remaining.

Mr. FROST. Mr. Speaker, we reserve the balance of our time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, what we are trying to accomplish today with the passage of this third stimulus package is to create jobs and help the unemployed. I have just recently read in our local Capitol Hill newspaper that Members from the majority party in the other body want stimulus. They are breaking with their party leadership in asking for stimulus legislation to pass because in their home States they have a lot of people who are losing their jobs. So what we are trying to accomplish today is to give one more chance at it, to give one more crack at it to try and do whatever we can to get Americans back to work, to help grow the economy.

Let us take a look at what is in this piece of legislation. We hear about all these impugned motives. We hear about all these bad consequences. What we are trying to accomplish is to pass the kinds of legislation that when they have passed in the past have grown the economy and gotten people back to work. We want to make it easier for employers to keep people employed. We want to make it easier for employers to invest in their businesses, to invest in their employees and hire people back to work. On top of it, for those people who have lost their jobs, we want to help them with their unemployment insurance and with health insurance.

The Senate failed to respond on these issues. I am sorry the other body, excuse me, Mr. Speaker, the other body failed to address the issue of getting people back to work and in helping dislocated workers pay for their health insurance or they are out of work.

What we are trying to accomplish here is a recognition of a fact that in recessions, unemployment lags on even well after recovery has taken place. In my home State of Wisconsin, we have an unemployment rate that is much higher than the national average. We have lost almost 50,000 jobs just in manufacturing in the State of Wisconsin. We are in trouble in the State of Wisconsin, and we know that even though the Nation's economy may recover, we are still going to have a lot of layoffs, so that is why not just extending unemployment by 13 weeks, but allowing for those States that are still in trouble to extend it another 13 weeks beyond that.

Mr. Speaker, this is the right thing to do for our constituents. It is the right thing to do for the economy. It is common sense, and it is an appeal to the Members of the other body who want bipartisan success to get people back to work.

□ 1130

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair would remind Members that the Senate and the other body are one and the same.

Mr. FROST. Mr. Speaker, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Washington State for yielding me this time.

This debate has been very interesting indeed. In fact, one of my friends from Texas came down, and, talking about Valentine's Day, offered his own rhetorical version of a Saint Valentine's Day massacre of the facts as they exist.

You see, my friends, not once, not twice, but on three occasions now we have brought a package that the President requested. My friend from Kansas had the letter. The President asked not only for unemployment benefits but for health benefits.

We cannot control what others on this Hill may do, nor is that our mission. Our responsibility is to produce today the best legislation we can that provides unemployment benefits, with a trigger, in case tough times continue, as the President stipulated, which expands health benefits to get the help to the people my friend from California spoke so eloquently about, and deals with the very people my very good friend from Texas talked about when he engaged in Enronomics.

And, oh, by the way, with all the talk of campaign finances, perhaps it would do good for everyone to listen. From opensecrets.org, my good friend from Texas, who engaged in the rhetorical bloodbath about Enron, has taken in the past few cycles $4,850 from Enron. Those are the facts. And perhaps with his former profession, this is the undeniable evidence and the rest of the story.

As our second President, John Adams said, facts are stubborn things. How ironic it is that those who engage in the rhetorical wailing and gnashing of teeth will do everything, throw up any obstruction, make any excuse, offer any argument, . . . to try to deny the unemployed help.

Support the rule.

Mr. FROST. Mr. Speaker, I demand that the words of the gentleman from Arizona (Mr. HAYWORTH) be taken down.

The SPEAKER pro tempore. The Clerk will report the words.

□ 1145

Mr. HAYWORTH. Mr. Speaker, if any of the words that I offered rendered some offense to anyone in this Chamber, I apologize and ask unanimous consent that they be stricken from the RECORD.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman's words "arguments that they are, in fact, personally involved in, and up to their necks in" will be stricken.

There was no objection.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield?

Mr. HINCHEY. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, this is not really an insult of me or to the House, but to the 11,000 workers added to the rolls every day who are going without unemployment insurance and whose needs are being deliberately neglected by this House, and who will not receive any assistance as a result of the gamesmanship happening here today.

Mr. HINCHEY. Mr. Speaker, there is nobody on this side of the aisle who believes that the extension of a mere 13 weeks of unemployment insurance benefit is a comprehensive response to the present recession, but we do understand that it is an important part of any response, and we do understand, as my colleagues do, it is the only thing that we can do practically at this moment. We have a bill here in this House which extends 13 weeks of unemployment insurance benefits. We could pass that bill now.

But, Mr. Speaker, the majority side of the aisle will not put that bill on the floor. Instead, Members want to debate tax policy. We are happy to debate tax policy with the other side of the aisle. The other side of the aisle wants to pass a bill that will make it so that profitable corporations in America have no tax liability. They will pay no taxes to the Federal Treasury. Instead, that tax liability under the Republican proposal would inevitably be passed on to middle-income working people.

If my colleagues want to debate those kinds of issues, bring that bill to the floor. We are happy to debate it, but for God's sake, let us do the one thing we can do today to help the people that need help.

Every day 11,000 Americans exhaust their unemployment insurance benefits. We are leaving town today. The Speaker set the schedule. We are going on recess for 12 days. During that period of time, another 130,000 Americans will lose their unemployment insurance benefits. What are those Members saying to them? Nothing. The other side of the aisle is turning their back on them. Let us do the one thing that we can do now that has practical benefit: Pass the unemployment insurance extender.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2½ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I am very impressed with the sudden interest in the economy for the liberal Democratic Party. This is really great. I just wonder, did they not know somehow there was a recession going on in October? Did they not know in December? I mean, what were they thinking when we had these opportunities to get America back to work? I know that the other side of the aisle has a lot of constituents who they think would rather have a government support check rather than a job opportunity.

The America I know would rather be working. The America that I know wants to help those who are unemployed when they need assistance. But the America I know would prefer to be working.

Mr. Speaker, back in October we had a great bill that was passed by this House, but like the energy bill, like the faith-based initiative, like bioterrorism insurance, like so many other things that were passed to the Members across the aisle in the other body, and it was killed in the name of partisanship because there seem to be some folks in Washington who would rather have a bad economy if that helps their particular party in the polls.

I am sad that workers and American people's lives are being played with in such a callous, political manner. This is the difference between two parties, two visions. One wants to get the economy going so there are jobs, like my friend Mark, who worked for International Paper for 18 years. His father had worked for them for 28 years. He got laid off in the downsizing back in July. Fortunately for him, his wife has a job at a bakery. He is working with her right now. They are getting by, but he wants to get back to work. His corporation says this bill would help them.

Or like my friend Bill, who is a small electrical contractor employing six to eight people in Savannah, Georgia. He wants to keep those six to eight people on his payroll working, but they have got to have work out there, jobs to go to. This would give them that opportunity.

This is about real people and real jobs, people who do not have business cards, people who do not give to PACs or necessarily belong and hang out with big unions, and people who do not come to Washington, D.C., and do not consider themselves Republicans or Democrats. They just want to work.

Mr. Speaker, our bill which we passed in October would have given them jobs, would have done it in December. Now we have got our third opportunity. Do not strike out. Do not swing unsuccessfully three times. Let us get this thing done.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow us to vote on a clean 13-week extension of unemployment benefits.

Mr. Speaker, we will be leaving for the district work period today and will be away for the next week. We need to fix the unemployment situation for the millions of Americans whose benefits have expired or will expire in the next few months.

This is not the time to bring to the floor a whole new stimulus package that the other body will not consider this week. Let us act now and help those who are unemployed in our Nation. Vote "no" on the previous question, and help our unemployed workers now.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment just prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I tend to be an optimistic person, and I believe that three times is a charm. We have been in a recession, we found out after the fact, since last March. It seems to me if we are going to get out of a recession in a comprehensive way, we need a comprehensive plan. We cannot be putting Band-Aids on every aspect of our economy.

What has not been said at all in this debate today, notwithstanding the fact that the other side has said that the stimulus package is dead, there were two members of the majority party in the other body that were chairmen, and they said maybe we ought to relook at a stimulus package. I am optimistic that the third time is a charm in this case, and I urge the Members to vote for the previous question and the rule and the underlying bill.

Mr. Speaker, I yield back the balance of my time, and move the previous question on the resolution.

The material previously referred to by Mr. FROST is as follows:

Strike all after the resolved clause and insert:

That upon the adoption of this resolution the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, be, and the same is hereby, taken from the Speaker's table to the end that the Senate amendments thereto be, and the same are hereby, agreed to.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 216, nays 207, not voting 11, as follows:

[Roll No. 36]

YEAS—216

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane

Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—207

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berman
Brady (TX)
Cubin
Maloney (NY)
Moran (VA)
Payne
Riley
Roukema
Stump
Traficant
Weldon (PA)

☐ 1218

Ms. McCOLLUM changed her vote from "yea" to "nay."

Mr. LATHAM changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5 minute vote.

The vote was taken by electronic device, and there were—ayes 213, noes 206, not voting 15, as follows:

[Roll No. 37]

AYES—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)

McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Berman
Brady (TX)
Buyer
Conyers
Lewis (CA)
McCollum
Payne
Riley
Roukema
Stump
Taylor (NC)
Traficant
Watson (CA)
Weldon (PA)
Whitfield

☐ 1229

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1230

HOPE FOR CHILDREN ACT

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 347, I call up the bill (H.R. 622), to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes, with Senate amendments thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. QUINN). The Clerk will designate the motion.

The text of the motion is as follows:

Mr. THOMAS moves that the House concur in the Senate amendments with respective amendments as follows:

Senate Amendments:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a))) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the

General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

Amend the title so as to read: "An Act to provide for temporary unemployment compensation.".

House Amendments to Senate Amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate to the text of the bill, insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Economic Security and Worker Assistance Act of 2002".

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—INDIVIDUAL PROVISIONS

Sec. 101. Supplemental stimulus payments.
Sec. 102. Acceleration of 25 percent individual income tax rate.

TITLE II—BUSINESS PROVISIONS

Sec. 201. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.
Sec. 202. Temporary increase in expensing under section 179.
Sec. 203. Alternative minimum tax reform.
Sec. 204. Carryback of certain net operating losses allowed for 5 years.
Sec. 205. Recovery period for depreciation of certain leasehold improvements.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Extensions

Sec. 301. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 302. Credit for qualified electric vehicles.
Sec. 303. Credit for electricity produced from certain renewable resources.
Sec. 304. Work opportunity credit.
Sec. 305. Welfare-to-work credit.
Sec. 306. Deduction for clean-fuel vehicles and certain refueling property.
Sec. 307. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 308. Qualified zone academy bonds.
Sec. 309. Cover over of tax on distilled spirits.
Sec. 310. Parity in the application of certain limits to mental health benefits.
Sec. 311. Temporary special rules for taxation of life insurance companies.
Sec. 312. Availability of medical savings accounts.
Sec. 313. Incentives for Indian employment and property on Indian reservations.
Sec. 314. Subpart F exemption for active financing.
Sec. 315. Repeal of requirement for approved diesel or kerosene terminals.

Subtitle B—Temporary Assistance for Needy Families

Sec. 321. Reauthorization of TANF supplemental grants for population increases for fiscal year 2002.
Sec. 322. 1-year extension of contingency fund under the TANF program.

TITLE IV—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

Sec. 401. Tax benefits for area of New York City damaged in terrorist attacks on September 11, 2001.

TITLE V—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

Sec. 501. Allowance of electronic 1099's.
Sec. 502. Excluded cancellation of indebtedness income of S corporation not to result in adjustment to basis of stock of shareholders.
Sec. 503. Limitation on use of nonaccrual experience method of accounting.
Sec. 504. Exclusion for foster care payments to apply to payments by qualified placement agencies.
Sec. 505. Interest rate range for additional funding requirements.
Sec. 506. Adjusted gross income determined by taking into account certain expenses of elementary and secondary school teachers.

Subtitle B—Technical Corrections

Sec. 511. Amendments related to Economic Growth and Tax Relief Reconciliation Act of 2001.
Sec. 512. Amendments related to Community Renewal Tax Relief Act of 2000.
Sec. 513. Amendments related to the Tax Relief Extension Act of 1999.
Sec. 514. Amendments related to the Taxpayer Relief Act of 1997.
Sec. 515. Amendment related to the Balanced Budget Act of 1997.
Sec. 516. Other technical corrections.
Sec. 517. Clerical amendments.
Sec. 518. Additional corrections.

TITLE VI—UNEMPLOYMENT ASSISTANCE

Sec. 601. Short title.
Sec. 602. Federal-State agreements.
Sec. 603. Temporary extended unemployment compensation account.
Sec. 604. Payments to States having agreements for the payment of temporary extended unemployment compensation.
Sec. 605. Financing provisions.
Sec. 606. Fraud and overpayments.
Sec. 607. Definitions.
Sec. 608. Applicability.
Sec. 609. Special Reed Act transfer in fiscal year 2002.

TITLE VII—DISPLACED WORKER HEALTH INSURANCE CREDIT

Sec. 701. Displaced worker health insurance credit.
Sec. 702. Advance payment of displaced worker health insurance credit.

TITLE VIII—EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE

Sec. 801. Employment and training assistance and temporary health care coverage assistance.

TITLE IX—TEMPORARY STATE HEALTH CARE ASSISTANCE

Sec. 901. Temporary State health care assistance.

TITLE X—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

Sec. 1001. No impact on social security trust funds.
Sec. 1002. Emergency designation.

TITLE I—INDIVIDUAL PROVISIONS

SEC. 101. SUPPLEMENTAL STIMULUS PAYMENTS.

(a) IN GENERAL.—Section 6428 (relating to acceleration of 10 percent income tax rate bracket benefit for 2001) is amended by adding at the end the following new subsection:

"(f) SUPPLEMENTAL STIMULUS PAYMENTS.—

"(1) IN GENERAL.—Each individual who was an eligible individual for such individual's first taxable year beginning in 2000 and who, before October 16, 2001, filed a return of tax imposed by subtitle A for such taxable year shall be treated as having made a payment against the tax imposed by chapter 1 for such first taxable year in an amount equal to the supplemental refund amount for such taxable year.

"(2) SUPPLEMENTAL REFUND AMOUNT.—For purposes of this subsection, the supplemental refund amount is an amount equal to the excess (if any) of—

"(A)(i) $600 in the case of taxpayers to whom section 1(a) applies,

"(ii) $500 in the case of taxpayers to whom section 1(b) applies, and

"(iii) $300 in the case of taxpayers to whom subsections (c) or (d) of section 1 applies, over

"(B) the taxpayer's advance refund amount under subsection (e).

"(3) TIMING OF PAYMENTS.—In the case of any overpayment attributable to this subsection, the Secretary shall, subject to the provisions of this title, refund or credit such overpayment as rapidly as possible.

"(4) NO INTEREST.—No interest shall be allowed on any overpayment attributable to this subsection."

(b) CONFORMING AMENDMENTS.—

(1) Subparagraph (A) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsections (e) and (f)".

(2) Subparagraph (B) of section 6428(d)(1) is amended by striking "subsection (e)" and inserting "subsection (e) or (f)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 102. ACCELERATION OF 25 PERCENT INDIVIDUAL INCOME TAX RATE.

(a) IN GENERAL.—The table contained in paragraph (2) of section 1(i) (relating to reductions in rates after June 30, 2001) is amended—

(1) by striking "27.0%" and inserting "25.0%", and

(2) by striking "26.0%" and inserting "25.0%".

(b) REDUCTION NOT TO INCREASE MINIMUM TAX.—

(1) Subparagraph (A) of section 55(d)(1) is amended by striking "($49,000 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($49,000 in the case of taxable years beginning in 2001, $52,200 in the case of taxable years beginning in 2002 or 2003, and $50,700 in the case of taxable years beginning in 2004)".

(2) Subparagraph (B) of section 55(d)(1) is amended by striking "($35,750 in the case of taxable years beginning in 2001, 2002, 2003, and 2004)" and inserting "($35,750 in the case of taxable years beginning in 2001, $37,350 in the case of taxable years beginning in 2002 or 2003, and $36,600 in the case of taxable years beginning in 2004)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

(d) SECTION 15 NOT TO APPLY.—No amendment made by this section shall be treated as a change in a rate of tax for purposes of section 15 of the Internal Revenue Code of 1986.

TITLE II—BUSINESS PROVISIONS

SEC. 201. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property, or

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(ii) the original use of which commences with the taxpayer after September 10, 2001,

"(iii) which is—

"(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

"(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

"(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

"(i) IN GENERAL.—The term 'qualified property' includes property—

"(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

"(II) which has a recovery period of at least 10 years or is transportation property, and

"(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

"(ii) ONLY PRE-SEPTEMBER 11, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

"(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

"(C) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(iii) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

"(D) SPECIAL RULES.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2)."

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—The deduction under section 168(k) shall be allowed."

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) is amended by striking "clause (ii)" both places it appears and inserting "clauses (ii) and (iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 202. TEMPORARY INCREASE IN EXPENSING UNDER SECTION 179.

(a) IN GENERAL.—The table contained in section 179(b)(1) (relating to dollar limitation) is amended to read as follows:

"If the taxable year begins in:	The applicable amount is:
2001	$24,000
2002 or 2003	$40,000
2004 or thereafter	$25,000."

(b) TEMPORARY INCREASE IN AMOUNT OF PROPERTY TRIGGERING PHASEOUT OF MAXIMUM BENEFIT.—Paragraph (2) of section 179(b) is amended by inserting before the period "($325,000 in the case of taxable years beginning during 2002 or 2003)".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 203. ALTERNATIVE MINIMUM TAX REFORM.

(a) Repeal of Preference for Depreciation.—

(1) Paragraph (1) of section 56(a) is amended by adding at the end the following new subparagraph:

“(E) Termination.—This paragraph shall not apply to property placed in service in taxable years beginning after December 31, 2001.”

(2) Paragraph (5) of section 56(a) is amended by adding at the end: “This paragraph shall not apply to property placed in service in taxable years beginning after December 31, 2001.”

(b) Repeal of 90 Percent Limitation on Foreign Tax Credits.—

‘(1) Subsection (a) of section 59 is amended by striking paragraph (2) and by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(2) Subclause (II) of section 53(d)(1)(B)(i) is amended by striking “and if section 59(a)(2) did not apply”.

(c) Repeal of 90 Percent Limitation on Net Operating Loss Deduction.—Subparagraph (A) of section 56(d)(1), as amended by section 204, is amended to read as follows:

“(A) the amount of such deduction shall not exceed alternative minimum taxable income determined without regard to such deduction, and”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 204. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

“(H) In the case of a taxpayer which has a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting ‘5’ for ‘2’ and subparagraph (F) shall not apply.”

(b) Election To Disregard 5-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

“(j) Election To Disregard 5-Year Carryback for Certain Net Operating Losses.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.”

(c) Temporary Suspension of 90 Percent Limit on Certain NOL Carrybacks.—

(1) In general.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

“(A) the amount of such deduction shall not exceed the sum of—

“(i) the lesser of—

“(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carrybacks described in clause (ii)(I)), or

“(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

“(ii) the lesser of—

“(I) the amount of such deduction attributable to carrybacks of net operating losses for taxable years ending during 2001 or 2002, or

“(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and”.

(2) Effective date.—The amendment made by this subsection shall apply to taxable years beginning before January 1, 2002.

(d) Effective Date.—Except as provided in subsection (c), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2000.

SEC. 205. RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.

(a) 15-Year Recovery Period.—Subparagraph (E) of section 168(e)(3) (relating to 15-year property) is amended by striking “and” at the end of clause (ii), by striking the period at the end of clause (iii) and inserting “, and”, and by adding at the end the following new clause:

“(iv) any qualified leasehold improvement property.”

(b) Qualified Leasehold Improvement Property.—Subsection (e) of section 168 is amended by adding at the end the following new paragraph:

“(6) Qualified leasehold improvement property.—

“(A) In general.—The term ‘qualified leasehold improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

“(I) by the lessee (or any sublessee) of such portion, or

“(II) by the lessor of such portion,

“(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

“(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) Certain. improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefiting a common area, and

“(iv) the internal structural framework of the building.

“(C) Definitions and special rules.—For purposes of this paragraph—

“(i) Commitment to lease treated as lease.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

“(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term ‘related persons’ means—

“(I) members of an affiliated group (as defined in section 1504), and

“(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase ‘80 percent or more’ shall be substituted for the phrase ‘more than 50 percent’ each place it appears in such subsection.

“(D) Improvements made by lessor.—

“(i) In general.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.

“(ii) Exception for changes in form of business.—Property shall not cease to be qualified leasehold improvement property under clause (i) by reason of—

“(I) death,

“(II) a transaction to which section 381(a) applies, or

“(III). a mere change in the form of conducting the trade or business so long as the property is retained in such trade or business as qualified leasehold improvement property and the taxpayer retains a substantial interest in such trade or business.

“(iii) Treatment of failures to maintain substantial interest in trade or business.—In the case of property to which clause (ii)(III) would apply but for the failure of the taxpayer to retain a substantial interest in a trade or business, the remaining adjusted basis of such property shall be depreciated under this section over 39 years.”

(c) Requirement To Use Straight Line Method.—Paragraph (3) of section 168(b) is amended by adding at the end the following new subparagraph:

“(G) Qualified leasehold improvement property described in subsection (e)(6).”

(d) Alternative System.—The table contained in section 168(g)(3)(B) is amended by adding at the end the following new item:

“(E)(iv) .... 15”.

(e) Effective Date.—The amendments made by this section shall apply to qualified leasehold improvement property placed in service after September 10, 2001.

TITLE III—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Subtitle A—Extensions

SEC. 301. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) is amended—

(1) by striking “Rule for 2000 and 2001.—” and inserting “Rule for 2000, 2001, 2002, and 2003.—”, and

(2) by striking “during 2000 or 2001,” and inserting “during 2000, 2001, 2002, or 2003,”.

(b) Conforming Amendments.—

(1) Section 904(h) is amended by striking “during 2000 or 2001” and inserting “during 2000, 2001, 2002, or 2003”.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002 and 2003.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 302. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking “December 31, 2001,” and inserting “December 31, 2003,”, and

(B) in subparagraphs (A), (B), and (C), by striking “2002”, “2003”, and “2004”, respectively, and inserting “2004”, “2005”, and “2006”, respectively, and

(2) in subsection (e), by striking “December 31, 2004” and inserting “December 31, 2006”.

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause:

"(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2007."

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking "and before January 1, 2005".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001.

SEC. 303. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) IN GENERAL.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are both amended by striking "2002" and inserting "2004".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to facilities placed in service after December 31, 2001.

SEC. 304. WORK OPPORTUNITY CREDIT.

(a) IN GENERAL.—Subparagraph (B) of section 51(c)(4) is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 305. WELFARE-TO-WORK CREDIT.

(a) IN GENERAL.—Subsection (f) of section 51A is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 306. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) IN GENERAL.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in clauses (i), (ii), and (iii), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (f), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2001.

SEC. 307. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) IN GENERAL.—Subparagraph (H) of section 613A(c)(6) is amended by striking "2002" and inserting "2004".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 308. QUALIFIED ZONE ACADEMY BONDS.

(a) IN GENERAL.—Paragraph (1) of section 1397E(e) is amended by striking "2000, and 2001" and inserting "2000, 2001, 2002, and 2003".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 309. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) IN GENERAL.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2001.

SEC. 310. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) IN GENERAL.—Subsection (f) of section 9812, as amended by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, is amended to read as follows:

"(f) APPLICATION OF SECTION.—This section shall not apply to benefits for services furnished—

"(1) on or after September 30, 2001, and before January 10, 2002, and

"(2) after December 31, 2003."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 311. TEMPORARY SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES.

(a) REDUCTION IN MUTUAL LIFE INSURANCE COMPANY DEDUCTIONS NOT TO APPLY IN CERTAIN YEARS.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

"(j) DIFFERENTIAL EARNINGS RATE TREATED AS ZERO FOR CERTAIN YEARS.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company's taxable years beginning in 2001, 2002, or 2003."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 312. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) IN GENERAL.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2002" each place it appears and inserting "2003".

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 220(j) is amended by striking "1998, 1999, or 2001" each place it appears and inserting "1998, 1999, 2001, or 2002".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2001" and inserting "2001, and 2002".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 313. INCENTIVES FOR INDIAN EMPLOYMENT AND PROPERTY ON INDIAN RESERVATIONS.

(a) EMPLOYMENT.—Subsection (f) of section 45A is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) PROPERTY.—Paragraph (8) of section 168(j) is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 314. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) IN GENERAL.—

(1) Section 953(e)(10) is amended—

(A) by striking "January 1, 2002" and inserting "January 1, 2007", and

(B) by striking "December 31, 2001" and inserting "December 31, 2006".

(2) Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2007".

(b) LIFE INSURANCE AND ANNUITY CONTRACTS.—

(1) IN GENERAL.—Subparagraph (B) of section 954(i)(4) is amended to read as follows:

"(B) LIFE INSURANCE AND ANNUITY CONTRACTS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(I) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(II) the reserve determined under paragraph (5).

"(ii) RULING REQUEST, ETC.—The amount of the reserve under clause (i) shall be the foreign statement reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer or as provided in published guidance, the Secretary determines that the factors taken into account in determining the foreign statement reserve provide an appropriate means of measuring income."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 315. REPEAL OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

(a) IN GENERAL.—Subsection (e) of section 4101 is hereby repealed.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2002.

Subtitle B—Temporary Assistance for Needy Families

SEC. 321. REAUTHORIZATION OF TANF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES FOR FISCAL YEAR 2002.

Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended by adding at the end the following:

"(H) REAUTHORIZATION OF GRANTS FOR FISCAL YEAR 2002.—Notwithstanding any other provision of this paragraph—

"(i) any State that was a qualifying State under this paragraph for fiscal year 2001 or any prior fiscal year shall be entitled to receive from the Secretary for fiscal year 2002 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year in which the State was a qualifying State;

"(ii) subparagraph (G) shall be applied as if '2002' were substituted for '2001'; and

"(iii) out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2002 such sums as are necessary for grants under this subparagraph.".

SEC. 322. 1-YEAR EXTENSION OF CONTINGENCY FUND UNDER THE TANF PROGRAM.

Section 403(b) of the Social Security Act (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking "and 2001" and inserting "2001, and 2002"; and

(2) in paragraph (3)(C)(ii), by striking "2001" and inserting "2002".

TITLE IV—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

SEC. 401. TAX BENEFITS FOR AREA OF NEW YORK CITY DAMAGED IN TERRORIST ATTACKS ON SEPTEMBER 11, 2001.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter Y—New York Liberty Zone Benefits

"Sec. 1400L. Tax benefits for New York Liberty Zone.

"SEC. 1400L. TAX BENEFITS FOR NEW YORK LIBERTY ZONE.

"(a) EXPANSION OF WORK OPPORTUNITY TAX CREDIT.—

"(1) IN GENERAL.—For purposes of section 51, a New York Liberty Zone business employee shall be treated as a member of a targeted group.

"(2) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'New York Liberty Zone business employee' means, with respect to any period, any employee of a New York Liberty Zone business if substantially all the services performed during such period by such employee for such business are performed in the New York Liberty Zone.

"(B) Inclusion of certain employees outside the New York Liberty Zone.—

"(i) In general.—In the case of a New York Liberty Zone business described in subclause (II) of subparagraph (C)(i), the term 'New York Liberty Zone business employee' includes any employee of such business (not described in subparagraph (A)) if substantially all the services performed during such period by such employee for such business are performed in the City of New York, New York.

"(ii) Limitation.—The number of employees of such a business that are treated as New York Liberty zone business employees on any day by reason of clause (i) shall not exceed the excess of—

"(I) the number of employees of such business on September 11, 2001, in the New York Liberty Zone, over

"(II) the number of New York Liberty Zone business employees (determined without regard to this subparagraph) of such business on the day to which the limitation is being applied.

The Secretary may require any trade or business to have the number determined under subclause (I) verified by the New York State Department of Labor.

"(C) New York Liberty Zone business.—

"(i) In general.—The term 'New York Liberty Zone business' means any trade or business which is—

"(I) located in the New York Liberty Zone, or

"(II) located in the City of New York, New York, outside the New York Liberty Zone, as a result of the physical destruction or damage of such place of business by the September 11, 2001, terrorist attack.

"(ii) Credit not allowed for large businesses.—The term 'New York Liberty Zone business' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

"(D) Special rules for determining amount of credit.—For purposes of applying subpart F of part IV of subchapter B of this chapter to wages paid or incurred to any New York Liberty Zone business employee—

"(i) section 51(a) shall be applied by substituting 'qualified wages' for 'qualified first-year wages',

"(ii) the rules of section 52 shall apply for purposes of determining the number of employees under subparagraph (B),

"(iii) subsections (c)(4) and (i)(2) of section 51 shall not apply, and

"(iv) in determining qualified wages, the following shall apply in lieu of section 51(b):

"(I) Qualified wages.—The term 'qualified wages' means wages paid or incurred by the employer to individuals who are New York Liberty Zone business employees of such employer for work performed during calendar year 2002 or 2003.

"(II) Only first $6,000 of wages per calendar year taken into account.—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed $6,000 per calendar year.

"(b) Special Allowance for Certain Property Acquired After September 10, 2001.—

"(1) Additional allowance.—In the case of any qualified New York Liberty Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified New York Liberty Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) Qualified New York Liberty Zone property.—For purposes of this subsection—

"(A) In general.—The term 'qualified New York Liberty Zone property' means property—

"(i)(I) to which section 168 applies which has a recovery period of 20 years or less or which is water utility property,

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection, or

"(III) which is nonresidential real property, or residential rental property, which is described in subparagraph (B),

"(ii) substantially all of the use of which is in the New York Liberty Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the New York Liberty Zone commences with the taxpayer after September 10, 2001,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after September 10, 2001, but only if no written binding contract for the acquisition was in effect before September 11, 2001, and

"(v) which is placed in service by the taxpayer on or before the termination date.

The term 'termination date' means December 31, 2006 (December 31, 2009, in the case of nonresidential real property and residential rental property).

"(B) Eligible real property.—Nonresidential real property or residential rental property is described in this subparagraph only to the extent it rehabilitates real property damaged, or replaces real property destroyed or condemned, as a result of the September 11, 2001, terrorist attack. For purposes of the preceding sentence, property shall be treated as replacing real property destroyed or condemned if, as part of an integrated plan, such property replaces real property which is included in a continuous area which includes real property destroyed or condemned.

"(C) Exceptions.—

"(i) Alternative depreciation property.—The term 'qualified New York Liberty Zone property' shall not include any property to which the alternative depreciation system under section 168(g) applies, determined—

"(I) without regard to paragraph (7) of section 168(g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) 30 percent additional allowance property.—Such term shall not include property to which section 168(k) applies.

"(iii) Qualified leasehold improvement property.—Such term shall not include any qualified leasehold improvement property (as defined in section 168(e)(6)).

"(iv) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(D) Special rules.—

"(i) Self-constructed property.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iv) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001.

"(ii) Sale-leasebacks.—For purposes of subparagraph (A)(iii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) is sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(E) Allowance against alternative minimum tax.—The deduction allowed by this subsection shall be allowed in determining alternative minimum taxable income under section 55.

"(c) 5-Year Recovery Period for Depreciation of Certain Leasehold Improvements.—

"(1) In general.—For purposes of section 168, the term '5-year property' includes any qualified New York Liberty Zone leasehold improvement property.

"(2) Qualified New York Liberty Zone leasehold improvement property.—For purposes of this section, the term 'qualified New York Liberty Zone leasehold improvement property' means qualified leasehold improvement property (as defined in section 168(e)(6)) if—

"(A) such building is located in the New York Liberty Zone,

"(B) such improvement is placed in service after September 10, 2001, and before January 1, 2007, and

"(C) no written binding contract for such improvement was in effect before September 11, 2001.

"(3) Requirement to use straight line method.—The applicable depreciation method under section 168 shall be the straight line method in the case of qualified New York Liberty Zone leasehold improvement property.

"(4) 9-year recovery period under alternative system.—For purposes of section 168(g), the class life of qualified New York Liberty Zone leasehold improvement property shall be 9 years.

"(d) Tax-Exempt Bond Financing.—

"(1) In general.—For purposes of this title, any qualified New York Liberty Bond shall be treated as an exempt facility bond.

"(2) Qualified New York Liberty bond.—For purposes of this subsection, the term 'qualified New York Liberty Bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs,

"(B) such bond is issued by the State of New York or any political subdivision thereof,

"(C) the Governor or the Mayor designates such bond for purposes of this section, and

"(D) such bond is issued after the the date of the enactment of this section and before January 1, 2005.

"(3) Limitations on amount of bonds.—

"(A) Aggregate amount designated.—The maximum aggregate face amount of bonds which may be designated under this subsection shall not exceed $8,000,000,000, of which not to exceed $4,000,000,000 may be designated by the Governor and not to exceed $4,000,000,000 may be designated by the Mayor.

"(B) SPECIFIC LIMITATIONS.—The aggregate face amount of bonds issued which are to be used for—

"(i) costs for property located outside the New York Liberty Zone shall not exceed $2,000,000,000,

"(ii) residential rental property shall not exceed $1,600,000,000, and

"(iii) costs with respect to property used for retail sales of tangible property and functionally related and subordinate property shall not exceed $800,000,000.

The limitations under clauses (i), (ii), and (iii) shall be allocated proportionately between the bonds designated by the Governor and the bonds designated by the Mayor in proportion to the respective amounts of bonds designated by each.

"(C) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified project costs' means the cost of acquisition, construction, reconstruction, and renovation of—

"(i) nonresidential real property and residential rental property (including fixed tenant improvements associated with such property) located in the New York Liberty Zone, and

"(ii) public utility property (as defined in section 168(i)(10)) located in the New York Liberty Zone.

"(B) COSTS FOR CERTAIN PROPERTY OUTSIDE ZONE INCLUDED.—Such term includes the cost of acquisition, construction, reconstruction, and renovation of nonresidential real property (including fixed tenant improvements associated with such property) located outside the New York Liberty Zone but within the City of New York, New York, if such property is part of a project which consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings.

"(5) SPECIAL RULES.—In applying this title to any qualified New York Liberty Bond, the following modifications shall apply:

"(A) Section 146 (relating to volume cap) shall not apply.

"(B) Section 147(d) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

"(C) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds issued under this section.

"(D) Repayments of principal on financing provided by the issue—

"(i) may not be used to provide financing, and

"(ii) must be used not later than the close of the 1st semiannual period beginning after the date of the repayment to redeem bonds which are part of such issue.

The requirement of clause (ii) shall be treated as met with respect to amounts received within 10 years after the date of issuance of the issue (or, in the case of a refunding bond, the date of issuance of the original bond) if such amounts are used by the close of such 10 years to redeem bonds which are part of such issue.

"(E) Section 57(a)(5) shall not apply.

"(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(e) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—With respect to a bond described in paragraph (2) issued as part of an issue 90 percent (95 percent in the case of a bond described in paragraph (2)(C)) or more of the net proceeds (as defined in section 150(a)(3)) of which were used to finance facilities located within the City of New York, New York (or property which is functionally related and subordinate to facilities located within the City of New York for the furnishing of water), one additional advanced refunding after the date of the enactment of this section and before January 1, 2005, shall be allowed under the applicable rules of section 149(d) if—

"(A) the Governor or the Mayor designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (4) are met.

"(2) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on September 11, 2001, and is—

"(A) a State or local bond (as defined in section 103(c)(1)) which is a general obligation of the City of New York, New York,

"(B) a State or local bond (as so defined) other than a private activity bond (as defined in section 141(a)) issued by the New York Municipal Water Finance Authority or the Metropolitan Transportation Authority of the State of New York, or

"(C) a qualified 501(c)(3) bond (as defined in section 145(a)) which is a qualified hospital bond (as defined in section 145(c)) issued by or on behalf of the State of New York or the City of New York, New York.

"(3) AGGREGATE LIMIT.—For purposes of paragraph (1), the maximum aggregate face amount of bonds which may be designated under this subsection by the Governor shall not exceed $4,500,000,000 and the maximum aggregate face amount of bonds which may be designated under this subsection by the Mayor shall not exceed $4,500,000,000.

"(4) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—

"(A) no advance refundings of such bond would be allowed under any provision of law after September 11, 2001,

"(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(f) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(i) $35,000, or

"(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and

"(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.

"(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified New York Liberty Zone property' has the meaning given such term by subsection (b)(2).

"(3) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.

"(g) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (h) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting '5 years' for '2 years' with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.

"(h) NEW YORK LIBERTY ZONE.—For purposes of this section, the term 'New York Liberty Zone' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

"(i) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the terms 'Governor' and 'Mayor' mean the Governor of the State of New York and the Mayor of the City of New York, New York, respectively."

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—

"(A) IN GENERAL.—In the case of the New York Liberty Zone business employee credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Liberty Zone business employee credit).

"(B) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—For purposes of this subsection, the term 'New York Liberty Zone business employee credit' means the portion of work opportunity credit under section 51 determined under section 1400L(a)."

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the New York Liberty Zone business employee credit" after "employment credit".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter Y—New York Liberty Zone Benefits."

TITLE V—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

SEC. 501. ALLOWANCE OF ELECTRONIC 1099'S.

Any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act, may electronically furnish such statement (without regard to any first class mailing requirement) to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 502. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) IN GENERAL.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period “, including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to discharges of indebtedness after October 11, 2001, in taxable years ending after such date.

(2) EXCEPTION.—The amendment made by this section shall not apply to any discharge of indebtedness before March 1, 2002, pursuant to a plan of reorganization filed with a bankruptcy court on or before October 11, 2001.

SEC. 503. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Paragraph (5) of section 448(d) is amended to read as follows:

“(5) SPECIAL RULE FOR CERTAIN SERVICES.—

“(A) IN GENERAL.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

“(i) such services are in fields referred to in paragraph (2)(A), or

“(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

“(B) EXCEPTION.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

“(C) REGULATIONS.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved if such computation or formula clearly reflects the taxpayer's experience.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

SEC. 504. EXCLUSION FOR FOSTER CARE PAYMENTS TO APPLY TO PAYMENTS BY QUALIFIED PLACEMENT AGENCIES.

(a) IN GENERAL.—The matter preceding subparagraph (B) of section 131(b)(1) (defining qualified foster care payment) is amended to read as follows:

“(1) IN GENERAL.—The term ‘qualified foster care payment’ means any payment made pursuant to a foster care program of a State or political subdivision thereof—

“(A) which is paid by—

“(i) a State or political subdivision thereof, or

“(ii) a qualified foster care placement agency, and”.

(b) QUALIFIED FOSTER INDIVIDUALS TO INCLUDE INDIVIDUALS PLACED BY QUALIFIED PLACEMENT AGENCIES.—Subparagraph (B) of section 131(b)(2) (defining qualified foster individual) is amended to read as follows:

“(B) a qualified foster care placement agency.”

(c) QUALIFIED FOSTER CARE PLACEMENT AGENCY DEFINED.—Subsection (b) of section 131 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) QUALIFIED FOSTER CARE PLACEMENT AGENCY.—The term ‘qualified foster care placement agency’ means any placement agency which is licensed or certified by—

“(A) a State or political subdivision thereof, or

“(B) an entity designated by a State or political subdivision thereof,

for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 505. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) SPECIAL RULE.—Clause (i) of section 412(l)(7)(C) (relating to interest rate) is amended by adding at the end the following new subclause:

“(III) SPECIAL RULE FOR 2002 AND 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).”

(2) QUARTERLY CONTRIBUTIONS.—Subsection (m) of section 412 is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULES FOR 2002 AND 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III)—

“(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).

“(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).”

(b) AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) SPECIAL RULE.—Clause (i) of section 302(d)(7)(C) of such Act (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following new subclause:

“(III) SPECIAL RULE FOR 2002 AND 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).”

(2) QUARTERLY CONTRIBUTIONS.—Subsection (e) of section 302 of such Act (29 U.S.C. 1082) is amended by adding at the end the following new paragraph:

“(7) SPECIAL RULES FOR 2002 AND 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III)—

“(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).

“(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).”

(c) PBGC.—Clause (iii) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new subclause:

“(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting ‘100 percent’ for ‘85 percent’. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause by any other sections or subsections shall be treated as a reference to this clause without regard to this subclause.”

SEC. 506. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) IN GENERAL.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

“(D) CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.—In the case of taxable years beginning during 2002 or 2003, the deductions allowed by section 162 which consist of expenses, not in excess of $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(b) Eligible Educator.—Section 62 is amended by adding at the end the following:

"(d) Definition; Special Rules.—

"(1) Eligible educator.—

"(A) In general.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

"(B) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

"(2) Coordination with exclusions.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Technical Corrections

SEC. 511. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) Amendments Related to Section 101 of the Act.—

(1) In general.—Subsection (b) of section 6428 is amended to read as follows:

"(b) Credit Treated as Nonrefundable Personal Credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.".

(2) Conforming amendments.—

(A) Subsection (d) of section 6428 is amended to read as follows:

"(d) Coordination with Advance Refunds of Credit.—

"(1) In general.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) Joint returns.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.".

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

"(2) Advance refund amount.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

"(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

"(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits)."

(b) Amendment Related to Section 201 of the Act.—Subparagraph (B) of section 24(d)(1) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart".

(c) Amendments Related to Section 202 of the Act.—

(1) Corrections to credit for adoption expenses.—

(A) Paragraph (1) of section 23(a) is amended to read as follows:

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer."

(B) Subsection (a) of section 23 is amended by adding at the end the following new paragraph:

"(3) $10,000 credit for adoption of child with special needs regardless of expenses.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years."

(C) Paragraph (2) of section 23(a) is amended by striking the last sentence.

(D) Paragraph (1) of section 23(b) is amended by striking "subsection (a)(1)(A)" and inserting "subsection (a)".

(E) Subsection (i) of section 23 is amended by striking "the dollar limitation in subsection (b)(1)" and inserting "the dollar amounts in subsections (a)(3) and (b)(1)".

(F) Expenses paid or incurred during any taxable year, beginning before January 1, 2002, may be taken into account in determining the credit under section 23 of the Internal Revenue Code of 1986 only to the extent the aggregate of such expenses does not exceed the applicable limitation under section 23(b)(1) of such Code as in effect on the day before the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) Corrections to exclusion for employer-provided adoption assistance.—

(A) Subsection (a) of section 137 is amended to read as follows:

"(a) Exclusion.—

"(1) In general.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(2) $10,000 exclusion for adoption of child with special needs regardless of expenses.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the qualified adoption expenses with respect to such adoption for such year shall be increased by an amount equal to the excess (if any) of $10,000 over the actual aggregate qualified adoption expenses with respect to such adoption during such taxable year and all prior taxable years."

(B) Paragraph (2) of section 137(b) is amended by striking "subsection (a)(1)" and inserting "subsection (a)".

(3) Effective date.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002; except that the amendments made by paragraphs (1)(C), (1)(D), and (2)(B) shall apply to taxable years beginning after December 31, 2001.

(d) Amendments Related to Section 205 of the Act.—

(1) Section 45F(d)(4)(B) is amended by striking "subpart A, B, or D of this part" and inserting "this chapter or for purposes of section 55".

(2) Section 38(b)(15) is amended by striking "45F" and inserting "45F(a)".

(e) Amendments Related to Section 301 of the Act.—

(1) Section 63(c)(2) is amended—

(A) in subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (D)",

(B) by striking "or" at the end of subparagraph (B),

(C) by redesignating subparagraph (C) as subparagraph (D),

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) one-half of the amount allowable under subparagraph (A) in the case of a married individual filing a separate return, or", and

(E) by inserting the following flush sentence at the end:

"If any amount determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(2)(A) Section 63(c)(4) is amended by striking "paragraph (2) or (5)" and inserting "paragraph (2)(B), (2)(D), or (5)".

(B) Section 63(c)(4)(B)(i) is amended by striking "paragraph (2)" and inserting "paragraph (2)(B), (2)(D),".

(C) Section 63(c)(4) is amended by striking the flush sentence at the end (as added by section 301(c)(2) of Public Law 107–17).

(f) Amendment Related to Section 401 of the Act.—Section 530(d)(4)(B)(iv) is amended by striking "because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2)" and inserting "by application of paragraph (2)(C)(i)(II)".

(g) Amendments Related to Section 511 of the Act.—

(1) Section 2511(c) is amended by striking "taxable gift under section 2503," and inserting "transfer of property by gift,".

(2) Section 2101(b) is amended by striking the last sentence.

(h) Amendment Related to Section 532 of the Act.—Section 2016 is amended by striking "any State, any possession of the United States, or the District of Columbia,".

(i) Amendments Relating to Section 602 of the Act.—

(1) Subparagraph (A) of section 408(q)(3) is amended to read as follows:

"(A) Qualified employer plan.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4)(A)(i); except that such term shall also include an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) Section 4(c) of Employee Retirement Income Security Act of 1974 is amended—

(A) by inserting "and part 5 (relating to administration and enforcement)" before the period at the end, and

(B) by adding at the end the following new sentence: "Such provisions shall apply to such accounts and annuities in a manner similar to their application to a simplified employee pension under section 408(k) of the Internal Revenue Code of 1986.".

(j) Amendments Relating to Section 611 of the Act.—

(1) Section 408(k) is amended—

(A) in paragraph (2)(C) by striking "$300" and inserting "$450", and

(B) in paragraph (8) by striking "$300" both places it appears and inserting "$450".

(2) Section 409(o)(1)(C)(ii) is amended—

(A) by striking "$500,000" both places it appears and inserting "$800,000", and

(B) by striking "$100,000" and inserting "$160,000".

(3) Section 611(i) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE.—In the case of plan that, on June 7, 2001, incorporated by reference the limitation of section 415(b)(1)(A) of the Internal Revenue Code of 1986, section 411(d)(6) of such Code and section 204(g)(1) of the Employee Retirement Income Security Act of 1974 do not apply to a plan amendment that—

"(A) is adopted on or before June 30, 2002,

"(B) reduces benefits to the level that would have applied without regard to the amendments made by subsection (a) of this section, and

"(C) is effective no earlier than the years described in paragraph (2).".

(k) AMENDMENTS RELATING TO SECTION 613 OF THE ACT.—

(1) Section 416(c)(1)(C)(iii) is amended by striking "EXCEPTION FOR FROZEN PLAN" and inserting "EXCEPTION FOR PLAN UNDER WHICH NO KEY EMPLOYEE (OR FORMER KEY EMPLOYEE) BENEFITS FOR PLAN YEAR".

(2) Section 416(g)(3)(B) is amended by striking "separation from service" and inserting "severance from employment".

(l) AMENDMENTS RELATING TO SECTIONS 614 and 616 OF THE ACT.—

(1) Section 404(a)(12) is amended by striking "(9)," and inserting "(9) and subsection (h)(1)(C),".

(2) Section 404(n) is amended by striking "subsection (a)," and inserting "subsection (a) or paragraph (1)(C) of subsection (h)".

(3) Section 402(h)(2)(A) is amended by striking "15 percent" and inserting "25 percent".

(4) Section 404(a)(7)(C) is amended to read as follows:

"(C) PARAGRAPH NOT TO APPLY IN CERTAIN CASES.—

"(i) BENEFICIARY TEST.—This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than 1 trust or under a trust and an annuity plan.

"(ii) ELECTIVE DEFERRALS.—If, in connection with 1 or more defined contribution plans and 1 or more defined benefit plans, no amounts (other than elective deferrals (as defined in section 402(g)(3))) are contributed to any of the defined contribution plans for the taxable year, then subparagraph (A) shall not apply with respect to any of such defined contribution plans and defined benefit plans.".

(m) AMENDMENT RELATING TO SECTION 618 OF THE ACT.—Section 25B(d)(2)(A) is amended to read as follows:

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includable in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.".

(n) AMENDMENTS RELATING TO SECTION 619 OF THE ACT.—

(1) Section 45E(e)(1) is amended by striking "(n)" and inserting "(m)".

(2) Section 619(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "established" and inserting "first effective".

(o) AMENDMENTS RELATING TO SECTION 631 OF THE ACT.—

(1) Section 402(g)(1) is amended by adding at the end the following:

"(C) CATCH-UP CONTRIBUTIONS.—In addition to subparagraph (A), in the case of an eligible participant (as defined in section 414(v)), gross income shall not include elective deferrals in excess of the applicable dollar amount under subparagraph (B) to the extent that the amount of such elective deferrals does not exceed the applicable dollar amount under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)).".

(2) Section 401(a)(30) is amended by striking "402(g)(1)" and inserting "402(g)(1)(A)".

(3) Section 414(v)(2) is amended by adding at the end the following:

"(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.".

(4) Section 414(v)(3)(A)(i) is amended by striking "section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457" and inserting "section 401(a)(30), 402(h), 403(b), 408, 415(c), and 457(b)(2) (determined without regard to section 457(b)(3))".

(5) Section 414(v)(3)(B) is amended by striking "section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416" and inserting "section 401(a)(4), 401(k)(3), 401(k)(11), 403(b)(12), 408(k), 410(b), or 416".

(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following: ", except that a plan described in clause (i) of section 410(b)(6)(C) shall not be treated as a plan of the employer until the expiration of the transition period with respect to such plan (as determined under clause (ii) of such section)".

(7) Section 414(v)(5) is amended—

(A) by striking ", with respect to any plan year," in the matter preceding subparagraph (A),

(B) by amending subparagraph (A) to read as follows:

"(A) who would attain age 50 by the end of the taxable year,", and

(C) in subparagraph (B) by striking "plan year" and inserting "plan (or other applicable) year".

(8) Section 414(v)(6)(C) is amended to read as follows:

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to a participant for any year for which a higher limitation applies to the participant under section 457(b)(3).".

(9) Section 457(e) is amended by adding at the end the following new paragraph:

"(18) COORDINATION WITH CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OLDER.— In the case of an individual who is an eligible participant (as defined by section 414(v)) and who is a participant in an eligible deferred compensation plan of an employer described in paragraph (1)(A), subsections (b)(3) and (c) shall be applied by substituting for the amount otherwise determined under the applicable subsection the greater of—

"(A) the sum of—

"(i) the plan ceiling established for purposes of subsection (b)(2) (without regard to subsection (b)(3)), plus

"(ii) the applicable dollar amount for the taxable year determined under section 414(v)(2)(B)(i), or

"(B) the amount determined under the applicable subsection (without regard to this paragraph).".

(p) AMENDMENTS RELATING TO SECTION 632 OF THE ACT.—

(1) Section 403(b)(1) is amended in the matter following subparagraph (E) by striking "then amounts contributed" and all that follows and inserting the following:

"then contributions and other additions by such employer for such annuity contract shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such contributions and additions (when expressed as an annual addition (within the meaning of section 415(c)(2))) does not exceed the applicable limit under section 415. The amount actually distributed to any distributee under such contract shall be taxable to the distributee (in the year in which so distributed) under section 72 (relating to annuities). For purposes of applying the rules of this subsection to contributions and other additions by an employer for a taxable year, amounts transferred to a contract described in this paragraph by reason of a rollover contribution described in paragraph (8) of this subsection or section 408(d)(3)(A)(ii) shall not be considered contributed by such employer.".

(2) Section 403(b) is amended by striking paragraph (6).

(3) Section 403(b)(3) is amended—

(A) in the first sentence by inserting the following before the period at the end: ", and which precedes the taxable year by no more than five years", and

(B) in the second sentence by striking "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated".

(4) Section 415(c)(7) is amended to read as follows:

"(7) SPECIAL RULES RELATING TO CHURCH PLANS.—

"(A) ALTERNATIVE CONTRIBUTION LIMITATION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(ii) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(B) NUMBER OF YEARS OF SERVICE FOR DULY ORDAINED, COMMISSIONED, OR LICENSED MINISTERS OR LAY EMPLOYEES.—For purposes of this paragraph—

"(i) all years of service by—

"(I) a duly ordained, commissioned, or licensed minister of a church, or

"(II) a lay person,

as an employee of a church, a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), shall be considered as years of service for 1 employer, and

"(ii) all amounts contributed for annuity contracts by each such church (or convention or association of churches) or such organization during such years for such minister or lay person shall be considered to have been contributed by 1 employer.

"(C) FOREIGN MISSIONARIES.—In the case of any individual described in subparagraph (D) performing services outside the United States, contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such employee, when expressed as an annual addition to such employee's account, shall not be treated as exceeding the limitation of paragraph (1) if such annual addition is not in excess of the greater of $3,000 or the employee's includible compensation determined under section 403(b)(3).

"(D) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).

"(E) CHURCH, CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this paragraph, the terms 'church' and 'convention or association of churches' have the same meaning as when used in section 414(e).".

(5) Section 457(e)(5) is amended to read as follows:

"(5) INCLUDIBLE COMPENSATION.—The term 'includible compensation' has the meaning given to the term 'participant's compensation' by section 415(c)(3).".

(6) Section 402(g)(7)(B) is amended by striking "2001." and inserting "2001).".

(q) AMENDMENTS RELATING TO SECTION 643 OF THE ACT.—

(1) Section 401(a)(31)(C)(i) is amended by inserting "is a qualified trust which is part of a plan which is a defined contribution plan and" before "agrees".

(2) Section 402(c)(2) is amended by adding at the end the following flush sentence:

"In the case of a transfer described in subparagraph (A) or (B), the amount transferred shall be treated as consisting first of the portion of such distribution that is includible in gross income (determined without regard to paragraph (1)).".

(r) AMENDMENTS RELATING TO SECTION 648 OF THE ACT.—

(1) Section 417(e) is amended—

(A) in paragraph (1) by striking "exceed the dollar limit under section 411(a)(11)(A)" and inserting "exceed the amount that can be distributed without the participant's consent under section 411(a)(11)", and

(B) in paragraph (2)(A) by striking "exceeds the dollar limit under section 411(a)(11)(A)" and inserting "exceeds the amount that can be distributed without the participant's consent under section 411(a)(11)".

(2) Section 205(g) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in paragraph (1) by striking "exceed the dollar limit under section 203(e)(1)" and inserting "exceed the amount that can be distributed without the participant's consent under section 203(e)", and

(B) in paragraph (2)(A) by striking "exceeds the dollar limit under section 203(e)(1)" and inserting "exceeds the amount that can be distributed without the participant's consent under section 203(e)".

(s) AMENDMENT RELATING TO SECTION 652 OF THE ACT.—Section 404(a)(1)(D)(iv) is amended by striking "PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS" and inserting "SPECIAL RULE FOR TERMINATING PLANS".

(t) AMENDMENTS RELATING TO SECTION 657 OF THE ACT.—Section 404(c)(3) of the Employee Retirement Income Security Act of 1974 is amended—

(1) by striking "the earlier of" in subparagraph (A) the second place it appears, and

(2) by striking "if the transfer" and inserting "a transfer that".

(u) AMENDMENTS RELATING TO SECTION 659 OF THE ACT.—

(1) Section 4980F is amended—

(A) in subsection (e)(1) by striking "written notice" and inserting "the notice described in paragraph (2)",

(B) by amending subsection (f)(2)(A) to read as follows:

"(A) any defined benefit plan described in section 401(a) which includes a trust exempt from tax under section 501(a), or", and

(C) in subsection (f)(3) by striking "significantly" both places it appears.

(2) Section 204(h)(9) of the Employee Retirement Income Security Act of 1974 is amended by striking "significantly" both places it appears.

(3) Section 659(c)(3)(B) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "(or" and inserting "(and".

(v) AMENDMENTS RELATING TO SECTION 661 OF THE ACT.—

(1) Section 412(c)(9)(B) is amended—

(A) in clause (ii) by striking "125 percent" and inserting "100 percent", and

(B) by adding at the end the following new clause:

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).".

(2) Section 302(c)(9)(B) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in clause (ii) by striking "125 percent" and inserting "100 percent", and

(B) by adding at the end the following new clause:

"(iv) A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).".

(w) AMENDMENTS RELATING TO SECTION 662 OF THE ACT.—

(1) Section 404(k) is amended—

(A) in paragraph (1) by striking "during the taxable year",

(B) in paragraph (2)(B) by striking "(A)(iii)" and inserting "(A)(iv)",

(C) in paragraph (4)(B) by striking "(iii)" and inserting "(iv)", and

(D) by redesignating subparagraph (B) of paragraph (4) (as amended by subparagraph (C)) as subparagraph (C) of paragraph (4) and by inserting after subparagraph (A) the following new subparagraph:

"(B) REINVESTMENT DIVIDENDS.—For purposes of subparagraph (A), an applicable dividend reinvested pursuant to clause (iii)(II) of paragraph (2)(A) shall be treated as paid in the taxable year of the corporation in which such dividend is reinvested in qualifying employer securities or in which the election under clause (iii) of paragraph (2)(A) is made, whichever is later.".

(2) Section 404(k) is amended by adding at the end the following new paragraph:

"(7) FULL VESTING.—In accordance with section 411, an applicable dividend described in clause (iii)(II) of paragraph (2)(A) shall be subject to the requirements of section 411(a)(1).".

(x) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 512. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Section 469(i)(3)(E) is amended by striking clauses (ii), (iii), and (iv) and inserting the following:

"(ii) second to the portion of such loss to which subparagraph (C) applies,

"(iii) third to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

"(iv) fourth to the portion of such credit to which subparagraph (B) applies, and".

(b) AMENDMENT RELATED TO SECTION 306 OF THE ACT.—Section 151(c)(6)(C) is amended—

(1) by striking "FOR EARNED INCOME CREDIT.—For purposes of section 32, an" and inserting "FOR PRINCIPAL PLACE OF ABODE REQUIREMENTS.—An", and

(2) by striking "requirement of section 32(c)(3)(A)(ii)" and inserting "principal place of abode requirements of section 2(a)(1)(B), section 2(b)(1)(A), and section 32(c)(3)(A)(ii)".

(c) AMENDMENT RELATED TO SECTION 309 OF THE ACT.—Subparagraph (A) of section 358(h)(1) is amended to read as follows:

"(A) which is assumed by another person as part of the exchange, and".

(d) AMENDMENTS RELATED TO SECTION 401 OF THE ACT.—

(1)(A) Section 1234A is amended by inserting "or" after the comma at the end of paragraph (1), by striking "or" at the end of paragraph (2), and by striking paragraph (3).

(B)(i) Section 1234B is amended in subsection (a)(1) and in subsection (b) by striking "sale or exchange" the first place it appears in each subsection and inserting "sale, exchange, or termination".

(ii) Section 1234B is amended by adding at the end the following new subsection:

"(f) CROSS REFERENCE.—

"For special rules relating to dealer securities futures contracts, see section 1256."

(2) Section 1091(e) is amended—

(A) in the heading, by striking "SECURITIES.—" and inserting "SECURITIES AND SECURITIES FUTURES CONTRACTS TO SELL.—",

(B) by inserting after "closing of a short sale of" the following: "(or a securities futures contract to sell)",

(C) in paragraph (2), by inserting after "short sale of" the following: "(or securities futures contracts to sell)", and

(D) by adding at the end the following:

"For purposes of this subsection, the term 'securities futures contract' has the meaning provided by section 1234B(c).".

(3) Section 1233(e)(2) is amended by striking "and" at the end of subparagraph (C), by striking the period and inserting "; and" at the end of subparagraph (D), and by adding at the end the following:

"(E) entering into a securities futures contract (as so defined) to sell shall be treated as entering into a short sale, and the sale, exchange, or termination of a securities futures contract to sell shall be treated as the closing of a short sale.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate.

SEC. 513. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 545 OF THE ACT.—Section 857(b)(7) is amended—

(1) in clause (i) of subparagraph (B), by striking "the amount of which" and inserting "to the extent the amount of the rents", and

(2) in subparagraph (C), by striking "if the amount" and inserting "to the extent the amount".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 545 of the Tax Relief Extension Act of 1999.

SEC. 514. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 311 OF THE ACT.—Section 311(e) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 836) is amended—

(1) in paragraph (2)(A), by striking "recognized" and inserting "included in gross income", and

(2) by adding at the end the following new paragraph:

"(5) DISPOSITION OF INTEREST IN PASSIVE ACTIVITY.—Section 469(g)(1)(A) of the Internal Revenue Code of 1986 shall not apply by reason of an election made under paragraph (1).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997.

SEC. 515. AMENDMENT RELATED TO THE BALANCED BUDGET ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 4006 OF THE ACT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (P), by striking the period and inserting ", and" at the end of subparagraph (Q), and by adding at the end the following new subparagraph:

"(R) section 138(c)(2) (relating to penalty for distributions from Medicare+Choice MSA not used for qualified medical expenses if minimum balance not maintained).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 4006 of the Balanced Budget Act of 1997.

SEC. 516. OTHER TECHNICAL CORRECTIONS.

(a) COORDINATION OF ADVANCED PAYMENTS OF EARNED INCOME CREDIT.—

(1) Section 32(g)(2) is amended by striking "subpart" and inserting "part".

(2) The amendment made by this subsection shall take effect as if included in section 474 of the Tax Reform Act of 1984.

(b) DISCLOSURE BY SOCIAL SECURITY ADMINISTRATION TO FEDERAL CHILD SUPPORT AGENCIES.—

(1) Section 6103(l)(8) is amended—

(A) in the heading, by striking "STATE AND LOCAL" and inserting "FEDERAL, STATE, AND LOCAL", and

(B) in subparagraph (A), by inserting "Federal or" before "State or local".

(2) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(c) TREATMENT OF SETTLEMENTS UNDER PARTNERSHIP AUDIT RULES.—

(1) The following provisions are each amended by inserting "or the Attorney General (or his delegate)" after "Secretary" each place it appears:

(A) Paragraphs (1) and (2) of section 6224(c).

(B) Section 6229(f)(2).

(C) Section 6231(b)(1)(C).

(D) Section 6234(g)(4)(A).

(2) The amendments made by this subsection shall apply with respect to settlement agreements entered into after the date of the enactment of this Act.

(d) AMENDMENT RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) Section 6331(k)(3) (relating to no levy while certain offers pending or installment agreement pending or in effect) is amended to read as follows:

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of—

"(A) paragraphs (3) and (4) of subsection (i), and

"(B) except in the case of paragraph (2)(C), paragraph (5) of subsection (i),

shall apply for purposes of this subsection.".

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(e) MODIFIED ENDOWMENT CONTRACTS.—Paragraph (2) of section 318(a) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–645) is repealed, and clause (ii) of section 7702A(c)(3)(A) shall read and be applied as if the amendment made by such paragraph had not been enacted.

SEC. 517. CLERICAL AMENDMENTS.

(1) The subsection (g) of section 25B that relates to termination is redesignated as subsection (h).

(2) Section 51A(c)(1) is amended by striking "51(d)(10)" and inserting "51(d)(11)".

(3) Section 172(b)(1)(F)(i) is amended—

(A) by striking "3 years" and inserting "3 taxable years", and

(B) by striking "2 years" and inserting "2 taxable years".

(4) Section 351(h)(1) is amended by inserting a comma after "liability".

(5) Section 741 is amended by striking "which have appreciated substantially in value".

(6) Section 857(b)(7)(B)(i) is amended by striking "subsection 856(d)" and inserting "section 856(d)".

(7) Section 1394(c)(2) is amended by striking "subparagraph (A)" and inserting "paragraph (1)".

(8)(A) Section 6227(d) is amended by striking "subsection (b)" and inserting "subsection (c)".

(B) Section 6228 is amended—

(i) in subsection (a)(1), by striking "subsection (b) of section 6227" and inserting "subsection (c) of section 6227",

(ii) in subsection (a)(3)(A), by striking "subsection (b) of", and

(iii) in subsections (b)(1) and (b)(2)(A), by striking "subsection (c) of section 6227" and inserting "subsection (d) of section 6227".

(C) Section 6231(b)(2)(B)(i) is amended by striking "section 6227(c)" and inserting "section 6227(d)".

(9) Section 1221(b)(1)(B)(i) is amended by striking "1256(b))" and inserting "1256(b)))".

(10) Section 618(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16; 115 Stat. 108) is amended—

(A) in subparagraph (A) by striking "203(d)" and inserting "202(f)", and

(B) in subparagraphs (C), (D), and (E) by striking "203" and inserting "202(f)".

(11)(A) Section 525 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1928) is amended by striking "7200" and inserting "7201".

(B) Section 532(c)(2) of such Act (113 Stat. 1930) is amended—

(i) in subparagraph (D), by striking "341(d)(3)" and inserting "341(d)", and

(ii) in subparagraph (Q), by striking "954(c)(1)(B)(iii)" and inserting "954(c)(1)(B)".

SEC. 518. ADDITIONAL CORRECTIONS.

(a) AMENDMENTS RELATED TO SECTION 202 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—

(1) Subsection (h) of section 23 is amended—

(A) by striking "subsection (a)(1)(B)" and inserting "subsection (a)(3)", and

(B) by adding at the end the following new flush sentence:

"If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10."

(2) Subsection (f) of section 137 is amended by adding at the end the following new flush sentence:

"If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10."

(b) AMENDMENTS RELATED TO SECTION 204 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Section 21(d)(2) is amended—

(1) in subparagraph (A) by striking "$200" and inserting "$250", and

(2) in subparagraph (B) by striking "$400" and inserting "$500".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

TITLE VI—UNEMPLOYMENT ASSISTANCE

SEC. 601. SHORT TITLE.

This title may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

SEC. 602. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of

the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 603 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 603. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970; or

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking "5" each place it appears and inserting "4".

SEC. 604. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 605. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 606. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they

were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 607. DEFINITIONS.

In this title, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 608. APPLICABILITY.

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

SEC. 609. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) Repeal of Certain Provisions Added by the Balanced Budget Act of 1997.—

(1) In general.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) Savings provision.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) Special Transfer in Fiscal Year 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

"Special Transfer in Fiscal Year 2002

"(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

"(2)(A) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

"(i) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

"(I) section 609(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

"(II) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

"(ii) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

"(B) Notwithstanding the provisions of subparagraph (A)—

"(i) the aggregate amount transferred to the States under this subsection may not exceed a total of $8,000,000,000; and

"(ii) all amounts determined under subparagraph (A) shall be reduced ratably, if and to the extent necessary in order to comply with the limitation under clause (i).

"(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

"(i) to individuals with respect to their unemployment, and

"(ii) which are allowable under subparagraph (B) or (C).

"(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

"(I) regular compensation, or

"(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

"(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

"(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

"(iii) The categories of individuals described in this clause include the following:

"(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

"(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

"(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

"(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

"(5) Transfers under this subsection shall be made within 10 days after the date of enactment of this paragraph."

(c) Limitations on Transfers.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting "the transfer date described in subsection (d)(5)" for "October 1 of any fiscal year".

(2) By substituting "remain in the Federal unemployment account" for "be transferred to the Federal unemployment account as of the beginning of such October 1".

(3) By substituting "fiscal year 2002 (after the transfer date described in subsection (d)(5))" for "the fiscal year beginning on such October 1".

(4) By substituting "under subsection (d)" for "as of October 1 of such fiscal year".

(5) By substituting "(as of the close of fiscal year 2002)" for "(as of the close of such fiscal year)".

(d) Technical Amendments.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting "or 903(d)(4)" before "of the Social Security Act".

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting "or 903(d)(4)" after "903(c)(2)".

(e) Regulations.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE VII—DISPLACED WORKER HEALTH INSURANCE CREDIT

SEC. 701. DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) In General.—Subchapter B of chapter 65 is amended by inserting after section 6428 the following new section:

"SEC. 6429. DISPLACED WORKER HEALTH INSURANCE CREDIT.

"(a) In General.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to 60 percent of the amount paid during the taxable year for coverage for the taxpayer, the taxpayer's spouse, and dependents of the taxpayer under qualified health insurance during eligible coverage months.

"(b) Only 12 Eligible Coverage Months.—The number of eligible coverage months taken into account under subsection (a) for all taxable years shall not exceed 12.

"(c) Eligible Coverage Month.—For purposes of this section—

"(1) In general.—The term 'eligible coverage month' means any month during 2002 or 2003 if, as of the first day of such month—

"(A) the taxpayer is unemployed,

"(B) the taxpayer is covered by qualified health insurance,

"(C) the premium for coverage under such insurance for such month is paid by the taxpayer, and

"(D) the taxpayer does not have other specified coverage.

"(2) Special rules.—

"(A) Treatment of first month of employment.—The taxpayer shall be treated as meeting the requirement of paragraph (1)(A) for the first month beginning on or after the date that the taxpayer ceases to be unemployed by reason of beginning work for an employer.

"(B) Initial claim must be after March 15, 2001.—The taxpayer shall not be treated as meeting the requirement of paragraph (1)(A) with respect to any unemployment if the initial claim for regular compensation for such unemployment is filed on or before March 15, 2001.

"(C) Joint returns.—In the case of a joint return, the requirements of paragraph (1) shall be treated as met if at least 1 spouse satisfies such requirements.

"(3) Other specified coverage.—For purposes of this subsection, an individual has other specified coverage for any month if, as of the first day of such month—

"(A) Subsidized coverage.—

"(i) In general.—Such individual is covered under any qualified health insurance under which at least 50 percent of the cost of coverage (determined under section 4980B) is paid or incurred by an employer (or former employer) of the taxpayer or the taxpayer's spouse.

"(ii) Treatment of cafeteria plans and flexible spending accounts.—For purposes of clause (i), the cost of benefits—

"(I) which are chosen under a cafeteria plan (as defined in section 125(d)), or provided under a flexible spending or similar arrangement, of such an employer, and

"(II) which are not includible in gross income under section 106,

shall be treated as borne by such employer.

"(B) Coverage under medicare, medicaid, or SCHIP.—Such individual—

"(i) is entitled to benefits under part A of title XVIII of the Social Security Act or is enrolled under part B of such title, or

"(ii) is enrolled in the program under title XIX or XXI of such Act.

"(C) Certain other coverage.—Such individual—

"(i) is enrolled in a health benefits plan under chapter 89 of title 5, United States Code, or

"(ii) is entitled to receive benefits under chapter 55 of title 10, United States Code.

"(4) Determination of unemployment.—For purposes of paragraph (1), an individual shall be treated as unemployed during any period—

"(A) for which such individual is receiving unemployment compensation (as defined in section 85(b)), or

"(B) for which such individual is certified by a State agency (or by any other entity designated by the Secretary) as otherwise being entitled to receive unemployment compensation (as so defined) but for—

"(i) the termination of the period during which such compensation was payable, or

"(ii) an exhaustion of such individual's rights to such compensation.

"(d) Qualified Health Insurance.—For purposes of this section, the term 'qualified health insurance' means insurance which constitutes medical care; except that such term shall not include any insurance if substantially all of its coverage is of excepted benefits described in section 9832(c).

"(e) Coordination With Advance Payments of Credit.—

"(1) Recapture of excess advance payments.—If any payment is made by the Secretary under section 7527 during any calendar year to a provider of qualified health insurance for an individual, then the tax imposed by this chapter for the individual's last taxable year beginning in such calendar year shall be increased by the aggregate amount of such payments.

"(2) Reconciliation of payments advanced and credit allowed.—Any increase in tax under paragraph (1) shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit (other than the credit allowed by subsection (a)) allowable under part IV of subchapter A of chapter 1.

"(f) Special Rules.—

"(1) Coordination with other deductions.—Amounts taken into account under subsection (a) shall not be taken into account in determining any deduction allowed under section 162(l) or 213.

"(2) MSA distributions.—Amounts distributed from an Archer MSA (as defined in section 220(d)) shall not be taken into account under subsection (a).

"(3) Denial of credit to dependents.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(4) Credit treated as refundable credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart C of part IV of subchapter A of chapter 1.

"(5) Regulations.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section and section 7527.".

(b) Increased Access to Health Insurance for Individuals Eligible for Tax Credit Through Use of Guaranteed Issue, Qualified High Risk Pools, and Other Appropriate State Mechanisms.—

(1) In general.—Notwithstanding any other provision of law, in applying section 2741 of the Public Health Service Act (42 U.S.C. 300gg–41)) and any alternative State mechanism under section 2744 of such Act (42 U.S.C.300gg–44)), in determining who is an eligible individual (as defined in section 2741(b) of such Act) in the case of an individual who may be covered by insurance for which credit is allowable under section 6429 of the Internal Revenue Code of 1986 for an eligible coverage month, if the individual seeks to obtain health insurance coverage under such section during an eligible coverage month under such section—

(A) paragraph (1) of such section 2741(b) shall be applied as if any reference to 18 months is deemed a reference to 12 months, and

(B) paragraphs (4) and (5) of such section 2741(b) shall not apply.

(2) Promotion of state high risk pools.—Title XXVII of the Public Health Service Act is amended by inserting after section 2744 the following new section:

"SEC. 2745. PROMOTION OF QUALIFIED HIGH RISK POOLS.

"(a) Seed Grants to States.—The Secretary shall provide from the funds appropriated under subsection (c)(1) a grant of up to $1,000,000 to each State that has not created a qualified high risk pool as of the date of the enactment of this section for the State's costs of creation and initial operation of such a pool.

"(b) Matching Funds for Operation of Pools.—

"(1) In general.—In the case of a State that has established a qualified high risk pool that restricts premiums charged under the pool to no more than 150 percent of the premium for applicable standard risk rates and that offers a choice of two or more coverage options through the pool, from the funds appropriated under subsection (c)(2) and allotted to the State under paragraph (2), the Secretary shall provide a grant of up to 50 percent of the losses incurred by the State in connection with the operation of the pool.

"(2) Allotment.—The amounts appropriated under subsection (c)(2) for a fiscal year shall be made available to the States in accordance with a formula that is based upon the number of uninsured individuals in the States.

"(3) Construction.—Nothing in this subsection shall be construed as preventing a State from supplementing the funds made available under this subsection for the support and operation of qualified high risk pools.

"(c) Funding.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated—

"(1) $20,000,000 for fiscal year 2002 to carry out subsection (a); and

"(2) $40,000,000 for each of fiscal years 2002 and 2003.

Funds appropriated under this subsection for a fiscal year shall remain available for obligation through the end of the following fiscal year. Nothing in this section shall be construed as providing a State with an entitlement to a grant under this section.

"(d) Qualified High Risk Pool and State Defined.—For purposes of this section, the term 'qualified high risk pool' has the meaning given such term in section 2744(c)(2) and the term 'State' means any of the 50 States and the District of Columbia.".

(3) Construction.—Nothing in this subsection shall be construed as affecting the ability of a State to use mechanisms, described in sections 2741(c) and 2744 of the Public Health Service Act, as an alternative to applying the guaranteed availability provisions of section 2741(a) of such Act.

(c) Information Reporting.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 (relating to information concerning transactions with other persons) is amended by inserting after section 6050S the following new section:

"SEC. 6050T. RETURNS RELATING TO DISPLACED WORKER HEALTH INSURANCE CREDIT.

"(a) Requirement of Reporting.—Every person—

"(1) who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of such individual or any other individual under qualified health insurance (as defined in section 6429(d)), and

"(2) who claims a reimbursement for an advance credit amount,

shall, at such time as the Secretary may prescribe, make the return described in subsection (b) with respect to each individual from whom such payments were received or for whom such a reimbursement is claimed.

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of each individual referred to in subsection (a),

"(B) the aggregate of the advance credit amounts provided to such individual and for which reimbursement is claimed,

"(C) the number of months for which such advance credit amounts are so provided, and

"(D) such other information as the Secretary may prescribe.

"(c).Statements To Be Furnished to Individuals With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person, and

"(2) the information required to be shown on the return with respect to such individual.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(d) Advance Credit Amount.—For purposes of this section, the term 'advance credit amount' means an amount for which the person can claim a reimbursement pursuant to a program established by the Secretary under section 7527."

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) (relating to definitions) is amended by redesignating clauses (xi) through (xvii) as clauses (xii) through (xviii), respectively, and by inserting after clause (x) the following new clause:

"(xi) section 6050T (relating to returns relating to displaced worker health insurance credit),".

(B) Paragraph (2) of section 6724(d) is amended by striking "or" at the end of subparagraph (Z), by striking the period at the end of subparagraph (AA) and inserting ", or", and by adding after subparagraph (AA) the following new subparagraph:

"(BB) section 6050T (relating to returns relating to displaced worker health insurance credit)."

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050S the following new item:

"Sec. 6050T. Returns relating to displaced worker health insurance credit."

(d) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 6429 of such Code".

(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:

"Sec. 6429. Displaced worker health insurance credit."

(e) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 702. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ADVANCE PAYMENT OF DISPLACED WORKER HEALTH INSURANCE CREDIT.

"(a) General Rule.—The Secretary shall establish a program for making payments on behalf of eligible individuals to providers of health insurance for such individuals.

"(b) Eligible Individual.—For purposes of this section, the term 'eligible individual' means any individual for whom a qualified health insurance credit eligibility certificate is in effect.

"(c) Qualified Health Insurance Credit Eligibility Certificate.—For purposes of this section, a qualified health insurance credit eligibility certificate is a statement certified by a State agency (or by any other entity designated by the Secretary) which—

"(1) certifies that the individual was unemployed (within the meaning of section 6429) as of the first day of any month, and

"(2) provides such other information as the Secretary may require for purposes of this section."

(b) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7527. Advance payment of displaced worker health insurance credit."

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE VIII—EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE

SEC. 801. EMPLOYMENT AND TRAINING ASSISTANCE AND TEMPORARY HEALTH CARE COVERAGE ASSISTANCE.

(a) In General.—Section 173(a) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(a)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to the Governor of any State or outlying area who applies for assistance under subsection (f) to provide employment and training assistance and temporary health care coverage assistance to workers affected by major economic dislocations, such as plant closures, mass layoffs, or multiple layoffs, including those dislocations caused by the terrorist attacks of September 11, 2001.".

(b) Requirements.—Section 173 of the Workforce Investment Act of 1998 (29 U.S.C. 2918) is amended by adding at the end the following:

"(f) Additional Relief for Major Economic Dislocations.—

"(1) Grant recipient eligibility.—

"(A) In general.—To be eligible to receive a grant under subsection (a)(4), a Governor shall submit an application, for assistance described in subparagraph (B), to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(B) Types of assistance.—

"(i) In general.—Assistance described in this subparagraph is—

"(I) employment and training assistance, including employment and training activities described in section 134; and

"(II) temporary health care coverage assistance described in paragraph (4).

"(ii) Minimum allocation to temporary health care coverage assistance.—Not less than 30 percent of the cost of assistance requested in any application submitted under this subsection shall consist of the cost for temporary health care coverage assistance described in paragraph (4).

"(iii) Encouragement of certain types of health care coverage.—In publishing requirements for applications under this subsection, the Secretary shall encourage the use of private health coverage alternatives.

"(C) Minimum award requirement for eligible states and outlying areas.—

"(i) Requirements.—In any case in which the requirements of this section are met in connection with one or more applications of the Governor of any State or outlying area for assistance described in subparagraph (B), the Governor—

"(I) shall be awarded at least 1 grant under subsection (a)(4) pursuant to such applications, and

"(II) except as provided in clause (ii), shall be awarded not less than $5,000,000 in total grants awarded under (a)(4).

"(ii) Exception to minimum grant requirements.—The Secretary may award to a Governor a total amount less than the minimum total amount specified in clause (i)(II), as appropriate, if the Governor—

"(I) requests less than such minimum total amount, or

"(II) fails to demonstrate to the Secretary that there are a sufficient number of eligible recipients to justify the awarding of grants in such minimum total amount.

"(2) State administration.—The Governor may designate one or more local workforce investment boards or other entities with the capability to respond to the circumstances relating to the particular closure, layoff, or other dislocation to administer the grant under subsection (a)(4).

"(3) Participant eligibility.—An individual shall be eligible to receive assistance described in paragraph (1)(B) under a grant awarded under subsection (a)(4) if such individual is a dislocated worker and the Governor has certified that a major economic dislocation, such as a plant closure, mass layoff, or multiple layoff, including a dislocation caused by the terrorist attacks of September 11, 2001, contributed importantly to the dislocation.

"(4) Temporary health care coverage assistance.—

"(A) In general.—Temporary health care coverage assistance described in this paragraph consists of health care coverage premium assistance provided to qualified individuals under this paragraph with respect to premiums for coverage for themselves, for their spouses, for their dependents, or for any combination thereof, other than premiums for excluded health insurance coverage.

"(B) Qualified individuals.—For purposes of this paragraph—

"(i) In general.—Subject to clause (ii), a qualified individual is an individual who—

"(I) is a dislocated worker referred to in paragraph (3) with respect to whom the Governor has made the certification regarding the dislocation as required under such paragraph, and

"(II) is receiving or has received employment and training assistance as described in paragraph (1)(B)(i)(I).

"(ii) Limitation.—An individual shall not be treated as a qualified individual if—

"(I) such individual is eligible for coverage under the program under title XIX of the Social Security Act applicable in the State or outlying area, or

"(II) such individual is eligible for coverage under the program under title XXI of such Act applicable in the State or outlying area,

unless such eligibility is effective solely in connection with eligibility for health care coverage premium assistance under a program established by the Governor in connection with temporary health care coverage assistance received under this subsection.

"(iii) Construction.—

"(I) Permitting coverage through enrollment in medicaid or schip.—Nothing in this subsection shall be construed as preventing a State from using funds made available by reason of subsection (a)(4) to provide health care coverage through enrollment in the program under title XIX (relating to medicaid) or in the program under title XXI (relating to SCHIP) of the Social Security Act, but only in the case of individuals who are not otherwise eligible for coverage under either such program.

"(II) Not affecting eligibility for assistance.—An individual shall not be treated for purposes of this subsection as being eligible for coverage under either such program (and thereby not eligible for assistance under this subsection) merely on the basis that the State provides assistance under this subsection through coverage under either such program.

"(C) Limitation on entitlement.—Nothing in this subsection shall be construed as establishing any entitlement of qualified individuals to premium assistance under this subsection.

"(D) Concurrence and consultation.—In connection with any temporary health care coverage assistance provided pursuant to this paragraph—

"(i) if the Secretary determines that health care coverage premium assistance provided through title XIX or XXI of the Social Security Act is a substantial component of the assistance provided, the Secretary shall act in concurrence with the Secretary of Health and Human Services, and

"(ii) in any other case, the Secretary shall consult with the Secretary of Health and Human Services to the extent that such assistance affects programs administered by or under the Secretary of Health and Human Services.

"(E) Use of funds.—Temporary health care coverage assistance provided pursuant to this subsection shall supplement and may not supplant any other State or local funds used to provide health care coverage and may not be included in determining the amount of non-Federal contributions required under any program.

"(F) Definitions.—For purposes of this paragraph—

"(i) Excluded health care coverage.—The term 'excluded health care coverage' means coverage under—

"(I) title XVIII of the Social Security Act,

"(II) chapter 55 of title 10, United States Code,

"(III) chapter 17 of title 38, United States Code,

"(IV) chapter 89 of title 5, United States Code (other than coverage which is comparable to continuation coverage under section 4980B of the Internal Revenue Code of 1986), or

"(V) the Indian Health Care Improvement Act.

Such term also includes coverage under a qualified long-term care insurance contract and excepted benefits described in section 733(c) of the Employee Retirement Income Security Act of 1974.

"(ii) Premium.—The term 'premium' means, in connection with health care coverage, the premium which would (but for this section) be charged for the cost of coverage.

"(5) Appropriations.—

"(A) In general.—There is hereby appropriated, from any amounts in the Treasury not otherwise appropriated, $3,900,000,000 for the period consisting of fiscal years 2002, 2003, and 2004 for the award of grants under subsection (a)(4) in accordance with this section.

"(B) Availability.—Amounts appropriated pursuant to subparagraph (A) for each fiscal year—

"(i) are in addition to amounts made available under section 132(a)(2)(A) or any other provision of law to carry out this section; and

"(ii) notwithstanding section 189(g)(1), shall remain available for obligation by the Secretary from the date of the enactment of this subsection through each succeeding fiscal year, except that, notwithstanding section 189(g)(2), no funds are hereby available for expenditure after June 30, 2004.".

TITLE IX—TEMPORARY STATE HEALTH CARE ASSISTANCE

SEC. 901. TEMPORARY STATE HEALTH CARE ASSISTANCE.

(a) In General.—Title XXI of the Social Security Act is amended by adding at the end the following new section:

"SEC. 2111. TEMPORARY STATE HEALTH CARE ASSISTANCE.

"(a) In General.—For the purpose of providing allotments to States under this section, there are hereby appropriated, out of any funds in the Treasury not otherwise appropriated, $4,599,667,448. Such funds shall be available for expenditure by the State through the end of 2002. This section constitutes budget authority in advance of appropriations Acts and represents the obligation of the Federal Government to provide for the payment to States of amounts provided under this section.

"(b) Allotment.—Funds appropriated under subsection (a) shall be allotted by the Secretary among the States in accordance with the following table:

"State	Allotment (in dollars)
Alabama	50,746,770
Alaska	31,934,026
Arizona	68,594,677
Arkansas	38,203,601
California	482,591,746
Colorado	37,469,775
Connecticut	60,039,005
Delaware	10,355,807
District of Columbia	18,321,834
Florida	164,619,369
Georgia	118,754,564
Hawaii	12,827,163
Idaho	13,031,700
Illinois	175,505,956
Indiana	66,067,368
Iowa	31,521,201
Kansas	27,288,967
Kentucky	82,759,133
Louisiana	83,907,301
Maine	22,650,838
Maryland	60,347,066
Massachusetts	121,971,140
Michigan	156,479,213
Minnesota	113,966,453
Mississippi	55,335,225
Missouri	74,675,436
Montana	10,224,652
Nebraska	31,582,786
Nevada	14,695,973
New Hampshire	15,482,962
New Jersey	115,880,093
New Mexico	39,204,714
New York	573,999,663
North Carolina	189,333,723
North Dakota	8,915,675
Ohio	166,006,936
Oklahoma	48,914,626
Oregon	71,160,353
Pennsylvania	227,183,255
Rhode Island	45,001,680
South Carolina	94,789,740
South Dakota	19,951,788
Tennessee	102,845,128
Texas	289,526,532
Utah	30,860,915
Vermont	10,291,090
Virginia	67,232,217
Washington	110,377,264
West Virginia	31,120,804
Wisconsin	93,089,086
Wyoming	12,030,459

"(c) Use of Funds.—

"(1) In general.—Funds appropriated under this section may be used by a State only to provide health care items and services (other than types of items and services for which Federal financial participation is prohibited under this title or title XIX).

"(2) Limitation.—Funds so appropriated may not be used to match other Federal expenditures or in any other manner that results in the expenditure of Federal funds in excess of the amounts provided under this section.

"(d) Payment to States.—Funds made available under this section shall be paid to the States in a form and manner and time specified by the Secretary, based upon the submission of such information as the Secretary may require. There is no requirement for the expenditure of any State funds in order to qualify for receipt of funds under this section. The previous sections of this title shall not apply with respect to funds provided under this section.

"(e) Definition.—For purposes of this section, the term 'State' means the 50 States and the District of Columbia.".

(b) Repeal.—Effective as of January 1, 2003, section 2111 of the Social Security Act, as inserted by subsection (a), is repealed.

TITLE X—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

SEC. 1001. NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.

(a) In General.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) Transfers.—

(1) Estimate of secretary.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) Transfer of funds.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 1002. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

In lieu of the matter proposed to be inserted by the amendment of the Senate to the title of the bill, insert the following:

To provide tax incentives for economic recovery and assistance to displaced workers.

The SPEAKER pro tempore. Pursuant to House Resolution 347, the gentleman from California (Mr. THOMAS) and the gentleman from California (Mr. MATSUI) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

It was not too long ago that we all gathered on the floor of the House and listened to President Bush on his State of the Union message. It was a remarkable speech because it was interrupted by a number of standing applauses for the statements that the President made.

One of those that I listened carefully to was one that elicited a significant amount of response. It was when he talked about his economic recovery program. He said, "I can explain it in one word: jobs." When we talk about economic recovery, we have got to talk about the job-creating machines in this country called business.

What we have in front of us today, Mr. Speaker, is an economic security and worker assistance act. Because frankly, during this recession, with the complications added by September 11, the fact is that we do not have enough jobs and we have people without jobs.

We are going to hear a discussion on the floor today about the fact that we should simply allow the Senate to do our thinking for us; that whatever is the common denominator that can get out of the Senate should be what it is that we accept over here in the House.

I think one of the things that we have to focus on is the fact that the President indicated, given his program, there will be a year or two in which the budget is not in balance; but in following his program, we will return to surpluses. There is a fairly easy explanation for those who do not get it. It goes something like this: if people do not have jobs, they do not pay much in taxes. The government gets its revenue from taxes, and then we get less in than we anticipated. We went from a surplus; we are moving to a deficit. If we have a program which creates jobs, people then are paying taxes, the government's revenue goes up, and we move from a deficit to a surplus. And what we have in front of us is a program to create more jobs.

It helps those who are in need. It assists in consumer demand; $13.7 billion, as the President has outlined available for those individuals at the lower end of the economic spectrum. No one believes that they will not consume that money provided to them. That alone provides a modest economic stimulus.

We talked about a very popular provision which is included in this package encouraging businesses to buy equipment now and not tomorrow. It is called the 30 percent expensing, and it encourages decisions that may be made later to be made today, so that the economic effect occurs now and not later. That is a pretty good definition of a stimulus.

But it does more than that. When workers are unemployed, oftentimes they lose their health insurance benefits. This package addresses those who are unemployed by saying, we want to end the political football of unemployment insurance between the House and the Senate. If this becomes law, the tug of war is over, because we have provided the innovative structure which says the President's new trigger for assistance, not the statutory 5 percent unemployment rate in States, but the President's suggested 4 percent trigger should be utilized as a determiner of whether or not a State gets 13 weeks additional unemployment assistance. Every State would get the first 13 weeks. But if this becomes law, the trigger would determine whether a State would get an additional 13 weeks of assistance, based upon its unemployment rate; and then, after that 13 weeks, if the State still had high unemployment, it would trigger an additional 13 weeks and so on. We could resolve the unemployment issue for the rest of calendar year 2002 by moving this legislation.

In addition to that, I hope people have not forgotten the commitment to assist the City of New York. They took it on the chin for all Americans. In this bill is the "liberty provision" to assist in the rebuilding of downtown Manhattan. That is a promise that we made. This bill will be a promise that we deliver.

It seems to me that when someone decides that someone else ought to do the thinking for us, we have given up on trying to be creative and responsive. This bill is different than the one that we sent to the Senate in October; it is different than the one that we sent the Senate in December. It is different in positive ways. It helps more people, more meaningfully, and it ought to be passed.

Mr. Speaker, I reserve the balance of my time.

Mr. MATSUI. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I just have to say that I am not sure if the gentleman and I are reading from the same bill, because he talks about stimulating the economy; but as I read these tax provisions for corporations, that is not what this does. He has a provision in there that would eliminate the alternative minimum tax, not for individuals, but for corporations. As the Congressional Budget Office has said, this helps corporations from their past activities, it does not stimulate the economy.

There is a provision in there that encourages corporations to keep their earnings overseas and not invest in the United States. That costs about $13 billion or $14 billion over the next 10 years. That does nothing to stimulate the economy. In fact, it works in the opposite direction.

The tax provisions in this particular bill do very little to stimulate the economy of the United States. In fact, they are really corporate handouts as a result of a commitment made to the U.S. Chamber of Commerce last year when the chamber decided not to put corporate tax breaks on their individual tax cut bill. So what they are doing is using as a bootstrap the unemployment benefits, aid to New York in order to get these corporate tax breaks. In fact, the corporate tax breaks and the acceleration of the 28 percent rate, which helps basically the higher-income people, is about two-thirds of the $175 billion in tax cuts over the next 10 years.

The real tragedy is the Senate, the other body, passed their bill to give an additional 13 weeks' unemployment benefits to the American unemployed unanimously. Democrats and Republicans alike worked together to do this.

Think about this for a minute. There are 8 million people unemployed today; there are a million that have lost their benefits since September 11, and in the next 6 months there will be another 2 million. They are losing them at a rate of 77,000 a year. The gentleman from California, the Chair of the Committee on Ways and Means, knows that the Senate will not act on this bill. So we are basically telling the unemployed that because of politics, because they want to help their corporate friends, we are not going to be able to help the unemployed in America.

I want to conclude by making one other observation about this, Mr. Speaker. This money, this money that is being used to pay $175 billion worth of corporate tax breaks over the next 10 years comes from the payroll taxes of the average American, the waitress that serves us in the House dining room, the elevator operator that gets us up to the second floor so we can vote. These are the people that the money is coming from. The payroll taxes are paying for corporate tax cuts, mainly because we are now in a deficit. We had $5.6 trillion worth of surpluses. We have eaten them all up. It is gone. At the end of this fiscal year, we are going to have deficit spending.

So this is not a fiscal stimulus bill; this is a bill to help the corporate tax breaks of America.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, I continue to be puzzled by this cowering in the shadow of the other body. Last night we heard that we could not try to make some genuine changes to campaign finance reform because we might somehow fall out of favor with the other body. Mr. Speaker, have we relinquished our constitutional authority over to unanimous consent requests?

I think what I would like to say, first of all, is to set the record straight on the AMT, on the alternative minimum tax. This bill, just like the one in December, does not repeal the alternative minimum tax that corporations must pay. We do, however, make some crucial reforms in the AMT to maximize the impact of, for instance, the bonus depreciation investment incentives.

Let me just talk about a real-life story to the gentleman from California who says that this stimulus bill would just help corporations. Recently the St. Louis business community was sent reeling with news that Ford announced a closure of a plant in Hazelwood, Missouri. About 3,000 workers' jobs are now in peril, not to mention the surrounding community, and not to mention the surrounding businesses that depend upon those workers to stay in business.

A handful of political leaders, including the Democratic leader, journeyed to Detroit to meet with corporate headquarters to try to convince the automaker not to shut down this worthwhile plant in St. Louis. What if? And I do not have the answer to this, Mr. Speaker. It is a rhetorical question. What if we had passed this economic stimulus bill last fall? What if we had provided some real relief, this penalty and this counter-cyclical punishment of corporations that have to face this alternative minimum tax? What if we had been able to provide that economic help back last fall or even as far back as December? Would those workers, those 3,000 auto workers' jobs still be in jeopardy?

Again, I do not have the answer to that; but to me, as we debate this, inaction continues to be not an option.

Mr. Speaker, I urge passage of this bill.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, this is a very easy issue for people to understand. If we concur in the Senate amendments, we send a bill to the President today extending unemployment insurance for 13 weeks for the people who have exhausted their benefits.

Mr. Speaker, there are currently 8 million people who are unemployed looking for work in this country. If we pass the motion that is suggested by the chairman of the committee, we will get nothing done. Nothing will occur. It is the same old bill that we tried to do once before, twice before. The only thing certain is that we are going to go home for the Presidents' Day recess and it will be 2 weeks before we are really back here doing work again; and during that 2 weeks, there is going to be another 150,000 people in this country who will have exhausted their unemployment insurance benefits and cannot find employment. That is what is going to happen.

It is not about the pride of whether we accept what the Senate wants, the other body wants, or whether we have the right to add or subtract to it. That is not what is in question here. The question is whether we are going to hold the displaced workers, those who have lost their jobs, hostage to the Republican tax agenda to cut business taxes.

During the last five recessions, we have been able to work on a bipartisan basis to extend unemployment compensation benefits. We did that without holding it hostage to other agendas in this body. We should do that again.

There are more than 1 million jobless workers who have had their unemployment insurance expire since September 11. The number of workers who have exhausted their regular UI benefits is expected to be 750,000 higher in the first half of 2002 than it was in the first half of 2001. The FUTA taxes, money we have set aside, equal $40 billion for this purpose, so the money is there. Make no mistake about it, we have an option to do something today; and if we do not, the responsibility rests solely with the Republican leadership in this body.

□ 1245

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

It is amazing how swiftly someone can place blame. If, in fact, we did what the gentleman said, there would be no health insurance for displaced workers, no New York assistance, no low-income help, no small business help. It is interesting we are to blame when in December we sent the Senate unemployment and only now it is coming back.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Mrs. JOHNSON).

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman for yielding me time.

First of all, I do not understand why my colleagues think going home having extended unemployment 13 weeks is help. Why is it not better to go home and have extended unemployment 13 weeks, put in an automatic trigger so unemployed people cannot be held hostage by the other body if the recession lasts? Why is it not better to go home and provide health benefits for those who are unemployed? The first time in our entire history that we have ever said to the unemployed that health security is just as important as income security when you are unemployed. Why is it that Members think, and I have had Members say to me, well, the New York aid, we will do that later. Do they not understand the other body is not capable of doing it later? They would have done it if they could have done it. Why did they not add it into the extension? It is very important. What about the extenders? My colleagues have all voted for extenders many times. Do Members not care that the welfare-to-work tax credit is going to expire? Do Members not care that the work-opportunities tax credit that helps people coming off of welfare, to get employed, to stay employed, prisoners coming out of prison to get employed and stay employed, are Members not thinking that consistent predictable tax policy protects jobs, reduces the number of unemployed? The provisions in this bill, I could go on and on.

Why, after September 11, do we not want to change the carry-back of losses when we see losses all across the country in certain sector of the economy? Do Members not have any sense of fairness and responsibility? Does not the other body? Why did they send us this? Are they not thinking about people's lives? Do they not care? Do they not care about unemployment compensation, about health benefits for the unemployed, about jobs for the people coming off of welfare?

Get your minds focused. The other body is not capable of action. The only thing they will ever act on is on the extension of unemployment benefits, and it is our job to put in there the essential things, help for New York, certain extenders.

When we look at the tax provision, extension of mental health parity. After all we have talked about mental health benefits? Listen, needless to say, I am heated up. I can only say do not hide behind the alternative minimum tax. We do not even repeal it. What we do to fix it will help individuals as well as businesses.

I know the politics of Enron and the politics of alternative minimum tax. I also know every company that pays those taxes pays them when they are in a downturn and gets them back when they are in an upturn. We know that there is not one new dollar of Federal revenue either lost or gained. So do not distort that issue and hide behind it when the unemployeds' well-being is at stake, when women coming off of welfare will lose their jobs because that tax credit is gone.

I urge Members to think, put on this unemployment comp provision, exactly what we need, so that we can do that in conference and Members can help us in conference. But we cannot let the Senate say compassion and caring is just 13 weeks long.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. QUINN). The Chair would remind all Members in the Chamber to avoid improper references to the Senate.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, I think the basic point is if people really care they would sit down on a bipartisan basis in this House and try to work out a package. There has been zero effort to do that in this House. Zero.

I favor a stimulus package, but it should not hold up action on unemployment compensation. Five months ago the Speaker stood in this House and promised the House would act on unemployment compensation. The time to keep that promise is long overdue. And as I said, we have had no bipartisan discussions meaningfully in this House on a stimulus package.

We need to work out specific tax provisions. For example, on the acceleration of tax rates, CBO has said that the proposal in this package would generate little stimulus relative to its total revenue loss; that the stimulus is probably small. And as to the AMT, CBO has said eliminating the AMT as done here does little by itself to change the near-term incentive for businesses to invest; its bang for its buck is small. So why not sit down and work out a package on a bipartisan basis? The time has come to do both. To pass unemployment compensation relief today, and then to sit down on a bipartisan basis in the Committee on Ways and Means and work out a stimulus package. That is the way to go.

The way we are going today is a dead end for the workers of this country and for the businesses of this Nation.

Mr. THOMAS. Mr. Speaker, I yield myself 30 seconds.

Once again we have heard those words "we eliminate alternative minimum tax." They just cannot get over it. It is not true and no matter how many times they say it, it will not be true. If the gentleman wants his promise kept, all he has to do is go back and read the trade adjustment assistance tax. What we did, this House passed over to the Senate a provision that said that if someone lost their job based upon September 11, they would be elevated for benefits as though it was related to trade. That promise was kept. It is a problem that Members have such short memories and it does not fit your political agenda. People who lost their jobs because of September 11 have been taken care of in a House-passed bill and the Senate has not done a dang thing about it.

Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), a very valued member of the committee, the author of the New York Liberty Bill.

Mr. HOUGHTON. Mr. Speaker, thank the gentleman for yielding me time.

We are going to be talking at cross purposes here as we come from different bases. We have different philosophies. We have set in concrete certain impressions that we got.

I will state how I come out on this thing. I think we have three issues. First of all, the economy is still in trouble. Secondly, people need unemployment insurance, an extension of that; and, thirdly, we have a hole right in the City of New York and we have got to fill it. Now what is not clear is how we go about fixing these things. Members can say the alternative minimum tax is a boondoggle and it does not help economic recovery. But I could say it does. But the important thing is we get investment and people back to work. Now, that is a difficult situation. When times are good, we do not do anything. When times are bad, there is the point when the government has to step in. And frankly, something has to be done. And I do not know whether it will be resolved here or whether it will be resolved in conference. But something has to be done by the United States Government to try to put a little juice and a little impetus back into the economic recovery. If not, we are just going to be languishing and waiting.

Secondly, as far as up employment insurance, I do not think there is any question about it. I think we ought to do it. I do not think there is any argument on it.

As far as the Liberty Zone in New York, the only thing I can comment on there is time is of the importance there. There are a lot of people making decisions about where they will reestablish themselves, what buildings they will go into, and we have 20 million square feet that was destroyed down there. Maybe some of the head offices of the larger financial firms will stay there, but what about the support staff? Time is terribly, terribly important.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of Washington (Mr. MCDERMOTT).

Mr. MCDERMOTT. Mr. Speaker, I would say to my friend from New York (Mr. HOUGHTON) if he were the chairman of this committee we would probably have a bill here we could pass. But when we have a situation where the chairman of the committee talks for about 5 minutes about this bill, tells us it will be on the floor tomorrow, we never have a hearing on it, we do not know what is in it, how could we possibly know what is in it? We must have hearings.

Now, this bill for those Members on my side who cannot figure it out, this does two things. This is a fund-raising stimulus bill. That is all it is. They do it just before they go home so they can stimulate fund-raising when they are back in the district. That is why they did it in December when they did it. But also this is a bill for PR. If we do not get this out of here in the next half hour, a lot of those press releases that have already gone out about what we have done for the unemployed will be a little bit premature.

The fact is that if Members wanted to do something about the 8 million people who are unemployed and the 11,000 per day that are going to be exhausting their unemployment insurance and the 2,000,000 that are expected to exhaust their unemployment benefits by the end of the first 6 months, Members would have accepted the Senate bill and do something about it. We all know that 62 percent of the people who are unemployed are not even covered by the unemployment insurance. If they want to make reform in unemployment insurance, we are glad to sit down and talk. But do not wrap it in this stuff and tell us that we have to eat all these fund-raising deals to get it for the unemployed. That is simply DOA. This bill is dead on arrival. It is DOA when it arrives in the other body.

Now, do they want to do something for people who are unemployed or not? It apparently has not occurred to them that if they do something twice and it has not worked, doing it a third time is not going to work. That is a sign of mental illness, that they do the same thing over and over again and expect a different result.

Mr. THOMAS. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a member of the committee.

Mr. COLLINS. Mr. Speaker, I thank the gentleman for yielding me time.

The more I hear, the better I understand that talk is cheap. I want to remind those who say that the Senate, the other body, is going to accept this as dead on arrival. I also want to remind Members of this: the majority Members of the other body support a stimulus package. It is the supermajority leader who does not and want to have an issue for the fall rather than a solution today. People who are unemployed are not so much interested in a UI check.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman will kindly suspend.

I know the Chair has made this reminder before; but again, all Members are reminded not to make characterizations of Members of the other body and their motives or motivation in enacting legislation.

The gentleman may proceed.

Mr. COLLINS. Mr. Speaker, I could not understand all you said.

The SPEAKER pro tempore. It is inappropriate under the rules of the House during the course of debate for Members to make reference to or characterize the inaction or action of a Member of the other body. The Chair took the gentleman's remarks to do such.

PARLIAMENTARY INQUIRIES

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

That ruling is one that is made regardless of whether or not the statements made are factual; is that correct?

The SPEAKER pro tempore. The truth is not a defense. The remark is out of order.

Mr. THOMAS. Mr. Speaker, so the truth is not the criteria for determining that you cannot make the statements that the gentleman from Georgia (Mr. COLLINS) made?

The SPEAKER pro tempore. The rule is a matter of bicameral comity. The rules of the House prohibit those references.

Mr. RANGEL. Mr. Speaker, parliamentary inquiry.

Should parliamentary inquires be used by the majority to make political statements rather than to actually make an inquiry?

The SPEAKER pro tempore. Parliamentary inquiry may be directed to the Chair to determine where in the course of the proceedings we are currently located and also to explain rulings the Chair might have made; and that is how the Chair took the gentleman from California's (Mr. THOMAS) observations.

Mr. RANGEL. Mr. Speaker, well, whether the truth or falsity of a statement, if it is a derogatory remark made by a Member in the other body——

Mr. THOMAS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The Chair will hear from the gentleman from New York (Mr. RANGEL) first.

Mr. THOMAS. Mr. Speaker, is he making a parliamentary inquiry?

The SPEAKER pro tempore. The Chair would ask for order and comity.

If the gentleman has an inquiry, the Chair's happy to hear it.

Mr. RANGEL. Mr. Speaker, my inquiry would be, are you stating the inquiry made in a parliamentary fashion by the gentleman from California (Mr. THOMAS) was not a political statement?

□ 1300

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair tries to take the inquiry propounded by any Member in the best possible light, first of all.

The Chair, second of all, understood the gentleman to ask a question, whether or not a reference to the motivation of a Member in the other body has any relevance to whether it is a true observation or not.

The Chair, taking that in the best possible light, concluded that it was an appropriate inquiry.

Mr. RANGEL. Mr. Speaker, taken in its best possible light, I agree with the Chair.

The SPEAKER pro tempore. The Chair thanks the gentleman.

Does the gentleman from California (Mr. THOMAS) still have an inquiry before we go back to the gentleman from Georgia?

The gentleman from Georgia may resume.

Mr. COLLINS. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. COLLINS. Mr. Speaker, is it proper procedure for me to state that, in my opinion, the statement I made was factual?

The SPEAKER pro tempore. The Chair will again indicate that it is not appropriate, and as we have learned from the inquiry by the gentleman from California (Mr. THOMAS), it is not appropriate to characterize or give characterization to action or nonaction taken in the other body or to ascribe motives to an individual Member of the other body as to why they have acted or not acted in a manner, and the Chair felt that the gentleman's comments tread upon that ground.

Mr. COLLINS. Mr. Speaker, further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. COLLINS. Mr. Speaker, in regards to the other body, my statement was then factual to me and to this body. I thank the Chair.

The SPEAKER pro tempore. The Chair does not consider that to be an inquiry. The gentleman may proceed on his time.

Mr. COLLINS. Mr. Speaker, as I was stating, people who are unemployed are more interested in a job even though they know when they do need some subsidy, such jobs are created again or opened back up.

Last year before the Committee on the Budget, the Chairman of the Federal Reserve was asked a question about interest rates: Do you think you've raised interest rates too quick and too high? His answer was: No. What we were trying to do was slow down the capital investments of corporations.

He succeeded because now he states what we need are capital investments of corporations, of business, and we are not talking about just large corporations. We are talking about all corporations.

We see that interest rates have been lowered to a record level in many years, but it is not working. Low interest rates are good for borrowers if someone wants to borrow or if someone wants that cheap money. I tell my colleagues who it is not good for. It is not good for those who have invested in the money market, and I guarantee my colleagues, those people will remember in November what their interest bearing is on their CD and their money market accounts.

So I would advise my colleagues to not drag this thing out again.

How does stimulus relate to the market and the economy? I have been in transportation for over 39 years. Everything at some point moves by truck. Inventories are lower, they are not being replenished because they have been moved out, and people are turning those inventories to cash.

I have seen the ups and downs of the economy. I have also heard a lot about tax credits for creating a job. In 39 years I never hired a person because of a tax credit, but I bought a lot of equipment because of tax deference. There is nothing in this bill that exempts a corporation from tax. It defers a tax so that it encourages them to invest, and it does away with the punishment clause that causes a company to prepay tax even in a year when they have a bad year. That is the alternative minimum tax, and that is how it works.

This will work. I will give my colleagues an example of a small business. Had this bill reached the President's desk in December or in October, there is a small business, I talked to the owner in Georgia, who was prepared to buy and invest a quarter of a million dollars before January 1, 2002, in equipment and plans to buy and purchase over the next 3 years $1 million a year because he has seen the ups and downs of the economy and how tax relief, tax deference has worked for the marketplace and has encouraged people in the marketplace to spend money which creates jobs.

If my colleagues really want to do something for the unemployed, they will also support this stimulus package. If my colleagues want to send a message to the other body, they will support this and have a larger number of yes votes.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Speaker, talk may be cheap, but this bill is not. In fact, it is expensive, fiscally irresponsible and unfair. This bill is unfair to our children and grandchildren because it will add billions of dollars to the already huge $6 trillion national debt that will burden them for the rest of their lives.

It is unfair to senior citizens because it takes tens of billions of dollars over the years ahead from the Social Security and Medicare Trust Funds.

It is unfair to the Army soldiers in my district who, as we speak here today, are overseas in harm's way, sacrificing for their country, while special interests walk around the halls of Congress with their hands out and special deals.

This bill is unfair to unemployed workers because it delays the extension of unemployed insurance, which we could pass today and send on to the President and help those families in the days ahead. This bill is unfair to workers, to small businesses and family farmers because while they work hard, pay their bills and pay their taxes, huge profitable corporations are saying they should not have to pay taxes.

So much for shared sacrifice. We should vote no on this bill.

Mr. THOMAS. Mr. Speaker, could I request a determination of the time remaining, please.

The SPEAKER pro tempore. The gentleman from California (Mr. THOMAS) has 14 minutes remaining. The gentleman from California (Mr. MATSUI) has 20 minutes remaining.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ARMEY), the majority leader of the House of Representatives.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California (Mr. THOMAS) for yielding me the time.

Mr. Speaker, it seems every now and then we have to stop and just remind ourselves what the debate is about here. It seems to me there is too much confusion with respect to whether or not this debate is about cutting taxes, leaving money in the coffers of the Federal Government as opposed to the hands of the American people who earned it in the first place, and whether or not it is fair and correct to deny this poor, beleaguered, suffering government more of our tax revenues.

Mr. Speaker, that is not what this debate is about. This debate is about whether or not this Government of the United States will exercise its responsibility to do everything it can to help unemployed American workers get back to work. It is about jobs. It is about opportunity. It is about a chance to stay on the job, get a promotion on the job, get a job in a thriving, growing economy; a thriving, growing economy that has been serving the American people well, and one that got locked into a bit of a cock hat first by the misguided, ill-advised case against the Microsoft company earlier last year that compressed the equity markets to the point of economic downturn, and then secondly by the attack on America on September 11.

What are we to do about that? Sit back, call upon the Federal Reserve to do all they can, and we do nothing? Or are we to join the effort to try to put America back to work?

Twice already we have tried to put an economic stimulus package through this body to the other body and to the President that is designed for the purpose of putting people back to work. Twice now, despite the fact that a majority of the Members of the other body were ready to vote to approve that package, it was stopped. That is a shame.

Finally, after having done nothing, the other body sends us a paltry, paltry, stingy, shortsighted, self-serving, insensitive 13 weeks unemployment compensation extension and then has the audacity to applaud themselves for their generosity.

Mr. Speaker, does this great government, with all its resources, all its resourcefulness, all its keen minds, we have nothing to offer an unemployed American worker except more weeks of unemployment? If that is the least we can do, let us at least be humble about it. Let us not brag about it. Let us not strut and pretend we have done something good here.

Let us understand, we failed my colleagues and Mr. and Mrs. American worker; if all we had to offer was more weeks to stay unemployed, we failed them. We do not deserve applause. We certainly do not deserve appreciation.

This House of Representatives cannot do only the least we can do for people out of a job in America. We are committing to doing the best we can do, and the best we can do is to cut taxes in a smart way to allow incentives for investment and growth in employment and jobs and opportunity. Again, for the third time, we tried to do that policy which was proven to us to be a policy that works time after time after time.

Very simple question, do my colleagues want to stand up with pride and say, Mr. and Mrs. America, we tried to put you back to work, or do my colleagues want to really go home and say, we just decided to take care of our politics in Washington, and we were content for workers to stay unemployed for another 13 weeks, and we had nothing else to offer?

Shame on us if that is all we can do. Shame on us if we have nothing in our hearts for people out of a job in America except stay out of a job for a little bit longer so that we can continue to have the money of those people who are fortunate to stay working. Shame on us if we fail them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind all Members to refrain from urging action by the Senate or characterizing Senate action or inaction.

Mr. MATSUI. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, the chairman of the committee, the gentleman from California (Mr. THOMAS), in his opening remarks said the reason we need this bill comes with a very easy explanation. In fact, it is one word called jobs.

I will give my colleagues an easier explanation as to why we need this bill, but it is two words. It is called campaign contributions. Last year we already passed an economic stimulus bill. It totaled $1.3 trillion in tax cuts, and many of us argued that that is too much, the surplus that we thought would be there might not materialize, and lo and behold it has not. So compliments of the party of fiscal discipline, this Federal Government is now in a deficit.

After we passed this massive tax break, the bulk of which folks are not going to get, we passed a $15 billion bailout for the airlines, and we were told at that time by the Speaker and the minority leader the next bill or very shortly we are going to take care of the unemployed workers. That was months ago.

Then the House brought up a bill to bail out the insurance industry. Again, nothing done for the unemployed worker.

Today, we have an opportunity to finally take care of the unemployed worker. Pending before the House is a clean, simple Senate-passed bill that provides a 13-week extension for the unemployed worker, but the majority leader says we do more because that worker needs a job. That worker needs an extension because he wants his old job back, whether he or she has the seniority or he or she has a 401 or retirement program.

We can do today what we have not done for months. We can pass this bill and have it to the President this afternoon by passing the Senate bill. Why must we do it today? Because today Congress goes on vacation. We are going on vacation for a week, and as Members are going to be scurrying off to Andrews Air Force Base to board those beautiful Air Force jets that workers paid for, taking them to exotic places, the workers of this country get nothing, the unemployed workers get nothing.

Mr. Speaker, today we can send this valentine to the unemployed workers of America, and we are going to sign it, regards, the people's House.

□ 1315

Not the "Special Interest House," not the "Business Only House," this is for the unemployed workers from the "People's House." That is what we can do today.

But my Republican colleagues are saying, okay, we will give this to the unemployed workers, but we have to give this valentine to our corporate business friends. Signed, Love, the Republicans.

Mr. Speaker let us not blackmail the unemployed workers of America.

Mr. THOMAS. Mr. Speaker, I yield myself 15 seconds.

I know the gentleman has his speaking points that have been passed out, and he is trying to stay on them; but I really wish he would realize that this House, back in December, passed trade adjustment authority, which had a provision for workers who lost their jobs because of September 11. It is the Senate that has failed to deliver on providing help for those who, through no fault of their own, lost their jobs.

It is a fact. I know the gentleman does not like it, but it is true.

Mr. MATSUI. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin (Mr. KLECZKA), for a grand total of 4 minutes.

Mr. KLECZKA. Mr. Speaker, it is also true that last October we passed a "stimulus" bill, a bill which repealed the alternative minimum tax for businesses, but made it retroactive to 1986, giving IBM one check for $1.4 billion, GM a check for $850 million, and Enron $250 million.

And my colleague wonders why the Senate did not pass his bill? The gentleman poisoned the well with that type of nonsense.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Speaker, I would like to make two points, I think.

In business, when I was in business at home, if we could agree on some future course of action, we set that aside and went ahead with it; and those matters that we could not agree on what was best for our employees and ourselves we would discuss further.

I think the facts are pretty simple here. We all say we agree on unemployment benefits, so why do we not go ahead and do that? That is what reasonable people would do, I think, in this country. Unfortunately, we get in here and get carried away with the politics of the moment. But reasonable people, I think across the country, would say we can agree on this, so let us do that today, then let us come back and talk further about what we cannot agree on.

Now, speaking personally, there are a lot of things in the package, above and beyond the unemployment provisions, that I think are pretty good public policy. What I disagree on and what the Blue Dogs have talked about forever is the fact that we continue to pile on debt after debt after debt, with no attempt to look at the 10-year budget window and figure out a way to pay for this stimulus package, so-called stimulus package. We do not even make an attempt to do so.

This package is going to put another $175 billion of debt on us. We already know we have another $1 trillion of interest coming in the next 10 years, if the projections hold. We tried to warn last year that we should not put out a 10-year package, where fully 70 percent of the expected surplus is not even going to get here for 5 years. That is not how we should run the business of this country, and it is foolish to try to say that that is going to be the case.

But beyond all that, people in this country understand borrowing money, and they understand paying interest; and this is terribly unfair what we are doing when we make no attempt to pay for it. None whatsoever. There are some things in there, as I said, that I think are good public policy, and I would like to work on and try to figure out how to accomplish them.

We have paid up to now about $140 billion this year in interest payments. That is as much as this bill costs almost for the next 5 years. That shows what kind of unbelievable, almost un-Godly thing we are doing to the next generation when we make no attempt to pay for these matters.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the State of California (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

My colleagues, there is a legitimate difference of opinion on what constitutes sound economic stimulus for this economy. We all support emergency help for the unemployed Americans, over a million that have exhausted their benefits. There is even widespread support for the tax extenders, such as the work opportunity tax credits. And there is even majority support in the body for the accelerated depreciation of company assets. But there is not bipartisan, bicameral support to pass massive tax cuts that benefit large corporations like Enron and the well-to-do in America, especially when those tax cuts are paid for by workers' contributions to Social Security.

These tax cuts raid the Social Security Trust Fund and deepen the deficit by $72 billion this year alone. So let us pass what we all say we agree on: help and relief for the unemployed American. And then let us come back and do the other good, reasonable work on economic stimulus. But do not hold Americans hostage while we bicker.

We toyed with Americans back in September when we passed this airline bailout bill of billions of dollars for corporations, and we were told it would help American workers. It did not. My colleagues toyed last night, the Republican leadership in this House, with campaign finance reform; but we were successful in getting it through. Even Enron toyed with its workers by making them lose all their money in their pension funds and displacing them and now having them unemployed.

It is time to stop toying with the American worker. It is time for us to do some work. There are adults who are unemployed; let us act like adults and get some work done. Unanimously the Senate said let us at least do unemployment relief for American workers. We can do the same thing. Let us be big enough to know there are differences of opinion. Let us come together and do what is right for the American worker and then come back and do what else is right for the American economy. But do not hold the American workers hostage.

I hope my colleagues will not vote for this because they think it is going to help. It is a sham and it will not work. Let us help American workers today.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to commend my colleague from California for putting together a great package. This is similar to the package we passed back in December.

The most important thing we can do, obviously, for the economy is to stimulate, and that is why this package is a good one. It actually has stimulation. It ought to stimulate the economy. And the notion that simply extending someone's unemployment benefits will somehow stimulate the economy is absurd. We have to get away from that.

We see the other side trot out packages, gifts, Valentines that we are supposedly sending out. I would submit that that is the problem. We take the money and will only give it back by giving it as a gift, a gift that we can bestow, our almightiness here; we can bestow a gift on the American people by giving them back some of their money. It is their money. We ought to not take so much of it. If we want to stimulate the economy, we should not.

That is why this bill is a good one, and that is why I would urge support. It is not unfair to let people keep their own money.

I urge support of the bill.

Mr. MATSUI. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, this bill is really the Republican "Tale of Two Cities." The best of times for some: first-class treatment for the Kennyboys of the world. And the worst of times for others: third-class treatment for the now—unemployed Enron mail room attendant.

And it is a "Tale of Two Cities" in another way. The year 2001, a historically bad year for Enron in Houston, was a wonderful year for Enron here in Washington on tax policy in this House.

Let's review the year: (1) Enron successfully gets favorable treatment in that collection of subsidies and preferences called an "energy bill." (2) Enron successfully supported efforts to block an international crackdown on offshore tax havens. (3) Enron's accounting firm, Arthur Andersen, successfully opposes my bill and all legislation to crack down on abusive corporate tax shelters. And (4) Enron successfully led the coalition that deals with the centerpiece of what we are debating now, the change in the alternative minimum corporate tax.

Instead of contributing a dime to the cost of the war on terrorism, Enron wanted $254 million back in a government check. That was the Republican leadership's idea—the idea of Enron's Republican allies regarding the true meaning of sacrifice—they would take while others gave.

Indeed, the Secretary of the Treasury told the Ways and Means Committee only last week that he could not find a tax break that Enron asked for last year that the administration did not attempt to give them.

If the bill before us today is approved, just like Enron, others of the most profitable, largest corporations in this country, will not contribute a dime to our national security. The Republicans are not just taking the

Kenny-boy approach, but they said it was a "New York" bill. Well, it is. It is the Leona Helmsley approach—"Taxes are for the little people." That is what Republicans have been telling us all last year: "Taxes are for the little people."

And so is shared sacrifice. The little people out there in America, the unemployed, the people that work hard to build this country, they can share the sacrifice while the Kenny-boys will take their checks and go their own way. To add insult to injury, they are paying for all their tax breaks by redirecting Social Security payroll taxes to finance more tax breaks for those at the very top so that these rich corporations do not have to share in the cost of our national security.

How many times do my colleagues have to pass this bill? Just once. Just once, done fairly, without arrogance, done in a bipartisan way, instead of passing it at three in the morning like last time in December, or squeaking through with arm twisting on a two-vote victory in October.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Louisiana (Mr. McCRERY), a valued member of the Committee on Ways and Means.

Mr. McCRERY. Mr. Speaker, I thank the chairman for yielding me this time.

I am going to try to get through my talk here without screaming, although it is difficult in the atmosphere that has been created here. It is an atmosphere all too often of hyperbole and even demagoguery, and I think it is time that those who might be listening to this debate are given some facts without hyperbole and certainly without demagoguery.

This package that we are going to pass today to try to stimulate the economy, to generate economic growth, to create jobs, to get people back to work consists of about $150 billion over 10 years. The fact is that about two-thirds of this package, two-thirds of it, about $100 billion, are either tax cuts or benefits for not big corporations, not business, but individuals: workers, the unemployed. Two-thirds, $100 billion of the package, goes to individuals. One-third, about $50 billion, goes to corporations and other businesses, partnerships, sole proprietorships, small businesses and the like.

Those are the facts. Despite all the yelling, the screaming, the demagoguery and the finger-pointing, those are the facts.

Unemployment insurance. We go further than the Senate did in their package. We not only provide an additional 13 weeks of unemployment benefits to the 26 weeks that are already in place under the law for the unemployed, but we use an idea that came from President Bush in his budget this year to say we are going to lower the required trigger for extended benefits to 4 percent of the uninsured rate for any State.

It does not have to be nationwide, like the current law; any State that exceeds the 4 percent unemployment insured rate automatically gets extended benefits. That is in our bill. It is not in the Senate bill. So we are trying to do more for the unemployed and their unemployment benefits.

□ 1330

Mr. Speaker, let me point out quickly, nobody in this bill or any other bill is raiding the Social Security trust fund, which has been said erroneously by more than one Member today. Yes, we are using surpluses generated by the payroll tax to pay for other things in government, but nobody is raiding the trust fund. Every penny that is supposed to be going into the Social Security trust fund is going, and will continue to go.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Mr. Speaker, this bill is dripping and glowing red, not the red of compassion of Valentine's Day, but the red of deficits and the red ink that is not paid for and will cost taxpayers across the country.

This will cost taxpayers $180 billion over 5 years, and the Bush budget has an $80 billion shortfall.

I voted for a tax cut that puts money in workers' pockets last July. I would vote for a bipartisan package of depreciation allowance and unemployment benefits for our workers today. But this bill has things in it such as subpart F. Does that help our workers? No, that is for banks and insurance companies who operate overseas. If they put it here domestically, they lose the benefit. How is that a stimulus?

Mr. Speaker, we have passed bipartisan education reform. We have passed bipartisan campaign finance reform. Let us work together with a bipartisan stimulus that helps our workers and helps our economy.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. KILPATRICK).

Ms. KILPATRICK. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, leadership, that is what this country wants. Leadership. Millions of Americans have lost their jobs from KMart to Ford Motor Company, and everything in between across the country. Here we sit as 435 and 535 of the most powerful people in the world and cannot come together on a package that would stimulate the economy, save families, give hope to our children, and protect the seniors who built this country.

Leadership, Mr. Speaker, that is what this country needs. If we can give $100 billion to the terrorism debacle that we find ourselves in, over $50 billion for the airline industry, over $35 billion to the insurance industry, can we not find the dollars that families in America need to take care of their children, the people who played by the rules, raised their children, did everything we said they should do?

I am appalled by this Congress, as we sit here today, the richest country in the world, which was in recession before September 11, and then the tragedy of September 11, and cannot come together as leaders. Come on, men, 56 women, let us do what is right. Let us come together. The Senate passed the unemployment benefit insurance extension. Rise up and build, America is at stake.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I encourage my colleague from Louisiana, my neighboring State, to look at these numbers. This is from published Treasury reports. The gentleman said this money comes out of payroll taxes. That is right. Most of the folks I represent pay more in Social Security taxes than they do in income taxes. We would raid the Social Security trust fund to pay for this.

Right now we owe the Social Security trust fund $1.230 trillion unfunded liability. That is nothing but an IOU. Members profess to be for the military. We owe the military trust fund $171 billion right now unfunded liability. That is money that was taken, set aside allegedly to pay their retirement. It is gone, just like that Social Security money.

We owe the civil servants, the Border Patrol folks, $534 billion.

How can Members come to this floor and say there is a surplus when we have increased the debt, mostly through tax breaks and a downturn in the economy, by $221,158,156,000 in the past 12 months? What is the benefit of this versus the cost, because I know the cost is that we never repay those people whose Social Security taxes we have robbed, whose Civil Service retirement we have robbed, whose military retirement we have robbed, and whose Medicare we have robbed.

Mr. Speaker, I do not think that it adds up. The gentleman from California (Mr. THOMAS) gave us some bad numbers last year when the gentleman said we had surpluses as far as the eye can see. I am giving Members the facts right now.

Mr. MATSUI. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Mr. Speaker, I keep hearing that the third time is a charm. This was a bad bill the first time; it is a bad bill the second time; and it is a bad bill the third time. The American people are not going to be charmed about this bill, even on Valentine's Day. They do not want candy. They want jobs and benefits.

In Cleveland, Ohio, we just lost 3,000 jobs from LTV Steel because of overcapacity of steel in our Nation, and we lost it because this government did not come up with a steel stimulus package that would allow the steel industry to benefit.

We lost 1,000 jobs with TRW, and another 3,000 jobs with Ford. I came through the airport the other day. Something I had on buzzed, and I looked up and I was being wanded by a former LTV worker who said to me, Congresswoman, we are here working in the airport because we no longer have jobs at LTV.

I suggest this morning that the problem we have is that this is not a bill that will help unemployed workers, nor do we have a budget that is going to help unemployed workers. If we were going to help them, we would not have reduced Pell grants, reduced dollars to elementary and secondary education. If we were going to help them, we would not have reduced dollars for job training programs. If we were going to help the unemployed workers, we would not have reduced dollars for affordable urban and rural housing.

Mr. Speaker, I suggest we need to come together and sit down and stop playing with the unemployed, but help them.

Mr. MATSUI. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, as it has been said before, this is the same song in the third verse. I respect my colleagues on the other side of the aisle, but they are wrong in this third effort. In fact, there is a country western song called, "What Part of No Don't You Understand?" "No" to the AMT tax cuts, "no" to the other tax cuts that will not help the economy.

I am surprised that my Republican colleagues insist on making the thousands of unemployed Americans continue to suffer. We could pass the bill that passed the Senate last week, an additional 13 weeks, by unanimous consent today; but no, Members want to add to this Christmas tree because they want to send it to the Senate one more time so it can die like the last two. Members are using this like a political weapon instead of being concerned about the American people.

Like most of our Nation, I have constituents who are unemployed, in my own town of Houston, just the Enron employees who have lost their jobs because of mismanagement and corruption. My constituents need this extension now. The idea of just playing with it like we are doing here is outrageous to the people who need this help.

Mr. THOMAS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Mr. Speaker, I have an overwhelming sense of deja vu. This is the third time the House has taken up a bill to help workers and boost the economic recovery. Some of my colleagues in the opposition prefer platitudes and promises instead of action. They would rather talk about helping the unemployed and promoting economic growth rather than putting together a workable plan. Their motto ought to be "Just say no."

Mr. Speaker, with all due respect, wishing for a stronger economy will not make it so. Congress needs to act. Our constituents might justifiably wonder why we are voting on this bill a third time. They ought to know that 2 months ago the House passed a generous, fair-minded bill that provided $37 billion in unemployment coverage, health coverage for the unemployed, tax incentives for businesses, and tax relief for the middle-income families. But the other body objected. Why? We just recently heard it from the gentleman from California, because they said that tax relief would help the rich.

What does that mean? The rich like the schoolteacher who lives in my district who makes $30,000 a year and cannot afford housing in her own district and drives an hour to get to work? She is in the 27 percent bracket; they do not want to lower it. Is she one of the rich they are referring to?

The other body also objects to our health care provisions. Why? They did not agree with the way that we cover the unemployed. They would like to help the folks who work only for big business. They do not want to help the employees in small businesses who do not have access to health care coverage when they are laid off.

Mr. Speaker, these arguments are lost on the American public. In my part of the Nation, we have not yet felt the full impact of the 30,000 Boeing workers who expect to be laid off, and yet unemployment in Washington State is over 7 percent, number 2 in the Nation and climbing.

This bill would provide additional unemployment to the 13 weeks we already provide in this bill because my State of Washington qualifies under that 4 percent unemployment rate. We are at 7.1 percent. Further delay is unacceptable.

Mr. Speaker, I urge Members to act now. Let us get this bill passed and over to the Senate. Let us get the job done so we can get help to our folks at home.

Mr. THOMAS. Mr. Speaker, I yield the balance my time to the gentleman from Ohio (Mr. PORTMAN), and ask unanimous consent that he control the balance of the time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MATSUI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in opposition to H.R. 622 for the 187,000 that are losing their jobs, and the Enron employees in my district that are desperately in trouble because of the Enron collapse.

I rise in strong opposition to this "economic stimulus package" because it is a deviation from the bipartisan precedents set in recent months by Congress, and represents misguided priorities.

Today's consideration of a motion to concur in the Senate amendments with an amendment to H.R. 622—Hope for Children Act allows for a raid on the bipartisan 13 week extension of worker unemployment compensation passed by the Senate.

The Senate package, which passed by a unanimous vote, provides a 13-week extension of unemployment benefits for people whose regular benefits have been exhausted. This represents real and responsible stimulus for those who need it most. This is crucial because it is estimated that 2 million working Americans will exhaust their regular benefits in the first 6 months of this year. In fact, very few of them are now currently eligible for an extension of those benefits to ensure they have income to replace their lost wages while they are seeking either reemployment or new employment.

Instead, this bill substitutes that compromise with a highly partisan Republican bill that excludes the Minority from this process, raids the Social Security and Medicare trust fund, and sacrifices American workers in need.

Substantively, this bill precludes the Minority from offering a substitute, any amendments, or a motion to recommit, which effectively eviscerates the fragile bipartisan compromise reached in the Senate. But the American people must be told the trust about this travesty of process.

I, along with my Democratic colleagues in Congress, have stood shoulder-to-shoulder and toe-to-toe with the President in the war against terrorism. We have been steadfast in our bipartisan support. As a result we've strengthened our security and protected America from future attacks. But for the state of our union to truly be sound, we must stand together today for a real economic stimulus package that helps all Americans. Sadly, the bill before us puts partisanship and the special interests above the millions of workers affected by the recession. As a member of Congress from Houston which has been so severely hit by recent events, I take particular exception to this.

Today, I urge Congress to take up a real economic stimulus and worker relief package that will help the 5,000 ex-Enron employees in and around Houston who have lost their jobs and their hard-earned pensions. Today, I urge Congress to take up real economic stimulus and worker relief package that helps the 89,000 American manufacturing workers who lost their jobs last month; the 54,000 American construction workers who lost their jobs last month; the 100,000 airlines workers who have lost their jobs since September 11, 12,000 of which were from Continental Airlines alone;

the 192,000 American service industry employees who lost their jobs in the fourth quarter; the 211,000 American transportation and public utilities workers who lost their jobs over the past seven months; and the 1.4 million Americans who lost their jobs since last March.

Mr. Speaker, America needs a temporary plan that stimulates the economy by focusing on unemployment and the 2,496,784 initial claimants reported by the Bureau of Labor Statistics in December 2001. In Texas alone, the number of unemployed was 539,947, or 5.1 percent in December 2001. Clearly, these numbers are far higher today. The bill before us fails to give the relief that is needed. The bill before us is not temporary. It does not target relief to businesses hurt by the recession; it enacts tax reductions for the wealthy and corporations, and does very little to help middle income workers whose extra spending would serve to stimulate the economy. In fact, the bill before us repeals the corporate minimum tax which ensures that corporations can not use tax shelters and loopholes to avoid taxes. Furthermore, it accelerates a cut in the 28 percent tax bracket even though 75 percent of American households would receive no benefit from this cut because they do not have enough income to be in this tax bracket.

Perhaps most disturbingly, all of the costs of the bill are paid out of Social Security and Medicare surpluses. Clearly, permanent and expensive tax cuts like those included in this package will increase the deficit and risk increasing long-term interest rates.

Mr. Speaker, America needs a stand-alone worker relief bill that helps the 1 million U.S. employees who have just lost their unemployment, and the 2 million who will lose their benefits by the end of 2002.

In my State of Texas I called and worked with the Department of Labor to set up a rapid response team to help displaced workers find the jobs that they need. But much more needs to be done. Last night I had an amendment that would have extended unemployment benefits for 1 year. That would have gone a long way toward helping Americans and stimulating the economy. Today, I urge an up or down vote on an economic stimulus package that is responsible and targets unemployed workers only.

Mr. MATSUI. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Speaker, we have many unemployed persons in my district. In North Carolina alone we have 28,000 people who have exhausted their insurance already. We have experienced an increase of 105 percent in unemployment. We need to stop the bickering, stop the shenanigans between the two Chambers of Congress and do something for the millions of Americans who need our help.

Mr. Speaker, after 8 years of economic prosperity, and budget surpluses, the nation's economy is spiraling downward. Consumer confidence is declining, unemployment is rising, and deficit spending is returning.

Today, we are considering a bill that would extend for 13 weeks unemployment benefits for displaced workers. During the past year, more than 1.5 million jobs were lost. Many unemployed persons have exhausted their unemployment benefits.

In my State, North Carolina, more than 28,000 people have exhausted their unemployment benefits, and we have experienced an increase of 105 percent in unemployment. Others were not eligible for unemployment compensation or health care benefits because they worked for short periods of time, or in temporary or part-time jobs.

A national economic stimulus package must provide additional relief for unemployed workers. Helping unemployed workers is the first thing to do and it is the smart policy to address the economic slowdown. This certainly is more effective than more huge tax cuts for large corporations and wealthy individuals. Unfortunately, this $81 billion bill only provides about $10 billion in benefits for workers and their families. Most of the relief provided would benefit wealthy individuals and large corporations. Most economists agree that in a recession, we should increase consumer confidence and their ability to purchase necessary goods and services. Unemployed workers lack such confidence and purchasing capacity.

Simply paying money to state governments for unemployment compensation programs without requiring some adjustments in program administration would not be wise. Many states, like the Federal Government, are financially distressed. They cannot afford to match federal contributions, to expand coverage periods beyond 26 weeks, or to increase categories of eligible workers such as part-time workers. The current crisis calls for these changes plus adjusting the federal/state match from 50/50 to a larger federal share, perhaps 75/25. Expanding unemployment compensation benefits offers another advantage—it provides economic stimulus when it is needed without causing damage to the long-term economic condition of the country.

Congress has passed bills to help airlines, insurance companies, and big businesses. It should pass a meaningful economic stimulus bill to help families of displaced workers. The Republican leadership of the House should rise above partisan posturing and bickering with the Senate and simply pass provide unemployment insurance and health benefits now for those millions of Americans who desperately need them.

Mr. MATSUI. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL).

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Mr. NEAL of Massachusetts. Mr. Speaker, today I am reminded of the disappointment that Charlie Brown feels on Valentine's Day when that cute little redhead did not give him a valentine. Many of us had great hopes that we could simply take up relief for unemployed workers, a bill which passed the Senate unanimously last week; but just like Charlie Brown, we keep checking the mailbox and unfortunately come away again filled with disappointment.

The Republican bill today is composed mainly of some old, worn-out tax items that have been around for a long time. It reflects the tired philosophy of trickle-down economics, take care of the large and powerful corporations and eventually the rest will trickle down to us. But it is wrong to hold this bill hostage to temporary tax relief for the unemployed who, but for the sake of this debate, will find themselves on the outside looking in again for a few more weeks.

The disappointment I feel today is not in the same league with the disappointment that many hard-working Americans are going to feel, however. By slapping on a $150 billion tax cut in the dead of night, the leadership has ensured that this bill will not reach the President's desk this weekend. Two million Americans are approaching or already have exhausted their unemployment benefits and cannot be assured that any relief is in sight. That disappointment is one that I hoped the Congress would not be delivering on this Valentine's Day.

Reject the bill in front of us. Let us go back to work. Pass a simple, clean extension of benefits for the unemployed and their families who depend upon them and today who depend upon us.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. WATKINS), a valued member of the Committee on Ways and Means.

Mr. WATKINS of Oklahoma. Mr. Speaker, I rise in support of this bill. Let me say, as my colleague from Louisiana said, two-thirds of it goes to individuals. Let no mistake be made about that. Another third goes to business and industry that produces jobs.

Let me say, I am flabbergasted at a lot of the folks who get up and say it does not help other people, only the big corporations. Let me tell you who it helps, also. The suspension of net income limitation helps support those hundreds of thousands of small stripper wells in Texas, the roughnecks out there, the oil patch workers who are losing their jobs. I am amazed that many of them did not know that over on this side.

But let me tell you also who it hurts. My heart goes out to those people who say they lost a job. I will do everything to build jobs, let me tell you; but I am here also trying to help those who have never had a job, many of them Native Americans. Native Americans would be helped by this bill. They will be able to have possible manufacturing jobs and many of the others developed with accelerated depreciation on their lands. We need to be helping those folks, also.

Let me assure you, this bill does more than help the big industries. I resent the fact that you state that you are doing it for political purposes, because I do not plan to come back.

Mr. PORTMAN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. HAYWORTH).

a member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, at the end of the day this afternoon, we are faced with a fundamental question. Implicit in the criticism from our friends in the minority is the notion that there is only one course of action here and that is 13 weeks' unemployment and that is it. What we do here is improve the legislation, not only 13 weeks' unemployment but an economic trigger for those States that are having challenges.

Moreover, provisions for health benefits. Recall our friend from Kansas brought a letter down a little while ago from the President asking not only for unemployment benefits but for health benefits. It is our role in the Congress of the United States to take legislation from the other body and improve it and we do so.

And there is something else that is important. This bill also provides tax relief that fires the engines of economic opportunity. We passed it once. We have passed it a second time. On this third occasion, we give the other body the opportunity to join us in an effective plan to put people back to work and to provide for those who have lost their jobs.

I ask my colleagues to support the measure.

Mr. PORTMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin (Mr. RYAN), a valued member of the Committee on Ways and Means.

Mr. RYAN of Wisconsin. I thank the gentleman for yielding time.

Mr. Speaker, this debate today has been rather unfortunate. We have heard a lot of emotions, a lot of fear, a lot of envy. What we are trying to accomplish is simply this: let us take stock in what our Nation is facing right now. We are in the midst of a war, we have a homeland security crisis, and we are in recession. We have a lot of laid-off workers and more layoffs are occurring. And we know as a historical fact that even if our economy begins to slowly recover, that unemployment is going to linger on and on and on well after that recovery takes place.

What we have been trying to do, starting in October, then in December and now, is to try and get people back to work. The things we are trying to pass in this bill are the time-tested, proven, bipartisan solutions to get businesses to stop laying off people, to hire people back, and to help those people who have lost their jobs.

It is more than just giving someone an unemployment check. It is also helping those people with their health insurance while they have lost their jobs, and, more important than just that unemployment check is to do what we can to give people a paycheck. We have got to get the engine of economic growth growing again, because we now know because of recession, we do not have the revenues we wanted to, we do not have the revenues we need to fix Medicare, to fix Social Security, to fix these issues. We have got to get Americans back to work, then the surpluses come back, then the jobs come back. That is the constructive answer we are trying to accomplish here on, yes, a bipartisan basis.

I urge Members to drop the demagoguery and to pass this bill to help us work together to get the American people back to work and help those people who have lost their jobs.

Mr. MATSUI. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we can handle this very logically and expeditiously. I think the gentleman from New York (Mr. HOUGHTON) mentioned that there are three issues here: Obviously, how we deal with the New York problem; how we deal with the unemployment benefit; and how we stimulate the economy. We agree on the first two. We should just pass a bill right now that would take care of New York's problem. We could do it and send it over to the other body. They will pass it. We can actually take care of that issue. That is simple. No one is going to object to that.

Unemployment benefits. In terms of the discussion that went on today, no Member in that 1 hour of debate has said that they do not want to give unemployed benefits to the 8 million unemployed Americans. Why not just take the other body's bill and just agree to it? We could do that by unanimous consent, vote it on the suspension calendar.

We do have a difference, because the other side wants to give corporate tax cuts; and we think that in order to deal with the economy and stimulate it, we have to create more consumer demand. There is a big difference there. Obviously, we do not agree. We should not hold New York and we should not hold the unemployed hostage. We should pass those and then let us debate. Let us see if we can come up with a bipartisan proposal on how we stimulate the economy through either tax cuts for major corporations or how we try to create more consumer demand.

I hope that we vote "no" on this motion.

Mr. PORTMAN. Mr. Speaker, I yield the balance of my time to the distinguished Speaker of the House, the gentleman from Illinois (Mr. HASTERT).

Mr. HASTERT. Mr. Speaker, to my colleagues on this side of the Chamber, and to my colleagues on this side of the Chamber, I first want to say that yesterday was an incredible day. It was an incredible debate. Reformers came to this Chamber. They changed some of the rules on how we do things, how we elect our officials. This House worked its will. That is the way it should be.

But now we need to look at other needs. We need to look at the needs of the American people. We are in recession. We are in a war. We are in a time of terrorist threat within this country, within our own Nation as well as around the world.

In October, we passed an unemployment compensation extension. In December, we passed a stimulus package. We knew that people were out of work. We knew that people were losing jobs.

What we tried to do during this time frame was to do three simple things. Number one, because every American family who had some substantive savings, wealth in 401(k)s and the stock market, to get the confidence back in the stock markets, to get the confidence back in people putting money in those securities. This bill helps do that.

We also said that we needed to be able to get some consumer confidence. When you talk about the Fortune 500 companies, they said we need people with money out there to start buying our products. This bill does it. It puts money in people's pockets right away.

Finally, there are people out there who lost their jobs. They need unemployment compensation. They need health care. It is in this bill. But they also, more than that unemployment compensation check, they would like to have a job. And so you need to concentrate that capital where companies are putting that money back into creating jobs, building buildings, buying machinery, putting money in new ideas. This bill does it.

I heard the previous speaker say, "Don't hold these people hostage. Don't hold New York hostage." We are not: We take care of New York in this bill. We are not holding the unemployed hostage. We take care of them in this bill just as we have done two times previous. But, ladies and gentlemen, let us not hold America hostage. Let us get this legislation done. Let us give people confidence in the markets. Let us give people confidence that they are going to get a paycheck. Let us give them the confidence that they can have a job so that they can pay their house payment and their car payment.

It is time to get this job done. It is time to quit playing political games. It is time to get a stimulus package for the people of the United States. Vote for this motion.

Mr. PASTOR. Mr. Speaker, I rise in strong opposition to this misguided attempt to stimulate our economy.

Today, the House of Representatives leadership is lining unemployed Americans against a wall for another St. Valentine's Day Massacre.

While pretending to pass an economic stimulus package, they are holding the unemployed hostage in hopes of passing larger tax breaks for wealthy individuals and large corporations.

The Senate has passed legislation to extend Unemployment Compensation for the 1 million people who have exhausted their unemployment benefits since September 11. Yet, the

House leadership has chosen to ignore the plight of these people, and the more than 2 million workers who will exhaust their benefits over the next 6 months, and attach a misguided "economic stimulus" package to the bill that will do nothing to stimulate the economy. I call on the House leadership to consider the clean bill passed by the Senate so we can help the 8 million people in America who are looking for jobs.

According to sources, 11,000 people are exhausting their Unemployment Compensation each and every day. With Congressional District Work Period starting today, more than 120,000 Americans will have lost their benefits by the time we return to Washington on February 26. We should stop playing partisan politics with these people's lives.

But, there are other serious problems with this "stimulus package." Any more tax cuts would continue to erode the Social Security and Medicare Trust Fund by almost $80 billion. It is time to stop threatening our elderly just to make the 15 percent of wealthiest Americans even wealthier.

Valentine's Day is a time for us to open our hearts and to give of ourselves. But this legislation will only serve to break the hearts of those unemployed Americans who need our help.

Mr. MALONEY of Connecticut. Mr. Speaker, for the third time in 4 months, the House of Representatives will consider a deeply flawed economic stimulus package.

In January 2001, the nonpartisan Congressional Budget Office projected that the Federal Government would end fiscal year 2002 with a $106 billion surplus. At that time, I advocated a fiscally responsible plan of equally dividing the surplus between tax cuts, paying down our Nation's debt, and investing in important priorities like education and health care. Unfortunately, in June legislation was passed—over my strong objections—that cut taxes more than we could afford. I have long supported tax relief, but it must be in balance with what we can afford in our budget. We are now facing large, multiyear budget deficits that threaten our long-term economic security.

Any stimulus bill must be fiscally responsible and provide assistance to families and small businesses experiencing the effects of the recession. The bill we are considering today, as did the previous versions, includes provisions that I strongly support, but these positive elements cannot make up for its fundamental flaws. Those positive elements, include providing a supplemental rebate to those who received only a partial or no rebate as a result of last spring's tax cut, providing small businesses a bonus depreciation of 30 percent over 3 years, and reducing the recovery period for making improvements to leased properties. Additionally, I support a permanent rate cut for low- and moderate-income earners.

In addition, I strongly support extending unemployment benefits to the approximately 2 million Americans who have lost their jobs as a result of the recession and the September 11 attacks. In the middle of March, those individuals and families who have lost their jobs because of the attacks of September 11 will begin losing their unemployment benefits. We also need to include provisions that assist families in continuing their health care coverage. We must pass a bill that provides substantial relief to those families, and will get to the President's desk. Unfortunately, this bill does not provide that help.

Moreover, this bill virtually eliminates the Alternative Minimum Tax (AMT) liability for the Nation's largest and wealthiest corporations. The AMT is designed to ensure that corporations cannot avoid paying their fair share using deductions to entirely eliminate all or almost all of their tax liability. The bill before us today would allow corporations to claim deductions against their AMT liability that they currently are not allowed to take. This will provide little, if any, stimulus to the economy, but will certainly exacerbate the budget difficulties we now face. Worse yet, the bill pays for this corporate AMT tax giveaway by taking the funds from the Social Security and Medicare Trust Funds.

In this time of budget deficits we cannot and must not continue to raid the Social Security and Medicare Trust Funds to pay for tax cuts for wealthy corporations. Over the past few weeks, many have spoken of protecting our Nation's economic security. I suggest that passing legislation that threatens the Social Security and Medicare Trust Funds threatens the very foundation of our economic security.

Mr. Speaker, I urge my colleagues to pass a bill that provides fiscally responsible stimulus to our economy and relief to displaced workers. Unfortunately, the bill before us today will both further extend the deficits we are facing and also deplete the Social Security and Medicare Trust Funds. Long-term economic security depends on long-term fiscal responsibility. We owe our citizens a bill that provides a short-term stimulus, substantial assistance to the unemployed, and ensures long-term growth. The bill before us today fails to meet all three of these standards.

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to talk about the state of the economy and jobs. In June, July, and August when we passed the first stimulus bill, we were all hoping that if we dipped into recession at all that we would have a soft landing. September 11 changed all that. When we saw those planes crash into the towers in New York and the planes crash in Pennsylvania and here in Washington, DC, we saw and felt a shudder through the American economy.

It was not only travel and tourism that was hurt, but also consumer confidence. For 5 consecutive months after September 11, consumer confidence fell. But we are coming back. Consumer confidence rose for the second consecutive month in 2002, and we need to encourage this growth by passing an economic security bill.

In October, the President called for a stimulus package and the House of Representatives responded. We passed a second one in December. We are now working on our third. The other body will not even let a vote be taken on the issue. The economic stimulus bills in the House are not perfect. There are things about them I did not like as an individual legislator. There is almost no bill here that everybody can say, "By gosh, that's something that I can support a hundred percent. There's not a word that I would change." It is not the nature of this body, but we moved the bills forward. We moved the process along for a good reason.

Since September 11, over 1 million Americans have lost their jobs. We have over 1 million families who are worried about where the next paycheck will come from. All of those families are worried about their health insurance. What if they do not get another job before that COBRA runs out? What happens if the unemployment benefits run out? What happens if we do not get back to growing jobs in this country? Those families are hurting and we need to help them. Last year we passed an economic stimulus bill in the House that provided 13 weeks of extended benefits to those who have lost their jobs, and today we will again pass another stimulus bill with that exact same measure.

What do we want to see in an economic stimulus bill? Certainly first and foremost, we need to create capital to create jobs. Most of the jobs created in this country are created by small business. That means we have to include provisions like accelerated depreciation in the stimulus bill. As a former small business owner I was always amazed when I did my books at the end of the year, figuring out what my profit or loss was and how much corporate tax I had to pay. One year I bought new computers for my entire office, costing me about $20,000 to $30,000 for the new computer system. Under section 179, I was only able to claim $10,000, even though I paid that business expense. That did not seem right, or fair and it certainly discouraged me from getting $35,000 worth of computers at one time. Certainly one of the things we need to do for small business is to raise those limits so that a small business looking at buying equipment, going and doing some construction, or expanding their computer setup, can do so. This will stimulate our economy and create jobs.

The second thing we are going to need to do is extend health care benefits and unemployment benefits so that people who have lost their jobs due to the slowdown in the economy can make it through. All of us know neighbors who are worried about losing their job sometime this year and all of us are willing to say, "Look, we're going to help you over the hump. We're going to make sure that this awful time for you is not made worse because you can't feed your family or that you lost your health insurance." So, we must have health care coverage and unemployment insurance extenders in any economic stimulus bill.

The third thing our economic stimulus bill has to do is restore consumer confidence. About two-thirds of the American economy comes from consumer spending. We need to continue to restore confidence in the public so that we do not have a further collapse in retail sales. We have to restore faith in consumers and in the markets. If you talk to people about their retirement plans, most Americans now have 401(k)s or IRAs or pension plans. We are now investors in the stock market. One hundred million Americans own stocks, mostly in IRAs and 401(k)s, pension plans through work of Thrift Savings accounts. All of us have seen the value of our retirement savings go way down because of the economic slowdown. We need to reestablish confidence in the stock market, turn our economy around, and get back to creating jobs.

Ms. SCHAKOWSKY. Mr. Speaker, I rise to express my deep disappointment in the bill before us today.

Today, we had the opportunity to follow the lead of the Senate by passing a 13-week extension for Americans who have been unable to find work but whose unemployment benefits have run out. I have received many, many letters from constituents who are concerned about losing their homes, paying for their health bills, and buying food for their children. Today, we had the opportunity to help them by passing the Senate provision and sending it to the President's desk. Instead, the Republican leadership chose to play politics with the lives of unemployed persons and their families, once again putting forth a bill that they know cannot be enacted into law.

In the last quarter of 2001, nearly 860,000 unemployed men and women exhausted their unemployment benefits. In December alone unemployment benefits ran out for 300,000 workers. In my State of Illinois, 42,299 workers exhausted their benefits in the last 3 months of last year—an increase of 88 percent from the previous year. Faced with serious fiscal pressures, no state has stepped forward to extend assistance as they have in the past. Hundreds of thousands of Americans are now struggling to pay their bills as they look for work in the middle of a recession.

I believe that we need a real economic stimulus plan and that we can do a great deal more than we're doing to create jobs and prevent additional layoffs. We should be providing assistance to States, funding the construction and repair of housing and schools, expanding transportation options, and investing in clean water projects. We should be assisting laid-off workers and their families and obtaining affordable health coverage through COBRA and Medicaid.

My colleagues on the other side of the aisle don't agree with those job stimulus proposals. They would rather give money to the wealthy and mega-corporations than invest in targeted and proven job creation initiatives. They would rather provide unemployed men and women with an insufficient tax voucher than guarantee health coverage through Medicaid.

We disagree on those questions and it will take time to resolve them. In the meantime, we should take a simple action today. We should pass a 13-week benefits extension that will provide immediate relief to over 1 million workers.

We could take that step. Sadly for this institution and tragically for those workers, the House leadership has decided it would rather make a political point than make a difference in people's lives.

Mr. SMITH of New Jersey. Mr. Speaker, it is with great pride and pleasure that I rise to urge the enactment of H.R. 622, The Economic Security and Worker Assistance Act of 2002, also known as the Hope for Children Act.

I cannot overemphasize how proud I am to be an original cosponsor of the Hope for Children Act. Mr. DEMINT deserves our thanks and praise for his work on this bill.

Mr. Speaker, throughout my 21 years in Congress, I have worked tirelessly with a broad, bipartisan group of colleagues, to protect children. Encouraging adoption has been among our primary concerns. Along those ends, I have introduced my own legislation that designated National Adoption Week, and I worked to help establish the current $5,000 tax credit for adopting parents. The $5,000 tax credit, which was incorporated into the "Contract with America," passed by Congress, and later signed into law, is helping many families that have adopted a child.

But there is still so much to be done. There are so many children that need to be adopted. There are so many infertile couples who desperately want to raise children. This legislation today is needed. H.R. 622 seeks to double the adoption tax credit to $10,000 for all adoptions and double the employer adoption assistance exclusion to $10,000. The legislation also increases the income cap at which the credit begins to phase out from $75,000 to $150,000.

The fact of the matter is that adoptions are very costly, ranging from $8,000 to $30,000 per year. There are many families who would like to open their home to a child, but are prevented or delayed on doing so by the high cost of adoption. H.R. 622 helps to ease this financial burden to ensure that children quickly find a permanent, loving home—so that no child is left behind to end up in the foster care system permanently.

The empirical evidence shows conclusively that the tax credit must be increased. Just take a look at the tax return data. According to the Committee report accompanying this bill, half of the taxpayers who received income tax benefits for adoption expenses in 1998 reported expenses in excess of $5,000, while 25 percent of taxpayers receiving tax benefits for adoption reported expenses totaling more than $10,000.

It is important to note that the $5,000 tax credit expires this year and the current $5,000 employer adoption assistance exclusion also expires—it is vital that we enact this important legislation to help defray these costs.

The Hope for Children Act is a solid start to ensuring that more children find a loving home. While some adoptions will cost well over $10,000—the data suggests that as many as 25 percent of all adoptions fall into this category—raising the limit will aid more families in their efforts to adopt a child in need. If the President signs the Hope for Children Act into law this year, families could claim the $10,000 tax credit beginning with their 2003 tax returns.

One final note. Virtually every well-conducted social research study that has examined the impact of adoption on a child concludes that adoption is far more preferable than state custody. The adoption of a child into a traditional two-parent, man and woman family, has profoundly positive social consequences for both the child, as well as for our society. A recent Heritage Foundation analysis of the adoption research literature shows that adopted children raised in a two-parent family, measure as well as, if not better than, a biological child on virtually every social, educational, and health indicator assessed.

The route by which the Hope for Children Act has arrived here in the House again deserves some discussion. On May 17, 2001, this bill was agreed to by a vote of 420–0. On February 6, 2002, the Senate passed the measure with an amendment to add tax relief and economic stimulus language. Today we are adding some additional tax relief provisions, so that unemployment insurance benefits will be extended to all displaced workers regardless of how their job losses occurred.

New Jersey's economy was hit very hard by terrorism. First we lost approximately 700 New Jerseyans on September 11, including nearly 50 from my own Fourth District. In addition to the unbearable loss of life, there were tens of thousands of jobs held by people from New Jersey that disappeared into the great cloud of fire, smoke, and ash of the collapsing Twin Towers. Entire businesses and departments were wiped out in an instant.

Before the shock waves of September 11, had even faded, New Jersey was plunged into another unprecedented crisis, as the first major biological weapons attack in U.S. history took place on New Jersey soil. Our mail system ground to a halt. Items frozen in the mail included everything from an engagement ring to credit card bills. Thousands of lives were turned upside down. Another wave of jobs were lost. To this day, the John K. Rafferty Post Office in Hamilton has not reopened, and hundreds of postal workers who work there are now scattered all over the state in makeshift accommodations.

Mr. Speaker, New Jersey's residents need a helping hand. We need this stimulus package. People are hurting. I think the Senate should move promptly and pass H.R. 622. It is time to put the interests of the American people ahead of partisan calculations.

Mr. Speaker, I urge the unanimous passage of the Hope for Children Act.

Ms. KILPATRICK. Mr. Speaker, once again, the Republicans are attempting to shove forward several tax provisions for the wealthy and big businesses without adequate consideration for the unemployed and low-income.

This is the third time in five months that an economic stimulus package has been to the House floor. Not once out of the three times, has there been sufficient assistance in the form of health insurance converge and unemployment benefits for the unemployed and low-income families. Not once have Republican considered the long-term effect of the unnecessary tax cuts. Not once have they considered anything else but their special interests, the wealthy.

We need a bill that will give better backing for COBRA insurance. The tax credit that this bill provides will do nothing for the families and individuals who cannot afford to pay upfront for the insurance packages. While Democrats have been fighting to help the jobless and low-wage workers, the number of those in need has grown and each individual has been without federal income support since March, when this recession officially started.

While we stand in the midst of a recession, we have Members of Congress who contritely confess their sincere desire to help the American people, but simultaneously provide help for only approximately 25 percent of the American people, who happen to be very wealthy. The rest of the nation will suffer because they are not wealthy enough or because they are not highly compensated executives in the corporate world.

This bill follows the pattern this Congress established when it passed the airline bailout bill last October. We provided $15 billion in financial assistance to financially strapped airlines following the September 11th attack, but the leadership of this Chamber did nothing for rank-and-file workers who were laid off by the airlines. Last November, this Chamber bailed out the insurance industry, which covered the airline industry we bailed out the month before, but the leadership did nothing for rank-and-file workers who were laid off by the airlines or as a result of the economic recession.

This bill today, like the others before, is another tax break bill for people who do very well in good times and bad, but it does very little for the people who need the most help—the jobless and low wage workers. Once again, this bill, like the others before, puts those most in need as a last priority. That's unacceptable. For that reason, I will vote "no". Mr. Speaker, we can do better than this. It's unfortunate that the other side of the aisle does not negotiate in good faith. No one saw this bill before it came to the House floor. It did not go through the committee process. This is a product of an autocratic procedure. It is put out for us to take or leave. That's it. I urge my colleagues to join me in rejecting this bill.

Mr. GILMAN. Mr. Speaker, I rise today in support of H.R. 622, the Hope For Children Act which will increase the adoption tax credit for families. I am an original cosponsor of this legislation and I commend the gentleman from South Carolina, Mr. DEMINT for his leadership on this important issue.

I am particularly pleased that with today's vote we will be adding a provision to temporarily extend unemployment compensation for an additional 13 weeks for individuals who have exhausted their 26 weekly benefits, and will provide needs assistance to New York under the Liberty Program.

As our nation begins to rebound economically it is important that we provide Americans who have been adversely affected by the events of September 11th and the subsequent economic downturn with the means to provide for their families. Representing numerous individuals affected by the slow down of the airline, travel, and tourism industry in New York, I know how important this extension will be in assisting these hard working individuals. This economic package is a major step to regaining a healthy economy. Each of the components will help us stimulate different areas of the economy and promote growth and jobs. Our economy has weathered turbulence in the past during times of war and times of peace. But a sound, reasoned economic growth package, such as the one we are working to pass, will put us on the right track back to prosperity.

Accordingly, I urge my colleagues to support this important measure.

Mr. BLUMENAUER. Mr. Speaker, on this Valentine's Day the Republican leadership is presenting America's largest corporations and wealthiest individuals with another sweetheart deal, while people and families in Oregon and across the nation continue to wait for a meaningful economic stimulus package.

The State of Oregon continues to lead the nation in unemployment, so it is frustrating to see Republican proposals that continue to focus on people who need the Federal Government's help the least. Even more exasperating is the fact that these corporate tax credits and tax cuts will be paid by Social Security and Medicare surpluses.

A true economic stimulus package would directly put people back to work and not last longer than necessary. The bill before us today is not an economic stimulus package, is not temporary, and does not target relief to businesses hurt by the recession.

The most significant and appropriate response to help the American people would be accomplished by increasing funding for ready-to-go public works projects that will reduce unemployment, while benefiting communities across the country. Every state in the nation has transportation, water, environmental clean-up, and other infrastructure projects that could immediately employ people to make our communities safer and healthier.

This bill is the third attempt by the Republican leadership to use a weakened economy as an excuse for permanent tax breaks for their favored few. Until a fair and sensible economic stimulus package is presented to the House, I must withhold my support.

Mr. STARK. Mr. Speaker, I rise today in opposition to H.R. 622, the Economic Support and Worker Assistance Act.

The Republican Majority's actions on the economic stimulus package are making me feel like Bill Murray in the movie, Groundhog Day. Just as Bill Murray had the same bad day over and over again, we keep getting the same bad bill over and over again. Unfortunately, for the millions of Americans who are unemployed, this is not a movie, but real life—and it is turning out to be a tragedy, rather than a comedy.

The Senate passed legislation to extend unemployment benefits by 13 weeks for the more than 1 million people who lost their jobs in recent months. We should be approving that same legislation so it can be sent to the President for his signature today. We are about to go into recess for nearly 2 weeks. If we do not send a bill to the President today, we will take no action for a minimum of 12 days—and during that time, more than 120,000 people will lose their benefits.

Passage of a clean bill to extend unemployment benefits would give unemployed Americans and their families some immediate financial relief. Such action is supported by wide, bipartisan majorities in Congress, so there is no excuse for delay. Unfortunately, the House Republican leadership refuses to do what is right to protect America's workers. Instead, they insist on continually giving bigger and more outrageous tax cuts to their corporate friends, while millions of unemployed Americans are desperately trying to feed their families and search for new jobs.

I urge my colleagues to vote for a 13-week extension of unemployment insurance benefits and to vote against tax breaks for big business and the wealthy. By doing otherwise on Valentine's Day, we will do more than break the hearts of the American people, we will break their banks.

Mrs. MALONEY of New York. Mr. Speaker, on February 6 the Senate passed a 13-week extension of unemployment insurance by unanimous consent. Fifty Democratic, 49 Republican and one Independent Senator recognized that while our country is at war and our economy is in a downturn it is time to lend a hand to individuals who are out of work. After weeks of attempting to pass a comprehensive stimulus the Senate came together and acknowledged that political differences should not prevent the government from helping America's most needy at this critical time.

Unfortunately, the bill before the House today fails to follow the bipartisan spirit of the Senate and instead subjects people who will soon be without jobs and without unemployment insurance to a Washington political game. People out of work around the country deserve better treatment by Congress. The victims of today's House action are hard-working Americans out of work through no fault of their own. In my own City of New York recovery from the terrorist attack has made the unemployment situation particularly grim. I continually encounter people who are victims of economic circumstance like the woman who approached me last Friday on Lexington Ave and urged me as a Member of the House to follow the Senate's lead. This House should know that our constituents are watching and they can clearly see that unemployment insurance is falling victim to a political agenda.

Finally, the Majority bill was crafted in the middle of the night last night and represents such an amalgamation of provisions that we do not even know how much it will cost. The President's budget proposal recognizes that we are not eating into the Social Security surplus. I do not disagree with every provision in the bill but it is irresponsible to vote on a substantial tax package like this without knowing all of its long-term ramifications.

Mr. DINGELL. Mr. Speaker, yet again, we are involved in a most curious proceeding. The Republican majority is bringing forth, for a third time, an economic stimulus bill that cannot be passed in the Senate and is being brought up only for partisan reasons. Many of my colleagues in the Republican leadership talk about the obstructionism in the Senate. I say this exercise is the height of obstructionism. The House Republican leadership seems intent on doing things "my way or the highway." And each time they pass the same old bill, they keep millions of unemployed Americans from getting the help they need. In fact, by their delay, more than 11,000 workers each day exhaust their unemployment benefits and therefore would immediately benefit from the Senate's unemployment extension.

But the Republican leadership will not allow a vote on any other bill than their own. We can't even vote for the stimulus amendment on unemployment assistance that passed the Senate by voice vote. That is neither bipartisan nor responsible. In fact, at no time have my Republican colleagues reached out to me or other Democrats to work on an economic stimulus bill. At the one and only meeting we had on the stimulus health pieces in which the Republican leadership allowed Members to show up, we were told that they had to "just say no" to anything we had to discuss. That too is neither bipartisan nor responsible.

So, here I am again, for the third time, telling you why this is a bad bill. The Republican leadership bill is supposed to provide immediate stimulus. So why do many of the tax provisions cost billions after 2002, in years when the economy is expected to be in recovery and stimulus is no longer needed? And why does this bill provide no meaningful immediate help for the millions of Americans without work and without health insurance coverage?

For example, why can't we truly held laid-off workers continue COBRA coverage? The Republicans promise assistance for workers to continue coverage under COBRA. But, the 60 percent tax credit is inadequate to allow families to afford coverage; millions of workers would not even be eligible because of restrictive definitions; and the Republican leadership program sets the stage for complete gutting of the employer-sponsored insurance—something Republicans have long tried to do. This tax credit is even more meaningless for workers who don't qualify for COBRA, as they tend to be working in lower paying jobs and would find it even more difficult to afford coverage, particularly in the indivdual market where in most instances there are no protections on cost or availability of coverage.

Also, why can't we help laid-off workers who are not eligible for COBRA coverage? Presented with an option of building on a program, Medicaid, that already provides guaranteed, affordable health insurance coverage for nearly 44 million Americans and a program that currently does not provide health insurance to anyone, Republicans chose the program that has no experience providing coverage. Worse yet, they don't even guarantee any of the money would be used for health care. And, in attempt to counter some of our arguments, they provide funding to state high-risk pools, presumably to give people a place to spend their "meaningless" tax credits. Unfortunately, they are a day late and a dollar short: $40 million won't even cover 50% of these pools' costs for the two years it is available.

Had we had a chance to offer a substitute, the Democrats would have offered something that truly helps laid-off workers. The Democratic proposal would reach 5.1 million Americans. The Democratic proposal would provide additional financial assistance to states to help them meet the increases in Medicaid enrollment as a result of the economic downturn. As millions join the ranks of the uninsured, we need to ensure states preserve, not limit, eligibility for coverage.

The Democratic proposal would shore up health care providers as well. Providers are being hard hit by the economic downturn. The Democratic proposal would prevent physicians from taking a 5.4 percent reduction in their Medicare payments this coming year. It also includes bipartisan legislation to reduce regulatory obstacles in the Medicare program for providers. Both of these proposals should make it easier for providers to weather the economic downturn and continue providing quality care to seniors.

But the Republican leadership has barred votes on any alternative proposals today. What are they afraid of? We want to put choices before the American public—they do not. We want to help displaced workers and shore up the health system to weather the economic downturn—they do not. We want to provide targeted, responsible stimulus—they do not.

This Republican process is an outrage, serving only to obstruct help for unemployed Americans.

Mr. UNDERWOOD. Mr. Speaker, while we debate today's latest House Republican economic stimulus proposal, I would like to once again speak up on behalf of my home district of Guam and the U.S. territories, all of which have been experiencing double digit unemployment rates and have seen a down-turn in our tourism-dependent economies.

I am grateful for the assistance of Representative JOHN BOEHNER, Chairman of the House Education and Workforce Committee, for ensuring that the territories are eligible under the National Emergency Grants provision of the Republican stimulus bill. However, I was hoping that the Government of Guam would be provided economic relief for individual tax rebates and to see increases for Medicaid funding that we have sought, and that were included in Democratic proposals.

The bill before us today does nothing for the territories, especially for Guam. In fact, it may hurt. It provides more tax cuts which are reflected in Guam through a "mirror tax code." This has the effect of reducing local revenues at a time when Government of Guam leaders are exploring the possibility of cutting worker salaries by 10 percent. It ignores our plight because we are not included in the additional 13 weeks of unemployment insurance. We should assist people who truly need help and local governments who are suffering through the most difficult times in the nation.

After all is said or done between the various competing proposals, however, it is clear to me that the territories will not be provided with the economic relief necessary, and that a targeted insular areas economic relief package is direly needed. Unlike the rest of the country, we in the territories have been struggling economically for the last few years. Prior to the September 11 attacks, Guam's economy, alone, was already struggling as a result of the Asian economic crisis. For the last 3 years, Guam's unemployment rate has averaged over 15 percent. This rate is three times the national average.

Over the last several months, I have been in discussion with other territorial delegates, Administration officials, Congressional leaders from the Ways and Means and Resources Committees, and local political and business leaders in the territories, on the need for an insular areas economic relief package.

Legislative items which should be considered include:

Increasing the waiver of local matching requirements for the territories;

Ensuring that the territories are included in the National Emergency Grants Program;

Lifting the cap on Medicaid funding for the territories or increasing the level of Medicaid funding;

Establishing empowerment zones in the territories;

Extending the supplement grant for population increases and contingency fund for welfare programs to the territories;

Providing unemployment assistance to the smaller territories from FEMA's Disaster Unemployment Assistance Program;

Extending supplemental security income benefits to Guam and the Virgin Islands;

Providing Federal guaranteed bonds for infrastructure projects in the territories; and

Generating increased GovGuam revenues with military personnel on temporary duty on Guam.

I look forward to working with my colleagues on ways to provide economic relief to the U.S. territories.

Mr. UDALL of Colorado. Mr. Speaker, I think today's action on the House floor is exactly the kind of thing that makes people cynical about Congress and the political process.

As our businesses are struggling to recover from recession, unemployment insurance is running out for thousands of people who have lost their jobs. Extending those benefits is something they need and something that will help the economy because it will enable them to continue paying their bills.

Those are the facts. There should be no partisan disagreement about them—which is why the Senate unanimously approved the bill before us, which would extend those benefits for 13 weeks.

And there should be no disagreement about what we should be doing today as we prepare to adjourn and leave town for more than a week. We should be passing that bill—the bill supported by every Senator, regardless of party—and sending it to the President so he can sign it into law.

But we aren't doing that. Instead, the Republicans leadership is insisting on holding that bill hostage—which means holding hostage everyone who need the extension of unemployment coverage—by sending it back to the Senate loaded down with a bulging grab bag of other legislation that the House has already passed before.

No wonder people are cynical about Congress.

Mr. Speaker, I am not saying that none of the things in this legislative package is any good. As a matter of fact, there are a number of items that I support. For example, I strongly support the extension of the clean-energy production credits and the work-opportunity credit. I also support a number of provisions to give tax relief to small businesses and to shorten the period for depreciating leasehold improvements. And I definitely think we need to change the way the alternative minimum tax is applied to individuals.

But all those provisions were already included in legislation that the House passed last year. There is no need to hijack this bill—a bill to provide urgently-needed help to thousands of Americans—to get them to the Senate, because they are already there.

I understand that the Republican leadership here in the House wants the Senate to act on a stimulus bill—and I agree that a sound stimulus bill would be good for the economy and good for the country. But I cannot agree to their strategy. I cannot agree to holding hard-pressed Americans hostage to try to coerce our colleagues in the other body. So, I cannot support this motion.

Mr. BOEHNER. Mr. Speaker, I rise in strong support of this economic stimulus package. In particular, I'd like to highlight the part of this bill that addresses the needs of working Americans and their families.

I'd also like to thank SAM JOHNSON of Texas and BUCK MCKEON of California, who helped craft the National Emergency Grant provisions, which we originally introduced as part of the "Back-to-Work Act" to respond to the needs of displaced workers.

As everyone knows, the September 11 terrorist attacks precipitated a downturn in our economy, and thousands of workers are now jobless. The proposal before us will help every worker return to work as quickly as possible—and in the meantime, that they and their families have access to quality health insurance as well as employment and job training resources.

Last year, the Labor Department acted decisively to mobilize the existing safety net for displaced workers and their families. And Secretary Elaine Chao testified before my committee on how Congress can work with the Administration to further strengthen the safety net for these workers—which is what this worker relief package would do.

As Secretary Chao said, and I quote, "This Administration is committed to going even further than current programs allow to help families, industries and regions that have been hardest-hit by the terrorist attacks and their aftermath. Workers need help regardless of what industry they work in—not just a chosen few. The President's plan gets money to wherever people are hurting."

The proposal before us is one that can be implemented quickly, flexibly, and without creating new bureaucracy. It's designed to do three things: (1) help those who have lost their jobs because of the economic downturn; (2) put people back to work to help get the economy moving again; and (3) ensure that displaced workers have access to health care.

Specifically, this bill would expand the National Emergency Grant program and authorize and appropriate $3.9 billion to help dislocated workers. Under the bill, grants may be used by states to help ensure that dislocated workers: (1) maintain health insurance coverage; (2) receive some form of income support during the recovery period; and (3) return to work as quickly as possible with the help of employment training and job search assistance.

Mr. Speaker, this proposal is a compassionate one—not just because it provides workers in need with flexibility and resources, but because it recognizes that a displaced worker's true goal, ultimately, is to return to work. A government program can help a worker survive. But until a worker returns to work, no economic recovery is complete.

On behalf of our nation's workers, I urge my colleagues to vote "yes" on this economic stimulus package.

Mrs. MCCARTHY of New York. Mr. Speaker, today, the House of Representatives will vote on another stimulus package that comes closer to the immediate needs of the country. We are all facing a sagging economy, escalating unemployment levels, and close to my home on Long Island, our concerns also include reconstruction efforts. Although this bill does not include everything I would have preferred, it is an improvement from the previous versions I opposed.

Although I support the provision extending unemployment benefits for an additional 13 weeks, this bill neglects the immediate unemployed health insurance needs of displaced workers. This bill provides a temporary tax credit equal to 60 percent of the cost of health insurance purchased by unemployed workers. This is a step in the right direction, but displaced workers need health insurance assistance now; not when they file their taxes next year.

New York is in dire straights because of the September 11 attacks. The sudden spike in unemployment levels has placed an enormous strain on unemployment rolls and other assistance programs. I was pleased the bill included $3.9 billion in national emergency grants to states for health care and reemployment assistance for displaced workers, as well as an additional $4.6 billion for health care expenses.

In addition, this measure includes a number of temporary tax provisions for reconstruction incentives to businesses located in the New York Liberty Zone surrounding the World Trade Center. Among these provisions includes $8 billion in tax-exempt bonds over the next three years for reconstruction in the areas of New York City damaged by the September 11 attacks. Also included are several measures intended to attract businesses back to New York City.

Nonetheless, I am disturbed over the procedural games this bill must endure. We had an opportunity to pass a Senate cleared unemployment extension measure on its merits which would have passed the House and been sent to the president. Unfortunately, several tax provisions were added to the bill, essentially making it impossible to pass the Senate.

Since September 11th, more than one million have seen their unemployment benefits expire. Another two million workers will exhaust their benefits over the next 6 months. Yet we continue to play partisan and procedural games holding the unemployed hostage. It's unfortunate that some of the positive measures of this bill will never see the president's desk.

America needs an economic stimulus package that prioritizes the needs of this country during this difficult time. Therefore we must address the needs of our workers as well as providing our businesses with stimulating tax cuts that provide the temporary relief they need. However, this will never be achieved if the same procedural games are played.

Ms. BALDWIN. Mr. Speaker, this past Tuesday the State of Wisconsin did something no other state has done, and something this chamber has failed to do. Wisconsin did what was right and decided to help unemployed workers by extending their unemployment insurance benefits for an additional 8 weeks. They did it without playing political games or attaching controversial measures intended to score political points but not help America's workers.

Only a few short days after September 11, Congress quickly rushed to rescue the airline industry and provided a $15 billion package. This package provided airline executives with a guarantee that their million dollar salaries were safe, but included no provisions that helped the thousands of airline workers who were being laid off at an alarming pace.

The economic downturn, combined with the terrorist attacks, has caused many people to lose their jobs. Our unemployment is at its highest rate in about a decade. Yet, the House passed an economic stimulus bill that included millions of dollars in special tax breaks for big corporations, including Enron, but left behind those who needed financial help the most—Americans who have lost their jobs.

I applaud the State of Wisconsin for providing unemployed workers financial help for an additional 2 months while they look for a job. That means the people of Wisconsin will also have another 2 months to make their car payment, pay their house mortgage, and feed their families. I believe we must extend this assistance to all out-of-work Americans. It is our responsibility, our duty, to make sure that all unemployed or displaced workers have their benefits extended.

Today, this House had an opportunity to pass a bill that would have extended unemployment benefits to unemployed workers and gotten a prompt signature from the President. Sadly, tying unemployment benefits to another so-called economic stimulus bill will cause it to meet the fate of the previous 2 bills this House passed—it will go nowhere. We should follow Wisconsin's example and pass legislation that extends unemployment insurance benefits for at least another 13 weeks in a stand-alone bill. To do so otherwise is to turn our backs on the American people.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 347, the previous question is ordered.

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. RANGEL. Mr. Speaker, what would be the appropriate time for me to move that we concur with the Senate amendment to extend the unemployment compensation?

The SPEAKER pro tempore. The previous question is ordered on this motion to final adoption without intervening motion so there is no opportunity at this time.

Mr. RANGEL. Mr. Speaker, I have an additional parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Will the minority have an opportunity to offer a substitute to the majority position?

The SPEAKER pro tempore. There is no such opportunity. The previous question is ordered to final adoption.

Mr. RANGEL. Mr. Speaker, my further and last parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Does the minority have an opportunity to make a motion to recommit the majority's rule?

The SPEAKER pro tempore. The previous question is ordered to final adoption without intervening motion. The answer is no.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PORTMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 225, nays 199, not voting 11, as follows:

[Roll No. 38]

YEAS—225

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sununu
Sweeney
Tancredo
Tauzin
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett
Becerra
Bentsen
Berkley
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Berman
Brady (TX)
Miller, Dan
Payne
Riley
Roukema
Stenholm
Stump
Taylor (NC)
Traficant
Weldon (PA)

☐ 1417

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

RECESS OF SENATE FROM THURSDAY, FEBRUARY 14, 2002, OR FRIDAY, FEBRUARY 15, 2002, TO MONDAY, FEBRUARY 25, 2002, AND ADJOURNMENT OF HOUSE FROM THURSDAY, FEBRUARY 14, 2002, TO TUESDAY, FEBRUARY 26, 2002

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 97) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 97

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns at the close of business on Thursday, February 14, 2002, or Friday, February 15, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, February 25, 2002, or until such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, February 14, 2002, it stand adjourned until 2:00 p.m. on Tuesday, February 26, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND TO MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE, NOTWITHSTANDING ADJOURNMENT

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, February 26, 2002, the Speaker, majority leader, and minority leader be authorized to accept resignations, to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF MEMBERS TO REPRESENT THE HOUSE OF REPRESENTATIVES AT APPROPRIATE CEREMONIES FOR THE OBSERVANCE OF GEORGE WASHINGTON'S BIRTHDAY

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that it shall be in order for the Speaker to appoint two Members of the House, one upon the recommendation of the minority leader, to represent the House of Representatives at appropriate ceremonies for the observance of George Washington's birthday to be held on Friday, February 22, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, FEBRUARY 27, 2002

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, February 27, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

APPOINTMENT OF HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH FEBRUARY 26, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 14, 2002.

I hereby appoint the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through February 26, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

AMERICAN HEART MONTH

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today in support of American Heart Month.

Sudden cardiac arrests lead to the death of over 230,000 Americans each year, including children. Take the case of Sean Morley, a 13-year-old boy from Buffalo Grove, Illinois. Playing baseball one day, a pitcher hurled a fast ball way inside and hit Sean in the chest. He immediately went into cardiac arrest. Thankfully, a nearby police officer was equipped with an automatic external defibrillator and was able to restore a normal heartbeat to the young ball player.

Like Sean Morley, more lives could be saved if communities had access to automatic external defibrillators and were trained to use them.

I have introduced legislation, along with my colleague, the gentlewoman from California (Mrs. CAPPS), which would provide grants to communities to establish public access to defibrillator programs. The Senate unanimously passed companion legislation last Friday, and I urge the House to quickly bring this legislation to the floor.

Mr. Speaker, 50,000 lives could be saved each year if more people implemented the chain of survival which includes the use of AEDs, or automatic external defibrillators.

PRAYERS FOR THE BURNHAMS

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 264th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Today is Valentine's Day, a day focused on celebrating love 365 days a year, not just on February 14.

The Burnhams have a beautiful marriage and were on a trip celebrating their 18th anniversary when taken hostage by the Abu Sayaf group. Since then they have continued to remain devoted to each other. Martin often gives his food to Gracia, though neither of them has enough to eat. In a video in November, Gracia describes how she shouts "I love you" to Martin when they are caught in gun fire. She wants to be sure she gets to say it one last time.

Martin and Gracia also greatly love their three beautiful children, Jeff, Mindy and Zach. They have missed Father's Day, Thanksgiving, Christmas, each child's birthday, and now this day, to celebrate love. In letters they have expressed their devastation at being separated from their children.

Even during this awful nightmare, they have shared their love with each other and with others. Fellow hostages who have been released relate the Burnhams' attempts to encourage and comfort other captives. Gracia recited home recipes with other hostages to take their minds off the situation.

As we contact our loved ones today, let us not forget Martin and Gracia Burnham. I ask that my colleagues join me in praying for their release so that they may continue to share their love with their children, their family, their friends, and others they meet.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ENRON SCANDAL CAUSES UNBEARABLE GRIEF, ANGER, AND FINANCIAL HARDSHIP FOR ENRON EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. GANSKE) is recognized for 5 minutes.

Mr. GANSKE. Mr. Speaker, employees, pensioners, and investors who have seen their nest eggs disappear from Enron's bankruptcy speak of "unbearable grief." They are also really angry that Enron's executives cashed out while, in many cases, they were locked in. One man told a congressional hearing, "I could understand now why people jumped out of windows in the Great Depression." Several of my fellow Iowans who used to work for the Nebraska and Western Iowa Natural Gas Company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a Des Moines Rotary and two-thirds of the 200 people there have lost money in Enron, either directly or through their mutual funds.

The personal toll has been enormous. There has even been a suicide by one of Enron's former executives who left the country with millions, but could not deal with the collapse of the company.

The bankruptcy of Enron is the country's largest business failure. Its demise is rippling across our economy at a time when investor confidence was already shaky. What makes the Enron scandal so serious is that it is not an isolated case of corporate greed and fraud. Global Crossing and Elan also gave money to someone else, took some of it back, and counted the income as revenue without counting the outgo as expense. Amazon also resorted to "pro forma" accounting when it did not like GAAP. Shares in Tyco International dropped 50 percent on questions about its accounting.

My congressional committee, the Committee on Energy and Commerce, is holding hearings even as I speak on this Enron implosion and what happened and how can we avoid future collapses. My committee exposed the shredding of documents by both Enron managers and Arthur Andersen accountants. We are hearing today about the woman, Sherry Watkins, who wrote the "smoking gun" memo in which Enron President Ken Lay was informed of sham transactions with partnerships controlled by its own employees that were designed to accomplish favorable financial statement results in order to conceal large losses resulting from Enron's merchant investments. She warned Mr. Lay of "impending implosion."

Mr. Lay and others sold millions of dollars of Enron stock, even though insiders are prohibited from selling if they have material nonpublic information. Ken Lay and the chief financial officer, Andrew Fastow, have now taken the fifth before Congress, and Enron CEO Jeffrey Skilling very well may have not been totally honest with my committee when he testified. Arthur Andersen Accounting Company is in deep financial trouble too. Its Enron accountants' actions are under investigation, as well as activities at Andersen headquarters. The Justice Department is investigating whether crimes were committed, and these people may go to jail.

But that is small consolation to people who have lost their life savings. They want to know who is to blame for corporate America's largest bankruptcy, and there is much blame to go around: executives with no ethics, conflicts of interest on Enron's board, auditors who do not ask tough questions, investment banks that kept high-risk leverage off the books, stock analysts without the vaguest understanding of Enron's schemes. The failure of the Securities and Exchange Commission and the Financial Accounting Standards Board, FASB, on rules for subsidiaries, and maybe even Congress, should share some of the blame for failing to support stricter rules.

□ 1430

A couple of years ago then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts. The public outrage over this economic tragedy is real, and that is why I am hopeful Congress will act. Congress is considering the multifaceted nature of this problem.

The 1929 stock market crash prompted legislation to force publicly traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than generally accepted accounting principals.

The transparency and accuracy of corporate reports inspired investor confidence. Unfortunately, with compensation more closely tied to stock prices, the incentives for corporate managers to distort the information they provide investors has grown.

It seems to me accounting firms must raise their standards and adopt new rules requiring that subsidiaries be included in a company's financial statements. Those standards should be enforceable by FASB and that the funding of this regulatory board should be independent from accounting firms it oversees.

Investors rely on stock analysts. We need to do many things to fix this problem. Last week Paul Volcker said, Accounting and auditing are in a state of crisis.'Mr. Chairman, to the millions of Americans who are depending on their investments for their retirement or their children's college educations, Mr. Volcker's statement is not hyperbole.

Employees, pensioners and investors who have seen their nest egg disappear from Enron's bankruptcy speak of "unbearable grief." They are also really angry that Enron's executives cashed out while, in many cases, they were locked in.

"I could understand now why people jumped out of windows in the Great Depression," one man told a congressional hearing. Several Iowans who used to work for the Nebraska and western Iowa natural gas company that merged with Houston Natural Gas to become Enron have told me they have lost most of their life savings. I recently gave a talk to a Des Moines Rotary and two-thirds of the 200 people there had lost money in Enron either directly or through their mutual funds.

The personal toll has been enormous! There has even been a suicide by one of Enron's former executives who left the company with millions but could not deal with the collapse of the company.

The bankruptcy of Enron is the country's largest business failure. Its demise is rippling across our economy at a time when investor confidence was already shaky. What makes the Enron scandal so serious is that it is not an isolated case of corporate greed and fraud. Global Crossing and Elan also gave the money to someone else, took some of it back and counted the income as revenue without counting the outgo as expense. Amazon also resprted to "pro forma" accounting when it didn't like GAAP. Shares in Tyco International dropped 50 percent on questions about its accounting.

My congressional committee, the Energy and Commerce Committee, is holding hearings into how this "Enron implosion" happened and how can we avoid future collapses. The committee exposed the shredding of documents by both Enron managers and Arthur Andersen accountants. We have discovered the "smoking gun" memo in which Enron vice-president, Sherry Watkins, warned Enron President Ken Lay of sham transactions with partnerships controlled by its own employees that were designed to accomplish favorable financial statements results in order to conceal large losses resulting from Enron's merchant investments. She warned Mr. Lay of "impending implosion."

Mr. Lay, and others, sold millions of dollars of Enron stock even through insiders are prohibited from selling if they have material nonpublic information. Ken Lay and Chief Financial Officer Andrew Fastow have now taken "the fifth" before Congress and Enron CEO Jeffrey Skilling very well may have committed perjury before my committee. Arthur Andersen accounting company is in deep financial trouble, too. Its Enron accountant's actions are under investigation, as well as activities at Andersen headquarters. The Justice Department is investigating whether crimes were committed and these people may go to jail.

But that is small consolation to people who have lost their life savings. They want to know who is to blame for corporate America's largest bankruptcy?

My committee is holding wide-ranging hearings. There is much blame to go around: executives with no ethics, conflicts of interest on Enron's board, auditors who don't ask tough questions, investment banks that kept high-risk leverage off the books, stock analysts without the vaguest understanding of Enron's schemes, the failure of the Securities Exchange Commission (SEC) and Financial Accounting Standards Board (FASB) on rules for subsidiaries.

Maybe even Congress shares blame for failing to support stricter rules. A couple years ago, then-SEC Chairman Arthur Levitt pushed for stronger rules to separate accounting from consulting by the same firms. I am thankful now that I supported his efforts.

The public outrage over this economic tragedy is real and that is why I am hopeful Congress will act. Congress is considering the multifaceted nature of this problem.

The 1929 stock market crash prompted legislation to force publicly traded companies to submit regular reports that met certain standards. Former Treasury Secretary Larry Summers has said that no innovation has been more important to the success of U.S. capital markets than "generally accepted accounting principles (GAAP)." The transparency and accuracy of corporate reports inspired investor confidence.

Unfortunately, with compensation more closely tied to stock prices the incentives for corporate managers to distort the information they provide investors has grown.

It seems to me that accounting firms must raise their standards and adopt new rules requiring that subsidiaries be included in a company's financial statements, that those standards should be enforceable by FASB, and that the funding of this regulatory board be independent from the accounting firms it oversees.

Investors rely on stock analysts, Do the analysts, or their firms, have a personal stake in seeing a stock do well? The National Association of Securities Dealers and the SEC should require Wall Street analysts to disclose whether they own stock they recommend and whether their pay is based on the investment banking work their firms provide.

For several years I have recommended increased funding for the SEC.

Corporate executives should disclose more quickly when they buy and sell their company's stock. Boards should be strengthened and limits should be put on stock options for board members.

Congress should consider reasonable limits on exposure to single stocks in employee pensions. I know several Iowa corporations that put limits on how much of their company's stock accounts for an employee's pension because they are concerned about their employees having all their investment eggs in one basket. Peoples' pensions should be vested in a reasonable time and diversified. Executives and employees should operate under the same rules on 410k "lock-outs" against selling stock.

These are just a few of the ideas being floated in Congress. I believe there is some urgency for Congress to act. This crisis needs to be resolved before investors lose faith in the integrity of the markets. We can already see investors skittish about a stock if there is even a hint of accounting shenanigans.

Last week Paul Volcker, Jr., the former Chairman of the Federal Reserve said, "Accounting and auditing in this country is in a state of crisis." To the millions of Americans who are depending on their investments for their retirement or their children's college education, Mr. Volcker's statement isn't hyperbole!

LITHUANIAN INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, as an American of Lithuanian descent, I always come down to the floor around this time of year to commemorate Lithuanian Independence Day.

The 16th of February is the most important national holiday for Lithuanians. Eighty-four years ago Lithuania declared their independence from Germany. At this time its government held two main principles, restore statehood and the right to national self-determination.

Even after 50 plus years of Soviet occupation, these principles still hold true for Lithuania today. As soon as they established their independence in 1991, they have been working towards their goal towards NATO, the North Atlantic Treaty Organization.

I am pleased that Lithuania has shown as much tenacity and discipline in its membership action plan program as it did towards achieving freedom. All indications show it will be a significant contributor towards the Alliance.

Since 1994, over 1,000 Lithuania troops have served in NATO-led missions in the Balkans. Lithuania has expressed strong political and diplomatic support for the U.S. antiterrorist campaign, and it is ready to contribute its military and medical unit as part of the Czech hospital to the operation in Afghanistan and a military security unit within the Danish contingent to Kyrgyzstan as its practical contribution to the "Enduring Peace" operation.

Moreover, Lithuania's current experience and positive relations with its neighbor, Russia, are poised to only get better once Lithuania receives an invitation to join NATO.

I congratulate the people of Lithuania on their Independence Day for their hard work and perseverance, and I extend these greetings to all Americans of Lithuanian descent.

AMERICAN HEART MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FOLEY) is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, I know how proud the residents of the Old Dominion, Richmond, Virginia, are to see you in this chair leading this great Congress today. I also want to wish a happy Valentine's Day to all of the employees of our Capitol complex and their families.

As we continue to work on issues that are important to America, I wanted to talk about, since today is Valentine's Day, some issues we are identifying by the Congressional Heart and Stroke Coalition for American Heart Month.

The heart, of course, represents Valentine's Day, and it is more important to the body than anybody can ever imagine.

Let me give you a little background. About 62 million Americans suffer from some form of cardiovascular disease. One million die from such conditions each year. One American every 33 seconds dies of cardiovascular disease. Heart disease is the number one killer in the United States, followed by cancer, Alzheimer's and HIV and AIDS.

For women heart disease is the number one killer of American women. Heart disease and stroke kill more American women than men, and one in five women have some form of cardiovascular disease.

Economic burden: Heart disease and stroke are expected to cost the U.S. $392.2 billion in 2002.

Though heart disease was once considered an inevitable consequence, if you will, of aging, today these diseases can be treated aggressively with a variety of procedures. Treatment options include medicines for high blood pressure, a leading risk factor of heart disease and stroke; medicines that lower cholesterol; clot-buster medicines that can save the lives of heart attack patients; and drugs that can prevent second heart attacks from occurring.

Education of the American public is still necessary. Over 61 percent of the American public is considered overweight by the U.S. Surgeon General. We must enforce the idea of including diet and exercise into daily living.

I would like to talk about a few things I cosponsored along with Senator BOB GRAHAM of Florida, and one is House Resolution 2508, which is the Medicare Wellness Act of 2001. Congress added, due to our legislation, the first preventative benefits to Medicare in the Balanced Budget Act of 1997. Medicare Wellness Act of 2001 seeks to add more benefits. Among other things, the bill provides for Medicare coverage of cholesterol screening and medical nutrition therapy for those with cardiovascular disease. The bill has been referred to the Committee on Ways and Means, and I will work with the gentleman from Michigan (Mr. LEVIN) and, of course, the gentleman from California (Mr. THOMAS) and the House leadership to try to move that bill forward this year.

The greatest challenge will be the cost of the bill, but let me suggest that cost of doing nothing is enormous, as I mentioned that $300-plus billion tab that we are paying one way or the other.

Another bill we have filed is H.R. 630, which is the Teaching Children to Save Lives Act, and that authorizes the Secretary of Education to make grants to State agencies to award grants to local agencies in targeted schools or school districts for cardiopulmonary resuscitation, CPR, training in targeted localities; requires such training to use nationally recognized training courses and to be in the public schools which includes students of any age between the ages of grades 6 through 12. Grants must be to ensure in conjunction with local efforts that training sites have the ability to start up and foster community partnership among public and private agencies to help provide such training.

I work with the gentlewoman from California (Mrs. CAPPS), my cochairman of the caucus, in which to see this legislation come to fruition.

Health care is probably the number one domestic issue facing Congress this year. The President articulated it in his State of the Union message, and he also spoke about it while he was in Wisconsin, and he continues to remind the public of the importance of health care as we deliberate the important issues of the day.

We must continue to provide funding for research to stop the number one killer of Americans this year. And I will continue to work as cochair of the Congressional Heart and Stroke Coalition to increase awareness of heart disease and stroke among the Members of Congress and the administration.

SUPPORTING PAKISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, at Congress the highs are very high, and the depths can be very low. We certainly ended the session last night on a high note. It was 2:30 in the morning with you, but we finally passed a campaign finance reform, a piece of legislation that is likely to survive in concert with the other body. And also I think that there is a rumor the President may sign it. So I think the American people have a lot to applaud along with the Members of this House for our work this week.

We go into Valentine's Day, a day of love of all kinds. I hope everybody feels many different forms, kind of love and is willing to exhibit that love and compassion. Unfortunately we sank to a new low on Valentine's Day by refusing to pass a stimulus package which addressed the sufferings of working families in America. It would have been so easy for us to celebrate this day by addressing the immediate problem of the unemployed workers. Whether they are unemployed because of the fact of the tragedy on September 11, or they were unemployed because of the creeping recession that was on the way before, we still should have addressed those problems.

We should have addressed those proposals that were made by the Progressive Caucus that were made for some 3 or 4 months that not only should we have increased the amounts of weeks that unemployed workers can receive unemployment insurance, but we should also increase the amounts of money available, because in many States they have reduced the amount of money available in the unemployment insurance payments. We also suggested that, pushed hard for a combination of health benefits to go along with the unemployment insurance benefits so that workers losing their jobs temporarily, we hope it is temporary, would be able to maintain for 6 months a health care plan which would carry their families during that period.

These are very compassionate and humane considerations, and it is a pity that on Valentine's Day, in the process of playing games with a stimulus package, what we call a stimulus package, we would not address the needs of working families in America.

It might be noted that we still have not addressed the needs of the immediate airline workers who were laid off as a result of a constrictions within the airline industry. We addressed the industry and the executives and their needs. We appropriated billions of dollars for immediate cash to make up for any losses they might have experienced as a result of the September 11 tragedy, and we also set up an $11 billion low-interest loan fund.

We did a great deal for the airline industry, and the executives will profit a great deal, and the shareholders will profit a great deal. We made a promise that we will come back and take care of the airline industry workers who were laid off, the estimated number being about 100,000. We have not made good on that promise either. It would have been great if on Valentine's Day it could have been made good on that promise.

I want to talk today about the matter of failing to show compassion and sympathy to the Americans who need it most, those people who now need a safety net, that failure of compassion and where it fits into a number of different issues and problems that we are considering now in the country as a whole. I want to talk about a conversion of issues, and this issue of compassion for those who were on the bottom, compassion for those who need safety nets is a key at the heart of the discussion of all of these other items that I want to mention.

I want to include the fact that in this conversion of issues, that it is important that we have here on the Hill today the President of Pakistan, President Musharraf. President Musharraf was here as a major ally in the war against terrorism, a country which certainly had to think for a long time and think hard before joining the alliance against terrorism because it had a great deal at stake has come down firmly on the side of those of us who care about democracy, those of us who care about liberties and freedom, those of us who care about women being treated equally. They have come down on the side of a coalition which was proposed by President Bush.

They are taking great risk; the President of Pakistan and his government are taking great risk. They are right on the border of Afghanistan. They are right in the heart of two nations that are Islamic. They are threatened on the other hand by India that is hostile for various reasons. I will not go into all the of them at this point.

They are in a precarious position, but once again, Pakistan has come to the aid of the United States. They have always done this. During the Cold War they were there. When the Russians attacked Afghanistan, they were there. We have always relied heavily on the goodwill and participation in an alliance by Pakistan. Unfortunately, we have not rewarded Pakistan when the need for their services has been over. We have too often neglected to follow through and show our appreciation.

In fact, today as I met with the Committee on International Relations in their session with President Musharraf, President Musharraf used the phrase that he said somebody had mentioned yesterday he was not so familiar with that term, but he assumed what it meant. Somebody said, Are you worried about when the United States will again dump Pakistan; will they dump Pakistan again? He assumed that this meant abandon Pakistan, and he is correct. But "dump" somehow is a more poignant word which gets to the heart of the matter.

□ 1445

We have repeatedly dumped Pakistan after using Pakistan. I hope it does not happen again, but that significant attempt is a convergence of issues I want to talk about today.

Our success against the Taliban in Afghanistan would have not been possible without the help of Pakistan. They have gone to great lengths to provide maximum help to the United States in that fight against the Taliban. The success against the Taliban is something we ought to take a look at and understand the implications of that. Why were we so successful so swiftly? I think at the heart of that success is the fact that the Taliban never had the population of Afghanistan on their side.

It relates very much to another issue that I am going to discuss later and that is Haiti. The Taliban was an example of what happened in Haiti. We have a group of 4- or 5,000 armed thugs who have command of the tanks and the guns and the bullets. They can take over a nation, and they can rule that nation, although they are only a tiny percentage of the nation. It happened in Haiti with its 7 million people, and we had to work for 3 years in order to get back into Haiti the democratically elected President, and in the final analysis it took troops.

President Clinton had to have the guts to order the troops to go into Haiti to restore democracy. When our troops landed, not a single shot was fired. If we think the Taliban was easy in Afghanistan, remember Haiti. Not a single shot was fired. No lives were lost. We went on for quite a long time before even a soldier was killed by accident in Haiti because the people of Haiti were not in favor of the government they had. The people would not stand against it. The so-called military were cowards, and they would terrorize the people, but once they were confronted, they melted away.

That is the lesson we ought to bear in mind as we look at the Taliban and the implications of the Taliban. We are now concerned about now that the Taliban have been defeated, what are we going to do in terms of helping Afghanistan become a strong nation, let Afghanistan become a strong nation so that never again will a bin Laden or someone like that attempt to take over the country and use the country as a base for terrorism.

The whole concept of nation-building, which was much maligned just a few years ago, has now become a positive concept as it always should have been. Nation-building should not be a dirty phrase, and we are beginning to understand that, and beyond nation-building we ought to take a look at the possibility of nation preservation. The nations that already exist who are on wobbly legs, who are in deep trouble, deserve some help in being able to maintain legal, constitutional, democratically elected governments, which brings me to another issue that I want to put in this mix of issues.

That is the war against drugs in Colombia. Colombia was allocated a billion dollars for the war against drugs there. It is a military war. Military expenditures and military wars are the most expensive ways to fight drugs, to fight for the integrity of a country. We could have done so much more with less money if we had given economic aid to Colombia 5 or 10 years ago, but right now Colombia is a nation very much like Afghanistan. There is a back and forth with guerrillas, and the guerrillas may take over and they may become friendly with a government that is not necessarily threatening America with terrorism, but with a more steady flow of drugs and with relationships with other nations in the hemisphere, small islands in the Caribbean, Haiti.

The Colombian drug trade has the potential to spread its tentacles out with such enormous amounts of money at the command of the drug lords that it will impact among many nations in the hemisphere, and we may find ourselves surrounded by a circle of nations run by drug lords which will be a far greater threat to America than the Taliban in Afghanistan.

The growing influence of drug lords in the Western Hemisphere is a major problem we should be concerned with, which brings me to the questions in Haiti.

Haiti, at the time that the Army of Haiti staged a coup and kicked out the lawfully elected, democratically elected President, kicked him out, he had to run for his life. At that time the drug lords were very much in control in Haiti, and for a long time, the people in charge, Michel Francois and Raoul Cedras were the beneficiaries of an inflow of drug money from the drug czars so that every time one went to the bargaining table with them to try to get them to be reasonable and accept the democratically elected president returning to Haiti, they were very strong because they had a source of money, so far as income, which kept them well-heeled despite the fact that we had imposed an economic embargo on Haiti. And we were certainly making the people of Haiti in general suffer, but those guys never suffered a day in their lives because they had an influx of money from drug lords.

The same thing is happening now in Haiti. The drug lords are becoming stronger and stronger every day because since the return of a democratic government in Haiti, the policies of the United States have been very backwards, hostile, mean-spirited, hateful. There is a small cabal of very powerful leaders in America who literally hate the Government of Haiti at this point. They hate President Aristide and all he stands for. I have never seen such personal venom directed to a nation or its leader, and we are making foreign policy toward Haiti on the basis of those powerful people who will not live up to promises of aid.

They have promised $200 million in aid as a kingpin part of a package, that was supposed to be the kingpin and lead to a domino effect that was positive, and other nations like France and Canada and Great Britain, everybody was going to contribute to an effort that depended on being started by the $200 million the United States would supply. Powerful forces here in Washington, sometimes single individuals, have blocked the flow of that money to Haiti, and then Haiti has experienced a great deal of suffering.

The people who had such high optimism for their democratically elected government have now begun to sink into a great deal of despair, and the old problems are coming back in terms of more and more violence. That appears to be the only answer for those who really want to weigh out and want to take shortcuts.

So the strangling of a nation is taking place right before our eyes in this hemisphere with respect to Haiti. We need a global policy with immediate focus on this hemisphere, global policy which deals with Haiti first, a policy which deals with the fact the drug lords may have a great deal of influence in the nations surrounding us in the Caribbean islands other than Haiti, a policy which deals with this hemisphere in terms of something better in Colombia than the present military war which we are losing, and, even if we win, will not lead to any permanent eradication of Colombia as a major base for drugs.

I forgot to point out that the Taliban in Afghanistan were primarily funded through the movement of drugs, just as their people who helped us to liberate the population from the Taliban, the Northern Alliance, also depend heavily on drugs and the flow of drugs, the drug trade, to finance them.

Drugs are a major problem in our fight against terrorism. It may not be so overt at this point, but if countries are eventually controlled by drug lords in this hemisphere, they will not necessarily have an agenda of hate against the United States for political reasons or religious reasons. They have their own selfish reasons for doing whatever they do, and they certainly would be available and for sale for enemies with bigger agendas, or they themselves would be an enemy that we should fear a great deal because of the way they would allow drugs to flow into our country with greater and greater ease and lower and lower prices, addicting more and more of our population. All of these problems are inevitably interwoven.

I am going to yield in a few minutes to a colleague of mine who particularly wants to discuss the problems in Haiti and the kinds of needed emergency that we are faced with here and the fact that the Secretary of State Colin Powell, who himself is of Jamaican descent, visited with the members of Caricom.

Caricom is an economic organization consisting of all the various Caribbean governments, and he visited with them, and they had a long discussion, and one of the great problems that was put forth by the heads of Caribbean states was that they are being overwhelmed by a great number of Haitian refugees. We have in the Clinton administration boatloads of Haitian refugees directed at this country and coming in at large numbers, ships sinking at sea, and finally we had to interdict and carry people off, and at one point we had 19,000 people at Guantanamo Naval Base, Haitian refugees, the problem was that big, until President Clinton finally moved to ease the pressure by restoring democracy in Haiti.

People went home and they stayed home because they had hope. Now that hope is being lost, they are not coming to this country again because probably the Coast Guard is out there very aware and very, probably very effective in stopping the movement of boats in this direction, maybe deadly so. We do not know, but they know the problem because they had it before. So instead of coming into this country, the refugees are going to targets which are easier to get into, and that is the other countries of the Caribbean.

I want to yield to my colleague from Florida if she would like to speak on the issue of Haiti at this point.

As I said before, all these problems are inevitably interwoven. We have a need for a vision and a comprehensive policy to deal with these problems, and human affairs is as complicated or more complicated than nuclear physics. So a complicated policy which understands how these issues relate to each other is needed; some vision is needed by this administration. We have but one enemy out there to fight, and that is the enemy that is against democracy or against liberty and against our constitutional civilization. These enemies, whether they come in the form of drug lords or Taliban spouting hatred on a religious basis, they are still enemies.

Haiti is a particular case where an elected government, democratically elected, is being harassed, ignored, neglected and abandoned by our own policies here in this country, and we need to move to deal with putting pressure on our administration to move in a more humane manner in order to save a nation. We do not have to build a nation in Haiti. We have to preserve a nation.

I yield to my colleague, the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Speaker, I want to thank my friend and very academic Representative, the gentleman from New York (Mr. OWENS), for reserving this time today and for leadership over the years on behalf of the nation of Haiti.

When I came to the Congress in 1992, the gentleman from New York (Mr.

OWENS) was the person at that time who inspired me to keep up this fight for Haiti. I represent a great number of Haitians in this country. I am from Miami, Florida, and we do have a very large representation, almost as large as the gentleman from New York's representation.

Mr. OWENS. Mr. Speaker, I think the gentlewoman from Florida (Mrs. MEEK) represents the larger Haitian population, contrary to my congressional district.

Mrs. MEEK of Florida. Mr. Speaker, this is a subject that I know something about. One of the neighbors in my district, one of the largest neighborhoods is called Little Haiti, and it is one of the largest concentrations of Haitians in the world outside of Haiti itself.

While Haiti is an abstraction for many Americans, to many of my constituents it is their place of birth, the place of birth of their mothers and fathers, and still home to friends and family.

The human suffering in Haiti in this hemisphere, the poorest in the world, is something that no American would be proud of if they really understood what Haiti is going through and what the people in Haiti are going through.

Let me give my colleagues just a little background as to why we should be more aware of what is going on in Haiti and try to help America understand the plight of this country. Sixty percent of 8.2 million people are undernourished. Think of it, 60 percent of the people who live there. Their illiteracy rate is 48 percent, and 85 percent of Haitian adults are illiterate.

The United States has made some efforts in Haiti, not enough, but we are here today to say that the efforts that have been made are not in jeopardy.

Only 40 percent of the population has access to clean water. Think of it. We take all of these things for granted, but only 40 percent of the population in Haiti has access to clean water.

□ 1500

The per capita income of people living in Haiti is only $460 per year. What a dismal thing when we think of what is going on in Haiti. AIDS is the leading cause of death in Haiti, and infant mortality is more than twice the regional average. Life expectancy is 54 years of age, compared to a regional average of 70.

Clearly, Haiti's problems far exceed the resources it has to address them. That is why I am so grateful today that my colleague brought Haiti to the attention of this country.

Let us talk a little bit about the loans that were supposed to go to Haiti. The problems are being made worse because of decisions that are made by our own government. Just last week, Secretary of State Colin Powell said that the United States would oppose the $200 million in loans for the Inter-American Development Bank until the Haitian Government and its opposition find a way to settle their dispute. That stems from local and legislative elections held in 2000.

Now, think of this picture. Colin Powell has said they are going to hold back the loans that are to go to Haiti until they straighten out the legislative elections held in 2000. How long are they going to keep food, clean water, and clean air from the children who are suffering in Haiti?

Secretary Powell said he was terribly concerned about the political unrest in Haiti and that he does not believe that enough has been done to move the political process forward. That is another challenge. But, still, the children are dying, they are going without food, they are going without proper clothing, and we must wait until the political process moves forward.

Secretary Powell said he felt he had to hold President Aristide and the Haitian Government to "fairly high levels of performance" before we could simply allow funds to flow into the country. My question is, my esteemed colleague, what does Secretary Powell expect from the poorest country in the hemisphere, where people routinely go hungry, where children have no school, where health care is reserved for the wealthy and the economy is in shambles?

Haiti returned to constitutional government in 1994, following decades of the brutal dictatorships of Papa Doc and Baby Doc Duvalier and the military powerhouse which was directed against a brief period of democratic rule. Mr. Speaker, democracy is a very difficult form of government. Ask me, I know about it, even in the best of circumstances. We know this from our own experience here in the United States where we have every advantage.

Imagine how difficult it is to make democracy work when 85 percent of the adults cannot read, unemployment is in double digits, and inflation hovers around 15 percent. I submit that American democracy would be sorely tested under such conditions.

It is clear that Haitian progress and political stability is tied very closely to the release of $200 million in Inter-American Development Bank loans which the United States is blocking. Because of the United States Government's action, the European Union has also withheld funds from Haiti. Two great nations, the United States and the European Union.

Our small island neighbors in the Caribbean, called Caricom, have criticized our government because it is depriving the Aristide government of the resources it desperately needs to alleviate human suffering, move the economy and stabilize their society. I think it is ironic that our government has agreed to $380 million in United States taxpayer guaranteed loans to keep American West Airlines in business, but they will not approve $200 million in loans for the Inter-American Development Bank to keep the country of Haiti from collapsing.

I plan to visit Haiti again next week. The gentleman from New York (Mr. OWENS) and I, and several members of the Congressional Black Caucus, have visited Haiti many times. Next week, we plan to go over there on a CODEL with the gentleman from Michigan (Mr. CONYERS), ranking member of the House Committee on the Judiciary, and others of my colleagues. We are trying to seek a way out of this impasse.

It is my hope that the administration will stop treating the nation of Haiti as an enemy. Haiti is not an enemy of the United States, they are not terrorists either, and instead begin to see Haiti for what it is, a poor and fledgling democracy, a needy neighbor, a nation filled with desperate people who, like poor and desperate people all over the world, look to the richest and most powerful Nation on the Earth for help.

We need help. It is in the pipeline for Haiti. And I want to thank my colleague very much for giving me this opportunity to speak just a little while about the poor people of Haiti and about the people in Miami I represent and what their feelings are toward helping this Nation.

Mr. OWENS. I thank my colleague from Florida, and I wish she could remain a minute to have a brief colloquy with me.

Mrs. MEEK of Florida. Yes.

Mr. OWENS. Since I think most Americans do not know it, could the gentlewoman tell us how far away or how close Haiti is to the American mainland?

Mrs. MEEK of Florida. It is very close. I think it is about 90 miles. It takes just an hour by plane from Miami to Haiti. It is the closest democracy to us. Mile-wise, I am not sure exactly the mileage.

Mr. OWENS. Could the gentlewoman also tell us about the Haitian community in Miami? To what extent does the gentlewoman see influences of the drug lords there from Haiti?

Mrs. MEEK of Florida. Well, drugs are a problem in Miami, in that drugs are now being routed into Haiti because it is a poor country, it is a depressed country. Something needs to be done about interdiction. I think our government should intervene in Haiti to keep the drug lords from taking over Haiti. It is very close to the Dominican Republic. They have trouble with the Haitian infusion there. Nassau, the Bahamas, is having trouble because the people in Haiti are very poor.

To answer the question, the Haitian community in Miami is well aware of these problems. They are organizing every day to try to bring these problems we have discussed to the light of this country. So the drug problem is great.

Also, immigration is a problem. And, of course, if situations continue to get worse and worse in Haiti, then they are going to try to migrate to the United States. And when they do that, they come in boats, they come in any way they can get there, and many of them lose their lives. Many of them are washed up on the shores of Miami Beach.

It makes a very bad picture to see these pictures of people who are running from a very poor and deprived country coming to another country, where there is all the good, when America could be extending the loans and the help which they should be giving to Haiti now. Because it would stop people from dying, and it would stop the drug lords from looking at Haiti as being a very lucrative place to peddle their drugs.

So it is a big problem. It is a security risk as long as we allow the drug lords to operate in and out of there. It is a country that has a lot of water around it, and they can deal in drugs and cause drugs to go there.

So we are trying to plead to this country that the $200 million or more that they are holding up is really a detriment. It is not worth it when we could give some relief to that country and sort of delay the infusion of drugs that are there.

So the Haitian community in Miami is a very intelligent community. They are working very hard. They are very industrious. They are also very nationalistic. They love America. They want to become a part of our society, and they have in the past, and they will continue to do so.

I guess what I am saying is that they are aware of these problems. They have really appealed to the government, and my colleague has been a big part of it. When we came up here to appeal to the Clinton administration to do something about the situation in Haiti, they did try. They did send monies to Haiti. They tried to develop a police force.

But I go back to the point that this is a very fledgling democracy, and democracy is not easy. We cannot just give up and back out the first time we have some problems there. And it appears that President Aristide seems to be a problem with many of the people here in the United States, even here in this Congress. It is a very unfair assessment of President Aristide.

Mr. OWENS. If the gentlewoman will answer one more question. It is my opinion that the hostile forces here in Washington, hostile people, the four or five key people with a lot of power, very hostile towards President Aristide's government, are using the election as an excuse, the technicalities of an election, which was not a bad election at all, in my opinion.

The gentlewoman is closer to what happened in Florida, the heartbreaking Presidential election fiasco in Florida. Can the gentlewoman tell us whether she thinks what happened in Florida was far more outrageous and complicated and probably controversial than what happened in the Haitian elections; and that we are moving on and nobody dares to chastise us or penalize us for the election problems that we had in the Presidential election related to Florida.

Mrs. MEEK of Florida. As a matter of fact, I thank the gentleman for that question. The election in Florida was a quagmire of confusion and delusion, in that the election in Florida cannot even be compared to Haiti's elections.

Haiti elections were much better run than the election in Florida. There were so many circumstances that happened in Florida, in this Nation. In this Nation, where we have all the technology in the world, in this Nation where we have all of the leadership in the world, to have an election that some people were denied the right to vote is a travesty of democracy.

The Haitian election was much better run. But did we censor this country because of it? Were we able to get any redress of our grievances? No. Were we able to come before this very Congress to show the situation in the election and show them what a bad situation it was, how it defied democracy? No, we could not get any redress. And it was a well-kept secret, the many, many problems in Florida.

So it is so difficult to even compare it with Haiti. It does not even come up to the standards of the election in Haiti and some of the other underdeveloped countries as well.

So, no, I do not see why we would use that. We are making it a political football because we do not want to help Haiti, and it is strictly political. There are people even in our own Congress who have fought against Haiti for the entire 10 years I have been here.

I have never been so wrought up in my life as I have been coming to this Congress appealing for some help for Haiti. We can get it for other countries, and many of them, in my opinion, who do not deserve as much help as they are getting. But Haiti, one of the poorest countries in the world, cannot get any because of the political nuances or the political deep-seated feelings and hate and despise people have for Haiti.

I cannot understand it. And it is important that we help America understand that these few people are keeping their foot on the necks of Haiti.

Mr. OWENS. Does the gentlewoman have any immediate recommendations for action that she thinks we could take? I know there will be a CODEL visiting Haiti soon. Are there any other things she thinks we should do right away?

Mrs. MEEK of Florida. Well, I think we should undertake things we undertook in 1992, and we have been working on it for the last 10 years. We should continue to bring this to the forefront of our government, to help our President and his cabinet understand the importance of paying attention to Haiti.

I think it is a matter of helping America understand that we cannot sweep this condition under the rug. We cannot continue to let four or five well-meaning people, who are deliberately, because of their feelings about Haiti, cause people to die in Haiti, cause children to not have clothing.

I think we should continue with the kinds of things the gentleman is doing this afternoon, the kinds of things we do in our meetings back home, the kinds of things we do when we go on the radio, appealing for help. We have to let our leaders understand how important help is to Haiti, how important help is to a nation that is struggling to become a democracy. Haiti is a democracy, and it is a small democracy that is struggling to keep democracy alive. And I repeat, it is not easy.

So what we need to do is to continue to help this country and the leaders in this Congress understand, and our administration. I think they will be better able to help us if we continue to stress it. We must not lean away from it and ease up on the pressure.

So I guess my recommendation is that we keep the pressure on; that groups such as the Congressional Black Caucus, the Congressional Hispanic Caucus, and all the caucuses in this Congress should continue to put pressure. There was a time when we were pressing on the Attorney General of this country to help. I think we should go back again to Attorney General Ashcroft and give him the same kind of briefings that we gave Attorney General Reno and continue that effort to help America understand.

I am saying, in full, that we cannot cease our pressure on the government. That is the only way. We must also continue to seek the Haitian people in this country, in the gentleman's district and in my district, and say to them, look, you must continue to petition your government. It is your government, you must continue to petition them. They cannot sit back and wait on those of us in Congress to do all the work. They must continue the things that they started in 1990–1992 in general.

We do need people to discuss this, to talk about it, to bring it to light in the world. We cannot allow any more to sit back and rest. We are going to Haiti again; we are going to have CODELs there. We are going to come back to the Congress and talk about the situation there.

There is a woman in Miami, a very fine woman, a white woman, who went to Haiti, and she saw what was going on over there.

☐ 1515

She came back and she is using her own money because she saw what was going on in Haiti. She is raising money and helping the children in Haiti. She has been here to talk to us. I hope to bring her before a committee to hear what she has done. This is one woman who has undertaken this because of her humanitarian feeling toward the people of Haiti.

Mr. Speaker, if we continue to expose this to our government and appeal to this administration, as we did the past administration, if we continue to ask Haitians who are here in this country who have become Haitian Americans to continue to speak out, I think Haiti will come back to what we think is a true democracy.

Mr. OWENS. Mr. Speaker, I thank the gentlewoman from Florida (Mrs. MEEK).

I would like to emphasize a few points, and that is that Haiti is a democracy right now. They have the most democratic government that Haiti has ever had since Haiti was founded. In this hemisphere, Haiti was the second independent nation after the United States became independent. Haiti wanted its independence. The only slave revolt in history that was successful in keeping the oppressors out and establishing their own nation, but it was not democratically run for most of the years of its existence, including the 32 years that the United States Government, the United States Army occupied Haiti.

Then came Francois Duvalier and his son Baby Doc Duvalier, and they were dictators of the worst kind, and yet our government cooperated with them for almost 40 years.

Now we have a democratically elected government, and because of a technicality related to some of the precincts and some of the things that did not go right in the election, we are using that as an excuse for withholding $200 million that was promised 8 years ago when Aristide was first restored as the President of Haiti. That promise was there. And the failure of the Western powers, the United States in the lead, to act has meant that hope has been lost and despair has set in, and now we have an erosion of the faith of the people in constitutional and democratic government. People are desperate, and they are taking out on the high seas to find another place and putting a great deal of pressure on other nations within the hemisphere.

We have not been noble at all in our conduct toward Haiti. The whole United States of America, the great country that it is, has allowed a number of people which I can put on one hand, less than 5 people are responsible for the bottlenecks that have blocked any aid to Haiti. Their own hatred and hostility have held up aid to this nation because of the hostility and personal peeve of a handful of powerful Americans.

Haiti came to our aid in the War of 1812. And throughout the history of Haiti, World War I and World War II, nobody has been able to use Haiti as a base for sabotage to harm the United States.

Like Pakistan, the President used the term that he heard from an American, are we going to get dumped again? Pakistan has had a history of certainly being loyal to the American cause, supporting us in alliances, and the great question is are we going to be ignoble in our behavior towards Pakistan.

President Musharraf has good reason to be concerned. We have done some terrible things to Pakistan. We have held up funds that they had paid for certain fighter airplanes. We did not give them the airplanes back or the money back. They still have not resolved the issue of getting the money back. We should do one or the other. That is a well-known contemptuous act toward the Government of Pakistan that ought to be corrected.

In a broader sense and a more important sense, we have abandoned Pakistan's legitimate request that the question of Kashmir, the territory between India and Pakistan, be settled in accordance with a United Nations mandate. The United Nations called for elections where the population of Kashmir would have the right to determine what they wanted to do, whether they wanted to be an independent state, annexed to India, or annexed to Pakistan. That is a United Nations mandate that is more than 50 years old.

Pakistan is still willing to abide by that mandate. They are willing to take their chances, take the risk of their interests not being dealt with appropriately, but they are willing to have internationally supervised elections. India is not, and our United States of America has abandoned the legal, moral position of asking India to live up to the United Nations mandate.

We are willing to leave the issue on the table and let it be silent. We are not raising it or demanding that something be done immediately. So we have an escalating problem in that area of the world which throws Pakistan off base and keeps it in a position where it has to spend a far greater amount of money on its military than it should be spending; and at the same time, it threatens now the possibility of a nuclear conflict.

Instead of waiting until there is an explosion and something that forces us to pay greater attention to it, why not be noble and moral, why not call for an implementation of the United Nations mandate of supervised elections in Kashmir and take Kashmir off the table as an explosive issue in that area of the world.

Pakistan has a lot of problems. We hope that we are sincere about the aid that is now being designated for Pakistan. I understand that it is between $800 million and $1 billion, which is part of a package related to fighting terrorism, Pakistan's role in our effort to fight terrorism, which is a key role. Without Pakistan's help, I am certain that the present defeat of the Taliban would not have been accomplished with such low cost in terms of human life and American sacrifices.

So Pakistan deserves to be rewarded. We have the package of between $800 million and $1 billion. Are they really going to get it, and are we going to make certain that it flows in a timely manner? The government needs to be boosted right now. The general is here and he is saying, we need economic aid. We need to have something to hold out to our people so that the fringe elements, and there are elements that are very strong. Pakistan is an Islamic Nation. General Musharraf stressed today that it is not a theocracy, but it is an Islamic nation. It has pressure on it from the rest of the Islamic world.

A question was raised with President Musharraf about the fact that the madrasahs, those schools in Pakistan that are run by the clerics, are they going to continue to exist in large numbers, because at those schools we have evidence that the Koran and the basics of literacy are taught, but the only other subject that gets any attention is hatred of the West, and many of the people who ended up in the Taliban camps came out of the madrasahs at an early age in Pakistan. The madrasahs fill a vacuum in Pakistan.

I was in Pakistan for a week because I have a lot of Pakistani American population in my district, and they had asked me to visit Pakistan for some time. I spent a week there. I visited Kashmir as well as several cities in Pakistan. I was primarily interested in visiting schools and observing what is going on in education. We visited the Ministry of Education and a number of different areas where education policy was made.

I must truthfully report that the first and obvious observation is that the Pakistanis use a very small percentage of their budget for education. Education has traditionally suffered in Pakistan. The military gobbles up almost 60 percent of the budget. For many years before that, there was a lot of education on the books that really does not exist by admission of the authorities themselves. They have what they call phantom schools and teachers who were sent checks by the government, but they were not teaching. They have a lot of problems.

They have to come to grips with those problems. For the aid that we give Pakistan, we should get assurances that a large part of that aid will go into education, because the future of the country lies with the improvement of the education of the population starting with literacy, but certainly beyond literacy they have to acquire high-tech skills in order to exist in this modern-day world.

So Pakistan deserves to have as rapidly as possible a deliverance on the aid that has been promised. Pakistan deserves to have as much assistance from the United States Government as we can give. It deserves not to be hidebound and roadblocked by an obsolete approach of AID. AID must take a new approach and be able to be more creative and accept some improvisation.

The President himself pointed out that a Pakistani group outside the country has put together a trustee fund, a fund that will be overseen by private trustees, and that fund is for education. His fund has put 2 billion rupees into that fund, and the fund will be transparent. The public will be able to see how the funds are being spent on education.

I would like to see our government contribute to that fund, regardless of how unorthodox that may be. They should move immediately to try to meet the Pakistanis halfway and try to move the issue of education forward as fast as possible.

The challenge is not nation-building in Pakistan, the challenge is nation preservation. The President of Pakistan has committed himself to moving forward with elections in October. He said this morning that he would not be a candidate, which removes a great deal of tension from the process, but they will have elections in October.

The preservation of democracy in Pakistan would go a long ways toward meeting the objectives of this country in terms of fighting terrorism, and, beyond that, creating a more just, a more civil, a freer world where greater numbers of people have opportunity is the best way to guarantee our own freedom, our own security.

The tragedy of September 11 certainly demonstrated to us how powerful a small group can be in this complex, modern world of ours. You can hit a nerve center like the World Trade Center, and one can cause all kinds of havoc in terms of immediate lives that are destroyed and telecommunications disrupted and impact on a whole business area that may never come back again employing thousands of people. There is an impact on a city in terms of taking revenue away so that New York City has a budget shortfall of at least $4 billion. With one hit, a small group was able to accomplish all this.

We want to minimize these threats. We will never get rid of all of the fanatics in the world. We will have to go to war at some points. We had no choice but to go to war after the attacks at the World Trade Center. Violent war, military war is the only way to deal with fanatics. But we can do so much more to eliminate the possibility of such groups arising either in the international arena or at home, and we are at danger at home of having psychofanatics, people like the bomber of the Oklahoma Federal Building who had no reason that we can clearly see except his mind was all messed up. Psychofanatics do a lot of harm, or we can have small groups that have political agendas or religious agendas out on the fringe who can do a great deal of harm.

□ 1530

We want to minimize the number of people like that. We want to deny those kinds of fanatical groups a breeding ground by having large numbers of people who are positive, who see themselves as having a piece of the American dream, by having unemployed workers who know that their government will not fail them, will come to their aid at a time when they are needed with unemployment insurance, with health benefits. You can remove a festering environment out there where these diseased movements and groups may take place and do it at a low cost.

The war in Colombia is a very expensive war. Americans should pay attention to it. We have appropriated and talked in terms of $1 billion. If you will take a couple of hundred million and move it to Haiti right now, you could avert any possibility of Haiti ever degenerating to the point of where you would have to go remove drug lords in Haiti with military force. There is Jamaica, a large nation, one of the largest nations in the Caribbean after Haiti. They recently had gun battles on the street. The drug lords supplied criminals with weapons, and they were able to drive the police off the street. They had more modern weapons. They had submachine guns and various weapons that frightened the police. You have that kind of situation.

You had another Caribbean nation that despite the fact that the man was a known drug lord, he threw a birthday party and all the top officials of the nation went to the birthday party of the drug lord. He obviously invited them to make a point and he made the point. There is another small nation where a drug lord was responsible for the death of a sheriff. Everybody knows who did it, but they cannot get a jury together. They cannot get a group together to really deal with an indictment and punishment.

The coming power of drug lords in this hemisphere is so great until it deserves special attention and ought to be put on the agenda as we consider a global policy for guaranteeing freedom, justice and constitutional democracy all over the world. It is the best way to fight the Taliban types, the Taliban syndrome. The Taliban syndrome exists in many more places than in Afghanistan in one way or another. It exists in places other than Somalia. It exists in places other than Iraq, in the "evil axis" that has been named. It is only in small quantities now, it will grow, and it need not be. They always depend on chaos that results from people having no more hope, from people refusing to bow in allegiance to any authority, any government.

We know the formula. The formula for fighting the Taliban syndrome is to provide more of our aid and assistance in every way possible short of the military. The military is to be the last resort.

Mr. Speaker, I want to conclude my remarks with a piece that I had written to be placed in the Extension of Remarks in case I did not get this opportunity today. I had written it sometime ago, just finally finished it. It is based on a phrase that President Bush used in his State of the Union address. That phrase has not really been picked up that much. I would like to see it looked at in new terms.

Mr. Speaker, President Bush included several memorable lines in his State of the Union address; however, the phrase which I found most impressive was one that has been largely ignored by the conservative media. He said, "Let's roll. Let's roll. Let's roll, America." I hope that we can all recognize that this is the cry of the lead hero on the passenger jet where unprecedented bravery was exhibited by ordinary Americans.

Remember, there was a jetliner headed for Washington; and the passengers counterattacked against the hijackers, and they forced the plane as a result of their counterattack to crash in a wooded area near Pittsburgh instead of crashing into the White House or maybe the Capitol. We were not sure where that plane was on course for in Washington. At a critical moment, "let's roll" was a call to action by a courageous young and modern American mind. I think the phrase "let's roll" was captured on the cell phone that that young man was on at the time they made the decision to move against the hijackers.

President Bush was quoting that. I think it went over the heads of a lot of people. I think the symbolism of it is very important. In his address, the President made a broad and sweeping interpretation. He was summing up all that he had said before in his speech when he got to the "let's roll" part. You could take everything he said and put it together and say, "Let's roll on all these fronts. Let's roll in all these areas."

The tragedy of September 11 has forced America to a crossroads where we must assume the role naturally bequeathed to us as the most powerful Nation that has ever existed. We have recognized now as never before that our way of life, our democracy, our constitutional civilization cannot remain secure unless we address the problem of freedom and justice throughout the world.

As much as it is a military call to action, "let's roll" must also be a call for rolling our know-how and technology across the world along with the investment of our enormous amounts of surplus capital. And we must roll our megatons of grain across the world to feed the hungry. By striving to become the most compassionate Nation ever to exist, America has the opportunity to grow and lead mankind forever.

I have condensed my strongly felt sentiments on this matter into an appropriately titled rap poem which I would like to recite. It is called "Let's Roll America."

Let's roll America!
Set the tracks of destiny straight,
Don't look back
But close the gate,
Toast the past
But change the cast.
In every language of the earth
To the country of all nations
We have proudly given birth.
At the Olympics of forever
We will win all the races;
We are Great Angels of tomorrow
With magic mongrel faces.
Let's roll America!
Into the grand canyons
Of great deeds to come,
Up to the Sierra's highest peaks;
Be generous philanthropy geeks,
Be fanatic democracy freaks,
All the Founders dared to seek;
Sing loud the hallelujah note,
All our races and women can vote.
America, let's roll!
Stand navy out to sea,
Off we go flying to stay free,
War never leaves us thrilled
But maniacs demand to be killed.
Saddam Hussein Satan's tutored underboss—
Hitler minus the crooked cross
Gleefully calculates the victim loss.
Patrons of peace permitted no breath,
Ayatollahs eat dinner with death,
Bin Laden is the monster of stealth.
The spirit of Gettysburg calls —
Forward to the Normandy walls;
Descendants of John Brown;
Fascists under any flag
We swear to drown.
War never leaves us thrilled
But maniacs demand to be killed.
Let's roll America!
Let kindergartners take a poll,
Full baby bellies
Is our favorite goal,
Usher in the age of soul.
Toast the past
But change the cast;
Come register for the test—
Only the next generation can rest;
God is our honored guest.
Don't look back
But close the gate,
Greed is not great —
Hang the blacksmiths of hate.
Resolve globally to be kind
Leave isolated arrogance behind.
The Romans did fail
Cause their hearts went stale.
Let's roll America!
Full baby bellies
Is our favorite goal,
Usher in the age of soul.
Sing loud the hallelujah note—
All our races and women can vote.
Let's roll America!
Rev up the freedom of Internets,
Focus food cargo on speeding jets,
Roll under dangerous skies
With great grit that never dies.
Volunteer saturation funding
With wasted wealth rotting in locked accounts,
Fortunes mushrooming toward infinite amounts,
Carry capital deep into jungles
Where only Bibles once bothered to go;
Insure the risks of toiling mothers;
Time to help schools and clinics grow,
Pay off some debts that we don't owe.
Compassion tells a star spangled story,
Grandchildren will applaud a new brand of glory.
Let's roll America!
In every language on the earth
To the country of all nations
We have proudly given birth.
At the Olympics of forever
We will win all the races;
We are Great Angels of tomorrow
With magic mongrel faces.
Let's roll America!
Everywhere children at tables smiling
Is our non-negotiable goal,
Usher in the age of soul.
America let's roll!

AMERICA'S STEEL CRISIS

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. ENGLISH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the subject of my Special Order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. ENGLISH. Mr. Speaker, I rise today as chairman of the Congressional Steel Caucus to bring before this body the grim crisis facing a major sector of our manufacturing base, a sector which if we allow it to be washed away, if we allow it to leave, if we allow it to go offshore will permanently affect our ability to manufacture within the United States. The crisis that is today facing the American steel industry is one that will be seen and has been seen in many other areas of manufacturing; and I believe in coming years if we do not resolve the steel crisis, if we do not resolve it to the satisfaction of all of those Americans who work in the industry, then I believe we run the great risk of seeing other industries challenged in a similar way.

The domestic steel industry and its current workforce, retirees and their dependents are at a vital crossroads, Mr. Speaker. Thirty-one steel companies have declared bankruptcy since the steel crisis began in 1998, creating an uncertain future for 62,000 American workers. Thousands of steel workers have already lost their jobs. Pension and health care benefits are in jeopardy for hundreds of thousands of retirees. And now is the time to address this issue and to provide relief for this beleaguered industry.

I want to credit up front the Bush administration for being willing to directly take on this issue, as I will describe in a few minutes. Relief for this industry must be strong and swift in order to stave off a permanent liquidation of the domestic industry. Inaction or a weak action would silence many steel plants, destroy workers' livelihoods, affect their families and their communities while dealing a blow to our national economy and our national security.

I want to applaud the Bush administration for developing a comprehensive steel policy that began with the initiation of a much-needed 201 investigation, using a provision in our law which has been long recognized within the WTO framework. The Bush administration last year launched an investigation under the International Trade Commission to determine the causes and the likely consequences of the crisis facing domestic steel. I want to credit them for having done that, particularly since their predecessors had not been willing to launch a 201 investigation.

But the investigation part, which is now complete, is just the beginning. The 201 action needs to be followed by a concrete plan for reducing overcapacity and dealing with nonmarket forces. And the International Trade Commission's decision as it was handed down by the various commissioners gives the Bush administration the tools that it needs to deal with this problem. Again, I have to congratulate the President for his understanding of this issue and his foresight in bringing together under the OECD many of the producing nations with the objective of coming up with a way of rationalizing our global problem.

But beyond that, we must look at ways to address the industry's legacy cost and clear the way for a renaissance in the American steel industry. Ensuring the viability of the domestic steel industry is going to require a continuation of the cooperative efforts that have developed between Congress and the administration working together with both management and labor.

Let us take a look at the problem, Mr. Speaker. The fundamental cause of the current steel crisis is a massive global, but primarily foreign, overcapacity. The livelihoods of thousands of American steelworkers and their families have been devastated as 31 American steel companies have been forced into bankruptcy, largely as the result of this overcapacity and its effects. Massive foreign steel overcapacity, created and sustained by abusive government subsidies, protected markets and anticompetitive practices and nurtured by soft monetary policies have resulted in a diversion of excess steel products to the United States market. The American steel industry and its workers have over the past many years done a great deal to become more efficient, to become more productive, to become world class; and they have made the sacrifices and the capital investments necessary to do that.

□ 1545

They have taken dramatic steps to reduce capacity and modernize operations, to become a high quality, low cost and efficient steel producer. They have invested more than $60 billion in steel plant modernization to become among the most productive steel producers in the world, with fewer than two man hours needed per ton of steel produced.

One of the red herrings I hear in discussion of steel issues has to do with the allegation by some of our trading partners, and even some among American opinion makers, that the whole problem is one of domestic inefficiency and inability to compete in the world market. That simply is not true. But what is needed is a leveling of the playing field and an opportunity for these companies to compete on a fair basis.

Having made that kind of investment to achieve these advances in productivity, the U.S. steel industry closed numerous inefficient mills, significantly cut jobs and reduced capacity by over 23 million tons. As a result, U.S. productivity as measured by output per worker has nearly tripled since 1980, and that effectively debunks some of the conventional wisdom. But when competing with the unfair trading practices of our foreign competitors, even this is not enough.

In 1999, foreign excess raw steel making capacity was more than two times greater than the total annual U.S. consumption of steel. That is an extraordinary disparity. Much of the world's major steel markets have formal steel import barriers to foreign steel or are subject to international market sharing arrangements by foreign steel exporters.

As a result, the United States has become the dumping ground for the world's excesses of steel, effectively allowing many of our trading partners to export their economic problems to our shores. That is not fair.

The United States, to understand, are, from the standpoint of the world market, the good guys. We let in foreign steel, and normally our market is designed so we would expect to normally import about 20 percent of our steel needs. That is a good thing, and that has helped many of our trading partners. But under the current circumstances, we have seen the level of imports rise to the point that they constitute nearly one-third of our domestic market, and, in this context, the recession has been particularly painful.

As domestic steel consumption has declined, the imports have become more worrisome, and between the Sylla of imports and the Caribdis of decline and consumption, many American steel companies have fallen victim.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we desperately need relief under Section 201 of the U.S. trade laws. The investigation, followed by a strong tariff ruling, represents a milestone in a shift toward a stronger trade policy that insists on a level playing field of trade for domestic producers. This is a huge shift in policy because this Section 201 was initiated by the administration. This initiative also gives the administration the big stick that it needs to bring those countries with excess steel capacity to the negotiating table to fix what is clearly a global problem and to rationalize the global steel market.

I realize many hearing this will wonder, how does that tie in to free trade?

Please, realize I am very strongly pro-trade, Mr. Speaker. But we need to realize that when it comes to steel, we are looking at one of the most distorted market places in the world, and the only place in steel where free trade has been in existence in recent years has been, in effect, in the classroom.

Initiating a broad 201 investigation by the administration firmly underscores the commitment to protecting our steel industry from unfair imports. This administration has clearly shown its willingness to stand up for steel, and we are beginning to see the benefits of that.

Section 201 of the Trade Act of 1974 was established to address cases where domestic industries have been seriously injured or are threatened with serious injury by increased imports. This is allowed under the WTO framework, and it is clearly one of our legitimate trade policy options.

Once petitioned by the impacted industry, Congressional committee or segment of the administration, the ITC determines whether a product is being imported at levels that have or could harm the domestic industry. Section 201 does not require a finding of unfair trade practice, but, rather, depends only on a finding that increased imports are damaging the industry.

In this case, the International Trade Commission determined that damage has indeed occurred and made recommendations for tariffs to the President. The President will make the final decision whether to provide relief and the nature of the relief, meaning granting relief is completely discretionary.

The March 6 deadline for the Bush Administration to make that decision is fast approaching. I call upon the President to look at the needs of our domestic industry, recognize the scope of this problem, and recognize that if we do not draw a line in the sand here, if we do not stand up for our domestic manufacturers and demand for them a fair break, then steel is not going to be the last industry to be hollowed out.

It is now up to the President to end the abuse of the American market by enacting a strong remedy such as those recommended by Commissioners Bragg and Devaney. Strong relief is necessary in order to return steel prices to their normal pre-crisis levels, and allow American steel companies to make the necessary investments to remain viable and competitive in the future, while providing good-paying jobs for the American worker.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The Section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to import competition. A shorter duration, I feel, will be ineffective.

Section 201 relief must not replace existing orders under the anti-dumping and countervailing duty laws. Those hard-won concessions under our laws, won by those domestic companies, need to be left in place. If these orders were set aside, any remedy will perversely reward those foreign producers that engage in unfair trade. That is something, Mr. Speaker, we do not in any case want to do.

I believe that relief needs to be comprehensive. We need to apply a consistent tariff-based remedy across all that is essential to the domestic industry and as representing the only fair way to impose relief.

Disallowing the continued abuse of the open U.S. market will give the President the leverage needed during multilateral steel talks and force foreign producers to cut back excess production capacity.

The imposition of tariffs for a 4 year period will demonstrate to foreign producers and governments that the administration is serious about addressing the problem of foreign excess steel capacity. Any talks that are conducted without enforcement capabilities will lack the incentives needed to achieve measurable results.

An effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers already have made to modernize, eliminate inefficient capacity, and bring stability and balance to the global steel market.

Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Accordingly, we need not be overly concerned that by providing a measure of fairness to American steel, we are making steel products that we manufacture uncompetitive.

For a typical American car, for example, the increase caused by the imposition of a 40 percent tariff would be about $60. For a refrigerator, the increase would be about $3. That is something that we can afford to pay.

As measured by the Commerce Department, steel's share of total cost is 0.8 percent for construction, 3.4 percent for motor vehicles and parts, 5.4 percent for other transport equipment, 6.8 percent for household appliances, 4.6 percent for electrical industrial apparatus, and, for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is only 15.9 percent.

Since 1995, the price of finished goods has risen 11 percent, while the cost of steel mill products has declined 16 percent. The steel consuming industries who have suggested that relief under Section 201 will not return profitability to the domestic steel industry by raising prices, while arguing that relief will raise consumer prices to prohibitive levels, I believe are arguing an inherent contradiction. But in fact this is simply not true at all.

Their own study has found the complete opposite. A tariff rate quota would artificially set import lids of foreign steel and apply a tariff on any imports above the set limits. Such a remedy would be detrimental to the domestic carbon steel industry and its workers.

Let us look at the impact overall on the industry of this crisis. Entire American communities have been devastated by this import crisis, and we have seen that in Western Pennsylvania. In my district, which is one of the cradles of the modern steel industry in the world, we have seen a significant loss of jobs and other jobs very much at risk. Regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports.

The ripple effect of each lost job in the steel sector is simply tremendous in these communities. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The steel industry's use of goods and services in its production process generates considerable economic activity at the intermediate levels. The multiplier effect, for example, the U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every $1 of a manufactured product sold to an end user, an additional $1.19 of intermediate activity is generated. The multiplier effect for the service sector is a mere 77 cents for every $1 sale.

The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries, such as rail, trucking and shipping, and we have seen a direct impact resulting from the decline of steel on those industries.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone, provides employment in a number of regions where other jobs are scarce.

Mr. Speaker, the steel industry is also a major contributor to the U.S. tax base, including the tax base of State and local governments.

There is another issue here that is all too frequently overlooked. The steel industry is a significant asset to our national security. At a time when we are effectively at war, this ought to be central to many of our considerations. A healthy domestic steel industry is a cornerstone of our national defense. Steel is an indispensable component of many weapons and weapons systems, as well as the ships, tanks and other vehicles that carry these systems and carry our dedicated troops into battle.

□ 1600

In my district, as an example, Erie Forge and Steel is the sole producer of propeller shafts that are used in Navy ships. They have had a bout with chapter XI bankruptcy, and I am glad to see they have a purchaser; and they appear ready to move on and survive. But many others are facing immediate liquidation.

The President and many other U.S. Government leaders recognize that steel and national security go hand in hand. It is vital to U.S. national economic security, and as well to our homeland security, that America does not become dangerously dependent on offshore sources of supply. For steel, for example, that goes into our energy infrastructure, such as petroleum refineries, oil and gas pipelines, storage tanks, electricity, power generating plants, electric power transmission towers and utility distribution; for steel that goes into our transportation security infrastructure, such as highways, bridges, railroads, mass transit systems, airports, seaports, and navigation systems. For the steel that goes into our health and public safety infrastructure such as dams and reservoirs, waste and sewage treatment plant facilities, and the public water supply system, and for the steel, Mr. Speaker, that goes into our commercial, industrial and institutional complexes such as manufacturing plants, schools, commercial buildings, chemical processing plants, hospitals, retail stores, hotels, houses of worship, and government buildings. We must maintain a viable domestic steel industry if our Nation is truly to be secure.

There is another issue, and we need to recognize it, and it is central to this crisis and that is the issue of legacy costs, one that does not fall evenly on all parts of the steel industry but, nevertheless, is important and vital and central and necessary to be addressed. Two decades of downsizing have created a domestic steel industry that is highly efficient with modern facilities; but the downsizing that occurred to achieve this goal has placed an enormous burden on the industry. That burden includes legacy costs.

Health and pension liabilities for steel workers who lost their jobs or who retired and lost their jobs in some cases as a result of the massive industry downsizing which occurred especially during the 1980s. Legacy costs have put the industry overall at a competitive disadvantage versus foreign competitors whose governments assume these same costs and continue to assume these same costs through socialized medical systems. Congress, the administration, and the industry must continue to work together to address these costs which serve as a critical barrier to industry consolidation. What company is going to buy out and fold into another company if huge legacy costs come with it?

While this is a time of enormous crisis for the industry, it is also a time of unique opportunity. The government often played a part in the initial negotiation of the contracts that build up legacy costs, and so the government should be willing to play a constructive role today in addressing this problem. This is a chance to facilitate important restructuring, allow for significant capacity reduction, and help create an industry poised to compete over the long run with any competitor in the world.

The administration needs to take the lead in developing a plan to address these critical legacy costs which are preventing the industry from restructuring. As chairman of the steel caucus, I think I can fairly say that on a bipartisan basis, we are prepared to work with this administration to try to address that problem.

In conclusion, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took the monumental first step, standing up for steel, by initiating a section 201 investigation, which is a critical first step in its overall steel policy. Now, I urge the administration to enact tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. The plight of the steel industry is grim, but both Congress and the administration need to work together and work hard on a bipartisan basis to give employers the tools that they need to be competitive in the global market. Unfortunately, nothing will solve, quote unquote, today's steel crisis, because the damage is already done. Instead, we must seek to apply the lessons learned in today's crisis, put reforms into place so that nothing like this can ever happen again with steel or any other part of our manufacturing base.

Mr. Speaker, I look forward to working with the administration. I hope the President will look at this issue; and I challenge the administration to join us, come up with a creative policy for making this industry viable in the 21st century.

Mr. EHRLICH. Mr. Speaker, I want to commend my Steel Caucus colleagues, especially PHIL ENGLISH and PETE VISCLOSKY, for their efforts to resolve the steel import crisis. This is an issue of great importance to me, my constituents, and the domestic steel industry.

On June 5, 2001, domestic steel producers finally received some good news in their struggle to remain a viable, competitive industry. On that day, President George W. Bush announced a comprehensive initiative to resolve the steel crisis. As part of this important initiative, President Bush directed USTR Representative Bob Zoellick to initiate an investigation under Section 201 of the Trade Act of 1974 regarding the impact of steel imports on the U.S. steel industry.

After conducting an extensive investigation, the International Trade Commission (ITC) confirmed what I and many others have been observing for years: illegal steel imports have caused substantial injury to the American steel industry. Now that the ITC has made its recommendations (most by a unanimous vote), President Bush must decide by March 6, 2002, on the appropriate remedies for our domestic industry.

As a free trader who recently voted for Trade Promotion Authority, I believe the steel crisis provides President Bush with a unique opportunity to save an important American industry, and to put the world on notice that free trade with America does not confer the right to violate U.S. trade laws with impunity. Further, President Bush's enormous credibility and free trade credentials make him the only person capable of resolving the steel import crisis. Accordingly, I have strongly urged President Bush to impose appropriately high tariffs.

In addition to illegal steel imports, the domestic industry must also address legacy costs—the health care obligations of steelworker retirees.

Mr. Speaker, overwhelming retiree health care costs are a result of the massive layoffs that occurred during the 1970s and 1980s. During this time, labor accepted a series of downsizing agreements in exchange for commitments on health care for retirees. In addition, technological advances, which have played a part in making the U.S. steel industry more efficient, have also served to diminish the workforce. Accordingly, more steel is produced today than during World War II, with only 10 percent of the labor pool.

Today, integrated steel producers in the U.S. are at a competitive disadvantage against foreign manufacturers whose governments subsidize health care as well as other elements of their business plans. Equally important is the fact that legacy costs pose a major impediment to the consolidation and restructuring needed for our domestic steel industry to survive.

In sum, under the current financial situation, our domestic steel industry cannot remain competitive in the global market while sustaining its health care commitments. Hopefully, the International Trade Commission's (ITC) recent finding that foreign steel has been illegally imported into America and the expected imposition of high tariffs will provide a foundation for the ultimate resolution of this legacy cost issue.

Mr. Speaker, illegal foreign trade has helped drive 31 American steel companies into bankruptcy causing 16 of them to shut down, and eliminating more than 46,000 jobs. Now more than ever, I urge my colleagues to stand up for the steel industry.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 3090. An act to provide tax incentives for economic recovery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PAYNE (at the request of Mr. GEPHARDT) for today on account of a death in the family.

Mrs. ROUKEMA (at the request of Mr. ARMEY) for today on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. OWENS) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. FOLEY) to revise and extend their remarks and include extraneous material:)

Mr. FOLEY, for 5 minutes, today.

ADJOURNMENT

Mr. ENGLISH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore (Mr. CANTOR). Pursuant to the provisions of Senate Concurrent Resolution 97 of the 107th Congress, the House stands adjourned until 2 p.m., Tuesday, February 26, 2002.

Thereupon (at 4 o'clock and 6 minutes p.m.), pursuant to Senate Concurrent Resolution 97, the House adjourned until Tuesday, February 26, 2002 at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5519. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Interest in Rates Payable Under the Montgomery GI Bill-Selected Reserve (RIN: 2900–AK99) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

5520. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Paper and Paperboard Components [Docket No. 99F–1581] received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5521. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Revision of the Visibility FIP for Nevada [NV034–FIP; FRL–7140–6] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5522. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Revision to State Implementation Plan; New Mexico; Dona Ana County State Implementation Plan for Ozone; Emission Inventory; Permits; Approval of Waiver of Nitrogen Oxides Control Requirements; Volatile Organic Compounds, Nitrogen Oxides, Ozone [NM–36–1–7372a; FRL–7140–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5523. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, South Coast Air Quality Management District [CA249–0324; FRL–7134–4] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5524. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of the FY 2000 Inventory of Programs, produced by the Interagency Working Group and the FY 2001 Annual Report; to the Committee on International Relations.

5525. A letter from the Mayor, District of Columbia, transmitting a copy of the report entitled, "The Comprehensive Annual Financial Report Fiscal Year 2001," pursuant to D.C. Code section 47—119(c); to the Committee on Government Reform.

5526. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Additions to and Deletions from the Procurement List—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5527. A letter from the Managing Director, Federal Communications Commission, transmitting a copy of the FY 2001 commercial inventory submission; to the Committee on Government Reform.

5528. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting a report on Year 2001 Commercial Activities Inventory; to the Committee on Government Reform.

5529. A letter from the Director, Office of Personnel Management, transmitting the Office's report entitled, "The Pay of Bureau of Prisons Federal Wage System Employees" prepared in response to House Report 107-152, which accompanied H.R. 2590 (enacted as Public Law 107-67, November 12, 2001); to the Committee on Government Reform.

5530. A letter from the Acting Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Determination of Endangered Status for the Washington Plant Hackelia venusta (Showy Stickseed) (RIN: 1018-AF75) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5531. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to submit proposals for the South Florida Ecosystem Research and Monitoring Program (SFP) [Docket No. 000202024-1248-02; I.D. 100401B] (RIN: 0648-ZA79) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5532. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—General Grant Administration Terms and Conditions of the Coastal Ocean Program: Announcement of Opportunity [Docket No. 000817236-1268-03; I.D. 100401C] received February 5 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5533. A letter from the Administrator, Office of Workforce Security, Department of Labor, transmitting the Department's final rule—Disaster Unemployment Assistance Program; Interim Final Rule; Request for Comments (RIN: 1205-AB31) received February 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5534. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Alternate Compliance Program; Incorporation of Offshore Supply Vessels [USCG-2001-10164] (RIN: 2115-AG17) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5535. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Right to Appeal; Director, Great Lakes Pilotage [USCG 2001-8894] (RIN: 2115-AG11) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5536. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Wisconsin and Minnesota [CGD08-01-050] (RIN: 2115-AE47) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5537. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08-02-002] (RIN: 2115-AE47) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5538. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Cheesequake Creek, N.J. [CGD01-01-225] received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5539. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port Everglades, Fort Lauderdale, Florida [COTP MIAMI-01-122] (RIN: 2116-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5540. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Pedro Bay, California [COTP Los Angeles-Long Beach 02-002] (RIN: 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5541. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hutchinson Island, St. Lucia, Florida and Turkey Point Biscayne Bay, Florida City, Florida [COTP MIAMI-01-142] (RIN: 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5542. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay, CA [CGD11-98-003] (RIN: 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5543. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Claims Based on Exposure to Ionizing Radiation (RIN: 2900-AK87) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5544. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Mining Industry Receding Face Deduction—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5545. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 2001-52] received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

5546. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue Foreign Tax Credit Retroactive Claims to Elect the FMV Method of Interest Expense Apportionment—received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources. H.R. 3208. A bill to authorize funding through the Secretary of the Interior for the implementation of a comprehensive program in California to achieve increased water yield and environmental benefits, a well as improved water system reliability, water quality, water use efficiency, watershed management, water transfers, and levee protection, with an amendment (Rept. 107-360 Part I); referred to the Committee on Education and the Workforce for a period ending not later than March 14, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3208. Referral to the Committees on Transportation and Infrastructure and Education and the Workforce extended for a period ending not later than March 14, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McINTYRE:

H.R. 3761. A bill to establish a program to provide assistance to institutions of higher education serving members of Indian tribes; to the Committee on Education and the Workforce.

By Mr. BOEHNER (for himself, Mr. Sam Johnson of Texas, Mr. Oxley, Mr. Fletcher, Mr. Petri, Mrs. Roukema, Mr. McKeon, Mr. Castle, Mr. Upton, Mr. Tancredo, Mrs. Biggert, Mr. Keller, Mr. Culberson, Mr. Calvert, Mr. King, Mr. LaTourette, Mr. Hill, Mr. Rehberg, Mr. Boozman, and Mr. Wilson of South Carolina):

H.R. 3762. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OXLEY (for himself, Mr. Baker, Mr. Boehner, Mrs. Roukema, Mr. Bereuter, Mr. Bachus, Mrs. Kelly, Mr. Castle, Mr. Royce, Mr. Ney, Mr. Gillmor, Mr. Cox, Mr. LaTourette, Mr. Manzullo, Mr. Jones of North Carolina, Mr. Ose, Mr. Green of Wisconsin, Mr. Toomey, Mr. Shadegg, Mr. Fossella, Mr. Cantor, Ms. Hart, Mr. Ferguson, Mr. Rogers of Michigan, and Mr. Tiberi):

H.R. 3763. A bill to protect investors by improving the accuracy and reliability of corporate disclosures made pursuant to the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. OXLEY (for himself, Mr. Baker, Mr. Boehner, Mrs. Roukema, Mr. Bereuter, Mr. Bachus, Mrs. Kelly, Mr. Castle, Mr. Ney, Mr. Gillmor, Mr. Cox, Mr. LaTourette, Mr. Manzullo, Mr. Jones of North Carolina, Mr. Ose, Mr. Green of Wisconsin, Mr. Shadegg, Mr. Fossella, Mr. Cantor, Ms. Hart, Mr. Ferguson, Mr. Rogers of Michigan, and Mr. Tiberi):

H.R. 3764. A bill to authorize appropriations for the Securities and Exchange Commission; to the Committee on Financial Services.

By Mr. GEORGE MILLER of California (for himself, Mr. Thompson of California, Ms. Pelosi, Ms. Eshoo, Mr. Honda, Ms. Lee, Mr. Matsui, Mr. Schiff, Ms. Woolsey, Mr. Sherman, Mrs. Capps, Mr. Farr of California, and Mr. Lantos):

H.R. 3765. A bill to designate the John L. Burton Trail in the Headwaters Forest Reserve, California; to the Committee on Resources.

By Mr. LaFALCE (for himself and Mrs. Jones of Ohio):

H.R. 3766. A bill to establish an Office of the National Insurers within the Department of the Treasury to authorize the issuance of Federal charters for carrying out the underwriting and sale of insurance or any other insurance operations, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3767. A bill to amend section 11 of the Housing Opportunity Program Extension Act of 1996 to facilitate the use of certain assistance made available for self-help housing providers; to the Committee on Financial Services.

By Mr. BALDACCI:

H.R. 3768. A bill to amend the Internal Revenue Code of 1986 to provide tax credits for hiring workers retrained in Trade Adjustment Assistance programs; to the Committee on Ways and Means.

By Mr. BENTSEN:

H.R. 3769. A bill to require disclosure of the sale of securities by an officer, director, affiliate, or principal shareholder of an issuer of the securities of such issuer to be made available to the Commission and to the public in electronic form, and for other purposes; to the Committee on Financial Services.

By Mr. CRANE (for himself, Mr. Kleczka, Mr. Ehrlich, Mr. Strickland, Mr. Hayworth, Mr. Camp, Mrs. Thurman, Mr. Honda, Mr. Wynn, Mr. Whitfield, Mr. Tiahrt, Mr. Kirk, Mr. McNulty, Mr. McDermott, Mr. Lewis of Georgia, and Mrs. Wilson of New Mexico):

H.R. 3770. A bill to amend title XVIII of the Social Security Act to provide coverage for kidney disease education services under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H.R. 3771. A bill to amend title 38, United States Code, to provide that monetary benefits paid to veterans by States and municipalities shall be excluded from consideration as income for purposes of pension benefits paid by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. GORDON:

H.R. 3772. A bill to amend title 38, United States Code, to provide that veterans who are otherwise eligible for health care provided by the Department of Veterans Affairs shall not lose that eligibility by reason of being held as a prisoner in a county or city jail; to the Committee on Veterans' Affairs.

By Mr. HAYES (for himself, Mr. McIntyre, Mr. Shimkus, Mr. Paul, Mr. Norwood, Mr. Jones of North Carolina, Mr. Brown of South Carolina, Mr. Ballenger, Mr. Goode, Mrs. Myrick, Mr. Otter, Mr. Pickering, and Mr. Burr of North Carolina):

H.R. 3773. A bill to amend the Internal Revenue Code of 1986 to provide an incentive for expanding employment in rural areas by allowing employers the work opportunity credit for hiring residents of rural areas; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself and Mr. Rangel):

H.R. 3774. A bill to amend the Internal Revenue Code of 1986 to provide a credit to promote homeownership among low-income individuals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 3775. A bill to designate the facility of the United States Postal Service located at 1502 East Kiest Boulevard in Dallas, Texas, as the "Dr. Caesar A.W. Clark, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. KOLBE:

H.R. 3776. A bill to amend sections 562 and 563 of the Immigration Reform and Immigrant Responsibility Act of 1996 to provide for direct Federal payment to hospitals and emergency ambulance service providers of emergency medical care and certain emergency ambulance services for illegal immigrants; to the Committee on Energy and Commerce.

By Mr. MEEKS of New York (for himself and Mr. Souder):

H.R. 3777. A bill to amend the Higher Education Act of 1965 to restrict the disqualification of students for drug offenses to those students who committed offenses while receiving student financial aid; to the Committee on Education and the Workforce.

By Mrs. MORELLA:

H.R. 3778. A bill to provide for direct billing for water and sanitary sewer furnished to Federal agencies by the District of Columbia, and direct payment by those agencies to the District of Columbia; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. Tom Davis of Virginia, and Ms. Norton):

H.R. 3779. A bill to amend title 31, United States Code, to allow Federal agencies (including the government of the District of Columbia) to use passenger carriers, owned or leased by the Government, to provide transportation to employees between their place of employment and mass transit facilities, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. Tom Davis of Virginia, and Ms. Norton):

H.R. 3780. A bill to clarify the ability of members of the National Capital Planning Commission to serve after the expiration of their terms until successor members are appointed, and for other purposes; to the Committee on Government Reform.

By Mrs. MORELLA (for herself, Mr. Gilman, Mr. Jones of North Carolina, Mr. Horn, Mr. Pallone, Mr. Hinchey, and Mr. Lantos):

H.R. 3781. A bill to prevent the slaughter of horses in and from the United States for human consumption by prohibiting the slaughter of horses for human consumption and by prohibiting the trade and transport of horseflesh and live horses intended for human consumption, and for other purposes; to the Committee on Agriculture, and in addition to the Committees on International Relations, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OSE (for himself, Mr. Souder, Mr. Calvert, Mr. Cannon, Mr. Radanovich, Mr. Baca, Mr. Bereuter, Ms. Berkley, Mr. Blunt, Mr. Carson of Oklahoma, Mr. Condit, Mr. Gilman, Mr. Graves, Mr. Green of Wisconsin, Mr. Herger, Mr. Horn, Mr. Nethercutt, Mr. Osborne, Mr. Peterson of Pennsylvania, Ms. Sanchez, Mrs. Tauscher, Mr. Tiahrt, and Mr. Goodlatte):

H.R. 3782. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REHBERG (for himself and Mrs. Emerson):

H.R. 3783. A bill to provide clarification regarding the market name for bison and compliance with section 403 of the Federal Food, Drug, and Cosmetic Act, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. BONO:

H. Con. Res. 331. Concurrent resolution commending the Secretary of Transportation and the Nation's air traffic controllers for their actions to avert further tragedy following the terrorist attacks on September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. SHIMKUS (for himself, Mr. HINCHEY, Mrs. TAUSCHER, Mr. TAYLOR of North Carolina, Mr. MCHUGH, and Mrs. KELLY):

H. Con. Res. 332. Concurrent resolution recognizing the United States Military Academy on its bicentennial; to the Committee on Armed Services.

By Ms. ROS-LEHTINEN (for herself, Mr. ROHRABACHER, Mr. CROWLEY, Mr. PITTS, Mr. BROWN of Ohio, and Mrs. JO ANN DAVIS of Virginia):

H. Res. 348. A resolution expressing the sense of the House of Representatives with respect to violations in Pakistan of the freedom of individuals to profess and practice religion or belief; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 498: Mr. BARR of Georgia, Mr. GONZALEZ, Ms. WATSON, Mr. TERRY, Mr. STUMP, Mr. SHADEGG, and Mr. HINCHEY.

H.R. 600: Mr. TIAHRT and Mr. WOLF.

H.R. 674: Mr. CROWLEY.

H.R. 690: Mr. THOMPSON of California.

H.R. 746: Mr. LAMPSON.

H.R. 781: Mr. ROSS and Mr. DOGGETT.

H.R. 858: Mr. BARCIA and Mrs. JONES of Ohio.

H.R. 914: Mr. HOBSON.

H.R. 939: Mr. BARCIA.

H.R. 952: Mr. WILSON of South Carolina and Mr. KING.

H.R. 968: Ms. MCCOLLUM.

H.R. 1051: Mr. PRICE of North Carolina.

H.R. 1053: Mr. PRICE of North Carolina.

H.R. 1109: Mr. BROWN of South Carolina, Mrs. MYRICK, and Mr. JONES of North Carolina.

H.R. 1212: Mr. WILSON of South Carolina and Mr. SPRATT.

H.R. 1256: Mr. HINOJOSA, Mr. PALLONE, and Ms. HARMAN.

H.R. 1296: Mr. DEAL of Georgia.

H.R. 1360: Mr. ANDREWS, Mr. PAYNE, and Mr. FERGUSON.

H.R. 1390: Ms. NORTON.

H.R. 1433: Ms. SLAUGHTER.

H.R. 1434: Mrs. MCCARTHY of New York and Mr. HINCHEY.

H.R. 1471: Mr. GANSKE.

H.R. 1475: Mr. KIRK and Mr. STEARNS.

H.R. 1556: Mr. MENENDEZ.

H.R. 1582: Mr. CLYBURN.

H.R. 1723: Mr. THOMPSON of California.

H.R. 1795: Mr. GUTIERREZ and Mr. STUPAK.

H.R. 1810: Mr. LANTOS and Mr. THOMPSON of Mississippi.

H.R. 1994: Mr. ROTHMAN.

H.R. 2001: Mr. BUYER.

H.R. 2051: Mrs. BONO.

H.R. 2114: Mr. TERRY.

H.R. 2117: Mr. PLATTS, Mr. DIAZ-BALART, Mr. LIPINSKI, and Mr. JENKINS.

H.R. 2125: Mr. LARSEN of Washington and Mr. HONDA.

H.R. 2162: Mr. PASTOR.

H.R. 2332: Mr. HILLEARY.

H.R. 2341: Mrs. JOHNSON of Connecticut, Mr. BROWN of South Carolina, Mr. CANTOR, Mr. FORBES, and Mr. SCHROCK.

H.R. 2395: Ms. NORTON.

H.R. 2508: Mr. PLATTS.

H.R. 2537: Ms. CARSON of Indiana, Mr. STUPAK, and Ms. RIVERS.

H.R. 2610: Mr. NADLER, Ms. RIVERS, and Ms. DEGETTE.

H.R. 2629: Mr. ACKERMAN and Mr. BENTSEN.

H.R. 2638: Ms. SANCHEZ, Mr. PALLONE, Mr. RODRIGUEZ, Mrs. BONO, Mr. SOUDER, and Mr. ROSS.

H.R. 2643: Mr. SMITH of Washington.

H.R. 2663: Mr. CANNON and Mr. MATHESON.

H.R. 2695: Mr. OSE.

H.R. 2710: Mr. DICKS and Mr. LIPINSKI.

H.R. 2723: Mr. LANGEVIN.

H.R. 2829: Mr. DUNCAN, Mr. RADANOVICH, Mr. STUMP, Mr. MCINNIS, Mr. CANNON, Mr. OTTER, Mr. TIAHRT, and Mr. SCHAFFER.

H.R. 2868: Mr. LAMPSON and Mr. ENGLISH.

H.R. 2974: Mr. UDALL of Colorado.

H.R. 3113: Mr. ENGEL.

H.R. 3131: Mr. BLUMENAUER.

H.R. 3192: Mr. SERRANO, Mr. TAYLOR of Mississippi, Mr. FROST, and Ms. MCCOLLUM.

H.R. 3236: Mr. DAVIS of Illinois.

H.R. 3238: Ms. BALDWIN and Mr. CAPUANO.

H.R. 3244: Mr. PITTS and Mr. MOORE.

H.R. 3375: Ms. LOFGREN and Mr. CONYERS.

H.R. 3389: Mr. LAFALCE, Ms. ROS-LEHTINEN, and Mrs. LOWEY.

H.R. 3415: Mr. OBERSTAR.

H.R. 3443: Mr. UNDERWOOD.

H.R. 3445: Mr. LANTOS.

H.R. 3446: Mr. LANTOS.

H.R. 3463: Mr. LAMPSON and Mr. WATT of North Carolina.

H.R. 3494: Ms. CARSON of Indiana.

H.R. 3626: Mr. ISAKSON.

H.R. 3634: Mrs. MALONEY of New York.

H.R. 3639: Ms. CARSON of Indiana.

H.R. 3644: Mr. ABERCROMBIE.

H.R. 3657: Mr. KENNEDY of Rhode Island and Mr. HINOJOSA.

H.R. 3670: Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. WU, Mr. OLVER, and Mr. UDALL of New Mexico.

H.R. 3671: Mr. FILNER and Mr. FATTAH.

H.R. 3687: Mr. HOLDEN.

H.R. 3694: Mrs. JOHNSON of Connecticut, Mr. BRADY of Texas, Mr. CANTOR, Mr. OWENS, Mr. LUCAS of Kentucky, Mr. STARK, Ms. SANCHEZ, Mr. BERMAN, Mr. CONDIT, Mrs. NAPOLITANO, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. ACEVEDO-VILA, Mr. SWEENEY, Mr. ANDREWS, Mr. RODRIGUEZ, Mr. ORTIZ, Mr. PALLONE, Mr. HOLT, Mr. ISRAEL, Mrs. MCCARTHY of New York, Mr. ACKERMAN, Mr. WEINER, Ms. VELÁZQUEZ, Mrs. MALONEY of New York, Mr. RANGEL, Mr. ENGEL, Ms. SLAUGHTER, Mr. LAFALCE, Mr. HINCHEY, Mr. SERRANO, Mrs. LOWEY, Mr. CARDIN, Mr. GREEN of Texas, Mr. SAWYER, and Mr. UDALL of New Mexico.

H.R. 3717: Mr. LATOURETTE.

H.R. 3741: Mr. MCGOVERN, Mr. MCHUGH, and Mr. LATOURETTE.

H. Con. Res. 177: Mr. LANTOS and Mr. ENGEL.

H. Con. Res. 245: Mr. GEKAS.

H. Con. Res. 290: Ms. NORTON.

H. Con. Res. 291: Mr. FLETCHER.

H. Con. Res. 316: Mr. GARY G. MILLER of California and Mrs. MYRICK.

H. Con. Res. 328: Mr. WATT of North Carolina.

H. Con. Res. 329: Mr. PLATTS and Mr. BAIRD.

H. Res. 295: Mr. MASCARA.

H. Res. 313: Mr. SERRANO.

SENATE—*Thursday, February 14, 2002*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. BYRD].

The PRESIDENT pro tempore. I am privileged to present to the Senate, and I do so with great pleasure, our guest Chaplain, Rev. Barbara Spies-Scott, of Hedgesville, WV.

PRAYER

The guest Chaplain offered the following prayer:

Our Father and our God, Creator of Heaven and Earth and all the inhabitants in it, we give You glory, honor, and praise for all You have done for us, even when we don't deserve it. The problems we face today are numerous and difficult. You told us in Luke 1:37 that "with God nothing shall be impossible." You also said in Psalm 33:12, "Blessed is the nation whose God is the Lord." May we humble ourselves and acknowledge You as our Lord and Saviour.

Dear God, the heart of the world is crying for peace, and the Scriptures tell us that You are the Prince of Peace and that we are to strive to be peacemakers. Lord, revive Your work of peacemaking in the hearts and minds of the men and women of this Senate. Give them the wisdom to know what is right and the courage to do it. Strengthen them in body, soul, and spirit. May each one be open to hear Your still, small voice for guidance and direction in every decision they make. May You always be their guiding force. We must, as the most powerful Nation in the world, let God be our guiding force. I pray this in Your holy name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, the Senate is going to proceed shortly to a period of morning business until 10:15 this morning. Thereafter, Senator DODD and Senator MCCONNELL will begin their managing of the election reform bill. They desire this legislation be completed today. It would really be good if we could do that. So I ask on behalf of Senator DODD that Senators who have amendments come and offer them. We had a few that were accepted last night. There is going to be an amendment offered at 10:15 today that will begin these deliberations.

CAMPAIGN FINANCE

Mr. REID. Mr. President, let me briefly say, personally this is a day of celebration for me based upon the fact when I first came down here, campaign finance laws were such that the only money people were able to obtain was the money they would get from individuals. Since then, we have developed this system where people are going around picking up money from corporations. Corporation money should not be part of Federal elections. Enron is a perfect example. I hope everyone will understand what a happy day it should be in Washington as a result of what the House did last night.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:15 a.m., with Senators permitted to speak therein for up to 10 minutes each, and with the first 20 minutes to be under the control of the Senator from North Dakota, Mr. DORGAN, and the Senator from Nebraska, Mr. HAGEL.

The Senator from North Dakota, Mr. DORGAN, is recognized.

THE NEW HOMESTEAD ECONOMIC OPPORTUNITY ACT

Mr. DORGAN. Mr. President, I am pleased to rise today to talk about S. 1860, a piece of legislation I have introduced in the Senate along with my colleague, Senator HAGEL, from the State of Nebraska. I want to describe what this legislation does and what it is.

I ask the Presiding Officer if I could be notified when I have consumed 10 minutes.

The PRESIDENT pro tempore. The Senator will be so notified.

Mr. DORGAN. Mr. President, the legislation we have introduced is the New Homestead Economic Opportunity Act. The President pro tempore will remember well the old Homestead Act in this country. We decided to try to populate the middle of this country well over a century ago by offering land to people who would move to the center of the country and work to improve the land. They would start a farm, start a family, and the Federal Government would give them 160 acres of land. That was called the Homestead Act.

Let me describe what has happened to the middle part of our country in the last 50 years or so and why there is a need for a new Homestead Act now. No, it is not to give land away, because we don't have more land to give away, but to develop unique and different approaches through a New Homestead Economic Opportunity Act.

This is a map of the United States of America. The red areas on this map are the rural counties that have lost at least 10 percent of their population over the last 20 years. All of these red areas are rural counties that have lost more than 10 percent of their population.

You will see almost an egg shape in the middle of America. The middle part of America is being depopulated. People are leaving. Our rural counties are shrinking.

If you are trying to do business in one of these rural counties, you are in very big trouble; you are trying to do business in a recession and have been for some long while.

My home county is bigger than the State of Rhode Island. When I left it, there were 5,000 people. Now there are only 3,000 people—just to describe to you what is happening in the middle part of our country.

Let me also describe how I came to this county. My county is right here in the corner of North Dakota. How did I get there? A Norwegian widow named Caroline, with six children, got on a train in St Paul, MN, and went to southwestern North Dakota by train, pitched a tent with her family, built a house, started a farm, had a son who had a daughter who had me. That is how I got here. Strong people? Sure.

Can you imagine the strength of this widow with six children deciding, "I am going to homestead. I am going to North Dakota to start a farm and raise my family." What a wonderful thing to have happen, and it happened all across the middle part of our country. That is the way we populated what is now called the heartland in America.

But this population is now leaving. It is shrinking dramatically.

Nearly 70 percent of the rural counties in the Great Plains have seen their populations shrink by a third over the past fifty years. Let me repeat that.

Nearly 70 percent of the counties in rural America in the Great Plains have seen their population shrink by a third, despite the fact that in this part of America we have much of what people want. It is a wonderful place to raise a family. It is a wonderful place to live, with great neighbors and low crime rates. It has much of what people aspire to have in their lives. Yet rural counties in the middle part of our country are losing their economic strength, and they are losing their population at a rapid pace.

Some years ago, we had a problem in inner cities in our country called urban blight. The Congress decided to do something about that. A new program was developed called the Model Cities Program. Urban renewal was developed to try to breathe life into major cities of this country that were suffering from very difficult problems.

In introducing this bill, Senator HAGEL and I are saying, we understand that out-migration is a national problem, and we ought to do something in public policy to try to breathe life into these rural areas in the heartland of our country.

What is the heartland about? Let me describe North Dakota, and my colleague, Mr. HAGEL, will perhaps describe Nebraska.

Havana, ND, is a tiny little town. It is not big enough to keep a café unless everybody in town signs up to work for free. There is a sign-up sheet for everyone to volunteer to keep it from going out of business. This is the way the residents of Havana keep this business open in their town.

Sentinel Butte, ND, has a population of 80 people. The owner of the gas station and his wife have reached retirement age. They do not want to be open all day long. They close at about 1 o'clock. They lock the gas pumps and hang the key to the gas pumps on a nail on the front door. If you need gas and they are not there, you take the key, unlock the pumps, pump some gas, and then make a note on a little sheet of paper. That is the way it works in a small town in western North Dakota. It probably wouldn't work very well in a big city, but it works in Sentinel Butte, ND.

In Marmouth, ND, if you need a hotel, there is a hotel. Nobody works in the hotel. You check yourself into the hotel, and you have a good night's rest. When you check out in the morning, you leave your room key and some money in a cigar box that is nailed to the inside of the door. That is the place to stay if you visit Marmouth, ND. It may sound far-fetched, but it is not.

In Tuttle, ND, they lost their grocery store. The city council said: We will have to build our own grocery store. So they built a city-owned grocery store. When they cut the ribbon for the new grocery store, I was there that day, they had the high school band out on Main Street. They closed Main Street to celebrate the opening of a city-owned store in Tuttle, ND.

My point is that these are wonderful places with great people, with great qualities, and with great character. Yet all of the people in these areas are discovering that their population is shrinking and their Main Streets are dying. They are losing the economic vitality and the hope that ought to exist in communities like these.

What can we do about that? Senator HAGEL and I say the Government should play a role here, just as it did when the major cities in our country were in trouble. We have proposed the New Homestead Economic Opportunity Act. We propose that Federal policy embrace the notion that these rural areas in the heartland of America are worth saving as well. Let us provide some incentives to see if we can encourage people to move there or to come back and to live in these areas.

We propose new homestead opportunities saying to young people that if you want to stay in one of these rural counties, which is losing population as defined in the bill, we will forgive up to 50 percent of your college loans by a certain percentage each year—about 10 percent each year for 5 years that you live and work in one of those counties, and help them to rebuild.

We will offer a tax credit for home purchases in those counties that have been shrinking and losing population.

We will protect your home values by allowing you to write off on your income tax the loss of the value of that home.

These days, if you build a home in a small town of 200 people in one of our States—Nebraska, or North Dakota—the minute that home is completed, it is worth substantially less than it cost to build it. That is the way the market works in these small towns because banks and others don't want to finance in those areas. We propose that tax policy help alleviate that.

We would establish individual homestead accounts to help people build savings and have access to credit if they live in these areas. Their savings could grow tax free, and after 5 years they could be tapped into for small business loans, education expenses, first-time home purchases, and so on.

In addition to these homestead opportunities, we propose a new rural investment tax credit that says if you are doing business, investing, and creating jobs in these rural counties, you should be eligible for an investment tax credit because, as a matter of public policy, we want new opportunities for growth in the heartland.

We propose a new homestead venture capital fund to promote business development and growth in these high outmigration areas by making sure they have access to capital in order to grow the businesses they need in order to create jobs. Even if entrepreneurs are willing to work hard and take risks, they can't make it in a county that is losing its population unless they have access to capital.

Again, with respect to the middle part of America that is now losing population, let me say that when we sing that wonderful song, "America the Beautiful," and talk about our country from "sea to shining sea," and as we fly across America and pass over the heartland of our country and the breadbasket of America, we see wonderful values. We see wonderful people who are struggling to live in circumstances where their economy, their communities, and their schools are shrinking.

I graduated from a little school with a class of nine, Regent High School, which closed last year. They had their last high school prom, and then they combined their school with that of a town 14 miles away. It is no longer the little school that I attended.

That is happening all across the heartland. We can see the effect and the change that it causes in small communities. But can we in public policy make a difference? Can we begin to make an effort to change the future of rural America to a future of hope, opportunity, and growth? I think we can.

That is why Senator HAGEL and I have joined in proposing legislation that I think will begin to offer that hope, and that will begin to offer the people there the tools for economic opportunity and development in the heartland.

I believe there are 10 minutes remaining. Is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that those 10 minutes be given to Senator HAGEL, and I ask unanimous consent to extend 5 minutes beyond the additional 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise this morning to join my friend and distinguished colleague from North Dakota to speak about the New Homestead Economic Opportunity Act, S. 1860.

We have heard Senator DORGAN speak of this act, the reasons and possibilities for changes in our lifestyle in our country, and in particular how it has affected the part of America from which Senator DORGAN and I come. But it is not just a heartland issue. This issue of outmigration has received little attention over the years.

North Dakota and Nebraska and other Midwestern States, as you saw from Senator DORGAN's map, have been more affected by this outmigration than most other States. Senator DORGAN talked with me last year about possibilities to not only address the issue but to go beyond just bringing up solutions and go beyond in an area where we think there are expansion opportunities for many people.

Many communities in rural America have not shared in much of the boom that has brought great prosperity to America over the last few years. As we look at the numbers, at least over the last 50 years, we see clearly that the nonmetropolitan counties in the Nation lost more than a third of their population during this time. You contrast this with the fact that during the same period the number of people living in metropolitan areas grew by more than 150 percent.

It is not our intention to restructure, reframe, or in any way try to dominate lifestyles and have a disproportionate effect on where people live and how they live. That is not the point. The point is to offer some incentives that might, in fact, give people more possibilities and more opportunities at a time in the history of our country where quality of life is as important as some of the other dynamics that we, as a nation, as a culture, as a society, have had to deal with over the years: Jobs, how to raise your family, how to take care of that family, education, health care.

So quality of life has become an issue, as it should. We are most blessed in this country that it is an issue. We have conquered most of the great diseases. We have conquered poverty and hunger, not in the world but certainly in this country. So we are now looking at other possibilities as we try to help make the world more just and do more for more people than history has ever recorded one nation having been able to do.

So my colleague from North Dakota and I are exploring possibilities. He noted the 1862 Homestead Act, which I think is somewhat analogous to what we are proposing. In fact, the first claim made under this act in 1862 was just outside Beatrice, NE. That first homestead under the 1862 Homestead Act is still there. It is a national park. We are very proud of that.

But, as I said earlier, as much as we have benefited—the State of Nebraska, the Midwest; and we have benefited mightily from the Homestead Act of 1862—of the 93 counties in Nebraska, 61 of those 93 had net outmigration of at least 10 percent over the last 20 years.

There is no particular mystery as to why we have seen this outmigration. Again, referring to Senator DORGAN's map, which gives a very accurate assessment of what has happened, people will go where there are opportunities. Jobs are a part of that universe of opportunities.

So as Senator DORGAN pointed out, in our legislation that we are proposing, we set out some specific areas that we think people might have an interest in exploring to incentivize their interest in not only the Midwest but all rural areas of America. And they are attached to what is important in our lives: Our families, our friends, our faiths, our sense of voluntarism, and community participation. It is being part of something larger than one's self-interest, a community spirit that in many ways is unique to America. So we would like to, in some way, offer opportunities to renew some of that.

There are currently joint capital formation projects, joint ventures, used in some States—Nebraska happens to have one of them—where, in fact, we can call upon the resources of both the public and private sectors to come together and provide those incentives. That is what we are proposing we do today in startup capital joint ventures, using private and public facilities. Senator DORGAN addressed some of those issues.

Infrastructure in these communities is critical, infrastructure such as roads and water and schools and medical facilities, hospitals, and something that Senator DORGAN has spoken of often, the Internet, access to high-speed Internet that many times we in the Midwest and many rural areas in the country get forgotten.

If we can, in fact, continue to build around and develop those infrastructures, people who want a different approach, who want maybe a style of life that isn't always found or conducive in large metropolitan areas, would have an option. I think it is worth exploring.

I am proud to be part of what Senator DORGAN and I are doing. We would hope others will have some interest as well.

One last point on this.

Later this month, the Lincoln Journal Star newspaper in Nebraska will partner with the Nebraska Educational TV Network to explore issues surrounding outmigration. In fact, the Lincoln Journal Star has done a series of articles which have been very insightful and informative on how we can deal with some of the concepts that Senator DORGAN and I are proposing in this legislation.

This presentation that will be made on educational TV will help frame the problems, solutions, and issues. When that report is completed and that program is aired, I will have that printed in the RECORD because I think it very much focuses on and frames up, in a relevant way, what we are attempting to do with this legislation.

With that, Mr. President, again, I appreciate the time and I appreciate Senator DORGAN and his staff's effort on this issue.

I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from North Dakota.

Mr. DORGAN. Mr. President, first, let me say how much I appreciate working with Senator HAGEL on this legislation. As he indicated, the State of Nebraska has an abiding problem, just as the State of North Dakota, South Dakota, and all of the States up and down the heartland of our country. It is not just our states.

I notice the Senator from Georgia is in the Chamber. Rural counties in Georgia, as well, are shrinking like prunes.

What do we do about that? Will Rogers used to chuckle when he thought about what would get the Federal Government's attention. He said: If you have two hogs that come down with something and get sick in a barn someplace, you will have all kinds of USDA people coming down to find out what is wrong with your hogs. But not much will happen if you have other problems. No one will show up.

I have an example that I would like to share with my colleague from Nebraska. In recent months, we had a little prairie dog fight. I will not go into all of the details. But prairie dogs took over a picnic grounds in the Badlands in North Dakota. They were going to do an environmental assessment. Then they did an EA. They did a FONSI, a finding of no significant impact. They had all these studies going on, and the Federal agencies got all cranked up about the prairie dogs, and they decided to spend a quarter of a million dollars to move the picnic grounds.

I said: Look we are not short of prairie dogs in western North Dakota; we are short of people. My home county went from 5,000 people to 3,000 people in 25 years. The county next to mine is bigger than the State of Rhode Island, and it has 900 people and only had seven babies, in a recent year, born in the entire year. These are counties that are dramatically shrinking, and losing their economic vitality. Yet you get a prairie dog problem in a picnic area, and the Federal Government mobilizes, and you have all these agencies all juiced up to do something. But what about the fact that the economy throughout the heartland of our country is in desperate trouble, and you can hardly get anybody's attention in government?

What Senator HAGEL and I are saying is, let's go at this just as we did with model cities or urban renewal, and decide that this is not only a North Dakota problem—although it is certainly ours—not only a Nebraska problem—although it is certainly theirs—but that it is a national problem. A century after we populated the middle part of our country through the Homestead Act, depopulation is a national problem.

What has happened to cause the movement of people away from the heartland? A shift of jobs from production of natural resources—farming, mining, and other industries—to work in service or technology-oriented industries that shifted the population in our country.

New industries do not necessarily need to be near the grain elevator or the mouth of a mine. New technologies allow us to make many products with far fewer people, and that includes agriculture.

Free trade agreements have made it cheaper to produce goods overseas. That, too, has shifted population.

What Senator HAGEL and I are talking about is choice, giving people a choice to be able to live in rural America if they choose to do that.

I recently gave a commencement speech to a large class at one of our colleges in North Dakota, and I know most of those students are going to leave the State following their graduation—not because they want to, but because they do not have any choice.

Those young men and women, who represent our best and brightest, are going to leave North Dakota. Many will leave Nebraska. They will end up on the west coast or the east coast or down south. And our States, in my judgment, be weakened because they left. Other States will be strengthened. We want to give them a choice to be able to stay if they would like to stay.

If we want to stop outmigration and try to bring opportunity back to the heartland, we need to do it as a nation, not just for the sake of the heartland States, but for the sake of all our country. By any measure, the rural towns and counties that suffer from outmigration and population loss are still in many respects among the strongest in our country. They have good schools, a high level of civic involvement, extremely low rates of crime, good neighbors, a good life, and are great places in which to raise children. Our Government spends a great deal of time and money trying to emulate these attributes in areas where they don't exist instead of trying to help preserve them in areas where they do exist; namely, rural counties in small-town America.

I know some might say Senator HAGEL and I have this Norman Rockwell notion of small town in our minds, and that is just wonderful, but that it is more nostalgia than it is reality. But I don't agree. In my judgment, public policy has a lot to do with where people locate. We simply want to provide additional choices. Nebraska and North Dakota and many other States just don't have the opportunities that a California, Texas, Massachusetts, or New York has.

For instance, consider that the Federal Government is the largest researcher in the world. Where do most of our research dollars go? Not to Nebraska or North Dakota. The bulk of it goes to four States: California, New York, Massachusetts, Texas. That is where, with these centers of excellence in research serving as anchors, industries and jobs locate. Public policy has a lot to do with where people live.

All Senator HAGEL and I are saying is that we can sit around and wring our hands, gnash our teeth, wipe our brow, and worry about this forever or we can decide to put together an initiative that says, let's try to do something about this shrinkage and outmigration in some of these wonderful places. Let's give people more choices, especially young people, to stay in those areas where they grew up and where they want to live, and provide them with spirit, hope, and opportunity to make their future economy a good economy. We can do that.

That is the initiative we are proposing, one to provide tools and to offer choices to those who are working hard in a wonderful part of America. We introduced the legislation in December. It is S. 1860. It is bipartisan. We will work very hard in the Senate and around the country to see if we can't get America to do for the heartland what it once did for the cities, and to get people to see that something is happening in rural America and that it needs help now. Let's join together and do that.

I yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The Senator from Florida.

Mr. NELSON of Florida. Mr. President, I understand we are in morning business.

The PRESIDING OFFICER. We are.

Mr. NELSON of Florida. May I be recognized?

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the Senators who have just spoken make a most compelling case. I take very seriously my role as Senator, in which I have a responsibility to the rest of the Nation in addition to the wonderful State I have the privilege of representing. What I would like to do is come to their respective States and see these areas where there is outmigration. This is quite a contrast to what I have experienced in the State of Florida which has been just exactly the opposite kind of experience.

As a matter of fact, my home county, Brevard County, in the early 1960s, because of the space race, when the Soviet Union surprised us with Sputnik and then surprised us by launching Yuri Gagarin, one orbit, before we could ever get to sub orbit with Alan Shepard, people were just pouring in, sleeping in cars.

As a result, a lot of development was done in a rush with tremendous mistakes, not attending to zoning and not attending to proper drainage, and so forth and so on. So the experience of Florida has been quite the opposite of their experience.

What I would like to do is to learn from them how I could help them because we are all citizens of the United States of America. I thank them for bringing this issue to the attention of the Senate. I look forward, maybe perhaps this summer, to visiting in their respective States of North Dakota and Nebraska.

CAMPAIGN FINANCE REFORM

Mr. NELSON of Florida. Mr. President, I rise to state that since the House of Representatives, at 3 in the morning, passed the campaign finance reform bill, I want to cast out some markers as the Senate will consider this legislation and no doubt will pass this legislation, my vote included. However, we have to be concerned about the flow of money in politics.

Campaign finance reform is an attempt to try to get soft money out of politics, but this campaign finance reform bill does not totally do that. It comes close.

Soft money, for those who would like a refresher, is campaign donations that are other than personal donations from individuals or from political action committees. For example, a corporate check would be an example of a soft money contribution to a candidate. Under the current law, soft money contributions can flow through the parties. That is where we have seen a great deal of abuse.

The campaign finance reform bill intends to constrict the use of that soft money. It does so by saying that it can't flow through the parties. It can't be coordinated by the campaigns or the campaign committees, such as our Democrat and Republican Senate campaign committees, but it can flow through independent groups with a message or with an issue advertisement which we know becomes just as effective for or against a candidate, almost, as a direct campaign ad that says vote for or vote against candidate A, B, or C.

However, there was an important limitation in this bill I supported vigorously. That was that soft money could not flow through independent groups for purposes of affecting an election through an issue ad 60 days prior to a general election and 30 days prior to a primary election. That is an important reform.

The caveat is that we created a severability clause that says that if the courts strike any provision of the bill as unconstitutional, the whole bill does not fall. It leaves us with the possibility that the courts could strike the 60-day provision on independent groups.

I hope and pray that the courts will not, that they will see that this is delicately balanced to meet the constitutional test the courts have raised. But if they do, then what we are going to have is unlimited soft money in the future that is going to flow, not through the parties, as we presently have had under current law, but a proliferation of independent groups are going to arise, and campaign soft money affecting elections through the guise of issue ads is going to flow through those independent groups. And I continue to think many of us intend that to be the case. That is the caveat about which we must be concerned. Ultimately, what we should do is try to figure out how to lower the cost of elections.

The House of Representatives, unfortunately, struck the provision that the Senate had included, which said that television time for candidates has to be given at the lowest commercial rate—what is current law but which has not been obeyed. This was to enforce that provision. That was stricken last night as the House of Representatives considered campaign finance reform. That bill is going to be coming to us shortly. No doubt we are going to pass it.

I wanted to lay out these markers and these caveats as we look to a future of trying to clean up campaign finance with new campaign finance reform law.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend our colleague from Florida, who has had a longstanding interest in the subject matter. He brings a wealth of knowledge about the intricacies of these laws. As the person who managed the campaign finance reform bill here on the floor of this body, along with the help of my colleague from Nevada, there is a sense of parochial pride in the House action last evening in that the major cosponsor of the legislation, CHRIS SHAYS, is a longstanding friend of mine, a member of the Connecticut delegation, a House member for some 15 years. He has been a dogged advocate of campaign finance reform. So there is a sense in those of us and the overwhelming majority of my constituents in Connecticut, as across the country, who support the notion of trying to get a handle on the issue of campaign financing, a sense of pride in the work of CHRIS SHAYS and the job he did on behalf of the entire country, not just Connecticut.

As was said by others, this is not an end-all, a piece of legislation that will solve all the problems. I express my regret that what I thought may have been one of the most effective pieces of legislation, dealing with the cost of media, was struck from the bill last evening. For those of us in this Chamber who have to go out and raise money to engage in a campaign, the one single item that absolutely drives the cost of a campaign is the cost of media. About 80 cents on the dollar goes to TV and radio advertising, but most of it is TV advertising. There have been literally pioneers and visionaries in the media industry at a local level who have found it in their own business practices to open up their media outlets for an open debate and discussion.

I think, particularly, of a gentleman who owns TV stations in Minnesota, who is a very effective leader in the television industry but has, for years, made it possible for statewide candidates in that State to have some time around the news to express themselves on why they would like to be elected to the office they are seeking. My hope is that we would adopt provisions that would make it possible for candidates to have access.

The airwaves are public property. Maybe I am old school, but I was always raised to believe that. It was a privilege that we extended to people to use the public airwaves. So the idea that the public ought not to have the opportunity to listen to people who are going to represent them, whether a Governor, Congressman, or Senator, is something I find disturbing, that they would object to the notion of having opportunities. I am sorry that was stricken. It is a very good bill over all, and I commend the other body for their leadership, and particularly my friend from Connecticut. Congratulations to my colleague from Wisconsin as well.

Mr. REID. Mr. President, the hour of 10:15 having arrived, we are now to proceed to S. 565.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Is there an amendment pending?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I am going to offer one shortly.

Mr. President, as Senator DODD mentioned, he managed the bill that allowed us to send the campaign finance reform bill to the other body. I spent a lot of time with him on the floor during that period of time. I have to say, as I said after that debate and vote took place, it was a masterful display of managing legislation.

As a result, a bill was sent over there that I think they had to accept. I say publicly that I look forward to the bill coming back over here. I know that with the guidance of the chairman of the Rules Committee, Senator DODD, we will pass the legislation. There may be some efforts to slow it down, but this is a steamroller.

I must say that that steam was generated over here in this Chamber. There were many efforts to weaken or kill this legislation. I have to give credit to Senator DODD for managing it at that time.

Also present today is the Senator from Wisconsin, my friend, someone who has lived campaign reform legislation. I can't say enough about the moral aspect of this legislation. I remind people here that, in 1998, Senator FEINGOLD was behind in his reelection efforts in Wisconsin. Everyone told him that he likely could win that election if he would allow the Democratic Senatorial Campaign Committee to come to the State of Wisconsin and put money in that State and spend money on soft money issue ads. Senator FEINGOLD is not an independently wealthy man. He, of course, is a fine lawyer, with a great educational background. But he had nothing else to fall back on. He could not just go to a bank account and write big checks. He stared his morality in the face during that short period of time and said, "No, I don't want that money. I would rather lose the election than depend on something that I don't believe in."

I say to the Senator from Wisconsin, not only did he not take the soft money, he won the election. Not only did he win the election, he came back with added vigor to work on this campaign finance bill. So I extend to the Senator the congratulations of the people of the State of Nevada, and the people of this country, for being a person who stands for what we all believe in, and that is good government. I think every person in the U.S. Senate believes in good government. But it is not often that a book is written that will stand the test of time in the sense of the morality the Senator lends to this issue. I am very grateful to the Senator from Wisconsin for what he has done on this legislation.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Mr. SPECTER, proposes an amendment numbered 2879.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment is dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To secure the Federal voting rights of certain qualified persons who have served their sentences)

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term "correctional institution or facility" means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term "parole" means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term "probation" means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

Mr. DODD. Mr. President, before we turn to our colleague, I am going to propound a unanimous consent request.

Let me pose this—I will not make the unanimous consent request so staff can check with Members—I would like to get time boiled down, if we can. I know my colleague from Nevada wants to accommodate this. I suggest 45 minutes equally divided. Why don't we try that? If Members believe they can do it in a half hour, that would be even better.

We have a series of amendments, and the hope is—I will state it again—I have been told; I am not going to speak for the leader; I will let my colleague from Nevada speak for the leader or the leader can speak for himself—I am told if we can get this bill done this evening, there is a great possibility there will be no votes tomorrow and Members can head for their States. Particularly Western Senators who may have amendments, I urge you to offer your amendments so we can complete this bill today.

With that, I turn to my colleague from Nevada to see if we can constrain time, and then the Senator from Wisconsin can speak.

Mr. REID. Mr. President, Senator SPECTER and I have moved on this legislation. We have been wanting to do this for a long time. I personally would like 20 minutes. I want to make sure Senator SPECTER, who has not spoken, has all the time he wants. I certainly cannot speak for Senator SPECTER. So I say to my friends, the two managers of the bill, I will be happy to agree to any time limitation, but I have to speak to Senator SPECTER before I do that.

If it is in keeping with Senator MCCONNELL's wishes, I yield to my friend from Wisconsin for a period of 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin.

PASSAGE OF THE SHAYS-MEEHAN BILL

Mr. FEINGOLD. Mr. President, first in light of Senator REID's comments about my personal financing, which were accurate, he is buying me dinner tonight. I thank him for the lovely remarks.

Senator DODD and Senator REID were absolutely critical to the McCain-Feingold bill getting through this body.

They were the two Senators out here every day during those 2 weeks doing an absolutely masterful job managing the bill. It was very tricky. I thank them again. We need your help one more time now that it is coming back to this body. I am grateful.

As we know, in light of the papers and the comments this morning, early this morning the House of Representatives passed campaign finance reform. Thanks to the courageous leadership of CHRIS SHAYS, MARTY MEEHAN, and DICK GEPHARDT, the House voted firmly in favor of reform. The House had to weather a great storm—a storm of lobbying that rained down from the opponents of reform.

Frankly, they tried every trick in the book to kill the Shays-Meehan bill. They tried everything. Mr. President, you saw similar attempts in this House, and you helped us fight them every day.

The proponents of reform tried to love Shays-Meehan to death, they tried to make Members swallow poison pill amendments, and when all else failed, they tried old-fashioned arm twisting to get supporters to back down. But reform supporters did not back down. Instead, they were courageous and they brought about a historic moment for campaign finance reform. This was the time in the House when, as we all know, it really counted. A lot of people said it would not happen because this time, as some said, they were shooting with real bullets. But the House came through, as they have done twice before.

This really was—and I think many Americans feel this way—a soaring moment for democracy. Reform has now prevailed in both Houses of Congress. That is something for which all of us can be proud. With the passage of the Shays-Meehan bill in the House, both bodies have finally acknowledged the will of the American people, and that is that the campaign finance system must be reformed. But passage in the House, however great an achievement, does not quite get the bill to the finish line, as we know. We need to pass the Shays-Meehan bill in this body, and to do that, we need to receive the Shays-Meehan bill from the House of Representatives.

It sounds like a mechanical thing, Mr. President, but as you may recall, we had a little problem in this House with the McCain-Feingold bill being sent over to the House after it was passed. A majority in this body is eager to take up Shays-Meehan, but we cannot pass the bill until we have it in hand.

I urge the House to send the legislation to us today without delay. We cannot get this bill to the President's desk unless we can take it up and pass the legislation in this body. I urge the House to send us the bill so we can get it to the President for his signature.

I also add—and I am grateful for this—I welcome the President's remarks yesterday morning through his spokesperson that the Shays-Meehan bill would "make progress and improve the system." That is what the President's spokesman said. The President seeks a bill that improves the system, and that is exactly what our bill does. I am pleased and delighted the President has signaled his support for our legislation which will finally end the corrupt soft money system once and for all.

I, of course, look forward to working with my friend and partner on this, JOHN MCCAIN, to pass Shays-Meehan in this body and send it to the President. The American people will be watching, as they watched us last year and as they watched the House this week. They want to know whether we can finally do what is right. Can we finally close the door on the soft money system that leaves us so vulnerable to an appearance of corruption? Can we finally say together as legislators, as representatives of our people, the soft money system simply is not worth the risk?

It is time for us to show that we can live up to our role as stewards of this cherished democracy. We have the power to seize this moment for reform, and I really believe we will. We have had a decisive victory this week, just as we had a decisive victory last year in the Senate. Now we have to get this legislation across the finish line so we can ban soft money and begin to restore the people's faith in us and the work we do.

I certainly look forward to working with my colleagues to do that. I am grateful for the time. I thank the Senator from Nevada, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, my friend from New York has indicated he wishes to speak. I will yield to Senator SCHUMER from New York for a period up to 5 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Nevada for yielding. I first wish to give kudos and accolades to my friend from Wisconsin for the great job he has done on this issue. It took a particular kind of strength, a particular kind of courage to get this to happen, and he did. He had all of that, and he did. I salute him. The Nation salutes him this morning as we saw what happened on the floor of the House late last night.

I salute my House colleagues, not only, of course, Mr. SHAYS and Mr. MEEHAN and their band, and not only Minority Leader GEPHARDT, but also the new whip, NANCY PELOSI, did a great job in making this happen.

I wish to make two other points. First, is this a cure-all? No. But does it get rid of something that has grown like Topsy and has made the system far worse than what was envisioned when it passed in 1974? Absolutely. To not move forward would have been a mistake.

I join my colleague from Wisconsin in urging that the House send us the bill quickly and that we pass the bill quickly without further debate in the Senate. We all know how this bill has a unique and peculiar way of getting bogged down, for some reasons stated and some unstated. To send the House bill back to us and then we pass it is the way to proceed.

We are really close. We are on the 1-yard line. It has been a long game, and we can declare victory if the House sends us the bill and we just pass it.

I thank you, Mr. President, and I thank my friend from Nevada.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

AMENDMENT NO. 2879

Mr. REID. Mr. President, I recognize the work of Senators DODD and MCCONNELL, and others. Certainly they are the ones who run this committee and are responsible for bringing forward the legislation that is before the Senate and for crafting bipartisan legislation.

The most fundamental premise of democracy—and that is one of the reasons we have this legislation before the Senate—is that every vote counts.

The reality is that votes cast in wealthier parts of the country frequently count more than votes cast in poorer areas because wealthier districts have better, more accurate, more modern, and less error-prone counting machines than poorer precincts and districts. One can see in looking at a State, those counties within a State that have more money have more resources; they have better voting machines, more modern voting machines. The same is true in Nevada.

Reality was thrust upon us, of course, during the 2000 Presidential election after which many Americans justly questioned the trustworthiness of our Nation's electoral process. But even though Florida was beaten up very badly, if that same light had been shone on other States, the same problems would have been seen, as far as I am concerned.

In the last election I was involved in Washoe County, which is the second most populous county in the State of Nevada, a very good, well-intentioned worker in the county in the election department thought she would save a little money and print their own ballots. They did that and saved some money. They did not go to the professional, the same company that sold them the voting machines.

Well, come election time, some of the votes were not counted. They were off one-sixteenth of an inch or less, but the voting machine would not pick up that paper. So thousands of votes had to be hand counted once, twice, sometimes three times.

In that same county, I can remember very clearly, it was a close election. I had won the election, and I get a call a week or two after the election—there is a recount going on. They found 3,000 ballots they had not counted. When the election is going to be decided by a few hundred votes, that gets your attention.

The attention was focused on Florida, but it could have happened, I believe, in any of the 50 States. Florida may not have handled what they came up with very well after the fact, but I think we have to be considerate and understand that election problems have been around in this country for a long time. What this legislation will do is allow more fair elections, and I think that is so important.

The United States is the oldest democracy in the world, but we can do better. We are an imperfect nation as I have said hundreds of times, imperfect but the best country, with the best of rules, by this little Constitution, best set of rules ever devised to rule the affairs of men and women.

The bipartisan legislation that Senators DODD and MCCONNELL have crafted, while unable to address every single issue and every single problem that was exposed in 2000, takes a giant step in that direction. So I support the efforts of my colleagues from Connecticut and Kentucky and look forward to swift passage of this legislation, hopefully today.

The amendment I have sent to the desk, and I am pleased to recognize that this is bipartisan legislation—I am very honored Senator SPECTER has joined with me in this legislation—and this is an issue that has not received the attention it deserves. Basically what this amendment does is ensure that ex-felons, people who have fully served their sentences, have completed their probation, have completed their parole, should not be denied their right to vote.

When I am doing my morning run, I always listen to public radio. On public radio this morning, they had something called Heart to Heart. It is Valentine's Day and they had examples of different organizations doing nice things for people. I listened to these two law students, two women, who were counseling and trying to teach women who were in prison about the law. They went through the Constitution and taught about the First Amendment rights and such things. Interestingly, during that interview I heard this morning, the women said the one thing they wanted to talk about and the one thing that bothered them so much is they did not know they would not be able to vote when they got out of prison, and they focused on that. That means so much to an American to be able to vote.

We do not have the voter turnout that we should have, but still it is a right that must be protected.

My parents were uneducated. They knew how important it was to vote. I can remember my mother especially, there would be somebody on the ballot and she would say: I know him; Glen Jones.

But she did not know Glen Jones. She had met Glen Jones at some political rally. But I thought she knew Glen Jones and she thought she knew Glen Jones. He was sheriff of Clark County.

Mr. President, I want to tell my colleagues . . . how I became involved in this issue. Some will say there are a lot more important things to do, and maybe that is true. In Las Vegas, we have a radio station KCEP, in a predominantly, African American part of Las Vegas. I went there 1 day to spend an hour taking phone calls, and I made a very brief statement. I took my first call and a woman said:

> My brother committed a crime when he was a teenager. He completed his probation and he is now a man in his fifties and he cannot vote. He has never done anything wrong in his life other than when he was a teenager. But, he cannot vote. He supports his family. He pays his taxes. Why should he not be able to vote?

And that one phone call started for an hour people calling in saying: Senator REID, can't you do something about that? They would give example after example.

I could give scores of examples. I cannot remember everybody who called me on that radio station, but I have an e-mail that was sent to me that perhaps illustrates what these radio callers were talking about.

> DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time. I currently make over $60,000 per year. I own two houses in Las Vegas and 40 acres of land in Utah. I pay my fair share of taxes, both local and Federal, and yet I have no say in my government. I suppose I could hire a lawyer and try to get my civil rights back, but it is very confusing. I would first have to petition California where the offenses occurred, and then petition Nevada.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> DEAR SENATOR REID: I heard on the news this morning that you are working on some legislation regarding the voting rights of convicted felons. I have a felony conviction from the sixties. I did my time, learned my lesson, and have been a responsible citizen since then. I moved to Las Vegas in 1982 and have lived here since that time. I have been employed all that time, currently I gross over $60,000 per year. I own two houses in Las Vegas and forty acres of land in Utah. I pay my fair share of taxes, both local and federal and yet I have no say in my government.
>
> I suppose I could hire a lawyer and try to get my civil rights back. But it's very confusing. I would first have to petition California where the offenses occurred and then petition Nevada.
>
> I registered here when I first came to Nevada and got my ex-felon card. I also registered to vote. In California I was allowed to vote and I though it would be the same here. I did vote for over ten years here and then a few years ago out of the blue I received notice that I no longer could vote. I was devastated. First off I could not see where it even made sense, I was a working property owner who payed taxes and obeyed the laws. (In the past thirty years I have two traffic tickets and that's all). I still feel that I should have the right to vote. I hope that you can accomplish something that will allow me to have some say about the future of this great country.
>
> I feel that it is not only the right of every American to vote. It is also their duty.
>
> Thank you
>
> MELVIN DOUGLAS MINER, Jr.

Mr. REID. He closes by saying he has paid all his taxes and obeyed all the laws. The past 30 years he had two traffic tickets which he paid. He still believes he should have the right to vote. He says:

> I hope that you can accomplish something that will allow me to have some say about the future of this great country. I feel that it is not only the right of every American to vote, it is also their duty.

My constituent's name is Melvin Douglas Miner, Jr., and he is not embarrassed by the fact he has done this. He is rendering a service to the people of this country by allowing me to use his letter to me.

There are examples after examples. A man came to me who is almost 80 years old, a successful businessman in Las Vegas, with tears in his eyes, and said: I am going to close up my business and turn it over to my children.

He said: I cannot vote. Every time the election time rolls around I make excuses to my children. I got married late in life. My children are asking me questions even today. I have been able to hide from them the fact that I do not vote is because I cannot vote. Could you do something about it?

There are stories such as there all over. I don't condone people who commit felonies, but I recognize that when people pay their debt to society we should make them part of society. I am not saying the day a person gets out of prison they should be able to vote. But when he gets out of prison and has completed his parole and probation, let him vote.

The right to vote in a democracy is the most basic right of citizenship. It is a right that may not be abridged or denied, by any State, race, color, gender, or position of servitude. It is a fundamental right. It is a glaring example of what our free society represents.

Think about Nelson Mandela. Nelson Mandela spent 27 years in prison. Nelson Mandela as a young man spent his best years in prison. One would think for a man who spent 27 years in prison, many of those years in very squalid conditions, that the most important day of his life would have been walking out of that prison after 27 years, or maybe it was the day he became president of a post-apartheid South Africa. But that is not what he said. The great Nelson Mandela said the most important day of his life was the day he voted for the first time. Think about that.

Millions of people in America cannot vote. They have completed their debt to society. As elected officials who have been given the privilege to serve, we need to recognize the strength of a democracy depends on voluntary participation of its citizens. Low voter turnout is not something we should be proud of; certainly we should not compound that by having people who have fulfilled their debt to society not be allowed to vote.

States have different rules as to when a person can vote if a person committed a felony. In 14 States, ex-felons who have served their sentence, including parole on probation, are denied a right to vote; the 36 other States have various rules. But it adds up to hundreds of thousands and millions of people. Fundamental fairness dictates this policy is wrong.

The amendment that the senior Senator from Pennsylvania and I have introduced today aims to correct this injustice. In these 14 States and other States, the process by which individuals who have fully served their sentences and wish to regain their right to vote is often difficult and cumbersome. Some may have to petition a board and get a pardon. For others, Governors can give them the right to vote. In some States, ex-felons who have completed their sentences must obtain a Presidential pardon. As every Member knows, very few people have the financial or political resources needed.

This disproportionally affects ethnic minorities. According to the Sentencing Project, an estimated 13 percent of adult African Americans throughout the United States are unable to vote as a result of varying State disenfranchisement laws. The rate is, unbelievably, seven times the national average.

In some States, the numbers are more extraordinary. In Florida and Alabama, more than 31 percent of all African American men are permanently barred from ever voting in those States again. In six other States, the percentage of African American men permanently disfranchised is over 20 percent. Given current rates of incarceration, the Sentencing Project estimates that up to 40 percent of African American men may permanently lose their right to vote.

I want to make sure that not lost in this debate is the fact that criminal activity is wrong and must be punished and punished severely. I am for the death penalty. I introduced, in the State of Nevada, legislation that said if you are convicted of a crime and sentenced to life without possibility of parole, that is what it should mean. It should not mean a person gets out in 20 or 30 years. If a jury, with the approval of a judge, sentences somebody to life without the possibility of parole, that is what it should mean.

I believe in strict enforcement of the law. However, I also believe a sentence is a sentence, and when a judge gives somebody 10 years and they get out in 5 years, after 5 years of parole and any probation time they should be able to be voters in the State of Nevada and the rest of this country. Sufficient and appropriate sentences should be imposed upon those who violate our laws. We should not, however, disenfranchise those who have fully completed their prescribed sentences.

We have a saying in this country: If you do the crime, you have to do the time. I agree with that. But if you do the time, and do it completely, why should you have to do more time?

I have a number of editorials, one from October 3, 2000, in the York Daily Record, "Voting Rights Too Long Denied"; Philadelphia Inquirer, September 21, "A Vote for Fairness, Disenfranchising Ex-Felons Was Unnecessary." I have an editorial from the Las Vegas Review Journal, "Felons and Voting Rights, Extended 'Second-Class Citizenship' Is Counterproductive." I ask unanimous consent these editorials be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the York Daily Record, Oct. 3, 2000]

VOTING RIGHTS TOO LONG DENIED

Pennsylvania last week plucked some feathers from a Jim Crow-like law that denied the vote to a disproportionate number of voting-age black men.

Once common in the South, Jim Crow laws were designed to deny blacks the vote. Jim Crow was a demeaning minstrel show character, and it is in his dishonor the laws were named.

Pennsylvania's rules denying recent ex-felons the vote may not have been written with racial intentions, but it had that effect. And because of that effect, the Philadelphia NAACP successfully sued to have the law set aside.

Commonwealth Court President Judge Joseph T. Doyle said he found "no rational basis" for Pennsylvania's law. The statute barred convicts from registering to vote for five years after leaving prison with one major exception. Felons who were registered before entering prison were allowed to vote.

Strangely, the law even allowed them to run for office while still serving their sentence. Former Republican state senator Bill Slocum, fresh from a federal pen and on house arrest, is campaigning for his old job on "work release" while still wearing an electronic monitoring device. Mr. Slocum has not yet finished his term, and voters should cast their ballots accordingly.

But someone who has paid his debt to society should not be stripped of a right of citizenship for five years, as was the case in Pennsylvania.

Judge Doyle was right to issue a temporary order allowing ex-felons to register to vote in the upcoming election. The law itself should be struck down, and other states have statutes even more in need of change. Those with felony records face a lifetime disenfranchisement in Florida, Alabama, Mississippi, Virginia, Iowa, Kentucky, Nevada, New Mexico and Wyoming—that's 2 percent of all Americans and 13 percent of adult black men.

The nation's war on drugs has claimed a disproportionate number of people of color. Based on current rates of incarceration, 28.5 percent of black males will likely serve time in a state or federal prison for a felony conviction, a rate seven times than for whites.

That doesn't mean African-Americans commit a disproportionate number of crimes. It is necessary to look beyond the surface statistics. Although blacks and whites have about the same rate of drug use, for example, about a third of those arrested for drug offenses are African-Americans. Fifty-nine percent of those convicted are black, and their sentences are almost 50 percent longer than for whites.

Not being able to vote is among the least of the problems in a system so fraught with injustice. But it needs to be addressed.

About 14 million African-Americans had lost their right to vote because of felony convictions. But those statistics will have to be adjusted downward now that 40,000 black Pennsylvanians have regained their right to vote.

State Attorney General Mike Fisher said he will not appeal the court's decision. The newly enfranchised, as everyone else, have until Oct. 10 to register to vote in the November election.

IT'S EASY TO REGISTER

If you didn't vote during the past two federal elections, don't plan to vote on Nov. 4—unless you register to vote.

It's easy to register, there's no fee; and you still have time. But not much.

Forms are available at the Voter Registration Office at 1 Marketway West, at post offices, municipal buildings, from political activists and at libraries. Or pick up your phone and call the Voter Registration office at 771-9604. They'll mail a form to you.

Just make sure the completed form reaches the Voter Registration office by 4:30 p.m. Oct. 10. That's one week from today.

[From the Philadelphia Inquirer, Sept. 21, 2000]

A VOTE FOR FAIRNESS

DISENFRANCHISING EX-FELONS WAS UNNECESSARY

Goodness, what perils must lie in permitting convicted felons to vote after their release from jail. After all, two-thirds of the 50 states limit or even ban felons for life from the voting booth.

Why, convicts might shed their prison blues and rush out to the polls with all manner of wild ideas—like voting for any candidate (should one ever appear) who opposes inhumane prison conditions.

Just imagine the deplorable state of democracy if the nearly 4 million people banned from voting now were allowed to fulfill this duty of citizenship, while rebuilding their lives.

Yeah, right

Disenfranchising felons who served their time is purely a punitive measure. It's surely no deterrent to crime. Imagine a thug declining to stick up a convenience store because it might jeopardize his voting rights.

One thing a voting ban might deter, though, is a rehabilitated convict from feeling like part of the community of the law-abiding and feeling a greater personal stake in staying part of it.

Yet tough-on-crime state lawmakers love to mix voting bans in with their mandatory sentencing statutes and the like. The 35 states that prohibit former inmates from voting include Pennsylvania and New Jersey, with Delaware among the 14 with lifetime voting bans.

Sadly, the message society conveys with such measure is that we don't much believe in second chances, much less redemption. That's why it's a relief—if likely temporary—to see a Pennsylvania Commonwealth Court judge talk some sense on this subject.

In a ruling filed Monday, Judge Joseph T. Doyle ruled unconstitutional the 1995 Pennsylvania law that prohibits convicted felons from voting for five years after their release from jail.

The ban had "no rational basis," Judge Doyle wrote, since it applied only to felons not registered to vote when jailed. For now, the law is dead. And good riddance.

While it might be irresistible for state Attorney General Mike Fisher to appeal, or for Harrisburg lawmakers to attempt constitutional repairs on the law, the best course would be to let the ruling stand. And who knows? Other states might follow that lead.

That's the hope of the Philadelphia NAACP, which aided ex-felons suing over the Pennsylvania law. With African Americans comprising a third of those disenfranchised, the voting bans hit black communities especially hard.

Losing the right to vote while behind bars is an entirely reasonable punishment, since voting is one hallmark of freedom in a democracy. Once convicts have done their time, though, it's in society's interest that they resume the habits of responsible citizenship—such as voting—as soon as possible.

[From the Las Vegas Review-Journal, Apr. 13, 2001]

FELONS AND VOTING RIGHTS

Few would expect to find a photograph of Nevada Sen. Harry Reid in the dictionary of slang next to the phrase "pretty fly for a white guy." Thus, there was some laughter in the audience as Sen. Reid introduced NAACP President Kewisi Mufume to a new conference at the MGM Grand on Monday, asserting, "He and I are soul brothers."

Both gentlemen spoke of their ongoing efforts to restore voting rights in federal elections to convicted felons after they have served their sentences. Mr. Mfume said felon re-enfranchisement is currently one of the NAACP's top five priorities. Sen. Reid said he was inspired to push for the reform after a Las Vegas mother told Sen. Reid her son can't vote because of a crime committed 30 years ago.

The NAACP's involvement with this issue comes as no surprise. Thanks to the drug war, a whopping percentage of young black and Hispanic men will have some kind of serious run-in with the law before they turn 30. The Sentencing Project and Human Rights Watch reveals that 13 percent of all African-American males are prohibited from voting.

Even a nonviolent offense can cripple a person's ability to participate in his or her own government for the rest of his or her life—hardly an incentive for good citizenship or involvement in the community.

What is the justification for denying people who have paid their debt to society the right to vote? After all, the rights guaranteed by the Constitution are equal, inseparable and take precedence over any subsequent enactments; they are the highest law on the land. Would anyone assert a felon, once released from prison and having successfully completed parole or probation, has no right to attend a church or temple—to exercise his freedom of religion—until those specific rights are restored in writing by some executive order? Of course not.

Likewise, no one would consider barring former prisoners from writing books or letters-to-the-editor after their release pending issuance of some document formally "restoring" this First Amendment right.

This notion that Americans become second class citizens—some of their constitutional rights selectively and permanently impaired—even after they have "done their time," is anathema in a free country, because it accustoms us to a dangerous precedent under which government bureaucrats are empowered to decide which rights shall be "restored," and when.

If Sen. Reid and Mr. Mfume can succeed in restoring these federal voting rights . . . more power to them.

Mr. REID. As I am sure the manager of the bill knows well, the State of Connecticut recently voted to guarantee all ex-felons on probation the right to vote.

Nonetheless, the amendment Senator SPECTER and I have crafted is narrow in scope. It does not extend voting rights to prisoners. Some States do that. I don't believe in that. It does not extend voting rights to ex-felons on parole, even though 18 States do that. It does not extend voting rights to ex-felons on probation, even though some States do that. This legislation simply restores the right to vote to those individuals who have completely served their sentences, including probation and parole.

Finally, this legislation would only apply to Federal elections, but it would set an example for the rest of the States to follow what we do in Federal elections.

Even though we have delegated to the States time, place, and authority, Congress has retained the ultimate authority with ample precedent to set qualifications for Federal elections. We did that with motor-voter registration and others.

The revolutionary patriot, Thomas Paine, said: The right of voting for representatives is the primary right by which all other rights are protected. To take away this right is to reduce a man to slavery, for slavery consists in being subject to the will of another, and he also has not a vote in the election of representatives in this case.

We must do away with Thomas Paine's definition of slavery. People should be able to vote when they have done their time. When Mr. Miner of Las Vegas wrote to me about the fact that he could no longer vote even though he has been a model citizen for 30 years, I am sure he felt and still feels as did Thomas Paine. Those people who called me at KCEP radio, know in their heart that something is wrong. They and their relatives and friends have done their time. They have done enough. They should be able to vote.

This bipartisan amendment, in many ways is similar to the bipartisan compromise reached by Senators DODD and McCONNELL. It does not go as far as some people would like, but it is certainly a giant step in the right direction. I hope the Members of this Senate would rally around this amendment and allow it to become law.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, with all due respect to my colleague from Nevada, this is an issue for the States, not the Federal Government. Voter qualification is generally a power the Constitution leaves within the prerogative of the States. The Constitution grants States broad power to determine voter qualification. It is highly doubtful that Congress has constitutional authority to pass legislation preempting the states with regard to this issue.

The Ford/Carter Commission agrees with this assessment. The Commission concluded, "we doubt that Congress has the constitutional power to legislate a federal prescription" on States prohibiting felons from voting.

In 1974 the Supreme Court held that convicted felons do not have a fundamental right to vote, and that excluding convicted felons from voting does not violate the Constitution. Federal courts have consistently dismissed lawsuits aimed at letting prisoners vote. One court even concluded that the facial validity of felon voting restrictions may be "absolute."

Only two States do not impose restrictions on the voting rights of felons. In fourteen States, felons convicted of a crime may lose the right to vote for life. Congress should not interpose itself between the States and their people. As the Ford/Carter Commission said in their report:

> [W]e believe the question of whether felons should lose their right to vote is one that requires a moral judgement by the citizens of each state.

This proposed amendment frankly, should fail on the merits. When a person is convicted of a felony, that person should lose their right to vote. Convicted felons have been denied various privileges granted to other citizens going all the way back to ancient Rome and Greece.

Voting is a privilege; a privilege properly exercised at the voting booth, not from a prison cell. States have a significant interest in reserving the vote for those who have abided by the social contract that forms the foundation of a representative democracy. We are talking about rapists, murderers, robbers, and even terrorists or spies. Do we want to see convicted terrorists who seek to destroy this country voting in elections? Do we want to see convicted spies who cause great damage to this country voting in elections? Do we want to see "jailhouse blocs" banding together to oust sheriffs and government officials who are tough on crime?

Those who break our laws should not have a voice in electing those who make and enforce our laws. Those who break our laws should not dilute the vote of law-abiding citizens. Fundamentally, Mr. President, as a former Governor yourself, this is a decision made in each State by the Governor, as to whether or not to restore the rights of convicted felons. But in any event, it seems to me a Federal prescription in this area, just as the Ford/Carter Commission concluded, is not appropriate. So I hope we will not seek to preempt this area of State law in the course of our action on election reform legislation.

Mr. President, I know also Senator SESSIONS wishes to speak on this issue. I think he will be here shortly. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the statement of the Senator from Kentucky is very typical of what happens in instances such as this. We have a situation where we have now 36 States that allow felons the right to vote in various but limited ways. I went over some of them. This legislation simply is to correct what I believe are some problems in the law.

In Federal elections, people who have the same qualifications should be able to vote. As I have said, 36 States already allow ex-felons to vote.

It is easy to talk about terrorists and rapists and all that. But the point is that people who are convicted of crimes serve time. Sometimes they serve a lifetime. Those people can't vote. Sometimes people serve 30, 40 years. Sometimes they serve 10 years. Sometimes they are on parole for many years. Sometimes they are convicted and they never go to jail; they are on probation. Whatever the sentence, they should serve it completely. But when they have done so, these people should be able to vote.

It is easy to incite people, saying this is so terrible. Thirty-six States allow ex-felons to vote right now. Is this such a wave-breaking issue?

I think it would be a terrible shame if we sent a message to millions of people in America today—people such as Mr. Miner, who in the 1960s did something wrong, but has since been a good citizen. We have a lot of people who would be better citizens if they could vote.

Categories of felons disenfranchised under State law—some States even allow people in prison who are felons the right to vote. That is the way it is today. Some States allow people to vote when they are on probation. Some States allow people to vote when they are on parole.

I am not doing that. I am saying a person who has completed his sentence and has completed his probation and parole should be able to vote. So I think it is really out of line for my friend from Kentucky to raise all these irrelevant issues, suggesting this is some big new deal that is going to cause problems. My amendment will allow millions of people to vote who deserve to vote.

It goes without saying that one reason this legislation has not been embraced much earlier is that some people are afraid—afraid of unfair and irrational statements made such as those by the Senator from Kentucky. But the fact is all these bad people who are sentenced and jailed shouldn't be able to vote. I said that. But let us not confuse the issue. Once somebody is out of prison and they have completely finished their parole and probation, let them vote. It's the right thing to do.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DURBIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts on an issue of some importance, both as it relates to the traditional role between the States and the Federal Government and with regard to the constitutional role between the Federal and State governments, and then some personal insight into the idea that people who have been convicted of felonies in this country should be mandated the right to vote by the Federal Government in States that may not agree with that idea.

Frankly, people who violate felony laws—this does not include juvenile crimes, it does not include traffic offenses, it doesn't include DUIs, and it doesn't include petty theft and small drug offenses. It deals with people who have felony convictions, many of whom have served time in jail. Historically, we have referred to those people as being outside the law or, in short, outlaws. All the way through the beginning of the United States of America, we have believed that a person who violates serious laws of a State or the Federal Government forfeits their right to participate in those activities of that government, that their judgement and character is such that they ought not to be making decisions on the most important issues facing our country. Virtually every State in this country takes that position to one degree or another.

As a prosecutor for 15 years, I wonder about how those people I helped put in the slammer feel about me. I do not care about them voting on my election. Would it intimidate or discourage or diminish the ability of judges who run for election? Or would a prosecutor who runs for election in some way not be as aggressive? Would it be a concern to them? Would it allow votes to occur against a strong law-and-order candidate that might not otherwise occur? I do not know.

But, for a lot of reasons, our States have decided they do not want to give felons, people who have committed serious offenses in this Nation, the right to vote. That is a common practice in virtually every State in America where they have some restrictions on it.

Sometimes what we do in this Chamber is argue about what we have the power to do. But the other question is, What ought we to do? I think this Congress, with this little debate we are having on this bill, ought not to step in and, with a big sledge hammer, smash something we have had from the beginning of this country's foundation—a set of election laws in every State in America—and change those laws. To just up and do that is disrespectful to them.

At this very moment, in States throughout America, legislatures are discussing under what circumstances felons should or should not be allowed to vote. Some are allowing them to vote in any number of different ways, under certain circumstances, based on what crimes they may have committed, how long they served in jail, how long they have been out of jail, whether or not they seek a pardon and get it, whether or not they have been rearrested. Whatever they decide to do, it is going on in those legislatures.

We have not had hearings, to my knowledge, on this subject.

I am on the Judiciary Committee, which normally deals with those issues. We have not had hearings. We have not had anything but an amendment appear in this Chamber on this subject. It would be unwise for us to presume, after such a short debate, that we ought to just override the laws in every State in America. We should not do that out of respect for them.

Most Americans are familiar with President Ford's and President Carter's work together on any number of issues—a Republican President and a Democratic President. They have had some discussion about these issues.

They had a commission that dealt with voting issues. They concluded—I will quote from their report—"we doubt that Congress has the Constitutional power to legislate a federal prescription" on States prohibiting felons from voting.

In other words, they doubt that this Congress has the constitutional power—not a question of deference or propriety—to do this.

That was a bipartisan commission with two of our elder statesmen for whom people in this country have great respect.

The Supreme Court, in 1974, specifically held that felons do not have a fundamental right to vote and that excluding felons from voting does not violate the U.S. Constitution. That is clear law from the Supreme Court of the United States in 1974, and it has not been altered since.

Another Federal court has even concluded that the facial validity of felon voting restrictions may be "absolute."

So there may be one or two States that impose no restrictions on voting, but the overwhelming majority do. And they have given thought to it. Each State has different standards based on their moral evaluation, their legal evaluation, their public interest in what they think is important in their States. That is what I believe we should do. We should follow that.

When we allow a brief moment of debate to alter State historic principles on issues of complexity such as this, we are really stepping beyond our bounds.

I want to stay on the point a little bit about the propriety, about the deference, about the respect this Congress should give to States. Yes, there are certain steps we take when we believe it is in the overwhelming national interest—particularly when there is a need to have uniformity in rules and regulations—to pass some regulation for health or safety, such as for railroad width or whatever we decide to do. Those things are justified.

But it ought not to come up with some last-minute vote without in-depth hearings, without hearing from secretaries of States around the country, without hearing from State legislators who may have voted on it last month or may have voted on it last year and discussed these very issues and debated them within their States. And we come in now, and we are going to tell them: We do not care what you think. We do not care about your debates. We have not had debate here, but we are going to change our mind. We are going to change the law of America. And anybody who committed acts of murder, burglaries—whatever they did—serious drug offenses, drug dealing, they can all vote now in America.

I am not for that. Somebody else may be. That is a good matter to debate. The question is, Where should it be debated? I say it should be debated where it has always been debated: In the States of America. They have set the voting qualifications for our voters, except for certain major requirements that the Constitution places on them and Federal law requires. But this should not be an expansion now into this category of voting. I strongly oppose it. I think it is a big-time mistake. It is a rush job. It is disrespectful to the hundreds, thousands of State legislators who deal with these issues regularly.

We have not had any serious suggestion, to my knowledge, that the voting process is being gummed up over this rule. It seems to be working well. Each State has its own system for identifying felons and informing them that they are not qualified to vote. To change that now on this bill would be a terrible step. It is something we would regret. If you believe President Ford and President Carter in the commission they established, it would be reversed by the Supreme Court of the United States as being unconstitutional.

When we pass legislation in this Chamber, we have sworn to uphold the Constitution. If we have evidence that it is unconstitutional, we ought not to pass it on that basis, also. So as a matter of policy, respect, and constitutional law, it ought not to be voted for.

Frankly, I do not think the American debate and American policy is going to be better informed if we have a bunch of felons in this process as opposed to them not being in this process. That is my 2 cents' worth.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in support of legislation which has been offered by the Senator from Nevada, Mr. REID, and myself. Carefully and narrowly crafted, it would authorize ex-felons who have served any prison sentence—for misdemeanors as well—who have fully served their prison sentence, and any parole or probation, to have the right to vote in Federal elections.

The statistics are that there are only 15 States, and the District of Columbia, that have a prohibition limiting all felons from voting. The balance of the 50 States have various provisions that allow ex-convicts to vote in a variety of circumstances. Four States—Utah, Vermont, Massachusetts, and Maine—even allow felons to vote while they are in prison; 14 States, and the District of Columbia, only prohibit felons from voting when in prison; 32 States prohibit felons from voting while on probation and/or on parole.

This amendment would authorize ex-convicts who have fully paid their debt to society to vote in Federal elections, leaving the matter for State elections to be determined by the State.

It is my view that this provision would aid ex-convicts in being reintegrated into society and would be a fair provision on the basic proposition that these people have fully paid their debt to society. I say this with some experience in the field, having been in the prosecution line for some 12 years—8 years as district attorney of Philadelphia, and 4 years before that as an assistant district attorney. In those positions—especially in my early days as an assistant district attorney—having had the opportunity to interview many individuals incarcerated in jail, the first job I received as chief of the appeals, pardons, and parole section of the Philadelphia district attorney's office was interviewing inmates who were under the death penalty, where an application had been made for commutation.

Candidly, it was quite an experience to go to death row and talk to men and women who were under the death penalty—to talk about the offenses for which they had been convicted, talk about what they had done in prison, what they had done by way of trying to rehabilitate themselves, their reasons for believing they were worthy of having the judgment of sentence of death changed.

In the prosecutor's office, it seemed to me that our criminal justice system was not directed in the most efficient way at protecting the public, and that would be to provide for life sentences for career criminals. If you found somebody who was a career criminal—by that, I mean someone convicted of three or more serious offenses—then they get a life sentence. If, on the other hand, you deal with everybody else who is going to be released from jail—and that would be especially juveniles, but anybody else who is released from jail and comes back into society—there, with the rates of recidivism, repeat offenders, society is at risk.

It seemed to me—and I worked on this while being district attorney of Philadelphia, and since in the Senate—we needed to provide what I call realistic rehabilitation. By that, I mean literacy training and job training. If we had this division between career criminals, who commit about 70 percent of the crimes, and the other individuals who are going to be released into society, and made a real effort at rehabilitation with job training and literacy training so they can reenter the community, my professional judgment is that we could reduce violent crime in America by some 50 percent.

I think giving an ex-convict who has paid his or her debt to society the right to vote would be of significant and material assistance to reintegrating that person into society. When somebody comes out of jail, it is obviously a tough line to make it on the outside, and there is a matter of self-worth. There is a matter of where the person stands in society, if society says to that individual, You have paid your debt; we want you to come back and be a law-abiding citizen, and one facet of recognition of your having paid your debt to society is that you are restored in your citizenship the right to vote.

Some have said: What if you are dealing with a rapist? Or what if you are dealing with a terrorist? Or what if you are dealing with a murderer? What if you are dealing with somebody who has had a bad record of violence?

The criminal justice system has evaluated that person. That person has gone through a trial, and that person has been adjudicated guilty. That is the verdict. Then there has been a sentence. Sometimes the sentence is the death penalty. We are seeing more and more people who have been sentenced to death or for long periods of imprisonment being exonerated through DNA tests.

Whatever the procedure is, however the person has been adjudicated by the criminal justice system, once that person has served the sentence and is out of jail, once that person has served probation or parole, as far as the criminal justice system is concerned, that individual has paid his or her debt to society.

Having paid the debt to society, which is the common parlance term, that individual owes nothing more to society. That person, I believe, ought to have the right to vote.

The amendment has been crafted so that it covers only Federal elections, and I think that is a sensible distinction because the Congress of the United States controls voting procedures in Federal elections.

The election reform bill we have before us today is a very significant bill. It will address the concerns we had after the elections in the year 2000 when we had the question of the chads and what were people's intent to vote, and try to produce an electoral system which is calibrated and calculated to reflect the intent of the voters when they do vote.

The bill also seeks to deal with widespread problems of fraud where some people vote in more than one polling place; some people are not entitled to vote. When I was district attorney of Philadelphia, that was a particular problem I had. Philadelphia is a rough, tough city, probably challenged only by Chicago, IL—that might attract the attention of the Presiding Officer. Chicago and Philadelphia have had, I think, unique problems with voter fraud. As DA, I worked on that a great deal, and I am glad to see this bill seeks to address that problem.

The amendment I am addressing has a specific focus on people who have paid their debt to society. It makes sense. I think they are entitled to vote, to have their civil rights restored, and it could be very significant in reintegrating that person into society, saying to that person: You have paid your debt; we recognize you as a law-abiding citizen; you have a duty to remain a law-abiding citizen; we will try to assist on the rehabilitation, try to avoid your repeating a crime, a recidivist, and this is reintegration into society.

I am pleased to join the distinguished Senator from Nevada as being a cosponsor of this amendment.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if I can from this place in the Chamber, I extend my appreciation to my friend from Pennsylvania and also recognize the fact that a good part of his professional life was spent putting people in jail. He was a very successful prosecutor who sent scores of people to prison for long periods of time.

Mr. SPECTER. If I may interrupt my distinguished colleague, scores is a vast understatement. We had 500 homicides a year in Philadelphia. We had some 30,000 cases a year. When I left the DA's position in January of 1974, I had 165 assistant DAs. We put people in jail in enormous numbers—robbers, rapists, murderers. I tried a good many of those cases myself, 4 years as an assistant DA. I was in the trial courts and appellate courts while DA. I prosecuted murder cases and rape cases.

The problem of violence in America today is overwhelming. In a city like Philadelphia, it is an overwhelming problem. It is also an overwhelming problem in a city like Chicago. I know Las Vegas is a more law-abiding town, and Reno, NV.

We have to tackle head on this problem of violent crime. I would like to see us address more of our attention between dividing career criminals, who commit 70 percent of the crimes, and throw away the book—they ought to be in jail for life; I wrote the armed career criminal bill which passed the Senate providing for life sentences for career criminals caught in possession of a firearm—and the balance of realistic rehabilitation, job training, literacy training, and recognizing them as citizens.

I thank my colleague from Nevada for being the originator of this idea of giving them the right to vote, to help them be reintegrated.

Mr. REID. Mr. President, I say to my friend from Pennsylvania, the reason I mentioned this, historically he is one of the prosecutors we know about in this country. I say that because the two sponsors of this legislation are not people who are soft on crime. I, personally, as I stated earlier today, when I was in the State legislature, introduced legislation to make life without the possibility of parole mean what it says; that if you are sentenced to life without the possibility of parole, that is what it should be.

I want the record to be spread with the fact that REID and SPECTER are for tough sentencing. We will do everything we can to put people in prison and jail who deserve to be in prison and jail. They should complete their sentences, but after that has been done and they have paid their debt to society, shouldn't they have the right to vote? That is what it is all about.

Mr. SPECTER. I thank my distinguished colleague from Nevada for those kind remarks. It surprised me. When I complimented him earlier, I did not know he was in the Chamber. I would have been just as effusive in my compliments, but to have him on the Republican side and to find him on the back bench is a surprise.

I will be glad to work with Senator REID on this amendment. I yield the floor.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Virginia.

AMENDMENT NO. 2858

Mr. ALLEN. Mr. President, we are now debating the issue of voting rights. Let's put it in perspective. Yesterday evening, an amendment offered by Senator ALLARD of Colorado, which I cosponsored, was adopted. It is a very good amendment. It improves and clarifies the laws surrounding voting by those who serve in the military.

Senator ALLARD's amendment is certainly needed. We saw in the 2000 election that some voters in our armed services were not able to participate or have their votes counted; in effect, not being able to vote for their prospective Commander in Chief.

The issues we are discussing today are very important, but one of the more important improvements was addressing the needs of our military voters. These are people who honorably serve our country, and we want to make sure the votes they cast for their elected officials are counted. Indeed, their service to protect our freedoms should not diminish their rights to participate in representative democracy.

Senator ALLARD's amendment is an effort to make sure those votes are cast. Some of the postmark problems make no sense when people are overseas and on ships. It also makes sure State and local jurisdictions are better informed of performing their important duties in administering elections fairly.

All of this recognizes the important role of the localities and the States in making sure the elections are administered fairly and, indeed, making sure those who serve overseas can exercise their constitutional right to vote in Federal elections.

Who does the Allard amendment apply to? It applies to over 2.7 million members of the military and their families who are stationed away from their home today in service to the people and the principles of our Republic.

Many of these men and women are residents of the Commonwealth of Virginia, the birthplace of American liberty and indeed home of the first legislative body in the western hemisphere which was formed in 1619, long before this body was formed.

I was proud to lend my name and my voice to Senator ALLARD's amendment because it ensures that those who serve our country honorably and with distinction have their voices heard, not just in Virginia but in every State of the Union.

We go from protecting those who honorably serve to a debate on this pending amendment, which advocates undesirable Federal meddling into the so-called voting rights of convicted felons. Indeed, throughout the Senate, our colleagues care about people across the spectrum of responsibility, from those citizens who are more responsible to even those who are less responsible.

I refer my colleagues to an article recently published in the Fredericksburg Free Lance-Star on February 5 of this year which deals with the issue of voting rights for felons in Virginia and has been mentioned by both its proponents and its opponents. The various States have differing approaches to the restoration of voting rights or any rights to those who have been convicted of felonies.

Now I will say that in Virginia—before I get to this article—having been Governor of Virginia, I took the responsibility very seriously when reviewing the petitions of those who had been convicted of felonies. It struck me in a very interesting way. In the midst of a campaign, I was down in Buchanan County, which is far southwestern Virginia. It is on the Kentucky/West Virginia border. It is a coal county. I was campaigning early in my campaign for Governor at this country store called Pentley's, which, sadly, has since closed down. At any rate, I went in there shaking hands, handing out cards. It was such a memorable event in that Mrs. Pentley, the lady who ran the store, thought it was wonderful that a candidate for statewide office actually came to her store, in Buchanan County. She said: You are the most famous person who has come here since the guy who invented 10,000 flushes came here, because he was on TV and we did not have enough money at the time to be on TV.

As I left that store all charged up because she put my little card up, there was a fellow leaning up against the drink machine where the ice is kept, and he said: I like you. You are a good guy.

I said: Well, thank you. I hope you will vote for me.

He said: Well, I cannot.

I said: Well, why not? Are you not registered?

No, I am not registered.

I said: Why not?

He said: I cannot get registered.

I said: Of course you can. What is your excuse? What are you, a convicted felon?

He said: Yes.

I said: Okay. Well, talk to your friends and neighbors and folks you might influence.

With this, I left and I told this story all around Virginia.

Fortunately, I was elected by the good people of Virginia to serve as Governor, and I thought it was always important to take the Governor's office to the people, so I said: Let's go back to Pentley's Store and thank Mrs. Pentley for all her inspiration. Mrs. Pentley does not know how much I would talk about her.

We were in an RV. As we got out of the RV—this was 2 or 3 years later—there was this same fellow who looked as if he had grown some teeth and had a nicer shirt, one that did not have a hole in it. He said: Do you remember me?

I said: I sure do. I do remember you. You are looking good today.

He said: I voted for you.

When you win an election, everyone says they voted for you.

I said: I do remember you. You told me you were a convicted felon. I know you could not have voted for me.

He said: But I did.

I said: What happened? Did Governor Wilder restore your voting rights?

He said: Yes, he did, and I voted for you.

That is a personal story about treating everyone with dignity and respect. Who would have known that Governor Wilder, who is not in the same party I am, would have restored this gentleman's right to vote before the election and he voted for me?

In Virginia, I would look at these situations very seriously, not just because of this gentleman in Buchanan County but because those who petitioned me would talk about their sacred right to vote.

Let's look at how Virginia is compared to other States. Virginia is 1 of 10 States that permanently prevent—and this is according to the Fredericksburg Free Lance-Star in Fredericksburg—ex-felons from voting. Alabama, Delaware, Florida, Iowa, Kentucky, Mississippi, Nevada, New Mexico, and Wyoming are others. Maryland cuts it off for second-time felons. That does not mean their rights can never be restored. Their rights can be restored.

In Virginia, this is not an issue of first impression. It is being debated now as it has been for many years. In fact, in 1982, in Virginia, there was a referendum asking voters to let the State legislature, rather than the Governor, restore the voting rights of felons. The people of Virginia voted on whether or not to ease this process, which I will say is fairly cumbersome and it failed by nearly 300,000 votes.

This amendment, if it were to become law, would abrogate the express will of the people of Virginia and also the will of many other States, whether it is by a referendum or by their elected State legislatures.

In the Commonwealth of Virginia, the legislature recommended streamlining the petition process for nonviolent felons who did their time, finished probation, and waited another 5 years. It would have allowed the local circuit court to restore those rights, taking that burden off the Governor.

Of course, many ex-felons did get their rights back. There is the record of my successor, he restored the rights of 210 people during his 4-year term. That is less than half of what was restored during the previous three administrations. While I was Governor, I restored 459 ex-felons' rights to vote.

The understanding of who is best in a position to administer these laws and determine when ex-felons ought to have their rights restored, clearly lies with the States. This amendment, if passed, would preempt the States with regard to this important function.

The Ford-Carter Commission agrees with this assessment. The Commission concluded: We doubt Congress has the constitutional power to legislate a Federal prescription on States prohibiting felons from voting.

Virginia allows ex-felons to petition for restoration of voting rights 5 years after they have completed all of their probation or all of their parole. If they have been convicted of a drug offense, it is 7 years, because there are people who not only commit crimes, but they repeat crimes. Also, if the offense is related to drugs, you want to make sure they are completely off their addiction to drugs.

The things most Governors would look at, regardless of party, is what kind of life has the ex-felon led since serving their time? I would consider whether or not they were involved in wholesome community-based activities, or just leading the life of a law-abiding citizen and not committing any crimes.

Governors will want to see what kind of a positive life the person has led since leaving prison. The petitioner would oftentimes write to me explaining why they wanted their rights restored. As Governor I considered that in my assessment of each individual case as well.

Another thing missing from this amendment is the issue of restitution and court costs. I always looked at restitution and court costs in my assessment.

In Virginia, I cared a great deal about restitution and court costs. With regard to some of these folks, you would say, well, these are not important crimes. But embezzlement, to the extent there can be restitution, that is usually ordered by a judge in sentencing. You would want to see if restitution has been made. You would want to see if they have paid back their court costs. If it were a robbery or a burglary, you would want to see if restitution has been made. There are certain situations where, as a condition of probation or suspension of a sentence, they want medical costs associated with the rape or malicious wounding to be paid.

None of that is in this amendment. It is only probation and the parole. But restitution and the payment of court costs ought to be considered. At least I considered it as Governor.

The reason why people want rights restored is interesting. Generally, there are three categories. One is they want to feel like a full-fledged citizen again. They have led a good life. They want to be part of the community. Some of it was job-related. They have not had their rights restored. They wanted their kids to feel better about themselves.

A second reason they want to vote is to participate in elections. The third reason, as often as the rest, is to go hunting. When you lose your rights, you lose your right to carry a firearm. I suppose you could throw rocks at deer, but usually people want a shotgun or a rifle to go deer or duck hunting.

Now the Federal Government in this amendment is saying that the States will have to restore rights, notwithstanding the will of the people, notwithstanding the prerogatives of their duly elected representatives in the legislature. For Federal elections only, you will have to allow them to vote.

In the Commonwealth of Virginia, the Commonwealth of Kentucky, and maybe a few other States, our State elections are different than Federal elections. You will need two sets of registration for the State elections and local elections. To keep the laws in place in Virginia or any other State, there are dual roles for registered voters that would be a cost to the States and localities.

In Virginia, where Federal elections do not run at the same time as State elections, this is probably not too big of an issue. But imagine in the States where Federal elections and State elections are conducted at the same time. That is undoubtedly true in over 40 States. There will be two sets of ballots for people to use when they vote. If they want to keep their rights and prerogatives and reflect the desires of the people of their State, two ballots will be needed. When you have Federal and State elections, there are names of Presidential candidates, candidates for Congress, maybe the Senate, along with State legislators, Governor, Lieutenant Governor, whoever else is being elected. We will need a separate ballot for those who have the right to vote in State and Federal, and a separate ballot for those only in Federal elections. In effect, what we would need at the polling place is a separate voting booth.

I guess we would have an ex-felon voting booth where they would only vote in Federal elections, while the vast majority of the other voters would vote in the others.

This causes a great deal of unnecessary cost and imposes many impractical problems on the State. The goal of the bill is to help voting fairness in the States, respecting the rights of States, not putting on unfounded mandates as has been done previously. This amendment will cause consternation and confusion.

Most importantly, understanding the basic jurisdiction, I object to this amendment in that it usurps the rights of the States. It usurps and preempts and dictates contrary to the will of the people not only of the Commonwealth of Virginia but it exceeds the scope and breadth of what the Federal Government should be involved in.

I hope my colleagues will allow this issue to be properly debated in the way the framers of our Constitution thought it should be debated and decided. That is, in the State legislatures, as opposed to meddling from the Federal Government.

We care about the voting of military personnel overseas. I don't see where we have any business meddling in trying to get ex-felons the right to vote.

I yield the floor.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I missed part of the Senator's remarks. I ask the Senator from Virginia, I believe he raised the issue, how this would work in a year in which there were both Federal candidates on the ballot and State candidates on the ballot. Did the Senator from Virginia discuss that issue?

I am having a hard time figuring out how it could possibly work. Does the Senator from Virginia have any thought about that?

Mr. ALLEN. I say to the Senator from Kentucky, my good friend from the Commonwealth of Kentucky, born in Virginia, formerly a part of the Commonwealth of Virginia and voluntarily seceded, as well as the President's State of Indiana, regardless, the States, for a variety of reasons, have State elections different from Federal elections. So not to have undue Federal influence or national issues affecting issues that matter most to people in those communities and localities, you would still have a problem. Over 40 States run Federal elections at the same time as they run State and local or perhaps even municipal elections.

In the event that the people in the States who are perfectly capable of debating and deciding this issue as they see fit for people who have raped, murdered, robbed, or maliciously wounded individuals in their States and been convicted in their State courts. In the event they want to keep their law in effect, what will have to happen is you will have to have a role of registered voters for Federal elections only and a role of voters who are registered for all elections.

Then when you go into that election, assuming the States—once you actually conduct the election on election day—want to keep their rules where restitution is important, in a period of years to show they are leading a good life. Whatever the reasons, they want to do what they think is right, as opposed to what people in Washington think is right for them. Assuming they want to do it, you have to have a separate voting booth. The ballots in those States, where you have Federal and State elections the same year, all the names on there—Members of Congress, a President in Presidential year, as well as, the Governor, State representatives, and so forth—so you will need a separate voting booth.

Mr. McCONNELL. So it will be a voting booth for felons?

Mr. ALLEN. Ex-felons. I don't think the proponents want to go so far as felons but ex-felons, which would be, I think, a nightmare and insulting, as well.

Mr. McCONNELL. Whereas under the current system, is it not true, I ask the Senator and former Governor, there is a procedure for getting the rights restored, which many people who have served their time go through, and is it not typically the case that Governors review those and restore rights from time to time based upon the record?

Mr. ALLEN. I say to my friend, the Senator from Kentucky, and I expect the President may have done this, as well when he served as Governor of Indiana, as Governor, at least in our State, you get many petitions. Some are to restore rights, and also some to say that they never committed a crime and they want an absolute pardon.

Every Governor has a conscience to do his or her duty properly. Those governors have the record of the individual telling what he or she has done since the time of serving.

Mr. McCONNELL. It is true in every State there is an opportunity for someone who has served their time to get those rights restored?

Mr. ALLEN. Correct.

Mr. McCONNELL. Through a petition.

Mr. ALLEN. In some States, it is not by the Governor. In Virginia, they amended the laws, and nonviolent felons can go to the circuit court for petitioning to have their rights restored.

Mr. McCONNELL. There is a procedure, so it is not hopeless.

Mr. ALLEN. Absolutely, there is a procedure.

Mr. MCCONNELL. It is not a hopeless situation.

Mr. ALLEN. It is not a hopeless situation. Sometimes it can be cumbersome, and it is time consuming for the Governor as well as those in the Secretary of the Commonwealth's office, the attorney general's office, the Governor's staff and others to assemble this information, and also for the petitioner, as well.

That is part of the price one pays when they commit a felony and they are convicted beyond a reasonable doubt by a judge and a jury of that crime. This is one of the many rights one gives up. I heard this being compared to slavery. It is not like slavery. Slavery is wrong and the worst thing that has ever occurred in this country. It is a willful act. Many of the felony cases were vile, premeditated, deliberate acts to commit a felony—not a misdemeanor, a felony—and this is one of the prices and penalties that one pays. A person loses their liberty, obviously, while incarcerated. To get all of their liberties and rights back, they have to demonstrate good behavior. In each State, that demonstration may be slightly different.

But these are State laws being violated. It is a proper role of the people in the States to determine when these rights should be restored, as well as, under what conditions and circumstances the rights are restored.

Mr. MCCONNELL. Mr. President, I thank the distinguished Senator from Virginia, as a former Governor, for adding his unique perspective on that. I say unique; there are other Governors who have had similar experiences, but I think that does help us understand what I hope will be the conclusion on this amendment. I know it is well intentioned, but it seems to me it should be defeated. I thank the Senator from Virginia for his support and contribution to this debate.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I think we are about to vote on this amendment. I believe the Senator from Nevada is going to ask for a recorded vote.

I happen to agree with the thrust of the amendment of my dear friend, offered with the Senator from Pennsylvania, Mr. SPECTER. When people have paid their dues to society, they have completed their probation and whatever else is required of them, the restoration of their rights is something we ought to embrace and encourage. I think it may contribute, in fact, to the rehabilitation of people who may otherwise become recidivists and rejoin the criminal element.

The fact that 36 States have already, to one degree or another, embraced that concept, some more so than others, is an indication of the direction in which the country is clearly heading when it comes to how we treat former felons, even those who commit crimes that are highly objectionable, to put it mildly, to any average citizen of the country.

I have made an appeal to my good friend from Nevada. We have worked very hard on this bill. One of the features of this bill that I like, offered by my friend and colleague from Kentucky, is the establishment of a permanent commission on elections. We do not attempt to resolve every issue in the election lexicon in this bill. I know there are, among my colleagues, some who feel strongly about having a holiday for election day. Others would like to see election day occur on a weekend. There are good arguments. Some would like to just keep it as it is. We do not attempt, in this bill, to deal with that.

It seems to me we have taken on a lot with this bill. To try to move the process forward I am, therefore, going to urge colleagues, under this circumstance, to put this issue aside for another day.

I urge that the commission itself take a look at the very provisions the Senator from Nevada and the Senator from Pennsylvania have raised; that is, how we might do a better job of restoring the rights of people who have paid their dues to society.

I will be very blunt with my colleagues. My fear is that the adoption of this amendment would provide those who do not like what we have done on all the other parts of the bill a justification for undermining the significant improvements in the election laws of our country. Again, 36 States are moving in that direction; 14 are not doing anything. Some States still make it rather difficult. But it seems to me the trend lines are pretty good for moving in that direction.

My fear is, as I say, from a purely rhetorical standpoint, that I can hear the arguments of people who do not like the minimum standards on provisional voting, statewide voter registration, dealing with access for the disabled community, the right to review your ballot when overvotes occur, establishment of the commission, dealing with some of these other broad provisions. These are major accomplishments and ones I know my friend from Nevada thoroughly endorses.

So I am in a very awkward position because I am attracted to the thrust of what he wants to do, with Senator SPECTER. But my fear is, if this were to be adopted on this bill it would make it very difficult for my friend from Kentucky and I and others to convince people who might otherwise vote for the bill to do so.

With that expression of my thoughts, I will oppose the Reid amendment—not because I disagree with what he is trying to do, but I think this is not the right place for us to be dealing with that idea.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. FEINGOLD. Mr. President, I rise today to support the felony voter reenfranchisement amendment offered by my distinguished colleague from Nevada, Senator REID.

The American people have long recognized voting and participating in elections as one of our greatest rights and responsibilities as citizens. Over the course of our Nation's history many Americans have struggled for this right. African Americans, women, the uneducated, and the poor have all, at some time or another, been excluded from the voting population. Our Nation looks back at these dark times in our history with great embarrassment. All of these groups are now included in our country's great democratic process. But we continue to exclude one other group of American citizens—rehabilitated felons.

In 13 States, a felony conviction can result in disenfranchisement for life. Other States have procedures by which a rehabilitated felon can regain his right to vote. Those procedures, however, often have many hurdles. Several States require a pardon before a person who has served his or her sentence is able to regain the right to vote. Many former felons do not have the financial, legal, or educational abilities to pursue the restoration of their rights.

It is time to eliminate this disparity and to ensure equality in felony voter laws. It is time to create a level playing field so that people who serve their time for felony convictions can regain their right to vote in Federal elections. Senator REID's amendment would reestablish this fundamental right for persons who have fully served their time in prison, and who have completed their probation or parole. Senator REID's amendment would appropriately restore this basic right of citizenship to those who have paid their debt to society.

According to the Americans for Democratic Action Education Fund, an estimated 4.2 million Americans, or 1 in 50 adults, have currently or permanently lost their voting rights as a result of a felony conviction. A majority of these Americans are no longer incarcerated. One million four hundred thousand Americans are ex-offenders who have fully completed their sentences. Another 1.5 million of the disenfranchised are on parole or probation. Only 1.2 million of the disenfranchised are actually still serving their sentences. With the increasing number of persons who are entering our criminal justice system, the number of disenfranchised voters is growing as well.

There are many reasons why this amendment makes sense. Over 95 percent of prisoners will return to our communities after serving their sentences. We return rehabilitated felons to our communities because Americans expect that they will reintegrate themselves as productive citizens. Yet, without the right to vote, rehabilitated felons are already a step behind in regaining a sense of civic responsibility and commitment to their communities. If we want rehabilitated felons to succeed at becoming better citizens, who both abide by the law and act as responsible individuals, then our country needs to restore this most fundamental right.

State disenfranchisement laws also disproportionately impact ethnic minorities. Approximately 13 percent of the African-American adult male population is disenfranchised. This reflects a rate of disenfranchisement that is seven times the national average. More then one-third, 36 percent, of the total disenfranchised population are African-American males. In 10 States, more than 1 in 5 black men are currently disenfranchised. As a result of the current rates of felony convictions and incarceration, it is estimated that in the next generation of black men, 30 to 40 percent will lose the right to vote for some or all of their adult lives. Thirty to forty percent. That is both an astonishing and deeply troubling figure. Constitutional principles of fundamental fairness and equal protection require us to address this discrepancy.

Denying the right to vote should not be a continued punishment for people who have served their sentences. When people are convicted and sentenced for felony crimes, they are expected to serve their time. The disenfranchisement of felons who have completed their court-imposed sentence serves only as a continuing punitive measure.

Given the importance to our democracy of an actively participating citizenry, it should be of great concern to our country that so many citizens are losing one of their most basic rights as Americans: the right to participate in our political process. Rehabilitated felons, who have served their sentences to completion and have paid their debt to society, should be able to exercise this right. Basic constitutional principles of fundamental fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections. Felony disenfranchisement laws that deny the right to vote to people who have served their sentences run counter to these principles. I urge my colleagues to support Senator REID's amendment.

Mr. REID. Mr. President, there is no one in the Chamber—not only in the Chamber, in the Senate—for whom I have more respect than the Senator from Connecticut, but I must disagree with my friend. We are asking people who deserve the right to vote to wait. They have been waiting for too long.

As Thomas Paine said:

> The right of voting for representatives is a primary right by which all other rights are protected. To take away this right is to reduce this man to slavery for slavery consists of being subject to the will of another, and he who has not a vote in the election of representatives is in this case.

Sure, 36 States have done something. But how many of the people who called me on KCEP radio can go to a circuit judge and get their right to vote? How many can obtain a pardon from the Governor or the President? Very, very few. Does this mean that everything that is not in this bill is going to kill the bill? I think it is really a shame that someone who has been convicted of a crime, who has served the sentence, whether 1 year or 100 years, after that person gets out he can't vote.

This affects millions of people. Who is affected more than anyone else? Minorities. Unfair practices have been established in many States, most of the time, making it extremely difficult if not impossible for these people to vote. In a Federal election in the greatest country in the world, what are we trying to prove?

I had a letter printed in the RECORD earlier today, and I could enter in the RECORD scores of these letters. This is a communication from a man in Las Vegas who was convicted of a crime in the 1960s. He makes a lot of money now. He wants to be able to vote. He can't vote because he was convicted of a crime when he was a young man.

With all due respect to my friend from Connecticut, he is going to oppose this legislation because it is going to affect this bill? This will improve the bill.

I have been approached by several people today, and in the past—members of my staff, other Senators—saying: Don't have us vote on this. It is a tough vote.

Sure it is a tough vote. We vote easy all the time around here. We have very few tough votes. Let's have a tough vote.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to amendment No. 2879. The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), the Senator from Oregon (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Utah (Mr. HATCH) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 31, nays 63, as follows:

[Rollcall Vote No. 31 Leg.]

YEAS—31

Akaka
Bingaman
Boxer
Cantwell
Cleland
Clinton
Corzine
Daschle
Dayton
DeWine
Durbin
Feingold
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Reed
Reid
Santorum
Sarbanes
Specter
Wellstone

NAYS—63

Allard
Allen
Baucus
Bayh
Biden
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Carnahan
Carper
Chafee
Cochran
Collins
Conrad
Craig
Crapo
Dodd
Dorgan
Edwards
Ensign
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Rockefeller
Schumer
Sessions
Shelby
Smith (NH)
Snowe
Stabenow
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NOT VOTING—6

Bennett
Campbell
Domenici
Hatch
Smith (OR)
Stevens

The amendment (No. 2879) was rejected.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, again, I will request of Members who have amendments to come and talk to staff. I understand the Senator from Arizona has an amendment.

Mr. MCCONNELL. Mr. President, I believe the junior Senator from Arizona is here and he has an amendment.

Mr. DODD. I ask unanimous consent that the next amendment be the one offered by the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me urge Members to come over and to please speak with the staffs, Senator MCCONNELL's and mine. Many of the amendments are just technical in nature, and we can move this bill along. Some will require votes. But if we can at least get the numbers down pretty quickly, there is no reason we can't deal with the overwhelming majority of the amendments that look to be fairly straightforward and acceptable. Some are actually duplicates, where they have offered the same idea with slight variations. Perhaps we can combine them and reduce the number.

Hope springs eternal, Mr. President, that we might actually get this bill done. I realize that may get harder as the afternoon wears on. I urge Members, if they have amendments, don't wait until 5 or 6 o'clock to come over. Bring them over and we will try to clear them or work them out and accept them. If we can't, we will try to arrange for a time for you to consider the amendment and vote on it.

My colleague from Arizona is ready.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 2891.

Mr. KYL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

"(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

"(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

"(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.".

AMENDMENT NO. 2892 TO AMENDMENT NO. 2891

Mr. McCONNELL. Mr. President, I send a second-degree amendment to the Kyl amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes an amendment numbered 2892 to amendment No. 2891.

Mr. McCONNELL. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of social security numbers for the purposes of voter registration and election administration)

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I am aware of the second-degree amendment. I will speak to it in a moment. I want to describe this amendment. It is very straightforward. It authorizes—it does not mandate—that Social Security numbers may be used by States to validate voter registration. I believe that there are currently seven States that do this. Because of the way the Privacy Act was enacted several years ago, those States were grandfathered. Other States don't have that ability. This would provide that ability. It can prevent duplication and fraud.

Current law allows State officials access to a person's Social Security number for a variety of identification-related purposes. We are all familiar with that. This would simply add to that list of items verification for voter registration purposes.

The amendment is important to resolving a widespread problem in election administration which is, of course, the problem of verifying the identity of the person registered to vote. While the Social Security number is not an absolute guarantee, it is deemed to be good enough for a variety of other purposes for which we need identification, and it would provide a much more accurate voter identification, which, of course, is key to an honest and fair election.

We all know that the rationale for that most sacred of our democratic rights, the right to vote, is that our vote counts 100 percent, that it is not diluted by virtue of other people's votes that were cast fraudulently, diluting that 100 percent vote that we have. So we want to make sure there is not fraud in the election process—that people who should not be voting, in fact, are not permitted to vote. That is why validating the registration with the Social Security number is important.

This is a unique number that is issued by the U.S. Government, which is precisely why the Federal, State, and local governments use the Social Security number to identify individuals for a variety of programs and services. I will remind my colleagues of what some of these are. While they are all important, I submit that none is more important than our sacred right to vote. If you want to check into a Veterans Administration hospital, you have to show your Social Security number. If you want to receive food stamps, you must show it. In many States, you need to show it to apply for a driver's license and register a motor vehicle. Certainly, you need your Social Security number to register for the draft and to register for Medicaid. You need it to apply for a student loan and to donate blood. You need it to receive unemployment compensation. You need it to apply for a passport or a green card. You need it to purchase certain U.S. savings bonds. You need it to apply for Federal crop insurance. Many States require this to apply for professional licenses. One that I found interesting is, if you are a boxer seeking to register with the State boxing commission, you have to show your Social Security number. These are some of the countless ways in which governments have ensured the identity of people by requiring validation through their Social Security number.

As I said, while the integrity of these processes is very important, I don't think we would argue that any is more important than maintaining the integrity of our sacred right to vote. If the election officials can positively identify the voter with a Social Security number, then two protections are codified: First, the integrity of the election is protected because duplicate registrations can be removed. Secondly, full access to the election by all of those registered is ensured.

I will repeat that because this will be very important to my friends on the other side. Social Security number verification will help prevent the wrong person from being removed from voter lists when those lists are checked against felony citizenship records.

Without the certainty Social Security numbers provide, election officials have no foolproof way to differentiate among voters with same or similar numbers.

As a means of voter identification, this has been approved by Federal courts. Current law provides an element of protection against the public disclosure of those Social Security numbers. The second-degree amendment of the Senator from Kentucky is a further guarantee of that privacy protection. Frankly, I support the Senator's amendment because we don't want there to be any doubt that privacy is protected here, that those numbers cannot be disclosed other than for this purpose. This amendment restates those guarantees. The second-degree amendment will restate it a second time in a more specific way.

Mr. SCHUMER. If the Senator will yield for a question, this is not a mandate. States could use Social Security numbers as a means of identification. Could a State, under the ambit of this amendment, require that it be a Social Security number? In other words, I don't know about the privacy parts of it yet. But the crux of it is I want to make the right to vote as broad as possible, as unencumbered as possible. So adding another way that people could choose to identify themselves is fine but if some State, under the ambit of this law, said you must have a Social Security number, or if you have one, only these three ways of identification are allowed, that might be restrictive.

I guess the question is—I understand it is voluntary within the State; the State doesn't have to use the Social Security number—but what about the other side? Could the State require the Social Security number as a means of identification?

Mr. KYL. Mr. President, the answer to that question is yes. There are seven States that currently do this. This would simply authorize other States to do the same.

Mr. SCHUMER. If I may elaborate so I get this clear, so under this amendment a State could say you must identify yourself by a Social Security number; other means of identification would not work?

Mr. KYL. Mr. President, I say to the Senator from New York, that is correct. This is for voter registration, I want to reiterate that.

Mr. SCHUMER. I understand. I thank the Senator for his direct and candid insight.

Mr. KYL. I point out there are cases—in fact, one case in the Virginia system was invalidated because it did not provide adequate protection in the use of these Social Security numbers. Clearly, our authorization of this does not put a stamp of approval on any particular system. It is going to have to withstand any kind of judicial or legal attack that it is too restrictive, that it does not contain adequate protections, the number itself or any other number of challenges that might be issued.

Mr. SCHUMER. I thank the Senator.

Mr. KYL. Mr. President, let me continue. Incidentally, if there are any concerns along those lines my colleagues would like to address, I am happy to work with them on it.

Mr. MCCONNELL. Mr. President, will the Senator yield?

Mr. KYL. Certainly.

Mr. MCCONNELL. Mr. President, I was listening to what he said. I do not know if the Senator from New York, Mr. SCHUMER, has left the Chamber or not. I think the Senator said also it prevents people from being wrongfully removed from a list. I hope the Senator from New York, who obviously is concerned about the broader franchise, listened carefully to what the Senator from Arizona had to say: that it would also prevent wrongful removal. Did I hear that correctly?

Mr. KYL. Mr. President, to the Senator from Kentucky, that is exactly correct. I tried to repeat myself. I noticed there was conversation going on, so I am not sure my colleagues did pick up on that. Obviously, that can be used for any of the legitimate purposes for registration, including preventing wrongful removal. It is a good voter protection. I am not sure we need to talk a lot more about it. I am happy to do that if my colleagues would like.

To reiterate, it is voluntary, not mandatory. It allows for use of Social Security numbers as one additional element of which the States could take advantage. It does have a privacy protection, but with the second-degree amendment of the Senator from Kentucky, it provides an additional element of privacy protection.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Connecticut.

Mr. DODD. Mr. President, we will take a further look at the amendment and discuss this with the Senator from Arizona.

Let me raise the concern my colleague from New York has already expressed. Senator BOND said it; he really gets credit for coining this phrase. Others of us have repeated this over the last number of months. And that is, what we are trying to achieve with this bill is to make it as easy as possible for people to cast a ballot in America, to exercise their most fundamental right, and simultaneously make it hard to cheat the system.

My concern with the amendment of the Senator from Arizona is that it could set up a situation where, while it is protecting a voter, to some degree, from being unceremoniously denied the right to vote, it could make it much harder for that individual to actually register to vote because a State may decide that this is the only way you can register to vote.

There are literally millions of people in this country who do not have a Social Security card. If that were the case, they could be denied in that State the opportunity to register. I do not think any of us want to do that.

I understand if they make this one of the criteria, but we could have other criteria. That would be one set of circumstances. But as the Senator from Arizona very candidly—and I appreciate it—said in response to the Senator from New York when asked the question, Could a State then mandate this is the only criterion? we would then create a hurdle while we are trying to diminish the hurdles as much as possible.

Mr. KYL. Mr. President, if the Senator understood me to say a State could mandate this as the only method of identification, that is not correct. If I said that, I certainly did not mean to say it. It is not correct.

Let me again read the language because it is very important. If you do not have a Social Security number, they cannot force you to present a Social Security number as the means of identification. The language of the amendment that "the Social Security account number issued to such individual by the Commissioner of Social Security. . . ."

If you do not have a Social Security number issued, there is nothing in the amendment that authorizes the State to require you to have one, and there is nothing in the amendment that authorizes the State to mandate as the only method of identification the presentation of a Social Security number.

If I may reiterate what I thought the Senator from New York was asking—perhaps I misunderstood—it was, Can a State mandate that an individual must present a Social Security number for his registration validation? And the answer to that is, a State could pass a law that used the Social Security requirement for voter registration. But would that mean they could require somebody who does not have a Social Security card to present one? Not under the wording in the amendment.

Does it say it is the only way you can validate your identification? Absolutely not; that is not what this says.

Mr. SCHUMER. Will the Senator—I guess the Senator from Connecticut has the floor.

Mr. DODD. I will be happy to yield.

Mr. SCHUMER. May I ask the Senator from Arizona a question. I am personally reading the amendment for the first time. It does not seem to say actually yes or no. I understand what the Senator from Arizona pointed out, but that just talks about presenting the Social Security card if you have it.

If the intent of the Senator from Arizona is not to allow a Social Security number to be considered the only way to identify yourself but, rather, be an additional way then maybe we can make sure the language is clear about that, and that will help the amendment.

If that is acceptable to the Senator from Arizona, I will be happy to work with him, the Senator from Connecticut, and the Senator from Kentucky to try to make that happen.

Mr. KYL. Mr. President, I think the Senator from Connecticut has the floor. I am happy to sit down and work out additional language right now, discuss it further, or go on to other business. I am not sure what the pleasure of the bill managers is. I am willing to dispose of this as quickly as we can.

Mr. DODD. We are not going to be able to have recorded votes until after 2 o'clock because of the conference lunches. I suggest we lay it aside temporarily and see if there are amendments to be offered and try to work out language that may make this an acceptable amendment.

The Senator understands the problem. He identified the problem area for us. My suggestion to the Senator from Kentucky is to try to do that.

Mr. MCCONNELL. Mr. President, I think temporarily laying aside the Kyl amendment is a good idea. I ask unanimous consent that the Kyl amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum. We have to round up another amendment.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I am holding this loose-leaf binder in my hand. These are all amendments that various Members have suggested they would like to offer. Many of them I think we can accept, but I cannot accept them if they do not come over and offer them. So I am making an appeal. We have an hour when we are not going to be able to vote because of the lunches that are occurring, but if there are Members who would like to be heard on this bill, I am urging them to please come over and offer their amendments. We cannot vote on it right away, but they can explain the amendment. They can submit it. We could lay it aside and go through a number of these and then try to work them out, either accept them or set up the time for recorded votes or vote on them, but we cannot get through the bill if we lose an hour or so sitting in a quorum call.

I appeal to my colleagues on both sides of the aisle to come to the Chamber and offer their amendments if they have gone to the extent of drafting an amendment and going to legislative counsel. Many of the amendments are very good ideas and I think would strengthen and make this a better bill, but I need to have them offered.

So as I am sitting in the Chamber, I will wait for Senators to take the time and come over in the next few minutes and we will consider their proposals.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, what is the current state of business?

The PRESIDING OFFICER. The pending amendments, McConnell and Kyl, have been laid aside.

Mr. BROWNBACK. I ask unanimous consent to speak for up to 10 minutes on the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, the 2000 Presidential election demonstrated the need to improve the instruments of voting and the means of electing our Federal officeholders. Protecting and enhancing this basic right to vote fairly, clearly, and easily is both critical and necessary.

Early last year, Senator SCHUMER, Senator TORRICELLI, Senator MCCONNELL, and I worked on a compromise bill to observe three key objectives: Respect for the primary role of the States and localities in election administration; second, establishing an independent, bipartisan commission appointed by the President to provide nonpartisan election assistance to the States; third, to enforce strong antifraud provisions.

Supporting this bipartisan effort was a diverse group of organizations, such as Common Cause and League of Women Voters, because the issue is bipartisan. In crafting the compromise bill, we were mindful of the fact that both rural and urban areas have unique difficulties not only with accessibility but funding improvements to their voting systems. Heavily rural States such as mine or that of the Presiding Officer have issues relating to voting procedures that are different than those faced by large urban areas. For this reason, any compromise effort must not impose an unfunded election mandate upon the States or, in the alternative, give State flexibility to determine how it can use the funds.

I am quite pleased that the chairman and the ranking members of the Rules Committee were able to preserve all three of the elements in the substitute to S. 565. I think the Dodd-McConnell Bill is a thoughtful, bipartisan attempt to provide grant moneys to States to implement alternative means and instruments of voting that provide swifter and more accurate results and are less susceptible to partisan interference and difference of opinion.

However, I continue to have concerns regarding the degree to which States are given enough flexibility to implement the changes they believe are best for them. I look forward to working on an agreement that will accommodate reasonable changes in this respect.

As I think a number of people have noted in speaking on this issue, there is a lot of difference between a large urban area and a rural area. In rural areas in my State, some of the voting is done far differently from the urban areas, but they are able to do it quickly and accurately. We need to work to make sure we provide options to localities to be able to implement this in a way that is most useful to them.

Under the legislation, a new election administration commission will be established, composed of four Members recommended by the Senate majority leader, the Senate minority leader, the House Speaker, and the House minority leader. This commission will begin implementation of new voting requirements starting in 2006. These requirements will permit voters to verify their ballot choice and correct errors before ballots are cast, and allow notification to voters if there is more than one choice made on ballots, among others.

In addition, the bill authorizes $3.5 billion for grant and matching programs to allow States and localities to meet the voting requirements under the bill. The grants will be administered by the Attorney General in consultation with the FEC, until the new election commission is operating.

The grants will be used to buy new voting equipment, train poll workers, implement various other recommendations, or make other improvements approved by the commission. In order to receive funding, States and localities will have to demonstrate compliance with the Voting Rights Act and other civil rights laws, institute provisional balloting and other safeguards to assure accuracy during the transition to new systems, establish poll worker training, voter education programs, provide disabled voters with the opportunity to vote under the same conditions of privacy and independence as the nondisabled.

Again, however, I must mention a concern I have for rural States such as mine, Kansas, and the Presiding Officer's, Nebraska, that would be at a disadvantage under a competitive bidding process as is contemplated in the Dodd-McConnell bill. I hope a formula process can be worked out that will make the grant-making process fairer for rural States such as my own.

. I am pleased to see one of our key requirements was adopted by the Senate that assures all military and overseas votes are counted. I believe this is important legislation that will instill confidence in our voting system. Not only should we do everything possible to ensure that every qualified American is able to vote, but that we are able to do so with certainty, accuracy, and confidence.

Again, I commend the chairman and the ranking member for their tireless efforts in regard to this bill. I am hopeful we can get through a good, bipartisan piece of legislation that will improve our ability to vote in this country, will shorten the timespan for us to get an accurate vote taken. Clearly, in this age where we have rockets going all sorts of places in outer space, surely we can find a way to count votes quickly and accurately. This bill will help move us forward in that regard.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, the distinguished Senator from Nevada, Mr. REID, and myself are cosponsoring an amendment that I think will be agreed to because it is merely a study. Our hope is to try to change the day the elections are, so as to really promote campaign reform

In my experience over the years, the first Tuesday after the first Monday in November is just an arbitrary choice of the middle of the week, whereby we have less than half of our electorate actually participating.

For industrialized countries, you might say we have the least. The only other countries I have been able to find that have a middle-of-the-week election day are the Dominican Republic and Belize. The industrialized countries all have far greater participation by the electorate.

Right to the point, it is really inconvenient to hold an election on a workday. It is not a holiday. People come early in the morning, before going to work, and already there is a long line. So they leave, and the next thing you know they go to work and say they couldn't get off in time at night to go and vote.

The Senator from Nevada and I are convinced we can select a better day. We all thought, of course, of Saturday. But our religious friends who do not participate in civic activities on a Saturday would have some misgiving about that particular selection. Similarly, people would have misgivings with respect to the selection of a Sunday, which is the day used in many industrialized countries.

The bottom line is, I think perhaps Veterans Day, which is already a holiday, could be an alternative. The whole idea is to get a day that is a holiday. No one wants to add another holiday to the calendar year. But if we put it on Veterans Day, veterans couldn't have any better celebration than participating in democracy. They have given their lives to preserve democracy in wars overseas. What better way to celebrate, in addition to Veterans Day parades and other kinds of celebrations, than to also celebrate by going to the polls and voting. Take that particular day—Armistice Day, November 11—and open the polls. Of course, the idea here is to proclaim a day, other than Saturday or Sunday, so as not to get into the same problem.

This year, for example, I think election day is November 5, and then November 11 is Veterans Day, which is the next Monday.

I hope, given a deliberate study and consensus being developed, we can very promptly put in this particular reform. It is not just machines and chads and other things down in Florida that causes election problems. The problem is the working population. In many instances, they do not want to irritate their bosses by taking time off to vote.

The attitude is developed by us in public life that there is something wrong in participating in politics. That has to be changed. One quick way to change it and one quick way to really enhance the participation of our electorate in these elections is to have it a holiday and perhaps select Veterans Day. It could be the study would recommend another approach on Saturday or Sunday or whatever, but the important thing is that we do have a day off so we can participate in the most important function of our entire democracy.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I send an amendment to the desk and ask for its proper filing with our distinguished chairman of the Rules Committee and the principal author of our election reform bill, and I suggest the absence of a quorum.

Mr. DODD. Mr. President, let me inquire—the Kyl amendment has been temporarily laid aside. Is my colleague filing this or is he offering it?

Mr. HOLLINGS. No, filing it for your consideration because I have been working with Senator SPECTER—it is a study, not an actual requirement.

Mr. DODD. Let me say, in the absence of my colleague from Kentucky—he will be back shortly—there are a number of our colleagues who expressed the same interest as the Senator from South Carolina. I think Senator BOXER from California has expressed an interest in the same subject matter. There may be others who will want to take a look at this. I think the Senator from South Carolina is making a very fine suggestion. This is a legitimate issue.

I heard some of his comments as I was making my way up here. The point he makes is a worthwhile one. There are people who, because of their work obligations, find it difficult. Other countries have tried this. We can learn from others who have been able to increase voter participation by making the time available to them. There are a lot of different ideas.

As he pointed out, there is the holiday idea, using existing holidays, weekends. There are objections people raise to almost any idea you bring up as well. But I think it will be worthwhile. With the establishment of this permanent commission, they can gather information and come back in 6 months or a year and make a recommendation to us and let us deal with this issue. It really ought to be confronted. It is long overdue, and I commend him immensely for raising the idea and turning it over to the commission for their analysis and reporting back to us.

I hope many of our colleagues on the other side would agree with this proposal and we can accept the amendment.

Mr. HOLLINGS. I thank the distinguished Senator.

Mr. DODD. I heard the comments of my friend from Kansas, Senator BROWNBACK, talking about the bill and one of his concerns that has to do with the issue of how the $400 million authorizing grant money would be allocated.

Again, Senator JEFFORDS, I think maybe Senator REID, certainly Senator BROWNBACK, and maybe others, have raised the issue of having some floor so every State would have an opportunity to receive some of the grant money to modernize their election equipment. That is a very fine suggestion. Let me say that those Members who are interested—Senator COLLINS of Maine, I think, as well, is interested in a similar idea—I think we could very quickly put together a proposal that will be accepted by both sides as a way to guarantee that every State would qualify for some of this assistance so it wouldn't all be absorbed by just large States.

There are four amendments that will be very similar. If they come over, we can accommodate them.

I see my friend from Illinois is here, and I know he has a number of ideas he wants to raise on this bill. I yield to him.

AMENDMENT NO. 2895

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Illinois [Mr. DURBIN], for himself and Mr. NELSON of Florida, proposes an amendment numbered 2895.

Mr. DURBIN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To eliminate the special treatment of punchcard voting systems under the voting systems standards)

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

Mr. DURBIN. Mr. President, let me at the outset commend my colleague, Senator DODD. This was an amazingly difficult issue to tackle because when he decided to tackle it, America was in flames over the last Presidential election. There were strong feelings among Democrats and Republicans about the outcome of that election and the decision of the Supreme Court. In America, it seemed for weeks that there were abuses of the election, and we heard charges and countercharges. Frankly, I think the Senator stepped in where angels fear to tread and came up with an excellent piece of legislation which I am more than happy to cosponsor. In fact, I am proud to cosponsor it.

I commend the Senator because I know this piece of legislation doesn't embody everything he wants nor everything the cosponsors want. But it is his best good-faith effort to put forward a bill which will significantly change and significantly improve elections across America. For that, I not only commend him but I think he has done a great public service to this Nation. The fact that several Republican Senators have stood up in support of this effort—I hope there will be many who will vote for it—is evidence that we can solve problems in America. And certainly the Senate should be in the forefront of solving the problem and basically making certain that the right of Americans to vote is protected.

The preamble to the bill we are considering today I really think says it all. The first finding of this bill says the right to vote is a fundamental, incontrovertible right under the Constitution. It goes on to spell out exactly what that means in terms of Congress's obligation once we have acknowledged that fundamental, incontrovertible right under the Constitution.

I think this bill in so many ways addresses that. It creates a commission to try to find more efficient and modern ways for fraud-free voting and that serve the American people.

The amendment I bring to the floor addresses an issue which I hope my colleagues will consider. The issue is this: If you decide to exercise your civic duty, you have listened to all the people exhorting you to get out and vote, that your vote counts, and you believe it in your heart and are willing to make a sacrifice of your time, and perhaps to leave your family or your job to go to the polling place and vote, the basic question in my mind is whether or not we are going to help in that circumstance, make certain that people have their chance to express their political will or whether we are going to put obstacles in their paths. There are already obstacles in the system. You have to register to vote. We want to try to eliminate as much fraud as possible when it comes to voter registration.

Of course, you have to follow the rules of voting when you turn up at the polling place or apply for your absentee ballot, which I did a few minutes ago at my desk here in Washington for our primary election in Illinois on March 19th. You have to follow the rules when it comes to voting and then put your ballot, as instructed, in the appropriate receptacle for it to be counted. That is the basic system for paper and punch card ballots, and a number of other systems do it differently.

But there was language added to this bill which troubles me greatly. The provision says when it comes to overvoting—in other words, when it comes to a situation where you have made a mistake, you have spoiled your ballot, you have voted, for example, twice for the same office—originally it was my intention and hope that we would say to a voter in that circumstance, if you made a mistake, to err is human; we will give you another chance to vote.

But language was inserted—the Senator from Missouri, Republican Senator from Missouri offered it—which says that we will make an exception when it comes to those errors and those mistakes in punchcard systems.

I need not remind you what punchcard systems are all about. With the phrase "hanging chad," all the lexicon of the last election comes to mind immediately. In my home State of Illinois, in all but a few counties we use punchcard systems—not only in the city of Chicago but all across the State.

So you walk in there, and they give you this card that has all of these little windows on it. You go into your polling booth and put the matrix on top, which is the ballot. Then you punch the hole next to the candidate of your choice. I have come to learn, having been a lawyer in the State capitol for years and watching election contests, that when I finished voting I always lifted that ballot up to look for hanging chads to make sure that the numbers I punched corresponded with the names on the ballot. I think that is an extra effort, but I want my vote to count. I believe every American thinks the same way.

But when it came time to compromise on this bill, language was offered which said if you make a mistake in your voting in a punchcard precinct in America, we are not going to tell you about it; we are not going to notify you; we are not going to inform you. So the net result of that is a person who in good faith is trying to exercise their civic duty and their constitutional right to vote is discriminated against when it comes to whether they will be notified of mistakes.

We included paper ballots in this exception. I can understand the practical reason for that. If you have made a mistake on a paper ballot, you have to manually count the whole ballot in a polling place. You can't do that and preserve ballot confidentiality. That is not practical. That is not going to work. I understand that exception.

We also made an exception, primarily for the States of Washington and Oregon, and said because you have a system where everybody mails in their ballots, how in the world can we receive the ballots, count them, and send back the ones that are in error? It is practically impossible to make that work.

But look at the rest of the world and the rest of the United States. At least thirty-four percent of voters in America use the punchcard system. For the vast majority of those voters, we are saying if you have over-voted and spoiled your ballot, it is going to be thrown out and not counted, and we are not going to tell you. It is a "gotcha": You went in and did your best. But you didn't do good enough. Sorry. Go home and try again in 2 or 4 years.

I do not buy that. The premise of this bill is that the right to vote is a fundamental and incontrovertible right under the Constitution and we should do everything in our power to assist voters in exercising that right. How important is that?

There is a study I have had a chance to look at by Caltech and MIT called the Voting Technology Project. They go into an analysis of voting systems and people who have spoiled their ballots where they are not counted.

I will tell you that the No. 1 voting system for spoiled ballots in Presidential elections in America is the punchcard system, the very system for to which this bill creates an exception. Here we know that the most problematic voting system is the punchcard system, and we have said in this bill, that has pledged itself to protect the right of American's to vote, that we are not going to tell you in a punchcard system if you make a mistake: That's your problem, buddy; come around next year. I don't think that is right. Not only is it not right, but it destroys confidence in the process.

Let me give you some statistics which you might be interested in. This comes from the same study to which I am making reference.

Punchcards lose at least 50 percent more votes than optically scanned paper ballots. Punchcards have an average residual vote—a spoiled ballot—of 2.5 percent in Presidential elections and 4.7 percent for other offices. Over 30 million voters in America used punchcards in the year 2000 election. Had those voters used optical scanning, there would have been 300,000 more votes recorded in the 2000 Presidential election. In addition, 420,000 more votes would have been counted in Senate and gubernatorial elections.

Let me tell you that this strikes close to home. One hundred and twenty thousand of my constituents in the State of Illinois in the County of Cook went to the polls and cast their ballots in the November Presidential election of 2000 and had those ballots thrown out. They might as well have stayed home. They didn't vote for anybody. They thought they did. They took the time. They registered. They went to the polling place. They deliberated the candidates' names and made their choices, but they made a mistake. How can you make a mistake on a ballot? You saw the butterfly ballot in Florida. We all know what that looked like. Try to look at the right place to punch on that ballot. A lot of voters testified afterwards that they were totally confused by that ballot, and they have been prohibited and banned from use ever since. They might have voted for the wrong candidate. But in some situations, you would have someone come in to vote for Mr. Gore, or Mr. Bush, and would mistakenly write in their names in the write-in space at the bottom of the ballot, and the ballot would be tossed out. Any mistake in the process disenfranchises the voters.

That is why I hope this amendment will be accepted, because we are saying with this amendment that we value your vote however you vote in America. We understand the paper ballot problem. We understand the central-count, mail-in voting that occurs in Washington and Oregon. But for that situation, we are going to stand behind the voters and help them vote.

How big a problem is this in America? As I said, one of three voters is faced with a punchcard system, and that is what they have to live with. Also, how difficult is it to notify me that I have overvoted on my ballot? There is a simple little machine—we are going to have some of them in our State in the next election—called the PBC-2100. With these machines—no larger than a typewriter—you would finish voting on your punchcard, you would walk out of the booth, and in your own privacy, without the world looking in, push your ballot into the tabulating machine, and it would tell you whether you have a spoiled, voided ballot that is illegal and cannot be counted. You can then make a decision. You can say to the election judge: I did something wrong here. Tear this one up, and let me try again before I leave the polling place.

That is reasonable, and most States say: That is our standard. We do not want to trick people. We want to give them a chance.

But if you decide, for whatever reason—it is a spoiled ballot—I don't have time, I don't care, take it. That is your choice, too. But what we should do is let people know rather than putting them in this trick bag situation.

The thing that troubles me is that the jurisdictions that rely heavily on punchcards are jurisdictions which have had these systems in place for decades. In Illinois, I think it has been almost 40 years with a punchcard system. This was the state of the art back in the 1960s, the IBM punchcards. Well, the world has changed, but a lot of election jurisdictions do not have the money to change with it. So they are using the old system.

So where do you find these punchcard systems? You find them overwhelmingly used in, for example, inner-city areas, such as the city of Chicago, the city of St. Louis, Kansas City, and others. I should correct my statement. I am not certain that St. Louis and Kansas City have them. I can certainly speak for Illinois.

In these situations, you find that the overwhelming majority of African-American and Hispanic voters use punchcard systems, systems that are antiquated. As we know from Florida, with even the best of intentions, you may not get the result you want using a punchcard system.

So if you do not tell these voters they have made a mistake, you are basically disenfranchising them, or, to put it more moderately, you are stacking the deck against them, and not doing it for other election systems. That, to me, is unfair.

Let me just tell you the lay of the land in Illinois so you understand where I am coming from. We have a court order in Cook County which says that we will, in fact, look at all the punchcards to make sure, if there is an overvote, the voter is notified. I think that is fair. But, frankly, it should be fair across the board.

Cook County leans Democratic. We should say to the 101 other counties in Illinois, the same rules apply, the same law applies. Whether you are voting in a Republican-dominated county downstate or in a Democratic county, such as Cook County, the same rules should apply. That is what this amendment would say: Punchcard systems, whether in rural Republican areas or in Democratic inner-city areas, should be systems we can trust and count on.

We should accept our responsibility under this law to help the voter, not to make it more difficult. That is why I have offered this amendment.

I sincerely hope my colleagues following this debate will stop and reflect on what happened in America with the last Presidential election.

I can recall a cabdriver in Chicago. I asked him where he was from. He said: Africa.

I asked him: What do you do for a living besides driving a cab?

He said: I am an engineer. I am trying to make a living here in the United States.

We were in the middle of the Florida recount.

I asked him: What do you think about all this?

He said: In my home country, people would be killed in the streets over the dispute you are having in this Presidential election.

Thank God that never happened, and I hope it never does. But we know that, though there might not have been lives taken in the streets, a lot of people left that November 2000 Presidential voting experience with a bitter taste in their mouth. They thought the system of voting in America was not a friendly system, it was not a system dedicated to what we have called this "incontrovertible constitutional right to vote." They thought it was a system that was designed to catch you if you didn't play by every single rule and go by every single instruction. If it caught you, it would disenfranchise you.

This amendment gets us back to establishing confidence again in a system that I think will say to all Americans: If you are in punchcard jurisdictions—and one out of three Americans is in a punchcard voting jurisdiction—we are going to help you make a decision so your vote will count. That is so basic. I think it really reflects the intention originally of the sponsor, Senator DODD, in this legislation, that we make this commitment to the system.

I hope my colleagues will join me in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Connecticut.

Mr. DODD. First of all, Madam President, I commend my colleague and friend from Illinois for his support on the underlying bill. I am very grateful to him for helping us craft this proposal and lending his name as a cosponsor of the bill. He has been tremendously helpful.

The Senator from Illinois makes a compelling case. We have tried, in this legislation, to strike a balance. I suppose it is a painful lesson we all have to learn from time to time. But we would like to write our own bills. We all have our own ideas of exactly what we would do if we could just write the bill ourselves.

Coming to the floor with a bill that is endorsed and cosponsored by the chairman and the ranking member of the Rules Committee, and others, obviously did not happen miraculously. It happened through the work of trying to offer proposals and negotiating out provisions that will allow people to achieve a level of comfort with a product to which they are willing to lend their names, and to be able to present it to our colleagues for their overall support.

That is where we find ourselves and where I find myself with this particular proposal. Again, I am one who believes, wherever possible, where the equipment allows, that people ought to be able to know if there is an overvote. The Senator from Illinois makes an irrefutable case for it, in my view.

While memories fade a bit, and other events have overtaken the events of 14 months ago, it is not that hard for people to remember how distraught this country was over the fact that we could not seem to get a Presidential election straight.

We discovered—obviously, not just in Florida, and it was not just for this race—that all across the country there were serious problems with the election systems and that voting systems were outdated. Depending on what community you lived in—how affluent it was—you might have better equipment than other communities. There have been all sorts of problems that have been identified by every single study and commission that has looked at election processes in the country.

What the Senator from Illinois has proposed is that when we are talking about punchcard systems—and there is a machine that can indicate over-votes on a punchcard. Under our bill, we provide grant money to States and localities to help them acquire equipment. The $3 billion is there for that purpose. You can actually buy a voting system that does exactly what the Senator from Illinois would like to see done.

When I wrote the bill with Senator **BOND** and Senator **MCCONNELL**, there were tradeoffs. I had to give up on some things I did not like giving up on—and this is one of them—in order to get support for other provisions of the bill. I am not going to speak for my colleagues from Missouri and Kentucky, but there were things they did not want to particularly give up on. So we struck an agreement on this overvote issue that presently does not require as a matter of national law that punchcard systems must report an overvote.

But let me also say, there is nothing in this legislation which prohibits any State from doing exactly what my friend from Illinois wants to do. In fact, I think the State of Illinois does require that there be an overvote requirement—or there is a court order pending that——

Mr. DURBIN. In Cook County.

Mr. DODD. In Cook County, excuse me—that is requiring they do just that.

So I say to people who are wondering about this issue, while we do not go to the extent that my colleague from Illinois would like us to in this bill, by requiring, as one of the minimum standards in this legislation, national standards that every jurisdiction in the country that uses a punchcard system must use a punchcard system that would allow the voter to be able to determine whether or not an overvote has occurred. We say nothing in this legislation that would, in any way, restrict a State from requiring exactly what the Senator from Illinois is seeking. In fact, I would encourage States to do it, to use the grant funding and acquire them because I think it is a great service to be able to provide for your voters, and to avoid exactly the situation the Senator from Illinois describes.

We all remember, very vividly, the pictures every night on television of people holding up these butterfly ballots where to say it was a confusing situation was a mild description of those ballots. And there were the punchcards that were also very difficult to read. People were holding them up to the light and showing hanging chads and the like.

So the Senator's point is an excellent one.

It is not a point with which I disagree. But anyone who has ever had to manage a bill on the floor, where you have 99 other colleagues and you are trying to put together a compromise bill that includes some very important changes and advances in the law, then you know how difficult that can be. This is exactly one of those points.

I agree with what my colleague wants to do, but I also know in putting this bill together, the decision was made to allow States to do that but not require in the punchcard system that it be done. I am in an awkward position because I agree with my colleague, but I am in a tough position because I am trying to work out a bill.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mr. DURBIN. Let me counsel my friend and colleague from Connecticut to follow his heart.

Is it not true in this bill with the Bond exception that we do say to jurisdictions across America that we want them to tell people if they have overvoted and spoiled their ballot, if they have cast other than a paper ballot, a punchcard ballot, or a mail-in central counting system, like Washington or Oregon? So for other methods of voting, the optical scan, the standard lever machines, the direct recording electronic, this bill says: We want to save you from making a mistake. We want you to have your vote count. Isn't that true? We have said for those systems that we really want to have this protection, but not the punchcard system.

Mr. DODD. The Senator from Illinois is exactly correct. That is exactly what the bill does. As I said before, he urges me to follow my heart. I would be very much inclined to do so. He also is a very accomplished legislator and knows how difficult it is. In fact, he has been in this very chair I now find myself in where he has been confronted with not dissimilar proposals where his heart said one thing and, as he tried to cobble together a piece of legislation that enjoyed the bipartisan support I am seeking with this bill, he was torn between trying to produce an underlying bill and agreeing with the proposal that one of his dear friends offered.

I have no argument whatsoever with the proposal, but he knows the quandary his friend is in.

Mr. DURBIN. I ask my friend and colleague from Connecticut, if you can't follow your heart, can you at least take a walk?

Mr. DODD. I thank my colleague from Illinois. Again, I urge Members to follow what he has proposed here. He said it very well. We do require in this bill that there be overvotes, not undervotes. I don't know if my colleague from Illinois made that distinction. There is nothing in this bill that requires that a person be notified of an undervote. Senator **MCCAIN**, in fact, raised this issue with me. I thought he brought up a very good point. There are many of us—we can all identify with this—who have gone in to vote and there were some positions where we just did not know the people. We did not know anything about them whatsoever. So from time to time, we do not cast a ballot on those particular races. We make the conscious decision not to cast a ballot.

We don't want to necessarily be notified that we have not voted for the deputy sheriff in some place. So we have excluded any reference to undervote references, only to overvote where, again, everyone wants to be notified if they voted for two candidates for President or two candidates for Senate, or Governor. The overvote issue is extremely important.

Mr. DURBIN. I have spoken to the ranking minority leader on the Senate Rules Committee, Senator **MCCONNELL**. Once again, I make this offer on the floor. If there are any who wish to speak for or against this amendment, I want to give them ample opportunity to do so at this moment. But if there are no requests for debate, in the interest of completing the bill today, I will ask for the yeas and nays. But I will withhold that in the interest of having a free and open debate on this.

Mr. McCONNELL. Regretfully, I am going to join Senator DODD in opposing this amendment. We had a carefully crafted compromise on this whole issue of whether or not to, by either direction or indirection, require certain voting machines in jurisdictions. I think that is, in effect, what this does. We don't want to dictate to any State what form or what kind of machine they choose to take. This was a significant point of negotiation between the five principals on this bill, who were Senator DODD, myself, and Senators BOND, TORRICELLI, and SCHUMER.

This would mandate a certain kind of punchcard machine, one that notifies the voter of overvotes. This is a decision which the five of us concluded should best be left to the States. In crafting this bill, we were careful to avoid mandating any particular system out of existence, and that, in effect, is what this amendment would do. Our bill seeks to address the Senator's concerns. It does it in such a way that we don't eliminate any system.

Regretfully, I join the chairman of the committee in saying if this amendment is approved, I think it takes away any argument we can make in opposing any other amendment if somebody says you think you ought to use this kind of machine or that kind. Regretfully, I, too, have to oppose the amendment.

Mr. DURBIN. Will the Senator yield for a question.

Mr. McCONNELL. I am happy to yield the floor.

Mr. DURBIN. In response to the Senator from Kentucky, if he would like to engage me in dialog, I invite him to do it.

In your bill, as currently written, it says if people have overvoted and spoiled their ballots, we will notify them in jurisdictions that don't have paper ballots, that don't have punchcards and in States such as Washington and Oregon where there are mail-in ballots. I say to my friend from Kentucky, you are, in this bill, already establishing a standard of care for every voting system but three. Why do you make an exception for a punchcard system where one out of three Americans vote with that system, a system we saw in Florida that was rife with problems, where people voted with the best of intentions, and where we lost 120,000 voters in Cook County, IL? Why would you say, if you happen to have an optical scanning system, you have to notify voters if they spoiled their ballots? If you have a lever machine, you have to notify people. If you have an electronic device, you must notify people. But when it comes to the punchcard system, the oldest one, the one fraught with more problems than any others, you have carved out an exception. Why do you make that distinction?

Mr. McCONNELL. More Americans voted on punchcards than any other way in 2000. So if we want to start mandating certain kinds of punchcard voting systems, we are going to have to pay if you want to have funded mandates and not unfunded mandates; we are going to have to pay, in effect, to replace, apparently—most places except Illinois—all of these punchcard machines. I suspect that is a simple answer to the question of the Senator from Illinois.

Mr. DURBIN. I may be mistaken, but I thought this bill not only created a commission, but created a Federal grant system to do just what we are talking about, to modernize election systems across America so they are more trustworthy and consistent with this so-called incontrovertible constitutional right to vote.

Mr. McCONNELL. You can't overvote on a lever machine, and you can't overvote on these optical touch-screen voting machines. So it is really not a problem with those kinds of machines.

Mr. DURBIN. If you accept the premise of the bill you brought to us that this is an incontrovertible constitutional right, think about what you have just said. Is this really equal justice under the law, that we have a slot machine culture when it comes to voting? If you happen to be in the right jurisdiction with the right machine, we will correct your mistakes; but if you happen to be one of those poor people with a 40-year-old punchcard system, good luck. If your vote doesn't count, try it again in 2 or 4 years from now.

Mr. McCONNELL. One short answer to the Senator's concern is that of these millions of people who voted on punchcards, almost nobody complained except in Florida. Nobody demanded a recount. Nobody went to court. The practical effect of what the Senator is suggesting here is that we mandate a certain kind of punchcard voting system. It seems to me that clearly wrecks the fundamental concept of the bill.

Mr. DURBIN. With all due respect to my colleague, if I have cast a spoiled ballot, they don't give me a call or send me a note in the mail. I never know it. Those 120,000 people, who thought they had done the right thing and performed their civic duty, went home proudly after voting in Cook County, and 300,000 who voted across America went home and said to their kids: This is what you have to do, you have to vote. Their ballots were tossed because they were punchcard voters who got caught in hanging chads and a system that was over 40 years old.

Are we really serious about giving people their constitutionally protected, incontrovertible right to vote, or is this going to be a haphazard system? I hope not.

Mr. NELSON of Florida. Will the Senator from Illinois yield?

Mr. DURBIN. Yes.

Mr. NELSON of Florida. Madam President, I bring to this debate the very painful experience we had in Florida. Because of the trouble with the punchcard ballots, the Florida legislature has wisely eliminated punchcard ballots for the future, but many other places in the country still have punchcard ballots.

I would never want voters in other places to have the confusion, mystification, and belief that their constitutional right of being able to vote had been taken away by virtue of having realized after the fact that their ballot had been punched twice, because of incorrect instructions, or incoherent instructions, or an incoherent way in which the ballot was designed that confused, not intentionally, but had the bottom line result of confusing the voter.

If it is so easy with technology to notify a voter that they have, in fact, overvoted, why should we not give that almost God-given right—certainly, that American right of the ballot—to notify them that their ballot isn't going to count because it has been overpunched?

So I lend my voice, having been borne out of the painful experience of the Presidential election in Florida in 2000, in support of the Senator from Illinois and his amendment.

Mr. DURBIN. I thank the Senator.

I ask unanimous consent that Senator GRAHAM of Florida be added as a cosponsor.

Mr. HARKIN. If the Senator will yield, I thank him for his leadership. I ask the Senator if he agrees, and maybe he doesn't; I didn't confer with him. But we really ought to be in the position of saying that States and local voting jurisdictions in a Federal election simply can't use punchcards. I think we ought to get rid of them all. I am proud that my State of Iowa, 28 years ago, got rid of the punchcards for the very reason that too many people were making mistakes. That was 28 years ago. I am very proud of that. I think this is an old technology, fraught with all kinds of errors. I don't care what anybody says, they ought to be done away with. Again, I suppose we are not in a position to do that here, but at least we can do it in the Senator's State of Illinois.

Mr. DURBIN. Madam President, I thank the Senator from Iowa. The fact is, the highest incidence of spoiled ballots in Presidential elections in America is on punchcard systems. It makes the point of the Senator from Iowa.

Look at the last Presidential election, what a handful of votes would have meant in one State or another, and to have a report that over 300,000 more votes should have been recorded in that Presidential election that were lost to punchcards. This bill, which is supposed to be about election modernization and election reform, turns a blind eye to the voting system used by one out of every three Americans. I do not think that is consistent. I do not think you can say it is an incontrovertible constitutional right and ignore one out of three voters when it comes to saving them from a mistake.

Mr. DODD. Madam President, will my colleague yield? I want to make a point. I said to my colleague, I certainly do not disagree with what he wants to do. Let me make the case again. One is, nothing in this legislation, in fact, prohibits any State from making a decision requiring this equipment and notifying voters of an overvote. In fact, in Cook County there is a court order that requires that very result. Other States may do the same.

Again, I make the point to my colleagues, this was putting together a bill with a lot of different features to get a bipartisan product. Unlike the other body, the Rules Committee in the Senate does not control the debate and whether there are no amendments. They just bring the product out and you vote for or against it. Here we have already dealt with seven or eight amendments, and I have a book thick with amendments people may offer on this issue.

Senator BOND, Senator MCCONNELL, and myself tried to work something out that will move us along on some very important underlying provisions.

Again, this equipment is not inexpensive. States can apply through the grant program to get the money to buy this equipment. They can put it in place. There is nothing here that prohibits people from doing that whatsoever. In fact, I encourage them to do exactly that.

Mr. DURBIN. Will the Senator yield for a question?

Mr. DODD. Certainly.

Mr. DURBIN. If we accept what the Senator has said, that it is really up to every State to modernize their system and to make it a more trustworthy system, I have two questions for Senator Dodd: First, why did he preface this bill by saying this is an incontrovertible right under our Constitution; and second, why did the Senator include any reference at all in the bill requiring that you permit the voter to verify the votes selected by the voter, and go on to say provide the voter with the opportunity to change the ballot or correct any error?

If it is the Senator's belief that this is about States rights, then why does he have any language in this bill regarding standards?

Mr. DODD. I say to my colleague, we do, but it is about balance. No one has claimed perfection. We are trying to strike a balance where the Federal Government, for the first time, becomes a better partner with our States and simultaneously saying, in exchange for that partnership, there are certain minimum requirements—certain ones, not every one I would like, not every one one might imagine, but certain ones on which a majority—hopefully a large majority—of Democrats and Republicans, with very different points of view on this issue, can find common ground. That is what we try to do when we legislate, and that is what I tried to do with this bill.

I could think of 20 more minimum Federal requirements I would write into this bill if I were king. But I am not king, yet. So I am working with my friend from Kentucky. If he were writing this bill, he would have a very different set, I presume, and it would be the same with my colleague from Missouri.

I say to my friend, this is not easy, I admit. It is complicated, and we are not writing this bill in tablets. We have established a commission so there will be an ongoing process. We do not have to wait another 40 years to talk about changes to be made in the system.

I urge States to do this. If I were writing the bill alone, I would have written exactly the provision my friend from Illinois has suggested, but in trying to cobble together provisions that will allow us to take a major step forward in improving the election system of this country, I urge my colleagues to reject this amendment without rejecting the idea.

Mr. NELSON of Florida. Will the Senator yield?

Mr. DODD. Certainly.

Mr. NELSON of Florida. Given the experience we had in Florida, what could any of the three Senators have as an objection to notifying someone that they had overvoted on a punchcard ballot? What is the objection?

Mr. DODD. The bill does not prohibit that.

Mr. NELSON of Florida. Given what we went through.

Mr. DODD. What my colleagues are requesting is that we mandate that in this bill. There is nothing in this legislation that says Florida is going to insist—the State of Florida has abandoned their punchcard system, but in the case of Illinois, which is a live example, under a court order, the State has said you must notify voters of an overvote. That is fine. No one here is suggesting in this bill that the State of Illinois should not be able to do that.

What is missing, what the Senator from Illinois would like, is that we absolutely require in every jurisdiction where a punchcard system is located that that system notify the voter of that overvote. I do not disagree with him in that sense, but understand in putting this bill together, I was not able to get that far. We had to compromise.

Mr. NELSON of Florida. I understand the Senator's discomfiture. It just seems to me it is common sense to assure a person's right to have their ballot counted given the awful experience we had in the State of Florida on ballots not being counted. I just do not understand the opposition.

Mr. MCCONNELL. Will the Senator yield?

Mr. DODD. I yield the floor. Does the Senator from Missouri want to be heard?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I stated earlier and I restate—I ask the Senator from Missouri to stay in the Chamber. I hope we can reach an agreement that those in opposition have ample opportunity to speak and I have a few minutes to close, and we can bring this to a vote at a specific time. If I can have a suggestion from the ranking member or the Senator from Missouri as to how much they would like to have, I would like to propound that unanimous consent request.

Mr. DODD. May I make a suggestion? How much time does Senator BOND need?

Mr. BOND. Madam President, since most of the discussion has occurred on the other side, I think we need at least 15 minutes more on this side to discuss what I think are some alternatives. Some good questions were raised by the Senator from Illinois and the Senator from Florida. I would like to have a chance to speak about them. I hope I can have at least 15 minutes for that. I do not know how much time the distinguished Senator from Kentucky will need in addition to that.

Mr. DODD. Madam President, I ask unanimous consent that the distinguished Senator from Missouri, or his designee, be recognized for 15 minutes; that the Senator from Illinois, Mr. DURBIN, be recognized for 5 minutes; that the Senator from Kentucky, Mr. MCCONNELL, be recognized for 5 minutes, and that the vote occur on or in relation to this amendment at 10 of 3, with no other amendments in order to this amendment, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BOND. Madam President, I know there are many concerns about voting. We cannot solve all of them in this bill. I think we have reached a workable position where we will provide assistance to States and localities to improve their voting system. If a State wants to change its voting machine, or if it wants to add a new kind of machine to check punchcards, it can do that.

If the system does not work in Chicago, or if it does not work in Illinois, there is money in this bill to allow them to change it. If it works in Missouri, why should we be told we have to spend money on a whole raft of new supplementary equipment or new machines?

There is $3.5 billion in this bill. We hoped when we put this money in that it would provide enough money for at least every polling place to have a machine which was accessible to the visually impaired. We want to make sure this money goes to provide equipment that serves special needs people. That is one of the strengths of this bill.

I see no reason why we ought to tell States what kinds of general machines or systems they use. If it works, do it. If it does not work, fix it.

St. Louis County, which I represent, is one of the largest voting jurisdictions in the country with 650,000 registered voters. St. Louis County uses punchcards. Its error rate in the November 2000 election was 0.3 percent, the lowest in the country for large jurisdictions. St. Louis County is a microcosm on the United States, across the demographic and socioeconomic scale. This county manages to do it quite well, and I have not heard any concerns elsewhere in our State regarding punchcards. We vote with a punchcard. Know what you can do? A punchcard is not something where it is in the machine once you have cast the ballot. You can take the punchcard out and look at it before you put it in the box. You could look at that punchcard and see what you punched out.

Now, there is new equipment to put different colored lines on that punchcard or any other system that one wants on that card, so when you walk out of there, you can hold it up. We expect some basic competence of the voters. There is no guarantee somebody will not go in and vote for the wrong person. A total electronic "hoo-ha" machine is not going to prevent somebody who goes in to vote for candidate A from casting a mistaken ballot for candidate B. There is no constitutional right to say that one cannot make a mistake, but with a punchcard you can hold it up and look at it.

Certainly, after what we saw in Florida, I would imagine people could look up to see if there is a hanging chad or if there are two holes punched next to each, then that person can say they over voted or if there is no hole punched they can say they missed it.

The Ford-Carter Commission reviewed error rates of the 40 most populous voting jurisdictions in the country. Twenty-six of those jurisdictions had an error rate below the national average. Nine of them were punchcard counties. St. Louis County, King County, Orange County, CA, all had error rates less than 1 percent. Clark County, NV, home of Las Vegas, Sacramento County, Santa Clara County, San Bernardino County and San Diego County all used punchcard and had an error rate less than 2 percent. In fact, punchcards are much better represented than electronic machines. Only three of those jurisdictions that fell below the national average used electronic machines.

To conclude that punchcards are out of date and therefore responsible for the high error rates we saw in Palm Beach County is simply wrong. In Florida, there were 15 other counties that used punchcards and had a lower error rate than Palm Beach County. The problem is not punchcards. The problem was in the voting booth with the voters in Palm Beach County.

Whatever the issue, whatever the reason, whatever the problem, the people of Palm Beach, their elected officials, had the opportunity to review the problem and correct it. There are a number of ways they could do it. If they want to use money that is available to buy a checking machine, they can do that. If they want to put up signs and tell the people, look at the ballot, we are going to put lines on the ballot that show which are color coded so each office has a color code, they can do that. The fact that they need to do that in Palm Beach County, or in Cook County, IL, is not a reason why the dollars that are going to improve the voting system in our State or any other State should be required to get some kind of fancy machine that they do not have or buy equipment that they do not need.

The performance of voting machines is affected by many factors that go beyond the equipment. Some of that is the skill and training of poll workers. Mistakes made by the individual voters do occur. Some voters choose not to cast a ballot.

I have pointed out in my discussions that one time when I ran, my opponent and I, in a large suburban county, received less votes than an uncontested candidate for Congress received. Now, were those under votes? I regret to say that I cannot claim they were under votes. I think maybe the voters chose to say they did not want either one of us. That is one of the choices that voters make.

There are some administrators I have talked to who say that dollar for dollar you can get more and better results in assuring voters really cast the vote they want to cast with voter education and poll worker training. Machines do not solve all human problems. We are going to make machines available for those who have conditions that require special needs. We are going to provide assistance to those States and those areas where they think they need to use a different kind of machine.

The punchcards serve specific local needs. With a punchcard machine, each voter needs a blank punchcard. With an optical scan, they need a separate ballot. With this bill, we expand the language requirements of new voters in very large jurisdictions with many offers and propositions. It may be to provide the punchcard makes more sense than other technologies. Why should they not be able to use it?

I believe that we are on the right track by providing assistance. Where local jurisdictions find they have problems, where they do not feel a need or for some reason or another punchcards do not work, we are providing some money and they ought to step up to the plate and put in some of their own money and get something they think would work. I strongly object to saying we are in this bill going to mandate that everybody uses a certain kind of machine or has a certain kind of check and balance. We have already gotten into the business of local elections on a grand scale and, frankly, I do not think most of us who have had experience in elections want to see the Federal Government take over the function totally. We are making money available for those jurisdictions and those States which think they ought to have a different system.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, we all know, regrettably, we are going to be spending the Social Security surplus in this year's budget, and this amendment, in effect, would require us to spend some of the Social Security surplus to buy new voting machines. It seems to me that is a particularly inappropriate use of the Social Security surplus, which is, in fact, going to be spent this year on such items as fighting the war abroad and homeland security.

I want to echo the comments of Senator KIT BOND. There are 64,337 precincts in America that use punchcards. Nearly 50 million voters vote on punchcards. The practical effect of the amendment of the Senator from Illinois is to replace the vast majority of those with some system, which is why the Senator from Connecticut, the chairman of the committee, who would otherwise be in favor of this amendment, has stated that this begins to unravel the bill.

If we mandate a particular voting system in this way, there will be lots of other amendments coming in mandating other kinds of methods of voting. So I hope this amendment will be defeated. I think it is a path we do not want to go down if we are serious about trying to enact this legislation. I know the chairman of the committee and I are certainly serious about it. We think it would be a step in the right direction and an appropriate step to take. We have managed to get together on the bipartisan basis and we hope we can keep that bipartisan spirit together and move this bill toward passage.

I am unaware of any other debate. Did Senator BOND reserve the remainder of his time?

The PRESIDING OFFICER. That is correct.

Mr. McCONNELL. Then I will reserve the remainder of my time.

Mr. DURBIN. Madam President, how much time is remaining under the unanimous consent agreement?

The PRESIDING OFFICER. The Senator from Illinois has 5 minutes. The

Senator from Missouri has 6 minutes. The Senator from Kentucky has 3 minutes.

Mr. DURBIN. I don't know if the Senator from Missouri wants additional time. I thought we were aiming for 10 minutes to 3.

Mr. DODD. There is nothing in the Constitution that prohibits the Senator from yielding back time.

Mr. DURBIN. I have not used the last 5 minutes. I thank the Senator for his always valuable advice.

The Senator from Missouri, in all fairness, was not here at the opening of my comments about the system. I want the Senator to reflect for a moment on some of the things he said and some of the things which we know to be true. The Senator undoubtedly points to St. Louis County which has an excellent record on the punchcard system. But the simple fact according to the Caltech-MIT study is that nationwide the No. 1 voting system which voided ballots cast for President in the year 2000 was the punchcard system. There was no other system as bad as the punchcard system for taking away a person's right to vote for President in the year 2000. That is a fact. They conclude 300,000 Americans went to vote for President and their votes were not counted on punchcard systems, but would have been on other systems such as optical scan. Punchcard systems didn't work as well. They spoiled their ballots.

To suggest there is no problem defies the obvious statistical information in evidence we have been given.

The Senator from Missouri also said you can check out your ballot before you leave the punchcard voting place. He is right. I have done it. It is no small feat. Remember those pictures of the judges in Florida staring at the little holes in the cards, trying to figure out which hole had been punched, what was hanging, what was pregnant, what was gone, what was here, what was there?

If we are going to turn voting in America into this kind of bunco game to see how we can stop someone from exercising their right to vote, we ought to mandate punchcard systems. We know that is the system that takes the vote away for President of the United States, whether you are a Democrat or a Republican.

I know what it means to check the ballots, the punchcard ballots. Better have good eyesight and patience to match up every hole in the card to the number next to it on the ballot in front of you.

There has been lots of talk about Federal mandates. I didn't write the compromise substitute amendment before the Senate. I believe the Senator from Connecticut, the Senator from Kentucky, and even the Senator from Missouri had a voice in this. I refer Members to the opening of this amendment. Here is what the amendment the Senator is prepared to support, the substitute bill, says: Each voting system used in an election for Federal office shall meet the following requirements.

Like it or not, that is a mandate.

Among the requirements is to have a system that notifies voters of overvotes, and to give the voter the power to verify votes and the power to correct errors. That is a mandate currently in the law.

Senator BOND's amendment said we will make an exception for punchcard machines for one out of three voters. This Federal requirement to make sure people's votes count will not apply in a punchcard system.

I don't think that is fair. I don't think it is fair to voters across America who have little voice in the process as to what kind of voting machine they will face on election day.

What I think makes sense is to treat voters as fairly as possible, whether they live in St. Louis County, St. Louis city, or in rural Missouri. The same thing is true in Illinois.

What I am doing, some can say, is not to my advantage. Cook County has a court order saying we will check the punchcards to make sure people get a chance to vote correctly. This amendment will apply to the whole State, the Republican rural areas as well as the inner-city Democratic areas.

Make no mistake, the people most likely disadvantaged by the weakness of the punchcard system are people living in cities that are overwhelmingly minority and low-income people. Once again, when it comes to voting in America, if you happen to have enough money and live in the right place in America, you are not going to have a problem on election day. But if you happen to be a hard-working, blue-collar person who comes in to vote and is stuck with a punchcard system, the deck is stacked against you. And this bill doesn't help you one darned bit.

If we are going to do anything fair across America to help the situation in Florida and ourselves, for goodness' sake, give every American an opportunity to have their vote counted.

I reserve the remainder of my time.

Mr. DODD. Madam President, with all due respect, I agree with much of what my colleague said, but I want to make a couple of corrections. The $3.5 billion, we are told, is the number if every single precinct in the country decided to change every voting machine. It has to be the most sophisticated equipment you can buy. The number we have put in this bill is not drawn out of thin air. This is a number that should accommodate virtually every jurisdiction to make changes. Obviously that will not happen in every jurisdiction. But the money will be there, provided the Appropriations Committee supports what the President asked for in this budget and what we included.

Second, I make the case again, this bill gives people the right to be able to verify how they have voted and to have the right to ask for that check to occur. It says nothing in here to prohibit that. In fact, the resources are going to the States, and in this particular case, so they can get the equipment that Illinois will have in Cook County, to be able to update its punchcard system or whatever else it wants to have.

These are very significant steps forward that come closer to addressing the problem that the Senator from Illinois identified. Not as comprehensively as he would, I add, with his amendment; his amendment goes much further than that. I am not really disagreeing except to the extent I try to present to this entire Chamber a bill that would enjoy the support of an overwhelming majority of Democrats and Republicans. That is not an easy task when it comes to election reform.

I have great respect for my colleague from Illinois, and I urge our colleagues to vote their conscience, although on this issue I happen to disagree.

If there is no further requests for time, I urge we get to a vote on this amendment.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Madam President, I concur with the Senator from Connecticut we should move along as quickly as possible.

There were a number of items raised. Apparently, there was a misunderstanding. The Senator from Illinois claimed I said some things I didn't say. I didn't say there were no problems. I didn't say they didn't have a problem in Cook County. They have a court order. Apparently, they do have a problem. They may well have a problem in Palm Beach County.

I said we provide some money that can assist them in curing their problem. We want to see elections honestly and fairly conducted and do everything we can to assist the voter to make the right choice and be able to cast their ballots as they wish. There is no requirement in this bill that if you have a paper ballot you have to have a machine to check it. If you have a mail-in ballot, you don't have to send it back if it is overvoted or undervoted. If you have an optical scan, there is no way to check it.

On these things where there is a piece of paper, optical scan or a punchcard, we say we are putting money for voter education to tell voters how to do it. It is not like the poor people trying to come up with ideas about what is a hanging chad or what is a pregnant chad. With a little voter education you can tell them, if you are not sure after you punched the ballot, you look at it. If you do not think you got it right, you can get another one and do it right.

There is an obligation on the voter and there are all different kinds of voting equipment and systems to make sure he or she makes the right choice. As I said, part of that is making sure if you want to vote for candidate A, you vote for candidate A. This is not a big brother nation where we go in and guarantee everybody is going to make every right choice. There are lots of errors.

As a matter of fact, some of the most expensive equipment we have, the DRE equipment, a whiz-bang machine, the error rate is equal to the error rate on punchcards. By the way, the studies that have been done show there is no link whatsoever between the kind of system or the technology available and the economic status of the voting area. That is what I would call a red herring.

St. Louis County, MO, has some of the wealthiest and some of the poorest voters in our State. They all get to use a punchcard.

In Audrain County, MO, we don't have a lot on the high end. We have a lot in the low end. We have a lot in the middle. We use a punchcard. I don't think we ought to be saying that because folks in Cook County or Palm Beach have had problems with punchcards—given the fact that our county clerk in Audrain County makes the system work for the people who vote there, we should not have to go back and tell them: Whoa, you have to spend some money, take the available Federal resources, match it, because you need to have a different kind of equipment to check the punchcard. Most of the folks back home at the coffee shop would say, after all this whoop-de-la in Florida, they are going to look at the ballot and make sure they punched the things out that they wanted to punch out.

I do not believe we need to intrude further on the management of elections by saying you can't use a punchcard machine unless you have another form of device. I urge my colleagues to defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I thank, again, the Senator from Missouri for his contributions to this debate and reiterate that the key to this is voter education, as Senator BOND pointed out, and with the punchcard there is an opportunity to correct.

Assuming the amendment of the Senator from Illinois is agreed to, this is going to use up close to $1 billion of the $3.5 billion authorized in this bill. Then I wouldn't be surprised to see other Senators coming over, offering amendments to mandate other kinds of voting machines.

So I think this amendment should be opposed. I think it begins to unravel the bill. I hope our colleagues will not support the Durbin amendment.

Is all time yielded back?

I reserve the time.

The PRESIDING OFFICER. The Senator from Illinois has 30 seconds.

Mr. DURBIN. Madam President, the debate we just heard is probably a replay of many arguments over the Voting Rights Act of 1965: It is a matter of States' rights. It isn't the Congress's responsibility. This is too big a job.

But we decided in the 1960s that the accident of birth or color would not deny you your right to vote in America. Today, by turning down this amendment, we would say the accident of the voting machine that you face wherever you happen to be registered can turn away your right to vote, can deny you this basic constitutional franchise.

One out of three voters will not have the protection of this law because the compromise legislation doesn't provide for notification in punchcard systems.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MCCONNELL. I would like my colleagues to understand that voting for the Durbin amendment means spending Social Security surplus to buy voting machines—spending Social Security surplus to buy voting machines. I hope that is a step we will not take, and I urge my colleagues to oppose the Durbin amendment.

Mr. DURBIN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Missouri has time remaining.

Mr. BOND. Madam President, briefly, this is not, as has been characterized, a replay of the basic Voting Rights Act. We assure everyone has a right to education. We are just not mandating a new machine be purchased in every jurisdiction, whether they need it or not. They work in many jurisdictions. If they do not work, let those jurisdictions fix them. We are not going to mandate that everybody spend money on them.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 2895. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Montana (Mr. BAUCUS) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The PRESIDING OFFICER (Ms. STABENOW). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 44, nays 50, as follows:

[Rollcall Vote No. 32 Leg.]

YEAS—44

Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Bond
Brownback
Bunning
Burns
Carnahan
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Dodd
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—6

Akaka
Baucus
Bennett
Campbell
Domenici
Hatch

The amendment (No. 2895) was rejected.

Mr. BOND. Madam President, I move to reconsider the vote and move to lay that motion on the table

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BURNS. Madam President, I believe the Senator from Montana is ready to call up an amendment.

AMENDMENT NO. 2887

Mr. BURNS. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes an amendment numbered 2887.

Mr. BURNS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the ability of election officials to remove registrants from official list of voters on grounds of change of residence)

On page 68, between lines 17 and 18, insert the following:

SEC. ____. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.".

Mr. BURNS. Madam President, this is a very simple amendment.

Mr. DODD. Madam President, I know the Senators from Florida had a proposal they want to present and on which we are prepared to rule. The Senator from Connecticut also had a proposal, as well as the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. BURNS. Madam President, if I am out of line, I could be put back in line very easily.

Mr. DODD. That would be a first, Madam President.

How much time does the Senator from Montana want on his amendment?

Mr. BURNS. I don't think it is going to take much more than 15 minutes. If you had somebody scheduled in front of me, I say to the Senator from Connecticut, I would facilitate that.

Mr. DODD. I appreciate the Senator's consideration. What we might do is proceed with the Senator from Connecticut, then the two Senators from Florida—they need a very short amount of time on their proposal, and it may be accepted—then the Senator from Montana. We will try to get some time agreements and see if we can't get some other Senators to come forward. We will move these things in order. We will move in that fashion, if that is all right.

Mr. BOND. Madam President, I might suggest, we just had an amendment from your side. If this amendment could be handled in 15 minutes, why don't we work on getting time agreements, go back and forth to the extent that we have an equal number of amendments?

Mr. DODD. I am prepared to do that as well. In the meantime, my colleague from Montana very graciously has offered to wait because I did make a commitment to my colleague from Connecticut. You don't want to get me in trouble in Connecticut. Let me turn to my colleague from Connecticut.

AMENDMENT NO. 2889

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut, the distinguished chair and manager of this very critical piece of legislation. I thank Senator DODD and Senator MCCONNELL for the bipartisan agreement they have that brings forth this historic reform legislation.

As the Presiding Officer knows well, I have a particularly personal and poignant series of memories related to the election of 2000, most of them really quite good until post-election day. As my mother, if I may quote her in this great Chamber, said: There must have been a reason that happened.

Maybe one of the reasons was to lead to the election reform proposal that is before this Chamber which I think will take significant strides forward in making sure that if we ever have a national election as close as the one in 2000 again, there will be a series of laws and procedures in place, an ongoing commission in place that will make certain, one, that the right of citizens to vote is not just the right to cast their ballot but the right to have that vote counted, of which millions were not counted throughout the country, and that there be a more orderly process for determining, without resort to courts, what the result of that election was.

Bottom line: I thank Senator DODD and Senator MCCONNELL for bringing this bill forward.

I call up amendment No. 2889, which I have placed at the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. LIEBERMAN], for himself and Mr. FEINGOLD, proposes an amendment numbered 2889.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for full voting representation in Congress for the citizens of the District of Columbia, to amend the Internal Revenue Code of 1986 to provide that individuals who are residents of the District of Columbia shall be exempt from Federal income taxation until such full voting representation takes effect, and for other purposes)

On page 68, between lines 17 and 18, insert the following:

SEC. ____. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC. ____. EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

"SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

"(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

"(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

"(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

"(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

"(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

"(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

"(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

"(d) DETERMINATION OF RESIDENCY.—

"(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

"(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.".

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

"(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

"Sec. 138A. Residents of the District of Columbia.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

Mr. LIEBERMAN. Madam President, this is an amendment that I am introducing and will then withdraw. I thought it was important to put this issue before the Chamber while we are considering comprehensive election reform legislation because in our country the right to vote is a sacred right. The vote is a civic entitlement of every American citizen. We believe the vote to be democracy's most essential tool. Not only is the vote the indispensable sparkplug of our democracy, the vote is the sine qua non of democracy and equality because each person's vote is of equal weight, no matter what their wealth is or their station in life—or is it?

That is the question this amendment poses. As we engage in this debate to remedy the voting problems that arose in the election of 2000, we have to acknowledge the most longstanding denial of voting representation in our country, and that is the denial of voting rights to the citizens who live right here in our Nation's Capital. The nearly 600,000 people who live in the Nation's Capital are denied voting representation in the Congress of the United States. Citizens of DC have a nonvoting delegate in the House who may vote in committees but not on the House floor. DC citizens—our fellow citizens—are not represented in this body at all. Yet, as we speak, residents of the District of Columbia are engaged abroad and at home in the current war against terrorism alongside other Americans.

The people who live here in our Nation's Capital have always met each and every obligation of citizenship. They have fought and died in all of our wars, often in greater numbers proportionately, and even absolutely, than larger States. In fact, sadly, the casualties of District residents in our wars have been increasing.

In World War I, the district suffered more casualties than three States. In World War II, it suffered more casualties than four States. In Korea, it suffered more casualties than eight States. And in Vietnam, more residents of the District of Columbia were casualties than in 10 States.

I am the sponsor of legislation before the Finance Committee at this point which is called the No Taxation Without Representation Act. Its name is taken, of course, from our own revolution because our forebears went to war rather than pay taxes without being represented. Citizens of our Capital believe in the principles of the Nation's revolutionary heroes established as a result of our own revolution. Today, they are using the only tools of democracy available to them to secure voting representation in Congress. They are seeking redress of their legitimate grievances from us in Congress.

Madam President, despite the bill's title—No Taxation Without Representation Act—the people of the District seek voting representation, not exemption from taxes. I must admit there are employees of our office who are residents of the District who have been tempted to have the exclusion go the other way. The tax provision is in the bill for effect—perhaps an ironic effect—to remind us of the American principle that gave birth to the Nation—that no man or woman should be required to pay taxes to a government until represented by a vote on what that government does or requires.

No other taxpaying Americans are required to pay taxes without representation in Congress. Indeed, residents of the District of Columbia are second per capita in taxes paid to the Federal Government—comparing them to all the States of the Union. Tax issues, of course, are some of the most contentious issues that come before the Congress. We cannot even begin to contemplate how our own constituents would react if we could not vote one way or another on pending tax legislation that would have so personal an effect on them.

I support voting rights for District residents for the same reason I support the historic election reform bill before us today. The great principle of voting rights is riding on both bills. I know the American people believe their national credo requires that no taxpaying Americans are to be excluded from voting representation in Congress. A national public opinion poll suggests as much. The majority of Americans believe that DC residents already have congressional voting rights. When informed that they do not, 80 percent say, around the country, that DC residents should have full representation.

Like the bill before us, our No Taxation Without Representation Act seeks to vindicate the precious right of voting representation. As I said at the outset, I do not intend to press for a vote on this amendment at this time. That is a decision that I have made in cooperation with those in the District who most advocate voting rights, including ELEANOR HOLMES NORTON. I raise voting rights for the citizens of our Capital during this discussion because these rights are a related issue of great importance to our country.

Last year was the 225th anniversary of the American Revolution, and the 200th anniversary of the establishment of the Nation's Capital. The revolutionaries who fought to establish our country, and later the wise Framers who wrote our Constitution, did not intend to penalize and deny basic rights to the citizens who settled and built our Capital into a great American city. The city had not yet been established or come under congressional jurisdiction when the Constitution was signed. In fact, the first DC residents continued to vote in Maryland and Virginia, the States from which the land for the District was ceded, for 10 years following the ratification of the Constitution.

In placing our Capital under the jurisdiction of the Congress, the Framers intended to pass to us the responsibility, I believe, to assure the rights of the citizens of the Capital once the city was established.

Unfortunately, Congress has failed to meet this obligation for more than 200 years.

So I intend to withdraw this amendment. As I do, I ask that we reconsider the denial of voting representation to the citizens of our Nation's Capital, those who live here at the heart of our democracy. The time has long since passed for Congress to extend voting representation to those who live where we do the people's business. I hope we will find a way to remedy this wrong soon.

I want to state that Senator FEINGOLD is my cosponsor and, at the appropriate time, we will submit a statement for the record in support of this amendment. I now withdraw the amendment.

Mr. DODD. Before he does that, I want to be added as a cosponsor as well.

Mr. LIEBERMAN. I am honored to do it.

The amendment (No. 2889) was withdrawn.

Mr. DODD. There have been a number of proposals such as this throughout the years for the District of Columbia to have representation. It is one of the great travesties, in my view. Many people live here. It has the population of many States, and they don't have a vote or a voice in the Senate. They have a voice, but no vote, in the House of Representatives.

I appreciate the fact that we are not going to press the issue on this bill. I commend the Senator for raising the issue, for articulating the point of view that I think many Americans, when confronted with the facts, embrace. I think they are shocked to see that this many people are excluded from representation.

Mr. FEINGOLD. Mr. President, there is no value we can attach to the most basic right of every citizen living in a democracy. The right to vote is much more than dropping a ballot in a box. The right to vote symbolizes freedom, equality, and participation in the government that creates the laws and policies under which we all live. This is why I rise today, in support of Senator LIEBERMAN's D.C. voting rights amendment.

Under our representational democracy, every American is entitled to a voting voice in Congress, a voice that seeks to speak for their interests and present their needs, unless you live in the District of Columbia.

When the District of Columbia was created as the United States Capital 200 years ago, its residents lost their right to congressional representation. It is time for us to right this wrong.

District of Columbia residents serve in the U.S. armed forces, and some of them are currently overseas fighting in our war on terrorism. D.C. residents fought and died in the Vietnam war. They keep our Federal Government and capital city running, day and night. They pay Federal taxes. And yet they have no voice. We fail to give them a say on even basic administrative matters that other states and cities decide for themselves. D.C. residents can fight and die in the name of their country, but they can't implement a local budget without the approval of Congress.

What makes this inequity particularly egregious is that District of Columbia residents, like all Americans, pay Federal taxes. So while the rest of the Nation benefits from our victory in the Revolutionary War, the voice of D.C. residents continues the rallying cry, "No taxation without representation." This founding principle of our Nation, which so vigorously carried us to our Nation's independence, has still not been honored for this group of Americans.

There are approximately 490,000 Americans living in the State of Wyoming. Residents of Wyoming have three voting voices in Congress. There are 550,000 Americans living in Washington, D.C. These Americans, however, purely due to the location of their residence, have no representative with full voting authority in either the House or Senate. D.C. has one delegate, Eleanor Holmes Norton, but she does not enjoy the same right to participate in decision-making as her colleagues. And, of course, D.C. has no representation in the Senate. This is not equal representation. It is unequal representation. It is wrong. It is un-American. And it should end.

Virtually every other nation, from Albania to Zimbabwe, grants the residents of their capital cities equal representation in their legislature. It is simply an embarrassment that in these modern times, we, as the world's most powerful democracy, are denying suffrage to half a million Americans.

Since the ratification of the Constitution in 1788, the United States has forged its own suffrage history, overcoming the denial of access and extending voting rights to all Americans regardless of race, gender, wealth, marital status, or land ownership. Through our interpretation of the one-person/one-vote doctrine, we have made great strides in overcoming inequality and underrepresentation. There remains, however, this suffrage hurdle: the disenfranchisement of 550,000 District of Columbia residents.

This hurdle has been recognized by Republicans and Democrats alike. In 1978, Congress debated and passed a Constitutional amendment granting D.C. voting representation. Then-Senator Bob Dole said:

> The Republican party supported DC voting representation because it was just, and in justice we could do nothing else.

The 1976 Democratic and Republican platforms were almost identical on this issue, the Republican platform stating:

> We support giving the District of Columbia voting representation in the U.S. Senate and House of Representatives.

The Democratic platform echoed:

> We support full Home Rule for the District of Columbia, including full voting representation in the Congress.

Unfortunately, since 1978, the Senate has not considered this important issue.

President Lincoln spoke of a "government of the people, by the people, and for the people." This guiding principle has sustained America throughout some of her most trying times. Shouldn't the people who work and reside in the presence of this former president's monument, and who have contributed so much to making our Nation the great nation that it is, have the right to live by this ideal?

It is time to address this injustice. At a time when the Senate is debating election reform and reflecting on issues like antiquated voting machines, the Senate should also address one of the oldest and most egregious violations of the fundamental right to vote—the lack of full voting representation in Congress for D.C. residents.

I thank Senator LIEBERMAN for offering this important amendment, and I urge my colleagues to join our effort to allow D.C. residents to enjoy the full rights and privileges of American citizenship.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Connecticut for his kind words and for his leadership.

I ask unanimous consent that the amendment offered by Senator BURNS be set aside for a moment so I may offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Madam President, is this another amendment?

Mr. LIEBERMAN. That is correct.

Mr. BOND. Madam President, I thought that the Senator from Montana was going to be able to go after the first amendment. I had an amendment on the death tax and small business depreciation. We were trying to expedite the procedure. I ask how long this amendment will take.

Mr. LIEBERMAN. My statement will take, at most, 10 minutes. I think the understanding, I say through the Chair, is that I would make a statement on behalf of DC voting rights and withdraw it and then proceed to an amendment, which may engender debate on the floor.

AMENDMENT NO. 2890

Madam President, I have amendment No. 2890 at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Connecticut [Mr. LIEBERMAN] proposes an amendment numbered 2890.

Mr. LIEBERMAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the "Federal Employee Voter Assistance Act of 2002".

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

"§ 6329. Leave for poll worker service

"(a) In this section, the term—

"(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

"(2) 'political appointee' means any individual who—

"(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

"(B) is employed in a position on the executive schedule under sections 5312 through 5316;

"(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

"(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

"(3) 'poll worker service'—

"(A) means—

"(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

"(ii) training before or on that date to perform service described under clause (i); and

"(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

"(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

"(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

"(2) Leave under this section—

"(A) shall be in addition to any other leave to which an employee is otherwise entitled;

"(B) may not exceed 3 days in any calendar year; and

"(C) may be used only in the calendar year in which that leave is granted.

"(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

"(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

"6329. Leave for poll worker service.".

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. I thank the Chair.

Madam President, this amendment will address one of the most critical problems in our electoral process. It is consistent with the overall purpose of the bill, and that is the pressing need for more trained and able poll workers to serve during Federal elections.

Obviously, our democracy is run by a cast of millions of voters who deserve to cast their ballots in the full confidence that they will be counted. This landmark legislation will provide much needed funding to States and localities to improve voting systems and standards, to create computerized statewide voter registration systems, to improve accessibility for voters with disabilities, and it will provide provisional voting so that all eligible voters who go to the polls can be assured they can cast their vote.

These are all very important improvements, the fruit of constructive, broad-ranging, and bipartisan discussion on election reform that has been conducted over the last 14 months and led with great purpose and ability by my friend and colleague from Connecticut.

However, comparatively little attention has been paid to solving another problem that affects our electoral process, and that is the difficulty that local jurisdictions have in recruiting and training enough people to work at the polls on election day.

We need an army of trained, responsible, reliable, experienced people to work at the polls on election day to ensure that the laws we adopt, including the one before us, are implemented fully and that the elections are conducted efficiently and fairly. Right now, from all that the experts tell us, that army of poll workers is without sufficient support. There are not enough troops to carry out the responsibilities that they have. In fact, the General Accounting Office, the National Commission on Election Reform, which was chaired by former Presidents Carter and Ford, and a host of others who have examined the whole question of the way we cast our votes, have documented the extent of this problem of inadequacy of numbers of poll workers.

In most locations, the recruiting and training of qualified poll workers is one of the most crucial, yet difficult, tasks that election officials face. Fifty-seven percent of local election officials responding to a GAO mail survey said they encountered major problems in conducting the 2000 election.

GAO estimated that more than half of the election jurisdictions encountered problems finding a sufficient number of poll workers. I repeat that. GAO estimated that more than half of the election jurisdictions in the United States in the 2000 Presidential election had problems finding a sufficient number of poll workers.

There are many reasons why local jurisdictions have had these difficulties. Obviously, the hours are long, the pay is low, and funding for training workers is in short supply. That is a particular problem given the fact that advanced new voting systems that will be unfamiliar to many voters will soon be deployed in many jurisdictions as a result of the difficulties in the 2000 election and, in fact, hopefully as a result of the funding and requirements established and provided for in this bill.

Many poll workers are now drawn from the ranks of senior citizens and retirees. This legislation already addresses some of these issues by providing States with additional funding and holding them accountable for improving management of the polling place, but we can and should do more.

We often lament how voter turnout rates have fallen in our democracy. I regret today that given our shortage of poll workers, if our dreams of civic participation were to become true and voter turnout were to surge upward, it would present a logistical nightmare in many jurisdictions because the poll workers are stretched, stressed, and strained as it is, and they need their ranks to be bolstered.

I support such efforts as those in the legislation passed by our colleagues in the other body to encourage students to become active in politics and work at the polls. However, I do not think that is enough. We need to do more.

Fortunately, there is an able reserve force of civic-minded people. I am speaking of Federal employees. I am convinced many are ready to spring into action if they are encouraged to do so by a law and their agencies. I believe the Federal Government should welcome its employees' service on the front lines of our democracy.

This amendment would allow Federal civil servants, not political appointees, to take time off with pay for training and then to work as nonpartisan poll workers in Federal elections. We are not talking about election workers for either party but nonpartisan poll workers. Most civil servants demonstrate daily they have the temperament and maturity necessary to serve citizens at the polls.

Moreover, because many Federal employees are bilingual, they would be a particular asset to foreign-language-speaking voters, addressing yet another problem facing many jurisdictions as they organize elections.

I stress that this amendment would authorize civil servants to be paid by their agency only to work in nonpartisan capacities. Anyone who wants to serve in a partisan capacity must do so on their own time at their own expense.

I am also not proposing in this amendment that we establish a general election day holiday for all Federal employees. That is a separate question which we are not touching in this amendment.

Under the amendment, employees who want to participate would be allowed to do so unless their absence would impede the agency's ability to accomplish its mission. That is an exception written into the amendment which would be exercised by their supervisors.

Employees' service at the polls would have to be substantiated in writing by election officials and would be limited to up to 3 days with pay in any single calendar year. The Office of Personnel Management would be required to draft regulations to provide guidance to agencies and employees on how to fulfill the intent of this amendment and to report to Congress on how they are doing.

It is important to note that there is some precedent for this idea. Federal employees under law are now serving in nonpartisan capacities as examiners and observers under a provision of the 1965 Voting Rights Act. During fiscal year 2000, the Office of Personnel Management provided some 550 observers and 40 examiners, either current or retired employees, to work in 10 States. They worked in areas where there were allegations of racial or ethnic discrimination in the voting process or in areas where jurisdictions have not provided the required language assistance or ballot translation. So there is a precedent for what I am proposing.

There is no way to predict with any degree of certainty how many of the 2.8 million Federal civilian employees who live and work in jurisdictions across the country would be willing to receive training and work at polls under this amendment, but Los Angeles County has already implemented a similar program for its employees, and the results have been very encouraging. In fact, because of those results, the State of California passed legislation encouraging its employees to serve as poll workers as well.

If the Federal Government leads by example and implements this amendment, I am hopeful we will see the same thing happen across America, and State and local governments, perhaps even private employers, will follow suit to strengthen the implementation of our election laws, their fairness, and the health of our democracy.

I believe we would be remiss in passing this excellent broad legislation aimed at improving our election system without also providing a way to have an influx of new, trained, experienced workers to implement the rights we are securing with this proposal.

I urge my colleagues on both sides of the aisle to support this amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. First of all, let me again commend my colleague from Connecticut for a very helpful proposal. I do not know if we are going to adopt this today. I do not know how the votes would come out on all of this, but I think the idea of making elections more accessible and making available the opportunity for people to participate more is a good idea. As the Senator pointed out, Congressman HOYER in the House-passed version of this bill has a provision that actually encourages the participation of college students in the electoral process, volunteers.

Our colleague from Maryland, Senator SARBANES, has a similar proposal he intends to offer at some point before final passage of this bill, as well as Senator HOLLINGS and Senator BOXER. I can think of several others who have proposed the idea. Senator BYRD has had a strong interest in the idea of a holiday or a day other than the first Tuesday after the first Monday as a way to increase citizen participation in elections.

What the Senator from Connecticut has offered is, of course, a way in the interim period for people who will be able to take time away from their jobs to deal obviously with Federal elections and to be volunteers. So I am very attracted to his proposal.

What I am going to recommend is we might set aside this amendment while we consider two or three other amendments, and then ask for these votes, if the Senator so insists on a recorded vote, to occur at a time we can determine shortly after we consider the Burns amendment, the Nelson and Graham amendments, maybe those three, as a way of trying to deal with some amendments en bloc.

My colleague from Connecticut and the Senator from Missouri may want to respond, or the Senator from Kentucky, to the amendment of the Senator from Connecticut.

In the interim, let me say it is about 10 minutes of 4 p.m. I urge Members to come or send staff over. We have a long list of amendments. I have shown the list before. There are Senators who have indicated they may be interested in offering amendments. I also know they may not be interested. But at 5 p.m., if I have not heard from Senators, I am going to draw the conclusion that they are not necessarily interested in offering it at this time or on this bill. So Senators have an hour to let us know whether or not they intend to move forward so we can come up with a list of amendments, maybe settle on some times and resolve many of them.

I think we can probably come to agreement on some of the amendments without votes in order to move this product along. So by 5 p.m., if I have not heard from Senators, I am going to assume that their amendment would not be offered.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. I thank my colleague from Connecticut. I would turn over the time arrangements to the distinguished Senator from Kentucky, who is the ranking member and is responsible on this side for managing the bill, but I wanted to comment on a few items.

My good friend from Connecticut, the other Senator from Connecticut, has raised some points. I come at it from a very different perspective. I want to share that very briefly.

No. 1, I wholeheartedly agree that many of the problems we have in elections today arise from the lack of dedicated, partisan poll workers and watchers looking over each other's shoulders in the election booth. This is where a lot of the problems can be cleaned up.

I am most interested and will look with a great deal of interest on any recommendations where we can get the young college Democrats and Republicans to be involved in the elections because what elections need are partisans who are aggressive and informed and will provide a check on each other to make sure the voter hears both sides and makes sure nobody who may vote for one side or another is not given full information.

Precisely for that reason, I question whether we ought to be releasing a whole group of Federal employees, who have important responsibilities serving us on a day-to-day basis, from their responsibilities to be nonpartisan poll workers. I want the biggest partisans in the world.

We had a mess in Missouri, as I have described, when I ran for Governor in 1972. I vowed to clean it up. I got the meanest Republicans I could find to serve on the election board as my representatives in the major metropolitan areas. I went to my friends who were the Democratic leaders of the Missouri General Assembly and I got them to nominate for me some of the meanest partisan—well, they were nice people but some of the very toughest, most committed partisan Democrats. They watched each other, and the system worked. That is how the system works. It is the partisans.

I think there is a great role, and I respect those who are totally nonpartisan, but I do not want them looking out for my interests in the polling booth. So I have real reservations about trying to put nonpartisans into partisan elections.

One other thing: We have so many of the folks back in the country where I am from who, if they thought Federal employees were coming in to their local elections, would think of civil disturbances because this would not sit well in a few areas of my State, and I perhaps would suggest Montana might find that to be a bit objectionable.

So I commend the Senator from Connecticut for his idea, but I think it is searching for a question rather than a solution to the problems we have.

I turn it over to the managers to determine any arrangements that need to be made, and I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, in response to my friend from Missouri, I suppose I should start by saying I admire his respect for checks and balances, and there are some partisan workers at polling places, but the problem highlighted by the GAO study and by the commission headed by Presidents Carter and Ford was the simple inability for a lot of local jurisdictions around the country to find an adequate number of people to staff the polls, not partisan positions, and there is a way in which there is enough political battle, partisan battle, that goes on to excess that when one gets to the polling place, they would like to believe there were some people there whose responsibility simply was to protect their right to vote and make sure their vote was counted, and those are the nonpartisan officials in every election jurisdiction across this country. So that is what these Federal employees would be able to do.

I assure my friend from Missouri this is not going to be a Federal invasion of the local election process. This is very much a voluntary issue, which is, if local election officials want someone living in their town, their neighbor presumably, maybe even their friend, though a Federal worker, perhaps even a trusted friend, to work in the polling place, then that would give the Federal employee the opportunity to take the day off with pay. They would not receive any pay from the localities. This would actually be a help to the local governments. They would get not only first-class, nonpartisan poll workers but would not have to pay for them. That is what this is all about.

I thank Senator DODD for the time he has given me. I will move in a moment to set the amendment aside, but I do want a recorded vote, so I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LIEBERMAN. I ask unanimous consent that the amendment now be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, we have been talking about poll workers, and we would be remiss if we did not point out, because there are literally thousands of people across this country every election day, not just on the first Tuesday after the first Monday but also referenda that occur in our States and communities all during the year, that these are dedicated volunteers. It is really a remarkable thing, despite the shortcomings in the process today, that from the beginning of our Nation's history it has been voluntary citizens who have offered their time at all the polling precincts across the country to participate in the election process of the country.

I would not want the day nor the discussion to end and not point out that we have great respect and admiration for these people throughout the years who have given so much of their time and effort to see to it that the election process works in this country.

The Senator from Connecticut, my colleague, made a wonderful suggestion for expanding the ranks of people who would like to do this. Senator SARBANES, I believe, will offer an amendment to encourage young people in college to get involved. We ought to applaud the efforts while we simultaneously thank those who have given so much.

I urge Members—and I think my colleague from Kentucky will do the same—if Members have amendments, get them over here and talk to our staffs to shorten the list and complete the bill, hopefully.

I yield 20 minutes to my colleague from Montana, and I ask unanimous consent to consider the amendment of the Senator from Montana, with the 20 minutes equally divided on both sides, pros and cons.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2887

Mr. BURNS. I thank my good friend from Connecticut. I call up my amendment.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BURNS. This is a simple amendment that allows clerks and recorders and election directors in each of the counties to purge their lists. I am sure all States have college towns with a transient population. In Missoula County, there are currently 86,266 registered voters. What is noteworthy about that is, of the 86,266 registered voters, there are only 76,067 eligible voters. We have over 10,000 voters, 1 out of 8 registered, that our election officials are required to keep on the list but who cannot vote in the county. That is only one county in one State across this Nation.

If we are going to suggest changes in the way we cast our votes on the national level, it makes sense to allow election administrators to purge their lists in less than 8 years. Right now, the legislation calls for that purge every other Presidential election, or every 8 years. I suggest in my amendment we do it after two Federal elections to make sure the list they have is accurate and it is not outdated. Not purging leads to mischief, it invites fraud, but it also jeopardizes the integrity of one of our basic fundamental rights; that is, the right to vote. It is a simple amendment. It is an amendment that needs to be implemented.

We have counties that have a population of only 1,800 people with 2,500 square miles in the county, and we cannot purge those lists in those counties.

We have some polling places that have no electricity.

Everybody found that sort of humorous. Imagine the migration from the rural areas to cities, which is quite evident in my State. Some old country schoolhouses have been maintained but have no electricity. The only heat is an old potbellied stove. But they become a polling place during elections. There is no telephone, no electricity, and they are lit by lantern. It works very well. We do not want to change that.

This amendment calls for the purge of the lists after every other Federal election is held, meaning it would be purged after 4 years. And that is a long time. It makes good sense. It is common sense that we do it this way. It helps out in handling the expenses of counties in conducting elections.

I yield the floor, and I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 6 minutes 16 seconds remaining.

Mr. DODD. I say to my good friend from Montana, with whom all Members enjoy a wonderful relationship, a basic problem is not only should the people have the right to vote, they should all have the right not to vote. If people decide they do not want to vote—we would like them to vote, we hope they do, but citizens from time to time decide, for whatever reason, they do not want to participate in an election or two. That should not automatically result in their being purged from the list in the community in which they reside.

We worked hard in this bill to come up with a centralized, statewide voter registration system, which is going to be a major step, as the Senator from Missouri has pointed out, in dealing with fraud. As part of that, we drafted a uniform standard for purging those lists so we have the same standards to apply around the country. Obviously, we know there are differences in the country from one place to the next.

This is not an onerous burden at all, in our view. It is a provision that took a lot of time to work out. This would flip motor-voter on its head and allow jurisdictions to purge voters for not voting. That has never been the intent.

With a great deal of respect for my colleague from Montana, I urge the defeat of this amendment. I think this would be a major setback for a carefully crafted bill. I point out to my colleagues, we tried to craft a piece of bipartisan legislation. In so doing, it means we have to accept provisions that you might not have written yourself, and you fight to have provisions you care deeply about to be included. That is what this legislation reflects. To change the purging requirements on this basis would be a major setback in that effort..

For those reasons, I urge the rejection of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut has consumed approximately 2 minutes.

Mr. BOND. If the Senator from Connecticut would yield me 1 minute, Madam President, as the Senator mentioned, this is one of the provisions on which we worked long and hard. I advocated greater flexibility for purging. But at the same time, I was asking for more controls over mail-in registrations, making sure we had live people voting once, not dead people, not dogs. We came to a compromise in our negotiations that obviously went further than the other side would like on verifying mail-in registration and didn't go as far as I would like on the punching.

I will vote with my friend from Connecticut, although I believe and I am quite confident that the Senator from Montana has pointed out some real problems. I hope perhaps we could in conference continue the discussion to make sure we keep the voting lists clean. That is not just a problem for preventing fraud, that is a problem for assuring there is not unnecessary hassle or delay with the people who want to vote.

Clean, adequate, statewide registration rolls make it easier to vote and tougher to cheat. I hope we can have further discussions in this area to make sure we provide the best tools possible to the State and local officials while maintaining the basic goals of the Federal legislation.

Mr. BURNS. Mr. President, I think this gets down to where we really want to be in cleaning up this situation on voting lists, registrations, and everything that goes with elections. Whenever you have a list that is inaccurate, whether it be by address or by name or by whatever, and there is a huge list of names on the inactive list, this absolutely invites fraud and mischief. It also invites the situation where, if you are a voter and you want to vote and that list is inaccurate, you may not be able or allowed to vote.

That is why the purge of the list at least every 4 years is necessary. I am adamant on this because I come out of county government. I was just a little, old county commissioner, but I understand the challenges one has putting on elections. I also understand the cost. I also understand what it costs to maintain a database that is accessible and easy to change as the times or the circumstance would suggest.

This may be a part of our problem in facing the challenges of elections, trying to keep "one vote, one person" and making sure that person is on the list and can vote.

I ask support of my amendment. I understand the work the managers have done on this legislation. I fully understand that and I fully understand where they come from. But as we move forward, if we have difficulties and we see the difficulties of maintaining the lists, then we can also reconsider this at a later time.

I appreciate the cooperation of the managers, and my good friend from Connecticut, and I will yield the remainder of my time, but first I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. I yield back my time as well. I ask unanimous consent the amendment of the Senator from Montana be temporarily laid aside so we can stack some votes. We will turn now to my colleague from Florida to offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

AMENDMENT NO. 2904

Mr. NELSON of Florida. Mr. President, I send an amendment to the desk. This is an amendment offered by Senator GRAHAM and me.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. NELSON], for himself and Mr. GRAHAM, proposes an amendment numbered 2904.

Mr. NELSON of Florida. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require the Attorney General to submit to Congress reports on the investigation of the Department of Justice regarding violations of voting rights in the 2000 elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the "investigation") has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

Mr. NELSON of Florida. Mr. President, Senator GRAHAM and I are offering an amendment which would require the Attorney General to report to Congress on the status of the Justice Department's investigation into alleged voting rights violations during the 2000 election.

The Attorney General promised to deliver this information during his Senate confirmation, but 1 year later we are still in the dark. We have not been getting these reports. Senator GRAHAM and I have sent letters. That did produce a meeting with Justice Department officials.

We asked that a report be sent to us monthly. It has not. One or at most two reports out of 12 months have been sent to us.

I regret this legislation is necessary, but the Department has left us with no other option. Senator GRAHAM and I have repeatedly asked the Voting Rights Office to fulfill the Attorney General's promise, and each time we have requested this status report the Voting Rights Office has promised to comply, yet we have received almost nothing over a 12-month period. That is not the way government is supposed to work.

So we come to the Senate today to ask that the Department's behavior change. We think it is unacceptable. It directly contravenes the Senate's ability to exercise its oversight authority over these investigations.

As we have discussed earlier today on the election reform bill, our State is certainly riveted to the subject matter that we are discussing today and particularly now the amendment Senator GRAHAM and I offer. The people of Florida deserve answers about what went wrong in that 2000 election, and we want to get some answers.

Basically, we want to know, how is the Justice Department investigation going? We want a status report. In our bill, we are asking for one every 2 months. Then we say, after the Attorney General's office concludes their own investigation, that within 60 days they report that to the Congress.

I express my support for the underlying bill and my thanks to Senators DODD and MCCONNELL for crafting a bill that will greatly improve the election process. Nothing is more fundamental than the right to vote. We saw in the experience in Florida that there were some flaws in the system.

I thank the Senator from Missouri, the ranking member, Senator MCCONNELL, and Senator DODD for bringing such an important piece of legislation to the floor.

I yield to my colleague from Florida.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we are here this afternoon largely because of the events which surrounded the election in November of 2000. Had there not been the degree of turmoil and controversy and allegations, it is unlikely there would have been the public momentum that led to the development of this very constructive national legislation that I hope we are about to adopt.

There have been other arenas which have been touched by the events of November 2000. Many of our State legislatures have adopted new procedures, including voting machines, means by which voters will have an opportunity to have second ballot checks, and other methods, all of which are intended to assure that Americans will have the maximum opportunity within the law to participate in our democracy.

There is another forum, as my good friend and colleague has indicated, which has not been functioning as it indicated it would. That is the executive responsibility.

In the past, this Congress has adopted a set of laws which represent the national standards for elections. They are particularly sensitive to those voters who, maybe in the past, had a history of not having full access to voting rights. As part of that process, if there are allegations of irregularities, they are referred to the Department of Justice for a review and then what action that review indicates is appropriate.

Florida was not the only State that was affected by the turmoil of 2000. But because we happen to be the last State to have its turmoil pacified, we received a particular amount of national attention. So this issue is one especially deeply felt by the citizens of our State.

There is concern about what has happened to these allegations of irregularities that were submitted to the Department of Justice that have not yet come to closure. As Senator NELSON has indicated, we have made requests on a number of occasions to try to get an indication of where these reviews were and how close we were to getting a final resolution of these matters, and we have largely been rebuffed. I am disappointed, frankly, that we have to offer this amendment which will require that in all of the areas where there is still an outstanding unresolved allegation of violation of Federal standards of election, and where the Department of Justice has not come to final closure, there be, on a 60-day clock basis, a report to the Congress which wrote these laws that the Department of Justice is supposed to be enforcing, as to what is happening, and how close we are to getting to a completion of this review.

This is intended to be a means by which the Congress can carry out its oversight responsibility and protect its laws—laws that, as I said, were particularly designed to protect the voting interests of all Americans, especially those Americans who in the past have not had equal access to our democratic system.

I believe this is an appropriate congressional request for information which I hope will have the result of motivating the Department to complete its review, come to closure, and let us close the chapter on the executive responsibility for the election. And I hope the Congress is soon going to, by adoption of this legislation, be closing the chapter on our responsibility for this legislation.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, for the life of me, I cannot understand. I have just spoken to one of the floor managers of the bill. I thought this was an amendment that was noncontroversial. It is my understanding that there is some objection to it.

Senator GRAHAM and I have had a meeting with the staff of the Department of Justice. They have promised us on several occasions that they would report to us on the status of the investigation as to potential voting rights violations in the Florida 2000 election.

The Department of Justice has not come through or followed up on this promise to report to us. The report was to be monthly. They haven't even reported to us in the last 6 months. It is about as noncontroversial as anything.

Senator GRAHAM and I are utilizing this vehicle to try to send a message that the executive branch of Government, when it makes a promise, has got to come through and honor their promise. This doesn't have anything to do with partisan politics. It has to do with us wanting to know that, in fact, the investigation is being conducted and that they are not sitting on their hands; that when they render their conclusions, they would deliver those conclusions to the Congress.

That can't be controversial. I don't want it to be controversial.

I am somewhat mystified that someone would put a partisan cast on that.

If the manager of the bill is not going to be willing to accept what is on its face a noncontroversial amendment, then my statements have been very mild and very nonpartisan.

What we are trying to do is make government work. The executive branch has a duty to respond to us in our oversight capacity. The two Senators from Florida have an interest in knowing that the investigation is continuing and that they are not sitting on their hands and report to the Congress once the conclusion is reached. We don't say how long they have to do it. All we do in our amendment is say every 2 months give a status report to the Congress. Then we say that at the end of their investigation when they draw their conclusion, send that report to the Congress.

I hope this is something that we don't have to spend time on. I ask the Senator from Missouri and the Senator from Kentucky to please recognize the bipartisan spirit in which this amendment is being offered and not have us go through a harangue here. I urgently plead, please accept the amendment.

The PRESIDING OFFICER. Who seeks time?

Mr. BOND. Mr. President, we have worked hard and long on a bipartisan basis to try to fix a lot of problems we saw in the past without going back to look at the problems that arose in the 2000 election, the 2001 election in my State, and others.

Frankly, there is some concern on this side of the aisle. The amendment is designed with the likelihood of reigniting a controversy that we thought we put aside. I agree 100 percent that Congress has a right, in its oversight responsibilities, to ask for reports from every agency of the executive branch. Frankly, that is what oversight hearings are for in the authorizing committees. That is what oversight hearings are for in the Appropriations Committee.

I have asked very difficult questions of agencies, both under Democratic and Republican Presidents. I think, frankly, in the last 8 years I didn't get a heck of a lot of answers. But I don't think that we bring the oversight fights to this body and try to get the body on record with what has been in the past a very political controversy.

Frankly, the Department of Justice has under consideration the allegations of criminal activity engaged in by the Gore-Lieberman campaign in both St. Louis and Kansas City. We pointed out that in those two areas, almost identical petitions were filed within 14 minutes of each other. Fortunately, the lawsuit was thrown out in Kansas City. But the judge initially ruled in favor of Gore-Lieberman in St. Louis. That is the time we found out that the person who was alleged to have been denied a right to vote had been dead for 15 months, which was probably a slightly greater impediment to him voting. That matter has been referred to the Department of Justice.

I don't think we need to go down the path of making a formal legislative finding that they should report on that. I am disappointed that we seem to be getting back into this battle by opening up the controversies of the 2000 election.

I urge my colleagues to ask in oversight committees when the representatives of the Department of Justice are there to speak for themselves, what the status is or why there is no report. I think we should not burden the bill that we are fighting to keep a bipartisan bill with something that smells to some on my side as an effort to reinject a partisan battle. This is all very partisan, I know, when it gets to elections. I believe you need to have good Republicans and good Democrats on both sides.

I just hope the distinguished Senators from Florida, for whom I have great admiration, would use the oversight hearings to ask the questions of the Department of Justice.

Mr. DODD. Mr. President, I don't believe in negotiating in public. This is not just an intellectual exercise for our colleagues from Florida because the entire world inhabited their State for a number of weeks, and the entire world watched on an excruciating basis, hour after hour of voting precincts, what they went through. It was a tremendous ordeal that the State of Florida went through.

My colleagues are being mild in their expression of the frustration their constituents felt.

I also understand the point my friend from Missouri raised. We said over and over again that this bill is about the future and not about the past. We are trying to deal with not only the situation in Florida, or one election, but, rather, a condition that has grown over the years of a corroding and deteriorating condition of the election process in America, that was reflected by what happened in the year 2000 but not exclusively so. We wanted to get away from the notion of examining, through this vehicle anyway, what had happened last year.

I think there is some frustration that my colleagues feel, however, about whether or not the Department of Justice is going to respond to inquiries they have made.

I recommend that maybe there ought to be a willingness to sign onto a letter asking them to give answers, rather than getting involved in a debate, and a vote, however it breaks down on party lines, inviting more action.

We all know the frustration in asking an agency of the Government to respond to us, and they do not do it. If that has been the case here, then maybe our colleagues, as coequals, deserve to be heard. If they are not responding to our colleagues, that is wrong. Whatever the results may be, they deserve answers. I think that is what they are asking; to be heard from and given answers.

So I might suggest that maybe a letter could be crafted, on a bipartisan basis, which we could sign and get to the Department of Justice, and ask for those answers to come back to our two colleagues. If any of our States went through what they went through, we would want nothing less. So it is a way of maybe getting away from this particular process.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, as usual, the Senator from Connecticut has found a reasoned way to resolve this issue and avoid some of the concerns that the Senator from Missouri expressed.

As we mentioned during the conversation we had in the Senator's office about 10 days ago, Senator NELSON and I are very supportive of the underlying legislation. We do not want to be, in any way, an obstacle to its successful passage.

We do have this issue. I might say, Florida is not the only State where there are unresolved allegations of irregularities.

Mr. DODD. No.

Mr. GRAHAM. The amendment we offered was not State specific. We are requesting wherever there is yet an open file of an allegation of irregularity in the Department of Justice, the Department periodically report as to how they are progressing so that eventually there will be closure. We do not want to get to 2004 and still have open cases from the year 2000 election.

The Senator's committee is the committee that has jurisdiction over these issues. Witness the fact you produced this excellent piece of legislation. So if your committee could accomplish what, frankly, Senator NELSON and I have been frustrated in our efforts to do for the last several months, which is to get a status report—I would hope you would be asking for all States, but we would particularly urge that you do it for our State—that would satisfy our goal, which is to get to closure, not to do so in a particular process, whether it is legislation or otherwise.

The Senator has suggested a process that seems very reasonable. If you think you would be willing to do so, we will be pleased to accept the Senator's generous offer and leave.

Mr. DODD. I appreciate my colleague's comments.

I turn to my colleague from Kentucky for his comments.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the Senator from Connecticut, the chairman of the committee, for an excellent suggestion.

I also thank the Senators from Florida for being willing to take this particular path. It certainly simplifies our lives and hopefully gets the response the Senators are seeking as well.

I have talked to Senator BOND. He also agrees.

So it seems to me that is a good solution to the issue.

Mr. DODD. I thank the Senator.

AMENDMENT NO. 2904 WITHDRAWN

Mr. NELSON of Florida. Mr. President, I ask unanimous consent to withdraw the amendment based on the representations by the Rules Committee.

The PRESIDING OFFICER. The Senator has that right. Without objection, it is so ordered.

Mr. NELSON of Florida. What we are looking for are some answers. We thank you for helping us achieve that.

Mr. DODD. Mr. President, they have every right to those answers. We will do everything we can to craft a request to see to it they get those answers.

Mr. President, the pending amendment is the Kyl amendment, as I understand it. And we made a request earlier that Senator KYL of Arizona come to the Chamber.

The PRESIDING OFFICER. The pending amendment is the Lieberman amendment.

Mr. DODD. Lieberman is pending.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. I say to my friend from Connecticut, we may be in a position to dispose of the Kyl amendment. I am sure that Senator LIEBERMAN would not mind if we set his amendment aside in order to achieve that.

I understand Senator KYL is on his way and should be in the Chamber momentarily.

Mr. DODD. Why don't we wait for Senator KYL to come. He is going to be here shortly.

I would like to engage in a colloquy with him about some concerns about his amendment, ones I think he may be able to address in a colloquy. We might be able to then accept that amendment and then go to the Lieberman amendment and then the Burns amendment and vote on those. I think that is where we would be at that point. We would have cleaned up at least existing matters.

We still obviously have outstanding issues. I made the point earlier, and would ask my colleague from Kentucky to join me in this request to our colleagues, please bring over or have your staff bring over amendments, if you care about them.

We have a long list. It may be that you have decided you do not particularly want to offer your amendment, but I have it here. If I do not hear from you by 5 o'clock, I am going to assume you decided you will wait for another day.

We can get a list made up so that either tonight—we may not have votes after 5:30, 6 o'clock, but that will be up to the leaders, but at least we will be able to dispose of some amendments that we can get an agreement on, or set up a schedule tomorrow, very early, so we might be able to dispose of this bill. I still hope that is possible. I realize that diminishes as each hour passes, but that may be the case.

So unless you feel a burning, overwhelming desire to bring your amendment up—and if that is the case, please let us know immediately—we are going to assume that you have decided to defer to another time.

My colleague may want to join me in that request while we are waiting for Senator KYL.

Mr. McCONNELL. Yes. I say to my friend from Connecticut, we originally hoped we would finish today. That may be fading on us, but hope springs eternal, and I suppose the possibility of having the recess begin tomorrow is not completely over but looking unlikely.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the Lieberman amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. What is the pending business before the Senate?

The PRESIDING OFFICER. The McConnell second-degree amendment.

Mr. DODD. Let me describe what I think may occur. One is to accept the McConnell amendment to the Kyl amendment, first of all. That would be routine. Then I would like to engage my friend from Arizona in a colloquy about his amendment and what it does—there was some confusion about what the effect of the amendment would be in the earlier debate—and to raise some issues which he and I have already discussed in private around this amendment. He is very sensitive to these questions.

My intention is to accept this amendment with the McConnell second-degree amendment and then have a colloquy as to what the effect of this amendment would be, with the further understanding that between now and the completion of this bill, we may not be able to get all the answers we would like from the Social Security Administration of their views on this and what the effect of it could be. We will try and do that before we get to conference. If there are problems we can't identify at this moment that may emerge, we will try to address those in conference. That is really the gist of what I want to get to.

Let me turn to my colleague to once again briefly describe his amendment. We will have a colloquy, and then we can move to accept that, my hope is, and then have the two recorded votes on the Lieberman and Burns amendments.

The PRESIDING OFFICER. The Senator from Arizona.

AMENDMENT NO. 2891

Mr. KYL. Mr. President, I certainly appreciate the comments of the Senator from Connecticut. I will describe again what we intend this to do. The language does do it, especially with the second-degree amendment that has been accepted that the Senator from Kentucky offered.

This amendment allows what 11 States currently are allowed to do and 7 actually do do, which is to use Social Security numbers to validate people for voter registration purposes. When the Privacy Act was adopted, those States were grandfathered. The other States were prohibited from doing this. There are several States that request Social Security numbers but don't require them. This would simply allow but not mandate States to request or to require Social Security numbers as one of the methods of identification.

To the two specific points Senator DODD raised, it is our intention, I reiterate—it is clear in the amendment language—that this is voluntary, not mandatory. No State would have to do this. And, of course, any State that did do it would have to meet all constitutional requirements, could not violate any privacy requirements, and so forth.

Secondly, it is not our intention that this would be in any way an exclusive method of identification and that States should not, as a result, use Social Security numbers as the only way of validating the identity of the person being registered or the person whose name is being expunged from the rolls or for whatever purpose they would use it.

The Senator from Connecticut is correct in his understanding. I think the language is clear. We need to work with the Social Security Administration or others during the continued progress of this bill. It is certainly our intention to do that to ensure that this intention is carried out.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Arizona. I have said it already—he has repeated it—but just to clarify, there is nothing in this amendment that would mandate the use of the Social Security identification number by any State; is that correct?

Mr. KYL. The Senator from Connecticut is exactly correct.

Mr. DODD. Secondly, any State that would use only a Social Security number as a means of identification would also be prohibited under the law; is that not correct?

Mr. KYL. It would be our intention to ensure that is the case, with only one caveat. The seven States that currently do this legally, I am not sure exactly what their laws say, and it is not our intention here to deal with those one way or the other. Those are all grandfathered in. I suspect they at least require an address, if not something else. The State should require something else.

It is our intention, at least prospectively, with our amendment, that they should and would.

Mr. DODD. If we look at this, maybe if it is in conference or before the conclusion of the bill, with a technical amendment to accomplish whatever it may be, I ask my colleague if he would be willing to accept such language in order to clarify that.

Mr. KYL. For that explicit purpose, yes.

Mr. DODD. I thank my colleague for his answers to those questions.

I point out, the Social Security Administration doesn't like the Social Security card being used for identification purposes. I know people do it, but it makes them nervous. Obviously, there are a lot of problems with it. I gather my colleague from Arizona, before coming over to the floor, was engaged in a hearing dealing with the issue of stolen Social Security numbers, the problem of 9-11 where people actually voted in the last election who, I am told, at least in some cases may have been terrorists themselves who were using Social Security identification numbers.

There are real problems with this. We have tried to solicit from the Social Security Administration why they have, beyond what I have expressed, reservations about the use of the Social Security identification. I can understand from the secretary of state's standpoint why this identifier is attractive. It is there. It is one that is easily used. It is national in scope. But there are concerns about it.

I say to my friend from Arizona, as we solicit from the Social Security Administration what these additional concerns may be, that we will certainly take that into consideration in conference as we craft a final version of this bill. And if there are some reasons with which I am not familiar, I would say we would certainly be amenable to listening to those concerns to modify this amendment so as to accommodate, to the extent possible, if it is reasonable, the Social Security Administration's concerns.

Mr. KYL. Mr. President, obviously, we will listen to those concerns. I need to go back and mention one thing I mentioned when I introduced it earlier. There is a long list of things for which the law permits us to use Social Security numbers precisely because the Federal Government does need to verify identity. If you apply for food stamps, if you apply for Medicaid, if you apply for a green card, a passport, a lot of things that the Federal Government and in some cases State governments do, we really need to be sure that the person who is applying for the benefit or applying for the activity involved is in fact who he says he is.

We don't have a national ID card, and the card that has more closely approximated a government identifier than anything else of uniform use is the Social Security card. That is why the Federal Government does in fact require it. Obviously, our right to vote is one of our most sacred. We don't want that diluted by people who should not be voting. We want to ensure that people who are voting are in fact who they say they are. This is one of the better ways of doing it, through the Social Security card.

It can be stolen. There are fraudulent Social Security cards in circulation, to be sure. It is not a perfect identifier. The Social Security Administration is concerned that the more uses there are to which the Social Security card is put, the more incentive there is to steal cards or make invalid cards. Until we have a different kind of identifier, perhaps one that involves biometric data or some other way to ensure that the person appearing before the Federal agency requesting the benefit is in fact the person he says he is or she says she is, the Social Security card is about the best thing we have.

If nothing else, this points up the fact that the Government, for all kinds of purposes, needs to know who people really are. We need to consider what kind of identifier would work best.

The argument is not that we should not have it, it is what will be the best one. For our purposes today, about the best we can do is the Social Security card. Some States already use it. We want to make that opportunity available to the other States.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for agreeing to accept the amendment and say to the Senator from Arizona, when the secretaries of state were asked what is the single most effective thing they could be given to combat fraud and to pare down lists and remove from those lists people who are not supposed to be there, they said the Social Security number. So while the Social Security Administration may have some reservations, the secretaries of state have no reservations.

They think it would be an extraordinary step in the right direction. I commend the Senator from Arizona for offering the amendment. I thank the Senator from Connecticut for accepting it.

Mr. DODD. Mr. President, we have the McConnell second-degree amendment, which we are going to accept, and then we are accepting the Kyl amendment, as amended, by the McConnell amendment. How do you want to proceed?

The PRESIDING OFFICER. Is there further debate on the second-degree amendment of Senator MCCONNELL?

The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question now is on the——

Mr. DASCHLE. Mr. President, before we go to the pending amendment, I have some comments.

These will be the last two votes of the evening. I wanted to give ample opportunity for our colleagues to spend some time with their spouses tonight and wish them a happy Valentines Day.

We will be in session tomorrow, of course. There will be no votes on Monday when we come back. I am not sure what day that is. But on Monday we will not have votes.

CAMPAIGN FINANCE REFORM

UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, after consultation with the Republican colleagues, there is a unanimous consent request I wish to propound prior to this vote, if I may.

Last night, late, the House passed the campaign finance reform bill. We are very appreciative of the tremendous work done by so many of our colleagues on the House side and are very pleased now that we are at a point where, hopefully, we can take this bill to the Senate floor and then send it off to the President. My hope is that we can do it with a minimum amount of additional debate, given the fact that the bill is virtually the same one we passed in the Senate.

I ask unanimous consent that the majority leader, after consultation with the Republican leader, may, at any time after the Senate has received the bill from the House, turn to the consideration of H.R. 2356, the campaign finance reform bill; that there be 4 hours of debate equally divided between the two leaders or their designees; that no amendments or motions be in order to the bill; that upon the use or yielding back of the time, the bill be read the third time and the Senate vote on final passage of the bill, the preceding occurring without any intervening action or debate.

Mr. MCCONNELL. Mr. President, reserving the right to object—and I will object—I just wanted to say to the majority leader, and particularly to Senators McCain and Feingold, I congratulate them for their success to date on this issue. There was certainly an overwhelming victory in the House yesterday. But, as we all know, this legislation kept being rewritten during the night. It finally passed at 3 a.m.

We have people on my side of this issue who did not prevail in the House yesterday, and they would like to have an adequate time to read the legislation. Fortunately, we are not in session next week, which gives everybody on both sides an opportunity to look at the fine print, because at this stage, I say to my friend from Arizona, we are shooting with real bullets. This could well become law. I don't think any harm is done by simply leaving the majority leader in the same position he would be in a week from Tuesday, to propound a similar unanimous consent request.

For the moment, pending a thorough scrutiny of the legislation that passed at 3 o'clock this morning, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DASCHLE. Mr. President, I hope everybody will take the time to look at the legislation with whatever care they wish to use in addressing the concerns raised by the Senator from Kentucky. It is my intention to bring this to the floor as quickly as possible when we return. I will accommodate requests for additional time if the 4 hours isn't adequate. We can move to a longer period of time. But I do hope, given the fact that we had good and very healthy debate almost a year ago, given the fact now that the House has adopted virtually the bill that we passed in the Senate, we can have a debate without indefinite delay. So I hope we can reach some unanimous consent request when we return. I will propound another one as soon as we return. But I appreciate the involvement of our colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank the Senator from Kentucky and comment again that he has fought a good fight. The opponents of this bill have fought tenaciously, honorably, and I believe they certainly have a right to examine legislation that was passed as late as 3 o'clock in the morning.

I want to point out also that, of the 140 bills that have become law during the 107th Congress, only 19 necessitated conference committees between the 2 Houses of Congress. Eighty-six percent of the bills that became law during the 107th Congress did not require a conference committee between the Houses.

Some of these bills, obviously, are not of great importance. Some are of great importance, such as the Victims of Terrorism Tax Relief Act and the Railroad Retirement and Survivors Act. There are many very important pieces of legislation that did not require a conference. I believe that, upon examination, my colleagues will see that the bill is basically the same as the one that was passed by the Senate, with the exception of the Torricelli amendment, which had to do with the lowest unit rate requirement for the purchase of television ads.

Frankly, in the interest of straight talk, I have never seen any way you can emerge victorious over the broadcasters. The broadcasters have $70 billion worth of spectrum. They win no matter what. If anybody thinks we can beat the broadcasters, I would like to interest you in some desert land in Arizona.

Aside from that amendment, the bill is really in its original form as passed by the Senate. Again, I want to say not only to my colleagues in the Senate but to those in the other body, this has been a very emotional, spirited debate. A great deal is at stake. As the Senator from Kentucky said, we are shooting with real bullets here. The President's spokesperson said the President would sign this bill if it was passed by both Houses. It has been passed by both Houses, and I look forward to the opportunity of seeing it pass. We did have several weeks of debate and amendments on the floor of the Senate. So I am not sure it would show any particular improvement by further debate and votes because we have been over this ground pretty thoroughly.

Again, I thank the majority leader for his attention and priority of this issue. I will point out, I think the Senator from Kentucky knows the effective date is November 6, rather than the date of enactment as passed through the Senate. There are a number of reasons for that, but primarily we are so late in the campaign season, it would be very difficult to sort out moneys that are spent and obligated. There would be a lot of court challenges and questions as to the whole financing structure of the campaign of 2002. So I thank the majority leader.

I yield to my colleague from Kentucky.

Mr. McCONNELL. I say to my friend from Arizona, I don't know whether we will end up not having these annual dances we have had over the last decade or so. But if in fact that is the way it is, I have enjoyed the debates we have had over the years. If it ends up that we don't have these anymore, I will sort of miss them in a perverse sort of way.

I want to say that, with regard to the hard money issue, which the Senator from Arizona knows I care deeply about—and he has been supportive of that as well—I think great progress has been made on that subject in the bill of which the Senator from Arizona was a principal sponsor, which left the Senate and passed the House. Both candidates and parties have been operating under hard dollar limits set at a time when a Mustang cost $2,700. We did a study of the cost to candidates over a 6-year term, and for the typical candidate in America over a 6-year term, the cost of running the same campaign he ran 6 years before is up 40 percent. So certainly that is a good feature in the bill.

Again, I commend the Senator from Arizona for his steadfast interest in this issue, and he has been a great competitor.

I admire him greatly. We will be prepared to deal with this issue after the recess.

Mr. McCAIN. I thank my friend from Kentucky for his kind words. I do want to say, I may not miss it at all.

(Laughter.)

My friend from Wisconsin is here. We shared the very wonderful moment last night with our colleagues in the House and Congressman MEEHAN and Congressman SHAYS. It was quite a remarkable time. I am glad to have been able to be a part of this process.

I say again, the opposition has been principled, honorable, and ferocious. That is in the tradition of the Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I spoke this morning of the great victory of campaign finance reform in the House last night and the importance of taking up a bill quickly in the Senate so we can send it to the President. I expressed concern that games might be played by the House leadership in transmitting the bill to the Senate so we can consider it. I was pleased by the announcement this afternoon by Speaker HASTERT that the bill should come over to us in a matter of days. That is good news, and I am pleased to hear it.

I, too, thank the Senator from Kentucky. He was very gracious in his remarks today. Whether or not we miss this process in the future is one issue. Certainly that has been the nature of the experience over these many years, and I sincerely thank him for that.

The possibility of delay still exists in this body. I sincerely thank the majority leader for his tremendous commitment today to bring up the bill in the Senate as soon as it comes over and to lead us in fighting through whatever procedural hoops might be placed in our path to try to stop the Senate from acting on the bill.

We had a long, fair, and good debate last year on this legislation. Any effort to prevent the Senate from acting on the bill I think will simply delay the inevitable; it would frustrate the will of the Senate and the will of the American people.

Yesterday's strong bipartisan vote in the House after marathon debate demonstrates once again the time has come to pass the bill. As much as some tried to deny or rationalize it, the soft money system taints all of us in this body, and it truly undermines our credibility with the American people.

There does come a time when we have to say enough. That time is now. As soon as the bill comes to us from the House, let's take it up; let everyone say a final word about their positions, and then send it to the President to be signed into law.

Again, I thank the majority leader. I thank my good friend, Senator McCAIN. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The majority leader.

Mr. DASCHLE. Mr. President, I thank the distinguished Senator from Wisconsin and the distinguished Senator from Arizona for their incredible leadership. History will be written, and when it is, these two outstanding Senators will be acknowledged for the tremendous contribution they have made to the improvement of our political system.

Once again, and not for the last time, I acknowledge their leadership and appreciate very much the effort they have made to get us to this point.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DASCHLE. Mr. President, I want to make sure that I clarify something. Just because we are not having additional votes does not mean Senators could not come over and offer additional amendments. Senator DODD has indicated a desire to stay here for as long as there are those who have amendments. We may be able to obtain a finite list. I hope we can continue to chip away at those amendments tonight and tomorrow.

I want to accommodate Senators who have dates with spouses and significant others, but there may be those who have neither and would be more than willing to come over and talk about election reform. If that is the case, we are ready. I know Senator McConnell is every bit as interested in moving this legislation along.

I applaud our managers and thank them for their willingness to stay here and continue this effort. Please, if Senators have amendments, come to the floor. We will do these two votes and we are interested in doing more, even though we will not have additional rollcall votes tonight.

I yield the floor.

VOTE ON AMENDMENT NO. 2891, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2891, as amended.

The amendment (No. 2891), as amended, was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2890

Mr. DODD. Mr. President, is the pending business now the Lieberman amendment?

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 6 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico is recognized.

(The remarks of Mr. BINGAMAN are printed in today's RECORD under "Morning Business.")

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

Mr. DODD. Mr. President, I am about to propound a unanimous consent request which has been cleared on both sides. I ask unanimous consent that at 5:16 p.m. today the Senate resume consideration of the Lieberman amendment, No. 2890; that there be 2 minutes of explanation and the Senate then vote in relation to the amendment; that following the vote, regardless of the outcome, the Senate resume consideration of the Burns amendment and there be 2 minutes of explanation prior to a vote in relation to the amendment; that no second-degree amendments be in order to either of the two amendments prior to the vote, with all time equally divided and controlled in the usual form; and that if an amendment is not disposed of, it recur in the order in which it was voted, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2890, AS MODIFIED

Mr. LIEBERMAN. Mr. President, I ask unanimous consent I be allowed to modify the amendment. Apparently one of the pages of the amendment was inadvertently left off.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment, as modified, is as follows:

(Purpose: To authorize administrative leave for Federal employees to perform poll worker service in Federal elections)

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) Short Title.—This section may be cited as the "Federal Employee Voter Assistance Act of 2002".

(b) Leave for Federal Employees.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

"§ 6329. Leave for poll worker service

"(a) In this section, the term—

"(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

"(2) 'political appointee' means any individual who—

"(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

"(B) is employed in a position on the executive schedule under sections 5312 through 5316;

"(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

"(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

"(3) 'poll worker service'—

"(A) means—

"(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

"(ii) training before or on that date to perform service described under clause (i); and

"(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

"(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

"(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

"(2) Leave under this section—

"(A) shall be in addition to any other leave to which an employee is otherwise entitled;

"(B) may not exceed 3 days in any calendar year; and

"(C) may be used only in the calendar year in which that leave is granted.

"(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

"(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.".

(b) Regulations.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) Effective date.—This subsection shall take effect on the date of enactment of this Act.

(c) Reports.—

(1) Initial report.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) Subsequent reports.—

(A) In general.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) Effective date.—This paragraph shall take effect on January 1, 2008.

(d) Technical and Conforming Amendments.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

"6329. Leave for poll worker service.".

(e) Effective Date.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

Mr. LIEBERMAN. Mr. President, very briefly, this amendment responds to a problem that exists with implementing the election laws of our country which will be greatly strengthened if we pass the bill that is before the Senate now. That problem is the shortage of nonpartisan poll workers, documented by the GAO and the commission headed by Presidents Carter and Ford. This amendment builds on a successful program started, at least one I know of, in Los Angeles County and in the State of California to allow civil servants—not political appointees but civil servants—to take election day off at the request of local election officials, to work as nonpartisan poll workers while continuing to be paid for their Federal employment, receiving no compensation from the election officials of local jurisdiction.

I have the feeling I have sufficiently described what I believe is a very meritorious amendment. I urge its adoption.

Mr. McCONNELL. With all due respect to my friend from Connecticut, he is not talking about election officers; every State has an equal number of Democrats and Republicans who put on the election and keep it honest. What my friend from Connecticut is talking about is poll workers; in other words, workers who will go work for one candidate or another. We know Federal employees are overwhelmingly Democratic, Federal employee unions are overwhelmingly on the Democratic side.

In effect, what the Senator from Connecticut is suggesting is that Federal union employees be given a paid holiday by the taxpayers of the United States to go out and work for Democratic officials on election day. I strongly urge this amendment be defeated.

The PRESIDING OFFICER. The question is on agreeing to the modified amendment of the Senator from Connecticut, Mr. LIEBERMAN, No. 2890.

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), the Senator from Utah (Mr. BENNETT), the Senator from Utah (Mr. HATCH), and the Senator from Colorado (Mr. CAMPBELL) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 49, as follows:

[Rollcall Vote No. 33 Leg.]

YEAS—46

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—49

Allard
Allen
Bond
Brownback
Bunning
Burns
Chafee
Cochran
Collins

Conrad
Craig
Crapo
DeWine
Dorgan
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kohl
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Baucus
Bennett
Campbell
Domenici
Hatch

The amendment (No. 2990), as modified, was rejected.

Mr. CRAIG. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2887

The PRESIDING OFFICER. There are now 2 minutes equally divided on the Burns amendment.

The Senator from Nevada.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I understand there is a minute on each side on the Burns amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. DODD. I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank my good friend.

Mr. President, this amendment is pretty simple. It allows the director of elections in each county or the secretary of state to purge the list every 4 years, or every other Federal election.

Right now, they cannot purge it but every other Presidential election. So you are carrying dead weight for 8 years. It costs Missoula County $16,000 just to maintain these big lists. It also makes a lot of people ineligible to vote even though they are on the list.

This is strongly supported by the secretaries of state of your States. I ask for your support. This makes more sense. This is where the mischief is in elections.

I yield the floor.

Mr. DODD. Mr. President, I yield 1 minute to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I rise in opposition to this amendment. Right now, the voter lists have to be purged every 8 years. The Burns amendment would conflict with the motor-voter law; furthermore, many people would be needlessly purged. People who did not vote in two elections would be purged from the list and would have to reregister.

In a bill where we are trying to make it easier for people to vote, this takes two steps backwards and makes it harder.

We have taken care of this in the bill. The lists are purged at some point, but it should be a longer period of time. Simply because you miss two elections should not take you off the rolls.

I urge defeat of the amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, very simply stated, you have the right to vote, but you also have the right not to vote in two elections and not be purged. If the Burns amendment were adopted, and you missed two elections because you didn't want to vote, you would be off the list. That is too extreme.

I urge rejection of the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2887. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH), the Senator from Utah (Mr. BENNETT), the Senator from Colorado (Mr. CAMPBELL), and the Senator from New Mexico (Mr. DOMENICI), are necessarily absent.

The PRESIDING OFFICER. (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 55, as follows:

[Rollcall Vote No. 34 Leg.]

YEAS—40

Allard
Allen
Brownback
Bunning
Burns
Cochran
Craig
Crapo
DeWine
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—55

Akaka
Bayh
Biden
Bingaman
Bond
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
McCain
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—5

Baucus
Bennett
Campbell
Domenici
Hatch

The amendment (No. 2887) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2906

Mrs. CLINTON. Mr. President, I call up the amendment I have at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment No. 2906.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

Mrs. CLINTON. Mr. President, I rise to do two things. The first is to thank my colleagues, Senators DODD and MCCONNELL. I thank my colleagues for the extraordinary work they have done in crafting an election reform bill that will significantly improve our Federal election system.

I am very pleased that in this legislation we call for national standards for voting systems. I appreciate greatly the call for national standards for voting systems, provisional voting, and statewide voter registration lists in all voting systems used in Federal elections. I believe these national standards are critically important because the rights of citizens in one State to exercise their constitutional right to vote should not be any greater or lesser than the rights of a citizen in any other State.

In considering and passing this bill, we are also making a statement of our values and, in a direct way, repudiating those who attacked our country on September 11 because of our commitment to a free and democratic system that we would like to see replicated in every nation of the world. But the only way we can demonstrate to the rest of the world that we put our values into practice is if each and every American has faith that our election system is the best and fairest.

I rise to offer an amendment that will provide a greater assurance that the rights of voters to vote and have their votes counted in Federal elections will not vary widely from State to State.

As we know, the bill we are considering requires by 2006 that all voting systems used in Federal elections have an error rate that does not exceed the standards established by the Director of the Office of Election Administration. That refers to the rate that voting machines make mistakes in reading ballots.

This standard is important because it means that by 2006 all voting systems used in Federal elections will have to use technology and equipment that does not result in more than a minimum percentage of votes being discarded.

Yet as important as this standard is, it deals with only one of the two pieces of the problem of discarded ballots because this standard concerns votes uncounted due to mechanical errors of the voting system, but it does not address at all the major problem of residual votes which are overvotes, undervotes, or spoiled votes that are discarded due to unintentional human error.

Residual votes, not mechanical errors, are by far the most common reason why ballots are discarded and not counted and why, therefore, voters who thought they were doing the right thing ended up being disenfranchised.

Over the past four Presidential elections, the total rate of residual vote errors has been slightly more than 2 percent. This translates into more than 2 million voters in these elections not having their votes counted. The percentage of residual votes is even higher in Senate elections.

With respect to last year's Presidential election, the Caltech-MIT voting technology project reports that voting ballot problems led to an estimated 2 million votes never being counted because ballots were ambiguous, spoiled, or unmarked. Though 500,000 of these ballots represented abstentions, the remaining 1.5 million ballots represented votes where the voters actually believed they had recorded a vote for President even though their votes were ultimately discarded.

In addition to the Caltech-MIT study, the U.S. Commission on Civil Rights found that in some precincts as many as 20 percent or more of the ballots were discarded.

Other researchers and media analysts found the same results, and many of these discarded votes were actually what we call residual votes.

For these reasons, the Election Reform Commission, chaired by our distinguished former Presidents, President Carter and President Ford, the so-called Carter-Ford Commission, recommended unanimously that we focus not just on machine errors in improving our election system, but on these unintentional human errors as well.

The Commission members from both parties from all regions of the country did so because they knew that focusing only on mechanical errors was not good enough; that only by measuring residual votes will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

The bottom line is that there is no dispute that residual votes are a major problem. The question is, What are we going to do about it?

The amendment I have offered provides a fair, reasonable, and effective answer. This amendment calls upon the Office of Election Administration to establish a national performance benchmark for residual votes, measured as the percentage of residual errors at the top of the ballot, excluding an estimate based upon the best available research of intentional undervotes.

Like the other benchmarks in the bill, voting systems used in Federal elections would have to meet it. This amendment mirrors the language already in the bill that calls upon the Office of Election Administration to set a benchmark with respect to mechanical error rates. The amendment, however, puts in the final piece of the puzzle for requiring this benchmark for residual votes as well.

For any who might be concerned that the benchmark is measured by subtracting an estimated number of intentional undervotes, that is not the case.

In considering this particular issue, the Carter-Ford Commission noted there has been considerable progress in determining how often intentional undervotes occur. We can take this data from the National Election Studies, from the Voter News Service, and we can then use it for the determination as to how we consider this remaining problem.

The Caltech/MIT study, for example, said exit polls suggested approximately 30 percent of residual votes, less than 1 percent of all votes, are intentional. Individually and collectively, therefore, we can estimate these intentional undervotes and knock them out and only focus on the unintentional where someone thought they were actually marking the ballot.

I hope when we establish these national standards, we recognize this is an important issue. Yes, we need to take care of those mechanical errors but we also have to take care of the unintentional human errors. We have learned in election after election, not just in 2000 but in many of our elections, that hundreds of thousands of our fellow Americans have gone to the polls believing they were exercising the most fundamental of their constitutional rights. They cast their ballots and they never knew their ballots were not counted and their voices were never heard.

I hope the Senate will consider this problem and will favorably act upon my amendment so we can, at the end of this process, say clearly and unequivocally to all Americans we have put into place the best possible system we can to ensure every vote truly counts and that our election system matches our values.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2908 TO 2910, EN BLOC

Mr. McCONNELL. Mr. President, I have three amendments that have been cleared on both sides: one by Senator CHAFEE, one by Senator JUDD GREGG, one by Senator JOHN McCAIN. I send the three amendments to the desk and ask that they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments, en bloc.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL] proposes amendments Nos. 2908 to 2910, en bloc.

Mr. McCONNELL. I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2908

(Purpose: To clarify that States and localities with multi-year contracts are eligible to apply for grants under the Act)

At the end of section 206(b), added the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract."

AMENDMENT NO. 2909

(Purpose: To ensure that States that are exempt from the National Voter Registration Act of 1993 continue to remain exempt from such Act)

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

AMENDMENT NO. 2910

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,".

On page 64, line 19, strike "316(a)(2))." and insert "316(a)(2)), except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.".

Mr. DODD. I note the Chafee amendment is offered on behalf of Senator CHAFEE and Senator REED of Rhode Island. The amendment from Senator McCAIN is offered on behalf of Senator McCAIN and Senator HARKIN.

We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (Nos. 2908 to 2910) were agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I ask consent I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPRECIATION OF FARM BILL STAFF

Mr. REID. Mr. President, yesterday we completed action on the farm bill. The bill is a victory for the American farmers and ranchers who will benefit from the improved commodity programs in the bill. It is a victory for families in need who will benefit from broad nutrition programs in the bill. It is a victory for rural communities which will benefit in the economic revitalization provided in the bill. Finally, it is a victory for the environment which will benefit from the significant increase of funding new programs to help restore wildlife habitat, reduce water pollution, and resolve conflicts over water.

Together with Senator LEAHY, I spent a lot of time working on the conservation provisions of the bill. It was only part of this massive bill which was led by Senator HARKIN of Iowa. The bill is over 1,000 pages. It has separate titles dealing with commodity programs, conservation, trade, nutrition, credit, rural development, research, forestry, and energy. Countless amendments were drafted to the bill, and many were offered. Work on the bill began in earnest more than a year ago.

When we complete a bill of this size, we often thank our staff for the work they put into such an effort, and rightfully so. Chairman HARKIN, ranking member Senator LUGAR, Senator DASCHLE, and Senator LEAHY's staff, in particular, put in a tremendous amount of work on this bill.

Sometimes, though, we forget to thank people who are essential to the success of this legislation. That is the Senate legislative counsel. They do tremendous work. The bill we passed is a product of numerous drafts, revisions, alternates, and many amendments. Our legislative counsel were responsible for ensuring that all those many drafts and amendments captured our interest. They had to do so under constant time pressure. They were a great help to me and my staff on the conservation provisions and on the water provisions in particular.

It may surprise some to know that only 5 attorneys were responsible for all the work that went into the 1,000-page bill. I personally would like to thank them, not only on my behalf but on behalf of the majority leader, Senator DASCHLE, Senator LEAHY, and Chairman HARKIN, for the great work on the bill. Gary Endicott and Darcie Chan were extremely helpful to me and my staff in drafting the important new provisions of this bill, provisions that have never been in a farm bill before. Together with Tom Trushel, Janine Johnson, and Heather Flory, they put in countless hours on the bill and have worked nearly around the clock since September as the pace of deliberations quickened.

Many also handled drafting for energy, environment, and Indian affairs at the same time. They were assisted by David Grahn and Pia Ruttenberg, attorneys for the U.S. Department of Agriculture Office of General Counsel. Mr. Grahn and Ms. Ruttenberg helped ensure the provisions we drafted would be interpreted and implemented by the Department as we intended.

I have lawyers on my staff, and I am an attorney also. But I can say, without the help of the people I have just mentioned, we would have been in very difficult shape to accomplish what we did.

I particularly spread across the record of this Senate the tireless, countless hours that Lisa Moore spent on this legislation. We are so dependent as Senators on our staff. I have had the good fortune of being able to serve in the House of Representatives. In the House of Representatives, one's jurisdiction is much more limited. One is much more in tune with one's jurisdiction. We in the Senate have wide-ranging jurisdiction. We do not represent one party of our State, we represent our whole State, from the southern tip of the State of Nevada to the northern frontiers of the State of Nevada, one representing famous Las Vegas, the other representing places such as Gerlach and other small places that have totally different interests than Las Vegas. But I represent them all. I become a jack of all trades; some say a master of none.

That is the way the Senate is. We have to depend on our staff. I am so grateful for the work Lisa Moore put in on this case. Not only does our staff work a lot of time doing the things that have to be done, but they believe in these things in their heart. They convey their emotions to us. That is one reason I worked so hard on this and why I am so fortunate I was able to pass it. I would not want to disappoint Lisa, who worked so hard on this legislation.

We, too often, blame our staff for the things that go wrong. We take credit for the things that go right. Most of the time, it should be just the opposite.

On this occasion, I make sure I express my appreciation to Lisa Moore and the many other people I mentioned who were so important in passing this legislation.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DODD). Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

AMENDMENT NO. 2898

Mr. DAYTON. Mr. President, I offer an amendment, No. 2898, to S. 565, the election reform legislation.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON] proposes an amendment No. 2898.

Mr. DAYTON. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a pilot program for free postage for absentee ballots cast in elections for Federal office)

On page 68, between lines 17 and 18, insert the following:

SEC. ____ . REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) Definitions.—In this section:

(1) Pilot program.—The term "pilot program" means the pilot program established under subsection (b).

(2) Postal service.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

(b) Establishment.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) Pilot States.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) Duration.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) Public Survey.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) Study and Report.—

(1) Study.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) Report.—

(A) In general.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) Recommendations regarding the elderly and disabled.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) Responsibilities contingent on funding.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

Mr. DAYTON. Mr. President, voting is an essential and indispensable right of citizenship in a democracy. Throughout our Nation's history, a task of the Senate and the House has been to remove the barriers to this right to vote. We have made great progress beyond gender exclusion, poll taxes, literacy tests, and other historical barriers. Yet our society is ever changing, and this work is never complete. I applaud the authors of this legislation, Chairman DODD, Ranking Member MCCONNELL, and Senator BOND for their excellent leadership and their hard work to bring this important bipartisan legislation before us today. They have performed a great service to our Senate and to our Nation.

In our national election of the year 2000, only 51 percent of America's voting age population participated. Although this participation rate was a 2 percent improvement over the previous national election, it remains very troubling that only half the eligible citizens in our country took the time and made the effort to help choose their leaders.

I am always curious when people say their vote does not count. When possible, I like to ask, "Your vote counts one, the same as everyone else's. How much do you think your vote should count?" A democracy is a democracy because every person's vote counts the same as everyone else's. How much do you think your vote should count? They miss the essential point, that a democracy is a democracy precisely because every person's vote counts the same as everyone else's. When a society reaches a point where some people's votes start counting more than others, either officially or unofficially, a country is usually sliding toward rule by a political and economic elite. When only one person's vote counts, it is a dictatorship.

However, there are still real reasons why some people cannot vote. In Ely, MN, the City Clerk, Terry Lowell, recognized a problem which senior citizens and people with disabilities sometimes encounter. A mail-in ballot is frequently the only way a home-bound citizen can exercise the right to vote. Yet, something as simple as a postage stamp can stand in the way. While the cost of mailing a ballot may seem small, it can also become a matter of practicality—when a person has difficulty getting out of bed or going to the kitchen, just "running out to get a stamp" is not a simple task as for most of us.

There are also many senior citizens in Minnesota, and probably elsewhere, who literally watch every penny they must spend. With the costs of their prescription medicines ever rising beyond their control, they have not enough money left for food and utilities. Every additional expenditure, of any amount, is perceived as a burden.

Plus, the way they look at it and the way I look at it, it is a matter of principle. Voting should be free. Voting is free for able-bodied citizens. It should be free for everyone else, as well.

My amendment would create a one-time, pilot project in the 2004 national election, to be designed and implemented by the Postal Service with consultation with the Federal Election Commission. Postage-free absentee ballots would be provided in one State for that one election. This pilot project will measure the effect of postage-free absentee ballots on voting participation by elderly, disabled, and other citizens. We can then consider whether it would be worthwhile to expand their use in future elections.

This amendment's passage will also demonstrate that a citizen, anywhere, can have a good idea and through an elected representative, actually see that idea turned into law. For that, I salute Terry Lowell, in Ely, MN.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Connecticut.

Mr. DODD. Mr. President, I commend the Presiding Officer who has just offered his pilot project amendment.

First, I commend him on the creativity in suggesting a pilot program. I know his concern would be—the question is obvious—the cost of this and how well it will work. I think by running a pilot program we can answer a lot of those questions.

I think the point he made in his remarks deserves repeating. We try to make, as Senator BOND said so often—I have repeated it, Senator MCCONNELL said the same thing on many occasions—voting easy, as user friendly as we possibly can in this country. Every eligible person who has the right to vote can walk into that polling place, whether it be in rural or urban America or poor or suburban communities, walk into that polling place on election day and know he or she is being received, encouraged and offered the means by which they can cast their ballot to choose the President of the United States, down to a local commissioner or board person in their own hometown.

That wonderful right we have that is so unavailable to billions of people on the face of this Earth still is something we need to make as easy as possible, as user friendly as possible. Of course, there are millions of Americans who are homebound, who are overseas, who are in the military. To make this as free and accessible to them as possible is something all of us ought to embrace. Therefore, the idea of making absentee ballots, by which millions of Americans cast their votes, as free as possible, is something I think is deserving of support, particularly as a pilot program.

Had the Senator offered this to require it in perpetuity, across the country; I would have some reservations about what the implications of that could be. But I think the framing it in a pilot program idea for the 2004 election is an idea that is worthy of support.

I have submitted the amendment to my friend from Kentucky and his staff to take a look at it. They are going to be reviewing it. We don't have an answer yet. My hope is we can accept this and come to some agreement. I congratulate my friend from Minnesota for offering this idea to our colleagues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

Mr. DODD. Mr. President, I am going to proceed to offer three individual amendments, and I will be asking to lay them aside. But this way they can be debated tomorrow or Monday when we come back on the 25th. They may be accepted or end up being part of a managers' amendment but disposed of somehow in order to have them before the Senate.

AMENDMENT NO. 2912

The first amendment is an amendment offered by Senator HARKIN, No. 2912. I offer that amendment on behalf of Senator HARKIN.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. HARKIN, proposes an amendment numbered 2912.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 203(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

Mr. DODD. Mr. President, I ask unanimous consent that the Harkin amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2913

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator HARKIN and Senator MCCAIN and ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] for Mr. HARKIN, for himself and Mr. MCCAIN, proposes an amendment numbered 2913.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters)

At the end add the following:

SEC. . VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2914

Mr. DODD. Lastly, Mr. President, I offer an amendment on behalf of the Senator from New York, Mr. SCHUMER.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SCHUMER, proposes an amendment numbered 2914.

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. DODD. Mr. President, I ask unanimous consent that the Schumer amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I will not go into describing these amendments. We will leave that for the Members themselves when they find the time, probably either tomorrow or Monday on the 25th, to come and explain them.

In the meantime, again, I am going to suggest to Members that with the finite list of amendments we now have from both the minority and majority sides, we are going to make an effort to accommodate as many of these amendments as we can, to try to see if we can accept them or suggest maybe modifications that would make the amendments acceptable; or if that is not possible, then certainly provide the time on Monday, the 25th, or tomorrow, for these amendments to be debated, with Tuesday, the 26th, being the day on which amendments would be voted upon, those that had not been resolved or accepted or made part of a managers' amendment.

That is the idea. That is the goal, so to speak, we are trying to achieve with all of this.

So with that, Mr. President, I do not know if I have any additional amendments at this point to submit. That being the case, I note the presence of my friend and colleague from Nevada. I see he has some big, white cardboard pieces in his hands, which usually indicate a chart and a speech. So I think we are going to hear some words.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. First of all, I say to my friend from Connecticut, what a great job you have done on the bill today. We have made tremendous progress. We have a list of amendments. I will be happy to work with the Senator tomorrow, and the days after that, and, hopefully, we can pass this bill Tuesday. That would be a great mark for the American people.

SENATOR DODD'S BABY

Mr. REID. Mr. President, I also say to my friend, I had such a pleasant time about half an hour ago. I went back to Room 219 and saw Grace Dodd, his beautiful 6-month-old baby. As I said to Jackye, your lovely wife: She is a real person, little Grace. And I bet the Senator is very proud of her, as he should be.

Mr. DODD. Absolutely.

AMENDMENT NO. 2914, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that the Schumer amendment No. 2914 at the desk be modified with the language at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. REID. Mr. President, I ask unanimous consent that the following list of amendments that I will send to the desk be the only first-degree amendments remaining in order to S. 565, the election reform bill; that these amendments be subject to second-degree amendments which are relevant to the amendment to which it is offered; that upon disposition of all amendments, the bill be read a third time, and the Senate vote on passage of the bill; that upon passage, the title amendment which is at the desk be agreed to, and the motion to reconsider be laid upon the table, without any further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

FIRST-DEGREE AMENDMENTS TO S. 565, ELECTION REFORM

(Current as of 7:05 pm on Thursday, February 14, 2002)

Byrd: Relevant, Relevant to the list.

Cantwell: Relevant (3).

Cleland: Military and Disabled Voters (2), Amending short title.

Clinton: Residual ballot rules.

Daschle: Relevant, Relevant to the list.

Dayton: Free and Reduced Mail-In Ballots, Pilot Program (Amdt. 2897), Pilot Program (Amdt. 2898).

Dodd: Managers' Amendments, Criminal Penalties Clarification, Relevant (2), Relevant to the list.

Durbin: Photo ID Alternative, Relevant.

Feinstein: Retro Activity, Relevant (5).

Harkin: Sense of Congress re: Access to polling place, Protection & Advocacy Systems for the Disabled.

Hollings: Weekend elections, Using NIST.

Jeffords: Felon list, Minimum State funding, State plan, First-time voters, Minimum State Funding II.

Kennedy: Safe Harbor.

Kerry: Election Day Holiday (Amdt. 2860).

Kohl: Weekend voting.

Landreiu: SoS local impact (Amdt. 2869), Federal holiday (Amdt. 2868), Strike study on establishing Election Day as holiday (Amdt. 2867).

Levin: Provisional ballot, Grant funds.

Lieberman: Recount standards.

Reed: Relevant (2).

Reid: Relevant, Relevant to the list.

Rockefeller: Overseas voters.

Sarbanes: Help America vote college program.

Schumer: Lever Machines, Age Box, Voter Registration, First-Time Voters.

Torricelli: TV broadcasting.

Wyden: ID verification (Amdt 2870).
B. Smith: Military voting, Relevant.
Collins: Grant minimum.
Gramm: Military voting.
Sessions: Civic education, Mock election.
Lugar: Toll free hotline for fraud.
Enzi: Parking lot accessibility.
Grassley: Military voting, Voter registration, Overseas voters.
McCain: Polling accessibility for disabled (3).
Specter: Relevant (3).
Bond: Relevant (3).
Roberts: Provisional voting, Notify voters.
Burns: Relevant, Election technology.
Kyl: Relevant (2).
Hatch: Relevant (2).
Ensign: Grant funding, Auditing.
Chafee: State Grant Payments.
Nickles: Relevant (2), Relevant to the list (2).
Thomas: Voter registration procedures, Exempt states, Disabilities.
Stevens: Americans abroad.
McConnell: Relevant (2), Relevant to list (2).
Lott: Relevant (2), Relevant to list (2).

Mrs. CARNAHAN. Mr. President, discussions about the state of our democracy too often focus on what is wrong with our political system.

Experts bemoan low turnout; they say young people are turned off by politics; they say grassroots campaigns no longer can work in the age of 30-second television ads.

But Americans cherish their democracy. Political participation allows us to express our deepest held beliefs. When we fight for something we believe in we are true participants in our democracy. I know this is true because I saw it myself. Missourians during the last election, even in the face of grief, went to the polls to make their will known. The 2000 election, however, revealed a number of flaws in our electoral machinery.

Far too many Americans were being disenfranchised without their knowledge. Too many voters left the polling places in confusion; too often registration lists had not been properly maintained.

The promise of American democracy is that everyone has the right to vote without regard to their individual circumstance. It is our job to make that promise a reality.

The Constitution calls for a decentralized system that puts states in charge of elections. But since States hold elections for Federal offices, it is appropriate for the Federal Government to encourage and empower States to improve the voting process. I believe this bill does just that and I am pleased to support it.

I congratulate the sponsors and those who have put many hours of hard work to bringing this consensus bill to the floor.

This bill is framed around two basic premises: Those who are not properly registered to vote are not allowed to cast a ballot, but for those who are properly registered, we should make it as easy as possible for them to go to the polls, vote, and have their vote counted.

To those who say we need additional steps to eliminate voter fraud and punish those who abuse the system, you are correct. We must work harder to put systems in place that will adequately update voter rolls. Many States and local registrars are plagued by insufficient technology, and thus an inability to maintain databases that are current. There must also be adequate voter education so that our citizens understand what steps they must take to register properly. And we must make sure that poll workers receive the appropriate training so that we can reduce any potential issues at the polling places.

To those who say we must live up to the promise of our Constitution and do all within our power to bring more people into the process, I say your call must be heard.

This Nation's history is built on the fight for suffrage. To place even the lowest hurdle before someone seeking to exercise the right to vote is an affront to our democracy. This bill ensures that we go the extra mile to protect the rights of those populations most vulnerable to disenfranchisement: the elderly, the disabled, those who are not fluent in English, ethnic and racial minorities, and members of the armed services who are serving overseas.

Perhaps the most significant reform in this bill is that States will be required to implement a system of provisional voting. From now on, if someone's eligibility is challenged at the polling place, they will have the right to cast a vote. If it turns out that the voter was properly registered, his or her vote will be counted.

The bill will also prevent disenfranchisement by updating voting technology. In the future, voters will know if they unintentionally selected more than one candidate for a single office, or if their ballots are not otherwise properly marked, and they will have a chance to correct their ballots, and make sure their vote is counted. It is common sense that when a system is broken, we must mend it.

When this system concerns a fundamental and cherished right, it is not only common sense, it is vital to the health of our Nation.

Our efforts today to empower voters remind me of the words of President Franklin D. Roosevelt, who said:

> Let us never forget that government is ourselves and not an alien power over us. The ultimate rulers of our democracy are not a President and senators and congressmen and government officials, but the voters of this country.

Let us renew the promise of our great Nation and enact legislation that will promote fairness, enhance participation, and increase our faith in the greatest democracy in the history of the world.

NORTH DAKOTA VOTING PROCEDURES

Mr. CONRAD. As my colleague from Connecticut knows, North Dakota currently operates a unique voting system in that we have no registration system whatsoever for our State. This is a very open system that I believe is very much in line with the intent of your legislation to ensure the maximum amount of openness and accessibility in our Nation's voting system. Am I correct in reading the language of subparagraph 103(a)(1)(B) of the substitute amendment to allow North Dakota to continue operating a registration-less voting system for Federal elections in our State?

Mr. DODD. Yes, the clear text of this provision exempts states without a registration requirement for its voters from having to implement such a computerized system consistent with section 103. Put simply, the exception provided in 103(a)(1)(B) exempts North Dakota from all provisions of the bill concerning a computerized statewide voter registration system. We simply did not want any of this bill's provisions, either directly or indirectly, to interfere with North Dakota's ability to continue operating its commendably open and accessible registration-less system of voting.

Mr. CONRAD. Mr. President, I thank the Senator from Connecticut for his aid in understanding this exemption. I also have a question with regard to Section 102 of the bill—the provisional voting section. I would like to describe the way North Dakota currently operates its "voter challenge process" to get my esteemed colleague's perspective on whether our State currently satisfies the requirements of this section.

In North Dakota, the members of an election board or poll challengers may challenge the right of anyone to vote whom they know or have reason to believe is not a qualified elector. A poll challenger or election board member may request that a person offering to vote provide an appropriate form of identification to address any voting eligibility concerns, such as age, citizenship, or residency requirements. If the identification provided does not adequately resolve the voter eligibility concerns of the poll challenger or election board member, the challenged person can execute an affidavit before the election inspector affirming that the challenged person is a legally qualified elector of the precinct. The affidavit must include the name and address of the challenged voter and the address of the challenged voter at the time the challenged voter last voted.

If the election inspector finds the affidavit valid on its face, the challenged person is allowed to vote as any other voter does and his or her voted ballot is deposited in the ballot box with the rest of the voted ballots from the precinct and counted by a canvassing board, or in the case of a recount by the recount board, in exactly the same manner as a ballot cast by non-challenged voters. In other words, the challenged person's voted ballot is not segregated or designated in any special way for further or future inspection by election officials, canvassing officials, recount officials, or legal authorities.

I ask my distinguished colleague the Senator from Connecticut whether this current system satisfies the requirements of section 102 of his bill.

Mr. DODD. Mr. President, I again commend the State of North Dakota's open and accessible voting system. Our intent in drafting section 102 was to require that voters who were challenged, but felt that they had the legal right to vote, were given the opportunity to cast a ballot and then have that ballot set aside and verified. North Dakota's system goes beyond this intent by being even more voter-friendly. Based on my understanding of your description of North Dakota's system, North Dakota should be able to continue operating its more voter-friendly voter challenge system.

For example, paragraphs (a)(3) and (a)(4) of section 102 requires election officials to verify the written affirmation of that voter's eligibility before the ballot is counted. Under North Dakota State law, as you have represented it to me, verification happens upon the execution of a written affidavit. The fact that the verification by the election official that is required under this bill occurs prior to the ballot being cast instead of after the ballot is cast is a function of North Dakota's registration-less system. It therefore satisfies all of the requirements of section 102(a).

I should point out that under subsection 102(a)(5), the individual who voted via affidavit will need to be provided written notification at the time he casts his or her ballot that he or she will not receive any further notification—because as a matter of state law, that person's vote has been counted. This could easily be done by handing out a generic form to each voter who votes via affidavit.

Mr. CONRAD. Mr. President, I greatly appreciate the Senator from Connecticut taking the time to answer my questions about his bill. I also want to take this time to commend the Senator for his terrific leadership and work on the very important issue of election reform.

Mr. REID. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

YUCCA MOUNTAIN

Mr. REID. Mr. President, today the Secretary of Energy recommended to the President that Yucca Mountain, Nevada should be the site for storing all of America's nuclear waste, all 70,000 tons. This recommendation came despite the objections of all the credible independent experts who have reviewed the project. I will name just few of them. There are many others, but the credibility of those I will name cannot be refuted. These experts all say that the science is not sound.

The General Accounting Office is the watchdog of Congress and the watchdog for the American people. The GAO has been an important part of our Government for many decades and is noted for its independence and veracity. The General Accounting Office has stated that making a decision now regarding the Yucca Mountain project is neither "prudent" nor "practical." That is pretty direct.

The Nuclear Waste Technical Review Board is an independent agency established to review what is going on with nuclear waste from a technical standpoint. It is chaired by the former dean of the Forestry School at Yale University, who is now the president of Carnegie-Mellon in Pennsylvania and is one of the foremost scientists in America. The Nuclear Waste Technical Review Board says that the scientific review that has been conducted at Yucca Mountain is "weak." That is pretty direct.

The Inspector General of the Department of Energy stated that because the law firm giving advice to the Secretary of Energy on Yucca Mountain, Winston and Strawn, was the same law firm that was giving legal advice to the Nuclear Energy Institute, the umbrella for the nuclear utilities in this country, there was a clear conflict of interest. That too is pretty direct.

No one can challenge the credibility of this all-star team of independent experts: The Inspector General, the General Accounting Office, the Nuclear Waste Technical Review Board. No one can challenge their credibility.

Secretary Abraham has made a hasty, poor, and really indefensible decision. Now the question of whether a high-level nuclear waste dump will be built in Nevada lies with the President of the United States.

It is time for President Bush to fulfill the commitment he made to the people of Nevada and to the country; that is, that he would not allow nuclear waste to come to Yucca Mountain unless there was sound science justifying such a decision.

The General Accounting Office, the Nuclear Waste Technical Review Board, and the Inspector General have all said that science does not exist.

The President should demand sound science—peer-reviewed scientific evidence of the highest caliber—and wait until he receives it before making a decision about Yucca Mountain. The President has the responsibility and the authority to fulfill the promise he made to this Nation as a candidate regarding nuclear waste.

I urge President Bush to exercise that authority and show the Nation he is a man of his word. We are depending on him.

Mr. President, this visual aid represents the proposed routes that trucks and trains would travel to Nevada carrying 70,000 tons of toxic material. One hundred thousand truckloads of nuclear waste will be hauled on these roads. And 20,000 trainloads of nuclear waste will be hauled along the railways we see here on this map.

The Department of Energy has refused to do an environmental impact statement assessing the effects of transporting all of this deadly material. Why? Because they cannot explain how it would be possible to safely haul 70,000 tons of nuclear waste over the highways and railways of this country.

Since September 11, we know that terrorists are waiting for targets of opportunity. We know now not only that they are waiting for targets of opportunity but also that they are capable of hitting their targets. The tragic events of September 11 demonstrated that in such a dramatic fashion. It would be reckless and dangerous to provide terrorists with more than a hundred thousand additional targets, which the trucks and trains carrying nuclear waste would become.

So, Mr. President, I say to you, and the rest of America, we are depending on the President of the United States, George W. Bush, to be a man of his word and not allow nuclear waste to travel across this country until there is sound science. There is not sound science, as separate reports prepared by the General Accounting Office, the Inspector General of the Department of Energy, and, of course, also by the Nuclear Waste Technical Review Board all make clear.

The President should wait until he has credible evidence and a sound scientific basis to support a plan for storing nuclear waste at Yucca Mountain and allowing it to travel across the country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 671, 672, 675, and 697; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, statements relating to the nominations be printed in the RECORD, and the Senate then return to legislative session.

Mr. President, this applies to David Bunning, to be United States District Judge; James Gritzner, to be United States District Judge; Richard Leon, to be United States District Judge; and Nancy Dorn, to be Deputy Director of the Office of Management and Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

THE JUDICIARY

David L. Bunning, of Kentucky, to be United States District Judge for the Eastern District of Kentucky.

James E. Gritzner, of Iowa, to be United States District Judge for the Southern District of Iowa.

Richard J. Leon, of Maryland, to be United States District Judge for the District of Columbia.

EXECUTIVE OFFICE OF THE PRESIDENT

Nancy Dorn, of Texas, to be Deputy Director of the Office of Management and Budget.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader.

TEMPORARY UNEMPLOYMENT COMPENSATION ACT OF 2001

Mr. DASCHLE. Madam President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3090, that all after the enacting clause be stricken, that the text of the substitute amendment which is at the desk be substituted in lieu thereof, the bill be read a third time and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, I will not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2896) was agreed to as follows:

(Purpose: To provide for a program of temporary extended unemployment compensation)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) In General.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) Certification.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) In General.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) Repayment.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) Recovery by State Agency.—

(1) In general.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) Opportunity for hearing.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) Review.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn't today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republicans and Democrats in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation at some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President's Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT BUSH'S NEW APPROACH TO CLIMATE CHANGE

Mr. CRAIG. Mr. President, this afternoon President Bush outlined a new approach to climate change for this Nation, and I believe for the world.

The President has thoughtfully tackled the emotionally charged issue of climate change and focused us in a pragmatic way. I believe this is a demonstration of leadership.

He has thoroughly considered the existing scientific evidence, which remains inconclusive, and determined that a slow and cautious approach to stabilizing greenhouse gas emissions is the most prudent policy.

I and many of my colleagues in the Senate have worked hard for years on this challenging issue and wholeheartedly concur with the President's decision.

The President's determination to aggressively pursue answers to many critical scientific questions and his concern about the effects of action on American jobs and our economy are well balanced.

The proposed actions in the President's plan will be effective in giving us the change we need. The voluntary nature of these proposals provides needed flexibility to achieve substantial reductions in emissions.

The President has outlined a strategy that incorporates incentives and opportunity for creative ways to achieve those reductions.

The President's plan also thoughtfully addresses the critical need to actively engage developing countries.

I have stated in the past that American policy should recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people.

For too long the climate policy debate has been fixated on assigning blame and inflicting pain. The President clearly recognizes that this is harmful and counterproductive.

His plan will make our best technology available to developing countries and will refocus American research activities on developing country needs as well as our own.

During this Congress and the last I, along with many of my colleagues, worked diligently to construct a framework for national consensus on this issue. The legislation that I and several of my colleagues introduced was organized around the central notion of "risk management."

The President's approach is fully consistent with that notion.

It develops a "long-term" strategy;

It quantifies risk by improving scientific research programs;

It develops tools to improve energy efficiency and find ways to sequester carbon by funding a comprehensive R&D program;

It removes disincentives by removing barriers to deployment of energy technology; and

It encourages a global solution by aggressively pursuing international technology transfer programs.

The benefits of the President's approach are broad-based, as they must always be.

It employs a least-cost path to emissions goals by using energy technology and incentives;

It yields real emissions reductions by improving the emission reduction registry currently monitored by the DOE;

It strengthens the hands of U.S. negotiators by implementing significant domestic action;

It is more than just CO2—it encourages reductions of emissions of methane and other more powerful greenhouse gases;

It focuses on more than just the electric power sector by including the agriculture, forestry, transportation industries;

It sends the right market signals by focusing on innovation, investment in new technology—not prescriptive regulation; and

It maintains policy flexibility—our future policy response can respond to changing knowledge on technology, understanding of climate impacts and risk.

President Bush, I believe, has offered us leadership, and I thank him for it, by setting for our Nation a safe, prudent, and responsible path toward resolving this issue.

I hope all of my colleagues in the Senate, especially those who have shown great concern about climate change, join with me and seize the opportunity that our President has given us to move constructively, without rancor, to offer up the best technology, the best science, and to bring our country together—not to divide our country—and to continue to progressively achieve, in a recognizable and measurable way, reduction in greenhouse gases as we have done over the last decade, and to do so without damaging our economy.

I believe that is what President Bush has laid before this Nation today, and the world: A pragmatic and realistic challenge of leadership as it relates to addressing the question of climate change in an understandable fashion and a manageable approach.

I yield the floor.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I call to the attention of my colleagues the fact that the President announced his plan related to global warming. The plan appears to endorse some of the energy efficiency and clean energy incentives that were reported out of the Senate Finance Committee last evening. Obviously, I think all of us welcome White House support for those initiatives.

I hope we can get the same level of support from the White House for the other critical elements in the energy bill that relate to this important issue of global warming.

Unfortunately, the rest of the plan that the administration unveiled today appears to be little more than business as usual. The President's statement earlier today referenced the voluntary reporting program for greenhouse gas emissions which was established by Congress in 1992 as part of the Energy Policy Act.

The intent of that program at that time was to encourage the energy sector to begin to pay attention to greenhouse gas emissions. It was not to drive serious reductions in emissions. It was a decade ago when that legislation was passed, and we know much more now about global warming and the threat that it could pose to us.

According to a year 2000 report by the Energy Information Administration entitled "Emissions of Greenhouse Gases in the United States," U.S. energy intensity—that is the energy consumed per each dollar of gross domestic product, and that is sort of the measure the President referred to—fell by an average of 1.6 percent per year from 1990 to the year 2000.

At the same time that energy intensity was falling, the carbon intensity of energy use has remained fairly constant. It is the use of less energy per unit of economic output that has kept emissions from growing at the same rate as the economy is growing, and the rate of carbon emissions per unit of energy is not decreasing—or is decreasing very little, certainly not enough.

Our economy has become increasingly oriented toward the service sector, toward intellectual, high technology sectors. We are less focused on heavy industry and manufacturing, and we are using less energy per dollar of gross domestic product, which is to be expected as our economy has evolved.

Yet as the population has grown and affluence has increased, we are using more and more energy without reducing the emissions per unit of energy consumed.

Clearly, climate change is an energy issue. We need to address it as part of this energy policy debate that we are going to have when the Congress returns after next week.

The United States committed under the framework convention on climate change that was ratified in the Senate that we would take action to reduce emissions to 1990 levels by the year 2000. Under the plan announced today, the U.S. emissions will be 30 percent above 1990 levels by the year 2012. Continued reliance on these voluntary actions, which is what the President is urging, without an overall policy framework, without specific goals, will not lead to any serious reductions in domestic emissions of greenhouse gases.

I have to ask why we would sell our technological and entrepreneurial ingenuity so short. The American people believe climate change is a critical issue. They also believe we can innovate our way to solutions to these problems. With the administration approach to addressing climate change, I fear we are communicating to the world we no longer have confidence in our technological ability to solve these problems.

The energy bill we are going to debate when we return from the recess includes concrete energy policy provisions that will reduce carbon intensity in the energy sector. It includes increased vehicle fuel economy and provides incentives to commercialized cutting-edge vehicle technologies. It gives consumers greater information about emissions from the energy they use so they can make deliberate decisions to control their own contributions to greenhouse gas emissions. It increases the mix of technologies for power generation, including a much greater role for renewables and more efficient fossil generation technology.

The renewable portfolio standard, for example—and that is a provision in the bill we will be debating—is a market-driven approach that will force renewable projects to compete against each other for a share in the electricity market. To shift to a greater investment and combine heat and power systems could more than double the efficiency of coal-fired generation while dramatically cutting emissions.

There are many creative and thoughtful people in the private sector eager to move forward with these types of projects. The right energy policies can unleash the competitive creativity that will meet our energy needs and reduce greenhouse gas emissions. We need to agree on a framework that removes impediments to efficiency and market competition, that provides incentives for cleaner energy strategies that will reduce emissions, and a framework that empowers consumers to control their energy choices and manage their own environmental impact.

When I talk to students in my State—and I am planning to do that on several occasions this next week—they express great interest in energy and environmental issues. They want to know what they can do to affect greenhouse gas emissions. They have a much greater stake in the future than those of us here do, in fact. We need to be meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

The bill, H.R. 3090, as amended, was read the third time and passed.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Madam President, for the knowledge of Senators, this is the same language for unemployment insurance extension that we had passed earlier. There is no change. I wanted to make that clear.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Madam President, I concur with the distinguished Republican leader in making that assertion as well. This is exactly the same language that 7 days ago we sent to the House. My only reason for renewing the request today is because, unfortunately, I think we are going to be getting a much more comprehensive package back from the House, a package that clearly doesn't today enjoy the 60 votes that it would require to move not only unemployment compensation but all the other issues that are attached.

On a bipartisan basis, both Republicans and Democrats in the Senate are clear and on record in support, at the very least, of an extension of the unemployment benefits, and for good reason. Every day, about 11,000 people are pushed off the unemployment compensation rolls. About 77,000 of these workers have been made ineligible for unemployment compensation just since we passed this resolution 7 or 8 days ago. Our proposal is simply to give the House an opportunity to take up this simple extension with an expectation at some point later that we could entertain economic stimulus legislation as well.

I thank my colleagues for their cooperation. Again, this sends a clear message. We are very hopeful we can do something to help these unemployed workers prior to the President's Day recess.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to speak as in morning business for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT BUSH'S NEW APPROACH TO CLIMATE CHANGE

Mr. CRAIG. Mr. President, this afternoon President Bush outlined a new approach to climate change for this Nation, and I believe for the world.

The President has thoughtfully tackled the emotionally charged issue of climate change and focused us in a pragmatic way. I believe this is a demonstration of leadership.

He has thoroughly considered the existing scientific evidence, which remains inconclusive, and determined that a slow and cautious approach to stabilizing greenhouse gas emissions is the most prudent policy.

I and many of my colleagues in the Senate have worked hard for years on this challenging issue and wholeheartedly concur with the President's decision.

The President's determination to aggressively pursue answers to many critical scientific questions and his concern about the effects of action on American jobs and our economy are well balanced.

The proposed actions in the President's plan will be effective in giving us the change we need. The voluntary nature of these proposals provides needed flexibility to achieve substantial reductions in emissions.

The President has outlined a strategy that incorporates incentives and opportunity for creative ways to achieve those reductions.

The President's plan also thoughtfully addresses the critical need to actively engage developing countries.

I have stated in the past that American policy should recognize the legitimate needs of our bilateral trading partners to use their resources and meet the needs of their people.

For too long the climate policy debate has been fixated on assigning blame and inflicting pain. The President clearly recognizes that this is harmful and counterproductive.

His plan will make our best technology available to developing countries and will refocus American research activities on developing country needs as well as our own.

During this Congress and the last I, along with many of my colleagues, worked diligently to construct a framework for national consensus on this issue. The legislation that I and several of my colleagues introduced was organized around the central notion of "risk management."

The President's approach is fully consistent with that notion.

It develops a "long-term" strategy;

It quantifies risk by improving scientific research programs;

It develops tools to improve energy efficiency and find ways to sequester carbon by funding a comprehensive R&D program;

It removes disincentives by removing barriers to deployment of energy technology; and

It encourages a global solution by aggressively pursuing international technology transfer programs.

The benefits of the President's approach are broad-based, as they must always be.

It employs a least-cost path to emissions goals by using energy technology and incentives;

It yields real emissions reductions by improving the emission reduction registry currently monitored by the DOE;

It strengthens the hands of U.S. negotiators by implementing significant domestic action;

It is more than just CO2—it encourages reductions of emissions of methane and other more powerful greenhouse gases;

It focuses on more than just the electric power sector by including the agriculture, forestry, transportation industries;

It sends the right market signals by focusing on innovation, investment in new technology—not prescriptive regulation; and

It maintains policy flexibility—our future policy response can respond to changing knowledge on technology, understanding of climate impacts and risk.

President Bush, I believe, has offered us leadership, and I thank him for it, by setting for our Nation a safe, prudent, and responsible path toward resolving this issue.

I hope all of my colleagues in the Senate, especially those who have shown great concern about climate change, join with me and seize the opportunity that our President has given us to move constructively, without rancor, to offer up the best technology, the best science, and to bring our country together—not to divide our country—and to continue to progressively achieve, in a recognizable and measurable way, reduction in greenhouse gases as we have done over the last decade, and to do so without damaging our economy.

I believe that is what President Bush has laid before this Nation today, and the world: A pragmatic and realistic challenge of leadership as it relates to addressing the question of climate change in an understandable fashion and a manageable approach.

I yield the floor.

ENERGY POLICY

Mr. BINGAMAN. Mr. President, I call to the attention of my colleagues the fact that the President announced his plan related to global warming. The plan appears to endorse some of the energy efficiency and clean energy incentives that were reported out of the Senate Finance Committee last evening. Obviously, I think all of us welcome White House support for those initiatives.

I hope we can get the same level of support from the White House for the other critical elements in the energy bill that relate to this important issue of global warming.

Unfortunately, the rest of the plan that the administration unveiled today appears to be little more than business as usual. The President's statement earlier today referenced the voluntary reporting program for greenhouse gas emissions which was established by Congress in 1992 as part of the Energy Policy Act.

The intent of that program at that time was to encourage the energy sector to begin to pay attention to greenhouse gas emissions. It was not to drive serious reductions in emissions. It was a decade ago when that legislation was passed, and we know much more now about global warming and the threat that it could pose to us.

According to a year 2000 report by the Energy Information Administration entitled "Emissions of Greenhouse Gases in the United States," U.S. energy intensity—that is the energy consumed per each dollar of gross domestic product, and that is sort of the measure the President referred to—fell by an average of 1.6 percent per year from 1990 to the year 2000.

At the same time that energy intensity was falling, the carbon intensity of energy use has remained fairly constant. It is the use of less energy per unit of economic output that has kept emissions from growing at the same rate as the economy is growing, and the rate of carbon emissions per unit of energy is not decreasing—or is decreasing very little, certainly not enough.

Our economy has become increasingly oriented toward the service sector, toward intellectual, high technology sectors. We are less focused on heavy industry and manufacturing, and we are using less energy per dollar of gross domestic product, which is to be expected as our economy has evolved.

Yet as the population has grown and affluence has increased, we are using more and more energy without reducing the emissions per unit of energy consumed.

Clearly, climate change is an energy issue. We need to address it as part of this energy policy debate that we are going to have when the Congress returns after next week.

The United States committed under the framework convention on climate change that was ratified in the Senate that we would take action to reduce emissions to 1990 levels by the year 2000. Under the plan announced today, the U.S. emissions will be 30 percent above 1990 levels by the year 2012. Continued reliance on these voluntary actions, which is what the President is urging, without an overall policy framework, without specific goals, will not lead to any serious reductions in domestic emissions of greenhouse gases.

I have to ask why we would sell our technological and entrepreneurial ingenuity so short. The American people believe climate change is a critical issue. They also believe we can innovate our way to solutions to these problems. With the administration approach to addressing climate change, I fear we are communicating to the world we no longer have confidence in our technological ability to solve these problems.

The energy bill we are going to debate when we return from the recess includes concrete energy policy provisions that will reduce carbon intensity in the energy sector. It includes increased vehicle fuel economy and provides incentives to commercialized cutting-edge vehicle technologies. It gives consumers greater information about emissions from the energy they use so they can make deliberate decisions to control their own contributions to greenhouse gas emissions. It increases the mix of technologies for power generation, including a much greater role for renewables and more efficient fossil generation technology.

The renewable portfolio standard, for example—and that is a provision in the bill we will be debating—is a market-driven approach that will force renewable projects to compete against each other for a share in the electricity market. To shift to a greater investment and combine heat and power systems could more than double the efficiency of coal-fired generation while dramatically cutting emissions.

There are many creative and thoughtful people in the private sector eager to move forward with these types of projects. The right energy policies can unleash the competitive creativity that will meet our energy needs and reduce greenhouse gas emissions. We need to agree on a framework that removes impediments to efficiency and market competition, that provides incentives for cleaner energy strategies that will reduce emissions, and a framework that empowers consumers to control their energy choices and manage their own environmental impact,

When I talk to students in my State—and I am planning to do that on several occasions this next week—they express great interest in energy and environmental issues. They want to know what they can do to affect greenhouse gas emissions. They have a much greater stake in the future than those of us here do, in fact. We need to be sure that 10 years from now we have not left them with a problem that is out of control. We need to be responsible and prudent now and not wait until 2012 to make hard decisions on this very difficult issue.

I yield the floor.

Mr. JEFFORDS. Mr. President, in the last few days, I have spoken in honor of two prominent Winter Olympians from Vermont, Kelly Clark and Ross Powers. They are extraordinary snowboarders and athletes. They have performed miracles in the air and snow in Salt Lake City.

I want Vermonters and all Americans to enjoy the Winter Olympics here and elsewhere for the foreseeable future. They bring out the best and noblest elements in human nature.

Today, the President is announcing his administration's policy to deal with the global warming that threatens the reliability of winter and therefore the enjoyment of winter sports. Unfortunately, from what I understand, this policy will do nothing to significantly reduce the greenhouse gas emissions that are contributing to global warming.

Obviously, this is a very serious matter to Vermonters who love to snowboard, ski and skate, and depend on predictable winters and snow. It is also a serious matter to the mayor of Salt Lake City, whose city is taking actions to reduce greenhouse gas emissions and increase energy efficiency. Further, I would note that the mayor and the city of Burlington, like other progressive State and local leaders and communities across the Nation, are taking similar actions to fill the void of Federal leadership on this important issue.

I don't mean to be selfish, but I would like to be certain that Vermonters can continue to win Gold Medals in the Winter Olympics for generations to come. That means taking credible action on global warming now so winter is around long enough every year for training, competing, and busting huge air, as the snowboarders say at Suicide Six Ski Area in Woodstock, VT.

Clean air is a major issue in Vermont. We want to stop acid rain, and other public health and environmental damage. So, I am glad that the President has finally put forward his multi-pollutant proposal. We have been waiting for it since he took carbon dioxide off the table about a year ago. Perhaps the administration will actually work with Congress on this issue constructively.

I hope the administration sends the proposal up the Hill right away in legislative form as was promised. That will speed our committee's deliberations and Senate passage.

The details are not clear yet, but I hope that it will not entertain reducing any existing Clean Air Act protections. That is a crucial question that Vermonters will ask, from the skiers and snowboarders to the hikers.

Unfortunately, real carbon reductions appear to have completely fallen off the table in this climate policy. In fact, all we are getting are some crumbs. Some of them even appear to be recycled crumbs that Congress never passed and probably wouldn't have worked anyway.

A year ago, the President sent several Senators a unilateral "Dear John" letter rejecting carbon dioxide reductions at power plants and formally rejecting the Kyoto Protocol. Today's new climate policy is like delivering the final divorce papers to the public and the world. And it is divorced from the reality of global warming. Maybe you could call it a love letter to the status quo and the polluting past.

The Framework Convention, or the Rio Agreement, that the U.S. Senate ratified under former President Bush commits us to adopting policies that will achieve 1990 levels of greenhouse gas emissions. That is our commitment to the world.

This policy breaks that commitment. And it fails to acknowledge that we are responsible for emitting 25 percent of the world's greenhouse gases. Under this policy our share would continue to grow. There would be no real reduction in our total emissions.

I have faith that American ingenuity can develop cleaner, greener and more efficient technology to reduce greenhouse gas emissions. But, without a hard target to aim at, the arrow of progress is severely blunted. Our technology edge, instead of our exports, will pass to Europe, China, and other countries.

Finally, as I told Governor Whitman yesterday, the administration's multi-pollutant bill has to improve air quality faster and better than business as usual to be really credible. We will be asking for that kind of proof in the coming days.

We will need details on how fast their bill reduces acid rain impacts in the Northeast and how quickly it saves lives being lost or damaged from particulate pollution. Every day of delay hurts the environment and public health.

I hope their numbers can help move us forward and don't drag us backward.

But, I must say, without real carbon dioxide reductions, this proposal comes up short. You don't win a race with a three-legged horse, you don't drive a car with three wheels and you don't get lucky off a three-leaf clover.

I ask unanimous consent to print in the RECORD a Washington Post editorial by Mayor Anderson from February 8, 2002.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 8, 2002]

WINTERLESS OLYMPICS

(By Ross C. "Rocky" Anderson and Bill McKibben)

SALT LAKE CITY.—When the Winter Olympics opens tonight, both of us will be standing on the sidelines and cheering—one as mayor of the host city, the other as merely a rabid fan of Nordic skiing. But for all the hoopla and speed and elegance, we also are both aware that the future of the Winter Games is in danger, because winter itself is in danger.

The world's scientists have issued strong warnings about climate change in the past few years, and their computer models show clearly that, of all seasons, winter may change the most. Across the West, snow levels are expected to climb hundreds of feet up the mountains. In the East, according to a recent assessment by scientific researchers, the cross-country skiing and snowmobile industries "may become nonexistent by 2100."

The majority of sub-Arctic glacial systems are now in rapid retreat. Sea ice in the Arctic is thinning quickly, and winter measured by dates of first and last freeze, is now almost three weeks shorter across North American latitudes than it was in 1970.

Such changes have practical implications. The weakening of winter will, for instance, mean less water stored in mountain snowpacks for summer irrigation. The ski industry is already fearful of the economic losses from shortened seasons.

As you watch the world's finest athletes glide across your TV screen for the next two weeks, consider, too, how sad it will be to lose much of that part of the year when you can glide across ice or race down a slope.

This doesn't have to happen. We've already locked in some global warming from our profligate use of fossil fuels in the past, but it's not too late to take serious action to slow climate change. Indeed, though Washington is still in the grip of the fossil fuel lobbyists, state and local governments are beginning to lead the way to clean energy now.

Here in Salt Lake City people are committed to cutting emissions of carbon dioxide 7 percent or more, meeting the targets of the Kyoto Protocol, to which all industrialized nations except the United States (under the Bush administration) have voiced commitment.

How will it be done? By reducing energy consumption, preserving large tracts of open space and creating new guidelines for "high performance buildings." Salt Lake City is changing development patterns, expanding its mass transportation system—in short, it's growing smart.

Salt Lake City is not alone. The Seattle City Council last fall pledged that the city would meet or beat the targets of the Kyoto treaty on global warming, and promised that its municipal utility would soon be "carbon-neutral," generating power without contributing to the greenhouse effect. Voters in San Francisco last fall passed, by a wide margin, an initiative that commits the city to buying large amounts of solar power. And the governors of the New England states, prodded by new computer models showing that Boston's climate could resemble present-day Atlanta's by century's end, have also committed to reductions in CO_2 output.

Elsewhere, local governments are experimenting with electric cars and windmills, with gas-guzzler taxes and prime parking spaces for high-mileage cars, with new rapid transit incentives and old utility phase-outs.

All of this would be easier and more effective with committed leadership and backing from the federal government. In the meantime, others have to take the lead.

Municipalities are good competitors. Every four years, mayors around the world vie with each other to land the next Olympics. If we spent the same effort and creativity on redesigning our cities for energy efficiency, we might do more than determine who wins the next Winter Games.

We might actually save winter.

THE BIODIESEL PROMOTION ACT OF 2002

Mrs. LINCOLN. Mr. President, yesterday I introduced S. 1942, the "Biodiesel Promotion Act of 2002," to provide tax incentives for the production of biodiesel from agricultural oils. I was pleased to be joined by Senators DAYTON and JOHNSON as original cosponsors of my bill.

I was also pleased yesterday to be joined by Senator GRASSLEY in offering S. 1942 in amendment form to the Senate Finance Committee Energy Tax Incentives legislation. My amendment was included in the legislation with an overwhelmingly favorable vote of 16 to 5. The amendment differs from S. 1942 only in the length of authorization of the program. Due to budget constraints, the amendment authorizes the program for three years as opposed to the bill language of a ten-year authorization.

S. 1942 is a start, but we must make sure that these incentives are not just a flash in the pan. We must ensure that biodiesel becomes a central component of this nation's automobile fuel market.

S. 1942 will provide a partial exemption from the diesel excise tax for diesel blended with biodiesel. Specifically, the bill provides a 1-cent reduction for every percent of biodiesel blended with diesel up to 20 percent.

The bill also provides for reimbursing of the Highway Trust Fund from the USDA Commodity Credit Corporation, (CCC). I believe this procedure will protect the Trust Fund from lost revenues due to the biodiesel incentive while providing a much-needed boost to our nation's biodiesel industry. The cost to the CCC would be offset at least initially by the savings under the marketing loan program.

Biodiesel, which can be made from just about any agricultural oil including oils from soybeans, cottonseed, or rice, is completely renewable, contains no petroleum, and can be easily blended with petroleum diesel. A biodiesel-diesel blend typically contains up to 20 percent renewable content. It can be added directly into the gas tank of a compression-ignition, diesel engine vehicle with no major modifications. Biodiesel in its neat or pure form is completely biodegradable and non-toxic, contains no sulfur, and it is the first and only alternative fuel to meet EPA's Tier I and II health effects testing standards.

Biodiesel also has many environmental and operational benefits. One I would like to highlight is the fuel's lubricating characteristics. Even at very low blends, biodiesel contributes operational and maintenance benefits to diesel engines by continuously cleansing the engine as it runs. This is even more significant when using ultra-low sulfur diesel. With the EPA's new rule to reduce the sulfur content of highway diesel fuel by over 95 percent, biodiesel stands ready to help us reach this requirement.

Farmers in my State of Arkansas and across the country began investing in the development of biodiesel because of the economics of the farm industry. Producing biodiesel from farm commodity oils will provide a ready new market for our farm products. Currently, agricultural oils are widely produced for use in our food markets. However, large supplies of vegetable oils in the world market have resulted in depressed commodity prices in the domestic market.

More than a decade ago, soybean growers recognized that the traditional approach of riding out a depressed market by storing surplus soybean oil until better times would no longer work. The industry had to do more. It needed a proactive and aggressive plan to develop new markets and expand existing ones. Biodiesel is one of these new markets identified with true potential for displacing large quantities of soybean oil.

For cotton, the cottonseed is presently about 20 percent of the value of the crop. Biodiesel will open new value-added uses for the cottonseed oil at a time when new uses and markets are extremely important because of these hard economic times. And for our rice farmers, biodiesel will provide additional incremental increases in value to our rice crop and open up a new outlet for the co-product of rice bran oil.

A Department of Energy and Department of Agriculture study has shown that biodiesel yields 3.2 units of fuel product energy for every unit of fossil energy consumed in its life cycle. By contrast, petroleum diesel's life cycle yields only 0.83 units of fuel product energy per unit of fossil energy consumed. Such measures confirm the "renewable" nature of biodiesel.

Even after years of research and market development, biodiesel is not yet cost-competitive with petroleum diesel. In order to be so, market support and tax incentives are needed. I believe the provisions provided in this bill will help in leveling the field for biodiesel blends and help jumpstart this exciting new industry.

The time is right for this investment. It is right for our rural economy, for our environment, and for our national energy security.

SHE FLIES WITH HER OWN WINGS

Mr. SMITH of Oregon. Mr. President, today I commemorate the anniversary of Oregon's statehood, which was secured this day in 1859. Oregon became the 33rd State to join the Union, and did so as a free State. At the time, there was no room for Oregon's new Senators in the Capitol, and construction immediately began on the Chamber we find ourselves in today. One hundred and forty-three years later, there seems to be plenty of room in the Congress for Oregon and the 17 States that followed her.

From "fifty-four forty or fight!" to my State's current motto, "She flies with her own wings," Oregon has always been emblazoned with the spirit of independence. Inaugurated by the arrival of Lewis and Clark at Fort Clatsop in 1805, this spirit of self-determination brought forth the pioneers from across the plains and over the snowy peaks of the Rockies and into Oregon Country. It is the marrow of the pioneers with their axes who forged high into Oregon's forested mountains to fell the timber needed to build an empire, and the farmers in the emerald valleys who pulled their plows through the soil to grow the crops that feed a nation.

The economy that grew from those natural resources stood strong for a century, during which time we learned to build fish hatcheries and to replant our trees to ensure a sustainable bounty from the land and the water. When the hydropower system was built on the Columbia River, rural Oregon was electrified and the agricultural products of the "inland empire" were launched into the world. It was at the dedication of Bonneville Dam in 1937 that President Roosevelt aptly described the growing challenge of balanced economic growth between urban and rural areas. He said that the healthiest growth of urban areas "actually depends on the simultaneous healthy growth of every smaller community within a radius of hundreds of miles."

The current economic downturn in my state echoes Roosevelt's challenge. Whether it is in the Silicon Forest or the Doug Fir Forest, Oregon is learning that entire industries must no longer be pitted against one another, or rural economies exchanged for urban ones. We need them all, and we have to create an environment for them to flourish. Not long ago, Oregon was the Nation's leader in high-tech and timber. Now, Oregon leads the Nation in unemployment and hunger.

The wings by which Oregon flies are heavily burdened, and much of the weight falls from the Federal Government. Congress has failed to produce a stimulus package to relieve small businesses, families and the unemployed. But federal failures like this are not new to Oregon. The government is still in default on its promise to timber communities affected by the Northwest Forest Plan. So, too, are answers due to farmers in the Klamath Basin whose livelihoods were held captive by shoddy science.

Ironically, Oregon needs both "more" and "less" of the federal government. Oregon needs the federal government to be less burdensome to commerce, less capable of wiping out resource-based communities, and less eager to carry out grand political experiements on Oregon soil. But it also needs the government to be more honest in its dealings, more accountable for its actions, more targeted in its assistance, and more respectful of local approaches to local problems. It is only in such a world that Oregon's farmers and ranchers can truly thrive, her businesses flourish, and her economy survive. On the 143rd anniversary of Oregon's statehood, I know this because I know that no bird flies too high if she flies with her own wings.

AGRICULTURE, CONSERVATION, AND RURAL ENHANCEMENT ACT OF 2001

Mrs. MURRAY. Mr. President, I rise today to express my strong support for the farm bill the Senate passed yesterday.

I want to commend Senator HARKIN for this bill. Through his leadership, the Senate has passed a Farm Bill that will establish a better economic safety net for many farmers, bolster conservation efforts, improve nutrition and food security for our poorest citizens, and encourage new opportunities in rural communities. The bill also makes critical investments in agricultural trade and research.

I will talk about the long-term policy changes in a moment, but I want to mention a critical amendment sponsored by Senator BAUCUS. The Baucus amendment provides assistance to farmers and ranchers who have been hard hit by drought and other weather events in the last year. I worked with Senator CANTWELL to include $100 million in market loss assistance for apple growers in the amendment. I am very pleased the Senate voted 69–31 in favor of the amendment, and I will work to keep it in the final bill.

This Farm Bill passed by the Senate today will restore an effective safety net for many of our Nation's farmers.

For the last several years, I have heard concerns from farmers in Washington State who grow wheat, barley, dry peas, lentils and chickpeas. They believe, as I do, that the 1996 Farm Bill failed to meet the needs of producers and rural communities. The strongest proponents of the 1996 Farm Bill argued that if we gave producers more flexibility, created the best agricultural research system in the world, and opened foreign markets, our farmers would thrive in the global marketplace.

I strongly supported more flexibility in our commodity programs. And I have strongly supported efforts to improve our research infrastructure and expand and open foreign markets.

But our actions were not enough. Congress could not wave a magic wand and create a rational world market for agricultural products. The commodity title of the 1996 Farm Bill was written for a world that simply did not, and does not, exist.

This year, in this Farm Bill, Congress has the opportunity to write a commodity title that works. And Senator HARKIN and the Senate Agriculture Committee did just that. Wheat and barley producers in Washington State will benefit from a strong safety net that includes a good balance between higher loan rates, fixed payments, and countercyclical payments when market prices fall below target prices.

In addition, the bill includes a new marketing assistance loan program for dry peas, lentils, and chickpeas. I applaud this provision in the bill. It will help restore market-based decisions and make it economical for producers across the northern-tier States to grow these important rotational crops. I have been pleased to work with my dry pea, lentil, and chickpea growers in Washington State on this important issue. I believe it is critical, and I urge the conferees to retain this provision in the final bill.

The Senate Farm Bill makes critical investments in conservation. The conservation title creates new opportunities to conserve resources on private lands while helping farmers and ranchers with their bottom lines.

The conservation title of this bill gradually increases funding for the Environmental Quality Incentives Program from its existing authorization of $200 million a year to $1.5 billion each year. EQIP is an effective and flexible tool. It provides technical, financial, and educational assistance to producers to build animal waste management facilities, improve irrigation efficiency, or enhance wildlife habitat. The EQIP funding included in this bill will help us improve water quality and salmon habitat in the Pacific Northwest.

The bill also includes commonsense increases for the Conservation Reserve Program and the Wetlands Reserve Program. While I recognize there are some concerns in farm country with expanding these programs, I believe the CRP and WRP provisions in this bill are reasonable.

The bill includes a new water conservation program within CRP. I believe this program will lead to new opportunities to protect fish and wildlife, while respecting the rights of our farmers and ranchers. As the bill goes to conference, I look forward to working with interested organizations on this issue.

Finally, the conservation title expands our investments in the Farmland Protection Program, the Wildlife Habitat Improvement Program, the Resource Conservation and Development Program, establishes a new Conservation Security Program, and improves forestry initiatives.

The conservation changes made in this bill are particularly important to States like Washington. The farmers in my State produce approximately 230 commodities. However, only a fraction of these commodities have a direct income or price support relationship with the Federal Government.

Without new investments in the Environmental Quality Incentives Program, the Conservation Reserve Program, and the Conservation Security Program, many farmers and ranchers would not receive the financial help they need to make the conservation investments the public is demanding. This bill creates a win-win situation for the environment and for farmers and ranchers.

I believe Congress also has a responsibility to create a win-win situation for our farmers and ranchers with respect to trade. One way we can do this is to invest in trade promotion programs that will help our farmers build marketshare in foreign countries.

In 1999, and again in 2001, I introduced the Agricultural Market Access and Development Act. My legislation would increase funding in the Market Access Program to $200 million and enhance funding for the Foreign Market Development Program. I was joined on that legislation by a bipartisan coalition of members.

The Senate Farm Bill includes substantial new investments in the Market Access Program and the Foreign Market Development Program, and I was pleased to be the leading advocate in the Senate to enhance these programs.

Congress also has a responsibility to allow all commodity groups to participate in our foreign food aid programs. I worked to include a small provision in the Farm Bill that requires the U.S. Department of Agriculture to issue a report on the use of perishable commodities, like potatoes and apples, in foreign food aid programs. Specifically, my amendment requires USDA to report to the Congress on transportation and storage infrastructure problems and funding problems that have prevented greater participation in the programs by specialty crops.

Just recently, 110,000 boxes of apples arrived in Vladivostok, Russia. This is the first time USDA has funded a shipment of perishable commodities through our foreign food aid programs.

I believe our fruit and vegetable producers deserve an opportunity to participate in these initiatives, and I believe this report will be an important first step in improving access to these programs.

The Farm Bill includes additional provisions that I believe will help our farmers and ranchers.

The first would require country-of-origin labeling for fruits and vegetables, meat, and farm-raised fish and shellfish. We require our farmers and ranchers to meet environmental and food safety standards that are far above many of our competitors. Country-of-origin labeling will give consumers additional information with which to make a decision on the food they buy.

The second provision would allow the Federal Government to guarantee private loans to Cuba for the purchase of U.S. agricultural products. For too long, the United States has used food as a weapon against the Cuban people. The only person that has benefitted from this policy is Fidel Castro. I strongly support the Committee's bill with respect to Cuba, and I was pleased to join with my colleagues in defeating an amendment to eliminate these new financing tools.

Trade is critical to the long-term future of our agricultural producers. One other long-term investment we need to make is in the area of agricultural research.

In my home State, we are fortunate to have an excellent working relationship between our State universities and the USDA Agricultural Research Service. Through these partnerships, our universities and USDA have been able to leverage limited resources to create new varieties of crops, enhance food safety and improve conservation. This research benefits farmers, consumers, and the environment.

I am pleased that this Farm Bill strengthens our research infrastructure and increases funding for priority research initiatives. One program that is of particular significance to researchers in Washington State is the Initiative for Future Agriculture and Food Systems, and I am pleased the Senate bill includes additional funding for it.

The Farm Bill goes far beyond agriculture and conservation. It is a critical vehicle for helping communities and the poor.

Senator HARKIN has always been a leader in rural development, and this Farm Bill shows how seriously he takes this issue.

Included in the managers' amendment is a provision I authored on rural telecommunications planning. It would simply modify the broadband telecommunications grant program in the bill to add a small planning component. I will work to include this and other rural telecommunications provisions in the final bill.

I would like to complete my remarks by commending Senators HARKIN and LUGAR for their efforts in writing a strong nutrition title in this Farm Bill. Both the Chairman and Ranking Member of the Committee have an outstanding record on these issues. During debate on the Farm Bill, I was pleased to support amendments that further strengthened the food stamp program changes included in the bill.

The underlying bill made significant improvements to the food stamp program. It provides three more months of transition food stamps for families moving off welfare. It simplifies the program for State administrators and participating families. It helps benefits keep up with inflation and addresses the needs of the poorest families. And it restores eligibility for low-income working legal immigrants and their families.

The Senate also passed amendments by Senators DURBIN, DORGAN, and MCCONNELL that expanded the nutrition title. The Durbin amendment helped restore food stamp benefits to legal immigrants who have lived in the United States for five years. The Dorgan amendment expanded access to food stamps for families with children and modified the excess shelter expense deduction. The McConnell amendment expanded access to food stamps for low-income disabled families.

I was pleased to support final passage of this legislation. I believe it is the right bill at the right time for rural America, and I look forward to working with my colleagues as the bill goes to conference.

TRIBAL FORESTRY IN THE FARM BILL

Mrs. MURRAY. Mr. President, I rise today to speak on two tribal forestry amendments that were included in the Farm Bill that passed the Senate yesterday. I was pleased to work on these amendments with Senators INOUYE, DASCHLE, CANTWELL, BAUCUS, and WELLSTONE.

The purpose of these amendments is to improve coordination between the United States Forest Service and Native Americans in managing and protecting our natural resources.

The Forest Service owns millions of acres of forests and grasslands that share borders with land owned by tribes and by individual Native Americans. It is in the national interest for the Forest Service and tribes to coordinate their efforts to protect and manage these resources. It is also the Federal Government's fiduciary responsibility to assist tribes in managing trust lands and to ensure that tribal treaty rights on Forest Service lands are upheld. While over the years the Forest Service has adopted many policies regarding relationships with tribal governments, these policies have not been implemented consistently.

In 1999, the Chief of the Forest Service created a National Tribal Relations Task Force to make recommendations to strengthen policies and improve coordination. The Task Force, which included representatives from the Forest Service, the Intertribal Timber Council and the Bureau of Indian Affairs, BIA, found that, "Specific legal authorities, authorizing legislation, regulations, manuals, and handbooks, must be modified to expand the foundation necessary to build long-term working relationships with Indian Tribes."

These amendments build upon the recommendations made by the Task Force. The first amendment expands the Cooperative Forestry Assistance Act to include a section creating four programs for tribal governments. Currently, tribes are eligible to participate in the Forestry Incentives and Forest Stewardship programs created by the Act, but there are significant barriers to tribal involvement in these programs, which were designed primarily for state governments.

This amendment would allow the Secretary to facilitate tribal consultation and coordination on issues related to tribal rights and interests on Forest Service land, management of shared resources, and tribal traditional and cultural expertise. It would also authorize the Secretary to provide assistance with: conservation awareness programs on tribal forest land; technical assistance for resources planning, management and conservation; and tribal acquisition of conservation interests from willing sellers.

The second amendment to the Cooperative Forestry Assistance Act would create an Office of Tribal Relations within the Forest Service. The purpose of this Office is to provide advice to the Secretary on Forest Service policies and programs affecting Native Americans, to ensure coordination between the Forest Service and tribes and to administer tribal programs set up by the Forest Service. The amendment also requires the Office to coordinate with other agencies within the Agriculture Department, as well as with the BIA and the Environmental Protection Agency. Finally, the amendment requires the Office to create an annual report on the status of these efforts to increase partnerships between the Forest Service and Native Americans.

There is widespread support for these amendments authorizing greater collaboration between the Forest Service and Native American tribes. The Department of the Interior is in favor of these amendments, and the U.S. Department of Agriculture has signed off on them as well. I have heard from several Washington state tribes asking me to be an advocate for these additions to the Forestry Title of the Farm bill. I am especially grateful for the Makah Tribe and the Intertribal Timber Council, which brought these ideas to me last year. Also, I greatly appreciate the assistance I have received from Senators DASCHLE, INOUYE, CANTWELL, and

BAUCUS in working on these amendments. I also appreciate help I received from Senators HARKIN and LUGAR so these amendments could be included in a manager's package of amendments to the Farm Bill. On behalf of the numerous tribes with forest and grasslands bordering Forest Service lands.

ENDORSEMENT OF AMENDMENT TO BAN PACKER OWNERSHIP OF LIVESTOCK

Mr. JOHNSON. Mr. President, I rise today to call to the attention of my colleagues an editorial which appeared in the Huron, SD Daily Plainsman entitled "We Need Action, Not Another Study." This editorial provides a strong endorsement of the bipartisan amendment that Senator GRASSLEY and I had included in the Senate version of the farm bill to ban the ownership of livestock by packers.

This newspaper recognizes the importance of my amendment and understands the real motivation behind the lobbying efforts to replace my language with a study on vertical integration—to kill it.

This editorial speaks clearly to the importance of having a farm bill that goes after concentration and replaces government checks with dollars from a true, competitive marketplace.

Mr. President, I ask unanimous consent that the editorial published in the Huron Daily Plainsman on February 10, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Huron Daily Plainsman, Feb. 10, 2002]

WE NEED ACTION, NOT ANOTHER STUDY

An amendment to the Senate farm bill being offered by Sen. Tim Johnson, D–S.D., that would ban packer ownership of livestock 14 days prior to slaughter is running into rough resistance from the packing industry.

The latest is an amendment that would replace Johnson's proposal with a study.

Passing a farm bill that generously hands out taxpayers' dollars to producers who are caught in the mire of low services caused by corporate concentration in the agricultural industry isn't the idea. More important is a farm bill that attacks concentration and replaces government checks with dollars from the marketplace that are generated from true market competition.

The Johnson-Grassley amendment is a step in that direction. If Congress decides to study it some more, all that will do is to allow the big boys to get even bigger and continue the economic depression that has staggered rural South Dakota the last five years.

Smithfield Foods, which owns the John Morrell plant in Sioux Falls, recently placed ads in South Dakota newspapers criticizing Johnson's amendment. The ad said that if the amendment becomes law, Smithfield Foods would not rebuild the Sioux Falls plant, or build a new plant in South Dakota or make any further investment in South Dakota or any other state where public officials are hostile to their company.

The ad has been called economic blackmail and politically motivated. It appeared only in South Dakota newspapers, even though Sen. Chuck Grassley, R–Iowa, is a co-sponsor of the amendment and Smithfield owns a plant in Iowa. Johnson, who has championed a number of bills, such as the ban of packer ownership of livestock and a meat-labeling law, that brought the ire of the meat-packing industry down on him, is facing a tough re-election bid against Rep. John Thune.

But the motivation of the Smithfield ad is clear and simple—further control and dominance of the livestock industry.

It must be remembered that Smithfield is the company that bought out the Dakota Pork plant and then promptly closed it down, abruptly putting about 800 people out of work. At the time, Dakota Pork was John Morrell's main competition for South Dakota hogs.

In the Smithfield ad, not only did the company criticize Johnson's amendment, but it also said Amendment E was a restrictive law that was responsible for diminishing the supply of South Dakota hogs to its Sioux Falls plant.

But what has caused the decline of the hog industry in South Dakota was not the law that banned corporate hog farms in the state, but the vertical integration business practices of companies such as Smithfield Foods that seek to dominate the industry from the gate to the plate.

The "it's either our way or no way" business philosophy of giant agricultural corporations seeks to industrialize the agricultural industry at the expense of independent farmers and ranchers and rural communities.

Smithfield, which is already the world's largest producer and processor of hogs, also reflects a corporate philosophy that is troubling to independent producers and rural communities.

Grassley recently spoke of a conversation he had with the head of Smithfield, Joe Luters, when Luters said that the average farmer isn't sophisticated.

"I wish we could remember the exact words because it was very denigrating to the family farmer, not being smart enough to run his operation," Grassley said.

The objectives of this amendment are to increase competitive bidding, choice, market access, and bargaining power to farmers and ranchers in livestock markets.

Now, does that sound like that would destroy the pork and beef industry? Or does it sound like it would threaten large corporations in their bid to decrease independent producers' ability to have competitive bidding, choice, market access, and bargaining in livestock markets?

PLANNING GRANTS FOR RURAL TELECOMMUNICATIONS DEVELOPMENT

Mrs. MURRAY. Mr. President, I am pleased that Chairman HARKIN and Senator LUGAR accepted my amendment on rural telecommunications to the Farm Bill that passed the Senate yesterday.

My amendment simply adds a small planning component to the scope of acceptable activities for grants in the bill to help rural communities get connected to broadband telecommunications services.

Specifically, my amendment would provide access to broadband planning and feasibility grants to rural communities, with a maximum of $250,000 for statewide grants and $100,000 for regional grants. The total resources would be no more than $3 million per year for this purpose. State governments, regional consortia of local governments, tribal governments, cooperatives, and State and regional non-profit entities would be eligible to receive the grants.

As small and rural communities across the country try to get connected to advanced telecommunications services, they need help in the planning stage. And this amendment will give them the help they need.

Three years ago, I formed several working groups in my state to identify the primary needs of our rural communities and to find ways that our government can help meet those needs. We learned that many rural communities don't have access to advanced telecom services, like high speed Internet access. That lack of access is hampering their economic development and quality of life.

So I developed another working group to look for ways to help communities get connected to advanced telecommunications services. The members of my Rural Telecommunications Working Group held forums around the state that attracted hundreds of people. We tapped the ideas of experts, service providers and people from across the State who are working to get their communities connected.

They found that while urban and suburban areas have strong competition between telecommunications providers, many small and rural communities are far removed from the services they need.

We must ensure that all communities have access to advanced telecommunications like high speed Internet access. Just as yesterday's infrastructure was built of roads and bridges, today our infrastructure includes advanced telecom services.

Advanced telecommunications can enrich our lives through activities like distance-learning, and they can even save lives through efforts like telemedicine. The key is access. Access to these services is already turning some small companies in rural communities into international marketers of goods and services.

Unfortunately, many small and rural communities are having trouble getting the access they need. Before areas can take advantage of some of the help and incentives that are out there, they need to work together and go through a community planning process.

Community plans identify the needs and level of demand, create a vision for the future, and show what all the players must do to meet the telecom needs of their community for today and tomorrow.

These plans take resources to develop. This amendment would provide those funds.

Providers say they're more likely to invest in an area if it has a plan that makes a business case for the costly infrastructure investment. Communities want to provide them with that plan, but they need help developing it.

Unfortunately, many communities get stuck on that first step. They don't have the resources to do the studies and planning required to attract service.

So the members of my Working Group came up with a solution: have the Federal Government provide competitive grants that local communities can use to develop their plans.

I took that idea and put it into a bill that I introduced in June 2001, S. 1056, the Community Telecommunications Planning Act of 2001. The basic structure of that amendment was incorporated into the Farm Bill.

When you think about it, it just makes sense. Right now the Federal Government already provides money to help communities plan other infrastructure improvements, everything from roads and bridges to wastewater facilities.

The amendment would provide rural and underserved communities with grant money for creating community plans, technical assessments and other analytical work that needs to be done.

With these grants, communities will be able to turn their desire for access into real access that can improve their communities and strengthen their economies. This amendment can open the door for thousands of small and rural areas across our state to tap the potential of the information economy.

I will work to ensure this provision is included in the final bill along with the other critical telecommunications initiatives that passed the Senate yesterday.

BUTTER/POWDER TILT

Mrs. BOXER. Mr. President, the U.S. Department of Agriculture, USDA, sets a price for the purchase of non-fat dry milk and the economic impact of USDA's decision is very important to California dairy farmers. On May 31, 2001, USDA made a decision to drop the price at which it will purchase non-fat dry milk as part of the dairy price support program.

USDA did not provide the dairy industry with an opportunity to provide information or comment on the Department's recommended decision. There was no advance notice or public hearings.

USDA conducted an economic analysis and all of the options may have been analyzed. But this information has not been released to the public, even though it was requested under the Freedom of Information Act.

In the first 6 months after USDA's decision to lower the price for non-fat dry milk took effect, California's dairy farm families lost tens of millions of dollars. In meetings with USDA, California farmers learned that another drop in the price is under consideration, which would result in millions more lost to dairy farmers. California produces 40 percent of the nation's supply of non-fat dry milk and so California could be hit hard yet again.

Transparency is a critical part of a fair and equitable decision-making process and it does not currently exist in the USDA process for setting the non-fat dry milk price. The Secretary is currently required to make a decision that includes factors such as cost reduction to USDA. The Secretary also must consider other factors that the Secretary considers appropriate. I believe additional steps should be taken during the conference to assure tranparency in the Secretary's decision-making process.

Factors that may be important to a decision to change the prices for butter and non-fat dry milk include: whether the decision will result in an intended change in milk production, whether the change will actually reduce government purchases and related costs, whether it will change producer milk prices, and whether other market factors, such as imports, have an effect.

Milk Protein Concentrate, MPC, is of particular concern. A recent GAO study documented significant increases in MPC imports that may be displacing domestic milk protein products. Since USDA is not releasing its economic analysis, we cannot know whether this important issue is being properly considered.

I would like to ask the Chairman of the Agriculture Committee, Senator HARKIN, if he would be willing to work with me on additional language to address this issue during the conference?

Mr. HARKIN. I would be pleased to work to address the concerns of the Senator from California regarding USDA procedures for the dairy support program.

PRESIDENT BUSH'S CHINA VISIT

Mr. CRAIG. Mr. President, later this month President Bush will be visiting the People's Republic of China. Clearly this is going to be an important visit. The issues the President will discuss with China's leaders are among the most important of our national agenda, including the following:

The war on terrorism, where we need China's continued support and cooperation.

The global economy and our bilateral economic relations with the PRC, a new member of the WTO.

Security relations in Asia where both of our countries have important interests and long-standing and close ties to other regional powers.

Among all these issues, though, one that will undoubtedly be raised by the PRC is Taiwan. It is a pretty safe bet that the PRC's leaders will try to use the President's visits to win some concessions on issues relating to Taiwan. They will probe for any signs that the United States is willing to compromise some of our interests in a strong U.S.-ROC relationship in exchange for real or promised strengthening of our ties with Beijing.

I know the President will be ready for this gambit, and will be fully prepared and determined to turn back any such efforts by Beijing. The President has already made it clear how important our ties with Taiwan are to the United States, and he has made it equally clear that he will not compromise our interest in regard to Taiwan in any way.

I am confident he also knows that as he pursues this strong, principled and sensible stand, he will have the full backing of the U.S. Senate. He will not stand for any Beijing attempts to undermine U.S.-ROC relations, and he knows the Senate of the United States won't, either.

The fact is, the Republic of China is one of our best friends in the region. It is also one of the region's strongest economies and most vibrant democracies. We have extensive ties to Taiwan, which are both articulated and protected in the Taiwan Relations Act. We are not going to do anything to compromise those ties.

I know I speak for all Senators when I express the wish that the President's visit to the PRC will be productive and advance our interests in Asia and the world, and when I express the confidence that U.S.-ROC relations will continue to be strong and to prosper, even as our relations with Beijing evolve.

Mr. GRASSLEY. Mr. President, in keeping with my policy on public disclosure of holds, today I placed a hold on further action on the Clean Diamond Trade Act, legislation reported out by House of Representatives.

Although this bill is very important to the continent of Africa's efforts to rid itself of rebels that use the sale of rough diamonds to overthrow legitimate governments, the measures in this legislation fall within the jurisdiction of the Finance Committee.

The proposed legislation calls for prohibiting diamond imports and should be discussed thoroughly before any rash decisions are made. With this in mind it is necessary for this bill to be referred to the Finance Committee to be heard and debated by our members before we send this legislation back to the floor.

NATIONAL DUCHENNE MUSCULAR DYSTROPHY AWARENESS WEEK

Ms. COLLINS. Mr. President, as we commemorate National Duchenne Awareness Week, I express my gratitude to my colleagues and to the Bush administration for their support late last year in passing H.R. 717, the Muscular Dystrophy Community Assistance Research and Education Act.

Sadly, at this time, there is no cure for DMD. Little boys with DMD are most often not diagnosed before the age of 2 or 3 years. Most boys with DMD walk by themselves later than average, and then in an unusual manner. They may fall frequently, have difficulty rising from the ground, or experience difficulty going up steps. Calf muscles typically look over-developed or excessively large, while other muscles are poorly developed. Use of a wheelchair may be occasional at age 9, but total dependence is usually established in the teen years. Most boys affected survive into their twenties, with relatively few surviving beyond 30 years of age.

I have heard from the parents and family of two little boys in Maine who have DMD. Their names are Matthew and Patrick Denger, and their family members are desperately hoping for a cure so they don't have to watch their sons suffer the long-term impacts of this debilitating disease. While we are far from finding a cure for DMD, I am hopeful that the MD CARE Act, signed into law by President Bush on December 18, 2001, will help Matthew and Patrick and the thousands of other young boys suffering from DMD. Specifically, the act authorizes the Secretary of Health and Human Services to expand and increase coordination of the activities by the National Institutes of Health with respect to research on muscular dystrophies, including DMD.

Efforts to improve the quality and length of life for thousands of children suffering from Duchenne muscular dystrophy are valuable beyond measure, and I commend all of my colleagues and all of the families who have worked so hard to raise awareness about this devastating disease.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 28, 1994 in Fall River, MA. A gay high school student was beaten by another teen who was heard shouting anti-gay epithets. The assailant, a minor, was charged with a hate crime and assault and battery.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

U.S. COMMISSION ON AFFORDABLE HOUSING AND HEALTH FACILITY NEEDS FOR SENIORS IN THE 21ST CENTURY

Ms. COLLINS. Mr. President, I am following with great interest the work of the U.S. Commission on Affordable Housing and Health Facility Needs for Seniors in the 21st Century, a Congressionally established panel co-chaired by Nancy Hooks of New York and Ellen Feingold of Massachusetts. Through a series of coast-to-coast field hearings, the "Seniors Commission" has launched an important nationwide dialogue on senior housing and health care issues, and the public policy challenges America is facing with the aging of the baby boom generation.

The Seniors Commission is due to deliver its recommendations to Congress by June 30, 2002. I am hopeful that the work of this panel will help to produce a more effective, coordinated and efficient approach to housing and health services for seniors. Americans—young and old—can learn more about the commission and share their views with the commissioners by viewing the Seniors Commission's Web site—*www.seniorscommission.gov*.

PRESIDENT BUSH'S CLEAR SKIES PROPOSAL

Mr. ENZI. Mr President, I rise to speak in support of the President Bush's Clear Skies proposal that he announced earlier today. The president's proposal is a plan that would use our nation's greatest resource, the ingenuity of our private industries, to ensure our children and grand children can inherit, not just a healthy environment, but a healthy economy as well.

The President has made this possible by giving industries a clear target to reduce emissions but will allow them to find the means and the method to reach those targets without following the traditional command and control environmental policies that have proven to be such a big failure in the past.

The goals are not going to be easy to reach. His proposal to reduce greenhouse gas emissions by 18 percent over the next ten years is going to require Industry stretch if it is going to measure up to the President's yardstick. But the goals are attainable, and, more importantly can be reached without bankrupting rural communities that rely on energy development, or by hurting those people who will suffer most by rising energy prices—people like seniors or low income families who could be forced to chose between paying their heating bills or buying food.

I also want to applaud the President for his willingness to reach out to developing nations to help work with them in developing a truly global effort to address global warming.

I have had the privilege of representing the United Senate at a number of Global Warming Conferences, starting with Kyoto, Buenos Aires, Seattle and more recently at the Hague. Those meetings provided me an opportunity to meet with global warming experts and representatives from other nations to discuss the role of the U.S. Senate in ratifying any treaty signed as a result of the United Nations negotiations.

Based on a 1997 Byrd-Hagel resolution, that passed the Senate on a final vote of 95 to 0, my message at each conference has included two important mandates that the Senate feels must be present in any global agreement affecting the United States. First, developing countries currently excluded from the framework protocol must be included in any final agreement; and second, the agreement could not result in serious harm to the United States' economy.

This is an issue that I have also been privileged to work on in my new capacity as a member of the Senate Foreign Relations Committee, where last year we passed an amendment proposed by my distinguished colleague from Massachusetts, Mr. KERRY, to the Department of State Reauthorization Act that encouraged the President to do exactly what he has done today. The President's new proposal reengages the United States as major player in the international global warming debate, this time not as the country that will bank roll all of the programs, but as a leader that will show other nations the way to improve the environment without destroying the economy.

Under the President's proposal, US companies will be able to invest in technologies to offset greenhouse gas emissions without fearing that they will not get credit for their innovations, or that they will have even greater or more difficult requirements imposed on them because of their voluntary effort. They will no longer have to worry that they will be penalized for having done the right thing.

Once again, Mr. President, I applaud the President Bush for his proposal and for his vote of confidence in the people of the United States. American know-how and ingenuity has fueled the technological advances we are already using today to make steady improvements in air and water quality. The President hit the nail right on the head when he said that it is our strong economy that makes it possible for us to make those necessary technological advances.

ADDITIONAL STATEMENTS

TRIBUTE TO BOB KRICK

• Mr. TORRICELLI. Mr. President, today I salute the retirement of Bob Krick, Chairman of the Civil War Preservation Group and Chief Historian at the Fredericksburg and Spotsylvania National Military Park. Throughout his long career, Bob has been a dedicated advocate for the preservation of American Civil War battlefields.

As a Civil War historian, Bob has written nearly a dozen books, most notably "Stonewall Jackson at Cedar Mountain." Bob has also written four unit histories, including a roster of Confederate soldiers killed at the Battle of Gettysburg and a book about a Marine Corps infantryman at the Battle of Iwo Jima. His dedication to preserving Civil War sites has saved literally thousands of battlefield acres every year.

Bob, who lived in Fredericksburg when he began his career as a Civil War preservationist, did extensive work at the Fredericksburg Battlefield site, including significantly increasing the size of the park. During his time at Fredericksburg, Bob also taught the historians at nearly half of the Civil War Battlefield parks across our country. Despite the fact that Bob is retiring, his effect on preserving one of the defining periods in our Nation's history will continue to make an impact long after his departure.

Although much has been accomplished during Bob's tremendous career, there is still more to do. Therefore, Bob plans to serve on the Board of the Richmond Battlefield Association, write more books and continue advocating for the protection of Civil War Battlefields. I wish Bob the best of luck and look forward to our continued friendship.•

AMERICAN HEART MONTH

• Mr. INHOFE. Mr. President, Since it is Valentine's Day, I would like to offer a few brief comments on the heart health status of our nation. It is a serious concern in my state of Oklahoma and all across the country. Today over two thousand Americans will die from some form of cardiovascular disease, and in my state of Oklahoma, almost 45 percent of all deaths this year will be from cardiovascular disease. Heart disease is the number one leading cause of death in Oklahoma and in America. This is a sad state of affairs.

Although some children are born with heart conditions, and others may have a genetic tendency toward developing cardiovascular disease, there are many people suffering who could have prevented the onset of heart disease. A healthy diet and regular cardiovascular exercise can prevent high blood cholesterol levels, obesity, and high blood pressure, all of which are risk factors for heart disease.

I appreciate the work of the American Heart Association and others in raising awareness of the risk factors, warning signs, and preventative lifestyle behaviors that are crucial in our fight against this type of disease. This year the focus of Heart Month, which we celebrate every February, is Being Prepared in a Cardiac Emergency. I encourage all of my fellow Americans to take a CPR class, and I urge parents to teach their children how to call 9–1–1 in an emergency. Taking just a few cautionary steps can save lives.

Heart-shaped cards and candies inundate us this week and especially today. When we see these playful reminders of Valentine's Day, let us be reminded of how we must take care of our heart health and continue to fight the tragedy of heart disease in our Nation.•

TRIBUTE TO STAMFORD'S FIRST AFRICAN-AMERICAN POLICE OFFICER

• Mr. LIEBERMAN. Mr. President, James Foreman, a distinguished citizen of Stamford, CT, celebrated his 90th birthday on February 12. Raised in Stamford and a World War II Army veteran, James Foreman was the first full-time African-American police officer hired by the City of Stamford Police Department. Prior to his official hiring in 1947, Jim had served as a "special hire," or auxiliary officer, for 12 years. As a police officer, he served with great courage, often in the most difficult areas of the city. Jim retired as a patrolman from the Stamford Police Department in 1977, with a total of 42 years of service. Since his 1977 retirement from the police force, Jim Foreman has remained very active and dedicated to public service in the community. He is a Justice of the Peace for the City of Stamford, and he volunteers in service to other senior citizens. Jim is well respected and greatly admired in the City of Stamford. I remember him with fondness and respect from the years of my youth, and after, in Stamford.

I am delighted to join with the current and past members of the Stamford Police Department, the citizens of Stamford, and Jim Foreman's family and friends in honoring him on his 90th birthday. We are eternally grateful to him for all the years he put his life on the line to enforce the law and protect the citizens of Stamford regardless of their race or creed. We are grateful, too, for all Jim Foreman accomplished through his long and dedicated service to help break down racial barriers in the department and throughout my home town of Stamford.•

"GUNFIGHTERS" FROM MOUNTAIN HOME AFB

• Mr. CRAIG. Mr. President, I rise today to recognize the accomplishments of our service men and women who have served or who are serving during Operation Enduring Freedom. All who were involved in this operation have done an extraordinary job routing terrorism, defending our nation from further attacks, and making their fellow Americans proud of their efforts and accomplishments.

Let me especially thank the brave men and women of Mountain Home Air Force Base (MHAFB). The 366th Wing of MHAFB deployed three of their flying squadrons during this recent and ongoing operation, which included the 389th Fighter Squadron of F–16Cs, the 391st Fighter Squadron of F–15Es, and the 34th Bomber Squadron of B–1Bs. During their time in and around Afghanistan the 389th flew daily sorties attacking Taliban vehicles, facilities, and cave complexes. The 391st added to toppling the Taliban and al Qaeda by dropping a majority of the 500 pound precision-guided munitions. And finally, the 34th were the lead bombers of the campaign and accounted for a majority of the Air Force's 14 million pounds of munitions in the first 95 days of the air campaign.

Without these squadrons' support, justice might still have been served in Afghanistan, but it would not have been served forcefully, with authority, and with accurate and deadly precision. This was a tremendous accomplishment which demonstrated to potential evil-doers that aggression against the United States will provoke a response from Mountain Home Air Force Base and other United States entities.

While the 389th, the 391st and the 34th received well-deserved attention, let us not forget the efforts of MHAFB here at home protecting the United States. In addition to its efforts abroad, MHAFB is playing a significant role in defending our nation as part of Operation Noble Eagle. Currently, the 726th Air Control Squadron is protecting our interior air space twenty-four hours a day. And as I speak, the 726th is monitoring the air traffic over and around Salt Lake City ensuring the Olympics continue without interruption. Also helping support a safe Olympics is the 22nd Air Refueling Squadron of Mountain Home, which is flying air refueling missions for the combat air patrol fighters around Salt Lake.

Once again, I want to thank all of our men and women in uniform for their efforts and I especially want to take this opportunity to salute MHAFB. As the motto of the 366th Wing says, "Audentes Fortuna Juvat," Fortune Favors the Bold. I am proud that Idaho is the home of the bold men and women of Mountain Home AFB, and I wish them good fortune in all their future endeavors.•

COMMEMORATING THE RETIREMENT OF MAJOR GENERAL WILLIAM A. MOORMAN

• Mr. DURBIN. Mr. President, I would like to bring to your attention today the exemplary work and most commendable public service of one or our country's outstanding military leaders, Major General William A. Moorman, the Judge Advocate General of the United States Air Force. General Moorman will be retiring after an especially distinguished military career on May 1, 2002.

General Moorman entered the Air Force in 1971 through the Air Force Reserve Officer Training Corps program. His early assignments included Richards-Gabaur Air Force Base, Missouri, Yokota Air Base, Japan, Homestead Air Force Base, Florida, Luke Air Force Base, Arizona, and at the Pentagon here in Washington, D.C. He later served as the Staff Judge Advocate for 12th Air Force and U.S. Southern Command Air Forces, Bergstrom Air Force Base, Texas; as the first Staff Judge Advocate of U.S. Strategic Air Command, Offut Air Force Base, Nebraska; Staff Judge Advocate U.S. Air Forces in Europe, Ramstein Air Base, Germany; Commander Air Force Legal Services Agency, Bolling Air Force Base, Washington, D.C.; Staff Judge Advocate Air Combat Command, Langley Air Force Base, Virginia; and finally his current position as The Judge Advocate General of the United States Air Force, where he serves in the Pentagon.

General Moorman was born and raised in Chicago, and his father and mother, James and Mary Moorman, still reside in its suburbs. General Moorman earned a Bachelor's degree in history and economics at the University of Illinois, and then went on to attend the University of Illinois College of Law. He is a graduate of Squadron Officer School, a Distinguished Graduate of Air Command and Staff College, Maxwell Air Force Base, Alabama, and a graduate of the National War College, Fort McNair, Washington, D.C. General Moorman is admitted to practice before the U.S. Court of Appeals for the Armed Forces, the United States District Court for the Seventh Circuit and the Illinois State courts. His military decorations include the Distinguished Service Medal, the Legion of Merit with oak leaf cluster, the Defense Meritorious Service Medal, the Meritorious Service Medal with four oak leaf clusters, and the Armed Forces Expeditionary Medal for his service in Panama during Operation JUST CAUSE. General Moorman was also recognized as the Outstanding Young Judge Advocate of the Air Force in 1979, winning the Albert M. Kuhfeld Award, and as the Outstanding Senior Attorney of the Air Force in 1992, winning the Stuart R. Reichart Award.

Since 1999 General Moorman has served as The Judge Advocate General of the Air Force. In that capacity, he led and inspired an organization of over 3,000 military and civilian lawyers, paralegals, and support personnel. General Moorman's dynamic leadership, sound judgment, personal and professional integrity and unwavering devotion to duty were instrumental in the successful resolution of numerous difficult issues facing the JAG Department and the Air Force. At the same time, he was a key and trusted advisor to two Air Force Chiefs of Staff who relied on his sound, timely and cogent advice in resolving a host of complex legal and policy issues they encountered as the military leaders of the Department of the Air Force.

A visionary leader, Bill Moorman's tenure as The Judge Advocate General was marked by innovation and an unwavering focus on serving the needs of his Air Force client, wherever and whenever the mission required. From the outset of his assignment as the Judge Advocate General, he set about to leverage technology, particularly the use of electronic media and communications capabilities, and focus the efforts of his Department on a common vision for its evolution in the coming years. He drew upon the collective expertise of his most knowledgeable senior leaders to create several cornerstone publications, including the first ever judge advocate doctrine, and the "TJAG Vision for the 21st Century." These documents articulate a common understanding of the unique and increasingly critical capabilities military legal professionals bring to bear in support of air and space operations and will ensure the momentum his efforts generated continue beyond his tenure.

Another hallmark of General Moorman's leadership was his sustained initiative to maintain the high levels of skill and competency of the legal professionals who comprise the Department. His efforts were instrumental in enactment of legislation authorizing continuation pay for judge advocates, a measure that is reversing a perennial recruiting and retention problem by ameliorating spiraling student loan financial burdens that previously had prevented many of our best and brightest law school graduates from electing to serve in the nation's armed forces.

Perhaps General Moorman's greatest legacy will be his commitment to ensuring the Air Force Judge Advocate General's Department operates in a fashion that seamlessly merges its diverse, traditional fields of practice into the Expeditionary Aerospace Force model. He orchestrated numerous programs to ensure judge advocates are skilled in advising commanders on the application of air and space power across the spectrum of military conflict and also oversaw the creation of a comprehensive guide covering the application of air and space power across the full range of combat and noncombat operations.

In the midst of the tragedy of September 11, his first thoughts turned to care for the injured at the Pentagon. He used his personal van as an ambulance and drove a wounded civilian employee to Arlington Hospital. He then returned to duty and led the remarkable effort to consider the unique legal issues involved in our homeland defense and the global war on terrorism. His efforts during and after the Pentagon attack underscore the force multiplying effect reliable legal counsel will bring to armed conflict in the 21st century.

I ask that you join me, our colleagues and General Moorman's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Bobbie, and his family are extremely proud of his accomplishments. It is fitting that the United States Senate honors him today.●

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 1:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2998. An act to authorize the establishment of Radio Free Afghanistan.

The enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:25 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 97. Concurrent resolution providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HOLLINGS, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 980: A bill to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes. (Rept. No. 107–137).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to medicare beneficiaries; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN:

S. 1950. A bill for the relief of Richi James Lesley; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individuals employed at skilled nursing facilities; to the Committee on Finance.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. DEWINE, Mr. FRIST, Mr. KENNEDY, Mr. TORRICELLI, Ms. COLLINS, Mr. BREAUX, Mr. WELLSTONE, Mr. BIDEN, Mr. INOUYE, Mr. KOHL, Ms. LANDRIEU, Mr. SPECTER, Mr. JOHNSON, Mr. DORGAN, Mr. CLELAND, Mr. GRAHAM, Mr. DODD, Mr. ENZI, Mr. LEVIN, Mr. KERRY, and Mr. REID):

S. Res. 210. A resolution designating February 14, 2002, as "National Donor Day"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 258

At the request of Mrs. LINCOLN, the names of the Senator from California (Mrs. BOXER) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 258, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of annual screening pap smear and screening pelvic exams.

S. 583

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 583, a bill to amend the Food Stamp Act of 1977 to improve nutrition assistance for working families and the elderly, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 690

At the request of Mr. WELLSTONE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 690, a bill to amend title XVIII of the Social Security Act to expand and improve coverage of mental health services under the medicare program.

S. 710

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 710, a bill to require coverage for colorectal cancer screenings.

S. 1024

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1024, a bill to amend the Public Health Service Act to provide for a public response to the public health crisis of pain, and for other purposes.

S. 1193

At the request of Mr. BAYH, the names of the Senator from Montana (Mr. BAUCUS), the Senator from Minnesota (Mr. DAYTON), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1193, a bill to provide for the certain of private-sector-led Community Workforce Partnerships, and for other purposes.

S. 1248

At the request of Mr. KERRY, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1282

At the request of Mr. HATCH, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1282, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations.

S. 1409

At the request of Mr. MCCONNELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1409, supra.

S. 1499

At the request of Mr. KERRY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1499, a bill to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

S. 1644

At the request of Mr. CAMPBELL, the names of the Senator from Montana (Mr. BURNS) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. JEFFORDS, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1917, supra.

S. RES. 205

At the request of Mr. CAMPBELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. Res. 205, a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

S. RES. 208

At the request of Mr. BREAUX, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. Res. 208, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. CON. RES. 84

At the request of Mr. SCHUMER, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. Con. Res. 84 , a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 2268

At the request of Mr. BROWNBACK, his name was added as a cosponsor of amendment No. 2268 intended to be proposed to H.R. 3338, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2002, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JOHNSON (for himself, Mr. HAGEL, Mr. REED, and Mr. ENZI):

S. 1945. A bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. JOHNSON. Mr. President, I rise to introduce S. 1945, the Safe and Fair Deposit Insurance Act of 2002, together with my good friends and colleagues, Senator HAGEL, Senator REED and Senator ENZI. This important legislation would help to ensure that deposit insurance, which is the bedrock of our banking system, maintains its strength even when faced with economic weakness.

S. 1945 is the culmination of many years of my involvement in the issue of deposit insurance reform. I would like to recognize the banking community in South Dakota for their critical role in the process, from explaining how elements of the current system endanger local banks throughout that great State, to helping to craft solutions that make sense to the average American depositor.

The current deposit insurance system is dangerously pro-cyclical, and in a softening economy, banks are at real risk of having to absorb severe insurance premiums when they can least afford them. In the last month alone, four banks have failed, putting pressure on the insurance funds.

In addition, deposit insurance coverage was last adjusted in 1980, and its real value has eroded over the decades. S. 1945 proposes an increase in coverage, and ensures that in the future, coverage keeps pace with inflation through periodic indexing. We also increase the level of coverage for our municipalities' deposits, to reduce the risk that a bank failure will wipe out a town's financial base, as happened just last week in Ohio, and also to free up much needed capital to lend to cash-starved communities.

Our bill pays special attention to the needs of our retirees. We propose that retirement savings be covered up to $250,000, to allow our retirees to keep their money safe without being forced to search for a bank outside of their trusted communities.

So many of our retirees have spent their lives saving to make sure they can remain independent in their later years, especially given some uncertainty about the long-term health of Social Security. Many have put those savings to work in a variety of investments through tax-deferred accounts and have watched those balances mount.

Over the last few months, however, we have been reminded that while equity markets can provide unparalleled opportunities for economic growth, those opportunities come with volatility. And while many younger investors have enough time to ride out ups and downs, those of us who are closer to retirement age have to make sure we have enough savings in secure investments to provide for a comfortable retirement.

Our bill also merges the two deposit insurance funds, and gives the FDIC additional flexibility to manage the fund balance through regular insurance premiums. Since 1996, 93 percent of all insured depositories have paid nothing for their insurance coverage, which simply doesn't make sense. Under the bill, the FDIC would be permitted to resume premium assessments; however, they would also be required to keep the fund ratio within a range, with a goal of minimizing sharp swings in those assessments. FDIC is also charged with the task of building the fund up in good times, so in bad times, banks will avoid the economic pressure of steep charges that could precipitate a downward spiral.

Finally, we provide a one-time assessment credit so that institutions that have paid their fair share into the insurance funds don't end up subsidizing new entrants and fast growers. The credit will also defer premium payments for up to several years in some cases.

Before I close, I would like to comment on the remarkable bipartisan process that has allowed this bill to take shape. Partisan politics has no place in discussions of deposit insurance reform, which is so critical to America's economic foundation. Senators HAGEL, REED, ENZI and I have worked together on S. 1945, and I am proud of the results of this teamwork. This is just one more example proving that the best laws are those that are built on solid principles by bipartisan teams.

Finally, I thank FDIC Chairman Don Powell for his leadership on this issue. He has recognized the importance of reform, and it has been a pleasure working with him and his talented team at the FDIC.

By Mr. LOTT (for Mr. CAMPBELL (for himself, Mr. DOMENICI, Mr. BINGAMAN, and Mr. ALLARD)):

S. 1946. A bill to amend the National Trails Systems Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Energy and Natural Resources.

• Mr. CAMPBELL. Mr. President, today I am introducing legislation to designate the Old Spanish Trail for addition to the National Trails System.

In 1995, I worked to commission a study of the Old Spanish Trail to assess its historic significance and determine whether it should be included in the National Trails System. That recently published study discussed the Trail in great detail, recognizing it as a benchmark of the Old West.

I would like to commend the Department of the Interior and National Park Service's scholarship in producing the "National Historic Trail Feasibility Study and Environmental Assessment" of the Old Spanish Trail.

The Old Spanish Trail has been called the "longest, crookedest, most arduous pack mule route in the history of America." Linking two quaint pueblo outposts, Villa Real de Sante Fe de San Francisco, now known as Santa Fe, and El Pueblo de Nuestra Senora La Reina de Los Angeles, present day Los Angeles. This 1,200 mile route was a critical crossroads in trade and culture 150 years ago.

American Indians lived for thousands of years throughout the American Southwest, carving out a network of trade and travel routes. The Utes, Paiutes, Comanches, and Navajo peoples used what was known as the Old Spanish Trail.

The Old Spanish Trail played a crucial role as a crossroads for the diverse cultures in the West. Indian Tribes, Spaniards, Mexicans, Anglo settlers, including the Mormons, and other immigrants used the route extensively.

The traded commodities along the Trail were as diverse as those who used it. The Old Spanish Trail supported the fur, mule, horse, sheep, and textile trades. Demand for sheep grew dramatically in California after the Great Gold Rush. In 1849, a gold-seeker named Roberts bought 500 sheep in New Mexico for $250, and sold them in California for $8,000.

Beyond traditional commerce, Old Spanish Trail traders also traded in American Indian slaves. Tribes would raid weaker tribes and sell captives to the Spanish, and later to the Mexicans. The Indian slave trade continued as late as the 1860s.

The trail's rich history marks important events in our nation's westward expansion. For example, in 1848, Lt. George B. Brewerton recorded his journey over the Spanish Trail and the northern branch. The young lieutenant accompanied a party of thirty men including the noted scout, Kit Carson. Carson was carrying mail from Los Angeles to the East Coast. The party left Los Angeles on May 4 and reached Santa Fe via Taos on June 14, forty-one days later. Carson proceeded east, reaching Washington, DC in mid-August, bringing news of the discovery of gold in California. Carson's news effectively fired the starting gun for the great gold rush.

The study includes numerous accounts of other expeditions, experiences, and events marking our Nation's history. Thanks to a variety of public and private partnerships, we are learning more about the history of the Trail and the region everyday.

In Colorado, the Bureau of Land Management has worked on documenting and interpreting the route with local communities, such as Mesa County and the City of Grand Junction. Interested private groups have sprung up to recognize the significance of the Trail and work to preserve it for generations to come. One such group, the Old Spanish Trail Association, founded in Colorado, studies the trail to raise the public's awareness of our country's diverse cultural heritage in the region. The association has already located wagon ruts and other vestiges of the trail's heyday.

The time has come to acknowledge the national historical importance of the Old Spanish Trail.

This bill designates the Old Spanish Trail for addition to the National Trails System to promote the recognition, protection and interpretation of our history in the West. By introducing this legislation today, we pay tribute to the cultures of the West that have enriched our nation and to an important period in American history.

I urge my colleagues to support swift passage of this legislation.

I ask unanimous consent the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 1946

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Old Spanish Trail Recognition Act of 2002".

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended—

(1) by redesignating the second paragraph (21) as paragraph (22); and

(2) by adding at the end the following:

"(23) OLD SPANISH NATIONAL HISTORIC TRAIL.—

"(A) IN GENERAL.—The Old Spanish National Historic Trail, an approximately 3,500 mile long trail extending from Santa Fe, New Mexico, to Los Angeles, California, that served as a major trade route between 1829 and 1848, as generally depicted on the map contained in the report prepared under subsection (b) entitled "Old Spanish Trail National Historic Trail Feasibility Study", dated July 2001.

"(B) MAP.—A map generally depicting the trail shall be on file and available for public inspection in the office of the Director of the National Park Service.

"(C) ADMINISTRATION.—The trail shall be administered by the Secretary of the Interior, acting through the Director of the National Park Service (referred to in this paragraph as the 'Secretary').

"(D) LAND ACQUISITION.—The United States shall not acquire for the trail any land or interest in land outside the exterior boundary of any federally-managed area without the consent of the owner of the land or interest in land.

"(E) CONSULTATION.—The Secretary shall consult with other Federal, State, local, and tribal agencies in the administration of the trail.

"(F) ADDITIONAL ROUTES.—The Secretary may designate additional routes to the trail if—

"(i) the additional routes were included in the Old Spanish Trail National Historic Trail Feasibility Study, but were not recommended for designation as a national historic trail; and

"(ii) the Secretary determines that the additional routes were used for trade and commerce between 1829 and 1848.".

Mr. DOMENICI. Mr. President, last year I introduced a bill that would have designated the Old Spanish Trail as a National Historic Trail. When I introduced that bill, we were waiting for the Administration to complete its work on a final study. Additionally, Senator CAMPBELL wrote a personal note to me asking that I work with him on a new bill that incorporates the new study. Today, we introduce that bill. As with my original bill this legislation will amend the National Trails System Act and designate the Old Spanish Trail; which originates in Santa Fe, New Mexico and continues to Los Angeles, California as a National Historic Trail.

Today, more than 150 years after the first settlers embarked on their western journeys via the Old Spanish Trail, we honor its historic significance and recognize its importance to our past, present and future. I am proud to introduce legislation that will help preserve the route of the trail—much of which has remained relatively unchanged since the trail period.

The United States of America has a rich history and an exciting part of that is the movement of civilization westward. Citizens who settled in the West came from all walks of life and have deep rooted cultural and historic ties to land throughout the west. Since 1829, The Old Spanish Trail has served many, from trade caravans to military expeditions. For twenty plus years the Old Spanish Trail was used as a main route of travel between New Mexico and California.

The Old Spanish Trail is also a vital part of Native American history. We know that numerous Indian pueblos were situated along the Old Spanish Trail serving as trading forums for the trail's many travelers. The majority of these pueblos are still occupied by descendants whose ancestors contributed to the labor and goods that constituted commerce on the Old Spanish Trail.

The Old Spanish Trail is a symbol of cultural interaction between various ethnic groups and nations. Further, it is a symbol of the commercial exchange that made development and growth popular, not only in the West, but throughout the country.

The National Trails System was established by the National Trails System Act of 1968 "to promote the preservation of, public access to, travel within, and enjoyment and appreciation of the open air, outdoor areas and historic resources of the Nation." Designating the Old Spanish Trail as a National Historic Trail would allow for just what the act has intended, preservation, access, enjoyment and appreciation of the historic resources of our Nation.

The Old Spanish Trail has been significant in many respects to many different people and its rich history is something that should be included in our National Trails System. The intent of this legislation is to protect this historic route and its historic remnants for public use and enjoyment indefinitely.

By Mrs. CARNAHAN:

S. 1947. A bill to amend title XIX of the Social Security Act to clarify the circumstances under which a hold harmless provision does not exist with respect to a broad-based health care related tax; to the Committee on Finance.

Mrs. CARNAHAN. Mr. President, in late October, I came to the Senate floor to address a dispute between the state of Missouri and the Health Care Financing Agency, now known as the Centers for Medicare and Medicaid Services, or CMS. I felt compelled to discuss the matter because of what was at stake, the future of Missouri's Medicaid program.

Medicaid is a partnership between the Federal Government and the States to provide healthcare services to our most vulnerable citizens—low-income children and seniors. Unfortunately, the Federal partner, CMS, is behaving irresponsibly.

Since I last spoke about this issue on the Senate floor, CMS Administrator Tom Scully escalated the dispute to an unprecedented level. Not only unprecedented, but dangerous.

On November 29, he sent a harshly toned letter to Governor Holden that called Missouri's tax on hospitals illegal and threatened to withhold $1.6 billion from the State.

I am here today to call attention to an agency that is out of control. At a time when States are struggling to maintain service due to the recession, this agency has threatened to devastate Missouri's health care safety net. At a time when States and the Federal Government should be working for the common good, CMS is ignoring its own laws and regulations.

After our delegation appealed to top Administration officials, finally negotiations began on a long-term solution to the Medicaid funding issue. But just this weekend, reports emerged that CMS expects to pressure Missouri into accepting changes to the program due to its threatened legal action. I am all in favor of negotiations. But I want a bargaining table to be completely level. Our State should be free to act in the best interest of Missouri's citizens without a $1.6 billion lawsuit hanging over its head. That is why I am also introducing legislation today that seeks to put an end to this dispute once and for all.

Governor Holden has stated that one of his top Federal priorities is to clarify that Missouri's provider tax is fully consistent with Federal law. That is what my bill does.

Before I explain my legislative proposal, I want to describe the events that have brought us to this point in time. The subject of the disagreement is Missouri's provider assessment program, which is a tax on hospitals. States use the money generated from these taxes as their "match" for Federal Medicaid dollars. Over ten years ago, Congress became concerned that States were using provider taxes improperly to increase the Federal contributions to Medicaid programs. In response, Congress enacted a law in 1992 that placed limitations on provider assessment programs.

One specific limitation is that a provider assessment must not contain a "hold harmless" provision. This means that States may not guarantee that a hospital will receive back from Medicaid the amount of funds it paid to the State in provider taxes.

In 1992, under the leadership of Governor John Ashcroft, now the Attorney General, Missouri complied with the federal law by enacting the Federal Reimbursement Allowance Program law. This law created a tax on hospitals, but contained no "hold harmless" provision. Governor Ashcroft signed the bill into law. Governor Carnahan continued the program, and Governor Holder is continuing it.

For almost a decade, the program has been operating under the auspices of HCFA, now CMS. During this time, 100 percent of the revenues generated by the tax have been dedicated to Missouri's Medicaid program. The program has made Missouri a national model for using Federal, State, and private resources to provide health care to as many needy citizens as possible. This long-standing legal tax has assisted Missouri in creating a strong healthcare safety net for its children, pregnant women, and most vulnerable seniors.

Much of Missouri's success can be attributed to expanded enrollment of eligible citizens in Medicaid. During the 1990's, the number of Missourians covered by Medicaid more than doubled, increasing from 364,000 in 1990 to 839,000 in 2001. The number of children enrolled in Medicaid has grown at an even faster rate, increasing from 180,000 in 1990 to 474,000 in 2001.

An important step in covering more children was the enactment of the state's Children's Health Insurance Program, also known as MC Plus. Under the leadership of Governor Carnahan, MC Plus was designed to cover children up to 300 percent of the poverty level. It is a national model. Due to MC Plus, uninsured working parents could secure this previous health coverage for their children. The MC Plus program has made a difference in the lives of 75,000 children in Missouri.

This combination of initiatives has sharply reduced the number of Missouri citizens that lack health insurance. In 1999, Missouri had the fourth lowest percentage of uninsured citizens in the country.

These tremendous accomplishments, however, could be completely undermined because of a bureaucratic crusade to overturn Missouri's provider tax, a crusade that is not based on law.

Let me explain. The letter CMS Administrator Scully sent to Missouri on November 29 was significant for several reasons.

First, it was the first formal declaration from CMS that the agency found Missouri's State provider tax impermissible.

Second, the letter included a draft audit that outlined the agency's case and claimed that it would seek to take back $1.6 billion from the State.

Third, the letter opens the door for CMS to actually try to take back the money.

Until this the draft audit was sent, CMS had only threatened action against the state. Now, this letter has made it abundantly clear that the CMS case is based on a flawed legal theory.

The Federal statute says that there is a hold harmless provision with respect to the provider tax if the Secretary can determine that, and I quote from the statute: "The State or other unit of government improving the tax providers—directly or indirectly—for any payment, offset, or waiver that guarantees to hold taxpayers harmless for any portion of the costs of the tax."

In the draft audit, Mr. Scully asserts that Missouri indirectly holds hospitals harmless. This leads one to ask the question, how is an "indirect guarantee" defined under the law? The answer exists, but unfortunately Mr. Scully's letter does not include it. You can find the answer in the Federal regulations that govern how the Federal provider tax law should be implemented.

On September 13, 1993, almost ten years ago, the U.S. Department of Health and Human Services issued final regulations for the new law. The regulations established an objective test to determine whether a government had an indirect guarantee. The regulations provide that if the tax on health care providers is less than 6 percent of the taxpayer's revenues, "the tax or taxes are permissible."

Missouri's provider tax on hospitals has always been less than 6 percent. Case closed.

The bill that I am introducing today essentially codifies this regulation into law. If CMS were willing to abide by its own regulations, then this bill would not be necessary. But I am concerned from the actions the agency has taken and its responses to my inquiries on the subject, that CMS is pursuing an ideological agenda, not fair even-handed enforcement of the law.

There is nothing wrong with the State law former Governor Ashcroft signed a decade ago. There has been no "indirect guarantees" to anyone. CMS should back off and allow Missouri to do what it has been doing well for over a decade, providing healthcare to its citizens.

I encourage my colleagues to take a close look at my bill and support its passage.

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mr. KOHL, and Mr. DAYTON):

S. 1948. A bill to establish demonstration projects under the Medicare program under title XVIII of the Social Security Act to reward and expand the number of health care providers delivering high-quality, cost-effective health care to Medicare beneficiaries; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join my colleague and dear friend from Wisconsin, Senator FEINGOLD, in introducing a "Medicare Fairness" package of bills that will ensure that the Medicare system rewards rather than punishes states like Maine and Wisconsin that deliver high-quality, cost-effective Medicare services to our elderly and disabled citizens.

The good people of Maine, pay the same payroll taxes to Medicare, and our seniors pay the same premiums, deductibles and copayments as Medicare beneficiaries in other parts of the country. Yet Maine's patients, physicians, hospitals and other providers receive far less from the program in return when it comes to Medicare payments.

According to a recent study published in the Journal of the American Medical Association, Maine ranks third in the Nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. Maine's Medicare patients receive, on average, $3,856 worth of Medicare services per year, far below the national average of $5,034. By way of contrast, in the District of Columbia, Medicare patients receive about $15,620 in Medicare payments a year. Moreover, these dramatically higher payments have not bought any better care for the District's Medicare beneficiaries. According to the Journal of the American Medical Association, the District is ranked 34th out of 52, in the bottom third, when it comes to quality.

This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost states.

As a consequence, Maine's hospitals, physicians and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. This Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the nation. Small businesses, for example, are facing increases of 20 to 30 percent, jeopardizing their ability to provide coverage for their employees.

Moreover, the fact that Medicare underpays our hospitals and nursing facilities has significantly handicapped Maine's providers as they compete for nurses and other health care professionals in an increasingly tight labor market.

As a recent study by Dr. John Wennberg of the Dartmouth Medical School points out, more Medicare spending does not necessarily buy better quality health care. According to the Dartmouth study, Medicare beneficiaries in high-cost states don't live any longer or enjoy better quality care. High cost states simply provide more care. They rely on inpatient and specialist care more than outpatient and primary care, and they tend to treat the chronically ill and those near death much more aggressively, with possible adverse effects on their quality of life. According to the Dartmouth study, this pattern of practice is driven not by medical evidence, but instead by community practice patterns and the availability of hospital beds.

The legislative package we are introducing today will reform the current Medicare reimbursement system by reducing regional inequities in Medicare spending and providing incentives to hospitals and physicians to encourage the delivery of high-quality, cost-effective care.

The first bill, the Physician Wage Fairness Act of 2001, will promote fairness in Medicare payments to physicians and other health professionals by eliminating the outdated geographic physician work adjustor in the physician fee schedule that has resulted in a significant differential in payment levels to urban and rural health care providers.

We are concerned that the current formula does not accurately measure the cost of providing services. As a consequence, Medicare pays rural providers far less than it should for equal work. We also don't think that it makes sense to pay physicians more for their work in areas like New York City, which tend to have an oversupply of physicians, and pay physicians less for the same services in areas that are more likely to experience shortages. Eliminating the georgraphic physician work adjustor will bring an estimated $1 million a year in Medicare payments to physicians and other providers in Southern Maine and $3 million more to providers in the rest of Maine.

The second bill, the Medicare Value and Quality Demonstration Act of 2002, will authorize a series of demonstration programs to encourage high-quality, low-cost health care to Medicare beneficiaries. These programs would reward hospitals and physicians who deliver high quality care at a lower cost. It would also require that the states chosen for the pilot projects create a plan to increase the number of providers who deliver high-quality, cost-effective care to Medicare beneficiaries.

A third bill, the Graduate Medical Education Demonstration Act, will allow the Secretary of Health and Human Services to use existing Graduate Medical Education funds to create a program to encourage hospitals in underserved areas to host clinical rotations to encourage more medical students to practice in these areas when they graduate.

And finally, the Skilled Nursing Facility Wage Information Improvement Act will promote fairness in Medicare payments to nursing homes by collecting and using accurate nursing home wage data rather than, as is the current practice, using the inaccurate hospital wage data that discriminates against States like Maine.

As Congress works to modernize Medicare, we must also restore basic fairness to the program and find ways to reward, rather than penalize, providers of high-quality, cost-effective care. This is what our legislation will do, and I encourage all of our colleagues to join us as cosponsors.

By Mr. FRIST (for himself, Mr. DODD, Mr. HUTCHINSON, Mr. JEFFORDS, and Mr. ENZI):

S. 1949. A bill to amend the Public Health Service Act to promote organ donation, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, on this Valentine's Day, National Donor Day, I rise to speak on the critical issue of organ donation. It is with great pleasure that I join with my colleagues Senators DODD, HUTCHINSON, JEFFORDS, and ENZI to introduce the Organ Donation and Recovery Improvement Act.

This far-reaching, comprehensive legislation includes a number of new steps intended to improve organ donation and recovery efforts nationwide and increase the number of organs available for transplants each year. This legislation is further complemented by a resolution that I, and a number of my colleagues are introducing today to commemorate today as National Donor Day and call attention to the important issue of organ donation.

This year, more than twenty-two thousand Americans will receive an organ transplant. This is due to the rapid and tremendous advancements in our knowledge and in the science of organ transplantation. As a heart and lung transplant surgeon before coming to the Senate, I have had the opportunity to watch the field develop tremendously over the past three decades. I remember my own experiences, of conducting some of the first transplants using hearts and lungs, and know the tremendous progress that has been made since that time. And I know the hundreds of my own patients who have benefitted from improved lives due to advances in transplantation.

Advances in our knowledge and the science have allowed us to transplant individuals who were once not considered candidates. But such advances have meant a staggering increase in the number of patients waiting for a transplant, while the number of donated organs has failed to keep pace. In fact, there are almost 80,000 patients waiting for a transplant today, a fourfold increase from just over a decade ago. Many of them may die before they can receive a transplant.

More needs to be done. We must look for other ways to improve organ donation, to identify eligible organs and work with families to help them better understand the value of donation.

Secretary Thompson already has made great progress in this area. I commend him for making organ donation a top priority at the Department of Health and Human Services. His initiative holds great promise. In particular, I applaud his call to recognize donor families through a medal of honor, something I have long supported through my own legislation, the Gift of Life Congressional Medal Act. I also welcome the Secretary's commitment to more closely scrutinize the role that organ donor registries play in the donation process.

The legislation I am introducing today builds on these efforts through a broad range of initiatives intended to improve organ donation and recovery, enhance our knowledge base in these fields, and encourage novel approaches to this growing problem.

The Organ Donation and Recovery Improvement Act is designed to improve the overall process of organ donation and recovery. The bill also seeks to remove potential barriers to donation, while identifying and focusing on best practices in organ donation.

Let me briefly highlight a few key provisions of the legislation. First, the bill establishes a grant program for demonstration projects intended to improve donation and recovery rates and ensures that the projects' results will be evaluated quickly and disseminated broadly. The bill also provides for the placement and evaluation of organ donation coordinators in hospitals, a model that has worked with success in other countries.

In addition, the legislation expands the authority of the Agency for Healthcare Research and Quality to conduct important research, including research on the recovery, preservation and transportation of organs and tissues. As we all know, the science of organ transplantation has been improved and refined over and over again since its inception. Yet all too often organ donation efforts are conducted under the same conditions and understandings as they were twenty years ago. This must change, and the legislation Senator DODD and I are introducing today will help establish a strong evidence-based approach to enhance organ donation and recovery and improving our understanding of this process.

The bill also includes several important provisions affecting living organ donation. First, it attempts to reduce potential financial disincentives toward serving as a living donor by allowing for the reimbursement of travel and other expenses incurred by living donors and their families.

Importantly, the bill also takes steps towards evaluating the long-term health effects of serving as a living donor by asking the Institute of Medicine to report on this issue, as well as through the establishment of a living donor registry intended to track the health of individuals who have served as living organ donors. There remain important questions surrounding how this registry should be structured, and I look forward to working with my colleagues and the experts in the field to finalize the details before any legislation is enacted.

Finally, I would like to address the issue of prospective organ donor registries. I am supportive of donor registries and feel they have an important role to play in improving organ donation rates. Moreover, I am pleased by the actions taken by some states to establish and enhance such registries. However, I am concerned that too great a focus has been placed on registries at a time when a number of questions surrounding registries remain unanswered and their effectiveness has not been fully evaluated. Therefore, the bill establishes an advisory committee to study this question and to report to Congress on the usefulness and success of organ donor registries and potential roles for the federal government to play in encouraging and improving such programs.

The Frist-Dodd Organ Donation and Recovery Improvement Act is supported by a wide range of patient and organ transplantation organizations. I am pleased that the bill is supported by the American Society of Transplantation, National Kidney Foundation, American Liver Foundation, North American Transplant Coordinators Organization, Patient Access to Transplantation Coalition, TN Donor Services, New Mexico Donor Services, and Golden State Donor Services. I thank them for their hard work and dedication to this issue.

Organ donation is one of the most important issues before us today. Each year, thousands of donors and families make the important decision to give consent and give the gift of life. We must recognize and honor their sacrifice, and, in so honoring, work to increase donation rates and allow more families to receive this gift of life each year. Hundreds of my own patients are alive today because of this gift. Let us work together to allow more patients and families to experience this miracle.

I thank Senators DODD, HUTCHINSON, JEFFORDS and ENZI for joining me in this effort, and look forward to working with them and my other colleagues to pass this important legislation this year.

Mr. DODD. Mr. President, most of us know February 14 as Valentine's Day, but for the past few years, it has shared that date with another vitally important, and unfortunately less well-known, event: National Donor Day.

Thanks to the selflessness of thousands, February 14 has become our Nation's largest one-day donation event. On a day that celebrates giving the gift of life, we should make a commitment to increasing our donation rates and saving even more lives.

Today, I am pleased to introduce legislation with Senator BILL FRIST to do just that. The Organ Donation and Recovery Improvement Act will bring attention to this critical public health issue by increasing resources and coordinating efforts to improve organ donation and recovery. I am proud to be working with my friend and colleague, Senator FRIST, whose leadership and professional experience as a heart and lung transplant surgeon has been critical in making this issue a priority.

At this very moment, more than 80,000 people are waiting for an organ transplant, and one person is added to this list every thirteen minutes. This has increased from 19,095 people on waiting lists a decade ago. Unfortunately, the discrepancy between the need and the number of available of organs is growing exponentially. From 1999 to 2000 transplant waiting list grew by 10.2 percent, while the total increase in donation grew by 5.3 percent. Tragically, in 2000, approximately 5,500 wait-listed patients died waiting for an organ.

Undoubtedly, the task before us seems daunting. However, each person who makes the decision to donate can save as many as three lives. These are our mothers, fathers, brothers, sisters, friends. None of us wants to imagine the anguish of watching a family member or a friend wait for an organ transplant hoping that their name reaches the top of the list before their damaged organ fails or having to bear the emotional, physical, or financial costs of undergoing a transplant procedure. For those that do, and for all of those that will, we must improve and strengthen our systems of organ donation and recovery. We must also work to remove the barriers that stand in a donor's way as he or she seeks to help another person continue life. States need the resources to determine for themselves how best to increase donations and a vital part of increasing donations lies in education and public awareness initiatives.

We must work to improve the science of donation and recovery and address legal issues relating to donation, including consent. More than 20 states currently have registries that may prove indispensable in ensuring that we honor a donor's wishes. We should study the benefits, and potential shortcomings, of these arrangements and work to create a national sense of urgency that matches the national need for donors.

I would like to recognize the invaluable support and guidance we received, in drafting this bill, from the American Society of Transplantation, the American Liver Foundation, the Patient Access to Transplantation Coalition, North American Transplant Coordinators Organization, and the National Kidney Foundation. I would be remiss not to mention the Association of Organ Procurement Organizations and the OPOs nationwide that have worked so tirelessly to bridge the gap between the immense need and the inadequate supply. In my home state of Connecticut, we are well served by the tremendous work of the Northeast Organ Procurement Organization and the New England Donor Bank.

Finally, I look forward to working with my colleagues, including Senator KENNEDY, Senator GREGG and Senator DURBIN, whose commitment to this issue has been unparalleled. I urge Congress to take swift action on bipartisan legislation aimed at increasing organ donation and saving lives.

Mr. JEFFORDS. Mr. President, today, Valentine's Day, provides a wonderful opportunity for me to offer my support for the Organ Donation and Recovery Improvement Act. I commend my colleagues, Senator FRIST of Tennessee and Senator DODD of Connecticut, for their leadership and commitment to this important issue. Organ transplantation provides perhaps the clearest example where scientific research has been translated and applied to modern medicine. Not too many years ago organ transplantation was associated with inconsistent success and numerous complications. Today these procedures have advanced to the point where success is commonplace. Not only the duration of life, but the quality of life, is improved.

I have carried an organ donor card in my wallet for more than twenty-five years, and I am a long-time organ donation supporter. In my home State of Vermont, Representative Johannah Donovan has introduced a bill to allow for the creation of a donor registry through the Department of Motor Vehicles. It is an excellent example of trying to make the organ donor process easier and more efficient. So, I am proud to join my colleagues as an original sponsor in this effort to increase organ donation at the national level. Even though great strides have been made in organ procurement and distribution, problems remain, and those issues are addressed by this legislation. This proposal would establish a federal inter-agency task force to coordinate organ donation efforts and transplant research; expand the Federal organ-donation grant authority and provide funds to educate lay professionals in issues surrounding organ donation; expand the Agency for Healthcare Research and Quality authority to review and improve organ recovery, preservation, and transplantation; provide for two important Institute of Medicine studies to review and document issues associated with live organ donation; and establish an advisory committee to make recommendations regarding costs, benefits, expansion, availability, and other issues involving transplantation.

In Vermont, we are fortunate to have Fletcher Allen Medical Center. This state-of-the-art institution provides quality transplantation services to the residents of my state and surrounding areas. However, despite a wonderful facility and a well-trained and experienced staff of health professionals, Fletcher Allen is limited, like all similar institutions, by the high demand for donor organs and the limited supply. This legislation will move us closer to the day when all individuals who would benefit from transplantation are able to receive appropriate care in a timely manner. I urge all of my colleagues to join me in supporting this important legislation.

By Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, and Mrs. BOXER):

S. 1951. A bill to provide regulatory oversight over energy trading markets, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today with Senators CANTWELL and WYDEN to make sure that all energy transactions are transparent and subject to regulatory oversight. With passage of this legislation, we can reinstate regulatory oversight to the marketplace and help ensure there is not a repeat of the energy crisis that had such a devastating impact on California and the West.

The Enron bankruptcy has uncovered many gaping holes in our regulatory structure, everything from accounting and investment practices to on-line energy transactions. Congress must take a look at all of this. The bill we are introducing today is a first step. The exemptions and exclusions to the 2000 Commodity Futures Modernization Act essentially gave EnronOnline, and the entire energy sector, the ability to operate a bilateral electronic trading forum absent any regulatory oversight or price transparency.

Let me give you an example of what that lack of transparency meant to California: On December 12, 2000, the price of natural gas on the spot market was $59 in southern California while it was $10 in nearby San Juan, NM. We know it costs less than $1 to transport gas from New Mexico to California because this was the cost when these transportation routes were transparent and regulated. So there was $48 unaccounted for that undoubtedly found its way into someone's pocket.

This problem lasted from November, 2000 to April, 2001, and all this time no one knew where all this money was going. The Senate Energy Committee looked at this issue last year but was not able to piece together all of what happened. In the wake of Enron's bankruptcy, however, we are beginning to learn a lot more. By controlling a significant number of energy transactions affecting California, some traders estimate that Enron controlled up to 50–70 percent of the natural gas transactions into southern California, and by trading in secret, Enron had the unique ability to manipulate prices and gouge customers. And the consumers, particularly those in California, ultimately bore the brunt of the costs. In fact, through the course of the crisis in California, the total cost of electricity soared from $7 billion in 1999 to $27 billion in 2000 and $26.7 billion in 2001.

A market does not function properly without transparency. Additionally, regulators need the authority and the tools to step in and do their jobs when markets have gone awry. This bill, then, is intended to close the regulatory loopholes that allowed EnronOnline to operate unregulated trading markets in secret. The Commodity Futures Modernization Act provided a regulatory exemption for bilateral transactions between sophisticated parties in nonagriculturual and nonfinancial commodities. This exclusion includes energy products and electronic trading forums. Because many of the EnronOnline transactions did not involve physical delivery, there was also no oversight by the Federal Energy Regulatory Commission. In determining which agency, FERC or the CFTC should have the proper authority, we are faced with two challenges: 1. FERC does not have the necessary expertise in derivative transactions;

and 2. CFTC does not have the necessary expertise to protect consumers from out-of-control energy prices.

This bill tries to utilize the unique talents of each agency.

In summary, our legislation: 1. Repeals exemptions and exclusions provided for by the Commodity Futures Modernization Act of 2000; 2. ensures that energy dealers in derivatives markets (such as EnronOnline) cannot escape federal regulation; 3. makes sure that all multilateral markets and dealer markets in energy commodities are subject to registration, transparency, disclosure and reporting obligations; 4. gives FERC regulatory oversight authority over bilateral transactions not subject to CFTC oversight. Although CFTC would have antimanipulation authority over these transactions; 5. expands FERC jurisdiction to include derivatives transactions, which are defined to include transactions based on the cost of electricity or natural gas and include futures, options, forwards and swaps unless such transactions are under the jurisdiction of the CFTC or the state; and 6. Ensures that entities running on-line trading forums must maintain sufficient capital to carry out its operations and maintain open books and records for investigation and enforcement purposes.

This last point is also very important. Enron saw its future as a "virtual" company. As such it sold off many of its physical assets over the past few years. Investors lost confidence in Enron's ability to back up its trades since Enron did not have enough assets to back up its trades. This was a contributing factor in Enron's final spiral into bankruptcy.

Energy trading has gotten extremely arcane and complex over the last three decades. Very few people fully understand how swaps and other derivatives actually work. Without adequate transparency, regulatory oversight, and a regulatory agency willing to do its job, the likelihood is that consumers will pay the price. This is what happened in the California Energy Crisis and has happened with Enron. It would be unconscionable not to do everything we can to prevent the same thing from happening again.

By Mrs. BOXER (for herself, Ms. LANDRIEU, Mrs. FEINSTEIN, and Mr. BREAUX):

S. 1952. A bill to reacquire and permanently protect certain leases on the Outer Continental Shelf off the coast of California by issuing credits for new energy production in less environmentally sensitive areas in the Western and Central Planning Areas of the Gulf of Mexico; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, for decades, Californians have opposed oil and gas drilling along their coasts. Nothing sharpened this concern more than the horrific tanker spill that occurred off the coast of Santa Barbara in 1969. Californians are still living with the ecological implications of that spill and the myriad other spills and leaks associated with the rigs that are currently along our coast.

Unfortunately, 36 more leases off our coast remain eligible for oil and gas development and four additional leases remain in legal limbo.

That is the last thing Californians want or need.

California is now in a pitched legal battle with the Department of Interior over whether the State has the ability to deny these leases. I strongly support the State in this effort and have joined Representative Capps in filing an amicus brief in the case.

Every State should have the right to deny oil and gas development off their shores, as offshore activities inevitably impact the people and resources that are onshore. Last year, I reintroduced legislation, the Coastal States Protection Act, to place a moratorium on new drilling leases in Federal waters that are adjacent to State waters that have a drilling moratorium. That bill, however, addresses only the issue of future leases.

With regard to the existing leases off of California's coast, I am not completely confident that the courts will solve the problem. We must therefore act now to eliminate the threat, the threat to California's natural resources and the threat to our economy through losses in the tourism and fishing industries.

It is for this reason that I am proud to introduce today with my colleague Senator LANDRIEU, the California Coastal Protection and Louisiana Energy Enhancement Act.

Our bill would end the seemingly endless battle over the California leases and would permanently protect those areas from oil, gas, and mineral development.

Here's how it would work. Within 30 days of enactment, the Secretary of Interior would provide the oil companies holding the 40 California leases with a swap of equivalent value in the Gulf of Mexico. If all of the companies holding the California leases agree to this offer and agree to drop all pending litigation regarding those leases, then the California leases will be canceled, and the lessees will receive a credit equal to the amount paid for the leases plus the amount already spent to develop them.

These credits could be used only in the central and western Gulf, an area already open to drilling and open to further leasing. They could be used for bidding on new leases in that area or to pay royalty payments for existing drilling activities in that area.

The 40 tracts off of California's coast would then be converted to an ecological preserve, thus permanently protecting the areas from future mineral leasing and development. The tracts would be managed for the protection of traditional fishing activities as well as conservation, scientific, and recreational benefits.

I am very proud of this legislation, and this very promising proposal to end the imminent threat of additional drilling off California's coast. We have been very careful to make sure that these credits are designed in a way that will not promote new drilling in environmentally sensitive areas. Instead, these credits can only be used in non-controversial areas that have already been set aside for future development.

We have also been very careful to ensure that the Federal Government, and in turn, the Federal taxpayer are protected from any future claims by these companies regarding these leases.

And, I am very pleased to say that we have worked to ensure that the 40 California tracts will never again be threatened by offshore development.

In short, we get rid of unwanted drilling in California and permanently protect these sensitive areas. The oil companies are freed from a protracted legal battle and allowed to take their business elsewhere. And, the Federal Government is protected from expensive litigation that the companies are currently pursuing.

I believe that we have hit upon the proverbial win-win situation. And I look forward to having this bill became a reality soon.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1953. A bill to amend title XVIII of the Social Security Act to eliminate the geographic physician work adjustment factor from the geographic indices used to adjust payments under the physician fee schedule; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1954. A bill to establish a demonstration project under the Medicare program under title XVIII of the Social Security Act to provide the incentives necessary to attract educators and clinical practitioners to underserved areas; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Ms. COLLINS, Mr. KOHL, and Mr. DAYTON):

S. 1955. A bill to amend title XVIII of the Social Security Act to require that the area wage adjustment under the prospective payment system for skilled nursing facility services be based on the wages of individual's employed at skilled nursing facilities; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, I rise today to join with my colleague from Maine to introduce legislation to restore fairness to the Medicare program.

This package of legislation will reduce regional inequalities in Medicare spending and support providers of high-quality, low-cost Medicare services.

Just about a month ago, I met with representatives of Wisconsin's hospitals, doctors, and seniors, who spoke passionately about how Medicare inequities have a real and serious impact on the lives of Wisconsin seniors, and on health care providers in my State. Wisconsin seniors and providers came to me with these concerns, and this legislation is a direct result of their advocacy. I thank them for their efforts.

I also want to thank my colleague from Maine, who has joined me on a number of health care initiatives that address the mutual concerns of our constituents. I am grateful for her efforts on health care issues that concern both of our States, such as home health care, access to emergency services, and this legislation on Medicare fairness.

The Medicare program should encourage the kind of high-quality, cost-effective Medicare services that we have in Wisconsin and Maine. But unfortunately, that's not the case.

To give an idea of how inequitable the distribution of Medicare dollars is, imagine identical twins over the age of 65. Both twins worked at the same company all their lives, at the same salary, and paid the same amount to the Federal Government in payroll taxes, the tax that goes into the Medicare Trust Fund. But if one twin retired to another part of the country and the other retired in Wisconsin, they would have vastly different health care options under the Medicare system.

The high Medicare payments in some areas allow Medicare beneficiaries a wide array of options, they can choose between an HMO or traditional fee-for-service plan, and, because area health care providers are reimbursed at such a high rate, those providers can afford to offer seniors a broad range of health care services. The twin in Wisconsin, however, would not have the same access to care, there is no option to choose an HMO, and there are fewer health care agencies that can afford to provide care under the traditional fee-for-service plan.

How can two people with identical backgrounds, who paid the same amount in payroll taxes, have such different options under Medicare?

They do, because the distribution of Medicare dollars among the 50 States is grossly unfair to Wisconsin, and many other states around the country. Too many Americans in Wisconsin and other States like it pay just as much in taxes as everyone else, but the Medicare funds they get in return don't come close to matching the money they pay in to the program.

Wisconsin has a lot of company in this predicament. More than 35 States are below the national average in terms of per beneficiary Medicare spending. In some States, such as Wyoming and Idaho, Medicare spends almost $2,000 less per beneficiary than the national average.

While there are different reasons for this wide range in Medicare payments, their result is often the same, higher private sector insurance costs and a loss of access to care. In Milwaukee WI, there are reports that lower Medicare reimbursement rates often causes costs to shift to the private sector. In rural parts of Wisconsin, these low reimbursement rates jeopardize access to health care services.

In the case of my home State of Wisconsin, low payment rates are in large part a result of health care proviers' historically high-quality, cost-effective health care. In the early 1980s, Wisconsin's lower-than-average cost were used to justify lower payment rates. Since that time, Medicare's payment policies have only widened the gap between low- and high-cost States.

This package of legislation will take us a step in the right direction by reducing the inequities in Medicare payments to hospitals, physicians, and skilled nursing facilities that the majority of States across the country now face.

At the same time, our proposal would establish pilot programs to encourage high-quality, cost-effective Medicare practices. Our proposal would reward providers who deliver higher quality at lower cost. It would also require that the pilot States create a plan to increase the amount of providers providing high quality, cost-effective care to Medicare beneficiaries.

This legislation would also help to address the unique workforce needs of urban and very rural areas by encouraging clinical rotations in those areas. These rotations could help focus a workforce on the specific challenges facing these areas, so that they can deliver care that serves the unique needs that they have.

Congress must modernize Medicare. But it must also restore basic fairness to the Medicare program.

My legislation demands Medicare fairness for Wisconsin and other affected States, plain and simple. Medicare shouldn't penalize high-quality providers of Medicare services, and most of all Medicare should stop penalizing seniors who depend on the program for their health care. They have worked hard and paid into the program all their lives, and in return they deserve full access to the wide range of benefits that Medicare has to offer.

I look forward to working with my colleagues to move this legislation forward. I believe that we can rebalance the budget, while at the same time encouraging efficient, quality enhancing services, and that's what my legislation sets out to do.

Mr. KOHL. Mr. President, I rise today in strong support of the Medicare Value and Quality Demonstration Act, the Physician Wage Fairness Act, the Graduate Medical Education Demonstration Act, and the Skilled Nursing Facility Wage Information Improvement Act. I am proud to cosponsor this package of legislation that will finally begin to address the grossly distorted Medicare reimbursement system, which penalizes health care providers in States like Wisconsin for being efficient as they provide high-quality care, and penalizes seniors in Wisconsin by delivering fewer benefits than seniors in other States receive. I want to commend Senator FEINGOLD and Senator COLLINS for their hard work and commitment to fixing this problem, and I am proud to join them as an original cosponsor in this effort.

This issue points to a basic question of fairness. The current Medicare reimbursement system is extremely unfair for Wisconsin. Because Wisconsin has been successful in holding down health care costs, current Medicare payment rates are very low in comparison to higher cost States, like Florida and California. In other words, the current system effectively punishes Wisconsin providers for being more efficient, and puts Medicare beneficiaries in Wisconsin at an unfair disadvantage compared to beneficiaries in other States.

This system has to change. My constituents in Wisconsin pay the same Medicare payroll tax as people in other States. They suffer from the same illnesses; they need the same treatments; they see the same types of health providers. Yet Wisconsin Medicare beneficiaries receive on average $3,795 in Medicare benefits per year, the eighth lowest in the country. That's 25 percent below the national average of $5,034. A study conducted by the Rural Wisconsin Health Cooperative found that this costs Wisconsin nearly a billion dollars each year in Medicare dollars lost.

There is simply no logical reason why Wisconsin doctors, hospitals, nursing homes, and ultimately, Wisconsin beneficiaries, should receive less reimbursement and fewer Medicare benefits than other States receive. And there is no logical reason why Medicare tax dollars paid by Wisconsinites should instead be used to pay higher rates to providers and greater benefits to beneficiaries in other States.

And this system isn't just bad for seniors on Medicare. The current system also has major consequences for businesses and non-Medicare patients in Wisconsin. When Medicare reimbursement to hospitals or nursing homes or doctors is inadequate, somebody has to make up the difference in order for these providers to stay afloat. This means that Wisconsin employers who provide health insurance for their employees, and patients who pay all or part of their health care bills, must pay higher prices and premiums to make up the shortfall. This is unfair to all of Wisconsin's citizens and exacerbates the problem of rising health care costs.

We should all be outraged by a system that treats seniors in some States like second-class citizens. Congress must stop sanctioning the current system, which penalizes Medicare beneficiaries based on where they live, penalizes providers for being efficient, and rewards providers that do not do their part to hold the line on costs. This backward system simply makes no sense.

The package of bills introduced today will finally begin to turn this system around and ensure that health care providers in Wisconsin and similarly affected States are adequately reimbursed and rewarded for providing high quality, cost-effective care. It will eliminate outdated and inaccurate data that is currently used to determine Medicare's flawed payment rates. And most importantly, it will help level the playing field for seniors in Wisconsin by helping to ensure that they have access to the same benefits as seniors in other States.

First, the Skilled Nursing Facility Wage Information Improvement Act will create a reimbursement system for nursing homes that is actually based on accurate nursing home data. This would seem to be common sense; yet the current formula for determining Medicare nursing home payments is based on hospital wage data that is inaccurate and discriminates against many States like Wisconsin. The Centers for Medicare and Medicaid Services, CMS, is now compiling nursing home wage data but as of yet has not finalized a plan to utilize it. This bill would set October 1, 2002 as the date for which CMS must incorporate the nursing home data.

Second, the Medicare Value and Quality Demonstration Act would begin to reverse the backward incentive structure in today's Medicare system. Medicare currently penalizes low-cost, high-quality States and health care providers by delivering inadequate reimbursement for their services. It just makes no sense to penalize providers who are working hard to be cost-effective and provide high-quality care at the same time. This second bill would create 4 demonstration projects to provide bonus incentive payments to high-quality, low-cost hospitals and doctors in the demonstration States. These States would also have to implement a plan to encourage more of their providers to deliver low-cost, high-quality care.

Third, the Physician Wage Fairness Act would correct a flaw in the payment system for physicians. The current physician payment formula includes a geographic adjustor that is outdated. Many studies now point to the fact that the labor market for health professionals is actually a national labor market and therefore, a geographic adjustor simply does not match today's reality. This bill would eliminate the geographic adjustor and bring the physician payment formula up to date. Wisconsin's physicians stand to gain $8 million more in Medicare reimbursement with passage of this legislation.

Finally, the Graduate Medical Education Demonstration Act would help address the issue of shortages of health professionals in underserved areas. It allows the HHS Secretary to use Medicare Graduate Medical Education funds to create a program to give providers in underserved areas financial incentives to attract educators and clinical practitioners.

This package of legislation is not the end of the story when it comes to fixing Medicare's current flawed payment system. In addition to this package, for the past 2 years I have been a cosponsor of the Medicare Fairness in Reimbursement Act, introduced by Senators HARKIN and CRAIG. This bill also works to level the playing field between high payment States and low payment States, with a particular emphasis on improving reimbursement rates for rural areas. And I look forward to continuing to work with Senator FEINGOLD and Senator COLLINS on additional legislation that will deal with the complicated problems of hospital reimbursement and Medicare + Choice.

But these bills are an important first step toward fixing a system that is not just unfair to my State; it is inaccurate, outdated, and creates perverse incentives for inefficient providers.

Many of us in the Congress are working to update Medicare and modernize its structure to fit today's health care system. It is critical that we add a prescription drug benefit for seniors so they don't have to choose between taking their medicine and eating their next meal. It makes sense to add more preventive benefits to keep seniors healthy at the start rather than only treating illnesses when they become more serious. I strongly support these efforts and hope that Congress will act this year. But if we don't also fix the inequities in Medicare's payment system, these new benefits could also turn out to be inequitable for Wisconsin's seniors. This is an issue that must be addressed if Congress is serious about passing real Medicare reform.

Again, I want to commend Senators FEINGOLD and COLLINS for their hard work on this package. I look forward to working with them as Medicare reform moves forward.

By Mr. KOHL (for himself, Mr. HATCH, Mr. SCHUMER, and Ms. CANTWELL):

S. 1956. A bill to combat terrorism and defend the Nation against terrorist attacks, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Safe Explosives Act. This legislation will help prevent the criminal use and accidental misuse of explosive materials.

The events of September 11 have tragically demonstrated how good terrorists are at seeking out loopholes in our Nation's defenses. Law enforcement, now more than ever, must be several steps ahead of these criminals.

Most Americans would be stunned to learn that in some States it is easier to get enough explosives to take down a house than it is to buy a gun, get a drivers' license, or even obtain a fishing license. Currently, it is far too easy for would-be terrorists and criminals to obtain explosive materials. Although permits are required for interstate purchases of explosives, there are no current uniform national limitations on the purchase of explosives within a single state by a resident of that State. As a result, a patchwork quilt of State regulations covers the intrastate purchase of explosive materials. In some States, anyone can walk into a hardware store and buy plastique explosives or a box of dynamite. No background check is conducted, and no effort is made to check whether the purchaser knows how to properly use this deadly material. In at least 12 States, there are little to no restrictions on the intrastate purchase of explosives.

Since September 11, the threat of a terrorist attack involving explosives is more real than ever. As Richard Reid, the so-called "shoe bomber," recently demonstrated when he tried to take down a Boeing 767 en route from Paris to Miami, terrorists are actively trying to use explosives in pursuit of their aims. We must be more vigilant in overseeing the purchase and possession of explosives if we ever hope to prevent future potential disasters.

The Safe Explosives Act would close the deadly loophole in our current laws by requiring people who want to acquire and possess explosive materials to obtain a permit. This measure would significantly reduce the availability of explosives to terrorists, felons, and others prohibited by current federal law from possessing dangerous explosives.

Let me elaborate on what the proposal does. As I said, under current law anyone who is involved in interstate shipment, purchase, or possession of explosives must have a Federal permit. This legislation creates the same requirement for intrastate purchases. It calls for two types of permits for these intrastate purchasers: user permits and limited user permits. The user permit lasts for 3 years and allows unlimited explosives purchases. The limited user permit also expires after 3 years, but only allows six purchases per year. We created this two-tier system so that low-volume users would not be burdened by regulations. The limited permit, like the user permit, imposes commonsense rules such as a background check, monitoring of explosives purchases, secure storage, and report of sale or theft of explosives. However, the Safe Explosives Act does not subject the limited user to the record keeping requirements currently required for full permit holders.

In addition to creating the permit system, our measure makes some commonsense addition to the classes of people who are barred from buying or possessing explosives. Current Federal explosives law prohibits certain people from purchasing or possessing explosives. The list of people barred is roughly parallel to those prohibited by Federal firearms law. For example, convicted felons are not allowed to buy guns or explosives. However, while current law bars nonimmigrant aliens from buying guns, they are not prohibited from buying explosives. That makes no sense. The Safe Explosives Act would stop nonimmigrant aliens from being able to buy explosives. Since we now know that several of the September 11 terrorists were nonimmigrant aliens, and that sleeper terrorist cells made up of nonimmigrant aliens have been operating within U.S. borders for number of years, this provision is especially important.

In addition, the Safe Explosives Act improves the public's safety by requiring permit holders to adhere to proper storage and safety regulations. These provisions will help ensure the safety of explosives handlers and prevent accidental or criminal detonation of explosives. Sadly, each year, many people are seriously injured or killed by misuse and criminal use of explosives. For example, in 1997, there were 4,777 explosives incidents, killing 27 and injuring 164 people, and resulting in more than $7.3 million in property damage. Our proposal will help reduce these numbers.

This measure strikes a reasonable balance between stopping dangerous people from getting explosives and helping legitimate users obtain and possess explosives. Most large commercial users already have explosives permits because they engage in interstate explosives transport. These users would not be significantly affected by our legislation. The low-volume users will be able to quickly and cheaply get a limited permit. And high-volume intrastate purchasers who are running businesses that require explosives should easily be able to get an unlimited user permit. Also, the measure will not affect those who use black or smokeless powder for recreation, as the legislation does not change current regulations on those particular materials.

Our goal is simple. We must take all possible steps to keep deadly explosives out of the hands of dangerous individuals seeking to threaten our livelihood and security. The Safe Explosives Act is critical legislation, supported by the administration. It is designed solely to the interest of public safety. It will significantly enhance our efforts to limit the proliferation of explosives to would be terrorists and criminals. It will close a loophole that could potentially cause mass destruction of property and life. I hope my colleagues will support our efforts to pass this vital law. Thank you.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be referred to as the "Safe Explosives Act".

SEC. 2. PERMITS FOR PURCHASERS OF EXPLOSIVES.

(a) DEFINITIONS.—Section 841(j) of title 18, United States Code, is amended to read as follows:

"(j) 'Permittee' means any user of explosives for a lawful purpose, who has obtained either a user permit or a limited permit under the provisions of this chapter.".

(b) PERMITS FOR PURCHASE OF EXPLOSIVES.—Section 842 of title 18, United States Code, is amended—

(1) in subsection (a)(2), by striking "and" at the end;

(2) by striking subsection (a)(3) and inserting the following:

"(3) other than a licensee or permittee knowingly—

"(A) to transport, ship, cause to be transported, or receive any explosive materials; or

"(B) to distribute explosive materials to any person other than a licensee or permittee; or

"(4) who is a holder of a limited permit—

"(A) to transport, ship, cause to be transported, or receive in interstate or foreign commerce any explosive materials; or

"(B) to receive explosive materials from a licensee or permittee, whose premises are located within the State of residence of the limited permit holder, on more than 6 separate occasions, pursuant to regulations implemented by the Secretary.";

(3) by striking subsection (b) and inserting the following:

"(b) It shall be unlawful for any licensee or permittee knowingly to distribute any explosive materials to any person other than—

"(1) a licensee;

"(2) a holder of a user permit; or

"(3) a holder of a limited permit who is a resident of the State where distribution is made and in which the premises of the transferor are located."; and

(4) in the first sentence of subsection (f), by inserting ", other than a holder of a limited permit," after "permittee".

(c) LICENSES AND USER PERMITS.—Section 843(a) of title 18, United States Code, is amended—

(1) by inserting "or limited permit" after "user permit" in the first sentence;

(2) by inserting before the period at the end of the first sentence the following: ", including the names of and appropriate identifying information regarding all employees who will handle explosive materials, as well as fingerprints and a photograph of the applicant (including, in the case of a corporation, partnership, or association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management and policies of the corporation, partnership, or association)"; and

(3) by striking the third sentence and inserting "Each license or user permit shall be valid for no longer than 3 years from the date of issuance and each limited permit shall be valid for no longer than 1 year from the date of issuance. Each license or permit shall be renewable upon the same conditions and subject to the same restrictions as the original license or permit and upon payment of a renewal fee not to exceed one-half of the original fee.".

(d) CRITERIA FOR APPROVING LICENSES AND PERMITS.—Section 843(b) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period at the end; and

(3) by adding at the end the following:

"(6) none of the employees of the applicant who will possess explosive materials in the course of their employment with the applicant is a person whose possession of explosives would be unlawful under section 842(i) of this chapter; and

"(7) in the case of a limited permit, the applicant has certified in writing that the applicant will not receive explosive materials on more than 6 separate occasions during the 12-month period for which the limited permit is valid.".

(e) INSPECTION AUTHORITY.—Section 843(f) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "permittees" and inserting "holders of user permits"; and

(B) by inserting "licensees and permittees" before the words "shall submit"; and

(2) in the second sentence, by striking "permittee" the first time it appears and inserting "holder of a user permit".

(f) POSTING OF PERMITS.—Section 843(g) of title 18, United States Code, is amended by inserting "user" before "permits".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 3. PERSONS PROHIBITED FROM RECEIVING OR POSSESSING EXPLOSIVE MATERIALS.

(a) DISTRIBUTION OF EXPLOSIVES.—Section 842(d) of title 18, United States Code, is amended—

(1) in paragraph (5), by striking "or" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "or who has been committed to a mental institution;"; and

(3) by adding at the end the following:

"(7) is an alien, other than an alien who is lawfully admitted for permanent residence (as defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

"(8) has been discharged from the armed forces under dishonorable conditions; or

"(9) having been a citizen of the United States, has renounced the citizenship of that person.".

(b) POSSESSION OF EXPLOSIVE MATERIALS.—Section 842(i) of title 18, United States Code, is amended—

(1) in paragraph (3), by striking "or" at the end; and

(2) by inserting after paragraph (4) the following:

"(5) who is an alien, other than an alien who is lawfully admitted for permanent residence (as that term is defined in section 101(a)(20) of the Immigration and Nationality Act) or an alien described in subsection (q)(2);

"(6) who has been discharged from the armed forces under dishonorable conditions; or

"(7) who, having been a citizen of the United States, has renounced the citizenship of that person.".

(c) Definition.—Section 842 of title 18, United States Code, is amended by adding at the end the following:

"(q) Provisions Relating to Legal Aliens.—

"(1) Definition.—In this subsection, the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

"(2) Exceptions.—Subsections (d)(7) and (i)(5) do not apply to any alien who—

"(A) is in lawful nonimmigrant status, is a refugee admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or is in asylum status under section 208 of the Immigration and Nationality Act (8 U.S.C. 1158);

"(B) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business;

"(C) is a person having the authority to direct or cause the direction of the management and policies of a corporation, partnership, or association licensed pursuant to section 843(a), and the shipping, transporting, possessing, or receiving of explosive materials relates to that authority; or

"(D) is a member of a North Atlantic Treaty Organization (NATO) or other friendly foreign military force (whether or not admitted in a nonimmigrant status) who is present in the United States under military orders for training or other authorized purpose, and the shipping, transporting, possessing, or receiving explosive materials is in furtherance of the military purpose.".

"(3) Waiver.—

"(A) Conditions for waiver.—Any individual who has been admitted to the United States under a nonimmigrant visa may receive a waiver from the requirements of subsection (i)(5) if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (C); and

"(ii) the Attorney General approves the petition.

"(B) Petition.—Each petition submitted in accordance with subparagraph (A) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to acquire explosives and certifying that the alien would not, absent the application of subsection (i)(5), otherwise be prohibited from such an acquisition under subsection (i).

"(C) Approval of petition.—The Attorney General shall approve a petition submitted in accordance with this paragraph if the Attorney General determines that waiving the requirements of subsection (i)(5) with respect to the petitioner—

"(i) would be in the interests of justice; and

"(ii) would not jeopardize the public safety.".

SEC. 4. REQUIREMENT TO PROVIDE SAMPLES OF EXPLOSIVE MATERIALS AND AMMONIUM NITRATE.

Section 843 of title 18, United States Code, is amended by adding at the end the following:

"(h) Furnishing of Samples.—

"(1) In general.—Licensed manufacturers and licensed importers and persons who manufacture or import explosive materials or ammonium nitrate shall, when required by letter issued by the Secretary, furnish—

"(A) samples of such explosive materials or ammonium nitrate;

"(B) information on chemical composition of those products; and

"(C) any other information that the Secretary determines is relevant to the identification and classification of the explosive materials or to identification of the ammonium nitrate.

"(2) Reimbursement.—The Secretary may, by regulation, authorize reimbursement of the fair market value of samples furnished pursuant to this subsection, as well as the reasonable costs of shipment.".

SEC. 5. DESTRUCTION OF PROPERTY OF INSTITUTIONS RECEIVING FEDERAL FINANCIAL ASSISTANCE.

Section 844(f)(1) of title 18, United States Code, is amended by inserting before the word "shall" the following: "or any institution or organization receiving Federal financial assistance,".

SEC. 6. RELIEF FROM DISABILITIES.

Section 845(b) of title 18, United States Code, is amended to read as follows:

"(b) Relief from Disabilities.—

"(1) In general.—A person who is prohibited from possessing, shipping, transporting, receiving purchasing, importing, manufacturing, or dealing in explosive materials may make application to the Secretary for relief from the disabilities imposed by Federal law with respect to the acquisition, receipt, transfer, shipment, transportation, or possession of explosive materials, and the Secretary may grant that relief, if it is established to the satisfaction of the Secretary that—

"(A) the circumstances regarding the disability, and the record and reputation of the applicant are such that the applicant will not be likely to act in a manner dangerous to public safety; and

"(B) that the granting of the relief will not be contrary to the public interest.

"(2) Petition for judicial review.—Any person whose application for relief from disabilities under this section is denied by the Secretary may file a petition with the United States district court for the district in which that person resides for a judicial review of the denial.

"(3) Additional evidence.—The court may, in its discretion, admit additional evidence where failure to do so would result in a miscarriage of justice.

"(4) Further operations.—A licensee or permittee who conducts operations under this chapter and makes application for relief from the disabilities under this chapter, shall not be barred by that disability from further operations under the license or permit of that person pending final action on an application for relief filed pursuant to this section.

"(5) Notice.—Whenever the Secretary grants relief to any person pursuant to this section, the Secretary shall promptly publish in the Federal Register, notice of that action, together with reasons for that action.".

SEC. 7. THEFT REPORTING REQUIREMENT.

Section 842 of title 18, United States Code, as amended by this Act, is amended by adding at the end the following:

"(r) Theft Reporting Requirement.—

"(1) In general.—A holder of a limited user permit who knows that explosive materials have been stolen from that user, shall report the theft to the Secretary not later than 24 hours after the discovery of the theft.

"(2) Penalty.—A holder of a limited user permit who does not report a theft in accordance with paragraph (1), shall be fined not more than $10,000, imprisoned not more than 5 years, or both.".

SEC. 8. APPLICABILITY.

Nothing in this Act shall be construed to affect the exception in section 845(a)(4) (relating to small arms ammunition and components of small arms ammunition) or section 845(a)(5) (relating to commercially manufactured black powder in quantities not to exceed 50 pounds intended to be used solely for sporting, recreational, or cultural purposes in antique firearms) of title 18, United States Code.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 210—DESIGNATING FEBRUARY 14, 2002, AS "NATIONAL DONOR DAY"

Mr. DURBIN (for himself, Mr. DeWine, Mr. Frist, Mr. Kennedy, Mr. Torricelli, Ms. Collins, Mr. Breaux, Mr. Wellstone, Mr. Biden, Mr. Inouye, Mr. Kohl, Ms. Landrieu, Mr. Specter, Mr. Johnson, Mr. Dorgan, Mr. Cleland, Mr. Graham, Mr. Dodd, Mr. Enzi, Mr. Levin, Mr. Kerry, and Mr. Reid) submitted the following resolution; which was considered and agreed to:

S. Res. 210

Whereas more than 80,000 individuals await organ transplants at any given moment;

Whereas another man, woman, or child is added to the national organ transplant waiting list every 13 minutes;

Whereas despite progress in the last 16 years, more than 16 people die each day because of a shortage of donor organs;

Whereas almost everyone is a potential donor of organs, tissue, bone marrow, or blood;

Whereas transplantation has become an element of mainstream medicine that prolongs and enhances life;

Whereas for the fifth consecutive year, a coalition of health organizations is joining forces for National Donor Day;

Whereas the first 3 National Donor Days raised a total of nearly 30,000 units of blood, added more than 6,000 potential donors to the National Marrow Donor Program Registry, and distributed tens of thousands of organ and tissue pledge cards;

Whereas National Donor Day is America's largest 1-day organ, tissue, bone marrow, and blood donation event; and

Whereas a number of businesses, foundations, and health organizations and the Department of Health and Human Services have designated February 14, 2002, as National Donor Day: Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideas of National Donor Day;

(2) encourages all Americans to learn about the importance of organ, tissue, bone marrow, and blood donation and to discuss such donation with their families and friends; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for organ, tissue, bone marrow, and blood donation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2878. Mr. DURBIN (for himself and Mr. NELSON, of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, supra.

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, supra.

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) supra.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON, of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2904. Mr. NELSON, of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, supra.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2908. Mr. MCCONNELL (for Mr. CHAFEE (for himself and Mr. REED)) proposed an amendment to the bill S. 565, supra.

SA 2909. Mr. MCCONNELL (for Mr. GREGG) proposed an amendment to the bill S. 565, supra.

SA 2910. Mr. MCCONNELL (for Mr. MCCAIN (for himself and Mr. HARKIN)) proposed an amendment to the bill S. 565, supra.

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, supra.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, supra.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, supra.

SA 2915. Ms. COLLINS (for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON, of Nebraska, and Mr. NICKLES) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2878. Mr. DURBIN (for himself and Mr. NELSON of Florida) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 3, line 9, strike through page 5, line 7, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system may meet the requirements of subparagraph (A) by—

SA 2879. Mr. REID (for himself, Mr. SPECTER, and Mr. FEINGOLD) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

TITLE V—CIVIC PARTICIPATION

SEC. 501. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The right to vote is the most basic constitutive act of citizenship and regaining the right to vote reintegrates offenders into free society. The right to vote may not be abridged or denied by the United States or by any State on account of race, color, gender, or previous condition of servitude. Basic constitutional principles of fairness and equal protection require an equal opportunity for United States citizens to vote in Federal elections.

(2) Congress has ultimate supervisory power over Federal elections, an authority that has repeatedly been upheld by the Supreme Court.

(3) Although State laws determine the qualifications for voting in Federal elections, Congress must ensure that those laws are in accordance with the Constitution. Currently, those laws vary throughout the Nation, resulting in discrepancies regarding which citizens may vote in Federal elections.

(4) An estimated 3,900,000 individuals in the United States, or 1 in 50 adults, currently cannot vote as a result of a felony conviction. Women represent about 500,000 of those 3,900,000.

(5) State disenfranchisement laws disproportionately impact ethnic minorities.

(6) Fourteen States disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense.

(7) In those States that disenfranchise ex-offenders who have fully served their sentences, the right to vote can be regained in theory, but in practice this possibility is often illusory.

(8) In 8 States, a pardon or order from the Governor is required for an ex-offender to regain the right to vote. In 2 States, ex-offenders must obtain action by the parole or pardon board to regain that right.

(9) Offenders convicted of a Federal offense often have additional barriers to regaining voting rights. In at least 16 States, Federal ex-offenders cannot use the State procedure for restoring their voting rights. The only method provided by Federal law for restoring voting rights to ex-offenders is a Presidential pardon.

(10) Few persons who seek to have their right to vote restored have the financial and political resources needed to succeed.

(11) Thirteen percent of the African-American adult male population, or 1,400,000 African-American men, are disenfranchised. Given current rates of incarceration, 3 in 10 African-American men in the next generation will be disenfranchised at some point during their lifetimes. Hispanic citizens are also disproportionately disenfranchised, since those citizens are disproportionately represented in the criminal justice system.

(12) The discrepancies described in this subsection should be addressed by Congress, in the name of fundamental fairness and equal protection.

(b) PURPOSE.—The purpose of this title is to restore fairness in the Federal election process by ensuring that ex-offenders who have fully served their sentences are not denied the right to vote.

SEC. 502. DEFINITIONS.

In this title:

(1) CORRECTIONAL INSTITUTION OR FACILITY.—The term "correctional institution or facility" means any prison, penitentiary, jail, or other institution or facility for the confinement of individuals convicted of criminal offenses, whether publicly or privately operated, except that such term does not include any residential community treatment center (or similar public or private facility).

(2) ELECTION.—The term "election" means—

(A) a general, special, primary, or runoff election;

(B) a convention or caucus of a political party held to nominate a candidate;

(C) a primary election held for the selection of delegates to a national nominating convention of a political party; or

(D) a primary election held for the expression of a preference for the nomination of persons for election to the office of President.

(3) FEDERAL OFFICE.—The term "Federal office" means the office of President or Vice President, or of Senator or Representative in, or Delegate or Resident Commissioner to, Congress.

(4) PAROLE.—The term "parole" means parole (including mandatory parole), or conditional or supervised release (including mandatory supervised release), imposed by a Federal, State, or local court.

(5) PROBATION.—The term "probation" means probation, imposed by a Federal, State, or local court, with or without a condition on the individual involved concerning—

(A) the individual's freedom of movement;

(B) the payment of damages by the individual;

(C) periodic reporting by the individual to an officer of the court; or

(D) supervision of the individual by an officer of the court.

SEC. 503. RIGHTS OF CITIZENS.

The right of an individual who is a citizen of the United States to vote in any election for Federal office shall not be denied or abridged because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(1) is serving a felony sentence in a correctional institution or facility; or

(2) is on parole or probation for a felony offense.

SEC. 504. ENFORCEMENT.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in a court of competent jurisdiction to obtain such declaratory or injunctive relief as is necessary to remedy a violation of this title.

(b) PRIVATE RIGHT OF ACTION.—

(1) NOTICE.—A person who is aggrieved by a violation of this title may provide written notice of the violation to the chief election official of the State involved.

(2) ACTION.—Except as provided in paragraph (3), if the violation is not corrected within 90 days after receipt of a notice provided under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

(3) ACTION FOR VIOLATION SHORTLY BEFORE A FEDERAL ELECTION.—If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person shall not be required to provide notice to the chief election official of the State under paragraph (1) before bringing a civil action in such a court to obtain the declaratory or injunctive relief with respect to the violation.

SEC. 505. RELATION TO OTHER LAWS.

(a) NO PROHIBITION ON LESS RESTRICTIVE LAWS.—Nothing in this title shall be construed to prohibit a State from enacting any State law that affords the right to vote in any election for Federal office on terms less restrictive than those terms established by this title.

(b) NO LIMITATION ON OTHER LAWS.—The rights and remedies established by this title shall be in addition to all other rights and remedies provided by law, and shall not supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.) or the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.).

SA 2880. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a populations in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during normal business hours for the entire period in which absentee ballots for the election involved are permitted to be submitted; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2881. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 14 through 16, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 8 and 9, insert the following:

(5) CONSTRUCTION.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

SA 2882. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following: "Nothing in this subsection shall be construed to limit a State's ability to provide for additional requirements for the casting, challenging, and counting of provisional ballots, including requirements for identification and allowing third parties to challenge voter eligibility. States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law."

SA 2883. Mr. CLELAND (for himself and Mr. MILLER) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2002 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the "Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001".

SA 2884. Mr. CLELAND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Amend section 103(b)(3)(B) to read as follows:

(B) who is—

(i) an absent uniformed services voter or an overseas voter, as defined in section 107 of the Uniform and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff—6);

(ii) a handicapped or elderly voter, as defined in section 8 of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee—6); or

(iii) described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg—4(c)(2)).

SA 2885. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The records under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(B) APPLICABLE RECORDS.—For purposes of this subsection, the term "applicable records" means—

(i) in the case of the Social Security Administration, information needed to verify—

(I) the social security number of an individual; or

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(ii) in the case of the Immigration and Naturalization Service, information needed to verify, whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 2886. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated pursuant to the authorization contained in section 209.

SA 2887. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.".

SA 2888. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. MINIMUM STANDARDS FOR WHAT CONSTITUTES A VOTE.

(a) IN GENERAL.—The chief State election official of each State shall certify in writing to the Election Administration Commission that the State has enacted legislation that establishes uniform standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office.

(b) METHODS OF IMPLEMENTATION LEFT TO DISCRETION OF STATE.—The specific choices on the methods of implementing the legislation enacted pursuant to subsection (a) shall be left to the discretion of the State.

(c) ENFORCEMENT.—

(1) REPORT BY COMMISSION TO ATTORNEY GENERAL.—If a State does not provide a certification under subsection (a) to the Election Administration Commission, or if the Commission has credible evidence that a State's certification is false or that a State is carrying out activities in violation of the terms of the certification, the Commission shall notify the Attorney General.

(2) ACTION BY ATTORNEY GENERAL.—After receiving notice from the Commission under paragraph (1), the Attorney General may bring a civil action against a State in an appropriate district court for such declaratory or injunctive relief as may be necessary to remedy a violation of this section.

(d) CHIEF STATE ELECTION OFFICIAL DEFINED.—In this section, the term "chief State election official" means, with respect to a State, the individual designated by that State under section 10 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–8) to be responsible for coordination of the State's responsibilities under such Act.

(e) GRANTS.—

(1) IN GENERAL.—The Uniform and Nondiscriminatory Election Technology and Administration Requirements Grant Program established by section 201(a) is authorized to make grants, in the manner described in subtitle A of title II, to States and localities to pay the costs of activities necessary to meet the requirements of this section.

(2) STATE PLANS.—A State plan under section 202 shall include a description of how the State will use the funds made available under subtitle A of title II to meet the requirements of this section.

(3) AUTHORIZED ACTIVITIES.—A State or locality may use grant payments received under subtitle A of title II to meet the requirements of this section.

(4) RETROACTIVE PAYMENTS.—The Attorney General may make retroactive payments to States and localities having an application approved under section 203 for any costs for activities necessary to meet the requirements of this section that were incurred during the period referred to in section 206(b).

(f) EFFECTIVE DATE.—The requirements of this section shall take effect upon the expiration of the 2-year period which begins on the date of enactment of this Act, except that if the chief State election official of a State certifies that good cause exists to waive the requirements of this section with respect to the State until the date of the regularly scheduled general election for Federal office held in November 2004, the requirements shall apply with respect to the State beginning on the date of such election.

SEC. ___. STUDIES AND REPORTS ON STATE RECOUNT AND CONTEST PROCEDURES.

(a) STUDIES.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission") shall conduct periodic studies that systematically examine the laws and procedures used by States that govern—

(A) recounts of ballots cast in elections for Federal office; and

(B) contests of determinations regarding whether votes are counted in such elections.

(2) ISSUES.—As part of the study conducted under paragraph (1), the Commission shall—

(A) identify the best practices used by States with respect to the recounts and contests described in paragraph (1); and

(B) study whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office.

(b) REPORTS TO THE PRESIDENT AND CONGRESS.—The Commission shall submit to the President and Congress a report on each study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

(c) RECOMMENDATIONS TO THE STATES.—

(1) REPORTS TO STATES.—If the Commission determines that the laws or procedures of a State with respect to the recounts and contests described in subsection (a)(1) could be improved, the Commission shall submit to the chief executive of that State a report that—

(A) identifies the best practices used by States with respect to such recounts and contests; and

(B) recommends ways in which the laws or procedures of that State with respect to such recounts and contests could be improved based on such practices.

(2) FOLLOW-UP REPORTS TO STATES.—Not later than 1 year after the Commission submits a report under paragraph (1), the Commission shall, after consulting with State and local election officials of the State to which the report was submitted, issue a follow-up report to the chief executive of that State describing the progress of the State in implementing the recommendations of the Commission, or (if applicable), the reasons that the State is not implementing such recommendations.

SA 2889. Mr. LIEBERMAN (for himself and Mr. FEINGOLD) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC.   . REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

Notwithstanding any other provision of law, the community of American citizens who are residents of the District constituting the seat of Government of the United States shall have full voting representation in Congress.

SEC.   . EXEMPTION FROM TAX FOR INDIVIDUALS WHO ARE RESIDENTS OF THE DISTRICT OF COLUMBIA.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to items specifically excluded from gross income) is amended by inserting after section 138 the following new section:

"SEC. 138A. RESIDENTS OF THE DISTRICT OF COLUMBIA.

"(a) EXEMPTION FOR RESIDENTS DURING YEARS WITHOUT FULL VOTING REPRESENTATION IN CONGRESS.—This section shall apply with respect to any taxable year during which residents of the District of Columbia are not represented in the House of Representatives and the Senate by individuals who are elected by the voters of the District and who have the same voting rights in the House of Representatives and the Senate as Members who represent States.

"(b) RESIDENTS FOR ENTIRE TAXABLE YEAR.—An individual who is a bona fide resident of the District of Columbia during the entire taxable year shall be exempt from taxation under this chapter for such taxable year.

"(c) TAXABLE YEAR OF CHANGE OF RESIDENCE FROM DISTRICT OF COLUMBIA.—

"(1) IN GENERAL.—In the case of an individual who has been a bona fide resident of the District of Columbia for a period of at least 2 years before the date on which such individual changes his residence from the District of Columbia, income which is attributable to that part of such period of District of Columbia residence before such date shall not be included in gross income and shall be exempt from taxation under this chapter.

"(2) DEDUCTIONS, ETC. ALLOCABLE TO EXCLUDED AMOUNTS NOT ALLOWABLE.—An individual shall not be allowed—

"(A) as a deduction from gross income any deductions (other than the deduction under section 151, relating to personal exemptions), or

"(B) any credit,

properly allocable or chargeable against amounts excluded from gross income under this subsection.

"(d) DETERMINATION OF RESIDENCY.—

"(1) IN GENERAL.—For purposes of this section, the determination of whether an individual is a bona fide resident of the District of Columbia shall be made under regulations prescribed by the Secretary.

"(2) INDIVIDUALS REGISTERED TO VOTE IN OTHER JURISDICTIONS.—No individual may be treated as a bona fide resident of the District of Columbia for purposes of this section with respect to a taxable year if at any time during the year the individual is registered to vote in any other jurisdiction.".

(b) NO WAGE WITHHOLDING.—Paragraph (8) of section 3401(a) of such Code is amended by adding at the end the following new subparagraph:

"(E) for services for an employer performed by an employee if it is reasonable to believe that during the entire calendar year the employee will be a bona fide resident of the District of Columbia unless section 138A is not in effect throughout such calendar year; or".

(c) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 138 the following new item:

"Sec. 138A. Residents of the District of Columbia.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of enactment of this Act.

(2) WITHHOLDING.—The amendment made by subsection (b) shall apply to remuneration paid after the date of enactment of this Act.

SA 2890. Mr. LIEBERMAN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of title IV, add the following:

SEC. 402. AUTHORIZED LEAVE FOR FEDERAL EMPLOYEES TO PERFORM POLL WORKER SERVICE IN FEDERAL ELECTIONS.

(a) SHORT TITLE.—This section may be cited as the "Federal Employee Voter Assistance Act of 2002".

(b) LEAVE FOR FEDERAL EMPLOYEES.—Chapter 63 of title 5, United States Code, is amended by inserting after section 6328 the following:

"§ 6329. Leave for poll worker service

"(a) In this section, the term—

"(1) 'employee' means an employee of an Executive agency (other than the General Accounting Office) who is not a political appointee;

"(2) 'political appointee' means any individual who—

"(A) is employed in a position that requires appointment by the President, by and with the advice and consent of the Senate;

"(B) is employed in a position on the executive schedule under sections 5312 through 5316;

"(C) is a noncareer appointee in the senior executive service as defined under section 3132(a)(7); or

"(D) is employed in a position that is excepted from the competitive service because of the confidential policy-determining, policy-making, or policy-advocating character of the position; and

"(3) 'poll worker service'—

"(A) means—

"(i) administrative and clerical, nonpartisan service relating to a Federal election performed at a polling place on the date of that election; and

"(ii) training before or on that date to perform service described under clause (i); and

"(B) shall not include taking an active part in political management or political campaigns as defined under section 7323(b)(4).

"(b)(1)(A) Subject to subparagraph (B), the head of an agency shall grant an employee paid leave under this section to perform poll worker service.

"(B) The head of an agency may deny any request for leave under this section if the denial is based on the exigencies of the public business.

"(2) Leave under this section—

"(A) shall be in addition to any other leave to which an employee is otherwise entitled;

"(B) may not exceed 3 days in any calendar year; and

"(C) may be used only in the calendar year in which that leave is granted.

"(3) An employee requesting leave under this section shall submit written documentation from election officials substantiating the training and service of the employee.

"(4) An employee who uses leave under this section to perform poll worker service may not receive payment for that poll worker service.".

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Personnel Management shall prescribe regulations to carry out the amendments made by this section.

(2) EFFECTIVE DATE.—This subsection shall take effect on the date of enactment of this Act.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than June 1, 2005, the Office of Personnel Management shall submit a report to Congress on the implementation of section 6329 of title 5, United States Code (as added by this section), and the extent of participation by Federal employees under that section.

(2) SUBSEQUENT REPORTS.—

(A) IN GENERAL.—Not later than 6 months after the date of each general election for the Office of the President, the Office of Personnel Management shall submit a report to Congress on the participation of Federal employees under section 6329 of title 5, United States Code (as added by this section), with respect to all Federal elections which occurred in the 54-month period preceding that submission date.

(B) EFFECTIVE DATE.—This paragraph shall take effect on January 1, 2008.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 63 of title 5, United States Code, is amended by inserting after the item relating to section 6328 the following:

"6329. Leave for poll worker service.".

(e) EFFECTIVE DATE.—Except as otherwise provided in this section, this section shall take effect 6 months after the date of enactment of this Act.

SA 2891. Mr. KYL proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. USE OF SOCIAL SECURITY NUMBERS FOR VOTER REGISTRATION AND ELECTION ADMINISTRATION.

Section 205(c)(2) of the Social Security Act (42 U.S.C. 405(c)(2)) is amended by adding at the end the following new subparagraph:

"(I)(i) It is the policy of the United States that any State (or political subdivision thereof) may, in the administration of any voter registration or other election law, use the social security account numbers issued by the Commissioner of Social Security for the purpose of establishing the identification of individuals affected by such law, and may require any individual who is, or appears to be, so affected to furnish to such State (or political subdivision thereof) or any agency thereof having administrative responsibility for the law involved, the social security account number (or numbers, if such individual has more than one such number) issued to such individual by the Commissioner of Social Security.

"(ii) For purposes of clause (i), an agency of a State (or political subdivision thereof) charged with the administration of any voter registration or other election law that did not use the social security account number for identification under a law or regulation adopted before January 1, 2002, may require an individual to disclose his or her social security number to such agency solely for the purpose of administering the laws referred to in such clause.

"(iii) If, and to the extent that, any provision of Federal law enacted before the date of enactment of the Equal Protection of Voting Rights Act of 2002 is inconsistent with the policy set forth in clause (i), such provision shall, on and after the date of the enactment of such Act, be null, void, and of no effect.".

SA 2892. Mr. MCCONNELL proposed an amendment to amendment SA 2891 proposed by Mr. KYL to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of the amendment, add the following:

(b) CONSTRUCTION.—Nothing in this section may be construed to supersede any privacy guarantee under any Federal or State law that applies with respect to a social security number.

SA 2893. Mr. ENSIGN (for himself, Mr. HATCH, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locally shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

SA 2894. Mr. HOLLINGS (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the merits of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of nonvoters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former President's Carter and Ford is "Congress should enact legislation to hold presidential and congressional elections on a national holiday". Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, would allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily. It could increase the pool of available poll workers and make public buildings more available for use as polling places.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Some have argued against weekend voting because people of many faiths would have a religious objection to such civic participation on the Sabbath.

SA 2895. Mr. DURBIN (for himself, Mr. NELSON of Florida, and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 3, line 9, strike through page 5, line 14, and insert the following:

(1) IN GENERAL.—

(A) Except as provided in subparagraph (B), the voting system (including any lever voting system, optical scanning voting system, direct recording electronic voting system, or punchcard voting system) shall—

(i) permit the voter to verify the votes selected by the voter on the ballot before the ballot is cast and counted;

(ii) provide the voter with the opportunity to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error); and

(iii) if the voter selects votes for more than 1 candidate for a single office—

(I) notify the voter that the voter has selected more than 1 candidate for a single office on the ballot;

(II) notify the voter before the ballot is cast and counted of the effect of casting multiple votes for the office; and

(III) provide the voter with the opportunity to correct the ballot before the ballot is cast and counted.

(B) A State or locality that uses a paper ballot voting system or a central count voting system (including mail-in absentee ballots or mail-in ballots) may meet the requirements of subparagraph (A) by—

(i) establishing a voter education program specific to that voting system that notifies each voter of the effect of casting multiple votes for an office; and

(ii) providing the voter with instructions on how to correct the ballot before it is cast and counted (including instructions on how to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).

SA 2896. Mr. DASCHLE proposed an amendment to the bill H.R. 3090, to provide tax incentives for economic recovery; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

SA 2897. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) RESPONSIBILITIES CONTINGENT ON FUNDING.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2898. Mr. DAYTON submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. REDUCED RATE ABSENTEE BALLOT POSTAGE PILOT PROGRAM.

(a) DEFINITIONS.—In this section:

(1) PILOT PROGRAM.—The term "pilot program" means the pilot program established under subsection (b).

(2) POSTAL SERVICE.—The term "Postal Service" means the United States Postal Service established under section 201 of title 39, United States Code.

(b) ESTABLISHMENT.—Notwithstanding any other provision of law, the Federal Election Commission and the Postal Service shall jointly establish a pilot program under which the Postal Service shall waive the amount of postage, applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code). Such pilot program shall not apply with respect to the postage required to send the absentee ballots to voters.

(c) PILOT STATES.—The Federal Election Commission and the Postal Service shall jointly select a State or States in which to conduct the pilot program.

(d) DURATION.—The pilot program shall be conducted with respect to absentee ballots submitted in the general election for Federal office held in 2004.

(e) PUBLIC SURVEY.—In order to assist the Federal Election Commission in making the determinations under subsection (f)(1), the Federal Election Commission and the Postal Service shall jointly conduct a public survey of individuals who participated in the pilot program.

(f) STUDY AND REPORT.—

(1) STUDY.—The Federal Election Commission shall conduct a study of the pilot program to determine—

(A) the effectiveness of the pilot program;

(B) the feasibility of nationally implementing the pilot program; and

(C) the demographics of voters who participated in the pilot program.

(2) REPORT.—

(A) IN GENERAL.—Not later than the date that is 90 days after the date on which the general election for Federal office for 2004 is held, the Federal Election Commission shall submit to the Committees on Governmental Affairs and Rules and Administration of the Senate and the Committees on Government Reform and House Administration of the House of Representatives a report on the pilot program together with such recommendations for legislative and administrative action as the Federal Election Commission determines appropriate.

(B) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under subparagraph (A) shall—

(i) include recommendations of the Federal Election Commission on whether to expand the pilot program to target elderly individuals and individuals with disabilities; and

(ii) identify methods of targeting such individuals.

(g) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $1,000,000 for fiscal year 2004 to carry out this section.

(2) Responsibilities contingent on funding.—The Federal Election Commission and the Postal Service shall not be required to carry out any responsibility under this section unless the amount described in paragraph (1) is appropriated to carry out this section.

SA 2899. Mr. TORRICELLI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. . TELEVISION MEDIA RATES.

(a) Lowest Unit Charge.—Subsection (b) of section 315 of the Communications Act of 1934 (47 U.S.C. 315) is amended—

(1) by striking "(b) The charges" and inserting the following:

"(b) Charges.—

"(1) In general.—Except as provided in paragraph (2), the charges";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following:

"(2) Television.—The charges made for the use of any television broadcast station, or by a provider of cable or satellite television service, to any person who is a legally qualified candidate for any public office in connection with the campaign of such candidate for nomination for election, or election, to such office shall not exceed, during the periods referred to in paragraph (1)(A), the lowest charge of the station (at any time during the 365-day period preceding the date of the use) for the same amount of time for the same period.".

(b) Rate Available for National Parties.—Section 315(b)(2) of such Act (47 U.S.C. 315(b)(2), as added by subsection (a)(3), is amended by inserting ", or to a national committee of a political party making expenditures under section 315(d) of the Federal Election Campaign Act of 1971 on behalf of such candidate in connection with such campaign," after "such office".

(c) Preemption.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) Preemption.—

"(1) In general.—Except as provided in paragraph (2), a licensee shall not preempt the use of a television broadcast station, or a provider of cable or satellite television service, by an eligible candidate or political committee of a political party who has purchased and paid for such use pursuant to subsection (b)(2).

"(2) Circumstances beyond control of licensee.—If a program to be broadcast by a television broadcast station, or a provider of cable or satellite television service, is preempted because of circumstances beyond the control of the station, any candidate or party advertising spot scheduled to be broadcast during that program may also be preempted.".

(d) Random Audits.—Section 315 of such Act (47 U.S.C. 315), as amended by subsection (c), is amended by inserting after subsection (c) the following new subsection:

"(d) Random Audits.—

"(1) In general.—During the 45-day period preceding a primary election and the 60-day period preceding a general election, the Commission shall conduct random audits of designated market areas to ensure that each television broadcast station, and provider of cable or satellite television service, in those markets is allocating television broadcast advertising time in accordance with this section and section 312.

"(2) Markets.—The random audits conducted under paragraph (1) shall cover the following markets:

"(A) At least 6 of the top 50 largest designated market areas (as defined in section 122(j)(2)(C) of title 17, United States Code).

"(B) At least 3 of the 51-100 largest designated market areas (as so defined).

"(C) At least 3 of the 101-150 largest designated market areas (as so defined).

"(D) At least 3 of the 151-210 largest designated market areas (as so defined).

"(3) Broadcast stations.—Each random audit shall include each of the 3 largest television broadcast networks, 1 independent network, and 1 cable network.".

(e) Definition of Broadcasting Station.—Subsection (e) of section 315 of such Act (47 U.S.C. 315(e)), as redesignated by subsection (c)(1) of this section, is amended by inserting ", a television broadcast station, and a provider of cable or satellite television service" before the semicolon.

(f) Stylistic Amendments.—Section 315 of such Act (47 U.S.C. 315) is amended—

(1) in subsection (a), by inserting "In General.—" before "If any";

(2) in subsection (e), as redesignated by subsection (c)(1) of this section, by inserting "Definitions.—" before "For purposes"; and

(3) in subsection (f), as so redesignated, by inserting "Regulations.—" before "The Commission".

SA 2900. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements to the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

(2) Manual audit capacity.—

(A) Permanent and unalterable paper record.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) Correction of errors.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) Official record for recounts.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2901. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 205, subsection (3), insert: (4) To construct paved, asphalted, or similar surfaced parking lots, driveways, approaches, roads, roadways, streets, easements, sidewalks or similar access ways, and disabled access ramps or other access mechanisms or features necessary for accessibility for individuals with disabilities to reach or enter a voting system, if the locality providing the "polling place" described in subsection (a)(3)(B) is in a "rural" area. For the purposes of this subsection "rural" or "rural area" means a city, town, or unincorporated area that has a population of 50,000 inhabitants or less (other than an urbanized area immediately adjacent to a city, town or unincorporated area that has a population in excess of 50,000 inhabitants), as based on the most recent Decennial Census (including any supplemental surveys thereto).

SA 2902. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

SA 2903. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 100 percent;

(2) in the case of a State or locality that is in the second highest ⅕ of all States or localities with respect to the number of individuals whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(3) in the case of a State or locality that is in the middle ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent;

(4) in the case of a State or locality that is in the second lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent; and

(5) in the case of a State or locality that is in the lowest ⅕ of all States or localities with respect to the number of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 60 percent.

SA 2904. Mr. NELSON of Florida (for himself and Mr. GRAHAM) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. DEPARTMENT OF JUSTICE REPORTS ON VOTING RIGHTS VIOLATIONS IN THE 2000 ELECTIONS.

(a) STATUS REPORTS.—

(1) IN GENERAL.—Not later than the date that is 60 days after the date of enactment of this Act, and each 60 days thereafter until the investigation of the Attorney General regarding violations of voting rights that occurred during the elections for Federal office conducted in November 2000 (in this section referred to as the "investigation") has concluded, the Attorney General shall submit to Congress a report on the status of the investigation.

(2) CONTENTS.—The report submitted under subsection (a) shall contain the following:

(A) An accounting of the resources that the Attorney General has committed to the investigation prior to the date of enactment of this Act and an estimate of the resources that the Attorney General intends to commit to the investigation after such date.

(B) The date on which the Attorney General intends to conclude the investigation.

(C) A description of the measures that the Attorney General has taken to ensure that the voting rights violations that are the subject of the investigation do not occur during subsequent elections for Federal office.

(D) A description of any potential prosecutions for voting rights violations resulting from the investigation and the range of potential punishments for such violations.

(b) FINAL REPORT.—Not later than the date that is 60 days after the date of the conclusion of the investigation, the Attorney General shall submit to Congress a final report on the investigation that contains a summary of each preventive action and each punitive action taken by the Attorney General as part of the investigation and a justification for each action taken.

SA 2905. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 5, strike lines 19 through 21, and insert the following:

Audit Capacity.—

The voting system shall produce a record with an audit capacity for such system;

(2) Manual audit capacity.—

(A) Permanent and unalterable paper record.—The voting system shall produce a permanent and unalterable paper record with a manual audit capacity for such system.

(B) Correction of errors.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent and unalterable paper record is produced.

(C) Official record for recounts.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

SA 2906. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) Error rates.—

(A) In general.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) Residual ballot performance benchmark.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

SA 2907. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:

(5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.

(6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

SA 2908. Mr. McCONNELL (for Mr. Chafee (for himself and Mr. Reed)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end of section 206(b), add the following: "A State or locality that is engaged in a multi-year contract entered into prior to January 1, 2001, is eligible to apply for a grant under section 203 for payments made on or after January 1, 2001, pursuant to that contract.".

SA 2909. Mr. McCONNELL (for Mr. Gregg) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 17, between lines 22 and 23, insert the following:

(iii) Notwithstanding the preceding provisions of this subparagraph, if a State is described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-2(b)), that State shall remove the names of ineligible voters from the computerized list in accordance with State law.

On page 20, strike lines 13 through 15, and insert the following:

(B) who is—

(i) entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1 et seq.);

(ii) provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(iii) entitled to vote otherwise than in person under any other Federal law.

On page 21, between lines 6 and 7, insert the following:

(5) Construction.—Nothing in this subsection shall be construed to require a State that was not required to comply with a provision of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) before the date of enactment of this Act to comply with such a provision after such date.

On page 14, between lines 2 and 3, insert the following:

States described in section 4(b) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–2(b)) may meet the requirements of this subsection using voter registration procedures established under applicable State law.

SA 2910. Mr. McCONNELL (for Mr. McCain (for himself and Mr. Harkin)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, line 22, strike "Commission" and insert "Commission, in consultation with the Architectural and Transportation Barriers Compliance Board,".

On page 64, line 19, strike "316(a)(2))." and insert "316(a)(2)), except that—

"(1) the Architectural and Transportation Barriers Compliance Board shall remain responsible under section 223 for the general policies and criteria for the approval of applications submitted under section 222(a); and

"(2) in revising the voting systems standards under section 101(c)(2) the Commission shall consult with the Architectural and Transportation Barriers Compliance Board.".

SA 2911. Mr. STEVENS (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. FULL EQUALITY FOR AMERICANS ABROAD.

(a) INCLUSION OF AMERICAN CITIZENS LIVING ABROAD IN FUTURE DECENNIAL CENSUSES.—The Secretary of Commerce shall ensure that, in each decennial census of population taken after the date of the enactment of this Act under title 13, United States Code, all American citizens living abroad shall be included for purposes of the tabulations required for the apportionment of Representatives in Congress among the several States, and for other purposes.

(b) REPORT ON RELATED ISSUES.—The Secretary of Commerce shall submit to Congress by not later than September 30, 2002, a report on any methodological, logistical, and other issues associated with the inclusion in future decennial censuses of American citizens living abroad, for apportionment, redistricting, and other purposes for which decennial census results are used. Such report shall include estimates of the number of Americans living abroad in the following categories: Federal civilian employees, military personnel, employees of business enterprises, employees of non-profit entities, and individuals not otherwise described.

SA 2912. Mr. DODD (for Mr. HARKIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c).

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

SA 2913. Mr. DODD (for Mr. HARKIN (for himself and Mr. MCCAIN)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end add the following:

SEC. ___. VOTERS WITH DISABILITIES.

(a) FINDINGS.—Congress makes the following findings:

(1) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) requires that people with disabilities have the same kind of access to public places as the general public.

(2) The Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.) requires that all polling places for Federal elections be accessible to the elderly and the handicapped.

(3) The General Accounting Office in 2001 issued a report based on their election day random survey of 496 polling places during the 2000 election across the country and found that 84 percent of those polling places had one or more potential impediments that prevented individuals with disabilities, especially those who use wheelchairs, from independently and privately voting at the polling place in the same manner as everyone else.

(4) The Department of Justice has interpreted accessible voting to allow curbside voting or absentee voting in lieu of making polling places physically accessible.

(5) Curbside voting does not allow the voter the right to vote in privacy.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the right to vote in a private and independent manner is a right that should be afforded to all eligible citizens, including citizens with disabilities, and that curbside voting should only be an alternative of the last resort in providing equal voting access to all eligible American citizens.

SA 2914. Mr. DODD (for Mr. SCHUMER) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 20, strike through page 19, line 24, and insert the following:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark that matches the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—

(A) IN GENERAL.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

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SA 2915. Ms. COLLINS (for herself Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, and Mr. NICKLES) submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 9:30 a.m., in open and closed session to receive testimony on the results of the nuclear posture review in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet on February 14, 2002, at 10 a.m., to conduct a hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: International Accounting Standards and Necessary Reforms to Improve Financial Reporting."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, February 14, at 2:30 p.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the following bills:

S. 202 and H.R. 2440, to rename Wolf Trap Farm Park as Wolf Trap National Park for the Performing Arts;

S. 1051 and H.R. 1456, to expand the boundary of the Booker T. Washington National Monument, and for other purposes;

S. 1061 and H.R. 2238, to authorize the Secretary of the Interior to acquire Fern Lake and the surrounding watershed in the States of Kentucky and Tennessee for addition to Cumberland Gap National Historical Park, and for other purposes;

S. 1649, to amend the Omnibus Parks and Public Lands Management Act of 1996 to increase the authorization of appropriations for the Vancouver National Historic Reserve and for the preservation of Vancouver Barracks;

H.R. 2234, to revise the boundary of the Tumacacori National Historical Park in the State of Arizona; and

S. 1894, to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 10 a.m., to hear testimony on the administration's request to increase the Federal debt limit.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 14, 2002, at 2:30 p.m., to hold a hearing on HIV/AIDS in Africa.

Agenda

Witnesses

Panel 1: Dr. Eugene McCray, Director, Global AIDS Program, National Center for HIV, STD, and TB Prevention, Center for Disease Control and Prevention, Atlanta, GA, and Dr. E. Anne Peterson, Assistant Administrator, Bureau of Global Health, U.S. Agency for International Development, Washington, DC.

Panel 2: Dr. Jeffrey Sachs, Director, Center for International Development, Harvard University, Cambridge, MA; Dr. Jim Yong Kim, Director, Program in Infectious Disease and Social Change, Harvard Medical School, Boston, MA; and Mr. Martin J. Vorster, Mahyeno Tributary Mamelodi, Pretoria, South Africa.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The Needs of the Working Poor: Helping Families To Make Ends Meet," during the session of the Senate on Thursday, February 14, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, February 14, 2002, for a hearing on administration's proposed budget for veterans' programs for fiscal year 2003.

The hearing will take place in room 418 of the Russell Senate Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on Thursday, February 14, 2002, at 2:30 p.m., in Dirksen 226.

Witness list

Panel I: The Honorable Judd Gregg.

Panel II: Richard Stana, Director, Justice Issues, General Accounting Office.

Panel III: Susan Fisher, Executive Director, Doris Tate Crime Victim's Bureau, Carlsbad, CA; Doug Comer, Director of Legal Affairs and Technology Policy, Intel Corporation, Washington, DC; John Avila, Executive Counsel, Walt Disney Company, Burbank, CA; and Frank Torres, Legislative Counsel, Consumers Union, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Ben Clausen, a member of my staff, be granted the privilege of the floor during today's proceedings on the Equal Protection of Voting Rights Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PRINTING OF H.R. 2646

Mr. REID. Mr. President, I ask unanimous consent that H.R. 2646, the farm bill, be printed as passed by the Senate on Wednesday, February 13.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUSPENDING CERTAIN PROVISIONS PURSUANT TO SECTION 258(a)(2) OF BALANCED BUDGET AND EMERGENCY DEFICIT CONTROL ACT OF 1985

Mr. REID. Mr. President, I ask unanimous consent that previous consent with respect to S.J. Res. 31 be modified to provide that all time be yielded back; that the joint resolution be read the third time, and the Senate then vote on passage, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

• Mr. DOMENICI. Mr. President, once again, as was that case last November, the Senate today must consider a measure that comes to us as a result of the recession. S.J. Res. 31 is an automatic resolution, required to be introduced by the majority leader and considered by the Budget Committee and the Senate under expedited procedures.

The resolution is automatic when the Congressional Budget Office notifies the Congress of an economic slowdown. On January 30, the Department of Commerce's advance report on real economic growth, showed the economy in the fourth quarter grew at an annual rate of 2 tenths of a percent. In the third quarter the economy shrank at an annual rate of 1.3 percent.

This report triggered the CBO notification of low-growth, and subsequently triggered the introduction of the resolution before us today.

The provision in the Balanced Budget and Emergency Deficit Control Act of 1985—sometimes referred to as the Gramm-Rudman-Hollings Act—that necessitated the reporting of this resolution, was simply that we did not want to be initiating major spending cuts in a time of recession.

I might add that the same section of that law that suspends spending cuts in the time of recessions also covers events of war.

S.J. Res. 31 was reported unfavorably from the Budget Committee yesterday. The committee is required to report the resolution without amendment or be discharged without comment.

Again, I concurred with the chairman that the committee should express its disfavor with the Resolution, to send a signal to the full Senate to disapprove it. I ask the Senate to join the chairman, Budget Committee, and me on disapproving the resolution.

If this resolution were somehow to make it to the President for his signature, which he would not sign, it would effectively eliminate all fiscal discipline, all the enforcement tools we have here in the Congress all the way through September 2003.

I do not think we need to take such drastic action.

Having taken this position on a bipartisan basis, however, does not mean that we should not act to address both the economic slow down and the war on terrorism. We should and we must.

Having said that, the business sector was the focus of the economic weakness in the fourth quarter—as it has been throughout the recession.

Businesses reduced inventories at a very rapid pace and decreased investment in new plant and equipment. These factors were such a drag on economic growth that had it not been for a large increase in government purchases, GDP would have been negative in the fourth quarter.

However, the outlook for economic growth this year is becoming increasingly positive. This morning the Labor Department reported that initial claims for unemployment insurance dropped last week to the lowest level since August. Claims are down 26 percent since the peak in October. Businesses may not be adding workers and the unemployment rate may continue to rise a bit from here, but the pace of layoffs has slowed.

The inventory cycle, productivity, monetary policy, and fiscal policy all suggest better growth this year. Having decreased inventories by more than $70 billion in 2001, business have more room to make purchases in the months ahead.

Remarkably, it seems no one told productivity that we had a recession. Productivity growth averaged more than 2 percent during the recession and it usually increases rapidly during recoveries.

With short-term interest rates at 1.75 percent, monetary policy is loose. Lower energy prices should contribute to growth this year. And, although I wish we could agree on additional policies to stimulate growth, the tax cut we enacted last year will boost the economy this year.

The tools of fiscal discipline must be contained so we can convey to the American public and the markets that we are keeping an eye not only on the current challenges we face, but also those longer term challenges.

We must maintain the provisions of the Budget Act that provide us with that future discipline, and we must deal with both tax and spending legislation today while waiving the Budget Act on a case by case basis as needed.

I appreciate the chairman's willingness to approach this issue on a bipartisan basis and I join with him in recommending that the full Senate now reject this resolution when it votes later today.•

The PRESIDING OFFICER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

The joint resolution (S.J. Res. 31) was rejected.

NATIONAL DONOR DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of S. Res. 210 submitted earlier today by Senators DURBIN, DEWINE, FRIST, KENNEDY, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 210) designating February 14, 2002, as "National Donor Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements thereon be printed in the RECORD with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 210) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

UNANIMOUS CONSENT AGREEMENT—S. 517

Mr. REID. Mr. President, I ask consent that the majority leader, after consultation with the Republican leader, may at any time turn to consideration of Calendar No. 65, S. 517, a bill to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, FEBRUARY 15, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow at 10 a.m., February 15; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there will be no rollcall votes tomorrow. The next rollcall votes will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Friday, February 15, 2002, at 10 a.m.

CONFIRMATONS

Executive nominations confirmed by the Senate February 14, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT

NANCY DORN, OF TEXAS, TO BE DEPUTY DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

DAVID L. BUNNING, OF KENTUCKY, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF KENTUCKY.

JAMES E. GRITZNER, OF IOWA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF IOWA.

RICHARD J. LEON, OF MARYLAND, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA.

EXTENSIONS OF REMARKS

DR. DAVID SATCHER, THE PEOPLE'S SURGEON GENERAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, during this month long recognition of Black History Month it is a privilege for me to honor the second African-American to serve as this country's U.S. Surgeon General, Dr David Satcher. Tomorrow, Dr. Satcher will conclude his term. I rise in recognition of the leadership, compassion, dedication and vision that he has exhibited during his tenure as the 16th Surgeon General of the United States.

A native Alabaman and graduate of Morehouse College, Dr. Satcher received both his M.D. and Ph.D. from Case Western Reserve University in 1970. After years of study, Dr. Satcher put his expertise into practice first as a faculty member at the UCLA School of Medicine and Public Health and later as Chairman of the Department of Family Medicine at the King-Drew Medical Center in Los Angeles, where he also directed the King-Drew Sickle Cell Research Center for 6 years. Returning to his alma mater in 1977, Dr. Satcher then went on to serve as professor and Chairman of the Department of Community Medicine and Family Practice at Morehouse School of Medicine before being elected President of Meharry Medical College in Nashville, Tennessee, a post he held from 1982 to 1993.

A learned, well-educated professional and a father of four, Dr. Satcher entered public service in 1993 as the Director of the Centers for Disease Control and Prevention and Administrator of the Agency for Toxic Substances and Disease Registry, posts he held until 1998 when he assumed his current position as Surgeon General. During the period of February 1998 to January 2001, Dr. Satcher served simultaneously in the positions of Surgeon General and Assistant Secretary for Health.

As Surgeon General, Dr. Satcher advocated for and worked towards the promotion of healthy lifestyles, the improvement of the mental health system, and the elimination of disparities in health. Mr. Speaker, The National Center for Health Statistics reports that 60 percent of Americans more than 20 years of age are overweight or clinically obese and that weight-related conditions are the second leading cause of death in the United States, resulting in about 300,000 preventable deaths each year. What is so sad is that most of these deaths can and should be prevented. Realizing this, Dr. Satcher used his office to focus national attention on nutrition; he educated Americans about the value of maintaining a balanced diet with more vegetables and less sugar, and he stressed the necessity of regular exercise. Recognizing the fact that obesity can substantially increase a person's risk of illnesses such as breast, colon, ovarian, and prostate cancers, as well as type 2 diabetes and heart disease, I would like to personally thank the Surgeon General on behalf of all Americans who have undoubtedly benefited from the preventative efforts he initiated and oversaw during his tenure.

Believing in the importance of mental as well as physical health, Dr. Satcher also worked to improve the mental health system to one of caring and support—not blame and stigmatization—and towards the developing of sound strategies for suicide and violence prevention. When Congress called for the development of a national strategy for suicide prevention, Dr. Satcher wholeheartedly embraced the challenge and responded with the dynamic leadership that has become his trademark. The National Strategy for Suicide Prevention was published in May 2001 and I am proud to say that we now have a unified, governing text to guide our national effort to prevent the loss of the nearly 30,000 lives claimed annually by suicide.

In addition to his efforts to promote healthier American lifestyles and to better the condition of the mental health system, Dr. Satcher also acted in an effort to eliminate socio-economic based disparities that remain prevalent in the U.S. healthcare system. He was not afraid to address controversial issues, like needle exchange, when he felt that a change in public policy would save lives. Using the best available science, and operating under the belief that the entire nation benefits from the protection of the health of the most vulnerable, Dr. Satcher and his team focused on six key issues, infant mortality, child and adult immunizations, HIV/AIDS, cardiovascular disease, cancer screening and management, and diabetes, all of which have an especially large impact on minority populations.

Dr. Satcher's goal while in office was to be remembered as the Surgeon General who listened to the people and who always responded to their needs and concerns. Looking back on the last 4 years from the vantage point of this last day of Dr. Satcher's term, it is abundantly clear that he more than accomplished that goal, and that indeed he far exceeded it. Dr. Satcher not only lent an ear to those with a voice, but spoke up for those whose voice could not be heard. In all that he did as the 16th Surgeon General of the United States, Dr. Satcher always acted as a true and honest servant of the people. And for this, for his dedicated service to American healthcare, his country commends him.

RECOGNIZING CATHOLIC SCHOOLS WEEK

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to honor and recognize the annual celebration of Catholic Schools' Week.

Each year, over 3,500 Catholic schools across our Nation celebrate Catholic Schools' Week to recognize the educational and social contributions of America's Catholic schools. This year's 28th Catholic Schools' Week theme, "Catholic Schools Where Faith and Knowledge Meet," exemplifies a major benefit of receiving a Catholic School education.

Catholic schools foster their students with a strong sense of faith, spirit, and Christian service. These are important values which we must promote, especially in light of the events of September 11th. Catholic schools teach a diverse student body from all faiths and races. In fact, 25.6 percent of Catholic school students are minorities. In some inner-city schools, a majority of students are non-Catholic.

It is important that we continue our strong support for Catholic Schools. Catholic education is internationally recognized for its academic excellence and emphasis on the development of the heart, mind and soul. We must promote the growth and continued success of Catholic schools by ensuring they have Internet access, abundant libraries and safe learning environments.

I have worked closely with the Catholic schools in my district, such as helping provide Internet services to the St. Charles Borromeo Catholic School in Houston, visiting Catholic school facilities, and reading to students.

Mr. Speaker, I am proud of the contributions made by our nation's Catholic Schools. I would like to especially recognize the dedicated teachers, principals, school administrators and parents in my Texas Congressional district for their hard work and devotion.

PAYING TRIBUTE TO MAHLON "BUTCH" WHITE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Pueblo, Colorado. Over the years, Mahlon "Butch" White has distinguished himself as a business executive, a community leader, and a vital participant in the funding of civic organizations and activities throughout the region. Butch's achievements

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are impressive and it is my honor to recognize several of those accomplishments today. Butch is a generous soul whose good deeds and generous acts certainly deserve the recognition of this body of Congress, and this nation.

Butch was the former owner and operator of Minnequa Bank in Pueblo, a successful business operation he has run since his late twenties. He has carried on a long line of tradition in the banking industry, dating back to his great-grandfather, Mahlon, of whom he owes his namesake. As such, the White family has served the Pueblo community throughout the last century with professionalism and high standards and continues to serve as a model family for Pueblo as well as the State of Colorado.

Throughout his life, Butch and his wife Maylan, have ensured that the White family remain true to its roots and give back to a community that has provided his business the resources to prosper throughout the bank's long history. The family charity, known as the Mahlon Thatcher White Foundation, has provided funds to charitable and community organizations in Pueblo for decades. The organization is a proud supporter of the YMCA, Pueblo Library District, the Sangre de Cristo Arts center, and the Pueblo Zoo, and a handful of other organizations in the area. Through these donations, the City of Pueblo has enjoyed a prosperous history and high culture rating that has elevated the area as a top destination in Southern Colorado.

Mr. Speaker, Butch White's list of achievements have not been overlooked during his career and his efforts have been repeatedly awarded over the years. It is now my honor to congratulate Butch on his most recent and well-deserved award from his own community, the Citizen of the Year Award, provided by the Greater Pueblo Chamber of Commerce. On receipt of his award, Butch remained true to his philanthropic standards while a member of the chamber announced a further $50 million will be additionally donated to the community from the foundation. Butch has been a model citizen for the community and I extend my thanks to his charitable efforts. Keep up the good work Butch, and good luck to you and your wife Maylan in your future endeavors.

HONORING THE CITY OF SUN VALLEY, IDAHO, ON ITS CONTRIBUTIONS TO THE OLYMPICS

SPEECH OF

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to a place I'm proud to represent. It's a place with rolling his and snow-capped mountains, dazzling celebrities and home to a world class ski resort: Sun Valley, Idaho. On Friday the 19th Winter Olympics will begin in Utah. For three weeks, we'll see skating, skiing, curling, bobsledding and high jumping. For many of the athletes the trip to Salt Lake City will only be a few hours in the car, because they've been training in Idaho for weeks.

I'd like to honor Sun Valley Co. for hosting these tremendous athletes and for their contribution to the Winter Olympics. Sun Valley has opened its doors to these athletes and given them the opportunity to not only adjust to the altitude of the West and Mountain Time Zone, but to America. More than 200 athletes have trained in Sun Valley from countries as far away as the Ukraine and Sweden to as close as Canada. I'm also proud of the Wood River Valley's three Olympiads that will take part in the winter Olympics: Sondra Van Ert, Muffy Davis and Tessa Benoit.

Thank you Sun Valley for hosting the Olympiads and for your continuing support of the Winter Games. Your contribution is noticed and appreciated.

NATIONAL TRIO DAY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today in support of a wonderful program that has helped and encouraged young people in my District and all over this country to complete their education. I am speaking of the TRIO Program.

In the 15th Congressional District, we are plagued with high drop out rates among our youth. In fact, the recent figures published by the U.S. Census Bureau show that 78% of Texans do not have a college degree. This is a tremendous waste of human capital and talent, and we must continue to find innovative ways to tap into this underdeveloped potential.

One program that is making inroads into this problem is the TRIO program. TRIO is made up of several programs including Upward Bound, Upward Bound Math Science, Talent Search, and Student Support Services. These programs promote educational excellence in at-risk students through mentoring, counseling, and support. The goal is to make sure that these students stay in school so they can complete their education and become part of the American dream.

I especially want to bring to your attention the work that is being done by the TRIO programs run by the University of Texas Pan American, Texas A&M Kingsville, South Texas Community College, and Coastal Bend Community College. These dedicated schools in my District are committed to seeing that every student has the opportunity to receive a higher education.

February 23, 2002 has been designated National TRIO Day. I urge my colleagues to take this opportunity to visit their local TRIO programs and encourage these students and the teachers and counselors who are dedicated to their success.

PERSONAL EXPLANATION

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. McCOLLUM. Mr. Speaker, on February 5, 2002, I was attending the funeral of my good friend Darlene Luther in Minnesota and missed roll call votes 6 and 7. Had I been present, I would have voted in support of H.R. 577 (roll call vote 6) and in support of S. 970 (roll call vote 7).

PAYING TRIBUTE TO MEL COLEMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Mr. Mel Coleman, a man whose dedication to his profession, his customers, and his loved ones, is both extraordinary and inspirational. Mel was not only an incredible rancher and businessman, but, more importantly, a man of unquestioned integrity and of unparalleled morality. He will be sorely missed by each and every person whose life he touched. As his family mourns his loss, I believe it is appropriate to remember Mel and pay tribute to him for his contributions to his city, his state and his country.

Mel Coleman, the great-grandson of pioneers who settled in the San Luis Valley of Colorado in 1870, created a cattle ranching empire by employing a novel and often overlooked practice—listening to his customers. By responding to complaints that there was no good source for hormone-and-stimulant-free beef in the marketplace, Mel turned an unprofitable ranching business into Coleman Natural Products, a $70 million-per-year empire, which controls 50 percent of the natural beef market and sells to 2,500 retail outlets throughout the United States and Japan. His beef is now preferred by an ever-growing population of people who prefer its taste, which results from the cattle never being given any hormones, antibiotics or growth promotants, and which graze on ground that is never fertilized.

Mel's vision and dedication to his cause is truly remarkable. He was bold enough to venture into an untested market and talented enough to become extraordinarily successful in this endeavor. In 1981, he was the first to receive permission from the United States Department of Agriculture to label his beef "hormone and stimulant free," which subsequently led to an influx of competition into the marketplace that continues to be dominated by Coleman Natural Products. Mel is survived by his wife, Polly, who was always at her husband's side in both business and in life, his two sons, Mel Jr. and Greg, and his daughter Dianne.

Mr. Speaker, we are all terribly saddened by the loss of Mel Coleman, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, success and love that Mel left with all of us. Mel Coleman's life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

TRIBUTE TO HELEN C. HITZ

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TANNER. Mr. Speaker, I rise today to pay tribute to Mrs. Helen C. Hitz, a former employee here on Capitol Hill. Mrs. Hitz recently passed away, on January 15, 2002, at the age of 80.

In 1960, Mrs. Hitz moved to the Washington, D.C. area and began her employment on Capitol Hill in February of 1961 as a secretary and receptionist to the Honorable Frank Moss of Utah. In September of 1961, Mrs. Hitz accepted the position as Secretary to the General Counsel at the House of Representatives Committee on Small Business. In April of 1965, she transferred to the House Committee on Banking and Currency where she was a staff director and supervised several Committee caseworkers. She was also the confidential and personal Secretary to Dr. Paul Nelson, Administrative Assistant to the committee chairman. In July of 1965, Mrs. Hitz accepted the position of Personal Secretary to Congressman Fernand St. Germain, a Democrat from Rhode Island. She coordinated the work of the Congressman between his personal office and the Committee. Mrs. Hitz retired from Congressional service in 1983 from her position with Congressman St. Germain after more than 20 years of federal civil service.

In 1987, Mrs. Hitz moved from Virginia to Jackson, Tennessee to be near her son, John Hitz. In 1998 she relocated to Holts Summitt, Missouri to be near her other son, Charles Hitz, and to her hometown of Jefferson City, Missouri when she lived until her death.

It is always an honor and a privilege to recognize folks who have given a large portion of their lives to government service. It is a noble profession and I am proud to recognize the service of Mrs. Helen C. Hitz.

RECOGNIZING THE HISPANIC ENGINEER NATIONAL ACHIEVEMENT AWARDS CORPORATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today to recognize the work that the Hispanic Engineer National Achievement Awards Corporation (HENAAC) is doing to enlighten the Hispanic community and nation about the achievements of Hispanics in science and technology in order to motivate Hispanic students to pursue careers in science and technology.

American students lag behind their counterparts in other developed countries like Japan in the areas of science and math. If America is to hold its technological advantage in an ever complex world, we must close this gap and improve our children's achievements in math and science.

In October, HENAAC will hold its annual conference to honor outstanding Hispanics in nine categories. In addition to the conference, HENAAC, in conjunction with the University of Texas-Pan American in my Congressional district, will also sponsor four special events as part of the International Science and Technology Week. The Hispanic Science and Technology EXPO Day at UT Pan American will bring students, parents, educators and the community together to learn about the importance of science and technology and give students information on career opportunities in engineering, science and math. Thousands of pre-college students will be able to participate in the hands-on interactive workshops, presentations and expositions. Hispanic Science and Technology Educator Day will recognize teachers throughout South Texas and give them opportunities to improve their skills.

In addition to International Science and Technology Week, HENAAC also sponsors student scholarships and a Hall of Fame traveling exhibit.

On February 19, 2002, the University of Texas-Pan American will have a kick-off to encourage students, parents and teachers to participate in the upcoming events. I want to commend HENAAC and the University of Texas-Pan American for their commitment to educating the next generation of Hispanic scientists, mathematicians and engineers.

HONORING BOB SECRIST OF BOISE, IDAHO, ON HIS RETIREMENT FROM THE DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SIMPSON. Mr. Speaker, I rise today to honor Bob Secrist, a man who has served Idaho veterans for more than 30 years, on his retirement from the Department of Veterans Affairs Regional Office.

As a Vietnam veteran himself, Bob has shown compassion and dedication to veterans of all ages and in all areas of Idaho.

Bob grew up in the farming community of St. Anthony, Idaho where he learned the value of hard work, a firm handshake and an honest heart. He stayed close to home, attending Ricks College and graduating in 1964. He served his church on a two-year mission to the Great Lakes area. When he returned, he joined the Idaho National Guard. While in the Guard, he was called to Vietnam. He was a truck driver, delivering truckloads of gasoline and diesel fuel throughout Vietnam's Central Highlands. His highly explosive convoys negotiated mined roadways, blown up bridges, and sporadic enemy assaults. He returned in August 1969, married his sweetheart Judy in 1970, and graduated from Idaho State University in 1971 with a degree in business.

After graduating, the family moved to Boise, and Bob began his distinguished career at the VA Regional Office. He started out as Claims Adjudicator working stacks of paper to help those who'd been disabled in the line of duty. For many, Bob put a human face to veterans' issues. His outreach on veterans' issues is legendary. If you had a question about veterans' benefits, Bob knew the answer.

In 1974, he was promoted to be the Education Liaison Representative working with Idaho schools under the GI Bill education program. According to his colleagues, Bob was able to streamline the schools' procedures and improve services to veterans enrolled in school. He utilized his claims processing background to work weekends helping adjudicators to write education awards and clearing up processing delays.

Because of his dedication and community involvement, he was named the Chief of the Regional Office's Veterans Services Division in 1990. In this position, he was in charge of state outreach to all veterans and beneficiaries around the state.

Bob always felt compassion for veterans. He never lost sight of who he was working for—not the government—not the VA—but the veterans who had served this country. He made sure the VA Regional Office wasn't an Ivory Tower looking down on the veterans they served. In the face of budget cuts, he was determined to make the Regional Office "veteran friendly." He began a program of partnerships with the Veterans Service Organizations, the VFW, DAV, American Legion, the Wake Island Survivors, the Idaho Department of Veterans Services, and many others.

After the Regional Office was consolidated in the late 1990s, Bob was appointed as the Regional Office Public Information Officer. In that position, he served as a congressional liaison, always ensuring that my staff and I was informed about veterans issues.

Bob, for 33 years you've been a shining star in the veterans' community, showing those around you that veterans come before bureaucracy and that good ideas don't need to be buried under the burden of government. I commend you. I congratulate you and on behalf of the thousands of veterans you've served, and I thank you.

PAYING TRIBUTE TO JERRY SORENSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of a friend, Gerald "Jerry" Edwin Sorensen, who recently passed away at the age of 55. Jerry was a pillar of the Glenwood Springs community and as his family mourns his loss, I think it is appropriate to remember Jerry and pay tribute to him for his contributions to his community.

Jerry will always be forever known as a true sports fan, a man who lived and thrived for sporting events. He is remembered as a superb athlete during his high school years, participating on and playing for the Roaring Fork High School football and baseball teams located in Carbondale, Colorado. His passion for sports continued throughout his life branching into hunting, fishing, 4-wheeling, bowling and watching his favorite football team, the Denver Broncos. Although known for his athleticism and hard work, Jerry's true love was working and interacting with people, particularly his two sons and grandsons. He will be remembered as a devoted husband, father, and friend. He affected the lives of so many of Glenwood's residents with his kindness and his generosity and he will be greatly missed.

Mr. Speaker, it is with profound sadness that we note the passing of Gerald "Jerry" Edwin. He was known for his kind heart and the gentle demeanor he displayed throughout his life and his good deeds and dedication to his fellow man certainly deserve the recognition of this body of Congress. I, along with a grateful community and loving family will miss Jerry dearly.

CELEBRATING THE LIFE OF LLOYD KIVA NEW

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to a recently lost New Mexican who was a devoted Native American educator, artist, and entrepreneur. Lloyd Kiva New had intuition and visionary skills that made him a successful business man; however, more importantly, his humble heart and ambition drove him to aide young Native American students to strive for excellence at the Institute of American Indian Arts.

The Native American community has lost a prolific humanitarian, who devoted much of his time to encourage young students to climb to a higher level of education. Investing much of his time and energy, aside from his reputation as a renowned artist and entrepreneur, he developed a school intended to teach the values of individuality and excellence among the Native American community.

Not only in Santa Fe but also throughout the nation's Native American communities, New was well respected and admired. Fellow colleagues, family members, and friends will mourn the death of a great public servant. May we remember and keep in our hearts the generosity and accomplishments of Lloyd Kiva New and those whom he left behind.

Those who will continue his legacy are his wife Aysen New, his son Jeff New, and his daughter Nancy Sandroff.

Mr. Speaker, Lloyd Kiva New will be deeply missed, but not forgotten.

PERSONAL EXPLANATION

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LEWIS of Kentucky. Mr. Speaker, on Tuesday, February 12, 2002, I was in my congressional distric attending an official event. Had I been present in the House Chamber, I would have voted 'yea' on H.R. 2998, to authorize the establishment of Radio Free Afghanistan, and H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 15, H.R. 2998, to authorize the establishment of Radio Free Afghanistan. Had I been present I would have voted yea.

I was also unavoidably detained for Roll Call No. 16, H.R. 3699, to revise certain grants for continuum of care assistance for homeless individual and families. Had I been present I would have voted yea.

CYBER SECURITY RESEARCH AND DEVELOPMENT ACT

SPEECH OF

HON. ANNA G. ESHOO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 7, 2002

Ms. ESHOO. Mr. Speaker, I rise in support of this bill and I'm proud to be a cosponsor of it.

The Cyber Security Research and Development Act is aimed at the important need of increasing attention and funding for cybersecurity. I salute my colleague Mr. Boehlert for recognizing this need to move this legislation to the floor of the House.

The bill authorizes over 800 million dollars for research and grant programs through the National Science Foundation and the National Institute of Standards and Technology. This means that the extraordinary scientists and researchers at research facilities like NASA Ames can continue to find innovative ways to address the many security challenges facing our nation.

NASA Ames provides research leadership and world-class capability in the fields of supercomputing and networking, high-assurance software development, and verification and validation. They have developed an unmatched expertise in areas critical to the security of our networks and infrastructures.

As we know all too well, terrorists can strike in unthinkable ways. To minimize the impact terrorist attacks may have on our ability to communicate and exchange valuable information, we must begin to correct the deficiencies in current U.S. computer and network defenses. Only then will we ensure that the United States is better prepared to prevent and combat terrorist attacks on private and government computers.

It is my hope that the Cyber Security Research and Development Act is the beginning of a long-term investment in establishing a strong national information assurance program. It has my strong support and I urge my colleagues to do so as well.

PAYING TRIBUTE TO JULIA HAAG

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district whose hard work and dedication has been rewarded with the great opportunity to pursue a higher education. Julia Haag of Florence, Colorado, was recently awarded the Boettcher Scholarship, and as she celebrates her achievement I would like to commend her for her determination and self-sacrifice in achieving this honor. She is certainly a well deserving recipient of this scholarship and I am pleased to represent her and her family in Colorado.

Julia is a senior at Florence High School located in Southern Colorado. After a long, and no doubt difficult process, Julia was selected as a recipient of the Boettcher Scholarship. This scholarship will provide her with free tuition to the Colorado college of her choice, allowing her the opportunity to pursue a higher education degree with the opportunity to study abroad. This is a great program provided within Colorado to allow students to pursue higher education opportunities throughout the state.

Julia has been graced with this opportunity for her hard work, attention to her studies, and exceptional aptitude test scores. She scored in the top percentile for the ACT, and will graduate in the top 5% of her senior class. A necessary requirement Julia has so aptly demonstrated is her leadership abilities among student and youth organizations and active participation in community service projects throughout the region. Upon graduation, Julia plans to attend law school or focus on broadcast journalism. Whatever her decision, I am certain she will successfully excel in her endeavors with the same aptitude she has demonstrated throughout her young life.

Mr. Speaker, the diligence and commitment demonstrated by Julia Haag certainly deserves the recognition of this body of Congress, and this nation. Julia's achievement serves as a symbol to aspiring college bound students throughout Colorado, and indeed the entire nation. Her reward is proof that hard work and attention to your studies can lead to assistance in achieving your goals. The Boettcher Scholarship is a model program for the states throughout this nation and ensures that our future generations are guaranteed the opportunity to improve their lives through the resources of education. Congratulations Julia, and good luck in your future endeavors!

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, due to the birth of my first child, Elizabeth Anne, on February 2, 2002, I was absent for Roll Call Votes No. 6 through 14 from February 5, 2002 through February 7, 2002. I have listed below how I would have voted had I been present.

On Vote No. 6, H.R. 577, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised, I would have voted "Yea."

On Roll Call Vote No. 7, S. 970, designating the facility of the US Postal Service located on 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building, I would have voted "Yea."

On Roll Call Vote No. 8, H. Res. 342, providing for the consideration of motions to suspend the rules for H. Con. Res. 312, I would have voted "Yea."

On Roll Call Vote No. 9, S. 1888, correcting a technical error in the codification of Title 36 of the United States Code, I would have voted "Yea."

On Roll Call Vote No. 10, H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled Tax Relief Provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a Bipartisan Majority should not be suspended or repealed, I would have voted "Yea."

On Roll Call Vote No. 11, H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan, I would have voted "Yea."

On Roll Call Vote No. 12, H. Res. 343, providing for consideration of H.R. 3394, the Cyber Security Research and Development Act, I would have voted, "Yea."

On Roll Call Vote No. 13, H.R. 3394, on passage of the Cyber Security Research and Development Act, I would have voted, "Yea."

On Roll Call Vote No. 14 on the Journal. February 5 through February 7, 2002, I would have voted "Yea."

A TRIBUTE TO BILL MILLS, THE FATHER OF THE SANTA ANA RIVER FLOOD CONTROL PROJECT

HON. CHRISTOPHER COX

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. COX. Mr. Speaker, it is an honor to rise today to commend Bill Mills who is retiring on April 1st after completing a successful term as the general manager of the Orange County Water District.

An innovative leader, for the past fourteen years Bill Mills has spearheaded both conservation and reclamation water projects to aid one of the largest counties in the nation. Recognizing the long-term need to reduce Orange County's dependence on imported supplies, Bill has been at the forefront to promote new technologies that would improve the quality of both surface and groundwater supplies. Under his leadership, the Orange County Water District has pioneered some of the most exciting changes in water management as well as maintaining one of the highest financial ratings for a water agency in the state of California.

What was once considered to be only practical in theory, the ability to purify wastewater for reuse, became a reality during Bill's tenure. An accomplished civil engineer, Bill advanced a project referred to as "Water Factory 21," a model water filtration system. This new technology has enabled Orange County residents and businesses alike to recycle a useless product into one of the most important resources needed to maintain irrigation needs during drought. And of course, today, this "new" technology is now the norm for many cities and counties throughout the nation and world. Because of Bill's leadership on this project, Orange County is now taking the next step to transfer this critical technology to help solidify other water needs.

Bill's keen ability to recognize early on the potential of new technologies such as Water Factory 21 have earned him praise and recognition from his colleagues throughout the world and numerous awards, including "Water Leader of the Year." The recognition of the Orange County Water District as a leading public agency is a tribute to his legacy. I know that many of my colleagues here in this House personally gained from Bill's expertise when he traveled several times to Washington, D.C. to testify on groundwater and water quality issues. Always thinking ahead, Bill developed a 20-year master plan to guide the County's future groundwater planning—including tackling a major flood control project for an area that was once considered the biggest flood threat west of the Mississippi. Due in large part to the expertise he shared with the U.S. Army Corps of Engineers, Orange County is no longer designated as a flood threat area.

Today, I join my fellow California colleagues to thank Bill for all of his hard work and dedication. Orange County is a better place to live because of his foresight. In behalf of the United States Congress and all of the people of Orange County whom it is my privilege to represent, congratulations to Bill Mills, and best wishes for a well-deserved retirement.

SUPPORT OF NATIONAL SCHOOL COUNSELING WEEK

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. HOOLEY of Oregon. Mr. Speaker, the American School Counselor Association has declared the first full week of February as "National School Counseling Week." Congress recently recognized the importance of school counseling through the reauthorization and appropriation of the Elementary and Secondary School Counseling Improvement Act of the Elementary and Secondary Education Act.

School counselors have long advocated that the American education system must leave no child behind. Even though students face myriad challenges every day, including peer pressure, depression, and school violence, school counselors help develop the total child by guiding their students toward academic, personal, social and career development.

In addition, school counselors are usually the only professionals in a school building trained in both education and mental health. For this reason, school counselors were instrumental in helping students, teachers and parents deal with the trauma of the aftermath of Sept. 11. Nevertheless, the role and responsibilities of school counselors are often misunderstood and as a result, under budgetary constraints, the school counselor position is often among the first to be eliminated.

The school counselor shortage is prevalent today, as evidenced by the fact that the current national average ratio of school counselors to students is 1 to 561. The American School Counselor Association, the American Counseling Association, the American Medical Association, the American Psychological Association and other organizations recommend a ratio of 1 to 250.

I urge my colleagues to support National School Counseling Week during the first full week of February and I urge communities across the country to participate with appropriate ceremonies and activities. The American School Counselor Association recommends that parents and students should develop a collaborative relationship with their school counselors. School boards and administrators should continue to support students' academic, personal, social and career development through school counseling.

Mr. Speaker, our students' futures are important to us all and school counselors work every day to ensure that our students are well-rounded socially and academically. Let us take a moment to thank our school counselors for their ongoing work in our schools and communities during times of national crisis or students' personal crises by supporting National School Counseling Week.

TRIBUTE TO COLONEL ROBERT L. HOMER

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. WALSH. Mr. Speaker, Colonel Robert L. Homer retired on 26 September 2001 from his position as the Logistics Group Commander for the 174th Fighter Wing, New York Air National Guard in Syracuse. He was appointed to this position on 2 Nov 95.

Col. Homer was born on 28 September 1945 in Ithaca, NY. He graduated from Skaneateles High School in 1963 and earned his Bachelor of Arts Degree from St. Lawrence University, NY in 1967. He went on to graduate from Syracuse University with a Masters in Business Administration Degree in 1971. His military education includes Squadron Officer School, Air Command & Staff College and Air War College.

Col. Homer enlisted in the NYANG in Aug 1968, was commissioned in March 1969 and graduated from Pilot Training in 1970 as Distinguished Graduate. He began working Full-Time at the 174th in 1975 as a Flight Instructor and held various positions within Operations to include Ground Training Officer, Stan/Eval Officer, Scheduling Officer, Air Operations Officer and Deputy Commander for Operations. In 1991, when the 174th was activated during Operation Desert Storm, he was assigned as a Mission Director on the Joint Stars Aircraft. Following that, he went on to head the NYS Counter Drug Program for Headquarters, NYANG in Albany, NY. His last assignment prior to his current position was that of establishing the Minimum Essential Airfield (MEA), at Griffiss AFB in conjunction with the Base Realignment and Closure Act of 1995.

Col. Homer is a command pilot, having been combat qualified in the A–37, A–10 and F–16; with more than 4,000 flying hours.

His awards and decorations include The Bronze Star Medal, Air Force Commendation Medal, Air Force Outstanding Unit Award with Valor Device and 4 devices, Combat Readiness Medal with 5 devices, National Defense Service Medal with 1 device, Southwest Asia Service Medal with 2 devices, Air Force Longevity Service Award Ribbon with 5 devices, Armed Forces Reserve Medal with 1 device, Small Arms Expert Marksmanship Ribbon with 1 device, Air Force Training Ribbon, and Kuwait Liberation Medal.

His military and civic affiliations include the National Guard Association of New York, Militia Association of New York, and the Air Force Association.

Col. Homer resides in Scott, NY with his wife, the former Lynn Bari.

PAYING TRIBUTE TO DIANE PORTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Diane Porter and thank her for her extraordinary contributions to her community and to her state. As a resident of Pueblo, Colorado, Diane has dedicated herself to helping her community by selflessly giving her time and energy to a number of philanthropic endeavors. The remarkable work she has done with the people in her community is surpassed only by the level of integrity and honesty with which she has conducted herself each and every day. It is with a great deal of satisfaction and pride that I pay tribute to her today for the tremendous accomplishment of being honored by the United States Justice Department for her significant contributions to her community and to her state.

As Director of the YWCA, Diane has long been active in the Pueblo community and has dedicated a significant amount of her time and efforts to improving community relations and upholding civil rights. Recently, her tireless efforts and extraordinarily selfless endeavors culminated in the creation of the Pueblo Human Relations Commission, a 15 member panel which will discuss divisive community issues, and a long-time dream of Diane's. Along with Sandy Gutierrez, Diane was responsible for the Commission's creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Diane had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, it is clear that Diane Porter is a woman of unparalleled dedication and commitment to her community and to the people whose lives she has touched while serving it. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress. She is a remarkable woman who has achieved extraordinary things and enriched the lives of so many people. It is my privilege to extend to Diane my sincere congratulations on the creation of the Pueblo Human Relations Commission and for the tremendous accomplishment of being honored by the United States Justice Department for her efforts. I wish her the best of luck in all of her future endeavors.

RECOGNITION OF THE REPUBLIC OF KAZAKHSTAN

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ENGLISH. Mr. Speaker, I would like to take a moment to recognize the Republic of Kazakhstan for its efforts in assisting the United States in our war against terrorism. Kazakhstan was among the first of our allies to offer its condolences and help after the destruction of September 11th. Indeed, following the terrorist attacks, Kazakh President Nazarbayev took the unprecedented step of visiting the United States Embassy in the Kazakh capital of Astana to sign the Embassy's book of condolences.

On September 15, 2001, President Nazarbayev issued a strong statement of support for our war against Osama Bin Laden and Al Qaeda. In his statement, President Nazarbayev declared that his country would support our own government "in the fight against terrorism with all means available." More importantly, our friends in Astana backed their firm statements with action—offering blanket overflight clearance for U.S. aircraft over the vast Republic of Kazakhstan. Moreover, the Kazakh government has since offered its own airfields and supply bases to the United States military for use in action against Al Qaeda.

In addition to this strong strategic help, our Kazakh friends have shipped nearly 3,000 tons of wheat and other grains to the impoverished people of Afghanistan. This sort of vital assistance has helped our own nation in a fight not only to rid Afghanistan of its terrorist oppressors, but to resurrect a long-suffering people. A young nation itself, Kazakhstan has also sought to integrate itself into the global alliance against terrorism by offering further food sales to the United Nations World Food Programme in order to facilitate the feeding of the Afghan people.

President Nazarbayev and his countrymen have also shown political courage and leadership in embracing global standards of conduct in international affairs. The Government in Astana has ratified seven international terrorism conventions, while the Governor of the Kazakh Central Bank has pledged to track down and freeze any terrorist financing within the Kazakh Republic. Mr. Speaker, this sort of cooperation and assistance exemplifies the sort of friendship that our own nation treasures and needs in our fight against the evil behind international terrorism. The Republic of Kazakhstan has demonstrated a valiant commitment to protecting freedom by siding with the United States of America. It is my hope that other nations, young and old, will follow the tremendous example of the Kazakh people.

PERSONAL EXPLANATION

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LUTHER. Mr. Speaker, because I was attending to family matters in my home state of Minnesota, I missed Roll Call votes 483–512 of the 1st Session of the 107th Congress and Roll Call votes 2–14 of the 2nd Session of the 107th Congress. I would like the record to show that I would have voted: Aye on Roll Call vote #483, on motion to suspend the rules and pass H. Con. Res. 281, honoring the ultimate sacrifice made by Johnny Michael Spann, the first American killed in combat during the war against terrorism.

Aye on Roll Call vote #484, on motion to suspend the rules and pass H.R. 3282, the Mike Mansfield Federal Building and U.S. Courthouse Designation Act. Aye on Roll Call vote #485, H.R. 10, the Comprehensive Retirement Security and Pension Reform Act. Aye on Roll Call vote #486, approving the Journal.

Nay on Roll Call vote #487, the rule providing for consideration of H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #488, motion to recommit with instructions on H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #489, final passage of H.R. 3295, the Help America Vote Act. Aye on Roll Call vote #490, on motion to suspend the rules and pass H. Con. Res 282, expressing the Sense of Congress that the Social Security promise should be kept.

Aye on Roll Call vote #491, on motion to suspend the rules and pass, as amended, H.R. 3209, the Anti-Hoax Terrorism Act. Aye on Roll Call vote #492, on passage of H.R. 1022, the Community Recognition Act of 2001. Aye on Roll Call vote #493, on motion to suspend the rules and pass, H.R. 3448, the Public Health Security and Bioterrorism Response Act. Aye on Roll Call vote #494, on motion to Instruct Conferees on H.R. 3338, the Department of Defense Appropriations Conference Report for FY 2002.

Aye on Roll Call vote #495, on closing portions of H.R. 3338, the Department of Defense Appropriations Conference Report. Aye on Roll Call vote #496, on the Conference Report to the National Defense Authorization Act for Fiscal Year 2002. Nay on Roll Call vote #497, on the Conference Report to H.R. 1, the No Child Left Behind Act. Nay on Roll Call vote #498, to provide for the consideration of Motions to Suspend the Rules.

Aye on Roll Call vote #499, on motion to suspend the rules and pass H.R. 3379, the

Raymond M. Downey Post Office Building. Aye on Roll Call vote #500, on motion to suspend the rules and pass H.R. 3054, the True American Heroes Act. Aye on Roll Call vote #501, on motion to suspend the rules and pass H.R. 3275, the Terrorist Bombings Convention Implementation Act. Aye on Roll Call vote #502, to suspend the rules and agree to the Senate amendment to H.R. 2657, the District of Columbia Family Court Act.

Aye on Roll Call vote #503, to suspend the rules and agree to the Senate amendment to H.R. 2199, the District of Columbia Police Coordination Amendment Act. Aye on Roll Call vote #504, on agreeing to the Conference Report to H.R. 3061, the Labor-HHS-Education Appropriations Act for Fiscal Year 2002. Aye on Roll Call vote #505, on agreeing to the Conference Report to H.R. 2506, the Foreign Operations Appropriations Act for Fiscal Year 2002.

Nay on Roll Call vote #506, on agreeing to the Resolution waiving a requirement of clause 6(a) of rule XIII with respect to consideration of certain resolutions reported from the Committee on Rules. Nay on Roll Call vote #507, on agreeing to the H. Res. 320, providing for consideration of H.R. 3529; to provide tax incentives for economic recovery and assistance to displaced workers. Aye on Roll Call vote #508, motion to recommit with instructions on H.R. 3529, the Economic Security and Worker Assistance Act. Nay on Roll Call vote #509, final passage of H.R. 3529, the Economic Security and Worker Assistance Act. Aye on Roll Call vote #510, on agreeing to the conference report to the Department of Defense Appropriations Act for Fiscal Year 2002.

Aye on Roll Call vote #511, on motion to suspend the rules and pass H.J. Res. 75, as amended, Regarding the Monitoring of Weapons Development in Iraq, as Required by United Nations Security Council Resolution 687 (April 3, 1991). Aye on Roll Call vote #512, on motion to suspend the rules and pass S. 1762, to establish fixed interest rates for student and parent borrowers, and for other purposes. Aye on Roll Call vote #2, on motion to suspend the rules and agree to the Senate Amendment to H.R. 700, to reauthorize the Asian Elephant Conservation Act. Aye on Roll Call vote #3, on motion to suspend the rules and pass, as amended, H.R. 2234, the Tumacacori National Historical Park Boundary Revision Act. Aye on Roll Call vote #4, on passage of S. 1762, Higher Education Act Amendments.

Aye on Roll Call vote #5, on motion to suspend the rules and pass H. Res. 335, honoring the contributions of Catholic Schools. Aye on Roll Call vote #6, on motion to suspend the rules and pass H.R. 577, as amended, to require any organization that is established for the purpose of raising funds for the creation of a Presidential archival depository to disclose the sources and amounts of any funds raised. Aye on Roll Call vote #7, on motion to suspend the rules and pass S. 970, Designating the facility of the US Postal Service located at 39 Tremont Street, Paris Hill, Maine, as the Horatio King Post Office Building. Nay on Roll Call vote #8, on ordering the previous question, H. Res. 342, providing for the consideration of Motions to Suspend the Rules.

Aye on Roll Call vote #9, on motion to suspend the rules and pass S. 1888, to correct a technical error in the Codification of Title 36 of the United States Code. Nay on Roll Call vote #10, on motion to suspend the rules and pass, H. Con. Res. 312, expressing the sense of the House of Representatives that the scheduled Tax Relief Provided by the Economic Growth and Tax Relief Reconciliation Act of 2001 passed by a bipartisan majority in Congress should not be suspended or repealed. Aye on Roll Call vote #11, on motion to suspend the rules and pass H.J. Res. 82, recognizing the 91st birthday of Ronald Reagan. Aye on Roll Call vote #12, on agreeing to H. Res. 343, providing for consideration of H.R. 3394; Cyber Security Research and Development Act. Aye on Roll Call vote #13, on passage of H.R. 3394, the Cyber Security Research and Development Act. Aye on Roll Call vote #14, approving the Journal.

TRIBUTE TO CASEY FITZRANDOLPH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of Casey FitzRandolph, Olympic Gold Medal winner at the Salt Lake City games. This year's Olympic Games have a special meaning to Americans who have come together with unity and pride in these troubling times. I rise today to pay tribute to a constituent whose incredible accomplishment made us all proud to be Americans.

Casey FitzRandolph, of Verona, Wisconsin, won the Gold Medal yesterday in the 500-meter Men's Speed skating competition. He is the first American to win the Gold in this competition since Eric Heiden, also from the second district of Wisconsin, swept the Olympics in Lake Placid in 1980.

When he was five years old, Casey FitzRandolph proclaimed that he would grow up to be just like Eric Heiden, who was there cheering Casey on in his Gold Medal victory last night. Another Wisconsite, Kip Carpenter, took home the Bronze Medal as well, skating in the final pair with Casey in a very special Olympic moment.

In the spirit of Eric Heiden, Dan Jannsen and Bonnie Blair, this new generation of Wisconsin speed skaters has made their state, their nation and the entire world proud.

In recognition of the sacrifice of his parents, Jeff and Ruthie, his grandparents, his sister Jessi, and his fiancée Jennifer Bocher, I want to wholeheartedly congratulate Casey FitzRandolph for his accomplishment.

PAYING TRIBUTE TO SANDY GUTIERREZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. McINNIS. Mr. Speaker, it is my distinct pleasure to pay tribute today to a woman whose incredible heart and extraordinary efforts have made an indelible impact on the community of Pueblo and the State of Colorado. Sandy Gutierrez is both inspirational and courageous, and a true testament to the inherent greatness that resides in all of humanity. Throughout her life, she has consistently given her time, effort and love to others, and it is with a great deal of satisfaction and pride that I pay tribute to her for the tremendous accomplishment of being honored by the United States Justice Department for her significant civil rights contributions.

As Director of the Latino Chamber of Commerce, Sandy has long been a champion of civil rights and has dedicated a significant amount of her time and efforts to improving relations in the Pueblo community. Recently, her tireless efforts and extraordinarily selfless endeavors culminated in the creation of the Pueblo Human Relations Commission, a 15 member panel which will discuss divisive community issues, and a long-time dream of Sandy's. Along with Diane Porter, Sandy was responsible for the Commission's creation, which will undoubtedly serve as a catalyst for more open discussions on race related issues and other controversial issues facing the Pueblo community. Like all true pioneers, Sandy had to overcome a great deal of opposition to see her dream come to fruition, and I commend her for her courage and persistence in the face of such opposition.

Mr. Speaker, I am honored to stand before you today in order to bring the accomplishments of such an extraordinary woman to the attention of this body of Congress. Sandy Gutierrez has been instrumental in improving her community and her state, and I, along with the people whose lives she has so profoundly affected and enriched, are eternally grateful for everything she has done. I wish to offer her my sincere congratulations today on the creation of the Pueblo Human Relations Commission and for the tremendous accomplishment of being honored by the United States Justice Department for her efforts. I wish her the best of luck in all of her future endeavors.

TRIBUTE TO STATE SENATOR MARK HILLMAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker it is an honor to rise today to express congratulations to an outstanding member of the Colorado State Legislature, Senator Mark Hillman of Burlington, Colorado. The National Republican Legislator Association recently named Senator Hillman Legislator of the Year for the year 2001. Senator Hillman continues to be of tremendous service to the state of Colorado and I am pleased to recognize his achievements today.

In a recent edition of The Wray Gazette Senator Hillmnan was quoted as saying, "I'm truly honored to be chosen for this year's award among the hundreds of qualified candidates nationwide." Mark's humility makes him a fine public servant and the state of Colorado is proud of his achievements in the Colorado General Assembly. This award follows the Senator's recognition in August as Legislator of the Year by the American Legislative Exchange Council.

Mark enjoys his position immensely and his dedication to his post as state senator is evident in his success in the state legislature. He holds the highest degree of personal fairness and integrity while also carrying his strong convictions on to the floor of the state legislature.

I am privileged to be a colleague of the distinguished Senator Hillman. The state of Colorado is fortunate to have a man of such integrity and character to serve it. On behalf of the citizens of Colorado, and especially those of the Fourth Congressional District, I congratulate Senator Hillman on his recent achievements. Furthermore, I ask the House to join me in congratulating State Senator Mark Hillman for this high honor.

TESTIMONY OF BETTY R. MOSS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, as we debate the merits of reforming our nation's pension system, I would like to share with my House colleagues the experience of Ms. Betty R. Moss, a recent retiree of the Polaroid Corporation. Her compelling testimony, prepared for delivery before the Senate Committee on Health, Education, Labor and Pensions, paints a vivid and disturbing portrait of the vulnerability of workers and retirees under our current pension and bankruptcy laws. I ask my colleagues to consider her poignant words, and join with me in enacting new protections to ensure retirement security for all workers and retirees.

TESTIMONY OF BETTY R. MOSS BEFORE THE SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS, DATED FEB. 7, 2002

Good morning. My name is Betty Moss, and I am a former Polaroid employee. I am accompanied today by Karl Farmer, chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Cousins, of Greenberg Traurig.

I am 56 years old and I live in Smyrna, Georgia with my husband, Lawrence. We have been married for 32 years and have one son, Tom.

I started working for Polaroid more than 35 years ago as a file clerk, soon after finishing high school. My job was eliminated last July, and I retired from Polaroid, finishing my career as the Senior Operations Manager of Polaroid's Atlanta Business Center.

As senior manager I was responsible for more than 100 employees as well as all administrative and operational decisions associated with Polaroid's business operations in Atlanta. My budget responsibilities totaled several million dollars, but the "people responsibilities" were even more important to me.

I am quite familiar with Polaroid's management team and the company's current state of financial distress. I know first hand about the impact of the decisions made by the current management team on the employees for whom they were responsible. I've seen the impact on file clerks, on engineers, on call center representatives, on people at every level of the organization. These are people that I care about, and they are now in pain.

When I retired in July, Lawrence and I decided to see America. We had always dreamed of traveling, so we packed a camper and headed west for a three-month journey. Four weeks later, our trip was abruptly halted in October, when I realized my severance checks were not being deposited into my checking account! We abandoned our trip and returned home, knowing that something was terribly wrong.

Soon after, we discovered that our medical insurance had been canceled retroactively to the first of October. There was no notice, no warning—we simply found ourselves without medical coverage. I have Lupus and Lawrence is diabetic, so you can imagine our horror! And, while you might think that it was our being on the road that prevented notification about the cancellation of all our retirement benefits, I found that all Polaroid retirees—thousands of us—were in exactly the same boat. No one was notified about the loss of medical and other insurance coverage until days after the company filed for bankruptcy. Weeks went by before the company would even tell us whether we were covered by COBRA.

As a Polaroid employee, I received health and life insurance coverage and I contributed to a mandatory retiree savings plan. When I retired, I expected to continue my health and life insurance at Polaroid group rates and enjoy the benefits of a healthy retirement savings plan through the mandatory Polaroid ESOP. In 1997, four years before I retired, my Polaroid ESOP shares were worth $60 each. Today, those shares are worth less than a dime each.

Back in 1988, we were told that the ESOP was being established to protect Polaroid from being taken over by other companies. It did help keep us an independent company, and we rejoiced in that. In fact, we all proudly wore ID badges that called us "employee owners". Today, most of us wonder if it would have been better if we had been taken over.

Besides keeping the company independent, we were told that the ESOP was also supposed to mean a healthy retirement for employees. When we were in the first 10 years of the ESOP, our former CEO used to promise "95 in 95" (in other words, that our shares would be worth $95 a share in 1995). At $95 a share, my retirement savings plan would have been worth about $285,000. Now it is worth less than $300.

Under the mandatory ESOP, all employees were forced to participate by contributing 8 percent of their pay. We were told this was necessary to help fund the $300 million Polaroid had borrowed to fund the ESOP. None of us had a choice. No one could choose not to invest in the ESOP, regardless of whether our personal circumstances allowed us to "give up" 8 percent of our pay. When the first ESOP was paid off in 1997, Polaroid started a second ESOP (ESOP II), which continued the employees' forced investment in Polaroid stock.

My 8 percent contribution purchased Polaroid common stock, which I could not sell over that 13-year period, no matter how well or how poorly the stock performed. The only exception was the legal requirement that we be allowed to diversify holdings the year after we reached age 55. We had absolute faith the ESOP would be there to supplement our pension fund and social security. We never envisioned that we would be creditors of a bankrupt Polaroid. The ESOP was promoted as a guaranteed retirement savings, which "forced" employees to save money for retirement. Thousands of employees relied on the ESOP stock to fund their retirement savings.

Unfortunately, by forcing us to invest heavily in Polaroid stock for our retirement, the ESOP left us with almost no savings. Prior to 1988, my retirement savings plan was diversified and consistently showed an annual positive return. Up until 1988, I had made regular contributions to the 401(k) plan offered at Polaroid. After the ESOP was forced upon us, I could no longer afford to contribute much to the 401(k). At that time, I was only making about $35,000, and 8 percent of that started going into Polaroid stock through the ESOP.

Average working people like me cannot raise their families, pay mortgages, educate their children, and still afford heavy contributions toward retirement. So, we had to rely on the ESOP as a major part of our retirement savings plan. By 1997, my ESOP holdings were worth about $160,000 when the Polaroid share price was about $60. Although it wasn't as great as "95 in 95", I still felt pretty good.

Unfortunately, because of the forced ESOP contributions and because I had to buy Polaroid stock, my retirement savings were now heavily invested in one stock—Polaroid—which wasn't worth much by the time I retired. What looked pretty good in 1997 at $60 a share, is today worth about 8 cents a share, as a result of the decisions of the current management team.

When I retired in July 2001, I took all of my ESOP shares and converted them into stock certificates. But all of those who were forced to invest so heavily in Polaroid stock cannot even say today that they own the stock. We later learned that State Street Bank & Trust, the trustee of the fund, started liquidating Polaroid's ESOP shares in mid-November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation was complete, Gary DiCamillo, Polaroid's current CEO, sent out a letter on December 10, 2001 to all employees notifying them that "it was in the best interest of participants in the ESOP fund to liquidate all shares."

I would like to emphasize that these ESOP participants—the "employee owners"—had absolutely no opportunity to approve this sale—it was done completely without their knowledge. Neal D. Goldman, the current Executive Vice President, General Counsel and Chief Administrative Officer, sent a December 18, 2001 letter to ESOP participants stating that an approximate total of 7.2 million shares had been sold at about 9 cents a share.

If you do the math, that means shares of $687,000 in total value to be shared among thousands of participants. This is a stunning loss, since in 1997, the ESOP fund had an approximate value of $480 million. What baffles us is this: if the Trustee were truly acting in our best interest—to protect our retirement savings—why did they wait to sell the stock until it was virtually worthless? The stock has been on a downhill slide since 1997. Why not sell when it reached $ 10 a share 2 years ago? After all, this was a retirement savings plan! Why not when it reached $5?

They could have sold it to protect our interests, even if we could not. Why not at least sell when Polaroid filed for bankruptcy and the stock was trading at about 70 cents a share? Many of us cannot understand how the trustee of a retirement savings plan acted "in our best interest" given this set of circumstances. Not only that, the liquidation of those shares means the "employee owners" have almost no influence. We used to own almost 20 percent of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters.

I still own all of my ESOP shares of Polaroid stock, which I will not sell, out of principle. But the recent demise of Polaroid has left me with a loss of approximately $200,000 in retirement savings. All of this is money that I would have contributed all along to my 401(k) had I not been forced to participate in the ESOP. If I had been able to contribute that money into a diversified 401K program, I am certain it would now be worth more than $300.

With the complete loss in value of my ESOP-funded retirement savings, and loss of severance pay that I was contractually entitled to receive after leaving Polaroid, retirement looks quite different from what we had planned. When we were young and first married, we went grocery shopping with a calculator. We used the calculator to be sure we only spent what we could afford, and we put back what we could not afford.

After 35 years of working at Polaroid, I now worry that I will have to dig out that old calculator again. My husband and I never wanted to be wealthy—we just wanted to be secure in retirement. Medical coverage alone now costs us around $7,500 a year. I will probably have to find a job later this year so that I can get medical coverage through another employer. However, with the job market being so tight, I'm not sure how easy it will be for a "retiree" aged job seeker to find an employer.

As a former Polaroid manager, I continue to get countless calls from employees who formerly reported to me. They want to know how Polaroid could sell their ESOP shares without their permission. They want to know how it was in their "best interest" to sell the ESOP holdings at 9 cents per share, when their average investment cost was around $25 per share. I also get calls from other retirees like myself who have been dumped by a corporation that we helped build, and that once cared about us. Unfortunately, I can't answer these very important questions. However, I do know that most long-term and former employees strongly believe Polaroid has a fighting chance to survive this restructuring, to thrive again, and to reinstate the value the shareholders have lost.

Perhaps selling the ESOP shares was not "in the best interests of participants in the ESOP fund" as Mr. DiCamillo explained, but rather in the best interests of Mr. DiCamillo and Polaroid's current management. These are the people who are now working diligently to sell off the company instead of working on a plan to restore Polaroid, which is truly "in the best interests" of all current and former employees, as well as shareholders and creditors.

Thank you.

INCREASING FUNDING FOR STATE APPROVING AGENCIES

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Committee on Veterans' Affairs, today I am introducing on behalf of Mr. EVANS, Mr. SIMPSON, Mr. REYES, Mr. FILNER, Mr. BAKER, Mr. PICKERING, Mr. SHOWS, Mr. KING, Mr. SANDERS, Mr. BALDACCI, Ms. CARSON, Mr. REYNOLDS, and Mr. MOORE, a bill to increase funding, for State Approving Agencies (SAAs).

Some of my colleagues are familiar with the work of SAAS, but for those who are not, these vital institutions review and evaluate for approval in each state, programs of education that are offered by educational institutions under the Montgomery GI Bill and three other VA veterans' educational assistance programs. SAAs usually operate through state departments of education or postsecondary education commissions. SAAs also approve employer sponsored on-job training and apprenticeship programs, some through state departments of labor.

The need to increase funding for SAAs primarily reflects the new SAA duties in occupational licensing and credentialing and veteran, servicemember and employer outreach in each state.

In recent years, Congress has increased SAA responsibilities, most recently through enactment of Public Law 107–103, the Veterans Education and Benefits Expansion Act of 2001. This landmark legislation increased the basic MGIB benefit by 19 percent in January 2002 to $800 per month from $672. It will also increase 30 percent in October 2003 and 39 percent in October 2004 when the benefit again increases to $900 and $985, respectively.

But as important as these enacted increases for the MGIB benefits are, our veterans will not be able to take full advantage of the improved educational opportunities unless the SAAs are given the resources necessary to certify high-quality educational programs.

From fiscal years 1995 to 2000, SAA funding was "capped"—without an annual increase—at $13 million. In Public Law 106–419, enacted on November 1, 2000, Congress increased SAA funding to $14 million, but only for fiscal years 2001 and 2002. If Congress does not act, in fiscal year 2003 the SAA budget reverts back to the $13 million level. In effect, our inaction would return SAAs to the FY 1995 funding level, and they would be unable to guarantee our nation's veterans that their hard-earned MGIB benefits will be safeguarded against scam-artists and flimsy programs that seek to exploit veterans.

Indeed, since World War II Congress has relied on SAAs to ensure the quality of the education and training offered to our Nation's veterans and to protect the integrity of VA education programs popularly known as the "GI Bill." My proposal simply increases SAA annual funding from $14 million to $18 million, with a three percent increase the following two years, in order to provide SAAs with the resources necessary to fulfill their responsibilities.

I strongly urge my colleagues to support this legislation.

TRIBUTE TO OVERLAND TRAIL MIDDLE SCHOOL

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate the students and staff of Overland Trail Middle School of Brighton, Colorado for their work in a recent charity clothing drive. Over the course of one week, the students and parents combined to donate 850 pounds of clothing to needy residents of the town of Brighton.

This is yet another example of the schools dedication to improving the world in which we live. In the fall of 2001, the students contributed to the Twin Towers fund which was set up to support the families of uniformed service personnel lost in the September 11 tragedy. The *Fort Lupton Press* writes, ". . . it's nice to see area students contributing their time and money to such worthy causes around the Brighton area as well as on the East Coast."

It Is an honor for the state of Colorado to have such a generous group of students, teachers, and parents. Philanthropic work is a great legacy of the United States and I am proud to see that it is being carried by citizens of all ages. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to the students, staff and parents of Overland Trail Middle School.

PAYING TRIBUTE TO THE 2002 BEA CHRISTY AWARD NOMINEES

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the 2002 Bea Christy Award Nominees, who will be honored Friday, February 15, 2002 in Lansing, Michigan for their contributions to improve their communities and neighborhoods.

Bea Christy was a dedicated member of the Eastside Neighborhood Organization for more than ten years until her death. She also worked with other organizations to make the neighborhood and community a better place to live. She was the kind of individual who volunteered to do the "unglamourous" tasks, who worked quietly and diligently behind the scenes, who never sought recognition for her efforts.

First, she was a good neighbor in her immediate neighborhood, welcoming new people, planting flowers in the church yard across the street from her house, taking elderly folks to the doctor, and noticing where the sidewalk needed repairs. She also helped edit and deliver the Eastside Neighborhood Organization newspaper, made soup for the annual fundraiser, and helped plant flowers in the bed on Michigan Avenue.

Bea was also an active member of her church, volunteered with Radio Talking Book, as well as helped to initiate the Lansing area CROP Walk. She made these contributions in addition to being a devoted wife, mother, and grandmother.

It is quiet, committed, unsung people like Bea who make neighborhood organizations successful, and the community as a whole a better place to live. It is in this spirit that individuals are nominated for an annual award exemplifying the qualities of Bea Christy. The following six criteria must be considered when making a nomination for the Bea Christy Award: variety of activities in your neighborhood organization; unsung nature of contributions; overall good neighbor; reliability; willingness to take on tasks; and, other service to the community.

Friday night, eleven deserving individuals will be recognized as 2002 Bea Christy Award Nominees. I salute the following nominees for their outstanding service to their communities and neighborhoods: Connie Sevrey, Association for the Bingham Community; Mia Tioli, River Point Neighborhood Association; Hannah Gardi, Neighbors United in Action; Mary Rawson, Northtown Neighborhood Association; Ernestine Merritt, Northwest Neighborhood Alliance; Alex Kruzel, Walnut Neighborhood Organization; Rick Kibbey, Eastside Neighborhood Association; Larry Karn, Old Forest Neighborhood Association; Ruth Hallman, Genesee Neighborhood Association; Thomas Foster, Eastern Neighbors; Kathie Dunbar, Sagamore Hill Neighborhood Organization.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the 2002 Bea Christy Award Nominees.

IN SUPPORT OF H.R. 1343, THE LOCAL LAW ENFORCEMENT HATE CRIMES PREVENTION ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to declare my strong support for H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, and to urge its swift passage in the House of Representatives.

In the last five years, approximately 50,000 hate crimes were reported to authorities, with the brutal murders of Matthew Shepard and James Byrd graphically demonstrating to the nation the horrors of violence motivated by hate and bigotry. In 2000 alone, law enforcement agencies in 48 states and the District of Columbia reported 8,063 bias-motivated criminal incidents.

Unfortunately, five states have no laws against hate crimes, and the statutes in another eighteen states fall short of full protection. Even in a state such as Rhode Island, where we have strong laws against hate crimes, law enforcement officials recorded 50 cases of bias-motivated offenses in 2000. Because the current federal hate crimes law only covers crimes motivated by racial, religious or ethnic prejudice, Congress must enact legislation to establish a strong national standard for prosecuting all hate crimes.

To ensure that no American is targeted for violence based on prejudice, I am an original cosponsor of the Local Law Enforcement Hate Crimes Prevention Act, which would provide federal assistance to state and local authorities in prosecuting hate crimes. Additionally, the legislation would expand the federal definition of hate crimes to include violent acts motivated by prejudice against the victim's sexual orientation, gender or disability.

I urge my colleagues to cosponsor this important piece of legislation and to demand its immediate consideration in the House. I also wish to express my gratitude to the bill's author, Congressman JOHN CONYERS, as well as to Congresswoman LYNN WOOLSEY, for their leadership on this important issue. I am confident that we will be able to work in a bipartisan fashion to pass H.R. 1343 and bring an end to hate-based crimes in the United States.

TRIBUTE TO HAZEL GARDNER

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Hazel Gardner of Eckley, Colorado. Mrs. Gardner was recently recognized for her fifty years of volunteer work for 4–H at a banquet held in honor of local 4–H leaders.

Mrs. Gardner is a life-long resident of the eastern plains of Colorado and has been active with 4–H since she was nine years of age. In addition to raising her three children she has volunteered with 4–H groups and with state-level governing boards. Fifty years later, she continues to work with children in the program to which she has devoted much of her life.

4–H is a nationally recognized program that boasts the honor of having a chapter in every county in the nation. Over 6.8 million youth participated in 4–H in 2000 with the addition of 610,000 adult volunteers. The 4–H mission is "building a world in which youth and adults learn, grow, and work together as catalysts for positive change."

It is an honor for the state of Colorado to have such an esteemed woman who has dedicated so much of her life to improving the lives of community children. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Mrs. Hazel Gardner.

THE NATIONAL VACCINE INJURY COMPENSATION PROGRAM IMPROVEMENT ACT OF 2002

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BURTON of Indiana. Mr. Speaker, I'm proud to be introducing legislation today to help families that are trying to cope with children who have suffered vaccine-related injuries.

Vaccine injuries may be very rare, but when they do occur, they're devastating. Fifteen years ago, we created the National Vaccine Injury Compensation Program. It was supposed to be generous. It was supposed to be non-adversarial. It was supposed to compensate families without tying them up in court for years.

Too many times, this program hasn't worked the way we intended. Last fall, we held two hearings. We heard testimony from parents of injured children. We heard testimony from husbands of injured wives. They told us about long delays. They told us about overly adversarial tactics. They told us about having to fight for years over injuries that are widely acknowledged to be related to vaccines. We've also heard from families who learned about the program too late to file claims. There is a bipartisan consensus that reforms are needed.

Not every family has faced these kinds of problems. Many families have worked their way through the system without facing the kinds of ordeals we've heard about. However, too many families have faced too many problems for us to sit by and do nothing.

I want to thank HENRY WAXMAN, the Ranking Minority Member of the Government Reform Committee for working with me to put this bill together. I want to thank DAVE WELDON, one of our subcommittee chairmen, for working with us as well. I also want to thank our other original cosponsors, JERROLD NADLER, CONSTANCE MORELLA, BENJAMIN GILMAN, STEPHEN HORN, MARTIN FROST, JOHN DUNCAN, DENNIS KUCINICH, JO ANN DAVIS and TOM DAVIS.

This bill doesn't do everything we'd like to do to fix this program. It's not going to eliminate some of the problems families are encountering. However, I think it's a good first step. I think it's a realistic assessment of what we can accomplish this year. This bill does some very worthwhile things: It changes the calculation for future lost earnings for injured children to make it more generous.

It increases the level of compensation a family receives after a vaccine-related death from $250,000 to $300,000. It allows families of vaccine-injured children to be compensated for the costs of family counseling and creating and maintaining a guardianship to administer the award. It allows for the payment of interim attorneys fees and costs while a petition is being adjudicated. It extends the statute of limitations for seeking compensation to six years instead of three. It provides a one-time, two-year period for families to file a petition if they were previously excluded from doing so because they missed the statute of limitations.

I want to briefly mention a couple of the stories we heard during our hearings so my colleagues will have a better understanding of the kinds of problems families are facing.

The first story involves Janet Zuhlke and her daughter Rachel of Florida. Rachel received her pre-kindergarten vaccinations in 1990. Within 6 hours, she had a severe reaction. Within three weeks, she was in critical condition and had to be medi-vac'd to a hospital.

Today, Rachel is a mentally retarded teenager. She suffers from periodic bouts of blindness and severe neurological breakdowns that leave her confined to a wheelchair.

Rachel's condition is known as an encephalopathy. Medical experts agree that this is one of the most common injuries caused by vaccines. The connection is so well-established, it's written into the table of vaccine injuries in the law. Despite this, the government attorneys fought for nine years to try to prove a questionable theory that Rachel's injury was caused by a strep infection. For nine years, Janet Zuhlke has had to pay all of Rachel's medical bills without any help.

Last year, she finally won her case. But the process drags on. It could still be another year before the Zuhlkes receive a penny.

Next, I want to talk about the case of Lori Barton and her son Dustin of Arizona. Dustin received a DTP shot in 1989. He began to have subtle seizures within hours. Eventually, he was diagnosed with residual seizure disorder and he became legally blind.

The Barton's filed for compensation, but the government lawyer assigned to the case set out to prove that Dustin's seizures didn't start as soon after the shot as Lori claimed. At their first hearing in 1993, that lawyer's tactics were so abusive that she was reprimanded by the special master overseeing the case. Lori Barton testified that she felt like she was being treated like a criminal. It took them four years to get to the next hearing, in August 1997. Three months later, Dustin suffered a massive seizure and died.

In 1999, eight years after the Bartons filed their petition, they were finally awarded compensation. But there was one final hitch. The government threatened to appeal the decision unless the Barton's agreed not to have it published so it couldn't serve as a precedent for other families. That's wrong, and we shouldn't accept it.

As I said before, every family that enters the program isn't treated this way. Not every government lawyer is abusive. There are many people who work in this program who sincerely want to help these families. But these aren't isolated incidents. We have real problems here, and Congress needs to address them. For many of these families, the deck is stacked against them, and that's not right.

I want to thank my colleagues who've worked with me to put together this legislation—the National Vaccine Injury Compensation Improvement Act of 2002. It has strong bipartisan support. There are other problems that go beyond the scope of this bill, and we need to address those. But this is a good first step. I hope all of my colleagues will support it.

IN HONOR OF CHRISTOPHER ELDERS, RECIPIENT OF A 2002 RHODES SCHOLARSHIP

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Christopher Elders, a 2002 Rhodes Scholar. On Tuesday, February 12, 2002, Mr. Elders was acknowledged for his outstanding achievement at a dinner reception hosted by U.S. Congressman John Lewis.

A political science major at Morehouse College, Christopher Elders is the only African-American among the 32 students in the United States named to the 2002 Class of Rhodes Scholars. Currently, he serves as the Deputy Executive Director of the Morehouse College Student Government Association (SGA). In this role, he heads the committee responsible for redrafting and modifying the college's code of ethics. Prior to his stint as Deputy Executive Director, Mr. Elders served as an SGA Senator from 1998 until 2000.

While at Morehouse, Elders has done a remarkable job of balancing his academic achievements with his civic responsibilities. He has worked tirelessly as a tutor and mentor to several students enrolled in Atlanta inner-city public schools. In addition, he has served as a volunteer with AID Atlanta, a private agency that promotes AIDS awareness and prevention.

A Kansas City, MO native, Christopher Elders graduated from Raytown South High School. This fall, he will matriculate at Oxford University in International Relations.

Today, I ask my colleagues to join me in honoring Christopher Elders for his selfless community service and tremendous academic achievements.

REGARDING THE TESTIMONY OF KARL V. FARMER

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DELAHUNT. Mr. Speaker, Mr. Karl Farmer, a retiree of the Polaroid Corporation, testified before the Senate Committee on Health, Education, Labor and Pensions last week. I would like to take this opportunity to see that Members of the House also benefit from his powerful testimony on the lack of worker and retiree protections under our current pension and bankruptcy laws. I ask my House colleagues to consider his experience, and join with me in enacting new safeguards to ensure retirement security for all workers and retirees.

TESTIMONY OF KARL V. FARMER, BEFORE THE SENATE COMMITTEE OF HEALTH, EDUCATION, LABOR AND PENSIONS

Good morning. My name is Karl Farmer, and I am a former Polaroid employee and chairman of the Official Committee of Retirees for Polaroid Corporation. I am also accompanied today by counsel for the Official Committee of Retirees, Scott Cousins, of Greenberg Traurig, as well as Betty Moss, another former Polaroid employee.

I am 55 years old. I have lived in Roxbury, Medford, Bedford and Lawrence, Mass., and I recently moved to New Hampshire.

I started working for Polaroid more than 30 years ago as an engineer and became a retiree after I left the company on September 29, 2001. At the time I started with the company, Polaroid was one of THE places to work. It was an especially good company for minorities, very progressive. Polaroid was doing affirmative action programs before it became fashionable or mandatory. It was a family company with a caring upper management.

Up until 1988, I had begun to save for my retirement by contributing 2% of my pay to the Polaroid 401(k). Polaroid matched that contribution dollar for dollar so that I was able to start building for my retirement with a diversified retirement plan.

But in 1988 Polaroid started the mandatory ESOP plan which required employees to contribute 8% of their pay to the ESOP plan. I had always understood that most ESOP plans did not require workers to contribute to them, but Polaroid required that we contribute to this one.

Because of the mandatory requirement that we contribute to the ESOP, I was no longer financially able to contribute to my 401(k). As a result, my retirement was then tied up almost exclusively with the ESOP and Polaroid stock. I have not figured out how much money I would now have if I had continued to contribute to my diversified 401(k) instead of the ESOP, but I am meeting with a financial advisor from Fidelity next week, and I'm sure they'll be able to tell me the bad news.

I didn't really realize the danger of not being allowed to diversify my retirement account until August 2001 when I was told my job was being eliminated, and I was promised a severance package, which included medical, dental and life insurance coverage at employee prices for six months, along with six months severance pay. This transition period actually took me to retirement—where I could count on my ESOP and pension plans.

The day I was to receive my first severance payment I called to verify that it was being deposited. I later learned that many people who were supposed to receive severance payments that day did not, and the next day Polaroid declared Chapter 11. As a result, Polaroid is not paying my severance, or providing the medical, dental or life insurance it had agreed to. I have been left unemployed with no benefits. I had to break a lease and vacate my apartment. I had also taken out two loans on my 401(k) plan, and I will now be unable to pay those back. As a result, I'm also going to be hit with a huge tax penalty for making withdrawals on my 401(k).

As for my ESOP plan, I had 3500 shares which, at their peak, were worth about $210,000. Without asking me, or apparently anyone else, management decided to liquidate these shares for about $300.

We learned, after the fact, that State Street Bank & Trust, the trustee of the fund, started liquidating Polaroid's ESOP shares in mid November 2001, and completely liquidated the fund by mid-December 2001. After the liquidation was complete, Gary DiCamillo, Polaroid's current CEO, sent out a letter on December 10, 2001 to all employees notifying them that "it was in the best interest of participants in the ESOP fund to liquidate all shares."

Many of us cannot understand how the trustee of a retirement savings plan acted "in our best interest" by selling the ESOP stock when it reached 9 cents a share. Not only that, the liquidation of those shares means the "employee owners" have almost no influence. We used to own almost 20% of the company. Now we cannot even vote on the Polaroid bankruptcy and related matters. We decided to try to influence the process, even if we were disenfranchised former owners of the company. It took a big effort to pull folks together to fight for what's been promised. People are scattered and we do not have lists of everyone who has been affected. Still, we organized. I'm the chair of the Official Committee of Retirees of Polaroid, which was recently recognized by the bankruptcy court. This allows us legal representation with the bankruptcy proceedings.

The offices of both Senator Kennedy and Representative Delahunt have worked very diligently with us in our fight for justice. And recently a letter was sent to Polaroid's CEO from the entire Massachusetts Congressional delegation denouncing Polaroid's actions. Our committee and its constituents thank you and the other members of the Massachusetts delegation for those clear signs of support. In the same spirit, we urge you to change the rules on ESOP programs to allow employees some control of their own destiny.

TRIBUTE TO SABRINA URAN

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate Sabrina Uran of La Junta, Colorado. A student at Manzanola High School, Sabrina recently published a poem titled "God Said . . ." in the "Scroll Original Arts Magazine." This piece was the first published for the young author.

Sabrina has always held an interest in the language arts and is very excited one of her pieces has achieved professional recognition. The poem is written in the first person, as a dialogue between the narrator and God. As the Rocky Ford Daily Gazette wrote, "Uran's work is read with a definitive rhythm, which culminates into an impacting finish."

It is an honor for the state of Colorado to have such a young talent recognized for her abilities. It is vital that America encourages all young people to strive for their goals, and Sabrina is a shining example of a young person achieving her aspirations. On behalf of the citizens of Colorado, I ask the House to join me in extending congratulations to Ms. Sabrina Uran.

BURN AWARENESS WEEK

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to bring attention to Burn Awareness Week. The tragic events of September 11th have created many enduring memories. The attacks on the World Trade Center and Pentagon not only reminded us of our vulnerabilities to acts of terror but have also demonstrated the horrific nature of burn injuries.

Burn injuries are among the most painful and traumatic injuries one can suffer. Historically, few patients survived serious burn injuries, however because of significant advances in treatment over recent years, this is no longer the case.

I am privileged to have one of the leading burn treatment and research facilities in the country in my Congressional District: The Shriners Hospital for Children Burn Unit. One of four in the country, the Shriners Hospital has pioneered numerous breakthroughs in burn treatment. Not long ago, patients with burns over 50 percent of their body would probably not survive. Today, individuals with burns over 90 percent have a much greater chance of survival.

The four national burn centers run by the Shriners Hospitals treat over 20 percent of all pediatric burn injuries in the United States—more than 156,000 children last year alone. These children were treated free of charge and the hospital does not accept insurance or parental reimbursement. These hospitals provide much more than just treatment. They focus on education and prevention to ensure that burn injuries do not occur, as well as on the psychological and emotional care necessary to restore children who suffer burn injuries to full physical and mental well being.

Burn Awareness Week provides an opportunity to educate children and families about certain risks of burn injury that can be avoided. For example, the Consumer Product Safety Commission relaxed the safety standards for children's sleepwear in 1996. This resulted in a sharp increase in the number of children suffering sleep-wear related burn injuries. Shriners Hospitals have led the effort in Congress to restore stricter safety standards for sleepwear and to educate parents regarding the dangers inherent in untreated sleepwear worn by many children.

Burn Awareness Week can help foster awareness among parents and protect young children from the horrors of burn injuries. It also focuses additional attention on the research and treatment of those burn injuries that do occur. Mr. Speaker, charitable organizations such as Shriners Hospitals deserve great credit for their outstanding work on behalf of our Nation's children. I rise today to recognize and support the efforts of the Shriners Hospital in Boston and the importance of Burn Awareness Week.

HONORING MR. LONNIE EUGENE ROARK

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor my uncle, Lonnie Eugene Roark, on his 80th birthday.

My uncle was born on February 11, 1922 in Missouri. He was raised in Oklahoma and lived most of his life in La Puente, California.

My uncle is an excellent father to his three children and two grandchildren and serves as a role model for many others. When his daughter's husband passed away, he assumed the role as father figure to his granddaughter. He would often take her lunch to school, school functions, and doctor visits. But most importantly, by taking on a paternal role, he filled that empty void in her life.

His acts of kindness and dedication have inspired many who know him. It is a true blessing to have been raised with a role model like him. It is not every day that we encounter a person filled with such generosity and love.

Today, I want to wish him a happy birthday and because I am especially grateful to be celebrating his 80th birthday because as he grows older, I realize how precious his life is and how he has been a great source of strength and support for our family. I, like many people who know him, admire him and love him dearly.

CHICAGO'S UNDOCUMENTED IMMIGRANTS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I would like to highlight a recently released study entitled: "Chicago's Undocumented Immigrants: An Analysis of Wages, Working Conditions, and Economic Contributions." This report details the importance of the undocumented immigrant labor force to the local economy and the poor working conditions that many endure. I have included a Washington Post article that appeared on February 10, 2001 and the Executive Summary from the study, which underscores some of the study's most significant findings.

This study was carried out during the 3rd quarter of 2001 through 38 community based organizations, community colleges, social service providers, and churches. In total, over 1,600 immigrants were surveyed in the Chicago area. The results revealed that the estimated 220,000 undocumented immigrants in the Chicago area contribute close to $5.5 billion to the local economy. Furthermore, undocumented immigrants create more than 31,000 jobs, make up about 5% of the labor force, and 7 out of 10 or 70% pay income taxes through payroll deductions. The overall impact on the economy is dramatic considering immigrants without legal documentation earn anywhere from 22–36% less than those here legally.

This study provides a glimpse into the urban picture of the enormous contributions undocumented immigrants provide to our economy and the deplorable conditions under which they are subjected to work. With close to 6 million undocumented immigrants working and living in the United States, the potential impact on the national economy and the potential to improve the lives of this population through a legalization program are immeasurable, but they all point in the right direction. I urge my colleagues to look through this study and see for themselves.

[From The Washington Post Feb. 10, 2002]

CHICAGO'S UNDOCUMENTED IMMIGRANTS

(By Robert E. Pierre)

The push for the legalization of undocumented immigrants was put on the back burner after September's terrorist attacks. But a study released last week reopens the question of what they contribute to the U.S. economy.

The estimated 220,000 undocumented immigrants in the Chicago area add nearly $ 5.5

billion to the local economy, creating more than 31,000 jobs, according to the study by the Center for Urban Economic Development at the University of Illinois at Chicago. These undocumented workers make up about 5 percent of the labor market, the survey indicated—and seven out of 10 pay income taxes through payroll deductions taken by their employers.

Still, the survey of 1,653 legal and illegal immigrants living in Chicago and five surrounding counties also found that those without legal documentation generally are paid less than those who are legally in the United States. That's true regardless of their education, skill level and English proficiency, particularly among immigrants from Latin America.

"You can have two workers with exactly the same characteristics, and one will earn 20 to 25 percent less because they don't have legal status," said Chirag Mehta, a UIC research associate.

The Illinois Coalition for Immigrant and Refugee Rights urged amnesty for such immigrants: "Such findings confirm the importance of a new legalization program and the positive impact that undocumented immigrant labor has on the United States," it said in a statement.

[From the University of Illinois at Chicago]

CHICAGO'S UNDOCUMENTED IMMIGRANTS: AN ANALYSIS OF WAGES, WORKING CONDITIONS, AND ECONOMIC CONTRIBUTIONS

EXECUTIVE SUMMARY

Undocumented immigrants are strongly committed to working in the United States and they make significant contributions to the economy. Undocumented workers account for approximately 5% of the Chicago metro area labor market and represent a growing segment of the low-wage workforce. Undocumented immigrants earn low wages, work in unsafe conditions, and have low rates of health insurance. Juxtaposed against these harsh realities is the fact that the undocumented workforce supports thousands of other workers in the local economy, pays taxes, and demonstrates little reliance on government benefits.

This study reports the findings of a survey of 1,653 documented and undocumented immigrants living in the Chicago metro area. Using a standardized questionnaire, immigrants were asked a series of questions regarding their employment status, wages and working conditions, access to health care, utilization of government safety-net programs, demographic characteristics, and legal status. The key questions that guided this analysis include:

To what extent does working without legal status increase the likelihood of unemployment and depress workers' wages?

To what extent do undocumented immigrants more often work in unsafe working conditions?

To what extent do undocumented immigrants utilize government safety-net programs?

What economic contributions do undocumented immigrants make to the local economy?

KEY FINDINGS

1. Labor force participation and unemployment

Undocumented immigrants seek work at extremely high rates (91%), and most do not experience unemployment at rates that are significantly different than the Chicago metro area average. However, undocumented Latin-American women experience unemployment rates that approach 20%, five times as high as the average unemployment rate for the remainder of the undocumented workforce. Factors that significantly increase the likelihood of unemployment include:

the combined effect of undocumented status, being female, and being of Latin-American origin;

the lack of dependent care; and

obtaining work through temporary staffing agencies.

2. Wages

Most undocumented immigrants are employed in low-wage service and laborer occupations. Approximately, 30% of undocumented immigrants work in restaurant-related, hand-packing and assembly, and janitorial and cleaning jobs. The average (median) hourly wage earned by undocumented workers is $7.00.

All else being equal, working without legal status, in combination with the effects of national origin and gender, induces significant wage penalties for Latin Americans:

Undocumented Latin-American men and women experience statistically significant wage penalties—22% and 36%—respectively—after controlling for length of U.S. work experience, education, English proficiency, and occupation.

Eastern-European women experience wage penalties as a result of their national origin and gender, but they do not experience penalties associated with their legal status.

Eastern-European men, documented Latin-American men, and immigrants from Asia, the Middle East, and Western Europe do not experience wage penalties associated with their national origin, gender, or legal status.

Factors including English proficiency, unionization, and obtaining employment in higher-paying occupations help undocumented Latin Americans earn higher wages. Educational attainment, however, does not have significant positive wage effects for undocumented Latin Americans. Importantly, attaining additional levels of education, having English proficiency, and accumulating additional years of U.S. residency do not neutralize the negative wage effect of working without legal status.

All else being equal, securing work in higher-wage occupational categories induces significant wage advantages to undocumented workers and neutralizes the negative wage effect of working without legal status. However, undocumented status limits Latin Americans' access to higher-wage white-collar jobs.

3. Working conditions

Undocumented immigrants report working in unsafe conditions at considerably higher rates relative to immigrants with legal status. Moreover, immigrants without legal status also report alleged wage and hour violations at considerably higher rates relative to documented workers.

Lack of access to health insurance is a significant problem for undocumented workers. Only 25 percent of undocumented workers currently employed are covered by health insurance. The most commonly reported reason for not having health insurance among immigrants who are currently employed is that their employer did not offer health insurance or the employer-sponsored plan was too expensive to access.

4. Use of government benefits and economic contributions

The vast majority of undocumented immigrants reported that they, and adults in their household, do not receive benefits under government safety-net programs, despite their low earnings. Benefit utilization is comparably low among immigrants with legal status.

The consumer expenditures of undocumented immigrants in the Chicago metro area generate more than 31,000 jobs in the local economy and add $5.45 billion annually to the gross regional product. While exact tax contributions were not calculated, the survey data indicates that approximately 70 percent of undocumented workers pay taxes.

The results of this study strongly suggest that attaining legal status would improve the wages and working conditions of undocumented immigrants. Estimating the size of any wage increase and subsequent wage effects as a result of any changes to federal immigration policy, such as legalization or guest-worker programs, is beyond the scope of this study.

The survey was carried out during the 3rd quarter 2001 through 38 community-based organizations, community colleges, social service providers, and churches. This study was made possible by a grant from the Woods Fund of Chicago.

TRAGEDY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to submit a poem written by Ariel Mason, a fifth grader in my Congressional District. Written only a few days after the tragic events of September 11th, Ariel's poem illustrates the depth and immediacy to which the youth of our Nation was touched and changed by that infamous day.

Tragedy
The skies have fallen upon our nation
The horror is overwhelming
We did nothing to deserve such cruelty
Disaster
So many innocent lives lost
To show the shadows of cackling evil
The emptiness is immense
Loyalty
Through the anguishing troubles I will
Stand proudly by the sides of my fellow Americans
And help as I may
To pull this country together once more
Pain
Sheer, pulsing pain
Coursing through the veins of victims
Both physically and mentally wounded
Troubles
Broken hearts weep sullenly
Filled with the shattered endearment
Of their lost companions
Killed by the dark-doings of murderous
Men, so like us, but gruesomely different
Mourning
America's tallest towers
So proud and free
Lost to deathly claws of our invisible attackers
Emotion
We must fight for our proof of innocence
Our dedication to our blessed land
Forever great, throughout all of eternity
Questions

Why? Who could be so terrible?
Only a luring shadow, cold and black as night
Holds our answers
Though stubbornly refusing to share them
Love
Is all we can give
To help our nation through such troubles
To be the best we can
Life ends here for many
And we cherish memories with them
But for us life will continue
Though we carry this ugly burden of a memory
Forever more
Peace
Is our solitary hope

Mr. Speaker, I commend Ariel Mason for so bravely and honestly writing this poem. As we begin to comprehend the extent to which the terrorist attacks of September 11th have affected us personally, we should look to expressions of emotion like Ariel's to help work through our own pain and confusion, and to remind us that in the face of adversity we as a country will persevere through this national tragedy.

BLACK HISTORY MONTH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with a great sense of honor that I rise to celebrate Black History Month. As we honor the great culture and historic legacy that African-Americans have left to us and to future generations, I would like to recognize the oldest African-American church in Gary, Indiana—First Baptist. On Sunday, February 24, 2002, I will have the privilege and the honor to attend the worship service at First Baptist to show my respect for the spiritual foundation on which First Baptist was founded.

It was during the Industrial Revolution when smokestacks dotted the skies along the southern coast of Lake Michigan that thousands of immigrants looking for a better life and a steady income migrated to Northwest Indiana. Many who came to Northwest Indiana, particularly Gary, were from the South. Several of the migrants who came to Gary brought with them deeply embedded religious beliefs, including a yearning for their own place of worship. This unwavering spiritual foundation led in 1908 to the creation of Gary's first African-American church, First Baptist.

In its earliest days, the first services were held in the residence of Mr. and Mrs. Rankins, in Gary, yet baptisms were performed in Chicago. The need to establish a single spiritual home for its growing family of parishioners inspired the decision to purchase a vacant lot on Washington Street in downtown Gary.

In 1917, the church moved to 2101 Washington Street and began to expand its house of worship. The expansion project was completed in 1925. A year later First Baptist church achieved a milestone; they became the first African-American church in Gary to install a pipe organ. Through most of this period of unprecedented foundation and growth, Rev. Hawkins led and guided this congregation. In June of 1944, after 31 years of service, Rev. Hawkins delivered his last sermon, for his health was deteriorating. He died four years later. His successor, Reverend L.V. Booth, took over in July of the same year.

Under Rev. Booth's devout leadership, the number of parishioners continued to grow and the church began its second major expansion project: ten new lots were purchased along 21st Avenue near Harrison Street in 1949. In 1952, during the growth phase, Rev. Booth resigned after eight years of service. However, December of the same year brought forth a dedicated new pastor, Rev. Penn. During his 21-year tenure with First Baptist, he completed the second phase of the building expansion and held a groundbreaking ceremony on May 2, 1954 on 21st Avenue, with Rev. William Jernigan, president of the National Baptist Sunday School, in attendance.

In September of 1955, the parishioners marched from the building at 2101 Washington Street to their new house of worship and current location, 626 West 21st Avenue. In its new home, First Baptist entered an era of renewed community involvement. Under Rev. Penn's guidance, the number of worshippers grew from 1,200 members in 1955 to more than 1,900 in 1972.

In 1973, Rev. Penn resigned and gave his farewell sermon. Since that time, First Baptist has succeeded in its efforts to provide spiritual guidance for the Gary community under the direction of a number of religious leaders, including: Dr. Colvin Blanford; Rev. William Booth; the Rev. Allen Smith; and its current pastor, Rev. Bennie Henson, Sr.

A congregation founded in 1908 to meet the spiritual needs of the African-American community survives today as the city's oldest African-American church. In June of this year, First Baptist will celebrate its 94th anniversary. This is a testament to the positive will, dedication and fortitude of its past and present parishioners.

Mr. Speaker, as we remember the great cultural and historic legacy of African-American heritage during this month, I ask that you and my other colleagues join me in commending the parishioners at First Baptist and all other outstanding African-American leaders for their efforts to build a better society for our country and the citizens of Northwest Indiana.

TRADE ADJUSTMENT ASSISTANCE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. ESHOO. Mr. Speaker, the financial rewards from international trade are enormous. I know this firsthand because my Congressional district is part of the largest exporting region in our country. Trade provides enormous benefits to our economy so it is appropriate for us to dedicate a small fraction of these rewards to workers who are displaced because of trade.

Forty years ago Trade Adjustment Assistance (TAA) was created for U.S. workers who lost their jobs because of foreign competition. The program has suffered from a number of significant problems including inadequate funding for training, lack of health care coverage, and the existence of a separate program under NAFTA which has created confusion and inconsistencies in the program. TAA also does not currently cover farmers, suppliers, and downstream producers who face similar pressure from international competition.

Representative KEN BENTSEN and I have introduced the Trade Adjustment Assistance Act, H.R. 3670 to remedy these and other problems with the program. The bill harmonizes NAFTA–TAA and TAA, broadens eligibility for downstream producers, suppliers, farmers, fishermen, truckers, and taconite producers, expands income support from 52 weeks to 78 weeks and increases funding for training and TAA for firms. For the first time a healthcare benefit for displaced workers is provided and the bill establishes an Office of Community Assistance to provide technical assistance to trade impacted communities.

It is critical that we bring Trade Adjustment Assistance policies into the 21st century so that our policies actually meet the needs of our workforce. H.R. 3670 does exactly this. It reforms a 40-year-old program by embracing its original intent and combines it with the needs of a 21st century world and workforce.

ARABS AND AMERICA: EDUCATION IS THE KEY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LANTOS. Mr. Speaker, it is well known that the Middle East is a land of proud heritage and strong traditions, but recent world events have focused the world's attention on the region, casting shadows of doubt and fear. These concerns are not unfounded and they are the result of several factors. In an opinion article entitled "Arabs and America: Education is the Key," published in the Washington Post on February 12, the eminent Middle East historian Roy Mottahedeh of Harvard University discusses one of the most important causes of this problem.

Dr. Mottahedeh focuses on one of the greatest tragedies of today's Middle East, the decline of liberal education. He begins his piece with a heart-breaking but telling image: boxes of catalogue cards negligently scattered on the floors of the library of Cairo University. This, by the way, is the same university that produced the Nobel Prize winning novelist Naguib Mahfouz and so many other eminent Egyptian intellectuals. He makes the provocative point that it is in our interest to do all in our power to support liberal education in Egypt and the wider Middle East. Rather than try to educate an English speaking elite here in the U.S., we need to help build a culturally acceptable educational system of liberal values over there.

The decline of liberal education in the Middle East, particularly in the Arab world's cultural and intellectual center, Egypt, is a tragic fact. I am reminded of Dr. Fouad Ajami's article a few years ago, where he pointed out, shockingly, that Egypt produces merely 375 new books per year, whereas Israel, with less than one-tenth population, produces 4,000. Indeed, the sad state of education is one of the primary reasons for the poverty and political backwardness of our key Arab ally and, indirectly, for an environment that produces, and exports, violence and extremism.

Mr. Speaker, I urge my colleagues to read Roy Mottahedeh's excellent and thought provoking article, and I ask that the text be placed in the RECORD.

[From the Washington Post, Tuesday, February 12, 2002]

ARABS AND AMERICA: EDUCATION IS THE KEY

(By Roy Mottahedeh)

Anyone who has seen the card catalogue of Cairo University Library will understand how tragically far Egypt and many poorer Muslim nations are from achieving the goal that President Bush rightly said in his State of the Union address is the object of parents "in all societies"—namely, "to have their children educated." The boxes of catalogue cards scattered on the floor are emblematic of the way that poverty has caused higher education to unravel in the once proud universities in most parts of the Muslim world.

Americans can and should do something about it. There is a real longing—both on the American and the Muslim side—for dialogue; and education is the obvious prerequisite for dialogue. It was President Mohammad Khatami of Iran who first called for a "dialogue of civilizations," which the United Nations adopted as a theme for the last year.

Americans have long been committed to education in the Muslim world. The venerable American Universities of Beirut and Cairo, as well as our outstanding Fulbright programs, have produced scholars who have had the personal depth of experience to interpret cultures to each other.

But the results have been on a small scale. Now is the time to have the vision to create a plan that will, through education, create the conditions for true and extensive dialogue and also create the human capital that is essential for poorer Muslim societies such as Egypt's to advance.

It is a solid but minor contribution to the dialogue of cultures if an American historian teaches for a year in Egypt or an Egyptian mathematician comes to MIT for two years and completes an advanced degree. But it would be a major contribution to such dialogue if well-funded liberal arts institutions teaching in Arabic in Cairo offered BA's to a significant number of college-age students. For good liberal arts education in the vernacular—Urdu, Tajik, Arabic or whatever—is far too rare in the poorer countries of the Muslim world.

No one wants to "Americanize" others through education, but all of us want to see more educated populations whose education does not isolate them into an elite associated with knowledge of a European language. The unfortunate association of many of the educated elite with foreign language education only widens the gulf between them and their fellow countrymen and makes them seem unnecessarily "alien."

The graduates of such an expanded liberal arts education system would be forces for economic development not only because of their skills but also because of their ability to speak authentically within their cultures as native voices, impossible to label "agents" of an outside culture. The Egyptian Nobel prize laureate novelist Naguib Mahfouz was a graduate of Cairo University at a time when it was such an institution. And he was a man of the people, not raised speaking English, and therefore would probably never have won a place at an expensive English-speaking university.

Why favor undergraduate education when the needs in these societies are so great? Because the enormous bulge of populations under 21 in these countries are hungry for education and understanding, and they are the future interpreters of their cultures.

Why favor education in the vernacular? Because it will reach the underprivileged, will create the textbooks and even the language of discourse, and will allow a discourse that draws on the indigenous cultures of these countries, some of which, such as Egypt, can claim a tradition of a thousand years of higher education in their languages.

Why a "liberal" education? Because the tradition that a "liberal" education teaches us to think critically and write intelligently about both the human and scientific spheres is a value that the Muslim and Western cultures have shared for more than a thousand years.

As President Bush also said in his speech: "Let skeptics look to Islam's own rich history, with its centuries of learning and tolerance and progress."

Cairo was once the place where Maimonides, the Jewish philosopher, studied the ideas of Avicenna the Muslim philosopher and read Aristotle as translated into Arabic by, among others, Christian Arab philosophers. But its ancient madrassas and European-style institutions of learning have fallen on very hard times (not to mention the miserable neo-orthodox madrassas springing up everywhere in the Muslim world). A new Fulbright plan that would rescue them or establish parallel institutions in Cairo, Karachi and kindred places would create forums where the dialogue of civilization would truly flourish.

TRIBUTE TO MRS. LOLA GIBBS, EDUCATOR, COMMUNITY LEADER, AND ROLE MODEL, ON HER 100TH BIRTHDAY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today to honor and pay tribute to a leader in the African-American community and Delaware at large for her 100th birthday on March 30, 2002—Mrs. Lola Gibbs, a life-long teacher, leader and role model. Lola Gibbs is an outstanding, dedicated and caring Delawarean with an abundance of accomplishments that speak so highly of what she has done in the first 100 years of her life. On behalf of myself, and the citizens of the First State, I would like to honor this outstanding individual and extend to her our congratulations on the first 100 years, and continued success for the rest of her life.

Today, I recognize Lola Gibbs for her contributions to the State of Delaware and its citizens through 47 years of teaching, 55 years as a 4–H club leader and 100 years as a role model.

Family, friends and all Delawareans can now take a moment to truly appreciate the world of difference Lola Gibbs has brought to both the African-American community, and all of Delaware. Lola Gibbs began teaching in 1922, began her first 4–H club several years later and began her second 4–H club in the early 1940's. Mrs. Gibbs was appointed President of the Kent County Teachers Association in 1969 before taking on volunteer work in The Eastern Star, AARP, The Woman's Auxiliary of the Smyrna Home for the Chronically Ill, and Star Hill Church.

Lola Gibbs has spent all of her life helping the community and all of Delaware. Mrs. Gibbs graduated from State College in 1922 before attending West Chester Normal. Mrs. Gibbs was then appointed to teach at Reeves Crossing School where she initiated a program that taught children music and allowed them to hold concerts in order to raise extra money for books. After her tenure at Reeves Crossing, Mrs. Gibbs moved back to her hometown school, Woodside. On June 9th, 1931 Mrs. Gibbs, ne Bowers, married Edward Gibbs.

Mr. Speaker, in the past, with the help of her husband, and today with the help of her children, grandchildren and great grandchildren, Lola Gibbs and her family proudly and unselfishly contribute every day to the lives of Delawareans.

Mrs. Lola Gibbs' contributions cannot be commended enough. As she reaches 100 years of life, we can be sure that her contributions will not end. Her commitment to educating children and making life better for all Delawareans has earned her a permanent place in Delaware's history.

TRIBUTE TO CALIFORNIA STATE SENATOR JOHN BURTON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to my good friend and former colleague in the California State Senate, Senator John Burton. Senator Burton is being "roasted" this weekend at the California Democratic Party's convention in Los Angeles, California.

Born December 15, 1932, Senator Burton attended San Francisco State College and USF Law School. Senator Burton was elected president pro tem in February of 1998. He was elected to the State Senate in 1996 and represents the 3rd Senatorial District of California which includes San Francisco, Marin County, and Southern Sonoma County. He has served in the State Assembly and the U.S. House of Representatives.

Under Burton's leadership, CalGrant college scholarships became guaranteed for students with financial need who maintain a 2.0 grade point average or higher. In the first state budget enacted after he became president pro tem, Burton restored cost of living adjustments and increased benefits for the elderly, blind and disabled and for mothers and children on welfare. Burton recently ensured that mental health services and juvenile crime prevention programs received historic levels of support.

As a recent article in the Sacramento Bee stated, "Senate leader John Burton is the type who will buy blankets and drive around San

Francisco handing them out to the homeless.” He is a man with a kind heart, golden spirit and the kind of friend I am proud to have made while I was in the California legislature. I respect him for his passion to help the needy and for his tenacity to fight for the rights of people who do not have a strong voice in government decision-making.

His daughter Kimiko is the Public Defender for the city and county of San Francisco. He is also the proud grandfather to 16-month-old Juan Emilio Cruz.

TRANSITIONAL HOUSING

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHAKOWSKY. Mr. Speaker, today I am introducing the Domestic Violence and Sexual Assault Housing Assistance Act of 2002. This bill has broad bipartisan support with over 100 cosponsors. It authorizes $50 million for transitional housing assistance for those escaping the terror of violence in their homes and in their lives. At this time when we are devoting extensive resources to ending terror around the world, let us not forget to address the terror of domestic violence, sexual assault, and stalking that plagues women's lives.

In October 2000, Congress passed the Victims of Trafficking and Violence Protection Act and re-authorized the Violence Against Women's Act (VAWA). As part of VAWA, Congress agreed to support $25 million for transitional housing assistance. Though this amount would have served too few, the money was never even appropriated to this program.

The rates of violence against women are astounding. According to the Department of Justice, 960,000 women annually report having been abused by their husband or boyfriend. The actual number is significantly higher due to difficulties in reporting. According to estimates by the McAuley Institute, $50 million in funding for transitional housing would provide assistance to at least 5,400 families. Though this is not enough, we must start somewhere.

Violence against women is an epidemic that affects not only women, but their children and families as well. Every year, thousands of women flee abusive situations with few financial resources and often nowhere to go. Lack of affordable housing and long waiting lists for assisted housing mean that many women and their children are forced to choose between abuse at home or life on the streets. Furthermore, shelters are frequently filled to capacity and must turn away battered women and their children. The connection between continued abuse and lack of available housing is overwhelming. A Ford Foundation study found that 50% of homeless women and children were fleeing abuse.

Furthermore, almost 50 percent of the women who receive Temporary Assistance to Needy Families funds cite domestic violence as a factor in the need for assistance. The problem of high need is compounded by the lack of adequate emergency shelter options. The overall number of emergency shelter beds for homeless people is estimated to have decreased by an average of 3 percent in 1997 while requests for shelter increased on the average by 3 percent. Emergency shelters struggle to meet the increased need for services with about 32 percent of the requests for shelter by homeless families going unmet. In fact 88 percent of cities reported having to turn away homeless families from emergency shelters due to inadequate resources for services.

Transitional housing assistance will not only provide immediate safety to women and children but it will also help women gain control over their lives and get back on their feet. There are critical services available at transitional housing shelters such as counseling, job training, and child care that these women need to help them along the road to economic self-sufficiency.

It is now essential that we not only pass this legislation but also appropriate $50 million for transitional housing assistance and provide this critically needed safety net for women seeking to escape abuse. We must be supportive of individuals who are escaping violence and seeking to better their lives. I hope my colleagues will join me in supporting this legislation and work for its passage.

IN MEMORY OF DR. PHILIP ARNOLD NICHOLAS OF NASHVILLE, TENNESSEE

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CLEMENT. Mr. Speaker, I rise today in memory of Dr. Philip Arnold Nicholas of Nashville, Tennessee, who departed this life on January 3, 2002, after an extensive career as a physician and an educator.

Beloved by all those who knew him, Dr. Nicholas was best known for his work at Meharry Medical College, where he established the gynecology department and as the founder of Planned Parenthood of Nashville.

He was born May 12, 1914 in Kingston, Jamaica, the son of Phillip Harrigan Nicholas, a civil engineer who worked on the Panama Canal, and Lillian Burke Nicholas, a caterer who ran her business from their home. Nicholas was an enthusiastic student with the dream of becoming a physician at a very young age after assisting a friend with an injury in elementary school. He received a Jesuit education at St. George's College in Kingston and later studied pharmacy at Spanish Town Hospital in St. Catherine Parish. He became a pharmacist for the Kingston Public Health Hospital, still fostering the dream of becoming a doctor.

He married Violet Richards in 1940; and in 1945, he came to the United States and entered Howard University earning his Bachelor's and Master's of Science degrees. In 1950, he began study at Meharry. For eight summers during college, graduate school and medical school, he worked 19-hour days in order to provide for his family and earn his education. His hard work and dedication paid off, when he graduated from Meharry as a member of the Alpha Omega Alpha Honor Society in 1954. His residency in Obstetrics was completed in 1957. Dr. Matthew Walker trained him in the surgical department at Meharry. In 1957, he accepted a post-graduate program in OB–GYN at the University of Pennsylvania in Philadelphia, where as one of only two African Americans, his classmates chose him to serve as class president for the year long program.

As a respected physician, Dr. Nicholas returned to Meharry in 1958, and his tenure on Meharry's faculty ranged from 1959 to 1984 during which time he served as vice chairman of the OB–GYN surgery department for more than 23 years and as Dean of Admissions at the School of Medicine from 1967 to 1982.

Meharry honored him many times, eventually establishing two scholarships in his name. In 1984, he received the Distinguished Alumnus Award for Medicine from the National Alumni Association and in 1999, the Alumnus of the Year Award. The Meharry singers recognized him in 1985 for “giving dedicated service to improving the academic, cultural and social life of students at the college.” A birthing room was named for him at Hubbard Hospital in 1989, and ten years later the OB/GYN learning center was named in his honor as well. An icon has been erected in his honor at the corner of 21st and Hermosa Avenues on the Meharry campus.

Throughout his career he represented Meharry on a number of committees and medical associations, including the American Board of Obstetrics and Gynecology, the American Association of Medical Colleges, the R. F. Boyd Medical Society, and the committee for special education within the Metropolitan Board of Education.

As founding member of the Planned Parenthood Association of Nashville, he served as the first treasurer and later as a member of the Board of Directors. Additionally, he was the first vice-president of Children and Family Services in Nashville.

Outside of outstanding educational and healthcare activities, Dr. Nicholas contributed to the community as a founding member of St. Anselm's Episcopal Church, serving on the Fisk-Meharry Community Advisory Council and as a member of the Alpha Phi Alpha Fraternity.

He counted among his most rewarding contributions to the education of many family members and friends. He would often say, “I did not invest in stocks and bonds, I invested in people. The dividends have been grand!”

Left to cherish his precious memories are his devoted wife of sixty-one years, Violet May Nicholas; his loving daughters, Gertrude Nicholas Brooks of Morganfield, KY and Dr. Allison Nicholas Metz of San Francisco, CA; granddaughter, Dr. Marilyn Nicole Metz of Loma Linda, CA; grandsons Ernest Adalbert Brooks III of San Francisco, Philip A. Nicholas Brooks of Nashville, Leon Benjamin Metz 111, Lionel Nicholas Metz and Laurence Christopher Metz, all of San Francisco; nieces, Noreen Blanche Nicholas, Audrey Nicholas Caldwell (Van), Paula DeLeon (Hixford), Maxine Ebanks (Samuel), Carinen Nicholas and Grace Lewis; nephews, Dr. Phillip Boume (Vicky), Cecil Nicholas and Dr. Earl Nicholas (Wonza); sister-in-law, Vertibelle Lewis; dear cousins, Mavis and Ferdie Madden; many grandnieces and nephews; several cousins; "sisters" Ruby Smith and Izetta Cooper; devoted friends, Dr. Alford and Dorothy Vassall, Drs. Myrtle and George Mason and family; Pearline Gilpin Fletcher, Joy Vassall and daughter Camille; and a host of dear friends, relatives and colleagues.

Today we honor Dr. Nicholas' significant investment to Tennessee as a truly compassionate leader and friend. Mr. Speaker, I yield back the balance of my time.

IN HONOR OF THE BAYONNE MEDICAL CENTER

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the renaming of Bayonne Hospital to Bayonne Medical Center. The renaming will take place at a reception on Wednesday, February 13, 2002, in the Main Lobby of the Bayonne Medical Center.

Bayonne Medical Center's new name is a reflection of the facility's outstanding healthcare services that are provided to the community of Bayonne. What makes the Bayonne Medical Center so outstanding is its staffs commitment to the well-being of its patients, the citizens of Bayonne, as well as its wide array of cutting edge health care technology. The topnotch medical staff, nursing professionals, administrative staff, and volunteers offer patient-focused care, professional diagnostic and treatment options, and a wide range of clinical services.

For more than one hundred years, Bayonne Hospital has played an essential role in providing clinically advanced healthcare services for an ever growing and changing community. Over the past century, the medical professionals at Bayonne Hospital have not only shown their skill in adapting to great life-saving advancements in medical technology and health care services, but they have also demonstrated their commitment to our community by adapting their services to meet the needs of all of our community, regardless of race, ethnicity, culture, or income. I have no doubt that Bayonne Medical Center will continue to meet the additional challenges and advancements of the coming century, just as Bayonne Hospital has done for the past 100 years.

Today, I ask my colleagues to join me in honoring Bayonne Medical Center for providing excellent care to the citizens of Bayonne, New Jersey. Thanks for a past, present, and future of quality health care for our community.

CONGRATULATING UNIVERSITY OF SOUTHERN CALIFORNIA MEXICAN AMERICAN ALUMNI ASSOCIATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to congratulate the University of Southern California Mexican American Alumni Association (USC MAAA). Since its inception, USC MAAA has committed itself to the development of funds to provide tuition assistance grants to Latino students enrolled at the University of Southern California.

USC MAAA was founded by Raul Vargas and seven other alums, who approached the president of the university and set the parameters for the organization during the 1973–74 school year. The university offered to match the MAAA's undergraduate scholarship monies on a two to one basis, and the USC Graduate School offered to match the graduate student fellowships on a one to one basis.

USC MAAA has provided educational grants to over 5,200 USC Latino students amounting to over $8.9 million dollars. As such, USC MAAA has played a critical role in helping students attain degrees in various fields such as medicine, law, media, business, humanities, science, and social sciences.

The success of USC MAAA can be largely accredited to the leadership provided by its Executive Director, Raul Vargas. A USC alum himself, Raul Vargas recognizes the great financial obstacles that Latinos face in attaining their academic goals. Therefore, Raul Vargas has worked tirelessly to garner support for USC MAAA from prominent members of the community, so that Latino students can make their educational and career dreams a reality.

This year, USC MAAA celebrates its 27th Annual Fundraising Dinner. I ask that my colleagues join me in congratulating the work of USC MAAA.

HONORING THE LIFE OF WILLIAM B. MOGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. NEAL of Massachusetts. Mr. Speaker, it is with great sadness that I rise before the House today. On January 18, 2002, Western Massachusetts lost one of its most cherished and influential citizens. Mr. William B. Moge of West Springfield passed away at the age of 93.

Bill Moge was one of a kind. A graduate of Springfield Technical High, he began a coaching career in the late 1930s which lasted until his retirement in 1984. His accomplishments in football, baseball and basketball earned him recognition by the Massachusetts High School Coaches Hall of Fame in all three sports. After his last football game, in 1983, the field at Szot Park in Chicopee, Massachusetts was named after him. His alma mater, Providence College, inducted him into its Hall of Fame in 1984.

However, Bill Moge was far more than a coach. He was a guidance counselor at Chicopee High School. He was a motivator and a disciplinarian. As a result of his teaching, his players have excelled in all walks of life, from professional sports to politics. If you talked with his players today, they wouldn't mention xs and os or game strategies. They would tell you that Coach Moge instilled confidence in each and every one of them. He taught his players how to succeed in life, not just sports. His legacy will live on forever in the players who became coaches and who have passed on his lessons to their own players.

The importance of people like Bill Moge cannot be overstated. He left a positive and indelible mark on Chicopee High School, its students and its athletes. The Western Massachusetts community will sorely miss him.

Mr. Speaker, allow me to extend my sympathy to the family of Bill Moge, his six children, ten grandchildren and one great grandchild.

HONORING THE SECOND CONGRESSIONAL DISTRICT LATINO ADVISORY COMMITTEE

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to inform my colleagues of an important constituency in the Second Congressional District of North Carolina: the growing Latino population.

Three years ago, I formed the Second Congressional District Latino Advisory Committee to reach out to North Carolina's Latino community and provide responsive representation to the needs and concerns of this rapidly expanding community. North Carolina has undergone tremendous demographic changes over the past decade, and the Latino population is the fastest growing group in our state. During my service in the U.S. House, I have worked hard to serve the needs and represent the interests of all the people of the Second District. I established this committee to reach out to some of our newest residents, to open up lines of communication, and forge strong bonds among all groups of people.

Mr. Speaker, the Latino Advisory Committee, small upon its inception, has grown to over 70 members today. Among those who have joined the Committee are the Honorable Carolina Zaragoza-Flores, the Consulate General of the Mexican Consulate in Raleigh, North Carolina, and Ms. Maribell Diaz, the Executive Director of the Hispanic Task Force of Lee County, North Carolina. I am pleased that the members of the Hispanic Advisory Committee represent a crosssection of our state's diverse Latino population.

I rely on their insight and knowledge to advise me on issues important to their community. For instance, during our last meeting held on August 23, 2001, members of the Second Congressional District Latino Advisory Committee raised a number of diverse concerns.

Mr. Speaker, prior to the terrorist attacks of September 11, immigration and amnesty proposals were hot topics in Washington, and the Bush Administration was contemplating major changes in U.S. immigration policy. Latino Advisory Committee members expressed concerns that any immigration and amnesty proposal should address a number of key points: family reunification, earned access to legalization, border safety and protection, an enhanced temporary worker program, and fairness for immigrants and legal residents. However, as we all know, the terrorist attacks put immigration liberalization proposals on the backburner. It is my hope that the Congress will not forget the plight of America's immigrant families, who still need our help.

Latino Advisory Committee members also raised concerns about extension of the Section 245(i) Visa Program. Mr. Speaker, the Section 245(i) Visa Program allows illegal immigrants to apply for permanent residency while remaining in the country. Our members expressed serious concerns that the expiration of the Section 245(i) Visa Program would unnecessarily rip immigrant families apart. I believe that Congress must answer the call for fairness and justice in our immigration laws and extend the Section 245(i) Visa Program. Immigration has played a critical role in America's history, and immigrants have been essential to the development of our economy and our society. I was disappointed that conferees to the Fiscal Year 2002 Commerce-Justice-State Appropriations bill elected to omit a Senate provision that would have permanently extended this worthy program. It is my sincere hope that Congress will extend the Section 245(i) Visa Program soon.

Mr. Speaker, the next meeting of the Second Congressional District Latino Advisory Committee will be held on February 20. I look forward to another lively discussion with our members about ways in which I can better serve them in the U.S. House. I extend my sincere gratitude to each member of the Latino Advisory Committee for their participation in this group. The most important job I have as a Congressman is to be the voice of the people. In the Second District we have many different voices and more than one language, and contributions of our Latino Community help bring us all together as one unifying chorus. I encourage each of my colleagues to consider establishing similar committees in their own districts.

HONORING MS. ELIZABETH BROWN CALLETON

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to honor Ms. Elizabeth Brown Calleton for her forty years of contributions to women's health care and family planning in the San Gabriel Valley community.

Ms. Elizabeth Brown Calleton graduated from Smith College in 1956 with a Bachelors degree in government. She continued her education and received a Masters degree in 1962 from Columbia University in Public Law and Government. A decade later, Ms. Calleton began her professional career as an Administrative Assistant in Planned Parenthood in Pasadena, California and in 1974 she became Associate Director. She has been the Executive Director since 1979.

In addition to her commitment to Planned Parenthood, Ms. Brown Calleton was past President of League of Women Voters of the Pasadena area chapter and has served on the board of Young and Healthy, Women At Work, and Planned Parenthood Affiliates of California.

Her contributions have been recognized by many including the Women of Achievement, Magna Carta Business and Professional Women, and the Pasadena-Foothill YWCA.

Although Ms. Calleton worked hard to make significant inroads on the area of women's health care, she was also able to be a great mother and grandmother to her three children and her four grandchildren.

Today I ask my colleagues to join me in honoring this remarkable woman for her contributions in the area of women's health care to the San Gabriel Valley community.

LET'S FIND A CURE FOR SCLERODERMA

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. GUTIERREZ. Mr. Speaker, on Thursday, February 7, I introduced H. Con. Res. 320, a bill to help the more than 300,000 Americans who suffer from Scleroderma. Scleroderma is a chronic, often progressive autoimmune disease in which the body's immune system attacks its own tissues.

The disease manifests itself in two forms: localized Scleroderma, effecting the skin and underlying tissue, and systemic Scleroderma, also known as systemic sclerosis, a potentially life-threatening disease that attacks internal organs including the lungs, heart, kidneys, esophagus and gastrointestinal tract.

Scleroderma can vary a great deal in terms of severity. While for a few individuals it is merely a nuisance, for many it is a life-threatening illness. For most, it is a disease that affects how they live their daily lives.

The wide range of symptoms and localized and systemic variations of the disease make it especially hard to diagnose. The average diagnosis is made 5 years after the onset of symptoms. Once diagnosed, however, people with Scleroderma can only look forward to symptomatic relief, as there is no known cure.

Symptoms may include swelling, hardening and thickening of the skin, blood vessel spasms with severe discomfort in the fingers and toes, weight loss, joint pain, swallowing difficulties, nonhealing ulcerations on the fingertips and extreme fatigue. In its more advanced forms, Scleroderma can prevent patients from performing even the simplest tasks.

Among the goals of my legislation is to help adequately fund research projects regarding Scleroderma; hold a Scleroderma symposium that would bring together distinguished scientists and clinicians from across the United States to determine the most important priorities in Scleroderma research and to establish a national epidemiological study to better track the incidence of this disease.

Mr. Speaker, I urge my colleagues to join me in bringing awareness and find a cure to this devastating disease.

HONORING SENATOR MITCH McCONNELL ON THE OCCASION OF HIS 60TH BIRTHDAY

HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. FLETCHER. Mr. Speaker, today I rise in the well of the United States House of Representatives to wish a Happy 60th Birthday to a statesman and one of my esteemed colleagues in the United States Senate. During his first 60 years, Senator MITCH McCONNELL has influenced thousands of people, in both Kentucky and throughout the United States.

Born on February 20, 1942, Senator McCONNELL demonstrated his leadership and political skills at an early age. He was elected student body president of his high school, student body president of the University of Louisville College of Arts and Sciences, and president of the Student Bar Association at the University of Kentucky College of Law. After graduating from law school, Senator McCONNELL quickly ascended Washington politics as an intern for U.S. Senator John Sherman Cooper, chief legislative assistant to U.S. Senator Marlow Cook, and deputy assistant general under President Gerald R. Ford.

After serving in Washington, Senator McCONNELL returned home to Kentucky to help build the Republican Party he loves so much. He was elected as County Judge-Executive in Jefferson County in 1978 and to the United States Senate in 1984. He is the only Republican in Kentucky history to be elected to three full terms in that esteemed body.

Since arriving in the Senate, Senator McCONNELL has achieved recognition as being one of Washington's most influential people. He is the Ranking Member of the Senate Rules Committee, the Ranking Member of the Senate Foreign Operations Appropriations Subcommittee, a senior member of the Senate Agricultural Committee, and a member of the Senate Judiciary Committee. Senator McCONNELL's committee assignments position him well to champion issues that matter to Kentuckians.

Perhaps one of the biggest honors of Senator McCONNELL's political career came in January 2001. As the Chairman of the Joint Congressional Committee on Inaugural Ceremonies, he directed the planning and production of President George W. Bush's Inauguration as the 43rd President of the United States. Not only did he serve as emcee of the 2001 Inauguration Ceremony and escort President Bush throughout the day's historic events; he also helped coordinate the "Bluegrass" Inaugural Ball.

Along with the long list of accomplishments in his political and professional life, Senator

MCCONNELL is a committed husband to his wife, Secretary of Labor Elaine Chao, and a loving father to his three daughters: Elly, Claire, and Porter.

On Senator MCCONNELL's 60th Birthday, I think it is important to thank him for the guiding light he provides to other folks in Kentucky. I speak personally and on behalf of a number of Republican candidates who have been inspired and helped by Senator MCCONNELL's leadership. He taught us that Republicans can win in Kentucky.

Mr. Speaker I would ask my colleagues in the United States House of Representatives to join me in wishing him a very happy birthday and continued service for Kentucky and America.

TRIBUTE TO WALLACE E. GOODE, JR.

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to recognize my constituent, Mr. Wallace E. Goode, Jr., who will be awarded the Franklin H. Williams Award by the U.S. Peace Corps this month.

Most Americans visualize the Peace Corps as groups of student volunteers working in the "developing world." A far away world dogged by poverty and disadvantagement, a place we only visit through somber images of undernourished children and devastated villages on television.

However, the developing world is not necessarily that remote. In fact, it may reside within our own borders. Wallace Goode fully understands this, as Executive Director of the Chicago Empowerment Zone and an individual with a solid record of serving and helping in areas that need it most. Mr. Goode has a crucial role in the revitalization effort, as he manages the push for community self-sustainability for distressed neighborhoods in Chicago.

The Peace Corps mission pinpoints "to help; to learn; to teach" as core duties.

Mr. Goode learned as a student at Elmhurst College in Elmhurst, IL, a grad student at the University of Vermont and as a doctoral candidate at Loyola University while studying Educational Leadership and Policy Studies.

Early in his career of helping and giving, Mr. Goode served as Director of Rural Development in Central Africa, Community Development Field Officer in the Solomon Islands and Trainer for the U.S. Peace Corps.

Furthermore, he helped to teach others as a Dean at Allegheny College in Meadville, PA, Assistant Dean of Students at the Illinois Institute of Technology in Chicago, IL, and a Manager at International Orientation Resources (IOR) teaching fellow managers and executives how to approach business with other cultures and cross-cultural conflict resolution.

Today, he continues to advance the Peace Corps legacy of civic service by addressing Chicago's Empowerment Zone revitalization initiatives, of economic empowerment, affordable housing, public safety, cultural diversity, Health and Human Services, and Youth futures.

Each year, the Franklin H. Williams Award honors the outstanding leadership contributions that Peace Corps volunteers of color have made in the area of community service. And I can't think of a better, or more deserving recipient, and that is most likely how the Chicago Area Peace Corps Association felt when they nominated him.

Mr. Speaker, seldom do we get to sing the praises of individuals whose hard work and positive deeds improve the world. Thanks to the Peace Corps, Mr. Wallace Goode's inspiring example will not be unsung.

FARM BILL PAYMENT LIMITATIONS A NECESSARY STEP

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BEREUTER. Mr. Speaker, this Member commends to his colleagues the following editorial from the February 12, 2001, Omaha World-Herald. The editorial emphasizes the importance of reviewing the purpose of farm programs. It also expresses support for limiting farm payments, which would benefit family farmers and restore public confidence in farm programs.

[From the Omaha World-Herald, Feb. 12, 2001]

WHY A FARM BILL? TO EVALUATE SUBSIDY CAP, WE NEED TO REVISIT FUNDAMENTAL QUESTIONS

A U.S. Senate amendment aimed at lowering the cap on farm subsidies to $275,000 a year for the biggest farms is a move in the right direction, although it may not be the revolutionary step its backers have portrayed.

The new limit is designed for a worthy purpose. It would prevent huge corporate farms from receiving multimillion-dollar payments, thereby removing a factor that has tarnished the subsidy program in the eyes of many Americans.

This isn't a major issue in the Midlands, where most farms are family-operated and where federal payments are much more modest.

But in the South, where large corporate operations exist, the amendment is bitterly opposed. Currently the farm program has a theoretical limit of $460,000. Corporate farmers with platoons of lawyers and accountants have found many options, including the breaking up of one operation into separate units, at least on paper. In effect, there is no limit. One Arkansas operation harvested $49 million in federal funds from 1996 to 2000.

Some observers say that Southern opposition to the cap will be enough to sidetrack the farm bill.

If debate must be extended, it would be useful if some members of both houses of Congress addressed the underlying philosophy. America has had a subsidy program for so long that its purpose is sometimes forgotten. It originated in the 1930s as a way to help small and medium-sized farms survive a period of surplus-depressed prices. But in recent years it has morphed into a safety net for an ever-widening array of food and fiber producers, whether or not they were family farmers. In effect, it subsidizes surpluses, perpetuating a cycle of low returns and pressure for more subsidies.

Congress might start by putting up the fundamental questions for review: Why do we have a farm program? To help the little guys or the big guys? To encourage surplus production or discourage it? To ensure raw materials for processors? To protect all elements of the agricultural industry from the perils of weather and market? Is the farm bill corporate welfare or community stabilization?

Once the philosophy is established, perhaps a rational debate can take place. With or without it, the lower cap backed by Nebraska's delegation and others seems sound.

Nothing in this amendment reduces the overall cost of the farm bill, which in its present form would add about $74 billion in spending over the next 10 years. But it does aim at keeping the program from being increasingly a form of income-protection for mega-farmers. In that context, the amendment deserves respect and the sponsors are right to give it a try.

INTRODUCTION OF THE MONETARY FREEDOM AND ACCOUNTABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Monetary Freedom and Accountability Act. This simple bill takes a step toward restoring Congress' constitutional authority over the monetary policy of the United States by requiring Congressional approval before the President or the Treasury Secretary buys or sells gold.

Federal dealings in the gold market have the potential to seriously disrupt the free market by either artificially inflating or deflating the price of gold. Given gold's importance to America's (and the world's) monetary system, any federal interference in the gold market will have ripple effects through the entire economy. For example, if the government were to intervene to artificially lower the price of gold, the result would be to hide the true effects of an inflationary policy until the damage was too severe to remain out of the public eye.

By artificially deflating the price of gold, federal actions in the gold market can reduce the values of private gold holdings, adversely effecting millions of investors. These investors rely on their gold holdings to protect them from the effects of our misguided fiat currency system. Federal dealings in gold can also adversely affect those countries with large gold mines, many of which are currently ravished by extreme poverty. Mr. Speaker, restoring a vibrant gold market could do more than any foreign aid program to restore economic growth to these areas.

While the Treasury denies it is dealing in gold, the Gold Anti-Trust Action Committee (GATA) has uncovered evidence suggesting that the Federal Reserve and the Treasury, operating through the Exchange-Stabilization Fund and in cooperation with major banks and the International Monetary Fund, have been interfering in the gold market with the goal of lowering the price of gold. The purpose of this policy has been to disguise the true effects of the monetary bubble responsible for the artificial prosperity of the 1990s and to protect the politically-powerful banks who are heavily invested in gold derivatives. GATA believes federal actions to drive down the price of gold help protect the profits of these banks at the expense of investors, consumers, and taxpayers around the world.

GATA has also produced evidence that American officials are involved in gold transactions. Alan Greenspan himself referred to the federal government's power to manipulate the price of gold at a hearing before the House Banking Committee and the Senate Agricultural Committee in July, 1998: "Nor can private counterparties restrict supplies of gold, another commodity whose derivatives are often traded over-the-counter, where *central banks stand ready to lease gold in increasing quantities should the price rise.*" [Emphasis added].

Mr. Speaker, in order to allow my colleagues to learn more about this issue, I am enclosing "All that Glitters is Not Gold" by Kelly Patricia O'Meara, an investigative reporter from Insight magazine. This article explains in detail GATA's allegations of Federal involvement in the gold market.

Mr. Speaker, while I certainly share GATA's concerns over the effects of federal dealings in the gold market, my bill in no way interferes with the ability of the federal government to buy or sell gold. It simply requires that before the executive branch engages in such transactions, Congress has the chance to review it, debate it, and approve it.

Given the tremendous effects on the American economy from the federal dealings in the gold market, it certainty is reasonable that the people's representatives have a role in approving these transactions, especially since Congress has an all-too-neglected Constitutional role in overseeing monetary policy. Therefore, I urge all my colleagues to stand up for sound economics, open government and Congress' constitutional role in monetary policy by cosponsoring the Monetary Freedom and Accountability Act.

[Insight Magazine, March 4, 2002]

ALL THAT GLITTERS IS NOT GOLD

(By Kelly Patricia O'Meara)

Even though Enron employees and the company's accounting firm, Arthur Andersen, have destroyed mountains of documents, enough information remains in the ruins of the nation's largest corporate bankruptcy to provide a clear picture of what happened to wreck what once was the seventh-largest U.S. corporation.

Obfuscation, secrecy, and accounting tricks appear to have catapulted the Houston-based trader of oil and gas to the top of the Fortune 100, only to be brought down by the same corporate chicanery. Meanwhile, Wall Street analysts and the federal government's top bean counters struggle to convince the nation that the Enron crash is an isolated case, not in the least reflective of how business is done in corporate America.

But there are many in the world of high finance who aren't buying the official line and warn that Enron is just the first to fall from a shaky house of cards.

Many analysts believe that this problem is nowhere more evident than at the nation's bullion banks, and particularly at the House of Morgan (J.P. Morgan Chase). One of the world's leading banking institutions and a major international bullion bank, Morgan Chase has received heavy media attention in recent weeks both for its financial relationships with bankrupts Enron and Global Crossing Ltd. as well as the financial collapse of Argentina.

It is no secret that Morgan Chase was one of Enron's biggest lenders, reportedly losing at least $600 million and, perhaps, billions. The banking giant's stock has gone south, and management has been called before its shareholders to explain substantial investments in highly speculative derivatives—hidden speculation of the sort that overheated and blew up on Enron.

In recent years Morgan Chase has invested much of its capital in derivatives, including gold and interest-rate derivatives, about which very little information is provided to shareholders. Among the information that has been made available, however, is that as of June 2000, J.P. Morgan reported nearly $30 billion of gold derivatives and Chase Manhattan Corp., although merged with J.P. Morgan, still reported separately in 2000 that it had $35 billion in gold derivatives. Analysts agree that the derivatives have exploded at this bank and that both positions are enormous relative to the capital of the bank and the size of the gold market.

It gets worse. J.P. Morgan's total derivatives position reportedly now stands at nearly $29 trillion, or three times the U.S. annual gross domestic product. Wall Street insiders speculate that if the gold market were to rise, Morgan Chase could be in serious financial difficulty because of its "short positions" in gold. In other words, if the price of gold were to increase substantially, Morgan Chase and other bullion banks that are highly leveraged in gold would have trouble covering their liabilities. One financial analyst, who asked not to be identified, explained the situation this way: "Gold is borrowed by Morgan Chase from the Bank of England at 1 percent interest and then Morgan Chase sells the gold on the open market, then reinvests the proceeds into interest-bearing vehicles at maybe 6 percent.

At some point, though, Morgan Chase must return the borrowed gold to the Bank of England, and if the price of gold were significantly to increase during any point in this process, it would make it prohibitive and potentially ruinous to repay the gold."

Bill Murphy, chairman of the Gold Anti-Trust Action Committee, a nonprofit organization that researches and studies what he calls the "gold cartel" (J.P. Morgan Chase, Deutsche Bank, Citigroup, Goldman Sachs, Bank for International Settlements (BIS), the U.S. Treasury, and the Federal Reserve), and owner of www.LeMetropoleCafe.com, tells Insight that "Morgan Chase and other bullion banks are another Enron waiting to happen." Murphy says, "Enron occurred because the nature of their business was obscured, there was no oversight and someone was cooking the books. Enron was deceiving everyone about their business operations—and the same thing is happening with the gold and bullion banks."

According to Murphy, "The price of gold always has been a barometer used by many to determine the financial health of the United States. A steady gold price usually is associated by the public and economic analysts as an indication or a reflection of the stability of the financial system. Steady gold; steady dollar. Enron structured a financial system that put the company at risk and eventually took it down. The same structure now exists at Morgan Chase with their own interest-rate/gold-derivatives position. There is very little information available about its position in the gold market and, as with the case of Enron, it could easily bring them down."

In December 2000, attorney Reginald H. Howe, a private investor and proprietor of the Website www.goldensextant.com, which reports on gold, filed a lawsuit in the U.S. District Court in Boston. Named as defendants were J.P. Morgan & Co., Chase Manhattan Corp., Citigroup Inc., Goldman Sachs Group Inc., Deutsche Bank, Lawrence Summers (former secretary of the Treasury), William McDonough (president of the Federal Reserve Bank of New York), Alan Greenspan (chairman of the Board of Governors of the Federal Reserve System), and the BIS.

Howe's claim contends that the price of gold has been manipulated since 1994 "by conspiracy of public officials and major bullion banks, with three objectives: 1) to prevent rising gold prices from sounding a warning on U.S. inflation; 2) to prevent rising gold prices from signaling weakness in the international value of the dollar; and 3) to prevent banks and others who have funded themselves through borrowing gold at low interest rates and are thus short physical gold from suffering huge losses as a consequence of rising gold prices."

While all the defendants flatly deny participation in such a scheme, Howe's case is being heard. Howe tells Insight he has provided the court with very compelling evidence to support his claim, including sworn testimony by Greenspan before the House Banking Committee in July 1998. Greenspan assured the committee, "Nor can private counterparties restrict supply of gold, another commodity whose derivatives are often traded over the counter, where central banks stand ready to lease gold in increasing quantities should the price rise." Howe and other "gold bugs" cite this as a virtual public announcement "that the price of gold had been and would continue to be controlled if necessary."

According to Howe, "There is a great deal of evidence, but this is a very complicated issue. The key, though, is the short position of the banks and their gold derivatives. The central banks have 'leased' gold for low returns to the bullion banks for the purpose of keeping the price of gold low. Greenspan's remarks in 1998 explain how the price of gold has been suppressed at times when it looked like the price of gold was increasing."

Furthermore, Howe's complaint also cites remarks made privately by Edward George, governor of the Bank of England and a director of the BIS, to Nicholas J. Morrell, chief executive of Lonmin Plc: "We looked into the abyss if the gold price rose further. A further rise would have taken down one or several trading houses, which might have taken down all the rest in their wake. Therefore, at any price, at any cost, the central banks had to quell the gold price, manage it. It was very difficult to get the gold price under control, but we have now succeeded. The U.S. Fed was very active in getting the gold price down. So was the U.K. [United Kingdom]."

Whether the Fed and others in the alleged "gold cartel" have conspired to suppress the price of gold may, in the end, be secondary to the growing need for financial transparency. Wall Street insiders agree that as long as regulators, analysts, accountants, and politicians can be lobbied and "corrupted" to permit special privileges, there will be more Enron-size failures.

Securities and Exchange Commission Chairman Harvey L. Pitt, well aware of the seriousness of these problems, recently testified before the House Financial Services Committee that "it is my hope there are not other Enrons out there, but I'm not willing to rely on hope."

Robert Maltbie, chief executive officer of www.stockjock.com and an independent analyst, long has followed Morgan Chase. He tells Insight that "there are a lot of things going on in these companies, but we don't know for sure because much of what they're doing is off the balance sheet. The market is scared and crying out to see what's under the hood. Like Enron, much of what the banks are doing is off the balance sheet, and it's a time bomb ticking as we speak."

Just what would happen if a bank the size of Morgan Chase were unable to meet its financial obligations? "It's tough to go there," Maltbie says, "because it could shake the financial markets to the core."

TRIBUTE TO DON I. FOLTZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, it is my honor to rise today and recognize Don I. Foltz, a proud citizen, honorable man, longtime public servant, and friend and trusted advisor. Don has dedicated his professional years to the service of countless California elected officials and communities and I am happy to honor his accomplishments today.

Don was born in Glendale, California but has spent most of his years in Long Beach, California, where he continues to reside today. He was the loving husband of Mary Lou—his lifetime personal and professional partner. He is also the proud father of two sons, David Foltz and Steven Foltz, and grandfather to Parker C. Foltz, the apple of his grandpa's eye.

Don began his long tenure in public service in 1959 as an Administrative Assistant to California State Senator Richard Richards and served in the same capacity with Assembly Member and then State Senator Joseph M. Kennick, Assembly Member Bruce Young and State Senator Paul Carpenter. He has also served as a Consultant to the Assembly Committee on Oil, Mining, and Manufacturing, as a Deputy to Board of Equalization Member Paul Carpenter, and as an advisor in a volunteer capacity to Assembly Member Bob Epple.

Don's extensive experience in press and media relations, speech writing, and researching and drafting legislation serve him well as today he works as a political advisor to many candidates and office holders throughout Los Angeles County. I have counted on Don as an advisor and trusted confident throughout my first year in office and I thank him for offering his vast knowledge of experience to me.

So it is with great pleasure that I ask all Members to join me in thanking Mr. Don I. Foltz for his contributions to our American political system and his many years of service to the people of California and our Nation.

IN HONOR OF WILLIAM JEFFERSON JR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of William Jefferson Jr. in recognition of his 102nd Birthday.

William Jefferson Jr. was born in Columbia, South Carolina in 1900 to Carrie and William Jefferson Sr. He moved to New Jersey at age 13 and on to New York during his 20th year. On March 10, 1937, William Jefferson Jr. married Maybell Stevens. Together they had five daughters: Willamae, Carrie, Louise, Maybell and Theresa.

William worked for 38 years for an interior decorating company and retired at the age of 67. Nevertheless, William has continued to help his family members to this day, redesigning their apartments and houses. While living at Linden Plaza in Brooklyn, New York, he started the Garden Club and was still working there until a few years ago.

Mr. Speaker, William Jefferson Jr. has lived to see 19 different presidents, from President William McKinley to President George Walker Bush—two world wars, and countless inventions that would have been thought unimaginable at the time of his birth. I urge my colleagues to join me in honoring this man who has experienced so much.

PERSONAL EXPLANATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained earlier today during the rollcall vote #19 on H.R. 2356. I ask that the RECORD reflect that had I been here, I would have voted "aye" on this rollcall vote.

RECOGNIZING LUCIAN ADAMS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. LAMPSON. Mr. Speaker, today I rise to honor and recognize an American hero, Lucian Adams, who risked his life for his country and went far beyond the call of duty. It is my honor to salute this valiant man in his heroic efforts and his exceptional community service in the 9th Congressional District of Texas.

On April 23, 1945, President Harry Truman awarded Mr. Lucian Adams with the Congressional Medal of Honor. Mr. Adams is the recipient of this prestigious award for his brave actions during World War II. He is also the recipient of a Purple Heart and a Bronze Star. Mr. Adams served as a Staff Sergeant in the 30th Infantry, 3rd Infantry Division, under the United States Army. On October 28, 1944, Sergeant Adams was responsible for saving the lives of his company near St. Die, France.

On that fateful day, Adams and his company were stopped by the enemy while trying to drive through the Mortagne Forest to reopen the supply line to the isolated 3rd Battalion. Sergeant Adams encountered the concentrated fire of machine guns in a lone attack on a force of the German troops. Despite intense machine gun fire which the enemy directed at him and rifle grenades which struck the trees over head engulfing him with twigs and branches, Sergeant Adams made his way to within 10 yards of the closest machine gun and killed the gunner with a hand grenade.

This and other actions allowed Sergeant Adams to personally kill nine soldiers, eliminate three enemy machine guns, dismantle a specialized force which was armed with heavy artillery, and clear the wood of hostile opponents. The course of actions that were taken by Sergeant Adams would seem to be a scene directly from a movie however, all of these courses took place in a time of unsettling war.

Throughout the years, Mr. Adams has exhibited an unyielding commitment to his community and city at large. In 1986, the city of Port Arthur changed the 61st Street to Staff Sgt. Lucian Adams at the request of the Port Arthur Mexican Heritage Society. For his efforts in reaching out to the youth of Port Arthur, a scholarship fund has been set up in his name.

Mr. Speaker, Mr. Adams' life is rich with countless examples of self-sacrifice and extraordinary accomplishment in service to our great Nation. His contributions to Southeast Texas are immeasurable. He has dedicated his life to the United States Army and this country and I ask my colleagues to join me in commending Mr. Lucien Adams in serving our great nation for over 50 years.

Congratulations, Mr. Adams on a job well done. God bless you, and God bless America.

IN HONOR OF BLACK LEADERSHIP AT KEYSPAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of an outstanding organization that has been developed at KeySpan, Black Leadership at KeySpan, or BLAK, as it is known and their Chairperson, Renee McClure and Vice-chair, Ron Thompson and the entire BLAK organization, in recognition of their promotion of professional training, networking and community commitment.

In 2000, BLAK was created by KeySpan's Black employees with the support of Robert Catell—Chairman and CEO, Craig Mathews—Vice Chairman and COO, Colin Watson—Senior VP, Strategic Marketing and Elaine Weinstein, Senior VP of Human Resources, and senior management to establish an entity within the organization whose vision is: To be a resource for fostering leadership, excellence and community commitment among Black employees for the benefit of the corporation and its stakeholders.

In September of 2001, BLAK held its first "Executive Connection" day, providing BLAK members and the senior managers of KeySpan a forum to come together, exchange ideas, and establish relationships. BLAK recognizes that in order to be an effective organization it must develop communications throughout the corporation as a whole. As part of this effort, BLAK has taken part in one of KeySpan's monthly breakfast meetings to inform management about BLAK and has established an internal website and quarterly newsletter to keep its members informed.

BLAK has also established a number of committees to address the concerns of its members. One committee is the Community Involvement Committee (CIC). While a number of options were discussed reflecting the wide interests of its members, CIC felt that one of the most effective ways would be to become actively involved in two community high schools, and hopefully to expand their involvement with many other local schools in the future. BLAK's professional development initiatives include a resume bank, a coaching program, and a mentoring program. The variety of programs and services offered by BLAK illustrates a talented and eager membership. This membership also reflects the outstanding leadership of BLAK's Chair Renee McClure and Vice-chair Ronald Thompson. These two individuals along with the executive board, committees, advisors, and senior management continue to develop an outstanding organization that promotes growth, development and the community commitment that makes KeySpan such a tremendous asset to the community. As such, I urge my colleagues to join me in honoring this truly remarkable organization and its leaders.

HONORING THE PEOPLE OF SAN GABRIEL

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the people of San Gabriel, California as they celebrate the 75th anniversary of their legendary and beautiful San Gabriel Civic Auditorium.

Throughout its rich history, the Auditorium has played host to hundreds of performances delighting audiences from the San Gabriel Valley and around the world. The Auditorium has also been admired for its beauty and historical character by hundreds of thousands of residents of nearby cities and visitors to Southern California. The San Gabriel Civic Auditorium was designed and built by John Steven McGroarty, from nearby Tujunga, and was dedicated on March 5, 1927. McGroarty went on to become the first poet laureate of California and a U.S. Congressman from 1935 to 1939 representing the region of Southern California that I am proud to serve. McGroarty built the theater specifically for his production, "Mission Play," which told the story of the founding of the California missions by the Franciscans under the leadership of Father Junipero Serra. McGroarty designed the façade of the theatre to look much like his favorite California mission, San Antonio de Padua in Monterey County. The "Mission Play" ran for five years and gave a total of 3,198 performances.

The theatre was closed in 1932 during the height of the Great Depression. But a group of concerned San Gabriel residents formed a citizens' committee with the goal of having the city purchase the theatre and reopen it. Thankfully, they were successful, and in 1945 the San Gabriel Civic Auditorium re-opened its doors again to the community. Since its reopening, the theatre has seen a wealth of America's greatest performers. Notables such as Frank Sinatra, Tony Bennett, Ginger Rogers, Raymond Burr, Jo Anne Worley, and even Bob Hope have graced its fine stage.

This year, the same stage will play host to a number of culturally diverse performances and festivities. The first of these performances will be the music of the Orchestra of the Californias. This newly formed orchestra is a product of bi-national cooperation. Formed by the Commission of the Californias, under the auspices of Governor Gray Davis of California, Governor Leonel Cota-Montaño of Baja California Sur, and Governor Eugenio Elorduy-Walther of Baja California, the Orchestra of the Californias has become the headline performer of a musical tour throughout California and Mexico. This is the first time that the governors of the three Californias have joined to present such a significant cultural achievement. On February 15, 2002, the San Gabriel Civic Auditorium will be the only theatre in Los Angeles County to welcome the Orchestra of the Californias. Under the direction of maestro David Atherton, the orchestra will play an assortment of classical favorites for what I am sure will be an appreciative audience.

I ask all Members of Congress to join Congresswoman HILDA SOLIS and me in congratulating the people of San Gabriel as they celebrate the 75th year of their beautiful San Gabriel Civic Auditorium.

IN HONOR OF SISTER IRENE SMITH STRICKLAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Sister Irene Smith Strickland in recognition of her one-hundredth birthday.

Irene was the first of eleven children born on February 9, 1902 in Hampton, South Carolina to Margaret and John Smith. She moved to New York City in 1927 and joined the Corner Stone Baptist Church, where she served as an Usher.

Sister Strickland was married to the late Troy Strickland who passed away in June 1988. She and Troy had one son who passed away in June of 1993. She also has one daughter in law, four grandsons, two grand daughters, and six great grandchildren,

In November of 1939 she joined Zion Baptist Church where she also served as an Usher. She also worked on the nurses unit as a personal nurse to the late Rev. B.J. Lowery.

In June of 1939, Irene was initiated into Omega Chapter #48 Order of Eastern Stars serving in all capacities. She is, a member of the 2nd Masonic District and will be celebrating her birthday on February 17 at the Ridged Masonic Temple.

Mr. Speaker, Sister Irene Smith Strickland has lived through more than most of us will ever know. It is my pleasure to join in the celebration of her one-hundredth birthday, a milestone that many of us hope to reach, As such she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

CONGRATULATIONS TO PASTOR AND MRS. W.C. SCALES, SR. ON THEIR 68TH WEDDING ANNIVERSARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PAYNE. Mr. Speaker, I would like to ask my colleagues here in the U.S. House of Representatives to join me in congratulating a wonderful couple who have reached a magnificent milestone in their lives, Pastor and Mrs. W.C. Scales, Sr., who will celebrate their 68th wedding anniversary on March 7, 2002.

William C. Scales, Sr. and Myra E. Scales were united in holy matrimony on March 7, 1934, in the beautiful city of Charleston, West Virginia. Throughout their marriage, Pastor and Mrs. Scales have maintained a strong partnership, working together in ministry and giving so generously of themselves to their church and their community. After becoming a successful businessman in West Virginia, Pastor Scales moved his family to Cleveland, Ohio where there were even greater employment opportunities. As a faithful Seventh-day Adventist, he refused to work on the Sabbath, but he was able to follow his trade with Sabbath privileges. Pastor Scales and his wife faithfully served the Cleveland, Ohio Glenville Church in practically every capacity of leadership. In 1943, Pastor Scales entered the organized work of the church as a literature evangelist in the Ohio Conference. He began conducting Bible study and was so successful that 17 of the 23 in attendance were baptized. Pastor and Mrs. Scales had many accomplishments over the years. Mrs. Scales shared her musical gift as a soloist, and her personal evangelism skills as a part time Bible Instructor. She is a fantastic cook and has a special gift of encouraging and nurturing those to whom she ministers. From 1945 to 1950, Pastor Scales became Associate Publishing Director, Allegheny Conference; from 1950 to 1966, he was a Singing Evangelist and Bible Instructor in summer evangelism; in the early 1950s, he became Lay Pastor of Bethel S.D.A. Church in Cleveland, Ohio; in 1964, he became the first full time male Bible Instructor for Allegheny Conference; from 1965 to 1971, he began working with his son, Elder W.C. Scales, Jr., as part of the Allegheny Conference Evangelistic Team and coauthored the Real Truth Bible Courses; from 1971 to 1973, he received his ministerial license, and became Assistant Pastor of Baltimore Berea Temple Church; from 1974 to 1976, he served as pastor of Asbury Park, New Jersey District; In 1976, he ordained to the gospel ministry at the Allegheny East Camp Meeting; from 1976 to 1980, he served as pastor of Portsmouth, Virginia District; in 1978, he assisted his son in conducting the Georgetown, Guyana, Crusade; in 1980, he officially retired from organized work and Mrs. Scales retired as a part time Bible Instructor. Pastor and Mrs. Scales have remained active in retirement. Among other things, Pastor Scales has authored an autobiography entitled "Born to Win Souls," and coauthored with his son a book entitled "Practical Evangelism Sermons and Soul-winning Techniques," and conducts workshops and occasional preaching appointments.

A TRIBUTE TO THE FLINDERS UNIVERSITY INTERNSHIP PROGRAM

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. FARR of California. Mr. Speaker, today I rise to offer a tribute to Megan Wells and all the others who have contributed to the Flinders University Internship Program.

The effects of the terrorist attacks on September 11th have resonated in the hearts and minds of every American from Maine to California. Half-way around the world in Adelaide, the capital of South Australia, five of Australia's best and brightest young people were faced with a difficult decision. The question in Adelaide was simple enough. Would a group of five university students continue on with their plans to travel to Washington, DC to work in four congressional offices and a news organization as part of their American Studies degree? Fortunately for us all, the students answered with a resounding yes.

Three years ago, the Flinders University of Australia inaugurated a Washington, DC internship program for top students within its American Studies Department. Most of the interns work in congressional offices—making this program unique certainly for Australian universities and quite possibly for any university system not based in the United States. The program is directed in Washington, DC on volunteer basis by former congressional staffer, Eric Federing.

Mr. Federing's work reflects the understanding that it is in our national interest for the future leaders of the world to understand how our Congress operates. This program is based on the idea of creating lasting bonds by "putting good people with good people in good places" for serious, intensive internships. And, as the Australians would say, to help bridge the "tyranny of distance."

Since the beginning of January, I've had the pleasure to host Megan, who is completing her degree in International Studies. She has exhibited an excellent comprehension of travel and tourism issues and has played an active role in maintaining a link between the United States and Australia. She boosted our morale long before she arrived simply by wanting to venture half-a-world away. I am extremely grateful to her parents, Kerry and Peter Haysman, who have been willing to share their daughter Megan with the people of the 17th District of California.

The Flinders University internship program hits upon a modest formula for successful international exchanges in large part due to the active support of both American and Australian governments. I have not been the only member so fortunate to have participated in this program. Toula Skiladas of Broken Hill in New South Wales has worked in the office of Senator CHRISTOPHER DODD; Miranda Ramsay of Unley, South Australia has assisted Representative LOUISE SLAUGHTER and her staff; Rachel Mules of Penola, South Australia has joined my California colleague LORETTA SANCHEZ; and Patrick Armitage of North Adelaide has helped explain Washington, DC to the school-aged audiences of Channel One News.

Mr. Speaker, I wish to thank everyone involved in creating and shepherding this internship program from its initial concept to the thriving institution it has become. They have done this nation and the Australian people numerous proud acts of public service, which I hope will continue for many years to come.

IN HONOR OF W. ROGER HAUGHTON

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. PELOSI. Mr. Speaker, I rise to salute W. Roger Haughton for his longstanding commitment to the San Francisco community. Roger is the Chairman and CEO of The PMI Group, Inc., ed in San Francisco. Roger was honored at the Bay Area's Junior Achievement Spirit of Achievement Gala, held on December 11, 2001, which was attended by over 500 executives of the Bay Area community. Roger was presented with the "Spirit of Achievement" Award, which recognizes individuals who have demonstrated exceptional entrepreneurial success, leadership and commitment to their community. The honor symbolizes the "spirit of achievement" that Junior Achievement instills in thousands of Bay Area youth each year through its economic education curriculum.

Roger Haughton and The PMI (Private Mortgage Insurance) Group, Inc. embody the community citizenship and spirit of philanthropy that Junior Achievement endeavors to instill in children across the Bay Area. PMI Group has also been an ardent supporter of the Bay Area community. Through its products and services, and working closely with mortgage lenders, PMI Group has developed many affordable mortgage programs to help families realize their dreams of home ownership. They believe that homeownership helps build strong families which helps build strong communities.

In addition to his role of Director, President and Chief Executive Officer of The PMI Group, Inc., Roger has a long history of active volunteerism with various affordable housing organizations including Habitat for Humanity, which has constructed affordable housing for families throughout the United States. Roger is also on the board as well as being former chairman of Social Compact, a Washington, D.C. organization dedicated to promotinc, revitalization of America's inner cities, and is also on the board of San Francisco's Bay Area Council.

I am proud to join my constituents in thanking and praising Roger Haughton for his dedication to the Bay Area community. Roger's dedication to the community through his involvement in nonprofit organizations makes him a worthy recipient of the Spirit of Achievement Award. Roger Haughton and PMI are pillars of the Bay Area community; they are servants of exemplary citizenship and spirited philanthropy. We are truly blessed for their generosity and commitment.

LEWIS AND CLARK AND GLOBAL WARMING

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BLUMENAUER. Mr. Speaker, I rise today to express my appreciation and admiration for the students of Lewis and Clark College, which is in my district and is my alma mater. Frustrated with the leadership of this country, these forward-looking students have decided to take the matter of climate change into their hands.

In order to fight global warming, the students have voted to raise their annual student fees by $10 per student per year. In fact, in a voter turnout that's twice what we see for special elections for local governments, 83.3 percent of the students voted yes. The fee increase will raise enough money to make Lewis and Clark College compliant with the Kyoto treaty through the purchase of "offsets" from the Climate Trust, a non-profit organization. The offset projects that the new fee would support include a web-based commuter matching system that will reduce car traffic in Portland, investments in landfill gas recovery system, and helping to preserve forests on Native American lands in the Northwest.

Studies at Lewis and Clark College have shown that increased parking fees, better transit, and a higher number of students living on campus have had a positive effect on the college's green house gas emissions. In this way, the college is far ahead of the rest of the country in realizing what we need to do to reduce our contribution to global warming. The United States is the single largest generator of greenhouse gases, contributing one quarter of the global total.

Although the college's emissions are minimal, the students' actions are significant. Lewis and Clark is the first of what will be many colleges across the country developing a climate strategy. It is the collection of these individual actions that will make a difference and eventually shape our nation's policy. One can only hope that when President Bush presents the Administration's proposal on global warming tomorrow, it will include tough mandatory green house gas reductions.

IN HONOR OF WILLIAM R. MILLS, JR. FOR A CAREER DEDICATED TO IMPROVING WATER CONDITIONS IN ORANGE COUNTY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to pay tribute to William R. Mills, Jr. upon his retirement after fifteen years with the Orange County Water District (OCWD).

Mr. Mills was born on April 19, 1937. He received a Bachelor's Degree in Geological Engineering from the Colorado School of Mines in 1959 and went on to receive a Master's Degree in Civil and Environmental Engineering from Loyola University at Los Angeles in 1983.

Mr. Mills started his engineering career as a Second Lieutenant, Engineering Officer in the United States Marine Corps from 1959 to 1963. From there, he began a lifetime dedicated to water resource planning and development, and his efforts have proven invaluable to water supply systems in Southern California and throughout the world. From 1963 to 1966, he worked as a Civil Engineer for the Los Angeles County Flood Control District, Water Conservation Division. In 1966, Mr. Mills went on to work as a Civil Engineer for the California Department of Water Resources, until he was offered a job as President of the Planning and Development Division of the Planning Research Corporation in 1967. There he spent seventeen years directing a staff of 400 as they worked to generate water resource and wastewater reclamation investigations and designs. In the three years prior to his employment with the OCWD, Mr. Mills owned his own water-consulting firm. He was named Water Leader of the Year by the Association of California Water Agencies in 1992, received the Engineer of the Year Award by the Orange County Engineering Council, and was given the Presidential Award for Distinguished Service by the American Desalting Association in 1996. Furthermore, in 1999, he was awarded the Leadership in Engineering and Water Resources Award from the Institute for the Advancement of Engineering. He currently serves as chair of the Association of Ground Water Agencies and is chair of the Association of California Water Agencies' Water Quality Committee.

During his tenure at OCWD, Mr. Mills has been responsible for developing a long range plan for the district aimed at decreasing the agency's dependence on imported supplies and improving the quality of surface and groundwater supplies. He was instrumental in promoting a program which uses recycled water for irrigation. To date more than $200 million has been spent on the construction of water recycling plants, groundwater renovation projects, and improvements in the district's extensive groundwater recharge system. OCWD is currently in final design of the Ground Water Replenishment System, an innovative system that will use high-tech filtration to purify waste water, then pump it back into the county's ground-water basin. OCWD's groundwater reservoir provides about 75 percent of the water needs for two million residents. Thanks to the hard work, dedication, and skill of Mr. Mills, OCWD is known internationally for its innovative groundwater management programs and for promoting advanced waste water treatment technologies.

Colleagues, please join me in praise of William R. Mills' career as a globally-renowned, innovative, and forward thinking water expert dedicated to the improvement of water recycling and water storage systems for Southern California. He has dedicated his life to improving the well-being of Southern California's water and of water systems throughout the entire world. Mr. Mills is an asset to his community and to our country, and I am proud to recognize him for his contributions to the well-being of our nation's water.

AUTHORIZING A STUDY ON THE FEASIBILITY OF DESIGNATING EAST MAUI AS A NATIONAL HERITAGE AREA

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mrs. MINK. Mr. Speaker, today I am introducing a bill directing the Secretary of the Interior to study the suitability and feasibility of establishing the East Maui National Heritage Area in the Hana district of East Maui in the State of Hawaii.

National Heritage Areas contain land and properties that reflect the history of their people and may include natural, scenic, historic, cultural, or recreation resources. Conservation and interpretation of these resources are handled by partnerships among federal, state, and local governments and nonprofit organizations.

East Maui is certainly an appropriate candidate for such designation. The Alliance for the Heritage of East Maui (AHEM), with assistance from the U.S. Park Service's Rivers, Trails, and Conservation Assistance Program and the Trust for Public Land, have been working for many years to explore ways to protect and interpret the extraordinary historic and natural resources of East Maui. They have already compiled a Resource Inventory that describes East Maui's extensive archaeological sites (ancient trails, burial sites, heiau (temples), petroglyphs, canoe landings, villages, traditional agricultural complexes); historical sites (battle sites, churches, courthouses, irrigation works, bridges, fish ponds, and much more); natural resources that include Haleakala National Park and numerous native forests, endangered species, wildlife preserves, streams, unique beaches—including a green sand beach and red cinder beach; and recreational resources that include several beach parks, recreation areas, trails, and natural area reserves.

Anyone who has taken the drive along the coast of East Maui to Hana knows that this list does not begin to describe the extraordinary beauty and richness of the area. In addition to the physical attributes that make East Maui an excellent candidate for designation as a National Heritage Area, you can add a dedicated cadre of citizens who are committed to ensuring that the people of East Maui be involved in determining the future of the area. They want to be sure that local values and input are reflected in any management plan for a National Heritage Area for East Maui. Indeed, much of the research for the study has already been completed due to the dedication of the Alliance for the Heritage of East Maui. I especially want to recognize Elizabeth Russell, who has been a driving force behind this effort. The Maui County Council has also been very supportive of this initiative.

At present, most of the nation's National Heritage Areas are located east of the Mississippi River. An East Maui National Heritage Area would be a marvelous addition to this program.

HONORING DAVID DONNELLY AND CINDY BISHOP DONNELLY

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise today in recognition of two friends and constituents, David and Cindy Bishop Donnelly. The Donnelly's will be honored by DiverseWorks, Inc., one of the nation's leading contemporary art centers, at the annual Illumination Gala on February 16, 2002. David and Cindy have been selected for their commitment to the arts in the greater Houston area.

DiverseWorks, Inc., is a non-profit art center dedicated to presenting new visual performing, and literary art. The organization's unique artistic educational and financial stability serve as a model for others across the nation. The staff members and volunteers of DiverseWorks, Inc. provide a tremendous service to young, aspiring artists throughout Houston. The talented people at DiverseWorks are leaders within our community and, this weekend, they recognize some of their most loyal supporters.

David and Cindy have been longtime champions of many civic programs in our community including the Lamar High School Parent Teacher Association. Both have served on the board of DiverseWorks, Inc. for a number of years, with David having served as treasurer for many of those years. The contributions of time and effort by David and Cindy have been instrumental in development of DiverseWorks as a mainstay in the Houston Arts Community.

Mr. Speaker, it is with great honor that I congratulate my constituents, David Donnelly and Cindy Bishop Donnelly on their recognition by DiverseWorks and I thank them for their unyielding commitment to the arts in Houston and Texas.

AMERICAN HEART MONTH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. PASCRELL. Mr. Speaker, A few years ago, I learned first-hand about the importance of preventative care for cardiovascular disease. My wife, Elsie, had a heart attack. It was a very difficult time period for her, and for our family. I am pleased to report that she is in good health today. And I can still celebrate this holiday with her. Unfortunately, not many women are as lucky as my wife. Heart disease is the number one killer of American women.

In fact, cardiovascular diseases kill more females each year than the next 9 causes of death combined. The seriousness of this disease doesn't stop there. Heart disease is our nation's number one killer and leading cause of long-term disability. We need to raise awareness to fight this disease. Preventive health care is the key to lowering the number of victims of heart disease.

Risk factors of heart disease are high cholesterol, high blood pressure, tobacco, lack of activity, and obesity. The majority of these risks can be prevented. And we can only accomplish this through education to raise awareness. February is American Heart month. I ask my colleagues to take advantage of this to spread awareness about heart disease and encourage healthy life styles.

COMMENDING NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REGARDING NATIONAL CHILD PASSENGER SAFETY WEEK

SPEECH OF

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 12, 2002

Mr. OBERSTAR. Mr. Speaker, I rise in support of the resolution to commend the National Highway Traffic Safety Administration for sponsoring National Child Passenger Safety Week. I also want to commend the sponsor of the legislation, Mr. CAMP, the Ranking Democratic Member of the Subcommittee on Highways and Transit, Mr. BORSKI, the Chairman of the Subcommittee, Mr. PETRI, and the Chairman of the full Committee, Mr. YOUNG, for their support of the legislation.

In 2000, motor vehicle crashes killed more than 2,300 children under the age of 15 and injured another 291,000. Six out of ten children killed in these crashes were completely unrestrained. In 2000, only nine percent of all children under the age of five rode unrestrained, but they accounted for more than one half of all child occupant fatalities. This is not acceptable.

To increase seat belt use nationwide, the previous Administration established goals to reduce the number of child occupant fatalities 15 percent by 2000 and 25 percent by 2005. Education programs, such as TEA 21's Child Passenger Protection Education Grant program, and other programs, played important roles in helping the Department meet the first of these goals. In each of fiscal years 2000, 2001, and 2002, Congress provided $7.5 million to finance the Child Passenger Protection Education Grant program in the Transportation Appropriations Act and pursuant to TEA 21. Forty-eight states, the District of Columbia, and the Territories have received grants under this program. Since 1997, the number of child fatalities resulting from traffic crashes has declined 17 percent, exceeding the previous Administration's goal of a 15 percent decline by the end of 2000. Restraint use for infants has risen to 95 percent from 85 percent in 1996, and has climbed to 91 percent for children aged one to four, up from 60 percent in 1996.

The proper use of child restraint systems can save lives, Mr. Speaker. It is essential that we continue to remind parents that all children should use restraint systems properly and to continue providing funding for grant programs to ensure that we continue to make progress in preventing deaths and injuries to children on our Nation's highways. These efforts will help us achieve our goal of a 25-percent reduction in child occupant fatalities by 2005.

Again, I want to commend the National Highway Traffic Safety Administration and its Administrator, Dr. Jeff Runge, for sponsoring National Child Passenger Safety Week. I strongly support the concurrent resolution and urge its approval.

IN RECOGNITION OF FEBRUARY AS AMERICAN HEART MONTH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise to recognize February as the American Heart Association Month to demonstrate the seriousness of cardiovascular diseases, including heart and stroke.

Founded by six doctors in 1924, the American Heart Association is a national voluntary health agency whose mission is to reduce disability and death from cardiovascular diseases and stroke. This organization serves as a key resource of information for heart patients, advocates, and survivors. Heart disease and stroke are two of the nation's top three leading causes of death, claiming the lives of more than 960,000 Americans each year.

The American Heart Association has titled this year's theme "Be Prepared for Cardiac Emergencies. Know the signs of cardiac arrest. Call 9–1–1 immediately. Give CPR." Promoting the importance of knowing signs and symptoms of a cardiac emergency can literally be the difference between life and death. Every minute that passes without defibrillation and CPR, the chance of survival for a cardiac arrest victim decreases by 7 to 10 percent. According to the Archives of Internal Medicine, most heart-attack patients wait more than two hours before seeking emergency care, initially because they do not recognize the symptoms of a heart attack. In my home state of Texas, heart disease is the leading killer, as well as nationally among women, with more than 370,000 deaths a year.

In observance of this special month, we acknowledge the researchers, physicians, health care professionals, public education professionals, and volunteers for their commitment to prevention, awareness, research, and treatment of this disease. Thanks to these workers and their unwavering resolve, the American Heart Association has established a chain of survival for victims of sudden cardiac arrest. The four links in the chain of survival involve, early access to phones and emergency exits, early CPR, early defibrillation and early advanced life support. These important tools are critical in saving a person's life when they cardiac arrest.

No one understands that better than Joel Ruby, of West University in my district, who suffered his first heart attack in his early forties. He has since undergone several angioplasty surgeries and continues to battle congestive heart failure. Although he continues his ongoing battle with heart disease, Joel has also become an active board member of the Houston Chapter of the American Heart Association. Joel's involvement is a testament to his commitment and the dedication of countless others' to the American Heart Association and the lives of people inspired by it.

Again, I wish the American Heart Association continued success on their "American Heart Month" and to continue their mission to reduce disability and death from cardiovascular diseases and stroke.

REMEMBER CHINA'S WORKING CLASS

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Ms. SCHAKOWSKY. Mr. Speaker, President Bush will be traveling to the People's Republic of China on Saturday, February 16, 2002 to meet with the leaders of that country. He will be discussing issues ranging from the war on terrorism to improving trade relations between our two nations.

I view this trip as an important and positive part of the ongoing U.S.-China dialogue. However, I believe it is imperative that we do not ignore the suffering of the working class in China. I recently read an article in the Washington Post about the Shuangfeng Textile Factory located in Dafeng, China. According to the Washington Post, corruption has engulfed the firm, leaving thousands of workers with little pay and little hope. Top executives of the firm have forced workers to buy over priced company stock and to accept pay cuts of up to 50%, which amounts to $25 to $40 a month. Reportedly, resistance to those demands has resulted in some employees losing their jobs.

The workers attempted to acquire the attention of local and federal officials by signing petitions and staging strikes. They sat in the factory for days and nights, not even returning home to see their loved ones. During those nights, police stormed into the factory and used force to drag them outside. The police also made dozens of arrests to try and put an end to the employee uprising. In spite of all this, the government apparently took no action to investigate the case. Eventually, the workers were defeated and had to accept the terms of management and return to their jobs with broken spirits. I hope all of my colleagues take the time to read the portion of the Washington Post article that I have submitted for the RECORD.

Instances, such as the one at the Shuangfeng Textile Factory, are cause for great concern. People in China are crying out for justice and they must not be ignored. I urge President Bush to raise this issue with the leadership of China and work with them to help improve the situation. More over, the President should press China to improve its labor, environment, and human rights record in general. It is important for us to take advantage of our dialogue with China to help put an end to the suffering of so many people.

[From the Washington Post, Jan. 21, 2002]

"HIGH TIDE" OF LABOR UNREST IN CHINA

STRIKING WORKERS RISK ARREST TO PROTEST PAY CUTS, CORRUPTION

(By Philip P. Pan)

DAFENG, CHINA.—On the fourth night of the strike, management cut off the heat. The 2,000 workers occupying the Shuangfeng Textile Factory responded by huddling together and wrapping themselves in thick blankets and surplus military coats. Even as the temperature neared freezing, they refused to leave.

Not long ago, banners on the factory walls reminded workers they were "masters" of the Communist state. Now, the same workers were camped on a cold floor between rows of rusty spinning machines, nursing their grievances over boiled water and biscuits.

Mostly middle-aged women, they spoke quietly of pay cuts and worthless stock shares, of corrupt officials and missing pension funds, of being cheated in China's rough-and-tumble transition from socialism to capitalism.

They spoke, too, of the risks they were taking by fighting back.

Three times, police had tried to expel them from the factory, dragging women out by the hair, jabbing others with electric batons. Three times, the workers had managed to hold on. Now, there were rumors a military police unit had been summoned to this small city 150 miles north of Shanghai.

"We know this is dangerous," said one young woman sitting in a corner of the vast factory floor near large spools of white cotton yarn. "But it's too late to be scared now."

Then, glancing out a window, she added nervously: "The police should be here soon."

The battle in Dafeng, which began Dec. 16 and ended less than two weeks later in defeat for the workers, is part of a larger story playing out across China's fast-changing industrial landscape. Two decades after the ruling Communist Party adopted capitalist economic reforms while continuing to restrict political freedom, growing numbers of Chinese workers are risking arrest to stage strikes, sit-downs and other demonstrations.

In many ways, these protests are acts of desperation by people struggling to survive without the help of effective labor unions, courts or other institutions that provide checks and balances in a market economy.

As thousands of state factories are closed or sold, workers who once were promised lifetime job security and benefits now face mass layoffs and, sometimes, the loss of their savings to corrupt managers. Their willingness to fight back presents a thorny political problem for a party that has always staked its legitimacy on providing a better life for the working class.

It is difficult to estimate how often these protests occur, in part because local officials often try to conceal them from their superiors.

But one recent government report acknowledges the country is in the midst of a "high tide" of labor unrest, with the number of workers participating in strikes more than doubling in the first half of the 1990s alone. Another report in an internal party publication said there were 30,000 protests of significant size in 2000, or more than 80 incidents per day.

The authorities often respond to these protests by trying to appease the workers; at other times they react with force, sending in police and jailing the most outspoken demonstrators.

"We have no idea what's going to happen next," the young woman in the factory here said that night as the strike wore on. Like many interviewed for this report, she asked not to be identified out of fear she would be arrested. "The government doesn't want to back down, and neither do we."

A SECRET BANKRUPTCY

The Shuangfeng Textile Factory lies on the outskirts of Dafeng, a quick drive from the city's glittering downtown into a dreary neighborhood of run-down buildings and dirt alleyways. Off the main roadway, past a row of ramshackle shops, a large crowd of workers gathers in front of the factory's creaky metal gate.

There is no picket line, just a group of men and women in heavy coats milling about restlessly in the middle of the road, stamping their feet to keep warm under a pale yellow street lamp. Their faces are lined from years of squinting while operating spinning machines and, more recently, from lack of sleep. Some of the workers are smoking; others have been drinking. Every time a car drives by, the crowd gets jittery.

Past the gate is the factory itself, a deteriorating complex built in 1931, before the Communist revolution. It is the city's oldest and largest textile mill, one of several in this cotton-growing region that produces yarn and cloth for the nation's garment factories.

In the mid-1990s, Beijing began pushing local officials to either get rid of small, money-losing state firms like the mill or make them profitable. What followed was a disorderly process in which the government often sold stock in factories to the workers, but retained control as the majority shareholder. China's Communist rulers had not yet embraced full privatization.

"Some people invested willingly. Others didn't think it was a good idea. But in the end, we all handed over the money," said one worker in the spinning division. "If we didn't give them the money, we would lose our jobs."

Last November, the company suddenly and secretly filed for bankruptcy. The factory boss and several other managers emerged as the firm's new owners. The workers discovered what had happened only weeks later, when a local newspaper published a short item about the transaction.

They immediately suspected they had been victim of a "fake bankruptcy," a common phenomenon in China in which corrupt managers hide a factory's assets, declare bankruptcy and then purchase the firm themselves at a reduced price, often with money they have embezzled.

The man who gained the most in the bankruptcy was Shi Yongsheng, the mill's manager and now its largest shareholder, according to workers and local officials. Shi was appointed to run the mill only three years ago after a career managing several smaller state factories in Dafeng, including a tannery and a fur plant.

Residents describe him as a close friend of one of the city's deputy party secretaries. Workers said he bragged to other managers about his plan to slash salaries. Shi did not return telephone calls, and a government spokesman said Shi was too busy to speak to reporters.

But a company document obtained by workers showed that the factory owed them $14 million, including $2 million for the shares they had purchased and $3 million they had paid toward their pensions. In addition, the document said, the government had provided the factory with nearly $8 million to help it cover its debts to workers and provide those laid off with welfare payments.

A government official in Dafeng confirmed the figures were accurate. Where all that money went, though, remains a mystery.

"What happened to our money? How did we go bankrupt?" asked one longtime employee, who asked that he be identified only by his surname, Zhang. "We had a lot of questions. No one gave us any answers."

STRIKE WITHOUT SLOGANS

Instead of an explanation, the workers got a pay cut. On Dec 13, managers began calling in employees and demanding they sign new contracts slashing their salaries by half, to between $25 and $40 a month.

The workers revolted. In a meeting, an employee tore up the contract in front of her supervisors, workers said. In another, a worker denounced factory managers, saying, "Officials live off the labor of the workers!"

With resistance rising, the company tried to make an example of two outspoken employees in the spinning division, young mothers named Chen Feng and Liu Landing. On the morning of Dec. 16, the factory hung a large poster on the front gate declaring that "the two comrades have separated from their posts and from the factory."

"I had worked in the mill for seven or eight years, and I have an 11-year-old child to support," said Chen, 29, by telephone several weeks later. "So, of course, I was depressed." Chen declined to discuss why she was fired, but she confirmed what happened next: "The workers went on strike, and they asked the company to let me go back to work."

A strike is a sensitive undertaking in China. The Communist Party has always portrayed itself as a workers' party, and it still teaches schoolchildren how Mao Zedong launched his career by organizing strikes among miners and railway workers. But the government has also absorbed the lesson of how strikes helped bring down Communist regimes in Eastern Europe and the Soviet Union.

HONORING DAN TIDWELL AND JAMIE MIZE

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to honor Dan Tidwell and Jamie Mize. On February 16, 2002, Diverse Works Artspace, will host its Illumination Gala which will honor Dan and Jamie as two of Houston's most enlightened contemporary art champions. Diverse Works Artspace is a non-profit art center dedicated to presenting new visual, performing, and literary art. Known for its ground-breaking artistic education programs, Diverse Works is one of the most prominent contemporary art centers in the United States. Diverse Works serves as a venue for artistic exploration and audience development.

Dan Tidwell and Jamie Mize are longtime businessmen and philanthropists who pioneered the revitalization of Houston's Historic Downtown District. In 1978, Dan and Jamie opened their first restaurant, Treebeards, in Houston's historic Market Square as a tiny establishment hosting only 30 guests. Today, Treebeards has grown to four locations in both downtown Houston and Dallas and in 1999 was named "Best Downtown Restaurant" by the readers of the Houston Press. The rebuilding of the Treebeards' Market Square location marked one of the many restoration endeavors taken on by the pair. In 1999, they reconstructed the Scholibo building, rebuilt the canopy and restored the facade of the 1861 Baker-Myer Building.

Dan and Jamie have both served as Chair of the Downtown Historic District Board. In an effort to rejuvenate downtown Houston, they have provided direction to neighboring businesses on issues ranging from building design to parking management. Jamie currently serves as a member of the Design Review/Grants Committee, which awards facade rehabilitation matching grants to property owners and tenants. Additionally, he chaired the committee on Parking Management, as a result of their work, the City of Houston has adopted a Valet Ordinance. In collaboration with Diverse Works, Dan and Jamie designed Market Square Park, which features historic photographs and fragments of long demolished buildings.

In addition to serving as Chair of the Downtown Historic District Board and managing an establishment, Dan and Jamie have been actively involved in humanitarian efforts. Their exceptional leadership in the community has earned the respect of many in both the business and civic communities. They have contributed to the improvement of our community by providing countless meals for charity events, volunteering for Diverse Works Galas, and feeding the hungry through the End Hunger Network.

No one has done more to improve Houston's Historic Market Square District than Dan and Jamie. Through their exemplary model of community activism, they were named "Downtowners" of the Year 1999," awarded two "Gold Brick Awards" from the Greater Houston Preservation Alliance and received the highest honor for historic preservation from the American Planning Association, Houston Affiliation.

Mr. Speaker, it is with great honor that I congratulate my friends, Dan Tidwell and Jamie Mize, on the occasion of their being recognized for their significant commitment to the Arts.

CENTRAL NEW JERSEY HONORS CENTENARIAN JEANETTE GIUNCO

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. HOLT. Mr. Speaker, I rise today to recognize Central New Jersey centenarian, Ms. Jeanette Giunco, a resident of Freehold, NJ celebrating her one-hundredth birthday on Sunday, February 17, 2002.

Born to Elizabeth Seckler and Joseph Schmidt in Mulhouse, in the Province of Alsace-Lorraine, Germany, Ms. Giunco was one of eight children. Throughout the late 1800s and early 1900s, Alsace-Lorrain was a disputed region between France and Germany. As a result of the Versailles Peace Treaty in 1981, the region returned to France. It is interesting to note that during World War II, her brother August repaired General Eisenhower's automobile and shook his hand during the European Conflict.

Ms. Giunco came to the United States in 1926 where she lived in New York City and took her first—and according to her, her best—job, as a companion speaking French to a businessman's family as she was fluent in German, French, Alsation and English. Another job as a companion and housekeeper moved her to Belmar, New Jersey in 1927 to work for the Strauss family.

During that same year, Jeanette married a local Belmar merchant, Mr. Albert P. Giunco. Albert's family had operated various businesses in Belmar since the 1870s and by 1927, Albert and his brothers ran a series of food markets, liquor stores and butcher shops in the Monmouth County shore area. Jeanette and Albert had two children, John and Richard. Currently, Ms. Giunco is the proud grandmother of eight and great-grandmother of nine.

Ms. Giunco was involved with many civic organizations such as the Belmar Women's Club and Fitkin Hospital—now know as the Jersey Shore Medical Center. Fitkin Hospital recognized her for over 2,000 hours of volunteer service.

Ms. Giunco has traveled extensively, visiting Europe as well as travels throughout the United States, Canada and South America.

As a proud citizen of the United States, Ms. Giunco has exercised her rights throughout the years, particularly carrying out her right to vote. She reflects that the World Wars and particularly the attack on Pearl Harbor were significant events and has found particular fascination with the fact that when she was born, airplanes and rockets were but a dream and yet less than 70 years later there was a man walking on the moon. Ms. Giunco regrets the recent terrorist attacks against the United States and has prayed for peace throughout the world.

Mr. Speaker, again, I rise to celebrate and honor this Central New Jersey centenarian and I ask my colleagues to join me in recognizing Ms. Jeanette Giunco and celebrating her one hundredth birthday on Sunday, February 17, 2002.

TRIBUTE TO JOHNNIE THOMPSON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Johnnie Thompson of South Carolina, a decorated combat veteran of the Korean War who, after retiring from the Army, served for twenty-two years as an elected official on the City Council of Walterboro, South Carolina.

Over the years he has maintained a commitment to veterans of the armed forces. In 1989, he co-chaired a committee that established a Colleton County Veterans Monument to honor all of Colleton County's fallen veterans from World War I, World War II, the Korean War, and the Vietnam War.

In 1993 he was instrumental in bringing back the renowned Tuskegee Airmen who trained for combat in Walterboro, South Carolina, and the Governor awarded the Order of the Palmetto to each of the Tuskegee Airmen who attended. These events brought worldwide attention to Walterboro and to the State of South Carolina. Under Mr. Thompson's leadership a World War II Memorial Park was dedicated and the Tuskegee Airmen Monument was unveiled at the Walterboro Airport in 1997.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Johnnie Thompson for the outstanding service he has provided the U.S. Army, the state of South Carolina, and his beloved Walterboro Community. I sincerely thank Mr. Thompson for his contributions and wish him the best in all of his future endeavors.

SENATE—*Friday, February 15, 2002*

The Senate met at 10 a.m., and was called to order by the Hon. HARRY REID, a Senator from the State of Nevada.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Make a joyful noise to the Lord, all you lands! Serve the Lord with gladness; come before His presence with singing. Know that the Lord, He is God.—Psalm 100:1–3a.

Joyous God, we praise You for Your joy that is an outward expression of Your grace. When we experience Your giving, forgiving, unqualified love, the ecstasy of the joy of Heaven fills our hearts with exuberant joy. Your joy is so much greater than happiness, which is dependent on circumstances, the attitudes of others, and being free from problems. Thank You that Your joy flows within us with artesian force regardless of what is occurring to us or around us. Fill the wells of our souls with Your joy that nothing can dampen, so that we can express joy regardless of what happens. You are by our side, You are on our side, and You are abiding inside to make us communicators of affirmation and encouragement to others. Your joy fails not; it is fresh each new day, new zest for each challenge and courage for each step of the way. Thank You for Your lasting joy! Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD.)

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 15, 2002.

To the Senate:

Under the provisions of Rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HARRY REID, a Senator from the State of Nevada, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. REID thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDING OFFICER (Mr. NELSON of Florida). The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, there will be no rollcall votes today. However, it is hoped there will be the offering of amendments during the day. The same would apply to the Monday we get back, a week from this Monday. We hope Senators will offer amendments then. It is the expectation that we could complete the finite list of amendments that are now on file on Tuesday.

I reviewed those with the two managers of the bill last night. There doesn't appear to be too much there that we could not complete on Tuesday. I am confident some of those amendments will be accepted by the managers. We will have a managers' amendment, and we are going to be very certain that is going to be reviewed prior to the offering of that amendment by a number of Senators who have expressed an interest in managers' amendments.

The next rollcall vote will occur on Tuesday, February 26, at 10 a.m.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Harkin/McCain) amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I see nobody seeking recognition at the moment. I ask unanimous consent that I may speak as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. LEAHY are printed in today's RECORD under "Morning Business.")

Mr. DODD. Mr. President, if I may, to bring our colleagues up to date as to how we are going to proceed on the election reform bill. For the purposes of reviewing the bidding here, there will be no recorded votes today and no recorded votes on Monday, the 25th of February, when we return from the Presidents Day recess.

But as the two leaders indicated last evening, there is now a finite list of amendments submitted by our colleagues on both sides of the aisle. Senator MCCONNELL and I and our staffs are now going to go through those lists of amendments. When possible, we will attempt to accept amendments that have been offered. We may be able to start this process today and continue on Monday.

Some amendments may need modifications. If they can be so modified to be acceptable to both sides, Senator MCCONNELL and I will try to accommodate those without having recorded votes. Some amendments will require a decision by the body. We will try to keep those amendments to a minimum. Obviously, some amendments are going to require the full membership of this body to vote.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

That being the case, on Tuesday, February 26, we will complete voting on those amendments with the fervent hope that by the end of that day, or at some point on February 26, we will go to third reading and final passage of this election reform bill.

That is the plan. We hope that is exactly how it will work. There are a number of amendments that are not drafted in proper amendment form. They are concepts and explanations of what Members would like to do. It is a little difficult to try to come to some agreement on a proposal that hasn't been crafted in legislative language. As a result, if you have an amendment in that status, I urge you, over the next hour or so, to get it in legislative form sometime today. We can analyze it and determine whether or not that amendment can be accepted.

A number of Members listed relevant amendments. I don't have any idea what subject matter is contained in such relevant amendments. So Members in that status ought to communicate with us as soon as possible about the specifics of the amendment they are submitting about. Maybe some Members just wanted a placeholder and said they had a relevant amendment. These Members may have said they had a relevant amendment and really don't have any intention of offering any language to this bill. If this case, at this stage it would be very helpful if we knew this. We could then reduce the list down to a manageable number without limiting debate for our Members on all the important issues in election reform.

I urge Members on both sides to do all of these things that I discussed if they are applicable. Taking action can expedite the process to final passage. On February 26, we don't want to have a marathon voting exercise all day, with 1 or 2 minutes in advance of a series of recorded votes. I am not terribly attracted to that kind of process. I understand the value of stacking votes from time to time. But I am not sure the institution shows its best effort when we engage in a vote marathon.

I would like to resolve as many amendments as possible and leave for the floor the ones that really do require debate. I suggest that so Members understand the real importance of what we are considering.

My plea is to urge all Members here to please get us your proposals. My staff, Senator MCCONNELL's staff, and Senator BOND's staff and Senator SCHUMER's staff, are all working on this bill. We can really try to resolve as many of these issues as possible today and over the next week. Then, on February 25, when we return, we can have a good debate on the remaining two, three, or four—whatever the number is amendments that deserve debate and consideration that go to the heart and core of some differences that may exist. That is how we are going to proceed.

I am grateful to colleagues for their participation over the last couple of days. We have had quite a few amendments. We have resolved some issues that needed resolution. I am heartened over the fact that we are going to have a good bill, a bill all Members can be proud of. Approximately 14 months after the November 2000 election, we are going to return to our States and say to people in this country, who wondered whether or not this body would ever be able to grapple successfully with election reform, that yes we could.

We have come together and resolved differences. We modernize and reform an election system that was in desperate need. As the Presiding Officer knows so well because he represents the wonderful State of Florida that was the subject of such attention for not just our country but the entire world.

As I have said to him and his colleague, Senator GRAHAM, on numerous occasions, this is not only a Florida problem; this is not only a November 2000 election problem; but rather an election problem that has gone on for many years which makes the problem a national problem. The only silver lining, I suppose, in all that unfolded in the November 2000 election is that we are doing something we probably should have done years before. Absent the national crisis that developed in the year 2000, we probably would not have gotten to real election reform for years to come.

As my mother always said, there is a silver lining in every dark cloud. The dark cloud is the November 2000 election. The silver lining is we are on the brink in this institution of reforming the manner in which Federal elections are conducted by our States and localities in a incremental way, but a significant and constitutional way. This means that every eligible voter in this country who chooses to vote will have an equal opportunity to cast a vote and have that vote counted. It will be a user-friendly, accessible institution, and those who want to game, cheat or corrupt the system in some way are going to find it much more difficult to do so successfully.

If we can achieve both of those goals in the coming days, then I think the American public can rightfully say this Congress, the second session of the 107th Congress, did not fail to take and meet the challenge that the November 2000 election posed for us.

AMENDMENT NO. 2916

Mr. DODD. Mr. President, on behalf of our colleague from Massachusetts, Senator KENNEDY, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is laid aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. KENNEDY, proposes an amendment numbered 2916.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the application of the safe harbor provisions)

On page 22, strike lines 9 through 22, and insert the following:

(b) SAFE HARBOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a requirement under section 101, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2006, and no action may be brought against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date.

(2) EXCEPTIONS.—

(A) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).

(B) OTHER FEDERAL LAWS.—An action may be brought against a State or locality described in paragraph (1) if the noncompliance of such State or locality with a requirement described in such paragraph results in a violation of—

(i) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(ii) the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(iii) the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

(iv) the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.);

(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

On page 34, strike line 23, and insert the following:

(c) SAFE HARBOR.—No action may be brought under this Act

On page 44, strike line 1, and insert the following:

(d) SAFE HARBOR.—No action may be brought under this Act

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I see a couple of my colleagues who have brought over charts, and that means speeches.

I ask unanimous consent that my colleagues be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

WIND ENERGY

Mr. DORGAN. Mr. President, I thank the Senator from Connecticut for his leadership on the legislation that has been pending. I want to talk about wind energy. I suppose people will think then that I am talking about the Senate, but that is not the case.

We are going to turn to an energy bill very soon. When we complete the pending legislation before the Senate, we will turn to the subject of energy.

Our country and its economy are terribly dependent on a substantial amount of energy coming from the Middle East. We understand the dilemma for the American economy to be that dependent on a part of the world that is so unstable. So we ought to find a way to be less dependent on that part of the world.

I was in recent weeks in Central Asia and understand even more, once again, how fragile circumstances are there. Our economy and our country would be well advised to create an energy policy that extracts the kind of ultimate dependence we now have on an oil and energy supply from the Middle East.

How do we do that? We write an energy policy that does a lot of things: increases supply at home—oil, natural gas, and coal—and does so in an environmentally acceptable way; increases conservation; increases efficiency of appliances we use; and also especially promotes limitless and renewable sources of energy.

I am interested in the wide range of resources that belong to the last category, renewables: biodiesel, using sunflower and canola oil to run engines, taking a drop of alcohol from a kernel of corn and using that to extend America's energy supply, and then still having the protein feedstock from the kernel of corn.

Today, I also want to talk briefly about wind energy. The new technology in wind turbines is extraordinary. Being able to take energy from the air, from the wind, using new, high-technology blades and coursing the wind through these turbines, then transmitting that energy across the grid to provide electricity where it is needed in this country makes good sense. It is limitless energy. We can have it forever. We will never deplete the source of energy coming from the wind.

The production tax credit that has been on the books that provides the enhancement for wind energy projects expired at the end of last year. It is unthinkable that the Congress, poised to take up energy policy legislation, has allowed the production tax credit for wind energy to expire, and yet it did.

The production tax credit for wind energy needs to be extended, and not for one year and not for 2 years, but for 5 years. We need to do that now. We need to do that on an urgent basis.

We just cut a ribbon on the first commercial wind turbine along Interstate 94 in North Dakota. There are three blades on that turbine, each weighing 4,200 pounds. The turbine is a remarkable structure, and the efficiency and the new technology of these turbines is outstanding.

When we look at all of the States and the opportunity to take energy from the wind, North Dakota is No. 1. We are 50th in native forest lands, so we are dead last in trees, but we are No. 1 in the potential for wind energy. Any young boy or girl who has grown up in North Dakota knows that. We have a lot of breezes that move across the prairies in North Dakota. We are No. 1 in wind energy potential. They call us the Saudi Arabia of wind energy.

A week ago, I had a chief executive officer of a company come to my office, and he said: we have a project ready to be built in North Dakota—ready to be built right now. It will be a 150-megawatt wind farm. The plans for it are complete. Regrettably, he said, they are on the shelf until Congress extends the production tax credit.

It does not make any sense to me, at a time when we are trying to figure out how we increase our supply of energy, to have companies that have the money, the plans and the will to produce 150 megawatts of wind-generated electricity in a State such as North Dakota, but to have those plans on the shelf because the Congress is dragging its feet.

I know some will say: the extension of the production tax credit for wind energy has been inserted in this bill or that bill. In fact, the House of Representatives included it, I believe, just yesterday. They wrote another stimulus bill, which is a perfectly terrible piece of legislation, a big give-away to a lot of big companies that do not deserve it, and then added the extension of the production tax credit for wind energy on that vehicle. It is like putting earrings on a hog. It just does not mean very much. That is not the way we are going to get an extension of the production tax credit for wind energy. The way we are going to get it is for Members of the House and Senate to understand that we cannot come to the end of the year and have important policy issues, such as the production tax credit for wind energy, expire so that we have fits and starts and an industry that cannot get off the ground.

A major blade manufacturer in Grand Forks, ND, laid off employees because, when the production tax credit expired at the end of last year, projects were put on the shelf, including the project I just described—a project worth $150 million in North Dakota that would produce 150 megawatts of electricity. They have the money, they have the plans, and it is not happening, because this Congress has been dragging its feet.

I know the Majority Leader, Senator DASCHLE, agrees with me that we ought to do this. We ought to do it right now. Yet we cannot get it done because we have some people who insist on playing games with stimulus packages that will go nowhere, because they make no sense and will do nothing to stimulate this economy.

Let us extract the tax credit extensions from the stimulus package. Let us pass these on a stand-alone basis. Let us pass that package of extenders that should have been enacted by the end of last year. Congress should have done that. Everybody knows that. I hope when we return following next week's State work period that we will have, both on the Democratic and Republican sides, a desire and a will to say that what we did not do at the end of last year we will commit to do now, and we will do it on an urgent basis, because that is what will contribute to a good energy policy for this country. Then we will turn to the energy bill.

I yield the floor.

The PRESIDING OFFICER. The senior Senator from North Dakota.

Mr. CONRAD. Mr. President, I associate myself with the remarks of my colleague from North Dakota on the subject of wind energy. Clearly, this is a circumstance in which the Government needs to act, and act quickly, to provide the incentives that have been previously put in place but have now lapsed, incentives that can make a difference between projects going forward and not.

I do not know what could be more clear than that the incentives for wind energy are absolutely essential if we are going to diversify the base of energy supply in this country, move to more renewables, and have a greater chance of reducing our dependence on foreign sources of energy that leave us vulnerable in a time of conflict in the very areas of the world in which much oil production is occurring.

AGRICULTURAL PRIORITIES

Mr. CONRAD. Mr. President, when I came to my office this morning, I received the surprising news that our Secretary of Agriculture has now apparently asked her counterpart in Canada to come to the United States to lobby against the farm bill that is pending.

I have never heard of such a thing. We now have reports that the Secretary of Agriculture of the United States is asking an official of a foreign government to come to Washington to lobby the Congress against the farm bill that is designed to help American farmers? What is she thinking of?

The article I am referring to is from the Ottawa Bureau of the Western Producer, and this story says the Canadian Agriculture Minister, Lyle Vanclief, received surprising advice when he called American Agriculture Secretary Ann Veneman to complain about the possibility that a new United States farm bill would authorize a multiyear, multibillion-dollar farm subsidy program. Veneman invited Vanclief to come south to get involved in the debate. This is a quote from the article:

> She told Lyle to put pressure on Congress, Vanclief press aide Donald Boulanger said. She said their political system is different from ours because Congress has so much power. She said—

This is quoting the Secretary of Agriculture of the United States—

> Lyle, you have to help me lobby Congress.

This is not the way any Cabinet Secretary ought to do their business. It is totally and thoroughly inappropriate for the U.S. Secretary of Agriculture to ask an agriculture minister of a foreign government to come and lobby the Congress against a farm bill that is designed to help American farmers. This cannot be.

I am writing a letter today to the President asking him to renounce these apparent efforts by his Secretary of Agriculture to have the officials of a foreign country become involved in a domestic political discussion in our country.

This is a very serious matter. This cannot be the way this administration does its business. I call on the President today to send a very clear message to the Secretary of Agriculture in his administration that she cannot be pursuing foreign government officials to come to this country to lobby this Congress to become involved in a debate in our country. What is next by this Secretary of Agriculture? Has she forgotten whose side she is on? She is in the Cabinet of the President of the United States, not in the Cabinet of the Government of Canada. She is not in the cabinet of the European governments, which would welcome the kind of advice that apparently she is giving and the kind of involvement in our domestic affairs she is reportedly seeking from the minister of agriculture in another country's government.

It is as though the Secretary of Agriculture of the United States has completely forgotten her obligation. The reason it is critically important for us to pass a farm bill is to try to level the playing field to some degree with our major competitors.

In case our Secretary has forgotten, I have a chart which shows an analysis of the difference between what our major competitors are doing for their farmers and what we are doing for ours. This is Europe. They are our major competitors. This is what they are doing on average per year to support their farmers: Over $300 an acre of support. The comparable figure in the United States: $38. These are not my numbers, these are the numbers of the Organization for Economic Cooperation and Development. These are the international scorekeeper's numbers. They are the ones that are telling us our major competitors are doing far more for their producers than we are doing for ours. And it does not stop there, because on world export subsidy, this is the picture: This pie represents all world agricultural export subsidies. The blue part of this pie is Europe's share. Eighty-four percent of all world agricultural export subsidies is European. They are buying these markets. The U.S. share is this little red sliver—less than 3 percent. So we are being outgunned nearly 30 to 1. And we have a Secretary of Agriculture who is reportedly calling on an official of a foreign government to come to our country to lobby our Congress against a farm bill for our farmers? It is absolutely preposterous.

This is what our farmers are up against, and we have a Secretary of Agriculture who is supposed to represent American farmers, not Canadian farmers. Here is what American farmers have experienced: The green line is the prices farmers have paid for the inputs they must buy. The red line shows the prices farmers have received.

It is very interesting that the peak of prices for farmers occurred at the time we wrote the last farm bill. Since that time, one can see what has occurred: A virtual price collapse. The gap between the prices farmers are paid and the prices they pay has turned into this enormous gulf. It is no wonder agriculture in America is in deep trouble. It is no wonder when I ask my farmers what happens if they do not have this new farm bill, the answer from one of the major farm group leaders in my State was: It will be a race to the auctioneer.

That is the reality. That is because our farmers are out here playing on the world stage. We are asking them to compete against the French farmer and the German farmer, and we are telling them: While you are at it, take on the French and German Government, as well.

That is not a fair fight. We can either choose to wave the flag of surrender and give up, throw in the towel, let our people be wiped out, or we can fight back. That is what this farm bill debate is about.

Now we have the Secretary of Agriculture of the United States apparently calling her Canadian counterpart, urging him to come to this country to fight against the farm bill that is moving through our Congress. I have to wonder what she is thinking. She is not on the payroll of the Canadian Government. She is a part of the United States Government. It is thoroughly and totally inappropriate for her to be asking a representative of a foreign government to come to this country to lobby the U.S. Congress against a farm bill for American farmers.

Mr. DORGAN. Will the Senator yield?

Mr. CONRAD. I am happy to yield to the Senator.

Mr. DORGAN. I listened to my colleague. I have not seen the report, nor do I know the contents of that report. However, as my colleague has stated, it is not appropriate, in my judgment, for Canadians to be lobbying our Congress about a domestic farm program, or for anyone from our administration to be inviting them down.

My hope is that that did not happen that the press report is erroneous—and the Secretary will put out a statement saying that is not accurate. If it is accurate, it is inappropriate. Senator CONRAD is certainly right about that.

This raises the broader point that, for the last 6 months, trying to get a farm bill out of this Congress has been an awful process. It is as if those who knew that we needed to get a better farm bill in order to enable family farmers to survive have been on a bicycle built for two, and we have been on the front seat pedaling uphill as hard as we could pedal, and the administration has been on the back seat with their foot on the brake.

Every step of the way the administration has said: we don't think you should do this; we don't believe you need a new farm bill. The administration told the House of Representatives not to write one. And the House of Representatives said: it doesn't matter what you say, we will do it.

The administration told the Senate not to pass a farm bill in 2001. We had to go through three cloture votes and still could not get the 60 votes necessary to pass it in 2001.

This year, We have finally gotten a bill out of the Senate. It is in conference. We need to complete this quickly.

With respect to the issue of Canada, Canada is a good neighbor of ours, but it regrettably has undercut our Government and undercut our farmers in every way possible since the United States-Canada Free Trade Agreement. Canada dumped its wheat in our country and refused to open its books and records that would demonstrate there is unfair trade. We have sent people, including the GAO, to Canada to get those records. The Canadians have effectively thumbed their nose at all of our representatives and said: we are not going to give them to you.

I don't think we need advice from Canada about how to help our farmers. What we need from the Canadians is for them to stop hurting our farmers. They have a State-sponsored monopoly in Canada called the Canadian Wheat Board that would be illegal in this country. Every day in every way for years they have been trying to undercut our family farmers with unfair trade.

Senator CONRAD is right when he says we do not need advice from Canadians about how to do domestic agricultural policy in our country. It is not welcome in my view. What is welcome is for the Canadians to decide that good neighbors ought not undercut each other with unfair trade. If they take that step once, they help American farmers with respect to fair trade.

I thank Senator CONRAD for allowing me to respond to his comments.

Mr. CONRAD. I thank my colleague for his insight. It is a remarkable set of circumstances. I call on the Secretary. If this press report is inaccurate, I hope she will say so publicly and do it today. But this press report quotes the spokesman, a press aide of her counterpart in Canada, the Canadian Agriculture Minister, Lyle Vanclief; his press aide, a Mr. Donald Boulanger, is quoted. This is what the article reports:

> She told Lyle [Mr. Vanclief, Canadian Agriculture Minister] to put pressure on Congress.

That is in quotation marks. Following that, again quoting Mr. Boulanger, the press aide for the Canadian Agriculture Minister:

> She said their political system is different from ours because Congress has so much power. She said, Lyle, you have to help me lobby Congress.

I hope it is wrong. I hope the Secretary will today indicate she never made any such invitation, that she never made such a statement. If this is her statement, I think she has a lot of explaining to do. It probably should start with an explanation to the President of the United States, why a Secretary of Agriculture of the United States is imploring her Canadian counterpart to come to lobby the U.S. Congress against a farm bill that is pending before the Congress of this country.

TAX CUTS

Mr. CONRAD. Mr. President, on another subject, I noticed in today's Washington Times a story headlined: "White House to Show Triumph of Tax Cuts, Says Recession Stalled Jobs Added." This is a news story that comes as a result of a speech later today to the Council on Foreign Relations by Vice President CHENEY, and it indicates that he will present findings by the President's Council of Economic Advisers as an answer to Democratic critics of the tax cut. The findings the Vice President will discuss show the third quarter growth last year would have contracted at an annual rate of 2.5 percent instead of the reported 1.3 percent without the tax relief.

That should not be any great surprise to anybody. What is surprising is the Republicans attempting to claim credit for the tax cuts that occurred last year.

We should not rewrite the history of what occurred. Last year, it was the Democrats who were proposing much greater tax relief than the President's proposal because we believed we needed to give lift to the economy. Here are the facts. For 2002, the President's budget proposed almost no tax relief. The Democratic budget proposed $60 billion of tax relief last year.

Those are the facts. Absolutely, Democrats were for more tax relief last year than the President proposed because we thought we needed to give lift to the economy. In fact, we actually passed even greater tax relief than that. But this is what was in our budget. That is what was in the President's budget. I don't think the administration should be running out and claiming credit for what was our idea.

This is what actually passed last year: a total of $73 billion, $33 billion in the form of the rebate, and corporate tax changes of $40 billion. Some of the latter were just timing questions that had no impact on stimulus.

In terms of the fundamental question about differences in tax cuts, we were not in favor of as much of a tax cut over the 10 years. While we favored a much bigger tax cut last year in order to give lift to the economy than the President proposed, we proposed a much smaller tax cut over the 10 years because we were concerned about the impact on long-term interest rates.

Our tax relief proposal was $750 billion over 10 years; the President's proposal was $1.6 trillion. We said at the time that we feared his tax proposal was too large and would threaten the Social Security and Medicare trust funds.

Guess what? We were right on both counts. We were right to support a bigger tax cut last year, to give lift to the economy. We were right to support a smaller tax cut over the 10 years because the larger tax cut endangered the trust funds of Social Security and Medicare. The facts are now in, and it is just as clear as can be, we were right. The President's new budget shows he will be taking $2.2 trillion over the next 10 years out of the trust funds of Medicare and Social Security. In Social Security alone, the President will be taking over $1.6 trillion of Social Security trust fund money to pay for his tax cut and his other spending priorities. That is a fact.

So, yes, tax cuts are beneficial at a time of economic slowdown. Democrats proposed them. Again, the budget difference is very clear. The budget difference, in terms of what was proposed, is right here. This is the President's budget: $183 million. That is what he proposed for tax relief in his budget for last year. Our budget resolution had $60 billion of tax relief. That is the fact.

Let's not get confused about the 1-year and the 10-year. It is absolutely true that over 10 years we proposed smaller tax cuts so as not to raid the Social Security and Medicare trust funds. But for the Vice President to run out now and claim the tax cuts of last year were really their idea—you have to go back and look at the budget they submitted. It was not their idea. It was the idea of the Democrats who proposed much more significant tax relief last year to give lift to the economy. That is the fact.

We also said last year that the 10-year tax cut the President proposed would have an adverse effect on long-term interest rates. Again, I think the evidence is now quite clear. Here is what we see in terms of short-term rates versus long-term rates. We have had eleven interest rate reductions by the Federal Reserve? You can see that by the short-term rates: 11 reductions, and the short-term rates have come down smartly.

But look at long-term rates. Long-term rates have been largely stuck. They have not come down. That was one of the concerns we had about the President's long-term proposal, that the markets could see that his budget plan did not add up and that would put pressure on long-term rates and keep them high. That is exactly what has happened. These rates are higher than we believe they would otherwise have been.

It is true that short-term rates have come down dramatically. Long-term rates have not. So we believe our position has been confirmed on all counts. No. 1, we supported more tax cuts last year in our budget than the President did in his because we wanted to give lift to the economy at a time of economic weakness. Now the Republican White House is going out and saying they are the ones who had the idea. They are not. Anybody who cares to research it can go back and look at the President's budget—not just the first budget he submitted, but the second budget he submitted, the follow-on budget in the spring. It is the same thing. He had virtually no tax cut last year.

The February budget had virtually no tax cut, and his April budget had virtually no tax cut. The people who were pushing for a big tax cut last year for the year 2002 were those of us on this side of the aisle, Democrats. And we were right.

As it turns out, we were also right to oppose the size of his 10-year tax reduction because we said then—two things. No. 1, it would endanger the trust funds of Social Security and Medicare, and we now know that is true. No. 2, we said it would put upward pressure on interest rates; that, even at a time when the Federal Reserve was lowering short-term rates, it would hold long-term rates up. That is exactly what we see. The evidence is in. It is just as clear as it can be.

I hope as we move forward this year, we can move to rectify fiscal mistakes that were made last year. The raids on the Social Security and Medicare trust funds, the President's budget plans, are dramatic.

Here are the facts. The President is going to be taking every penny of the Medicare trust fund surpluses over the next 10 years to pay for his tax cuts and to pay for other spending priorities—every dime—over $500 billion, according to his own calculations.

The President is going to be taking, under his budget plan, over $1.6 trillion of Social Security surpluses over the next decade to pay for his tax cuts and other spending priorities. It is in his budget. That is his plan.

There is only $600 billion left, every dime of which is Social Security money. The Congressional Budget Office, we believe, when they rescore the President's proposal, will show that virtually all of that is gone because the President has dramatically underestimated the cost of Medicare over the next 10 years.

Yesterday, in a hearing with Health and Human Services Secretary Tommy Thompson, I showed that the Congressional Budget Office believes the President's budget has underestimated the cost of Medicare by $300 billion over the next decade. So there is no money left except Social Security money. That is the hard reality. And the President's budget has taken most of that.

I believe history will show very clearly that Democrats last year proposed a greater tax cut in 2002 to try to give lift to the economy, but we proposed a more modest tax cut over the 10 years because we did not want to endanger the trust funds of Social Security and Medicare, and we did not want to keep long-term rates from following short-term interest rates down because that also gives lift to the economy.

What is important to understand is that fiscal policy—that is, the spending and tax policy of the Federal Government—can adversely affect the monetary policy that is guided by the Federal Reserve Board. While we move to give lift to the economy through stimulus, that can all be countered by interest rates. If interest rates go up or stay high, that can prevent the economy from gaining strength and moving forward.

Facts are stubborn things, as a previous President said. I believe the facts of who stood where with respect to economic policy are just as clear as they can be—absolutely. Tax cuts last year helped reduce the impact of the recession. But it was Democrats who advocated substantial tax cuts last year. It was not the President, either in his February budget or in his April budget. He proposed virtually no tax relief last year. That is the fact.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S COUNCIL OF ECONOMIC ADVISERS REPORT

Mr. DASCHLE. Mr. President, the administration's Council of Economic Advisers will issue today some self-serving economic revisionism—a little like a figure skating judge awarding the gold medal to his own team. We are going to hear that the recession was somehow shorter and shallower than it would have been without last year's mammoth, surplus-swallowing tax cut.

Let me just say, I might like to change economic history, too, if I had just blown a $5.6 trillion surplus in less than a year. But let's set the historical record straight.

The administration's proposed 10-year tax cut, when they offered it last year, was $1.7 trillion, plus about $300 billion in interest—about $2 trillion. Of that, there was zero stimulative tax cut. Not a dime was to go out to the American people in the year 2001, last year.

Let me restate that. There was no economic stimulus in the $2 trillion tax cut that the administration originally sent to Congress.

Democrats who were concerned about the recession were the ones who proposed to give working American families immediate tax relief to get the economy going again. Our Republican colleagues, as late as last week, were arguing that there is no stimulative impact at all to rebates for working Americans.

But now we have the White House Council of Economic Advisers suffering a case of convenient economic amnesia. They are not only forgetting that the administration did not propose a stimulus, they are also forgetting what happened to long-term interest rates as a direct consequence of their ill-advised, long-term fiscal policy.

The administration's plan, history will show, was exactly reversed: No stimulus but huge, long-term fiscal damage.

The budget just released affirms the return to deficits. It has been hugely damaging to our long-term fiscal condition, including diverting $1.5 trillion of the Social Security trust funds just as the baby boom generation is about to retire.

Just as important, though, is that long-term fiscal mismanagement has hurt us in the short term. Long-term interest rates have remained stubbornly high even as the Fed reduced short-term rates 11 times. Ten-year Treasurys were at 5.01 percent in January of 2001, and at the beginning of February 2002, they were at 5.05 percent.

That means that homes are harder to buy, student loans are more expensive, credit card interest rates remain unnecessarily high. All of that has harmed people, and it has harmed the economy.

So let's just remember where we were last year at this time: The administration had the wrong prescription for both the immediate and the long term. They proposed no tax cuts at all during the year 2001—zero for working families. It was Democrats who insisted on a rebate that ultimately passed without the support of the administration. But then they gave huge giveaways—tilted heavily toward those at the top income levels—that explode as we move forward. Those giveaways could expose us to fiscal disaster as the baby boomers approach retirement.

So we should be clear on what happened. Democrats were for immediate stimulus for working families and for prudent long-term tax cuts that would not have jeopardized our fiscal future or the retirement security of millions of Americans.

The report that we are going to get today from the administration is trying to substitute political sound bites for sound economic analysis. No fair judge would call the administration's economic plan a medal-winning performance.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

Mr. DASCHLE. Mr. President, under the authority granted to me on Thursday, February 14, I now call up Calendar No. 65, S. 517.

The PRESIDING OFFICER. The leader has the authority. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for the fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 2917

Mr. DASCHLE. Mr. President, I have an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE], for himself and Mr. BINGAMAN, proposes an amendment numbered 2917.

Mr. DASCHLE. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. DASCHLE. Mr. President, we have seen in the last year that energy security is related to economic security as well as to national security. Americans need and deserve an energy plan that truly moves us towards energy independence. At the same time, America's appetite for energy continues to grow each year. Over the next 10 years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline, yet the United States holds only 3 percent of the known world oil reserves.

There is no question that we need to free ourselves from our dependence upon foreign oil and the volatility associated with it. But increased production alone will not meet this demand. It is clear we need a new approach.

Last year, Democrats promised our colleagues they would begin an open debate on energy legislation before the Presidents Day recess. Today we are keeping that promise and bringing to the floor an example of that new approach, a comprehensive, sensible, and balanced plan to address the energy challenges of our Nation.

This bill will achieve a number of important objectives. It will reduce our dependence upon foreign oil. It will ensure abundant and affordable energy for all Americans. It will create jobs for American workers. It will improve our air quality and reduce emissions of greenhouse gases which will make the United States a more credible participant in the international effort to address this serious problem.

This bill is the work of nine Senate committees. It reflects a broad range of ideas and proposals. It has the provisions that will allow us to use our traditional fossil fuel supplies more intelligently and incentives to help us diversify our energy supplies with renewable sources such as wind and solar, geothermal, and ethanol.

This bill also seeks to take advantage of the huge opportunities for commonsense conservation in our cars and homes, the appliances we use every day. In fact, the fuel efficiency provisions of this bill will save the United States as much oil as we import from the Persian Gulf.

If the goal—as so many of my colleagues have stated—is true energy security, then this is the way to achieve it: By balancing production and conservation, innovation, and improvement in existing technology.

This bill also recognizes the linkage between energy policy and climate change. To that end, it includes a number of bipartisan proposals to confront the rising tide of global warming. It has been said that we are all continually faced with a series of great opportunities brilliantly disguised as insolvable problems. Meeting our energy challenges is a difficult problem, but it is also a great opportunity to demonstrate America's strength and American ingenuity.

I thank all the chairmen who worked so hard during the last few months to craft this legislation. I look forward to working closely with them, with my Republican colleagues, and the White House to craft final legislation that hopefully will be signed into law this year.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I was very pleased to hear the remarks of the majority leader relative to the introduction of the energy bill. I have that bill here. It is important to recognize that it is about 500-some-odd pages. It is a very complex bill. I want to make a brief reference to the majority leader's comments where he thanked the chairmen who helped craft this bill.

This is what the bill looks like. As we start in, it is going to be quite an educational job because much of the bill is crafted without the input of the members of the committees of jurisdiction.

When the majority leader says he wants to thank all chairmen, I join and applaud that effort, but what about the members of the committees of jurisdiction? To some degree, they have been left out of this process, which I think is extremely unfortunate. Did they help craft this bill? Were they asked? Clearly the answer is no.

As an example, as the ranking member of the Energy and Natural Resources Committee, I can certify that the committee has not had an opportunity to, in a markup, deliberate on the merits of this package of some 500 pages covering aspects as complex as electricity and electricity deregulation.

It is fair to say this bill is going to require a great deal of time and a great deal of education. There are technicalities associated with the electrical portion that are so complex that without having a committee process where it is debated within the committee so that we formulate positions and vote out the amendments on the basis of examination, on the basis of a support group of both Republicans and Democrats coming together, we are going to find ourselves in a situation where we have to depend on a lot of time and explanation in the Chamber.

Members are going to be torn in the educational process by lobbyists who are going to educate Members on specific issues affecting their particular area of energy-related activities.

When the majority leader says he wants to thank the chairmen, I point out and elaborate a little further that not only has the Energy Committee been left out of the process but in the area of CAFE, which is a very controversial portion of this bill, the Commerce Committee has been left out.

The rationale behind that is beyond me, but clearly the majority leader has seen fit to take this bill up without the input of the actions of the committee of jurisdiction, the Commerce Committee. Therefore, we are facing a situation where there is a CAFE standard in the bill and it has not had examination from the committee of jurisdiction.

To some extent this is also true of the Finance Committee inasmuch as the tax components are to come in later, as I understand it, which basically means the various incentives in this bill that are provided to encourage new technological developments in recovering energy from coal-bed methane or developing hydrogen, and various other aspects which we want to encourage through tax incentives are also not in the bill because the Finance Committee simply has not been given an opportunity to vote out these issues.

It is a less-than-perfect process, though it is not the first time we have had a less-than-perfect process around here.

As we review these 500 pages of the bill, I put my colleagues on notice that since we finally got the bill introduced, we should reflect on what we have before us rather than what we do not have; in other words, be positive rather than negative.

I think the consequences of that reflection bear on the reality that I am going to have a lot more to say after we return from the recess. But before we get into the real debate, which will probably occur Tuesday or Wednesday after returning from the recess, I wish to point out a couple of points.

The President, in his State of the Union Address, charged us to help make our Nation more secure. That "us" means both the House and the Senate. The House passed H.R. 4. The House has done its job. The job of the Senate remains in front of us. But I think most Members would agree, our energy policy is a critical first step in this challenge. And it is a challenge. It is a challenge when we fight for freedom, when we seize the day for democracy.

The rationale behind these comparisons is one thing. We need energy to accomplish them. When we pioneer technologies that save lives, when we turn on the conveniences that mark the differences between modern life and life in the past, we turn to energy.

We turn to energy as we look at the standard of living that Americans enjoy. If it is an SUV, it is an SUV because Americans prefer that as opposed to being dictated by Government as to what type of an automobile they have to drive.

When our energy supply is threatened, that is another matter, and that is why the work we are starting today is so critical. That is why the process that got us to this point has been—well, it has been frustrating. It has been a little embarrassing. I have highlighted it in my opening remarks.

Again, because the majority leader forced the Senate to consider the measure without the benefit of committee deliberation and action, he has made the task of moving the bill much more complicated than it might be ordinarily.

Difficult and divisive issues that could have and should have been addressed in committee are now going to be debated in the Senate Chamber. That is going to require an educational process because many Members simply are not familiar with many of the terms of much of the technology and there is not a basis of support coming out of the committee.

This is a flawed process, and I think it is unfortunate. It sets somewhat of a precedent in this body that the Energy Committee has simply been directed by the majority leader not to mark up the energy bill. That is rather extraordinary.

What is the rationale behind it? There are certain aspects in the bill to which the majority leader and others object. One of them currently is the ANWR issue, the contentious issue of the electricity matters, the contentious issue of CAFE, and many others.

Some things are left out of this bill. ANWR is certainly left out of the bill and, as a consequence, it is going to take 60 votes to put it in. Had we been able to vote it out of the Energy Committee—and we had the votes to put it in the energy package—why, it only would have taken 50 votes. The psychology is very clear. The majority leader has seen fit to set it up so that it requires a 60-vote point of order.

We can point fingers in each direction, and certainly in this political process within the rules of the Senate everything is fair, but I did want to bring this to the attention of my colleagues.

Even with additional hurdles being put before us on this overall bill, I believe we can and I believe we must move the bill off the floor and get it to conference, but we must do it in a way that addresses the difficult policy decisions that are before us rather than avoid them.

What we have to do in realism and what is expected is to build a bridge. There is no question that we see in the numerous polls that the country expects us to pass an energy bill. The Nation needs an energy bill, one that is rooted in finding new alternative energy sources, one that boosts our efficiency, helps us use less energy.

We all agree with this, but efficiency and alternatives alone are simply a two-legged stool. Alone they will not close the gap between energy supply and energy demand in this Nation. We must also seek to safely increase our domestic energy resources. We must do it in a way that protects our environment, and we can. We have the technology. We have proven ourselves.

Make no mistake, we are the most energy-efficient economy in the world, and we are getting better. So I think we have to recognize our standard of living is directly related to the efficient use of energy.

Since the 1970s, it now takes 40 percent less energy to produce each dollar of our GDP.

This chart shows in 1973 it took approximately 18,000 Btu per dollar of our domestic GDP, and today we are down to roughly 10,000 Btu per dollar. That is realism. That is progress. That is efficiency. That is the American way of life. It is the American standard of living. So we have become 42 percent more efficient per dollar of GDP. Our efficiency has increased.

We are going to hear a lot of criticism that we consume a quarter of the world's energy. I will acknowledge we consume a quarter of the world's energy, but let's hear the other side of the argument. We produce a quarter of the world's economy. That does not come by magic. We do not pick that off a tree. It is directly related to energy and our efficiency. Without the efficiency, we would not be using a quarter of the world's energy; we would be using a lot more. We use energy to produce a quarter of the world's economy. Let us keep that in mind and be proud of it, proud of the American worker and proud of our energy-producing industries that provide jobs in this country.

In doing so, we have proven we can balance our conservation and our environmental protection with increased domestic energy production. That does not mean we are doing it perfectly, but we are doing a better job, and we can continue to improve. For that reason, I refuse to take part in this fable being put forth by some in the environmental community in their spin machine that says this Nation needs to make a choice, a choice between using the energy technologies of today—our coal, our oil, our gas, our hydro, our nuclear—or using energy technologies of tomorrow. Reality dictates we have to use both.

Some say we have to spend on technology, and if we spend, we will develop that technology. That is very easy to say. We have expended over $6 billion in the last 6 or 7 years on advanced technology through grants and through the Department of Energy, and we should continue that. But to listen to some who say this debate is about energy vis-a-vis the environment, that is to say it is about today versus tomorrow. Some insist whatever solutions we propose, they cannot be done safely today. That logic, in my opinion, sells the American worker and American ingenuity far too short.

We need to strive for new technologies that diversify our energy supply. We need to conserve more. We need to become more energy efficient. If this bill passes, we will not be driving hydrogen cars tomorrow. We will not be powered by solar or wind by tomorrow morning. We simply cannot shut down the economy of this Nation and put our Nation's national security on hold for a generation or more while we work on a new technology that simply displaces our current dependence on coal, oil, gas, hydro, and nuclear. We have to build a bridge to the future. I think that is one of the cautions I have about this bill.

Some suggest we can simply get there through conservation. Even if we get to the point where wind and solar and alternative energies emerge up to 20 percent of our energy mix, where does the other 80 percent come from? It comes from energy sources we use today: Coal, oil, natural gas, hydro, nuclear. We must thoroughly explore new technologies to reduce our consumption in the coming years.

One of the problems I have with this bill is their proposal on CAFE, to move it up to 37, 38 miles per gallon. That is a very easy thing to say: Let's do it. How one gets there from here is something else and, as usual, the devil is in the details because the timeframe is somewhere in the area of 15 years before we have to be held accountable for setting a goal today that is going to come due 15 years from now. Most of us will not be here.

So who is going to be held accountable? It is easy to say, and vote for, let us get 37 or 38 miles. But what does it really mean? Does it mean safer cars, lighter cars? What does it mean for the American automobile industry in competing with the foreign automobile manufacturers, the cost of cars, the American labor? There are many issues involved.

Sure, we have to conserve more. We have to get better mileage. But do we want the Federal Government to dictate to the American people what type of an automobile they can buy or do the American people want their standard of living to dictate that?

I think these are some of the things we have to consider because we have more than 200 million cars on the road and oil will continue to be the primary ingredient in our surface transportation needs for the foreseeable future, even if we do get up to the 30 miles per gallon.

One can buy that kind of a car. They can buy a 56-mile-per-gallon car if they want to. So the technology is out there. The question is, How do we get the American people to move over there?

Some are going to hang on to their old cars. They certainly have that right. We know some are going to take advantage of circumstances depending on their environment and where they live. If someone drives a long way and they want to be in comfort, they might want, obviously, a more comfortable car. If they have a quick commute, they might get by with a smaller car. My point is, we have these choices available currently.

The other issue is, again, as we address goals, which I certainly support, we also have to address heavily the accountability to achieve those goals. There are going to be efforts by NHTSA, which is the organization that evaluates the technical ability to increase mileage; they are going to come up with a study and some figures. I think we should try to balance the attainability with the reality associated with CAFE standards.

Furthermore, other sources of power are often confused with transportation because we have a lot of energy sources—we have gas, hydro, coal, and as I have said, nuclear—but what moves America and what moves the world is oil. We have no other alternative. Perhaps we wish we had. So we have to be careful to recognize the vulnerability of this Nation as we find ourselves 57 percent dependent on imported oil, and it is growing. The recognition that we are not going to have other relief for moving America other than oil I think has to be reinforced in the minds of many Members. One does not fly in and out of Washington, DC, on hot air, even though there is a little bit around here from time to time.

We have over 100 nuclear plants across the country. They are very important because they provide emission-free energy. Twenty percent of our entire energy mix is produced by nuclear. New electricity plants are being built today that run on natural gas. Yet we are pulling down our reserves of natural gas faster than we are finding new reserves. That is a fact. The United States is the Saudi Arabia of coal. We have centuries of supply. Can we use our technology to make our coal cleaner? We can. We can use these resources, and we can use them in a more efficient way, and we have to do that.

I conclude with a reference to jobs and the economy. Development of our domestic resources means lots and lots of jobs, thousands of jobs across the country, for crafting pipe, developing new software, building double-hull supertankers to move our oil from Alaska, my State, down to Washington and California.

This is a requirement under the Jones Act that mandates that oil must travel in U.S. vessels between two American ports, from Valdez down to the San Francisco Bay area, or the Puget Sound area, Los Angeles, and unload; double-hulled, supermillennium tankers built in U.S. shipyards with U.S. crews, not foreign ships coming from Saudi Arabia.

They provide high-paying, high-skilled jobs that will help turn our economy around and help get us back out of this recession. So jobs and the economy are very important as we address this energy bill.

It is estimated we lost 700,000 jobs in this country since September 11. It is payback time. It is time to put American workers back to work. I reject the underlying premise of those who oppose domestic resource development and those who do not believe the American worker and American technology can develop our natural resources while fully protecting the environment.

Some may unrealistically fail to recognize they can choose to rely on Saddam Hussein and others for energy supplies because we are currently importing somewhere in excess of 750,000 barrels a day from Saddam Hussein. On September 11, we were importing a million barrels a day. We all know we are enforcing a no-fly zone. We take out targets, we endanger lives of American men and women. We have been doing that since 1992. We also know that as we take his oil and put it in our airplanes and take out his targets, he takes our money, develops missile capability and aims it at our ally, Israel. We have not had U.N. inspectors in that country for 7 years. I hope we do not stand up someday and say, as we are saying about Osama bin Laden, we responded too late. We know what happened with bin Laden and his terrorists. They were active in taking out our embassy. They were active in other terrorist activities. We waited. Are we going to wait too long with Saddam Hussein and Iraq as they build up the weapons?

There is a day of reckoning at some point in time. We will have to face the reality of what Saddam Hussein will do, or our insistence that we inspect with the U.N. authority. The longer we put it off, the more devastating the retaliation on his part might be. We have to reflect on that. That is why I am so adamant in encouraging my colleagues to stand with some of the proposals and amendments that will be offered to reduce dependence on the Middle East.

A way to do that is to open up that very tiny portion of the Arctic in Alaska. I will show the location. It is important in this debate to reassert the footprint. This area, called ANWR, is pretty big, 19 million acres; 19 million acres is the size of the State of South Carolina. In this case, we have wilderness in the light yellow, refuge in the dark color. Congress set up the Coastal Plain with the authority to determine whether it should be open and put up for competitive lease. This is the area where the prospects for major discovery are most likely to occur.

It is estimated by the geologists that the recovery of oil in this area is somewhere between 5.6 and 16 billion barrels. What does that really mean? We have all heard of Prudhoe Bay. We have seen the 800-mile pipeline between Prudhoe Bay and Valdez. At one time, it was carrying 2 million barrels a day, 25 percent of the total crude oil produced in this country. Today, it is a little over a million barrels a day, about 20 percent of the total crude oil produced in this country.

What was the field estimated to produce? Ten billion barrels. It is on the 13 billionth barrel. If the estimates are correct, somewhere between 5.6 and 16 billion barrels; if you want an average of 10 billion barrels, it is as big as Prudhoe Bay.

The pipeline is in place. We are not talking about that. We are talking about building laterals over here about 70 miles. This could be equal to what we import from Saudi Arabia for 30 years or Iraq for 40 years. When Members say it is insignificant or it is a 6-month supply, Members must recognize that argument simply does not hold oil. Some say it will be 10 years. We built the Empire State Building in a couple years, the Pentagon in a couple of years. We could have oil flowing in a couple of years.

When will it occur? In the wintertime. How does it look in the wintertime? The winter is long. I will show you what it looks like. Winter in Prudhoe Bay, winter in ANWR, runs about 10 months of the year. It is tough. What is the footprint in the wintertime? We have ice road technology, so there is no permanent scar on the tundra. This is an ice road. No gravel. Simply remove the snow, build a pad, put water on it, take saltwater from the Arctic Ocean. This is the pad. That is the drilling.

What does it look like in the summertime as a consequence of this type of environmental commitment? That is it.

Returning to the first chart with a brief explanation, keep size in perspective. This area is 1.5 million acres out of 19 million acres. The House bill said we could only make a footprint of 2,000 acres. That is what we are asking in the amendment which we will offer in this bill—2,000 acres of 19 million acres. Somebody in South Carolina that has a 2,000-acre farm can relate to that. Gee, only 2,000 acres out of our whole State. The rest of the State will be either a wilderness or a refuge.

Some say we should not be doing anything. They do not understand what refuges are. This is a map of refuges for oil and gas and minerals that are developed in California, Texas, and Montana. These are the specific areas of activities. Louisiana has a lot of activity in refuges. Oil and gas exploration is not foreign to refuges.

Again, emphasize the footprint for those participating in viewing this chart; 2,000 acres is it. There is a village already here for those who suggest somehow we are bringing a footprint in an area where there has never been a footprint. There is an airstrip, the old radar station. About 300 or 400 people live there. There are the kids going to school.

My point is, there are people up there—not very many—but they want a better way of life. This is a little social club. They want the same advantages you and I have: Reasonable health care, opportunities for their children, insurance. It all relates to jobs. They do not want welfare reform.

Some say we should not disturb their custom. Do we want to put a fence around those people? They have television. They know what is going on in the world. Their customs change. They maintain traditions. That is very important because that is who you are.

By the same token, they do not want to live as they used to. You and I know what a honeybucket is. A honeybucket is an indoor toilet, really a pail, as opposed to running water that you and I enjoy. They do not want to live that way anymore. They want schools, opportunities, and education. They support this. Yet there are some in the environmental community who would dictate how they prefer them to live, how they prefer them not to have jobs.

As we look at this transition of our culture and our people, recognize this is a very balanced area. If some are interested in more wilderness, I don't know whether that is possible or not. Clearly, we have wilderness. We have refuges. We have a development. We have a very small footprint.

I hope, with this brief explanation, more Members can reflect on the reality that this can be done right. We have the technology to do it. I have faith and confidence in this Nation's men and women who drive our energy resources.

We need an energy bill that provides today's resources to move us to tomorrow's promise, not shallow measures with empty promises that export our wealth and jeopardize national security, and ship our U.S. jobs overseas.

I recognize the public policy debate about how best to approach our energy policy is complex and will involve issues at the very heart of the extreme environmental agenda. I think we should frame this in a simple manner, in a manner the American people can understand. Is it better to have a strong domestic energy policy that safeguards our environment and our national security than to rely on the likes of Saddam Hussein and others to supply this energy—countries in the Mideast that are clearly unstable and will be for some time? The answer in my mind is clearly yes.

I know some in this Chamber suggest this energy bill is just politics, pure and simple. As far as another piece of the puzzle being laid out is concerned, we have heard all kinds of explanations of why this is bad. We have had broad support for reducing our dependence on imported energy sources. We have had veterans groups come up and support it. The response has been: "False patriotism." I think that is inappropriate.

I refer to reality. Reality dictated a comment that was made by Mark Hatfield, the Senator from Oregon. I served with Mark for many years. He was a pacifist. He said: I'll vote for opening up this area, this sliver of the Coastal Plain, in a minute, rather than vote for a measure that would send American men and women overseas, in harm's way, to fight a war over oil in the Mideast.

As we look at the attitude of American veterans associations that support developing an oil supply here at home, I think we have to reflect on the comments of some of our Members who suggest this matter is really about false patriotism. They could not be more wrong.

I have been around here a long time. I have been around here long enough to know lots of people do things for their own reasons. What we cannot do is sell short the American family, the American laborer—America's future, if you will. Energy is not about politics. It is about families across the country wondering if their jobs will be there in the morning. It is about preserving the very independence of this Nation. I believe in a nation that is dependent on no one but God alone.

Our President has made it clear. President Bush has mentioned, from time to time, the necessity of having the Senate pass an energy bill. As recently as the State of the Union Address, he stated the urgent need for a national energy plan. He laid it down as one of his first proposals, with the Vice President. It is known. It has been publicized. It has been examined.

He knows energy is about jobs. He knows energy is about security. He wants to protect this Nation from what he calls a real axis of evil. When we apply that to Saddam Hussein, it sticks. To some extent it sticks in Iran. The very fact that we intercepted a ship filled with armaments for the PLO demonstrates that. Our President knows, as long as we are dependent on other nations for our energy, our very national security is threatened and our future is at stake. So we should make every effort, every responsible effort, to reduce that dependence.

Our challenge is clear. It is to deliver to this President an energy plan for our Nation and an energy plan for our Nation's future. I urge my colleagues to recognize the weight of this task before us as we begin the process. We should come together to have the courage to vote on the difficult issues and do what is right for our Nation.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REED. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUSH TAX CUT

Mr. REED. Mr. President, yesterday the President's Council of Economic Advisers released a report claiming that the Bush tax cuts are responsible for keeping the recession more mild than it otherwise would be. They claim that the already passed tax cut has raised prospects for a solid recovery and that by the end of this year there will be 800,000 more jobs than there otherwise would have been.

The report of the Council of Economic Advisers is somewhat curious. It is obviously self-serving. It does make a fundamental mistake. It tries to suggest that the Bush tax cut, which centered on the reduction of income tax rates principally benefiting the highest paid and most affluent Americans, is the cause of the slight stimulus we have seen over the last few months when in fact, to be honest about it, it has been the proposed rebates championed initially by the Democrats, not part of the initial Bush proposal, that has provided some stimulus effect over the last several months.

That goes to the nature of, first, a rebate directly to a whole host of Americans across a broad income range. Those rebates typically were spent, and that seems to be the case in this situation.

The reality of the Bush tax proposals is that, first, they were not effective this year. Much of his tax cut proposal does not become effective until the following fiscal year. As a result, to make claims that his tax concept is a part of this stimulus effect is rather suspicious on its face.

To suggest, as I think is the suggestion, that this "tax plan" will lead to further stimulus of our economy is also suspicious. What it will lead to, which is already apparent, is increased Federal deficits. This year, because of the poor economic performance of the country, we have seen the Federal deficit materialize. But as we go forward, most of that deficit can be attributed not to adverse economic circumstances but to the tax cut. As we deny resources that are necessary to have this Government function and operate effectively in many different areas, we will see the deficit grow and grow.

The problem there becomes, in order to fund Federal programs, we must go into the debt markets. We must borrow more money. That puts pressure on interest rates, and that helps retard our economic progress and our growth.

The notion that the Bush plan has materially aided and assisted our recovery or softened the recession is very dubious.

What is also unfortunate is that in the last few weeks, as we have debated a possible stimulus package, there have been several proposals, one of which would be broadening the rebate we enacted last spring to include those Americans who did not pay income taxes but paid a great deal of taxes in terms of payroll taxes and other forms of wage taxation. I don't know how many times I have been in the Chamber and heard Republicans assail that approach as being inappropriate, ineffective, and inefficient.

What is curious is that the one aspect of last spring's tax plan that helped the rebates through the income tax system is being not only trumpeted as a Bush proposal but that exact or closely similar approach extended to payroll taxes is being derided and criticized by Republicans in the Senate as being something unworthy of the Senate.

I disagree. Frankly, last year if we had adopted a proposal to cut taxes that was targeted to lower income Americans, that was broad to include not just rebates for income taxes but rebates for payroll taxes, we would have seen a much less severe recession than we are seeing right now.

In effect, what we have today is the Council of Economic Advisers not providing good economic analysis but providing political spin on the tax plan we passed last year. I hope when we go back and reconsider the stimulus package, we will understand what stimulates the economy and not what is appealing to the political winds of the moment.

Again, we are in the grips of a recession. There are multiple causes. The President's tax proposal as originally proposed certainly did very little, if anything at all, to help soften the recession. I hope that will become more and more apparent.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

USTR DECISION REGARDING THE CANADIAN WHEAT BOARD

Mr. BURNS. Mr. President, I rise today in joining the Secretary of Agriculture in applauding the decision that was reached by our U.S. Trade Representative this morning on the 301 investigation into the Canadian Wheat Board and on durum wheat. I think Minnesota is a producer of durum, as we are in the Dakotas and in Montana. In her statement—and I associate with her words this morning—we support the immediate actions outlined in this decision, which will help us to move forward, removing the longstanding barrier in U.S.-Canadian relations. We are committed to working with the USTR in our country and, of course, with the WTO, and those trade negotiations should produce discipline which will lead to fundamental reform.

As you well know, that has been a bone of contention among grain producers in this country and, of course, with this Government and its relationship with Canada.

This morning, I heard a statement from a colleague who quoted a news article from a western producer in Canada, and by a secondhand source, that claimed the Secretary of Agriculture urged her Canadian counterpart to lobby Congress regarding the farm bill. I find that very unusual. In fact, I asked the Secretary this morning about that. I picked up the phone and called the Secretary and she denied making any such statement in its entirety. She did call the Minister of Agriculture in Canada, and he apologized for misstatements of his staff. Of course, I find that everybody is entitled to their opinion and everybody is entitled also to the facts. I would find it very unusual if another country got involved in the internal affairs of another. They usually do not do that, although we are now, it seems, at the end of the debate of the farm bill. That is not going to weigh in as it goes into conference. It is important legislation.

If there was ever a time for solidarity in agriculture, it is now. I say that to agriculturalists around the world, because it seems as if we have gotten into this mindset that it is a right to have what we produce, when basically we have to figure out a way to make a living at it, one. Two, we don't like to see hungry people either, but quit putting up rules and regulations and deal with the market forces that would allow us to produce food and fiber in this country.

It seems in this community and in the agricultural community, if we want to take a shot at somebody, instead of using a straight line, we use a circle for firing squads. That usually isn't a very good situation. This morning, I again join the Secretary of Agriculture in this 301 finding. Now we will move on and try to deal with the situation with the Canadian Wheat Board. Living on the Canadian border is always a source of irritation whenever we have to move livestock and grain back and forth across the Canadian border. Of course, with the culture as it is in our State, and as it is in Alberta and Saskatchewan, our values are alike. Most of our problems are from east of the 100th meridian in understanding the situations we have to deal with in our production of food and fiber.

So I hope we can work this out and get away from misstatements or misguided statements and come together in the agricultural community and work together because I think the time has come that we are going to need some solidarity, especially from producers. I don't see processors having a hard time or purveyors having a hard time or any distributors of the food product having a hard time. But I know there are hard times when it comes to the production of food and fiber because we can't get a handle on our cost of production. We have to continue to think about that as Americans and think about the security that we have. Ours is about the only country in the world where you can have fresh lettuce in grocery stores in the wintertime in Minnesota.

It is a wonderful system in this country. You don't know how great it is until you travel around the world. Nonetheless, there are some misgivings about what it costs and the work that it takes to get the beans to the table.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE INNOCENCE PROTECTION ACT AND ANOTHER DEATH ROW MILESTONE

Mr. LEAHY. Mr. President, I rise to discuss two disturbing and shameful milestones for our Nation, one that we reached this past December and one that is fast approaching. The milestone we have reached: 100 people in the United States have now been exonerated through the use of DNA testing. The milestone that approaches: The 100th exoneration of a death row inmate.

We can no longer ignore the fact that innocent people can, and do, get convicted in our country, and in some cases they are sentenced to death. We need to focus on these cases. We need to learn from them. And we need to do something about them. This is not a matter of whether you are for or against the death penalty, it is a matter of common conscience for our Nation.

So let me turn, first, to milestone No. 1, the 100th DNA exoneration.

In December 2001, a man named Larry Mayes became the 100th person in the United States to be exonerated by postconviction DNA testing. Mayes served 21 years in Indiana's prisons for a rape and a robbery—21 years for a rape and a robbery—but a rape and a robbery he did not commit. For 21 years an innocent man sat behind bars.

How was he exonerated? Was it by brilliant lawyers? Was it by the justice system recognizing a mistake? No. It was by law students at the Cardozo Law School's Innocence Project. They spent years searching for the rape kit that had been used at trial, only to be told it had been lost.

But, fortunately—and, actually, fortuitously—the rape kit eventually resurfaced, and DNA testing proved what Mayes had been saying all along to anybody who would listen: He was the wrong guy.

This has become a familiar story. You can hardly pick up a paper these days without reading about another person freed by DNA testing. Larry Mayes was No. 100, but No. 101 was not far behind.

Shortly after Mayes was released, Indiana prosecutors asked a court to vacate the conviction of another man, Richard Alexander, after DNA tests persuaded them of his innocence.

Like Mayes, Alexander was officially cleared of all charges and released.

Just last week we learned that DNA tests had cleared yet another man, Bruce Godschalk, although the Philadelphia prosecutors initially refused to let him out of prison. He was finally released yesterday, after 15 years of what he called "a living hell."

Attorney General Ashcroft has referred to DNA testing as a kind of truth machine, which can ensure justice both by identifying the guilty and by clearing the innocent. The Attorney General and I agree on this, and I think most prosecutors would agree on this.

I had the privilege of being a prosecutor for 8½ years. I know nothing worried me more—this would be similar for any good prosecutor—than thinking that you might charge the wrong person. You wanted to make sure the person you charged was guilty. You do everything possible to make sure that you do not put into the system somebody who is innocent. Because the fact is that in many cases, the prosecutor is going to get a conviction no matter what.

That is why some prosecutors have taken the initiative when it comes to DNA testing, by systematically reviewing their convictions with an eye toward identifying cases in which DNA testing may be appropriate, and then offering testing to the inmates in those cases. It is an interesting choice to make. These prosecutors understand that their job is not to get convictions but to get at the truth, whatever it might be, even if it means admitting error.

It could be a two-edged sword, too, because you have some who will claim innocence but do not want the DNA testing because they know the claim may not be real. But for some who are there, the claim is real. And those in the criminal justice system must make every effort to make sure they have the right person. I applaud those prosecutors who, having secured a conviction, say, if you think DNA is going to prove differently, then we will give you the DNA test.

Unfortunately, there are still some prosecutors and some courts that continue to resist requests for postconviction DNA testing. It took Bruce Godschalk 7 years to get access to the DNA evidence that showed his innocence, and weeks more before he was freed. When I prepared these remarks, he was still in prison.

We committed ourselves to addressing this problem more than a year ago when Congress passed legislation in which we resolved to work with the States to assure access to postconviction DNA testing in appropriate cases. We can make good on our commitment in this session by passing the Innocence Protection Act, which I introduced last year with Senator SMITH, Senator SUSAN COLLINS, and others, which now has 25 cosponsors in the Senate, more than 200 in the House.

The bipartisan Innocence Protection Act proposes a number of basic commonsense reforms to our criminal justice system. One of the principal reforms is aimed at ensuring that people like Larry Mayes and Richard Alexander and Bruce Godschalk can get the DNA tests they need to prove their innocence.

The need for Federal legislation could not be clearer. Just last month, the Fourth Circuit Court of Appeals held that convicted offenders do not have a constitutional right to postconviction DNA testing. They reversed a lower court ruling in the case of a man serving 25 years for a rape he claims he did not commit. The Fourth Circuit concluded that postconviction DNA testing must be conferred by either State or Federal legislation.

When I first introduced the Innocence Protection Act in February of 2000, only two States, New York and Illinois, had any postconviction legislation dealing with DNA testing. Since then more than 20 States have acted. My cosponsors and I are gratified that our bill has been a catalyst for reform in many of these States, but there is much more to do. By passing the Innocence Protection Act, we can assure that the DNA truth machine is available nationwide to help remedy miscarriages of justice.

We should also be doing more to fund the use of DNA technology. In December 2000, Congress authorized two new grant programs to help our State crime labs update their facilities and reduce the backlog of untested DNA evidence. Unfortunately, the administration has not requested any funding for one of these programs, and neither is fully funded.

To make matters worse, the Justice Department recently decided to shelve its plans to make $750,000 in grants available for postconviction DNA testing. In a multibillion-dollar budget, the Justice Department said it could not make available a small amount to make sure that the people we have locked up are the right people. It is one thing to talk the talk at the Department of Justice; it is time for them to walk the walk. Certainly if they find that this cannot be funded when their budget comes before my committee, I will look very carefully at what things they believe should be funded.

With more than 100 DNA exonerations nationwide, we can be pretty sure that more testing would uncover more wrongful convictions and save innocent lives. I hope the Department reconsiders its ill-founded decision and moves forward with this important program.

Let me turn now to milestone No. 2. An estimated 99 people have been exonerated and freed from death row since 1973, according to the Death Penalty Information Center. If history is any indicator, another death row inmate will be exonerated in the next few months, bringing the total to 100.

To put this in perspective, consider this: 2 years ago, when I first introduced the Innocence Protection Act, I pointed out the startling number of cases in which death row inmates had been exonerated after long stays in prison. The number then was 85. In just 2 years, another 14 people have been cleared of the crimes that sent them to death row. These are people convicted, on death row, waiting to take that last walk down to the death chamber and be executed, and only at the last minute we find, sorry, made a mistake, got the wrong guy. Gee, glad we didn't pull the switch.

Most recently, in January, in the State of the distinguished Presiding Officer, prosecutors decided to drop all charges against Juan Roberto Melendez. He had spent 18 years on death row. A State judge overturned his conviction last year after determining that prosecutors in the original trial withheld critical information.

Not long before Melendez was released, the State of Idaho released a man named Charles Fain, who had also served 18 years on death row. The Attorney General of Idaho, Alan Lance, deserves a great deal of credit for authorizing postconviction DNA tests in this case and then—when the tests came back in Fain's favor—asking a Federal court to throw out the conviction. I applaud the Attorney General for doing that.

The third recent death exoneree was a man named Jeremy Sheets, who had served 4 years on Nebraska's death row. The prosecutors dropped all the charges against him after their State supreme court overturned the conviction.

Some people would argue that exonerations like these prove that the system is working. If you sat for years and years and years on death row or spent 21 years in prison all for crimes you did not commit, all in cases where if people just checked the evidence they would know they have the wrong person, and then they open the door of the prison and say, sorry about that great chunk of your life, we will give you a new suit and a bus ticket out of here, you can leave now, would you say that is a system that is working? Families and lives are destroyed.

In June of the year 2000, Professor James Liebman and his colleagues at the Columbia Law School released the most comprehensive statistical study ever undertaken in modern American capital appeals. They found that serious error permeates American's death penalty system, compelling courts to reverse more than two-thirds of all death verdicts.

With the capital system collapsing under the weight of its mistakes, the risk of executing the innocent is shockingly high.

Part II of the Columbia study, which was just released this week, reaffirms the fundamental conclusion of his first study—that the death penalty is fraught with errors and inconsistencies nationwide. But it also adds a new and disturbing twist: In a rigorous empirical examination, the new study shows that the States and counties that use the death penalty most are also the most error-prone, and the most likely to send innocent people to death row. When I read that, it sent a shiver up my spine. The States and counties that use the death penalty the most are the ones most likely to make mistakes.

When the legal machinery of the death penalty system is broken, practice does not make perfect. It is leading to more mistakes. Can you imagine how long any commercial enterprise would last if it accepted and refused to correct failure rates like these? And this is not a commercial enterprise; here we are talking about life and death decisions.

There is one other thing we should keep in mind. If the wrong person is on death row for a murder, if somebody is convicted of a murder they did not commit, that means that the real murderer is still running loose. Maybe everybody can feel comfortable that we have locked up somebody for that murder, but if there is still a killer on the loose, everything has broken down. Not only is an innocent man on death row, but a guilty man is running free.

Thanks to the careful research of Professor Liebman and his team, responsible people from across the political spectrum are now united in acknowledging that the question is not whether the system is broken, but whether it can be fixed.

Shortly after the Judiciary Committee held its most recent hearing on this subject last year, Supreme Court Justice Sandra Day O'Connor expressed skepticism about the administration of capital punishment in the Nation.

She said:

> The system may well be allowing some innocent defendants to be executed.

She went on to say:

> Perhaps it is time to look at minimum standards for appointed counsel in death cases and adequate compensation for appointed counsel when they are used.

I could not agree more. In fact, the reforms suggested by Justice O'Connor mirror core components of the Innocence Protection Act.

In addition to providing for postconviction DNA testing, our bill would establish a national commission to formulate reasonable minimum standards for ensuring competent counsel in capital cases. Ask any good prosecutor. They will tell you they want a good, competent counsel on the other side. You want to make sure you do not make mistakes.

As a prosecutor, I might win a case only to have it go up on appeal and get thrown out because of incompetent counsel on the other side. Five years later, I will be retrying the case. You want to do it right.

DNA tests, which have exonerated so many, are not as much a solution to the death penalty problem as they are a window, exposing the flaws of a broken system.

We have to understand in many cases—perhaps most—there will be no DNA evidence. In many cases—perhaps most criminal cases—there are no fingerprints. This is not Perry Mason. There probably will not be any DNA or fingerprints.

But where there is DNA evidence, it can show us conclusively, even years after a conviction, where mistakes have been made. And what it has shown us in case after case is that many of the mistakes that have landed innocent people in prison and on death row could have been avoided—and probably would have been avoided—if the defense counsel had been reasonably competent.

Ensuring competent counsel is the single most important step we can take to get at the truth and protect innocent lives. By helping States improve the quality of legal representation in their life or death cases, the Innocence Protection Act strikes at the very heart of injustice in the administration of capital punishment.

As I said when I began, it is not a question of whether you are for or against the death penalty. People of good conscience can and will disagree on the morality of the death penalty. But we all share the goal of preventing the execution of the innocent. I hope Senators will read the Columbia Law School study and consider the comments of Justice O'Connor. We should reflect on these two milestones and ask ourselves if we are satisfied with a system that condemns one innocent person to death for every 7 or 8 that it executes. It is past time for the straightforward reforms of the Innocence Protection Act.

THE BYRD RULE

Mr. BYRD. Mr. President, Thursday a week ago yesterday, the Secretary of the Treasury, Paul O'Neill, appeared before the Senate Budget Committee, at which time he and I had a discussion of the Senate rules, and particularly the "Byrd Rule." I ask unanimous consent that the discussion to which I refer be printed in the RECORD. It speaks for itself.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> Senator BYRD. Thank you, Mr. Chairman.
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> Thank you, Mr. Secretary.
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> On page 51 of the first volume of the President's Budget, I noted the picture of Gulliver being tied down by the Lilliputians. Here it is. The caption beneath it reads: "Many departments are tied up in a morass of Lilliputian do's and don't's.
>
> This is not the first time that the administration has invoked the word "Lilliputian" when referring to the priorities of Congress. It makes me wonder if the administration may not be requiring the members of the Cabinet to read Jonathan Swift's masterpiece of satire.
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> Last year, before the National Association for Business Economics, Mr. Secretary, you used the word "Lilliputian" in referring to the application of the Byrd rule on reconsideration bills. You were quoted as saying: "the rules that have been created by just ordinary people are in some ways more and more like the Lilliputians tying us to the ground. I do not know why we have to live by these rules; after all, so far as I can tell, God did not send them."
>
> Inasmuch as you have invoked the name of the Creator, I would say that God works in mysterious ways his wonders to perform. This is not my quotation, but he does. He believes in rules, too. He gave them to Moses on Mount Sinai—the Ten Commandments. They hang in my office. Those are rules. I feel that God had his hand upon the destiny of this country when those illustrious men gathered in Philadelphia to create the Constitution of the United States.
>
> I do not know whether or not you have read Catherine Drinker Bowen's book, but she says that at no other time could these men have written this Constitution, which has proved to be the earliest written Constitution in the world and the most successful one. She says that 5 years earlier, the people and their representatives who were at the Convention would not have experienced enough of the disadvantages or the shortcomings that they needed to have experienced to have written this Constitution. She says that were it 5 years later, the people would have been turned off by the excesses of the French Revolution and the carnage by the guillotine.
>
> So the clock struck just at the right time. As far as I was concerned, that was God's

hand, if you want to invoke God's name; that was God's hand at work.

You said "The rules that have been created by just ordinary people"—the rules, Mr. Secretary, of the Senate have only had seven revisions in the more than 200 years of the Senate's history. Their roots go back into the House of Commons in Great Britain. Their roots go back to the Continental Congress. Their roots go back to the Confederation.

We are using rules of which the first 20 were written within the first 10 days of the Constitutional Convention's meeting. Those are rules.

Let us compare what Thomas Jefferson says about rules. Let us compare it with what you say. You said, "The rules that have been created by just ordinary people are in some ways more and more like the Lilliputians tying us"—now, who is "us"—"tying us to the ground. I do not know why we have to live with these rules; after all, so far as I can tell, God did not send them."

Well, Mr. Secretary, I say with all due respect—and I have great regard for you—that you seem to have gotten off the track. You probably should have had a good study course in American history before you came here—I am not talking about the kind of history that comes up with cartoons like this. Many of the so-called history books of our present time are full of colorful cartoons just like this. They do not teach real history.

I read Muzzey back in 1927, 1928, 1929, 1932, David Seville Muzzey. That was history. There were pictures. Now, you say, "The rules that have been created by just ordinary people"—these were not ordinary people, the men who signed the Constitution. They provided for the rules of the Senate.

The Congress and certainly this Senate is not ordinary, and it is certainly not Lilliputian. We are Senators. I have been before the people at the bar of judgment 29 times in these 50 years, counting this year, that I have served in Congress—29 times. I have taken the oath to support and defend this Constitution 16 times.

I am not asking you to answer this question—but how many times have you been before the bar of judgment of the people? In what elections did you run in order to represent the people? You were appointed. We were elected by the people, directly by the people—not like the President, indirectly, by electors who were elected by the people—we were directly elected.

Chairman CONRAD. Senator, if I could say, I grant 7 minutes and my first round of questioning to the Senator so he can continue in his statement.

Senator BYRD. Mr. Chairman, I thank you, and I will not dwell upon this any longer except to say that we are Senators, and you have been in this town one year. I have been in this town 50 years. I have seen many Secretaries of the Treasury. And I just want to tell you that we Senators are here to look after the interests of the people of our States. They are not well-to-do people—not all of them—in my State. They are not CEOs of multi-billion-dollar corporations. They cannot just pick up the phone and call a Cabinet Secretary.

In time of need—in drought, in floods, in famines, when a bridge is near collapse, when safe drinking water is not available, when health care services are endangered—they come to us. The people come to us. Yes, they are ordinary people. They are coal miners, they are farmers, they are schoolteachers, they are ministers, they are lawyers, they are bankers.

This cartoon on page 51 and comments throughout this budget suggest that this administration believes that so-called experts at bureaucratic agencies should determine the priorities of this Nation—not the Congress, not the people they represent. That suggests that the problems of the people are too little to deserve the attention of the administration.

Here is what the paragraph says by Dr. Gulliver: ". . . it is critical that the government operate effectively and spend every taxpayer dollar wisely. Unfortunately, Federal managers are greatly limited in how they can use financial handling and other resources to manage programs. Federal managers lack much of the discretion given to their private sector counterparts to get the job done."

We have seen what discretion given to private sector counterparts has done. We saw that in Enron.

This budget, wrapped in the American Flag, says: "Government is ineffective under these conditions. During wartime, turf protection cannot dictate the national interest. The Congress should remove barriers and give the administration the tools to do the job that must be done."

You say the Federal managers are greatly limited in how they can use financial resources. That is a good thing. These people, the so-called Federal managers, are not elected by the people, and we are talking about the taxpayers' dollars—the taxpayers' dollars. That is why there are rules. That is why we have rules.

So you say "Federal managers lack much of the discretion given to their private sector counterparts." Yes, because they are dealing with tax dollars, the American people's dollars.

My question would be does this kind of nonsense belong in a budget document. Now, to be fair, if we are going to do that, let us have a little more fun. Why not refer to the territory that was called Brobdingnag. Swift also wrote about that. Dr. Gulliver visited Brobdingnag, where there were not pygmies, but giants as tall as church spires, and with respect to one step of those giants, that step covers 10 yards.

I would refer to this since we are in the business of using Swift's satire. This budget is a Brobdingnagian budget, a Brobdingnagian budget. Not bad.

If we want to continue this, we can do it after the meeting. I have been very generously given time at this point.

I just want to remind you, Mr. Secretary, that a lot of us were here before you came, and with all respect to you, you are not Alexander Hamilton.

I have a question. Steel company representatives and steel workers have worked through numerous hurdles and made a number of concessions to reach consensus on a plan to renovate the U.S. steel industry. They have let the administration know that in order for this plan to work, the President needs to conclude the Section 201 of investigation of steel importation at the earliest possible date, with a remedy of nothing less than a 40 percent tariff on steel imports.

In addition, the steep companies and workers have asked for the administration's help in removing barriers to steel industry consolidation in the United States and in relieving the costs to the maximum extent possible of health care and pension benefits to retirees.

Steel industry representatives from my own State have expressed optimism that this administration is working positively with them to advance such a multifaceted solution. In light of this very critical time for the steel industry and this window of just a few weeks that could mean a turning point to a revitalization of bankruptcy and collapse of an industry that ties under our national security, this administration submits a budget that cuts the steel loan guarantee program by $96 million.

I find it hard to share in the optimism, and I will just ask one question at this time, and I will have further questions that I will submit.

What can you tell this committee specifically about this administration's intentions with regard to helping the steel industry with tariffs, reorganization, and legacy costs?

Secretary O'NEILL. Well, Senator, what I said to the National Association of Business Economists, I stand by, because what I had in my mind and what I deeply believe is this—that where we have rules made by men that restrict the realization of human potential, they should be changed.

We had rules that said, "Colored, do not enter here." That was a manmade rule. And there are lots of those same kinds of rules that limit the realization of human potential, and I have dedicated my life to doing what I can to get rid of rules that so limit human potential, and I am not going to stop.

Senator BYRD. Mr. Secretary, I have been around for a long time, and I try to live with the rules. You were specifically talking about the Byrd rule.

Secretary O'NEILL. I was talking about all rules that limit human potential and the realization of human potential, and referring to something different is fine if you wish to do so, but I would also like to say, because there was an inference in your remarks that somehow I was born on home plate and thought I hit a home run—Senator, I started my life in a house without water or electricity. So I do not cede to you the high moral ground of not knowing what life was like in the ditch.

Secretary BYRD. Well, Mr. Secretary, I lived in a house without electricity, too, no running water, no telephone, and with a wooden outhouse.

Secretary O'NEILL. I had the same.

Senator BYRD. I started out in life without any rungs in the bottom of the ladder. I am talking with you about your comments concerning the Byrd rule and the people who wrote these rules. I am not talking about putting a halter or a break on anybody's self-incentive or anybody's initiative. I have had that experience, and I can stand toe-to-toe with you. I have not walked in any corporate board rooms. I have not had the churning of millions of dollars into trust accounts.

I lived in a coal miner's home. I married a coal miner's daughter. So I hope we do not start down this road, talking about our backgrounds and how far back we came from. I am citing to you what you said in response to a question about the Byrd rule. The Byrd rule has saved millions and millions and millions of dollars for this Government, and we ought to live up to it.

Perhaps you ought to study the Byrd rule a little bit if you have not to the point that you can explain it. And just remember, the rule that I am talking about, those ordinary people—you are talking about Senators. They are ordinary people, and they are not going to let you get away with it. We are not going to let you get away with it.

So if you want to answer my question on steel.

Secretary O'NEILL. All right. As you know because you have been in some of the meetings that we have been having on the subject of steel, we began last year to see if it was possible to create a basis for the world to adjust the arguably 30 percent overcapacity that the world today has in steel, and through the President's efforts and administration work, we succeeded in getting the OECD to provide a structure for calling together the principal producers of steel in the world to try to get them to stipulate the need for capacity reductions, especially of capacity that is exporting its goods around the world with Government subsidies and undercutting the ability of almost any steel company in the world to make enough money to cover the cost of its capital, as a piece of a concerted, connected set of ideas about how we should proceed in this area.

Subsequent to beginning that work, the President filed a 201, and he has until March 6, I believe, to make a final decision of what level, if any, and kinds of combinations of tariffs and impositions he should put on imports in the United States to make sure that the world is fair in the way that we provide a basis for our own steel industry to make a living. There are day-by-day conversations going on to this issue of what tariffs or barriers or provisions should be imposed on the rest of the world, and as I say, the work will be done by the appointed date of March 6.

Senator BYRD. I hope the President will act and act immediately and act forcefully. He was in West Virginia and told the steel workers that he would help them. The Vice President certainly was in West Virginia and told the steel workers he would help them. West Virginia went for Mr. Bush, else you would not be sitting there today if my State had gone for Mr. Gore.

So the steel workers are hoping and praying that the President will act and act immediately to help them in this regard.

Thank you very much.

Chairman CONRAD. Senator Smith.

Senator SMITH. Mr. Secretary, I was looking at your resume, and I believe you started your professional employment as a civil servant for the Office of Management and Budget. Is that correct?

Secretary O'NEILL. In fact I started at the Veterans Administration as a computer systems analyst in 1961 and completed my previous Government service at the office of Management and Budget as deputy director in 1977.

Senator SMITH. And you have served in the administrations of Gerald Ford, is that correct——

Secretary O'NEILL. That is right.

Senator SMITH [continuing]. And President——

Secretary O'NEILL. Kennedy, Johnson, Nixon, and Ford.

Senator BYRD. Would the Senator yield to me?

Senator SMITH. I would be happy to yield, Senator Byrd.

Senator BYRD. Since we are talking about how many administrations we have been in——

Senator SMITH. You can beat us all, I am sure.

Senator BYRD. I have served with—not under—11 Presidents.

Senator SMITH. Well, I have great respect for Senator Byrd. I feel badly, though, if you feel demeaned appearing before this committee in any personal way, because I just want to say again for the record as I did in my opening statement that you did not need this job, but you are doing a fine job, and I believe you have served in many administrations, and you left a very lucrative position because you wanted to make the world a better place. And I think that needs to be said again. So I——

Senator BYRD. Would the Senator yield?

Senator SMITH. I would be happy to yield to Senator Byrd any time.

Senator BYRD. May I just add a little footnote along that line?

Senator SMITH. Of course.

Senator BYRD. I do not need to serve here, either. I believe I could retire and get more money in retirement than I earn as a Senator. I am talking about my retirement from the years I have served in Government.

Senator SMITH. I understand that.

I thank you, Secretary O'Neill, for your service to your country, and I thank Senator Byrd for his service to our country as well.

Mr. BYRD. Mr. President, with reference to the word "Lilliputians", that seems to be the prevailing way that officials in the Bush Administration view members of Congress. Several members of the Bush Cabinet have publicly used that term when speaking about the inconvenience of having to work with the people's representatives and the laws and rules that Congress writes.

Defense Secretary Donald Rumsfeld spoke to the National Defense University on January 31, 2002. Referring to Congressional earmarks in the defense appropriation bills, he said: "The Congress has, for whatever reason, decided that they want to put literally thousands of earmarks on the legislation—that you can't do this, you can't do that, you can't do this, you can't do that. Well, your flexibility is just—it's like Gulliver with a whole bunch of Lilliputian threads over them: no one thread keeps Gulliver down, but in the aggregate he can't get up."

OMB Director Mitchell E. Daniels testified before the Senate Budget Committee in July 2001 on the economic and budget outlook. Referring to Congressional earmarks, the OMB Director said: "I would point out that Congress has got to help here. We struggle with earmarks in the federal budget, and . . . it's very hard . . . when you are hogtied by a million lilliputian orders to do this, that, or the other, which maybe does not fit the strategy."

Treasury Secretary Paul O'Neill spoke to the National Association for Business Economics in March 2001 regarding the Administration's desire to see a permanent tax cut enacted. A question was raised regarding the Byrd rule. Under current law, if the Senate passes a ten-year budget resolution, a tax cut reconciliation bill would have to sunset after ten years in order to be in compliance with the Byrd rule.

In response, the Treasury Secretary said: "There is a very interesting thing that the rules that have been created by just ordinary people—are in some ways more and more like the Lilliputians tying us to the ground. . . . I don't know why we have to live by these rules, after all, they were only made by other people, and so far as I can tell, God didn't send them. . . . And, so, it's OK for us to entertain a different kind of an idea, and that . . . we don't have to live by rules that were made in a different time for a different purpose and a different set of circumstances."

The last quote in particular addressed an arcane and little understood rule whose author put it into place in 1985. Its purpose was to stop rampant abuses of Reconciliation Bills, which were originally intended to lock in deficit reduction measures.

Because of tight time limitations—20 hours—a nondebateable motion to reduce the time and only a majority vote needed to reduce it, and no opportunity to debate a motion to proceed, reconciliation is a supergag rule, one that makes cloture look like a mere speck by comparison.

Reconciliation bills have frequently been grossly misused to ram costly spending measures through the Senate and to prevent thorough debate of controversial measures. The Administration chose a reconciliation bill for its controversial tax cuts last year, in order to take advantage of the "fast track" nature of reconciliation bills. However, in 1985, the Senate unanimously adopted the Byrd Rule. One part of the Byrd Rule is a budgetary restriction which prohibits reconciliation bills from either reducing revenues or increasing spending in a year beyond the last year covered by the budget resolution. Last year's budget resolution covered 10 years. Therefore all revenue losses in that reconciliation bill had to sunset in 10 years. The administration wanted the benefits of reconciliation, but now they complain about the restrictions of that same process.

The Byrd Rule has been quite effective when it has been enforced. I daresay that the Byrd rule has prevented billions of dollars' worth of questionable spending. I know that the Byrd Rule has brought controversial measures out into the sunlight of public debate by preventing such measures from being wrapped in a reconciliation bill and hustled in protective armor through the Senate.

For instance, on October 13, 1989, I commended Senators Mitchell, the then Majority Leader, and Senator Sasser, the then Chairman of the Budget Committee, on their tough enforcement of the Byrd Rule in the Reconciliation process of that year, whereby some 300 provisions which violated the Byrd Rule were stricken from the bill. May I add that reconciliation abuses are not only abuses promulgated by members of Congress. The administration's fingerprints are often on Byrd Rule violations as well. I vividly recall when President Clinton wanted to insert his entire healthcare reform package into a reconciliation bill, costing billions, changing hundreds of laws, and shielding a very controversial proposal from the sunlight of debate. When I said that I would raise a Byrd Rule point of order, the idea was dropped. The Byrd Rule is totally nonpartisan. It has saved billions of tax dollars and prevented much legislative mischief by both parties. Although its author's name is ROBERT C. BYRD, the Byrd Rule has helped curtail federal spending enormously.

It is well to remember that it is rules and laws that keep the powerful in check and the people in control. Yet, this year's budget document, ordinarily a relatively straightforward presentation of an Administration's views on the budget, is rife with political commentary about congressional earmarks, and even a cartoon—as I have already pointed out—depicting Gulliver tied down by the Lilliputians along with accompanying text that reflects an attitude of arrogance and disdain for the role of the Congress. It is a far cry from President George W. Bush's stated intention to change the tone in Washington. Partisanship and distrust are all that is accomplished by such an approach, and there is certainly enough of both to go around already.

Members of Congress are often convenient targets for disdain by Administration officials who do not have to stand for election and who often have independent wealth or lucrative careers to return to after their stint in public service is over. Congressional earmarks are easy to malign, but earmarks, such as the one which first funded the human genome project, are rarely discussed. Congressional earmarks have done much good. Of course some have turned out to be poor investments, but they are not the horrific evil that many suggest, and in reality their impact on the budget is usually quite small. What those who serve in Presidential Cabinets tend to forget is that the people did not elect them to anything. They are appointed, and they serve at the President's pleasure. And it is worthwhile here to note that even the President that these officials serve is not directly elected. Only members of Congress are directly elected by the people in federal elections, and it is to members of Congress that the people come for assistance or to express their heartfelt views. Not many ordinary citizens have the wealth or influence to call up a Cabinet secretary or get an appointment with the President. Members of Congress are the people's elected spokesmen and women, and when we are viewed as "Lilliputians" by members of a President's cabinet, I suspect that the good people who elected us to serve are viewed in much the same manner. Tolerance of the arrogance of people in high places has worn very thin in this country. The people have had enough of Enron egos, and all-knowing, all-powerful bureaucrats, and the people well understand the need for serious curbs on power. Some sage once observed that the difference between a lynching and a fair trial is procedure. How true that is.

Mr. President, those who dislike the rules and laws that reign them in make the best argument I can think of for the wisdom of the Framers in separating the powers of government. And while Swift's Gulliver's Travels, and his tale of Lilliput may be required reading for the Bush Cabinet, I think that they may have actually missed the point of that famous satire. The point is this. No matter how big you think you are, the little people in this country can call you to heel. Because of the unique system of government we are blessed with, the people, in the final analysis, wield the power. And it is up to the Congress—the people's branch—to continue to write the rules that help to keep Presidents, bureaucrats, and wayward corporate executives in check. So, for my part I say, long live the Lilliputians! May they ever reign.

JUDICIAL NOMINATIONS

Mr. LEAHY. Mr. President, last night, the Senate voted to confirm three additional nominees to the Federal district courts: James Gritzner from Iowa, Richard Leon from Maryland, who will serve as a judge on the District Court for the District of Columbia, and David Bunning from Kentucky.

With these votes, the Senate will have confirmed nine judges since beginning the second session three weeks ago. With these confirmations, the Senate will have confirmed 37 judges since the change in majority last June. That number exceeds the number of judges confirmed in all 12 months of 1997 or 1999 and, of course, more than during the entire 1996 session.

I would, again, urge the White House to work with home-state Senators, to work with Democratic and as well as Republican Senators, and to send nominees like James Gritzner, who received bipartisan support from his home-state Senators.

With the confirmation of Judge Gritzner, the Senate has confirmed two Federal judges from Iowa this week, the other being Judge Michael Melloy for the United States Court of Appeals for the Eighth Circuit. The Judiciary Committee moved quickly on these nominations. Both Judge Gritzner and Judge Melloy participated in the first nominations hearing of this session, which was the first confirmation hearing held in January in more than half a decade. They were reported favorably by the Committee at the earliest possible Executive Business Meeting this year, on February 7, and they are now confirmed, just one week later.

Indeed, Judge Melloy's confirmation filled a judicial emergency vacancy. That seat on the Court of Appeals for the Eighth Circuit, which includes eight states, Iowa, Arkansas, Minnesota, Missouri, Nebraska, North Dakota and South Dakota, has been vacant since May 1, 1999.

I recall that it was not so long ago, in 2000, when the Senate was under Republican control, that another nominee to this very seat on the Eighth Circuit, Bonnie Campbell, did not receive the courtesy of a vote by the Committee following the hearing on her nomination. She did not receive a vote due to the previous policy of allowing anonymous holds to be placed on nominees, even though in her case, both of her home-state Senators, one a Democrat and the other a Republican, supported her nomination. Bonnie Campbell, the former Attorney General of Iowa, did not receive the courtesy of a vote, up or down, during the 382 days between her nomination by President Clinton and the time that the Bush Administration withdrew her name.

In contrast, we moved expeditiously to consider and confirm Judge Melloy's nomination to the Eighth Circuit. Judge Melloy's confirmation eliminated the judicial emergency vacancy in that Circuit caused, in part, by the Committee's failure to act on Bonnie Campbell's nomination when Republicans controlled the Senate and the confirmation process.

Judge Melloy was the seventh Court of Appeals nomination confirmed by the Senate in the last seven months. That is seven more Court of Appeals judges than a Republican majority confirmed in the 1996 session, and as many as were confirmed in all of 1997 and in all of 1999.

I think that the last District Court Judge confirmed in Iowa was Judge Robert Pratt in 1997. Nominated initially in early August 1996, Judge Pratt was not confirmed until late May the following year, more than nine months after his initial nomination. I am glad that the Committee and the Senate were able to act more quickly than that with respect to Judge Gritzner.

In connection with both Iowa nominees confirmed this year, I thank the Senators from Iowa for working with the Committee. I especially appreciate the kind words of the senior Senator, Senator GRASSLEY, both at the Committee consideration and in connection with these confirmation.

Last night, the Senate also confirmed Richard Leon to the United States District Court for the District of Columbia. This is the third confirmation to this District Court considered by the Senate since I became Chairman last summer. Indeed, nominees to the District of Columbia District Court were among those included in our unprecedented hearings during the August recess last year. I thank

Representative ELEANOR HOLMES NORTON for working closely with the Committee to fill all three vacancies that had existed in this Federal court.

Richard Leon's nomination was fairly and expeditiously considered by the Judiciary Committee and the Senate. His nomination was received last September, the ABA peer reviews were completed favorably in November, the Judiciary Committee held a hearing on his nomination during the first week the Senate was in session in January, his nomination was promptly considered by the Committee and reported favorably to the Senate last week, and last night the Senate confirmed his nomination to fill the last current vacancy on the United States District Court for the District of Columbia. Richard Leon received a unanimous well-qualified rating from the ABA peer reviews and received high recommendations from members of the legal community in the District of Columbia.

Of course, during the years preceding the change in majority, two nominees to the District Court for the District of Columbia, James Klein and Rhonda Fields, never received a hearing before the Committee or votes on their nominations. In fact, James Klein's nomination was pending for almost four years without a hearing during both the 105th and 106th Congresses. Despite Representative NORTON's strong and consistent efforts during those years, we were unable to obtain any action in connection with the vacancies that we have now successfully filled. Judge Leon will join Judge Bates and Judge Walton.

Last night the Senate also confirmed the nomination of David Bunning to a vacancy in the Eastern District of Kentucky. Since the elections in November 2000, three vacancies have arisen on the Eastern District bench. With this confirmation, the Senate will have acted to fill all three.

I scheduled a hearing for Karen Caldwell just six days after her file was complete. Her nomination was reported by the Committee 16 days later, and only 25 days after her file was complete, Judge Karen Caldwell was confirmed by the Senate. Danny Reeves, another nominee for that same district, was able to have a hearing within 40 days of his file being completed, was voted out of Committee only a few weeks after that, and he was confirmed 69 days from the time all his paperwork was complete. Indeed, we proceeded to confirm the first two nominees to the bench of the Eastern District of Kentucky so quickly that they had to delay being sworn in and assuming their judicial duties in order to wind down their legal practices.

This stands in sharp contrast to the length of time it took to get nominees hearings and confirmations in the recent past. During the last six years of the Clinton Administration, it took an average of about 150 days to move a district court nominee to confirmation. I am proud that we have been able to do better since last July.

The hearing on the Bunning nomination included testimony by his home-state Senators as well as testimony by representatives from the American Bar Association's Standing Committee. While a majority of the ABA Committee found the nominee not qualified and a minority found him to be qualified for the federal bench, three United States District Court Judges and a former United States Attorney testified in support of his confirmation. Yesterday, the Senate acted to confirm the President's nomination, as we have with a number of other nominees who received mixed peer review ratings.

For 50 years, beginning with the Eisenhower Administration and including the Clinton Administration, the ABA had provided a valuable public service to Presidents as they determined whom to nominate to the federal bench. In addition, the Senate has had the benefit of the ABA peer reviews. No Senator is bound by the recommendations of the ABA.

As I have said before, it is unfortunate that President Bush decided to shift the ABA's role in the pre-nomination process, but I am grateful that the ABA has agreed to continue to provide their evaluations to the Senate Judiciary Committee. We have always valued their contribution to the process and the willingness of the members of the Standing Committee to volunteer their time, efforts and judgment to this important task.

I congratulate each of the successful nominees and their families on their Senate confirmations.

I intend to notice another confirmation hearing for judicial nominations for February 26. Even though this is a short month with a week's recess, the Committee will hold a second hearing involving judicial nominees in February. This will be the first time in four years that the Committee will have held two February hearings for judicial nominees.

THE SAFE AND FAIR DEPOSIT INSURANCE ACT OF 2002

Mr. REED. Mr. President, I rise in strong support of the Johnson-Hagel-Reed-Enzi Safe and Fair Deposit Insurance Act of 2002, SFDIA, and I urge my colleagues to support it. I am proud to be one of the authors of this legislation, as I believe it will continue to ensure a strong and safe insurance system for our banks, and most importantly for the consumers that put their trust in that system. The legislation before us also seeks to end the pro-cyclical method now in force, which tends to burden institutions in bad economic times, and not prepare for the future during good economic times. We need to change that, and I think this bill begins to finally address this important issue in a very thoughtful manner.

The bill that my colleagues and I have introduced has five major components. The first element addresses the most non-controversial aspect of this issue, and that is merging of the two insurance funds. This will obviously strengthen the reserve fund for all banks and savings institutions, rather than diffusing that strength between two funds. The second component is that of coverage limits. Although this issue has attracted quite a bit of discussion and controversy over the past few years, this is nonetheless an important issue for many banks and consumers alike. In this section, the legislation authorizes the level of general coverage to rise to $130,000, by indexing for inflation from 1974, when the level of coverage was at $40,000. Going forward, the bill proposes to index coverage for inflation every five years in increments of $10,000. The bill also suggests that coverage for retirement accounts be set at $250,000 now, and that those accounts also be subject to indexing in the future. Lastly, on coverage issues, the legislation would allow for additional coverage for municipal deposits beyond the $130,000 level.

The SFDI Act would also allow for greater flexibility for the FDIC to charge insurance premiums. Since 1996, the FDIC has been prohibited from charging premiums to banks that have the highest rating, as long as the reserve ratio was above the "hard target" of 1.25 percent. Our legislation would remove that prohibition, as well as effectively eliminating the hard target, and would instead substitute a range for the fund. Again, these actions will lend the FDIC the necessary flexibility to manage the funds in a much more institution-friendly manner, particularly by relieving pressure on them during the worst business cycles.

In addition, the FDIC will be able to give a one-time assessment credit to institutions, as well as allow for ongoing credits to manage the fund. These credits will in all likelihood give most institutions, if they are well-managed and well-capitalized, the ability to avoid premiums for several years down the road. The FDIC will also be authorized to provide cash rebates to institutions should the fund ever exceed 1.50 percent.

Although I would prefer to address the issue of coverage for municipal deposits in another context, I am confident that during the upcoming legislative process there will be a good debate on the issue, and the Senate will be able to work its will on the issue. I think it is important to note that the introduction of this bill will mark the beginning of a strong, vigorous and positive discussion on the vital issue of deposit insurance. This has become the cornerstone of our banking system's integrity, and it is imperative that the U.S. Congress insure that it remain strong, healthy, and workable for many years to come for both financial institutions and consumers alike.

FEDERAL EMPLOYEES DESERVE PAY PARITY

Mr. AKAKA. Mr. President, as the government moves to protect its citizens, harden its borders, and defends American interests abroad, I want to make sure that the Nation's Federal employees are given the resources and support needed to carry out these missions.

Numerous studies point to the government's inability to compete with the private sector as one reason why we are unable to attract and retain qualified Federal employees. With a few exceptions, since 1981, military and Federal personnel have received equal pay increases. Yet, the administration's FY03 budget calls for an across-the-board adjustment of only 2.6 percent, while the military would receive a 4.1 percent increase. The proposed 2.6 percent increase is less than the formula used by the Federal Employees Pay Comparability Act and fails to close the pay gap between Federal and private sector workers.

In my capacity as Chairman of both the Senate Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services and the Senate Armed Services Subcommittee on Readiness and Management Support, I am actively involved in issues relating to Federal employees. Our civilian workforce plays a significant role in the support of our service members on active duty, in the reserves, and serving with the National Guard. I support a cohesive and coordinated effort in safeguarding America and believe a strong civilian workforce is crucial to our success in protecting our country.

By 2005, over half the Federal workforce will be eligible to retire, and as long as fewer young people are choosing Federal service to fill these gaps, there should be a commitment from the highest levels of government to ensure that agencies are adequately staffed with the right people and the right skills to run the government in an effective and efficient manner.

The American people know that the war on terrorism will be a long struggle; a different kind of war with fronts both at home and abroad. Our civilian Federal workforce is on the front line of this war and must be prepared to respond to the possibility of attack. We should not distinguish between our civilian and military workforces, both of whom serve their country with equal dedication.

ADDITIONAL STATEMENTS

NOMINATION OF JAMES GRITZNER

• Mr. GRASSLEY. Mr. President, I want to say a few words about James E. Gritzner, who was approved by the Senate last night to serve as United States District Judge for the Southern District of Iowa. I am pleased that the Senate was able to move swiftly on this judicial nomination. Jim Gritzner has extensive trial experience and is fully qualified to serve on the District Court. His reputation for being fair and evenhanded is something we expect of all judges, and he will be a great addition to the Southern District of Iowa.

By way of background for my colleagues, Mr. Gritzner received a Bachelors of Arts degree from Dakota Wesleyan University, a Masters of Arts degree from the University of Northern Iowa, and a law degree from Drake University Law School. His distinguished legal career includes having practiced with several Iowa law firms, most recently with the Des Moines, Iowa firm of Neymaster, Goode, Voights, West, Hansell & O'Brien.

In addition to being in private practice for over 20 years, Mr. Gritzner has had a long record of public service. He served as a member of the Iowa Board of Parole from 1980 to 1982. From 1985 to 1990, Mr. Gritzner was the primary prosecutor for the Committee on Professional Ethics and Conduct of the Iowa State Bar Association and the Client Security and Attorney Disciplinary Commission of the Iowa Supreme Court.

I am sure everyone would agree that these are excellent qualifications. Jim Gritzner will serve the Federal bench very well, and I am proud to have supported his nomination to the Southern District of Iowa.•

CALIFORNIA COASTAL PROTECTION AND LOUISIANA ENERGY ENHANCEMENT ACT

• Ms. LANDRIEU. Mr. President, I have joined my colleague, Senator BOXER, in introducing the California Coastal Protection and Louisiana Energy Enhancement Act. This legislation will add to the production of oil and gas off the Louisiana gulf coast while solving a difficult problem associated with production off the coast of California.

The Federal Government, through the Department of the Interior's Minerals Management Service, MMS, manages oil and gas exploration in all Federal waters from 3 miles beyond the coastline. For years, leases have been issued to companies, giving them the right to explore and produce on these lands. Companies bid on proffered leases at the MMS, then pay rental payments to the Federal Government to maintain their leases. Once oil or gas is flowing from Federal lands, companies pay a royalty on the production to the Federal treasury.

Between 1968 and 1984, the MMS awarded 40 leases off the coast of California to a number of different companies so that they could explore for oil and gas and bring these energy resources to market. The proven oil reserves under these leases are vast. Over the past 34 years, owners of the leases have been working through the processes of Federal and State government to bring production from these lands online, as was the original purpose of the lease sales. During this time, the owners have been paying annual rental payments to the Federal Government. To date, none of them are producing.

The people of California have become increasingly opposed to new oil and gas production off their coast. This opposition has created a dilemma for the Federal Government and the leaseholders because while the opposition of the people of California has made it more difficult to proceed with oil production, the ability to produce oil from these lands is exactly what the companies have been paying the Federal Government for all these years.

Senator BOXER and I have been working to solve this longstanding problem. The legislation we are introducing today will essentially move the investment these companies have made with the Federal Government from the California waters to the Federal waters in the central and western areas of the Gulf of Mexico. This investment will finally be put to the use for which it was originally intended, to provide a domestic source of energy for the United States. This will mean a more vibrant oil and gas industry in my state and more jobs for Louisianians. It will maintain the integrity of the MMS leasing process and the Federal contracts that have been in place these many years. Finally, it will assist the people of California in reaching their goal of no new oil production off their coastline.

The California Coastal Protection and Louisiana Energy Enhancement Act gives the California leaseholders the option to move their investments to the central and western Gulf of Mexico. If the leaseholders choose, they may receive credits for the money that has been paid to the Federal Government for the California leases, and any other money invested in developing the leases. These credits may be redeemable at the MMS for lease bonus and royalty payments for production in the Gulf of Mexico. Participating companies would then surrender the California leases and agree not to bring any future legal actions against the government for their inability to go forward with production over the past 34 years. Finally, our bill takes the lands that were in the leases and creates an ecological preserve to protect traditional fishing areas and provide conservational scientific and recreational benefits.

About 65 percent of our Nation's energy needs are supplied by oil and natural gas. The waters of the Gulf of Mexico have proven to be a significant source of oil and natural gas and are predicted to remain so for the foreseeable future. While states such as Louisiana continue to welcome the development of Federal crude oil and natural gas resources in the Gulf of Mexico, this development is accompanied by adverse impacts on the infrastructure and public service needs of States, counties and local communities that "host" the development of these Federal sources. With the rest of the country consistently turning to the waters of the central and western Gulf of Mexico for oil and gas production, it is long past time to share a meaningful portion of the revenues generated annually from Federal offshore crude oil and natural gas resources with the coastal states that serve as the platform for this development: Louisiana, Texas, Mississippi and Alabama.

I believe this bill is a creative solution to a difficult problem that has been left unattended for too many years. I commend my colleague, Senator BOXER, for taking a leading role with me in crafting this legislation. I hope my colleagues will join us in supporting this bill.●

WICHITA HEIGHTS HIGH SCHOOL

● Mr. BROWNBACK. Mr. President, I would like to take this moment to recognize the class from Wichita Heights High School which will be representing the State of Kansas in the 2002 national finals of the We the People . . . The Citizen and the Constitution program.

On May 4–6, 2002, more than 1,200 students from across the United States will visit Washington, DC, to take part in this competition, which is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. This 3-day competition, administered by the Center for Civic Education, is modeled after hearings in the U.S. Congress and consists of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

I am very pleased to see these young people advocating the fundamental ideals that identify us as a people and bind us together as a Naiton. I am proud that this class from Wichita Heights High School will be representing Kansas on the national level in this worthy endeavor. I wish their entire team the best success at the We the People . . . national finals this May.●

GUNS AND DOMESTIC VIOLENCE

● Mr. LEVIN. Mr. President, according to the Office of Justice Programs, 40 percent of women killed with firearms are murdered by an intimate partner. In 1996, Congress passed legislation to deny firearms purchases to individuals who were under a domestic violence restraining order or convicted of a domestic violence misdemeanor. Despite the passage of this law many people are slipping through the system. For example, according to a November 1999 Washington Post article, a background check failed to discover that a Maryland man was the subject of a domestic violence restraining order that his wife had obtained. As a result, he was able to purchase a gun and he later shot his 3-year-old daughter and 2-year-old son.

To help prevent such tragedies, Congress established the National Criminal History Improvement Program in 1995 to provide funding to assist States in compiling criminal records and establishing identification systems as well as developing a comprehensive national record system. One of the goals of the NCHIP program is to ensure that accurate records are available to law enforcement to identify ineligible firearm purchasers. The NCHIP program has put special emphasis on ensuring that domestic violence-related offenses are included in criminal records. As the Washington Post article suggests, there is still work to be done. In fact, according to a January 2002 study released by Americans for Gun Safety, only 30 States have automated records of both domestic violence misdemeanors and domestic violence restraining orders. Fifteen States have no automated records of domestic violence misdemeanors and 13 States have no automated records of domestic violence restraining orders.

I have long supported programs that will ensure that guns do not get into the hands of criminals, as well as individuals under domestic violence restraining orders. The NICS system of background checks for gun purchases has already blocked more than 400,000 gun sales to ineligible persons. Continuing the NCHIP grant program will help make America safer by ensuring that the criminal background information is complete, accurate and accessible. This improves our ability to prevent people who commit violent acts against their family from purchasing firearms.●

LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in September 1997 in Waupaca, WI. A gay man was beaten because of his sexual orientation. The assailants, Jeffery S. Schucknecht, 26, and Robert G. Guyette, 23, were charged with felony battery and a hate crime in connection with the incident. I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Indian Affairs:

Report to accompany S. 1857, A bill to Encourage the Negotiated Settlement of Tribal Claims. (Rept. No. 107–138).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WARNER:

S. 1957. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

By Mr. MCCAIN:

S. 1958. A bill to provide a restructured and rationalized rail passenger system that provides efficient service on viable routes; to eliminate budget deficits and management inefficiencies at Amtrak through the establishment of an Amtrak Control Board; to allow for the privatization of Amtrak; to increase the role of State and private entities in rail passenger service; and, to promote competition and improve rail passenger service opportunities; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. 1959. A bill to direct the Secretary of the Interior to conduct a study of the former Eagledale Ferry Dock in the State of Washington for potential inclusion in the National Park System; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mr. FITZGERALD, and Mr. JOHNSON):

S. 1960. A bill to amend the Biomass Research and Development Act of 2000 to encourage production of biobased energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRAHAM (for himself, Mr. CRAPO, Mr. JEFFORDS, and Mr. SMITH of New Hampshire):

S. 1961. A bill to improve financial and environmental sustainability of the water programs of the United States; to the Committee on Environment and Public Works.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1962. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

By Mr. NELSON of Florida:

S. 1963. A bill to prohibit the use of arsenic-treated lumber to manufacture playground equipment, children's products, fences, walkways, and decks, and for all other residential purposes, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Ms. COLLINS (for herself and Mr. REED):

S. Res. 211. A resolution designating March 2, 2002, as "Read Across America' Day"; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself and Ms. CANTWELL):

S. Con. Res. 98. A concurrent resolution commemorating the 30th anniversary of the inauguration of Sino-American relations and the sale of the first commercial jet aircraft to China; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 77

At the request of Mr. DASCHLE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 77, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 969

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 969, a bill to establish a Tick-Borne Disorders Advisory Committee, and for other purposes.

S. 1084

At the request of Mr. DURBIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1084, a bill to prohibit the importation into the United States of diamonds unless the countries exporting the diamonds have in place a system of controls on rough diamonds, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER:

S. 1957. A bill to amend the Internal Revenue Code of 1986 to provide for additional designations of renewal communities; to the Committee on Finance.

Mr. WARNER. Mr. President, I am pleased today to introduce legislation that will provide for greater economic growth, job creation and improve the availability of affordable housing in some of our Nation's most distressed communities. The legislation calls for the designation of a second round of Renewal Communities.

The Renewal Communities program is an economic development initiative that was included in the Fiscal Year 2001 Consolidated Appropriations Act. The communities designated under the program benefit from a variety of tax incentives designed to attract new companies and enhance business opportunities in an area. Wage credits, a zero capital gains rate on new investments and similar tax breaks for business related expenditures will augment the efforts of State and local governments to promote job growth and restore economic stability in their communities.

The Consolidated Appropriations Act signed into law on December 21, 2000, provided for the designation of 40 Renewal Communities. The Department of Housing and Urban Development was responsible for the selection and designation of the new RCs. The Department announced the list of 40 communities, which will share over $17 billion in tax incentives, on January 24, 2002.

The designations are based on poverty rates, median income, and unemployment rates in the community. The most recent Department of Commerce census data available during the application process was from 1990. This was an issue of timing as passage of the legislation overlapped with the compilation of new census data in 2000.

The use of the 1990 census data, however, severely limited the ability of many cities and localities which may be eligible based on the most recent data. The 1990 data does not reflect the economic shifts which have taken place over the last decade throughout the country.

In the Commonwealth of Virginia, many communities have been devastated economically by plant closings since the census in 1990. The unemployment figures continue to rise when more businesses are forced to close down as the adverse financial effects begin to filter through the community.

My legislation would provide for the designation of an additional twenty renewal communities with the requirement that the most recent 2000 census data would be used. I believe that a second round of Renewal Community designations would be appropriate and fair to those communities excluded by the limits of timing out of their control.

We cannot move forward as a Nation when the gap in the economy stability of our local communities grows deeper and they are left behind. This is something the Federal Government can do to stimulate the economy from the ground up and at the same time help those who need it most.

I encourage my colleagues to support this initiative. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1957

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITIONAL DESIGNATIONS OF RENEWAL COMMUNITIES.

(a) IN GENERAL.—Section 1400E of the Internal Revenue Code of 1986 (relating to designation of renewal communities) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) ADDITIONAL DESIGNATIONS PERMITTED.—

"(1) IN GENERAL.—In addition to the areas designated under subsection (a), the Secretary of Housing and Urban Development may designate in the aggregate an additional 20 nominated areas as renewal communities under this section, subject to the availability of eligible nominated areas. Of that number, not less than 5 shall be designated in areas described in subsection (a)(2)(B).

"(2) PERIOD DESIGNATIONS MAY BE MADE AND TAKE EFFECT.—A designation may be made under this subsection after the date of the enactment of this subsection and before January 1, 2003. Subject to subparagraphs (B) and (C) of subsection (b)(1), such designations shall remain in effect during the period beginning on January 1, 2003, and ending on December 31, 2010.

"(3) MODIFICATIONS TO ELIGIBILITY DETERMINATIONS.—The rules of this section shall apply to designations under this subsection, except that population and poverty rate shall be determined by using the most recent census data available.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

By Mr. MCCAIN:

S. 1958. A bill to provide a restructured and rationalized rail passenger system that provides efficient service on viable routes; to eliminate budget deficits and management inefficiencies at Amtrak through the establishment of an Amtrak Control Board; to allow for the privatization of Amtrak; to increase the role of State and private entities in rail passenger service; and, to promote competition and improve rail passenger service opportunities; to the Committee on Commerce, Science, and Transportation.

• Mr. MCCAIN. Mr. President, the time has come for us to have an open debate to consider the future of rail passenger service in this Nation. Given Amtrak's financial situation, which is extremely precarious, I strongly believe we must work together to pass legislation this year that will provide for a restructured, revitalized, and streamlined rail passenger network. This will be no easy task. It will take commitments by all parties, including the Administration, Congress, Amtrak, states and municipalities, and the private sector.

No one can argue with the fact that Amtrak is in a financial crisis, with growing and substantial debt obligations already totaling over $3.3 billion. The Department of Transportation Inspector General, DOT–IG, issued a report just two weeks ago which found that Amtrak experienced its largest losses in history in Fiscal Year 2002. Specifically, the DOT–IG found "Amtrak lost $1.1 billion last year" and "Amtrak is no closer to operating self-sufficiency now than it was in 1997."

The Amtrak Reform and Accountability Act of 1997, provided Amtrak with the statutory reforms Amtrak said were needed to enable it to address its financial and operational problems existing at the time. In turn, the Act directed Amtrak to reach operational self-sufficiency five years after enactment, which is December 2, 2002. The Act also established the Amtrak Reform Council, ARC, to oversee Amtrak and notify the Congress if it found Amtrak would not be able to meet its statutory obligations.

Despite repeated press statements and testimony by Amtrak officials over the past four years that Amtrak was well on its way to fulfilling its statutory directives, on November 9, 2001, the ARC issued a finding that Amtrak will not be operationally self-sufficient as required by law. The ARC found there are major inherent flaws and weaknesses in Amtrak's institutional design and that it must be restructured. The recent DOT–IG report confirmed the ARC's finding that Amtrak would not meet its statutory mandate.

Finally, two weeks ago, even Amtrak officials admitted it cannot live up to the claims they had been making. At a recent press conference Amtrak's President stated, "Everybody knows that you can't make a profit while running a network of unprofitable trains". Unfortunately, Amtrak officials are seeking to place blame for its financial problems everywhere other than where it most justly belongs.

As I mentioned, the 1997 Reform Act provided Amtrak with the tools it said it needed to reinvent itself. It was provided labor, liability, and procurement reforms. The Act even eliminated the mandated route structure established in the 1970 act that created Amtrak, and authorized Amtrak to run like a private business.

Following the Senate's passage of the Act in 1997, Amtrak's President at the time, Tom Downs, sent a letter dated November 5, 1997 to Senator HOLLINGS and myself praising the compromise legislation. He stated that, "enactment of the Amtrak Reform and Revitalization Act of 1997 would be the single most significant action the Congress can take to aid Amtrak in achieving operating self-sufficiency by 2002." Mr. Downs further commended "The legislation reforms contained in the bill will allow Amtrak to operate in a more businesslike, cost effective manner, thus allowing greater productivity and increased savings."

Although Amtrak has received over $5 billion in Federal assistance since the reform bill's enactment, and received the authority to implement management and structural changes, little if anything has been accomplished since the Reform Act's enactment. Amtrak loses money on almost all of its 41 routes, but instead of cutting even one unprofitable route, Amtrak added routes. One such route initiated in Janesville, WI, resulted in a per passenger subsidy of over $1,000.00. Where is the rationale in such a business decision? Moreover, Amtrak's debt load has tripled since we approved the Reform Act, and now amounts to over $3.3 billion. Clearly, Amtrak officials did not take the statutory mandates seriously.

Today, I am introducing legislation to fundamentally transform rail passenger transportation in America. The bill offers a new approach to reform Amtrak's 30-year subsidy program that has funded rail passenger service. It is designed to promote rail passenger service on viable routes or where States will provide support when it is considered a necessary form of public transportation. That does not equate to a route in every Congressional district and may not even equate to a route in every State, but nor, it should be noted, does the present "national system."

The legislation I am offering today is one approach for how our Nation's rail passenger system can be permitted to evolve. I recognize that it may not garner the support of every member, but I encourage my colleagues to approach the debate on the future of rail passenger service with an open mind. The American public demands more than the status quo. We should as well. The public's expectations must be balanced with the level of financial commitment that the Nation can afford. I ask that a summary of the Rail Passenger Improvement Act of 2002 be printed in the RECORD immediately following my remarks.

I don't believe that the measure I am introducing could be the only approach that Congress considers. There are many proposals and ideas that merit our consideration. For example, on February 7th, the Amtrak Reform Council submitted its report on a restructuring and rationalization plan. I hope the Congress will give careful consideration to the ARC's proposal. Other ideas to restructure Amtrak's route system include the creation of a Route Closure Commission modeled after the Department of Defense's Base Realignment and Closure Commission. This is an idea that has been raised in recent years and should not be disregarded. Above all, we must get to work now and determine how best to address Amtrak's financial and operational crisis.

While it might seem easier to simply throw more money at Amtrak instead of making tough policy decisions, we would be failing in our Congressional responsibilities if we were to do this. To put rail passenger service back on track in this country, we need to address a number of tough questions. For example, what is the future for intercity rail passenger transportation? Where does it attract passengers and where doesn't it? Does rail passenger service have to equate to "Amtrak" or can we accept the fact that after 30 years, it is time to find a new approach? Where might high-speed rail service actually attract enough passengers to be economically viable? How does it fit into our national transportation system? What financial obligation will we be imposing on American taxpayers to pay for rail passenger service and what can they realistically expect for their payments?

I have continually doubted Amtrak could live up to the promises it has made over the years. I reached this conclusion after years of listening to promises from Amtrak officials about what it could deliver if Congress gave it more money. Those promises have been broken time after time. There has been an endless flow of subsidy requests from Amtrak since its creation 30 years ago, even though it was to be free of all Federal assistance two years after it was established. Instead, Amtrak has received over $25 billion in direct subsidies.

The ARC, the DOT–IG, the General Accounting Office (GAO), and others warned us that Amtrak was not going to live up to the rosy scenarios it had been painting over the past several years. Ironically, while we are criticizing private auditors for failing to ensure disclosure of the true financial picture of Enron, Congress has had clear indication from public auditors that Amtrak was not financially solvent but chose to ignore those warnings. Shouldn't we halt the double standard with respect to our reaction to public and private audit findings?

We all need to face the fact that Amtrak is in dire financial straits and action must be taken once and for all to address the underlying problems with Amtrak. The findings presented by the ARC and the DOT–IG make it clear that Amtrak's Board and management have been unable to execute the changes that need to be taken to turn Amtrak's finances around. As the DOT–IG recently stated: "Amtrak is no closer to operating self-sufficiency now than it was in 1997."

Amtrak's management has recently started to question publicly the statutory requirement for Amtrak to achieve operational self-sufficiency. At a press conference held last week when Amtrak admitted it was not living up to its repeated claims of success, Amtrak's President referred to the self-sufficiency deadline as an "impractical, inappropriate and destructive concept to move forward with." I find this statement shockingly untimely.

In the four years that have passed since the Reform Act became law, Amtrak officials have repeatedly said they were on the "glide-path to operational self-sufficiency." Not once in testimony before Congress did Amtrak officials raise concerns now held by Amtrak's President that the once highly regarded Reform Act was no more than an "impractical, inappropriate and destructive concept" that would hamper Amtrak's ability to produce results and turn Amtrak around. So I have to ask, why now? Were these same views held by Amtrak officials during the reform bill's enactment? That would not appear to be the case given the November 1997 letter I quoted from earlier. Why haven't we heard Mr. Warrington's critical views until now?

Again, the Reform Act provided the statutory reforms that Amtrak requested so it could operate more like a private business. Why has its President suddenly decided to call its mandates into question? Maybe it's because management has made no progress towards meeting the requirements mandated by the law, requirements that Amtrak agreed to in exchange for the reforms it requested and was granted? Requirements, that until now, Amtrak said it would meet.

Since we now know Amtrak officials cannot make the tough decisions necessary to improve Amtrak's operating and financial condition, the legislation I am proposing creates an Amtrak Control Board, modeled after the D.C. Control Board that was so successful in turning around the financial crisis of the Government of the District of Columbia. The Amtrak Control Board would be directed to help address Amtrak's financial crisis and facilitate Amtrak's privatization.

Moreover, I believe we need to allow the States to take a greater role in determining where rail passenger service should be provided. Perhaps it is only in the Northeast, or maybe just on State-supported corridors. To help States retain passenger rail service where they believe it is needed, I also think that we should allow the States to spend their Federal transportation dollars on rail passenger service.

In some areas of the country, such as the Northeast and on the West Coast where service is supported by State contributions, rail passenger service seems to be working. We cannot ignore the fact, however, that all but two of Amtrak's intercity lines operate at a substantial financial loss. And while Amtrak has experienced an increase in its ridership, the actual ridership numbers are dismal compared to other passenger modes, including intercity bus transportation and air travel. After 30 years and over $25 billion of taxpayers' investment, Amtrak is used by less than 1 percent of the traveling public.

Our urban areas are facing ever-increasing transportation congestion. Americans are spending more and more time sitting in traffic as they try to get to and from work. And each and every one of us has experienced first hand the frustrations of flight delays due to new security measures and capacity limitations in our aviation system. It is our responsibility to work to remedy these problems by developing and enacting sound federal transportation policies.

Amtrak is a failed experiment. While the legislation I am offering may not be the approach the majority of the members will support, I assure my colleagues that I will do everything in my power to halt the historical authorization pattern that has taken place for 30 years. I will strongly oppose any measure simply to reauthorize Amtrak in exchange for Amtrak promises. If we do that again, in a few years Amtrak will be back again explaining why it was unable to fulfill its promises and Amtrak will be seeking yet even more money and making even more promises. This same pattern has continued for 30 years.

The Rail Passenger Service Act of 1970, which created the National Rail Passenger Corporation, also known as Amtrak, to free the freight industry from the burden of running passenger trains, was enacted with the intent to provide Amtrak Federal support for only two years. Clearly, that did not occur. After receiving appropriations for $40 million in direct grants, $100 million in loan guarantees, in addition to capital acquired from participating railroads, Amtrak was unable to fulfill the intent of the authorizing legislation. Two years later, Amtrak was back before Congress asking for more money in exchange for more promises.

By 1978, after four trips to Congress to ask for more Federal money, Amtrak had received $2.5 billion in federal funding. But that level of funding was still not enough. When Amtrak came back seeking more Federal assistance, Congress responded like it always had. It passed legislation authorizing millions for operating, capital and debt reduction expenses. In exchange for this funding, Amtrak agreed to be operated and managed as a for-profit corporation and to turn around its money losing ways. Again, Amtrak failed to fulfill its promises.

This pattern has continued during the past 30 years. Amtrak has come to Congress year after year seeking a handout. Each time, Amtrak has made promises in return for more federal assistance. Each time, Amtrak has failed to achieve what was expected. Enough is enough.

It is interesting to note that before the 1978 law was enacted, the GAO warned that Amtrak would have to make serious cuts in its route structure if it was to avoid continual dependence on Federal subsidies. And here we are nearly 25 years later and the GAO and the DOT–IG are repeating these same realities. Is the Congress finally going to give credence to these auditors' findings?

If rail passenger service is ever going to be successful, we must take action to provide for a restructured and rationalized system. We need to hear from the Administration, the States, and the American public in order to develop sound Federal policy to permit safe, efficient, and cost-effective rail passenger service in areas that can attract riders. Now is the time for all interested parties to come together and chart a new course for intercity rail passenger transportation.

The summary follows.

The Rail Passenger Service Improvement Act—Summary of Major Provisions

Purpose: to enable the emergence of a new rail passenger system that would be overseen by the Department of Transportation, but operated by competing franchises, including Amtrak; to require Amtrak's restructuring, financial stabilization and privatization through the creation of an Amtrak Control Board; and to require States to play a bigger role with regard to routing decisions and financial responsibilities. Specifically the legislation:

Directs the Secretary of Transportation to establish a Rail Passenger Development and Franchising Office within the Federal Railroad Administration (FRA). Beginning October 1, 2003, the Secretary would be authorized to contract out rail passenger service to franchises that meet specified safety and liability requirements, provided such operations would not result in a significant downgrade in rail freight service. Franchises would be required to demonstrate efforts to reach mutual agreements with freight carriers to obtain trackage access prior to being awarded a contract.

Directs Amtrak to restructure into three separate subsidiaries to be managed as for-profit businesses with transparent accounting systems: Amtrak Operations, Amtrak Maintenance, and Intercity Rail Reservations. Each subsidiary would be privatized no later than four years after enactment.

Establishes an Amtrak Control Board, modeled after the DC Control Board, to help address Amtrak's financial crisis. The Amtrak Control Board would direct Amtrak's operational restructuring, approve budgets and financial plans, and oversee privatization.

Requires States to play a greater role, both in route decisions and financial contributions, to allow for a more utilized route system to evolve, with service provided on viable routes or where States contribute to cover operating losses. Beginning October 1, 2003, Amtrak would halt service over any route where revenues do not cover expenses unless states contribute financial support to cover losses.

Gives States flexibility to use highway trust fund dollars on rail passenger service at each state's discretion.

Authorizes funding to address rail passenger security and tunnel life-safety needs.

Authorizes funding for Amtrak operating and Railroad Retirement obligations on a reduced sliding scale. Authorizes funding for the Secretary of Transportation to address rail passenger capital costs and the backlog of infrastructure investment identified by the DOT-Inspector General to bring the Northeast Corridor up to a "state of good repair." Other users and states along the corridor would also contribute to capital costs, much like States must contribute toward highway and airport infrastructure. In exchange for eliminating financial obligations, Amtrak must give up rights and ownership to the Northeast Corridor for which the Secretary already holds a 999-year mortgage.•

By Mr. HARKIN (for himself, Mr. FITZGERALD, and Mr. JOHNSON):

S. 1960. A bill to amend the Biomass Research and Development Act of 2000 to encourage production of biobased energy products, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

• Mr. HARKIN. Mr. President, I am introducing today the Biobased Energy Incentives Act of 2002. I am pleased to be joined by Senators FITZGERALD and JOHNSON. This legislation amends the Biomass Research and Development Act of 2000 and establishes a biobased energy incentive program within the Department of Agriculture.

The program provides payments to eligible biofuels producers through the Commodity Credit Corporation for using certain commodities to produce ethanol and biodiesel. All ethanol and biodiesel producers will be eligible to participate in the program. However, payment levels will be a little higher for smaller producers, giving them a better chance to compete with their larger counterparts. Payments to any one producer will be capped at 7 percent of the total funds made available for a fiscal year.

This legislation comes at the right time. The Department of Agriculture has run a bioenergy program on a pilot basis for the past two years. It has shown very promising initial results. In Iowa, for instance, the program has helped bring down the price of soy diesel. Cedar Rapids now has dozens of vehicles that run on a blend of soy and regular diesel. Over the same time that this program has operated, the U.S. ethanol industry has established production records almost every month. Nearly 20 new ethanol plants began construction last year, assuring continued expansion of the industry.

Yet there is no guarantee the Department will continue the program. A continuation is not in the Administration's budget proposal for fiscal year 2003. We can't afford to see this type of initiative flounder or, worse yet, end. Our bill, if passed, will require the Department of Agriculture to run a bioenergy program indefinitely with secure funding.

The benefits of this legislation are obvious. Increased renewable fuel production lessens our dependence on foreign oil, provides environmental and public health gains, bolsters farm income, creates jobs and boosts economic growth, especially in rural areas. This also contributes to a sound homeland security strategy. The Nation must become energy independent, and domestically produced renewable fuels, along with other forms of renewable energy like wind power and biomass, play an important part in this endeavor.

I want to thank Senator FITZGERALD and Senator JOHNSON for co-sponsoring this legislation with me. Their leadership in this area will be essential in moving the bill forward. I am hopeful we can pass this bill quickly to help secure a brighter future for our nation's farmers and fellow citizens.

I ask that the text of the bill be printed in the RECORD.

The bill follows.

S. 1960

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Biobased Energy Incentive Act of 2002".

SEC. 2. PRODUCTION OF BIOBASED ENERGY PRODUCTS.

The Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) by redesignating section 310 as section 311; and

(2) by inserting after section 309 the following:

"SEC. 310. PRODUCTION OF BIOBASED ENERGY PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) BIOBASED ENERGY PRODUCT.—The term 'biobased energy product' means biodiesel or ethanol fuel.

"(2) BIODIESEL.—The term 'biodiesel' means a monoalkyl ester that meets the requirements of ASTM D6751.

"(3) ELIGIBLE COMMODITY.—The term 'eligible commodity' means wheat, corn, grain sorghum, barley, oats, rice, soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard, crambe, sesame seed, cottonseed, and cellulosic commodities (such as hybrid poplars and switch grass).

"(4) ELIGIBLE PRODUCER.—The term 'eligible producer' means a producer that—

"(A) uses an eligible commodity to produce a biobased energy product; and

"(B) enters into a contract with the Secretary under subsection (b)(2).

"(5) NEW PRODUCER.—The term 'new producer' means an eligible producer that has not used an eligible commodity to produce a biobased energy product during the preceding fiscal year.

"(b) BIOBASED ENERGY INCENTIVE PROGRAM.—

"(1) ESTABLISHMENT.—The Secretary shall establish a biobased energy incentive program under which the Secretary shall make payments to eligible producers to promote the use of eligible commodities to produce biobased energy products.

"(2) CONTRACTS.—

"(A) IN GENERAL.—To be eligible to receive a payment, an eligible producer shall enter into a contract with the Secretary under which the producer shall agree to increase the use of eligible commodities to produce biobased energy products during 1 or more fiscal years.

"(B) QUARTERLY PAYMENTS.—Under a contract—

"(i) the eligible producer shall agree to increase the use of eligible commodities to produce biobased energy products during each fiscal year covered by the contract; and

"(ii) the Secretary shall make payments to the eligible producer for each quarter of the fiscal year.

"(3) AMOUNT.—Subject to paragraphs (6) through (8), the amount of a payment made to an eligible producer for a fiscal year under this subsection shall be determined by multiplying—

"(A) the payment quantity for the fiscal year determined under paragraph (4); by

"(B) the payment rate determined under paragraph (5).

"(4) PAYMENT QUANTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity for payments made to an eligible producer for a fiscal year under this subsection shall equal the difference between—

"(i) the quantity of eligible commodities that the eligible producer agrees to use, under the contract entered into with the Secretary, to produce biobased energy products during the fiscal year; and

"(ii) the quantity of eligible commodities that the eligible producer used to produce biobased energy products during the preceding fiscal year.

"(B) New producers.—The payment quantity for payments made to a new producer for the first fiscal year of a contract under this subsection shall equal 25 percent of the quantity of eligible commodities that the eligible producer uses to produce biobased energy products during the fiscal year.

"(5) Payment rate.—

"(A) In general.—Subject to subparagraph (B), the payment rate for payments made to an eligible producer under this subsection for the use of an eligible commodity shall be determined by the Secretary to compensate the eligible producer for the local value of—

"(i) in the case of corn, 1 bushel of corn for each 3 bushels of additional corn that is used to produce a biobased energy product; and

"(ii) in the case of each other eligible commodity, an equivalent quantity determined by the Secretary.

"(B) Small-scale producers.—The payment rate for payments made to an eligible producer that has an annual capacity of less than 60,000,000 gallons of biobased energy products shall be at least 25 percent higher than the payment rate for other eligible producers, as determined by the Secretary.

"(6) Proration.—If the amount made available for a fiscal year under subsection (d)(2)(A) is insufficient to allow the payment of the amount of the payments that eligible producers (that apply for the payments) otherwise would have a right to receive under this subsection, the Secretary shall prorate the amount of the funds among all such eligible producers.

"(7) Overpayments.—If the total amount of payments that an eligible producer receives for a fiscal year under this section exceeds the amount the eligible producer should have received under this subsection, the producer shall repay the amount of the overpayment to the Secretary, plus interest (as determined by the Secretary).

"(8) Limitation.—No eligible producer shall receive more than 7 percent of the total amount made available for a fiscal year under subsection (d)(2)(A).

"(9) Recordkeeping and monitoring.—To be eligible to receive a payment under this subsection, an eligible producer shall—

"(A) maintain for at least 3 years records relating to the production of biobased energy products; and

"(B) make the records available to the Secretary to verify eligibility for the payments.

"(10) Other requirements.—To be eligible to receive a payment under this subsection, an eligible producer shall meet other requirements of Federal law (including regulations) applicable to the production of biodiesel or ethanol fuel.

"(c) Availability of Biobased Energy Products.—The Secretary shall establish a program to encourage wider availability of biobased energy products to consumers of gasoline and diesel fuels.

"(d) Funding.—

"(1) In general.—Subject to paragraph (2), the Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this section.

"(2) Fiscal year limitations.—The amount of funds of the Commodity Credit Corporation used to carry out this section shall not exceed—

"(A) in the case of subsection (b), $150,000,000 for fiscal year 2003 and each subsequent fiscal year; and

"(B) in the case of subsection (c), $10,000,000 for fiscal year 2003 and each subsequent fiscal year.".●

By Mr. GRAHAM (for himself, Mr. Crapo, Mr. Jeffords, and Mr. Smith of New Hampshire):

S. 1961. A bill to improve financial and environmental sustainability of the water programs of the United States; to the Commerce on Environment and Public Works.

● Mr. GRAHAM. Mr. President, I ask that the text of the bill be printed in the Record.

S. 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Water Investment Act of 2002".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Purposes.

TITLE I—FEDERAL WATER POLLUTION CONTROL ACT MODIFICATIONS

Sec. 101. Definitions.
Sec. 102. Funding for Indian programs.
Sec. 103. Requirements for receipt of funds.

TITLE II—SAFE DRINKING WATER ACT MODIFICATIONS

Sec. 201. Planning, design, and preconstruction costs.
Sec. 202. State Revolving Loan Fund.
Sec. 203. Additional subsidization.
Sec. 204. Private utilities.
Sec. 205. Competition requirements.
Sec. 206. Technical assistance for small systems.
Sec. 207. Authorization of appropriations.

TITLE III—INNOVATIONS IN FUND AND WATER QUALITY MANAGEMENT

Sec. 301. Transfer of funds.
Sec. 302. Demonstration program for water quality enhancement and management.
Sec. 303. Rate study.
Sec. 304. Effects on policies and rights.

TITLE IV—WATER RESOURCE PLANNING

Sec. 401. Findings.
Sec. 402. Definition of Secretary.
Sec. 403. Actions.
Sec. 404. Report to Congress.
Sec. 405. Authorization of appropriations.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to modernize State water pollution control revolving funds and the allocation for those funds to ensure that the funds distributed reflect water quality needs;

(2) to streamline State water pollution control assistance programs and State drinking water-treatment assistance programs to maximize use of Federal funds and encourage maximum efficiency for States and localities;

(3) to provide additional structure to the water supply research conducted in the United States; and

(4) to ensure that the Federal Government is performing the appropriate role in analyzing regional and national water supply trends.

TITLE I—FEDERAL WATER POLLUTION CONTROL ACT MODIFICATIONS

SEC. 101. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

"(24) Disadvantaged community.—The term 'disadvantaged community' means a community or entity that meets affordability criteria established, after public review and comment, by the State in which the community or entity is located.

"(25) Small treatment works.—The term 'small treatment works' means a treatment works (as defined in section 212) serving a population of 10,000 or less.".

SEC. 102. FUNDING FOR INDIAN PROGRAMS.

Section 518 of the Federal Water Pollution Control Act (33 U.S.C. 1377) is amended by striking subsection (c) and inserting the following:

"(c) Reservation of Funds.—

"(1) In general.—For fiscal year 1987 and each fiscal year thereafter, the Administrator shall reserve, before allotments to the States under section 604(a), not less than 0.5 percent nor more than 1.5 percent of the funds made available under section 207.

"(2) Use of funds.—Funds reserved under this subsection shall be available only for grants for the development of waste treatment management plans and for the construction of sewage treatment works to serve—

"(A) Indian tribes;

"(B) former Indian reservations in Oklahoma (as determined by the Secretary of the Interior); and

"(C) Native villages (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)).".

SEC. 103. REQUIREMENTS FOR RECEIPT OF FUNDS.

(a) Grants to States for Establishment of Revolving Funds.—Section 601(a) of the Federal Water Pollution Control Act (33 U.S.C. 1381(a)) is amended by striking "for providing assistance (1)" and all that follows and inserting the following: "for providing assistance for eligible projects in accordance with section 603(c).".

(b) Projects Eligible for Assistance.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (c) and inserting the following:

"(c) Projects Eligible for Assistance.—

"(1) In general.—Funds available to each State water pollution control revolving fund shall be used only for—

"(A) providing financial assistance to a municipality, intermunicipal, interstate, or State agency, or private utility, for construction (including costs for planning, design, associated preconstruction, and necessary activities for siting the facility and related elements) of treatment works (as defined in section 212);

"(B) implementation of a management program established under section 319;

"(C) development and implementation of a conservation and management plan under section 320;

"(D) water conservation projects or activities that provide 1 or more water quality benefits; or

"(E) reuse, reclamation, or recycling projects that provide 1 or more water quality benefits.

"(2) Maintenance of fund.—

"(A) In general.—The fund shall be established, maintained, and credited with repayments.

"(B) Availability.—Any balances in the fund shall be available in perpetuity for providing financial assistance described in paragraph (1).

"(3) Approaches.—Projects eligible to receive assistance from a State water pollution control revolving fund under this title may include projects that use 1 or more nontraditional approaches (such as land conservation, low-impact development technologies, redevelopment of waterfront brownfields, watershed management actions, decentralized wastewater treatment innovations, and other nonpoint best management practices).".

(c) Extension of Loans; Types of Assistance.—Section 603(d) of the Federal Water Pollution Control Act (33 U.S.C. 1383(d)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ", at terms not to exceed 20 years";

(B) by striking subparagraph (B) and inserting the following:

"(B)(i) annual principal and interest payments shall commence not later than 1 year after the date of completion of any project for which the loan was made; and

"(ii) except as provided in subparagraph (C), each loan shall be fully amortized not later than 20 years after the date of completion of the project for which the loan is made;";

(C) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively;

(D) by inserting after subparagraph (B) the following:

"(C) in the case of a disadvantaged community, a State may provide an extended term for a loan if the extended term—

"(i) terminates not later than the date that is 30 years after the date of completion of the project; and

"(ii) does not exceed the expected design life of the project.";

(E) in subparagraph (D) (as redesignated by subparagraph (C)), by inserting ", or, in the case of a privately owned system, demonstrate that adequate security exists," after "revenue"; and

(F) in subparagraph (E) (as redesignated by subparagraph (C)), by inserting "State loan" before "fund";

(2) in paragraph (6), by striking "and" at the end;

(3) by redesignating paragraph (7) as paragraph (10);

(4) by inserting after paragraph (6) the following:

"(7) subject to subsection (e)(2), by a State to provide additional subsidization (including forgiveness of principal) to 1 or more treatment works for use in developing technical, managerial, and financial capacity in accordance with subsection (i);

"(8) by a State to provide additional subsidization (including forgiveness of principal) to 1 or more treatment works for a purpose other than a purpose specified in paragraph (7) or (9), except that—

"(A) for the first fiscal year that begins after the date of enactment of this paragraph and each fiscal year thereafter, the total amount of subsidization provided by a State under this paragraph shall not exceed 15 percent of the amount of all capitalization grants received by the State for the fiscal year;

"(B) notwithstanding section 204(b)(1), the State, as part of an assistance agreement between the State and each applicable treatment works, shall ensure, to the maximum extent practicable, that additional subsidization provided under this paragraph is directed through the user charge rate system to disadvantaged users within the residential user class of the community (as defined by the State based on affordability criteria and after an opportunity for public review and comment) in which the treatment works is located; and

"(C) a community that receives assistance as a disadvantaged community under paragraph (9) shall not be eligible for assistance under this paragraph;

"(9) subject to subsection (e)(2), by the State to provide additional subsidization (including forgiveness of principal) to a disadvantaged community, or to a community or entity that the State expects to become a disadvantaged community as the result of a proposed project, that receives a loan from the State under this title; and"; and

(5) in paragraph (10) (as redesignated by paragraph (3)), by striking "that such amounts shall not exceed 4" and inserting "that, beginning in fiscal year 2003, those amounts shall not exceed 5".

(d) Limitations.—Section 603(e) of the Federal Water Pollution Control Act (33 U.S.C. 1383(e)) is amended—

(1) by striking "(e)" and all that follows through "If a State" and inserting the following:

"(e) Limitations.—

"(1) Prevention of double benefits.—If a State"; and

(2) by adding at the end the following:

"(2) Total amount of subsidies.—For each fiscal year, the total amount of loan subsidies made by a State under paragraphs (7) and (9) of subsection (d) may not exceed 30 percent of the amount of all capitalization grants received by the State for the fiscal year.".

(e) Consistency With Planning Requirements.—Section 603(f) of the Federal Water Pollution Control Act (33 U.S.C. 1383(f)) is amended—

(1) by striking "A State may" and inserting the following:

"(1) In general.—A State may";

(2) by striking "320 of this Act." and inserting "320."; and

(3) by adding at the end the following:

"(2) Community development.—A State that provides financial assistance from the water pollution control revolving fund of the State shall ensure that applicants for the assistance consult and coordinate with, as appropriate, agencies responsible for developing any—

"(A) local land use plans;

"(B) regional transportation improvement and long-range transportation plans; and

"(C) State, regional, and municipal watershed plans.".

(f) Priority System Requirement.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by striking subsection (g) and inserting the following:

"(g) Priority System Requirement.—

"(1) Definition of state agency.—In this subsection, the term 'State agency' means the agency of a State having jurisdiction over water quality management (including the establishment of water quality standards).

"(2) Development.—

"(A) In general.—Notwithstanding section 216, each State agency shall develop and periodically update a project priority system for use in prioritizing projects that are eligible to receive funding from the water pollution control revolving fund of the State in accordance with subsection (c).

"(B) Requirements.—In developing the project priority system, a State agency shall—

"(i) take into consideration all available water quality data for the State; and

"(ii) provide for public notice and opportunity for comment, including significant public outreach.

"(3) Summary of projects.—

"(A) In general.—Each State agency, after public notice and opportunity for comment, shall biennially publish a summary of projects in the State that are eligible for assistance under this title.

"(B) Inclusions.—The summary under subparagraph (A) shall include—

"(i) the priority assigned to each project under the priority system of the State developed under paragraph (2); and

"(ii) the funding schedule for each project, to the extent that such information is available.

"(4) Statement of policy.—It is the policy of Congress that projects in a State that are carried out using assistance provided under this title shall be funded, to the maximum extent practicable, through a project priority system of the State that, in the estimation of the State, is designed to achieve optimum water quality management, consistent with the public health and water quality goals and requirements of this Act.".

(g) Additional Requirements for Water Pollution Control Revolving Funds.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by adding at the end the following:

"(i) Technical, Managerial, and Financial Capacity for Optimal Performance.—

"(1) Definition of state agency.—In this subsection, the term 'State agency' has the meaning given the term in subsection (g)(1).

"(2) Strategy.—

"(A) In general.—Not later than 3 years after the date of enactment of this subsection, each State agency shall implement a strategy to assist treatment works in the State receiving assistance under this title in—

"(i) attaining and maintaining technical, managerial, operations, maintenance, and capital investments; and

"(ii) meeting and sustaining compliance with applicable Federal and State laws.

"(B) Requirements.—In preparing the strategy described in subparagraph (A), the State shall consider, solicit public comment on, and include in the strategy—

"(i) a description of the institutional, regulatory, financial, tax, or legal factors at the Federal, State, and local levels that encourage or impair the development of technical, managerial, and financial capacity; and

"(ii) a description of the manner in which the State intends to use the authorities and resources of the State to assist treatment works in attaining and maintaining technical, managerial, and financial capacity.

"(3) Determination by administrator.—Except as provided in subsection (k), if the Administrator determines that a State agency has not developed or implemented a strategy in accordance with paragraph (2), the Administrator shall—

"(A) withhold 20 percent of each capitalization grant made to the State under this title after the date of the determination; and

"(B) permit the State a 1-year period, beginning on the date on which funds are withheld under subparagraph (A), during which the State may implement a strategy in accordance with paragraph (2).

"(4) Reallotment of funds.—

"(A) In general.—If, after the 1-year period described in paragraph (3)(B), the Administrator is not satisfied that a State has carried out adequate corrective action relating to the development and implementation of a strategy required under paragraph (2), the Administrator shall reallot all funds of the State withheld by the Administrator as of that date in accordance with subparagraph (B).

"(B) Requirements for reallotment.—The Administrator shall reallot funds under subparagraph (A)—

"(i) only to States that the Administrator determines to be in compliance with this subsection; and

"(ii) in the same ratio provided under the most recent formula for the allotment of funds under this title.

"(5) Condition for receipt of assistance.—

"(A) In general.—Except as provided in subparagraph (B) and subsection (k), beginning on the date that is 3 years after the date of enactment of this subsection, the State shall require each treatment works that receives significant assistance under this title to demonstrate adequate technical, managerial, and financial capacity, including the establishment and implementation by the treatment works of an asset management plan (for which the Administrator may publish information to assist States in determining required content) that—

"(i) conforms to generally accepted industry practices; and

"(ii) includes—

"(I) an inventory of existing assets (including an estimate of the useful life of those assets); and

"(II) an optimal schedule of operations, maintenance, and capital investment required to meet and sustain performance objectives for the treatment works established in accordance with applicable Federal and State laws over the useful life of the treatment works.

"(B) Exception.—Notwithstanding subparagraph (A), a treatment works may receive assistance under this title if the State determines that the assistance would enable the treatment works to attain adequate technical, managerial, and financial capacity.

"(j) Restructuring.—Notwithstanding section 204(b)(1), except as provided in subsection (k), a State may provide assistance from the water pollution control revolving fund of the State for a project only if the recipient of the assistance—

"(1) has considered—

"(A) consolidating management functions or ownership with another facility;

"(B) forming public-private partnerships or other cooperative partnerships; and

"(C) using nonstructural alternatives or technologies that may be more environmentally sensitive; and

"(2) has in effect a plan to achieve, within a reasonable period of time, a rate structure that, to the maximum extent practicable—

"(A) reflects the actual cost of service provided by the recipient; and

"(B) addresses capital replacement funds; and

"(3) has in effect, or will have in effect on completion of the project, an asset management plan described in subsection (i)(5).

"(k) Exemption for Assistance Solely for Planning, Design, and Preconstruction Activities.—Subsection (j) and paragraphs (3) and (5) of subsection (i) shall not apply to assistance provided under this title that is to be used by a treatment works solely for planning, design, or preconstruction activities.

"(l) Technical Assistance.—

"(1) Definition of qualified nonprofit technical assistance provider.—In this subsection, the term 'qualified nonprofit technical assistance provider' means a nonprofit entity that provides technical assistance (such as circuit-rider programs, training, and preliminary engineering evaluations) to small treatment works that—

"(A) serve not more than 3,300 users; and

"(B) are located in a rural area.

"(2) Grant program.—

"(A) In general.—The Administrator may make grants to a qualified nonprofit technical assistance provider for use in assisting small treatment works in planning, developing, and obtaining financing for eligible projects described in subsection (c).

"(B) Distribution of grants.—In carrying out this subsection, the Administrator shall ensure, to the maximum extent practicable, that technical assistance provided using funds from a grant under subparagraph (A) is made available in each State.

"(C) Consultation.—As a condition of receiving a grant under this subsection, a qualified nonprofit technical assistance provider shall consult with each State in which grant funds are to be expended or otherwise made available before the grant funds are expended or made available in the State.

"(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $7,000,000 for each of fiscal years 2003 through 2007.

"(m) Competition Requirements.—

"(1) In general.—The requirements described in section 204(a)(6) shall apply to each specification for bids for projects receiving assistance under this title.

"(2) Single bids.—Nothing in this subsection prohibits a recipient of assistance under this title that receives only 1 bid for a project described in paragraph (1) from accepting the bid and carrying out the project.

"(n) No Judicial Review.—A determination by a State to provide financial assistance under this title shall not be subject to judicial review.".

(h) Allotment of Funds.—Section 604(a) of the Federal Water Pollution Control Act (33 U.S.C. 1384(a)) is amended by striking subsection (a) and inserting the following:

"(a) Formula.—

"(1) Allocation.—

"(A) In general.—Except as provided in paragraph (2) and subject to subsection (b), funds made available to carry out this title for each of fiscal years 2003 through 2006 shall be allocated by the Administrator as follows:

"(i) Amounts of $1,350,000,000 or less.—$1,350,000,000 (or, if the total amount made available for the fiscal year is less than that amount, the total amount made available) shall be allocated in accordance with a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted under section 516(2), except that the minimum proportionate share provided to each State shall be 1.1 percent of available funds.

"(ii) Amounts between $1,350,000,000 and $1,550,000,000.—Amounts greater than $1,350,000,000 but less than $1,550,000,000 made available for the fiscal year shall be allocated by the Administrator in accordance with a formula that allocates to each State a proportionate share equal to the difference between—

"(I) the amount received under clause (i); and

"(II) the amount that the State would have received under section 205(c);

in cases in which an amount received by the State under clause (i) is less than the amount that would have been received by the State under section 205(c).

"(iii) Amounts greater than $1,550,000,000.—Any amounts equal to or greater than $1,550,000,000 that are made available for the fiscal year shall be allocated in accordance with a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted under section 516(2), except that the minimum proportionate share provided to each State shall be 1.1 percent of available funds.

"(B) Subsequent fiscal years.—For fiscal year 2007 and each fiscal year thereafter, funds shall be allocated in accordance with a formula that allocates to each State the proportional share of the State needs identified in the most recent survey conducted pursuant to section 516(2), except that the minimum proportionate share provided to each State shall be 1 percent of available funds.

"(2) Private utilities.—If a State elects to include the needs of private utilities in the needs survey used to develop the allocation formula described in paragraph (1), the State shall ensure that the private utilities are eligible to receive funds under this title.".

(i) Audits, Reports, and Fiscal Controls; Intended Use Plan.—Section 606 of the Federal Water Pollution Control Act (33 U.S.C. 1386) is amended—

(1) in subsection (c)—

(A) by inserting "(including significant public outreach)" after "review"; and

(B) by striking paragraph (1) and inserting the following:

"(1) a summary of the priority projects developed under section 603(g) for which the State intends to provide assistance from the water pollution control revolving fund of the State for the year covered by the plan;"; and

(2) in subsection (d)—

(A) in the subsection heading, by striking "Report" and inserting "Reports";

(B) by striking "Beginning the" and inserting the following:

"(1) In general.—Beginning in the"; and

(C) by adding at the end the following:

"(2) Report on technical, managerial, and financial capacity.—Not later than 2 years after the date on which a State first adopts a strategy in accordance with section 603(j)(2), and annually thereafter, the State shall submit to the Administrator a report on the progress made in improving the technical, managerial, and financial capacity of treatment works in the State (including the progress of the State in complying with the amendments to section 603 made by the Water Investment Act of 2002).

"(3) Availability.—A State that submits a report under this subsection shall make the report available to the public.".

(j) Authorization of Appropriations.—The Federal Water Pollution Control Act is amended by striking section 607 (33 U.S.C. 1387) and inserting the following:

"SEC. 607. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated to carry out this title—

"(1) $3,200,000 for each of fiscal years 2003 and 2004;

"(2) $3,600,000 for fiscal year 2005;

"(3) $4,000,000 for fiscal year 2006; and

"(4) $6,000,000 for fiscal year 2007.

"(b) Availability.—Amounts made available under this section shall remain available until expended.

"(c) Reservation for Needs Surveys.—Of the amount made available under subsection (a) to carry out this title for a fiscal year, the Administrator may reserve not more than $1,000,000 per year to pay the costs of conducting needs surveys under section 516(2).".

(k) Conforming Amendment.—Section 216 of the Federal Water Pollution Control Act (33 U.S.C. 1296) is amended—

(1) in the first sentence, by inserting "in accordance with section 603(g)" before "the determination"; and

(2) by striking the "Not less than 25 per centum" and all that follows.

TITLE II—SAFE DRINKING WATER ACT MODIFICATIONS

SEC. 201. PLANNING, DESIGN, AND PRECONSTRUCTION COSTS.

Section 1452(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(2)) is amended in the second sentence by striking "(not" and inserting "(including planning, design, and associated preconstruction expenditures but not".

SEC. 202. STATE REVOLVING LOAN FUND.

(a) IN GENERAL.—Section 1452(a)(3)(B)(ii) of the Safe Drinking Water Act (42 U.S.C. 300j–12(a)(3)(B)(ii)) is amended by inserting "and the formation of regional partnerships" after "procedures".

(b) PUBLIC OUTREACH.—Section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)) is amended in paragraphs (1) and (3)(B) by inserting "(including significant public outreach)" after "comment" each place it appears.

(c) TYPES OF ASSISTANCE.—Section 1452(f) of the Safe Drinking Water Act (42 U.S.C. 300j–12(f)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "and" at the end; and

(B) by adding at the end the following:

"(E) the recipient of the loan funds considers, during the planning and engineering phase of each project for which the loan funds are received—

"(i) consolidating management functions or ownership with another facility;

"(ii) forming public-private partnerships or other cooperative partnerships; and

"(iii) using nonstructural alternatives or technologies that may be more environmentally sensitive;

"(F) the recipient of the loan funds has in effect a plan to achieve, within a reasonable period of time, a rate structure that, to the maximum extent practicable—

"(i) reflects the actual cost of service provided by the recipient; and

"(ii) addresses capital replacement funds; and

"(G) the recipient of each loan that reflects a significant capital investment has in effect, or will have in effect on completion of the project, an asset management plan (for which the Administrator may publish information to assist States in determining required content) that—

"(i) conforms to generally accepted industry practices; and

"(ii) includes—

"(I) an inventory of existing assets (including an estimate of the useful life of the assets); and

"(II) an optimal schedule of operations, maintenance, and capital investment required to meet and sustain performance objectives;";

(2) in paragraph (4), by striking "and" at the end;

(3) in paragraph (5), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(6) to reduce costs incurred by a municipality in issuing bonds.".

(d) CONSULTATION AND COORDINATION WITH STATE AGENCIES; JUDICIAL REVIEW.—Section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j–12(g)) is amended by adding at the end the following:

"(5) CONSULTATION AND COORDINATION WITH STATE AGENCIES.—A State that provides financial assistance from the drinking water revolving fund of the State shall ensure that applicants for the assistance consult and coordinate with, as appropriate, agencies responsible for developing any—

"(A) local land use plans;

"(B) regional transportation improvement and long-range transportation plans; and

"(C) State, regional, and municipal watershed plans.

"(6) NO JUDICIAL REVIEW.—A determination by a State to provide financial assistance under this section shall not be subject to judicial review.".

(e) OTHER AUTHORIZED ACTIVITIES.—Section 1452(k)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(k)(1)) is amended by striking subparagraph (D) and inserting the following:

"(D) Make expenditures for the development and implementation of source water protection programs.

"(E) Provide assistance for consolidation among community water systems for the purpose of—

"(i) meeting national primary drinking water standards; or

"(ii) making more efficient use of funds made available under subsection (a)(2).".

SEC. 203. ADDITIONAL SUBSIDIZATION.

Section 1452(d)(1) of the Safe Drinking Water Act (42 U.S.C. 300j–12(d)(1)) is amended—

(1) by striking "Notwithstanding any other provision" and inserting the following:

"(A) IN GENERAL.—Notwithstanding any other provision"; and

(2) by adding at the end the following:

"(B) SUBSIDIZATION FOR DISADVANTAGED USERS.—

"(i) IN GENERAL.—Subject to clause (ii), a State may provide additional subsidization under subparagraph (A) for a fiscal year for a community that does not meet the definition of a disadvantaged community if the State, as part of the assistance agreement between the State and the recipient of the assistance, ensures that the additional subsidization provided under this paragraph is directed through the user charge rate system to disadvantaged users within the residential user class of the community (as defined by the State based on affordability criteria).

"(ii) MAXIMUM AMOUNT.—Assistance provided by a State under clause (i) shall not exceed 15 percent of the amount of the capitalization grant received by the State for the fiscal year.

"(iii) GUIDANCE.—The Administrator may publish guidance to assist States in identifying disadvantaged users described in clause (i).".

SEC. 204. PRIVATE UTILITIES.

Section 1452(h) of the Safe Drinking Water Act (42 U.S.C. 300j–12(h)) is amended—

(1) by striking "The Administrator" and inserting the following:

"(1) IN GENERAL.—The Administrator"; and

(2) by adding at the end the following:

"(2) PRIVATE UTILITIES.—If a State elects to include the needs of private utilities in the needs survey under paragraph (1), the State shall ensure that the private utilities are eligible to receive funds under this title.".

SEC. 205. COMPETITION REQUIREMENTS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by adding at the end the following:

"(s) COMPETITION REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), as a condition of receipt of funds under this section, no specification for bids prepared for projects to be carried out using the funds shall be written in such a manner as to contain any proprietary, exclusionary, or discriminatory requirement, other than requirements based on performance, unless such requirements are necessary to test or demonstrate a specific thing or to provide for necessary interchangeability of parts and equipment. If, in the judgment of a recipient of funds, it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a 'brand name or equal' description may be used as a means to define the performance or other salient requirements of a procurement, and in doing so the recipient need not establish the existence of any source other than the brand or source so named.

"(2) SINGLE BIDS.—Nothing in this subsection prohibits a recipient of assistance under this title that receives only 1 bid for a project described in paragraph (1) from accepting the bid and carrying out the project.".

SEC. 206. TECHNICAL ASSISTANCE FOR SMALL SYSTEMS.

(a) SMALL PUBLIC WATER SYSTEMS TECHNOLOGY ASSISTANCE CENTERS.—Section 1420(f) of the Safe Drinking Water Act (42 U.S.C. 300g–9(f)) is amended—

(1) in paragraph (2), by inserting "technology verification, pilot and field testing of innovative technologies, and" after "shall include"; and

(2) by striking paragraph (6) and inserting the following:

"(6) REVIEW AND EVALUATION.—

"(A) IN GENERAL.—Not less often than every 2 years, the Administrator shall review and evaluate the program carried out under this subsection.

"(B) DISQUALIFICATION.—If, in carrying out this subsection, the Administrator determines that a small public water system technology assistance center is not carrying out the duties of the center, the Administrator—

"(i) shall notify the center of the determination of the Administrator; and

"(ii) not later than 180 days after the date of the notification, may terminate the provision of funds to the center.

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection **$5,000,000** for each of fiscal years **2003** through **2007**, to be distributed to the centers in accordance this subsection.".

(b) ENVIRONMENTAL FINANCE CENTERS.—Section 1420(g) of the Safe Drinking Water Act (42 U.S.C. 300g–9(g)) is amended by striking paragraph (4) and inserting the following:

"(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection **$1,500,000** for each of fiscal years **2003** through **2007**.".

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12) is amended by striking subsection (m) and inserting the following:

"(m) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) **$1,500,000** for fiscal year **2003**;

"(B) **$2,000,000** for each of fiscal years **2004** and **2005**;

"(C) **$3,500,000** for fiscal year **2006**; and

"(D) **$6,000,000** for fiscal year **2007**.

"(2) AVAILABILITY.—Amounts made available under this subsection shall remain available until expended.

"(3) RESERVATION FOR NEEDS SURVEYS.—Of the amount made available under paragraph (1) to carry out this section for a fiscal year, the Administrator may reserve not more than **$1,000,000** per year to pay the costs of conducting needs surveys under subsection (h).".

TITLE III—INNOVATIONS IN FUND AND WATER QUALITY MANAGEMENT

SEC. 301. TRANSFER OF FUNDS.

(a) WATER POLLUTION CONTROL FUND.—Section 603 of the Federal Water Pollution Control Act (33 U.S.C. 1383) is amended by adding at the end the following:

"(i) TRANSFER OF FUNDS.—

"(1) IN GENERAL.—A Governor of the State may—

"(A) reserve up to 33 percent of a capitalization grant made under this title and add the funds reserved to any funds provided to the State under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j–12); and

"(B) reserve in any year an amount up to the amount that may be reserved under subparagraph (A) for that year from capitalization grants made under section 1452 of that Act (42 U.S.C. 300j–12) and add the reserved funds to any funds provided to the State under this title.

"(2) STATE MATCH.—Funds reserved under this subsection shall not be considered to be a State contribution for a capitalization grant required under this title or section 1452(b) of the Safe Drinking Water Act (42 U.S.C. 300j–12(b)).".

(b) SAFE DRINKING WATER FUND.—Section 1452(g) of the Safe Drinking Water Act (42 U.S.C. 300j-12(g)) is amended—

(1) in paragraph (2), by striking "4" and inserting "5"; and

(2) by adding at the end the following:

"(5) TRANSFER OF FUNDS.—

"(A) IN GENERAL.—A Governor of the State may—

"(i) reserve up to 33 percent of a capitalization grant made under this section and add the funds reserved to any funds provided to the State under section 601 of the Federal Water Pollution Control Act (33 U.S.C. 1381); and

"(ii) reserve in any year an amount up to the amount that may be reserved under clause (i) for that year from capitalization grants made under section 601 of that Act (33 U.S.C. 1381) and add the reserved funds to any funds provided to the State under this section.

"(B) STATE MATCH.—Funds reserved under this paragraph shall not be considered to be a State match of a capitalization grant required under this section or section 602(b) of the Federal Water Pollution Control Act (33 U.S.C. 1382(b)).".

SEC. 302. DEMONSTRATION PROGRAM FOR WATER QUALITY ENHANCEMENT AND MANAGEMENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a nationwide demonstration program to—

(A) promote innovations in technology and alternative approaches to water quality management or water supply; and

(B) reduce costs to municipalities incurred in complying with—

(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

(2) SCOPE.—The demonstration program shall consist of 10 projects per year, to be carried out in municipalities selected by the Administrator under subsection (b).

(b) SELECTION OF MUNICIPALITIES.—

(1) APPLICATION.—A municipality that seeks to be selected to participate in the demonstration program shall submit to the Administrator a plan that—

(A) is developed in coordination with—

(i) the agency of the State having jurisdiction over water quality or water supply matters; and

(ii) interested stakeholders;

(B) describes water impacts specific to urban and rural areas;

(C) includes a strategy under which the municipality, through participation in the demonstration program, could effectively—

(i) address those problems; and

(ii) achieve the same water quality goals as those goals that—

(I) could be achieved using more traditional methods; or

(II) are mandated under—

(aa) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and

(bb) the Safe Drinking Water Act (42 U.S.C. 300f et seq.); and

(D) includes a schedule for achieving the goals of the municipality.

(2) TYPES OF PROJECTS.—In carrying out the demonstration program, the Administrator may select projects relating to such matters as—

(A) excessive nutrient growth;

(B) urban or rural pressure;

(C) a lack of an alternative water supply;

(D) difficulties in water conservation and efficiency;

(E) a lack of support tools and technologies to rehabilitate and replace water supplies;

(F) a lack of monitoring and data analysis for distribution systems;

(G) nonpoint source water pollution;

(H) sanitary overflows;

(I) combined sewer overflows;

(J) problems with naturally-occurring constituents of concern; or

(K) problems with erosion and excess sediment.

(3) RESPONSIBILITIES OF ADMINISTRATOR.—In selecting municipalities under this subsection, the Administrator shall—

(A) ensure, to the maximum extent practicable—

(i) the inclusion in the demonstration program of a variety of projects with respect to—

(I) geographic distribution;

(II) innovative technologies used for the projects; and

(III) nontraditional approaches (including low-impact development technologies) used for the projects; and

(ii) that each category of project described in paragraph (2) is adequately represented;

(B) give higher priority to projects that—

(i) address multiple problems; and

(ii) are regionally applicable;

(C) ensure, to the maximum extent practicable, that at least 1 small community having a population of 10,000 or less receives a grant each year; and

(D) ensure that, for each fiscal year, no municipality receives more than 25 percent of the total amount of funds made available for the fiscal year to provide grants under this section.

(4) COST SHARING.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the non-Federal share of the cost of a project carried out under this section shall be at least 20 percent.

(B) WAIVER.—The Administrator may reduce or eliminate the non-Federal share of the cost of a project for reasons of affordability.

(c) REPORTS.—

(1) REPORTS FROM MUNICIPALITIES.—A municipality that is selected for participation in the demonstration program shall submit to the Administrator, on the date of completion of a project of the municipality and on each of the dates that is 1, 2, and 3 years after that date, a report that describes the effectiveness of the project.

(2) REPORTS TO CONGRESS.—Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter, the Administrator shall compile, and submit to the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives, a report that describes the status and results of the demonstration program.

(d) INCORPORATION OF RESULTS AND INFORMATION.—To the maximum extent practicable, the Administrator shall incorporate the results of, and information obtained from, successful projects under this section into programs administered by the Administrator.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2003 through 2007.

SEC. 303. RATE STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the National Academy of Sciences shall complete a study of the public water system and treatment works rate structures for communities in the United States selected by the Academy in accordance with subsection (c).

(b) REQUIRED ELEMENTS.—

(1) RATES.—The study shall, at a minimum—

(A) determine whether public water system and treatment works rates for communities included in the study adequately address the cost of service, including funds necessary to replace infrastructure;

(B) identify the manner in which the public water system and treatment works rates were determined;

(C) determine the manner in which cost of service is measured;

(D)(i) survey existing practices for establishing public water system and treatment works rates; and

(ii) identify any commonalities in factors and processes used to evaluate rate systems and make related decisions; and

(E) recommend a set of best industry practices for public water systems and treatment works for use in establishing a rate structure that—

(i) adequately addresses the true cost of service; and

(ii) takes into consideration the needs of disadvantaged individuals and communities.

(2) AFFORDABILITY.—The study shall, at a minimum—

(A) identify existing standards for affordability;

(B) determine the manner in which those standards are determined and defined;

(C) determine the manner in which affordability varies with respect to communities of different sizes and in different regions; and

(D) determine the extent to which affordability affects the decision of a community to increase public water system and treatment works rates (including the decision relating to the percentage by which those rates should be increased).

(3) DISADVANTAGED COMMUNITIES.—The study shall, at a minimum—

(A) survey a cross-section of States representing different sizes, demographics, and geographical regions;

(B) describe, for each State described in subparagraph (A), the definition of "disadvantaged community" used in the State in carrying out projects and activities under the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(C) review other means of identifying the meaning of the term "disadvantaged", as that term applies to communities;

(D) determine which factors and characteristics are required for a community to be considered "disadvantaged"; and

(E) evaluate the degree to which factors such as a reduction in the tax base over a period of time, a reduction in population, the loss of an industrial base, and the existence of areas of concentrated poverty are taken into account in determining whether a community is a disadvantaged community.

(c) SELECTION OF COMMUNITIES.—The National Academy of Sciences shall select communities, the public water system and treatment works rate structures of which are to be studied under this section, that include a cross section of communities representing various populations, income levels, demographics, and geographical regions.

(d) REPORT TO CONGRESS.—On completion of the study under this section, the National Academy of Sciences shall submit to Congress a report that describes the results of the study.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2003 and 2004.

SEC. 304. EFFECTS ON POLICIES AND RIGHTS.

(a) IN GENERAL.—Nothing in this Act—

(1) impairs or otherwise affects in any way, any right or jurisdiction of any State with respect to the water (including boundary water) of the State;

(2) supersedes, abrogates, or otherwise impairs the authority of any State to allocate quantities of water within areas under the jurisdiction of the State; or

(3) supersedes or abrogates any right to any quantity or use of water that has been established by any State.

(b) STATE WATER RIGHTS.—Notwithstanding any other provision of law, with respect to the implementation of this Act and amendments made by this Act—

(1) the management of and control over water in a State shall be subject to and in accordance with the laws of the State in which the water is located;

(2) Congress delegates to each State the authority to regulate water of the State, including the authority to regulate water in interstate commerce (including regulation of usufructuary rights, trade, and transportation); and

(3) the United States, and any agency or officer on behalf of the United States, may exercise management and control over water in a State only in compliance with the laws of the State in which the water is located.

TITLE IV—WATER RESOURCE PLANNING

SEC. 401. FINDINGS.

Congress finds that—

(1) there is ever-growing demand and competition for water from many segments of society, including municipal users, agriculture, and critical ecosystems;

(2) population growth in the United States will continue to place increasing pressure on the water supply of the United States;

(3) because sources of water do not follow political boundaries—

(A) the availability of water is increasingly becoming a regional issue; and

(B) it is more difficult to take action—

(i) to monitor the state of water resources;

(ii) to prepare for water shortages or surpluses;

(iii) to prevent the occurrence of water shortages or surpluses; or

(iv) to respond to emergency situations;

(4)(A) water shortages or surpluses can—

(i) impact public health;

(ii) limit economic and agricultural development; and

(iii) damage ecosystems; and

(B) the United States often suffers serious economic and environmental losses from water shortages or surpluses;

(5) there is no national policy to ensure an integrated and coordinated Federal strategy to monitor the state of the water resources of the United States;

(6) periodic assessments of the water resources of the United States are necessary; and

(7)(A) Congress has recognized and deferred to the States the authority to allocate and administer water within the borders of the States;

(B) the courts have confirmed that this is an appropriate role for the States; and

(C) Congress should continue to defer to States on laws and regulations governing the appropriation, distribution, and control or use of water.

SEC. 402. DEFINITION OF SECRETARY.

In this title, the term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

SEC. 403. ACTIONS.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct an assessment of the state of water resources in the United States.

(2) COMPONENTS.—The assessment shall, at a minimum—

(A) identify areas in the United States that are at significant risk for water shortages or water surpluses, as those shortages or surpluses pertain to support of human or ecosystem needs, in—

(i) the short term (1 through 10 years);

(ii) the middle term (11 through 20 years); and

(iii) the long term (21 through 50 years); and

(B) identify areas in each category described in subparagraph (A) in which water resource issues cross political boundaries.

(3) REPORT.—On completion of the assessment, the Secretary shall submit to Congress a report that describes the results of the assessment.

(b) WATER RESOURCE RESEARCH PRIORITIES.—

(1) IN GENERAL.—The Secretary shall coordinate a process among Federal agencies (including the Environmental Protection Agency) to develop and publish, not later than 1 year after the date of enactment of this Act, a list of water resource research priorities that focuses on—

(A) monitoring; and

(B) improving the quality of the information available to State, tribal, and local water resource managers.

(2) USE OF LIST.—The list published under paragraph (1) shall be used by Federal agencies as a guide in making decisions on the allocation of water research funding.

(c) INFORMATION DELIVERY SYSTEM.—

(1) IN GENERAL.—The Secretary shall coordinate a process to develop an effective information delivery system to communicate information described in paragraph (2) to—

(A) decisionmakers at the Federal, regional, State, tribal, and local levels;

(B) the private sector; and

(C) the general public.

(2) TYPES OF INFORMATION.—The information referred to in paragraph (1) may include—

(A) the results of the national water resource assessment;

(B) a summary of the Federal water research priorities developed under subsection (b);

(C) near real-time data and other information on water shortages and surpluses;

(D) planning models for water shortages or surpluses (at various levels, such as State, river basin, and watershed levels);

(E) streamlined procedures for States and localities to interact with and obtain assistance from Federal agencies that perform water resource functions; and

(F) other materials, as determined by the Secretary.

SEC. 404. REPORT TO CONGRESS.

Not later than 2 years after the date of enactment of this Act, and every 2 years thereafter through fiscal year 2007, the Secretary shall submit to Congress a report on the implementation of this title.

SEC. 405. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the Secretary to carry out this title $3,000,000 for each of fiscal years 2003 through 2007, to remain available until expended.●

Mr. JEFFORDS. Mr. President, I rise today to join my colleagues Senator GRAHAM, Senator CRAPO, and Senator SMITH of New Hampshire in introducing the Water Investment Act of 2002. This legislation seeks to provide additional resources to States, Tribes, and localities to meet water infrastructure needs. Simultaneously, it seeks to move the state of the art in water program management forward by increasing the flexibility offered to States in administering their water programs, ensuring that "next generation" of water quality issues receive the appropriate focus, and institutionalizing financial management capacity into our Nation's water systems.

Mr. President, this legislation is critical to our Nation's future. We tend to take clean water in our faucets and well-functioning, hidden sewage treatment systems for granted in this country. However, without vigilance, these luxuries can quickly disappear. The Water Investment Act of 2002 will help our communities be vigilant.

This legislation authorizes funding of over $20 billion over 5 years nationwide for clean water and $15 billion over 5 years nationwide for safe drinking water projects.

There is significant new flexibility attached to these funds.

Many of the provisions already authorized in the Safe Drinking Water Act which allow an extension of loan terms and more favorable loan terms (including principal forgiveness) for disadvantaged communities. In States such as my home State of Vermont, these types of provisions are critical as small communities struggle to meet water quality needs.

Recognizing the needs of larger communities with diverse income groups within their borders, this bill includes a new opportunity for States to provide more favorable loan terms to communities that may not be disadvantaged as a whole, but may have pockets of disadvantaged individuals as long as the community can demonstrate that the financial benefit they received will be directed through the rate structure toward disadvantaged individuals (based on income) in their service area.

The bill makes the authority to transfer funds between the Safe Drinking Water Act and Clean Water Act State revolving funds permanent.

There is financial accountability built into the Water Investment Act of 2002. We have included provisions for both the Clean Water Act and the Safe Drinking Water Act that are designed to help water utilities better manage their capital investments using asset management plans, rate structures that account for capital replacement costs, and other financial management techniques. We encourage utilities to seek innovative solutions by asking them to review options for consolidation, public-private partnerships, and low-impact technologies before proceeding with a project.

Whenever one mentions "consolidation", concerns are often raised about inadvertently providing incentives for excessive or uncontrolled growth. This legislation recognizes that concern and includes a provision that specifically requires States to ensure that water projects are coordinated with local land use plans, regional transportation improvement and long-range transportation plans, and state, regional and municipal watershed plans. As a package, this legislation will help ensure that utilities seek the most efficient organizational structure to meet their water quality needs.

I am also very pleased that the bill includes provisions ensuring that "next generation" of water quality issues receives the appropriate focus. As I worked on this legislation, I became aware that there are opportunities to use low-impact technologies to solve water quality issues that may or may not be considered by states and localities as they seek to solve water quality issues. In response, our bill includes several incentives for use of non-structural technologies. We specifically state in the statute that these approaches are eligible to receive funding under the Clean Water Act State Revolving Fund and require that recipients of funds consider the use of low-impact technologies. In addition, we authorize a demonstration program at $20 million per year over 5 years to promote innovations in technology and alternative approaches to water quality management and water supply. This program requires that a portion of the projects use low-impact development technologies.

The use of nontraditional technologies is the focus in the Water Investment Act to ensure that nonpoint source pollution receives appropriate emphasis under the Clean Water Act. The modifications this bill makes to the priority listing requirements in the Clean Water Act ensure that nonpoint source projects will be a part of the equation when funding decisions are made at the State level.

The bill also addresses eligibility issues. It clarifies that planning, design, and associated preconstruction costs are eligible for funds under the Clean Water Act and Safe Drinking Water Act State Revolving Funds as stand-alone items. This ensures that small communities who may not have the resources available to get a project ready to go on their own can receive assistance.

Small communities will also benefit from a provision in the bill that allows privately-owned wastewater facilities to access the Clean Water Act State Revolving Fund Already permitted under the Safe Drinking Water Act, this will allow small, privately-owned wastewater systems such as those located in trailer parks, to obtain much-needed financial assistance.

To ensure that both public and private small systems can actually develop the projects to solve problems, our legislation provides three main types of technical assistance for small communities. It authorizes $7 million per year over 5 years for technical assistance to small systems serving less than 3300 people located in a rural area. It reauthorizes the Small Public Water Systems Technology Assistance Centers for an additional $5 million per year over 5 years. Finally, it reauthorizes the Environmental Finance Centers for $1.5 million per year over 5 years.

We have heard from many organizations that public participation in the execution of the state revolving loan funds needs to be increased. I hope that every individual interested in how water quality projects are selected and prioritized in their States takes full advantage of existing opportunities for public participation. Our legislation takes action to ensure that there is ample opportunity for public comment when developing project priority lists and intended use plans.

There are a multitude of additional provisions in this legislation that I will leave to my colleagues to discuss. I want to thank Senator GRAHAM for his leadership on this legislation and Senators CRAPO and SMITH for their dedication to introducing a bi-partisan package today and their willingness to find a compromise when we needed one.

Water infrastructure is a major priority for the Environment and Public Works Committee during this Congress. We plan to begin an aggressive schedule to move this legislation through the Senate on February 26 with our first committee hearing, followed by our second hearing on February 28 and a markup in early March. I recognize that this issue is of great importance to every Senator, and I look forward to working with each of you to pass this important legislation that is so important to our Nation's water quality and drinking water safety.

By Mr. WYDEN (for himself, Mrs. MURRAY, and Mr. SMITH of Oregon):

S. 1962. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Finance.

• Mr. WYDEN. Mr. President, today I am pleased to introduce, for myself, Mrs. MURRAY, and Mr. SMITH of Oregon, the Capital Construction Fund Qualified Withdrawal Act of 2002.

The groundfish fishery in Oregon and adjoining States in the Pacific Northwest continues to face daunting challenges as a result of the groundfish fishery disaster, resulting in a more than 40-percent drop in the income of Oregon fishers since 1995. To assist in rebuilding healthy groundfish stocks, my goal remains to reduce overcapitalization in the groundfish fishery. We want to get the right number of fishers out there, at the right time, catching the right number of fish. This legislation supports this effort by reforming the Capital Construction Fund in a way that will ease the transition for groundfish fishers away from fishing.

The Capital Construction Fund, CCF, was created by the Merchant Marine Act of 1936, as amended in 1969, 46 U.S.C. 1177. CCF has been a way for fishers to accumulate funds, free from taxes, for the purpose of buying or refitting fishing vessels. The program has been a success; however, the CCF's usefulness has not kept up with the times, and today the CCF is exacerbating the problems facing U.S. fisheries, including the West Coast groundfish fishery.

CCF works like an Individual Retirement Account, IRA, in that deposits to the fund earn interest and are deducted from the fishermen's taxable income. But unlike IRAs, there is no limit on contributions to the CCF; so fishers are able to accumulate funds quickly. In Oregon, the amounts in the accounts range from $10,000 to over $200,000.

The problem my legislation will address is that fishers lose up to 70 percent of their funds in taxes and penalties if they withdraw funds from the CCF for purposes other than buying new vessels or upgrading current vessels. Because of the environmental problems plaguing commercial fishing, as well as the overcapitalization of the fishing fleet, fishermen who want to opt out of fishing are penalized for doing so.

This bill takes a significant step towards helping fishermen and making the West Coast groundfish fishery and the commercial fishing industry sustainable by amending the CCF to allow non-fishing uses of investments. This bill amends the Merchant Marine Act of 1936 and the Internal Revenue Code to allow funds currently in the CCF to be rolled over into an IRA or other types of retirement accounts, or to be used for the payment of an industry fee authorized by the fishery capacity reduction program, without adverse tax consequences to the account holders.

I look forward to working with my colleagues to pass this legislation, and I ask unanimous consent that the text of the bill be printed in the RECORD.

The bill follows.

S. 1962

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The Capital Construction Fund Qualified Withdrawal Act of 2002".

SEC. 2. AMENDMENT OF THE MERCHANT MARINE ACT OF 1936 TO ENCOURAGE RETIREMENT OF CERTAIN FISHING VESSELS AND PERMITS.

(a) IN GENERAL.—Section 607(a) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(a)) is amended by adding at the end the following: "Any agreement entered into under this section may be modified for the purpose of encouraging the sustainability of the fisheries of the United States by making the termination and withdrawal of a capital construction fund a qualified withdrawal if done in exchange for the retirement of the related commercial fishing vessels and related commercial fishing permits.".

(b) NEW QUALIFIED WITHDRAWALS.—

(1) AMENDMENTS TO MERCHANT MARINE ACT, 1936.—Section 607(f)(1) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)) is amended—

(A) by striking "for:" and inserting "for—";

(B) by striking "vessel" in subparagraph (A) and inserting "vessel;";

(C) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(D) by striking "vessel." in subparagraph (C) and inserting "vessel;"; and

(E) by inserting after subparagraph (C) the following:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b));

"(E) in the case of any such person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3) of the Internal Revenue Code of 1986) to such person's or shareholder's individual retirement plan (as defined in section 7701(a)(37) of such Code); or

"(F) the payment to a person or corporation terminating a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits.".

(2) SECRETARY TO ENSURE RETIREMENT OF VESSELS AND PERMITS.—The Secretary of Commerce by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by section 607(f)(1)(F) of the Merchant Marine Act, 1936 (46 U.S.C. App. 1177(f)(1)(F)) retires the related commercial use of fishing vessels and commercial fishery permits.

(c) CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 7518(e)(1) of the Internal Revenue Code of 1986 (relating to purposes of qualified withdrawals) is amended—

(A) by striking "for:" and inserting "for—";

(B) by striking "vessel, or" in subparagraph (B) and inserting "vessel;";

(C) by striking "vessel." in subparagraph (C) and inserting "vessel;";

(D) by inserting after subparagraph (C) the following:

"(D) the payment of an industry fee authorized by the fishing capacity reduction program under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a);

"(E) in the case of any person or shareholder for whose benefit such fund was established or any shareholder of such person, a rollover contribution (within the meaning of section 408(d)(3)) to such person's or shareholder's individual retirement plan (as defined in section 7701(a)(37)); or

"(F) the payment to a person terminating a capital construction fund for whose benefit the fund was established and retiring related commercial fishing vessels and permits.".

(2) SECRETARY TO ENSURE RETIREMENT OF VESSELS AND PERMITS.—The Secretary of the Treasury by regulation shall establish procedures to ensure that any person making a qualified withdrawal authorized by section 7518(e)(1)(F) of the Internal Revenue Code of 1986 retires the related commercial use of fishing vessels and commercial fishery permits referred to therein.

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall apply to withdrawals made after the date of enactment of this Act.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 211—DESIGNATING MARCH 2, 2002, AS "READ ACROSS AMERICA DAY"

Ms. COLLINS (for herself and Mr. REED) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 211

Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;

Whereas Americans must be able to read if the Nation is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2002, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in a celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE CONCURRENT RESOLUTION 98—COMMEMORATING THE 30TH ANNIVERSARY OF THE INAUGURATION OF SINO-AMERICAN RELATIONS AND THE SALE OF THE FIRST COMMERCIAL JET AIRCRAFT TO CHINA

Mrs. MURRAY (for herself and Ms. CANTWELL) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 98

Whereas February 21, 2002, marks the 30th anniversary of President Richard Nixon's historic visit to the Peoples Republic of China;

Whereas on February 21, 1972, the world watched as Air Force One, a Boeing 707 carrying President Nixon, landed in China to inaugurate a new era in Sino-American relations;

Whereas in the same year, the Civil Aviation Administration of China ordered 10 Boeing 707 jet aircraft, marking the resumption of a vibrant trading relationship between the United States and China; and

Whereas President Bush's visit to China on February 21, 2002, commemorates the importance of the re-opening of political and economic ties with the Peoples Republic of China: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that President Nixon's historic 1972 visit to China provided the foundation for improved Sino-American relations during the subsequent 3 decades; and

(2) commends President Bush in his effort to continue to advance a political, cultural, and commercial relationship between the United States and the Peoples Republic of China for the benefit of their respective citizens.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2916. Mr. DODD (for Mr. KENNEDY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2917. Mr. DASCHLE (for himself and Mr. BINGAMAN) proposed an amendment to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2918. Mr. McCAIN (for himself, Mr. Hollings, Mrs. Murray, Mr. Bingaman, Mr. Breaux, Mr. Smith , of Oregon, Mr. Domenici, Mrs. Hutchison, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill S. 517, supra; which was ordered to lie on the table.

SA 2919. Mr. REID (for Mr. Hollings) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2920. Mr. REID (for Mr. Cochran) proposed an amendment to the bill S. Res. 44, designating March 2002 as "Arts Education Month".

SA 2921. Mr. REID (for Mr. Cochran) proposed an amendment to the bill S. Res. 44, supra.

TEXT OF AMENDMENTS

SA 2916. Mr. DODD (for Mr. Kennedy) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the adminstration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 22, strike lines 9 through 22, and insert the following:

(b) Safe Harbor.—

(1) In general.—Except as provided in paragraph (2), if a State or locality receives funds under a grant program under subtitle A or B of title II for the purpose of meeting a requirement under section 101, such State or locality shall be deemed to be in compliance with such requirement until January 1, 2006, and no action may be brought against such State or locality on the basis that the State or locality is not in compliance with such requirement before such date.

(2) Exceptions.—

(A) Accessibility for individuals with disabilities.—The safe harbor provision under paragraph (1) shall not apply with respect to the requirement described in section 101(a)(3).

(B) Other federal laws.—An action may be brought against a State or locality described in paragraph (1) if the noncompliance of such State or locality with a requirement described in such paragraph results in a violation of—

(i) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(ii) the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee et seq.);

(iii) the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq.);

(iv) the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.);

(v) the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); or

(vi) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.).

On page 34, strike line 23, and insert the following:

(c) Safe Harbor.—No action may be brought under this Act

On page 44, strike line 1, and insert the following:

(d) Safe Harbor.—No action may be brought under this Act

On page 68, strike lines 19 and 20, and insert the following:

(a) In General.—Nothing in this Act may be construed to authorize

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SA 2917. Mr. DASCHLE (for himself and Mr. Bingaman) proposed an amendment to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike all of the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Policy Act of 2002".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

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DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

SEC. 101. POLICY ON REGIONAL COORDINATION.

(a) STATEMENT OF POLICY.—It is the policy of the Federal Government to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable energy services to the public while minimizing the impact of providing energy services on communities and the environment.

(b) DEFINITION OF ENERGY SERVICES.—For purposes of this section, the term "energy services" means—

(1) the generation or transmission of electric energy,

(2) the transportation, storage, and distribution of crude oil, residual fuel oil, refined petroleum product, or natural gas, or (3) the reduction in load through increased efficiency, conservation, or load control measures.

SEC. 102. FEDERAL SUPPORT FOR REGIONAL COORDINATION.

(a) TECHNICAL ASSISTANCE.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in coordinating their energy policies on a regional basis. Such technical assistance may include assistance in—

(1) assessing future supply availability and demand requirements,

(2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs,

(3) identifying and resolving problems in distribution networks,

(4) developing plans to respond to surge demand or emergency needs, and (5) developing renewable energy, energy efficiency, conservation, and load control programs.

(b) ANNUAL CONFERENCE ON REGIONAL ENERGY COORDINATION.—

(1) ANNUAL CONFERENCE.—The Secretary of Energy shall convene an annual conference to promote regional coordination on energy policy and infrastructure issues.

(2) PARTICIPATION.—The Secretary of Energy shall invite appropriate representatives of federal, state, and regional energy organizations, and other interested parties.

(3) STATE AND FEDERAL AGENCY COOPERATION.—The Secretary of Energy shall consult and cooperate with State and regional energy organizations, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Federal Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on

Environmental Quality in the planning and conduct of the conference.

(4) AGENDA.—The Secretary of Energy, in consultation with the officials identified in paragraph (3) and participants identified in paragraph (2), shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructure issues.

(5) RECOMMENDATIONS.—Not later than 60 days after the conclusion of each annual conference, the Secretary of Energy shall report to the President and the Congress recommendations arising out of the conference that may improve—

(A) regional coordination on energy policy and infrastructure issues, and

(B) federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

SEC. 201. DEFINITIONS.

(a) DEFINITION OF ELECTRIC UTILITY.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) 'electric utility' means any person or Federal or State agency (including any municipality) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing agency.

(b) DEFINITION OF TRANSMITTING UTILITY.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means an entity (including any entity described in section 201(f)) that owns or operates facilities used for the transmission of electric energy in—

"(A) interstate commerce; or

"(B) for the sale of electric energy at wholesale.".

SEC. 202. ELECTRIC UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $1,000,000,

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

(C) purchase, acquire, or take any security of any other public utility, or

(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy or for the production or transportation of natural gas.

"(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

"(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the same.

"(5) For purposes of this subsection, the terms 'electric utility company', 'gas utility company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2002.

"(6) Notwithstanding section 201(b)(1), facilities used for the generation of electric energy shall be subject to the jurisdiction of the Commission for purposes of this section.".

SEC. 203. MARKET-BASED RATES.

(a) APPROVAL OF MARKET-BASED RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider—

"(1) whether the seller and its affiliates have, or have adequately mitigated, market power in the generation and transmission of electric energy;

"(2) whether the sale is made in a competitive market;

"(3) whether market mechanisms, such as power exchanges and bid auctions, function adequately;

"(4) the effect of demand response mechanisms;

"(5) the effect of mechanisms or requirements intended to ensure adequate reserve margins; and

"(6) other such considerations as the Commission may deem to be appropriate and in the public interest.".

(b) REVOCATION OF MARKET-BASED RATES.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order in accordance with this section, or order such other action as will, in the judgment of the Commission, adequately ensure a just and reasonable market-based rate.".

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking "60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "on which the complaint is filed"; and

(2) striking "60 days after the publication by the Commission of notice of its intention to initiate such proceeding nor later than 5 months after the expiration of such 60-day period" in the third sentence and inserting "on which the Commission publishes notice of its intention to initiate such proceeding".

SEC. 205. TRANSMISSION INTERCONNECTIONS.

Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended to read as follows:

"TRANSMISSION INTERCONNECTION AUTHORITY

"SEC. 210. (a)(1) The Commission shall, by rule, establish technical standards and procedures for the interconnection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce. The rule shall provide—

"(A) criteria to ensure that an interconnection will not unreasonably impair the reliability of the transmission system; and

"(B) criteria for the apportionment or reimbursement of the costs of making the interconnection.

"(2) Notwithstanding section 201(f), a transmitting utility shall interconnect its transmission facilities with the generation facilities of a power producer upon the application of the power producer if the power producer complies with the requirements of the rule.

"(b) Upon the application of a power producer or its own motion, the Commission may, after giving notice and an opportunity for a hearing to any entity whose interest may be affected, issue an order requiring—

"(1) the physical connection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce;

"(2) such action as may be necessary to make effective any such physical connection;

"(3) such sale or exchange of electric energy or other coordination, as may be necessary to carry out the purposes of such order; or

"(4) such increase in transmission capacity as may be necessary to carry out the purposes of such order.

"(c) As used in this section, the term 'power producer' means an entity that owns or operates a facility used for the generation of electric energy.".

SEC. 206. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

"OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

"SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

"(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

"(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

"(A) sells no more than 4,000,000 megawatt hours of electricity per year;

"(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

"(C) meets other criteria the Commission determines to be in the public interest.

"(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

"(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

"(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(7) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

"(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

"(B) is either an entity described in section 201(f) or a rural electric cooperative.".

SEC. 207. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY STANDARDS.

"(a) DUTY OF THE COMMISSION.—the Commission shall establish and enforce one or more systems of mandatory electric reliability standards to ensure the reliable operation of the interstate transmission system, which shall be applicable to—

"(1) any entity that sells, purchases, or transmits, electric energy using the interstate transmission system, and

"(2) any entity that owns, operates, or maintains facilities that are a part of the interstate transmission system.

"(b) STANDARDS.—In carrying out its responsibility under subsection (a), the Commission may adopt and enforce, in whole or in part, a reliability standard proposed or adopted by the North American Electric Reliability Council, a regional reliability council, a similar organization, or a State regulatory authority.

"(c) ENFORCEMENT.—In carrying out its responsibility under subsection (a), the Commission may certify one or more self-regulating reliability organizations (which may include the North American Electric Reliability Council, one or more regional reliability councils, one or more regional transmission organizations, or any similar organization) to ensure the reliable operation of the interstate transmission system and to monitor and enforce compliance of their members with electric reliability standards adopted under this section.

"(d) COOPERATION WITH CANADA AND MEXICO.—The Commission shall ensure that any self-regulating reliability organization certified under this section, one or more of whose members are interconnected with transmitting utilities in Canada or the Republic of Mexico, provide for the participation of such utilities in the governance of the organization and the adoption of reliability standards. Nothing in this section shall be construed to extend the jurisdiction of the Commission outside of the United States.

"(e) PRESERVATION OF STATE AUTHORITY.—Nothing in this section shall be construed to preempt the authority of any State to take action to ensure the safety, adequacy, and reliability of local distribution facilities service within the State, except where the exercise of such authority unreasonably impairs the reliability of the interstate transmission system.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'interstate transmission system' means the network of facilities used for the transmission of electric energy in interstate commerce.

"(2) The term 'reliability' means the ability of the interstate transmission system to transmit sufficient electric energy to supply the aggregate electric demand and energy requirements of electricity consumers at all times and the ability of the system to withstand sudden disturbances.".

SEC. 208. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. MARKET TRANSPARENCY RULES.

"(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, state commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

"(b) INFORMATION REQUIRED.—The Commission shall require—

"(1) each regional transmission organization to provide statistical information about the available capacity and capacity constraints of transmission facilities operated by the organization; and

"(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

"(c) TIMELY BASIS.—The Commission shall require the information required under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

"(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.".

SEC. 209. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not penalize such generators, directly or indirectly, for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) are beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the requirement in subsection (a) is met by adopting such policies as it deems appropriate which shall include, but not be limited to, the following:

"(1) Subject to the sole exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not directly or indirectly penalize intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in subsection (b) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have a substantial adverse impact on the reliability of the transmitting utility's system. For purposes of administering this exemption, there shall be a rebuttable presumption of no adverse impact where intermittent generators collectively constitute 20 percent or less of total generation interconnected with transmitting utility's system and using transmission services provided by transmitting utility.

"(3) The Commission shall ensure that to the extent any transmission charges recovering the transmitting utility's embedded costs are assessed to intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated rather than the intermittent generator's capacity.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators, and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service pursuant to long-term contracts of up to ten years duration under reasonable terms and conditions.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'intermittent generator' means a facility that generates electricity using wind or solar energy and no other energy source.

"(2) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(3) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.".

SEC. 210. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting "electric utility," after "Any person,"; and

(2) inserting "transmitting utility," after "licensee" each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting "or transmitting utility" after "any person" in the first sentence.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 825l) is amended by inserting "electric utility," after "Any person," in the first sentence.

(d) CRIMINAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is repealed.

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

Subtitle B—Amendments to the Public Utility Holding Company Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2002".

SEC. 222. DEFINITIONS.

For purposes of this subtitle:

(1) The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term "associate company" of a company means any company in the same holding company system with such company.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms "exempt wholesale generator" and "foreign utility company" have

the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z-5a, 79z-5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 223. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 224. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 225. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail by the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 226. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 224 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 224, if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 227. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 228. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 229. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 230. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 231. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 232. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 233. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 234. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

(a) TASK FORCE.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), which shall consist of—

(1) 1 member each from—

(A) the Department of Justice, to be appointed by the Attorney General of the United States;

(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and

(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and

(2) 2 advisory members (who shall not vote), of whom—

(A) 1 shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and

(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

(b) STUDY AND REPORT.—

(1) STUDY.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.

(2) REPORT.—

(A) FINAL REPORT.—Not later than 1 year after the effective date of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

(B) PUBLIC COMMENT.—At least 60 days before submission of a final report to the Congress under subparagraph (A), the task force shall publish a draft report in the Federal Register to provide for public comment.

(c) FOCUS.—The study required by this section shall examine—

(1) the best means of protecting competition within the wholesale and retail electric market;

(2) activities within the wholesale and retail electric market that may allow unfair and unjustified discriminatory and deceptive practices;

(3) activities within the wholesale and retail electric market, including mergers and acquisitions, that deny market access or suppress competition;

(4) cross-subsidization that may occur between regulated and nonregulated activities; and

(5) the role of State public utility commissions in regulating competition in the wholesale and retail electric market.

(d) CONSULTATION.—In performing the study required by this section, the task force shall consult with and solicit comments from its advisory members, the States, representatives of the electric power industry, and the public.

SEC. 235. GAO STUDY ON IMPLEMENTATION.

(a) STUDY.—The Comptroller General shall conduct a study of the success of the Federal Government and the States during the 18-month period following the effective date of this subtitle in—

(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and

(2) the promotion of competition and efficient energy markets to the benefit of consumers.

(b) REPORT TO CONGRESS.—Not earlier than 18 months after the effective date of this subtitle or later than 24 months after that effective date, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 236. EFFECTIVE DATE.

This subtitle shall take effect 18 months after the date of enactment of this subtitle.

SEC. 237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 238. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—

(1) Section 201(g) of the Federal Power Act (16 U.S.C. 824(g)) is amended by striking "1935" and inserting "2002".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2002".

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 241. REAL-TIME PRICING STANDARD.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.".

(b) SPECIAL RULES FOR REAL-TIME PRICING STANDARD.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) REAL-TIME PRICING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.".

SEC. 242. ADOPTION OF ADDITIONAL STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

"(6) DISTRIBUTED GENERATION.—Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less.

"(7) DISTRIBUTION INTERCONNECTIONS.—No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with technical standards adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

"(8) MINIMUM FUEL AND TECHNOLOGY DIVERSITY STANDARD.—Each electric utility shall develop a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

"(9) FOSSIL FUEL EFFICIENCY.—Each electric utility shall develop and implement a ten-year plan to increase the efficiency of its fossil fuel generation and shall monitor and report to its State regulatory authority excessive greenhouse gas emissions resulting from the inefficient operation of its fossil fuel generating plants.".

(c) TIME FOR ADOPTING STANDARDS.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

"(d) SPECIAL RULE.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subsection.".

SEC. 243. TECHNICAL ASSISTANCE.

Section 132(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(c)) is amended to read as follows:

"(c) TECHNICAL ASSISTANCE FOR CERTAIN RESPONSIBILITIES.—The Secretary may provide such technical assistance as he determines appropriate to assist State regulatory authorities and electric utilities in carrying out their responsibilities under section 111(d)(11) and paragraphs (6), (7), (8), and (9) of section 113(b).”.

SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

“(m) Termination of Mandatory Purchase and Sale Requirements.—

“(1) In general.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

“(2) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

“(A) the right to recover costs of purchasing such electric energy or capacity; and

“(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

“(3) Recovery of costs.—

“(a) Regulation.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall collect the prudently incurred costs associated with such purchases.

“(B). Enforcement.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).”.

(b) Elimination of Ownership Limitations.—

(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

“(C) ‘qualifying small power production facility’ means a small power production facility that the Commission determinesl by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”.

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

“(B) ‘qualifying cogeneration facility’ means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”.

SEC. 245. NET METERING.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

“SEC. 605. NET METERING FOR RENEWABLE ENERGY AND FUEL CELLS.

“(a) Definitions.—For purposes of this section:

“(1) The term ‘eligible on-site generating facility’ means—

“(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

“(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

“(2) The term ‘renewable energy resource’ means solar, wind, biomass, or geothermal energy.

“(3) The term ‘high efficiency system’ means fuel cells or combined heat and power.

“(4) The term ‘net metering service’ means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

“(b) Requirement to Provide Net Metering Service.—Each electric utility shall make available upon request net metering service to an electric consumer that the electric utility serves.

“(c) Rates and Charges.—

“(1) Identical charges.—An electric utility—

“(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

“(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

“(2) Measurement.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

“(3) Electric energy supplied exceeding electric energy generated.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

“(4) Electric energy generated exceeding electric energy supplied.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

“(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

“(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

“(d) Safety and Performance Standards.—

“(1) An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

“(2) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

“(e) Application.—This section applies to each electric utility during any calendar year in which the total sales of electric energy by such utility for purposes other than resale exceeded 1,000,000,000 kilowatt-hours during the preceding calendar year.”.

Subtitle D—Consumer Protections

SEC. 251. INFORMATION DISCLOSURE.

(a) Offers and Solicitations.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information:

(1) the nature of the service being offered, including information about interruptibility of service;

(2) the price of the electric energy, including a description of any variable charges;

(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

(A) the product or its price,

(B) the share of electric energy that is generated by each fuel type; and

(C) the environmental emissions produced in generating the electric energy.

(b) Periodic Billings.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

SEC. 252. CONSUMER PRIVACY.

(a) Prohibition.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

(b) Permitted Use.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes:

(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

(3) to protect the rights or property of the person obtaining such information;

(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

(5) for law enforcement purposes; or

(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

(c) Aggregate Consumer Information.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

(d) Definitions.—As used in this section:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

SEC. 253. UNFAIR TRADE PRACTICES.

(a) Slamming.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

(b) Cramming.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

SEC. 254. APPLICABLE PROCEDURES.

The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

SEC. 255. FEDERAL TRADE COMMISSION ENFORCEMENT.

Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to it.

SEC. 257. APPLICATION OF SUBTITLE.

The provisions of this subtitle apply to each electric utility if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatthours per calendar year. The provisions of this stubtitle do not apply to the operations of an electric utility to the extent that such operations relate to sales of electric energy for purposes of resale.

SEC. 258. DEFINITIONS.

As used in this subtitle:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

(3) The terms "electric consumer", "electric utility", and "State regulatory authority" have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle E—Renewable Energy and Rural Construction Grants

SEC. 261. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) Incentive Payments.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting the following:

". The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.".

(b) Qualified Renewable Energy Facility.—Section 1212 (b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting the following:

"an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(2) by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(c) Eligibility Window.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "before October 1, 2013".

(d) Payment Period.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended by inserting "or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility" after "eligible for such payments".

(e) Amount of Payment.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(f) Sunset.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(g) Incremental Hydropower; Authorization of Appropriations.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is further amended by striking subsection (g) and inserting the following:

"(g) Incremental Hydropower.—

"(1) Programs.—Subject to subsection (h)(2), if an incremental hydropower program meets the requirements of this section, as determined by the Secretary, the incremental hydropower program shall be eligible to receive incentive payments under this section.

"(2) Definition of incremental hydropower.—In this subsection, the term 'incremental hydropower' means additional generating capacity achieved from increased efficiency or additions of new capacity at a hydroelectric facility in existence on the date of enactment of this paragraph.

"(h) Authorization of Appropriations.—

"(1) In general.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) Limitation on funds used for incremental hydropower programs.—Not more than 30 percent of the amounts made available under paragraph (1) shall be used to carry out programs described in subsection (g)(2).

"(3) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 262. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) Resource Assessment.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources available within the United States, including solar, wind, biomass, ocean, geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies and other relevant factors.

(b) Contents of Reports.—Not later than one year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources, and

(2) such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) Requirement.—The President shall ensure that, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices, including aggregation and the use of renewable energy derivatives, by federal agencies.

(b) Definition.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

(c) Tribal Power Generation.—To the maximum extent practicable, the President shall ensure that not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 264. RURAL CONSTRUCTION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

"(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities for—

"(1) a unit of local government of a State or territory; or

"(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(d) Grant Criteria.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

"(e) PREFERENCE.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

"(e) AUTHORIZATION.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary $20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.".

SEC. 265. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

"SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning with 2003, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

"(b) REQUIRED ANNUAL PERCENTAGE.—

"(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2);

"(2) For calendar year 2005 the required annual percentage shall be 2.5 percent of the retail electric supplier's base amount; and

"(3) For each calendar year from 2006 through 2020, the required annual percentage of the retail electric supplier's base amount shall be .5 percent greater than the required annual percentage for the calendar year immediately preceding.

"(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

"(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any of the two previous calendar years;

"(B) renewable energy credits obtained by purchase or exchange under subsection (e);

"(C) renewable energy credits borrowed against future years under subsection (f); or

"(D) any combination of credits under subparagraphs (A), (B), and (C).

"(2) A credit may be counted toward compliance with subsection (a) only once.

"(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

"(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

"(A) the type of renewable energy resource used to produce the electricity,

"(B) the location where the electric energy was produced, and

"(C) any other information the Secretary determines appropriate.

"(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility.

"(B) For incremental hydropower the credits shall be calculated based on a normalized annual capacity factor for each facility, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

"(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility; if the generating facility is located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

"(D) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

"(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit. The Secretary shall retain the fee and use it to pay these administrative costs.

"(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

"(f) CREDIT BORROWING.—At any time before the end of calendar year 2003, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (a) for calendar year 2003 and the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

"(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted. Any civil penalty collected under this subsection shall be retained by the Secretary and used to carry out the purposes of section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317(a); relating to renewable energy production incentives).

"(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(j) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

"(k) DEFINITIONS.—For purposes of this section—

"(1) The term 'eligible facility' means—

"(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2002; or

"(B) a repowering or cofiring increment that is placed in service on or after January 1, 2002 at a facility for the generation of electric energy from a renewable energy resource that was placed in service before January 1, 2002.

An eligible facility does not have to be interconnected to the transmission or distribution system facilities of an electric utility.

"(2) The term 'generation offset' means reduced electricity usage metered at a site where a customer consumes electricity from a renewable energy technology.

"(3) The term 'incremental hydropower' means additional generation capacity achieved from increased efficiency or additions of capacity after January 1, 2002 at a hydroelectric dam that was placed in service before January 1, 2002.

"(4) The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(5) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(6) The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(7) The term 'renewable energy resource' means solar, wind, biomass, ocean, or geothermal energy, a generation offset, or incremental hydropower facility.

"(8) The term 'repowering or cofiring increment' means the additional generation from a modification that is placed in service on or after January 1, 2002 to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before January 1, 2002.

"(9) The term 'retail electric supplier' means a person, State agency, or Federal agency that sells electric energy to electric consumers and sold not less than 500,000,000 kilowatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

"(10) The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by a renewable energy resource, landfill gas, or a hydroelectric facility.

"(l) SUNSET.—Subsection (a) of this section expires December 31, 2020.".

SEC. 266. RENEWABLE ENERGY ON FEDERAL LAND.

(a) COST-SHARE DEMONSTRATION PROGRAM.—Within 12 months after the date of enactment of this section, the Secretaries of the Interior, Agriculture, and Energy shall develop guidelines for a cost-share demonstration program for the development of wind and solar energy facilities on Federal land.

(b) DEFINITION OF FEDERAL LAND.—As used in this section, the term "Federal land" means land owned by the United States that is subject to the operation of the mineral leasing laws; and is either:

(1) public land as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1702(e)); or

(2) a unit of the National Forest System as that term is used in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(c) RIGHTS-OF-WAYS.—The demonstration program shall provide for the issuance of rights-of-way pursuant to the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) by the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and by the Secretary of Agriculture with respect to federal lands under the jurisdiction of the Department of Agriculture.

(d) AVAILABLE SITES.—For purposes of this demonstration program, the issuance of rights-of-way shall be limited to areas:

(1) of high energy potential for wind or solar development;

(2) that have been identified by the wind or solar energy industry, through a process of nomination, application, or otherwise, as being of particular interest to one or both industries;

(3) that are not located within roadless areas;

(4) where operation of wind or solar facilities would be compatible with the scenic, recreational, environmental, cultural, or historic values of the Federal land, and would not require the construction of new roads for the siting of lines or other transmission facilities; and

(5) where issuance of the right-of-way is consistent with the land and resource management plans of the relevant land management agencies.

(e) COST-SHARE PAYMENTS BY DOE.—The Secretary of Energy, in cooperation with the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and the Secretary of Agriculture with respect to Federal land under the jurisdiction of the Department of Agriculture, shall determine if the portion of a project on federal land is eligible for financial assistance pursuant to this section. Only those projects that are consistent with the requirements of this section and further the purposes of this section shall be eligible. In the event a project is selected for financial assistance, the Secretary of Energy shall provide no more than 15 percent of the costs of the project on the federal land, and the remainder of the costs shall be paid by non-Federal sources.

(f) REVISION OF LAND USE PLANS.—The Secretary of the Interior shall consider development of wind and solar energy, as appropriate, in revisions of land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1712); and the Secretary of Agriculture shall consider development of wind and solar energy, as appropriate, in revisions of land and resource management plans under section 5 of the Forest an Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). Nothing in this subsection shall preclude the issuance of a right-of-way for the development of a wind or solar energy project prior to the revision of a land use plan by the appropriate land management agency.

(g) REPORT TO CONGRESS.—Within 24 months after the date of enactment of this section, the Secretary of the Interior shall develop and report to Congress recommendations on any statutory or regulatory changes the Secretary believes would assist in the development of renewable energy on Federal land. The report shall include—

(1) a five-year plan developed by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, for encouraging the development of wind and solar energy on Federal land in an environmentally sound manner; and

(2) an analysis of—

(A) whether the use of rights-of-ways is the best means of authorizing use of Federal land for the development of wind and solar energy, or whether such resources could be better developed through a leasing system, or other method;

(B) the desirability of grants, loans, tax credits or other provisions to promote wind and solar energy development on Federal land; and

(C) any problems, including environmental concerns, which the Secretary of the Interior or the Secretary of Agriculture have encountered in managing wind or solar energy projects on Federal land, or believe are likely to arise in relation to the development of wind or solar energy on Federal land;

(3) a list, developed in consultation with the Secretaries of Energy and Defense, of lands under the jurisdiction of the Departments of Energy and Defense that would be suitable for development for wind or solar energy, and recommended statutory and regulatory mechanisms for such development; and

(4) an analysis, developed in consultation with the Secretaries of Energy and Commerce, of the potential for development of wind, solar, and ocean energy on the Outer Continental Shelf, along with recommended statutory and regulatory mechanisms for such development.

TITLE III—HYDROELECTRIC RELICENSING

SEC. 301. ALTERNATIVE MANDATORY CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

"(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

"(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production, as compared to the condition deemed necessary by the Secretary.

"(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

"(1) inserting '(a)' before the first sentence; and

"(2) adding at the end the following:

"(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

"(A) will be no less effective than the fishway initially prescribed by the Secretary, and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

"(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

SEC. 302. CHARGES FOR TRIBAL LANDS.

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1) is amended by inserting after the second proviso the following:

"*Provided further*, that the Commission shall not issue a new or original license for projects involving tribal lands embraced within Indian reservations until annual charges required under this section have been fixed."

SEC. 303. DISPOSITION OF HYDROELECTRIC CHARGES.

Section 17 of the Federal Power Act (16 U.S.C. 810) is further amended—

(1) by striking "to be expended under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States."; and

(2) by inserting in lieu thereof the following: "to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior pursuant to a grant program to be established by the Secretary to support collaborative watershed restoration and education activities intended to promote the recovery of candidate, threatened, and endangered species under the Endangered Species Act of 1973; and (B) fifty-percent of the funds shall be expended by the Secretary of Agriculture, acting through the Chief of the Forest Service, for the Youth Conservation Corps program.".

SEC. 304. ANNUAL LICENSES.

Section 15(a) of the Federal Power Act (16 U.S.C. 808(a)) is amended by adding at the end the following:

"(4) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall first consult with the Secretary of the Interior and the Secretary of Commerce, and if the project is within any reservation, with the Secretary under whose supervision such reservation falls.

"(5) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall publish a written statement setting forth the reasons why the annual license is needed, and describing the results of consultation with the Secretary of the Interior, the Secretary of Commerce, and the Secretary under whose supervision the reservation falls. Such explanation shall also contain the best judgment of the Commission as to whether the Commission anticipates issuing an additional annual license.

"(6) At least 60 days prior to expiration of the seventh and subsequent annual licenses issued under paragraph (1), the Commission shall submit to Congress the written statement required in paragraph (5).".

SEC. 305. ENFORCEMENT.

(a) MONITORING AND INVESTIGATIONS OF MANDATORY CONDITIONS AND FISHWAY PRESCRIPTIONS.—The first sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823b(a)) is amended to read as follows:

"The Commission shall monitor and investigate compliance with each license and permit issued under this Part, each condition imposed under section 4(e) or 4(h), each fishway prescription imposed under section 18, and each exemption granted from any requirement of this Part."

(b) COMPLIANCE ORDERS.—The third sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823(a)) is amended to read as follows:

"After notice and opportunity for public hearing, the Commission may issue such orders as necessary to require compliance with the terms and conditions of licenses and permits issued under this Part, with conditions imposed under section 4(e) or 4(h), with fishway prescriptions imposed under section 18, and with the terms and conditions of exemptions granted from any requirement of this Part."

SEC. 306. ESTABLISHMENT OF HYDROELECTRIC RELICENSING PROCEDURES.

(a) JOINT PROCEDURES OF THE COMMISSION AND RESOURCE AGENCIES.—

(1) Within 18 months after the date of enactment of this section, the Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, shall, after consultation with the interested states and public review and comment, issue coordinated regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808).

(2) Such regulations shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 15(b) of the Federal Power Act (16 U.S.C. 808(b)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and other regulatory procedures of the Commission and the resource agencies under Part I of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), and draft and final fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the resource agencies;

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, data, and analysis to be provided by the license applicant.

(b) PROCEDURES OF THE COMMISSION.—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the application; and

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 307. RELICENSING STUDY.

(a) IN GENERAL.—The Federal Energy Regulatory Commission shall, jointly with the Secretary of Commerce, the Secretary of the Interior, and the Secretary of Agriculture, conduct a study of all new licenses issued for existing projects under section 15 of the Federal Power Act (16 U.S.C. 808) since January 1, 1994.

(b) SCOPE.—The study shall analyze:

(1) the length of time the Commission has taken to issue each new license for an existing project;

(2) the additional cost to the licensee attributable to new license conditions;

(3) the change in generating capacity attributable to new license conditions;

(4) the environmental benefits achieved by new license conditions;

(5) significant unmitigated environmental damage of the project and costs to mitigate such damage; and

(6) litigation arising from the issuance or failure to issue new licenses for existing

projects under section 15 of the Federal Power Act or the imposition or failure to impose new license conditions.

(c) Definition.—As used in this section, the term "new license condition" means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 797(e)),

(2) section 10(a) of the Federal Power Act (16 U.S.C. 803(a)),

(2) section 10(e) of the Federal Power Act (16 U.S.C. 803(e)),

(3) section 10(j) of the Federal Power Act (16 U.S.C. 803(j)),

(4) section 18 of the Federal Power Act (16 U.S.C. 811), or

(5) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)).

(d) Consultation.—The Commission shall give interested persons and licensees an opportunity to submit information and views in writing.

(e) Report.—The Commission shall report its findings to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 24 months after the date of enactment of this section.

SEC. 308. DATA COLLECTION PROCEDURES.

Within 24 months after the date of enactment of this section, the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall jointly develop procedures for ensuring complete and accurate information concerning the time and cost to parties in the hydroelectric licensing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly, but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

"SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

"(a) Definitions.—For purposes of this section—

"(1) the term 'Director' means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

"(2) the term 'Indian land' means—

"(A) any land within the limits of an Indian reservation, pueblo, or rancheria; "(B) any land not within the limits of an Indian reservation, pueblo, or rancheria whose title on the date of enactment of this section was held—

"(i) in trust by the United States for the benefit of an Indian tribe,

"(ii) by an Indian tribe subject to restriction by the United States against alienation, or

"(iii) by a dependent Indian community; and

"(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

"(b) Indian Energy Education Planning and Management Assistance.—

"(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting their energy education, research and development, planning, and management needs.

"(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

"(A) renewable energy, energy efficiency, and conservation programs;

"(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

"(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

"(D) developing, constructing, and interconnecting electric power transmission facilities with transmission facilities owned and operated by a Federal power marketing agency or an electric utility that provides open access transmission service.

"(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

"(A) the total number of acres of Indian land owned by an Indian tribe;

"(B) the total number of households on the Indian tribe's Indian land;

"(C) the total number of households on the Indian tribe's Indian land that have no electricity service or are under-served; and

"(D) financial or other assets available to the Indian tribe from any source.

"(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

"(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

"(6) The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(c) Loan Guarantee Program.—

"(1) Authority.—The Secretary may guarantee not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development, including the planning, development, construction, and maintenance of electrical generation plants, and for transmission and delivery mechanisms for electricity produced on Indian land. A loan guaranteed under this subsection shall be made by—

"(A) a financial institution subject to the examination of the Secretary; or

"(B) an Indian tribe, from funds of the Indian tribe, to another Indian tribe.

"(2) Availability of appropriations.—Amounts appropriated to cover the cost of loan guarantees shall be available without fiscal year limitation to the Secretary to fulfill obligations arising under this subsection.

"(3) Authorization of appropriations.—

"(A) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

"(B) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the administrative expenses related to carrying out the loan guarantee program established by this subsection.

"(4) Limitation on amount.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any one time under this subsection shall not exceed $2,000,000,000.

"(5) Regulations.—The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(d) Indian Energy Preference.—(1) An agency or department of the United States Government may give, in the purchase of electricity, oil, gas, coal, or other energy product or by-product, preference in such purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by a tribal government.

"(2) In implementing this subsection, an agency or department shall pay no more than the prevailing market price for the energy product or by-product and shall obtain no less than existing market terms and conditions.

"(e) Effect on Other Laws.—This section does not—

"(1) limit the discretion vested in an Administrator of a Federal power marketing agency to market and allocate Federal power, or

"(2) alter Federal laws under which a Federal power marketing agency markets, allocates, or purchases power.".

SEC. 402. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

Title II of the Department of Energy Organization Act is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

"Sec. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code.

"(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote tribal energy efficiency and utilization;

"(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

"(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

"(4) lower or stabilize energy costs; and

"(5) electrify tribal members" homes and tribal lands.

"(c) The Director shall carry out the duties assigned the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).".

SEC. 403. CONFORMING AMENDMENTS.

(a) Authorization of Appropriations.—Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

"(c) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) Table of Contents.—The Table of Contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

"Sec. 217. Office of Indian Energy Policy and Programs.".

(c) Executive Schedule.—Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 404. SITING ENERGY FACILITIES ON TRIBAL LANDS.

(a) Definitions.—For purposes of this section:

(1) Indian tribe.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except that such term does not include any Regional Corporation as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(2) Interested party.—The term "interested party" means a person whose interests could be adversely affected by the decision of an Indian tribe to grant a lease or right-of-way pursuant to this section.

(3) Petition.—The term "petition" means a written request submitted to the Secretary for the review of an action (or inaction) of the Indian tribe that is claimed to be in violation of the approved tribal regulations;

(4) Reservation.—The term "reservation" means—

(A) with respect to a reservation in a State other than Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, federal statute, secretarial order, or judicial determination;

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe, and

(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order.

(5) Secretary.—The term "Secretary" means the Secretary of the Interior.

(6) Tribal lands.—The term "tribal lands" means any tribal trust lands or other lands owned by an Indian tribe that are within a reservation, or tribal trust lands located contiguous thereto.

(b) Leases Involving Generation, Transmission, Distribution or Energy Processing Facilities.—An Indian tribe may grant a lease of tribal land for electric generation, transmission, or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, and such leases shall not require the approval of the Secretary if the lease is executed under tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed 30 years.

(c) Rights-of-Way for Electric Generation, Transmission, Distribution or Energy Processing Facilities.—An Indian tribe may grant a right-of-way over tribal lands for a pipeline or an electric transmission or distribution line without separate approval by the Secretary, if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary and the term of the right-of-way does not exceed 30 years; and

(2) the pipeline or electric transmission or distribution line serves—

(A) an electric generation, transmission or distribution facility located on tribal land, or

(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal lands.

(d) Renewals.—Leases or rights-of-way entered into under this subsection may be renewed at the discretion of the Indian tribe in accordance with the requirements of this section.

(e) Tribal Regulation Requirements.—

(1) The Secretary shall have the authority to approve or disapprove tribal regulations required under this subsection. The Secretary shall approve such tribal regulations if they are comprehensive in nature, including provisions that address—

(A) securing necessary information from the lessee or right-of-way applicant;

(B) term of the conveyance;

(C) amendments and renewals;

(D) consideration for the lease or right-of-way;

(E) technical or other relevant requirements;

(F) requirements for environmental review as set forth in paragraph (3);

(G) requirements for complying with all applicable environmental laws; and

(H) final approval authority.

(2) No lease or right-of-way shall be valid unless authorized in compliance with the approved tribal regulations.

(3) An Indian tribe, as a condition of securing Secretarial approval as contemplated in paragraph (1), must establish an environmental review process that includes the following—

(A) an identification and evaluation of all significant environmental impacts of the proposed action as compared to a no action alternative;

(B) identification of proposed mitigation;

(C) a process for ensuring that the public is informed of and has an opportunity to comment on the proposed action prior to tribal approval of the lease or right-of-way; and

(D) sufficient administrative support and technical capability to carry out the environmental review process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. The 180-day period may be extended by the Secretary after consultation with the Indian tribe.

(5) If the Indian tribe executes a lease or right-of-way pursuant to tribal regulations required under this subsection, the Indian tribe shall provide the Secretary with—

(A) a copy of the lease or right-of-way document and all amendments and renewals thereto; and

(B) in the case of regulations or a lease or right-of-way that permits payment to be made directly to the Indian tribe, documentation of the payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under existing law.

(6) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under this subsection, including the Indian tribe.

(7) (A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Indian tribe with any tribal regulations approved under this subsection. If upon such review, the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding or holding the lease or right-of-way in abeyance until the violation is cured. The Secretary may also rescind the approval of the tribal regulations and reassume the responsibility for approval of leases or rights-of-way associated with the facilities addressed in this section.

(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

(i) make a written determination with respect to the regulations that have been violated;

(ii) provide the Indian tribe with a written notice of the alleged violation together with such written determination; and

(iii) prior to the exercise of any remedy or the rescission of the approval of the regulations involved and reassumption of the lease or right-of-way approval responsibility, provide the Indian tribe with a hearing and a reasonable opportunity to cure the alleged violation.

(C) The tribe shall retain all rights to appeal as provided by regulations promulgated by the Secretary.

(f) Agreements.—

(1) Agreements between an Indian tribe and a business entity that are directly associated with the development of electric generation, transmission or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, shall not separately require the approval of the Secretary pursuant to section 18 of title 25, United States Code, so long as the activity that is the subject of the agreement has been the subject of an environmental review process pursuant to subsection (e) of this section.

(2) The United States shall not be liable for any losses or damages sustained by any party, including the Indian tribe, that are associated with an agreement entered into under this subsection.

(g) Disclaimer.—Nothing in this section is intended to modify or otherwise affect the applicability of any provision of the Indian Mineral Leasing Act of 1938 (25 U.S.C. 396a–396g); Indian Mineral Development Act of 1982 (25 U.S.C. 2101–2108); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1328); any amendments thereto; or any other laws not specifically addressed in this section.

SEC. 405. INDIAN MINERAL DEVELOPMENT ACT REVIEW.

(a) In General.—The Secretary of the Interior shall conduct a review of the activities that have been conducted by the governments of Indian tribes under the authority of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(b) Report.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report containing:

(1) the results of the review;

(2) recommendations designed to help ensure that Indian tribes have the opportunity to develop their nonrenewable energy resources; and

(3) an analysis of the barriers to the development of energy resources on Indian land, including federal policies and regulations, and make recommendations regarding the removal of those barriers.

(c) Consultation.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this subsection.

SEC. 406. RENEWABLE ENERGY STUDY.

(a) In General.—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on energy consumption and renewable energy development potential on Indian land. The report shall identify barriers to the development of renewable energy by Indian tribes, including federal policies and regulations, and make recommendations regarding the removal of such barriers.

(b) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this section.

SEC. 407. FEDERAL POWER MARKETING ADMINISTRATIONS.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C.3501) (as amended by section 201) is amended by adding the at the end of the following:

"SEC. 2608. FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means—

"(1) the Administrator of the Bonneville Power Administration; or

"(2) the Administrator of the Western Area Power Administration.

"(b) ASSISTANCE FOR TRANSMISSION STUDIES.—

"(1) Each Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power. The costs of such technical assistance shall be funded—

"(A) by the Administrator using non-reimbursable funds appropriated for this purpose, or

"(B) by the Indian tribe.

"(2) PRIORITY FOR ASSISTANCE FOR TRANSMISSION STUDIES.—In providing discretionary assistance to Indian tribes under paragraph (1), each Administrator shall give priority in funding to Indian tribes that have limited financial capability to conduct such studies.

"(c) POWER ALLOCATION STUDY.—

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on Indian tribes' utilization of federal power allocations of the Western Area Power Administration, or power sold by the Southwestern Power Administration, and the Bonneville Power Administration to or for the benefit of Indian tribes in their service areas. The report shall identify—

"(A) the amount of power allocated to tribes by the Western Area Power Administration, and how the benefit of that power is utilized by the tribes;

"(B) the amount of power sold to tribes by other Power Marketing Administrations; and

"(C) existing barriers that impede tribal access to and utilization of federal power, and opportunities to remove such barriers and improve the ability of the Power Marketing Administration to facilitate the utilization of federal power by Indian tribes.

"(2) The Power Marketing Administrations shall consult with Indian tribes on a government-to-government basis in developing the report provided in this section.

"(d) AUTHORIZATION FOR APPROPRIATION.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.".

SEC. 408. FEASIBILITY STUDY OF COMBINED WIND AND HYDROPOWER DEMONSTRATION PROJECT.

(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(b) SCOPE OF STUDY.—The study shall—

(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(3) assess the wind energy resource potential on tribal lands and projected cost savings through a blend of wind and hydropower over a thirty-year period; and

(4) include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration;

(5) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(6) include an independent tribal engineer as a study team member.

(c) REPORT.—The Secretary of Energy and Secretary of the Army shall submit a report to Congress not later than one year after the date of enactment of this title. The Secretaries shall include in the report—

(1) an analysis of the potential energy cost savings to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production and provide Missouri River management flexibility;

(3) recommendations for a demonstration project which the Western Area Power Administration could carry out in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian lands to supply firming energy to the Western Area Power Administration or other Federal power marketing agency; and

(4) an identification of the economic and environmental benefits to be realized through such a federal-tribal partnership and identification of how such a partnership could contribute to the energy security of the United States.

(d) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section, which shall remain available until expended. All costs incurred by the Western Area Power Administration associated with performing the tasks required under this section shall be non-reimbursable.

TITLE V—NUCLEAR POWER

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 502. EXTENSION OF DEPARTMENT OF ENERGY INDEMNIFICATION AUTHORITY.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and

"(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended by striking "paragraph (3)" and inserting "paragraph (2)(B)".

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210 (t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) such date of enactment, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy of 1954

(42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. (1) Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of the fee paid under the contract under which such violation occurs for any not-for-profit contractor, subcontractor, or supplier.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 shall not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

Subtitle B—Miscellaneous Provisions

SEC. 511. URANIUM SALES.

(a) INVENTORY SALES.—Section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)) is amended to read as follows:

“(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (b), (c), and (e), the Secretary may, from time to time, sell or transfer uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) from the Department of Energy's stockpile.

“(2) Except as provided in subsections (b), (c), and (e), the Secretary may not deliver uranium in any form for consumption by end users in any year in excess of the following amounts:

“Annual Maximum Deliveries to End Users

“Year:	**(million lbs. U_3O_8 equivalent)**
2003 through 2009	3
2010	5
2011	5
2012	7
2013 and each year thereafter	10

“(3) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium in any form shall be made unless—

“(A) the President determines that the material is not necessary for national security needs;

“(B) the Secretary determines, based on the written views of the Secretary of State and the Assistant to the President for National Security Affairs, that the sale or transfer will not adversely affect the national security interests of the United States;

“(C) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement; and

“(D) the price paid to the Secretary will not be less than the fair market value of the material.”.

(b) EXEMPT TRANSFERS AND SALES.—Section 3112(e) of the USEC Privatization Act (42 U.S.C. 2297h-10(e)) is amended to read as follows:

“(e) EXEMPT SALES OR TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell uranium—

“(1) to the Tennessee Valley Authority for use pursuant to the Department of Energy's highly enriched uranium or tritium program, to the extent provided by law;

“(2) to research and test reactors under the University Reactor Fuel Assistance and Support Program or the Reduced Enrichment for Research and Test Reactors Program;

“(3) to USEC Inc. to replace contaminated uranium received from the Department of Energy when the United States Enrichment Corporation was privatized;

“(4) to any person for emergency purposes in the event of a disruption in supply to end users in the United States; and

“(5) to any person for national security purposes, as determined by the Secretary.”.

SEC. 512. REAUTHORIZATION OF THORIUM REIMBURSEMENT.

(a) REIMBURSEMENT OF THORIUM LICENSEES.—Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) by striking “$140,000,000” and inserting “$365,000,000”; and

(2) by adding at the end the following: “Such payments shall not exceed the following amounts:

“(i) $90,000,000 in fiscal year 2002.

“(ii) $55,000,000 in fiscal year 2003.

“(iii) $20,000,000 in fiscal year 2004.

“(iv) $20,000,000 in fiscal year 2005.

“(v) $20,000,000 in fiscal year 2006.

“(vi) $20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.”.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1003(a) of the Energy Policy Act of 1992 (42 U.S.C. 2296a-2) is amended by striking “$490,000,000” and inserting “$715,000,000”.

(c) DECONTAMINATION AND DECOMMISSIONING FUND.—Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1(a)) is amended—

(1) by striking “$488,333,333” and inserting “$518,233,333”; and

(2) by inserting after “inflation” the following: “beginning on the date of enactment of the Energy Policy Act of 1992”.

SEC. 513. FAST FLUX TEST FACILITY.

The Secretary of Energy shall not reactivate the Fast Flux Test Facility to conduct—

(1) any atomic energy defense activity,

(2) any space-related mission, or

(3) any program for the production or utilization of nuclear material if the Secretary has determined, in a record of decision, that the program can be carried out at existing operating facilities.

DIVISION B—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION

TITLE VI—OIL AND GAS PRODUCTION

SEC. 601. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

“SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”; and

(2) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act) and its heading.

(b) Amendment to Title II of the Energy Policy and Conservation Act.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

“(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”.

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act) and its heading.

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended by striking the items relating to part D of title I and part D of title II.

SEC. 602. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—The Secretary of the Interior shall provide for the timely leasing of lands otherwise available for leasing for oil or gas production and timely action on applications for permits to drill under section 17 of the Mineral Leasing Act (30 U.S.C. 226) on lands otherwise available for leasing. To ensure timely action on oil and gas leases and applications for permits to drill, the Secretary shall—

(1) ensure expeditious compliance with the requirements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States;

(3) improve the collection, storage, and retrieval of information related to such leasing activities; and

(4) improve inspection and enforcement activities related to oil and gas leases.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraphs (1) through (4) of subsection (a), there are authorized to be appropriated to the Secretary of the Interior $60,000,000 for each of the fiscal years 2003 through 2006, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226).

SEC. 603. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after “acreage held in special tar sand areas” the following: “as well as acreage under any lease any portion of which has been committed to a Federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year,”.

SEC. 604. ORPHANED AND ABANDONED WELLS ON FEDERAL LAND.

(a) ESTABLISHMENT.—(1) The Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall establish a program to ensure within three years after the date of enactment of this Act, remediation, reclamation, and closure of orphaned oil and gas wells located on lands administered by the land management agencies within the Department of the Interior and the U.S. Forest Service that are—

(A) abandoned;

(B) orphaned; or

(C) idled for more than 5 years and having no beneficial use.

(2) The program shall include a means of ranking critical sites for priority in remediation based on potential environmental harm, other land use priorities, and public health and safety.

(3) The program shall provide that responsible parties be identified wherever possible and that the costs of remediation be recovered.

(4) In carrying out the program, the Secretary of the Interior shall work cooperatively with the Secretary of Agriculture and the states within which the federal lands are located, and shall consult with the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(b) PLAN.—Within six months from the date of enactment of this section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall prepare a plan for carrying out the program established under subsection (a). Copies of the plan shall be transmitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $5,000,000 for each of fiscal years 2003 through 2005 to carry out the activities provided for in this section.

SEC. 605. ORPHANED AND ABANDONED OIL AND GAS WELL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a program to provide technical assistance to the various oil and gas producing states to facilitate state efforts over a ten-year period to ensure a practical and economical remedy for environmental problems caused by orphaned and abandoned exploration or production well sites on state and private lands. The Secretary shall work with the states, through the Interstate Oil and Gas Compact Commission, to assist the states in quantifying and mitigating environmental risks of onshore abandoned and orphaned wells on state and private lands.

(b) PROGRAM ELEMENTS.—The program should include—

(1) mechanisms to facilitate identification of responsible parties wherever possible;

(2) criteria for ranking critical sites based on factors such as other land use priorities, potential environmental harm and public visibility; and

(3) information and training programs on best practices for remediation of different types of sites.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for the activities under this section $5,000,000 for each of fiscal years 2003 through 2005 to carry out the provisions of this section.

SEC. 606. OFFSHORE DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, the Secretary may grant a request for a suspension of operations under any lease to allow the lessee to reprocess or reinterpret geologic or geophysical data beneath allocthonous salt sheets, when in the Secretary's judgment such suspension is necessary to prevent waste caused by the drilling of unnecessary wells, and to maximize ultimate recovery of hydrocarbon resources under the lease. Such suspension shall be limited to the minimum period of time the Secretary determines is necessary to achieve the objectives of this subsection.".

SEC. 607. COALBED METHANE STUDY.

(a) STUDY.—The National Academy of Sciences shall conduct a study on the effects of coalbed methane production on surface and water resources.

(b) DATA ANALYSIS.—The study shall analyze available hydrogeologic and water quality data, along with other pertinent environmental or other information to determine—

(1) adverse effects associated with surface or subsurface disposal of waters produced during extraction of coalbed methane;

(2) depletion of groundwater aquifers or drinking water sources associated with production of coalbed methane;

(3) any other significant adverse impacts to surface or water resources associated with production of coalbed methane; and

(4) production techniques or other factors that can mitigate adverse impacts from coalbed methane development.

(c) RECOMMENDATIONS.—The study shall analyze existing Federal and State laws and regulations, and make recommendations as to changes, if any, to Federal law necessary to address adverse impacts to surface or water resources attributable to coalbed methane development.

(d) COMPLETION OF STUDY.—The National Academy of Sciences shall submit the study to the Secretary of the Interior within 18 months after the date of enactment of this Act, and shall make the study available to the public at the same time.

(e) REPORT TO CONGRESS.—The Secretary of the Interior shall report to Congress within 6 months of her receipt of the study on—

(1) the findings and recommendations of the study;

(2) the Secretary's agreement or disagreement with each of its findings and recommendations; and

(3) any recommended changes in funding to address the effects of coalbed methane production on surface and water resources.

SEC. 608. FISCAL POLICIES TO MAXIMIZE RECOVERY OF DOMESTIC OIL AND GAS RESOURCES.

(a) EVALUATION.—The Secretary of Energy, in coordination with the Secretaries of the Interior, Commerce, and Treasury, Indian tribes and the Interstate Oil and Gas Compact Commission, shall evaluate the impact of existing Federal and State tax and royalty policies on the development of domestic oil and gas resources and on revenues to Federal, State, local and tribal governments.

(b) SCOPE.—The evaluation under subsection (a) shall—

(1) analyze the impact of fiscal policies on oil and natural gas exploration, development drilling, and production under different price scenarios, including the impact of the individual and corporate Alternative Minimum Tax, state and local production taxes and fixed royalty rates during low price periods;

(2) assess the effect of existing federal and state fiscal policies on investment under different geological and developmental circumstances, including but not limited to deepwater environments, subsalt formations, deep and deviated wells, coalbed methane and other unconventional oil and gas formations;

(3) assess the extent to which federal and state fiscal policies negatively impact the ultimate recovery of resources from existing fields and smaller accumulations in offshore waters, especially in water depths less than 800 meters, of the Gulf of Mexico;

(4) compare existing federal and state policies with tax and royalty regimes in other countries with particular emphasis on similar geological, developmental and infrastructure conditions; and

(5) evaluate how alternative tax and royalty policies, including counter-cyclical measures, could increase recovery of domestic oil and natural gas resources and revenues to Federal, State, local and tribal governments.

(c) POLICY RECOMMENDATIONS.—Based upon the findings of the evaluation under subsection (a), a report describing the findings and recommendations for policy changes shall be provided to the President, the Congress, the Governors of the member states of the Interstate Oil and Gas Compact Commission, and Indian tribes having an oil and gas lease approved by the Secretary of the Interior. The recommendations should ensure that the public interest in receiving the economic benefits of tax and royalty revenues is balanced with the broader national security and economic interests in maximizing recovery of domestic resources. The report should include recommendations regarding actions to—

(1) ensure stable development drilling during periods of low oil and/or natural gas prices to maintain reserve replacement and deliverability;

(2) minimize the negative impact of a volatile investment climate on the oil and gas service industry and domestic oil and gas exploration and production;

(3) ensure a consistent level of domestic activity to encourage the education and retention of a technical workforce; and

(4) maintain production capability during periods of low oil and/or natural gas prices.

(d) ROYALTY GUIDELINES.—The recommendations required under (c) should include guidelines for private resource holders as to the appropriate level of royalties given geology, development cost, and the national interest in maximizing recovery of oil and gas resources.

(e) REPORT.—The study under subsection (a) shall be completed not later than 18 months after the date of enactment of this section. The report and recommendations required in (c) shall be transmitted to the President, the Congress, Indian tribes, and the Governors of the member States of the Interstate Oil and Gas Compact Commission.

SEC. 609. STRATEGIC PETROLEUM RESERVE.

(a) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2002".

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to expedite the approval, construction, and initial operation of one or more transportation systems for the delivery of Alaska natural gas to the contiguous United States;

(2) to ensure access to such transportation systems on an equal and nondiscriminatory basis and to promote competition in the exploration, development and production of Alaska natural gas; and

(3) to provide federal financial assistance to any transportation system for the transport of Alaska natural gas to the contiguous United States, for which an application for a certificate of public convenience and necessity is filed with the Commission not later than 6 months after the date of enactment of this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) Issuance of Certificate.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has-

(A) entered into a contract to transport Alaska natural gas through the proposed Alaska natural gas transportation project for use in the contiguous United States; and

(B) satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United tates.

(c) Expedited Approval Process.—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 704.

(d) Reviews and Actions of Other Federal Agencies.—All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(e) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) Designation of Lead Agency.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) Other Agencies.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) Expedited Process.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

(e) Updated Environmental Reviews Under ANGTA.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

SEC. 706. FEDERAL COORDINATOR.

(a) Establishment.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) The Federal Coordinator.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) Duties.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

SEC. 707. JUDICIAL REVIEW.

(a) Exclusive Jurisdiction.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of the Commission under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) Deadline for Filing Claim.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

SEC. 708. LOAN GUARANTEE.

(a) Authority.—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) Conditions.—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 6 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) Limitation on Amount.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(d) Regulations.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

SEC. 709. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 6 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) Scope of Study.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) Consultation.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the

Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) Report.—If the Secretary of Energy is required to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 710. SAVINGS CLAUSE.

Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g).

SEC. 711. CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.

Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

SEC. 712. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" has the meaning given such term by section 4(1) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719b(1)).

(2) The term "Alaska natural gas transportation project" means any other natural gas pipeline system that carries Alaska natural gas from the North Slope of Alaska to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale in interstate commerce of such gas for resale; and

(6) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719e) and approved by Public Law 95–158.

SEC. 713. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

Subtitle B—Operating Pipelines

SEC. 721. APPLICATION OF HISTORIC PRESERVATION ACT TO OPERATING PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following:

"(i)(1) Notwithstanding the National Historic Preservation Act (16 U.S.C. 470 et seq.), a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

"(A) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b), or

"(B) the owner of the facility has given written consent to such eligibility.

"(2) Any transportation facility considered eligible for inclusion on the National Register of Historic Places prior to the date of enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.".

SEC. 722. ENVIRONMENTAL REVIEW AND PERMITTING OF NATURAL GAS PIPELINE PROJECTS.

(a) Interagency Review.—The Chairman of the Council on Environmental Quality, in coordination with the Federal Energy Regulatory Commission, shall establish an interagency task force to develop an interagency memorandum of understanding to expedite the environmental review and permitting of natural gas pipeline projects.

(b) Membership of Interagency Task Force.—The task force shall consist of—

(1) the Chairman of the Council on Environmental Quality, who shall serve as the Chairman of the interagency task force,

(2) the Chairman of the Federal Energy Regulatory Commission,

(3) the Director of the Bureau of Land Management,

(4) the Director of the U.S. Fish and Wildlife Service,

(5) the Commanding General, U.S. Army Corps of Engineers,

(6) the Chief of the Forest Service,

(7) the Administrator of the Environmental Protection Agency,

(8) the Chairman of the Advisory Council on Historic Preservation, and

(9) the heads of such other agencies as the Chairman of the Council on Environmental Quality and the Chairman of the Federal Energy Regulatory Commission deem appropriate.

(c) Memorandum of Understanding.—The agencies represented by the members of the interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

DIVISION C—DIVERSIFYING ENERGY DEMAND AND IMPROVING EFFICIENCY

TITLE VIII—FUELS AND VEHICLES

Subtitle A—CAFE Standards and Related Matters

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "Non-Passenger Automobiles.—" in subsection (a) and inserting "Prescription of Standards by Regulation.—"; and

(2) by striking "(except passenger automobiles)" in subsection (a) and inserting "(except passenger automobiles and light trucks)";

(3) by striking subsection (b) and inserting the following:

"(b) Standards for Passenger Automobiles and Light Trucks.—

"(1) In general.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2013 of at least 35 miles per gallon.

"(2) Annual progress toward standard required.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

"(A) increase the applicable average fuel economy standard ratably over the 9 model-year period beginning with model year 2005 and ending with model year 2013;

"(B) require that each manufacturer achieve—

"(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 33.2 miles per gallon no later than model year 2010; and

"(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 26.3 miles per gallon no later than model year 2010; and

"(C) for any model year within that 9 model-year period does not result in an average fuel economy standard lower than—

"(i) 27.5 miles per gallon for passenger automobiles; or

"(ii) 20.7 miles per gallon for light duty trucks.

"(3) Deadline for regulations.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Energy Policy Act of 2002.

"(4) Default standards.—If the Secretary fails to meet the requirement of paragraph (3), the average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 is the average fuel economy standard set forth in the following tables:

"For model year	The average fuel economy standard for passenger automobiles is:
"2005	28 miles per gallon
"2006	28.5 miles per gallon
"2007	30 miles per gallon
"2008	31 miles per gallon
"2009	32.5 miles per gallon
"2010	34 miles per gallon
"2011	35 miles per gallon
"2012	36.5 miles per gallon
"2013 and thereafter	38.3 miles per gallon

"For model year	The average fuel economy standard for light trucks is:
"2005	21.5 miles per gallon
"2006	22.5 miles per gallon
"2007	23.5 miles per gallon
"2008	24.5 miles per gallon
"2009	26 miles per gallon
"2010	27.5 miles per gallon
"2011	29.5 miles per gallon
"2012	31 miles per gallon
"2013 and thereafter	32 miles per gallon

"(5) Combined standard for model years after model year 2010.—Unless the default standards under paragraph (4) are in effect, for model years after model year 2010, the Secretary may by rulemaking establish—

"(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; or

"(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer.";

(4) by striking "the standard" in subsection (c)(1) and inserting "a standard";

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in subsection (g).

(b) Definition of Light Trucks.—

(1) In general.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

"(17) 'light truck' means an automobile that the Secretary decides by regulation—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) does not fall within the exceptions from the definition of 'medium duty passenger vehicle' under section 86.1803–01 of title 40, Code of Federal Regulations.".

(2) Deadline for regulations.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) Effective date.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) Applicability of Existing Standards.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2005.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY TRUTH IN TESTING.

(a) In General.—Section 32907 of title 49, United States Code, is amended by adding at the end the following:

"(c) Improved Testing Procedures.—

"(1) In general.—The Administrator of the Environmental Protection Agency shall conduct—

"(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with the procedures in effect as of the date of enactment of the Energy Policy Act of 2002 for the purpose of determining whether, and to what extent, the fuel economy of passenger automobiles and light trucks as tested by the Administrator differs from the fuel economy reasonably to be expected from those automobiles and trucks when driven by average drivers under average driving conditions; and

"(B) an assessment of the extent to which fuel economy changes during the life of passenger automobiles and light trucks.".

"(2) Report.—The Administrator of the Environmental Protection Agency shall, within 12 months after the date of enactment of the Energy Policy Act of 2002 and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

"(A) a comparison between—

"(i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of the Energy Policy Act of 2002; and

"(ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under that paragraph;

"(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

"(C) a plan to reduce, by model year 2015, the percentage difference identified under subparagraph (B) by using uniform test methods that reflect actual on-the-road fuel economy consumers experience under normal driving conditions to no greater than 5 percent.".

SEC. 803. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) In General.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) Improved Crashworthiness.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Improved crashworthiness

"(a) Rollovers.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

"(1) dynamic roof crush standards;

"(2) improved seat structure and safety belt design;

"(3) side impact head protection airbags; and

"(4) roof injury protection measures.

"(b) Heavy Vehicle Harm Reduction Compatibility Standard.—

"(1) Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary, through the National Highway Traffic Safety Administration, shall prescribe a federal motor vehicle safety standard under this chapter that will reduce the aggressivity of light trucks by 30 percent, using a baseline of model year 2002, and will improve vehicle compatibility in collisions between light trucks and cars, in order to protect against unnecessary death and injury.

"(2) The Secretary should review the effectiveness of this standard every five years following final issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressivity.".

(c) Conforming Amendment.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30127 the following: "30128. Improved crashworthiness".

SEC. 804. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) In General.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that runs only on an alternative fuel.

(b) Hybrid Vehicle Defined.—In this section, the term "hybrid vehicle" means a motor vehicle—

(1) which—

(A) draws propulsion energy from onboard sources of stored energy which are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and (3) which is made by a manufacturer.

(c) Alternative Fuel Defined.—In this section, the term "alternative fuel" has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 805. CREDIT TRADING PROGRAM.

(a) In General.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

"(g) Vehicle Credit Trading System.—

"(1) In General.—The Secretary of Transportation, with technical assistance from the Administrator of the Environmental Protection Agency, may establish a system under which manufacturers with credits under this section may sell those credits to other manufacturers or transfer them among a manufacturer's fleets.

"(2) Purposes.—The purposes of the system are:

"(A) Reducing the adverse effects of inefficient consumption of fuel by passenger automobiles and light trucks.

"(B) Accelerating introduction of advanced technology vehicles into use in the United States.

"(C) Encouraging manufacturers to exceed the average fuel economy standards established by section 32902.

"(D) Reducing emissions of carbon dioxide by passenger automobiles and light trucks.

"(E) Decreasing the United States" consumption of oil as vehicular fuel.

"(F) Providing manufacturers flexibility in meeting the average fuel economy standards established by section 32902.

"(G) Increasing consumer choice.

"(3) PROGRAM REQUIREMENTS.—The system established under paragraph (1) shall—

"(A) make only credits accrued after the date of enactment of the Energy Policy Act of 2002 eligible for transfer or sale;

"(B) use techniques and methods that minimize reporting costs for manufacturers;

"(C) provide for monitoring and verification of credit purchases;

"(D) require participating manufacturers to report monthly sales of vehicles to the Administrator of the Environmental Protection Agency; and

"(E) make manufacturer-specific credit, transfer, sale, and purchase information publicly available through annual reports and monthly posting of transactions on the Internet.

"(4) CREDITS MAY BE TRADED BETWEEN PASSENGER AUTOMOBILES AND LIGHT TRUCKS AND BETWEEN DOMESTIC AND IMPORT FLEETS.—The system shall provide that credits earned under this section—

"(A) with respect to passenger automobiles may be applied with respect to light trucks;

"(B) with respect to light trucks may be applied with respect to passenger automobiles;

"(C) with respect to passenger automobiles manufactured domestically may be applied with respect to passenger automobiles not manufactured domestically; and

"(D) with respect to passenger automobiles not manufactured domestically may be applied with respect to passenger automobiles manufactured domestically.

"(5) REPORT.—The Secretary and the Administrator shall jointly submit an annual report to the Congress—

"(A) describing the effectiveness of the credits provided by this subsection achieving the purposes described in paragraph (2); and

"(B) setting forth a full accounting of all credits, transfers, sales, and purchases for the most recent model year for which data is available.".

(b) NO CARRYBACK OF CREDITS.—Section 32903(a) of title 49, United States Code, is amended—

(1) by striking "applied to- "and inserting "applied—";

(2) by inserting "for model years before model year 2006, to" in paragraph (1) before "any";

(3) by striking "and" after the semicolon in paragraph (1);

(4) by striking "earned." in paragraph (2) and inserting "earned; and"; and

(5) by adding at the end the following:

"(3) for model years after 2001, in accordance with the vehicle credit trading system established under subsection (g), to any of the 3 consecutive model years immediately after the model year for which the credit was earned.".

(d) USE OF CREDIT VALUE TO CALCULATE CIVIL PENALTY.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting "and is unable to purchase sufficient credits under section 32903(g) to comply with the standard" after "title" the first place it appears; and

(2) by striking all after "penalty" and inserting "of the greater of—

"(1) an amount determined by multiplying—

"(A) the number of credits necessary to enable the manufacturer to meet that standard; by

"(B) 1.5 times the previous year's weighted average open market price of a credit under section 32903(g); or

"(2) $5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

"(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied manufactured by the manufacturer during the model year;

"(B) multiplied by the number of those automobiles; and

"(C) reduced by the credits available to the manufacturer under section 32903 for the model year.".

(c) CONFORMING AMENDMENTS.—Section 32903 of title 49, United States Code, is amended—

(1) by inserting "or light trucks" after "passenger automobiles" each place it appears in subsection (c);

(2) by inserting after "manufacturer." in subsection (d) "Credits earned with respect to passenger automobiles may be used with respect to nonpassenger automobiles and light duty trucks."; and

(3) by inserting after "manufacturer." in subsection (e) "Credits earned with respect to non-passenger automobiles or light trucks may be used with respect to passenger automobiles.".

SEC. 806. GREEN LABELS FOR FUEL ECONOMY.

Section 32908 of title 49,United States Code, is amended—

(1) by striking "title." in subsection (a)(1) and inserting "title, and a light truck (as defined in section 32901(17) after model year 2005; and";

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901) and with vehicles in the vehicle class to which it belongs; and

"(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(3) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Energy Policy Act of 2002, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

"(B) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

"(i) The amount of greenhouse gases that will be emitted over the life-cycle of the automobile.

"(ii) The fuel economy of the automobile.

"(iii) The recyclability of the automobile.

"(iv) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

"(5) FUELSTAR PROGRAM.—The Secretary, in consultation with the Administrator, shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under subsection 4(A), provide consumer incentives to purchase vehicles that exceed the applicable fuel economy standard.

SEC. 807. LIGHT TRUCK CHALLENGE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct an open competition for a project to demonstrate the feasibility of multiple fuel hybrid electric vehicle powertrains in sport utility vehicles and light trucks. The Secretary shall execute a contract with the entity determined by the Secretary to be the winner of the competition under which the Secretary will provide $10,000,000 to that entity in each of fiscal years 2003 and 2004 to carry out the project.

(b) PROJECT REQUIREMENTS.—Under the contract, the Secretary shall require the entity to which the contract is awarded to—

(1) select a current model year production vehicle;

(2) modify that vehicle so that it—

(A) meets all existing vehicle performance characteristics of the sport utility vehicle or light truck selected for the project;

(B) improves the vehicle's fuel economy rating by 50 percent or more (as measured by gasoline consumption); and

(3) meet the requirements of paragraph (2) in such a way that incorporation of the modification in the manufacturer's production process would not increase the vehicle's incremental production costs by more than 10 percent.

(c) ELIGIBLE ENTRANTS.—The competition conducted by the Secretary shall be open to any entity, or consortium of nongovernmental entities, educational institutions, and not-for-profit organizations, that—

(1) has the technical capability and resources needed to complete the project successfully; and

(2) has sufficient financial resources in addition to the contract amount, if necessary, to complete the contract successfully.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of fiscal years 2003 and 2004 to carry out this section.

SEC. 808. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2005, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of petroleum used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 809. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) ENGINEERING TEAM AWARDS.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles or light trucks (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of—

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title;

(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title; and

(3) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 40 miles per gallon under section 32902 of such title.

(b) MANUFACTURER'S AWARD.—The Secretary of Transportation shall establish an Oil Independence Award to recognize the first manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 37 miles per gallon under section 32902 of such title.

(c) REQUIREMENTS FOR PARTICIPATION IN ENGINEERING TEAM AWARDS PROGRAM.—In establishing the engineering team awards program under subsection (a), the Secretary shall establish eligibility requirements that include—

(1) a requirement that the vehicle, van, or truck be domestically-manufactured or manufacturable (if a prototype) within the meaning of section 32903 of title 49, United States Code;

(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and

(3) such additional requirements as the Secretary may require in order to carry out the program.

(d) AMOUNT OF PRIZE.—The Secretary shall award a prize of not less than $10,000 to each engineering team determined by the Secretary to have successfully met the requirements of subsection (a)(1), (2), or (3). The Secretary shall provide for recognition of any manufacturer to have met the requirements of subsection (b) with appropriate ceremonies and activities, and may provide a monetary award in an amount determined by the Secretary to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 810. COOPERATIVE TECHNOLOGY AGREEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Environmental Protection Agency, may execute a cooperative research and development agreement with any manufacturer of passenger automobiles or light trucks (as those terms are defined in section 32901 of title 49, United States Code) to implement, utilize, and incorporate in production government-developed or jointly-developed fuel economy technology that will result in improvements in the average fuel economy of any class of vehicles produced by that manufacturer of at least 55 percent greater than the average fuel economy of that class of vehicles for model year 2000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and the Administrator of the Environmental Protection Agency such sums as may be necessary to carry out this section.

Subtitle B—Alternative and Renewable Fuels

SEC. 811. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS.

(a) REQUIREMENT TO USE ALTERNATIVE FUELS.—Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement in part, but only to the extent that:

"(i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and

"(ii) not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.".

(b) DEFINITION OF "DEDICATED VEHICLE".—Section 400AA(g)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)(4)(B)) is amended by inserting after "solely on alternative fuel" the following: ", including a three-wheeled enclosed electric vehicle having a vehicle identification number".

SEC. 812. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after "required" the following: "(unless, in the discretion of the State transportation department, the vehicle is being operated on, or is being fueled by, an alternative fuel (as defined in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)))".

SEC. 813. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national basis and a regional basis, including—

(1) the quantity of renewable fuels produced;

(2) the cost of production;

(3) the cost of blending and marketing;

(4) the quantity of renewable fuels consumed;

(5) the quantity of renewable fuels imported; and

(6) market price data.

SEC. 814. GREEN SCHOOL BUS PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy and the Secretary of Transportation shall jointly establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) REQUIREMENTS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) SOLICITATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) BUSES.—Funding under a grant made under this section may only be used to demonstrate the use of new alternative fuel school buses or ultra-low sulfur diesel school buses that—

(1) have a gross vehicle weight greater than 14,000 pounds;

(2) are powered by a heavy duty engine;

(3) in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model year 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) in the case of ultra-low sulfur diesel school buses, emit not more than the lesser of—

(A) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of the same class of ultra-low sulfur diesel school buses commercially available at the time the grant is made; or

(B) the applicable following amounts—

(i) for buses manufactured in model year 2002 or 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(ii) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter.

(h) Deployment and Distribution.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) Limit on Funding.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) Definitions.—For purposes of this section—

(1) the term "alternative fuel school bus" means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term "ultra-low sulfur diesel school bus" means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 815. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) Cost Sharing.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) Funding.—No more than $25,000,000 of the amounts authorized under section 815 may be used for carrying out this section for the period encompassing fiscal years 2003 through 2006.

(d) Reports to Congress.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for carrying out sections 814 and 815, to remain available until expended—

(1) $50,000,000 for fiscal year 2003;

(2) $60,000,000 for fiscal year 2004;

(3) $70,000,000 for fiscal year 2005; and

(4) $80,000,000 for fiscal year 2006.

SEC. 817. BIODIESEL FUEL USE CREDIT.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking "NOT" in the subsection heading; and

(2) by striking "not".

SEC. 818. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) In General.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) Renewable Fuel Program.—

"(1) Definitions.—In this section:

"(A) Cellulosic biomass ethanol.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural commodities and residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) Renewable fuel.—

"(i) In general.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) Inclusion.—The term 'renewable fuel' includes cellulosic biomass ethanol and biodiesel (as defined in section 312(f)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)(1)).

"(C) Small refinery.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) do not exceed 65,000 barrels.

"(2) Renewable fuel program.—

"(A) In general.—Except as provided in subparagraph (B)(i)(II), the motor vehicle fuel sold or introduced into commerce in the United States in calendar year 2003 or any calendar year thereafter by a refiner, blender, or importer shall contain, on a 6-month average basis, a quantity of renewable fuel, measured in gallons, that is not less than the applicable volume determined under subparagraph (B).

"(B) Applicable volume.—

"(i) Calendar year 2003.—For calendar year 2003—

"(I) for the purpose of subparagraph (A), the applicable volume shall be 2,000,000,000 gallons; and

"(II) subparagraph (A) shall apply only to a refiner, blender, or importer located in Petroleum Administration for Defense District II, III, or IV.

"(ii) Calendar years 2004 through 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2004 through 2012 shall be determined in accordance with the following table:

"Calendar year:	Applicable volume of renewable fuel: (in billions of gallons)
2004	2.3
2005	2.6
2006	2.9
2007	3.2
2008	3.5
2009	3.9
2010	4.3
2011	4.7
2012	5.0.

"(iii) Calendar year 2013 and thereafter.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of motor vehicle fuel that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) the number of gallons of motor vehicle fuel sold or introduced into commerce in calendar year 2012 that consists of renewable fuel; bears to

"(bb) the number of gallons of motor vehicle fuel sold or introduced into commerce in calendar year 2012.

"(3) Cellulosic biomass ethanol.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel.

"(4) Credit program.—

"(A) In general.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by a person that refines, blends, or imports motor vehicle fuel that contains, on a 6-month average basis, a quantity of renewable fuel that is greater than the quantity required for that 6-month period under paragraph (2).

"(B) Use of credits.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

"(C) Expiration of credits.—A credit generated under this paragraph shall expire 1 year after the date on which the credit was generated.

"(5) Waivers.—

"(A) In general.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirement of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection—

"(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

"(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

"(B) Petitions for waivers.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

"(i) shall approve or deny a State petition for a waiver of the requirement of paragraph (2) within 180 days after the date on which the petition is received; but "(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

"(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

"(6) SMALL REFINERS.—The requirement of paragraph (2) shall not apply to a small refinery.

"(7) REGULATIONS.—Not later than 270 days after the date of enactment of this paragraph, the Administrator shall promulgate regulations to carry out this subsection.".

(b) DISTILLATION INDEX.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended by inserting before subsection (q) (as redesignated by subsection (a)(1)) the following:

"(p) DISTILLATION INDEX.—Effective January 1, 2004, no person shall manufacture, sell, supply, offer for sale, or supply, dispense, transport, or introduce into commerce gasoline that has a distillation index that exceeds 1,200.".

(c) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking "or (n)" each place it appears and inserting "(n), (o), or (p)"; and

(B) in the second sentence, by striking "or (m)" and inserting "(m), (o), or (p)"; and

(2) in the first sentence of paragraph (2), by striking "and (n)" each place it appears and inserting "(n), (o), and (p)".

(d) ELIMINATION OF ETHANOL WAIVER.—Section 211(h)(4) of the Clean Air Act (42 U.S.C. 7545(h)(4)) is amended by striking "For" and inserting "In the case of a State that is not located east of the Mississippi River, for".

SEC. 819. NEIGHBORHOOD ELECTRIC VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of paragraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

"(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

"(B) a zero-emission vehicle, as such term is defined in section 86.1703–99 of title 40, Code of Federal Regulations.".

Subtitle C—Federal Reformulated Fuels

SEC. 821. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2002".

SEC. 822. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF MTBE CONTAMINATION.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF MTBE CONTAMINATION.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9011(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2); and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9011(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2002, to remain available until expended; and

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2002; and

"(B) $30,000,000 for each of fiscal years 2003 through 2007.".

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.
"Sec. 9011. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 823. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) IN GENERAL.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) BAN ON THE USE OF MTBE.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall ban use of methyl tertiary butyl ether in motor vehicle fuel.".

(b) NO EFFECT ON LAW REGARDING STATE AUTHORITY.—The amendments made by subsection (a) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in gasoline.

SEC. 824. WAIVER OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) IN GENERAL.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) WAIVER OF OXYGEN CONTENT REQUIREMENT.—

"(i) AUTHORITY OF THE GOVERNOR.—

"(I) IN GENERAL.—Notwithstanding any other provision of this subsection, a Governor of a State, upon notification by the Governor to the Administrator during the 90-day period beginning on the date of enactment of this subparagraph, or during the 90-day period beginning on the date on which an area in the State becomes a covered area by operation of the second sentence of paragraph (10)(D), may waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(II) OPT-IN AREAS.—A Governor of a State that submits an application under paragraph (6) may, as part of that application, waive the application of paragraphs (2)(B) and (3)(A)(v) to gasoline sold or dispensed in the State.

"(ii) TREATMENT AS REFORMULATED GASOLINE.—In the case of a State for which the Governor invokes the waiver described in clause (i), gasoline that complies with all provisions of this subsection other than paragraphs (2)(B) and (3)(A)(v) shall be considered to be reformulated gasoline for the purposes of this subsection.

"(iii) EFFECTIVE DATE OF WAIVER.—A waiver under clause (i) shall take effect on the earlier of—

"(I) the date on which the performance standards under subparagraph (C) take effect; or

"(II) the date that is 270 days after the date of enactment of this subparagraph.

"(C) MAINTENANCE OF TOXIC AIR POLLUTANT EMISSION REDUCTIONS.—

"(i) IN GENERAL.—As soon as practicable after the date of enactment of this subparagraph, the Administrator shall—

"(I) promulgate regulations consistent with subparagraph (A) and paragraph (3)(B)(ii) to ensure that reductions of toxic air pollutant emissions achieved under the reformulated gasoline program under this section before the date of enactment of this subparagraph are maintained in States for which the Governor waives the oxygenate requirement under subparagraph (B)(i); or

"(II) determine that the requirement described in clause (iv)—

"(aa) is consistent with the bases for performance standards described in clause (ii); and

"(bb) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

"(ii) PADD PERFORMANCE STANDARDS.—The Administrator, in regulations promulgated under clause (i)(I), shall establish annual average performance standards for each Petroleum Administration for Defense District (referred to in this subparagraph as a "PADD") based on—

"(I) the average of the annual aggregate reductions in emissions of toxic air pollutants achieved under the reformulated gasoline program in each PADD during calendar years 1999 and 2000, determined on the basis of the 1999 and 2000 Reformulated Gasoline Survey Data, as collected by the Administrator; and

"(II) such other information as the Administrator determines to be appropriate.

"(iii) APPLICABILITY.—

"(I) IN GENERAL.—The performance standards under this subparagraph shall be applied on an annual average importer or refinery-by-refinery basis to reformulated gasoline that is sold or introduced into commerce in a State for which the Governor waives the oxygenate requirement under subparagraph (B)(i).

"(II) MORE STRINGENT REQUIREMENTS.—The performance standards under this subparagraph shall not apply to the extent that any requirement under section 202(l) is more stringent than the performance standards.

"(III) STATE STANDARDS.—The performance standards under this subparagraph shall not apply in any State that has received a waiver under section 209(b).

"(IV) CREDIT PROGRAM.—The Administrator shall provide for the granting of credits for exceeding the performance standards under this subparagraph in the same manner as provided in paragraph (7).

"(iv) STATUTORY PERFORMANCE STANDARDS.—

"(I) IN GENERAL.—Subject to subclause (IV), if the regulations under clause (i)(I) have not been promulgated by the date that is 270 days after the date of enactment of this subparagraph, the requirement described in subclause (III) shall be deemed to be the performance standards under clause (ii) and shall be applied in accordance with clause (iii).

"(II) PUBLICATION IN FEDERAL REGISTER.—Not later than 30 days after the date of enactment of this subparagraph, the Administrator shall publish in the Federal Register, for each PADD, the percentage equal to the average of the annual aggregate reductions in the PADD described in clause (ii)(I).

"(III) TOXIC AIR POLLUTANT EMISSIONS.—The annual aggregate emissions of toxic air pollutants from baseline vehicles when using reformulated gasoline in each PADD shall be not greater than—

"(aa) the aggregate emissions of toxic air pollutants from baseline vehicles when using baseline gasoline in the PADD; reduced by

"(bb) the quantity obtained by multiplying the aggregate emissions described in item (aa) for the PADD by the percentage published under subclause (II) for the PADD.

"(IV) SUBSEQUENT REGULATIONS.—Through promulgation of regulations under clause (i)(I), the Administrator may modify the performance standards established under subclause (I) to require each PADD to achieve a greater percentage reduction than the percentage published under subclause (II) for the PADD.".

SEC. 825. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) ETHYL TERTIARY BUTYL ETHER.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether; and

"(II) other ethers, as determined by the Administrator; and

"(ii) submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the results of the study.

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities.".

SEC. 826. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

"(o) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this subsection, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2002.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this subsection, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of fuel characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 827. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as so redesignated)—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) NONCLASSIFIED AREAS.—

"(i) IN GENERAL.—In accordance with section 110, a State may submit to the Administrator, and the Administrator may approve, a State implementation plan revision that provides for application of the prohibition specified in paragraph (5) in any portion of the State that is not a covered area or an area referred to in subparagraph (A)(i).

"(ii) PERIOD OF EFFECTIVENESS.—Under clause (i), the State implementation plan shall establish a period of effectiveness for applying the prohibition specified in paragraph (5) to a portion of a State that—

"(I) commences not later than 1 year after the date of approval by the Administrator of the State implementation plan; and

"(II) ends not earlier than 4 years after the date of commencement under subclause (I).".

SEC. 828. MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.

Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) (as amended by section 823(a)(3)) is amended by adding at the end the following:

"(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—The Administrator may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to the production of other fuel additives that—

"(i) will be consumed in nonattainment areas;

"(ii) will assist the nonattainment areas in achieving attainment with a national primary ambient air quality standard;

"(iii) will not degrade air quality or surface or ground water quality or resources; and

"(iv) have been registered and tested in accordance with the requirements of this section.

"(B) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the ban on the use of methyl tertiary butyl ether under paragraph (5).

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2002 through 2004.".

Subtitle D—Additional Fuel Efficiency Measures

SEC. 831. FUEL EFFICIENCY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for executive agency automobiles

"(a) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

"(b) Increase of Average Fuel Economy.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

"(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

"(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

"(c) Calculation of Average Fuel Economy.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

"(d) Definitions.—In this section:

"(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

"(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

"(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.".

SEC. 832. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) Establishment.—The Secretary shall establish a program, to be known as the "National Motor Vehicle Efficiency Improvement Program." Under this program, the Secretary shall provide grants to States to operate programs to offer owners of passenger automobiles and light-duty trucks manufactured in model years more than 15 years prior to the fiscal year in which appropriations are made under subsection (d) financial incentives to voluntarily—

(1) scrap such automobiles and to replace them with automobiles with higher fuel efficiency; or

(2) repair such vehicles to improve their fuel economy.

(b) State Plan.—Not later than 180 days after the date of enactment of an appropriations act containing funds authorized under subsection (d), to be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this subtitle in that State.

(c) Eligibility Criteria.—The Secretary shall approve a State plan and provide the funds under subsection (d), if the State plan—

(1) for voluntary vehicle scrappage programs—

(A) requires that all passenger automobiles and light-duty trucks turned in be scrapped;

(B) requires that prior to scrapping a vehicle, the state provide public notification of the intent to scrap and allow for the salvage of valuable parts from the vehicle;

(C) requires that all passenger automobiles and light-duty trucks turned in be currently registered in the State in order to be eligible;

(D) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that they are turned in;

(E) restricts automobile owners (except not-for-profit organizations) from turning in more than one passenger automobile and one light-duty truck in a 12-month period;

(F) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(G) provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in;

(H) provides, in addition to the payment under subparagraph (G), an additional credit that may be redeemed by the owner of the turned-in passenger automobile or light-duty truck at the time of purchase of new fuel-efficient automobile; and

(I) estimates the fuel efficiency benefits of the program, and reports the estimated results to the Secretary annually; and (2) for voluntary vehicle repair programs—

(A) requires the vehicle owner contribute at least 20 percent of the cost of the repairs;

(B) sets a ceiling beyond which the vehicle owner is responsible for the cost of repairs;

(C) allows the vehicle owner to opt out of the program if the cost of the repairs is considered to be too great; and

(D) estimates the fuel economy benefits of the program and reports the estimated results to the Secretary annually.

(d) Authorization of Appropriations.—There are hereby authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary, to remain available until expended.

(e) Allocation Formula.—The amounts appropriated pursuant to subsection (d) shall be allocated among the States on the basis of the population of the States as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time that the Secretary needs to compute shares under this subsection.

(f) Definitions.—In this section:

(1) Automobile.—The term "automobile" has the meaning given such term in section 32901(3) of title 49, United States Code.

(2) Fuel-efficient automobile.—

(A) The term "fuel-efficient automobile" means a passenger automobile or a light-duty truck that has an average fuel economy greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to such passenger automobile or light-duty truck.

(B) The term "average fuel economy" has the meaning given such term in section 32901(5) of title 49, United States Code.

(C) The term "average fuel economy standard" has the meaning given such term in section 32901(6) of title 49, United States Code.

(D) The term "fuel economy" has the meaning given such term in section 32901(10) of title 49, United States Code.

(3) Light-duty truck.—The term "light-duty truck" means an automobile that is not a passenger automobile. Such term shall include a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002-85 of title 40, Code of Federal Regulations.

(4) Passenger automobile.—The term "passenger automobile" has the meaning given such term by section 32901(16) of title 49, United States Code.

(5) Secretary.—The term "Secretary" means the Secretary of Energy.

(6) State.—The term "State" means any of the several States and the District of Columbia.

SEC. 833. IDLING REDUCTION SYSTEMS IN HEAVY DUTY VEHICLES.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by adding at the end the following:

"PART K—REDUCING TRUCK IDLING

"SEC. 400AAA. REDUCING TRUCK IDLING.

"(a) Study.—Not later than 18 months after the date of enactment of this section, the Secretary shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from long duration idling of main drive engines in heavy-duty vehicles.

"(b) Regulations.—Upon completion of the study under subsection (a), the Secretary may issue regulations requiring the installation of idling reduction systems on all newly manufactured heavy duty vehicles.

"(c) Definitions.—As used in this section:

"(1) The term 'heavy-duty vehicle' means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

"(2) The term 'idling reduction system' means a device or system of devices used to reduce long duration idling of a diesel engine in a vehicle.

"(3) The term 'long duration idling' means the operation of a main drive engine of a heavy-duty vehicle for a period of more than 15 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty vehicle.

"(4) The term 'vehicle' has the meaning given such term in section 4 of title 1, United States Code.".

TITLE IX—ENERGY EFFICIENCY AND ASSISTANCE TO LOW INCOME CONSUMERS

Subtitle A—Low Income Assistance and State Energy Programs

SEC. 901. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION ASSISTANCE, AND STATE ENERGY GRANTS.

ENERGY GRANTS.

(a) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2003 through 2005.".

(2) Section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "$600,000,000" and inserting "$1,000,000,000".

(3) Section 2609A(a) of the Low-Income Energy Assistance Act of 1981 (42 U.S.C. 8628a(a)) is amended by striking "not more than $300,000" and inserting: "not more than $750,000".

(b) Weatherization Assistance.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.".

SEC. 902. STATE ENERGY PROGRAMS.

(a) State Energy Conservation Plans.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322)) is amended by adding at the end the following:

"(g) The Secretary shall, at least once every three years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions that may be carried out in pursuit of common energy conservation goals.".

(b) STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2002 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.".

(c) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$100,000,000 for each of fiscal years 2003 and 2004; $125,000,000 for fiscal year 2005; and such sums as may be necessary for each fiscal year thereafter.".

SEC. 903. ENERGY EFFICIENT SCHOOLS.

(a) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Schools Program (in this section referred to as the "Program").

(b) GRANTS.—The Secretary of Energy may make grants to a State energy office—

(1) to assist school districts in the State to improve the energy efficiency of school buildings;

(2) to administer the Program; and

(3) to promote participation in the Program.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—The Secretary shall condition grants under subsection (b)(1) on the State energy office using the grants to assist school districts that have demonstrated—

(1) a need for the grants to build additional school buildings to meet increasing elementary or secondary enrollments or to renovate existing school buildings; and

(2) a commitment to use the grant funds to develop high performance school buildings in accordance with a plan that the State energy office, in consultation with the State educational agency, has determined is feasible and appropriate to achieve the purposes for which the grant is made.

(d) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to—

(1) evaluate compliance by school districts with requirements of this section;

(2) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;

(3) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;

(4) obtain technical services and assistance in planning and designing high performance school buildings; or

(5) collect and monitor data and information pertaining to the high performance school building projects.

(e) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) shall be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy savings performance contracts, working with school administrations, students, and communities, and coordinating public benefit programs.

(f) SUPPLEMENTING GRANT FUNDS.—The State energy office shall encourage qualifying school districts to supplement funds awarded pursuant to this section with funds from other sources in the implementation of their plans.

(g) ALLOCATIONS.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

(1) 70 percent shall be used to make grants under subsection (b)(1);

(2) 15 percent shall be used to make grants under subsection (b)(2); and

(3) 15 percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may retain an amount, not to exceed $300,000 per year, to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (b) there are authorized to be appropriated—

(1) $200,000,000 for fiscal year 2003;

(2) $210,000,000 for fiscal year 2004;

(3) $220,000,000 for fiscal year 2005;

(4) $230,000,000 for fiscal year 2006; and

(5) such sums as may be necessary for fiscal year 2007 and each fiscal year thereafter through fiscal year 2012.

(j) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE SCHOOL BUILDING.—The term "high performance school building" means a school building that, in its design, construction, operation, and maintenance—

(A) maximizes use of renewable energy and energy-efficient technologies and systems;

(B) is cost-effective on a life-cycle basis;

(C) achieves either—

(i) the applicable Energy Star building energy performance ratings, or

(ii) energy consumption levels at least 30 percent below those of the most recent version of ASHRAE Standard 90.1;

(D) uses affordable, environmentally preferable, and durable materials;

(E) enhances indoor environmental quality;

(F) protects and conserves water; and

(G) optimizes site potential.

(2) RENEWABLE ENERGY.—The term "renewable energy" means energy produced by solar, wind, biomass, ocean, geothermal, or hydroelectric power.

(3) SCHOOL.—The term "school" means—

(A) an "elementary school" as that term is defined in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)),

(B) a "secondary school" as that term is defined in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)), or

(C) an elementary or secondary Indian school funded by the Bureau of Indian Affairs.

(4) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the same meaning given such term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

(5) STATE ENERGY OFFICE.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State.

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to private, nonprofit community development organizations and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis to a community development organization for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $10 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

Subtitle B—Federal Energy Efficiency

SEC. 911. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended to read as follows:

"(1) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2002 through 2011 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2002	2
2003	4
2004	6
2005	8
2006	10
2007	12
2008	14
2009	16
2010	18
2011	20

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2010, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.".

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended to read as follows:

"(1)(A) An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executives Orders, and other federal law; and

"(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion"; and

(2) by striking "a finding of impracticability" and inserting "the exclusion".

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(f) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(g) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2004, all Federal buildings shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, energy services industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirement specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirement specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

"(f) USE OF ENERGY CONSUMPTION DATA IN FEDERAL BUILDINGS.—

"(1) IN GENERAL.—Beginning not later than January 1, 2003, each agency shall use, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity used in the Federal buildings of the agency, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency.

"(2) PLAN.—As soon as practicable after the date of enactment of this subsection, in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirement of paragraph (1), including how the agency will designate personnel primarily responsible for achieving the requirement.".

SEC. 913. FEDERAL BUILDING PERFORMANCE STANDARDS.

(a) REVISED STANDARDS.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the 2000 International Energy Conservation Code"; and

(2) by adding at the end the following:

"(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective—

"(i) new commercial buildings and multifamily high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency;

"(ii) new residential buildings (other than those described in clause (i)) be constructed so as to achieve the applicable Energy Star building energy performance ratings or achieve energy consumption levels at least 30 percent below the requirements of the most recent version of the International Energy Conservation Code, whichever results in the greater increase in energy efficiency; and

"(iii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

"(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

"(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings of the Federal agency; and

"(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a monitoring and commissioning report that is in compliance with the measurement and verification protocols of the Department of Energy.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.".

(b) ENERGY LABELING PROGRAM.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is further amended by adding at the end the following:

"(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that exceed the revised standards established under subsection (a)(3) by 15 percent or more.".

SEC. 914. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) Procurement of Energy Efficient Products.—

"(1) Requirement.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) Exceptions.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

"(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

"(3) Procurement planning.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(c) Listing of Energy Efficient Products in Federal Catalogs.—Energy Star and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency.

(b) Conforming Amendment.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by inserting after the item relating to section 551 the following:

"Sec. 552. Federal Government procurement of energy efficient products."

(c) Regulations.—Not later than 180 days after the effective date specified in subsection (f), the Secretary of Energy shall issue guidelines to carry out section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(d) Designation of Energy Star Products.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall expedite the process of designating products as Energy Star products (as defined in section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(e) Designation of Electric Motors.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days of the enactment of this paragraph, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

(f) Effective Date.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 915. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 916. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term "energy savings" means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources.".

(b) Energy Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations.".

(c) Energy or Water Conservation Measure.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.".

SEC. 917. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 918. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 553. FEDERAL ENERGY BANK.

"(a) Definitions.—In this section:

"(1) Bank.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

"(2) Energy or water efficiency project.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

"(A) this part;

"(B) title VIII;

"(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

"(D) any applicable Executive order, including Executive Order No. 13123.

"(3) Federal agency.—The term 'Federal agency' means—

"(A) an Executive agency (as defined in section 105 of title 5, United States Code);

"(B) the United States Postal Service;

"(C) Congress and any other entity in the legislative branch; and

"(D) a Federal court and any other entity in the judicial branch.

"(b) Establishment of Bank.—

"(1) In general.—There is established in the Treasury of the United States a fund to be known as the 'Federal Energy Bank', consisting of—

"(A) such amounts as are deposited in the Bank under paragraph (2);

"(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

"(C) any interest earned on investment of amounts in the Bank under paragraph (3).

"(2) Deposits in bank.—

"(A) In general.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to $250,000,000 in fiscal year 2003 and in each fiscal year thereafter.

"(B) Maximum amount in bank.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed $1,000,000,000.

"(3) Investment of amounts.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(c). Loans From the Bank.—

"(1) In general.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

"(2) Loan program.—

"(A) Establishment.—

"(i) In general.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

"(ii) Commencement of operations.—The Secretary may begin—

"(I) accepting applications for loans from the Bank in fiscal year 2002; and

"(II) making loans from the Bank in fiscal year 2003.

"(B) Energy savings performance contracting funding.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available and is acceptable to the Federal agency under title VIII.

"(C) Purposes of loan.—

"(i) In general.—A loan from the Bank may be used to pay—

"(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

"(II) the costs of an energy metering plan and metering equipment installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

"(III) at the time of contracting, the costs of cofunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

"(ii) Limitation.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

"(iii) Renewable and alternative energy projects.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

"(D) Repayments.—

"(i) In general.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) Waiver or reduction of interest.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

"(iii) Determination of interest rate.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) Insufficiency of appropriations.—

"(I) Request for appropriations.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

"(II) Suspension of repayment requirement.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

"(E) Federal agency energy budgets.—Until a loan is repaid, a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(F) No rescission or reprogramming.—A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines issued under subparagraph (G).

"(G) Guidelines.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

"(d) Selection Criteria.—

"(1) In general.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

"(2) Selection criteria.—

"(A) In general.—The Secretary may make loans from the Bank only for a project that—

"(i) is technically feasible;

"(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary;

"(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

"(I) commission energy savings for new and existing Federal facilities;

"(II) monitor and improve energy efficiency management at existing Federal facilities; and

"(III) verify the energy savings under an energy savings performance contract under title VIII; and

"(iv)(I) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

"(II) in the case of any other project, has a simple payback period of not more than 10 years.

"(B) Priority.—In selecting projects, the Secretary shall give priority to projects that—

"(i) are a component of a comprehensive energy management project for a Federal facility; and

"(ii) are designed to significantly reduce the energy use of the Federal facility.

"(e) Reports and Audits.—

"(1) Reports to the secretary.—Not later than 1 year after the completion of installation of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

"(A) states whether the project meets or fails to meet the energy savings projections for the project; and

"(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

"(2) Audits.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

"(3) Reports to congress.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

"(A) the total receipts by the Bank;

"(B) the total amount of loans from the Bank to each Federal agency; and

"(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to such sums as are necessary to carry out this section."

SEC. 919. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) In General.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

"SEC. 554. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) In General.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the "plan") for all facilities administered by the Congress (referred to in this section as 'congressional buildings') to meet the energy performance requirements for Federal buildings established under section 543(a)(1).

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) Plan Requirements.—The plan shall include—

"(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and 'how-to' guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) Contracting Authority.—The Architect—

"(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

"(2) may use innovative contracting methods that will attract private sector funding for the installation of energy efficient and renewable energy technology, such as energy savings performance contracts described in title VIII.

"(d) Capitol Visitor Center.—The Architect—

"(1) shall ensure that state-of-the-art energy efficiency and renewable energy technologies are used in the construction and design of the Visitor Center; and

"(2) shall include in the Visitor Center an exhibit on the energy efficiency and renewable energy measures used in congressional buildings.

"(e) Annual Report.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) Repeal.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

Subtitle C—Industrial Efficiency and Consumer Products

SEC. 921. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) Voluntary Agreements.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) Goal.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 2.5 percent each year from 2002 through 2012.

(c) Recognition.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term "energy intensity" means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2008 and June 30, 2012, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 922. AUTHORITY TO SET STANDARDS FOR COMMERCIAL PRODUCTS.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended as follows:

(1) In the heading for such part, by inserting "AND COMMERCIAL" after "CONSUMER".

(2) In section 321(2), by inserting "or commercial" after "consumer".

(3) In paragraphs (4), (5), and (15) of section 321, by striking "consumer" each place it appears and inserting "covered".

(4) In section 322(a), by inserting "or commercial" after "consumer" the first place it appears in the material preceding paragraph (1).

(5) In section 322(b), by inserting "or commercial" after "consumer" each place it appears.

(6) In section 322 (b)(1)(B) and (b)(2)(A), by inserting "or per-business in the case of a commercial product" after "per-household" each place it appears.

(7) In section 322 (b)(2)(A), by inserting "or businesses in the case of commercial products" after "households" each place it appears.

(8) In section 322 (B)(2)(C)—

(A) by striking "term" and inserting "terms"; and

(B) by inserting "and 'businesses'" after "household".

(9) In section 323 (b)(1) (B) by inserting "or commercial" after "consumer".

SEC. 923. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

"(32) The term 'battery charger' means a device that charges batteries for consumer products.

"(33) The term 'commercial refrigerator, freezer and refrigerator-freezer' means a refrigerator, freezer or refrigerator-freezer that—

"(A) is not a consumer product regulated under this Act; and

"(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

"(34) The term 'external power supply' means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

"(35) The term 'illuminated exit sign' means a sign that—

"(A) is designed to be permanently fixed in place to identify an exit; and

"(B) consists of—

"(i) an electrically powered integral light source that illuminates the legend 'EXIT' and any directional indicators; and

"(ii) provides contrast between the legend, any directional indicators, and the background.

"(36)(A) Except as provided in subsection (B), the term 'low-voltage dry-type transformer' means a transformer that—

"(i) has an input voltage of 600 volts or less;

"(ii) is air-cooled;

"(iii) does not use oil as a coolant; and

"(iv) is rated for operation at a frequency of 60 Hertz.

"(B) The term 'low-voltage dry-type transformer' does not include—

"(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

"(ii) transformers that are designed to be used in a special purpose application, such as transformers commonly known as drive transformers, rectifier transformers, autotransformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers; or

"(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

"(37) The term "standby mode" means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

"(38) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

"(39) The term 'transformer' means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

"(40) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.

SEC. 924. ADDITIONAL TEST PROCEDURES.

(a) EXIT SIGNS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for illuminated exit signs, as in effect on the date of enactment of this paragraph.

"(10) Test procedures for low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998). The Secretary may review and revise this test procedure based on future revisions to such standard test method.

(b) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is further amended by adding at the end the following:

"(f) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, commercial unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.".

SEC. 925. ENERGY LABELING.

(a) RULEMAKING ON EFFECTIVENESS OF CONSUMER PRODUCT LABELING.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

"(F) Not later than three months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 15 months of the date of enactment of this subparagraph.".

(b) RULEMAKING ON LABELING FOR ADDITIONAL PRODUCTS.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

"(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in subsections (u) and (v) of section 325, and within 18 months of enactment of this paragraph for products referred to in subsections (w) through (y) of section 325, prescribe, by rule, labeling requirements for such products. Labeling requirements adopted under this paragraph shall take effect on the same date as the standards set pursuant to sections 325(v) through (y).

SEC. 926. ENERGY STAR PROGRAM.

The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting after section 324 the following:

"ENERGY STAR PROGRAM

"SEC. 324A. (a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label;

"(3) preserve the integrity of the Energy Star label; and

"(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised product category provide an explanation of the decision that responds to significant public comments.".

SEC. 927. ENERGY CONSERVATION STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

"(1) Except as provided in paragraph (3), the seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 13.0.

"(2) Except as provided in paragraph (4), the heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 7.7.

"(3) The seasonal energy efficiency ratio of central air conditioners or central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 12.0 for products that—

"(A) have a rated cooling capacity equal to or less than 30,000 Btu per hour;

"(B) have an outdoor or indoor unit having at least two overall exterior dimensions or an overall displacement that—

"(i) is substantially smaller than those of other units that are currently installed in site-built single family homes, and of a similar cooling or heating capacity, and

"(ii) if increased would result in a significant increase in the cost of installation or would result in a significant loss in the utility of the product to the consumer; and

"(C) were available for purchase in the United States as of December 1, 2000.

"(4) The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 25, 2006 shall not be less 7.4 for products that meet the criteria in paragraph (3).

"(5) The Secretary may postpone the requirements of paragraphs (3) and (4) for specific product types until a date no later than January 23, 2010, if he determines that compliance is either—

"(A) not technologically feasible, or

"(B) not economically justifiable.

"(6) The Secretary shall publish a final rule not later than January 1, 2006 to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2011.".

SEC. 928. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) STANDBY MODE ELECTRIC ENERGY CONSUMPTION.—

"(1) INITIAL RULEMAKING.—

"(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) DESIGNATION OF ADDITIONAL COVERED PRODUCTS.—

"(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; providing that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

"(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

"(i) standby mode power consumption compared to overall product energy consumption; and

"(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

"(C) Not later than one year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

"(3) REVIEW OF STANDBY ENERGY USE IN COVERED PRODUCTS.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to section 325 should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of this subsection.

"(4) RULEMAKING FOR STANDBY MODE.—

"(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in section 325 and the criteria set forth in paragraph 2(B) of this subsection.

"(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

"(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

(5) EFFECTIVE DATE.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported three years after the date of promulgation.

(6) VOLUNTARY PROGRAMS TO REDUCE STANDBY MODE ENERGY USE.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

"(v) SUSPENDED CEILING FANS, VENDING MACHINES, UNIT HEATERS, AND COMMERCIAL REFRIGERATORS, FREEZERS AND REFRIGERATOR-FREEZERS.—The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

"(w) ILLUMINATED EXIT SIGNS.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency as in effect on the date of enactment of this subsection.

"(x) TORCHIERES.—Torchieres manufactured on or after January 1, 2005—

"(1) shall consume not more than 190 watts of power; and

"(2) shall not be capable of operating with lamps that total more than 190 watts.

"(y) LOW VOLTAGE DRY-TYPE TRANSFORMERS.—

"The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for low voltage dry-type transformers specified in Table 4-2 of the 'Guide for Determining Energy Efficiency for Distribution Transformers' published by the National Electrical Manufacturers Association (NEMA TP-1-1996).".

SEC. 929. CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING, AND VENTILATION MAINTENANCE.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC MAINTENANCE.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

"(2) The Secretary may carry out the program in cooperation with industry trade associations, industry members, and energy efficiency organizations.".

Subtitle D—Housing Efficiency

SEC. 831. CAPACITY BUILDING FOR ENERGY EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of

energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 932. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the period at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 933. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting "or paragraph (10)"; and (2) by striking "20 percent" and inserting "30 percent".

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking "20 per centum" and inserting "30 percent".

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking "20 per centum" and inserting "30 percent".

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 934. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.".

SEC. 935. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2-1998 and A112.18.1-2000, or any revision thereto, applicable at the time of installation.".

SEC. 936. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m-290m-3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

DIVISION D—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY

TITLE X—CLIMATE CHANGE POLICY FORMULATION

Subtitle A—Global Warming

SEC. 1001. SENSE OF CONGRESS ON GLOBAL WARMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years".

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency has found that global warming may harm the United States by altering crop yields, accelerating sea level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention of Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system", and which stated in part "the Parties to the Convention are to implement policies with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases."

(7) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations' emissions will significantly increase in the future.

(8) The United Nations Framework Convention on Climate Change further states that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases.

(9) Senate Resolution 98 of July 1997, which expressed that developing nations, especially the largest emitters, must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help find a solution to the global climate change dilemma.

(10) American businesses need to know how governments worldwide will respond to the threat of global warming.

(11) The United States has benefitted and will continue to benefit from investments in the research, development and deployment of a range of clean energy and efficiency technologies that can mitigate global warming and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the United States Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by:

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, emissions trading and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions; and

(3) participating in international negotiations, including putting forth a proposal at the next meeting of the Conference of the Parties, with the objective of securing United States' participation in a revised Kyoto Protocol or other future binding climate change agreements in a manner that is consistent with the environmental objectives of the Framework Convention on Climate Change, that protects the economic interests of the United States, and recognizes

the shared international responsibility for addressing climate change, including developing country participation.

Subtitle B—Climate Change Strategy

SEC. 1011. SHORT TITLE.

This title may be cited as the "Climate Change Strategy and Technology Innovation Act of 2002".

SEC. 1012. FINDINGS.

Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;

(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system";

(3) although science currently cannot determine precisely what atmospheric concentrations are "dangerous", the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for temperance of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) a large share of this economic burden would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) such a revolution can occur only if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) over the decade preceding the date of enactment of this Act—

(A) energy research and development budgets in the public and private sectors have declined precipitously and have not been focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(11) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(ii) technology development, including—

(I) a national commitment to double energy research and development by the United States public and private sectors; and

(II) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(iii) climate adaptation research that—

(I) focuses on response actions necessary to adapt to climate change that may have already occurred;

(II) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario;

(iv) climate science research that—

(I) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act;

(II) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies; and

(13) inherent in each of the 4 key elements of the response strategy is consideration of the international nature of the challenge, which will require—

(A) establishment of joint climate response strategies and joint research programs;

(B) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and

(C) promotion of public awareness of the issue.

SEC. 1013. PURPOSE.

The purpose of this title is to implement the new approach described in section 1012(12) by developing a national focal point for climate change response through—

(1) the establishment of the National Office of Climate Change Response within the Executive Office of the President to develop the United States Climate Change Response Strategy that—

(A) incorporates the 4 key elements of that new approach;

(B) is supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States;

(C) takes into account—

(i) the diversity of energy sources and technologies;

(ii) supply-side and demand-side solutions; and

(iii) national infrastructure, energy distribution, and transportation systems;

(D) provides for the inclusion and equitable participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(E) incorporates new models of Federal-State cooperation;

(F) defines a comprehensive energy technology research and development program that—

(i) recognizes the important contributions that research and development programs in existence on the date of enactment of this title make toward addressing the climate change response challenge; and

(ii) includes an additional research and development agenda that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere;

(G) includes consideration of other efforts to address critical environmental and health concerns, including clean air, clean water, and responsible land use policies; and

(H) incorporates initiatives to promote the deployment of clean energy technologies developed in the United States and abroad;

(2) the establishment of the Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of Federal agencies work together to develop and implement the Strategy;

(3) the establishment of the Office of Climate Change Technology within the Department of Energy—

(A) to manage, as its primary responsibility, an innovative research and development program that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually assess United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(1) CLIMATE-FRIENDLY TECHNOLOGY.—The term "climate-friendly technology" means any energy supply or end-use technology that, over the life of the technology and compared to similar technology in commercial use as of the date of enactment of this Act—

(A) results in reduced emissions of greenhouse gases;

(B) may substantially lower emissions of other pollutants; and

(C) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) DEPARTMENT OFFICE.—The term "Department Office" means the Office of Climate Change Technology of the Department established by section 1017(a).

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(5) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) an anthropogenic gaseous constituent of the atmosphere (including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and tropospheric ozone) that absorbs and re-emits infrared radiation and influences climate; and

(B) an anthropogenic aerosol (such as black soot) that absorbs solar radiation and influences climate.

(6) INTERAGENCY TASK FORCE.—The term "Interagency Task Force" means the United States Climate Change Response Interagency Task Force established under section 1016(d).

(7) KEY ELEMENT.—The term "key element", with respect to the Strategy, means—

(A) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(B) technology development, including—

(i) a national commitment to double energy research and development by the United States public and private sectors; and

(ii) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(C) climate adaptation research that—

(i) focuses on response actions necessary to adapt to climate change that may have already occurred;

(ii) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario;

(D) climate science research that—

(i) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act;

(ii) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies.

(8) QUALIFIED INDIVIDUAL.—

(A) IN GENERAL.—The term "qualified individual" means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

(B) FIELDS OF KNOWLEDGE.—The fields of knowledge referred to in subparagraph (A) are—

(i) the science of primary and secondary climate change impacts;

(ii) energy and environmental economics;

(iii) technology transfer and diffusion;

(iv) the social dimensions of climate change;

(v) climate change adaptation strategies;

(vi) fossil, nuclear, and renewable energy technology;

(vii) energy efficiency and energy conservation;

(viii) energy systems integration;

(ix) engineered and terrestrial carbon sequestration;

(x) transportation, industrial, and building sector concerns;

(xi) regulatory and market-based mechanisms for addressing climate change;

(xii) risk and decision analysis;

(xiii) strategic planning; and

(xiv) the international implications of climate change response strategies.

(9) REVIEW BOARD.—The term "Review Board" means the United States Climate Change Response Strategy Review Board established by section 1019.

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term "stabilization of greenhouse gas concentrations" means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(12) STRATEGY.—The term "Strategy" means the United States Climate Change Response Strategy developed under section 1015.

(13) WHITE HOUSE OFFICE.—The term "White House Office" means the National Office of Climate Change Response of the Executive Office of the President established by section 1016(a).

SEC. 1015. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

(a) IN GENERAL.—The Director of the White House Office shall develop the United States Climate Change Response Strategy, which shall—

(1) have the long-term goal of stabilization of greenhouse gas concentrations through actions taken by the United States and other nations;

(2) recognize that accomplishing the long-term goal of stabilization will take from many decades to more than a century, but acknowledging that significant actions must begin in the near term;

(3) build on the 4 key elements;

(4) be developed on the basis of an examination of a broad range of emissions levels and dates for achievement of those levels (including those evaluated by the Intergovernmental Panel on Climate Change and those consistent with U.S. treaty commitments) that, after taking into account by actions other nations (if any), would culminate in the stabilization of greenhouse gas concentrations;

(5) consider the broad range of activities and actions that can be taken by United States entities to reduce, avoid, or sequester greenhouse gas emissions both within the United States and in other nations through the use of market mechanisms, which may include but not limited to mitigation activities, terrestrial sequestration, earning offsets through carbon capture or project-based activities, trading of emissions credits in domestic and international markets, and the application of the resulting credits from any of the above within the United States;

(6) minimize any adverse short-term and long-term social, economic, national security, and environmental impacts, including ensuring that the strategy is developed in an economically and environmentally sound manner;

(7) incorporate mitigation approaches leading to the development and deployment of advanced technologies and practices that will reduce, avoid, or sequester greenhouse gas emissions;

(8) recognize that the climate change response strategy is intended to guide the nation's effort to address climate change, but it shall not create a legal obligation on the part of any person or entity other than the duties of the Director of the White House Office and Interagency Task Force in the development of the strategy;

(9) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(10) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, and other relevant policies of the United States;

(11) have a scope that considers the totality of United States public, private, and public-private sector actions that bear on the long-term goal;

(12) be based on an evaluation of a wide range of approaches for achieving the long-term goal, including evaluation of—

(A) a variety of cost-effective Federal and State policies, programs, standards, and incentives;

(B) policies that integrate and promote innovative, market-based solutions in the United States and in foreign countries; and

(C) participation in other international institutions, or in the support of international activities, that are established or conducted to facilitate stabilization of greenhouse gas concentrations;

(13) in the final recommendations of the Strategy, emphasize response strategies that achieve the long-term goal and provide specific recommendations concerning—

(A) measures determined to be appropriate for short-term implementation, giving preference to cost-effective and technologically feasible measures that will—

(i) produce measurable net reductions in United States emissions that lead toward achievement of the long-term goal; and

(ii) minimize any adverse short-term and long-term economic, environmental, national security, and social impacts on the United States;

(B) the development of technologies that have the potential for long-term implementation—

(i) giving preference to technologies that have the potential to reduce significantly the overall cost of stabilization of greenhouse gas concentrations; and

(ii) considering a full range of energy sources, energy conversion and use technologies, and efficiency options;

(C) such changes in institutional and technology systems as are necessary to adapt to climate change in the short-term and the long-term;

(D) such review, modification, and enhancement of the scientific, technical, and economic research efforts of the United States, and improvements to the data resulting from research, as are appropriate to improve the accuracy of predictions concerning climate change and the economic and social costs and opportunities relating to climate change; and

(E) changes that should be made to project and grant evaluation criteria under other Federal research and development programs so that those criteria do not inhibit development of climate-friendly technologies;

(14) be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in accordance with subsections (b)(4)(C)(iv)(II) and (d)(3)(B)(iii) of section 1016;

(15) address how the United States should engage State, tribal, and local governments in developing and carrying out a response to climate change;

(16) promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues;

(17) provide a detailed explanation of how the measures recommended by the Strategy

will ensure that they do not result in serious harm to the economy of the United States;

(18) provide a detailed explanation of how the measures recommended by the Strategy will achieve the long-term goal of stabilization of greenhouse gas concentrations;

(19) include any recommendations for legislative and administrative actions necessary to implement the Strategy;

(20) serve as a framework for climate change response actions by all Federal agencies;

(21) recommend which Federal agencies are, or should be, responsible for the various aspects of implementation of the Strategy and any budgetary implications;

(22) address how the United States should engage foreign governments in developing an international response to climate change; and

(23) be subject to review by an independent review board in accordance with section 1019.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this title, the President shall submit to Congress the Strategy.

(c) UPDATING.—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 2-year period thereafter, the President shall submit to Congress an updated version of the Strategy.

(d) PROGRESS REPORTS.—Not later than 1 year after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

(e) ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER POLICIES.—The President, the Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

SEC. 1016. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

(2) FOCUS.—The White House Office shall have the focus of achieving the long-term goal of stabilization of greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

(3) DUTIES.—Consistent with paragraph (2), the White House Office shall—

(A) establish policies, objectives, and priorities for the Strategy;

(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office;

(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities; and

(E) advise the President and notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

(b) DIRECTOR OF THE WHITE HOUSE OFFICE.—

(1) IN GENERAL.—The White House Office shall be headed by a Director, who shall report directly to the President.

(2) APPOINTMENT.—The Director of the White House Office shall be a qualified individual appointed by the President, by and with the advice and consent of the Senate.

(3) DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.—

(A) STRATEGY.—In accordance with section 1015, the Director of the White House Office shall coordinate the development and updating of the Strategy.

(B) INTERAGENCY TASK FORCE.—The Director of the White House Office shall serve as Chairperson of the Interagency Task Force.

(C) ADVISORY DUTIES.—

(i) CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which United States energy, transportation, industrial, agricultural, forestry, building, and other relevant programs are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(ii) TAX, TRADE, AND FOREIGN POLICIES.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which the United States tax policy, trade policy, and foreign policy are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(iii) INTERNATIONAL TREATIES.—The Secretary of State, acting in conjunction with the Interagency Task Force and using the analytical tools available to the White House Office, shall provide to the Director of the White House Office an opinion that—

(I) specifies, to the maximum extent practicable, the economic and environmental costs and benefits of any proposed international treaties or components of treaties that have an influence on greenhouse gas management; and

(II) assesses the extent to which the treaties advance the long-term goal of stabilization of greenhouse gas concentrations, while minimizing adverse short-term and long-term economic and social impacts and considering other impacts.

(iv) CONSULTATION.—

(I) WITH MEMBERS OF INTERAGENCY TASK FORCE.—To the extent practicable and appropriate, the Director of the White House Office shall consult with all members of the Interagency Task Force and other interested parties before providing advice to the President.

(II) WITH OTHER INTERESTED PARTIES.—The Director of the White House Office shall establish a process for obtaining the meaningful participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of advice to be provided to the President.

(D) PUBLIC EDUCATION, AWARENESS, OUTREACH, AND INFORMATION-SHARING.—The Director of the White House Office, to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

(4) ANNUAL REPORTS.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

(A) assesses progress in implementation of the Strategy;

(B) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

(C) assesses progress toward meeting climate change-related international obligations;

(D) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the measures that are necessary to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

(E) addresses the totality of actions in the United States that relate to the 4 key elements.

(5) ANALYSIS.—During development of the Strategy, preparation of the annual reports submitted under paragraph (5), and provision of advice to the President and the heads of Federal agencies, the Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(c) STAFF.—

(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, nonprofit organizations, and national laboratories, for appointments of a limited term.

(d) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

(2) COMPOSITION.—The Interagency Task Force shall be composed of—

(A) the Director of the White House Office, who shall serve as Chairperson;

(B) the Secretary of State;

(C) the Secretary;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of Transportation;

(G) the Secretary of Agriculture;

(H) the Administrator of the Environmental Protection Agency;

(I) the Administrator of the Agency for International Development;

(J) the United States Trade Representative;

(K) the National Security Advisor;

(L) the Chairman of the Council of Economic Advisers;

(M) the Chairman of the Council on Environmental Quality;

(N) the Director of the Office of Science and Technology Policy;

(O) the Chairperson of the Subcommittee on Global Change Research (which performs the functions of the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932)); and

(P) the heads of such other Federal agencies as the Chairperson determines should be members of the Interagency Task Force.

(3) STRATEGY.—

(A) IN GENERAL.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly—

(i) assist the Director of the White House Office in developing and updating the Strategy; and

(ii) assist the Director of the White House Office in preparing annual reports under subsection (b)(5).

(B) REQUIRED ELEMENTS.—In carrying out subparagraph (A), the Interagency Task Force shall—

(i) take into account the long-term goal and other requirements of the Strategy specified in section 1015(a);

(ii) consult with State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; and

(iii) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1017. TECHNOLOGY INNOVATION PROGRAM IMPLEMENTED THROUGH THE OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.—

(1) IN GENERAL.—There is established, within the Department, the Office of Climate Change Technology.

(2) DUTIES.—The Department Office shall—

(A) manage an energy technology research and development program that directly supports the Strategy by—

(i) focusing on high-risk, bold, breakthrough technologies that—

(I) have significant promise of contributing to the national climate change policy of long-term stabilization of greenhouse gas concentrations by—

(aa) mitigating the emissions of greenhouse gases;

(bb) removing and sequestering greenhouse gases from emission streams; or

(cc) removing and sequestering greenhouse gases from the atmosphere;

(II) are not being addressed significantly by other Federal programs; and

(III) would represent a substantial advance beyond technology available on the date of enactment of this title;

(ii) forging fundamentally new research and development partnerships among various Department, other Federal, and State programs, particularly between basic science and energy technology programs, in cases in which such partnerships have significant potential to affect the ability of the United States to achieve stabilization of greenhouse gas concentrations at the lowest possible cost;

(iii) forging international research and development partnerships that are in the interests of the United States and make progress on stabilization of greenhouse gas concentrations;

(iv) making available, through monitoring, experimentation, and analysis, data that are essential to proving the technical and economic viability of technology central to addressing climate change; and

(v) transitioning research and development programs to other program offices of the Department once such a research and development program crosses the threshold of high-risk research and moves into the realm of more conventional technology development;

(B) prepare annual reports in accordance with subsection (b)(6);

(C) identify the total contribution of all Department programs to climate change response;

(D) provide substantial analytical support to the White House Office, particularly support in the development of the Strategy and associated progress reporting; and

(E) advise the Secretary on climate change-related issues, including necessary changes in Department organization, management, budgeting, and personnel allocation in the programs involved in climate change response-related activities.

(b) DIRECTOR OF THE DEPARTMENT OFFICE.—

(1) IN GENERAL.—The Department Office shall be headed by a Director, who shall report directly to the Secretary.

(2) APPOINTMENT.—The Director of the Department Office shall be an employee of the Federal Government who is a qualified individual appointed by the President.

(3) TERM.—The Director of the Department Office shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy in the position of the Director of the Department Office shall be filled in the same manner as the original appointment was made.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall support development of the Strategy through the provision of staff and analytical support.

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the members positively or negatively contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations.

(D) TOOLS, DATA, AND CAPABILITIES.—The Director of the Department Office shall foster the development of tools, data, and capabilities to ensure that—

(i) the United States has a robust capability for evaluating alternative climate change response scenarios; and

(ii) the Department Office provides long-term analytical continuity during the terms of service of successive Presidents.

(E) ADVISORY DUTIES.—The Director of the Department Office shall advise the Secretary on all aspects of climate change response.

(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report for submission by the Secretary to Congress and the White House Office that—

(A) assesses progress toward meeting the goals of the energy technology research and development program described in subsection (a)(2)(A);

(B) assesses the activities of the Department Office;

(C) assesses the contributions of all energy technology research and development programs of the Department (including science programs) to the long-term goal and other requirements of the Strategy specified in section 1015(a); and

(D) makes recommendations for actions by the Department and other Federal agencies to address the components of technology development that are necessary to support the Strategy.

(7) ANALYSIS.—During development of the Strategy, annual reports submitted under paragraph (6), and advice to the Secretary, the Director of the Department Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any associated uncertainties.

(c) STAFF.—The Director of the Department Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the Department Office.

(d) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Department Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), subchapter VI of chapter 33 of title 5, United States Code, and other Departmental personnel authorities, to obtain staff from academia, scientific bodies, nonprofit organizations, industry, and national laboratories, for appointments of a limited term.

(e) RELATIONSHIP TO OTHER DEPARTMENT PROGRAMS.—Each project carried out by the Department Office shall be—

(1) initiated only after consultation with 1 or more other appropriate program offices of

the Department that support research and development in areas relating to the project;

(2) managed by the Department Office; and

(3) in the case of a project that reaches a sufficient level of maturity, with the concurrence of the Department Office and an appropriate office described in paragraph (1), transferred to the appropriate office, along with the funds necessary to continue the project to the point at which non-Federal funding can provide substantial support for the project.

(f) Analysis of Strategic Climate Change Response.—

(1) In general.—

(A) Goal.—The Department Office shall foster the development and application of advanced computational tools, data, and capabilities that, together with the capabilities of other federal agencies, support integrated assessment of alternative climate change response scenarios and implementation of the Strategy.

(B) Participation and support.—Projects supported by the Department Office may include participation of, and be supported by, other Federal agencies that have a role in the development, commercialization, or transfer of energy, transportation, industrial, agricultural, forestry, or other climate change-related technology.

(2) Programs.—

(A) In general.—The Department Office shall—

(i) develop and maintain core analytical competencies and complex, integrated computational modeling capabilities that, together with the capabilities of other federal agencies, are necessary to support the design and implementation of the Strategy; and

(ii) track United States and international progress toward the long-term goal of stabilization of greenhouse gas concentrations.

(B) International carbon dioxide sequestration monitoring and data program.—In consultation with Federal, State, academic, scientific, private sector, nongovernmental, tribal, and international carbon capture and sequestration technology programs, the Department Office shall design and carry out an international carbon dioxide sequestration monitoring and data program to collect, analyze, and make available the technical and economic data to ascertain—

(i) whether engineered sequestration and terrestrial sequestration will be acceptable technologies from regulatory, economic, and international perspectives;

(ii) whether carbon dioxide sequestered in geological formations or ocean systems is stable and has inconsequential leakage rates on a geologic time-scale; and

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) Areas of expertise.—

(A) In general.—The Department Office shall develop and maintain expertise in integrated assessment, modeling, and related capabilities necessary—

(i) to understand the relationship between natural, agricultural, industrial, energy, and economic systems;

(ii) to design effective research and development programs; and

(iii) to develop and implement the Strategy.

(B) Technology transfer and diffusion.—The expertise described in clause (i) shall include knowledge of technology transfer and technology diffusion in United States markets and foreign markets.

(4) Dissemination of information.—The Department Office shall ensure, to the maximum extent practicable, that technical and scientific knowledge relating to greenhouse gas emission reduction, avoidance, and sequestration is broadly disseminated through publications, fellowships, and training programs.

(5) Assessments.—In a manner consistent with the Strategy, the Department shall conduct assessments of deployment of climate-friendly technology.

(6) Use of private sector funding.—

(A) In general.—The Department Office shall create an operating model that allows for collaboration, division of effort, and cost sharing with industry on individual climate change response projects.

(B) Requirements.—Although cost sharing in some cases may be appropriate, the Department Office shall focus on long-term high-risk research and development and should not make industrial partnerships or cost sharing a requirement, if such a requirement would bias the activities of the Department Office toward incremental innovations.

(C) Reevaluation on transition.—At such time as any bold, breakthrough research and development program reaches a sufficient level of technological maturity such that the program is transitioned to a program office of the Department other than the Department Office, the cost-sharing requirements and criteria applicable to the program should be reevaluated.

(D) Publication in Federal Register.—Each cost-sharing agreement entered into under this subparagraph shall be published in the Federal Register.

SEC. 1018. ADDITIONAL OFFICES AND ACTIVITIES.

The Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies may establish such offices and carry out such activities, in addition to those established or authorized by this Act, as are necessary to carry out this Act.

SEC. 1019. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY REVIEW BOARD.

(a) Establishment.—There is established as an independent establishment within the executive branch the United States Climate Change Response Strategy Review Board.

(b) Membership.—

(1) Composition.—The Review Board shall consist of 11 members who shall be appointed, not later than 90 days after the date of enactment of this Act, by the President by and with the advice and consent of the Senate, from among qualified individuals nominated by the National Academy of Sciences in accordance with paragraph (2).

(2) Nominations.—Not later than 60 days after the date of enactment of this Act, after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, the National Academy of Sciences shall nominate for appointment to the Review Board not fewer than 22 individuals who—

(A) are—

(i) qualified individuals; or

(ii) experts in a field of knowledge specified in section 1014(9)(B); and

(B) as a group represent broad, balanced expertise.

(3) Prohibition on Federal Government employment.—A member of the Review Board shall not be an employee of the Federal Government.

(4) Terms; vacancies.—

(A) Terms.—

(i) In general.—Subject to clause (ii), each member of the Review Board shall be appointed for a term of 4 years.

(ii) Initial terms.—

(I) Commencement date.—The term of each member initially appointed to the Review Board shall commence 120 days after the date of enactment of this title.

(II) Termination date.—Of the 11 members initially appointed to the Review Board, 5 members shall be appointed for a term of 2 years and 6 members shall be appointed for a term of 4 years, to be designated by the President at the time of appointment.

(B) Vacancies.—

(i) In general.—A vacancy on the Review Board shall be filled in the manner described in this subparagraph.

(ii) Nominations by the National Academy of Sciences.—Not later than 60 days after the date on which a vacancy commences, the National Academy of Sciences shall—

(I) after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, nominate, from among qualified individuals, not fewer than 2 individuals to fill the vacancy; and

(II) submit the names of the nominees to the President.

(iii) Selection.—Not later than 30 days after the date on which the nominations under clause (ii) are submitted to the President, the President shall select from among the nominees an individual to fill the vacancy.

(iv) Senate confirmation.—An individual appointed to fill a vacancy on the Review Board shall be appointed by and with the advice and consent of the Senate.

(5) Applicability of Ethics in Government Act of 1978.—A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

(6) Chairperson; vice chairperson.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

(c) Duties.—

(1) In general.—Not later than 180 days after the date of submission of the initial Strategy under section 1015(b), each updated version of the Strategy under section 1015(c), and each progress report under section 1015(d), the Review Board shall submit to the President, Congress, and the heads of Federal agencies as appropriate a report assessing the adequacy of the Strategy or report.

(2) Comments.—In reviewing the Strategy or a report under paragraph (1), the Review Board shall consider and comment on—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the 4 key elements;

(B) the extent to which actions of the United States, with respect to climate change, complement or leverage international research and other efforts designed to manage global emissions of greenhouse gases, to further the long-term goal of stabilization of greenhouse gas concentrations;

(C) the funding implications of any recommendations made by the Review Board; and

(D)(i) the effectiveness with which each Federal agency is carrying out the responsibilities of the Federal agency with respect to the short-term and long-term greenhouse gas management goals; and

(ii) the adequacy of the budget of each such Federal agency to carry out those responsibilities.

(3) Additional recommendations.—

(A) In general.—Subject to subparagraph (B), the Review Board, at the request of the President or Congress, may provide recommendations on additional climate change-related topics.

(B) Secondary duty.—The provision of recommendations under subparagraph (A) shall be a secondary duty to the primary duty of the Review Board of providing independent review of the Strategy and the reports under paragraphs (1) and (2).

(d) Powers.—

(1) Hearings.—

(A) In general.—On request of the Chairperson or a majority of the members of the Review Board, the Review Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Review Board considers to be appropriate.

(B) Administration of oaths.—Any member of the Review Board may administer an oath or affirmation to any witness that appears before the Review Board.

(2) Production of documents.—

(A) In general.—On request of the Chairperson or a majority of the members of the Review Board, and subject to applicable law, the Secretary or head of a Federal agency represented on the Interagency Task Force, or a contractor of such an agency, shall provide the Review Board with such records, files, papers, data, and information as are necessary to respond to any inquiry of the Review Board under this Act.

(B) Inclusion of work in progress.—Subject to applicable law, information obtainable under subparagraph (A)—

(i) shall not be limited to final work products; but

(ii) shall include draft work products and documentation of work in progress.

(3) Postal services.—The Review Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(e) Compensation of Members.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(f) Travel Expenses.—A member of the Review Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Review Board.

(g) Staff.—

(1) In general.—The Chairperson of the Review Board may, without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Review Board to perform the duties of the Review Board.

(2) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by the Review Board.

(3) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) Procurement of Temporary and Intermittent Services.—The Chairperson of the Review Board may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 1020. AUTHORIZATION OF APPROPRIATIONS.

(a) White House Office.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the White House Office to carry out the duties of the White House Office under this Title $5,000,000 for each of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(b) Department Office.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this Title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this title $4,750,000,000 for the period of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(c) Review Board.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this title $3,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.

(d) Additional amounts.—Amounts authorized to be appropriated under this section shall be in addition to—

(1) amounts made available to carry out the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and

(2) amounts made available under other provisions of law for energy research and development.

Subtitle C—Science and Technology Policy

SEC. 1031. GLOBAL CLIMATE CHANGE IN THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

Section 101(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;".

SEC. 1032. ESTABLISHMENT OF ASSOCIATE DIRECTOR FOR GLOBAL CLIMATE CHANGE.

Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by striking "four" in the second sentence and inserting "five"; and

(2) by striking "title." in the second sentence and inserting "title, one of whom shall be responsible for global climate change science and technology under the Office of Science and Technology Policy.".

Subtitle D—Miscellaneous Provisions

SEC. 1041. ADDITIONAL INFORMATION FOR REGULATORY REVIEW.

In each case that an agency prepares and submits a Statement of Energy Effects pursuant to Executive Order 13211 of May 18, 2001 (relating to actions concerning regulations that significantly affect energy supply, distribution, or use), or as part of compliance with Executive Order 12866 of September 30, 1993 (relating to regulatory planning and review) or its successor, the agency shall also submit an estimate of the change in net annual greenhouse gas emissions resulting from the proposed significant energy action. In the case in which there is an increase in net annual greenhouse gas emissions as a result of the proposed significant energy action, the agency shall indicate what policies or measures will be undertaken to mitigate or offset the increased emissions.

SEC. 1042. GREENHOUSE GAS EMISSIONS FROM FEDERAL FACILITIES.

(a) Methodology.—

(1) In general.—Not later than one year after the date of enactment of this section, the Secretary of Energy, Secretary of Agriculture, Secretary of Commerce, and Administrator of the Environmental Protection Agency shall publish a jointly developed methodology for preparing estimates of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, including mobile sources.

(2) Indirect and other emissions.—The methodology under paragraph (1) shall include emissions resulting from any Federal procurement action with an annual Federal expenditure of greater than $100 million, indirect emissions associated with Federal electricity consumption, and other emissions resulting from Federal actions that the heads of the agencies under paragraph (1) may jointly decide to include in the estimates.'

(b) Publication.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary of Energy shall publish an estimate of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, using the methodology published under subsection (a).

TITLE XI—NATIONAL GREENHOUSE GAS DATABASE

SEC. 1101. PURPOSE.

The purpose of this title is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and,

(3) will encourage and acknowledge greenhouse gas emissions reductions.

SEC. 1102. DEFINITIONS.

In this title—

(1) Database.—The term "database" means the National Greenhouse Gas Database established under section 1104.

(2) Designated agency or agencies.—The term "Designated Agency or Agencies" means the Department or Departments and/ or Agency or Agencies given the responsibility for a function or program under the Memorandum of Agreement entered into pursuant to Section 1103.

(3) Direct emissions.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(4) Entity.—The term "entity" means—

(A) a person located in the United States; or

(B) a public or private entity, to the extent that the entity operates in the United States.

(5) Facility.—The term "facility" means all buildings, structures, or installations located on any one or more of contiguous or adjacent property or properties, or a fleet of 20 or more transportation vehicles, under common control of the same entity.

(6) Greenhouse gas.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluorocarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(7) Indirect emissions.—The term "indirect emissions" means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from a facility owned or controlled by another entity and are not already reported as direct emissions by a covered entity.

(8) Sequestration.—The term "sequestration" means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT.

(a) Not later than one year after the date of enactment of this title, the President, acting through the Chairman of the Council on Environmental Quality, shall direct the Department of Energy, the Department of Commerce, the Department of Agriculture, the Department of Transportation and the Environmental Protection Agency, to enter into a Memorandum of Agreement that will—

(1) recognize and maintain existing statutory and regulatory authorities, functions and programs that collect data on greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database;

(2) distribute additional responsibilities and activities identified by this title to Federal departments or agencies according to their mission and expertise and to maximize the use of existing resources; and

(3) provide for the comprehensive collection and analysis of data on the emissions related to product use, including fossil fuel and energy consuming appliances and vehicles.

(b) The Memorandum of Agreement entered into under subsection (a) shall, at a minimum, retain the following functions for the respective Departments and agencies:

(1) The Department of Energy shall be primarily responsible for developing, maintaining, and verifying the emissions reduction registry, under both this title and its authority under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)).

(2) The Department of Commerce shall be primarily responsible for the development of measurement standards for emissions monitoring and verification technologies and methods to ensure that there is a consistent and technically accurate record of emissions, reductions and atmospheric concentrations of greenhouse gases for the database under this title.

(3) The Environmental Protection Agency shall be primarily responsible for emissions monitoring, measurement, verification and data collection, pursuant to this title and existing authority under Titles IV and VIII of the Clean Air Act, and including mobile source emissions information from implementation of the Corporate Average Fuel Economy program (49 U.S.C. Chapter 329), and the Agency's role in completing the national inventory for compliance with the United Nations Framework Convention on Climate Change.

(c) The Chairman shall publish a draft version of the Memorandum of Agreement in the Federal Register and solicit comments on it as soon as practicable and publish the final Memorandum of Agreement in the Federal Register not later than 15 months after the date of enactment of this title.

(d) The final Memorandum of Agreement shall not be subject to judicial review.

SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.

(a) Establishment.—The Designated Agency or Agencies, working in consultation with the private sector and nongovernmental organizations, shall establish, operate and maintain a database to be known as the National Greenhouse Gas Database to collect, verify, and analyze information on—

(1) greenhouse gas emissions by entities located in the United States; and

(2) greenhouse gas emission reductions by entities based in the United States.

(b) National Greenhouse Gas Database Components.—The database shall consist of an inventory of greenhouse gas emissions and a registry of greenhouse gas emissions reductions.

(c) Deadline.—Not later than 2 years after the date of enactment of this title, the Designated Agency or Agencies shall promulgate a rule to implement a comprehensive system for greenhouse gas emissions reporting, inventorying and reductions registration. The Designated Agency or Agencies shall ensure that the system is designed to maximize completeness, transparency, and accuracy and to minimize measurement and reporting costs for covered entities.

(d) Required Elements of Database Reporting System.—

(1) Mandatory reporting.—

(A) Beginning one year after promulgation of the final rule issued under subsection (c), each entity that exceeds the greenhouse gas emissions threshold in paragraph (2) shall report annually to the Designated Agency or Agencies, for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Such reports are due annually to the Designated Agency or Agencies, but must be submitted no later than April 30 of each calendar year in support of the previous years' emission reporting requirements.

(B) Each report submitted shall include:

(i) direct emissions from stationary sources;

(ii) direct emissions from vehicles owned or controlled by a covered entity;

(iii) direct emissions from any land use activities that release significant quantities of greenhouse gases;

(iv) indirect emissions from all outsourced activities, contract manufacturing, wastes transferred from the control of an entity, and other relevant instances, as determined to be practicable under the rule;

(v) indirect emissions from electricity, heat, and steam imported from another entity, as determined to be practicable under the rule;

(vi) the production, distribution or import of greenhouse gases listed under section 1102 by an entity; and

(vii) such other categories, which the designated Agency or Agencies determine by rule, after public notice and comment, should be included to accomplish the purposes of this title.

(C) Each report shall include total mass quantities for each greenhouse gas emitted, and in terms of carbon dioxide equivalent.

(D) Each report shall include the greenhouse gas emissions per unit of output by an entity, such as tons of carbon dioxide per kilowatt-hour or a similar metric.

(E) The first report shall be required to be submitted not later than April 30 of the fourth year after the date of enactment of this title.

(2) Threshold for reporting.—

(A) An entity shall not be required to make a report under paragraph (1) unless:

(i) the total greenhouse gas emissions of at least one facility owned by an entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule; or,

(ii) the total quantity of greenhouse gases produced, distributed or imported by the entity exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule.

(B) the final rule promulgated under section 1104(c) and subsequent revisions to that rule with respect to the threshold for reporting in subparagraph (A) shall capture information on no less than 75 percent of greenhouse gas emissions from entities.

(3) Method of reporting.—Entity-wide emissions shall be reported at the facility level.

(4) Additional voluntary reporting.—An entity may voluntarily report to the Designated Agency or Agencies, for inclusion in the registry portion of the national database—

(A) with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

(i) project reductions from facilities owned or controlled by the reporting entity in the United States;

(ii) transfers of project reductions to and from any other entity;

(iii) project reductions and transfers of project reductions outside the United States;

(iv) other indirect emissions that are not required to be reported under subsection (d); and

(v) product use phase emissions; and

(B) with respect to greenhouse gas emissions reductions activities carried out since 1990 and verified according to rules implementing subparagraph (6) of this subsection and submitted to the Designated Agency or Agencies before the date that is three years after the date of enactment of this title, those reductions that have been reported or submitted by an entity under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) or under other Federal or State voluntary greenhouse gas reduction programs.

(5) Types of activities.—Under paragraph (4), an entity may report projects that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

(A) fuel switching;

(B) energy efficiency improvements;

(C) use of renewable energy;

(D) use of combined heat and power systems;

(E) management of cropland, grassland, and grazing land;

(F) forestry activities that increase forest carbon stocks or reduce forest carbon emissions;

(G) carbon capture and storage;

(H) methane recovery; and

(I) greenhouse gas offset investments.

(6) Provision of verification information by reporting entities.—Each reporting entity shall provide information sufficient for the Designated Agency or Agencies to verify, in accordance with measurement and verification criteria developed under Section 1106, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each additional voluntary report, represents—

(i) actual reductions in direct greenhouse gas emissions relative to historic emission levels and net of any related increases in direct emissions, or

(ii) actual increases in net sequestration.

(7) Independent third-party verification.—A reporting entity may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Designated Agency or Agencies for consideration by the Designated Agency or Agencies in carrying out paragraph (1).

(8) Data quality.—The rule under subsection (c) shall establish procedures and protocols needed to—

(A) prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than one reporting entity;

(B) provide for corrections to errors in data submitted to the database;

(C) provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions; and,

(E) account for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities.

(9) Availability of data.—The Designated Agency or Agencies shall ensure that information in the database is published, accessible to the public, and made available in electronic format on the Internet, except in cases where the Designated Agency or Agencies determine that publishing or making available the information would disclose information vital to national security.

(10) Data infrastructure.—The Designated Agency or Agencies shall ensure that the database established by this Act shall utilize and is integrated with existing Federal, regional, and state greenhouse gas data collection and reporting systems to the maximum extent possible and avoid duplication of such systems.

(11) Additional issues to be considered.—In promulgating the rules for and implementing the Database, the Designated Agency or Agencies shall consider a broad range of issues involved in establishing an effective database, including the following:

(A) Units for reporting.—The appropriate units for reporting each greenhouse gas, and whether to require reporting of emission efficiency rates (including emissions per kilowatt-hour for electricity generators) in addition to mass emissions of greenhouse gases,

(B) International consistency.—The greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant; and

(C) Data sufficiency.—The extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement a comprehensive National Greenhouse Gas Database.

(e) Enforcement.—The Attorney General may, at the request of the Designated Agency or Agencies, bring a civil action in United States District Court against an entity that fails to comply with reporting requirements under this section, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

(f) Annual Report.—The Designated Agency or Agencies shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported, and

(3) describes the atmospheric concentrations of greenhouse gases and tracks such information over time.

SEC. 1105. REPORT ON STATUTORY CHANGES AND HARMONIZATION.

Not later than 3 years after the date of enactment of this title, the President shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the Greenhouse Gas Database and related programs under this title.

SEC. 1106. MEASUREMENT AND VERIFICATION.

The Designated Agency or Agencies shall, not later than 1 year after the date of enactment of this title, design and develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations for use in the national greenhouse gas database. The Agency or Agencies shall periodically review and revise these methods and standards as necessary.

SEC. 1107. INDEPENDENT REVIEW.

(a) The General Accounting Office shall submit a report to Congress five years after the date of enactment of this title, and every three years thereafter, providing a review of the efficacy of the implementation and operation of the National Greenhouse Gas Database established in section 1104 and making recommendations for improvements to the programs created pursuant to this title and changes to the law that will achieve a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations and the other purposes of this title.

(b) The Designated Agency or Agencies shall enter into an agreement with the National Academy of Sciences to review the scientific methods, assumptions and standards used by the Agency or Agencies implementing this title, and to report to Congress not later than four years after the date of enactment of this title with recommendations for improving those methods and standards or related elements of the programs or structure of the reporting and registry system established by this title.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out the activities and programs included in this title.

DIVISION E—ENHANCING RESEARCH, DEVELOPMENT, AND TRAINING

TITLE XII—ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 1201. SHORT TITLE.

This division may be cited as the "Energy Science and Technology Enhancement Act of 2002".

SEC. 1202. FINDINGS.

The Congress finds the following:

(1) A coherent national energy strategy requires an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy new energy technologies in partnership with industry.

(2) An aggressive national energy research, development, demonstration, and technology deployment program is an integral part of a national climate change strategy, because it can reduce—

(A) United States energy intensity by 1.9 percent per year from 1999 to 2020;

(B) United States energy consumption in 2020 by 8 quadrillion Btu from otherwise expected levels; and

(C) United States carbon dioxide emissions from expected levels by 166 million metric tons in carbon equivalent in 2020.

(3) An aggressive national energy research, development, demonstration, and technology deployment program can help maintain domestic United States production of energy, increase United States hydrocarbon reserves by 14 percent, and lower natural gas prices by 20 percent, compared to estimates for 2020.

(4) An aggressive national energy research, development, demonstration, and technology deployment program is needed if United States suppliers and manufacturers are to compete in future markets for advanced energy technologies.

SEC. 1203. DEFINITIONS.

In this title:

(1) Department.—The term "Department" means the Department of Energy.

(2) Departmental mission.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) Institution of higher education.—The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) National laboratory.—The term "National Laboratory" means any of the following multi-purpose laboratories owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory; or

(K) Sandia National Laboratory.

(5) Secretary.—The term "Secretary" means the Secretary of Energy.

(6) Technology deployment.—The term "technology deployment" means activities to promote acceptance and utilization of technologies in commercial application, including activities undertaken pursuant to section 7 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) or section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12007).

SEC. 1204. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title and title XIV, the Secretary shall carry out the research, development, demonstration, and technology deployment programs authorized by this title in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C.13201 et seq.), or any other Act under which the Secretary is authorized to carry out such activities.

Subtitle A—Energy Efficiency

SEC. 1211. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) Program Direction.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance energy efficiency in buildings, industry, power technologies, and transportation.

(b) Program Goals.—

(1) Energy-efficient housing.—The goal of the energy-efficient housing program shall be to develop, in partnership with industry, enabling technologies (including lighting technologies), designs, production methods, and supporting activities that will, by 2010—

(A) cut the energy use of new housing by 50 percent, and

(B) reduce energy use in existing homes by 30 percent.

(2) Industrial energy efficiency.—The goal of the industrial energy efficiency program shall be to develop, in partnership with industry, enabling technologies, designs, production methods, and supporting activities that will, by 2010, enable energy-intensive industries such as the following industries to reduce their energy intensity by at least 25 percent:

(A) the wood product manufacturing industry;

(B) the pulp and paper industry;

(C) the petroleum and coal products manufacturing industry;

(D) the mining industry;

(E) the chemical manufacturing industry;

(F) the glass and glass product manufacturing industry;

(G) the iron and steel mills and ferroalloy manufacturing industry;

(H) the primary aluminum production industry;

(I) the foundries industry; and

(J) U.S. agriculture.

(3) Transportation energy efficiency.—The goal of the transportation energy efficiency program shall be to develop, in partnership with industry, technologies that will enable the achievement—

(A) by 2010, passenger automobiles with a fuel economy of 80 miles per gallon;

(B) by 2010, light trucks (classes 1 and 2a) with a fuel economy of 60 miles per gallon;

(C) by 2010, medium trucks and buses (classes 2b through 6 and class 8 transit buses) with a fuel economy, in ton-miles per gallon, that is three times that of year 2000 equivalent vehicles;

(D) by 2010, heavy trucks (classes 7 and 8) with a fuel economy, in ton-miles per gallon, that is two times that of year 2000 equivalent vehicles; and

(E) by 2015, the production of fuel-cell powered passenger vehicles with a fuel economy of 110 miles per gallon.

(4) Energy efficient distributed generation—The goals of the energy efficient onsite generation program shall be to help remove environmental and regulatory barriers to on-site, or distributed, generation and combined heat and power by developing technologies by 2015 that achieve—

(A) electricity generating efficiencies greater than 40 percent for on-site generation technologies based upon natural gas, including fuel cells, microturbines, reciprocating engines and industrial gas turbines;

(B) combined heat and power total (electric and thermal) efficiencies of more than 85 percent;

(C) fuel flexibility to include hydrogen, biofuels and natural gas;

(D) near zero emissions of pollutants that form smog and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent;

(F) packaged system integration at end user facilities providing complete services in heating, cooling, electricity and air quality; and

(G) increased reliability for the consumer and greater stability for the national electricity grid.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1)$700,000,000 for fiscal year 2003;

(2) $784,000,000 for fiscal year 2004;

(3) $878,000,000 for fiscal year 2005; and

(4) $983,000,000 for fiscal year 2006.

(d) Limitation on Use of Funds.—None of the funds authorized to be appropriated in subsection (c) may be used for the following programs of the Department—

(1) Weatherization Assistance Program;

(2) State Energy Program; or

(3) Federal Energy Management Program.

SEC. 1212. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) Establishment and Authorization of Appropriations.—From amounts authorized under section 1211(c), there are authorized to be appropriated not more than $50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) Report.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1213. NEXT GENERATION LIGHTING INITIATIVE.

(a) Establishment.—There is established in the Department a Next Generation Lighting Initiative to research, develop, and conduct demonstration activities on advanced solid-state lighting technologies based on white light emitting diodes.

(b) Objectives.—

(1) In general.—The objectives of the initiative shall be to develop, by 2011, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) Inorganic white light emitting diode.—The objective of the initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) Organic white light emitting diode.—The objective of the initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

(c) Consortium.—

(1) In general.—The Secretary shall initiate and manage basic and manufacturing-related research on advanced solid-state lighting technologies based on white light emitting diodes for the initiative, in cooperation with the Next Generation Lighting Initiative Consortium.

(2) Composition.—The consortium shall be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting research, development, and manufacturing expertise as a whole.

(3) Funding.—The consortium shall be funded by—

(A) participation fees; and

(B) grants provided under subsection (e)(1).

(4) Eligibility.—To be eligible to receive a grant under subsection (e)(1), the consortium shall—

(A) enter into a consortium participation agreement that—

(i) is agreed to by all participants; and

(ii) describes the responsibilities of participants, participation fees, and the scope of research activities; and

(B) develop an annual program plan.

(5) Intellectual property.—Participants in the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under subsection (e)(1).

(d) Planning Board.—

(1) In general.—Not later than 90 days after the establishment of the consortium, the Secretary shall establish and appoint the members of a planning board, to be known as the "Next Generation Lighting Initiative Planning Board", to assist the Secretary in carrying out this section.

(2) Composition.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in advanced solid-state lighting and technologies based on white light emitting diodes; and

(B) 3 members from a list of not less than 6 nominees from industry submitted by the consortium.

(3) STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary appoints members to the planning board, the planning board shall complete a study on strategies for the development and implementation of advanced solid-state lighting technologies based on white light emitting diodes.

(B) REQUIREMENTS.—The study shall develop a comprehensive strategy to implement, through the initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the initiative in accordance with the recommendations of the planning board.

(4) TERMINATION.—The planning board shall terminate upon completion of the study under paragraph (3).

(e) GRANTS.—

(1) FUNDAMENTAL RESEARCH.—The Secretary, through the consortium, shall make grants to conduct basic and manufacturing-related research related to advanced solid-state lighting technologies based on white light emitting diode technologies.

(2) TECHNOLOGY DEVELOPMENT AND DEMONSTRATION.—The Secretary shall enter into grants, contracts, and cooperative agreements to conduct or promote technology research, development, or demonstration activities. In providing funding under this paragraph, the Secretary shall give preference to participants in the consortium.

(3) CONTINUING ASSESSMENT.—The consortium, in collaboration with the Secretary, shall formulate annual operating and performance objectives, develop technology roadmaps, and recommend research and development priorities for the initiative. The Secretary may also establish or utilize advisory committees, or enter into appropriate arrangements with the National Academy of Sciences, to conduct periodic reviews of the initiative. The Secretary shall consider the results of such assessment and review activities in making funding decisions under paragraphs (1) and (2) of this subsection.

(4) TECHNICAL ASSISTANCE.—The National Laboratories shall cooperate with and provide technical assistance to persons carrying out projects under the initiative.

(5) AUDITS.—

(A) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this section have been expended in a manner that is consistent with the objectives under subsection (b) and, in the case of funds made available to the consortium, the annual program plan of the consortium under subsection (c)(4)(B).

(B) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(6) APPLICABLE LAW.—Grants, contracts, and cooperative agreements under this section shall not be subject to the Federal Acquisition Regulation.

(f) PROTECTION OF INFORMATION.—Information obtained by the Federal Government on a confidential basis under this section shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential under section 552(b)(4) of title 5, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 1211(c), there are authorized to be appropriated for activities under this section $50,000,000 for each of fiscal years 2003 through 2011.

(h) DEFINITIONS.—In this section:

(1) ADVANCED SOLID-STATE LIGHTING.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) CONSORTIUM.—The term "consortium" means the Next Generation Lighting Initiative Consortium under subsection (c).

(3) INITIATIVE.—The term "initiative" means the Next Generation Lighting Initiative established under subsection (a).

(4) INORGANIC WHITE LIGHT EMITTING DIODE.—The term "inorganic white light emitting diode" means an inorganic semiconducting package that produces white light using externally applied voltage.

(5) ORGANIC WHITE LIGHT EMITTING DIODE.—The term "organic white light emitting diode" means an organic semiconducting compound that produces white light using externally applied voltage.

(6) WHITE LIGHT EMITTING DIODE.—The term "white light emitting diode" means—

(A) an inorganic white light emitting diode; or

(B) an organic white light emitting diode.

SEC. 1214. RAILROAD EFFICIENCY.

(a) ESTABLISHMENT.—The Secretary shall, in cooperation with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the federal government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out the requirements of this section $60,000,000 for fiscal year 2003 and $70,000,000 for fiscal year 2004.

Subtitle B—Renewable Energy

SEC. 1221. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance the use of renewable energy.

(b) PROGRAM GOALS.—

(1) WIND POWER.—The goals of the wind power program shall be to develop, in partnership with industry, a variety of advanced wind turbine designs and manufacturing technologies that are cost-competitive with fossil-fuel generated electricity, with a focus on developing advanced low wind speed technologies that, by 2007, will enable the expanding utilization of widespread class 3 and 4 winds.

(2) PHOTOVOLTAICS.—The goal of the photovoltaic program shall be to develop, in partnership with industry, total photovoltaic systems with installed costs of $4000 per peak kilowatt by 2005 and $2000 per peak kilowatt by 2015.

(3) SOLAR THERMAL ELECTRIC SYSTEMS.—The goal of the solar thermal electric systems program shall be to develop, in partnership with industry, solar power technologies (including baseload solar power) that are competitive with fossil-fuel generated electricity by 2015, by combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles.

(4) BIOMASS-BASED POWER SYSTEMS.—The goal of the biomass program shall be to develop, in partnership with industry, integrated power-generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2010, together with the production of fuels, chemicals, and other products under paragraph (6).

(5) GEOTHERMAL ENERGY.—The goal of the geothermal program shall be to develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal heat pump technology, with a specific focus on—

(A) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 40 percent by 2006;

(B) reducing the cost of drilling by 2008 to an average cost of $150 per foot; and

(C) developing enhanced geothermal systems technology with the potential to double the useable geothermal resource base.

(6) BIOFUELS.—The goal of the biofuels program shall be to develop, in partnership with industry, advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks, that are price-competitive with gasoline or diesel, in either internal combustion engines or fuel cell vehicles, by 2010.

(7) HYDROGEN-BASED ENERGY SYSTEMS.—The goals of the hydrogen program shall be to support research and development on technologies for production, storage, and use of hydrogen, including fuel cells and, specifically, fuel-cell vehicle development activities under section 1211.

(8) HYDROPOWER.—The goal of the hydropower program shall be to develop, in partnership with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems.

(9) ELECTRIC ENERGY SYSTEMS AND STORAGE.—The goals of the electric energy and storage program shall be to develop, in partnership with industry—

(A) generators and transmission, distribution, and storage systems that combine high capacity with high efficiency;

(B) technologies to interconnect distributed energy resources with electric power systems, comply with any national interconnection standards, have a minimum 10-year useful life;

(C) advanced technologies to increase the average efficiency of electric transmission facilities in rural and remote areas, giving priority for demonstrations to advanced transmission technologies that are being or have been field tested;

(D) the use of new transmission technologies, including composite conductor materials, advanced protection devices, controllers, and other cost-effective methods and technologies;

(E) the use of superconducting materials in power delivery equipment such as transmission and distribution cables, transformers, and generators;

(F) energy management technologies for enterprises with aggregated loads and distributed generation, such as power parks;

(G) economic and system models to measure the costs and benefits of imporoved system performance;

(H) hybrid distributed energy systems to optimize two or more distributed or on-site generation technologies; and

(I) real-time transmission and distribution system control technologies that provide for continual exchange of information between generation, transmission, distribution, and end-user facilities.

(c) SPECIAL PROJECTS.—In carrying out this section, the Secretary shall demonstrate—

(1) the use of advanced wind power technology, biomass, geothermal energy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations; and

(2) the combined use of wind power and coal gasification technologies.

(d) FINANCIAL ASSISTANCE TO RURAL AREAS.—In carrying out special projects under subsection (c), the Secretary may provide financial assistance to rural electric cooperatives and other rural entities.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $500,000,000 for fiscal year 2003;
(2) $595,000,000 for fiscal year 2004;
(3) $683,000,000 for fiscal year 2005; and
(4) $733,000,000 for fiscal year 2006.

SEC. 1222. BIOENERGY PROGRAMS.

(a) PROGRAM DIRECTION.—The Secretary shall carry out research, development, demonstration, and technology development activities related to bioenergy, including programs under paragraphs (4) and (6) of section 1221(b).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) BIOPOWER ENERGY SYSTEMS.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biopower energy systems—

(A) $60,300,000 for fiscal year 2003;
(B) $69,300,000 for fiscal year 2004;
(C) $79,600,000 for fiscal year 2005; and
(D) $86,250,000 for fiscal year 2006.

(2) BIOFUELS ENERGY SYSTEMS.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biofuels energy systems—

(A) $57,500,000 for fiscal year 2003;
(B) $66,125,000 for fiscal year 2004;
(C) $76,000,000 for fiscal year 2005; and
(D) $81,400,000 for fiscal year 2006.

(3) INTEGRATED BIOENERGY RESEARCH AND DEVELOPMENT.—The Secretary may use funds authorized under paragraph (1) or (2) for programs, projects, or activities that integrate applications for both biopower and biofuels, including cross-cutting research and development in feedstocks and economic analysis.

SEC. 1223. HYDROGEN RESEARCH AND DEVELOPMENT.

(a) SHORT TITLE.—This section may be cited as the "Hydrogen Future Act of 2002".

(b) PURPOSES.—Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) to direct the Secretary to develop a program of technology assessment, information transfer, and education in which Federal agencies, members of the transportation, energy, and other industries, and other entities may participate;

"(3) to develop methods of hydrogen production that minimize production of greenhouse gases, including developing—

"(A) efficient production from non-renewable resources; and

"(B) cost-effective production from renewable resources such as biomass, geothermal, wind, and solar energy; and

"(4) to foster the use of hydrogen as a major energy source, including developing the use of hydrogen in—

"(A) isolated villages, islands, and communities in which other energy sources are not available or are very expensive; and

"(B) foreign economic development, to avoid environmental damage from increased fossil fuel use.".

(c) REPORT TO CONGRESS.—Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking "January 1, 1999," and inserting "1 year after the date of enactment of the Hydrogen Future Act of 2002, and biennially thereafter,";

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intragovernmental collaboration;

"(2) recommendations of the Hydrogen Technical Advisory Panel established by section 108 for any improvements in the program that are needed, including recommendations for additional legislation; and

"(3) to the extent practicable, an analysis of State and local hydrogen-related activities."; and

(3) by adding at the end the following:

"(c) COORDINATION PLAN.—The report under subsection (a) shall be based on a comprehensive coordination plan for hydrogen energy prepared by the Secretary in consultation with other Federal agencies.".

(d) HYDROGEN RESEARCH AND DEVELOPMENT.—Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12403) is amended—

(1) in subsection (b)(1), by striking "marketplace;" and inserting "marketplace, including foreign markets, particularly where an energy infrastructure is not well developed;";

(2) in subsection (e), by striking "this chapter" and inserting "this Act";

(3) by striking subsection (g) and inserting the following:

"(g) COST SHARING.—

"(1) INABILITY TO FUND ENTIRE COST.—The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that—

"(A) reasonable efforts to obtain non-Federal funding in the amount necessary to pay 100 percent of the cost of the project have been made; and

"(B) non-Federal funding in that amount could not reasonably be obtained.

"(2) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—The Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the project.

"(B) REDUCTION OR ELIMINATION.—The Secretary may reduce or eliminate the cost-sharing requirement under subparagraph (A) for the proposed research and development project, including for technical analyses, economic analyses, outreach activities, and educational programs, if the Secretary determines that reduction or elimination is necessary to achieve the objectives of this Act.

(4) in subsection (i), by striking "this chapter" and inserting "this Act".

(e) DEMONSTRATIONS.—Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12404) is amended by striking subsection (c) and inserting the following:

"(c) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(f) TECHNOLOGY TRANSFER.—Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "The Secretary shall conduct a program designed to accelerate wider application" and inserting the following:

"(1) IN GENERAL.—The Secretary shall conduct a program designed to—

"(A) accelerate wider application"; and

(ii) by striking "private sector" and inserting "private sector; and "(B) accelerate wider application of hydrogen technologies in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) ADVICE AND ASSISTANCE.—The Secretary"; and

(2) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) by striking "The Secretary, in" and inserting the following:

"(1) IN GENERAL.—The Secretary, in";

(D) by striking "The information" and inserting the following:

"(2) ACTIVITIES.—The information"; and

(E) in paragraph (1) (as designated by subparagraph (C))—

(i) in subparagraph (A) (as redesignated by subparagraph (B)), by striking "an inventory" and inserting "an update of the inventory"; and

(ii) in subparagraph (B) (as redesignated by subparagraph (B)), by striking "develop" and all that follows through "to improve" and inserting "develop with the National Aeronautics and Space Administration, the Department of Energy, other Federal agencies as appropriate, and industry, an information exchange program to improve".

(g) TECHNICAL PANEL REVIEW.—

(1) IN GENERAL.—Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407) is amended—

(A) in subsection (b)—

(i) by striking "(b) MEMBERSHIP.—The technical panel shall be appointed" and inserting the following:

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The technical panel shall be comprised of not fewer than 9 nor more than 15 members appointed";

(ii) by striking the second sentence and inserting the following:

"(2) TERMS.—

"(A) IN GENERAL.—The term of a member of the technical panel shall be not more than 3 years.

"(B) STAGGERED TERMS.—The Secretary may appoint members of the technical panel in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the technical panel.

"(C) REAPPOINTMENT.—A member of the technical panel whose term expires may be reappointed."; and

(iii) by striking "The technical panel shall have a chairman," and inserting the following:

"(3) CHAIRPERSON.—The technical panel shall have a chairperson,"; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the following items";

(ii) in paragraph (1), by striking "and" at the end;

(iii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.".

(2) NEW APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall review the membership composition of the Hydrogen Technical Advisory Panel; and

(B) may appoint new members consistent with the amendments made by subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking "and";

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(10) $65,000,000 for fiscal year 2003;

"(11) $70,000,000 for fiscal year 2004;

"(12) $75,000,000 for fiscal year 2005; and

"(13) $80,000,000 for fiscal year 2006.".

(i) FUEL CELLS.—

(1) INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.—Section 201 of the Hydrogen Future Act of 1996 is amended—

(A) in subsection (a)—

(i) by striking "(a) Not later than 180 days after the date of enactment of this section, and subject" and inserting "(a) IN GENERAL.—Subject"; and (B) by striking "with" and all that follows and inserting "into Federal, State, and local government facilities for stationary and transportation applications.";

(2) in subsection (b), by striking "gas is" and inserting "basis";

(3) in subsection (c)(2), by striking "systems described in subsections (a)(1) and (a)(2)" and inserting "projects proposed"; and

(4) by striking subsection (d) and inserting the following:

"(d) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(2) COOPERATIVE AND COST-SHARING AGREEMENTS; INTEGRATION OF TECHNICAL INFORMATION.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended by striking section 202 and inserting the following:

"SEC. 202. INTERAGENCY TASK FORCE.

"(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

"(1) the Office of Science and Technology Policy;

"(2) the Department of Transportation;

"(3) the Department of Defense;

"(4) the Department of Commerce (including the National Institute for Standards and Technology);

"(5) the Environmental Protection Agency;

"(6) the National Aeronautics and Space Administration; and

"(7) other agencies as appropriate.

"(b) DUTIES.—

"(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

"(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

"(A) hydrogen production, storage, and use in Federal, State, and local government buildings and vehicles;

"(B) hydrogen-based infrastructure for buses and other fleet transportation systems that include zero-emission vehicles; and

"(C) hydrogen-based distributed power generation, including the generation of combined heat, power, and hydrogen.

"SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

"The Secretary shall enter into cooperative and cost-sharing agreements with Federal, State, and local agencies for participation by the agencies in demonstrations at facilities administered by the agencies, with the aim of integrating high efficiency hydrogen systems using fuel cells into the facilities to provide immediate benefits and promote a smooth transition to hydrogen as an energy source.

"SEC. 204. INTEGRATION AND DISSEMINATION OF TECHNICAL INFORMATION.

"The Secretary shall—

"(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title;

"(2) make the information available to all Federal and State agencies for dissemination to all interested persons; and

"(3) foster the exchange of generic, nonproprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, for activities under this title—

"(1) $25,000,000 for fiscal year 2003;

"(2) $30,000,000 for fiscal year 2004;

"(3) $35,000,000 for fiscal year 2005; and

"(4) $40,000,000 for fiscal year 2006.".

Subtitle C—Fossil Energy

SEC. 1231. ENHANCED FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to enhance fossil energy.

(b) PROGRAM GOALS.—

(1) CORE FOSSIL RESEARCH AND DEVELOPMENT.—The goals of the core fossil research and development program shall be to reduce emissions from fossil fuel use by developing technologies, including precombustion technologies, by 2015 with the capability of realizing—

(A) electricity generating efficiencies of 60 percent for coal and 75 percent for natural gas;

(B) combined heat and power thermal efficiencies of more than 85 percent;

(C) fuels utilization efficiency of 75 percent for the production of liquid transportation fuels from coal;

(D) near zero emissions of mercury and of emissions that form fine particles, smog, and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent through efficiency improvements and 100 percent with sequestration; and

(F) improved reliability, efficiency, reductions of air pollutant emissions, or reductions in solid waste disposal requirements.

(2) OFFSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the offshore oil and natural gas resources program shall be to develop technologies to—

(A) extract methane hydrates in coastal waters of the United States, and

(B) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

(3) ONSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the onshore oil and natural gas resources program shall be to advance the science and technology available to domestic onshore petroleum producers, particularly independent operators, through—

(A) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(B) improvement in the ability to extract hydrocarbons from known reservoirs and classes of reservoirs; and

(C) development of technologies and practices that reduce the threat to the environment from petroleum exploration and production and decrease the cost of effective environmental compliance.

(4) TRANSPORTATION FUELS.—The goals of the transportation fuels program shall be to increase the price elasticity of oil supply and demand by focusing research on—

(A) reducing the cost of producing transportation fuels from coal and natural gas; and

(B) indirect liquefaction of coal and biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this section—

(1) $485,000,000 for fiscal year 2003;

(2) $508,000,000 for fiscal year 2004;

(3) $532,000,000 for fiscal year 2005; and

(4) $558,000,000 for fiscal year 2006.

(2) LIMITS ON USE OF FUNDS.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) Fossil energy environmental restoration;

(ii) Import/export authorization;

(iii) Program direction; or

(iv) General plant projects.

(B) COAL-BASED PROJECTS.—The coal-based projects funded under this section shall be consistent with the goals in subsection (b). The program shall emphasize carbon capture and sequestration technologies and gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, hybrid gasification/combustion, or other technology with the potential to address the goals in subparagraphs (D) or (E) of subsection (b)(1).

SEC. 1232. POWER PLANT IMPROVEMENT INITIATIVE.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to demonstrate commercial applications of advanced lignite and coal-based technologies applicable to new or existing power plants (including co-production plants) that advance the efficiency, environmental performance, and cost-competitiveness substantially beyond technologies that are in operation or have been demonstrated by the date of enactment of this subtitle.

(b) TECHNICAL MILESTONES.—

(1) IN GENERAL.—The Secretary shall set technical milestones specifying efficiency and emissions levels that projects shall be designed to achieve. The milestones shall become more restrictive over the life of the program.

(2) 2010 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2010 interim thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(3) 2020 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2020 thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and

(C) 57 percent for coal of less than 7,000 Btu.

(4) EMISSIONS MILESTONES.—The milestones shall include near zero emissions of mercury and greenhouse gases and of emissions that form fine particles, smog, and acid rain.

(4) REGIONAL AND QUALITY DIFFERENCES.—The Secretary may consider regional and quality differences in developing the efficiency milestones.

(c) PROJECT CRITERIA.—The demonstration activities proposed to be conducted at a new or existing coal-based electric generation unit having a nameplate rating of not less than 100 megawatts, excluding a co-production plant, shall include at least one of the following—

(1) a means of recycling or reusing a significant portion of coal combustion wastes produced by coal-based generating units, excluding practices that are commercially available by the date of enactment of this subtitle;

(2) a means of capture and sequestering emissions, including greenhouse gases, in a manner that is more effective and substantially below the cost of technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle;

(3) a means of controlling sulfur dioxide and nitrogen oxide or mercury in a manner that improves environmental performance beyond technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle, and

(A) in the case of an existing unit, achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(i) 7 percent for coal of more than 9,000 Btu;

(ii) 6 percent for coal of 7,000 to 9,000 Btu; or

(iii) 4 percent for coal of less than 7,000 Btu; or

(B) in the case of a new unit, achieve the efficiency milestones set for in subsection (b) compared to the efficiency of a typical unit as operated on the date of enactment of this subtitle, before any retrofit, repowering, replacement, or installation.

(d) STUDY.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and interested entities (including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers), shall conduct an assessment that identifies performance criteria that would be necessary for coal-based technologies to meet, to enable future reliance on coal in an environmentally sustainable manner for electricity generation, use as a chemical feedstock, and use as a transportation fuel.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out activities under this section $200,000,000 for each of fiscal years 2003 through 2011.

(2) LIMITATION ON FUNDING OF PROJECTS.—Eighty percent of the funding under this section shall be limited to—

(A) carbon capture and sequestration technologies; or

(B) gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, or hybrid gasification/combustion., or

(C) or other technology either by itself or in conjunction with other technologies has the potential to achieve near zero emissions.

SEC. 1233. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to—

(1) develop mining research priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) establish a process for conducting joint industry-government research and development; and

(3) expand mining research capabilities at institutions of higher education.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out activities under this section, $12,000,000 in fiscal year 2003 and $15,000,000 in fiscal year 2004.

(2) LIMIT ON USE OF FUNDS.—Not less than 20 percent of any funds appropriated in a given fiscal year under this subsection shall be dedicated to research carried out at institutions of higher education.

SEC. 1234. ULTRA-DEEPWATER AND UNCONVENTIONAL RESOURCE EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Ultra-Deepwater and Unconventional Resource Technology Advisory Committee established under subsection (c).

(2) AWARD.—The term "award" means a cooperative agreement, contract, award or other types of agreement as appropriate.

(3) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(4) ELIGIBLE AWARD RECIPIENT.—The term "eligible award recipient" includes—

(A) a research institution;

(B) an institution of higher education;

(C) a corporation; and

(D) a managing consortium formed among entities described in subparagraphs (A) through (C).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MANAGING CONSORTIUM.—The term "managing consortium" means an entity that—

(A) exists as of the date of enactment of this section;

(B)(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of that Code;

(C) is experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration; and

(D) has demonstrated capabilities and experience in representing the views and priorities of industry, institutions of higher education and other research institutions in formulating comprehensive research and development plans and programs.

(7) PROGRAM.—The term "program" means the program of research, development, and demonstration established under subsection (b)(1)(A).

(8) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(9) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the integration of technologies to explore and produce natural gas or petroleum products located at ultra-deepwater depths.

(10) ULTRA-DEEPWATER RESOURCE.—The term "ultra-deepwater resource" means natural gas or any other petroleum resource (including methane hydrate) located in an ultra-deepwater area.

(11) UNCONVENTIONAL RESOURCE.—The term "unconventional resource" means natural gas or any other petroleum resource located in a formation on physically or economically inaccessible land currently available for lease for purposes of natural gas or other petroleum exploration or production.

(b) ULTRA-DEEPWATER AND UNCONVENTIONAL EXPLORATION AND PRODUCTION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program of research into, and development and demonstration of, ultra-deepwater resource and unconventional resource exploration and production technologies.

(B) LOCATION; IMPLEMENTATION.—The program under this subsection shall be carried out—

(i) in areas on the outer Continental Shelf that, as of the date of enactment of this section, are available for leasing; and

(ii) on unconventional resources.

(2) COMPONENTS.—The program shall include one or more programs for long-term research into—

(A) new deepwater ultra-deepwater resource and unconventional resource exploration and production technologies; or

(B) environmental mitigation technologies for production of ultra-deepwater resource and unconventional resource.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the "Ultra-Deepwater and Unconventional Resource Technology Advisory Committee".

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry; and

(ii) are not Federal employees or employees of contractors to a federal agency.

(B) EXPERTISE.—Of the members of the advisory committee appointed under subparagraph (A)—

(i) at least 4 members shall have extensive knowledge of ultra-deepwater resource exploration and production technologies;

(ii) at least 3 members shall have extensive knowledge of unconventional resource exploration and production technologies.

(3) DUTIES.—The advisory committee shall advise the Secretary in the implementation of this section.

(4) COMPENSATION.—A member of the advisory committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) AWARDS.—

(1) TYPES OF AWARDS.—

(A) ULTRA-DEEPWATER RESOURCES.—

(i) IN GENERAL.—The Secretary shall make awards for research into, and development and demonstration of, ultra-deepwater resource exploration and production technologies—

(I) to maximize the value of the ultra-deepwater resources of the United States;

(II) to increase the supply of ultra-deepwater resources by lowering the cost and improving the efficiency of exploration and production of such resources; and

(III) to improve safety and minimize negative environmental impacts of that exploration and production.

(ii) ULTRA-DEEPWATER ARCHITECTURE.—In furtherance of the purposes described in clause (i), the Secretary shall, where appropriate, solicit proposals from a managing consortium to develop and demonstrate next-generation architecture for ultra-deepwater resource production.

(B) UNCONVENTIONAL RESOURCES.—The Secretary shall make awards—

(i) to carry out research into, and development and demonstration of, technologies to maximize the value of unconventional resources; and

(ii) to develop technologies to simultaneously—

(I) increase the supply of unconventional resources by lowering the cost and improving the efficiency of exploration and production of unconventional resources; and

(II) improve safety and minimize negative environmental impacts of that exploration and production.

(2) CONDITIONS.—An award made under this subsection shall be subject to the following conditions:

(A) MULTIPLE ENTITIES.—If an award recipient is composed of more than one eligible organization, the recipient shall provide a signed contract, agreed to by all eligible organizations comprising the award recipient, that defines, in a manner that is consistent with all applicable law in effect as of the date of the contract, all rights to intellectual property for—

(i) technology in existence as of that date; and

(ii) future inventions conceived and developed using funds provided under the award.

(B) COMPONENTS OF APPLICATION.—An application for an award for a demonstration project shall describe with specificity any intended commercial applications of the technology to be demonstrated.

(C) COST SHARING.—Non-federal cost sharing shall be in accordance with section 1403.

(e) PLAN AND FUNDING.—

(1) IN GENERAL.—The Secretary, and where appropriate, a managing consortium under subsection (d)(1)(A)(ii), shall formulate annual operating and performance objectives, develop multi-year technology roadmaps, and establish research and development priorities for the funding of activities under this section which will serve as guidelines for making awards including cost-matching objectives.

(2) INDUSTRY INPUT.—In carrying out this program, the Secretary shall promote maximum industry input through the use of managing consortia or other organizations in planning and executing the research areas and conducting workshops or reviews to ensure that this program focuses on industry problems and needs.

(f) AUDITING.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds authorized by this section, provided through a managing consortium, are expended in a manner consistent with the purposes of this section.

(2) REPORTS.—The auditor retained under paragraph (1) shall submit to the Secretary, and the Secretary shall transmit to the appropriate congressional committees, an annual report that describes—

(A) the findings of the auditor under paragraph (1); and

(B) a plan under which the Secretary may remedy any deficiencies identified by the auditor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(h) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on September 30, 2009.

(i) SAVINGS PROVISION.—Nothing in this section is intended to displace, duplicate or diminish any previously authorized research activities of the Department of Energy.

SEC. 1235. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TRANSPORTATION TECHNOLOGIES.

The Secretary of Energy shall conduct a comprehensive five-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators, gas turbines, reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

SEC. 1236. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ARCTIC ENERGY.

There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398) such sums as may be necessary, but not to exceed $25,000,000 for each of fiscal years 2003 through 2011.

Subtitle D—Nuclear Energy

SEC. 1241. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct an energy research, development, demonstration, and technology deployment program to enhance nuclear energy.

(b) PROGRAM GOALS.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations for greater efficiencies;

(2) examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost, and improved safety, proliferation-resistant and high burn-up nuclear fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science;

(3) attract new students and faculty to the nuclear sciences and nuclear engineering and related fields (including health physics and nuclear and radiochemistry) through—

(A) university-based fundamental research for existing faculty and new junior faculty;

(B) support for the re-licensing of existing training reactors at universities in conjunction with industry; and

(C) completing the conversion of existing training reactors with proliferation resistant fuels that are low enriched and to adapt those reactors to new investigative uses;

(4) maintain a national capability and infrastructure to produce medical isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry;

(5) ensure that our nation has adequate capability to power future satellite and space missions; and

(6) maintain, where appropriate through a prioritization process, a balanced research infrastructure so that future research programs can use these facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) CORE NUCLEAR RESEARCH PROGRAMS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under subsection (b)(1) through (3)—

(A) $100,000,000 for fiscal year 2003;
(B) $110,000,000 for fiscal year 2004;
(C) $120,000,000 for fiscal year 2005; and
(D) $130,000,000 for fiscal year 2006.

(2) SUPPORTING NUCLEAR ACTIVITIES.—There are authorized to be appropriated to the Secretary for carrying out activities under subsection (b)(4) through (6), as well as nuclear facilities management and program direction—

(A) $200,000,000 for fiscal year 2003;
(B) $202,000,000 for fiscal year 2004;
(C) $207,000,000 for fiscal year 2005; and
(D) $212,000,000 for fiscal year 2006.

SEC. 1242. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall—

(1) develop a graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) Maintaining University Research and Training Reactors and Associated Infrastructure.—Activities under this section may include:

(1) converting research reactors to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among universities;

(2) providing technical assistance, in collaboration with the U.S. nuclear industry, in re-licensing and upgrading training reactors as part of a student training program;

(3) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) University-National Laboratory Interactions.—The Secretary shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments. The Secretary may provide for fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) Operating and Maintenance Costs.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) Authorization of Appropriations.—From amounts authorized under section 1241(c)(1), the following amounts are authorized for activities under this section—

(1) $33,000,000 for fiscal year 2003;

(2) $37,900,000 for fiscal year 2004;

(3) $43,600,000 for fiscal year 2005; and

(4) $50,100,000 for fiscal year 2006.

SEC. 1243. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) Establishment.—The Secretary shall support a Nuclear Energy Research Initiative for grants for research relating to nuclear energy.

(b) Authorization of Appropriations.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1244. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) Establishment.—The Secretary shall support a Nuclear Energy Plant Optimization Program for grants to improve nuclear energy plant reliability, availability, and productivity. Notwithstanding section 1403, the program shall require industry cost-sharing of at least 50 percent and be subject to annual review by the Nuclear Energy Research Advisory Committee of the Department.

(b) Authorization of Appropriations.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1245. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

(a) Establishment.—The Secretary shall support a Nuclear Energy Technology Development Program to develop a technology roadmap to design and develop new nuclear energy powerplants in the United States.

(b) Generation IV Reactor Study.—The Secretary shall, as part of the program under subsection (a), also conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment. The study shall examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost and improved safety, proliferation-resistant and high burn-up fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science. Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the study.

(c) Authorization of Appropriations.—From amounts authorized to be appropriated under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

Subtitle E—Fundamental Energy Science

SEC. 1251. ENHANCED PROGRAMS IN FUNDAMENTAL ENERGY SCIENCE.

(a) Program Direction.—The Secretary, acting through the Office of Science, shall—

(1) conduct a comprehensive program of fundamental research, including research on chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and advanced scientific computing;

(2) maintain, upgrade and expand the scientific user facilities maintained by the Office of Science and ensure that they are an integral part of the departmental mission for exploring the frontiers of fundamental science;

(3) maintain a leading-edge research capability in the energy-related aspects of nanoscience and nanotechnology, advanced scientific computing and genome research; and

(4) ensure that its fundamental science programs, where appropriate, help inform the applied research and development programs of the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $3,785,000,000 for fiscal year 2003;

(2) $4,153,000,000 for fiscal year 2004;

(3) $4,586,000,000 for fiscal year 2005; and

(4) $5,000,000,000 for fiscal year 2006.

SEC. 1252. NANOSCALE SCIENCE AND ENGINEERING RESEARCH.

(a) Establishment.—The Secretary, acting through the Office of Science, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) Nanoscience and Nanoengineering Research Centers and Major Instrumentation.—

(1) Authorization.—From amounts authorized to be appropriated under section 1251(b), the amounts specified under subsection (d)(2) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) Projects.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) Facilities.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation science.

(4) Collaboration.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) Authorization of Appropriations.—

(1) Total authorization.—From amounts authorized to be appropriated under section 1251(b), the following amounts are authorized for activities under this section—

(A) $270,000,000 for fiscal year 2003;

(B) $290,000,000 for fiscal year 2004;

(C) $310,000,000 for fiscal year 2005; and

(D) $330,000,000 for fiscal year 2006.

(2) Nanoscience and nanoengineering research centers and major instrumentation.—Of the amounts under paragraph (1), the following amounts are authorized to carry out subsection (c)—

(A) $135,000,000 for fiscal year 2003;

(B) $150,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $100,000,000 for fiscal year 2006.

SEC. 1253. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) Establishment.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms,

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software

needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest,

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets, and

(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address DOE missions are available; explore new computing approaches and technologies that promise to advance scientific computing.

(c) High-Performance Computing Act Program.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking "and";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding after paragraph (4) the following: "(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy in conducting basic and applied energy research.".

(d) Coordination with the DOE National Nuclear Security Agency Accelerated Strategic Computing Initiative and Other National Computing Programs.—The Secretary shall ensure that this program, to the extent feasible, is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Agency; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) Authorization of Appropriations.—From amounts authorized under section 1251(b), the following amounts are authorized for activities under this section—

(1) $285,000,000 for fiscal year 2003;
(2) $300,000,000 for fiscal year 2004;
(3) $310,000,000 for fiscal year 2005; and
(4) $320,000,000 for fiscal year 2006.

SEC. 1254. FUSION ENERGY SCIENCES PROGRAM AND PLANNING.

(a) Overall Plan for Fusion Energy Sciences Program.—

(1) In general.—Not later than 6 months after the date of enactment of this subtitle, the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop and transmit to the Congress a plan to ensure a strong scientific base for the Fusion Energy Sciences Program within the Office of Science and to enable the experiments described in subsections (b) and (c).

(2) Objectives of Plan.—The plan under this subsection shall include as its objectives—

(1) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(2) to ensure a strengthened fusion science theory and computational base;

(3) to encourage and ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(4) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(5) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in subsections (b) and (c); and

(6) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development.

(b) Plan for United States Fusion Experiment.—

(1) In general.—The Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for construction in the United States of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences and shall transmit the plan and the review to the Congress by July 1, 2004.

(2) Requirements of plan.—The plan described in paragraph (1) shall—

(A) address key burning plasma physics issues; and

(B) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) Plan for Participation in an International Experiment.—In addition to the plan described in subsection (b), the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost-effective relative to the cost and scientific benefits of a domestic experiment described in subsection (b). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b)(2), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academy of Sciences of a plan developed under this subsection, and shall transmit the plan and the review to the Congress no later than July 1, 2004.

(d) Authorization for Research and Development.—The Secretary, through the Office of Science, may conduct any research and development necessary to fully develop the plans described in this section.

(e) Authorization of Appropriations.—From amounts authorized under section 1251(b) for fiscal year 2003, $335,000,000 are authorized for fiscal year 2003 for activities under this section and for activities of the Fusion Energy Sciences Program.

Subtitle F—Energy, Safety, and Environmental Protection

SEC. 1261. CRITICAL ENERGY INFRASTRUCTURE PROTECTION RESEARCH AND DEVELOPMENT.

(a) In General.—The Secretary shall carry out a research, development, demonstration and technology deployment program, in partnership with industry, on critical energy infrastructure protection, consistent with the roles and missions outlined for the Secretary in Presidential Decision Directive 63, entitled "Critical Infrastructure Protection". The program shall have the following goals:

(1) Increase the understanding of physical and information system disruptions to the energy infrastructure that could result in cascading or widespread regional outages.

(2) Develop energy infrastructure assurance "best practices" through vulnerability and risk assessments.

(3) Protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents within the energy infrastructure.

(b) Program Scope.—The program under subsection (a) shall include research, development, deployment, technology demonstration for—

(1) analysis of energy infrastructure interdependencies to quantify the impacts of system vulnerabilities in relation to each other;

(2) probabilistic risk assessment of the energy infrastructure to account for unconventional and terrorist threats;

(3) incident tracking and trend analysis tools to assess the severity of threats and reported incidents to the energy infrastructure; and

(4) integrated multi-sensor, warning and mitigation technologies to detect, integrate, and localize events affecting the energy infrastructure including real time control to permit the reconfiguration of energy delivery systems.

(c) Regional Coordination.—The program under this section shall cooperate with Departmental activities to promote regional coordination under section 102 of this Act, to ensure that the technologies and assessments developed by the program are transferred in a timely manner to State and local authorities, and to the energy industries.

(d) Coordination With Industry Research Organizations.—The Secretary may enter into grants, contracts, and cooperative agreements with industry research organizations to facilitate industry participation in research under this section and to fulfill applicable cost-sharing requirements.

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) $25,000,000 for fiscal year 2003;
(2) $26,000,000 for fiscal year 2004;
(3) $27,000,000 for fiscal year 2005; and
(4) $28,000,000 for fiscal year 2006.

(f) Critical Energy Infrastructure Facility Defined.—For purposes of this section, the term "critical energy infrastructure facility" means a physical or cyber-based system or service for the generation, transmission or distribution of electrical energy, or the production, refining, transportation, or storage of petroleum, natural gas, or petroleum product, the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States. The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

SEC. 1262. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) In General.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) Purpose.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a five-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the natural laboratories, universities, and any other research organizations, including industry research organizations.

(g) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the research and development program plan under subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out this section $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2006.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under this section for each of the fiscal years 2003 through 2006.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2003 through 2006.

SEC. 1263. RESEARCH AND DEMONSTRATION FOR REMEDIATION OF GROUNDWATER FROM ENERGY ACTIVITIES.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration, and technology deployment program to improve methods for environmental restoration of groundwater contaminated by energy activities, including oil and gas production, surface and underground mining of coal, and in-situ extraction of energy resources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

TITLE XIII—CLIMATE CHANGE-RELATED RESEARCH AND DEVELOPMENT

Subtitle A—Department of Energy Programs

SEC. 1301. PROGRAM GOALS.

The goals of the research, development, demonstration, and technology deployment programs under this subtitle shall be to—

(1) provide a sound scientific understanding of the human and natural forces that influence the Earth's climate system, particularly those forces related to energy production and use;

(2) help mitigate climate change from human activities related to energy production and use; and

(3) reduce, avoid, or sequester emissions of greenhouse gases in furtherance of the goals of the United National Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that does not result in serious harm to the U.S. economy.

SEC. 1302. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) PROGRAM DIRECTION.—The Secretary, acting through the Office of Science, shall conduct a comprehensive research program to understand and address the effects of energy production and use on the global climate system.

(b) PROGRAM ELEMENTS.—

(1) CLIMATE MODELING.—The Secretary shall—

(A) conduct observational and analytical research to acquire and interpret the data needed to describe the radiation balance from the surface of the Earth to the top of the atmosphere;

(B) determine the factors responsible for the Earth's radiation balance and incorporate improved understanding of such factors in climate models;

(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and policy makers interested in assessing the relationship between energy and climate change.

(2) CARBON CYCLE.—The Secretary shall—

(A) carry out field research and modeling activities—

(i) to understand and document the net exchange of carbon dioxide between major terrestrial ecosystems and the atmosphere; or

(ii) to evaluate the potential of proposed methods of carbon sequestration;

(B) develop and test carbon cycle models; and

(C) acquire data and develop and test models to simulate and predict the transport, transformation, and fate of energy-related emissions in the atmosphere.

(3) ECOLOGICAL PROCESSES.—The Secretary shall carry out long-term experiments of the response of intact terrestrial ecosystems to—

(A) alterations in climate and atmospheric composition; or

(B) land-use changes that affect ecosystem extent and function.

(4) INTEGRATED ASSESSMENT.—The Secretary shall develop and improve methods

and tools for integrated analyses of the climate change system from emissions of aerosols and greenhouse gases to the consequences of these emissions on climate and the resulting effects of human-induced climate change on economic and social systems, with emphasis on critical gaps in integrated assessment modeling, including modeling of technology innovation and diffusion and the development of metrics of economic costs of climate change and policies for mitigating or adapting to climate change.

(c) Authorization of Appropriations.—From amounts authorized under section 1440(c), there are authorized to be appropriated to the Secretary for carrying out activities under this section—

(1) $150,000,000 for fiscal year 2003;

(2) $175,000,000 for fiscal year 2004;

(3) $200,000,000 for fiscal year 2005; and

(4) $230,000,000 for fiscal year 2006.

(d) Limitation on Funds.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

SEC. 1303. AMENDMENTS TO THE FEDERAL NONNUCLEAR RESEARCH AND DEVELOPMENT ACT OF 1974.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3) by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emissions streams; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "subsection (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and" at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

"(i) renewable energy systems;

"(ii) advanced fossil energy technology;

"(iii) advanced nuclear power plant design;

"(iv) fuel cell technology for residential, industrial and transportation applications;

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

"(vi) efficient electrical generation, transmission and distribution technologies; and

"(vii) efficient end use energy technologies.".

Subtitle B—Department of Agriculture Programs

SEC. 1311. CARBON SEQUESTRATION BASIC AND APPLIED RESEARCH.

(a) Basic Research.—

(1) In general.—The Secretary of Agriculture shall carry out research in the areas of soil science that promote understanding of—

(A) the net sequestration of organic carbon in soil; and

(B) net emissions of other greenhouse gases from agriculture.

(2) Agricultural research service.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall collaborate with other Federal agencies in developing data and carrying out research addressing soil carbon fluxes (losses and gains) and net emissions of methane and nitrous oxide from cultivation and animal management activities.

(3) Cooperative state research extension and education service.—

(A) In general.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to carry out research on the matters described in paragraph (1) in land grant universities and other research institutions.

(B) Consultation on research topics.—Before issuing a request for proposals for basic research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(b) Applied Research.—

(1) In general.—The Secretary of Agriculture shall carry out applied research in the areas of soil science, agronomy, agricultural economics and other agricultural sciences to—

(A) promote understanding of—

(i) how agricultural and forestry practices affect the sequestration of organic and inorganic carbon in soil and net emissions of other greenhouse gases;

(ii) how changes in soil carbon pools are cost-effectively measured, monitored, and verified; and

(iii) how public programs and private market approaches can be devised to incorporate carbon sequestration in a broader societal greenhouse gas emission reduction effort;

(B) develop methods for establishing baselines for measuring the quantities of carbon and other greenhouse gases sequestered; and
(C) evaluate leakage and performance issues.

(2) Requirements.—To the maximum extent practicable, applied research under paragraph (1) shall—

(A) draw on existing technologies and methods; and

(B) strive to provide methodologies that are accessible to a nontechnical audience.

(3) Minimization of adverse environmental impacts.—All applied research under paragraph (1) shall be conducted with an emphasis on minimizing adverse environmental impacts.

(4) Natural resources conservation service.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall collaborate with other Federal agencies, including the National Institute of Standards and Technology, in developing new measuring techniques and equipment or adapting existing techniques and equipment to enable cost-effective and accurate monitoring and verification, for a wide range of agricultural and forestry practices, of—

(A) changes in soil carbon content in agricultural soils, plants, and trees; and

(B) net emissions of other greenhouse gases.

(5) Cooperative state research extension and education service.—

(A) In general.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to encourage research on the matters described in paragraph (1) by land grant universities and other research institutions.

(B) Consultation on Research Topics.—Before issuing a request for proposals for applied research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the National Resources Conservation Service and the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(c) Research Consortia.—

(1) In general.—The Secretary of Agriculture may designate not more than 2 research consortia to carry out research projects under this section, with the requirement that the consortia propose to conduct basic, research under subsection (a) and applied research under subsection (b).

(2) Selection.—The consortia shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

(3) Eligible consortium participants.—Entities eligible to participate in a consortium include—

(A) land grant colleges and universities;

(B) private research institutions;

(C) State geological surveys;

(D) agencies of the Department of Agriculture;

(E) research centers of the National Aeronautics and Space Administration and the Department of Energy;

(F) other Federal agencies;

(G) representatives of agricultural businesses and organizations with demonstrated expertise in these areas; and

(H) representatives of the private sector with demonstrated expertise in these areas.

(4) Reservation of funding.—If the Secretary of Agriculture designates 1 or 2 consortia, the Secretary of Agriculture shall reserve for research projects carried out by the consortium or consortia not more than 25 percent of the amounts made available to carry out this section for a fiscal year.

(d) Standards of Precision.—

(1) Conference.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture, acting through the Agricultural Research Service and in consultation with the Natural Resources Conservation Service, shall convene a conference of key scientific experts on carbon sequestration and measurement techniques from various sectors (including the government, academic, and private sectors) to—

(A) discuss benchmark standards of precision for measuring soil carbon content and net emissions of other greenhouse gases;

(B) designate packages of measurement techniques and modeling approaches to achieve a level of precision agreed on by the participants in the conference; and

(C) evaluate results of analyses on baseline, permanence, and leakage issues.

(2) Development of benchmark standards.—

(A) In general.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on benchmark standards developed under subparagraph (A).

(3) REPORT.—Not later than 180 days after the conclusion of the conference under paragraph (1), the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for competitive grants by the Cooperative State Research, Education, and Extension Service.

SEC. 1312. CARBON SEQUESTRATION DEMONSTRATION PROJECTS AND OUTREACH.

(a) DEMONSTRATION PROJECTS.—

(1) DEVELOPMENT OF MONITORING PROGRAMS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service and in cooperation with local extension agents, experts from land grant universities, and other local agricultural or conservation organizations, shall develop user-friendly, programs that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and net changes in greenhouse gas emissions.

(B) BENCHMARK LEVELS OF PRECISION.—The programs developed under subparagraph (A) shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(2) PROJECTS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under which projects use the monitoring programs developed under paragraph (1) to demonstrate the feasibility of methods of measuring, verifying, and monitoring—

(i) changes in organic carbon content and other carbon pools in agricultural soils, plants, and trees; and

(ii) net changes in emissions of other greenhouse gases.

(B) EVALUATION OF IMPLICATIONS.—The projects under subparagraph (A) shall include evaluation of the implications for reassessed baselines, carbon or other greenhouse gas leakage, and permanence of sequestration.

(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall be submitted by the appropriate agency of each State, in cooperation with interested local jurisdictions and State agricultural and conservation organizations.

(D) LIMITATION.—Not more than 10 projects under subparagraph (A) may be approved in conjunction with applied research projects under section 1331(b) until benchmark measurement and assessment standards are established under section 1331(d).

(b) OUTREACH.—

(1) IN GENERAL.—The Cooperative State Research Extension and Education Service shall widely disseminate information about the economic and environmental benefits that can be generated by adoption of conservation practices (including benefits from increased sequestration of carbon and reduced emission of other greenhouse gases.

(2) PROJECT RESULTS.—The Cooperative State Research Extension and Education Service shall inform farmers, ranchers, and State agricultural and energy offices in each State of—

(A) the results of demonstration projects under subsection (a)(2) in the State; and

(B) the ways in which the methods demonstrated in the projects might be applicable to the operations of those farmers and ranchers.

(3) POLICY OUTREACH.—On a periodic basis, the Cooperative State Research Extension and Education Service shall disseminate information on the policy nexus between global climate change mitigation strategies and agriculture, so that farmers and ranchers may better understand the global implications of the activities of farmers and ranchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for demonstration projects under subsection (a)(2).

Subtitle C—Clean Energy Technology Exports Program

SEC. 1321. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in developing countries, countries in transition, and other partner countries—

(A) emits substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) INTERAGENCY WORKING GROUP.—The term "interagency working group" means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the U.S. Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports. The interagency working group will focus on opening and expanding energy markets and transferring clean energy technology to the developing countries, countries in transition, and other partner countries that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the Framework Convention on Climate Change, other international agreements, and relevant Federal efforts.

(2) MEMBERSHIP.—The interagency working group shall be jointly chaired by representatives appointed by the agency heads under paragraph (1) and shall also include representatives from the Department of State, the Department of Treasury, the Environmental Protection Agency, the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and other federal agencies as deemed appropriate by all three agency heads under paragraph (1).

(3) DUTIES.—The interagency working group shall—

(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

(B) investigate issues associated with building capacity to deploy clean energy technology in developing countries, countries in transition, and other partner countries, including—

(i) energy-sector reform;

(ii) creation of open, transparent, and competitive markets for energy technologies;

(iii) availability of trained personnel to deploy and maintain the technology; and (iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve U.S. clean energy technology exports in support of the following areas:

(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and co-generation technology initiatives; and

(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives.

(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

(E) monitor each agency's progress towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001, and the Energy and Water Development Appropriations Act, 2002;

(F) make recommendations to heads of appropriate Federal agencies on ways to streamline federal programs and policies improve each agency's role in the international development, demonstration, and deployment of clean energy technology;

(G) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

(H) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening their markets and exporting United States energy technology.

(c) FEDERAL SUPPORT FOR CLEAN EENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each federal agency or government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country, country in transition, or other partner country shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(d) ANNUAL REPORT.—Not later than April 1, 2002, and each year thereafter, the Interagency Working Group shall submit a report to Congress on its activities during the preceding calendar year. The report shall include a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the Interagency Working Group in that year, as well as any policy recommendations to improve the expansion of clean energy markets and U.S. clean energy technology exports.

(e) REPORT ON USE OF FUNDS.—Not later than October 1, 2002, and each year thereafter, the Secretary of State, in consultation with other federal agencies, shall submit a report to Congress indicating how United States funds appropriated for clean energy technology exports and other relevant federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries, countries in transition, and other partner countries, including efforts pursuant to multi-lateral environmental agreements.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country, country in transition, or other partner country.

SEC. 1322. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

(a) IN GENERAL.—Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (l) and inserting the following:

"(*l*) INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term "international energy deployment project" means a project to construct an energy production facility outside the United States—

"(i) the output of which will be consumed outside the United States; and

"(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented—

"(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

"(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

"(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

"(B) QUALIFYING INTERNATIONAL ENERGY DEPLOYMENT PROJECT.—The term "qualifying international energy deployment project" means an international energy deployment project that—

"(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

"(ii) uses technology that has been successfully developed or deployed in the United States;

"(iii) meets the criteria of subsection (k);

"(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

"(v) complies with such terms and conditions as the Secretary establishes by regulation.

"(C) UNITED STATES.—For purposes of this paragraph, the term "United States", when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(2) PILOT PROGRAM FOR FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

"(B) SELECTION CRITERIA.— After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

"(C) FINANCIAL ASSISTANCE.—

"(i) IN GENERAL.— A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

"(ii) RATE OF INTEREST.— The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

"(iii) AMOUNT.— The amount of a loan or loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

"(iv) DEVELOPED COUNTRIES.— Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(v) DEVELOPING COUNTRIES.— Loans or loan guarantees made for projects to be located in a developing country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(vi) CAPACITY BUILDING RESEARCH.— Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an institution in the host country and an industry, university or national laboratory participant from the United States. The host institution shall contribute at least 50 percent of funds provided for the capacity building research.

"(D) COORDINATION WITH OTHER PROGRAMS.— A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

"(E) REPORT.— Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to the President a report on the results of the pilot projects.

"(F) RECOMMENDATION.— Not later than 60 days after receiving the report under subparagraph (E), the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary of Energy, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary carry out this section $100,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.".

Subtitle D—Climate Change Science and Information

PART I—AMENDMENTS TO THE GLOBAL CHANGE RESEARCH ACT OF 1990

SEC. 1331. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. 1332. CHANGES IN DEFINITIONS.

Paragraph (1) of section 2 (15 U.S.C. 2921) is amended by striking "Earth and" inserting "Climate and".

SEC. 1333. CHANGE IN COMMITTEE NAME.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking "EARTH AND" in the section heading and inserting "CLIMATE AND"; and

(2) by striking "Earth and" in subsection (a) and inserting "Climate and".

SEC. 1334. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by adding at the end of subsection (c) the following:

"(6) Methods for integrating information to provide predictive tools for planning and decision making by governments, communities and the private sector.";

(2) by inserting "local, State, and Federal" before "policy makers" in subsection (d)(3);

(3) by striking "and" in subsection (d)(2);

(4) by striking "change." in subsection (d)(3) and inserting "change; and";

(5) by adding at the end of subsection (d) the following:

"(4) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes."; and

(6) by adding at the end the following:

"(g) STRATEGIC PLAN; REVISED IMPLEMENTATION PLAN.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2002 and submit the plan to the Congress within 180 days after the date of enactment of the Global Climate Change Act of 2002. The Chairman, through the Committee, shall also submit a revised implementation plan under subsection (a).".

SEC. 1335. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) inserting before subsection (b), as redesignated, the following:

"(a) INTEGRATED PROGRAM OFFICE.—

"(1) ESTABLISHMENT.—There is established in the Office of Science and Technology Policy an integrated program office for the global change research program.

"(2) ORGANIZATION.—The integrated program office established under paragraph (1) shall be headed by the associate director with responsibility for climate change science and technology and shall include a representative from each Federal agency participating in the global change research program.

"(3) FUNCTION.—The integrated program office shall—

"(A) manage, working in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

"(B) ensure that the activities and programs of each Federal agency or department participating in the program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

"(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the climate change action strategy;

"(D) review, solicit, and identify, and allocate funds for, partnership projects that address critical research objectives or operational goals of the program, including projects that would fill research gaps identified by the program, and for which project resources are shared among at least 2 agencies participating in the program; and

"(E) review and provide recommendations on, in conjunction with the Committee, all annual appropriations requests from Federal agencies or departments participating in the program.

"(4) GRANT AUTHORITY.—The Integrated Program Office may authorize 1 or more of the departments or agencies participating in the program to enter into contracts and make grants, using funds appropriated for use by the Office of Science and Technology Policy for the purpose of carrying out the responsibilities of that Office.

"(5) FUNDING.—For fiscal year 2003, and each fiscal year thereafter, not less than $13,000,000 shall be made available to the Integrated Program Office from amounts appropriated to or for the use of the Office of Science and Technology Policy.";

(3) by striking "Committee." in paragraph (2) of subsection (c), as redesignated, and inserting "Committee and the Integrated Program Office."; and

(4) by inserting "and the Integrated Program Office" after "Committee" in paragraph (1) of subsection (d), as redesignated.

PART II—NATIONAL CLIMATE SERVICES AND MONITORING

SEC. 1341. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 1342. CHANGES IN FINDINGS.

Section 2 (15 U.S.C. 2901) is amended—

(1) by striking "Weather and climate change affect" in paragraph (1) and inserting "Weather, climate change, and climate variability affect public safety, environmental security, human health,";

(2) by striking "climate" in paragraph (2) and inserting "climate, including seasonal and decadal fluctuations,";

(3) by striking "changes." in paragraph (5) and inserting "changes and providing free exchange of meteorological data."; and

(4) by adding at the end the following:

"(7) The present rate of advance in research and development is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.".

SEC. 1343. TOOLS FOR REGIONAL PLANNING.

Section 5(d) (15 U.S.C. 2904(d)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(2) by inserting after paragraph (3) the following:

"(4) methods for improving modeling and predictive capabilities and developing assessment methods to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues;

(3) by inserting "sharing," after "collection," in paragraph (5), as redesignated;

(4) by striking "experimental" each place it appears in paragraph (9), as redesignated;

(5) by striking "preliminary" in paragraph (10), as redesignated;

(6) by striking "this Act," the first place it appears in paragraph (10), as redesignated, and inserting "the Global Climate Change Act of 2002,"; and

(7) by striking "this Act," the second place it appears in paragraph (10), as redesignated, and inserting "that Act,".

SEC. 1344. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (15 U.S.C. 2908) is amended—

(1) by striking "1979," and inserting "2002,";

(2) by striking "1980," and inserting "2003,";

(3) by striking "1981," and inserting "2004,"; and

(4) by striking "$25,500,000" and inserting "$75,500,000".

SEC. 1345. NATIONAL CLIMATE SERVICE PLAN.

The Act (15 U.S.C. 2901 et seq.) is amended by inserting after section 5 the following:

"SEC. 6. NATIONAL CLIMATE SERVICE PLAN.

"Within one year after the date of enactment of the Global Climate Change Act of 2002, the Secretary of Commerce shall submit to the Senate Committee on Commerce, Science, and Transportation and the House Science Committee a plan of action for a National Climate Service under the National Climate Program. The plan shall set forth recommendations and funding estimates for—

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

"(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long and short term time schedule and at a range of spatial scales;

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both domestically and internationally.".

SEC. 1346. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. There are authorized to be appropriated for purposes of this section $1,500,000 to the National Oceanic and Atmospheric Administration, $1,500,000 to the National Aeronautics and Space Administration, and $500,000 for the Pacific ENSO Applications Center.

SEC. 1347. REPORTING ON TRENDS.

(a) ATMOSPHERIC MONITORING AND VERIFICATION PROGRAM.—The Secretary of Commerce, in coordination with relevant Federal agencies, shall, as part of the National Climate Service, establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, and modeling capabilities to monitor, measure, and verify atmospheric greenhouse gas levels, dates, and emissions. Where feasible, the program shall measure emissions from identified sources participating in the reporting system for verification purposes. The program shall use measurements and standards that are consistent with those utilized in the greenhouse gas measurement and reporting system established under subsection (a) and the registry established under section 1102.

(b) ANNUAL REPORTING.—The Secretary of Commerce shall issue an annual report that identifies greenhouse emissions and trends on a local, regional, and national level. The report shall also identify emissions or reductions attributable to individual or multiple sources covered by the greenhouse gas measurement and reporting system established under section 1102.

PART III—OCEAN AND COASTAL OBSERVING SYSTEM

SEC. 1351. OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, shall establish and maintain an integrated ocean and coastal observing system that provides for long-term, continuous, and real-time observations of the oceans and coasts for the purposes of—

(1) understanding, assessing and responding to human-induced and natural processes of global change;

(2) improving weather forecasts and public warnings;

(3) strengthening national security and military preparedness;

(4) enhancing the safety and efficiency of marine operations;

(5) supporting efforts to restore the health of and manage coastal and marine ecosystems and living resources;

(6) monitoring and evaluating the effectiveness of ocean and coastal environmental policies;

(7) reducing and mitigating ocean and coastal pollution; and

(8) providing information that contributes to public awareness of the state and importance of the oceans.

(b) Council Functions.—In addition to its responsibilities under section 7902(a) of such title, the Council shall be responsible for planning and coordinating the observing system and in carrying out this responsibility shall—

(1) develop and submit to the Congress, within 6 months after the date of enactment of this Act, a plan for implementing a national ocean and coastal observing system that—

(A) uses an end-to end engineering and development approach to develop a system design and schedule for operational implementation;

(B) determines how current and planned observing activities can be integrated in a cost-effective manner;

(C) provides for regional and concept demonstration projects;

(D) describes the role and estimated budget of each Federal agency in implementing the plan;

(E) contributes, to the extent practicable, to the National Global Change Research Plan under section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934); and

(F) makes recommendations for coordination of ocean observing activities of the United States with those of other nations and international organizations;

(2) serve as the mechanism for coordinating Federal ocean observing requirements and activities;

(3) work with academic, State, industry and other actual and potential users of the observing system to make effective use of existing capabilities and incorporate new technologies;

(4) approve standards and protocols for the administration of the system, including—

(A) a common set of measurements to be collected and distributed routinely and by uniform methods;

(B) standards for quality control and assessment of data;

(C) design, testing and employment of forecast models for ocean conditions;

(D) data management, including data transfer protocols and archiving; and

(E) designation of coastal ocean observing regions; and

(5) in consultation with the Secretary of State, provide representation at international meetings on ocean observing programs and coordinate relevant Federal activities with those of other nations.

(c) System Elements.—The integrated ocean and coastal observing system shall include the following elements:

(1) A nationally coordinated network of regional coastal ocean observing systems that measure and disseminate a common set of ocean observations and related products in a uniform manner and according to sound scientific practice, but that are adapted to local and regional needs.

(2) Ocean sensors for climate observations, including the Arctic Ocean and sub-polar seas.

(3) Coastal, relocatable, and cabled sea floor observatories.

(4) Broad bandwidth communications that are capable of transmitting high volumes of data from open ocean locations at low cost and in real time.

(5) Ocean data management and assimilation systems that ensure full use of new sources of data from space-borne and in situ sensors.

(6) Focused research programs.

(7) Technology development program to develop new observing technologies and techniques, including data management and dissemination.

(8) Public outreach and education.

SEC. 1352. AUTHORIZATION OF APPROPRIATIONS.

For development and implementation of an integrated ocean and coastal observation system under this title, including financial assistance to regional coastal ocean observing systems, there are authorized to be appropriated $235,000,000 in fiscal year 2003, $315,000,000 in fiscal year 2004, $390,000,000 in fiscal year 2005, and $445,000,000 in fiscal year 2006.

Subtitle E—Climate Change Technology

SEC. 1361. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulphur hexafluoride; and".

SEC. 1362. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) In General.—The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;

(2) non-carbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 1363. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) In General.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 4 of the Global Climate Change Act of 2002).

"(b) Research Program.—

"(1) In general.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) Research projects.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing of a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminated greenhouse gases.

"(c) National Measurement Laboratories.—

"(1) In general.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) Material, process, and building research.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low or no-emission technologies into building designs.

"(3) Standards and tools.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) National Voluntary Laboratory Accreditation Program.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 1364. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) Advanced Technology Program Competitions.—The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute's competitions in thematic areas, selected after consultation with industry, academics, and other Federal Agencies, designed to develop and commercialize enabling technologies to address global climate change by significantly reducing greenhouse gas emissions and concentrations in the atmosphere.

(b) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM FOR "GREEN" MANUFACTURING.—The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new "green" manufacturing technologies and techniques by the more than 380,000 small manufacturers.

SEC. 1365. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out functions pursuant to sections 1345, 1351, and 1361 through 1363, $10,000,000 for fiscal years 2002 through 2006.

Subtitle F—Climate Adaptation and Hazards Prevention

PART I—ASSESSMENT AND ADAPTATION

SEC. 1371. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION PROGRAM.

(a) IN GENERAL.—The President shall establish within the Department of Commerce a National Climate Change Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing such program the Secretary shall consult with the Federal Emergency Management Agency, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Transportation, and other appropriate Federal, State, and local government entities.

(c) VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed levels; and

(2) build upon predictions and other information developed in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—The program shall submit a report to Congress within 2 years after the date of enactment of this Act that identifies and recommends implementation and funding strategies for short and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property,

(2) to improve resilience to hazards,

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall make available appropriate information and other technologies and products that will assist national, regional, State, and local efforts to reduce loss of life and property, and coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the requirements of this section.

SEC. 1372. COASTAL VULNERABILITY AND ADAPTATION.

(a) COASTAL VULNERABILITY.—Within 2 years after the date of enactment of this Act, the Secretary shall, in consultation with the appropriate Federal, State, and local governmental entities, conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels. The Secretary may also establish, as warranted, longer term regional assessment programs. The Secretary may also consult with the governments of Canada and Mexico as appropriate in developing such regional assessments. In preparing the regional assessments, the Secretary shall collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions. The regional assessments shall include an evaluation of—

(1) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(2) physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(3) economic impact on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

(b) COASTAL ADAPTATION PLAN.—The Secretary shall, within 3 years after the date of enactment of this Act, submit to the Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels. The regional plans that will make up the national coastal adaptation plan shall be based on the information contained in the regional assessments and shall identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions. The Plan shall recommend both short and long-term adaptation strategies and shall include recommendations regarding—

(1) Federal flood insurance program modifications;

(2) areas that have been identified as high risk through mapping and assessment;

(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(4) land and property owner education;

(5) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(6) funding requirements and mechanisms.

(c) TECHNICAL PLANNING ASSISTANCE.—The Secretary, through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

(d) COASTAL ADAPTATION GRANTS.—The Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs if the State provides a Federal-to-State match of 4 to 1 in the first fiscal year, 2.3 to 1 in the second fiscal year, 2 to 1 in the third fiscal year, and 1 to 1 thereafter. Distribution of these funds to coastal states shall be based upon the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(e) COASTAL RESPONSE PILOT PROGRAM.—

(1) IN GENERAL.— The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities most adversely affected by the impact of climate change or climate variability that are located in States with Federally approved coastal zone management programs.

(2) ELIGIBLE PROJECTS.— A project is eligible for financial assistance under the pilot program if it—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by such an impact, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which it is located; and

(C) will not cost more than $100,000.

(3) FUNDING SHARE.— The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project. In the administration of this paragraph—

(A) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(B) the Secretary may waive the requirements of this paragraph for a project in a community if—

(i) the Secretary determines that the project is important; and

(ii) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the projects's costs.

(f) DEFINITIONS.— Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given it by that section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually for regional assessments under subsection (a), and $3,000,000 annually for coastal adaptation grants under subsection (d).

PART II—FORECASTING AND PLANNING PILOT PROGRAMS

SEC. 1381. REMOTE SENSING PILOT PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish, through the National Oceanic and Atmospheric Administration's Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period of not more than 3 years.

(e) RESPONSIBILITIES OF GRANTEES.—Within 180 days after completion of a grant project, each recipient of a grant under subsection (a) shall transmit a report to the Center on the results of the pilot project and conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(f) REGULATIONS.—The Center shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 1382. DATABASE ESTABLISHMENT.

The Center shall establish and maintain an electronic, Internet-accessible database of the results of each pilot project completed under section 1381.

SEC. 1383. DEFINITIONS.

In this subtitle:

(1) CENTER.—The term "Center" means the Coastal Services Center of the National Oceanic and Atmospheric Administration.

(2) GEOSPATIAL INFORMATION.—The term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1384. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out the provisions of this subtitle—

(1) $17,500,000 for fiscal year 2003;

(2) $20,000,000 for fiscal year 2004;

(3) $22,500,000 for fiscal year 2005; and

(4) $25,000,000 for fiscal year 2006.

TITLE XIV—MANAGEMENT OF DOE SCIENCE AND TECHNOLOGY PROGRAMS

SEC. 1401. DEFINITIONS.

In this title:

(1) APPLICABILITY OF DEFINITIONS.—The definitions in section 1203 shall apply.

(2) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the following primarily single purpose entities owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fernald Environmental Management Project;

(E) Fermi National Accelerator Laboratory;

(F) Kansas City Plant;

(G) Nevada Test Site;

(H) New Brunswick Laboratory;

(I) Pantex Weapons Facility;

(J) Princeton Plasma Physics Laboratory;

(K) Savannah River Technology Center;

(L) Stanford Linear Accelerator Center;

(M) Thomas Jefferson National Accelerator Facility;

(N) Y-12 facility at Oak Ridge National Laboratory;

(O) Waste Isolation Pilot Plant; or

(P) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities.

SEC. 1402. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department of Energy under title XII, title XIII, and title XV shall remain available until expended.

SEC. 1403. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND DEPLOYMENT.—For demonstration and technology deployment activities funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 50 percent of the costs of the project directly and specifically related to any demonstration or technology deployment activity. The Secretary may reduce or eliminate the non-federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet one or more goals of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall include cash, personnel, services, equipment, and other resources.

SEC. 1404. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under title XII, subtitle A of title XIII, and title XV shall be made only after an independent review of the scientific and technical merit of the proposals for such awards has been made by the Department of Energy.

SEC. 1405. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—(1) The Secretary shall establish an advisory board to oversee Department research and development programs in each of the following areas—

(A) energy efficiency;

(B) renewable energy;

(C) fossil energy;

(D) nuclear energy; and

(E) climate change technology, with emphasis on integration, collaboration, and other special features of the cross-cutting technologies supported by the Office of Climate Change Technology.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, or may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of experts drawn from industry, academia, federal laboratories, research institutions, or state, local, or tribal governments, as appropriate.

(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and technology deployment program. The advisory board shall also review the adequacy and relevance of the goals established for each program by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.

SEC. 1406. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

"(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

"(A) have extensive background in scientific or engineering fields; and

"(B) are well qualified to manage the civilian research and development programs of the Department of Energy.

"(3) The Under Secretary for Energy and Science shall—

"(A) serve as the Science and Technology Advisor to the Secretary;

"(B) monitor the Department's research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

"(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

"(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

"(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

"(F) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to read as follows—

"(a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary of Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Assistant Secretary of Science shall be in addition to the Assistant Secretaries provided for under section 203 of this Act.

"(c) It shall be the duty and responsibility of the Assistant Secretary of Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.".

(c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "There shall be in the Department six Assistant Secretaries" and inserting "Except as provided in section 209, there shall be in the Department seven Assistant Secretaries".

(2) It is the Sense of the Senate that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

"(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(2) Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of Energy (2)" and inserting "Under Secretaries of Energy (3)".

(3) Section 5315 of title 5, United States Code, is amended by—

(A) striking "Director, Office of Science, Department of Energy."; and

(B) striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (8)".

(4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

SEC. 1407. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) TECHNOLOGY TRANSFER COORDINATOR.—The Secretary shall appoint a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Partnerships Working Group, and shall oversee the expenditure of funds allocated to the Technology Partnership Working Group.

(b) TECHNOLOGY PARTNERSHIP WORKING GROUP.—The Secretary shall establish a Technology Partnership Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department.

SEC 1408. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) PURPOSE.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories or single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories or single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support departmental missions at the National Laboratories and single-purpose research facilities.

(c) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility to implement the Technology Infrastructure Program at such National Laboratory or single-purpose research facility through projects that meet the requirements of subsections (d) and (e).

(d) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or single-purpose research facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31-205-18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary.

(4) ACCOUNTING STANDARDS.—Any participant that receives funds under this section, other than a National Laboratory or single-purpose research facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall require the Director of the National Laboratory or single-purpose research facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project; and

(H) such other criteria as the Secretary determines to be appropriate.

(f) Report to Congress.—Not later than January 1, 2004, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(g) Definitions.—In this section:

(1) Technology cluster.—The term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) Technology-related business concern.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturers products based on new technologies, or

(D) performs technological services.

(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2003 and 2004.

SEC. 1409. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) Small Business Advocate.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to appoint a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) Establishment of Small Business Assistance Program.—The Secretary shall require the Director of each National Laboratory, and may require the director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) Use of Funds.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) Definitions.—In this section:

(1) Small business concern.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) Socially and economically disadvantaged small business concerns.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 1410. OTHER TRANSACTIONS.

(a) In General.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g) Other Transactions Authority.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.".

(b) Implementation.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions.

SEC. 1411. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than two years after the enactment of this section, the Secretary, acting through the Technology Transfer Coordinator under section 1407, shall determine whether each contractor operating a National Laboratory or single-purpose research facility has policies and procedures that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities.

SEC. 1412. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to—

(1) conduct a study on the obstacles to accelerating the innovation cycle for energy technology, and

(2) report to the Congress recommendations for shortening the cycle of research, development, and deployment.

SEC. 1413. REPORT ON TECHNOLOGY READINESS AND BARRIERS TO TECHNOLOGY TRANSFER.

(a) In General.—The Secretary, acting through the Technology Partnership Working Group and in consultation with representatives of affected industries, universities, and small business concerns, shall—

(1) assess the readiness for technology transfer of energy technologies developed through projects funded from appropriations authorized under subtitles A through D of title XIV, and

(2) identify barriers to technology transfer and cooperative research and development agreements between the Department or a National Laboratory and a non-federal person; and

(3) make recommendations for administrative or legislative actions needed to reduce or eliminate such barriers.

(b) Report.—The Secretary provide a report to Congress and the President on activities carried out under this section not later than one year after the date of enactment of this section, and shall update such report on a biennial basis, taking into account progress toward eliminating barriers to technology transfer identified in previous reports under this section.

TITLE XV—PERSONNEL AND TRAINING

SEC. 1501. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) Workforce Trends.—

(1) Monitoring.—The Secretary of Energy (in this title referred to as the "Secretary"), acting through the Administrator of the Energy Information Administration, in consultation with the Secretary of Labor, shall

monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy-efficiency, the oil and gas industry, nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

(2) ANNUAL REPORTS.—The Administrator of the Energy Information Administration shall include statistics on energy industry workforce trends in the annual reports of the Energy Information Administration.

(3) SPECIAL REPORTS.—The Secretary shall report to the appropriate committees of Congress whenever the Secretary determines that significant shortfalls of technical personnel in one or more energy industry segments are forecast or have occurred.

(b) TRAINEESHIP GRANTS FOR TECHNICALLY SKILLED PERSONNEL.—

(1) GRANT PROGRAMS.—The Secretary shall establish grant programs in the appropriate offices of the Department to enhance training of technically skilled personnel for which a shortfall is determined under subsection (a).

(2) ELIGIBLE INSTITUTIONS.—As determined by the Secretary to be appropriate to the particular workforce shortfall, the Secretary shall make grants under paragraph (1) to—

(A) an institution of higher education;

(B) a postsecondary educational institution providing vocational and technical education (within the meaning given those terms in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302));

(C) appropriate agencies of State, local, or tribal governments; or

(D) joint labor and management training organizations with state or federally recognized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term "skilled technical personnel" means journey and apprentice level workers who are enrolled in or have completed a sate or federally recognized apprenticeship program and other skilled workers in energy technology industries.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1502. POSTDOCTORAL AND SENIOR RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.

(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.

(b) DISTINGUISHED SENIOR RESEARCH FELLOWESHIPS.—The Secretary shall establish a program of fellowships to allow outstanding senior researchers in energy research and development and their research groups to explore research and development topics of their choosing for a fixed period of time. Awards under this program shall be made on the basis of past scientific or technical accomplishment and promise for continued accomplishment during the period of support, which shall not be less than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1503. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

(a) MODEL GUIDELINES.—The Secretary shall, in cooperation with electric generation, transmission, and distribution companies and recognized representatives of employees of those entities, develop model employee training guidelines to support electric supply system reliability and safety.

(b) CONTENT OF GUIDELINES.—The guidelines under this section shall include—

(1) requirements for worker training, competency, and certification, developed using criteria set forth by the Utility Industry Group recognized by the National Skill Standards Board; and

(2) consolidation of existing guidelines on the construction, operation, maintenance, and inspection of electric supply generation, transmission and distribution facilities such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1504. NATIONAL CENTER ON ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall establish a National Center on Energy Management and Building Technologies, to carry out research, education, and training activities to facilitate the improvement of energy efficiency and indoor air quality in industrial, commercial and residential buildings. The National Center shall be established in cooperation with-

(1) recognized representatives of employees in the heating, ventilation, and air conditioning industry;

(2) contractors that install and maintain heating, ventilation and air conditioning systems and equipment;

(3) manufacturers of heating, ventilation and air-conditioning systems and equipment;

(4) representatives of the advanced building envelope industry, including design, windows, lighting, and insulation industries; and

(5) other entities as appropriate.

SEC. 1505. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PPROGRAMS.—

Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR WOMEN AND MINORITY STUDENTS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage women and minority students to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) Historically black college or university.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 1203 of the Energy Science and Technology Enhancement Act of 2002.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 1401 of the Energy Science and Technology Enhancement Act of 2002.

"(5) TRIBAL CCOLLEGE.—The term 'tribal college has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(b) EDUCATION PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall direct the Director of each National Laboratory, and may direct the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(2) ACTIVITIES.—An activity under paragraph (1) may include—

"(A) collaborative research;

"(B) a transfer of equipment;

"(C) training of personnel at a National Laboratory or science facility; and

"(D) a mentoring activity by personnel at a National Laboratory or science facility.

"(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the activities carried out under this section.".

DIVISION F—TECHNOLOGY ASSESSMENT AND STUDIES

TITLE XVI—TECHNOLOGY ASSESSMENT

SEC. 1601. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

"SEC. 701. ESTABLISHMENT.

"There is hereby created a Science and Technology Assessment Service (hereinafter referred to as the 'Service'), which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

"The Service shall consist of a Science and Technology Board (hereinafter referred to as the 'Board') which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

"The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

"Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

"(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

"(2) the Board; or

"(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

"The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

"SEC. 706. AUTHORITY.

"The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

"(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

"(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

"SEC. 707. BOARD.

"The Board shall consist of 13 members as follows—

"(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

"(2) 6 Members of the House or Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

"(3) the Director, who shall not be a voting member.

"SEC. 708. REPORT TO CONGRESS.

"The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

"SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.".

TITLE XVII—STUDIES

SEC. 1701. REGULATORY REVIEWS .

(a) Regulatory Reviews.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review relevant regulations and standards to identify—

(1) existing regulations and standards that act as barriers to—

(A) market entry for emerging energy technologies (including fuel cells, combined heat and power, distributed power generation, and small-scale renewable energy), and

(B) market development and expansion for existing energy technologies (including combined heat and power, small-scale renewable energy, and energy recovery in industrial processes), and

(2) actions the agency is taking or could take to—

(A) remove barriers to market entry for emerging energy technologies and to market expansion for existing technologies,

(B) increase energy efficiency and conservation, or (C) encourage the use of new and existing processes to meet energy and environmental goals.

(b) Report to Congress.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to the Congress on the results of the agency reviews conducted under subsection (a).

(c) Contents of the Report.—The report shall—

(1) identify all regulatory barriers to—

(A) the development and commercialization of emerging energy technologies and processes, and

(B) the further development and expansion of existing energy conservation technologies and processes,

(2) actions taken, or proposed to be taken, to remove such barriers, and

(3) recommendations for changes in laws or regulations that may be needed to—

(A) expedite the siting and development of energy production and distribution facilities,

(B) encourage the adoption of energy efficiency and process improvements,

(C) facilitate the expanded use of existing energy conservation technologies, and

(D) reduce the environmental impacts of energy facilities and processes through transparent and flexible compliance methods.

SEC. 1702. ASSESSMENT OF DEPENDENCE OF HAWAII ON OIL.

(a) Study.—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall initiate a study that assesses the economic risk posed by the dependence of Hawaii on oil as the principal source of energy.

(b) Scope of the Study.—The Secretary shall assess—

(1) the short- and long-term threats to the economy of Hawaii posed by insecure supply and volatile prices;

(2) the impact on availability and cost of refined petroleum products if oil-fired electric generation is displaced by other sources;

(3) the feasibility of increasing the contribution of renewable sources to the overall energy requirements of Hawaii; and

(4) the feasibility of using liquid natural gas as a source of energy to supplement oil.

(c) Report.—Not later than 300 days after the date of enactment of this section, the Secretary shall prepare, in consultation with appropriate agencies of the State of Hawaii, industry representatives, and citizen groups, and shall submit to Congress a report detailing the Secretary's findings, conclusions, and recommendations. The report shall include—

(1) a detailed analysis of the availability, economics, infrastructure needs, and recommendations to increase the contribution of renewable energy sources to the overall energy requirements of Hawaii; and

(2) a detailed analysis of the use of liquid natural gas, including—

(A) the availability of supply,

(B) economics,

(C) environmental and safety considerations,

(D) technical limitations,

(E) infrastructure and transportation requirements,

(F) siting and facility configurations, including—

(i) onshore and offshore alternatives, and

(ii) environmental and safety considerations of both onshore and offshore alternatives.

(c) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.

SEC. 1703. STUDY OF SITING AN ELECTRIC TRANSMISSION SYSTEM ON AMTRAK RIGHT-OF-WAY.

(a) Study.—The Secretary of Energy shall contract with Amtrak to conduct a study of the feasibility of building and operating a new electric transmission system on the Amtrak right-of-way in the Northeast Corridor.

(b) Scope of the Study.—The study shall focus on siting the new system on the Amtrak right-of-way within the Northeastern Corridor between Washington, D.C., and New Rochelle, New York, including the Amtrak right-of-way between Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

(c) Contents of the Study.—The study shall consider—

(1) alternative geographic configuration of a new electronic transmission system on the Amtrak right-of-way;

(2) alternative technologies for the system;

(3) the estimated costs of building and operating each alternative;

(4) alternative means of financing the system;

(5) the environmental risks and benefits of building and operating each alternative as well as environmental risks and benefits of building and operating the system on the Northeast Corridor rather than at other locations;

(6) engineering and technological obstacles to building and operating each alternative; and

(7) the extent to which each alternative would enhance the reliability of the electric transmission grid and enhance competition in the sale of electric energy at wholesale within the Northeast Corridor.

(d) Recommendations.—The study shall recommend the optimal geographic configuration, the optimal technology, the optimal engineering design, and the optimal means of financing for the new system from among the alternatives considered.

(e) Report.—The Secretary of Energy shall submit the completed study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 270 days after the date of enactment of this section.

(f) Definitions.—For purposes of this section—

(1) the term "Amtrak" means the National Railroad Passenger Corporation established

under chapter 243 of title 49, United States Code; and

(2) the term "Northeast Corridor" shall have the meaning given such term under section 24102(7) of title 49, United States Code.

DIVISION G—ENERGY INFRASTRUCTURE SECURITY

TITLE XVIII—CRITICAL ENERGY INFRASTRUCTURE

Subtitle A—Department of Energy Programs

SEC. 1801. DEFINITIONS.

In this title:

(1) Critical Energy Infrastructure.—

(A) In general.—The term "critical energy infrastructure" means a physical or cyber-based system or service for—

(i) the generation, transmission or distribution of electric energy; or

(ii) the production, refining, or storage of petroleum, natural gas, or petroleum product—

the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States.

(B) Exclusion.—The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

(2) Department; national laboratory; secretary.—The terms "Department", "National Laboratory", and "Secretary" have the meaning given such terms in section 1203.

SEC. 1802. ROLE OF THE DEPARTMENT OF ENERGY.

Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

"(20) To ensure the safety, reliability, and security of the nation's energy infrastructure, and to respond to any threat to or disruption of such infrastructure, through activities including—

"(A) research and development;

"(B) financial assistance, technical assistance, and cooperative activities with States, industry, and other interested parties; and

"(C) education and public outreach activities.".

SEC. 1803. CRITICAL ENERGY INFRASTRUCTURE PROGRAMS.

(a) Programs.—In addition to the authorities otherwise provided by law (including section 1261), the Secretary is authorized to establish programs of financial, technical, or administrative assistance to—

(1) enhance the security of critical energy infrastructure in the United States;

(2) develop and disseminate, in cooperation with industry, best practices for critical energy infrastructure assurance; and

(3) protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents affecting critical energy infrastructure.

(b) Requirements.—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 1804;

(2) have available to it the scientific and technical resources of the Department, including resources at a National Laboratory; and

(3) be consistent with any overall Federal plan for national infrastructure security developed by the President or his designee.

SEC. 1804. ADVISORY COMMITTEE ON ENERGY INFRASTRUCTURE SECURITY.

(a) Establishment.—The Secretary shall establish an advisory committee, or utilize an existing advisory committee within the Department, to advise the Secretary on policies and programs related to the security of U.S. energy infrastructure.

(b) Balanced Membership.—The Secretary shall ensure that the advisory committee established or utilized under subsection (a) has a membership with an appropriate balance among the various interests related to energy infrastructure security, including-

(1) scientific and technical experts;

(2) industrial managers;

(3) worker representatives;

(4) insurance companies or organizations;

(5) environmental organizations;

(6) representatives of State, local, and tribal governments; and

(7) such other interests as the Secretary may deem appropriate.

(c) Expenses.—Members of the advisory committee established or utilized under subsection (a) shall serve without compensation, and shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

SEC. 1805. BEST PRACTICES AND STANDARDS FOR ENERGY INFRASTRUCTURE SECURITY.

The Secretary, in consultation with the advisory committee under section 1804, shall enter into appropriate arrangements with one or more standard-setting organizations, or similar organizations, to assist the development of industry best practices and standards for security related to protecting critical energy infrastructure.

Subtitle B—Department of the Interior Programs

SEC. 1811. OUTER CONTINENTAL SHELF ENERGY INFRASTRUCTURE SECURITY.

(a) Definitions.—In this section:

(1) Approved state plan.—The term 'approved State plan' means a State plan approved by the Secretary under subsection (c)(3).

(2) Coastline.—The term 'coastline' has the same meaning as the term 'coast line' as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) Critical OCS energy infrastructure facility.—The term 'OCS critical energy infrastructure facility' means—

(A) a facility located in an OCS Production State or in the waters of such state related to the production of oil or gas on the Outer Continental Shelf; or

(B) a related facility located in an OCS Production State or in the waters of such state that carries out a public service, transportation, or infrastructure activity critical to the operation of an Outer Continental Shelf energy infrastructure facility, as determined by the Secretary.

(4) Distance.—The term 'distance' means the minimum great circle distance, measured in statute miles.

(5) Leased tract.—

(A) In general.—The term 'leased tract' means a tract that—

(i) is subject to a lease under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(ii) consists of a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as—

(I) specified in the lease; and

(II) depicted on an outer Continental Shelf official protraction diagram.

(B) Exclusion.—The term 'leased tract' does not include a tract described in subparagraph (A) that is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was in production on that date.

(6) OCS Political subdivision.—The term 'OCS political subdivision' means a county, parish, borough or any equivalent subdivision of an OCS Production State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

(7) OCS Production State.—The term 'OCS Production State' means the State of—

(A) Alaska;

(B) Alabama;

(C) California;

(D) Florida;

(E) Louisiana;

(F) Mississippi; or

(G) Texas.

(8) Production.—The term 'production' has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) Program.—The term 'program' means the Outer Continental Shelf Energy Infrastructure Security Program established under subsection (b).

(10) Qualified outer continental shelf revenues.—The term 'qualified Outer Continental Shelf revenues' means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(11) Secretary.—The term 'Secretary' means the Secretary of the Interior.

(12) State plan.—The term 'State plan' means a State plan described in subsection (b).

(b) Establishment.—The Secretary shall establish a program, to be known as the "Outer Continental Shelf Energy Infrastructure Security Program," under which the Secretary shall provide funds to OCS Production States to implement approved State plans to provide security against hostile and natural threats to critical OCS energy infrastructure facilities and support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure activities. For purposes of this program, restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(c) State Plans.—

(1) Initial plan.—Not later than 180 days after the date of enactment of this Act, to be eligible to receive funds under the program, the Governor of an OCS Production State shall submit to the Secretary a plan to provide security against hostile and natural

threats to critical energy infrastructure facilities in the OCS Production State and to support any of the necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure facilities. Such plan shall include—

(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

(B) a program for the implementation of the plan which describes how the amounts provided under this section will be used;

(C) a contact for each OCS political subdivision and description of how such political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section; and

(D) Measures for taking into account other relevant Federal resources and programs.

(2) Annual reviews.—Not later than 1 year after the date of submission of the plan and annually thereafter, the Governor of an OCS Production State shall—

(A) review the approved State plan; and (B) submit to the Secretary any revised State plan resulting from the review.

(3) Approval of plans.—

(A) In general.—In consultation with appropriate Federal security officials and the Secretaries of Commerce and Energy, the Secretary shall—

(i) approve each State plan; or

(ii) recommend changes to the State plan.

(B) Resubmission of state plans.—If the Secretary recommends changes to a State plan under subparagraph (A)(ii), the Governor of the OCS Production State may resubmit a revised State plan to the Secretary for approval.

(4) Availability of plans.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) Consultation and public comment.—

(A) Consultation.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) Public comment.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent that the Governor determines to be appropriate.

(d) Allocation of Amounts by the Secretary.—The Secretary shall allocate the amounts made available for the purposes of carrying out the program provided for by this section among OCS Production States as follows:

(1) 25 percent of the amounts shall be divided equally among OCS Production States; and

(2) 75 percent of the amounts shall be divided among OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(e) Calculation.—The amount for each OCS Production State under paragraph (d)(2) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the OCS Production State to the qualified OCS revenues generated off the coastlines of all OCS Production States for the prior five-year period. Where there is more than one OCS Production State within 200 miles of a leased tract, the amount of each OCS Production State's payment under paragraph (d)(2) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(f) Payments to OCS Political Subdivisions.—Thirty-five percent of each OCS Production State's allocable share as determined under subsection (e) shall be paid directly to the OCS political subdivisions by the Secretary based on the following formula:

(1) 25 percent shall be allocated based on the ratio of such OCS political subdivision's population to the population of all OCS political subdivisions in the OCS Production State.

(2) 25 percent shall be allocated based on the ratio of such OCS political subdivision's coastline miles to the coastline miles of all OCS political subdivisions in the OCS Production State. For purposes of this subsection, those OCS political subdivisions without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(3) 50 percent shall be allocated based on the relative distance of such OCS political subdivision from any leased tract used to calculate that OCS Production State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(g) Failure to Have Plan Approved.—Any amount allocated to an OCS Production State or OCS political subdivision but not disbursed because of a failure to have an approved Plan under this section shall be allocated equally by the Secretary among all other OCS Production States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold an OCS Production State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Plan.

(h) Use of Amounts Allocated by the Secretary.—

(1) In general.—Amounts allocated by the Secretary under subsection (d) may be used only in accordance with a plan approved pursuant to subsection (c) for—

(A) activities to secure critical OCS energy infrastructure facilities from human or natural threats; and

(B) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities.

(2) Restoration of coastal wetland.—For the purpose of subparagraph (1)(A), restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(i) Failure to have use.—Any amount allocated to an OCS political subdivision but not disbursed because of a failure to have a qualifying use as described in subsection (h) shall be allocated by the Secretary to the OCS Production State in which the OCS political subdivision is located except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the use of the funds.

(j) Compliance With Authorized Uses.—If the Secretary determines that any expenditure made by an OCS Production State or an OCS political subdivision is not consistent with the uses authorized in subsection (h), the Secretary shall not disburse any further amounts under this section to that OCS Production State or OCS political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

(k) Rulemaking.—The Secretary may promulgate such rules and regulations as may be necessary to carry out the purposes of this section, including rules and regulations setting forth an appropriate process for appeals.

(l) Authorization of Appropriations.—There are hereby authorized to be appropriated $450,000,000 for each of the fiscal years 2003 through 2008 to carry out the purposes of this section.

SA 2918. Mr. McCain (for himself, Mr. Hollings, Mrs. Murray, Mr. Bingaman, Mr. Breaux, Mr. Smith of Oregon, Mr. Domenici, Mrs. Hutchison, and Mr. Wyden) submitted an amendment intended to be proposed by him to the bill S. 517, to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

TITLE .—PIPELINE SAFETY

SEC. 01. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) Short Title.—This title may be cited as the "Pipeline Safety Improvement Act of 2002".

(b) Amendment of Title 49, United States Code.—Except as otherwise expressly provided, whenever in this title an amendment on repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

Subtitle A—Pipeline Safety Improvement Act of 2002

SEC. 31. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) In General.—Except as otherwise required by this title, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) Reports by the Secretary.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) Reports by the Inspector General.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 32. NTSB SAFETY RECOMMENDATIONS.

(a) In General.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) Public Availability.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135 (a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) Reports to Congress.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 33. QUALIFICATIONS OF PIPELINE PERSONNEL.

(a) Qualification Plan.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) Requirements.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) Report to Congress.—

(1) In general.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry and employee qualification responses to those actions and recommendations.

(2) Criteria.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) Due date.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 34. PIPELINE INTEGRITY INSPECTION PROGRAM

Section 60109 is amended by adding at the end the following:

"(c) Integrity Management.—

"(1) General requirement.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those area. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2003, whichever is sooner.

"(2) Standards for program.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods. The assessment period shall be no less than every 5 years unless the Department of Transportation Inspector General, after consultation with the Secretary determines there is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this paragraph;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

"(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

"(3) Criteria for program standards.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operations of pipelines to conduct internal inspections.

"(4) State role.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(5) Monitoring implementation.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

"(6) Opportunity for local input on integrity management.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

"(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed.".

SEC. 35. ENFORCEMENT.

(a) In General.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) General Authority.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment."; and

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous.".

SEC. 36. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§ 60116. Public education, emergency preparedness, and community right to know

"(a) PURLIC EDUCATION PROGRAMS.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred, what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) EMERGENCY PREPAREDNESS.—

"(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of, the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) SMALLER COMMUNITIES.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) PUBLIC ACCESS.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) COMMUNITY RIGHT TO KNOW.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) PUBLIC AVAILABILITY OF REPORTS.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible.".

(b) SAFETY CONDITION REPORTS.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know.".

SEC. 37. PENALTIES.

(a) CIVIL PENALTIES.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) PENALTY CONSIDERATIONS.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and "(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires."

(b) EXCAVATOR DAMAGE.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) CIVIL ACTIONS.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 38. STATE OVERSIGHT ROLE.

(a) STATE AGREEMENTS WITH CERTIFICATION.—Section 60106 is amended—

(1) by striking "GENERAL AUTHORITY.—" in subsection (a) and inserting "AGREEMENTS WITHOUT CERTIFICATION.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) AGREEMENTS WITH CERTIFICATION.—

"(1) IN GENERAL.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation, or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

"(2) DETERMINATIONS REQUIRED.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) EXISTING AGREEMENTS.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2003, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2002 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate pipeline transportation has had an adverse impact on pipeline safety.".

(b) ENDING AGREEMENTS.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) ENDING AGREEMENTS.—

"(1) PERMISSIVE TERMINATION.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) MANDATORY TERMINATION OF AGREEMENT.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

"(3) PROCEDURAL REQUIREMENTS.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section. The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

SEC. 39. IMPROVED DATA AND DATA AVAILABILITY.

(a) IN GENERAL.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) REPORT OF RELEASES EXCEEDING 5 GALLONS.—Section 60117(b) is amended—

(1) by inserting "inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent to damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) PENALTY AUTHORITIES.—(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) ESTABLISHMENT OF NATIONAL DEPOSITORY.—Section 60117 is amended by adding at the end the following:

"(l) NATIONAL DEPOSITORY.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent, pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 40. RESEARCH AND DEVELOPMENT.

(a) INNOVATIVE TECHNOLOGY DEVELOPMENT.—

(1) IN GENERAL.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) COOPERATIVE.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) PIPELINE SAFETY AND RELIABILITY RESEARCH AND DEVELOPMENT.—

(1) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) PURPOSE.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) AREAS.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improved cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipelines materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) POINTS OF CONTACT.—

(A) IN GENERAL.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) DUTIES.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 41. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section—40(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 42. AUTHORIZATION OF APPROPRIATIONS.

(a) GAS AND HAZARDOUS LIQUIDS.—Section 60125(a) is amended to read as follows:

"(a) GAS AND HAZARDOUS LIQUID.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—

"(1) $26,000,000 for fiscal year 2003, of which $20,000,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title; and

"(2) $30,000,000 for each of the fiscal years 2004 and 2005 of which $23,000,000 is to be derived from user fees for fiscal year 2004 and fiscal year 2005 collection under section 60301 of this title.".

(b) GRANTS TO STATES.—Section 60125(c) is amended to read as follows:

"(c) STATE GRANTS.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—

"(1) $17,000,000 for fiscal year 2003, of which $15,000,000 is to be derived from user fees for fiscal year 2003 collected under section 60301 of this title; and

"(2) $20,000,000 for the fiscal years 2004 and 2005 of which $18,000,000 is to be derived from user fees for fiscal year 2004 and fiscal year 2005 collected under section 60301 of this title.".

"(c) OIL SPILLS.—Section 60125 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) OIL SPILL LIABILITY TRUST FUND.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs authorized in this title for each of fiscal years 2003, 2004, and 2005.".

(d) PIPELINE INTEGRITY PROGRAM.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 40(b) and 41 of this title $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2007.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under sections —40(b) and —41 of this title for each of the fiscal years 2003 through 2007.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections —40(b) and —41 of this title such sums as may be necessary for each of the fiscal years 2003 through 2007.

SEC. 43. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) IN GENERAL.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) CORRECTIVE ACTION ORDERS.—Section 60112(d) is amended—

(1) by inserting "(1)" after "CORRECTIVE ACTION ORDERS.—"; and

(2) by adding at the end the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until the earlier of the date on which—

"(A) the Secretary determines, after notice and an opportunity for a hearing, that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employee has been re-qualified or re-trained as provided for in section —33 of the Pipeline Safety Improvement Act of 2002 and can safely perform those activities.

"(3) Action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

SEC. 44. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) IN GENERAL.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Protection of employees providing pipeline safety information

"(a) DISCRIMINATION AGAINST PIPELINE EMPLOYEE.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any order, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) DEPARTMENT OF LABOR COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary of Labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (A) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) FRIVOLOUS COMPLAINTS.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonable attorney's fee not exceeding $1,000.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY OF LABOR.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

"(c) MANDAMUS.—Any nondiscretionary duty imposed by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) CONTRACTOR DEFINED.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.".

(b) CIVIL PENALTY.—Section 60122(a) is amended by adding at the end the following:

"(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 601 is amended by adding at the end the following:

"60129. Protection of employees providing pipeline safety information.".

SEC. 45. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 46. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 47. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

SEC. 48. STUDY OF NATURAL GAS RESERVE.

(a) FINDINGS.—Congress finds that:

(1) In the last few months, natural gas prices across the country have tripled.

(2) In California, natural gas prices have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(3) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(4) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 1, 2000.

(5) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(6) It is also necessary to find solutions for the lack of natural gas reserves that could be used during emergencies.

(b) STUDY BY THE NATIONAL ACADEMY OF SCIENCES.—The Secretary of Energy shall request the National Academy of Sciences to—

(1) conduct a study to—

(A) determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(B) identify any Federal or State policies that may have contributed to the price increases; and

(C) determine what Federal action would be necessary to improve the reserve supply of natural gas for use in situations of natural gas shortages and price increases, including determining the feasibility and advisability of a Federal strategic natural gas reserve system; and

(2) not later than 60 days after the date of enactment of this Act, submit to Congress a report on the results of the study.

SEC. 49. STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES IN NEW ENGLAND

(a) STUDY.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. In carrying out the study, the Commission shall consider—

(1) the ability of natural gas pipeline and storage facilities in New England to meet current and projected demand by gas-fired power generation plants and other consumers;

(2) capacity constraints during unusual weather periods;

(3) potential constraint points in regional, interstate, and international pipeline capacity serving New England; and

(4) the quality and efficiency of the Federal environmental review and permitting process for natural gas pipelines.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the appropriate committee of the House of Representatives a report containing the results of the study conducted under subsection (a), including recommendations for addressing potential natural gas transmission and storage capacity problems in New England.

Subtitle B—Pipeline Security Sensitive Information

SEC. 51. MEETING COMMUNITY RIGHT TO KNOW WITHOUT SECURITY RISKS.

Section 60117 is amended by adding at the end the following:

"(1) WITHHOLDING CERTAIN INFORMATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter requiring the Secretary 'to provide information obtained by the Secretary or an officer, employee, or agent in carrying out this chapter to State or local government officials, the public, or any other person, the Secretary shall withhold such information if it is information that is described in section 552(b)(1)(A) of title 5, United States Code.

"(2) CONDITIONAL RELEASE.—Notwithstanding paragraph (1), upon the receipt of assurances satisfactory to the Secretary that the information will be handled appropriately, the Secretary may provide information permitted to be withheld under that paragraph—

"(A) to the owner or operator of the affected pipeline system;

"(B) to an officer, employee or agent of a Federal, State, Tribal, or local government, including a volunteer fire department, concerned with carrying out this chapter, with protecting the facilities, with protecting public safety, or with national security issues;

"(C) in an administrative or judicial proceeding brought under this chapter or an administrative or judicial proceeding that addresses terrorist actions or threats of such actions; or

"(D) to such other persons as the Secretary determines necessary to protect public safety and security.

"(3) REPORT TO CONGRESS.—The Secretary shall provide an annual report to the Congress, in appropriate form as determined by the Secretary, containing a summary of determinations made by the Secretary during the preceding year to withhold information from release under paragraph (1).".

SEC. 52. TECHNICAL ASSISTANCE FOR SECURITY OF PIPELINE FACILITIES.

The Secretary of Transportation may provide technical assistance to an operator of a pipeline facility or to State, Tribal, or local officials to prevent or respond to acts of terrorism that may impact the pipeline facility, including—

(1) actions by the Secretary that support the use of National Guard or State or Federal personnel to provide additional security for a pipeline facility at risk of terrorist attack or in response to such an attack;

(2) use of resources available to the Secretary to develop and implement security measures for a pipeline facility;

(3) identification of security issues with respect to the operation of a pipeline facility; and

(4) the provision of information and guidance on security practices that prevent damage to pipeline facilities from terrorist attacks.

SA 2919. Mr. REID (for Mr. HOLLINGS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 10, strike lines 7 through 24, and insert the following:

(c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

SA 2920. Mr. REID (for Mr. COCHRAN) proposed an amendment to the bill S. Res. 44, designating March 2002 as "Arts Education Month"; as follows:

On 'page 2, lines 4 and 5, strike "each of March 2001, and March 2002," and insert "March 2002".

SA 2921. Mr. REID (for Mr. COCHRAN) proposed an amendment to the bill S. Res. 44, designating March 2002 as "Arts Education Month"; as follows:

Amend the title so as to read: "Designating March 2002 as 'Arts Education Month'.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full committee of the Committee on Energy and Natural Resources.

The hearing will take place on Tuesday, February 26, 2002, at 9:00 a.m. in room 366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on the nomination of Raymond L. Orbach to be Director of the Office of Science, Department of Energy.

Those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, Attn: Majority Staff, 364 Dirksen Senate Office Building, United States Senate, Washington, D.C. 20510.

For further information, please contact Sam Fowler on 202–224–7571 or Amanda Goldman on 202–224–6836.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, February 26, 2002, at 10 a.m. in room 106 of the Dirksen Senate Building to conduct an oversight hearing on the management of Indian trust funds.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, February 27, 2002, at 2 p.m. in room 106 of the Dirksen Senate Building to conduct a hearing on rulings of the United States Supreme Court affecting tribal governments powers and authorities.

Those wishing additional information may contact the Indian Affairs Committee at (202) 224–2251.

AMENDMENT NO. 2919 TO S. 565

Mr. REID. Madam President, I ask unanimous consent that it be in order to consider amendment No. 2919, that the amendment be agreed to and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2919) was agreed to, as follows:

(Purpose: To require the Office of Election Administration to consult with the National Institute of Standards and Technology when promulgating or reviewing voting systems standards)

On page 10, strike lines 7 through 24, and insert the following:

(c) ADMINISTRATION BY THE OFFICE OF ELECTION ADMINISTRATION.—

(1) IN GENERAL.—Not later than January 1, 2004, the Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Architectural and Transportation Barriers Compliance Board (as established under section 502 of the Rehabilitation Act of 1973 (29 U.S.C. 792)) and the Director of the National Institute of Standards and Technology, shall promulgate standards revising the voting systems standards issued and maintained by the Director of such Office so that such standards meet the requirements established under subsection (a).

(2) QUADRENNIAL REVIEW.—The Director of the Office of Election Administration of the Federal Election Commission, in consultation with the Director of the National Institute of Standards and Technology, shall review the voting systems standards revised under paragraph (1) no less frequently than once every 4 years.

DESIGNATING MARCH 2002 AS "ARTS EDUCATION MONTH"

Mr. REID. Madam President, I ask unanimous consent the Judiciary Committee be discharged from further consideration of S. Res. 44 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 44) designating each of March 2001, and March 2002, as "Arts Education Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent the resolution be amended with the amendment at the desk and the resolution as amended and the preamble be agreed to; that the amendment to the title be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2920) was agreed to, as follows:

(Purpose: To designate March 2002 as "Arts Education Month")

On page 2, lines 4 and 5, strike "each of March 2001, and March 2002," and insert "March 2002".

The resolution (S. Res. 44), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 44

Whereas the Congressional Recognition for Excellence in Arts Education Act (Public Law 106–533) was approved by the 106th Congress by unanimous consent;

Whereas arts literacy is a fundamental purpose of schooling for all students;

Whereas arts education stimulates, develops and refines many cognitive and creative skills, critical thinking and nimbleness in judgment, creativity and imagination, cooperative decisionmaking, leadership, high-level literacy and communication, and the capacity for problem posing and problem-solving;

Whereas arts education contributes significantly to the creation of flexible, adaptable, and knowledgeable workers who will be needed in the 21st century economy;

Whereas arts education improves teaching and learning;

Whereas when parents and families, artists, arts organizations, businesses, local civic and cultural leaders, and institutions are actively engaged in instructional programs, arts education is more successful;

Whereas effective teachers of the arts should be encouraged to continue to learn and grow in mastery of their art form as well as in their teaching competence;

Whereas educators, schools, students, and other community members recognize the importance of arts education; and

Whereas arts programs, arts curriculum, and other arts activities in schools across the Nation should be encouraged and publicly recognized: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF ARTS EDUCATION MONTH.

The Senate—

(1) designates each of March 2001, and March 2002, as "Arts Education Month"; and

(2) encourages schools, students, educators, parents, and other community members to engage in activities designed to—

(A) celebrate the positive impact and public benefits of the arts;

(B) encourage all schools to integrate the arts into the school curriculum;

(C) spotlight the relationship between the arts and student learning;

(D) demonstrate how community involvement in the creation and implementation of arts policies enriches schools;

(E) recognize school administrators and faculty who provide quality arts education to students;

(F) provide professional development opportunities in the arts for teachers;

(G) create opportunities for students to experience the relationship between participation in the arts and developing the life skills necessary for future personal and professional success;

(H) increase, encourage, and ensure comprehensive, sequential arts learning for all students;

(I) honor individual, class, and student group achievement in the arts; and

(J) increase awareness and accessibility to live performances, and original works of art.

The amendment to the title (No. 2921) was agreed to, as follows:

Amend the title so as to read: "Designating March 2002 as 'Arts Education Month'.".

ORDERS FOR MONDAY, FEBRUARY 25, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of S. Con. Res. 97 until the hour of 12 noon, Monday, February 25; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and Senator CORZINE be recognized to read President Washington's Farewell Address; that following the address there be a period of morning business until 2 p.m., with Senators permitted to speak for up to 10 minutes each; further, that at 2 p.m. the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO REPORT

Mr. REID. Madam President, I ask unanimous consent, notwithstanding the recess or adjournment of the Senate, that Senate committees may report Legislative and Executive Calendar business on Wednesday, February 20, from 10 a.m. to 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR THE RECORD TO REMAIN OPEN UNTIL 2 P.M.

Mr. REID. Madam President, I ask unanimous consent the RECORD remain open today until 2 p.m. for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 2646

The PRESIDING OFFICER. The Chair has the authority to appoint the conferees on H.R. 2646.

The Presiding Officer appointed Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. DASCHLE, Mr. LUGAR, Mr. HELMS, and Mr. COCHRAN conferees on the part of the Senate.

PROGRAM

Mr. REID. Madam President, there will be no rollcall votes on Monday, February 25. The next rollcall vote will occur on Tuesday, February 26, at 10 a.m.

ADJOURNMENT UNTIL MONDAY, FEBRUARY 25, 2002

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:46 p.m., adjourned until Monday, February 25, 2002, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate February 15, 2002:

DEPARTMENT OF STATE

RICHARD MONROE MILES, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

PETER TERPELUK, JR., OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DON V. COGMAN, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE PATRICK DAVIDSON, TERM EXPIRED.

KATHARINE DEWITT, OF OHIO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE WILLIAM P. FOSTER, RESIGNED.

DAVID GELERNTER, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE HSIN-MING FUNG.

TERESA LOZANO LONG, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE TERRY EVANS, TERM EXPIRED.

MARIBETH MCGINLEY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE RONNIE FEUERSTEIN HEYMAN, TERM EXPIRED.

AMY APFEL KASS, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE MARY D. HUBBARD.

ANDREW LADIS, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE VICKI L. RUIZ.

WRIGHT L. LASSITER, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE NINA M. ARCHABAL.

JAMES R. STONER, JR., OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE BETTY G. BENGSTON.

DEPARTMENT OF JUSTICE

GREGORY ALLYN FOREST, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS, VICE WALTER BAKER EDMINSTEN, TERM EXPIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be captain

DAVID M BUTLER, 7650
DAVID S RILEY, 8497
DAVID M SHIPPERT, 6749
STANLEY D SMITH, 7140
DONALD P PREAU, 2884
JAMES J COREY, 3699
RONALD L DAVIS, 2565
WILLIAM D HUSTON, 3526
STEVEN E DAY, 0638
KENNETH R HARRISON, 4870
EDWARD A HLUDZENSKI, 2484
ROBERT D FARRINGER, 2340
TIMOTHY J SPANGLER, 2879
ROBERT C WEIL, 7663
ROBERT M GAUVIN, 0124
LARRY C MERCIER, 7245
STEVEN E OHMS, 5744
JOHN D FILIPOWICZ, 7157
KAREN L TAYLOR, 1388
JOHN S LEYERLE, 6530

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

REBECCA L ALBERT, 7459
CRAIG H ALLEN JR., 0390
SAMUEL L J ALVORD, 2396
NIKOLAS B ANDERSON, 5795
BRAD J ANDERSON, 3373
KARL M ANFORTH, 3990
CASSANDRA E ARAMBURU, 4453
NEAL E ARMSTRONG, 1680
RICHARD P ARMSTRONG, 2955
JOHN P BACKUS, 0670
MATTHEW S BAKER, 9630
BRIAN K BARTLETT, 0354
MALCOLM D BELT, 2784
EMILY L BERGMAN, 5845
DOROTHY J BIENHOFF, 0117
KATHERINE D BITEL, 6385
CHRISTOPHER W BLOMSHIELD, 6030
JOHN D BOESCH, 1599
PETER F BOSMA, 2418
MATTHEW J BRECKEL, 9877
CHRISTOPHER B BRUNO, 1386
ADAM G BUFFINGTON, 2134
SARAH J BUNDY, 8970
JONATHAN W BURBY, 5932
JOSHUA D BURCH, 3193
REBECCA M BURDICK, 1604
ROBERT L BYRD II, 9199
SAM CHEUNG, 4062
SCOTT P CIEPLIK, 2267
EMILE F COCHET III, 6078
ROBERT A COLE, 3055
MATTHEW J COLEBOURN, 2256
BRIAN T CONLEY, 1515
MOLLY J CONLON, 8578
JAMES T CORBETT, 1378
CHRISTOPHER A CULPEPPER, 3797
CHRISTOPHER J DAVIS, 6088
BIEN J DECENA JR., 6464
AARON W F DELANO-JOHNS, 5073
SHAWN B DEWEESE, 7083
RACHEL S DIGAUDIO, 5827
TRAVIS M EMGE, 2280
JOSHUA M EMPEN, 2293
BRENDAN M EVANS, 1369
PHILIP J FERRANTO, 9280
JESSICA L FONTAINE, 2908
CHARLENE S FORGUE, 9298
THOMAS P GADOMSKI II, 5330
KELLEE M GAFFEY, 4071
HEATHER E GATES, 8015
BRENDAN T GAVIN, 0775
MATTHEW D GEORGE, 8016
GLENN H GOETCHIUS, 9650
BENJAMIN F GOFF JR., 2433
MELISSA Y GRETEN, 8505
WINWARD P GRIFFIN, 0100
MICHAEL C GRIS II, 0481
MATTHEW C GROVES, 9051
JACOB L GUSTAFSON, 1588
JASON W HAAG, 3878
PATRICIA L HALEY, 9317
ERIK D HALVORSON, 6414
TREVOR M HARE, 1723
BRENDAN J HARRIS, 0878
LEE J HARTSHORN, 7146
KEVIN M HASSELMAN, 6857
JASON M HEERING, 2371
AMBER L HENDERSON, 0389
CHRISTIAN J HERNAEZ, 7484
LINDY M HINDS, 1537
ANYA F HUGHES, 8386
PETER J IGOE, 2034
JENNIFER M IMBRES, 8024
MARCUS A IVERY, 0162
VINCENT J JANSEN, 6564
BRIAN R JEFFERY, 3643
ORION N JONES, 8058
VIGNETTE A KALTSAS, 9804
DARAIN S KAWAMOTO, 0465
BENJAMIN R KEFFER, 9541
LYLE E KESSLER, 5501
CARRIE A KILROY, 2850
ELIZABETH A KLCO, 0057
NATASHA A C KLEIN, 1155
MATTHEW M KONON, 5396
WILLIAM J KOTOWSKI, 4414
ADAM J KOZIATEK, 3572
GABRIEL J L KRUG, 1250
REGAN M LACHUT, 5398
ERIC C LARSEN, 2103
CHRISTOPHER W LAVIN, 7389
HERBERT C LAW, 4237
TIMOTHY J LEE, 7855
LANCE D LEONE, 2244
KAREN R LEYDET, 3666
ERIN R LONG, 0937
JOHN R LUFF, 8297
AARON J MADER, 2644
THOMAS D MANSELL, 4567
HAROLD L MCCARTER, 9908
JAMES F MCCORMACK, 5196
DAVID M MCCOWN, 3310
COLLEEN S MCCUSKER, 0853
JAMES C MCFERRIAN V, 7833
JOHN B MCWHITE, 9632
COREY A MEEKS, 0091
JONATHAN D MILLER, 4930
JAMES K MORROW JR., 4425
LEWIS H MOTION, 5564
CHRISTOPHER D NOLAN, 8855
BENJAMIN J NORRIS, 0945
STEPHEN P NUTTING, 7213
ANNE E O'CONNELL, 4907
CHRISTOPHER R O'NEIL, 1229
JEFFREY P OWENS, 4485
HOON PARK, 2938
CHRISTOPHER R PARRISH, 5006
ANDREW L PATE, 0929
RACHEL S PELLEGRINO, 4099
SETH J PENNINGTON, 2157
JAMES V PISCITELLI, 3528
MARIA L ROERICK, 2818
JOSHUA D ROSE, 5979
STACEY L ROSICK, 5647
NATHAN L RUMSEY, 9021
JENNIFER M RUNION, 4832
SARAH M W SALAZAR, 0342
KRISTIE L SALZMANN, 3253
TERESA A SANDOVAL, 5180
PAUL W SCHURKE, 2928
GINO S SCIORTINO JR., 3328
CARRIE A SEAY, 3811
KEVIN R SHMIHLUK, 9924
JAKE M SMITH, 6223
SCOTT R SMITH, 6909
JOHN A SOUDERS V, 3180
ARTHUR B SOULE IV, 0262
MEGHAN K STARK, 5361
LAURA K STURM, 7376
PATRICK M SULLIVAN, 7562
NATHAN B SWARDSON, 0693
PAIGE A SWITZER, 4292
ERIC F TAQUECHEL, 6173
VINCE Z TAYLOR, 4994
TIFFANY L THOMPSON, 6131
LISA M TINKER, 3070
ELIZABETH A TONOVITZ, 7670
DAVID A TORRES, 1614
ROBERTO N TREVINO, 5109
LAUREN L TROCCHIO, 9259
JARED S TRUSZ, 2126
SUSAN E VAN DER VEER, 1357
LINNEA R VAN GANSBEK, 8696
MICHAEL O VEGA, 8495
ANDREA L WACHOWIAK, 2673
JOHN E WALSH IV, 8091
JEREMY A WEISS, 4470
THOMAS L WHITE, 0073
MATTHIAS H WHOLLEY, 6624
TODD M WIMMER, 5970
MICHAEL D WOLFE, 2410
NICHOLAS S WORST, 1124
KATHRYN L WUNDERLICH, 8464
KYLE S YOUNG, 9722
ALLISON L ZUMWALT, 7798

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIGADIER GENERAL ROBERT DAMON BISHOP JR., 9524
BRIGADIER GENERAL ROBERT W. CHEDISTER, 3487
BRIGADIER GENERAL TRUDY H. CLARK, 2591
BRIGADIER GENERAL RICHARD L. COMER, 4255
BRIGADIER GENERAL CRAIG R. COONING, 4416

BRIGADIER GENERAL SCOTT S. CUSTER, 2467
BRIGADIER GENERAL FELIX DUPRE, 5938
BRIGADIER GENERAL EDWARD R. ELLIS, 9696
BRIGADIER GENERAL LEONARD D. FOX, 1435
BRIGADIER GENERAL TERRY L. GABRESKI, 2941
BRIGADIER GENERAL MICHAEL C. GOULD, 3374
BRIGADIER GENERAL JONATHAN S. GRATION, 9630
BRIGADIER GENERAL WILLIAM W. HODGES, 4545
BRIGADIER GENERAL DONALD J. HOFFMAN, 5449
BRIGADIER GENERAL JOHN L. HUDSON, 5860
BRIGADIER GENERAL CLAUDE R. KEHLER, 6600
BRIGADIER GENERAL CHRISTOPHER A. KELLY, 6369
BRIGADIER GENERAL PAUL J. LEBRAS, 9625
BRIGADIER GENERAL JOHN W. ROSA JR., 3351
BRIGADIER GENERAL RONALD F. SAMS, 5888
BRIGADIER GENERAL JOSEPH P. STEIN, 2625
BRIGADIER GENERAL KEVIN J. SULLIVAN, 2930
BRIGADIER GENERAL MARK A. WELSH III, 4911
BRIGADIER GENERAL STEPHEN G. WOOD, 7553

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LANCE W. LORD, 1026

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY IN THE JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARIAN AMREIN, 9634 JA
MARGARET B. BAINES, 6885 JA
JOHN M. BICKERS, 8656 JA
COREY L. BRADLEY, 6708 JA
GARY R. BROCK, 5360 JA
DAVID C. CALDWELL, 2398 JA
HOLLY O. COOK, 0332 JA
BRIAN C. CORNEILSON, 5282 JA
MARK D. DUPONT, 4661 JA
KAREN V. FAIR, 4312 JA
TIMOTHY GRAMMEL, 2055 JA
RICHARD C. GROSS, 6320 JA
JONATHAN C. GUDEN, 2922 JA
VICTOR M. HANSEN, 3344 JA
DAVID P. HARNEY, 5290 JA
JODY M. HEHR, 3258 JA
MICHAEL J. HENRY, 8024 JA
THOMAS L. HONG, 3186 JA
WALTER M. HUDSON, 1321 JA
JOHN S. IRGENS, 2072 JA
MICHAEL D. ISACCO JR., 6367 JA
JAMES F. MCCONNON, 6042 JA
HARROLD J. MCCRACKEN, 0946 JA
SHEILA E. MCDONALD, 9374 JA
MICHAEL R. MCWRIGHT, 5058 JA
AMISI B. MUBANGU, 2979 JA
MICHAEL E. MULLIGAN, 4688 JA
JEFFERY R. NANCE, 4890 JA
DAVID NEWSOME JR., 3115 JA
JOHN P. PATRICK, 4429 JA
DON F. POLLACK, 1161 JA
RICHARD W. ROUSSEAU, 5067 JA
RANDALL J. VANCE, 2773 JA
CHARLES S. WALTERS, 2434 JA
STEVEN M. WALTERS, 2612 JA

EXTENSIONS OF REMARKS

IN RECOGNITION OF AMERICAN HEART MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. DAVIS of Illinois. Mr. Speaker, today is Valentine's Day—a day when we celebrate matters of the heart. It is, therefore, quite appropriate that we recognize February as American Heart Month.

Over 61 million Americans—1 in 5 adults—have one or more types of cardiovascular disease (CVD). CVD is a leading cause of long-term disability. Since 1990, CVD has been the number one killer in the United States every year but one. Every 33 seconds an American dies of cardiovascular disease. Forty percent of all deaths in the United States and in my home state of Illinois are due to CVD. Although we used to think of CVD as a man's disease, it is now the leading cause of death for American women—and in 1999, more women than men died of CVD—over one half million deaths. This is a terrible health crisis that demands immediate attention.

According to American Heart Association President Dr. David Faxon, "For each minute that passes without defibrillation and CPR, the chance of survival for a cardiac arrest victim decreases by 7 to 10 percent. In order to battle this disease, more Americans have to arm themselves with the knowledge that is crucial to saving lives."

Let's mount a public awareness campaign so that Americans can reduce their individual CVD risk factors, and recognize and respond promptly to cardiac emergencies. If we can do this, we can really have a Happy Valentine's Day.

STEEL 201 REMEDY

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mrs. JONES of Ohio. Mr. Speaker, today is Valentine's Day. But for thousands of American steelworkers whose jobs have been lost, this is a day filled with bitterness. I stand here today in protest of the low-priced steel imports that have ravaged the American Steel industry and the 3,800 LTV steelworkers in my district whose lives have been devastated as a result of these imports.

Today I urge the administration to take decisive action against the cheap imports that are destroying the U.S. steel industry. This is an industry that has been a cornerstone of our economy and national security over the last 100 years.

The administration, as part of its steel plan, has taken the important step of initiating a section 201 investigation to examine the devastating impact that steel imports have had on the American steel industry. The International Trade Commission found, unanimously, that American steel companies and thousands of American workers and their communities have been seriously injured by these imports. I say, and know firsthand, that they have been devastating. The ball is now in the President's hands. He must decide what measures his administration will take to correct the wrong that has been caused by low-priced imports. I urge the administration, in the strongest possible terms, to impose strong and effective tariff-based relief. The President must impose a tariff of at least 40 percent against all foreign low-priced steel imports.

I urge the President to impose this tariff for at least 4 years, as the law allows. Most importantly, I urge the President not to waiver from his commitment to the American steel industry and its workers because strong tariff-based relief is the only remedy that can realistically assist the industry.

It is no secret that low-priced imports are due to excessive global steel production. The Department of Commerce has released a study showing that global steel overcapacity results from subsidization and anticompetitive practices around the world. We must not allow steel imports that originate from such distorted markets to destroy a vital component of our economy. We must not allow those foreign producers to destroy thousands of good American jobs and the financial security that those jobs represent. Families depend on these jobs. Cities and communities depend on these jobs. Workers in my district depend on these jobs.

Thousands of American steelworkers are anxiously awaiting a trade remedy decision in the current 201 investigation. Their future depends on strong and effective trade relief and an administration that will be unrelenting in reducing global excess steel capacity. I urge the President to impose a strong tariff-based remedy against all foreign steel imports over the next 4 years.

DOMESTIC STEEL INDUSTRY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to comment on the status of the domestic steel industry.

Our domestic steel industry is currently in a crisis situation. The fundamental cause of this crisis is massive foreign overcapacity, which has caused the United States to become the dumping ground for world excess steel products. As a result of this, since 1997, 31 steel companies have filed for bankruptcy, affecting over 62,000 American steel workers.

In my home State of Illinois, four steel companies have filed for bankruptcy, including Laclede Steel, which is in the congressional district I represent. Approximately 5,000 steel workers have lost their jobs in Illinois alone.

Last year, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a section 201 investigation by the International Trade Commission to determine if our domestic markets had been harmed by illegal dumping. In the fall, I testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unanimously that the steel industry had indeed been harmed.

While the ITC's decision was welcome, it didn't guarantee relief for the domestic steel industry. The ITC recommended the highest tariff rate of up to 40 percent for 4 years on all subject steel categories; however, it is up to the President to determine what type of remedy should be afforded to the industry. It is imperative that the President imposes the highest possible tariffs, rather than quotas, which will not be as helpful to the industry.

Without strong, decisive and quick action from the President, thousands more steel workers are at a very real risk of losing their jobs, at an economic time when our nation can least afford it.

Mr. Speaker, I urge my colleagues to join me in asking the President to help our domestic steel industry by implementing tariffs on foreign steel. Anything less would be a disservice to the hardworking men and women who are counting on the President to stand up for them.

RECOGNIZING FEBRUARY AS AMERICAN HEART MONTH

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to join my colleagues in recognizing February as American Heart Month.

Heart disease is the nation's leading cause of death. It is estimated about 1 in 5 American adults suffer from some form of cardiovascular disease, or CVD. Before I even finish this statement, two Americans will die of cardiovascular disease. By the end of the hour, we will have lost 120 friends, family members, neighbors and coworkers. By the end of the day, more than 2,600 Americans will die from CVD.

While heart disease is a problem for all racial, ethnic, and socio-economic groups, certain groups are disproportionately affected. For example, while heart disease affects only thirty percent of white males, forty percent of African American males will suffer. Minority women also have higher risk of cardiovascular disease.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, as troubling as these statistics are, there is great hope that we can win the battle against heart disease. Some of the major causes of heart disease—tobacco use, physical inactivity, obesity, high cholesterol and high blood pressure—can all be treated or prevented. According to the World Health Organization, one year after quitting smoking, the risk of heart disease decreases by fifty percent. Study after study concludes that moderate-intensity physical activity such as walking can substantially reduce the risk of heart disease and stroke. And new and improved pharmaceutical treatments can help people control their blood pressure and lower their cholesterol.

Mr. Speaker, by recognizing February as American Heart Month, we are raising awareness about heart disease, including its symptoms, its treatments, and ways to prevent it. The more Americans know about heart disease, the more likely they will seek treatment when they need it—before a heart attack strikes.

AMERICAN HEART MONTH

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mrs. CAPPS. Mr. Speaker, on this day devoted to affairs of the heart I want to remind my colleagues that February is American Heart Month. Right now, over 61 million Americans are suffering from cardiovascular diseases. And by the time I finish this statement, another two Americans will have died from those causes.

This is why I introduced the community Access to Emergency Defibrillation Act with Representative SHIMKUS and the STOP Stroke Act with Representative PICKERING. The Community AED Act would provide funding to localities for them to purchase Automatic External Defibrillators and place them in public buildings, so that emergency care for cardiac arrest is only seconds away. And the STOP Stroke Act will help states develop better stroke treatment programs because immediate treatment can make the difference between nearly total recovery and death.

Both of these bills were passed by the other body recently without objection and I hope that the House can also do so quickly. I urge my colleagues to support these and other efforts to address the scourge of cardiovascular diseases. Let's have a heart! Happy Valentine's Day!

STATEMENT REGARDING CARDIOVASCULAR DISEASE

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Ms. RIVERS. Mr. Speaker, I rise today to express my support for initiatives to prevent cardiovascular disease.

While Valentine's Day gives us the chance to think about the people we love, it also is a good time to focus on the health of our hearts. Unfortunately, the hearts of Americans are a major source of illness, and we can expect 1 million of our citizens to suffer a heart attack this year. Approximately one in five Americans suffers from some form of cardiovascular disease.

Cardiovascular disease is both painful for families affected and costly for society: heart disease, stroke, and other cardiovascular diseases cost the United States nearly $330 billion in medical expenses and lost productivity in 2002, more than any other disease. Preventing these diseases could save families from loss and could save public resources by keeping people in the workplace and minimizing medical costs.

I applaud both the work of health care providers and researchers who fight these diseases and the efforts to raise awareness of cardiovascular diseases during American Health Month. I strongly support initiatives to educate Americans about cardiovascular disease and to encourage healthy lifestyles that will prevent or limit the incidence of these illnesses. We can do no less for the people we love.

THE KIDNEY DISEASE EDUCATIONAL BENEFITS ACT OF 2002

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. CRANE. Mr. Speaker, I am pleased to rise today with 15 of my colleagues to introduce the Kidney Disease Educational Benefits Act of 2002. This legislation is designed to improve patient outcomes by providing appropriate education before Medicare eligible kidney patients undergo dialysis.

Each year, approximately 80,000 Americans develop chronic kidney failure, or end stage renal disease (ESRD), and require either regular kidney dialysis treatments or a transplant to survive. Medicare covers dialysis for most Americans and requires that kidney patients receive information on treatment options, but not until the patient is under the care of a dialysis clinic. Studies have shown that earlier access to information about kidney failure and treatment options can reduce complications associated with dialysis and can improve patient outcomes and potentially reduce costs over the long term.

The Kidney Disease Educational Benefits Act provides reimbursement for up to six educational session performed by kidney care professionals. These educational sessions will consist of an overview of kidney function and complications that accompany kidney failure; information on hemodialysis, peritoneal dialysis, and transplantation; discussion of payment for dialysis treatment and transplantation; and information regarding vascular access options.

Providing earlier access to educational services by qualified kidney care professionals will help ensure that Medicare eligible kidney patients receive critical information prior to undergoing dialysis or transplantation. This will improve the lives of those suffering from kidney disease. Mr. Speaker, I ask for my colleagues for their consideration and support of the Kidney Disease Educational Benefits Act.

RANDY GERBER: A MAN TO CALL IN AN EMERGENCY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor Randy Gerber for his many years of hard work, initiative and dedication to the advancement of rural emergency medical services in the Thumb of Michigan as Vice President of Mobile Medical Response, Inc., in Tuscola County.

Randy began his career in 1983 as a volunteer ambulance attendant with the Vassar Area Ambulance Service and soon became a licensed emergency medical technician and paramedic. During that time, Randy's superior work in treating the victims of emergencies was recognized on numerous occasions by the Saginaw Valley Medical Control Authority.

While Randy's top-notch skills on the front lines of emergency response earned him high praise, it has been Randy's leadership and innovation in his managerial positions, first as Assistant Director of Vassar Area Ambulance Service and the former Saginaw Mercy Ambulance and later as Regional Director and now Vice President of Mobile Response, Inc., that have cemented his unparalleled reputation in the field. Moreover, Randy's role as a state evaluator and instructor for new emergency medical technicians has further improved rural emergency medical services throughout Michican.

Throughout his career, Randy has successfully and consistently identified needs and taken fast action to improve emergency services. He was instrumental in upgrading emergency medical services from basic life support units to advance life support units and in putting at least one paramedic and one emergency medical technician on each of the two units in Cass City and Caro. He also led efforts to bring automatic external defibrillators to Tuscola County for use by the fire and police departments, which significantly improved the odds for survival for cardiac arrest patients. Additionally, Randy has been a leader in expanding educational programs on child safety, injury prevention and other vital issues.

Mr. Speaker, I ask my colleagues to join me in expressing gratitude to Randy and his entire staff at Mobile Medical Response, Inc., for going the extra mile for the residents of Tuscola County. I am confident Randy and his staff will continue to answer the call.

THE DATE CERTAIN TAX CODE REPLACEMENT ACT

HON. STEVE LARGENT

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LARGENT. Mr. Speaker, since I have come to Congress, bringing fundamental tax reform has been one of my top priorities. While the tax reform community is free to debate what the best policy solution is, we all must come together and agree that the first step is to scrap the current tax code. In the 105th Congress, I introduced the Tax Code Termination Act to sunset the tax code which was passed in the House. In the 106th Congress, I introduced a similar bill which was again passed, this time by a vote of 229–187. The purpose of the legislation is to spark the debate and force Congress to take reform proposals seriously, and at the very least reauthorize the current tax code. In this Congress, I continued the effort by introducing the Date Certain Tax Code Replacement Act (H.R. 2714). With an Administration in place that is considering real tax reform, it is more important now than ever that the House pass this bill again to demonstrate consistent support for bringing common sense to our tax system. As I retire from Congress to run for Governor of Oklahoma, it is my hope that this legislation will be passed again, and to that end I am turning over sponsorship of this bill to a long-standing activist for tax reform, Representative JIM DEMINT. I urge all reformers to join with Representative DEMINT in advancing the cause of reform by working to pass this bill.

TRIBUTE TO MR. JOHN BRIGANCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. SESSIONS. Mr. Speaker, after over 61 years of federal service, an icon of an exemplary, dedicated civil service has just retired. Mr. John Brigance, the former Director of Contracting for all of Southwestern Division, U.S. Army Corps of Engineers, known as "Mr. Procurement" for his valued expertise in contracting, was recognized throughout the Corps. Underlining his commitment is the fact that in addition to his 61 years of federal service, he retired with over 5,100 hours of unused sick leave, about two and a half years' worth.

During his career, Mr. Brigance has been called upon to accomplish many significant projects for the Corps of Engineers. A former Chief of Engineers dubbed him "Mr. Procurement" because he said Brigance quite literally wrote the book on contracting. That is a true statement. Between 1982 and 1995, he chaired a Headquarters task force and penned many of the regulations governing Corps contract procurement procedures. He has risen from an under clerk typist in the Corps' Galveston District, when he started on January 6, 1941, to a GS 14 in charge of all contracting for the Southwestern Division. In the late 1970s, he was a guest lecturer on small business contract administration at Syracuse University. In that same time frame, because of his reputation in emergency contracting procedures, he also prepared and taught the first-ever Corps contracting course on emergency management operations. Called to duty on November 27, 1942, Brigance served 3 years with the Army—18 months Stateside in training, and 18 months in the Pacific Theater working with an engineer parts supply outfit.

Mr. Brigance has also been noted as a wonderful coworker and fellow human being. A former colleague called him "a role model for courtesy, civility, and professionalism. He is, quite simply, the most decent man I have met in my career, and a living example of what has made the Corps of Engineers a great organization." Col. Carla Coulson, former Deputy Division Commander, called Brigance's career "a lifetime of selfless service," commended his personal courage and commitment, and acclaimed him as "a dedicated professional with wisdom to spare." Former coworker Hector Vela, retired Division Counsel said, "I've never known John to lie about anything, even his golf game." Vela described Brigance as one who "never speaks bad about anybody" and added, "John made working for the Corps a pleasure." Brigance has been called a "whirlwind" for fast action and for wearing multiple hats—contracting, small business advisor, inspector general and equal employment opportunity officer. Those people he has mentored have echoed the same sentiments. All speak admiringly of John Brigance.

His life has been well rounded by the many avocations he enjoys—from a love of golf, to annual deer hunts in the Texas hill country, collecting stamps, coins and proof sets, and dancing with his wife of 60 years, Peggy. He shows enthusiasm for each and every activity he pursues, his pronounced activity inspiring others to greater accomplishments.

For his farewell luncheon, his friends and colleagues recognized him with numerous awards and mementos. Among those were the congratulatory letter from President Bush and a presentation by Texas Governor Rick Perry making Brigance an "Admiral of the Texas Navy," an honorary position to recognize his contributions. Perry also named Peggy Brigance a "Yellow Rose of Texas," an honor bestowed only on native Texans.

None of that outdid what the U.S. Army Corps of Engineers gave Brigance after 61 years of service. The Corps' Principal Assistant Responsible for Contracting made the first-ever presentation of the highest Corps award for contracting, the A-F-I-R-E, which stands for "Adaptive, Flexible, Innovative, Responsive and Effective/Efficient", to Brigance. Brig. Gen. David F. Melcher, Southwestern Division commander, also hung the U.S. Army Engineer Regiment Silver Order of the de Fleury medal around Brigance's neck. Honoring John as the 35th inductee into Southwest Division Gallery of Distinguished Civilians rounded out the retirement accolades made in recognition of his commitment, leadership and esteem.

Other awards he received throughout his career include the Decoration for Exceptional Civilian Service award granted by the Secretary of the Army, the Meritorious Civilian Service Award, the Assistant Secretary of the Army Coin and others much too numerous to mention.

Mr. John Brigance and his daily contributions to the United States as a loyal, outstanding and dedicated federal civil servant serve as an inspiration to us all.

EXEMPLARY HONORS FOR SOUTH TEXAS SCHOOLS

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. ORTIZ. Mr. Speaker, I want to share with my colleagues the incredible pride in my heart, pride for two schools in my hometown of Robstown, TX, the biggest little town in Texas.

The Solomon P. Ortiz Intermediate School and the San Pedro Elementary School in the Robstown Independent School District were chosen by the Texas Education Agency (TEA) as "Exemplary" schools under the State analysis of individual schools in each school district in the state.

Each year, the TEA ranks the state's schools as: low-performing, acceptable, recognized, or exemplary—based on performance on the Texas Assessment of Academic Skills (TAAS, the test given to students in Texas) and on attendance and dropout rates.

Both the Ortiz Intermediate School and San Pedro Elementary are schools with large Hispanic student populations. Since largely Hispanic schools often have to do more with less money, their challenge is greater to compete on a more difficult playing field.

These two schools have found the secret to success. They know that students cannot just up and pass a difficult test—it takes the whole effort of every person who works at each school. It takes teachers, counselors, cafeteria workers, teacher's aids, and school administrators to make the very most of a child's educational experience.

I want to thank each and every staff member for their vision on helping students on their journey to higher education.

These schools capitalized on every single opportunity, every strength, they had to build a team that helped the children of Robstown find the very best in them. Let's not underestimate the stress associated with the TAAS. There is great pressure on the children, on the schools, on the employees—judgements on the school staff is based on the results young people achieve on TAAS.

Teaching children what they need to know to pass the tests, inspiring them to come to school every day, inspiring them to stay in school when they despair, is a monumental task. So the House of Representatives should know that these schools have achieved a great deal.

I ask my colleagues to join me today in commending the Ortiz Intermediate School and San Pedro Elementary School of Robstown, TX, for excellence in education.

TRIBUTE TO SONOMA STATE UNIVERSITY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of the finest universities in the great

State of California as it celebrates its 40th anniversary.

Located in the heart of the Wine Country, Sonoma State University has over 7,500 students and 1,600 faculty and staff members. Originally established in 1956 as a satellite teaching campus of San Francisco State University, SSU became a member of the California State College System in 1961 and attained University status in 1978. The idyllic campus, set at the base of Sonoma Mountain, now offers over 41 baccalaureate and 14 master's degree programs.

The small liberal arts university has made Sonoma County proud many times over the years. It has been home to Mario Savio, a leader of the Free Speech Movement in Berkley and a professor in the Physics Department until he passed on in 1996. For the past 25 years, Project Censored, the yearly publication that covers the top underreported news stories of the year, has brought national acclaim to SSU's Sociology department. Most recently, the unveiling of the Environmental Technology Center brought international praise. "The Building That Teaches" combines state-of-the-art energy efficiency and environmental responsibility and is one of only a few like it in the world.

Mr. Speaker, these are only a few of the reasons that I am pleased to pay tribute to Sonoma State University. The most notable reason, however, is the pride I take in the students and the contribution they will make to our future.

Congratulations Sonoma State University on your 40 years and best wishes for many, many more.

INTRODUCTION OF THE PENSION SECURITY ACT

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BOEHNER. Mr. Speaker, I am joined today my many of my colleagues in the introduction of the Pension Security Act. President Bush has sent a clear message to Congress that he is committed to addressing the Enron collapse by calling for new safeguards to help workers preserve and enhance their retirement savings. I am pleased to introduce his proposal today.

One of the tragic realities of the Enron collapse is that it has rattled the confidence of American workers in the country's pension system—a system that by and large has served employees and their families well. Even more tragic is the possibility that much of it could have been avoided. At least some of Enron's workers might have been able to preserve their nest eggs if Washington had taken some basic steps to update our nation's pension laws. For example, many Enron workers might have had access to a professional investment advisor who could have warned them they had too many eggs in one basket. Current law, enacted more than a quarter-century ago before the advent of 401(k) accounts, denies workers this opportunity.

That is why today, my colleague SAM JOHNSON, chairman of the Employer-Employee Relations Subcommittee, and I are introducing the President's proposal as the first step toward a consensus product that can be signed into law on behalf of America's workers. Workers must be fully protected and fully prepared with the tools they need to protect and enhance their retirement savings.

Specifically, the Pension Security Act includes new measures that give employees the freedom to diversify their portfolio and better information about their pensions. Under the bill, employees may sell company stocks and diversity into other investment options after they have participated in a 401(k) plan for three years. In addition, it requires companies to give workers quarterly benefit statements that include information about accounts, including the value of their assets, their right to diversify, and the importance of maintaining a diverse portfolio.

In addition, as part of his proposal, President Bush has called upon the Senate to pass the Retirement Security Advice Act (H.R. 2269), which passed the House last November with a large bipartisan vote. The bill encourages employers to make investment advice available to their employees and allows qualified financial advisors to offer investment advice only if they agree to act solely in the interests of the workers they advise. The Senate has yet to act on this legislation, though it passed the House with the support of 64 Democrats.

Current law continues to needlessly deny rank-and-file workers access to quality investment advisers to help them make sound investment decisions. Some of Enron's employees could have preserved their retirement savings if they had access to a qualified adviser who would have warned them in advance that they needed to diversify their investment portfolio.

When senior executives face no restrictions on selling stock held outside the 401(k), it is likewise unfair for workers to be denied the same authority to sell company stock in their 401(k) accounts during blackout periods. The Pension Security Act ensures parity between senior corporate executives and rank-and-file workers by prohibiting executives from selling company stock during "blackout" periods when workers are unable to change investments in their plans. The bill also requires companies to give 30-days' notice before a blackout period begins.

Lastly, the bill clarifies that companies have a fiduciary responsibility for workers' investments during a blackout period. Under current law, employers are not responsible for the results of workers' investment decisions. This "safe harbor" from liability will no longer apply during a blackout period. Under the Pension Security Act, employers will be responsible for the consequences of the workers' inability to control their investments if they violate their fiduciary duty to act in the interests of the workers during blackout periods.

Congress has taken some positive steps in the recent past to update our nation's pension laws, and this committee has been central to those efforts. We passed the landmark reforms authored by my friend and colleague, Representative ROB PORTMAN, that gave workers more pension portability, faster vesting, and a host of other needed changes. We passed the Retirement Security Advice Act to give rank-and-file workers the same access to professional investment advice that wealthy executives have. But in spite of these efforts, a lot of work still lies ahead. And in the aftermath of Enron, Congress must now confront this modernization effort with a new urgency.

I am optimistic that common ground can be reached with Democrats because there is bipartisan support in Congress for the reforms I have just outlined. All are key elements of President Bush's proposal. The nation's private pension system is essential to the security of American workers, retirees, and their families. Congress should more decisively to restore worker confidence in the nation's retirement security and pension system, and President Bush's reform proposal will do just that. I urge my colleagues to respond to the needs of America's workers by supporting the Pension Security Act.

RECOGNITION FOR THE FIRST AFRICAN-AMERICAN FIREFIGHTER, CLARENCE "GATOR" JONES

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. HASTINGS of Florida. Mr. Speaker, today I rise to congratulate the service of Clarence "Gator" Jones on recently being honored as Dania Beach, Florida's first African-American firefighter. Mr. Jones became the first African-American firefighter in Dania Beach in 1975 and continued to serve this city for more than two decades. Of course, serving as Dania's first African-American firefighter was no easy task. During his tenure, Clarence Jones braved a burden that few would accept and less would bear. A bitter sweet burden of disparities and degradation, while simultaneously becoming a trailblazer in his craft, establishing the standard for all firefighters to follow.

While serving the city of Dania Beach, Mr. Jones received many accolades, some of which include a Medal of Honor and the prestigious Firefighter of the Year Award. Mr. Jones was also recognized for the care and compassion he exhibited when performing rescue calls, working above and beyond the call of duty, and participating in charitable activities. I am sure that when Mr. Jones became a firefighter at the age of 21, he simply saw this as a way to sustain his livelihood after serving in the Navy during the Vietnam War. Not realizing that by doing this, he did so much more, he saved lives. He became a hero.

Most people take for granted those brave few that walk amongst us. The brave few that put concern for others before themselves. It is these few people that we must honor and celebrate for they are the ones that truly make the difference. Therefore, Mr. Speaker, I would like to extend my appreciation and respect for Clarence Jones' commitment to the community of Dania Beach, FL. Mr. Jones has served the noble profession of fire rescue for 26 years. Twenty-six years of fortitude and selfless sacrifice that the Dania Beach community and I will always remember.

IWAKURA MISSION

HON. JIM MATHESON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MATHESON. Mr. Speaker, I had a wonderful opportunity to be present at an event honoring the 130-year friendship between the State of Utah and Japan. As many know, during the Meiji Revolution in the 1870's, the Japanese government sent the Iwakura Mission throughout the United States to gather information and ideas for use in modernizing Japan.

One of the less well-known stories of the Iwakura Mission took place in Utah. While unexpectedly stranded while awaiting the melt of a heavy winter snow, the 111-person delegation stayed in Salt Lake City, UT. They met the people, learned the culture, and experienced the American West. On February 10, I was able to celebrate that 1872 winter with Japanese Consul-General Koichiro Seki, members of his staff, officials from the State of Utah, and historians. At the conclusion of the program a memorial plaque, which will be hung at the place where the Japanese entered the city, was unveiled.

Although the Iwakura Mission moved on to Washington, DC after the snows melted in 1872, its member's presence was felt long after they left. The Japanese toured Utah schools and hospitals; they visited Salt Lake City's Temple Square and met with religious and government leaders. The strong cultural and political relationship between Utah and Japan has its roots in the positive impression that the Japanese gave Utah, and the Utahans gave Japan.

Mr. Speaker, as the world grows closer and closer together, it is my hope that the relationship between the United States and Japan will continue to be strengthened. As the world visits upon Utah during the 2002 Olympic Games, I cannot help thinking that we are not only improving our relationship with the Japanese, but also building new friendships with other nations of the world. The Games thus far have been a tremendous success. It is my hope that in the months and years to come, people from throughout the world will come to Utah to visit, to study, to work, and perhaps to stay. Thank you, Mr. Speaker.

TRIBUTE TO MOIRA ANN (REDDY) SMITH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BORSKI. Mr. Speaker, I rise today to honor a young woman who gave her life to save others on September 11, 2001 at the World Trade Center in New York City, Moira Ann (Reddy) Smith. Moira Ann (Reddy) Smith, age 38, was a New York City Police Officer, a 13-year veteran assigned to the 13th precinct, when she was killed while assisting victims of the terrorist attacks on our nation.

When the initial plane carrying the terrorists hit the World Trade Center Tower, Moira Smith was the first officer to call in the incident and one of the first on the scene. She took statements from witnesses and then rushed back to the towers to assist with the evacuation of civilians from the burning towers. Survivors from the WTC and fellow officers gave accounts of having seen Officer Moira Smith rescue and assist victims from the tower. She was credited as having ushered out of the building hundreds of civilians and remaining calm and compassionate, yet forceful when directing the scared masses. She was last seen in the stairwell of the burning tower, assisting down the stairs, a woman who was having trouble breathing.

Just minutes before her death, Moira Smith was photographed in action, while she led a blood-splattered, wounded man out of harm's way. The New York Daily News later published the photo evidencing Moira Smith's bravery, selflessness, heroism and professionalism.

Moira Smith was the only female New York City Police Department officer to die in the September 11th attacks and the first female New York City Police Officer to die in the line of duty in the history of the NYPD. She leaves behind her husband, James and daughter, Patricia Mary, age two.

Mr. Speaker, for this valiant effort and her great sacrifice, the House of Representatives honors Moira Smith today, February 14, 2002, a day that would have been her 39th birthday. Her sacrifice will always be remembered by the people of America.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. MEEKS of New York. Mr. Chairman, I stand here today in support of H.R. 2356, the Bi-Partisan Campaign Finance Reform Act.

Over time, Americans have become a group very skeptical of politics, pleading for reform—reform that would enable them to participate in the political process. While there are many opinions on how to fix our system, what is clear is that Americans need reassurance that they have a voice in our political process. A perfect illustration may be that which has become a major headliner in today's news—Enron. I am not advocating that if campaign finance had already been implemented the Enron debacle may not have occurred, but I will say that the recent collapse of Enron has only further illustrated the extent of corporations' political spending and furthered people's cynicism about big money and politics. Today, I am glad to say after a long fight, we are able to offer the American people an opportunity to once again become involved in a political system that promises a vote and voice for everyone.

H.R. 2356 takes so many steps to improve the current political process. It invites all American voters to participate in the political system by completely banning soft money contributions to the national political parties, prohibits federal officeholders and candidates from soliciting soft money in connection with Federal elections, and requires state and local parties to spend hard money on activities that influence federal elections. Not only does this legislation stop the ever increasing and powerful flow of money, but it also reins in sham issue ads by requiring hard money for broadcast communications that mention a Federal candidate within sixty days of a general election or thirty days of a primary and are targeted in the candidate's electorate, among other provisions—such as allowing state parties to use funds to conduct voter registration and get-out-the-vote efforts. Finally, we, those who are chosen to represent the American people, are able to offer the American voters a reform bill that strengthens our nation and allows all its citizens to actively participate.

Now that we have made considerable steps in providing all Americans with an opportunity to participate in the political process, no matter their income, it is important that we continue this fight for the right of all Americans to have a guaranteed protected vote. Americans must be reassured that what occurred in the 2000 elections will not occur again. Not only will they have an opportunity to actively participate in the election process, but also a right to have their voices heard when it is time to cast their votes. Mr. Chairman, reforming our campaign laws is an important step toward renewing people's belief in our American system and now we must continue this fight and ensure them that their right to vote is just as great.

During this vote on final passage of H.R. 2356, we, my colleagues, have an opportunity to inevitably shape the course that we follow as a nation. Now is the time to make change, now is the time to offer opportunity, now is the time to engage those who have been disengaged for far too long. Remember, when people go to the poles, they cast one vote, when we vote on the House floor, we vote for all those we represent. My dear colleagues, I urge you to represent them now, represent all those who are so often unheard, let them know they soon can and will be heard—today, tomorrow, and forever. I urge my colleagues to support final passage of H.R. 2356, the Bi-Partisan Campaign Finance Reform Act.

A TRIBUTE TO A YOUNG HERO, WILBERT GILLASPIE

HON. JIM TURNER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. TURNER. Mr. Speaker, I would like to acknowledge the heroic deeds of a young hero from Walker County, Texas, who displayed enormous courage and capability in the face of danger.

Wilbert Gillaspie, a 4th grader at Stewart Elementary School in the Huntsville School District, saved himself and his elderly grandmother from a burning fire that might have destroyed his home had it not been for his quick thinking.

On Sunday, January 13, Wilbert noticed smoke coming from an electrical ceiling box where his uncle was planning to put a ceiling fan. After seeing the smoke, Wilbert led his grandmother out of the building and called 911. Wilbert helped the emergency dispatcher find out what electric company serviced his home so the power could be shut off. When Wilbert noticed smoke coming from his roof, he grabbed a water hose and sprayed the roof from the outside.

Because of the distance between Wilbert's home and the Huntsville fire station, it took firefighters nine critical minutes to get to his house. Wilbert was told by a firefighter on the scene that if it had not been for his quick thinking and know-how, the house would have burned to the ground.

Wilbert learned about fire safety from members of the Huntsville Fire Department, who teach thousands of children and adults about fire safety every year. I commend the hardworking men and women of the Huntsville Fire Department for sacrificing their lives everyday and serving as community leaders to teach our children about fire safety.

Young Wilbert Gillaspie is a true hero and we join in thanking him for his courage and bravery in the face of danger.

THE PRESIDENT'S UPCOMING TRIP TO THE PEOPLE'S REPUBLIC OF CHINA (PRC)

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. McKEON. Mr. Speaker, I am pleased to see that President George W. Bush will be making a state visit to the People's Republic of China in late February. As Secretary of State Colin Powell said, the United States and China have many common interests and also many disagreements, one of which is Taiwan.

I hope that President Bush will stand firm on the issue of Taiwan in his discussions with the Chinese. The United states and Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the U.S. and Taiwan, Taiwan has been unwavering in its support of the United States in all areas. In the wake of the Twin Towers tragedy, Taiwan went into deep mourning and its government ordered all flags lowered at half-staff for two days.

Taiwan stands with the United States on nearly all issues including safeguarding human rights and fighting terrorism around the globe.

Mr. Speaker, Taiwan is not an issue that divides the United States from China. As long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in the Taiwan Strait and that is in everyone's best interests. I wish President Bush the best of luck in his journey to China.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. FRELINGHUYSEN. Mr. Chairman, I come to the floor today to ask my colleagues, what are we doing here? We are playing games, and I, for one, did not come to this body to play games.

America is being misled. We are being misled. Who is telling the truth?

To those of you outside this hall that think this is reform, I say to you it is as bad as the current situation—and that makes it worse, doesn't it? It's worse because you truly believe that this bill represents real reform. It doesn't.

And to those of you who stand in the way of real reform, I say to you, move aside.

All of these arguments on the "process" are lost on the American people who just want reform, pure and simple. We are playing a game with those who have more vested in the "process," than they do in principle. And when principles loses, what does that say about us?

Never did I think that my vote on dearly held principles would doom reform. But that is the conundrum that has been handed to me—those who would choose to kill reform and those who would choose "less reform" as "good enough" have boxed me into a corner. Who would have ever thought that "doing the right thing" may be the wrong move?

Many of my colleagues and my constituents alike know that I am a long-time supporter of campaign finance reform. I have been a strong supporter since we first began this struggle for real reform three years ago, and my party's opposition then and since has never stopped me from voting my conscience, holding to my principles.

I have always, and will continue to believe that a total ban on soft money is necessary to reform our campaign financing system, and I will cast my vote to ban soft money again. Likewise, I believe that we must practice what we preach, and so I will vote to make these reforms effective today, not more than two years from now. They are needed now, they were needed when we first began this reform movement.

This issue is not about winning elections, it can't be. It is about restoring the public's faith and confidence in what we do . . . it's all principle. It is about cleaning up a flawed system, where whether true or not, the perception is we are all bought and sold! I reject that thinking—I reject that label. I am not, and neither are far too many of my colleagues in this House, to let that label stand. We, as a collective body, are too good to let that perception be taken for granted by our fellow Americans.

For my votes on principle today, I will no doubt be raked over the coals by editorial boards, and people on both sides of the issue, and that's fine. I can take the heat because I know I am fulfilling the obligation I've been given by the good people of New Jersey's 11th Congressional District, and that is, to vote my conscience, in their best interests, all the while holding fast to principle.

My votes today will be principle over politics. I won't play games. How easy it would be to do what is "popular." To look the other way, and vote the way editorial boards want me to, or the way my leadership wants me to, or the way Common Cause wants me to. But what is popular, and easy, is not always what is principled, and that, for me, is an easy decision to make.

Today I vote for real reform. And with those votes, I stand on principle. Mr. Chairman, I hope I do not stand alone here today. But if need be, stand alone, I will.

H.R. 3733, THE VETERANS' CLAIMS CONTINUATION ACT

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. EVANS. Mr. Speaker, recently I introduced H.R. 3733, the Veterans' Claims Continuation Act. This important measure would allow the families of veterans to continue claims for benefits which are pending at the time of a veteran's death. This measure would also allow for continuation of other claims, such as a claim for Dependency and Indemnity Compensation (DIC) by surviving spouses or claims by children eligible for benefits because of birth defects attributable to their parent's military service during the Vietnam War. This important legislation would assure that families receive the full benefits which would have been paid, if the claimant had survived.

Currently, if a veteran or other claimant dies while a claim is pending, the claim is extinguished. Under some circumstances, a new claim can be filed for "accrued benefits." However, payment of accrued benefits is extremely limited. Benefits can only be paid to a limited category of survivors and only if all of the evidence supporting the claim is in the claimant's file at the time of death. No more than two years of retroactive benefits can be paid.

The need for a change in law has been recognized by the United States Court of Appeals for Veterans' Claims. In a particularly egregious case, *Marlow* v. *West*, 12 Vet. App. 548 (1999), the court noted that the daughter of a combat wounded World War II veteran who had been erroneously denied benefits between 1946 and 1980 was precluded from pursuing his claim because the claim terminated at the veteran's death. In its decision the Court noted that the original decision in the case was a clear and unmistakable error, but because of the veteran's death, benefits otherwise due were not paid. The Court stated: "This is a case that causes one to understand the frustration of Charles Dickens' character Mr. Bumble, when he proclaimed, 'The law is an ass, an idiot.'" 12 Vet App. At 551. Veterans and their families are not served well by idiotic laws.

Currently, the Veterans' Benefits Administration has a backlog of almost 600,000 claims and another 100,000 appeals to the Board of Veterans' Appeals are awaiting action. While efforts are underway to reduce this backlog, it is inevitable that some claimants will die while their claims or appeals are pending. In some cases, veterans' families have incurred substantial expenses and suffered financial hardship while the claims have been pending. If benefits are justified, these families should be made whole.

Older veterans have expressed concern that VA uses delaying tactics, hoping that the veteran will die before the claim is allowed. I have no evidence that this is so. However the inability of family members to continue the claim and the limitation on any benefits payable to a two-year period in current law, may erroneously give veterans this impression. Claims for other government benefits, such as Social Security benefits are not extinguished when a claimant dies. The families of veterans, who have served our Nation honorably, deserve no lesser rights than Social Security claimants.

Mr. Speaker, I also note that the Independent Budget for Fiscal Year 2003 had called upon Congress to eliminate the restriction on payment of accrued benefits. The Veterans' Claims Continuation Act will accomplish that end and I strongly encourage my colleagues to cosponsor and support H.R. 3733.

WORKER RETRAINING INCENTIVE ACT OF 2002

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BALDACCI. Mr. Speaker, America's workers are facing tremendous pressures. Import competition continues to erode vital industries that are the economic foundation of communities across the country. At the same time, new jobs are increasingly hard to come by in the midst of a recession, especially jobs with good wages.

The Trade Adjustment Assistance Program was designed to help workers who are caught up in these forces and lose their jobs. It provides assistance so that these workers may seek training to gain new skills, and launch themselves onto a more stable and prosperous career path. This program serves a wonderful purpose: it helps people to help themselves. It is not a handout, but rather a helping hand for anyone who had had a tough break, and wants to take charge of their future. Providing training opportunities is the best way to educate our work force, and help assure them better jobs and better lives.

Unfortunately, retraining is not always as attractive as it should be. The job placement rate for retrained TAA recipients is only 79 percent. The wage for those who do find jobs is only 81 percent of their previous salary in the first year. Under these circumstances, it is hard to convince a displaced worker that he or she is better off investing in a retraining program when getting a job in a new field appears to be a gamble, and a gamble with a low reward at that.

The shame of this situation is that the long-term prospects for retrained workers are much better than initial outcomes would make it appear. While the Department of Labor does not compile systematic data on job outcomes, state placement agents say that both wages and job stability are greatly enhanced within two to three years of retraining. What workers need is a bridge across that initial rocky period when wages are low and job placement is uncertain. That bridge leads to a better future, if only we can help them cross it.

This bill would create that bridge. It would implement an income tax credit equal to the Social Security payroll tax—OASDI—for both employers and employees, after workers have completed training through TAA. Both employees and the companies that hire them could claim the credit for the first year of employment for any worker whose salary is below $60,000.

This bill would provide a crucial incentive for companies to hire retrained workers. Tying the income tax credit to the amount of the payroll tax makes the cost savings easily identifiable and attractive to businesses. At the same time, workers would get a badly needed salary supplement. This bill would make the prospect of retraining much more attractive for someone who has lost his or her job: they would know that businesses would be looking to hire them, and at a salary that is worth seeking.

I have always believed that the surest way to help our workers, and to help our economy, is to give people the best possible opportunity to compete and improve their lives. This bill helps businesses to invest in people, and helps people to invest in themselves.

INTRODUCTION OF THE INSIDER TRADING FULL DISCLOSURE ACT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise today to introduce legislation, the Insider Trading Full Disclosure Act of 2002. This measure would ensure that consumers have adequate information about affiliate security transactions made by officers, directors, and board members with public companies.

As we have learned through the recent Enron collapse, it is critically important that investors have sufficient information about trades made by officers and directors of companies. With this information, investors will better understand the fiscal health of public companies in which they are investing.

Under current law, these insider trades can be disclosed many days after a transaction has occurred. I believe we must act to reduce the time frame in which these disclosures are made to the public. In fact, some of these transactions can be reported to the Securities and Exchange Commission up to 45 days after the calendar year in which the transaction occurred. In this Information Age, we should require better, real-time disclosure of these transactions.

My legislation would require these specified individuals to electronically file their disclosures one day after the transaction into the electronic database maintained by the Securities and Exchange Commission (SEC). This database called EDGAR will be searchable and would permit investors to quickly ascertain whether officers and directors are making trades related to their public company. These disclosures include all types of affiliate security transactions, including stock sales by an officer and inside trades of securities by an officer to their respective company. With better warning, I believe that the public will be better served and we will be able to restore investor confidence in public companies.

Yesterday, the Securities and Exchange Commission proposed new steps to reform corporate governance rules. As a senior member of the House Financial Services Committee, I believe it is necessary for the Congress to act to make these requirements mandatory. Without required disclosures, I believe many officers and directors will simply wait to inform the public about the transactions made on their own behalf.

In order to prevent conflict-of-interest actions, we need to provide full disclosure about affiliate security transactions to protect investors and restore investor confidence in our public companies. I urge my colleagues to support this effort to require new timely disclosures of affiliate transactions related to public companies.

MINNESOTA STATE REPRESENTATIVE DARLENE LUTHER, WHO PASSED AWAY JANUARY 30, 2002

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LUTHER. Mr. Speaker, I want to express our family's most sincere thanks to the hundreds of people who have sent cards, flowers, memorials, e-mails and so many other demonstrations of sympathy. This tremendous outpouring of affection and love for Darlene has genuinely touched us and we deeply appreciate all of the memories, feelings, and prayers that help to make this difficult time more bearable.

This outpouring of affection has, I believe, also been appreciated by the public at large, people who maybe didn't know Darlene but who have seen the news coverage. We continue to get comments from people who never knew her but are obviously struck by the way in which a public official can be admired, respected and loved.

I often said that to meet Darlene was to immediately like her, and to get to know her was to love her. The truth of that became so clear in talking with the many people at the visitation and funeral. Everyone loved Darlene and they let me know it. It really was a wonderful, wonderful outpouring of love and support.

Losing a cherished member of a family is something all of us have in common and the shared experience of grief unites us as human beings. Darlene would probably be embarrassed by all of the attention she has received. She was both a private person and a public servant, but she would be pleased that so many different people form all political persuasions have honored her. It would be her hope that this would be a small step forward in her life-long effort to unite people.

Our family has lost a daughter, sister, mother, and wife. Our lives, though they will never be the same, have been tremendously enriched by having Darlene with us for as long as we did. In fact, out of all of the campaigns for office in which I've been involved, my favorite was when Darlene was first elected to the Minnesota House of Representatives. I was in the Minnesota State Senate then, which included the district where she was running, and I was also up for reelection. While campaigning, people would tell me, "I just love your wife," and of course, the best part of the campaign was when she got more votes than her husband. I always joked with her that if she ran against me, it would certainly end my political career.

Darlene was especially blessed with a generous spirit. Her favorite time of the year was the holidays because that gave her an additional reason to give gifts. She always had a little something during the holidays for anyone who touched our family during the year. We would tease her when we heard a car drive by that they must be coming for their Christmas gift. But her generosity encompassed so much more than gift giving. Darlene was generous with her smile, with her time, and with her love for her family, friends and her community.

God gave Darlene the gift of physical beauty, but she possessed other qualities even more lovely within her—kindness, generosity, a passion for justice and a commitment to helping others. Darlene was truly a beautiful person in every sense of the word. Her life has impacted so many people, and I hope and pray that her example continues to touch and guide each of us.

As we look to the future it is my hope that we will all remember the things that Darlene's life was truly about—family, friends, faith, the pursuit of opportunities for all and the understanding that a life committed to public service is one of the highest callings. Losing Darlene is immensely difficult, but we know that we do not grieve alone. Our state has lost a genuinely compassionate public servant—someone who was absolutely committed to helping those who need help and to creating equal opportunities for all.

There's a saying: "It matters not how long a star shines, what is remembered is the brightness of its light." Our children, Alex and Alicia, and I thank everyone who helped make Darlene's light shine very bright.

AMERICAN HORSE SLAUGHTER PREVENTION ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mrs. MORELLA. Mr. Speaker, today I join my colleagues, Mr. GILMAN, Mr. CHRIS SMITH, Mr. JONES, Mr. PALLONE, and Mr. LANTOS to introduce the American Horse Slaughter Prevention Act. This bill will prevent the cruel and senseless slaughter of American horses simply to satisfy the culinary desires of consumers in Canada, Europe, Japan, and elsewhere. According to the U.S. Department of Agriculture, 55,776 horses were slaughtered in the United States last year for their meat, which was then sent overseas for human consumption. Thousands more were shipped live across the boarders to Canada and Mexico for slaughter there.

The American public is largely unaware that our horses are slaughtered for human consumption, and the three foreign-owned slaughterhouses operating on U.S. soil would like to keep it that way. As Canadian slaughterhouse operator Claude Bouvry said, "People in the horse-meat industry don't like talking about slaughtering horses for food because of the horse's almost mythical place in Western culture."

Horses have played an important role in American history, and continue to do so through their use in agriculture, transportation, law enforcement, military service and as companion animals. American culture is peppered with famous equines, including Paul Revere's Brown Beauty, General Robert E. Lee's Traveler, and General George Armstrong Custer's horse, Comanche—the sole surviving member of Custer's 7th Calvary at Little Big Horn. Other cultural icons of the equine persuasion include the Pony Express, the Lone Ranger's faithful mount Silver, Roy Rogers' Trigger, famed Triple Crown winners Citation and Secretariat, Flicka of My Friend Flicka and Mr. Ed, to name a few.

Pet horses, workhorses, thoroughbreds, Premarine© foals (who are a byproduct of the female hormone replacement drug industry), old and unwanted horses, horses purchased under false pretences and federally protected wild horses go to slaughter. Most arrive at the slaughterhouse via livestock auctions where, often unknown to the seller, they are bought by middlemen working for the slaughter plants.

These so-called middlemen better known as "killer buyers" travel from one auction to the next collecting young, old, sick and healthy animals until their trucks are full. Some are shipped for more than 24 hours at a time without food, water or rest. Increasingly, stolen horses are included on the killer-buyers' trucks. As the article Horse Theft: A Victim's Story so aptly puts it "Rustling horses is quick, profitable and dirty work. Most horse thieves swiftly unload their stolen animals at auction, where most of the creatures end up at slaughter."

While the transport of horses to slaughter is itself horrific, callous handling at the slaughterhouse often results in additional suffering. Improper use of stunning equipment, designed to render the animal unconscious, means that horses sometimes endure repeated blows to the head, and remain conscious through the last stages of slaughter, including throat slitting.

There are human health reasons to be concerned about horse slaughter, too. Because they are not raised for food or fiber, the flesh of many horses going to slaughter is likely to be contaminated with medications and other substances unfit for human consumption.

Americans do not eat horses. We do not raise them for food. The vast majority of Americans, when told that our horses are being slaughtered for dinner in Europe, are horrified. In fact, a recent survey indicated that the American public would overwhelmingly support a ban on the slaughter of horses for human consumption.

The American Horse Slaughter Prevention Act is a strong bill, which will end the slaughter of our horses for human consumption for good, rather than simply sending the practice over the border. This bill has the support of the American public, the animal protection community, horse owners and prominent members of the horse industry. Mr. Speaker, as we enter the Year of the Horse I urge my colleagues to join me in supporting this important and long-overdue legislation.

A TRIBUTE TO SANTA CLARA BRONCOS WOMEN'S SOCCER TEAM, 2001 NATIONAL CHAMPIONS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the 2001–2002 Santa Clara University women's soccer team. The SCU Broncos, headed by coach Jerry Smith, took home the first-ever national title in women's sports for Santa Clara University.

Santa Clara University's athletic program, under the leadership of Athletic Director Cheryl Levick, has a rich history of dedicated and talented athletes, who work hard on and off the field, and always maintain a strong commitment to teamwork. Santa Clara University has a strong reputation in the athletic and academic fields, has proven successful in recruiting student athletes, and has provided these athletes with an excellent education and a great athletic experience. Santa Clara's student-athlete graduation rate is the highest in their league.

Though the SCU women's soccer team has been a dominant force in women's collegiate athletics, the 2001 season has proven to be their best. In 2001, with a season record of 23 wins and only 2 losses, they went on to defeat North Carolina for the national title in a 1–0 victory on December 9, 2001, in Dallas, Texas.

Santa Clara University, through its educational and athletic programs, fosters the development of scholar-athletes into outstanding leaders. The leadership skills that these scholar-athletes develop through the mentorship of Head Coach Jerry Smith, Assistant Coach Rich Manning, Assistant Coach Eric Yamamoto, and Assistant Coach Sean Purcell was strongly evident during the championship game and throughout the season. Players Danielle Slanton and Aly Wagner both took the initiative to provide their team with the calm and confidence that only a peer can provide. Aly Wagner has earned the distinction of being named 2001 Female Collegiate Athlete of the Year by the Bay Area Sports Hall of Fame.

It is with great pleasure that I honor all of the members of the Santa Clara University Women's Soccer team: Erin Sharpe, Taline Tahmassian, Zepeda Zepesa, Alyssa Sobolik, Kerry Cathcart, Jaclyn Campi, Aly Wagner, Anna Kraus, Lana Bowen, Leslie Osborne, Jessica Ballweg, Emma Borst, Devvyn Hawkins, Bree Horvath, Katie Sheppard, Allie Teague, Danielle Slanton, Chardonnay Poole, Kristi Candau, Holly Azevedo, Erin Pearson, and Ynez Carrasco. The teamwork and dedication of these athletes has made the Santa Clara University community, and the entire State of California, proud. I would also like to acknowledge the Santa Clara University Bronco's Athletic Staff, Lisa Eskey, Carrie Rubertino, Jonathan Clough and Cheryl Levick.

Mr. Speaker, it is my honor to commend and congratulate the Santa Clara University Women's Soccer Team, 2001 National Champions. Go Broncos!

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. MEEHAN. Mr. Chairman, last night, the House passed H.R. 2356 as amended, the Bipartisan Campaign Reform Act of 2002.

I would like to speak today to provide guidance to the Federal Election Commission regarding its future interpretation of one of the provisions of H.R. 2356.

H.R. 2356 sets forth a definition of "electioneering communications" in Title II. Certain exceptions to this definition are set out in Section 201(3)(B) of the bill, and include (i) news distributed by broadcast stations that are not owned or controlled by a candidate, (ii) independent expenditures, (iii) candidate debates and forums and (iv) "any other communication exempted under such regulations as the Commission may promulgate . . . to ensure appropriate implementation of this paragraph."

Specifically, I wish to address some questions that have been raised about the purpose of the fourth exception.

The definition of "electioneering communication" is a bright line test covering all broadcast, satellite and cable communications that refer to a clearly identified federal candidate and that are made within the immediate pre-election period of 60 days before a general election or 30 days before a primary. But it is possible that there could be some communications that will fall within this definition even though they are plainly and unquestionably not related to the election.

Section 201(3)(B)(iv) was added to the bill to provide the Commission with some limited discretion in administering the statute so that it can issue regulations to exempt such communications from the definition of "electioneering communications" because they are wholly unrelated to an election.

For instance, if a church that regularly broadcasts its religious services does so in the pre-election period and mentions in passing and as part of its service the name of an elected official who is also a candidate, and the Commission can reasonably conclude that the routine and incidental mention of the official does not promote his candidacy, the Commission could promulgate a rule to exempt that type of communication from the definition of "electioneering communications." There could be other examples where the Commission could conclude that the broadcast communication in the immediate pre-election period does not in any way promote or support any candidate, or oppose his opponent,

Charities exempt from taxation under Section 501(c)(3) of the Internal Revenue Code are prohibited by existing tax law from supporting or opposing candidates for elective office. Notwithstanding this prohibition, some such charities have run ads in the guise of so-called "issue advocacy" that clearly have had the effect of promoting or opposing federal candidates. Because of these cases, we do not intend that Section 201(3)(B)(iv) be used by the FEC to create any per se exemption from the definition of "electioneering communications" for speech by Section 501(c)(3) charities. Nor do we intend that Section 201(3)(B)(iv) apply only to communications by section 501(c)(3) charities.

But we do urge the FEC to take cognizance of the standards that have been developed by the IRS in administering the law governing Section 501(c)(3) charities, and to determine the standards, if any, that can be applied to exempt specific categories of speech where it is clear that such communications are made in a manner that is neutral in nature, wholly unrelated to an election and cannot be used to promote or attack any federal candidate.

We urge the Commission to exercise this rulemaking power consistent with the time frame specified in the bill for the promulgation of new regulations to implement the provisions of H.R. 2356. We also expect the Commission to use its Advisory Opinion process to address these situations both before and after the issuance of regulations.

TRIBUTE TO KANSAS CITIANS' RESPONSE TO OUR RECENT ICE STORM

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MOORE. Mr. Speaker, we rise today to pay tribute to the thousands of Kansas City-area residents who over the past two weeks rose to the challenge posed by the worst ice storm to hit the Kansas City metropolitan area in decades.

The storm, which struck our area with unprecedented fury on January 29th and 30th, cut electric power to over 450,000 area residents and caused more than $50 million in damage in Missouri and approximately $47 million plus worth of damage in Kansas. Seven deaths were attributed to the storm.

As the Kansas City Star described it, the storm "blasted through [and] left most of the metropolitan area a dangerous tangle of downed trees, felled power lines and snarled traffic . . . During an intense 12 hours, from 7 p.m. Wednesday to 7 a.m. Thursday, [for example,] Johnson County emergency dispatchers took 420 calls, mostly from people reporting tree limbs pulling down overhead lines. The Kansas City Fire Department dispatchers took 1,100 emergency calls in a 12-hour period; ordinarily they receive 1,400 in a month."

Mr. Speaker, our constituents dealt heroically with this unexpected calamity and we want to take special note of the outstanding contributions made by those whose job it was to respond to this crisis: police, firefighters, 911 operators, KCI airport employees, and members of the Missouri and Kansas National Guard, to note just some of them.

Medical teams dealt with cases of carbon monoxide poisoning, exposure, and injuries due to falling tree limbs and falls on ice. Homeless shelters opened their doors to neighbors left without heat and electricity and church groups, the Salvation Army, the Red Cross and municipal emergency services worked overtime and went the extra mile to help those in need during this time of crisis. Countless community volunteers including AmeriCorps, the Boy Scouts, and United Way gave their time to assist in the recovery process. Whether you were in Rosedale or Brookside, Independence or Overland Park, the "Kansas City Spirit" was prevalent with neighbors helping neighbors to cope with the devastation.

Most notably, hundreds of repair crews from area utilities—including Kansas City Power and Light, Missouri Public Service, the Kansas City, Kansas, Board of Public Utilities, Independence Power and Light, Westar Energy, and SBC—worked around the clock, along with 400 out-of-state repair crews and 350 out-of-state tree trimming crews, to replace lines, repair blown fuses and clear ice-laden trees that had cut off power lines and created fire and injury hazards. In fact, it is estimated that of the 450,000 trees that line Kansas City's streets, 10 percent of them will be gone when the cleanup is complete and over 10 percent of the city's privately owned trees also will have perished. To these utility workers, the people of the Kansas City area owe a special debt of gratitude.

We also applaud the leadership of our Governors Bill Graves of Kansas and Bob Holden of Missouri along with the countless local elected officials who worked in tandem with state and federal emergency management officials in compiling the damage assessments so that our Governors could request the Federal Emergency Disaster Declaration. The President and Federal Emergency Management Agency (FEMA) acted quickly to start the process of bringing federal relief to our community so that now the full recovery can occur.

Mr. Speaker, we have proven once again Kansas City truly is the heartland of America—when our friends and neighbors are in trouble, our community comes together to address the crisis and to get the necessary job done—quickly, efficiently and effectively. We have never been prouder to represent the Kansas City metropolitan area.

THE OTHER HALF OF THE JOB: FINANCING OUR FOREIGN POLICY

TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LANTOS. Mr. Speaker, in a recent hearing with Secretary of State Colin Powell, I raised concerns about how we are financing the War on Terrorism. While there is no doubt that there is a need for increased defense spending, I worry that necessary resources are not being made available to finance our diplomatic and development programs overseas. As this war proceeds, it will be our responsibility to establish stable democracies to fill the vacuum left by fallen regimes. It is therefore necessary to properly fund related assistance programs.

Dr. Michael McFaul wrote an article entitled "The Other Half of the Job" in the February fifth edition of the Washington Post that deals with this very issue. He contends that if we intend to urge governments to promote liberty and freedom, it is our responsibility to provide assistance to those nations to establish stable democracies, and thereby create friendly allied states. He cites the examples of Germany and Japan. Just sixty years ago they were the greatest security threat to this nation, and today, after sustained support, they are among our strongest allies.

Dr. McFaul is an expert in the area of international relations and deserves recognition for his work in promoting world peace. He is a professor of political science at Stanford University and a senior associate at the Carnegie Endowment for International Peace. His outstanding scholarship has raised awareness and given light to this, among other important issues. His insights are valuable and worthy of consideration.

Mr. Speaker, I urge my colleagues to read Dr. McFaul's thought provoking article and I request that it be included in the RECORD.

[From the Washington Post, Feb. 5, 2002]

THE OTHER HALF OF THE JOB

(By Michael McFaul)

The United States is at war. President Bush therefore has correctly asked for Congress to approve additional resources to fight this war. The new sums requested—$48 billion for next year alone—are appropriately large. Bush and his administration have astutely defined this new campaign as a battle for civilization itself, and have wisely cautioned that the battle lines will be multifaceted and untraditional.

So why are the new supplemental funds earmarked to fight this new war largely conventional and single-faceted—i.e., money for the armed forces? Without question, the Department of Defense needs and deserves new resources to conduct the next phase of the war on terrorism. The Department of Defense may even need $48 billion for next year.

What is disturbing about President Bush's new budget, though, is how little creative attention or new resources have been devoted to the other means for winning the war on terrorism. The Bush budget is building greater American capacity to destroy bad states, but it adds hardly any new capacity to construct new good states.

We should have learned the importance of following state destruction with state construction, since the 20th century offers up both positive and negative lessons. Many have commented that our current war is new and unprecedented, but it is not. Throughout the 20th century, the central purpose of American power was to defend against and, when possible, destroy tyranny.

American presidents have been at their best when they have embraced the mission of defending liberty at home and spreading liberty abroad. This was the task during World War II. This was the objective (or should have been the mission) during the Cold War. It must be our mission again.

The process of defeating the enemies of liberty is twofold: Crush their regimes or the regimes that harbor them and then build new democratic, pro-Western regimes in the vacuum.

In the first half of the last century, imperial Japan and fascist Germany constituted the greatest threats to American national security. The destruction of these dictatorships, followed by the imposition of democratic regimes in Germany and Japan, helped make these two countries American allies.

In the second half of the last century, Soviet communism and its supporters represented the greatest threat to American national security. The collapse of Communist autocracies in Eastern Europe and then the Soviet Union greatly improved American national security. The emergence of democracies in east Central Europe a decade ago and the fall of dictators in southeast Europe more recently have radically improved the European security climate, and therefore U.S. national security interests. Democratic consolidation in Russia, still an unfinished project, is the best antidote to a return of U.S.-Russian rivalry.

The Cold War, however, also offers sad lessons of what can happen when the United States carries out state destruction of anti-Western, autocratic regimes without following through with state construction of pro-Western, democratic regimes. President Reagan rightly understood that the United States had an interest in overthrowing Communist regimes around the world. The Reagan doctrine channeled major resources to this aim and achieved some successes, including most notably in Afghanistan. State construction there, however, did not follow state destruction. The consequences were tragic for American national security.

So why is the Bush administration not devoting greater capacity for state construction in parallel to increasing resources for state destruction? Bush's pledge of $297 million for Afghanistan for next year is commendable, but this one-time earmark does not constitute a serious, comprehensive strategy for state construction in Afghanistan or the rest of the despotic world that currently threatens the United States.

On the contrary, in the same year that the Department of Defense is receiving an extra $48 billion, many U.S. aid agencies will suffer budget cuts. Moreover, the experience of the past decade of assistance in the post-Communist world shows that aid works best in democratic regimes. Yet budgets for democracy assistance in South Asia and the Middle East are still minuscule. Strikingly, the theme of democracy promotion was absent in President Bush's otherwise brilliant State of the Union speech.

It is absolutely vital that the new regime in Afghanistan succeed. Afghanistan is our new West Germany. The new regime there must stand as a positive example to the rest of the region of how rejection of tyranny and alliance with the West can translate into democratic governance and economic growth. And the United States must demonstrate to the rest of the Muslim world that we take state construction—democratic construction—as seriously as we do state destruction. Beyond Afghanistan, the Bush administration must develop additional, nonmilitary tools for fighting the new war. To succeed, the United States will need its full arsenal of political, diplomatic, economic and military weapons. Bush's statements suggest that he understands this imperative. Bush's budget, however, suggests a divide between rhetoric and policy.

RECOGNITION OF MR. BOB BAKER

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Mr. Bob Baker of San Diego, California. I would like to join with the Muscular Dystrophy Association in honoring him as the recipient of the inaugural Joseph L. Hertel Memorial Award. Joseph Hertel, Mr. Baker's son-in-law, inspired this award. It is a tribute to his exceptional life and his courageous battle against Lou Gehrig's Disease.

The Bob Baker Auto Group, one of the largest automobile dealerships in San Diego County has earned a stellar reputation for its fair treatment of both customers and employees. Mr. Baker has been recognized by the industry on numerous occasions with professional commendations for his success and his contributions to the industry. Mr. Baker is also recognized for his community involvement, some of his civic duties include being a Trustee of the University of San Diego, Director Emeritus at Scripps Mercy Hospital Foundation, Advisory Board Member for Scripps Hospital Trauma Board, and Advisory Committee Member for Saint Vincent de Paul.

I would like to wish Mr. Baker continued success as he joins his family and the Muscular Dystrophy Association to fight against Lou Gehrig's Disease.

TRIBUTE TO JOSE A. CACHADINHA

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, on Sunday, January 13, a celebration will occur that honors a man most deserving of our praise, respect and congratulations. Reverend Monsignor Jose A. Cachadinha of Danbury, Connecticut will be honored for his Golden Jubilee in the Priesthood.

Monsignor Cachadinha was ordained into the Priesthood in Luanda, Angola on January 13, 1952. After being ordained, Monsignor Cachadinha served the Diocese of "Nova Lisboa-Huambo" where he played an instrumental role in meeting the community's pastoral needs. In addition to his pastoral duties at the Diocese, Monsignor Cachadinha served as a Chief Chaplain in the Portuguese Army.

Monsignor Cachadinha emigrated to the United States in 1978. Since then he has been active in organizing numerous religious and cultural services for Danbury's Portuguese Community, culminating with the Inauguration of the Immaculate Heart of Mary Parish and Community Center in 1982. The parish and community center play a pivotal role in maintaining and celebrating Portuguese language and culture, as well as serving the spiritual needs of the community.

Mr. Speaker, over the past 50 years Monsignor Cachadinha has dedicated himself to his church, the Lord, and the preservation of the Portuguese Catholic community.

On behalf of the 5th District of Connecticut and the United States House of Representatives, I commend Monsignor Jose A. Cachadinha on his continuous religious, spiritual, cultural and civic leadership of the people of Danbury.

IN HONOR OF POLICE CHIEF DEL HANSON

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. OSE. Mr. Speaker, I rise today to honor a law enforcement professional that is retiring after 28 years of dedicated public service. Police Chief Del Hanson, Woodland Police Department, in a career that began as a sworn patrol officer and ended as a police chief, will be honored by his department and the citizens of Yolo County on March 1, 2002 in Woodland California.

Chief Hanson began his law enforcement career in 1974 in Waukegan, Illinois, a suburb of Chicago and joined the Woodland Police Department in June of 1985 as a sworn patrol officer. Since then, Chief Hanson was promoted through the ranks of the Woodland Police Department and was sworn in as Police Chief in June of 1999.

Chief Hanson's belief in continuing education can be seen in his impressive educational achievements. Chief Hanson graduated with honors from St. Mary's College with a bachelors degree in 1991 and in 1995 received a masters degree from Cal-Poly Pomona. In addition, Chief Hanson graduated from the FBI National Academy in 1988. He is also a graduate of the Command College, which is sponsored by the California Commission on Peace Officer Standards and Training.

As a peace officer, Chief Hanson's career has been marked with great success. As a strong supporter of the School Resource Officer Program, Chief Hanson worked to acquire funding for two officers and created a very successful program that establishes prevention and intervention techniques on school campuses to help curb juvenile criminal behavior before it becomes more serious. Recently, Chief Hanson spearheaded the effort to acquire funding to construct a new state of the art police facility to meet the needs of the growing city of Woodland. The voters approved the funding in 2000 and the new facility will be open in late 2003 or early 2004.

Chief Hanson's law enforcement colleagues have recognized him with many awards and commendations including being named the Yolo County Bar Association's Officer of the Year in 1998 and was selected Chairman of the California Police Chiefs Association's Standards and Ethics Committee for 2001.

Chief Hanson is more then a peace officer, he is also a community leader. Chief Hanson serves as a board member for the Yolo County Sexual Assault and Domestic Violence Center. In addition, he serves as a member of the Woodland Beautification Committee, which is a volunteer organization formed to facilitate murals in places previously plagued with graffiti.

I am honored to recognize an individual who has committed his life to the protection of his fellow citizens. Men and women who put their lives in harms way everyday on our streets and cities merit our admiration, and deserve our appreciation. Please join me in congratulating Chief Del Hanson for a lifetime of hard work and a job well done.

THE PRESIDENT'S VISIT TO CHINA

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. PAYNE. Mr. Speaker, as the President makes his first state visit to China later this month, I wish him well and a productive trip. The United States and China will have many issues to discuss, such as counter-terrorism, human rights, arms proliferation, Tibet and Taiwan. It is my hope that President Bush will stand on his principles regarding Taiwan. As a long time observer of the Republic of China on Taiwan, I have noticed that Taiwan is a country that has taken great strides towards democracy. With U.S. assistance, Taiwan is now a major economic power in the world, and a member of the World Trade Organization. Although it has embraced democracy, it faces a formidable adversary—the People's Republic of China. From time to time, China threatens Taiwan militarily. It is important that Taiwan has the capability to defend itself against outside forces. Therefore, I consider President Bush's trip to China vital, but believe that Taiwan's interests must not be compromised.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. GILMAN. Mr. Chairman, I rise in support of the Shays-Meehan Bipartisan Campaign Reform Act of 2001. This legislation will close the soft money loophole which currently allows unlimited and regulated funds from corporations, labor unions, and wealthy individuals to be funneled into Federal election campaigns. In addition, it will require the clear and full disclosure of those who sponsor election-related advertisements.

As a member of the Government Reform Committee, I have watched with growing concern the insidious influence that soft money plays in our Nation's election process. The questionable fund-raising activities of the 1996 election and the record levels of money spent in 2000 points toward a disturbing trend that should be addressed and brought under control.

It has been nearly 30 years since Congress last corrected the abuses of the campaign finance system. In those 30 years, political loophole artists have learned how to exploit the shortcomings of our Nation's current campaign laws. It is therefore our duty to revise and adapt those laws to current realities and ensure that the intentions of our laws are upheld.

The Shays-Meehan bill is our best hope for true and meaningful campaign reform. It is time for the Congress to act in the best interests of our Nation. Accordingly, I urge my colleagues to support the Shays-Meehan bill.

INSURANCE INDUSTRY MODERNIZATION AND CONSUMER PROTECTION ACT

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LAFALCE. Mr. Speaker, today I am introducing the Insurance Industry Modernization and Consumer Protection Act. This legislation will give insurance companies the ability to overcome the cumbersome inefficiencies of the current system through an optional Federal insurance charter. Companies that choose the optional federal charter will be able to bring new, innovative insurance products to our national markets much more quickly, giving consumers and businesses more choices in insurance products. It will also introduce strong federal oversight and consumer protections that should be required for an industry of such economic importance.

Importantly, for the first time in over half a century, the Insurance Industry Modernization and Consumer Protection Act will make the Federal antitrust laws generally applicable to the business of insurance, something I first called for in the 1970s. This will greatly enhance the ability of consumers and regulators to ensure a fair and evenhanded insurance market.

The domestic insurance industry, with assets of over $4 trillion held by both life and property and casualty insurers, plays a major and central role in the U.S. economy. All businesses depend on insurance for protection from both known and unknown hazards. Without insurance, banks and other lenders would have to bear the risks of the hazards that befall their customers. Credit would be both harder to obtain and more expensive.

The events of September 11th underscore the crucial part that insurance plays in ensuring U.S. domestic economic security and stability. Without an estimated $40 to $70 billion in insurance benefits, the businesses and individuals affected by the terrorists attacks could not begin to rebuild their financial lives.

The health of the U.S. insurance market has a significant global impact as well. The U.S. represents over one-third of the world insurance market. In the year 2000, U.S. consumers and companies paid $840 billion of the world's $2.4 trillion in premiums.

Despite the industry's central role in the national and global economy, the business of insurance is regulated solely at the state level, with absolutely no federal oversight. Since 1976, I have called for giving the Federal government a role in the regulation of the insurance industry. The Insurance Industry Modernization and Consumer Protection Act will strengthen the competitiveness of the U.S. insurance industry and provide the national government a voice in regulating an industry that is so vital to our national interests.

The current state-by-state regulation of the insurance industry does not reflect either the economic centrality of the industry or the reality of today's market. Many of the domestic insurance companies are heavily engaged in interstate commerce, and sell insurance products to a global, national or, at the very least, a multistate market. However, in the United States, we subject insurance companies to the burden and cost of being licensed in every jurisdiction in which they choose to sell policies. This checkerboard of inconsistent and inefficient regulation impairs strong regulatory oversight and increases the costs of doing business. It also has the potential of putting U.S. domestic insurance companies at a serious competitive disadvantage in what is an increasingly global insurance market. The current system unnecessarily increases costs, impedes the efficient delivery of products and services and, too often, inadequately protects consumers.

Over 50 different insurance departments, each with its own peculiar laws and procedures, regulate insurance companies that operate on a national basis. This current regulatory system adds to the cost of operating insurance companies in two ways. First, an insurance company is required to invest considerable resources to comply with the laws of each of these jurisdictions and to interact with all of these regulators. Secondly, the delay in approving insurance products results in lost profits. Insurance companies have testified before the Financial Services Committee that they can experience delays of up to 18 months in obtaining the approval of the 50 plus state insurance departments. One national life insurance company estimates that it loses $50 million per year in lost profits because of these delays.

Consumers also suffer from the inability of insurers to bring their products to market quickly. Regulatory delays often translate into consumers'inability to obtain the best price or the most favorable product features. A well-designed regulatory scheme will create efficiencies and creativity that will benefit both consumers and insurance companies.

The Insurance Industry Modernization and Consumer Protection Act also benefits consumers by establishing a strong regulatory scheme to combat unfair and deceptive practices. Currently, some states do a very good job in protecting consumers. But, unfortunately, other states do not have a tradition of vigorous protection of consumers.

To raise the standards of those states with inadequate consumer protections and to prevent a competition in laxity between the Federal insurance regulator and the state insurance regulators, my legislation will require that all state-regulated insurers meet certain standards that the Act applies to federally chartered insurers. The Insurance Industry Modernization and Consumer Protection Act currently requires all state-regulated insurers to meet the same market conduct standards that the Act applies to federally chartered insurers. It is my intention to expand these minimum standards to other areas, including adequate information disclosure and effective means of redress for consumers who have been harmed by illegal practices.

I do not view optional federal chartering as a means to escape vigorous state regulation of the insurance industry. The last thing I want is to encourage a "race to the bottom," as state and federal regulators compete for the participation of insurance companies by progressively weakening the quality and effectiveness of their oversight. I have indicated to the National Association of Insurance Commissioners that this bill should not be used as an excuse to weaken existing state consumer protections, or to scuttle attempts to improve these protections.

Establishment of an optional federal charter is intended to provide for a strong, efficient, and effective insurance regulatory system. Providing for Federal oversight of the insurance industry will lead to a healthy regulatory competition that can enhance efficiency, spur innovation and expand consumer protection in a way that will benefit both the insurance industry and its customers.

Mr. Speaker, the current, state-based system of insurance regulation is inadequate—and it is in the best interests of insurers and their consumers that it be augmented. Failure to enhance insurance regulation will keep in place a system that could threaten the viability of the insurance industry in an increasingly competitive global marketplace. I urge my colleagues to join with me in taking this important step toward facilitating the modernization of the insurance industry. It is decades long overdue.

PRESIDENT BUSH'S VISIT TO CHINA

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. ROTHMAN. Mr. Speaker, I am pleased to see that President Bush will be making a state visit to the People's Republic of China in late February.

As Secretary of State Colin Powell has said, the United States and China have many common interests. Among several large and continuing disagreements are religious freedom and the issue of Taiwan. I hope that President Bush will urgently raise the issues of freedom of religion and also stand firm on the issue of Taiwan in his discussions with the Chinese.

According to a report in yesterday's Washington Post, Chinese government documents show detailed efforts on the part of the Communist leadership to target religions including the use of secret agents to infiltrate Protestant religious groups, crushing underground Catholic churches, and the use of force against the banned Fulan Gong spiritual movement.

It is nothing less than a nationwide campaign to stamp out religion so that all the Chinese people can worship is the state. When Secretary Powell appeared before the Foreign Operations Subcommittee yesterday, he stated that when the United States and China have disagreements over religious freedom, "we do not hold back our criticism." It is therefore imperative for President Bush to speak out loudly and strongly against this denial of this basic human right—freedom of religion—when he is in China next week.

Regarding Taiwan, the United States and the Republic of China on Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the United States and Taiwan, Taiwan has been unwavering in its support of the United States. In the wake of September 11, Taiwan shared our mourning and its government ordered all flags lowered at half staff for two days. Taiwan stands with the United States on nearly all issues including safeguarding human rights and fighting terrorism around the globe.

Mr. Speaker, Taiwan is not an issue that divides the United States from China. As long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in the Taiwan Strait and that is in everyone's best interests.

I wish President Bush best of luck in his journey to China.

RECOGNITION OF MS. ROSEANNE LUTH

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. ISSA. Mr. Speaker, I rise today to recognize Ms. Roseanne Luth of San Diego, California. I would like to join with the Muscular Dystrophy Association in honoring her as the recipient of the inaugural Joseph L. Hertel Memorial Award. This award was inspired by Joseph Hertel and is a tribute to his exceptional life and his courageous battle against Lou Gehrig's Disease.

Roseanne Luth is a successful business owner in San Diego. Roseanne was the first elected president of the 70-year-old Executive Association and the San Diego Book of Lists ranks her custom research company, Luth Research, among the top 25 San Diego Women-Owned Businesses. She also served a five-year term as a board member of the San Diego Better Business Bureau and served as the Bureau's first woman chairman in 1998. In addition, to being an extraordinarily successful entrepreneur she is also an asset to the community.

I would like to wish Ms. Luth continued success as she continues to team with the Muscular Dystrophy Association and her brother, Bob Baker, to work towards the elimination of Lou Gehrig's Disease.

WRITING OF ASHLEY HECKER

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. MALONEY of Connecticut. Mr. Speaker, it is truly an honor for me today to bring to the attention of my colleagues in the U.S. House of Representatives the writings of Ms. Ashley Hecker. Ashley is a fifth grade student at Doolittle Elementary School in Cheshire, Connecticut. She composed this poignant poem just moments after the terrorist attack on September 11th.

WE STAND STRONG

As the cry of American reaches my ears
I must try to hold back my tears.
The plane crashed along with the crew
You may have lost someone too.
Under the rubble some survived
Sadly, many died.
Your heart may hurt but do not blame
Don't give into this twisted game.
New York will never be the same,
The terrorists will live with a life of shame.
Please don't give up on the Red, White and Blue
We'll keep on fighting through and through.

Ashley's poem came to my attention shortly after Veterans Affairs Commissioner Eugene A. Migliaro Jr. awarded her a citation for her "dedication, expression and patriotic views."

Mr. Speaker, it is both a personal pleasure and privilege to honor Ashley Hecker, a young lady who's writings exemplify the American spirit.

IN RECOGNITION OF OPERATION COOKIE BAKE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. OSE. Mr. Speaker, I rise today to honor the hard work and thoughtful consideration of many of my constituents for their involvement in organizing and carrying out a mass donation of baked goods, "Operation Cookie Bake", for the active duty, reserves and civilian employees at Travis Air Force Base in Vacaville, California.

Operation Cookie Bake, originally sponsored by the American Legion Auxiliary Unit 165 of Vacaville, was created as one way in which the local community could show support for the hardworking men and women who defend our freedom around the world and at home. On October 22, 2001, the community hosted the first phase of Operation Cookie Bake, resulting in the donation of twenty-one large and medium sized boxes or approximately 5,000 cookies and another 1,500 brownies, fudge and other treats. The second phase of Operation Cookie Bake on December 11, 2001, produced over 10,000 cookies and 3,000 brownies, fudge and breads, or approximately 800 individual bags of goodies.

I would like to recognize the hard work of so many of my constituents who have truly made me proud: the ladies of the American Legion Auxiliary Unit 165 who sponsored the first phase of the project and supported it; as well as the ladies of the Disabled American Veterans Auxiliary Unit 84 and the Veterans of Foreign Wars Auxiliary Unit 7244; the employees, students and members of Sutter Health, Central Billing Office, Meek's Lumber, St. Mary's Parish, Rainbow Girls, Vacaville Bible Church, Boy Scout Troop 195, Girl Scout Troops 80 and 93, Vanden High School Interact Club, Will C. Wood Culinary Club, Faith Academy, Xi Tau Delta of Beta Sigma Phi, American Legion Auxiliary 550 of Vallejo, American Legion Post 165, Brotherhood of Vietnam Veterans, Disabled American Veterans Chapter 84, United Veterans Memorial Association, and Veterans of Foreign Wars Post 7244.

I would also like to recognize the Veteran Liaison for the 60th Air Wing, Airman first Class Brooke Gardner, for her efforts in facilitating the smooth operation and delivery of the donations, and Captain Christopher Stratford, Executive for the Director of Staffs office at Travis Air Force Base, who helped coordinate the delivery of these gifts for the troops. In addition, I would like to offer my sincere appreciation for Kelli Germeraad for her coordination of the entire project; without her countless hours dedicated to this endeavor, this venture would not have succeeded.

TRIBUTE TO NEGRO LEAGUE BASEBALL

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. PAYNE. Mr. Speaker, as we celebrate Black History Month, I want to call to the attention of my colleagues here in the United States House of Representatives an event that will be held in Newark, New Jersey, a Tribute to Negro League Baseball. Six months before the Confederate attack on Fort Sumter, on April 12, 1861, two Black baseball teams played in Brookyln, New York. Throughout the 1860s amateur Black baseball clubs sprang up around the Northeast and Midwest. Players for the Mutuals of Washington, DC included Black Activist Frederick Douglass' sons, Charles and Fred.

The first all Black professional baseball team was composed in 1885 of employees of the Argyle Hotel in Babylon, New York and in 1883, Fleet Walker, a catcher, signed with the Toledo Blue Stockings along with his brother Welday. The Blue Stockings then joined the American Association, which was considered a major league, thereby making the Walkers the only Black players to play in the major leagues until Jackie Robinson in 1947. In 1886, the Southern League of Colored Base Ballists became the first Negro League with teams in Memphis, Jacksonville, Savannah, Atlanta, Charleston and New Orleans. In 1900 only five professional Black baseball teams existed: the Genuine Cuban Giants, the Cuban X Giants, the Norfolk Red Stockings, the Chicago Unions and the Columbia Giants. By 1910, there would be more than 60 professional Negro teams barnstorming the country. During 1902, in an attempt to circumvent the color barrier and get infielder Charlie Grant on his team, Baltimore Orioles manager John McGraw changed Grant's name to Charlie Tokohama and tried to pass him off as a full blooded Cherokee Indian until his plan was exposed by Chicago White Sox owner Charles Comiskey. Future Hall of Famer, pitcher Rube Foster, went 51–4 for the Philadelphia Giants in 1905. In an exhibition game against the Philadelphia As, Foster beat 26 games winner Rube Waddell and became known as the "colored Rube Waddell." On February 14, 1920, Rube Foster organized a meeting in Kansas City of owners of several Black touring teams. The owners organized the first successful Black professional league, the Negro National League, which was comprised of the Chicago American Giants, the Chicago Giants, the Dayton Marcos, the Detroit Stars, the Indianapolis ABC's the Kansas City Monarchs, the St. Louis Giants and the Cuban Stars. Foster became the league's president and members agreed to honor each other's player contracts, which brought stability and organization to Black baseball. In 1924, the pennant winners of the two Black leagues met in the first Negro World Series with the Kansas City Monarchs defeating Hillsdale in 10 games. In 1926, thirty years before Don Larson's perfect game, Red Griers of the Atlantic City Bacharachs pitched a no-hitter in game three of the Negro World Series against the Chicago American Giants. In 1930, five years before the major leagues turned on the lights, the Kansas City Monarchs became the first team to regularly play night baseball with a portable lighting system. In 1937, the Negro American League was formed and the Kansas City Monarchs won five of the first six Negro American League pennants. The Negro National League Homestead Grays won eight pennants between 1937–45 with John Gibson, the greatest hitter of the Negro Leagues (962 career homeruns). In 1945 Kansas City Monarchs rookie shortstop Jackie Robinson signed to play for the Brooklyn Dodgers at $600 per month, thereby breaking the color barrier in major league baseball. Since baseball's integration from 1947 to 1953, six of the seven National League Rookies of the Year were former Negro League players, including Jack Robinson, Don Newcombs, Sam Jethrol, Willie Mays, Joe Black and Jim Gilliam. After the integration of baseball, the Negro leagues began to decline in 1948, due to the fact that its best players were now signing with major league teams. The Negro American League finally dissolved in 1963. Sixteen Negro League baseball stars have been inducted into the Hall of Fame including former Newark Eagles and local Major League players, such as Larry Dolby, Monte Irvin and Ray Dandridge. From 1920–1955 over 30 communities located throughout the Midwest, Northeast and the South were home franchises comprised of the Negro National League, Eastern Colored League, East-West League, Negro Southern League and the Negro American League. The City of Newark, New Jersey was the home of the Newark Browns, Newark Dodgers, Newark Eagles and the Newark Stars. Of all the Newark teams, the Newark Eagles were the most memorable. The team was managed by a woman, Mrs. Effa Manley, who along with her husband Abe Manley owned the team. They were also entrepreneurs, owning Club 83 on New Street in Newark. I had the privilege of attending Newark Eagles games as a youngster. The games were very memorable occasions.

There was great excitement in the air when the Newark Eagles won the 1946 Negro League World Championship over the Kansas City Monarchs in the seventh and final game of the series held at Newark's Ruppert Stadium on September 29. Mr. Speaker, it is with much pride that we remember and pay tribute to the athletes of Negro League Baseball during Black History Month. I know my colleagues here in the United States Congress join me in sending best wishes as the City of Newark pays homage to those who made history and made us proud.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in support of the Shays-Meehan substitute and want to explain one provision in the bill which will clarify campaign finance law with respect to contributions to federal candidates by U.S. nationals.

American Samoa is the only jurisdiction under U.S. authority in which a person can be born with the status of U.S. national. A national is a person who owes his or her allegiance to the United States, but is not a citizen. U.S. nationals travel with U.S. passports and are eligible for permanent residence in the United States. They are not foreign citizens or foreign nationals. In fact, they have most of the same privileges and immunities as U.S. citizens. However, federal campaign law was enacted before American Samoa had representation in the U.S. Congress and current law fails to address the issue of contributions from U.S. nationals.

Mr. Chairman, federal campaign law currently specifies that U.S. citizens and permanent resident foreign nationals may make contributions to candidates for federal office. Although there is an advisory opinion from the Federal Election Commission which interprets current law to allow U.S. nationals to contribute to federal elections, a federal court could at any time interpret the law to exclude U.S. nationals. Our failure to amend current law could also be interpreted to mean that Congress originally intended to prohibit U.S. nationals from contributing to federal elections.

Mr. Chairman, I do not believe it was or is the intent of Congress, or the law, to exclude U.S. nationals from contributing to federal campaigns. Congress simply enacted a law before American Samoa had representation in the U.S. Congress. Now it is time to amend the law to specifically address the issue of U.S. nationals. Therefore, I urge my colleagues to support this technical change in any bill which moves forward.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. LUTHER. Mr. Chairman, campaigns should be about the competition of ideas, not the competition of money between huge corporate donors and special interests. Allowing the big donors to derail our elections takes power away from the voters and threatens our democracy itself. Cleaning up our campaigns should be an issue we all support., Supporters of clean campaigns in both parties have stepped up to the plate to bring this important issue to a vote, and the time has come to give the American people the victory they deserve by passing the Shays-Meehan bipartisan reform bill.

Good government watchdog groups have consistently recognized my home state of Minnesota as having some of the strongest clean campaign laws in the country. I am proud of those laws, which have increased the power of smaller donors, allowed the average citizen to have a prominent voice, reduced the influence of wealthy special interests, and restored confidence in the political process. I now urge my fellow representatives to implement tough campaign reform measures for federal elections.

The key provision in the Shays-Meehan proposal is a ban on "soft money"—the unregulated, unlimited donations from individuals and political action committees that are often used to run shady and misleading campaign commercials before an election. Eliminating the corrupting influence of soft money is the most basic reform we can make to begin cleaning up our election system and the Shays-Meehan bill is the only measure on the table today that addresses this pervasive problem.

Our nation owes a debt to the authors of this legislation—Representatives SHAYS and MEEHAN and Senators MCCAIN and FEINGOLD—for their tireless commitment to reform. I believe a basic turning point in this effort occurred during last year's presidential election when the public rallied around JOHN MCCAIN'S message of reform. The public sent a strong message to the political establishment: they are tired of elected representatives who perpetuate a system that gives the advantage to large wealthy special interests. They are tired of politicians who resort to obscure parliamentary procedures to deny the American people the opportunity to have an honest debate on reform. They are tired of the current system and the overwhelming advantage that it gives to the incumbents. Now is our chance to enact true reform that the American people are demanding, a reform that has the potential to restore a new generation's faith in the political process.

There has been a lot of focus from the political punditry about which political party will benefit from the passage of various reform proposals. This is the wrong approach to take when debating campaign reform proposals. The approach should be on passing legislation that benefits the American people. Our constituents have sent us a strong message that the system is broken. It is time we hear them and pass strong campaign finance reform legislation. It is the right thing to do. I urge the passage of the Shays-Meehan bipartisan campaign reform bill.

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Ms. MCCOLLUM. Mr. Chairman, Minnesotans wanted real campaign finance reform last summer before the House's debate was unfortunately cut short, and they still want it today. We must begin cleaning up our campaign finance system and the Shays-Meehan bipartisan campaign finance reform bill is a good place to start.

We all have the right to have our voices heard when we engage in the political process. Right now millions of the unregulated dollars flood our campaigns and continue to drown out the concerns of working families in Minnesota and all America. Their opinions are being lost in the flood of big campaign checks from special interests.

Mr. Chairman, we should be encouraging political participation, not discouraging it. I've heard from too many people in my district that our campaign finance system is broken. It's now time this unbalanced system be fixed.

Shays-Meehan will prohibit national parties, officeholders and candidates from raising unregulated soft money for political parties at all levels. State and local parties can continue with voter registration and get-out-the-vote activities. This bill would also require sham issue ads be treated like all campaign ads right before an election—to be paid for with regulated money that requires full disclosure.

. With Minnesota's unique system of public financing and contribution rebates, we have shown the nation how to run clean elections. Where else could the Republican party control the House of Representatives, the Democratic party control the Senate and there be an Independent in the Governor's mansion? Minnesotan's are used to campaigns that are open, honest and competitive and it shows in voter turnouts that lead the nation year after year.

Campaign finance reform is critical, but we must also learn to control how much is spent on elections as well. I've introduced legislation that model's Minnesota's campaign finance system and will continue to work hard to take the next step in campaign finance reform limiting the hundreds of millions of dollars that are spent on our elections.

It is not a mistake that we are considering real campaign finance reform today. The discharge petition I signed last year finally forced the Republican leadership of the House to recognize that a majority of Americans had finally been joined by a majority of this House in the fight for real campaign finance reform. We must begin now.

Shays-Meehan will help to clean up our campaign finance system. By eliminating soft money, America's confidence in our political system will be restored.

HAPPY 109TH BIRTHDAY TO MAEBELLE PLANT

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to offer a very happy birthday to Maebelle Plant who turns 109 years old on February 25, 2002.

Now living in her third century, Granny Plant has seen twenty presidents take the oath of office, experienced two World Wars, the Great Depression, and witnessed America's growth into the world's superpower. She came to Florida in a covered wagon and watched our men walk on the moon.

Granny Plant is our community's matriarch and the embodiment of our values. By helping others in need, she has had an immense effect on our area. Her efforts to feed hungry children is worthy of the highest acclamation. Her work-hard-attitude, unwavering faith in God and countless deeds of good, serve as an inspiration for our own civic responsibilities.

Granny Plant is adored by a family of six living children, 54 great grandchildren, 2 greatgreat grandchildren and a grateful community.

On behalf of the United States Congress, I would like to wish this inspirational woman the happiest of birthdays and many more to come. I offer my sincere thanks for all she has done. Maybe we can all live such a complete life if we live by her words, "Other's is my motto. I love people."

COMMENDING THE HONORABLE DIRECTOR GENERAL VICTOR C.Y. TSENG ON ASSUMING THE POSITION OF REPRESENTATIVE OF THE TAIPEI MISSION IN SWEDEN

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. OSE. Mr. Speaker, the Republic of China on Taiwan has been a true friend and partner of the United States of America.

During the past three years, the Taipei Economic and Cultural Office in San Francisco has operated successfully under the guidance of the highly respected Director General Victor C.Y. Tseng.

Victor C.Y. Tseng assumed the position of Director General of the Taipei Economic and Cultural Office in San Francisco on July 1, 1998, and quickly became a good friend of the United States of America, strengthening the bond that has grown with each passing day.

On February 9, 2002, a farewell reception was held in Sacramento honoring Director General Victor C.Y. Tseng for his dedication, cooperation and exceptional leadership.

I would like to extend my sincere appreciation for the years of outstanding effort as the Director General of the Taipei Economic and Cultural Office in San Francisco and offer my best wishes and good luck to Victor C.Y. Tseng on assuming the position of Representative of the Taipei Mission in Sweden.

Director General Victor C.Y. Tseng is hereby commended for his outstanding and successful tenure as Director General of the Taipei Economic and Cultural Office in San Francisco.

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. OBERSTAR. Mr. Speaker, on May 4–6, 2002, more than 1200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that the class from Duluth Central High School from Duluth will represent the state of Minnesota in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics. The students' testimony is followed by a period of questioning by the judges who probe their depth of understanding and ability to apply their constitutional knowledge.

Administered by the Center for Civic Education, the We the People . . . program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

It is inspiring to see these young people advocate the fundamental ideals of principles of our government in the aftermath of the tragedy on September 11. These are ideas that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from Duluth Central High School is currently conducting research and preparing for their upcoming participation in the national competition in Washington, D.C. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals. They represent the future leaders of our nation.

PRESIDENT GEORGE W. BUSH'S FIRST STATE VISIT TO CHINA

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. PALLONE. Mr. Speaker, President George W. Bush is making his first state visit to China and I would like to take this opportunity before his departure to China to express my concern regarding Taiwan. I hope that President Bush will stand firm on the issue of Taiwan in his discussions with the Chinese and I encourage him not to comply with any demands from the Chinese government that affect the best interests of Taiwan.

The United States and the Republic of China on Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the United States and Taiwan, Taiwan has been unwavering in its support of the United States in all areas.

In the aftermath of the tragedies of September 11, Taiwan was one of the first countries to give its unflinching support to the United States and has also been extremely cooperative in providing information and resources to the United States to combat terrorism. Taiwan has been enormously supportive in other areas as well, such as reducing its trade surplus with the United States and promoting U.S. goods and services in its domestic market.

Any attempts by the Chinese to ask the United States to reduce arms sales to Taiwan will endanger the balance of power in the Pacific Rim and lead to instability. I hope that President Bush will uphold the U.S. policy of continued arms sales to Taiwan and that he will urge the Chinese leaders to resume talks with Taiwan on reunification and other issues. As long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in the Taiwan Strait and that is in everyone's best interests.

I hope the President's visit to China will improve U.S.-China relations, but foremost, I hope the visit will be based on the premise of the best interests for Taiwan.

U.S. SUPPORT FOR TAIWAN

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 14, 2002

Mr. LANGEVIN. Mr. Speaker, President George W. Bush will be making his first state visit to the People's Republic of China later this month. This is a very important trip for both countries, and I hope President Bush will receive assurances from China for its full cooperation in our fight against worldwide terrorism.

In the meantime, I am hopeful that the President will work to protect the interests of the Republic of China on Taiwan. It is likely that the Chinese leaders will ask President Bush to make certain concessions on the issue of Taiwan, and we must strongly urge President Bush to stand firm on the United States' existing policy toward Taiwan, including our commitment to sell defensive arms to Taiwan.

As we all know, Taiwan is a small country, yet it faces a formidable adversary in the People's Republic of China. Despite all odds, and with U.S. assistance, Taiwan has been able to enjoy great economic success, significant political reforms, freedom and democracy. As a new member of the World Trade Organization and the world's 17th largest economy, Taiwan has a major economic presence in the world. Its 23 million people enjoy a high standard of living and will continue to do so as long as there is peace in the Taiwan Strait.

Peace in the Strait depends in large part on American support. I hope President Bush will give a message to Chinese leaders that peace in the Taiwan Strait will lead to greater prosperity for both Taiwan and the Chinese mainland, and that Taiwan and the PRC should begin serious discussions about economic cooperation and other issues of mutual interest.

I wish the President a safe and productive trip.

SENATE—*Monday, February 25, 2002*

The Senate met at 12 noon and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

On this day when George Washington's Farewell Address is read, it is appropriate that our prayer today be his "Prayer for the United States of America," exactly as it is preserved in the chapel at Valley Forge.

Let us pray.

"Almighty God; We make our earnest prayer that Thou wilt keep the United States in Thy Holy protection; that Thou wilt incline the hearts of the Citizens to cultivate a spirit of subordination and obedience to Government, and entertain a brotherly affection and love for one another and for their fellow Citizens of the United States at large.

"And finally that Thou wilt most graciously be pleased to dispose us all to do justice, to love mercy, and to demean ourselves with that Charity, humility, and pacific temper of mind which were the Characteristics of the Divine Author of our blessed Religion, and without a humble imitation of whose example in these things we can never hope to be a happy nation.

"Grant our supplication, we beseech Thee, through Jesus Christ our Lord. Amen."

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

READING OF WASHINGTON'S FAREWELL ADDRESS

The PRESIDENT pro tempore. Under the previous order, the Senator from New Jersey, Mr. CORZINE, is recognized to read George Washington's Farewell Address.

Mr. CORZINE. In September 1796, worn out by burdens of the presidency and attacks of political foes, George Washington announced his decision not to seek a third term. With the assistance of Alexander Hamilton and James Madison, Washington composed in a "Farewell Address" his political testament to the nation. Designed to inspire and guide future generations, the address also set forth Washington's defense of his administration's record and embodied a classic statement of Federalist doctrine.

Washington's principal concern was for the safety of the eight-year-old Constitution. He believed that the stability of the Republic was threatened by the forces of geographical sectionalism, political factionalism, and interference by foreign powers in the nation's domestic affairs. He urged Americans to subordinate sectional jealousies to common national interests. Writing at a time before political parties had become accepted as vital extraconstitutional, opinion-focusing agencies, Washington feared that they carried the seeds of the nation's destruction through petty factionalism. Although Washington was in no sense the father of American isolationism, since he recognized the necessity of temporary associations for "extraordinary emergencies," he did counsel against the establishment of "permanent alliances with other countries," connections that he warned would inevitably be subversive of America's national interest.

Washington did not publicly deliver his Farewell Address. It first appeared on September 19, 1796, in the Philadelphia Daily American Advertiser and then in papers around the country.

In January 1862, with the Constitution endangered by civil war, a thousand citizens of Philadelphia petitioned Congress to commemorate the forthcoming 130th anniversary of George Washington's birth by providing that "the Farewell Address of Washington be read aloud on the morning of that day in one or the other of the Houses of Congress." Both houses agreed and assembled in the House of Representatives' chamber on February 22, 1862, where Secretary of the Senate John W. Forney "rendered 'The Farewell Address' very effectively," as one observer recalled.

The practice of reading the Farewell Address did not immediately become a tradition. The address was first read in regular legislative sessions of the Senate in 1888 and the House in 1899. (The House continued the practice until 1984.) Since 1893 the Senate has observed Washington's birthday by selecting one of its members to read the Farewell Address. The assignment alternates between members of each political party. At the conclusion of each reading, the appointed senator inscribes his or her name and brief remarks in a black, leather-bound book maintained by the secretary of the Senate.

The version of the address printed here is taken from the original of the final manuscript in the New York Public Library provided courtesy of The Papers of George Washington. The only changes have been to modernize spelling, capitalization, and punctuation.

Mr. CORZINE, at the rostrum, read the Farewell Address, as follows:

To the people of the United States.

FRIENDS AND FELLOW CITIZENS: The period for a new election of a citizen to administer the executive government of the United States being not far distant, and the time actually arrived when your thoughts must be employed in designating the person who is to be clothed with that important trust, it appears to me proper, especially as it may conduce to a more distinct expression of the public voice, that I should now apprise you of the resolution I have formed, to decline being considered among the number of those out of whom a choice is to be made.

I beg you at the same time to do me the justice to be assured, that this resolution has not been taken without strict regard to all the considerations appertaining to the relation which binds a dutiful citizen to his country—and that, in withdrawing the tender of service which silence in my situation might imply, I am influenced by no diminution of zeal for your future interest, no deficiency of grateful respect for your past kindness, but am supported by a full conviction that the step is compatible with both.

The acceptance of, and continuance hitherto in the office to which your suffrages have twice called me have been a uniform sacrifice of inclination to the opinion of duty, and to a deference for what appeared to be your desire. I constantly hoped that it would have been much earlier in my power, consistently with motives which I was not at liberty to disregard, to return to that retirement from which I had been reluctantly drawn. The strength of my inclination to do this, previous to the last election, had even led to the preparation of an address to declare it to you; but mature reflection on the then perplexed and critical posture of our affairs with foreign nations, and the unanimous advice of persons entitled to my confidence, impelled me to abandon the idea.

I rejoice that the state of your concerns external as well as internal, no longer renders the pursuit of inclination incompatible with the sentiment of duty or propriety; and am persuaded,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

whatever partiality may be retained for my services, that in the present circumstances of our country you will not disapprove my determination to retire.

The impressions with which I first undertook the arduous trust were explained on the proper occasion. In the discharge of this trust, I will only say that I have, with good intentions, contributed towards the organization and administration of the government the best exertions of which a very fallible judgment was capable. Not unconscious in the outset of the inferiority of my qualifications, experience, in my own eyes, perhaps still more in the eyes of others, has strengthened the motives to diffidence of myself; and, every day, the increasing weight of years admonishes me more and more that the shade of retirement is as necessary to me as it will be welcome. Satisfied that if any circumstances have given peculiar value to my services, they were temporary, I have the consolation to believe that, while choice and prudence invite me to quit the political scene, patriotism does not forbid it.

In looking forward to the moment which is intended to terminate the career of my political life, my feelings do not permit me to suspend the deep acknowledgment of that debt of gratitude which I owe to my beloved country for the many honors it has conferred upon me, still more for the steadfast confidence with which it has supported me and for the opportunities I have thence enjoyed of manifesting my inviolable attachment by services faithful and persevering, though in usefulness unequal to my zeal. If benefits have resulted to our country from these services, let it always be remembered to your praise and as an instructive example in our annals, that, under circumstances in which the passions agitated in every direction were liable to mislead, amidst appearances sometimes dubious, vicissitudes of fortune often discouraging, in situations in which not unfrequently, want of success has countenanced the spirit of criticism, the constancy of your support was the essential prop of the efforts and a guarantee of the plans by which they were effected. Profoundly penetrated with this idea, I shall carry it with me to my grave as a strong incitement to unceasing vows that Heaven may continue to you the choicest tokens of its beneficence; that your union and brotherly affection may be perpetual; that the free constitution, which is the work of your hands, may be sacredly maintained; that its administration in every department may be stamped with wisdom and virtue; that, in fine, the happiness of the people of these states, under the auspices of liberty, may be made complete by so careful a preservation and so prudent a use of this blessing as will acquire to them the glory of recommending it to the applause, the affection, and adoption of every nation which is yet a stranger to it.

Here, perhaps, I ought to stop. But a solicitude for your welfare, which cannot end but with my life, and the apprehension of danger natural to that solicitude, urge me on an occasion like the present to offer to your solemn contemplation, and to recommend to your frequent review, some sentiments which are the result of much reflection, of no inconsiderable observation, and which appear to me all important to the permanency of your felicity as a people. These will be offered to you with the more freedom as you can only see in them the disinterested warnings of a parting friend, who can possibly have no personal motive to bias his counsel. Nor can I forget, as an encouragement to it, your indulgent reception of my sentiments on a former and not dissimilar occasion.

Interwoven as is the love of liberty with every ligament of your hearts, no recommendation of mine is necessary to fortify or confirm the attachment.

The unity of government which constitutes you one people is also now dear to you. It is justly so; for it is a main pillar in the edifice of your real independence, the support of your tranquility at home, your peace abroad, of your safety, of your prosperity, of that very liberty which you so highly prize. But as it is easy to foresee that, from different causes and from different quarters, much pains will be taken, many artifices employed, to weaken in your minds the conviction of this truth; as this is the point in your political fortress against which the batteries of internal and external enemies will be most constantly and actively (though often covertly and insidiously) directed, it is of infinite movement that you should properly estimate the immense value of your national Union to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can, in any event, be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.

For this you have every inducement of sympathy and interest. Citizens by birth or choice of a common country, that country has a right to concentrate your affections. The name of American, which belongs to you in your national capacity, must always exalt the just pride of patriotism more than any appellation derived from local discriminations. With slight shades of difference, you have the same religion, manners, habits, and political principles. You have in a common cause fought and triumphed together. The independence and liberty you possess, are the work of joint councils and joint efforts—of common dangers, sufferings and successes.

But these considerations, however powerfully they address themselves to your sensibility, are greatly outweighed by those which apply more immediately to your interest. Here every portion of our country finds the most commanding motives for carefully guarding and preserving the Union of the whole.

The *North*, in an unrestrained intercourse with the *South*, protected by the equal laws of a common government, finds in the productions of the latter, great additional resources of maritime and commercial enterprise, and precious materials of manufacturing industry. The *South*, in the same intercourse, benefiting by the same agency of the *North*, sees its agriculture grow and its commerce expand. Turning partly into its own channels the seamen of the *North*, it finds its particular navigation invigorated; and while it contributes, in different ways, to nourish and increase the general mass of the national navigation, it looks forward to the protection of a maritime strength to which itself is unequally adapted. The *East*, in a like intercourse with the *West*, already finds, and in the progressive improvement of interior communications by land and water will more and more find a valuable vent for the commodities which it brings from abroad or manufactures at home. The *West* derives from the *East* supplies requisite to its growth and comfort—and what is perhaps of still greater consequence, it must of necessity owe the *secure* enjoyment of indispensable *outlets* for its own productions to the weight, influence, and the future maritime strength of the Atlantic side of the Union, directed by an indissoluble community of interest as *one nation*. Any other tenure by which the *West* can hold this essential advantage, whether derived from its own separate strength or from an apostate and unnatural connection with any foreign power, must be intrinsically precarious.

While then every part of our country thus feels an immediate and particular interest in union, all the parts combined cannot fail to find in the united mass of means and efforts greater strength, greater resource, proportionably greater security from external danger, a less frequent interruption of their peace by foreign nations; and, what is of inestimable value! they must derive from union an exemption from those broils and wars between themselves which so frequently afflict neighboring countries not tied together by the same government, which their own rivalships alone would be sufficient to produce, but which opposite foreign alliances, attachments, and intrigues would stimulate and embitter. Hence likewise, they will avoid the necessity of those overgrown military establishments, which under any form of government are inauspicious to liberty, and which are to be regarded as particularly hostile to republican liberty. In this sense it is, that your Union ought to be considered as a main prop of your liberty, and that the love of the one ought to endear to you the preservation of the other.

These considerations speak a persuasive language to every reflecting and virtuous mind, and exhibit the continuance of the Union as a primary object of patriotic desire. Is there a doubt whether a common government can embrace so large a sphere? Let experience solve it. To listen to mere speculation in such a case were criminal. We are authorized to hope that a proper organization of the whole, with the auxiliary agency of governments for the respective subdivisions, will afford a happy issue to the experiment. It is well worth a fair and full experiment. With such powerful and obvious motives to union, affecting all parts of our country, while experience shall not have demonstrated its impracticability, there will always be reason to distrust the patriotism of those who in any quarter may endeavor to weaken its hands.

In contemplating the causes which may disturb our Union, it occurs as matter of serious concern, that any ground should have been furnished for characterizing parties by *geographical* discriminations—*northern* and *southern—Atlantic* and *western*; whence designing men may endeavor to excite a belief that there is a real difference of local interests and views. One of the expedients of party to acquire influence within particular districts, is to misrepresent the opinions and aims of other districts. You cannot shield yourself too much against the jealousies and heart burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection. The inhabitants of our western country have lately had a useful lesson on this head. They have seen, in the negotiation by the executive—and in the unanimous ratification by the Senate—of the treaty with Spain, and in the universal satisfaction at that event throughout the United States, a decisive proof how unfounded were the suspicions propagated among them of a policy in the general government and in the Atlantic states, unfriendly to their interests in regard to the Mississippi. They have been witnesses to the formation of two treaties, that with Great Britain and that with Spain, which secure to them everything they could desire, in respect to our foreign relations, towards confirming their prosperity. Will it not be their wisdom to rely for the preservation of these advantages on the Union by which they were procured? Will they not henceforth be deaf to those advisers, if such they are, who would sever them from their brethren and connect them with aliens?

To the efficacy and permanency of your Union, a government for the whole is indispensable. No alliances, however strict, between the parts can be an adequate substitute. They must inevitably experience the infractions and interruptions which all alliances, in all times, have experienced. Sensible of this momentous truth, you have improved upon your first essay, by the adoption of a Constitution of government, better calculated than your former, for an intimate Union and for the efficacious management of your common concerns. This government, the offspring of our own choice, uninfluenced and unawed, adopted upon full investigation and mature deliberation, completely free in its principles, in the distribution of its powers, uniting security with energy, and containing within itself a provision for its own amendment, has a just claim to your confidence and your support. Respect for its authority, compliance with its laws, acquiescence in its measures, are duties enjoined by the fundamental maxims of true liberty. The basis of our political systems is the right of the people to make and to alter their constitutions of government.—But the Constitution which at any time exists, until changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all. The very idea of the power, and the right of the people to establish government, presupposes the duty of every individual to obey the established government.

All obstructions to the execution of the laws, all combinations and associations under whatever plausible character, with the real design to direct, control, counteract, or awe the regular deliberation and action of the constituted authorities, are destructive of this fundamental principle, and of fatal tendency. They serve to organize faction; to give it an artificial and extraordinary force; to put in the place of the delegated will of the nation the will of a party, often a small but artful and enterprising minority of the community; and, according to the alternate triumphs of different parties, to make the public administration the mirror of the ill concerted and incongruous projects of faction, rather than the organ of consistent and wholesome plans digested by common councils, and modified by mutual interests. However combinations or associations of the above description may now and then answer popular ends, they are likely, in the course of time and things, to become potent engines, by which cunning, ambitious, and unprincipled men will be enabled to subvert the power of the people, and to usurp for themselves the reins of government; destroying afterwards the very engines which have lifted them to unjust dominion.

Towards the preservation of your government and the permanency of your present happy state, it is requisite, not only that you steadily discountenance irregular opposition to its acknowledged authority but also that you resist with care the spirit of innovation upon its principles, however specious the pretext. One method of assault may be to effect, in the forms of the Constitution, alterations which will impair the energy of the system and thus to undermine what cannot be directly overthrown. In all the changes to which you may be invited, remember that time and habit are at least as necessary to fix the true character of governments as of other human institutions, that experience is the surest standard by which to test the real tendency of the existing constitution of a country, that facility in changes upon the credit of mere hypotheses and opinion exposes to perpetual change from the endless variety of hypotheses and opinion; and remember, especially, that for the efficient management of your common interests in a country so extensive as ours, a government of as much vigor as is consistent with the perfect security of liberty is indispensable; liberty itself will find in such a government, with powers properly distributed and adjusted, its surest guardian. It is indeed little else than a name, where the government is too feeble to withstand the enterprises of fraction, to confine each member of the society within the limits prescribed by the laws, and to maintain all in the secure and tranquil enjoyment of the rights of person and property.

I have already intimated to you the danger of parties in the state, with particular reference to the founding of them on geographical discriminations. Let me now take a more comprehensive view and warn you in the most solemn manner against the baneful effects of the spirit of party, generally.

This spirit, unfortunately, is inseparable from our nature, having its root in the strongest passions of the human mind. It exists under different shapes in all governments, more or less stifled, controlled, or repressed; but in those of the popular form it is seen in its greatest rankness, and is truly their worst enemy.

The alternate domination of one faction over another, sharpened by the spirit of revenge natural to party dissension, which in different ages and countries has perpetrated the most horrid enormities, is itself a frightful despotism. But this leads at length to a more formal and permanent despotism. The disorders and miseries which result gradually incline the minds of men to seek security and repose in the absolute power of an individual; and, sooner or later, the chief of some prevailing faction, more able or more fortunate than his competitors, turns this disposition to the purpose of his own elevation on the ruins of public liberty.

Without looking forward to an extremity of this kind, (which nevertheless ought not to be entirely out of sight) the common and continual mischiefs of the spirit of party are sufficient to make it in the interest and duty of a wise people to discourage and restrain it.

It serves always to distract the public councils, and enfeeble the public administration. It agitates the community with ill founded jealousies and false alarms, kindles the animosity of one part against another, forments occasional riot and insurrection. It opens the door to foreign influence and corruption, which finds a facilitated access to the government itself through the channels of party passions. Thus the policy and the will of one country are subjected to the policy and will of another.

There is an opinion that parties in free countries are useful checks upon the administration of the government, and serve to keep alive the spirit of liberty. This within certain limits is probably true—and in governments of a monarchial cast, patriotism may look with indulgence, if not with favor, upon the spirit of party. But in those of the popular character, in governments purely elective, it is a spirit not to be encouraged. From their natural tendency, it is certain there will always be enough of that spirit for every salutary purpose. And there being constant danger of excess, the effort ought to be by force of public opinion to mitigate and assuage it. A fire not to be quenched, it demands a uniform vigilance to prevent it bursting into a flame, lest instead of warming, it should consume.

It is important likewise, that the habits of thinking in a free country should inspire caution in those entrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the exercise of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of government, a real despotism. A just estimate of that love of power and proneness to abuse it which predominates in the human heart is sufficient to satisfy us of the truth of this position. The necessity of reciprocal checks in the exercise of political power, by dividing and distributing it into different depositories, and constituting each the guardian of the public weal against invasions of the others, has been evinced by experiments ancient and modern, some of them in our country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.

Of all the dispositions and habits which lead to political prosperity, religion and morality are indispensable supports. In vain would that man claim the tribute of patriotism, who should labor to subvert these great pillars of human happiness, these firmest props of the duties of men and citizens. The mere politician, equally with the pious man, ought to respect and to cherish them. A volume could not trace all their connections with private and public felicity. Let it simply be asked where is the security for property, for reputation, for life, if the sense of religious obligation *desert* the oaths, which are the instruments of investigation in courts of justice? And let us with caution indulge the supposition that morality can be maintained without religion. Whatever may be conceded to the influence of refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.

It is substantially true, that virtue or morality is a necessary spring of popular government. The rule, indeed, extends with more or less force to every species of free government. Who that is a sincere friend to it can look with indifference upon attempts to shake the foundation of the fabric?

Promote, then, as an object of primary importance, institutions for the general diffusion of knowledge. In proportion as the structure of a government gives force to public opinion, it is essential that the public opinion should be enlightened.

As a very important source of strength and security, cherish public credit. One method of preserving it is to use it as sparingly as possible, avoiding occasions of expense by cultivating peace, but remembering, also, that timely disbursements, to prepare for danger, frequently prevent much greater disbursements to repel it; avoiding likewise the accumulation of debt, not only by shunning occasions of expense, but by vigorous exertions in time of peace to discharge the debts which unavoidable wars may have occasioned, not ungenerously throwing upon posterity the burden which we ourselves ought to bear. The execution of these maxims belongs to your representatives, but it is necessary that public opinion should cooperate. To facilitate to them the performance of their duty, it is essential that you should practically bear in mind that towards the payment of debts there must be revenue; that to have revenue there must be taxes; that no taxes can be devised which are not more or less inconvenient and unpleasant; that the intrinsic embarrassment inseparable from the selection of the proper objects (which is always a choice of difficulties) ought to be a decisive motive for a candid construction of the conduct of the government in making it, and for a spirit of acquiescence in the measures for obtaining revenue, which the public exigencies may at any time dictate.

Observe good faith and justice towards all nations; cultivate peace and harmony with all; religion and morality enjoin this conduct, and can it be that good policy does not equally enjoin it? It will be worthy of a free, enlightened, and, at no distant period, a great nation, to give to mankind the magnanimous and too novel example of a people always guided by an exalted justice and benevolence. Who can doubt but, in the course of time and things the fruits of such a plan would richly repay any temporary advantages which might be lost by a steady adherence to it? Can it be that Providence has not connected the permanent felicity of a nation with its virtue? The experiment, at least, is recommended by every sentiment which ennobles human nature. Alas! is it rendered impossible by its vices?

In the execution of such a plan nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachment for others should be excluded and that in place of them just and amicable feelings towards all should be cultivated. The nation which indulges towards another an habitual hatred, or an habitual fondness, is in some degree a slave. It is a slave to its animosity, or to its affection, either of which is sufficient to lead it astray from its duty and its interest. Antipathy in one nation against another disposes each more readily to offer insult and injury, to lay hold of slight causes of umbrage, and to be haughty and intractable when accidental or trifling occasions of dispute occur. Hence frequent collisions, obstinate, envenomed, and bloody contests. The nation, prompted by ill will and resentment, sometimes impels to war the government, contrary to the best calculations of policy. The government sometimes participates in the national propensity and adopts through passion what reason would reject; at other times, it makes the animosity of the nation's subservient to projects of hostility, instigated by pride, ambition and other sinister and pernicious motives. The peace often, sometimes perhaps the liberty of nations, has been the victim.

So likewise, a passionate attachment of one nation for another produces a variety of evils. Sympathy for the favorite nation, facilitating the illusion of an imaginary common interest in cases where no real common interest exists and infusing into one the enmities of the other, betrays the former into a participation in the quarrels and wars of the latter, without adequate inducements or justifications. It leads also to concessions, to the favorite nation of privileges denied to others, which is apt doubly to injure the nation making the concessions, by unnecessarily parting with what ought to have been retained and by exciting jealously, ill will, and a disposition to retaliate in the parties from whom equal privileges are withheld. And it gives to ambitious, corrupted or deluded citizens (who devote themselves to the favorite nation) facility to betray or sacrifice the interests of their own country, without odium, sometimes even with popularity gilding with the appearances of virtuous sense of obligation, a commendable deference for public opinion, or a laudable zeal for public good, the base or foolish compliances of ambition, corruption, or infatuation.

As avenues to foreign influence in innumerable ways, such attachments are particularly alarming to the truly enlightened and independent patriot. How many opportunities do they afford to tamper with domestic factions, to practice the arts of seduction, to mislead public opinion, to influence or awe the public councils! Such an attachment of a small or weak towards a great and powerful nation, dooms the former to be the satellite of the latter.

Against the insidious wiles of foreign influence (I conjure you to believe me, fellow citizens) the jealousy of a free people ought to be constantly awake, since history and experience prove, that foreign influence is one of the most baneful foes of republican government. But that jealously to be useful must be impartial; else it becomes the instrument of the very influence to be avoided, instead of a defense against it. Excessive partiality for one foreign nation and excessive dislike for another cause those whom they actuate to see danger only on one side, and serve to veil and even second the arts of influence on the other. Real patriots, who may resist the intrigues of the favorite, are liable to become suspected and odious, while its tools and dupes usurp the applause and confidence of the people to surrender their interests.

The great rule of conduct for us in regard to foreign nations is, in extending our commercial relations, to have with them as little political connection as possible. So far as we have already formed engagements, let them be fulfilled with perfect good faith. Here let us stop.

Europe has a set of primary interests, which to us have none or a very remote relation. Hence, she must be engaged in frequent controversies, the causes of which are essentially foreign to our concerns. Hence therefore it must be unwise in us to implicate ourselves, by artificial ties, in the ordinary vicissitudes of her politics or the ordinary combinations and collisions of her friendships or enmities.

Our detached and distant situation invites and enables us to pursue a different course. If we remain one people, under an efficient government, the period is not far off when we may defy material injury from external annoyance; when we may take such an attitude as will cause the neutrality we may at any time resolve upon to be scrupulously respected; when belligerent nations, under the impossibility of making acquisitions upon us, will not lightly hazard the giving us provocation, when we may choose peace or war, as our interest guided by justice shall counsel.

Why forgo the advantages of so peculiar a situation? Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humor, or caprice?

It is our true policy to steer clear of permanent alliance with any portion of the foreign world—so far, I mean, as we are now at liberty to do it, for let me not be understood as capable of patronizing infidelity to existing engagements. (I hold the maxim no less applicable to public than private affairs, that honesty is always the best policy)—I repeat it, therefore, let those engagements be observed in their genuine sense. But in my opinion, it is unnecessary, and would be unwise to extend them.

Taking care always to keep ourselves, by suitable establishments, on a respectable defensive posture, we may safely trust to temporary alliances for extraordinary emergencies.

Harmony, liberal intercourse with all nations, are recommended by policy, humanity, and interest. But even our commercial policy should hold an equal and impartial hand: neither seeking nor granting exclusive favors or preferences; consulting the natural course of things; diffusing and diversifying by gentle means the streams of commerce but forcing nothing; establishing with powers so disposed, in order to give trade a stable course—in order to give to trade a stable course, to define the rights of our merchants, and to enable the government to support them, conventional rules of intercourse, the best that present circumstances and mutual opinion will permit, but temporary, and liable to be from time to time abandoned or varied as experience and circumstances shall dictate; constantly keeping in view, that it is folly in one nation to look for disinterested favors from another—that is must pay with a portion of its independence for whatever it may accept under that character—that by such acceptance, it may place itself in the condition of having given equivalents for nominal favors and yet of being reproached with ingratitude for not giving more. There can be no greater error than to expect or calculate upon real favors from nation to nation. It is an illusion which experience must cure, which a just pride ought to discard.

In offering to you, my countrymen, these counsels of an old and affectionate friend, I dare not hope they will make the strong and lasting impression I could wish—that they will control the usual current of the passions or prevent our nation from running the course which has hitherto marked the destiny of nations. But if I may even flatter myself that they may be productive of some partial benefit, some occasional good, that they may now and then recur to moderate the fury of party spirit, to warn against the mischiefs of foreign intrigue, to guard against the impostures of pretended patriotism—this hope will be a full recompense for the solicitude for your welfare by which they have been dictated.

How far in the discharge of my official duties, I have been guided by the principles which have been delineated, the public records and other evidences of my conduct must witness to you and to the world. To myself, the assurance of my own conscience is, that I have, at least, believed myself to be guided by them.

In relation to the still subsisting war in Europe, my proclamation of the 22d of April 1793 is the index to my plan. Sanctioned by your approving voice and by that of your representatives in both houses of Congress, the spirit of that measure has continually governed me, uninfuenced by any attempts to deter or divert me from it.

After deliberate examination with the aid of the best lights I could obtain, I was well satisfied that our country, under all the circumstances of the case, had a right to take, and was bound in duty and interest to take—a neutral position. Having taken it, I determined, as far as should depend upon me, to maintain it with moderation, perseverance and firmness.

The considerations which respect the right to hold this conduct it is not necessary on this occasion to detail. I will only observe that, according to my understanding of the matter, that right, so far from being denied by any of the belligerent powers, has been virtually admitted by all.

The duty of holding a neutral conduct may be inferred, without anything more, from the obligation which justice and humanity impose on every nation, in cases in which it is free to act, to maintain inviolate the relations of peace and amity towards other nations.

The inducements of interest for observing that conduct will best be referred to your own reflections and experience. With me, a predominant motive has been to endeavor to gain time to our country to settle and mature its yet recent institutions and to progress, without interruption to that degree of strength and consistency which is necessary to give it, humanly speaking, the command of its own fortunes.

Though in reviewing the incidents of my administration I am unconscious of intentional error, I am nevertheless too sensible of my defects not to think it probable that I may have committed many errors. Whatever they may be, I fervently beseech the Almighty to avert or mitigate the evils to which they may tend. I shall also carry with me the hope that my country will never cease to view them with indulgence and that, after forty-five years of my life dedicated to its service with an upright zeal, the faults of incompetent abilities will be consigned to oblivion, as myself must soon be to the mansions of rest.

Relying on its kindness in this as in other things, and actuated by that fervent love towards it which is so natural to a man who views in it the native soil of himself and his progenitors for several generations, I anticipate with pleasing expectation that retreat, in which I promise myself to realize without alloy the sweet enjoyment of partaking in the midst of my fellow citizens the benign influence of good laws under a free government—the ever favorite object of my heart, and the happy reward, as I trust, of our mutual cares, labors and dangers.

GEO. WASHINGTON.

UNITED STATES,
17th September, 1796.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 2 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The Chair, in his capacity as the Senator from the State of West Virginia, suggests the absence of a quorum.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDENT pro tempore. The Senate is in morning business.

Mr. GREGG. I seek recognition under morning business.

The PRESIDING OFFICER (Mrs. LINCOLN). The Senator is recognized.

Mr. GREGG. Madam President, I rise to speak about an issue that I have spoken about a number of times on the floor in my term of office, and that is the issue of Social Security and how we reform it and how we make it solvent. I would make it a system that continues to support our senior citizens as they retire. And more importantly, it addresses—or equally importantly, it addresses the needs of the next generation, a very large generation, as it heads into retirement and does so in a solvent way, a way that doesn't bankrupt either our Nation or leave our senior citizens without adequate resources to live a good life once they retire.

I was extraordinarily disappointed, extraordinarily disappointed, to read an article in the Washington Post which was picked up, I guess, in a variety of different ways by different news sources, so it was not unique to the Post's view. It was entitled "Democrats View Social Security as Election Issue" and it went on to talk about a letter that had been sent jointly by the minority leader of the House, Congressman GEPHARDT, and the majority leader of the Senate, Senator DASCHLE, which essentially raised the red shirt of Social Security, and basically laid out a political agenda versus a substantive issue for correcting the problems which we face in Social Security. It is extraordinarily ironic but unfortunately consistent with the policies of some Members of the other side of the aisle that they would use Social Security as a political club for the purposes of attacking Members of my side of the aisle.

This is now unique. It is not new. In fact, when I served in the House of Representatives, I had the good fortune to serve under a very strong leader of the House, Congressman "Tip" O'Neill from Massachusetts, and I got to know him personally while we didn't necessarily agree on everything. But I got to know him very well, and he was from neighboring states. I once asked what was going to be the issues that we would hear about as Republicans running in the next election. I think this was in 1986, 1985. And he told me, we were going to hear about three issues from his folks. No. 1, we were going to hear about Social Security. No. 2, we were going to hear about Social Security. And No. 3, we were going to hear about Social Security.

And, unfortunately, that's the way it proceeded. But that's not constructive to resolving the issue of Social Security. In this Congress, in the Senate especially, we have had a number of people who have attempted from both sides of the aisle to be positive and constructive forces on resolving issues of Social Security, but politicizing it certainly doesn't accomplish that.

In fact, the recent commission which it appears this letter was built around as a purpose of attack, was headed by the former Senator from this body, Senator Moynihan, who was an extremely positive force for good governing in this country. I again didn't always agree with Senator Moynihan but I admired him as a Senator and as a thoughtful person on public policy. The commission which was headed by Senator Moynihan appears—and which put forward a series of proposals as to how we could address the Social Security issue—appears to be the focal point which is going to be used to try to leapfrog into an issue of politics on the question of Social Security.

This is unfortunate because that commission attempted in a sincere and aggressive way to be a positive force for a discussion on the issue of how to make Social Security solvent.

Let's return to the fundamental underlying problems involved in the Social Security debate, and how we address them. To begin with, there is the question of the Social Security trust fund. It is a concept which has been created over the years, under which citizens who pay into Social Security have a right to put a claim against. As a practical matter, there is no trust fund. We all know that. What senior citizens have in our country is a right to claim on younger citizens, working citizens of our country the right to a certain amount of their tax dollars to support them, the senior citizens in retirement.

That is the basic agreement that has been reached under the terms of Social Security. What you pay into the Social Security system has absolutely no relationship to what you get out of the Social Security system in the long run. For example, if you were a senior citizen today who retired in the mid-1960s or late 1970s, or late 1960s or late 1970s or even into the 1980s, you essentially paid into the system only a fraction, a fraction of what you have received back from the system in the form of benefits. Ironically, if you happen to be a young person working today, say you're in your 20s, especially if you're an African American, what you are going to pay into the system for what you're going to get back from the system is going to be more, actually more in the terms of taxes than what you will receive in benefits.

So it really doesn't depend on how much you paid into the system as to what you received in the system. It depends more on when you were born and when you started contributing to the system and when you retire. And that's why the system rather than being a fully funded system, essentially is a system which says to one generation, you shall support the older generation.

To put it another way, rather than owning assets, what the Social Security system owes is the right to raise and take taxes from working Americans. And to use those taxes to pay for the benefits of people who are retired. That is what the Social Security system essentially owns.

Throughout the 1990s and even today or most of the 1990s, beginning the early part of the 1990s, the Social Security system began taking in a lot more money than it was paying out. So you might say, well, where did that money go? Isn't that money sitting there as an asset which a senior citizen down the road can take advantage of? Actually, no, it is not.

Where that money went was to operate the Federal Government. For years the Social Security excess payments were used to pay for the day-to-day operation of the government. And in exchange for that, the Social Security system received a note, a debt from the Federal Government. What did that mean? That debt essentially meant that when the Social Security system needed money, they could come to the General Treasury or the taxpayers of America, and say, pay us on this note. But when the notes weren't there during that period from about 1975 to about 1987 when the Social Security system was running a deficit—in other words, it was taking in less money in taxes than it was paying out—during that period when the Social Security system had no notes to theoretically repossess or reclaim or get back, the benefit payments continued to be made.

And it was tied not to the fact that there was a note but it was tied to the fact that the American public believed, that there was a standard of living and a standard of benefit which should be maintained for people who are retired. And so the younger generation paid additional taxes to support the older generation.

And now, of course, we are, as I mentioned, in a period of surplus, so there is enough money there to pay the older generation the benefits it needs. But beginning—and this is where the problem starts—in the year 2008 when the baby-boom generation starts to retire and accelerate rather dramatically as the full baby-boom generation retires by the year 2015, we will see the actual cash flow into the Social Security system not meeting the demands of the system.

In other words, we have a higher cost for benefits than we have payments coming in under the Social Security taxes. And so once again we will be in a situation as we were in the mid-1970s and mid-1980s where the American worker, younger Americans will be asked to pay additional taxes in order to support people who have retired in order to maintain their benefit level.

This will be a significant issue for us as a country. And this is the issue that the Moynihan Commission tried to address, the fact that beginning in the year 2008, we will be back into a negative cash flow from a standpoint of Social Security taxes, and we have got to do something in order to maintain the benefits to senior citizens and give them and assure them the promise that we have made to them. And the Moynihan Commission pointed out that this is not going to be like the 1970 and 1980 period. This is going to be a much more severe stress on the system because ironically, the size of the retiring generation will be the largest in the history of our country.

To try to put it in perspective, in 1940, there were 100 people paying into the system to support one retiree. In 1950, there were 16 people working and paying taxes into the system for every person who was retired and taking benefits out of it. By 1990, we were down to 3.5 people paying into the system. For every one person taking out. So we have gone to a pyramid to almost a rectangle. Well, by the year 2020, between 2015 and 2020, we're essentially going to be at a rectangle. There are only going to be two people paying into the system for every one person taking out because this huge population boom that came after the end of World War II, the post-war baby boom of which I am a member, President Clinton is a member. This generation is so large that it simply is overwhelming the system.

The point that the Moynihan Commission was trying to make is we have got to start planning for this. As a government and as a culture or we are going to suffer an extremely severe situation. And so they put forward three or four fairly reasonable proposals dealing with a very narrow part of the resolution of the problem. Specifically, whether or not today when we are running a surplus in the system—in other words, when people are paying in more taxes than are necessary to support the benefits, should those taxes be used to support the general government, or should we allow people to keep some small percentage of the taxes they are paying in today and allow them to take that money and put it into some investment vehicle which would be controlled by the Social Security Administration. It would be much like the—what we as government employees have, a Federal thrift savings plan. It would be a market basket of some sort of securities, very risk averse securities, securities that don't have a lot of risk. You would have three or four or maybe five choices.

Allow people to take a small percentage of their Social Security tax which they are paying in today which is not being used to support the Social Security benefit but is instead being used today to operate the general government and take that small percentage, 2 percent in most cases is what has been talked about out after 12.5 percent tax burden, take that small percentage and put it into an asset which you, the wage earner, the working American, would actually own. It would be yours. You wouldn't have to depend on the Federal Government, the largess of the Federal Government to exist; you wouldn't have to depend on the goodness of a bunch of folks here in the Senate to exist. It would physically be your money. And if you happen to die before you reached age 59 or 60, that would go to your children, or to your family or to whoever else you wanted it to go to. Under today's law, of course, if you happen to work all your life and you have the misfortune of getting hit by a truck when you are 59, you get absolutely nothing out of the Social Security system and your wife gets very little on top of that. This would allow you to actually own that asset. It would allow all Americans to actually realize wealth because every American would have a savings account with real assets in it that could be used for their retirement.

But what does the rear of the other side of the aisle do? When a very responsible former Senator of this body puts out talking points, simply talking points as part of a commission resolution for how we might address one small part of what is going to be the most severe fiscal and cultural issue we face as a country, particularly as we head into the next decade? They start waving the red shirt. They start accusing everybody of trying to steal from senior citizens or trying to manipulate the system to wipe out the benefits of senior citizens. They start scaring people. How totally irresponsible can you be?

And then they say this is going to be their policy as a party. They say the Democrats have used Social Security as the election issue. Well, we probably should debate Social Security as an election issue. We ought to debate it responsibly. We ought to talk about ideas like those that Senator Moynihan has proposed, like Senator Bob Kerrey proposed from the other side of the aisle, like Senator BREAUX has proposed from the other side of the aisle, like former Senator Robb proposed on the other side of the aisle.

Those are the exact same ideas that Senator Moynihan proposed and yet when Senator Moynihan's commission proposes them, they suddenly become an issue of partisan nature that should be driven as a political issue and we will once again see those envelopes come out that are made to look like Social Security checks which say urgent, open quickly, and when you open them, there will be a form from the Democratic National Committee telling us, you are about to lose your Social Security because the evil President and his commission headed up by Senator Pat Moynihan—they may not mention that—has suggested that a percentage of the money that is being paid today, not by you the recipient but by workers which is not only for you, the recipient to get your benefits but is also important for those workers to get theirs when they retire, and that a percentage might be used as a savings account owned by individuals in America, owned by the people who are paying excess taxes and Social Security today. We will get those letters. And you will get the phone calls at dinner time saying your Social Security is going to be lost if you're a senior citizen.

And once again, we will have an approach to Social Security which does absolutely nothing to address this critical public policy question but does a great deal to poison the well so that it can't be addressed constructively. This is such a crucial issue of public policy. It is absolutely inexcusable that it is being promoted and addressed in such a smear manner—cavalier manner. Listen to this language. The dangers of Social Security privatization has been tragically illustrated in recent months by the fate of the Enron employees who lost their savings when Enron collapsed. How outrageously demagogic can you be to make that type of a statement as an attack on the Moynihan proposal?

The Moynihan proposal didn't suggest investing in a single company. Just the opposite in fact. It suggested that a basket be used, a basket which would be under the supervision most likely of the Social Security Administration. But because Enron has become the classic poster boy and appropriately so for fraudulent activity in the marketplace, there is an attempt here to merge the issue of Social Security and making it solvent for the next generation with Enron. Pure despicable, political demagoguery which makes one wonder if there is anybody in the leadership of the Democratic Party, at the National Committee or in the Congress who actually wants to solve the problem. I suspect there are very few.

It appears most of the Senators on that side who did want to solve the problem have decided to leave the Senate, unfortunately, and nobody has stepped forward other than Senator BREAUX, to pick up the flag. But what is very clear is that a number have stepped forward to pick up the flag of Tip O'Neill and the National Democratic Party, as they try to polarize the American public on this issue. At the expense of a resolution of the issue, and one wonders what we're going to say to senior citizens who retire in the years 2015 and 2017, when we will be in a crisis. One wonders what we are going to say to our children who are working today and are coming into the working place and will have to have their taxes increased radically in order to meet the obligations of Social Security. One wonders what you're going to say to the person, especially the African-American who's in their 20s today, who has a likelihood that they will get less back from Social Security than what they paid into it. What are you going to say to the person coming into the work place who will have essentially no assets when they retire?

Senator Moynihan and his commission has suggested you say to them, let them start to build a nest egg that is in addition to the Social Security benefit, a guaranteed Social Security benefit. But even as moderate a proposal as that, which was not even put out in the form of legislative language, is attacked in the most flagrantly partisan manner by the leadership of the House and the Senate. It is going to be hard to make substantive progress on the issue of Social Security if this is going to be the reaction of Senator DASCHLE and Congressman GEPHARDT.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

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CONTINUUM OF CARE ASSISTANCE FOR HOMELESS INDIVIDUAL AND FAMILIES

Mr. REID. Madam President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be discharged from further consideration of H.R. 3699, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3699) to revise certain grants for continuum of care assistance for homeless individual and families.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Madam President, I ask unanimous consent that the bill be read a third time and passed without any intervening action or debate, that the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3699) was read the third time and passed.

* * *

CHILD PASSENGER PROTECTION ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. 980, Calendar No. 317.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 980) to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment in the nature of a substitute to strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Anton's Law".

SEC. 2. IMPROVEMENT OF SAFETY OF CHILD RESTRAINTS IN PASSENGER MOTOR VEHICLES.

(a) In General.—Not later than 12 months after the date of the enactment of this Act, the Secretary of Transportation shall initiate a rulemaking proceeding to establish performance requirements for child restraints, including booster seats, for the restraint of children weighing more than 50 pounds.

(b) Elements for Consideration.—In the rulemaking proceeding required by subsection (a), the Secretary shall—

(1) consider whether to include injury performance criteria for child restraints, including booster seats and other products for use in passenger motor vehicles for the restraint of children weighing more than 40 pounds, under the requirements established in the rulemaking proceeding;

(2) consider whether to establish performance requirements for seat belt fit when used with booster seats and other belt guidance devices;

(3) consider whether to develop a solution for children weighing more than 40 pounds who only have access to seating positions with lap belts, such as allowing tethered child restraints for such children; and

(4) review the definition of the term "booster seat" in Federal motor vehicle safety standard No. 213 under section 571.213 of title 49, Code of Federal Regulation, to determine if it is sufficiently comprehensive.

(c) Completion.—The Secretary shall complete the rulemaking proceeding required by subsection (a) not later than 30 months after the date of the enactment of this Act.

SEC. 3. REPORT ON DEVELOPMENT OF CRASH TEST DUMMY SIMULATING A 10-YEAR OLD CHILD.

Not later than 120 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the U.S. House of Representatives Committee on Energy and Commerce a report on the current schedule and status of activities of the Department of Transportation to develop, evaluate, and certify a commercially available dummy that simulates a 10-year old child for use in testing the effectiveness of child restraints used in passenger motor vehicles.

SEC. 4. REQUIREMENTS FOR INSTALLATION OF LAP AND SHOULDER BELTS.

(a) In General.—Not later than 24 months after the date of the enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to amend Federal motor vehicle safety standard No. 208 under section 571.208 of title 49, Code of Federal Regulations, relating to occupant crash protection, in order to—

(1) require a lap and shoulder belt assembly for each rear designated seating position in a passenger motor vehicle with a gross vehicle weight rating of 10,000 pounds or less, except that if the Secretary determines that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of passenger motor vehicle, the Secretary may exclude the designated seating position from the requirement; and

(2) apply that requirement to passenger motor vehicles in phases in accordance with subsection (b).

(b) Implementation Schedule.—The requirement prescribed under subsection (a)(1) shall be implemented in phases on a production year basis beginning with the production year that begins not later than 12 months after the end of the year in which the regulations are prescribed under subsection (a). The final rule shall apply to all passenger motor vehicles with a gross vehicle weight rating of 10,000 pounds or less that are manufactured in the third production year of the implementation phase-in under the schedule.

(c) Report on Determination To Exclude.—

(1) Requirement.—If the Secretary determines under subsection (a)(1) that installation of a lap and shoulder belt assembly is not practicable for a particular designated seating position in a particular type of motor vehicle, the Secretary shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the U.S. House of Representatives Committee on Energy and Commerce a report specifying the reasons for the determination.

(2) Deadline.—The report under paragraph (1) shall be submitted, if at all, not later than 30 days after the date on which the Secretary issues a final rule under subsection (a).

SEC. 5. TWO-YEAR EXTENSION OF CHILD PASSENGER PROTECTION EDUCATION GRANTS PROGRAM.

Section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note; 112 Stat. 328) is amended by striking "and 2001." and inserting "through 2003."

SEC. 6. GRANTS FOR IMPROVING CHILD PASSENGER SAFETY PROGRAMS.

(a) In General.—Chapter 4 of title 23, United States Code, is amended by adding at the end the following new section:

"§412. Grant program for improving child passenger safety programs

"(a) Standards and Requirements Regarding Child Restraint Laws.—Not later than October 1, 2002, the Secretary shall establish appropriate criteria applicable to child restraint laws for purposes of eligibility for grants under this section. The criteria shall be consistent with the provisions of Anton's Law.

"(b) Requirement To Make Grants.—

"(1) In general.—The Secretary shall make a grant to each State and Indian tribe that, as determined by the Secretary, has a child restraint law in effect on September 30, 2004.

"(2) Limitation on number of grants.—Not more than one grant may be made to a State or Indian tribe under this section.

"(3) Commencement.—The requirement in paragraph (1) shall commence on October 1, 2004.

"(c) Grant Amount.—The amount of the grant to a State or Indian tribe under this section shall be the amount equal to five times the amount provided to the State or Indian tribe, as the case may be, under section 2003(b)(7) of the Transportation Equity Act for the 21st Century (23 U.S.C. 405 note) in fiscal year 2003.

"(d) Use of Grant Amounts.—

"(1) In general.—A State or Indian tribe shall use any amount received by the State or Indian tribe, as the case may be, under this section to carry out child passenger protection programs for children under the age of 16 years, including programs for purposes as follows:

"(A) To educate the public concerning the proper use and installation of child restraints, including booster seats.

"(B) To train and retain child passenger safety professionals, police officers, fire and emergency medical personnel, and educators concerning all aspects of the use of child restraints.

"(C) To provide child restraint systems, including booster seats and the hardware needed for their proper installation, to families that cannot otherwise afford such systems.

"(D) To support enforcement of the child restraint law concerned.

"(2) Limitation on Federal share.—The Federal share of the cost of a program under paragraph (1) that is carried out using amounts from a grant under this section may not exceed 80 percent of the cost of the program.

"(e) Administrative Expenses.—The amount of administrative expenses under this section in any fiscal year may not exceed the amount equal to five percent of the amount available for making grants under this section in the fiscal year.

"(f) Applicability of Chapter 1.—The provisions of section 402(d) of this title shall apply to funds authorized to be appropriated to make grants under this section as if such funds were highway safety funds authorized to be appropriated to carry out section 402 of this title.

"(g) Definitions.—In this section:

"(1) Child restraint law.—The term 'child restraint law' means a law that—

"(A) satisfies standards established by the Secretary under Anton's Law for the proper restraint of children who are over the age of 3 years or who weigh at least 40 pounds;

"(B) prescribes a penalty for operating a passenger motor vehicle in which any occupant of the vehicle who is under the age of 16 years is not properly restrained in an appropriate restraint system (including seat belts, booster seats used in combination with seat belts, or other child restraints); and

"(C) meets any criteria established by the Secretary under subsection (a) for purposes of this section.

"(2) Passenger motor vehicle.—The term 'passenger motor vehicle' has the meaning given that term in section 405(f)(5) of this title.

"(3) State.—The term 'State' has the meaning given in section 101 of this title and includes any Territory or possession of the United States.".

(b) Clerical Amendment.—The table of sections at the beginning of that chapter is amended by inserting after the item relating to section 411 the following new item:

"412. Grant program for improving child passenger safety programs.".

SEC. 7. DEFINITIONS.

In this Act:

(1) Child restraint.—The term "child restraint" means any product designed to provide restraint to a child (including booster seats and other products used with a lap and shoulder belt assembly) that meets applicable Federal motor vehicle safety standards prescribed by the National Highway Traffic Safety Administration.

(2) Production year.—The term "production year" means the 12-month period between September 1 of a year and August 31 of the following year.

(3) Passenger motor vehicle.—The term "passenger motor vehicle" has the meaning given that term in section 405(f)(5) of title 23, United States Code.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this Act, including the making of grants under section 412 of title 23, United States Code, as added by section 6.

Mr. REID. Madam President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be read three times and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 980), as amended, was read the third time and passed.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

(The remarks of Ms. Collins and Mr. Reed are printed in today's Record under "Morning Business.")

The PRESIDING OFFICER (Mr. Nelson of Nebraska). In my capacity as the Senator from Nebraska, I suggest the absence of a quorum.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal Elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Harkin/McCain) amendment No. 2913, to express the sense of the Congress that curbside voting should be only an alternative of last resort when providing accommodations for disabled voters.

Dodd (for Schumer) modified amendment No. 2914,to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT NO. 2915

Ms. COLLINS. Mr. President, I ask unanimous consent the pending second-degree amendment be temporarily laid aside, and I call up amendment No. 2915.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. JEFFORDS, Mr. BURNS, Mr. LEAHY, Mr. ROBERTS, Mr. BROWNBACK, Mrs. LINCOLN, Mr. NELSON of Nebraska, Mr. NICKLES, Mr. DORGAN, Mr. JOHNSON and Mr. ENZI, proposes an amendment numbered 2915.

Ms. COLLINS. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide an initial payment to States filing a State plan and submitting applications for the grant programs under title II)

On page 28, strike lines 12 through 16, and insert the following:

(a) PAYMENTS .—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State having an application approved under section 203 the cost of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 203 an amount equal to 0.5 percent of the amount appropriated under section 209 for the fiscal year during which such application is submitted to be used by such State for the activities authorized under section 205.

(b) RETROACTIVE PAYMENTS.—

On page 38, strike lines 15 through 19, and insert the following:

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 213 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 212 an amount equal to 0.5 percent of the amount appropriated under section 218 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 214.

(3) RETROACTIVE PAYMENTS.—The Attorney

On page 45, strike lines 4 through 7, and insert the following:

(a) PAYMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the Attorney General shall pay to each State or locality having an application approved under section 223 the Federal share of the costs of the activities described in that application.

(2) INITIAL PAYMENT AMOUNT.—The Attorney General shall pay to each State that submits an application under section 222 an amount equal to 0.5 percent of the amount appropriated under section 228 for the fiscal year in which such application is submitted to be used by such State for the activities authorized under section 224.

Ms. COLLINS. Mr. President, I rise today to offer an amendment to the bipartisan election reform legislation. I am pleased to be joined by Senators JEFFORDS, BURNS, LEAHY, ROBERTS, BROWNBACK, LINCOLN, Presiding Officer BEN NELSON, and Senators NICKLES, DORGAN, JOHNSON, and ENZI in offering this commonsense addition to the Voting Rights Act.

First, let me commend Senators Dodd, McConnell, Bond, and Schumer for working together to find common ground on what could have very easily turned out to be an issue that foundered on partisan politics. They refused to allow partisan politics to stand in the way of the fundamental and much-needed safeguards included in this election reform bill. I applaud their efforts, and I believe the amendment I am putting forward is consistent with their efforts and will pose a modest improvement to their legislation.

This legislation makes substantial improvements that will help improve the voting system in every single State in America, and I am proud to be a cosponsor of it. The bill asks States to make major strides toward assurance that all people who are eligible to vote are allowed to vote, that voting locations are accessible to our citizens who are disabled, that a person is notified if his or her vote is incorrectly cast and given the opportunity to correct the error, and that each person's vote is counted.

These voting safeguards are fundamental. They deserve Federal support. And since all States will be required to implement these new voting standards, no State should be denied Federal financial assistance in complying with these new requirements.

The election reform bill authorizes $3.5 billion in grants to States and localities to help cover the costs associated with meeting the new standards. While the grant amounts are generous, there is a flaw. There is no guarantee in the bill that each State will receive a meaningful portion of the total allocation, even though each and every State must meet the same voting system requirements. Indeed, for a smaller State such as Nebraska or Maine, it may well be more burdensome to meet those voting requirements because those States may well have fewer resources to do so.

For that matter, there is no guarantee that Congress will appropriate all or even a substantial portion of the authorized funds. Election officials in my home State of Maine, including our secretary of state, are concerned that the nature of the grant program would make it difficult for Maine to compete for funds with larger States, as well as potentially thousands of local governments. Maine currently has its hands full addressing a structural budget shortfall of approximately $160 million. Its financial difficulties would be exacerbated if it did not receive a meaningful portion of the grant funds included in this bill but nevertheless were required to comply with the statutory requirements for improving voting systems, preparing the statewide voting lists, and making voting places accessible to our disabled citizens—all very worthy but costly goals.

Formula grant programs guarantee States a certain share of appropriated funds, but the grant program created by this bill does not. Rather, the legislation creates three different project grant programs to which States and local governments can apply for assistance. The grant programs are somewhat unusual in that once an application is approved, the Attorney General is required to award the applicant funds covering the "cost of the activities described in that application." In other words, the legislation authorizes a specific sum of money to cover an unknown and perhaps unknowable amount of costs. Thus, no State is guaranteed the funds necessary to make progress toward this bill's voting system requirements.

Again, let me emphasize that I think the voting requirements set forth in this compromise legislation are reasonable, are fundamental, are worthwhile. But I am concerned that some States may not receive any Federal funds to assist them in meeting these worthwhile new standards, and that does not strike me as fair. Conceivably, moreover, the funds could run out before a State has a chance to even complete and submit its application.

My amendment addresses these concerns in a straightforward way. It would guarantee each State that submits the required application a fair portion of the funds that are eventually appropriated for election reform. My amendment would guarantee each State one-half of 1 percent of the total grant funds. These State minimums would only account for about 25 percent of the total appropriated grant funds, thus leaving 75 percent of the funds to be allocated through the application process originally set forth by this legislation. It would, however, remedy the problem of a State, particularly a small State, receiving no funds whatsoever. If we are going to mandate these requirements, we should ensure that each and every State receives some Federal assistance to comply with them.

My amendment is both fair and consistent with similar grant programs created by Congress. For example, the National Flood Insurance Program administered by FEMA provides each

State with a base funding amount of one-half of 1 percent of appropriated funds. The remaining 75 percent of the Flood Mitigation Assistance funds is allocated by FEMA on the basis of applications. I could give many other examples of Federal grant programs that include minimum State allocations so that every State can be helped in achieving the Federal goals set forth by the programs.

The Equal Protection of Voting Rights Act makes changes that will improve the integrity of our State voting systems. All States will be partners in this effort, which is why no State should be denied a share of Federal funds. The amendment I offer ensures that just and fair result. It will help each and every State meet the goals and the requirements of this important reform legislation.

I urge my colleagues to support this amendment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first, I thank my colleague from Maine for offering this amendment. We talked about it. I think I offered the amendment on behalf of my colleague from Maine when the Senate was not voting, but we were in session and considering amendments at that time.

I think this is a good amendment. It is one that we probably should have written into the bill initially. It is not unprecedented for us to try to do this. Coming from a small State myself, I know what can happen in this area.

I want to ask, if I could, my colleague only one question. She is talking here about States and not localities. There are thousands of localities, obviously, in the 50 States, and we want to keep this focused on the States themselves.

So my question is: The language of this amendment, the one-half of 1 percent, would apply to the respective States because there may be applications coming from localities for grants, and to that extent you would have to accommodate that in terms of the total amount for that State?

Ms. COLLINS. Mr. President, if I may respond to my colleague, his interpretation is correct. The minimum amount applies just to the State.

Mr. DODD. Mr. President, I thank my colleague for that clarification. Again, I think this is one way of getting the resources out.

I point out, one of the issues raised is whether or not there will be an adequate amount in the authorization to meet all of the demands not only of grants but also the minimum requirements in the bill. I inform my colleagues that number is not selected out of thin air. We went and asked the Congressional Budget Office and others to give us an analysis of what would be needed if every single State in the country wanted to completely change their voting systems, what would be the ballpark figure if that would occur—not that anyone would believe that is going to be the case. Many people are very satisfied with the election equipment they have and feel no need to change it at all.

But the number we have incorporated in the bill works on the maximum extent; that is, all jurisdictions in every single State wanting to replace every voting system. If that were to occur, we would reach the number that is in the authorization of this bill. So we are more than satisfied that the number we have identified as an authorizing figure would accommodate virtually every jurisdiction in the country should they so desire to exchange their present equipment. Nothing in this bill mandates that to occur at all, as we have repeated over and over.

Again, we believe very strongly that States ought to be allowed to decide what works best for them. Many jurisdictions have come up with unique means of casting ballots, modernizing their systems completely. We know about the States of Oregon and Washington, for instance, with mail-in voting. We took into consideration a week or so ago what Senator CANTWELL, Senator WYDEN, Senator MURRAY, and Senator SMITH were all interested in: making sure that we do nothing in this bill that in any way impinges upon those two States being able to continue their present voting system. Of course, we never intended to eliminate absentee mail-in voting systems, and the language is as clear as it could be here that would not be the case.

So, again, I state for the Record I think what the Senator from Maine has offered is a very sound proposal. It would ensure that no State would receive any less than $17.5 million. There may be an occasion, actually, when a State might not need that amount of money. And we are not encouraging them necessarily to apply for $17.5 million unless they actually need it. But certainly it would guarantee, at the very least, they would get that amount with respect to expenditures under the incentive grants.

So I commend the Senator from Maine for her proposal.

I see the arrival in the Chamber of my colleague from Kentucky. I will listen to his comments on this amendment. We might even be able to accept this amendment today.

I prefer to clear up as many amendments as we could, to move them through the process so we can limit, to the maximum extent possible, the number of rollcall votes we would ask our colleagues to cast tomorrow.

So with that, I thank my colleague from Maine for her proposal.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I commend the Senator from Maine. I think it is an excellent amendment that ensures that smaller States are able to obtain grant funds to improve their voting systems.

This amendment secures truly minimal amounts for each and every State, obligating only 25 percent of the overall amount authorized. So every State, it seems to me, wins under this amendment.

I commend the Senator from Maine for her suggestion. It certainly is, as far as I know, agreeable on this side of the aisle.

I say to the Senator from Connecticut, I support the amendment and hope maybe we can accept it.

Mr. DODD. Yes. I urge we accept the amendment as well.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 2915.

The amendment (No. 2915) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the Senator from Connecticut and the Senator from Kentucky for agreeing to the amendment and working so closely with us in its drafting. I very much appreciate their support as well as the tremendous work they have done on the underlying bill. I thank them both.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2922

Mr. DODD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD] proposes an amendment numbered 2922.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify that the criminal penalties retain the current specific intent standard contained in the underlying statutes)

On page 68, strike lines 5 through 13, and insert the following:

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

Mr. DODD. This is the amendment we raised earlier. I thought it was going to be accepted. This is the one that references the criminal statutes in the bill specifically and repeats the words "knowing" and "willful." I talked about this earlier as a way of reemphasizing the point that there is a standard used on existing criminal statutes that is applicable here, to which we had agreed. It should be accepted.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, pending the arrival of one of our colleagues who wants to look at the amendment, let me address the status of play as to where we are, coming back from the Presidents Day recess.

It is my privilege once again to be managing the pending matter before the Senate, the Equal Protection Voting Rights Act, as amended by the bipartisan compromise substitute. Let me advise colleagues and others where we stand.

Last Thursday, the Senate entered into a unanimous consent agreement governing the remaining amendments to this measure. That agreement provides for a finite list of first-degree amendments which can be offered to this bill; relevant second-degree amendments are in order. Upon the disposition of the ordered amendments, the Senate would proceed to third reading of the bill and final passage. That was done, my colleagues may recall, to expedite matters for Members who wanted to get back for the Presidents Day break to their respective States. Rather than carry votes on into Friday and Saturday to finish the bill, we agreed to that unanimous consent request that the distinguished majority leader and the Republican leader worked out.

We adopted an amendment by Senator GREGG of New Hampshire that was incorporated as part of the bill and then agreed to this unanimous consent request to have a finite list of amendments and then go to third reading of the bill to complete the matter.

My hope is we can complete consideration of this bill by tomorrow afternoon or tomorrow evening. It may go into Wednesday, depending upon the schedule. My hope is we can get it done soon.

Let me tell my colleagues where we stand with the number of amendments. Having said we will get through by tomorrow, when I tell them how many amendments have been introduced, they may wonder what I could possibly be thinking of to suggest we might get through by then. There are 105 amendments. This is one of the dangers of asking for a finite list. All of a sudden you get a finite list.

One hundred five amendments are in order under the unanimous consent agreement. I don't expect all of these to be offered. In fact, many are duplicative amendments or issues we had already resolved with previews amendments that were adopted or rejected in the debate a week and a half ago. It is my hope we can complete action by tomorrow evening or, at the very latest, on Wednesday.

There will be no rollcall votes today, as the distinguished majority leader indicated. I expect tomorrow to be a busy day if we are unable to resolve some of these outstanding amendments.

There are six amendments pending at this time. In the week of our departure, we disposed of 15 amendments in 1 day. Nine amendments were adopted; four amendments were debated, subject to rollcall votes—all rejected—and two amendments were offered and withdrawn. All in all, that is not a bad work effort for a day and a half.

The majority and minority Rules Committee staff worked over the weekend to try to clear those amendments for which we have language, and there are about 40 amendments—about half the 105 I mentioned—that are unknown. They are called relevant amendments. That could be any subject matter, other than being relevant to elections. So to the extent those relevant amendments may have some text to them, I urge the authors to let us know as soon as possible what those relevant amendments are. Some we may actually be able to clear today; others, we may not. I suspect many of them may just be placeholders, so that the 105 number is substantially less. And when we get down to the number that actually require some votes, we may be talking about 10 or 12. My hope is that there are far fewer than that.

If there are authors of relevant amendments who want them to be considered, they should let us know today. I hope we can also clear the six pending amendments. These are amendments that we could hopefully adopt or modify in some way, if they require such for acceptance to both sides. That would leave tomorrow with only those matters that require some debate.

That is where we stand. Again, I thank the majority leader and minority leader, my colleague from Kentucky, and others for getting us to this point.

I ask unanimous consent that a lead editorial of the New York Times be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 25, 2002]

ELECTORAL REPAIR WORK

In the next few days, senators will have a chance to greatly strengthen America's democracy. Beyond approving the House version of the campaign finance reform bill and sending it directly to the White House, the Senate should hasten to pass the election reform legislation it is scheduled to consider. Overwhelming support for these twin moves would send a strong signal that cleansing democracy is not a partisan issue, and would counter public cynicism about Washington's priorities.

The Senate's election reform bill is a fitting federal response to the public's widespread outrage at the breakdown of the electoral machinery in the 2000 presidential election. The closeness of the vote in Florida and elsewhere revealed an array of deficiencies in how local officials administer elections. While many were stunned by this, minority voters and those with disabilities were not. They have long been marginalized by arbitrary rules, less reliable equipment and voting booths that are inaccessible.

The legislation would establish mandatory federal standards for voting procedures and technologies that state and local election officials would have to meet when administering national elections. All voting systems would have to conform to a set error rate, be accessible to people with disabilities and allow voters a chance to correct ballots improperly marked. States would have to establish a computerized voter registration list and offer people whose registration is questioned at the polls a provisional ballot pending a clarification of their status. The bill makes available $3.5 billion in grants over five years for states to meet these federal mandates.

The franchise is the primary right by which all other rights are protected, as Thomas Paine wisely said. A ballot cast for president anywhere in Florida ought to be recorded and counted as rigorously as one cast in Alaska, not to mention in an adjacent county. Democracy is diminished when millions of ballots are discarded due to faulty technology or a lack of clear voting guidelines.

Senators should not lose sight to these guiding principles in any last-minute wrangling over amendments. If is refreshing that a number of Republican senators, including John McCain and Mitch McConnell, have joined with Democrats to support the notion that to protect the franchise, the federal government must encroach on the states' traditional prerogative of running elections.

There is cause to be hopeful that states will start receiving federal assistance this year to upgrade their voting systems. The Senate's election reform bill is preferable to one passed by the House last December, which does not impose strong enough national standards, but their differences can be bridged at a House-Senate conference. House Speaker Dennis Hastert has indicated his willingness to seek supplemental funds for

> election reform, and President Bush's budget includes $400 million in each of the next three years. That won't be enough, but it is a clear indication that the White House is counting on reform legislation. So too are the American people.

Mr. DODD. This lead editorial captured what we are trying to do. I note that the editorial writers specifically commended the Senator from Kentucky and point out the Senator from Kentucky and the Senator from Arizona are together on this bill and talked about the bipartisanship of this proposal.

Many thought we could never actually come to the floor of the Senate with a proposal on election reform that would enjoy the cosponsorship of Democrats and Republicans, particularly when you consider what a partisan division there was in the country a year ago at this time coming off the November 2000 general election. So it is no small achievement.

I know a lot of attention is being paid to campaign finance reform and the upcoming energy bill and other matters. Memories do fade, and certainly they have with regard to the emotions that ran so deeply and so passionately a year or so ago on one of the closest elections, if not the closest, in American history.

Certainly there was the revelation that our system was in desperate need of repair. We are responding to that call a year later. But it took that long to sit down and work out differences and bring a product to the floor of the Senate. We could have come up here earlier with a partisan bill. I could have laid down a proposal that was just a Democratic proposal. In fact, I had one, with every single member of the Democratic side having cosponsored the bill, without a single Republican. My friends on the Republican side could have had their bill, and we would have been able to have a screaming match about partisan politics, and nothing would have happened. So it took a real effort to try to meld these ideas together to bring us to this point.

We are not without controversy in this bill, and there will be some controversy in the remaining hours. We still have to go to conference with the House of Representatives and their proposal and then present it to the President for his signature. It is my hope that we can do that fairly quickly.

This bill has $400 million in it for immediate authorization. The President, to his credit, put $1.2 billion in his budget for the next 2 or 3 years for election reform. If we can get this bill done and signed by the President, there is a supplemental appropriations bill coming up quickly, and we can actually make moneys available to the States right away for them to modernize their election systems so they will be in place to work by the November elections of this year. That will be a singular achievement, in my view, if we are able to do that.

I am hopeful that for the remainder of today, and tomorrow, we will be able to resolve these differences. I urge my colleagues to understand that I embrace some of their ideas. But we are interested in putting together a bipartisan bill. If I were writing it myself, it would look different than this bill looks. I know, without asking my friend from Kentucky to comment, if he could write the bill, it would look very different than it does today as well. But that is not how matters get resolved in a democracy and in an institution such as the Senate. You have to listen to the views of each Senator and try to accommodate them so you can put together a proposal that satisfies all of our needs and improves the American election system, regardless of party. That is what we have tried to do with this proposal.

So I am very hopeful that that will be done in the next 24 hours and that we can then sit down with the other body and resolve the differences. Maybe this will not attract the same degree of attention as campaign finance reform, but this will establish permanent election commissions in this country—the idea of the Senator from Kentucky—which will deal with the issue of fraud in the country. We will say to millions of Americans who have never been able to vote in private or independently, for the first time they will be able to do so, setting minimal standards for provisional voting and statewide registration. My hope is that in the next few days we can resolve that. This will not attract the attention that some other matters do, but it will be one of the singular achievements of the 107th Congress.

My colleague from Arizona is on his way to the floor and will speak on an unrelated matter. When he does, I will be glad to yield to him. Let me make some points on this pending amendment so Members understand what I am suggesting here.

I pointed out that in the compromise bill, the substitute, we wanted to keep the same criminal intent standard provisions that are in existing law when it comes to the fraud provisions. That language specifically refers to "knowing and willful" as the standard. What we have done is referenced those provisions very explicitly in the bill. This amendment is purely a technical amendment in that it clarifies the standard for criminal penalties in the same manner it was done in earlier legislation. It is accomplished under the cross-reference statute that we cite in the bill.

Our stated intent under this compromise was to ensure that with regard to any false statements made under this bill, the provisions of titles 18 and 42 of the U.S. Code would apply. The standard for review under title 18 is a "knowing" standard. This amendment merely adds that word to ensure that the intent is clear. Similarly, with regard to potential allegations of conspiracy, the compromise references of title 42 provide for criminal penalties and the standard for review under that act is "knowingly and willfully." So this amendment merely adds the current legal standard of review to the existing provisions in 401 and 402 of this bill.

This is not a substantive amendment but merely restates what we have stated in the bill. That is the reason I proposed it this afternoon—to make that technical clarification.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HAPPY BIRTHDAY SENATOR EDWARD KENNEDY

Mr. BYRD. Mr. President, on February 22, 1962, the youngest of Joseph and Rose Kennedy's nine children, EDWARD, was standing in front of the Berlin Wall listening to a speech by his brother, Attorney General Robert Kennedy. It was EDWARD KENNEDY's birthday. He was turning 30 years of age. Later that year, he ran for the Senate. On November 6, 1962, he was elected to that very historic Senate seat—a seat that had been held not only by his brother, but also by John Quincy Adams, by Charles Sumner, by Henry Cabot Lodge, and by the great Daniel Webster.

Now, I relate that story not only to bring notice to this milestone year in the career of Senator TED KENNEDY, but also to bring notice that February 22, 2002, was a very special day in the life of the senior—perhaps I should now say the "very" senior—Senator from Massachusetts. This year marks 40 years since EDWARD KENNEDY won the election to begin his distinguished career as a United States Senator, while last Friday marked the 70th anniversary of his birth. Oh, to be 70 again. It makes me pause, to be 70 again. I still cannot believe this young, 28-year-old fellow who was running around West Virginia campaigning for his brother during the crucial 1960 West Virginia primary is now 70 years old.

The Psalmist says:

> The days of our years are threescore years and ten; and if by reason of strength they be fourscore years, yet is their strength labour and sorrow; for it is soon cut off, and we fly away.

Seventy years.

Yes, there he was, 28 years old, chubby cheeks, black hair, running around West Virginia campaigning for his brother. But he is 70 years old, and I want to wish him the happiest of birthdays.

I also wish to congratulate him for his very remarkable service in the Senate. Forty years in the Senate means that Senator KENNEDY is third in seniority in the Senate. It means he has spent more than half of his life in the Senate. He is the fifth longest serving Senator in U.S. history. He has seen a Senate career marked by quality as well as length of service. Millions of Americans are healthier today because of his efforts for health reform. Many more Americans are better off because of his efforts to increase the minimum wage.

TED KENNEDY has dedicated his life to public service. He is a man of remarkable compassion and tenacity. He loves his country, and he has labored mightily on behalf of his fellow citizens.

For four decades now he has served in this Senate and provided a powerful voice for the protection and the promotion of workers' rights, for the protection of our environment, and for his stronger social safety net for America's disadvantaged people.

For four decades he has provided a strong, eloquent voice for the poor, the oppressed, the downtrodden, the dispossessed.

For these and a host of other reasons, history will be good to Senator KENNEDY. He has endured great tragedy in his own life; yet he has dedicated himself toward improving the lives of others.

I consider myself to be privileged to serve with Senator KENNEDY and to have him as my friend. I wish for him many more years of service.

"How far away is the temple of fame?"
Said a youth at the dawn of the day.
He toiled and strove for a deathless name;
The hours went by and the evening came,
Leaving him old and feeble and lame,
To plod on his cheerless way.

"How far away is the temple of good?"
Said another youth at the dawn of the day.
He toiled in the spirit of brotherhood,
To help and succor as best he could
The poor and unfortunate multitude,
In its hard and cheerless way.

He was careless alike of praise or blame,
But after his work was done,
An angel of glory from heaven came
To write on high his immortal name,
And to proclaim the truth that the temple of fame
And the temple of good are one.

For this is the lesson that history
Has taught since the world began;
That those whose memories never die,
But shine like stars in the human sky,
And brighter glow as the years go by,
Are the men who live for man.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, before the distinguished leader leaves the Chamber, I know at the appropriate time the Senator from Massachusetts will want to respond to the wonderful comments of our colleague from West Virginia.

I know the Senator from Massachusetts has received a lot of well-deserved recognition over the last number of days, having achieved the milestone of his 70th birthday. He will not receive any more gracious, more thoughtful a gift than the one he has just received from his friend from West Virginia, the person with whom he has served over these 40 years and with whom he has been a partner on so many of the issues about which the Senator from West Virginia has talked.

When the annals of the latter part of the 20th century are written, there will be those in coming generations—as I have been privileged to do most recently with my colleague from Kentucky to fill out the portals in the reception room—going back in our history and identifying those who served with unique distinction this wonderful body over the plus-200 years of its existence.

I cannot say with any certainty what future generations will do, but I am quite certain that when they are debating and discussing what names, what profiles ought to inhabit those eternal spots on the reception room wall the name of the Senator from West Virginia and the name of the Senator from Massachusetts will be on those lists.

My commendations to both Senators for their wonderful friendship which has been an example of people who had some differences when they began their careers. In fact, at times they disagreed on issues and many more times they worked together. This country is a richer and better place because of their service.

I will have more remarks tomorrow about the service of our wonderful friend from Massachusetts. I commend the Senator for his comments.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me add to the comments of my friend from Connecticut. It is interesting that the Senator from Connecticut mentioned the portraits outside the Senate and those who have been selected to have their likenesses there because of their great contributions to the Senate.

I remember actually introducing the Senator from West Virginia at an event in my State in which I made that very point: That in the future, when they are determining which great Senators of the current period to add, the Senator from West Virginia will certainly be among them. In my view, he is the greatest orator in the Senate today and certainly in my 18 years here, I have had a chance to listen to them all.

The Senator from West Virginia is without peer in this body. To listen to his skills applied to our friend and colleague from Massachusetts is a treat on a Monday afternoon, and I thank him for his contribution.

Mr. BYRD. Mr. President, if I may regain the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from West Virginia.

Mr. BYRD. I thank both of my colleagues for their thoughtful remarks.

May I say to my friend from Connecticut, the Senator from Massachusetts, Mr. KENNEDY, and I had our differences in the early days of our careers. I came to find in TED KENNEDY one of the strongest supporters when I became the Democratic leader of the Senate in 1977. He was always one who stood alongside me and my work as the leader. I could count on his support. We did not always vote alike, but he was very supportive, and I treasured that support.

As time went on, TED KENNEDY, with whom I did not see eye to eye in the early days, became one of my most loyal and dedicated friends in the Senate. I am not saying we socialized together. I do not socialize with very many people, if any, outside my own family, but as a friend he proved himself to me one of the staunchest.

I remember that on my 80th birthday—Senator KENNEDY just celebrated his 70th—I was in West Virginia. I was dining on that birthday at the Governor's mansion with a Republican Governor whom I had served in the State legislature in 1947. This was his second time to be Governor. He was the youngest Governor of the State in the early 1950s, and then he was the oldest Governor of the State up until a little under 2 years ago. He was having me over at the mansion for lunch on that day with him. I received a call from my chief of staff, Barbara Videnieks, saying: Senator, guess who is here. Senator KENNEDY is in your office.

I was in West Virginia, and he was in my office. She said: You know what. He has 80 red roses.

He brought 80 red roses to my office on that day. I thought that was a unique moment in my life, unique perhaps in most lives, to have a friend come by and bring 80 roses. It is unique to become 80 years old, for one thing, but he was in my office with 80 roses.

Not only that but a couple of years ago, on my 63rd wedding anniversary, I was at the Greenbrier in West Virginia with my wife Erma, and 63 red roses arrived to my room at the Greenbrier. TED KENNEDY sent the roses. That is a very remarkable display of friendship in anybody's life. Not many people live to be married 63 years, but to live to be married 63 years and then have a friend send 63 red roses is worthy of comment.

So that is the way it was—as Walter Cronkite used to say—on my birthday, and then again on my wife's and my wedding anniversary. So I am grateful for the friendship of TED KENNEDY.

This earthly span of ours, even though the psalmist promised us 70 years, is quite short after all.

> The gay will laugh when thou art gone, the solemn brood of care plod on, and each one as before will chase his favorite phantom.

I believe those words are in William Cullen Bryant's "Thanatopsis."

That is about the way it is. So I take immense pleasure today in coming to this Chamber and congratulating TED KENNEDY on his birthday and expressing my very best wishes to him and his lovely wife and to her father who contacts me almost every time I make a speech. Judge Reggie calls my office and says he has been listening to my speeches. I believe he must have heard these remarks today.

Let me thank again my friend CHRIS DODD and my friend MITCH MCCONNELL—one Democrat and one Republican—for their friendship as well. I shall always treasure it. Senator DODD is my seatmate, and very often he stops by my door and bids me good afternoon and offers some well chosen words and comfort and cheer. I prize him as a treasured friend. He is the chairman of the Rules Committee on which I serve with MITCH MCCONNELL, and I am all the richer for it.

I also thank Senator MCCONNELL. He had me down in Kentucky. I say down because it is south of West Virginia on the map. He had me visit Kentucky a couple of years ago, a major university there, and had me speak to a fine group of young people. He treated me royally while I was there.

I thank both Senator MCCONNELL and Senator DODD for their service to the Senate and to their country, and I thank them for their friendship.

I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I will make a couple of unanimous consent requests to modify amendments. This has been discussed with the minority.

AMENDMENT NO. 2919, AS MODIFIED

I ask unanimous consent amendment No. 2919, previously agreed to by the Senate, be amended with the changes now at the desk.

Mr. MCCONNELL. I am confused.

Mr. DODD. The Hollings-McCain amendment.

Mr. MCCONNELL. Fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The modification is as follows:

On page 2, line 11, after "with" insert "the Architectural and Transportation Barriers Compliance Board and".

AMENDMENT NO. 2922, AS MODIFIED

Mr. DODD. Second, I ask consent that my amendment, which is at the desk now, No. 2922, be modified with changes at the desk to conform with the amendment, the line numbers in the compromise.

Mr. MCCONNELL. Reserving the right to object, the Senator from Connecticut has changed the amendment he offered?

Mr. DODD. I am modifying my own amendment. The line numbers are wrong.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 2922), as modified, is as follows:

(Purpose: To clarify that the criminal penalties retain the current specific intent standard contained in the underlying statutes)

On page 68, strike lines 5 through 17, and insert the following:

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. Amendment No. 2922, as modified, is the pending amendment.

Mr. DODD. Mr. President, I finished explaining what the amendment is. It is technical in nature. I urge its adoption.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 2922), as modified, was agreed to.

Mr. DODD. Mr. President, I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I know Senator MCCAIN wanted to be heard on other subject matters. I am going to put in a quorum call. There are five or six amendments, maybe none, maybe one, maybe all, that we can come back and adopt, but I will report back very quickly to the Chamber the results of those discussions. In the meantime, if Members come over and would like to speak in morning business or on another subject matter, the floor will be theirs.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 4:13 p.m., recessed subject to the call of the Chair and reassembled at 5:19 p.m. when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Connecticut.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Madam President, I am pleased to tell the Chair and those who may be following the proceedings, we have come to an agreement on six amendments this afternoon. Rather than explain each amendment, which would take some time—the authors of the amendments will certainly know what we are talking about—I ask unanimous consent that the RECORD remain open so that those who want to be heard on the amendments—some have cosponsors—can add remarks this evening.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank in advance my staff, the staff of Senator McConnell, and the staffs of the respective authors of these amendments and others for their cooperation this afternoon. We have handled over 20 amendments. It means that while tomorrow we still have some to deal with, we now have a manageable number, and it is looking better and better for getting this bill finished tomorrow afternoon or early evening. That is our hope.

I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2913; AMENDMENT NO. 2866, AS MODIFIED; AMENDMENT NO. 2900, AS MODIFIED; AMENDMENT NO. 2865; AMENDMENT NO. 2894, AS MODIFIED; AND AMENDMENT NO. 2926

Mr. DODD. Madam President, I ask unanimous consent that the following amendments be considered and agreed to en bloc: amendment No. 2913 offered by Senators HARKIN and MCCAIN; amendment No. 2866, as modified, offered by Senator LUGAR; amendment No. 2900, as modified, offered by Senator ENSIGN; amendment No. 2865 offered by Senator GRASSLEY; amendment No. 2894, as modified, as offered by Senators HOLLINGS, REID, and KOHL; amendment No. 2926 offered by Senator LIEBERMAN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 2913 and 2894) were agreed to.

The amendments (Nos. 2866, as modified; 2900, as modified; 2865; 2894, as modified; and 2926) were agreed to, as follows:

AMENDMENT NO. 2866, AS MODIFIED

(Purpose: To ensure that Election Reform Incentive Grant Program funds may be used by States and localities to fund hotlines for voters to report possible voting fraud and voting rights abuses)

On page 38, strike lines 9 through 12, and insert the following:

submitted under section 212(c)(1)(B) of such section;

(6) to establish toll-free telephone hotlines that voters may use to report possible voting fraud and voting rights violation and general election information; or

(7) to meet the requirements under section 101, 102, or 103.

AMENDMENT NO. 2900, AS MODIFIED

(Purpose: To provide for a manual audit capacity that permits voters to verify their vote at the time it is cast and used as the official record for recounts)

On page 5, strike line 19 through 21, and insert the following:

(2) AUDIT CAPACITY.—

(A) IN GENERAL.—The voting system shall produce a record with an audit capacity for such system.

(b) MANUAL AUDIT CAPACITY.—

(1) PERMANENT PAPER RECORD.—The voting system shall produce a permanent paper record with a manual audit capacity for such system.

(2) CORRECTION OF ERRORS.—The voting system shall provide the voter with an opportunity to change the ballot or correct any error before the permanent paper record is produced.

(3) OFFICIAL RECORD FOR RECOUNTS.—The printed record produced under subparagraph (A) shall be available as an official record for any recount conducted with respect to any election for Federal office in which the system is used.

AMENDMENT NO. 2865

(Purpose: To ensure that absentee ballots of overseas voters are collected regularly and returned to the United States in a timely manner)

On page 68, between lines 17 and 18, insert the following:

SEC. 402. DELIVERY OF MAIL FROM OVERSEAS PRECEDING FEDERAL ELECTIONS.

(a) RESPONSIBILITIES OF SECRETARY OF DEFENSE.—

(1) ADDITIONAL DUTIES.—Section 1566(g) of title 10, United States Code, as added by section 1602(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274), is amended—

(A) by redesignating paragraph (3) as paragraph (4); and

(B) by striking paragraph (2) and inserting the following new paragraphs:

"(2) The Secretary shall ensure that voting materials are transmitted expeditiously by military postal authorities at all times. The Secretary shall, to the maximum extent practicable, implement measures to ensure that a postmark or other official proof of mailing date is provided on each absentee ballot collected at any overseas location or vessel at sea whenever the Department of Defense is responsible for collecting mail for return shipment to the United States. The Secretary shall ensure that the measures implemented under the preceding sentence do not result in the delivery of absentee ballots to the final destination of such ballots after the date on which the election for Federal office is held.

"(3) The Secretary of each military department shall, to the maximum extent practicable, provide notice to members of the armed forces stationed at that installation of the last date before a general Federal election for which absentee ballots mailed from a postal facility located at that installation can reasonably be expected to be timely delivered to the appropriate State and local election officials.".

(2) REPORT.—The Secretary of Defense shall submit to Congress a report describing the measures to be implemented under section 1566(g)(2) of title 10, United States Code (as added by paragraph (1)), to ensure the timely transmittal and postmarking of voting materials and identifying the persons responsible for implementing such measures.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 1602 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1274) upon the enactment of that Act.

AMENDMENT NO. 2894, AS MODIFIED

(Purpose: To require the Election Administration Commission to study the advisability of establishing an election day holiday)

At the appropriate place, insert the following:

SEC. . ELECTION DAY HOLIDAY STUDY.

(a) IN GENERAL.—In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment, shall provide a detailed report to the Congress on the advisability of establishing an election day holiday, including options for holding elections for Federal offices on an existing legal public holiday such as Veterans Day, as proclaimed by the President, or of establishing uniform weekend voting hours.

(b) FACTORS CONSIDERED.—In conducting that study, the Commission shall take into consideration the following factors:

(1) Only 51 percent of registered voters in the United States turned out to vote during the November 2000 Presidential election—well-below the worldwide turnout average of 72.9 percent for Presidential elections between 1999 and 2000. After the 2000 election, the Census Bureau asked thousands of nonvoters why they did not vote. The top reason for not voting, given by 22.6 percent of the respondents, was that they were too busy or had a conflicting work or school schedule.

(2) One of the recommendations of the National Commission on Election Reform led by former Presidents Carter and Ford is "Congress should enact legislation to hold presidential and congressional elections on a national holiday". Holding elections on the legal public holiday of Veterans Day, as proclaimed by the President and observed by the Federal government, or on the weekends, may allow election day to be a national holiday without adding the cost and administrative burden of an additional holiday.

(3) Holding elections on a holiday or weekend could allow more working people to vote more easily, potentially increasing voter turnout. It could increase the pool of available poll workers and make public buildings more available for use as polling places. Holding elections over a weekend could provide flexibility needed for uniform polling hours.

(4) Several proposals to make election day a holiday or to shift election day to a weekend have been offered in the 107th Congress. Any new voting day options should be sensitive to the religious observances of voters of all faiths and to our Nation's veterans.

AMENDMENT NO. 2865

Mr. GRASSLEY. Mr. President, in recent months, we in this country have been reminded of the sacrifices that are made every day for our Nation by the men and women serving in the U.S. Armed Forces. We owe a debt of gratitude to the brave individuals that are prepared to lay down their lives in defense of our liberty and the rights which we enjoy as citizens of the United States of America. One of the most fundamental rights we enjoy in a democratic society is the right to vote. No American should be unfairly denied this right, least of all the very men and women charged with defending our way of life. However, this is precisely what happened November 2000 in Florida. I am sure that many senators were as appalled as I was when I learned that military ballots received in Florida during the last election were targeted for rejection. Whether the votes of our servicemen and women were not counted because they failed to meet a state postmark requirement or because they arrived too late, it is essential that we do everything in our power to ensure that future ballots cast by military personnel overseas are delivered in time and in such a fashion that they will not be rejected.

Items mailed from one of our overseas military installations or one of our ships at sea is the responsibility of the Department of Defense until it can be delivered to the U.S. Postal Service. While all the blame for uncounted military ballots cannot be laid at the feet of the Department of Defense, it is only logical that we should fix any kinks in the military mail system so that State and local election officials have no reason to reject ballots cast by members of the armed forces stationed overseas. My amendment takes some common sense steps to improve the delivery of election mail under the responsibility of the Department of Defense.

To start, my amendment requires the Secretary of Defense to implement measures to ensure that absentee ballots collected at U.S. military facilities or vessels overseas are postmarked.

The lack of a postmark or proof of mailing date was one of the excuses used in the Florida election to reject overseas absentee ballots cast by military personnel. Second, my amendment requires the Secretary of each military service to notify servicemembers stationed at an installation of the last date before a general election that absentee ballots should be mailed in order for them to arrive in time to state and local election officials back home. A soldier or sailor overseas can't know how long it will take from the time he or she drops a ballot in the mail until it arrives in their home State and guessing wrong could result in a late arrival and votes not being counted. Finally, my amendment requires the Secretary of Defense to report to Congress about the measures he will take to ensure the timely transmittal and postmarking of voting materials and identify the persons who will be responsible for implementing these measures. Any shortcomings in the handling of military mail are not because of poor intentions, but rather lack of accountability for failures in the system. The requirement of a report to Congress ensures accountability for the implementation of the measures Congress has spelled out for the proper handling of voting material.

I don't pretend that this amendment is the only solution to the problems that have surfaced with military overseas voting or that states shouldn't be asked to do more to ensure that military absentee ballots are treated fairly. But, shouldn't we do everything we can to make sure that the votes or our men and women in uniform arrive in the hands of election officials so they can be counted? My amendment seeks to do just that so that our forces overseas are able to enjoy the very rights they protect for those of us back home.

Mr. KOHL. Mr. President, I am pleased to offer my support to the election reform legislation we are considering today. The election of 2000 lay bare many problems in our election system and highlighted some of the barriers to voting which have kept too many from the polls over the years. If we are to eliminate these barriers and conduct federal elections which truly ensure equal access to the polls and protect voters' rights, as already required by law, we need to have consistent standards for voting systems and the administration of elections. And, if we are sincere about instituting reforms then it is not enough for us to set standards. We must also provide the funding to help implement these standards. Fortunately, the bipartisan substitute amendment to S. 565 authorizes $3.5 billion over the next five years for grants to states and localities to do just that.

While the Justice Department will have a prominent role in the implementation of this election reform legislation, the bill before us also creates a new federal agency, the Election Administration Commission. This Commission will administer voting system standards, provisional voting requirements, the establishment of computerized, statewide voter registration systems, and grant programs and it would assume the functions of the Office of Election Administration of the Federal Election Commission. The new Commission will conduct studies on election technology and administration and submit a report to Congress and the President with recommendations for administrative and legislative action.

I am especially pleased we are directing the Commission to study and make recommendations for us to consider future reforms because I believe that there are other reforms worth considering and implementing. One such reform I have advocated for many years now is to change our election day, and I was pleased to join with my colleagues in offering an amendment which addresses this issue.

Senators HOLLINGS, REID, and I offered an amendment which was adopted late yesterday which directs the Election Administration Commission to study the viability of changing the day for congressional and presidential elections from the first Tuesday in November to a holiday or the weekend, with the possibility of looking at Veterans Day or the first weekend in November. Last year, and earlier back in 1997, during the 105th Congress, I introduced legislation that would move federal elections to the weekend.

The legislation already directs the new Commission to study the feasibility and advisability of conducting elections for federal office on different days, at different places, and during different hours, including the advisability of establishing a uniform closing time and establishing election day as a federal holiday. Our amendment requires that they complete such a study within 6 months after the establishment of the Election Administration Commission.

Last year, the National Commission on Federal Election Reform, presented its recommendations to the President on how to improve the administration of elections in our country. One of the Commission's recommendations was that we move Election Day to a national holiday, in particular Veterans Day. As might have been expected, this proposal was not well received by veterans groups who rightly consider this a diminishment of their service and the day that historically has been designated to honor that service. While I agree with the Commission's goal of moving election day to a non-working day, and I am interested in exploring the possibility of moving election to an existing Federal holiday such as Veterans Day, I believe we can achieve all the benefits of holiday voting without offending our veterans by moving our elections to the weekend.

My weekend voting proposal, which I hope the Commission will consider in its study, would call for the polls to be open the same hours across the continental United States, addressing the challenge of keeping results on one side of the country, or even a State, from influencing voting in places where polls are still open. Moving elections to the weekend will expand the pool of buildings available for polling stations and people available to work at the polls, addressing the critical shortage of poll workers. Weekend voting also has the potential to increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday.

Weekend voting would have polls open nationwide for a uniform period of time on Saturday and Sunday. Polls in other time zones would also open and close at this time. Election officials could close polls during the overnight hours if they determine it would be inefficient to keep them open. Because the polls are open on Saturday and Sunday, they also would not interfere with religious observances.

Amidst all the discussion about election reform, there is growing support for uniform polling hours. The freewheeling atmosphere surrounding election night in November 2000, with the networks calling the outcome of elections in States when polling places were still open in many places, and in some cases even in the very States being called, cannot be repeated. While it is difficult to determine the impact this information has on voter turnout, there is no question that it contributes to the popular sentiment that voting doesn't matter. At the end of the day, as we assess how to make our elections better, we are not only seeking to make voting more equitable, we are also looking for ways to engage Americans in our democracy.

Mr. President, I come from the business world where you had a perfect gauge of what the public thought of you and your products. If you turned a profit, you knew the public liked your product; if you didn't, you knew you needed to make changes. If customers weren't showing up when your store was open, you knew you had to change your store hours.

In essence, it's time for the American democracy to change its store hours. Since the mid-19th century, election day has been on the first Tuesday of November. Ironically, this date was selected because it was convenient for voters. Tuesdays were traditionally court day, and land-owning voters were often coming to town anyway.

Just as the original selection of our national voting day was done for voter convenience, we must adapt to the changes in our society to make voting easier for the regular family. Sixty percent of all households have two working adults. Since most polls in the United States are open only 12 hours, from 7 a.m. to 7 p.m., voters often have only one or two hours to vote. As we saw in this last election, even with our relatively low voter turnout, long lines in many polling places kept some waiting even longer than 1 or 2 hours. If voters have children, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a workday to vote.

We can do better by offering more flexible voting hours for all Americans, especially working families.

Since I introduced my weekend voting legislation in 1997, a number of States have been experimenting with novel ways to increase voter turnout and satisfaction. Oregon conducted the first Presidential elections completely by mail, resulting in impressive increases in voter turnout. Texas has implemented an early voting plan which also resulted in increased turnout. And California has relaxed restrictions on absentee voting, and even had weekend voting in some localities. Although there are security concerns that need to be ironed out, Internet voting has tremendous potential to transform the way we vote. In Arizona's Democratic primary 46 percent of all votes came via the Internet. The Defense Department coordinated a pilot program with several U.S. counties and the Federal Voting Assistance Program to have overseas voters, primarily military voters, cast their votes via the Internet. It is becoming increasingly clear that these new models can increase voter turnout, and voters are much more pleased with the additional convenience and ease with voting.

For decades we have seen a gradual decline in voter turnout. In 1952, about 63 percent of eligible voters came out to vote; that number dropped to 49 percent in the 1996 election. We saw a minor increase in the 2000 Presidential election with voter turnout at 51 percent of eligible voters, however, not a significant increase given the closeness of the election. Non-Presidential year voter turnout is even more abysmal.

Analysts point to a variety of reasons for this dropoff. Certainly, common sense suggests that the general decline in voter confidence in government institutions is one logical reason. However, I would like to point out, one survey of voters and nonvoters suggested that both groups are equally disgruntled with government.

Thus, we must explore ways to make our electoral process more user friendly. We must adjust our institutions to the needs of the American public of the 21st century. Our democracy has always had the amazing capacity to adapt to the challenges thrown before it, and we must continue to do so if our country is to grow and thrive.

Of 44 democracies surveyed, 29 of them allow their citizens to vote on holidays or the weekends. And in nearly every one of these nations, voter turnout surpasses our country's poor performance. We can do better. That is why I believe we should consider weekend voting.

Mr. President, I recognize a change of this magnitude may take some time. But the many questions raised by our last election have given us a unique opportunity to reassess all aspects of voting in America. We finally have the momentum to accomplish real reform. How much lower should our citizens' confidence plummet before we adapt and create a more "consumer-friendly" polling system? How much more should voting turnout decline before we realize we need a change?

Weekend voting will not solve all of this democracy's problems, but it is a commonsense approach for adapting this grand democratic experiment of the 18th century to the American family's lifestyle of the 21st century.

I am pleased that the Senate saw fit to adopt our amendment and I am looking forward to hearing the views of the new Election Administration Commission on this matter.

AMENDMENT NO. 2926

(Purpose: To improve State recount and contest procedures in elections for Federal office)

On page 54, strike lines 22 and 23, and insert the following:

necessary to provide such assistance;

(I)(i) the laws and procedures used by each State that govern—

(I) recounts of ballots cast in elections for Federal office;

(II) contests of determinations regarding whether votes are counted in such elections; and

(III) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office;

(ii) the best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i); and

(iii) whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office; and

(J) such other matters as the Commission

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, let me indicate to the Republican Senators that it is our bipartisan goal to finish this bill tomorrow night. We estimate we have maybe 8 to 10 amendments that may actually require a vote—maybe fewer—but in any event, we intend to press through the day tomorrow and wrap this bill up as early as possible tomorrow.

Mr. DODD. Madam President, that is all we have.

MORNING BUSINESS

Mr. DODD. Madam President, I ask unanimous consent that the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

READ ACROSS AMERICA

Ms. COLLINS. Madam President, I rise today with my good friend and colleague from Rhode Island, Senator REED, to encourage parents and schools throughout our country to celebrate National Read Across America Day by reading to children. The resolution we submitted on February 15th asks parents to read to their children for at least 30 minutes on March 2, the birthday of Dr. Seuss. The resolution also honors Dr. Seuss for his success in helping to open children to the joys of reading.

Five years ago, the National Education Association conducted the first Read Across America Day by providing teachers with resources to celebrate reading. The day was intended to promote reading activities not just on the day of the celebration, but throughout the year. Dr. Seuss' birthday was chosen for the celebration because, in the words of the NEA, "he epitomizes a love of learning and his use of rhyme makes his books an effective tool for teaching young children the basic skills they need to be successful."

In the last 5 years, more than 40 national education and reading associations have joined the NEA in making Read Across America the largest celebration of reading in the world. Groups such as the American Library Association, the Boys and Girls Clubs of America, the International Reading Association, Reading is Fundamental, and the Screen Actors Guild all have assisted in raising the profile of reading education and making this day a tremendous success.

The importance of this day and this resolution is underscored by the challenge it addresses. Our Nation's early literacy problem is well documented. According to the National Institutes of Health, approximately 20 million school-age children have difficulty reading. Only approximately 2.3 million of these children are served in special education under the category of learning disabilities. The remaining 17.7 million children who are poor readers do not meet the eligibility requirements for the learning disability category. Some are provided assistance in the form of compensatory education, but others are overlooked altogether.

Often it is only after a child develops a significant problem that any intervention at all occurs. Typically, a child has reached the third or fourth grade before reading failure is diagnosed. At that point, what might have been a slight lag in learning had it been caught early has developed into a more serious and challenging learning disability. For students that have reached the third grade without the ability to read, every paragraph, every assignment, every day in the classroom is a struggle. They constantly battle embarrassment and feelings of inadequacy, fearing that their classmates, their friends, will discover they cannot read. It is no wonder so many children without basic reading skills lose their natural curiosity and excitement for learning, for reading is the gateway to academic success.

Last year, the President and Congress worked together to complete a major reform of the Elementary and Secondary Education Act. With the enactment of the No Child Left Behind Act, two new programs, Reading First and Early Reading First, will bring new federal resources for reading instruction and early reading intervention. I am delighted that my Reading First proposal was incorporated into the final education reform package, and even more excited that nearly $1 billion in Federal funding has been allocated to this initiative in the first year. It is my hope the new services will reach children before a problem develops and before they fall too far behind their peers.

Although I have great faith that these new programs will effectively reduce the rate of reading failure throughout our country, nothing can replace the learning that takes place between parents and their children. Much of the learning and preparation that make reading possible occurs long before a child ever sets foot in a classroom. According to the National Center for Education Statistics, children who were read to three or more times in a week by their parents are almost twice as likely to be able to identify every letter of the alphabet. They are also more likely to be able to count to 20, write their own names, and read or pretend to read. It delights me to see the 2-year-old daughter of my chief of staff read to her stuffed animals. She takes a book, sits with them on the couch, and pretends to read them a story. When a child enters kindergarten already recognizing letters and familiar with books, she or he is better prepared to learn and less likely to encounter difficulty in learning to read.

This year, the Maine Education Association is hosting festivities throughout the State on Read Across America Day, and I hope to attend Eliot Elementary School in York County this Friday to join in their celebration of reading. I encourage my colleagues not only to support this resolution, but also to make time to visit a classroom and help children discover the joys of reading. I can tell from first-hand experience that taking the time to read to children is not only a worthwhile investment but also a wonderful experience, and I know the Presiding Officer reads often to her twin sons and experiences that some joy. I have read to children in more than 70 schools across the State of Maine and never tire of the joy and satisfaction such experiences bring.

I often read books by Maine authors, such as "Blueberries for Sal," or "Miss Rumphias" to show children that they, too, can grow up to author books. I never tire of the joy and satisfaction of going into a classroom and reading to children. Indeed, Madam President, the last school I visited was the Edna Libby School in Standish, ME, a wonderful elementary school. I read to the students and I answered their questions. Then the reading coordinator presented me with a pin that I am wearing today. It is the "Read Across America" pin. It pictures the United States as well as Dr. Seuss's famous cat. That should be the inspiration for all of us.

The NEA has graciously agreed to donate one dozen Dr. Seuss books to any school visited by a Senator on Friday, March 1. I congratulate the NEA for the success of its Read Across America Program, and I applaud all of our schoolteachers, librarians, and most of all, our parents, for their commitment for teaching reading.

I hope we can pass this resolution this week in time for Reading Across America Day and bring even more attention to the benefits of parental involvement and reading to our children.

Mr. REED. Madam President, I rise to join my colleague, Senator COLLINS, in support of a resolution to declare March 2nd Read Across America Day. We submitted this resolution, S. Res. 211, on February 15.

Read Across America Day is an annual reading motivation and awareness program begun by the National Education Association, and supported by more than 40 national non-profit and association partners, including the American Library Association, American Association of School Librarians, Boys and Girls Clubs of America, Girl Scouts of the USA, International Reading Association, Learning First Alliance, the Library of Congress—Center for the Book National Institute for Literacy, National PTA, Reading Is Fundamental, and YMCA of the USA. The celebration includes activities in schools, libraries, and communities across the nation that bring reading excitement to children of all ages.

March 2nd is a fitting day for such a celebration of reading, since it is the birthday of Theodore Geisel, otherwise known as Dr. Seuss, the beloved children's author and illustrator. His books have inspired, and continue to inspire, generations of children to discover the joy of reading. Moreover, Dr. Seuss' inventive use of rhyme make his books an enormously effective tool for teaching basic reading skills to children.

According to the latest results of the National Assessment of Educational Progress (NAEP), from 1992 to 2000 the reading scores of fourth graders remained flat. What is most alarming is that the gap between the highest and lowest achieving students is widening—the average score for top students increased, while the average score for bottom students declined even more significantly.

These results indicate that our students need a great deal of help to learn to read and achieve. Addressing the reading deficiency of our Nation's students is essential, and clearly an area where Federal resources and support can bring about positive change.

This is why I was pleased to join Senator COLLINS in supporting the inclusion of the Reading First and Early Reading First programs in the No Child Left Behind Act signed into law earlier this year. These programs provide professional development for teachers to improve reading instruction and support reading initiatives for younger children. Coupled with resources for up-to-date and engaging school library books through the Improving Literacy Through School Libraries program, which I authored and offered with Senator COLLINS as an amendment to the No Child Left Behind Act, we are taking steps to boost children's reading skills and love for reading.

I urge my colleagues to join us in supporting this resolution in order to show our commitment to the importance of literacy and to celebrate the joy of reading.

BROADBAND COMMUNICATIONS

Mr. HOLLINGS. Madam President, the communications bill by Congressmen TAUZIN and DINGELL that the House will vote on this week is blasphemy. Hailed as a way to enhance competition, it eliminates it. Touted as a way to enhance broadband communications, it merely allows the Bell companies to extend their local monopoly into broadband.

I know the Bells' tricks, based on past performance. In 1984 when Judge Harold Green broke up AT&T's monopoly in long distance, he required AT&T to sell long distance services at wholesale. This resulted in brisk new competition among MCI, Sprint, and GTE that lowered prices for consumers. AT&T's local business was split into seven Bell companies. But they retained their monopoly in local service, guaranteeing no competition, but a guaranteed profit for them.

In the early 1990s the Bells decided they, too, wanted to compete in long distance. Congress agreed in the 1996

Telecommunications Act, but first we employed the Judge Green approach by requiring access to the Bell network by competitors. For one full year, the Bell lawyers hammered out a step-by-step process how to open their networks. They came up with a 14-point checklist, and once they complied, the Bells could offer long distance in their region. They were so eager, they told us they would comply within a year. Thus, the 1996 Act passed in the Senate by a vote of 91 to 5 and in the House by a vote of 414 to 16.

But instead of moving into long distance, the Bells immediately launched a 6-year stonewalling in the courts against competition. First, they claimed unconstitutional what their lawyers had just written. They lost at the Supreme Court. And instead of competing, they extended their monopoly by combining: Southwest Bell bought Pacific Bell and Ameritech calling it SBC; Qwest bought US West, Bell Atlantic bought NYNEX and GTE calling it Verizon; and BellSouth joined in holding off competition.

Time and again the FCC and State commissions fined the Bells for violating the checklist they wrote. So far they have been fined upwards of $1.8 billion. But what do they care? The Bells merely write off these fines in their rates and continue their monopolistic conduct.

To their credit, Verizon and SBC moved to qualify for long distance in a few States, but today the Bells control roughly 93 percent of the last lines for communication into every home and business in America. They contend that they are forced to provide access to their network while cable is not. But the move should be toward competition, not monopolization; and the Bells should simply comply with the law they wrote.

Now comes the Bells' grand maneuver—Tauzin-Dingell. It veritably repeals access requirements and the roadmap for opening the Bell markets to competition. Worse, the FCC and all State commissions' safeguards as to pricing and service by the Bell companies are repealed, further strengthening their monopoly control.

Pass Tauzin-Dingell and long distance companies will have to either submit or sell to the local Bell monopoly. The competitors spawned by the 1996 Act are already on the ropes. Just the threat of enactment of Tauzin-Dingell has caused the capital markets to freeze their financing, and some 200 companies have dropped like flies. Passage of Tauzin-Dingell will squash them totally and the country will return to an AT&T-like monopoly control of communications.

At present, there is no legal restriction upon the Bells or anyone from providing broadband. The problem is not availability, but demand. In fact, broadband is already available to 80 percent of Americans.

But only one in four Americans who have Internet in their homes are signed up for broadband. Who wants to pay $50 a month for faster access to their e-mail? Content providers are awaiting copyright protection legislation before they render more content for broadband users, and the lack of legislation protecting privacy on the Internet keeps users away.

Where there is an availability problem, of course Congress should assist in extending broadband to rural and economically depressed areas. Bills for rural subsidies and tax credits are now pending in Congress. But the first order of business is to defeat the monopoly grab of Tauzin-Dingell, and then enforce the intent of the 1996 Telecommunications Act.

KEEPING AMERICA'S PROMISE: EXERCISING VIGILANCE AND LEADERSHIP IN SUPPORT OF CIVIL RIGHTS

Mr. BIDEN. Madam President, each year, we pause in February—Black History Month—to celebrate the outstanding achievements of African-Americans past and present, and the extraordinary contributions they have made to American history. When the annual tradition originated more than 75 years ago, "black history" was barely studied. African-Americans had been in this country at least as far back as colonial times, but the history books largely ignored the black American population and the experiences that sprang from it.

However, prodded by the vision and ambition of Dr. Carter G. Woodson—one of this country's great historians and the son of former slaves—all of that began to change in 1926. In that year, we first recognized "Negro History Week" and later, in 1976, expanded the celebration to span a full month. Now, Black History Month is celebrated all over North America.

Our Nation is far different today from the nation that existed when we started this annual tradition. Racial discrimination—once buttressed by our legal system—is no longer sanctioned by law. Segregated lunch counters and water fountains—commonplace only a few decades ago—are now relics of the past. Barriers like poll taxes and other shams—once tolerated—are no longer permitted to bar African-Americans from voting.

Yes, America is a far better and much richer country today because of the enlightenment delivered, in no small part, by the leaders and foot soldiers of the movement for civil rights. They awakened a nation to the cause of equality and justice for all—and, because of their courage and foresight, America is stronger. We are undoubtedly better thinkers because of it . . . and better citizens because of it.

Yet, it is that sense of accomplishment that is, perhaps, our greatest enemy. Having survived the civil rights movement and then reaped the benefits that struggle produced, we are inclined to believe that our work is done, that racial disparities don't exist. But that simply is not true.

While we may no longer tolerate legal discrimination and segregation—more than ever before—we live segregated lives in segregated neighborhoods. We worship in segregated churches, synagogues and mosques. And nearly a half century after the landmark desegregation case Brown v. Board of Education, our kids still attend largely segregated schools.

Now is no time to rest on the accomplishments of yesteryear. We must remain vigilant in our efforts and true to the vision of legends like Dr. Martin Luther King, Jr. and Shirley Chisholm and Thurgood Marshall and Barbara Jordan—all of whom knew what we now know—namely, that America can only be great when all her citizens are afforded an equal opportunity to grow and learn and, themselves, be great.

I was called to the U.S. Senate 30 years ago, inspired largely by this promise of equal opportunity and by the legions of civil rights workers who risked life and limb to ensure that America kept that promise.

When I commenced my service in 1972, we were living in tumultuous times—only a few years before, this country had witnessed the assassination of her bravest sons; we had survived a war abroad; and our security at home threatened, then, by unfriendly foreign powers and a deeply divided public—was uncertain. I thought then, as I do now, that vigilance and strong, outspoken leadership could usher in the healing and transformation we so desperately needed.

Today, as America commemorates Black History Month, we are again facing troubled times. The tragic events of September 11th have tested our commitment to keeping America's promise to all her citizens. We honor the nearly 3,000 innocents who died in New York, at the Pentagon and in that field in western Pennsylvania not by cowering in fear or by abandoning our guarantee of traditional civil rights. Rather, we honor their lives by, again, remaining vigilant and by exercising strong leadership in opposition to intolerance and prejudice in our society. We honor them by remaining true to our democratic principles and sense of justice. We honor them by seeking opportunities to speak out against hatred and unfairness and inequality.

During this Black History Month and every month, we must remind ourselves of the great road we've traveled but, at the same time, renew our commitment to the basic truths and objectives that inspired the journey in the first place. This month and every month, we must re-dedicate ourselves to keeping America's promise.

BLACK HISTORY MONTH

Mr. SMITH of Oregon. Madam President, in honor of Black History Month, I have come to the floor twice this month to discuss some of the early contributions of black Americans to my home state of Oregon. Today, I come to the floor for a third time to discuss some of the changes to Oregon civil rights that occurred during the middle part of the 20th Century, at the same time similar changes were sweeping across our entire nation.

In the early 1900's, Oregon was not home to many black Americans. Eighty-five percent of Oregonians were born in the state, and the rest generally came from Canada and northern Europe. This was no accident Oregon, which had joined the Union as a "free state" had, in its constitution, technically barred black Americans from moving to the state until 1926. While it may not have been uniformly and vigorously enforced across the state, Article I, Section 35 of the Constitution of the State of Oregon read:

> No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the state, or employ, or harbor them.

Thus, during the first decades of the 20th Century, Oregon was probably home to no more than 2500 black citizens, a population only one-tenth the size of Oregon's then politically active Ku Klux Klan.

The nature of race relations in Oregon changed for the better, however, when World War II created an explosion of jobs in Portland's shipyards and other defense-related industries. A large influx of black laborers immigrated to the region—primarily from Oklahoma, Texas, Arkansas, and Louisiana—and, almost overnight, ballooned Oregon's black population to more than 21,000. These new citizens forced Oregonians to reckon with the civil rights issues they had ignored for decades.

These new Oregonians immediately faced widespread discrimination in local businesses, public parks and playgrounds, and on the job. Black workers were routinely denied membership in local unions, and members of the Portland NAACP and Urban League worked diligently to organize black workers and integrate them fully into the workplace. In explaining the refusal of Harry Mills, a black longshoreman, into the International Longshoremen's and Warehousemen's Union, Local 8, a union vice-president stated that "We are not opposed to Harry Mills. We are fighting the Negro race! We cannot open our doors to the Negro people after having kept them closed all this time."

The doors which had always been closed to black Oregonians were slowly opened after the end of the war. In 1947, a Fair Employment Practices bill was introduced in the state legislature in Salem. While soundly defeated initially, the bill was immediately resurrected by then State Representative Mark Hatfield, whose tireless efforts led to the bill's passage in 1949. In 1953, the State Public Accommodations Act was passed, guaranteeing black Oregonians access to the restaurants and public parks which had for so long denied them service.

Those two bills changed the civil rights landscape in a state which had only years before explicitly excluded black Americans in its constitution. World War II, and events across the country, served as a catalyst to that change. Oregon, which had never had a large population of black Americans, was suddenly forced to confront the civil rights demands of a growing group of citizens, and responded slowly through its laws and practices. Positive change occurred during the middle part of the last century, and more positive change, which I will discuss later in the week, was still to come.

A TRIBUTE TO THE HEROES

Mrs. FEINSTEIN. Madam President, in the past year, America witnessed the extremes of both tragedy and humanity. On September 11, 2001, we endured the most atrocious and devastating attacks on our soil. After such tragic events, we searched for answers and solace and found leaders and hope. Amidst the rubble and ashes, have arisen tales of heroism, courage and compassion and we, as a nation, have emerged stronger and more united. Indeed, African Americans have contributed enormously to this outcome. As we celebrate Black History Month and honor those outstanding heroes of the past; we should also take this time to recognize the leaders of the present and their outstanding efforts.

In the political arena, leadership among African Americans has transcended political and racial lines. One need look no further than to Colin Powell, our Secretary of State and Condoleezza Rice, the National Security Adviser to the President. Both have served the country ardently and tirelessly during our war against terrorism.

In times of economic uncertainty, we can look to Kenneth Chenault, the Chief Executive Officer of American Express; E. Stanley O'Neal, poised to become CEO at Merrill Lynch; and Richard Parsons, soon to become CEO at AOL Time Warner, all models of successful economic achievement and leadership.

From Washington, D.C. to Wall Street, African Americans have left an indelible impression on the face of American recovery and strength. Yet while these leaders have played their tremendous roles on the national stage, African Americans in communities across the country have made contributions of innumerable value. Let us not forget that the strength of our Nation is inextricably linked to the fabric of our communities.

In my hometown of San Francisco, Reverend Cecil Williams has served for 35 years as the Pastor of the Glide Memorial United Methodist Church. Rev. Williams was one of five students to break the race barrier at Southern Methodist University in the 1950s and accompanied Rev. Dr. Martin Luther King, Jr. in the 1963 civil rights march. Under his leadership, the Glide Church has over 9,000 members and has become the most comprehensive nonprofit provider of human services in the city. The church maintains a wide variety of community outreach and assistance programs, such as providing people with three meals a day, 365 days a year, substance abuse treatment, support against domestic violence, job re-entry help and a free health clinic.

In Los Angeles, one can find the headquarters of Operation HOPE, Inc., America's first non-profit social investment banking organization, founded by John Bryant. John is also the chairman of the board and CEO of the community-based banking organization, which strives to bring economic self-sufficiency and revitalization to inner city communities. In 1994, John was selected by Time magazine as "One of America's 50 Most Promising Leaders of the Future" and just last year he was the recipient of Oprah Winfrey's Angel Network "Use Your Life" Award. As a result of his hard work and ingenuity, Operation HOPE, Inc. has indeed become a symbol of hope to many.

Miriam Shipp-Tolliver-El has helped educate an estimated 1,200 students during her 36 years as a teacher of children from kindergarten through eighth grade in the Oceanside Unified School District and 25 years as an adjunct professor at Palomar College in Oceanside, CA. Miriam encountered many racial barriers during her childhood in North Carolina. While in high school in the 1940s, she hoped to become a Roman Catholic nun, but no convents would accept an African American woman. Her next choice of becoming a civil rights lawyer was also unfulfilled because law schools in her area would not admit African American students. So Miriam became a teacher and a very accomplished one at that. She was a co-founder of the North County NAACP chapter in Oceanside. She also created a multicultural program in Oceanside schools and started black studies classes at the college. Just last year, at the age of 73, Miriam was the recipient of the Lifetime Achievement Award from the NAACP chapter and a commendation from the city of Oceanside for her endeavors and achievements.

These are but simply a few of the African American leaders that serve as wonderful role models present in our communities. Countless others serve each day in several capacities such as doctors, counselors, police officers and municipal workers and their constant contributions have helped make our country as strong as it has ever been.

As Mary McLeod Bethune, founder of the National Council of Negro Women, stated:

> If we accept and acquiesce in the face of discrimination, we accept the responsibility ourselves and allow those responsible to salve their conscience by believing that they have our acceptance and concurrence.

If the events of September 11 have proven anything, it is that we must not harbor hatred nor tolerate discrimination. Now more than ever, we must embrace our differences and learn from one another. We have proven that we can stand together, united against the face of terror and threat of evil, and overcome. That determination, spirit and resolve would not be possible without the many contributions of African Americans at both national and local levels. I applaud their achievements and encourage my fellow Californians to do the same.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in October 1999 in Houston, TX. A man was beaten and partially blinded by an attacker who believed the victim to be gay. The assailant, Roderick Brenneman, 59, was convicted of assault and sentenced to a year in jail in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO HILDA LEGG

Mr. McCONNELL. Madam President, I rise today to honor a fine businesswoman, mother, and all-around great Kentuckian, Hilda Legg. On September 26, 2001, this body confirmed Hilda's nomination to be Administrator of the Rural Utilities Service in the U.S. Department of Agriculture. Hilda is doing a fantastic job at that post and I wish her many years of continued success.

I have been privileged to know Hilda Legg for many years. She is a native Kentuckian who has worked very hard to improve the lives of the people of the Commonwealth. Hilda is one of those unique individuals who exudes the kind of enthusiasm and spunk that everybody wants to possess. Her energy and drive have allowed her to lead a storied life that is full of family, friends, and accomplishments. Hilda truly is one of a kind.

Hilda began her professional career as a teacher in Adair County, KY, and went on from there to work at the U.S. Department of Education during President Reagan's first term. In 1984, she jumped headfirst into the world of politics and worked on the successful Reagan-Bush presidential campaign. That same year she also helped me achieve victory in my very first Senate campaign. From 1985–1987 she proudly served the people of western Kentucky as a Field Representative in my Bowling Green office.

Hilda is most widely known and praised for her service and dedication to the people of rural Kentucky and America. Raised without running water, the difficulties facing rural Americans is something Hilda experienced firsthand as a child. As the Executive Director and CEO of the Center for Rural Development in Somerset, Kentucky, Hilda strongly promoted economic development in eastern and southern Kentucky. Her leadership at this state-of-the-art facility helped make the Center a national model for economic development in rural areas and for related educational, cultural, and recreational purposes.

Now, as Administrator of the Rural Utilities Service, Hilda is working on behalf of millions of people throughout the United States. Specifically, her Agency is responsible for helping rural Americans finance electric, telecommunications, and water projects. The RUS also provides valuable loans and grants for rural distance learning and telemedicine projects. President Bush was wise to choose Hilda for this important position and I am confident she will prove to be as good a friend to rural America as she has been to rural Kentucky.

Hilda, on behalf of my colleagues and myself, thank you for your contributions to Kentucky and this great nation. I wish you and your family the very best.

ADDITIONAL STATEMENTS

AMERICAN GOLD STAR MOTHERS

• Mrs. CLINTON. Madam President, I rise today to pay tribute to Americans who embody the extraordinary service and sacrifice that make our country great: the American Gold Star Mothers.

Formed shortly after World War I, this organization has brought together mothers who lost children during World War I, World War II, the Korean War, the Vietnam War, Beirut, Grenada, Panama, the Persian Gulf, Somalia, Bosnia, Saudi Arabia and in other times and places where soldiers' lives were lost in service of our country. The American Gold Star Mothers work to promote the noble ideals for which their children fought and died. The gold star they wear is a source of pride for their families and a symbol of the sacrifice they have endured so that our Nation might remain free.

All of us who are parents know what it is like to live with the fear of losing a child, but only those who have suffered through such a loss can know just how very painful it is. Gold Star Mothers have endured such a burden and transformed their grief into an organization that serves not only the families of all who have lost loved ones in the military, but veterans everywhere, as well as our Nation as a whole. Their grace, dignity and patriotism represent the very best of America.

I have had the honor of meeting with representatives of this wonderful organization to discuss their history and their work. Words alone cannot describe how much I admire their courage and resolve. We as a Nation have an obligation to them: not only to recognize their profound sacrifice and the bravery of their lost loved ones, but to give them support as they meet the challenges of life, challenges that I am sure would be easier to bear if their children were with them today.

During this extraordinary time in our history when, once again, American forces are overseas in battle, it is fitting that we pay tribute to the soldiers who fought for the cause of freedom and democracy in earlier conflicts and to the families who have given up so much in the name of these ideals.

We must memorialize the losses that we, as a Nation, have suffered and make clear that what counts in the long run is the quality and endurance of human spirit. Nowhere has it been given fuller flower than in our country. And in no organization can the power of the human spirit be seen more clearly than in the American Gold Star Mothers.

Although we can never alleviate the pain of losing a son or daughter, we can recognize the sacrifices these families have made and ensure that they suffer no economic hardship. That is why I am proud to cosponsor S. 129, "Gold Star Parents Annuity Act," which was introduced by my colleague, and an America hero, Senator MAX CLELAND of Georgia. This legislation would provide a monthly stipend to Gold Star Parents. It can make a big difference in the lives of families who are struggling to make ends meet. But, more important, it can itself be a powerful symbol of our Nation's respect for the service and sacrifice of those who fought and died so that we might be free. I urge my colleagues to join me in supporting this important bill, and in paying tribute to the American Gold Star Mothers.●

TRIBUTE TO ROBERT L. TAYLOR

● Mr. McCONNELL. Madam President, I rise today to pay tribute to a good friend, successful scholar, and respected community leader, Robert L. Taylor. Bob recently announced that he will retire from his position as Dean of the College of Business and Public Administration at the University of Louisville. I want to thank Bob for his many years of service to the State of Kentucky and to the Nation.

Since Bob first came to U of L in 1984, the Business School has soared to new heights. Under Bob's leadership, the School has grown to include new undergraduate programs, as well as a masters of business administration, the masters of public administration, and a doctoral program in urban affairs. Thanks to Bob's vision, the School has also developed a top notch entrepreneurship program which has garnered national attention and has been recognized by Success Magazine as one of the best programs in America.

As much as he is recognized for his professional success, Bob is also a widely respected leader in the Louisville business community. Never one to seek the spotlight, Bob has repeatedly worked behind the scenes to facilitate communication among diverse groups in the community. He has helped bring people together time and time again such as with his work in helping develop Greater Louisville, Inc., and Leadership Louisville. Bob has played a critical role in the economic development of the Louisville area and his many contributions are greatly appreciated.

Prior to coming to the University of Louisville, Bob led a distinguished 20-year career in the United States Air Force. His military service began in 1961 when he was commissioned through the Air Force ROTC program. During his last ten years in the military, Bob was a professor at the U.S. Air Force Academy in Colorado Springs, Colorado. In 1981 he retired from the Air Force with the rank of lieutenant colonel.

Although he will be retiring from his full time position as Dean of the Business School, Bob will continue to remain very active. In 2003, he has plans to spend time conducting research, studying and teaching. Ultimately, Bob intends to return to U of L in 2004 to teach at the Business School.

Bob Taylor's time as Dean of the College of Business and Public Administration at the University of Louisville may be coming to an end but his record of unwavering service will continue on for many years. On behalf of this body, I thank him for his dedication and contributions to Kentucky and this nation, and sincerely wish him and the entire Taylor family the very best as he moves into this next phase of life.●

TRIBUTE TO 26 YEARS OF MILITARY SERVICE

● Mr. MILLER. Madam President, I rise to recognize Colonel Phillip R. Hutcherson, United States Marine Corps, on the occasion of his retirement from active duty. Colonel Hutcherson has served our great Nation and the Marine Corps for more than 26 years.

Prior to being commissioned a Second Lieutenant in the United States Marine Corps, Colonel Hutcherson attended the United States Naval Academy at Annapolis, MD.

Colonel Hutcherson's Military Occupational Specailty was that of a Marine "Cobra" pilot. The AH–1 attack helicopter provides the Marine infantry with close air support. It also serves as an armed escort and performs reconnaissance in support of the Marine Air Ground Task Force.

Colonel Hutcherson recently concluded his Marine Corps career working in the Marine Corps' Legislative Affairs Office of Headquarters, Marine Corps. For more than four years, he has interacted with the U.S. Congress in order to explain funding requirements to congressional Members and their staffs. His efforts in this capacity were enormously important to educating the Congress on the importance of Marine Corps' aviation in particular.

Colonel Hutcherson has performed his weighty and challenging duties with steadfast commitment and unrivaled professionalism. The U.S. Senate has been fortunate to have a Marine Officer of his caliber perform liaison duties with us. The Congress and the Marine Corps have benefited immensely from Colonel Hutcherson's wise counsel and candid nature.

I wish him and his lovely wife, Marney, all the best as they enter a new chapter of their lives and pursue interests outside of the Marine Corps. Semper Fidelis.●

RECOGNIZING AMERICAN HEART MONTH

● Mr. DORGAN. Madam President, February is American Heart Month. This is the 38th year that the President and the Congress have acknowledged the need to continue the fight against heart disease. Let me describe my interest in this condition and why I have a special desire to promote practices that will lead to healthier hearts for all Americans.

It is important to recognize that heart disease is this country's number one killer and the leading cause of disability and death in our country. It is estimated that if all forms of cardiovascular disease were eliminated, life expectancy would rise by almost 7 years.

We need all of our citizens to become more knowledgeable about this condition and what can be done to identify and control it. Too often, we think of heart disease, stroke and other cardiovascular diseases as "men's diseases." But we need to get the message out that these conditions actually kill more American women than men, and that cardiovascular diseases kill more females each year than the next 9 causes of death combined.

More deaths occur due to cardiac defects than to any other birth defect. Which leads me to one of the reasons I have a special passion to do what I can to promote healthy hearts. I lost a beautiful young daughter to heart disease some years ago, and I have another daughter who has a heart defect. So I have spent a lot of time visiting with cardiologists about the human heart and have first hand knowledge of the devastation of this disease.

How can Members of Congress help fight heart disease? For one thing, we should continue on our course to increase funding for the National Institutes of Health. We have made a lot of progress and I hope that in 2003 we will have met our goal of doubled the funding of the NIH to $24 billion in only five years. I have visited the researchers at NIH and what is going on there is remarkable.

I am pleased to have been one of those who stimulated this increase in research not only of heart disease, but also, of a variety of other conditions such as cancer and diabetes. Yet even with this increase in funding we must focus our eyes, and those of the Nation, on the many areas of research yet to be pursued. Even with the significant increases in funding, NIH still only has the ability to fund a fraction of meritorious applications. That means many missed opportunities for scientific advancement.

Much of what we know about the causes of cardiovascular disease has been discovered as the result of research sponsored by NIH and has lead to much improved treatment. For example, 50 years ago heart attack patients faced a long ordeal of six weeks or more in the hospital and six months before they could sit up in a chair. Now most patients return to normal activities within weeks of a heart attack.

One of the top priorities at NIH is to support studies to facilitate reduction of the epidemic of obesity in American children and adults. Obesity is an important factor leading to diabetes, hypertension and lipid imbalances, all of which are implicated in cardiovascular disease.

I urge my colleagues to join the Congressional Heart and Stroke Coalition that we founded in 1996. I am a co-chairman in the Senate of this bicameral, bipartisan Coalition with Senator FRIST, who is a former heart transplant surgeon. The purpose of the Coalition, which has grown to over 210 Members, is to raise awareness among Congress and the public about cardiovascular diseases and to support public policies to prevent, treat, and ultimately cure these diseases.

The theme for this year's Heart Month is "Be Prepared for Cardiac Emergencies." Although more than 600 Americans die every day of sudden cardiac arrest, the good news is that normal heart rhythm can be restored in many cases using an electric shock from an automated external defibrillator, or AED.

Thanks to modern technology, AEDs are now portable, the size of a briefcase, user friendly, and quite affordable, less than $3500. I was in Fargo, ND, with an ambulance crew who showed me how to hook it up and use it. Believe me, if I can be trained to use it, I am sure any of my colleagues here in the Senate can as well!

Congress has taken several steps to make AEDs more readily available. It passed the Cardiac Arrest Survival Act, which I cosponsored. This new law facilities the placement of AEDs in Federal buildings and other public places which are visited each day by countless visitors, and where more than 1 million federal workers are employed. It also extended "Good Samaritan" protection from legal liability for people who use an AED to provide emergency medical care and for those who acquire AEDs.

As the Chairman of the Treasury-General Government Appropriations Subcommittee, I provided $2 million to place AEDs in Federal buildings in FY2002. The Senate earlier this month passed the Community Access to Emergency Defibrillation Act of 2002, that I cosponsored, which will provide grants for public access defibrillation programs and demonstration projects.

Programs to place defibrillators in public places are already paying off. For instance, a retired professor in my part of the country, Roger Spiled, suffered cardiac arrest while playing basketball. Due to the quick action of an ordinary person with no medical training, who had ready access to an automatic defibrillator that had been put in place just one month earlier, Mr. Spiled was shocked back to life.

Finally, Congress can help to encourage cholesterol screening, which is one of the best ways to quickly gauge the risk for developing cardiovascular diseases. Although cardiovascular diseases account for one-third of all of Medicare's spending for hospitalizations, remarkably, the identification of one of the major, changeable risk factors for cardiovascular disease, high levels of cholesterol is not covered by Medicare.

The most recent guidelines from the National Heart, Lung and Blood Institute recommend that all Americans over the age of 20 be screened for high cholesterol, but when an American turns 65 and enters the Medicare program, they are not eligible for cholesterol screening. This makes no sense.

In recent years, Congress in its wisdom has acted to improve Medicare's coverage of preventive services. Medicare now covers screening for breast, cervical, colorectal and prostate cancer, testing for loss of bone mass, diabetes monitoring, and vaccinations for flu, pneumonia, and Hepatitis B.

Now we must act to provide Medicare coverage of cholesterol screening. I urge you to cosponsor the Medicare Cholesterol Screening Coverage Act that I have introduced, along with Senators CAMPBELL and BINGAMAN, which adds this important benefit to the menu of preventive services already covered by Medicare.

My family and every family is touched by, and is acquainted in some way with, heart disease. The American Heart Association is a wonderful organization of volunteers that does extraordinary work. I will continue to work with them and with the Heart and Stroke Coalition in the Congress to continue to make progress in battling this dreaded disease that kills, and reduces the quality of life of, so many Americans.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5396. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Design Standards for Highways" (RIN2125-AE89) received on February 14, 2002; to the Committee on Environment and Public Works.

EC-5397. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report concerning violations of the Antideficiency Act, case number 97-12, relative to Shaw Air Force Base, South Carolina; to the Committee on Appropriations.

EC-5398. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Andean Trade Preference Act" (RIN1515-AD03) received on February 14, 2002; to the Committee on Finance.

EC-5399. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-267, "Housing Act of 2002"; to the Committee on Governmental Affairs.

EC-5400. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants under the Immigration and Nationality Act, As Amended: Automatic Visa Revalidation" (22 CFR Part 41); to the Committee on Foreign Relations.

EC-5401. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the Forty-Ninth Annual Report Concerning United States Contributions to International Organizations for Fiscal Year 2000; to the Committee on Foreign Relations.

EC-5402. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC-5403. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to the certification of a proposed manufacturing license agreement with Switzerland; to the Committee on Foreign Relations.

EC-5404. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to the certification of a proposed manufacturing license agreement with the United Kingdom; to the Committee on Foreign Relations.

EC-5405. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5406. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Naval Amphibious Base, San Diego Bay, CA" ((RIN2115-AA97)(2002-0027)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5407. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Ports of Charleston and Georgetown, SC" ((RIN2115-AA97)(2002-0028)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5408. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: St. Thomas, U.S. Virgin Islands" ((RIN2115-AA97)(2002-0029)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5409. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: St. Croix, U.S. Virgin Islands" ((RIN2115-AA97)(2002-0030)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5410. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Hutchinson Island, St. Lucia, Florida and Turkey Point Biscayne Bay, Florida City, Florida" ((RIN2115–AA97)(2002–0022)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5411. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Diego Bay, CA" ((RIN2115–AA97)(2002–0024)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5412. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Diego Bay" ((RIN2115–AA97)(2002–00258)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5413. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Naval Supply Center Pier, San Diego Bay, CA" ((RIN2115–AA97)(2002–0026)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5414. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Mississippi River, Iowa and Illinois" ((RIN2115–AE47)(2002–0022)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5415. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Pedro Bay, CA (COTP Los Angeles-Long Beach 02–002)" ((RIN2115–AA97)(2002–0020)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5416. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port Everglades, Fort Lauderdale, Florida (COTP Miami 01–122)" ((RIN2115–AA97)(2002–0021)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5417. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Alternate Compliance Program; Incorporation of Offshore Supply Vessels" ((RIN2115–AG17)(2002–0001)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5418. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Right to Appeal; Director, Great Lakes Pilotage" ((RIN2115–AG11)(2002–0001)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5419. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Mississippi River, Wisconsin and Minnesota" ((RIN2115–AE47)(2002–0020)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5420. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Cheesaquake Creek, NJ" ((RIN2115–AE47)(2002–0021)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5421. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes" ((RIN2120–AA64)(2002–0089)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5422. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS332L2 Helicopters" ((RIN2120–AA64)(2002–0094)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5423. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter Deutschland Model EC135 Helicopters" ((RIN2120–AA64)(2002–0093)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5424. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, B1, B2, BA, D, and AS355E Helicopters" ((RIN2120–AA64)(2002–0092)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5425. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328 Series Airplanes Equipped with Honeywell GP–300 Guidance and Display Controller" ((RIN2120–AA64)(2002–0091)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5426. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 Series Airplanes" ((RIN2120–AA64)(2002–0098)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5427. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–300 Series Airplanes" ((RIN2120–AA64)(2002–0097)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5428. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Grob-Werke Gmbh and Co KG Models G102 Club Astir III, IIIb, and G102 Standar Astir III Sailplanes" ((RIN2120–AA64)(2002–0096)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5429. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ird. Model Galaxy Airplanes" ((RIN2120–AA64)(2002–0095)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5430. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model Avro 146 RJ Series Airplanes" ((RIN2120–AA64)(2002–0101)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5431. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002–0100)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5432. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002–0099)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5433. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Oahu, Maui, Hawaii, and Kauai, HI (COTP Honolulu 01–008)" ((RIN2115–AA97)(2002–0031)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5434. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, –200, –300, and 747SR Series Airplanes; Powered by GE CFR–45/50 Pratt and Whitney JT9D Series" ((RIN2120–AA64)(2002–0104)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5435. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9 10, 20, 30, 40, and 50 Series Airplanes; and C–9 Airplanes" ((RIN2120–AA64)(2002–0103)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5436. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8, 100, 200, and 300 Series Airplanes" ((RIN2120–AA64)(2002–0102)) received on February 11, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5437. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes: Miscellaneous Amendments (21); Amdt. No. 433" ((RIN2120–AA63)(2002–0001)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5438. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area" (RIN2120–AH62) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5439. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (18); Amdt. No. 2089" ((RIN2120–AA65)(2002–0011)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5440. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace Area, Kayenta, AZ" ((RIN2120–AA66)(2002–0024)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5441. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment to Class D Airspace; Eglin AFB, FL" ((RIN2120–AA66)(2002–0027)) received on February 14, 2002; to the Committee on Commerce, Science, , and Transportation.

EC–5442. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision to Class E Surface Area at Marysville Yuba County Airport, CA" ((RIN2120–AA66)(2002–0026)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5443. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Honolulu Class E5 Airspace Area; Honolulu, HI, Airspace" ((RIN2120–AA66)(2002–0025)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5444. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopter, Inc. Model MD900 Helicopters" ((RIN2120–AA64)(2002–0108)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5445. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model HP 137 Jetstream Mk 1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes" ((RIN2120–AA64)(2002–0107)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5446. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: GE Aircraft Engines CT7 Series Turboprop Engines" ((RIN2120–AA64)(2002–0106)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5447. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Model PC 7 Airplanes" ((RIN2120–AA64)(2002–0105)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5448. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Establishment of Class E Airspace; Bellingham, WA" ((RIN2120–AA66)(2002–0013)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5449. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Union, SC" ((RIN2120–AA66)(2002–0012)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5450. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E5 Airspace; Andrews-Murphy, NC" ((RIN2120–AA66)(2002–0011)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5451. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Wauchula, FL" ((RIN2120–AA66)(2002–0010)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5452. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Class E Airspace; Youngstown, ND" ((RIN2120–AA66)(2002–0018)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5453. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Santley, ND" ((RIN2120–AA66)(2002–0017)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5454. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hillsboro, ND" ((RIN2120–AA66)(2002–0016)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5455. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Warren, MN" ((RIN2120–AA66)(2002–0015)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5456. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace: Kenmare, ND" ((RIN2120–AA66)(2002–0014)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5457. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Easton Memorial Hospital Heliport, MD" ((RIN2120–AA66)(2002–0023)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5458. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; St. Mary's Hospital Heliport, MD" ((RIN2120–AA66)(2002–0022)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5459. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Titusville, NASA Shuttle Landing Facility, FL" ((RIN2120–AA66)(2002–0021)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5460. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment, Redesignation, and Revocation of Restricted Area, NV" ((RIN2120–AA66)(2002–0020)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5461. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Cleveland, OH; and Medina, OH; and Revocation of Class E Airspace; Elyria, OH" ((RIN2120–AA66)(2002–0019)) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5462. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Civil Penalty Inflation Adjustment Revisions" (RIN2120–AH21) received on February 14 , 2002; to the Committee on Commerce, Science, and Transportation.

EC–5463. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Diflubenzuron; Pesticide Tolerance"

(FRL6821-7) received on February 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5464. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to Home Mortgage Disclosure (Regulation C); Final Rule and Staff Interpretation" received on February 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5465. A communication from the Staff Director, United States Commission on Civil Rights, transmitting, pursuant to the Federal Advisory Committee Act, a list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

EC-5466. A communication from the Deputy Secretary of Defense, transmitting, pursuant to Section 701 of the National Defense Authorization Act for Fiscal Year 2000, a report relative to the Pharmacy Benefits Program; to the Committee on Armed Services.

EC-5467. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the budget request for the Office of the Inspector General for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC-5468. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's Congressional Justification of Budget Estimates for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC-5469. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Principals for Managing Contaminated Sediment Risks at Hazardous Waste Sites" received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5470. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Letter; Criterion Catalysts and Technologies L.P. (Criterion) of Regenerated Hydroprocessing Catalysts for Reuse in Petroleum Refining Operations" received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5471. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham and Worcester" (FRL7143-7) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5472. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans, State of Utah; Revisions of Definitions" (FRL7142-9) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5473. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Billings Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes" (FRL7139-6) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5474. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri" (FRL7146-5) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5475. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL7136-4) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5476. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio" (FRL7133-8) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5477. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Attainment Finding; Bullhead City and Payson Nonattainment Areas, Arizona; Sacramento and San Bernadino Nonattainment Area, California; Particulate Matter of 10 microns or less (PM-10)" (FRL7143-2) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5478. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clean Air Act Final Approval of Operating Permit Program Revisions; Jefferson County (KY)" (FRL7143-9) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5479. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that State has Corrected the Rule Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District, State of California" (FRL7139-4) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5480. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations" (FRL7147-8) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5481. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuel and Fuel Additives: Reformulated Gasoline Transition" (FRL7147-1) received on February 15, 2002; to the Committee on Environment and Public Works.

EC-5482. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. Models LTS101-600A and LTS101-600A-3 Turboshaft Engines; and LTP101-6001A and LTP101-700A-1A Turboprop Engines" ((RIN2120-AA64) (2002-0054)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5483. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9-10, -20, -30, and -40 Series Airplanes and C-9 Airplanes" ((RIN2120-AA64) (2002-0061)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5484. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9-10, -20, -30, and -40 Series Airplanes and C-9 Series Airplanes; Docket No. 2001-NM" ((RIN2120-AA64) (2002-0060)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5485. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. TPE331-8-10N, and -12B Turboprop Engines" ((RIN2120-AA64) (2002-0059)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5486. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model MD 90-30 Series Airplanes" ((RIN2120-AA64) (2002-0058)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5487. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9-10, -20, -30, -40, and -50 Series Airplanes; Model DC 9-81, -82, -83, and -87 Series Airplanes and Model MD-88 Airplanes; and C-9 Airplanes" ((RIN2120-AA64) (2002-0065)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5488. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9-10, -20, -30, -40, and -50 Series Airplanes; C-9 Airplanes; Model DC 9-81, -82, -83, and -87 Series Airplanes and Model MD-88 Airplanes" ((RIN2120-AA64) (2002-0064)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5489. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9-10, -20, -30, and -40 Series Airplanes" ((RIN2120-AA64) (2002-0063)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5490. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10, –20, –30, and –40 Series Airplanes and C–9 Airplanes" ((RIN2120–AA64) (2002–0062)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5491. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10–10, 15, 30F, and 40 Series Airplanes, and Model MD–10–10F Series Airplanes" ((RIN2120–AA64) (2002–0070)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5492. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10, –20, –30, –40, and –50 Series Airplanes; C–9 Airplanes; and Model DC 9–81, –82, and –83 Series Airplanes" ((RIN2120–AA64) (2002–0069)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5493. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10, –20, –30, –40, and –50 Series Airplanes; C–9 Airplanes; and Model DC 9–81, –82, –83, and –87 Series Airplanes" ((RIN2120–AA64) (2002–0066)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5494. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10, –20, –30, –40, and –50 Series Airplanes; C–9 Airplanes" ((RIN2120–AA64) (2002–0067)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5495. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 8 Series Airplanes" ((RIN2120–AA64) (2002–0075)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5496. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–10 and –30 Series Airplanes" ((RIN2120–AA64) (2002–0073)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5497. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10–10, –10F, –30, –30F, –40, and –40F Series Airplanes, and Model MD 10–10F Series Airplanes" ((RIN2120–AA64) (2002–0072)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5498. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 10 Series Airplanes; and Model MD 10–10F and –30F Series Airplanes" ((RIN2120–AA64) (2002–0071)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5499. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4, A300 B4–600 and B4–600R and A310 Series Airplanes" ((RIN2120–AA64) (2002–0074)) received on February 6, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5500. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Yucca Mountain Project; to the Committee on Energy and Natural Resources.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REED (for himself, Mr. LEVIN, Mr. WARNER, Mr. DASCHLE, Mr. MCCAIN, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. HUTCHINSON, Mr. HAGEL, Mr. BINGAMAN, Mr. SANTORUM, Mr. SMITH of New Hampshire, Mr. DEWINE, Mrs. CLINTON, Mr. SCHUMER, Mr. NELSON of Florida, Mr. BUNNING, Mr. THURMOND, Mrs. CARNAHAN, Mr. KENNEDY, Mr. AKAKA, Mr. DAYTON, Mr. INOUYE, Mr. SPECTER, Mr. SHELBY, and Ms. COLLINS):

S.J. Res. 32. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation; considered and passed.

ADDITIONAL COSPONSORS

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 630

At the request of Mr. BURNS, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 630, a bill to prohibit senders of unsolicited commercial electronic mail from disguising the source of their messages, to give consumers the choice to cease receiving a sender's unsolicited commercial electronic mail messages, and for other purposes.

S. 682

At the request of Mr. MCCAIN, the names of the Senator from Virginia (Mr. ALLEN) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 1169

At the request of Mr. FEINGOLD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1169, a bill to streamline the regulatory processes applicable to home health agencies under the medicare program under title XVIII of the Social Security Act and the medicaid program under title XIX of such Act, and for other purposes.

S. 1194

At the request of Mr. SPECTER, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1194, a bill to impose certain limitations on the receipt of out-of-State municipal solid waste, to authorize State and local controls over the flow of municipal solid waste, and for other purposes.

S. 1209

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1209, a bill to amend the Trade Act of 1974 to consolidate and improve the trade adjustment assistance programs, to provide community-based economic development assistance for trade-affected communities, and for other purposes.

S. 1328

At the request of Ms. LANDRIEU, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1328, a bill entitled the "Conservation and Reinvestment Act".

S. 1391

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1391, a bill to establish a grant program for Sexual Assault Forensic Examiners, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the

Government pension offset and windfall elimination provisions.

S. 1806

At the request of Mr. REED, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1806, a bill to amend the Public Health Service Act with respect to health professions programs regarding the practice of pharmacy.

S. 1897

At the request of Mrs. CARNAHAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1897, a bill to require disclosure of the sale of securities by an affiliate of the issuer of the securities to be made available to the Commission and to the public in electronic form, and for other purposes.

S. 1912

At the request of Mr. SMITH of Oregon, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1912, a bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior and the Secretary of Commerce to give greater weights to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes.

S. 1921

At the request of Mr. HUTCHINSON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1921, a bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to provide greater protection of workers' retirement plans, to prohibit certain activities by persons providing auditing services to issuers of public securities, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1934

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1934, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 1935

At the request of Ms. MIKULSKI, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1935, a bill to amend chapters 83 and 84 of title 5, United States Code, to include inspectors of the Immigration and Naturalization Service, inspectors and canine enforcement officers of the United States Customs Service, and revenue officers of the Internal Revenue Service as law enforcement officers.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Wyoming (Mr. ENZI), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

AMENDMENT NO. 2894

At the request of Mr. KOHL, his name was added as a cosponsor of amendment No. 2894 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

AMENDMENT NO. 2915

At the request of Ms. COLLINS, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Wyoming (Mr. ENZI), and the Senator from Maine (Ms. SNOWE) were added as cosponsors of amendment No. 2915 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2922. Mr. DODD proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2923. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2924. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2925. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2926. Mr. DODD (for Mr. LIEBERMAN) proposed an amendment to the bill S. 565, supra.

TEXT OF AMENDMENTS

SA 2922. Mr. DODD proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, strike lines 5 through 17, and insert the following:

(a) CONSPIRACY TO DEPRIVE VOTERS OF A FAIR ELECTION.—Any individual who knowingly and willfully gives false information in registering or voting in violation of section 11(c) of the National Voting Rights Act of 1965 (42 U.S.C. 1973i(c)), or conspires with another to violate such section, shall be fined or imprisoned, or both, in accordance with such section.

(b) FALSE INFORMATION IN REGISTERING AND VOTING.—Any individual who knowingly commits fraud or knowingly makes a false statement with respect to the naturalization, citizenry, or alien registry of such individual in violation of section 1015 of title 18, United States Code, shall be fined or imprisoned, or both, in accordance with such section.

SA 2923. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 54, strike lines 22 and 23, and insert the following:

necessary to provide such assistance;

(I) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient; and

(J) such other matters as the Commission

SA 2924. Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. . RETROACTIVE PAYMENTS FOR CERTAIN DRE VOTING SYSTEMS.

In addition to any other payment made under section 206 or 215, the Attorney General may make retroactive payments under such section (as appropriate) to any State or locality having an application approved under section 203 or 213 (as appropriate) for any costs incurred by such State or locality for the purpose of acquiring a direct recording electronic voting system during calendar year 1999 or calendar year 2000 if that State or locality is continuing to make payments for such system as of the date of enactment of this Act.

SA 2925. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

SA 2926. Mr. DODD (for Mr. LIEBERMAN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 54, strike lines 22 and 23, and insert the following:

necessary to provide such assistance;

(I)(i) the laws and procedures used by each State that govern—

(I) recounts of ballots cast in elections for Federal office;

(II) contests of determinations regarding whether votes are counted in such elections; and

(III) standards that define what will constitute a vote on each type of voting equipment used in the State to conduct elections for Federal office;

(ii) the best practices (as identified by the Commission) that are used by States with respect to the recounts and contests described in clause (i); and

(iii) whether or not there is a need for more consistency among State recount and contest procedures used with respect to elections for Federal office; and

(J) such other matters as the Commission

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Tuesday, March 5, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 7, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

PRIVILEGE OF THE FLOOR

Ms. COLLINS. Madam President, I ask unanimous consent that privileges of the floor be granted to Caileen Nutter for the duration of the time for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURE, CONSERVATION AND RURAL ENHANCEMENT ACT OF 2001

On February 13, 2002, the Senate passed H.R. 2646, with an amendment in the nature of a substitute, as follows:

Resolved, That the bill from the House of Representatives (H.R. 2646) entitled "An Act to provide for the continuation of agricultural programs through fiscal year 2011.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Agriculture, Conservation, and Rural Enhancement Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—COMMODITY PROGRAMS

Sec. 101. Definitions.

Subtitle A—Direct and Counter-Cyclical Payments

Sec. 111. Direct and counter-cyclical payments.
Sec. 112. Violations of contracts.
Sec. 113. Planting flexibility.
Sec. 114. Pilot program for farm counter-cyclical savings accounts.

Subtitle B—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

Sec. 121. Nonrecourse marketing assistance loans and loan deficiency payments.
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TITLE I—COMMODITY PROGRAMS

SEC. 101. DEFINITIONS.

Section 102 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7202) is amended to read as follows:

"SEC. 102. DEFINITIONS.

"In this title:

"(1) AGRICULTURAL ACT OF 1949.—Except in section 171, the term 'Agricultural Act of 1949' means the Agricultural Act of 1949 (7 U.S.C. 1421 et seq.), as in effect prior to the suspensions under section 171(b)(1).

"(2) CONSIDERED PLANTED.—The term 'considered planted' means any acreage on the farm that—

"(A) producers on a farm were prevented from planting to a crop because of drought, flood, or other natural disaster, or other condition beyond the control of the eligible owners and producers on the farm, as determined by the Secretary; and

"(B) was not planted to another contract commodity (other than a contract commodity produced under an established practice of double cropping).

"(3) CONTRACT.—The term 'contract' means a contract entered into under subtitle B.

"(4) CONTRACT ACREAGE.—The term 'contract acreage' means the contract acreage determined under section 111(f).

"(5) CONTRACT COMMODITY.—The term 'contract commodity' means wheat, corn, grain sorghum, barley, oats, upland cotton, rice, and oilseeds.

"(6) CONTRACT PAYMENT.—The term 'contract payment' means a payment made under subtitle B pursuant to a contract.

"(7) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

"(8) EXTRA LONG STAPLE COTTON.—The term 'extra long staple cotton' means cotton that—

"(A) is produced from pure strain varieties of the Barbadense species or any hybrid thereof, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

"(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

"(9) LOAN COMMODITY.—The term 'loan commodity' means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, rice, oilseeds, wool, honey, dry peas, lentils, and chickpeas.

"(10) OILSEED.—The term 'oilseed' means a crop of soybeans, sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, and, if designated by the Secretary, other oilseeds.

"(11) PAYMENT YIELD.—The term 'payment yield' means a payment yield determined under section 111(g).

"(12) PRODUCER.—

"(A) IN GENERAL.—The term 'producer' means an owner, operator, landlord, tenant, or sharecropper that—

"(i) shares in the risk of producing a crop; and

"(ii) is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

"(B) HYBRID SEED.—In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(13) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(14) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia;

"(C) the Commonwealth of Puerto Rico; and

"(D) any other territory or possession of the United States.

"(15) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.".

Subtitle A—Direct and Counter-Cyclical Payments

SEC. 111. DIRECT AND COUNTER-CYCLICAL PAYMENTS.

Sections 111 through 114 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211 through 7214) are amended to read as follows:

"SEC. 111. AUTHORIZATION FOR CONTRACTS.

"(a) IN GENERAL.—The Secretary shall offer to enter into a contract with an eligible owner or producer described in subsection (b) on a farm containing eligible cropland under which the eligible owner or producer will receive direct payments and counter-cyclical payments under sections 113 and 114, respectively.

"(b) ELIGIBLE OWNERS AND PRODUCERS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), an owner or producer on a farm shall be eligible to enter into a contract.

"(2) TENANTS.—

"(A) SHARE-RENT TENANTS.—A producer on eligible cropland that is a tenant with a share-rent lease of the eligible cropland, regardless of the length of the lease, shall be eligible to enter into a contract, if the owner of the eligible cropland enters into the same contract.

"(B) CASH-RENT TENANTS.—

"(i) CONTRACTS WITH LONG-TERM LEASES.—A producer on eligible cropland that cash rents the eligible cropland under a lease expiring on or after the termination of the contract shall be eligible to enter into a contract.

"(ii) CONTRACTS WITH SHORT-TERM LEASES.—

"(I) IN GENERAL.—A producer that cash rents the eligible cropland under a lease expiring before the termination of the contract shall be eligible to enter into a contract.

"(II) OWNER'S CONTRACT INTEREST.—The owner of the eligible cropland may also enter into the same contract.

"(III) CONSENT OF OWNER.—If the producer elects to enroll less than 100 percent of the eligible cropland in the contract, the consent of the owner shall be required for a valid contract.

"(3) CASH-RENT OWNERS.—

"(A) IN GENERAL.—An owner of eligible cropland that cash rents the eligible cropland under a lease term that expires before the end of 2006 crop year shall be eligible to enter into a contract if the tenant declines to enter into the contract.

"(B) CONTRACT PAYMENTS.—In the case of an owner covered by subparagraph (A), the Secretary shall not make contract payments to the owner under the contract until the lease held by the tenant terminates.

"(c) COMPLIANCE WITH CERTAIN REQUIREMENTS.—Under the terms of a contract, the owner or producer shall agree, in exchange for annual contract payments—

"(1) to comply with applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

"(2) to comply with applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

"(3) to comply with the planting flexibility requirements of section 118; and

"(4) to use a quantity of land on the farm equal to the contract acreage, for an agricultural or conserving use or related activity, and not for a nonagricultural commercial or industrial use, as determined by the Secretary.

"(d) PROTECTION OF INTERESTS OF CERTAIN PRODUCERS.—

"(1) TENANTS AND SHARECROPPERS.—In carrying out this subtitle, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(2) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of contract payments among the eligible producers on a farm on a fair and equitable basis.

"(e) ELIGIBLE CROPLAND.—

"(1) IN GENERAL.—Land shall be considered to be cropland eligible for coverage under a contract only if the land—

"(A) has with respect to a contract commodity—

"(i) contract acreage attributable to the land; and

"(ii) a payment yield; or

"(B) was subject to a conservation reserve contract under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with a term that expired, or was voluntarily terminated, on or after the date of enactment of this paragraph.

"(2) QUANTITY OF ELIGIBLE CROPLAND COVERED BY CONTRACT.—An eligible owner or producer may enroll as contract acreage under this subtitle all or a portion of the eligible cropland on the farm.

"(3) VOLUNTARY REDUCTION IN CONTRACT ACREAGE.—An eligible owner or producer that enters into a contract may subsequently reduce the quantity of contract acreage covered by the contract.

"(f) CONTRACT ACREAGE.—

"(1) IN GENERAL.—Subject to subsection (h), for the purpose of making direct payments and counter-cyclical payments to eligible owners and producers on a farm, the Secretary shall provide the eligible owners and producers on the farm with an opportunity to elect 1 of the following methods as the method by which the contract acreages for the 2002 through 2006 crops of all contract commodities for a farm are determined:

"(A) The 4-year average of acreage planted or considered planted to a contract commodity for harvest, grazing, haying, silage, or other similar purposes during each of the 1998 through 2001 crop years.

"(B) The total of—

"(i) the contract acreage (as defined in section 102 (as in effect before the amendment made by section 101 of the Agriculture, Conservation, and Rural Enhancement Act of 2002)) that would have been used by the Secretary to calculate the payment for fiscal year 2002 under such section 102 for the contract commodity on the farm; and

"(ii) the 4-year average determined under subparagraph (A) for each oilseed produced on the farm.

"(C) In the case of land described in section 112(a)(3), land with eligible base, as determined by the Secretary.

"(2) PREVENTION OF EXCESS CONTRACT ACREAGES.—

"(A) REQUIRED REDUCTION.—If the total of the contract acreages for a farm, together with the acreage described in subparagraph (C), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the quantity of contract acreages for 1 or more contract commodities for the farm or peanut acres as necessary so that the total of the contract acreages and acreage described in subparagraph (C) does not exceed the actual cropland acreage of the farm.

"(B) SELECTION OF ACRES.—The Secretary shall give the eligible owners and producers on the farm the opportunity to select the contract acreages or peanut acres against which the reduction will be made.

"(C) OTHER ACREAGE.—For purposes of subparagraph (A), the Secretary shall include—

"(i) any peanut acres for the farm under chapter 3 of subtitle D;

"(ii) any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.); and

"(iii) any other acreage on the farm enrolled in a voluntary Federal conservation program under which production of any agricultural commodity is prohibited.

"(D) DOUBLE-CROPPED ACREAGE.—In applying subparagraph (A), the Secretary shall take into account additional acreage as a result of an established double-cropping history on a farm, as determined by the Secretary.

"(g) PAYMENT YIELDS.—

"(1) IN GENERAL.—Subject to paragraph (2) and subsection (h), an eligible owner or producer that has entered into a contract under this subtitle may make a 1-time election to have the payment yield for a payment for each of the 2002 through 2006 crops of all contract commodities for a farm be equal to—

"(A) an amount that is the greater of—

"(i) the average of the yield per harvested acre for the crop of the contract commodity for the farm for the 1998 through 2001 crop years, excluding—

"(I) any crop year for which the producers on the farm did not plant the contract commodity; and

"(II) at the option of the producers on the farm, 1 additional crop year; or

"(ii) the farm program payment yield described in subparagraph (B); or

"(B) the farm program payment yield established for the 1995 crop of a contract commodity under section 505 of the Agricultural Act of 1949 (7 U.S.C. 1465), as adjusted by the Secretary to account for any additional yield payments made with respect to that crop under section 505(b)(2) of that Act.

"(2) ASSIGNED YIELDS.—In the case of a farm for which yield records are unavailable for a contract commodity (including land of a farm that is devoted to an oilseed under a former conservation reserve contract described in section 112(a)(3)), the Secretary shall establish an appropriate payment yield for the contract commodity on the farm taking in consideration the payment yields applicable to the contract commodity under paragraph (1) for similar farms in the area, taking into consideration the yield election for the farm under subsection (h).

"(h) ELIGIBLE OWNER AND PRODUCER ELECTION OPTIONS.—

"(1) IN GENERAL.—In making elections under subsections (f) and (g), eligible owners and producers on a farm shall elect to have—

"(A)(i) contract acreage for the farm determined under subsection (f)(1)(A); and

"(ii) payment yields determined under subsection (g)(1)(A); or

"(B)(i) contract acreage for the farm determined under subsection (f)(1)(B); and

"(ii) payment yields determined under—

"(I) in the case of contract commodities other than oilseeds, subsection (g)(1)(B); and

"(II) in the case of oilseeds, subsection (g)(1)(A).

"(2) SINGLE ELECTION; TIME FOR ELECTION.—

"(A) SINGLE ELECTION.—The eligible owners and producers on a farm shall have 1 opportunity to make the election described in paragraph (1).

"(B) TIME FOR ELECTION.—Subject to section 112(a)(3), not later than 180 days after the date of enactment of this subsection, the eligible owners and producers on a farm shall notify the Secretary of the election made by the eligible owners and producers on the farm under paragraph (1).

"(3) EFFECT OF FAILURE TO MAKE ELECTION.—If the producers on a farm fail to make the election under paragraph (1), or fail to timely notify the Secretary of the selected option as required by paragraph (2), the eligible owners and producers on the farm shall be deemed to have made the election described in paragraph (1)(B) for the purpose of determining the contract acreages for all contract commodities on the farm.

"(4) APPLICATION OF ELECTION TO ALL CONTRACT COMMODITIES.—The election made under paragraph (1) or deemed to be made under paragraph (3) with respect to a farm shall apply to all of the contract commodities produced on the farm.

"SEC. 112. ELEMENTS OF CONTRACTS.

"(a) TIME FOR CONTRACTING.—

"(1) COMMENCEMENT.—To the extent practicable, the Secretary shall commence entering into contracts not later than 45 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002.

"(2) DEADLINE.—Except as provided in paragraph (3), the Secretary may not enter into a contract after the date that is 180 days after the date of enactment of that Act.

"(3) CONSERVATION RESERVE LAND.—

"(A) IN GENERAL.—At the beginning of each fiscal year, the Secretary shall allow an eligible owner or producer on a farm covered by a conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) that terminated after the date specified in paragraph (2) to enter into or expand a contract to cover the eligible cropland of the farm that was subject to the former conservation reserve contract.

"(B) ELECTION.—For the fiscal year and crop year for which a contract acreage adjustment under subparagraph (A) is first made, the eligible owners and producers on the farm shall elect to receive—

"(i) direct payments and counter-cyclical payments under sections 113 and 114, respectively, with respect to the acreage added to the farm under this paragraph; or

"(ii) a prorated payment under the conservation reserve contract.

"(b) DURATION OF CONTRACT.—

"(1) BEGINNING DATE.—The term of a contract shall begin with—

"(A) the 2002 crop of a contract commodity; or

"(B) in the case of acreage that was subject to a conservation reserve contract described in subsection (a)(3), the date the contract was entered into or expanded to cover the acreage.

"(2) ENDING DATE.—Subject to sections 116 and 117, the term of a contract shall extend through the 2006 crop, unless earlier terminated by the eligible owners or producers on a farm.

"SEC. 113. DIRECT PAYMENTS.

"(a) IN GENERAL.—For each of the 2002 through 2006 fiscal years, the Secretary shall make direct payments available to eligible owners and producers on a farm that have entered into a contract to receive payments under this section.

"(b) PAYMENT AMOUNT.—The amount of a direct payment to be paid to the eligible owners and producers on a farm for a contract commodity for a fiscal year under this section shall be obtained by multiplying—

"(1) the payment rate for the contract commodity specified in subsection (c);

"(2) the contract acreage attributable to the contract commodity for the farm; and

"(3) the payment yield for the contract commodity for the farm.

"(c) PAYMENT RATE.—The payment rates used to make direct payments with respect to contract commodities for a fiscal year under this section are as follows:

"(1) WHEAT.—In the case of wheat:

"(A) For each of fiscal years 2002 and 2003, $0.450 per bushel.

"(B) For each of fiscal years 2004 and 2005, $0.225 per bushel.

"(C) For fiscal year 2006, $0.113 per bushel.

"(2) CORN.—In the case of corn:

"(A) For each of fiscal years 2002 and 2003, $0.270 per bushel.

"(B) For each of fiscal years 2004 and 2005, $0.135 per bushel.

"(C) For fiscal year 2006, $0.068 per bushel.

"(3) GRAIN SORGHUM.—In the case of grain sorghum:

"(A) For the 2002 fiscal year, $0.310 per bushel.

"(B) For the 2003 fiscal year, $0.270 per bushel.

"(C) For each of fiscal years 2004 and 2005, $0.135 per bushel.

"(D) For fiscal year 2006, $0.068 per bushel.

"(4) BARLEY.—In the case of barley:

"(A) For each of fiscal years 2002 and 2003, $0.200 per bushel.

"(B) For each of fiscal years 2004 and 2005, $0.100 per bushel.

"(C) For fiscal year 2006, $0.050 per bushel.

"(5) OATS.—In the case of oats:

"(A) For each of fiscal years 2002 and 2003, $0.050 per bushel.

"(B) For each of fiscal years 2004 and 2005, $0.025 per bushel.

"(C) For fiscal year 2006, $0.013 per bushel.

"(6) UPLAND COTTON.—In the case of upland cotton:

"(A) For each of fiscal years 2002 and 2003, $0.130 per pound.

"(B) For each of fiscal years 2004 and 2005, $0.065 per pound.

"(C) For fiscal year 2006, $0.0325 per pound.

"(7) RICE.—In the case of rice:

"(A) For each of fiscal years 2002 and 2003, $2.450 per hundredweight.

"(B) For each of fiscal years 2004 and 2006, $2.40 per hundredweight.

"(8) SOYBEANS.—In the case of soybeans:

"(A) For each of fiscal years 2002 and 2003, $0.550 per bushel.

"(B) For each of fiscal years 2004 and 2005, $0.275 per bushel.

"(C) For fiscal year 2006, $0.138 per bushel.

"(9) OILSEEDS (OTHER THAN SOYBEANS).—In the case of oilseeds (other than soybeans):

"(A) For each of fiscal years 2002 and 2003, $0.010 per pound.

"(B) For each of fiscal years 2004 and 2005, $0.005 per pound.

"(C) For fiscal year 2006, $0.0025 per pound.

"(d) TIME FOR PAYMENTS.—

"(1) INITIAL PAYMENT.—At the option of the eligible owners and producers on a farm, the Secretary shall pay 50 percent of the direct payment for a crop of a contract commodity for the eligible owners and producers on the farm on or after December 1 of the fiscal year, as determined by the Secretary.

"(2) FINAL PAYMENT.—The Secretary shall pay the final amount of the direct payment that is payable to the eligible owners and producers on a farm for a contract commodity under subsection (a) (less the amount of any initial payment made to the producers on the farm of the contract commodity under paragraph (1)) not later than September 30 of the fiscal year, as determined by the Secretary.

"SEC. 114. COUNTER-CYCLICAL PAYMENTS.

"(a) IN GENERAL.—For each of the 2002 through 2006 crop years, the Secretary shall make counter-cyclical payments to eligible owners and producers on a farm of each contract commodity that have entered into a contract to receive payments under this section.

"(b) PAYMENT AMOUNT.—The amount of the payments made to eligible owners and producers on a farm for a crop of a contract commodity under this section shall equal the amount obtained by multiplying—

"(1) the payment rate for the contract commodity specified in subsection (c);

"(2) the contract acreage attributable to the contract commodity for the farm; and

"(3) the payment yield for the contract commodity for the farm.

"(c) PAYMENT RATES.—

"(1) IN GENERAL.—The payment rate for a crop of a contract commodity under subsection (b)(1) shall equal the difference between—

"(A) the income protection price for the contract commodity established under paragraph (2); and

"(B) the total of—

"(i) the higher of—

"(I) the average price of the contract commodity during the first 5 months of the marketing year of the contract commodity, as determined by the Secretary; and

"(II) the loan rate for the crop of the contract commodity under section 132; and

"(ii) the direct payment for the contract commodity under section 113 for the fiscal year that precedes the date of a payment under this section.

"(2) INCOME PROTECTION PRICES.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

"(A) Wheat, $3.45 per bushel.

"(B) Corn, $2.35 per bushel.

"(C) Grain sorghum, $2.35 per bushel.

"(D) Barley, $2.20 per bushel.

"(E) Oats, $1.55 per bushel.

"(F) Upland cotton, $0.680 per pound.

"(G) Rice, $9.30 per hundredweight.

"(H) Soybeans, $5.75 per bushel.

"(I) Oilseeds (other than soybeans), $0.105 per pound.

"(d) TIME FOR PAYMENT.—The Secretary shall make counter-cyclical payments for each of the 2002 through 2006 crop years not later than 190 days after the beginning of marketing year for the crop of the contract commodity.".

SEC. 112. VIOLATIONS OF CONTRACTS.

Section 116 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7216) is amended—

(1) in the first sentence of subsection (a)—

(A) by striking "subsection (b)" and inserting "subsections (b) and (e)"; and

(B) by striking "section 111(a)" and inserting "this subtitle";

(2) in subsection (b), by striking "If" and inserting "Except as provided in subsection (e), if"; and

(3) by adding at the end the following:

"(e) PLANTING FLEXIBILITY.—In the case of a first violation of section 118(b) by an eligible owner or producer that has entered into a contract and that acted in good faith, in lieu of terminating the contract under subsection (a), the Secretary shall require a refund or reduce a future contract payment under subsection (b) in an amount that does not exceed twice the amount otherwise payable under the contract on the number of acres involved in the violation.".

SEC. 113. PLANTING FLEXIBILITY.

Section 118(b) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7218(b)) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) LIMITATIONS.—The planting of the following agricultural commodities shall be prohibited on contract acreage:

"(A) Fruits.

"(B) Vegetables (other than lentils, mung beans, dry peas, and chickpeas).

"(C) In the case of the 2003 and subsequent crops of an agricultural commodity, wild rice."; and

(2) in paragraph (2)(C), by striking "1991 through 1995" and inserting "1996 through 2001".

SEC. 114. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL SAVINGS ACCOUNTS.

Subtitle B of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7211 et seq.) is amended by adding at the end the following:

"SEC. 119. PILOT PROGRAM FOR FARM COUNTER-CYCLICAL SAVINGS ACCOUNTS.

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED GROSS REVENUE.—The term 'adjusted gross revenue' means the adjusted gross income for all agricultural enterprises of a producer in a year, excluding revenue earned from nonagricultural sources, as determined by the Secretary—

"(A) by taking into account gross receipts from the sale of crops and livestock on all agricultural enterprises of the producer, including insurance indemnities resulting from losses in the agricultural enterprises;

"(B) by including all farm payments paid by the Secretary for all agricultural enterprises of the producer, including any marketing loan gains described in section 1001(3)(A) of the Food Security Act of 1985 (7 U.S.C. 1308(3)(A));

"(C) by deducting the cost or basis of livestock or other items purchased for resale, such as feeder livestock, on all agricultural enterprises of the producer; and

"(D) as represented on—

"(i) a schedule F of the Federal income tax returns of the producer; or

"(ii) a comparable tax form related to the agricultural enterprises of the producer, as approved by the Secretary.

"(2) AGRICULTURAL ENTERPRISE.—The term 'agricultural enterprise' means the production and marketing of all agricultural commodities (including livestock but excluding tobacco) on a farm or ranch.

"(3) AVERAGE ADJUSTED GROSS REVENUE.—The term 'average adjusted gross revenue' means—

"(A) the average of the adjusted gross revenue of a producer for each of the preceding 5 taxable years; or

"(B) in the case of a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, the estimated income of the producer that will be earned from all agricultural enterprises for the applicable year, as determined by the Secretary.

"(4) PRODUCER.—The term 'producer' means an individual or entity, as determined by the Secretary for an applicable year, that—

"(A) shares in the risk of producing, or provides a material contribution in producing, an agricultural commodity for the applicable year;

"(B) has a substantial beneficial interest in the agricultural enterprise in which the agricultural commodity is produced;

"(C)(i) during each of the preceding 5 taxable years, has filed—

"(I) a schedule F of the Federal income tax returns; or

"(II) a comparable tax form related to the agricultural enterprises of the individual or entity, as approved by the Secretary; or

"(ii) is a beginning farmer or rancher or other producer that does not have adjusted gross revenue for each of the preceding 5 taxable years, as determined by the Secretary; and

"(D)(i) has earned at least $50,000 in average adjusted gross revenue over the preceding 5 taxable years;

"(ii) is a limited resource farmer or rancher, as determined by the Secretary; or

"(iii) in the case of a beginning farmer or rancher or other producer that does not have average adjusted gross revenue for the preceding 5 taxable years, has at least $50,000 in estimated income from all agricultural enterprises for the applicable year, as determined by the Secretary.

"(b) ESTABLISHMENT.—For each of fiscal years 2003 through 2005, the Secretary shall establish a pilot program in 3 States (as determined by the Secretary) under which a producer may establish a farm counter-cyclical savings account in the name of the producer in a bank or financial institution selected by the producer and approved by the Secretary.

"(c) CONTENT OF ACCOUNT.—A farm counter-cyclical savings account shall consist of—

"(1) contributions of the producer; and

"(2) matching contributions of the Secretary.

"(d) PRODUCER CONTRIBUTIONS.—A producer may deposit such amounts in the account of the producer as the producer considers appropriate.

"(e) MATCHING CONTRIBUTIONS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the Secretary shall provide a matching contribution on the amount deposited by the producer into the account.

"(2) AMOUNT.—Subject to paragraph (3), the amount of a matching contribution that the Secretary shall provide under paragraph (1) shall be equal to 2 percent of the average adjusted gross revenue of the producer.

"(3) MAXIMUM CONTRIBUTIONS FOR INDIVIDUAL PRODUCER.—The amount of matching contributions that may be provided by the Secretary for an individual producer under this subsection shall not exceed $5,000 for any applicable fiscal year.

"(4) MAXIMUM CONTRIBUTIONS FOR ALL PRODUCERS IN A STATE.—The total amount of matching contributions that may be provided by the Secretary for all producers in a State under this subsection shall not exceed $4,000,000 for each of fiscal years 2003 through 2005.

"(5) DATE FOR MATCHING CONTRIBUTIONS.—The Secretary shall provide the matching contributions required for a producer under paragraph (1) as of the date that a majority of the covered commodities grown by the producer are harvested.

"(f) INTEREST.—Funds deposited into the account may earn interest at the commercial rates provided by the bank or financial institution in which the Account is established.

"(g) USE.—Funds credited to the account—

"(1) shall be available for withdrawal by a producer, in accordance with subsection (h); and

"(2) may be used for purposes determined by the producer.

"(h) WITHDRAWAL.—

"(1) IN GENERAL.—Subject to paragraph (2), in any year, a producer may withdraw funds from the account in an amount that is equal to—

"(A) 90 percent of average adjusted gross revenue of the producer for the previous 5 years; minus

"(B) the adjusted gross revenue of the producer in that year.

"(2) RETIREMENT.—A producer that ceases to be actively engaged in farming, as determined by the Secretary—

"(A) may withdraw the full balance from, and close, the account; and

"(B) may not establish another account.

"(i) ADMINISTRATION.—The Secretary shall administer this section through the Farm Service Agency and local, county, and area offices of the Department of Agriculture.".

Subtitle B—Nonrecourse Marketing Assistance Loans and Loan Deficiency Payments

SEC. 121. NONRECOURSE MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS.

(a) IN GENERAL.—Sections 131(a) and 137 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231(a), 7237) are amended by striking "2002" each place it appears and inserting "2006".

(b) UPLAND COTTON.—Sections 134(e)(1), 136, and 136A(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7234(e)(1), 7236, 7236a(a)) are amended by striking "2003" each place it appears and inserting "2007".

SEC. 122. ELIGIBLE PRODUCTION.

Section 131 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231) is amended by striking subsection (b) and inserting the following:

"(b) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing loan under subsection (a) for any quantity of a loan commodity produced on the farm.".

SEC. 123. LOAN RATES.

(a) IN GENERAL.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7232) is amended to read as follows:

"SEC. 132. LOAN RATES.

"(a) IN GENERAL.—Subject to subsection (b), the loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

"(1) in the case of wheat, $3.00 per bushel;

"(2) in the case of corn, $2.08 per bushel;

"(3) in the case of grain sorghum, $2.08 per bushel;

"(4) in the case of barley, $2.00 per bushel;

"(5) in the case of oats, $1.50 per bushel;

"(6) in the case of upland cotton, $0.55 per pound;

"(7) in the case of extra long staple cotton, $0.7965 per pound;

"(8) in the case of rice, $6.50 per hundredweight;

"(9) in the case of soybeans, $5.20 per bushel;

"(10) in the case of oilseeds (other than soybeans), $0.095 per pound;

"(11) in the case of graded wool, $1.00 per pound;

"(12) in the case of nongraded wool (including unshorn pelts), $0.40 per pound;

"(13) in the case of honey, $0.60 per pound;

"(14) in the case of dry peas, $6.78 per hundredweight;

"(15) in the case of lentils, $12.79 per hundredweight;

"(16) in the case of large chickpeas, $17.44 per hundredweight; and

"(17) in the case of small chickpeas, $8.10 per hundredweight.

"(b) ADJUSTMENTS.—

"(1) IN GENERAL.—The Secretary may make appropriate adjustments in the loan rates for any loan commodity for differences in grade, type, quality, location, and other factors.

"(2) MANNER.—The adjustments under this subsection shall, to the maximum extent practicable, be made in such manner that the average loan rate for the loan commodity will, on the basis of the anticipated incidence of the factors described in paragraph (1), be equal to the loan rate provided under this section.".

(b) CONFORMING AMENDMENT.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) is repealed.

SEC. 124. TERM OF LOANS.

Section 133 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7233) is amended to read as follows:

"SEC. 133. TERM OF LOANS.

"In the case of each loan commodity, a marketing loan under section 131 shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.".

SEC. 125. REPAYMENT OF LOANS.

Section 134(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7234(a)) is amended—

(1) by striking "wheat, corn, grain sorghum, barley, oats, and oilseeds" and inserting "a loan commodity (other than upland cotton, rice, and extra long staple cotton)"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(E) minimize discrepancies in marketing loan benefits across State boundaries and across county boundaries.".

SEC. 126. LOAN DEFICIENCY PAYMENTS.

Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may make loan deficiency payments available to producers on a farm that, although eligible to obtain a marketing assistance loan under section 131 with respect to a loan commodity, agree to forgo obtaining the loan for the loan commodity in return for payments under this section."; and

(2) by striking subsections (e) and (f) and inserting the following:

"(e) BENEFICIAL INTEREST.—

"(1) IN GENERAL.—A producer shall be eligible for a payment for a loan commodity under this section only if the producer has a beneficial interest in the loan commodity, as determined by the Secretary.

"(2) APPLICATION.—The Secretary shall make a payment under this section to the producers on a farm with respect to a quantity of a loan commodity as of the earlier of—

"(A) the date on which the producers on the farm marketed or otherwise lost beneficial interest in the loan commodity, as determined by the Secretary; or

"(B) the date the producers on the farm request the payment.

"(3) 2001 CROP.—Notwithstanding paragraphs (1) and (2), effective for the 2001 crop only, if a producer eligible for a payment under this section loses beneficial interest in the covered commodity, the producer shall be eligible for the payment determined as of the date the producer lost beneficial interest in the covered commodity, as determined by the Secretary.".

SEC. 127. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

(a) IN GENERAL.—Subtitle C of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7231 et seq.) is amended by adding at the end the following:

"SEC. 138. PAYMENTS IN LIEU OF LOAN DEFICIENCY PAYMENTS FOR GRAZED ACREAGE.

"(a) IN GENERAL.—For each crop of wheat, grain sorghum, barley, and oats, in the case of the producers on a farm that would be eligible for a loan deficiency payment under section 135 for wheat, grain sorghum, barley, or oats, but that elects to use acreage planted to the wheat, grain sorghum, barley, or oats for the grazing of livestock, the Secretary shall make a payment to the producers on the farm under this section if the producers on the farm enter into an agreement with the Secretary to forgo any other harvesting of the wheat, grain sorghum, barley, or oats on the acreage.

"(b) PAYMENT AMOUNT.—The amount of a payment made to the producers on a farm under this section shall be equal to the amount obtained by multiplying—

"(1) the loan deficiency payment rate determined under section 135(c) in effect, as of the date of the agreement, for the county in which the farm is located; by

"(2) the payment quantity obtained by multiplying—

"(A) the quantity of the grazed acreage on the farm with respect to which the producers on the farm elect to forgo harvesting of wheat, grain sorghum, barley, or oats; and

"(B) the payment yield for that contract commodity on the farm.

"(c) TIME, MANNER, AND AVAILABILITY OF PAYMENT.—

"(1) TIME AND MANNER.—A payment under this section shall be made at the same time and in the same manner as loan deficiency payments are made under section 135.

"(2) AVAILABILITY.—The Secretary shall establish an availability period for the payment authorized by this section that is consistent with the availability period for wheat, grain sorghum, barley, and oats established by the Secretary for marketing assistance loans authorized by this subtitle.

"(d) PROHIBITION ON CROP INSURANCE OR NONINSURED CROP ASSISTANCE.—The producers on a farm shall not be eligible for insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or noninsured crop assistance under section 196 with respect to a crop of wheat, grain sorghum, barley, or oats planted on acreage that the producers on the farm elect, in the agreement required by subsection (a), to use for the grazing of livestock in lieu of any other harvesting of the crop.".

SEC. 128. SPECIAL MARKETING LOAN PROVISIONS FOR UPLAND COTTON.

Section 136(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7236(a)) is amended by adding at the end the following:

"(4) APPLICATION OF THRESHOLD.—During the period beginning on the date of this paragraph and ending on July 31, 2003, the Secretary shall make the calculations under paragraphs (1)(A) and (2) and subsection (b)(1)(B) without regard to the 1.25 cent threshold provided under those paragraphs and subsection.".

Subtitle C—Other Commodities

CHAPTER 1—DAIRY

SEC. 131. MILK PRICE SUPPORT PROGRAM.

Section 141 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251) (as amended by section 772(a) of Public Law 107–76) is amended in subsections (b)(5) and (h) by striking "May 31, 2002" each place it appears and inserting "December 31, 2006".

SEC. 132. NATIONAL DAIRY PROGRAM.

The Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 772(b) of Public Law 107–76) is amended by inserting after section 141 (7 U.S.C. 7251) the following:

"SEC. 142. NATIONAL DAIRY PROGRAM.

"(a) DAIRY MARKET LOSS ASSISTANCE PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) AVERAGE PRICE OF MILK.—The term 'average price of milk' means the blending of the prices of milk for use as fluid milk and in cheese, ice cream, butter, and nonfat dry milk in the marketing area where the milk was marketed, as determined by the Secretary.

"(B) PRODUCER.—The term 'producer' means an individual or entity that directly or indirectly (as determined by the Secretary) shares in the risk of producing milk.

"(2) PROGRAM.—Subject to paragraph (8), the Secretary shall provide market loss assistance payments to producers on a dairy farm with respect to the production of milk in a State other than a participating State (as defined in subsection (b)(1)) that is marketed during the period beginning on December 1, 2001, and ending on September 30, 2005.

"(3) AMOUNT.—Subject to paragraph (8), payments to a producer under this subsection shall be calculated by multiplying—

"(A) the payment quantity for the producer during the applicable quarter established under paragraph (4); by

"(B) the payment rate established under paragraph (5).

"(4) PAYMENT QUANTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity for a producer during the applicable quarter under this subsection shall be equal to the quantity of milk produced and marketed by the producer during the quarter.

"(B) LIMITATION.—The payment quantity for a producer during the applicable fiscal year under this subsection shall not exceed the milk marketing base for the producer established under subsection (c).

"(5) PAYMENT RATE.—The payment rate for a payment under this subsection shall be calculated by multiplying (as determined by the Secretary)—

"(A) 40 percent; by

"(B) the amount by which—

"(i) the average price of milk during the applicable quarter; is less than

"(ii) the average price of milk for the same quarter during each of the previous 5 years.

"(6) REPORTING OF PRODUCTION.—The Secretary may require producers that receive payments under this subsection to report the quantity of milk produced and marketed by the producer on the dairy farm of the producer, in a manner determined by the Secretary.

"(7) TIMING OF PAYMENTS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), payments made under this subsection shall be made on a quarterly basis.

"(B) PAYMENTS FOR FISCAL YEAR 2002.—Payments under this subsection for fiscal year 2002 shall not be made before October 1, 2002.

"(8) FUNDING.—The Secretary shall use not more than $1,500,000,000 of funds of the Commodity Credit Corporation to carry out this subsection.

"(b) NORTHEAST DAIRY MARKET LOSS PAYMENTS.—

"(1) DEFINITIONS.—In this subsection:

"(A) CLASS I MILK.—The term 'Class I milk' means milk (including milk components) classified as Class I milk under a Federal milk marketing order.

"(B) ELIGIBLE PRODUCTION.—The term 'eligible production' means milk produced by a producer in a participating State.

"(C) FEDERAL MILK MARKETING ORDER.—The term 'Federal milk marketing order' means an order issued under section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937.

"(D) PARTICIPATING STATE.—The term 'participating State' means Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and West Virginia.

"(E) PRODUCER.—The term 'producer' means an individual or entity that directly or indirectly (as determined by the Secretary)—

"(i) shares in the risk of producing milk; and

"(ii) makes contributions (including land, labor, management, equipment, or capital) to the dairy farming operation of the individual or entity that are at least commensurate with the share of the individual or entity of the proceeds of the operation.

"(2) PAYMENTS.—Subject to paragraph (9), the Secretary shall offer to enter into contracts with producers on a dairy farm located in a participating State under which the producers receive payments on eligible production in exchange for compliance on the farm with—

"(A) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

"(B) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

"(3) AMOUNT.—Payments to a producer under this subsection shall be calculated by multiplying (as determined by the Secretary)—

"(A) the payment quantity for the producer during the applicable month established under paragraph (4);

"(B) the amount equal to—

"(i) $16.94 per hundredweight; less

"(ii) the Class I milk price per hundredweight in Boston under the applicable Federal milk marketing order; by

"(C) 45 percent.

"(4) PAYMENT QUANTITY.—

"(A) IN GENERAL.—Subject to subparagraph (B), the payment quantity for a producer during the applicable month under this subsection shall be equal to the quantity of milk produced and marketed by the producer during the month.

"(B) LIMITATION.—The payment quantity for a producer during the applicable fiscal year under this subsection shall not exceed the milk marketing base for the producer established under subsection (c).

"(5) PAYMENTS.—A payment under a contract under this subsection shall be made on a monthly basis not later than 60 days after the last day of the month for which the payment is made.

"(6) SIGNUP.—The Secretary shall offer to enter into contracts under this subsection during the period beginning on December 1, 2001, and ending on September 30, 2005.

"(7) DURATION OF CONTRACT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B) and paragraph (8), any contract entered into by producers on a dairy farm under this subsection shall cover eligible production marketed by the producers on the dairy farm during the period starting with the first day of month the producers on the dairy farm enter into the contract and ending on September 30, 2005.

"(B) VIOLATIONS.—If a producer violates the contract, the Secretary may—

"(i) terminate the contract and allow the producer to retain any payments received under the contract; or

"(ii) allow the contract to remain in effect and require the producer to repay a portion of the payments received under the contract based on the severity of the violation.

"(8) TRANSITION RULE.—In addition to any payment that is otherwise available under this subsection, if the producers on a dairy farm enter into a contract under this subsection by March 1, 2002, the Secretary shall make a payment under this subsection on the quantity of eligible production of the producer marketed during the period beginning on December 1, 2001, and ending on January 1, 2002.

"(9) FUNDING.—The Secretary shall use not more than $500,000,000 of funds of the Commodity Credit Corporation to carry out this subsection.

"(c) MILK MARKETING BASE.—

"(1) DEFINITION OF NEW PRODUCER.—In this subsection, the term 'new producer' means a producer of milk that did not have an interest in the production of milk during any of 1999 through 2001 fiscal years.

"(2) ESTABLISHED PRODUCERS.—In the case of a producer of milk other than a new producer, the milk marketing base of a producer for a fiscal year under this section shall be equal to the lesser of—

"(A) the average quantity of milk marketed for commercial use in which the producer has had a direct or indirect interest during each of the 1999 through 2001 fiscal years; or

"(B) 8,000,000 pounds.

"(3) NEW PRODUCERS.—In the case of a new producer, the milk marketing base of the new producer under this section shall be equal to—

"(A) during each of the first 3 fiscal years of milk production by the new producer, 1,500,000 pounds; and

"(B) during each subsequent year of milk production, the lesser of—

"(i) the average quantity of milk marketed for commercial use in which the producer has had a direct or indirect interest during the first 3 years of milk production by the new producer; or

"(ii) 8,000,000 pounds.

"(4) ADJUSTMENTS.—The Secretary may provide for the adjustment of any milk marketing base of a producer under this subsection—

"(A) if the production of milk used to determine the milk marketing base of the producer has been adversely affected by damaging weather or a related condition (as determined by the Secretary); or

"(B) if the adjustment is necessary to provide fair and equitable treatment to tenants and sharecroppers.

"(5) TRANSFERS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a producer that is assigned a milk marketing base under this subsection may not transfer the base to any person.

"(B) FAMILY MEMBERS.—A producer that is assigned a milk marketing base under this subsection may irrevocably transfer all or part of the base to a family member of the producer.

"(6) SCHEMES OR DEVICES.—If the Secretary determines that any producer has adopted a scheme or device to increase the milk marketing base of the producer under this subsection, the producer shall become ineligible for any milk marketing base under this subsection.".

SEC. 133. DAIRY EXPORT INCENTIVE AND DAIRY INDEMNITY PROGRAMS.

(a) DAIRY EXPORT INCENTIVE PROGRAM.—Section 153(a) of the Food Security Act of 1985 (15 U.S.C. 713a–14(a)) is amended by striking "2002" and inserting "2006".

(b) DAIRY INDEMNITY PROGRAM.—Section 3 of Public Law 90–484 (7 U.S.C. 450l) is amended by striking "1995" and inserting "2006".

SEC. 134. FLUID MILK PROMOTION.

(a) DEFINITION OF FLUID MILK PRODUCT.—Section 1999C of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402) is amended by striking paragraph (3) and inserting the following:

"(3) FLUID MILK PRODUCT.—The term 'fluid milk product' has the meaning given the term in—

"(A) section 1000.15 of title 7, Code of Federal Regulations, subject to such amendments as may be made by the Secretary; or

"(B) any successor regulation.".

(b) DEFINITION OF FLUID MILK PROCESSOR.—Section 1999C(4) of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6402(4)) is amended by striking "500,000 pounds of fluid milk products in consumer-type packages per month" and inserting "3,000,000 pounds of fluid milk products in consumer-type packages per month (excluding products delivered directly to the place of residence of a consumer)".

(c) ELIMINATION OF ORDER TERMINATION DATE.—Section 1999O of the Fluid Milk Promotion Act of 1990 (7 U.S.C. 6414) is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

SEC. 135. DAIRY PRODUCT MANDATORY REPORTING.

Section 272(1) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1637a(1)) is amended—

(1) by striking "means manufactured dairy products" and inserting "means—

"(A) manufactured dairy products";

(2) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(B) substantially identical products designated by the Secretary.".

SEC. 136. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DEFINITIONS.—Section 111 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking "and" at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(m) the term 'imported dairy product' means any dairy product that is imported into the United States, including a dairy product imported into the United States in the form of—

"(1) milk, cream, and fresh and dried dairy products;

"(2) butter and butterfat mixtures;

"(3) cheese; and

"(4) casein and mixtures;

"(n) the term 'importer' means a person that imports an imported dairy product into the United States; and

"(o) the term 'Customs' means the United States Customs Service.".

(b) REPRESENTATION OF IMPORTERS ON BOARD.—Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by inserting "NATIONAL DAIRY PROMOTION AND RESEARCH BOARD.—" after "(b)";

(2) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively, and indenting the paragraphs appropriately;

(3) in paragraph (2) (as so designated), by striking "Members" and inserting "Except as provided in paragraph (6), the members"; and

(4) by inserting after paragraph (5) (as so designated) the following:

"(6) IMPORTERS.—

"(A) REPRESENTATION.—The Secretary shall appoint not more than 2 members who represent importers of dairy products and are subject to assessments under the order, to reflect the proportion of domestic production and imports supplying the United States market, as determined by the Secretary on the basis of the average volume of domestic production of dairy products in proportion to the average volume of imports of dairy products in the United States during the immediately preceding 3 years.

"(B) ADDITIONAL MEMBERS; NOMINATIONS.—The members appointed under this paragraph—

"(i) shall be in addition to the total number of members appointed under paragraph (2); and

"(ii) shall be appointed from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.".

(c) IMPORTER ASSESSMENT.—Section 113(g) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(g)) is amended—

(1) by inserting "ASSESSMENTS.—" after "(g)";

(2) by designating the first through fifth sentences as paragraphs (1) through (5), respectively, and indenting appropriately; and

(3) by adding at the end the following:

"(6) IMPORTERS.—

"(A) IN GENERAL.—The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

"(B) TIME FOR PAYMENT.—

"(i) IN GENERAL.—The assessment on imported dairy products shall be—

"(I) paid by the importer to Customs at the time of the entry of the products into the United States; and

"(II) remitted by Customs to the Board.

"(ii) TIME OF ENTRY.—For purposes of this subparagraph, entry of the products into the United States shall be considered to have occurred when a dairy product is released from custody of Customs and introduced into the stream of commerce within the United States.

"(iii) IMPORTERS.—For purposes of this subparagraph, an importer includes—

"(I) a person that holds title to a dairy product produced outside the United States immediately on release by Customs; and

"(II) a person that acts on behalf of other persons, as an agent, broker, or consignee, to secure the release of a dairy product from Customs and introduce the released dairy product into the stream of commerce.

"(C) RATE.—The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

"(D) VALUE OF PRODUCTS.—For the purpose of determining the assessment on imported dairy products under subparagraph (C), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.

"(E) USE OF ASSESSMENTS ON IMPORTED DAIRY PRODUCTS.—Assessments collected on imported dairy products shall not be used for foreign market promotion of United States dairy products.".

(d) RECORDS.—Section 113(k) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(k)) is amended in the first sentence by striking "person receiving" and inserting "importer of imported dairy products, each person receiving".

(e) IMPORTER ELIGIBILITY TO VOTE IN REFERENDUM.—Section 116(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4507(b)) is amended—

(1) in the first sentence, by inserting "and importers" after "producers" each place it appears; and

(2) in the second sentence, by inserting after "commercial use" the following: "and importers voting in the referendum (that have been engaged in the importation of dairy products into the United States during the applicable period, as determined by the Secretary)".

(f) CONFORMING AMENDMENTS.—Section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended—

(1) in the first sentence—

(A) by inserting after "commercial use" the following: "and on imported dairy products"; and

(B) by striking "products produced in the United States." and inserting "products."; and

(2) in the second sentence, by inserting after "produce milk" the following: "or the right of any person to import dairy products".

SEC. 137. DAIRY STUDIES.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct—

(1) a study of the effects of terminating all Federal programs relating to price support and supply management for milk and granting the consent of Congress to cooperative efforts by States to manage milk prices and supply; and

(2) a study of the effects of including in the standard of identity for fluid milk a required minimum protein content that is commensurate with the average nonfat solids content of bovine milk produced in the United States.

(b) REPORTS.—Not later than September 30, 2002, the Secretary shall submit to the Committee on Agriculture of House of Representatives and the Committee on Agriculture, Nutrition, and Forestry a report describing the results of each of the studies required under subsection (a).

CHAPTER 2—SUGAR

SEC. 141. SUGAR PROGRAM.

(a) LOAN RATE ADJUSTMENTS.—Section 156(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(c)) is amended—

(1) by striking "REDUCTION IN LOAN RATES" and inserting "LOAN RATE ADJUSTMENTS"; and

(2) in paragraph (1)—

(A) by striking "REDUCTION REQUIRED" and inserting "IN GENERAL"; and

(B) by striking "shall" and inserting "may".

(b) LOAN TYPE; PROCESSOR ASSURANCES.—Section 156(e) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(e)) is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) PROCESSOR ASSURANCES.—

"(A) IN GENERAL.—The Secretary shall obtain from each processor that receives a loan under this section such assurances as the Secretary considers adequate to ensure that the processor will provide payments to producers that are proportional to the value of the loan received by the processor for the sugar beets and sugarcane delivered by producers to the processor.

"(B) MINIMUM PAYMENTS.—

"(i) IN GENERAL.—Subject to clause (ii), the Secretary may establish appropriate minimum payments for purposes of this paragraph.

"(ii) LIMITATION.—In the case of sugar beets, the minimum payment established under clause (i) shall not exceed the rate of payment provided for under the applicable contract between a sugar beet producer and a sugar beet processor.

"(C) BANKRUPTCY OR INSOLVENCY OF PROCESSORS.—

"(i) IN GENERAL.—The Secretary shall use funds of the Commodity Credit Corporation to pay a producer of sugar beets or sugarcane loan benefits described in clause (ii) if—

"(I) a processor that has entered into a contract with the producer has filed for bankruptcy protection or is otherwise insolvent;

"(II) the assurances under subparagraph (A) are not adequate to ensure compliance with subparagraph (A), as determined by the Secretary;

"(III) the producer demands payments of loan benefits required under this section from the processor; and

"(IV) the Secretary determines that the processor is unable to provide the loan benefits required under this section.

"(ii) AMOUNT.—The amount of loan benefits provided to a producer under clause (i) shall be equal to—

"(I) the maximum amount of loan benefits the producer would have been entitled to receive under this section during the 30-day period beginning on the final settlement date provided for in the contract between the producer and processor; less

"(II) any such benefits received by the producer from the processor.

"(iii) ADMINISTRATION.—On payment to a producer under clause (i), the Secretary shall—

"(I) be subrogated to all claims of the producer against the processor and other persons responsible for nonpayment; and

"(II) have authority to pursue such claims as are necessary to recover the benefits not paid to the producer by the processor."; and

(2) by adding at the end the following:

"(3) ADMINISTRATION.—The Secretary may not impose or enforce any prenotification or similar administrative requirement that has the effect of preventing a processor from electing to forfeit the loan collateral on the maturity of the loan.".

(c) TERMINATION OF MARKETING ASSESSMENT.—Effective October 1, 2001, section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking subsection (f).

(d) TERMINATION OF FORFEITURE PENALTY.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended by striking subsection (g).

(e) IN-PROCESS SUGAR.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) (as amended by subsections (c) and (d)) is amended by inserting after subsection (e) the following:

"(f) LOANS FOR IN-PROCESS SUGAR.—

"(1) DEFINITION OF IN-PROCESS SUGARS AND SYRUPS.—In this subsection, the term 'in-process sugars and syrups' does not include raw sugar, liquid sugar, invert sugar, invert syrup, or other finished product that is otherwise eligible for a loan under subsection (a) or (b).

"(2) AVAILABILITY.—The Secretary shall make nonrecourse loans available to processors of a crop of domestically grown sugarcane and sugar beets for in-process sugars and syrups derived from the crop.

"(3) LOAN RATE.—The loan rate shall be equal to 80 percent of the loan rate applicable to raw cane sugar or refined beet sugar, as determined by the Secretary on the basis of the source material for the in-process sugars and syrups.

"(4) FURTHER PROCESSING ON FORFEITURE.—

"(A) IN GENERAL.—As a condition of the forfeiture of in-process sugars and syrups serving as collateral for a loan under paragraph (2), the processor shall, within such reasonable time period as the Secretary may prescribe and at no cost to the Commodity Credit Corporation, convert the in-process sugars and syrups into raw cane sugar or refined beet sugar of acceptable grade and quality for sugars eligible for loans under subsection (a) or (b).

"(B) TRANSFER TO CORPORATION.—Once the in-process sugars and syrups are fully processed into raw cane sugar or refined beet sugar, the processor shall transfer the sugar to the Commodity Credit Corporation.

"(C) PAYMENT TO PROCESSOR.—On transfer of the sugar, the Secretary shall make a payment to the processor in an amount equal to the amount obtained by multiplying—

"(i) the difference between—

"(I) the loan rate for raw cane sugar or refined beet sugar, as appropriate; and

"(II) the loan rate the processor received under paragraph (3); by

"(ii) the quantity of sugar transferred to the Secretary.

"(5) LOAN CONVERSION.—If the processor does not forfeit the collateral as described in paragraph (4), but instead further processes the in-process sugars and syrups into raw cane sugar or refined beet sugar and repays the loan on the in-process sugars and syrups, the processor may obtain a loan under subsection (a) or (b) for the raw cane sugar or refined beet sugar, as appropriate.".

(f) ADMINISTRATION OF PROGRAM.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) (as amended by subsection (e)) is amended by inserting after subsection (f) the following:

"(g) 'AVOIDING FORFEITURES; CORPORATION INVENTORY DISPOSITION.—

"(1) IN GENERAL.—Subject to subsection (e)(3), to the maximum extent practicable, the Secretary shall operate the program established under this section at no cost to the Federal Government by avoiding the forfeiture of sugar to the Commodity Credit Corporation.

"(2) INVENTORY DISPOSITION.—

"(A) IN GENERAL.—To carry out paragraph (1), the Commodity Credit Corporation may accept bids to obtain raw cane sugar or refined beet sugar in the inventory of the Commodity Credit Corporation from (or otherwise make available such commodities, on appropriate terms and conditions, to) processors of sugarcane and processors of sugar beets (acting in conjunction with the producers of the sugarcane or sugar beets processed by the processors) in return for the reduction of production of raw cane sugar or refined beet sugar, as appropriate.

"(B) ADDITIONAL AUTHORITY.—The authority provided under this paragraph is in addition to any authority of the Commodity Credit Corporation under any other law.".

(g) INFORMATION REPORTING.—Section 156(h) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(h)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (1) the following:

"(2) DUTY OF PRODUCERS TO REPORT.—

"(A) PROPORTIONATE SHARE STATES.—As a condition of a loan made to a processor for the benefit of a producer, the Secretary shall require each producer of sugarcane located in a State (other than the Commonwealth of Puerto Rico) in which there are in excess of 250 producers of sugarcane to report, in the manner prescribed by the Secretary, the sugarcane yields and acres planted to sugarcane of the producer.

"(B) OTHER STATES.—The Secretary may require each producer of sugarcane or sugar beets not covered by paragraph (1) to report, in a manner prescribed by the Secretary, the yields of, and acres planted to, sugarcane or sugar beets, respectively, of the producer.

"(3) DUTY OF IMPORTERS TO REPORT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall require an importer of sugars, syrups, or molasses to be used for human consumption or to be used for the extraction of sugar for human consumption to report, in the manner prescribed by the Secretary, the quantities of the products imported by the importer and the sugar content or equivalent of the products.

"(B) TARIFF-RATE QUOTAS.—Subparagraph (A) shall not apply to sugars, syrups, or molasses that are within the quantities of tariff-rate quotas that are subject to the lower rate of duties."; and

(3) in paragraph (5) (as redesignated by paragraph (1)), by striking "paragraph (1)" and inserting "this subsection".

(h) SUBSTITUTABILITY OF SUGAR.—Section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) is amended—

(1) by redesignating subsection (i) as subsection (j); and

(2) by inserting after subsection (h) the following:

"(i) SUBSTITUTION OF REFINED SUGAR.—For purposes of Additional U.S. Note 6 to chapter 17 of the Harmonized Tariff Schedule of the United States and the reexport programs and polyhydric alcohol program administered by the Foreign Agricultural Service of the Department of Agriculture, all refined sugars (whether derived from sugar beets or sugarcane) produced by cane sugar refineries and beet sugar processors shall be fully substitutable for the export of sugar under those programs.".

(i) CROPS.—Subsection (j) of section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272) (as redesignated by subsection (h)(1)) is amended—

(1) by striking "(other than subsection (f))"; and

(2) by striking "2002" and inserting "2006".

(j) INTEREST RATE.—Section 163 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7283) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Notwithstanding"; and

(2) by adding at the end the following:

"(b) SUGAR.—For purposes of this section, raw cane sugar, refined beet sugar, and in-process sugar eligible for a loan under section 156 shall not be considered an agricultural commodity.".

SEC. 142. STORAGE FACILITY LOANS.

Chapter 2 of subtitle D of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271 et seq.) is amended by adding at the end the following:

"SEC. 157. STORAGE FACILITY LOANS.

"(a) IN GENERAL.—Notwithstanding any other provision of law and as soon as practicable after the date of enactment of this section, the Commodity Credit Corporation shall amend part 1436 of title 7, Code of Federal Regulations, to establish a sugar storage facility loan program to provide financing for processors of domestically-produced sugarcane and sugar beets to construct or upgrade storage and handling facilities for raw sugars and refined sugars.

"(b) ELIGIBLE PROCESSORS.—A storage facility loan shall be made available to any processor of domestically produced sugarcane or sugar beets that (as determined by the Secretary)—

"(1) has a satisfactory credit history;

"(2) has a need for increased storage capacity, taking into account the effects of marketing allotments; and

"(3) demonstrates an ability to repay the loan.

"(c) TERM OF LOANS.—A storage facility loan shall—

"(1) have a minimum term of 7 years; and

"(2) be in such amounts and on such terms and conditions (including terms and conditions relating to downpayments, collateral, and eligible facilities) as are normal, customary, and appropriate for the size and commercial nature of the borrower.".

SEC. 143. FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR.

(a) INFORMATION REPORTING.—Section 359a of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359aa) is repealed.

(b) ESTIMATES.—Section 359b of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359bb) is amended—

(1) in the section heading—

(A) by inserting "**FLEXIBLE**" before "**MARKETING**"; and

(B) by striking "**AND CRYSTALLINE FRUCTOSE**";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "Before" and inserting "Not later than August 1 before";

(ii) by striking "1992 through 1998" and inserting "2002 through 2006";

(iii) in subparagraph (A), by striking "(other than sugar" and all that follows through "stocks";

(iv) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (E), respectively;

(v) by inserting after subparagraph (A) the following:

"(B) the quantity of sugar that would provide for reasonable carryover stocks;";

(vi) in subparagraph (C) (as so redesignated)—

(I) by striking "or" and all that follows through "beets"; and

(II) by striking "and" following the semicolon;

(vii) by inserting after subparagraph (C) (as so redesignated) the following:

"(D) the quantity of sugar that will be available from the domestic processing of sugarcane and sugar beets; and"; and

(viii) in subparagraph (E) (as so redesignated)—

(I) by striking "quantity of sugar" and inserting "quantity of sugars, syrups, and molasses";

(II) by inserting "human" after "imported for" the first place it appears;

(III) by inserting after "consumption" the first place it appears the following: "or to be used for the extraction of sugar for human consumption";

(IV) by striking "year" and inserting "year, whether such articles are under a tariff-rate quota or are in excess or outside of a tariff-rate quota"; and

(V) by striking "(other than sugar" and all that follows through "carry-in stocks";

(B) by redesignating paragraph (2) as paragraph (3);

(C) by inserting after paragraph (1) the following:

"(2) EXCLUSION.—The estimates under this subsection shall not apply to sugar imported for the production of polyhydric alcohol or to any sugar refined and reexported in refined form or in products containing sugar."; and

(D) in paragraph (3) (as so redesignated)—

(i) in the paragraph heading, by striking "QUARTERLY REESTIMATES" and inserting "REESTIMATES"; and

(ii) by inserting "as necessary, but" after "a fiscal year";

(3) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—By the beginning of each fiscal year, the Secretary shall establish for that fiscal year appropriate allotments under section 359c for the marketing by processors of sugar processed from sugar beets and from domestically-produced sugarcane at a level that the Secretary estimates will result in no forfeitures of sugar to the Commodity Credit Corporation under the loan program for sugar established under section 156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272)."; and

(B) in paragraph (2), by striking "or crystalline fructose";

(4) by striking subsection (c);

(5) by redesignating subsection (d) as subsection (c); and

(6) in subsection (c) (as so redesignated)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively; and

(C) in paragraph (2) (as so redesignated)—

(i) by striking "or manufacturer" and all that follows through "(2)"; and

(ii) by striking "or crystalline fructose".

(c) ESTABLISHMENT.—Section 359c of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359cc) is amended—

*(1) in the section heading, by inserting "**FLEXIBLE**" after "**OF**";*

(2) in subsection (a), by inserting "flexible" after "establish";

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking "1,250,000" and inserting "1,532,000"; and

(B) in paragraph (2), by striking "to the maximum extent practicable";

(4) by striking subsection (c) and inserting the following:

"(c) MARKETING ALLOTMENT FOR SUGAR DERIVED FROM SUGAR BEETS AND SUGAR DERIVED FROM SUGARCANE.—The overall allotment quantity for the fiscal year shall be allotted between—

"(1) sugar derived from sugar beets by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by 54.35 percent; and

"(2) sugar derived from sugarcane by establishing a marketing allotment for a fiscal year at a quantity equal to the product of multiplying the overall allotment quantity for the fiscal year by 45.65 percent.";

(5) by striking subsection (d) and inserting the following:

"(d) FILLING CANE SUGAR AND BEET SUGAR ALLOTMENTS.—

"(1) CANE SUGAR.—Each marketing allotment for cane sugar established under this section may only be filled with sugar processed from domestically grown sugarcane.

"(2) BEET SUGAR.—Each marketing allotment for beet sugar established under this section may only be filled with sugar domestically processed from sugar beets.";

(6) by striking subsection (e);

(7) by redesignating subsection (f) as subsection (e);

(8) in subsection (e) (as so redesignated)—

(A) by striking "The allotment" and inserting the following:

"(1) IN GENERAL.—The allotment";

(B) in paragraph (1) (as so redesignated)—

(i) by striking "the 5" and inserting "the";

(ii) by inserting after "sugarcane is produced," the following: "after a hearing (if requested by the affected sugarcane processors and growers) and on such notice as the Secretary by regulation may prescribe,"; and

(iii) by striking "on the basis of past marketings" and all that follows through "allotments" and inserting "as provided in this subsection and section 359d(a)(2)(A)(iv)"; and

(C) by inserting after paragraph (1) (as so designated) the following:

"(2) OFFSHORE ALLOTMENT.—

"(A) COLLECTIVELY.—Prior to the allotment of sugar derived from sugarcane to any other State, 325,000 short tons, raw value shall be allotted to the offshore States.

"(B) INDIVIDUALLY.—The collective offshore State allotment provided for under subparagraph (A) shall be further allotted among the offshore States in which sugarcane is produced, after a hearing (if requested by the affected sugarcane processors and growers) and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

"(i) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

"(ii) the ability of processors to market the sugar covered under the allotments for the crop year; and

"(iii) past processings of sugar from sugarcane based on the 3-year average of the 1998 through 2000 crop years.

"(3) MAINLAND ALLOTMENT.—The allotment for sugar derived from sugarcane, less the amount provided for under paragraph (2), shall be allotted among the mainland States in the United States in which sugarcane is produced, after a hearing (if requested by the affected sugarcane processors and growers) and on such notice as the Secretary by regulation may prescribe, in a fair and equitable manner on the basis of—

"(A) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from the 1996 through 2000 crops;

"(B) the ability of processors to market the sugar covered under the allotments for the crop year; and

"(C) past processings of sugar from sugarcane, based on the 3 crop years with the greatest processings (in the mainland States collectively) during the 1991 through 2000 crop years.";

(9) by inserting after subsection (e) (as so redesignated) the following:

"(f) FILLING CANE SUGAR ALLOTMENTS.—Except as provided in section 359e, a State cane sugar allotment established under subsection (e) for a fiscal year may be filled only with sugar processed from sugarcane grown in the State covered by the allotment.";

(10) in subsection (g)—

(A) in paragraph (1), by striking "359b(a)(2)—" and all that follows through the comma at the end of subparagraph (C) and inserting "359b(a)(3), adjust upward or downward marketing allotments in a fair and equitable manner";

(B) in paragraph (2), by striking "359f(b)" and inserting "359f(c)"; and

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "REDUCTIONS" and inserting "CARRY-OVER OF REDUCTIONS";

(ii) by inserting after "this subsection, if" the following: "at the time of the reduction";

(iii) by striking "price support" and inserting "nonrecourse";

(iv) by striking "206" and all that follows through "the allotment" and inserting "156 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272),"; and

(v) by striking ", if any,"; and

(11) by striking subsection (h) and inserting the following:

"(h) SUSPENSION OF ALLOTMENTS.—Whenever the Secretary estimates or reestimates under section 359b(a), or has reason to believe, that imports of sugars, syrups or molasses for human consumption or to be used for the extraction of sugar for human consumption, whether under a tariff-rate quota or in excess or outside of a tariff-rate quota, will exceed 1,532,000 short tons (raw value equivalent), and that the imports would lead to a reduction of the overall allotment quantity, the Secretary shall suspend the marketing allotments established under this section until such time as the imports have been restricted, eliminated, or reduced to or below the level of 1,532,000 short tons (raw value equivalent).".

(d) ALLOCATION.—Section 359d(a)(2) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359dd(a)(2)) is amended—

(1) in subparagraph (A)—

(A) by striking "The Secretary" and inserting the following:

"(i) IN GENERAL.—The Secretary";

(B) in the first sentence of clause (i) (as so designated)—

(i) by striking "interested parties" and inserting "the affected sugarcane processors and growers"; and

(ii) by striking "by taking" and all that follows through "allotment allocated." and inserting "under this subparagraph."; and

(C) by inserting after clause (i) the following:

"(ii) MULTIPLE PROCESSOR STATES.—Except as provided in clauses (iii) and (iv), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single State based on—

"(I) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from among the 1996 through 2000 crops;

"(II) the ability of processors to market sugar covered by that portion of the allotment allocated for the crop year; and

"(III) past processings of sugar from sugarcane, based on the average of the 3 highest years of production during the 1996 through 2000 crop years.

"(iii) TALISMAN PROCESSING FACILITY.—In the case of allotments under clause (ii) attributable to the operations of the Talisman processing facility before the date of enactment of this clause, the Secretary shall allocate the allotment among processors in the State under clause (i) in accordance with the agreements of March 25 and 26, 1999, between the affected processors and the Secretary of the Interior.

"(iv) PROPORTIONATE SHARE STATES.—In the case of States subject to section 359f(c), the Secretary shall allocate the allotment for cane sugar among multiple cane sugar processors in a single state based on—

"(I) past marketings of sugar, based on the average of the 2 highest years of production of raw cane sugar from among the 1997 through 2001 crop years;

"(II) the ability of processors to market sugar covered by that portion of the allotments allocated for the crop year; and

"(III) past processings of sugar from sugarcane, based on the average of the 2 highest crop years of crop production during the 1997 through 2001 crop years.

"(v) NEW ENTRANTS.—

"(I) IN GENERAL.—Notwithstanding clauses (ii) and (iv), the Secretary, on application of any processor that begins processing sugarcane on or after the date of enactment of this clause, and after a hearing (if requested by the affected sugarcane processors and growers) and on such notice as the Secretary by regulation may prescribe, may provide the processor with an allocation that provides a fair, efficient and equitable distribution of the allocations from the allotment for the State in which the processor is located.

"(II) PROPORTIONATE SHARE STATES.—In the case of proportionate share States, the Secretary shall establish proportionate shares in a quantity sufficient to produce the sugarcane required to satisfy the allocations.

"(III) LIMITATIONS.—The allotment for a new processor under this clause shall not exceed—

"(aa) in the case of the first fiscal year of operation of a new processor, 50,000 short tons (raw value); and

"(bb) in the case of each subsequent fiscal year of operation of the new processor, a quantity established by the Secretary in accordance with this clause and the criteria described in clause (ii) or (iii), as applicable.

"(IV) NEW ENTRANT STATES.—

"(aa) IN GENERAL.—Notwithstanding subparagraphs (A) and (C) of section 359c(e)(3), to accommodate an allocation under subclause (I) to a new processor located in a new entrant mainland State, the Secretary shall provide the new entrant mainland State with an allotment.

"(bb) EFFECT ON OTHER ALLOTMENTS.—The allotment to any new entrant mainland State shall be subtracted, on a pro rata basis, from the allotments otherwise allotted to each mainland State under section 359c(e)(3).

"(V) ADVERSE EFFECTS.—Before providing an initial processor allocation or State allotment to a new entrant processor or a new entrant State

under this clause, the Secretary shall take into consideration any adverse effects that the provision of the allocation or allotment may have on existing cane processors and producers in mainland States.

"(VI) ABILITY TO MARKET.—Consistent with section 359c and this section, any processor allocation or State allotment made to a new entrant processor or to a new entrant State under this clause shall be provided only after the applicant processor, or the applicable processors in the State, have demonstrated the ability to process, produce, and market (including the transfer or delivery of the raw cane sugar to a refinery for further processing or marketing) raw cane sugar for the crop year for which the allotment is applicable.

"(VII) PROHIBITION.—Not more than 1 processor allocation provided under this clause may be applicable to any individual sugar processing facility.

"(vi) TRANSFER OF OWNERSHIP.—Except as otherwise provided in section 359f(c)(8), if a sugarcane processor is sold or otherwise transferred to another owner or closed as part of an affiliated corporate group processing consolidation, the Secretary shall transfer the allotment allocation for the processor to the purchaser, new owner, successor in interest, or any remaining processor of an affiliated entity, as applicable, of the processor."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) BEET SUGAR.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph and sections 359c(g), 359e(b), and 359f(b), the Secretary shall make allocations for beet sugar among beet sugar processors for each crop year that allotments are in effect on the basis of the adjusted weighted average quantity of beet sugar produced by the processors for each of the 1998 through 2000 crop years, as determined under this subparagraph.

"(ii) QUANTITY.—The quantity of an allocation made for a beet sugar processor for a crop year under clause (i) shall bear the same ratio to the quantity of allocations made for all beet sugar processors for the crop year as the adjusted weighted average quantity of beet sugar produced by the processor (as determined under clauses (iii) and (iv)) bears to the total of the adjusted weighted average quantities of beet sugar produced by all processors (as so determined).

"(iii) WEIGHTED AVERAGE QUANTITY.—Subject to clause (iv), the weighted quantity of beet sugar produced by a beet sugar processor during each of the 1998 through 2000 crop years shall be (as determined by the Secretary)—

"(I) in the case of the 1998 crop year, 25 percent of the quantity of beet sugar produced by the processor during the crop year;

"(II) in the case of the 1999 crop year, 35 percent of the quantity of beet sugar produced by the processor during the crop year; and

"(III) in the case of the 2000 crop year, 40 percent of the quantity of beet sugar produced by the processor (including any quantity of sugar received from the Commodity Credit Corporation) during the crop year.

"(iv) ADJUSTMENTS.—

"(I) IN GENERAL.—The Secretary shall adjust the weighted average quantity of beet sugar produced by a beet sugar processor during the 1998 through 2000 crop years under clause (iii) if the Secretary determines that, during any such crop year, the processor—

"(aa) opened or closed a sugar beet processing factory;

"(bb) constructed a molasses desugarization facility; or

"(cc) suffered substantial quality losses on sugar beets stored during any such crop year.

"(II) QUANTITY.—The quantity of beet sugar produced by a beet sugar processor under clause (iii) shall be—

"(aa) in the case of a processor that opened a sugar beet processing factory, increased by 1.25 percent of the total of the adjusted weighted average quantities of beet sugar produced by all processors during the 1998 through 2000 crop years (without consideration of any adjustment under this clause) for each sugar beet processing factory that is opened by the processor;

"(bb) in the case of a processor that closed a sugar beet processing factory, decreased by 1.25 percent of the total of the adjusted weighted average quantities of beet sugar produced by all processors during the 1998 through 2000 crop years (without consideration of any adjustment under this clause) for each sugar beet processing factory that is closed by the processor;

"(cc) in the case of a processor that constructed a molasses desugarization facility, increased by 0.25 percent of the total of the adjusted weighted average quantities of beet sugar produced by all processors during the 1998 through 2000 crop years (without consideration of any adjustment under this clause) for each molasses desugarization facility that is constructed by the processor; and

"(dd) in the case of a processor that suffered substantial quality losses on stored sugar beets, increased by 1.25 percent of the total of the adjusted weighted average quantities of beet sugar produced by all processors during the 1998 through 2000 crop years (without consideration of any adjustment under this clause).

"(v) PERMANENT TERMINATION OF OPERATIONS OF A PROCESSOR.—If a processor of beet sugar has been dissolved, liquidated in a bankruptcy proceeding, or otherwise has permanently terminated operations (other than in conjunction with a sale or other disposition of the processor or the assets of the processor), the Secretary shall—

"(I) eliminate the allocation of the processor provided under this section; and

"(II) distribute the allocation to other beet sugar processors on a pro rata basis.

"(vi) SALE OF ALL ASSETS OF A PROCESSOR TO ANOTHER PROCESSOR.—If a processor of beet sugar (or all of the assets of the processor) is sold to another processor of beet sugar, the Secretary shall transfer the allocation of the seller to the buyer unless the allocation has been distributed to other sugar beet processors under clause (v).

"(vii) SALE OF FACTORIES OF A PROCESSOR TO ANOTHER PROCESSOR.—

"(I) IN GENERAL.—Subject to clauses (v) and (vi), if 1 or more factories of a processor of beet sugar (but not all of the assets of the processor) are sold to another processor of beet sugar during a fiscal year, the Secretary shall assign a pro rata portion of the allocation of the seller to the allocation of the buyer to reflect the historical contribution of the production of the sold factory or factories to the total allocation of the seller.

"(II) APPLICATION OF ALLOCATION.—The assignment of the allocation under subclause (I) shall apply—

"(aa) during the remainder of the fiscal year during which the sale described in subclause (I) occurs (referred to in this clause as the 'initial fiscal year'); and

"(bb) each subsequent fiscal year (referred in this clause as a 'subsequent fiscal year'), subject to subclause (III).

"(III) SUBSEQUENT FISCAL YEARS.—

"(aa) IN GENERAL.—The assignment of the allocation under subclause (I) shall apply during each subsequent fiscal year unless the acquired factory or factories continue in operation for less than the initial fiscal year and the first subsequent fiscal year.

"(bb) REASSIGNMENT.—If the acquired factory or factories do not continue in operation for the complete initial fiscal year and the first subsequent fiscal year, the Secretary shall reassign the temporary allocation to other processors of beet sugar on a pro rata basis.

"(IV) USE OF OTHER FACTORIES TO FILL ALLOCATION.—If the transferred allocation to the buyer for the purchased factory or factories cannot be filled by the production by the purchased factory or factories for the initial fiscal year or a subsequent fiscal year, the remainder of the transferred allocation may be filled by beet sugar produced by the buyer from other factories of the buyer.

"(viii) NEW ENTRANTS STARTING PRODUCTION OR REOPENING FACTORIES.—If an individual or entity that does not have an allocation of beet sugar under this part (referred to in this subparagraph as a 'new entrant') starts processing sugar beets after the date of enactment of this clause, or acquires and reopens a factory that produced beet sugar during the period of the 1998 through 2000 crop years that (at the time of acquisition) has no allocation associated with the factory under this part, the Secretary shall—

"(I) assign an allocation for beet sugar to the new entrant that provides a fair and equitable distribution of the allocations for beet sugar; and

"(II) reduce the allocations for beet sugar of all other processors on a pro rata basis to reflect the new allocation.

"(ix) NEW ENTRANTS ACQUIRING ONGOING FACTORIES WITH PRODUCTION HISTORY.—If a new entrant acquires a factory that has production history during the period of the 1998 through 2000 crop years and that is producing beet sugar at the time the allocations are made from a processor that has an allocation of beet sugar, the Secretary shall transfer a portion of the allocation of the seller to the new entrant to reflect the historical contribution of the production of the sold factory to the total allocation of the seller.".

(e) REASSIGNMENT.—Section 359e(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ee(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking the "and" after the semicolon;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B) the following:

"(C) if after the reassignments, the deficit cannot be completely eliminated, the Secretary shall reassign the estimated quantity of the deficit to the sale of any inventories of sugar held by the Commodity Credit Corporation; and"; and

(D) in subparagraph (D) (as so redesignated), by inserting "and sales" after "reassignments"; and

(2) in paragraph (2)—

(A) in subparagraph (A), by striking the "and" after the semicolon;

(B) in subparagraph (B), by striking "reassign the remainder to imports." and inserting "use the estimated quantity of the deficit for the sale of any inventories of sugar held by the Commodity Credit Corporation; and"; and

(C) by inserting after subparagraph (B) the following:

"(C) if after the reassignments and sales, the deficit cannot be completely eliminated, the Secretary shall reassign the remainder to imports.".

(f) PRODUCER PROVISIONS.—Section 359f of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359ff) is amended—

(1) in subsection (a)—

(A) by striking "Whenever" and inserting the following:

"(1) IN GENERAL.—If";

(B) in the second sentence, by striking "processor's allocation" and inserting "allocation to the processor";

(C) by striking "Any dispute" and inserting the following:

"(2) ARBITRATION.—

"(A) IN GENERAL.—Any dispute"; and

(D) by adding at the end the following:

"(B) PERIOD.—The arbitration shall, to the maximum extent practicable, be—

"(i) commenced not more than 45 days after the request; and

"(ii) completed not more than 60 days after the request.";

(2) by redesignating subsection (b) as subsection (c);

(3) by inserting after subsection (a) the following:

"(b) SUGAR BEET PROCESSING FACILITY CLOSURES.—

"(1) IN GENERAL.—If a sugar beet processing facility is closed and the sugar beet growers that previously delivered beets to the facility elect to deliver their beets to another processing company, the growers may petition the Secretary to modify allocations under this part to allow the delivery.

"(2) INCREASED ALLOCATION FOR PROCESSING COMPANY.—The Secretary may increase the allocation to the processing company to which the growers elect to deliver their sugar beets, with the approval of the processing company, to a level that does not exceed the processing capacity of the processing company, to accommodate the change in deliveries.

"(3) DECREASED ALLOCATION FOR CLOSED COMPANY.—The increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation shall be unaffected.

"(4) TIMING.—The determinations of the Secretary on the issues raised by the petition shall be made within 60 days after the filing of the petition."; and

(4) in subsection (c) (as so redesignated)—

(A) in paragraph (3)(A), by striking "the preceding 5 years" and inserting "the 2 highest years from among the 1999, 2000, and 2001 crop years";

(B) in paragraph (4)(A), by striking "each" and all that follows through "in effect" and inserting "the 2 highest of the 1999, 2000, and 2001 crop years"; and

(C) by inserting after paragraph (7) the following:

"(8) PROCESSING FACILITY CLOSURES.—

"(A) IN GENERAL.—If a sugarcane processing facility subject to this subsection is closed and the sugarcane growers that delivered sugarcane to the facility prior to closure elect to deliver their sugarcane to another processing company, the growers may petition the Secretary to modify allocations under this part to allow the delivery.

"(B) INCREASED ALLOCATION FOR PROCESSING COMPANY.—The Secretary may increase the allocation to the processing company to which the growers elect to deliver the sugarcane, with the approval of the processing company, to a level that does not exceed the processing capacity of the processing company, to accommodate the change in deliveries.

"(C) DECREASED ALLOCATION FOR CLOSED COMPANY.—The increased allocation shall be deducted from the allocation to the company that owned the processing facility that has been closed and the remaining allocation shall be unaffected.

"(D) TIMING.—The determinations of the Secretary on the issues raised by the petition shall be made within 60 days after the filing of the petition.".

(g) CONFORMING AMENDMENTS.—

(1) Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 359aa et seq.) is amended by striking the part heading and inserting the following:

"PART VII—FLEXIBLE MARKETING ALLOTMENTS FOR SUGAR".

(2) Part VII of subtitle B of title III of the Agricultural Adjustment Act of 1938 (as amended by subsection (a)) is amended by inserting before section 359b (7 U.S.C. 1359bb) the following:

"SEC. 359a. DEFINITIONS.

"In this part:

"(1) MAINLAND STATE.—The term 'mainland State' means a State other than an offshore State.

"(2) OFFSHORE STATE.—The term 'offshore State' means a sugarcane producing State located outside of the continental United States.

"(3) STATE.—Notwithstanding section 301, the term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) the Commonwealth of Puerto Rico.

"(4) UNITED STATES.—The term 'United States', when used in a geographical sense, means all of the States.".

(3) Section 359g of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359gg) is amended—

(A) by striking "359f" each place it appears and inserting "359f(c)";

(B) in the first sentence of subsection (b), by striking "3 consecutive" and inserting "5 consecutive"; and

(C) in subsection (c), by inserting "or adjusted" after "share established".

(4) Section 359j of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1359jj) is amended—

(A) in subsection (b), by striking "sections 359a through 359i" and inserting "this part"; and

(B) by striking subsection (c).

SEC. 144. REALLOCATION OF SUGAR QUOTA.

Subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.) is amended by adding at the end the following:

"PART VIII—REALLOCATING SUGAR QUOTA IMPORT SHORTFALLS

"SEC. 360. REALLOCATING CERTAIN SUGAR QUOTAS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, on or after June 1 of each year, the United States Trade Representative, in consultation with the Secretary, shall determine the amount of the quota of cane sugar used by each qualified supplying country for that fiscal year, and may reallocate the unused quota for that fiscal year among qualified supplying countries.

"(b) DEFINITIONS.—In this section:

"(1) QUALIFIED SUPPLYING COUNTRY.—The term 'qualified supplying country' means one of the following 40 foreign countries that is allowed to export cane sugar to the United States under an agreement or any other country with which the United States has an agreement relating to the importation of cane sugar:

Argentina
Australia
Barbados
Belize
Bolivia
Brazil
Colombia
Congo
Costa Rica
Dominican Republic
Ecuador
El Salvador
Fiji
Gabon
Guatemala
Guyana
Haiti
Honduras
India
Ivory Coast
Jamaica
Madagascar
Malawi
Mauritius
Mexico
Mozambique
Nicaragua
Panama
Papua New Guinea
Paraguay
Peru
Philippines
St. Kitts and Nevis
South Africa
Swaziland
Taiwan
Thailand
Trinidad-Tobago
Uruguay
Zimbabwe.

"(2) CANE SUGAR.—The term 'cane sugar' has the same meaning as the term has under part VII.".

CHAPTER 3—PEANUTS

SEC. 151. PEANUT PROGRAM.

(a) IN GENERAL.—Subtitle D of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7251 et seq.) is amended by adding at the end the following:

"CHAPTER 3—PEANUTS

"SEC. 158A. DEFINITIONS.

"In this chapter:

"(1) COUNTER-CYCLICAL PAYMENT.—The term 'counter-cyclical payment' means a payment made to peanut producers on a farm under section 158D.

"(2) DIRECT PAYMENT.—The term 'direct payment' means a payment made to peanut producers on a farm under section 158C.

"(3) EFFECTIVE PRICE.—The term 'effective price' means the price calculated by the Secretary under section 158D for peanuts to determine whether counter-cyclical payments are required to be made under section 158D for a crop year.

"(4) HISTORICAL PEANUT PRODUCERS ON A FARM.—The term 'historical peanut producers on a farm' means the peanut producers on a farm in the United States that produced or were prevented from planting peanuts during any of the 1998 through 2001 crop years.

"(5) INCOME PROTECTION PRICE.—The term 'income protection price' means the price per ton of peanuts used to determine the payment rate for counter-cyclical payments.

"(6) PAYMENT ACRES.—The term 'payment acres' means 85 percent of the peanut acres on a farm, as established under section 158B, on which direct payments and counter-cyclical payments are made.

"(7) PEANUT ACRES.—The term 'peanut acres' means the number of acres assigned to a particular farm for historical peanut producers on a farm pursuant to section 158B(b).

"(8) PAYMENT YIELD.—The term 'payment yield' means the yield assigned to a farm by historical peanut producers on the farm pursuant to section 158B(b).

"(9) PEANUT PRODUCER.—The term 'peanut producer' means an owner, operator, landlord, tenant, or sharecropper that—

"(A) shares in the risk of producing a crop of peanuts in the United States; and

"(B) is entitled to share in the crop available for marketing from the farm or would have shared in the crop had the crop been produced.

"SEC. 158B. PAYMENT YIELDS, PEANUT ACRES, AND PAYMENT ACRES FOR FARMS.

"(a) PAYMENT YIELDS AND PAYMENT ACRES.—

"(1) AVERAGE YIELD.—

"(A) IN GENERAL.—The Secretary shall determine, for each historical peanut producer, the average yield for peanuts on all farms of the historical peanut producer for the 1998 through

2001 crop years, excluding any crop year during which the producers did not produce peanuts.

"(B) ASSIGNED YIELDS.—Except as provided in subparagraph (C), if, for any of the crop years referred to in subparagraph (A) in which peanuts were planted on a farm by the historical peanut producer, the historical peanut producer has satisfied the eligibility criteria established to carry out section 1102 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (7 U.S.C. 1421 note; Public Law 105–277), the Secretary shall assign to the historical peanut producer a yield for the farm for the crop year equal to 65 percent of the average yield for peanuts for the previous 5 crop years.

"(C) SELECTION BY PRODUCER.—If a county in which a historical peanut producer described in subparagraph (A) is located is declared a disaster area during 1 or more of the 4 crop years described in subparagraph (A), for the purposes of determining the 4-year average yield for the historical peanut producer, the historical peanut producer may elect to substitute, for not more than 1 of the crop years during which a disaster is declared—

"(i) the State 4-year average yield of peanuts produced in the State; or

"(ii) the average yield for the historical peanut producer determined by the Secretary under subparagraph (A).

"(2) ACREAGE AVERAGE.—The Secretary shall determine, for the historical peanut producer, the 4-year average of—

"(A) acreage planted to peanuts on all farms for harvest during the 1998 through 2001 crop years; and

"(B) any acreage that was prevented from being planting to peanuts during the crop years because of drought, flood, or other natural disaster, or other condition beyond the control of the historical peanut producer, as determined by the Secretary.

"(3) TIME FOR DETERMINATIONS; FACTORS.—

"(A) TIMING.—The Secretary shall make the determinations required by this subsection not later than 90 days after the date of enactment of this section.

"(B) FACTORS.—In making the determinations, the Secretary shall take into account changes in the number and identity of historical peanut producers sharing in the risk of producing a peanut crop since the 1998 crop year, including providing a method for the assignment of average acres and average yield to a farm when a historical peanut producer is no longer living or an entity composed of historical peanut producers has been dissolved.

"(b) ASSIGNMENT OF YIELD AND ACRES TO FARMS.—

"(1) ASSIGNMENT BY HISTORICAL PEANUT PRODUCERS.—For the first crop year that begins after the date of enactment of this section, the Secretary shall provide each historical peanut producer in a State that produced a contract commodity, or another agricultural commodity for which a production adjustment program is carried out under the Agricultural Adjustment Act of 1938 (7 U.S.C. 1281 et seq.), or was prevented from planting a contract commodity; or another such agricultural commodity, during the 2001 crop year with an opportunity to assign the average peanut yield and average acreage determined under subsection (a) for the historical peanut producer to cropland on a farm in the State.

"(2) ASSIGNMENT TO CROPLAND.—In the case of a historical peanut producer on a farm that did not produce a contract commodity, or another such agricultural commodity, and was not prevented from planting a contract commodity or another such agricultural commodity during the 2001 crop year, the average peanut yield and average acreage determined under subsection (a) shall be assigned to the cropland on the farm.

"(3) PAYMENT YIELD.—The average of all of the yields assigned by historical peanut producers to a farm shall be considered to be the payment yield for the farm for the purpose of making direct payments and counter-cyclical payments under this chapter.

"(4) PEANUT ACRES.—Subject to subsection (e), the total number of acres assigned by historical peanut producers to a farm shall be considered to be the peanut acres for the farm for the purpose of making direct payments and counter-cyclical payments under this chapter.

"(c) ELECTION.—In the case of the first crop year that begins after the date of enactment of this subsection, a historical peanut producer shall notify the Secretary of the assignments described in subsection (b)(1) not later than 180 days after the date of enactment of this section.

"(d) PAYMENT ACRES.—The payment acres for peanuts on a farm shall be equal to 85 percent of the peanut acres assigned to the farm.

"(e) PREVENTION OF EXCESS PEANUT ACRES.—

"(1) REQUIRED REDUCTION.—If the total of the peanut acres for a farm, together with the acreage described in paragraph (3), exceeds the actual cropland acreage of the farm, the Secretary shall reduce the quantity of peanut acres for the farm or contract acreage for 1 or more covered commodities for the farm as necessary so that the total of the peanut acres and acreage described in paragraph (3) does not exceed the actual cropland acreage of the farm.

"(2) SELECTION OF ACRES.—The Secretary shall give the peanut producers on the farm the opportunity to select the peanut acres or contract acreage against which the reduction will be made.

"(3) OTHER ACREAGE.—For purposes of paragraph (1), the Secretary shall include—

"(A) any contract acreage for the farm under subtitle B;

"(B) any acreage on the farm enrolled in the conservation reserve program or wetlands reserve program under chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.); and

"(C) any other acreage on the farm enrolled in a conservation program for which payments are made in exchange for not producing an agricultural commodity on the acreage.

"(3) DOUBLE-CROPPED ACREAGE.—In applying paragraph (1), the Secretary shall take into account additional acreage as a result of an established double-cropping history on a farm, as determined by the Secretary.

"SEC. 158C. DIRECT PAYMENTS FOR PEANUTS.

"(a) IN GENERAL.—For each of the 2002 through 2006 fiscal years, the Secretary shall make direct payments to peanut producers on a farm with peanut acres under section 158B and a payment yield for peanuts under section 158B.

"(b) PAYMENT RATE.—The payment rate used to make direct payments with respect to peanuts for a fiscal year shall be equal to $0.018 per pound.

"(c) PAYMENT AMOUNT.—The amount of the direct payment to be paid to the peanut producers on a farm for peanuts for a fiscal year shall be equal to the product obtained by multiplying—

"(1) the payment rate specified in subsection (b);

"(2) the payment acres on the farm; by

"(3) the payment yield for the farm.

"(d) TIME FOR PAYMENT.—

"(1) IN GENERAL.—The Secretary shall make direct payments—

"(A) in the case of the 2002 fiscal year, during the period beginning December 1, 2001, and ending September 30, 2002; and

"(B) in the case of each of the 2003 through 2006 fiscal years, not later than September 30 of the fiscal year.

"(2) ADVANCE PAYMENTS.—

"(A) IN GENERAL.—At the option of the peanut producers on a farm, the Secretary shall pay 50 percent of the direct payment for a fiscal year for the producers on the farm on a date selected by the peanut producers on the farm.

"(B) SELECTED DATE.—The selected date for a fiscal year shall be on or after December 1 of the fiscal year.

"(C) SUBSEQUENT FISCAL YEARS.—The peanut producers on a farm may change the selected date for a subsequent fiscal year by providing advance notice to the Secretary.

"(3) REPAYMENT OF ADVANCE PAYMENTS.—If any peanut producer on a farm that receives an advance direct payment for a fiscal year ceases to be eligible for a direct payment before the date the direct payment would have been made by the Secretary under paragraph (1), the peanut producer shall be responsible for repaying the Secretary the full amount of the advance payment.

"SEC. 158D. COUNTER-CYCLICAL PAYMENTS FOR PEANUTS.

"(a) IN GENERAL.—For each of the 2002 through 2006 crops of peanuts, the Secretary shall make counter-cyclical payments with respect to peanuts if the Secretary determines that the effective price for peanuts is less than the income protection price for peanuts.

"(b) EFFECTIVE PRICE.—For purposes of subsection (a), the effective price for peanuts is equal to the total of—

"(1) the greater of—

"(A) the national average market price received by peanut producers during the marketing season for peanuts, as determined by the Secretary; or

"(B) the national average loan rate for a marketing assistance loan for peanuts under section 158G in effect for the marketing season for peanuts under this chapter; and

"(2) the payment rate in effect for peanuts under section 158C for the purpose of making direct payments with respect to peanuts.

"(c) INCOME PROTECTION PRICE.—For purposes of subsection (a), the income protection price for peanuts shall be equal to $520 per ton.

"(d) PAYMENT AMOUNT.—The amount of the counter-cyclical payment to be paid to the peanut producers on a farm for a crop year shall be equal to the product obtained by multiplying—

"(1) the payment rate specified in subsection (e);

"(2) the payment acres on the farm; by

"(3) the payment yield for the farm.

"(e) PAYMENT RATE.—The payment rate used to make counter-cyclical payments with respect to peanuts for a crop year shall be equal to the difference between—

"(1) the income protection price for peanuts; and

"(2) the effective price determined under subsection (b) for peanuts.

"(f) TIME FOR PAYMENTS.—

"(1) IN GENERAL.—The Secretary shall make counter-cyclical payments to peanut producers on a farm under this section for a crop of peanuts as soon as practicable after determining under subsection (a) that the payments are required for the crop year.

"(2) PARTIAL PAYMENT.—

"(A) IN GENERAL.—At the option of the Secretary, the peanut producers on a farm may elect to receive up to 40 percent of the projected counter-cyclical payment to be made under this section for a crop of peanuts on completion of the first 2 months of the marketing season for the crop, as determined by the Secretary.

"(B) REPAYMENT.—The peanut producers on a farm shall repay to the Secretary the amount, if any, by which the payment received by producers on the farm (including any partial payments) exceeds the counter-cyclical payment the producers on the farm are eligible for under this section.

"SEC. 158E. PRODUCER AGREEMENTS.

"(a) COMPLIANCE WITH CERTAIN REQUIREMENTS.—

"(1) REQUIREMENTS.—Before the peanut producers on a farm may receive direct payments or counter-cyclical payments with respect to the farm, the peanut producers on the farm shall agree during the fiscal year or crop year, respectively, for which the payments are received, in exchange for the payments—

"(A) to comply with applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.);

"(B) to comply with applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.);

"(C) to comply with the planting flexibility requirements of section 158F; and

"(D) to use a quantity of the land on the farm equal to the peanut acres, for an agricultural or conserving use, and not for a nonagricultural commercial or industrial use, as determined by the Secretary.

"(2) COMPLIANCE.—The Secretary may promulgate such regulations as the Secretary considers necessary to ensure peanut producer compliance with paragraph (1).

"(b) FORECLOSURE.—

"(1) IN GENERAL.—The Secretary shall not require the peanut producers on a farm to repay a direct payment or counter-cyclical payment if a foreclosure has occurred with respect to the farm and the Secretary determines that forgiving the repayment is appropriate to provide fair and equitable treatment.

"(2) COMPLIANCE WITH REQUIREMENTS.—

"(A) IN GENERAL.—This subsection shall not void the responsibilities of the peanut producers on a farm under subsection (a) if the peanut producers on the farm continue or resume operation, or control, of the farm.

"(B) APPLICABLE REQUIREMENTS.—On the resumption of operation or control over the farm by the peanut producers on the farm, the requirements of subsection (a) in effect on the date of the foreclosure shall apply.

"(c) TRANSFER OR CHANGE OF INTEREST IN FARM.—

"(1) TERMINATION.—Except as provided in paragraph (5), a transfer of (or change in) the interest of the peanut producers on a farm in peanut acres for which direct payments or counter-cyclical payments are made shall result in the termination of the payments with respect to the peanut acres, unless the transferee or owner of the acreage agrees to assume all obligations under subsection (a).

"(2) EFFECTIVE DATE.—The termination takes effect on the date of the transfer or change.

"(3) TRANSFER OF PAYMENT BASE AND YIELD.—The Secretary shall not impose any restriction on the transfer of the peanut acres or payment yield of a farm as part of a transfer or change described in paragraph (1).

"(4) MODIFICATION.—At the request of the transferee or owner, the Secretary may modify the requirements of subsection (a) if the modifications are consistent with the purposes of subsection (a), as determined by the Secretary.

"(5) EXCEPTION.—If a peanut producer entitled to a direct payment or counter-cyclical payment dies, becomes incompetent, or is otherwise unable to receive the payment, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary.

"(d) ACREAGE REPORTS.—As a condition on the receipt of any benefits under this chapter, the Secretary shall require the peanut producers on a farm to submit to the Secretary acreage reports for the farm.

"(e) TENANTS AND SHARECROPPERS.—In carrying out this chapter, the Secretary shall provide adequate safeguards to protect the interests of tenants and sharecroppers.

"(f) SHARING OF PAYMENTS.—The Secretary shall provide for the sharing of direct payments and counter-cyclical payments among the peanut producers on a farm on a fair and equitable basis.

"SEC. 158F. PLANTING FLEXIBILITY.

"(a) PERMITTED CROPS.—Subject to subsection (b), any commodity or crop may be planted on peanut acres on a farm.

"(b) LIMITATIONS AND EXCEPTIONS REGARDING CERTAIN COMMODITIES.—

"(1) LIMITATIONS.—The planting of the following agricultural commodities shall be prohibited on peanut acres:

"(A) Fruits.

"(B) Vegetables (other than lentils, mung beans, and dry peas).

"(C) In the case of the 2003 and subsequent crops of an agricultural commodity, wild rice.

"(2) EXCEPTIONS.—Paragraph (1) shall not limit the planting of an agricultural commodity specified in paragraph (1)—

"(A) in any region in which there is a history of double-cropping of peanuts with agricultural commodities specified in paragraph (1), as determined by the Secretary, in which case the double-cropping shall be permitted;

"(B) on a farm that the Secretary determines has a history of planting agricultural commodities specified in paragraph (1) on peanut acres, except that direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to the agricultural commodity; or

"(C) by the peanut producers on a farm that the Secretary determines has an established planting history of a specific agricultural commodity specified in paragraph (1), except that—

"(i) the quantity planted may not exceed the average annual planting history of the agricultural commodity by the peanut producers on the farm during the 1996 through 2001 crop years (excluding any crop year in which no plantings were made), as determined by the Secretary; and

"(ii) direct payments and counter-cyclical payments shall be reduced by an acre for each acre planted to the agricultural commodity.

"SEC. 158G. MARKETING ASSISTANCE LOANS AND LOAN DEFICIENCY PAYMENTS FOR PEANUTS.

"(a) NONRECOURSE LOANS AVAILABLE.—

"(1) AVAILABILITY.—For each of the 2002 through 2006 crops of peanuts, the Secretary shall make available to peanut producers on a farm nonrecourse marketing assistance loans for peanuts produced on the farm.

"(2) TERMS AND CONDITIONS.—The loans shall be made under terms and conditions that are prescribed by the Secretary and at the loan rate established under subsection (b).

"(3) ELIGIBLE PRODUCTION.—The producers on a farm shall be eligible for a marketing assistance loan under this section for any quantity of peanuts produced on the farm.

"(4) TREATMENT OF CERTAIN COMMINGLED COMMODITIES.—In carrying out this section, the Secretary shall make loans to peanut producers on a farm that would be eligible to obtain a marketing assistance loan but for the fact the peanuts owned by the peanut producers on the farm are commingled with other peanuts of other producers in facilities unlicensed for the storage of agricultural commodities by the Secretary or a State licensing authority, if the peanut producers on a farm obtaining the loan agree to immediately redeem the loan collateral in accordance with section 158E.

"(5) OPTIONS FOR OBTAINING LOAN.—A marketing assistance loan under this subsection, and loan deficiency payments under subsection (e), may be obtained at the option of the peanut producers on a farm through—

"(A) a designated marketing association of peanut producers that is approved by the Secretary, which may own or construct necessary storage facilities. In the Southeast and Southwest areas such designated marketing association shall be operated primarily on behalf of peanut producers. The designated area marketing association shall be allowed to form marketing pools for peanuts by type and quality, including the creation of a separate pool for Valencia peanuts in New Mexico;

"(B) the Farm Service Agency; or

"(C) a loan servicing agent approved by the Secretary.

"(6) LOAN SERVICING AGENT.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, as a condition of the Secretary's approval of an entity to serve as a loan servicing agent or to handle or store peanuts for producers that receive any marketing loan benefits in the State, the entity shall agree to provide adequate storage (if available) and handling of peanuts at the commercial rate to other approved loan servicing agents and marketing associations.

"(b) LOAN RATE.—The loan rate for a marketing assistance loan for peanuts under subsection (a) shall be equal to $400 per ton.

"(c) TERM OF LOAN.—

"(1) IN GENERAL.—A marketing assistance loan for peanuts under subsection (a) shall have a term of 9 months beginning on the first day of the first month after the month in which the loan is made.

"(2) EXTENSIONS PROHIBITED.—The Secretary may not extend the term of a marketing assistance loan for peanuts under subsection (a).

"(d) REPAYMENT RATE.—The Secretary shall permit peanut producers on a farm to repay a marketing assistance loan for peanuts under subsection (a) at a rate that is the lesser of—

"(1) the loan rate established for peanuts under subsection (b), plus interest (as determined by the Secretary); or

"(2) a rate that the Secretary determines will—

"(A) minimize potential loan forfeitures;

"(B) minimize the accumulation of stocks of peanuts by the Federal Government;

"(C) minimize the cost incurred by the Federal Government in storing peanuts; and

"(D) allow peanuts produced in the United States to be marketed freely and competitively, both domestically and internationally.

"(e) LOAN DEFICIENCY PAYMENTS.—

"(1) AVAILABILITY.—The Secretary may make loan deficiency payments available to the peanut producers on a farm that, although eligible to obtain a marketing assistance loan for peanuts under subsection (a), agree to forgo obtaining the loan for the peanuts in return for payments under this subsection.

"(2) AMOUNT.—A loan deficiency payment under this subsection shall be obtained by multiplying—

"(A) the loan payment rate determined under paragraph (3) for peanuts; by

"(B) the quantity of the peanuts produced by the peanut producers on the farm, excluding any quantity for which the producers on the farm obtain a loan under subsection (a).

"(3) LOAN PAYMENT RATE.—For purposes of this subsection, the loan payment rate shall be the amount by which—

"(A) the loan rate established under subsection (b); exceeds

"(B) the rate at which a loan may be repaid under subsection (d).

"(4) TIME FOR PAYMENT.—The Secretary shall make a payment under this subsection to the peanut producers on a farm with respect to a quantity of peanuts as of the earlier of—

"(A) the date on which the peanut producers on the farm marketed or otherwise lost beneficial interest in the peanuts, as determined by the Secretary; or

"(B) the date the peanut producers on the farm request the payment.

"(f) Compliance With Conservation Requirements.—As a condition of the receipt of a marketing assistance loan under subsection (a), the peanut producers on a farm shall comply during the term of the loan with—

"(1) applicable highly erodible land conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

"(2) applicable wetland conservation requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

"(g) Reimbursable Agreements and Payment of Expenses.—To the maximum extent practicable, the Secretary shall implement any reimbursable agreements or provide for the payment of expenses under this chapter in a manner that is consistent with the implementation of the agreements or payment of the expenses for other commodities.

"(h) Area Marketing Association Costs.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, the Secretary shall deduct in a marketing assistance loan made to an area marketing association in a marketing area in the State, such costs as the area marketing association may reasonably incur in carrying out the responsibilities, operations, and activities of the association and Commodity Credit Corporation under this section.

"(i) Definition of Commingle.—In this section and section 158H, the term 'coinmingle', with respect to peanuts, means—

"(1) the mixing of peanuts produced on different farms by the same or different producers; or

"(2) the mixing of peanuts pledged for marketing assistance loans with peanuts that are not pledged for marketing assistance loans, to facilitate storage.

"SEC. 158H. QUALITY IMPROVEMENT.

"(a) Official Inspection.—

"(1) In general.—All peanuts placed under a marketing assistance loan under section 158G or otherwise sold or marketed shall be officially inspected and graded by a Federal or State inspector.

"(2) Accounting for commingled peanuts.—If approved by a majority of historical peanut producers in a State voting in a referendum conducted by the Secretary, all ,peanuts stored commingled with peanuts covered by a marketing assistance loan in the State shall be graded and exchanged on a dollar value basis, unless the Secretary determines that the beneficial interest in the peanuts covered by the marketing assistance loan have been transferred to other parties prior to demand for delivery.

"(b) Termination of Peanut Administrative Committee.—The Peanut Administrative Committee established under Marketing Agreement No. 1436, which regulates the quality .of domestically produced peanuts under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is terminated.

"(c) Establishment of Peanut Standards Board.—

"(1) In general.—The Secretary shall establish a Peanut Standards Board for the purpose of assisting in the establishment of quality standards with respect to peanuts.

"(2) Composition.—The Secretary shall appoint members to the Board that, to the maximum extent practicable, reflect all regions and segments of the peanut industry.

"(3) Duties.—The Board shall assist the Secretary in establishing quality standards for peanuts.

"(d) Crops.—This section shall apply beginning with the 2002 crop of peanuts.".

(b) Conforming Amendments.—

(1) The chapter heading of chapter 2 of subtitle D of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. prec. 7271) is amended by striking "**PEANUTS AND**".

(2) Section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7271) is repealed.

SEC. 152. TERMINATION OF MARKETING QUOTAS FOR PEANUTS AND COMPENSATION TO PEANUT QUOTA HOLDERS.

(a) Repeal of Marketing Quotas for Peanuts.—Effective beginning with the 2002 crop of peanuts, part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) is repealed.

(b) Compensation of Quota Holders.—

(1) Definitions.—In this subsection:

(A) Peanut quota holder.—

(i) In general.—The term "peanut quota holder" means a person or entity that owns a farm that—

(I) held a peanut quota established for the farm for the 2001 crop of peanuts under part VI of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1357 et seq.) (as in effect before the amendment made by subsection (a));

(II) if there was not such a quota established for the farm for the 2001 crop of peanuts, would be eligible to have such a quota established for the farm for the 2002 crop of peanuts, in the absence of the amendment made by subsection (a); or

(III) is otherwise a farm that was eligible for such a quota as of the effective date of the amendments made by this section.

(ii) Seed or experimental purposes.—The Secretary shall apply the definition of "peanut quota holder" without regard to temporary leases, transfers, or quotas for seed or experimental purposes.

(B) Secretary.—The term "Secretary" means the Secretary of Agriculture.

(2) Contracts.—The Secretary shall offer to enter into a contract with peanut quota holders for the purpose of providing compensation for the lost value of quota as a result of the repeal of the marketing quota program for peanuts under the amendment made by subsection (a).

(3) Payment period.—Under a contract, the Secretary shall make payments to an eligible peanut quota holder for each of fiscal years 2002 through 2006.

(4) Time for payment.—The payments required under the contracts shall be provided in 5 equal installments not later than September 30 of each of fiscal years 2002 through 2006.

(5) Payment amount.—The amount of the payment for a fiscal year to a peanut quota holder under a contract shall be equal to the product obtained by multiplying—

(A) $0.11 per pound; by

(B) the actual farm poundage quota (excluding any quantity for seed and experimental peanuts) established for the farm of a peanut quota holder under section 358–1(b) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1358–1(b)) (as in effect prior to the amendment made by subsection (a)) for the 2001 marketing year.

(6) Assignment of payments.—

(A) In general.—The provisions of section 8(g) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(g)), relating to assignment of payments, shall apply to the payments made to peanut quota holders under the contracts.

(B) Notice.—The peanut quota holder making the assignment, or the assignee, shall provide the Secretary with notice, in such manner as the Secretary may require, of any assignment made under this subsection.

(c) Conforming Amendments.—

(1) Administrative provisions.—Section 361 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1361) is amended by striking "peanuts,".

(2) Adjustment of quotas.—Section 371 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1371) is amended—

(A) in the first sentence of subsection (a), by striking "peanuts,"; and

(B) in the first sentence of subsection (b), by striking "peanuts".

(3) Reports and records.—Section 373 of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1373) is amended—

(A) in the first sentence of subsection (a)—

(i) by striking "peanuts," each place it appears;

(ii) by inserting "and" after "from producers,"; and

(iii) by striking "for producers, all" and all that follows through the period at the end of the sentence and inserting "for producers."; and

(B) in subsection (b), by striking "peanuts,".

(4) Eminent domain.—Section 378(c) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1378(c)) is amended in the first sentence—

(A) by striking "cotton," and inserting "cotton and"; and

(B) by striking "and peanuts,".

(d) Crops.—This section and the amendments made by this section apply beginning with the 2002 crop of peanuts.

Subtitle D—Administration

SEC. 161. MARKETING ORDERS FOR CANEBERRIES.

(a) In General.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(1) in subsection (2)(A), by inserting "caneberries (including raspberries, blackberries, and loganberries)," after "other than pears, olives, grapefruit, cherries,"; and

(2) in subsection (6)(I), by striking "tomatoes,," and inserting "tomatoes, caneberries (including raspberries, blackberries, and loganberries),".

(b) Conforming Amendment.—Section 8e(a) of the Agricultural Adjustment Act (7 U.S.C. 608e–1(a)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking "or apples" and inserting "apples, or caneberries (including raspberries, blackberries, and loganberries)".

SEC. 162. RESERVE STOCK LEVEL.

Section 301(b)(14)(C) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1301(b)(14)(C)) is amended—

(1) in clause (i), by striking "100,000,000" and inserting "75,000,000"; and

(2) in clause (ii), by striking "15 percent" and inserting "10 percent".

SEC. 163. FARM RECONSTITUTIONS.

(a) In General.—Section 316(a)(1)(A)(ii) of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1314b(a)(1)(A)(ii)) is amended by adding at the end the following: "Notwithstanding any other provision of law, for the 2002 crop only, the Secretary shall allow special farm reconstitutions, in lieu of lease and transfer of allotments and quotas, under this section, in accordance with such conditions as are established by the Secretary.".

(b) Study.—

(1) In general.—The Secretary of Agriculture shall conduct a study on the effects on the limitation on producers to move quota to a farm other than the farm to which the quota was initially assigned under part I of subtitle B of title III of the Agricultural Adjustment Act of 1938 (7 U.S.C. 1311 et seq.).

(2) Report.—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the study.

SEC. 164. ADJUSTMENT AUTHORITY RELATED TO URUGUAY ROUND COMPLIANCE.

Section 161 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7281) is amended by adding at the end the following:

"(e) Adjustment Authority Related to Uruguay Round Compliance.—If the Secretary determines that expenditures under subtitles A through D that are subject to the total allowable domestic support levels under the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)), as in effect on the date of enactment of this subsection, will exceed the allowable levels for any applicable reporting period, the Secretary may make adjustments in the amount of the expenditures to ensure that the expenditures do not exceed, but are not less than, the allowable levels.

"(f) Expenditure Limitation.—If the Secretary makes a determination under subsection (e) that expenditures will exceed allowable levels for any applicable reporting period and notifies Congress of the Secretary's intent to make adjustments to ensure that expenditures do not exceed allowable levels, no expenditures under any program proposed to be adjusted by the Secretary may be made after the date that is 18 months after the date of the determination, unless a joint resolution disapproving the adjustments is enacted by both Houses of Congress within 60 days of the date of the notification.

"(g) Annual Report on Domestic Support.—Not later than April 30 of each year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(1) estimated levels of domestic support for agricultural commodities during the current marketing year and the following marketing year;

"(2) the manner in which the Secretary intends to notify the World Trade Organization of the estimated levels; and

"(3) proposed changes to domestic support programs subject to reduction commitments made in the context of WTO trade negotiations.".

SEC. 165. SUSPENSION OF PERMANENT PRICE SUPPORT AUTHORITY.

Section 171 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7301) is amended—

(1) by striking "2002" each place it appears and inserting "2006"; and

(2) in subsection (a)(1)—

(A) by striking subparagraph (E); and

(B) by redesignating subparagraphs (F) through (I) as subparagraphs (E) through (H), respectively.

SEC. 166. COMMODITY PURCHASES.

(a) In General.—Section 191 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7331 et seq.) is amended to read as follows:

"SEC. 191. COMMODITY PURCHASES.

"(a) In General.—To purchase agricultural commodities under this section, the Secretary shall use funds of the Commodity Credit Corporation in an amount equal to—

"(1) for each of fiscal years 2002 and 2003, $130,000,000, of which not less than $100,000,000 shall be used for the purchase of specialty crops;

"(2) for fiscal year 2004, $150,000,000, of which not less than $120,000,000 shall be used for the purchase of specialty crops;

"(3) for fiscal year 2005, $170,000,000, of which not less than $140,000,000 shall be used for the purchase of specialty crops;

"(4) for fiscal year 2006, $200,000,000, of which not less than $170,000,000 shall be used for the purchase of specialty crops; and

"(5) for fiscal year 2007, $0.

"(b) Other Purchases.—The Secretary shall ensure that purchases of agricultural commodities under this section are in addition to purchases by the Secretary under any other law.

"(c) Purchases by Department of Defense for School Lunch Program.—The Secretary shall provide not less than $50,000,000 for each fiscal year of the funds made available under subsection (a) to the Secretary of Defense to purchase fresh fruits and vegetables for distribution to schools and service institutions in accordance with section 6(a) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(a)) in a manner prescribed by the Secretary of Agriculture.

"(d) Purchases for Emergency Food Assistance Program.—The Secretary shall use not less than $40,000,000 for each fiscal year of the funds made available under subsection (a) to purchase agricultural commodities for distribution under the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.).".

(b) Sense of the Senate Concerning Purchases of Cranberries.—

(1) Findings.—Congress finds that—

(A) the price per hundred pounds of cranberries has dropped from approximately $70 to approximately $10;

(B) the cost of producing cranberries is between $30 and $35 per hundred pounds, which is much more than the price per hundred pounds of cranberries for each of the past 2 years;

(C) there is a serious economic crisis among cranberry growers in the United States, especially in the States of Wisconsin, Massachusetts, and New Jersey;

(D) the Cranberry Marketing Committee has issued 2 marketing orders, but the marketing orders have not led to higher prices;

(E) although Congress directed the Secretary of Agriculture to use $30,000,000 to purchase cranberries in fiscal year 2001, the price of cranberries has not risen significantly; and

(F) the cranberry industry faces a surplus of cranberries and continuing low prices for cranberries.

(2) Sense of the senate.—It is the sense of the Senate that the Secretary of Agriculture should attempt to alleviate the economic crisis among cranberry growers by continuing to expend for each fiscal year for the purchase of cranberries the same amount as the Secretary expended for fiscal year 2001.

SEC. 167. HARD WHITE WHEAT INCENTIVE PAYMENTS.

Section 193 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1508) is amended to read as follows:

"SEC. 193. HARD WHITE WHEAT INCENTIVE PAYMENTS.

"(a) In General.—For the period of crop years 2003 through 2005, the Secretary shall use $40,000,000 of funds of the Commodity Credit Corporation to provide incentive payments to producers of hard white wheat to ensure that hard white wheat, produced on a total of not more than 2,000,000 acres, meets minimum quality standards established by the Secretary.

"(b) Application.—The amounts payable to producers in the form of payments under this section shall be determined through the submission of bids by producers in such manner as the Secretary may prescribe.

"(c) Demand for Wheat.—To be eligible to obtain a payment under this section, a producer shall demonstrate to the Secretary the availability of buyers and end-users for the wheat that is the covered by the payment.".

SEC. 168. LIVESTOCK ASSISTANCE PROGRAM.

Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 6933) is amended to read as follows:

"SEC. 194. LIVESTOCK ASSISTANCE PROGRAM.

"(a) In General.—The Secretary shall carry out a program to provide livestock feed assistance to livestock producers affected by disasters.

"(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $500,000,000 for each of fiscal years 2003 through 2008.".

SEC. 169. PAYMENT LIMITATIONS; NUTRITION AND COMMODITY PROGRAMS.

(a) Payment Limitations.—

(1) In general.—Section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) is amended to read as follows:

"SEC. 1001. PAYMENT LIMITATIONS.

"(a) Definitions.—In this section and sections 1001A through 1001F:

"(1) Beneficial interest.—The term 'beneficial interest' means an interest in an entity that is at least—

"(A) 10 percent; or

"(B) a lower percentage, which the Secretary shall establish, on a case-by-case basis, as needed to achieve the purposes of this section and sections 1001A through 1001F, including effective implementation of section 1001A(b).

"(2) Counter-cyclical payment.—The term 'counter-cyclical payment' means a payment made under section 114 or 158D of the Federal Agriculture Improvement and Reform Act of 1996.

"(3) Direct payment.—The term 'direct payment' means a payment made under section 113 or 158C of the Federal Agriculture Improvement and Reform Act of 1996.

"(4) Entity.—

"(A) In general.—The term 'entity' means—

"(i) an entity that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under subsection (b) or (c);

"(ii) a corporation, joint stock company, association, limited partnership, charitable organization, a grantor of a revocable trust, or other similar entity (as determined by the Secretary); and

"(iii) an entity that is participating in a farming operation as a partner in a general partnership or as a participant in a joint venture.

"(B) Exclusion.—Except in section 1001F, the term 'entity' does not include an entity that is a general partnership or joint venture.

"(5) Individual.—The term 'individual' means—

"(A) a natural person, and minor children of the natural person (as determined by the Secretary), that (subject to the requirements of this section and section 1001A) is eligible to receive a payment under subsection (b) or (c); and

"(B) an individual participating in a farming operation as a partner in a general partnership, a participant in a joint venture, a grantor of a revocable trust, or a participant in a similar entity (as determined by the Secretary).

"(6) Loan commodity.—The term 'loan commodity' has the meaning given the term in section 102 of the Federal Agriculture Improvement and Reform Act of 1996.

"(7) Secretary.—The term 'Secretary' means the Secretary of Agriculture.

"(b) Limitations on Direct and Counter-Cyclical Payments.—Subject to subsections (d) through (i), the total amount of direct payments and counter-cyclical payments that an individual or entity may receive, directly or indirectly, during any fiscal year shall not exceed $75,000.

"(c) Limitations on Marketing Loan Gains, Loan Deficiency Payments, and Commodity Certificate Transactions.—

"(1) In general.—Subject to subsections (d) through (i), the total amount of the payments and benefits described in paragraph (2) that an individual or entity may receive, directly or indirectly, during any crop year shall not exceed $150,000.

"(2) PAYMENTS AND BENEFITS.—Paragraph (1) shall apply to the following payments and benefits:

"(A) MARKETING LOAN GAINS.—

"(i) REPAYMENT GAINS.—Any gain realized by a producer from repaying a marketing assistance loan under section 131 or 158G(a) of the Federal Agriculture Improvement and Reform Act of 1996 for a crop of any loan commodity or peanuts, respectively, at a lower level than the original loan rate established for the loan commodity or peanuts under section 132 or 158G(d) of that Act, respectively.

"(ii) FORFEITURE GAINS.—In the case of settlement of a marketing assistance loan under section 131 or 158G(a) of that Act for a crop of any loan commodity or peanuts, respectively, by forfeiture, the amount by which the loan amount exceeds the repayment amount for the loan if the loan had been settled by repayment instead of forfeiture.

"(B) LOAN DEFICIENCY PAYMENTS.—Any loan deficiency payment received for a loan commodity or peanuts under section 135 or 158G(e) of that Act, respectively.

"(C) COMMODITY CERTIFICATES.—Any gain realized from the use of a commodity certificate issued by the Commodity Credit Corporation, as determined by the Secretary, including the use of a certificate for the settlement of a marketing assistance loan made under section 131 or 158G(a) of that Act.

"(d) SETTLEMENT OF CERTAIN LOANS.—Notwithstanding subtitle C and section 158G of the Federal Agriculture Improvement and Reform Act of 1996, if the amount of payments and benefits described in subsection (c)(2) attributed directly or indirectly to an individual or entity for a crop year reaches the limitation described in subsection (c)(1)—

"(1) the portion of any unsettled marketing assistance loan made under section 131 or 158G(a) of that Act attributed directly or indirectly to the individual or entity shall be settled through the repayment of the total loan principal, plus applicable interest; and

"(2) the Secretary may refuse to provide to the producer for the crop year any additional marketing assistance loans under section 131 or 158G(a) of that Act.

"(e) PAYMENTS TO INDIVIDUALS AND ENTITIES.—

"(1) INTERESTS WITHIN THE SAME ENTITY.—All individuals or entities that are owners of an entity, including shareholders, may not collectively receive payments directly or indirectly that are attributable to the ownership interests in the entity for a fiscal or corresponding crop year that exceed the limitations established under subsections (b) and (c).

"(2) ALL INTERESTS OF AN INDIVIDUAL OR ENTITY.—An individual or entity may not receive, directly or indirectly, through all ownership interests of the individual or entity from all sources, payments for a fiscal or corresponding crop year that exceed the limitations established under subsections (b) and (c).

"(f) MARRIED COUPLES.—During a fiscal and corresponding crop year, the total amount of payments and benefits described in subsections (b) and (c) that a married couple may receive directly or indirectly may not exceed—

"(1) the limits described in subsections (b) and (c); plus

"(2) if each spouse meets the other requirements established under this section and section 1001A, a combined total of an additional $50,000.

"(g) PUBLIC SCHOOLS.—The provisions of this section that limit payments to any individual or entity shall not be applicable to land owned by a public school district or land owned by a State that is used to maintain a public school.

"(h) TIME LIMITS.—The Secretary shall promulgate regulations that establish time limits for the various steps involved with notice, hearing, decision, and the appeals procedure in order to ensure expeditious handling and settlement of payment limitation disputes.

"(i) GOOD FAITH RELIANCE.—Notwithstanding any other provision of law, an action taken by an individual or other entity in good faith on action or advice of an authorized representative of the Secretary may be accepted as meeting the requirements of this section or section 1001A, to the extent the Secretary determines it is desirable in order to provide fair and equitable treatment.".

(2) SUBSTANTIVE CHANGE.—Section 1001A(a) of the Food Security Act of 1985 (7 U.S.C. 1308–1(a)) is amended—

*(A) in the section heading, by striking "**prevention of creation of entities to qualify as separate persons;**" and inserting "**substantive change;**";*

(B) by striking "(a) PREVENTION" and all that follows through the end of paragraph (2) and inserting the following:

"(a) SUBSTANTIVE CHANGE.—

"(1) IN GENERAL.—The Secretary may not approve (for purposes of the application of the limitations under this section) any change in a farming operation that otherwise will increase the number of individuals or entities to which the limitations under this section are applied unless the Secretary determines that the change is bona fide and substantive.

"(2) FAMILY MEMBERS.—For the purpose of paragraph (1), the addition of a family member to a farming operation under the criteria established under subsection (b)(3)(B) shall be considered a bona fide and substantive change in the farming operation.";

(C) in the first sentence of paragraph (3)—

(i) by striking "as a separate person"; and

(ii) by inserting ", as determined by the Secretary" before the period at the end; and

(D) by striking paragraph (4).

(3) ACTIVELY ENGAGED IN FARMING.—Section 1001A(b) of the Food Security Act of 1985 (7 U.S.C. 1308–1(b)) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—To be eligible to receive, directly or indirectly, payments or benefits (as described in subsections (b) and (c) of section 1001 as being subject to limitation) with respect to a particular farming operation an individual or entity shall be actively engaged in farming with respect to the operation, as provided under paragraphs (2), (3), and (4).";

(B) in paragraph (2)—

(i) in subparagraph (A)(i), by striking subclause (II) and inserting the following:

"(II) personal labor and active personal management (in accordance with subparagraph (F));";

(ii) by striking subparagraph (B) and inserting the following:

"(B) ENTITIES.—An entity (as defined in section 1001(a)) shall be considered as actively engaged in farming with respect to a farming operation if—

"(i) the entity separately makes a significant contribution (based on the total value of the farming operation) of capital, equipment, or land;

"(ii)(I) the stockholders or members that collectively own at least 50 percent of the combined beneficial interest in the entity make a significant contribution of personal labor or active personal management to the operation; or

"(II) in the case of a corporation or entity in which all of the beneficial interests are held by family members (as defined in paragraph (3)(B))—

"(aa) any stockholder (or household comprised of a stockholder and the spouse of the stockholder) who owns at least 10 percent of the beneficial interest and makes a significant contribution of personal labor or active personal management; or

"(bb) any combination of stockholders who collectively own at least 10 percent of the beneficial interest and makes a significant contribution of personal labor or active personal management; and

"(iii) the standards provided in clauses (ii) and (iii) of subparagraph (A), as applied to the entity, are met by the entity."; and

(iii) by adding at the end the following:

"(E) ACTIVE PERSONAL MANAGEMENT.—For an individual to be considered to be providing active personal management under this paragraph on behalf of the individual or entity, the management provided by the individual shall be personally provided on a regular, substantial, and continuous basis through the direct supervision and direction of—

"(i) activities and labor involved in the farming operation; and

"(ii) onsite services that are directly related and necessary to the farming operation.

"(F) SIGNIFICANT CONTRIBUTION OF PERSONAL LABOR OR ACTIVE PERSONAL MANAGEMENT.—

"(i) IN GENERAL.—For an individual to be considered to be providing a significant contribution of personal labor or active personal management under this paragraph on behalf of the individual or entity, the total contribution of personal labor and active personal management shall be at least equal to the lesser of—

"(I) 1,000 hours annually; or

"(II) 50 percent of the commensurate share of the total number of hours of personal labor and active personal management required to conduct the farming operation.

"(ii) MINIMUM NUMBER OF LABOR HOURS.—For the purpose of clause (i), the minimum number of labor hours required to produce each commodity shall be equal to the number of hours that would be necessary to conduct a farming operation for the production of each commodity that is comparable in size to an individual or entity's commensurate share in the farming operation for the production of the commodity, based on the minimum number of hours per acre required to produce the commodity in the State where the farming operation is located, as determined by the Secretary.";

(C) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) LANDOWNERS.—An individual or entity that is a landowner contributing the owned land and that meets the standard provided in clauses (ii) and (iii) of paragraph (2)(A), if—

"(i) the landowner share rents the land;

"(ii) the tenant is actively engaged in farming; and

"(iii) the share received by the landowner is commensurate with the share of the crop or income received as rent; or

"(iv)(I) the landowner makes a significant contribution of active personal management;

"(II) the landowner formerly made a significant contribution of personal labor or active personal management on the land for which payments are received and ceased to make the contribution as a result of a disability, as determined by the Secretary; or

"(III) the landowner or spouse of the landowner formerly made a significant contribution of personal labor or active personal management on the land for which payments are received and ceased to make the contribution as a result of death or retirement, and 1 or more family members of the landowner currently make a significant contribution of personal labor or active personal management on the land."; and

(ii) in subparagraph (B), by striking "persons" and inserting "individuals and entities"; and

(D) in paragraph (4)—

(i) in the paragraph heading, by striking "PERSONS" and inserting "INDIVIDUALS AND ENTITIES";

(ii) in the matter preceding subparagraph (A), by striking "persons" and inserting "individuals and entities"; and

(iii) in subparagraph (B)—

(I) in the subparagraph heading, by striking "PERSONS" and inserting "INDIVIDUALS AND ENTITIES"; and

(II) by striking "person, or class of persons" and inserting "individual or entity, or class of individuals or entities";

(E) in paragraph (5)—

(i) by striking "A person" and inserting "An individual or entity"; and

(ii) by striking "such person" and inserting "the individual or entity"; and

(F) in paragraph (6), by striking "a person" and inserting "an individual or entity".

(4) ADMINISTRATION.—Section 1001A of the Food Security Act of 1985 (7 U.S.C. 1308–1) is amended by adding at the end the following:

"(c) ADMINISTRATION.—

"(1) REVIEWS.—

"(A) IN GENERAL.—During each of fiscal years 2002 through 2006, the Office of Inspector General for the Department of Agriculture shall conduct a review of the administration of the requirements of this section and sections 1001, 1001B, 1001C, and 1001E in at least 6 States.

"(B) MINIMUM NUMBER OF COUNTIES.—Each State review described in subparagraph (A) shall cover at least 5 counties in the State.

"(C) REPORT.—Not later than 90 days after completing a review described in subparagraph (A), the Inspector General for the Department of Agriculture shall issue a final report to the Secretary of the findings of the Inspector General.

"(2) EFFECT OF REPORT.—If a report issued under paragraph (1) reveals that significant problems exist in the implementation of payment limitation requirements of this section and sections 1001, 1001B, 1001C, and 1001E in a State and the Secretary agrees that the problems exist, the Secretary—

"(A) shall initiate a training program regarding the payment limitation requirements; and

"(B) may require that all payment limitation determinations regarding farming operations in the State be issued from the headquarters of the Farm Service Agency.".

(5) SCHEME OR DEVICE.—Section 1001B of the Food Security Act of 1985 (7 U.S.C. 1308–2) is amended—

(A) by striking "person" each place it appears and inserting "individual or entity"; and

(B) by striking "paragraphs (1) and (2)" and inserting "subsections (b) and (c)".

(6) FOREIGN INDIVIDUALS AND ENTITIES.—Section 1001C(b) of the Food Security Act of 1985 (7 U.S.C. 1308–3(b)) is amended in the first sentence by striking "considered a person that is".

(7) EDUCATION PROGRAM.—Section 1001D(c) of the Food Security Act of 1985 (7 U.S.C. 1308–4(c)) is amended by striking "5 persons" and inserting "5 individuals or entities".

(8) REPORT TO CONGRESS.—No later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall provide a report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate that describes—

(A) how State and county office employees are trained regarding the payment limitation requirements of section 1001 through 1001E of the Food Security Act of 1985 (7 U.S.C. 1308 through 1308–5);

(B) the general procedures used by State and county office employees to identify potential violations of the payment limitation requirements;

(C) the requirements for State and county office employees to report serious violations of the payment limitation requirements, including violations of section 1001B of that Act to the county committee, higher level officials of the Farm Service Agency, and to the Office of Inspector General; and

(D) the sanctions imposed against State and county office employees who fail to report or investigate potential violations of the payment limitation requirements.

(b) ADJUSTED GROSS INCOME LIMITATION.—The Food Security Act of 1985 is amended by inserting after section 1001E (7 U.S.C. 1308–5) the following:

"SEC. 1001F. ADJUSTED GROSS INCOME LIMITATION.

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED GROSS INCOME.—The term 'adjusted gross income' means adjusted gross income of an individual or entity—

"(A) as defined in section 62 of the Internal Revenue Code of 1986 and implemented in accordance with procedures established by the Secretary; and

"(B) that is earned directly or indirectly from all agricultural and nonagricultural sources of an individual or entity for a fiscal or corresponding crop year.

"(2) AVERAGE ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The term 'average adjusted gross income' means the average adjusted gross income of an individual or entity for each of the 3 preceding taxable years.

"(B) EFFECTIVE ADJUSTED GROSS INCOME.—In the case of an individual or entity that does not have an adjusted gross income for each of the 3 preceding taxable years, the Secretary shall establish rules that provide the individual or entity with an effective adjusted gross income for the applicable year.

"(b) LIMITATION.—Notwithstanding any other provision of title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7201 et seq.), an individual or entity shall not be eligible for a payment or benefit described in subsection (b) or (c) of section 1001 if the average adjusted gross income of the individual or entity exceeds $2,500,000.

"(c) CERTIFICATION.—To comply with the limitation under subsection (b), an individual or entity shall provide to the Secretary—

"(1) a certification by a certified public accountant or another third party that is acceptable to the Secretary that the average adjusted gross income of the individual or entity does not exceed $2,500,000; or

"(2) information and documentation regarding the adjusted gross income of the individual or entity through other procedures established by the Secretary.

"(d) COMMENSURATE REDUCTION.—In the case of a payment or benefit made in a fiscal year or corresponding crop year to an entity that has an average adjusted gross income of $2,500,000 or less, the payment shall be reduced by an amount that is commensurate with the direct and indirect ownership interest in the entity of each individual who has an average adjusted gross income in excess of $2,500,000 for that fiscal year or corresponding crop year.

"(e) GENERAL PARTNERSHIPS AND JOINT VENTURES.—For purposes of this section, a general partnership or joint venture shall be considered an entity.".

(c) FOOD STAMP PROGRAM.—

(1) INCREASE IN BENEFITS TO HOUSEHOLDS WITH CHILDREN.—Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARD DEDUCTION.—

"(A) IN GENERAL.—Subject to the other provisions of this paragraph, the Secretary shall allow for each household a standard deduction that is equal to the greater of—

"(i) the applicable percentage specified in subparagraph (D) of the applicable income standard of eligibility established under subsection (c)(1); or

"(ii) the minimum deduction specified in subparagraph (E).

"(B) GUAM.—The Secretary shall allow for each household in Guam a standard deduction that is—

"(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

"(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

"(C) HOUSEHOLDS OF 6 OR MORE MEMBERS.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

"(D) APPLICABLE PERCENTAGE.—For the purpose of subparagraph (A), the applicable percentage shall be—

"(i) 8 percent for each of fiscal years 2002 through 2004;

"(ii) 8.25 percent for each of fiscal years 2005 and 2006;

"(iii) 8.5 percent for each of fiscal years 2007 and 2008;

"(iv) 8.75 percent for fiscal year 2009; and

"(v) 9 percent for each of fiscal years 2010 and 2011.

"(E) MINIMUM DEDUCTION.—The minimum deduction shall be $134, $229, $189, $269, and $118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.".

(2) EXCESS SHELTER EXPENSE DEDUCTION.—

(A) IN GENERAL.—Section 5(e)(7)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)(B)) is amended—

(i) in clause (v), by striking "and" at the end; and

(ii) .by striking clause (vi) and inserting the following:

"(vi) for fiscal year 2002, $354, $566, $477, $416, and $279 per month, respectively;

"(vii) for fiscal year 2003, $390, $624, $526, $458, and $307 per month, respectively; and

"(viii) for fiscal years 2004 and each fiscal year thereafter, the applicable amount for the preceding fiscal year, as adjusted to reflect changes for the 12-month period ending the preceding November 30 in the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.".

(B) PROSPECTIVE AMENDMENTS.—Effective October 1, 2009, section 5(e)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)) is amended—

(i) by striking subparagraph (B); and

(ii) by redesignating subparagraph (C) as subparagtaph (B).

(3) PARTICIPANT EXPENSES.—Section 6(d)(4)(I)(i)(I) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking ", except that the State agency may limit such reimbursement to each participant to $25 per month".

(4) FEDERAL REIMBURSEMENT.—Section 16(h)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(3)) is amended by striking "such total amount shall not exceed an amount representing $25 per participant per month for costs of transportation and other actual costs (other than dependent care costs) and" and inserting "the amount of the reimbursement for dependent care expenses shall not exceed".

(5) EFFECTIVENESS OF CERTAIN PROVISIONS.—Section 413 and subsections (c) and (d) of section 434, and the amendments made by section

413 and subsections (c) and (d) of section 434, shall have no effect.

(d) LOAN DEFICIENCY PAYMENTS.—

(1) ELIGIBILITY.—Section 135 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235) (as amended by section 126(1)) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary may make loan deficiency payments available to—

"(1) producers on a farm that, although eligible to obtain a marketing assistance loan under section 131 with respect to a loan commodity, agree to forgo obtaining the loan for the covered commodity in return for payments under this section; and

"(2) effective only for the 2000 and 2001 crop years, producers that, although not eligible to obtain such a marketing assistance loan under section 131, produce a loan commodity.".

(2) BENEFICIAL INTEREST.—Section 135(e)(1) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7235(e)) (as amended by section 126(2)) is amended by striking "A producer" and inserting "Effective for the 2001 through 2006 crops, a producer".

(e) LOAN AUTHORIZATION LEVELS.—Section 346(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)) (as amended by section 529(1)(A)) is amended by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Secretary may make or guarantee loans under subtitles A and B from the Agricultural Credit Insurance Fund provided for in section 309 for not more than $3,796,000,000 for each of fiscal years 2002 through 2006, of which, for each fiscal year—

"(A) $770,000,000 shall be for direct loans, of which—

"(i) $205,000,000 shall be for farm ownership loans under subtitle A; and

"(ii) $565,000,000 shall be for operating loans under subtitle B; and

"(B) $3,026,000,000 shall be for guaranteed loans, of which—

"(i) $1,000,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

"(ii) $2,026,000,000 shall be for guarantees of operating loans under subtitle B.".

(f) BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.—In addition to funds made available under the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76), the Secretary of Agriculture shall use $5,000,000 of funds of the Commodity Credit Corporation for fiscal year 2002 to make loans described in section 346(b)(2)(A)(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994(b)(2)(A)(i)).

(g) INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.—Section 401(b)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621(b)(1)) (as amended by section 741) is amended—

(1) in subparagraph (A), by striking "$120,000,000" and inserting "$130,000,000"; and

(2) in subparagraph (B), by striking "$145,000,000" and inserting "$225,000,000".

(h) SPECIALTY CROP INSURANCE INITIATIVE.—

(1) RESEARCH AND DEVELOPMENT FUNDING.—Section 522(e) of the Federal Crop Insurance Act (7 U.S.C. 1522(e)) is amended by striking paragraph (1) and inserting the following:

"(1) REIMBURSEMENTS.—Of the amounts made available from the insurance fund established under section 516(c), the Corporation may use to provide reimbursements under subsection (b) not more than—

"(A) $32,000,000 for fiscal year 2002;

"(B) $27,500,000 for each of fiscal years 2003 and 2004;

"(C) $25,000,000 for each of fiscal years 2005 and 2006; and

"(D) $15,000,000 for fiscal year 2007 and each subsequent fiscal year.".

(2) EDUCATION AND INFORMATION FUNDING.—Section 524(a)(4) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(4)) is amended by striking subparagraph (A) and inserting the following:

"(A) for the education and information program established under paragraph (2)—

"(i) $10,000,000 for fiscal year 2003;

"(ii) $13,000,000 for fiscal year 2004;

"(iii) $15,000,000 for each of fiscal years 2005 and 2006; and

"(iv) $5,000,000 for fiscal year 2007 and each subsequent fiscal year; and".

(3) REPORTS.—Not later than September 30, 2002, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

(A) the progress made by the Corporation in research and development of innovative risk management products to include cost of production insurance that provides coverage for specialty crops, paying special attention to apples, asparagus, blueberries (wild and domestic), cabbage, canola, carrots, cherries, Christmas trees, citrus fruits, cucumbers, dry beans, eggplants, floriculture, grapes, greenhouse and nursery agricultural commodities, green peas, green peppers, hay, lettuce, maple, mushrooms, pears, potatoes, pumpkins, snap beans, spinach, squash, strawberries, sugar beets, and tomatoes;

(B) the progress made by the Corporation in increasing the use of risk management products offered through the Corporation by producers of specialty crops, by small- and moderate-sized farms, and in areas that are underserved, as determined by the Secretary; and

(C) how the additional funding provided under the amendments made by this section has been used.

(i) EFFECTIVE DATE.—This section and the amendments made by this section take effect 1 day after the date of enactment of this Act.

SEC. 170. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND; FOOD STAMP PROGRAM FOR CERTAIN QUALIFIED ALIENS.

(a) RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 945) is amended to read as follows:

"SEC. 194. RESTRICTION OF COMMODITY AND CROP INSURANCE PAYMENTS, LOANS, AND BENEFITS TO PREVIOUSLY CROPPED LAND.

"(a) DEFINITIONS.—In this section:

"(1) AGRICULTURAL COMMODITY.—The term 'agricultural commodity' has the meaning given the term in section 102 of the Agricultural Trade Act of 1978 (7 U.S.C. 5602).

"(2) EXCLUSIONS.—The term 'agricultural commodity' does not include forage, livestock, timber, forest products, or hay.

"(3) IN GENERAL.—The term 'considered planted' shall include cropland that has been prevented from being planted at least 8 out of the past 10 years due to disaster related conditions as determined by the Secretary.

"(b) COMMODITIES.—

"(1) IN GENERAL.—Notwithstanding any other provision of this title, except as provided in paragraph (2), the Secretary shall not provide a crop payment, crop loan, or other crop benefit under this title to an owner or producer, with respect to an agricultural commodity produced on land during a crop year unless the land has been planted, considered planted, or devoted to an agricultural commodity during—

"(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

"(B) at least 3 of the 10 crop years preceding the 2002 crop year.

"(2) CROP ROTATION.—Paragraph (1) shall not apply to an owner or producer, with respect to any agricultural commodity planted or considered planted, on land if the land—

"(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

"(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

"(c) CROP INSURANCE.—Notwithstanding any provision of the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), the Federal Crop Insurance Corporation shall not pay premium subsidies or administrative costs of a reinsured company for insurance regarding a crop insurance policy of a producer under that Act unless the land that is covered by the insurance policy for an agricultural commodity—

"(1) has been planted, considered planted, or devoted to an agricultural commodity during—

"(A) at least 1 of the 5 crop years preceding the 2002 crop year; or

"(B) at least 3 of the 10 crop years preceding the 2002 crop year; or

"(2)(A) has been planted, considered planted, or devoted to an agricultural commodity during at least 1 of the 20 crop years preceding the 2002 crop year; and

"(B) has been maintained, and will continue to be maintained, using long-term crop rotation practices, as determined by the Secretary.

"(d) CONSERVATION RESERVE LAND.—For purposes of this section, land that is enrolled in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C.3831 et seq.) shall be considered planted to an agricultural commodity.

"(e) LAND UNDER THE JURISDICTION OF AN INDIAN TRIBE.—For purposes of this section, land that is under the jurisdiction of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) shall be considered planted to an agricultural commodity if—

"(1) the land is planted to an agricultural commodity after the date of enactment of this subsection as part of an irrigation project that—

"(A) is authorized by the Bureau of Reclamation or the Bureau of Indian Affairs; and

"(B) is under construction prior to the date of enactment of this subsection; or

"(2) the land becomes available for planting because of a settlement or statutory authorization of a water rights claim by an Indian tribe after the date of enactment of this subsection.".

(b) PARTIAL RESTORATION OF BENEFITS TO LEGAL IMMIGRANTS.—Section 403(c)(2)(L) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)(L)) (as amended by section 452(a)(2)(A)) is amended by inserting "provided to individuals under the age of 18" after "benefits".

(c) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—

(1) IN GENERAL.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) (as amended by section 452(c)(2)) is amended by adding at the end the following:

"(M) FOOD STAMP EXCEPTION FOR CERTAIN QUALIFIED ALIENS.—

"(i) With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply, subject to the exclusion in clause (ii), to any individual who has continuously resided in the United States as a qualified alien for a period of 5 years or more beginning on the date on which the qualified alien entered the United States.

"(ii) No alien who enters the country illegally and remains in the United States illegally for a period of one year or longer or has been in the United States as an illegal alien for a period of one year or longer, regardless of their status upon entering the country or their current status as a qualified alien, shall be eligible under clause (i) for benefits for the specified Federal program described in paragraph (3)(B).

"(iii) Clause (ii) shall not apply to a qualified alien who has continuously resided in the United States for a period of 5 years or more as of the date of enactment of this Act.".

(2) Effective date.—The amendment made by paragraph (1) takes effect on April 1, 2003.

SEC. 171. REDUCTION OF COMMODITY BENEFITS TO IMPROVE NUTRITION ASSISTANCE.

(a) Income Protection Prices for Counter-Cyclical Payments.—Section 114(c) of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 111) is amended by striking paragraph (2) and inserting the following:

"(2) Income protection prices.—The income protection prices for contract commodities under paragraph (1)(A) are as follows:

"(A) Wheat, $3.4460 per bushel.

"(B) Corn, $2.3472 per bushel.

"(C) Grain sorghum, $2.3472 per bushel.

"(D) Barley, $2.1973 per bushel.

"(E) Oats, $1.5480 per bushel.

"(F) Upland cotton, $0.6793 per pound.

"(G) Rice, $9.2914 per hundredweight.

"(H) Soybeans, $5.7431 per bushel.

"(I) Oilseeds (other than soybeans), $0.1049 per pound.".

(b) Loan Rates for Marketing Assistance Loans.—

(1) In general.—Section 132 of the Federal Agriculture Improvement and Reform Act of 1996 (as amended by section 123(a)) is amended to read as follows:

"SEC. 132. LOAN RATES.

"The loan rate for a marketing assistance loan under section 131 for a loan commodity shall be—

"(1) in the case of wheat, $2.9960 per bushel;

"(2) in the case of corn, $2.0772 per bushel;

"(3) in the case of grain sorghum, $2.0772 per bushel;

"(4) in the case of barley, $1.9973 per bushel;

"(5) in the case of oats, $1.4980 per bushel;

"(6) in the case of upland cotton, $0.5493 per pound;

"(7) in the case of extra long staple cotton, $0.7965 per pound;

"(8) in the case of rice, $6.4914 per hundredweight;

"(9) in the case of soybeans, $5.1931 per bushel;

"(10) in the case of oilseeds (other than soybeans), $0.0949 per pound;

"(11) in the case of graded wool, $1.00 per pound;

"(12) in the case of nongraded wool, $0.40 per pound;

"(13) in the case of mohair, $2.00 per pound;

"(14) in the case of honey, $0.60 per pound;

"(15) in the case of dry peas, $6.78 per hundredweight;

"(16) in the case of lentils, $12.79 per hundredweight;

"(17) in the case of large chickpeas, $17.44 per hundredweight; and

"(18) in the case of small chickpeas, $8.10 per hundredweight.".

(2) Adjustment of loans.—

(A) In general.—The amendment made by section 123(b) is repealed.

(B) Applicability.—Section 162 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7282) shall be applied and administered as if the amendment made by section 123(b) had not been enacted.

(c) Food Stamp Program.—

(1) Simplified resource eligibility limit.—Section 5(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)(1)) is amended by striking "a member who is 60 years of age or older" and inserting "an elderly or disabled member".

(2) Increase in benefits to households with children.—Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

"(1) Standard deduction.—

"(A) In general.—Subject to the other provisions of this paragraph, the Secretary shall allow a standard deduction for each household that is—

"(i) equal to the applicable percentage specified in subparagraph (D) of the income standard of eligibility established under subsection (c)(1); but

"(ii) not less than the minimum deduction specified in subparagraph (E).

"(B) Guam.—The Secretary shall allow a standard deduction for each household in Guam that is—

"(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

"(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

"(C) Households of 6 or more members.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

"(D) Applicable percentage.—For the purpose of subparagraph (A), the applicable percentage shall be—

"(i) 8 percent for each of fiscal years 2002 through 2004;

"(ii) 8.5 percent for each of fiscal years 2005 through 2007;

"(iii) 9 percent for each of fiscal years 2008 through 2010; and

"(iv) 10 percent for each fiscal year thereafter.

"(E) Minimum deduction.—The minimum deduction shall be $134, $229, $189, $269, and $118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.".

(3) Effectiveness of certain provisions.—Sections 413 and 165(c)(1) shall have no effect.

SEC. 172. REPORTS ON EQUITABLE RELIEF AND MISACTION-MISINFORMATION REQUESTS.

Section 195 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 946) is amended to read as follows:

"SEC. 195. REPORTS ON EQUITABLE RELIEF AND MISACTION-MISINFORMATION REQUESTS.

"(a) In General.—Not later than 90 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002 and not later than December 1 of fiscal year 2003 and each subsequent fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(1) the number of requests received by the Secretary during the preceding fiscal year for equitable relief under programs carried out by the Farm Service Agency and the Natural Resources Conservation Service, including a description (by program) of—

"(A) the number of requests received;

"(B) the number of requests approved by the Secretary; and

"(C) the basis for the approval or denial of the requests; and

"(2) the number of requests received by the Secretary during the preceding fiscal year for relief described in section 326 of the Food and Agriculture Act of 1962 (7 U.S.C. 1339a) with respect to programs carried out under this title, including a description (by program) of—

"(A) the number of requests received;

"(B) the number of requests approved by the Secretary; and

"(C) the basis for the approval or denial of the requests.

"(b) Appeals.—The Secretary, acting through the Director of the National Appeals Division, shall include in each report submitted under subsection (a) a description of actions taken by the Division taken during the preceding fiscal year with respect to requests for relief described in subsection (a).".

SEC. 173. ESTIMATES OF NET FARM INCOME.

Title I of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7201 et seq.) is amended by adding at the end the following:

"SEC. 197. ESTIMATES OF NET FARM INCOME.

"In each issuance of projections of net farm income, the Secretary shall include (as determined by the Secretary)—

"(1) an estimate of the net farm income earned by commercial producers in the United States; and

"(2) an estimate of the net farm income attributable to commercial producers of each of—

"(A) livestock;

"(B) loan commodities; and

"(C) agricultural commodities other than loan commodities.".

SEC. 174. COMMODITY CREDIT CORPORATION INVENTORY.

Section 5 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714c) is amended in the last sentence by inserting before the period at the end the following: "(including, at the option of the Corporation, the use of private sector entities)".

SEC. 175. AGRICULTURAL PRODUCERS SUPPLEMENTAL PAYMENTS AND ASSISTANCE.

(a) In General.—The Secretary of Agriculture may use such funds of the Commodity Credit Corporation as are necessary to provide payments and assistance under Public Law 107–25 (115 Stat. 201) to persons that (as determined by the Secretary)—

(1) are eligible to receive the payments or assistance; but

(2) did not receive the payments or assistance prior to October 1, 2001.

(b) Limitation.—The amount of payments or assistance provided under Public Law 107–25 and this section to an eligible person described in subsection (a) shall not exceed the amount of payments or assistance the person would have been eligible to receive under Public Law 107–25.

Subtitle E—Payment Limitation Commission

SEC. 181. ESTABLISHMENT OF COMMISSION.

(a) Establishment.—There is established a commission to be known as the "Commission on the Application of Payment Limitations for Agriculture" (referred to in this subtitle as the "Commission").

(b) Membership.—

(1) Composition.—

(A) In general.—The Commission shall be composed of 11 members appointed as follows:

(i) 3 members shall be appointed by the President, of whom 2 shall be from land grant colleges or universities and have expertise in agricultural economics.

(ii) 1 member shall be appointed by the Majority Leader of the Senate.

(iii) 1 member shall be appointed by the Minority Leader of the Senate.

(iv) 1 member shall be appointed by the Speaker of the House of Representatives.

(v) 1 member shall be appointed by the Minority Leader of the House of Representatives.

(vi) 1 member shall be appointed by the Chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(vii) 1 member shall be appointed by the ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(viii) 1 member shall be appointed by the Chairman of the Committee on Agriculture of the House of Representatives.

(ix) 1 member shall be appointed by the ranking minority member of the Committee on Agriculture of the House of Representatives.

(B) DIVERSITY OF VIEWS.—The appointing authorities under subparagraph (A) shall seek to ensure that the membership of the Commission has a diversity of experiences and expertise on the issues to be studied by the Commission, such as agricultural production, agricultural lending, farmland appraisal, agricultural accounting and finance, and other relevant areas.

(2) FEDERAL GOVERNMENT EMPLOYMENT.—The membership of the Commission may include 1 or more employees of the Department of Agriculture or other Federal agencies.

(3) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(c) TERM; VACANCIES.—

(1) TERM.—A member shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—The Commission shall meet—

(1) on a regular basis, as determined by the Chairperson; and

(2) at the call of the Chairperson or a majority of the members of the Commission.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Secretary shall appoint 1 of the members of the Commission to serve as Chairperson of the Commission.

SEC. 182. DUTIES.

(a) COMPREHENSIVE REVIEW.—The Commission shall conduct a comprehensive review of—

(1) the laws (including regulations) that apply or fail to apply payment limitations to agricultural commodity and conservation programs administered by the Secretary;

(2) the impact that failing to apply effective payment limitations has on—

(A) the agricultural producers that participate in the programs;

(B) overproduction of agricultural commodities;

(C) the prices that agricultural producers receive for agricultural commodities in the marketplace; and

(D) land prices and rental rates;

(3) the feasibility of improving the application and effectiveness of payment limitation requirements, including the use of commodity certificates and the forfeiture of loan collateral; and

(4) alternatives to payment limitation requirements in effect on the date of enactment of this Act that would apply meaningful limitations to improve the effectiveness and integrity of the requirements.

(b) RECOMMENDATIONS.—In carrying out the review under subsection (a), the Commission shall develop specific recommendations for modifications to applicable legislation and regulations that would improve payment limitation requirements.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall submit to the President, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report containing the results of the review conducted, and any recommendations developed, under this section.

SEC. 183. POWERS.

(a) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this subtitle.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this subtitle.

(2) PROVISION OF INFORMATION.—On request of the Chairperson of the Commission, the head of the agency shall provide the information to the Commission.

(c) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) ASSISTANCE FROM SECRETARY.—The Secretary may provide to the Commission appropriate office space and such reasonable administrative and support services as the Commission may request.

SEC. 184. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

SEC. 185. FEDERAL ADVISORY COMMITTEE ACT.

The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Commission or any proceeding of the Commission.

SEC. 186. FUNDING.

Of the funds of the Commodity Credit Corporation, the Secretary shall use not more than $100,000 to carry out this subtitle.

SEC. 187. TERMINATION OF COMMISSION.

The Commission shall terminate on the day after the date on which the Commission submits the report of the Commission under section 182(c).

Subtitle F—Emergency Agriculture Assistance

SEC. 191. INCOME LOSS ASSISTANCE.

(a) IN GENERAL.—The Secretary of Agriculture (referred to in this subtitle as the "Secretary") shall use $1,800,000,000 of funds of the Commodity Credit Corporation to make emergency financial assistance available to producers on a farm that have incurred qualifying income losses in calendar year 2001, including losses due to army worms.

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for the quantity and economic losses as were used in administering that section.

(c) USE OF FUNDS FOR CASH PAYMENTS.—The Secretary may use funds made available under this section to make, in a manner consistent with this section, cash payments not for crop disasters, but for income loss to carry out the purposes of this section.

SEC. 192. LIVESTOCK ASSISTANCE PROGRAM.

(a) IN GENERAL.—The Secretary shall use $500,000,000 of the funds of the Commodity Credit Corporation to make and administer payments for livestock losses to producers for 2001 losses in a county that has received an emergency designation by the President or the Secretary after January 1, 2001, of which $12,000,000 shall be made available for the American Indian livestock program under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–51).

(b) ADMINISTRATION.—The Secretary shall make assistance available under this section in the same manner as provided under section 806 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 105–277; 114 Stat. 1549A–51).

SEC. 193. MARKET LOSS ASSISTANCE FOR APPLE PRODUCERS.

(a) IN GENERAL.—The Secretary of Agriculture shall use $100,000,000 of funds of the Commodity Credit Corporation for fiscal year 2002 to make payments to apple producers, as soon as practicable after the date of enactment of this Act, for the loss of markets during the 2000 crop year.

(b) PAYMENT QUANTITY.—A payment to the producers on a farm for the 2000 crop year under this section shall be made on the lesser of—

(1) the quantity of apples produced by the producers on the farm during the 2000 crop year; or

(2) 5,000,000 pounds of apples.

(c) LIMITATIONS.—The Secretary shall not establish a payment limitation, or income eligibility limitation, with respect to payments made under this section.

SEC. 194. COMMODITY CREDIT CORPORATION.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subtitle.

SEC. 195. ADMINISTRATIVE EXPENSES.

(a) IN GENERAL.—In addition to funds otherwise available, not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to pay the salaries and expenses of the Department of Agriculture in carrying out this subtitle $50,000,000, to remain available until expended.

(b) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

SEC. 196. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this subtitle.

(b) PROCEDURE.—The promulgation of the regulations and administration of this subtitle shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 197. EMERGENCY REQUIREMENT.

The entire amount necessary to carry out this subtitle is designated by Congress as an emergency requirement pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(e)).

TITLE II—CONSERVATION

Subtitle A—Conservation Security

SEC. 201. CONSERVATION SECURITY PROGRAM.

Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.) is amended by inserting after chapter 1 the following:

"CHAPTER 2—CONSERVATION SECURITY AND FARMLAND PROTECTION

"Subchapter A—Conservation Security Program

"SEC. 1238. DEFINITIONS.

"In this subchapter:

"(1) BASE PAYMENT.—The term 'base payment' means the amount paid to a producer under a conservation security contract that is equal to the total of the amounts described in clauses (i) and (ii) of subparagraphs (C), (D), or (E) of section 1238C(b)(1), as appropriate.

"(2) BEGINNING FARMER OR RANCHER.—The term 'beginning farmer or rancher' has the meaning provided under section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999(a)).

"(3) BONUS AMOUNT.—The term 'bonus amount' means the amount paid to a producer under a conservation security contract that is equal to the total of the amounts described in clauses (iii) and (iv) of subparagraph (C), and of clause (iii) of subparagraph (D) or (E), of section 1238C(b)(1), as appropriate.

"(4) CONSERVATION PRACTICE.—The term 'conservation practice' means a land-based farming technique that—

"(A) requires planning, implementation, management, and maintenance; and

"(B) promotes 1 or more of the purposes described in section 1238A(a).

"(5) CONSERVATION SECURITY CONTRACT.—The term 'conservation security contract' means a contract described in section 1238A(e).

"(6) CONSERVATION SECURITY PLAN.—The term 'conservation security plan' means a plan described in section 1238A(c).

"(7) CONSERVATION SECURITY PROGRAM.—The term 'conservation security program' means the program established under section 1238A(a).

"(8) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(9) NUTRIENT MANAGEMENT.—The term 'nutrient management' means management of the quantity, source, placement, form, and timing of the land application of nutrients and other additions to soil on land enrolled in the conservation security program—

"(A) to achieve or maintain adequate soil fertility for agricultural production;

"(B) to minimize the potential for loss of environmental quality, including soil, water, fish and wildlife habitat, and air and water quality; and

"(C) to reduce energy consumption.

"(10) PRODUCER.—

"(A) IN GENERAL.—The term 'producer' means an owner, operator, landlord, tenant, or sharecropper that—

"(i) shares in the risk of producing any crop or livestock; and

"(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

"(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(11) RESOURCE OF CONCERN.—The term 'resource of concern' means a conservation priority of a State and locality under section 1238A(c)(3).

"(12) RESOURCE-CONSERVING CROP.—The term 'resource-conserving crop' means—

"(A) a perennial grass;

"(B) a legume grown for use as—

"(i) forage;

"(ii) seed for planting; or

"(iii) green manure;

"(C) a legume-grass mixture;

"(D) a small grain grown in combination with a grass or legume, whether interseeded or planted in succession; and

"(E) such other plantings, including trees and annual grasses, as the Secretary considers appropriate for a particular area.

"(13) RESOURCE-CONSERVING CROP ROTATION.—The term 'resource-conserving crop rotation' means a crop rotation that—

"(A) includes at least 1 resource-conserving crop;

"(B) reduces erosion;

"(C) improves soil fertility and tilth; and

"(D) interrupts pest cycles.

"(14) RESOURCE MANAGEMENT SYSTEM.—The term 'resource management system' means a system of conservation practices and management relating to land or water use that is designed to prevent resource degradation and permit sustained use of land, water, and other natural resources, as defined in accordance with the technical guide of the Natural Resources Conservation Service.

"(15) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Natural Resources Conservation Service.

"(16) TIER I CONSERVATION PRACTICE.—The term 'Tier I conservation practice' means a conservation practice described in section 1238A(d)(4)(A)(ii).

"(17) TIER I CONSERVATION SECURITY CONTRACT.—The term 'Tier I conservation security contract' means a contract described in section 1238A(d)(4)(A).

"(18) TIER II CONSERVATION PRACTICE.—The term 'Tier II conservation practice' means a conservation practice described in section 1238A(d)(4)(B)(ii).

"(19) TIER II CONSERVATION SECURITY CONTRACT.—The term 'Tier II conservation security contract' means a contract described in section 1238A(d)(4)(B).

"(20) TIER III CONSERVATION PRACTICE.—The term 'Tier III conservation practice' means a conservation practice described in section 1238A(d)(4)(C)(ii).

"(21) TIER III CONSERVATION SECURITY CONTRACT.—The term 'Tier III conservation security contract' means a contract described in section 1238A(d)(4)(C).

"SEC. 1238A. CONSERVATION SECURITY PROGRAM.

"(a) IN GENERAL.—For each of fiscal years 2003 through 2006, the Secretary shall establish a conservation security program to assist owners and operators of agricultural operations to promote, as is applicable for each operation—

"(1) conservation of soil, water, energy, and other related resources;

"(2) soil quality protection and improvement;

"(3) water quality protection and improvement;

"(4) air quality protection and improvement;

"(5) soil, plant, or animal health and wellbeing;

"(6) diversity of flora and fauna;

"(7) on-farm conservation and regeneration of biological resources, including plant and animal germplasm;

"(8) wetland restoration, conservation, and enhancement;

"(9) wildlife habitat management, with special emphasis on species identified by any natural heritage program of the applicable State;

"(10) reduction of greenhouse gas emissions and enhancement of carbon sequestration;

"(11) environmentally sound management of invasive species; or

"(12) any similar conservation purpose (as determined by the Secretary).

"(b) ELIGIBILITY.—

"(1) ELIGIBLE OWNERS AND OPERATORS.—To be eligible to participate in the conservation security program (other than to receive technical assistance under section 1238C(g) for the development of conservation security contracts), a producer shall—

"(A) develop and submit to the Secretary, and obtain the approval of the Secretary of, a conservation security plan that meets the requirements of subsection (c)(1); and

"(B) enter into a conservation security contract with the Secretary to carry out the conservation security plan.

"(2) ELIGIBLE LAND.—

"(A) IN GENERAL.—Except as provided in subparagraph (C)(iii), private agricultural land (including cropland, grassland, prairie land, pasture land, and rangeland) and land under the jurisdiction of an Indian tribe shall be eligible for enrollment in the conservation security program.

"(B) FORESTED LAND.—Private forested land shall be eligible for enrollment in the conservation security program if the forested land is part of the agricultural land described in subparagraph (A), including land that is used for—

"(i) alley cropping;

"(ii) forest farming;

"(iii) forest buffers;

"(iv) windbreaks;

"(v) silvopasture systems; and

"(vi) such other integrated agroforestry uses as the Secretary may determine to be appropriate.

"(C) EXCLUSIONS.—

"(i) CONSERVATION RESERVE PROGRAM.—Land enrolled in the conservation reserve program under subchapter B of chapter 1 shall not be eligible for enrollment in the conservation security program except for land described in section 1231(b)(6).

"(ii) WETLANDS RESERVE PROGRAM.—Land enrolled in the wetlands reserve program established under subchapter C of chapter 1 shall not be eligible for enrollment in the conservation security program.

"(iii) CONVERSION TO CROPLAND.—Land that is used for crop production after the date of enactment of this subchapter that had not been in crop production for at least 3 of the 10 years preceding that date (except for land enrolled in the conservation reserve program under subchapter B of chapter 1) shall not be eligible for enrollment in the conservation security program.

"(3) SUSTAINABLE ECONOMIC USES.—The Secretary shall permit a producer to implement, with respect to all eligible land covered by a conservation security plan, sustainable economic uses (including Tier II conservation practices) that—

"(A) maintain the agricultural nature of the land; and

"(B) are consistent with the natural resource and environmental benefits of the conservation security plan.

"(c) CONSERVATION SECURITY PLANS.—

"(1) IN GENERAL.—A conservation security plan shall—

"(A) identify the resources and designated land to be conserved under the conservation security plan;

"(B) describe—

"(i) the tier of conservation security contracts, and the particular conservation practices, to be implemented, maintained, or improved, in accordance with subsection (d) on the land covered by the conservation security contract for the specified term; and

"(ii) as appropriate for the land covered by the conservation security contract, the minimum number, type, extent, and scope of conservation practices described in clause (i) that are required to be carried out on the land before the producer is eligible to receive—

"(I) a base payment; and

"(II) a bonus amount;

"(C) contain a schedule for the implementation, maintenance, or improvement of the conservation practices described in the conservation security plan during the term of the conservation security contract;

"(D) meet the highly erodible land and wetland conservation requirements of subtitles B and C; and

"(E) identify, and authorize the implementation of, sustainable economic uses described in subsection (b)(3).

"(2) COMPREHENSIVE PLANNING.—The Secretary shall encourage owners and operators that enter into conservation security contracts—

"(A) to undertake a comprehensive examination of the opportunities for conserving natural resources and improving the profitability, environmental health, and quality of life in relation to their entire agricultural operation;

"(B) to develop a long-term strategy for implementing, monitoring, and evaluating conservation practices and environmental results in the entire agricultural operation;

"(C) to participate in other Federal, State, local, or private conservation programs;

"(D) to maintain the agricultural integrity of the land; and

"(E) to adopt innovative conservation technologies and management practices or update existing technologies and practices.

"(3) STATE, TRIBAL, AND LOCAL CONSERVATION PRIORITIES.—

"(A) IN GENERAL.—To the maximum extent practicable and in a manner consistent with the conservation security program, each conservation security plan shall address, at least, the conservation priorities of the State or Indian tribe, and locality in which the agricultural operation is located.

"(B) ADMINISTRATION.—The conservation priorities of the State, Indian tribe, and locality in which the agricultural operation is located shall be—

"(i)(I) determined by the State conservationist, in consultation with the State technical committee established under subtitle G and the local subcommittee of the State technical committee; and

"(II) approved by the Secretary; and

"(ii) in the case of land under the jurisdiction of an Indian tribe—

"(I) determined by the Indian tribe, after consultation with the Secretary; and

"(II) approved by the Secretary.

"(4) SUBMISSION OF PLAN.—

"(A) IN GENERAL.—During the development of a conservation security plan by a producer, at the request of the producer, the Secretary shall supply to the producer a statement of the minimum number, type, and scope of conservation practices described in paragraph (1)(B)(ii).

"(B) APPROVAL FOR BASE PAYMENTS.—If a conservation security plan submitted to the Secretary contains, in addition to paragraph (1)(C), the conservation practices referred to in paragraph (1)(B)(ii)—

"(i) the Secretary shall approve the conservation security plan; and

"(ii) the producer of the conservation security plan, on approval of and compliance with the plan, as determined by the Secretary, shall be eligible to receive a base payment.

"(C) APPROVAL FOR BONUS AMOUNTS.—If a conservation security plan submitted to the Secretary contains a proposal for the implementation, maintenance, or improvement of a conservation practice that qualifies for a bonus amount under section 1238C(b)(1)(C)(iii), the Secretary may increase the payment of the producer by such bonus amount as the Secretary determines is appropriate.

"(d) CONSERVATION CONTRACTS AND PRACTICES.—

"(1) IN GENERAL.—

"(A) ESTABLISHMENT OF TIERS.—The Secretary shall establish 3 tiers of conservation contracts under which a payment under this subchapter may be received.

"(B) ELIGIBLE CONSERVATION PRACTICES.—

"(i) IN GENERAL.—The Secretary shall make eligible for payment under a conservation security contract land management, vegetative, and structural practices that—

"(I) are necessary to achieve the purposes of the conservation security plan; and

"(II) primarily provide for, and have as a primary purpose, resource protection and environmental improvement.

"(ii) DETERMINATION.—

"(I) IN GENERAL.—Subject to subclause (II), in determining the eligibility of a practice described in clause (i), the Secretary shall require, to the maximum extent practicable, the lowest cost alternatives be used to fulfill the purposes of the conservation security plan, as determined by the Secretary.

"(II) INNOVATIVE TECHNOLOGIES.—Subclause (I) shall not apply, to the maximum extent practicable, to the adoption of innovative technologies.

"(2) ON-FARM RESEARCH AND DEMONSTRATION.—With respect to land enrolled in the conservation security program that will be maintained using a Tier II conservation practice or a Tier III conservation practice, the Secretary may approve a conservation security plan that includes on-farm conservation research and demonstration activities, including—

"(A) total farm planning;

"(B) total resource management;

"(C) integrated farming systems;

"(D) germplasm conservation and regeneration;

"(E) greenhouse gas reduction and carbon sequestration;

"(F) agroecological restoration and wildlife habitat restoration;

"(G) agroforestry;

"(H) invasive species control;

"(I) energy conservation and management;

"(J) farm and environmental results monitoring and evaluation; or

"(K) participation in research projects relating to water conservation and management through—

"(i) recycling or reuse of water; or

"(ii) more efficient irrigation of farmland.

"(3) USE OF HANDBOOK AND GUIDES.—

"(A) IN GENERAL.—In determining eligible conservation practices under the conservation security program, the Secretary shall use the National Handbook of Conservation Practices of the Natural Resources Conservation Service.

"(B) CONSERVATION PRACTICE STANDARDS.—To the maximum extent practicable, the Secretary shall establish guidance standards for implementation of eligible conservation practices that shall include measurable goals for enhancing and preventing degradation of resources.

"(C) ADJUSTMENTS.—

"(i) IN GENERAL.—After providing notice and an opportunity for public participation, the Secretary shall make such adjustments to the National Handbook of Conservation Practices, and the field office technical guides, of the Natural Resources Conservation Service as are necessary to carry out this chapter.

"(ii) EFFECT ON PLAN.—If the Secretary makes an adjustment to a practice under clause (i), the Secretary may require an adjustment to a conservation security plan in effect as of the date of the adjustment if the Secretary determines that the plan, without the adjustment, would significantly interfere with achieving the purposes of the conservation security program.

"(D) PILOT TESTING.—

"(i) IN GENERAL.—Under any of the 3 tiers of conservation practices established under paragraph (4), the Secretary may approve requests by a producer for pilot testing of new technologies and innovative conservation practices and systems.

"(ii) INCORPORATION INTO STANDARDS.—

"(I) IN GENERAL.—After evaluation by the Secretary and provision of notice and an opportunity for public participation, the Secretary may, as expeditiously as practicable, approve new technologies and innovative conservation practices and systems.

"(II) INCORPORATION.—If the Secretary approves a new technology or innovative conservation practice under subclause (I), the Secretary shall, as expeditiously as practicable, incorporate the technology or practice into the standards for implementation of conservation practices established under paragraph (3).

"(4) TIERS.—Subject to paragraph (5), to carry out this subsection, the Secretary shall establish the following 3 tiers of conservation contracts:

"(A) TIER I CONSERVATION CONTRACTS.—

"(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program under a Tier I conservation security contract shall be maintained using Tier I conservation practices and shall, at a minimum—

"(I) if applicable to the particular agricultural operation, address at least 1 resource of concern;

"(II) apply to the total agricultural operation or to a particular unit of the agricultural operation;

"(III) cover—

"(aa) management of conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

"(bb) conservation practices that are implemented after the date on which the conservation security contract is entered into; and

"(IV) meet applicable standards for implementation of conservation practices established under paragraph (3).

"(ii) CONSERVATION PRACTICES.—Tier I conservation practices shall consist of, as appropriate for the agricultural operation of a producer, 1 or more of the following basic conservation activities:

"'(I) Nutrient management.

"(II) Integrated pest management.

"(III) Irrigation, water conservation, and water quality management.

"(IV) Grazing pasture and rangeland management.

"(V) Soil conservation, quality, and residue management.

"(VI) Invasive species management.

"(VII) Fish and wildlife habitat management, with special emphasis on species identified by

any natural heritage program of the applicable State or the appropriate State agency.

"(VIII) Fish and wildlife conservation and enhancement.

"(IX) Air quality management.

"(X) Energy conservation measures.

"(XI) Biological resource conservation and regeneration.

"(XII) Animal health management.

"(XIII) Plant and animal germplasm conservation, evaluation, and development.

"(XIV) Contour farming.

"(XV) Strip cropping.

"(XVI) Cover cropping.

"(XVII) Sediment dams.

"(XVIII) Any other conservation practice that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

"(iii) TIER II CONSERVATION CONTRACTS.—A conservation security plan for land enrolled in the conservation security program that will be maintained using Tier I conservation contracts may include Tier II conservation practices.

"(B) TIER II CONSERVATION PRACTICES.—

"(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program under a Tier II conservation security contract shall be maintained using Tier II conservation practices and shall, at a minimum—

"(I) as applicable to the particular agricultural operation, address at least 1 resource of concern for the entire agricultural operation;

"(II) cover—

"(aa) management of conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

"(bb) conservation practices that are implemented after the date on which the conservation security contract is entered into; and

"(III) meet applicable resource management system criteria for 1 or more resources of concern of the agricultural operation, as specified in the conservation security contract.

"(ii) CONSERVATION PRACTICES AND REQUIREMENTS.—Tier II conservation practices and requirements shall consist of, as appropriate for the agricultural operation of a producer, any of the Tier I conservation practices and 1 or more of the following land use adjustment or protection practices:

"(I) Resource-conserving crop rotations.

"(II) Controlled, rotational grazing.

"(III) Conversion of portions of cropland from a soil-depleting use to a soil-conserving use, including production of cover crops.

"(IV) Partial field conservation practices (including windbreaks, grass waterways, shelter belts, filter strips, riparian buffers, wetland buffers, contour buffer strips, living snow fences, crosswind trap strips, field borders, grass terraces, wildlife corridors, and critical area planting appropriate to the agricultural operation).

"(V) Fish and wildlife habitat conservation and restoration.

"(VI) Native grassland and prairie protection and restoration.

"(VII) Wetland protection and restoration.

"(VIII) Agroforestry practices and systems as described in subsection (b)(2)(B).

"(IX) Any other conservation practice involving modification of the use of land that the Secretary determines to be appropriate and comparable to other conservation practices described in this clause.

"(C) TIER III CONSERVATION CONTRACTS.—

"(i) IN GENERAL.—A conservation security plan for land enrolled in the conservation security program under a Tier III conservation security contract shall be maintained using Tier III conservation contracts and shall, at a minimum—

"(I) address all applicable resources of concern in the total agricultural operation;

"(II) cover—

"(aa) management of conservation practices that are being implemented as of the date on which the conservation security contract is entered into; and

"(bb) conservation practices that are implemented after the date on which the conservation security contract is entered into; and

"(III) meet applicable resource management system criteria for 1 or more resources of concern of the agricultural operation, as specified in the conservation security contract.

"(ii) CONSERVATION PRACTICES.—Tier III conservation practices shall consist of, as appropriate for the agricultural operation of a producer (in addition to appropriate Tier I conservation practices and Tier II conservation practices), development, implementation, and maintenance of a conservation security plan that, over the term of the conservation security contract—

"(I) integrates all necessary conservation practices to foster environmental enhancement and the long-term sustainability of the natural resource base of an agricultural operation; and

"(II) improves profitability and sustainability associated with the agricultural operation.

"(5) MINIMUM REQUIREMENTS.—The minimum requirements for each tier of conservation practices described in paragraph (4) shall be—

"(A)(i) determined by the State conservationist, in consultation with the State technical committee established under subtitle G and the local subcommittee of the State technical committee; and

"(ii) approved by the Secretary; and

"(B) in the case of land under the jurisdiction of an Indian tribe—

"(i) determined by the Indian tribe, after consultation with the Secretary; and

"(ii) approved by the Secretary.

"(e) CONSERVATION SECURITY CONTRACTS.—

"(1) CONTRACTS.—

"(A) IN GENERAL.—On approval of a conservation security plan of a producer, the Secretary shall enter into a conservation security contract with the producer to enroll the land covered by the conservation security plan in the conservation security program.

"(B) REQUIRED COMPONENTS.—A conservation security contract shall specifically describe the practices that are required under subsection (c)(1)(B).

"(2) TERM.—Subject to paragraphs (3) and (4)—

"(A) a conservation security contract for land enrolled in the conservation security program of a producer that will be maintained using 1 or more Tier I conservation contracts shall have a term of 5 years; and

"(B) a conservation security contract for land enrolled in the conservation security program that will be maintained using a Tier II conservation contract or Tier III conservation contract shall have a 5-year to 10-year term, as determined by the producer.

"(3) MODIFICATIONS.—

"(A) OPTIONAL MODIFICATIONS.—

"(i) IN GENERAL.—An owner or operator may apply to the Secretary to modify the conservation security plan to effectuate the purposes of the conservation security program.

"(ii) APPROVAL BY THE SECRETARY.—To be effective, any modification under clause (i)—

"(I) shall be approved by the Secretary; and

"(II) shall authorize the Secretary to redetermine, if necessary, the amount and timing of the payments under the conservation security contract and subsections (a) and (b) of section 1238C.

"(B) OTHER MODIFICATIONS.—

"(i) IN GENERAL.—The Secretary may, in writing, require a producer to modify a conservation security contract before the expiration of the conservation security contract if—

"(I) the Secretary determines that a change made to the type, size, management, or other aspect of the agricultural operation of the producer would, without the modification of the contract, significantly interfere with achieving the purposes of the conservation security program; or

"(II) the Secretary makes a change to the National Handbook of Conservation Practices of the Natural Resource Conservation Service under subsection (d)(3)(C).

"(ii) PAYMENTS.—The Secretary may adjust the amount and timing of the payment schedule under the conservation security contract to reflect any modifications made under this subparagraph.

"(iii) DEADLINE.—The Secretary may terminate a conservation security contract if a modification required under this subparagraph is not submitted to the Secretary in the form of an amended conservation security contract by the date that is 90 days after the date on which the Secretary issues a written request for the modification.

"(iv) TERMINATION.—a producer that is required to modify a conservation security contract under this subparagraph may, in lieu of modifying the contract—

"(I) terminate the conservation security contract; and

"(II) retain payments received under the conservation security contract, if the producer fully complied with the terms and conditions of the conservation security contract before termination of the contract.

"(4) RENEWAL.—

"(A) IN GENERAL.—At the option of a producer, the conservation security contract of the producer may be renewed, for a term described in subparagraph (B), if—

"(i) the producer agrees to any modification of the applicable conservation security contract that the Secretary determines to be necessary to achieve the purposes of the conservation security program;

"(ii) the Secretary determines that the producer has complied with the terms and conditions of the conservation security contract, including the conservation security plan; and

"(iii) in the case of a Tier I conservation security contract, the producer agrees to increase the conservation practices on land enrolled in the conservation security program by—

"(I) adopting new conservation practices; or

"(II) expanding existing practices to meet applicable resource management systems criteria.

"(B) TERMS OF RENEWAL.—Under subparagraph (A)—

"(i) a conservation security contract for land enrolled in the conservation security program that will be maintained using Tier I conservation contracts may be renewed for 5-year terms;

"(ii) in the case of a Tier II conservation security contract or a Tier III conservation security contract, the contract shall be renewed for 5-year to 10-year terms, at the option of the producer; and

"(iii) participation in the conservation security program prior to the renewal of the conservation security contract shall not bar renewal more than once.

"(f) NONCOMPLIANCE DUE TO CIRCUMSTANCES BEYOND THE CONTROL OF PRODUCERS.—The Secretary shall include in the conservation security contract a provision, and may modify a conservation security contract under subsection (e)(3)(B), to ensure that a producer shall not be considered in violation of a conservation security contract for failure to comply with the conservation security contract due to circumstances beyond the control of the producer, including a disaster or related condition, as determined by the Secretary.

"SEC. 1238B. DUTIES OF PRODUCERS.

"Under a conservation security contract, a producer shall agree, during the term of the conservation security contract—

"(1) to implement the applicable conservation security plan approved by the Secretary;

"(2) to maintain, and make available to the Secretary at such times as the Secretary may request, appropriate records showing the effective and timely implementation of the conservation security plan;

"(3) not to engage in any activity that would interfere with the purposes of the conservation security plan; and

"(4) on the violation of a term or condition of the conservation security contract—

"(A) if the Secretary determines that the violation warrants termination of the conservation security contract—

"(i) to forfeit all rights to receive payments under the conservation security contract; and

"(ii) to refund to the Secretary all or a portion of the payments received by the producer under the conservation security contract, including any advance payment and interest on the payments, as determined by the Secretary; or

"(B) if the Secretary determines that the violation does not warrant termination of the conservation security contract, to refund to the Secretary, or accept adjustments to, the payments provided to the producer, as the Secretary determines to be appropriate.

"SEC. 1238C. DUTIES OF THE SECRETARY.

"(a) ADVANCE PAYMENT.—At the time at which a producer enters into a conservation security contract, the Secretary shall, at the option of the producer, make an advance payment to the producer in an amount not to exceed—

"(1) in the case of a Tier I conservation security contract, the greater of—

"(A) $1,000; or

"(B) 20 percent of the value of the annual payment under the contract, as determined by the Secretary;

"(2) in the case of a Tier II conservation security contract, the greater of—

"(A) $2,000; or

"(B) 20 percent of the value of the annual payment under the contract, as determined by the Secretary; and

"(3) in the case of a Tier III conservation security contract, the greater of—

"(A) $3,000; or

"(B) 20 percent of the value of the annual payment under the contract, as determined by the Secretary.

"(b) ANNUAL PAYMENTS.—

"(1) CRITERIA FOR DETERMINING AMOUNT OF PAYMENTS.—

"(A) BASE RATE.—In this paragraph, the term 'base rate' means the average county rental rate for the specific land use during the 2001 crop year, or another appropriate average county rate for the 2001 crop year, that ensures regional equity, as determined by the Secretary.

"(B) PAYMENTS.—A payment for a conservation practice under this paragraph shall be determined in accordance with subparagraphs (C) through (F).

"(C) TIER I CONSERVATION CONTRACTS.—The payment for a Tier I conservation security contract shall be comprised of the total of the following amounts:

"(i) An amount equal to 6 percent of the base rate for land covered by the contract.

"(ii) An amount equal to the following costs of practices covered by the conservation security contract, based on the average county costs for such practices for the 2001 crop year, as determined by the Secretary:

"(I) 100 percent of the cost of—

"(aa) the adoption of new management practices; and

"(bb) the maintenance of new and existing land management and vegetative practices.

"(II) 100 percent of the cost of maintenance of existing land-based structural practices approved by the Secretary.

"(III)(aa) 75 percent (or, in the case of a limited resource producer (as determined by the Secretary) or a beginning farmer or rancher, 90 percent) of the cost of adoption of new land-based structural practices; or

"(bb) 75 percent (or, in the case of a limited resource producer (as determined by the Secretary) or a beginning farmer or rancher, 90 percent) of the cost of the adoption of a structural practice for which a similar structural practice under the environmental quality incentives program established under chapter 4 would require maintenance, if the producer agrees to provide, without reimbursement, substantially equivalent maintenance.

"(iii) A bonus amount determined by the Secretary for implementing or adopting 1 or more of the following practices:

"(I) A practice adopted or maintained that, because of the extent and scope of the practice, maximizes the objectives of the conservation security program beyond the minimum requirements of the practices adopted or maintained.

"(II) A practice adopted or maintained to address resources of concern and local conservation concerns beyond those identified as State or local conservation priorities.

"(III) A practice adopted or maintained to address national priority concerns, as determined by the Secretary.

"(IV) Participation by the producer in an on-farm conservation research, demonstration, or pilot project.

"(V) Participation by the producer in a watershed or regional resource conservation plan that involves at least 75 percent of producers in a targeted area.

"(VI) Recordkeeping, monitoring, and evaluation carried out by the producer that furthers the purposes of the conservation security program.

"(iv) A bonus amount determined by the Secretary that reflects the status of a producer as a beginning farmer or rancher.

"(D) TIER II CONSERVATION CONTRACTS.—The payment for a Tier II conservation security contract shall be comprised of the total of the following amounts:

"(i) An amount equal to 11 percent of the base rate for land covered by the conservation security contract.

"(ii) An amount equal to the cost of practices covered by the conservation security contract, based on the average county costs for practices for the 2001 crop year, described in subparagraph (C)(ii).

"(iii) A bonus amount determined by the Secretary in accordance with clauses (iii) and (iv) of subparagraph (C), except that the bonus amount under this clause may include any amount for the adoption or maintenance by the producer of any practice that exceeds resource management system standards.

"(E) TIER III CONSERVATION CONTRACTS.—The payment for a Tier III conservation security contract shall be comprised of the total of the following amounts:

"(i) An amount equal to 20 percent of the base rate for land covered by the conservation security contract.

"(ii) An amount equal to the cost of practices covered by the conservation security contract, based on the average county costs for practices for the 2001 crop year, described in subparagraph (C)(ii).

"(iii) A bonus amount determined by the Secretary in accordance with subparagraph (D)(iii).

"(F) EXCLUSION OF COSTS FOR PURCHASE OR MAINTENANCE OF EQUIPMENT OR NON-LAND BASED STRUCTURES.—A payment under this subchapter shall not include any amount for the purchase or maintenance of equipment or a non-land based structure.

"(2) TIME OF PAYMENT.—The Secretary shall provide payments under a conservation security contract as soon as practicable after October 1 of each fiscal year.

"(3) LIMITATION ON PAYMENTS.—

"(A) IN GENERAL.—Subject to paragraphs (1), (2), (4), and (5), the Secretary shall, in amounts and for a term specified in a conservation security contract and taking into account any advance payments, make an annual payment, directly or indirectly, to the individual or entity covered by the conservation security contract in an amount not to exceed—

"(i) in the case of a Tier I conservation security contract, $20,000;

"(ii) in the case of a Tier II conservation security contract, $35,000; or

"(iii) in the case of a Tier III conservation security contract, $50,000.

"(B) LIMITATION ON NONBONUS PAYMENTS.—In applying the payment limitation under each of clauses (i), (ii), and (iii) of subparagraph (A), an individual or entity may not receive, directly or indirectly, payments described in clauses (i) and (ii) of paragraph (1)(C), (1)(D), or (1)(E), as appropriate, in an amount that exceeds 75 percent of the applicable payment limitation.

"(C) OTHER USDA PAYMENTS.—If a producer has the same practices on the same land enrolled in the conservation security program and 1 or more other conservation programs administered by the Secretary, the Secretary shall include all payments from the conservation security program and the other conservation programs, other than payments for conservation easements, in applying the annual payment limitations under this paragraph.

"(D) NON-USDA PAYMENTS.—

"(i) IN GENERAL.—A payment described in clause (ii) shall not be considered an annual payment for purposes of the annual payment limitations under this paragraph.

"(ii) PAYMENT.—A payment referred to in clause (i) is a payment that—

"(I) is for the same practice on the same land enrolled in the conservation security program; and

"(II) is received from a Federal program that is not administered by the Secretary, or that is administered by any State, local, or private agricultural agency or organization.

"(E) COMMENSURATE SHARE.—To be eligible to receive a payment under this chapter, an individual or entity shall make contributions (including contributions of land, labor, management, equipment, or capital) to the operation of the farm that are at least commensurate with the share of the proceeds of the operation of the individual or entity.

"(4) LAND ENROLLED IN OTHER CONSERVATION PROGRAMS.—Notwithstanding any other provision of law, if a producer has land enrolled in another conservation program administered by the Secretary and has applied to enroll the same land in the conservation security program, the producer may elect to—

"(A) convert the contract under the other conservation program to a conservation security contract, without penalty, except that this subparagraph shall not apply to a contract entered into under—

"(i) the conservation reserve program under subchapter B of chapter 1; or

"(ii) the wetlands reserve program under subchapter C of chapter 1; or

"(B) have each annual payment to the producer under this subsection reduced to reflect payment for practices the producer receives under the other conservation program, except that the annual payment under this subsection shall not be reduced by the amount of any incentive received under a program referred to in *section 1231(b)(6) for qualified practices that enhance or extend the conservation benefit achieved under the other conservation program.*

"(5) WASTE STORAGE OR TREATMENT FACILITIES.—A payment to a producer under this subchapter shall not be provided for the purpose of construction or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations.

"(c) MINIMUM PRACTICE REQUIREMENT.—In determining a payment under subsection (a) or (b) for an owner, operator, or producer that receives a payment under another program administered by the Secretary that is contingent on complying with requirements under subtitle B or C of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.) relating to the use of highly erodible land or wetland, a payment under this chapter for 1 or more practices on land subject to those requirements shall be for practices that exceed minimum requirements for the owner, operator, or producer under those subtitles, as determined by the Secretary.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations that—

"(A) provide for adequate safeguards to protect the interests of tenants and sharecroppers, including provision for sharing payments, on a fair and equitable basis; and

"(B) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsections (a) and (b).

"(2) PENALTIES FOR SCHEMES OR DEVICES.—

"(A) IN GENERAL.—If the Secretary determines that an individual or entity has adopted a scheme or device to evade, or that has the purpose of evading, the regulations promulgated under paragraph (1), the individual or entity shall be ineligible to participate in the conservation security program for—

"(i) the year for which the scheme or device was adopted; and

"(ii) each of the following 5 years.

"(B) FRAUD.—If the Secretary determines that fraud was committed in connection with the scheme or device, the individual or entity shall be ineligible to participate in the conservation security program for—

"(i) the year for which the scheme or device was adopted; and

"(ii) each of the following 10 years.

"(e) TERMINATION.—

"(1) IN GENERAL.—Subject to section 1238B, the Secretary shall allow a producer to terminate the conservation security contract.

"(2) PAYMENTS.—The producer may retain any or all payments received under a terminated conservation security contract if—

"(A) the producer is in full compliance with the terms and conditions (including any maintenance requirements) of the conservation security contract as of the date of the termination; and

"(B) the Secretary determines that termination of the contract will not defeat the purposes of the conservation security plan of the producer.

"(f) TRANSFER OR CHANGE OF INTEREST IN LAND SUBJECT TO CONSERVATION SECURITY CONTRACT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the transfer, or change in the interest, of a producer in land subject to a conservation security contract shall result in the termination of the conservation security contract.

"(2) TRANSFER OF DUTIES AND RIGHTS.—Paragraph (1) shall not apply if, not later than 60 days after the date of the transfer or change in the interest in land, the transferee of the land provides written notice to the Secretary that all duties and rights under the conservation security contract have been transferred to the transferee.

"(g) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—For each of fiscal years 2003 through 2006, the Secretary shall provide technical assistance to producers for the development and implementation of conservation security contracts, in an amount not to exceed 20 percent of amounts expended for the fiscal year.

"(2) COORDINATION BY THE SECRETARY.—The Secretary shall provide overall technical coordination and leadership for the conservation security program, including final approval of all conservation security plans.

"(h) CONSERVATION SECURITY STATE PROGRAM.—

"(1) IN GENERAL.—Effective October 1, 2004, the Secretary, in cooperation with appropriate State agencies, may permit 1 State to jointly implement a conservation security program with the Secretary.

"(2) ELIGIBLE STATE.—The State referred to in paragraph (1) shall be a State selected by the Secretary—

"(A) in consultation with—

"(i) the Committee on Agriculture of the House of Representatives; and

"(ii) the Committee on Agriculture, Nutrition, and Forestry of the Senate; and

"(B) after taking into consideration—

"(i) the percentage of private land in agricultural production in the State; and

"(ii) infrastructure in the State that is available to implement the pilot program under paragraph (1).".

SEC. 202. FUNDING.

Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by adding at the end the following:

"(c) CONSERVATION SECURITY PROGRAM.—Of the funds of the Commodity Credit Corporation, the Corporation shall make available for each of fiscal years 2002 through 2006 such sums as are necessary to carry out subchapter A of chapter 2 (including the provision of technical assistance, education and outreach, and monitoring and evaluation).".

SEC. 203. PARTNERSHIPS AND COOPERATION.

Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is amended by adding at the end the following:

"(f) PARTNERSHIPS AND COOPERATION.—

"(1) IN GENERAL.—In carrying out any program under subtitle D, the Secretary may use resources provided under that subtitle to enter into agreements with State and local agencies, Indian tribes, and nongovernmental organizations and to designate special projects, as recommended by the State Conservationist, after consultation with the State technical committee, to enhance technical and financial assistance provided to owners, operators, and producers to address environmental issues affected by agricultural production with respect to—

"(A) meeting the purposes of—

"(i) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.) or comparable State or tribal laws in impaired or threatened watersheds;

"(ii) the Safe Drinking Water Act (42 U.S.C. 300f et seq.) or comparable State or tribal laws in watersheds providing water for drinking water supplies;

"(iii) the Clean Air Act (42 U.S.C. 7401 et seq.) or comparable State laws; or

"(iv) other Federal, State, tribal, or local laws; or

"(B) watersheds of special significance, conservation priority areas described in section 1230(c), or other geographic areas of environmental sensitivity, such as wetland, including State, multi-State, or tribal projects—

"(i) to facilitate surface and ground water conservation;

"(ii) to protect water quality;

"(iii) to protect endangered or threatened species or habitat, such as conservation corridors;

"(iv) to improve methods of irrigation;

"(v) to convert acreage from irrigated production; or

"(vi) to reduce nutrient loads of watersheds.".

"(2) INCENTIVES.—To realize the purposes of the special projects under paragraph (1), the Secretary may provide special incentives to owners, operators, and producers participating in the special projects to encourage partnerships, enrollments of exceptional environmental value, and sharing of technical and financial resources among owners, operators, and producers and among owners, operators, and producers and governmental and nongovernmental organizations.

"(3) FLEXIBILITY.—

"(A) IN GENERAL.—The Secretary may enter into agreements with States (including State agencies and units of local government), Indian tribes, and nongovernmental organizations to allow greater flexibility to adjust the application of eligibility criteria, approved practices, innovative conservation practices, and other elements of the programs under this title to better reflect unique local circumstances and purposes in a manner that is consistent with—

"(i) environmental enhancement and long-term sustainability of the natural resource base; and

"(ii) the purposes and requirements of this title.

"(B) PLAN.—Each party to an agreement under subparagraph (A) shall submit to the Secretary, for approval by the Secretary, a special project area or priority area program plan for each program to be carried out by the party that includes—

"(i) a description of the requested resources and adjustments to program implementation (including a description of how those adjustments will accelerate the achievement of environmental benefits);

"(ii) an analysis of the contribution those adjustments will make to the effectiveness of programs in achieving the purposes of the special project or priority area program;

"(iii) a timetable for reevaluating the need for or performance of the proposed adjustments;

"(iv) a description of non-Federal programs and resources that will contribute to achieving the purposes of the special project or priority area program; and

"(v) a plan for regular monitoring, evaluation, and reporting of progress toward the purposes of the special project or priority area program.

"(4) PURPOSES OF SPECIAL PROJECTS.—The purposes of special projects carried out under this section shall be to encourage—

"(A) producers to cooperate in the installation and maintenance of conservation systems that affect multiple agricultural operations;

"(B) the sharing of information and technical and financial resources;

"(C) cumulative environmental benefits across operations of producers; and

"(D) the development and demonstration of innovative conservation methods.

"(5) FUNDING.—

"(A) IN GENERAL.—In addition to resources from programs under subtitle D, subject to subparagraph (B), the Secretary shall use 5 percent of the funds made available for each fiscal year under section 1241(b) to carry out activities that are authorized under the environmental quality incentives program established under chapter 4 of subtitle D.

"(B) UNUSED FUNDING.—Any funds made available for a fiscal year under subparagraph (A) that are not obligated by April 1 of the fiscal year may be used to carry out other activities under the environmental quality incentives program during the fiscal year in which the funding becomes available.".

SEC. 204. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

Subtitle E of title XII of the Food Security Act of 1985 (16 U.S.C. 3841 et seq.) is amended by adding at the end the following:

"SEC. 1244. ADMINISTRATIVE REQUIREMENTS FOR CONSERVATION PROGRAMS.

"(a) Good Faith Reliance.—

"(1) In general.—Notwithstanding any other provision of law, except as provided in paragraph (4), the Secretary shall provide equitable relief to an owner, operator, or producer that has entered into a contract under a conservation program administered by the Secretary, and that is subsequently determined to be in violation of the contract, if the owner, operator, or producer, in attempting to comply with the terms of the contract and enrollment requirements—

"(A) took actions in good faith reliance on the action or advice of an employee of the Secretary; and

"(B) had no knowledge that the actions taken were in violation of the contract.

"(2) Types of relief.—The Secretary shall—

"(A) to the extent the Secretary determines that an owner, operator, or producer has been injured by good faith reliance described in paragraph (1), allow the owner, operator, or producer—

"(i) to retain payments received under the contract;

"(ii) to continue to receive payments under the contract;

"(iii) to keep all or part of the land covered by the contract enrolled in the applicable program;

"(iv) to reenroll all or part of the land covered by the contract in the applicable program; or

"(v) to receive any other equitable relief the Secretary considers appropriate; and

"(B) require the owner, operator, or producer to take such actions as are necessary to remedy any failure to comply with the contract.

"(3) Relationship to other law.—The authority to provide relief under this subsection shall be in addition to any other authority provided in this or any other Act.

"(4) Exceptions.—This section shall not apply to—

"(A) any pattern of conduct in which an employee of the Secretary takes actions or provides advice with respect to an owner, operator, or producer that the employee and the owner, operator, or producer know are inconsistent with applicable law (including regulations); or

"(B) an owner, operator, or producer takes any action, independent of any advice or authorization provided by an employee of the Secretary, that the owner, operator, or producer knows or should have known to be inconsistent with applicable law (including regulations).

"(5) Applicability of relief.—Relief under this section shall be available for contracts in effect on or after the date of enactment of this section.

"(b) Education, Outreach, Monitoring, and Evaluation.—In carrying out any conservation program administered by the Secretary, the Secretary—

"(1) shall provide education, outreach, training, monitoring, evaluation, technical assistance, and related services to agricultural producers (socially disadvantaged agricultural producers, beginning farmers and ranchers, Indian tribes (as those terms are defined in section 1238), and limited resource agricultural producers);

"(2) may enter into contracts with States (including State agencies and units of local government), private nonprofit, community-based organizations, and educational institutions with demonstrated experience in providing the services described in paragraph (1), to provide those services; and

"(3) shall use such sums as are necessary from funds of the Commodity Credit Corporation to carry out activities described in paragraphs (1) and (2).

"(c) Beginning Farmers and Ranchers and Indian Tribes.—In carrying out any conservation program administered by the Secretary, the Secretary may provide to beginning farmers and ranchers and Indian tribes (as those terms are defined in section 1238) and limited resource agricultural producers incentives to participate in the conservation program to—

"(1) foster new farming opportunities; and

"(2) enhance environmental stewardship over the long term.

"(d) Program Evaluation.—The Secretary shall maintain data concerning conservation security plans, conservation practices planned or implemented, environmental outcomes, economic costs, and related matters under conservation programs administered by the Secretary.

"(e) Mediation and Informal Hearings.—If the Secretary makes a decision under a conservation program administered by the Secretary that is adverse to an owner, operator, or producer, at the request of the owner, operator, or producer, the Secretary shall provide the owner, operator, or producer with mediation services or an informal hearing on the decision.

"(f) Technical Assistance.—

"(1) In general.—Under any conservation program administered by the Secretary, subject to paragraph (2), technical assistance provided by persons certified under paragraph (3) (including farmers and ranchers) may include—

"(A) conservation planning;

"(B) design, installation, and certification of conservation practices;

"(C) conservation training for producers; and

"(D) such other conservation activities as the Secretary determines to be appropriate.

"(2) Outside assistance.—

"(A) In general.—The Secretary may contract directly with qualified persons not employed by the Department to provide conservation technical assistance.

"(B) Payment by Secretary.—Subject to subparagraph (C), the Secretary may provide a payment to an owner, operator, or producer enrolled in a conservation program administered by the Secretary if the owner, operator, or producer elects to obtain technical assistance from a person certified to provide technical assistance under this subsection.

"(C) Nonprivate providers.—In determining whether to provide a payment under subparagraph (B) to a nonprivate provider, the Secretary shall provide a payment if the provision of the payment would result in an increase in the total amount of technical assistance available to producers, as determined by the Secretary.

"(3) Certification of providers of technical assistance.—

"(A) Procedures.—

"(i) In general.—The Secretary shall establish procedures for certifying persons not employed by the Department to provide technical assistance in planning, designing, or certifying activities to participate in any conservation program administered by the Secretary to agricultural producers and landowners participating, or seeking to participate, in conservation programs administered by the Secretary.

"(ii) Non-federal assistance.—The Secretary may request the services of, and enter into a cooperative agreement with, a State water quality agency, State fish and wildlife agency, State forestry agency, State conservation agency or conservation district, or any other governmental or nongovernmental organization or person considered appropriate by the Secretary to assist in providing the technical assistance necessary to develop and implement conservation plans under this title.

"(B) Equivalence.—The Secretary shall ensure that new certification programs of the Department for providers of technical assistance meet or exceed the testing and continuing education standards of any certification program that establishes nationally recognized and accepted standards for training, testing, and other professional qualifications.

"(C) Standards.—The Secretary shall establish standards for the conduct of—

"(i) the certification process conducted by the Secretary; and

"(ii) periodic recertification by the Secretary of providers.

"(D) Certification required.—

"(i) In general.—A provider may not provide to any producer technical assistance described in paragraph (3)(A)(i) unless the provider is certified by the Secretary.

"(ii) Waiver.—The Secretary may exempt a provider from any requirement of this subparagraph if the Secretary determines that the provider has been certified or recertified to provide technical assistance through a program the standards of which meet or exceed standards established by the Secretary under subparagraph (C).

"(E) Fee.—

"(i) In general.—In exchange for certification or recertification, a provider shall pay a fee to the Secretary in an amount determined by the Secretary.

"(ii) Account.—A fee paid to the Secretary under clause (i) shall be—

"(I) credited to the account in the Treasury that incurs costs relating to implementing this subsection; and

"(II) made available to the Secretary for use for conservation programs administered by the Secretary, without further appropriation, until expended.

"(iii) Waiver.—The Secretary may waive any requirement of any provider to pay a fee under this subparagraph if the provider qualifies for a waiver under subparagraph (D)(ii).

"(F) Technical assistance advisory council.—

"(i) Purpose.—The Secretary shall establish a technical assistance advisory council (referred to in this subparagraph as the 'advisory council') to advise the Secretary with respect to the management of certification programs for the provision of technical assistance for third party providers.

"(ii) Membership.—The membership of the advisory council shall include—

"(I) representatives of the Federal Government and appropriate State and local governments; and

"(II) not more than 20 additional members that represent 2 or more of the following:

"(aa) Agricultural producers.

"(bb) Agricultural industries.

"(cc) Wildlife and environmental entities.

"(dd) A minimum of 6 professional societies and organizations.

"(ee) Such other entities (the representation of which on the advisory council shall not exceed 4 members) as the Secretary determines would contribute to the work of the advisory council.

"(iii) Responsibilities.—The advisory council shall advise the Secretary with respect to—

"(I) appropriate standards for certification;

"(II) the status of third party certification programs;

"(III) cases in which waivers for certification, recertification and payment of fees should be allowed;

"(IV) periodic reviews of certification program; and

"(V) guidelines for penalties and disciplinary actions for violation of certification requirements.

"(iv) MEETINGS.—

"(I) INITIAL MEETING.—Not later than 30 days after the date on which all members of the advisory council have been appointed, the advisory council shall hold the initial meeting of advisory council.

"(II) SUBSEQUENT MEETINGS.—The Secretary shall require the advisory council to meet as needed.

"(v) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph such sums as are necessary for each of fiscal years 2002 through 2006.

"(4) EFFECT ON IMPLEMENTATION.—Nothing in this subsection shall prohibit or impede the expeditious implementation of the provision of third-party technical assistance under this title.

"(5) OTHER REQUIREMENTS.—The Secretary may establish such other requirements as the Secretary determines are necessary to carry out this subsection.

"(g) PRIVACY OF PERSONAL INFORMATION RELATING TO NATURAL RESOURCES CONSERVATION PROGRAMS.—

"(1) INFORMATION RECEIVED FOR TECHNICAL AND FINANCIAL ASSISTANCE.—

"(A) IN GENERAL.—In accordance with section 552(b)(3) of title 5, United States Code, except as provided in subparagraph (C) and paragraph (3), information described in subparagraph (B)—

"(i) shall not be considered to be public information; and

"(ii) shall not be released to any person or Federal, State, local agency or Indian tribe (as defined in section 1238) outside the Department of Agriculture.

"(B) INFORMATION.—The information referred to in subparagraph (A) is information—

"(i) provided to the Secretary or a contractor of the Secretary (including information provided under subtitle D) for the purpose of providing technical or financial assistance to an owner, operator, or producer with respect to any natural resources conservation program administered by the Natural Resources Conservation Service or the Farm Service Agency; and

"(ii) that is proprietary (within the meaning of section 552(b)(4) of title 5, United States Code) to the agricultural operation or land that is a part of an agricultural operation of the owner, operator, or producer.

"(C) EXCEPTION.—Information regarding owners, operators, or producers that have received payments from the Secretary and the amounts received, shall be—

"(i) considered to be public information; and

"(ii) may be released to any—

"(I) person;

"(II) Indian tribe (as defined in section 1238); or

"(III) Federal, State, local agency outside the Department of Agriculture.

"(2) INVENTORY, MONITORING, AND SITE SPECIFIC INFORMATION.—Except as provided in paragraph (3) and notwithstanding any other provision of law, in order to maintain the personal privacy, confidentiality, and cooperation of owners, operators, and producers, and to maintain the integrity of each unit at which primary sampling for data gathering is carried out by the National Resources Inventory (referred to in this subsection as a 'data gathering site'), the specific geographic locations of data gathering sites, and the information generated by the data gathering sites—

"(A) shall not be considered to be public information; and

"(B) shall not be released to any person or Federal, State, local, or tribal agency outside the Department.

"(3) EXCEPTIONS.—

"(A) RELEASE AND DISCLOSURE FOR ENFORCEMENT.—The Secretary may release or disclose to the Attorney General information covered by paragraph (1) or (2) to the extent necessary to enforce the natural resources conservation programs referred to in paragraph (1)(B)(i).

"(B) DISCLOSURE TO COOPERATING PERSONS AND AGENCIES.—

"(i) IN GENERAL.—The Secretary may release or disclose information covered by paragraph (1) or (2) to a person or Federal, State, local, or tribal agency working in cooperation with the Secretary in providing technical and financial assistance described in paragraph (1)(B)(i) or collecting information from data gathering sites.

"(ii) USE OF INFORMATION.—The person or Federal, State, local, or tribal agency that receives information described in clause (i) may release the information only for the purpose of assisting the Secretary—

"(I) in providing the requested technical or financial assistance; or

"(II) in collecting information from data gathering sites.

"(C) STATISTICAL AND AGGREGATE INFORMATION.—Information covered by paragraph (1) or (2) may be disclosed to the public if the information has been transformed into a statistical or aggregate form without naming any—

"(i) individual owner, operator, or producer; or

"(ii) specific data gathering site.

"(D) CONSENT OF OWNER, OPERATOR, OR PRODUCER.—

"(i) IN GENERAL.—An owner, operator, or producer may consent to the disclosure of information described in paragraph (1) or (2).

"(ii) CONDITION OF OTHER PROGRAMS.—The participation of the owner, operator, or producer in, and the receipt of any benefit by the owner, operator, or producer under, this title or any other program administered by the Secretary may not be conditioned on the owner, operator, or producer providing consent under this paragraph.

"(4) VIOLATIONS; PENALTIES.—Section 1770(c) shall apply with respect to the release of information collected in any manner or for any purpose prohibited by this subsection.

"(5) DATA COLLECTION, DISCLOSURE, AND REVIEW.—Nothing in this subsection—

"(A) affects any procedure for data collection or disclosure through the National Resources Inventory; or

"(B) limits the authority of Congress or the General Accounting Office to review information collected or disclosed under this subsection.

"(h) INDIAN TRIBES.—In carrying out any conservation program administered by the Secretary on land under the jurisdiction of an Indian tribe (as defined in section 1238), the Secretary shall cooperate with the tribal government of the Indian tribe to ensure, to the maximum extent practicable, that the program is administered in a fair and equitable manner.".

SEC. 205. REFORM AND ASSESSMENT OF CONSERVATION PROGRAMS.

(a) IN GENERAL.—The Secretary of Agriculture shall develop a plan for—

(1) coordinating conservation programs administered by the Secretary that are targeted at agricultural land to—

(A) eliminate redundancy; and

(B) improve delivery;

(2) to the maximum extent practicable—

(A) designing forms that are applicable to all conservation programs administered by the Secretary;

(B) reducing and consolidating paperwork requirements for the programs;

(C) developing universal classification systems for all information obtained on the forms that can be used by other agencies of the Department of Agriculture;

(D) ensuring that the information and classification systems developed under this paragraph can be shared with other agencies of the Department through computer technologies used by agencies; and

(E) developing 1 format for a conservation plan that can be applied to all conservation programs targeted at agricultural land;

(3) to the maximum extent practicable, improving the delivery of conservation programs to Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), including programs for the delivery of conservation programs to Indian tribes under plans carried out in conjunction with the Secretary of the Interior; and

(4) improving the regional distribution of program funds and resources to ensure, to the maximum extent practicable, that—

(A) the highest conservation priorities of the United States receive funding; and

(B) regional variations in conservation costs are taken into account.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the plan developed under subsection (a), including any recommendations for implementation of the plan.

(c) NATIONAL CONSERVATION PLAN.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan and estimated budget for implementing the appraisal of the soil, water, and related resources of the United States contained in the national conservation program under sections 5 and 6 of the Soil and Water Resources Conservation Act of 1977 (16 U.S.C. 2004, 2005) as the primary vehicle for managing conservation on agricultural land in the United States.

(2) REPORT ON IMPLEMENTATION.—Not later than April 30, 2005, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and Committee on Agriculture, Nutrition, and Forestry of the Senate a report that—

(A) describes the status of the implementation of the plan described in paragraph (1);

(B) contains an evaluation of the scope, quality, and outcomes of the conservation practices carried out under the plan; and

(C) makes recommendations for achieving specific and quantifiable improvements for the purposes of programs covered by the plan.

(d) CONSERVATION PRACTICE STANDARDS.—The Secretary of Agriculture shall—

(1) revise standards and, if necessary, establish standards, for eligible conservation practices to include measurable goals for enhancing natural resources, including innovative practices;

(2) not later than 180 days after the date of enactment of this Act, revise the National Handbook of Conservation Practices and field office technical guides of the Natural Resources Conservation Service; and

(3) not less frequently than once every 5 years, update the Handbook and technical guides.

SEC. 206. CONSERVATION SECURITY PROGRAM REGULATIONS.

Beginning on the date of enactment of this Act, the Secretary of Agriculture may promulgate regulations and carry out other actions relating to the implementation of the conservation security program under subchapter A of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (as added by section 201).

SEC. 207. CONFORMING AMENDMENTS.

(a) Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3830 et seq.)

*is amended in the chapter heading by striking "***ENVIRONMENTAL CONSERVATION ACREAGE RESERVE PROGRAM***" and inserting "***COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM***".*

(b) Section 1230 of the Food Security Act of 1985 (16 U.S.C. 3830) is amended—

(1) in the section heading, by striking "environmental conservation acreage reserve program" and inserting "comprehensive conservation enhancement program";

(2) in subsection (a)(1), by striking "an environmental conservation acreage reserve program" and inserting "a comprehensive conservation enhancement program"; and

(3) by striking "ECARP" each place it appears and inserting "CCEP".

(c) Section 1230A of the Food Security Act of 1985 (16 U.S.C. 3830a) is repealed.

(d) Section 1243 of the Food Security Act of 1985 (16 U.S.C. 3843) is amended by striking the section heading and inserting the following:

"SEC. 1243. ADMINISTRATION OF CCEP.".

Subtitle B—Program Extensions

SEC. 211. COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM.

(a) In General.—Section 1230(a) of the Food Security Act of 1985 (16 U.S.C. 3830(a)) is amended—

(1) in paragraph (1), by striking "2002" and inserting "2006"; and

(2) in paragraph (3)—

(A) in subparagraph (B), by striking "and" at the end; and

(B) by striking subparagraph (C) and inserting the following:

"(C) the grassland reserve program established under subchapter C of chapter 2;

"(D) the environmental quality incentives program established under chapter 4;

"(E) the wildlife habitat incentive program established under section 1240M; and

"(F) the program for conservation of private grazing land established under section 1240P.".

(b) Priority.—Section 1230(c) of the Food Security Act of 1985 (16 U.S.C. 3830(c)) is amended by adding at the end the following:

"(4) Priority.—In designating conservation priority areas under paragraph (1), the Secretary shall give priority to areas in which designated land would facilitate the most rapid completion of projects that—

"(A) are ongoing as of the date of the application; and

"(B) meet the purposes of a program established under this title.".

(c) Funding.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended—

(1) by striking "2002" and inserting "2006";

(2) by inserting "(including the provision of technical assistance)" after "the programs";

(3) in paragraph (2)—

(A) by striking "subchapter C" and inserting "subchapters C and D"; and

(B) by striking "and" at the end;

(4) in paragraph (3), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following:

"(4) chapter 6 of subtitle D.".

SEC. 212. CONSERVATION RESERVE PROGRAM.

(a) Reauthorization.—

(1) In general.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended in subsections (a), (b)(3), and (d), by striking "2002" each place it appears and inserting "2006".

(2) Duties of owners and operators.—Section 1232(c) of the Food Security Act of 1985 (16 U.S.C. 3832(c)) is amended by striking "2002" and inserting "2006".

(b) Conservation Priority Areas.—

(1) Eligibility.—Section 1231(b) of the Food Security Act of 1985 (16 U.S.C. 3831(b)) is amended—

(A) by striking paragraph (1) and inserting the following:

"(1) highly erodible cropland that—

"(A)(i) if permitted to remain untreated could substantially reduce the production capability for future generations; or

"(ii) cannot be farmed in accordance with a conservation plan that complies with the requirements of subtitle B; and

"(B) the Secretary determines had a cropping history or was considered to be planted for 3 of the 6 years preceding the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002 (except for land enrolled in the conservation reserve program as of that date);"; and

(B) by adding at the end the following:

"(5) the portion of land in a field not enrolled in the conservation reserve in a case in which more than 50 percent of the land in the field is enrolled as a buffer under a program described in paragraph (6)(A), if the land is enrolled as part of the buffer; and

"(6) land (including land that is not cropland) enrolled through continuous signup—

"(A) to establish conservation buffers as part of the program described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109) or a successor program; or

"(B) into the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) or a successor program.".

(2) CRP priority areas.—Section 1231(f) of the Food Security Act of 1985 (16 U.S.C. 3831(f)) is amended by adding at the end the following:

"(5) Priority.—In designating conservation priority areas under paragraph (1), the Secretary shall give priority to areas in which designated land would facilitate the most rapid completion of projects that—

"(A) are ongoing as of the date of the application; and

"(B) meet the purposes of the program established under this subchapter.".

(c) Maximum Enrollment.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) is amended by striking "36,400,000" and inserting "41,100,000".

(d) Duration of Contracts; Hardwood Trees.—Section 1231(e) of the Food Security Act of 1985 (16 U.S.C. 3831(e)) is amended—

(1) in paragraph (1), by striking "For the purpose: and inserting "Except as provided in paragraph (2)(D), for the purpose";

(2) in paragraph (2)—

(A) by striking "In the" and inserting the following:

"(A) In general.—In the";

(B) by striking "The Secretary" and inserting the following:

"(B) Existing hardwood tree contracts.—The Secretary"; and

(C) by adding at the end the following:

"(C) Extension of hardwood tree contracts.—

"(i) In general.—In the case of land devoted to hardwood trees under a contract entered into under this subchapter before the date of enactment of this subparagraph, the Secretary may extend the contract for a term of not more than 15 years.

"(ii) Rental payments.—The amount of a rental payment for a contract extended under clause (i)—

"(I) shall be determined by the Secretary; but

"(II) shall not exceed 50 percent of the rental payment that was applicable to the contract before the contract was extended.

"(D) New hardwood tree contracts.—

"(i) In general.—The Secretary may enter into contracts of not less than 10, nor more than 30, years with owners of land intended to be devoted to hardwood trees after the date of enactment of this paragraph.

"(ii) Payments.—The Secretary shall make payments under a contract described in clause (i)—

"(I) on an annual basis; and

"(II) at such an appropriate rate and in such appropriate amounts as the Secretary shall determine in accordance with subparagraph (C)(ii).

"(E) Hardwood planning goal.—The Secretary shall take such steps as the Secretary determines are necessary to ensure, to the maximum extent practicable, that all hardwood tree sites annually enrolled in the conservation reserve program are reforested with appropriate species."; and

(3) by adding at the end the following:

"(3) 1-year extension.—In the case of a contract described in paragraph (1) the term of which expires during calendar year 2002, an owner or operator of land enrolled under the contract may extend the contract for 1 additional year.".

(e) Pilot Program for Enrollment of Wetland and Buffer Acreage in Conservation Reserve.—Section 1231(h) of the Food Security Act of 1985 (16 U.S.C. 3831(h)) is amended—

(1) in the subsection heading, by striking "Pilot";

(2) in paragraph (1), by striking "During the 2001 and 2002 calendar years, the Secretary shall carry out a pilot program" and inserting "During the 2002 through 2006 calendar years, the Secretary shall carry out a program";

(3) in paragraph (2), by striking "pilot"; and

(4) in paragraph (3)(D)(i), by striking "5 contiguous acres." and inserting "10 contiguous acres, of which—

"(I) not more than 5 acres shall be eligible for payment; and

"(II) all acres (including acres that are ineligible for payment) shall be covered by the conservation contract.".

(f) Irrigated Land.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) is amended by adding at the end the following:

"(i) Irrigated Land.—Irrigated land shall be enrolled in the programs described in subsection (b)(6) at irrigated land rates unless the Secretary determines that other compensation is appropriate.".

(g) Vegetative Cover; Haying and Grazing; Wind Turbines.—Section 1232(a) of the Food Security Act of 1985 (16 U.S.C. 3832(a)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (A), by striking "and" at the end;

(B) in subparagraph (B), by inserting "and" after the semicolon at the end; and

(C) by adding at the end the following:

"(C) in the case of marginal pasture land, an owner or operator shall not be required to plant trees if the land is to be restored—

"(i) as wetland; or

"(ii) with appropriate native riparian vegetation;";

(2) in paragraph (7)—

(A) by striking "except that the Secretary—" and inserting "except that—";

(B) in subparagraph (A)—

(i) by striking "(A) may" and inserting "(A) the Secretary may"; and

(ii) by striking "and" at the end;

(C) in subparagraph (B)—

(i) by striking "(B) shall" and inserting "(B) the Secretary shall"; and

(ii) by striking the period at the end and inserting a semicolon;

(D) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following:

"(D) for maintenance purposes, the Secretary may permit harvesting or grazing or other commercial uses of forage, in a manner that is consistent with the purposes of this subchapter and

a conservation plan approved by the Secretary, on acres enrolled—

"(i) to establish conservation buffers as part of the program described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109) or a successor program; and

"(ii) into the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) or a successor program.";

(3) in paragraph (9), by striking "and" at the end;

(4) by redesignating paragraph (10) as paragraph (11); and

(5) by inserting after paragraph (9) the following:

"(10) with respect to any contract entered into after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002—

"(A) not to produce a crop for the duration of the contract on any other highly erodible land that the owner or operator owns unless the highly erodible land—

"(i) has a history of being used to produce a crop other than a forage crop, as determined by the Secretary; or

"(ii) is being used as a homestead or building site at the time of purchase; and

"(B) on a violation of a contract described in subparagraph (A), to be subject to the requirements of paragraph (5); and".

(h) Wind Turbines.—Section 1232 of the Food Security Act of 1985 (8906 U.S.C. 3832) is amended by adding at the end the following:

"(f) Wind Turbines.—

"(1) In general.—Subject to paragraph (2), the Secretary may permit an owner or operator of land that is enrolled in the conservation reserve program, but that is not enrolled under continuous signup (as described in section 1231(b)(6)), to install wind turbines on the land.

"(2) Number; location.—The Secretary shall determine the number and location of wind turbines that may be installed on a tract of land under paragraph (1), taking into account—

"(A) the location, size, and other physical characteristics of the land;

"(B) the extent to which the land contains wildlife and wildlife habitat; and

"(C) the purposes of the conservation reserve program.

"(3) Payment limitation.—Notwithstanding the amount of a rental payment limited by section 1234(c)(2) and specified in a contract entered into under this chapter, the Secretary shall reduce the amount of the rental payment paid to an owner or operator of land on which 1 or more wind turbines are installed under this subsection by an amount determined by the Secretary to be commensurate with the value of the reduction of benefit gained by enrollment of the land in the conservation reserve program.".

(i) Additional Eligible Practices.—Section 1234 of the Food Security Act of 1985 (16 U.S.C. 3834) is amended by adding at the end the following:

"(i) Payments.—

"(1) In general.—Subject to paragraph (2), the Secretary shall provide signing and practice incentive payments under the conservation reserve program to owners and operators that implement a practice under—

"(A) the program to establish conservation buffers described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109) or a successor program; or

"(B) the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) or a successor program.

"(2) Other practices.—The Secretary shall administer paragraph (1) in a manner that does not reduce the amount of payments made by the Secretary for other practices under the conservation reserve program.".

(j) Payments.—Section 1239C(f) of the Food Security Act of 1985 (16 U.S.C. 3839c(f)) is amended by adding at the end the following:

"(5) Exception.—Paragraph (1) shall not apply to any land enrolled in—

"(A) the program to establish conservation buffers described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109) or a successor program; or

"(B) the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) or a successor program.".

(k) County Participation.—Section 1243(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3843(b)(1)) is amended by striking "The Secretary" and inserting "Except for land enrolled under continuous signup (as described in section 1231(b)(6)), the Secretary".

(l) Study on Economic Effects.—

(1) In general.—Not later than 270 days after the date of enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the economic and social effects on rural communities resulting from the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(2) Components.—The study under paragraph (1) shall include analyses of—

(A) the impact that enrollments in the conservation reserve program described in that paragraph have on rural businesses, civic organizations, and community services (such as schools, public safety, and infrastructure), particularly in communities with a large percentage of whole farm enrollments;

(B) the effect that those enrollments have on rural population and beginning farmers (including a description of any connection between the rate of enrollment and the incidence of absentee ownership); and

(C)(i) the manner in which differential per acre payment rates potentially impact the types of land (by productivity) enrolled;

(ii) changes to the per acre payment rates that may affect that impact; and

(iii) the manner in which differential per acre payment rates could facilitate retention of productive agricultural land in agriculture.

SEC. 213. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

(a) In General.—Chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.) is amended to read as follows:

"SEC. 1240. PURPOSES.

"The purposes of the environmental quality incentives program established by this chapter are to promote agricultural production and environmental quality as compatible national goals, and to maximize environmental benefits per dollar expended, by—

"(1) assisting producers in complying with—

"(A) this title;

"(B) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(C) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(D) the Clean Air Act (42 U.S.C. 7401 et seq.); and

"(E) other Federal, State, tribal, and local environmental laws (including regulations);

"(2) avoiding, to the maximum extent practicable, the need for resource and regulatory programs by assisting producers in protecting soil, water, air, and related natural resources and meeting environmental quality criteria established by Federal, State, tribal, and local agencies;

"(3) providing flexible technical and financial assistance to producers to install and maintain conservation systems that enhance soil, water, related natural resources (including grazing land and wetland), and wildlife while sustaining production of food and fiber;

"(4) assisting producers to make beneficial, cost effective changes to cropping systems, grazing management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural land;

"(5) facilitating partnerships and joint efforts among producers and governmental and nongovernmental organizations; and

"(6) consolidating and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.

"SEC. 1240A. DEFINITIONS.

"In this chapter:

"(1) Beginning farmer or rancher.—The term 'beginning farmer or rancher' has the meaning provided under section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999(a)).

"(2) Comprehensive nutrient management.—

"(A) In general.—The term 'comprehensive nutrient management' means any combination of structural practices, land management practices, and management activities associated with crop or livestock production described in subparagraph (B) that collectively ensure that the purposes of crop or livestock production and preservation of natural resources (especially the preservation and enhancement of water quality) are compatible.

"(B) Elements.—For the purpose of subparagraph (A), structural practices, land management practices, and management activities associated with livestock production are—

"(i) manure and wastewater handling and storage;

"(ii) manure processing, composting, or digestion for purposes of capturing emissions, concentrating nutrients for transport, destroying pathogens or otherwise improving the environmental safety and beneficial uses of manure;

"(iii) land treatment practices;

"(iv) nutrient management;

"(v) recordkeeping;

"(vi) feed management; and

"(vii) other waste utilization options.

"(C) Practice.—

"(i) Planning.—The development of a comprehensive nutrient management plan shall be a practice that is eligible for incentive payments and technical assistance under this chapter.

"(ii) Implementation.—The implementation of a comprehensive nutrient plan shall be accomplished through structural and land management practices identified in the plan.

"(iii) Requirement.—A comprehensive nutrient management plan shall meet all Federal, State, and local water quality and public health goals and regulations, and in the case of a large confined livestock operation (as defined by the Secretary), shall include all necessary and essential land treatment practices as determined by the Secretary.

"(3) Eligible land.—The term 'eligible land' means agriculture land (including cropland, grassland, rangeland, pasture, private nonindustrial forest land and other land on which crops or livestock are produced), including agricultural land that the Secretary determines poses a serious threat to soil, water, or related resources by reason of the soil types, terrain, climatic, soil, topographic, flood, or saline characteristics, or other factors or natural hazards.

"(4) Innovative technology.—The term 'innovative technology' means a new conservation technology that, as determined by the Secretary—

"(A) maximizes environmental benefits;

"(B) complements agricultural production; and

"(C) may be adopted in a practical manner.

"(5) LAND MANAGEMENT PRACTICES.—The term 'land management practice' means a site-specific nutrient or manure management, integrated pest management, irrigation management, tillage or residue management, grazing management, air quality management, or other land management practice carried out on eligible land that the Secretary determines is needed to protect from degradation, in the most cost-effective manner, water, soil, or related resource.

"(6) LIVESTOCK.—The term 'livestock' means dairy cattle, beef cattle, laying hens, broilers, turkeys, swine, sheep, and other such animals as are determined by the Secretary.

"(7) MANAGED GRAZING.—The term 'managed grazing' means the application of 1 or more practices that involve the frequent rotation of animals on grazing land to—

"(A) enhance plant health;

"(B) limit soil erosion;

"(C) protect ground and surface water quality; or

"(D) benefit wildlife.

"(8) MAXIMIZE ENVIRONMENTAL BENEFITS PER DOLLAR EXPENDED.—

"(A) IN GENERAL.—The term 'maximize environmental benefits per dollar expended' means to maximize environmental benefits to the extent the Secretary determines is practicable and appropriate, taking into account the amount of funding made available to carry out this chapter.

"(B) LIMATATION.—The term 'maximize environmental benefits per dollar expended' does not require the Secretary—

"(i) to require the adoption of the least cost practice or technical assistance; or

"(ii) to require the development of a plan under section 1240E as part of an application for payments or technical assistance.

"(9) PRACTICE.—The term 'practice' means 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices.

"(10) PRODUCER.—

"(A) IN GENERAL.—The term 'producer' means an owner, operator, landlord, tenant, or sharecropper that—

"(i) shares in the risk of producing any crop or livestock; and

"(ii) is entitled to share in the crop or livestock available for marketing from a farm (or would have shared had the crop or livestock been produced).

"(B) HYBRID SEED GROWERS.—In determining whether a grower of hybrid seed is a producer, the Secretary shall not take into consideration the existence of a hybrid seed contract.

"(11) PROGRAM.—The term 'program' means the environmental quality incentives program comprised of sections 1240 through 1240J.

"(12) STRUCTURAL PRACTICE.—The term 'structural practice' means—

"(A) the establishment on eligible land of a site-specific animal waste management facility, terrace, grassed waterway, contour grass strip, filterstrip, tailwater pit, permanent wildlife habitat, constructed wetland, or other structural practice that the Secretary determines is needed to protect, in the most cost effective manner, water, soil, or related resources from degradation; and

"(B) the capping of abandoned wells on eligible land.

"SEC. 1240B. ESTABLISHMENT AND ADMINISTRATION OF ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—During each of the 2002 through 2006 fiscal years, the Secretary shall provide technical assistance, cost-share payments, and incentive payments to producers that enter into contracts with the Secretary under the program.

"(2) ELIGIBLE PRACTICES.—

"(A) STRUCTURAL PRACTICES.—A producer that implements a structural practice shall be eligible for any combination of technical assistance, cost-share payments, and education.

"(B) LAND MANAGEMENT PRACTICES.—A producer that performs a land management practice shall be eligible for any combination of technical assistance, incentive payments, and education.

"(C) COMPREHENSIVE NUTRIENT MANAGEMENT PLANNING.—A producer that develops a comprehensive nutrient management plan shall be eligible for any combination of technical assistance, incentive payments, and education.

"(3) EDUCATION.—The Secretary may provide conservation education at national, State, and local levels consistent with the purposes of the program to—

"(A) any producer that is eligible for assistance under the program; or

"(B) any producer that is engaged in the production of an agricultural commodity.

"(b) APPLICATION AND TERM.—With respect to practices implemented under this program—

"(1) a contract between a producer and the Secretary may—

"(A) apply to 1 or more structural practices, land management practices, and comprehensive nutrient management planning practices; and

"(B) have a term of not less that 3, or more than 10 years, as determined appropriate by the Secretary, depending on the practice or practices that are the basis of the contract;

"(2) a producer may not enter into more than 1 contract for structural practices involving livestock nutrient management during the period of fiscal years 2002 through 2006; and

"(3) a producer that has an interest in more than 1 large confined livestock operation, as defined by the Secretary, may not enter into more than 1 contract for cost-share payments for a storage or treatment facility, or associated waste transport or transfer device, to manage manure, process wastewater, or other animal waste generated by the large confined livestock feeding operation.

"(c) APPLICATION AND EVALUATION.—

"(1) IN GENERAL.—The Secretary shall establish an application and evaluation process for awarding technical assistance, cost-share payments and incentive payments to a producer in exchange for the performance of 1 or more practices that maximize environmental benefits per dollar expended.

"(2) COMPARABLE ENVIRONMENTAL VALUE.—

"(A) IN GENERAL.—The Secretary shall establish a process for selecting applications for technical assistance, cost-share payments, and incentive payments in any case in which there are numerous applications for assistance for practices that would provide substantially the same level of environmental benefits.

"(B) CRITERIA.—The process under subparagraph (A) shall be based on—

"(i) a reasonable estimate of the projected cost of the proposals described in the applications; and

"(ii) the priorities established under the program, and other factors, that maximize environmental benefits per dollar expended.

"(3) CONSENT OF OWNER.—If the producer making an offer to implement a structural practice is a tenant of the land involved in agricultural production, for the offer to be acceptable, the producer shall obtain the consent of the owner of the land with respect to the offer.

"(4) BIDDING DOWN.—If the Secretary determines that the environmental values of 2 or more applications for technical assistance, cost-share payments, or incentive payments are comparable, the Secretary shall not assign a higher priority to the application only because it would present the least cost to the program established under the program.

"(d) COST-SHARE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the cost-share payments provided to a producer proposing to implement 1 or more practices under the program shall be not more than 75 percent of the cost of the practice, as determined by the Secretary.

"(2) EXCEPTIONS.—

"(A) LIMITED RESOURCE AND BEGINNING FARMERS.—The Secretary may increase the amount provided to a producer under paragraph (1) to not more than 90 percent if the producer is a limited resource or beginning farmer or rancher, as determined by the Secretary.

"(B) COST-SHARE ASSISTANCE FROM OTHER SOURCES.—Except as provided in paragraph (3), any cost-share payments received by a producer from a State or private organization or person for the implementation of 1 or more practices on eligible land of the producer shall be in addition to the payments provided to the producer under paragraph (1).

"(3) OTHER PAYMENTS.—A producer shall not be eligible for cost-share payments for practices on eligible land under the program if the producer receives cost-share payments or other benefits for the same practice on the same land under chapter 1 and the program.

"(e) INCENTIVE PAYMENTS.—The Secretary shall make incentive payments in an amount and at a rate determined by the Secretary to be necessary to encourage a producer to perform 1 or more practices.

"(f) TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall allocate funding under the program for the provision of technical assistance according to the purpose and projected cost for which the technical assistance is provided for a fiscal year.

"(2) AMOUNT.—The allocated amount may vary according to—

"(A) the type of expertise required;

"(B) the quantity of time involved; and

"(C) other factors as determined appropriate by the Secretary.

"(3) LIMITATION.—Funding for technical assistance under the program shall not exceed the projected cost to the Secretary of the technical assistance provided for a fiscal year.

"(4) OTHER AUTHORITIES.—The receipt of technical assistance under the program shall not affect the eligibility of the producer to receive technical assistance under other authorities of law available to the Secretary.

"(5) INCENTIVE PAYMENTS FOR TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—A producer that is eligible to receive technical assistance for a practice involving the development of a comprehensive nutrient management plan may obtain an incentive payment that can be used to obtain technical assistance associated with the development of any component of the comprehensive nutrient management plan.

"(B) PURPOSE.—The purpose of the payment shall be to provide a producer the option of obtaining technical assistance for developing any component of a comprehensive nutrient management plan from a certified provider.

"(C) PAYMENT.—The incentive payment shall be—

"(i) in addition to cost-share or incentive payments that a producer would otherwise receive for structural practices and land management practices;

"(ii) used only to procure technical assistance from a certified provider that is necessary to develop any component of a comprehensive nutrient management plan; and

"(iii) in an amount determined appropriate by the Secretary, taking into account—

‘‘(I) the extent and complexity of the technical assistance provided;

‘‘(II) the costs that the Secretary would have incurred in providing the technical assistance; and

‘‘(III) the costs incurred by the private provider in providing the technical assistance.

‘‘(D) ELIGIBLE PRACTICES.—The Secretary may determine, on a case by case basis, whether the development of a comprehensive nutrient management plan is eligible for an incentive payment under this paragraph.

‘‘(E) CERTIFICATION BY SECRETARY.—

‘‘(i) IN GENERAL.—Only persons that have been certified by the Secretary under section 1244(f)(3) shall be eligible to provide technical assistance under this subsection.

‘‘(ii) QUALITY ASSURANCE.—The Secretary shall ensure that certified providers are capable of providing technical assistance regarding comprehensive nutrient management in a manner that meets the specifications and guidelines of the Secretary and that meets the needs of producers under the program.

‘‘(F) ADVANCE PAYMENT.—On the determination of the Secretary that the proposed comprehensive nutrient management of a producer is eligible for an incentive payment, the producer may receive a partial advance of the incentive payment in order to procure the services of a certified provider.

‘‘(G) FINAL PAYMENT.—The final installment of the incentive payment shall be payable to a producer on presentation to the Secretary of documentation that is satisfactory to the Secretary and that demonstrates—

‘‘(i) completion of the technical assistance; and

‘‘(ii) the actual cost of the technical assistance.

‘‘(g) MODIFICATION OR TERMINATION OF CONTRACTS.—

‘‘(1) VOLUNTARY MODIFICATION OR TERMINATION.—The Secretary may modify or terminate a contract entered into with a producer under this chapter if—

‘‘(A) the producer agrees to the modification or termination; and

‘‘(B) the Secretary determines that the modification or termination is in the public interest.

‘‘(2) INVOLUNTARY TERMINATION.—The Secretary may terminate a contract under this chapter if the Secretary determines that the producer violated the contract.

“SEC. 1240C. EVALUATION OF OFFERS AND PAYMENTS.

‘‘(a) IN GENERAL.—In evaluating applications for technical assistance, cost-share payments, and incentive payments, the Secretary shall accord a higher priority to assistance and payments that—

‘‘(1) maximize environmental benefits per dollar expended; and

‘‘(2)(A) address national conservation priorities, including—

‘‘(i) meeting Federal, State, and local environmental purposes focused on protecting air and water quality, including assistance to production systems and practices that avoid subjecting an operation to Federal, State, or local environmental regulatory systems;

‘‘(ii) applications from livestock producers using managed grazing systems and other pasture and forage based systems;

‘‘(iii) comprehensive nutrient management;

‘‘(iv) water quality, particularly in impaired watersheds;

‘‘(v) soil erosion;

‘‘(vi) air quality; or

‘‘(vii) pesticide and herbicide management or reduction;

‘‘(B) are provided in conservation priority areas established under section 1230(c);

‘‘(C) are provided in special projects under section 1243(f)(4) with respect to which State or local governments have provided, or will provide, financial or technical assistance to producers for the same conservation or environmental purposes; or

‘‘(D) an innovative technology in connection with a structural practice or land management practice.

“SEC. 1240D. DUTIES OF PRODUCERS.

‘‘To receive technical assistance, cost-share payments, or incentive payments under the program, a producer shall agree—

‘‘(1) to implement an environmental quality incentives program plan that describes conservation and environmental purposes to be achieved through 1 or more practices that are approved by the Secretary;

‘‘(2) not to conduct any practices on the farm or ranch that would tend to defeat the purposes of the program;

‘‘(3) on the violation of a term or condition of the contract at anytime the producer has control of the land—

‘‘(A) if the Secretary determines that the violation warrants termination of the contract—

‘‘(i) to forfeit all rights to receive payments under the contract; and

‘‘(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary; or

‘‘(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

‘‘(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all cost-share payments and incentive payments received under the program, as determined by the Secretary;

‘‘(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program;

‘‘(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan; and

‘‘(7) to submit a list of all confined livestock feeding operations wholly or partially owned or operated by the applicant.

“SEC. 1240E. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM PLAN.

‘‘(a) IN GENERAL.—To be eligible to receive technical assistance, cost-share payments, or incentive payments under the program, a producer of a livestock or agricultural operation shall submit to the Secretary for approval a plan of operations that specifies practices covered under the program, and is based on such terms and conditions, as the Secretary considers necessary to carry out the program, including a description of the practices to be implemented and the purposes to be met by the implementation of the plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan, and in the case of confined livestock feeding operations, development and implementation of a comprehensive nutrient management plan.

‘‘(b) AVOIDANCE OF DUPLICATION.—The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program and comparable conservation programs.

“SEC. 1240F. DUTIES OF THE SECRETARY.

‘‘To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

‘‘(1) providing technical assistance in developing and implementing the plan;

‘‘(2) providing technical assistance, cost-share payments, or incentive payments for developing and implementing 1 or more practices, as appropriate;

‘‘(3) providing the producer with information, education, and training to aid in implementation of the plan; and

‘‘(4) encouraging the producer to obtain technical assistance, cost-share payments, or grants from other Federal, State, local, or private sources.

“SEC. 1240G. LIMITATION ON PAYMENTS.

‘‘(a) IN GENERAL.—Subject to subsection (b), the total amount of cost-share and incentive payments paid to a producer under this chapter shall not exceed—

‘‘(1) $30,000 for any fiscal year, regardless of whether the producer has more than 1 contract under this chapter for the fiscal year;

‘‘(2) $90,000 for a contract with a term of 3 years;

‘‘(3) $120,000 for a contract with a term of 4 years; or

‘‘(4) $150,000 for a contract with a term of more than 4 years.

‘‘(b) ATTRIBUTION.—An individual or entity shall not receive, directly or indirectly, total payments from single or multiple contracts under this chapter that exceed $30,000 for any fiscal year.

‘‘(c) EXCEPTION TO ANNUAL LIMIT.—The Secretary may exceed the limitation on the annual amount of a payment to a producer under subsection (a)(1) if the Secretary determines that a larger payment is—

‘‘(1) essential to accomplish the land management practice or structural practice for which the payment is made to the producer; and

‘‘(2) consistent with the maximization of environmental benefits per dollar expended and the purposes of this chapter.

‘‘(d) VERIFICATION.—The Secretary shall identify individuals and entities that are eligible for a payment under the program using social security numbers and taxpayer identification numbers, respectively.

“SEC. 1240H. CONSERVATION INNOVATION GRANTS.

‘‘(a) IN GENERAL.—From funds made available to carry out the program, for each of the 2003 through 2006 fiscal years, the Secretary shall use not more than $100,000,000 for each fiscal year to pay the cost of competitive grants that are intended to stimulate innovative approaches to leveraging Federal investment in environmental enhancement and protection, in conjunction with agricultural production, through the program.

‘‘(b) USE.—The Secretary may award grants under this section to governmental and nongovernmental organizations and persons, on a competitive basis, to carry out projects that—

‘‘(1) involve producers that are eligible for payments or technical assistance under the program;

‘‘(2) implement innovative projects, such as—

‘‘(A) market systems for pollution reduction;

‘‘(B) promoting agricultural best management practices, including the storing of carbon in the soil;

‘‘(C) protection of source water for human consumption; and

‘‘(D) reducing negative effects on watersheds, including through the significant reduction in nutrient applications, as determined by the Secretary; and

‘‘(3) leverage funds made available to carry out the program with matching funds provided by State and local governments and private organizations to promote environmental enhancement and protection in conjunction with agricultural production.

‘‘(c) COST SHARE.—The amount of a grant made under this section to carry out a project

shall not exceed 50 percent of the cost of the project.

"(d) UNUSED FUNDING.—Any funds made available for a fiscal year under this section that are not obligated by April 1 of the fiscal year may be used to carry out other activities under this chapter during the fiscal year in which the funding becomes available.

"SEC. 1240I. SOUTHERN HIGH PLAINS AQUIFER GROUNDWATER CONSERVATION.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ACTIVITY.—

"(A) IN GENERAL.—The term 'eligible activity' means an activity carried out to conserve groundwater.

"(B) INCLUSIONS.—The term 'eligible activity' includes an activity to—

"(i) improve an irrigation system;

"(ii) reduce the use of water for irrigation (including changing from high-water intensity crops to low-water intensity crops); or

"(iii) convert from farming that uses irrigation to dryland farming.

"(2) SOUTHERN HIGH PLAINS AQUIFER.—The term 'Southern High Plains Aquifer' means the portion of the groundwater reserve under Kansas, New Mexico, Oklahoma, and Texas depicted as Figure 1 in the United States Geological Survey Professional Paper 1400–B, entitled 'Geohydrology of the High Plains Aquifer in Parts of Colorado, Kansas, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming'.

"(b) CONSERVATION MEASURES.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide cost-share payments, incentive payments, and groundwater education assistance to producers that draw water from the Southern High Plains Aquifer to carry out eligible activities.

"(2) LIMITATIONS.—The Secretary shall provide a payment to a producer under this section only if the Secretary determines that the payment will result in a net savings in groundwater resources on the land of the producer.

"(3) COOPERATION.—In accordance with this subtitle, in providing groundwater education under this subsection, the Secretary shall cooperate with—

"(A) States;

"(B) land-grant colleges and universities;

"(C) other educational institutions;

"(D) State cooperative extension services; and

"(E) private organizations.

"(c) FUNDING.—

"(1) IN GENERAL.—Of the funds made available under section 1241(b) to carry out the program, the Secretary shall use to carry out this section—

"(A) $15,000,000 for fiscal year 2003;

"(B) $25,000,000 for each of fiscal years 2004 and 2005;

"(C) $35,000,000 for fiscal year 2006; and

"(D) $0 for fiscal year 2007.

"(2) OTHER FUNDS.—Subject to paragraph (3), the funds made available under this subsection shall be in addition to any other funds provided under the program.

"(3) UNUSED FUNDING.—Any funds made available for a fiscal year under paragraph (1) that are not obligated by April 1 of the fiscal year shall be used to carry out other activities in other States under the program.

"SEC. 1240J. PILOT PROGRAMS.

"(a) DRINKING WATER SUPPLIERS PILOT PROGRAM.—

"(1) IN GENERAL.—For each fiscal year, the Secretary may carry out, in watersheds selected by the Secretary, in cooperation with local water utilities, a pilot program to improve water quality.

"(2) IMPLEMENTATION.—The Secretary may select the watersheds referred to in paragraph (1), and make available funds (including funds for the provision of incentive payments) to be allocated to producers in partnership with drinking water utilities in the watersheds, if the drinking water utilities agree to measure water quality at such intervals and in such a manner as may be determined by the Secretary.

"(b) NUTRIENT REDUCTION PILOT PROGRAM.—

"(1) DEFINITION OF CHESAPEAKE EXECUTIVE COUNCIL.—In this subsection, the term 'Chesapeake Executive Council' means the Federal-State council—

"(A) comprised of—

"(i) the mayor of the District of Columbia;

"(ii) the Governors of the States of Maryland, Pennsylvania, and Virginia;

"(iii) the Administrator of the Environmental Protection Agency; and

"(iv) the Chair of the Chesapeake Bay Commission; and

"(B) charged with the policy leadership, coordination, and implementation of the regionwide Chesapeake Bay Program restoration effort.

"(2) PROGRAM.—For each of fiscal years 2003 through 2006, the Secretary shall use funds made available to carry out the program, in the amounts specified in paragraph (5), in the Chesapeake Bay watershed to provide incentive payments to producers to—

"(A) reduce nutrient loads to the Chesapeake Bay; and

"(B) achieve the goals of the Chesapeake Executive Council.

"(3) PRIORITY; MEASUREMENT; PAYMENTS.—In carrying out paragraph (2), the Secretary shall—

"(A) give priority to nutrient reduction techniques that reduce nutrient applications rates to a level that is substantially below the level recommended in a best management practice (as identified by the Secretary);

"(B) measure any reduction in nutrient application rates by an appropriate indicator of actual performance (such as the level of nutrients applied or fixed in excess of crop removal); and

"(C) increase the amount of an incentive payment to a producer to reflect superior performance by the producer.

"(4) PARTNERSHIPS.—The Secretary shall carry out this subsection in partnership with—

"(A) State governments;

"(B) nonprofit organizations approved by the Secretary; and

"(C) State colleges and universities.

"(5) FUNDING.—

"(A) IN GENERAL.—Of the amounts made available under section 1241(b) to carry out the program, the Secretary shall use to carry out this subsection—

"(i) $10,000,000 for fiscal year 2003;

"(ii) $15,000,000 for fiscal year 2004;

"(iii) $20,000,000 for fiscal year 2005;

"(iv) $25,000,000 for fiscal year 2006; and

"(v) $0 for fiscal year 2007.

"(B) UNEXPENDED FUNDS.—Any funds made available for a fiscal year under subparagraph (A) that are not obligated by April 1 of the fiscal year shall be used to carry out other activities under this chapter.

"(c) CONSISTENCY WITH WATERSHED PLAN.—In allocating funds for the pilot programs under subsections (a) and (b) and any other pilot programs carried out under the program, the Secretary shall take into consideration the extent to which an application for the funds is consistent with—

"(1) any applicable locally developed watershed plan; and

"(2) the factors established by section 1240C.

"(d) CONTRACTS.—

"(1) IN GENERAL.—In carrying out this section, in addition to other requirements under the program, the Secretary shall enter into contracts in accordance with this section with producers the activities of which affect water quality (including the quality of public drinking water supplies) to implement and maintain—

"(A) nutrient management;

"(B) pest management;

"(C) soil erosion practices; and

"(D) other conservation activities that protect water quality and human health.

"(2) REQUIREMENTS.—A contract described in paragraph (1) shall—

"(A) describe the specific nutrient management, pest management, soil erosion, or other practices to be implemented, maintained, or improved;

"(B) contain a schedule of implementation for those practices;

"(C) to the maximum extent practicable, address water quality priorities of the watershed in which the operation is located; and

"(D) contain such other terms as the Secretary determines to be appropriate.".

(b) FUNDING.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) is amended by striking subsection (b) and inserting the following:

"(b) ENVIRONMENTAL QUALITY INCENTIVES PROGRAM.—Subject to section 241 of the Agriculture, Conservation, and Rural Enhancement Act of 2002, of the funds of the Commodity Credit Corporation, the Secretary shall make available to provide technical assistance, cost-share payments, incentive payments, bonus payments, grants, and education under the environmental quality incentives program under chapter 4 of subtitle D, to remain available until expended—

"(1) $500,000,000 for fiscal year 2002;

"(2) $1,300,000,000 for fiscal year 2003;

"(3) $1,450,000,000 for each of fiscal years 2004 and 2005;

"(4) $1,500,000,000 for fiscal year 2006; and

"(5) $850,000,000 for fiscal year 2007.".

(c) REIMBURSEMENTS.—Section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) is amended in the last sentence by inserting "but excluding transfers and allotments for conservation technical assistance" after "activities".

SEC. 214. WETLANDS RESERVE PROGRAM.

(a) TECHNICAL ASSISTANCE.—Section 1237(a) of the Food Security Act of 1985 (16 U.S.C. 3837(a)) is amended by inserting "(including the provision of technical assistance)" before the period at the end.

(b) MAXIMUM ENROLLMENT.—Section 1237(b) of the Food Security Act of 1985 (16 U.S.C. 3837(b)) is amended by striking paragraph (1) and inserting the following:

"(1) MAXIMUM ENROLLMENT.—

"(A) IN GENERAL.—The total number of acres enrolled in the wetlands reserve program shall not exceed 2,225,000 acres, of which, to the maximum extent practicable subject to subparagraph (B), the Secretary shall enroll 250,000 acres in each calendar year.

"(B) WETLANDS RESERVE ENHANCEMENT ACREAGE.—Of the acreage enrolled under subparagraph (A) for a calendar year, not more than 25,000 acres may be enrolled in the wetlands reserve enhancement program described in subsection (h).".

(c) REAUTHORIZATION.—Section 1237(c) of the Food Security Act of 1985 (16 U.S.C. 3837(c)) is amended by striking "2002" and inserting "2006".

(d) WETLANDS RESERVE ENHANCEMENT PROGRAM.—Section 1237 of the Food Security Act of 1985 (16 U.S.C. 3837) is amended by adding at the end the following:

"(h) WETLANDS RESERVE ENHANCEMENT PROGRAM.—

"(1) IN GENERAL.—Notwithstanding the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.), the Secretary may enter into cooperative agreements with State or

local governments, and with private organizations, to develop, on land that is enrolled, or is eligible to be enrolled, in the wetland reserve established under this subchapter, wetland restoration activities in watershed areas.

"(2) PURPOSE.—The purpose of the agreements shall be to address critical environmental issues.

"(3) RELATIONSHIP TO OTHER AUTHORITIES.—Nothing in this subsection limits the authority of the Secretary to enter into a cooperative agreement with a party under which agreement the Secretary and the party—

"(A) share a mutual interest in the program under this subchapter; and

"(B) contribute resources to accomplish the purposes of that program.".

(e) MONITORING AND MAINTENANCE.—Section 1237C(a)(2) of the Food Security Act of 1985 (16 U.S.C. 3837c(a)(2)) is amended by striking "assistance" and inserting "assistance (including monitoring and maintenance)".

SEC. 215. WATER CONSERVATION.

(a) IN GENERAL.—Section 1231(d) of the Food Security Act of 1985 (16 U.S.C. 3831(d)) (as amended by section 212(c)) is amended by striking "41,100,000" and inserting "40,000,000".

(b) ADDITIONAL WATER CONSERVATION ACREAGE UNDER CONSERVATION RESERVE ENHANCEMENT PROGRAM.—Section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) (as amended by section 212(f)) is amended by adding at the end the following:

"(j) ADDITIONAL WATER CONSERVATION ACREAGE UNDER CONSERVATION RESERVE ENHANCEMENT PROGRAM.—

"(1) DEFINITIONS.—In this subsection:

"(A) ELIGIBLE ENTITY.—

"(i) IN GENERAL.—The term 'eligible entity' means—

"(I)(aa) an owner or operator of agricultural land; or

"(bb) a person or entity that holds water rights in accordance with or recognized by State law (including a beneficial owner of water rights in accordance with State law through direct contract with the individual or entity having legal title to the water rights); and

"(II) any other landowner.

"(ii) INCLUSIONS.—The term 'eligible entity' includes an irrigation district, water district, or similar governmental entity in the State of California.

"(B) PROGRAM.—The term 'program' means the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965).

"(2) PROTECTION OF PRIVATE PROPERTY RIGHTS.—

"(A) WILLING SELLERS AND LESSORS.—An agreement may be executed under this subsection only if each eligible entity that is a party to the agreement is a willing seller or willing lessor.

"(B) PROPERTY RIGHTS.—Nothing in this subsection authorizes the Federal Government or any State government to condemn private property.

"(3) ENROLLMENT.—In addition to the acreage authorized to be enrolled under subsection (d), in carrying out the program, the Secretary, in consultation with eligible States, shall enroll not more than 500,000 acres in eligible States to promote water conservation.

"(4) ELIGIBLE STATES.—To be eligible to participate in the program, a State—

"(A) shall submit to the Secretary, for review and approval, a proposal that meets the requirements of the program; and

"(B) shall—

"(i) have established a program or system to protect in-stream flows or uses; and

"(ii) agree to hold water rights leased or purchased under a proposal submitted under subparagraph (A).

"(5) ELIGIBLE ACREAGE.—An eligible entity may enroll in the program land in an eligible State that is adjacent to a watercourse or lake, or land that would contribute to the restoration of a watercourse or lake (as determined by the Secretary), if—

"(A)(i) the land can be restored as a wetland, grassland, or other habitat, as determined by the Secretary in accordance with the field office technical guides and handbooks of the Natural Resources Conservation Service; and

"(ii) the restoration would significantly improve riparian functions, as determined by the Secretary; or

"(B) water or water rights appurtenant to the land are leased or sold to an appropriate State agency or State-designated water trust, as determined by the Secretary.

"(6) RELATIONSHIP TO OTHER ACREAGE.—For any fiscal year, acreage enrolled under this subsection shall not affect the quantity of—

"(A) acreage enrolled to establish conservation buffers as part of the program described in a notice issued on March 24, 1998 (63 Fed. Reg. 14109);

"(B) acreage enrolled in the program before the date of enactment of this subsection; or

"(C) acreage that, as of the date of enactment of this subsection, is committed by the Secretary for enrollment in the program in any State.

"(7) DUTIES OF ELIGIBLE ENTITIES.—Under a contract entered into with respect to enrolled land under the program, during the term of the contract, an eligible entity shall agree—

"(A)(i) to restore the hydrology of the enrolled land to the maximum extent practicable, as determined by the Secretary; and

"(ii) to establish on the enrolled land wetland, grassland, vegetative cover, or other habitat, as determined by the Secretary; or

"(B) to transfer to the State, or a designee of the State, water rights appurtenant to the enrolled land.

"(8) RENTAL RATES.—

"(A) IRRIGATED LAND.—With respect to irrigated land enrolled in the program, the rental rate shall be established by the Secretary—

"(i) on a watershed basis;

"(ii) using data available as of the date on which the rental rate is established; and

"(iii) at a level sufficient to ensure, to the maximum extent practicable, that the eligible entity is fairly compensated for the irrigated land value of the enrolled land.

"(B) NONIRRIGATED LAND.—With respect to nonirrigated land enrolled in the program, the rental rate shall be calculated by the Secretary, in accordance with the conservation reserve program manual of the Department.

"(C) APPLICABILITY.—An eligible entity that enters into a contract to enroll land into the program shall receive, in exchange for the enrollment, payments that are based on—

"(i) the irrigated rental rate described in subparagraph (A), if the owner or operator agrees to enter into an agreement with the State and approved by the Secretary under which the State leases, for in-stream flow purposes or uses, surface water appurtenant to the enrolled land; or

"(ii) the nonirrigated rental rate described in subparagraph (B), if an owner or operator does not enter into an agreement described in clause (i).

"(9) PRIORITY.—In carrying out this subsection, the Secretary shall give priority consideration to any State proposal that—

"(A) provides a State or non-Federal share of 20 percent or more of the cost of the proposal; and

"(B) significantly advances the goals of Federal, State, tribal, and local fish, wildlife, and plant conservation plans, including—

"(i) plans that address—

"(I) multiple endangered species or threatened species (as defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)); or

"(II) species that may become threatened or endangered if conservation measures are not carried out;

"(ii) agreements entered into, or conservation plans submitted, under section 6 or 10(a)(2)(A), respectively, of the Endangered Species Act of 1973 (16 U.S.C. 1535, 1539(a)(2)(A)); or

"(iii) plans that provide benefits to the fish, wildlife, or plants located in 1 or more—

"(I) refuges within the National Wildlife Refuge System; or

"(II) State wildlife management areas.

"(10) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with—

"(A) the Secretary of the Interior;

"(B) eligible States;

"(C) affected Indian tribes; and

"(D) any affected irrigation districts established or recognized under State law.

"(11) STATE WATER LAW.—Nothing in this subsection—

"(A) preempts any State water law;

"(B) affects any litigation concerning the right or entitlement to, or lack of right or entitlement to, water that is pending as of the date of enactment of this subsection;

"(C) expands, alters, or otherwise affects the existence or scope of any water right of any individual (except to the extent that the individual agrees otherwise under the program); or

"(D) authorizes or entitles the Federal Government to hold or purchase any water right.

"(12) IMPLEMENTATION.—In carrying out this subsection, the Secretary shall comply with—

"(A) all interstate compacts, court decrees, and Federal and State laws (including regulations) that may affect water or water rights; and

"(B) all procedural and substantive State water law.

"(13) CALIFORNIA WATER LAW.—

"(A) IN GENERAL.—Nothing in this subsection authorizes the Secretary to enter into an agreement, in accordance with this subsection, with a landowner for water obtained from an irrigation district, water district, or other similar governmental entity in the State of California.

"(B) DISTRICT PROGRAMS.—All landowners participating in the program through membership in a district or entity described in subparagraph (A) shall be willing participants in the program.

"(14) GROUNDWATER.—A right to groundwater shall not be subject to any provision of this subsection unless the right is granted—

"(A) under applicable State law; and

"(B) through a groundwater water rights process that is fully integrated with the surface water rights process of the applicable affected State.

"(15) PROHIBITION ON FEDERAL PURCHASE, LEASE, AND RETENTION OF WATER RIGHTS.—No water rights under this subsection shall be purchased, leased, or held by the Secretary or any other officer or agent of the Federal Government.

"(16) STATE FLEXIBILITY.—With respect to State participation in the program—

"(A) nothing in this subsection limits any State application to participate in the program; and

"(B) the Secretary shall accord States full flexibility to carry out projects and activities under the program.

"(17) ELIGIBLE STATES.—Eligible States under this program shall include only Nevada, California, New Mexico, Washington, Oregon, Maine and New Hampshire.".

(c) WATER BENEFITS PROGRAM.—Subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) is amended by adding at the end the following:

"CHAPTER 6—WATER CONSERVATION

"SEC. 1240R. WATER BENEFITS PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—

"(A) IN GENERAL.—The term 'eligible entity' means—

"(i)(I) an owner or operator of agricultural land; or

"(II) a person or entity that holds water rights in accordance with or recognized by State law (including a beneficial owner of water rights in accordance with State law through direct contract with the individual or entity having legal title to the water rights); and

"(ii) any other landowner.

"(B) INCLUSIONS.—The term 'eligible entity' includes an irrigation district, water district, or similar governmental entity in the State of California.

"(2) PROGRAM.—The term 'program' means the water benefits program established under subsection (b).

"(b) ESTABLISHMENT.—The Secretary, in consultation with eligible States, shall establish a program to promote water conservation, to be known as the 'water benefits program', under which the Secretary shall, through the Natural Resources Conservation Service, in consultation with eligible States, provide cost-share payments to willing eligible entities for—

"(1) in accordance with subsection (f), irrigation efficiency infrastructure or measures that provide in-stream flows for fish and wildlife and other environmental purposes or uses;

"(2) converting from production of a water-intensive crop to a crop that requires less water; or

"(3)(A) the lease, purchase, dry-year optioning, transfer, or dedication of water or water rights to provide, directly or indirectly through mechanisms consistent with State water law, in-stream flows for fish and wildlife and other environmental purposes or uses (including wetland restoration); or

"(B) the conservation, provision, and protection of water to benefit fish and wildlife under a State plan approved by the Secretary for those purposes.

"(c) PROTECTION OF PRIVATE PROPERTY RIGHTS.—

"(1) WILLING SELLERS AND LESSORS.—An agreement may be executed under this section only if each eligible entity that is a party to the agreement is a willing seller or willing lessor.

"(2) PROPERTY RIGHTS.—Nothing in this section authorizes the Federal Government or any State government to condemn private property.

"(d) ELIGIBLE STATES.—An eligible entity may receive a payment under the program if the State in which the eligible entity is located—

"(1)(A) submits to the Secretary a State plan under which the State holds and enforces water rights leased, purchased, dry-year optioned, transferred, or dedicated to provide for in-stream flows or other uses that benefit fish and wildlife; or

"(B) otherwise establishes a State program to conserve, provide, and protect water to benefit fish and wildlife approved by the Secretary;

"(2)(A) submits to the Secretary a State plan to protect in-stream flows or uses; and

"(B) obtains approval of the State programs and plans by the Secretary;

"(3) designates a State agency to administer the State programs and plans;

"(4) subjects each lease, purchase, dry-year optioning, transfer, and dedication of water and water rights to any review and approval required under State law, such as review and approval by a water board, water court, or water engineer of the State; and

"(5) ensure that each lease, purchase, dry-year optioning, transfer, and dedication of water and water rights is consistent with State water law.

"(e) ROLE OF SECRETARY.—In carrying out this section, the Secretary shall—

"(1) establish guidelines for participating States to pay a portion of the cost of assisting the conversion from production of water-intensive crops to crops that require less water;

"(2) establish guidelines, in accordance with the field office and technical guides and handbooks of the Natural Resources Conservation Service, for assisting with the cost of on-farm and off-farm irrigation efficiency infrastructure and measures described in subsection (f)(2);

"(3) establish guidelines for participating States for—

"(A) the lease, purchase, dry-year optioning, transfer, and dedication of water and water rights under State plans; or

"(B) the conservation, provision, and protection of water to benefit fish and wildlife under a program described in subsection (b)(3)(B);

"(4) establish a program within the Agricultural Research Service, in collaboration with the United States Geological Survey, to monitor State efforts under the program, including the construction and maintenance of stream gauging stations; and

"(5) consult with eligible States, the Secretary of the Interior, affected Indian tribes, and each affected irrigation district established under or recognized by State law that makes water available to a participating eligible entity, particularly with respect to the establishment and implementation of the program.

"(f) IRRIGATION EFFICIENCY INFRASTRUCTURE AND MEASURES.—

"(1) IN GENERAL.—The Secretary may pay—

"(A) not more than 75 percent of the cost of converting from production of a water-intensive crop to a crop that requires less water, as described in subsection (e)(2); and

"(B) the share determined under subsection (g) of the cost of on-farm and, in cases in which an irrigation ditch crosses more than 1 farm, off-farm irrigation efficiency infrastructure and measures described in paragraph (2) if not less than 75 percent of the water conserved as a result of the infrastructure and measures is permanently allocated, directly or indirectly, to in-stream flows or uses.

"(2) ELIGIBLE IRRIGATION EFFICIENCY INFRASTRUCTURE AND MEASURES.—Eligible irrigation efficiency land-based and fixed infrastructure and measures referred to in paragraph (1) are—

"(A) lining of ditches, insulation or installation of piping, and installation of ditch portals or gates;

"(B) tail water return systems;

"(C) low-energy precision applications;

"(D) low-flow irrigation systems, including drip and trickle systems and micro-sprinkler systems;

"(E) surge valves;

"(F) off-stream storage ponds inundating less than 5 acres that the Secretary, in consultation with the State, the Secretary of the Interior, and the Secretary of Commerce, determines to be appropriate to carry out the program;

"(G) conversion from gravity or flood irrigation to low-flow sprinkler or drip irrigation systems;

"(H) intake screens, fish passages, and conversion of diversions to pumps;

"(I) alternate furrow wetting, irrigation scheduling, and similar measures; and

"(J) such other land-based irrigation efficiency infrastructure and measures as the Secretary determines to be appropriate to carry out the program.

"(g) COST SHARING.—

"(1) IN GENERAL.—The share of the cost of converting from production of a water-intensive crop to a crop that requires less water, or of an irrigation efficiency infrastructure or measure assisted under subsection (f), that is not provided by this section—

"(A) shall be not less than 25 percent; and

"(B) shall be paid by—

"(i) a State;

"(ii) an owner or operator of a farm or ranch (including an Indian tribe); or

"(iii) a nonprofit organization;

except that at least 10 percent of the share shall be paid by the eligible entity.

"(2) INCREASED SHARE.—If an owner or operator of a farm or ranch pays 50 percent or more of the cost of converting from production of a water-intensive crop to a crop that requires less water, or of an irrigation efficiency infrastructure or measure, the owner or operator shall retain the right to use 50 percent of the water conserved by the conversion, infrastructure, or measure.

"(3) LEASING OF CONSERVED WATER.—A State shall give an eligible entity with respect to land enrolled in the program the option of leasing, or providing a dry-year option on, conserved water for 30 years.

"(4) WATER LEASE AND PURCHASE.—The cost of water or water rights that are directly leased, purchased, subject to a dry-year option, or dedicated under this section shall not be subject to the cost-sharing requirement of this subsection.

"(h) STATE PLAN APPROVAL.—In determining whether to approve a State plan under subsection (d)(3), the Secretary shall consider the extent to which the State plan significantly advances the goals of Federal, State, tribal, and local fish, wildlife, and plant conservation plans, including—

"(1) plans that address—

"(A) multiple endangered species or threatened species (as defined in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532)); or

"(B) species that may become threatened or endangered if conservation measures are not carried out;

"(2) agreements entered into, or conservation plans submitted, under section 6 or 10(a)(2)(A), respectively, of the Endangered Species Act of 1973 (16 U.S.C. 1535, 1539(a)(2)(A)); and

"(3) plans that provide benefits to the fish, wildlife, or plants located in 1 or more—

"(A) refuges within the National Wildlife Refuge System; or

"(B) State wildlife management areas.

"(i) STATE WATER LAW.—Nothing in this section—

"(1) preempts any State water law;

"(2) affects any litigation concerning the right or entitlement to, or lack of right or entitlement to, water that is pending as of the date of enactment of this section;

"(3) expands, alters, or otherwise affects the existence or scope of any water right of any individual (except to the extent that the individual agrees otherwise under the program); or

"(4) authorizes or entitles the Federal Government to hold or purchase any water right.

"(j) IMPLEMENTATION.—In carrying out this section, the Secretary shall comply with—

"(1) all interstate compacts, court decrees, and Federal and State laws (including regulations) that may affect water or water rights; and

"(2) all procedural and substantive State water law.

"(k) CALIFORNIA WATER LAW.—

"(1) IN GENERAL.—Nothing in this section authorizes the Secretary to enter into an agreement, in accordance with this section, with a landowner for water obtained from an irrigation district, water district, or other similar governmental entity in the State of California.

"(2) DISTRICT PROGRAMS.—All landowners participating in the program through membership in a district or entity described in paragraph (1) shall be willing participants in the program.

"(l) GROUNDWATER.—A right to groundwater shall not be subject to any provision of this section unless the right is granted—

"(1) under applicable State law; and

"(2) through a groundwater water rights process that is fully integrated with the surface water rights process of the applicable affected State.

"(m) PROHIBITION ON FEDERAL PURCHASE, LEASE, AND RETENTION OF WATER RIGHTS.—No water rights under this section shall be purchased, leased, or held by the Secretary or any other officer or agent of the Federal Government.

"(n) EXEMPTION FOR CERTAIN STATES.—This section shall not apply to the States of Nebraska and North Dakota.

"(o) FUNDING.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this section—

"(A) $25,000,000 for fiscal year 2002;

"(B) $52,000,000 for fiscal year 2003; and

"(C) $100,000,000 for each of fiscal years 2004 through 2006.

"(2) LIMITATION ON EXPENDITURES.—For any fiscal year, a State may expend not more than 75 percent of the funds made available to the State under the program to pay—

"(A) the cost of converting from production of a water-intensive crop to a crop that requires less water; or

"(B) the cost of irrigation efficiency infrastructure and measures under subsection (f)(1).

"(3) MONITORING PROGRAM.—For each fiscal year, of the funds made available under paragraph (1), the Secretary shall use not more than $5,000,000 to carry out the monitoring program under subsection (e)(5).

"(4) ADMINISTRATION.—

"(A) FEDERAL.—For each fiscal year, of the funds made available under paragraph (1), the Secretary shall such sums as are necessary for administration and technical assistance.

"(B) STATE.—For each fiscal year, of the funds made available under paragraph (1), not more than 3 percent shall be made available to States for administration of the program.

"(5) ELIGIBLE STATES.—Eligible States under this program shall include only Nevada, California, New Mexico, Oregon, Washington, Maine and New Hampshire.".

(d) CONFORMING AMENDMENT.—Section 1231(b)(6) of the Food Security Act of 1985 (16 U.S.C. 3831(b)(6)) (as amended by section 212(b)(1)) is amended by striking subparagraph (B) and inserting the following:

"(B)(i) into the conservation reserve enhancement program described in a notice issued on May 27, 1998 (63 Fed. Reg. 28965) (or a successor program); or

"(ii) under subsection (j).".

SEC. 216. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

Subtitle H of title XV of the Agriculture and Food Act of 1981 (16 U.S.C. 3451 et seq.) is amended to read as follows:

"Subtitle H—Resource Conservation and Development Program

"SEC. 1528. DEFINITIONS.

"In this subtitle:

"(1) AREA PLAN.—The term 'area plan' means a resource conservation and use plan developed through a planning process by a council for a designated area of 1 or more States, or of land under the jurisdiction of an Indian tribe, that includes 1 or more of the following elements:

"(A) A land conservation element, the purpose of which is to control erosion and sedimentation.

"(B) A water management element that provides 1 or more clear environmental or conservation benefits, the purpose of which is to provide for—

"(i) the conservation, use, and quality of water, including irrigation and rural water supplies;

"(ii) the mitigation of floods and high water tables;

"(iii) the repair and improvement of reservoirs;

"(iv) the improvement of agricultural water management; and

"(v) the improvement of water quality.

"(C) A community development element, the purpose of which is to improve—

"(i) the development of resources-based industries;

"(ii) the protection of rural industries from natural resource hazards;

"(iii) the development of adequate rural water and waste disposal systems;

"(iv) the improvement of recreation facilities;

"(v) the improvement in the quality of rural housing;

"(vi) the provision of adequate health and education facilities;

"(vii) the satisfaction of essential transportation and communication needs; and

"(viii) the promotion of food security, economic development, and education.

"(D) A land management element, the purpose of which is—

"(i) energy conservation, including the production of energy crops;

"(ii) the protection of agricultural land, as appropriate, from conversion to other uses;

"(iii) farmland protection; and

"(iv) the protection of fish and wildlife habitats.

"(2) BOARD.—The term 'Board' means the Resource Conservation and Development Policy Advisory Board established under section 1533(a).

"(3) COUNCIL.—The term 'council' means a nonprofit entity (including an affiliate of the entity) operating in a State that is—

"(A) established by volunteers or representatives of States, local units of government, Indian tribes, or local nonprofit organizations to carry out an area plan in a designated area; and

"(B) designated by the chief executive officer or legislature of the State to receive technical assistance and financial assistance under this subtitle.

"(4) DESIGNATED AREA.—The term 'designated area' means a geographic area designated by the Secretary to receive technical assistance and financial assistance under this subtitle.

"(5) FINANCIAL ASSISTANCE.—The term 'financial assistance' means a grant or loan provided by the Secretary (or the Secretary and other Federal agencies) to, or a cooperative agreement entered into by the Secretary (or the Secretary and other Federal agencies) with, a council, or association of councils, to carry out an area plan in a designated area, including assistance provided for planning, analysis, feasibility studies, training, education, and other activities necessary to carry out the area plan.

"(6) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term by section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(7) LOCAL UNIT OF GOVERNMENT.—The term 'local unit of government' means—

"(A) any county, city, town, township, parish, village, or other general-purpose subdivision of a State; and

"(B) any local or regional special district or other limited political subdivision of a State, including any soil conservation district, school district, park authority, and water or sanitary district.

"(8) NONPROFIT ORGANIZATION.—The term 'nonprofit organization' means any organization that is—

"(A) described in section 501(c) of the Internal Revenue Code of 1986; and

"(B) exempt from taxation under section 501(a) of the Internal Revenue Code of 1986.

"(9) PLANNING PROCESS.—The term 'planning process' means actions taken by a council to develop and carry out an effective area plan in a designated area, including development of the area plan, goals, purposes, policies, implementation activities, evaluations and reviews, and the opportunity for public participation in the actions.

"(10) PROJECT.—The term 'project' means a project that is carried out by a council to achieve any of the elements of an area plan.

"(11) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(12) STATE.—The term 'State' means—

"(A) any State;

"(B) the District of Columbia; or

"(C) any territory or possession of the United States.

"(13) TECHNICAL ASSISTANCE.—The term 'technical assistance' means any service provided by the Secretary or agent of the Secretary, including—

"(A) inventorying, evaluating, planning, designing, supervising, laying out, and inspecting projects;

"(B) providing maps, reports, and other documents associated with the services provided;

"(C) providing assistance for the long-term implementation of area plans; and

"(D) providing services of an agency of the Department of Agriculture to assist councils in developing and carrying out area plans.

"SEC. 1529. RESOURCE CONSERVATION AND DEVELOPMENT PROGRAM.

"The Secretary shall establish a resource conservation and development program under which the Secretary shall provide technical assistance and financial assistance to councils to develop and carry out area plans and projects in designated areas—

"(1) to conserve and improve the use of land, develop natural resources, and improve and enhance the social, economic, and environmental conditions in primarily rural areas of the United States; and

"(2) to encourage and improve the capability of State, units of government, Indian tribes, nonprofit organizations, and councils to carry out the purposes described in paragraph (1).

"SEC. 1530. SELECTION OF DESIGNATED AREAS.

"The Secretary shall select designated areas for assistance under this subtitle on the basis of the elements of area plans.

"SEC. 1531. POWERS OF THE SECRETARY.

"In carrying out this subtitle, the Secretary may—

"(1) provide technical assistance to any council to assist in developing and implementing an area plan for a designated area;

"(2) cooperate with other departments and agencies of the Federal Government, States, local units of government, local Indian tribes, and local nonprofit organizations in conducting surveys and inventories, disseminating information, and developing area plans;

"(3) assist in carrying out an area plan approved by the Secretary for any designated area by providing technical assistance and financial assistance to any council; and

"(4) enter into agreements with councils in accordance with section 1532.

"SEC. 1532. ELIGIBILITY; TERMS AND CONDITIONS.

"(a) ELIGIBILITY.—Technical assistance and financial assistance may be provided by the Secretary under this subtitle to any council to assist in carrying out a project specified in an area plan approved by the Secretary only if—

"(1) the council agrees in writing—

"(A) to carry out the project; and

"(B) to finance or arrange for financing of any portion of the cost of carrying out the project for which financial assistance is not provided by the Secretary under this subtitle;

"(2) the project is included in an area plan and is approved by the council;

"(3) the Secretary determines that assistance is necessary to carry out the area plan;

"(4) the project provided for in the area plan is consistent with any comprehensive plan for the area;

"(5) the cost of the land or an interest in the land acquired or to be acquired under the plan by any State, local unit of government, Indian tribe, or local nonprofit organization is borne by the State, local unit of government, Indian tribe, or local nonprofit organization, respectively; and

"(6) the State, local unit of government, Indian tribe, or local nonprofit organization participating in the area plan agrees to maintain and operate the project.

"(b) LOANS.—

"(1) IN GENERAL.—Subject to paragraphs (2) and (3), a loan made under this subtitle shall be made on such terms and conditions as the Secretary may prescribe.

"(2) TERM.—A loan for a project made under this subtitle shall have a term of not more than 30 years after the date of completion of the project.

"(3) INTEREST RATE.—A loan made under this subtitle shall bear interest at the average rate of interest paid by the United States on obligations of a comparable term, as determined by the Secretary of the Treasury.

"(c) APPROVAL BY SECRETARY.—Technical assistance and financial assistance under this subtitle may not be made available to a council to carry out an area plan unless the area plan has been submitted to and approved by the Secretary.

"(d) WITHDRAWAL.—The Secretary may withdraw technical assistance and financial assistance with respect to any area plan if the Secretary determines that the assistance is no longer necessary or that sufficient progress has not been made toward developing or implementing the elements of the area plan.

"(e) USE OF OTHER ENTITIES AND PERSONS.—A council may use another person or entity to assist in developing and implementing an area plan and otherwise carrying out this subtitle.

"SEC. 1533. RESOURCE CONSERVATION AND DEVELOPMENT POLICY ADVISORY BOARD.

"(a) ESTABLISHMENT.—The Secretary shall establish within the Department of Agriculture a Resource Conservation and Development Policy Advisory Board.

"(b) COMPOSITION.—

"(1) IN GENERAL.—The Board shall be composed of at least 7 employees of the Department of Agriculture selected by the Secretary.

"(2) CHAIRPERSON.—A member of the Board shall be designated by the Secretary to serve as chairperson of the Board.

"(c) DUTIES.—The Board shall advise the Secretary regarding the administration of this subtitle, including the formulation of policies for carrying out this subtitle.

"SEC. 1534. EVALUATION OF PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with councils, shall evaluate the program established under this subtitle to determine whether the program is effectively meeting the needs of, and the purposes identified by, States, units of government, Indian tribes, nonprofit organizations, and councils participating in, or served by, the program.

"(b) REPORT.—Not later than June 30, 2005, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report describing the results of the evaluation, together with any recommendations of the Secretary for continuing, terminating, or modifying the program.

"SEC. 1535. LIMITATION ON ASSISTANCE.

"In carrying out this subtitle, the Secretary shall provide technical assistance and financial assistance with respect to not more than 450 active designated areas.

"SEC. 1536. SUPPLEMENTAL AUTHORITY OF THE SECRETARY.

"The authority of the Secretary under this subtitle to assist councils in the development and implementation of area plans shall be supplemental to, and not in lieu of, any authority of the Secretary under any other provision of law.

"SEC. 1537. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be such sums as are necessary to carry out this subtitle.

"(b) LOANS.—The Secretary shall not use more than $15,000,000 of any funds made available for a fiscal year to make loans under this subtitle.

"(c) AVAILABILITY.—Funds appropriated to carry out this subtitle shall remain available until expended.".

SEC. 217. WILDLIFE HABITAT INCENTIVE PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended to read as follows:

"CHAPTER 5—OTHER CONSERVATION PROGRAMS

"SEC. 1240M. WILDLIFE HABITAT INCENTIVE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ENDANGERED SPECIES.—The term 'endangered species' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

"(2) PROGRAM.—The term 'program' means the wildlife habitat incentive program established under subsection (b).

"(3) SENSITIVE SPECIES.—The term 'sensitive species' has the meaning given the term 'candidate species' within the meaning of section 424.02(b) of title 50, Code of Federal Regulations (or a successor regulation) or a species which may become threatened or endangered if conservation actions are not taken to conserve that species.

"(4) THREATENED SPECIES.—The term 'threatened species' has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

"(b) ESTABLISHMENT.—In consultation with the State technical committees established under section 1261 of the Food Security Act of 1985 (16 U.S.C. 3861), the Secretary shall establish the wildlife habitat incentive program.

"(c) COST-SHARE PAYMENTS.—

"(1) IN GENERAL.—Under the program, the Secretary shall make cost-share payments, and provide technical assistance, to landowners of eligible land to develop and enhance wildlife habitat (including aquatic habitat) approved by the Secretary.

"(2) ENDANGERED AND THREATENED SPECIES.—Of the funds made available to carry out this subsection, the Secretary shall use at least 15 percent to make cost-share payments to carry out projects and activities relating to endangered species, threatened species, and sensitive species.

"(d) PILOT PROGRAM FOR ESSENTIAL PLANT AND ANIMAL HABITAT.—Under the program, the Secretary may establish procedures to use not more than 15 percent of funds made available to acquire and enroll eligible land for periods of at least 15 years to protect and restore essential (as determined by the Secretary) plant and animal habitat.

"(e) ELIGIBLE PARTIES.—After consulting, to the maximum extent practicable, with State wildlife officials, the Secretary may provide grants under this section to individuals and nonprofit organizations that lease public land.

"(f) NEXUS TO PRIVATE LAND.—Funds from a grant provided under subsection (e) may be used, as determined by the Secretary, for a purpose on public land if the purpose benefits private land.

"(g) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out this section (including the provision of technical assistance), to remain available until expended—

"(1) $50,000,000 for fiscal year 2002;

"(2) $225,000,000 for fiscal year 2003;

"(3) $275,000,000 for fiscal year 2004;

"(4) $325,000,000 for fiscal years 2005;

"(5) $355,000,000 for fiscal year 2006; and

"(6) $50,000,000 for fiscal year 2007.".

"SEC. 1240N. WATERSHED RISK REDUCTION.

"(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service (referred to in this section as the 'Secretary'), in cooperation with landowners and land users, may carry out such projects and activities (including the purchase of floodplain easements for runoff retardation and soil erosion prevention) as the Secretary determines to be necessary to safeguard lives and property from floods, drought, and the products of erosion on any watershed in any case in which fire, flood, or any other natural occurrence has caused, is causing, or may cause a sudden impairment of that watershed.

"(b) PRIORITY.—In carrying out this section, the Secretary shall give priority to any project or activity described in subsection (a) that is carried out on a floodplain adjacent to a major river, as determined by the Secretary.

"(c) PROHIBITION ON DUPLICATIVE FUNDS.—No project or activity under subsection (a) that is carried out using funds made available under this section may be carried out using funds made available under any Federal disaster relief program administered by the Secretary relating to floods.

"(d) FUNDING.—There is authorized to be appropriated to carry out this section $15,000,000 for each of fiscal years 2002 through 2006.

"SEC. 1240O. GREAT LAKES BASIN PROGRAM FOR SOIL EROSION AND SEDIMENT CONTROL.

"(a) IN GENERAL.—The Secretary, in consultation with the Great Lakes Commission created by Article IV of the Great Lakes Basin Compact (82 Stat. 415) and in cooperation with the Administrator of the Environmental Protection Agency and the Secretary of the Army, may carry out the Great Lakes basin program for soil erosion and sediment control (referred to in this section as the 'program').

"(b) ASSISTANCE.—In carrying out the program, the Secretary may—

"(1) provide project demonstration grants, provide technical assistance, and carry out information and education programs to improve water quality in the Great Lakes basin by reducing soil erosion and improving sediment control; and

"(2) provide a priority for projects and activities that directly reduce soil erosion or improve sediment control.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006.

"SEC. 1240P. CONSERVATION OF PRIVATE GRAZING LAND.

"(a) FINDINGS.—Congress finds that—

"(1) private grazing land constitutes nearly ½ of the non-Federal land of the United States and is basic to the environmental, social, and economic stability of rural communities;

"(2) private grazing land contains a complex set of interactions among soil, water, air, plants, and animals;

"(3) grazing land constitutes the single largest watershed cover type in the United States and contributes significantly to the quality and quantity of water available for all of the many uses of the land;

"(4) private grazing land constitutes the most extensive wildlife habitat in the United States;

"(5) private grazing land can provide opportunities for improved nutrient management from land application of animal manures and other by-product nutrient resources;

"(6) landowners and managers of private grazing land need to continue to recognize conservation problems when the problems arise and receive sound technical assistance to improve or conserve grazing land resources to meet ecological and economic demands;

"(7) new science and technology must continually be made available in a practical manner so owners and managers of private grazing land may make informed decisions concerning vital grazing land resources;

"(8) agencies of the Department with private grazing land responsibilities are the agencies that have the expertise and experience to provide technical assistance, education, and research to owners and managers of private grazing land for the long-term productivity and ecological health of grazing land;

"(9) although competing demands on private grazing land resources are greater than ever before, assistance to private owners and managers of private grazing land is limited and does not meet the demand and basic need for adequately sustaining or enhancing the private grazing land resources; and

"(10) private grazing land can be enhanced to provide many benefits to all citizens of the United States through voluntary cooperation among owners and managers of the land, local conservation districts, and the agencies of the Department responsible for providing assistance to owners and managers of land and to conservation districts.

"(b) PURPOSE.—The purpose of this section is to authorize the Secretary to provide a coordinated technical, educational, and related assistance program to conserve and enhance private grazing land resources and provide related benefits to all citizens of the United States by—

"(1) establishing a coordinated and cooperative Federal, State, tribal, and local grazing conservation program for management of private grazing land;

"(2) strengthening technical, educational, and related assistance programs that provide assistance to owners and managers of private grazing land;

"(3) conserving and improving wildlife habitat on private grazing land;

"(4) conserving and improving fish habitat and aquatic systems through grazing land conservation treatment;

"(5) protecting and improving water quality;

"(6) improving the dependability and consistency of water supplies;

"(7) identifying and managing weed, noxious weed, and brush encroachment problems on private grazing land; and

"(8) integrating conservation planning and management decisions by owners and managers of private grazing land, on a voluntary basis.

"(c) DEFINITION OF PRIVATE GRAZING LAND.—In this section, the term 'private grazing land land' means rangeland, pastureland, grazed forest land, hay land, and any other non-federally owned land that is—

"(1) private;

"(2) owned by a State; or

"(3) under the jurisdiction of an Indian tribe.

"(d) PRIVATE GRAZING LAND CONSERVATION ASSISTANCE.—

"(1) IN GENERAL.—Subject to the availability of appropriations for this section, the Secretary shall establish a voluntary program to provide technical, educational, and related assistance to owners and managers of private grazing land and public agencies, through local conservation districts, to enable the landowners, managers, and public agencies to voluntarily carry out activities that are consistent with this section, including—

"(A) maintaining and improving private grazing land and the multiple values and uses that depend on private grazing land;

"(B) implementing grazing land management technologies;

"(C) managing resources on private grazing land, including—

"(i) planning, managing, and treating private grazing land resources;

"(ii) ensuring the long-term sustainability of private grazing land resources;

"(iii) harvesting, processing, and marketing private grazing land resources; and

"(iv) identifying and managing weed, noxious weed, and brush encroachment problems;

"(D) protecting and improving the quality and quantity of water yields from private grazing land;

"(E) maintaining and improving wildlife and fish habitat on private grazing land;

"(F) enhancing recreational opportunities on private grazing land;

"(G) maintaining and improving the aesthetic character of private grazing land; and

"(H) identifying the opportunities and encouraging the diversification of private grazing land enterprises.

"(2) PROGRAM ELEMENTS.—

"(A) FUNDING.—Funds may be used to carry out this section only if the funds are provided through a specific line-item in the annual appropriations for the Natural Resources Conservation Service.

"(B) TECHNICAL ASSISTANCE AND EDUCATION.—Personnel of the Department of Agriculture trained in pasture and range management shall be made available under the program to deliver and coordinate technical assistance and education to owners and managers of private grazing land, at the request of the owners and managers.

"(e) GRAZING TECHNICAL ASSISTANCE SELF-HELP.—

"(1) FINDINGS.—Congress finds that—

"(A) there is a severe lack of technical assistance for farmers and ranchers that graze livestock;

"(B) Federal budgetary constraints preclude any significant expansion, and may force a reduction of, levels of technical support; and

"(C) farmers and ranchers have a history of cooperatively working together to address common needs in the promotion of their products and in the drainage of wet areas through drainage districts.

"(2) ESTABLISHMENT OF GRAZING DEMONSTRATION DISTRICTS.—In accordance with paragraph (3), the Secretary may establish 2 grazing management demonstration districts on the recommendation of the grazing land conservation initiative steering committee.

"(3) PROCEDURE.—

"(A) PROPOSAL.—Within a reasonable time after the submission of a proposal of an organization of farmers or ranchers engaged in grazing in a district, subject to subparagraphs (B) through (F), the Secretary establish a grazing management-district in accordance with the proposal.

"(B) FUNDING.—The terms and conditions of the funding and operation of the grazing management district shall be proposed by the farmers and ranchers engaged in grazing in the district.

"(C) APPROVAL.—The Secretary shall approve the proposal if the Secretary determines that the proposal—

"(i) is reasonable;

"(ii) will promote sound grazing practices; and

"(iii) contains provisions similar to the provisions contained in the beef promotion and research order issued under section 4 of the Beef Research and Information Act (7 U.S.C. 2903) in effect on April 4, 1996.

"(D) AREA INCLUDED.—The area proposed to be included in a grazing management district shall be determined by the Secretary on the basis of the proposal submitted by farmers or ranchers under subparagraph (A).

"(E) AUTHORIZATION.—The Secretary may use authority under the Agricultural Adjustment Act (7 U.S.C. 601 et seq.), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, to operate, on a demonstration basis, a grazing management district.

"(F) ACTIVITIES.—The activities of a grazing management district shall be scientifically sound activities, as determined by the Secretary in consultation with a technical advisory committee composed of farmers, ranchers, and technical experts.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2002 through 2006.

"SEC. 1240Q. GRASSROOTS SOURCE WATER PROTECTION PROGRAM.

"(a) IN GENERAL.—The Secretary shall establish a national grassroots water protection program to more effectively use onsite technical assistance capabilities of each State rural water association that, as of the date of enactment of this section, operates a wellhead or groundwater protection program in the State.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006.".

(b) CONFORMING AMENDMENT.—Section 386 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 2005b) is repealed.

SEC. 218. FARMLAND PROTECTION PROGRAM.

(a) IN GENERAL.—Chapter 2 of the Food Security Act of 1985 (as added by section 201) is amended by adding at the end the following:

"Subchapter B—Farmland Protection Program

"SEC. 1238H. DEFINITIONS.

"In this subchapter:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) any agency of any State or local government or an Indian tribe (including a farmland protection board or land resource council established under State law); or

"(B) any organization that—

"(i) is organized for, and at all times since the formation of the organization has been operated principally for, 1 or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986;

"(ii) is an organization described in section 501(c)(3) of that Code that is exempt from taxation under section 501(a) of that Code;

"(iii) is described in section 509(a)(2) of that Code; or

"(iv) is described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code.

"(2) ELIGIBLE LAND.—

"(A) IN GENERAL.—The term 'eligible land' means land on a farm or ranch that—

"(i)(I) has prime, unique, or other productive soil; or

"(II) contains historical or archaeological resources; and

"(ii) is subject to a pending offer for purchase from an eligible entity.

"(B) INCLUSIONS.—The term 'eligible land' includes, on a farm or ranch—

"(i) cropland;

"(ii) rangeland;

"(iii) grassland;

"(iv) pasture land; and

"(v) forest land that is part of an agricultural operation, as determined by the Secretary.

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) PROGRAM.—The term 'program' means the farmland protection program established under section 1238I(a).

"SEC. 1238I. FARMLAND PROTECTION.

"(a) IN GENERAL.—The Secretary, acting through the Natural Resources Conservation Service, shall establish and carry out a farmland protection program under which the Secretary shall purchase conservation easements or other interests in eligible land that is subject to a pending offer from an eligible entity for the purpose of protecting topsoil by limiting nonagricultural uses of the land.

"(b) CONSERVATION PLAN.—Any highly erodible cropland for which a conservation easement or other interest is purchased under this subchapter shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary, the conversion of the cropland to less intensive uses.

"SEC. 1238J. MARKET VIABILITY PROGRAM.

"For each year for which funds are made available to carry out this subchapter, the Secretary may use not more than $10,000,000 to provide matching market viability grants and technical assistance to farm and ranch operators that participate in the program.".

(b) FUNDING.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as amended by section 202) is amended by adding at the end the following:

"(d) FARMLAND PROTECTION PROGRAM.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary shall use to carry out subchapter B of chapter 2 (including the provision of technical assistance), to remain available until expended—

"(A) $150,000,000 in fiscal year 2002;

"(B) $250,000,000 in fiscal year 2003;

"(C) $400,000,000 in fiscal year 2004;

"(D) $450,000,000 in fiscal year 2005;

"(E) $500,000,000 in fiscal year 2006; and

"(F) $100,000,000 in fiscal year 2007.

"(2) COST SHARING.—

"(A) FARMLAND PROTECTION.—

"(i) SHARE PROVIDED UNDER THIS SUBSECTION.—The share of the cost of purchasing a conservation easement or other interest in eligible land described in section 1238I(a) provided under this subsection shall not exceed 50 percent of the appraised fair market value of the conservation easement or other interest in eligible land.

"(ii) SHARE NOT PROVIDED UNDER THIS SUBSECTION.—As part of the share of the cost of purchasing a conservation easement or other interest in eligible land described in section 1238I(a) that is not provided under this subsection, an eligible entity may include a charitable donation by the private landowner from which the eligible land is to be purchased of not more than 25 percent of the fair market value of the conservation easement or other interest in eligible land.

"(iii) BIDDING DOWN.—If the Secretary determines that 2 or more applications for the purchase of a conservation easement or other interest in eligible land described in section 1238I(a) are comparable in achieving the purposes of section 1238I, the Secretary shall not assign a higher priority to any 1 of those applications solely on the basis of lesser cost to the farmland protection program established under section 1238I(a).

"(B) MARKET VIABILITY CONTRIBUTIONS.—As a condition of receiving a grant under section 1238J, a grantee shall provide funds in an amount equal to the amount of the grant.".

(c) CONFORMING AMENDMENT.—

(1) IN GENERAL.—Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) is repealed.

(2) EFFECT ON CONTRACTS.—The amendment made by paragraph (1) shall have no effect on any contract entered into under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3830 note) that is in effect as of the date of enactment of this Act.

SEC. 219. GRASSLAND RESERVE PROGRAM.

Chapter 2 of the Food Security Act of 1985 (as amended by section 218) is amended by adding at the end the following:

"Subchapter C—Grassland Reserve Program

"SEC. 1238N. GRASSLAND RESERVE PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, acting through the Natural Resource Conservation Service, shall establish a grassland reserve program (referred to in this subchapter as the 'program') to assist owners in restoring and protecting eligible land described in subsection (c).

"(b) ENROLLMENT CONDITIONS.—

"(1) IN GENERAL.—The Secretary shall enroll in the program, from willing owners, not less than—

"(A) 100 contiguous acres of land west of the 98th meridian; or

"(B) except as provided in paragraph (2), 40 contiguous acres of land east of the 98th meridian.

"(2) MAXIMUM ENROLLMENT.—The total number of acres enrolled in the program shall not exceed 2,000,000 acres, of which not more than 500,000 acres shall be available for enrollment of tracts of native grassland of 40 acres or less that are located east of the 98th meridian.

"(3) METHODS OF ENROLLMENT.—The Secretary shall enroll land in the program through—

"(A) permanent easements or 30-year easements;

"(B) in a State that imposes a maximum duration for such an easement, an easement for the maximum duration allowed under State law; or

"(C) a 30-year rental agreement.

"(c) ELIGIBLE LAND.—Land shall be eligible to be enrolled in the program if the Secretary determines that the land is private land that is—

"(1) natural grassland (including prairie and land that contains shrubs or forb) that is indigenous to the locality;

"(2) land that—

"(A) is located in an area that has been historically dominated by natural grassland; and

"(B) has potential to serve as habitat for animal or plant populations of significant ecological value if the land is restored to a natural condition; or

"(3) land that is incidental to land described in paragraph (1) or (2), if the incidental land is determined by the Secretary to be necessary for the efficient administration of an easement.

"SEC. 1238O. EASEMENTS AND AGREEMENTS.

"(a) IN GENERAL.—To be eligible to enroll land in the program, the owner of the land shall enter into an agreement with the Secretary—

"(1) if the agreement is for an easement—

"(A) to grant an easement that applies to the land to the Secretary;

"(B) to create and record an appropriate deed restriction in accordance with applicable State law to reflect the easement;

"(C) to provide a written statement of consent to the easement signed by persons holding a security interest or any vested interest in the land;

"(D) to provide proof of unencumbered title to the underlying fee interest in the land that is the subject of the easement; and

"(E) to comply with the terms of the easement and restoration agreement; and

"(2) if the agreement is for a rental agreement described in section 1238N(b)(3)(C), that specifies the terms and conditions applicable to—

"(A) the Secretary; and

"(B) the owner of the land.

"(b) TERMS OF EASEMENT OF RENTAL AGREEMENT.—An easement or rental agreement under subsection (a) shall—

"(1) permit—

"(A) grazing on the land in a manner that is consistent with maintaining the viability of natural grass, shrub, forb, and wildlife species indigenous to that locality;

"(B) haying (including haying for seed production) or mowing, except during the nesting and brood-rearing seasons for birds in the area that are in significant decline, as determined by the Natural Resources Conservation Service State conservationist, or are protected Federal or State law; and

"(C) fire rehabilitation, construction of fire breaks, and fences (including placement of the posts necessary for fences);

"(2) prohibit—

"(A) the production of row crops, fruit trees, vineyards, or any other agricultural commodity that requires breaking the soil surface; and

"(B) except as permitted under paragraph (1)(C), the conduct of any other activities that would disturb the surface of the land covered by the easement, including—

"(i) plowing; and

"(ii) disking; and

"(3) include such additional provisions as the Secretary determines are appropriate to carry out this subchapter or to facilitate the administration of this subchapter.

"(c) EVALUATION AND RANKING OF EASEMENT AND RENTAL AGREEMENT APPLICATIONS.—

"(1) IN GENERAL.—The Secretary, in conjunction with State technical committees, shall establish criteria to evaluate and rank applications for easements and rental agreements under this subchapter.

"(2) CRITERIA.—In establishing the criteria, the Secretary shall emphasize support for grazing operations, plant and animal biodiversity, and grassland and land containing shrubs or forb under the greatest threat of conversion.

"(d) RESTORATION AGREEMENTS.—

"(1) IN GENERAL.—The Secretary shall prescribe the terms of a restoration agreement by which grassland and shrubland subject to an easement or rental agreement entered into under the program shall be restored.

"(2) REQUIREMENTS.—The restoration agreement shall describe the respective duties of the owner and the Secretary (including paying the share of the cost of restoration provided by the Secretary and the provision of technical assistance).

"(e) VIOLATIONS.—

"(1) IN GENERAL.—On the violation of the terms or conditions of an easement, rental agreement, or restoration agreement entered into under this section—

"(A) the easement or rental agreement shall remain in force; and

"(B) the Secretary may require the owner to refund all or part of any payments received by the owner under this subchapter, with interest on the payments as determined appropriate by the Secretary.

"(2) PERIODIC INSPECTIONS.—

"(A) IN GENERAL.—After providing notice to the owner, the Secretary shall conduct periodic inspections of land subject to easements and rental agreements under this subchapter to ensure compliance with the terms of the easement,

rental agreement, and applicable restoration agreement.

“(B) LIMITATION.—The Secretary may not prohibit the owner, or a representative of the owner, from being present during a periodic inspection.

“SEC. 1238P. DUTIES OF SECRETARY.

“(a) IN GENERAL.—In return for the granting of an easement, or the execution of a rental agreement, by an owner under this subchapter, the Secretary shall, in accordance with this section—

“(1) make easement or rental agreement payments;

“(2) pay a share of the cost of restoration; and

“(3) provide technical assistance to the owner.

“(b) PAYMENT SCHEDULE.—

“(1) EASEMENT PAYMENTS.—

“(A) AMOUNT.—In return for the granting of an easement by an owner under this subchapter, the Secretary shall make easement payments to the owner in an amount equal to—

“(i) in the case of a permanent easement, the fair market value of the land less the grazing value of the land encumbered by the easement; and

“(ii) in the case of a 30-year easement or an easement for the maximum duration allowed under applicable State law, 30 percent of the fair market value of the land less the grazing value of the land for the period during which the land is encumbered by the easement.

“(B) SCHEDULE.—Easement payments may be provided in not less than 1 payment nor more than 10 annual payments of equal or unequal amount, as agreed to by the Secretary and the owner.

“(2) RENTAL AGREEMENT PAYMENTS.—

“(A) AMOUNT.—If an owner enters into a 30-year rental agreement authorized under section 1238N(b)(3)(C), the Secretary shall make 30 annual rental payments to the owner in an amount that equals, to the maximum extent practicable, the 30-year easement payment amount under paragraph (1)(A)(ii).

“(B) ASSESSMENT.—Not less than once every 5 years throughout the 30-year rental period, the Secretary shall assess whether the value of the rental payments under subparagraph (A) equals, to the maximum extent practicable, the total amount of 30-year easement payments as of the date of the assessment.

“(C) ADJUSTMENT.—If on completion of the assessment under subparagraph (B), the Secretary determines that the rental payments do not equal, to the maximum extent practicable, the value of payments under a 30-year easement, the Secretary shall adjust the amount of the remaining payments to equal, to the maximum extent practicable, the value of a 30-year easement over the entire 30-year rental period.

“(c) COST OF RESTORATION.—The Secretary shall make payments to the owner of not more than 75 percent of the cost of carrying out measures and practices necessary to restore grassland and shrubland functions and values.

“(d) TECHNICAL ASSISTANCE.—The Secretary shall provide owners with technical assistance to execute easement documents and restore the grassland and shrubland.

“(e) PAYMENTS TO OTHERS.—If an owner that is entitled to a payment under this subchapter dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person who renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations promulgated by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all the circumstances.

“(f) OTHER PAYMENTS.—Easement or rental agreement payments received by an owner under this subchapter shall be in addition to, and not affect, the total amount of payments that the owner is otherwise eligible to receive under other Federal laws (except for funds provided to achieve similar purposes).

“(g) REGULATIONS.—Not later than 180 days after the date of enactment of this subchapter, the Secretary shall promulgate such regulations as are necessary to carry out this subchapter.

“SEC. 1238Q. DELEGATION TO PRIVATE ORGANIZATIONS.

“(a) IN GENERAL.—The Secretary may permit a private conservation or land trust organization (referred to in this section as a ‘private organization’) or a State agency to hold and enforce an easement under this subchapter, in lieu of the Secretary, subject to the right of the Secretary to conduct periodic inspections and enforce the easement, if—

“(1) the Secretary determines that granting the permission will promote grassland and shrubland protection;

“(2) the owner authorizes the private organization or State agency to hold and enforce the easement; and

“(3) the private organization or State agency agrees to assume the costs incurred in administering and enforcing the easement, including the costs of restoration or rehabilitation of the land as specified by the owner and the private organization or State agency.

“(b) APPLICATION.—A private organization or State agency that seeks to hold and enforce an easement under this subchapter shall apply to the Secretary for approval.

“(c) APPROVAL BY SECRETARY.—The Secretary may approve a private organization to hold and enforce an easement under this subchapter if (as determined by the Secretary) the private organization—

“(1)(A) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code; or

“(B) is described in section 509(a)(3), and is controlled by an organization described in section 509(a)(2), of that Code;

“(2) has the relevant experience necessary to administer grassland and shrubland easements;

“(3) has a charter that describes the commitment of the private organization to conserving ranchland, agricultural land, or grassland for grazing and conservation purposes; and

“(4) has the resources necessary to effectuate the purposes of the charter.

“(d) REASSIGNMENT.—

“(1) IN GENERAL.—If a private organization holding an easement on land under this subchapter terminates, not later than 30 days after termination of the private organization, the owner of the land shall reassign the easement to—

“(A) a new private organization that is approved by the Secretary; or

“(B) the Secretary.

“(2) NOTIFICATION OF SECRETARY.—

“(A) IN GENERAL.—If the easement is reassigned to a new private organization, not later than 60 days after the date of reassignment, the owner and the new organization shall notify the Secretary in writing that a reassignment for termination has been made.

“(B) FAILURE TO NOTIFY.—If the owner and the new organization fail to notify the Secretary of the reassignment in accordance with subparagraph (A), the easement shall revert to the control of the Secretary.”.

(b) FUNDING.—Section 1241 of the Food Security Act of 1985 (16 U.S.C. 3841) (as amended by section 218(b)) is amended by adding at the end the following:

“(e) GRASSLAND RESERVE PROGRAM.—The Secretary shall use such sums of the Commodity Credit Corporation as are necessary to carry out subchapter C of chapter 2 (including the provision of technical assistance).”.

SEC. 220. STATE TECHNICAL COMMITTEES.

Subtitle G of title XII of the Food Security Act of 1985 (16 U.S.C. 3861 et seq.) is amended to read as follows:

“Subtitle G—State Technical Committees

“SEC. 1261. ESTABLISHMENT.

“(a) IN GENERAL.—The Secretary shall establish in each State a technical committee to assist the Secretary in the technical considerations relating to implementation of any private land conservation program administered by the Secretary.

“(b) STANDARDS.—Not later than 180 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002, the Secretary shall develop standards to be used by each State technical committee in the development of technical guidelines under section 1262(b) for the implementation of the conservation programs under this title.

“(c) COMPOSITION.—Each State technical committee established under subsection (a) shall be composed of professional resource managers that represent a variety of disciplines in the soil, water, wetland, forest, and wildlife sciences, including representatives from among—

“(1) the Natural Resources Conservation Service (a representative of which shall serve as Chair of the Committee);

“(2) the Farm Service Agency;

“(3) the Forest Service;

“(4) the Extension Service;

“(5) the Fish and Wildlife Service;

“(6) such State departments and agencies as the Secretary determines to be appropriate, including—

“(A) a State fish and wildlife agency;

“(B) a State forester or equivalent State official;

“(C) a State water resources agency;

“(D) a State department of agriculture;

“(E) a State soil conservation agency;

“(F) a State association of soil and water conservation districts; and

“(G) land grant colleges and universities;

“(7) other individuals or agency personnel with expertise in soil, water, wetland, and wildlife or forest management as the Secretary determines to be appropriate;

“(8) agricultural producers with demonstrable conservation expertise;

“(9) nonprofit organizations with demonstrable conservation or forestry expertise;

“(10) persons knowledgeable about conservation or forestry techniques; and

“(11) agribusinesses.

“SEC. 1262. RESPONSIBILITIES.

“(a) INFORMATION.—

“(1) PROVISION.—

“(A) IN GENERAL.—Each State technical committee established under section 1261 shall meet regularly to provide information, analyses, and recommendations to the Secretary.

“(B) MANNER; FORM.—Information, analyses, and recommendations described in subparagraph (A) shall—

“(i) be provided in writing, in a manner that assists the Secretary in determining matters of fact, technical merit, or scientific question; and

“(ii) reflect the best professional information and judgment of the committee.

“(2) COORDINATION.—The Secretary shall coordinate activities conducted under this section with activities conducted under section 1628 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5831).

“(3) PUBLIC PARTICIPATION.—Each State technical committee shall—

“(A) provide public notice of, and permit public attendance at, meetings considering issues of concern related to any program under this title; and

"(B) distribute meeting minutes to each person attending a meeting described in subparagraph (A).

"(4) COMMUNICATION.—Each State conservationist shall communicate regularly with members of the State technical committee concerning status of action on recommendations of the committee.

"(b) OTHER DUTIES.—Each State technical committee shall provide assistance and offer recommendations with respect to the technical aspects of—

"(1) wetland protection, restoration, and mitigation requirements;

"(2) criteria to be used in evaluating bids for enrollment of environmentally-sensitive land in the conservation reserve program established under subchapter B of chapter 1;

"(3) guidelines for haying or grazing and the control of weeds to protect nesting wildlife on designated acreage relating to—

"(A) highly erodible land conservation under subtitle B;

"(B) wetland conservation under subtitle C; or

"(C) other conservation requirements

"(4) addressing common weed and pest problems and programs to control weeds and pests found on acreage enrolled in the conservation reserve program;

"(5) guidelines for planting perennial cover for water quality and wildlife habitat improvement on designated land;

"(6) establishing criteria and priorities for State initiatives under the environmental quality incentives program under chapter 4 of subtitle D;

"(7) establishing State and local conservation priorities under the conservation security program under subchapter A of chapter 2 of subtitle D;

"(8) establishing and maintaining natural resource indicators and conservation program monitoring and evaluation systems;

"(9) developing conservation program education and outreach activities;

"(10) evaluating innovative practices and systems under consideration for inclusion in the field office technical guides; and

"(11) other matters, as determined to be appropriate by the Secretary.

"(c) AUTHORITY.—

"(1) IN GENERAL.—Each State technical committee established under section 1261 shall—

"(A) serve in an advisory capacity; and

"(B) have no implementation or enforcement authority.

"(2) CONSIDERATION BY SECRETARY.—In carrying out any program under this title, the Secretary shall give strong consideration to the recommendations of a State technical committee (including factual, technical, or scientific findings and recommendations relating to areas in which the State technical committee bears responsibility).

"(d) FACA REQUIREMENTS.—A State technical committee established under section 1261 shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

"(e) ADVISORY SUBCOMMITTEES.—

"(1) IN GENERAL.—Any State or local work group, task force, or other advisory body authorized by any Federal law (including a regulation) to advise the Secretary on issues that are within the areas of responsibility of a State technical committee established under section 1261 shall be considered to be a subcommittee of the State technical committee.

"(2) COMPOSITION.—A person eligible to serve on a State technical committee under section 1261(c) shall also be eligible to serve on 1 or more subcommittees of a State technical committee.

"(3) LOCAL WORKING GROUPS.—A local working group shall be considered to be a subcommittee of a State technical committee established under section 1261.".

SEC. 221. USE OF SYMBOLS, SLOGANS, AND LOGOS.

Section 356 of the Federal Agriculture Improvement Act of 1996 (16 U.S.C. 5801 et seq.) is amended—

(1) in subsection (c)—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) on the written approval of the Secretary, to use, license, or transfer symbols, slogans, and logos of the Department;"; and

(2) in subsection (d), by adding at the end the following:

"(3) USE OF SYMBOLS, SLOGANS, AND LOGOS.—

"(A) IN GENERAL.—The Secretary may authorize the Foundation to use, license, or transfer symbols, slogans, and logos of the Department.

"(B) INCOME.—

"(i) IN GENERAL.—All revenue received by the Foundation from the use, licensing, or transfer of symbols, slogans, and logos of the Department shall be transferred to the Secretary.

"(ii) CONSERVATION OPERATIONS.—The Secretary shall transfer all revenue received under clause (i) to the account within the Natural Resources Conservation Service that is used to carry out conservation operations.".

Subtitle C—Organic Farming

SEC. 231. ORGANIC AGRICULTURE RESEARCH TRUST FUND.

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Organic Agriculture Research Trust Fund" (referred to in this section as the "Fund"), consisting of—

(1) such amounts as are transferred to the Fund under subsection (b); and

(2) any interest earned on investment of amounts in the Fund under subsection (d).

(b) TRANSFER TO FUND.—During fiscal year 2003, the Commodity Credit Corporation shall transfer $45,000,000 to the Fund, which shall remain available until expended.

(c) EXPENDITURES FROM FUND.—On request by the Secretary of Agriculture, the Secretary of the Treasury shall transfer from the Fund to the Secretary of Agriculture such amounts as the Secretary of Agriculture determines are necessary—

(1) to carry out section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b); and

(2) for the board of trustees of the National Organic Research Endowment Institute established under section 232(a) (referred to in this subtitle as the "Institute") to implement a program of organic products research designed by the Institute and approved by the Secretary.

(d) INVESTMENT OF AMOUNTS.—

(1) IN GENERAL.—

(A) INVESTMENT.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(B) TYPES OF INVESTMENTS.—Investments may be made only in—

(i) an obligation of the United States or an agency of the United States;

(ii) a general obligation of a State or a political subdivision of a State;

(iii) an interest-bearing account or certificate of deposit of a bank that is a member of the Federal Reserve System; or

(iv) an obligation fully guaranteed as to principal and interest by the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest and dividends on, and the proceeds from the sale or redemption of, any obligations, interest-bearing accounts, or certificates of deposit held in the Fund shall be credited to and form a part of the Fund.

SEC. 232. ESTABLISHMENT OF NATIONAL ORGANIC RESEARCH ENDOWMENT INSTITUTE.

(a) IN GENERAL.—The Secretary of Agriculture, in consultation with the National Organic Standards Board, shall establish in the Department of Agriculture an institute to be known as the "National Organic Research Endowment Institute" (referred to in this section as the "Institute").

(b) BOARD OF TRUSTEES.—

(1) IN GENERAL.—The Institute shall be headed by a board of trustees composed of producers and handlers of organically grown and processed agricultural commodities appointed by the Secretary.

(2) GEOGRAPHIC REPRESENTATION.—The membership of the Board of Trustees shall reflect equally each of the various regions in the United States in which organically grown and processed agricultural commodities are produced.

(c) DUTIES.—The duties of the Institute shall be to aid the organically grown and processed agricultural commodities industry through the development and implementation of a plan for organic products research described in subsection (d)(1).

(d) IMPLEMENTATION OF PLAN.—

(1) IN GENERAL.—The board of trustees of the Institute shall implement a plan for organic products research, to be carried out using funds made available to the board of trustees of the Institute from the Organic Agriculture Research Trust Fund established by section 231.

(2) EXPANSION OF MARKETS.—In implementing the plan described in paragraph (1), the board of trustees of the Institute shall provide a permanent system for funding research activities (as defined in section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b).

(e) COMPENSATION OF MEMBERS.—A member of the board of trustees of the Institute shall serve without compensation.

(f) TRAVEL EXPENSES.—To the extent recommended by the board of trustees of the Institute and approved by the Secretary of Agriculture, a member of the board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Institute.

Subtitle D—Regional Equity

SEC. 241. ALLOCATION OF CONSERVATION FUNDS BY STATE.

(a) STATE ALLOCATION.—

(1) IN GENERAL.—To the maximum extent practicable, in each of fiscal years 2002 through 2006, the Secretary of Agriculture (referred to in this section as the "Secretary"), subject to requirements of the conservation programs administered by the Secretary, shall ensure that each State receives, at a minimum, the share of the funds made available under this title (and amendments made by this title) that equals, at a minimum, $12,000,000 for each State, for use in accordance with paragraph (2), for purposes consistent with this title.

(2) USE OF FUNDS.—Of the minimum amount made available to each State under paragraph (1)—

(A) $5,000,000 shall be used in accordance with the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.); and

(B) $7,000,000 shall be used in accordance with other conservation programs administered by the Secretary.

(3) UNUSED FUNDING.—Any funds made available for a fiscal year under paragraph (1) that are not obligated by April 1 of the fiscal year may be used to carry out other activities under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

Subtitle E—Miscellaneous

SEC. 261. CRANBERRY ACREAGE RESERVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ELIGIBLE AREA.—The term "eligible area" means a wetland or buffer strip adjacent to a wetland that, as determined by the Secretary—

(A)(i) is used, and has a history of being used, for the cultivation of cranberries; or

(ii) is an integral component of a cranberry-growing operation;

(B) is located in an environmentally sensitive area.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) PROGRAM.—The Secretary shall establish a program to purchase permanent easements in eligible areas from willing sellers,

(c) PURCHASE PRICE.—The Secretary shall ensure, to the maximum extent practicable, that each easement purchased under this section is for an amount that appropriately reflects the range of values for agricultural and non-agricultural land in the region in which the eligible area subject to the easement is located (including whether that land is located in 1 or more environmentally sensitive areas, as determined by the Secretary).

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000.

SEC. 262. KLAMATH BASIN.

(a) DEFINITIONS.—In this section:

(1) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(2) TASK FORCE.—The term "Task Force" means the Klamath Basin Interagency Task Force established under subsection (b).

(b) INTERAGENCY TASK FORCE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary of Agriculture, in conjunction with the Secretary of the Interior, shall establish the Klamath Basin Interagency Task Force.

(B) APPROVAL OF MEMBER.—A decision of the Task Force that affects any area under the jurisdiction of a member of the Task Force described in paragraph (2) shall not be implemented without the consent of the member.

(2) MEMBERSHIP.—The Task Force shall include representatives of—

(A) the Department of Agriculture, including—

(i) the Natural Resources Conservation Service; and

(ii) the Farm Service Agency;

(B) the Department of the Interior, including—

(i) the United States Fish and Wildlife Service;

(ii) the Bureau of Reclamation; and

(iii) the Bureau of Indian Affairs;

(C) the Department of Commerce, including the National Marine Fisheries Service;

(D) the Council on Environmental Quality;

(E) the Federal Energy Regulatory Commission;

(F) the Environmental Protection Agency; and

(G) the United States Geological Survey.

(3) DUTIES.—The Task Force shall use conservation programs of the Department of Agriculture and other Federal programs in the Klamath Basin in Oregon and California for the purposes of—

(A) promoting agricultural production and environmental quality as compatible Klamath Basin goals;

(B) water conservation and improved agricultural practices;

(C) aquatic ecosystem restoration;

(D) improvement of water quality and quantity;

(E) recovery and enhancement of endangered species, including anadromous fish species and resident fish species; and

(F) restoration of the national wildlife refuges.

(4) COOPERATIVE AGREEMENT.—The Secretary of Agriculture, Secretary of the Interior, and Secretary of Commerce shall enter into a cooperative agreement to—

(A) provide funding to the Task Force; and

(B) use conservation programs administered by the Secretary of Agriculture and other Federal programs administered by the Secretary of the Interior and Secretary of Commerce in carrying out the purposes described in paragraph (3).

(5) GRANT PROGRAM.—

(A) IN GENERAL.—The Task Force shall establish a grant program (including appropriate cost-sharing, monitoring, and enforcement requirements) under which the Secretary of Agriculture, the Secretary of the Interior, or the Secretary of Commerce may enter into 1 or more agreements or contracts with non-Federal entities, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), environmental organizations, and water districts in the Klamath Basin to carry out the purposes described in paragraph (3).

(B) CONTRACT TERMS.—An agreement or contract under subparagraph (A) shall—

(i) specify the responsibilities of the entity and the Secretary under the agreement or contract;

(ii) provide for such cost-sharing as the Secretary considers appropriate; and

(iii) include mechanisms for monitoring and enforcement requirements.

(c) REPORT AND PLAN.—

(1) DEVELOPMENT.—

(A) REPORT.—Not later than 180 days after the date of enactment of this Act, the Task Force, after soliciting input from the States of California and Oregon, local public agencies, Indian tribes, Klamath Project districts, environmental organizations, and the stakeholder community, shall issue a report that—

(i) considers the impacts of the biological assessment, the biological opinion, activities of the Upper Klamath Basin Working Group, activities of the Pacific Fisheries Restoration Task Force, State water adjudications, and the resolution of tribal rights; that may affect actions of the Task Force; and

(ii) includes a description of Federal spending in the Klamath Basin for fiscal years 2000, 2001, and 2002.

(B) DRAFT PLAN.—Not later than 60 days after completion of the report under subparagraph (A), the Task Force shall develop, and provide public notice of and an opportunity for comment on, a draft 5-year plan to perform the duties of the Task Force under subsection (b)(3).

(C) FINAL PLAN.—Not later than 1 year after the date of enactment of this Act, the Task Force shall finalize the plan described in subparagraph (B).

(2) MATTERS TO BE CONSIDERED.—In developing the plan under paragraph (1), the Task Force shall consider—

(A) the use of water conservation easements by voluntary participants;

(B) purchase of agricultural land from willing sellers, with priority given to land that will enhance natural water storage capabilities;

(C) benefits to the agricultural economy through incentives for the use of irrigation efficiency, water conservation, or other agricultural practices;

(D) wetland restoration;

(E) feasibility studies for alternative water storage, water conservation, demand reduction, and restoration of endangered species;

(F) improvement of upper Klamath Basin watershed and water quality;

(G) improvement of habitat in the Tule Lake National Wildlife Refuge, the Lower Klamath National Wildlife Refuge, and the Upper Klamath Lake National Wildlife Refuge; and

(H) fish screening and water metering.

(d) COOPERATION WITH NON-FEDERAL ENTITIES.—In carrying out the duties of the Task Force under this section, the Task Force shall—

(1) consult with—

(A) environmental, fishing, and agricultural interests; and

(B) on a government-to-government basis, the Klamath, Hoopa, Yurok, and Karuk Tribes;

(2) provide appropriate opportunities for public participation; and

(3) hold meetings at least once every 3 months in the Klamath Basin with opportunities for stakeholder participation.

(e) FUNDING.—

(1) IN GENERAL.—To carry out the purposes described in subsection (b)(3), the Secretary shall use $175,000,000 of the funds of the Commodity Credit Corporation for the period of fiscal years 2003 through 2006, of which—

(A) $15,000,000 shall be made available to the Klamath, Hoopa, Yurok, and Karuk Tribes for use in the State of California; and

(B) $15,000,000 shall be made available to those Tribes for use in the State of Oregon.

(2) FUNDS MADE AVAILABLE TO THE TRIBES.—

(A) IN GENERAL.—The funds made available to the Tribes under paragraph (1) shall be for projects for specific habitat improvement related to the recovery of threatened and endangered species to be carried out by the appropriate tribal natural resources department, consistent with the purposes of this section.

(B) REPORTS.—The Tribes shall provide a biennial report to the Task Force on expenditures of funds during the period covered by the report.

(3) OTHER FUNDS.—The funds made available under paragraph (1) shall be in addition to funds available to the States of California and Oregon under other provisions of this Act (including amendments made by this Act).

(4) UNUSED FUNDING.—Any funds made available for a fiscal year under paragraph (1) that are not obligated by April 1, 2006, may be used to carry out other activities under subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq.).

(5) EXPIRATION OF AUTHORITY TO OBLIGATE FUNDS.—The Secretary may not obligate funds made available under this subsection after September 30, 2006.

(f) SAVINGS PROVISION.—Nothing in this section regarding the Klamath Basin affects any right or obligation of any party under any treaty or any other provision of Federal or State law.

(g) . COOPERATIVE AGREEMENTS.—Notwithstanding the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.), the Secretary may enter into cooperative agreements under this section.

TITLE III—TRADE

Subtitle A—Agricultural Trade Development and Assistance Act of 1954 and Related Statutes

SEC. 301. UNITED STATES POLICY.

Section 2(2) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691(2)) is amended by inserting before the semicolon at the end the following: "and conflict prevention".

SEC. 302. PROVISION OF AGRICULTURAL COMMODITIES.

Section 202 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1722) is amended—

(1) in subsection (b), by adding at the end the following:

"(3) PROGRAM DIVERSITY.—The Administrator shall—

"(A) encourage eligible organizations to propose and implement program plans to address 1 or more aspects of the program under section 201; and

"(B) consider proposals that incorporate a variety of program objectives and strategic plans based on the identification by eligible organizations of appropriate activities to assist development in foreign countries.";

(2) in subsection (e)(1), by striking "not less than $10,000,000, and not more than $28,000,000," and inserting "not less than 5 percent nor more than 10 percent of the funds"; and

(3) by adding at the end the following:

"(h) CERTIFIED INSTITUTIONAL PARTNERS.—

"(1) IN GENERAL.—The Administrator or the Secretary, as applicable, shall promulgate regulations and issue guidelines to permit private voluntary organizations and cooperatives to be certified as institutional partners.

"(2) REQUIREMENTS.—To become a certified institutional partner, a private voluntary organization or cooperative shall submit to the Administrator evidence of organizational capacity that describes—

"(A) the financial, programmatic, commodity management, and auditing abilities and practices of the organization or cooperative; and

"(B) the capacity of the organization or cooperative to carry out projects in particular countries.

"(3) MULTI-COUNTRY PROPOSALS.—A certified institutional partner shall be eligible to—

"(A) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

"(B) receive expedited review of the proposal.".

SEC. 303. GENERATION AND USE OF CURRENCIES BY PRIVATE VOLUNTARY ORGANIZATIONS AND COOPERATIVES.

Section 203 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1723) is amended—

(1) in the section heading, by striking "**FOREIGN**";

(2) in subsection (a), by striking "the recipient country, or in a country" and inserting "1 or more recipient countries, or 1 or more countries";

(3) in subsection (b)—

(A) by striking "in recipient countries, or in countries" and inserting "1 or more recipient countries, or in 1 or more countries"; and

(B) by striking "foreign currency";

(4) in subsection (c)—

(A) by striking "foreign currency"; and

(B) by striking "the recipient country, or in a country" and inserting "1 or more recipient countries, or in 1 or more countries"; and

(5) in subsection (d)—

(A) by striking "Foreign currencies" and inserting "Proceeds";

(B) in paragraph (2)—

(i) by striking "income generating" and inserting "income-generating"; and

(ii) by striking "the recipient country or within a country" and inserting "1 or more recipient countries or within 1 or more countries"; and

(C) in paragraph (3)—

(i) by inserting a comma after "invested"; and

(ii) by inserting a comma after "used".

SEC. 304. LEVELS OF ASSISTANCE.

Section 204 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1724) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking "that for each of fiscal years 1996 through 2002 is not less than 2,025,000 metric tons." and inserting "that is not less than—

"(A) 2,100,000 metric tons for fiscal year 2002;

"(B) 2,200,000 metric tons for fiscal year 2003;

"(C) 2,300,000 metric tons for fiscal year 2004;

"(D) 2,400,000 metric tons for fiscal year 2005; and

"(E) 2,500,000 metric tons for fiscal year 2006."; and

(B) in paragraph (2), by striking "1996 through 2002" and inserting "2002 through 2006"; and

(2) in subsection (b)(1), by inserting "(including crude degummed soybean oil)" after "bagged commodities".

SEC. 305. FOOD AID CONSULTATIVE GROUP.

Section 205(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1725(f)) is amended by striking "2002" and inserting "2006".

SEC. 306. MAXIMUM LEVEL OF EXPENDITURES.

Section 206(a) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726(a)) is amended by striking "$1,000,000,000" and inserting "$2,000,000,000".

SEC. 307. ADMINISTRATION.

Section 207 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726a) is amended—

(1) in subsection (a)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by striking paragraph (1) and inserting the following:

"(1) RECIPIENT COUNTRIES.—A proposal to enter into a nonemergency food assistance agreement under this title shall identify the recipient country or countries that are the subject of the agreement.

"(2) TIMING.—Not later than 120 days after the date of submission to the Administrator of a proposal submitted by an eligible organization under this title, the Administrator shall determine whether to accept the proposal.";

(2) in subsection (b), by striking "guideline" each place it appears and inserting "guideline or policy determination"; and

(3) by adding at the end the following:

"(e) TIMELY APPROVAL.—

"(1) IN GENERAL.—The Administrator shall finalize program agreements and resource requests for programs under this section before the beginning of each fiscal year.

"(2) REPORT.—Not later than December 1 of each year, the Administrator shall submit to the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that contains—

"(A) a list of programs, countries, and commodities approved to date for assistance under this section; and

"(B) a statement of the total amount of funds approved to date for transportation and administrative costs under this section.

"(f) DIRECT DELIVERY.—In addition to practices in effect on the date of enactment of this subsection, the Secretary may approve an agreement that provides for direct delivery of agricultural commodities to milling or processing facilities more than 50 percent of the interest in which is owned by United States citizens in foreign countries, with the proceeds of transactions transferred in cash to eligible organizations described in section 202(d) to carry out approved projects.".

SEC. 308. ASSISTANCE FOR STOCKPILING AND RAPID TRANSPORTATION, DELIVERY, AND DISTRIBUTION OF SHELF-STABLE PREPACKAGED FOODS.

Section 208(f) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1726b(f)) is amended by striking "and 2002" and inserting "through 2006".

SEC. 309. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

Title II of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1721 et seq.) is amended by adding at the end the following:

"SEC. 209. PILOT EMERGENCY RELIEF PROGRAM TO PROVIDE LIVE LAMB TO AFGHANISTAN.

"(a) IN GENERAL.—The President may establish a pilot emergency relief program under this title to provide live lamb to Afghanistan on behalf of the people of the United States.

"(b) REPORT.—Not later than January 1, 2004, the Secretary shall submit to Congress a report that—

"(1)(A) evaluates the success of the program under subsection (a); or

"(B) if the program has not succeeded or has not been implemented, explains in detail why the program has not succeeded or has not been implemented; and

"(2) discusses the feasibility and desirability of providing assistance in the form of live animals.".

SEC. 310. SALE PROCEDURE.

Section 403 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1733) is amended—

(1) in subsection (b)—

(A) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—In carrying out this Act, the Secretary"; and

(B) by adding at the end the following:

"(2) CURRENCIES.—Sales of commodities described in paragraph (1) may be in United States dollars or in a different currency.";

(2) in subsection (e)—

(A) by striking "In carrying" and inserting the following:

"(1) IN GENERAL.—In carrying"; and

(B) by adding at the end the following:

"(2) SALE PRICE.—Sales of commodities described in paragraph (1) shall be made at a reasonable market price in the economy where the commodity is to be sold, as determined by the Secretary or the Administrator, as appropriate."; and

(3) by adding at the end the following:

"(l) SALE PROCEDURE.—Subsections (b)(2) and (e)(2) shall apply to sales of commodities in recipient countries to generate proceeds to carry out projects under—

"(1) section 416(b) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)); and

"(2) title VIII of the Agricultural Trade Act of 1978.".

SEC. 311. PREPOSITIONING.

Section 407(c)(4) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736a(c)(4)) is amended by striking "and 2002" and inserting "through 2006".

SEC. 312. EXPIRATION DATE.

Section 408 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736b) is amended by striking "2002" and inserting "2006".

SEC. 313. MICRONUTRIENT FORTIFICATION PROGRAM.

Section 415 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736g-2) is amended—

(1) in subsection (a)—

(A) in the first sentence, by striking "a micronutrient fortification pilot program" and inserting "micronutrient fortification programs"; and

(B) in the second sentence—

(i) by striking "the program" and inserting "a program";

(ii) in paragraph (1), by striking "and" at the end;

(iii) in paragraph (2)—

(I) by striking "whole"; and

(II) by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) encourage technologies and systems for the improved quality and safety of fortified grains and other commodities that are readily transferable to developing countries.";

(2) in the first sentence of subsection (c)—

(A) by striking "the pilot program, whole" and inserting "a program,";

(B) by striking "the pilot program may" and inserting "a program may"; and

(C) by striking "including" and inserting "such as"; and

(3) in subsection (d), by striking "2002" and inserting "2006".

SEC. 314. JOHN OGONOWSKI FARMER-TO-FARMER PROGRAM.

Section 501(c) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1737(c)) is amended—

(1) by striking "0.4" and inserting "0.5,"; and

(2) by striking "2002" and inserting "2006".

Subtitle B—Agricultural Trade Act of 1978

SEC. 321. EXPORT CREDIT GUARANTEE PROGRAM.

(a) TERM OF SUPPLIER CREDIT PROGRAM.—Section 202(a)(2) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(a)(2)) is amended by striking "180 days" and inserting "12 months".

(b) PROCESSED AND HIGH-VALUE PRODUCTS.—Section 202(k)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5622(k)(1)) is amended by striking ", 2001, and 2002" and inserting "through 2006".

(c) REPORT.—Section 202 of the Agricultural Trade Act of 1978 (7 U.S.C. 5622) is amended by adding at the end the following:

"(l) REPORT ON AGRICULTURAL EXPORT CREDIT PROGRAMS.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee on Agriculture and the Committee on International Relations of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report on the status of multilateral negotiations regarding agricultural export credit programs at the World Trade Organization and the Organization of Economic Cooperation and Development in fulfillment of Article 10.2 of the Agreement on Agriculture (as described in section 101(d)(2) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(2))).

"(2) CLASSIFIED INFORMATION.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.".

(d) REAUTHORIZATION.—Section 211(b)(1) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(b)(1)) is amended by striking "2002" and inserting "2006".

SEC. 322. MARKET ACCESS PROGRAM.

(a) IN GENERAL.—Section 211(c) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641(c)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking "The Commodity" and inserting the following:

"(1) IN GENERAL.—The Commodity";

(3) by striking subparagraph (A) (as so redesignated) and inserting the following:

"(A) in addition to any funds that may be specifically appropriated to implement a market access program, not more than $100,000,000 for fiscal year 2002, $120,000,000 for fiscal year 2003, $140,000,000 for fiscal year 2004, $180,000,000 for fiscal year 2005, and $200,000,000 for fiscal year 2006, of the funds of, or an equal value of commodities owned by, the Commodity Credit Corporation, except that this paragraph shall not apply to section 203(h); and"; and

(4) by adding at the end the following:

"(2) PROGRAM PRIORITIES.—Of funds made available under paragraph (1)(A) in excess of $90,000,000 for any fiscal year, priority shall be given to proposals—

"(A) made by eligible trade organizations that have never participated in the market access program under this title; or

"(B) for market access programs in emerging markets.".

(b) UNITED STATES QUALITY EXPORT INITIATIVE.—

(1) FINDINGS.—Congress finds that—

(A) the market access program established under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) and foreign market development cooperator program established under title VII of that Act (7 U.S.C. 5721 et seq.) target generic and value-added agricultural products, with little emphasis on the high quality of United States agricultural products; and

(B) new promotional tools are needed to enable United States agricultural products to compete in higher margin, international markets on the basis of quality.

(2) INITIATIVE.—Section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) is amended by adding at the end the following:

"(h) UNITED STATES QUALITY EXPORT INITIATIVE.—

"(1) IN GENERAL.—Subject to the availability of appropriations, using the authorities under this section, the Secretary shall establish a program under which, on a competitive basis, using practical and objective criteria, several agricultural products are selected to carry the 'U.S. Quality' seal.

"(2) PROMOTIONAL ACTIVITIES.—Agricultural products selected under paragraph (1) shall be promoted using the 'U.S. Quality' seal at trade fairs in key markets through electronic and print media.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection.".

SEC. 323. EXPORT ENHANCEMENT PROGRAM.

(a) IN GENERAL.—Section 301(e)(1)(G) of the Agricultural Trade Act of 1978 (7 U.S.C. 5651(e)(1)(G)) is amended by striking "fiscal year 2002" and inserting "each of fiscal years 2002 through 2006".

(b) UNFAIR TRADE PRACTICES.—Section 102(5)(A) of the Agricultural Trade Act of 1978 (7 U.S.C. 5602(5)(A)) is amended—

(1) in clause (i), by striking "or" at the end;

(2) in clause (ii), by striking the period at the end and inserting ", including, in the case of a state trading enterprise engaged in the export of an agricultural commodity, pricing practices that are not consistent with sound commercial practices conducted in the ordinary course of trade; or"; and

(3) by adding at the end the following:

"(iii) changes United States export terms of trade through a deliberate change in the dollar exchange rate of a competing exporter.".

SEC. 324. FOREIGN MARKET DEVELOPMENT COOPERATOR PROGRAM.

Section 703 of the Agricultural Trade Act of 1978 (7 U.S.C. 5723) is amended to read as follows:

"SEC. 703. FUNDING.

"(a) IN GENERAL.—To carry out this title, the Secretary shall use funds of the Commodity Credit Corporation, or commodities of the Commodity Credit Corporation of a comparable value, in the following amounts:

"(1) For fiscal year 2002, $37,500,000.

"(2) For fiscal year 2003, $40,000,000.

"(3) For fiscal year 2004 and each subsequent fiscal year, $42,500,000.

"(b) PROGRAM PRIORITIES.—Of funds or commodities provided under subsection (a) in excess of $35,000,000 for any fiscal year, priority shall be given to proposals—

"(1) made by eligible trade organizations that have never participated in the program established under this title; or

"(2) for programs established under this title in emerging markets.".

SEC. 325. FOOD FOR PROGRESS AND EDUCATION PROGRAMS.

(a) IN GENERAL.—The Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"TITLE VIII—FOOD FOR PROGRESS AND EDUCATION PROGRAMS

"SEC. 801. DEFINITIONS.

"In this title:

"(1) COOPERATIVE.—The term 'cooperative' means a private sector organization the members of which—

"(A) own and control the organization;

"(B) share in the profits of the organization; and

"(C) are provided services (such as business services and outreach in cooperative development) by the organization.

"(2) CORPORATION.—The term 'Corporation' means the Commodity Credit Corporation.

"(3) DEVELOPING COUNTRY.—The term 'developing country' means a foreign country that has—

"(A) a shortage of foreign exchange earnings; and

"(B) difficulty meeting all of the food needs of the country through commercial channels and domestic production.

"(4) ELIGIBLE COMMODITY.—The term 'eligible commodity' means an agricultural commodity (including vitamins and minerals) acquired by the Secretary or the Corporation for disposition in a program authorized under this title through—

"(A) commercial purchases; or

"(B) inventories of the Corporation.

"(5) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a private voluntary organization, cooperative, nongovernmental organization, or foreign country, as determined by the Secretary.

"(6) EMERGING AGRICULTURAL COUNTRY.—The term 'emerging agricultural country' means a foreign country that—

"(A) is an emerging democracy; and

"(B) has made a commitment to introduce or expand free enterprise elements in the agricultural economy of the country.

"(7) FOOD SECURITY.—The term 'food security' means access by all people at all times to sufficient food and nutrition for a healthy and productive life.

"(8) NONGOVERNMENTAL ORGANIZATION.—

"(A) IN GENERAL.—The term 'nongovernmental organization' means an organization that operates on a local level to solve development problems in a foreign country in which the organization is located.

"(B) EXCLUSION.—The term 'nongovernmental organization' does not include an organization that is primarily an agency or instrumentality of the government of a foreign country.

"(9) PRIVATE VOLUNTARY ORGANIZATION.—The term 'private voluntary organization' means a nonprofit, nongovernmental organization that—

"(A) receives—

"(i) funds from private sources; and

"(ii) voluntary contributions of funds, staff time, or in-kind support from the public;

"(B) is engaged in or is planning to engage in nonreligious voluntary, charitable, or development assistance activities; and

"(C) in the case of an organization that is organized under the laws of the United States or a State, is an organization described in section

501(c)(3) of the Internal Revenue Code of 1986 that is exempt from taxation under section 501(a) of that Code.

“(10) PROGRAM.—The term ‘program’ means a food or nutrition assistance or development initiative proposed by an eligible organization and approved by the Secretary under this title.

“(11) RECIPIENT COUNTRY.—The term ‘recipient country’ means an emerging agricultural country that receives assistance under a program.

“SEC. 802. FOOD FOR PROGRESS AND EDUCATION PROGRAMS.

“(a) IN GENERAL.—There are established the Food for Progress Program and the International Food for Education and Nutrition Program through which eligible commodities are made available to eligible organizations to carry out programs of assistance in developing countries.

“(b) FOOD FOR PROGRESS PROGRAM.—

“(1) IN GENERAL.—To provide agricultural commodities to support the introduction or expansion of free trade enterprises in national economies and to promote food security in recipient countries, the Secretary shall establish the Food for Progress Program, under which the Secretary may enter into agreements (including multiyear agreements and agreements for programs in more than 1 country) with entities described in paragraph (2).

“(2) ENTITIES.—The Secretary may enter into agreements under paragraph (1) with—

“(A) the governments of emerging agricultural countries;

“(B) private voluntary organizations;

“(C) nonprofit agricultural organizations and cooperatives;

“(D) nongovernmental organizations; and

“(E) other private entities.

“(3) CONSIDERATIONS.—In determining whether to enter into an agreement to establish a program under paragraph (1), the Secretary shall take into consideration whether an emerging agricultural country is committed to carrying out, or is carrying out, policies that promote—

“(A) economic freedom;

“(B) private production of food commodities for domestic consumption; and

“(C) the creation and expansion of efficient domestic markets for the purchase and sale of those commodities.

“(c) INTERNATIONAL FOOD FOR EDUCATION AND NUTRITION PROGRAM.—

“(1) IN GENERAL.—In cooperation with other countries, the Secretary shall establish an initiative under this title to be known as the ‘International Food for Education and Nutrition Program’, through which the Secretary may provide to eligible organizations agricultural commodities and technical and nutritional assistance in connection with education programs to improve food security and enhance educational opportunities for preschool age and primary school age children in recipient countries.

“(2) AGREEMENTS.—In carrying out this subsection, the Secretary—

“(A) shall administer the programs under this subsection in manner that is consistent with this title; and

“(B) may enter into agreements with eligible organizations—

“(i) to purchase, acquire, and donate eligible commodities to eligible organizations to carry out agreements in recipient countries; and

“(ii) to provide technical and nutritional assistance to carry out agreements in recipient countries.

“(3) OTHER DONOR COUNTRIES.—The Secretary shall encourage other donor countries, directly or through eligible organizations—

“(A) to donate goods and funds to recipient countries; and

“(B) to provide technical and nutritional assistance to recipient countries.

“(4) PRIVATE SECTOR.—The President and the Secretary are urged to encourage the support and active involvement of the private sector, foundations, and other individuals and organizations in programs and activities assisted under this subsection.

“(5) GRADUATION.—An agreement with an eligible organization under this subsection shall include provisions—

“(A)(i) to sustain the benefits to the education, enrollment, and attendance of children in schools in the targeted communities when the provision of commodities and assistance to a recipient country under the program under this subsection terminates; and

“(ii) to estimate the period of time required until the recipient country or eligible organization is able to provide sufficient assistance without additional assistance under this subsection; or

“(B) to provide other long-term benefits to targeted populations of the recipient country.

“(6) ELIGIBLE COSTS.—Subject to paragraphs (2) and (7), the Secretary shall pay all or part of—

“(A) the costs and charges described in paragraphs (1) through (5) and (7) of section 406(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1736(b)) with respect to an eligible commodity;

“(B) the internal transportation, storage, and handling costs incurred in moving the eligible commodity, if the Secretary determines that—

“(i) payment of the costs is appropriate; and

“(ii) the recipient country is a low income, net food-importing country that—

“(I) meets the poverty criteria established by the International Bank for Reconstruction and Development for Civil Works Preference; and

“(II) has a national government that is committed to or is working toward, through a national action plan, the World Declaration on Education for All convened in 1990 in Jomtien, Thailand, and the followup Dakar Framework for Action of the World Education Forum in 2000; and

“(C) the projected costs of an eligible organization for administration, sales, monitoring, and technical assistance under an agreement under paragraph (2) (including an itemized budget), taking into consideration, as determined by the Secretary—

“(i) the projected amount of such costs itemized by category; and

“(ii) the projected amount of assistance to be received from other donors.

“(7) FUNDING.—

“(A) COMMODITY CREDIT CORPORATION.—

“(i) IN GENERAL.—Subject to clause (ii), the Secretary may use the funds, facilities, and authorities of the Corporation to carry out this subsection.

“(ii) LIMITATION.—Not more than $150,000,000 for each of fiscal years 2002 through 2005 shall be used to carry out this subsection.

“(B) USE LIMITATIONS.—Of the funds made available under subparagraph (A), the Secretary may use to carry out paragraph (6)(C) not more than $20,000,000 for each of fiscal years 2002 through 2005.

“(C) REALLOCATION.—Funds not allocated under this subsection by April 30 of a fiscal year shall be made available for proposals submitted under the Food for Progress Program under subsection (b).

“(8) ANNUAL REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report that describes—

“(A) the results of the implementation of this subsection during the year covered by the report, including the impact on the enrollment, attendance, and performance of children in preschools and primary schools targeted under the program under this subsection; and

“(B) the level of commitments by, and the potential for obtaining additional goods and assistance from, other countries for subsequent years.

“(d) TERMS.—

“(1) IN GENERAL.—The Secretary may provide agricultural commodities under this title on—

“(A) a grant basis; or

“(B) subject to paragraph (2), credit terms.

“(2) CREDIT TERMS.—Payment for agricultural commodities made available under this title that are purchased on credit terms shall be made on the same basis as payments made under section 103 of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1703).

“(3) NO EFFECT ON DOMESTIC PROGRAMS.—The Secretary shall not make an agricultural commodity available for disposition under this section in any amount that will reduce the amount of the commodity that is traditionally made available through donations to domestic feeding programs or agencies, as determined by the Secretary.

“(4) MULTIYEAR AGREEMENTS.—In carrying out this title, on request and subject to the availability of commodities, the Secretary is encouraged to approve agreements that provide for commodities to be made available for distribution on a multiyear basis, if the agreements otherwise meet the requirements of this title.

“(e) REPORTS.—Each eligible organization that enters into an agreement under this title shall submit to the Secretary, at such time as the Secretary may request, a report containing such information as the Secretary may request relating to the use of agricultural commodities and funds provided to the eligible organization under this title.

“(f) COORDINATION.—To ensure that the provision of commodities under this section is coordinated with and complements other foreign assistance provided by the United States, assistance under this section shall be coordinated through the mechanism designated by the President to coordinate assistance under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

“(g) QUALITY ASSURANCE.—

“(1) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that each eligible organization participating in 1 or more programs under this section—

“(A) uses eligible commodities made available under this title—

“(i) in an effective manner;

“(ii) in the areas of greatest need; and

“(iii) in a manner that promotes the purposes of this title;

“(B) in using eligible commodities, assesses and takes into account the needs of recipient countries and the target populations of the recipient countries;

“(C) works with recipient countries, and indigenous institutions or groups in recipient countries, to design and carry out mutually acceptable programs authorized under this title;

“(D) monitors and reports on the distribution or sale of eligible commodities provided under this title using methods that, as determined by the Secretary, facilitate accurate and timely reporting;

“(E) periodically evaluates the effectiveness of the program of the eligible organization, including, as applicable, an evaluation of whether the development or food and nutrition purposes of the program can be sustained in a recipient country if the assistance provided to the recipient country is reduced and eventually terminated; and

“(F) considers means of improving the operation of the program of the eligible organization.

"(2) CERTIFIED INSTITUTIONAL PARTNERS.—

"(A) IN GENERAL.—The Secretary shall promulgate regulations and guidelines to permit private voluntary organizations and cooperatives to be certified as institutional partners.

"(B) REQUIREMENTS.—To become a certified institutional partner, a private voluntary organization or cooperative shall submit to the Secretary evidence of organizational capacity that describes—

"(i) the financial, programmatic, commodity management, and auditing abilities and practices of the organization or cooperative; and

"(ii) the capacity of the organization or cooperative to carry out projects in particular countries.

"(C) MULTICOUNTRY PROPOSALS.—A certified institutional partner shall be eligible to—

"(i) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

"(ii) receive expedited review of the proposal.

"(h) TRANSSHIPMENT AND RESALE.—

"(1) IN GENERAL.—The transshipment or resale of an eligible commodity to a country other than a recipient country shall be prohibited unless the transshipment or resale is approved by the Secretary.

"(2) MONETIZATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) through (D), an eligible commodity provided under this section may be sold for foreign currency or United States dollars or bartered, with the approval of the Secretary.

"(B) SALE OR BARTER OF FOOD ASSISTANCE.—The sale or barter of eligible commodities under this title may be conducted only within (as determined by the Secretary)—

"(i) a recipient country or country near the recipient country; or

"(ii) another country, if—

"(I) the sale or barter within the recipient country or nearby country is not practicable; and

"(II) the sale or barter within countries other than the recipient country or nearby country will not disrupt commercial markets for the agricultural commodity involved.

"(C) HUMANITARIAN OR DEVELOPMENT PURPOSES.—The Secretary may authorize the use of proceeds or exchanges to pay the costs incurred by an eligible organization under this title for—

"(i)(I) programs targeted at hunger and malnutrition; or

"(II) development programs involving food security or education;

"(ii) transportation, storage, and distribution of eligible commodities provided under this title; and

"(iii) administration, sales, monitoring, and technical assistance.

"(D) EXCEPTION.—The Secretary shall not approve the use of proceeds described in subparagraph (C) to fund any administrative expenses of a foreign government.

"(E) PRIVATE SECTOR ENHANCEMENT.—As appropriate, the Secretary may provide eligible commodities under this title in a manner that uses commodity transactions as a means of developing in the recipient countries a competitive private sector that can provide for the importation, transportation, storage, marketing, and distribution of commodities.

"(i) DISPLACEMENT OF COMMERCIAL SALES.—In carrying out this title, the Secretary shall, to the maximum extent practicable consistent with the purposes of this title, avoid—

"(1) displacing any commercial export sale of United States agricultural commodities that would otherwise be made;

"(2) disrupting world prices of agricultural commodities; or

"(3) disrupting normal patterns of commercial trade of agricultural commodities with foreign countries.

"(j) DEADLINE FOR PROGRAM ANNOUNCEMENTS.—

"(1) IN GENERAL.—Before the beginning of the applicable fiscal year, the Secretary shall, to the maximum extent practicable—

"(A) make all determinations concerning program agreements and resource requests for programs under this title; and

"(B) announce those determinations.

"(2) REPORT.—Not later than November 1 of the applicable fiscal year, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a list of programs, countries, and commodities, and the total amount of funds for transportation and administrative costs, approved to date under this title.

"(k) MILITARY DISTRIBUTION OF ASSISTANCE.—

"(1) IN GENERAL.—The Secretary shall ensure, to the maximum extent practicable, that agricultural commodities made available under this title are provided without regard to—

"(A) the political affiliation, geographic location, ethnic, tribal, or religious identity of the recipient; or

"(B) any other extraneous factors, as determined by the Secretary.

"(2) PROHIBITION ON HANDLING OF COMMODITIES BY THE MILITARY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary shall not enter into an agreement under this title to provide agricultural commodities if the agreement requires or permits the distribution, handling, or allocation of agricultural commodities by the military forces of any foreign government or insurgent group.

"(B) EXCEPTION.—The Secretary may authorize the distribution, handling, or allocation of commodities by the military forces of a country in exceptional circumstances in which—

"(i) nonmilitary channels are not available for distribution, handling, or allocation;

"(ii) the distribution, handling, or allocation is consistent with paragraph (1); and

"(iii) the Secretary determines that the distribution, handling, or allocation is necessary to meet the emergency health, safety, or nutritional requirements of the population of a recipient country.

"(3) ENCOURAGEMENT OF SAFE PASSAGE.—In entering into an agreement under this title that involves 1 or more areas within a recipient country that is experiencing protracted warfare or civil unrest, the Secretary shall, to the maximum extent practicable, encourage all parties to the conflict to—

"(A) permit safe passage of the commodities and other relief supplies; and

"(B) establish safe zones for—

"(i) medical and humanitarian treatment; and

"(ii) evacuation of injured persons.

"(l) LEVEL OF ASSISTANCE.—The cost of commodities made available under this title, and the expenses incurred in connection with the provision of those commodities shall be in addition to the level of assistance provided under the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691 et seq.).

"(m) COMMODITY CREDIT CORPORATION.—

"(1) IN GENERAL.—Subject to paragraphs (5) through (7), the Secretary may use the funds, facilities, and authorities of the Corporation to carry out this title.

"(2) MINIMUM TONNAGE.—Subject to paragraph (6)(B), not less than 400,000 metric tons of commodities may be provided under this title for the program established under subsection (b) for each of fiscal years 2002 through 2006.

"(3) AUTHORIZATION OF APPROPRIATIONS.—In addition to tonnage authorized under paragraph (2), there are authorized to be appropriated such sums as are necessary to carry out the program established under subsection (b).

"(4) TITLE I FUNDS.—In addition to tonnage and funds authorized under paragraphs (2), (3), and (6)(B), the Corporation may use funds appropriated to carry out title I of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1701 et seq.)) in carrying out the program established under subsection (b).

"(5) LIMITATION ON PURCHASES OF COMMODITIES.—The Corporation may purchase agricultural commodities for disposition under this title only if Corporation inventories are insufficient to satisfy commitments made in agreements entered into under this title.

"(6) ELIGIBLE COSTS AND EXPENSES.—

"(A) IN GENERAL.—Subject to subparagraph (B), with respect to an eligible commodity made available under the program established under subsection (b), the Corporation may pay—

"(i) the costs of acquiring the eligible commodity;

"(ii) the costs associated with packaging, enriching, preserving, and fortifying of the eligible commodity;

"(iii) the processing, transportation, handling, and other incidental costs incurred before the date on which the commodity is delivered free on board vessels in United States ports;

"(iv) the vessel freight charges from United States ports or designated Canadian transshipment ports, as determined by the Secretary, to designated ports of entry abroad;

"(v) the costs associated with transporting the eligible commodity from United States ports to designated points of entry abroad in a case in which—

"(I) a recipient country is landlocked;

"(II) ports of a recipient country cannot be used effectively because of natural or other disturbances;

"(III) carriers to a specific country are unavailable; or

"(IV) substantial savings in costs or time may be gained by the use of points of entry other than ports;

"(vi) the charges for general average contributions arising out of the ocean transport of commodities transferred; and

"(vii) the costs, in addition to costs authorized by clauses (i) through (vi), of providing—

"(I) assistance in the administration, sale, and monitoring of food assistance activities under this title; and

"(II) technical assistance for monetization programs.

"(B) FUNDING.—Except for costs described in clauses (i) through (iii) of subparagraph (A), unless authorized in advance in an appropriations Act or reallocated under subsection (c)(7)(C)—

"(i) not more than $55,000,000 of funds that would be available to carry out paragraph (2) may be used to cover costs under clauses (iv) through (vii) of subparagraph (A); and

"(ii) of the amount provided under clause (i), not more than $12,000,000 shall be made available to cover costs under clauses (vi) and (vii) of subparagraph (A).

"(7) PAYMENT OF ADMINISTRATIVE COSTS.—An eligible organization that receives payment for administrative costs through monetization of the eligible commodity under subsection (h)(2) shall not be eligible to receive payment for the same administrative costs through direct payments under paragraph (6)(A)(vii)(I).".

(b) CONFORMING AMENDMENTS.—

(1) Section 416(b)(7)(D)(iii) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)(iii)) is amended by striking "the Food for Progress Act of 1985" and inserting "title VIII of the Agricultural Trade Act of 1978".

(2) The Act of August 19, 1958 (7 U.S.C. 1431 note; Public Law 85–683) is amended by striking

"the Food for Progress Act of 1985" and inserting "title VIII of the Agricultural Trade Act of 1978".

(3) Section 1110 of the Food Security Act of 1985 (7 U.S.C. 1736o) is repealed.

SEC. 326. EXPORTER ASSISTANCE INITIATIVE.

(a) FINDINGS.—Congress find that—

(1) information in the possession of Federal agencies other than the Department of Agriculture that is necessary for the export of agricultural commodities and products is available only from multiple disparate sources; and

(2) because exporters often need access to information quickly, exporters lack the time to search multiple sources to access necessary information, and exporters often are unaware of where the necessary information can be located.

(b) INITIATIVE.—Title I of the Agricultural Trade Act of 1978 (7 U.S.C. 5601 et seq.) is amended by adding at the end the following:

"SEC. 107. EXPORTER ASSISTANCE INITIATIVE.

"(a) IN GENERAL.—In order to create a single source of information for exports of United States agricultural commodities, the Secretary shall develop a website on the Internet that collates onto a single website all information from all agencies of the Federal Government that is relevant to the export of United States agricultural commodities.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out subsection (a)—

"(1) $1,000,000 for each of fiscal years 2002 through 2004; and

"(2) $500,000 for each of fiscal years 2005 and 2006.".

Subtitle C—Miscellaneous Agricultural Trade Provisions

SEC. 331. BILL EMERSON HUMANITARIAN TRUST.

Section 302 of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1) is amended by striking "2002" each place it appears in subsection (b)(2)(B)(i) and paragraphs (1) and (2) of subsection (h) and inserting "2006".

SEC. 332. EMERGING MARKETS.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended by striking "2002" each place it appears in subsections (a) and (d)(1)(A)(i) and inserting "2006".

SEC. 333. BIOTECHNOLOGY AND AGRICULTURAL TRADE PROGRAM.

Section 1542 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5622 note; Public Law 101–624) is amended by adding at the end the following:

"(g) BIOTECHNOLOGY AND AGRICULTURAL TRADE PROGRAM.—

"(1) IN GENERAL.—The Secretary of Agriculture shall establish a program to enhance foreign acceptance of agricultural biotechnology and United States agricultural products developed through biotechnology.

"(2) FOCUS.—The program shall address the continuing and increasing market access, regulatory, and marketing issues relating to export commerce of United States agricultural biotechnology products.

"(3) EDUCATION AND OUTREACH.—

"(A) FOREIGN MARKETS.—Support for United States agricultural market development organizations to carry out education and other outreach efforts concerning biotechnology shall target such educational initiatives directed toward—

"(i) producers, buyers, consumers, and media in foreign markets through initiatives in foreign markets; and

"(ii) government officials, scientists, and trade officials from foreign countries through exchange programs.

"(B) FUNDING FOR EDUCATION AND OUTREACH.—Funding for activities under subparagraph (A) may be—

"(i) used through—

"(I) the emerging markets program under this section; or

"(II) the Cochran Fellowship Program under section 1543; or

"(ii) applied directly to foreign market development cooperators through the foreign market development cooperator program established under section 702.

"(4) RAPID RESPONSE.—

"(A) IN GENERAL.—The Secretary shall assist exporters of United States agricultural commodities in cases in which the exporters are harmed by unwarranted and arbitrary barriers to trade due to—

"(i) marketing of biotechnology products;

"(ii) food safety;

"(iii) disease; or

"(iv) other sanitary or phytosanitary concerns.

"(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $1,000,000 for each of fiscal years 2002 through 2006.

"(5) FUNDING.—

"(A) COMMODITY CREDIT CORPORATION.—The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this subsection (other than paragraph (4)).

"(B) FUNDING AMOUNT.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available to carry out this subsection (other than paragraph (4)) $15,000,000 for each of fiscal years 2002 through 2006.".

SEC. 334. SURPLUS COMMODITIES FOR DEVELOPING OR FRIENDLY COUNTRIES.

(a) USE OF CURRENCIES.—Section 416(b)(7)(D) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(7)(D)) is amended—

(1) in clauses (i) and (iii), by striking "foreign currency" each place it appears;

(2) in clause (ii)—

(A) in the first sentence, by striking "Foreign currencies" and inserting "Proceeds"; and

(B) in the second sentence, by striking "foreign currency"; and

(3) in clause (iv)—

(A) by striking "Foreign currency proceeds" and inserting "Proceeds"; and

(B) by striking "other than the country of origin—" and all that follows and inserting "other than the country of origin, for the purpose of carrying out programs under this subsection.".

(b) IMPLEMENTATION OF AGREEMENTS.—Section 416(b)(8) of the Agricultural Act of 1949 (7 U.S.C. 1431(b)(8)) is amended by striking "(8)(A)" and all that follows through "(B) The Secretary" and inserting the following:

"(8) ADMINISTRATIVE PROVISIONS.—

"(A) DIRECT DELIVERY.—In addition to practices in effect on the date of enactment of this subparagraph, the Secretary may approve an agreement that provides for direct delivery of eligible commodities to milling or processing facilities more than 50 percent of the interest in which is owned by United States citizens in recipient countries, with the proceeds of transactions transferred in cash to eligible organizations to carry out approved projects.

"(B) REGULATIONS.—The Secretary".

(c) CERTIFIED INSTITUTIONAL PARTNERS.—Section 416 of the Agricultural Act of 1949 (7 U.S.C. 1431) is amended by adding at the end the following:

"(c) CERTIFIED INSTITUTIONAL PARTNERS.—

"(1) IN GENERAL.—The Secretary shall promulgate regulations and guidelines to permit private voluntary organizations and cooperatives to be certified as institutional partners.

"(2) REQUIREMENTS.—To become a certified institutional partner, a private voluntary organization or cooperative shall submit to the Secretary evidence of organizational capacity that describes—

"(A) the financial, programmatic, commodity management, and auditing abilities and practices of the organization or cooperative; and

"(B) the capacity of the organization or cooperative to carry out projects in particular countries.

"(3) MULTI-COUNTRY PROPOSALS.—A certified institutional partner shall be eligible to—

"(A) submit a single proposal for 1 or more countries in which the certified institutional partner has already demonstrated organizational capacity; and

"(B) receive expedited review of the proposal.".

SEC. 335. AGRICULTURAL TRADE WITH CUBA.

(a) IN GENERAL.—Section 908 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207); is amended by striking subsection (b).

(b) CONFORMING AMENDMENTS.—Section 908(a) of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (22 U.S.C. 7207(a)) (as amended by subsection (a)), is amended—

(1) by striking "(a)" and all that follows through "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding";

(2) by striking "(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1)" and inserting the following:

"(b) RULE OF CONSTRUCTION.—Nothing in subsection (a)"; and

(3) by striking "(3) WAIVER.—The President may waive the application of paragraph (1)" and inserting the following:

"(c) WAIVER.—The President may waive the application of subsection (a)".

SEC. 336. SENSE OF CONGRESS CONCERNING AGRICULTURAL TRADE.

(a) AGRICULTURE TRADE NEGOTIATING OBJECTIVES.—It is the sense of Congress that the principal negotiating objective of the United States with respect to agricultural trade in all multilateral, regional, and bilateral negotiations is to obtain competitive opportunities for the export of United States agricultural commodities in foreign markets substantially equivalent to the competitive opportunities afforded foreign exports in United States markets and to achieve fairer and more open conditions of agricultural trade in bulk and value-added commodities by—

(1) reducing or eliminating, by a date certain, tariffs or other charges that decrease market opportunities for the export of United States agricultural commodities, giving priority to United States agricultural commodities that are subject to significantly higher tariffs or subsidy regimes of major producing countries;

(2) immediately eliminating all export subsidies on agricultural commodities worldwide while maintaining bona fide food aid and preserving United States agricultural market development and export credit programs that allow the United States to compete with other foreign export promotion efforts;

(3) leveling the playing field for United States agricultural producers by disciplining domestic supports such that no other country can provide greater support, measured as a percentage of total agricultural production value, than the United States does while preserving existing green box category to support conservation activities, family farms, and rural communities;

(4) developing, strengthening, and clarifying rules and effective dispute settlement mechanisms to eliminate practices that unfairly decrease United States market access opportunities for United States agricultural commodities or distort agricultural markets to the detriment of the United States, including—

(A) unfair or trade-distorting activities of state trading enterprises and other administrative mechanisms, with emphasis on—

(i) requiring price transparency in the operation of state trading enterprises and such other mechanisms; and

(ii) ending discriminatory pricing practices for agricultural commodities that amount to de facto export subsidies so that the enterprises or other mechanisms do not (except in cases of bona fide food aid) sell agricultural commodities in foreign markets at prices below domestic market prices or prices below the full costs of acquiring and delivering agricultural commodities to the foreign markets;

(B) unjustified trade restrictions or commercial requirements affecting new agricultural technologies, including biotechnology;

(C) unjustified sanitary or phytosanitary restrictions, including restrictions that are not based on scientific principles, in contravention of the Agreement on the Application of Sanitary and Phytosanitary Measures (as described in section 101(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(3)));

(D) other unjustified technical barriers to agricultural trade; and

(E) restrictive and nontransparent rules in the administration of tariff rate quotas;

(5) improving import relief mechanisms to recognize the unique characteristics of perishable agricultural commodities;

(6) taking into account whether a party to negotiations with respect to trading in an agricultural commodity has—

(A) failed to adhere to the provisions of an existing bilateral trade agreement with the United States;

(B) circumvented obligations under a multilateral trade agreement to which the United States is a signatory; or

(C) manipulated its currency value to the detriment of United States agricultural producers or exporters; and

(7) otherwise ensuring that countries that accede to the World Trade Organization—

(A) have made meaningful market liberalization commitments in agriculture; and

(B) make progress in fulfilling those commitments over time.

(b) PRIORITY FOR AGRICULTURE TRADE.—It is the sense of Congress that—

(1) reaching a successful agreement on agriculture should be the top priority of United States negotiators in World Trade Organization talks; and

(2) if the primary export competitors of the United States fail to reduce their trade distorting domestic supports and eliminate export subsidies in accordance with the negotiating objectives expressed in this section, the United States should take steps to increase the leverage of United States negotiators and level the playing field for United States producers, within existing World Trade Organization commitments.

(c) CONSULTATION WITH CONGRESSIONAL COMMITTEES.—It is the sense of Congress that—

(1) before the United States Trade Representative negotiates a trade agreement that would reduce tariffs on agricultural commodities or require a change in United States agricultural law, the United States Trade Representative should consult with the Committee on Agriculture and the Committee on Ways and Means of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Finance of the Senate;

(2) not less than 48 hours before initialing an agreement relating to agricultural trade negotiated under the auspices of the World Trade Organization, the United States Trade Representative should consult closely with the committees referred to in paragraph (1) regarding—

(A) the details of the agreement;

(B) the potential impact of the agreement on United States agricultural producers; and

(C) any changes in United States law necessary to implement the agreement; and

(3) any agreement or other understanding (whether verbal or in writing) that relates to agricultural trade that is not disclosed to Congress before legislation implementing a trade agreement is introduced in either the Senate or the House of Representatives should not be considered to be part of the agreement approved by Congress and should have no force and effect under Unites States law or in any dispute settlement body.

SEC. 337. REPORT ON USE OF PERISHABLE COMMODITIES.

Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture shall develop and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on deficiencies in transportation and storage infrastructure and deficiencies in funding that have limited the use, and expansion of use, of highly perishable and semiperishable commodities in international food aid programs of the Department of Agriculture.

SEC. 338. SENSE OF SENATE CONCERNING FOREIGN ASSISTANCE PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the international community faces a continuing epidemic of ethnic, sectarian, and criminal violence;

(2) poverty, hunger, political uncertainty, and social instability are the principal causes of violence and conflict around the world;

(3) broad-based, equitable economic growth and agriculture development facilitates political stability, food security, democracy, and the rule of law;

(4) democratic governments are more likely to advocate and observe international laws, protect civil and human rights, pursue free market economies, and avoid external conflicts;

(5) the United States Agency for International Development has provided critical democracy and governance assistance to a majority of the nations that successfully made the transition to democratic governments during the past 2 decades;

(6) 43 of the top 50 consumer nations of American agricultural products were once United States foreign aid recipients;

(7) in the past 50 years, infant child death rates in the developing world have been reduced by 50 percent, and health conditions around the world have improved more during this period than in any other period;

(8) the United States Agency for International Development child survival programs have significantly contributed to a 10 percent reduction in infant mortality rates worldwide in just the past 8 years;

(9) in providing assistance by the United States and other donors in better seeds and teaching more efficient agricultural techniques over the past 2 decades have helped make it possible to feed an additional 1,000,000,000 people in the world;.

(10) despite this progress, approximately 1,200,000,000 people, one-quarter of the world's population, live on less that $1 per day, and approximately 3,000,000,000 people live on only $2 per day;

(11) 95 percent of new births occur in developing countries, including the world's poorest countries; and

(12) only ½ percent of the Federal budget is dedicated to international economic and humanitarian assistance.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) United States foreign assistance programs should play an increased role in the global fight against terrorism to complement the national security objectives of the United States;

(2) the United States should lead coordinated international efforts to provide increased financial assistance to countries with impoverished and disadvantaged populations that are the breeding grounds for terrorism; and

(3) the United States Agency for International Development and the Department of Agriculture should substantially increase humanitarian, economic development, and agricultural assistance to foster international peace and stability and the promotion of human rights.

TITLE IV—NUTRITION PROGRAMS

SEC. 401. SHORT TITLE.

This title may be cited as the "Food Stamp Reauthorization Act of 2002".

Subtitle A—Food Stamp Program

SEC. 411. ENCOURAGEMENT OF PAYMENT OF CHILD SUPPORT.

(a) EXCLUSION.—Section 5(d)(6) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)(6)) is amended by adding at the end the following: "and child support payments made by a household member to or for an individual who is not a member of the household if the household member is legally obligated to make the payments,".

(b) SIMPLIFIED PROCEDURE.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(1) in subsection (e), by striking paragraph (4) and inserting the following:

"(4) DEDUCTION FOR CHILD SUPPORT PAYMENTS.—

"(A) IN GENERAL.—In lieu of providing an exclusion for legally obligated child support payments made by a household member under subsection (d)(6), a State agency may elect to provide a deduction for the amount of the payments.

"(B) ORDER OF DETERMINING DEDUCTIONS.—A deduction under this paragraph shall be determined before the computation of the excess shelter expense deduction under paragraph (6)."; and

(2) by adding at the end the following:

"(n) STATE OPTIONS TO SIMPLIFY DETERMINATION OF CHILD SUPPORT PAYMENTS MADE BY HOUSEHOLD MEMBERS.—

"(1) IN GENERAL.—Regardless of whether a State agency elects to provide a deduction under subsection (e)(4), the Secretary shall establish simplified procedures to allow State agencies, at the option of the State agencies, to determine the amount of the legally obligated child support payments made, including procedures to allow the State agency to rely on information from the agency responsible for implementing the program under part D of title IV of the Social Security Act (42 U.S.C. 661 et seq.) concerning payments made in prior months in lieu of obtaining current information from the household.

"(2) DURATION OF DETERMINATION OF AMOUNT OF SUPPORT PAYMENTS.—If a State agency makes a determination of the amount of support payments of a household under paragraph (1), the State agency may provide that the amount of the exclusion or deduction for the household shall not change until the eligibility of the household is next redetermined under section 11(e)(4).".

SEC. 412. SIMPLIFIED DEFINITION OF INCOME.

Section 5(d) of the Food Stamp Act of 1977 (7 U.S.C. 2014(d)) is amended—

(1) by striking "and (15)" and inserting "(15)"; and

(2) by inserting before the period at the end the following: ", (16) at the option of the State agency, any educational loans on which payment is deferred, grants, scholarships, fellowships, veterans' educational benefits, and the like (other than loans, grants, scholarships, fellowships, veterans' educational benefits, and the like excluded under paragraph (3)), to the extent that they are required to be excluded under title XIX of the Social Security Act (42

U.S.C. 1396 et seq.), (17) at the option of the State agency, any State complementary assistance program payments that are excluded for the purpose of determining eligibility for medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u–1), and (18) at the option of the State agency, any types of income that the State agency does not consider when determining eligibility for (A) cash assistance under a program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or the amount of such assistance, or (B) medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u–1), except that this paragraph does not authorize a State agency to exclude wages or salaries, benefits under title I, II, IV, X, XIV, or XVI of the Social Security Act (42 U.S.C. 1381 et seq.), regular payments from a government source (such as unemployment benefits and general assistance), worker's compensation, child support payments made to a household member by an individual who is legally obligated to make the payments, or such other types of income the consideration of which the Secretary determines by regulation to be essential to equitable determinations of eligibility and benefit levels".

SEC. 413. INCREASE IN BENEFITS TO HOUSEHOLDS WITH CHILDREN.

Section 5(e) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)) is amended by striking paragraph (1) and inserting the following:

"(1) Standard deduction.—

"(A) In general.—Subject to the other provisions of this paragraph, the Secretary shall allow for each household a standard deduction that is equal to the greater of—

"(i) the applicable percentage specified in subparagraph (D) of the applicable income standard of eligibility established under subsection (c)(1); or

"(ii) the minimum deduction specified in subparagraph (E).

"(B) Guam.—The Secretary shall allow for each household in Guam a standard deduction that is—

"(i) equal to the applicable percentage specified in subparagraph (D) of twice the income standard of eligibility established under subsection (c)(1) for the 48 contiguous States and the District of Columbia; but

"(ii) not less than the minimum deduction for Guam specified in subparagraph (E).

"(C) Households of 6 or more members.—The income standard of eligibility established under subsection (c)(1) for a household of 6 members shall be used to calculate the standard deduction for each household of 6 or more members.

"(D) Applicable percentage.—For the purpose of subparagraph (A), the applicable percentage shall be—

"(i) 8 percent for each of fiscal years 2002 through 2007;

"(ii) 8.25 percent for fiscal year 2008;

"(iii) 8.5 percent for each of fiscal years 2009 and 2010; and

"(iv) 9 percent for fiscal year 2011 and each fiscal year thereafter.

"(E) Minimum deduction.—The minimum deduction shall be $134, $229, $189, $269, and $118 for the 48 contiguous States and the District of Columbia, Alaska, Hawaii, Guam, and the Virgin Islands of the United States, respectively.".

SEC. 414. SIMPLIFIED DETERMINATION OF HOUSING COSTS.

(a) In General.—Section 5(e)(7) of the Food Stamp Act of 1977 (7 U.S.C. 2014(e)(7)) is amended—

(1) in subparagraph (A)—

(A) by striking "A household" and inserting the following:

"(i) In general.—A household"; and

(B) by adding at the end the following:

"(ii) Inclusion of certain payments.—In determining the shelter expenses of a household under this paragraph, the State agency shall include any required payment to the landlord of the household without regard to whether the required payment is designated to pay specific charges."; and

(2) by adding at the end the following:

"(D) Homeless households.—

"(i) Alternative deduction.—In lieu of the deduction provided under subparagraph (A), a State agency may elect to allow a household in which all members are homeless individuals, but that is not receiving free shelter throughout the month, to receive a deduction of $143 per month.

"(ii) Ineligibility.—The State agency may make a household with extremely low shelter costs ineligible for the alternative deduction under clause (i).".

(b) Conforming Amendments.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(1) in subsection (e)—

(A) by striking paragraph (5); and

(B) by redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively; and

(2) in subsection (k)(4)(B), by striking "subsection (e)(7)" and inserting "subsection (e)(6)".

SEC. 415. SIMPLIFIED UTILITY ALLOWANCE.

Section 5(e)(6)(C)(iii) of the Food Stamp Act of 1977 (as amended by section 414(b)(1)(B)) is amended—

(1) in subclause (I)(bb), by inserting "(without regard to subclause (III))" after "Secretary finds"; and

(2) by adding at the end the following:

"(III) Inapplicability of certain restrictions.—Clauses (ii)(II) and (ii)(III) shall not apply in the case of a State agency that has made the use of a standard utility allowance mandatory under subclause (I).".

SEC. 416. SIMPLIFIED PROCEDURE FOR DETERMINATION OF EARNED INCOME.

Section 5(f)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(1)) is amended by adding at the end the following:

"(C) Simplified determination of earned income.—

"(i) In general.—A State agency may elect to determine monthly earned income by multiplying weekly income by 4 and biweekly income by 2.

"(ii) Adjustment of earned income deduction.—A State agency that makes an election described in clause (i) shall adjust the earned income deduction under subsection (e)(2)(B) to the extent necessary to prevent the election from resulting in increased costs to the food stamp program, as determined consistent with standards promulgated by the Secretary.".

SEC. 417. SIMPLIFIED DETERMINATION OF DEDUCTIONS.

Section 5(f)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2014(f)(1)) (as amended by section 416) is amended by adding at the end the following:

"(D) Simplified determination of deductions.—

"(i) In general.—Except as provided in clause (ii), for the purposes of subsection (e), a State agency may elect to disregard until the next redetermination of eligibility under section 11(e)(4) 1 or more types of changes in the circumstances of a household that affect the amount of deductions the household may claim under subsection (e).

"(ii) Changes that may not be disregarded.—Under clause (i), a State agency may not disregard—

"(I) any reported change of residence; or

"(II) under standards prescribed by the Secretary, any change in earned income.".

SEC. 418. SIMPLIFIED DEFINITION OF RESOURCES.

Section 5(g) of the Food Stamp Act of 1977 (7 U.S.C. 2014(g)) is amended by adding at the end the following:

"(6) Exclusion of types of financial resources not considered under certain other federal programs.—

"(A) In general.—Subject to subparagraph (B), the Secretary shall promulgate regulations under which a State agency may, at the option of the State agency, exclude from financial resources under this subsection any types of financial resources that the State agency does not consider when determining eligibility for—

"(i) cash assistance under a program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or

"(ii) medical assistance under section 1931 of the Social Security Act (42 U.S.C. 1396u–1).

"(B) Limitations.—Subparagraph (A) does not authorize a State agency to exclude—

"(i) cash;

"(ii) licensed vehicles;

"(iii) amounts in any account in a financial institution that are readily available to the household; or

"(iv) any other similar type of resource the inclusion in financial resources of which the Secretary determines by regulation to be essential to equitable determinations of eligibility under the food stamp program, except to the extent that any of those types of resources are excluded under another paragraph of this subsection.".

SEC. 419. ALTERNATIVE ISSUANCE SYSTEMS IN DISASTERS.

Section 5(h)(3)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2014(h)(3)(B)) is amended—

(1) in the first sentence, by inserting "issuance methods and" after "shall adjust"; and

(2) in the second sentence, by inserting ", any conditions that make reliance on electronic benefit transfer systems described in section 7(i) impracticable," after "personnel".

SEC. 420. STATE OPTION TO REDUCE REPORTING REQUIREMENTS.

Section 6(c)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)) is amended—

(1) in subparagraph (B), by striking "on a monthly basis"; and

(2) by adding at the end the following:

"(D) Frequency of reporting.—

"(i) In general.—Except as provided in subparagraphs (A) and (C), a State agency may require households that report on a periodic basis to submit reports—

"(I) not less often than once each 6 months; but

"(II) not more often than once each month.

"(ii) Reporting by households with excess income.—A household required to report less often than once each 3 months shall, notwithstanding subparagraph (B), report in a manner prescribed by the Secretary if the income of the household for any month exceeds the standard established under section 5(c)(2).".

SEC. 421. BENEFITS FOR ADULTS WITHOUT DEPENDENTS.

(a) In General.—Section 6(o) of the Food Stamp Act of 1977 (7 U.S.C. 2015(o)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)—

(i) by striking "subsection (d)(4)," and inserting "subsection (d)(4)"; and

(ii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) a job search program or job search training program if—

"(i) the program meets standards established by the Secretary to ensure that the participant is continuously and actively seeking employment in the private sector; and

"(ii) no position is currently available for the participant in an employment or training program that meets the requirements of subparagraph (C).";

(2) in paragraph (2)—

(A) by striking “36-month” and inserting “24-month”; and

(B) by striking “3” and inserting “6”;

(3) by striking paragraph (5) and inserting the following:

“(5) ELIGIBILITY OF INDIVIDUALS WHILE MEETING WORK REQUIREMENT.—Notwithstanding paragraph (2), an individual who would otherwise be ineligible under that paragraph shall be eligible to participate in the food stamp program during any period in which the individual meets the work requirement of subparagraph (A), (B), or (C) of that paragraph.”; and

(4) in paragraph (6)(A)(ii)—

(A) in subclause (III), by adding “and” at the end;

(B) in subclause (IV)—

(i) by striking “3” and inserting “6”; and

(ii) by striking “; and” and inserting a period; and

(C) by striking subclause (V).

(b) IMPLEMENTATION OF AMENDMENTS.—For the purpose of implementing the amendments made by subsection (a), a State agency shall disregard any period during which an individual received food stamp benefits before the effective date of this title.

SEC. 422. PRESERVATION OF ACCESS TO ELECTRONIC BENEFITS.

(a) IN GENERAL.—Section 7(i)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)(1)) is amended by adding at the end the following:

“(E) ACCESS TO EBT SYSTEMS.—

“(i) IN GENERAL.—No benefits shall be taken off-line or otherwise made inaccessible because of inactivity until at least 180 days have elapsed since a household last accessed the account of the household.

“(ii) NOTICE TO HOUSEHOLD.—In a case in which benefits are taken off-line or otherwise made inaccessible, the household shall be sent a notice that—

“(I) explains how to reactivate the benefits; and

“(II) offers assistance if the household is having difficulty accessing the benefits of the household.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply with respect to each State agency beginning on the date on which the State agency, after the date of enactment of this Act, enters into a contract to operate an electronic benefit transfer system.

SEC. 423. COST NEUTRALITY FOR ELECTRONIC BENEFIT TRANSFER SYSTEMS.

Section 7(i)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2016(i)(2)) is amended—

(1) by striking subparagraph (A); and

(2) by redesignating subparagraphs (B) through (I) as subparagraphs (A) through (H), respectively.

SEC. 424. ALTERNATIVE PROCEDURES FOR RESIDENTS OF CERTAIN GROUP FACILITIES.

(a) IN GENERAL.—Section 8 of the Food Stamp Act of 1977 (7 U.S.C. 2017) is amended by adding at the end the following:

“(f) SIMPLIFIED PROCEDURES FOR RESIDENTS OF CERTAIN GROUP FACILITIES.—

“(1) IN GENERAL.—At the option of the State agency, allotments for residents of facilities described in subparagraph (B), (C), (D), or (E) of section 3(i)(5) may be determined and issued under this subsection in lieu of subsection (a).

“(2) AMOUNT OF ALLOTMENT.—The allotment for each eligible resident described in paragraph (1) shall be calculated in accordance with standardized procedures established by the Secretary that take into account the allotments typically received by residents of facilities described in paragraph (1).

“(3) ISSUANCE OF ALLOTMENT.—

“(A) IN GENERAL.—The State agency shall issue an allotment determined under this subsection to the administration of a facility described in paragraph (1) as the authorized representative of the residents of the facility.

“(B) ADJUSTMENT.—The Secretary shall establish procedures to ensure that a facility described in paragraph (1) does not receive a greater proportion of a resident's monthly allotment than the proportion of the month during which the resident lived in the facility.

“(4) DEPARTURES OF COVERED RESIDENTS.—

“(A) NOTIFICATION.—Any facility described in paragraph (1) that receives an allotment for a resident under this subsection shall—

“(i) notify the State agency promptly on the departure of the resident; and

“(ii) notify the resident, before the departure of the resident, that the resident—

“(I) is eligible for continued benefits under the food stamp program; and

“(II) should contact the State agency concerning continuation of the benefits.

“(B) ISSUANCE TO DEPARTED RESIDENTS.—On receiving a notification under subparagraph (A)(i) concerning the departure of a resident, the State agency—

“(i) shall promptly issue the departed resident an allotment for the days of the month after the departure of the resident (calculated in a manner prescribed by the Secretary) unless the departed resident reapplies to participate in the food stamp program; and

“(ii) may issue an allotment for the month following the month of the departure (but not any subsequent month) based on this subsection unless the departed resident reapplies to participate in the food stamp program.

“(C) STATE OPTION.—The State agency may elect not to issue an allotment under subparagraph (B)(i) if the State agency lacks sufficient information on the location of the departed resident to provide the allotment.

“(D) EFFECT OF REAPPLICATION.—If the departed resident reapplies to participate in the food stamp program, the allotment of the departed resident shall be determined without regard to this subsection.”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3(i) of the Food Stamp Act of 1977 (7 U.S.C. 2012(i)) is amended—

(A) by striking “(i) ‘Household’ means (1) an” and inserting the following:

“(i)(1) ‘Household’ means—

“(A) an”;

(B) in the first sentence, by striking “others, or (2) a group” and inserting the following: “others; or

“(B) a group”;

(C), in the second sentence, by striking “Spouses” and inserting the following:

“(2) Spouses”;

(D) in the third sentence, by striking “Notwithstanding” and inserting the following:

“(3) Notwithstanding”;

(E) in paragraph (3) (as designated by subparagraph (D)), by striking “the preceding sentences” and inserting “paragraphs (1) and (2)”;

(F) in the fourth sentence, by striking “In no event” and inserting the following:

“(4) In no event”;

(G) in the fifth sentence, by striking “For the purposes of this subsection, residents” and inserting the following:

“(5) For the purposes of this subsection, the following persons shall not be considered to be residents of institutions and shall be considered to be individual households:

“(A) Residents”; and

(H) in paragraph (5) (as designated by subparagraph (G))—

(i) by striking “Act, or are individuals” and inserting the following: “Act.

“(B) Individuals”;

(ii) by striking “such section, temporary” and inserting the following: “that section.

“(C) Temporary”;

(iii) by striking “children, residents” and inserting the following: “children.

“(D) Residents”;

(iv) by striking “coupons, and narcotics” and inserting the following: “coupons.

“(E) Narcotics”; and

(v) by striking “shall not” and all that follows and inserting a period.

(2) Section 5(a) of the Food Stamp Act of 1977 (7 U.S.C. 2014(a)) is amended by striking “the third sentence of section 3(i)” each place it appears and inserting “section 3(i)(4)”.

(3) Section 8(e)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2017(e)(1)) is amended by striking “the last sentence of section 3(i)” and inserting “section 3(i)(5)”.

(4) Section 17(b)(1)(B)(iv)(III)(aa) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(iv)(III)(aa)) is amended by striking “the last 2 sentences of section 3(i)” and inserting “paragraphs (4) and (5) of section 3(i)”.

SEC. 425. REDEMPTION OF BENEFITS THROUGH GROUP LIVING ARRANGEMENTS.

Section 10 of the Food Stamp Act of 1977 (7 U.S.C. 2019) is amended by inserting after the first sentence the following: “Notwithstanding the preceding sentence, a center, organization, institution, shelter, group living arrangement, or establishment described in that sentence may be authorized to redeem coupons through a financial institution described in that sentence if the center, organization, institution, shelter, group living arrangement, or establishment is equipped with 1 or more point-of-sale devices and is operating in an area in which an electronic benefit transfer system described in section 7(i) has been implemented.”.

SEC. 426. AVAILABILITY OF FOOD STAMP PROGRAM APPLICATIONS ON THE INTERNET.

Section 11(e)(2)(B)(ii) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(2)(B)(ii)) is amended—

(1) by inserting “(I)” after “(ii)”;

(2) in subclause (I) (as designated by paragraph (1)), by adding “and” at the end; and

(3) by adding at the end the following:

“(II) if the State agency maintains a website for the State agency, shall make the application available on the website in each language in which the State agency makes a printed application available;”.

SEC. 427. SIMPLIFIED DETERMINATIONS OF CONTINUING ELIGIBILITY.

(a) IN GENERAL.—Section 11(e) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)) is amended—

(1) by striking paragraph (4) and inserting the following:

“(4)(A) that the State agency shall periodically require each household to cooperate in a redetermination of the eligibility of the household.

“(B) A redetermination under subparagraph (A) shall—

“(i) be based on information supplied by the household; and

“(ii) conform to standards established by the Secretary.

“(C) The interval between redeterminations of eligibility under subparagraph (A) shall not exceed the eligibility review period;” and

(2) in paragraph (10)—

(A) by striking “within the household's certification period”; and

(B) by striking “or until” and all that follows through “occurs earlier”.

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended—

(A) by striking “Certification period” and inserting “Eligibility review period”; and

(B) by striking “certification period” each place it appears and inserting “eligibility review period”.

(2) Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(A) in subsection (d)(2), by striking "in the certification period which" and inserting "that"; and

(B) in subsection (e) (as amended by section 414(b)(1)(B))—

(i) in paragraph (5)(B)(ii)—

(I) in subclause (II), by striking "certification period" and inserting "eligibility review period"; and

(II) in subclause (III), by striking "has been anticipated for the certification period" and inserting "was anticipated when the household applied or at the most recent redetermination of eligibility for the household"; and

(ii) in paragraph (6)(C)(iii)(II), by striking "the end of a certification period" and inserting "each redetermination of the eligibility of the household".

(3) Section 6 of the Food Stamp Act of 1977 (7 U.S.C. 2015) is amended—

(A) in subsection (c)(1)(C)(iv), by striking "certification period" each place it appears and inserting "interval between required redeterminations of eligibility"; and

(B) in subsection (d)(1)(D)(v)(II), by striking "a certification period" and inserting "an eligibility review period".

(4) Section 8(c) of the Food Stamp Act of 1977 (7 U.S.C. 2017(c)) is amended—

(A) in the second sentence of paragraph (1), by striking "within a certification period"; and

(B) in paragraph (2)(B), by striking "expiration of" and all that follows through "during a certification period," and inserting "termination of benefits to the household,".

(5) Section 11(e)(16) of the Food Stamp Act of 1977 (7 U.S.C. 2020(e)(16)) is amended by striking "the certification or recertification" and inserting "determining the eligibility".

SEC. 428. CLEARINGHOUSE FOR SUCCESSFUL NUTRITION EDUCATION EFFORTS.

Section 11(f) of the Food Stamp Act of 1977 (7 U.S.C. 2020(f)) is amended by striking paragraph (2) and inserting the following:

"(2) NUTRITION EDUCATION CLEARINGHOUSE.—The Secretary shall—

"(A) request State agencies to submit to the Secretary descriptions of successful nutrition education programs designed for use in the food stamp program and other nutrition assistance programs;

"(B) make the descriptions submitted under subparagraph (A) available on the website of the Department of Agriculture; and

"(C) inform State agencies of the availability of the descriptions on the website.".

SEC. 429. TRANSITIONAL FOOD STAMPS FOR FAMILIES MOVING FROM WELFARE.

(a) IN GENERAL.—Section 11 of the Food Stamp Act of 1977 (7 U.S.C. 2020) is amended by adding at the end the following:

"(s) TRANSITIONAL BENEFITS OPTION.—

"(1) IN GENERAL.—A State agency may provide transitional food stamp benefits to a household that ceases to receive cash assistance under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(2) TRANSITIONAL BENEFITS PERIOD.—Under paragraph (1), a household may continue to receive food stamp benefits for a period of not more than 6 months after the date on which cash assistance is terminated.

"(3) AMOUNT OF BENEFITS.—During the transitional benefits period under paragraph (2), a household shall receive an amount of food stamp benefits equal to the allotment received in the month immediately preceding the date on which cash assistance was terminated, adjusted for—

"(A) the change in household income as a result of the termination of cash assistance; and

"(B) any changes in circumstances that may result in an increase in the food stamp allotment of the household and that the household elects to report.

"(4) DETERMINATION OF FUTURE ELIGIBILITY.—In the final month of the transitional benefits period under paragraph (2), the State agency may—

"(A) require the household to cooperate in a redetermination of eligibility; and

"(B) initiate a new eligibility review period for the household without regard to whether the preceding eligibility review period has expired.

"(5) LIMITATION.—A household shall not be eligible for transitional benefits under this subsection if the household—

"(A) loses eligibility under section 6;

"(B) is sanctioned for a failure to perform an action required by Federal, State, or local law relating to a cash assistance program described in paragraph (1); or

"(C) is a member of any other category of households designated by the State agency as ineligible for transitional benefits.".

(b) CONFORMING AMENDMENTS.—

(1) Section 3(c) of the Food Stamp Act of 1977 (7 U.S.C. 2012(c)) is amended by adding at the end the following: "The limits specified in this section may be extended until the end of any transitional benefit period established under section 11(s).".

(2) Section 6(c) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)) is amended by striking "No household" and inserting "Except in a case in which a household is receiving transitional benefits during the transitional benefits period under section 11(s), no household".

SEC. 430. DELIVERY TO RETAILERS OF NOTICES OF ADVERSE ACTION.

Section 14(a) of the Food Stamp Act of 1977 (7 U.S.C. 2023(a)) is amended by striking paragraph (2) and inserting the following:

"(2) DELIVERY OF NOTICES.—A notice under paragraph (1) shall be delivered by any form of delivery that the Secretary determines will provide evidence of the delivery.".

SEC. 431. REFORM OF QUALITY CONTROL SYSTEM.

(a) IN GENERAL.—Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) is amended—

(1) in paragraph (1)—

(A) by striking "enhances payment accuracy" and all that follows through "(A) the Secretary" and inserting the following: "enhances payment accuracy and that has the following elements:

"(A) ENHANCED ADMINISTRATIVE FUNDING.—With respect to fiscal year 2001, the Secretary";

(B) in subparagraph (A)—

(i) by striking "one percentage point to a maximum of 60" and inserting "½of 1 percentage point to a maximum of 55"; and

(ii) by striking the semicolon at the end and inserting a period; and

(C) by striking subparagraph (B) and all that follows and inserting the following:

"(B) INVESTIGATION AND INITIAL SANCTIONS.—

"(i) INVESTIGATION.—Except as provided under subparagraph (C), for any fiscal year in which the Secretary determines that a 95 percent statistical probability exists that the payment error rate of a State agency exceeds the national performance measure for payment error rates announced under paragraph (6) by more than 1 percentage point, other than for good cause shown, the Secretary shall investigate the administration by the State agency of the food stamp program unless the Secretary determines that sufficient information is already available to review the administration by the State agency.

"(ii) INITIAL SANCTIONS.—If an investigation under clause (i) results in a determination that the State agency has been seriously negligent (as determined under standards promulgated by the Secretary), the State agency shall pay the Secretary an amount that reflects the extent of such negligence (as determined under standards promulgated by the Secretary), not to exceed 5 percent of the amount provided to the State agency under subsection (a) for the fiscal year.

"(C) ADDITIONAL SANCTIONS.—If, for any fiscal year, the Secretary determines that a 95 percent statistical probability exists that the payment error rate of a State agency exceeds the national performance measure for payment error rates announced under paragraph (6) by more than 1 percentage point, other than for good cause shown, and that the State agency was sanctioned under this paragraph or was the subject of an investigation or review under subparagraph (B)(i) for each of the 2 immediately preceding fiscal years, the State agency shall pay to the Secretary an amount equal to the product obtained by multiplying—

"(i) the value of all allotments issued by the State agency in the fiscal year;

"(ii) the lesser of—

"(I) the ratio that—

"(aa) the amount by which the payment error rate of the State agency for the fiscal year exceeds by more than 1 percentage point the national performance measure for the fiscal year; bears to

"(bb) 10 percent; or

"(II) 1; and

"(iii) the amount by which the payment error rate of the State agency for the fiscal year exceeds by more than 1 percentage point the national performance measure for the fiscal year.

"(D) CORRECTIVE ACTION PLANS.—The Secretary shall foster management improvements by the States by requiring State agencies to develop and implement corrective action plans to reduce payment errors.";

(2) in paragraph (2)(A), by inserting before the semicolon the following: ", as adjusted downward as appropriate under paragraph (10)";

(3) in paragraph (4), by striking "(4)" and all that follows through the end of the first sentence and inserting the following:

"(4) REPORTING REQUIREMENTS.—The Secretary may require a State agency to report any factors that the Secretary considers necessary to determine a State agency's payment error rate, enhanced administrative funding, claim for payment error under paragraph (1), or performance under the performance measures under paragraph (11).";

(4) in paragraph (5), by striking "(5)" and all that follows through the end of the second sentence and inserting the following:

"(5) PROCEDURES.—To facilitate the implementation of this subsection, each State agency shall expeditiously submit to the Secretary data concerning the operations of the State agency in each fiscal year sufficient for the Secretary to establish the payment error rate for the State agency for the fiscal year, to comply with paragraph (10), and to determine the amount of enhanced administrative funding under paragraph (1)(A), high performance bonus payments under paragraph (11), or claims under subparagraph (B) or (C) of paragraph (1).";

(5) in paragraph (6)—

(A) in the first and third sentences, by striking "paragraph (5)" each place it appears and inserting "paragraph (8)"; and

(B) in the first sentence, by inserting "(but determined without regard to paragraph (10))" before "times that"; and

(6) by adding at the end the following:

"(10) ADJUSTMENTS OF PAYMENT ERROR RATE.—

"(A) IN GENERAL.—

"(i) ADJUSTMENT FOR HIGHER PERCENTAGE OF HOUSEHOLDS WITH EARNED INCOME.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency's having a higher percentage of participating households that have earned income than the lesser of—

"(I) the percentage of participating households in all States that have earned income; or

"(II) the percentage of participating households in the State in fiscal year 1992 that had earned income.

"(ii) ADJUSTMENT FOR HIGHER PERCENTAGE OF HOUSEHOLDS WITH NONCITIZEN MEMBERS.—With respect to fiscal year 2002 and each fiscal year thereafter, in applying paragraph (1), the Secretary shall adjust the payment error rate determined under paragraph (2)(A) as necessary to take into account any increases in errors that result from the State agency's having a higher percentage of participating households that have 1 or more members who are not United States citizens than the lesser of—

"(I) the percentage of participating households in all States that have 1 or more members who are not United States citizens; or

"(II) the percentage of participating households in the State in fiscal year 1998 that had 1 or more members who were not United States citizens.

"(B) ADDITIONAL ADJUSTMENTS.—For fiscal year 2003 and each fiscal year thereafter, the Secretary may make such additional adjustments to the payment error rate determined under paragraph (2)(A) as the Secretary determines to be consistent with achieving the purposes of this Act.".

(b) APPLICABILITY.—Except as otherwise provided in the amendments made by subsection (a), the amendments made by subsection (a) shall apply to fiscal year 2001 and each fiscal year thereafter.

SEC. 432. IMPROVEMENT OF CALCULATION OF STATE PERFORMANCE MEASURES.

(a) IN GENERAL.—Section 16(c)(8) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)(8)) is amended—

(1) in subparagraph (B), by striking "180 days after the end of the fiscal year" and inserting "the first May 31 after the end of the fiscal year referred to in subparagraph (A)"; and

(2) in subparagraph (C), by striking "30 days thereafter" and inserting "the first June 30 after the end of the fiscal year referred to in subparagraph (A)".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 433. BONUSES FOR STATES THAT DEMONSTRATE HIGH PERFORMANCE.

(a) IN GENERAL.—Section 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2025(c)) (as amended by section 431(a)(6)) is amended by adding at the end the following:

"(11) HIGH PERFORMANCE BONUS PAYMENTS.—

"(A) IN GENERAL.—The Secretary shall—

"(i) with respect to fiscal year 2002 and each fiscal year thereafter, measure the performance of each State agency with respect to each of the performance measures specified in subparagraph (B); and

"(ii) in fiscal year 2003 and each fiscal year thereafter, subject to subparagraphs (C) and (D), make high performance bonus payments to the State agencies with the highest or most improved performance with respect to those performance measures.

"(B) PERFORMANCE MEASURES.—The performance measures specified in this subparagraph are—

"(i) the ratio, expressed as a percentage, that—

"(I) the number of households in the State that—

"(aa) receive food stamps;

"(bb) have incomes less than 130 percent of the poverty line (as defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)),

"(cc) have annual earnings equal to at least 1000 times the Federal minimum hourly rate under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.); and

"(dd) have children under age 18; bears to

"(II) the number of households in the State that meet the criteria specified in items (bb) through (dd) of subclause (I); and

"(ii) 4 additional performance measures, established by the Secretary in consultation with the National Governors Association, the American Public Human Services Association, and the National Conference of State Legislatures not later than 180 days after the date of enactment of this paragraph, of which not less than 1 performance measure shall relate to provision of timely and appropriate services to applicants for and recipients of food stamp benefits.

"(C) HIGH PERFORMANCE BONUS PAYMENTS.—

"(i) DEFINITION OF CASELOAD.—In this subparagraph, the term 'caseload' has the meaning given the term in section 6(o)(6)(A).

"(ii) AMOUNT OF PAYMENTS.—

"(I) IN GENERAL.—In fiscal year 2003 and each fiscal year thereafter, the Secretary shall—

"(aa) make 1 high performance bonus payment of $6,000,000 for each of the 5 performance measures under subparagraph (B); and

"(bb) allocate the high performance bonus payment with respect to each performance measure in accordance with subclauses (II) and (III).

"(II) PAYMENTS FOR PERFORMANCE MEASURES.—In fiscal year 2003 and each fiscal year thereafter, the Secretary shall allocate, in accordance with subclause (III), the high performance bonus payment made for each performance measure under subparagraph (B) among the 6 State agencies with, as determined by the Secretary by regulation—

"(aa) the greatest improvement in the level of performance with respect to the performance measure between the 2 most recent years for which the Secretary determines that reliable data are available;

"(bb) the highest performance in the performance measure for the most recent year for which the Secretary determines that reliable data are available; or

"(cc) a combination of the greatest improvement described in item (aa) and the highest performance described in item (bb).

"(III) ALLOCATION AMONG STATE AGENCIES ELIGIBLE FOR PAYMENTS.—A high performance bonus payment under subclause (II) made for a performance measure shall be allocated among the 6 State agencies eligible for the payment in the ratio that—

"(aa) the caseload of each of the 6 State agencies eligible for the payment; bears to

"(bb) the caseloads of the 6 State agencies eligible for the payment.

"(D) PROHIBITION ON RECEIPT OF HIGH PERFORMANCE BONUS PAYMENTS BY STATE AGENCIES SUBJECT TO SANCTIONS.—If, for any fiscal year, a State agency is subject to a sanction under paragraph (1), the State agency shall not be eligible for a high performance bonus payment for the fiscal year.

"(E) PAYMENTS NOT SUBJECT TO JUDICIAL REVIEW.—A determination by the Secretary whether, and in what amount, to make a high performance bonus payment under this paragraph shall not be subject to judicial review.".

(b) APPLICABILITY.—The amendment made by subsection (a) takes effect on the date of enactment of this Act.

SEC. 434. EMPLOYMENT AND TRAINING PROGRAM.

(a) LEVELS OF FUNDING.—Section 16(h)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking ", to remain available until expended,"; and

(B) by striking clause (vii) and inserting the following:

"(vii) for each of fiscal years 2002 through 2006, $90,000,000, to remain available until expended.";

(2) by striking subparagraph (B) and inserting the following:

"(B) ALLOCATION.—Funds made available under subparagraph (A) shall be made available to and reallocated among State agencies under a reasonable formula that—

"(i) is determined and adjusted by the Secretary; and

"(ii) takes into account the number of individuals who are not exempt from the work requirement under section 6(o)."; and

(3) by striking subparagraphs (E) through (G) and inserting the following:

"(E) ADDITIONAL ALLOCATIONS FOR STATES THAT ENSURE AVAILABILITY OF WORK OPPORTUNITIES.—

"(i) IN GENERAL.—In addition to the allocations under subparagraph (A), from funds made available under section 18(a)(1), the Secretary shall allocate not more than $25,000,000 for each of fiscal years 2002 through 2006 to reimburse a State agency that is eligible under clause (ii) for the costs incurred in serving food stamp recipients who—

"(I) are not eligible for an exception under section 6(o)(3); and

"(II) are placed in and comply with a program described in subparagraph (B) or (C) of section 6(o)(2).

"(ii) ELIGIBILITY.—To be eligible for an additional allocation under clause (i), a State agency shall—

"(I) exhaust the allocation to the State agency under subparagraph (A) (including any reallocation that has been made available under subparagraph (C)); and

"(II) make and comply with a commitment to offer a position in a program described in subparagraph (B) or (C) of section 6(o)(2) to each applicant or recipient who—

"(aa) is in the last month of the 6-month period described in section 6(o)(2);

"(bb) is not eligible for an exception under section 6(o)(3);

"(cc) is not eligible for a waiver under section 6(o)(4); and

"(dd) is not eligible for an exemption under section 6(o)(6).".

(b) RESCISSION OF CARRYOVER FUNDS.—Notwithstanding any other provision of law, funds provided under section 16(h)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(1)(A)) for any fiscal year before fiscal year 2002 shall cease to be available on the date of enactment of this Act, unless obligated by a State agency before that date.

(c) PARTICIPANT EXPENSES.—Section 6(d)(4)(I)(i)(I) of the Food Stamp Act of 1977 (7 U.S.C. 2015(d)(4)(I)(i)(I)) is amended by striking "except that the State agency may limit such reimbursement to each participant to $25 per month" and inserting "except that, in the case of each of fiscal years 2002 through 2009, the State agency may limit such reimbursement to each participant to $50 per month".

(d) FEDERAL REIMBURSEMENT.—Section 16(h)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(h)(3)) is amended by striking "except that such total amount shall not exceed an amount representing $25 per participant per month" and inserting "except that, in the case of each of fiscal years 2002 through 2009, such total amount shall not exceed an amount representing $50 per participant per month".

(e) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 435. REAUTHORIZATION OF FOOD STAMP PROGRAM AND FOOD DISTRIBUTION PROGRAM ON INDIAN RESERVATIONS.

(a) Reductions in Payments for Administrative Costs.—Section 16(k)(3) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(3)) is amended—

(1) in the first sentence of subparagraph (A), by striking "2002" and inserting "2006"; and

(2) in subparagraph (B)(ii), by striking "2002" and inserting "2006".

(b) Cash Payment Pilot Projects.—Section 17(b)(1)(B)(vi) of the Food Stamp Act of 1977 (7 U.S.C. 2026(b)(1)(B)(vi)) is amended by striking "2002" and inserting "2006".

(c) Grants To Improve Food Stamp Participation.—Section 17(i)(1)(A) of the Food Stamp Act of 1977 (7 U.S.C. 2026(i)(1)(A)) is amended in the first sentence by striking "2002" and inserting "2006".

(d) Authorization of Appropriations.—Section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended in the first sentence by striking "2002" and inserting "2006".

SEC. 436. COORDINATION OF PROGRAM INFORMATION EFFORTS.

Section 16(k)(5) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)) is amended—

(1) in subparagraph (A), by striking "No funds" and inserting "Except as provided in subparagraph (C), no funds"; and

(2) by adding at the end the following:

"(C) Food Stamp Informational Activities.—Subparagraph (A) shall not apply to any funds or expenditures described in clause (i) or (ii) of subparagraph (B) used to pay the costs of any activity that is eligible for reimbursement under subsection (a)(4).".

SEC. 437. EXPANDED GRANT AUTHORITY.

Section 17(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2026(a)(1)) is amended—

(1) by striking ", by way of making contracts with or grants to public or private organizations or agencies," and inserting "enter into contracts with or make grants to public or private organizations or agencies under this section to"; and

(2) by adding at the end the following: "The waiver authority of the Secretary under subsection (b) shall extend to all contracts and grants under this section.".

SEC. 438. ACCESS AND OUTREACH PILOT PROJECTS.

Section 17 of the Food Stamp Act of 1977 (7 U.S.C. 2026) is amended by striking subsection (h) and inserting the following:

"(h) Access and Outreach Pilot Projects.—

"(1) In general.—The Secretary shall make grants to State agencies and other entities to pay the Federal share of the eligible costs of projects to improve—

"(A) access by eligible individuals to benefits under the food stamp program; or

"(B) outreach to individuals eligible for those benefits.

"(2) Federal share.—The Federal share shall be 75 percent.

"(3) Types of projects.—To be eligible for a grant under this subsection, a project may consist of—

"(A) establishing a single site at which individuals may apply for—

"(i) benefits under the food stamp program; and

"(ii)(I) supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.);

"(II) benefits under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

"(III) benefits under the State children's health insurance program under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.);

"(IV) benefits under the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(V) benefits under such other programs as the Secretary determines to be appropriate;

"(B) developing forms that allow an individual to apply for more than 1 of the programs referred to in subparagraph (A);

"(C) dispatching State agency personnel to conduct outreach and enroll individuals in the food stamp program and other programs in nontraditional venues (such as shopping malls, schools, community centers, county fairs, clinics, food banks, and job training centers);

"(D) developing systems to enable increased participation in the provision of benefits under the food stamp program through farmers' markets, roadside stands, and other community-supported agriculture programs, including wireless electronic benefit transfer systems and other systems appropriate to open-air settings where farmers and other vendors sell directly to consumers;

"(E) allowing individuals to submit applications for the food stamp program by means of the telephone or the Internet, in particular individuals who live in rural areas, elderly individuals, and individuals with disabilities;

"(F) encouraging consumption of fruit and vegetables by developing a cost-effective system for providing discounts for purchases of fruit and vegetables made through use of electronic benefit transfer cards;

"(G) reducing barriers to participation by individuals, with emphasis on working families, eligible immigrants, elderly individuals, and individuals with disabilities;

"(H) developing training materials, guidebooks, and other resources to improve access and outreach;

"(I) conforming verification practices under the food stamp program with verification practices under other assistance programs; and

"(J) such other activities as the Secretary determines to be appropriate.

"(4) Selection.—

"(A) In general.—The Secretary shall develop criteria for selecting recipients of grants under this subsection that include the consideration of—

"(i) the demonstrated record of a State agency or other entity in serving low-income individuals;

"(ii) the ability of a State agency or other entity to reach hard-to-serve populations;

"(iii) the level of innovative proposals in the application of a State agency or other entity for a grant; and

"(iv) the development of partnerships between public and private sector entities and linkages with the community.

"(B) Preference.—In selecting recipients of grants under paragraph (1), the Secretary shall provide a preference to any applicant that consists of a partnership between a State and a private entity, such as—

"(i) a food bank;

"(ii) a community-based organization;

"(iii) a public school;

"(iv) a publicly-funded health clinic;

"(v) a publicly-funded day care center; and

"(vi) a nonprofit health or welfare agency.

"(C) Geographical distribution of recipients.—

"(i) In general.—Subject to clause (ii), the Secretary shall select, from all eligible applications received, at least 1 recipient to receive a grant under this subsection from—

"(I) each region of the Department of Agriculture administering the food stamp program; and

"(II) each additional rural or urban area that the Secretary determines to be appropriate.

"(ii) Exception.—The Secretary shall not be required to select grant recipients under clause (i) to the extent that the Secretary determines that an insufficient number of eligible grant applications has been received.

"(5) Project evaluations.—

"(A) In general.—The Secretary shall conduct evaluations of projects funded by grants under this subsection.

"(B) Limitation.—Not more than 10 percent of funds made available to carry out this subsection shall be used for project evaluations described in subparagraph (A).

"(6) Maintenance of effort.—A State agency or other entity shall provide assurances to the Secretary that funds provided to the State agency or other entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended to carry out access and outreach activities in the State under this Act.

"(7) Funding.—There is authorized to be appropriated to carry out this subsection $3,000,000 for the period of fiscal years 2003 through 2005.".

SEC. 439. CONSOLIDATED BLOCK GRANTS AND ADMINISTRATIVE FUNDS.

(a) Consolidated Funding.—Section 19(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2028(a)(1)) is amended—

(1) in subparagraph (A)—

(A) by striking "the Commonwealth of Puerto Rico" and inserting "governmental entities specified in subparagraph (D)";

(B) in clause (ii), by striking "and" at the end; and

(C) by striking clause (iii) and all that follows and inserting the following:

"(iii) for fiscal year 2002, $1,356,000,000; and

"(iv) for each of fiscal years 2003 through 2006, the amount provided in clause (iii), as adjusted by the percentage by which the thrifty food plan has been adjusted under section 3(o)(4) between June 30, 2001, and June 30 of the immediately preceding fiscal year;

to pay the expenditures for nutrition assistance programs for needy persons as described in subparagraphs (B) and (C).";

(2) in subparagraph (B)—

(A) by striking "(B) The" and inserting the following:

"(B) Maximum payments to Commonwealth of Puerto Rico.—

"(i) In general.—The";

(B) by inserting "of Puerto Rico" after "Commonwealth" each place it appears; and

(C) by adding at the end the following:

"(ii) Exception for expenditures for certain systems.—Notwithstanding subparagraph (A) and clause (i), the Commonwealth of Puerto Rico may spend not more than $6,000,000 of the amount required to be paid to the Commonwealth for fiscal year 2002 under subparagraph (A) to pay 100 percent of the costs of—

"(I) upgrading and modernizing the electronic data processing system used to carry out nutrition assistance programs for needy persons;

"(II) implementing systems to simplify the determination of eligibility to receive that nutrition assistance; and

"(III) operating systems to deliver benefits through electronic benefit transfers."; and

(3) by adding at the end the following:

"(C) American Samoa.—For each fiscal year, the Secretary shall reserve 0.4 percent of the funds made available under subparagraph (A) for payment to American Samoa to pay 100 percent of the expenditures for a nutrition assistance program extended under section 601(c) of Public Law 96–597 (48 U.S.C. 1469d(c)).

"(D) Governmental entity.—A governmental entity specified in this subparagraph is—

"(i) the Commonwealth of Puerto Rico; and

"(ii) for fiscal year 2003 and each fiscal year thereafter, American Samoa.".

(b) Report to Congress and Increased Authorization.—

(1) In general.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall develop and submit to Congress a report that—

(A) describes the similarities and differences (in terms of program administration, rules, benefits, and requirements) between—

(i) the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), other than section 19 of that Act (7 U.S.C. 2028); and

(ii) the program to provide assistance to Puerto Rico under section 19 of that Act (as in effect on the day before the date of enactment of this Act);

(B) specifies the costs and savings associated with each similarity and difference; and

(C) states the recommendation of the Comptroller General as to whether additional funding should be provided to carry out section 19 of that Act.

(2) Increased authorization.—Effective on the date of submission to Congress of the report under paragraph (1), there is authorized to be appropriated to carry out section 19 of the Food Stamp Act of 1977 (7 U.S.C. 2028) (in addition to amounts made available to carry out that section under law other than this subsection) $50,000,000 for each fiscal year.

(3) Limitation.—No amounts may be made available to carry out paragraph (2) unless specifically provided by an appropriation Act.

(c) Conforming Amendment.—Section 24 of the Food Stamp Act of 1977 (7 U.S.C. 2033) is repealed.

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section take effect on October 1, 2002.

(2) Exception for expenditures for certain systems.—The amendments made by subsection (a)(2) take effect on the date of enactment of this Act.

SEC. 440. ASSISTANCE FOR COMMUNITY FOOD PROJECTS.

Section 25 of the Food Stamp Act of 1977 (7 U.S.C. 2034) is amended—

(1) in subsection (b)(2)(B), by striking "2002" and inserting "2006";

(2) in subsection (d)—

(A) in paragraph (3), by striking "or" at the end; and

(B) by striking paragraph (4) and inserting the following:

"(4) encourage long-term planning activities, and multisystem, interagency approaches with multistakeholder collaborations, that build the long-term capacity of communities to address the food and agriculture problems of the communities, such as food policy councils and food planning associations; or

"(5) meet, as soon as practicable through the provision of grants of not to exceed $25,000 each, specific neighborhood, local, or State food and agriculture needs, including needs for—

"(A) infrastructure improvement and development (including the purchase of equipment necessary for the production, handling, or marketing of locally produced food);

"(B) planning for long-term solutions; or

"(C) the creation of innovative marketing activities that mutually benefit farmers and low-income consumers."; and

(3) in subsection (e)(1), by striking "50" and inserting "75".

SEC. 441. AVAILABILITY OF COMMODITIES FOR THE EMERGENCY FOOD ASSISTANCE PROGRAM.

(a) In General.—Section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036) is amended—

(1) in subsection (a)—

(A) by striking "1997 through 2002" and inserting "2002 through 2006"; and

(B) by striking "$100,000,000" and inserting "$110,000,000"; and

(2) by adding at the end the following:

"(c) Use of Funds for Related Costs.—

"(1) In general.—For each of fiscal years 2002 through 2006, the Secretary shall use $10,000,000 of the funds made available under subsection (a) to pay the direct and indirect costs of States relating to the processing, storing, transporting, and distributing to eligible recipient agencies of—

"(A) commodities purchased by the Secretary under subsection (a); and

"(B) commodities acquired from other sources, including commodities acquired by gleaning (as defined in section 111(a) of the Hunger Prevention Act of 1988 (7 U.S.C. 612c note; Public Law 100–435)).

"(2) Allocation of funds.—The amount required to be used in accordance with paragraph (1) shall be allocated in accordance with section 204(a) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)).".

(b) Effective Date.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 442. USE OF APPROVED FOOD SAFETY TECHNOLOGY.

(a) In General.—Section 27 of the Food Stamp Act of 1977 (7 U.S.C. 2036) (as amended by section 441) is amended by adding at the end the following:

"(d) Use of Approved Food Safety Technology.—

"(1) In general.—In acquiring commodities for distribution through a program specified in paragraph (2), the Secretary shall not prohibit the use of any technology to improve food safety that has been approved by the Secretary or the Secretary of Health and Human Services.

"(2) Programs.—A program referred to in paragraph (1) is a program authorized under—

"(A) this Act;

"(B) the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86);

"(C) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

"(D) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.); or

"(E) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).".

(b) Effective Date.—The amendment made by this section takes effect on the date of enactment of this Act.

SEC. 443. INNOVATIVE PROGRAMS FOR ADDRESSING COMMON COMMUNITY PROBLEMS.

(a) In General.—The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 28. INNOVATIVE PROGRAMS FOR ADDRESSING COMMON COMMUNITY PROBLEMS.

"(a) In General.—The Secretary shall offer to enter info a contract with a nongovernmental organization described in subsection (b) to coordinate with Federal agencies, States, political subdivisions, and nongovernmental organizations (referred to in this section as 'targeted entities') to develop, and recommend to the targeted entities, innovative programs for addressing common community problems, including loss of farms, rural poverty, welfare dependency, hunger, the need for job training, juvenile crime prevention, and the need for self-sufficiency by individuals and communities.

"(b) Nongovernmental Organization.—The nongovernmental organization referred to in subsection (a)—

"(1) shall be selected on a competitive basis; and

"(2) as a condition of entering into the contract—

"(A) shall be experienced in working with targeted entities, and in organizing workshops that demonstrate programs to targeted entities;

"(B) shall be experienced in identifying programs that effectively address problems described in subsection (a) that can be implemented by other targeted entities;

"(C) shall agree—

"(i) to contribute in-kind resources toward the establishment and maintenance of programs described in subsection (a); and

"(ii) to provide to targeted entities, free of charge, information on the programs;

"(D) shall be experienced in, and capable of, receiving information from, and communicating with, targeted entities throughout the United States; and

"(E) shall be experienced in operating a national information clearinghouse that addresses 1 or more of the problems described in subsection (a).

"(c) Audits.—The Secretary shall establish auditing procedures and otherwise ensure the effective use of funds made available under this section.

"(d) Funding.—

"(1) In general.—Not later than 30 days after the date of enactment of this section, and on October 1, 2002, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $200,000, to remain available until expended.

"(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.".

(b) Effective Date.—The amendment made by this section takes effect on the date of enactment of this Act.

SEC. 444. REPORT ON USE OF ELECTRONIC BENEFIT TRANSFER SYSTEMS.

Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall submit to Congress a report on—

(1) difficulties relating to use of electronic benefit transfer systems in issuance of food stamp benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.);

(2) the extent to which there exists fraud, and the types of fraud that exist, in use of the electronic benefit transfer systems; and

(3) the efforts being made by the Secretary of Agriculture, retailers, electronic benefit transfer system contractors, and States to address the problems described in paragraphs (1) and (2).

SEC. 445. VITAMIN AND MINERAL SUPPLEMENTS.

(a) In General.—Section 3(g)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2012(g)(1)) is amended by striking "or food product" and inserting ", food product, or dietary supplement that provides exclusively 1 or more vitamins or minerals".

(b) Impact Study.—

(1) In general.—Not later than April 1, 2003, the Secretary of Agriculture shall enter into a contract with a scientific research organization to study and develop a report on the technical issues, economic impacts, and health effects associated with allowing individuals to use benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to purchase dietary supplements that provide exclusively 1 or more vitamins or minerals (referred to in this subsection as "vitamin-mineral supplements").

(2) Required elements.—At a minimum, the study shall examine—

(A) the extent to which problems arise in the purchase of vitamin-mineral supplements with electronic benefit transfer cards;

(B) the extent of any difficulties in distinguishing vitamin-mineral supplements from herbal and botanical supplements for which food stamp benefits may not be used;

(C) whether participants in the food stamp program spend more on vitamin-mineral supplements than nonparticipants;

(D) to what extent vitamin-mineral supplements are substituted for other foods purchased with use of food stamp benefits;

(E) the proportion of the average food stamp allotment that is being used to purchase vitamin-mineral supplements; and

(F) the extent to which the quality of the diets of participants in the food stamp program has changed as a result of allowing participants to use food stamp benefits to purchase vitamin-mineral supplements.

(3) REPORT.—The report required under paragraph (1) shall be submitted to the Secretary of Agriculture not later than 2 years after the date on which the contract referred to in that paragraph is entered into.

(4) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $3,000,000 to carry out this subsection.

Subtitle B—Miscellaneous Provisions

SEC. 451. REAUTHORIZATION OF COMMODITY PROGRAMS.

(a) COMMODITY DISTRIBUTION PROGRAM.—Section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended in the first sentence by striking "2002" and inserting "2006".

(b) COMMODITY SUPPLEMENTAL FOOD PROGRAM.—Section 5 of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note; Public Law 93–86) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GRANTS PER ASSIGNED CASELOAD SLOT.—

"(1) IN GENERAL.—In carrying out the program under section 4 (referred to in this section as the 'commodity supplemental food program'), for each of fiscal years 2003 through 2006, the Secretary shall provide to each State agency from funds made available to carry out that section (including any such funds remaining available from the preceding fiscal year), a grant per assigned caseload slot for administrative costs incurred by the State agency and local agencies in the State in operating the commodity supplemental food program.

"(2) AMOUNT OF GRANTS.—

"(A) FISCAL YEAR 2003.—For fiscal year 2003, the amount of each grant per caseload slot shall be equal to $50, adjusted by the percentage change between—

"(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30, 2001; and

"(ii) the value of that index for the 12-month period ending June 30, 2002.

"(B) FISCAL YEARS 2004 THROUGH 2006.—For each of fiscal years 2004 through 2006, the amount of each grant per caseload slot shall be equal to the amount of the grant per caseload slot for the preceding fiscal year, adjusted by the percentage change between—

"(i) the value of the State and local government price index, as published by the Bureau of Economic Analysis of the Department of Commerce, for the 12-month period ending June 30 of the second preceding fiscal year; and

"(ii) the value of that index for the 12-month period ending June 30 of the preceding fiscal year.";

(2) in subsection (d)(2), by striking "2002" each place it appears and inserting "2006"; and

(3) by striking subsection (l).

(c) DISTRIBUTION OF SURPLUS COMMODITIES TO SPECIAL NUTRITION PROJECTS.—Section 1114(a)(2)(A) of the Agriculture and Food Act of 1981 (7 U.S.C. 1431e(2)(A)) is amended in the first sentence by striking "2002" and inserting "2006".

(d) EMERGENCY FOOD ASSISTANCE.—Section 204(a)(1) of the Emergency Food Assistance Act of 1983 (7 U.S.C. 7508(a)(1)) is amended in the first sentence—

(1) by striking "2002" and inserting "2006";

(2) by striking "administrative"; and

(3) by inserting "storage," after "processing,".

SEC. 452. PARTIAL RESTORATION OF BENEFITS TO LEGAL IMMIGRANTS.

(a) RESTORATION OF BENEFITS TO ALL QUALIFIED ALIEN CHILDREN.—

(1) IN GENERAL.—Section 402(a)(2)(J) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(J)) is amended by striking "who" and all that follows through "is under" and inserting "who is under".

(2) CONFORMING AMENDMENTS.—

(A) Section 403(c)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(c)(2)) is amended by adding at the end the following:

"(L) Assistance or benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.).".

(B) Section 421(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(d)) is amended by adding at the end the following:

"(3) This section shall not apply to assistance or benefits under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) to the extent that a qualified alien is eligible under section 402(a)(2)(J).".

(C) Section 5(i)(2)(E) of the Food Stamp Act of 1977 (7 U.S.C. 2014(i)(2)(E)) is amended by inserting before the period at the end the following: ", or to any alien who is under 18 years of age".

(3) APPLICABILITY.—The amendments made by this subsection shall apply to fiscal year 2004 and each fiscal year thereafter.

(b) WORK REQUIREMENT FOR LEGAL IMMIGRANTS.—

(1) WORKING IMMIGRANT FAMILIES.—Section 402(a)(2)(B)(ii)(I) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(B)(ii)(I)) is amended by striking "40" and inserting "40 (or 16, in the case of the specified Federal program described in paragraph (3)(B))".

(2) CONFORMING AMENDMENTS.—

(A) Section 213A(a)(3)(A) of the Immigration and Nationality Act (8 U.S.C. 1183a(a)(3)(A)) is amended by striking "40" and inserting "40 (or 16, in the case of the specified Federal program described in section 402(a)(3)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(B)))".

(B) Section 421(b)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(b)(2)(A)) is amended by striking "40" and inserting "40 (or 16, in the case of the specified Federal program described in section 402(a)(3)(B))".

(c) RESTORATION OF BENEFITS TO REFUGEES AND ASYLEES.—Section 402(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)) is amended—

(1) in subparagraph (A), by striking "programs described in paragraph (3)" and inserting "program described in paragraph (3)(A)"; and

(2) by adding at the end the following:

"(L) FOOD STAMP EXCEPTION FOR REFUGEES AND ASYLEES.—With respect to eligibility for benefits for the specified Federal program described in paragraph (3)(B), paragraph (1) shall not apply to an alien with respect to which an action described in subparagraph (A) was taken and was not revoked.".

(d) RESTORATION OF BENEFITS TO DISABLED ALIENS.—Section 402(a)(2)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(F)) is amended by striking "(i) was" and all that follows through "(II) in the case" and inserting the following:

"(i) in the case of the specified Federal program described in paragraph (3)(A)—

"(I) was lawfully residing in the United States on August 22, 1996; and

"(II) is blind or disabled, as defined in paragraph (2) or (3) of section 1614(a) of the Social Security Act (42 U.S.C. 1382c(a)); and

"(ii) in the case".

SEC. 453. COMMODITIES FOR SCHOOL LUNCH PROGRAMS.

(a) IN GENERAL.—Section 6(e)(1)(B) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1755(e)(1)(B)) is amended by striking "2001" and inserting "2003".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the date of enactment of this Act.

SEC. 454. ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.

(a) IN GENERAL.—Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

"(7) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—For each of fiscal years 2002 and 2003, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of a member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code, or any related provision of law, shall not be considered to be income for the purpose of determining the eligibility of a child who is a member of the household of the member of a uniformed service for free or reduced price lunches under this Act.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on the date of enactment of this Act.

SEC. 455. ELIGIBILITY FOR ASSISTANCE UNDER THE SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN.

(a) IN GENERAL.—Section 17(d)(2)(B)(i) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(d)(2)(B)(i)) is amended—

(1) by striking "basic allowance for housing" and inserting the following: "basic allowance—

"(I) for housing";

(2) by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following:

"(II) provided under section 403 of title 37, United States Code, for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code, or any related provision of law; and".

(b) EFFECTIVE DATE.—The amendments made by this section take effect on the date of enactment of this Act.

SEC. 456. REPORT ON CONVERSION OF WIC PROGRAM INTO AN INDIVIDUAL ENTITLEMENT PROGRAM.

(a) FINDINGS.—Congress finds that the special supplemental nutrition program for woman, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) (referred to in this section as the 'WIC program')—

(1) safeguards the health of low-income pregnant, postpartum, and breast-feeding women, infants, and children up to 5 years of age who are at nutritional risk through the delivery of individualized food packages, nutrition education, and health referrals;

(2) is associated with a variety of desirable outcomes, including lower incidence of infant mortality, reduced prevalence of very low birth weights, improved nutrient intake among children, improved cognitive development among children, and lower Medicaid costs for women who participate;

(3) is recognized generally as a leading national health and nutrition program;

(4) as a discretionary program, can have inappropriate funding because funding levels must be determined early in the year by the President and the Committees on Appropriations of the House of Representatives and the Senate (referred to in this subsection as the "Committees");

(5) can have funding shortfalls in some years because the economy worsens between the time that funding levels are established and the fiscal year is underway;

(6) may have to deny service or reduce benefits to eligible women, infants, and children in some States as a result of these funding shortfalls;

(7) may be provided with more funding than is required in those years in which the economy improves between the time that funding levels are established and the fiscal year is underway, with the result that the President and the Committees will have committed funds to the WIC program that could have been devoted to other priorities; and

(8) would not have this funding uncertainty if the WIC program were an entitlement program that provided benefits to every eligible woman, infant, and child seeking benefits.

(b) REPORT.—Not later than December 31, 2002, the Secretary of Agriculture shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition and Forestry of the Senate a report that analyzes the conversion of the WIC program from a discretionary program into an individual entitlement program.

(c) CONTENTS.—The report shall—

(1) analyze the conversion of the WIC program into an individual entitlement program, rather than a capped entitlement program for States;

(2) analyze the conversion using at least 3 separate scenarios, including—

(A) 1 scenario under which the costs to the Federal Government approximate current projected funding levels;

(B) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 5 percent; and

(C) 1 scenario under which the costs to the Federal Government approximate current projected funding levels plus 7 percent; and

(3) address—

(A) the levels at which, and manner by which, States will be reimbursed for food package costs and administrative costs;

(B) how current cost containment savings will be preserved;

(C) how reimbursement rates will be adjusted annually to reflect inflation or other factors affecting food prices;

(D) how program benefits and services will be affected by the conversion to an individual entitlement program; and

(E) any other issues that arise from converting the WIC program to an individual entitlement program, as determined by the Secretary of Agriculture.

(d) CONSULTATION.—In preparing the report, the Secretary of Agriculture shall consult with—

(1) the Committee on Education and the Workforce of the House of Representatives;

(2) the Committee on Agriculture, Nutrition and Forestry of the Senate;

(3) membership organizations representing State directors and local agencies administering the WIC program;

(4) Governors and other State officials;

(5) research and policy organizations that have a history of carrying out activities on issues affecting the WIC program; and

(6) advocacy organizations representing the needs of the population that is eligible to participate in the WIC program.

(e) FUNDING.—Notwithstanding any other provision of law, the Secretary shall carry out this section using funds made available for necessary expenses to carry out the WIC program.

SEC. 457. COMMODITY DONATIONS.

The Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100–237) is amended—

(1) by redesignating sections 17 and 18 as sections 18 and 19, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. COMMODITY DONATIONS.

"(a) IN GENERAL.—Notwithstanding any other provision of law concerning commodity donations, any commodities acquired in the conduct of the operations of the Commodity Credit Corporation and any commodities acquired under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to the extent that the commodities are in excess of the quantities of commodities needed to carry out other authorized activities of the Commodity Credit Corporation and the Secretary (including any quantity specifically reserved for a specific purpose), may be used for any program authorized to be carried out by the Secretary that involves the acquisition of commodities for use in a domestic feeding program, including any program conducted by the Secretary that provides commodities to individuals in cases of hardship.

"(b) PROGRAMS.—A program described in subsection (a) includes a program authorized by—

"(1) the Emergency Food Assistance Act of 1983 (7 U.S.C. 7501 et seq.);

"(2) the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.);

"(3) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

"(4) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.); or

"(5) such other laws as the Secretary determines to be appropriate.".

SEC. 458. PURCHASES OF LOCALLY PRODUCED FOODS.

(a) IN GENERAL.—The Secretary of Agriculture shall—

(1) encourage institutions participating in the national school lunch program authorized under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the school breakfast program established by section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773) to purchase, in addition to other food purchases, locally produced foods for school meal programs to the maximum extent practicable and appropriate;

(2) advise institutions participating in a program described in paragraph (1) of the policy described in that paragraph and post information concerning the policy on the website maintained by the Secretary; and

(3) in accordance with requirements established by the Secretary, provide start-up grants to not more than 200 institutions to defray the initial costs of equipment, materials, and storage facilities, and similar costs, incurred in carrying out the policy described in paragraph (1).

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $400,000 for each of fiscal years 2002 through 2006.

(2) LIMITATION.—No amounts may be made available to carry out this section unless specifically provided by an appropriation Act.

SEC. 459. SENIORS FARMERS' MARKET NUTRITION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture shall carry out and expand a seniors farmers' market nutrition program.

(b) PROGRAM PURPOSE.—The purpose of the seniors farmers' market nutrition program is to provide to low-income seniors resources in the form of fresh, nutritious, unprepared, locally grown fruits, vegetables, and herbs from farmers' markets, roadside stands, and community-supported agriculture programs.

(c) REGULATIONS.—The Secretary of Agriculture may promulgate such regulations as the Secretary considers necessary to carry out the seniors farmers' market nutrition program under this section.

(d) FUNDING.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $15,000,000.

(2) RECEIPT AND ACCEPTANCE.—The Secretary of Agriculture shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(e) AUTHORITY.—The authority provided by this section is in addition to, and not in lieu of, the authority of the Secretary of Agriculture to carry out any similar program under the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.).

SEC. 460. FARMERS' MARKET NUTRITION PROGRAM.

Section 17(m)(9) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(m)(9)) is amended—

(1) by striking "(9)(A) There" and inserting the following:

"(9) FUNDING.—

"(A) IN GENERAL.—

"(i) AUTHORIZATION OF APPROPRIATIONS.—There"; and

(2) in subparagraph (A), by adding at the end the following:

"(ii) MANDATORY FUNDING.—

"(I) IN GENERAL.—Not later than 30 days after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2001, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this subsection $15,000,000.

"(II) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subclause (I), without further appropriation.".

SEC. 461. FRUIT AND VEGETABLE PILOT PROGRAM.

(a) IN GENERAL.—In the school year beginning July 2002, the Secretary of Agriculture shall use funds made available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), to conduct a pilot program to make available to students, in 25 elementary or secondary schools in each of 4 States, and in elementary or secondary schools on 1 Indian reservation, free fruits and vegetables throughout the school day in—

(1) a cafeteria;

(2) a student lounge; or

(3) another designated room of the school.

(b) PUBLICITY.—A school that participates in the pilot program shall widely publicize within the school the availability of free fruits and vegetables under the pilot program.

(c) EVALUATION OF PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the implementation of the pilot program required by subsection (a), the Secretary (acting through the Economic Research Service) shall submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an evaluation of the results of the pilot program to determine—

(A) whether students took advantage of the pilot program;

(B) whether interest in the pilot program increased or lessened over time;

(C) what effect, if any, the pilot program had on vending machine sales; and

(D) what effect, if any, the pilot program had on the sale of meals served under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.) and the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

(2) FUNDING.—The Secretary shall use $200,000 of the funds described in subsection (a) to carry out the evaluation under this subsection.

SEC. 462. CONGRESSIONAL HUNGER FELLOWS PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Congressional Hunger Fellows Act of 2002".

(b) FINDINGS.—Congress finds that—

(1) there are—

(A) a critical need for compassionate individuals who are committed to assisting people who suffer from hunger; and

(B) a need for those individuals to initiate and administer solutions to the hunger problem;

(2) Bill Emerson, the distinguished late Representative from the 8th District of Missouri, demonstrated—

(A) his commitment to solving the problem of hunger in a bipartisan manner;

(B) his commitment to public service; and

(C) his great affection for the institution and the ideals of Congress;

(3) George T. (Mickey) Leland, the distinguished late Representative from the 18th District of Texas, demonstrated—

(A) his compassion for individuals in need;

(B) his high regard for public service; and

(C) his lively exercise of political talents;

(4) the special concern that Mr. Emerson and Mr. Leland demonstrated during their lives for the hungry and poor was an inspiration for others to work toward the goals of equality and justice for all; and

(5) since those 2 outstanding leaders maintained a special bond of friendship regardless of political affiliation and worked together to encourage future leaders to recognize and provide service to others, it is especially appropriate to honor the memory of Mr. Emerson and Mr. Leland by establishing a fellowship program to develop and train the future leaders of the United States to pursue careers in humanitarian service.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Agriculture, and the Committee on International Relations of the House of Representatives; and

(B) the Committee on Agriculture, Nutrition, and Forestry and the Committee on Foreign Relations of the Senate.

(2) BOARD.—The term "Board" means the Board of Trustees of the Program.

(3) FUND.—The term "Fund" means the Congressional Hunger Fellows Trust Fund established by subsection (g).

(4) PROGRAM.—The term "Program" means the Congressional Hunger Fellows Program established by subsection (d).

(d) ESTABLISHMENT.—There is established as an independent entity of the legislative branch of the United States Government an entity to be known as the "Congressional Hunger Fellows Program".

(e) BOARD OF TRUSTEES.—

(1) IN GENERAL.—The Program shall be subject to the supervision and direction of a Board of Trustees.

(2) MEMBERS OF THE BOARD.—

(A) APPOINTMENT.—

(i) IN GENERAL.—The Board shall be composed of 6 voting members appointed under clause (ii) and 1 nonvoting ex officio member designated by clause (iii).

(ii) VOTING MEMBERS.—The voting members of the Board shall be the following:

(I) 2 members appointed by the Speaker of the House of Representatives.

(II) 1 member appointed by the minority leader of the House of Representatives.

(III) 2 members appointed by the majority leader of the Senate.

(IV) 1 member appointed by the minority leader of the Senate.

(iii) NONVOTING MEMBER.—The Executive Director of the Program shall serve as a nonvoting ex officio member of the Board.

(B) TERMS.—

(i) IN GENERAL.—Each member of the Board shall serve for a term of 4 years.

(ii) INCOMPLETE TERM.—If a member of the Board does not serve the full term of the member, the individual appointed to fill the resulting vacancy shall be appointed for the remainder of the term of the predecessor of the individual.

(C) VACANCY.—A vacancy on the Board—

(i) shall not affect the powers of the Board; and

(ii) shall be filled in the same manner as the original appointment was made.

(D) CHAIRPERSON.—As the first order of business of the first meeting of the Board, the members shall elect a Chairperson.

(E) COMPENSATION.—

(i) IN GENERAL.—Subject to clause (ii), a member of the Board shall not receive compensation for service on the Board.

(ii) TRAVEL.—A member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Board.

(3) DUTIES.—

(A) BYLAWS.—

(i) ESTABLISHMENT.—The Board shall establish such bylaws and other regulations as are appropriate to enable the Board to carry out this section, including the duties described in this paragraph.

(ii) CONTENTS.—Bylaws and other regulations established under clause (i) shall include provisions—

(I) for appropriate fiscal control, accountability for funds, and operating principles;

(II) to prevent any conflict of interest, or the appearance of any conflict of interest, in—

(aa) the procurement and employment actions taken by the Board or by any officer or employee of the Board; and

(bb) the selection and placement of individuals in the fellowships developed under the Program;

(III) for the resolution of a tie vote of the members of the Board; and

(IV) for authorization of travel for members of the Board.

(iii) SUBMISSION TO CONGRESS.—Not later than 90 days after the date of the first meeting of the Board, the Chairperson of the Board shall submit to the appropriate congressional committees a copy of the bylaws established by the Board.

(B) BUDGET.—For each fiscal year in which the Program is in operation—

(i) the Board shall determine a budget for the Program for the fiscal year; and

(ii) all spending by the Program shall be in accordance with the budget unless a change is approved by the Board.

(C) PROCESS FOR SELECTION AND PLACEMENT OF FELLOWS.—The Board shall review and approve the process established by the Executive Director for the selection and placement of individuals in the fellowships developed under the Program.

(D) ALLOCATION OF FUNDS TO FELLOWSHIPS.—The Board shall determine—

(i) the priority of the programs to be carried out under this section; and

(ii) the amount of funds to be allocated for the fellowships established under subsection (f)(3)(A).

(f) PURPOSES; AUTHORITY OF PROGRAM.—

(1) PURPOSES.—The purposes of the Program are—

(A) to encourage future leaders of the United States to pursue careers in humanitarian service;

(B) to recognize the needs of people who are hungry and poor;

(C) to provide assistance and compassion for people in need;

(D) to increase awareness of the importance of public service; and

(E) to provide training and development opportunities for the leaders through placement in programs operated by appropriate entities.

(2) AUTHORITY.—The Program may develop fellowships to carry out the purposes of the Program, including the fellowships described in paragraph (3).

(3) FELLOWSHIPS.—

(A) IN GENERAL.—The Program shall establish and carry out the Bill Emerson Hunger Fellowship and the Mickey Leland Hunger Fellowship.

(B) CURRICULUM.—

(i) IN GENERAL.—The fellowships established under subparagraph (A) shall provide experience and training to develop the skills and understanding necessary to improve the humanitarian conditions and the lives of individuals who suffer from hunger, including—

(I) training in direct service to the hungry in conjunction with community-based organizations through a program of field placement; and

(II) experience in policy development through placement in a governmental entity or nonprofit organization.

(ii) FOCUS.—

(I) BILL EMERSON HUNGER FELLOWSHIP.—The Bill Emerson Hunger Fellowship shall address hunger and other humanitarian needs in the United States.

(II) MICKEY LELAND HUNGER FELLOWSHIP.—The Mickey Leland Hunger Fellowship shall address international hunger and other humanitarian needs.

(iii) WORK PLAN.—To carry out clause (i) and to assist in the evaluation of the fellowships under paragraph (4), the Program shall, for each fellow, approve a work plan that identifies the target objectives for the fellow in the fellowship, including the specific duties and responsibilities relating to the objectives.

(C) PERIOD OF FELLOWSHIP.—

(i) EMERSON FELLOWSHIP.—A Bill Emerson Hunger Fellowship awarded under this paragraph shall be for a period of not more than 1 year.

(ii) LELAND FELLOWSHIP.—A Mickey Leland Hunger Fellowship awarded under this paragraph shall be for a period of not more than 2 years, of which not less than 1 year shall be dedicated to fulfilling the requirement of subparagraph (B)(i)(I).

(D) SELECTION OF FELLOWS.—

(i) IN GENERAL.—A fellowship shall be awarded through a nationwide competition established by the Program.

(ii) QUALIFICATION.—A successful applicant shall be an individual who has demonstrated—

(I) an intent to pursue a career in humanitarian service and outstanding potential for such a career;

(II) leadership potential or leadership experience;

(III) diverse life experience;

(IV) proficient writing and speaking skills;

(V) an ability to live in poor or diverse communities; and

(VI) such other attributes as the Board determines to be appropriate.

(iii) AMOUNT OF AWARD.—

(I) IN GENERAL.—Each individual awarded a fellowship under this paragraph shall receive a living allowance and, subject to subclause (II), an end-of-service award as determined by the Program.

(II) REQUIREMENT FOR SUCCESSFUL COMPLETION OF FELLOWSHIP.—Each individual awarded a fellowship under this paragraph shall be entitled to receive an end-of-service award at an appropriate rate for each month of satisfactory service as determined by the Executive Director.

(iv) RECOGNITION OF FELLOWSHIP AWARD.—

(I) EMERSON FELLOW.—An individual awarded a Bill Emerson Hunger Fellowship shall be known as an "Emerson Fellow".

(II) LELAND FELLOW.—An individual awarded a Mickey Leland Hunger Fellowship shall be known as a "Leland Fellow".

(4) EVALUATIONS.—

(A) IN GENERAL.—The Program shall conduct periodic evaluations of the Bill Emerson and Mickey Leland Hunger Fellowships.

(B) REQUIRED ELEMENTS.—Each evaluation shall include—

(i) an assessment of the successful completion of the work plan of each fellow;

(ii) an assessment of the impact of the fellowship on the fellows;

(iii) an assessment of the accomplishment of the purposes of the Program; and

(iv) an assessment of the impact of each fellow on the community.

(g) TRUST FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund to be known as the "Congressional Hunger Fellows Trust Fund", consisting of—

(A) amounts appropriated to the Fund under subsection (k);

(B) any amounts earned on investment of amounts in the Fund under paragraph (2); and

(C) amounts received under subsection (i)(3)(A).

(2) INVESTMENT OF AMOUNTS.—

(A) IN GENERAL.—

(i) AUTHORITY TO INVEST.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals.

(ii) TYPES OF INVESTMENTS.—Each investment may be made only in an interest-bearing obligation of the United States or an obligation guaranteed as to principal and interest by the United States that, as determined by the Secretary of the Treasury in consultation with the Board, has a maturity suitable for the Fund.

(B) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under subparagraph (A), obligations may be acquired—

(i) on original issue at the issue price; or

(ii) by purchase of outstanding obligations at the market price.

(C) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(D) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) TRANSFERS OF AMOUNTS.—

(A) IN GENERAL.—The amounts required to be transferred to the Fund under this subsection shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(B) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(h) EXPENDITURES; AUDITS.—

(1) IN GENERAL.—The Secretary of the Treasury shall transfer to the Program from the amounts described in subsections (g)(2)(D) and (i)(3)(A) such sums as the Board determines to be necessary to enable the Program to carry out this section.

(2) LIMITATION.—The Secretary may not transfer to the Program the amounts appropriated to the Fund under subsection (k).

(3) USE OF FUNDS.—Funds transferred to the Program under paragraph (1) shall be used—

(A) to provide a living allowance for the fellows;

(B) to defray the costs of transportation of the fellows to the fellowship placement sites;

(C) to defray the costs of appropriate insurance of the fellows, the Program, and the Board;

(D) to defray the costs of preservice and midservice education and training of fellows;

(E) to pay staff described in subsection (i);

(F) to make end-of-service awards under subsection (f)(3)(D)(iii)(II); and

(G) for such other purposes as the Board determines to be appropriate to carry out the Program.

(4) AUDIT BY COMPTROLLER GENERAL.—

(A) IN GENERAL.—The Comptroller General of the United States shall conduct an annual audit of the accounts of the Program.

(B) BOOKS.—The Program shall make available to the Comptroller General all books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the Program and necessary to facilitate the audit.

(C) REPORT TO CONGRESS.—The Comptroller General shall submit to the appropriate congressional committees a copy of the results of each audit under subparagraph (A).

(i) STAFF; POWERS OF PROGRAM.—

(1) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Board shall appoint an Executive Director of the Program who shall—

(i) administer the Program; and

(ii) carry out such other functions consistent with this section as the Board shall prescribe.

(B) RESTRICTION.—The Executive Director may not serve as Chairperson of the Board.

(C) COMPENSATION.—The Executive Director shall be paid at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) STAFF.—

(A) IN GENERAL.—With the approval of a majority of the Board, the Executive Director may appoint and fix the pay of such additional personnel as the Executive Director considers necessary to carry out this section.

(B) COMPENSATION.—An individual appointed under subparagraph (A) shall be paid at a rate not to exceed the rate payable for level GS–15 of the General Schedule.

(3) POWERS.—

(A) GIFTS.—

(i) IN GENERAL.—The Program may solicit, accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Program.

(ii) USE OF GIFTS.—Gifts, bequests, or devises of money and proceeds from sales of other property received as gifts, bequests, or devises shall—

(I) be deposited in the Fund; and

(II) be available for disbursement on order of the Board.

(B) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—To carry out this section, the Program may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay payable for level GS–15 of the General Schedule.

(C) CONTRACT AUTHORITY.—To carry out this section, the Program may, with the approval of a majority of the members of the Board, contract with and compensate Government and private agencies or persons without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(D) OTHER NECESSARY EXPENDITURES.—

(i) IN GENERAL.—Subject to clause (ii), the Program may make such other expenditures as the Program considers necessary to carry out this section.

(ii) PROHIBITION.—The Program may not expend funds to develop new or expanded projects at which fellows may be placed.

(j) REPORT.—Not later than December 31 of each year, the Board shall submit to the appropriate congressional committees a report on the activities of the Program carried out during the preceding fiscal year that includes—

(1) an analysis of the evaluations conducted under subsection (f)(4) during the fiscal year; and

(2) a statement of—

(A) the total amount of funds attributable to gifts received by the Program in the fiscal year under subsection (i)(3)(A); and

(B) the total amount of funds described in subparagraph (A) that were expended to carry out the Program in the fiscal year.

(k) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $18,000,000.

(l) EFFECTIVE DATE.—This section takes effect on October 1, 2002.

SEC. 463. NUTRITION INFORMATION AND AWARENESS PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Agriculture may establish, in not more than 15 States, a pilot program to increase the domestic consumption of fresh fruits and vegetables.

(b) PURPOSE.—The purpose of the program shall be to provide funds to States to assist eligible public and private sector entities with cost-share assistance to carry out demonstration projects—

(1) to increase fruit and vegetable consumption; and

(2) to convey related health promotion messages.

(c) PRIORITY.—To the maximum extent practicable, the Secretary shall—

(1) establish the program in States in which the production of fruits or vegetables is a significant industry, as determined by the Secretary; and

(2) base the program on strategic initiatives, including—

(A) health promotion and education interventions;

(B) public service and paid advertising or marketing activities;

(C) health promotion campaigns relating to locally grown fruits and vegetables; and

(D) social marketing campaigns.

(d) PARTICIPANT ELIGIBILITY.—In selecting States to participate in the program, the Secretary shall take into consideration, with respect to projects and activities proposed to be carried out by the State under the program—

(1) experience in carrying out similar projects or activities;

(2) innovation; and

(3) the ability of the State—

(A) to conduct marketing campaigns for, promote, and track increases in levels of, produce consumption; and

(B) to optimize the availability of produce through distribution of produce.

(e) FEDERAL SHARE.—The Federal share of the cost of any project or activity carried out using funds provided under this section shall be 50 percent.

(f) USE OF FUNDS.—Funds made available to carry out this section shall not be made available to any foreign for-profit corporation.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2002 through 2006.

SEC. 464. EFFECTIVE DATE.

Except as otherwise provided in this title, the amendments made by this title take effect on September 1, 2002, except that a State agency may, at the option of the State agency, elect not to implement any or all of the amendments until October 1, 2002.

TITLE V—CREDIT

Subtitle A—Farm Ownership Loans

SEC. 501. DIRECT LOANS.

Section 302(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(b)(1)) is amended by striking "operated" and inserting "participated in the business operations of".

SEC. 502. FINANCING OF BRIDGE LOANS.

Section 303(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1923(a)(1)) is amended—

(1) in subparagraph (C), by striking "or" at the end;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(E) refinancing, during a fiscal year, a short-term, temporary bridge loan made by a commercial or cooperative lender to a beginning farmer or rancher for the acquisition of land for a farm or ranch, if—

"(i) the Secretary approved an application for a direct farm ownership loan to the beginning farmer or rancher for acquisition of the land; and

"(ii) funds for direct farm ownership loans under section 346(b) were not available at the time at which the application was approved.".

SEC. 503. LIMITATIONS ON AMOUNT OF FARM OWNERSHIP LOANS.

Section 305 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925) is amended by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The Secretary shall not make or insure a loan under section 302, 303, 304, 310D, or 310E that would cause the unpaid indebtedness under those sections of any 1 borrower to exceed the lesser of—

"(1) the value of the farm or other security; or

"(2)(A) in the case of a loan made by the Secretary—

"(i) to a beginning farmer or rancher, $250,000, as adjusted (beginning with fiscal year 2003) by the inflation percentage applicable to the fiscal year in which the loan is made; or

"(ii) to a borrower other than a beginning farmer or rancher, $200,000; or

"(B) in the case of a loan guaranteed by the Secretary, $700,000, as—

"(i) adjusted (beginning with fiscal year 2000) by the inflation percentage applicable to the fiscal year in which the loan is guaranteed; and

"(ii) reduced by the amount of any unpaid indebtedness of the borrower on loans under subtitle B that are guaranteed by the Secretary.".

SEC. 504. JOINT FINANCING ARRANGEMENTS.

Section 307(a)(3)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1927(a)(3)(D)) is amended—

(1) by striking "If" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), if"; and

(2) by adding at the end the following:

"(ii) BEGINNING FARMERS AND RANCHERS.—The interest rate charged a beginning farmer or rancher for a loan described in clause (i) shall be 50 basis points less than the rate charged farmers and ranchers that are not beginning farmers or ranchers.".

SEC. 505. GUARANTEE PERCENTAGE FOR BEGINNING FARMERS AND RANCHERS.

Section 309(h)(6) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(h)(6)) is amended by striking "GUARANTEED UP" and all that follows through "more than" and inserting "GUARANTEED AT 95 PERCENT.—The Secretary shall guarantee".

SEC. 506. GUARANTEE OF LOANS MADE UNDER STATE BEGINNING FARMER OR RANCHER PROGRAMS.

Section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) is amended by adding at the end the following:

"(j) GUARANTEE OF LOANS MADE UNDER STATE BEGINNING FARMER OR RANCHER PROGRAMS.—The Secretary may guarantee under this title a loan made under a State beginning farmer or rancher program, including a loan financed by the net proceeds of a qualified small issue agricultural bond for land or property described in section 144(a)(12)(B)(ii) of the Internal Revenue Code of 1986.".

SEC. 507. DOWN PAYMENT LOAN PROGRAM.

Section 310E of the Consolidated Farm and Rural Development Act (7 U.S.C. 1935) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "30 percent" and inserting "40 percent"; and

(B) in paragraph (3), by striking "10 years" and inserting "20 years"; and

(2) in subsection (c)(3)(B), by striking "10-year" and inserting "20-year".

SEC. 508. BEGINNING FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et seq.) is amended by adding at the end the following:

"SEC. 310F. BEGINNING FARMER AND RANCHER CONTRACT LAND SALES PROGRAM.

"(a) IN GENERAL.—Not later than October 1, 2002, the Secretary shall carry out a pilot program in not fewer than 10 geographically dispersed States, as determined by the Secretary, to guarantee up to 5 loans per State in each of fiscal years 2003 through 2006 made by a private seller of a farm or ranch to a qualified beginning farmer or rancher on a contract land sale basis, if the loan meets applicable underwriting criteria and a commercial lending institution agrees to serve as escrow agent.

"(b) DATE OF COMMENCEMENT OF PROGRAM.—The Secretary shall commence the pilot program on making a determination that guarantees of contract land sales present a risk that is comparable with the risk presented in the case of guarantees to commercial lenders.".

Subtitle B—Operating Loans

SEC. 511. DIRECT LOANS.

Section 311(c)(1)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)(1)(A)) is amended by striking "who has not" and all that follows through "5 years".

SEC. 512. AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL FARM OPERATIONS; WAIVER OF LIMITATIONS FOR TRIBAL OPERATIONS AND OTHER OPERATIONS.

(a) AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL OPERATIONS.—Section 309(h) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929(h)) is amended—

(1) in paragraph (4), by striking "paragraphs (5) and (6)" and inserting "paragraphs (5), (6), and (7)"; and

(2) by adding at the end the following:

"(7) AMOUNT OF GUARANTEE OF LOANS FOR TRIBAL OPERATIONS.—In the case of an operating loan made to a farmer or rancher who is a member of an Indian tribe and whose farm or ranch is within an Indian reservation (as defined in section 335(e)(1)(A)(ii)), the Secretary shall guarantee 95 percent of the loan.".

(b) WAIVER OF LIMITATIONS.—Section 311(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1941(c)) is amended—

(1) in paragraph (1), by striking "paragraph (3)" and inserting "paragraphs (3) and (4)"; and

(2) by adding at the end the following:

"(4) WAIVERS.—

"(A) TRIBAL FARM AND RANCH OPERATIONS.—The Secretary shall waive the limitation under paragraph (1)(C) or (3) for a direct loan made under this subtitle to a farmer or rancher who is a member of an Indian tribe and whose farm or ranch is within an Indian reservation (as defined in section 335(e)(1)(A)(ii)) if the Secretary determines that commercial credit is not generally available for such farm or ranch operations.

"(B) OTHER FARM AND RANCH OPERATIONS.—On a case-by-case determination not subject to administrative appeal, the Secretary may grant a borrower a waiver, 1 time only for a period of 2 years, of the limitation under paragraph (1)(C) or (3) for a direct operating loan if the borrower demonstrates to the satisfaction of the Secretary that—

"(i) the borrower has a viable farm or ranch operation;

"(ii) the borrower applied for commercial credit from at least 2 commercial lenders;

"(iii) the borrower was unable to obtain a commercial loan (including a loan guaranteed by the Secretary); and

"(iv) the borrower successfully has completed, or will complete within 1 year, borrower training under section 359 (from which requirement the Secretary shall not grant a waiver under section 359(f)).".

Subtitle C—Administrative Provisions

SEC. 521. ELIGIBILITY OF LIMITED LIABILITY COMPANIES FOR FARM OWNERSHIP LOANS, FARM OPERATING LOANS, AND EMERGENCY LOANS.

(a) IN GENERAL.—Sections 302(a), 311(a), and 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922(a), 1941(a), 1961(a)) are amended by striking "and joint operations" each place it appears and inserting "joint operations, and limited liability companies".

(b) CONFORMING AMENDMENT.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by striking "or joint operations" each place it appears and inserting "joint operations, or limited liability companies".

SEC. 522. DEBT SETTLEMENT.

Section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)) is amended by striking "carried out—" and all that follows through "(B) after" and inserting "carried out after".

SEC. 523. TEMPORARY AUTHORITY TO ENTER INTO CONTRACTS; PRIVATE COLLECTION AGENCIES.

(a) IN GENERAL.—Section 331 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) is amended by striking subsections (d) and (e).

(b) APPLICATION.—The amendment made by subsection (a) shall not apply to a contract entered into before the effective date of this Act.

SEC. 524. INTEREST RATE OPTIONS FOR LOANS IN SERVICING.

Section 331B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981b) is amended—

(1) by striking "lower of (1) the" and inserting the following: "lowest of—

"(1) the"; and

(2) by striking "original loan or (2) the" and inserting the following: "original loan;

"(2) the rate being charged by the Secretary for loans, other than guaranteed loans, of the same type at the time at which the borrower applies for a deferral, consolidation, rescheduling, or reamortization; or

"(3) the".

SEC. 525. ANNUAL REVIEW OF BORROWERS.

Section 333 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983) is amended by striking paragraph (2) and inserting the following:

"(2) except with respect to a loan under section 306, 310B, or 314—

"(A) an annual review of the credit history and business operation of the borrower; and

"(B) an annual review of the continued eligibility of the borrower for the loan;".

SEC. 526. SIMPLIFIED LOAN APPLICATIONS.

Section 333A(g)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a(g)(1)) is amended by striking "of loans the principal amount of which is $50,000 or less" and inserting "of farmer program loans the principal amount of which is $100,000 or less".

SEC. 527. INVENTORY PROPERTY.

Section 335(c) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1985(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in clause (i), by striking "75 days" and inserting "135 days"; and

(ii) by adding at the end the following:

"(iv) COMBINING AND DIVIDING OF PROPERTY.—To the maximum extent practicable, the Secretary shall maximize the opportunity for beginning farmers and ranchers to purchase real property acquired by the Secretary under this title by combining or dividing inventory parcels of the property in such manner as the Secretary determines to be appropriate."; and

(B) in subparagraph (C)—

(i) by striking "75 days" and inserting "135 days"; and

(ii) by striking "75-day period" and inserting "135-day period";

(2) by striking paragraph (2) and inserting the following:

"(2) PREVIOUS LEASE.—In the case of real property acquired before April 4, 1996, that the Secretary leased before April 4, 1996, not later than 60 days after the lease expires, the Secretary shall offer to sell the property in accordance with paragraph (1)."; and

(3) in paragraph (3)—

(A) in subparagraph (A), by striking "subparagraph (B)" and inserting "subparagraphs (B) and (C)"; and

(B) by adding at the end the following:

"(C) OFFER TO SELL OR GRANT FOR FARMLAND PRESERVATION.—For the purpose of farmland preservation, the Secretary shall—

"(i) in consultation with the State Conservationist of each State in which inventory property is located, identify each parcel of inventory property in the State that should be preserved for agricultural use; and

"(ii) offer to sell or grant an easement, restriction, development right, or similar legal right to each parcel identified under clause (i) to a State, a political subdivision of a State, or a private nonprofit organization separately from the underlying fee or other rights to the property owned by the United States.".

SEC. 528. DEFINITIONS.

(a) QUALIFIED BEGINNING FARMER OR RANCHER.—Section 343(a)(11)(F) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(11)(F)) is amended by striking "25 percent" and inserting "30 percent".

(b) DEBT FORGIVENESS.—Section 343(a)(12) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)(12)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCEPTIONS.—The term 'debt forgiveness' does not include—

"(i) consolidation, rescheduling, reamortization, or deferral of a loan; or

"(ii) any write-down provided as part of a resolution of a discrimination complaint against the Secretary.".

SEC. 529. LOAN AUTHORIZATION LEVELS.

Section 346 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1994) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The Secretary may make or guarantee loans under subtitles A and B from the Agricultural Credit Insurance Fund provided for in section 309 for not more than $3,750,000,000 for each of fiscal years 2002 through 2006, of which, for each fiscal year—

"(A) $750,000,000 shall be for direct loans, of which—

"(i) $200,000,000 shall be for farm ownership loans under subtitle A; and

"(ii) $550,000,000 shall be for operating loans under subtitle B; and

"(B) $3,000,000,000 shall be for guaranteed loans, of which—

"(i) $1,000,000,000 shall be for guarantees of farm ownership loans under subtitle A; and

"(ii) $2,000,000,000 shall be for guarantees of operating loans under subtitle B."; and

(B) in paragraph (2)(A)(ii), by striking "farmers and ranchers" and all that follows and inserting "farmers and ranchers 35 percent for each of fiscal years 2002 through 2006."; and

(2) in subsection (c), by striking the last sentence.

SEC. 530. INTEREST RATE REDUCTION PROGRAM.

Section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) is amended—

(1) in subsection (a)—

(A) by striking "PROGRAM.—" and all that follows through "The Secretary" and inserting "PROGRAM.—The Secretary"; and

(B) by striking paragraph (2);

(2) by striking subsection (c) and inserting the following:

"(c) AMOUNT OF INTEREST RATE REDUCTION.—

"(1) IN GENERAL.—In return for a contract entered into by a lender under subsection (b) for the reduction of the interest rate paid on a loan, the Secretary shall make payments to the lender in an amount equal to not more than 100 percent of the cost of reducing the annual rate of interest payable on the loan, except that such payments shall not exceed the cost of reducing the rate by more than—

"(A) in the case of a borrower other than a beginning farmer or rancher, 3 percent; and

"(B) in the case of a beginning farmer or rancher, 4 percent.

"(2) BEGINNING FARMERS AND RANCHERS.—The percentage reduction of the interest rate for which payments are authorized to be made for a beginning farmer or rancher under paragraph (1) shall be 1 percent more than the percentage reduction for farmers and ranchers that are not beginning farmers or ranchers."; and

(3) in subsection (e), by striking paragraph (2) and inserting the following:

"(2) MAXIMUM AMOUNT OF FUNDS.—

"(A) IN GENERAL.—The total amount of funds used by the Secretary to carry out this section for a fiscal year shall not exceed $750,000,000.

"(B) BEGINNING FARMERS AND RANCHERS.—

"(i) IN GENERAL.—The Secretary shall reserve not less than 25 percent of the funds used by the Secretary under subparagraph (A) to make payments for guaranteed loans made to beginning farmers and ranchers.

"(ii) DURATION OF RESERVATION OF FUNDS.—Funds reserved for beginning farmers or ranchers under clause (i) for a fiscal year shall be reserved only until April 1 of the fiscal year.".

SEC. 531. OPTIONS FOR SATISFACTION OF OBLIGATION TO PAY RECAPTURE AMOUNT FOR SHARED APPRECIATION AGREEMENTS.

(a) IN GENERAL.—Section 353(e)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)(7)) is amended—

(1) in subparagraph (C), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and adjusting the margins appropriately;

(2) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and adjusting the margins appropriately;

(3) by striking the paragraph heading and inserting the following:

"(7) OPTIONS FOR SATISFACTION OF OBLIGATION TO PAY RECAPTURE AMOUNT.—

"(A) IN GENERAL.—As an alternative to repaying the full recapture amount at the end of the term of the shared appreciation agreement (as determined by the Secretary in accordance with this subsection), a borrower may satisfy the obligation to pay the amount of recapture by—

"(i) financing the recapture payment in accordance with subparagraph (B); or

"(ii) granting the Secretary an agricultural use protection and conservation easement on the property subject to the shared appreciation agreement in accordance with subparagraph (C).

"(B) FINANCING OF RECAPTURE PAYMENT.—"; and

(4) by adding at the end the following:

"(C) AGRICULTURAL USE PROTECTION AND CONSERVATION EASEMENT.—

"(i) IN GENERAL.—Subject to clause (iii), the Secretary shall accept an agricultural use protection and conservation easement from the borrower for all of the real security property subject to the shared appreciation agreement in lieu of payment of the recapture amount.

"(ii) TERM.—The term of an easement accepted by the Secretary under this subparagraph shall be 25 years.

"(iii) CONDITIONS.—The easement shall require that the property subject to the easement shall continue to be used or conserved for agricultural and conservation uses in accordance with sound farming and conservation practices, as determined by the Secretary.

"(iv) REPLACEMENT OF METHOD OF SATISFYING OBLIGATION.—A borrower that has begun financing of a recapture payment under subparagraph (B) may replace that financing with an agricultural use protection and conservation easement under this subparagraph.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to a shared appreciation agreement entered into under section 353(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)) that—

(1) matures on or after the date of enactment of this Act; or

(2) matured before the date of enactment of this Act, if—

(A) the recapture amount was reamortized under section 353(e)(7) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2001(e)(7)) (as in effect on the day before the date of enactment of this Act); or

(B)(i) the recapture amount had not been paid before the date of enactment of this Act because of circumstances beyond the control of the borrower; and

(ii) the borrower acted in good faith (as determined by the Secretary) in attempting to repay the recapture amount.

SEC. 532. WAIVER OF BORROWER TRAINING CERTIFICATION REQUIREMENT.

Section 359 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a) is amended by striking subsection (f) and inserting the following:

"(f) WAIVERS.—

"(1) IN GENERAL.—The Secretary may waive the requirements of this section for an individual borrower if the Secretary determines that the borrower demonstrates adequate knowledge in areas described in this section.

"(2) CRITERIA.—The Secretary shall establish criteria providing for the application of paragraph (1) consistently in all counties nationwide.".

SEC. 533. ANNUAL REVIEW OF BORROWERS.

Section 360(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006b(d)(1)) is amended by striking "biannual" and inserting "annual".

Subtitle D—Farm Credit

SEC. 541. REPEAL OF BURDENSOME APPROVAL REQUIREMENTS.

(a) Banks for Cooperatives.—Section 3.1(11)(B) of the Farm Credit Act of 1971 (12 U.S.C. 2122(11)(B)) is amended—

(1) by striking clause (iii); and

(2) by redesignating clause (iv) as clause (iii).

(b) Other System Banks; Associations.—Section 4.18A of the Farm Credit Act of 1971 (12 U.S.C. 2206a) is amended—

(1) in subsection (a)(1), by striking "3.1(11)(B)(iv)" and inserting "3.1(11)(B)(iii)"; and

(2) by striking subsection (c).

SEC. 542. BANKS FOR COOPERATIVES.

Section 3.7(b) of the Farm Credit Act of 1971 (12 U.S.C. 2128(b)) is amended—

(1) in paragraphs (1) and (2)(A)(i), by striking "farm supplies" each place it appears and inserting "agricultural supplies"; and

(2) by adding at the end.the following:

"(4) Definition of agricultural supply.—In this subsection, the term 'agricultural supply' includes—

"(A) a farm supply; and

"(B)(i) agriculture-related processing equipment;

"(ii) agriculture-related machinery; and

"(iii) other capital goods related to the storage or handling of agricultural commodities or products.".

SEC. 543. INSURANCE CORPORATION PREMIUMS.

(a) Reduction in Premiums for GSE-Guaranteed Loans.—

(1) In general.—Section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4) is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking "government-guaranteed loans provided for in subparagraph (C)" and inserting "loans provided for in subparagraphs (C) and (D)";

(II) in subparagraph (B), by striking "and" at the end;

(III) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(IV) by adding at the end the following:

"(D) the annual average principal outstanding for such year on the guaranteed portions of Government Sponsored Enterprise-guaranteed loans made by the bank that are in accrual status, multiplied by a factor, not to exceed 0.0015, determined by the Corporation at the sole discretion of the Corporation."; and

(ii) by adding at the end the following:

"(4) Definition of government sponsored enterprise-guaranteed loan.—In this section and sections 1.12(b) and 5.56(a), the term 'Government Sponsored Enterprise-guaranteed loan' means a loan or credit, or portion of a loan or credit, that is guaranteed by an entity that is chartered by Congress to serve a public purpose and the debt obligations of which are not explicitly guaranteed by the United States, including the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Federal Home Loan Bank System, and the Federal Agricultural Mortgage Corporation, but not including any other institution of the Farm Credit System."; and

(B) in subsection (e)(4)(B), by striking "government-guaranteed loans described in subsection (a)(1)(C)" and inserting "loans described in subparagraph (C) or (D) of subsection (a)(1)".

(2) Conforming amendments.—

(A) Section 1.12(b) of the Farm Credit Act of 1971 (12 U.S.C. 2020(b)) is amended—

(i) in paragraph (1), by inserting "and Government Sponsored Enterprise-guaranteed loans (as defined in section 5.55(a)(4)) provided for in paragraph (4)" after "government-guaranteed loans (as defined in section 5.55(a)(3)) provided for in paragraph (3)";

(ii) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(4) the annual average principal outstanding for such year on the guaranteed portions of Government Sponsored Enterprise-guaranteed loans (as so defined) made by the association, or by the other financing institution and funded by or discounted with the Farm Credit Bank, that are in accrual status, multiplied by a factor, not to exceed 0.0015, determined by the Corporation for the purpose of setting the premium for such guaranteed portions of loans under section 5.55(a)(1)(D).".

(B) Section 5.56(a) of the Farm Credit Act of 1971 (12 U.S.C. 2277a–5(a)) is amended—

(i) in paragraph (1), by inserting "and Government Sponsored Enterprise-guaranteed loans (as defined in section 5.55(a)(4))" after "government-guaranteed loans";

(ii) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(iii) by inserting after paragraph (3) the following:

"(4) the annual average principal outstanding on the guaranteed portions of Government Sponsored Enterprise-guaranteed loans (as defined in section 5.55(a)(4)) that are in accrual status;".

(b) Effective Date.—The amendments made by subsection (a) take effect on the date on which Farm Credit System Insurance Corporation premiums are due from insured Farm Credit System banks under section 5.55 of the Farm Credit Act of 1971 (12 U.S.C. 2277a–4) for calendar year 2001.

SEC. 544. BOARD OF DIRECTORS OF THE FEDERAL AGRICULTURAL MORTGAGE CORPORATION.

Section 8.2(b) of the Farm Credit Act of 1971 (12 U.S.C. 2279aa–2(b)) is amended—

(1) in paragraph (2)—

(A) by striking "15" and inserting "17";

(B) in subparagraph (A), by striking "common stock" and all that follows and inserting "Class A voting common stock;";

(C) in subparagraph (B), by striking "common stock" and all that follows and inserting "Class B voting common stock;";

(D) by redesignating subparagraph (C) as subparagraph (D); and

(E) by inserting after subparagraph (B) the following:

"(C) 2 members shall be elected by holders of Class A voting common stock and Class B voting common stock, 1 of whom shall be the chief executive officer of the Corporation and 1 of whom shall be another executive officer of the Corporation; and";

(2) in paragraph (3), by striking "(2)(C)" and inserting "(2)(D)";

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "(A) or (B)" and inserting "(A), (B), or (C)"; and

(B) in subparagraph (B), by striking "(2)(C)" and inserting "(2)(D)";

(4) in paragraph (5)(A)—

(A) by inserting "executive officers of the Corporation or" after "from among persons who are"; and

(B) by striking "such a representative" and inserting "such an executive officer or representative";

(5) in paragraph (6)(B), by striking "(A) and (B)" and inserting "(A), (B), and (C)";

(6) in paragraph (7), by striking "8 members" and inserting "Nine members";

(7) in paragraph (8)—

(A) in the paragraph heading, by inserting "OR EXECUTIVE OFFICERS OF THE CORPORATION" after "EMPLOYEES"; and

(B) by inserting "or executive officers of the Corporation" after "United States"; and

(8) by striking paragraph (9) and inserting the following:

"(9) Chairperson.—

"(A) Election.—The permanent board shall annually elect a chairperson from among the members of the permanent board.

"(B) Term.—The term of the chairperson shall coincide with the term served by elected members of the permanent board under paragraph (6)(B).".

Subtitle E—General Provisions

SEC. 551. INAPPLICABILITY OF FINALITY RULE.

Section 281(a)(1) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7001(a)(1)) is amended—

(1) by striking "This subsection" and inserting the following:

"(A) In general.—Except as provided in subparagraph (B), this subsection"; and

(2) by adding at the end the following:

"(B) Agricultural credit decisions.—This subsection shall not apply with respect to an agricultural credit decision made by such a State, county, or area committee, or employee of such a committee, under the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.).".

SEC. 552. TECHNICAL AMENDMENTS.

(a) Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended by striking "Disaster Relief and Emergency Assistance Act" each place it appears and inserting "Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)".

(b) Section 336(b) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1986(b)) is amended in the second sentence by striking "provided for in section 332 of this title".

(c) Section 359(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006a(c)(1)) is amended by striking "established pursuant to section 332,".

(d) Section 360(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006b(a)) is amended by striking "established pursuant to section 332".

SEC. 553. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b) and section 543(b), this title and the amendments made by this title take effect on October 1, 2001.

(b) Board of Directors of the Federal Agricultural Mortgage Corporation.—The amendments made by section 544 take effect on the date of enactment of this Act.

TITLE VI—RURAL DEVELOPMENT

Subtitle A—Empowerment of Rural America

SEC. 601. NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND.

The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) is amended by adding at the end the following:

"Subtitle G—National Rural Cooperative and Business Equity Fund

"SEC. 383A. SHORT TITLE.

"This subtitle may be cited as the 'National Rural Cooperative and Business Equity Fund Act'.

"SEC. 383B. PURPOSE.

"The purpose of this subtitle is to revitalize rural communities and enhance farm income through sustainable rural business development by providing Federal funds and credit enhancements to a private equity fund in order to encourage investments by institutional and noninstitutional investors for the benefit of rural America.

"SEC. 383C. DEFINITIONS.

"In this subtitle:

"(1) AUTHORIZED PRIVATE INVESTOR.—The term 'authorized private investor' means an individual, legal entity, or affiliate or subsidiary of an individual or legal entity that—

"(A) is eligible to receive a loan guarantee under this title;

"(B) is eligible to receive a loan guarantee under the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);

"(C) is created under the National Consumer Cooperative Bank Act (12 U.S.C. 3011 et seq.);

"(D) is an insured depository institution subject to section 383E(b)(2);

"(E) is a Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)); or

"(F) is determined by the Board to be an appropriate investor in the Fund.

"(2) BOARD.—The term 'Board' means the board of directors of the Fund established under section 383G.

"(3) FUND.—The term 'Fund' means the National Rural Cooperative and Business Equity Fund established under section 383D.

"(4) GROUP OF SIMILAR AUTHORIZED PRIVATE INVESTORS.—The term 'group of similar investors' means any 1 of the following:

"(A) Insured depository institutions with total assets of more than $250,000,000.

"(B) Insured depository institutions with total assets equal to or less than $250,000,000.

"(C) Farm Credit System institutions described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)).

"(D) Cooperative financial institutions (other than Farm Credit System institutions).

"(E) Private investors, other than those described in subparagraphs (A) through (D), authorized by the Secretary.

"(F) Other nonprofit organizations, including credit unions.

"(5) INSURED DEPOSITORY INSTITUTION.—The term 'insured depository institution' means any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.).

"(6) RURAL BUSINESS.—The term 'rural business' means a rural cooperative, a value-added agricultural enterprise, or any other business located or locating in a rural area.

"SEC. 383D. ESTABLISHMENT.

"(a) AUTHORITY.—

"(1) IN GENERAL.—On certification by the Secretary that, to the maximum extent practicable, the parties proposing to establish a fund provide a broad representation of all of the groups of similar authorized private investors described in subparagraphs (A) through (F) of section 383C(4), the parties may establish a non-Federal entity under State law to purchase shares of, and manage a fund to be known as the 'National Rural Cooperative and Business Equity Fund', to generate and provide equity capital to rural businesses.

"(2) OWNERSHIP.—

"(A) IN GENERAL.—To the maximum extent practicable, equity ownership of the Fund shall be distributed among authorized private investors representing all of the groups of similar authorized private investors described in subparagraphs (A) through (F) of section 383C(4).

"(B) EXCLUSION OF GROUPS.—No group of authorized private investors shall be excluded from equity ownership of the Fund during any period during which the Fund is in existence if an authorized private investor representative of the group is able and willing to invest in the Fund.

"(b) PURPOSES.—The purposes of the Fund shall be—

"(1) to strengthen the economy of rural areas;

"(2) to further sustainable rural business development;

"(3) to encourage—

"(A) start-up rural businesses;

"(B) increased opportunities for small and minority-owned rural businesses; and

"(C) the formation of new rural businesses;

"(4) to enhance rural employment opportunities;

"(5) to provide equity capital to rural businesses, many of which have difficulty obtaining equity capital; and

"(6) to leverage non-Federal funds for rural businesses.

"(c) ARTICLES OF INCORPORATION AND BYLAWS.—The articles of incorporation and bylaws of the Fund shall set forth purposes of the Fund that are consistent with the purposes described in subsection (b).

"SEC. 383E. INVESTMENT IN THE FUND.

"(a) IN GENERAL.—Of the funds made available under section 383H, the Secretary shall—

"(1) subject to subsection (b)(1), make available to the Fund $150,000,000;

"(2) subject to subsection (c), guarantee 50 percent of each investment made by an authorized private investor in the Fund; and

"(3) subject to subsection (d), guarantee the repayment of principal of, and accrued interest on, debentures issued by the Fund to authorized private investors.

"(b) PRIVATE INVESTMENT.—

"(1) MATCHING REQUIREMENT.—Under subsection (a)(1), the Secretary shall make an amount available to the Fund only after an equal amount has been invested in the Fund by authorized private investors in accordance with this subtitle and the terms and conditions set forth in the bylaws of the Fund.

"(2) INSURED DEPOSITORY INSTITUTIONS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C)—

"(i) an insured depository institution may be an authorized private investor in the Fund; and

"(ii) an investment in the Fund may be considered to be part of the record of an institution in meeting the credit needs of the community in which the institution is located under any applicable Federal law.

"(B) INVESTMENT LIMIT.—The total investment in the Fund of an insured depository institution shall not exceed 5 percent of the capital and surplus of the institution.

"(C) REGULATORY AUTHORITY.—An appropriate Federal banking agency may, by regulation or order, impose on any insured depository institution investing in the Fund, any safeguard, limitation, or condition (including an investment limit that is lower than the investment limit under subparagraph (B)) that the Federal banking agency considers to be appropriate to ensure that the institution operates—

"(i) in a financially sound manner; and

"(ii) in compliance with all applicable law.

"(c) GUARANTEE OF PRIVATE INVESTMENTS.—

"(1) IN GENERAL.—The Secretary shall guarantee, under terms and conditions determined by the Secretary, 50 percent of any loss of the principal of an investment made in the Fund by an authorized private investor.

"(2) MAXIMUM TOTAL GUARANTEE.—The aggregate potential liability of the Secretary with respect to all guarantees under paragraph (1) shall not apply to more than $300,000,000 in private investments in the Fund.

"(3) REDEMPTION OF GUARANTEE.—

"(A) DATE.—An authorized private investor in the Fund may redeem a guarantee under paragraph (1), with respect to the total investments in the Fund and the total losses of the authorized private investor as of the date of redemption—

"(i) on the date that is 5 years after the date of the initial investment by the authorized private investor; or

"(ii) annually thereafter.

"(B) EFFECT OF REDEMPTION.—On redemption of a guarantee under subparagraph (A)—

"(i) the shares in the Fund of the authorized private investor shall be redeemed; and

"(ii) the authorized private investor shall be prohibited from making any future investment in the Fund.

"(d) DEBT SECURITIES.—

"(1) IN GENERAL.—The Fund may, at the discretion of the Board, generate additional capital through—

"(A) the issuance of debt securities; and

"(B) other means determined to be appropriate by the Board.

"(2) GUARANTEE OF DEBT BY SECRETARY.—

"(A) IN GENERAL.—The Secretary shall guarantee 100 percent of the principal of, and accrued interest on, debentures issued by the Fund that are approved by the Secretary.

"(B) MAXIMUM DEBT GUARANTEED BY SECRETARY.—The outstanding value of debentures issued by the Fund and guaranteed by the Secretary shall not exceed the lesser of—

"(i) the amount equal to twice the value of the assets held by the Fund; or

"(ii) $500,000,000.

"(C) RECAPTURE OF GUARANTEE PAYMENTS.—If the Secretary makes a payment on a debt security issued by the Fund as a result of a guarantee of the Secretary under this paragraph, the Secretary shall have priority over other creditors for repayment of the debt security.

"(3) AUTHORIZED PRIVATE INVESTORS.—An authorized private investor may purchase debt securities issued by the Fund.

"SEC. 383F. INVESTMENTS AND OTHER ACTIVITIES OF THE FUND.

"(a) INVESTMENTS.—

"(1) IN GENERAL.—

"(A) TYPES.—Subject to subparagraphs (B) and (C), the Fund may—

"(i) make equity investments in a rural business that meets—

"(I) the requirements of paragraph (6); and

"(II) such other requirements as the Board may establish; and

"(ii) extend credit to the rural business in—

"(I) the form of mezzanine debt or subordinated debt; or

"(II) any other form of quasi-equity.

"(B) LIMITATIONS ON INVESTMENTS.—

"(i) TOTAL INVESTMENTS BY A SINGLE RURAL BUSINESS.—Subject to clause (ii), investment by the Fund in a single rural business shall not exceed the greater of—

"(I) an amount equal to 7 percent of the capital of the Fund; or

"(II) $2,000,000.

"(ii) WAIVER.—The Secretary may waive the limitation in clause (i) in any case in which an investment exceeding the limits specified in clause (i) is necessary to preserve prior investments in the rural business.

"(iii) TOTAL NONEQUITY INVESTMENTS.—Except in the case of a project to assist a rural cooperative, the total amount of nonequity investments described in subparagraph (A)(ii) that may be provided by the Fund shall not exceed 20 percent of the total investments of the Fund in the project.

"(C) LIMITATION.—Notwithstanding subparagraph (B), the amount of any investment by the Fund in a rural business shall not exceed the aggregate amount invested in like securities by other private entities in that rural business.

"(2) PROCEDURES.—The Fund shall implement procedures to ensure that—

"(A) the financing arrangements of the Fund meet the Fund's primary focus of providing equity capital; and

"(B) the Fund does not compete with conventional sources of credit.

"(3) DIVERSITY OF PROJECTS.—The Fund—

"(A) shall seek to make equity investments in a variety of viable projects, with a significant share of investments—

"(i) in smaller enterprises (as defined in section 384A) in rural communities of diverse sizes; and

"(ii) in cooperative and noncooperative enterprises; and

"(B) shall be managed in a manner that diversifies the risks to the Fund among a variety of projects.

"(4) LIMITATION ON RURAL BUSINESSES ASSISTED.—The Fund shall not invest in any rural business that is primarily retail in nature (as determined by the Board), other than a purchasing cooperative.

"(5) INTEREST RATE LIMITATIONS.—Returns on investments in and by the Fund and returns on the extension of credit by participants in projects assisted by the Fund, shall not be subject to any State or Federal law establishing a maximum allowable interest rate.

"(6) REQUIREMENTS FOR RECIPIENTS.—

"(A) OTHER INVESTMENTS.—Any recipient of amounts from the Fund shall make or obtain a significant investment from a source of capital other than the Fund.

"(B) SPONSORSHIP.—To be considered for an equity investment from the Fund, a rural business investment project shall be sponsored by a regional, State, or local sponsoring or endorsing organization such as—

"(i) a financial institution;

"(ii) a development organization; or

"(iii) any other established entity engaging or assisting in rural business development, including a rural cooperative.

"(b) TECHNICAL ASSISTANCE.—The Fund, under terms and conditions established by the Board, shall use not less than 2 percent of capital provided by the Federal Government to provide technical assistance to rural businesses seeking an equity investment from the Fund.

"(c) ANNUAL AUDIT.—

"(1) IN GENERAL.—The Board shall authorize an annual audit of the financial statements of the Fund by a nationally recognized auditing firm using generally accepted accounting principles.

"(2) AVAILABILITY OF AUDIT RESULTS.—The results of the audit required by paragraph (1) shall be made available to investors in the Fund.

"(d) ANNUAL REPORT.—The Board shall prepare and make available to the public an annual report that—

"(1) describes the projects funded with amounts from the Fund;

"(2) specifies the recipients of amounts from the Fund;

"(3) specifies the coinvestors in all projects that receive amounts from the Fund; and

"(4) meets the reporting requirements, if any, of the State under the law of which the Fund is established.

"(e) OTHER AUTHORITIES.—

"(1) IN GENERAL.—The Board may exercise such other authorities as are necessary to carry out this subtitle.

"(2) OVERSIGHT.—The Secretary shall enter in to a contract with the Administrator of the Small Business Administration under which the Administrator of the Small Business Administration shall be responsible for the routine duties of the Secretary in regard to the Fund.

"SEC. 383G. GOVERNANCE OF THE FUND.

"(a) IN GENERAL.—The Fund shall be governed by a board of directors that represents all of the authorized private investors in the Fund and the Federal Government and that consists of—

"(1) a designee of the Secretary;

"(2) 2 members who are appointed by the Secretary and are not Federal employees, including—

"(A) 1 member with expertise in venture capital investment; and

"(B) 1 member with expertise in cooperative development;

"(3) 8 members who are elected by the authorized private investors with investments in the Fund; and

"(4) 1 member who is appointed by the Board and who is a community banker from an insured depository institution that has—

"(A) total assets equal to or less than $250,000,000; and

"(B) an investment in the Fund.

"(b) LIMITATION ON VOTING CONTROL.—No individual investor or group of authorized investors may control more than 25 percent of the votes on the Board.

"SEC. 383H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as are necessary to carry out this subtitle.".

SEC. 602. RURAL BUSINESS INVESTMENT PROGRAM.

The Consolidated Farm and Rural Development Act (as amended by section 601) is amended by adding at the end the following:

"Subtitle H—Rural Business Investment Program

"SEC. 384A. DEFINITIONS.

"In this subtitle:

"(1) ARTICLES.—The term 'articles' means articles of incorporation for an incorporated body or the functional equivalent or other similar documents specified by the Secretary for other business entities.

"(2) DEVELOPMENTAL VENTURE CAPITAL.—The term 'developmental venture capital' means capital in the form of equity capital investments in Rural Business Investment Companies with an objective of fostering economic development in rural areas.

"(3) EMPLOYEE WELFARE BENEFIT PLAN; PENSION PLAN.—

"(A) IN GENERAL.—The terms 'employee welfare benefit plan' and 'pension plan' have the meanings given the terms in section 3 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002).

"(B) INCLUSIONS.—The terms 'employee welfare benefit plan' and 'pension plan' include—

"(i) public and private pension or retirement plans subject to this subtitle; and

"(ii) similar plans not covered by this subtitle that have been established and that are maintained by the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State) for the benefit of employees.

"(4) EQUITY CAPITAL.—The term 'equity capital' means common or preferred stock or a similar instrument, including subordinated debt with equity features.

"(5) LEVERAGE.—The term 'leverage' includes—

"(A) debentures purchased or guaranteed by the Secretary;

"(B) participating securities purchased or guaranteed by the Secretary; and

"(C) preferred securities outstanding as of the date of enactment of this subtitle.

"(6) LICENSE.—The term 'license' means a license issued by the Secretary as provided in section 384D(c).

"(7) LIMITED LIABILITY COMPANY.—The term 'limited liability company' means a business entity that is organized and operating in accordance with a State limited liability company law approved by the Secretary.

"(8) MEMBER.—The term 'member' means, with respect to a Rural Business Investment Company that is a limited liability company, a holder of an ownership interest or a person otherwise admitted to membership in the limited liability company.

"(9) OPERATIONAL ASSISTANCE.—The term 'operational assistance' means management, marketing, and other technical assistance that assists a rural business concern with business development.

"(10) PARTICIPATION AGREEMENT.—The term 'participation agreement' means an agreement, between the Secretary and a Rural Business Investment Company granted final approval under section 384D(d), that requires the Rural Business Investment Company to make investments in smaller enterprises in rural areas.

"(11) PRIVATE CAPITAL.—

"(A) IN GENERAL.—The term 'private capital' means the total of—

"(i) the paid-in capital and paid-in surplus of a corporate Rural Business Investment Company, the contributed capital of the partners of a partnership Rural Business Investment Company, or the equity investment of the members of a limited liability company Rural Business Investment Company; and

"(ii) unfunded binding commitments, from investors that meet criteria established by the Secretary to contribute capital to the Rural Business Investment Company, except that unfunded commitments may be counted as private capital for purposes of approval by the Secretary of any request for leverage, but leverage shall not be funded based on the commitments.

"(B) EXCLUSIONS.—The term 'private capital' does not include—

"(i) any funds borrowed by a Rural Business Investment Company from any source;

"(ii) any funds obtained through the issuance of leverage; or

"(iii) any funds obtained directly or indirectly from the Federal Government or any State (including by a political subdivision, agency, or instrumentality of the Federal Government or a State), except for—

"(I) 50 percent of funds from the National Rural Cooperative and Business Equity Fund;

"(II) funds obtained from the business revenues (excluding any governmental appropriation) of any federally chartered or government-sponsored. enterprise established prior to the date of enactment of this subtitle;

"(III) funds invested by an employee welfare benefit plan or pension plan; and

"(IV) any qualified nonprivate funds (if the investors of the qualified nonprivate funds do not control, directly or indirectly, the management, board of directors, general partners, or members of the Rural Business Investment Company).

"(12) QUALIFIED NONPRIVATE FUNDS.—The term 'qualified nonprivate funds' means any—

"(A) funds directly or indirectly invested in any applicant or Rural Business Investment Company on or before the date of enactment of this subtitle, by any Federal agency, other than the Department of Agriculture, under a provision of law explicitly mandating the inclusion of those funds in the definition of the term 'private capital'; and

"(B) funds invested in any applicant or Rural Business Investment Company by 1 or more entities of any State (including by a political subdivision, agency, or instrumentality of the State and including any guarantee extended by those entities) in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or Rural Business Investment Company.

"(13) RURAL BUSINESS CONCERN.—The term 'rural business concern' means—

"(A) a public, private, or cooperative for-profit or nonprofit organization;

"(B) a for-profit or nonprofit business controlled by an Indian tribe on a Federal or State reservation or other federally recognized Indian tribal group; or

"(C) any other person or entity;

that primarily operates in a rural area, as determined by the Secretary.

"(14) RURAL BUSINESS INVESTMENT COMPANY.—The term 'Rural Business Investment Company' means a company that—

"(A) has been granted final approval by the Secretary under section 384D(d); and

"(B) has entered into a participation agreement with the Secretary.

"(15) SMALLER ENTERPRISE.—The term 'smaller enterprise' means any rural business concern that, together with its affiliates—

"(A) has—

"(i) a net financial worth of not more than $6,000,000, as of the date on which assistance is provided under this subtitle to the rural business concern; and

"(ii) an average net income for the 2-year period preceding the date on which assistance is provided under this subtitle to the rural business concern, of not more than $2,000,000, after Federal income taxes (excluding any carryover losses) except that, for purposes of this clause, if the rural business concern is not required by law to pay Federal income taxes at the enterprise level, but is required to pass income through to the shareholders, partners, beneficiaries, or other equitable owners of the business concern, the net income of the business concern shall be determined by allowing a deduction in an amount equal to the total of—

"(I) if the rural business concern is not required by law to pay State (and local, if any) income taxes at the enterprise level, the net income (determined without regard to this clause), multiplied by the marginal State income tax rate (or by the combined State and local income tax rates, as applicable) that would have applied if the business concern were a corporation; and

"(II) the net income (so determined) less any deduction for State (and local) income taxes calculated under subclause (I), multiplied by the marginal Federal income tax rate that would have applied if the rural business concern were a corporation; or

"(B) satisfies the standard industrial classification size standards established by the Administrator of the Small Business Administration for the industry in which the rural business concern is primarily engaged.

"SEC. 384B. PURPOSES.

"The purposes of the Rural Business Investment Program established under this subtitle are—

"(1) to promote economic development and the creation of wealth and job opportunities in rural areas and among individuals living in those areas by encouraging developmental venture capital investments in smaller enterprises primarily located in rural areas; and

"(2) to establish a developmental venture capital program, with the mission of addressing the unmet equity investment needs of small enterprises located in rural areas, by authorizing the Secretary—

"(A) to enter into participation agreements with Rural Business Investment Companies;

"(B) to guarantee debentures of Rural Business Investment Companies to enable each Rural Business Investment Company to make developmental venture capital investments in smaller enterprises in rural areas; and

"(C) to make grants to Rural Business Investment Companies, and to other entities, for the purpose of providing operational assistance to smaller enterprises financed, or expected to be financed, by Rural Business Investment Companies.

"SEC. 384C. ESTABLISHMENT.

"In accordance with this subtitle, the Secretary shall establish a Rural Business Investment Program, under which the Secretary may—

"(1) enter into participation agreements with companies granted final approval under section 384D(d) for the purposes set forth in section 384B;

"(2) guarantee the debentures issued by Rural Business Investment Companies as provided in section 384E; and

"(3) make grants to Rural Business Investment Companies, and to other entities, under section 384H.

"SEC. 384D. SELECTION OF RURAL BUSINESS INVESTMENT COMPANIES.

"(a) ELIGIBILITY.—A company shall be eligible to apply to participate, as a Rural Business Investment Company, in the program established under this subtitle if—

"(1) the company is a newly formed for-profit entity or a newly formed for-profit subsidiary of such an entity;

"(2) the company has a management team with experience in community development financing or relevant venture capital financing; and

"(3) the company will invest in enterprises that will create wealth and job opportunities in rural areas, with an emphasis on smaller businesses.

"(b) APPLICATION.—To participate, as a Rural Business Investment Company, in the program established under this subtitle, a company meeting the eligibility requirements of subsection (a) shall submit an application to the Secretary that includes—

"(1) a business plan describing how the company intends to make successful developmental venture capital investments in identified rural areas;

"(2) information regarding the community development finance or relevant venture capital qualifications and general reputation of the management of the company;

"(3) a description of how the company intends to work with community-based organizations and local entities (including local economic development companies, local lenders, and local investors) and to seek to address the unmet equity capital needs of the communities served;

"(4) a proposal describing how the company intends to use the grant funds provided under this subtitle to provide operational assistance to smaller enterprises financed by the company, including information regarding whether the company intends to use licensed professionals, when necessary, on the staff of the company or from an outside entity;

"(5) with respect to binding commitments to be made to the company under this subtitle, an estimate of the ratio of cash to in-kind contributions;

"(6) a description of the criteria to be used to evaluate whether and to what extent the company meets the purposes of the program established under this subtitle;

"(7) information regarding the management and financial strength of any parent firm, affiliated firm, or any other firm essential to the success of the business plan of the company; and

"(8) such other information as the Secretary may require.

"(c) ISSUANCE OF LICENSE.—

"(1) SUBMISSION OF APPLICATION.—Each applicant for a license to operate as a Rural Business Investment Company under this subtitle shall submit to the Secretary an application, in a form and including such documentation as may be prescribed by the Secretary.

"(2) PROCEDURES.—

"(A) STATUS.—Not later than 90 days after the initial receipt by the Secretary of an application under this subsection, the Secretary shall provide the applicant with a written report describing the status of the application and any requirements remaining for completion of the application.

"(B) APPROVAL OR DISAPPROVAL.—Within a reasonable time after receiving a completed application submitted in accordance with this subsection and in accordance with such requirements as the Secretary may prescribe by regulation, the Secretary shall—

"(i) approve the application and issue a license for the operation to the applicant, if the requirements of this section are satisfied; or

"(ii) disapprove the application and notify the applicant in writing of the disapproval.

"(3) MATTERS CONSIDERED.—In reviewing and processing any application under this subsection, the Secretary—

"(A) shall determine whether—

"(i) the applicant meets the requirements of subsection (d); and

"(ii) the management of the applicant is qualified and has the knowledge, experience, and capability necessary to comply with this subtitle;

"(B) shall take into consideration—

"(i) the need for and availability of financing for rural business concerns in the geographic area in which the applicant is to commence business;

"(ii) the general business reputation of the owners and management of the applicant; and

"(iii) the probability of successful operations of the applicant, including adequate profitability and financial soundness; and

"(C) shall not take into consideration any projected shortage or unavailability of grant funds or leverage.

"(d) APPROVAL; DESIGNATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may approve an applicant to operate as a Rural Business Investment Company under this subtitle and designate the applicant as a Rural Business Investment Company, if—

"(A) the Secretary determines that the application satisfies the requirements of subsection (b);

"(B) the area in which the Rural Business Investment Company is to conduct its operations, and establishment of branch offices or agencies (if authorized by the articles), are approved by the Secretary; and

"(C) the applicant enters into a participation agreement with the Secretary.

"(2) CAPITAL REQUIREMENTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this subtitle, the Secretary may approve an applicant to operate as a Rural Business Investment Company under this subtitle and designate the applicant as a Rural Business Investment Company, if the Secretary determines that the applicant—

"(i) has private capital of less than $2,500,000;

"(ii) would otherwise be approved under this subtitle, except that the applicant does not satisfy the requirements of section 384I(c); and

"(iii) has a viable business plan that reasonably projects profitable operations and that has a reasonable timetable for achieving a level of private capital that satisfies the requirements of section 384I(c).

"(B) LEVERAGE.—An applicant approved under subparagraph (A) shall not be eligible to receive leverage under this subtitle until the applicant satisfies the requirements of section 384I(c).

"(C) GRANTS.—An applicant approved under subparagraph (A) shall be eligible for grants under section 384H in proportion to the private capital of the applicant, as determined by the Secretary.

"SEC. 384E. DEBENTURES.

"(a) IN GENERAL.—The Secretary may guarantee the timely payment of principal and interest, as scheduled, on debentures issued by any Rural Business Investment Company.

"(b) TERMS AND CONDITIONS.—The Secretary may make guarantees under this section on such terms and conditions as the Secretary considers appropriate, except that the term of any debenture guaranteed under this section shall not exceed 15 years.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 381H(i) shall apply to any guarantee under this section.

"(d) MAXIMUM GUARANTEE.—Under this section, the Secretary may—

"(1) guarantee the debentures issued by a Rural Business Investment Company only to the extent that the total face amount of outstanding guaranteed debentures of the Rural Business Investment Company does not exceed the lesser of—

"(A) 300 percent of the private capital of the Rural Business Investment Company; or

"(B) $105,000,000; and

"(2) provide for the use of discounted debentures.

"SEC. 384F. ISSUANCE AND GUARANTEE OF TRUST CERTIFICATES.

"(a) ISSUANCE.—The Secretary may issue trust certificates representing ownership of all or a fractional part of debentures issued by a Rural Business Investment Company and guaranteed by the Secretary under this subtitle, if the certificates are based on and backed by a trust or pool approved by the Secretary and composed solely of guaranteed debentures.

"(b) GUARANTEE.—

"(1) IN GENERAL.—The Secretary may, under such terms and conditions as the Secretary considers appropriate, guarantee the timely payment of the principal of and interest on trust certificates issued by the Secretary or agents of the Secretary for purposes of this section.

"(2) LIMITATION.—Each guarantee under this subsection shall be limited to the extent of principal and interest on the guaranteed debentures that compose the trust or pool.

"(3) PREPAYMENT OR DEFAULT.—

"(A) IN GENERAL.—In the event a debenture in a trust or pool is prepaid, or in the event of default of such a debenture, the guarantee of timely payment of principal and interest on the trust certificates shall be reduced in proportion to the amount of principal and interest the prepaid debenture represents in the trust or pool.

"(B) INTEREST.—Interest on prepaid or defaulted debentures shall accrue and be guaranteed by the Secretary only through the date of payment of the guarantee.

"(C) REDEMPTION.—At any time during its term, a trust certificate may be called for redemption due to prepayment or default of all debentures.

"(c) FULL FAITH AND CREDIT OF THE UNITED STATES.—Section 381H(i) shall apply to any guarantee of a trust certificate issued by the Secretary under this section.

"(d) SUBROGATION AND OWNERSHIP RIGHTS.—

"(1) SUBROGATION.—If the Secretary pays a claim under a guarantee issued under this section, the claim shall be subrogated fully to the rights satisfied by the payment.

"(2) OWNERSHIP RIGHTS.—No Federal, State, or local law shall preclude or limit the exercise by the Secretary of the ownership rights of the Secretary in a debenture residing in a trust or pool against which 1 or more trust certificates are issued under this section.

"(e) MANAGEMENT AND ADMINISTRATION.—

"(1) REGISTRATION.—The Secretary shall provide for a central registration of all trust certificates issued under this section.

"(2) CREATION OF POOLS.—The Secretary may—

"(A) maintain such commercial bank accounts or investments in obligations of the United States as may be necessary to facilitate the creation of trusts or pools backed by debentures guaranteed under this subtitle; and

"(B) issue trust certificates to facilitate the creation of those trusts or pools.

"(3) FIDELITY BOND OR INSURANCE REQUIREMENT.—Any agent performing functions on behalf of the Secretary under this paragraph shall provide a fidelity bond or insurance in such amount as the Secretary considers to be necessary to fully protect the interests of the United States.

"(4) REGULATION OF BROKERS AND DEALERS.—The Secretary may regulate brokers and dealers in trust certificates issued under this section.

"(5) ELECTRONIC REGISTRATION.—Nothing in this subsection prohibits the use of a book-entry or other electronic form of registration for trust certificates issued under this section.

"SEC. 384G. FEES.

"(a) IN GENERAL.—The Secretary may charge such fees as the Secretary considers appropriate with respect to any guarantee or grant issued under this subtitle.

"(b) TRUST CERTIFICATE.—Notwithstanding subsection (a), the Secretary shall not collect a fee for any guarantee of a trust certificate under section 384F, except that any agent of the Secretary may collect a fee approved by the Secretary for the functions described in section 384F(e)(2).

"(c) LICENSE.—

"(1) IN GENERAL.—The Secretary may prescribe fees to be paid by each applicant for a license to operate as a Rural Business Investment Company under this subtitle.

"(2) USE OF AMOUNTS.—Fees collected under this subsection—

"(A) shall be deposited in the account for salaries and expenses of the Secretary; and

"(B) are authorized to be appropriated solely to cover the costs of licensing examinations.

"SEC. 384H. OPERATIONAL ASSISTANCE GRANTS.

"(a) IN GENERAL.—In accordance with this section, the Secretary may make grants to Rural Business Investment Companies and to other entities, as authorized by this subtitle, to provide operational assistance to smaller enterprises financed, or expected to be financed, by the entities.

"(b) TERMS.—Grants made under this section shall be made over a multiyear period (not to exceed 10 years) under such other terms as the Secretary may require.

"(c) USE OF FUNDS.—The proceeds of a grant made under this section may be used by the Rural Business Investment Company receiving the grant only to provide operational assistance in connection with an equity or prospective equity investment in a business located in a rural area.

"(d) SUBMISSION OF PLANS.—A Rural Business Investment Company shall be eligible for a grant under this section only if the Rural Business Investment Company submits to the Secretary, in such form and manner as the Secretary may require, a plan for use of the grant.

"(e) GRANT AMOUNT.—

"(1) RURAL BUSINESS INVESTMENT COMPANIES.—The amount of a grant made under this section to a Rural Business Investment Company shall be equal to the lesser of—

"(A) 10 percent of the private capital raised by the Rural Business Investment Company; or

"(B) $1,000,000.

"(2) OTHER ENTITIES.—The amount of a grant made under this section to any entity other than a Rural Business Investment Company shall be equal to the resources (in cash or in kind) raised by the entity in accordance with the requirements applicable to Rural Business Investment Companies under this subtitle.

"SEC. 384I. RURAL BUSINESS INVESTMENT COMPANIES.

"(a) ORGANIZATION.—For the purpose of this subtitle, a Rural Business Investment Company shall—

"(1) be an incorporated body, a limited liability company, or a limited partnership organized and chartered or otherwise existing under State law solely for the purpose of performing the functions and conducting the activities authorized by this subtitle;

"(2)(A) if incorporated, have succession for a period of not less than 30 years unless earlier dissolved by the shareholders of the Rural Business Investment Company; and

"(B) if a limited partnership or a limited liability company, have succession for a period of not less than 10 years; and

"(3) possess the powers reasonably necessary to perform the functions and conduct the activities.

"(b) ARTICLES.—The articles of any Rural Business Investment Company—

"(1) shall specify in general terms—

"(A) the purposes for which the Rural Business Investment Company is formed;

"(B) the name of the Rural Business Investment Company;

"(C) the area or areas in which the operations of the Rural Business Investment Company are to be carried out;

"(D) the place where the principal office of the Rural Business Investment Company is to be located; and

"(E) the amount and classes of the shares of capital stock of the Rural Business Investment Company;

"(2) may contain any other provisions consistent with this subtitle that the Rural Business Investment Company may determine appropriate to adopt for the regulation of the business of the Rural Business Investment Company and the conduct of the affairs of the Rural Business Investment Company; and

"(3) shall be subject to the approval of the Secretary.

"(c) CAPITAL REQUIREMENTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the private capital of each Rural Business Investment Company shall be not less than—

"(A) $5,000,000; or

"(B) $10,000,000, with respect to each Rural Business Investment Company authorized or seeking authority to issue participating securities to be purchased or guaranteed by the Secretary under this subtitle.

"(2) EXCEPTION.—The Secretary may, in the discretion of the Secretary and based on a showing of special circumstances and good cause, permit the private capital of a Rural Business Investment Company described in paragraph (1)(B) to be less than $10,000,000, but not less than $5,000,000, if the Secretary determines that the action would not create or otherwise contribute to an unreasonable risk of default or loss to the Federal Government.

"(3) ADEQUACY.—In addition to the requirements of paragraph (1), the Secretary shall—

"(A) determine whether the private capital of each Rural Business Investment Company is adequate to ensure a reasonable prospect that the Rural Business Investment Company will be operated soundly and profitably, and managed actively and prudently in accordance with the articles of the Rural Business Investment Company;

"(B) determine that the Rural Business Investment Company will be able to comply with the requirements of this subtitle;

"(C) require that at least 75 percent of the capital of each Rural Business Investment Company is invested in rural business concerns and not more than 10 percent of the investments shall be made in an area containing a city of over 100,000 in the last decennial census and the Census Bureau defined urbanized area containing or adjacent to that city;

"(D) ensure that the Rural Business Investment Company is designed primarily to meet equity capital needs of the businesses in which the Rural Business Investment Company invests and not to compete with traditional small business financing by commercial lenders; and

"(E) require that the Rural Business Investment Company makes short-term non-equity investments of less than 5 years only to the extent necessary to preserve an existing investment.

"(d) DIVERSIFICATION OF OWNERSHIP.—The Secretary shall ensure that the management of each Rural Business Investment Company licensed after the date of enactment of this subtitle is sufficiently diversified from and unaffiliated with the ownership of the Rural Business Investment Company so as to ensure independence and objectivity in the financial management and oversight of the investments and operations of the Rural Business Investment Company.

"SEC. 384J. FINANCIAL INSTITUTION INVESTMENTS.

"(a) IN GENERAL.—Except as otherwise provided in this section and notwithstanding any other provision of law, the following banks, associations, and institutions are eligible both to establish and invest in any Rural Business Investment Company or in any entity established to invest solely in Rural Business Investment Companies:

"(1) Any bank or savings association the deposits of which are insured under the Federal Deposit Insurance Act (12 U.S.C. 1811 et seq.)

"(2) Any Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)).

"(b) LIMITATION.—No bank, association, or institution described in subsection (a) may make investments described in subsection (a) that are greater than 5 percent of the capital and surplus of the bank, association, or institution.

"(c) LIMITATION ON RURAL BUSINESS INVESTMENT COMPANIES CONTROLLED BY FARM CREDIT SYSTEM INSTITUTIONS.—If a Farm Credit System institution described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) holds more than 15 percent of the shares of a Rural Business Investment Company, either alone or in conjunction with other System institutions (or affiliates), the Rural Business Investment Company shall not provide equity investments in, or provide other financial assistance to, entities that are not otherwise eligible to receive financing from the Farm Credit System under that Act (12 U.S.C. 2001 et seq.).

"SEC. 384K. REPORTING REQUIREMENTS.

"(a) RURAL BUSINESS INVESTMENT COMPANIES.—Each Rural Business Investment Company that participates in the program established under this subtitle shall provide to the Secretary such information as the Secretary may require, including—

"(1) information relating to the measurement criteria that the Rural Business Investment Company proposed in the program application of the Rural Business Investment Company; and

"(2) in each case in which the Rural Business Investment Company under this subtitle makes an investment in, or a loan or grant to, a business that is not located in a rural area, a report on the number and percentage of employees of the business who reside in those areas.

"(b) PUBLIC REPORTS.—

"(1) IN GENERAL.—The Secretary shall prepare and make available to the public an annual report on the program established under this subtitle, including detailed information on—

"(A) the number of Rural Business Investment Companies licensed by the Secretary during the previous fiscal year;

"(B) the aggregate amount of leverage that Rural Business Investment Companies have received from the Federal Government during the previous fiscal year;

"(C) the aggregate number of each type of leveraged instruments used by Rural Business Investment Companies during the previous fiscal year and how each number compares to previous fiscal years;

"(D) the number of Rural Business Investment Company licenses surrendered and the number of Rural Business Investment Companies placed in liquidation during the previous fiscal year, identifying the amount of leverage each Rural Business Investment Company has received from the Federal Government and the type of leverage instruments each Rural Business Investment Company has used;

"(E) the amount of losses sustained by the Federal Government as a result of operations under this subtitle during the previous fiscal year and an estimate of the total losses that the Federal Government can reasonably expect to incur as a result of the operations during the current fiscal year;

"(F) actions taken by the Secretary to maximize recoupment of funds of the Federal Government incurred to implement and administer the Rural Business Investment Program under this subtitle during the previous fiscal year and to ensure compliance with the requirements of this subtitle (including regulations);

"(G) the amount of Federal Government leverage that each licensee received in the previous fiscal year and the types of leverage instruments each licensee used;

"(H) for each type of financing instrument, the sizes, types of geographic locations, and other characteristics of the small business investment companies using the instrument during the previous fiscal year, including the extent to which the investment companies have used the leverage from each instrument to make loans or equity investments in rural areas; and

"(I) the actions of the Secretary to carry out this subtitle.

"(2) PROHIBITION.—In compiling the report required under paragraph (1), the Secretary may not—

"(A) compile the report in a manner that permits identification of any particular type of investment by an individual Rural Business Investment Company or small business concern in which a Rural Business Investment Company invests; and

"(B) may not release any information that is prohibited under section 1905 of title 18, United States Code.

"SEC. 384L. EXAMINATIONS.

"(a) IN GENERAL.—Each Rural Business Investment Company that participates in the program established under this subtitle shall be subject to examinations made at the direction of the Secretary in accordance with this section.

"(b) ASSISTANCE OF PRIVATE SECTOR ENTITIES.—An examination under this section may be conducted with the assistance of a private sector entity that has the qualifications and the expertise necessary to conduct such an examination.

"(c) COSTS.—

"(1) IN GENERAL.—The Secretary may assess the cost of an examination under this section, including compensation of the examiners, against the Rural Business Investment Company examined.

"(2) PAYMENT.—Any Rural Business Investment Company against which the Secretary assesses costs under this paragraph shall pay the costs.

"(d) DEPOSIT OF FUNDS.—Funds collected under this section shall—

"(1) be deposited in the account that incurred the costs for carrying out this section;

"(2) be made available to the Secretary to carry out this section, without further appropriation; and

"(3) remain available until expended.

"SEC. 384M. INJUNCTIONS AND OTHER ORDERS.

"(a) IN GENERAL.—

"(1) APPLICATION BY SECRETARY.—Whenever, in the judgment of the Secretary, a Rural Business Investment Company or any other person has engaged or is about to engage in any act or practice that constitutes or will constitute a violation of a provision of this subtitle (including any rule, regulation, order, or participation agreement under this subtitle), the Secretary may apply to the appropriate district court of the United States for an order enjoining the act or practice, or for an order enforcing compliance with the provision, rule, regulation, order, or participation agreement.

"(2) JURISDICTION; RELIEF.—The court shall have jurisdiction over the action and, on a showing by the Secretary that the Rural Business Investment Company or other person has engaged or is about to engage in an act or practice described in paragraph (1), a permanent or temporary injunction, restraining order, or other order, shall be granted without bond.

"(b) JURISDICTION.—

"(1) IN GENERAL.—In any proceeding under subsection (a), the court as a court of equity may, to such extent as the court considers necessary, take exclusive jurisdiction over the Rural Business Investment Company and the assets of the Rural Business Investment Company, wherever located.

"(2) TRUSTEE OR RECEIVER.—The court shall have jurisdiction in any proceeding described in paragraph (1) to appoint a trustee or receiver to hold or administer the assets.

"(c) SECRETARY AS TRUSTEE OR RECEIVER.—

"(1) AUTHORITY.—The Secretary may act as trustee or receiver of a Rural Business Investment Company.

"(2) APPOINTMENT.—On the request of the Secretary, the court shall appoint the Secretary to act as a trustee or receiver of a Rural Business Investment Company unless the court considers the appointment inequitable or otherwise inappropriate by reason of any special circumstances involved.

"SEC. 384N. ADDITIONAL PENALTIES FOR NONCOMPLIANCE.

"(a) IN GENERAL.—With respect to any Rural Business Investment Company that violates or fails to comply with this subtitle (including any rule, regulation, order, or participation agreement under this subtitle), the Secretary may, in accordance with this section—

"(1) void the participation agreement between the Secretary and the Rural Business Investment Company; and

"(2) cause the Rural Business Investment Company to forfeit all of the rights and privileges derived by the Rural Business Investment Company under this subtitle.

"(b) ADJUDICATION OF NONCOMPLIANCE.—

"(1) IN GENERAL.—Before the Secretary may cause a Rural Business Investment Company to forfeit rights or privileges under subsection (a), a court of the United States of competent jurisdiction must find that the Rural Business Investment Company committed a violation, or failed to comply, in a cause of action brought for that purpose in the district, territory, or other place subject to the jurisdiction of the United States, in which the principal office of the Rural Business Investment Company is located.

"(2) PARTIES AUTHORIZED TO FILE CAUSES OF ACTION.—Each cause of action brought by the United States under this subsection shall be brought by the Secretary or by the Attorney General.

"SEC. 384O. UNLAWFUL ACTS AND OMISSIONS; BREACH OF FIDUCIARY DUTY.

"(a) PARTIES DEEMED TO COMMIT A VIOLATION.—Whenever any Rural Business Investment Company violates this subtitle (including any rule, regulation, order, or participation agreement under this subtitle), by reason of the failure of the Rural Business Investment Company to comply with this subtitle or by reason of its engaging in any act or practice that constitutes or will constitute a violation of this subtitle, the violation shall also be deemed to be a violation and an unlawful act committed by any person that, directly or indirectly, authorizes,

orders, participates in, causes, brings about, counsels, aids, or abets in the commission of any acts, practices, or transactions that constitute or will constitute, in whole or in part, the violation.

"(b) Fiduciary Duties.—It shall be unlawful for any officer, director, employee, agent, or other participant in the management or conduct of the affairs of a Rural Business Investment Company to engage in any act or practice, or to omit any act or practice, in breach of the fiduciary duty of the officer, director, employee, agent, or participant if, as a result of the act or practice, the Rural Business Investment Company suffers or is in imminent danger of suffering financial loss or other damage.

"(c) Unlawful Acts.—Except with the written consent of the Secretary, it shall be unlawful—

"(1) for any person to take office as an officer, director, or employee of any Rural Business Investment Company, or to become an agent or participant in the conduct of the affairs or management of a Rural Business Investment Company, if the person—

"(A) has been convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

"(B) has been found civilly liable in damages, or has been permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud, or breach of trust; and

"(2) for any person to continue to serve in any of the capacities described in paragraph (1), if—

"(A) the person is convicted of a felony, or any other criminal offense involving dishonesty or breach of trust; or

"(B) the person is found civilly liable in damages, or is permanently or temporarily enjoined by an order, judgment, or decree of a court of competent jurisdiction, by reason of any act or practice involving fraud or breach of trust.

"SEC. 384P. REMOVAL OR SUSPENSION OF DIRECTORS OR OFFICERS.

"Using the procedures established by the Secretary for removing or suspending a director or an officer of a Rural Business Investment Company, the Secretary may remove or suspend any director or officer of any Rural Business Investment Company.

"SEC. 384Q. CONTRACTING OF FUNCTIONS.

"Notwithstanding any other provision of law, the Secretary shall enter into an interagency agreement with the Administrator of the Small Business Administration to carry out, on behalf of the Secretary, the day-to-day management and operation of the program authorized by this subtitle.

"SEC. 384R. REGULATIONS.

"The Secretary may promulgate such regulations as the Secretary considers necessary to carry out this subtitle.

"SEC. 384S. FUNDING.

"(a) In General.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture—

"(1) such sums as may be necessary for the cost of guaranteeing $350,000,000 of debentures under this subtitle; and

"(2) $50,000,000 to make grants under this subtitle.

"(b) Receipt and Acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subsection (a), without further appropriation.

"(c) Availability of Funds.—Funds transferred under subsection (a) shall remain available until expended.".

SEC. 603. FULL FUNDING OF PENDING RURAL DEVELOPMENT LOAN AND GRANT APPLICATIONS.

(a) Definition of Application.—In this section, the term "application" does not include an application for a loan, loan guarantee, or grant that, as of the date of enactment of this Act, is in the preapplication phase of consideration under regulations of the Secretary of Agriculture in effect on the date of enactment of this Act.

(b) Account.—There is established in the Treasury of the United States an account to be known as the "Rural America Infrastructure Development Account" (referred to in this section as the "Account") to fund rural development loans, loan guarantees, and grants described in subsection (d) that are pending on the date of enactment of this Act.

(c) Funding.—

(1) In general.—Not later than 30 days after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture such sums as are necessary to carry out this section, to remain available until expended.

(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(d) Use of Funds.—

(1) Eligible programs.—Subject to paragraph (2), the Secretary shall use the funds in the Account to provide funds for applications that are pending on the date of enactment of this Act for—

(A) community facility direct loans under section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1));

(B) community facility grants under paragraph (19), (20), or (21) of section 306(a) of that Act (7 U.S.C. 1926(a));

(C) water or waste disposal grants or direct loans under paragraph (1) or (2) of section 306(a) of that Act (7 U.S.C. 1926(a));

(D) rural water or wastewater technical assistance and training grants under section 306(a)(14) of that Act (7 U.S.C. 1926(a)(14));

(E) emergency community water assistance grants under section 306A of that Act (7 U.S.C. 1926a);

(F) business and industry guaranteed loans authorized under section 310B(a)(1)(A) of that Act (7 U.S.C. 1932(a)(1)(A)); and

(G) solid waste management grants under section 310B(b) of that Act (7 U.S.C. 1932(b)).

(2) Limitations.—

(A) Appropriated amounts.—Funds in the Account shall be available to the Secretary to provide funds for pending applications for loans, loan guarantees, and grants described in paragraph (1) only to the extent that funds for the loans, loan guarantees, and grants appropriated in the annual appropriations Act for fiscal year 2002 have been exhausted.

(B) Program requirements.—The Secretary may use the Account to provide funds for a pending application for a loan, loan guarantee, or grant described in paragraph (1) only if the Secretary processes, reviews, and approves the application in accordance with regulations in effect on the date of enactment of this Act.

SEC. 604. RURAL ENDOWMENT PROGRAM.

(a) In General.—The Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) (as amended by section 602) is amended by adding at the end the following:

"Subtitle I—Rural Endowment Program

"SEC. 385A. PURPOSE.

"The purpose of this subtitle is to provide rural communities with technical and financial assistance to implement comprehensive community development strategies to reduce the economic and social distress resulting from poverty, high unemployment, outmigration, plant closings, agricultural downturn, declines in the natural resource-based economy, or environmental degradation.

"SEC. 385B. DEFINITIONS.

"In this subtitle:

"(1) Comprehensive community development strategy.—The term 'comprehensive community development strategy' means a community development strategy described in section 385C(e).

"(2) Eligible rural area.—

"(A) In general.—The term 'eligible rural area' means an area with a population of 25,000 inhabitants or less, as determined by the Secretary using the most recent decennial census.

"(B) Exclusions.—The term 'eligible rural area' does not include—

"(i) any area designated by the Secretary as a rural empowerment zone or rural enterprise community; or

"(ii) an urbanized area immediately adjacent to an incorporated city or town with a population of more than 25,000 inhabitants.

"(3) Endowment fund.—The term 'endowment fund' means a long-term fund that an approved program entity is required to establish under section 385C(f)(3).

"(4) Performance-based benchmarks.—The term 'performance-based benchmarks' means a set of annualized goals and tasks established by a recipient of a grant under the Program, in collaboration with the Secretary, for the purpose of measuring performance in meeting the comprehensive community development strategy of the recipient.

"(5) Program.—The term 'Program' means the Rural Endowment Program established under section 385C(a).

"(6) Program entity.—The term 'program entity' means—

"(A) a private nonprofit community-based development organization;

"(B) a unit of local government (including a multijurisdictional unit of local government);

"(C) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(D) a consortium comprised of an organization described in subparagraph (A) and a unit of local government; or

"(E) a consortium of entities specified in subparagraphs (A) through (D);

that serves an eligible rural area.

"(7) Program-related investment.—The term 'program-related investment' means—

"(A) a loan, loan guarantee, grant, payment of a technical fee, or other expenditure provided for an affordable housing, community facility, small business, environmental improvement, or other community development project that is part of a comprehensive community development strategy; and

"(B) support services relating to a project described in subparagraph (A).

"SEC. 385C. RURAL ENDOWMENT PROGRAM.

"(a) Establishment.—

"(1) In general.—The Secretary may establish a program, to be known as the 'Rural Endowment Program', to provide approved program entities with assistance in developing and implementing comprehensive community development strategies for eligible rural areas.

"(2) Purposes.—The purposes of the Program are—

"(A) to enhance the ability of an eligible rural area to engage in comprehensive community development;

"(B) to leverage private and public resources for the benefit of community development efforts in eligible rural areas;

"(C) to make available staff of Federal agencies to directly assist the community development efforts of an approved program entity or eligible rural area; and

“(D) to strengthen the asset base of an eligible rural area to further long-term, ongoing community development.

“(b) APPLICATIONS.—

“(1) IN GENERAL.—To receive an endowment grant under the Program, the eligible entity shall submit an application at such time, in such form, and containing such information as the Secretary may require.

“(2) REGIONAL APPLICATIONS.—

“(A) IN GENERAL.—Where appropriate, the Secretary shall encourage regional applications from program entities serving more than 1 eligible rural area.

“(B) CRITERIA FOR APPLICATIONS.—To be eligible for an endowment grant for a regional application, the program entities that submit the application shall demonstrate that—

“(i) a comprehensive community development strategy for the eligible rural areas is best accomplished through a regional approach; and

“(ii) the combined population of the eligible rural areas covered by the comprehensive community development strategy is 75,000 inhabitants or less.

“(C) WAIVER FOR INDIAN TRIBES.—The Secretary may, at the request of an Indian tribe, waive the requirement under subparagraph (B)(ii) with respect to an application submitted by the Indian tribe for multiple eligible rural areas under the jurisdiction of the Indian tribe.

“(D) AMOUNT OF ENDOWMENT GRANTS.—For the purpose of subsection (f)(2), 2 or more program entities that submit a regional application shall be considered to be a single program entity.

“(3) PREFERENCE.—The Secretary shall give preference to a joint application submitted by a private, nonprofit community development corporation and a unit of local government or Indian tribe.

“(c) ENTITY APPROVAL.—The Secretary shall approve a program entity to receive grants under the Program, if the program entity meets criteria established by the Secretary, including the following:

“(1) DISTRESSED RURAL AREA.—The program entity shall serve a rural area that suffers from economic or social distress resulting from poverty, high unemployment, outmigration, plant closings, agricultural downturn, declines in the natural resource-based economy, or environmental degradation.

“(2) CAPACITY TO IMPLEMENT STRATEGY.—The program entity shall demonstrate the capacity to implement a comprehensive community development strategy.

“(3) GOALS.—The goals described in the application submitted under subsection (b) shall be consistent with this section.

“(4) PARTICIPATION PROCESS.—The program entity shall demonstrate the ability to convene and maintain a multi-stakeholder, community-based participation process.

“(d) PLANNING GRANTS TO CONDITIONALLY APPROVED PROGRAM ENTITIES.—

“(1) IN GENERAL.—The Secretary may award supplemental grants to approved program entities to assist the approved program entities in the development of a comprehensive community development strategy under subsection (e).

“(2) ELIGIBILITY FOR SUPPLEMENTAL GRANTS.—In determining whether to award a supplemental grant to an approved program entity, the Secretary shall consider the economic need of the approved program entity.

“(3) LIMITATIONS ON AMOUNT OF GRANTS.—Under this subsection, an approved program entity may receive a supplemental grant in an amount of—

“(A) not more than $100,000; or

“(B) in the case of a regional application approved under a waiver by the Secretary under subsection (b)(2)(C), not more than $200,000.

“(e) ENDOWMENT GRANT AWARD.—

“(1) IN GENERAL.—To be eligible for an endowment grant under the Program, an approved program entity shall develop, and obtain the approval of the Secretary for, a comprehensive community development strategy that—

“(A) is designed to reduce economic or social distress resulting from poverty, high unemployment, outmigration, plant closings, agricultural downturn, declines in the natural resource-based economy, or environmental degradation;

“(B) addresses a broad range of the development needs of a community, including economic, social, and environmental needs, for a period of not less than 10 years;

“(C) is developed with input from a broad array of local governments and business, civic, and community organizations;

“(D) specifies measurable performance-based outcomes for all activities; and

“(E) includes a financial plan for achieving the outcomes and activities of the comprehensive community development strategy that identifies sources for, or a plan to meet, the requirement for a non-Federal share under subsection (f)(4)(B).

“(2) FINAL APPROVAL.—

“(A) IN GENERAL.—An approved program entity shall receive final approval if the Secretary determines that—

“(i) the comprehensive community development strategy of the approved program entity meets the requirements of this section;

“(ii) the management and organizational structure of the approved program entity is sufficient to oversee fund and development activities;

“(iii) the approved program entity has established an endowment fund; and

“(iv) the approved program entity will be able to provide the non-Federal share required under subsection (f)(4)(B).

“(B) CONDITIONS.—As part of the final approval, the approved program entity shall agree to—

“(i) achieve, to the maximum extent practicable, performance-based benchmarks; and

“(ii) comply with the terms of the comprehensive community development strategy for a period of not less than 10 years.

“(f) ENDOWMENT GRANTS.—

“(1) IN GENERAL.—Under the Program, the Secretary may make endowment grants to approved program entities with final approval to implement an approved comprehensive community development strategy.

“(2) AMOUNT OF GRANTS.—An endowment grant to an approved program entity shall be in an amount of not more than $6,000,000, as determined by the Secretary based on—

“(A) the size of the population of the eligible rural area for which the endowment grant is to be used;

“(B) the size of the eligible rural area for which the endowment grant is to be used;

“(C) the extent of the comprehensive community development strategy to be implemented using the endowment grant award; and

“(D) the extent to which the community suffers from economic or social distress resulting from—

“(i) poverty;

“(ii) high unemployment;

“(iii) outmigration;

“(iv) plant closings;

“(v) agricultural downturn;

“(vi) declines in the natural resource-based economy; or

“(vii) environmental degradation.

“(3) ENDOWMENT FUNDS.—

“(A) ESTABLISHMENT.—On notification from the Secretary that the program entity has been approved under subsection (c), the approved program entity shall establish an endowment fund.

“(B) FUNDING OF ENDOWMENT.—Federal funds provided in the form of an endowment grant under the Program shall—

“(i) be deposited in the endowment fund;

“(ii) be the sole property of the approved program entity;

“(iii) be used in a manner consistent with this subtitle; and

“(iv) be subject to oversight by the Secretary for a period of not more than 10 years.

“(C) INTEREST.—Interest earned on Federal funds in the endowment fund shall be—

“(i) retained by the grantee; and

“(ii) treated as Federal funds are treated under subparagraph (B).

“(D) LIMITATION.—The Secretary shall promulgate regulations on matching funds and returns on program-related investments only to the extent that such funds or proceeds are used in a manner consistent with this subtitle.

“(4) CONDITIONS.—

“(A) DISBURSEMENT.—

“(i) IN GENERAL.—Each endowment grant award shall be disbursed during a period not to exceed 5 years beginning during the fiscal year containing the date of final approval of the approved program entity under subsection (e)(3).

“(ii) MANNER OF DISBURSEMENT.—Subject to subparagraph (B), the Secretary may disburse a grant award in 1 lump sum or in incremental disbursements made each fiscal year.

“(iii) INCREMENTAL DISBURSEMENTS.—If the Secretary elects to make incremental disbursements, for each fiscal year after the initial disbursement, the Secretary shall make a disbursement under clause (i) only if the approved program entity—

“(I) has met the performance-based benchmarks of the approved program entity for the preceding fiscal year; and

“(II) has provided the non-Federal share required for the preceding fiscal year under subparagraph (B).

“(iv) ADVANCE DISBURSEMENTS.—The Secretary may make disbursements under this paragraph notwithstanding any provision of law limiting grant disbursements to amounts necessary to cover expected expenses on a term basis.

“(B) NON-FEDERAL SHARE.—

“(i) IN GENERAL.—Except as provided in clause (ii), for each disbursement under subparagraph (A), the Secretary shall require the approved program entity to provide a non-Federal share in an amount equal to 50 percent of the amount of funds received by the approved program entity under the disbursement.

“(ii) LOWER NON-FEDERAL SHARE.—In the case of an approved program entity that serves a small, poor rural area or poor Indian tribe (as determined by the Secretary), the Secretary may—

“(I) reduce the non-Federal share to not less than 20 percent; and

“(II) allow the non-Federal share to be provided in the form of in-kind contributions.

“(iii) BINDING COMMITMENTS; PLAN.—For the purpose of meeting the non-Federal share requirement with respect to the first disbursement of an endowment grant award to the approved program entity under the Program, an approved program entity shall—

“(I) have, at a minimum, binding commitments to provide the non-Federal share required with respect to the first disbursement of the endowment grant award; and

“(II) if the Secretary is making incremental disbursements of a grant, develop a viable plan for providing the remaining amount of the required non-Federal share.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—Subject to clause (ii), of each disbursement, an approved program entity shall use—

"(I) not more than 10 percent for administrative costs of carrying out program-related investments;

"(II) not more than 20 percent for the purpose of maintaining a loss reserve account; and

"(III) the remainder for program-related investments contained in the comprehensive community development strategy.

"(ii) LOSS RESERVE ACCOUNT.—If all disbursed funds available under a grant are expended in accordance with clause (i) and the grant recipient has no expected losses to cover for a fiscal year, the recipient may use funds in the loss reserve account described in clause (i)(II) for program-related investments described in clause (i)(III) for which no reserve for losses is required.

"(g) FEDERAL AGENCY ASSISTANCE.—Under the Program, the Secretary shall provide and coordinate technical assistance for grant recipients by designated field staff of Federal agencies.

"(h) PRIVATE TECHNICAL ASSISTANCE.—

"(1) IN GENERAL.—Under the Program, the Secretary may make grants to qualified intermediaries to provide technical assistance and capacity building to approved program entities under the Program.

"(2) DUTIES.—A qualified intermediary that receives a grant under this subsection shall—

"(A) provide assistance to approved program entities in developing, coordinating, and overseeing investment strategy;

"(B) provide technical assistance in all aspects of planning, developing, and managing the Program; and

"(C) facilitate Federal and private sector involvement in rural community development.

"(3) ELIGIBILITY.—To be considered a qualified intermediary under this subsection, an intermediary shall—

"(A) be a private, nonprofit community development organization;

"(B) have expertise in Federal or private rural community development policy or programs; and

"(C) have experience in providing technical assistance, planning, and capacity building assistance to rural communities and nonprofit entities in eligible rural areas.

"(4) MAXIMUM AMOUNT OF GRANTS.—A qualified intermediary may receive a grant under this subsection of not more than $100,000.

"(5) FUNDING.—Of the amounts made available under section 385D, the Secretary may use to carry out this subsection not more than $2,000,000 for each of not more than 2 fiscal years.

"SEC. 385D. FUNDING.

"(a) FISCAL YEARS 2002 AND 2003.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subtitle, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subtitle $82,000,000 for the period of fiscal years 2002 and 2003, to remain available until expended.

"(2) SCHEDULE FOR OBLIGATIONS.—Of the amounts made available under paragraph (1)—

"(A) not more than $5,000,000 shall be obligated to carry out section 385C(d);

"(B) not less than $75,000,000 shall be obligated to carry out section 385C(f); and

"(C) not less than $2,000,000 shall be obligated to carry out section 385C(h).

"(3) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subtitle the funds transferred under paragraph (1), without further appropriation.

"(b) FISCAL YEARS 2004 THROUGH 2006.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle for each of fiscal years 2004 through 2006.".

SEC. 605. ENHANCEMENT OF ACCESS TO BROADBAND SERVICE IN RURAL AREAS.

The Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"TITLE VI—RURAL BROADBAND ACCESS

"SEC. 601. ACCESS TO BROADBAND TELECOMMUNICATIONS SERVICES IN RURAL AREAS.

"(a) PURPOSE.—The purpose of this section is to provide grants, loans, and loan guarantees to provide funds for the costs of the construction, improvement, and acquisition of facilities and equipment for broadband service in eligible rural communities.

"(b) DEFINITIONS.—In this section:

"(1) BROADBAND SERVICE.—The term 'broadband service' means any technology identified by the Secretary as having the capacity to transmit data to enable a subscriber to the service to originate and receive high-quality voice, data, graphics, or video.

"(2) ELIGIBLE RURAL COMMUNITY.—The term 'eligible rural community' means any incorporated or unincorporated place that—

"(A) has not more than 20,000 inhabitants, based on the most recent available population statistics of the Bureau of the Census; and

"(B) is not located in an area designated as a standard metropolitan statistical area.

"(c) GRANTS.—The Secretary shall make grants to eligible entities described in subsection (e) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities.

"(d) LOANS AND LOAN GUARANTEES.—The Secretary shall make of guarantee loans to eligible entities described in subsection (e) to provide funds for the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities.

"(e) ELIGIBLE ENTITIES.—To be eligible to obtain a grant, loan, or loan guarantee under this section, an entity must—

"(1) be able to furnish, improve, or extend a broadband service to an eligible rural community; and

"(2) submit to the Secretary a proposal for a project that meets the requirements of this section.

"(f) BROADBAND SERVICE.—The Secretary shall, from time to time as advances in technology warrant, review and recommend modifications of rate-of-data transmission criteria for purposes of the identification of broadband service technologies under subsection (b)(1).

"(g) TECHNOLOGICAL NEUTRALITY.—For purposes of determining whether or not to make a grant, loan, or loan guarantee for a project under this section, the Secretary shall not take into consideration the type of technology proposed to be used under the project.

"(h) TERMS AND CONDITIONS FOR LOANS AND LOAN GUARANTEES.—A loan or loan guarantee under subsection (d) shall—

"(1) be made available in accordance with the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.);

"(2) bear interest at an annual rate of, as determined by the Secretary—

"(A) 4 percent per annum; or

"(B) the current applicable market rate; and

"(3) have a term not to exceed the useful life of the assets constructed, improved, or acquired with the proceeds of the loan or extension of credit.

"(i) USE OF LOAN PROCEEDS TO REFINANCE LOANS FOR DEPLOYMENT OF BROADBAND SERVICE.—Notwithstanding any other provision of this Act, the proceeds of any loan made by the Secretary under this Act may be used by the recipient of the loan for the purpose of refinancing an outstanding obligation of the recipient on another telecommunications loan made under this Act if the use of the proceeds for that purpose will further the construction, improvement, or acquisition of facilities and equipment for the provision of broadband service in eligible rural communities.

"(j) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and on October 1, 2002, and each October 1 thereafter, through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $100,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) ALLOCATION OF FUNDS.—

"(A) IN GENERAL.—From amounts made available for each fiscal year under paragraph (1), the Secretary shall—

"(i) establish a national reserve for grants, loans, and loan guarantees to eligible entities in States under this section; and

"(ii) allocate amounts in the reserve to each State for each fiscal year for grants, loans, and loan guarantees to eligible entities in the State.

"(B) AMOUNT.—The amount of an allocation made to a State for a fiscal year under subparagraph (A) shall bear the same ratio to the amount of allocations made for all States for the fiscal year as the number of communities with a population of 2,500 inhabitants or less in the State bears to the number of communities with a population of 2,500 inhabitants or less in all States, as determined on the basis of the last available census.

"(C) UNOBLIGATED AMOUNTS.—Any amounts in the reserve established for a State for a fiscal year under subparagraph (B) that are not obligated by April 1 of the fiscal year shall be available to the Secretary to make grants, loans, and loan guarantees under this section to eligible entities in any State, as determined by the Secretary.

"(k) GRANTS FOR PLANNING AND FEASIBILITY STUDIES ON BROADBAND DEPLOYMENT.—

"(1) IN GENERAL.—In addition to any other grants, loans, or loan guarantees made under this section, the Secretary shall make grants to eligible entities specified in paragraph (2) for planning and feasibility studies carried out by those entities on the deployment of broadband services in the areas served by those entities.

"(2) ELIGIBLE ENTITIES.—The entities eligible for grants under this subsection are—

"(A) State governments;

"(B) local governments (including consortia of local governments);

"(C) tribal governments;

"(D) telecommunications cooperatives; and

"(E) appropriate State and regional nonprofit entities (as determined by the Secretary).

"(3) ELIGIBILITY CRITERIA.—

"(A) IN GENERAL.—The Secretary shall establish criteria for eligibility for grants under this subsection, including criteria for the scope of the planning and feasibility studies to be carried out with grants under this subsection.

"(B) CONTRIBUTION BY GRANTEE.—An entity may not be awarded a grant under this subsection unless the entity agrees to contribute (out of funds other than the grant amount) to the planning and feasibility study to be funded by the grant an amount equal to the amount of the grant.

"(4) APPLICATION.—An entity seeking a grant under this subsection shall submit to the Secretary an application for the grant that is in

such form, and that contains such information, as the Secretary shall require.

"(5) USE OF GRANT AMOUNTS.—

"(A) IN GENERAL.—Subject to subparagraph (B), an entity that receives a grant under this subsection shall use the grant amount for planning and feasibility studies on the deployment of broadband services in the area of—

"(i) an Indian tribe;

"(ii) a local government;

"(iii) a State;

"(iv) a region of a State; or

"(v) a region of States.

"(B) LIMITATION.—Grant amounts under this subsection may not be used for the construction of buildings or other facilities, the acquisition or improvement of existing buildings or facilities, or the leasing of office space.

"(6) LIMITATION ON GRANT AMOUNTS.—

"(A) STATEWIDE GRANTS.—The amount of the grants made under this subsection in or with respect to any State in any fiscal year may not exceed $250,000.

"(B) LOCAL GOVERNMENT, REGIONAL, OR TRIBAL GRANTS.—The amount of the grants made under this subsection in or with respect to any local government, region, or tribal government in any fiscal year may not exceed $100,000.

"(7) RESERVATION OF FUNDS FOR GRANTS.—

"(A) IN GENERAL.—For each fiscal year, up to 3 percent of the funds made available to carry out this section for the fiscal year shall be reserved for grants under this subsection.

"(B) RELEASE.—Funds reserved under subparagraph (A) for a fiscal year shall be reserved only until April 1 of the fiscal year.

"(8) SUPPLEMENT NOT SUPPLANT.—

"(A) IN GENERAL.—Eligibility for a grant under this subsection shall not affect eligibility for a grant, loan, or loan guarantee under another subsection of this section.

"(B) CONSIDERATIONS.—The Secretary shall not take into account the award of a grant under this subsection, or the award of a grant, loan, or loan guarantee under another subsection of this section, in awarding a grant, loan, or loan guarantee under this subsection or another subsection of this section, as the case may be.

"(l) TERMINATION OF AUTHORITY.—

"(1) IN GENERAL.—No grant, loan, or loan guarantee may be made under this section after September 30, 2006.

"(2) EFFECT ON VALIDITY OF GRANT, LOAN, OR LOAN GUARANTEE.—Notwithstanding paragraph (1), any grant, loan, or loan guarantee made under this section before the date specified in paragraph (1) shall be valid.".

SEC. 606. VALUE-ADDED AGRICULTURAL PRODUCT MARKET DEVELOPMENT GRANTS.

Section 231 of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 1621 note; Public Law 106–224) is amended—

(1) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(2) by striking subsection (a) and inserting the following:

"(a) DEFINITION OF VALUE-ADDED AGRICULTURAL PRODUCT.—The term 'value-added agricultural product' means any agricultural commodity or product that—

"(1)(A) has undergone a change in physical state; or

"(B) was produced in a manner that enhances the value of the agricultural commodity or product, as demonstrated through a business plan that shows the enhanced value, as determined by the Secretary; and

"(2) as a result of the change in physical state or the manner in which the agricultural commodity or product was produced—

"(A) the customer base for the agricultural commodity or product has been expanded; and

"(B) a greater portion of the revenue derived from the processing of the agricultural commodity or product is available to the producer of the commodity or product.

"(b) GRANT PROGRAM.—

"(1) PURPOSES.—The purposes of this subsection are—

"(A) to increase the share of the food and agricultural system profit received by agricultural producers;

"(B) to increase the number and quality of rural self-employment opportunities in agriculture and agriculturally-related businesses and the number and quality of jobs in agriculturally-related businesses;

"(C) to help maintain a diversity of size in farms and ranches by stabilizing the number of small and mid-sized farms;

"(D) to increase the diversity of food and other agricultural products available to consumers, including nontraditional crops and products and products grown or raised in a manner that enhances the value of the products to the public; and

"(E) to conserve and enhance the quality of land, water, and energy resources, wildlife habitat, and other landscape values and amenities in rural areas.

"(2) GRANTS.—From amounts made available under paragraph (6), the Secretary shall make award competitive grants—

"(A) to an eligible independent producer (as determined by the Secretary) of a value-added agricultural product to assist the producer—

"(i) to develop a business plan for viable marketing opportunities for the value-added agricultural product; or

"(ii) to develop strategies that are intended to create marketing opportunities for the producer; and

"(B) to an eligible nonprofit entity (as determined by the Secretary) to assist the entity—

"(i) to develop a business plan for viable marketing opportunities in emerging markets for a value-added agricultural product;

"(ii) to develop strategies that are intended to create marketing opportunities in emerging markets for the value-added agricultural product; or

"(iii) to create, expand, or operate value-added processing in an area described in paragraph (3)(B)(ii) in connection with production agriculture.

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—The total amount provided under this subsection to a grant recipient may not exceed $500,000.

"(B) PRIORITY.—The Secretary shall give priority to—

"(i) grant proposals for less than $200,000 submitted under this subsection; and

"(ii) grant proposals submitted by an eligible nonprofit entity with a principal office that is located—

"(I) on land of an existing or former Native American reservation; and

"(II) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

"(4) GRANTEE STRATEGIES.—A grantee under paragraph (2) shall use the grant—

"(A) to develop a business plan or perform a feasibility study to establish a viable marketing opportunity for a value-added agricultural product; or

"(B) to provide capital to establish alliances or business ventures that allow the producer of the value-added agricultural product to better compete in domestic or international markets.

"(5) GRANTS FOR MARKETING OR PROCESSING CERTIFIED ORGANIC AGRICULTURAL PRODUCTS.—

"(A) IN GENERAL.—Out of any amount that is made available to the Secretary for a fiscal year under paragraph (2), the Secretary shall use not less than 5 percent of the amount for grants to assist producers of certified organic agricultural products in post-farm marketing or processing of the products through a business or cooperative ventures that—

"(i) expand the customer base of the certified organic agricultural products; and

"(ii) increase the portion of product revenue available to the producers.

"(B) CERTIFIED ORGANIC AGRICULTURAL PRODUCT.—For the purposes of this paragraph, a certified organic agricultural product does not have to meet the requirements of the definition of 'value-added agricultural product' under subsection (a).

"(C) INSUFFICIENT APPLICATIONS.—If, for any fiscal year, the Secretary receives an insufficient quantity of applications for grants described in subparagraph (A) to use the funds reserved under subparagraph (A), the Secretary may use the excess reserved funds to make grants for any other purpose authorized under this subsection.

"(6) FUNDING.—

"(A) IN GENERAL.—Not later than 30 days after the date of enactment of this paragraph, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this subsection $75,000,000, to remain available until expended.

"(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this subsection the funds transferred under subparagraph (A), without further appropriation.";

(3) in subsection (c)(1) (as redesignated)—

(A) by striking "subsection (a)(2)" and inserting "subsection (b)(2)";

(B) by striking "$5,000,000" and inserting "7.5 percent"; and

(C) by striking "subsection (a)" and inserting "subsection (b)"; and

(4) in subsection (d) (as redesignated), by striking "subsections (a) and (b)" and inserting "subsections (b) and (c)".

SEC. 607. NATIONAL RURAL DEVELOPMENT INFORMATION CLEARINGHOUSE.

Section 2381 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 3125b) is amended to read as follows:

"SEC. 2381. NATIONAL RURAL DEVELOPMENT INFORMATION CLEARINGHOUSE.

"(a) ESTABLISHMENT.—The Secretary shall establish and maintain, within the rural development mission area of the Department of Agriculture, a National Rural Development Information Clearinghouse (referred to in this section as the 'Clearinghouse') to perform the functions specified in subsection (b).

"(b) FUNCTIONS.—The Clearinghouse shall collect information and data from, and disseminate information and data to, any person or public or private entity about programs and services provided by Federal, State, local, and tribal agencies, institutions of higher education, and private, for-profit, and nonprofit organizations and institutions under which a person or public or private entity residing or operating in a rural area may be eligible for any kind of financial, technical, or other assistance, including business, venture capital, economic, credit and community development assistance, health care, job training, education, and emotional and financial counseling.

"(c) MODES OF COLLECTION AND DISSEMINATION OF INFORMATION.—In addition to other modes for the collection and dissemination of the types of information and data specified under subsection (b), the Secretary shall ensure that the Clearinghouse maintains an Internet website that provides for dissemination and collection, through voluntary submission or posting, of the information and data.

"*(d) FEDERAL AGENCIES.—On request of the Secretary and to the extent permitted by law, the head of a Federal agency shall provide to the Clearinghouse such information as the Secretary may request to enable the Clearinghouse to carry out this section.*

"*(e) STATE, LOCAL, AND TRIBAL AGENCIES, INSTITUTIONS OF HIGHER EDUCATION, AND NONPROFIT AND FOR-PROFIT ORGANIZATIONS.—The Secretary shall request State, local, and tribal agencies, institutions of higher education, and private, for-profit, and nonprofit organizations and institutions to provide to the Clearinghouse information concerning applicable programs or services described in subsection (b).*

"*(f) PROMOTION OF CLEARINGHOUSE.—The Secretary prominently shall promote the existence and availability of the Clearinghouse in all activities of the Department of Agriculture relating to rural areas of the United States.*

"*(g) FUNDING.—*

"*(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall use to operate and maintain the Clearinghouse not more than $600,000 of the funds available to the Rural Housing Service, the Rural Utilities Service, and the Rural Business-Cooperative Service for each fiscal year.*

"*(2) LIMITATION.—Funds available to the Rural Housing Service, the Rural Utilities Service, and the Rural Business-Cooperative Service for the payment of loan costs (as defined in section 502 of Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) shall not be used to operate and maintain the Clearinghouse.".*

Subtitle B—National Rural Development Partnership

SEC. 611. SHORT TITLE.

This subtitle may be cited as the "National Rural Development Partnership Act of 2002".

SEC. 612. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) is amended by adding at the end the following:

"SEC. 377. NATIONAL RURAL DEVELOPMENT PARTNERSHIP.

"*(a) DEFINITIONS.—In this section:*

"*(1) AGENCY WITH RURAL RESPONSIBILITIES.—The term 'agency with rural responsibilities' means any executive agency (as defined in section 105 of title 5, United States Code) that—*

"*(A) implements Federal law targeted at rural areas, including—*

"*(i) the Act of April 24, 1950 (commonly known as the 'Granger-Thye Act') (64 Stat. 82, chapter 9);*

"*(ii) the Intergovernmental Cooperation Act of 1968 (82 Stat. 1098);*

"*(iii) section 41742 of title 49, United States Code;*

"*(iv) the Rural Development Act of 1972 (86 Stat. 657);*

"*(v) the Rural Development Policy Act of 1980 (94 Stat. 1171);*

"*(vi) the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.);*

"*(vii) amendments made to section 334 of the Public Health Service Act (42 U.S.C. 254g) by the Rural Health Clinics Act of 1983 (97 Stat. 1345); and*

"*(viii) the Rural Housing Amendments of 1983 (97 Stat. 1240) and the amendments made by the Rural Housing Amendments of 1983 to title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.); or*

"*(B) administers a program that has a significant impact on rural areas, including—*

"*(i) the Appalachian Regional Commission;*

"*(ii) the Department of Agriculture;*

"*(iii) the Department of Commerce;*

"*(iv) the Department of Defense;*

"*(v) the Department of Education;*

"*(vi) the Department of Energy;*

"*(vii) the Department of Health and Human Services;*

"*(viii) the Department of Housing and Urban Development;*

"*(ix) the Department of the Interior;*

"*(x) the Department of Justice;*

"*(xi) the Department of Labor;*

"*(xii) the Department of Transportation;*

"*(xiii) the Department of the Treasury;*

"*(xiv) the Department of Veterans Affairs;*

"*(xv) the Environmental Protection Agency;*

"*(xvi) the Federal Emergency Management Administration;*

"*(xvii) the Small Business Administration;*

"*(xviii) the Social Security Administration;*

"*(xix) the Federal Reserve System;*

"*(xx) the United States Postal Service;*

"*(xxi) the Corporation for National Service;*

"*(xxii) the National Endowment for the Arts and the National Endowment for the Humanities; and*

"*(xxiii) other agencies, commissions, and corporations.*

"*(2) COORDINATING COMMITTEE.—The term 'Coordinating Committee' means the National Rural Development Coordinating Committee established by subsection (c).*

"*(3) PARTNERSHIP.—The term 'Partnership' means the National Rural Development Partnership continued by subsection (b).*

"*(4) STATE RURAL DEVELOPMENT COUNCIL.—The term 'State rural development council' means a State rural development council that meets the requirements of subsection (d).*

"*(b) PARTNERSHIP.—*

"*(1) IN GENERAL.—The Secretary shall continue the National Rural Development Partnership composed of—*

"*(A) the Coordinating Committee; and*

"*(B) State rural development councils.*

"*(2) PURPOSES.—The purposes of the Partnership are—*

"*(A) to empower and build the capacity of States and rural communities within States to design unique responses to their own special rural development needs, with local determinations of progress and selection of projects and activities;*

"*(B) to encourage participants to be flexible and innovative in establishing new partnerships and trying fresh, new approaches to rural development issues, with responses to rural development that use different approaches to fit different situations; and*

"*(C) to encourage all partners in the Partnership (Federal, State, local, and tribal governments, the private sector, and nonprofit organizations) to be fully engaged and share equally in decisions.*

"*(3) GOVERNING PANEL.—*

"*(A) IN GENERAL.—A panel consisting of representatives of the Coordinating Committee and State rural development councils shall be established to lead and coordinate the strategic operation, policies, and practices of the Partnership.*

"*(B) ANNUAL REPORTS.—In conjunction with the Coordinating Committee and State rural development councils, the panel shall prepare and submit to Congress an annual report on the activities of the Partnership.*

"*(4) ROLE OF FEDERAL GOVERNMENT.—The role of the Federal Government in the Partnership shall be that of a partner and facilitator, with Federal agencies authorized—*

"*(A) to cooperate with States to implement the Partnership;*

"*(B) to provide States with the technical and administrative support necessary to plan and implement tailored rural development strategies to meet local needs;*

"*(C) to ensure that the head of each agency referred to in subsection (a)(1)(B) designates a senior-level agency official to represent the agency on the Coordinating Committee and directs appropriate field staff to participate fully with the State rural development council within the jurisdiction of the field staff; and*

"*(D) to enter into cooperative agreements with, and to provide grants and other assistance to, State rural development councils.*

"*(5) ROLE OF PRIVATE AND NONPROFIT SECTOR ORGANIZATIONS.—Private and nonprofit sector organizations are encouraged—*

"*(A) to act as full partners in the Partnership and State rural development councils; and*

"*(B) to cooperate with participating government organizations in developing innovative approaches to the solution of rural development problems.*

"*(c) NATIONAL RURAL DEVELOPMENT COORDINATING COMMITTEE.—*

"*(1) ESTABLISHMENT.—The Secretary shall establish a National Rural Development Coordinating Committee.*

"*(2) COMPOSITION.—The Coordinating Committee shall be composed of—*

"*(A) 1 representative of each agency with rural responsibilities that elects to participate in the Coordinating Committee; and*

"*(B) representatives, approved by the Secretary, of—*

"*(i) national associations of State, regional, local, and tribal governments and intergovernmental and multijurisdictional agencies and organizations;*

"*(ii) national public interest groups;*

"*(iii) other national nonprofit organizations that elect to participate in the activities of the Coordinating Committee; and*

"*(iv) the private sector.*

"*(3) DUTIES.—The Coordinating Committee shall—*

"*(A) provide support for the work of the State rural development councils;*

"*(B) facilitate coordination among Federal programs and activities, and with State, local, tribal, and private programs and activities, affecting rural development;*

"*(C) enhance the effectiveness, responsiveness, and delivery of Federal programs in rural areas;*

"*(D) gather and provide to Federal authorities information and input for the development and implementation of Federal programs impacting rural economic and community development;*

"*(E) notwithstanding any other provision of law, review and comment on policies, regulations, and proposed legislation that affect or would affect rural areas;*

"*(F) provide technical assistance to State rural development councils for the implementation of Federal programs;*

"*(G) notwithstanding any other provision of law, develop and facilitate strategies to reduce or eliminate administrative and regulatory impediments; and*

"*(H) require each State receiving funds under this section to submit an annual report on the use of the funds by the State, including a description of strategic plans, goals, performance measures, and outcomes for the State rural development council of the State.*

"*(4) ELECTION NOT TO PARTICIPATE.—An agency with rural responsibilities that elects not to participate in the Partnership and the Coordinating Committee shall submit to Congress a report that describes—*

"*(A) how the programmatic responsibilities of the Federal agency that target or have an impact on rural areas are better achieved without participation by the agency in the Partnership; and*

"*(B) a more effective means of partnership-building and collaboration to achieve the programmatic responsibilities of the agency.*

"*(d) STATE RURAL DEVELOPMENT COUNCILS.—*

"*(1) ESTABLISHMENT.—Notwithstanding chapter 63 of title 31, United States Code, each State may elect to participate in the Partnership by entering into an agreement with the Secretary to establish a State rural development council.*

"(2) STATE DIVERSITY.—Each State rural development council shall—

"(A) have a nonpartisan membership that is broad and representative of the economic, social, and political diversity of the State; and

"(B) carry out programs and activities in a manner that reflects the diversity of the State.

"(3) DUTIES.—A State rural development council shall—

"(A) facilitate collaboration among Federal, State, local, and tribal governments and the private and nonprofit sectors in the planning and implementation of programs and policies that target or have an impact on rural areas of the State;

"(B) enhance the effectiveness, responsiveness, and delivery of Federal and State programs in rural areas of the State;

"(C) gather and provide to the Coordinating Committee and other appropriate organizations information on the condition of rural areas in the State;

"(D) monitor and report on policies and programs that address, or fail to address, the needs of the rural areas of the State;

"(E) provide comments to the Coordinating Committee and other appropriate organizations on policies, regulations, and proposed legislation that affect or would affect the rural areas of the State;

"(F) notwithstanding any other provision of law, in conjunction with the Coordinating Committee, facilitate the development of strategies to reduce or eliminate conflicting or duplicative administrative or regulatory requirements of Federal, State, local, and tribal governments;

"(G) use grant or cooperative agreement funds provided by the Partnership under an agreement entered into under paragraph (1) to—

"(i) retain an Executive Director and such support staff as are necessary to facilitate and implement the directives of the State rural development council; and

"(ii) pay expenses associated with carrying out subparagraphs (A) through (F); and

"(H)(i) provide to the Coordinating Committee an annual plan with goals and performance measures; and

"(ii) submit to the Coordinating Committee an annual report on the progress of the State rural development council in meeting the goals and measures.

"(4) AUTHORITIES.—A State rural development council may—

"(A) solicit funds to supplement and match funds provided under paragraph (3)(G); and

"(B) engage in activities, in addition to those specified in paragraph (3), appropriate to accomplish the purposes for which the State rural development council is established.

"(5) COMMENTS OR RECOMMENDATIONS.—A State rural development council may provide comments and recommendations to an agency with rural responsibilities related to the activities of the State rural development council within the State.

"(6) ACTIONS OF STATE RURAL DEVELOPMENT COUNCIL MEMBERS.—When carrying out a program or activity authorized by a State rural development council or this subtitle, a member of the council shall be regarded as a full-time employee of the Federal Government for purposes of chapter 171 of title 28, United States Code, and the Federal Advisory Committee Act (5 U.S.C. App.).

"(7) FEDERAL PARTICIPATION IN STATE RURAL DEVELOPMENT COUNCILS.—

"(A) IN GENERAL.—The State Director for Rural Development of a State, other employees of the Department of Agriculture, and employees of other Federal agencies that elect to participate in the Partnership shall fully participate in the governance and operations of State rural development councils on an equal basis with other members of the State rural development councils.

"(B) CONFLICTS.—A Federal employee who participates in a State rural development council shall not participate in the making of any council decision if the agency represented by the Federal employee has any financial or other interest in the outcome of the decision.

"(C) FEDERAL GUIDANCE.—The Office of Government Ethics, in consultation with the Attorney General, shall issue guidance to all Federal employees that participate in State rural development councils that describes specific decisions that—

"(i) would constitute a conflict of interest for the Federal employee; and

"(ii) from which the Federal employee must recuse himself or herself.

"(e) ADMINISTRATIVE SUPPORT OF THE PARTNERSHIP.—

"(1) DETAIL OF EMPLOYEES.—

"(A) IN GENERAL.—In order to provide experience in intergovernmental collaboration, the head of an agency with rural responsibilities that elects to participate in the Partnership may, and is encouraged to, detail an employee of the agency with rural responsibilities to the Partnership without reimbursement for a period of up to 12 months.

"(B) CIVIL SERVICE STATUS.—The detail shall be without interruption or loss of civil service status or privilege.

"(2) ADDITIONAL SUPPORT.—The Secretary shall provide for any additional support staff to the Partnership as the Secretary determines to be necessary to carry out the duties of the Partnership.

"(f) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(B) AMOUNT OF FINANCIAL ASSISTANCE.—In providing financial assistance to State rural development councils, the Secretary and heads of other Federal agencies shall provide assistance that, to the maximum extent practicable, is—

"(i) uniform in amount; and

"(ii) targeted to newly created State rural development councils.

"(C) FEDERAL SHARE.—The Secretary shall develop a plan to decrease, over time, the Federal share of the cost of the core operations of State rural development councils.

"(2) FEDERAL AGENCIES.—

"(A) IN GENERAL.—Notwithstanding any other provision of law limiting the ability of an agency to provide funds to the Partnership with other agencies, in order to carry out the purposes described in subsection (b)(2), the Partnership shall be eligible to receive grants, gifts, contributions, or technical assistance from, or enter into contracts with, any Federal agency.

"(B) ASSISTANCE.—Federal agencies are encouraged to use funds made available for programs that target or have an impact on rural areas to provide assistance to, and enter into contracts with, the Partnership, as described in subparagraph (A).

"(3) CONTRIBUTIONS.—The Partnership may accept private contributions.

"(4) FEDERAL FINANCIAL SUPPORT FOR STATE RURAL DEVELOPMENT COUNCILS.—Notwithstanding any other provision of law, a Federal agency may use funds made available under paragraph (1) or (2) to enter into a cooperative agreement, contract, or other agreement with a State rural development council to support the core operations of the State rural development council, regardless of the legal form of organization of the State rural development council.

"(g) MATCHING REQUIREMENTS FOR STATE RURAL DEVELOPMENT COUNCILS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a State rural development council shall provide matching funds, or in-kind goods or services, to support the activities of the State rural development council in an amount that is not less than 33 percent of the amount of Federal funds received under an agreement under subsection (d)(1).

"(2) EXCEPTIONS TO MATCHING REQUIREMENT FOR CERTAIN FEDERAL FUNDS.—Paragraph (1) shall not apply to funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance received by a State rural development council from a Federal agency that are used—

"(A) to support 1 or more specific program or project activities; or

"(B) to reimburse the State rural development council for services provided to the Federal agency providing the funds, grants, funds provided under contracts or cooperative agreements, gifts, contributions, or technical assistance.

"(h) TERMINATION.—The authority provided under this section shall terminate on the date that is 5 years after the date of enactment of this section.".

Subtitle C—Consolidated Farm and Rural Development Act

SEC. 621. WATER OR WASTE DISPOSAL GRANTS.

Section 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(2)) is amended—

(1) by striking "(2) The" and inserting the following:

"(2) WATER, WASTE DISPOSAL, AND WASTEWATER FACILITY GRANTS.—

"(A) AUTHORITY.—

"(i) IN GENERAL.—The";

(2) by striking "$590,000,000" and inserting "$1,500,000,000";

(3) by striking "The amount" and inserting the following:

"(ii) AMOUNT.—The amount";

(4) by striking "paragraph" and inserting "subparagraph";

(5) by striking "The Secretary shall" and inserting the following:

"(iii) GRANT RATE.—The Secretary shall"; and

(6) by adding at the end the following:

"(B) REVOLVING FUNDS FOR FINANCING WATER AND WASTEWATER PROJECTS.—

"(i) IN GENERAL.—The Secretary may make grants to qualified private, nonprofit entities to capitalize revolving funds for the purpose of providing financing to eligible entities for—

"(I) predevelopment costs associated with proposed water and wastewater projects or with existing water and wastewater systems; and

"(II) short-term costs incurred for replacement equipment, small-scale extension services, or other small capital projects that are not part of the regular operations and maintenance activities of existing water and wastewater systems.

"(ii) ELIGIBLE ENTITIES.—To be eligible to obtain financing from a revolving fund under clause (i), an eligible entity shall be eligible to obtain a loan, loan guarantee, or grant under paragraph (1) or this paragraph.

"(iii) MAXIMUM AMOUNT OF FINANCING.—The amount of financing made to an eligible entity under this subparagraph shall not exceed—

"(I) $100,000 for costs described in clause (i)(I); and

"(II) $100,000 for costs described in clause (i)(II).

"(iv) TERM.—The term of financing provided to an eligible entity under this subparagraph shall not exceed 10 years.

"(v) ADMINISTRATION.—The Secretary shall limit the amount of grant funds that may be used by a grant recipient for administrative costs incurred under this subparagraph.

"(vi) ANNUAL REPORT.—A nonprofit entity receiving a grant under this subparagraph shall submit an annual report to the Secretary that

describes the number and size of communities served and the type of financing provided.

"(vii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subparagraph $30,000,000 for each of fiscal years 2002 through 2006.".

SEC. 622. RURAL BUSINESS OPPORTUNITY GRANTS.

Section 306(a)(11)(D) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(11)(D)) is amended—

(1) by striking "$7,500,000" and inserting "$15,000,000"; and

(2) by striking "2002" and inserting "2006".

SEC. 623. RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by added at the end the following:

"(22) RURAL WATER AND WASTEWATER CIRCUIT RIDER PROGRAM.—

"(A) IN GENERAL.—The Secretary shall establish a national rural water and wastewater circuit rider program that is based on the rural water circuit rider program of the National Rural Water Association that (as of the date of enactment of this paragraph) receives funding from the Secretary, acting through the Rural Utilities Service.

"(B) RELATIONSHIP TO EXISTING PROGRAM.—The program established under subparagraph (A) shall not affect the authority of the Secretary to carry out the circuit rider program for which funds are made available under the heading "RURAL COMMUNITY ADVANCEMENT PROGRAM" of title III of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $15,000,000 for each of fiscal years 2003 through 2006.".

SEC. 624. MULTIJURISDICTIONAL REGIONAL PLANNING ORGANIZATIONS.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 623) is amended by added at the end the following:

"(23) MULTIJURISDICTIONAL REGIONAL PLANNING ORGANIZATIONS.—

"(A) GRANTS.—The Secretary shall provide grants to multijurisdictional regional planning and development organizations to pay the Federal share of the cost of providing assistance to local governments to improve the infrastructure, services, and business development capabilities of local governments and local economic development organizations.

"(B) PRIORITY.—In determining which organizations will receive a grant under this paragraph, the Secretary shall provide a priority to an organization that—

"(i) serves a rural area that, during the most recent 5-year period—

"(I) had a net out-migration of inhabitants, or other population loss, from the rural area that equals or exceeds 5 percent of the population of the rural area; or

"(II) had a median household income that is less than the nonmetropolitan median household income of the applicable State; and

"(ii) has a history of providing substantive assistance to local governments and economic development organizations.

"(C) FEDERAL SHARE.—A grant provided under this paragraph shall be for not more than 75 percent of the cost of providing assistance described in subparagraph (A).

"(D) MAXIMUM AMOUNT OF GRANTS.—The amount of a grant provided to an organization under this paragraph shall not exceed $100,000.

"(E) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $30,000,000 for each of fiscal years 2003 through 2006.".

SEC. 625. CERTIFIED NONPROFIT ORGANIZATIONS SHARING EXPERTISE.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 624) is amended by added at the end the following:

"(24) CERTIFIED NONPROFIT ORGANIZATIONS SHARING EXPERTISE.—

"(A) CERTIFIED ORGANIZATIONS.—

"(i) IN GENERAL.—To be certified by the Secretary to provide technical assistance in 1 or more rural development fields, an organization shall—

"(I) be a nonprofit organization (which may include an institution of higher education) with experience in providing technical assistance in the applicable rural development field;

"(II) develop a plan, approved by the Secretary, describing the manner in which grant funds will be used and the source of non-Federal funds; and

"(III) meet such other criteria as the Secretary may establish, based on the needs of eligible entities for the technical assistance.

"(iii) LIST.—The Secretary shall make available to the public a list of certified organizations in each area that the Secretary determines have substantial experience in providing the assistance described in subparagraph (B).

"(B) GRANTS.—The Secretary may provide grants to certified organizations to pay for costs of providing technical assistance to local governments and nonprofit entities to improve the infrastructure, services, and business development capabilities of local governments and local economic development organizations.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $20,000,000 for each of fiscal years 2003 through 2006.".

SEC. 626. LOAN GUARANTEES FOR CERTAIN RURAL DEVELOPMENT LOANS.

(a) LOAN GUARANTEES FOR WATER, WASTEWATER, AND ESSENTIAL COMMUNITY FACILITIES LOANS.—Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1925(a)) (as amended by section 625) is amended by adding at the end the following:

"(25) LOAN GUARANTEES FOR WATER, WASTEWATER, AND ESSENTIAL COMMUNITY FACILITIES LOANS.—

"(A) IN GENERAL.—The Secretary may guarantee under this title a loan made to finance a community facility or water or waste facility project, including a loan financed by the net proceeds of a bond described in section 144(a)(12)(B)(ii) of the Internal Revenue Code of 1986.

"(B) REQUIREMENTS.—To be eligible for a loan guarantee under subparagraph (A), an individual or entity offering to purchase the loan must demonstrate to the Secretary that the person has—

"(i) the capabilities and resources necessary to service the loan in a manner that ensures the continued performance of the loan, as determined by the Secretary; and

"(ii) the ability to generate capital to provide borrowers of the loan with the additional credit necessary to properly service the loan.".

(b) LOAN GUARANTEES FOR CERTAIN LOANS.—Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by adding at the end the following:

"(h) LOAN GUARANTEE FOR CERTAIN LOANS.—The Secretary may guarantee loans made in subsection (a) to finance the issuance of bonds for the projects described in section 306(a)(25).".

SEC. 627. RURAL FIREFIGHTERS AND EMERGENCY PERSONNEL GRANT PROGRAM.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 626(a)) is amended by adding at the end the following:

"(26) RURAL FIREFIGHTERS AND EMERGENCY MEDICAL PERSONNEL GRANT PROGRAM.—

"(A) IN GENERAL.—The Secretary may make grants to units of general local government and Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) to pay the cost of training firefighters and emergency medical personnel in firefighting, emergency medical practices, and responding to hazardous materials and bioagents in rural areas.

"(B) USE OF FUNDS.—

"(i) SCHOLARSHIPS.—

"(I) IN GENERAL.—Not less than 60 percent of the amounts made available for competitively awarded grants under this paragraph shall be used to provide grants to fund partial scholarships for training of individuals at training centers approved by the Secretary.

"(II) PRIORITY.—In awarding grants under this clause, the Secretary shall give priority to grant applicants with relatively low transportation costs considering the location of the grant applicant and the proposed location of the training.

"(ii) GRANTS FOR TRAINING CENTERS.—

"(I) EXISTING CENTERS.—

"(aa) IN GENERAL.—A grant under subparagraph (A) may be used to provide financial assistance to State and regional centers that provide training for firefighters and emergency medical personnel for improvements to the training facility, equipment, curricula, and personnel.

"(bb) LIMITATION.—Not more than $2,000,000 shall be provided to any single training center for any fiscal year under this subclause.

"(II) ESTABLISHMENT OF NEW CENTERS.—

"(aa) IN GENERAL.—A grant under subparagraph (A) may be used to provide the Federal share of the costs of establishing a regional training center for firefighters and emergency medical personnel.

"(bb) FEDERAL SHARE.—The amount of a grant under this subclause for a training center shall not exceed 50 percent of the cost of establishing the training center.

"(C) FUNDING.—

"(i) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this paragraph—

"(I) not later than 30 days after the date of enactment of this Act, $10,000,000; and

"(II) on October 1, 2002, and each October 1 thereafter through October 1, 2005, $30,000,000.

"(ii) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under clause (i), without further appropriation.

"(iii) AVAILABILITY OF FUNDS.—Funds transferred under clause (i) shall remain available until expended.".

SEC. 628. TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.

Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) (as amended by section 627) is amended by adding at the end the following:

"(27) TRIBAL COLLEGE AND UNIVERSITY ESSENTIAL COMMUNITY FACILITIES.—

"(A) IN GENERAL.—The Secretary may make grants to tribal colleges and universities (as defined in section 316 of the Higher Education Act of 1965 (20 U.S.C. 1059c)) to provide the Federal share of the cost of developing specific tribal college or university essential community facilities in rural areas.

"(B) FEDERAL SHARE.—

"(i) IN GENERAL.—Except as provided in clauses (ii) and (iii), the Secretary shall, by regulation, establish the maximum percentage of

the cost of the facility that may be covered by a grant under this paragraph.

"(ii) MAXIMUM AMOUNT.—The amount of a grant provided under this paragraph for a facility shall not exceed 75 percent of the cost of developing the facility.

"(iii) GRADUATED SCALE.—The Secretary shall provide for a graduated scale of the percentages of the cost covered by a grant made under this paragraph, with higher percentages for facilities in communities that have lower community population and income levels, as determined by the Secretary.

"(C) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph $10,000,000 for each of fiscal years 2003 through 2006.".

SEC. 629. EMERGENCY COMMUNITY WATER ASSISTANCE GRANT PROGRAM.

Section 306A(i) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a(i)) is amended by striking "2002" and inserting "2006".

SEC. 630. WATER AND WASTE FACILITY GRANTS FOR NATIVE AMERICAN TRIBES.

Section 306C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(e)) is amended by striking subsection (e) and inserting the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there is authorized to be appropriated—

"(A) for grants under this section, $30,000,000 for each fiscal year;

"(B) for loans under this section, $30,000,000 for each fiscal year; and

"(C) for grants under this section to benefit Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), $20,000,000 for each fiscal year.

"(2) EXCEPTION.—An entity eligible to receive funding through a grant made under section 306D shall not be eligible for a grant from funds made available under subparagraph (1)(C).".

SEC. 631. WATER SYSTEMS FOR RURAL AND NATIVE VILLAGES IN ALASKA.

Section 306D(d)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926d(d)(1)) is amended by striking "and 2002" and inserting "through 2006".

SEC. 632. RURAL BUSINESS ENTERPRISE GRANTS.

Section 310B(c)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(c)(1)) is amended—

(1) by striking "The Secretary" and inserting the following:

"(A) GRANTS.—The Secretary"; and

(2) by adding at the end the following:

"(B) SMALL AND EMERGING PRIVATE BUSINESS ENTERPRISES.—

"(i) IN GENERAL.—For the purpose of subparagraph (A), a small and emerging private business enterprise shall include (regardless of the number of employees or operating capital of the enterprise) an eligible nonprofit entity, or other tax exempt organization, with a principal office in an area that is located—

"(I) on land of an existing or former Native American reservation; and

"(II) in a city, town, or unincorporated area that has a population of no more than 5,000 inhabitants.

"(ii) USE OF GRANT.—An eligible nonprofit entity, or other tax exempt organization, described in clause (i) may use assistance provided under this paragraph to create, expand, or operate value-added processing in an area described in clause (i) in connection with production agriculture.

"(iii) PRIORITY.—In making grants under this paragraph, the Secretary shall give priority to grants that will be used to provide assistance to eligible nonprofit entities and other tax exempt organizations described in clause (i).".

SEC. 633. RURAL COOPERATIVE DEVELOPMENT GRANTS.

Section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(e)) is amended—

(1) in paragraph (5)(F), before the period at the end the following: ", except that the Secretary shall not require non-Federal financial support in an amount that is greater than 5 percent in the case of a 1994 institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382))"; and

(2) in paragraph (9), by striking "2002" and inserting "2006".

SEC. 634. GRANTS TO BROADCASTING SYSTEMS.

Section 310B(f) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(f)) is amended by adding at the end the following:

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $5,000,000 for each of fiscal years 2002 through 2006.".

SEC. 635. BUSINESS AND INDUSTRY LOAN MODIFICATIONS.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) is amended by striking subsection (g) and inserting the following:

"(g) BUSINESS AND INDUSTRY DIRECT AND GUARANTEED LOANS.—

"(1) LOAN GUARANTEES FOR THE PURCHASE OF COOPERATIVE STOCK.—

"(A) NEW AND EXPANDING COOPERATIVES.—

"(i) IN GENERAL.—The Secretary may guarantee a loan under subsection (a) to farmers, ranchers, or cooperatives for the purpose of purchasing start-up capital stock for the expansion or creation of a cooperative venture that will process agricultural commodities or otherwise process value-added agricultural products.

"(ii) FINANCIAL CONDITION.—In determining the appropriateness of a loan guarantee under this subparagraph, the Secretary—

"(I) shall fully review the feasibility and other relevant aspects of the cooperative venture to be established;

"(II) may not require a review of the financial condition or statements of any individual farmer or rancher involved in the cooperative, other than the applicant for a guarantee under this subparagraph; and

"(III) shall base any guarantee, to the maximum extent practicable, on the merits of the cooperative venture to be established.

"(iii) COLLATERAL.—As a condition of making a loan guarantee under this subparagraph, the Secretary may not require additional collateral by a farmer or rancher, other than stock purchased or issued pursuant to the loan and guarantee of the loan.

"(iv) ELIGIBILITY.—To be eligible for a loan guarantee under this subparagraph, a farmer or rancher must produce the agricultural commodity that will be processed by the cooperative.

"(v) PROCESSING CONTRACTS DURING INITIAL PERIOD.—The cooperative, for which a farmer or rancher receives a guarantee to purchase stock under this subparagraph, may contract for services to process agricultural commodities, or otherwise process value-added agricultural products, during the 5-year period beginning on the date of the startup of the cooperative in order to provide adequate time for the planning and construction of the processing facility of the cooperative.

"(B) EXISTING COOPERATIVES.—The Secretary may guarantee a loan under subsection (a) to a farmer or rancher to join a cooperative in order to sell the agricultural commodities or products produced by the farmer or rancher.

"(C) FINANCIAL INFORMATION.—Financial information required by the Secretary from a farmer or rancher as a condition of making a loan guarantee under this paragraph shall be provided in the manner generally required by commercial agricultural lenders in the area.

"(2) LOANS TO COOPERATIVES.—

"(A) IN GENERAL.—The Secretary may make or guarantee a loan under subsection (a) to a cooperative that is headquartered in a metropolitan area if the loan is used for a project or venture described in subsection (a) that is located in a rural area.

"(B) REFINANCING.—A cooperative organization owned by farmers or ranchers that is eligible for a business and industry loan under made or guaranteed under subsection (a) shall be eligible to refinance an existing loan with a lender if—

"(i) the cooperative organization—

"(I) is current and performing with respect to the existing loan; and

"(II) is not, and has not been, in payment default, or the collateral has not been converted, with respect to the existing loan; and

"(ii) there is adequate security or full collateral for the refinanced loan.

"(3) BUSINESS AND INDUSTRY LOAN APPRAISALS.—The Secretary may require that any appraisal made in connection with a business and industry loan made or guaranteed under subsection (a) be conducted by a specialized appraiser that uses standards that are similar to standards used for similar purposes in the private sector, as determined by the Secretary.

"(4) FEES.—The Secretary may assess a 1-time fee for any loan guaranteed under subsection (a) in an amount that does not exceed 2 percent of the guaranteed principal portion of the loan.".

SEC. 636. VALUE-ADDED INTERMEDIARY RELENDING PROGRAM.

Section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) (as amended by section 626(b)) is amended by adding at the end the following:

"(i) VALUE-ADDED INTERMEDIARY RELENDING PROGRAM.—

"(1) IN GENERAL.—In accordance with this subsection, the Secretary shall make loans under the terms and conditions of the intermediary relending program established under section 1323(b)(2)(C) of the Food Security Act of 1985 (7 U.S.C. 1932 note; Public Law 99–198).

"(2) LOANS.—Using funds made available to carry out this subsection, the Secretary shall make loans to eligible intermediaries to make loans to ultimate recipients, under the terms and conditions of the intermediary relending program, for projects to establish, enlarge, and operate enterprises that add value to agricultural commodities and products of agricultural commodities.

"(3) ELIGIBLE INTERMEDIARIES.—Intermediaries that are eligible to receive loans under paragraph (2) shall include State agencies.

"(4) PREFERENCE FOR BIOENERGY PROJECTS.—In making loans using loan funds made available under paragraph (2), an eligible intermediary shall give preference to bioenergy projects in accordance with regulations promulgated by the Secretary.

"(5) COMPOSITION OF CAPITAL.—The capital for a project carried out by an ultimate recipient and assisted with loan funds made available under paragraph (2) shall be comprised of—

"(A) not more than 15 percent of the total cost of a project; and

"(B) not less than 50 percent of the equity funds provided by agricultural producers.

"(6) LOAN CONDITIONS.—

"(A) TERMS OF LOANS.—A loan made to an intermediary using loan funds made available under paragraph (2) shall have a term of not to exceed 30 years.

"(B) INTEREST.—The interest rate on such a loan shall be—

"(i) in the case of each of the first 2 years of the loan period, 0 percent; and

"(ii) in the case of each of the remaining years of the loan period, 2 percent.

"(7) LIMITATIONS ON AMOUNT OF LOAN FUNDS PROVIDED.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an intermediary or ultimate recipient shall be eligible to receive not more than $2,000,000 of the loan funds made available under paragraph (2).

"(B) STATE AGENCIES.—Subparagraph (A) shall not apply in the case of a State agency with respect to loan funds provided to the State agency as an intermediary.

"(8) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $15,000,000 for each of fiscal years 2003 through 2006.".

SEC. 637. USE OF RURAL DEVELOPMENT LOANS AND GRANTS FOR OTHER PURPOSES.

Subtitle A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) (as amended by section 508) is amended by adding at the end the following:

"SEC. 310G. USE OF RURAL DEVELOPMENT LOANS AND GRANTS FOR OTHER PURPOSES.

"If, after making a loan or a grant described in section 381E(d), the Secretary determines that the circumstances under which the loan or grant was made have sufficiently changed to make the project or activity for which the loan or grant was made available no longer appropriate, the Secretary may allow the loan borrower or grant recipient to use property (real and personal) purchased or improved with the loan or grant funds, or proceeds from the sale of property (real and personal) purchased with such funds, for another project or activity that (as determined by the Secretary)—

"(1) will be carried out in the same area as the original project or activity;

"(2) meets the criteria for a loan or a grant described in section 381E(d); and

"(3) satisfies such additional requirements as are established by the Secretary.".

SEC. 638. SIMPLIFIED APPLICATION FORMS FOR LOAN GUARANTEES.

Section 333A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1983a) (as amended by section 526) is amended by striking subsection (g) and inserting the following:

"(g) SIMPLIFIED APPLICATION FORMS FOR LOAN GUARANTEES.—

"(1) IN GENERAL.—The Secretary shall provide to lenders a short, simplified application form for guarantees under this title of—

"(A) farmer program loans the principal amount of which is $100,000 or less; and

"(B) business and industry guaranteed loans under section 310B(a)(1) the principal amount of which is—

"(i) in the case of a loan guarantee made during fiscal year 2002 or 2003, $400,000 or less; and

"(ii) in the case of a loan guarantee made during any subsequent fiscal year—

"(I) $400,000 or less; or

"(II) if the Secretary determines that there is not a significant increased risk of a default on the loan, $600,000 or less.

"(2) WATER AND WASTE DISPOSAL GRANTS AND LOANS.—The Secretary shall develop an application process that accelerates, to the maximum extent practicable, the processing of applications for water and waste disposal grants or direct or guaranteed loans under paragraph (1) or (2) of section 306(a) the grant award amount or principal loan amount, respectively, of which is $300,000 or less.

"(3) ADMINISTRATION.—In developing an application under this subsection, the Secretary shall—

"(A) consult with commercial and cooperative lenders; and

"(B) ensure that—

"(i) the form can be completed manually or electronically, at the option of the lender;

"(ii) the form minimizes the documentation required to accompany the form;

"(iii) the cost of completing and processing the form is minimal; and

"(iv) the form can be completed and processed in an expeditious manner.".

SEC. 639. DEFINITION OF RURAL AND RURAL AREA.

(a) IN GENERAL.—Section 343(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1991(a)) is amended by adding at the end the following:

"(13) RURAL AND RURAL AREA.—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of 50,000 inhabitants or less, other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a population in excess of 50,000 inhabitants.

"(B) WATER AND WASTE DISPOSAL GRANTS AND DIRECT AND GUARANTEED LOANS.—For the purpose of water and waste disposal grants and direct and guaranteed loans provided under paragraphs (1) and (2) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 10,000 inhabitants.

"(C) COMMUNITY FACILITY LOANS AND GRANTS.—For the purpose of community facility direct and guaranteed loans and grants under paragraphs (1), (19), (20), and (21) of section 306(a), the terms 'rural' and 'rural area' mean a city, town, or unincorporated area that has a population of no more than 50,000 inhabitants.

"(D) BUSINESS AND INDUSTRY DIRECT AND GUARANTEED LOANS.—For the purpose of business and industry direct and guaranteed loans under section 310B(a)(1), the terms 'rural' and 'rural area' mean any area other than a city or town that has a population of greater than 50,000 inhabitants and the immediately adjacent urbanized area of such city or town.

"(E) MULTIJURISDICTIONAL REGIONAL PLANNING ORGANIZATIONS; NATIONAL RURAL DEVELOPMENT PARTNERSHIP.—In sections 306(a)(23) and 377, the term 'rural area' means—

"(i) all the territory of a State that is not within the boundary of any standard metropolitan statistical area; and

"(ii) all territory within any standard metropolitan statistical area within a census tract having a population density of less than 20 persons per square mile, as determined by the Secretary according to the most recent census of the United States as of any date.

"(F) RURAL ENTREPRENEURS AND MICROENTERPRISE ASSISTANCE PROGRAM; NATIONAL RURAL COOPERATIVE AND BUSINESS EQUITY FUND; RURAL BUSINESS INVESTMENT PROGRAM.—In section 378 and subtitles G and H, the term 'rural area' means an area that is located—

"(i) outside a standard metropolitan statistical area; or

"(ii) within a community that has a population of 50,000 inhabitants or less.".

(b) CONFORMING AMENDMENTS.—

(1) Section 306(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)) is amended by striking paragraph (7).

(2) Section 381A of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(3) Section 735 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–29) is repealed.

SEC. 640. RURAL ENTREPRENEURS AND MICROENTERPRISE ASSISTANCE PROGRAM.

Subtitle D of the Consolidated Farm and Rural Development Act (as amended by section 612) is amended by adding at the end the following:

"SEC. 378. RURAL ENTREPRENEURS AND MICROENTERPRISE ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISADVANTAGED MICROENTREPRENEUR.—The term 'economically disadvantaged microentrepreneur' means an owner, majority owner, or developer of a microenterprise that has the ability to compete in the private sector but has been impaired due to diminished capital and credit opportunities, as compared to other microentrepreneurs in the industry.

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) INTERMEDIARY.—The term 'intermediary' means a private, nonprofit entity that provides assistance—

"(A) to a microenterprise development organization; or

"(B) for a microenterprise development program.

"(4) LOW-INCOME INDIVIDUAL.—The term 'low-income individual' means an individual with an income (adjusted for family size) of not more than the greater of—

"(A) 80 percent of median income of an area; or

"(B) 80 percent of the statewide nonmetropolitan area median income.

"(5) MICROCREDIT.—The term 'microcredit' means a business loan or loan guarantee of not more than $35,000 provided to a rural entrepreneur.

"(6) MICROENTERPISE.—The term 'microenterprise' means a sole proprietorship, joint enterprise, limited liability company, partnership, corporation, or cooperative that—

"(A) has 5 or fewer employees; and

"(B) is unable to obtain sufficient credit, equity, or banking services elsewhere, as determined by the Secretary.

"(7) MICROENTERPRISE DEVELOPMENT ORGANIZATION.—

"(A) IN GENERAL.—The term 'microenterprise development organization' means a nonprofit entity that provides training and technical assistance to rural entrepreneurs and access to capital or another service described in subsection (c) to rural entrepreneurs.

"(B) INCLUSIONS.—The term 'microenterprise development organization' includes an organization described in subparagraph (A) with a demonstrated record of delivering services to economically disadvantaged microentrepreneurs.

"(8) MICROENTERPRISE DEVELOPMENT PROGRAM.—The term 'microenterprise development organization' means a program administered by a organization serving a rural area.

"(9) MICROENTREPRENEUR.—The term 'microentrepreneur' means the owner, operator, or developer of a microenterprise.

"(10) PROGRAM.—The term 'program' means the rural entrepreneur and microenterprise program established under subsection (b)(1).

"(11) QUALIFIED ORGANIZATION.—The term 'qualified organization' means—

"(A) a microenterprise development organization or microenterprise development program that has a demonstrated record of delivering microenterprise services to rural entrepreneurs, as demonstrated by the development of an effective plan of action and the possession of necessary resources to deliver microenterprise services to rural entrepreneurs effectively, as determined by the Secretary;

"(B) an intermediary that has a demonstrated record of delivery assistance to microenterprise *development organizations or microenterprise development programs;*

"(C) a microenterprise development organization or microenterprise development program that—

"(i) serves rural entrepreneurs; and

"(ii) enters into an agreement with a local community, in conjunction with a State or local government or Indian tribe, to provide assistance described in subsection (c);

"(D) an Indian tribe, the tribal government of which certifies to the Secretary that no microenterprise development organization or microenterprise development program exists under the jurisdiction of the Indian tribe; or

"(E) a group of 2 or more organizations or Indian tribes described in subparagraph (A), (B), (C), or (D) that agree to act jointly as a qualified organization under this section.

"(12) RURAL CAPACITY BUILDING SERVICE.—The term 'rural capacity building service' means a service provided to an organization that—

"(A) is, or is in the process of becoming, a microenterprise development organization or microenterprise development program; and

"(B) serves rural areas for the purpose of enhancing the ability of the organization to provide training, technical assistance, and other related services to rural entrepreneurs.

"(13) RURAL ENTREPRENEUR.—The term 'rural entrepreneur' means a microentrepreneur, or prospective microentrepreneur—

"(A) the principal place of business of which is in a rural area; and

"(B) that is unable to obtain sufficient training, technical assistance, or microcredit elsewhere, as determined by the Secretary.

"(14) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Rural Business-Cooperative Service.

"(15) TRAINING AND TECHNICAL ASSISTANCE.—

"(A) IN GENERAL.—The term 'training and technical assistance' means assistance provided to rural entrepreneurs to develop the skills the rural entrepreneurs need to plan, market, and manage their own business.

"(B) INCLUSIONS.—The term 'training and technical assistance' includes assistance provided for the purpose of—

"(i) enhancing business planning, marketing, management, or financial management skills; and

"(ii) obtaining microcredit.

"(16) TRIBAL GOVERNMENT.—The term 'tribal government' means the governing body of an Indian tribe.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—From amounts made available under subsection (h), the Secretary shall establish a rural entrepreneur and microenterprise program.

"(2) PURPOSE.—The purpose of the program shall be to provide low- and moderate-income individuals with—

"(A) the skills necessary to establish new small businesses in rural areas; and

"(B) continuing technical assistance as the individuals begin operating the small businesses.

"(c) ASSISTANCE.—

"(1) IN GENERAL.—The Secretary may make a grant under this section to a qualified organization to—

"(A) provide training, technical assistance, or microcredit to a rural entrepreneur;

"(B) provide training, operational support, or a rural capacity building service to a qualified organization to assist the qualified organization in developing microenterprise training, technical assistance, and other related services;

"(C) assist in researching and developing the best practices in delivering training, technical assistance, and microcredit to rural entrepreneurs; and

"(D) to carry out such other projects and activities as the Secretary determines are consistent with the purposes of this section.

"(2) ALLOCATION.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), of the amount of funds made available for a fiscal year to make grants under this section, the Secretary shall ensure that—

"(i) not less than 75 percent of funds are used to carry out activities described in paragraph (1)(A); and

"(ii) not more than 25 percent of the funds are used to carry out activities described in subparagraphs (B) through (D) of paragraph (1).

"(B) LIMITATION ON GRANT AMOUNT.—No single qualified organization may receive more than 10 percent of the total funds that are made available for a fiscal year to carry out this section.

"(C) ADMINISTRATIVE EXPENSES.—Not more than 15 percent of assistance received by a qualified organization for a fiscal year under this section may be used for administrative expenses.

"(d) SUBGRANTS.—Subject to such regulations as the Secretary may promulgate, a qualified organization that receives a grant under this section may use the grant to provide assistance to other qualified organizations, such as small or emerging qualified organizations.

"(e) LOW-INCOME INDIVIDUALS.—The Secretary shall ensure that not less than 50 percent of the grants made under this section is used to benefit low-income individuals identified by the Secretary, including individuals residing on Indian reservations.

"(f) DIVERSITY.—In making grants under this section, the Secretary shall ensure, to the maximum extent practicable, that grant recipients include qualified organizations—

"(1) of varying sizes; and

"(2) that serve racially and ethnically diverse populations.

"(g) COST SHARING.—

"(1) FEDERAL SHARE.—The Federal share of the cost of a project carried out using funds from a grant under this section shall be 75 percent.

"(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the cost of a project described in paragraph (1) may be provided—

"(A) in cash (including through fees, grants (including community development block grants), and gifts); or

"(B) in kind.

"(h) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $10,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.".

SEC. 641. RURAL SENIORS.

(a) INTERAGENCY COORDINATING COMMITTEE FOR RURAL SENIORS.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 640) is amended by adding at the end the following:

"SEC. 379. INTERAGENCY COORDINATING COMMITTEE FOR RURAL SENIORS.

"(a) IN GENERAL.—The Secretary shall establish an interagency coordinating committee (referred to in this section as the 'Committee') to examine the special problems of rural seniors.

"(b) MEMBERSHIP.—The Committee shall be comprised of—

"(1) the Undersecretary of Agriculture for Rural Development, who shall serve as chairperson of the Committee;

"(2) 2 representatives of the Secretary of Health and Human Services, of whom—

"(A) 1 shall have expertise in the field of health care; and

"(B) 1 shall have expertise in the field of programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(3) 1 representative of the Secretary of Housing and Urban Development;

"(4) 1 representative of the Secretary of the Interior;

"(5) 1 representative of the Secretary of Transportation; and

"(6) representatives of such other Federal agencies as the Secretary may designate.

"(c) DUTIES.—The Committee shall—

"(1) study health care, transportation, technology, housing, accessibility, and other areas of need of rural seniors;

"(2) identify successful examples of senior care programs in rural communities that could serve as models for other rural communities; and

"(3) not later than 1 year after the date of enactment of this section, submit to the Secretary, the Committee on Agriculture of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry of the Senate recommendations for legislative and administrative action.

"(d) FUNDING.—Funds available to any Federal agency may be used to carry out interagency activities under this section.".

(b) GRANTS FOR PROGRAMS FOR RURAL SENIORS.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by subsection (a)) is amended by adding at the end the following:

"SEC. 379A. GRANTS FOR PROGRAMS FOR RURAL SENIORS.

"(a) IN GENERAL.—The Secretary shall make grants to nonprofit organizations (including cooperatives) to pay the Federal share of the cost of programs that—

"(1) provide facilities, equipment, and technology for seniors in a rural area; and

"(2) may be replicated in other rural areas.

"(b) FEDERAL SHARE.—The Federal share of a grant under this section shall be not more than 20 percent of the cost of a program described in subsection (a).

"(c) LEVERAGING.—In selecting programs to receive grants under section, the Secretary shall give priority to proposals that leverage resources to meet multiple rural community goals.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2003 through 2006.".

(c) RESERVATION OF COMMUNITY FACILITIES PROGRAM FUNDS FOR SENIOR FACILITIES.—Section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) is amended by adding at the end the following:

"(C) RESERVATION OF FUNDS FOR SENIOR FACILITIES.—

"(i) IN GENERAL.—For each fiscal year, not less than 12.5 percent of the funds made available to carry out this paragraph shall be reserved for grants to pay the Federal share of the cost of developing and constructing senior facilities, or carrying out other projects that mainly benefit seniors, in rural areas.

"(ii) RELEASE.—Funds reserved under clause (i) for a fiscal year shall be reserved only until April 1 of the fiscal year.".

SEC. 642. CHILDREN'S DAY CARE FACILITIES.

Section 306(a)(19) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(19)) (as amended by section 641(c)) is amended by adding at the end the following:

"(D) RESERVATION OF FUNDS FOR CHILDREN'S DAY CARE FACILITIES.—

"(i) IN GENERAL.—For each fiscal year, not less than 10 percent of the funds made available to carry out this paragraph shall be reserved for grants to pay the Federal share of the cost of

developing and constructing day care facilities for children in rural areas.

"(ii) RELEASE.—Funds reserved under clause (i) for a fiscal year shall be reserved only until April 1 of the fiscal year.".

SEC. 643. RURAL TELEWORK.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 641(b)) is amended by adding at the end the following:

"SEC. 379B. RURAL TELEWORK.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ORGANIZATION.—The term 'eligible organization' means a nonprofit entity, an educational institution, an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or any other organization that meets the requirements of this section and such other requirements as are established by the Secretary.

"(2) INSTITUTE.—The term 'institute' means a regional rural telework institute established using a grant under subsection (b).

"(3) TELEWORK.—The term 'telework' means the use of telecommunications to perform work functions at a rural work center located outside the place of business of an employer.

"(b) RURAL TELEWORK INSTITUTE.—

"(1) IN GENERAL.—The Secretary shall make a grant to an eligible organization to pay the Federal share of the cost of establishing and operating a national rural telework institute to carry out projects described in paragraph (4).

"(2) ELIGIBLE ORGANIZATIONS.—The Secretary shall establish criteria that an organization shall meet to be eligible to receive a grant under this subsection.

"(3) DEADLINE FOR INITIAL GRANT.—Not later than 1 year after the date on which funds are first made available to carry out this subsection, the Secretary shall make the initial grant under this subsection.

"(4) PROJECTS.—The institute shall use grant funds obtained under this subsection to carry out a 5-year project—

"(A) to serve as a clearinghouse for telework research and development;

"(B) to conduct outreach to rural communities and rural workers;

"(C) to develop and share best practices in rural telework throughout the United States;

"(D) to develop innovative, market-driven telework projects and joint ventures with the private sector that employ workers in rural areas in jobs that promote economic self-sufficiency;

"(E) to share information about the design and implementation of telework arrangements;

"(F) to support private sector businesses that are transitioning to telework;

"(G) to support and assist telework projects and individuals at the State and local level; and

"(H) to perform such other functions as the Secretary considers appropriate.

"(5) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—As a condition of receiving a grant under this subsection, an eligible organization shall agree to obtain, after the application of the eligible organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to—

"(i) during each of the first, second, and third years of a project, 50 percent of the amount of the grant; and

"(ii) during each of the fourth and fifth years of the project, 100 percent of the amount of the grant.

"(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

"(C) FORM.—The non-Federal contributions required under subparagraph (A) may be in the form of in-kind contributions, including office equipment, office space, and services.

"(c) TELEWORK GRANTS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (5), the Secretary shall make grants to eligible entities to pay the Federal share of the cost of—

"(A) obtaining equipment and facilities to establish or expand telework locations in rural areas; and

"(B) operating telework locations in rural areas.

"(2) ELIGIBLE ORGANIZATIONS.—To be eligible to receive a grant under this subsection, an eligible entity shall—

"(A) be a nonprofit organization or educational institution in a rural area; and

"(B) submit to, and receive the approval of, the Secretary of an application for the grant that demonstrates that the eligible entity has adequate resources and capabilities to establish or expand a telework location in a rural area.

"(3) NON-FEDERAL SHARE.—

"(A) IN GENERAL.—As a condition of receiving a grant under this subsection, an eligible organization shall agree to obtain, after the application of the eligible organization has been approved and notice of award has been issued, contributions from non-Federal sources that are equal to 50 percent of the amount of the grant.

"(B) INDIAN TRIBES.—Notwithstanding subparagraph (A), an Indian tribe may use Federal funds made available to the tribe for self-governance to pay the non-Federal contributions required under subparagraph (A).

"(C) SOURCES.—The non-Federal contributions required under subparagraph (A)—

"(i) may be in the form of in-kind contributions, including office equipment, office space, and services; and

"(ii) may not be made from funds made available for community development block grants under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

"(4) DURATION.—The Secretary may not provide a grant under this subsection to establish, expand, or operate a telework location in a rural area after the date that is 2 years after the establishment of the telework location.

"(5) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided to an eligible entity under this subsection shall not exceed $500,000.

"(d) APPLICABILITY OF CERTAIN FEDERAL LAW.—An entity that receives funds under this section shall be subject to the provisions of Federal law (including regulations), administered by the Secretary of Labor or the Equal Employment Opportunity Commission, that govern the responsibilities of employers to employees.

"(e) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations to carry out this section.

"(f) AUTHORIZATION OF APPROPRIATION.—There is authorized to be appropriated to carry out this section $30,000,000 for each of fiscal years 2002 through 2006, of which $5,000,000 shall be provided to establish an institute under subsection (b).".

SEC. 644. HISTORIC BARN PRESERVATION.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 643) is amended by adding at the end the following:

"SEC. 379C. HISTORIC BARN PRESERVATION.

"(a) DEFINITIONS.—In this section:

"(1) BARN.—The term 'barn' means a building (other than a dwelling) on a farm, ranch, or other agricultural operation for—

"(A) housing animals;

"(B) storing or processing crops;

"(C) storing and maintaining agricultural equipment; or

"(D) serving an essential or useful purpose related to agriculture on the adjacent land.

"(2) ELIGIBLE APPLICANT.—The term 'eligible applicant' means—

"(A) a State department of agriculture (or a designee);

"(B) a national or State nonprofit organization that—

"(i) is exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1986; and

"(ii) has experience or expertise, as determined by the Secretary, in the identification, evaluation, rehabilitation, preservation, or protection of historic barns; and

"(C) a State historic preservation office.

"(3) HISTORIC BARN.—The term 'historic barn' means a barn that—

"(A) is at least 50 years old;

"(B) retains sufficient integrity of design, materials, and construction to clearly identify the barn as an agricultural building; and

"(C) meets the criteria for listing on National, State, or local registers or inventories of historic structures.

"(4) SECRETARY.—The term 'Secretary' means the Secretary, acting through the Undersecretary of Rural Development.

"(b) PROGRAM.—The Secretary shall establish a historic barn preservation program—

"(1) to assist States in developing a listing of historic barns;

"(2) to collect and disseminate information on historic barns;

"(3) to foster educational programs relating to the history, construction techniques, rehabilitation, and contribution to society of historic barns; and

"(4) to sponsor and conduct research on—

"(A) the history of barns; and

"(B) best practices to protect and rehabilitate historic barns from the effects of decay, fire, arson, and naturdl disasters.

"(c) GRANTS.—

"(1) IN GENERAL.—The Secretary may make grants to, or enter into contracts or cooperative agreements with, eligible applicants to carry out an eligible project under paragraph (2).

"(2) ELIGIBLE PROJECTS.—A grant under this subsection may be made to an eligible entity for a project—

"(A) to rehabilitate or repair a historic barn;

"(B) to preserve a historic barn through—

"(i) the installation of a fire protection system, including fireproofing or fire detection system and sprinklers; and

"(ii) the installation of a system to prevent vandalism; and

"(C) to identify, document, and conduct research on a historic barn to develop and evaluate appropriate techniques or best practices for protecting historic barns.

"(3) REQUIREMENTS.—An eligible applicant that receives a grant for a project under this subsection shall comply with any standards established by the Secretary of the Interior for historic preservation projects.

"(d) FUNDING.—There is authorized to be appropriated to carry out this section, $25,000,000 for the period of fiscal years 2002 through 2006, to remain available until expended.".

SEC. 645. GRANTS FOR EMERGENCY WEATHER RADIO TRANSMITTERS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 644)) is amended by adding at the end the following:

"SEC. 379D. GRANTS FOR EMERGENCY WEATHER RADIO TRANSMITTERS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Rural Utilities Service, may make grants to public and nonprofit entities for the Federal share of the cost of acquiring radio transmitters to increase coverage of rural areas by the emergency weather radio broadcast system of the National Oceanic and Atmospheric Administration.

"(b) ELIGIBILITY.—To be eligible for a grant under this section, an applicant shall provide to the Secretary—

"(1) a binding commitment from a tower owner to place the transmitter on a tower; and

"(2) a description of how the tower placement will increase coverage of a rural area by the emergency weather radio broadcast system of the National Oceanic and Atmospheric Administration.

"(c) FEDERAL SHARE.—A grant provided under this section shall be not more than 75 percent of the cost of acquiring a radio transmitter described in subsection (a).

"(d) AUTHORIZATION.—There is authorized to be appropriated to carry out this section $2,000,000 for each of fiscal years 2002 through 2006.".

SEC. 646. GRANTS FOR TRAINING FARM WORKERS.

Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 645) is amended by adding at the end the following:

"SEC. 379E. GRANTS FOR TRAINING FARM WORKERS.

"(a) DEFINITION OF ELIGIBLE ORGANIZATION.—In this section, the term 'eligible organization' means—

"(1) a nonprofit organization; or

"(2) a consortium of nonprofit organizations, agribusinesses, State and local governments, agricultural labor organizations, farmer cooperatives, or community-based organizations;

that has the ability to train farm workers.

"(b) GRANTS.—The Secretary shall make grants to eligible organizations to provide training to farm workers—

"(1) on the use of technology in agriculture; and

"(2) to develop the specialized skills necessary to produce higher value crops.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.".

SEC. 647. DELTA REGIONAL AUTHORITY.

(a) SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.—Section 382D of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–3) is amended to read as follows:

"SEC. 382D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

"(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 382F(b)); and

"(2) use amounts made available to carry out this subtitle to pay all or a portion of the increased Federal share.

"(c) CERTIFICATIONS.—

"(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

"(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

"(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

"(2) CERTIFICATION BY AUTHORITY.—

"(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 382I—

"(i) shall be controlling; and

"(ii) shall be accepted by the Federal agencies.

"(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 382M(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–12(a)) is amended by striking "2002" and inserting "2006".

(c) TERMINATION OF AUTHORITY.—Section 382N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009aa–13) is amended by striking "2002" and inserting "2006".

(d) DELTA REGION AGRICULTURAL ECONOMIC DEVELOPMENT.—Subtitle D of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981 et seq.) (as amended by section 646) is amended by adding at the end the following:

"SEC. 379F. DELTA REGION AGRICULTURAL ECONOMIC DEVELOPMENT.

"(a) IN GENERAL.—The Secretary may make grants to assist in the development of state-of-the-art technology in animal nutrition (including research and development of the technology) and value-added manufacturing to promote an economic platform for the Delta region (as defined in section 382A) to relieve severe economic conditions.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $7,000,000 for each of fiscal years 2002 through 2006.".

(e) DEFINITION OF LOWER MISSISSIPPI.—Section 4(2)(I) of the Delta Development Act (42 U.S.C. 3121 note; Public Law 100–460) is amended by inserting "Butler, Conecuh, Escambia, Monroe," after "Russell,".

SEC. 648. SEARCH GRANTS FOR SMALL COMMUNITIES.

The Consolidated Farm and Rural Development Act (as amended by section 604) is amended by adding at the end the following:

"Subtitle J—SEARCH Grants for Small Communities

"SEC. 386A. DEFINITIONS.

"In this subtitle:

"(1) COUNCIL.—The term 'council' means an independent citizens' council established by section 386B(d).

"(2) ENVIRONMENTAL PROJECT.—

"(A) IN GENERAL.—The term 'environmental project' means a project that—

"(i) improves environmental quality; and

"(ii) is necessary to comply with an environmental law (including a regulation).

"(B) INCLUSION.—The term 'environmental project' includes an initial feasibility study of a project.

"(3) REGION.—The term 'region' means a geographic area of a State, as determined by the Governor of the State.

"(4) SEARCH GRANT.—The term 'SEARCH grant' means a grant for special environmental assistance for the regulation of communities and habitat awarded under section 386B(e)(3).

"(5) SMALL COMMUNITY.—The term 'small community' means an incorporated or unincorporated rural community with a population of 2,500 inhabitants or less.

"(6) STATE.—The term 'State' has the meaning given the term in section 381A(1).

"SEC. 386B. SEARCH GRANT PROGRAM.

"(a) IN GENERAL.—There is established the SEARCH Grant Program.

"(b) APPLICATION.—

"(1) IN GENERAL.—Not later than October 1 of each fiscal year, a State may submit to the Secretary an application to receive a grant under subsection (c) for the fiscal year.

"(2) REQUIREMENTS.—An application under paragraph (1) shall contain—

"(A) a certification by the State that the State has appointed members to the council of the State under subsection (c)(2)(C); and

"(B) such information as the Secretary may reasonably require.

"(c) GRANTS TO STATES.—

"(1) IN GENERAL.—Not later than 60 days after the date on which the Office of Management and Budget apportions any amounts made available under this subtitle, for each fiscal year after the date of enactment of this subtitle, the Secretary shall, on request by a State—

"(A) determine whether any application submitted by the State under subsection (b) meets the requirements of subsection (b)(2); and

"(B) subject to paragraph (2), subsection (e)(4)(B)(ii), and section 386D(b), if the Secretary determines that the application meets the requirements of subsection (b)(2), award a grant of not to exceed $1,000,000 to the State, to be used by the council of the State to award SEARCH grants under subsection (e).

"(2) GRANTS TO CERTAIN STATES.—The aggregate amount of grants awarded to States other than Alaska, Hawaii, or 1 of the 48 contiguous States, under this subsection shall not exceed $1,000,000 for any fiscal year.

"(d) INDEPENDENT CITIZENS' COUNCIL.—

"(1) ESTABLISHMENT.—There is established in each State an independent citizens' council to carry out the duties described in this section.

"(2) COMPOSITION.—

"(A) IN GENERAL.—Each council shall be composed of 9 members, appointed by the Governor of the State.

"(B) REPRESENTATION; RESIDENCE.—Each member of a council shall—

"(i) represent an individual region of the State, as determined by the Governor of the State in which the council is established;

"(ii) reside in a small community of the State; and

"(iii) be representative of the populations of the State.

"(C) APPOINTMENT.—Before a State receives funds under this subtitle, the State shall appoint members to the council for the fiscal year, except that not more than 1 member shall be an agent, employee, or official of the State government.

"(D) CHAIRPERSON.—Each council shall select a chairperson from among the members of the council, except that a member who is an agent, employee, or official of the State government shall not serve as chairperson.

"(E) FEDERAL REPRESENTATION.—

"(i) IN GENERAL.—An officer, employee, or agent of the Federal Government may participate in the activities of the council—

"(I) in an advisory capacity; and

"(II) at the invitation of the council.

"(ii) RURAL DEVELOPMENT STATE DIRECTORS.—On the request of the council of a State, the State Director for Rural Development of the State shall provide advice and consultation to the council.

"(3) SEARCH GRANTS.—

"(A) IN GENERAL.—Each council shall review applications for, and recommend awards of, SEARCH grants to small communities that meet the eligibility criteria under subsection (c).

"(B) RECOMMENDATIONS.—In awarding a SEARCH grant, a State—

"(i) shall follow the recommendations of the council of the State;

"(ii) shall award the funds for any recommended environmental project in a timely and expeditious manner; and

"(iii) shall not award a SEARCH grant to a grantee or project in violation of any law of the State (including a regulation).

"(C) NO MATCHING REQUIREMENT.—A small community that receives a SEARCH grant under this section shall not be required to provide matching funds.

"(e) SEARCH GRANTS FOR SMALL COMMUNITIES.—

"(1) ELIGIBILITY.—A SEARCH grant shall be awarded under this section only to a small community for 1 or more environmental projects for which the small community—

"(A) needs funds to carry out initial feasibility or environmental studies before applying to traditional funding sources; or

"(B) demonstrates, to the satisfaction of the council, that the small community has been unable to obtain sufficient funding from traditional funding sources.

"(2) APPLICATION.—

"(A) DATE.—The council shall establish such deadline by which small communities shall submit applications for grants under this section as will permit the council adequate time to review and make recommendations relating to the applications.

"(B) LOCATION OF APPLICATION.—A small community shall submit an application described in subparagraph (A) to the council in the State in which the small community is located.

"(C) CONTENT OF APPLICATION.—An application described in subparagraph (A) shall include—

"(i) a description of the proposed environmental project (including an explanation of how the project would assist the small community in complying with an environmental law (including a regulation));

"(ii) an explanation of why the project is important to the small community;

"(iii) a description of all actions taken with respect to the project, including a description of any attempt to secure funding and a description of demonstrated need for funding for the project, as of the date of the application; and

"(iv) a SEARCH grant application form provided by the council, completed and with all required supporting documentation.

"(3) REVIEW AND RECOMMENDATION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), not later than March 5 of each fiscal year, each council shall—

"(i) review all applications received under paragraph (2); and

"(ii) recommend for award SEARCH grants to small communities based on—

"(I) an evaluation of the eligibility criteria under paragraph (1); and

"(II) the content of the application.

"(B) EXTENSION OF DEADLINE.—The State may extend the deadline described in subparagraph (A) by not more than 10 days in a case in which the receipt of recommendations from a council under subparagraph (A)(ii) is delayed because of circumstances beyond the control of the council, as determined by the State.

"(4) UNEXPENDED FUNDS.—

"(A) IN GENERAL.—If, for any fiscal year, any unexpended funds remain after SEARCH grants are awarded under subsection (d)(3)(B), the council may repeat the application and review process so that any remaining funds may be recommended for award, and awarded, not later than July 30 of the fiscal year.

"(B) RETENTION OF FUNDS.—

"(i) IN GENERAL.—Any unexpended funds that are not awarded under subsection (d)(3)(B) or subparagraph (A) shall be retained by the State for award during the following fiscal year.

"(ii) LIMITATION.—A State that accumulates a balance of unexpended funds described in clause (i) of more than $3,000,000 shall be ineligible to apply for additional funds for SEARCH grants until such time as the State expends the portion of the balance that exceeds $3,000,000.

"SEC. 386C. REPORT.

"Not later than September 1 of the first fiscal year for which a SEARCH grant is awarded by a council, and annually thereafter, the council shall submit to the Secretary a report that—

"(1) describes the number of SEARCH grants awarded during the fiscal year;

"(2) identifies each small community that received a SEARCH grant during the fiscal year;

"(3) describes the project or purpose for which each SEARCH grant was awarded, including a statement of the benefit to public health or the environment of the environmental project receiving the grant funds; and

"(4) describes the status of each project or portion of a project for which a SEARCH grant was awarded, including a project or portion of a project for which a SEARCH grant was awarded for any fiscal year before the fiscal year in which the report is submitted.

"SEC. 386D. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out section 386B(c) $51,000,000, of which not to exceed $1,000,000 shall be used to make grants under section 386B(c)(2).

"(b) ACTUAL APPROPRIATION.—If funds to carry out section 386B(c) are made available for a fiscal year in an amount that is less than the amount authorized under subsection (a) for the fiscal year, the appropriated funds shall be divided equally among the 50 States.

"(c) UNUSED FUNDS.—If, for any fiscal year, a State does not apply, or does not qualify, to receive funds under section 386B(b), the funds that would have been made available to the State under section 386B(c) on submission by the State of a successful application under section 386B(b) shall be redistributed for award under this subtitle among States, the councils of which awarded 1 or more SEARCH grants during the preceding fiscal year.

"(d) OTHER EXPENSES.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subtitle (other than section 386B(c)).".

SEC. 649. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

The Consolidated Farm and Rural Development Act (as amended by section 648) is amended by adding at the end the following:

"Subtitle K—Northern Great Plains Regional Authority

"SEC. 387A. DEFINITIONS.

"In this subtitle:

"(1) AUTHORITY.—The term 'Authority' means the Northern Great Plains Regional Authority established by section 387B.

"(2) FEDERAL GRANT PROGRAM.—The term 'Federal grant program' means a Federal grant program to provide assistance in—

"(A) implementing the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103–318);

"(B) acquiring or developing land;

"(C) constructing or equipping a highway, road, bridge, or facility;

"(D) carrying out other economic development activities; or

"(E) conducting research activities related to the activities described in subparagraphs (A) through (D).

"(3) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(4) REGION.—The term 'region' means the States of Iowa, Minnesota, Nebraska, North Dakota, and South Dakota.

"SEC. 387B. NORTHERN GREAT PLAINS REGIONAL AUTHORITY.

"(a) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established the Northern Great Plains Regional Authority.

"(2) COMPOSITION.—The Authority shall be composed of—

"(A) a Federal member, to be appointed by the President, by and with the advice and consent of the Senate;

"(B) the Governor (or a designee of the Governor) of each State in the region that elects to participate in the Authority; and

"(C) a member of an Indian tribe, who shall be a chairperson of an Indian tribe in the region or a designee of such a chairperson, to be appointed by the President, by and with the advice and consent of the Senate.

"(3) COCHAIRPERSONS.—The Authority shall be headed by—

"(A) the Federal member, who shall serve—

"(i) as the Federal cochairperson; and

"(ii) as a liaison between the Federal Government and the Authority;

"(B) a State cochairperson, who—

"(i) shall be a Governor of a participating State in the region; and

"(ii) shall be elected by the State members for a term of not less than 1 year; and

"(C) the member of an Indian tribe, who shall serve—

"(i) as the tribal cochairperson; and

"(ii) as a liaison between the governments of Indian tribes in the region and the Authority.

"(b) ALTERNATE MEMBERS.—

"(1) ALTERNATE FEDERAL COCHAIRPERSON.—The President shall appoint an alternate Federal cochairperson.

"(2) STATE ALTERNATES.—

"(A) IN GENERAL.—The State member of a participating State may have a single alternate, who shall be—

"(i) a resident of that State; and

"(ii) appointed by the Governor of the State.

"(B) QUORUM.—A State alternate member shall not be counted toward the establishment of a quorum of the members of the Authority in any case in which a quorum of the State members is required to be present.

"(3) ALTERNATE TRIBAL COCHAIRPERSON.—The President shall appoint an alternate tribal cochairperson, by and with the advice and consent of the Senate.

"(4) DELEGATION OF POWER.—No power or responsibility of the Authority specified in paragraphs (2) and (3) of subsection (c), and no voting right of any member of the Authority, shall be delegated to any person who is not—

"(A) a member of the Authority; or

"(B) entitled to vote in Authority meetings.

"(c) VOTING.—

"(1) IN GENERAL.—A decision by the Authority shall require a majority vote of the Authority (not including any member representing a State that is delinquent under subsection (g)(2)(D)) to be effective.

"(2) QUORUM.—A quorum of State members shall be required to be present for the Authority to make any policy decision, including—

“(A) a modification or revision of an Authority policy decision;

“(B) approval of a State or regional development plan; and

“(C) any allocation of funds among the States.

“(3) PROJECT AND GRANT PROPOSALS.—The approval of project and grant proposals shall be—

“(A) a responsibility of the Authority; and

“(B) conducted in accordance with section 3871.

“(4) VOTING BY ALTERNATE MEMBERS.—An alternate member shall vote in the case of the absence, death, disability, removal, or resignation of the Federal, State, or Indian tribe member for whom the alternate member is an alternate.

“(d) DUTIES.—The Authority shall—

“(1) develop, on a continuing basis, comprehensive and coordinated plans and programs to establish priorities and approve grants for the economic development of the region, giving due consideration to other Federal, State, tribal, and local planning and development activities in the region;

“(2) not later than 220 days after the date of enactment of this subtitle, establish priorities in a development plan for the region (including 5-year regional outcome targets);

“(3) assess the needs and assets of the region based on available research, demonstrations, investigations, assessments, and evaluations of the region prepared by Federal, State, tribal, and local agencies, universities, local development districts, and other nonprofit groups;

“(4) formulate and recommend to the Governors and legislatures of States that participate in the Authority forms of interstate cooperation;

“(5) work with State, tribal, and local agencies in developing appropriate model legislation;

“(6)(A) enhance the capacity of, and provide support for, local development districts in the region; or

“(B) if no local development district exists in an area in a participating State in the region, foster the creation of a local development district;

“(7) encourage private investment in industrial, commercial, and other economic development projects in the region; and

“(8) cooperate with and assist State governments with economic development programs of participating States.

“(e) ADMINISTRATION.—In carrying out subsection (d), the Authority may—

“(1) hold such hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute a description of the proceedings and reports on actions by the Authority as the Authority considers appropriate;

“(2) authorize, through the Federal, State, or tribal cochairperson or any other member of the Authority designated by the Authority, the administration of oaths if the Authority determines that testimony should be taken or evidence received under oath;

“(3) request from any Federal, State, tribal, or local agency such information as may be available to or procurable by the agency that may be of use to the Authority in carrying out the duties of the Authority;

“(4) adopt, amend, and repeal bylaws and rules governing the conduct of business and the performance of duties of the Authority;

“(5) request the head of any Federal agency to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(6) request the head of any State agency, tribal government, or local government to detail to the Authority such personnel as the Authority requires to carry out duties of the Authority, each such detail to be without loss of seniority, pay, or other employee status;

“(7) provide for coverage of Authority employees in a suitable retirement and employee benefit system by—

“(A) making arrangements or entering into contracts with any participating State government or tribal government; or

“(B) otherwise providing retirement and other employee benefit coverage;

“(8) accept, use, and dispose of gifts or donations of services or real, personal, tangible, or intangible property;

“(9) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary to carry out Authority duties, including any contracts, leases, or cooperative agreements with—

“(A) any department, agency, or instrumentality of the United States;

“(B) any State (including a political subdivision, agency, or instrumentality of the State);

“(C) any Indian tribe in the region; or

“(D) any person, firm, association, or corporation; and

“(10) establish and maintain a central office and field offices at such locations as the Authority may select.

“(f) FEDERAL AGENCY COOPERATION.—A Federal agency shall—

“(1) cooperate with the Authority; and

“(2) provide, on request of the Federal cochairperson, appropriate assistance in carrying out this subtitle, in accordance with applicable Federal laws (including regulations).

“(g) ADMINISTRATIVE EXPENSES.—

“(1) FEDERAL SHARE.—The Federal share of the administrative expenses of the Authority shall be—

“(A) for fiscal year 2002, 100 percent;

“(B) for fiscal year 2003, 75 percent; and

“(C) for fiscal year 2004 and each fiscal year thereafter, 50 percent.

“(2) NON-FEDERAL SHARE.—

“(A) IN GENERAL.—The non-Federal share of the administrative expenses of the Authority shall be paid by non-Federal sources in the States that participate in the Authority.

“(B) SHARE PAID BY EACH STATE.—The share of administrative expenses of the Authority to be paid by non-Federal sources in each State shall be determined by the Authority.

“(C) NO FEDERAL PARTICIPATION.—The Federal cochairperson shall not participate or vote in any decision under subparagraph (B).

“(D) DELINQUENT STATES.—If a State is delinquent in payment of the State's share of administrative expenses of the Authority under this subsection—

“(i) no assistance under this subtitle shall be provided to the State (including assistance to a political subdivision or a resident of the State); and

“(ii) no member of the Authority from the State shall participate or vote in any action by the Authority.

“(h) COMPENSATION.—

“(1) FEDERAL AND TRIBAL COCHAIRPERSONS.—The Federal cochairperson and the tribal cochairperson shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level III of the Executive Schedule in subchapter II of chapter 53 of title 5, United States Code.

“(2) ALTERNATE FEDERAL AND TRIBAL COCHAIRPERSONS.—The alternate Federal cochairperson and the alternate tribal cochairperson—

“(A) shall be compensated by the Federal Government at the annual rate of basic pay prescribed for level V of the Executive Schedule described in paragraph (1); and

“(B) when not actively serving as an alternate, shall perform such functions and duties as are delegated by the Federal cochairperson or the tribal cochairperson, respectively.

“(3) STATE MEMBERS AND ALTERNATES.—

“(A) IN GENERAL.—A State shall compensate each member and alternate representing the State on the Authority at the rate established by State law.

“(B) NO ADDITIONAL COMPENSATION.—No State member or alternate member shall receive any salary, or any contribution to or supplementation of salary from any source other than the State for services provided by the member or alternate member to the Authority.

“(4) DETAILED EMPLOYEES.—

“(A) IN GENERAL.—No person detailed to serve the Authority under subsection (e)(6) shall receive any salary or any contribution to or supplementation of salary for services provided to the Authority from—

“(i) any source other than the State, tribal, local, or intergovernmental agency from which the person was detailed; or

“(ii) the Authority.

“(B) VIOLATION.—Any person that violates this paragraph shall be fined not more than $5,000, imprisoned not more than 1 year, or both.

“(C) APPLICABLE LAW.—The Federal cochairperson, the alternate Federal cochairperson, and any Federal officer or employee detailed to duty on the Authority under subsection (e)(5) shall not be subject to subparagraph (A), but shall remain subject to sections 202 through 209 of title 18, United States Code.

“(5) ADDITIONAL PERSONNEL.—

“(A) COMPENSATION.—

“(i) IN GENERAL.—The Authority may appoint and fix the compensation of an executive director and such other personnel as are necessary to enable the Authority to carry out the duties of the Authority.

“(ii) EXCEPTION.—Compensation under clause (i) shall not exceed the maximum rate for the Senior Executive Service under section 5382 of title 5, United States Code, including any applicable locality-based comparability payment that may be authorized under section 5304(h)(2)(C) of that title.

“(B) EXECUTIVE DIRECTOR.—The executive director shall be responsible for—

“(i) the carrying out of the administrative duties of the Authority;

“(ii) direction of the Authority staff; and

“(iii) such other duties as the Authority may assign.

“(C) NO FEDERAL EMPLOYEE STATUS.—No member, alternate, officer, or employee of the Authority (except the Federal cochairperson of the Authority, the alternate and staff for the Federal cochairperson, and any Federal employee detailed to the Authority under subsection (e)(5)) shall be considered to be a Federal employee for any purpose.

“(i) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—Except as provided under paragraph (2), no State member, Indian tribe member, State alternate, officer, or employee of the Authority shall participate personally and substantially as a member, alternate, officer, or employee of the Authority, through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other matter in which, to knowledge of the member, alternate, officer, or employee—

“(A) the member, alternate, officer, or employee;

“(B) the spouse, minor child, partner, or organization (other than a State or political subdivision of the State or the Indian tribe) of the member, alternate, officer, or employee, in which the member, alternate, officer, or employee is serving as officer, director, trustee, partner, or employee; or

“(C) any person or organization with whom the member, alternate, officer, or employee is negotiating or has any arrangement concerning prospective employment;

has a financial interest.

"(2) DISCLOSURE.—Paragraph (1) shall not apply if the State member, Indian tribe member, alternate, officer, or employee—

"(A) immediately advises the Authority of the nature and circumstances of the proceeding, application, request for a ruling or other determination, contract, claim, controversy, or other particular matter presenting a potential conflict of interest;

"(B) makes full disclosure of the financial interest; and

"(C) before the proceeding concerning the matter presenting the conflict of interest, receives a written determination by the Authority that the interest is not so substantial as to be likely to affect the integrity of the services that the Authority may expect from the State member, Indian tribe member, alternate, officer, or employee.

"(3) VIOLATION.—Any person that violates this subsection shall be fined not more than $10,000, imprisoned not more than 2 years, or both.

"(j) VALIDITY OF CONTRACTS, LOANS, AND GRANTS.—The Authority may declare void any contract, loan, or grant of or by the Authority in relation to which the Authority determines that there has been a violation of any provision under subsection (h)(4) or subsection (i) of this subtitle, or sections 202 through 209 of title 18, United States Code.

"SEC. 387C. ECONOMIC AND COMMUNITY DEVELOPMENT GRANTS.

"(a) IN GENERAL.—The Authority may approve grants to States, Indian tribes, local governments, and public and nonprofit organizations for projects, approved in accordance with section 387I—

"(1) to develop the transportation and telecommunication infrastructure of the region for the purpose of facilitating economic development in the region (except that grants for this purpose may be made only to States, Indian tribes, local governments, and nonprofit organizations);

"(2) to assist the region in obtaining the job training, employment-related education, and business development (with an emphasis on entrepreneurship) that are needed to build and maintain strong local economies;

"(3) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for improving basic public services;

"(4) to provide assistance to severely distressed and underdeveloped areas that lack financial resources for equipping industrial parks and related facilities; and

"(5) to otherwise achieve the purposes of this subtitle.

"(b) FUNDING.—

"(1) IN GENERAL.—Funds for grants under subsection (a) may be provided—

"(A) entirely from appropriations to carry out this section;

"(B) in combination with funds available under another Federal grant program; or

"(C) from any other source.

"(2) PRIORITY OF FUNDING.—To best build the foundations for long-term economic development and to complement other Federal, State, and tribal resources in the region, Federal funds available under this subtitle shall be focused on the activities in the following order or priority:

"(A) Basic public infrastructure in distressed counties and isolated areas of distress.

"(B) Transportation and telecommunication infrastructure for the purpose of facilitating economic development in the region.

"(C) Business development, with emphasis on entrepreneurship.

"(D) Job training or employment-related education, with emphasis on use of existing public educational institutions located in the region.

"(3) FEDERAL SHARE IN GRANT PROGRAMS.—Notwithstanding any provision of law limiting the Federal share in any grant program, funds appropriated to carry out this section may be used to increase a Federal share in a grant program, as the Authority determines appropriate.

"SEC. 387D. SUPPLEMENTS TO FEDERAL GRANT PROGRAMS.

"(a) FINDING.—Congress finds that certain States and local communities of the region, including local development districts, may be unable to take maximum advantage of Federal grant programs for which the States and communities are eligible because—

"(1) they lack the economic resources to provide the required matching share; or

"(2) there are insufficient funds available under the applicable Federal law authorizing the Federal grant program to meet pressing needs of the region.

"(b) FEDERAL GRANT PROGRAM FUNDING.—Notwithstanding any provision of law limiting the Federal share, the areas eligible for assistance, or the authorizations of appropriations, under any Federal grant program, and in accordance with subsection (c), the Authority, with the approval of the Federal cochairperson and with respect to a project to be carried out in the region, may—

"(1) increase the Federal share of the costs of a project under any Federal grant program to not more than 90 percent (except as provided in section 387F(b)); and

"(2) use amounts made available to carry out this subtitle to pay all or a portion of the increased Federal share.

"(c) CERTIFICATIONS.—

"(1) IN GENERAL.—In the case of any project for which all or any portion of the basic Federal share of the costs of the project is proposed to be paid under this section, no Federal contribution shall be made until the Federal official administering the Federal law that authorizes the Federal grant program certifies that the project—

"(A) meets (except as provided in subsection (b)) the applicable requirements of the applicable Federal grant program; and

"(B) could be approved for Federal contribution under the Federal grant program if funds were available under the law for the project.

"(2) CERTIFICATION BY AUTHORITY.—

"(A) IN GENERAL.—The certifications and determinations required to be made by the Authority for approval of projects under this Act in accordance with section 387I—

"(i) shall be controlling; and

"(ii) shall be accepted by the Federal agencies.

"(B) ACCEPTANCE BY FEDERAL COCHAIRPERSON.—In the case of any project described in paragraph (1), any finding, report, certification, or documentation required to be submitted with respect to the project to the head of the department, agency, or instrumentality of the Federal Government responsible for the administration of the Federal grant program under which the project is carried out shall be accepted by the Federal cochairperson.

"SEC. 387E. LOCAL DEVELOPMENT DISTRICTS AND ORGANIZATIONS AND NORTHERN GREAT PLAINS INC.

"(a) DEFINITION OF LOCAL DEVELOPMENT DISTRICT.—In this section, the term 'local development district' means an entity—

"(1) that—

"(A) is a planning district in existence on the date of enactment of this subtitle that is recognized by the Economic Development Administration of the Department of Commerce; or

"(B) is—

"(i) organized and operated in a manner that ensures broad-based community participation and an effective opportunity for other nonprofit groups to contribute to the development and implementation of programs in the region;

"(ii) governed by a policy board with at least a simple majority of members consisting of—

"(I) elected officials or employees of a general purpose unit of local government who have been appointed to represent the government; or

"(II) individuals appointed by the general purpose unit of local government to represent the government;

"(iii) certified to the Authority as having a charter or authority that includes the economic development of counties or parts of counties or other political subdivisions within the region—

"(I) by the Governor of each State in which the entity is located; or

"(II) by the State officer designated by the appropriate State law to make the certification; and

"(iv)(I) a nonprofit incorporated body organized or chartered under the law of the State in which the entity is located;

"(II) a nonprofit agency or instrumentality of a State or local government;

"(III) a public organization established before the date of enactment of this subtitle under State law for creation of multi-jurisdictional, area-wide planning organizations; or

"(IV) a nonprofit association or combination of bodies, agencies, and instrumentalities described in subclauses (I) through (III); and

"(2) that has not, as certified by the Federal cochairperson—

"(A) inappropriately used Federal grant funds from any Federal source; or

"(B) appointed an officer who, during the period in which another entity inappropriately used Federal grant funds from any Federal source, was an officer of the other entity.

"(b) GRANTS TO LOCAL DEVELOPMENT DISTRICTS.—

"(1) IN GENERAL.—The Authority may make grants for administrative expenses under this section.

"(2) CONDITIONS FOR GRANTS.—

"(A) MAXIMUM AMOUNT.—The amount of any grant awarded under paragraph (1) shall not exceed 80 percent of the administrative expenses of the local development district receiving the grant.

"(B) MAXIMUM PERIOD.—No grant described in paragraph (1) shall be awarded to a State agency certified as a local development district for a period greater than 3 years.

"(C) LOCAL SHARE.—The contributions of a local development district for administrative expenses may be in cash or in kind, fairly evaluated, including space, equipment, and services.

"(c) DUTIES OF LOCAL DEVELOPMENT DISTRICTS.—A local development district shall—

"(1) operate as a lead organization serving multicounty areas in the region at the local level; and

"(2) serve as a liaison between State, tribal, and local governments, nonprofit organizations (including community-based groups and educational institutions), the business community, and citizens that—

"(A) are involved in multijurisdictional planning;

"(B) provide technical assistance to local jurisdictions and potential grantees; and

"(C) provide leadership and civic development assistance.

"(d) NORTHERN GREAT PLAINS INC.—Northern Great Plains Inc., a nonprofit corporation incorporated in the State of Minnesota to implement the recommendations of the Northern Great Plains Rural Development Commission established by the Northern Great Plains Rural Development Act (7 U.S.C. 2661 note; Public Law 103–318)—

"(1) shall serve as an independent, primary resource for the Authority on issues of concern to the region;

''(2) shall advise the Authority on development of international trade;

''(3) may provide research, education, training, and other support to the Authority; and

''(4) may carry out other activities on its own behalf or on behalf of other entities.

"SEC. 387F. DISTRESSED COUNTIES AND AREAS AND NONDISTRESSED COUNTIES.

''(a) DESIGNATIONS.—Not later than 90 days after the date of enactment of this subtitle, and annually thereafter, the Authority, in accordance with such criteria as the Authority may establish, shall designate—

''(1) as distressed counties, counties in the region that are the most severely and persistently distressed and underdeveloped and have high rates of poverty, unemployment, or outmigration;

''(2) as nondistressed counties, counties in the region that are not designated as distressed counties under paragraph (1); and

''(3) as isolated areas of distress, areas located in nondistressed counties (as designated under paragraph (2)) that have high rates of poverty, unemployment, or outmigration.

''(b) DISTRESSED COUNTIES.—

''(1) IN GENERAL.—The Authority shall allocate at least 75 percent of the appropriations made available under section 387M for programs and projects designed to serve the needs of distressed counties and isolated areas of distress in the region.

''(2) FUNDING LIMITATIONS.—The funding limitations under section 387D(b) shall not apply to a project to provide transportation or telecommunication or basic public services to residents of 1 or more distressed counties or isolated areas of distress in the region.

''(c) NONDISTRESSED COUNTIES.—

''(1) IN GENERAL.—Except as provided in this subsection, no funds shall be provided under this subtitle for a project located in a county designated as a nondistressed county under subsection (a)(2).

''(2) EXCEPTIONS.—

''(A) IN GENERAL.—The funding prohibition under paragraph (1) shall not apply to grants to fund the administrative expenses of local development districts under section 387E(b).

''(B) MULTICOUNTY PROJECTS.—The Authority may waive the application of the funding prohibition under paragraph (1) to—

''(i) a multicounty project that includes participation by a nondistressed county; or

''(ii) any other type of project;

if the Authority determines that the project could bring significant benefits to areas of the region outside a nondistressed county.

''(C) ISOLATED AREAS OF DISTRESS.—For a designation of an isolated area of distress for assistance to be effective, the designation shall be supported—

''(i) by the most recent Federal data available; or

''(ii) if no recent Federal data are available, by the most recent data available through the government of the State in which the isolated area of distress is located.

''(d) TRANSPORTATION, TELECOMMUNICATION, AND BASIC PUBLIC INFRASTRUCTURE.—The Authority shall allocate at least 50 percent of any funds made available under section 387M for transportation, telecommunication, and basic public infrastructure projects authorized under paragraphs (1) and (3) of section 387C(a).

"SEC. 387G. DEVELOPMENT PLANNING PROCESS.

''(a) STATE DEVELOPMENT PLAN.—In accordance with policies established by the Authority, each State member shall submit a development plan for the area of the region represented by the State member.

''(b) CONTENT OF PLAN.—A State development plan submitted under subsection (a) shall reflect the goals, objectives, and priorities identified in the regional development plan developed under section 387B(d)(2).

''(c) CONSULTATION WITH INTERESTED LOCAL PARTIES.—In carrying out the development planning process (including the selection of programs and projects for assistance), a State may—

''(1) consult with—

''(A) local development districts; and

''(B) local units of government; and

''(2) take into consideration the goals, objectives, priorities, and recommendations of the entities described in paragraph (1).

''(d) PUBLIC PARTICIPATION.—

''(1) IN GENERAL.—The Authority and applicable State and local development districts shall encourage and assist, to the maximum extent practicable, public participation in the development, revision, and implementation of all plans and programs under this subtitle.

''(2) REGULATIONS.—The Authority shall develop guidelines for providing public participation described in paragraph (1), including public hearings.

"SEC. 387H. PROGRAM DEVELOPMENT CRITERIA.

''(a) IN GENERAL.—In considering programs and projects to be provided assistance under this subtitle, and in establishing a priority ranking of the requests for assistance provided to the Authority, the Authority shall follow procedures that ensure, to the maximum extent practicable, consideration of—

''(1) the relationship of the project or class of projects to overall regional development;

''(2) the per capita income and poverty and unemployment and outmigration rates in an area;

''(3) the financial resources available to the applicants for assistance seeking to carry out the project, with emphasis on ensuring that projects are adequately financed to maximize the probability of successful economic development;

''(4) the importance of the project or class of projects in relation to other projects or classes of projects that may be in competition for the same funds;

''(5) the prospects that the project for which assistance is sought will improve, on a continuing rather than a temporary basis, the opportunities for employment, the average level of income, or the economic development of the area to be served by the project; and

''(6) the extent to which the project design provides for detailed outcome measurements by which grant expenditures and the results of the expenditures may be evaluated.

''(b) NO RELOCATION ASSISTANCE.—No financial assistance authorized by this subtitle shall be used to assist a person or entity in relocating from one area to another, except that financial assistance may be used as otherwise authorized by this title to attract businesses from outside the region to the region.

''(c) MAINTENANCE OF EFFORT.—Funds may be provided for a program or project in a State under this subtitle only if the Authority determines that the level of Federal or State financial assistance provided under a law other than this subtitle, for the same type of program or project in the same area of the State within the region, will not be reduced as a result of funds made available by this subtitle.

"SEC. 387I. APPROVAL OF DEVELOPMENT PLANS AND PROJECTS.

''(a) IN GENERAL.—A State or regional development plan or any multistate subregional plan that is proposed for development under this subtitle shall be reviewed by the Authority.

''(b) EVALUATION BY STATE MEMBER.—An application for a grant or any other assistance for a project under this subtitle shall be made through and evaluated for approval by the State member of the Authority representing the applicant.

''(c) CERTIFICATION.—An application for a grant or other assistance for a project shall be approved only on certification by the State member that the application for the project—

''(1) describes ways in which the project complies with any applicable State development plan;

''(2) meets applicable criteria under section 387H;

''(3) provides adequate assurance that the proposed project will be properly administered, operated, and maintained; and

''(4) otherwise meets the requirements of this subtitle.

''(d) VOTES FOR DECISIONS.—On certification by a State member of the Authority of an application for a grant or other assistance for a specific project under this section, an affirmative vote of the Authority under section 387B(c) shall be required for approval of the application.

"SEC. 387J. CONSENT OF STATES.

''Nothing in this subtitle requires any State to engage in or accept any program under this subtitle without the consent of the State.

"SEC. 387K. RECORDS.

''(a) RECORDS OF THE AUTHORITY.—

''(1) IN GENERAL.—The Authority shall maintain accurate and complete records of all transactions and activities of the Authority.

''(2) AVAILABILITY.—All records of the Authority shall be available for audit and examination by the Comptroller General of the United States and the Inspector General of the Department of Agriculture (including authorized representatives of the Comptroller General and the Inspector General of the Department of Agriculture).

''(b) RECORDS OF RECIPIENTS OF FEDERAL ASSISTANCE.—

''(1) IN GENERAL.—A recipient of Federal funds under this subtitle shall, as required by the Authority, maintain accurate and complete records of transactions and activities financed with Federal funds and report to the Authority on the transactions and activities to the Authority.

''(2) AVAILABILITY.—All records required under paragraph (1) shall be available for audit by the Comptroller General of the United States, the Inspector General of the Department of Agriculture, and the Authority (including authorized representatives of the Comptroller General, the Inspector General of the Department of Agriculture, and the Authority).

''(c) ANNUAL AUDIT.—The Inspector General of the Department of Agriculture shall audit the activities, transactions, and records of the Authority on an annual basis.

"SEC. 387L. ANNUAL REPORT.

''Not later than 180 days after the end of each fiscal year, the Authority shall submit to the President and to Congress a report describing the activities carried out under this subtitle.

"SEC. 387M. AUTHORIZATION OF APPROPRIATIONS.

''(a) IN GENERAL.—There is authorized to be appropriated to the Authority to carry out this subtitle $30,000,000 for each of fiscal years 2002 through 2006, to remain available until expended.

''(b) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of the amount appropriated under subsection (a) for a fiscal year shall be used for administrative expenses of the Authority.

''(c) MINIMUM STATE SHARE OF GRANTS.—Notwithstanding any other provision of this subtitle, for any fiscal year, the aggregate amount of grants received by a State and all persons or entities in the State under this subtitle shall be not less than ⅓ of the product obtained by multiplying—

''(1) the aggregate amount of grants under this subtitle for the fiscal year; and

"(2) the ratio that—

"(A) the population of the State (as determined by the Secretary of Commerce based on the most recent decennial census for which data are available); bears to

"(B) the population of the region (as so determined).

"SEC. 387N. TERMINATION OF AUTHORITY.

"The authority provided by this subtitle terminates effective October 1, 2006.".

Subtitle D—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 651. ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION CORPORATION.

(a) REPEAL OF CORPORATION AUTHORIZATION.—Subtitle G of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5901 et seq.) is repealed.

(b) DISPOSITION OF ASSETS.—On the date of enactment of this Act—

(1) the assets, both tangible and intangible, of the Alternative Agricultural Research and Commercialization Corporation (referred to in this section as the "Corporation"), including the funds in the Alternative Agricultural Research and Commercialization Revolving Fund as of the date of enactment of this Act, are transferred to the Secretary of Agriculture; and

(2) notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary shall have authority to manage and dispose of the assets transferred under paragraph (1) in a manner that, to the maximum extent practicable, provides the greatest return on investment.

(c) USE OF ASSETS.—

(1) IN GENERAL.—Funds transferred under subsection (b), and any income from assets or proceeds from the sale of assets transferred under subsection (b), shall be deposited into an account in the Treasury, and shall remain available to the Secretary until expended, without further appropriation, to pay—

(A) any outstanding claims or obligations of the Corporation; and

(B) the costs incurred by the Secretary in carrying out this section.

(2) FINAL DISPOSITION.—On final disposition of all assets transferred under subsection (b), any funds remaining in the account described in paragraph (1) shall be transferred into miscellaneous receipts in the Treasury.

(d) CONFORMING AMENDMENTS.—

(1) The following provisions are repealed:

(A) Section 730 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 5902 note; Public Law 104–127).

(B) Section 9101(3)(Q) of title 31, United States Code.

(2) Section 401(c) of the Agricultural Research, Education, and Extension Reform Act of 1998 (7 U.S.C. 7621(c)) is amended by striking paragraph (1) and inserting the following:

"(1) CRITICAL EMERGING ISSUES.—Subject to paragraph (2), the Secretary shall use the funds in the Account for research, extension, and education grants (referred to in this section as 'grants') to address critical emerging agricultural issues related to—

"(A) future food production;

"(B) environmental quality and natural resource management; or

"(C) farm income.".

(3) Section 793(c)(1)(A)(ii)(II) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2204f(c)(1)(A)(ii)(II)) is amended by striking "subtitle G of title XVI and".

SEC. 652. TELEMEDICINE AND DISTANCE LEARNING SERVICES IN RURAL AREAS.

(a) IN GENERAL.—Section 2335A of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 950aaa–5) is amended by striking "2002" and inserting "2006".

(b) CONFORMING AMENDMENT.—Section 1(b) of Public Law 102–551 (7 U.S.C. 950aaa note) is amended by striking "1997" and inserting "2006".

Subtitle E—Rural Electrification Act of 1936

SEC. 661. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

(a) IN GENERAL.—The Rural Electrification Act of 1936 is amended by inserting after section 313 (7 U.S.C. 940c) the following:

"SEC. 313A. GUARANTEES FOR BONDS AND NOTES ISSUED FOR ELECTRIFICATION OR TELEPHONE PURPOSES.

"(a) IN GENERAL.—Subject to subsection (b), the Secretary shall guarantee payments on bonds or notes issued by cooperative or other lenders organized on a not-for-profit basis if the proceeds of the bonds or notes are used for electrification or telephone projects eligible for assistance under this Act, including the refinancing of bonds or notes issued for such projects.

"(b) LIMITATIONS.—

"(1) OUTSTANDING LOANS.—A lender shall not receive a guarantee under this section for a bond or note if, at the time of the guarantee, the total principal amount of such guaranteed bonds or notes outstanding of the lender would exceed the principal amount of outstanding loans of the lender for electrification or telephone purposes that have been made concurrently with loans approved for such purposes under this Act.

"(2) GENERATION OF ELECTRICITY.—The Secretary shall not guarantee payment on a bond or note issued by a lender, the proceeds of which are used for the generation of electricity.

"(3) QUALIFICATIONS.—The Secretary may deny the request of a lender for the guarantee of a bond or note under this section if the Secretary determines that—

"(A) the lender does not have appropriate expertise or experience or is otherwise not qualified to make loans for electrification or telephone purposes;

"(B) the bond or note issued by the lender is not of reasonable and sufficient quality; or

"(C) the lender has not provided sufficient evidence that the proceeds of the bond or note are used for eligible projects described in subsection (a).

"(4) INTEREST RATE REDUCTION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a lender may not use any amount obtained from the reduction in funding costs as a result of the guarantee of a bond or note under this section to reduce the interest rate on a new or outstanding loan.

"(B) CONCURRENT LOANS.—A lender may use any amount described in subparagraph (A) to reduce the interest rate on a loan if the loan is—

"(i) made by the lender for electrification or telephone projects that are eligible for assistance under this Act; and

"(ii) made concurrently with a loan approved by the Secretary under this Act for such a project, as provided in section 307.

"(c) FEES.—

"(1) IN GENERAL.—A lender that receives a guarantee issued under this section on a bond or note shall pay a fee to the Secretary.

"(2) AMOUNT.—The amount of an annual fee paid for the guarantee of a bond or note under this section shall be equal to 30 basis points of the amount of the unpaid principal of the bond or note guaranteed under this section.

"(3) PAYMENT.—A lender shall pay the fees required under this subsection on a semiannual basis.

"(4) RURAL ECONOMIC DEVELOPMENT SUBACCOUNT.—Subject to subsection (e)(2), fees collected under this subsection shall be—

"(A) deposited into the rural economic development subaccount maintained under section 313(b)(2)(A), to remain available until expended; and

"(B) used for the purposes described in section 313(b)(2)(B).

"(d) GUARANTEES.—

"(1) IN GENERAL.—A guarantee issued under this section shall—

"(A) be for the full amount of a bond or note, including the amount of principal, interest, and call premiums;

"(B) be fully assignable and transferable; and

"(C) represent the full faith and credit of the United States.

"(2) LIMITATION.—To ensure that the Secretary has the resources necessary to properly examine the proposed guarantees, the Secretary may limit the number of guarantees issued under this section if the number of such guarantees exceeds 5 per year.

"(3) DEPARTMENT OPINION.—On the timely request of an eligible lender, the General Counsel of the Department of Agriculture shall provide the Secretary with an opinion regarding the validity and authority of a guarantee issued to the lender under this section.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this section.

"(2) FEES.—To the extent that the amount of funds appropriated for a fiscal year under paragraph (1) are not sufficient to carry out this section, the Secretary may use up to 1/3 of the fees collected under subsection (c) for the cost of providing guarantees of bonds and notes under this section before depositing the remainder of the fees into the rural economic development subaccount maintained under section 313(b)(2)(A).

"(f) TERMINATION.—The authority provided under this section shall terminate on September 30, 2006.".

(b) ADMINISTRATION.—

(1) REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations to carry out the amendments made by this section.

(2) IMPLEMENTATION.—Not later than 240 days after the date of enactment of this Act, the Secretary shall implement the amendment made by this section.

SEC. 662. EXPANSION OF 911 ACCESS.

Title III of the Rural Electrification Act of 1936 (7 U.S.C. 931 et seq.) is amended by adding the following:

"SEC. 315. EXPANSION OF 911 ACCESS.

"(a) IN GENERAL.—Subject to such terms and conditions as the Secretary may prescribe, the Secretary may make telephone loans under this title to State or local governments, Indian tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), or other public entities for facilities and equipment to expand 911 access in underserved rural areas.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

TITLE VII—AGRICULTURAL RESEARCH, EDUCATION, AND EXTENSION AND RELATED MATTERS

Subtitle A—National Agricultural Research, Extension, and Teaching Policy Act of 1977

SEC. 701. DEFINITIONS.

(a) IN GENERAL.—Section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103) is amended—

(1) by redesignating paragraphs (10) through (17) as paragraphs (11) through (18), respectively;

(2) by inserting after paragraph (9) the following:

"(10) INSULAR AREA.—The term 'insular area' means—

"(A) the Commonwealth of Puerto Rico;

"(B) Guam;

"(C) American Samoa;

"(D) the Commonwealth of the Northern Mariana Islands;

"(E) the Federated States of Micronesia;

"(F) the Republic of the Marshall Islands;

"(G) the Republic of Palau; and

"(H) the Virgin Islands of the United States."; and

(3) by striking paragraph (13) (as so redesignated) and inserting the following:

"(13) STATE.—The term 'State' means—

"(A) a State;

"(B) the District of Columbia; and

"(C) any insular area.".

(b) EFFECT OF AMENDMENTS.—The amendments made by subsection (a) shall not affect any basis for distribution of funds by formula (in effect on the date of enactment of this Act) to—

(1) the Federated States of Micronesia;

(2) the Republic of the Marshall Islands; or

(3) the Republic of Palau.

SEC. 702. NATIONAL AGRICULTURAL RESEARCH, EXTENSION, EDUCATION, AND ECONOMICS ADVISORY BOARD.

Section 1408(h) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(h)) is amended by striking "2002" and inserting "2006".

SEC. 703. GRANTS AND FELLOWSHIPS FOR FOOD AND AGRICULTURAL SCIENCES EDUCATION.

Section 1417 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3152) is amended—

(1) in subsection (a)—

(A) by striking "and" after "economics,"; and

(B) by inserting ", and rural economic, community, and business development" before the period;

(2) in subsection (b)—

(A) in paragraph (1), by inserting ", or in rural economic, community, and business development" before the semicolon;

(B) in paragraph (2), by inserting ", or in rural economic, community, and business development" before the semicolon;

(C) in paragraph (3), by inserting ", or teaching programs emphasizing rural economic, community, and business development" before the semicolon;

(D) in paragraph (4), by inserting ", or programs emphasizing rural economic, community, and business development," after "programs"; and

(E) in paragraph (5), by inserting ", or professionals in rural economic, community, and business development" before the semicolon;

(3) in subsection (d)—

(A) in paragraph (1), by inserting ", or in rural economic, community, and business development," after "sciences"; and

(B) in paragraph (2), by inserting ", or in the rural economic, community, and business development workforce," after "workforce"; and

(4) in subsection (l), by striking "2002" and inserting "2006".

SEC. 704. COMPETITIVE RESEARCH FACILITIES GRANT PROGRAM.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1417 (7 U.S.C. 3152) the following:

"SEC. 1417A. COMPETITIVE RESEARCH FACILITIES GRANT PROGRAM.

"(a) AUTHORITY.—The Secretary may award grants to eligible institutions on a competitive basis for the construction, acquisition, modernization, renovation, alteration, and remodeling of food and agricultural research facilities such as buildings, laboratories, and other capital facilities (including acquisition of fixtures and equipment) in accordance with this section.

"(b) ELIGIBLE INSTITUTIONS.—The following institutions are eligible to compete for grants under subsection (a):

"(1) A State cooperative institution.

"(2) A Hispanic-serving institution.

"(c) CRITERIA FOR AWARD.—The Secretary shall award grants to support the national research purposes specified in section 1402 in a manner determined by the Secretary.

"(d) MATCHING.—

"(1) IN GENERAL.—The Secretary may establish such matching requirements for grants under subsection (a) as the Secretary considers appropriate.

"(2) FORM OF MATCH.—Matching requirements established by the Secretary may be met with unreimbursed indirect costs and in-kind contributions.

"(3) EVALUATION PREFERENCE.—The Secretary may include an evaluation preference for projects for which the applicant proposes funds for the direct costs of a project to meet the required match.

"(e) TARGETED INSTITUTIONS.—The Secretary may determine that a portion of funds made available to carry out this section shall be targeted to particular eligible institutions to enhance the capacity of the eligible institutions to carry out research.

"(f) ADMINISTRATION.—

"(1) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

"(2) STATES WITH MORE THAN 1 ELIGIBLE INSTITUTION.—In a State having more than 1 eligible institution, the Secretary shall establish procedures in accordance with the purposes specified in section 1402 to ensure that the facility proposals of the eligible institutions in the State provide for a coordinated food and agricultural research program among eligible institutions in the State.

"(g) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to a panel or board created solely for the purpose of reviewing applications or proposals submitted under this section.

"(h) ADVISORY BOARD.—In carrying out this section, the Secretary shall consult with the Advisory Board.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2006.".

SEC. 705. GRANTS FOR RESEARCH ON THE PRODUCTION AND MARKETING OF ALCOHOLS AND INDUSTRIAL HYDROCARBONS FROM AGRICULTURAL COMMODITIES AND FOREST PRODUCTS.

Section 1419(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3154(d)) is amended by striking "2002" and inserting "2006".

SEC. 706. POLICY RESEARCH CENTERS.

Section 1419A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3155) is amended—

(1) in subsection (c)(3), by striking "collect and analyze" and inserting "collect, analyze, and disseminate"; and

(2) in subsection (d), by striking "2002" and inserting "2006".

SEC. 707. HUMAN NUTRITION INTERVENTION AND HEALTH PROMOTION RESEARCH PROGRAM.

Section 1424(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174(d)) is amended by striking "2002" and inserting "2006".

SEC. 708. PILOT RESEARCH PROGRAM TO COMBINE MEDICAL AND AGRICULTURAL RESEARCH.

Section 1424A(d) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3174a(d)) is amended by striking "2002" and inserting "2006".

SEC. 709. NUTRITION EDUCATION PROGRAM.

Section 1425(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3175(c)(3)) is amended by striking "2002" and inserting "2006".

SEC. 710. ANIMAL HEALTH AND DISEASE RESEARCH PROGRAMS.

Section 1433(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3195(a)) is amended in the first sentence by striking "2002" and inserting "2006".

SEC. 711. RESEARCH ON NATIONAL OR REGIONAL PROBLEMS.

Section 1434(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3196(a)) is amended by striking "2002" and inserting "2006".

SEC. 712. EDUCATION GRANTS PROGRAMS FOR HISPANIC-SERVING INSTITUTIONS.

Section 1455(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241(c)) is amended by striking "2002" and inserting "2006".

SEC. 713. COMPETITIVE GRANTS FOR INTERNATIONAL AGRICULTURAL SCIENCE AND EDUCATION PROGRAMS.

Section 1459A(c) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3292b(c)) is amended by striking "2002" and inserting "2006".

SEC. 714. INDIRECT COSTS.

Section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) is amended—

(1) by inserting "(a) IN GENERAL.—" before "Except";

(2) by striking "19 percent" and all that follows and inserting "the negotiated indirect cost rate established for an institution by the cognizant Federal audit agency for the institution."; and

(3) by adding at the end the following:

"(b) EXCEPTION.—Subsection (a) shall not apply to a grant awarded competitively under section 9 of the Small Business Act (15 U.S.C. 638).".

SEC. 715. RESEARCH EQUIPMENT GRANTS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1462 (7 U.S.C. 3310) the following:

"SEC. 1462A. RESEARCH EQUIPMENT GRANTS.

"(a) IN GENERAL.—The Secretary may make competitive grants for the acquisition of special purpose scientific research equipment for use in the food and agricultural sciences programs of eligible institutions described in subsection (b).

"(b) ELIGIBLE INSTITUTIONS.—The Secretary may make a grant under this section to—

"(1) a college or university; or

"(2) a State cooperative institution.

"(c) MAXIMUM AMOUNT.—The amount of a grant made to an eligible institution under this section may not exceed $500,000.

"(d) PROHIBITION ON CHARGE OF EQUIPMENT AS INDIRECT COSTS.—The cost of acquisition or depreciation of equipment purchased with a grant under this section shall not be—

"(1) charged as an indirect cost against another Federal grant; or

"(2) included as part of the indirect cost pool for purposes of calculating the indirect cost rate of an eligible institution.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2002 through 2006.".

SEC. 716. AGRICULTURAL RESEARCH PROGRAMS.

Section 1463 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3311) is amended—

(1) in subsection (a), by striking "$850,000,000 for each of the fiscal years 1991 through 2002" and inserting "$1,500,000,000 for each of fiscal years 2002 through 2006"; and

(2) in subsection (b), by striking "2002" and inserting "2006".

SEC. 717. EXTENSION EDUCATION.

Section 1464 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3312) is amended by striking "$420,000,000" and all that follows and inserting the following: "$500,000,000 for each of fiscal years 2002 through 2006.".

SEC. 718. AVAILABILITY OF COMPETITIVE GRANT FUNDS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1469 (7 U.S.C. 3315) the following:

"SEC. 1469A. AVAILABILITY OF COMPETITIVE GRANT FUNDS.

"Except as otherwise provided by law, funds made available to the Secretary to carry out a competitive agricultural research, education, or extension grant program under this or any other Act shall be available for obligation for a 2-year period beginning on October 1 of the fiscal year for which the funds are made available.".

SEC. 719. JOINT REQUESTS FOR PROPOSALS.

(a) Purposes.—The purposes of this section are—

(1) to reduce the duplication of administrative functions relating to grant awards and administration among Federal agencies conducting similar types of research, education, and extension programs;

(2) to maximize the use of peer review resources in research, education, and extension programs; and

(3) to reduce the burden on potential recipients that may offer similar proposals to receive competitive grants under different Federal programs in overlapping subject areas.

(b) Authority.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 is amended by inserting after section 1473A (7 U.S.C. 3319a) the following:

"SEC. 1473B. JOINT REQUESTS FOR PROPOSALS.

"(a) In General.—In carrying out any competitive agricultural research, education, or extension grant program authorized under this or any other Act, the Secretary may cooperate with 1 or more other Federal agencies (including the National Science Foundation) in issuing joint requests for proposals, awarding grants, and administering grants, for similar or related research, education, or extension projects or activities.

"(b) Transfer of Funds.—

"(1) Secretary.—The Secretary may transfer funds to, or receive funds from, a cooperating Federal agency for the purpose of carrying out the joint request for proposals, making awards, or administering grants.

"(2) Cooperating agency.—The cooperating Federal agency may transfer funds to, or receive funds from, the Secretary for the purpose of carrying out the joint request for proposals, making awards, or administering grants.

"(3) Limitations.—Funds transferred or received under this subsection shall be—

"(A) used only in accordance with the laws authorizing the appropriation of the funds; and

"(B) made available by grant only to recipients that are eligible to receive the grant under the laws.

"(c) Administration.—

"(1) Secretary.—The Secretary may delegate authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part, to a cooperating Federal agency.

"(2) Cooperating federal agency.—The cooperating Federal agency may delegate to the Secretary authority to issue requests for proposals, make grant awards, or administer grants, in whole or in part.

"(d) Regulations; Rates.—The Secretary and a cooperating Federal agency may agree to make applicable to recipients of grants—

"(1) the post-award grant administration regulations and indirect cost rates applicable to recipients of grants from the Secretary; or

"(2) the post-award grant administration regulations and indirect cost rates applicable to recipients of grants from the cooperating Federal agency.

"(e) Joint Peer Review Panels.—Subject to section 1413B, the Secretary and a cooperating Federal agency may establish joint peer review panels for the purpose of evaluating grant proposals.".

SEC. 720. SUPPLEMENTAL AND ALTERNATIVE CROPS.

Section 1473D(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319d(a)) is amended by striking "2002" and inserting "2006".

SEC. 721. AQUACULTURE.

Section 1477 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3324) is amended in the first sentence by striking "2002" and inserting "2006".

SEC. 722. RANGELAND RESEARCH.

Section 1483(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3336(a)) is amended by striking "2002" and inserting "2006".

SEC. 723. BIOSECURITY PLANNING AND RESPONSE PROGRAMS.

(a) In General.—The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101 et seq.) is amended by adding at the end the following:

"Subtitle N—Biosecurity

"CHAPTER 1—AGRICULTURE INFRASTRUCTURE SECURITY

"SEC. 1484. DEFINITIONS.

"In this chapter:

"(1) Agricultural research facility.—The term 'agricultural research facility' means a facility—

"(A) at which agricultural research is regularly carried out or proposed to be carried out; and

"(B) that is—

"(i)(I) an Agricultural Research Service facility;

"(II) a Forest Service facility; or

"(III) an Animal and Plant Health Inspection Service facility;

"(ii) a Federal agricultural facility in the process of being planned or being constructed; or

"(iii) any other facility under the full control of the Secretary.

"(2) Commission.—The term 'Commission' means the Agriculture Infrastructure Security Commission established under section 1486.

"(2) Fund.—The term 'Fund' means the Agriculture Infrastructure Security Fund Account established by section 1485.

"SEC. 1485. AGRICULTURE INFRASTRUCTURE SECURITY FUND.

"(a) Establishment.—There is established in the Treasury of the United States an account, to be known as the 'Agriculture Infrastructure Security Fund Account', consisting of funds appropriated to, or deposited into, the Fund under subsection (c).

"(b) Purposes.—The purposes of the Fund are to provide funding to protect and strengthen the Federal food safety and agricultural infrastructure that—

"(1) safeguards against animal and plant diseases and pests;

"(2) ensures the safety of the food supply; and

"(3) ensures sound science in support of food and agricultural policy.

"(c) Deposits Into Fund.—

"(1) In general.—There are authorized to be appropriated to the Fund such sums as are necessary for each of fiscal years 2002 through 2006.

"(2) Contributions and other proceeds.—. The Secretary shall deposit into the Fund any funds received—

"(A) as proceeds from the sale of assets under subsection (e); or

"(B) as gifts under subsection (f).

"(3) Availability of funds.—Amounts in the Fund shall remain available until expended without further Act of appropriation.

"(4) Additional funds.—Funds made available under paragraph (1) shall be in addition to funds otherwise available to the Secretary to receive gifts and bequests or dispose of property (real, personal, or intangible).

"(d) Expenditures From Fund.—

"(1) In general.—Subject to paragraph (2), on request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, and the Secretary shall accept and use without further appropriation, such amounts as the Secretary determines to be necessary to pay—

"(A) the costs of planning, design, development, construction, acquisition, modernization, leasing, and disposal of facilities, equipment, and technology used by the Department in carrying out programs relating to the purposes specified in subsection (b), notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) or any other law that prescribes procedures for the procurement, use, or disposal of property or services by a Federal agency;

"(B) the costs of specialized services relating to the purposes specified in subsection (b);

"(C) the costs of cooperative arrangements authorized to be entered into (notwithstanding chapter 63 of title 31, United States Code) with State, local and tribal governments, and other public and private entities, to carry out programs relating to the purposes specified in subsection (b); and

"(D) administrative costs incurred in carrying out subparagraphs (A) through (C).

"(2) Limitations.—

"(A) Federal employees.—Amounts in the Fund shall not be used to create any new full or part-time permanent Federal employee position.

"(B) Administrative expenses.—Beginning in fiscal year 2003, not more than 1 percent of the amounts in the Fund on October 1 of a fiscal year may be used in the fiscal year for administrative expenses of the Secretary in carrying out the activities described in paragraph (1).

"(e) Sale of Assets.—

"(1) Disposal authority.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary by sale may dispose of all or any part of any right or title in land (excluding National Forest System land), facilities, or equipment in the full control of the Department used for the purposes specified in subsection (b).

"(2) Disposition of proceeds.—Proceeds from any sale conducted by the Secretary under paragraph (1) shall be deposited into the Fund in accordance with subsection (c)(2)(A).

"(f) Gifts.—

"(1) In general.—To carry out the purposes specified in subsection (b), the Secretary may accept gifts and bequests of funds, property (real, personal, and intangible), equipment, *services, and other in-kind contributions from State, local, and tribal governments, colleges and universities, individuals, and other public and private entities.*

“(2) PROHIBITED SOURCE.—

“(A) IN GENERAL.—For the purposes of this subsection, the Secretary shall not consider a State or local government, Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), other public entity, or college or university, to be a prohibited source under any Department rule or policy that prohibits the acceptance of gifts from individuals and entities that do business with the Department.

“(B) EXCEPTION.—Notwithstanding any Department rule or policy that prohibits the acceptance of gifts by the Department from individuals or private entities that do business with the Department or that, for any other reason, are considered to be prohibited sources, the Secretary may accept gifts under this subsection if the Secretary determines that it is in the public interest to accept the gift.

“(3) DISPOSITION OF GIFTS.—The Secretary shall deposit any gift of funds under this subsection into the Fund in accordance with subsection (c)(2)(B).

“SEC. 1486. AGRICULTURE INFRASTRUCTURE SECURITY COMMISSION.

“(a) ESTABLISHMENT.—The Secretary shall establish a commission to be known as the ‘Agriculture Infrastructure Security Commission’ to carry out the duties described in subsection (f).

“(b) MEMBERSHIP.—

“(1) APPOINTMENT.—

“(A) VOTING MEMBERS.—

“(i) IN GENERAL.—The Commission shall be composed of 15 voting members, appointed by the Secretary in accordance with clause (ii), based on nominations solicited from the public.

“(ii) QUALIFICATIONS.—The Secretary shall appoint members that—

“(I) represent a balance of the public and private sectors; and

“(II) have combined expertise in—

“(aa) facilities development, modernization, construction, security, consolidation, and closure;

“(bb) plant diseases and pests;

“(cc) animal diseases and pests;

“(dd) food safety;

“(ee) biosecurity;

“(ff) the needs of farmers and ranchers;

“(gg) public health;

“(hh) State, local, and tribal government; and

“(ii) any other area related to agriculture infrastructure security, as determined by the Secretary.

“(B) NONVOTING MEMBERS.—The Commission shall be composed of the following nonvoting members:

“(i) The Secretary.

“(ii) 4 representatives appointed by the Secretary of Health and Human Services, 1 each from—

“(I) the Public Health Service;

“(II) the National Institutes of Health;

“(III) the Centers for Disease Control and Prevention; and

“(IV) the Food and Drug Administration.

“(iii) 1 representative appointed by the Attorney General.

“(iv) 1 representative appointed by the Director of Homeland Security.

“(v) Not more than 4 representatives of the Department appointed by the Secretary.

“(2) DATE OF APPOINTMENT.—The appointment of each member of the Commission shall be made not later than 90 days after the date of enactment of this subtitle.

“(c) TERM; VACANCIES.—

“(1) TERM.—The term of office of a member of the Commission shall be 4 years, except that the members initially appointed shall be appointed to serve staggered terms (as determined by the Secretary).

“(2) VACANCIES.—A vacancy on the Commission shall be filled in the same manner as the original appointment was made.

“(d) MEETINGS.—

“(1) IN GENERAL.—The Commission shall meet at the call of—

“(A) the Chairperson;

“(B) a majority of the voting members of the Commission; or

“(C) the Secretary.

“(2) FEDERAL ADVISORY COMMITTEE ACT.—

“(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) and title XVIII of the Food and Agriculture Act of 1977 (7 U.S.C. 2281 et seq.) shall not apply to the Commission.

“(B) OPEN MEETINGS; RECORDS.—Subject to subparagraph (C)—

“(i) a meeting of the Commission shall be—

“(I) publicly announced in advance; and

“(II) open to the public; and

“(ii) the Commission shall—

“(I) keep detailed minutes of each meeting and other appropriate records of the activities of the Commission; and

“(II) make the minutes and records available to the public on request.

“(C) EXCEPTION.—When required in the interest of national security—

“(i) the Chairperson may choose not to give public notice of a meeting;

“(ii) the Chairperson may close all or a portion of any meeting to the public, and the minutes of the meeting, or portion of a meeting, shall not be made available to the public; and

“(iii) by majority vote, the Commission may redact the minutes of a meeting that was open to the public.

“(e) CHAIRPERSON.—The Secretary shall select a Chairperson from among the voting members of the Commission.

“(f) DUTIES.—

“(1) IN GENERAL.—The Commission shall—

“(A) advise the Secretary on the uses of the Fund;

“(B) review all agricultural research facilities for—

“(i) research importance; and

“(ii) importance to agriculture infrastructure security;

“(C) identify any agricultural research facility that should be closed, realigned, consolidated, or modernized to carry out the research agenda of the Secretary and protect agriculture infrastructure security;

“(D) develop recommendations concerning agricultural research facilities; and

“(E)(i) evaluate the agricultural research facilities acquisition and modernization system (including acquisitions by gift, grant, or any other form of agreement) used by the Department; and

“(ii) based on the evaluation, recommend improvements to the system.

“(2) STRATEGIC PLAN.—To assist the Commission in carrying out the duties described in paragraph (1), the Commission shall use the 10-year strategic plan prepared by the Strategic Planning Task Force established under section 4 of the Research Facilities Act (7 U.S.C. 390b).

“(3) REPORT.—

“(A) IN GENERAL.—Not later than 240 days after the date of enactment of this subtitle, and each June 1 thereafter, the Commission shall prepare and submit to the Secretary, the Committee on Agriculture and the Committee on Appropriations of the House of Representatives, and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Appropriations of the Senate, a report on the findings and recommendations under paragraph (1).

“(B) WRITTEN RESPONSE.—Not later than 90 days after the date of receipt of a report from the Commission under subparagraph (A), the Secretary shall provide to the Commission a written response concerning the manner and extent to which the Secretary will implement the recommendations in the report.

“(C) PUBLIC AVAILABILITY.—

“(i) IN GENERAL.—Subject to clause (ii), the report submitted by the Commission, and any response made by the Secretary, under this subsection shall be available to the public.

“(ii) EXCEPTION.—

“(I) NATIONAL SECURITY.—The Commission or the Secretary may determine that any report or response, or any portion of a report or response, shall not be publicly released in the interest of national security.

“(II) FREEDOM OF INFORMATION ACT.—On such a determination, the report or response, a portion of the report or response, or any records relating to the report or response, shall not be released under section 552 of title 5, United States Code.

“(g) COMMISSION PERSONNEL MATTERS.—

“(1) COMPENSATION OF MEMBERS.—

“(A) NON-FEDERAL EMPLOYEES.—A voting member of the Commission who is not a regular full-time employee of the Federal Government shall, while attending meetings of the Commission or otherwise engaged in the business of the Commission (including travel time), be entitled to receive compensation at a rate fixed by the Secretary, but not exceeding the daily equivalent of the annual rate specified at the time of such service under GS–15 of the General Schedule established under section 5332 of title 5, United States Code.

“(B) TRAVEL EXPENSES.—A voting member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

“(2) STAFF.—The Secretary shall provide the Commission with any personnel and other resources as the Secretary determines appropriate.

“(h) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.

“(2) AGRICULTURE INFRASTRUCTURE SECURITY FUND.—For the purpose of establishing the Commission, the Secretary shall use such sums from the Fund as the Secretary determines to be appropriate.

“CHAPTER 2—OTHER BIOSECURITY PROGRAMS

“SEC. 1487. SPECIAL AUTHORIZATION FOR BIOSECURITY PLANNING AND RESPONSE.

“(a) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts for agricultural research, extension, and education under this Act, there are authorized to be appropriated for agricultural research, education, and extension activities for biosecurity planning and response such sums as are necessary for each of fiscal years 2002 through 2006.

“(b) USE OF FUNDS.—Using any authority available to the Secretary, the Secretary shall use funds made available under this section to carry out agricultural research, education, and extension activities (including through competitive grants) necessary—

“(1) to reduce the vulnerability of the United States food and agricultural system to chemical or biological attack;

“(2) to continue joint research initiatives between the Agricultural Research Service, universities, and industry on counterbioterrorism efforts (including continued funding of a consortium in existence on the date of enactment of

this subtitle of which the Agricultural Research Service and universities are members);

"(3) to make competitive grants to universities and qualified research institutions for research on counterbioterrorism; and

"(4) to counter or otherwise respond to chemical or biological attack.

"SEC. 1488. AGRICULTURE BIOTERRORISM RESEARCH FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) CONSTRUCTION.—The term 'construction' includes—

"(A) the construction of new buildings; and

"(B) the expansion, renovation, remodeling, and alteration of existing buildings.

"(2) COST.—

"(A) IN GENERAL.—The term 'cost' means any construction cost, including architects' fees.

"(B) EXCLUSIONS.—The term 'cost' does not include the cost of—

"(i) acquiring land or an interest in land; or

"(ii) constructing any offsite improvement.

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means a college or university that—

"(A) is a land grant college or university (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

"(B) as determined by the Secretary, has—

"(i) demonstrated expertise in the area of animal and plant diseases;

"(ii) substantial animal and plant diagnostic laboratories; and

"(iii) well-established working relationships with—

"(I) the agricultural industry; and

"(II) farm and commodity organizations.

"(b) MODERNIZATION AND CONSTRUCTION OF FACILITIES.—

"(1) IN GENERAL.—To enhance the security of agriculture in the United States against threats posed by bioterrorism, the Secretary shall make construction grants, on a competitive basis, to eligible entities.

"(2) LIMITATION ON GRANTS.—An eligible entity shall not receive grant funds under this section that, in any fiscal year, exceed $10,000,000.

"(c) REQUIREMENTS FOR GRANTS.—

"(1) IN GENERAL.—The Secretary shall make a grant to an eligible entity under this section only if, with respect to any facility constructed using grant funds, the eligible entity—

"(A) submits to the Secretary, in such form, in such manner, and containing such agreements, assurances, and information as the Secretary may require, an application for the grant;

"(B) is determined by the Secretary to be competent to engage in the type of research for which the facility is proposed to be constructed;

"(C) provides such assurances as the Secretary determines to be satisfactory that—

"(i) for not less than 20 years after the date of completion of the facility, the facility shall be used for the purposes of the research for which the facility was constructed, as described in the grant application;

"(ii) sufficient funds are available to pay the non-Federal share of the cost of constructing the facility;

"(iii) sufficient funds will be available, as of the date of completion of the construction, for the effective use of the facility for the purposes of the research for which the facility was constructed; and

"(iv) the proposed construction—

"(I) will increase the capability of the eligible entity to conduct research for which the facility was constructed; or

"(II) is necessary to improve or maintain the quality of the research of the eligible entity;

"(D) meets such reasonable qualifications as may be established by the Secretary with respect to—

"(i) the relative scientific and technical merit of the applications, and the relative effectiveness of facilities proposed to be constructed, in expanding the quality of, and the capacity of eligible entities to carry out, biosecurity research;

"(ii) the quality of the research to be carried out in each facility constructed;

"(iii) the need for the research activities to be carried out within the facility as those activities relate to research needs of the United States in securing, and ensuring the safety of, the food supply of the United States;

"(iv) the age and condition of existing research facilities of the eligible entity; and

"(v) biosafety and biosecurity requirements necessary to protect facility staff, members of the public, and the food supply; and

"(E) has demonstrated a commitment to enhancing and expanding the research productivity of the eligible entity.

"(2) PRIORITY.—In providing grants under this section, the Secretary shall give priority to an eligible entity that, as determined by the Secretary, has demonstrated expertise in—

"(A) animal and plant disease prevention;

"(B) pathogen and toxin mitigation;

"(C) cereal disease resistance;

"(D) grain milling and processing;

"(E) livestock production practices;

"(F) vaccine development;

"(G) meat processing;

"(H) pathogen detection and control; or

"(I) food safety.

"(d) AMOUNT OF GRANT.—The amount of a grant awarded under this section shall be determined by the Secretary.

"(e) FEDERAL SHARE.—The Federal share of the cost of any construction carried out using funds from a grant provided under this section shall not exceed 50 percent.

"(f) GUIDELINES.—Not later than 180 days after the date of enactment of this subtitle, the Secretary shall issue guidelines with respect to the provision of grants under this section.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2003 through 2005.".

(b) SENSE OF CONGRESS ON INCREASING CAPACITY FOR RESEARCH ON BIOSECURITY AND ANIMAL AND PLANT HEALTH DISEASES.—It is the sense of Congress that funding for the Agricultural Research Service, the Animal and Plant Health Inspection Service, and other agencies of the Department of Agriculture with responsibilities for biosecurity should be increased as necessary to improve the capacity of the agencies to conduct research and analysis of, and respond to, bioterrorism and animal and plant diseases.

Subtitle B—Food, Agriculture, Conservation, and Trade Act of 1990

SEC. 731. NATIONAL GENETIC RESOURCES PROGRAM.

Section 1635(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5844(b)) is amended by striking "2002" and inserting "2006".

SEC. 732. BIOTECHNOLOGY RISK ASSESSMENT RESEARCH.

Section 1668 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921) is amended—

(1) by redesignating subsections (e) through (g) as subsections (f) through (h), respectively;

(2) by inserting after subsection (d) the following:

"(e) GRANT PRIORITY.—In selecting projects for which grants shall be made under this section, the Secretary shall give priority to public and private research or educational institutions and organizations the goals of which include—

"(1) formation of interdisciplinary teams to review or conduct research on the environmental effects of the release of new genetically modified agricultural products;

"(2) conduct of studies relating to biosafety of genetically modified agricultural products;

"(3) evaluation of the cost and benefit for development of an identity preservation system for genetically modified agricultural products;

"(4) establishment of international partnerships for research and education on biosafety issues; or

"(5) formation of interdisciplinary teams to renew and conduct research on the nutritional enhancement and environmental benefits of genetically modified agricultural products."; and

(3) in subsection (h) (as redesignated by paragraph (1)), by striking paragraph (2) and inserting the following:

"(2) WITHHOLDING OF OUTLAYS FOR RESEARCH ON BIOTECHNOLOGY RISK ASSESSMENT.—Of the amounts of outlays made under this section or any other provision of law to carry out research on biotechnology (as defined and determined by the Secretary of Agriculture) for any fiscal year, the Secretary of Agriculture shall withhold at least 3 percent for grants for research on biotechnology risk assessment on all categories identified by the Secretary of Agriculture as biotechnology.".

SEC. 733. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) electronic commerce sales in 1998 were approximately $100,000,000,000 and are expected to reach $1,300,000,000,000 by 2003;

(2) electronic commerce presents an enormous opportunity and challenge for small businesses, especially businesses in rural areas;

(3) while infrastructure for electronic commerce is growing rapidly in rural areas, small businesses will not be able to take advantage of the new technology without assistance;

(4) while electronic commerce will give businesses new markets and new ways of doing business, many small businesses in rural areas will have difficulty adopting appropriate electronic commerce business practices and technologies;

(5) the United States has an interest in ensuring that small businesses in rural areas participate in electronic commerce, to encourage success of the businesses, and to promote productivity and economic growth throughout the economy of the United States; and

(6) an electronic commerce extension program should be established using the nationwide county-based infrastructure within the Cooperative Extension Service to help small businesses throughout the United States to identify, adapt, adopt, and use electronic commerce business practices and technologies.

(b) PURPOSE.—The purpose of this section is to establish within the Cooperative State Research, Education, and Extension Service of the Department of Agriculture a rural electronic commerce extension program for small businesses and microenterprises in rural areas of the United States.

(c) PROGRAM.—Subtitle H of title XVI of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921 et seq.) is amended by adding after section 1669 the following:

"SEC. 1670. RURAL ELECTRONIC COMMERCE EXTENSION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) DEVELOPMENT CENTER.—The term 'development center' means—

"(A) the North Central Regional Center for Rural Development;

"(B) the Northeast Regional Center for Rural Development or its designee;

"(C) the Southern Rural Development Center; and

"(D) the Western Rural Development Center or its designee.

"(2) EXTENSION PROGRAM.—The term 'extension program' means the rural electronic commerce extension program established under subsection (b).

"(3) MICROENTERPRISE.—The term 'microenterprise' means a commercial enterprise that

has 5 or fewer employees, 1 or more of whom owns the enterprise.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Administrator of the Cooperative State Research, Education, and Extension Service.

"(5) SMALL BUSINESS.—The term 'small business' has the meaning given the term 'small-business concern' by section 3(a) of the Small Business Act (15 U.S.C. 632(a)).

"(b) ESTABLISHMENT.—The Secretary shall establish a rural electronic commerce extension program to—

"(1) expand and enhance electronic commerce practices and technology to be used by small businesses and microenterprises in rural areas;

"(2) disseminate information and expertise through a cooperative extension service clearinghouse system in rural areas;

"(3) disseminate management, scientific, engineering, and technical information to small businesses in rural areas through the extension program; and

"(4) use, when appropriate, the expertise, technology, and capabilities of other institutions and organizations, including—

"(A) State and local governments;

"(B) Federal departments and agencies;

"(C) institutions of higher education;

"(D) nonprofit organizations;

"(E) small businesses and microenterprises that have experience in electronic commerce practice and technology; and

"(F) the development centers.

"(c) ADMINISTRATION.—

"(1) IN GENERAL.—In carrying out this section, the Secretary shall—

"(A) provide leadership, support, and coordination for the extension programs;

"(B) establish policies, practices, and procedures to assist rural communities in the adoption and use of electronic commerce techniques;

"(C) identify and strengthen existing mechanisms designed to assist rural areas in the adoption and use of electronic commerce techniques;

"(D) provide grants to fund projects and activities under the extension program; and

"(E) establish a clearinghouse system for States, communities, and businesses to obtain information on best practices, technology transfer, training, education, adoption, and use of electronic commerce in rural areas.

"(2) OFFICE OF RURAL ELECTRONIC COMMERCE.—The Secretary shall establish, in the Cooperative State Research, Education, and Extension Service, an Office of Rural Electronic Commerce to assist in carrying out this section.

"(d) GRANTS.—

"(1) IN GENERAL.—The Secretary shall carry out a program under which—

"(A) funds are distributed to each of the development centers to—

"(i) assemble regional expertise, and develop innovative education programs, that may be adapted and refined by State extension programs;

"(ii) train State-based cooperative extension agents to deliver rural electronic commerce education programs; and

"(iii) establish networks among universities, local governments, and private industries to focus on regional economic issues; and

"(B) competitive grants are made to cooperative extension service programs at land-grant colleges and universities (or consortia of land-grant colleges and universities)—

"(i) to develop and facilitate nationally innovative rural electronic commerce business strategies; and

"(ii) to assist small businesses and microenterprises in identifying, adapting, implementing, and using electronic commerce business practices and technologies.

"(2) ELIGIBILITY.—

"(A) CRITERIA.—

"(i) IN GENERAL.—The Secretary, shall—

"(I) establish criteria for the submission, evaluation, and funding of applications for grants to carry out projects and activities under the extension program; and

"(II) evaluate, rank, and select grant applications described in subclause (I) on the basis of the selection criteria.

"(ii) FACTORS.—The selection criteria established under clause (i) shall include—

"(I) the ability of an applicant to provide training and education on best practices, technology transfer, adoption, and use of electronic commerce in rural communities by small business and microenterprise;

"(II) the quality of the service to be provided by a proposed project or activity under the extension program;

"(III) the extent and geographic diversity of the area served by the proposed project or activity under the extension program;

"(IV) the extent of participation of land-grant colleges and universities in the extension program (including any economic benefits that would result from that participation);

"(V) the percentage of funding and in-kind commitments from non-Federal sources that would be needed by and available for a proposed project or activity under the extension program; and

"(VI) the extent of participation of low-income and minority businesses or microenterprises in a proposed project or activity under the extension program.

"(B) APPLICATION.—As a condition of being considered for the receipt of funds under this section, an applicant shall submit to the Secretary an application that meets the criteria established under subparagraph (A)(i)(I).

"(C) NON-FEDERAL SHARE.—

"(i) IN GENERAL.—As a condition of the receipt of funds under this section, an applicant shall agree to obtain from non-Federal sources (including State, local, nonprofit, or private sector sources) contributions of—

"(I) except as provided in clause (iii), during each of the years in which the extension program receives funding under subsection (g), 50 percent of the estimated capital and annual operating and maintenance costs of the extension program; and

"(II) after expiration of the initial funding period specified in subclause (I), 100 percent of the estimated capital and annual operating and maintenance costs of the extension program.

"(ii) FORM.—The non-Federal share required under clause (i)(I) may be provided in the form of in-kind contributions.

"(iii) EXCEPTION.—The non-Federal share required under clause (i)(I) may be reduced to 25 percent of the estimated capital and annual operating and maintenance costs of the extension program if the grant recipient serves low-income or minority-owned businesses or microenterprises, as determined by the Secretary.

"(3) LIMITATION ON AMOUNT OF FUNDS AWARDED.—

"(A) INDIVIDUAL LAND-GRANT COLLEGES AND UNIVERSITIES.—A land-grant college or university shall not receive funds under this section in an amount that exceeds $900,000.

"(B) CONSORTIA OF LAND-GRANT COLLEGES AND UNIVERSITIES.—With respect to a consortium of land-grant colleges and universities that receives funds under this section—

"(i) the total amount of the funds awarded to the consortium shall not exceed the product obtained by multiplying—

"(I) $900,000; by

"(II) the number of land-grant colleges and universities comprising the consortium; and

"(ii) each land-grant college or university that is a member of the consortium shall receive an equal percentage of the total amount of funds awarded.

"(4) SELECTION.—At least once every 180 days, the Secretary shall evaluate, prioritize, and fund applications for proposed projects and activities under the extension program using the criteria established under paragraph (2)(A)(i)(I).

"(e) EVALUATION.—

"(1) IN GENERAL.—Not later than 1 year after a project or activity under the extension program is funded by a grant under this section, the evaluation panel established under paragraph (2)(A) shall evaluate the project or activity.

"(2) EVALUATION PANEL.—

"(A) IN GENERAL.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an evaluation panel to—

"(i) establish criteria for evaluating projects and activities under the extension program; and

"(ii) using the criteria established under clause (i), evaluate the projects and activities.

"(B) COMPOSITION.—The evaluation panel shall be composed of—

"(i) appropriate Federal, State, local government, and land-grant college or university officials, as determined by the Secretary; and

"(ii) private individuals with expertise in electronic commerce, technology, or small business, as determined by the Secretary.

"(3) CRITERIA.—The evaluation panel shall evaluate projects and activities under the extension program using criteria established by the Secretary that assess the efficiency and efficacy of the extension program.

"(4) ASSISTANCE FROM GRANT RECIPIENTS.—A recipient of a grant under this section shall, to the maximum extent practicable, provide to the evaluation panel such materials as the evaluation panel may request to assist in the evaluation of any project or activity carried out by the recipient under the extension program.

"(f) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes—

"(1) the policies, practices, and procedures used to assist rural communities in efforts to adopt and use electronic commerce techniques;

"(2) the clearinghouse system for States, communities, small businesses, and individuals established to obtain information regarding best practices, technology transfer, training, education, adoption, and use of electronic commerce in rural areas; and

"(3) the criteria used for the submission, evaluation, and funding of projects and activities under the extension program.

"(g) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2002 through 2006, of which $20,000,000 for each fiscal year shall be made available to carry out activities under subsection (d)(1)(A).

"(2) ADMINISTRATIVE COSTS.—The Secretary may use not more than 2 percent of the funds made available under paragraph (1) to pay administrative costs incurred in carrying out this section.".

SEC. 734. HIGH-PRIORITY RESEARCH AND EXTENSION INITIATIVES.

Section 1672 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925) is amended

(1) in subsection (e), by adding at the end the following:

"(25) ANIMAL INFECTIOUS DISEASES RESEARCH AND EXTENSION.—

"(A) IN GENERAL.—Research and extension grants may be made under this section for the purpose of developing—

"(i) prevention and control methodologies for animal infectious diseases that impact trade, including vesicular stomatitis, bovine tuberculosis, transmissible spongiform encephalopathy, brucellosis, and E. coli 0157:H7 infection;

"(ii) laboratory tests for quicker detection of infected animals and presence of diseases among herds;

"(iii) prevention strategies, including vaccination programs; and

"(iv) rapid diagnostic techniques for animal disease agents considered to be risks for agricultural bioterrorism attack, including evaluation of the techniques.

"(B) COLLABORATION.—Research under subparagraph (A) may be conducted in collaboration with scientists from the Department, other Federal agencies, universities, and industry.

"(C) EVALUATION OF DIAGNOSTIC TECHNIQUES AND VACCINES.—Any research on or evaluation of diagnostic techniques and vaccines under subparagraph (A) shall include evaluation of diagnostic techniques and vaccines under field conditions in countries in which the animal disease occurs.

"(26) PROGRAM TO COMBAT CHILDHOOD OBESITY.—Research and extension grants may be made under this section to institutions of higher education with demonstrated capacity in basic and clinical obesity research, nutrition research, and community health education research to develop and evaluate community-wide strategies that catalyze partnerships between families and health care, education, recreation, mass media, and other community resources to reduce the incidence of childhood obesity.

"(27) INTEGRATED PEST MANAGEMENT.—Research and extension grants may be made under this section to land grant colleges and universities, other Federal agencies, and other interested persons to coordinate and improve research, education, and outreach on, and implementation on farms of, integrated pest management.

"(28) BEEF CATTLE GENETICS.—

"(A) IN GENERAL.—Research and extension grants for beef cattle genetics evaluation research may be made under this section to institutions of higher education, or consortia of institutions of higher education, that—

"(i) have expertise in beef cattle genetic evaluation research and technology; and

"(ii) have been actively involved, for at least 20 years, in the estimation and prediction of progeny differences for publication and use by seed stock producer breed associations.

"(B) PRIORITY.—In making grants under subparagraph (A), the Secretary shall give priority to proposals to—

"(i) establish and coordinate priorities for genetic evaluation of domestic beef cattle;

"(ii) consolidate research efforts to reduce duplication of effort and maximize the return to beef industry;

"(iii) streamline the process between the development and adoption of new genetic evaluation methodologies by the industry;

"(iv) identify new traits and technologies for inclusion in genetic programs in order to—

"(I) reduce the costs of beef production; and

"(II) provide consumers with a high nutritional value, healthy, and affordable protein source; or

"(v) create decisionmaking tools that incorporate the increasing number of traits being evaluated and the increasing amount of information from DNA technology into genetic improvement programs, with the goal of optimizing the overall efficiency, product quality and safety, and health of the domestic beef cattle herd resource.

"(29) DAIRY PIPELINE CLEANERS.—Research and extension grants may be made under this section for the purpose of preventing and eliminating the dangers of dairy pipeline cleaner, including—

"(A) developing safer packaging mechanisms and a new transfer mechanism, including a new pumping mechanism for dairy pipeline cleaner;

"(B) outlining—

"(i) the accident history for dairy pipeline cleaner;

"(ii) the causes of accidents involving dairy pipeline cleaner; and

"(iii) potential means of prevention of such accidents, including improved labeling and pump structure; and

"(C) other means of improving efforts to prevent ingestion of dairy pipeline cleaner.

"(30) DEVELOPMENT OF PUBLICLY HELD PLANTS AND ANIMAL VARIETIES; GENETIC RESOURCE CONSERVATION ACTIVITIES.—Research and extension grants may be made under this section to colleges and universities, other Federal agencies, plant breeders, and other interested persons for the purpose of—

"(A) development of publicly held plants and animal varieties (including germplasm for identity-preserved markets); and

"(B) genetic resource conservation activities."; and

(2) in subsection (h), by striking "2002" and inserting "2006", of which not less than $100,000 for each of fiscal years 2002 through 2006 shall be used to carry out subsection (e)(29).

SEC. 735. NUTRIENT MANAGEMENT RESEARCH AND EXTENSION INITIATIVE.

Section 1672A(g) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925a(g)) is amended by striking "2002" and inserting "2006".

SEC. 736. ORGANIC AGRICULTURE RESEARCH AND EXTENSION INITIATIVE.

Section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b) is amended—

(1) in subsection (a)—

(A) by inserting after "Board," the following: "and the National Organic Standards Board,";

(B) in paragraph (2), by striking "and" at the end;

(C) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(D) by adding at the end the following:

"(4) determining desirable traits for organic commodities using advanced genomics, field trials, and other methods;

"(5) pursuing classical and marker-assisted breeding for publicly held varieties of crops and animals optimized for organic systems;

"(6) identifying marketing and policy constraints on the expansion of organic agriculture; and

"(7) conducting advanced on-farm research and development that emphasizes observation of, experimentation with, and innovation for working organic farms, including research relating to production and marketing and to socioeconomic conditions."; and

(2) in subsection (e), by striking "2002" and inserting "2006".

SEC. 737. AGRICULTURAL TELECOMMUNICATIONS PROGRAM.

Section 1673(h) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(h)) is amended by striking "2002" and inserting "2006".

SEC. 738. ASSISTIVE TECHNOLOGY PROGRAM FOR FARMERS WITH DISABILITIES.

Section 1680(c)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5933(c)(1)) is amended by striking "2002" and inserting "2006".

Subtitle C—Agricultural Research, Extension, and Education Reform Act of 1998

SEC. 741. INITIATIVE FOR FUTURE AGRICULTURE AND FOOD SYSTEMS.

Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) FUNDING.—

"(1) IN GENERAL.—Out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account to carry out this section—

"(A) on October 1, 1998 and each October 1 thereafter through October 1, 2001, $120,000,000; and

"(B) on October 1, 2002, and each October 1 thereafter through October 1, 2005, $145,000,000.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation."; and

(2) in subsection (e), by adding at the end the following:

"(3) MINORITY-SERVING INSTITUTIONS.—The Secretary shall consider reserving, to the maximum extent practicable, 10 percent of the funds made available to carry out this section for a fiscal year for grants to minority-serving institutions.".

SEC. 742. PARTNERSHIPS FOR HIGH-VALUE AGRICULTURAL PRODUCT QUALITY RESEARCH.

Section 402(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7622(g)) is amended by striking "2002" and inserting "2006".

SEC. 743. PRECISION AGRICULTURE.

Section 403 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7623) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) in subparagraph (A), inserting "or horticultural" following "agronomic"; and

(ii) in subparagraph (C), by striking "or" at the end;

(iii) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(iv) by adding at the end the following:

"(E) using such information to enable intelligent mechanized harvesting and sorting systems for horticultural crops.";

(B) in paragraph (4)—

(i) in subparagraph (C), by striking "or" at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(iii) by adding at the end the following:

"(E) robotic and other intelligent machines for use in horticultural cropping systems."; and

(C) in paragraph (5)(F), by inserting "(including improved use of energy inputs)" after "farm production efficiencies";

(2) in subsection (c)(2)—

(A) by inserting "or horticultural" after "agronomic"; and

(B) by striking "and meteorological variability" and inserting "product variability, and meteorological variability";

(3) in subsection (d)—

(A) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(B) by inserting after paragraph (3) the following:

"(4) Improve farm energy use efficiencies."; and

(4) in subsection (i)(1), by striking "2002" and inserting "2006".

SEC. 744. BIOBASED PRODUCTS.

Section 404 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7624) is amended—

(1) in subsection (e)(2), by striking "2001" and inserting "2006"; and

(2) in subsection (h), by striking "2002" and inserting "2006".

SEC. 745. THOMAS JEFFERSON INITIATIVE FOR CROP DIVERSIFICATION.

Section 405(h) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7

U.S.C. 7625(h)) is amended by striking "2002" and inserting "2006".

SEC. 746. INTEGRATED RESEARCH, EDUCATION, AND EXTENSION COMPETITIVE GRANTS PROGRAM.

Section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626) is amended—

(1) by redesignating subsection (e) as subsection (f);

(2) by inserting after subsection (d) the following:

"(e) TERM OF GRANT.—A grant under this section shall have a term of not more than 5 years."; and

(3) in subsection (f) (as so redesignated), by striking "2002" and inserting "2006".

SEC. 747. SUPPORT FOR RESEARCH REGARDING DISEASES OF WHEAT AND BARLEY CAUSED BY FUSARIUM GRAMINEARUM.

Section 408(e) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7628(e)) is amended by striking "2002" and inserting "2006".

SEC. 748. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) is amended by adding at the end the following:

"SEC. 409. BOVINE JOHNE'S DISEASE CONTROL PROGRAM.

"(a) ESTABLISHMENT.—The Secretary, in coordination with State veterinarians and other appropriate State animal health professionals, may establish a program to conduct research, testing, and evaluation of programs for the control and management of Johne's disease in livestock.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.".

SEC. 749. GRANTS FOR YOUTH ORGANIZATIONS.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) (as amended by section 748) is amended by adding at the end the following:

"SEC. 410. GRANTS FOR YOUTH ORGANIZATIONS.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Cooperative State Research, Education, and Extension Service, shall make grants to the Girl Scouts of the United States of America, the Boy Scouts of America, the National 4–H Council, and the National FFA Organization to establish pilot projects to expand the programs carried out by the organizations in rural areas and small towns (including, with respect to the National 4–H Council, activities provided for in Public Law 107–19 (115 Stat. 153)).

"(b) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $8,000,000 for fiscal year 2002, which shall remain available until expended.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2003 through 2006.".

SEC. 750. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) (as amended by section 749) is amended by adding at the end the following:

"SEC. 411. AGRICULTURAL BIOTECHNOLOGY RESEARCH AND DEVELOPMENT FOR DEVELOPING COUNTRIES.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(A) an institution of higher education;

"(B) a nonprofit organization; or

"(C) a consortium of for-profit institutions and agricultural research institutions.

"(2) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' means—

"(A) a historically black land-grant college or university;

"(B) a Hispanic-serving institution (as defined in section 1404 of the National, Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); or

"(C) a tribal college or university that offers a curriculum in agriculture or the biosciences.

"(b) GRANT PROGRAM.—

"(1) IN GENERAL.—The Secretary (acting through the Foreign Agricultural Service) shall establish and administer a program to make competitive grants to eligible entities to develop agricultural biotechnology for developing countries.

"(2) USE OF FUNDS.—Funds provided to an eligible entity under this section may be used for projects that use biotechnology to—

"(A) enhance the nutritional content of agricultural products that can be grown in developing countries;

"(B) increase the yield and safety of agricultural products that can be grown in developing countries;

"(C) increase the yield of agricultural products that are drought- and stress-resistant and that can be grown in developing countries;

"(D) extend the growing range of crops that can be grown in developing countries;

"(E) enhance the shelf-life of fruits and vegetables grown in developing countries;

"(F) develop environmentally sustainable agricultural products that can be grown in developing countries; and

"(G) develop vaccines to immunize against life-threatening illnesses and other medications that can be administered by consuming genetically-engineered agricultural products.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2002 through 2006.".

SEC. 750A. OFFICE OF PEST MANAGEMENT POLICY.

Section 614(f) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7653(f)) is amended by striking "2002" and inserting "2006".

SEC. 750B. SENIOR SCIENTIFIC RESEARCH SERVICE.

Subtitle B of title VI of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7651 et seq.) is amended by adding at the end the following:

"SEC. 620. SENIOR SCIENTIFIC RESEARCH SERVICE.

"(a) IN GENERAL.—There is established in the Department of Agriculture the Senior Scientific Research Service (referred to in this section as the 'Service').

"(b) MEMBERS.—

"(1) IN GENERAL.—Subject to paragraphs (2) through (4), the Secretary shall appoint the members of the Service.

"(2) QUALIFICATIONS.—To be eligible for appointment to the Service, an individual shall—

"(A) have conducted outstanding research in the field of agriculture or forestry;

"(B) have earned a doctoral level degree at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)); and

"(C) meet qualification standards prescribed by the Director of the Office of Personnel Management for appointment to a position at level GS–15 of the General Schedule.

"(3) NUMBER.—Not more than 100 individuals may serve as members of the Service at any 1 time.

"(4) OTHER REQUIREMENTS.—

"(A) IN GENERAL.—Subject to subparagraph (B) and subsection (d)(2), the Secretary may appoint and employ a member of the Service without regard to—

"(i) the provisions of title 5, United States Code, governing appointments in the competitive service;

"(ii) the provisions of subchapter I of chapter 35 of title 5, United States Code, relating to retention preference;

"(iii) the provisions of chapter 43 of title 5, United States Code, relating to performance appraisal and performance actions;

"(iv) the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates; and

"(v) the provisions of chapter 75 of title 5, United States Code, relating to adverse actions.

"(B) EXCEPTION.—A member of the Service appointed and employed by the Secretary under subparagraph (A) shall have the same right of appeal to the Merit Systems Protection Board and the same right to file a complaint with the Office of Special Counsel as an employee appointed to a position at level GS–15 of the General Schedule.

"(c) PERFORMANCE APPRAISAL SYSTEM.—The Secretary shall develop a performance appraisal system for members of the Service that is designed to—

"(1) provide for the systematic appraisal of the employment performance of the members; and

"(2) encourage excellence in employment performance by the members.

"(d) COMPENSATION.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall determine the compensation of members of the Service.

"(2) LIMITATIONS.—The rate of pay for a member of the Service shall—

"(A) not be less than the minimum rate payable for a position at level GS–15 of the General Schedule; and

"(B) not be more than the rate payable for a position at level I of the Executive Schedule, unless the rate is approved by the President under section 5377(d)(2) of title 5, United States Code.

"(e) RETIREMENT CONTRIBUTIONS.—

"(1) IN GENERAL.—On the request of a member of the Service who was an employee of an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) immediately prior to appointment as a member of the Service and who retains the right to continue to make contributions to the retirement system of the institution, the Secretary may contribute an amount not to exceed 10 percent of the basic pay of the member to the retirement system of the institution on behalf of the member.

"(2) FEDERAL RETIREMENT SYSTEM.—

"(A) IN GENERAL.—Subject to subparagraph (B), a member for whom a contribution is made under paragraph (1) shall not, as a result of serving as a member of the Service, be covered by, or earn service credit under, chapter 83 or 84 of title 5, United States Code.

"(B) ANNUAL LEAVE.—Service of a member of the Service described in subparagraph (A) shall be creditable for determining years of service under section 6303(a) of title 5, United States Code.

"(f) INVOLUNTARY SEPARATION.—

"(1) IN GENERAL.—Subject to paragraph (2) and notwithstanding the provisions of title 5, United States Code, governing appointment in the competitive service, in the case of an individual who is separated from the Service involuntarily and without cause—

"(A) the Secretary may appoint the individual to a position in the competitive civil service at level GS–15 of the General Schedule; and

"(B) the appointment shall be a career appointment.

"(2) EXCEPTED CIVIL SERVICE.—In the case of an individual described in paragraph (1) who immediately prior to appointment as a member of the Service was not a career appointee in the civil service or the Senior Executive Service, the appointment of the individual under paragraph (1)—

"(A) shall be to the excepted civil service; and

"(B) may not exceed a period of 2 years.".

Subtitle D—Land-Grant Funding

CHAPTER 1—1862 INSTITUTIONS

SEC. 751. CARRYOVER.

Section 7 of the Hatch Act of 1887 (7 U.S.C. 361g) is amended by striking subsection (c) and inserting the following:

"(c) CARRYOVER.—

"(1) IN GENERAL.—The balance of any annual funds provided under this Act to a State agricultural experiment station for a fiscal year that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

"(2) FAILURE TO EXPEND FULL ALLOTMENT.—If any unexpended balance carried over by a State is not expended by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the State.".

SEC. 752. REPORTING OF TECHNOLOGY TRANSFER ACTIVITIES.

Section 7(e) of the Hatch Act of 1887 (7 U.S.C. 361g(e)) is amended by adding at the end the following:

"(5) The technology transfer activities conducted with respect to federally-funded agricultural research.".

SEC. 753. COMPLIANCE WITH MULTISTATE AND INTEGRATION REQUIREMENTS.

(a) MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—Section 3 of the Smith-Lever Act (7 U.S.C. 343) is amended by striking subsection (h) and inserting the following:

"(h) MULTISTATE COOPERATIVE EXTENSION ACTIVITIES.—

"(1) DEFINITION OF MULTISTATE ACTIVITY.—In this subsection, the term 'multistate activity' means a cooperative extension activity in which 2 or more States cooperate to resolve problems that concern more than 1 State.

"(2) REQUIREMENT.—

"(A) IN GENERAL.—To receive funding under subsections (b) and (c) for a fiscal year, a State must have expended on multistate activities, in the preceding fiscal year, an amount equivalent to not less than 25 percent of the funds paid to the State under subsections (b) and (c) for the preceding fiscal year.

"(B) DETERMINATION OF AMOUNT.—In determining compliance with subparagraph (A), the Secretary shall include all cooperative extension funds expended by the State in the preceding fiscal year, including Federal, State, and local funds.

"(3) REDUCTION OF PERCENTAGE.—The Secretary may reduce the minimum percentage required to be expended for multistate activities under paragraph (2) by a State in a case of hardship, unfeasibility, or other similar circumstances beyond the control of the State, as determined by the Secretary.

"(4) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 4 a description of the manner in which the State will meet the requirements of this subsection.

"(5) APPLICABILITY.—This subsection does not apply to funds provided—

"(A) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)); or

"(B) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.".

(b) INTEGRATED RESEARCH AND EXTENSION ACTIVITIES.—Section 3 of the Hatch Act of 1887 (7 U.S.C. 361c) is amended by striking subsection (i) and inserting the following:

"(i) INTEGRATED RESEARCH AND EXTENSION ACTIVITIES.—

"(1) IN GENERAL.—

"(A) REQUIREMENT.—To receive funding under this Act and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343) for a fiscal year, a State must have expended on activities that integrate cooperative research and extension (referred to in this section as 'integrated activities'), in the preceding fiscal year, an amount equivalent to not less than 25 percent of the funds paid to the State under this section and subsections (b) and (c) of section 3 of the Smith-Lever Act (7 U.S.C. 343) for the preceding fiscal year.

"(B) DETERMINATION OF AMOUNT.—In determining compliance with subparagraph (A), the Secretary shall include all cooperative research and extension funds expended by the State in the prior fiscal year, including Federal, State, and local funds.

"(2) REDUCTION OF PERCENTAGE.—The Secretary may reduce the minimum percentage required to be expended for integrated activities under paragraph (1) by a State in a case of hardship, unfeasibility, or other similar circumstances beyond the control of the State, as determined by the Secretary.

"(3) PLAN OF WORK.—The State shall include in the plan of work of the State required under section 7 of this Act and under section 4 of the Smith-Lever Act (7 U.S.C. 344), as applicable, a description of the manner in which the State will meet the requirements of this subsection.

"(4) APPLICABILITY.—This subsection does not apply to funds provided—

"(A) to a 1994 Institution (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)); or

"(B) to the Commonwealth of Puerto Rico, the Virgin Islands, or Guam.

"(5) RELATIONSHIP TO OTHER REQUIREMENTS.—Funds described in paragraph (1)(B) that a State uses to calculate the required amount of expenditures for integrated activities under paragraph (1)(A) may also be used in the same fiscal year to calculate the amount of expenditures for multistate activities required under subsection (c)(3) of this section and section 3(h) of the Smith-Lever Act (7 U.S.C. 343(h)).".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2002.

CHAPTER 2—1994 INSTITUTIONS

SEC. 754. EXTENSION AT 1994 INSTITUTIONS.

Section 3(b) of the Smith-Lever Act (7 U.S.C. 343(b)) is amended by striking paragraph (3) and inserting the following:

"(3) EXTENSION AT 1994 INSTITUTIONS.—

"(A) IN GENERAL.—There are authorized to be appropriated for fiscal year 2002 and each subsequent fiscal year, for payment to 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382)), such sums as are necessary for the purposes set forth in section 2, to remain available until expended.

"(B) DISTRIBUTION.—Amounts made available under subparagraph (A)—

"(i) shall be distributed on the basis of a formula to be developed and implemented by the Secretary, in consultation with the 1994 Institutions; and

"(ii) may include payments for extension activities carried out during 1 or more fiscal years.

"(C) COOPERATIVE AGREEMENT.—In accordance with such regulations as the Secretary may promulgate, a 1994 Institution may administer funds received under this paragraph through a cooperative agreement with an 1862 Institution or an 1890 Institution (as those terms are defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)).".

SEC. 755. EQUITY IN EDUCATIONAL LAND-GRANT STATUS ACT OF 1994.

(a) TECHNICAL AMENDMENT TO REFLECT NAME CHANGES.—Section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking paragraphs (1) through (30) and inserting the following:

"(1) Bay Mills Community College.

"(2) Blackfeet Community College.

"(3) Cankdeska Cikana Community College.

"(4) College of Menominee Nation.

"(5) Crownpoint Institute of Technology.

"(6) D-Q University.

"(7) Diné College.

"(8) Chief Dull Knife Memorial College.

"(9) Fond du Lac Tribal and Community College.

"(10) Fort Belknap College.

"(11) Fort Berthold Community College.

"(12) Fort Peck Community College.

"(13) Haskell Indian Nations University.

"(14) Institute of American Indian and Alaska Native Culture and Arts Development.

"(15) Lac Courte Oreilles Ojibwa Community College.

"(16) Leech Lake Tribal College.

"(17) Little Big Horn College.

"(18) Little Priest Tribal College.

"(19) Nebraska Indian Community College.

"(20) Northwest Indian College.

"(21) Oglala Lakota College.

"(22) Salish Kootenai College.

"(23) Sinte Gleska University.

"(24) Sisseton Wahpeton Community College.

"(25) Si Tanka/Huron University.

"(26) Sitting Bull College.

"(27) Southwestern Indian Polytechnic Institute.

"(28) Stone Child College.

"(29) Turtle Mountain Community College.

"(30) United Tribes Technical College.

"(31) White Earth Tribal and Community College.".

(b) ACCREDITATION REQUIREMENT FOR RESEARCH GRANTS.—Section 533(a)(3) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "sections 534 and 535" and inserting "sections 534, 535, and 536".

(c) LAND-GRANT STATUS FOR 1994 INSTITUTIONS.—Section 533(b) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "$4,600,000 for each of fiscal years 1996 through 2002" and inserting "such sums as are necessary for each of fiscal years 2002 through 2006".

(d) CHANGE OF INDIAN STUDENT COUNT FORMULA.—Section 533(c)(4)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "(as defined in section 390(3) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2397h(3)) for each 1994 Institution for the fiscal year" and inserting "(as defined in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)))".

(e) INCREASE IN INSTITUTIONAL PAYMENTS.—Section 534(a)(1)(A) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "$50,000" and inserting "$100,000".

(f) INSTITUTIONAL CAPACITY BUILDING GRANTS.—Section 535 of the Equity in Educational Land-Grant Status Act of 1994 (7

U.S.C. 301 note; Public Law 103–382) is amended—

(1) in subsection (b)(1), by striking "2002" and inserting "2006"; and

(2) in subsection (c), by striking "$1,700,000 for each of fiscal years 1996 through 2002" and inserting "such sums as are necessary for each of fiscal years 2002 through 2006".

(g) RESEARCH GRANTS.—Section 536(c) of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103–382) is amended by striking "2002" and inserting "2006".

SEC. 756. ELIGIBILITY FOR INTEGRATED GRANTS PROGRAM.

Section 406(b) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626(b)) is amended by inserting "and 1994 Institutions" before "on a competitive basis".

CHAPTER 3—1890 INSTITUTIONS

SEC. 757. AUTHORIZATION PERCENTAGES FOR RESEARCH AND EXTENSION FORMULA FUNDS.

(a) EXTENSION.—Section 1444(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221(a)) is amended—

(1) by striking "(a) There" and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There";

(2) by striking the second sentence; and

(3) in the third sentence, by striking "Beginning" through "6 per centum" and inserting the following:

"(2) MINIMUM AMOUNT.—Beginning with fiscal year 2002, there shall be appropriated under this section for each fiscal year an amount that is not less than 15 percent";

(3) by striking "Funds appropriated" and inserting the following:

"(3) USES.—Funds appropriated"; and

(4) by striking "No more" and inserting the following:

"(4) CARRYOVER.—No more".

(b) RESEARCH.—Section 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a)) is amended—

(1) by striking "(a) There" and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There";

(2) by striking the second sentence and inserting the following:

"(2) MINIMUM AMOUNT.—Beginning with fiscal year 2002, there shall be appropriated under this section for each fiscal year an amount that is not less than 25 percent of the total appropriations for the fiscal year under section 3 of the Hatch Act of 1887 (7 U.S.C. 361c).";

(3) by striking "Funds appropriated" and inserting the following:

"(3) USES.—Funds appropriated";

(4) by striking "The eligible" and inserting the following:

"(4) COORDINATION.—The eligible"; and

(5) by striking "No more" and inserting the following:

"(5) CARRYOVER.—No more".

SEC. 758. CARRYOVER.

Section 1445(a) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(a) (as amended by section 757(b)) is amended by striking paragraph (5) and inserting the following:

"(5) CARRYOVER.—

"(A) IN GENERAL.—The balance of any annual funds provided to an eligible institution for a fiscal year under this section that remains unexpended at the end of the fiscal year may be carried over for use during the following fiscal year.

"(B) FAILURE TO EXPEND FULL AMOUNT.—If any unexpended balance carried over by an eligible institution is not expended by the end of the second fiscal year, an amount equal to the unexpended balance shall be deducted from the next succeeding annual allotment to the eligible institution.".

SEC. 759. REPORTING OF TECHNOLOGY TRANSFER ACTIVITIES.

Section 1445(c)(3) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222(c)(3)) is amended by adding at the end the following:

"(F) The technology transfer activities conducted with respect to federally-funded agricultural research.".

SEC. 760. GRANTS TO UPGRADE AGRICULTURAL AND FOOD SCIENCES FACILITIES AT 1890 LAND-GRANT COLLEGES, INCLUDING TUSKEGEE UNIVERSITY.

Section 1447(b) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222b(b)) is amended by striking "$15,000,000 for each of fiscal years 1996 through 2002" and inserting "$25,000,000 for each of fiscal years 2002 through 2006".

SEC. 761. NATIONAL RESEARCH AND TRAINING VIRTUAL CENTERS.

(a) AUTHORIZATION.—Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended by striking "2002" each place it appears in subsections (a)(1) and (f) and inserting "2006".

(b) REDESIGNATION.—Section 1448 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222c) is amended—

*(1) in the section heading, by striking "**CENTENNIAL**" and inserting "**VIRTUAL**"; and*

(2) by striking "centennial" each place it appears and inserting "virtual".

SEC. 762. MATCHING FUNDS REQUIREMENT FOR RESEARCH AND EXTENSION ACTIVITIES.

Section 1449 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222d) is amended by striking subsections (c) and (d) and inserting the following:

"(c) MATCHING FORMULA.—

"(1) IN GENERAL.—For each of fiscal years 2003 through 2006, the State shall provide matching funds from non-Federal sources.

"(2) AMOUNT.—The amount of the matching funds shall be equal to not less than—

"(A) for fiscal year 2003, 60 percent of the formula funds to be distributed to the eligible institution; and

"(B) for each of fiscal years 2004 through 2006, 110 percent of the amount required under this paragraph for the preceding fiscal year.

"(d) WAIVERS.—Notwithstanding subsection (f), for any of fiscal years 2003 through 2006, the Secretary may waive the matching funds requirement under subsection (c) for any amount above the level of 50 percent for an eligible institution of a State if the Secretary determines that the State will be unlikely to meet the matching requirement.".

CHAPTER 4—LAND-GRANT INSTITUTIONS

Subchapter A—General

SEC. 771. PRIORITY-SETTING PROCESS.

Section 102(c)(1) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612(c)(1)) is amended—

(1) by striking "establish and implement a process for obtaining" and inserting "obtain public"; and

(2) by striking the period at the end and inserting the following: "through a process that reflects transparency and opportunity for input from producers of diverse agricultural crops and diverse geographic and cultural communities.".

SEC. 772. TERMINATION OF CERTAIN SCHEDULE A APPOINTMENTS.

(a) TERMINATION.—Not later than 60 days after the date of enactment of this Act, the Secretary of Agriculture shall terminate each appointment listed as an excepted position under schedule A of the General Schedule made by the Secretary to the Federal civil service of an individual who holds dual government appointments, and who carries out agricultural extension work in a program at a college or university eligible to receive funds, under—

(1) the Smith-Lever Act (7 U.S.C. 341 et seq.);

(2) section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221); or

(3) section 208(e) of the District of Columbia Public Postsecondary Education Reorganization Act (88 Stat. 1428).

(b) CONTINUATION OF CERTAIN FEDERAL BENEFITS.—

(1) IN GENERAL.—Notwithstanding title 5, United States Code, and subject to paragraph (2), an individual described in subsection (a), during the period the individual is employed in an agricultural extension program described in subsection (a) without a break in service, shall continue to—

(A) be eligible to participate, to the same extent that the individual was eligible to participate (on the day before the date of enactment of this Act), in—

(i) the Federal Employee Health Benefits Program;

(ii) the Federal Employee Group Life Insurance Program;

(iii) the Civil Service Retirement System;

(iv) the Federal Employee Retirement System; and

(v) the Thrift Savings Plan; and

(B) receive Federal Civil Service employment credit to the same extent that the individual was receiving such credit on the day before the date of enactment of this Act.

(2) LIMITATIONS.—An individual may continue to be eligible for the benefits described in paragraph (1) if—

(A) in the case of an individual who remains employed in the agricultural extension program described in subsection (a) on the date of the enactment of this Act, the employing college or university continues to fulfill the administrative and financial responsibilities (including making agency contributions) associated with providing those benefits, as determined by the Secretary of Agriculture; and

(B) in the case of an individual who changes employment to a second college or university described in subsection (a)—

(i) the individual continues to work in an agricultural extension program described in subsection (a), as determined by the Secretary of Agriculture;

(ii) the second college or university—

(I) fulfills the administrative and financial responsibilities (including making agency contributions) associated with providing those benefits, as determined by the Secretary of Agriculture; and

(II) within 120 days before the date of the employment of the individual, had employed a different individual described in subsection (a) who had performed the same duties of employment; and

(iii) the individual was eligible for those benefits on the day before the date of enactment of this Act.

Subchapter B—Land-Grant Institutions in Insular Areas

SEC. 775. DISTANCE EDUCATION GRANTS PROGRAM FOR INSULAR AREA LAND-GRANT INSTITUTIONS.

The National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C.

3101 et seq.) (as amended by section 723) is amended by adding at the end the following:

"Subtitle O—Land Grant Institutions in Insular Areas

"SEC. 1489. DISTANCE EDUCATION GRANTS FOR INSULAR AREAS.

"(a) IN GENERAL.—The Secretary may make competitive or noncompetitive grants to State cooperative institutions in insular areas to strengthen the capacity of State cooperative institutions to carry out distance food and agricultural education programs using digital network technologies.

"(b) USE.—Grants made under this section shall be used—

"(1) to acquire the equipment, instrumentation, networking capability, hardware and software, digital network technology, and infrastructure necessary to teach students and teachers about technology in the classroom;

"(2) to develop and provide educational services (including faculty development) to prepare students or faculty seeking a degree or certificate that is approved by the State or a regional accrediting body recognized by the Secretary of Education;

"(3) to provide teacher education, library and media specialist training, and preschool and teacher aid certification to individuals who seek to acquire or enhance technology skills in order to use technology in the classroom or instructional process;

"(4) to implement a joint project to provide education regarding technology in the classroom with a local educational agency, community-based organization, national nonprofit organization, or business, including a minority business or a business located in a HUBZone established under section 31 of the Small Business Act (15 U.S.C. 657a); or

"(5) to provide leadership development to administrators, board members, and faculty of eligible institutions with institutional responsibility for technology education.

"(c) LIMITATION ON USE OF GRANT FUNDS.—Funds provided under this section shall not be used for the planning, acquisition, construction, rehabilitation, or repair of a building or facility.

"(d) ADMINISTRATION OF PROGRAM.—The Secretary may carry out this section in a manner that recognizes the different needs and opportunities for State cooperative institutions in the Atlantic and Pacific Oceans.

"(e) MATCHING REQUIREMENT.—

"(1) IN GENERAL.—The Secretary may establishment a requirement that a State cooperative institution receiving a grant under this section shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the grant.

"(2) WAIVERS.—If the Secretary establishes a matching requirement under paragraph (1), the requirement shall include an option for the Secretary to waive the requirement for an insular area State cooperative institution for any fiscal year if the Secretary determines that the institution will be unlikely to meet the matching requirement for the fiscal year.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2002 through 2006.".

SEC. 776. MATCHING REQUIREMENTS FOR RESEARCH AND EXTENSION FORMULA FUNDS FOR INSULAR AREA LAND-GRANT INSTITUTIONS.

(a) EXPERIMENT STATIONS.—Section 3(d) of the Hatch Act of 1887 (7 U.S.C. 361c(d)) is amended by striking paragraph (4) and inserting the following:

"(4) EXCEPTION FOR INSULAR AREAS.—

"(A) IN GENERAL.—Effective beginning for fiscal year 2003, in lieu of the matching funds requirement of paragraph (1), the insular areas of the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds distributed by the Secretary to each of the insular areas, respectively, under this section.

"(B) WAIVERS.—The Secretary may waive the matching fund requirement of subparagraph (A) for any fiscal year if the Secretary determines that the government of the insular area will be unlikely to meet the matching requirement for the fiscal year.".

(b) COOPERATIVE AGRICULTURAL EXTENSION.—Section 3(e) of the Smith-Lever Act (7 U.S.C. 343(e)) is amended by striking paragraph (4) and inserting the following:

"(4) EXCEPTION FOR INSULAR AREAS.—

"(A) IN GENERAL.—Effective beginning for fiscal year 2003, in lieu of the matching funds requirement of paragraph (1), the insular areas of the Commonwealth of Puerto Rico, Guam, and the Virgin Islands of the United States shall provide matching funds from non-Federal sources in an amount equal to not less than 50 percent of the formula funds distributed by the Secretary to each of the insular areas, respectively, under this section.

"(B) WAIVERS.—The Secretary may waive the matching fund requirement of subparagraph (A) for any fiscal year if the Secretary determines that the government of the insular area will be unlikely to meet the matching requirement for the fiscal year.".

Subtitle E—Other Laws

SEC. 781. CRITICAL AGRICULTURAL MATERIALS.

Section 16(a) of the Critical Agricultural Materials Act (7 U.S.C. 178n(a)) is amended by striking "2002" and inserting "2006".

SEC. 782. RESEARCH FACILITIES.

Section 6(a) of the Research Facilities Act (7 U.S.C. 390d(a)) is amended by striking "2002" and inserting "2006".

SEC. 783. FEDERAL AGRICULTURAL RESEARCH FACILITIES.

Section 1431 of the National Agricultural Research, Extension, and Teaching Policy Act Amendments of 1985 (Public Law 99–198; 99 Stat. 1556) is amended by striking "2002" and inserting "2006".

SEC. 784. COMPETITIVE, SPECIAL, AND FACILITIES RESEARCH GRANTS.

The Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 450i) is amended in subsection (b)—

(1) in paragraph (2), by striking "in—" and all that follows and inserting ", as those needs are determined by the Secretary, in consultation with the National Agricultural Research, Extension, Education, and Economics Advisory Board, not later than July 1 of each fiscal year for the purposes of the following fiscal year."; and

(2) in paragraph (10), by striking "2002" and inserting "2006".

SEC. 785. RISK MANAGEMENT EDUCATION FOR BEGINNING FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 524(a)(3) of the Federal Crop Insurance Act (7 U.S.C. 1524(a)(3)) is amended by striking subparagraph (A) and inserting the following:

"(A) AUTHORITY.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall establish a program under which competitive grants are made to qualified public and private entities (including land-grant colleges and universities, cooperative extension services, colleges or universities, and community colleges), as determined by the Secretary, for the purpose of—

"(i) educating producers generally about the full range of risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction, and other risk management strategies; or

"(ii) educating beginning farmers and ranchers—

"(I) in the areas described in clause (i); and

"(II) in risk management strategies, as part of programs that are specifically targeted at beginning farmers and ranchers.".

(b) TECHNICAL CORRECTION.—Section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) is amended by redesignating the second paragraph (2) and paragraph (3) as paragraphs (3) and (4), respectively.

SEC. 786. AQUACULTURE.

Section 10 of the National Aquaculture Act of 1980 (16 U.S.C. 2809) is amended by striking "2002" each place it appears and inserting "2006".

SEC. 787. CARBON CYCLE RESEARCH.

Section 221 of the Agricultural Risk Protection Act of 2000 (114 Stat. 407) is amended—

(1) in subsection (a), by striking "Of the amount" and all that follows through "to provide" and inserting "To the extent that funds are made available for the purpose, the Secretary shall provide";

(2) in subsection (d), by striking "under subsection (a)" and inserting "to carry out this section"; and

(3) by adding at the end the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for fiscal years 2002 through 2006 such sums as are necessary to carry out this section.".

Subtitle F—New Authorities

SEC. 791. DEFINITIONS.

In this subtitle:

(1) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(2) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 792. REGULATORY AND INSPECTION RESEARCH.

(a) DEFINITIONS.—In this section:

(1) INSPECTION OR REGULATORY AGENCY OF THE DEPARTMENT.—The term "inspection or regulatory agency of the Department" includes—

(A) the Animal and Plant Health Inspection Service;

(B) the Food Safety and Inspection Service;

(C) the Grain Inspection, Packers, and Stockyards Administration; and

(D) the Agricultural Marketing Service.

(2) URGENT APPLIED RESEARCH NEEDS.—The term "urgent applied research needs" includes research necessary to carry out—

(A) agricultural marketing programs;

(B) programs to protect the animal and plant resources of the United States; and

(C) educational programs or special studies to improve the safety of the food supply of the United States.

(b) TIMELY, COST-EFFECTIVE RESEARCH.—To meet the urgent applied research needs of inspection or regulatory agencies of the Department, the Secretary—

(1) may use a public or private source; and

(2) shall use the most practicable source to provide timely, cost-effective means of providing the research.

(c) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent any conflict of interest that may arise if an inspection or regulatory agency of the Department obtains research from any Federal agency the work or technology transfer efforts of which are funded in part by an industry subject to the jurisdiction of the inspection or regulatory agency of the Department.

(d) REGULATIONS.—The Secretary may promulgate such regulations as are necessary to carry out this section.

SEC. 793. EMERGENCY RESEARCH TRANSFER AUTHORITY.

(a) IN GENERAL.—Subject to subsection (b), in addition to any other authority that the Secretary may have to transfer appropriated funds, the Secretary may transfer up to 2 percent of any appropriation made available to an office or agency of the Department for a fiscal year for agricultural research, extension, marketing, animal and plant health, nutrition, food safety, nutrition education, or forestry programs to any other appropriation for an office or agency of the Department for emergency research, extension, or education activities needed to address imminent threats to animal and plant health, food safety, or human nutrition, including bioterrorism.

(b) LIMITATIONS.—The Secretary may transfer funds under subsection (a) only—

(1) on a determination by the Secretary that the need is so imminent that the need will not be timely met by annual, supplemental, or emergency appropriations;

(2) in an aggregate amount that does not exceed $5,000,000 for any fiscal year; and

(3) with the approval of the Director of the Office of Management and Budget.

SEC. 794. REVIEW OF AGRICULTURAL RESEARCH SERVICE.

(a) IN GENERAL.—The Secretary shall conduct a review of the purpose, efficiency, effectiveness, and impact on agricultural research of the Agricultural Research Service.

(b) ADMINISTRATION.—In conducting the review, the Secretary shall use persons outside the Department, including—

(1) Federal scientists;

(2) college and university faculty;

(3) private and nonprofit scientists; or

(4) other persons familiar with the role of the Agricultural Research Service in conducting agricultural research in the United States.

(c) REPORT.—Not later than September 30, 2004, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the review.

(d) FUNDING.—The Secretary shall use to carry out this section not more than 0.1 percent of the amount of appropriations made available to the Agricultural Research Service for each of fiscal years 2002 through 2004.

SEC. 795. TECHNOLOGY TRANSFER FOR RURAL DEVELOPMENT.

(a) IN GENERAL.—The Secretary, acting through the Rural Business-Cooperative Service and the Agricultural Research Service, shall establish a program to promote the availability of technology transfer opportunities of the Department to rural businesses and residents.

(b) COMPONENTS OF PROGRAM.—The program shall, to the maximum extent practicable, include—

(1) a website featuring information about the program and technology transfer opportunities of the Department;

(2) an annual joint program for State economic development directors and Department rural development directors regarding technology transfer opportunities of the Agricultural Research Service and other offices and agencies of the Department; and

(3) technology transfer opportunity programs at each Agricultural Research Service laboratory, conducted at least biennially, which may include participation by other local Federal laboratories, as appropriate.

(c) FUNDING.—The Secretary shall use to carry out this section—

(1) amounts made available to the Agricultural Research Service; and

(2) amounts made available to the Rural Business-Cooperative Service for salaries and expenses.

SEC. 796. BEGINNING FARMER AND RANCHER DEVELOPMENT PROGRAM.

(a) DEFINITION OF BEGINNING FARMER OR RANCHER.—In this section, the term "beginning farmer or rancher" means a person that—

(1)(A) has not operated a farm or ranch; or

(B) has operated a farm or ranch for not more than 10 years; and

(2) meets such other criteria as the Secretary may establish.

(b) PROGRAM.—The Secretary shall establish a beginning farmer and rancher development program to provide training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers.

(c) GRANTS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall make competitive grants to support new and established local and regional training, education, outreach, and technical assistance initiatives for beginning farmers or ranchers, including programs and services (as appropriate) relating to—

(A) mentoring, apprenticeships, and internships;

(B) resources and referral;

(C) assisting beginning farmers or ranchers in acquiring land from retiring farmers and ranchers;

(D) innovative farm and ranch transfer strategies;

(E) entrepreneurship and business training;

(F) model land leasing contracts;

(G) financial management training;

(H) whole farm planning;

(I) conservation assistance;

(J) risk management education;

(K) diversification and marketing strategies;

(L) curriculum development;

(M) understanding the impact of concentration and globalization;

(N) basic livestock and crop farming practices;

(O) the acquisition and management of agricultural credit;

(P) environmental compliance;

(Q) information processing; and

(R) other similar subject areas of use to beginning farmers or ranchers.

(2) ELIGIBILITY.—To be eligible to receive a grant under this subsection, the recipient shall be a collaborative State, tribal, local, or regionally-based network or partnership of public or private entities, which may include—

(A) a State cooperative extension service;

(B) a Federal, State, or tribal agency;

(C) a community-based and nongovernmental organization;

(D) a college or university (including an institution awarding an associate's degree) or foundation maintained by a college or university; or

(E) any other appropriate partner, as determined by the Secretary.

(3) TERM OF GRANT.—The term of a grant under this subsection shall not exceed 3 years.

(4) MATCHING REQUIREMENT.—To be eligible to receive a grant under this subsection, a recipient shall provide a match in the form of cash or in-kind contributions in an amount equal to 25 percent of the funds provided by the grant.

(5) SET-ASIDE.—Not less than 25 percent of funds used to carry out this subsection for a fiscal year shall be used to support programs and services that address the needs of—

(A) limited resource beginning farmers or ranchers (as defined by the Secretary);

(B) socially disadvantaged beginning farmers or ranchers (as defined in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)); and

(C) farmworkers desiring to become farmers or ranchers.

(6) PROHIBITION.—A grant made under this subsection may not be used for the planning, repair, rehabilitation, acquisition, or construction of a building or facility.

(7) ADMINISTRATIVE COSTS.—The Secretary shall use not more than 4 percent of the funds made available to carry out this section for administrative costs incurred by the Secretary in carrying out this section.

(d) EDUCATION TEAMS.—

(1) IN GENERAL.—In carrying out this section, the Secretary shall establish beginning farmer and rancher education teams to develop curricula and conduct educational programs and workshops for beginning farmers or ranchers in diverse geographical areas of the United States.

(2) CURRICULUM.—In promoting the development of curricula, the Secretary shall, to the maximum extent practicable, include modules tailored to specific audiences of beginning farmers or ranchers, based on crop or regional diversity.

(3) COMPOSITION.—In establishing an education team for a specific program or workshop, the Secretary shall, to the maximum extent practicable—

(A) obtain the short-term services of specialists with knowledge and expertise in programs serving beginning farmers or ranchers; and

(B) use officers and employees of the Department with direct experience in programs of the Department that may be taught as part of the curriculum for the program or workshop.

(4) COOPERATION.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall cooperate, to the maximum extent practicable, with—

(i) State cooperative extension services;

(ii) Federal and State agencies;

(iii) community-based and nongovernmental organizations;

(iv) colleges and universities (including an institution awarding an associate's degree) or foundations maintained by a college or university; and

(v) other appropriate partners, as determined by the Secretary.

(B) COOPERATIVE AGREEMENT.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary may enter into a cooperative agreement to reflect the terms of any cooperation under subparagraph (A).

(e) CURRICULUM AND TRAINING CLEARINGHOUSE.—The Secretary shall establish an online clearinghouse that makes available to beginning farmers or ranchers education curricula and training materials and programs, which may include online courses for direct use by beginning farmers or ranchers.

(f) STAKEHOLDER INPUT.—In carrying out this section, the Secretary shall seek stakeholder input from—

(1) beginning farmers and ranchers;

(2) national, State, tribal, and local organizations and other persons with expertise in operating beginning farmer and rancher programs; and

(3) the Advisory Committee on Beginning Farmers and Ranchers established under section 5 of the Agricultural Credit Improvement Act of 1992 (7 U.S.C. 1929 note; Public Law 102–554).

(g) PARTICIPATION BY OTHER FARMERS AND RANCHERS.—Nothing in this section prohibits the Secretary from allowing farmers and ranchers who are not beginning farmers or ranchers from participating in programs authorized under this section to the extent that the Secretary determines that such participation is appropriate and will not detract from the primary purpose of educating beginning farmers and ranchers.

(h) FUNDING.—

(1) FEES AND CONTRIBUTIONS.—

(A) IN GENERAL.—The Secretary may—

(i) charge a fee to cover all or part of the costs of curriculum development and the delivery of programs or workshops provided by—

(I) a beginning farmer and rancher education team established under subsection (d); or

(II) the online clearinghouse established under subsection (e); and

(ii) accept contributions from cooperating entities under a cooperative agreement entered into under subsection (d)(4)(B) to cover all or part of the costs for the delivery of programs or workshops by the beginning farmer and rancher education teams.

(B) AVAILABILITY.—Fees and contributions received by the Secretary under subparagraph (A) shall—

(i) be deposited in the account that incurred the costs to carry out this section;

(ii) be available to the Secretary to carry out the purposes of the account, without further appropriation;

(iii) remain available until expended; and

(iv) be in addition to any funds made available under paragraph (2).

(2) TRANSFERS.—

(A) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $15,000,000, to remain available for 2 fiscal years.

(B) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under subparagraph (A), without further appropriation.

SEC. 797. SENSE OF CONGRESS REGARDING DOUBLING OF FUNDING FOR AGRICULTURAL RESEARCH.

It is the sense of Congress that—

(1) Federal funding for food and agricultural research has been essentially constant for 2 decades, putting at risk the scientific base on which food and agricultural advances have been made;

(2) the resulting increase in the relative proportion of private sector, industry investments in food and agricultural research has led to questions about the independence and objectivity of research and outreach conducted by the Federal and university research sectors; and

(3) funding for food and agricultural research should be at least doubled over the next 5 fiscal years—

(A) to restore the balance between public and private sector funding for food and agricultural research; and

(B) to maintain the scientific base on which food and agricultural advances are made.

SEC. 798. RURAL POLICY RESEARCH.

(a) IN GENERAL.—There is established in the Treasury of the United States an account to be known as the "Rural Research Fund Account" (referred to in this section as the "Account") to provide funds for activities described in subsection (c).

(b) FUNDING.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Account to carry out this section $15,000,000, to remain available for 2 fiscal years.

(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

(c) PURPOSES.—The Secretary shall use the funds in the Account to make competitive research grants for applied and outcome oriented research and policy research and analysis of rural issues relating to—

(1) rural sociology;

(2) effects of demographic change, including aging population, outmigration, and labor resources;

(3) needs of groups of rural citizens, including senior citizens, families, youth, children, and socially disadvantaged individuals;

(4) rural community development;

(5) rural infrastructure, including water and waste, community facilities, telecommunications, electricity, and high-speed broadband services;

(6) rural business development, including credit, venture capital, cooperatives, value-added enterprises, new and alternative markets, farm and rural enterprise formation, and entrepreneurship;

(7) farm management, including strategic planning, business and marketing opportunities, risk management, natural resources and environmental management, organic and sustainable farming systems, public sector development of new crops and crop varieties, and intergenerational transfer strategies;

(8) rural education and extension programs, including methods of delivery, availability of resources, and use of distance learning; and

(9) rural health, including mental health, on-farm safety, and food safety.

(d) REQUIREMENTS.—In making grants under this section, the Secretary shall—

(1) solicit and consider public input from persons who conduct or use agricultural research, extension, education, or rural development programs; and

(2) ensure that funded proposals will provide high-quality research that may be of use to public policymakers and private entities in making decisions that affect development in rural areas.

(e) ELIGIBLE GRANTEES.—The Secretary may make a grant under this section to—

(1) an individual;

(2) a college or university or a foundation maintained by a college or university;

(3) a State cooperative institution (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

(4) a community college;

(5) a nonprofit organization, institution, or association;

(6) a business association;

(7) an agency of a State, local, or tribal government; or

(8) a regional partnership of public and private agencies.

(f) TERM.—A grant under this section shall have a term that does not exceed 5 years.

(g) MATCHING FUNDS.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary may require as a condition of the grant that the grant funding be matched, in whole or in part, with matching funds from a non-Federal source.

(2) BUSINESS ASSOCIATIONS.—The Secretary shall require that a grant to a business association be matched with equal matching funds from a non-Federal source.

(h) ADMINISTRATIVE COSTS.—The Secretary may use not more than 4 percent of the funds made available for grants under this section to pay administrative costs incurred by the Secretary in carrying out this section.

SEC. 798A. PRIORITY FOR FARMERS AND RANCHERS PARTICIPATING IN CONSERVATION PROGRAMS.

In carrying out new on-farm research or extension programs or projects authorized by this Act, an amendment made by this Act, or any Act enacted after the date of enactment of this Act, the Secretary shall give priority in carrying out the programs or projects to using farms or ranches of farmers or ranchers that participate in Federal agricultural conservation programs.

SEC. 798B. ORGANIC PRODUCTION AND MARKET DATA INITIATIVES.

The Secretary shall ensure that segregated data on the production and marketing of organic agricultural products is included in the ongoing baseline of data collection regarding agricultural production and marketing.

SEC. 798C. ORGANICALLY PRODUCED PRODUCT RESEARCH AND EDUCATION.

Not later than December 1, 2004, the Secretary, acting through the Administrator of the Economic Research Service, shall prepare, in consultation with the Advisory Committee on Small Farms, and submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, a report on—

(1) the impact on small farms of the implementation of the national organic program under part 205 of title 7, Code of Federal Regulations; and

(2) the production and marketing costs to producers and handlers associated with transitioning to organic production.

SEC. 798D. INTERNATIONAL ORGANIC RESEARCH COLLABORATION.

The Secretary, acting through the Agricultural Research Service (including the National Agriculture Library) and the Economic Research Service, shall facilitate access by research and extension professionals, farmers, and other interested persons in the United States to, and the use by those persons of, organic research conducted outside the United States.

SEC. 798E. REPORT ON PRODUCERS AND HANDLERS OF ORGANIC AGRICULTURAL PRODUCTS.

Not later than 1 year after funds are made available to carry out this section, the Secretary of Agriculture shall submit to Congress a report that—

(1) describes—

(A) the extent to which producers and handlers of organic agricultural products are contributing to research and promotion programs of the Department of Agriculture;

(B) the extent to which producers and handlers of organic agricultural products are surveyed for ideas for research and promotion;

(C) ways in which the programs reflect the contributions made by producers and handlers of organic agricultural products and directly benefit the producers and handlers; and

(D) the implementation of initiatives that directly benefit organic producers and handlers; and

(2) evaluates industry and other proposals for improving the treatment of certified organic agricultural products under Federal marketing orders, including proposals to target additional resources for research and promotion of organic products and to differentiate between certified organic and other products in new or existing volume limitations or other orderly marketing requirements.

TITLE VIII—FORESTRY

SEC. 801. OFFICE OF INTERNATIONAL FORESTRY.

Section 2405(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 6704(d)) is amended by striking "2002" and inserting "2006".

SEC. 802. MCINTIRE-STENNIS COOPERATIVE FORESTRY RESEARCH PROGRAM.

It is the sense of Congress to reaffirm the importance of Public Law 87–88 (16 U.S.C. 582a et seq.), commonly known as the "McIntire-Stennis Cooperative Forestry Act".

SEC. 803. SUSTAINABLE FORESTRY OUTREACH INITIATIVE; RENEWABLE RESOURCES EXTENSION ACTIVITIES.

(a) SUSTAINABLE FORESTRY OUTREACH INITIATIVE.—The Renewable Resources Extension Act of 1978 is amended by inserting after section 5A (16 U.S.C. 1674a) the following:

"SEC. 5B. SUSTAINABLE FORESTRY OUTREACH INITIATIVE.

"The Secretary shall establish a program, to be known as the 'Sustainable Forestry Outreach Initiative', to educate landowners concerning—

"(1) the value and benefits of practicing sustainable forestry;

"(2) the importance of professional forestry advice in achieving sustainable forestry objectives; and

"(3) the variety of public and private sector resources available to assist the landowners in planning for and practicing sustainable forestry.".

(b) Renewable Resources Extension Activities.—

(1) Authorization of appropriations.—Section 6 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1675) is amended by striking the first sentence and inserting the following: "There is authorized to be appropriated to carry out this Act $30,000,000 for each of fiscal years 2002 through 2006.".

(2) Termination date.—Section 8 of the Renewable Resources Extension Act of 1978 (16 U.S.C. 1671 note; Public Law 95–306) is amended by striking "2000" and inserting "2006".

SEC. 804. FORESTRY INCENTIVES PROGRAM.

Section 4(j) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103(j)) is amended by striking "2002" and inserting "2006".

SEC. 805. SUSTAINABLE FORESTRY COOPERATIVE PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5 (16 U.S.C. 2103a) the following:

"SEC. 5A. SUSTAINABLE FORESTRY COOPERATIVE PROGRAM.

"(a) Definitions.—In this section:

"(1) Farmer or rancher.—The term 'farmer or rancher' means a person engaged in the production of an agricultural commodity (including livestock).

"(2) Forestry cooperative.—The term 'forestry cooperative' means an association that is—

"(A) owned and operated by nonindustrial private forest landowners; and

"(B) comprised of members—

"(i) of which at least 51 percent are farmers or ranchers; and

"(ii) that use sustainable forestry practices on nonindustrial private forest land to create a long-term, sustainable income stream.

"(3) Nonindustrial private forest land.—The term 'nonindustrial private forest land' has the meaning given the term 'nonindustrial private forest lands' in section 5(c).

"(b) Establishment.—The Secretary shall establish a program, to be known as the 'sustainable forestry cooperative program', under which the Secretary shall provide, to nonprofit organizations on a competitive basis, grants to establish, and develop and support, sustainable forestry practices carried out by members of, forestry cooperatives.

"(c) Use of Funds.—

"(1) In general.—Subject to paragraph (2), funds from a grant provided under this section shall be used for—

"(A) predevelopment, development, start-up, capital acquisition, and marketing costs associated with a forestry cooperative; or

"(B) the development or support of a sustainable forestry practice of a member of a forestry cooperative.

"(2) Conditions

"(A) Development.—The Secretary shall provide funds under paragraph (1)(A) only to a nonprofit organization with demonstrated expertise in cooperative development, as determined by the Secretary.

"(B) Compliance with plan.—A sustainable forestry practice developed or supported through the use of funds from a grant under this section shall comply with any applicable standards for sustainable forestry contained in a management plan that—

"(i) meets the requirements of section 6A(g); and

"(ii) is approved by the State forester (or equivalent State official).

"(d) Funding.—

"(1) In general.—Not later than 30 days after the date of enactment of this section, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $2,000,000, to remain available until expended.

"(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.".

SEC. 806. SUSTAINABLE FOREST MANAGEMENT PROGRAM.

(a) Findings and Purposes.—

(1) Findings.—Congress finds that—

(A) the United States is becoming increasingly dependent on nonindustrial private forest land to supply necessary market commodities and nonmarket conservation values;

(B) there is a strong demand for expanded assistance programs for owners of nonindustrial private forest land because the majority of the wood supply of the United States comes from nonindustrial private forest land;

(C) soil, water, and air quality, fish and wildlife habitat, aesthetic values, and opportunities for outdoor recreation in the United States would be maintained and improved through good stewardship of nonindustrial private forest land;

(D) the products and services resulting from stewardship of nonindustrial private forest land contribute to the economic, social, and ecological health and diversity of rural communities;

(E) catastrophic wildfires threaten human lives, property, forests, and other resources;

(F) Federal and State cooperation in forest fire prevention and control has proven effective and valuable because properly managed forest stands are less susceptible to catastrophic fire, as demonstrated by the catastrophic fire seasons of 1998 and 2000;

(G) owners of nonindustrial private forest land face increased pressure to make that land available for development and other uses, resulting in forest land loss and fragmentation that reduces the ability of private forest land to provide a full range of societal benefits;

(H) complex investments in the management of long-rotation forest stands, including sustainable hardwood management, are often the most difficult commitments for owners of nonindustrial private forest land;

(I) the investment of a single Federal dollar in State and private forestry programs is estimated to leverage, on the average, $9 from State, local, and private sources; and

(J) comprehensive, multiresource planning assistance made available to each landowner before the provision of technical assistance would provide an opportunity to ensure that the landowner is aware of the many projects and activities eligible for cost-share assistance.

(2) Purposes.—The purposes of this section are—

(A) to strengthen the commitment of the Secretary to sustainable forest management to enhance the productivity of timber, fish and wildlife habitat, soil and water quality, wetland, recreational resources, and aesthetic values of forest land; and

(B) to establish a coordinated and cooperative Federal, State, and local sustainable forestry program for the establishment, management, maintenance, enhancement, and restoration of forests on nonindustrial private forest land.

(b) Program.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 6 (16 U.S.C. 2103b) the following:

"SEC. 6A. SUSTAINABLE FOREST MANAGEMENT PROGRAM.

"(a) Definitions.—In this section:

"(1) Committee.—The term 'Committee' means a State Forest Stewardship Coordinating Committee established under section 19(b).

"(2) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) Program.—The term 'program' means the sustainable forest management program established under subsection (b)(1).

"(4) Nonindustrial private forest land.—The term 'nonindustrial private forest land' has the meaning given the term 'nonindustrial private forest lands' in section 5(c).

"(5) Owner.—The term 'owner' means an owner of nonindustrial private forest land.

"(6) State forester.—The term 'State forester' means the director or other head of a State forestry agency (or an equivalent State official).

"(b) Establishment.—

"(1) In general.—The Secretary shall establish a sustainable forest management program to—

"(A) provide financial assistance to State foresters; and

"(B) encourage the long-term sustainability of nonindustrial private forest land in the United States by assisting the owners of nonindustrial private forest land, through State foresters, in more actively managing the nonindustrial private forest land and related resources of those owners through the use of State, Federal, and private sector resource management expertise, financial assistance, and educational programs.

"(2) Coordination.—The Secretary, acting through State foresters, shall implement the program—

"(A) in coordination with the Committees; and

"(B) in consultation with—

"(i) other Federal, State, and local natural resource management agencies;

"(ii) institutions of higher education; and

"(iii) a broad range of private sector interests.

"(c) State Priority Plan.—

"(1) In general.—Subject to paragraph (3), as a condition of receipt of funding under the program, a State Forester and the Committee of the State shall jointly develop and submit to the Secretary a 5-year plan that describes the funding priorities of the State in meeting the purposes of the program.

"(2) Public participation.—The plan submitted to the Secretary under paragraph (1) shall include documentation of the efforts of the State to provide for public participation in the development of the plan.

"(3) State priorities.—The Secretary shall ensure, to the maximum extent practicable, that the need for expanded technical assistance programs for owners is met in the annual funding priorities of each State described in paragraph (1).

"(d) Purposes.—The Secretary shall allocate resources of the Secretary among States in accordance with subsection (j) to encourage, in accordance with the plan of each State described in subsection (c)—

"(1) the investment in practices to establish, restore, protect, manage, maintain, and enhance the health and productivity of the nonindustrial private forest land in the United States;

"(2) the occurrence of afforestation, reforestation, improvement of poorly stocked stands, timber stand improvement, practices necessary to improve seedling growth and survival, and growth enhancement practices as needed to enhance and sustain the long-term productivity of timber and nontimber forest resources to—

"(A) meet projected public demand for forest resources; and

"(B) provide environmental benefits;

"(3) the protection of riparian buffers and forest wetland;

"(4) the maintenance and enhancement of fish and wildlife habitat;

"(5) the enhancement of soil, air, and water quality;

"(6) through the use of agroforestry practices, the reduction of soil erosion and maintenance of soil quality;

"(7) the maintenance and enhancement of the forest landbase;

"(8) the reduction of the threat of catastrophic wildfires; and

"(9) the preservation of aesthetic quality and opportunities for outdoor recreation.

"(e) ELIGIBILITY.—

"(1) COST-SHARE ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in paragraph (2), an owner shall be eligible to receive cost-share assistance from a State forester under the program if the owner—

"(i) develops a management plan in accordance with subsection (f) that—

"(I) addresses site-specific activities and practices; and

"(II) is approved by the State forester;

"(ii) agrees to implement approved activities in accordance with the management plan for a period of not less than 10 years, unless the State forester approves a modification to the management plan; and

"(iii) except as provided in subparagraph (B), owns not more than 1,000 acres of nonindustrial private forest land.

"(B) EXCEPTION FOR SIGNIFICANT PUBLIC BENEFITS.—The Secretary may approve the provision of cost-share assistance to an owner that owns more than 1,000 but less than 5,000 acres of nonindustrial private forest land if the Secretary, in consultation with the State forester, determines that significant public benefits will accrue as a result of the approval.

"(2) PAYMENT FOR PLAN DEVELOPMENT.—The Secretary, acting through a State forester, may provide cost-share assistance to an owner to develop a management plan.

"(3) LIMITATIONS.—An owner shall receive no cost-share assistance for management of nonindustrial private forest land under this section if the owner receives cost-share assistance for that land under—

"(A) the forestry incentives program under section 4;

"(B) the stewardship incentives program under section 6; or

"(C) any conservation program administered by the Secretary.

"(4) RATE; SCHEDULE.—Subject to paragraph (5), the Secretary, in consultation with the State forester, shall determine the rate and timing of cost-share payments.

"(5) AMOUNT.—

"(A) PERCENTAGE OF COST.—Subject to subparagraph (B), a cost-share payment shall not exceed the lesser of an amount equal to—

"(i) 75 percent of the total cost of implementing the project or activity; or

"(ii) such lesser percentage of the total cost of implementing the project or activity as is determined by the appropriate State forester.

"(B) AGGREGATE PAYMENT LIMIT.—The Secretary shall determine the maximum aggregate amount of cost-share payments that an owner may receive under this section.

"(f) MANAGEMENT PLAN.—An owner that seeks to participate in the program shall—

"(1) submit to the State forester a management plan that—

"(A) meets the requirements of this section; and

"(B)(i) is prepared by, or in consultation with, a professional resource manager;

"(ii) identifies and describes projects and activities to be carried out by the owner to protect soil, water, air, range, and aesthetic quality, recreation, timber, water, wetland, and fish and wildlife resources on the land in a manner that is compatible with the objectives of the owner;

"(iii) addresses any criteria established by the applicable State and the applicable Committee; and

"(iv)(I) at a minimum, applies to the portion of the land on which any project or activity funded under the program will be carried out; or

"(II) in a case in which a project or activity described in subclause (I) may affect acreage outside the portion of the land on which the project or activity is carried out, applies to all land of the owner that is in forest cover and that may be affected by the project or activity; and

"(2) agree that all projects and activities conducted on the land shall be consistent with the management plan.

"(g) APPROVED ACTIVITIES.—

"(1) IN GENERAL.—The Secretary, in consultation with the State forester and the appropriate Committee, shall develop for each State a list of approved forest activities and practices eligible for cost-share assistance that meets the purposes of the program described in subsection (d).

"(2) TYPES OF ACTIVITIES.—Approved activities and practices under paragraph (1) may consist of activities and practices for—

"(A) the establishment, management, maintenance, and restoration of forests for shelterbelts, windbreaks, aesthetic quality, and other conservation purposes;

"(B) the sustainable growth and management of forests for timber production;

"(C) the restoration, use, and enhancement of forest wetland and riparian areas;

"(D) the protection of water quality and watersheds through—

"(i) the planting of trees in riparian areas; and

"(ii) the enhanced management and maintenance of native vegetation on land vital to water quality;

"(E) the preservation, restoration, or development of habitat for plants, fish, and wildlife;

"(F)(i) the control, detection, monitoring, and prevention of the spread of invasive species and pests on nonindustrial private forest land; and

"(ii) the restoration of nonindustrial private forest land affected by invasive species and pests;

"(G) the conduct of other management activities, such as the reduction of hazardous fuel use, that reduce the risks to forests posed by, and that restore, recover, and mitigate the damage to forests caused by, fire or any other catastrophic event, as determined by the Secretary;

"(H) the development of management plans;

"(I) the acquisition by the State of permanent easements to maintain forest cover and protect important forest values; and

"(J) the conduct of other activities approved by the Secretary, in consultation with the State forester and the appropriate Committees.

"(h) FAILURE TO COMPLY.—

"(1) IN GENERAL.—The Secretary shall establish a procedure to recover cost-share payments made under this section in any case in which the recipient of the payment fails—

"(A) to implement a project or activity in accordance with the management plan; or

"(B) comply with any requirement of this section.

"(2) ADDITIONAL AUTHORITY.—The authority under paragraph (1) shall be in addition to, and not in lieu of, any other authority available to the Secretary.

"(i) REPORTS.—

"(1) INTERIM REPORT.—Not later than 2½ years after the date on which funds are made available to implement a State priority plan under subsection (c), the State implementing the plan shall submit to the Secretary an interim report describing the status of projects and activities funded under the plan as of that date.

"(2) FINAL REPORT.—Not later than 5 years after the date on which funds are made available to implement a State priority plan under subsection (c), the State implementing the plan shall submit to the Secretary a final report describing the status of all projects and activities funded under the plan as of that date.

"(j) DISTRIBUTION.—

"(1) IN GENERAL.—The Secretary, acting through State foresters, shall distribute funds available for cost sharing under the program based on a nationwide funding formula developed under paragraph (2).

"(2) FORMULA.—In developing the formula referred to in paragraph (1), the Secretary shall—

"(A) assess public benefits that would result from the distribution; and

"(B) consider—

"(i) the total acreage of nonindustrial private forest land in each State;

"(ii) the potential productivity of that land, as determined by the Secretary;

"(iii) the number of owners eligible for cost sharing in each State;

"(iv) the opportunities to enhance nontimber resources on that land, including—

"(I) the protection of riparian buffers and forest wetland;

"(II) the preservation of fish and wildlife habitat;

"(III) the enhancement of soil, air, and water quality; and

"(IV) the preservation of aesthetic quality and opportunities for outdoor recreation;

"(v) the anticipated demand for timber and nontimber resources in each State;

"(vi) the need to improve forest health to minimize the damaging effects of catastrophic fire, insects, disease, or weather;

"(vii) the need and demand for agroforestry practices in each State;

"(viii) the need to maintain and enhance the forest landbase; and

"(ix) the need for afforestation, reforestation, and timber stand improvement.

"(k) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary of Agriculture to carry out this section $48,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.".

SEC. 807. FOREST LEGACY PROGRAM.

Section 7(l) of the Cooperative Forestry Management Act of 1978 (16 U.S.C. 2103c(l)) is amended by adding at the end the following:

"(3) STATE AUTHORIZATION.—Notwithstanding any other provision of this Act, a State may authorize any local government, or any qualified organization that is defined in section 170(h)(3) of the Internal Revenue Code of 1986 and organized for at least 1 of the purposes described in clause (i), (ii), or (iii) of section 170(h)(4)(A) of that Code, to acquire in land in the State, in accordance with this section, 1 or more interests in conservation easements to carry out the Forest Legacy Program in the State.".

SEC. 808. FOREST FIRE RESEARCH CENTERS.

(a) FINDINGS.—Congress finds that—

(1) there is an increasing threat of fire to millions of acres of forest land and rangeland throughout the United States;

(2) this threat is especially great in the interior States of the western United States, where

the Forest Service estimates that 39,000,000 acres of National Forest System land are at high risk of catastrophic wildfire;

(3)(A) the degraded condition of forest land and rangeland is often the consequence of land management practices that emphasize the control and prevention of fires; and

(B) the land management practices disrupted the occurrence of frequent low-intensity fires that periodically remove flammable undergrowth;

(4) as a result of the land management practices—

(A) some forest land and rangeland in the United States no longer function naturally as ecosystems; and

(B) drought cycles and the invasion of insects and disease have resulted in vast areas of dead or dying trees, overstocked stands, and the invasion of undesirable species;

(5)(A) population movement into wildland-urban interface areas exacerbate the fire danger;

(B) the increasing number of larger, more intense fires pose grave hazards to human health, safety, property, and infrastructure in the areas; and

(C) smoke from wildfires, which contain fine particulate matter and other hazardous pollutants, pose substantial health risks to people living in the areas;

(6)(A) the budgets and resources of Federal, State, and local entities supporting firefighting efforts have been stretched to their limits;

(B) according to the Comptroller General, the average cost of attempting to put out fires in the interior West grew by 150 percent, from $134,000,000 in fiscal year 1986 to $335,000,000 in fiscal year 1994; and

(C) the costs of preparedness, including the costs of maintaining a readiness force to fight fires, rose about 70 percent, from $189,000,000 in fiscal year 1992 to $326,000,000 in fiscal year 1997;

(7) diminishing Federal resources (including the availability of personnel) have limited the ability of Federal fire researchers—

(A) to respond to management needs; and

(B) to use technological advancements for analyzing fire management costs;

(8) the Federal fire research program is funded at approximately 1/3 of the amount that is required to address emerging fire problems, resulting in the lack of a cohesive strategy to address the threat of catastrophic wildfires; and

(9) there is a critical need for cost-effective investments in improved fire management technologies.

(b) FOREST FIRE RESEARCH CENTERS.—The Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1641 et seq.) is amended by adding at the end the following:

"SEC. 11. FOREST FIRE RESEARCH CENTERS.

"(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the 'Secretary') shall establish at least 2 forest fire research centers at institutions of higher education (which may include research centers in existence on the date of enactment of this section) that—

"(1) have expertise in natural resource development; and

"(2) are located in close proximity to other Federal natural resource, forest management, and land management agencies.

"(b) LOCATIONS.—Of the forest fire research centers established under subsection (a)—

"(1) at least 1 center shall be located in California, Idaho, Montana, Oregon, or Washington; and

"(2) at least 1 center shall be located in Arizona, Colorado, Nevada, New Mexico, or Wyoming.

"(c) DUTIES.—At each of the forest fire research centers established under subsection (a), the Secretary shall provide for—

"(1) the conduct of integrative, interdisciplinary research into the ecological, socioeconomic, and environmental impact of fire control and the use of management of ecosystems and landscapes to facilitate fire control; and

"(2) the development of mechanisms to rapidly transfer new fire control and management technologies to fire and land managers.

"(d) ADVISORY COMMITTEE.—

"(1) IN GENERAL.—The Secretary, in consultation with the Secretary of the Interior, shall establish a committee composed of fire and land managers and fire researchers to determine the areas of emphasis and establish priorities for research projects conducted at forest fire research centers established under subsection (a).

"(2) ADMINISTRATION.—The Federal Advisory Committee Act (5 U.S.C. App.) and section 102 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7612) shall not apply to the committee established under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

SEC. 809. WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) the damage caused by wildfire disasters has been equivalent in magnitude to the damage resulting from the Northridge earthquake, Hurricane Andrew, and the recent flooding of the Mississippi River and the Red River;

(2) more than 20,000 communities in the United States are at risk from wildfire and approximately 11,000 of those communities are located near Federal land;

(3) the accumulation of heavy forest fuel loads continues to increase as a result of disease, insect infestations, and drought, further increasing the risk of fire each year;

(4) modification of forest fuel load conditions through the removal of hazardous fuels would—

(A) minimize catastrophic damage from wildfires;

(B) reduce the need for emergency funding to respond to wildfires; and

(C) protect lives, communities, watersheds, and wildlife habitat;

(5) the hazardous fuels removed from forest land represent an abundant renewable resource, as well as a significant supply of biomass for biomass-to-energy facilities;

(6) the United States should invest in technologies that promote economic and entrepreneurial opportunities in processing forest products removed through hazardous fuel reduction activities; and

(7) the United States should—

(A) develop and expand markets for traditionally underused wood and other biomass as an outlet for value-added excessive forest fuels; and

(B) commit resources to support planning, assessments, and project reviews to ensure that hazardous fuels management is accomplished expeditiously and in an environmentally sound manner.

(b) DEFINITIONS.—In this section:

(1) BIOMASS-TO-ENERGY FACILITY.—The term "biomass-to-energy facility" means a facility that uses forest biomass or other biomass as a raw material to produce electric energy, useful heat, or a transportation fuel.

(2) ELIGIBLE COMMUNITY.—The term "eligible community" means—

(A) any town, township, municipality, or other similar unit of local government (as determined by the Secretary), or any area represented by a nonprofit corporation or institution organized under Federal or State law to promote broad-based economic development, that—

(i) has a population of not more than 10,000 individuals;

(ii) is located within a county in which at least 15 percent of the total primary and secondary labor and proprietor income is derived from forestry, wood products, and forest-related industries, such as recreation, forage production, and tourism; and

(iii) is located near forest land, the condition of which land the Secretary determines poses a substantial present or potential hazard to—

(I) the safety of a forest ecosystem;

(II) the safety of wildlife; or

(III) in the case of a wildfire, the safety of firefighters, other individuals, and communities; and

(B) any county that is not contained within a metropolitan statistical area that meets the conditions described in clauses (ii) and (iii) of subparagraph (A).

(3) FOREST BIOMASS.—The term "forest biomass" means fuel and biomass accumulation from precommercial thinnings, slash, and brush on forest land.

(4) HAZARDOUS FUEL.—The term "hazardous fuel" means any excessive accumulation of forest biomass or other biomass on public or private forest land in the wildland-urban interface (as defined by the Secretary) that—

(A) is located near an eligible community;

(B) is designated as condition class 2 or 3 under the report of the Forest Service entitled "Protecting People and Sustainable Resources in Fire-Adapted Ecosystems", dated October 13, 2000) (including any related maps); and

(C) the Secretary determines poses a substantial present or potential hazard to—

(i) the safety of a forest ecosystem;

(ii) the safety of wildlife; or

(iii) in the case of wildfire, the safety of firefighters, other individuals, and communities.

(5) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(6) NATIONAL FIRE PLAN.—The term "National Fire Plan" means the plan prepared by the Secretary of Agriculture and the Secretary of the Interior entitled "Managing the Impact of Wildfires on Communities and the Environment" and dated September 8, 2000.

(7) PERSON.—The term "person" includes—

(A) a community;

(B) an Indian tribe;

(C) a small business, microbusiness, or other business that is incorporated in the United States; and

(D) a nonprofit organization.

(8) SECRETARY.—The term "Secretary" means—

(A) the Secretary of Agriculture (or a designee), with respect to National Forest System land and private land in the United States; and

(B) the Secretary of the Interior (or a designee) with respect to Federal land under the jurisdiction of the Secretary of the Interior or an Indian tribe.

(c) WILDFIRE PREVENTION AND HAZARDOUS FUEL PURCHASE PILOT PROGRAM.—

(1) GRANTS.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may make grants to—

(i) persons that operate existing or new biomass-to-energy facilities to offset the costs incurred by those persons in purchasing hazardous fuels derived from public and private forest land adjacent to eligible communities; and

(ii) persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) SELECTION CRITERIA.—The Secretary shall select recipients for grants under subparagraph (A)(i) based on—

(i) planned purchases by the recipients of hazardous fuels, as demonstrated by the recipient through the submission to the Secretary of such assurances as the Secretary may require;

(ii) the level of anticipated benefits of those purchases in reducing the risk of wildfires;

(iii) the extent to which the biomass-to-energy facility avoids adverse environmental impacts, including cumulative impacts, over the expected life of the biomass-to-energy facility; and

(iv) the demonstrable level of anticipated benefits for eligible communities, including the potential to develop thermal or electric energy resources or affordable energy for communities.

(2) GRANT AMOUNTS.—

(A) IN GENERAL.—A grant under subparagraph (A)(i) shall—

(i) be based on—

(I) the distance required to transport hazardous fuels to a biomass-to-energy facility; and

(II) the cost of removal of hazardous fuels; and

(ii) be in an amount that is at least equal to the product obtained by multiplying—

(I) the number of tons of hazardous fuels delivered to a grant recipient; by

(II) an amount that is at least $5 but not more than $10 per ton of hazardous fuels, as determined by the Secretary taking into consideration the factors described in clause (i).

(B) LIMITATION ON INDIVIDUAL GRANTS.—

(i) IN GENERAL.—Except as provided in clause (ii), a grant under subparagraph (A) shall not exceed $1,500,000 for any biomass-to-energy facility for any fiscal year.

(ii) SMALL BIOMASS-TO-ENERGY FACILITIES.—A biomass-to-energy facility that has an annual production of 5 megawatts or less shall not be subject to the limitation under clause (i).

(3) MONITORING OF GRANT RECIPIENT ACTIVITIES.—

(A) IN GENERAL.—As a condition of receipt of a grant under this subsection, a grant recipient shall keep such records as the Secretary may require, including records that—

(i) completely and accurately disclose the use of grant funds; and

(ii) describe all transactions involved in the purchase of hazardous fuels derived from forest land.

(B) ACCESS.—On notice by the Secretary, the operator of a biomass-to-energy facility that purchases or uses hazardous fuels with funds from a grant under this subsection shall provide the Secretary with—

(i) reasonable access to the biomass-to-energy facility; and

(ii) an opportunity to examine the inventory and records of the biomass-to-energy facility.

(4) MONITORING OF EFFECT OF TREATMENTS.—

(A) IN GENERAL.—To determine and document the environmental impact of hazardous fuel removal, the Secretary shall monitor—

(i) environmental impacts of activities carried out under this subsection; and

(ii) Federal land from which hazardous fuels are removed and sold to a biomass-to-energy facility under this subsection.

(B) EMPLOYMENT.—

(i) IN GENERAL.—The Comptroller General of the United States shall monitor—

(I) the number of jobs created in or near eligible communities as a result of the implementation of this subsection;

(II) the opportunities created for small businesses and microbusinesses as a result of the implementation of this subsection;

(III) the types and amounts of energy supplies created as a result of the implementation of this subsection; and

(IV) energy prices for eligible communities.

(ii) REPORT.—Beginning in fiscal year 2003, the Comptroller General of the United States shall submit to the Committee on Energy and Natural Resources and the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Resources and the Committee on Agriculture of the House of Representatives an annual report that describes the information obtained through monitoring under clause (i).

(5) REVIEW AND REPORT.—

(A) IN GENERAL.—Not later than September 30, 2004, the Comptroller General shall submit to each of the committees described in paragraph (4)(B)(ii) a report that describes the results and effectiveness of the pilot program.

(B) REPORTS BY SECRETARY.—The Secretary shall submit to each of the committees described in paragraph (4)(B)(ii) an annual report describing the results of the pilot program that includes—

(i) an identification of the size of each biomass-to-energy facility that receives a grant under this section; and

(ii) the haul radius associated with each grant.

(C) TECHNICAL FEASIBILITY REPORT.—Not later than December 1, 2003, the Secretary of Agriculture, in cooperation with the Forest Products Lab and the Economic Action Program of the Forest Service, shall submit to each of the committees described in paragraph (4)(B)(ii) a report that describes—

(i) the technical feasibility of the use by small-scale biomass energy units of small-diameter trees and forest residues as a source of fuel;

(ii) the environmental impacts relating to the use of small-diameter trees and forest residues as described in clause (i); and

(iii) any social or economic benefits of small-scale biomass energy units for rural communities.

(6) GRANTS TO OTHER PERSONS.—

(A) IN GENERAL.—In addition to biomass-to-energy facilities, the Secretary may make grants under this subsection to persons in rural communities that are seeking ways to improve the use of, or add value to, hazardous fuels.

(B) SELECTION.—The Secretary shall select recipients of grants under subparagraph (A) based on—

(i) the extent to which the grant recipient avoids environmental impacts; and

(ii) the demonstrable level of anticipated benefits to rural communities, including opportunities for small businesses and microbusinesses and the potential for new job creation, that may result from the provision of the grant.

(C) MONITORING.—With respect to a grant made under this paragraph—

(i) the monitoring provisions described in paragraph (3) and applicable to biomass-to-energy facilities shall apply; and

(ii) the Secretary shall monitor the environmental impacts of projects funded by grants provided under this paragraph.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $50,000,000 for each of fiscal years 2002 through 2006.

(d) LONG-TERM FOREST STEWARDSHIP CONTRACTS FOR HAZARDOUS FUELS REMOVAL.—

(1) ANNUAL ASSESSMENT OF TREATMENT ACREAGE.—

(A) IN GENERAL.—Subject to the availability of appropriations, not later than March 1 of each of fiscal years 2002 through 2006, the Secretary shall submit to Congress an assessment of the number of acres of National Forest System land recommended to be treated during the subsequent fiscal year using stewardship end result contracts authorized by paragraph (3).

(B) COMPONENTS.—The assessment shall—

(i) be based on the treatment schedules contained in the report entitled "Protecting People and Sustaining Resources in Fire-Adapted Ecosystems", dated October 13, 2000, and incorporated into the National Fire Plan;

(ii) identify the acreage by condition class, type of treatment, and treatment year to achieve the restoration goals outlined in the report within 10-, 15-, and 20-year time periods;

(iii) give priority to condition class 3 areas (as described in subsection (b)(4)(B)), including modifications in the restoration goals based on the effects of—

(I) fire;

(II) hazardous fuel treatments under the National Fire Plan; or

(III) updates in data;

(iv) provide information relating to the type of material and estimated quantities and range of sizes of material that shall be included in the treatments;

(v) describe the land allocation categories in which the contract authorities shall be used; and

(vi) give priority to areas described in subsection (b)(4)(A).

(2) FUNDING RECOMMENDATION.—The Secretary shall include in the annual assessment under paragraph (1) a request for funds sufficient to implement the recommendations contained in the assessment using stewardship end result contracts described in paragraph (3) in any case in which the Secretary determines that the objectives of the National Fire Plan would best be accomplished through forest stewardship end result contracting.

(3) STEWARDSHIP END RESULT CONTRACTING.—

(A) IN GENERAL.—Subject to the availability of appropriations, the Secretary may enter into not more than 28 stewardship end result contracts to implement the National Fire Plan on National Forest System land based on the treatment schedules provided in the annual assessments conducted under paragraph (1)(B)(i).

(B) PERIOD OF CONTRACTS.—The contracting goals and authorities described in subsections (b) through (g) of section 347 of the Department of the Interior and Related Agencies Appropriations Act, 1999 (commonly known as the "Stewardship End Result Contracting Demonstration Project") (16 U.S.C. 2104 note; Public Law 105–277), shall apply to contracts entered into under this paragraph, except that 14 of the 28 contracts entered into under subparagraph (A) shall be subject to the conditions that—

(i) funds from the contract, and any offset value of forest products that exceeds the value of the resource improvement treatments carried out under the contract, shall be deposited in the Treasury of the United States;

(ii) section 347(c)(3)(A) of the Department of the Interior and Related Agencies Appropriations Act, 1999 (commonly known as the "Stewardship End Result Contracting Demonstration Project") (16 U.S.C. 2104 note; Public Law 105–277) shall not apply to those contracts; and

(iii) the implementation shall be accomplished using separate contracts for the harvesting or collection, and sale, of merchantable material.

(C) STATUS REPORT.—Beginning with the assessment required under paragraph (1) for fiscal year 2003, the Secretary shall include in the annual assessment under paragraph (1) a status report of the stewardship end result contracts entered into under this paragraph.

(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection such sums as are necessary for each of fiscal years 2002 through 2006.

(e) EXCLUDED AREAS.—In carrying out this section, the Secretary shall—

(1) because of sensitivity of natural, cultural, or historical resources, designate areas to be excluded from any program under this section; and

(2) carry out this section only in the wildland-urban interface, as defined by the Secretary.

(f) Termination of Authority.—The authority provided under this section shall terminate on September 30, 2006.

SEC. 810. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 9 (16 U.S.C. 2105) the following:

"SEC. 9A. CHESAPEAKE BAY WATERSHED FORESTRY PROGRAM.

"(a) Definitions.—In this section:

"(1) Agreement.—The term 'Agreement' means the Chesapeake 2000 Agreement, an interstate agreement the purpose of which is to correct the nutrient-related problems in the Chesapeake Bay by 2010.

"(2) Bay-area state.—

"(A) In general.—The term 'Bay-area State' means a State any part of which is located in the watershed of the Chesapeake Bay.

"(B) Inclusion.—The term 'Bay-area State' includes the District of Columbia.

"(3) Chesapeake bay executive council.—The term 'Council' means the Chesapeake Bay Executive Council.

"(4) Director.—The term 'Director' means the Director of Chesapeake Bay watershed forestry efforts designated under subsection (b)(2)(A).

"(5) Eligible entity.—The term 'eligible entity' means—

"(A) the government of a Bay-area State (or a political subdivision); and

"(B) an organization such as an educational institution or a community or conservation organization.

"(6) Eligible project.—The term 'eligible project' means a project the purpose of which is to—

"(A) improve wildlife habitat and water quality through the establishment, protection, and stewardship of riparian and wetland forests;

"(B) improve the capacity of a State or nonprofit organization to implement forest conservation, restoration, and stewardship actions;

"(C) develop and implement a watershed management plan that addresses forest conservation and restoration actions;

"(D) provide outreach and assistance to private landowners and communities to restore or protect watersheds through the enhancement of forests;

"(E) develop and implement communication, education, or technology transfer programs that broaden public understanding of the value of trees and forests and management of trees and forests in sustaining and restoring watershed health; and

"(F) conduct applied research, inventory, assessment, or.monitoring activities.

"(7) Program.—The term 'program' means the Chesapeake Bay watershed forestry program established under subsection (b)(1).

"(8) Secretary.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) Establishment.—

"(1) In general.—The Secretary shall establish the Chesapeake Bay watershed forestry program to provide technical and financial assistance to the Council, Bay-area States, local governments, and nonprofit organizations to carry out eligible projects.

"(2) Director.—

"(A) In general.—The Secretary shall designate an employee of the Forest Service to serve as the Director for Chesapeake Bay watershed forestry efforts.

"(B) Duties.—The Director shall work in cooperation with the Secretary to carry out the purposes of the program described in paragraph (1).

"(c) Chesapeake Watershed Forestry Grants.—

"(1) In general.—In carrying out the program, the Secretary, in coordination with the Director, may provide grants to assist eligible entities in carrying out eligible projects.

"(2) Cost sharing.—The amount of a grant awarded under this subsection shall not exceed 75 percent of the total cost of the eligible project.

"(3) Additional requirements.—The Secretary, in consultation with the Director, may prescribe any requirements and procedures necessary to carry out this subsection.

"(d) Chesapeake Watershed Forest Assessment and Conservation Study.—

"(1) In general.—The Director, in cooperation with the Council, shall conduct a Chesapeake Bay watershed forestry research and assessment study that—

"(A) assesses the extent and location of forest loss and fragmentation;

"(B) identifies critical forest land that should be protected to achieve the purposes of the Agreement;

"(C) prioritizes afforestation needs;

"(D) recommends—

"(i) management strategies based on actions carried out and information obtained under subparagraphs (A) through (C) to expand conservation and stewardship of the forest ecosystem in the Chesapeake Bay watershed; and

"(ii) ways in which the Federal Government can work with State, county, local, and private entities to conserve critical forests, including recommendations on the feasibility of establishing new units of the National Forest System; and

"(E) identifies further inventory, assessment, and research needed to achieve the purposes of the Agreement.

"(2) Report.—Not later than 2 years after the date of enactment of this section, the Director shall submit to Congress a comprehensive report on the results of the study under paragraph (1).

"(e) Chesapeake Bay Urban Watershed Forestry Research Cooperative Program.—

"(1) In general.—The Secretary, in cooperation with the Director, may establish a comprehensive Chesapeake Bay urban watershed forestry research cooperative program to provide technical and financial assistance to eligible entities.

"(2) Purposes.—The purposes of the cooperative program shall be—

"(A) to meet the need of the urban population of the Chesapeake Bay watershed in managing forest land in urban and urbanizing areas through a combination of—

"(i) applied research;

"(ii) demonstration projects;

"(iii) implementation guidelines; and

"(iv) training and education;

"(B) to coalesce information from local managers, Federal, State, and private researchers, and state-of-the-art technology to answer critical urban forestry questions relating to air and water quality and watershed health; and

"(C) to provide a link between research and urban and community forestry policy, planning, and management.

"(f) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section—

"(1) $3,000,000 for fiscal year 2002; and

"(2) $3,500,000 for each of fiscal years 2003 through 2006.".

SEC. 811. ENHANCED COMMUNITY FIRE PROTECTION.

(a) Findings.—Congress finds that—

(1) the severity and intensity of wildfires have increased dramatically over the past few decades as a result of past fire and land management policies;

(2) the record 2000 fire season is a prime example of what can be expected if action is not taken to reduce the risk of catastrophic wildfires;

(3) wildfires threaten not only the forested resources of the United States, but also the thousands of communities intermingled with wildland in the wildland-urban interface;

(4) wetland forests provide essential ecological services, such as filtering pollutants, buffering important rivers and estuaries, and minimizing flooding, that make the protection and restoration of those forests worthy of special focus;

(5) the National Fire Plan, if implemented to achieve appropriate priorities, is the proper, coordinated, and most effective means to address the issue of wildfires;

(6) while adequate authorities exist to address the problem of wildfires at the landscape level on Federal land, there is limited authority to take action on most private land where the largest threat to life and property lies; and

(7) there is a significant Federal interest in enhancing the protection of communities from wildfire.

(b) Enhanced Community Fire Protection.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 10 (16 U.S.C. 2106) the following:

"SEC. 10A. ENHANCED COMMUNITY FIRE PROTECTION.

"(a) Cooperative Management Relating to Wildfire Threats.—Notwithstanding section 7 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2206), the Secretary may cooperate with State foresters and equivalent State officials to—

"(1) assist in the prevention, control, suppression, and prescribed use of fires (including through the provision of financial, technical, and related assistance);

"(2) protect communities from wildfire threats;

"(3) enhance the growth and maintenance of trees and forests in a manner that promotes overall forest health; and

"(4) ensure the continued production of all forest resources, including timber, outdoor recreation opportunities, wildlife habitat, and clean water, through conservation of forest cover on watersheds, shelterbelts, and windbreaks.

"(b).Community and Private Land Fire Assistance Program.—

"(1) In general.—The Secretary shall establish a program to be known as the 'community and private land fire assistance program' (referred to in this section as the 'Program')—

"(A) to focus the Federal role in promoting optimal firefighting efficiency at the Federal, State, and local levels;

"(B) to provide increased assistance to Federal projects that establish landscape level protection from wildfires;

"(C) to expand outreach and education programs concerning fire prevention to homeowners and communities; and

"(D) to establish defensible space against wildfires around the homes and property of private landowners.

"(2) Administration and implementation.—The Program shall be administered by the Secretary and, with respect to non-Federal land described in paragraph (3), carried out through the State forester or equivalent State official.

"(3) Components.—The Secretary may carry out under the Program, on National Forest System land and non-Federal land determined by the Secretary in consultation with State foresters and Committees—

"(A) fuel hazard mitigation and prevention;

"(B) invasive species management;

"(C) multiresource wildfire and community protection planning;

"(D) community and landowner education enterprises, including the program known as 'FIREWISE';

"(E) market development and expansion;

"(F) improved use of wood products; and

"(G) restoration projects.

"(4) PRIORITY.—In entering into contracts to carry out projects under the Program, the Secretary shall give priority to contracts with local persons or entities.

"(c) AUTHORITY.—The authority provided under this section shall be in addition to any authority provided under section 10.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $35,000,000 for each of fiscal years 2002 through 2006.".

SEC. 812. WATERSHED FORESTRY ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) there has been a dramatic shift in public attitudes and perceptions about forest management, particularly in the understanding and practice of sustainable forest management;

(2) it is commonly recognized that proper stewardship of forest land is essential to—

(A) sustain and restore watershed health;

(B) produce clean water; and

(C) maintain healthy aquatic systems;

(3) forests are increasingly important to the protection and sustainability of drinking water supplies for more than 1/2 of the population of the United States;

(4) forest loss and fragmentation in urbanizing areas are contributing to flooding, degradation of urban stream habitat and water quality, and public health concerns;

(5) scientific evidence and public awareness with respect to the manner in which forest management can positively affect water quality and quantity, and the manner in which trees, forests, and forestry practices (such as forest buffers) can serve as solutions to water quality problems in rural and urban areas, are increasing;

(6) the application of forestry best management practices developed at the State level has been found to greatly facilitate the achievement of water quality goals;

(7) significant efforts are underway to revisit and make improvements on needed forestry best management practices;

(8) according to the report of the Forest Service numbered FS–660 and entitled "Water and the Forest Service", forests are a requirement for maintenance of clean water because—

(A) approximately 66 percent of the freshwater resources of the United States originate on forests; and

(B) forests cover approximately 1/3 of the land area of the United States;

(9) because almost 500,000,000 acres, or approximately 2/3, of the forest land of the United States is owned by non-Federal entities, a significant burden is placed on private forest landowners to provide or maintain the clean water needed by the public for drinking, swimming, fishing, and a number of other water uses;

(10) because the decisions made by individual landowners and communities will affect the ability to maintain the health of rural and urban watersheds in the future, there is a need to integrate forest management, conservation, restoration, and stewardship in watershed management;

(11) although water management is the primary responsibility of States, the Federal Government has a responsibility to promote and encourage the ability of States and private forest landowners to sustain the delivery of clean, abundant water from forest land;

(12) as of the date of enactment of this Act, the availability of Federal assistance to support forest landowners to achieve the wafer goals identified in many Federal laws (including regulations) is lacking; and

(13) increased research for, education for, and technical and financial assistance provided to, forest landowners and communities that relate to the protection of watersheds and improvement of water quality, are needed to realize the expectations of the general public for clean water and healthy aquatic systems.

(b) PURPOSES.—The purposes of this section are to—

(1) improve the understanding of landowners and the public with respect to the relationship between water quality and forest management;

(2) encourage landowners to maintain tree cover and use tree plantings and vegetative treatments as creative solutions to water quality and quantity problems associated with varying land uses;

(3) enhance and complement source water protection in watersheds that provide drinking water for municipalities;

(4) establish new partnerships and collaborative watershed approaches to forest management, stewardship, and protection; and

(5) provide technical and financial assistance to States to deliver a coordinated program that through the provision of technical, financial, and educational assistance to qualified individuals and entities—

(A) enhances State forestry best management practices programs; and

(B) protects and improves water quality on forest land.

(c) PROGRAM.—The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 5A (as added by section 805) the following:

"SEC. 5B. WATERSHED FORESTRY ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish a watershed forestry assistance program (referred to in this section as the 'program') to provide to States, through State foresters (as defined in section 6A), technical, financial, and related assistance to—

"(1) expand forest stewardship capacities and activities through State forestry best management practices and other means at the State level; and

"(2) prevent water quality degradation, and address watershed issues, on non-Federal forest land.

"(b) WATERSHED FORESTRY EDUCATION, TECHNICAL ASSISTANCE, AND PLANNING.—

"(1) PLAN.—

"(A) IN GENERAL.—In carrying out the program, the Secretary shall cooperate with State foresters to develop a plan, to be administered by the Secretary and implemented by State foresters, to provide technical assistance to assist States in preventing and mitigating water quality degradation.

"(B) PARTICIPATION.—In developing the plan under subparagraph (A), the Secretary shall encourage participation of interested members of the public (including nonprofit private organizations and local watershed councils).

"(2) COMPONENTS.—The plan described in paragraph (1) shall include provisions to—

"(A) build and strengthen watershed partnerships focusing on forest land at the national, State, regional, and local levels;

"(B) provide State forestry best management practices and water quality technical assistance directly to private landowners;

"(C) provide technical guidance relating to water quality management through forest management in degraded watersheds to land managers and policymakers;

"(D)(i) complement State nonpoint source assessment and management plans established under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329); and

"(ii) provide enhanced opportunities for coordination and cooperation among Federal and State agencies having responsibility for water and watershed management under that Act; and

"(E) provide enhanced forest resource data and support for improved implementation of State forestry best management practices, including—

"(i) designing and conducting effectiveness and implementation studies; and

"(ii) meeting in-State water quality assessment needs, such as the development of water quality models that correlate the management of forest land to water quality measures and standards.

"(c) WATERSHED FORESTRY COST-SHARE PROGRAM.—

"(1) ESTABLISHMENT.—In carrying out the program, the Secretary shall establish a watershed forestry cost-share program, to be administered by the Secretary and implemented by State foresters, to provide grants and other assistance for eligible programs and projects described in paragraph (2).

"(2) ELIGIBLE PROGRAMS AND PROJECTS.—A community, nonprofit group, or landowner may receive a grant or other assistance under this subsection to carry out a State forestry best management practices program or a watershed forestry project if the program or project, as determined by the Secretary—

"(A) is consistent with—

"(i) State nonpoint source assessment and management plan objectives established under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329); and

"(ii) the cost-share requirements of this section; and

"(B) is designed to address critical forest stewardship, watershed protection, and restoration needs of a State through—

"(i) the use of trees and forests as solutions to water quality problems in urban and agricultural areas;

"(ii) community-based planning, involvement, and action through State, local and nonprofit partnerships;

"(iii) the application of and dissemination of information on forestry best management practices relating to water quality;

"(iv) watershed-scale forest management activities and conservation planning; and

"(v) the restoration of wetland and stream side forests and establishment of riparian vegetative buffers.

"(3) ALLOCATION.—

"(A) IN GENERAL.—After taking into consideration the criteria described in subparagraph (B), the Secretary shall allocate among States, for award by State foresters under paragraph (4), the amounts made available to carry out this subsection.

"(B) CRITERIA.—The criteria referred to in subparagraph (A) are—

"(i) the number of acres of forest land, and land that could be converted to forest land, in each State;

"(ii) the nonpoint source assessment and management plans of each State, as developed under section 319 of the Federal Water Pollution Control Act (33 U.S.C. 1329);

"(iii) the acres of wetland forests that have been lost or degraded or cases in which forests may play a role in restoring wetland resources;

"(iv) the number of non-Federal forest landowners in each State; and

"(v) the extent to which the priorities of States are designed to achieve a reasonable range of the purposes of the program and, as a result, cohtribute to the water-related goals of the United States.

"(4) AWARD OF GRANTS AND ASSISTANCE.—

"(A) IN GENERAL.—In implementing the program under this subsection, the State forester, in coordination with the State Coordinating Committee established under section 19(b), shall provide annual grants and cost-share assistance to communities, nonprofit groups, and landowners to carry out eligible programs and projects described in paragraph (2).

"(B) APPLICATION.—A community, nonprofit group, or landowner that seeks to receive cost-share assistance under this subsection shall submit to the State forester an application, in such form and containing such information as the State forester may prescribe, for the assistance.

"(C) PRIORITIZATION.—In awarding cost-share assistance under this subsection, the Secretary shall give priority to eligible programs and projects that are identified by the State foresters and the State Stewardship Committees as having a greater need for assistance.

"(D) AWARD.—On approval by the Secretary of an application under subparagraph (B), the State forester shall award to the applicant, from funds allocated to the State under paragraph (3), such amount of cost-share assistance as is requested in the application.

"(5) COST SHARING.—

"(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any eligible program or project under this subsection shall not exceed 75 percent, of which not more than 50 percent may be in the form of assistance provided under this subsection.

"(B) NON-FEDERAL SHARE.—The non-Federal share of the cost of carrying out any eligible program or project under this subsection may be provided in the form of cash, services, or in-kind contributions.

"(d) WATERSHED FORESTER.—A State may use a portion of the funds made available to the State under subsection (e) to establish and fill a position of 'Watershed Forester' to lead Statewide programs and coordinate watershed-level projects.

"(e) FUNDING.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2002 through 2006.

"(2) ALLOCATION.—Of the funds made available under paragraph (1)—

"(A) 75 percent shall be used to carry out subsection (c); and

"(B) 25 percent shall be used to carry out provisions of this section other than subsection (c).".

SEC. 813. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE INITIATIVE.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 7 (16 U.S.C. 2103c) the following:

"SEC. 7A. SUBURBAN AND COMMUNITY FORESTRY AND OPEN SPACE INITIATIVE.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ENTITY.—The term 'eligible entity' means a State (including a political subdivision) or nonprofit organization that the Secretary determines under subsection (c)(1)(A)(ii) is eligible to receive a grant under subsection (c)(2).

"(2) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(3) PRIVATE FOREST LAND.—The term 'private forest land' means land that is—

"(A)(i) covered by trees; or

"(ii) suitable for growing trees, as determined by the Secretary;

"(B) suburban, as determined by the Secretary; and

"(C) owned by—

"(i) a private entity; or

"(ii) an Indian tribe.

"(4) PROGRAM.—The term 'program' means the Suburban and Community Forestry and Open Space Initiative established by subsection (b).

"(5) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—There is established within the Forest Service a program to be known as the 'Suburban and Community Forestry and Open Space Initiative'.

"(2) PURPOSE.—The purpose of the program is to provide assistance to eligible entities to carry out projects and activities to—

"(A) conserve private forest land and maintain working forests in suburban environments; and

"(B) provide communities a means by which to address significant suburban sprawl.

"(c) GRANT PROGRAM.—

"(1) IDENTIFICATION OF ELIGIBLE PRIVATE FOREST LAND.—

"(A) IN GENERAL.—The Secretary, in consultation with State foresters or equivalent State officials and State or county planning offices, shall establish criteria for—

"(i) the identification, subject to subparagraph (B), of private forest land in each State that may be conserved under this section; and

"(ii) the identification of eligible entities.

"(B) CONDITIONS FOR ELIGIBLE PRIVATE FOREST LAND.—Private forest land identified for conservation under subparagraph (A)(i) shall be land that is—

"(i) located in an area that is affected, or threatened to be affected, by significant suburban sprawl, as determined by—

"(I) the appropriate State forester or equivalent State official; and

"(II) the planning office of the State or county in which the private forest land is located; and

"(ii) threatened by present or future conversion to nonforest use.

"(2) GRANTS.—

"(A) PROJECTS AND ACTIVITIES.—

"(i) IN GENERAL.—In carrying out this section, the Secretary shall award grants to eligible entities to carry out a project or activity described in clause (ii).

"(ii) TYPES.—A project or activity referred to in clause (i) is a project or activity that—

"(I) is carried out to conserve private forest land and contain significant suburban sprawl; and

"(II) provides for guaranteed public access to land on which the project or activity is carried out, unless the appropriate State forester or equivalent State official and the State or county planning office request, and provide justification for the request, that the requirement be waived.

"(B) APPLICATION; STEWARDSHIP PLAN.—An eligible entity that seeks to receive a grant under this section shall submit for approval—

"(i) to the Secretary, in such form as the Secretary shall prescribe, an application for the grant (including a description of any private forest land to be conserved using funds from the grant); and

"(ii) to the State forester or equivalent State official, a stewardship plan that describes the manner in which any private forest land to be conserved using funds from the grant will be managed in accordance with this section.

"(C) APPROVAL OR DISAPPROVAL.—

"(i) IN GENERAL.—Subject to clause (ii), as soon as practicable after the date on which the Secretary receives an application under subparagraph (B)(i) or a resubmission under subclause (II)(bb), the Secretary shall—

"(I)(aa) approve the application; and

"(bb) award a grant to the applicant; or

"(II)(aa) disapprove the application; and

"(bb) provide the applicant a statement that describes the reasons why the application was disapproved (including a deadline by which the applicant may resubmit the application).

"(ii) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to applicants that propose to fund projects and activities that promote, in addition to the primary purposes of conserving private forest land and containing significant suburban sprawl—

"(I) the sustainable management of private forest land;

"(II) community and school education programs and curricula relating to sustainable forestry; and

"(III) community involvement in determining the objectives for projects or activities that are funded under this section.

"(3) COST SHARING.—

"(A) IN GENERAL.—The amount of a grant awarded under this section to carry out a project or activity shall not exceed 50 percent of the total cost of the project or activity.

"(B) ASSURANCES.—As a condition of receipt of a grant under this section, an eligible entity shall provide to the Secretary such assurances as the Secretary determines are sufficient to demonstrate that the share of the cost of each project or activity that is not funded by the grant awarded under this section has been secured.

"(C) FORM.—The share of the cost of carrying out any project or activity described in subparagraph (A) that is not funded by a grant awarded under this section may be provided in cash or in kind.

"(d) USE OF GRANT FUNDS FOR PURCHASES OF LAND OR EASEMENTS.—

"(1) PURCHASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), funds made available, and grants awarded, under this section may be used to purchase private forest land or interests in private forest land (including conservation easements) only from willing sellers at fair market value.

"(B) SALES AT LESS THAN FAIR MARKET VALUE.—A sale of private forest land or an interest in private forest land at less than fair market value shall be permitted only on certification by the landowner that the sale is being entered into willingly and without coercion.

"(2) TITLE.—Title to private forest land or an interest in private forest land purchased under paragraph (1) may be held, as determined appropriate by the Secretary, by—

"(A) a State (including a political subdivision of a State); or

"(B) a nonprofit organization.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

"(1) $50,000,000 for fiscal year 2003; and

"(2) such sums as are necessary for each fiscal year thereafter.".

SEC. 814. GENERAL PROVISIONS.

Section 13 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109) is amended by striking subsection (f) and inserting the following:

"(f) GRANTS, CONTRACTS, AND OTHER AGREEMENTS.—

"(1) IN GENERAL.—In accordance with paragraph (2), the Secretary may make such grants and enter into such contracts, agreements, or other arrangements as the Secretary determines are necessary to carry out this Act.

"(2) ASSISTANCE.—Notwithstanding any other provision of this Act, the Secretary, with the concurrence of the applicable State forester or equivalent State official, may provide assistance under this Act directly to any public or private entity, organization, or individual—

"(A) through a grant; or

"(B) by entering into a contract or cooperative agreement.".

SEC. 815. STATE FOREST STEWARDSHIP COORDINATING COMMITTEES.

Section 19(b) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2113(b)) is amended—

(1) in paragraph (1)(B)(i), by inserting "United States Fish and Wildlife Service," before "Forest Service"; and

(2) in paragraph (2)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(E) submit to the Secretary, the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate, an annual report that provides—

"(i) the list of members on the Committee described in paragraph (1)(B); and

"(ii) for those members that may be included on the Committee, but are not included because a determination that it is not practicable to include the members has been made, an explanation of the reasons for that determination.".

SEC. 816. USDA NATIONAL AGROFORESTRY CENTER.

(a) IN GENERAL.—Section 1243 of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 1243. USDA NATIONAL AGROFORESTRY CENTER.";

and

(2) in subsection (a)—

(A) by striking "SEMIARID" and inserting "USDA NATIONAL"; and

(B) by striking "Semiarid" and inserting "USDA National".

(b) PROGRAM.—Section 1243(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 1642 note; Public Law 101–624) is amended—

(1) by inserting "the Institute of Tropical Forestry and the Institute of Pacific Islands Forestry of the Forest Service," after "entities,";

(2) in paragraph (1), by striking "on semiarid lands";

(3) in paragraph (3), by striking "from semiarid land";

(4) by striking paragraph (4) and inserting the following:

"(4) collect information on the design and installation of forested riparian and upland buffers to—

"(A) protect water quality; and

"(B) manage water flow;";

(5) in paragraphs (6) and (7), by striking "on semiarid lands" each place it appears;

(6) by striking paragraph (8) and inserting the following:

"(8) provide international leadership in the worldwide development and exchange of agroforestry practices;";

(7) in paragraph (9), by striking "on semiarid lands";

(8) in paragraph (10), by striking "and" at the end;

(9) in paragraph (11), by striking the period at the end and inserting "; and"; and

(10) by adding at the end the following:

"(12) quantify the carbon storage potential of agroforestry practices such as—

"(A) windbreaks;

"(B) forested riparian buffers;

"(C) silvopasture timber and grazing systems; and

"(D) alley cropping.".

SEC. 817. OFFICE OF TRIBAL RELATIONS.

The Cooperative Forestry Assistance Act of 1978 is amended by inserting after section 19 (16 U.S.C. 2113) the following:

"SEC. 19A. OFFICE OF TRIBAL RELATIONS.

"(a) DEFINITIONS.—In this section:

"(1) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(2) OFFICE.—The term 'Office' means the Office of Tribal Relations established under subsection (b)(1).

"(3) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Chief of the Forest Service.

"(b) ESTABLISHMENT.—

"(1) IN GENERAL.—The Secretary shall establish within the Forest Service the Office of Tribal Relations.

"(2) DIRECTOR.—The Office shall be headed by a Director, who shall—

"(A) be appointed by the Secretary, in consultation with interested Indian tribes; and

"(B) report directly to the Secretary.

"(3) ADMINISTRATIVE SUPPORT.—The Secretary shall ensure, to the maximum extent practicable, that adequate staffing and funds are made available to enable the Director to carry out the duties described in subsection (c).

"(c) DUTIES OF THE DIRECTOR.—

"(1) IN GENERAL.—The Director shall—

"(A) provide advice to the Secretary on all issues, policies, actions, and programs of the Forest Service that affect Indian tribes, including—

"(i) consultation with tribal governments;

"(ii) programmatic review for equitable tribal participation;

"(iii) monitoring and evaluation of relations between the Forest Service and Indian tribes;

"(iv) the coordination and integration of programs of the Forest Service that affect, or are of interest to, Indian tribes;

"(v) training of Forest Service personnel for competency in tribal relations; and

"(vi) the development of legislation affecting Indian tribes;

"(B) coordinate organizational responsibilities within the administrative units of the Forest Service to ensure that matters affecting the rights and interests of Indian tribes are handled in a manner that is—

"(i) comprehensive;

"(ii) responsive to tribal needs; and

"(iii) consistent with policy guidelines of the Forest Service;

"(C)(i) develop generally applicable policies and procedures of the Forest Service pertaining to Indian tribes; and

"(ii) monitor the application of those policies and procedures throughout the administrative regions of the Forest Service;

"(D) provide such information or guidance to personnel of the Forest Service that are responsible for tribal relations as is required, as determined by the Secretary;

"(E) exercise such direct administrative authority pertaining to tribal relations programs as may be delegated by the Secretary;

"(F) for the purpose of coordinating programs and activities of the Forest Service with programs and actions of other agencies or departments that affect Indian tribes, consult with—

"(i) other agencies of the Department of Agriculture, including the Natural Resources Conservation Service; and

"(ii) other Federal agencies, including—

"(I) the Department of the Interior; and

"(II) the Environmental Protection Agency;

"(G) submit to the Secretary an annual report on the status of relations between the Forest Service and Indian tribes that includes, at a minimum—

"(i) an examination of the participation of Indian tribes in programs administered by the Secretary;

"(ii) a description of the status of initiatives being carried out to improve working relationships with Indian tribes; and

"(iii) recommendations for improvements or other adjustments to operations of the Forest Service that would be beneficial in strengthening working relationships with Indian tribes; and

"(H) carry out such other duties as the Secretary may assign.

"(d) COORDINATION.—In carrying out this section, the Office and other offices within the Forest Service shall consult on matters involving the rights and interests of Indian tribes.".

SEC. 818. ASSISTANCE TO TRIBAL GOVERNMENTS.

The Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 21. ASSISTANCE TO TRIBAL GOVERNMENTS.

"(a) DEFINITION OF INDIAN TRIBE.—In this section, the term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(b) ESTABLISHMENT.—The Secretary may provide financial, technical, educational and related assistance to Indian tribes for—

"(1) tribal consultation and coordination with the Forest Service on issues relating to—

"(A) tribal rights and interests on National Forest System land (including national forests and national grassland);

"(B) coordinated or cooperative management of resources shared by the Forest Service and Indian tribes; and

"(C) provision of tribal traditional, cultural, or other expertise or knowledge;

"(2) projects and activities for conservation education and awareness with respect to forest land under the jurisdiction of Indian tribes;

"(3) technical assistance for forest resources planning, management, and conservation on land under the jurisdiction of Indian tribes; and

"(4) the acquisition by Indian tribes, from willing sellers, of conservation interests (including conservation easements) in forest land and resources on land under the jurisdiction of the Indian tribes.

"(c) IMPLEMENTATION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, the Secretary shall promulgate regulations to implement subsection (b) (including regulations for determining the distribution of assistance under that subsection).

"(2) CONSULTATION.—In developing regulations under paragraph (1), the Secretary shall engage in full, open, and substantive consultation with Indian tribes and representatives of Indian tribes.

"(d) COORDINATION WITH THE SECRETARY OF THE INTERIOR.—The Secretary shall coordinate with the Secretary of the Interior during the establishment, implementation, and administration of subsection (b) to ensure that programs under that subsection—

"(1) do not conflict with tribal programs provided under the authority of the Department of the Interior; and

"(2) meet the goals of the Indian tribes.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for fiscal year 2002 and each fiscal year thereafter.".

SEC. 819. SUDDEN OAK DEATH SYNDROME.

(a) FINDINGS.—Congress finds that—

(1) tan oak, coast live oak, Shreve's oak, and black oak trees are among the most beloved features of the topography of California and the Pacific Northwest and efforts should be made to protect those trees from disease;

(2) the die-off of those trees, as a result of the exotic Phytophthora fungus, is approaching epidemic proportions;

(3) very little is known about the new species of Phytophthora, and scientists are struggling to understand the causes of sudden oak death syndrome, the methods of transmittal, and how sudden oak death syndrome can best be treated;

(4) the Phytophthora fungus has been found on—

(A) Rhododendron plants in nurseries in California; and

(B) wild huckleberry plants, potentially endangering the commercial blueberry and cranberry industries;

(5) sudden oak death syndrome threatens to create major economic and environmental problems in California, the Pacific Northwest, and other regions, including—

(A) the increased threat of fire and fallen trees;

(B) the cost of tree removal and a reduction in property values; and

(C) loss of revenue due to—

(i) restrictions on imports of oak products and nursery stock; and

(ii) the impact on the commercial rhododendron, blueberry, and cranberry industries; and

(6) Oregon and Canada have imposed an emergency quarantine on the importation of oak trees, oak products, and certain nursery plants from California.

(b) RESEARCH, MONITORING, AND TREATMENT OF SUDDEN OAK DEATH SYNDROME.—

(1) IN GENERAL.—The Secretary of Agriculture (referred to in this section as the "Secretary") shall carry out a sudden oak death syndrome research, monitoring, and treatment program to develop methods to control, manage, or eradicate sudden oak death syndrome from oak trees on public and private land.

(2) RESEARCH, MONITORING, AND TREATMENT ACTIVITIES.—In carrying out the program under paragraph (1), the Secretary may—

(A) conduct open space, roadside, and aerial surveys;

(B) provide monitoring technique workshops;

(C) develop baseline information on the distribution, condition, and mortality rates of oaks in California and the Pacific Northwest;

(D) maintain a geographic information system database;

(E) conduct research activities, including research on forest pathology, Phytophthora ecology, forest insects associated with oak decline, urban forestry, arboriculture, forest ecology, fire management, silviculture, landscape ecology, and epidemiology;

(F) evaluate the susceptibility of oaks and other vulnerable species throughout the United States; and

(G) develop and apply treatments.

(c) MANAGEMENT, REGULATION, AND FIRE PREVENTION.—

(1) IN GENERAL.—The Secretary shall conduct sudden oak death syndrome management, regulation, and fire prevention activities to reduce the threat of fire and fallen trees killed by sudden oak death syndrome.

(2) MANAGEMENT, REGULATION, AND FIRE PREVENTION ACTIVITIES.—In carrying out paragraph (1), the Secretary may—

(A) conduct hazard tree assessments;

(B) provide grants to local units of government for hazard tree removal, disposal and recycling, assessment and management of restoration and mitigation projects, green waste treatment facilities, reforestation, resistant tree breeding, and exotic weed control;

(C) increase and improve firefighting and emergency response capabilities in areas where fire hazard has increased due to oak die-off;

(D) treat vegetation to prevent fire, and assessment of fire risk, in areas heavily infected with sudden oak death syndrome;

(E) conduct national surveys and inspections of—

(i) commercial rhododendron and blueberry nurseries; and

(ii) native rhododendron and huckleberry plants;

(F) provide for monitoring of oaks and other vulnerable species throughout the United States to ensure early detection; and

(G) provide diagnostic services.

(d) EDUCATION AND RESEARCH.—

(1) IN GENERAL.—The Secretary shall conduct education and outreach activities to make information available to the public on sudden death oak syndrome.

(2) EDUCATION AND OUTREACH ACTIVITIES.—In carrying out paragraph (1), the Secretary may—

(A) develop and distribute educational materials for homeowners, arborists, urban foresters, park managers, public works personnel, recreationists, nursery workers, landscapers, naturists, firefighting personnel, and other individuals, as the Secretary determines appropriate;

(B) design and maintain a website to provide information on sudden oak death syndrome; and

(C) provide financial and technical support to States, local governments, and nonprofit organizations providing information on sudden oak death syndrome.

(e) SUDDEN OAK DEATH SYNDROME ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a Sudden Oak Death Syndrome Advisory Committee (referred to in this subsection as the "Committee") to assist the Secretary in carrying out this section.

(B) MEMBERSHIP.—

(i) COMPOSITION.—The Committee shall consist of—

(I) 1 representative of the Animal and Plant Health Inspection Service, to be appointed by the Administrator of the Animal and Plant Health Inspection Service;

(II) 1 representative of the Agricultural Research Service, to be appointed by the Administrator of the Agricultural Research Service;

(III) 1 representative of the Forest Service, to be appointed by the Chief of the Forest Service;

(IV) 2 individuals appointed by the Secretary from each of the States affected by sudden oak death syndrome; and

(V) any individual, to be appointed by the Secretary, in consultation with the Governors of the affected States, that the Secretary determines—

(aa) has an interest or expertise in sudden oak death syndrome; and

(bb) would contribute to the Committee.

(ii) DATE OF APPOINTMENTS.—The appointment of a member of the Committee shall be made not later than 90 days after the date of enactment of this Act.

(C) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(2) DUTIES.—

(A) IMPLEMENTATION PLAN.—The Committee shall prepare a comprehensive implementation plan to address the management, control, and eradication of sudden oak death syndrome.

(B) REPORTS.—

(i) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit to Congress the implementation plan prepared under paragraph (1).

(ii) FINAL REPORT.—Not later than 3 years after the date of enactment of this Act, the Committee shall submit to Congress a report that contains—

(I) a summary of the activities of the Committee;

(II) an accounting of funds received and expended by the Committee; and

(III) findings and recommendations of the Committee.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for each of fiscal years 2002 through 2006—

(1) to carry out subsection (b), $7,500,000, of which not more than $1,500,000 shall be used for treatment;

(2) to carry out subsection (c), $6,000,000;

(3) to carry out subsection (d), $500,000; and

(4) to carry out subsection (e), $250,000.

SEC. 820. INDEPENDENT INVESTIGATION OF FIREFIGHTER FATALITIES.

In the case of each fatality of an officer or employee of the Forest Service that occurs due to wildfire entrapment or burnover, the Inspector General of the Department of Agriculture shall—

(1) conduct an investigation that does not rely on, and is completely independent of, any investigation of the fatality that is conducted by the Forest Service; and

(2) submit to Congress and the Secretary of Agriculture a report on the fatality.

SEC. 821. ADAPTIVE ECOSYSTEM RESTORATION OF ARIZONA AND NEW MEXICO FORESTS AND WOODLANDS.

(a) FINDINGS.—Congress finds that—

(1) fire suppression, logging, and overgrazing have degraded the ecological conditions of forests and woodlands in Arizona and New Mexico;

(2) some of those forests and woodlands contain unnaturally high quantities of biomass that are subject to large, high intensity wildfires that endanger human lives and livelihoods and ecological sustainability;

(3) degraded forests and woodlands have led to—

(A) declining biodiversity;

(B) decreased stream and spring flows;

(C) impaired watershed values;

(D) increased susceptibility to insects and diseases;

(E) increases in mortality in the oldest trees; and

(F) degraded habitats for wildlife and humans;

(4) healthy forest and woodland ecosystems—

(A) minimize the threat of unnatural wildfire;

(B) improve wildlife habitat;

(C) increase tree, grass, forb, and shrub productivity;

(D) enhance watershed values; and

(E) provide a basis for economically and environmentally sustainable uses;

(5) forest and woodland treatments intended to restore degraded ecosystems should be developed using the best available scientific knowledge;

(6) treatments not supported by sound science may fail to achieve long-term ecosystem health and resource restoration objectives;

(7)(A) scientific research must be integrated with ongoing land management activities; and

(B) restoration techniques must be continually reevaluated and adapted to reflect new knowledge and to meet the practical needs of land managers and communities developing and implementing restoration treatments; and

(8) scientific knowledge must be translated and transferred to land managers, resource specialists, communities, and stakeholders that collaborate in the development and implementation of those treatments.

(b) PURPOSES.—The purposes of this section are—

(1) to—

(A) improve the ecological health, resource values, and sustainability of forest and woodland ecosystems in Arizona and New Mexico; and

(B) reduce the threat of unnatural wildfire, disease, and insect infestations in those States;

(2) to restore ecosystem structure and function so that ecosystems will—

(A) support biodiversity;

(B) enhance watershed values;

(C) increase water flow to seeps and springs; and

(D) increase tree, grass, forb, and shrub vigor and growth to provide sustainable economic activities for current and future generations;

(3) to develop the scientific knowledge to inform the design of adaptive ecosystem management restoration treatments that will restore long-term ecological health to forests and woodlands in the States; and

(4) to encourage collaboration among land management agencies, communities, and interest groups in developing, implementing, and monitoring adaptive ecosystem management restoration treatments that are ecologically sound, economically viable, and socially responsible.

(c) DEFINITIONS.—In this section:

(1) ADAPTIVE ECOSYSTEM MANAGEMENT.—The term "adaptive ecosystem management" means management practiced by engaging researchers, land managers, resource specialists, policy analysts, decisionmakers, nonprofit organizations, and communities in conducting collaborative large-scale management experiments that seek to restore ecosystem health while seeking unexplored opportunities to enhance natural resource values.

(2) ECOLOGICAL INTEGRITY.—The term "ecological integrity" includes a critical range of variability in biodiversity, ecological processes and structures, regional and historical context, and sustainable forestry practices in forests and woodlands.

(3) ECOLOGICAL RESTORATION.—The term "ecological restoration" means the process of assisting the recovery and management of ecological integrity.

(4) INSTITUTE.—The term "Institute" means an institute established under subsection (d)(1).

(5) LAND MANAGEMENT AGENCY.—The term "land management agency" means a Federal, State, local, or tribal land management agency.

(6) PRACTITIONER.—The term "practitioner" means a person or entity that practices natural resource management.

(7) SECRETARIES.—The term "Secretaries" means—

(A) the Secretary of Agriculture, acting through the Chief of the Forest Service; and

(B) the Secretary of the Interior.

(8) STATE.—The term "State" means—

(A) the State of Arizona; and

(B) the State of New Mexico.

(d) ESTABLISHMENT OF INSTITUTES.—

(1) IN GENERAL.—The Secretary of Agriculture, in consultation with the Secretary of the Interior, shall establish—

(A) an Ecological Restoration Institute in Flagstaff, Arizona; and

(B) an Institute at a college or university in the State of New Mexico selected by the Secretary of Agriculture, in consultation with the Secretary of the Interior.

(2) SCOPE OF RESEARCH; TRANSFER OF INFORMATION.—Each Institute shall—

(A) plan, conduct, or otherwise arrange for applied ecosystem management research that—

(i) assists in answering questions identified by land managers, practitioners, and others concerned with land management; and

(ii) will be useful in the development and implementation of practical, science-based, ecological restoration treatments;

(B) translate scientific knowledge into communication tools that are easily understood by land managers, natural resource professionals, and concerned citizens; and

(C) provide similar information to land managers and other interested persons.

(3) COOPERATION.—Each Institute shall cooperate with—

(A) researchers at colleges and universities in the States that have demonstrated capabilities for research, information dissemination, continuing education, and undergraduate and graduate training, to develop broad capacity to implement ecological restoration in forest and woodland ecosystems; and

(B) other organizations and entities in the region (such as the Western Governors' Association, Southwest Strategy group, the Southwest Fire Management Board, and the Arizona Governor's Forest Health/Fire Plan Advisory Committee), to increase and accelerate efforts to restore forest ecosystem health and abate unnatural and unwanted wildfire.

(4) APPROVAL OF ANNUAL WORK PLAN; REQUISITE ASSURANCES.—As a condition to the receipt of funds made available under subsection (g), for each fiscal year, each Institute shall submit to the Secretary of Agriculture, for review by the Secretary of Agriculture, in consultation with the Secretary of the Interior, an annual work plan that includes assurances, satisfactory to the Secretaries, that the proposed work will serve the information needs of—

(A) land managers;

(B) practitioners;

(C) concerned citizens and communities; and

(D) the States.

(e) COOPERATION BETWEEN INSTITUTES AND FEDERAL AGENCIES.—In carrying out this section, the Secretary of Agriculture, in consultation with the Secretary of the Interior—

(1) shall encourage other Federal departments, agencies, and instrumentalities to use and take advantage of, on a cooperative basis, the expertise and capabilities that are available through the Institutes;

(2) shall encourage cooperation and coordination with other Federal programs relating to—

(A) ecological restoration; and

(B) wildfire risk reduction;

(3) may (notwithstanding chapter 63 of title 31, United States Code)—

(A) enter into contracts, cooperative agreements, interagency personal agreements; and

(B) carry out other transactions;

(4) may accept funds from other Federal departments, agencies, and instrumentalities to supplement or fully fund grants made, and contracts entered into, by the Secretaries;

(5) may promulgate such regulations as the Secretaries consider appropriate;

(6) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this section; and

(7) shall encourage professional education and public information activities relating to the purposes of this section.

(f) MONITORING AND EVALUATION.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this Act, and every 5 years thereafter, the Secretary, in consultation with the Secretary of the Interior, shall complete a detailed evaluation of each Institute—

(A) to ensure, to the maximum extent practicable, that the research, communication tools, and information transfer activities of the Institute meet the needs of—

(i) land managers;

(ii) practitioners;

(iii) concerned citizens and communities; and

(iv) the States; and

(B) to determine whether continued provision of Federal assistance to the Institute is warranted.

(2) STANDARDS FOR RECEIPT OF FINANCIAL ASSISTANCE.—If, as a result of an evaluation under paragraph (1), the Secretary, in consultation with the Secretary of the Interior, determines that an Institute does not qualify for further Federal assistance under this section, the Institute shall receive no further Federal assistance under this section until such time as the qualifications of the Institute are reestablished to the satisfaction of the Secretaries.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each fiscal year.

TITLE IX—ENERGY

SEC. 901. FINDINGS.

Congress finds that—

(1) there are many opportunities for the agricultural sector and rural areas to produce renewable energy and increase energy efficiency;

(2) investments in renewable energy and energy efficiency—

(A) enhance the energy security and independence of the United States;

(B) increase farmer and rancher income;

(C) promote rural economic development;

(D) provide environmental and public health benefits such as cleaner air and water; and

(E) improve electricity grid reliability, thereby reducing the likelihood of blackouts and brownouts, particularly during peak usage periods;

(3) the public strongly supports renewable energy generation and energy efficiency improvements as an important component of a national energy strategy;

(4)(A) the Federal Government is the country's largest consumer of a vast array of products, spending in excess of $200,000,000,000 per year;

(B) purchases and use of products by the Federal Government have a significant effect on the environment; and

(C) accordingly, the Federal Government should lead the way in purchasing biobased products so as to minimize environmental impacts while supporting domestic producers of biobased products;

(5) the agricultural sector is a leading producer of biobased products to meet domestic and international needs;

(6) agriculture can play a significant role in the development of fuel cell and hydrogen-based energy technologies, which are critical technologies for a clean energy future;

(7)(A) wind energy is 1 of the fastest growing clean energy technologies; and

(B) there are tremendous economic development and environmental quality benefits to be achieved by developing both large-scale and small-scale wind power projects on farms and in rural communities;

(8) farm-based renewable energy generation can become one of the major cash crops of the United States, improving the livelihoods of hundreds of thousands of family farmers, ranchers, and others and revitalizing rural communities;

(9)(A) evidence continues to mount that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change; and

(B) agriculture can help in climate change mitigation by—

(i) storing carbon in soils, plants, and forests;

(ii) producing biofuels, chemicals, and power to replace fossil fuels and petroleum-based products; and

(iii) reducing emissions by capturing gases from animal feeding operations, changing agricultural land practices, and becoming more energy efficient;

(10) because agricultural production is energy-intensive, it is incumbent on the Federal Government to aid the agricultural sector in reducing energy consumption and energy costs;

(11)(A) one way to help farmers, ranchers, and others reduce energy use is through professional energy audits;

(B) energy audits provide recommendations for improved energy efficiency that, when acted on, offer an effective means of reducing overall energy use and saving money; and

(C) energy savings of 10 to 30 percent can typically be achieved, and greater savings are often realized; and

(12) rural electric utilities are often geographically well situated to develop renewable and distributed energy supplies, enabling the utilities to diversify their energy portfolios and afford their members or customers alternative energy sources, which many such members and customers desire.

SEC. 902. CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT.

The Consolidated Farm and Rural Development Act (as amended by section 649) is amended by adding at the end the following:

"Subtitle L—Clean Energy

"SEC. 388A. DEFINITIONS.

"In this subtitle:

"(1) Biomass.—

"(A) In general.—The term 'biomass' means any organic material that is available on a renewable or recurring basis.

"(B) Inclusions.—The term 'biomass' includes—

"(i) dedicated energy crops;

"(ii) trees grown for energy production;

"(iii) wood waste and wood residues;

"(iv) plants (including aquatic plants, grasses, and agricultural crops);

"(v) residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) fats and oils.

"(C) Exclusions.—The term 'biomass' does not include—

"(i) paper that is commonly recycled; or

"(ii) unsegregated garbage.

"(2) Renewable energy.—The term 'renewable energy' means energy derived from a wind, solar, biomass, geothermal, or hydrogen source.

"(3) Rural small business.—The term 'rural small business' has the meaning that the Secretary shall prescribe by regulation.

"CHAPTER 1—BIOBASED PRODUCT DEVELOPMENT

"SEC. 388B. BIOBASED PRODUCT PURCHASING REQUIREMENT.

"(a) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) Biobased product.—The term 'biobased product' means a commercial or industrial product, as determined by the Secretary (other than food or feed), that uses biological products or renewable domestic agricultural materials (including plant, animal, and marine materials) or forestry materials.

"(3) Environmentally preferable.—The term 'environmentally preferable', with respect to a biobased product, refers to a biobased product that has a lesser or reduced effect on human health and the environment when compared with competing nonbiobased products that serve the same purpose.

"(b) Biobased Product Purchasing.—

"(1) Mandatory purchasing requirement for listed biobased products.—

"(A) In general.—Except as provided in subparagraph (B), not later than 180 days after the date of enactment of this subtitle, the head of each Federal agency shall ensure that, in purchasing any product, the Federal agency purchases a biobased product, rather than a comparable nonbiobased product, if the biobased product is listed on the list of biobased products published under subsection (c)(1).

"(B) Biobased product not reasonably comparable.—A Federal agency shall not be required to purchase a biobased product under subparagraph (A) if the purchasing employee submits to the Secretary and the Administrator of the Office of Federal Procurement Policy a written determination that the biobased product is not reasonably comparable to nonbiobased products in price, performance, or availability.

"(C) Conflicting requirements.—The Secretary and the Administrator shall jointly promulgate regulations with which Federal agencies shall comply in cases of a conflict between the biobased product purchasing requirement under subparagraph (A) and a purchasing requirement under any other provision of law.

"(2) Purchasing of nonlisted biobased products.—The head of each Federal agency is encouraged to purchase, to the maximum extent practicable, available biobased products that are not listed on the list of biobased products published under subsection (c)(1) when the Federal agency is not required to purchase a biobased product that is on the list.

"(c) Administrative Action.—

"(1) List of biobased products.—

"(A) In general.—Not later than 180 days after the date of enactment of this subtitle, and annually thereafter, the Secretary, in consultation with the Administrator and the Director of the National Institute of Standards and Technology, shall publish a list of biobased products.

"(B) Environmentally preferable biobased products.—The Secretary shall not include on the list under paragraph (1) biobased products that are not environmentally preferable, as determined by the Secretary.

"(C) Grants.—The Secretary may award grants to, or enter into contracts or cooperative agreements with, eligible persons, businesses, or institutions (as determined by the Secretary) to assist in collecting data concerning the evaluation of and lifecycle analyses of biobased products for use in making the determinations necessary to carry out this paragraph.

"(2) Guidance.—Not later than 240 days after the date of enactment of this subtitle, the Office of Federal Procurement Policy and Federal Acquisition Regulation Council shall make the Federal Acquisition Regulation consistent with subsection (b).

"(d) Education and Outreach Program.—The Secretary, in cooperation with the Defense Acquisition University and the Federal Acquisition Institute, shall conduct education programs for all Federal procurement officers regarding biobased products and the requirements of subsection (b).

"(e) Labeling.—

"(1) In general.—The Secretary shall develop a program, similar to the Energy Star program of the Department of Energy and the Environmental Protection Agency, under which the Secretary authorizes producers of environmentally preferable biobased products to use a label that identifies the products as environmentally preferable biobased products.

"(2) Environmentally preferable biobased products.—The Secretary shall monitor and take appropriate action regarding the use of labels under paragraph (1) to ensure that the biobased products using the labels do not include biobased products that are not environmentally preferable, as determined by the Secretary.

"(3) Contracting.—In carrying out paragraph (1), the Secretary may contract with appropriate entities with expertise in product labeling and standard setting.

"(f) Goal.—It shall be the goal of each Federal agency for each fiscal year to purchase biobased products of an aggregate value that is not less than 5 percent of the aggregate value of all products purchased by the Federal agency during the preceding fiscal year.

"(g) Reports.—As soon as practicable after the end of each fiscal year, the Secretary and the Office of Federal Procurement Policy shall jointly submit to Congress an annual report that, for the fiscal year, describes the extent of—

"(1) compliance by each Federal agency with subsection (b); and

"(2) the success of each Federal agency in achieving the goal established under subsection (f).

"(h) Funding.—

"(1) In general.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $2,000,000, to remain available until expended.

"(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"SEC. 388C. BIOREFINERY DEVELOPMENT GRANTS.

"(a) Purpose.—The purpose of this section is to assist in the development of new and emerging technologies for the conversion of biomass into petroleum substitutes, so as to—

"(1) develop transportation and other fuels and chemicals from renewable sources;

"(2) reduce the dependence of the United States on imported oil;

"(3) reduce greenhouse gas emissions;

"(4) diversify markets for raw agricultural and forestry products; and

"(5) create jobs and enhance the economic development of the rural economy.

"(b) Definitions.—In this section:

"(1) Advisory committee.—The term 'Advisory Committee' means the Biomass Research and Development Technical Advisory Committee established by section 306 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224).

"(2) Biorefinery.—The term 'biorefinery' means equipment and processes that—

"(A) convert biomass into fuels and chemicals; and

"(B) may produce electricity.

"(3) Board.—The term 'Board' means the Biomass Research and Development Board established by section 305 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224).

"(4) Indian tribe.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

"(c) Grants.—The Secretary shall award grants to eligible entities to assist in paying the cost of development and construction of biorefineries to carry out projects to demonstrate the commercial viability of 1 or more processes for converting biomass to fuels or chemicals.

"(d) Eligible Entities.—A corporation, farm cooperative, association of farmers, national laboratory, university, State energy agency or office, Indian tribe, or consortium comprised of any of those entities shall be eligible to receive a grant under subsection (c).

"(e) Competitive Basis for Awards.—

"(1) In general.—The Secretary shall award grants under subsection (c) on a competitive basis in consultation with the Board and Advisory Committee.

"(2) Selection criteria.—

"(A) In general.—In selecting projects to receive grants under subsection (c), the Secretary—

"(i) shall select projects based on the likelihood that the projects will demonstrate the commercial viability of a process for converting biomass into fuels or chemicals; and

"(ii) may consider the likelihood that the projects will produce electricity.

"(B) Factors.—The factors to be considered under subparagraph (A) shall include—

"(i) the potential market for the product or products;

"(ii) the quantity of petroleum the product will displace;

"(iii) the level of financial participation by the applicants;

"(iv) the availability of adequate funding from other sources;

"(v) the beneficial impact on resource conservation and the environment;

"(vi) the participation of producer associations and cooperatives;

"(vii) the timeframe in which the project will be operational;

"(viii) the potential for rural economic development;

"(ix) the participation of multiple eligible entities; and

"(x) the potential for developing advanced industrial biotechnology approaches.

"(f) Cost Sharing.—

"(1) In general.—Except as provided in paragraph (2), the amount of a grant for a project awarded under subsection (c) shall not exceed 30 percent of the cost of the project.

"(2) Increased grant amount.—The Secretary may increase the amount of a grant for a project under subsection (c) to not more than 50 percent in the case of a project that the Secretary finds particularly meritorious.

"(3) Form of grantee share.—

"(A) In general.—The grantee share of the cost of a project may be made in the form of cash or the provision of services, material, or other in-kind contributions.

"(B) Limitation.—The amount of the grantee share of the cost of a project that is made in the form of the provision of services, material, or other in-kind contributions shall not exceed 25 percent of the amount of the grantee share determined under paragraph (1).

"(g) Funding.—

"(1) In general.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $15,000,000, to remain available until expended.

"(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"SEC. 388D. BIODIESEL FUEL EDUCATION PROGRAM.

"(a) Findings.—Congress finds that—

"(1) biodiesel fuel use can help reduce greenhouse gas emissions and public health risks associated with air pollution;

"(2) biodiesel fuel use enhances energy security by reducing petroleum consumption;

"(3) biodiesel fuel is nearing the transition from the research and development phase to commercialization;

"(4) biodiesel fuel is still relatively unknown to the public and even to diesel fuel users; and

"(5) education of, and provision of technical support to, current and future biodiesel fuel users will be critical to the widespread use of biodiesel fuel.

"(b) Establishment.—The Secretary shall, under such terms and conditions as are appropriate, offer 1 or more competitive grants to eligible entities to educate Federal, State, regional, and local government entities and private entities that operate vehicle fleets, other interested entities (as determined by the Secretary), and the public about the benefits of biodiesel fuel use.

"(c) Eligible Entities.—To receive a grant under subsection (b), an entity—

"(1) shall be a nonprofit organization; and

"(2) shall have demonstrated expertise in biodiesel fuel production, use, and distribution.

"(d) Authorization of Appropriations.—Of the funds of the Commodity Credit Corporation, the Secretary shall make available $5,000,000 for each fiscal year 2003 through 2006.

"CHAPTER 2—RENEWABLE ENERGY DEVELOPMENT AND ENERGY EFFICIENCY

"SEC. 388E. RENEWABLE ENERGY DEVELOPMENT LOAN AND GRANT PROGRAM.

"(a) In General.—The Secretary, acting through the Rural Business Cooperative Service, in addition to exercising authority to make loans and loan guarantees under other law, shall establish a program under which the Secretary shall make loans and loan guarantees and competitively award grants to assist farmers and ranchers in projects to establish new, or expand existing, farmer or rancher cooperatives, or other rural business ventures (as determined by the Secretary), to—

"(1) enable farmers and ranchers to become owners of sources of renewable electric energy and marketers of electric energy produced from renewable sources;

"(2) provide new income streams for farmers and ranchers;

"(3) increase the quantity of electricity available from renewable energy sources; and

"(4) provide environmental and public health benefits to rural communities and the United States as a whole.

"(b) Ownership Requirement.—At least 51 percent of the interest in a rural business venture assisted with a grant under subsection (a) shall be owned by farmers or ranchers.

"(c) Maximum Amount of Loans and Grants.—

"(1) Loans.—The amount of a loan made or guaranteed for a project under subsection (a) shall not exceed $10,000,000.

"(2) Grants.—The amount of a grant made for a project under subsection (a) shall not exceed $200,000 for a fiscal year.

"(d) Cost Sharing.—

"(1) In general.—The total amount of loans made or guaranteed or grants awarded under subsection (a) for a project shall not exceed 50 percent of the cost of the activity funded by the loan or grant.

"(2) Form of grantee share.—

"(A) In general.—The grantee share of the cost of the activity may be made in the form of cash or the provision of services, material, or other in-kind contributions.

"(B) Limitation.—The amount of the grantee share of the cost of an activity that is made in the form of the provision of services, material, or other in-kind contributions shall not exceed 25 percent of the amount of the grantee share, as determined under paragraph (1).

"(e) Interest Rate.—A loan made or guaranteed under subsection (a) shall bear an interest rate that does not exceed 4 percent.

"(f) Use of Funds.—

"(1) Permitted uses.—

"(A) Grants.—A recipient of a grant awarded under subsection (a) may use the grant funds to develop a business plan or perform a feasibility study to establish a viable marketing opportunity for renewable electric energy generation and sale.

"(B) Loans.—A recipient of a loan or loan guarantee under subsection (a) may use the loan funds to provide capital for start-up costs associated with the rural business venture or the promotion of the aggregation of renewable electric energy sources.

"(2) Prohibited uses.—A recipient of a loan, loan guarantee, or grant under subsection (a) shall not use the loan or grant funds for planning, repair, rehabilitation, acquisition, or construction of a building.

"(g) Funding.—

"(1) In general.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $16,000,000, to remain available until expended.

"(2) Receipt and acceptance.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) Loan and interest subsidies.—In the case of a loan or loan guarantee under subsection (a), the Secretary shall use funds under paragraph (1) to pay the cost of loan and interest subsidies necessary to carry out this section.

"SEC. 388F. ENERGY AUDIT AND RENEWABLE ENERGY DEVELOPMENT PROGRAM.

"(a) In General.—The Secretary, acting through the Rural Business Cooperative Service, shall make competitive grants to eligible entities to enable the eligible entities to carry out a program to assist farmers, and ranchers, and rural small businesses (as determined by the Secretary) in becoming more energy efficient and in using renewable energy technology.

"(b) Eligible Entities.—Entities eligible to carry out a program under subsection (a) include—

"(1) a State energy or agricultural office;

"(2) a regional or State-based energy organization or energy organization of an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(3) a land-grant college or university (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) or other college or university;

"(4) a farm bureau or organization;

"(5) a rural electric cooperative or utility;

"(6) a nonprofit organization; and

"(7) any other entity, as determined by the Secretary.

"(c) Merit Review.—

"(1) Merit review panel.—The Secretary shall establish a merit review panel to review applications for grants under subsection (a) that uses the expertise of other Federal agencies (including the Department of Energy and the Environmental Protection Agency), industry, and nongovernmental organizations.

"(2) Selection criteria.—In reviewing applications of eligible entities to receive grants under subsection (a), the merit review panel shall consider—

"(A) the ability and expertise of the eligible entity in providing professional energy audits and renewable energy assessments;

"(B) the geographic scope of the program proposed by the eligible entity;

"(C) the number of farmers, ranchers, and rural small businesses to be assisted by the program;

"(D) the potential for energy savings and environmental and public health benefits resulting from the program; and

"(E) the plan of the eligible entity for educating farmers, ranchers, and rural small businesses on the benefits of energy efficiency and renewable energy development.

"(d) Use of Grant Funds.—A recipient of a grant under subsection (a) shall use the grant funds to—

"(1)(A) conduct energy audits for farmers, ranchers, and rural small businesses to provide farmers, ranchers, and rural small businesses recommendations for energy efficiency and renewable energy development opportunities; and

"(B) conduct workshops on that subject as appropriate;

"(2) make farmers, ranchers, and rural small businesses aware of, and ensure that they have access to—

"(A) financial assistance under section 388G; and

"(B) other Federal, State, and local financial assistance programs for which farmers, ranchers, and rural small businesses may be eligible; and

"(3) arrange private financial assistance to farmers, ranchers, and rural small businesses on favorable terms.

"(e) Cost Sharing.—

"(1) IN GENERAL.—A recipient of a grant under subsection (a) that conducts an energy audit for a farmer, rancher, or rural small business under subsection (d)(1) shall require that, as a condition to the conduct of the energy audit, the farmer, rancher, or rural small business pay at least 25 percent of the cost of the audit.

"(2) IMPLEMENTATION OF RECOMMENDATIONS.—If a farmer, rancher, or rural small business substantially implements the recommendations made in connection with an energy audit, the Secretary may reimburse the farmer, rancher, or rural small business the amount that is equal to the share of the cost paid by the farmer, rancher, or rural small business under paragraph (1).

"(f) REPORTS.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate an annual report on the implementation of this section.

"(g) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $15,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"SEC. 388G. LOANS, LOAN GUARANTEES, AND GRANTS TO FARMERS, RANCHERS, AND RURAL SMALL BUSINESSES FOR RENEWABLE ENERGY SYSTEMS AND ENERGY EFFICIENCY IMPROVEMENTS.

"(a) IN GENERAL.—In addition to exercising authority to make loans and loan guarantees under other law, the Secretary shall make loans, loan guarantees, and grants to farmers, ranchers, and rural small businesses to—

"(1) purchase renewable energy systems; and

"(2) make energy efficiency improvements.

"(b) ELIGIBILITY OF FARMERS AND RANCHERS.—To be eligible to receive a grant under subsection (a) for a fiscal year, a farmer or rancher shall have produced not more than $1,000,000 in market value of agricultural products during the preceding fiscal year, as determined by the Secretary.

"(c) COST SHARING.—

"(1) RENEWABLE ENERGY SYSTEMS.—

"(A) IN GENERAL.—

"(i) GRANTS.—The amount of a grant made under subsection (a) for a renewable energy system shall not exceed 30 percent of the cost of the renewable energy system.

"(ii) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN.—The combined amount of a grant and loan made or guaranteed under subsection (a) for a renewable energy system shall not exceed 60 percent of the cost of the renewable energy system.

"(B) FACTORS.—In determining the amount of a grant or loan under subparagraph (A), the Secretary shall take into consideration—

"(i) the type of renewable energy system to be purchased;

"(ii) the estimated quantity of energy to be generated or displaced by the renewable energy system;

"(iii) the expected environmental benefits of the renewable energy system;

"(iv) the extent to which the renewable energy system will be replicable; and

"(v) other factors as appropriate.

"(2) ENERGY EFFICIENCY IMPROVEMENTS.—

"(A) IN GENERAL.—

"(i) GRANTS.—The amount of a grant made under subsection (a) for an energy efficiency improvement shall not exceed 25 percent of the cost of the energy efficiency improvement.

"(ii) MAXIMUM AMOUNT OF COMBINED GRANT AND LOAN.—The combined amount of a grant and loan made or guaranteed under subsection (a) for an energy efficiency project shall not exceed 50 percent of the cost of the energy efficiency improvement.

"(B) FACTORS.—In determining the amount of a grant or loan under subparagraph (A), the Secretary shall take into consideration—

"(i) the estimated length of time it would take for the ehergy savings generated by the improvement to equal the cost of the improvement;

"(ii) the amount of energy savings expected to be derived from the improvement; and

"(iii) other factors as appropriate.

"(d) INTEREST RATE.—A loan made or guaranteed under subsection (a) shall bear interest at a rate not exceeding 4 percent.

"(e) ENERGY AUDIT AND RENEWABLE ENERGY DEVELOPMENT PROGRAM.—

"(1) PREFERENCE.—In making loans, loan guarantees, and grants under subsection (a), the Secretary shall give preference to participants in the energy audit and renewable energy development program under section 388F.

"(2) RESERVATION OF FUNDING.—The Secretary shall reserve at least 25 percent of the funds made available to carry out this section for each of fiscal years 2002 through 2006 to participants in the energy audit and renewable energy development program under section 388F.

"(f) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $33,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) LOAN AND INTEREST SUBSIDIES.—In the case of a loan or loan guarantee under subsection (a), the Secretary shall use funds under paragraph (1) to pay the cost of loan and interest subsidies necessary to carry out this section.

"SEC. 388H. HYDROGEN AND FUEL CELL TECHNOLOGIES PROGRAM.

"(a) FINDINGS.—Congress finds that—

"(1) fuel cells are a highly efficient, clean, and flexible technology for generating electricity from hydrogen that promises to improve the environment, electricity reliability, and energy security;

"(2)(A) because fuel cells can be made in any size, fuel cells can be used for a wide variety of farm applications, including powering farm vehicles, equipment, houses, and other operations; and

"(B) much of the initial use of fuel cells is likely to be in remote and off-grid applications in rural areas; and

"(3) hydrogen is a clean and flexible fuel that can play a critical role in storing and transporting energy produced on farms from renewable sources (including biomass, wind, and solar energy).

"(b) GRANT PROGRAM.—The Secretary of Agriculture, in consultation with the Secretary of Energy, shall establish a program under which the Secretary of Agriculture shall competitively award grants to, or enter into contracts or cooperative agreements with, eligible entities for—

"(1) projects to demonstrate the use of hydrogen technologies and fuel cell technologies in farm, ranch, and rural applications; and

"(2) as appropriate, studies of the technical, environmental, and economic viability, in farm, ranch, and rural applications, of innovative hydrogen and fuel cell technologies not ready for demonstration.

"(c) ELIGIBLE ENTITIES.—Under subsection (b), the Secretary may make a grant to or enter into a contract or cooperative agreement with—

"(1) a Federal research agency;

"(2) a national laboratory;

"(3) a college or university or a research foundation maintained by a college or university;

"(4) a private organization with an established and demonstrated capacity to perform research or technology transfer;

"(5) a State agricultural experiment station;

"(6) an individual; or

"(7) a consortium comprised of entities described in paragraphs (1) through (6).

"(d) SELECTION CRITERIA.—In selecting projects for grants, contracts, and cooperative agreements under subsection (b)(1), the Secretary shall give preference to projects that demonstrate technologies that—

"(1) are innovative;

"(2) use renewable energy sources;

"(3) generate both usable electricity and heat;

"(4) provide significant environmental benefits;

"(5) are likely to be economically competitive; and

"(6) have potential for commercialization as mass-produced, farm- or ranch-sized systems.

"(e) COST SHARING.—The amount of financial assistance provided for a project under a grant, contract, or cooperative agreement under subsection (b) shall not exceed 50 percent of the cost of the project.

"(f) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subtitle, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $5,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secrefary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"SEC. 388I. TECHNICAL ASSISTANCE FOR FARMERS AND RANCHERS TO DEVELOP RENEWABLE ENERGY RESOURCES.

"(a) IN GENERAL.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service in consultation with the Natural Resources Conservation Service, regional biomass programs under the Department of Energy, and other entities as appropriate, may provide for education and technical assistance to farmers and ranchers for the development and marketing of renewable energy resources.

"(b) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to 4 percent of the amounts made available for each fiscal year to carry out this section to pay administrative expenses incurred in carrying out this section.

"CHAPTER 3—CARBON SEQUESTRATION RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROGRAM

"SEC. 388J. RESEARCH.

"(a) BASIC RESEARCH.—

"(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out research to promote understanding of—

"(A) the net sequestration of organic carbon in soils and plants (including trees); and

"(B) net emissions of other greenhouse gases from agriculture.

"(2) AGRICULTURAL RESEARCH SERVICE.—The Secretary, acting through the Agricultural Research Service, shall collaborate with other Federal agencies in developing data and carrying *out research addressing carbon losses and gains in soils and plants (including trees) and net emissions of methane and nitrous oxide from cultivation and animal management activities.*

"(3) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

"(A) IN GENERAL.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall establish a competitive grant program to carry out research on the matters described in paragraph (1) by eligible entities.

"(B) ELIGIBLE ENTITIES.—Under subparagraph (A), the Secretary may make a grant to—

"(i) a Federal research agency;

"(ii) a national laboratory;

"(iii) a college or university or a research foundation maintained by a college or university;

"(iv) a private research organization with an established and demonstrated capacity to perform research or technology transfer;

"(v) a State agricultural experiment station;

"(vi) a State forestry agency that has developed or is developing a forest carbon sequestration program; or

"(vii) an individual.

"(C) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for basic research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the Agricultural Research Service and the Forest Service to ensure that proposed research areas are complementary with and do not duplicate other research projects funded by the Department or other Federal agencies.

"(D) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to 4 percent of the amounts made available for each fiscal year to carry out this subsection to pay administrative expenses incurred in carrying out this subsection.

"(b) APPLIED RESEARCH.—

"(1) IN GENERAL.—The Secretary shall carry out applied research in the areas of soil science, agronomy, agricultural economics, forestry, and other agricultural sciences to—

"(A) promote understanding of—

"(i) how agricultural and forestry practices affect the sequestration of organic and inorganic carbon in soils and plants (including trees) and net emissions of other greenhouse gases;

"(ii) how changes in soil carbon pools in soils and plants (including trees) are cost-effectively measured, monitored, and verified; and

"(iii) how public programs and private market approaches can be devised to incorporate carbon sequestration in a broader societal greenhouse gas emission reduction effort;

"(B) develop methods for establishing baselines for measuring the quantities of carbon and other greenhouse gases sequestered; and

"(C) evaluate leakage, performance, and permanence issues.

"(2) REQUIREMENTS.—To the maximum extent practicable, applied research under paragraph (1) shall—

"(A) use existing technologies and methods; and

"(B) provide methodologies that are accessible to a nontechnical audience.

"(3) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS.—All applied research under paragraph (1) shall be conducted with an emphasis on minimizing adverse environmental impacts.

"(4) NATURAL RESOURCES AND THE ENVIRONMENT.—The Secretary, acting through the Natural Resources Conservation Service and the Forest Service, shall collaborate with other Federal agencies in developing new measuring techniques and equipment or adapting existing techniques and equipment to enable cost-effective and accurate monitoring and verification, for a wide range of agricultural and forestry practices, of—

"(A) changes in carbon content in soils and plants (including trees); and

"(B) net emissions of other greenhouse gases.

"(5) COOPERATIVE STATE RESEARCH, EDUCATION, AND EXTENSION SERVICE.—

"(A) IN GENERAL.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service and the Forest Service, shall establish a competitive grant program to encourage research on the matters described in paragraph (1) by eligible entities.

"(B) ELIGIBLE ENTITIES.—Under subparagraph (A), the Secretary may make a grant to—

"(i) a Federal research agency;

"(ii) a national laboratory;

"(iii) a college or university or a research foundation maintained by a college or university;

"(iv) a private research organization with an established and demonstrated capacity to perform research or technology transfer;

"(v) a State agricultural experiment station;

"(vi) a State forestry agency that has developed or is developing a forest carbon sequestration program; or

"(vii) an individual.

"(C) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for applied research under paragraph (1), the Cooperative State Research, Education, and Extension Service and the Forest Service shall consult with the Natural Resources Conservation Service and the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects funded by the Department of Agriculture or other Federal agencies.

"(D) ADMINISTRATIVE EXPENSES.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, may retain up to 4 percent of the amounts made available for each fiscal year to carry out this subsection to pay administrative expenses incurred in carrying out this subsection.

"(c) RESEARCH CONSORTIA.—

"(1) IN GENERAL.—The Secretary may designate not more than 2 research consortia to carry out research projects under this section, with the requirement that the consortia propose to conduct basic research under subsection (a) and applied research under subsection (b) .

"(2) SELECTION.—The consortia shall be selected on a competitive basis by the Cooperative State Research, Education, and Extension Service.

"(3) ELIGIBLE CONSORTIUM PARTICIPANTS.—Entities eligible to participate in a consortium include—

"(A) a college or university or a research foundation maintained by a college or university;

"(B) a private research institution;

"(C) a State agency;

"(D) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b));

"(E) an agency of the Department of Agriculture;

"(F) a research center of the National Aeronautics and Space Administration, the Department of Energy, or any other Federal agency;

"(G) an agricultural business or organization with demonstrated expertise in areas covered by this section; and

"(H) a representative of the private sector with demonstrated expertise in the areas.

"(4) RESERVATION OF FUNDING.—If the Secretary designates 1 or 2 consortia, the Secretary shall reserve for research projects carried out by the consortium or consortia not more than 25 percent of the amounts made available to carry out this section for a fiscal year.

"(d) STANDARDS FOR MEASURING CARBON AND OTHER GREENHOUSE GAS CONTENT.—

"(1) CONFERENCE.—Not later than 3 years after the date of enactment of this subtitle, the Secretary shall convene a conference of key scientific experts on carbon sequestration from various sectors (including the government, academic, and private sectors) to—

"(A) discuss benchmark standards for measuring the carbon content of soils and plants (including trees) and net emissions of other greenhouse gases;

"(B) propose techniques and modeling approaches for measuring carbon content with a level of precision that is agreed on by the participants in the conference; and

"(C) evaluate results of analyses on baseline, permanence, and leakage issues.

"(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

"(A) IN GENERAL.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

"(i) information from the conference under paragraph (1);

"(ii) research conducted under this section; and

"(iii) other information available to the Secretary.

"(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on the benchmark standards developed under subparagraph (A).

"(3) REPORT.—Not later than 180 days after the conclusion of the conference under paragraph (1), the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the conference.

"(e) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2002 through 2006.

"(2) ALLOCATION.—

"(A) IN GENERAL.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for competitive grants by the Cooperative State Research, Education, and Extension Service.

"(B) ADMINISTRATIVE EXPENSES.—The Secretary may retain up to 4 percent of the amounts made available for each fiscal year to carry out this section to pay administrative expenses incurred in carrying out this section.

"SEC. 388K. DEMONSTRATION PROJECTS AND OUTREACH.

"(a) DEMONSTRATION PROJECTS.—

"(1) DEVELOPMENT OF MONITORING PROGRAMS.—

"(A) IN GENERAL.—The Secretary, in cooperation with local extension agents, experts from land grant universities, and other local agricultural or conservation organizations, shall develop user-friendly programs that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and net changes in greenhouse gas emissions.

"(B) BENCHMARK LEVELS OF PRECISION.—The Secretary shall administer programs developed under subparagraph (A) in a manner that achieves, to the maximum extent practicable, benchmark levels of precision in the measurement, in a cost-effective manner, of benefits and changes described in subparagraph (A).

"(2) PROJECTS.—

"(A) IN GENERAL.—The Secretary shall establish a program under which the monitoring programs developed under paragraph (1) are used in projects to demonstrate the feasibility of

methods of measuring, verifying, and monitoring—

"(i) changes in organic carbon content and other carbon pools in soils and plants (including trees); and

"(ii) net changes in emissions of other greenhouse gases.

"(B) EVALUATION OF IMPLICATIONS.—The projects under subparagraph (A) shall include evaluation of the implications for reassessed baselines, carbon or other greenhouse gas leakage, and the permanence of sequestration.

"(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall be submitted by the appropriate agency of each State, in consultation with interested local jurisdictions and State agricultural and conservation organizations.

"(D) LIMITATION.—Not more than 10 projects under subparagraph (A) may be approved in conjunction with applied research projects under section 388J(b) until benchmark measurement and assessment standards are established under section 388J(d).

"(b) OUTREACH.—

"(1) IN GENERAL.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall widely disseminate information about the economic and environmental benefits that can be generated by adoption of conservation practices that increase sequestration of carbon and reduce emissions of other greenhouse gases.

"(2) PROJECT RESULTS.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall provide for the dissemination to farmers, ranchers, private forest landowners, and appropriate State agencies in each State of information concerning—

"(A) the results of demonstration projects under subsection (a)(2); and

"(B) the manner in which the methods demonstrated in the projects might be applicable to the operations of the farmers, ranchers, private forest landowners, and State agencies.

"(3) POLICY OUTREACH.—The Secretary, acting through the Cooperative State Research, Education, and Extension Service, shall disseminate information on the connection between global climate change mitigation strategies and agriculture and forestry, so that farmers, ranchers, private forest landowners, and State agencies may better understand the global implications of the activities of the farmers, ranchers, private forest landowners, and State agencies.

"(c) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.

"(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for demonstration projects under subsection (a)(2).".

SEC. 903. BIOMASS RESEARCH AND DEVELOPMENT ACT OF 2000.

(a) FUNDING.—The Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) is amended—

(1) in section 307, by striking subsection (f);

(2) by redesignating section 310 as section 311; and

(3) by inserting after section 309 the following:

"SEC. 310. FUNDING.

"(a) TRANSFERS BY THE SECRETARY OF THE TREASURY.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this subsection, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this title $15,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this title the funds transferred under paragraph (1), without further appropriation.

"(b) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts transferred under subsection (a), there are authorized to be appropriated to carry out this title $49,000,000 for each of fiscal years 2002 through 2006.".

(b) TERMINATION OF AUTHORITY.—Section 311 of the Biomass Research and Development Act of 2000 (7 U.S.C. 7624 note; Public Law 106–224) (as redesignated by subsection (a)) is amended by striking "December 31, 2005" and inserting "September 30, 2006".

SEC. 904. RURAL ELECTRIFICATION ACT OF 1936.

Title I of the Rural Electrification Act of 1936 (7 U.S.C. 901 et seq.) is amended by adding at the end the following:

"SEC. 20. FINANCIAL AND TECHNICAL ASSISTANCE FOR RENEWABLE ENERGY PROJECTS.

"(a) DEFINITIONS.—In this section:

"(1) RENEWABLE ENERGY.—The term 'renewable energy' means energy derived from a wind, solar, biomass, geothermal, or hydrogen source.

"(2) RURAL AREA.—The term 'rural area' includes any area that is not within the boundaries of—

"(A) a city, town, village, or borough having a population of more than 20,000; or

"(B) an urbanized area (as determined by the Secretary).

"(b) LOANS, LOAN GUARANTEES, AND GRANTS.—The Secretary shall make loans, loan guarantees, and grants to rural electric cooperatives and other rural electric utilities (as determined by the Secretary) to promote the development of economically and environmentally sustainable renewable energy projects to serve the needs of rural communities or for rural economic development.

"(c) INTEREST RATE.—A loan made or guaranteed under subsection (b) shall bear interest at a rate not exceeding 4 percent.

"(d) USE OF FUNDS.—

"(1) GRANTS.—A recipient of a grant under subsection (a) may use the grant funds to pay up to 75 percent of the cost of an economic feasibility study or technical assistance for a renewable energy project.

"(2) LOANS.—If a renewable energy project is determined to be economically feasible, a recipient of a loan or loan guarantee under subsection (a) may use the loan funds to pay a percentage of the cost of the project determined by the Secretary.

"(e) FUNDING.—

"(1) IN GENERAL.—Not later than 30 days after the date of enactment of this section, and on October 1, 2002, and each October 1 thereafter through October 1, 2005, out of any funds in the Treasury not otherwise appropriated, the Secretary of the Treasury shall transfer to the Secretary to carry out this section $9,000,000, to remain available until expended.

"(2) RECEIPT AND ACCEPTANCE.—The Secretary shall be entitled to receive, shall accept, and shall use to carry out this section the funds transferred under paragraph (1), without further appropriation.

"(3) LOAN AND INTEREST SUBSIDIES.—In the case of a loan or loan guarantee under subsection (a), the Secretary shall use funds under paragraph (1) to pay the cost of loan and interest subsidies necessary to carry out this section.".

SEC. 905. CARBON SEQUESTRATION DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress finds that—

(1) greenhouse gas emissions resulting from human activity present potential risks and potential opportunities for agricultural and forestry production;

(2) there is a need to identify cost-effective methods that can be used in the agricultural and forestry sectors to reduce the threat of climate change;

(3) deforestation and other land use changes account for approximately 1,600,000,000 of the 7,900,000,000 metric tons of the average annual worldwide quantity of carbon emitted during the 1990s;

(4) ocean and terrestrial systems each sequestered approximately 2,300,000,000 metric tons of carbon annually, resulting in a sequestration of 60 percent of the annual human-induced emissions of carbon during the 1990s;

(5) there are opportunities for increasing the quantity of carbon that can be stored in terrestrial systems through improved, human-induced agricultural and forestry practices;

(6) increasing the carbon content of soil helps to reduce erosion, reduce flooding, minimize the effects of drought, prevent nutrients and pesticides from washing into water bodies, and contribute to water infiltration, air and water holding capacity, and good seed germination and plant growth;

(7) tree planting and wetland restoration could play a major role in sequestering carbon and reducing greenhouse gas concentrations in the atmosphere;

(8) nitrogen management is a cost-effective method of addressing nutrient overenrichment in the estuaries of the United States and of reducing emissions of nitrous oxide;

(9) animal feed and waste management can be cost-effective methods to address water quality issues and reduce emissions of methane; and

(10) there is a need to—

(A) demonstrate that carbon sequestration in soils, plants, and forests and reductions in greenhouse gas emissions through nitrogen and animal feed and waste management can be measured and verified; and

(B) develop and refine quantification, verification, and auditing methodologies for carbon sequestration and greenhouse gas emission reductions on a project by project basis.

(b) PROGRAM.—Title IV of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7621 et seq.) (as amended by section 750) is amended by adding at the end the following:

"SEC. 412. CARBON SEQUESTRATION DEMONSTRATION PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE PROJECT.—The term 'eligible project' means a project that is likely to result in—

"(A) demonstrable reductions in net emissions of greenhouse gases; or

"(B) demonstrable net increases in the quantity of carbon sequestered in soils and forests.

"(2) ENVIRONMENTAL TRADE.—The term 'environmental trade' means a transaction between an emitter of a greenhouse gas and an agricultural producer or farmer-owned cooperative under which the emitter pays to the agricultural producer or farmer-owned cooperative a fee to sequester carbon or otherwise reduce emissions of greenhouse gases.

"(3) PANEL.—The term 'panel' means the panel of experts established under subsection (b)(4)(A).

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting in consultation with—

"(A) the Under Secretary of Agriculture for Natural Resources and Environment;

"(B) the Under Secretary of Agriculture for Research, Education, and Economics;

"(C) the Chief Economist of the Department; and

"(D) the panel.

"(b) DEMONSTRATION PROGRAM.—

"(1) ESTABLISHMENT.—Subject to the availability of appropriations, the Secretary shall establish a program to provide grants, on a competitive, cost-shared basis, to agricultural producers, non-industrial private forest owners and farmer-owned cooperatives, to assist in paying the costs incurred in measuring, estimating, monitoring, verifying, auditing, and testing methodologies involved in environmental trades (including costs incurred in employing certified independent third persons to carry out those activities).

"(2) CONDITIONS FOR RECEIPT OF GRANT.—As a condition of the acceptance of a grant under paragraph (1), an agricultural producer, non-industrial forest owner and farmer-owned cooperatives shall—

"(A) establish a carbon and greenhouse gas monitoring, verification, and reporting system that meets such requirements as the Secretary shall prescribe; and

"(B) under the system and through the use of an independent third party for any necessary monitoring, verifying, reporting, and auditing, measure and report to the Secretary the quantity of carbon sequestered, or the quantity of greenhouse gas emissions reduced, as a result of the conduct of an eligible project.

"(3) CRITERIA FOR AWARD OF GRANT.—

"(A) IN GENERAL.—In awarding a grant for an eligible project under paragraph (1), the Secretary shall take into consideration—

"(i) the likelihood of the eligible project in succeeding in achieving greenhouse gas emissions reductions and net carbon sequestration increases; and

"(ii) the usefulness of the information to be obtained from the eligible project in determining how best to quantify, monitor, and verify sequestered carbon or reductions in greenhouse gas emissions.

"(B) ELIGIBILITY CRITERIA.—To be eligible for a grant under paragraph (1), a project shall (as determined by the Secretary)—

"(i) be designed to—

"(I) achieve long-term sequestration of carbon or long-term reductions in greenhouse gas emissions;

"(II) address concerns regarding leakage and permanence; or

"(III) promote additionality; and

"(ii) not involve—

"(I) the reforestation of land that has been deforested since 1990; or

"(II) the conversion of native grassland.'

"(C) PRIORITY CRITERIA.—The Secretary shall give priority in awarding a grant under paragraph (1) to an eligible project that—

"(i) involves multiple parties, a whole farm approach, or any other approach, such as the aggregation of land areas, that would—

"(I) increase the environmental benefits or reduce the transaction costs of the eligible project; and

"(II) reduce the costs of measuring, monitoring, and verifying any net sequestration of carbon or net reduction in greenhouse gas emissions; and

"(ii) provides certain benefits, such as improvements in—

"(I) soil fertility;

"(II) wildlife habitat;

"(III) water quality;

"(IV) soil erosion management;

"(V) the use of renewable resources to produce energy;

"(VI) the avoidance of ecosystem fragmentation; and

"(VII) the promotion of ecosystem restoration with native species.

"(4) PANEL.—

"(A) IN GENERAL.—The Secretary shall establish a panel to provide advice and recommendations to the Secretary with respect to criteria for awarding grants under this subsection.

"(B) COMPOSITION.—The panel shall be composed of the following representatives, to be appointed by the Secretary:

"(i) Experts from each of—

"(I) the Department;

"(II) the Environmental Protection Agency; and

"(III) the Department of Energy.

"(ii) Experts from nongovernmental and academic entities.

"(5) PAYMENT OF GRANT FUNDS.—The Secretary shall provide a grant awarded under this section in such number of installments as is necessary to ensure proper implementation of an eligible project.

"(c) DISSEMINATION OF INFORMATION.—As soon as practicable after the date of enactment of this section, the Secretary shall establish an Internet site through which agricultural producers, non-industrial private forest owners and farmer-owned cooperatives may obtain information concerning—

"(1) potential environmental trades; and

"(2) activities of the Secretary under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2002 through 2006, of which $1,000,000 for each of fiscal years 2002 through 2006 shall be made available to carry out farmer-owned cooperative carbon environmental trade pilot projects, in accordance with this section.".

SEC. 906. SENSE OF CONGRESS CONCERNING NATIONAL RENEWABLE FUELS STANDARD.

It is the sense of Congress that—

(1) Congress supports and encourages adoption of a national renewable fuels program, under which the motor vehicle fuel placed into commerce by a refiner, blender, or importer shall be composed of renewable fuel measured according to a statutory formula for specified calendar years; and

(2) the Secretary of Agriculture should ensure that the policies and programs of the Department of Agriculture promote the production of fuels from renewable fuel sources.

SEC. 907. SENSE OF CONGRESS CONCERNING THE BIOENERGY PROGRAM OF THE DEPARTMENT OF AGRICULTURE.

It is the sense of Congress that—

(1) ethanol and biofuel production capacity will be needed to phase out the use of methyl tertiary butyl ether in gasoline and the dependence of the United States on foreign oil; and

(2) the bioenergy program of the Department of Agriculture under part 1424 of title 7, Code of Federal Regulations, should be continued and expanded.

TITLE X—MISCELLANEOUS

Subtitle A—Country of Origin and Quality Grade Labeling

SEC. 1001. COUNTRY OF ORIGIN LABELING.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) is amended by adding at the end the following:

"Subtitle D—Country of Origin Labeling

"SEC. 281. DEFINITIONS.

"In this subtitle:

"(1) BEEF.—The term 'beef' means meat produced from cattle (including veal).

"(2) COVERED COMMODITY.—

"(A) IN GENERAL.—The term 'covered commodity' means—

"(i) muscle cuts of beef, lamb, and pork;

"(ii) ground beef, ground lamb, and ground pork;

"(iii) farm-raised fish;

"(iv) wild fish;

"(v) a perishable agricultural commodity; and

"(vi) peanuts.

"(B) EXCLUSIONS.—The term 'covered commodity' does not include—

"(i) processed beef, lamb, and pork food items; and

"(ii) frozen entrees containing beef, lamb, and pork.

"(3) FARM-RAISED FISH.—The term 'farm-raised fish' includes—

"(A) farm-raised shellfish; and

"(B) fillets, steaks, nuggets, and any other flesh from a farm-raised fish or shellfish.

"(4) FOOD SERVICE ESTABLISHMENT.—The term 'food service establishment' means a restaurant, cafeteria, lunch room, food stand, saloon, tavern, bar, lounge, or other similar facility operated as an enterprise engaged in the business of selling food to the public.

"(5) LAMB.—The term 'lamb' means meat, other than mutton, produced from sheep.

"(6) PERISHABLE AGRICULTURAL COMMODITY; RETAILER.—The terms 'perishable agricultural commodity' and 'retailer' have the meanings given the terms in section 1(b) of the Perishable Agricultural Commodities Act, 1930 (7 U.S.C. 499a(b)).

"(7) PORK.—The term 'pork' means meat produced from hogs.

"(8) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture, acting through the Agricultural Marketing Service.

"(9) WILD FISH.—

"(A) IN GENERAL.—The term 'wild fish' means naturally-born or hatchery-raised fish and shellfish harvested in the wild.

"(B) INCLUSIONS.—The term 'wild fish' includes a fillet, steak, nugget, and any other flesh from wild fish or shellfish.

"(C) EXCLUSIONS.—The term 'wild fish' excludes net-pen aquacultural or other farm-raised fish.

"SEC. 282. NOTICE OF COUNTRY OF ORIGIN.

"(a) IN GENERAL.—

"(1) REQUIREMENT.—Except as provided in subsection (b), a retailer of a covered commodity shall inform consumers, at the final point of sale of the covered commodity to consumers, of the country of origin of the covered commodity.

"(2) UNITED STATES COUNTRY OF ORIGIN.—A retailer of a covered commodity may designate the covered commodity as having a United States country of origin only if the covered commodity—

"(A) in the case of beef, lamb, and pork, is exclusively from an animal that is exclusively born, raised, and slaughtered in the United States;

"(B) in the case of farm-raised fish, is hatched, raised, harvested, and processed in the United States;

"(C) in the case of wild fish, is—

"(i) harvested in waters of the United States, a territory of the United States, or a State; and

"(ii) processed in the United States, a territory of the United States, or a State, including the waters thereof; and

"(D) in the case of a perishable agricultural commodities or peanut, is exclusively produced in the United States.

"(3) WILD FISH AND FARM-RAISED FISH.—The notice of country of origin for wild fish and farm-raised fish shall distinguish between wild fish and farm-raised fish.

"(b) EXEMPTION FOR FOOD SERVICE ESTABLISHMENTS.—Subsection (a) shall not apply to a covered commodity if the covered commodity is—

"(1) prepared or served in a food service establishment; and

"(2)(A) offered for sale or sold at the food service establishment in normal retail quantities; or

"(B) served to consumers at the food service establishment.

"(c) METHOD OF NOTIFICATION.—

"(1) IN GENERAL.—The information required by subsection (a) may be provided to consumers by means of a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers.

"(2) LABELED COMMODITIES.—If the covered commodity is already individually labeled for retail sale regarding country of origin, the retailer shall not be required to provide any additional information to comply with this section.

"(d) AUDIT VERIFICATION SYSTEM.—The Secretary may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail that will permit the Secretary to ensure compliance with the regulations promulgated under section 284.

"(e) INFORMATION.—Any person engaged in the business of supplying a covered commodity to a retailer shall provide information to the retailer indicating the country of origin of the covered commodity.

"(f) CERTIFICATION OF ORIGIN.—

"(1) MANDATORY IDENTIFICATION.—The Secretary shall not use a mandatory identification system to verify the country of origin of a covered commodity.

"(2) EXISTING CERTIFICATION PROGRAMS.—To certify the country of origin of a covered commodity, the Secretary may use as a model certification programs in existence on the date of enactment of this Act, including—

"(A) the carcass grading and certification system carried out under this Act;

"(B) the voluntary country of origin beef labeling system carried out under this Act;

"(C) voluntary programs established to certify certain premium beef cuts;

"(D) the origin verification system established to carry out the child and adult care food program established under section 17 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1766); or

"(E) the origin verification system established to carry out the market access program under section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

"SEC. 283. ENFORCEMENT.

"(a) IN GENERAL.—Except as provided in subsection (b), section 253 shall apply to a violation of this subtitle.

"(b) WARNINGS.—If the Secretary determines that a retailer is in violation of section 282, the Secretary shall—

"(1) notify the retailer of the determination of the Secretary; and

"(2) provide the retailer a 30-day period, beginning on the date on which the retailer receives the notice under paragraph (1) from the Secretary, during which the retailer may take necessary steps to comply with section 282.

"(c) FINES.—If, on completion of the 30-day period described in subsection (c)(2), the Secretary determines that the retailer has willfully violated section 282, after providing notice and an opportunity for a hearing before the Secretary with respect to the violation, the Secretary may fine the retailer in an amount determined by the Secretary.

"SEC. 284. REGULATIONS.

"(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to carry out this subtitle.

"(b) PARTNERSHIPS WITH STATES.—In promulgating the regulations, the Secretary shall, to the maximum extent practicable, enter into partnerships with States with enforcement infrastructure to carry out this subtitle.

"SEC. 285. APPLICATION.

"This subtitle shall apply to the retail sale of a covered commodity beginning on the date that is 180 days after the date of the enactment of this subtitle.".

SEC. 1002. QUALITY GRADE LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

The Agricultural Marketing Act of 1946 (7 U.S.C. 1621 et seq.) (as amended by section 1001) is amended by adding at the end the following:

"Subtitle E—Commodity-Specific Grading Standards

"SEC. 291. DEFINITION OF SECRETARY.

"In this subtitle, the term 'Secretary' means the Secretary of Agriculture.

"SEC. 292. QUALITY GRADE LABELING OF IMPORTED MEAT AND MEAT FOOD PRODUCTS.

"An imported carcass, part thereof, meat, or meat food product (as defined by the Secretary) shall not bear a label that indicates a quality grade issued by the Secretary.

"SEC. 293. REGULATIONS.

"The Secretary shall promulgate such regulations as are necessary to ensure compliance with, and otherwise carry out, this subtitle.".

Subtitle B—Crop Insurance

SEC. 1011. EQUAL CROP INSURANCE TREATMENT OF POTATOES AND SWEET POTATOES.

Section 508(a)(2) of the Federal Crop Insurance Act (7 U.S.C. 1508(a)(2)) is amended in the first sentence by striking "and potatoes" and inserting ", potatoes, and sweet potatoes".

SEC. 1012. CONTINUOUS COVERAGE.

Section 508(e)(4) of the Federal Crop Insurance Act (7 U.S.C. 1508(e)(4)) is amended—

(1) in the paragraph heading, by striking "TEMPORARY PROHIBITION" and inserting "PROHIBITION"; and

(2) by striking "through 2005" and inserting "and subsequent".

SEC. 1013. QUALITY LOSS ADJUSTMENT PROCEDURES.

Section 508(m)(3) of the Federal Crop Insurance Act (7 U.S.C. 1508(m)(3)) is amended—

(1) by striking "The Corporation" and inserting the following:

"(A) REVIEW.—The Corporation"; and

(2) by striking "Based on" and inserting the following:

"(B) PROCEDURES.—Effective beginning not later than the 2003 reinsurance year, based on".

SEC. 1014. CONSERVATION REQUIREMENTS.

(a) HIGHLY ERODIBLE LAND CONSERVATION.—Section 1211(1) of the Food Security Act of 1985 (16 U.S.C. 3811(1)) is amended—

(1) in subparagraph (A), by striking "production flexibility";

(2) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(3) by inserting after subparagraph (B) the following:

"(C) an indemnity payment under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);".

(b) WETLAND CONSERVATION.—Section 1221(b) of the Food Security Act of 1985 (16 U.S.C. 3821(b)) is amended—

(1) in paragraph (1), by striking "production flexibility";

(2) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) A farm storage facility loan made under section 4(h) of the Commodity Credit Corporation Charter Act (15 U.S.C. 714b(h)).

"(3) A disaster payment.

"(4) An indemnity payment under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).".

(c) CONTROLLED SUBSTANCES PRODUCTION CONTROL.—Section 519(b) of the Controlled Substances Act (21 U.S.C. 889(b)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (A) and inserting the following:

"(A) contract payments under a contract, marketing assistance loans, and any type of price support or payment made available under the Agricultural Market Transition Act (7 U.S.C. 7201 et seq.), the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.), or any other Act;";

(B) by striking subparagraphs (C) and (D) and inserting the following:

"(C) an indemnity payment under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

"(D) a disaster payment; or";

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) during the crop year—

"(A) a payment made pursuant to a contract entered into under the environmental quality incentives program under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa et seq.);

"(B) a payment under any other provision of subtitle D of title XII of that Act (16 U.S.C. 3830 et seq.);

"(C) a payment under section 401 or 402 of the Agricultural Credit Act of 1978 (16 U.S.C. 2201, 2202); or

"(D) a payment, loan, or other assistance under section 3 or 8 of the Watershed Protection and Flood Prevention Act (16 U.S.C. 1003 and 1006a).".

Subtitle C—Animal Health Protection

SEC. 1021. SHORT TITLE.

This subtitle may be cited as the "Animal Health Protection Act".

SEC. 1022. FINDINGS.

Congress finds that—

(1) the prevention, detection, control, and eradication of diseases and pests of animals are essential to protect—

(A) animal health;

(B) the health and welfare of the people of the United States;

(C) the economic interests of the livestock and related industries of the United States;

(D) the environment of the United States; and

(E) interstate commerce and foreign commerce of the United States in animals and other articles;

(2) animal diseases and pests are primarily transmitted by animals and articles regulated under this subtitle;

(3) the health of animals is affected by the methods by which animals and articles are transported in interstate commerce and foreign commerce;

(4) the Secretary must continue to conduct research on animal diseases and pests that constitute a threat to the livestock of the United States; and

(5)(A) all animals and articles regulated under this subtitle are in or affect interstate commerce or foreign commerce; and

(B) regulation by the Secretary and cooperation by the Secretary with foreign countries, States or other jurisdictions, or persons are necessary—

(i) to prevent and eliminate burdens on interstate commerce and foreign commerce;

(ii) to regulate effectively interstate commerce and foreign commerce; and

(iii) to protect the agriculture, environment, economy, and health and welfare of the people of the United States.

SEC. 1023. DEFINITIONS.

In this subtitle:

(1) ANIMAL.—The term "animal" means any member of the animal kingdom (except a human).

(2) ARTICLE.—The term "article" means any pest or disease or any material or tangible object that could harbor a pest or disease.

(3) DISEASE.—The term "disease" means—

(A) any infectious or noninfectious disease or condition affecting the health of livestock; or

(B) any condition detrimental to production of livestock.

(4) ENTER.—The term "enter" means to move into the commerce of the United States.

(5) EXPORT.—The term "export" means to move from a place within the territorial limits of the United States to a place outside the territorial limits of the United States.

(6) FACILITY.—The term "facility" means any structure.

(7) IMPORT.—The term "import" means to move from a place outside the territorial limits of the United States to a place within the territorial limits of the United States.

(8) INDIAN TRIBE.—The term "Indian tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(9) INTERSTATE COMMERCE.—The term "interstate commerce" means trade, traffic, or other commerce—

(A) between a place in a State and a place in another State, or between places within the same State but through any place outside that State; or

(B) within the District of Columbia or any territory or possession of the United States.

(10) LIVESTOCK.—The term "livestock" means all farm-raised animals.

(11) MEANS OF CONVEYANCE.—The term "means of conveyance" means any personal property used for or intended for use for the movement of any other personal property.

(12) MOVE.—The term "move" means—

(A) to carry, enter, import, mail, ship, or transport;

(B) to aid, abet, cause, or induce carrying, entering, importing, mailing, shipping, or transporting;

(C) to offer to carry, enter, import, mail, ship, or transport;

(D) to receive in order to carry, enter, import, mail, ship, or transport;

(E) to release into the environment; or

(F) to allow any of the activities described in this paragraph.

(13) PEST.—The term "pest" means any of the following that can directly or indirectly injure, cause damage to, or cause disease in livestock:

(A) A protozoan.

(B) A plant.

(C) A bacteria.

(D) A fungus.

(E) A virus or viroid.

(F) An infectious agent or other pathogen.

(G) An arthropod.

(H) A parasite.

(I) A prion.

(J) A vector.

(K) An animal.

(L) Any organism similar to or allied with any of the organisms described in this paragraph.

(14) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(15) STATE.—The term "State" means any of the States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, or any territory or possession of the United States.

(16) THIS SUBTITLE.—Except when used in this section, the term "this subtitle" includes any regulation or order issued by the Secretary under the authority of this subtitle.

(17) UNITED STATES.—The term "United States" means all of the States.

SEC. 1024. RESTRICTION ON IMPORTATION OR ENTRY.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the importation or entry of any animal, article, or means of conveyance, or use of any means of conveyance or facility, if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(2) the further movement of any animal that has strayed into the United States if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock; and

(3) the use of any means of conveyance in connection with the importation or entry of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement of livestock.

(b) REGULATIONS.—The Secretary may promulgate regulations requiring that any animal imported or entered be raised or handled under post-importation quarantine conditions by or under the supervision of the Secretary for the purpose of determining whether the animal is or may be affected by any pest or disease of livestock.

(c) DESTRUCTION OR REMOVAL.—

(1) IN GENERAL.—The Secretary may order the destruction or removal from the United States of—

(A) any animal, article, or means of conveyance that has been imported but has not entered the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock;

(B) any animal or progeny of any animal, article, or means of conveyance that has been imported or entered in violation of this subtitle; or

(C) any animal that has strayed into the United States if the Secretary determines that destruction or removal from the United States is necessary to prevent the introduction into or dissemination within the United States of any pest or disease of livestock.

(2) REQUIREMENTS OF OWNERS.—

(A) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(i) a means of conveyance used in connection with the importation of an animal;

(ii) an individual involved in the importation of an animal and personal articles of the individual; and

(iii) any article used in the importation of an animal.

(B) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(i) take remedial action, destroy; or remove from the United States the animal or progeny of any animal, article, or means of conveyance as authorized under paragraph (1); and

(ii) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action, destruction, or removal.

SEC. 1025. EXPORTATION.

(a) IN GENERAL.—The Secretary may prohibit or restrict—

(1) the exportation of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock;

(2) the exportation of any livestock if the Secretary determines that the livestock is unfit to be moved;

(3) the use of any means of conveyance or facility in connection with the exportation of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination from or within the United States of any pest or disease of livestock; or

(4) the use of any means of conveyance in connection with the exportation of livestock if the Secretary determines that the prohibition or restriction is necessary because the means of conveyance has not been maintained in a clean and sanitary condition or does not have accommodations for the safe and proper movement and humane treatment of livestock.

(b) REQUIREMENTS OF OWNERS.—

(1) ORDERS TO DISINFECT.—The Secretary may require the disinfection of—

(A) a means of conveyance used in connection with the exportation of an animal;

(B) an individual involved in the exportation of an animal and personal articles of the individual; and

(C) any article used in the exportation of an animal.

(2) FAILURE TO COMPLY WITH ORDERS.—If an owner fails to comply with an order of the Secretary under this section, the Secretary may—

(A) take remedial action with respect to the animal, article, or means of conveyance referred to in paragraph (1); and

(B) recover from the owner the costs of any care, handling, disposal, or other action incurred by the Secretary in connection with the remedial action.

(c) CERTIFICATION.—The Secretary may certify the classification, quality, quantity, condition, processing, handling, or storage of any animal or article intended for export.

SEC. 1026. INTERSTATE MOVEMENT.

The Secretary may prohibit or restrict—

(1) the movement in interstate commerce of any animal, article, or means of conveyance if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock; and

(2) the use of any means of conveyance or facility in connection with the movement in interstate commerce of any animal or article if the Secretary determines that the prohibition or restriction is necessary to prevent the introduction or dissemination of any pest or disease of livestock.

SEC. 1027. SEIZURE, QUARANTINE, AND DISPOSAL.

(a) IN GENERAL.—The Secretary may hold, seize, quarantine, treat, destroy, dispose of, or take other remedial action with respect to—

(1) any animal or progeny of any animal, article, or means of conveyance that—

(A) is moving or has been moved in interstate commerce or has been imported and entered; and

(B) the Secretary has reason to believe may carry, may have carried, or may have been affected with or exposed to any pest or disease of livestock at the time of movement or that is otherwise in violation of this subtitle;

(2) any animal or progeny of any animal, article, or means of conveyance that is moving or is being handled, or has moved or has been handled, in interstate commerce in violation of this subtitle;

(3) any animal or progeny of any animal, article, or means of conveyance that has been imported, and is moving or is being handled or has moved or has been handled, in violation of this subtitle; or

(4) any animal or progeny of any animal, article, or means of conveyance that the Secretary finds is not being maintained, or has not been maintained, in accordance with any post-importation quarantine, post-importation condition, post-movement quarantine, or post-movement condition in accordance with this subtitle.

(b) EXTRAORDINARY EMERGENCIES.—

(1) IN GENERAL.—Subject to paragraph (2), if the Secretary determines that an extraordinary emergency exists because of the presence in the

United States of a pest or disease of livestock and that the presence of the pest or disease threatens the livestock of the United States, the Secretary may—

(A) hold, seize, treat, apply other remedial actions to, destroy (including preventative slaughter), or otherwise dispose of, any animal, article, facility, or means of conveyance if the Secretary determines the action is necessary to prevent the dissemination of the pest or disease; and

(B) prohibit or restrict the movement or use within a State, or any portion of a State of any animal or article, means of conveyance, or facility if the Secretary determines that the prohibition or restriction is necessary to prevent the dissemination of the pest or disease.

(2) STATE ACTION.—

(A) IN GENERAL.—The Secretary may take action in a State under this subsection only on finding that measures being taken by the State are inadequate to control or eradicate the pest or disease, after review and consultation with—

"(i) the Governor or an appropriate animal health official of the State; or

"(ii) in the case of any animal, article, facility, or means of conveyance under the jurisdiction of an Indian tribe, the head of the Indian tribe.

(B) NOTICE.—Subject to subparagraph (C), before any action is taken in a State under subparagraph (A), the Secretary shall—

(i) notify the Governor, an appropriate animal health official of the State, or head of the Indian tribe of the proposed action;

(ii) issue a public announcement of the proposed action; and

(iii) publish in the Federal Register—

(I) the findings of the Secretary;

(II) a description of the proposed action; and

(III) a statement of the reasons for the proposed action.

(C) NOTICE AFTER ACTION.—If it is not practicable to publish in the Federal Register the information required under subparagraph (B)(iii) before taking action under subparagraph (A), the Secretary shall publish the information as soon as practicable, but not later than 10 business days, after commencement of the action.

(c) QUARANTINE, DISPOSAL, OR OTHER REMEDIAL ACTION.—

(1) IN GENERAL.—The Secretary, in writing, may order the owner of any animal, article, facility, or means of conveyance referred to in subsection (a) or (b) to maintain in quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance, in a manner determined by the Secretary.

(2) FAILURE TO COMPLY WITH ORDERS.—If the owner fails to comply with the order of the Secretary, the Secretary may—

(A) seize, quarantine, dispose of, or take other remedial action with respect to the animal, article, facility, or means of conveyance under subsection (a) or (b); and

(B) recover from the owner the costs of any care, handling, disposal, or other remedial action incurred by the Secretary in connection with the seizure, quarantine, disposal, or other remedial action.

(d) COMPENSATION.—

(1) IN GENERAL.—Except as provided in paragraph (3), the Secretary shall compensate the owner of any animal, article, facility, or means of conveyance that the Secretary requires to be destroyed under this section.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the compensation shall be based on the fair market value, as determined by the Secretary, of the destroyed animal, article, facility, or means of conveyance.

(B) LIMITATION.—Compensation paid any owner under this subsection shall not exceed the difference between—

(i) the fair market value of the destroyed animal, article, facility, or means of conveyance; and

(ii) any compensation received by the owner from a State or other source for the destroyed animal, article, facility, or means of conveyance.

(C) REVIEWABILITY OF DETERMINATION.—The determination by the Secretary of the amount to be paid under this subsection shall be final and not subject to judicial review.

(3) EXCEPTIONS.—No payment shall be made by the Secretary under this subsection for—

(A) any animal, article, facility, or means of conveyance that has been moved or handled by the owner in violation of an agreement for the control and eradication of diseases or pests or in violation of this subtitle;

(B) any progeny of any animal or article, which animal or article has been moved or handled by the owner of the animal or article in violation of this subtitle;

(C) any animal, article, or means of conveyance that is refused entry under this subtitle; or

(D) any animal, article, facility, or means of conveyance that becomes or has become affected with or exposed to any pest or disease of livestock because of a violation of an agreement for the control and eradication of diseases or pests or a violation of this subtitle by the owner.

SEC. 1028. INSPECTIONS, SEIZURES, AND WARRANTS.

(a) GUIDELINES.—The activities authorized by this section shall be carried out consistent with guidelines approved by the Attorney General.

(b) WARRANTLESS INSPECTIONS.—The Secretary may stop and inspect, without a warrant, any person or means of conveyance moving—

(1) into the United States, to determine whether the person or means of conveyance is carrying any animal or article regulated under this subtitle;

(2) in interstate commerce, on probable cause to believe that the person or means of conveyance is carrying any animal or article regulated under this subtitle; or

(3) in intrastate commerce from any State, or any portion of a State, quarantined under section 1027(b), on probable cause to believe that the person or means of conveyance is carrying any animal or article quarantined under section 1027(b).

(c) INSPECTIONS WITH WARRANTS.—

(1) IN GENERAL.—The Secretary may enter, with a warrant, any premises in the United States for the purpose of making inspections and seizures under this subtitle.

(2) APPLICATION AND ISSUANCE OF WARRANTS.—

(A) IN GENERAL.—On proper oath or affirmation showing probable cause to believe that there is on certain premises any animal, article, facility, or means of conveyance regulated under this subtitle, a United States judge, a judge of a court of record in the United States, or a United States magistrate judge may issue a warrant for the entry on premises within the jurisdiction of the judge or magistrate to make any inspection or seizure under this subtitle.

(B) EXECUTION.—The warrant may be applied for and executed by the Secretary or any United States marshal.

SEC. 1029. DETECTION, CONTROL, AND ERADICATION OF DISEASES AND PESTS.

(a) IN GENERAL.—The Secretary may carry out operations and measures to detect, control, or eradicate any pest or disease of livestock (including the drawing of blood and diagnostic testing of animals), including animals at a slaughterhouse, stockyard, or other point of concentration.

(b) COMPENSATION.—The Secretary may pay a claim arising out of the destruction of any animal, article, or means of conveyance consistent with the purposes of this subtitle.

SEC. 1030. VETERINARY ACCREDITATION PROGRAM.

(a) IN GENERAL.—The Secretary may establish a veterinary accreditation program that is consistent with this subtitle, including the establishment of standards of conduct for accredited veterinarians.

(b) CONSULTATION.—The Secretary shall consult with State animal health officials regarding the establishment of the veterinary accreditation program.

SEC. 1031. COOPERATION.

(a) IN GENERAL.—To carry out this subtitle, the Secretary may cooperate with other Federal agencies, States or political subdivisions of States, national governments of foreign countries, local governments of foreign countries, domestic or international organizations, domestic or international associations, Indian tribes, and other persons.

(b) RESPONSIBILITY.—The person or other entity cooperating with the Secretary shall be responsible for the authority necessary to carry out operations or measures—

(1) on all land and property within a foreign country or State, or under the jurisdiction of an Indian tribe, other than on land and property owned or controlled by the United States; and

(2) using other facilities and means, as determined by the Secretary.

(c) SCREWWORMS.—

(1) IN GENERAL.—The Secretary may, independently or in cooperation with national governments of foreign countries or international organizations or associations, produce and sell sterile screwworms to any national government of a foreign country or international organization or association, if the Secretary determines that the livestock industry and related industries of the United States will not be adversely affected by the production and sale.

(2) PROCEEDS.—

(A) INDEPENDENT PRODUCTION AND SALE.—If the Secretary independently produces and sells sterile screwworms under paragraph (1), the proceeds of the sale shall be—

(i) deposited into the Treasury of the United States; and

(ii) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(B) COOPERATIVE PRODUCTION AND SALE.—

(i) IN GENERAL.—If the Secretary cooperates to produce and sell sterile screwworms under paragraph (1), the proceeds of the sale shall be divided between the United States and the cooperating national government or international organization or association in a manner determined by the Secretary.

(ii) ACCOUNT.—The United States portion of the proceeds shall be—

(I) deposited into the Treasury of the United States; and

(II) credited to the account from which the operating expenses of the facility producing the sterile screwworms have been paid.

(d) COOPERATION IN PROGRAM ADMINISTRATION.—The Secretary may cooperate with State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.

(e) CONSULTATION WITH OTHER FEDERAL AGENCIES.—

(1) IN GENERAL.—The Secretary shall consult with the head of a Federal agency with respect to any activity that is under the jurisdiction of the Federal agency.

(2) LEAD AGENCY.—The Department of Agriculture shall be the lead agency with respect to issues related to pests and diseases of livestock.

SEC. 1032. REIMBURSABLE AGREEMENTS.

(a) AUTHORITY TO ENTER INTO AGREEMENTS.—The Secretary may enter into reimbursable fee agreements with persons for

preclearance of animals or articles at locations outside the United States for movement into the United States.

(b) FUNDS COLLECTED FOR PRECLEARANCE.—Funds collected for preclearance activities shall—

(1) be credited to accounts that may be established by the Secretary for carrying out this section; and

(2) remain available until expended for the preclearance activities, without fiscal year limitation.

(c) PAYMENT OF EMPLOYEES.—

(1) IN GENERAL.—Notwithstanding any other law, the Secretary may pay an officer or employee of the Department of Agriculture performing services under this subtitle relating to imports into and exports from the United States for all overtime, night, or holiday work performed by the officer or employee at a rate of pay determined by the Secretary.

(2) REIMBURSEMENT.—

(A) IN GENERAL.—The Secretary may require a person for whom the services are performed to reimburse the Secretary for any expenses paid by the Secretary for the services under this subsection.

(B) USE OF FUNDS.—All funds collected under this subsection shall—

(i) be credited to the account that incurs the costs; and

(ii) remain available until expended, without fiscal year limitation.

(d) LATE PAYMENT PENALTIES.—

(1) COLLECTION.—On failure by a person to reimburse the Secretary in accordance with this section, the Secretary may assess a late payment penalty against the person, including interest on overdue funds, as required by section 3717 of title 31, United States Code.

(2) USE OF FUNDS.—Any late payment penalty and any accrued interest shall—

(A) be credited to the account that incurs the costs; and

(B) remain available until expended, without fiscal year limitation.

SEC. 1033. ADMINISTRATION AND CLAIMS.

(a) ADMINISTRATION.—To carry out this subtitle, the Secretary may—

(1) acquire and maintain real or personal property;

(2) employ a person;

(3) make a grant; and

(4) notwithstanding chapter 63 of title 31, United States Code, enter into a contract, cooperative agreement, memorandum of understanding, or other agreement.

(b) TORT CLAIMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary may pay a tort claim, in the manner authorized by the first paragraph of section 2672 of title 28, United States Code, if the claim arises outside the United States in connection with an activity authorized under this subtitle.

(2) REQUIREMENTS.—A claim may not be allowed under this subsection unless the claim is presented in writing to the Secretary not later than 2 years after the date on which the claim arises.

SEC. 1034. PENALTIES.

(a) CRIMINAL PENALTIES.—Any person that knowingly violates this subtitle, or that knowingly forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle shall be guilty of a misdemeanor, and, on conviction, shall be fined in accordance with title 18, United States Code, imprisoned not more than 1 year, or both.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person that violates this subtitle, or that forges, counterfeits, or, without authority from the Secretary, uses, alters, defaces, or destroys any certificate, permit, or other document provided under this subtitle may, after notice and opportunity for a hearing on the record, be assessed a civil penalty by the Secretary that does not exceed the greater of—

(A)(i) $50,000 in the case of any individual, except that the civil penalty may not exceed $1,000 in the case of an initial violation of this subtitle by an individual moving regulated articles not for monetary gain;

(ii) $250,000 in the case of any other person for each violation; and

(iii) $500,000 for all violations adjudicated in a single proceeding; or

(B) twice the gross gain or gross loss for any violation or forgery, counterfeiting, or unauthorized use, alteration, defacing or destruction of a certificate, permit, or other document provided under this subtitle that results in the person's deriving pecuniary gain or causing pecuniary loss to another person.

(2) FACTORS IN DETERMINING CIVIL PENALTY.—In determining the amount of a civil penalty, the Secretary shall take into account the nature, circumstance, extent, and gravity of the violation or violations and the Secretary may consider, with respect to the violator—

(A) the ability to pay;

(B) the effect on ability to continue to do business;

(C) any history of prior violations;

(D) the degree of culpability; and

(E) such other factors as the Secretary considers to be appropriate.

(3) SETTLEMENT OF CIVIL PENALTIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty that may be assessed under this subsection.

(4) FINALITY OF ORDERS.—

(A) FINAL ORDER.—The order of the Secretary assessing a civil penalty shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(B) REVIEW.—The validity of the order of the Secretary may not be reviewed in an action to collect the civil penalty.

(C) INTEREST.—Any civil penalty not paid in full when due under an order assessing the civil penalty shall thereafter accrue interest until paid at the rate of interest applicable to civil judgments of the courts of the United States.

(c) SUSPENSION OR REVOCATION OF ACCREDITATION.—

(1) IN GENERAL.—The Secretary may, after notice and opportunity for a hearing on the record, suspend or revoke the accreditation of any veterinarian accredited under this subtitle that violates this subtitle.

(2) FINAL ORDER.—The order of the Secretary suspending or revoking accreditation shall be treated as a final order reviewable under chapter 158 of title 28, United States Code.

(3) SUMMARY SUSPENSION.—

(A) IN GENERAL.—Notwithstanding paragraph (1), the Secretary may summarily suspend the accreditation of a veterinarian who the Secretary has reason to believe has violated this subtitle.

(B) HEARINGS.—The Secretary shall provide the accredited veterinarian with a subsequent notice and an opportunity for a prompt post-suspension hearing on the record.

(d) LIABILITY FOR ACTS OF AGENTS.—In the construction and enforcement of this subtitle, the act, omission, or failure of any officer, agent, or person acting for or employed by any other person within the scope of the employment or office of the officer, agent, or person, shall be deemed also to be the act, omission, or failure of the other person.

(e) GUIDELINES FOR CIVIL PENALTIES.—The Secretary shall coordinate with the Attorney General to establish guidelines to determine under what circumstances the Secretary may issue a civil penalty or suitable notice of warning in lieu of prosecution by the Attorney General of a violation of this subtitle.

SEC. 1035. ENFORCEMENT.

(a) COLLECTION OF INFORMATION.—

(1) IN GENERAL.—The Secretary may gather and compile information and conduct any inspection or investigation that the Secretary considers to be necessary for the administration or enforcement of this subtitle.

(2) SUBPOENAS.—

(A) IN GENERAL.—The Secretary shall have power to issue a subpoena to compel the attendance and testimony of any witness and the production of any documentary evidence relating to the administration or enforcement of this subtitle or any matter under investigation in connection with this subtitle.

(B) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.

(C) ENFORCEMENT.—

(i) IN GENERAL.—In case of disobedience to a subpoena by any person, the Secretary may request the Attorney General to invoke the aid of any court of the United States within the jurisdiction in which the investigation is conducted, or where the person resides, is found, transacts business, is licensed to do business, or is incorporated, to require the attendance and testimony of any witness and the production of documentary evidence.

(ii) NONCOMPLIANCE.—In case of a refusal to obey a subpoena issued to any person, a court may order the person to appear before the Secretary and give evidence concerning the matter in question or to produce documentary evidence.

(iii) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as contempt of the court.

(D) COMPENSATION.—

(i) WITNESSES.—A witness summoned by the Secretary under this subtitle shall be paid the same fees and mileage that are paid to a witness in a court of the United States.

(ii) DEPOSITIONS.—A witness whose deposition is taken, and the person taking the deposition, shall be entitled to the same fees that are paid for similar services in a court of the United States.

(E) PROCEDURES.—

(i) PUBLICATION.—The Secretary shall publish procedures for the issuance of subpoenas under this section.

(ii) REVIEW.—The procedures shall include a requirement that subpoenas be reviewed for legal sufficiency and, to be effective, be signed by the Secretary.

(iii) DELEGATION.—If the authority to sign a subpoena is delegated to an agency other than the Office of Administrative Law Judges, the agency receiving the delegation shall seek review of the subpoena for legal sufficiency outside that agency.

(b) AUTHORITY OF ATTORNEY GENERAL.—The Attorney General may—

(1) prosecute, in the name of the United States, all criminal violations of this subtitle that are referred to the Attorney General by the Secretary or are brought to the notice of the Attorney General by any person;

(2) bring an action to enjoin the violation of or to compel compliance with this subtitle, or to enjoin any interference by any person with the Secretary in carrying out this subtitle, in any case in which the Secretary has reason to believe that the person has violated, or is about to violate this subtitle or has interfered, or is about to interfere, with the actions of the Secretary; or

(3) bring an action for the recovery of any unpaid civil penalty, funds under a reimbursable agreement, late payment penalty, or interest assessed under this subtitle.

(c) COURT JURISDICTION.—

(1) IN GENERAL.—The United States district courts, the District Court of Guam, the District Court of the Northern Mariana Islands, the District Court of the Virgin Islands, the highest court of American Samoa, and the United States courts of the other territories and possessions are vested with jurisdiction in all cases arising under this subtitle.

(2) VENUE.—Any action arising under this subtitle may be brought, and process may be served, in the judicial district where a violation or interference occurred or is about to occur, or where the person charged with the violation, interference, impending violation, impending interference, or failure to pay resides, is found, transacts business, is licensed to do business, or is incorporated.

(3) EXCEPTION.—Paragraphs (1) and (2) do not apply to subsections (b) and (c) of section 1034.

SEC. 1036. REGULATIONS AND ORDERS.

The Secretary may promulgate such regulations, and issue such orders, as the Secretary determines necessary to carry out this subtitle.

SEC. 1037. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) TRANSFER OF FUNDS.—

(1) IN GENERAL.—In connection with an emergency under which a pest or disease of livestock threatens any segment of agricultural production in the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department of Agriculture such funds as the Secretary determines are necessary for the arrest, control, eradication, or prevention of the spread of the pest or disease of livestock and for related expenses.

(2) AVAILABILITY.—Any funds transferred under this subsection shall remain available until expended, without fiscal year limitation.

(c) USE OF FUNDS.—In carrying out this subtitle, the Secretary may use funds made available to carry out this subtitle for—

(1) printing and binding, without regard to section 501 of title 44, United States Code;

(2) the employment of civilian nationals in foreign countries; and

(3) the construction and operation of research laboratories, quarantine stations, and other buildings and facilities for special purposes.

SEC. 1038. REPEALS AND CONFORMING AMENDMENTS.

(a) REPEALS.—The following provisions of law are repealed:

(1) Public Law 97–46 (7 U.S.C. 147b).

(2) Section 101(b) of the Act of September 21, 1944 (7 U.S.C. 429).

(3) The Act of August 28, 1950 (7 U.S.C. 2260).

(4) Section 919 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 2260a).

(5) Section 306 of the Tariff Act of 1930 (19 U.S.C. 1306).

(6) Sections 6 through 8 and 10 of the Act of August 30, 1890 (21 U.S.C. 102 through 105).

(7) The Act of February 2, 1903 (21 U.S.C. 111, 120 through 122).

(8) Sections 2 through 9, 11, and 13 of the Act of May 29, 1884 (21 U.S.C. 112, 113, 114, 114a, 114a–1, 115 through 120, 130).

(9) The first section and sections 2, 3, and 5 of the Act of February 28, 1947 (21 U.S.C. 114b, 114c, 114d, 114d–1).

(10) The Act of June 16, 1948 (21 U.S.C. 114e, 114f).

(11) Public Law 87–209 (21 U.S.C. 114g, 114h).

(12) Section 2506 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i).

(13) The third and fourth provisos of the fourth paragraph under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of May 31, 1920 (21 U.S.C. 116).

(14) The first section and sections 2, 3, 4, and 6 of the Act of March 3, 1905 (21 U.S.C. 123 through 127).

(15) The first proviso under the heading "GENERAL EXPENSES, BUREAU OF ANIMAL INDUSTRY" under the heading "BUREAU OF ANIMAL INDUSTRY" of the Act of June 30, 1914 (21 U.S.C. 128).

(16) The fourth proviso under the heading "SALARIES AND EXPENSES" under the heading "ANIMAL AND PLANT HEALTH INSPECTION SERVICE" of title I of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (21 U.S.C. 129).

(17) The third paragraph under the heading "MISCELLANEOUS" of the Act of May 26, 1910 (21 U.S.C. 131).

(18) The first section and sections 2 through 6 and 11 through 13 of Public Law 87–518 (21 U.S.C. 134 through 134h).

(19) Public Law 91–239 (21 U.S.C. 135 through 135b).

(20) Sections 12 through 14 of the Federal Meat Inspection Act (21 U.S.C. 612 through 614).

(21) Chapter 39 of title 46, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Section 414(b) of the Plant Protection Act (7 U.S.C. 7714(b)) is amended—

(A) in paragraph (1), by striking ", or the owner's agent,"; and

(B) in paragraph (2), by striking "or agent of the owner" each place it appears.

(2) Section 423 of the Plant Protection Act (7 U.S.C. 7733) is amended—

(A) by striking subsection (b) and inserting the following:

"(b) LOCATION OF PRODUCTION.—The attendance of any witness and production of documentary evidence relevant to the inquiry may be required from any place in the United States.";

(B) in the third sentence of subsection (e), by inserting "to an agency other than the Office of Administrative Law Judges" after "is delegated"; and

(C) by striking subsection (f).

(3) Section 11(h) of the Endangered Species Act of 1973 (16 U.S.C. 1540(h)) is amended in the first sentence by striking "animal quarantine laws (21 U.S.C. 101–105, 111–135b, and 612–614)" and inserting "animal quarantine laws (as defined in section 2509(f) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a(f))".

(4) Section 18 of the Federal Meat Inspection Act (21 U.S.C. 618) is amended by striking "of the cattle" and all that follows through "as herein described" and inserting "of the carcasses and products of cattle, sheep, swine, goats, horses, mules, and other equines".

(5) Section 2509 of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 136a) is amended—

(A) in subsection (c), by inserting after paragraph (1) the following:

"(2) VETERINARY DIAGNOSTICS.—The Secretary may prescribe and collect fees to recover the costs of carrying out the provisions of the Animal Health Protection Act that relate to veterinary diagnostics."; and

(B) in subsection (f)(1), by striking subparagraphs (B) through (O) and inserting the following:

"(B) section 9 of the Act of August 30, 1890 (21 U.S.C. 101);

"(C) the Animal Health Protection Act; or

"(D) any other Act administered by the Secretary relating to plant or animal diseases or pests.".

(c) EFFECT ON REGULATIONS.—A regulation issued under a provision of law repealed by subsection (a) shall remain in effect until the Secretary issues a regulation under section 1036 that supersedes the earlier regulation.

Subtitle D—General Provisions

SEC. 1041. FEES FOR PESTICIDES.

(a) MAINTENANCE FEE.—

(1) AMOUNTS FOR REGISTRANTS.—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)) is amended—

(A) in subparagraph (A), by striking "each year" and all that follows and inserting "each year $2,300 for each registration";

(B) in subparagraph (D)—

(i) in clause (i), by striking "$55,000" and inserting "$70,000"; and

(ii) in clause (ii), by striking "$95,000" and inserting "$120,000"; and

(C) in subparagraph (E)(i)—

(i) in subclause (I) by striking "$38,500" and inserting "$46,000"; and

(ii) in subclause (II), by striking "$66,500" and inserting "$80,000".

(2) TOTAL AMOUNT OF FEES.—Section 4(i)(5)(C) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136(a)–1(i)(5)(C)) is amended—

(A) by striking "(C)(i) The" and inserting the following:

"(C) TOTAL AMOUNT OF FEES.—The";

(B) by striking "$14,000,000 each fiscal year" and inserting "$20,000,000 for the period beginning on January 1, 2002, and ending on February 28, 2002"; and

(C) by striking clause (ii).

(3) DEFINITION OF SMALL BUSINESS.—Section 4(i)(5)(E)(ii) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)(E)(ii)) is amended—

(A) in subclause (I), by striking "150" and inserting "500"; and

(B) in subclause (II), by striking "gross revenue from chemicals that did not exceed $40,000,000" and inserting "global gross revenue from pesticides that did not exceed $60,000,000".

(4) PERIOD OF EFFECTIVENESS.—Section 4(i)(5) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(5)) is amended by striking subparagraph (H) and inserting the following:

"(H) PERIOD OF EFFECTIVENESS.—This paragraph shall be in effect during the period beginning on January 1, 2002, and ending on February 28, 2002.".

(b) OTHER FEES.—Section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(i)(6)) is amended by striking "the date of the enactment of this section and ending on September 30, 2001" and inserting "January 1, 2002, and ending on February 28, 2002".

(c) EXPEDITED PROCESSING OF SIMILAR APPLICATIONS.—Section 4(k)(3) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a–1(k)(3)) is amended—

(1) in the paragraph heading, by striking "EXPEDITED" and inserting "REVIEW OF INERT INGREDIENTS; EXPEDITED"; and

(2) in subparagraph (A)—

(A) by striking "each of the" and all that follows through "such fiscal year" and inserting "the period beginning on January 1, 2002, and ending on February 28, 2002, 1/7 of the maintenance fees collected during the period";

(B) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively, and adjusting the margins appropriately; and

(C) by striking "assure the expedited processing and review of any applicant that" and inserting the following:

"(i) review and evaluate inert ingredients; and

"(ii) ensure the expedited processing and review of any application that—".

(d) PESTICIDE TOLERANCE PROCESSING FEES.—Section 408(m)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(m)(1)) is amended—

(1) by striking "The Administrator" and inserting the following:

"(A) IN GENERAL.—The Administrator";

(2) by striking "Under the regulations" and inserting the following:

"(B) INCLUSIONS.—Under the regulations";

(3) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively, and adjusting the margins appropriately;

(4) by striking "The regulations may" and inserting the following:

"(C) WAIVER; REFUND.—The regulations may"; and

(5) by adding at the end the following:

"(D) ANNUAL ADJUSTMENT OF FEES.—The Administrator may annually promulgate regulations to implement changes in the amounts in the schedule of pesticide tolerance processing fees in effect on the date of enactment of this subparagraph by the same percentage as the annual adjustment to the Federal General Schedule pay scale under section 5303 of title 5, United States Code.

"(E) PERIOD OF EFFECTIVENESS.—This paragraph shall be in effect during the period beginning on January 1, 2002, and ending on February 28, 2002.".

SEC. 1042. PEST MANAGEMENT IN SCHOOLS.

(a) SHORT TITLE.—This section may be cited as the "School Environment Protection Act of 2002"

(b) PEST MANAGEMENT.—The Federal Insecticide, Fungicide, and Rodenticide Act is amended—

(1) by redesignating sections 33 and 34 (7 U.S.C. 136x, 136y) as sections 34 and 35, respectively; and

(2) by inserting after section 32 (7 U.S.C. 136w–7) the following:

"SEC. 33. PEST MANAGEMENT IN SCHOOLS.

"(a) DEFINITIONS.—In this section:

"(1) BAIT.—The term 'bait' means a pesticide that contains an ingredient that serves as a feeding stimulant, odor, pheromone, or other attractant for a target pest.

"(2) CONTACT PERSON.—The term 'contact person' means an individual who is—

"(A) knowledgeable about school pest management plans; and

"(B) designated by a local educational agency to carry out implementation of the school pest management plan of a school.

"(3) EMERGENCY.—The term 'emergency' means an urgent need to mitigate or eliminate a pest that threatens the health or safety of a student or staff member.

"(4) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given the term in section 3 of the Elementary and Secondary Education Act of 1965.

"(5) SCHOOL.—

"(A) IN GENERAL.—The term 'school' means a public—

"(i) elementary school (as defined in section 3 of the Elementary and Secondary Education Act of 1965);

"(ii) secondary school (as defined in section 3 of that Act);

"(iii) kindergarten or nursery school that is part of an elementary school or secondary school; or

"(iv) tribally-funded school.

"(B) INCLUSIONS.—The term 'school' includes any school building, and any area outside of a school building (including a lawn, playground, sports field, and any other property or facility), that is controlled, managed, or owned by the school or school district.

"(6) SCHOOL PEST MANAGEMENT PLAN.—The term 'school pest management plan' means a pest management plan developed under subsection (b).

"(7) STAFF MEMBER.—

"(A) IN GENERAL.—The term 'staff member' means a person employed at a school or local educational agency.

"(B) EXCLUSIONS.—The term 'staff member' does not include—

"(i) a person hired by a school, local educational agency, or State to apply a pesticide; or

"(ii) a person assisting in the application of a pesticide.

"(8) STATE AGENCY.—The term 'State agency' means an agency of a State, or an agency of an Indian tribe or tribal organization (as those terms are defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), that exercises primary jurisdiction over matters relating to pesticide regulation.

"(9) UNIVERSAL NOTIFICATION.—The term 'universal notification' means notice provided by a local educational agency or school to—

"(A) parents, legal guardians, or other persons with legal standing as parents of each child attending the school; and

"(B) staff members of the school.

"(b) SCHOOL PEST MANAGEMENT PLANS.—

"(1) STATE PLANS.—

"(A) GUIDANCE.—As soon as practicable (but not later than 180 days) after the date of enactment of the School Environment Protection Act of 2002, the Administrator shall develop, in accordance with this section—

"(i) guidance for a school pest management plan; and

"(ii) a sample school pest management plan.

"(B) PLAN.—As soon as practicable (but not later than 1 year) after the date of enactment of the School Environment Protection Act of 2002, each State agency shall develop and submit to the Administrator for approval, as part of the State cooperative agreement under section 23, a school pest management plan for local educational agencies in the State.

"(C) COMPONENTS.—A school pest management plan developed under subparagraph (B) shall, at a minimum—

"(i) implement a system that—

"(I) eliminates or mitigates health risks, or economic or aesthetic damage, caused by pests;

"(II) employs—

"(aa) integrated methods;

"(bb) site or pest inspection;

"(cc) pest population monitoring; and

"(dd) an evaluation of the need for pest management; and

"(III) is developed taking into consideration pest management alternatives (including sanitation, structural repair, and mechanical, biological, cultural, and pesticide strategies) that minimize health and environmental risks;

"(ii) require, for pesticide applications at the school, universal notification to be provided—

"(I) at the beginning of the school year;

"(II) at the midpoint of the school year; and

"(III) at the beginning of any summer session, as determined by the school;

"(iii) establish a registry of staff members of a school, and of parents, legal guardians, or other persons with legal standing as parents of each child attending the school, that have requested to be notified in advance of any pesticide application at the school;

"(iv) establish guidelines that are consistent with the definition of a school pest management plan under subsection (a);

"(v) require that each local educational agency use a certified applicator or a person authorized by the State agency to implement the school pest management plans;

"(vi) be consistent with the State cooperative agreement under section 23; and

"(vii) require the posting of signs in accordance with paragraph (4)(G).

"(D) APPROVAL BY ADMINISTRATOR.—Not later than 90 days after receiving a school pest management plan submitted by a State agency under subparagraph (B), the Administrator shall—

"(i) determine whether the school pest management plan, at a minimum, meets the requirements of subparagraph (C); and

"(ii)(I) if the Administrator determines that the school pest management plan meets the requirements, approve the school pest management plan as part of the State cooperative agreement; or

"(II) if the Administrator determines that the school pest management plan does not meet the requirements—

"(aa) disapprove the school pest management plan;

"(bb) provide the State agency with recommendations for and assistance in revising the school pest management plan to meet the requirements; and

"(cc) provide a 90-day deadline by which the State agency shall resubmit the revised school pest management plan to obtain approval of the plan, in accordance with the State cooperative agreement.

"(E) DISTRIBUTION OF STATE PLAN TO SCHOOLS.—On approval of the school pest management plan of a State agency, the State agency shall make the school pest management plan available to each local educational agency in the State.

"(F) EXCEPTION FOR EXISTING STATE PLANS.—If, on the date of enactment of the School Environment Protection Act of 2002, a State has implemented a school pest management plan that, at a minimum, meets the requirements under subparagraph (C) (as determined by the Administrator), the State agency may maintain the school pest management plan and shall not be required to develop a new school pest management plan under subparagraph (B).

"(2) IMPLEMENTATION BY LOCAL EDUCATIONAL AGENCIES.—

"(A) IN GENERAL.—Not later than 1 year after the date on which a local educational agency receives a copy of a school pest management plan of a State agency under paragraph (1)(E), the local educational agency shall develop and implement in each of the schools under the jurisdiction of the local educational agency a school pest management plan that meets the standards and requirements under the school pest management plan of the State agency, as determined by the Administrator.

"(B) EXCEPTION FOR EXISTING PLANS.—If, on the date of enactment of the School Environment Protection Act of 2002, a State maintains a school pest management plan that, at a minimum, meets the standards and criteria established under this section (as determined by the Administrator), and a local educational agency in the State has implemented the State school pest management plan, the local educational agency may maintain the school pest management plan and shall not be required to develop and implement a new school pest management plan under subparagraph (A).

"(C) APPLICATION OF PESTICIDES AT SCHOOLS.—A school pest management plan shall prohibit—

"(i) the application of a pesticide (other than a pesticide, including a bait, gel or paste, described in paragraph (4)(C)) to any area or room at a school while the area or room is occupied or in use by students or staff members (except students or staff members participating in regular or vocational agricultural instruction involving the use of pesticides); and

"(ii) the use by students or staff members of an area or room treated with a pesticide by broadcast spraying, baseboard spraying, tenting, or fogging during—

"(I) the period specified on the label of the pesticide during which a treated area or room should remain unoccupied; or

"(II) if there is no period specified on the label, the 24-hour period beginning at the end of the treatment.

"(3) CONTACT PERSON.—

"(A) IN GENERAL.—Each local educational agency shall designate a contact person to carry out a school pest management plan in schools under the jurisdiction of the local educational agency.

"(B) DUTIES.—The contact person of a local educational agency shall—

"(i) maintain information about the scheduling of pesticide applications in each school under the jurisdiction of the local educational agency;

"(ii) act as a contact for inquiries, and disseminate information requested by parents or guardians, about the school pest management plan;

"(iii) maintain and make available to parents, legal guardians, or other persons with legal standing as parents of each child attending the school, before and during the notice period and after application—

"(I) copies of material safety data sheet for pesticides applied at the school, or copies of material safety data sheets for end-use dilutions of pesticides applied at the school, if data sheets are available;

"(II) labels and fact sheets approved by the Administrator for all pesticides that may be used by the local educational agency; and

"(III) any final official information related to the pesticide, as provided to the local educational agency by the State agency; and

"(iv) for each school, maintain all pesticide use data for each pesticide used at the school (other than antimicrobial pesticides (as defined in clauses (i) and (ii) of section 2(mm)(1)(A))) for at least 3 years after the date on which the pesticide is applied; and

"(v) make that data available for inspection on request by any person.

"(4) NOTIFICATION.—

"(A) UNIVERSAL NOTIFICATION.—At the beginning of each school year, at the midpoint of each school year, and at the beginning of any summer session (as determined by the school), a local educational agency or school shall provide to staff members of a school, and to parents, legal guardians, and other persons with legal standing as parents of students enrolled at the school, a notice describing the school pest management plan that includes—

"(i) a summary of the requirements and procedures under the school pest management plan;

"(ii) a description of any potential pest problems that the school may experience (including a description of the procedures that may be used to address those problems);

"(iii) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(iv) the following statement (including information to be supplied by the school as indicated in brackets):

'As part of a school pest management plan, (insert school name) may use pesticides to control pests. The Environmental Protection Agency (EPA) and (insert name of State agency exercising jurisdiction over pesticide registration and use) registers pesticides for that use. EPA continues to examine registered pesticides to determine that use of the pesticides in accordance with instructions printed on the label does not pose unreasonable risks to human health and the environment. Nevertheless, EPA cannot guarantee that registered pesticides do not pose risks, and unnecessary exposure to pesticides should be avoided. Based in part on recommendations of a 1993 study by the National Academy of Sciences that reviewed registered pesticides and their potential to cause unreasonable adverse effects on human health, particularly on the health of pregnant women, infants, and children, Congress enacted the Food Quality Protection Act of 1996. That law requires EPA to reevaluate all registered pesticides and new pesticides to measure their safety, taking into account the unique exposures and sensitivity that pregnant women, infants, and children may have to pesticides. EPA review under that law is ongoing. You may request to be notified at least 24 hours in advance of pesticide applications to be made and receive information about the applications by registering with the school. Certain pesticides used by the school (including baits, pastes, and gels) are exempt from notification requirements. If you would like more information concerning any pesticide application or any product used at the school, contact (insert name and phone number of contact person).'.

"(B) NOTIFICATION TO PERSONS ON REGISTRY.—

"(i) IN GENERAL.—Except as provided in clause (ii) and paragraph (5)—

"(I) notice of an upcoming pesticide application at a school shall be provided to each person on the registry of the school not later than 24 hours before the end of the last business day during which the school is in session that precedes the day on which the application is to be made; and

"(II) the application of a pesticide for which a notice is given under subclause (I) shall not commence before the end of the business day.

"(ii) NOTIFICATION CONCERNING PESTICIDES USED IN CURRICULA.—If pesticides are used as part of a regular vocational agricultural curriculum of the school, a notice containing the information described in subclauses (I), (IV), (VI), and (VII) of clause (iii) for all pesticides that may be used as a part of that curriculum shall be provided to persons on the registry only once at the beginning of each academic term of the school:

"(iii) CONTENTS OF NOTICE.—A notice under clause (i) shall contain—

"(I) the trade name, common name (if applicable), and Environmental Protection Agency registration number of each pesticide to be applied;

"(II) a description of each location at the school at which a pesticide is to be applied;

"(III) a description of the date and time of application, except that, in the case of an outdoor pesticide application, a notice shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled;

"(IV) information that the State agency shall provide to the local educational agency, including a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied based on—

"(aa) a description of potentially acute and chronic effects that may result from exposure to each pesticide to be applied, as stated on the label of the pesticide approved by the Administrator;

"(bb) information derived from the material safety data sheet for the end-use dilution of the pesticide to be applied (if available) or the material safety data sheets; and

"(cc) final, official information related to the pesticide prepared by the Administrator and provided to the local educational agency by the State agency;

"(V) a description of the purpose of the application of the pesticide;

"(VI) the address, telephone number, and website address of the Office of Pesticide Programs of the Environmental Protection Agency; and

"(VII) the statement described in subparagraph (A)(iv) (other than the ninth sentence of that statement).

"(C) NOTIFICATION AND POSTING EXEMPTION.—A notice or posting of a sign under subparagraph (A), (B), or (G) shall not be required for the application at a school of—

"(i) an antimicrobial pesticide;

"(ii) a bait, gel, or paste that is placed—

"(I) out of reach of children or in an area that is not accessible to children; or

"(II) in a tamper-resistant or child-resistant container or station; and

"(iii) any pesticide that, as of the date of enactment of the School Environment Protection Act of 2002, is exempt from the requirements of this Act under section 25(b) (including regulations promulgated at section 152 of title 40, Code of Federal Regulations (or any successor regulation)).

"(D) NEW STAFF MEMBERS AND STUDENTS.—After the beginning of each school year, a local educational agency or school within a local educational agency shall provide each notice required under subparagraph (A) to—

"(i) each new staff member who is employed during the school year; and

"(ii) the parent or guardian of each new student enrolled during the school year.

"(E) METHOD OF NOTIFICATION.—A local educational agency or school may provide a notice under this subsection, using information described in paragraph (4), in the form of—

"(i) a written notice sent home with the students and provided to staff members;

"(ii) a telephone call;

"(iii) direct contact;

"(iv) a written notice mailed at least 1 week before the application; or

"(v) a notice delivered electronically (such as through electronic mail or facsimile).

"(F) REISSUANCE.—If the date of the application of the pesticide needs to be extended beyond the period required for notice under this paragraph, the school shall issue a notice containing only the new date and location of application.

"(G) POSTING OF SIGNS.—

"(i) IN GENERAL.—Except as provided in paragraph (5)—

"(I) a school shall post a sign not later than the last business day during which school is in session preceding the date of application of a pesticide at the school; and

"(II) the application for which a sign is posted under subclause (I) shall not commence before the time that is 24 hours after the end of the business day on which the sign is posted.

"(ii) LOCATION.—A sign shall be posted under clause (i)—

"(I) at a central location noticeable to individuals entering the building; and

"(II) at the proposed site of application.

"(iii) ADMINISTRATION.—A sign required to be posted under clause (i) shall—

"(I) remain posted for at least 24 hours after the end of the application;

"(II) be—

"(aa) at least 8½ inches by 11 inches for signs posted inside the school; and

"(bb) at least 4 inches by 5 inches for signs posted outside the school; and

"(III) contain—

"(aa) information about the pest problem for which the application is necessary;

"(bb) the name of each pesticide to be used;

"(cc) the date of application;

"(dd) the name and telephone number of the designated contact person; and

"(ee) the statement contained in subparagraph (A)(iv).

"(iv) OUTDOOR PESTICIDE APPLICATIONS.—

"(I) IN GENERAL.—In the case of an outdoor pesticide application at a school, each sign shall include at least 3 dates, in chronological order, on which the outdoor pesticide application may take place if the preceding date is canceled.

"(II) DURATION OF POSTING.—A sign described in subclause (I) shall be posted after an outdoor

pesticide application in accordance with clauses (ii) and (iii).

"(5) EMERGENCIES.—

"(A) IN GENERAL.—A school may apply a pesticide at the school without complying with this part in an emergency, subject to subparagraph (B).

"(B) SUBSEQUENT NOTIFICATION OF PARENTS, GUARDIANS, AND STAFF MEMBERS.—Not later than the earlier of the time that is 24 hours after a school applies a pesticide under this paragraph or on the morning of the next business day, the school shall provide to each parent or guardian of a student listed on the registry, a staff member listed on the registry, and the designated contact person, notice of the application of the pesticide in an emergency that includes—

"(i) the information required for a notice under paragraph (4)(G); and

"(ii) a description of the problem and the factors that required the application of the pesticide to avoid a threat to the health or safety of a student or staff member.

"(C) METHOD OF NOTIFICATION.—The school may provide the notice required by paragraph (B) by any method of notification described in paragraph (4)(E).

"(D) POSTING OF SIGNS.—Immediately after the application of a pesticide under this paragraph, a school shall post a sign warning of the pesticide application in accordance with clauses (ii) through (iv) of paragraph (4)(B).

"(c) RELATIONSHIP TO STATE AND LOCAL REQUIREMENTS.—Nothing in this section (including regulations promulgated under this section)—

"(1) precludes a State or political subdivision of a State from imposing on local educational agencies and schools any requirement under State or local law (including regulations) that is more stringent than the requirements imposed under this section; or

"(2) establishes any exception under, or affects in any other way, section 24(b).

"(d) EXCLUSION OF CERTAIN PEST MANAGEMENT ACTIVITIES.—Nothing in this section (including regulations promulgated under this section) applies to a pest management activity that is conducted—

"(1) on or adjacent to a school; and

"(2) by, or at the direction of, a State or local agency other than a local educational agency.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.".

(c) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. prec. 121) is amended by striking the items relating to sections 30 through 32 and inserting the following:

"Sec. 30. Minimum requirements for training of maintenance applicators and service technicians.
"Sec. 31. Environmental Protection Agency minor use program.
"Sec. 32. Department of Agriculture minor use program.
  "(a) In general.
  "(b)(1) Minor use pesticide data.
  "(2) Minor Use Pesticide Data Revolving Fund.
"Sec. 33. Pest management in schools.
  "(a) Definitions.
    "(1) Bait.
    "(2) Contact person.
    "(3) Emergency.
    "(4) Local educational agency.
    "(5) School.
    "(6) Staff member.
    "(7) State agency.
    "(8) Universal notification.
  "(b) School pest management plans.
    "(1) State plans.
    "(2) Implementation by local educational agencies.
    "(3) Contact person.
    "(4) Notification.
    "(5) Emergencies.
  "(c) Relationship to State and local requirements.
  "(d) Exclusion of certain pest management activities.
  "(e) Authorization of appropriations.
"Sec. 34. Severability.
"Sec. 35. Authorization of appropriations.".

(d) EFFECTIVE DATE.—This section and the amendments made by this section take effect on October 1, 2002.

SEC. 1043. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192), is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively;

(2) by inserting after subsection (e) the following:

"(f) Own, feed, or control livestock intended for slaughter (for more than 14 days prior to slaughter and acting through the packer or a person that directly or indirectly controls, or is controlled by or under common control with, the packer), except that this subsection shall not apply to—

"(1) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter; or

"(2) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or"; and

(3) in subsection (h) (as so redesignated), by striking "or (e)" and inserting "(e), or (f)".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

SEC. 1044. PACKERS AND STOCKYARDS.

(a) DEFINITIONS.—Section 2(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 182(a)), is amended by adding at the end the following:

"(12) LIVESTOCK CONTRACTOR.—The term 'livestock contractor' means any person engaged in the business of obtaining livestock under a livestock production contract for the purpose of slaughtering the livestock or selling the livestock for slaughter, if—

"(A) the livestock is obtained by the person in commerce; or

"(B) the livestock (including livestock products from the livestock) obtained by the person is sold or shipped in commerce.

"(13) LIVESTOCK PRODUCTION CONTRACT.—The term 'livestock production contract' means any growout contract or other arrangement under which a livestock production contract grower raises and cares for the livestock in accordance with the instructions of another person.

"(14) LIVESTOCK PRODUCTION CONTRACT GROWER.—The term 'livestock production contract grower' means any person engaged in the business of raising and caring for livestock in accordance with the instructions of another person.".

(b) CONTRACTORS.—

(1) IN GENERAL.—The Packers and Stockyards Act, 1921, is amended by striking "packer" each place it appears in sections 202, 203, 204, and 205 (7 U.S.C. 192, 193, 194, 195) (other than section 202(c)) and inserting "packer or livestock contractor".

(2) CONFORMING AMENDMENTS.—

(A) Section 202(c) of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(c)), is amended by inserting ", livestock contractor," after "other packer" each place it appears.

(B) Section 308(a) of the Packers and Stockyards Act, 1921 (7 U.S.C. 209(a)), is amended by inserting "or livestock production contract" after "poultry growing arrangement".

(C) Sections 401 and 403 of the Packers and Stockyards Act, 1921 (7 U.S.C. 221, 223), are amended by inserting "any livestock contractor, and" after "packer," each place it appears.

(c) RIGHT TO DISCUSS TERMS OF CONTRACT.—The Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.), is amended by adding at the end the following:

"SEC. 417. RIGHT TO DISCUSS TERMS OF CONTRACT.

"(a) IN GENERAL.—Notwithstanding a provision in any contract for the sale or production of livestock or poultry that provides that information contained in the contract is confidential, a party to the contract shall not be prohibited from discussing any terms or details of any contract with—

"(1) a legal adviser;

"(2) a lender;

"(3) an accountant;

"(4) an executive or manager;

"(5) a landlord;

"(6) a family member; or

"(7) a Federal or State agency with responsibility for—

"(A) enforcing a statute designed to protect a party to the contract; or

"(B) administering this Act.

"(b) EFFECT ON STATE LAWS.—Subsection (a) does not affect State laws that address confidentiality provisions in contracts for the sale or production of livestock or poultry.".

SEC. 1045. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

(a) IN GENERAL.—Title III of the Packers and Stockyards Act, 1921, is amended by inserting after section 317 (7 U.S.C. 217a) the following:

"SEC. 318. UNLAWFUL STOCKYARD PRACTICES INVOLVING NONAMBULATORY LIVESTOCK.

"(a) DEFINITIONS.—In this section:

"(1) HUMANELY EUTHANIZED.—The term 'humanely euthanized' means to kill an animal by mechanical, chemical, or other means that immediately render the animal unconscious, with this state remaining until the animal's death.

"(2) NONAMBULATORY LIVESTOCK.—The term 'nonambulatory livestock' means any livestock that is unable to stand and walk unassisted.

"(b) UNLAWFUL PRACTICES.—

"(1) IN GENERAL.—It shall be unlawful under section 312 for any stockyard owner, market agency, or dealer to buy, sell, give, receive, transfer, market, hold, or drag any nonambulatory livestock unless the nonambulatory livestock has been humanely euthanized.

"(2) EXCEPTIONS.—

"(A) NON-GIPSA FARMS.—Paragraph (1) shall not apply to any farm the animal care practices *of which are not subject to the authority of the Grain Inspection, Packers, and Stockyards Administration.*

"(B) VETERINARY CARE.—Paragraph (1) shall not apply in a case in which nonambulatory livestock receive veterinary care intended to render the livestock ambulatory.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) takes effect 1 year after the date of the enactment of this Act.

(2) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate regulations consistent with the amendment, relating to the handling, treatment, and disposition of nonambulatory livestock at livestock marketing facilities or by dealers.

SEC. 1046. ARBITRATION CLAUSES.

Title IV of the Packers and Stockyards Act, 1921, is amended by inserting after section 413 (7 U.S.C. 228b–4) the following:

"SEC. 413A. ARBITRATION CLAUSES.

"Notwithstanding any other provision of law, in the case of a contract for the sale or production of livestock or poultry under this Act that is entered into or renewed after the date of enactment of this section and that includes a provision that requires arbitration of a dispute arising from the contract, a person that seeks to resolve a dispute under the contract may, notwithstanding the terms of the contract, elect—

"(1) to arbitrate the dispute in accordance with the contract; or

"(2) to resolve the dispute in accordance with any other lawful method of dispute resolution, including mediation and civil action.".

SEC. 1047. COTTON CLASSIFICATION SERVICES.

The first sentence of section 3a of the Act of March 3, 1927 (commonly known as the "Cotton Statistics and Estimates Act") (7 U.S.C. 473), is amended by striking "2002" and inserting "2006".

SEC. 1048. PROTECTION FOR PURCHASERS OF FARM PRODUCTS.

Section 1324 of the Food Security Act of 1985 (7 U.S.C. 1631) is amended—

(1) in subsection (c)(4)—

(A) in subparagraph (B), by striking "signed," and inserting "signed, authorized, or otherwise authenticated by the debtor,";

(B) by striking subparagraph (C);

(C) in subparagraph (D)—

(i) in clause (iii), by adding "and" after the semicolon at the end; and

(ii) in clause (iv), by striking "applicable;" and all that follows and inserting "applicable, and the name of each county or parish in which the farm products are growing or located;"; and

(D) by redesignating subparagraphs (D) through (I) as subparagraphs (C) through (H), respectively;

(2) in subsection (e)—

(A) in paragraph (1)(A)—

(i) in clause (ii)—

(I) in subclause (III), by adding "and" after the semicolon at the end; and

(II) in subclause (IV), by striking "crop year," and all that follows and inserting "crop year, and the name of each county or parish in which the farm products are growing or located;"; and

(iii) in clause (v), by inserting "contains" before "any payment"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "subparagraph" and inserting "subsection"; and

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(3) subsection (g)(2)(A)—

(A) in clause (ii)—

(i) in subclause (III), by adding "and" after the semicolon at the end; and

(ii) in subclause (IV), by striking "crop year," and all that follows and inserting "crop year, and the name of each county or parish in which the farm products are growing or located;"; and

(B) in clause (v), by inserting "contains" before "any payment".

SEC. 1049. IMPROVED STANDARDS FOR THE CARE AND TREATMENT OF CERTAIN ANIMALS.

(a) SOCIALIZATION PLAN; BREEDING RESTRICTIONS.—Section 13(a)(2) of the Animal Welfare Act (7 U.S.C. 2143(a)(2)) is amended—

(1) in subparagraph (A), by striking "and" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(C) for the socialization of dogs intended for sale as pets with other dogs and people, through compliance with a performance standard developed by the Secretary based on the recommendations of veterinarians and animal welfare and behavior experts that—

"(i) identifies actions that dealers and inspectors shall take to ensure adequate socialization; and

"(ii) identifies a set of behavioral measures that inspectors shall use to evaluate adequate socialization; and

"(D) for addressing the initiation and frequency of breeding of female dogs so that a female dog is not—

"(i) bred before the female dog has reached at least 1 year of age; and

"(ii) whelped more frequently than 3 times in any 24-month period.".

(b) SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.—Section 19 of the Animal Welfare Act (7 U.S.C. 2149) is amended—

(1) by striking "SEC. 19. (a) If the Secretary" and inserting the following:

"SEC. 19. SUSPENSION OR REVOCATION OF LICENSE, CIVIL PENALTIES, JUDICIAL REVIEW, AND CRIMINAL PENALTIES.

"(a) SUSPENSION OR REVOCATION OF LICENSE.—

"(1) IN GENERAL.—If the Secretary";

(2) in subsection (a)—

(A) in paragraph (1) (as designated by paragraph (1)), by striking "if such violation" and all that follows and inserting "if the Secretary determines that 1 or more violations have occurred."; and

(B) by adding at the end the following:

"(2) LICENSE REVOCATION.—If the Secretary finds that any person licensed as a dealer, exhibitor, or operator of an auction sale subject to section 12, has committed a serious violation (as determined by the Secretary) of any rule, regulation, or standard governing the humane handling, transportation, veterinary care, housing, breeding, socialization, feeding, watering, or other humane treatment of dogs under section 12 or 13 on 3 or more separate inspections within any 8-year period, the Secretary shall—

"(A) suspend the license of the person for 21 days; and

"(B) after providing notice and a hearing not more than 30 days after the third violation is noted on an inspection report, revoke the license of the person unless the Secretary makes a written finding that revocation is unwarranted because of extraordinary extenuating circumstances.";

(3) in subsection (b), by striking "(b) Any dealer" and inserting "(b) CIVIL PENALTIES.—Any dealer";

(4) in subsection (c), by striking "(c) Any dealer" and inserting "(c) JUDICIAL REVIEW.—Any dealer"; and

(5) in subsection (d), by striking "(d) Any dealer" and inserting "(d) CRIMINAL PENALTIES.—Any dealer".

(c) REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Agriculture shall promulgate such regulations as are necessary to carry out the amendments made by this section, including development of the standards required by the amendments made by subsection (a).

SEC. 1050. EXPANSION OF STATE MARKETING PROGRAMS.

(a) STATE MARKETING PROGRAMS.—Section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)) is amended—

(1) by striking "(b) The" and all that follows through ": Provided, That no" and inserting the following:

"(b) STATE MARKETING PROGRAMS.—

"(1) IN GENERAL.—Of the funds of the Commodity Credit Corporation, the Secretary of Agriculture shall make available $7,000,000 for fiscal year 2003, $8,000,000 for fiscal year 2004, and $10,000,000 for each of fiscal years 2005 and 2006 for allotment to State departments of agriculture, State bureaus and departments of markets, State agricultural experiment stations, and other appropriate State agencies for cooperative projects in marketing service and in marketing research to effectuate the purposes of—

"(A) title II of this Act; and

"(B) the Farmer's Market Promotion Program established under section 6 of the Farmer-to-Consumer Direct Marketing Act of 1976.

"(2) SMALL FARMS AND LIMITED RESOURCE FARMERS.—Of the funds made available under paragraph (1), a priority shall be given for initiatives designed to support direct and other marketing efforts of small farms and limited resource farmers.

"(3) STATE FUNDS.—No";

(2) by striking "The funds which" and inserting the following:

"(4) ADDITIONAL FUNDS.—The funds that";

(3) by striking "The allotments" and inserting the following:

"(5) RECIPIENT AGENCIES.—The allotments";

(4) by striking "Such allotments" and inserting the following:

"(6) COOPERATIVE AGREEMENTS.—The allotments"; and

(5) by striking "Should duplication" and inserting the following:

"(7) DUPLICATION.—If duplication".

(b) FARMERS' MARKET PROMOTION PROGRAM.—

(1) SURVEY.—Section 4 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3003) is amended—

(A) in the first sentence, by striking "a continuing" and inserting "an annual"; and

(B) by striking the second sentence.

(2) DIRECT MARKETING ASSISTANCE.—Section 5 of the Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3004) is amended—

(A) in subsection (a)—

(i) in the first sentence, by striking "Extension Service of the United States Department of Agriculture" and inserting "Secretary"; and

(ii) in the second sentence—

(I) by striking "Extension Service" and inserting "Secretary"; and

(II) by striking "and on the basis of which of these two agencies, or combination thereof, can best perform these activities" and inserting ", as determined by the Secretary";

(B) by redesignating subsection (b) as subsection (c); and

(C) by inserting after subsection (a) the following:

"(b) DEVELOPMENT OF FARMERS' MARKETS.—The Secretary shall—

"(1) work with the Governor of a State, and a State agency designated by the Governor, to develop programs to train managers of farmers' markets;

"(2) develop opportunities to share information among managers of farmers' markets;

"(3) establish a program to train cooperative extension service employees in the development of direct marketing techniques; and

"(4) work with producers to develop farmers' markets.".

(3) FARMERS' MARKET PROMOTION PROGRAM.—The Farmer-to-Consumer Direct Marketing Act of 1976 (7 U.S.C. 3001 et seq.) is amended by inserting after section 5 the following:

"SEC. 6. FARMERS' MARKET PROMOTION PROGRAM.

"(a) ESTABLISHMENT.—The Secretary shall carry out a program, to be known as the 'Farmers' Market Promotion Program' (referred to in this section as the 'Program'), to make grants to eligible entities for projects to establish, expand, and promote farmers' markets.

"(b) PROGRAM PURPOSES.—The purposes of the Program are—

"(1) to increase domestic consumption of agricultural commodities by improving and expanding, or assisting in the improvement and expansion of, domestic farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure; and

"(2) to develop, or aid in the development of, new farmers' markets, roadside stands, community-supported agriculture programs, and other direct producer-to-consumer infrastructure.

"(c) ELIGIBLE ENTITIES.—An entity shall be eligible to receive a grant under the Program if the entity is—

"(1) an agricultural cooperative;

"(2) a local government;

"(3) a nonprofit corporation;

"(4) a public benefit corporation;

"(5) an economic development corporation;

"(6) a regional farmers' market authority; or

"(7) such other entity as the Secretary may designate.

"(d) CRITERIA AND GUIDELINES.—The Secretary shall establish criteria and guidelines for the submission, evaluation, and funding of proposed projects under the Program.

"(e) AMOUNT.—

"(1) IN GENERAL.—Under the Program, the amount of a grant to an eligible entity for any 1 project shall be not more than $500,000 for any 1 fiscal year.

"(2) AVAILABILITY.—The amount of a grant to an eligible entity for a project shall be available until expended or until the date on which the project terminates.

"(f) COST SHARING.—

"(1) IN GENERAL.—The share of the costs of a project covered by a grant awarded under the Program shall not exceed 60 percent.

"(2) GRANTEE SHARE.—

"(A) FORM.—The non-Federal share of the cost of a project carried out under the Program may be paid in the form of cash or the provision of services, materials, or other in-kind contributions.

"(B) LIMITATION.—The value of any real or personal property owned by an eligible entity as of the date on which the eligible entity submits a proposal for a project under the Program shall not be credited toward the grantee share required under this paragraph.

"(g) FUNDING.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.

"(2) LIMITATION.—Except for funds made available pursuant to section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), no amounts may be made available to carry out this section unless specifically provided by an appropriation Act.".

SEC. 1051. DEFINITION OF ANIMAL UNDER THE ANIMAL WELFARE ACT.

Section 2(g) of the Animal Welfare Act (7 U.S.C. 2132(g)) is amended by striking "excludes horses not used for research purposes and" and inserting the following: "excludes birds, rats of the genus Rattus, and mice of the genus Mus bred for use in research, horses not used for research purposes, and".

SEC. 1052. PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.

(a) PENALTIES AND FOREIGN COMMERCE PROVISIONS OF THE ANIMAL WELFARE ACT.—Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (e)—

(A) by inserting "PENALTIES.—" after "(e)";

(B) by striking "$5,000" and inserting "$15,000"; and

(C) by striking "1 year" and inserting "2 years"; and

(2) in subsection (g)(2)(B), by inserting at the end before the semicolon the following: "or from any State into any foreign country".

(b) EFFECTIVE DATE.—The amendments made by this section take effect 30 days after the date of the enactment of this Act.

SEC. 1053. PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.

(a) PROHIBITION ON INTERSTATE MOVEMENT OF ANIMALS FOR ANIMAL FIGHTING.—Section 26(d) of the Animal Welfare Act (7 U.S.C. 2156(d)) is amended to read as follows:

"(d) ACTIVITIES NOT SUBJECT TO PROHIBITION.—This section does not apply to the selling, buying, transporting, or delivery of an animal in interstate or foreign commerce for any purpose, so long as the purpose does not include participation of the animal in an animal fighting venture.".

(b) EFFECTIVE DATE.—The amendment made by this section take effect 30 days after the date of the enactment of this Act.

SEC. 1054. OUTREACH AND ASSISTANCE FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) IN GENERAL.—Section 2501 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279) is amended by striking subsection (a) and inserting the following:

"(a) OUTREACH AND ASSISTANCE.—

"(1) DEFINITIONS.—In this subsection:

"(A) DEPARTMENT.—The term 'Department' means the Department of Agriculture.

"(B) ELIGIBLE ENTITY.—The term 'eligible entity' means—

"(i) any community-based organization, network, or coalition of community-based organizations that—

"(I) has demonstrated experience in providing agricultural education or other agriculturally related services to socially disadvantaged farmers and ranchers;

"(II) has provided to the Secretary documentary evidence of work with socially disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance under this subsection; and

"(III) has not engaged in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986;

"(ii)(I) an 1890 institution (as defined in section 2 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), including West Virginia State College;

"(II) a 1994 institution (as defined in section 2 of that Act);

"(III) an Indian tribal community college;

"(IV) an Alaska Native cooperative college;

"(V) a Hispanic-serving institution (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)); and

"(VI) any other institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged farmers and ranchers in a region; and

"(iii) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or a national tribal organization that has demonstrated experience in providing agriculture education or other agriculturally related services to socially disadvantaged farmers and ranchers in a region.

"(C) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(2) PROGRAM.—The Secretary shall carry out an outreach and technical assistance program to encourage and assist socially disadvantaged farmers and ranchers—

"(A) in owning and operating farms and ranches; and

"(B) in participating equitably in the full range of agricultural programs offered by the Department.

"(3) REQUIREMENTS.—The outreach and technical assistance program under paragraph (2) shall—

"(A) enhance coordination of the outreach, technical assistance, and education efforts authorized under various agriculture programs; and

"(B) include information on, and assistance with—

"(i) commodity, conservation, credit, rural, and business development programs;

"(ii) application and bidding procedures;

"(iii) farm and risk management;

"(iv) marketing; and

"(v) other activities essential to participation in agricultural and other programs of the Department.

"(4) GRANTS AND CONTRACTS.—

"(A) IN GENERAL.—The Secretary may make grants to, and enter into contracts and other agreements with, an eligible entity to provide information and technical assistance under this subsection.

"(B) RELATIONSHIP TO OTHER LAW.—The authority to carry out this section shall be in addition to any other authority provided in this or any other Act.

"(5) FUNDING.—

"(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $25,000,000 for each of fiscal years 2002 through 2006.

"(B) INTERAGENCY FUNDING.—In addition to funds authorized to be appropriated under subparagraph (A), any agency of the Department may participate in any grant, contract, or agreement entered into under this section by contributing funds, if the agency determined that the objectives of the grant, contract, or agreement will further the authorized programs of the contributing agency.".

(b) DEFINITION OF SOCIALLY DISADVANTAGED GROUP.—Section 2501(e)(1) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 2279(e)(1)) is amended by striking "racial or ethnic" and inserting "gender, racial, or ethnic".

SEC. 1055. WILD FISH AND WILD SHELLFISH.

Section 2104 of the Organic Foods Production Act of 1990 (7 U.S.C. 6503) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) WILD FISH AND WILD SHELLFISH.—

"(1) IN GENERAL.—Notwithstanding section 2107(a)(1), the Secretary may allow, through regulations promulgated after public notice and opportunity for comment, wild fish or wild shellfish harvested from salt water to be certified or labeled as organic.

"(2) CONSULTATION AND ACCOMMODATION.—In carrying out paragraph (1), the Secretary shall—

"(A) consult with—

"(i) the Secretary of Commerce;

"(ii) the National Organic Standards Board established under section 2119;

"(iii) producers, processors, and sellers; and

"(iv) other interested members of the public; and

"(B) to the maximum extent practicable, accommodate the unique characteristics of the industries in the United States that harvest and process wild fish and shellfish.".

SEC. 1056. ASSISTANT SECRETARY OF AGRICULTURE FOR CIVIL RIGHTS.

(a) In General.—Section 218 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6918) is amended by adding at the end the following:

"(f) Assistant Secretary of Agriculture for Civil Rights.—

"(1) Definition of socially disadvantaged farmer or rancher.—In this subsection, the term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(2) Establishment of position.—The Secretary shall establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights.

"(3) Appointment.—The Assistant Secretary of Agriculture for Civil Rights shall be appointed by the President, by and with the advice and consent of the Senate.

"(4) Duties.—The Assistant Secretary of Agriculture for Civil Rights shall—

"(A) enforce and coordinate compliance with all civil rights laws and related laws—

"(i) by the agencies of the Department; and

"(ii) under all programs of the Department (including all programs supported with Department funds);

"(B) ensure that—

"(i) the Department has measurable goals for treating customers and employees fairly and on a nondiscriminatory basis; and

"(ii) the goals and the progress made in meeting the goals are included in—

"(I) strategic plans of the Department; and

"(II) annual reviews of the plans;

"(C) compile and publicly disclose data used in assessing civil rights compliance in achieving on a nondiscriminatory basis participation of socially disadvantaged farmers and ranchers in programs of the Department;

"(D)(i) hold Department agency heads and senior executives accountable for civil rights compliance and performance; and

"(ii) assess performance of Department agency heads and senior executives on the basis of success made in those areas;

"(E) ensure, to the maximum extent practicable—

"(i) a sufficient level of participation by socially disadvantaged farmers and ranchers in deliberations of county and area committees established under section 8(b) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)); and

"(ii) that participation data and election results involving the committees are made available to the public; and

"(F) perform such other functions as may be prescribed by the Secretary.".

(b) Compensation.—Section 5315 of title 5, United States Code, is amended by striking "Assistant Secretaries of Agriculture (2)" and inserting "Assistant Secretaries of Agriculture (3)".

(c) Conforming Amendments.—Section 296(b) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 7014(b)) is amended—

(1) in paragraph (3), by striking "or" at the end;

(2) in paragraph (4), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(5) the authority of the Secretary to establish within the Department the position of Assistant Secretary of Agriculture for Civil Rights under section 218(f).".

SEC. 1057. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS; PUBLIC DISCLOSURE REQUIREMENTS FOR COUNTY COMMITTEE ELECTIONS.

(a) Transparency and Accountability for Socially Disadvantaged Farmers and Ranchers.—The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2501 (7 U.S.C. 2279) the following:

"SEC. 2501A. TRANSPARENCY AND ACCOUNTABILITY FOR SOCIALLY DISADVANTAGED FARMERS AND RANCHERS.

"(a) Purpose.—The purpose of this section is to ensure compilation and public disclosure of data to assess and hold the Department of Agriculture accountable for the nondiscriminatory participation of socially disadvantaged farmers and ranchers in programs of the Department.

"(b) Definition of Socially Disadvantaged Farmer or Rancher.—In this section, the term 'socially disadvantaged farmer or rancher' has the meaning given the term in section 355(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)).

"(c) Compilation of Program Participation Data.—

"(1) Annual requirement.—For each county and State in the United States, the Secretary shall compute annually the participation rate of socially disadvantaged farmers and ranchers as a percentage of the total participation of all farmers and ranchers for each program of the Department of Agriculture established for farmers or ranchers.

"(2) Determination of participation.—In determining the rates under paragraph (1), the Secretary shall consider, for each county and State, the number of socially disadvantaged farmers and ranchers of each race, ethnicity, and gender in proportion to the total number of farmers and ranchers participating in each program.".

(b) Public Disclosure Requirements for County Committee Elections.—Section 8(b)(5) of the Soil Conservation and Domestic Allotment Act (16 U.S.C. 590h(b)(5)) is amended by striking subparagraph (B) and inserting the following:

"(B) Establishment and elections for county, area, or local committees.—

"(i) Establishment.—

"(I) In general.—In each county or area in which activities are carried out under this section, the Secretary shall establish a county or area committee.

"(II) Local administrative areas.—The Secretary may designate local administrative areas within a county or a larger area under the jurisdiction of a committee established under subclause (I).

"(ii) Composition of county, area, or local committees.—A committee established under clause (i) shall consist of not fewer than 3 nor more than 5 members that—

"(I) are fairly representative of the agricultural producers within the area covered by the county, area, or local committee; and

"(II) are elected by the agricultural producers that participate or cooperate in programs administered within the area under the jurisdiction of the county, area, or local committee.

"(iii) Elections.—

"(I) In general.—Subject to subclauses (II) through (V), the Secretary shall establish procedures for nominations and elections to county, area, or local committees.

"(II) Nondiscrimination statement.—Each solicitation of nominations for, and notice of elections of, a county, area, or local committee shall include the nondiscrimination statement used by the Secretary.

"(III) Nominations.—

"(aa) Eligibility.—To be eligible for nomination and election to the applicable county, area, or local committee, as determined by the Secretary, an agricultural producer shall be located within the area under the jurisdiction of a county, area, or local committee, and participate or cooperate in programs administered within that area.

"(bb) Outreach.—In addition to such nominating procedures as the Secretary may prescribe, the Secretary shall solicit and accept nominations from organizations representing the interests of socially disadvantaged groups (as defined in section 355(e)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2003(e)(1)).

"(IV) Opening of ballots.—

"(aa) Public notice.—At least 10 days before the date on which ballots are to be opened and counted, a county, area, or local committee shall announce the date, time, and place at which election ballots will be opened and counted.

"(bb) Opening of ballots.—Election ballots shall not be opened until the date and time announced under item (aa).

"(cc) Observation.—Any person may observe the opening and counting of the election ballots.

"(V) Report of election.—Not later than 20 days after the date on which an election is held, a county, area, or local committee shall file an election report with the Secretary and the State office of the Farm Service Agency that includes—

"(aa) the number of eligible voters in the area covered by the county, area, or local committee;

"(bb) the number of ballots cast in the election by eligible voters (including the percentage of eligible voters that cast ballots);

"(cc) the number of ballots disqualified in the election;

"(dd) the percentage that the number of ballots disqualified is of the number of ballots received;

"(ee) the number of nominees for each seat up for election;

"(ff) the race, ethnicity, and gender of each nominee, as provided through the voluntary self-identification of each nominee; and

"(gg) the final election results (including the number of ballots received by each nominee).

"(VI) National report.—Not later than 90 days after the date on which the first election of a county, area, or local committee that occurs after the date of enactment of the Agriculture, Conservation, and Rural Enhancement Act of 2002 is held, the Secretary shall complete a report that consolidates all the election data reported to the Secretary under subclause (V).

"(VII) Election reform.—

"(aa) Analysis.—If determined necessary by the Secretary after analyzing the data contained in the report under subclause (VI), the Secretary shall promulgate and publish in the Federal Register proposed uniform guidelines for conducting elections for members and alternate members of county, area, and local committees not later than 1 year after the date of completion of the report.

"(bb) Inclusion.—The procedures promulgated by the Secretary under item (aa) shall ensure fair representation of socially disadvantaged groups described in subclause (III)(bb) in an area covered by the county, area, or local committee, in cases in which those groups are underrepresented on the county, area, or local committee for that area.

"(cc) Methods of inclusion.—Notwithstanding clause (ii), the Secretary may ensure inclusion of socially disadvantaged farmers and ranchers through provisions allowing for appointment of additional voting members to a county, area, or local committee or through other methods.

"(iv) TERM OF OFFICE.—The term of office for a member of a county, area, or local committee shall not exceed 3 years.

"(v) PUBLIC AVAILABILITY AND REPORT TO CONGRESS.—

"(I) PUBLIC DISCLOSURE.—The Secretary shall maintain and make readily available to the public, via website and otherwise in electronic and paper form, all data required to be collected and computed under section 2501A(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 and clause (iii)(V) collected annually since the most recent Census of Agriculture.

"(II) REPORT TO CONGRESS.—After each Census of Agriculture, the Secretary shall report to Congress the rate of loss or gain in participation by each socially disadvantaged group, by race, ethnicity, and gender, since the previous Census.".

SEC. 1058. ANIMAL ENTERPRISE TERRORISM.

(a) IN GENERAL.—Section 43 of title 18, United States Code, is amended—

(1) by striking subsections (a) and (b) and inserting the following:

"(a) OFFENSE.—

"(1) IN GENERAL.—It shall be unlawful for a person to—

"(A) travel in interstate or foreign commerce, or use or cause to be used the mail or any facility in interstate or foreign commerce, for the purpose of causing physical disruption to the functioning of an animal enterprise; and

"(B) intentionally damage or cause the loss of any property (including an animal or record) used by the animal enterprise, or conspire to do so.

"(b) PENALTIES.—

"(1) ECONOMIC DAMAGE.—A person that, in the course of a violation of subsection (a), causes economic damage to an animal enterprise in an amount less than $10,000 shall be imprisoned not more than 6 months, fined under this title, or both.

"(2) MAJOR ECONOMIC DAMAGE.—A person that, in the course of a violation of subsection (a), causes economic damage to an animal enterprise in an amount equal to or greater than $10,000 shall be imprisoned not more than 3 years, fined under this title, or both.

"(3) SERIOUS BODILY INJURY.—A person that, in the course of a violation of subsection (a), causes serious bodily injury to another individual shall be imprisoned not more than 20 years, fined under this title, or both.

"(4) DEATH.—A person that, in the course of a violation of subsection (a), causes the death of an individual shall be imprisoned for life or for any term of years, fined under this title, or both."; and

(2) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "restitution—" and inserting "restitution for—";

(B) in paragraph (1)—

(i) by striking "for"; and

(ii) by striking "and" at the end;

(C) in paragraph (2), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(3) any other economic damage resulting from the offense.".

SEC. 1059. PSEUDORABIES ERADICATION PROGRAM.

Section 2506(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (21 U.S.C. 114i(d)) is amended by striking "2002" and inserting "2006".

SEC. 1060. TRANSPORTATION OF POULTRY AND OTHER ANIMALS.

Section 5402(d)(2) of title 39, United States Code (as amended by section 651(2) of Public Law 107–67 (115 Stat. 557)), is amended by striking subparagraph (C).

SEC. 1061. EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.

Section 2281 of the Food, Agriculture, Conservation, and Trade Act of 1990 (42 U.S.C. 5177a) is amended—

(1) in subsection (a), by striking ", not to exceed $20,000,000 annually,"; and

(2) by striking subsection (c) and inserting the following:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000 for each of fiscal years 2002 through 2006.".

SEC. 1062. TREE ASSISTANCE PROGRAM.

(a) IN GENERAL.—Section 194 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 110 Stat. 945) is amended to read as follows:

"SEC. 194. TREE ASSISTANCE PROGRAM.

"(a) DEFINITIONS.—In this section:

"(1) ELIGIBLE ORCHARDIST.—The term 'eligible orchardist' means a person that produces annual crops from trees for commercial purposes,

"(2) NATURAL DISASTER.—The term 'natural disaster' means plant disease, insect infestation, drought, fire, freeze, flood, earthquake, and other natural occurrences, as determined by the Secretary.

"(3) TREE.—The term 'tree' includes trees, bushes, and vines.

"(4) SECRETARY.—The term 'Secretary' means the Secretary of Agriculture.

"(b) ELIGIBILITY.—

"(1) LOSS.—Subject to paragraph (2), the Secretary shall provide assistance in accordance with subsection (c) to eligible orchardists that, as determined by the Secretary—

"(A) planted trees for commercial purposes; and

"(B) lost those trees as a result of a natural disaster.

"(2) LIMITATION.—An eligible orchardist shall qualify for assistance under subsection (c) only if the tree mortality rate of the orchardist, as a result of the natural disaster, exceeds 15 percent (adjusted for normal mortality), as determined by the Secretary.

"(c) ASSISTANCE.—

"(1) IN GENERAL.—Assistance provided by the Secretary to eligible orchardists for losses described in subsection (b) shall consist of—

"(A) reimbursement of 75 percent of the cost of replanting trees lost due to a natural disaster, as determined by the Secretary, in excess of 15 percent mortality (adjusted for normal mortality); or

"(B) at the discretion of the Secretary, sufficient tree seedlings to reestablish the stand.

"(2) LIMITATION ON ASSISTANCE.—

"(A) LIMITATION.—The total amount of payments that a person may receive under this section shall not exceed—

"(i) $100,000; or

"(ii) an equivalent value in tree seedlings.

"(B) REGULATIONS.—The Secretary shall promulgate regulations that—

"(i) define the term 'person' for the purposes of this section (which definition shall conform, to the extent practicable, to the regulations defining the term 'person' promulgated under section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308); and

"(ii) prescribe such rules as the Secretary determines are necessary to ensure a fair and reasonable application of the limitation established under this section.

"(d) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding section 161, there is authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2002 through 2006.".

(b) APPLICATION DATE.—The amendment made by subsection (a) shall apply to tree losses that are incurred as a result of a natural disaster after January 1, 2000.

SEC. 1063. PRECLEARANCE QUARANTINE INSPECTIONS.

The Food, Agriculture, Conservation, and Trade Act of 1990 is amended by inserting after section 2505 (Public Law 101–624; 104 Stat. 4068) the following:

"SEC. 2505A. PRECLEARANCE QUARANTINE INSPECTIONS.

"(a) IN GENERAL.—Subject to subsection (b), the Secretary of Agriculture, acting through the Administrator of the Animal and Plant Health Inspection Service, shall conduct, at all direct departure and interline airports in the State of Hawaii, preclearance quarantine inspections of persons, baggage, cargo, and any other articles destined for movement from the State of Hawaii to—

"(1) the continental United States;

"(2) Guam;

"(3) Puerto Rico; or

"(4) the Virgin Islands of the United States.

"(b) LIMITATION.—Subsection (a) shall not be implemented unless appropriations for necessary expenses of the Animal and Plant Health Inspection Service for inspection, quarantine, and regulatory activities are increased by an amount not less than $3,000,000 in a fiscal year 2002 appropriation Act other than the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (Public Law 107–76).".

SEC. 1064. EMERGENCY LOANS FOR SEED PRODUCERS.

Section 253(b)(5)(B) of the Agricultural Risk Protection Act of 2000 (Public Law 106–224; 114 Stat. 423) is amended by striking "18 months" and inserting "54 months".

SEC. 1065. NATIONAL ORGANIC CERTIFICATION COST-SHARE PROGRAM.

(a) IN GENERAL.—Of funds of the Commodity Credit Corporation, the Secretary of Agriculture (acting through the Agricultural Marketing Service) shall use $3,500,000 for fiscal year 2002, $3,500,000 for each of fiscal years 2003 and 2004, and $3,000,000 for fiscal year 2005 to establish a national organic certification cost-share program to assist producers and handlers of agricultural products in obtaining certification under the national organic production program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(b) FEDERAL SHARE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall pay under this section not more than 75 percent of the costs incurred by a producer or handler in obtaining certification under the national organic production program, as certified to and approved by the Secretary.

(2) MAXIMUM AMOUNT.—The maximum amount of a payment made to a producer or handler under this section shall be $500.

SEC. 1066. FOOD SAFETY COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to be known as the "Food Safety Commission" (referred to in this section as the "Commission").

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members, of whom—

(i) 4 shall be appointed by the Majority Leader of the Senate;

(ii) 3 shall be appointed by the Minority Leader of the Senate;

(iii) 4 shall be appointed by the Speaker of the House of Representatives;

(iv) 3 shall be appointed by the Minority Leader of the House of Representatives; and

(v) 1 shall—

(I) be appointed jointly by the Speaker of the House of Representatives and the Majority Leader of the Senate; and

(II) serve as chairperson.

(B) ELIGIBILITY.—Members of the Commission—

(i) shall be knowledgeable or have expertise or training in matters under the jurisdiction of the Commission;

(ii) shall represent, at a minimum—

(I) consumer groups;

(II) food processors, producers, and retailers;

(III) public health professionals;

(IV) food inspectors;

(V) former or current food safety regulators;

(VI) members of academia; or

(VII) any other interested individuals; and

(iii) shall not be Federal employees.

(C) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 60 days after the date of enactment of this Act.

(D) CONSULTATION.—The Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate shall consult among themselves prior to appointing the members of the Commission under subparagraph (A) to achieve, to the maximum extent practicable—

(i) consensus on the appointments; and

(ii) fair and equitable representation of various points of view with respect to matters reviewed by the Commission.

(E) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled—

(I) not later than 60 days after the date on which the vacancy occurs; and

(II) in the same manner as the original appointment was made.

(3) MEETINGS.—

(A) INITIAL MEETING.—The initial meeting of the Commission shall be conducted not later than 30 days after the later of—

(i) the date of appointment of the final member of the Commission; or

(ii) the date on which funds authorized to be appropriated under subsection (f)(1) are made available.

(B) OTHER MEETINGS.—The Commission shall meet at the call of the Chairperson.

(4) QUORUM; STANDING RULES.—

(A) QUORUM.—A majority of the members of the Commission shall constitute a quorum to conduct business.

(B) STANDING RULES.—At the first meeting of the Commission, the Commission shall adopt standing rules of the Commission to guide the conduct of business and decisionmaking of the Commission.

(C) CONSENSUS.—

(i) IN GENERAL.—To the maximum extent practicable, the Commission shall carry out the duties of the Commission by reaching consensus.

(ii) VOTING.—

(I) IN GENERAL.—If the Commission is unable to achieve consensus with respect to a particular decision, the Commission shall vote on the decision.

(II) AUTHORITY.—Each member of the Commission shall have 1 vote, which vote shall be accorded the same weight as a vote of each other voting member.

(b) DUTIES.—

(1) RECOMMENDATIONS.—

(A) IN GENERAL.—The Commission shall make specific recommendations that build on and implement, to the maximum extent practicable, the recommendations contained in the report of the National Academy of Sciences entitled "Ensuring Safe Food from Production to Consumption" and that shall serve as the basis for draft legislative language to—

(i) improve the food safety system;

(ii) improve public health;

(iii) create a harmonized, central framework for managing Federal food safety programs (including outbreak management, standard-setting, inspection, monitoring, surveillance, risk assessment, enforcement, research, and education);

(iv) enhance the effectiveness of Federal food safety resources; and

(v) eliminate, to the maximum extent practicable, gaps, conflicts, duplication, and failures in the food safety system.

(B) COMPONENTS.—Recommendations made by the Commission under subparagraph (A) shall, at a minimum, address—

(i) all food available commercially in the United States, including meat, poultry, eggs, seafood, and produce;

(ii) the application of all resources based on risk, including resources for inspection, research, enforcement, and education;

(iii) shortfalls, redundancy, and inconsistency in laws (including regulations); and

(iv) the use of science-based methods, performance standards, and preventative control systems to ensure the safety of the food supply of the United States.

(2) REPORT.—Not later than 1 year after the date on which the Commission first meets, the Commission shall submit to the President and Congress a comprehensive report that includes—

(A) the findings, conclusions, and recommendations of the Commission;

(B) a summary of any reports submitted to the Commission under subsection (e) by—

(i) the Advisory Commission on Intergovernmental Relations; and

(ii) the National Academy of Sciences;

(C) a summary of any other material used by the Commission in the preparation of the report under this paragraph; and

(D) if requested by 1 or more members of the Commission, a statement of the minority views of the Commission.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission or, at the direction of the Commission, any subcommittee or member of the Commission, may, for the purpose of carrying out this section hold such hearings, meet and act at such times and places, take such testimony, receive such evidence, and administer such oaths, as the Commission or such subcommittee or member considers advisable.

(2) WITNESS ALLOWANCES AND FEES.—

(A) IN GENERAL.—Section 1821 of title 28, United States Code, shall apply to a witness requested to appear at a hearing of the Commission.

(B) EXPENSES.—The per diem and mileage allowances for a witness shall be paid from funds available to pay the expenses of the Commission.

(3) INFORMATION FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—The Commission may secure directly, from any Federal Department or agency, such information as the Commission considers necessary to carry out the duties of the Commission under subsection (b).

(B) PROVISION OF INFORMATION.—

(i) IN GENERAL.—Subject to subparagraph (C), on the request of the Commission, the head of a department or agency described in subparagraph (A) shall furnish information requested by the Commission to the Commission.

(ii) ADMINISTRATION.—The furnishing of information by a department or agency to the Commission shall not be considered a waiver of any exemption available to the department or agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—

(i) IN GENERAL.—For purposes of section 1905 of title 18, United States Code—

(I) the Commission shall be considered an agency of the Federal Government; and

(II) any individual employed by an individual, entity, or organization that is a party to a contract with the Commission under subsection (e) shall be considered an employee of the Commission.

(ii) PROHIBITION ON DISCLOSURE.—Information obtained by the Commission, other than information that is available to the public, shall not be disclosed to any person in any manner except—

(I) to an employee of the Commission described in clause (i), for the purpose of receiving, reviewing, or processing the information;

(II) in compliance with a court order; or

(III) in any case in which the information is publicly released by the Commission in an aggregate or summary form that does not directly or indirectly disclose—

(aa) the identity of any person or business entity; or

(bb) any information the release of which is prohibited under section 1905 of title 18, United States Code.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—A member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(C) COMPENSATION.—

(i) IN GENERAL.—Except as provided in clause (ii), the Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(4) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(A) IN GENERAL.—Notwithstanding any other provision of law (including an Act of appropriation), an employee of the Federal Government may be detailed to the Commission, without reimbursement, for such period of time as the Commission may require.

(B) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(e) CONTRACTS FOR RESEARCH.—

(1) ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.—

(A) IN GENERAL.—In carrying out the duties of the Commission under subsection (b), the Commission may enter into contracts with the Advisory Commission on Intergovernmental Relations under which the Advisory Commission on Intergovernmental Relations shall conduct a thorough review of, and shall catalogue, all applicable Federal, State, local, and tribal laws, regulations, and ordinances that pertain to food safety in the United States.

(B) REPORT.—A contract under subparagraph (A) shall require that, not later than 240 days after the date on which the Commission first meets, the Advisory Commission on Intergovernmental Relations shall submit to the Commission a report that describes the results of the services rendered by the Advisory Commission on Intergovernmental Relations under the contract.

(2) NATIONAL ACADEMY OF SCIENCES.—

(A) IN GENERAL.—In carrying out the duties of the Commission under subsection (b), the Commission may enter in contracts with the National Academy of Sciences to obtain research or other assistance.

(B) REPORT.—A contract under subparagraph (A) shall require that, not later than 240 days after the date on which the Commission first meets, the National Academy of Sciences shall submit to the Commission a report that describes the results of the services to be rendered by the National Academy of Sciences under the contract.

(3) OTHER ORGANIZATIONS.—Nothing in this subsection limits or otherwise affects the ability of the Commission to enter into a contract with an entity or organization that is not described in paragraph (1) or (2) to obtain assistance in conducting research necessary to carry out the duties of the Commission under subsection (b).

(f) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section $3,000,000.

(2) LIMITATION.—No payment may be made under subsection (d) or (e) except to the extent provided for in advance in an appropriations Act.

(g) TERMINATION.—The Commission shall terminate on the date that is 60 days after the date on which the Commission submits the recommendations and report under subsection (b).

SEC. 1067. HUMANE METHODS OF ANIMAL SLAUGHTER.

It is the sense of Congress that—

(1) the Secretary of Agriculture should—

(A) resume tracking the number of violations of Public Law 85–765 (7 U.S.C. 1901 et seq.) and report the results and relevant trends annually to Congress; and

(B) fully enforce Public Law 85–765 by ensuring that humane methods in the slaughter of livestock—

(i) prevent needless suffering;

(ii) result in safer and better working conditions for persons engaged in the slaughtering of livestock;

(iii) bring about improvement of products and economies in slaughtering operations; and

(iv) produce other benefits for producers, processors, and consumers that tend to expedite an orderly flow of livestock and livestock products in interstate and foreign commerce; and

(2) it should be the policy of the United States that the slaughtering of livestock and the handling of livestock in connection with slaughter shall be carried out only by humane methods.

SEC. 1068. PENALTIES FOR VIOLATIONS OF PLANT PROTECTION ACT.

Section 424 of the Plant Protection Act (7 U.S.C. 7734) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—A person that knowingly violates this title shall be subject to criminal penalties in accordance with this subsection.

"(2) MAJOR VIOLATIONS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a person that commits a violation of this title described in this subparagraph shall be guilty of a felony and, on conviction, shall be imprisoned not more than 5 years, fined not more than $25,000, or both, in the case of a violation of this title involving—

"(i) plant pests;

"(ii) more than 50 pounds of plants;

"(iii) more than 5 pounds of plant products;

"(iv) more than 50 pounds of noxious weeds;

"(v) possession with intent to distribute or sell items described in clause (i), (ii), (iii), or (iv), knowing the items have been involved in a violation of this title; or

"(vi) forging, counterfeiting, or without authority from the Secretary, using, altering, defacing, or destroying a certificate, permit, or other document provided under this title.

"(B) MULTIPLE VIOLATIONS.—On the second and any subsequent conviction of a person of a violation of this title described in subparagraph (A), the person shall be imprisoned not more than 10 years or fined not more than $50,000, or both.

"(C) INTENT TO HARM AGRICULTURE OF UNITED STATES.—In the case of a knowing movement in violation of this title by a person of a plant, plant product, biological control organism, plant pest, noxious weed, article, or means of conveyance into, out of, or within the United States, with the intent to harm the agriculture of the United States by introduction into the United States or dissemination of a plant pest or noxious weed within the United States, the person shall be imprisoned not less than 10 nor more than 20 years, fined not more than $500,000, or both.

"(3) OTHER VIOLATIONS.—

"(A) IN GENERAL.—Subject to subparagraph (B), a person shall be imprisoned not more than 1 year, fined not more than $1,000, or both, in the case of a violation of this title involving—

"(i) 50 pounds or less of plants;

"(ii) 5 pounds or less of plant products; or

"(iii) 50 pounds or less of noxious weeds.

"(B) MULTIPLE VIOLATIONS.—On the second and any subsequent conviction of a person that commits a violation of this title described in this subparagraph shall be guilty of a misdemeanor and, on conviction, of a violation of this title described in subparagraph (A), the person shall be imprisoned not more than 3 years, fined not more than $10,000, or both.";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (e), (f), respectively;

(3) by inserting after subsection (a) the following:

"(b) CRIMINAL FORFEITURE.—

"(1) IN GENERAL.—In imposing a sentence on a person convicted of a violation of this title, in addition to any other penalty imposed under this section and irrespective of any provision of State law, a court shall order that the person forfeit to the United States—

"(A) any of the property of the person used to commit or to facilitate the commission of the violation (other than a misdemeanor); and

"(B) any property, real or personal, constituting, derived from, or traceable to any proceeds that the person obtained directly or indirectly as a result of the violation.

"(2) PROCEDURES.—All property subject to forfeiture under this subsection, any seizure and disposition of the property, and any proceeding relating to the forfeiture shall be subject to the procedures of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (d) and (q).

"(3) PROCEEDS.—The proceeds from the sale of any forfeited property, and any funds forfeited, under this subsection shall be used—

"(A) first, to reimburse the Department of Justice, the United States Postal Service, and the Department of the Treasury for any costs incurred by the Departments and the Service to initiate and complete the forfeiture proceeding;

"(B) second, to reimburse the Office of Inspector General of the Department of Agriculture for any costs incurred by the Office in the law enforcement effort resulting in the forfeiture;

"(C) third, to reimburse any Federal or State law enforcement agency for any costs incurred in the law enforcement effort resulting in the forfeiture; and

"(D) fourth, by the Secretary to carry out the functions of the Secretary under this title."; and

(4) by inserting after subsection (c) (as redesignated by paragraph (2)) the following:

"(c) CIVIL FORFEITURE.—

"(1) IN GENERAL.—There shall be subject to forfeiture to the United States any property, real or personal—

"(A) used to commit or used knowingly to facilitate the commission of a violation (other than a misdemeanor) described in subsection (a); or

"(B) constituting, derived from, or traceable to proceeds of a violation described in subsection (a).

"(2) PROCEDURES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the procedures of chapter 46 of title 18, United States Code, relating to civil forfeitures shall apply to a seizure or forfeiture under this subsection, to the extent that the procedures are applicable and consistent with this subsection.

"(B) PERFORMANCE OF DUTIES.—Duties imposed on the Secretary of the Treasury under chapter 46 of title 18, United States Code, shall be performed with respect to seizures and forfeitures under this subsection by officers, employees, agents, and other persons designated by the Secretary of Agriculture.".

SEC. 1069. CONNECTICUT RIVER ATLANTIC SALMON COMMISSION.

(a) EFFECTIVE PERIOD.—Section 3(2) of Public Law 98–138 (Public Law 98–138; 97 Stat. 870) is amended by striking "twenty" and inserting "40".

(b) AUTHORIZATION OF APPROPRIATIONS.—Public Law 98–138 (97 Stat. 866) is amended by adding at the end the following:

"SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

"There is authorized to be appropriated to the Secretary of the Interior to carry out the activities of the Connecticut River Atlantic Salmon Commission $9,000,000 for each of fiscal years 2002 through 2010.".

SEC. 1070. BEAR PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Bear Protection Act of 2002".

(b) FINDINGS.—Congress finds that—

(1) all 8 extant species of bear—Asian black bear, brown bear, polar bear, American black bear, spectacled bear, giant panda, sun bear, and sloth bear—are listed on Appendix I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249);

(2)(A) Article XIV of CITES provides that Parties to CITES may adopt stricter domestic measures regarding the conditions for trade, taking, possession, or transport of species listed on Appendix I or II; and

(B) the Parties to CITES adopted a resolution in 1997 (Conf. 10.8) urging the Parties to take immediate action to demonstrably reduce the illegal trade in bear parts;

(3)(A) thousands of bears in Asia are cruelly confined in small cages to be milked for their bile; and

(B) the wild Asian bear population has declined significantly in recent years as a result of habitat loss and poaching due to a strong demand for bear viscera used in traditional medicines and cosmetics;

(4) Federal and State undercover operations have revealed that American bears have been poached for their viscera;

(5) while most American black bear populations are generally stable or increasing, commercial trade could stimulate poaching and threaten certain populations if the demand for bear viscera increases; and

(6) prohibitions against the importation into the United States and exportation from the United States, as well as prohibitions against the interstate trade, of bear viscera and products containing, or labeled or advertised as containing, bear viscera will assist in ensuring that the United States does not contribute to the decline of any bear population as a result of the commercial trade in bear viscera.

(c) PURPOSE.—The purpose of this section is to ensure the long-term viability of the world's 8 bear species by—

(1) prohibiting interstate and international trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera;

(2) encouraging bilateral and multilateral efforts to eliminate such trade; and

(3) ensuring that adequate Federal legislation exists with respect to domestic trade in bear viscera and products containing, or labeled or advertised as containing, bear viscera.

(d) DEFINITIONS.—In this section:

(1) BEAR VISCERA.—The term "bear viscera" means the body fluids or internal organs, including the gallbladder and its contents but not including the blood or brains, of a species of bear.

(2) CITES.—The term "CITES" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora (27 UST 1087; TIAS 8249).

(3) IMPORT.—The term "import" means to land on, bring into, or introduce into any place subject to the jurisdiction of the United States, regardless of whether the landing, bringing, or introduction constitutes an importation within the meaning of the customs laws of the United States.

(4) PERSON.—The term "person" means—

(A) an individual, corporation, partnership, trust, association, or other private entity;

(B) an officer, employee, agent, department, or instrumentality of—

(i) the Federal Government;

(ii) any State or political subdivision of a State; or

(iii) any foreign government; and

(C) any other entity subject to the jurisdiction of the United States.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) STATE.—The term "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, American Samoa, and any other territory, commonwealth, or possession of the United States.

(7) TRANSPORT.—The term "transport" means to move, convey, carry, or ship by any means, or to deliver or receive for the purpose of movement, conveyance, carriage, or shipment.

(e) PROHIBITED ACTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person shall not—

(A) import into, or export from, the United States bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera; or

(B) sell or barter, offer to sell or barter, purchase, possess, transport, deliver, or receive, in interstate or foreign commerce, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera.

(2) EXCEPTION FOR WILDLIFE LAW ENFORCEMENT PURPOSES.—A person described in subsection (d)(4)(B) may import into, or export from, the United States, or transport between States, bear viscera or any product, item, or substance containing, or labeled or advertised as containing, bear viscera if the importation, exportation, or transportation—

(A) is solely for the purpose of enforcing laws relating to the protection of wildlife; and

(B) is authorized by a valid permit issued under Appendix I or II of CITES, in any case in which such a permit is required under CITES.

(f) PENALTIES AND ENFORCEMENT.—

(1) CRIMINAL PENALTIES.—A person that knowingly violates subsection (e) shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) CIVIL PENALTIES.—

(A) AMOUNT.—A person that knowingly violates subsection (e) may be assessed a civil penalty by the Secretary of not more than $25,000 for each violation.

(B) MANNER OF ASSESSMENT AND COLLECTION.—A civil penalty under this paragraph shall be assessed, and may be collected, in the manner in which a civil penalty under the Endangered Species Act of 1973 may be assessed and collected under section 11(a) of that Act (16 U.S.C. 1540(a)).

(3) SEIZURE AND FORFEITURE.—Any bear viscera or any product, item, or substance imported, exported, sold, bartered, attempted to be imported, exported, sold, or bartered, offered for sale or barter, purchased, possessed, transported, delivered, or received in violation of this subsection (including any regulation issued under this subsection) shall be seized and forfeited to the United States.

(4) REGULATIONS.—After consultation with the Secretary of the Treasury and the United States Trade Representative, the Secretary shall issue such regulations as are necessary to carry out this subsection.

(5) ENFORCEMENT.—The Secretary, the Secretary of the Treasury, and the Secretary of the department in which the Coast Guard is operating shall enforce this subsection in the manner in which the Secretaries carry out enforcement activities under section 11(e) of the Endangered Species Act of 1973 (16 U.S.C. 1540(e)).

(6) USE OF PENALTY AMOUNTS.—Amounts received as penalties, fines, or forfeiture of property under this subsection shall be used in accordance with section 6(d) of the Lacey Act Amendments of 1981 (16 U.S.C. 3375(d)).

(g) DISCUSSIONS CONCERNING BEAR CONSERVATION AND THE BEAR PARTS TRADE.—In order to seek to establish coordinated efforts with other countries to protect bears, the Secretary shall continue discussions concerning trade in bear viscera with—

(1) the appropriate representatives of Parties to CITES; and

(2) the appropriate representatives of countries that are not parties to CITES and that are determined by the Secretary and the United States Trade Representative to be the leading importers, exporters, or consumers of bear viscera.

(h) CERTAIN RIGHTS NOT AFFECTED.—Except as provided in subsection (e), nothing in this section affects—

(1) the regulation by any State of the bear population of the State; or

(2) any hunting of bears that is lawful under applicable State law (including regulations).

SEC. 1071. REENACTMENT OF FAMILY FARMER BANKRUPTCY PROVISIONS.

(a) REENACTMENT.—Notwithstanding any other provision of law, chapter 12 of title 11, United States Code, is hereby reenacted.

(b) CONFORMING REPEAL.—Section 302(f) of Public Law 99–554 (100 Stat. 3124) is repealed.

(c) EFFECTIVE DATE.—This section shall be deemed to have taken effect on October 1, 2001.

SEC. 1072. PROHIBITION ON PACKERS OWNING, FEEDING, OR CONTROLLING LIVESTOCK.

(a) IN GENERAL.—Section 202 of the Packers and Stockyards Act, 1921 (7 U.S.C. 192(f)) (as amended by section 1043(a)), is amended by striking subsection (f) and inserting the following:

"(f) Own or feed livestock directly, through a subsidiary, or through an arrangement that gives the packer operational, managerial, or supervisory control over the livestock, or over the farming operation that produces the livestock, to such an extent that the producer is no longer materially participating in the management of the operation with respect to the production of the livestock, except that this subsection shall not apply to—

"(1) an arrangement entered into within 14 days before slaughter of the livestock by a packer, a person acting through the packer, or a person that directly or indirectly controls, or is controlled by or under common control with, the packer;

"(2) a cooperative or entity owned by a cooperative, if a majority of the ownership interest in the cooperative is held by active cooperative members that—

"(A) own, feed, or control livestock; and

"(B) provide the livestock to the cooperative for slaughter; or

"(3) a packer that is owned or controlled by producers of a type of livestock, if during a calendar year the packer slaughters less than 2 percent of the head of that type of livestock slaughtered in the United States; or".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) take effect on the date of enactment of this Act.

(2) TRANSITION RULES.—In the case of a packer that on the date of enactment of this Act owns, feeds, or controls livestock intended for slaughter in violation of section 202(f) of the Packers and Stockyards Act, 1921 (as amended by subsection (a)), the amendments made by subsection (a) apply to the packer—

(A) in the case of a packer of swine, beginning on the date that is 18 months after the date of enactment of this Act; and

(B) in the case of a packer of any other type of livestock, beginning as soon as practicable, but not later than 180 days, after the date of enactment of this Act, as determined by the Secretary of Agriculture.

SEC. 1073. EQUITY AND FAIRNESS FOR THE PROMOTION OF IMPORTED HASS AVOCADOS.

Section 1205 of the Hass Avocado Promotion, Research, and Information Act (contained in H.R. 5426 of the One Hundred Sixth Congress, as introduced on October 6, 2000 and as enacted by Public Law 106–387) is amended—

(1) in subsection (b)(2) after subparagraph (B) insert—

"(C) FUTURE ALLOCATION.—After 5 years, the United States Department of Agriculture has discretion to revisit the issue of seat allocation on the board.".

(2) in subsection (h)(1)(C)(iii) by striking everything in the first sentence following "shall" and inserting in lieu thereof "be paid not less than 30 days after the avocado clears customs, unless deemed not feasible as determined by the Commissioner of Customs in consultation with the Secretary of Agriculture.".

SEC. 1074. SENSE OF THE SENATE REGARDING SOCIAL SECURITY SURPLUS FUNDS.

(a) FINDINGS.—

(1) Since both political parties have pledged not to misuse social security surplus funds by spending them for other purposes.

(2) Since under the Administration's fiscal year 2003 budget, the Federal Government is projected to spend the social security surplus for other purposes in each of the next 10 years.

(3) Since permanent extension of the inheritance tax repeal would cost, according to the Administration's estimate, approximately $104,000,000,000 over the next 10 years, all of which would further reduce the social security surplus.

(b) SENSE OF THE SENATE.—Therefore it is the sense of the Senate that no social security surplus funds should be used to pay to make currently scheduled tax cuts permanent or for wasteful spending.

SEC. 1075. SENSE OF THE SENATE ON PERMANENT REPEAL OF ESTATE TAXES.

(a) FINDINGS.—

(1) The Economic Growth and Tax Relief Reconciliation Act of 2001 provided substantial relief from Federal estate and gift taxes beginning this year and repealed the Federal estate tax for one year beginning on January 1, 2010.

(2) The Economic Growth and Tax Relief Reconciliation Act of 2001 contains a "sunset" provision that reinstates the Federal estate tax at its 2001 level beginning on January 1, 2011.

(b) SENSE OF THE SENATE.—Therefore, it is the sense of the Senate that the repeal of the estate tax should be made permanent by eliminating the sunset provision's applicability to the estate tax.

SEC. 1076. COMMERCIAL FISHERIES FAILURE.

(a) IN GENERAL.—In addition to amounts appropriated or otherwise made available by this Act, there are appropriated to the Department of Agriculture $10,000,000 for fiscal year 2002, which shall be transferred to the Commodity Credit Corporation to provide, in consultation with the Secretary of Commerce, emergency disaster assistance for the commercial fishery failure under section 308(b)(1) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(b)(1)) with respect to Northeast multispecies fisheries.

(b) PROGRAM REQUIREMENTS.—Amounts made available under this section shall be used to support a voluntary fishing capacity reduction program in the Northeast multispecies fishery that—

(1) is certified by the Secretary of Commerce to be consistent with section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(b)); and

(2) permanently revokes multispecies limited access fishing permits so as to obtain the maximum sustained reduction in fishing capacity at the least cost and in the minimum period of time and to prevent the replacement of fishing capacity removed by the program.

(c) APPLICATION OF INTERIM FINAL RULE.—The program shall be carried out in accordance with the Interim Final Rule under part 648 of title 50, Code of Federal Regulations, or any corresponding regulation or rule promulgated thereunder.

(d) SUNSET.—The authority provided by subsection (a) shall terminate 1 year after the date of enactment of this Act and no amount may be made available under this section thereafter.

SEC. 1077. REVIEW OF STATE MEAT INSPECTION PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) the goal of a safe and wholesome supply of meat and meat food products throughout the United States would be better served if a consistent set of requirements, established by the Federal Government, were applied to all meat and meat food products, whether produced under State inspection or Federal inspection;

(2) under such a system, Federal and State meat inspection programs would function together to create a seamless inspection system to ensure food safety and inspire consumer confidence in the food supply in interstate commerce; and

(3) such a system would ensure the viability of State meat inspection programs, which should help to foster the viability of small establishments.

(b) REVIEW.—Not later than September 30, 2003, the Secretary of Agriculture shall conduct a comprehensive review of each State meat and poultry inspection program, which shall include—

(1) an analysis of the effectiveness of the State program; and

(2) identification of changes that are necessary to enable the possible future transformation of the State program to a State meat and poultry inspection program that includes the mandatory antemortem and postmortem inspection, reinspection, sanitation, and related requirements of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) (including the regulations, directives, notices, policy memoranda, and other regulatory requirements of those Acts).

(c) COMMENT.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable, obtain comment from interested parties.

(d) FUNDING.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 1078. AGRICULTURAL RESEARCH AND TECHNOLOGY.

(a) SCIENTIFIC STUDIES.—

(1) IN GENERAL.—The Secretary of Agriculture shall conduct scientific studies on—

(A) the transmission of spongiform encephalopathy in deer, elk, and moose; and

(B) chronic wasting disease (including the risks that chronic wasting disease poses to livestock).

(2) REPORT.—The Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the scientific studies.

(b) RESEARCH AND EXTENSION GRANT PROGRAM.—The Secretary shall establish a program to provide research and extension grants to eligible entities (as determined by the Secretary) to develop, for livestock production—

(1) prevention and control methodologies for infectious animal diseases that affect trade; and

(2) laboratory tests to expedite detection of—

(A) infected livestock; and

(B) the presence of diseases within herds or flocks of livestock.

(c) VACCINES.—

(1) VACCINE STORAGE STUDY.—The Secretary shall—

(A) conduct a study to determine the number of doses of livestock disease vaccines that should be available to protect against livestock diseases that could be introduced into the United States; and

(B) compare that number with the number of doses of the livestock disease vaccines that are available as of that date.

(2) STOCKPILING OF VACCINES.—If, after conducting the study and comparison described in paragraph (1), the Secretary determines that there is an insufficient number of doses of a particular vaccine referred to in that paragraph, the Secretary shall take such actions as are necessary to obtain the required additional doses of the vaccine.

(d) VETERINARY TRAINING.—The Secretary shall develop a program to maintain in all regions of the United States a sufficient number of Federal and State veterinarians who are well trained in recognition and diagnosis of exotic and endemic animal diseases.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as are necessary for each of fiscal years 2002 through 2006.

SEC. 1079. OFFICE OF SCIENCE TECHNOLOGY POLICY.

(a) IN GENERAL.—The President may—

(1) establish within the Office of Science and Technology Policy a noncareer, senior executive service appointment position for a Veterinary Advisor; and

(2) appoint an individual to the position.

(b) QUALIFICATIONS; DUTIES.—The individual appointed to the position described in subsection (a) shall—

(1) hold the degree of Doctor of Veterinary Medicine from an accredited or approved college of veterinary medicine; and

(2) provide to the science advisor of the President expertise in—

(A) exotic and endemic animal disease detection, prevention, and control;

(B) food safety; and

(C) animal agriculture.

(c) EXECUTIVE SCHEDULE PAY RATES.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Veterinary Advisor, Office of Science and Technology Policy.".

SEC. 1079A. OPERATION OF AGRICULTURAL AND NATURAL RESOURCE PROGRAMS ON TRIBAL TRUST LAND.

(a) REVIEW.—The Secretary of Agriculture (referred to in this section as the "Secretary"), in consultation with the Secretary of the Interior, shall conduct a review of the operation of agricultural and natural resource programs available to farmers and ranchers operating on tribal and trust land, including—

(1) natural resource management programs;

(2) incentive programs; and

(3) farm income support programs.

(b) ADMINISTRATION.—The Secretary shall carry out programs described in subsection (a) in a manner that, to the maximum extent practicable, is consistent with the American Indian Agricultural Resource Management Act (25 U.S.C. 3701 et seq.).

(c) FACT-FINDING TEAM.—The Secretary shall establish a fact-finding team to obtain input from local officials and program recipients to assist in carrying out this section.

(d) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes actions taken to carry out this section, including a plan to implement the actions.

SEC. 1079B. ASSISTANCE FOR GEOGRAPHICALLY DISADVANTAGED FARMERS AND RANCHERS.

(a) DEFINITIONS.—In this section:

(1) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(2) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) any community-based organization, network, or coalition of community-based organizations that—

(i) has demonstrated experience in providing agricultural education or other agriculturally related services to geographically disadvantaged farmers and ranchers;

(ii) has provided to the Secretary documentary evidence of work with geographically disadvantaged farmers and ranchers during the 2-year period preceding the submission of an application for assistance under this section; and

(iii) has not engaged in activities prohibited under section 501(c)(3) of the Internal Revenue Code of 1986;

(B)(i) a land-grant college or university that is located in an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) (as amended by section 701(a)) or in a State other than 1 of the 48 contiguous States; and

(ii) any other institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) that has

demonstrated experience in providing agricultural education or other agriculture-related services to geographically disadvantaged farmers and ranchers in a region; and

(C) an Indian tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)) or national tribal organization that has demonstrated experience in providing agriculture education or other agriculturally related services to geographically disadvantaged farmers and ranchers in a region.

(3) GEOGRAPHICALLY DISADVANTAGED FARMER OR RANCHER.—The term "geographically disadvantaged farmer or rancher" means a farmer or rancher in an insular area (as defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103)) (as amended by section 701(a)) or in a State, other than one of the 48 contiguous States.

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(b) PROGRAM.—The Secretary shall carry out an assistance program to encourage and assist geographically disadvantaged farmers and ranchers—

(1) in owning and operating farms and ranches; and

(2) in participating equitably in the full range of agricultural programs offered by the Department.

(c) REQUIREMENTS.—The assistance program under subsection (b) shall—

(1) enhance coordination of technical assistance and education efforts authorized under various agricultural programs; and

(2) include information on, and assistance with—

(A) commodity, conservation, credit, rural, and business development programs;

(B) application and bidding procedures;

(C) farm and risk management;

(D) marketing; and

(E) other activities essential to participation in agricultural and other programs of the Department.

(d) GRANTS AND CONTRACTS.—The Secretary may make grants to, and enter into contracts and other agreements with, an eligible entity to provide information and technical assistance under this section.

(e) REPORT.—Not later than 1 year after funds are made available to carry out this section, the Secretary shall submit to Congress a report that identifies barriers to efficient and competitive transportation of inputs and products by geographically disadvantaged farmers and ranchers.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2002 through 2006.

SEC. 1079C. SENSE OF SENATE REGARDING USE OF THE NAME GINSENG.

It is the sense of the Senate that the Commissioner of Food and Drugs should promulgate regulations to ensure that, for the purposes of section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343), the name "ginseng" or any name that includes the word "ginseng" shall be used in reference only to an herb or herbal ingredient that—

(1) is a part of a plant of 1 of the species of the genus Panax; and

(2) is produced in compliance with United States law regarding the use of pesticides.

SEC. 1079D. ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.

Section 523 of the Federal Crop Insurance Act (7 U.S.C. 1523) is amended by adding at the end the following:

"(e) ADJUSTED GROSS REVENUE INSURANCE PILOT PROGRAM.—

"(1) IN GENERAL.—The Corporation shall carry out, through at least the 2004 reinsurance year, the adjusted gross revenue insurance pilot program in effect for the 2002 reinsurance year.

"(2) ADDITIONAL COUNTIES.—

"(A) IN GENERAL.—In addition to counties otherwise included in the pilot program, the Corporation shall include in the pilot program for the 2003 reinsurance year at least 8 counties in the State that produces (as of the date of enactment of this subsection) the highest quantity of specialty crops for which adjusted gross revenue insurance under this title is not available.

"(B) SELECTION CRITERIA.—In carrying out subparagraph (A), the Corporation shall include in the pilot program counties that (as determined by the Corporation) produce a significant quantity of specialty crops.".

SEC. 1079E. PASTEURIZATION.

For the purposes of any provision of Federal law under which a food or food product is required to undergo a treatment of pasteurization, the term "pasteurization" means any safe treatment that—

(1) is a treatment prescribed as pasteurization applicable to the food or food product under any Federal law (including a regulation); or

(2) has been demonstrated to the satisfaction of the Secretary of Health and Human Services to achieve a level of reduction in the food or food product of the microorganisms of public health concern that—

(A) is at least as protective of the public health as a treatment described in paragraph (1); and

(B) is effective for a period that is at least as long as the shelf life of the food or food product when stored under normal, moderate, and severe abuse conditions.

Subtitle E—Studies and Reports

SEC. 1081. REPORT ON POUCHED AND CANNED SALMON.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Secretary of Agriculture (referred to in this section as the "Secretary") shall submit to Congress a report on efforts to expand the promotion, marketing, and purchasing of pouched and canned salmon harvested and processed in the United States under food and nutrition programs administered by the Secretary.

(b) COMPONENTS.—The report under subsection (a) shall include—

(1) an analysis of pouched and canned salmon inventories in the United States that, as of the date on which the report is submitted, that available for purchase;

(2) an analysis of the demand for pouched and canned salmon and value-added products (such as salmon "nuggets") by—

(A) partners of the Department of Agriculture (including other appropriate Federal agencies); and

(B) consumers; and

(3) an analysis of impediments to additional purchases of pouched and canned salmon, including—

(A) any marketing issues; and

(B) recommendations for methods to resolve those impediments.

SEC. 1082. SETTLEMENT AGREEMENT REPORT.

Not later than December 31, 2002, and annually thereafter through 2006, the Comptroller General of the United States shall submit to Congress a report that describes all programs and activities that States have carried out using funds received under all phases of the Master Settlement Agreement of 1997.

SEC. 1083. REPORT ON GENETICALLY MODIFIED PEST-PROTECTED PLANTS.

(a) FINDINGS.—Congress finds that—

(1) in 2000, the Committee on Genetically Modified Pest-Protected Plants of the Board on Agriculture and Natural Resources of the National Research Council made several recommendations concerning food safety, ecological research, and monitoring needs for transgenic crops with plant incorporated protectants; and

(2) the Committee recommended enhancements to certain operational aspects of the regulatory framework for agricultural biotechnology, such as—

(A) improving coordination and enhanced consistency of review across all regulatory agencies; and

(B) clarifying the scope of the regulatory jurisdiction of the Animal and Plant Health Inspection Service.

(b) SENSE OF CONGRESS.—It is the sense of Congress that, not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture should—

(1) review the recommendations described in subsection (a); and

(2) submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes actions taken to implement those recommendations by agencies within the Department of Agriculture, including agencies that develop or implement programs or objectives relating to marketing, regulation, food safety, research, education, or economics.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section—

(1) $10,000,000 for fiscal year 2002; and

(2) such sums as are necessary for each subsequent fiscal year.

SEC. 1084. STUDY OF CREATION OF LITTER BANK BY UNIVERSITY OF ARKANSAS.

(a) IN GENERAL.—The Secretary of Agriculture shall conduct a study to evaluate the creation of a litter bank by the Department of Agriculture at the University of Arkansas for the purpose of enhancing health and viability of watersheds in areas with large concentrations of animal producing units.

(b) COMPONENTS.—In conducting the study, the Secretary shall evaluate the costs, needs, and means by which litter may be collected and distributed outside the applicable watershed to reduce potential point source and nonpoint source phosphorous pollution.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study.

SEC. 1085. STUDY OF FEASIBILITY OF PRODUCER INDEMNIFICATION FROM GOVERNMENT-CAUSED DISASTERS.

(a) FINDINGS.—Congress finds that the implementation of Federal disaster assistance programs fails to adequately address situations in which disaster conditions are primarily the result of Federal action.

(b) AUTHORITY.—The Secretary of Agriculture shall conduct a study of the feasibility of expanding eligibility for crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.), and noninsured crop assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333), to agricultural producers experiencing disaster conditions caused primarily by Federal agency action.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall submit report to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report that describes the results of the study, including any recommendations.

SEC. 1086. REPORT ON SALE AND USE OF PESTICIDES FOR AGRICULTURAL USES.

Not later than 120 days after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the manner in which the Agency is applying regulations of the Agency governing the sale and use of pesticides for agricultural use to electronic commerce transactions.

SEC. 1087. REPORT ON RATS, MICE, AND BIRDS.

(a) IN GENERAL.—Not later than 1 year after date enactment of this Act, the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the implications of including rats, mice, and birds within the definition of animal under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

(b) REQUIREMENTS.—The report under subsection (a) shall—

(1) be completed by the Comptroller General of the United States;

(2) contain a description of the number and types of entities that currently use rats, mice, and birds, and are not subjected to regulations of the Department of Agriculture;

(3) contain estimates of the numbers of rats, mice, and birds currently used in research facilities that are not currently regulated by the United States Department of Agriculture;

(4) contain an estimate of the additional costs likely to be incurred by breeders and research facilities resulting from the additional regulatory requirements needed in order to afford the same levels of protection to rats, mice, and birds as is provided for species currently regulated by the Department of Agriculture, detailing the costs associated with individual regulatory requirements;

(5) contain an estimate of the additional funding that the Animal and Plant Health Inspection Service would require to be able to ensure that the level of compliance with respect to other regulated animals is not diminished by the increase in the number of facilities that would require inspections after a rule extending the definition to include rats, mice, and birds goes into effect; and

(6) contain recommendations for ensuring that the regulatory burden is no greater than that already applied to rodent species under the Animal Welfare Act (7 U.S.C. 2131 et seq.).

SEC. 1088. TASK FORCE ON NATIONAL INSTITUTES FOR PLANT AND AGRICULTURAL SCIENCES.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary of Agriculture shall establish a task force to evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Task Force shall consist of at least 8 members, appointed by the Secretary, that—

(A) have a broad-based background in food, nutrition, biotechnology, crop production methods, environmental science, or related disciplines; and

(B) are familiar with the infrastructure used to conduct Federal and private research, including—

(i) the National Institutes of Health;

(ii) the National Science Foundation;

(iii) the National Aeronautics and Space Administration;

(iv) the Department of Energy laboratory system;

(v) the Agricultural Research Service; and

(vi) the Cooperative State Research and Extension Service.

(2) PRIVATE SECTOR.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 6 members that are members of the private sector, including institutions of higher education.

(3) PLANT AND AGRICULTURAL SCIENCES RESEARCH.—Of the members appointed under paragraph (1), the Secretary shall appoint at least 2 members that have an extensive background and preeminence in the field of plant and agricultural sciences research.

(4) CHAIRPERSON.—Of the members appointed under paragraph (1), the Secretary shall designate a Chairperson that has significant leadership experience in educational and research institutions and in depth knowledge of the research enterprises of the United States.

(5) CONSULTATION.—Before appointing members of the Task Force under this subsection, the Secretary shall consult with the National Academy of Sciences and the Office of Science and Technology Policy.

(c) DUTIES.—The Task Force shall—

(1) evaluate and compare—

(A) publicly funded agricultural and plant sciences research activities, including competitively awarded research; and

(B) privately funded agricultural and plant sciences research activities;

(2) evaluate and compare—

(A) competitive publicly funded agricultural research activities; and

(B) other forms of publicly funded research, such as medical research;

including an assessment of the methods of evaluation, administration, and funding;

(3) evaluate the need for competitive public plant and agricultural sciences research necessary—

(A) to increase crop yields and productivity;

(B) to improve environmental quality;

(C) to enhance the value of farm output to agricultural producers and consumers;

(D) to promote health and improve nutrition;

(E) to enhance food safety; and

(F) to increase effective agricultural production to meet the future needs of the growing population of the world, especially in developing countries;

(4) evaluate the merits of establishing 1 or more National Institutes for Plant and Agricultural Sciences, that is similar to the National Institute of Health—

(A) to coordinate competitive, innovative research and technological development and innovation;

(B) to ensure the necessary supply of scientific personnel in order to ensure the competitiveness of the United States in an increasingly global trade market for agricultural products; and

(C) to facilitate the integration of scientific advances from medical sciences, engineering, and information technologies into plant and agricultural sciences; and

(5) if establishment of 1 or more National Institutes for Plant and Agricultural Sciences is recommended, provide further recommendations to the Secretary, including recommendations on—

(A) the structure for establishing the Institutes;

(B) the location of the Institutes in 1 or more multistate regions with preeminence in plant, agricultural, and related biological sciences (including in existing Federal plant and animal research facilities and land grant institutions), in order—

(i) to use all relevant fields of knowledge; and

(ii) to promote collaborative and interdisciplinary research; and

(C) the amount of funding necessary to establish the Institutes.

(d) REPORT.—Not later than July 1, 2003, the Task Force shall submit to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, and the Secretary a report that describes the results of the evaluation conducted under this section, including recommendations described in subsection (c)(5).

Subtitle F—Organic Products Promotion

SEC. 1091. SHORT TITLE.

This subtitle may be cited as the "Organic Products Promotion, Research, and Information Act of 2002".

SEC. 1092. DEFINITIONS.

In this subtitle:

(1) AGRICULTURAL COMMODITY.—The term "agricultural commodity" means—

(A) agricultural, horticultural, viticultural, and dairy products;

(B) livestock and the products of livestock;

(C) the products of poultry and bee raising;

(D) the products of forestry or commercial fisheries;

(E) other commodities raised or produced on farms, as determined appropriate by the Secretary; and

(F) products processed or manufactured from products specified in the preceding subparagraphs, as determined appropriate by the Secretary.

(2) BOARD.—The term "Board" means the National Organic Products Board established under section 1094(b).

(3) COMMODITY PROMOTION LAW.—The term "commodity promotion law" has the meaning given the term in section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a)).

(4) CONFLICT OF INTEREST.—The term "conflict of interest" means a situation in which a member or employee of the Board has a direct or indirect financial interest in a person that performs a service for, or enters into a contract with, the Board for anything of economic value.

(5) DEPARTMENT.—The term "Department" means the Department of Agriculture.

(6) FIRST HANDLER.—The term "first handler" means—

(A) the first person that buys or takes possession of an organic product from a producer for marketing; and

(B) in a case in which a producer markets an organic product directly to consumers, the producer.

(7) IMPORTER.—The term "importer" means any person that imports an organic product from outside the United States for sale in the United States as a principal or as an agent, broker, or consignee of any person.

(8) INFORMATION.—The term "information" means information and programs that are designed to increase—

(A) efficiency in processing; and

(B) the development of new markets, marketing strategies, increased marketing efficiency, and activities to enhance the image of organic products on a national or international basis.

(9) MARKET.—The term "market" means to sell or to otherwise dispose of an organic product in interstate, foreign, or intrastate commerce.

(10) ORDER.—The term "order" means the order issued by the Secretary under section 1093 that provides for a program of generic promotion, research, and information regarding organic products designed to—

(A) strengthen the position of organic products in the marketplace;

(B) maintain and expand existing domestic and foreign markets and uses for organic products;

(C) develop new markets and uses for organic products; or

(D) assist producers in meeting conservation objectives.

(11) ORGANICALLY PRODUCED.—The term "organically produced", with respect to an agricultural product, means produced and handled in accordance with the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(12) ORGANIC PRODUCT.—The term "organic product" means an agricultural product that is organically produced.

(13) ORGANIC PRODUCTS INDUSTRY.—The term "organic products industry" includes nonprofit and other organizations representing the interests of producers, first handlers, and importers of organic products.

(14) PERSON.—The term "person" means any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

(15) PRODUCER.—The term "producer" means any person that is engaged in the production and sale of an organic product in the United States.

(16) PROMOTION.—The term "promotion" means any action taken by the Board under the order, including paid advertising, to present a favorable image of organic products to the public to improve the competitive position of organic products in the marketplace and to stimulate sales of organic products.

(17) RESEARCH.—The term "research" means any type of test, study, or analysis designed to advance the image, desirability, use, marketability, production, product development, or quality of an organic product.

(18) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(19) STATE.—The term "State" means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

(20) SUSPEND.—The term "suspend" means to issue a rule under section 553 of title 5, United States Code, to temporarily prevent the operation of the order during a particular period of time specified in the rule.

(21) TERMINATE.—The term "terminate" means to issue a rule under section 553 of title 5, United States Code, to cancel permanently the operation of the order beginning on a date certain specified in the rule.

(22) UNITED STATES.—The term "United States", when used in a geographical sense, means all of the States.

SEC. 1093. ISSUANCE OF ORDERS.

(a) ORDER.—

(1) IN GENERAL.—To effectuate the purpose of this subtitle, the Secretary may issue, and amend from time to time, an order applicable to—

(A) producers of organic products;

(B) the first handlers of organic products (and other persons in the marketing chain, as appropriate); and

(C) the importers of organic products.

(2) NATIONAL SCOPE.—The order shall be national in scope.

(b) PROCEDURE FOR ISSUANCE.—

(1) DEVELOPMENT OR RECEIPT OF PROPOSED ORDER.—A proposed order with respect to organic products may be—

(A) prepared by the Secretary at any time on or after January 1, 2004; or

(B) submitted to the Secretary on or after January 1, 2004, by—

(i) an association of producers of organic products; or

(ii) any other person that may be affected by the issuance of the order with respect to organic products.

(2) CONSIDERATION OF PROPOSED ORDER.—If the Secretary determines that a proposed order is consistent with and will effectuate the purpose of this subtitle, the Secretary shall—

(A) publish the proposed order in the Federal Register; and

(B) give due notice and opportunity for public comment on the proposed order.

(3) PREPARATION OF FINAL ORDER.—After notice and opportunity for public comment under paragraph (2) regarding a proposed order, the Secretary shall—

(A) take into consideration the comments received in preparing a final order; and

(B) ensure, to the maximum extent practicable, that the final order is in conformity with the terms, conditions, and requirements of this subtitle.

(c) ISSUANCE AND EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Secretary determines that the order is consistent with and will effectuate the purpose of this subtitle, the Secretary shall issue the final order.

(2) EXCEPTION.—Paragraph (1) shall not apply in a case in which an initial referendum is conducted under section 1097(a).

(3) EFFECTIVE DATE.—The final order shall be issued and shall take effect not later than 270 days after the date of publication of the proposed order that was the basis for the final order.

SEC. 1094. REQUIRED TERMS IN ORDER.

(a) IN GENERAL.—The order shall contain the terms and conditions specified in this section.

(b) BOARD.—

(1) ESTABLISHMENT.—The order shall establish a National Organic Products Board to carry out a program of generic promotion, research, and information relating to organic products that effectuates the purposes of this subtitle.

(2) BOARD MEMBERSHIP.—

(A) NUMBER OF MEMBERS.—

(i) IN GENERAL.—The Board shall consist of the number of members determined by the Secretary, in consultation with the organic products industry.

(ii) ALTERNATE MEMBERS.—In addition to the members described in clause (i), the Secretary may appoint alternate members of the Board.

(B) APPOINTMENT.—

(i) IN GENERAL.—The Secretary shall appoint members of the Board (including any alternate members) from among producers, first handlers, and importers of organic products that elect to pay the assessment described in section 1096, and others in the marketing chain, as appropriate.

(ii) MEMBERS OF THE PUBLIC.—The Secretary may appoint 1 or more members of the general public to the Board.

(C) NOMINATIONS.—The Secretary may make appointments from nominations made in accordance with the method described in the order.

(D) GEOGRAPHICAL AND INDUSTRY REPRESENTATION.—To ensure fair and equitable representation of organic producers and others covered by the order, the composition of the Board shall reflect—

(i) the geographical distribution of the production of organic products in the United States;

(ii) the quantity or value of organic products covered by the order imported into the United States; and

(iii) the variations in the United States in the scale of organic production operations.

(3) REAPPORTIONMENT OF BOARD MEMBERSHIP.—In accordance with rules issued by the Secretary, at least once in each 4-year period, the Board shall—

(A) review the geographical distribution in the United States of the production of organic products in, variations in the scale of organic production operations in, and quantity or value of organic products imported into, the United States; and

(B) as necessary, recommend to the Secretary the reapportionment of the Board membership to reflect changes in that geographical distribution of production, variations in scale of organic production operations, or quantity or value imported.

(4) NOTICE.—

(A) VACANCIES.—The order shall provide for notice of Board vacancies to the organic products industry.

(B) MEETINGS.—

(i) IN GENERAL.—The Board shall provide prior notice of meetings of the Board to—

(I) the Secretary, to permit the Secretary, or a designated representative of the Secretary, to attend the meetings; and

(II) the public.

(ii) ATTENDANCE.—A meeting of the Board shall be open to the public.

(5) TERM OF OFFICE.—

(A) IN GENERAL.—The members and any alternate members of the Board shall each serve for a term of 3 years, except that the members and any alternate members initially appointed to the Board shall serve for terms of not more than 2, 3, and 4 years, as specified by the order.

(B) LIMITATION ON CONSECUTIVE TERMS.—A member or alternate member may serve not more than 2 consecutive terms.

(C) CONTINUATION OF TERM.—Notwithstanding subparagraph (B), each member or alternate member shall continue to serve until a successor is appointed by the Secretary.

(D) VACANCIES.—A vacancy arising before the expiration of a term of office of an incumbent member or alternate of the Board shall be filled in a manner provided for in the order.

(6) COMPENSATION.—

(A) IN GENERAL.—Members and any alternate members of the Board shall serve without compensation.

(B) TRAVEL EXPENSES.—If approved by the Board, members or alternate members shall be reimbursed for reasonable travel expenses, which may include a per diem allowance or actual subsistence incurred while away from their homes or regular places of business in the performance of services for the Board.

(c) POWERS AND DUTIES OF BOARD.—The order shall specify the powers and duties of the Board established under the order, including the power and duty—

(1) to administer, and collect assessments under, the order in accordance with the terms and conditions of the order;

(2) to develop and recommend to the Secretary for approval—

(A) such bylaws as are necessary for the functioning of the Board;

(B) such rules as are necessary to administer the order; and

(C) such activities as are authorized to be carried out under the order;

(3) to meet, organize, and select from among the members of the Board a chairperson, other officers, and committees and subcommittees, as the Board determines to be appropriate;

(4) to employ persons, other than the members, as the Board considers necessary to assist the Board in carrying out the duties of the Board (and to determine the compensation and specify the duties of those persons);

(5) subject to subsection (e), to develop and carry out generic promotion, research, and information activities relating to organic products;

(6) to prepare and submit for the approval of the Secretary, before the beginning of each fiscal year—

(A) rates of assessment under section 1096; and

(B) an annual budget of the anticipated expenses to be incurred in the administration of the order, including the probable cost of each promotion, research, and information activity proposed to be developed or carried out by the Board;

(7) to borrow funds necessary for the startup expenses of the order;

(8) subject to subsection (f), to enter into contracts or agreements to develop and carry out generic promotion, research, and information activities relating to organic products;

(9) to pay the cost of the activities with—

(A) assessments collected under section 1096;

(B) earnings from invested assessments; and

(C) other funds;

(10)(A) to keep records that accurately reflect the actions and transactions of the Board;

(B) to keep and report minutes of each meeting of the Board to the Secretary; and

(C) to furnish the Secretary with any information or records the Secretary requests;

(11) to receive, investigate, and report to the Secretary complaints of violations of the order; and

(12) after providing public notice and an opportunity to comment, to recommend to the Secretary such amendments to the order as the Board considers appropriate.

(d) PROHIBITED ACTIVITIES.—The Board may not engage in, and shall prohibit the employees and agents of the Board from engaging in—

(1) any action that would be a conflict of interest;

(2) using funds collected by the Board under the order, any action carried out for the purpose of influencing any legislation or governmental action or policy (other than recommending to the Secretary amendments to the order); and

(3) any advertising (including promotion, research, and information activities authorized to be carried out under the order) that may be false or misleading or disparaging to another agricultural commodity.

(e) ACTIVITIES AND BUDGETS.—

(1) ACTIVITIES.—The order shall require the Board established under the order to submit to the Secretary for approval plans and projects for promotion, research, or information relating to organic products.

(2) BUDGETS.—

(A) SUBMISSION TO SECRETARY.—

(i) IN GENERAL.—The order shall require the Board established under the order to submit to the Secretary for approval a budget of the anticipated annual expenses and disbursements of the Board to be paid to administer the order.

(ii) SUBMISSION.—The budget shall be submitted—

(I) before the beginning of a fiscal year; and

(II) as frequently as is necessary after the beginning of the fiscal year.

(B) REIMBURSEMENT OF SECRETARY.—The order shall require that the Secretary be reimbursed for all expenses incurred by the Secretary in the implementation, administration, and supervision of the order.

(3) INCURRING EXPENSES.—The Board may incur the expenses described in paragraph (2) and other expenses for the administration, maintenance, and functioning of the Board as authorized by the Secretary.

(4) PAYMENT OF EXPENSES.—

(A) IN GENERAL.—Expenses incurred under paragraph (3) shall be paid by the Board using—

(i) assessments collected under section 1096;

(ii) earnings obtained from assessments; and

(iii) other income of the Board.

(B) BORROWED FUNDS.—Any funds borrowed by the Board shall be expended only for startup costs and capital outlays.

(5) LIMITATION ON SPENDING.—For fiscal years beginning 3 or more years after the date of the establishment of the Board, the Board may not expend for administration (except for reimbursements to the Secretary required under paragraph (2)(B)), maintenance, and functioning of the Board in a fiscal year an amount that exceeds 15 percent of the assessment and other income received by the Board for the fiscal year.

(f) CONTRACTS AND AGREEMENTS.—

(1) IN GENERAL.—The order shall provide that, with the approval of the Secretary, the Board established under the order may—

(A) enter into contracts and agreements to carry out generic promotion, research, and information activities relating to organic products, including contracts and agreements with producer associations or other entities as considered appropriate by the Secretary; and

(B) pay the cost of approved generic promotion, research, and information activities using—

(i) assessments collected under section 1096;

(ii) earnings obtained from assessments; and

(iii) other income of the Board.

(2) REQUIREMENTS.—Each contract or agreement shall provide that any person that enters into the contract or agreement with the Board shall—

(A) develop and submit to the Board a proposed activity together with a budget that specifies the cost to be incurred to carry out the activity;

(B) keep accurate records of all of transactions of the person relating to the contract or agreement;

(C) account for funds received and expended in connection with the contract or agreement;

(D) make periodic reports to the Board of activities conducted under the contract or agreement; and

(E) make such other reports as the Board or the Secretary considers relevant.

(g) RECORDS OF BOARD.—

(1) IN GENERAL.—The order shall require the Board—

(A)(i) to maintain such records as the Secretary may require; and

(ii) to make the records available to the Secretary for inspection and audit;

(B) to collect and submit to the Secretary, at any time the Secretary may specify, any information the Secretary may request;

(C) to account for the receipt and disbursement of all funds in the possession, or under the control, of the Board; and

(D) to make public to the participants in the order the minutes of Board meetings and actions of the Board.

(2) AUDITS.—The order shall require the Board to have—

(A) its records audited by an independent auditor at the end of each fiscal year; and

(B) a report of the audit submitted directly to the Secretary.

(h) PERIODIC EVALUATION.—

(1) IN GENERAL.—In accordance with section 501(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(c)), the order shall require the Board to provide for the independent evaluation of all generic promotion, research, and information activities carried out under the order.

(2) RESULTS.—The results of an evaluation described in paragraph (1), with any confidential business information expunged, shall be made available for public review by producers, first handlers, importers, and other participants in the order.

(3) CONFORMING AMENDMENT.—Section 501(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7401(a)) is amended—

(A) in paragraph (17), by striking "or" at the end;

(B) in paragraph (18), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(19) section 1094(h) of the Organic Products Promotion, Research, and Information Act of 2002.".

(i) BOOKS AND RECORDS OF PERSONS COVERED BY ORDER.—

(1) IN GENERAL.—The order shall require that producers, first handlers and other persons in the marketing chain, as appropriate, and importers covered by the order shall—

(A) maintain records sufficient to ensure compliance with the order and regulations;

(B) submit to the Board any information required by the Board to carry out the responsibilities of the Board under the order; and

(C) make the records described in subparagraph (A) available, during normal business hours, for inspection by employees or agents of the Board or the Department, including any records necessary to verify information required under subparagraph (B).

(2) TIME REQUIREMENT.—Any record required to be maintained under paragraph (1) shall be maintained for such time period as the Secretary may prescribe.

(3) OTHER INFORMATION.—The Secretary may use, and may authorize the Board to use under this subtitle, information regarding persons subject to the order that is collected by the Department under any other law.

(4) CONFIDENTIALITY OF INFORMATION.—

(A) IN GENERAL.—Except as otherwise provided in this subtitle, all information obtained under paragraph (1) or as part of a referendum under section 1097 shall be kept confidential by all officers, employees, and agents of the Department and of the Board.

(B) DISCLOSURE.—Information referred to in subparagraph (A) may be disclosed only if—

(i) the Secretary considers the information relevant; and

(ii) the information is revealed in a judicial proceeding or administrative hearing—

(I) brought at the direction or on the request of the Secretary; or

(II) to which the Secretary or any officer of the Department is a party.

(C) OTHER EXCEPTIONS.—This paragraph shall not prohibit—

(i) the issuance of general statements based on reports or on information relating to a number of persons subject to the order if the statements do not identify the information furnished by any person; or

(ii) the publication, by direction of the Secretary, of—

(I) the name of any person violating any order; and

(II) a statement of the particular provisions of the order violated by the person.

(D) PENALTY.—Any person that willfully violates this subsection shall be subject, on conviction, to a fine of not more than $1,000 or to imprisonment for not more than 1 year, or both.

(5) WITHHOLDING INFORMATION.—This subsection shall not authorize the withholding of information from Congress.

SEC. 1095. PERMISSIVE TERMS IN ORDER.

(a) EXEMPTIONS.—The order may contain—

(1) authority for the Secretary to exempt from the order any de minimis quantity of organic products otherwise covered by the order; and

(2) authority for the Board to require satisfactory safeguards against improper use of the exemption.

(b) DIFFERENT PAYMENT AND REPORTING SCHEDULES.—The order may contain authority for the Board to designate different payment and reporting schedules to recognize differences in organic product industry marketing practices and procedures used in different production and importing areas.

(c) ACTIVITIES.—

(1) IN GENERAL.—The order may contain authority to develop and carry out research, promotion, and information activities designed to expand, improve, or make more efficient the marketing or use of organic products in domestic and foreign markets.

(2) APPLICABLE AUTHORITY.—Section 1094(e) shall apply with respect to activities authorized under this subsection.

(d) Reserve Funds.—The order may contain authority to reserve funds from assessments collected under section 1096 to permit an effective and continuous coordinated program of research, promotion, and information in years in which the yield from assessments may be reduced, except that the amount of funds reserved may not exceed the greatest aggregate amount of the anticipated disbursements specified in budgets approved under section 1094(e) by the Secretary for any 2 fiscal years.

(e) Generic Activities.—The order may contain authority to provide credits of assessments in accordance with section 1096(d) for those individuals that contribute to other similar generic research, promotion, and information programs at the State, regional, or local level.

(f) Other Authority.—The order may contain authority to take any other action that—

(1) is not inconsistent with the purpose of this subtitle, any term or condition specified in section 1094, or any rule issued to carry out this subtitle; and

(2) is necessary to administer the order.

SEC. 1096. ASSESSMENTS.

(a) In General.—A producer, first handler, or importer of an organic product may elect to pay an assessment under the order.

(b) Payment.—If a first handler or importer of an organic product elects to pay an assessment, the assessment shall be, as appropriate—

(1) paid by first handlers with respect to the organic product produced and marketed in the United States; and

(2) paid by importers with respect to the organic product imported into the United States, if the imported organic product is covered by the order under section 1095(f).

(c) Collection.—Any assessment collected under the order shall be remitted to the Board at the time and in the manner prescribed by the order.

(d) Limitation on Assessments.—Not more than 1 assessment may be collected on a first handler or importer under subsection (a) with respect to any organic product.

(e) Investment of Assessments.—Pending disbursement of assessments under a budget approved by the Secretary, the Board may invest assessments collected under this section in—

(1) obligations of the United States or any agency of the United States;

(2) general obligations of any State or any political subdivision of a State;

(3) interest-bearing accounts or certificates of deposit of financial institutions that are members of the Federal Reserve System; or

(4) obligations fully guaranteed as to principal and interest by the United States.

(f) Credits.—Notwithstanding any other provision of law or any order issued under any commodity promotion law, the Secretary shall permit a producer, first handler, or importer of an organic product that pays an assessment to the Board to receive a credit for the assessment against any assessment that would otherwise be paid by the producer, first handler, or importer under an order issued under another commodity promotion law.

SEC. 1097. REFERENDA.

(a) Initial Referendum.—

(1) In general.—For the purpose of ascertaining whether the persons to be covered by the order favor the order going into effect, the Secretary shall conduct an initial referendum among persons that, during a representative period determined by the Secretary, engaged in—

(A) the production or handling of organic products; or

(B) the importation of organic products.

(2) Procedure.—The results of the referendum shall be determined in accordance with subsection (e).

(b) Subsequent Referendum.—Not later than 3 years after the date on which assessments were first carried out under the order, and at least once every 4 years thereafter, for the purpose of ascertaining whether the persons covered by the order favor the continuation, suspension, or termination of the order, the Secretary shall conduct a referendum among persons that, during a representative period determined by the Secretary, have engaged in—

(1) the production or handling of organic products; or

(2) the importation of organic products.

(c) Additional Referenda.—For the purpose of ascertaining whether persons covered by the order favor the continuation, suspension, or termination of the order, the Secretary shall conduct additional referenda—

(1) at the request of the Board; or

(2) at the request of 10 percent or more of the number of persons eligible to vote under subsection (b).

(d) Optional Referenda.—The Secretary may conduct a referendum at any time to determine whether the continuation, suspension, or termination of the order or a provision of the order is favored by persons eligible to vote under subsection (b).

(e) Approval of Order.—The order may provide for the approval of the order in a referendum by a majority of persons voting in the referendum.

(f) Manner of Conducting Referenda.—

(1) In general.—A referendum conducted under this section shall be conducted in the manner determined by the Secretary to be appropriate.

(2) Advance registration.—If the Secretary determines that an advance registration of eligible voters in a referendum is necessary before the voting period to facilitate the conduct of the referendum, the Secretary may institute the advance registration procedures—

(A) by mail;

(B) in person through the use of national and local offices of the Department; or

(C) by such other means as may be prescribed by the Secretary.

(3) Voting.—Eligible voters may vote in the referendum—

(A) by mail ballot;

(B) in person; or

(C) by such other means as may be prescribed by the Secretary.

(4) Notice.—

(A) In general.—Not later than 30 days before the date on which a referendum is conducted under this section with respect to the order, the Secretary shall notify the organic product industry, in such manner as determined to be appropriate by the Secretary, of the period during which voting in the referendum will occur.

(B) Contents.—The notice shall explain any registration and voting procedures established under this subsection.

(g) Results of Referenda.—The results of referenda conducted under this section shall be made available to the public.

SEC. 1098. PETITION AND REVIEW OF ORDERS.

(a) Petition.—

(1) In general.—A person subject to the order may file with the Secretary a petition—

(A) stating that the order, any provision of the order, or any obligation imposed in connection with the order, is not established in accordance with law; and

(B) requesting a modification of the order or an exemption from the order.

(2) Hearing.—The Secretary shall give the petitioner an opportunity for a hearing on the petition, in accordance with regulations promulgated by the Secretary.

(3) Ruling.—

(A) In general.—After the hearing, the Secretary shall make a ruling on the petition.

(B) Finality.—The ruling shall be final, subject to review in accordance with subsection (b).

(4) Limitation on petition.—Any petition filed under this subsection challenging the order, any provision of the order, or any obligation imposed in connection with the order, shall be filed not later than 2 years after the effective date of the order, provision, or obligation subject to challenge in the petition.

(b) Review.—

(1) Commencement of action.—The district court of the United States for any district in which a person that is a petitioner under subsection (a) resides or carries on business shall have jurisdiction to review the final ruling on the petition of the person, if a complaint for that purpose is filed not later than 20 days after the date of the entry of the final ruling by the Secretary under subsection (a)(3).

(2) Process.—Service of process in a proceeding may be made on the Secretary by delivering a copy of the complaint to the Secretary.

(3) Remands.—If the court determines that the ruling is not in accordance with law, the court shall remand the matter to the Secretary with directions—

(A) to make such ruling as the court determines to be in accordance with law; or

(B) to take such further action as, in the opinion of the court, the law requires.

(c) Effect on Enforcement Proceedings.—The pendency of a petition filed under subsection (a) or an action commenced under subsection (b) shall not operate as a stay of any action authorized by section 1098A to be taken to enforce this subtitle, including any rule, order, or penalty in effect under this subtitle.

SEC. 1098A. ENFORCEMENT.

(a) Jurisdiction.—The district courts of the United States shall have jurisdiction specifically to enforce, and to prevent and restrain a person from violating, the order issued, or any regulation promulgated, under this subtitle.

(b) Referral to Attorney General.—A civil action authorized to be brought under this section shall be referred to the Attorney General for appropriate action, except that the Secretary shall not be required to refer to the Attorney General a violation of this subtitle if the Secretary believes that the administration and enforcement of this subtitle would be adequately served by—

(1) providing a suitable written notice or warning to the person that committed the violation; or

(2) conducting an administrative action under this section.

(c) Civil Penalties and Orders.—

(1) Civil penalties.—A person that willfully violates the order or regulation promulgated by the Secretary under this subtitle may be assessed by the Secretary a civil penalty of not less than $1,000 and not more than $10,000 for each violation.

(2) Separate offense.—Each violation and each day during which there is a failure to comply with the order, or with any regulation promulgated by the Secretary, shall be considered to be a separate offense.

(3) Cease-and-desist orders.—In addition to, or in lieu of, a civil penalty, the Secretary issue an order requiring a person to cease and desist from violating—

(A) the order; or

(B) any regulation promulgated under this subtitle.

(4) Notice and hearing.—No order assessing a penalty or cease-and-desist order may be issued by the Secretary under this subsection unless the Secretary provides notice and an opportunity for a hearing on the record with respect to the violation.

(5) FINALITY.—An order assessing a penalty, or a cease-and-desist order issued under this subsection by the Secretary, shall be final and conclusive unless the person against whom the order is issued files an appeal from the order with the United States court of appeals, as provided in subsection (d).

(d) REVIEW BY COURT OF APPEALS.—

(1) IN GENERAL.—A person against whom an order is issued under subsection (c) may obtain review of the order by—

(A) filing, not later than 30 days after the person receives notice of the order, a notice of appeal in—

(i) the United States court of appeals for the circuit in which the person resides or carries on business; or

(ii) the United States Court of Appeals for the District of Columbia Circuit; and

(B) simultaneously sending a copy of the notice of appeal by certified mail to the Secretary.

(2) RECORD.—The Secretary shall file with the court a certified copy of the record on which the Secretary has determined that the person has committed a violation.

(3) STANDARD OF REVIEW.—A finding of the Secretary under this section shall be set aside only if the finding is found to be unsupported by substantial evidence on the record.

(e) FAILURE TO OBEY CEASE-AND-DESIST ORDERS.—

(1) IN GENERAL.—A person that fails to obey a valid cease-and-desist order issued by the Secretary under this section, after an opportunity for a hearing, shall be subject to a civil penalty assessed by the Secretary of not less than $1,000 and not more than $10,000 for each offense.

(2) SEPARATE VIOLATIONS.—Each day during which the failure continues shall be considered to be a separate violation of the cease-and-desist order.

(f) FAILURE TO PAY PENALTIES.—

(1) IN GENERAL.—If a person fails to pay a civil penalty imposed under this section by the Secretary, the Secretary shall refer the matter to the Attorney General for recovery of the amount assessed in the district court of the United States for any district in which the person resides or carries on business.

(2) REVIEWABILITY.—In the action, the validity and appropriateness of the order imposing the civil penalty shall not be subject to review.

(g) ADDITIONAL REMEDIES.—The remedies provided in this section shall be in addition to, and not exclusive of, other remedies that may be available.

SEC. 1098B. INVESTIGATIONS AND POWER TO SUBPOENA.

(a) INVESTIGATIONS.—The Secretary may make such investigations as the Secretary considers necessary—

(1) for the effective administration of this subtitle; or

(2) to determine whether any person subject to this subtitle has engaged, or is about to engage, in any action that constitutes or will constitute a violation of this subtitle or any order or regulation issued under this subtitle.

(b) SUBPOENAS, OATHS, AND AFFIRMATIONS.—

(1) IN GENERAL.—For the purpose of any investigation under subsection (a), the Secretary may administer oaths and affirmations, subpoena witnesses, compel the attendance of witnesses, take evidence, and require the production of any records or documents that are relevant to the inquiry.

(2) SCOPE.—The attendance of witnesses and the production of records or documents may be required from any place in the United States.

(c) AID OF COURTS.—

(1) IN GENERAL.—In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Secretary may invoke the aid of any court of the United States within the jurisdiction of which the investigation or proceeding is carried on, or where the person resides or carries on business, in order to require the attendance and testimony of the person or the production of records or documents.

(2) ACTION BY COURT.—The court may issue an order requiring the person to appear before the Secretary to produce records or documents or to give testimony regarding the matter under investigation.

(d) CONTEMPT.—Any failure to obey the order of the court may be punished by the court as a contempt of the court.

(e) PROCESS.—Process in any case under this section may be served—

(1) in the judicial district in which the person resides or carries on business; or

(2) wherever the person may be found.

SEC. 1098C. SUSPENSION OR TERMINATION.

(a) MANDATORY SUSPENSION OR TERMINATION.—The Secretary shall suspend or terminate an order or a provision of an order if the Secretary determines that—

(1) an order or a provision of an order obstructs or does not tend to effectuate the purpose of this subtitle; or

(2) an order or a provision of an order is not favored by persons voting in a referendum conducted under section 1097.

(b) IMPLEMENTATION OF SUSPENSION OR TERMINATION.—If, as a result of a referendum conducted under section 1097, the Secretary determines that an order is not approved, the Secretary shall—

(1) not later than 180 days after making the determination, suspend or terminate, as the case may be, collection of assessments under the order; and

(2) as soon as practicable, suspend or terminate, as the case may be, activities under the order in an orderly manner.

SEC. 1098D. AMENDMENTS TO ORDERS.

The provisions of this subtitle applicable to an order shall be applicable to any amendment to an order, except that section 1097 shall not apply to an amendment.

SEC. 1098E. EFFECT ON OTHER LAWS.

Except as otherwise expressly provided in this subtitle, this subtitle shall not affect or preempt any other Federal or State law authorizing promotion or research relating to an organic product.

SEC. 1098F. REGULATIONS.

The Secretary may promulgate such regulations as are necessary to carry out this subtitle and the power vested in the Secretary under this subtitle.

SEC. 1098G. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this subtitle.

(b) LIMITATION ON EXPENDITURES FOR ADMINISTRATIVE EXPENSES.—Funds made available to carry out this subtitle may not be expended for the payment of expenses incurred by the Board to administer the order.

Subtitle G—Administration

SEC. 1099. REGULATIONS.

(a) IN GENERAL.—The Secretary of Agriculture may promulgate such regulations as are necessary to implement this Act and the amendments made by this Act.

(b) PROCEDURE.—The promulgation of the regulations and administration of title I and sections 459 and 508 and the amendments made by title I and sections 459 and 508 shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out subsection (b), the Secretary shall use the authority provided under section 808 of title 5, United States Code.

SEC. 1099A. EFFECT OF AMENDMENTS.

(a) IN GENERAL.—Except as otherwise specifically provided in this Act and notwithstanding any other provision of law, this Act and the amendments made by this Act shall not affect the authority of the Secretary of Agriculture to carry out an agricultural market transition, price support, or production adjustment program for any of the 1996 through 2001 crop, fiscal, or calendar years under a provision of law in effect immediately before the date of enactment of this Act.

(b) LIABILITY.—A provision of this Act or an amendment made by this Act shall not affect the liability of any person under any provision of law as in effect immediately before the date of enactment of this Act.

SEC. 1099B. COMMODITY CREDIT CORPORATION FUNDING.

Except for funds made available through a user fee or funds made available in an appropriation act, notwithstanding any other provision of this Act or an amendment made by this Act, any funds that are made available through the transfer of funds from the Secretary of the Treasury to the Secretary of Agriculture expressly under this Act or an amendment made by this Act shall be made available through funds of the Commodity Credit Corporation.

CONGRATULATING THE UNITED STATES MILITARY ACADEMY AT WEST POINT

Mr. REID. Madam President, I ask consent that the Senate proceed to the consideration of S.J. Res. 32, introduced earlier today by Senators REED of Rhode Island, LEVIN, WARNER, and others.

The PRESIDING OFFICER. The clerk will report the joint resolution by title.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 32) congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. REID. Madam President, I ask unanimous consent that the joint resolution be read three times and passed, the motion to reconsider be laid upon the table, and the preamble be agreed to, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 32) was passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 32

Whereas establishing a military academy to teach the technical arts of war was a desire of many of our founding fathers, particularly George Washington;

Whereas Congress passed legislation on March 16, 1802, to establish such a military academy to be located at West Point, New York, a site that Washington called the key to the continent because of its strategic importance during the Revolution;

Whereas President Thomas Jefferson signed the legislation establishing the United States Military Academy at West Point, an institution dedicated to promoting scientific education to benefit the Nation and to attracting a diverse array of young citizens to the Nation's military leadership;

Whereas Sylvanus Thayer, who served as Superintendent of the Academy from 1817 to 1833, established the foundation of the Academy's strong academic program, strict adherence to discipline, and emphasis on moral and ethical conduct;

Whereas, under Douglas MacArthur's leadership as Superintendent from 1919 to 1922, the Academy was modernized to prepare its graduates for the challenges of the 20th century;

Whereas the Academy, the first school in America to teach engineering, produced graduates who were responsible for the construction of the Nation's first railroad lines and many of its early harbor improvements, bridges, roads, and canals;

Whereas Academy graduates introduced engineering education to numerous colleges and universities, and carried out such monumental engineering projects as the construction of the Panama Canal project;

Whereas Academy graduates have also distinguished themselves in the leadership of such innovative scientific research and development projects as the development of atomic bombs in the Manhattan Project during World War II;

Whereas Academy graduates have served with character and distinction in all of America's wars and military actions since the War of 1812;

Whereas 74 Academy graduates have earned the Nation's highest military honor, the Medal of Honor;

Whereas 2 Academy graduates, Ulysses S. Grant and Dwight D. Eisenhower, served both as distinguished general officers and as the President of the United States, and many other graduates have served in all levels of government;

Whereas dozens of Academy graduates have been astronauts, including the Academy graduate who is the first American to walk in space and 2 Academy graduates who walked on the moon;

Whereas hundreds of Academy graduates have utilized their talents in the private sector, to provide managerial and technical expertise that is responsible, in part, for nurturing and sustaining a system of enterprise that is admired around the world;

Whereas the Academy has provided an opportunity for men and women of all races, religions, and cultures to receive a college education and to begin a life of service to the Army and the Nation; and

Whereas the motto of the Academy, "Duty, Honor, Country", exemplifies the spirit of this Republic: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress congratulates the United States Military Academy on its bicentennial anniversary, recognizes it as an outstanding leadership development institution that upholds and promotes the highest virtues of American society, and commends all those who have led and taught at the Academy for inculcating its 58,000 graduates with moral, ethical, and intellectual values and skills that are the foundations for the dedicated service so honorably given by those graduates to the Army, the Nation, and friends of freedom and liberty around the world for 200 years.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask consent that on Tuesday, February 26, immediately following the prayer and the Pledge of Allegiance, the Senate proceed to executive session to consider the nomination of Robert Blackburn to be a United States district judge; that the Senate vote on the nomination at 10 a.m., with the time prior to the vote equally divided between the chairman and ranking member of the Judiciary Committee; that upon the disposition of the nomination, the Senate immediately vote on the nomination of Cindy Jorgenson to be a United States district judge; and, further, that following disposition of the nominations, the Senate proceed to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. As in executive session, I ask unanimous consent that it be in order to request the yeas and nays on the Blackburn nomination at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

ORDERS FOR TUESDAY, FEBRUARY 26, 2002

Mr. REID. I ask consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m. on Tuesday, February 26. I further ask consent that on Tuesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day; and, further, that the Senate recess from 12:30 to 2:15 p.m. and there be a period of morning business until 3:15 p.m., with the time under the control of Senator KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, tomorrow the Senate will vote at 10 a.m. on the nomination of Robert Blackburn to be a United States district judge for the District of Colorado.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. Madam President, I therefore ask unanimous consent, if there is nothing further to come before the Senate, that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:36 p.m., adjourned until Tuesday, February 26, 2002, at 9:45 a.m.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 26, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 27

9 a.m.

Aging

To hold hearings to examine the shortage of geriatric trained health care professionals.

SD–628

Small Business and Entrepreneurship

To hold hearings to examine the President's proposed budget request for fiscal year 2003 for the Small Business Administration.

SR–428A

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Disabled American Veterans and the Veterans of Foreign Wars.

345 Cannon Building

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine the role of the Federal Emergency Management Agency concerning terrorism response.

SD–124

Appropriations

Transportation Subcommittee

To hold hearings to examine highway safety programs.

SD–116

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine S. 1284, to prohibit employment discrimination on the basis of sexual orientation.

SD–430

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine issues with respect to corporate governance.

SD–538

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine the overview of the U.S. Department of Agriculture.

SD–138

Foreign Relations

To hold hearings to examine the development of a secure future, focusing on democratization, poverty alleviation, and human rights.

SD–419

Budget

To hold hearings to examine the long-term budgetary outlook.

SD–608

Appropriations

Defense Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2003 for the Department of Defense.

SD–192

Judiciary

To hold hearings to examine sovereign immunity and the protection of intellectual property.

SD–226

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine acquisition policy issues of the Department of Defense.

SR–222

2 p.m.

Indian Affairs

To hold oversight hearings on the management of Indian Trust Funds.

SD–106

Health, Education, Labor, and Pensions

Employment, Safety and Training Subcommittee

To hold hearings to examine workplace safety and health issues with respect to immigrant and low-wage workers.

SD–430

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on S. 414, to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, focusing on the digital divide and minority serving institutions.

SR–253

2:15 p.m.

Foreign Relations

International Operations and Terrorism Subcommittee

To hold hearings to examine U.S. contributions toward the United Nation's Population Fund and how it effects the lives of women.

SD–419

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings to examine Iraq's weapons of mass destruction program; to be followed by closed hearings in SR–232A.

SR–222

FEBRUARY 28

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the protection of content in a digital age, focusing on promoting broadband and digital televsion transition.

SR–253

Armed Services

To hold hearings to examine the future of the North Atlantic Treaty Organization (NATO).

SH–216

10 a.m.

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine issues with respect to the sending of remittances.

SD–538

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on winning the war, transformation, and reform issues.

SD–608

2:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold joint hearings to examine what women need to know with respect to mammography.

SD–106

Foreign Relations

To hold hearings on the nomination of Emmy B. Simmons, of the District of Columbia, to be Assistant Administrator for Economic Growth, Agriculture, and Trade, United States Agency for International Development.

SD–419

Environment and Public Works

Fisheries, Wildlife, and Water Subcommittee

To hold hearings to examine S. 252, to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds; S. 285, to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements; S. 503, to amend the Safe Water Act to provide grants to small public drinking water system; S. 1044, to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed; and S. 1961, to improve financial and environmental sustainability of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the water programs of the United States.
SD–406

Banking, Housing, and Urban Affairs
International Trade and Finance Subcommittee
To hold hearings to examine Argentina's current economic situation.
SD–538

Judiciary
Immigration Subcommittee
To hold hearings to examine the Unaccompanied Alien Child Protection Act.
SD–226

Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the Department of Defense authorization request for fiscal year 2003, focusing on installations and environmental programs.
SR–232A

MARCH 1

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine U.S. policy in Iraq.
SD–342

MARCH 5

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on unified and regional commanders, military strategy and operational requirements.
SH–216

10 a.m.
Indian Affairs
To hold hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.
SR–485

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Judiciary.
SD–138

2:30 p.m.
Veterans' Affairs
To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.
SR–418

MARCH 6

10 a.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine financial management issues of the Department of Defense.
SR–222

MARCH 7

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program.
SH–216

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.
345, Cannon Building

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Securities and Exchange Commission and the Federal Communications Commission.
SR–253

Indian Affairs
To resume hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.
SR–485

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System; S. 213, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 1384, to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; and S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.
SD–366

MARCH 12

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State.
SD–138

MARCH 13

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.
SD–116

MARCH 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.
345, Cannon Building

MARCH 19

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.
SD–138

MARCH 20

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine identity theft and information protection.
SD–226

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.
345, Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.
SD–116

HOUSE OF REPRESENTATIVES—*Tuesday, February 26, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 26, 2002.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God Almighty, Creator of heaven and earth, and every wonderful thing under the heavens, as the House of Representatives comes to order for legislative business today, we are mindful of our Jewish brothers and sisters as they "gather together with joy and happiness" for the feast of Purim.

The ancient prayer of Esther echoes in our prayer because of the circumstances surrounding our Nation now:

"Lord, our King, You alone are God. Help us. At times we feel alone and have no help but You. As children we learned from the people of this land and our founders that You, O Lord, chose us from among all peoples, and that You would fulfill all Your promises to them.

"Be mindful of us, O Lord, and manifest Yourself in this time of distress and give us courage.

"King of gods and ruler of every power, put in our mouths persuasive words. O God, more powerful than all, hear the voice of Your people in need. Save us from the power of the wicked and deliver us from all our fears."

In the end, Lord, You granted Your people victory and they rejoice to this very day. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. PITTS) come forward and lead the House in the Pledge of Allegiance.

Mr. PITTS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

The message also announced that the Senate has passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2646. An act to provide for the continuation of agricultural programs through fiscal year 2011.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 2646) "An Act to provide for the continuation of agricultural programs through fiscal year 2011," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HARKIN, Mr. LEAHY, Mr. CONRAD, Mr. DASCHLE, Mr. LUGAR, Mr. HELMS, and Mr. COCHRAN, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a joint resolution of the following titles in which the concurrence of the House is requested:

S. 980. An act to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

S.J. Res. 32. Joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

APPOINTMENT OF MEMBER TO REPRESENT THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, February 14, 2002, the Chair announces the Speaker's appointment of the following Member of the House to represent the House of Representatives at wreath-laying ceremonies at the Washington Monument for the observance of George Washington's birthday held on Friday, February 22, 2002:

Mr. BARTLETT of Maryland.

PERMISSION TO INSERT PROGRAM AND REMARKS OF MEMBER REPRESENTING THE HOUSE AT GEORGE WASHINGTON'S BIRTHDAY CEREMONIES

Mr. PITTS. Madam Speaker, I ask unanimous consent that the program and the remarks of the gentleman from Maryland (Mr. BARTLETT), the Member representing the House of Representatives at the wreath-laying ceremony at the Washington Monument for the observance of George Washington's birthday on Friday, February 22, 2002, be inserted in today's CONGRESSIONAL RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

GEORGE WASHINGTON—THE 270TH CELEBRATION OF HIS BIRTH

OPENING

Arnold Goldstein, Superintendent, National Capital Parks—Central, National Park Service.

PRESENTATION OF COLORS

Armed Forces Color Guard.

TO THE COLOR

The Old Guard Fife and Drum Corps.

PLEDGE OF ALLEGIANCE

Arnold Goldstein.

RETIREMENT OF THE COLORS

WELCOME

Terry Carlstrom, Regional Director, National Park Service.

MUSICAL SELECTION

The Old Guard Fife and Drum Corps.

REMARKS

Fran Mainella, Director, National Park Service.

Honorable Roscoe G. Bartlett, Sixth District, Maryland, U.S. House of Representatives.

Delegate Eleanor Holmes Norton, Delegate, District of Columbia, U.S. House of Representatives.

James Symington, First Vice President, Washington National Monument Society.

PRESENTATION OF THE WREATHS

The Wreath of the U.S. House of Representatives, Honorable Roscoe Bartlett, Delegate Eleanor Holmes Norton.

The Wreath of the Washington National Monument Society, James Symington, Terry Carlstrom.

The Wreath of the National Park Service, Director Fran Mainella, Arnold Goldstein.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TAPS

CONGRESSMAN ROSCOE G. BARTLETT (R-MD), CEREMONY IN HONOR OF THE BIRTHDAY OF GEORGE WASHINGTON, WASHINGTON MONUMENT, WASHINGTON, DC, FEBRUARY 22, 2002

I am honored to have the privilege of representing my colleagues in the Congress at this commemoration of the 270th anniversary of the birth of George Washington on February 22, 1732 on the grounds of the Washington Monument in Washington, DC.

When I was growing up and for many years after, George Washington was popularly know as the Father of Our Country. Our young people in school and each new influx of immigrants to our country were taught that to understand American ideals, American government and what made America a great country, you had to begin by learning about the character, the conduct and the contributions of George Washington. Among the many giants of our nation's founders, George Washington was the single most, indeed the dispensable individual who was both most responsible for an who personified the ideals of the radically new form of government—a democratic republic—for a new and fragile nation, the United States of America.

There would have been no Declaration of Independence—if George Washington had not led the successful effort to break the British siege of Boston in the Spring of 1767.

The American Revolution would not have succeeded without George Washington leading a ragtag Continental Army through eight arduous and harrowing years against the most powerful military in the world, that of Great Britain.

There would have been no Constitutional Convention and no Constitution—without George Washington leading it as its President and inspiration.

Our Nation is being ably led by our 43rd President, George W. Bush. However, there would be no Presidency at all without George Washington is the only President of the United States ever elected unanimously—not just once, but twice.

There's an old saying that what's everybody's business is nobody's bdsiness.

In place of the study of George Washington and the celebration of "Washington's Birthday" has emerged the concept of "Presidents' Day."

Use of the term Presidents' Day insults the memory and ignores the contributions of George Washington. That is a disservice to all Americans, but especially to our young people and to the immigrants who come to America.

H.R. 420, a bill introduced by myself and my colleague, Tom Tancredo (R-CO), would require all federal government entities to refer to the federal holiday that falls on the third Monday in February by its legal name, Washington's birthday. The bill also calls upon the President to issue a proclamation each year recognizing the anniversary of the birthday of President Abraham Lincoln.

I would like to share a statement by Congressman Tancredo:

"America has been blessed with many great presidents, and none greater than George Washington. The framers of the Constitution may have created the office of the President, but George Washington created the presidency, and infused it with the power to stand as a symbol of America's awesome potential."

"This February 22nd marks the 270th anniversary of our first president's birth, and our bill will help ensure that the true meaning of the holiday our nation observes in February is not lost. H.R. 420 simply mandates that officials and publications of the United States Government refer to this holiday by its proper legal name—Washington's Birthday.

"Lastly, it urges the president to issue a proclamation each year officially recognizing the anniversary of the birth of another great American presdient—Abraham Lincoln."

COMMUNICATION FROM STAFF MEMBER OF THE HONORABLE BOB SCHAFFER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Brandi Graham, Chief of Staff to the Honorable Bob SCHAFFER, Member of Congress:

HOUSE OF REPRESENTATIVES,
February 14, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a second civil subpoena for documents and testimony issued by the Superior Court of the District of Columbia in a civil case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

BRANDI GRAHAM,
Chief of Staff to Congressman Bob Schaffer.

DANIEL PEARL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on the day we found out that Daniel Pearl was dead, the editors of the Wall Street Journal said, "His murder is an act of barbarism that makes a mockery of everything that Danny's kidnappers claimed to believe in.

"They claimed to be Pakistani nationalists, but their actions most surely bring shame to all true Pakistani patriots."

I think the editors of the Journal got it exactly right. Murder is never an act of patriotism, no matter what country one comes from.

Pakistan's President Pervez Musharraf is doing everything he can to track down Mr. Pearl's killers. Our own President says he is confident that Pervez Musharraf is doing everything possible to find them.

Pervez Musharraf has proven that he is a reliable ally in our war on terrorism. He has proven it by tracking down terrorists, even when they are citizens of his own country.

Daniel Pearl, another totally innocent victim in this war on terrorism, died seeking the truth. Let us make sure he did not die in vain. Let us help Pervez Musharraf find his killers, stop terrorism, and bring peace and democracy to the struggling nations of this world.

CONVEYING SYMPATHY TO THE FAMILY OF DANIEL PEARL

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, the Chaplain this afternoon prayed that we might have persuasive words. Might I add my voice of outrage to the tragic and heinous killing of Daniel Pearl.

My sympathies to his family, my acknowledgment of his pregnant wife, and, as well, my sympathies to those of us who covet and love freedom.

Daniel Pearl died an outrageous and heinous and horrific and cruel death, and we must never forget that he stands for the expression of truth and the seeking of reconciliation. For that reason, we must bring the perpetrators of this violence to justice; and I would join with the administration, and I ask the Congress to join, as well, to ask that those who perpetrated this terrible act will be brought to justice in the United States of America.

Let us applaud the leadership of Pakistan, that they will pursue those to the very end. Let us not forget the message of Daniel Pearl and his wife, that reconciliation and peace, espousing freedom and justice throughout the world, is a valid value for the United States of America.

AGRICULTURAL REFORM

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Michigan. Madam Speaker, the Senate recently passed their farm bill. In that farm bill, they had payment limitations that I think is the kind of farm policy we should have in this country.

I ask all my colleagues in this Chamber to support the idea of some kind of payment limitations, whether it be $200,000 or $300,000 or a half a million dollars, but something so that the megafarms and the megacorporations that own 50,000, 60,000, 80,000 acres are not capturing so much of the proceeds of our farm program payments.

Madam Speaker, there are some people who say that there are payment limits for price supports. There are no payment limits for price supports. They can do an end-run.

Let me just demonstrate the top five recipients of farm program payments for 1996 through 2000, according to the Environmental Working Group's Web site: Riceland Foods, $49 million; Farmers Rice Co-op, $38 million; Harvest States Co-op, $28 million; Tyler Farms, $23 million; and Producers Rice Mill, $19 million.

It is reasonable to have farm policy that helps most of the farmers in this country. We can argue about what a family farm is, but what we cannot argue about is farm policy that gives most of the money to the megafarms.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

FAMILY SPONSOR IMMIGRATION ACT OF 2001

Mr. SENSENBRENNER. Madam Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 1892) to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

The Clerk read as follows:

Senate amendment:

Page 3, line 4, after "law," insert "sister-in-law, brother-in-law,".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentlewoman from Texas (Ms. JACKSON-LEE) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1892, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, H.R. 1892, the Family Sponsor Immigration Act of 2001, was introduced by the two gentlemen from California (Mr. CALVERT) and (Mr. ISSA).

I want to thank them for bringing to our attention an unintended quirk in the Immigration and Nationality Act that needlessly keeps families separated. I also want to thank them as well for developing this bill, which corrects the problem.

Each year, the United States provides hundreds of thousands of immigrant visas for spouses and other family members of U.S. citizens and permanent residents. Tragically, each year a number of these U.S. citizens and permanent residents petitioning for their family members will die before the immigration process is complete.

Generally, INS regulations provide for automatic revocation of a petition when the petitioner dies. The consequences are severe for a beneficiary when his or her petitioner dies before the beneficiary has adjusted status or received an immigrant visa. If no other relative can qualify as a petitioner, then the beneficiary would lose the opportunity to become a permanent resident.

For instance, if a petition is revoked because a widowed citizen-father dies after petitioning for an adult unmarried daughter, the daughter would have no living mother to file a new petition. If another relative can file an immigrant visa petition for the beneficiary, that beneficiary would still go to the end of the line if the visa category was numerically limited.

For instance, if the daughter's mother was alive, she could file a new first family-preference petition. However, the daughter would lose her priority date based on the time her father's petition had been filed with the INS and would receive a later priority date based upon the filing date of her mother's petition.

Because of the severe consequences of the revocation of a visa petition, INS regulations do allow the Attorney General, in his or her discretion, to determine that, for humanitarian reasons, revocation would be inappropriate, and thus complete the unification of a family.

However, there is a complication. The Illegal Immigration Reform and Immigrant Responsibility Act of 1996 requires that when a family member petitions for a relative to receive an immigrant visa, the visa can only be granted if the petitioner signs a legally-binding affidavit of support promising to provide support of the immigrant.

If the petitioner has died, obviously he or she cannot sign the affidavit. Thus even in cases where the Attorney General feels a humanitarian waiver of the revocation of the visa petition is warranted, under current law a permanent resident visa cannot be granted because the affidavit requirement is unfulfilled.

H.R. 1892 solves this dilemma. It simply provides that in cases where the petitioner has died and the Attorney General has determined for humanitarian reasons that revocation of the petition would be inappropriate, a close family other than the petitioner would be allowed to sign the necessary affidavit of support.

Eligible family members in H.R. 1892, as it passed the House last July, would include spouses, parents, grandparents, mothers- and fathers-in-law, siblings, adult sons and daughters, adult sons and daughters-in-law, and grandchildren. Legal guardians would also be eligible.

The Senate passed a minor amendment to the bill to add brothers- and sisters-in-law, and this is the motion to concur in the amendment that is before the House today.

□ 1415

H.R. 1892 is humanitarian and pro-family. I urge my colleagues to support the bill.

Madam Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise to support H.R. 1892 and thank the co-sponsors of this legislation, the gentleman from California (Mr. ISSA) and the gentleman from California (Mr. CALVERT); and as well I thank the chairman of the Committee on the Judiciary for his astuteness and commitment to this legislation, having spearheaded its movement through the House the last time we were able to vote on it. I as well thank the ranking member for his commitment to these issues.

I believe that this is a legislative initiative that is extremely important because it speaks to the cornerstone of immigration policy in this Nation, and that is family reunification. In spite of all the tragedies that we have faced in the last year and reminding ourselves of the tragedy of September 11, I believe this Nation should never stray away from the honest need to reunite families who legally want to access the opportunities of citizenship in this country.

Last July I supported this measure as it passed the House and the Senate. The Family Sponsor Immigration Act of 2001 is a very important immigration bill with a bipartisan support. We are correcting a glitch in the immigration law. As the ranking member of the Subcommittee on Immigration Claims of the House Committee on the Judiciary, I was pleased to work with the gentleman from Pennsylvania (Mr. GEKAS), the chairman of that subcommittee, on that legislation along with the original sponsor of this legislation as well. Again, I thank them for their service and their leadership.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support.

That person is called a sponsor. So if the sponsor dies, current law does not allow someone else to sign the affidavit of support, although they are a legitimate person, although there is no attempt to commit fraud; and that person is unable to adjust his or her status to receive an immigrant visa even though they have been waiting in a line, have a very procedurally correct manner, and adhering to laws of our Nation. There lies the problem. There lies the complete loss of your opportunity to seek citizenship in a legal manner.

Such consequence of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa has been and continues to be harsh and only creates a pool of individuals that remain illegally in this country.

H.R. 1892 will amend the Immigration Nationality Act to allow an alternative sponsor, a close family member; and with the Senate amendment, a close family member can be a sister now or a brother-in-law.

Additionally, I am pleased that we were able to work out an agreement last July that further allows alternative sponsors to be a spouse, a parent, mother-in-law, father-in-law, sibling, child if at least 18 years of age, son, daughter, son-in-law, daughter-in-law, grandparent or grandchildren and now a brother-in-law or sister-in-law of a sponsored alien or legal guardian of a sponsored alien all with the idea of reunifying a family.

I am grateful to all of the members of the subcommittee, Democrats and Republicans, who saw fit to ensure that families can stay together. This bill, H.R. 1892, which has bipartisan support, is important because in the event of death of a sponsor, the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date, in essence, not having them go to the back of the line and, therefore, delaying them being reunited with their family.

Just think of moms and dads whose children are here, young children are here or the father and children are here or the mother and children are here and they want to reunite with that mother or father.

Madam Speaker, I believe this is an important initiative that we have done in a bipartisan way, and it speaks loudly to the fact that the United States will craft a very legitimate immigration policy that addresses the question that we are a country of laws, but we are also a country of immigrants.

Madam Speaker, I rise to support H.R. 1892, and I believe that it is a legislative initiative that speaks to the cornerstone of immigration policy in this Nation: family reunification. Last July I supported this measure as it passed the House and the Senate. The Family Sponsor Immigration Act of 2001 is a very important immigration bill. With bipartisan support, we are correcting a glitch in the immigration law. As the ranking member of the Subcommittee on Immigration and Claims of the House Committee on the Judiciary, I was pleased to work with the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the subcommittee, on this legislation, along with the original sponsors of this legislation as well, and I thank them for their service and leadership.

Currently, the Immigration and Nationality Act requires that the same person that petitions for the admission of an immigrant must be the same person who signs the affidavit of support: the sponsor, that person is called. So, if the sponsor dies, current law does not allow someone else to sign the affidavit of support, although they are a legitimate person, although there is no attempt to commit fraud, and that person is unable to adjust his or her status to receive an immigrant visa, even though they have been waiting in a line in a very procedurally correct manner and adhering to the laws of our Nation. Such consequences of the law toward a beneficiary when his or her petitioner dies before the beneficiary has a chance to adjust status or receive an immigrant visa, has been and continues to be too harsh.

H.R. 1892 will amend the Immigration Nationality Act to allow an alternative sponsor, a close family member, and with the Senate amendment a close family member can be a sister or brother-n-law.

Additionally, I am very pleased that we were able to work out an agreement last July that further allows alternative sponsors to be a spouse, parent, mother-in-law, father-in-law, sibling, child, if at least 18 years of age, son, daughter, son-in-law, daughter-in-law, grandparent or grandchild, and now a brother or sister-in-law of a sponsored alien or legal guardians of a sponsored alien, all with the idea of reunifying a family.

This bill, H.R. 1892, which has bipartisan support, is important because in the event of the death of the sponsor the beneficiary's application will now be able to have someone else sign the affidavit of support and the beneficiary's application for permanent residency can move forward without losing the beneficiary's priority date, in essence, not having them go to the back of the line and, therefore, delaying them being reunited with their family.

Madam Speaker, I believe this is an important initiative that we have done in a bipartisan way, and I ask my colleagues to support this legislation.

Madam Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I yield 3 minutes to the gentleman from California (Mr. ISSA).

Mr. ISSA. Madam Speaker, I rise in support of H.R. 1892, Family Sponsor Immigration Act of 2001, as amended in the Senate. I want to thank our chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER); our subcommittee chairman, the gentleman from Pennsylvania (Mr. GEKAS); the leadership on both sides of the aisle that worked diligently to bring a fuller and more complete reform to the floor here today.

I would also like to thank the gentleman from California (Mr. CALVERT), who is not on the committee but who has constituents that were faced with exactly this problem and brought it to our attention, only to find that I had constituents with this exact same problem, thus creating the need for the bill.

Last I would like to thank Senator FEINSTEIN who has taken time out of her busy schedule on the Senate side to research this and to make those amendments which, in fact, make this a more thorough bill and less likely to need to be revisited.

Lastly, rather than speaking of the merits of this bill, I would like to go down on record as saying that the Family Sponsor Immigration Reform Act is just another example of how we work together on a bipartisan basis to find the legal alternatives to immigration, and to encourage those who play by the rules, those who go through the hoops, sometimes a decade, to get their legal status should be rewarded.

At a time when we are saying to those who come here illegally that we will not tolerate it any more, I hope this is the first of many reforms that allows us to say we have an open door if you want to come through the front door, and we are closing and locking the back door.

Ms. JACKSON-LEE of Texas. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me conclude by again acknowledging my support, but also raising two important points that I would like to acknowledge. I might say that the chairman of the full committee has expressed a great interest in this, and I want to thank him for his support on these issues.

I hope that we can finally bring some rest to the passage of 245-i which is another legislative initiative that deals with the reuniting of families. I know that our committee worked very hard on that legislation.

Then I think, again, in the shadow of the tragedies that we faced this past September, it is important that we move consistently with a purpose to reorder our immigration policies by means of restructuring the INS with an assistant attorney general for immigration affairs so that we can share data and information. Intelligence is clearly a key element of what we need to reform our immigration policies and to fight terrorism, two dual issues which I think we can do.

Immigration does not equate to terrorism. I hope we have an opportunity to debate those legislative initiatives, get them passed, and begin on a pathway of formulating a very comprehensive immigration policy for the United

States of America. I offer my support for this legislation.

Ms. WOOLSEY. Madam Speaker, today I support and applaud the House's final passage of the "Family Immigration Sponsor Act." And, I thank my colleague, Mr. CALVERT, for his work on this issue.

A family in my district, with a tragic story, has become a well-known example of why this bill's passage is necessary. Mrs. Zhenfu Ge, a 73-year-old Chinese national, came to the United States in 1998 to help care for her dying daughter and her daughter's children. Her daughter—my constituent Yanyu Wong—requested that her mother be allowed to stay in America to take care of her grandchildren. Following the rules of the Immigration and Naturalization Service (INS), my constituent immediately submitted the appropriate paperwork to sponsor her mother's petition for a green card so she could stay in the United States.

Sadly, on April 15, 2001, Yanyu Wong lost her fight against cancer. This was only 11 days before the INS was scheduled to grant Mrs. Ge's permanent resident status. In a desperate attempt to keep his mother-in-law in the country, my constituent's husband petitioned to be Mrs. Ge's new sponsor. However, INS law mandates the sponsor be another adult blood relative. Without an adult blood relative left alive to sponsor her, Mrs. Ge was told that she must go back to China and restart the visa process.

Realizing the devastating results of these circumstances, I introduced H.R. 2011, a private bill to allow Mrs. Ge to remain legally in the United States while she completed the process to attain legal status. Forcing Mrs. Ge to abandon her family during this time would only add to the family tragedy. Enabling Mrs. Ge to stay in the country could give the children a living link to their mother, and her culture, something they would be denied forever if Mrs. Ge is deported.

With the passage of Representative CALVERT's Family Immigration Sponsor Act, Mrs. Ge will be able to stay in America and take care of her grandchildren, while she completes the immigration process. With the passage of this bill, Mrs. Ge can keep her promise to her daughter.

There's no doubt that the Family Immigration Sponsor Act will be able to assist other families in situations similar to Mrs. Ge's. Passing H.R. 1892 is the smart way for this country to help encourage families to stay intact.

Mr. WU. Madam Speaker, I rise in support of H.R. 1892, the Family Sponsor Immigration Act, introduced by my colleague Representative KEN CALVERT.

Our government plays a key role in shaping the lives of thousands of immigrants. It is our duty to ensure that our system is fair to aspiring residents.

Under our current law, someone applying to become a permanent U.S. resident must be sponsored by a family member who assumes financial responsibility for that person. However, if the sponsor dies before U.S. permanent residency is granted, the applicant must find another sponsor and start the process all over again. This process can take as long as 7 years. This must change.

As an immigrant, I understand the difficulties of the immigration process. One should not have to wait another 7 years if the sponsor dies. H.R. 1892 addresses this issue. It would allow for substitute sponsors. More importantly, it will help unite families that have been separated.

I applaud Representative CALVERT for introducing this important legislation, and I urge my fellow colleagues to join in support of this bill which will ensure a fair process for those seeking U.S. residency.

Ms. JACKSON-LEE of Texas. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1892.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2002

Mr. LATOURETTE. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 1206) to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

The Clerk read as follows:

S. 1206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Appalachian Regional Development Act Amendments of 2002".

SEC. 2. PURPOSES.

(a) THIS ACT.—The purposes of this Act are—

(1) to reauthorize the Appalachian Regional Development Act of 1965 (40 U.S.C. App.); and

(2) to ensure that the people and businesses of the Appalachian region have the knowledge, skills, and access to telecommunication and technology services necessary to compete in the knowledge-based economy of the United States.

(b) APPALACHIAN REGIONAL DEVELOPMENT ACT OF 1965.—Section 2 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in subsection (b), by inserting after the third sentence the following: "Consistent with the goal described in the preceding sentence, the Appalachian region should be able to take advantage of eco-industrial development, which promotes both employment and economic growth and the preservation of natural resources."; and

(2) in subsection (c)(2)(B)(ii), by inserting ", including eco-industrial development technologies" before the semicolon.

SEC. 3. FUNCTIONS OF THE COMMISSION.

Section 102(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in paragraph (5), by inserting ", and support," after "formation of";

(2) in paragraph (7), by striking "and" at the end;

(3) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(9) encourage the use of eco-industrial development technologies and approaches; and

"(10) seek to coordinate the economic development activities of, and the use of economic development resources by, Federal agencies in the region.".

SEC. 4. INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.

Section 104 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) by striking "The President" and inserting "(a) IN GENERAL.—The President"; and

(2) by adding at the end the following:

"(b) INTERAGENCY COORDINATING COUNCIL ON APPALACHIA.—

"(1) ESTABLISHMENT.—In carrying out subsection (a), the President shall establish an interagency council to be known as the 'Interagency Coordinating Council on Appalachia'.

"(2) MEMBERSHIP.—The Council shall be composed of—

"(A) the Federal Cochairman, who shall serve as Chairperson of the Council; and

"(B) representatives of Federal agencies that carry out economic development programs in the region.".

SEC. 5. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 202 the following:

"SEC. 203. TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.

"(a) IN GENERAL.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to persons or entities in the region for projects—

"(1) to increase affordable access to advanced telecommunications, entrepreneurship, and management technologies or applications in the region;

"(2) to provide education and training in the use of telecommunications and technology;

"(3) to develop programs to increase the readiness of industry groups and businesses in the region to engage in electronic commerce; or

"(4) to support entrepreneurial opportunities for businesses in the information technology sector.

"(b) SOURCE OF FUNDING.—

"(1) IN GENERAL.—Assistance under this section may be provided—

"(A) exclusively from amounts made available to carry out this section; or

"(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

"(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

"(c) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.".

SEC. 6. ENTREPRENEURSHIP INITIATIVE.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 203 (as added by section 5) the following:

"SEC. 204. ENTREPRENEURSHIP INITIATIVE.

"(a) DEFINITION OF BUSINESS INCUBATOR SERVICE.—In this section, the term 'business incubator service' means a professional or technical service necessary for the initiation and initial sustainment of the operations of a newly established business, including a service such as—

"(1) a legal service, including aid in preparing a corporate charter, partnership agreement, or basic contract;

"(2) a service in support of the protection of intellectual property through a patent, a trademark, or any other means;

"(3) a service in support of the acquisition and use of advanced technology, including the use of Internet services and Web-based services; and

"(4) consultation on strategic planning, marketing, or advertising.

"(b) PROJECTS TO BE ASSISTED.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to persons or entities in the region for projects—

"(1) to support the advancement of, and provide, entrepreneurial training and education for youths, students, and businesspersons;

"(2) to improve access to debt and equity capital by such means as facilitating the establishment of development venture capital funds;

"(3) to aid communities in identifying, developing, and implementing development strategies for various sectors of the economy; and

"(4)(A) to develop a working network of business incubators; and

"(B) to support entities that provide business incubator services.

"(c) SOURCE OF FUNDING.—

"(1) IN GENERAL.—Assistance under this section may be provided—

"(A) exclusively from amounts made available to carry out this section; or

"(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

"(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

"(d) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.".

SEC. 7. REGIONAL SKILLS PARTNERSHIPS.

Title II of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting after section 204 (as added by section 6) the following:

"SEC. 205. REGIONAL SKILLS PARTNERSHIPS.

"(a) DEFINITION OF ELIGIBLE ENTITY.—In this section, the term 'eligible entity' means a consortium that—

"(1) is established to serve 1 or more industries in a specified geographic area; and

"(2) consists of representatives of—

"(A) businesses (or a nonprofit organization that represents businesses);

"(B) labor organizations;

"(C) State and local governments; or

"(D) educational institutions.

"(b) PROJECTS TO BE ASSISTED.—The Commission may provide technical assistance, make grants, enter into contracts, or otherwise provide funds to eligible entities in the region for projects to improve the job skills of workers for a specified industry, including projects for—

"(1) the assessment of training and job skill needs for the industry;

"(2) the development of curricula and training methods, including, in appropriate cases, electronic learning or technology-based training;

"(3)(A) the identification of training providers; and

"(B) the development of partnerships between the industry and educational institutions, including community colleges;

"(4) the development of apprenticeship programs;

"(5) the development of training programs for workers, including dislocated workers; and

"(6) the development of training plans for businesses.

"(c) ADMINISTRATIVE COSTS.—An eligible entity may use not more than 10 percent of the funds made available to the eligible entity under subsection (b) to pay administrative costs associated with the projects described in subsection (b).

"(d) SOURCE OF FUNDING.—

"(1) IN GENERAL.—Assistance under this section may be provided—

"(A) exclusively from amounts made available to carry out this section; or

"(B) from amounts made available to carry out this section in combination with amounts made available under any other Federal program or from any other source.

"(2) FEDERAL SHARE REQUIREMENTS SPECIFIED IN OTHER LAWS.—Notwithstanding any provision of law limiting the Federal share under any other Federal program, amounts made available to carry out this section may be used to increase that Federal share, as the Commission determines to be appropriate.

"(e) COST SHARING FOR GRANTS.—Not more than 50 percent (or 80 percent in the case of a project to be carried out in a county for which a distressed county designation is in effect under section 226) of the costs of any activity eligible for a grant under this section may be provided from funds appropriated to carry out this section.".

SEC. 8. PROGRAM DEVELOPMENT CRITERIA.

(a) ELIMINATION OF GROWTH CENTER CRITERIA.—Section 224(a)(1) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "in an area determined by the State have a significant potential for growth or".

(b) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—Section 224 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by adding at the end the following:

"(d) ASSISTANCE TO DISTRESSED COUNTIES AND AREAS.—For fiscal year 2003 and each fiscal year thereafter, not less than 50 percent of the amount of grant expenditures approved by the Commission shall support activities or projects that benefit severely and persistently distressed counties and areas.".

SEC. 9. GRANTS FOR ADMINISTRATIVE EXPENSES OF LOCAL DEVELOPMENT DISTRICTS.

Section 302(a)(1)(A)(i) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by inserting "(or, at the discretion of the Commission, 75 percent of such expenses in the case of a local development district that has a charter or authority that includes the economic development of a county or part of a county for which a distressed county designation is in effect under section 226)" after "such expenses".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

Section 401 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended to read as follows:

"SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—In addition to amounts authorized by section 201 and other amounts made available for the Appalachian development highway system program, there are authorized to be appropriated to the Commission to carry out this Act—

"(1) $88,000,000 for each of fiscal years 2002 through 2004;

"(2) $90,000,000 for fiscal year 2005; and

"(3) $92,000,000 for fiscal year 2006.

"(b) TELECOMMUNICATIONS AND TECHNOLOGY INITIATIVE.—Of the amounts made available under subsection (a), the following amounts may be made available to carry out section 203:

"(1) $10,000,000 for fiscal year 2002.

"(2) $8,000,000 for fiscal year 2003.

"(3) $5,000,000 for each of fiscal years 2004 through 2006.

"(c) AVAILABILITY.—Sums made available under subsection (a) shall remain available until expended.".

SEC. 11. ADDITION OF COUNTIES TO APPALACHIAN REGION.

Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the third undesignated paragraph (relating to Kentucky)—

(A) by inserting "Edmonson," after "Cumberland,";

(B) by inserting "Hart," after "Harlan,"; and

(C) by striking "Montogomery," and inserting "Montgomery,"; and

(2) in the fifth undesignated paragraph (relating to Mississippi)—

(A) by inserting "Montgomery," after "Monroe,"; and

(B) by inserting "Panola," after "Oktibbeha,".

SEC. 12. TERMINATION.

Section 405 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "2001" and inserting "2006".

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 101(b) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the third sentence by striking "implementing investment program" and inserting "strategy statement".

(b) Section 106(7) of the Appalachian Regional Development Act of 1965 (40 U.S.C.

App.) is amended by striking "expiring no later than September 30, 2001".

(c) Sections 202, 214, and 302(a)(1)(C) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) are amended by striking "grant-in-aid programs" each place it appears and inserting "grant programs".

(d) Section 202(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the second sentence by striking "title VI of the Public Health Service Act (42 U.S.C. 291–291o), the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (77 Stat. 282)," and inserting "title VI of the Public Health Service Act (42 U.S.C. 291 et seq.), the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.),".

(e) Section 207(a) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "section 221 of the National Housing Act, section 8 of the United States Housing Act of 1937, section 515 of the Housing Act of 1949," and inserting "section 221 of the National Housing Act (12 U.S.C. 1715*l*), section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), section 515 of the Housing Act of 1949 (42 U.S.C. 1485),".

(f) Section 214 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "GRANT-IN-AID" and inserting "GRANT";

(2) in subsection (a)—

(A) by striking "grant-in-aid Act" each place it appears and inserting "Act";

(B) in the first sentence, by striking "grant-in-aid Acts" and inserting "Acts";

(C) by striking "grant-in-aid program" each place it appears and inserting "grant program"; and

(D) by striking the third sentence;

(3) by striking subsection (c) and inserting the following:

"(c) DEFINITION OF FEDERAL GRANT PROGRAM.—

"(1) IN GENERAL.—In this section, the term 'Federal grant program' means any Federal grant program authorized by this Act or any other Act that provides assistance for—

"(A) the acquisition or development of land;

"(B) the construction or equipment of facilities; or

"(C) any other community or economic development or economic adjustment activity.

"(2) INCLUSIONS.—In this section, the term 'Federal grant program' includes a Federal grant program such as a Federal grant program authorized by—

"(A) the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.);

"(B) the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460*l*–4 et seq.);

"(C) the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 et seq.);

"(D) the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.);

"(E) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(F) title VI of the Public Health Service Act (42 U.S.C. 291 et seq.);

"(G) sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149);

"(H) title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.); or

"(I) part IV of title III of the Communications Act of 1934 (47 U.S.C. 390 et seq.).

"(3) EXCLUSIONS.—In this section, the term 'Federal grant program' does not include—

"(A) the program for construction of the Appalachian development highway system authorized by section 201;

"(B) any program relating to highway or road construction authorized by title 23, United States Code; or

"(C) any other program under this Act or any other Act to the extent that a form of financial assistance other than a grant is authorized."; and

(4) by striking subsection (d).

(g) Section 224(a)(2) of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended by striking "relative per capita income" and inserting "per capita market income".

(h) Section 225 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.)—

(1) in subsection (a)(3), by striking "development program" and inserting "development strategies"; and

(2) in subsection (c)(2), by striking "development programs" and inserting "development strategies".

(i) Section 303 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended—

(1) in the section heading, by striking "INVESTMENT PROGRAMS" and inserting "STRATEGY STATEMENTS";

(2) in the first sentence, by striking "implementing investments programs" and inserting "strategy statements"; and

(3) by striking "implementing investment program" each place it appears and inserting "strategy statement".

(j) Section 403 of the Appalachian Regional Development Act of 1965 (40 U.S.C. App.) is amended in the next-to-last undesignated paragraph by striking "Committee on Public Works and Transportation" and inserting "Committee on Transportation and Infrastructure".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Pennsylvania (Mr. HOLDEN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are back here today to consider legislation that reauthorizes the Appalachian Regional Commission. On August 2 of last year, the House unanimously passed H.R. 2501, the Appalachian Regional Development Reauthorization Act of 2001. The legislation we are considering today, S. 1206, is very similar to the previously passed House bill with a few minor exceptions.

Both the House and the Senate legislation recognize the diligent efforts of the Appalachian Regional Commission to implement reforms required by the 1998 reauthorization that authorized the commission for 5 years.

The Appalachian Regional Commission includes 406 counties in 13 States; 117 of those counties are considered to be distressed under ARC's definition of economic conditions. This means the 117 counties have a 3-year unemployment rate of at least 150 percent of the national average, a per capita market income of no more than two-thirds the national average, and a poverty rate of at least 150 percent of the national rate.

Historically, the Appalachian region has faced high levels of poverty and economic distress resulting from geographic isolation and inadequate infrastructure. Since 1965, through its unique Federal, State, local and private partnerships, the ARC has worked to improve economic and living conditions through area-development programs. ARC funds are directed to locally developed projects that address basic water and sewer infrastructure needs, business and entrepreneurial development, education and workforce training, and improved health.

These programs provide technical assistance and capacity-building as well as improving telecommunications and information technology to foster sustainable economic development.

ARC's assistance continues to be a crucial part of the region's economy and has enabled it to adjust to the elimination of major industries by identifying alternatives to provide jobs and attract outside investment.

Like the previously passed House bill, S. 1206 assists ARC in completing its important mission by requiring 50 percent of ARC project funds go to distressed counties and areas by creating a council to coordinate Federal economic development assistance in the region by assisting affordable access to technology and telecommunications through a new program initiative and by lowering the administrative costs for local development districts that include a distressed county.

The committee has worked very closely with the administration and the other body to produce a bipartisan and widely supported bill.

On that note, Madam Speaker, I want to extend personal thanks to Senator VOINOVICH of Ohio and his staff in the other body for working with us as we attempted to resolve the differences between the House-passed bill and the Senate bill that we are considering today.

I am happy to say that the passage of S. 1206 today will clear the measure to be sent to the President for his signature. I support the bill. I do want to commend and thank the leadership of our full committee, the gentleman from Alaska (Mr. YOUNG); and the gentleman from Minnesota (Mr. OBERSTAR), the ranking member; also the gentleman from Illinois (Mr. COSTELLO), who is not with us today but an outstanding ranking member of our subcommittee. We are honored to have our friend, the gentleman from Pennsylvania (Mr. HOLDEN) with us today.

On the majority side, there are two Members who really contributed mightily to the effort as this bill moved through the House and now as we consider the Senate bill: first, a new member of our committee and our subcommittee, the gentlewoman from

West Virginia (Mrs. CAPITO), who came to me very early in her term and early in this session of Congress and indicated that the reauthorization of the Appalachian Regional Commission was one of her top, if not her top, legislative priority in this Congress. She has been instrumental in making sure that this bill has gotten to where it is today. I want to publicly thank her.

Also to the gentleman from Kentucky (Mr. LEWIS), who had additional counties that he sought to have represented by ARC, and he was like the proverbial tick on a dog making sure that that language withstood the discussions between the House and the Senate, and today S. 1206 bears the fruit of the gentleman's endeavors, and we are appreciative of his work as well.

Madam Speaker, I urge support of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HOLDEN. Madam Speaker, I yield myself such time as I may consume.

I would first like to commend my friend, the gentleman from Ohio (Mr. LATOURETTE), the chairman of the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure for his diligence in moving this legislation through the House. I would also like to commend the gentleman from Illinois (Mr. COSTELLO), the ranking Democrat on the subcommittee, who provided invaluable help and assistance in advancing the bill through the legislative process.

Madam Speaker, S. 1206, the Appalachian Regional Development Act Amendments of 2002, authorizes appropriations for the Appalachian Regional Commission for 5 years.

The commission works to ensure the people and businesses of the Appalachian region have the knowledge, skills, and access to telecommunications and technology services necessary to compete in the knowledge-based economy of the United States.

The bill authorizes the President to establish an interagency coordinating council on Appalachia. Further, it establishes a telecommunications and technology initiative and an entrepreneurship initiative. These two initiatives are geared toward increasing access to not only telecommunications and technology, but also to providing access to business incubator services and to initiate sustainable businesses.

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The bill also promotes regional skills partnerships.

In June, 2000, the Appalachian Regional Commission issued a report that documented the return the American taxpayer gets for its investment in the Appalachian region. $32.4 million in ARC funding for infrastructure produced 23,777 direct jobs and an estimated 20,954 indirect jobs. This same investment produced $576.9 million in wages and $14.3 million in State income taxes.

In my congressional district, the ARC approved a grant totaling $350,000 to the Schuylkill Economic Development Corporation for improvements to the Schuylkill Highbridge Business Park that is expected to result in the creating of 600 new jobs and the generation of over $40 million in private sector investment.

Just as it has done since its inception, the ARC has proven it provides a fair return, both socially and economically, for the Federal Government's investment.

Madam Speaker, the Appalachian Regional Commission works. It has built a successful business strategy on a regional approach and serves as a model for other Federal, State and regional development partnerships.

Madam Speaker, I am pleased to support this bill and urge my colleagues to join me in passing S. 1206.

Madam Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Madam Speaker, it is my pleasure to yield as much time as she might consume to the gentlewoman from West Virginia (Mrs. CAPITO), who was instrumental in crafting this legislation.

Mrs. CAPITO. Madam Speaker, I rise today in support of S. 1206, and I would like to thank my colleagues, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Pennsylvania (Mr. HOLDEN), for their whole-hearted support not only of my efforts in seeing this come to the floor today but in bringing it to the floor.

As a native of West Virginia, the only State that falls entirely within the bounds of the Appalachian Regional Commission's borders, I stand here today to recognize and applaud the tremendous work this economic development body performs to enhance Appalachia's economic landscape and to foster job growth.

America's investment in the ARC has accomplished great things in my home State of West Virginia to improve infrastructure and diversify local economies. These efforts will continue to foster better health care, workforce training, telecommunications and job creation.

Additionally, it has been shown that completed ARC projects generate higher than expected tax revenues for local and State economies. And with ARC reauthorization, these programs will have the added stability and long-term financial security that will bring about expanded economic development for our future.

Recent reports have indicated that every dollar of Federal funding for ARC leverages about $58 more in private investment and traditional financing through local, State and Federal partnerships. But my support for the ARC is not only based on documented statistics. It is also based on my own personal experience working with the various regional development groups.

Just last year, the town of Wardensville, West Virginia, contacted me regarding the need for immediate assistance with the damaged sewer system. I contacted the ARC and was able to secure the necessary emergency funding which allowed the town to repair the damage almost immediately. This is merely one example that typifies the numerous and diverse ways in which the ARC assists local communities.

As a side note, I would like to say 11 of the 20 counties that I represent in West Virginia are considered distressed economies in ARC's terminologies.

Whether it is building new roads, providing employee training or assisting local communities with flood damage, the ARC has proven itself to be a tremendous asset for West Virginia and the rest of the region.

I am especially grateful to the ARC for its commitment to improving the lives of my fellow West Virginians. As Congress seeks ways to enhance the livelihoods of not only West Virginians but also of all people of Appalachia, we must recognize the contributions of the ARC and immediately reauthorize it.

Mr. HOLDEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

GENERAL LEAVE

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1206, the measure that we are considering at present.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, this is a good piece of legislation.

I know that the gentleman from Kentucky (Mr. LEWIS) wanted to be here to speak on this bill. I again, for the purposes of the RECORD, one of the county's names that escapes me, but I know that every time I saw the gentleman from Kentucky (Mr. LEWIS) he wanted Edmondson County, Edmondson County, Edmondson County included in this piece of legislation. It is included in this legislation thanks to his efforts, and the folks in Edmondson County should be thankful for his endeavors.

With that, I urge passage of the bill.

Mr. RAHALL. Madam Speaker, I am very pleased that the House will pass S. 1206, the "Appalachian Regional Development Act Amendments of 2002" today. This bill is nearly identical to HR 2501, a bill to reauthorize the Appalachian Regional Commission (ARC) that we passed in the House on August 2, 2001. The ARC gives grants to build highways, water and sewer systems, industrial parks and to develop health care programs and educational workforce training in distressed areas.

I am pleased that HR 2501 originated in the Committee on Transportation and Infrastructure, of which I am a Member. I am also pleased that my constituent, Mike Whitt, the Executive Director of the Mingo County, West Virginia, Redevelopment Authority, testified on June 20, 2001, before the Subcommittee on Economic Development, Public Buildings and Emergency Management.

Mr. Whitt gave case studies of how ARC programs make a positive difference in the lives of the people of West Virginia When Mike Whitt testified, he told of how the ARC gave financial help to create the James H. Buck Harless Wood Products Industrial Park that was developed on a reclaimed strip mine site. This created 90 new jobs for my constituents to manufacture value added wood products.

In addition, the ARC gave Mingo County a big boost by helping its people get in to the acquaculture industry.

In the mid-90s, ARC funded a study conducted by the Freshwater Institute of abandoned mine waters in West Virginia. Mingo County and neighboring Logan County were identified as having water with enough volume and quality to generate 25–30 million pounds of arctic char—a fish belonging to the salmon family.

Mingo County has begun hatching fish in these mine waters. Then they ship the minnows to a grow-out farm in Logan County. This project has created nine new jobs so far for local residents, and Mr. Whitt projects about 40 additional new jobs will be created in the acquaculture industry for local residents.

Best of all, Mingo and Logan Counties are the only counties in West Virginia that will ship fresh arctic char to Boston's seafood market—and the ARC study of abandoned mine waters gave them their start.

Finally, regarding tourism, Mike Whitt was able to help to develop the Hatfield-McCoy Trails Recreation Project with the help of a $100,000 grant from the ARC.

The Hatfield-McCoy Trail has become really popular with hikers. It has boosted travel and tourism in Mingo County. Motels that never had guests over the weekend are now filling up on weekends. Again, the ARC seed money for the project gave the Hatfield-McCoy Trail help with its development.

So we have an industrial park, acquaculture and tourism coming to Mingo County, thanks to ARC's helping hand, when previously Mingo County's residents relied almost solely on the coal mines for a job.

Mingo County is still on the ARC's list of distressed counties. The ARC is helping Mingo County to diversify, with funds to back up projects, and working hand-in-hand with good people like Mike Whitt, whose goal is to take Mingo County off the ARC distressed counties list.

The entire state of West Virginia is included in the ARC jurisdiction, along with parts of 12 other states ranging from the far North of the Deep South: New York, Pennsylvania, Maryland, Virginia, Kentucky, Ohio, North Carolina, South Carolina, Tennessee, Georgia, Alabama and Mississippi.

Today's bill will authorize $446 million for ARC programs from fiscal years 2002–2006. Because two of my goals in Congress are to bridge the digital divide and to crate jobs, I am pleased that the bill includes a Telecommunications and Information Technology Initiative and an emphasis on boosting job skills.

First of all, the Telecommunications and Information Technology initiative is authorized for $33 million from fiscal years 2002–2006 in order to develop the telecommunications infrastructure in Appalachia, so that rural and small towns will not be left behind in the Information Age.

This means that students in West Virginia, and all of Appalachia, will have remote access to course materials that previously were only available in more affluent, urban areas.

For job creation, S. 1206 provides that the ARC can enter into partnerships with educational institutions, nor-for-profit organizations, state and local governments and unions to provide job training to boost the local economy in West Virginia and throughout Appalachia.

Finally, S. 1206 contains an "Entrepreneurship Regional Initiative" to help local entrepreneurs throughout Appalachia to start and expand local businesses. This will be done by providing local business persons with more capital and education and training.

Madam Speaker, the ARC is a true example of results and has been a model for developing other organizations to help citizens like the Delta Regional Authority which serves 236 counties in federal-state partnerships in eight states: Mississippi, Alabama, Arkansas, Illinois, Kentucky, Louisiana, Missouri and Tennessee.

The reason the ARC has been used as a model is because, through its programs, the ARC has helped people to help themselves by giving them a start in health care, education, business development, and in building highways and water and sewer infrastructures, along with bridging the digital divide, which is so vital in today's world.

I could not be more pleased that the House will pass this bill today, and I look forward to the seeing the president sign the bill expeditiously.

Mr. LATOURETTE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and pass the Senate bill, S. 1206.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING SYMPATHY TO PEOPLE OF DEMOCRATIC REPUBLIC OF CONGO

Mr. ROYCE. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 304) expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002, and supporting an increase in the amount of assistance provided by the United States to the people of the Democratic Republic of the Congo, as amended.

The Clerk read as follows:

H. CON. RES. 304

Whereas on January 17, 2002, the Nyiragongo volcano, which stands 11,380 feet high and is located 6 miles north of the city of Goma in the Democratic Republic of the Congo, began to erupt without warning;

Whereas 147 people lost their lives and 150,000 people have been displaced as a result of the recent Nyiragongo eruption;

Whereas the recent Nyiragongo eruption is the most destructive volcanic eruption to occur in Africa during the last 25 years;

Whereas the lava flow from the recent Nyiragongo eruption was a mile wide in places and destroyed the cathedral and water plant of Goma and countless villages and buildings;

Whereas dangers from fires, toxic fumes, reoccurring tremors, and natural methane gas under Lake Kivu continue to plague the Goma region of the Democratic Republic of the Congo;

Whereas the recent Nyiragongo eruption destroyed crops and contaminated the main water supply of Goma;

Whereas the suddenness of the recent Nyiragongo eruption resulted in the separation of many children from their parents;

Whereas the United States has provided assistance valued at $4,400,000 for food, water, sanitation, and town planning to the people of the Democratic Republic of the Congo affected by the recent Nyiragongo eruption;

Whereas the Office of United States Foreign Disaster Assistance (OFDA) of the United States Agency for International Development (USAID) has made available additional funds for assistance to the people affected by the recent Nyiragongo eruption; and

Whereas the Governments of the United Kingdom, Germany, France, and Belgium have also offered assistance to the people of the Democratic Republic of the Congo: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress expresses its deepest sympathies and condolences to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ROYCE).

GENERAL LEAVE

Mr. ROYCE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Madam Speaker, I yield myself such time as I may consume.

This resolution is sponsored by the gentleman from Illinois (Mr. DAVIS) and the gentleman from New Jersey (Mr. PAYNE) and the gentlewoman from California (Ms. LEE), two Members of the House Subcommittee on Africa which I chair, and this expression of support deserves the support of the House.

On January 17, the Nyiragongo volcano erupted and spewed white-hot lava on Goma, a city on the shores of Lake Kivu in eastern Congo; and that eruption disrupted the lives of one-half million people. Over 100 people lost their lives in the initial stage, 150,000 were displaced by the lava flow, and that lava flow was a mile wide in some places. Then the eruption destroyed the water plant, the homes, part of the airport, the crops and an important part of the business district. This natural catastrophe increased the already dire humanitarian situation of a people suffering from the impact of the war that started in Goma on August 2, 1988, and then spread throughout the country.

The United States moved quickly to aid the people affected by the volcanic eruption, the most devastating eruption in Africa in more than a quarter century. We have provided over $4 million in assistance. This includes food, sanitation, town planning and seismographic analysis to determine if there was any danger of another volcanic eruption.

The U.S. contribution was part of an international response that included coordinated support from the United Kingdom, from Germany, from France and Belgium. This resolution supports this aid.

Madam Speaker, I reserve the balance of my time.

Ms. LEE. Madam Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

First, I want to thank our subcommittee chair, the gentleman from California (Mr. ROYCE), for his leadership and his support on all the issues which we deal with as it relates to Africa; and I would like to commend my good friend and colleague, the gentleman from Illinois (Mr. DAVIS), for introducing this very important and very compassionate resolution; and I urge all of our colleagues here today to support its passage.

This resolution offers our condolences to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17.

Madam Speaker, before dawn on January 17, the volcano, located 60 miles north of the city of Goma in the Democratic Republic of the Congo, began to erupt without warning. This volcano, the eruption was really the most destructive to occur in Africa during the last 25 years. The lava flow from the eruption was a mile wide in places and destroyed a major cathedral, the water plant of Goma and countless buildings and surrounding villages.

Dangers from fires, toxic fumes, reoccurring tremors and natural methane gas under Lake Kivu plagued Goma after the first tremors ceased.

Madam Speaker, according to the United States Agency for International Development and the United Nations, a total of 400,000 Goma residents, 400,000, were affected by this eruption; 147 people died and more than 150,000 residents lost their homes.

The eruption destroyed crops and contaminated the main water supply which threatened to trigger a cholera epidemic.

The suddenness of the recent Nyiragongo eruption also resulted in the separation of many children from their parents. This is really a humanitarian disaster of enormous potential.

Madam Speaker, I would like to commend Mr. Dieudonne Wafula, a Congolese vulcanologist, who predicted the volcano's eruption and actually sent e-mails to experts around the world, including to our own country, one week before the lava began flowing on January 17. His work was very integral to setting up an international survey team to monitor the behavior of the volcano after the major eruption, thereby avoiding a further calamity to the residents of Goma.

Madam Speaker, I would also like to commend the United States Agency for International Development for its very swift response to this crisis. Monetary support, relief commodities, including blankets, water jugs, water stations, dust masks, seismographic equipment and emergency food aid, were among the relief support provided by our government. The total value of that assistance to date is near $4.4 million.

We have responded in a good way to the crisis suffered by the people of Goma. Many residents in that poor region live on less than $1 per day and really had no way to deal with the immediate tragedy caused by the volcano. I am pleased that the United States government, through our development agency, was there to help.

Madam Speaker, now the immediate crisis has passed, but the lingering effects may require further cooperation between the United States, USAID and the United Nations and other government agencies. So I trust that we will be willing to step up to the plate should the need exist and we are called upon to help.

I urge my colleagues to support H. Con. Res. 304; and, Madam Speaker, I want to once again commend the gentleman from Illinois (Mr. DAVIS) for bringing this to the attention not only of this body but of the entire country.

Madam Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. DAVIS), the congressperson who has introduced this resolution.

Mr. DAVIS of Illinois. Madam Speaker, I want to thank first of all the gentlewoman from California (Ms. LEE) for yielding me the time.

Madam Speaker, I rise today to express concern, sorrow and sympathy for the victims of the volcanic eruption in Goma, Congo, on January 17, 2002.

First of all, I want to thank the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), an original cosponsor, for their support and efforts in getting this resolution to the floor.

I would also like to thank the gentleman from California (Mr. ROYCE) and the gentleman from New Jersey (Mr. PAYNE), also an original cosponsor, for their constant support and assistance on this resolution and other issues concerning the people of Africa.

In the early hours of January 17, 2002, the massive volcano Nyirangongo exploded, creating three deadly lava paths, each estimated to be approximately a mile wide, which instantly destroyed homes, buildings and innocent life that crossed its path.

□ 1445

After the volcanic eruption ended, the dangers did not cease for the people of Goma. Earthquakes followed by tremors and heavy rains extended the misery. Almost a week later, hope began to emerge in the Goma region. The experts announced that the eruption had stopped. The water supply that was feared to be contaminated by volcanic ash was declared safe, although the water distribution system was only up to 50 percent of its capacity. The aid workers, who were forced to wait due to the recurring dangers, were finally able to begin the process of delivering food and supplies to the distraught.

I agree with President Bush that the United States should and will help the victims of Goma to rebuild their town and their lives. I am very pleased that the United States has allocated up to $3 million for relief efforts to date, which will become more than $4 million in total aid, for the homes and lives that were taken within seconds will take years to rebuild.

America, Madam Speaker, is at her best when we come to the aid of others in great need. So again I want to thank all of those who have shown support for this resolution.

I also commend and thank Mr. Franz Stuppard, a Congressional Fellow on my staff, and Jennifer Luciano for their work on this resolution. This happens to be Franz's last week of his fellowship, and I want to thank him for his service as he returns to the General Services Administration, which is his regular workstation. I wish that we could keep him, because he has done such an outstanding job, but I know that GSA is awaiting his return.

I again thank the gentleman from California (Mr. ROYCE) and the gentlewoman from California (Ms. LEE) for their support, and I urge passage of this resolution.

Ms. LEE. Madam Speaker, I yield myself such time as I may consume.

In closing, I want to urge my colleagues once again to support this resolution, and I want to thank Chairman ROYCE and the gentleman from Illinois (Mr. DAVIS) for bringing this to the attention of this body and of the entire country. I know that our country will continue to rise to the occasion in addressing the great humanitarian crises that the people of the Republic of the Congo are facing.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ROYCE. Madam Speaker, I yield myself the balance of my time; and I would again like to thank the gentlewoman from California (Ms. LEE), the gentleman from Illinois (Mr. DAVIS), and the gentleman from New Jersey (Mr. PAYNE).

Madam Speaker, as we pass this resolution in support of the people of Goma in the Democratic Republic of the Congo, there is at this time, today, an important meeting under way. And in this meeting are representatives of the Congolese opposition political parties, the armed rebel movements, civil society, and the Government of the Democratic Republic of the Congo. They are meeting in South Africa as part of the Inter-Congolese Dialogue. We urge them to put the interests of the nation over their parochial concerns.

This dialogue for peace is mandated by the Lusaka Accords, which provides a blueprint to return peace to the divided Congo. It is intended to map out a new political arrangement that will result in the establishment of a democratic system of government. In addition, all foreign troops are to be withdrawn from Congolese soil. This will provide the resourceful Congolese people with the opportunity to benefit from their own talents and the abundant natural resources with which they have been blessed. We hope they succeed.

Mr. McDERMOTT. Madam Speaker, I rise today in support of H. Con. Res. 304.

Before I was elected to my first term in the Congress I was stationed in the Democratic Republic of the Congo as a Regional Medical Officer for the Foreign Service, so I am very familiar with this wondrous yet volatile area.

The eruption of Mount Nyiragongo is the latest in a line of tragedies suffered by the Congolese people. Since the attempted coup of the late President Laurent Kabila in August 1998 the Republic has been embattled in a bitter civil war between the government and opposition rebel groups.

Now, with the eruption of Mount Nyiragongo, the Congolese people are witnessing a new level of suffering. The results of the eruption are staggering. 46 people were initially killed, according to The International Federation of Red Cross Societies. 10,000 people are left homeless in the city of Goma.

Hundreds of thousands are out of work as a reported 13% of the city was destroyed from the 110 million cubic yards of lava erupted from the volcano. Further complicating things is a cholera outbreak that is hindering humanitarian groups from reaching the 35,000 people in need of food.

Yet despair occasionally brings hope. This most recent disaster has cast attention on the war-torn nation, and this week, at the urging of President Thabo Mbeki, South Africa is holding a summit in an effort to bring peace back to the Republic.

We can only hope that in the wake of this tragedy the warring factions can set aside their differences, begin forming a transitional government, and set a date for future elections that will bring unity and peace to the Congolese people.

Mr. ROYCE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 304, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ROYCE. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 2 o'clock and 50 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ISAKSON) at 6 o'clock and 30 minutes p.m.

RESIGNATION AS MEMBER OF COMMITTEE ON INTERNATIONAL RELATIONS

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on International Relations:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 19, 2002.

Hon. DENNIS HASTERT,
Speaker of the House,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Effective February 19, 2002, I hereby resign from the House Committee on International Relations.

Sincerely,

RICHARD BURR,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON INTERNATIONAL RELATIONS

Mr. DEAL of Georgia. Mr. Speaker, I offer a resolution (H. Res. 349) and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 349

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

International Relations: Mr. Green of Wisconsin.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBER TO BOARD OF DIRECTORS OF NATIONAL URBAN AIR TOXICS RESEARCH CENTER

The SPEAKER pro tempore. Without objection, and pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), the Chair announces the Speaker's appointment of the following member on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon:

Mr. Hans P. Blaschek, Champaign, Illinois.

There was no objection.

COMMUNICATION FROM THE HON. JOSEPH M. HOEFFEL, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JOSEPH M. HOEFFEL, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2002.

Hon. DENNIS J. HASTERT,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the United States District

Court for the Eastern District of Pennsylvania in a civil case pending there.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JOSEPH M. HOEFFEL.

COMMUNICATION FROM THE HON. BRAD SHERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable BRAD SHERMAN, Member of Congress:

WASHINGTON, DC,
February 26, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VII of the Rules of the House of Representatives, that I have been served with civil subpoenas for documents and testimony issued by the United States District Court for the Central District of California in a civil case pending there. The testimony and documents sought relate in part to the official functions of the House.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the privileges and rights of the House to comply with the subpoenas, to the extent that they seek testimony and documents that relate to the official functions of the House.

Sincerely,

BRAD SHERMAN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Concurring in the Senate amendment to H.R. 1892, by the yeas and nays; and

H. Con. Res. 304, by the yeas and nays.

The Chair will reduce to 5 minutes the time for the second vote in this series.

FAMILY SPONSOR IMMIGRATION ACT OF 2001

The SPEAKER pro tempore. The pending business is the question of suspending the rules and concurring in the Senate amendment to the bill, H.R. 1892.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and concur in the Senate amendment to the bill, H.R. 1892, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 404, nays 3, not voting 26, as follows:

[Roll No. 39]

YEAS—404

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Goode
Stump
Tancredo

NOT VOTING—26

Ackerman
Bachus
Baldacci
Barton
Bentsen
Blagojevich
Bonior
Brown (FL)
Condit
Costello
Doolittle
Gilman
Hilleary
Jenkins
Lynch
Murtha
Payne
Phelps
Reyes
Riley
Roukema
Rush
Traficant
Waters
Watts (OK)
Weiner

□ 1857

Mr. TANCREDO changed his vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ISAKSON). Pursuant to clause 8, rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

EXPRESSING SYMPATHY TO PEOPLE OF DEMOCRATIC REPUBLIC OF CONGO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 304, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 304, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 405, nays 1, not voting 27, as follows:

[Roll No. 40]

YEAS—405

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—27

Ackerman
Bachus
Baldacci
Barton
Bentsen
Blagojevich
Bonior
Brown (FL)
Condit
Costello
Dooley
Doolittle
Gilman
Hilleary
Jenkins
Lynch
Murtha
Payne
Phelps
Reyes
Riley
Roukema
Rush
Traficant
Waters
Watts (OK)
Weiner

□ 1906

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002.".

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, I was unavoidably detained in Oklahoma earlier today on family business and missed votes on H.R. 1892 and S. 1206. I respectfully request that the RECORD reflect that, had I been here, I would have voted "yea" on each of these votes.

CONSIDERING MEMBER AS FIRST SPONSOR OF H.R. 2714

Mr. DEMINT. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 2714, a bill originally introduced by the gentleman from Oklahoma (Mr. LARGENT), for the purpose of adding cosponsors and requesting reprints pursuant to clause 7 of rule XII.

The SPEAKER pro tempore (Mr. ISAKSON). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONGRESSIONAL WAR POWER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the war drums are beating, louder and louder. Iraq, Iran, and North Korea have been forewarned. Plans have been laid and, for all we know, already initiated for the overthrow and assassination of Saddam Hussein.

There has been talk of sabotage, psychological warfare, arming domestic rebels, killing Hussein and even an outright invasion of Iraq with hundreds of thousands of U.S. troops. All we hear about in the biased media is the need to eliminate Saddam Hussein, with little regard of how this, in itself, might totally destabilize the entire Middle East and Central Asia. It could, in fact, make the Iraqi problem much worse.

The assumption is that, with our success in Afghanistan, we should now pursue this same policy against any country we choose, no matter how flimsy the justification. It hardly can be argued that it is because authoritarian governments deserve our wrath, considering the number of current and past such governments that we have not only tolerated but subsidized.

Protestations from our Arab allies are silenced by our dumping more American taxpayers' dollars on them.

European criticism that the U.S. is now following a unilateral approach is brushed off by the United States, which only causes more apprehension in the European Community. Widespread support from the eager media pumps the public to support the warmongers in the administration.

The pros and cons of how dangerous Saddam Hussein actually is are legitimate. However, it is rarely pointed out that the CIA has found no evidence whatsoever that Iraq was involved in the terrorist attacks of 9–11.

Rarely do we hear that Iraq has never committed any aggression against the United States. No one in the media questions our aggression against Iraq for the past 12 years by continuous bombing and imposed sanctions responsible for the death of hundreds of thousands of children in Iraq.

The Iraqis' defense of their homeland can hardly be characterized as aggression against those who rain bombs down on them. We had to go over 6,000 miles to pick this fight against a Third-World nation with little ability to defend itself.

Our policies have actually served to generate support for Saddam Hussein, in spite of his brutal control of the Iraqi people. He is as strong today, if not stronger, as he was prior to the Persian Gulf War 12 years ago.

Even today, our jingoism ironically is driving a closer alliance between Iraq and Iran, long-time, bitter enemies.

While we trade with and subsidize to the hilt the questionable government of China, we place sanctions on and refuse to trade with Iran and Iraq, which only causes greater antagonism. But if the warmongers' goal is to have a war regardless of international law and the Constitution, current policy serves their interests.

Could it be that only by war and removal of certain governments we can maintain control of the oil in this region? Could it be all about oil and have nothing to do with U.S. national security?

Too often when we dictate who will lead another country, we only replace one group of thugs with another, as we just did in Afghanistan, with the only difference being that the thugs who we support are expected to be puppet-like and remain loyal to the United States, or else.

Although bits and pieces of the administration's plans to wage war against Iraq and possibly Iran and North Korea are garnered, we never hear any mention of the authority to do so. It seems that Tony Blair's approval is more important than the approval of the American people.

Congress never complains about its lost prerogatives to be the sole declarer of war. Astoundingly, Congress is only too eager to give war powers to our presidents through the back door by the use of some fuzzy resolution that the president can use as his justification. Once the hostilities begin, the money always follows, because Congress fears criticism for not "supporting the troops." But putting troops in harm's way without proper authority and unnecessarily can hardly be the way to "support the troops."

Let it be clearly understood: There is no authority to wage war against Iraq without the Congress passing a Declaration of War. H.J. Res. 65, passed in the aftermath of 9–11, does not even suggest that this authority exists. A U.N. resolution authorizing an Iraqi invasion, even if it were to come, cannot replace the legal process for the United States going to war as precisely defined in the Constitution. We must remember, a covert war is no more justifiable and is even more reprehensible.

Only tyrants can take a nation to war without the consent of the people. The planned war against Iraq without a declaration of war is illegal. It is unwise because of the many unforeseen consequences that are likely to result. It is immoral and unjust, because it has nothing to do with U.S. security and because Iraq has not initiated aggression against us.

Besides, the American people become less secure when we risk a major conflict driven by commercial interests and not authorized in a proper manner by the Congress. Victory under these circumstances is always elusive, and unintended consequences are inevitable.

□ 1915

REGARDING THE NATIONAL AVIATION CAPACITY EXPANSION ACT

The SPEAKER pro tempore (Mrs. CAPITO). Under a previous order of the House, the gentleman from Illinois (Mr. LIPINSKI) is recognized for 5 minutes.

Mr. LIPINSKI. Madam Speaker, I rise tonight to speak about the National Aviation Capacity Expansion Act, a bill that will help end 20 years of aviation gridlock at the most important crossroads of American aviation.

This measure would codify a historical agreement between Mayor Daley and Governor Ryan that will expand and modernize O'Hare International Airport, take steps to construct a new south-suburban airport, and keep Chicago's downtown general aviation airport open for 25 years.

It is necessary to codify this agreement into Federal law because the city and the State do not want to move forward with this $6 billion project only to have a future governor rescind the agreement, thereby throwing billions of dollars down the drain.

The agreement reached December 5 by the Governor and Mayor is good news for our national aviation transportation system and for air travelers. O'Hare modernization is perhaps the most important action Congress and the Federal Government can take to alleviate system-wide congestion.

Chicago O'Hare is a vital economic engine in Chicago, the State of Illinois, the Midwest, and the entire Nation. It is among the world's busiest airports and serves as the only dual hub with United and American Airlines basing significant equipment, employees, and assets at the facility.

O'Hare serves more than 190,000 travelers per day, nearly 73 million in the year 2000. This is the Nation's busiest airport in number of passengers. Forty-eight States have direct access to O'Hare, as it serves communities large and small.

But O'Hare needs to be redesigned to meet the demands of today's marketplace. Designed in the 1950s, the airport has intersecting runways and a layout designed for smaller aircraft. By simply reconfiguring the airport layout, many weather-related delays could be avoided. By replacing old runways with safer, parallel configurations, delays and cancellations would be greatly reduced, eliminating delays that often ripple throughout the entire Nation.

Ninety percent of O'Hare's modernization will be paid for by airline and airport guaranteed funds, including passenger facility charges, landing fees, concessions, and bonds. The rest of the funds will come through the regular FAA process for airport construction, and my legislation is very clear on this issue.

This agreement also moves forward with a south suburban airport near Peotone. Common sense dictates that we need the capacity in the near future, and with this airport at Peotone we will have it. But just expanding O'Hare does not eliminate the need for a third airport, as I mentioned before. Building Peotone will not replace O'Hare modernization. They are not mutually exclusive. Both are needed to address serious aviation capacity problems in the region and the Nation.

This agreement also addresses traffic congestion along O'Hare's northwest corridor, including western airport access, and maintains the quality of life for residents near these airports. Clearly, the environment and airport noise should not be afterthoughts, as this agreement will reduce by half the number of people impacted by noise, and it includes $450 million in funds for soundproofing. In addition, as the U.S. aviation system completes its move to quieter Stage 4 aircraft, airport noise will be reduced.

The FAA is and will continue to be the final arbiter of safety. Safety is our number one priority, and the legislation maintains the FAA's safety role.

Some might call my legislation unprecedented, but it is clear that the Chicago situation is unprecedented and unique. When the House Subcommittee on Aviation held a hearing on the issue in August, no other similar situation could be found where a State has an arbitrary veto power over a city's airport or runways. In addition, since Chicago is the crossroads of aviation, it is vitally important to codify this agreement into Federal law.

In closing, Madam Speaker, I urge all of my colleagues to cosponsor H.R. 3479, the Aviation Capacity Expansion Act. No other bill in this Congress will do more to end the aviation gridlock that plagues the American flying public.

IMPARTIAL INVESTIGATIONS WILL HIGHLIGHT THE TRUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Madam Speaker, I have introduced this evening legislation that calls for a special prosecutor to be named to look into the whole Enron mess.

Sure, this is a business scandal, and congressional committees are looking into reforms of our auditing practices of public corporations and the safety of employee pension plans. But this is a scandal that goes far beyond that. This is a scandal that shows the pervasive corruption in American politics.

My legislation asks for a special prosecutor to look into the relationship between Enron and the manipulation of the stock market and its value per share; to look into the relationship between contributions by Enron to the President, the Vice President, Cabinet officers, other administration officials, and congresspeople.

I am asking the prosecutor to look into the influence of Enron on Federal and State legislation, including, in particular, the effort to deregulate energy markets, both in States and in the Nation as a whole.

Finally, I ask for the prosecutor to look into the relationship between Enron and our whole Federal and State regulatory system.

When we went through the energy crisis in California in the summer of 2000 and since, many of us claimed that this was not a supply and demand crisis but a crisis of manipulation of our market; and, in fact, that criminal manipulation resulted in the theft of anywhere between $20 billion and $40 billion from California ratepayers.

Enron and a small group of its friends in the energy industry were the perpetrators of this crime. We took evidence of that crime, many of us in California, to our supposed protector, the Federal Energy Regulatory Commission. They investigated, or so they say, the situation, and they found no wrongdoing.

In fact, now that the spotlight is burning brightly on Enron, FERC has suddenly announced that they are going to look into this matter again. Why, after an investigation which was smoke and mirrors, do they say, "Let us look again"? I think this FERC, what I call the Federal Enron Rubber-Stamping Commission, wants to preempt other investigations and stop a real look into the relationship between Enron and the crimes that were committed in the electricity market in California.

So we cannot let FERC, the Federal Enron Rubber-stamping Commission, take over this investigation. We must give this to an independent and thorough investigation by a special prosecutor.

We have to go beyond the congressional investigations into the business practices of Enron and the problems that they caused, the tragedies they caused, because this is a bigger problem, and the American people should not allow this investigation to stop with only a few business reforms instituted and maybe one or two folks thrown into jail. They must demand the investigation of the whole corruption of our political system.

We know about the contributions to both administrations in recent history. We know about the contributions to congresspeople. We know about the separate meetings Enron had with the Vice President and the energy task force of the White House over an 8-month period to determine the energy policy of this Nation.

We know that the seventh biggest company in the United States, with revenues of over $100 billion, was making our energy policy. We know that Cabinet members came from Enron right into this administration. We know that the CEO of Enron, Ken Lay, personally submitted names and interviewed candidates to be members of our Federal Energy Regulatory Commission.

We know the connections, close connections, between this administration and Enron. It was those connections that caused this scandal, and it was the connections between Enron and State legislatures and State legislators and State regulatory commissions and Federal regulatory commissions that caused their success.

Not only the failure of Enron is what ought to be investigated but why they flew so high for so long and allowed the stealing of so many billions from so many people.

So we have to look at Enron with a neutral, unbiased look. It seems to me that neither the administration nor this Congress can do that, so that is why I am calling for a special prosecutor. Enron must be fully examined so the American people can understand why and how our political system has been hijacked.

GOVERNORS' RESOLUTION ON GENERIC DRUGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Madam Speaker, I rise this evening to bring attention to the Governors' resolution on generic drugs that is going to be offered by Governor Dean of Vermont at the National Governors Association conference taking place this week in Washington, D.C.

Madam Speaker, after all is said and done, the high cost of prescription drugs still remains one of the most pressing health care issues confronting our country's senior citizens, employers, managed care plans, and State and Federal drug programs. It also remains clear that generic competition can have a dramatic impact on reducing pharmaceutical costs.

There is a need, in my opinion, for statutory or legislative initiatives that allow timely access and availability of generic drugs. Frankly, Madam Speaker, Congress has been dragging its feet. Congress has been so negligent in ensuring proper entry of generics to the market that States are beginning to act on their own, as we see with the Governors' resolution.

The Governors' resolution expresses concern about the 1984 Hatch-Waxman Act. Part of the intent of the Hatch-Waxman Act was to lawfully improve consumer access to lower-priced generic drugs. The problem, Madam Speaker, is that loopholes within the Hatch-Waxman Act are being taken advantage of and preventing the availability of generic drugs to enter the market. Brand name companies have become proficient in manipulating the Hatch-Waxman law and launching campaigns to block or delay generic alternatives from reaching the market.

The Governors are concerned in their resolution that these elements within the Hatch-Waxman Act may actually be contributing to the rising costs of prescription drugs, and the resolution asks Congress to explore this issue.

In addition, the Governors raised the valid point that during this time of tight State budgets, a national deficit, and an economic recession States are burdened by Medicaid costs which are on the rise due to the soaring costs of prescription drugs. With prescription drug costs rising at a rate of up to 18 percent annually, States' Medicaid drug costs represent the fastest-growing health care expense for States, employers, and consumers across the Nation.

USA Today reported that the Business for Affordable Medicine, a coalition of governors, business, and labor unions, stated that certain reforms to the Hatch-Waxman Act could save State Medicaid programs $600 million in prescription drug costs over the next 3 years. According to the coalition, States spent about $1.2 billion in 2001 on 17 drugs, including the allergy medicine Claritin, the asthma drug Flovent, and the cancer treatment Lupron. The coalition said that the $600 million figure is the amount of savings that would occur if these 17 drugs were replaced by generic alternatives that would be allowed to enter the market.

Madam Speaker, the inclusion of generic alternatives in the marketplace is great for consumers, employers, and government purchasers because generic competition provides access to less expensive, therapeutically equivalent generic versions of brand-name drugs.

I fully support the Governor's resolution and the intent to improve access to generic drugs, and I encourage my colleagues in Congress to take the lead of the Governors here in Washington, D.C., and to pursue this important issue.

THE PRESIDENT'S AXIS OF EVIL AND THE IMPORTANCE OF MISSILE DEFENSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Madam Speaker, this evening I would like to cover a couple of subjects. The first subject that I would like to spend some time on is on the President's axis of evil. I really do not want to focus entirely on that particular subject, but I want to talk more specifically as kind of a jump from that subject on to missile defense, the importance of missile defense for the United States of America; in fact, the absolute necessity for the United States to deploy as soon as possible a missile defense to secure our borders against future attempts, either accidental or intentional, to cause harm.

To lay a basis for this, I have just returned from NATO meetings. Our NATO delegation here out of the House of Representatives is chaired by the very able gentleman from Nebraska (Mr. BEREUTER).

□ 1930

We went to our NATO meetings and then after our NATO meetings went and joined another group with the British American parliamentary assembly which was chaired by our very capable Member, the gentleman from Wisconsin (Mr. PETRI). And from these meetings, it was very interesting to go to these meetings. First of all, let me state that it amazes me, it absolutely amazes me that we do not have to get very far from September 11 before the old European criticism of the United States starts to rear its ugly head.

Now that said, let me tell you that I think it is somewhat out of proportion this criticism. Mind you, it is the criticism that gets played up by the world media. It is not the things that are going right. And I can state a lot of relationships are probably more solid today with some of our European allies, for example, the British, than they have ever been in the history of relationships between these two countries.

Let me compliment the United Kingdom. The Brits have been with us from the moment those planes hit the Pentagon and targeted New York City. And they have not faltered, they have not weakened, they have not backed off one inch. My compliments to the British people. Unfortunately, that strong commitment to the goodness of what our societies represent, not the United States alone, the United States is not standing alone. The United States is willing to go it alone, but the United States wants help from its allies. That is why you have allies. But unfortunately, in my view, not all Europeans, specifically the French, the Germans, even Luxembourg, I was a little discouraged by some of the comments I heard at some of these meetings about the United States, that the United States being the only super-world power is kind of pushing unilateralism.

That is not what is happening out there. The United States of America is without question the only superpower in the world. But the United States of America is not arrogant about this. The United States of America has never ignored its friends. The United States of America does everything that it can to have a strong alliance with its natural allies. And the United States of America reaches out more than any country in the history of the world, more than any country in the history of the world. The United States of America reaches out to help other countries. It reaches out to give individual freedoms throughout the world. It reaches out and, sure, we talk and try and use education to tell people how the goodness of individual freedoms and individual rights and how it makes a country stronger and not weaker.

We are not sensitive to criticism, unless the criticism is a little unjust. It was interesting over the weekend, there was an editorial in one of the London newspapers. And they remembered the quote that Lyndon Johnson had back in the de Gaulle days when de Gaulle said to Lyndon Johnson that he wanted the American troops, the United States troops off European soil. And President Johnson immediately replied, does that include the American troops buried beneath your soil?

Twice in the last century the United States at the expense of many thousands of lives went to the defense of Europe. And I feel very confident that if Europe were challenged tomorrow, the United States would once again find itself in battle on behalf of the Europeans. The United States thinks very highly of the European nations. The United States of America thinks it is very important that we have friendships that are strong into the future. But let me tell you something about a friendship. You have got to be willing to help that friend of yours that might need some help.

Now, the United States of America through the leadership of our fine President has committed to eliminate, to the extent possible, terrorism throughout the world. Not just terrorism focused on the United States of America, but terrorism focused wherever it raises its ugly head; and it has asked for assistance from other countries, other countries in Europe. Now, that is not acting as if you were arrogant. That is not going forward on some kind of unilateral message or unilateral path. The United States of America does not accept arrogance as its policy of moving forward.

What the United States of America accepts as its policy is strength, strength through the ability to negotiate, strength through military might, strength through doing whatever you can to assist countries rebuilding themselves.

Take a look at Afghanistan. It is our obligation, we feel in this country, we feel an obligation to help build that country, to have text books in those schools, to build those schools, to allow women the rights they have never seen in that country before, all individuals in that country to begin to exercise individual rights. And the United States of America is willing to step forward not only with its military might, but with its economic might as well, as well as its compassion, whether it is the Peace Corps or whether it is the thousands and thousands of items that have been contributed throughout this Nation, whether it be jackets or school books, or whatever, sent to the country of Afghanistan.

I think it is a mistake, a deep mistake for our European allies, not all of them but for some of those European allies, to think that for some reason because the United States of America has the guts and, frankly, I think the obligation to stand up toe to toe with these terrorists, and destroy them where possible, do whatever we can to overcome the fear in the hearts of the American people and the people of this world that these terrorists have put there. And the United States is willing to be the first one out of the foxhole.

But it is a little interesting when some of the people still back in the foxhole have enough malfeasance, in my opinion, of their professional responsibilities to criticize the United States because it is the first one out of the foxhole, because the United States of America is willing to take on this terrorism, not only for our Nation's security but for the world's security. And the President has made that very clear. The Secretary of State has made that very clear.

We are not out to rid the world of terrorists that only attack the United States of America. We are out to contain and destroy to the extent possible the terrorists that rain their terror upon anywhere in the world. And we have asked some of our European allies, all of our allies to join us. It amazes me, it discourages me, it disappoints me that we have some of the countries in Europe who are speaking ill of the United States.

It was surprising to hear how often I heard criticism of President Bush's axis of evil, the three countries that President Bush highlighted as direct threats, evil countries. It reminded me of the days when President Reagan had enough guts to stand up and call Russia the Evil Empire. You know what bothered a lot of people? The fact that he was right. And here President Bush is right.

Sure, you can sugar-coat it. You can decorate your language, try and hide it, try and kind of through statesman negotiations, I guess, not really call these countries what they are. But what would you call North Korea? I asked some of my European friends, What is it that you would describe North Korea with? You want to get a Webster's dictionary and find me another word in the dictionary that would fit North Korea more appropriately than axis of evil or a combination of evil? Take a look at the suppression that North Korea does with its own citizens. How can you justify calling North Korea anything but evil when they starve their citizens to feed their military?

Then you can move on to Iraq. When we talk about biochemical warfare, do you know what country in the history of the world has used it on its own citizens? Iraq. Do you think somewhere in Webster's dictionary you could find a definition other than the word of evil to fit the nation of Iraq? The people, the masses of Iraq deserve more than they are getting from that leadership.

Saddam Hussein is evil and his leadership regime is evil. The country, the people of North Korea, the people of Iraq, and to a lesser extent the people of Iran, are all begging for some kind of new leadership out there. And Iran is no guardian angel. Iran seems to have at least some momentum moving towards reform in their country. But the fact is right now the three primary threats to the free world are Iraq, number one, North Korea, number two, and Iran, number three.

So we have got a President that has enough gumption to be the first one out of the foxhole, to say it as it is, to talk about it in terms that are necessary for it to be talked about. And that is that these evil empires are doing not only injustices to their own people, but they threaten tremendous injustices to other nations in the world. That is what this President is standing up for. And that is what I hope our European allies understand, that the United States is not trying to snub, has made no attempt whatsoever to snub its allies anywhere in the world.

In fact, it is the United States coming out of that foxhole not only for itself, not only for our Nation, but for all nations of this world, to rid this world of a terrible, terrible cancer. And there is no other way to describe the acts of these terrorists, whether it is the kidnapping of a Wall Street Journal reporter, whether it is flying a plane into the World Trade Center or flying a plane into the Pentagon or unleashing any other act of terror. Somebody has got to have enough guts to face up to them.

Let me say, and I want to make it very carefully said that throughout my remarks the one sole strong exception standing so solid out there in the European continent is the United Kingdom. We have some other allies in the European continent that are standing with us, but the strongest out there are the British. And I want to commend my colleagues in Britain for standing with the United States of America. And I want to encourage the other European continent to join us in this battle. Not join us just in soft talk. Join us in strong action. That is what it is going to take.

This cancer that we have discovered, this cancer that we discovered through the horrible events of September 11 is not just going to disappear on its own. In fact, every day that goes by that cancer begins to spread.

Now, we took a pretty good whack out of that cancer with our military action in Afghanistan. And thanks to a lot of European allies who have helped us with intelligence, who have helped us with the money racketeering going on out there, we have been able to crawl somewhat into the cellars of some of these terrorist headquarters and begin to destroy that cancer. But the fact is cancer still exists. We cannot pray it off us, although that may help. We cannot wish it off us. Wishing is something for a dream, but it is not going to get rid of that cancer. You cannot love it off. You cannot talk it off. You have got to get in there, and you have got to take it away.

Now in my opinion several of our European allies agree that the cancer needs to be taken away. But they want it done with the absolute opportunity of, I guess you would say, anesthesia for the patient. Get the best anesthesia that you can get and deliver and put it into the patient before you begin to remove the cancer. Frankly, I agree with that. Make the patient as comfortable as you can. But the problem is the patient and the cancer are here today. The anesthesia of which these people, the European allies, some of them, are referring to, we do not have it in the operating room. We need to go after that cancer now. We cannot wait for that anesthesia to arrive because if we do, it may be too late for the patient.

So in an idealistic world, while we would like to have all of the anesthesia we need right there for that patient, in the realistic world, not the idealistic world, but the realistic world, we may have to go after that cancer before we have the kind of anesthesia that we would like to have. Those are the facts. And it is not because we are being egotistical. It is not because we want to act in a unilateral method. It is because we are saying that our fellow doctors in that operating room, look, we have got to get that cancer. Everybody agrees, right? Right. We have got to do it now. Yeah, we need to do it. We need to do it now. Somebody in that operating room has to take charge. And the United States of America is willing to lead.

In fact, as Vice President CHENEY has said, the United States of America today in the world is the only one who has the capabilities from all angles in a broad statement to take on this terrorism. We want our allies with us. We want to protect our allies. That is a natural. Of course you want to protect your friends.

So I would have expected when I went to Europe to find many of my friends from Germany or find many of my friends from France, although the French are tough to bring along in most cases, find our friends from Luxembourg, find our friends from some of these other countries jumping up and saying, hey, we are ready to get out of the foxhole. We are firmly committed behind your Nation.

I happen to believe that most of the people in Europe agree with the United States of America in that the number one issue out there is security and that we have got to somehow repeal this horrible cancer that has stricken the world.

□ 1945

Granted, on September 11, it hit the United States of America, but I am telling my colleagues it is not long before it hits somewhere else in the world. That is why it is our obligation, all of us, all of us, to get out of that foxhole, under the leadership of the United States of America, and take it on.

I saw an excellent editorial in today's Wall Street Journal. I do not like to read into the RECORD, but this is an important editorial, and so I want to read. It is not a long editorial, but I ask my colleagues to listen very carefully to the words, because the Wall Street Journal editorial I think covers very precisely the type of feeling that I had at the NATO meetings that I was in attendance.

Again, dated February 26, title of the editorial is Axis of Allies.

> To read the papers these days, you'd think Europe and the United States were headed for a giant fall over President Bush's "axis of evil" policy. Certainly European critics have earned all of the headlines. But there's another side to this story, which is that much of Europe actually supports Mr. Bush.

We certainly would not call it a silent majority. But it includes some very big names, starting, for example, with the Spanish Prime Minister. Since you won't read about it anywhere else, we thought we'd tell you what he said.

"'I think that the position Bush has taken is of historic dimensions,'" the Prime Minister said last week in an interview with European journalists. "'It is comparable to the choice made by Truman, who in the postwar took a strong position against the Russians, and to the declaration that Reagan made at the beginning of the 1980s which defined the Soviet Union as the evil empire.'"

The Spanish Prime Minister added that, "'I believe that today it is more important than ever that Europe strengthen its ties with the United States: Alone we Europeans will be able to do nothing, not only on the international scene but also even inside our own continent, as the crisis in the Balkans demonstrated. There are those who want to make an impression by lining up against the U.S., but I do not agree with this attitude.'

"Also largely unreported was the comment last week of" the European Union "foreign policy chief, who spoke of 'overstatements of differences' with Washington." The policy chief's "remarks were widely taken as a slap in the face of Chris Patten, the EU external affairs commissioner who warned, in widely quoted comments, that Mr. Bush was in 'unilateralist overdrive.'

"Something is clearly getting lost in translation of how Europeans view America right now. When a French Foreign Minister calls U.S. foreign policy 'simplistic' or the German Foreign Minister Fischer accuses the United States of treating European nations as 'satellites,' their remarks make news on both sides of the Atlantic. But when a European leader speaks pointedly in support of America, he is shouting into the wind.

"The real story is the battle in Europe between the new politics and the old. It is no accident that those dowagers of the old socialism, France and Germany, tend to produce the U.S. critics, while exponents of a new centrist or center-right politics, primarily British Prime Minister Tony Blair, Italian Prime Minister Silvio Berlusconi and Mr. Aznar, support Mr. Bush.

"The internal debate in Europe is about its role in the world and the future shape of the European Union. Specifically, it focuses on the politics of European integration in which a French-led bloc wants to create a more integrated (and socialist) Europe. The issues will come up in elections in France and Germany this year.

"Both France and Germany also had business ties with Iraq that they are eager to resume; that won't be politically correct as long as Iraq is part of the 'axis of evil.' A campaign (with tacit or explicit government support) to indict Western sanctions as the cause of Iraqi misery has also succeeded with the European public, making it that much harder for Paris or Berlin to support military action against Iraq.

"France and Germany are important countries, but they aren't all of Europe any more than America is Washington and New York. And even they may ultimately find a way to support American action in Iraq and elsewhere. In the meantime, President Bush can count on backing" of Aznar, the Prime Minister of Great Britain and the Prime Minister of Italy, "though they too will face political hurdles at home.

"A part of Europe sees eye to eye with the U.S. on economic liberalization and a foreign policy that attempts to rid the world of threats to peace and stability. Another part of Europe disagrees. Why do only the grumblers make news?"

I think it is an important piece, and I would urge my colleagues, if they have an opportunity, clip it out of the Wall Street Journal. Europe is very important for the future of our country. We need a strong relationship with the European countries, and we have a strong relationship.

Twice in the last century, the United States of America took its boys, young men and women, overseas to fight for the Europeans, to fight on the European continent, and we would be willing to do it again tomorrow. But let me tell my colleagues, within the family, the criticism, while any good family allows for constructive criticism, it should always be somewhat justified criticism; and I think Germany or France or some of the leaders of these various countries of the European Union, some of those leaders that criticize the United States of America as acting in a unilateral fashion, have got it all wrong.

The United States of America wants to act in a partnership. The United States of America wants Germany and France acting as strongly with us as Great Britain has. This problem of terrorism is not unique to the United States of America. They know that. The people and the officials of the European Union know that. The citizens of Europe know that.

Let us form a team, as Powell said, our Secretary of State Colin Powell last week, that the Europeans, every time they pound on the United States, they ought to do a little pounding on Iraq.

This is exactly what the terrorists want to occur. They want some kind of division to begin to pop up between the Europeans and America. Why? Because they know it is a lot tougher to take on two people coming out of that foxhole than it is to take on one coming out of that foxhole.

So the United States of America wants our European allies with us as we come out of the foxhole. We are not asking our allies in Europe to be the first ones out of the foxhole. We are willing to do it. This Nation has the capability. It has the commitment. It has got the military strength and technology to be the first one out of that foxhole, but if you ain't going to fight, do not complain, and if you are going to fight, get out of the foxhole.

This moves me on to the issue that I wanted to focus a little more on tonight, and that is the necessity for a missile defense in this country. I think the biggest weakness that the entire world faces are missiles, not just nuclear missiles. Obviously, we all fear the utilization of nuclear missiles, but ballistic missiles carrying conventional missile heads.

Can my colleagues imagine what North Korea, the kinds of havoc that North Korea could wreak on South Korea, on Seoul, South Korea? Seoul, the Nation's capital of South Korea, is only 38 miles away from North Korean missiles. Can my colleagues imagine the protection and the leverage that we would be able to take away from North Korea if we could provide our ally, South Korea, with the missile defense?

A missile defense is absolutely essential for the United States, for the security of our citizens and for the world, for the security of its citizens, any of our allies throughout the world.

I had the opportunity several years ago, I think to the best of my recollection about 3 years ago, to be in Vail at the AEI's world forum that was hosted by a former President, Gerald Ford, and Margaret Thatcher was there. I cannot quote from memory exactly what the former Prime Minister of Britain said, but I can give it pretty darn close.

I remember very distinctly that there was the current Secretary of Defense, Bill Cohen, and Margaret Thatcher stood and addressed Bill Cohen. As my colleagues know, the Clinton administration was very reluctant to commit, they certainly did not give any kind of commitment the likes of which we have seen from the Bush administration, in regards to a defensive missile system for this Nation. They kind of halfway, lukewarm supported it.

Margaret Thatcher stood up, took a look at the Secretary of Defense in the United States and her words were similar to this. Mr. Secretary, she says, you have an inherent responsibility to provide the citizens of your Nation with a missile defense. Any failure to do so would be nothing short of gross neglect.

Now, again, those words are very close to what she said. My colleagues could have heard a pin drop in that room. Why? Because Margaret Thatcher was right. We need a missile defense in this country; and, fortunately, we have a President who is absolutely committed and moving forward at full speed at providing a missile defense for our Nation.

Remember, there are lots of threats out there, and the threats are not necessarily an intentional missile launch against the United States. In fact, we could very easily have an accidental missile launch against the United States, and do not think accidental missile launches are something that just are nightmares of the future. It has already happened.

Not long after September 11, about 6 months ago, a Russian airliner was flying I think over the Black Sea, and the Ukrainian military was doing military exercises with their navy, and they fired a missile by accident at a commercial airliner, a Russian airliner, and they blew the Russian airliner out of the sky. They killed 70 or 80 people. They blew it to smithereens.

Accidents can happen. An accidental launch against the United States of America could happen, and it could lead to consequences much, much more serious than just one missile being launched across the ocean. If that missile was launched and, one, we did not know it was accidental; two, we did not have the capability to stop it, the United States may end up in a response of a retaliatory fashion. So missile defense is important not only against an intentional launch against our country but the possibility of an accidental launch.

As my colleagues know, years ago, back in about 1972, the United States entered into an agreement with Russia called the anti-ballistic missile treaty. To the President's credit, President Bush has abrogated that treaty pursuant to the terms of the treaty. The treaty itself, the basics of the treaty or the philosophy behind the treaty was that one nation would not defend itself against the missile attack, nor would the other nation. In other words, the United States of America would agree not to defend itself against Russian missiles if Russia agreed not to defend itself against United States missiles, the theory being that the United States would not dare attack Russia because they could not defend themselves against a retaliatory attack and vice versa.

I think it is crazy, but that was the thinking and the philosophy in 1972 when this agreement was signed. In 1972, when this agreement was signed, keep in mind that only two nations in the world had the capability of delivering intercontinental ballistic missiles into the territory of the other, Russia and the United States.

Clearly, since then, many, many other countries throughout the world have developed that technology, and that technology is much more readily available than it was 30 years ago. We have had dramatic changes in the world scene today in regards to missiles, missile technology and the capability to launch a missile into the territory of another country.

That 30-year-old treaty was outdated within a few short years after it was signed, and today, with all of the countries in the world that have the capability of striking the United States, and we discovered unfortunately on September 11 that we can be hit within our borders, of all of the countries that have that capability, why were we reluctant the last 8 years under the Clinton administration, for example, to go full speed ahead on building a defensive mechanism? These are not offensive missiles. This is a defensive missile system for our Nation to protect the people of this Nation.

□ 2000

As Margaret Thatcher said, anything short of a full missile defense system is gross neglect, gross neglect of our fiduciary duties to our citizens.

Take a look at the treaty. Now, by the way, as many of my colleagues know, the President has given notice; under the four corners of the treaty, that the United States is withdrawing from the treaty and that the United States of America intends to proceed full speed ahead to provide a missile defense for its citizens.

Let us look at the agreement that allows us to withdraw from the treaty. The treaty is obviously of unlimited duration; but as I mentioned earlier, it is now about 30 years old. At the time the treaty was signed, again just so we have a little historical basis here, there were only two nations in the world, Russia, the U.S.S.R., and the United States that were capable of delivering missiles to the other country. That changed within a very few short years after this treaty was signed.

In my opinion, the minute a third country entered the picture, they should have either been brought into the agreement or this agreement should have been abrogated. President Bush is the first one, though it took 30 years, but President Bush had the gumption to step up and exercise section two. Section two, it has been highlighted for my colleagues' benefit, states that each party shall, in exercising its national sovereignty, have the right to withdraw from this treaty. A right. It is a right within this treaty, if it decides that extraordinary events related to the subject matter of this treaty have jeopardized the supreme interests.

It goes on to talk about the 6-month notice in this paragraph. That notice has already been given. And it says that the notice shall contain within it the extraordinary events, notifying the party regarding which jeopardizes our supreme interest.

Now, have extraordinary events occurred which jeopardize the national sovereign interests of the United States of America? Of course they have. I cannot understand how anybody in these Chambers, any of my colleagues, would do anything but acknowledge the necessity for a military missile defense system in this country. And I do not know any of my colleagues that could stand up and tell me that extraordinary events have not occurred over the last 30 years. Obviously, they have occurred.

Let us start with the first one, and I am just going to go through a few "extraordinary events" that have occurred that, in my opinion, giving us justification to go full speed ahead. The first one, again being repetitive, is that we are no longer talking about two countries. This treaty was between the U.S.S.R., which technically does not even exist any more, and the United States of America. Since then, let us take a look at what has happened.

Number one, we have multiple countries that have missile technology and the capability to deliver those missiles into the territory of other countries. Number two, take a look in the last 30 years at what has happened with nuclear proliferation. These are countries. Now, the red countries have nuclear weapons. The green countries are countries that we are confident have or are concerned enough that we think they have the capability. We believe North Korea could easily have a nuclear missile or some nuclear missiles, Iran, Libya and Iraq.

Now, looking at my pointer here, in 1970, it used to be just the United States and Russia. Here is what leads to those extraordinary events. Watch my left hand. First, we pick up India, Israel, Pakistan, Britain, China, France. Look at that list. That is an extraordinary event, not of a positive sense but of a realistic sense. There are multiple nations in the world that have nuclear missiles, and they are capable of launching those missiles. Our Nation must defend itself and its allies against that type of an attack.

Let us go a little further. In the last 30 years, since the time this treaty was signed, look at what has happened with ballistic missile proliferation and countries that possess ballistic missiles. Look at them. One, two, three, four, five, six. Go across here. One, two, three, four, five, six. Roughly 36. Not exactly, but roughly 36 additional countries since 1972 have developed or now have missile technology capable of firing a missile against the United States of America or against another country within their territory.

Now, what can we do with missile defense? Is the threat real? Here is the threat that we face today. Look at this chart. Weapons of mass destruction among 20 Third World countries that have or are in the process of developing weapons of mass destruction. Nuclear weapons. Iran, we think has them, Iraq, Libya, North Korea, and Syria. Chemical weapons. Again, Iran, Iraq, Libya, North Korea and Syria. Biological weapons, Iran, Iraq, North Korea. Advanced technology for missiles. All of the countries.

I believe there are serious threats outside the borders of the United States of America, and we have an opportunity to lead the world once again in a way to neutralize that threat. And the best way to neutralize that threat is to obtain the technology, and we are very close. The United States is very close to achieving the technological breakthroughs that are necessary to destroy a missile on its launching pad, to take a missile that has been fired against the United States and, somewhere along its route, destroy that missile, to minimize the casualties that that missile would create if it successfully landed on its target area.

So the key here is this: the United States and our President, under our current leadership, is moving forward, and so is the United States Congress with financial commitments and financial backing for our President to build for the citizens of this Nation a security blanket, a capability to stop somebody from a ruthless attack or even an accidental mistake against this country.

The United States is also going to be the first country to step forward with this technology and to hand it over to its friends. We will offer protection for South Korea. What is North Korea going to do when the leverage of their missiles is taken away? Maybe we will get a unified Korea, as we all hope in the future will occur. What will happen with some of these terrorist organizations or countries like Libya or Iran or Iraq when the missiles they have would not be capable of destroying or bestowing horrible destruction upon allies or the United States of America itself?

My colleagues, we have an incumbent fiduciary obligation to our citizens to provide a security blanket for the protection of this Nation, and that obligation exists not only for the current generation, for the current people, but for future generations of this country. Today, we must develop that technology. We must put into position a missile defensive system.

In my opinion, and I know sometimes I stand here and preach until I am blue in the face about the threat of a missile attack against this country, but all of a sudden on September 11 we all became a little more awake as to the fact that the United States of America could be a target too. We did not think on September 10 that action against this Nation was coming as quickly as it did. And who knows what the future holds? But I think we would be safe in assuming that the future holds further attacks against our country. I think we would be safe to assume that there are terrorist pockets out there that will do whatever it takes. They will destroy our children. Remember, in New York City, when they hit those World Trade Center towers, they killed the citizens of 80 separate countries. What we want to do is give those different countries the capability to defend themselves against these terrorists.

Now, some might say, well, the United States of America should not have a missile defensive system. The United States should somehow feel guilty because of their military strength. The United States should become apologetic because they are so powerful. The United States should feel badly about leading the world in military technology. What a bunch of rubbish. The United States of America has the capability to lead the world in missile defense.

And I could not more strongly compliment George W. Bush on his commitment for the security of this Nation. He understands, in his leadership team down there, whether it is the Vice President, whether it is Colin Powell, our Secretary of State, whether it is Condoleezza Rice, they have a clear understanding of their mission. And I think, colleagues, that we have an obligation to have a clear vision of our mission, and that is the security and the protection of the people of this country.

I cannot think of anything more important that the leaders of a country have as far as their responsibility to its citizens than a national defense. I cannot think of anything more important. Obviously, there are a lot of important things out there, but what good is anything if we cannot protect our citizens? If we as leaders cannot protect this Nation, at least to the utmost of our capabilities, what good are the benefits of anything else that we could give this Nation?

And protection, by the way of a nation, is not just necessarily a military missile defense, a strong military in regards to its capability to attack or in regards to its capability with technological advancement. I believe that the strength of a nation is displayed through its capabilities of negotiation, through its capabilities of helping other countries, through its capabilities of things like the Peace Corps and other efforts that we make like this, in foreign aid and foreign assistance with other countries. And the United States of America has no reason to apologize for any of this. The United States of America has led the world. There is no other country in the history of the world that has done more for other countries than the United States of America in regards to foreign assistance, in regards to educational benefits, in regards to open borders, in regards to opportunities.

Now, that is not to say that I think the United States has got it all right. Many times we find out that we have made a mistake, but we learn from them. And basically, when we take a look at it, no one could classify the United States of America as anything but good, in my opinion.

But to bring us back to this defense, we face very challenging times in the near future and in the distant future; and it is our responsibility as the leaders of this country, number one, to support our President and his team in their effort to provide the protection and the security that this country needs; and, two, to support our President and the President's team to provide the kind of security that our allies need.

We need people to know throughout this world that the United States of America will protect itself, it will eliminate to the extent it can any threats against this country, and it will reach out to its friends to assist its friends and to protect its friends from those kinds of attacks.

So as kind of a conclusion of this set of my remarks this evening, my colleagues, let me just summarize a couple of things. Number one, I say to our friends in Europe, our friends in France, our friends in Germany, our friends in the European Union, that the United States of America wants a partnership with you. We have had a partnership that has been tested through the loss of lives, hundreds of thousands of lives in the last century. Twice in the last century our partnership was threatened, and both times the United States of America contributed to the partnership and so did you. But this partnership must continue into the future.

Europe is important for the United States, and the United States is important for Europe. But this is not the time for our friends in Europe to be shy about their support for this President. This is not the time for our friends in Europe to somehow give credibility to regimes like that of Saddam Hussein and the country of Iraq. This is the time, instead, for friends and partners and allies to stand in unison against the common enemy and to do what is necessary to eliminate the threats of that common enemy.

□ 2015

Madam Speaker, we have got the United States of America willing to be the first one out of the foxhole. We can lead. We are willing to put the money, the defensive resources. We are willing to do what it takes, but we want the European alliance to be right there with us. There is no other way that we want it to happen.

Again, I summarize, the United States is prepared to come out of that foxhole by itself. The United States of America is prepared to go it on its own, but that is not our preference. This Nation has built its greatness through partnerships, partnerships of our citizens. And as we reach around the world to our allies and we once again are reaching out for this partnership and our friends in Europe, for example, Tony Blair in Great Britain, but some of our friends are pounding more on us than they are on the evil regimes of North Korea and Iraq.

Remember, that cancer that we find in North Korea and Iraq cannot be denied. No serious assessment of either of those countries, or Iran, frankly, could justify what those nations have done to their own citizens or could justify in any way whatsoever what those nations intend to do to the rest of the world.

There is no question in my mind or in the mind of anybody who has studied this, anybody of any consequence who has studied this at any length, that Iraq would utilize whatever weapon it had at its disposal, whether it was a chemical weapon, whether it was a nuclear warhead, whether it was the arm of terrorism, they will use whatever is necessary for an attack upon the free world. We must go against that.

Let me also say that the United States of America feels very strongly about the religion of Islam, very strongly about the Muslims who are United States citizens and the Muslims throughout the world who are not United States citizens. The evilness of the terrorist acts of September 11 do not represent that religion. Even in that religion where there is an exception for violence in a jihad, the definitions of a jihad do not fit the acts of September 11.

This Nation reaches out to all people of all colors, and we say we want individual rights, and we can come together as a team. There is a cancer that we have discovered. We must destroy that cancer, and we as a team can do it.

Finally, let me say that again, I cannot stress it strong enough, and I am saying this from the center of my heart, our President has made absolutely the right decision to go full speed ahead, to provide the citizens of this country with a defense against missiles of other countries, with a missile defensive system.

Right now many of our citizens believe that if a missile was fired against the United States of America that somehow we could defend against it. Our only defense at this point is a retaliatory strike. Is a retaliatory strike the best response? In my opinion, most of the time a retaliatory strike is not the best response. The best response is to neutralize the weapons being utilized against our citizens. We have an opportunity to neutralize one of the horrible weapons that could be used against the citizens of the United States and our friends.

Madam Speaker, I commend the President and my colleagues who are supportive of the missile defensive system, and I beg those few Members who oppose the missile defensive system to reconsider. We need your support. We need to give this President the budgetary support that is necessary; and, frankly, I am confident that we will from both sides of the aisle. We will give this President the financial tools that are necessary to defend the interests of the United States

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AMERICA NEEDS A WARTIME BUDGET

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, the gentleman from California (Mr. SCHIFF) is recognized for 60 minutes as the designee of the minority leader.

Mr. SCHIFF. Madam Speaker, this evening the Blue Dog Democratic Coalition in the House will discuss the administration's request that Congress raise the Federal debt limit, an issue that we must address tonight in light of our current fiscal situation.

Simply put, America needs a wartime budget. We need a budget that will provide the resources necessary to win the war on terrorism, but not a dollar of wasted spending, that will stimulate our economy without aggravating our long-term deficits and that will protect and reform Social Security and Medicare but not finance the war out of its trust funds.

In sum, our country needs a budget that will call on the American people to make sacrifices to win, sacrifices they are willing to make if only their leaders will have the courage to ask and speak plainly.

The President's budget is not there yet. The budget calls for the most significant increase in military spending in more than 2 decades, and most of that increase will enjoy broad bipartisan support. We will do everything necessary to protect this country and our armed forces.

The budget also proposes more than $500 billion in additional tax cuts, and it also proposes some additional domestic spending.

And the budget requires sacrifice. There is only one problem. It is not we who are being asked to sacrifice, it is our children. America will win the war on terrorism whether we have a wartime budget or not. Such is the resolve of the American people. But if we do not manage our Federal budget properly during this time of war, we will have precious little for anything less, schools, roads, health care, our future, our kids. In our victory, it will be our children who have borne the full cost of the battle. Not only are they the ones who will do most of the fighting, but the war will have been financed from their retirement, from their Social Security, out of their Medicare, and from their GI bill.

Because we are in a two-front war, after all. We are in a war around the world in more than 60 countries that harbor terrorists like al Qaeda, nontraditional foes that do not wear army uniforms, do not carry a national flag and do not have any qualms about the deliberate killing of innocent civilians.

And we are in a second war on another very large front called the United States where we must guard our civilian aircraft, our water supply, nuclear power plants, and a thousand other possible targets, and winning this war will be costly under the best of circumstances.

Every generation of Americans can be the greatest generation. Courage, patriotism, love of freedom and love of country course through American veins. That spirit did not die out among the generations of World War II, Korea, or Vietnam. We saw that clearly after September 11. But there is one virtue we have yet to demonstrate before we can take our rightful place among the greatest generations: the willingness to sacrifice.

The price of freedom is high, and Americans have always paid it, President Kennedy said. We must pay it still. We should not, we must not, make our children pay it for us.

America has always been willing to sacrifice. She still is. But she must be asked by leaders who are willing to speak candidly about what is at stake and what it will take to win. She must be asked by leaders with faith in the essential generosity of the American people and who will not tell us that we can have our cake and eat it, too.

Members of the Blue Dog Coalition have always believed in crafting a budget in a balanced and thoughtful way that maintains our fiscal discipline, continues to pay down our national debt and does not rely on rosy or unrealistic long-term projections. That has been a hallmark of this group's legacy in Congress. A central component to fiscal discipline is putting forth a budget that is responsible and honest.

The administration has come to Congress and has asked this body to approve raising the debt limit so our country can continue to operate. We agree that this action is necessary, but we urge the administration to work with us to establish a long-term plan that is based on a realistic budget proposal. Only with an honest account of our economic outlook can we responsibly plan for the future of this Nation.

As we craft a budget for fiscal year 2003, we need to understand fully what our Nation requires and we need to use real numbers. We must accurately account for every tax reduction, and we need to include government expenditures that are virtually certain to occur.

Unfortunately, many costs have been left out of the administration's budget calculations. The budget is not balanced, and I would encourage my colleagues to take a closer look at some of the calculations used in this year's budget proposal. Here are a few examples:

First, the budget makes recently proposed and enacted tax cuts permanent. However, it does not include the cost of extending the individual Alternative Minimum Tax beyond 2004, which is almost certain to occur. The budget assumes that there will be 39 million taxpayers subject to the AMT by 2012, but there is almost no possibility that that will be allowed to take place. In fact, the Joint Committee on Taxation estimates that the cost of addressing this problem alone amounts to several hundred billion dollars over the next 10 years, a cost which the administration budget leaves out.

Second, the administration's budget extends certain popular tax credits for only 2 years, while it is almost certain that they will be extended for the full 10 years. Research and development tax credits, for example, have been in place since 1981 and have been instrumental in our Nation's ability to develop technology, biomedical research, and scientific breakthroughs. We cannot realistically expect that these tax credits will be phased out in 2 years. But the administration's budget proposal only includes them for 2 years instead of 10.

Finally, the budget proposal also underestimates the costs of all the new proposed tax cuts by phasing them in very slowly so that their full cost will not appear until late in the decade. For example, the proposed deduction for charitable contributions would not become fully effective until the year 2012.

The budget that came from the White House estimates its tax cut proposals as costing $665 billion between 2003 and 2012. In reality, the cost would be much higher. The Center for Budget and Policy Priorities estimates the true cost is closer to $1 trillion over the next 10-year period, and that is not all.

Under the House-passed economic stimulus bill, huge retroactive tax relief would be provided to some of America's largest corporations. Enron itself would have been the beneficiary of more than $250 million in tax benefits, all at a time when we are spending the Social Security surplus.

The President, as well as the House leadership, must rethink the magnitude of these new tax cuts which have been proposed. Some tax cuts are desirable. They have a stimulative impact on the economy if they are designed to affect current spending, and they empower the taxpayer to control more of his or her own financial choices and destiny.

When we had a $5.6 trillion surplus and no war, we could afford a substantial tax cut, and I supported the President. But now we are at war. We have no surplus, and we are spending the Social Security trust fund.

While I would not blame the President for the recession and none can fault him for the war that has been thrust upon us, the fact remains that we now have both and we cannot shrink from the consequences. We need a plan for the long-term budget that brings us back to a time of fiscal responsibility. We are spending money faster than it is coming in and, in doing so, we are risking the long-term solvency of our Federal budget and, worse, we are mortgaging our children's future. We must come together to offer an honest budget for the American people, one without gimmicks that disguise short-term costs and inhibit long-term stability.

We must work together in Congress and with the administration to resurrect a balanced budget, applying accurate economic and fiscal assumptions and without using the Social Security surplus.

□ 2030

Madam Speaker, we have several members of the Blue Dog Coalition here this evening to address these issues, and the first Member I would like to introduce is from the State of Indiana (Mr. HILL). The gentleman from Indiana (Mr. HILL) has used his experience and financial background to make great contributions to the budget debate in Congress and has been a leader on the issue of fiscal responsibility.

Mr. HILL. Madam Speaker, I thank the gentleman from California for yielding.

Madam Speaker, the Federal Government is up to its eyeballs in debt once again. Now the administration is asking Congress to throw it a life preserver so it can, in the words of the Treasury Secretary, "restore the American economy to the path of long-term growth and ensure the premier status of the Federal Government's debt obligations."

Now, what is the price tag for accomplishing these aims? Three-quarters of a trillion dollars; three-quarters of a trillion dollars in additional debt, three-quarters of a trillion dollars more debt for our kids and our grandchildren.

Now, let me be clear: I am committed to making sure the United States Government can meet all of its fiscal obligations. We Blue Dogs are not down here this evening to propose that Congress should let the Federal Government drown in its own debt. But let me also be clear that it makes no sense for Congress to toss Treasury a 24-karat gold life preserver, when the administration has not explained how it will put us back on the path of fiscal responsibility.

Being back home in southern Indiana the last 11 days gave me the opportunity to listen to Hoosiers and their concerns. Without exception, the people I heard from know what it means to be fiscally responsible. They understand you cannot spend more than you take in. They understand that if for some reason you are in debt, you need to plan to get out of debt. They understand planning from week to week and month to month will require them to make some tough choices.

Our constituents deserve nothing less from us. I am prepared, my Blue Dog colleagues are prepared, and we all must be prepared to make the tough choices here in Congress.

Tonight we are asking the President to take the lead and show us the way back to a balanced budget that does not use the Social Security surplus. The President's proposed budget makes clear that there is much work to be done in order to achieve this goal. In fact, it projects deficits financed by borrowing the Social Security surplus through the year 2009.

Times have certainly changed. In 1999 and 2000, the entire Social Security surplus was available to pay down the national debt. By contrast, this year and next the Federal Government will spend every single dime of the Social Security surplus on everything but Social Security and paying down the debt. As a consequence, the national debt is now expected to be roughly $2.75 trillion larger than was estimated just a year ago.

It should come as no surprise, Madam Speaker, that Hoosiers also understand how this increased debt burden can make their already-tough choices even tougher. With the Federal Government again borrowing from the public, long-term interest rates almost certainly will not come down. In fact, they probably will rise. As long as these rates are static, or, worse, on the rise, small business people, credit card users and home buyers will get pinched.

Plain and simple: the size of the national debt matters, not only to those who make their living crunching numbers and working in think-tanks.

The President has performed admirably while prosecuting the war on terrorism. Tonight, Madam Speaker, we are asking that he exhibit the same leadership by proposing a way to get the country's budget back on track, and that means balanced budgets and hands-off on Social Security surpluses.

Mr. SCHIFF. Madam Speaker, I thank the gentleman for his comments this evening and his leadership on this issue.

The gentleman talked about the impact of a deficit-spending pattern on long-term interest rates, and when we talk about a mortgage on our children's future, this is not simply rhetorical; it really is literally a mortgage. As we have seen over the last several months, as the Federal has lowered short-term interest rates it has had very little effect on long-term interest rates. Why is that? Because, over the long term, given the budget that we have, there is the expectation that the government will continue to borrow and borrow more and borrow more, and those long-term rates are remaining stubbornly where they are.

What does that mean for our children and for ourselves? It means that many people will be priced out of a home and that others that have a home will have that home with a mortgage that is far higher and they will be paying more for it.

There is no free lunch here with deficit spending. We pay for it, and we pay for it in the form of higher interest rates and sacrifices we make to our children's future.

The gentleman from Indiana (Mr. HILL) talked about the reason why we are here tonight, the Secretary's request for $750 billion in new authorization for new debt. Where does that come from? Why does the administration come to Congress to ask for the authorization of new debt?

Congress has always played a vital role in managing the national debt. Prior to 1917, Congress approved each issuance of debt, including determining its interest rate and term. Then Congress passed the second Liberty Bond Act of 1917, which allows the Treasury to borrow as necessary to finance Federal activities up to a specified legislatively adopted limit.

That law was initially adopted to facilitate wartime planning during World War I and to accommodate the Treasury's need for flexibility in financing growing government activities. It also freed Congress from having to legislate each issuance of government debt.

The limit persisted after World War I and has been raised periodically as government debt has increased, which leads us to where we are today. The administration has come to Congress asking us to raise the debt limit a full 7 years earlier than it predicted when the budget was submitted only last year.

Of course, we all recognize much has changed in the past year. We acknowledge the needs of our Nation during a time of war and recession, and we agree that the debt limit should be raised in order to avoid a financial crisis. However, we cannot simply write a blank check to increase borrowing authority without safeguarding the American taxpayers from even further increases in the national debt.

The request to raise the debt presents us with an imperative that we examine our long-term budget policies. We must first understand how we got to this point. The national debt is an accumulated IOU that the government owes the people and institutions that have been lending it money for decades. Our current debt stands at nearly $5.95 trillion. This debt represents the amount borrowed by the public to cover the Federal Government's budget deficits, and the debt held by the government accounts represents the amount of Federal debt issued to specialized Federal accounts, primarily trust funds like Social Security.

Now the administration estimates it will hit this current $5.95 trillion ceiling by late March, jeopardizing the timely payment of government bills. The Secretary has asked Congress to provide $750 billion in additional borrowing authority to last until 2004.

It seems ironic that just last year the administration predicted that there would be no need to raise the debt limit until 2008. In fact, if you recall, and it seems quaint today, we were warned about the dangers of paying down the debt too fast.

Certainly it is true that unforeseen circumstances, including the devastating events of September 11, our involvement in the war on terrorism and the downturn in the economy have contributed greatly to this situation, and we all recognize the necessity of allowing the Federal Government to continue operating by raising the debt limit. But we also recognize the responsibility of Congress to work with the administration and ensure that we have a long-term economic recovery plan.

Let me now introduce my colleague, the gentleman from Arkansas (Mr. BERRY). As a pharmacist, he has been active on prescription drug issues, and has been dedicated to paying down our national debt and saving the Social Security Trust Fund and Medicare.

Mr. BERRY. Madam Speaker, I thank the distinguished gentleman from California, and I particularly appreciate his efforts this evening to address this issue that we are going to be faced with very shortly.

The first year I served in this House, 1997, I think was the last time that we raised the debt ceiling; and I remember for as long as I can remember the talk on this floor was that we had to have a balanced budget, that we should pay off the debt, that it is our job to be fiscally responsible. We have all heard that. I would bet there is not a Member of this House or a Presidential candidate or a Member of the United States Senate that has not sworn their allegiance to that idea, that we have to live within our means.

There are certain times that one never forgets. One of mine is last year, just about this time, the new Director of the Office of Management and Budget came to the Blue Dogs and he made this statement: "My greatest fear is that we will pay off all of the national debt and no one will be able to buy a United States Savings Bond and they won't have a safe place to invest their money."

It is with great regret this evening that I have to tell you that those bonds are going to be available for a long, long time. The bad news is, our children and grandchildren are going to have to pay them off.

We have all heard that we should run government like a business. This is no way to operate. And yet here we are going to be forced to vote to increase the debt. We should not do that until there is a plan in place to deal with this problem.

We have spent all of the Social Security Trust Fund. It is all gone. There is no money left in it, and we are going to borrow a lot more to go with that. Then we are going to turn around and say to our children and grandchildren, we squandered it; we had the chance, and we did not do anything about it. We blew it. We spent it all, and now you deal with it. It is your problem.

That is no way for the greatest Nation in the history of the world to operate. It is irresponsible, and we should not let this happen.

Our Blue Dog Coalition has been dedicated all the time I have been around and before that to fiscal responsibility, and I am proud to be associated with all of the Members that participate in the Blue Dog Coalition because of their commitment to this one idea, that we can operate within our means, and we should operate within our means.

It is a heartbreaking thing for me to think that we will spend all of the Social Security Trust Fund, and borrow more money than that, and turn around and pass that debt to our children. What responsible person would do that to his children, to his family, and what responsible Congress would do that to their country?

I want to thank the gentleman from California again for his leadership in this matter, and thank him for yielding time.

Mr. SCHIFF. Madam Speaker, I want to thank the gentleman from Arkansas for his statement this evening. It so clearly mimics, I know, what my family taught my brother and me. It was very important to my parents that they pass on to their children more than what they inherited; that they passed on a safer community, better schools. They wanted for their children more than what they had.

I feel that same commitment. I am a relatively new dad. I have a 3-year-old, and I have a new child on the way; and when I think about what we are going to leave for my children, and I ask myself the question, will they have as good public schools as the ones I went to, will they have a decent health care system, will they live in a safe community and a safe country, what will be set aside for their future? It is times like now that we are put to the test as a generation. What will we leave our children?

Madam Speaker, I would now like to introduce another colleague from the Blue Dog Coalition, the gentleman from Utah (Mr. MATHESON).

□ 2045

The gentleman from Utah (Mr. MATHESON) is a member of the Committee on the Budget. He has been committed to working in a bipartisan fashion to ensure that the Federal budget is fiscally sound and balanced, and all I can say to the gentleman from Utah is if we could get the budget in as good of shape as the Olympics were run in Utah, we would be in very good shape.

Mr. MATHESON. Madam Speaker, I thank the gentleman for conducting this session tonight with all of the Blue Dogs to talk about what I think is such a critical issue.

Let us remember why we are here. We are talking about a request that has come in for us to raise the debt limit by $750 billion. We throw numbers around here all the time, and sometimes they lose a little of their meaning. We should really think about this. This is a lot of money, and it is going to extend the debt limit by a lot.

Think about how this relates to us in the private sector. Before I came here, I worked in the business world. There were times when I used to develop a couple of large projects and I had to go to a bank because I did have to borrow money to help pay for the project. There are times when one does need to go into debt to borrow money for a project in the business world, to take out a mortgage on a house. But what I had to do when I took that money out for that business project is I had to have a story I could tell to the lender about how I was going to pay that money back over time. When I took out a mortgage on my house, I had to explain to the lender how I was employed, how I had a salary, and how I was going to be able to pay back that mortgage over time.

The problem we have here now as Members of Congress is that we are being asked to take on this new mortgage, $750 billion, in fact, a pretty big mortgage. The story has not been told about how we are going to get out of this pattern, about how we are going to get out of going back to borrow and borrow, about how we are going to pay this mortgage off. I think that is a relevant question to be asking.

I do not want to force the government into some financial catastrophe by having to be put into a situation where Congress is not willing to ever raise the debt limit, because there are circumstances where sometimes the government is going to have deficit spending: times of war, times of economic recession. We may have some difficulties in certain circumstances.

But the notion, the notion that we should raise this limit by this huge magnitude, $750 billion, with no story, with no story about how we are going to stop the red ink and how we are going to ultimately pay this off, that is fiscal irresponsibility.

So I call on the President, I call on my fellow Members of Congress. We need to work to articulate a story for how we are going to get out of this mess, get out of the deficit spending pattern; and if we are going to raise the debt limit, $750 billion is not necessarily what we need to do. Maybe we should look at a lot lower number while we work on a plan to get away from this deficit spending habit.

That is the way it works out in the real world, in the business world when we need to borrow money to finance a business, in one's personal life to borrow money to purchase a car or a home, and Congress should act in much the same way.

So that is the thought that I want to pass on tonight.

Mr. SCHIFF. Madam Speaker, I thank the gentleman from Utah for his leadership on this issue and for the bipartisan way he has approached it. In fact, as a member of the freshman class that we share, the gentleman from Utah is the liaison to the Republican freshman class and has endeavored on many, many issues to work together and find common ground, and what more important area to find common ground than this, than the future of our country, than fiscal responsibility, which both parties espouse, but here is the time where the rubber hits the road.

The gentleman from Utah talked about this mortgage and these interest payments, and I think it is not only a problem because of the interest that we will pay or the debt that we will accumulate but the lost opportunity that that interest represents. The Blue Dog Coalition has always been concerned about the vanishing surplus and what this represents in terms of our lost opportunities.

The new budget reports indicate that the government will return to deficit spending and raid the entire Medicare surplus and further raid Social Security by more than $1.5 trillion over the next 10 years. During the budget debate last year, Congress and the President agreed that the Social Security Trust Fund surplus would be put in a lockbox and saved to prepare for the retirement of the baby boomers. The new projections show this promise will not be kept; and, unfortunately, the new projections instead show a return of budget deficits, borrowing from Social Security, and rapidly increasing national debt.

What is so worrisome about raising the debt limit is the effect it will have on the amount of interest we will pay on that national debt. The public debt, that is the debt that is held by public investors, is subject to rising interest costs, and the budgetary effect of that higher debt is obviously higher interest payments. This reveals a major change from last year's budget forecast.

Last year's budget forecast projected net interest payments on the debt of $1.13 trillion over 10 years, with a payment in 2011 of only $20 billion. This year's budget projects net interest payments of $1.79 trillion over the same 10-year period, with a 2011 payment at the whopping sum of $159 billion. Over $1 trillion in the next decade will be spent solely to pay interest on our debt, over $1 trillion that we cannot use productively for Social Security, for a prescription drug benefit under Medicare, to facilitate a Patients' Bill of Rights, to improve our schools, to reduce class sizes, to rebuild crumbling infrastructure. That is $1 trillion in interest payments that cannot be used for anything else.

A close look at the growing interest rates on our national debt reinforces the importance of long-term debt reduction. It is reasonable and appropriate to run temporary deficits during a recession and war, and we support the President's effort in the war on terrorism. However, under a responsible fiscal policy, the temporary deficits incurred must be offset by a return to budget surpluses when conditions improve. The most effective way to achieve economic growth and ensure our country returns to that era of budget surpluses is to increase our national savings, and the most direct way the government can increase national savings is to reduce its debt and thereby free up resources that the private sector can turn into productive investments.

The last decade has shown the undeniable connection between declining budget deficits and increasing investment. The best way to maintain business investment, productivity growth, and low interest rates is to implement fiscal policy targeted towards reducing the debt. We cannot let all that we gained during the economic boom in the 1990s to be lost in the early years of the 21st century. So while we are confronted with this need to raise the debt ceiling, we must keep in mind, as my colleagues have pointed out, the principal element we must ensure, and that is long-term fiscal discipline and economic growth.

I would now like to yield to an outstanding leader of the Blue Dog Coalition, the gentleman from Texas (Mr. STENHOLM). The gentleman from Texas is respected on both sides of the aisle. He has reached across partisan lines to promote fiscal responsibility and has been a leading advocate for years on debt reduction.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California for yielding to me. I thank him for leading this discussion tonight.

I know that perhaps there are some that are watching tonight and are saying, what is your alternative? Let me remind everyone that just a year ago, the same Blue Dogs stood in the well, stood at this mike, stood at others, and we offered an alternative budget. We at that time pointed out that the so-called surplus of $5.6 trillion was projected. We did not believe it was the conservative thing to do, to allocate all of that $5.6 trillion. We suggested paying down the debt with half of it, and then we suggested being very fiscally responsible with the spending as well as the tax cuts.

We lost that vote. Our friends on the other side of the aisle said, thanks, but no thanks. We have the formula, we have the plan, and the surplus is real.

We also pointed out to our friends on the other side of the aisle that, yes, we had a surplus, but many of my constituents were saying, how can we talk about a surplus when we have a debt? We owed $5.6 trillion last year at this time. That is $5.6 trillion. We also were completely ignoring the $20 trillion unfunded liability of the Social Security system. We Blue Dogs said we thought it would have been the prudent thing to do last year to deal with the future of Social Security and Medicare. We said that is what we should have done first.

But no, the leadership of this House, and this is certainly within their prerogative, they said, no, the important thing for us to do is to have a tax cut; and that is what we did.

Well, here we are now, and I want to show this chart here. This was a letter dated February 13, 2002, to the gentleman from New York (Mr. RANGEL), the ranking member, from Secretary O'Neill. The interesting thing about this letter is, yes, he talks about the fact that the war has changed things, the economy has changed, and all of us agree to that. There is no question from any of us tonight that we must pay for the war, and there is no question that we are in a recession and that recession started considerably more than just a few months ago.

But the interesting thing about this letter is that in this letter he admits that we were going to have to increase our debt ceiling in 2003. Not 9 years, not 8 years, not any of the other rhetoric that we have heard.

I show this to indicate that, as we will be seeing more and more of us on the floor over the days and weeks ahead, that we really and truly, as the gentleman from Utah (Mr. MATHESON) said a moment ago, we have a credit card. Most everyone has a credit card today. I have a big mock-up here we will use a little bit later showing one from the Republican National Committee. When we have a credit card, we have a debt limit, we have a borrowing limit, we have a credit limit on what we can borrow; and when we reach that limit, then we have to go to the credit company and convince them that we are worth taking a little additional risk on. We go to the bank. That is true. When you borrow to your limit, then you have to come up with a plan of how you are in fact going to convince your banker that they ought to loan you more money.

That is the most upsetting thing to we Blue Dogs tonight. What we are going to continue to suggest is that raising the limit to $750 billion in one vote, without a plan, does not make sense, does not make sense to any small businessman or woman, does not make sense to any working man or woman, does not make sense to anyone that finds themselves in a credit difficulty to believe that you can go to your banker and convince them that they ought to loan you $750 billion until you come with a plan.

That is the problem that we face tonight, giving a blank check to the administration without having a plan. Now, here again, many of my friends on the other side of the aisle say, well, what is your plan?

We have a plan. We had a plan. We voted on it last year. We lost. We are perfectly willing, in fact, we pleaded with the other side of the aisle time and time again, where is the meaning of bipartisan? We are ready to reach out and to work with the majority party in coming up with a plan. It is their plan that we are concerned about, and for them to believe that anyone on our side of the aisle would vote for their plan that is going to use all of the Social Security surplus for the next 9 years does not make sense. It does not make sense to me, and I do not believe it makes sense to the American people.

The last two votes to raise the debt limit in this body came at a time when Congress and the President were engaged in bipartisan negotiations on a balanced budget plan that ultimately led to the Balanced Budget Act of 1997. The current situation is very different. The President has submitted a budget which projects deficits financed by borrowing the Social Security surplus for the next decade and beyond, without first passing a plan as to how we are going to save Social Security for our children and grandchildren. That is to many a small item; and, yes, there are two small items in my case, and they are my grandsons. I resolved 6½ years ago when the first grandson was born that I did not want him to look back 67 years from that day and say, if only my granddad would have done what in his heart he knew he should have done, we would not be in the mess we are in today.

□ 2100

To raise the debt ceiling and borrow another $750 billion over the next few years, and then to increase our debt over the next 10 years under the plan that we are now under by $2.75 trillion, is something I could not do, cannot do, will not do under any circumstances.

We will stand here and we will suggest, and I think the gentleman a moment ago made a good suggestion, let us borrow the amount of money necessary to fight the war. Whatever it takes to make sure that we continue to fund the Federal Government fighting the war, let us do it. But let us continue to have a little discussion on the other aspects of the economic game plan that we are under today. Let us talk about it; let us discuss it.

If there was some reaching out to our side, we would find there would be an agreement. I conclude just as I started: I am sick and tired of hearing my friends on the other side say, "Well, what is your plan?" We had a plan. We put it on the floor last year. They did not like it. They passed their plan. Now they are coming back and saying, oh, by the way, we have to borrow $750 billion more to implement that plan.

That is not what they said when they stood on the floor last year. In fact, if Members remember, we were worried that we were going to pay down our national debt too quick. We actually had colleagues saying, "Well, we cannot pay down the debt as quick as we are going to pay it down." Would that not have been a wonderful problem? Because last year at this time nobody foresaw 9–11–01. No one foresaw that.

We are not prophetic. All we Blue Dogs said is that there just might be something that would happen, or maybe the stock market might not go up forever, just maybe something is going to happen; and it would have been the conservative thing to do to plan for that. Nobody listened to that.

Well, we had a pretty good vote. If there had been 14 more votes, we would have been here defending our plan tonight. Instead, we are here saying, "Let us rethink borrowing $750 billion. Let us go to the drawing board. Let us work out the future of Social Security. Let us work out the future of Medicare. Let us do it within a conservative budget and a conservative principle."

Borrowing money to the rate that the other side is talking about doing is not conservative, in my book. I thank the gentleman for yielding, and I appreciate his leadership on this. I appreciate all of my Blue Dogs.

Members are going to see and hear a lot more of us, and I hope very soon we will be joined by some colleagues on the other side of the aisle as we try to find an answer to this question, other than just borrowing and going further into debt.

Mr. SCHIFF. Madam Speaker, I thank the gentleman from Texas. He has long been a clarion call to fiscal responsibility in this House, and I remember like it was yesterday the gentleman from Texas standing on this floor and talking about the unreliability of 10-year projections, how it was simply not prudent to anticipate that only the most rosy scenario would materialize; and indeed, even in August, before the tragic events of September, we could already see the wisdom of the words of the gentleman from Texas (Mr. STENHOLM) as we saw those projections already being radically revised downward.

Would that we had more colleagues on this floor listen to those words last year, and we might not be in the fiscal predicament we are in today.

The gentlewoman from California (Ms. SANCHEZ) has put her financial background to use in Congress and has stood out as a leader, both in education and in issues affecting our Armed Forces. The Congresswoman has worked in a bipartisan way to shape policies that benefit the people of Southern California and our country in a fiscally-responsible manner.

Madam Speaker, I yield to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Madam Speaker, I thank my colleague, the gentleman from California. It has been a pleasure to have him here in the Congress and to work together as Blue Dogs on issues that really affect us.

I always tell my friends who ask me, what do the Blue Dogs do, I tell them, we are sort of like the bean counters, the accountants, the people who really want to set the record straight about what is happening with the money issues of the Congress. We do not want to do a lot of smoke and mirrors; we just want to talk about what it takes to do what we want to do and have a fair vote up and down on what we want.

I was happy to hear my colleague, the gentleman from Texas (Mr. STENHOLM), talk about the fact that a year ago, as we discussed this large tax cut that was passed mostly with Republican votes and signed by the President, that many of us who have been in the financial industry, and I was an investment banker, many of us said, we need a plan. Whenever we go and look at the future of what is happening, we have to have an idea of what we are going to do with the money, and if we have overruns, where we are going to get that money. We have to have cushions to what we are doing.

Many of us said to that tax cut that the biggest problem with it was it was done on rosy projections at a time when all of us knew that the economy was stalling on us, and we just knew that those numbers were not going to work.

So here we are today. Last year, no politician, no policymaker, none of us could have imagined that we would be here talking today about raising the statutory debt ceiling. At that time, the administration and the Congressional Budget Office were predicting that no increase was going to be necessary in this until 2008, if at all.

What a difference a year makes, and it was not about 9–11. Yes, we are spending a little more on defense and on home security, but that is not what this is about. This is about raising the debt ceiling and raising it without a plan in place.

When I used to issue debt for agencies or for companies, when I would put bonds out there, one of the things that we had to do was write a prospectus and talk about what we were going to do with the money, why we were borrowing it, how we were going to make the money back, and how we were going to make the payments on that debt in order to bring the debt down. But here, this administration wants a $750 billion increase, and they do not even have a plan.

So I agree with the rest of the Blue Dogs here tonight that we need a plan, and we need to keep pushing for a plan. We do not need to increase this to $6.7 trillion, an increase of $750 billion.

Since 1940, the debt ceiling has risen by over 12,000 percent, and here we go again. The money right now, $5.95 trillion, that is the debt ceiling we have right now. It is even hard for people to imagine back home what $5.59 trillion is. I tell people, if they imagine all the people in the world, and each one of those owed $1,000, every man, every woman, every child in the world, they would get close to what that debt ceiling is.

So where does it stop, with $750 billion this day, another $750 billion the next year? What about the budget that we have from the President right now, the one that says he wants to extend these tax cuts? We are going to have to keep increasing this debt ceiling because our debt is going to keep going up.

One of the problems is, the more debt we get, the more interest we have to pay, the more we add to our debt. Think about those credit cards we have. When we make that minimum payment every month, the interest rate makes it be more the next month, so we keep making payments, but what we owe on the credit card is more and more and more as every month comes along.

That is what we are doing to ourselves when we do not make a plan, a fiscally-responsible plan about how we are going to balance our spending with the revenues that are coming in.

To my colleague, the gentleman from California, I thank him for allowing me to come down here and talk a little bit about how people back home understand how important it is to pay down this debt, not continue to increase it; and how, if they have to go to their bank to get a loan, they need to tell them how they are going to pay it back.

I think most Americans across this great country understand that sometimes, in a time of war, we need to borrow and we need to make sure that we win this war. But they also want that plan. They want us to be fiscally responsible.

Mr. SCHIFF. Madam Speaker, I thank the gentlewoman for her statement and for her leadership on this issue.

The gentlewoman from California talked about when she was issuing bonds that she required a prospectus. The gentleman from Utah talked about when he went to a banker, he was required to give the banker what he termed a story, something that would account for why he could pay back the debt.

So what is the administration's prospectus? What is the story? What is the plan to get us back to balanced budgets? As I understand it, according to the director of OMB, the plan is, well, if the economy grows at a faster than anticipated rate, maybe we will get back to a period of surplus again.

Imagine telling that to our local banker when we are going out for a small business loan: Mr. Banker, if my business grows faster than can be reasonably expected, then I will be able to pay you back. That would not fly with our local bank, it would not fly with the municipality, and it ought not to fly with the Federal Government.

Another one of my colleagues from the Blue Dog Coalition is the gentleman from Texas (Mr. TURNER). The Blue Dog Coalition policy co-chair, the gentleman from Texas (Mr. TURNER), has led our coalition on many issues and has been recognized for his stalwart commitment to fiscal responsibility.

Madam Speaker, I yield to my friend, the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I thank the gentleman from California (Mr. SCHIFF) for his leadership in this hour tonight. It has been good to see so many of the Blue Dog Democrat Coalition members come to the floor and talk about this issue.

Clearly, we are advocating fiscal responsibility because we believe it is important to the future prosperity and the future economic security of our country. In many ways, we might define the debate tonight as a debate for our national security, because maintaining fiscal responsibility is a very important part of maintaining our national security.

We see examples all across the world of nations that get in trouble economically, Argentina being the most recent. We understand what debt, excessive debt, can mean to a country. Those of us here on the floor tonight want to try to start paying down that debt, rather than seeing it continuing to rise.

We believe it is very important not to raid the Social Security Trust Fund. What business in America could get by if its corporate executives raided the retirement funds of its employees? Those executives would be put behind bars. But in Congress and in Washington, it seems that we routinely go into the Social Security Trust Fund, take those hard-earned payroll tax dollars, and go out and spend them for something else, just at a time when Social Security is needing those funds with the retirement of the baby boom generation.

We can look at the facts. They speak for themselves. If we just turn back just a year ago and look at the projections, what we see is that just a year ago we had a projection over 10 years that our debt, our publicly held debt, that is, the debt that is held by those third parties, those folks who hold those savings bonds, those Treasury bonds, those Treasury notes, we saw a year ago that the projections were that that debt would be eliminated over the next decade. In fact, it would be actually completely paid off to the tune of $129 billion, so we would be back in surplus.

Yet, here we are in February of 2002, and the projections have completely changed. We find that the projection is that we will have an almost $2.8 trillion debt at the end of this decade. So what we see is a completely different picture.

What has happened? Of course, we passed a major tax cut based on those projections of economic prosperity. Now it turns out that with the tax cut, with the slowdown in the economy, and with the war, that projection of surplus is gone and our projections now show an ocean of red ink.

The impact of that on paying interest is just almost incomprehensible. We projected just a year ago that we would pay $709 billion in interest on our national debt over the next decade. We are actually paying close to $1 billion a day right now just on interest on our national debt, but that was going to go down because the projections were that we were going to pay off that publicly held national debt.

Well, what does it look like today? Here we are with projections that we will spend almost $1.8 trillion in interest, almost, over the next decade, $1 trillion more in interest. What a waste. What a waste.

We believe firmly that we must end the practice of deficit spending in Washington. Congress engaged in it for 30 years, until just 4 years ago when we passed the Balanced Budget Act, and we have seen 3 years of annual surpluses in our Federal budget. But here we are in 2002 with, once again, a projection that we will be back into deficit spending.

Some people say, "What is the big deal? Deficit spending, it sounds kind of like Washington talk." It simply means that we are spending more money than we are taking in. If Members did it at their houses, they would be running up a debt on a credit card, or going down to the bank trying to figure out how to borrow enough money to pay the bills.

In our houses, if we have a credit card, it usually has a limit on how much debt we can go into before they say, no, they cannot charge anymore.

□ 2115

It is not that way in Washington. You can just keep running the debt up or at least some people seem to think that is the way this works. They act as if it does not matter how big the national debt gets. Why is deficit spending wrong? It is wrong because the debts that we incur today will have to be paid for by our children. That is wrong. It is wrong because as the demand for credit is increased by our government, it has the effect of pushing up interest rates in the economy. So we all pay, not only in higher taxes to cover this interest on this national debt; but every time we go out and borrow money to buy cars, send our children to college, buy a new home, we are going to be paying higher interest rates than we would had the government not engaged in such reckless deficit spending.

Another thing the deficit does for us is forecloses a lot of options. If we have an emergency and we need to spend more, it is harder to go into debt when you are already deep in debt. When you are trying to solve the problem of Social Security and Medicare, which is going to get critical in about 10 years with the retirement of baby boomers, and you try to figure out how to solve that problem, if you are already deeply in debt, you are going to have trouble. If you are trying to help our senior citizens, as most of us on the floor tonight have worked hard to do with prescription drugs, where are you going to pay for it if you are already deeply in debt? It is wrong to raid Social Security in order to finance the activities of government. We need to be protecting Social Security. And deficit spending is wrong because ultimately it is going to erode the confidence in the U.S. economy.

The only reason we stand on this floor tonight and have the luxury of borrowing money in order to run our government is because of the confidence people have in the American economy. In Argentina tonight you cannot borrow any money, the government cannot. But in the good old United States people still have confidence in our economy, and we can go out and borrow money. And you know what it is backed by? It is backed by people's faith and confidence in our economy and our willingness to pay those debts by taxing the American people someday. And if we allow that debt to keep growing and growing and growing, that interest to keep growing and growing and growing, there is going to come a point when the world is going to look at our economy and says, you all look an awful like an Argentina economy, and I do not believe we want to loan you any more money to finance that $5 trillion national debt. And I believe if we do, we are going to have to get a little more interest rates because we look at the economy much like those investors did when they were borrowing money a few years ago on those junk bonds, and junks bonds of course require very high interest rates for anybody that wants to buy.

So if we undermine the economy of this country, in the long term it would destroy our economic security, our national security and our prosperity. That is what this debate tonight is all about.

I commend the gentleman from California (Mr. SCHIFF) for his leadership. I commend the Blue Dogs for their willingness to come to the floor tonight and talk about this critical national issue.

Mr. SCHIFF. Madam Speaker, I thank the gentleman tonight for his leadership on this issue. The gentleman also very successfully lead the House just a couple weeks ago successfully to gather the signatures required to discharge campaign finance reform which successfully passed the House. We thank the gentleman from Texas (Mr. TURNER) very much for his contributions both then and now.

Madam Speaker, I would like to introduce a fellow Californian, the gentleman from California (Mr. THOMPSON), who I had the privilege of serving with in the California State Senate. The gentleman has worked hard for the people of California and our Nation and is recognized for his bipartisan approach for the important issues facing our Congress, especially the debt limit. I yield to the gentleman.

Mr. THOMPSON of California. Madam Speaker, I thank the gentleman from California (Mr. SCHIFF) for his leadership tonight in this effort to bring awareness to what I believe is a very, very important issue for all of the American people.

Madam Speaker, we have come to a very critical point in our congressional work. We can create a long-term physical plan that will benefit this and future generations or we can send our government down the road of excessive borrowing and send the bill to the next generation of Americans. I believe this would be the wrong approach.

As we have heard many times tonight, just a year ago the administration predicted Congress would be able to operate under the Federal debt limit for the next 7 years. Now we are being asked for a $750 billion increase in the Federal debt limit. The Treasury Department predicts this increase will cover government needs until 2005. So we went from being able to stay under the Federal debt limit in 9 years to being forced to raise the limit by $750 billion just so government can continue to operate for another 3 years.

We are in danger of opening the flood gates of fiscal irresponsibility by increasing the Federal debt limit without having a plan in place to balance the budget and to pay our bills. Funding our national priorities such as homeland security and our efforts against terrorism must be done. However, to increase the Federal debt limit without having any mechanism of fiscal restraint will likely lead us down the path of deficits resulting from additional spending or additional tax cuts.

In the span of 1 year, the Office of Management and Budget has reduced its 10-year budget surplus projections by $5 trillion. When investors around the world look to Washington to see the creation of huge budget deficits, they will inevitably push interest rates higher. When interest rates go up, the American consumer suffers. A homeowner in our country who holds $100,000 mortgage debt would save a total of $50,000 over the life of a 30-year mortgage if the mortgage rate was just 2 percentage points lower. American consumers hold about $6.5 trillion in mortgage debt, so each percentage point of increase in their mortgage rate means an extra $250 billion in mortgage costs to Americans.

In addition, local schools and local hospitals will be forced to pay higher interest costs as they issue bonds to raise the necessary funds they need to continue to educate our kids and care for sick Americans and injured Americans.

Throughout the 1990's, the Federal Government maintained fiscal discipline; and the pay off to the American consumer was remarkable. Let us not throw these gains away. Instead, let us do what may be tough but obviously what is right. Let us put in place a mechanism for fiscal responsibility and fiscal constraint. Let us not allow this budget or this credit limit to increase and put future American generations in fiscal jeopardy.

Madam Speaker, we should fund our war on terrorism and our efforts on homeland security, and we must save Social Security and Medicare from insolvency by adopting a more fiscally-responsible approach to budget priorities. Now is the time to make the tough choices to ensure future generations are not saddled with trillions of dollars of debt and stuck with a bankrupt retirement program. I thank the Blue Dogs for their effort in this regard.

Mr. SCHIFF. Madam Speaker, I thank the gentleman from California (Mr. THOMPSON) for his leadership.

Madam Speaker, in closing I want to thank the Blue Dog Democrats who have joined me here tonight in this discussion of raising the national debt limit and its implications for our Federal fiscal policy. I look forward to the opportunity to debate this issue in the days ahead as we continue to work to balance the budget and pay down our debt and protect the Social Security Trust Fund for the future.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. LINDER (during Special Order of Mr. SCHIFF), from the Committee on Rules, submitted a privileged report (Rept. No. 107-361) on the resolution (H. Res. 350) providing for consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, which was referred to the House Calendar and ordered to be printed.

IMMIGRATION INTO THE UNITED STATES

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Madam Speaker, I come before the body tonight to talk about an issue that has often times been in the forefront in my thinking and a concern about the direction of the Nation; and that, of course, is immigration and the effect of massive immigration on our country.

Madam Speaker, I and my wife and several other members of the Congress of the House of Representatives just returned from a trip to Turkey, and it was a very interesting, very fascinating trip. And as we got back into the United States and were coming through customs, the young lady who was the customs official that was stamping our passport and checking to see what we have and that sort of thing at JFK looked up at me and said, I think I have seen you some place before, maybe on C-SPAN. And I said, Well, perhaps because I often am doing exactly what I am doing here tonight. I have spoken often on the issue of immigration. And she just had immediately got this sort of dejected look on her face and said, What a mess. What a mess. And she said it in a way that says it all.

Here is an official charged with the responsibility of implementing part of our immigration laws; and she, as well as so many other of her colleagues working in that area, recognize that it is in fact a mess.

Now, I have often come before this body and stood at this particular microphone and talked about the implications, well, more importantly the incredible situation we face with an organization, the INS, that is dysfunctional, to say the least. We have a situation where we have literally millions of people coming across our borders every single year that cannot be accounted for, millions of people who actually end up staying here beyond the time that they were allowed to come in under visas. And many people, of course, coming across the border every single year without any sort of visa or permission from this government to do.

There are many implications as a result of having this kind of situation, a country that is completely unable to defend its own borders. That is the situation that we face tonight. And I have talked on many occasions about the implications of that situation, the economic implications in this country, the incredible costs that we incur.

In a recent article in the Denver Post, a columnist by the name of Al Knight identified the costs to just the city and county of Denver for the purpose of providing services for immigrants, both legal and illegal, who come into the city in order to have their children, have a baby. And then Medicaid picks up the cost of it for the most part, in fact, 100 percent of it. And how much then it ends up costing every citizen just for that one little chunk of the action. And it goes on, of course, schools, roads, housing, welfare, enormous economic costs, infrastructural costs for a Nation that cannot defend its own borders.

There are political ramifications. There are cultural ramifications. And there are, of course, even security, national security issues that are all too evident for us here tonight as a result of the September 11 events. And we have talked about these things, and I try to bring them to the attention of my colleagues because, of course, I believe that they are worthy of that attention, those issues.

Tonight I am going to focus just on a little bit of a different side of this because as I said I just came back from a country that is a fascinating place, and it is in a part of the world that is experiencing enormous difficulties. Of course, that has probably been the case for hundreds, if not thousands, of years. And I have been, therefore, thinking about this issue that Huntington calls the "clash of civilizations" because we were there where we saw civilizations clashing. And Mr. Huntington in his book, "Clash of Civilizations," points out that there are today no real ideologies clashing. There are really not nations fighting nations so much as there are civilizations clashing with each other. And this does have relevance to the issue of immigration and certain other aspects of our national policy.

□ 2130

So I am going to focus on that for just some time tonight because I do think again that is a side of this immigration issue that has not really been discussed to the extent that it is warranted.

Madam Speaker, I wonder whether or not we have given enough thought to some of the philosophical questions that develop as a result of massive immigration into this country and combining massive immigration with another phenomenon in America that I will call radical multiculturalism.

Another great book, while I am speaking of that, is a book called the Disuniting of America: Reflections on a Multicultural Society, by Arthur Schlesinger, Jr. He speaks to this problem, and he says what happens when people of different ethnic origins, speaking different languages and professing different religions, settle on the same geographical locality, live under the same political sovereignty, unless a common purpose binds them together, tribal antagonisms will drive them apart.

In the century darkly ahead, civilization faces a critical question, he says. What is it that holds a nation together? And that is what I am going to address here for just a little bit this evening.

He goes on to say, no one in the 19th century thought more carefully about representative government than John Stewart Mill. The two elements that defined a nation, as Mill saw it, were the desire on the part of the inhabitants to be governed together and the common sympathy instilled by shared history, values and language.

Free institutions, he wrote, are next to impossible in a country made up of different nationalities. Among the people without fellow feeling, especially if they read and speak different languages, united public opinion, necessary for the working of representative government, cannot exist.

It is in general a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationalities.

Of course, that is happening less and less in this world. It is happening less and less in the United States.

One can say and be accurate I think to suggest that America has for a long time shown itself to be something in opposition to this definition that Mr. Mill has given us of a cohesive country. After all, we are a Nation that was born out of many ethnic origins, people from a variety of different countries, of course, coming here to create what we now call the United States of America; and many of them spoke different languages and had different values and different religions and that sort of thing, but they came together in this country and created a new experiment, new experiment in the way we govern ourselves. We call it a republic.

So how could it be then that the possibility or the problem of massive immigration could possibly in the United States, which as I say has a history of immigration, of course, people coming from all over the world and having formed a very prosperous and workable country, how could it be that we then look at the possibility that that might not be the future for the United States?

Let me suggest, Madam Speaker, that there are some major and significant differences between massive immigration today in the United States and the immigration that brought this country into an existence, its existence.

For the most part, it is my belief, it is my understanding of history, of our history especially, that it indeed is a country to which many people came from different places but came with a common purpose for the most part. They came here with the idea that they were in fact joining something new, participating in a new experiment in government, seeking a new life and seeking, most importantly, to break the ties to the old, and this is a very important distinction that I think we have to address. And when they came, the way that the culture existed and, up until just recently anyway, all the forces internally in the United States, the cultural and political forces, were driving people into an amalgamation, if you will, a homogeneity, the melting pot. That is where it comes from, where people came from a lot of places but became one. E pluribus unum.

That amazing sort of phenomenon created this incredibly wonderful country, and it held us together through a revolution and civil war, World War I, World War II, Depression, all of the other things that provided a threat to the national existence. It held us together.

Something is happening that I think we have to pay attention to. Today and for the last actually I think probably almost 40 years, we have seen a difference in the kind of immigration and the kind of people who are coming to the United States, the kind of connections they have to the countries from which they came and their desire to maintain them, their desire to maintain another language, different customs, different habits and even, even a desire to maintain some sort of political affinity to the country from which they came.

This I suggest, Madam Speaker, is a new thing with which we must deal, a new phenomenon, and we could deal with it still in this country, this massive country if we were talking about immigration at the numbers that were even high at the turn of the century, couple hundred thousand people a year at the turn of the late 1800s, early 1900s. That was it. That was the highest we ever got 220 some thousand people coming to the United States. We could handle that. But we are, of course, far above that today.

When we combine the massive numbers of people coming into the United States with this different philosophical background and difference in terms of what they are looking for, what they want to be when they get here and add to the mix this multiculturalism, this concept, this idea taught in the schools, the idea promulgated by the media, the idea promulgated certainly by what some people have termed the elite in our society, this idea being that all cultures are the same, that no nation state is really any different than any other nation state, that there is nothing unique about the United States, that we should not look to our past because they are nothing really, just a bunch of dead white males who made up our history, we should eschew that, we should move away from that, we should condemn that, we should disconnect ourselves from that history and embrace this multicultural concept.

I would suggest that these two phenomena, these two things, this massive immigration with people coming with a different purpose in mind and combined with this multiculturalism, I would say radical multiculturalism, this is concocting a deadly mixture for the United States.

This manifests itself in a variety of ways, and there are some very interesting statistics which point this out, what is happening to us. We have allowed for many, many years, we have allowed people to live in the United States while claiming citizenship in another country. Relatively few people have ever done that in our Nation's history frankly, but recently we have noticed a significant increase.

There are now estimates of six, seven or eight million people in the United States who are claiming dual citizenship, and that is really probably a very conservative estimate. Because between 1961 and 1997, 22 million legal immigrants, that is just legal, came to this country. Seventy-five percent of them came from countries that allowed dual citizenship; and many millions, as I say, now claim that.

Interestingly, a couple of years ago Mexico changed its laws and allowed its citizens immigrating from Mexico to retain their citizenship. They have even gone farther than that, and they are now encouraging Mexicans in the United States to vote in both the United States and in elections in Mexico.

We were recently in Mexico. I will never forget sitting at a luncheon and sitting next to a gentleman by the name of Eddie Levy. Eddie Levy, his name tag in front of us there. When we went around, introduced ourselves, Mr. Levy introduced himself as a member of the Mexican Congress. And indeed he was. He was a citizen of Los Angeles, but he is also a member of the Mexican Congress.

There are cities in southern Texas where the mayor of the city is a Mexican national. There is a city that has actually said that none of its documents will be written in English anymore, will all be in Spanish. It has actually said that nobody employed by the city can enforce any immigration laws, any American immigration laws. This is a city inside the United States.

The President of Mexico recently, he has something he calls the Vision 20/20 plan for homogenous Americas. He is unabashedly staking Mexico's future and fortunes on greener pastures in the north. This is from a Gwinnett News Service article, February 21. He delights in describing a borderless region, symbiotic in its relations, similar in principle to the European Economic Union where jobs and people and the Euro cross most borders as easily as the wind.

This is the President of Mexico. When we think of 2025, year 2025, there is not going to be a border, Mr. Fox has said. Soon there will be free movement of people, just like the free movement of goods.

We were in Mexico, as I say, not too long ago. We met with a representative of the Mexican government who is a newly appointed cabinet minister there for a newly created cabinet in the Mexican government. His name is Juan Hernandez, and Mr. Hernandez's title translates something like minister in charge of Mexicans living outside of Mexico.

It is a very interesting title, of course, and he was also unabashed in what he described as the future he saw. It is one in which essentially millions of Mexican citizens will be coming to the United States, legally and illegally. He sees really no difference. Because, as he told me, really there are not two countries here, he said. We are just talking a region. This is a member of the Mexican government.

So there is a blending, that is for sure, there is a blending of culture. There is a blending, and the border is in many respects almost eliminated. It is gone, for all intents and purposes.

There can be a legitimate debate, as I have said often, as to whether or not we should abolish the border between the United States and Mexico, between the United States and Canada and form this sort of European Union model that Mr. Fox wants and that many Members of this Congress want, maybe even members of our administration want. We can debate this point. A bill could arise for that purpose. We could have a national debate as to whether or not we want to eliminate the borders.

□ 2145

I would vote "no." I believe that there is a purpose served by them, borders, that is; and they go beyond just the need for our own immediate security. They go into this bigger issue that I am talking about in terms of what makes a nation; what, in fact, holds a nation together. But, nonetheless, it is a legitimate topic. We can debate it, if that is where we are going.

The problem I have, Madam Speaker, is that that is where we are going; but it is without the debate. We will not hear on the floor of this House, we will not hear in any committee of this Congress a discussion as to the efficacy of doing something like eliminating our borders. We will talk about the need to revamp the INS and all that, and I am all for it; but I really do think that the whole battle over immigration is really a battle as to whether or not we should have borders.

And the people who are the ultimate sort of multiculturalists, the people who do not see a reason to attach any significance to what we describe as the United States of America, its uniqueness and the validity of our civilization, of Western Civilization, essentially, in this clash of civilizations that we now face in the world, the people who push that concept will push for the elimination of our borders. And they are aided in that if they cannot get it via a bill through this Congress, signed by the President, then they will get it as a result of changing who we are and what we are in the United States.

As I say, it is not just massive immigration that is the problem. It is massive immigration connected with this multiculturalism that infects our system, our culture. It is the kind of thing that says that schoolchildren cannot say the Pledge any more; it is the kind of thing that will not allow flags to be flown in our schools and in public institutions. Even after the outpouring of patriotic fervor after September 11, there were places throughout the United States that disallowed the flying of the flag because they said it may in fact anger people; it may be an affront to somebody; that it may make them uncomfortable. The flying of the flag may make them uncomfortable.

No, Madam Speaker, the elimination of any sort of recognition of uniqueness of America from our public schools under this cloak of multiculturalism, I guess I will call it, has resulted in a situation where we have at least a generation, maybe two, who are incredibly illiterate when it comes to American history and the American ideal.

I am a teacher by background. I taught for 8 years in Jefferson County, Colorado. I taught civics, as a matter of fact. And I can attest to something that I think is pretty much common sense, but it is a fact that children are not born with an appreciation, an innate appreciation of the Declaration of Independence or the Bill of Rights, who we are as a Nation. They do not understand that innately. They have to be taught. It has to be something that is appreciated in their homes and reinforced in the school, the same way that most children do not come to school with an appreciation of great art or great literature or great music. We have to teach them that. They do not come to it naturally.

The same thing happens with teaching them about America and about the uniqueness of this country and about what it means to be an American, how it separates us from the rest of the world. But even saying that today in a public school could get someone in trouble. Today, if a teacher in a public school in this land actually said that there is something unique about America, it separates us from the rest of the world and it is better, they would be in trouble. There are politicians that may be in trouble for saying it. There are certainly people in the media who would rail against such a concept. I see aspects of this all the time.

I think there are major implications to issues like drawing lines, congressional lines, just for certain ethnic groups, and even caucuses here in the Congress of the United States, where Black, Hispanic and others are based on ethnicity. I always wonder about how that helps us come together as a Nation; how does this help us actually define ourselves as a Nation, the common set of ideals, of values, of languages?

Now, I am Italian. I am 100 percent Italian. I am a recent arrival, as a matter of fact, by heritage. My grandparents came to the United States in the late 1800s and early 1900s, along with the wave of immigration all over the world. As I say, both sides came from Italy, so I am relatively new, if you want to think of it that way. I cannot trace my heritage back to the Mayflower. So I am a relatively new American, if you want to think of it that way. Yet I must say, Madam Speaker, that in growing up, all the textbooks I was given in school, all the things that I was told in my home, all of the influences of my life, and all of the references to my history, our history, if you want to say it that way, was all American history.

I grew up thinking of Jefferson and Madison and Adams, Patrick Henry, Benjamin Franklin. These were the heroes of my history. That is what I was taught, both at home and in school. There was never any idea that we were somehow still tied politically or linguistically to Italy. As a matter of fact, and perhaps even unfortunately, Italian was not allowed to be spoken in my grandparents' home. It was an indication of their desire to separate themselves from the nation of their birth and to come here and start anew.

That, as I say, is what I think has changed. I believe our schools do not teach that. I believe that we are witnessing this significant shift in culture, and I think it is something worthy of us to discuss. Massive immigration, combined with radical multiculturalism spells disaster, as far as I am concerned, Madam Speaker. As I say, I have often come to the floor to talk about the other implications of immigration, but tonight I just wanted to address this topic for a short period of time because I do think it is worthy of note.

Perhaps it is because I just came back from overseas where I could see the effects of this clash of civilizations; that everywhere we look around the world, as a matter of fact, we can see tribalism breaking up nation states, and that is the new world in which we live. It is happening all over. Countries are facing this kind of problem, and I worry about our own future. And I think that in order for us to sustain ourselves, in order for the United States to sustain itself and be the leader of Western Civilization, that we have to have a cohesion, we have to have a homogenous society.

Now, I am not suggesting for a moment that anybody has to ignore their background. Certainly I do not. Certainly I appreciate my own, and I appreciate anybody else's desire to revel in their own cultural background and heritage. That is not the issue at all. It is the issue of whether or not we disconnect, though, politically, from what we were to who we are today. And I worry that that is not happening.

There are certainly indications that something very, very different is occurring in America today as a result of massive immigration into the United States. Uncontrolled immigration. We can, in fact, still have immigration. We do not have to slam any doors shut. We simply have to reduce the number; and we have to, on the other side of the coin, begin to once again focus on what it means to be an American in our public schools, in our institutions, in our leaders.

I think the President of the United States and all people entrusted with the responsibility of leadership in America should focus on that and talk about it. It is imperative now, I think, as we enter into this new world, this clash of civilizations that I mentioned. It is imperative that we identify for the world at large and for our own citizens exactly who we are and why there is the struggle against the evil that we have identified as the terrorists in the world. It is in a way a clash of civilizations, certainly; and it is important for Americans to understand who we are, where we came from, and where we are going.

We need a cohesive society. We need a language in which we can all communicate. Even that, of course, as you know, is being challenged continually. Bilingual education, as an example, is where children are placed in classes and taught in a language other than English for the purpose, they say, of increasing their educational attainment levels. But even when it is shown over and over again that there is no actual increase in educational attainment levels, people still push bilingual education. So you have to ask yourself why. What is the purpose? If it is not to actually help a child accomplish something, accomplish a better education, obtain a better education, then why are we doing it? It is, I suggest, Madam Speaker, as a result of this radical multiculturalism; the idea that we do not want people to disconnect from that other culture, wherever they came from and what they were, and connect to a new one. We want to foster this Balkanizing sort of phenomenon that we are experiencing in the United States. All very dangerous stuff.

POVERTY IN AMERICA

The SPEAKER pro tempore (Mrs. CAPITO). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Madam Speaker, I have listened to much of the discussion this evening, and I have decided that I am going to talk about something that I do not think we talk about nearly enough, and I am sure that we do not do nearly enough about it, and that is the whole issue of poverty and what it does to millions of people in our Nation and what it does to millions of people throughout the world.

Madam Speaker, the stubborn persistence of poverty in America is one of the most inexplicable features of our national life. America, that is our country, in the 21st century is the wealthiest Nation in the history of the world. We have the resources to provide for all of our citizens, and certainly we have the resources to end hunger, homelessness, and to offer quality health care and education to all of our people. Yet, in our great national paradox, we have not chosen to do so.

The gap between the few ultrawealthy and the overwhelming majority of working people, that gap, which was once quite small, has grown and is now wider than at any time since the Great Depression.

□ 2200

It has, in the judgment of many, become so large that it undermines our sense of a Nation of equals. Poverty and income inequality present a real challenge to our notion of America as a Nation that promotes equality and that is seriously moving in that direction.

In 1997, the top 1 percent of the U.S. population, that is, 2.6 million people, had as much after-tax income as the 100 million Americans with the lowest income.

At the same time, household debt reached historic highs. The total value of all forms of outstanding household debt was greater than the total disposable income of all households.

The wealthiest 1 percent reduced their share of the debt by 27 percent, while the middle 20 percent of households increased their share of the debt by 38.8 percent.

There was no progress in reducing poverty between 1995 and 1999 despite an increasing economy. More than 1.4 million Americans are classified as food insecure, including the cruelest feature of poverty, the concentration of children among the poor.

Madam Speaker, 45 percent of children in poor families are considered food insecure.

Reductions in poverty as a result of economic growth were entirely offset by increased poverty due to cuts in government safety net programs. The poor in the United States are less likely than the poor in other countries to leave poverty. On average, 28.6 percent of the United States poor are able to escape their economic situation, while in Sweden the rate is 36 percent. In Germany, the rate is 37 percent; in Canada, the rate is 42 percent; and in the Netherlands the rate is 44 percent.

Counting the poor has become a cynical art. Measures of poverty have come and gone, many of them arbitrary from their inception. The current poverty level has never been permitted to adjust to cost of living increases and other impacts. The debate over defining poverty and who is poor has been used to limit the ability of public policy to address poverty in a meaningful way.

As William Greider has pointed out, "The effect of the poverty line is to obscure the existence of a vast pool of struggling families who are above the poverty line, who are not officially poor, and to exclude them from the political equation."

Further quoting, "Helping the poor is considered virtuous even among conservatives. Helping the nonpoor is considered wasteful or even fraudulent. The problem of poverty is presumed to reside in the poor people themselves, not in the structure of wages available in the private economy."

According to a recent study by the Economic Policy Institute, 29 percent of working families in the United States with one to three children under age 12 do not earn enough to afford basic necessities such as food, housing, health care, and child care, even during a period of national prosperity. Nearly one-third of families with incomes below twice the poverty threshold faced at least one critical hardship, like going without food, getting evicted, having to double up in housing with another family or not having access to medical care during an acute illness.

The report calculated a basic budget level for each State, the budget a family would need to afford food, housing, child care, health insurance, transportation, and utilities. Even for families that include a full-time worker, nearly one-quarter of the families below twice the poverty line face these problems.

Of families with incomes below the basic income line, half include a parent who worked full time, and nearly 60 percent are two-parent families. More than 75 percent are headed by a worker with a high school degree or more. About one-third live in the suburbs, one-third in the cities, and one-third in rural areas.

Just over half of all families living below the basic budget level are white families. However, about half of all black and Hispanic families fall below the basic budget levels.

No one argues for income equality in the sense we demand equality in polling places. Nevertheless, there is, somewhere, a line where economic inequality becomes incompatible with democracy. The marketplace makes no allowance for democracy, and there is no greater challenge to our democracy than economic injustice and poverty in the first place.

So out of concern for basic economic justice, out of the fundamental need for capitalism to balance production and consumption and a profound need to preserve our sense of Nation, we face no more critical task than shaping a national economic policy which addresses the issue of poverty.

The question of poverty and economic income inequality has moved center stage as, for the first time in a decade, America is mired in recession. And of course we know that when we talk recession overall we are talking serious depression for those at the lowest levels of our economic stratum.

More than 8 million Americans are now out of work. More than 1 million workers have lost their jobs since September 11. Our economy has been shedding 100,000 jobs a week. Two million workers will likely lose their unemployment insurance benefits in the first 6 months of this year. Ninety-four percent of those who lose benefits will not receive additional assistance.

It is extremely unfortunate that the President's budget slashes job training in 336 cities from $225 million to $45 million.

We have now experienced more than 13 consecutive months of industrial decline, the longest such period since the Great Depression. American consumers, which have accounted for two-thirds of our economic engine in recent years, have been staggered by the current crisis, and both the November and December retail sales have been characterized as dismal.

As usual, the most vulnerable are the hardest hit. Unemployment of African Americans and Hispanics have increased at least 50 percent faster than the national average. For African American teens, the increase is 400 percent faster. While the number of African Americans in poverty began to decrease in the last years of the period of economic expansion in the 1990s and the wage gap decreased during those recent years, the income gap has remained substantial.

The persistent racial inequalities and inequities are underlined by a recent study by Edward N. Wolff. Wolff points to the persistence of these inequalities and notes that even if we could immediately eliminate the racial income gap, it could take another two generations for the wealth gap to close.

Unemployment rates for women who are heads of household have soared. 200,000 single moms are scheduled to be dropped from Federal assistance in 2003.

Also soaring is the homeless rates. According to the Coalition for the Homeless, a record number of people, more than 29,000, were spending nights in shelters in New York during November, up from 8,000 in October.

Meanwhile, the so-called safety net, gutted by welfare reform, has begun to reveal fearsome gaps. Even before the downturn began, more than 100,000 families lost their income support because of time limits. In the first 3 years of TANF, 540,000 families had benefits terminated for not complying with program rules.

State reserves for income support programs are drying up rapidly. Illinois and Michigan are among states most at risk.

Food stamps have traditionally been one of the basic protections of the safety net. However, over the past few years participation rates have fallen sharply because of barriers to access.

One of the other basic fixtures of the safety net has been unemployment insurance. Benefit levels now replace only 33 percent of the coverage that average workers lost, down from 36 percent in 1990. The percentage of unemployed workers who actually get unemployment benefits has also declined over the past 40 years, peaking at 49 percent in 1975 and declining to a mere 37 percent in 2001.

We know that recessions are particularly cruel to State budgets. Those who have been following events in Illinois know that Medicaid is high on the endangered list. We need an economic stimulus to jump-start our economy, and we need it immediately.

While some talk about tax cuts which will primarily benefit the wealthiest 1 percent of taxpayers, and do nothing for the bottom 75 percent, let me suggest that any serious economic stimulus package must consider and be focused on the needs of the poor and the most vulnerable among us.

The President's fiscal year 2003 budget calls for cutting job training and employment funding by almost $700 million while unemployment is increasing.

The President's budget calls for reducing community development support by 28 percent while poor communities and programs for child care and social services are in crisis.

The President's budget proposes to cut home energy assistance by $300 million compared to fiscal year 2002.

The President's budget cuts funding for JAIBG, which helps States improve facilities and services to incarcerated youth by 13.8 percent.

The President's budget makes the first of 10 annual $780 million cuts to our teaching hospitals; and, to add insult to injury, then adds a 30 percent cut to a program which funds medical training at hospitals that specialize in the care of children.

The President's budget request reduces his own plan for prescription drug benefits from the $48 billion he proposed last year to $13.2 billion this year.

The National Institute for Occupational Safety and Health would take a $29 million hit, while the Occupational Safety and Health Administration will take a $9 million hit.

Public housing will face a $382 million cut along with the $417 million cut for public housing repairs and $268 million from the Community Development Block Grants.

□ 2215

Now is the time for some hard thinking about priorities and about cutting waste in government.

Here is what Vice Admiral Jack Shanahan, United States Navy, retired, former commander of the United States Second Fleet and head of the Military Advisory Committee of Business Leaders for Sensible Priorities wrote about the President's budget on February 13. He said: "The decision to ask Congress to increase the Pentagon budget by $48 billion or more may sound reasonable in light of America's ongoing war on terrorism, but the reality is that the Pentagon budget should actually be trimmed by 15 percent."

Further quoting: "To be sure, our military will require new tools to fight modern adversaries. The Pentagon needs more unmanned aircraft, better communications and reconnaissance technology, as well as more mobile weaponry.

"We need to spend more money on military personnel and ideas, as we create a force that is capable of a seamless transition from humanitarian activities to peacekeeping to actual combat and back again. This places a premium on the individual soldier who gets the job done with minimum loss of life on both sides, with minimum property damage and in the shortest possible time.

"But these new military expenditures can easily be paid for with money saved from eliminating outdated weapons from the Pentagon budget, wasteful expenditures that President Bush himself pledged to cut.

"None of the weapons that the administration reportedly wanted to eliminate prior to September 11, like the F-22 fighter jet, the Crusader artillery system, and the Comanche helicopter, would have been of any significant benefit to our troops in Afghanistan. Likewise, they will not be needed by our military personnel in any foreseeable conflict with our most likely adversaries.

"But the money that could be saved by 'cutting these Cold War weapons could definitely be put to good use. The administration is correct that America needs to spend more on shoring up national security. But rather than add to the Pentagon budget, President Bush should trim it of Cold War fat and apply the savings to our more expansive and pressing security needs."

Madam Speaker, we must provide protection for those at greatest risk of economic hardship: low wage, entry level and part-time workers, women, minorities, the underprivileged, small businesses, marginal communities and those who have lost their jobs.

Specifically, what does this mean? I believe it means raising the minimum wage to a livable wage. Obviously, there is never enough time to really talk totally about the minimum wage or the living wage movement. But suffice it to say that the living-wage movement has become one of the most potent and effective tools for attacking poverty.

Chicago and Cook County are just two of the more than 70 local units of government which have passed living-wage ordinances. We now have extensive research which shows that when the lowest-paid workers receive additional income, they spend those dollars to meet their family's needs. This provides a boost to the local economy which more than offsets the increased salary costs.

Further research demonstrates that businesses do not flee these communities because of modest increases in wage costs, but are actually attracted to communities with healthy economies. Extending unemployment and medical benefits both with regards to time and eligibility has become a central feature of the current legislative initiative in the Congress and offers one of the fastest and most efficient means of stimulating the economy.

Providing direct loans and grants to small businesses affected by the September 11 terrorist attacks has become a hot topic of discussion, especially since the Congress passed the airline bailout.

I believe that it makes a lot of sense to look towards assisting small businesses which today generate the majority of jobs in our Nation. Reauthorizing a TANF program, which not only takes people off welfare, but takes people out of poverty, is one of the largest issues facing us this year.

The unfortunate fact is that welfare reform has been successful. Unfortunately, the problem is that it was never intended to meet the needs of the poor, but to shed public responsibility for addressing poverty.

Welfare rolls have declined, but many of those who have left TANF are in worse economic condition than they were before they left. The U.S. Conference of Mayors reports that emergency shelter requests in 27 cities have increased 13 percent over the last year, but the President's budget cuts public housing repairs $417 million. That is 14.7 percent.

Real welfare reform must address, at a minimum, improving the safety net for children while helping parents meet work-related goals; empowering families to find resources and tools and make decisions needed to meet their needs and goals as a family; ensuring families with multiple barriers to employment and economic independence receive necessary services, including mental health and substance abuse treatment; revising the time limits on eligibility, as was emphasized by the just-completed National Governors Conference; redefining the goal of reform to reduce poverty, especially child poverty, not just caseloads.

We will never eliminate poverty until we recognize the need for a federally funded daycare program for children of all ages. Forty-nine States have child care costs greater than tuition to public colleges; yet quality day care is not only a critical prerequisite for parental employment, it is critical for healthy child development.

Finally, and critical for our growth as a Nation, is a system of national health care, including prescription drug coverage and the treatment of mental illness on par with all other illness. America is abuzz these days with response to the new Denzel Washington movie "John Q" and how it relates to people's own experiences with paying for health care in America.

No nation in the world has the health care resources, the technology, the trained health care professionals of America. But our health care delivery system is broken and our priorities, especially our lack of focus on prevention, are sadly misplaced.

I hope that the result of the November election in Portland, Maine, will be a bellwether of things to come in health care. Portland voters passed a referendum on universal health care, despite the fact that opponents spent hundreds of thousands of dollars more than congressional candidates usually spend in Maine trying to defeat the measure. A single-payer, universal health care system would be more efficient, would cost less as a result of eliminating mountains of paperwork, would offer more choice and would provide coverage to every one of our people.

Integral to my dream, my vision for America, is an America where poverty and all of the social, moral, mental and physical ills associated with poverty are eradicated forever.

Of course, a part of that poverty syndrome is the fact that our prisons are filled to the hilt with individuals, 2 million of them. While we are only 5 percent of the world's population, we have 25 percent of the world's prison population.

The Justice Department has predicted that 630,000 of these individuals are going to be released from prison this year. About 30,000 of them will be in my State, the State of Illinois. Unfortunately, we have not prepared for them as they come back to neighborhoods and communities. So a good part of our attack on poverty has to be a serious look at our correctional system and a serious look at what it takes to reform, to rehabilitate and to prepare people for reentry into normal society once they are released from correctional facilities and institutions.

I introduced the week before last a bill, the Public Safety Ex-Offender Self-Sufficiency Act, that is designed to provide structured living arrangements for ex-offenders as they return home, an arrangement that is not designed to cost taxpayers a great deal of money. We use a creative approach to financing by creating a model like the low-income-housing tax credit program, where instead of credits on the basis of population, that we provide credits on the basis of the number of ex-offenders in a State.

Private developers are encouraged to develop housing. This bill calls for the development of 100,000 units over the next 5 years, the idea being that corporations who do this will get the benefit of their resource back within a 10-year period. They must hold the facilities at least for 15 years. Individuals will then have a place to live, a place to go, where they can also receive education, job training, skill development, counseling for whatever their social or physical-medical problems may be, as well as health care and assistance with job placement.

I believe, Madam Speaker, that if America is to become the Nation that it has the potential of being, then we must seriously address the problems, needs, hopes, and aspirations of all our citizens, and even those who are mired down at the bottom.

I believe in the theory and the concept that a rising tide should lift all boats; and I am confident that as we lift and improve the lives of those at the bottom, as we help the American dream become more of a reality for all of our citizens, then America becomes that Nation that Langston Hughes talked about when he suggested that we ought to let America be America again, the land that it has never been, but yet must be.

In all of our greatness, we have not realized the fulfillment of our potential. It is my hope that as we deal with the issues of poverty and the issues of those who are the most needy among us, we will lift America to heights that it has never seen.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BALDACCI (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

Mr. REYES (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of personal reasons.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. GANSKE, for 5 minutes, February 27 and March 1.

Mr. PAUL, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, February 27.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 980. An act to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes; to the Committee on Energy and Commerce; in addition to the Committee on Transportation and Infrastructure for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

S.J. Res. 32. Joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation; to the Committee on Armed Services.

ADJOURNMENT

Mr. DAVIS of Illinois. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 28 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 27, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5547. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Rules Relating to Intermediaries of Commodity Interest Transactions (RIN: 3038–AB56) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5548. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Listing Standards and Conditions for Trading Security Futures Products (RIN: 3038–AB87) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5549. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Sulfuryl Floride; Temporary Pesticide Tolerances [OPP–301166A; FRL–6823–4] (RIN: 2070–AC18) received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5550. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Bentazon; Pesticide Tolerance [OPP–301215; FRL–6820–9] (RIN: 2070–AB78) received February 05, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5551. A letter from the Under Secretary, Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

5552. A letter from the Deputy Secretary, Department of Defense, transmitting notification of the transport of a chemical warfare agent, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

5553. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that certain major defense acquisition programs have breached the unit cost by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

5554. A letter from the Secretary of the Navy, Department of Defense, transmitting notification of the decision to convert to contractor performance by the private sector the Transportation function at NADEP Cherry Point, NC, which was found to be the most cost-effective, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5555. A letter from the Secretary of the Army, Department of Defense, transmitting a report on assistance provided by the Department of Defense (DoD) to civilian sporting events in support of essential security and safety; to the Committee on Armed Services.

5556. A letter from the Chairman, National Credit Union Administration, transmitting the Administration's report of activities for calendar year 2001; to the Committee on Financial Services.

5557. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–1001] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5558. A communication from the President of the United States, transmitting notification that the Yucca Mountain site has met recommended approval for the development of a repository for the geological disposal of spent nuclear fuel and high level nuclear waste from the Nation's defense activities, pursuant to 42 U.S.C. 10134 nt.; to the Committee on Energy and Commerce.

5559. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's Report to Congress Regarding Number of Chimpanzees and Funding for Care of Chimpanzees, as required by Public Law 106–551; to the Committee on Energy and Commerce.

5560. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Imperial County Air Pollution Control District [CA 242–0316; FRL–7134–1] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5561. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Full Approval of Operating Permit Program; State of New York [NY002; FRL–7137–7] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5562. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Wyoming; Revisions to Air Pollution Regulations [WY001–0007a, WY–001–0008a, WY–001–0009a; FRL–7130–3] received January 31, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5563. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Allocation of Essential-use Allowances for Calendar Year 2002; and Extension of the De Minimis Exemption for Essential Laboratory and Analytical Uses through Calendar Year 2005 [FRL–7140–5] (RIN: 2060–AJ81) received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5564. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Kentucky; Revisions to the 1-Hour Ozone Maintenance State Implementation Plan for the

Paducah Area, Kentucky; Correction [KY-200214; FRL-7138-5] received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5565. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the United Kingdom for defense articles and services (Transmittal No. 02-12), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5566. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 167-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5567. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 162-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5568. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 164-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5569. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to India [Transmittal No. DTC 161-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5570. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with the United Kingdom [Transmittal No. DTC 123-01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to the United Kingdom [Transmittal No. DTC 128-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5572. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5573. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5574. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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5578. A letter from the Director, Office of Personnel Policy, Department of the Interior, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5579. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5580. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5581. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5582. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5583. A letter from the Comptroller General, General Accounting Office, transmitting the report on General Accounting Office employees detailed to congressional committees as of January 25, 2002; to the Committee on Government Reform.

5584. A letter from the Acting General Counsel and Designated Reporting Official, Office of National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5585. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Revised Jurisdiction Thresholds for Section 8 of the Clayton Act—received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5586. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego Bay [CGD11-01-010] (RIN: 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5587. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Naval Supply Center Pier, San Diego Bay, CA [CGD11-01-008] (RIN 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5588. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Naval Amphibious Base, San Diego Bay, CA [CGD11-01-011] (RIN 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5589. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Ports of Charleston and Georgetown, SC [COTP Charleston-01-128] (RIN 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5590. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; St. Thomas, U.S. Virgin Islands [CGD07-01-136] (RIN 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5591. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; St Croix, U.S. Virgin Islands [CGD07-02-002] (RIN 2115-AA97) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5592. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Oahu, Maui, Hawaii, and Kauai, HI [COTP Honolulu 01-008] (RIN 2115-AA97 and 2115-AA98) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5593. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-200, 747-300, and 747SR Series Airplanes Powered by General Electric CF6-45/50 or Pratt & Whitney JT9D-70 Series Engines [Docket No. 2001-NM-124-AD; Amendment 39-12578; AD 2001-26-12] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5594. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; and C-9 Airplanes [Docket No. 99-NM-290-AD; Amendment 39-12590; AD 2001-26-24] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5595. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC-8-100, -200, and -300 Series Airplanes [Docket No. 2001-NM-241-AD; Amendment 39-12589; AD 2001-26-23] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5596. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model Avro 146-RJ Series Airplanes [Docket No. 2001-NM-90-AD; Amendment 39-12588; AD 2001-26-22] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5597. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-255-AD; Amendment 39-12587; AD 2001-26-21] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5598. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319, A320, and A321 Series Airplanes [Docket No. 2001-NM-132-AD; Amendment 39-12586; AD 2001-26-20] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5599. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Galaxy Airplanes [Docket No. 2001-NM-388-AD; Amendment 39-12599; AD 2002-01-08] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5600. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Alternate Compliance Program; Incorporation of Offshore Supply Vessels [USCG-2001-10164] (RIN: 2115-AG17) received February 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5601. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Grob-Werke Gmbh & Co KG Models G102 Club Astir III, G102 Club Astir IIIb, and G102 Standard Astir III Sailplanes [Docket No. 2001-CE-48-AD; Amendment 39-12591; AD 2001-26-25] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5602. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-300 Series Airplanes [Docket No. 2001-NM-174-AD; Amendment 39-12584; AD 2001-26-18] (RIN 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5603. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 Series Airplanes [Docket No. 2001-NM-28-AD; Amendment 39-12583; AD 2001-26-17] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5604. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS332L2 Helicopters [Docket No. 2001-SW-11-AD; Amendment 39-12597; AD 2002-01-06] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5605. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328 Series Airplanes Equipped with Honeywell GP-300 Guidance and Display Controller [Docket No. 97-NM-187-AD; Amendment 39-12580; AD 2001-26-14] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5606. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, B1, B2, B3, BA, D, and AS355E Helicopters [Docket No. 2001-SW-70-AD; Amendment 39-12605; AD 2001-26-53] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5607. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter Deutschland GmbH Model EC135 Helicopters [Docket No. 2001-SW-64-AD; Amendment 39-12604; AD 2001-26-52] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5608. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace, Springhill, LA [Airspace Docket No. 2001-ASW-14] received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5609. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757 Series Airplanes [Docket No. 2000-NM-405-AD; Amendment 39-12513; AD 2001-23-14] (RIN: 2120-AA64) received February 11, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5610. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81, -82, -83, and -87 Series Airplanes, and Model MD-88 Airplanes [Docket No. 2000-NM-161-AD; Amendment 39-12581; AD 2001-26-15] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5611. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas DC-9-81, -82, -83, and -87 Series Airplanes, and Model MD-88 Airplanes [Docket No. 2000-NM-162-AD; Amendment 39-12582; AD 2001-26-16] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5612. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company) AE 3007 Series Turbofan Engines [Docket No. 99-NE-46-AD; Amendment 39-12558; AD 2001-25-05] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5613. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft Corporation Model S-76B and S-76C Helicopters [Docket No. 2001-SW-51-AD; Amendment 39-12559; AD 2001-25-06] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5614. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8-70 Series Airplanes [Docket No. 2001-NM-222-AD; Amendment 39-12551; AD 2001-24-34] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5615. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, and -200C Series Airplanes [Docket No. 2001-NM-221-AD; Amendment 39-12550; AD 2001-24-33] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5616. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-200B, 747-200C, 747-200F, 747SP, and 747SR Series Airplanes [Docket No. 2001-NM-220-AD; Amendment 39-12549; AD 2001-24-32] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5617. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: Boeing Model 747 Series Airplanes [Docket No. 2001-NM-219-AD; Amendment 39-12548; AD 2001-24-31] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5618. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200C and -200F Series Airplanes [Docket No. 2001-NM-218-AD; Amendment 39-12547; AD 2001-24-30] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5619. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2001-NM-217-AD; Amendment 39-12546; AD 2001-24-29] (RIN: 2120-AA64) received February 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5620. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -15, -30, -30F (KC-10A and KDC-10), -40, and -40F Series Airplanes [Docket No. 2001-NM-98-AD; Amendment 39-12540; AD 2001-24-23] (RIN: 2120-AA64) received February 8,2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5621. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; GE Aircraft Engines CT7 Series Turboprop Engines [Docket No. 2000-NE-61-AD; Amendment 39-12594; AD 2002-01-03] (RIN: 2120-AA64) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5622. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. 2001-CE-30-AD; Amendment 39-12579; AD 2001-26-13] (RIN: 2120-AA64) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5623. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30291; Amdt. No. 2089] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5624. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No. 30289; Amdt. No. 433] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5625. A letter from the ProgramAnalyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HP.137 Jetstream Mk.1, Jetstream Series 200, Jetstream Series 3101, and Jetstream Model 3201 Airplanes [Docket No. 2001-CE-34-AD; Amendment 39-12596; AD 2002-01-05] (RIN: 2120-AA64) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5626. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. (formerly AlliedSignal Inc. and Garrett Turbine Engine Company) TPE331-8, -10N, and -12B Turboprop Engines [Docket No. 2000-NE-39-AD; Amendment 39-12472; AD 2001-21-02] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5627. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Model S-70A and S-70C Helicopters [Docket No. 2001-SW-18-AD; Amendment 39-12561; AD 2001-25-08] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5628. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Luftfahrt GMbH Models 228-100, 228-101, 228-200, 228-201, 228-202, and 228-212 Airplanes [Docket No. 2001-CE-19-AD; Amendment 39-12471; AD 2001-21-01] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5629. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Reims Aviation S.A. Model F406 Airplanes; Correction [Docket No. 99-CE-28-AD; Amendment 39-12504; AD 2001-23-07] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5630. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Honeywell International Inc. Models LTS101-600A-2 and LTS-600A-3 Turboshaft Engines; and LTP101-600A-1A and LTP101-700A-1A Turboprop Engines [Docket No. 99-NE-17-AD; Amendment 39-12557; AD 2001-25-04] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5631. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; C-9 Airplanes; and Model DC-9-81, -82, -83, and -87 Series Airplanes [Docket No. 99-NM-291-AD; Amendment 39-12531; AD 2001-24-14] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5632. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes and C-9 Airplanes [Docket No. 99-NM-294-AD; Amendment 39-12533; AD 2001-24-16] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5633. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; Model DC-9-81, -82, -83, and -87 Series Airplanes; Model MD-88 Airplanes; and C-9 Airplanes [Docket No. 2001-NM-206-AD; Amendment 39-12544; AD 2001-24-27] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5634. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, -40, and -50 Series Airplanes; C-9 Airplanes; Model DC-9-81, -82, -83, and -87 Series Airplanes; and Model MD-88 Airplanes [Docket No. 99-NM-297-AD; Amendment 39-12536; AD 2001-24-19] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5635. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, and -40 Series Airplanes [Docket No. 99-NM-288-AD; Amendment 39-12530; AD 2001-24-13] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5636. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -30, and -40 Series Airplanes and C-9 Airplanes [Docket No. 99-NM-292-AD; Amendment 39-12532; AD 2001-24-15] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5637. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -30, and -40, Series Airplanes and C-9. Airplanes [Docket No. 99-NM-296-AD; Amendment 39-12535; AD 2001-24-18] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5638. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10, -20, -30, and -40 Series Airplanes and C-9 Airplanes [Docket No. 2001-NM-104-AD; Amendment 39-12542; AD 2001-24-25] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5639. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -15, -30, -30F (KC-10A and KDC-10 Military), and -40 Series Airplanes; and Model MD-10-10F Series Airplanes [Docket No. 2001-NM-95-AD; Amendment 39-12537; AD 2001-24-20] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5640. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes, and Model MD-10-10F and -30F Series Airplanes [Docket No. 2001-NM-96-AD; Amendment 39-12538; AD 2001-24-21] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5641. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-10-10, -10F, -30, -30F (KC-10A and KDC-10), -40, and -40F Series Airplanes; and Model MD-10-10F Series Airplanes [Docket No. 2001-NM-97-AD; Amendment 39-12539; AD 2001-24-22] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5642. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-10 and -30 Series Airplanes [Docket No. 2001-NM-103-AD; Amendment 39-12541; AD 2001-24-24] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5643. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-8 Series Airplanes [Docket No. 2001-NM-210-AD; Amendment 39-12545; AD 2001-24-28] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5644. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B2 and B2 and B4, A300 B4-600 and B4-600R, and A310 Series Airplanes [Docket No. 2001-NM-204-AD; Amendment 39-12543; AD 2001-24-26] (RIN: 2120-AA64) received February 4, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5645. A letter from the Administrator, Department of Health and Human Services, transmitting the Department's report entitled, "Expansion of Telehealth Services for Homebound Beneficiaries," pursuant to 42 U.S.C. 1395 note. Public Law 105-33 section 4206 (d)(1) (111 Stat. 378); jointly to the Committees on Energy and Commerce and Ways and Means.

5646. A letter from the Secretary, Department of Agriculture, transmitting the Department's report entitled, "Herger-Feinstein Quincy Library Group Forest Recovery Act Pilot Project FY 2000"; jointly to the Committees on Resources and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 350. Resolution providing for consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes (Rept. 107–361). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on February 15, 2002]

H.R. 2481. Referral to the Committee on Armed Services extended for a period ending not later than March 29, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOEKSTRA (for himself, Mr. Roemer, Mr. Boehner, Mr. Petri, Mrs. Roukema, Mr. Greenwood, Mr. Graham, Mr. Kildee, Mr. Owens, Mr. Andrews, Mr. Kucinich, Mr. Holt, Mr. Cunningham, Ms. Eshoo, Ms. Slaughter, Mr. Towns, Mr. Jenkins, Mr. Hall of Ohio, Mr. Doyle, Mr. Frank, Mr. Skelton, Mr. Neal of Massachusetts, Mr. Green of Wisconsin, Mr. McGovern, Mr. Rahall, and Mr. Sununu):

H.R. 3784. A bill to reauthorize the Museum and Library Services Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BAKER:

H.R. 3785. A bill to establish expanded teacher loan forgiveness programs under the guaranteed and direct student loan programs for teachers of mathematics and science, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CANNON:

H.R. 3786. A bill to revise the boundary of the Glen Canyon National Recreation Area in the States of Utah and Arizona; to the Committee on Resources.

By Mrs. CAPITO:

H.R. 3787. A bill to extend the duty suspension on 1N-N5297; to the Committee on Ways and Means..

By Mr. CAPUANO (for himself and Mr. Frank):

H.R. 3788. A bill to limit liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 for service station dealers with respect to the release or threatened release of recycled oil; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CUBIN:

H.R. 3789. A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Government Reform.

By Mr. FALEOMAVAEGA:

H.R. 3790. A bill to amend the Internal Revenue Code of 1986 to repeal the automatic treatment of amounts paid for services performed in Federal employment by residents of American Samoa; to the Committee on Ways and Means.

By Mr. ISRAEL (for himself, Mr. Honda, and Mr. Grucci):

H.R. 3791. A bill to establish a pilot program under which the Administrator of the Small Business Administration, in consultation with regional technology consultants, may make direct loans to technology-related small business concerns; to the Committee on Small Business.

By Mrs. KELLY (for herself and Mrs. Tauscher):

H.R. 3792. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. Kennedy of Rhode Island:

H.R. 3793. A bill to educate health professionals concerning substance abuse and addiction; to the Committee on Energy and Commerce.

By Mr. KING (for himself, Mrs. McCarthy of New York, Mr. Quinn, Mr. Barr of Georgia, Mr. Frank, Mr. Bonior, Mr. Maloney of Connecticut, Mr. Israel, Ms. Rivers, Mr. Diaz-Balart, Mr. Green of Texas, Mr. Pascrell, Mrs. Christensen, Mr. Ackerman, Mr. Grucci, Ms. Woolsey, Mr. Brady of Pennsylvania, Mr. Kennedy of Rhode Island, Mr. McNulty, Mrs. Roukema, Mr. Crowley, Mr. Gilman, Ms. Ros-Lehtinen, Mr. Lantos, Ms. Hooley of Oregon, Mr. Wexler, Mr. Jackson of Illinois, Mr. Foley, Mr. Rush, Mr. Filner, and Mr. Towns):

H.R. 3794. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas; to the Committee on Government Reform.

By Mr. KUCINICH (for himself, Mr. Sanders, and Mr. Filner):

H.R. 3795. A bill to establish a Federal Bureau of Audits within the Securities and Exchange Commission to conduct audits of all publicly registered companies; to the Committee on Financial Services.

By Mrs. McCARTHY of New York (for herself, Mr. Israel, Mr. King, Mr. Gilman, Mr. Menendez, Mr. Fossella, Mr. Hinchey, and Mr. Rothman):

H.R. 3796. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide that the Secretary of Veterans Affairs, in the management of health care services for veterans, shall place certain low-income veterans in a higher health-care priority category; to the Committee on Veterans' Affairs.

By Mr. SWEENEY:

H.R. 3797. A bill to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building"; to the Committee on Government Reform.

By Mr. TANCREDO (for himself and Mr. McInnis):

H.R. 3798. A bill to amend the Endangered Species Act of 1973 to require clear and convincing scientific data with respect to the designation of critical habitat of a species under that Act; to the Committee on Resources.

By Mr. SHIMKUS (for himself, Mr. Hinchey, Mrs. Tauscher, Mrs. Kelly, Mr. Keller, Mr. Forbes, Mr. Reyes, Mr. Simmons, Mr. Murtha, Mr. King, Mr. Owens, Mr. Whitfield, Mrs. Wilson of New Mexico, Mr. McHugh, Mr. Taylor of North Carolina, Mr. Graham, and Mr. Langevin):

H.J. Res. 83. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation; to the Committee on Armed Services.

By Mr. FILNER:

H. Con. Res. 333. Concurrent resolution expressing the sense of Congress that the Attorney General should appoint a special counsel on matters relating to Enron Corporation; to the Committee on the Judiciary.

By Ms. GRANGER (for herself, Mr. Wexler, Mr. Whitfield, Mr. Tancredo, and Mr. Stearns):

H. Con. Res. 334. Concurrent resolution expressing the sense of Congress regarding the Republic of Turkey's cooperation in the war against terrorism, economic reforms in Turkey, and the economic partnership meetings to be held between the United States and Turkey; to the Committee on International Relations.

By Mr. DEAL of Georgia:

H. Res. 349. A resolution designating certain majority membership on certain standing committees of the House; considered and agreed to.

By Mr. SHOWS:

H. Res. 351. A resolution providing for the consideration of the bill (H.R. 3022) to provide for a program of temporary enhanced umemployment benefits; to the Committee on Rules.

MEMORIALS

Under clause 3 of rule XII,

207. The SPEAKER presented a memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution 30 memorializing the United States Congress to honor its commitment to fully fund the federal share of the special education costs required by the Individuals with Disabilities Education Act, P.L. 105–17, as amended; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mr. Jenkins.

H.R. 175: Mr. Kolbe.

H.R. 183: Mrs. Jones of Ohio, Mr. Meeks of New York, Mr. Faleomavaega, Mr. Oberstar, Ms. Eshoo, Mr. Waxman, Mr. Ford, Ms. Kaptur, and Mr. Owens.

H.R. 184: Mr. Bartlett of Maryland.

H.R. 200: Mrs. Morella.

H.R. 210: Mr. Gekas.

H.R. 250: Mr. Burr of North Carolina and Ms. Watson.

H.R. 389: Ms. Norton.

H.R. 476: Mr. Green of Wisconsin.

H.R. 536: Mr. Hastings of Florida.

H.R. 556: Mr. Wolf and Mr. Bachus.

H.R. 630: Mr. Rodriguez.

H.R. 632: Mr. Meeks of New York and Mr. Watt of North Carolina.

H.R. 658: Mr. Pomeroy.

H.R. 704: Mr. Faleomavaega.

H.R. 709: Mr. Kildee.

H.R. 747: Mr. Tom Davis of Virginia and Mrs. Thurman.

H.R. 760: Mr. SMITH of Washington.

H.R. 786: Mr. DAVIS of Illinois.

H.R. 808: Mr. MEEKS of New York.

H.R. 1073: Mr. GEKAS.

H.R. 1081: Mr. DUNCAN, Mr. SHAYS, Mr. LATOURETTE, Mr. OTTER, Mr. CANNON, and Mr. BURTON of Indiana.

H.R. 1097: Mr. QUINN and Mr. MALONEY of Connecticut.

H.R. 1116: Mr. ANDREWS and Mr. PASCRELL.

H.R. 1184: Ms. LOFGREN, Mr. FATTAH, Mr. KIND, Mr. ENGLISH, Mr. CARSON of Oklahoma, Mr. HINCHEY, and Mr. SPRATT.

H.R. 1187: Ms. ESHOO.

H.R. 1296: Mr. LATHAM and Mr. MCKEON.

H.R. 1331: Mr. PHELPS.

H.R. 1354: Mr. REYES and Mr. LYNCH.

H.R. 1361: Mr. BENTSEN and Mr. LATOURETTE.

H.R. 1371: Mr. BERMAN.

H.R. 1391: Mr. FRANK.

H.R. 1431: Mr. NADLER.

H.R. 1434: Mr. ROGERS of Michigan, Ms. SLAUGHTER, and Mr. CARDIN.

H.R. 1520: Mr. ETHERIDGE, Mr. PASTOR, Mr. MCHUGH, Mr. KILDEE, and Mr. OWENS.

H.R. 1527: Mr. HOSTETTLER.

H.R. 1581: Mr. RAMSTAD, Mr. DUNCAN, and Mr. JEFFERSON.

H.R. 1582: Mr. SMITH of New Jersey.

H.R. 1632: Mr. CONDIT.

H.R. 1673: Mr. FOLEY.

H.R. 1841: Mr. NADLER, Mr. SIMMONS, Mr. BROWN of Ohio, Mr. KLECZKA, Mr. LYNCH, Ms. WOOLSEY, Mr. SMITH of New Jersey, Mr. LOBIONDO, Mr. FOLEY, Mr. FERGUSON, Mr. BLUMENAUER, and Mr. SPRATT.

H.R. 1873: Mr. REHBERG.

H.R. 1927: Mr. SHUSTER.

H.R. 1933: Mr. SAM JOHNSON of Texas and Mrs. WILSON of New Mexico.

H.R. 1961: Mr. NADLER.

H.R. 2014: Mr. MCINNIS.

H.R. 2074: Mr. KILDEE.

H.R. 2088: Mr. ABERCROMBIE and Mr. BLAGOJEVICH.

H.R. 2148: Mr. HINCHEY and Mr. DICKS.

H.R. 2156: Ms. CARSON of Indiana.

H.R. 2219: Mr. KING, Ms. HOOLEY of Oregon, Mr. CLYBURN, Mr. ANDREWS, and Mrs. CLAYTON.

H.R. 2220: Mr. CUMMINGS and Mr. PASTOR.

H.R. 2235: Mr. GREEN of Texas.

H.R. 2332: Mr. TRAFICANT.

H.R. 2335: Mr. WAXMAN.

H.R. 2364: Mr. UDALL of New Mexico.

H.R. 2374: Mr. MCCRERY.

H.R. 2405: Mr. KIRK and Mr. WYNN.

H.R. 2484: Mr. MEEKS of New York, Mr. PALLONE, Mrs. JONES of Ohio, Mr. SHAW, Ms. ESHOO, Mr. GORDON, and Mr. WALSH.

H.R. 2521: Ms. WOOLSEY, Mr. UNDERWOOD, Mr. RANGEL, Mr. FALEOMAVAEGA, and Mr. OWENS.

H.R. 2573: Mr. PASCRELL and Mr. HONDA.

H.R. 2610: Mr. RUSH, Mr. WYNN, and Mr. ENGEL.

H.R. 2612: Mr. UDALL of Colorado.

H.R. 2623: Mr. FOLEY and Mr. MARKEY.

H.R. 2629: Mr. DICKS, Mr. SOUDER, Mr. TURNER, Mr. MCDERMOTT, and Mr. ANDREWS.

H.R. 2695: Mr. GREENWOOD, Mr. BRADY of Texas, Mr. FALEOMAVAEGA, and Mr. FOLEY.

H.R. 2720: Mr. LANTOS.

H.R. 2725: Mr. BOSWELL.

H.R. 2805: Mr. NORWOOD.

H.R. 2808: Mr. REGULA.

H.R. 2820: Mr. YOUNG of Florida, Mr. SOUDER, Mr. FRANK, Mr. FALEOMAVAEGA, Ms. KAPTUR, and Mr. TRAFICANT.

H.R. 2830: Ms. CARSON of Indiana.

H.R. 2835: Mr. WILSON of South Carolina, Mr. FALEOMAVAEGA, and Mr. FOLEY.

H.R. 2836: Mr. PASCRELL.

H.R. 2863: Ms. CARSON of Indiana.

H.R. 2950: Mr. WELLER.

H.R. 3006: Mr. BARR of Georgia, Mr. KERNS, and Mr. NORWOOD.

H.R. 3013: Mr. LAMPSON, Mr. TOWNS, Ms. JACKSON-LEE of Texas, and Ms. NORTON.

H.R. 3026: Mr. ROTHMAN and Mr. CALVERT.

H.R. 3041: Mr. MCINTYRE.

H.R. 3058: Mrs. MALONEY of New York, Ms. LEE, and Ms. MCCOLLUM.

H.R. 3065: Ms. CARSON of Indiana.

H.R. 3113: Mr. GEORGE MILLER of California and Mr. GONZALEZ.

H.R. 3131: Ms. WATSON and Mr. LATHAM.

H.R. 3186: Mr. MCNULTY.

H.R. 3188: Mrs. LOWEY.

H.R. 3230: Mr. ETHERIDGE.

H.R. 3236: Ms. WOOLSEY, Ms. LEE, Mr. JACKSON of Illinois, Mr. LYNCH, and Mr. MEEKS of New York.

H.R. 3238: Mr. MEEHAN, Mrs. MALONEY of New York, and Mr. GORDON.

H.R. 3271: Mr. LANTOS and Mr. FOLEY.

H.R. 3305: Mr. POMEROY.

H.R. 3336: Mr. JACKSON of Illinois, Mr. MEEKS of New York, Mr. PAYNE, Mr. EVANS, Mr. UDALL of New Mexico, Mr. WAXMAN, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. BACA, Mr. TOWNS, Mrs. MEEK of Florida, Mr. ABERCROMBIE, and Mr. DAVIS of Illinois.

H.R. 3337: Mr. FATTAH, Mr. ROTHMAN, Mr. PALLONE, Mr. TOM DAVIS of Virginia, Mr. HOLDEN, Mr. YOUNG of Alaska, Mr. COYNE, Ms. BALDWIN, and Mr. LATOURETTE.

H.R. 3347: Mr. BARR of Georgia and Mrs. MINK of Hawaii.

H.R. 3363: Mr. MARKEY and Mr. ETHERIDGE.

H.R. 3382: Ms. MCKINNEY, Mr. TIERNEY, Mr. MCGOVERN, Mr. BROWN of Ohio, Mr. ENGEL, Mr. FALEOMAVAEGA, and Mr. HINCHEY

H.R. 3414: Mr. UDALL of Colorado, Mr. BECERRA, Mr. HAYES, Ms. SOLIS, Mr. COSTELLO, and Mr. STARK.

H.R. 3424: Mr. KUCINICH, Mr. HOEKSTRA, Mr. GREEN of Wisconsin, Mr. UDALL of New Mexico, Mr. DAN MILLER of Florida, Mr. LUTHER, Mr. BAIRD, Mr. LAHOOD, Mr. GEKAS, and Mr. ALLEN.

H.R. 3430: Mr. ROHRABACHER, Mrs. THURMAN, and Mr. FOLEY.

H.R. 3431: Mr. RADANOVICH, Mr. GILLMOR, Ms. BERKLEY, Mr. RODRIGUEZ, Mr. HORN, Mr. PAYNE, Mrs. MALONEY of New York, Mr. CRAMER, and Mr. CLEMENT.

H.R. 3450: Mr. ABERCROMBIE, Ms. BROWN of Florida, Mr. TURNER, Mr. COYNE, Mr. OLVER, Mr. CLEMENT, Mrs. CLAYTON, Mr. BERRY, Mr. ROSS, Mr. LEACH, and Mr. SIMMONS.

H.R. 3462: Mr. RODRIGUEZ, Mr. CROWLEY, Mr. BECERRA, and Mr. CRAMER.

H.R. 3498: Mr. FILNER and Mr. FOLEY.

H.R. 3509: Mr. ABERCROMBIE.

H.R. 3524: Mr. SCHIFF, Mr. FARR of California, and Mr. LANTOS.

H.R. 3566: Mr. LEVIN and Mr. FARR of California.

H.R. 3569: Mr. NORWOOD, Mr. BAIRD, Mr. SWEENEY, Mr. COSTELLO, Mr. JENKINS, Mr. FALEOMAVAEGA, and Mrs. WILSON of New Mexico.

H.R. 3581: Mr. RUSH, Mr. FRANK, Mr. FORD, and Mr. OWENS.

H.R. 3609: Mr. PICKERING, Mr. CRAMER, Mrs. CAPITO, Mr. MATHESON, Mr. LATOURETTE, Mr. LUCAS of Kentucky, and Mr. SHOWS.

H.R. 3612: Ms. WOOLSEY, Mr. MCHUGH, Mr. DOGGETT, Mr. KILDEE, Mr. FALEOMAVAEGA, and Mr. OWENS.

H.R. 3615: Mr. GRUCCI.

H.R. 3617: Mr. HINCHEY, Mr. DOGGETT, Mr. STUPAK, Mr. PASCRELL, Mr. LYNCH, and Ms. KAPTUR.

H.R. 3624: Mrs. MYRICK and Mr. ADERHOLT.

H.R. 3645: Mr. FOLEY.

H.R. 3657: Mr. ABERCROMBIE, Mr. PAYNE, and Mr. FORD.

H.R. 3661: Mr. SOUDER, Mrs. CAPITO, Mr. BARR of Georgia, Mr. FALEOMAVAEGA, and Mr. CUMMINGS.

H.R. 3669: Mr. LATHAM, Mr. JONES of North Carolina, Mr. ABERCROMBIE, Ms. HART, and Mr. OXLEY.

H.R. 3670: Ms. ROYBAL-ALLARD, Mr. FALEOMAVAEGA, and Mr. LARSEN of Washington.

H.R. 3671: Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. PASCRELL.

H.R. 3694: Mrs. CUBIN, Mr. BECERRA, Mr. HILLEARY, Mr. LANTOS, Mr. SAXTON, Ms. KAPTUR, Mr. GREEN of Wisconsin, Ms. DELAURO, Mr. STUMP, Mr. MALONEY OF CONNECTICUT, MR. VITTER, Mrs. THURMAN, Mr. SMITH of Texas, Mr. KUCINICH, Mrs. EMERSON, Mr. MCDERMOTT, Mr. REYNOLDS, Mr. BARRETT, Mr. TURNER, Mr. WAXMAN, Mrs. MINK of Hawaii, Mr. FORD, Mrs. DAVIS of California, Ms. CARSON of Indiana, Mr. FALEOMAVAEGA, Mrs. JONES of Ohio, Mrs. CAPPS, Mr. ETHERIDGE, Mr. BENTSEN, Mr. LARSON of Connecticut, Mr. DIAZ-BALART, Mrs. JO ANN DAVIS of Virginia, Mr. HEFLEY, Mr. CRANE, Mr. RADANOVICH, Mr. FLETCHER, Mr. PHELPS, Mr. BILIRAKIS, and Ms. HARMAN.

H.R. 3713: Mrs. JO ANN DAVIS of Virginia, Mr. BARRETT, Mr. FALEOMAVAEGA, Mr. FRANK, Ms. HART, and Mr. SNYDER.

H.R. 3715: Mr. GILMAN.

H.R. 3717: Mrs. KELLY, Mr. SHOWS, Mr. LUCAS of Kentucky, Mr. MORAN of Kansas, Mr. UPTON, and Mr. PICKERING.

H.R. 3733: Mr. FILNER.

H.R. 3741: Mr. PUTNAM.

H.R. 3763: Mr. PORTMAN and Mr. WELDON of Florida.

H.J. Res. 6: Mr. HINCHEY.

H.J. Res. 81: Mr. BISHOP.

H. Con. Res. 97: Mr. ROTHMAN.

H. Con. Res. 99: Mr. CUMMINGS and Mr. BERMAN.

H. Con. Res. 162: Mr. BARCIA.

H. Con. Res. 164: Mr. SCHIFF and Ms. WATSON.

H. Con. Res. 181: Mr. KIND, Mr. LEACH, and Mr. COMBEST.

H. Con. Res. 230: Mr. OLVER.

H. Con. Res. 238: Mr. FOLEY.

H. Con. Res. 260: Mr. WYNN and Mr. BLAGOJEVICH.

H. Con. Res. 265: Mr. ENGLISH, Mr. DEUTSCH, Mr. OXLEY, Mr. PAYNE, Mr. TANCREDO, Mr. DOOLEY of California, and Mr. FORD.

H. Con. Res. 284: Mr. FOLEY.

H. Con. Res. 298: Mr. ETHERIDGE.

H. Con. Res. 311: Mr. PLATTS, Mr. FALEOMAVAEGA, Mrs. MINK of Hawaii, and Mr. MCINNIS.

H. Con. Res. 316: Mr. SOUDER.

H. Con. Res. 317: Mr. BERRY, Mr. POMEROY, Mr. HERGER, Mr. HORN, Mr. TIAHRT, Ms. HOOLEY of Oregon, Ms. DUNN, and Mr. OSBORNE.

H. Con. Res. 328: Mr. FILNER and Ms. CARSON of Indiana.

H. Con. Res. 329: Ms. ESHOO and Mrs. MORELLA.

H. Res. 154: Mr. PALLONE, Mr. NEY, and Ms. CARSON of Indiana.

H. Res. 225: Mr. BOYD and Mr. CROWLEY.

H. Res. 300: Mr. FRANK.

H. Res. 339: Mr. CANTOR, Mr. SOUDER, Mr. FALEOMAVAEGA, and Mr. BONIOR.

H. Res. 346: Mr. ARMEY, Mr. BARTLETT of Maryland, Mr. SOUDER, Mr. HOEKSTRA, and Mr. GREEN of Wisconsin.

SENATE—*Tuesday, February 26, 2002*

The Senate met at 9:45 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of history and personal Lord of our lives, today we join with Jews throughout the world in the joyous celebration of Purim. We thank You for the inspiring memory of Queen Esther who, in the fifth century B.C., threw caution to the wind and interceded with her husband, the King of Persia, to save the exiled Jewish people from persecution. The words of Mordecai to her, sound in our souls: ". . . You have come to the kingdom for such a time as this."—Esther 4:14.

Lord of circumstances, we are moved profoundly by the way You use individuals to accomplish Your plans and arrange what seems to be a coincidence to bring about Your will for Your people. You have brought each of us to Your kingdom for such a time as this. You whisper in our souls, "I have plans for you, plans for good and not for evil, to give you a future and a hope."—Jeremiah 29:11.

Grant the Senators a heightened sense of the special role You have for each of them to play in Your unfolding drama of American history. Give them a sense of destiny and a deep dependence upon Your guidance and grace.

Today, during Purim, we renew our commitment to fight against sectarian intolerance in our own hearts and religious persecution in so many places in our world. This is Your world; let us not forget that "though the wrong seems oft so strong, You are the Ruler yet." Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 26, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, the time between now and 10 o'clock will be for the nomination of Robert Blackburn. The Senator from Colorado is here to speak on this issue. There may be others.

Following this rollcall vote at 10 o'clock, we expect to confirm by voice vote the nomination of Cindy Jorgenson to be a United States district judge. Then Senators DODD and MCCONNELL, as managers of the election reform bill, will begin managing that matter. We hope to complete it today.

The Senate will recess from 12:30 to 2:15 for weekly party conferences, and at 2:15 today there will be 1 hour of morning business under the control of Senator KERRY for statements regarding Senator KENNEDY's service to his country and his 70th birthday.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF ROBERT E. BLACKBURN TO BE UNITED STATES DISTRICT JUDGE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will go into executive session and proceed to the consideration of Calendar No. 673, which the clerk will now report.

The legislative clerk read the nomination of Robert E. Blackburn, of Colorado, to be United States District Judge for the District of Colorado.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. will be equally divided.

The Senator from Colorado.

Mr. ALLARD. Madam President, I stand before the Senate today to urge my fellow Members to confirm the nomination of the Honorable Robert E. Blackburn to the United States District Court for the District of Colorado. My colleague from the State of Colorado, Senator BEN NIGHTHORSE CAMPBELL, also strongly supports Judge Blackburn's nomination to the United States District Court for the District of Colorado.

The nomination of Judge Blackburn is of particular importance to the State of Colorado because of a 50-percent vacancy rate on the district bench. In the Colorado District today, four judges struggle to do the work of nine judges, nine judges being the demonstrated need for the Federal district court. I believe the Senate is going ahead and confirming Marcia Krieger who will be sworn in in March, which is a good step forward. With the confirmation and support of the nomination of Judge Blackburn, that begins to take care of some of the problems we are having in the court.

I hope my colleagues will take this opportunity to continue moving forward with judicial nominations in a timely manner—we must work to fill judicial vacancies so that the promised justice of our great constitution is not hampered by bureaucracy and politics.

Judge Blackburn knows the law, and he knows Colorado. He graduated from the University of Colorado School of Law, and received his undergraduate degree from Western State College—both excellent schools in my home state.

He was raised on a farm in the proud community of Las Animas, Colorado—a rural upbringing that helps the Judge keep one foot in the real world while serving on the bench. This strong connection to Colorado compliments his deep understanding of the law.

He has dutifully practiced law as an attorney and judge for over two decades, and comes before the Senate today from state district court, a post he has held since 1988. Previously, Mr. Blackburn served as deputy district attorney, Bent County attorney, municipal judge and City Attorney.

In addition to that, he has extensive experience as a business owner—an important experience that will serve him well while handling the multiple demands of the federal bench. As an attorney, Mr. Blackburn practiced law in his own firm. And, together with his father, he continues to raise registered Black Angus cattle.

Judge Blackburn was nominated to the bench with the help of a nominations committee. The committee is composed of well qualified, and highly respected attorneys in Colorado. His nomination has gained the respect of many people across the state and country. This nomination committee was set up by Senator CAMPBELL and myself.

An editorial in the Denver Post, upon hearing of Judge Blackburn's nomination; proclaimed, "We are delighted by the White House decision." The column went on to praise the extensive experience of the Judge, as well as his solid knowledge of the law and his reputation for fairness.

The Denver Post also noted in their editorial that he is widely respected by other judges and by the many lawyers who have appeared before him. The Post urged the Senate to exercise all reasonable speed with the Blackburn nomination, saying, "The long overworked federal court of Colorado needs qualified new judges, and it needs them now."

Lewis T. Babcock, Chief Judge of the U.S. District Court, District of Colorado, believes Judge Blackburn is well qualified, and urges his appointment to help fill the district's half-vacant bench.

Judge Blackburn is imminently qualified for the U.S. District Court. Throughout his great service, Judge Blackburn has cultivated and kindled a great passion for our legal system and its constitution. He has represented schools, banks, and departments of social services, among a myriad of other cases, both civil and criminal.

Madam President, I thank you for allowing me the time to discuss this important matter, and the nomination of an excellent judge. I urge the Senate's favorable consideration.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. THOMAS are printed in today's RECORD under "Morning Business.")

Mr. LEAHY. Madam President, today, the Senate is voting on two more judicial nominees. This morning Judge Robert Blackburn was confirmed to fill a judicial emergency in Colorado that has been vacant since April 1998. Cindy Jorgenson will be filling a judicial emergency in Arizona that has been vacant since 1999.

Colorado and Arizona are two of the many States with judicial emergencies that the Senate has been able to help so far this year. With the confirmation of these two nominees, the Senate will have resolved five judicial emergencies since we returned to session just a few short weeks ago and at least 10 since I became chairman this past summer. Since the beginning of 2002 alone, we have filled judicial emergency vacancies in Texas, Alabama, and Nevada.

Today, we add Colorado and Arizona to that list. Unfortunately, the President has yet to work with home state Senators to send the Senate nominees to 14 other judicial emergency vacancies around the country.

With the completion of today's votes, the Senate will have confirmed 11 judges since beginning this second session of this Congress toward the end of January and 39 judges since the change in majority last summer.

The number of judicial confirmations over these past 7 months—39—now equals the number of judicial nominees confirmed during all 12 months of 2000 and exceeds the number of judges confirmed in all of 1999, 1997 and 1996. In 7 months we have exceeded the 1-year totals for 4 of the 6 years in which a Republican majority last controlled the pace of confirmations.

There have been a number of statements from the administration critical of the pace of confirmation during the past 8 months that I have chaired the Senate Judiciary Committee. We have been working hard to consider this President's nominees during the past 8 months as compared to the pace set by the committee during its first 8 months of Republican leadership in 1995.

Under Democratic leadership, during the past 8 months we have had more hearings, for more nominees, and had more confirmations for both the circuit and the district courts than the Republican leadership did for President Clinton's nominees in 1995. In each area—hearings, number of nominees given hearings, and number of nominees confirmed—this committee has exceeded the comparable period when Republicans were in power.

Republicans continue to perpetuate the myth that we are not acting on judicial nominations when in fact we are. I would submit that we have been moving at a strong pace to consider the nominees to the district and circuit courts. In fact, in the past 2 months, more judges have been confirmed than in January and February since 1995.

With the confirmation of Judge Blackburn this morning and the expected confirmation of Judge Jorgenson today, 11 judges will have been confirmed since the beginning of this session of Congress. That number exceeds the total number of judges confirmed for the past 7 years in January and February. No judges were confirmed in the first 2 months of the year in 1995, 1996, 1997, 1999, and last year, when Republicans were in the majority.

Only five judges were confirmed in January and February in 1998 and only four were confirmed in 2000.

So I would say to my colleagues to please take a look at the record. I think the record shows that we are working hard to consider and vote on this President's nominees, and we are making more progress on confirmations than the Republicans did by this point in the year for the past 7 years.

I offer my gratitude to the many Senators who have worked hard to help us confirm these qualified men and women to the Federal bench.

Not only have we been able to confirm as many or more judges in a shorter timeframe than were confirmed in four of the past 5 years, but we have also done so at a faster pace than in any of the recent 6½ years in which Republicans were most recently in the majority.

In fact, from the time the Senate received each nominee's ABA peer review rating, we have been able to confirm judicial nominees in an average of 71 days. We have also been making a great deal of progress in terms of the average number of days between nomination and confirmation.

Some have asserted that we have been moving too slowly in considering nominees, but simply examining the dates of nomination and confirmation shows that under Democratic leadership the Senate has substantially reduced the amount of time between nomination and confirmation as compared to the previous five years, even though the ABA evaluation is now being completed after nomination, unlike in previous years. I would add that these dates cannot be manipulated by statisticians.

This President's nominees are being confirmed months earlier, on average, than Democratic nominees under Republican leadership. And, the average number of days between nomination and confirmation for judicial nominees in the Democratic-controlled Senate has been fewer than 75 days after the receipt of ABA peer review results.

This average time is nearly one-third the time the Republicans took between the nomination and confirmation of President Clinton's nominees in his second term, for those nominees who actually received hearings on their nominations.

The 32 judges confirmed to the District Courts have averaged less than 65 days.

The seven circuit court judges confirmed so far have been confirmed more than two-thirds faster than the time it took under the previous Republican majority. These figures include recesses, time between sessions and the difficult days after September 11.

Today, the Senate took final action to fill a longstanding vacancy on the District Court in Colorado.

I recall that President Clinton's nominee for this vacancy, Patricia Coan, languished for almost 19 months. She was never accorded a hearing or a vote by the Judiciary Committee. Had she and more than 50 other nominees been acted upon promptly in years past, the emergency status of vacancies in Colorado and in other Federal courts around the country would be different today.

Unlike Patricia Coan, this President's nominee, Judge Robert Blackburn, has been considered promptly and courteously by the Senate. He was nominated in September, received his ABA peer review in November, participated in the first January judicial confirmation hearing in 7 years, was reported favorably by the committee on February 7, and today he was confirmed by the Senate.

When the Senate recently confirmed Judge Marcia Krieger to the other Colorado vacancy earlier this year, Senator ALLARD noted that Colorado had not had a Federal judge confirmed since 1984 and that four active judges were struggling to do the work of nine. The vacancy that Judge Robert Blackburn will fill has been held vacant since 1998. Despite the treatment of qualified nominees in the recent past, the Senate has now confirmed two new judges for Colorado in 2 months.

With the confirmation of Judge Blackburn there are no more vacancies in the district courts in Colorado.

Arizona Superior Court Judge Cindy Jorgenson is the second nominee to fill a district court in Arizona to be considered by the Senate since the change in majority last summer. The first was confirmed back in December.

Judge Jorgenson was nominated in September, received an ABA peer review in late November, was included in the initial hearing this year on January 24, was reported favorably by the Judiciary Committee at our February business meeting, and is being considered by the Senate today. The judicial emergency vacancy that she will fill has been vacant for over 800 days, which is long before the change in majority last summer.

A third nominee to a district court vacancy in Arizona participated in a confirmation hearing today before the Judiciary Committee. Those other two Arizona nominees are among a number of nominees who received mixed peer review ratings from the ABA. Members of the committee and the Senate are examining these nominations and have so far determined to vote in favor of confirmation.

Over the last few years we have created four additional judgeships for Arizona. Judge Jorgenson will fill the third of those new judgeships and Mr. Bury may soon fill the last. I have been happy to work with the Senators from Arizona and all Senators in helping fill these new judgeships. It is a shame that the Senate has not seen fit to create the judgeships needed so desperately in the Southern District of California, however.

Of the 39 judicial nominees who will be confirmed since the change in majority, 17, almost 44 percent, come from States with two Republican Senators. Twelve of the confirmed judges come from States with one Democratic and one Republican senator. Only 6 of the 39 nominees confirmed by the Senate come from States with 2 Democratic Senators.

These figures emphasize the Democratic majority's commitment to bipartisanship and to dealing fairly with conservative, Republican judicial nominees. It may also indicate that the White House has yet to begin working with Democratic home state Senators to identify and nominate consensus candidates.

The Judiciary Committee has continued to hold regular judicial nominations hearings throughout this session, as we have since the shift in majority last summer. We held the first January confirmation hearing in 7 years on the second day of this session. Today the Judiciary Committee holds its second judicial confirmation hearing in February. In 1997, 1999 and 2001, the Republican majority held no confirmation hearings in either January or February.

Today's hearing is the 14th hearing involving judicial nominations since the change in majority last summer. That is more hearings within the last 7 months than the Republican majority ever held in any year in which it was recently in the majority.

Today's hearing follows the pattern of including a Court of Appeals nominee as well as a number of District Court nominees.

Unfortunately, because the White House has been slow to send nominations to the many vacancies in the Federal District Courts, the Federal trial courts across the country, today's hearing includes a fewer number of District Court nominees than the committee was willing to consider. Indeed, the committee is virtually out of District Court nominees to include at such confirmation hearings.

After today, 35 of the 36 District Court nominees with ABA peer reviews will have participated in hearings and the most controversial nominee is being scheduled.

Of course, more than two-thirds of the Federal court vacancies continue to be on the District Courts and 36 are still without a nominee. The administration has been slow to make nominations to the vacancies on the Federal trial courts.

In the last 5 months of last year, the Senate confirmed a higher percentage of the President's trial court nominees, 22 out of 36, than a Republican majority had allowed the Senate to confirm in the first session of either of the last two Congresses with a Democratic President.

Last year the President did not make nominations to almost 80 percent of the trial court vacancies with which we started this year.

As we began this session, 55 out of 69 District Court vacancies were without a nominee. Finally, in late January the White House sent up names for some of those trial court vacancies. Unfortunately, none has completed the paperwork needed to be included in hearings and none has yet received an ABA peer review.

Because the White House last year unilaterally changed the practice of nine Republican and Democratic Presidents and will no longer allow the ABA to begin its peer reviews during the selection process, ABA peer reviews on these new nominations are not likely to become available for some time to come.

In the interim, we have already reached the point where the lack of available nominations for District Court vacancies is holding back the number of judicial nominees the Judiciary Committee and the Senate could be considering. We experienced the same problem when the majority shifted last summer and there were not enough District Court nominations ready for hearings in July through September last year.

After the committee receives the indication that a judicial nominee has the support of his or her home State Senators and after the committee has received ABA peer reviews, the nomination will then be eligible to be considered for inclusion in committee hearings. Because the White House shifted the time at which the ABA does its evaluation of nominees to the post-nomination period, this year's nominees are unlikely to have completed files ready for evaluation until after the Easter recess.

Of course, even then, over 2½ dozen of the current Federal trial court vacancies, 36, may still be without nominees.

To make real progress will take the cooperation of the White House. That is what I have been urging since the shift in majority. That is what I, again, called for when I spoke to the Senate on January 25. That cooperation is still not forthcoming.

We will make the most progress, most quickly if the White House would begin working with home State Senators to identify fair-minded, nonideological, consensus nominees to fill these court vacancies. One of the reasons that the committee was able to work as quickly as it did and the Senate was able to confirm 39 judges, as it has in the last 7 months, was because those nominations were strongly supported as consensus nominees by people from across the political and legal spectrums.

I have heard of too many situations in too many States involving too many reasonable and moderate home State Senators in which the White House has demonstrated no willingness to work with home State Senators to fill judicial vacancies cooperatively. As we move forward, I have urged the White House to show greater inclusiveness and flexibility and to help make this a truly bipartisan enterprise. Logjams exist in a number of settings.

To make real progress, repair the damage that has been done over previous years, and build bridges toward a more cooperative process, there is much that the White House could do to work more cooperatively with all home State Senators, including Democratic Senators.

In addition, as I have noted, the White House could help speed the committee process if it would restore the ABA peer review participation to an earlier stage in the process. For more than 50 years the ABA was able to conduct its peer reviews simultaneously with the FBI background check procedures. This meant that when nominations were sent to the Senate, the FBI report and ABA peer review followed very quickly. Together with the endorsement of the nominee's home State Senators, the basic requirements of the nominations file were available to be reviewed by the committee much more quickly than they are now.

This process allowed hearings to be scheduled soon after nominations were received in many instances. One of the consequences of the White House's unilateral decision last year to discontinue this longstanding bipartisan practice is that nominations are now not available to be considered or scheduled for hearings until many weeks have passed and these basic background materials can be assembled and submitted to the committee. That is unfortunate and unnecessary.

There were occasions last year when we proceeded with hearings including fewer District Court nominees than I would have liked because recent nominees' files were not yet complete. I noted in my statement to begin this year that I feared that same circumstance being repeated this year. It already is. That is regrettable.

I have urged the White House to rethink its recent changes in traditional practices that were initially instituted by President Eisenhower and worked well for Presidents Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, and Clinton.

I suggest that the White House reconsider the delays caused by the abandonment of the traditional practice and that this administration consider returning to the tried and true practice of sharing information with the ABA earlier in the process so that it can begin and complete its peer reviews by the time the nomination is made to the Senate.

Just as no Senator is bound by the recommendations of the ABA, so, too, the White House can make clear that it is reinstituting the traditional practice not because it intends to be bound by the results of that peer review or even take it into account, but solely to remove an element of delay that it had inadvertently introduced into the confirmation process.

The White House can expressly ask the ABA not even to send the results of its peer review to the Executive Office, but only transmit them to the committee, if it chooses. Whether or not the White House considers the ABA peer reviews, they are considered by many Senators. For example, a number of Republican Senators cited favorable peer reviews for judicial nominations as an indication that they merit the Senate's support.

On the other hand, the fact that they are not binding on Senators is seen from the recent action confirming a nominee who received a "not qualified" rating from the ABA and the many nominees who have been confirmed with mixed ratings.

I appreciate the majority leader and the assistant majority leader moving to consider these additional judicial nominations today.

They have worked hard to return the Senate's consideration of judicial nominations to a more orderly and open process. Along with our Senate leaders, many of us have been working to help move away from the anonymous holds and inaction on judicial nominations that characterized so much of the period from 1995 through 2000. Since the change in majority last summer we have made a difference, in terms of the process and its results.

Despite the 31 additional vacancies that have arisen since the shift in majority, the Senate has not only kept up with that high rate of attrition, but has been reducing the overall number of judicial vacancies.

Mr. HATCH. Madam President, I rise to express my enthusiastic support for Robert Blackburn, who has been nominated to be a U.S. District Judge for the District of Colorado, and for Cindy Jorgenson, who has been nominated to be a U.S. District Judge for the District of Arizona. Both are extremely well-qualified nominees—who are already serving on the bench—and who have distinguished themselves with hard work and great intellect. They will both do great service for the citizens of our country.

Judge Blackburn has practiced law for 13 years in private practice and has worked as a Deputy District Attorney for 6 years, as a County Attorney for 8 years, as a Municipal Judge for 3 years, and as a State court judge since 1988. With all that experience in the law, there is no doubt that he will make a smooth transition onto the Federal bench.

Judge Jorgenson's legal experience includes serving as a deputy county attorney, an Assistant U.S. Attorney, and as a Superior Court Judge—all in the State of Arizona. She supervised the felony sex crimes and child abuse prosecution unit in Pima County for several years. Then, as an Assistant U.S. Attorney, she handled both criminal and civil cases. Since 1996, Judge Jorgenson has served with great distinction on the State trial court bench in Tucson, AZ.

I congratulate both nominees on their impressive careers and on the honor of being confirmed to the federal district court.

The ACTING PRESIDENT pro tempore. Under the previous order, the hour of 10 a.m. having arrived, the question is, Will the Senate advise and consent to the nomination of Robert E. Blackburn of Colorado to be United States District Judge for the District of Colorado? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Nevada (Mr. ENSIGN) and the Senator from Oklahoma (Mr. INHOFE) are necessarily absent.

The PRESIDING OFFICER (Mr. LEVIN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 35 Ex.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Ensign
Inhofe

The nomination was confirmed.

The PRESIDING OFFICER (Mr. BAUCUS). Without objection, the President will be notified of the Senate's action.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, I ask unanimous consent that the previous order with respect to the Jorgenson nomination be vitiated; that immediately following the first vote today with respect to the amendment to S. 565, the Senate proceed to executive session to consider the nomination of Cindy Jorgenson; that once the nomination is reported, the Senate, without further intervening action, proceed to a vote on confirmation; that upon confirmation the motion to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent that it be in order to request the yeas and nays on the nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

CAMPAIGN FINANCE REFORM

Mr. DASCHLE. Mr. President, we have just received the Shays-Meehan campaign finance reform bill from the House. As I have said before, this bill gives us the first real chance in a generation to limit the access of special interests to the political process.

I had intended to ask consent to take up and pass this bill immediately. However, the Republican leader has indicated to me that he was making progress on reaching an agreement on how to proceed with campaign finance reform. Therefore, I am willing to withhold my unanimous consent request at this time, pending an update from the Republican leader on how discussions on this issue in his caucus are proceeding.

As my colleagues will recall, we tried to reach an agreement to take up the House-passed bill before the President's day recess. Opponents of reform objected, saying that they wanted time to look over the bill.

They have now had more than a week. What they have found, I am sure, is a bill that is very similar to the McCain-Feingold bill that the Senate passed last spring.

At the time, we spent 2 weeks on McCain-Feingold. We had a full, fair, and open debate, and we passed that bill with a strong bipartisan majority. I see no reason why we can't take this bill up and pass it quickly.

In fact, the only reason I can think that anyone would oppose consent would be to take one more shot at keeping this bill from becoming law—either by filibustering or by trying to send this bill to a conference.

And so I say to them: Look what happened in the House. Opponents of reform used every conceivable argument and excuse—every imaginable ploy to stop this. They failed.

This is going to be the year that we pass strong campaign finance reform, and put the reins of government back into the hands of all of the people. The sooner we pass this bill, the sooner we can get it to the President for his signature. I look forward to revisiting this issue in the near future.

I will not, as I say, ask consent at this time, and I appreciate very much the consultation I have had with the Republican leader in this regard.

I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I thank Senator DASCHLE for his comments. While there are some similarities between the two bills—McCain-Feingold, which passed the Senate, and Shays-Meehan, which has passed the House—there are some fundamental differences between the two bills. Normally, what you do under the circumstances is go to conference. But this week we have had to review what was actually in the bill that passed the House. We have now received the conference report. The Senators did just return yesterday—or even this morning. There are discussions among those who are interested in getting a result, not trying to create a problem. If we went right to it at this point, I am sure there would be Senators on both sides who would feel inclined to offer amendments, and it could take considerable time.

We had indicated we would try to wrap up election reform as soon as possible—hopefully today—and that we would get on energy and stay on energy as long as it took to get that completed. I think giving us a little time for discussions to take place between the interested Senators would be constructive and would allow us to go forward with election reform and even get started on the energy bill, recognizing that the majority leader could interject this at any point along the way. There is no need and no desire to delay this indefinitely. I think a little time—a couple days—would be constructive. Maybe we can find a way to do it in an acceptable way and quicker by doing that.

I appreciate the patience of the majority leader. I have found from past experience that sometimes patience gives great rewards; other times, it does no good at all. I hope this time it will be positive in its result.

The PRESIDING OFFICER (Mr. LEVIN). The majority leader.

Mr. DASCHLE. Mr. President, if I can respond to the Republican leader, I appreciate his report and agree there are times when patience has shown its reward. I am hopeful this is one of those times. I will work with him.

Obviously, patience at some point runs out. That will necessitate taking action as we had originally contemplated, but we certainly want to work with the Republican leader and his colleagues in an effort to see whether patience can be a productive experience in this case.

I yield to the Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I certainly thank the majority leader for his comments, and I thank the Republican leader for his comments. It sounds as if we may be moving toward a resolution of the campaign finance issue without a filibuster in the Senate. I am actually confident we will prevail if such a tactic is actually employed against us, but I do not think the American people will be well served if we have to take a significant amount of time to further debate an issue that we dealt with and essentially resolved last year during a very good 2-week debate process.

We passed the McCain-Feingold bill by a vote of 59 to 41. The House passed the Shays-Meehan bill by a vote of 240 to 189. These are wide bipartisan margins in both Houses.

Actually, I disagree with the minority leader. The differences between the bills are actually very slight. It is not enough to justify a conference committee which very well may never report a final bill. So Senator MCCAIN and I have endorsed the House-passed bill and will ask our colleagues to vote for it, rejecting all attempts to amend it, however meritorious, so we can send this bill to the President. Should there be technical amendments necessary on which we could agree, we will be glad to consider supporting a technical corrections bill after the bill is enacted.

I hope the leader's discussion bears fruit and we can come to agreement on terms of final debate and a vote on this legislation very soon. We have waited many years for this moment, as you know well because you have been one of the key leaders on this. The time to act is now upon us. The days of soft money are truly numbered. The American people want us to finish this job, and we are going to do it.

I again thank the majority leader for his consistent and excellent efforts to bring this bill quickly to a conclusion.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I again thank the Senator from Wisconsin and the Senator from Arizona for their determination and their resolute demonstration again today that we will see a successful conclusion of this legislation.

I do not want anybody to be mistaken; this will happen either through procedural motions available to us or with a unanimous consent agreement. We will certainly try to take the path of least resistance, and if there is a way to reach unanimous consent, I would like to do that. But we must do that this week, within the next day or so, or we will be forced to take the alternative approach. This will happen.

I appreciate the patience on the part of my two colleagues in particular who have been very supportive of our efforts to date, and hopefully we can see to it that patience is rewarded.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I say to the majority leader, Senator MCCAIN, and Senator FEINGOLD, who have labored so long on behalf of this legislation, if there were an effort to unduly delay the bill, it would probably be led by myself. I do, however, want an opportunity to talk with some of my colleagues who have returned today.

We did have an opportunity to take a look at the House-passed bill over the past week and discover what is in it; it was a mystery to many of us. Once those discussions are complete, I believe we ought to be able to come to an agreement on how to complete the bill in an orderly fashion.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dayton amendment No. 2898, to establish a pilot program for free postage for absentee ballots cast in elections for Federal office.

Dodd (for Harkin) amendment No. 2912, to provide funds for protection and advocacy systems of each State to ensure full participation in the electoral process for individuals with disabilities.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identify of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I will take 2 minutes to review the bidding and give our colleagues a status report on the election reform bill—where we are, what we have accomplished, and what we can look forward to during the remainder of the day.

This could be a very historic day if we can finish work on this bill today. My hope is we can. We still have a little less than two dozen amendments that I know of. A couple of them will require some debate. There are many I think can be resolved without much debate, and many of them could actually be accepted if we can work out some language.

After three full days of debate on the bill, over a week ago on Thursday and Friday and then yesterday, we have disposed of 22 amendments. To give my colleagues an idea of the bipartisan nature of this measure, we have adopted a total of 16 amendments by voice vote—8 by the majority, 8 by the minority—to indicate the balance we have been able to achieve so far.

We will be working through the remainder of these amendments today, and my hope is we can finish this bill this evening or by tomorrow—hopefully this evening. We still have a couple of very important amendments that will have to be debated and will probably require roll call votes.

It would be my expectation that most of the amendments that are either pending or filed can be agreed to perhaps with some minor modifications.

I again thank my colleague from Kentucky for his assistance and that of his staff in helping us move this product along. I know there are a number of other measures awaiting Senate action. I encourage my colleagues to complete debate on this bipartisan election reform compromise today so we can get to those other issues, including campaign finance reform and the energy bill.

In that spirit, let me, if I may, tell my colleagues what I think we will do. Senator GRAMM of Texas has an amendment to which we are going to agree. In fact, he has asked me to offer it on his behalf, and I will be happy to do that. Then Senator DAYTON has an amendment which he is modifying which will be a study amendment, for the information of my colleagues on the other side. He will be coming over with that amendment. We can adopt the Dayton amendment because I believe by making this a study, it becomes acceptable to the minority.

Senator HARKIN has an amendment—I am not sure which one of his he is bringing over. It is the pending amendment which may require very limited debate.

I know Senator CLINTON is presently meeting with the First Lady. She will be back as soon as possible. We then can debate her amendment.

My goal is to dispose of as many amendments as we can over the next hour and a half, and then if a couple of amendments require debate and votes, we will stack those votes just prior to the respective conferences for the traditional Tuesday luncheons. So we may have some votes just prior to lunch, but we will not ask people to break up the hearings they are engaged in this morning. We will not interrupt the hearing flow that is going on in a number of committees. That is the goal.

I see my colleague and friend from Kentucky wants to make some opening remarks. He can offer the Gramm amendment, or I will be happy to do it.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I reiterate that it is our intention to finish the bill today, and I believe we are on a glidepath to do that. I fully support the effort of the chairman to move this along.

AMENDMENT NO. 2927

Mr. MCCONNELL. Mr. President, I send an amendment on behalf of Senators GRAMM and HUTCHISON to the desk. It has been cleared on both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRAMM, for himself, and Mrs. HUTCHISON, proposes an amendment numbered 2927.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be disposed of.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections)

On page 68, between lines 17 and 18, insert the following:

SEC. 402. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

Mr. DODD. The majority accepts the Gramm amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 2927) was agreed to.

Mr. MCCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, we are waiting for Senator DAYTON to come over with his modified amendment which I hope we can accept, and Senator HARKIN is coming over with an amendment that requires some debate—not much, but some; he says he can do it in a brief amount of time—and any amendments on the minority side as well, if they have people coming over.

I urge those who have filed amendments to offer them. Some Members approached me during the vote, and I am going to sit down and see if we can agree to some of these so Members do not have to actually come over, and we can offer them on their behalf.

Pending the arrival of Senator DAYTON, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2928

Mr. DODD. Mr. President, I send an amendment from the Senator from California, Mrs. FEINSTEIN, to the desk and ask for its consideration.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mrs. FEINSTEIN, proposes an amendment numbered 2928.

Mr. DODD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To determine whether voting systems are able to accommodate as many voters who have a limited proficiency in the English language as possible)

On page 54, between lines 23 and 24, insert the following:

"(k) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient; and".

Mr. DODD. Mr. President, this amendment calls for a study of the technical ability of voting systems to accommodate multiple languages. This bill potentially expands the number of languages which a voting system must accommodate based on the number of people within a given jurisdiction who speak those languages. It does not include every language, but would recognize certain language groups that current law does not recognize. It is a slight change from existing law. Obviously, in places such as California the number of languages has been increasing. We have all experienced this in our respective States, with the number of immigrants who have come into the country.

This is a study proposal that Senator FEINSTEIN suggests. We think it is a good amendment. It is something the commission will look at anyway. We urge its adoption.

Mr. MCCONNELL. We are agreeable to this as well.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2928.

The amendment (No. 2928) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2912

Mr. HARKIN. Mr. President, I rise to speak to amendment No. 2912.

This is a very simple amendment, a very short amendment. It is one that is needed to improve full and equal access to the polls for people with disabilities. The election reform bill sponsored by my colleagues from Connecticut and Kentucky does indeed provide a good first step to equal access. It requires every polling place to have at least one fully accessible voting machine. That is a good start. What is the benefit of these voting machines if people with disabilities—say, those who are using wheelchairs—cannot get to the machines from outside or from a parking lot?

We have an anomaly. We have a voting machine that is accessible and usable; but what about from the sidewalk to the voting machine, from the parking lot to the voting machine, if that is not accessible? The bill requires nothing to ensure this access. Now, the bill does provide $100 million in incentive grants. That is better than nothing. But I believe we need to do more.

In each State there are nonprofit agencies called protection and advocacy agencies which have been set up through the law. They work with local communities to provide equal access for people with disabilities in public places. They have been doing this for a long time. Unfortunately, they can only do so much with Federal assistance they receive. Last year, all of the P&As—as we call protection and advocacy groups—in the entire United States received $15 million. That is for all 50 States. That means they can only focus on a few access issues. They do not have the resources to work on training or educating local election officials on polling access requirements under current law.

My amendment simply authorizes $10 million a year to the protection and advocacy agencies to give additional focus to voting access for people with disabilities.

A GAO report that Senator MCCAIN and I requested found in the 2000 election more than 80 percent of the 496 polling places surveyed had 1 or more physical impediments. The GAO said 80 percent of the 496 that they surveyed had 1 or more physical impediments.

Consider this: 28 States do not even have curbside voting requirements. If you live in a State that does not have a curbside voting requirement and you have a polling place that has several physical impediments to get to the polling machine, what good is it to have a polling machine that is accessible if you cannot get to it and you don't have curbside voting?

Even in the States where curbside voting must be an option, the rights of people with disabilities are still compromised. Curbside voting does not allow private or independent voting, as it does for the general public. For example, a poll worker meets the voter at the car or in the parking lot. The poll worker provides the ballot to the voter, or actually fills out the ballot for the voter, and the voter must trust the poll worker to submit the ballot inside. That is an unacceptable alternative to getting around current laws that require physical disability access to the polls, unless the voter requests curbside voting.

Again, we have a system we are about to vote on and pass that would deny equal access to many people in our communities to vote as we vote—in private, ensuring that your ballot is your ballot, making sure you can go in the voting booth like everyone else. We are only setting aside $10 million, a very small amount of money, to be used by the protection and advocacy groups to work with local officials to help train and educate them on how you make places accessible.

Again, one might ask, why would we need someone from protection and advocacy to meet with local election officials to make sure a place is accessible when the local elected officials know how to do that? Maybe yes, maybe no.

There is a lot of expertise within the protection and advocacy groups throughout the United States as to how to do things, how to make things accessible with the least interference with the general public and at the least cost to the taxpayer.

I myself have seen instances in my State and others, because of my work in disability rights, where local elected officials think they have to do something that is going to cost several hundred thousand dollars, to change this and do all this modification, and the protection and advocacy people come up and say: You do not have to do all that. Maybe just for a couple of thousand dollars you can change some things.

One classic case that always comes to mind, and this happened some time ago, is where a local school system decided that to be compliant with the Americans With Disabilities Act, they had to change all the drinking fountains in all the public schools, that they would have to lower all of the drinking fountains so a kid using a wheelchair could have access to them; all the other ones were too high.

This was going to cost literally hundreds of thousands of dollars in all the schools, to go in and do all the plumbing and lower all these drinking fountains. This created kind of a firestorm in the community. They said: My gosh, we are going to have to spend all this money to lower these drinking fountains for a few people using a wheelchair.

Finally, one of the P&A groups came through and said: You do not have to do that. If you would just set a paper cup dispenser by the water fountain with a wastebasket to throw it in, someone in a wheelchair could roll up, take a paper cup, fill it with water, take a drink, and throw the paper cup away, and that would not cost you very much. That is what they did. It saved them hundreds of thousands of dollars. These are the kinds of things the protection and advocacy groups can do.

A lot of local officials might think they have to do so much. Here is an example. A local elected official says: We have to make our place accessible. And they go to a local engineering group and say: What do we have to do? The local engineering group says: Hey, this is taxpayer money; we are going to knock out this wall, put in these doors, put in this ramp, do all this; we have to shift this around and maybe take this part of the lot out. All of a sudden you are into hundreds of thousands of dollars.

A protection and advocacy group, knowing the law and knowing the requirements of ADA, might come in there and say: No, you don't have to do all that. There are other ways you can meet these requirements at a much cheaper cost, and much more efficacious, not only for people with disabilities but for the general public.

This is the experience we have had in the past in many places where they have had problems of accessibility. The P&As, as we call them, have just been great, working with local officials to train and educate them about how to make places accessible. That is what this amendment does. I hope the amendment will be accepted.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I regretfully rise in opposition to the Harkin amendment. This amendment proposes to add a new grant program of $40 million to the cost of the bill over 4 years. Unlike the other grant programs authorized by this bill, this amendment proposes to fund just one organization with the $40 million. That one entity is the protection and advocacy system, a federally mandated program currently in place and functioning with an office in each State.

In Kentucky this office is a division of State government, but I understand in other States the office functions as a nonprofit organization. The protection and advocacy system is a federally mandated program that receives funding from several different Federal sources as well as funding from each State. This organization has offices in each State, and they advocate on behalf of people with disabilities. The protection and advocacy system can mediate, intervene, counsel, investigate, and even sue on behalf of those it represents.

I have a couple of concerns about this amendment. First, I can appreciate the important work this group does. In fact, there are numerous groups out there that provide important and meaningful assistance to people with disabilities. I wholeheartedly support their efforts. But the group singled out by this amendment is already well funded by the Federal Government. They receive funding through Health and Human Services, the Department of Education, and even the Social Security Administration. I am not sure giving this particular group another $40 million makes sense when we can just as easily spend $40 million on numerous other causes that are actually underfunded or not funded at all.

The States are in dire financial straits. We could certainly devote this money to helping them make additional election administration improvements and upgrades.

Protection and advocacy systems do not need this amendment to broaden their mandate to encompass accessibility. That is already included in their broad statutory mandate. This amendment seeks only to increase the funding of one organization, an increase that nearly doubles the amount this group received last year. But as I said a moment ago, there are many worthwhile groups out there that provide services to help people with disabilities. They, too, would like an additional source of Federal funding. Some of these groups have contacted my office, and I am sure my colleagues have heard from them as well.

Other groups that help the disabled are calling my office and asking the question: Why does the protection and advocacy system get additional funding? We do good work, and we could use additional funds to help ensure full participation in the electoral process.

These other groups are probably right. They do good work and could use additional money. But if we proceed down that road, we will soon deplete all the funds available under this bill. If we increase the funding for every group out there that does good work and may in fact need additional money, we will soon spend the entire Social Security surplus.

If we had unlimited funds available, this amendment would be one of several good uses for that additional money. If we had unlimited funds available, I would propose additional funding for a host of organizations that do good works, some of which are in my home State and have said they could use the money. But we do not have unlimited funds available, and for that reason I do not think we should earmark additional money exclusively for this one organization, especially when that organization already received millions—millions—in Federal and State funds.

Other disability advocacy groups see this amendment as unfairly benefiting an organization that is already well funded by the Federal Government and already effectively advocates on behalf of those with disabilities. It seems these other advocates of the disabled have a very good point.

There is one other concern with the amendment that has been expressed by my colleagues and by several election officials. Because the protection and advocacy systems are authorized by Federal statute to sue, many are concerned that this amendment would essentially fund litigation against our State and local election officials.

There are at least two provisions in the Federal laws governing protection and advocacy systems that govern suits against States. One provision says:

> Nothing in this title shall preclude a system from bringing a suit on behalf of individuals with developmental disabilities against a State, or an agency or an instrumentality of a State.

The other provision says, in part:

> . . . . such system shall have the authority to pursue legal . . . remedies or approaches to ensure the protection of, and advocacy for, the rights of such individuals within the State. . . .

Now it may be that some protection and advocacy systems do not sue that often. But the fact remains that they can sue and they do sue. In fact, their broad authorization allows them to sue a State and an agency or instrumentality of a State.

Unfortunately, the election officials I have heard from are not particularly comforted by claims that these groups "don't sue that often." These groups may very well need the ability to sue when they advocate on behalf of disabled people who face illegal discrimination in employment or in housing. But when it comes to elections, this bill seeks to help States improve elections systems and comply with the law. This bill makes great efforts to encourage States to upgrade their systems and work in a cooperative manner with the Federal Government.

If this amendment is agreed to, we will essentially be giving money to the States to help them upgrade their election systems with one hand and we will be giving money to an outside group to help them potentially sue the States with the other.

Of course, States will then have to devote even more resources to defend against lawsuits, and the real cost of this amendment goes even higher. Perhaps we should set up a separate stream of funding for States to use to defend themselves against frivolous lawsuits, or, if we wanted to fund litigation, I am sure my colleague, the senior Senator from Missouri, would suggest a few groups that could use some Federal money to investigate instances of voter fraud and pursue litigation.

As I said earlier, I support the important work done by the States for the disabled, as we all do. I support making voting easier for the disabled, which this bill does. And I think this bill makes great strides for the disabled, thanks largely to the Senator from Connecticut, Mr. DODD, who is very passionate about this issue. But I think this amendment would do some harm to the delicate balance we have achieved with the bill.

Folks with disabilities should be able to vote. There are numerous groups out there that provide education and assistance to help make that happen. In fact, this bill makes grant money available that States can use for outreach and education for the disabled. But I do not think it is wise to fund one group exclusively when there are so many other similar groups that could benefit from a special earmark.

Nothing in the underlying bill prevents the protection and advocacy system from consulting with election officials. They can and do already consult with State governments on these issues.

For all of those reasons, I hope this amendment will not be agreed to when we ultimately have the vote.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Iowa.

Mr. HARKIN. Mr. President, I would like to respond a little to the arguments made by the Senator from Kentucky regarding my amendment.

First, the Senator from Kentucky says the P&As can already handle cases dealing with access to places that are already within their purview to do so. I would say that is true. There is one P&A for each State and they do receive some state assistance. We gave $15 million last year for 50 States. Even with some of the small amounts they get from the State or other sources, they have very little with which to operate. The average P&A's budget is $1.2 million. Yet they have to cover the entire State in terms of working with local officials on accessibility. They have very small staffs.

Their purpose is to educate, train, and advocate for compliance under the Americans with Disabilities Act. There is no extra funding to work on voting access. They are already strapped. But now we are saying with this bill that we want to have voting access. Again, we have an anomaly here. We have within the bill a requirement that there be at least one voting machine that is acceptable for voting places. But there are no minimum standards for accessibility to the machine from the parking lot to the sidewalk from the outside. The bill is silent on that. It is absolutely silent.

Rather than just setting a minimum standard, which I don't think we ought to be doing right now, the best thing is to give a small amount of funds—this is $10 million a year for all 50 States. An average of maybe $150,000 per P&A to have them train, educate, and work with local officials on how to make sure the voting place is accessible.

Again, the Senator from Kentucky said there are a lot of groups out there that would like to do this. The protection and advocacy system is set up under law—one per State. They have been there for a long time. They have the expertise and the history. They are well integrated in every State in terms of the State structure to do this.

The Senator from Kentucky went on at great length about litigation—that he didn't want to give resources to P&As to litigate because that would use money and the States would have to come up with the money to defend it. Again, we have to look at the facts. What P&As do 99 percent of the time is basically train and educate local officials on access issues. I mentioned earlier about how we have reams and reams of examples from every State on P&As, as they are called—protection and advocacy—about how they have been able to help State governments and local governments meet the requirements of the Americans with Disabilities Act at least cost and with the least interference with the general public. This is well documented.

When people call in, they provide over-the-phone advice. This is someplace where a local official can be out there, and someone could come and say: You have to do this to make something accessible. The local official does not know. They pick up the phone. They call the P&A, and they say: I have been told I have to make all of these changes to make something accessible. Do I have to do it? What do I have to do? They can get that advice. All the P&As around the country sit on local and State task forces and boards to ensure that accessibility is part of all the project planning. Remember that you have public planning for parks, recreational facilities, public buildings, courthouses, whatever. They are part of the planning process to make sure that they are accessible. They do handle individual cases. We do have data from the 50 States.

The P&As are able to take about 1 of every 10 who ask for assistance. For every 10 people who call up the P&As and ask for some kind of assistance on a personal basis, they can take only 1 of them because they typically don't have the resources. They do not have the staff, and they don't have the money.

I have a listing of all of the intervention strategies used in serving individuals by every State. Again, most of what they do is, as I said, education and technical assistance. On a lot of it, they negotiate and go to administrative hearings. But there is a column here on litigation. Here are the facts:

The Senator from Kentucky went on and on about litigation. There were 43,092 cases that came into the P&A system last year, 2001. Out of 43,092 cases, 178 wound up in litigation.

And the simple truth is, the P&As get the most bang for their buck through education and training and working with officials proactively—not through the courts.

The reason they don't litigate is that they do not have the wherewithal. I can say without any fear of contradiction that each 1 of those 178 cases was an egregious case. This is where the P&As have gone through negotiations, they have gone through mediation, they have gone through counseling, they have gone through administrative hearings, and nothing gets done. Yet, at that point in time they litigate.

I don't think the Senator from Kentucky would like to take that right away from the P&As on the most egregious cases.

The facts belie the fear of this burgeoning litigation.

Again, just one of the things that P & A's do is handle individual cases. They only take 1 out of every 10 complaints—and then they do everything they can which is required by law—to remedy the problem. And only in those most egregious instances—3 percent of those individual cases—do they consider the courtroom as an option.

So again, what my amendment will basically do is give to a nonprofit group that has a strong record in education, training and advocacy. It is a nonprofit entity. It is recognized by the States. As I said, State governments rely on them. They sit in on State boards and local boards, work with them in the planning process, and give technical assistance to help make sure we have accessibility for people with disabilities.

Again, my amendment has been pending for over 2 weeks. It has been out there during the break and before the break. My amendment has been out there. I have not heard one complaint from any group or any election officials that this is a bad amendment. The disability community, I can tell you, is united behind this amendment.

I think it is a modest approach. As I said, the more drastic approach would be for us to demand a minimum standard on physical accessibility to the voting place. Maybe that is what we should have done. But we decided to take the perhaps more cautious approach, one that would leave the maximum amount of flexibility for States to do what they needed to do. And the P&A system can help them do that.

The funding will give the P&As the resources they need to focus on voting accessibility, which they can't do now because of their limited budgets.

That is what the P&As can do. It is not a cookie-cutter approach, but to work with local officials, find the lowest cost, least interference method of making sure we have accessibility for everyone: People with disabilities and people without disabilities.

As I said, they have great expertise. They have been doing this for a long time, going back to the 1970s, when they were created. Quite frankly, as the former chair of the Disabilities Subcommittee, and one who has been involved in this ever since, I keep close tabs on the P&A system. They are funded under the Appropriations Committee that I am privileged to chair.

So we keep pretty good tabs on the P&A groups in the United States. With a meager amount of money, they do a great job. In fact, I hear from my secretary of state in Iowa about what a great job they do in Iowa.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, let me state for the uninformed—and there may not be many on this particular point—there has never been, in my view, a stronger or more articulate advocate on behalf of the disabled in this country than the Senator from Iowa, Mr. HARKIN.

He and I have known each other for a long time. We have served together for a quarter century. We arrived on the very same day in the House of Representatives, back more than 25 years ago. We served together there and now have served together here for almost two decades.

But for his advocacy, but for his determination, millions of Americans who suffer from one form of disability or another would not enjoy as many of the opportunities that they do in our country. He has made that much of a difference. When the issue is raised, Can one person make a difference? you need go no further than the name of TOM HARKIN to answer that question. Truly, for millions of people, his presence in public life has made a difference. And he is obviously living up to that reputation by suggesting the amendment he has offered to us on the election reform bill. So I commend him immensely for it. He has been a great friend, a great advocate for so many years.

I guess sometimes the personal experiences in life are what sort of galvanize one's attention. I know in both of our cases—different kinds of cases—siblings of ours have suffered from physical disabilities. We both grew up in a family knowing of the tremendous efforts our parents, respectively, made to see to it that our respective siblings would enjoy the full opportunities of life. I do not know of any more courageous a person than my sister. And I am sure the Senator from Iowa might say the same about his brother, God rest his soul, whom the Senator lost a couple years ago.

So, in fact, had the Senator not come forward and advocated this, we might wonder what was wrong here in some ways. So his standing here advocating these positions is as normal as anyone might expect. I thank him for his kind comments, and the Senator from Kentucky for his generous comments as well, on what we have tried to do in this bill.

I know there will be some efforts, to some degree, to suggest maybe we ought to make these provisions dealing with the disabled less than a requirement. But we did not do that in 1965 with the Voting Rights Act, and there are millions of Americans who do not vote because of the inaccessibility of the ballot. What we have done in this bill is to make that an accessible ballot for the blind, the manually disabled, and others with disabilities. If we did nothing else in this bill but that, I think we can call it a major achievement in providing additional resources to everyone, make polling places more accessible, given the fact, in many places, there are still polling places that are not accessible. The discretionary grant money of $100 million in this bill, which I know the Senator from Iowa appreciates immensely, is going to help.

So I commend the Senator for this proposal and thank him for his continuing efforts on behalf of millions of Americans who have no greater voice than his in the Congress of the United States, and I thank him for that.

Mr. HARKIN. If the Senator will yield, I thank him for his very kind and overly generous remarks. We have been, as he said, close friends for a quarter century now. We first came to the House together. We were sworn in on the same day. But I think the Senator is being overly kind in his comments about this Senator.

As we all learn, as we go through life, the famous saying, no man is an island, around here, no man or woman gets legislation through by himself or herself. It takes a team effort and takes people working together.

On all the legislation we have passed that has made lives better for people with disabilities, Senator DODD of Connecticut has been in the forefront of the fight every single time from day one. We have served together on the Labor, Health, and Human Resources Committee all these years. He is senior to me on that committee. I have been proud to follow his lead on so many of these issues that make life better for our citizens with disabilities.

I respond in kind by thanking the Senator from Connecticut. As he said, both of us, in our own individual families, have had personal experience with siblings who have had disabilities. We bring those personal experiences here. It gives us a better feel for what is happening to a lot of people around the country who want a full and fair life, want accessibility, want to be integrated in society, want education and travel, employment, and, yes, one of the most fundamental of all rights that make us uniquely American—the right of the secret ballot.

The bill before us that Senators DODD and McCONNELL have put together is a great bill. But like anything else, there are little parts that may need to be tweaked. This is considered one of those little things we need to do to help ensure that access from the curbside or from that parking lot to that voting machine, which they have rightly done in this bill, so there has to be at least one in every voting place. I applaud the Senator from Connecticut for taking the lead on that. But this is just something that will help ensure that we are able to have the access at the least cost, least interference, and the best method possible.

Again, I thank the Senator from Connecticut for his leadership on this issue and for his friendship for a quarter of a century to me personally, but to all Americans with disabilities. I thank the Senator.

Mr. DODD. Mr. President, I thank our friend from Iowa.

We have a couple of amendments we can work on that may be accepted. There is a possibility that we might have a vote on the Harkin amendment before we break for lunch. What I would like to do, with my colleague's permission and agreement, is to go into a quorum call.

Mr. McCONNELL. I wanted to make a couple more observations about the amendment of Senator HARKIN.

Mr. DODD. I was trying to restrain debate a bit so we might get to a couple other matters.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2869

Mr. DODD. Mr. President, I ask unanimous consent that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I call up amendment No. 2869. I believe that is the amendment offered by the Senator from Louisiana, Ms. LANDRIEU. I inquire of the Chair, is that the amendment that is a sense of the Senate?

The PRESIDING OFFICER. Yes, it is. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Ms. LANDRIEU, proposes an amendment numbered 2869.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding State and local input into changes made to the electoral process)

On page 68, between lines 17 and 18, insert the following:

SEC. ____. SENSE OF THE SENATE REGARDING STATE AND LOCAL INPUT INTO CHANGES MADE TO THE ELECTORAL PROCESS.

(a) FINDINGS.—Congress finds the following:

(1) Although Congress has the responsibility to ensure that our citizens' right to vote is protected, and that votes are counted in a fair and accurate manner, States and localities have a vested interest in the electoral process.

(2) The Federal Government should ensure that States and locaiities have some say in any election mandates placed upon the States and localities.

(3) Congress should ensure that any election reform laws contain provisions for input by State and local election officials.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Department of Justice and the Committee on Election Reform should take steps to ensure that States and localities are allowed some input into any changes that are made to the electoral process, preferably through some type of advisory committee or commission.

Mr. DODD. This amendment has been cleared on both sides. I commend the Senator from Louisiana for offering the amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2869.

The amendment (No. 2869) was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2931

Mr. DODD. Mr. President, the second amendment cleared by both sides is the amendment offered by the Senator from California, Mrs. FEINSTEIN. I send the amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mrs. FEINSTEIN, proposes an amendment numbered 2931.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To ensure the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established for the purpose of permitting individuals casting provisional ballots to determine the final disposition of their vote)

On page 14, between lines 2 and 3, insert the following:

The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

Mr. DODD. Mr. President, this amendment provides that the States and localities must ensure the security and confidentiality of information made available on the free access system established for the purpose of permitting individuals casting provisional ballots to determine the final disposition of their vote. It is a privacy amendment.

I thank the Senator for offering it, and I thank my colleagues on the minority side for accepting this amendment. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2931.

The amendment (No. 2931) was agreed to.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum. I think we may take care of at least one or two more amendments.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2898, AS MODIFIED

Mr. DODD. I ask that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent to call up the modified Dayton amendment, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be so modified.

The amendment (No. 2898), as modified, is as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ____. STUDY AND REPORT ON FREE ABSENTEE BALLOT POSTAGE.

(a) STUDY ON THE ESTABLISHMENT OF A FREE ABSENTEE BALLOT POSTAGE PROGRAM.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 shall conduct a study on the feasibility and advisability of the establishment by the Federal Election Commission and the Postal Service of a program under which the Postal Service shall waive the amount of postage applicable with respect to absentee ballots submitted by voters in general elections for Federal office (other than balloting materials mailed under section 3406 of title 39, United States Code) that does not apply with respect to the postage required to send the absentee ballots to voters.

(2) PUBLIC SURVEY.—As part of the study conducted under paragraph (1), the Election Administration Commission shall conduct a survey of potential beneficiaries under the program described in such paragraph, including the elderly and disabled, and shall take into account the results of such survey in determining the feasibility and advisability of establishing such a program.

(b) REPORT.—

(1) SUBMISSION.—Not later than the date that is 1 year after the date of enactment of this Act, the Election Administration Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

(2) COSTS.—The report submitted under paragraph (1) shall contain an estimate of the costs of establishing the program described in subsection (a)(1).

(3) IMPLEMENTATION.—The report submitted under paragraph (1) shall contain an analysis of the feasibility of implementing the program described in subsection (a)(1) with respect to the absentee ballots submitted in the general election for Federal office held in 2004.

(4) RECOMMENDATIONS REGARDING THE ELDERLY AND DISABLED.—The report submitted under paragraph (1) shall—

(A) include recommendations of the Federal Election Commission on ways that program described in subsection (a)(1) would target elderly individuals and individuals with disabilities; and

(B) identify methods to increase the number of such individuals who vote in elections for Federal office.

(c) POSTAL SERVICE DEFINED.—The term "Postal Service" means the United States

Postal Service established under section 201 of title 39, United States Code.

Mr. DODD. Mr. President, I thank the Senator from Minnesota for this amendment. Briefly, the Dayton amendment asks for a study of eliminating the need for postage requirements on absentee ballots. The suggestion initially had been that it be a pilot program to be instituted at the 2004 elections on a Federal level, utilizing some 3 million voters to determine whether or not such a pilot would be worthwhile. There were concerns which States would be included.

The commission, if this bill becomes law, would want to look at this issue. By recrafting the amendment calling for a study, it will guarantee that will be done. Then we will try and figure out the best way to conduct that study. For those reasons, the amendment is acceptable, I am told, on both sides.

I thank the Senator from Minnesota. This is a very worthwhile suggestion. It is exactly the kind of issue at which the permanent commission on elections wants to look. Because he has proposed this amendment the way he has, it will guarantee that will be done. With this modification calling for a study, rather than a pilot program, the amendment is acceptable by both sides. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified, of the Senator from Minnesota.

The amendment (No. 2898), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I am delighted we finally have the opportunity to consider election reform. I am especially glad we are doing so in a way that is probably as close to bipartisan as anything we will work on this year. I commend Senator DODD. I commend Senator MCCONNELL and a number of other colleagues from both sides of the aisle who have worked diligently for a year now to hammer out this compromise we are considering today.

As we all know, the 2002 elections brought to light a number of problems in the way we run elections. While Florida got a lot of attention, we found out the problems do not reside solely in Florida but persist in a number of other States as well. The bill that we will, hopefully, adopt this week goes a long way toward fixing not all those problems but a number of them. Let me mention a few.

This legislation sets strong standards that State voting systems must meet so that all voting technology that American voters use allows them to correct mistakes and meet set error rates, acceptable lower error rates. This ensures voting machines are accessible to handicapped voters and voters with limited English proficiency. Third, this legislation provides for provisional balloting so voters mistakenly left off official registration lists are still allowed to vote. Fourth, this legislation provides for balanced antifraud measures to ensure voters are not disenfranchised.

Fortunately, in my State of Delaware there were few problems on election day in 2002. Delaware has uniform electronic voting machines with good error rates. All of our precincts are called election districts. The machines were purchased during the time that I served as Governor of our State. Delaware also has a computerized statewide voter registration list put in place under the leadership of our former Election Commissioner, Thomas Cook.

We have some work still to do in Delaware to assure our machines allow the handicapped to vote in privacy and to put a provisional voting system into place. Some States need to do a whole lot more than that. I am happy to see the bill provides the money to enable them and Delaware to do the work that needs to be done. This bill includes no unfunded mandates. This bill provides $3 billion in grants to pay 100 percent of the costs to States for implementing the voting machines or provisional balloting and for antifraud requirements.

We must work hard to ensure, however, that the money we are promising, the money we propose to authorize, actually gets to the States and that there are enough dollars at the end for the States to meet the requirements we are placing on them, especially now that a number of States, including my own, are faced with very tight budgets.

According to the National Governors Association, combined State budget shortfalls are at $15 billion and could go higher if State unemployment, health care, and homeland security costs continue to rise.

Most States have balanced budget requirements in their constitution and face the prospect of having to raise taxes or make budget cuts to cover the budget shortfalls.

Having said that, this is a good bill. In fact, this is more than a good bill; it is a very good bill. I am pleased to urge my colleagues to join me and others to pass it overwhelmingly. I hope at the end of the day if we begin to see in the future that States continue to have problems meeting these new standards for budgetary reasons that emanate more from Washington than our State capitals, we find a way to get those States the resources they need or, if necessary, to amend the timing of requirements so that States can meet those requirements responsibly.

I yield.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 2912, AS MODIFIED

Mr. DODD. Mr. President, I call up amendment No. 2912, the Harkin amendment, and I ask unanimous consent to lay the pending amendment aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I send a modification to the desk on behalf of Senator HARKIN.

The PRESIDING OFFICER. Is there objection to the modification?

Without objection, the amendment is so modified.

The amendment (No. 2912), as modified, is as follows:

(Purpose: To provide funds for protection and advocacy systems)

On page 28 of the amendment, after line 23, add the following:

(c) PROTECTION AND ADVOCACY SYSTEMS.—

(1) IN GENERAL.—In addition to any other payments made under this section, the Attorney General shall pay the protection and advocacy system (as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15002)) of each State to ensure full participation in the electoral process for individuals with disabilities, including registering to vote, casting a vote and accessing polling places. In providing such services, protection and advocacy systems shall have the same general authorities as they are afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.).

(2) MINIMUM GRANT AMOUNT.—The minimum amount of each grant to a protection and advocacy system shall be determined and allocated as set forth in subsections (c)(3), (c)(4), (c)(5), (e), and (g) of section 509 of the Rehabilitation Act of 1973 (29 U.S.C. 794e), except that the amount of the grants to systems referred to in subsections (c)(3)(B) and (c)(4)(B) of that section shall be not less than $70,000 and $35,000, respectively.

On page 30, strike lines 23 through 25, and insert the following:

(b) PROTECTION AND ADVOCACY SYSTEMS.—In addition to any other amounts authorized to be appropriated under this section, there are authorized to be appropriated $10,000,000 for each of the fiscal years 2003, 2004, 2005, and 2006, and for each subsequent fiscal year such sums as may be necessary, for the purpose of making payments under section 206(c): *Provided*, That none of the funds provided by this subsection shall be used to commence any litigation related to election-related disability access, notwithstanding the general authorities of the protection and advocacy systems as are otherwise afforded under part C of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.)

(c) AVAILABILITY.—Any amounts appropriated pursuant to the authority of this section shall remain available until expended.

Mr. DODD. Mr. President, I thank the Senator and our friends on the Republican side for working out this modification. Senator HARKIN raises a very good amendment. There was concern raised by Senator McCONNELL, and maybe others, that we would be utilizing some of these dollars to promote litigation in this bill. That has never been our intent. There is nothing in this bill that would do that.

Because it was possible that some small percentage of these dollars could be used for that purpose, there were concerns raised by the amendment. Senator HARKIN has modified his amendment with language that would explicitly prohibit any of the funds provided under this bill from being used for purposes of litigation. It does not, however, otherwise affect the use of existing funds.

That being the case, our friends on the Republican side have withdrawn their objection to this amendment. I urge its adoption as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2912), as modified, was agreed to.

Mr. DODD. I move to reconsider the vote and move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. I think we have done some good work. I thank Senator McCONNELL and his staff. We are going to be breaking for the weekly luncheons by both caucuses. I think we have adopted some six amendments this morning, debated the Harkin amendment, and modified that. We are getting this list down. I am beginning to think we might actually be in a position to adopt this legislation by this evening.

We are going to be talking over lunch to see if we can't work out these amendments. Staffs will meet over the luncheon period to see if we can resolve some of the differences. But I thank the individual Senators for their cooperation. Senator McCONNELL and I are grateful for their cooperation.

When we come back, there will be a special order period between 2:15 and 3:15, but after that we will be back on this bill—I believe that is the case—in which case we will try to line up some amendments to be debated at that time so we can move the product along a little further.

I see my friend and colleague from Arkansas who is here, I believe, not just to listen to the Senator from Connecticut but he may have something to say. I yield the floor.

Mr. HUTCHINSON. I ask unanimous consent to speak up to 2 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HUTCHINSON pertaining to the introduction of legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to speak for 10 minutes even though it may be a few minutes beyond 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I was afraid you might object, Mr. President.

THE BERMUDA TRIANGLE TAX LOOPHOLE

Mr. WELLSTONE. Mr. President, S. 565 is a very important piece of legislation. It is good work. I thank Senator DODD and others for their good work. But there are some other issues that are hanging over us like a big cloud.

In particular, I am talking about the Federal budget. On February 5, the President sent us a blueprint for this next decade. I have to say that it is a pretty bleak picture. There are cuts in job training programs during hard economic times. There is a 50-percent cut in 7(a) programs to small businesses that leveraged, for example, $1 billion in my State of Minnesota over the last 5 years, in hard economic times.

There is an inadequate education budget. I don't know whatever happened to the language "leave no child behind," but I know we are now getting a tin cup budget. We don't have the money for prekindergarten. We don't have the money for afterschool programs. At the same time we have the tax cuts for the top 10 percent of families with incomes of $297,000 and over. At the same time we want to eliminate the alternative minimum tax. At the same time, in the energy bill, we want to give tax cuts maybe to the tune of $28 billion to oil companies that had $40 billion in profits last year.

We are going to have to make some choices. Do we put children and education first? Do we put these big corporations and more tax breaks and tax loopholes for these big corporations first? Do we put veterans first? Or are we going to have Robin-Hood-in-reverse tax cuts for the top 1 percent of the population? Are we going to balance the budget to be fiscally responsible, or are we going to be taking the money out of the trust funds?

I ask unanimous consent that this article from the New York Times be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Feb. 18, 2002]

U.S. CORPORATIONS ARE USING BERMUDA TO SLASH TAX BILLS

(By David Cay Johnston)

A growing number of American companies, encouraged by their financial advisers, are incorporating in Bermuda to lower their taxes sharply without giving up the benefits of doing business in the United States.

Insurance companies led the way, but now manufacturers and other kinds of companies are following. Stanley Works, for 159 years a Connecticut maker of hammers and wrenches, is among the latest with plans to become a corporation in Bermuda, where there is no income tax. The company estimates that it will cut its tax bill by $30 million a year, to about $80 million.

Tyco International, a diversified manufacturer with headquarters in Exeter, N.H., says that being a Bermuda corporation saved it more than $400 million last year alone. Other companies that have incorporated in Bermuda or plan to do so include Global Crossing, a Beverly Hills, Calif., telecommunications company; Ingesoll-Rand and Foster Wheeler, both New jersey industrial manufacturers; Nabors Industries, a Texas company that is the nation's largest oil well services company; and Cooper Industries, a Houston manufacturer of industrial equipment.

Becoming a Bermuda company is a paper transaction, as easy as securing a mail drop there and paying some fees, while keeping the working headquarters back in the United States.

Bermuda is charging Ingersoll-Rand just $27,653 a year for a move that allows the company to avoid at least $40 million annually in American corporate income taxes.

The company is not required to conduct any meetings in Bermuda and will not even have an office there, said its chief financial officer, David W. Devonshire.

"We just pay a service organization" to accept mail, he said.

Kate Barton, an Ernst & Young tax partner, said that incorporating in Bermuda "is a megatrend we are seeing in the marketplace right now." Many corporations that are planning the move have not yet announced it, she said.

In a Webcast to clients, Ms. Barton cited patriotism as the only potentially troubling issue that corporations consider before moving to Bermuda, and she said that profits trumped patriotism.

"Is it the right time to be migrating a corporation's headquarters to an offshore location?" she asked. "And yet, that said, we are working through a lot of companies who feel that it is, that just the improvement on earnings is powerful enough that maybe the patriotism issue needs to take a back seat to that."

The White House has said nothing about these moves and their effect on tax revenues. Mark A. Weinberger, chief of tax policy in the Treasury Department, said the moves to Bermuda and other tax havens showed that the American tax system might be driving companies to make such decisions. "We may need to rethink some of our international tax rules that were written 30 years ago when our economy was very different and that now may be impeding the ability of U.S. companies to compete internationally."

But others have expressed concern about the trend. Senator Charles E. Grassley of

Iowa, the ranking Republican on the Senate Finance Committee, expressed alarm. "There is no business reason for doing this, other than to escape U.S. taxation. I believe the Finance Committee needs to investigate this activity."

There is no official estimate of how much the Bermuda moves are costing the government in tax revenues, and the Bush administration is not trying to come up with one.

A Bermuda address is being recommended by many legal, accounting and investment advisers. Stanley Works, for example, relied on Ernst & Young for accounting advice, Skadden Arps Slate Meagher & Flom for legal advice, and Goldman, Sachs for investment advice.

Ingersoll-Rand's top tax officer, Gerald Swimmer, said all of the major investment houses and accounting firms had presented the idea to his company. Ingersoll-Rand expects its worldwide income taxes to fall to less than $115 million from about $155 million annually.

Many companies looking for tax havens abroad are choosing Bermuda because it is close, its political system is stable and it uses a legal system similar to that of the United States. But some, like Seagate Technology, the California maker of computer disk drives, have gone to the Cayman Islands and other places.

Insurers have also flocked to Bermuda to escape most insurance regulations, including how much money they must hold in reserve to pay claims.

Since companies that move to Bermuda usually keep their main offices in the United States, they continue to have all the security provided by the American government, the legal system and the courts.

But by moving to Bermuda, their income from outside the United States becomes exempt from American taxes. Also, when the American company borrows from its Bermuda parent, the interest it pays creates a deduction that reduces U.S. taxes, but there is no tax on the interest earned by the Bermuda parent.

These companies say they are moving because their worldwide tax rates are higher than those of foreign competitors. Stanley Works expects its worldwide tax rate to fall to 23 percent to 25 percent of profits, down from 32 percent now, said Gerard J. Gould, Stanley's vice president for investor relations.

Another company, Cooper Industries, expects to lower its worldwide income tax bill to $80 million from about $134 million.

Robert Willens, a tax expert at Lehman Brothers, said that "any company with a decent amount of foreign income will see its tax rate fall dramatically" by moving its nominal headquarters to Bermuda.

"But the political considerations sometimes prevail," he added, "and companies are understandably reluctant to do something like this because it will not necessarily be properly construed in the marketplace. It may be seen as not patriotic and in the wake of Sept. 11, that is not a good posture for a company."

Mr. Willens said that he had personally presented the Bermuda idea to some companies and that the idea had been turned down for just that reason. "The companies most willing to do this are not household names," he said, "but Stanley Works is verging on a household name."

Mr. Gould said Stanley Works, whose products can be found in many home toolboxes, had not received a single complaint that it was being unpatriotic. Only a few shareholders complained, he said, and all were longtime shareholders who will owe taxes on their capital gains if the deal is approved by two-thirds of the Stanley Works shareholders.

The Internal Revenue Service has ruled that shareholders must pay taxes on any increase in the value of their shares between the date they bought them and the date the company incorporated in Bermuda, even if they do not sell the shares. The government designed this rule to place a price on what it calls tax-motivated expatriation.

With the stock market depressed, Mr. Willens noted, interest in moving to Bermuda is up because fewer shareholders would owe capital gains. And even when a move to a tax haven occurs, the company is not required to report to the I.R.S. on the holdings of each stock owner. Only the integrity of individual taxpayers ensures that the taxes are paid, as is the case with any tax on capital gains.

"I am sure a few get missed," Mr. Willens said with a chuckle.

Peter L. Baumbusch, an international tax lawyer with Gibson, Dunn & Crutcher in Washington, said current tax law discriminated against existing multinational corporations with headquarters in the United States.

David A. Weisbach, a University of Chicago professor of tax law, said the corporate moves to Bermuda should prompt Congress to review the American corporate tax regime, which was established when American companies sold primarily to the domestic market and few foreign companies had a major presence in the United States.

"Should we be taxing worldwide income or not?" he asked. "That is the really hard question."

Representative Charles B. Rangel of New York, the ranking Democrat on the House Ways and Means Committee, said the patriotism question also needed to be debated.

"Some companies flying the Stars and Stripes renounce America when it comes to paying their taxes," he said. "They choose profits over patriotism. So far, the Bush Treasury Department has shown no interest in stopping these corporate moves, or even drawing attention to them. Supporting America is more than about waving the flag and saluting—it's about sharing the sacrifice. That's true of soldiers, citizens, and it should be true of big companies, too."

Mr. WELLSTONE. Mr. President, it is in this context that I read from this article of last week about a new Bermuda Triangle for big businesses where the tax bill goes in, but the check never comes out. The article is entitled, "U.S. Corporations Are Using Bermuda To Slash Tax Bills." It reveals that a number of prominent U.S. corporations using creative paperwork have transformed themselves into Bermuda corporations purely to avoid paying their fair share of U.S. taxes. These new Bermuda companies are purely shell companies. They are shell corporations. They have no staff. They have no offices. They have no business activity in Bermuda. They exist for the sole purpose of shielding income from the IRS.

Let me give you a few examples.

Ingersoll-Rand is paying Bermuda approximately $28,000 in fees to save itself $40 million in taxes. Stanley Tools intends to recharter in Bermuda and save themselves $30 million a year. Tyco International saved $400 million last year in taxes. The list goes on and on.

Small businesses in Detroit Lakes, MN, or Mankato, MN, or in Minneapolis-St. Paul, MN, or in Duluth, MN, cannot avail themselves of the Bermuda Triangle. They cannot afford the big-name tax lawyers and accountants to show them how to do their books Enron style, but they probably wouldn't do it anyway, because the small businesspeople in Minnesota do not want to renounce their citizenship, they do not want to renounce their patriotism, and they want to pay their fair share of taxes as everybody else does.

So I say to Senators, as we look at these budget priorities, we are going to have to decide what we are going to be doing. Are we going to go after these tax scofflaws? Are we going to have fair tax relief? Are we going to save Social Security or let them get away with this? This is really outrageous.

I simply say that the priority for me, as a Senator, is to go after this "Bermuda triangle" boondoggle. The priority for me, as a Senator, is to go after these multinational corporations that will not pay their fair share of taxes. And the priority for me is to make sure that Senators vote so we can all be on record as to whether or not we want more loopholes, more tax breaks for multinational corporations so they do not have to pay their fair share of taxes, and, as a result, we do not invest in children and education.

We say we do not have money for affordable prescription drugs. We say there is no money for affordable housing. That is simply outrageous. We say we cannot help anybody with health security for themselves and their families.

There are three courses of action I will announce in the Chamber today:

No. 1, the letter to the Finance Committee, saying: I call upon you to basically do everything you can do to end this outrageous loophole of these multinational corporations setting up these sham offices in countries such as Bermuda and not paying taxes.

No. 2, I say to Senators that on the budget resolution, which will be coming up maybe this month—certainly next month—I am going to have an amendment which says: Find the savings from these big corporations that are not paying their fair share of taxes and are setting up these sham offices in countries such as Bermuda and put it into education and health care. We will have a straight up-or-down vote on that amendment to the budget resolution.

Then, No. 3, I want to send a Dear Colleague letter out to Senators, Democrats and Republicans alike. I definitely will introduce legislation. I do not have all the specifics down right now, but it seems to me, at a bare minimum, what we can say to these companies is: Look, you can set up some sham office in some other country as a tax dodge, but if you are doing most of your business in the United States of America, you are going to be taxed on the business you do here.

The second thing we can say to these companies is: You get all kinds of tax breaks, you get all kinds of Government help, the assumption being you are investing in our economy. But if you are going to set up these sham offices, if you are going to be involved in this tax avoidance, then you are not going to get any more of these breaks because, frankly, you are not being a good citizen corporation; you are acting a little bit too much like Enron. You are not being very patriotic when you are not willing to pay your fair share of taxes. And, frankly, as Senators, we are sick of the tradeoff. We do not like going back to our States and saying to law enforcement: We are going to have to cut the COPS Program by 80 percent. We do not like to tell small businesses they are not going to have access to low-interest loans. We do not like telling our schools and our children there isn't going to be the money for education. We do not like telling elderly people: God knows for how long all of us who have run for office have promised there will be affordable prescription drugs, but, sorry, we do not have any money to do any of that for you. We do not like telling families who have no health insurance whatsoever: We cannot do anything to help you because we have some of these big corporations, these multinationals, that have done the opposite of being good corporate citizens and basically have set up these elaborate, disingenuous, dishonest, tax evasion schemes.

As a Senator from Minnesota, my priority is to make sure they pay their fair share of taxes. That is the very least we can ask of them.

Mr. President, other than that, I do not feel strongly about this issue.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The hour of 12:35 p.m. having arrived, under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Whereupon, the Senate, at 12:35 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that Senator DURBIN be recognized after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING SENATOR TED KENNEDY ON HIS 70TH BIRTHDAY

Mr. DASCHLE. Mr. President, my old friend and teacher, Mo Udall, wrote a book called "Too Funny to be President" and dedicated it, in his words, "to the 3,000 Members of Congress, living and dead, with whom I served for nearly three decades."

It is true. We are all part of a continuum. In the history of our Nation, only 1,864 Americans have ever served in the Senate. Carved or penned into the drawers in our desks are the names of some of the giants—men such as Clay, Webster, Calhoun. But we don't have to open our desks or open a book to see one of the greatest Senators ever to serve in this body. All we have to do is open our eyes. He is right here, at the same desk he has occupied now for the last 40 years.

I have been a Senator for 16 years. I count it as part of my good fortune that I have been able to call TED KENNEDY a colleague all of those years. I consider it an even greater privilege to call him my friend.

Today it gives me enormous pleasure to join the rest of my colleagues in wishing my good friend a happy 70th birthday.

In his remarkable 1999 book "Edward M. Kennedy: A Biography," New York Times reporter Adam Clymer recounts a letter an 8-year-old TED KENNEDY received from his father.

It was 1940. Ambassador Kennedy was writing from war-torn London to his young son who had returned to America. He tells TED that he can hear the bombs exploding outside his residence. Then he writes:

> I hope that when you grow up, you will dedicate your life to trying to work out plans to make people happy instead of making them miserable, as war does today.

Somewhere, I feel certain Joe Kennedy is looking down on his youngest son today; as he does every day, smiling. TED KENNEDY has indeed dedicated his life to trying to make people happy.

The great Irish playwright, George Bernard Shaw, wrote that "this is the true joy of life: to be used for a principle recognized by yourself as a mighty one . . ."

That is exactly what TED KENNEDY has done. For 40 years now he has used his great booming voice to speak for those who have none. There is no more passionate or effective advocate in this Senate for good schools for every child, decent, affordable health care for every American; there is no one in this body who has fought harder or longer to improve the living standards of working families and protect the basic civil rights of all Americans. He is a drum major for justice.

President Bush says the folks at the coffee shop down in Crawford were surprised to see him praise Senator KENNEDY for his invaluable help in passing the new education reform act. They shouldn't have been.

Since the day he arrived, TED KENNEDY has sought out those with views different from his own to see if together they could find principled compromise. He has never wavered in his principles. At the same time, he is a pragmatist who wants more than anything to get things done.

I remember 5 years ago when we created the Children's Health Insurance Program with strong bipartisan support. It was something Senator KENNEDY had worked on for years. After the vote, he came into my office, as he does sometimes with these victories, beaming. He looked so much like a proud, new father, I thought he might start handing out cigars. To everyone he passed he said, "Isn't it wonderful."

As he spoke about that victory, he didn't talk about how many votes his plan had received. He talked about how many children it would help. That is the kind of man he is. He doesn't care who gets the credit so long as people get the help.

Sometimes when I am in this Chamber, I look up to the gallery to see the people who have come here to see this great institution at work. I can always tell from their reactions when Senator KENNEDY has walked on the floor without even looking around. People sit up, heads turn. Almost always you see someone lean over and whisper to the person next to him or her: Look, TED KENNEDY.

He is, undoubtedly, the best known member of this body. Yet he remains a modest man—a worker among workers.

Within our caucus, he is very often the first one to work in the morning and the last person to leave at night.

No job is too small for TED KENNEDY. At the same time, no challenge is too big.

On civil rights, voting rights, education, disarmament and so many other critically important issues, Senator KENNEDY has not only picked up the fallen standard that his brothers John and Robert once carried. He has advanced that standard. He has done much of the work they hoped to do but couldn't.

There is another incident in Adam Clymer's book that may explain, in part, why TED KENNEDY has achieved so much in this Senate.

The year was 1965. TED and Robert Kennedy were serving together on the Labor and Public Welfare Committee. It was Robert Kennedy's first year in the Senate and TED's third.

One day, after they had waited hours to question a committee witness, Robert leaned over and whispered to his brother: "Is this the way I become a good Senator—sitting here and waiting my turn?"

TED said: "Yes."

Robert pressed: "How many hours do I have to sit to be a good Senator?"

TED answered: "As long as it takes, Robbie."

TED KENNEDY is a patient idealist. He understands that progress is a long march and he is willing to work as long and hard as it takes to move America forward.

Carved into the drawer of the desk in which he sits is the name of his other brother, John, who sat there before him and who, like Robert, was taken from him, and us, because of his commitment to public service.

Many people—perhaps most people—who had suffered such loss might withdraw from public service in fear or anger. They might conclude, rightly, that their family had given enough.

But not TED KENNEDY.

He has stayed and has done what his father hoped he would all those years ago. He has dedicated his life to trying to work out plans to make people happy.

Unlike his brothers, he has "lived to comb his gray hair."

He has received what they did not: "the gift of length of years."

As we celebrate his 70th birthday, it seems to me that America is the real beneficiary of that great gift.

And so, on this happy occasion, I say to my friend, Senator KENNEDY, Thank you. Happy Birthday. And may you have many, many more.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask unanimous consent that I may yield my place in line to Senator KERRY and follow him.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Senator from Illinois for his enormous courtesy. I thank the majority leader for his wonderful comments about our colleague.

Mr. REID. Mr. President, doesn't Senator KERRY control the time?

MORNING BUSINESS

The PRESIDING OFFICER. The Senator is correct.

Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3:15, with the time under the control of the Senator from Massachusetts, Mr. KERRY.

Mr. KERRY. I ask unanimous consent that the remarks of Senator KENNEDY's House colleagues be printed in the RECORD following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KERRY. Mr. President, I appreciate my colleagues' patience. I hope we will all have a chance to pay tribute.

As the majority leader has just said, and as we have learned in wonderful stories across the country over the course of the last weeks, my senior colleague and our good friend and colleague to all of us on both sides of the aisle celebrated his 70th birthday on February 22, last week, while we were out of session. But he also records a rather remarkable milestone together with a birthday. It is not only a celebration of 70 years of life, but it is also the milestone of 40 years of service to the State of Massachusetts and to his country here in the Senate.

He started his career by setting an extraordinarily high standard in the very beginning because it was when he reached the minimal constitutional age of 30 that he first came to the Senate—one of only 16 people in the history of the Senate to reach this institution at that early and tender age. What we celebrate today, Democrats and Republicans alike, is not only the awe we have for his lifetime of achievement but really the way in which literally almost every single year that Senator KENNEDY has been here there has been a milestone piece of legislation that has passed either with his significant support and input or with his outright leadership.

The Boston Globe put it best, writing not long ago that:

> In actual, measurable impact on the lives of tens of millions of working families, the elderly, and the needy, Ted Kennedy belongs in the same sentence with Franklin Roosevelt.

That sentence is not constructed lightly; it is the measure of a public servant who doesn't know the meaning of the words, "you can't pass it," "it can't happen," or "impossible."

It is the measure of a Senator who—on every issue of importance, from health care to children, education, civil rights, choice, and so on—can always be counted on to be in the lead, challenging on the issues and fighting for the principles that guide our party and lift up our country.

As every single one of my colleagues here knows, TED KENNEDY is an extraordinary public servant, not only because he knows who he is personally and sticks to his guns, never bending with the political currents, but because he has in his life and in his career proven again and again that progress doesn't happen by accident, that it doesn't happen when you simply stick to the text of the latest opinion poll or the whispers of a morning focus group, it happens when leaders define and fight the fights that need fighting and when public servants of conscience and conviction refuse to take no for an answer.

That is why, for TED KENNEDY, the "cause" has not just endured, it has triumphed—again and again.

Whether you agree with him or not, we know that TED KENNEDY has never been afraid to be a majority of one. We know that he has been an extraordinary leader because he has excelled while completing his work in the Senate, where sometimes others were afraid to begin.

Ironically, in being a standard-bearer for an ideal, TED has become, as Clymer wrote in his recent book:

> [N]ot just the leading Senator of his time, but one of the greats in its history, wise in the workings of this singular institution, especially its demand to be more than partisan to accomplish much.

His partnerships with his fellow Senators are well known and often recited—and sometimes lampooned—from Howard Baker, Jacob Javits, Hugh Scott, ARLEN SPECTER, Dan Quayle, ORRIN HATCH, Alan Simpson, and Nancy Kassebaum—TED has never hesitated to cross the aisle in an effort to accomplish his goals and to further a common agenda—fighting always to prove that ideologies, however incompatible according to conventional wisdom, can be put aside for the greater good when it improves the lives of our fellow Americans.

TED has always done that—put aside partisanship and reached out. On a personal note—and I think there are many Senators who would say this—TED KENNEDY is remarkable. There are so many of our colleagues who have been touched in times of loss, times of distress, times of disease or sickness, before an operation, after an operation, when a child was in trouble; it is almost always TED KENNEDY who is one of the first to pick up the phone and one of the first to offer support.

I remember 30 years ago when I came back from Vietnam and a group of us ragtag veterans assembled on The Mall here to try to get the country to listen to what we thought was the truth.

There were not many leaders in the Senate prepared to listen, but TED KENNEDY was among the first and the few who came down to that encampment, sat during the night, listened to the stories of veterans, and came back to the floor of the Senate to be an extraordinary witness to their truth. He reached out and demonstrated in actions, as well as words, the truth for which those soldiers had fought.

Now we see that in so many ways. He goes where his conscience tells him to go. He hears of children who go through their early years without health care, who come to school unable to learn, and he has made their care his crusade. So millions more children today see a doctor because of TED KENNEDY and millions more will before he is done.

He hears of workers sweating it out, punching a timeclock, doing backbreaking work over the course of a lifetime, and he has made their economic security his agenda. And so many millions of workers have seen their wages increased over the course of their lives, pensions protected where others would have left it to the marketplace, and he has created a safe workplace, and the right to organize has been put back on the Nation's agenda. These issues again and again will be advanced by TED KENNEDY.

That is the drive, the passion, and the special commitment we celebrate today. This is not a new ideology, it is not a new-age vision, but it is an age-old belief that Americans have a responsibility to each other, that America is still in the process of becoming, and that we are privileged to serve here to make that dream real for all Americans.

These are the qualities that make our colleague the lion of the Senate and make him one of the most prolific legislators in American history. They also make him what his brother Robert said was some of the most important words in the English language: A great citizen.

For that and so much more, we honor our friend and colleague TED KENNEDY today.

EXHIBIT 1

REMARKS BY REPRESENTATIVE MARKEY

This past week, the Commonwealth of Massachusetts celebrated the 70th Birthday of our senior senator, Ted Kennedy, and a legacy of public service unsurpassed in its benefit to the people of our state, the country and the world. Of course, his legacy grows day by day, week by week, year by year, and will undoubtedly result in the greatest record of achievement that the United States Senate has ever known.

It brings to mind a recent event of importance to all New Englanders. The New England Patriots won the Super Bowl this year, one of the greatest achievements in professional sports. So great is this achievement that our regional team has accomplished this incredible feat just once in its 40 year history, When a professional football team wins more than one championship in a relatively short time frame we proclaim it a dynasty. But what if a professional football team won the Super Bowl for 40 consecutive years? How would we describe such unprecedented success?

That is the challenge we face as we celebrate the achievements of Ted Kennedy, for he manages to win the legislative Super Bowl every year. He has many teammates contributing to the success of their mutual efforts from year to year, but they come and go. The one constant is Senator Ted Kennedy, a Senate giant, the quarterback, the leader.

Senator Kennedy has provided a powerful and effective voice for those who do not have a high-priced and well-recognized lobby in Washington—the poor and the underprivileged. His legislative accomplishments have enhanced the quality of health care we provide our constituents, the quality of education we provide our children and the quality of life every American family enjoys in this nation by safeguarding our environment and providing protection and equity in the workplace. Collectively, Senator Kennedy's body of work has given every individual in this country an opportunity to reach their "American Dream."

When Senator Kennedy retires they will place his picture and biography in the dictionary next to the definition of Senator. It will be an abridged version, because they won't have enough room to describe his accomplishments of the next forty years. It is an honor to call Ted my colleague, it is an honor to call him my friend, but most importantly it is an honor to call him my Senator.

REMARKS BY REPRESENTATIVE MICHAEL CAPUANO

I would like to extend my congratulations and best wishes to Senator Edward Kennedy as he celebrates his 70th birthday.

Senator Kennedy's impact on Massachusetts and on our country is immeasurable. His powerful stamp can be found on national legislation and local programs ranging from health care and affordable housing to education. He is a true champion of America's working men and women and is a strong advocate for the needs of children.

In Massachusetts, Senator Kennedy's hard work is visible in so many ways. He fights to increase access to public transportation and improve our highway system. He brings federal dollars to every corner of the Commonwealth for after-school programs, teacher training, counseling and a host of important initiatives.

I am proud to serve in the Congress with Senator Kennedy and have learned a great deal from him during my short time in Washington. I look forward to serving many more years with the Senator. I know that Massachusetts and our country will continue to benefit from his years of experience.

REMARKS BY REPRESENTATIVE WILLIAM D. DELAHUNT

This month the family, friends and admirers of Senator Edward M. Kennedy celebrate two major milestones: his 70th birthday and his 40th year in the Senate. It is a fitting moment to take stock of what his leadership has meant for social policy in this country.

Senator Kennedy's legacy in the fields of health care reform, education and civil rights is a testament to his principled commitment to making America a more just society. His success in accomplishing so much of what he has set out to do—whether in the majority or the minority—is a testament to his gift for finding common ground and his mastery of the legislative art.

In no area of his work have those twin attributes of principle and pragmatism been so in evidence as in his efforts to improve the criminal justice system.

As a local prosecutor for over two decades, I watched with pride as Senator Kennedy fought for sensible crime control policies at a time when many in Congress were running in the opposite direction.

As his congressional colleague for the last five years, I have been gratified to be able to collaborate with him on legislation to give local law enforcement officers the tools they need to keep our streets and neighborhoods safe, while also providing resources to community-based prevention and early intervention programs that keep young people from turning to violence in the first place.

Ted Kennedy has always understood that government cannot respond effectively to such complex problems if politicians are merely reactive—if they cling to failed policies and discredited theories out of fear that an opponent will label them "soft on crime".

And no one can call Senator Kennedy soft on crime. He understands—as few people can—the terrible toll that violence has taken on our families, our communities, and our culture. His own experience has made him especially sensitive to the needs of victims of violence in all its forms.

Yet the Senator has never wavered in his insistence on due process and his deep opposition to capital punishment. His principles were sorely tested as he watched his brothers John and Bobby cut down in their prime. Few would have blamed him had he sought vengeance against the assassin who took the life of Robert Kennedy. Yet characteristically, he spoke even in his grief not of vengeance but of compassion, asking the Los Angeles district attorney to refrain from seeking the death penalty.

Some politicians have been tempted to cast aside the Constitution when expediency demanded it. Not Ted Kennedy. He fought for a balanced crime bill in 1996, yet voted against it when it failed to safeguard the Writ of Habeas Corpus. He has continued to stand up for the rights of immigrants, whom others have far too often found an easy target in times of trouble. He has struggled to pass federal hate crimes legislation that would curb violence and harassment against gays and lesbians—another frequent scapegoat for popular anxieties.

The commitment to a just society, that combination of principle and pragmatism, are among the many reasons I am proud to call Edward M. Kennedy my senator. My constituent. And my friend. Happy birthday, Ted.

REMARKS BY REPRESENTATIVE BARNEY FRANK

The senior Senator from Massachusetts, Mr. Kennedy, has done more to advance fairness in American life in the past forty years than anyone else in the country. I can think of no group of people suffering from unjustified adversity of whom he has been not simply a champion, but the most forceful, passionate, and, most importantly, the most effective champion.

In fact, his extraordinary lifetime work for social and economic justice is not only the most impressive in post-World War II America, it overshadows the work of all but a handful of American public officials who have gone before him.

At this point, I encounter a dilemma. Having said this about Senator Kennedy's career, I find myself without anything else to say on this central point—he has been for forty years the best we have at the most important task confronting public policy makers, and there is nothing to add to that in evaluating a political leader. But to end here somehow seems inadequate—if only to guard against misinterpretation of my opinion by those who measure admiration by its length. Fortunately, there is one subordinate aspect of Senator Kennedy's record that I believe calls out for comment—his shattering of a number of stereotypes.

One form of shallow analysis that plagues the study of politics in America is that which sets up a series of false choices, and insists that public figures must choose to be on one side or the other of a set of opposites. We are told that effective insiders in Congress who seek to get things done cannot simultaneously be forceful public advocates. We are told that the political world is cleanly divided between idealists, pure but impractical, and pragmatists, ever ready to trade in principle for the sake of a deal. And last in this series, Members of Congress are often divided between those who focus on broad national themes, and their opposites who spend their time and energy working on specific projects for their local constituencies.

One of the things that makes me grateful to Senator Kennedy for his unsurpassed legislative work is that he defies every one of these false dichotomies. He has been for Massachusetts an extremely effective advocate without in any way holding back from being our leading national voice for economic and social fairness.

Nor does this passionate national advocacy in any way diminish his impact in the Senate, where he is one of the most productive and successful legislators in that body's history. And his impact has come precisely because he is so strongly committed to a set of ideals that he understands that his obligation is to be successful in carrying them into fruition.

I believe it is important to admit one's mistakes, even if it isn't a lot of fun. And there is no statute of limitations on this principle. Forty years ago, I opposed Edward Kennedy's candidacy for the Democratic nomination for the U.S. Senate. While I continue to have an enormous amount of respect for the late Edward McCormack, who was then his opponent, I want to say here that I have never been happier to have proven so wrong.

REMARKS BY REPRESENTATIVE STEPHEN F. LYNCH

It is with great honor that I rise today to pay tribute to an extraordinary man and an exemplary public figure. For forty years, Senator Ted Kennedy has given a voice to those without one, and has stood up for all those who need it most. Senator Kennedy has been a leader for Massachusetts, and for our nation, and his work has touched the lives of hundreds of millions of Americans. We all recognize his remarkable efforts in protecting the civil rights of all Americans, improving the quality and accessibility of education, and his undying commitment to extend health care coverage to every American. But I want to pay special tribute to Senator Kennedy's dedication to the working men and women of Massachusetts.

As an ironworker for eighteen years, I know firsthand the pride that comes from earning a living with your hands, and the struggles a worker must face to provide for his family on a blue-collar wage. No member of the United States Senate understands the reality of working families better, and no member respects them more than Ted Kennedy. Senator Kennedy appreciates the dignity of teachers, of mechanics, of nurses, and of ironworkers. He recognizes that working Americans aren't just looking for handouts from their government—they're looking for a leg up, to help them ensure that their children have every opportunity to succeed, and they're looking for a safety net, to help them provide for their families during the most difficult times.

Senator Kennedy's legislative record reflects those principles, and that is why he has been the single most effective advocate for working Americans in our time.

First and foremost amongst Senator Kennedy's legislative achievements is his ongoing fight for workers' rights and protections. One of the most basic principles upon which our nation was founded was fairness, and Ted Kennedy has done everything he can to promote that in the workplace.

He has fought successfully to improve workplace safety and conditions, and continues to fight for ergonomics standards today. He has fought successfully to raise the minimum wage, and lift working families above the poverty line. Additionally, he has stood on the lines with workers across the state to demand a fair wage for their work. His reputation as a trusted negotiator with both workers and management has allowed Senator Kennedy to quiet disputes and bring all sides to the table for a fair and equitable resolution during sometimes hostile labor disputes. In 1999, he intervened in the nurses strike at St. Vincent's Hospital in Worcester, and all sides came out winners when the nurses returned to work with new restrictions on mandatory overtime which improved the safety and quality of care for patients.

Senator Kennedy has fought to ensure that all workers are paid an equitable wage, regardless of sex, race, or sexual orientation. he fought successfully for passage of the Family and Medical Leave Act of 1993, which allows workers to take unpaid leave to care for members of their family when they are ill.

Senator Kennedy believes in the power of education, and knows that it is essential to providing children and adults alike with the opportunity to succeed. In today's marketplace, employers require a higher level of skill and training than ever before. That is why Senator Kennedy's efforts to expand opportunities for job training centers and career counseling services have had such an impact for workers who have been laid off, or who are looking to take the next step in their careers.

In this time of economic recession, more and more workers are laid off and need a temporary boost to help them continue to provide for their families. It is in times like these when Senator Kennedy's most significant impact becomes clear. Because of his work in championing benefits for the unemployed, and in providing transitional assistance to workers, millions of Americans have the ability to take the time to retrain themselves, and re-enter the workforce sooner. And, because of his work to extend health care coverage to those who have recently lost their jobs, the health and safety of their children need not be put at risk while they're looking for a new job.

Senator Kennedy's efforts to protect and support working Americans have been felt far and wide. As a former union president and head of a working family, I cannot express how grateful I am to him for his courage, his voice and for his support. I wish Senator Kennedy all the best on the occasion of his 70th birthday, and hope for all Americans, that he will continue to serve this nation for many decades to come.

REMARKS BY REPRESENTATIVE JAMES . MCGOVERN

I rise today to pay tribute to a true champion of Massachusetts, Senator Ted Kennedy. As many Members of the House know, the Senator is celebrating his 70th birthday this year.

For most of those 70 years, Senator Kennedy has been a voice for the voiceless, a champion of working families, a force for peace and justice at home and around the world.

It is nearly impossible to find a major piece of domestic legislation over the past two generations that has not been shaped by the Senator's drive, courage, tenacity and collegiality.

From making health care more affordable to raising the minimum wage; from civil rights for all Americans to fair and compassionate treatment of immigrants; from Biafra to Bangladesh to Belfast—Senator Kennedy has led the charge.

But though he has reached the pinnacles of power, Senator Kennedy has never forgotten the people of Massachusetts who have elected him over and over again. One only needs to drive through the 3rd Congressional District to see his handiwork. Dozens of economic development projects simply would not have happened without him.

The Kennedy name, of course, is synonymous with service in Massachusetts. Senator Kennedy not only survived almost unimaginable personal tragedy, he persevered. He persevered because for him, public service is not a job—it is a calling, a mission, a vocation.

And on a more personal level, Senator Kennedy has been an amazingly generous friend to me and my family. I have learned a tremendous amount from him, and I am honored to call him a colleague.

I know that all of my colleagues in the House join me in wishing Senator Ted Kennedy a very happy 70th birthday, and many more happy birthdays to come.

REMARKS BY REPRESENTATIVE MARTY MEEHAN

I rise to honor Senator Edward M. Kennedy. Senator Kennedy celebrated his 70th birthday on Friday, February 22, 2002.

For nearly 40 years, Senator Kennedy has dedicated his energies and remarkable abilities to making our communities, our Commonwealth, and our nation a better place to live.

The fruits of his efforts are evident throughout Massachusetts' Fifth Congressional District. From the redevelopment of the former Ft. Devens military base to the preservation of the Watt Farm in Harvard, from the construction of a new bus operations and maintenance facility in Lowell to the renovation of the Marlborough Hospital's Emergency Department, from the Merrimack Valley to the Metrowest area, Senator Kennedy has delivered for the residents of the Fifth District.

Senator Kennedy's record of accomplishment doesn't end at the borders of the Fifth District or even the Commonwealth of Massachusetts. In fact, it just begins. On every important fight waged for the working families of our nation, Senator Kennedy has been our leader.

He has fought tirelessly for civil rights on the home front and human rights around the globe. He has worked to improve our public schools, to make college more affordable, and to give workers the resources they need to upgrade their skills. He has waged an endless battle to make work pay by pushing for an increase in the minimum wage. And his leadership on health care has made health insurance a reality for the poorest children of our nation and focused us all on the need for meaningful managed care reform. And I believe that when Congress passes legislation to create a Medicare prescription drug benefit for seniors, we will have Senator Kennedy to thank for that.

On July 15th, 1960, Senator John Fitzgerald Kennedy issued a challenge to a generation of young Americans. "The New Frontier of which I speak," he said, "is not a set of promises. It is a set of challenges. It sums up not what I intend to offer the American people, but what I intend to ask of them."

On June 6, 1966, Senator Robert Francis Kennedy spoke in Capetown, South Africa about the nature of the challenge his older brother issued our nation: "Few will have the greatness to bend history; but each of us can work to change a small portion of events, and in the total of those acts will be written the history of the generation . . . It is from numberless diverse acts of courage and belief that human history is thus shaped. Each time a man stands up for an ideal, or acts to improve the lot of others, or strikes out against injustice, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current which can sweep down the mightiest walls of oppression and resistance."

That call to service, to courage, to secure universal justice, inspired generations of Americans to change the world around them—including the oldest son of a working-class family on 22 London Street in "the Acre" section of Lowell.

Along with millions of Americans, my ideals, my values, and my vision for a great and just America were inspired by Senator Kennedy's brothers. I serve in Congress today—and strive to make a difference—because of the Kennedy family.

While his brothers continue to inspire us all, it is Senator Kennedy's endless determination, boundless compassion, selfless commitment, and knowledge about how to get things done, that has made their vision a reality. When the history books are written, it is certain that the career of Senator Edward M. Kennedy will stand as one of the most productive and important of all time.

Senator, you are one of Massachusetts' greatest treasures. Happy 70th Birthday, and thank you for 40 years of service in the United States Senate.

REMARKS BY REPRESENTATIVE RICHARD E. NEAL

Twenty two years ago, at a caucus in the Springfield Civic Center, I was elected as a delegate to the Democratic National Convention in New York in support of a candidate for president who had a bold vision for our country. He stood for economic and social justice, affordable health care and improving the quality of education for all. And while that campaign in 1980 proved to be unsuccessful, his message inspired the hearts and minds of countless Americans who were dedicated to making a difference in the lives of others. That candidate's name was Edward M. Kennedy.

I share this piece of personal history because Friday was Senator Kennedy's 70th birthday. It also represented the 40th anniversary of his election to the United States Senate. It has been a career of triumph and tragedy, victory and setback. But through it all Ted Kennedy has persevered, continuing to be a strong and steady voice for working families and the less fortunate. At this point in his extraordinary life, he has become a true statesman of the Democratic Party, passionately articulating its values and beliefs to a national constituency.

He has displayed that same conviction in his tireless efforts to bring peace and reconciliation to the island of Ireland. While many would point to the early 1990's as the beginning of America's involvement in this bitter conflict, Kennedy's interest goes back to the early 1970's. The contribution he and his family have made to the current success of the peace process simply cannot be overstated.

But there is another side to Ted Kennedy that I have always found even more appealing. It is one of the primary reasons why I have been such a steadfast and loyal supporter for so many years. And it is what the people of this state have known since his first election in 1962. If it helps people in Massachusetts, no issue is too small or insignificant for Senator Kennedy to embrace and lead the charge. Here is one example.

Soon after my election to Congress, Speaker Tom Foley appointed me to serve on the House Ways and Means Committee which has jurisdiction over health related matters. One of my first challenges was a complex Medicare reimbursement issue designed to help Mercy Hospital in Springfield. At my request, Ted Kennedy took up the fight in the Senate and made it a top priority.

As the Chairman of the Senate Health, Education and Labor Committee, he was the principal architect for health care reform in the nation. His thoughts on this critical issue led the network news each night. But unlike most politicians, Kennedy's best work oftentimes goes unseen. He fought long and hard behind the scenes to ensure that the concerns of Mercy Hospital were included in the overall Medicare bill. Throughout this long process, Ted Kennedy displayed his trademark human touch.

I can vividly recall him taking time to meet with Sister Mary Caritas, then President of Mercy Hospital, to hear her concerns about the economic impact of this proposal. In the middle of this important national debate, he never forgot the people back home. He took her phone calls personally, and never missed an opportunity to update her on the progress of this technical issue.

Not surprisingly, the proposed change to the Medicare program became law and Mercy Hospital was helped a great deal. Even now, many years later, he still asks me in that distinctive voice: "Richie, how is Sister Caritas?"

And this example is not unlike the way he has worked on new projects like Springfield's Union Station, the Federal Courthouse in Springfield, the Pioneer Valley Life Sciences Initiative and countless others across the Second District and beyond.

Much has been written about the senior Senator from Massachusetts over the years. As someone who was with him as recently as last week, it is clear that he has not lost the boundless enthusiasm he brings to the job. In a meeting about airport security in my office, he was as energetic and focused as the candidate that I endorsed back in 1980.

Senator Kennedy may be known nationally as one of the most effective legislators in the history of the United States Senate. He has the well deserved title of patriarch of one of America's most distinguished families. In my 25 years of public service, I think of him simply as one of the best friends the people of western Massachusetts ever had.

Happy Birthday Teddy.

REMARKS BY REPRESENTATIVE JOHN W. OLVER

I would like to salute Senator Edward M. Kennedy, on the occasion of his 70th birthday and his 40th year of service in the United States Senate.

Senator Kennedy has made it his life's mission to work on behalf of those who are too often overlooked: children, the elderly, individuals with disabilities, the poor and the workers of this nation. From the Americans with Disabilities Act to increases in the federal minimum wage to his advocacy for those infected with HIV and AIDS, Senator Kennedy has led the fight to provide equal opportunities and resources for everyone in America.

When I look at the congressional district that I represent, I see Senator Kennedy's influence everywhere. He has helped to build a thriving arts community in Berkshire County, provided critical support for biotechnology investment in the Pioneer Valley, and successfully lobbied for urban redevelopment funding in north Worcester County. Thanks to Senator Kennedy's vision, there are five community health centers serving the uninsured and the underinsured in my district.

The list of Senator Kennedy's accomplishments, both in Massachusetts and across the country, goes on and on. His effectiveness as a legislator is unparalleled, and his tireless work over the last forty years is an inspiration to all of us. I feel honored to have worked with Senator Kennedy for the last decade, and I congratulate him on all of his remarkable achievements.

REMARKS BY REPRESENTATIVE JOHN F. TIERNEY

I am proud to honor Senator Edward M. Kennedy on the occasion of his 70th birthday. I am pleased to join my colleagues in the Massachusetts delegation in paying tribute to our friend, our leader, our inspiration as he reaches this important milestone in his remarkable life.

Senator Kennedy has accomplished so much for our state and our nation over these past forty years that it is difficult to distill all of his work on behalf of American families into just a few words. He has been, and continues to be, a champion of quality health care for all Americans, a true believer in public education and a fervent advocate of living wages for working people in this country. For all of those reasons and more he enjoys the respect and affection of millions of people all across the country.

Two of Senator Kennedy's accomplishments, however, have had particular relevance to my constituents in the Sixth District of Massachusetts: First, he was the primary sponsor of legislation that created the Essex National Heritage Commission, an extraordinary public-private partnership which continues to excel in its mission of educating schoolchildren, residents and visitors alike on the wonderful maritime, industrial and cultural history of our region in the northeastern part of Massachusetts. His continuing advocacy ensures that the rich heritage of the 34 diverse communities that comprise the Essex National Heritage Area will be preserved and passed along to future generations.

Senator Kennedy has also been a tireless advocate on behalf of the thousands of Massachusetts families for whom commercial fishing has been both a livelihood and a way of life for almost 400 years. For four decades Senator Kennedy has stood shoulder to shoulder with those families. Through good times and bad, through declining stocks and proliferating regulations, through devastating natural disasters and deep personal losses, he has been a source of strength and hope. Angela Sanfilippo, longtime president of the Gloucester Fisherman's Wives Association, said it quite simply in her birthday tribute to Senator Kennedy in the February 22 edition of the Gloucester Daily Times: "No one has been more of a friend to us than U.S. Senator Edward Kennedy."

Happy Birthday, Senator. I look forward to serving with you for many years to come.

Mr. KERRY. I yield such time as the Senator from Nevada might use and then the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Kennedy family has a long, proud, and enduring legacy of public service. Senator KENNEDY's father, Joseph, served as Ambassador to the Court of St. James, and we all know how he encouraged his children to pursue public service, and public service they pursued.

John Kennedy, of course, became a Senator and then President. Robert Kennedy served as Attorney General and then as a Senator. Today, younger generations of the family are adding to this record by holding public office and doing noble work in their communities.

The Kennedys have made an impact on me. In my office across the hall, I have a letter I received from President John F. Kennedy—he was a Senator who had just been elected President—congratulating me for forming the first Young Democratic organization in the history of Utah State University.

I never met President Kennedy, but I can remember when I worked here as a policeman on Capitol Hill driving home by the White House, looking out on the lawn and seeing Macaroni, Caroline's horse. I can remember when I was a Capitol Policeman and President Kennedy had been assassinated. I, of course, knew all the shortcuts through this Capitol, and I took them and walked past his casket.

Now, many years later, in the same office that I talked about a minute ago, there is a plaque on the wall announcing that John Kennedy occupied the office from July 13, 1960, when he was nominated for President, until his inauguration in January 1961. Every day I see that big bronze plaque. Every day I think of President Kennedy.

Robert Kennedy inspired me and millions of young people in my generation who admired his commitment to helping the poor and disenfranchised and believed we could make a difference. One of my favorite stories about Robert Kennedy recalls a meeting he had with a bunch of affluent people. After outlining his vision for our country, Robert Kennedy was asked: Who is going to pay for this? Senator Kennedy did not pause a second. He said: You are going to pay for it. That is integrity. That is what the Kennedys have brought to America.

As we recognize these contributions, let us also acknowledge the Kennedy family has made tremendous personal sacrifices for our country. Three brothers lost their lives serving our country. Joseph, Jr., was killed in a plane crash while on a dangerous volunteer mission over Europe during World War II. He was killed at the age of 29. President John Kennedy was assassinated at the age of 46. Robert Kennedy was assassinated at the age of 42. Of course, sister Kathleen died in a plane crash at the age of 28. The Kennedys have been beset by tragedy played out on the public stage perhaps as no other American family.

My first memory of Senator TED KENNEDY dates back to when I was on vacation years ago with my best friend watching television and Robert Kennedy's funeral was being broadcast. I can remember clearly TED KENNEDY's eulogy. It is something I will never forget. One of my sons this past Christmas gave me a compact disc of famous speeches. There were not that many famous speeches on this CD, perhaps 20, but one on that CD was the remarks Senator KENNEDY gave at his brother Robert's funeral.

Over the years, TED KENNEDY has given many great speeches, powerful, moving speeches, but even more significant than his skills as an orator is that he has been a voice for those without power. This powerful man has been a voice for those without power and a champion of social justice for all Americans.

As the most prominent surviving member of this great family, it would have been easy, as Senator KERRY and Senator DASCHLE have both mentioned, for him to have become discouraged and to give in to fear of being a target for more violence. We all would have understood if he had decided to leave the limelight, to withdraw, but he accepted the burden and embraced the responsibilities of being a Kennedy, of being an American. He has persevered and continues to serve. His contributions are significant, and America is a better place as a result of his contributions.

Senator KENNEDY has served our Nation for almost 40 years in the Senate. He was elected in 1962 to fill the seat of his brother, John F. Kennedy, who had been elected President. During more than six terms in the Senate, he has accomplished so much. In particular, he has led the effort to bring quality health care to all Americans. He sponsored and succeeded in getting passage of the Patients' Bill of Rights that we want to finalize.

Senator KENNEDY has been involved in so many different aspects of education. He played a key role in enacting education reform legislation, as Senator DASCHLE said, to help students, to help teachers to, in effect, improve the quality of our Nation's schools and hold them accountable.

He has also taken to the barricades on labor issues, fighting on behalf of America's working men and women. There is no greater hero in the America union movement than TED KENNEDY. He has forcefully advocated for a higher minimum wage many times, and he is now a leading proponent for helping workers, especially nurses, to eliminate mandatory overtime.

We have worked together on some issues since I have been in the Senate, issues that maybe he did not have a stake in or at least people did not think so; for example, what should we do about people who have risked their health and even sacrificed their lives to win the Cold War. He became involved in this and helped pass legislation to make sure those people who were injured in the Cold War were also recognized and compensated. It could not have been done without him.

Certainly Senator KENNEDY has a distinguished record of legislative accomplishments, but he has not rested on his laurels. He continues every day to work hard to continue to have a positive impact.

I express publicly my gratitude for his help. Senator KENNEDY was a legend when I got here. I was so impressed with Senator KENNEDY always asking: Do you want to go first? Do you want your name first on the legislation? Do you want to speak first?

He is a modest man. I will always remember how good he has been to me, his continued willingness to set aside personal fame—glory, really, that he already has—and instead lead the charge for us or do whatever is necessary for the good of the team. He has been helpful and inspirational to Senator DASCHLE and HARRY REID. It is easy to say, but I can testify to this: He always cares about his Nation first.

I thank you again, TED, for your many contributions and years of service. I wish to thank you and your lovely wife Vicki. I wish you both Godspeed. May you have many more birthday parties such as this.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I yield such time as he will use to the Senator from Illinois. I thank him again for this courtesy. If my colleagues would allow, I would like to go to the other side of the aisle for a moment and come back to Senator SCHUMER, Senator CLINTON, and Senator STABENOW.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, about 35 years ago as a college student I was seated in this Senate gallery because there was a historic event about to take place. Senator Robert Kennedy, of New York, was to announce a very important statement about the Vietnam war. I sat there late into the evening waiting for this moment and looked down from that gallery to see Senator Robert Kennedy come to the floor with his brother, Senator TED KENNEDY. I watched this speech. I listened to every word of it. It had such an impact on me, as I am sure it did on many people across America, these two brothers continuing to serve this country after their brother, the former President, had lost his life, continuing to be in the midst of the arena for every important issue. I am sure there were many reasons for my being here today, but that experience, watching Senators Bob and TED KENNEDY, was part of that process of learning and dedicating your life.

TED KENNEDY was born to public life. He came to Washington as part of a family as storied as the John Adams family. He was elected at age 30. Many of his critics dismissed him. They believed he was only capitalizing on the most fabled democratic name in the latter half of the last century. Over his Senate career, TED KENNEDY has proven his critics wrong. He stands today as a Senator who was first among equals. Many matters come before the Senate. Many issues are debated and voted on, but you can be certain that every issue which touches the hearts of the American people will bring TEDDY KENNEDY to the floor, to his feet, and to the center of the debate.

Hubert Humphrey said: You can judge the government by the care it gives to those in the dawn of life, our children, those in the twilight of life, our elderly, and those in the shadows of life, the disabled and the dispossessed.

I might add, you can judge the heart of a Senator by his commitment to these same voices of needy citizens in America.

By that standard, TED KENNEDY's career in the Senate will be measured as one of the best. For four decades, hundreds of Senators have come and gone, thousands of matters of national importance have been considered. But there has been one constant. Whether the issue was civil rights or human rights, education, health care for children, mental health, the rights of working people, food for our poor and the poor of the world, there was one man who could always be counted on to make the fight: TED KENNEDY—on civil rights, on Medicare, on Americans with disabilities.

TED KENNEDY has been quite a spokesman and champion throughout his career for the elderly. Little did he realize that his passion for senior citizens would eventually become a conflict of interest, as he now qualifies for both Social Security and Medicare. But that has not deterred him. He takes to this floor with the charm of the Irish and the tenacity of a bulldog. He can bring us together to think, to laugh, to weep, to reflect on the meaning of public life and the meaning of life itself.

In many of my campaigns in downstate Illinois as a Congressman and as a candidate for the Senate, my opponent would go to some well-paid pollster who would say: What you want to do is say that this DURBIN votes a lot like TED KENNEDY.

Well, I have never shied away from that accusation. I welcome it because time and again he has stood for the right causes and for the right reasons. I am honored to serve with TED KENNEDY. I am honored to count him as my friend and ally in so many important fights. He has made this Senate and this Nation a better place to serve and live. TED KENNEDY is the people's Senator.

Happy birthday, TED.

Mr. KERRY. I yield 5 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I am reminded of a time when I was standing in the Republican cloakroom and someone announced that another Senator was having a 70th birthday. Senator STROM THURMOND said: Oh, to be 70 again. I say the same thing to my friend from Massachusetts today.

Senator KENNEDY and I have had a friendship that goes back many years, some 34 years. In January or February of 1969, Senator KENNEDY decided to take a trip to my State to look into the plight of the Alaskan Native people, particularly with regard to education and health conditions. We traveled there to small villages from the west coast into the north country, and we had a good trip. We formed a bond then that, despite our differences in the last 34 years—and we have had differences—we have never had any disagreements. And I will tell the Senate why.

At one of these small villages we were walking around, it was really quite cold. The snow was hard packed on the ground in this small village. Suddenly, out of a door of a little cabin, a young boy, little boy, darted. He just had a top on, as a matter of fact. He somehow or other had lost his diapers or whatever he had on the bottom. Senator KENNEDY and I saw that. TED, with one hand, reached down and scooped him up and with the other hand unzipped his parka and stuffed that kid in the parka, and the three of us walked around that village until the two of us found out where he lived.

TED may not remember, but when we went into that little cabin and presented the mother with the boy, there on the wall was a picture of his brother Jack. It was a very interesting day. We went on to other places.

I am here today to wish my friend happy birthday, but also to tell him I have cherished that bond, that friendship. Any man who understands children that way is a friend of mine. We have worked for children, for preschoolers, for education, for the health and welfare reform of the Native people. They have met him, and they still have great fondness and love for the Senator from Massachusetts.

Happy birthday, TED. Best wishes to you and Vicki. I look forward to you one of these days saying: Oh, to be 70 again.

Mr. KERRY. Mr. President, the Senator from New York is recognized for 2 minutes.

Mr. SCHUMER. Mr. President, I have admired TED KENNEDY for as long as I can remember—as a citizen watching his early days in the Senate, his leadership against the Vietnam war and for civil rights, and then when I became a Congressman and served on the Judiciary Committee and we worked on different pieces of legislation together. I was utterly amazed at this man. He had the energy and enthusiasm and high spirits of a freshman, even though he had been here for 25 years, with the wisdom and experience and substantive expertise of a veteran.

But, my colleagues—and I am sure every one of you has experienced this—the closer you get, the better TED KENNEDY looks. In the Senate he is just, as my daughters would say, awesome.

His compassion drives the man—he cares. This is not just a game for him. This is not just something to go home and talk to the voters about. Every atom of his body breathes help for those who need help, and fairness, and having our country live up to its ideals.

Every one of us have seen him here in the Senate early in the morning, hard at work going over a speech he was going to give. It is no accident that he is the best speaker in the place. He has the natural talent, but then he works at it on top of that.

His dedication to the body—I cannot thank TED enough for the guidance he has given me. I need a heck of a lot of it, but we are working on it, and he has provided it better than anybody else.

The man, as one of my colleagues said—I think it was the Senator from Massachusetts—is the lion of the Senate. We admire him; we are grateful for him; we love him. TED, all of us wish you many more years to keep on doing what you have been doing, for us and for America.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I thank the Senator from New York. In deference to the fact that she needs to preside in a few minutes, I recognize the Senator from Michigan and then the Senator from New York, the junior Senator, and then we will go to the other side of the aisle again. I yield 2 minutes.

Ms. STABENOW. Mr. President, I appreciate my friend allowing me to speak at this time because of the need for me to preside in a moment.

I could not let this time go by without joining my colleagues in saying happy birthday and how I have such respect and admiration for a gentleman who is becoming a wonderful friend. I thank him for that.

People ask me what is the biggest surprise or what I am most impressed about after a year in the Senate. I always indicate how impressed I am with my colleagues and their hard work, how much they care, and the intelligence that people bring to the job. I say the person I have been most impressed with—and, frankly, surprised about—is Senator KENNEDY. Not because of his intelligence; we know his intelligence. We know he stands up for those who need a voice and for principle. He is a strong advocate and a wonderful speaker.

But what has been a wonderful surprise to me is that this gentleman, who could, essentially, sit in the Senate and have the enjoyment of knowing that people recognize his stature, who could speak when he would like or be involved in such legislation as he would like, is a Senator who, when the door is closed, is in the room counting the votes, working hard on the nitty-gritty that has to be done beyond the glare of the cameras.

I have been so impressed with Senator KENNEDY's willingness to be in that room. I will never forget, when we were meeting with advocates about the Patients' Bill of Rights; Senator KENNEDY was there. He stays there, doing what needs to be done, calling the meeting, putting it together, talking about amendments, negotiating with people—he does the hard work of legislating. This person whom we know and respect and who comes from such a legendary family is there every minute, getting the job done.

I have learned so much in the last year and have been so impressed with the wonderful compassion and leadership this man brings to us.

I had an opportunity this weekend to see a movie a lot of people are seeing right now, "John Q," a wonderful performance by Denzel Washington. I sat there being enraged and yet feeling a great sense of urgency that many of us experience about health care. But I walked away thinking: Every day, John Q has a fighter for him in the Senate named Senator TED KENNEDY. It is because of this gentleman, whom we are celebrating today and thanking today, that I know we are going to be able to finally make sure that those represented by the movie "John Q" will get the health care they need.

Thank you and happy birthday.

Mr. KERRY. I am grateful to the Senator for her remarks, and I recognize the Senator from New York for such time as she consumes.

Mrs. CLINTON. Mr. President, I thank the Senator from Massachusetts, not only for yielding that time but also for giving us this opportunity to come to the floor and express our appreciation and gratitude to our colleague.

There have been a lot of wonderful words already spoken. There will be many more this afternoon and included in the RECORD. I think that all goes to the point that each of us, Republican and Democrat alike, Member of the Senate or the House, citizen of Massachusetts, New York, or any State in our Union, shares a common bond of pride in the work Senator KENNEDY has done over a lifetime.

I remember the first time I saw him in action, it was 1978, it was the Democratic Party's so-called midterm convention in Memphis, TN. TED KENNEDY had come to appear on a panel about health care. The fire and the passion and the extraordinary knowledge he displayed 25 years ago on that issue is just as prominent in his public pronouncements and actions today.

Twenty-five years ago he was making the case that, in a country as rich as ours, every single citizen should as a matter of right be entitled to quality, affordable health care. He laid out ideas then which he has worked on steadily in the years since.

I appreciate the extraordinary guidance and support he gave to me when I tackled the rather awesome task of working on health care, an issue that has certainly brought a lot of humility to my life. In the work that I did, it was Senator KENNEDY who understood it intuitively, who absolutely mastered every nuance, and was ready to offer counsel and advice about how we should go forward. As everyone knows, that wasn't a successful effort. But in such a typical fashion that really marks his Senate career, he didn't waste any time regretting what was not done. He immediately got to work about what could be done. As a result, we had the Kennedy-Kassebaum bill. We had the great partnership between Senator KENNEDY and his colleague and friend, Senator HATCH, on the Children's Health Insurance Program. Despite the fact that the overall goal could not be achieved, many people were helped because, along the way, Senator KENNEDY helped to craft legislative solutions to human problems.

You can look at the landscape of this country and realize that not just in his beloved home State of Massachusetts but in my State of New York and all the way across the country, people have been helped to get a better wage for the day's work they do, to get access to health care, and most recently, with the triumph of his leadership on the Leave No Child Behind Act, to look forward to a better public education.

There is much that can be said about Senator KENNEDY's legislative prowess and career. What I want to remark on is his personal interest in all of his colleagues, the staff who work here, the people who keep this place going. A very heartwarming and common sight is that of the Senator walking down the hallway with his faithful companion, Splash, the most intelligent, creative, energetic dog who has ever walked the halls of the Capitol or probably anywhere else in our country, and to see him waving or saying hello to people, no matter what job they are doing, no matter who they are—because he is no respecter of the boundaries that sometimes separate Senators from everyone else. He came to do a job 40 years ago. He is just as actively engaged in the pursuit of the goals that he not only holds near to his heart but which represent the best of our country.

I was honored to have the Senator campaign for me in my election to the Senate. One memorable day, he and Caroline and his redoubtable father-in-law, Judge Reggie, and I got into a small plane and made our way from New York City to Buffalo to Albany. Along the way he warmed up the crowds we brought him to meet. One particular moment that I appreciated was how he said he was proud to be in my company because now people were sending out letters against both of us—not just him. I was proud to be in his company, as I am every single day proud to serve with him.

We rise today to pay tribute to an extraordinary leader and an absolutely unparalleled Member of this body, a Senator for all time—not just this time—and a friend and colleague to all of us.

Thank you. Happy birthday, and Godspeed.

Mr. KERRY. Madam President, I thank the Senator from New York for her spirited and wonderful comments about our colleague.

I yield the Senator from Maryland 4 minutes and the Senator from Utah 6 minutes.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Maryland.

Mr. SARBANES. Madam President, I am pleased to join with my colleagues today in paying tribute to Senator KENNEDY on the occasion of his 70th birthday.

A champion of working people, Senator KENNEDY has clearly understood, from the very beginning of his tenure in the Senate, the importance of a meaningful job in the lives of our citizens. He has consistently worked for programs that promote full employment, and that enable Americans to support their families. Senator KENNEDY has championed training programs, summer job programs, and the Summer-to-Work Opportunities Act—all designed to enhance the skills of our citizens. He has been our most eloquent advocate for the collective bargaining rights of American workers, rights that ensure that our workers are among the best trained, the best paid, and the most productive in the world. And, Mr. President, I am pleased to stand with Senator KENNEDY as he continues to lead the effort for an increase in the minimum wage, which holds out the promise of a decent living to men and women who, through hard work, seek to climb the ladder of opportunity.

If there is any hallmark of Senator KENNEDY's career, I think it is his drive for the full participation in American life for all of our citizens. He has distinguished himself as a champion of civil rights and of the neediest and most vulnerable members of our society, who often are without a voice in Government. For 40 years in the U.S. Senate, he has spoken for working Americans, for the unemployed, for the sick, for the elderly, and for young people.

The Women and Infants Program, the Child Nutrition Program, Head Start, and so many education programs have TED KENNEDY's imprimatur upon them. He has led the successful drive for passage of the Family and Medical Leave Act. Today, Senator KENNEDY is fighting for a meaningful Patients' Bill of Rights and for a prescription drug benefit for our senior citizens. One could go on and on enumerating all of these programs.

I want to add one dimension to this. What distinguishes Senator KENNEDY the most in the Senate is his tireless advocacy of the causes to which he is committed. He is a tenacious fighter on the floor of the Senate, in the committee room, and behind the scenes. He tackles very difficult issues with courage and commitment. Perhaps most importantly, he has maintained a focus on using our Nation's Government as a tool for good in the lives of all Americans, and as an example for the entire world.

Senator KENNEDY has seen history made, and he has made history. It is hard to imagine a lifetime of service that has meant more to the citizens of Massachusetts and, indeed, to the people of America. In every fight he has waged to make our Nation more productive, more compassionate, more open to participation, more fair and equitable to all its citizens, he has always appealed to the best in us all.

It is an honor to be his colleague in the Senate, and to be his friend. It is with great pleasure that I join with my colleagues in extending best wishes and congratulations on his 70th birthday.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, believe it or not, one of the reasons I wanted to run for the Senate 26 years ago was to get the modern-day face of liberalism, Senator TED KENNEDY, out of office.

(Laughter.)

As the past 26 years have amply indicated, I have failed. And I have come to appreciate that the country is better for it.

In many ways, Senator KENNEDY stands for all that my party and my state reject so vehemently:

An unabashed reliance on government as the problem-solver of first resort;

A belief that the Federal coffers can, and must, support those in need, regardless of private, State and local resources;

And, indeed a devotion to extending the Federal arm across this great Nation—whenever, whatever—the concept of Federalism aside.

I know full well what President Bush means when he says the fellas at the coffee shop in Crawford find it hard to believe that Senator KENNEDY has some points in his favor.

But I have grown to understand, and appreciate, my Massachusetts colleague, for the tremendous passion and dedication he brings to the job. I have come to respect his tremendous love for our great country and its people.

I have come to admire his patriotism and his devotion to national service, that great tradition which is the hallmark of the Kennedy clan.

And I have grown to recognize that despite our differences on almost every issue, working together, we could find a common ground—that space in the middle from which great legislation is born.

Some of my most revered accomplishments are Hatch-Kennedy or Kennedy-Hatch collaborations.

It is a mark of TED's greatness that he does not care who gets the credit, as long as the job gets done.

Starting with our first bill together, the Women in Science legislation in 1978, Senator KENNEDY and I have worked together to enact legislation that is helping virtually millions of people in this nation.

I am thinking also of all the critical bills we have enacted together:

The first AIDS research bill;

The first AIDS services bill, the Ryan White Care Act; and, the orphan drug bill, and home health care. You could go on and on.

I am thinking of the Child Health Insurance Program, or "CHIP," which now is providing health care to almost five million children who didn't have it just a few short years ago—children of the working poor who worked hard but didn't have enough money to pay for health insurance for their kids. It could not have happened but for TED KENNEDY.

And I am also thinking of the many bills we worked on so diligently, such as the Americans with Disabilities Act, the downwinders legislation that helps so many Utahns in the inner-mountain West, and which Senator KENNEDY helped make possible, and the Job Training Partnership Act.

Of course, I am also thinking of the religious liberties bills we have put through together, each of us motivated by our strong faith and love of the Lord.

But let me hasten to add that sometimes it is just not possible for us to find middle ground. For every bill we have promoted together, for every issue on which we have found a common ground, there is another issue on which we have fought tooth and nail.

Indeed, at times, we have both won and lost.

Many times, my side carried. I am thinking back to our earliest fight over labor law reform when I first came to the Congress.

I am thinking of the battles we had over minimum wage increases and, with due deference to the Senator from New York, over the Clintons' Health Security Act.

But to be fair, many times Senator KENNEDY's side carried the day.

There are numerous provisions in Federal employment law, in health care policy, and despite the fact that he is not on the Finance Committee, sometimes even in the Tax Code, that are directly attributable to Senator KENNEDY's skills and persistence.

It is no secret that many, if not most, of my constituents in Utah disagree with Senator KENNEDY on almost every issue.

I will never forget a letter I got from one of my constituents many, many years ago. From a senior citizen in Southern Utah, a very conservative part of the state.

She said,

> Senator Hatch, when we heard you might run for office, we supported you. When you actually ran for office, we voted for you. And when we heard you were friends with Senator Kennedy, we prayed for you!

(Laughter.)

Many of my constituents question how I can be such close friends with a man whose principles vary in so many ways from those of most Utahans.

This is what I tell them. In my opinion—and I think I am an authority on this subject—TED KENNEDY is one of the most effective, if not the most effective, legislators in this country. He never quits until he gets the job done. And I, for one, admire that. When he is with you, there is no more solid ally. And when he is against you, there is no more fierce opponent.

We all have to recognize that despite Senator KENNEDY's position on any particular issue, he is a patriot in every sense of the word. TED KENNEDY, in the fine Kennedy tradition, is truly motivated by public service, and we all owe him a debt of gratitude for that.

And what I did not understand in 1976, but what I know so well now, is that TED KENNEDY is willing to come to the middle to get the job done. It is hard for him, sometimes difficult, but he is willing to do it. His spirit of bipartisanship is just what the Nation expects during this turbulent time. I just wish I could get him to do it more.

It is no secret that TED and I are close friends, even though I am a conservative, he is a liberal; I am a westerner, he is an easterner; I am a physical fitness fanatic, he is—well, never mind.

(Laughter.)

As I was saying, it is no secret that TED and I are close friends. I value the time I have spent with TED and his wonderful wife Vicki, whose birthday I understand is today. I wish her a happy birthday and the best, and all of the Kennedy family who have treated me so well over the years.

For the past 26 years, we have laughed together, we have cried together, we have sung together, and we have prayed together. We have fought and we have made up. But above all, we respect each other's abilities. In that trust and alliance, good legislation can be made, legislation that benefits our constituents today and in the future. And that is what we have been sent here to do.

Madam President, last year, Senator KENNEDY sent my polling numbers to the basement when he came over and hugged me in the Senate Chamber. Today, I am going to return the favor and offer my dear friend and colleague my best wishes on his 70th birthday. I have done the math, TED. If you can get that cloning bill through, there is a great possibility that you can still be middle aged when you reach the age of 140.

He is my dear friend. I care a great deal for him, and we will be friends for eternity.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Utah for his comments. Let me say, we on our side will forgive him for his complete misunderstanding and misinterpretation of our party, precisely because of his affection and respect for our good friend, Senator KENNEDY. We thank him for that.

I will recognize the Senator from New Jersey for such time as he will consume, and then the Senator from Georgia, and, finally, the Senator from Rhode Island. We will close with the Senator from Connecticut. I know we are out of time. I ask unanimous consent to proceed for such time as we need to complete these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. CORZINE. I thank the Senator from Massachusetts for the opportunity to speak.

Madam President, I, too, add my voice to the many others who have come to praise the distinguished Senator from Massachusetts, Mr. EDWARD KENNEDY.

Though the Presiding Officer and I have only been in the Senate for a very short while, in my life outside of the Senate, I have admired Senator KENNEDY for many years for all of the work and leadership he has brought to the issues that make America great. In my opinion, he is one of the greatest national leaders not only of this time but of all time. It is an extraordinary honor for me to serve with him in this body.

Senator KENNEDY is a man of principle who stands up for ordinary Americans and for the values in which I think all of us believe. Time after time, on issue after issue, he has worked to expand access to the American promise, the American dream, that drives so many of us in our pursuits in our lives for ourselves and our families and our communities, for all of those we care about, regardless of where one begins in life.

He has fought to ensure that each and every American has access to high-quality education, access to quality health care. He has done as much to help children as anyone could ever dream about. He has worked for the people in the workplace who do not have representatives with the ability to work the Halls of Congress. He has worked to help make sure every American has dignity and a minimum wage that is a living wage. He is a great voice on the issues that make a difference in people's lives—hard-working Americans.

But Senator KENNEDY is much more than a champion. He does a lot more than give speeches and issue press releases and help "rookies" become Senators. He does something I think America admires most, and that is to get things done. It is one thing to have great ideas, but it is another to deliver on them. I do not think there is anyone I have seen, in the short tenure I have had here, who is a stronger, more provocative, and certain legislator than TED KENNEDY.

He understands how the Senate works. I have been trying to pick his brain to understand that as my life unfolds here. He knows how to work across the party lines and with Presidents and many folks with whom he may agree or disagree. But he knows how to win on the issues he is trying to fight for; that is, to help the people of our Nation.

So in every sense he is a terrific leader because he has his values and his commitment to the people. He is a man of compassion, and he is great to those of us who are new in this body.

I thank you for your generosity and for your great leadership. I look forward to serving with you for a very long time—maybe not 40 years, but we will work as long and as hard as we can. I congratulate you on your 70th birthday. I wish you and your family the very best.

God bless you.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. Madam President, it is an honor to be in the presence of true greatness in the Senate, to be in the presence of one of the great Senators we have in this body, Senator TED KENNEDY. May I also say, I identify with Senator ORRIN HATCH from Utah that in terms of my service with Senator KENNEDY, a lot of my constituents pray for me, too. I might say, though, Senator KENNEDY and his family are really the reason I got involved in politics.

I came to this town as a young 21-year-old and sat in the gallery much as Senator DICK DURBIN said he sat in the gallery and watched Senator KENNEDY come to the Chamber as a freshman Member of the Senate. To me, that was the ultimate in public service and citizenship at that time. For me, to be a freshman in the Senate, and Senator KENNEDY still being here, is one of the great rewards of my life.

It is interesting that we are going to be considering an election reform bill in just a few moments. The point is, we are trying to improve the very democracy we have been given by our ancestors. But you cannot do that without leaders.

Harry Truman once said: A leader is someone who gets people to do what they ought to do anyway. People in this country ought to register, they ought to vote, they ought to turn out, they ought to be interested in politics, but many are not. So we need inspiring leaders.

TED KENNEDY, for me, is an inspiring leader. He came to this body when he was young and has stayed here dedicating his life to this body, this Senate. To me, that is the ultimate in patriotism and the ultimate in citizenship. It reminds me a lot of a person who occupied this Senate desk and was in the position that I now hold in the Senate, Senator Dick Russell.

They both came to this body at the tender age of 30. Both dedicated their lives to this body and this country. So it is just an honor to serve with Senator KENNEDY today. I bring him greetings from the great State of Georgia. And, TED, I wish you many more. Thank you.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I rise to salute Senator TED KENNEDY on his 70th birthday and to state something that is obvious to everyone: In the course of this country and this Senate, hundreds of men and women have served, but only a handful are truly great Senators. Senator TED KENNEDY is one of those great Senators.

His greatness is measured by his vision, by his compassion, and by his effectiveness. He is the architect of so much that has improved the lives of so many Americans—health care, education, foreign policy, so many things that have made the lives of so many people better. Indeed, the measurement of his greatness is not the votes on this floor or his elections in Massachusetts, but it is in the lives of countless children throughout this country and seniors and working men and women, disadvantaged Americans, dispossessed Americans whose lives are better, indeed, who cherish hope because TED KENNEDY served in this body.

Ultimately, his great reward and tribute will not come from us but will come years from now, when a child or a senior or a working American, not knowing from whence a law evolved but knowing that it has made their life a little better and given them more opportunity, will say "thank you," and that thanks will be to TED KENNEDY.

I had the privilege of serving with his son PATRICK. I know that his passion, his devotion to duty is not exclusive to him alone but is shared immensely by his son, my friend, and colleague from Rhode Island.

I say to Senator KENNEDY, thank you.

Mr. SPECTER. Madam President, I have sought recognition to commend Senator KENNEDY on his 70th birthday and his approximately 40 years in the Senate. I join my colleagues in recognizing and complimenting him on his unique achievements in the Senate.

I was an admirer of the Kennedy family from afar for many years. Then I learned a great deal about the Kennedy family under circumstances which could have been more pleasant. I was one of the young lawyers on the Warren Commission staff investigating the assassination of President John F. Kennedy.

I recall, years ago, a Democratic dinner in Philadelphia. I was a Democratic committee member in 1960 when President Kennedy ran for the White House. My wife Joan was 8 months pregnant when he came to speak at the big dinner in November. There was great enthusiasm and great excitement about Senator John Kennedy's appearance that night.

We watched him at the White House in Camelot with great respect, and then the terrible events of November 22, 1963 occurred. Thereafter, I gained some greater familiarity with the Kennedy family as assistant counsel to the Warren Commission.

Coming to the Senate after the 1980 election, I had an opportunity to work with Senator TED KENNEDY on the Judiciary Committee. His passion and his exuberance for the underdog were unmistakable on civil rights and voting rights. He is a real leader.

I recall one hearing that he wanted to schedule on an occasion when I could be present. It was a voting rights matter where I had participated, and the hearing was set for 2:30 p.m. on July 1, 1987. That was the day on which Circuit Court Judge Robert H. Bork was nominated for the Supreme Court. Suddenly, at 2:30 p.m., Senator KENNEDY was absent. I saw him on the Senate floor, at 2:38 p.m., making a carefully prepared speech. He was well attuned to the nomination and was talking about the back of the bus. It is all in the CONGRESSIONAL RECORD. Since I have only a few minutes, I will not go into this matter further. However, that was Senator KENNEDY on civil rights.

In this Chamber, he is bombastic in his declamations on the subjects which are near and dear to his heart. He does wear a microphone, but he hardly needs one when he speaks in this body. He fills the Chamber with his enthusiasm and his passion.

When I chaired the subcommittee appropriating for education, there was no appropriation adequate for Senator KENNEDY. However much money we put in, he wanted more. Very often—not always—but very often he was right, and the same was true with health care. On a number of occasions when he sought to cross the aisle to seek cosponsors on the Republican side of the aisle, I was about the last person standing on many of those occasions.

I was glad to join him as a cosponsor on the hunger legislation, where it made no sense that people could not get food stamps if they had a car worth, say, $3,500. We fought hard and got the law changed.

Then on hate crimes, his was a lonely voice in this Chamber for a long time. I joined him in that endeavor and signed on to an op-ed piece he had written, but I had agreed with, that was published in the Washington Post. Then, in the year 2000, we carried that Federal hate crime expansion amendment to the National Defense Authorization Act for Fiscal Year 2001 in the Senate 57 to 42, with 13 Republican Senators. It was an election year.

He has been a great leader in the Senate. He carries on a great family tradition. He has been a stalwart on some of the most important issues confronting America in civil rights, in voting rights, in health care, and in education. So I am glad to lend my voice of recognition and commendation of his great service to the Senate.

Mr. LEAHY. Madam President, I am pleased to join with my colleagues this afternoon to pay tribute to Senator EDWARD KENNEDY on his birthday.

I am proud to call TED KENNEDY a colleague, a friend, a mentor and a neighbor. I arrived in the Senate as the most junior member in 1974. TED KENNEDY, only a few years my senior, had already been in the Senate for 12 years. He generously provided me with guidance on everything from policy matters to committee selections.

Over the course of his career TED KENNEDY has championed the cause of those Americans living on the margins; those individuals in our society who for whatever reasons are denied basic human necessities like safe housing, nourishing food, a steady income, or access to health care.

His dedication over the past decades has been unwavering, and as we see every day here in the Senate, continues to be unwavering.

TED and I have worked together on many issues over the years. In fact we still serve together on the Judiciary Committee, which he preceded me in chairing at one time.

Whether it is in supporting heating assistance for low-income people, so essential to surviving the cold winters that we experience in New England, or in championing nutrition programs, I have always admired TED's knowledge of the issues, and his tenacity in pursuing that which he believes is right.

Through his service on the Health, Education and Labor Committee, whether as ranking member, or chairman, TED KENNEDY has continually strived to improve Americans' access to health care with the hope that one day no American will be without the basic services that so many of us take for granted.

He has fought to improve the education of our children, with the knowledge that a good education is the basic building block to their future success, reducing the chances of living in poverty by ensuring access to quality employment.

And he has consistently advocated on behalf of the worker, with the understanding that no person should have to work 40 hours a week and still live in poverty.

I have valued the time that I have served with TED KENNEDY in the Senate. Over this period, hundreds of Senators have had the privilege of serving their Nation and the people of their state, but few members have achieved the distinction of truly making an impact on the lives of millions of Americans.

TED KENNEDY has done that and oftentimes for those Americans who do not have a powerful voice in Washington.

Several years ago, the Washington Post Magazine had a story about TED KENNEDY that entitled him the "King of the Senate." Our Founding Fathers tossed off the shackles of the monarchy over 200 years ago but it was an appropriate acknowledgement that TED KENNEDY is a lion at the gate protecting the interests of working class Americans.

Mr. McCAIN. Madam President, I extend my very best birthday wishes to the very senior Senator from the great Commonwealth of Massachusetts. Of course, he has become even more senior now that he is entering his eighth decade. I am certain, however, that he will find that life has become even more enjoyable as it is leavened with wisdom.

Senator KENNEDY is also entering his fifth decade in the U.S. Senate. Through dogged work and passionate beliefs, he has truly become one of the giants in this great institution. Agree or disagree with Senator KENNEDY, but appreciate his effectiveness. I am a Republican and he is a liberal Democrat. But I can attest to his dogged determination to achieve results across the barriers of ideology and party. Whether he's fighting for the rights of patients or to make our schools better, Senator KENNEDY never gives up on issues he deeply cares about.

I am pleased to have the opportunity to wish TED KENNEDY a hearty happy birthday and thank him on behalf of a grateful Nation for his lifelong service to our country. I am privileged to call him my colleague and, above all, my friend.

Mrs. FEINSTEIN. Madam President, it is with great pleasure that I send belated birthday wishes to my friend and colleague, the senior Senator from Massachusetts. At 70 years old, TED KENNEDY is one of this country's most effective lawmakers, having served 40 years in the Senate.

It is difficult for me to think of many major public policy initiatives that TED KENNEDY has not had a hand in shaping. What is most remarkable is that in many cases he has been here for both the inception and the reauthorization of some of the most important legislation of our time.

When he was elected in 1962, women and minorities did not have equal rights under the law. It is fitting that TED KENNEDY's first floor speech was given on the Civil Rights Act of 1964 because he helped to make school integration, pay equity for women, and fair housing laws a reality. While serving with him on the Judiciary Committee, I have seen first hand his ability to tap into the needs of disadvantaged communities and pass meaningful civil rights legislation.

When Senator KENNEDY was elected to this body, Americans did not have equal access to high quality healthcare. With his support, the Medicare and Medicaid program were established to enhance the welfare of millions of elderly and disadvantaged Americans. And in his capacity as chairman of the Senate Health Subcommittee and later Full Senate Committee on Health, Education, Labor and Pensions, he has fought to pass laws allowing workers greater flexibility in keeping and choosing their healthcare coverage and making healthcare insurance more widely available to children. More recently, he fought tirelessly to enact a Patient's Bill of Rights to make HMOs more accountable to patients and less able to interfere with medical decision making. As the result of his efforts, we can now offer health care protections to all 190 million Americans in private health plans. This was no small feat.

Before TED KENNEDY, reforming our country's education systems was an issue on the forefront of our minds, but the last item on the Federal Government's agenda. Not only was he among those to support the original passage of the Elementary and Secondary Education Act in 1965, but TED KENNEDY spearheaded the fight to pass the reauthorization of this sweeping federal school bill. Senator KENNEDY's efforts have been particularly important to the 5.6 million economically disadvantaged students in my State.

In the Senate, TED KENNEDY has been a champion for a society that is just, fair, and humane. He has fought tirelessly for working families and underserved communities. With passion and pragmatism, he has served this nation and his beloved Massachusetts—breaking down gender, racial, class, and religious barriers.

On your 70th birthday, I salute you, Senator KENNEDY, for your distinguished years of service and wish you continued success in the future.

Ms. MIKULSKI. Madam President, I rise to pay tribute to my dear friend and colleague on the occasion of his 70th birthday.

Because of Senator KENNEDY, our Nation is stronger, fairer, healthier and better educated. Because of Senator KENNEDY, our Nation's opportunity structure continues to be one of our nation's greatest strengths.

Senator KENNEDY's achievements are remarkable. Increasing the minimum wage. Expanding health care. Improving our nation's schools. Creating a national service program. Strengthening our civil rights laws. Safeguarding a woman's right to choose. Enabling more people to attend college, to get job training, and to build better lives for themselves and their children.

Senator KENNEDY is a champion of working Americans, senior citizens, children—the list goes on and on. This list is of ordinary Americans, not special interests.

For 40 years, Senator KENNEDY has served in the Senate. Yet he retains his passion, his high energy and his enthusiasm for meeting the day to day needs of his constituents and the long term needs of the nation. He knows that so much remains to be done.

The entire Kennedy family has given so much to our nation. With their wealth, they could have done anything—or nothing at all. They could have led lives of the idle rich. Instead, they are a family of war heroes, Senators, Congressmen—and a President of the United States. They are also defenders of the poor, environmentalists, educators and artists. They fight to give every American the opportunity to build better lives and stronger communities. This commitment to service comes from their deep faith, their strong family and their patriotism.

Many of us in the Senate were inspired to lead lives of public service because of John F. Kennedy. As a young social worker, I felt he was talking to me when he called our generation to service. He practiced a passionate, active idealism—that was different from anything we've seen before in politics.

Senator KENNEDY has continued this legacy. He is one of the great Senators in our nation's history. I feel grateful to be his colleague, and his friend. I look forward to the battles ahead.

Mrs. BOXER. Madam President, I join my colleagues in paying tribute to a man who is in many ways larger than life. Today we celebrate the 70th birthday of Senator EDWARD KENNEDY, someone who personifies public service in our country.

Senator KENNEDY is a member of a family that has dedicated itself to public service. His entire family has followed the credo that "One person can make a difference and every one should try." Senator KENNEDY truly has made a difference, and he has so often made a difference for the people who work hard day in and day out.

Senator KENNEDY has been a champion of working Americans since he became involved in public service. He is today our most outspoken and eloquent advocate for their causes. He has worked tirelessly for increasing the minimum wage, for quality health care for all Americans, and for education reform. He is a leader for civil rights in our country and for strengthening Medicare and Social Security. Senator KENNEDY has had tremendous accomplishments during his nearly four decades in the U.S. Senate, many more than I can articulate in this short amount of time.

Suffice to say, Senator KENNEDY has been an inspiration to generations of Americans. He has been a friend and colleague to all of us serving in this body. I am so very proud and honored to serve with him.

Mrs. LINCOLN. Mr. President, I rise today to add my voice to those in honor of our good friend and colleague Senator TED KENNEDY, who last week celebrated his 70th birthday.

Since I arrived in the U.S. Senate in 1999, I have had several opportunities to turn to Senator KENNEDY and his staff for advice and assistance on a range of issues that are crucial to Arkansas, including health care and help for the uninsured.

For example, I was honored to work closely with Senator KENNEDY last year on the education reform bill. When I offered an amendment to improve educational services to language-minority students, Senator KENNEDY offered his assistance by cosponsoring my amendment. It was the first floor amendment I offered in the Senate that required extensive debate and a rollcall vote. We passed that amendment as a key part of the most sweeping overhaul of American public education in a generation. The support and assistance I received from Senator KENNEDY and his outstanding staff is something I will always remember and deeply appreciate.

In my time here, I have found Senator KENNEDY to be an invaluable resource on policy and legislative matters. For nearly four decades, he has exemplified how a Senator can best serve the interests of his own constituents, as well as those of the American people. Through his wisdom, experience, and encyclopedic grasp of Senate history and procedure, he has served as an example to us all. It may be that the greatest tribute we can pay Senator KENNEDY is to follow that example.

Finally, I would like to offer my thanks to Senator KENNEDY for the friendship that he and his wife Vicki have extended to me and my family. I am deeply grateful for their warmth and kindness.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Rhode Island and recognize the Senator from Connecticut for such time as he may use. I understand Senator BIDEN may be on his way.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I thank the junior Senator from Massachusetts for orchestrating this event this afternoon on behalf of our fellow New Englander and friend and colleague.

I can't help but think of that wonderful story written by Mark Twain about Tom Sawyer who, on the reports of his demise, crawled up into the choir loft and listened to the eulogies being given to him. I can't help but think my friend from Massachusetts may think he is participating. He is alive and well, let me report to those tuning in. There is a lot of kick left in the senior Senator from Massachusetts. I fully expect there will be many more years of his contribution to this body.

Our friendship goes back a long way. I don't want to remind him of this, but I was dressed in a white shirt and blue pants sitting on the steps of the Democratic side as a page in the Senate about the time that my friend from Massachusetts entered this body. He had years of service with my own father in the Senate, serving about 8 years with my father; he served with him on the Judiciary Committee back in those days.

He liked to tease me all the time that he deeply resented the fact that someone would get elected to public office on the basis of their last name. I return that favor to him today.

This is a wonderful relationship. We share a common heritage of deep affection for our Irish roots, our beloved New England, the coastline of that part of the country.

Today is Vicki Kennedy's birthday, as has been mentioned by Senator HATCH but deserves repeating. This has been a great source of light and joy and love in our friend's life, as have his wonderful children as well: Ted Kennedy, Jr. is my constituent living in Connecticut and has become a friend of mine outside of my friendship with his father; Kara Kennedy, their children, TED's grandchildren; PATRICK, who is a wonderful public servant, a great source of pride to his father, who follows him in public life and serves in the House and represents so ably the State of Rhode Island.

Then there are his sisters: Eunice, Pat, and Jean, each one of whom makes their own unique contribution to the well-being of this country.

On Sunday afternoon I participated in a Special Olympics event in the State of Connecticut. About 600 people gathered together to watch young children with disabilities win gold, silver, and bronze medals. I had my 5-month-old daughter Grace with me presenting little flowers to each of the winners.

I was thinking of Eunice Kennedy in the backyard of her home in Maryland years ago with four or five children beginning what was then the genesis of Special Olympics. Obviously, his brothers: Jack Kennedy, our beloved President; Robert Kennedy; Joe, his sister Kathleen, all these people, and his father and mother who have contributed. He will be the first to say no one individual accomplishes what they do in their own right. We are a product of our family and friends, our experiences in life.

I join with so many eloquent words spoken, from the majority leader's words to my friend and colleague from Georgia, obviously the Senator from Massachusetts.

A couple last points. I identify with and certainly support all that has been said about the Senator's contributions. I bear the responsibility right now of selecting the faces of the caricatures of Senators who have been recognized for their contributions. Ironically, it was the junior Senator from Massachusetts, Jack Kennedy, who was asked a number of years ago to assume the same responsibility when the names of Calhoun, Clay, Webster, Taft, and La Follette were chosen as the pictures in the waiting room of the five great Senators of the 19th and early 20th century. We have just chosen two more: Senator Wagner and Senator Vandenberg, and have two small ovals.

It will not be our responsibility—that will come to a future generation—to choose the figures of the latter part of the 20th century that might inhabit unpainted ovals in the reception room. I hope that Senators, 50 or 75 years from now, might look back on this record today as a source of some guidance as to how contemporaries felt about one of their own. And whether you are talking to Senator BYRD who, of course, has more than 50 years of service in the Congress, or those who have arrived only a few short months ago, there is a common thread you will hear; that is, that our friend TED KENNEDY certainly deserves to be on any short list of a future generation that makes the decision on who ought to be considered the greatest of those who served in the latter part of the 20th century.

It is because he is a great legislator. We don't cherish or celebrate enough legislators. Most of us run for public office promising that we will be our own people, that we will be nobody's man but yours, that somehow we are going to come here and act as if we were an executive rather than legislator. Senator KENNEDY, regardless of party, embodies the qualities of a legislator. He fights harder than anyone I know for what he believes. But he also knows at the end of the day in a Democratic process, in the greatest deliberative body in the history of mankind, you end up having to work with people with whom you have disagreements. It is more than about giving speeches or introducing bills. It is producing at the end of the day a product that improves the quality of life. It may only be an inch. It may not be the miles you intended. But you know that if you can move it an inch forward this year and an inch maybe next year, a little bit further the following year, at the end of a career you can make a huge difference.

Because he enjoys and understands the process of legislating, not only has this body been enriched but, as others have said, the quality of life for people who may never know his name, do not know who he is today because his contribution is not confined to the boundaries of this Nation, but there are people in Latin America and Africa and Asia, people who have never heard the name KENNEDY, don't know what you are talking about, whose lives today have been enriched and improved because this one individual has been involved. He defies the notion that one person cannot make a difference.

Lastly, I have been raised to believe that character is about what people do in private, not in public. There are not Members who have served with him who have not been the beneficiary of the private moment, of that unexpected phone call, knock on the door, and you open it up and there is our friend from Massachusetts. On every single level, I have often said this is one of my best friends. I am proud to call him such and happy to celebrate with him this great birthday.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Connecticut for very thoughtful and personal comments. It is not inappropriate that the last speaker will be one of those other Senators who was among the 16 U.S. Senators ever to join this body at the age of 30.

I yield to the Senator from Delaware.

Mr. BIDEN. Madam President, before I came into the Chamber, I said to Senator KENNEDY, "This is discouraging. I am about to be 60 and you just turned 70 and I don't like it. I don't like anything about this. As a matter of fact, it drives me crazy."

As a matter of fact, Senator KENNEDY, with a much more distinguished career than me, has suffered through the same illusion and delusion that I have. I got here when I was a couple days younger than he, and for the longest time I was the youngest, and all of a sudden you wake up and say, oh, my God. In my case, there are only a total of six Senators who have been here longer than me. That is equally discouraging. In his case, I think only two have been here longer than him.

This place has a way of promoting the delusion that you are still young. One thing about TED KENNEDY, having had the honor—and I mean that sincerely—of working with him for 29 years is that he is still young. He is younger, I think, than anyone in this Chamber because I have observed, as have we all, that he is still as passionate, as devoted, as committed to the notion that he can change the world as he was when he got elected at 30 years old.

My dad is in the hospital and I hope he is watching. He has an expression: "It is a lucky man or woman who gets up in the morning, puts both feet on the floor, knows what they are about to do, and thinks it still matters." That said, I think TED KENNEDY may be the luckiest man I have ever known. He has no doubt. Just watch him; he knows and feels it still matters.

In his 70 years, Senator KENNEDY has enjoyed and shared with us a lifetime of public service, a tradition of excellence, a family of faith and courage in the face of extraordinary tragedy, and through it all, he has shown an unrelenting resolve to keep moving, keep working, and never stop believing in the power of ideas to change the world and change this Nation. In doing so, he has seen to it, as he once said in another context, that the dream will never die.

That is TED KENNEDY. That is who he is; it is what he believes, and, I suspect, although I have just known him for 30 years, it is what he has always believed. To him, this institution, this democracy, this Chamber is about honor and tradition. It is about a legacy of hope, of a proud family, and a grateful Nation. It is about believing in the nobility of public service and passing that belief, or, as his brother said, that "torch," to the next generation of Americans, as it was passed to him.

As I said, I have had the pleasure to serve with him for 29 years, to stand with him, to learn from him, to lean on him, and to watch him in action in this Chamber. I have seen him raise his voice time after time not only for his constituency but for every single American. And for those who have no choice, I have heard him shout in this Chamber, and other places, at the top of his lungs for justice. For those who have been wronged, I have heard him demand and stand fast until fairness happened. For women, for minorities, those victims of intolerance and persecution for nothing more than the color of their skin, I have seen him fight with every fiber in his body to give them more strength and a sense of equity. I have seen him exhausted, angry—a couple times at me—but I have never seen him give up or back down from what he believes is right, fair, and just.

Everybody today says Massachusetts is an automatic liberal State. I can remember when it wasn't such an automatic liberal State. I argue—and I mean this sincerely—the reason Massachusetts, in part, is the way it is is because of TED KENNEDY, for when TED KENNEDY spoke out on the things we all take for granted today—and some may say it is easy for him to do that in Massachusetts, but when he started that, that was not the overwhelming view in Massachusetts or any other State.

I argue, and I truly believe, that if anybody listening wonders whether or not one man or one woman can change the way people think, not a single vote—not a change in outcome, but change the way people look at a subject, I respectfully suggest that you look at TED KENNEDY. TED KENNEDY hasn't changed a darn thing that he has said or believed in these issues for 30 years. But the State has changed, the Nation has changed, so I remind everybody that when people say it is OK for TED KENNEDY to get up and fight for the poor, fight for African-Americans, fight for gays, fight for minorities, he can afford it. Well, he can't afford it; he made it. He made it acceptable. He made it change more than any other man or woman in this country in the last 30 years.

Madam President, I say to the people of Massachusetts and to Americans everywhere, no matter what they believe, whether they are left or right, Democrat or Republican, liberal or conservative, know that the idea of representative democracy is the very embodiment of TED KENNEDY.

I know people think because we are all his friends we are standing up and saying these nice things. Well, I will tell you, if you doubt what I am saying, or what anybody else said, after a bitter fight on this floor, after TED KENNEDY nearly breaks his desk in anger or in frustration for what is not happening, watch how passionate he is, and then watch, whether he wins or loses, how he walks across the aisle and he is greeted on the other side of the aisle with a genuine, genuine, genuine respect and friendship.

Every time I try to tell anybody, whether I am traveling in another country, or traveling in my State, or in this country and speaking with students, or with anybody talking about representative democracy, and I give you my word to this, I want to give an example of how this place is so different—and this is one of the things that has changed, unfortunately—I tell them about TED KENNEDY. I pick out the guy who has been known as the most liberal guy in the Senate, and I have watched him go against conservatives such as ORRIN HATCH, and I say after it is all over—it used to always be like this—whether he wins or loses, he will invite the person to whom he won or lost to go with him and have a sandwich or a cup of coffee or he will invite them back to his office because the fight is over and democracy, whether it was the right decision or the wrong decision, has prevailed. He settles it and comes back to fight again the next day.

People are always amazed. Why is it that so many conservatives who work with him love TED KENNEDY? It is because he understands the deal. He is like CHRIS DODD. He understands the deal. He understands that you give and you take when you make a commitment, and you make a commitment even after a while. I say this about my friend from Connecticut as well, who is one of the few people who does this, and the tables change and it becomes a political liability to stick with your word—he never approaches you and says: You know, JOE, I have a problem. He never says a word. He just does what he committed to do.

I can't tell you that in the 29, almost 30 years I have been here, how that one piece of courtesy is the thing I most regret having been diminished in this place. It used to be you could turn and say that about 80 people here. I should not be saying what I am saying, but it is true. And so the fact of the matter is, I have seen him move a concept, as others have spoken—a concept from inception to law with the skill of a surgeon. This guy is good. How does KENNEDY win? How does it happen? No. 1, he is smarter than most of us. No. 2, he knows the process better than anybody. No. 3, he gives and he takes and he never, never stops; and he is always, always honorable.

If you were going to point out the persons you think would get the most done—and I do not think anybody's legislative record and accomplishments match the Senator; there are great women and men who serve here and with whom I have served over the last 30 years. But think about it. The least likely guy to have that happen is the one viewed as being the furthest on the party spectrum, not the person in the middle, the so-called—I love these new guys in the parties—centrist. One would think it would be the centrist who would get the most done.

In spite of, some might suggest, his incredibly firm convictions and sometimes being at the point of the spear, TED KENNEDY gets the most done. If one would ask Republicans, some publicly and 95 percent privately would say the single best legislator in this body—and has been for some time—is TED KENNEDY.

As I said, I have seen him move a concept from an idea to a law. In my view, he is literally the best of his generation. He is the personification of what people talk about in political science classes, about the nobility of a public servant. He makes democracy work for people he represents.

One would never know that he is 70 because he has not lost an edge at all. As a matter of fact, I remember in a different context when he was consoling me about something, he said there is life after this. And obviously he embraced it fully because ironically he has been incredibly and increasingly more productive as every year goes by, even though over 50 percent of the people here probably only served with him 6 years or so.

There are two words to describe TED KENNEDY: He is the quintessential legislator, and he is the gentleman in the

Senate. His may be the one most powerful voice to echo in this Chamber for those who have not been lucky enough to have drawn that long straw. When it comes to health care and workers—others have talked about it, so I will not go into it—when it comes to children, equal rights, justice, when it comes to speaking loudly and clearly for those who are weak and small and altogether too silent, he is the one legislator who always has been on their side regardless of the fashion and regardless of the polls.

The gift TED KENNEDY has given us every day is far more than we could ever give back in 70, 100 or 170 years. All we are able to really say to TED KENNEDY today is happy birthday. But I want to say one more thing—as they say in this body, a point of personal privilege.

We all have had difficult times in our lives, and I have had some difficult times in my life, relating to losses in my family and other events. But from the first time TED KENNEDY came to Delaware as a 39-year-old guy campaigning for a 29-year-old guy before 3,000 people at the final dinner in my State, he stood up and said a lot of nice things about me, but he said: My only doubt is that he may be too young, making a play on the fact that he had been as young as I was when he was elected.

The next day the Wall Street Journal ran in that column they have straight deadpan: Kennedy wonders aloud: Is Biden too young for the Senate?

Maybe he has tried to make up for that ever since then; I do not know. When my wife and daughter were killed, the first guy there was TED KENNEDY. When TED KENNEDY's mother was alive, he or she called me and invited me to bring my children and go out with them. He did not know me from Adam.

Madam President, I will not take any more time to talk about those personal things, but I want you to know they make a difference in this place. They make a gigantic difference. When some doctors told me my chances of hanging around were not all that good after a couple aneurysms, he was the guy who took the time to take the train by himself to Wilmington, DE, the guy who had nothing to do or say but just came and made himself available, hung out all day and spent 15, 16 hours at my house and in the pool with my kids, in the kitchen with my wife, talking about how this was all going to work out, and then without me knowing it, got on the train late at night and headed back and never, never said a word. He was the first guy to ever come to me when I was down in this place and sat with me when I did not want to be here after 6 months—TED KENNEDY.

He is the guy who introduced me to the gym. TED may remember. He would come by two to three times a week to drag me out of my office. I want to tell my colleagues, I will never forget it.

Madam President, I say to my colleagues in the Senate, I want to make one closing remark. My political hero got me involved in politics. There are a lot of great men—and the two Kennedy brothers who are deceased were great—but my personal favorite is Robert Kennedy. I cannot believe there is nothing prophetic about what Robert Kennedy said in a speech and maybe somebody else mentioned this. But it seems he must have had his kid brother in mind when he said:

> Our answer is the world's hope. The cruelties and obstacles of a swiftly changing planet will not yield to the obsolete dogmas and outworn slogans. It cannot be moved by those who cling to a present which is already dying, who prefer the illusion of security to the excitement and danger which comes with even the most peaceful process. The world demands the quality of youth, not time of life, not but a state of mind, a temper of the will, a quality of the imagination, predominance of courage over timidity, of appetite for adventure over the love of ease.

He was talking about his brother. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Madam President, I thank the Senator from Delaware for those special comments. I recognize the Senator from Tennessee for 3 minutes and then the Senator from Washington for 2 minutes or such time as she may use.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Madam President, I should announce we have gone overtime. The Senator from Connecticut needs to move forward. That is where we will wind up.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Madam President, I thank my friend from Massachusetts. I did not realize we would have this opportunity today to express our feelings and thoughts toward Senator KENNEDY until a few minutes ago. When I heard about it, I was compelled to come over and say a few words.

I am sure for the time allotted that everyone who spoke has pointed out the brilliance of the Senator's advocacy, the fact that he is a Senator's Senator, and all of the accomplishments he has had since he has been a Member of this body.

I simply want to acknowledge the Senator's generous spirit and his kindness. I know that I speak for very many in this body and people in other places when I say that. He has demonstrated this time and time again.

His reputation for kindness, his reputation for thoughtfulness—as the Senator from Delaware has just been talking about—is legendary. I imagine part of this has to do with the tragedies and losses in his own life in terms of his own family.

I suffered a loss of my own recently, as so many of us in this body have. Senator KENNEDY went beyond all expectation in expressing his concern for me and my family and made gestures that I will never forget. I want to express my appreciation for that. Many of my colleagues have been extremely kind and thoughtful, but I have this opportunity because the Senator is having this benchmark in his life recognized—and thank goodness he is—to say that.

While the Senator is to be congratulated for his legislative achievements, he is to be congratulated for reaching this benchmark. To me, he is mostly to be congratulated for realizing that human beings and human relations and family are much more important than any of the above.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I rise today to join my colleagues in wishing the Senator from Massachusetts, Mr. KENNEDY, a very happy birthday.

I grew up in a small town 3,000 miles away from here, a town of 1,000 people, from a family of 9. We did not have very much. Macaroni and cheese was standard fare for my family. Times were very difficult. My father was disabled. My mother had to work and raise seven kids and care for my father. We went to church every Sunday. It didn't seem as if there was a lot of hope. But there was one word of hope in my home, growing up in Bothell, WA, 3,000 miles away from here. That word for hope was "Kennedy"—hope for all of us.

There was an individual 3,000 miles away in a town only on a map in our sixth-grade text book, Washington, DC. This man stood up and fought for the things my family needed so badly—whether welfare reform assistance for my mother when she had to go back to work, whether an education for all seven of us kids as we went through school, whether it was my ability and my six brothers' and sisters' ability to go on and get a college degree because of student loans and grants.

There was a man, an individual fighting for us, even though he never knew us, and I certainly never thought I would meet him. But his word was magic. His name was magic in my house. The name was KENNEDY. We knew there was a compassionate advocate for us, every single day, speaking out for the needs of a family many miles away.

It is an honor and a privilege for me to be in this Senate, where I never thought I would be, and to have watched him for the last 9 years fight for those same people to make sure they have a good education, that they have prescription drug coverage, that their voice is not lost, that they have employment insurance when they do not have a job, that they have a voice in a town far away from many cities in this great country. It is an honor indeed to serve here with this man and to know that he advocates for many people who can never afford to travel this far away to speak for themselves.

Senator KENNEDY, happy 70th birthday season, and many more. Thank you.

Mr. KERRY. Madam President, I thank the majority leader for setting aside this time. I am particularly grateful to all my colleagues who have taken part in this special tribute. I am quite confident that my colleague would think otherwise, but I don't think there has been a word of excess. There has been an extraordinary commonality in the comments of everybody, a sense of the Senator's instinct for this place, a sense of the Senator's obvious accomplishments through the years he has been here, his commitment, his passion, his effort to change things for the better for other people. But through everybody's comments, in the end I think what is most striking and perhaps most important, and most important for us to think about as Senators, is the humanity and the way in which he has touched the lives of citizens and the lives of his colleagues.

We are very grateful. I am confident all my colleagues will join me in saying if you think the last 40 have been pretty terrific, you probably haven't seen anything yet. As Senator DODD said, there is a lot of territory yet to be covered. We are grateful that Senator KENNEDY is going to be there to cover it.

The PRESIDING OFFICER. The distinguished Senator from Massachusetts.

Mr. KENNEDY. Madam President, the hour is late and the time allotted earlier has been exceeded. I did want to take a moment to acknowledge the overly generous comments of my colleagues and true friends.

I first of all thank my colleague and friend, JOHN KERRY, who was so instrumental in arranging these few minutes this afternoon in the Senate's business. As I have said all across Massachusetts, this is an individual who served our flag and our colors gallantly and bravely in Vietnam and then came back because of his strong commitment to the ideals which motivated him in the service of our country—not unlike our friend and colleague from Georgia and others—and now continues to fight for these matters. He is a person for whom I have enormous respect and admiration. I am enormously grateful to him for this opportunity this afternoon.

I thank our leader, Senator DASCHLE, who really is a leader for our times. I think all who get to know him better and better as the time goes on, and as the American people get to understand and know him better and better, will understand the true value of his leadership and the difference he is making for this institution and our country. I am grateful to him.

I thank my colleagues for all of their comments. I was very touched and moved by so many of the stories that were recounted. I am grateful. I love this institution. I have friends in this institution who make a great difference to my life, to me personally, but also in being allies in attempting to advance the unfinished business of this country. Many spoke today. I am extremely grateful.

I was in Massachusetts this last week and was fortunate, as a result of my wife Vicki arranging some preliminary birthday celebrations, to meet with many friends. I mentioned at the time when I was in Massachusetts that my birthday was a rather unusual birthday because my mother entered St. Margaret's Hospital in Dorchester, MA, on February 12, 1932—that is Lincoln's birthday—then she left the hospital on February 18. I had not arrived. She went back in on February 20, and I arrived on the 22nd, which is George Washington's birthday. My mother stayed there until March 16, which is the eve of St. Patrick's Day. So if you add Lincoln's, Washington's, and St. Patrick's, you get a politician, the way I look at it.

People in Massachusetts wondered how long I was going to serve in the Senate. I am asked that question frequently generally by my nephews and nieces, and by some others. I said I could run four more times and still be younger than STROM THURMOND. We joked or laughed about that.

Nonetheless, I have been enormously blessed with heroes, my heroes being the members of my family, and by the commitment to public service which was so strong in our family, and, along with a strong faith, the sense that we all should give something back to this country in return for all it has given to us.

I have seen the political process work. I believe in the political process. I have seen it work at the time of the election of a Congressman, then a Senator, and then a President, and a President making a difference in people's lives, President Kennedy. And I have seen the process work here. I still believe, as we were brought up to believe, that politics is a noble profession. It is not always recognized as such in this country, at this time, but I think for all Members in this institution and for all those outside of the institution who are attempting to gain the opportunity to serve in this extraordinary, rare opportunity and extraordinary honor, they recognize it as well. I am enormously mindful every day of my life that the greatest public honor of one's life is the service in the Senate. It is for me.

I always think the greatest contribution I will have made will have been my children, but the greatest public honor will be the service in the Senate representing, in my case, Massachusetts, the State I love, which has played such an extraordinary role in this Nation, from the Revolution of this country, to its members being involved in the Constitutional Convention, to the strong support by the abolitionists in ending slavery, the support for the suffragettes—by great leadership by Republicans and Democrats. The people of Massachusetts have a high standard for progress to be made by their Representatives, and it is one that challenges all of us each day.

Let me just say, finally, I don't think people are asking very much in our country. They want schools that teach. They want a health care system, so they can pay into a system but also have a quality health system that is going to cover themselves and their family. They want respect for their senior citizens. They want good jobs, so they can have a future for themselves and for their families and for their children. They want to knock down the walls of discrimination. Americans are fair, and they understand that this country has to free itself from discrimination in every form and shape we face. They want decent housing, and, as a part of the American dream, they want to be able to breathe the air and drink the water that is clean. They want safe and secure neighborhoods, strong defense, and they want us to represent overseas the best of American values.

I came to this body believing that the privileged and the powerful can look out for themselves but that our challenge is to make sure we are going to have as even a playing field as we possibly can for all Americans. I think it is something that should get us up early in the morning and have us willing to work long and hard, as long as we are privileged to serve here, to be able to achieve. That is really what America is all about: Freeing us from the forms of discrimination, creating an even playing field so that our fellow citizens can be what they truly can be and want to be.

I was reminded just the other day of the cartoon "Peanuts" by Charles Schultze. It gave me some hope because, as Peanuts has said:

> After you go over the top of the hill, you go faster on the other side.

So I am looking forward, with even greater spirit and greater determination, to the battles that lie ahead in this Senate Chamber, representing my State. I thank all of those who have been a part of today.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, I thank my colleague for his long service in the Senate.

May I inquire, are we prepared to go back on the bill?

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 2934

Mr. HATCH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection the pending amendment is set aside. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for himself, Mr. ENSIGN, and Mr. BURNS, proposes an amendment number 2934.

Mr. HATCH. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To apply the election technology and administration requirements to States only after funding is made available to meet such requirements)

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

Mr. HATCH. Madam President, I rise today to offer an amendment to S. 565, the Equal Protection and Voting Rights Act of 2001.

First of all, I thank my friends Senator ENSIGN and Senator BURNS for cosponsoring this important amendment. Let me also commend my colleagues, Chairman DODD and Senator MCCONNELL, for undertaking an extremely arduous process leading to consideration today of legislation that is supported by half the Senate. I know this was not easy for the committee, nor their staffs, and I appreciate the hard work that led to this compromise.

That being said, I do have a concern about the impact that enactment of this legislation could have on states and localities, most of whom are experiencing extreme budget shortfalls. Let me explain.

Title I of the Dodd-McConnell bill includes seven new uniform and nondiscriminatory requirements for election technology and administration. These are requirements, for example, pertaining to certification of votes cast, audit capacity, and accessibility for individuals with disabilities. If enacted, these requirements would apply to each voting system used in an election for Federal office. Obviously, this language has far-reaching consequences.

I appreciate the intent underlying the sponsors' legislation, which is that the system must be uniform in nature, across the entire country, if it is to be successful in accomplishing the goal of election reform.

I also appreciate the committee's stated desire that the program be fully funded. That being said, the question I ask my colleagues is this: "What if it isn't?" What if a future Congress fails to provide adequate funding for this legislation?

That goes to the heart of my amendment.

My amendment is simple. It states that only fully-funded mandates will be enforceable. In other words, if Congress does not provide the funding, the States and localities won't be left holding the bag for a Federal mandate.

Let me hasten to make clear that my amendment does not seek to change the mandates in this title. What it does is ensure State and local governments that we will keep our commitment in the Unfunded Mandates Reform Act of 1995. At that time, we promised the States that we would not saddle them with new mandates without providing them with the resources to implement and enforce those laws.

While I believe my good friends Senator CHRIS DODD and MITCH MCCONNELL are well intentioned in their approach to election reform, as now drafted, this bill fails to protect states and localities from unfunded mandates. Adoption of my amendment would guarantee we keep this promise to our States and localities. I also believe that this amendment seeks to codify the author's intent of meeting our promises to the states.

Some may argue that the Dodd-McConnell bill will fund every title in the bill. However, this argument does not hold water when weighed against the text of the bill. This bill authorizes payments to the states. Note the key word—authorizes. It does not appropriate the resources to get the job done. Given the numerous competing Federal priorities, not to mention the funding required in our fight against terrorism, there is good reason to question whether those resources will be available.

I have great faith in the future of this country and in our future leaders. I do not have faith, however, that future congresses will allocate required resources for every State to purchase new equipment and to retrofit existing structures where citizens vote. S. 565 sets three hard deadlines, and the States will be held accountable for the mandated changes at each of those deadlines. Although the changes will be phased in over 4 years, all States will be responsible for implementing all provisions by 2006.

The Congressional Budget Office has estimated the cost of the Dodd-McConnell bill at $3 billion. That is billion, with a "B." I know that my friends Senators DODD and MCCONNELL fully expect this bill to be funded. I truly hope that is the case.

But let us look at the hard realities. It is ethnical for us, at a time when the majority of our states are facing serious financial difficulties, when some, such as my home State of Utah are cutting off health care benefits to children and closing prisons, to even suggest they foot the entire bill for these new mandates? I think not.

Our amendment simply declares that States will not be held accountable for any mandated provisions in S. 565 until sufficient funds have been appropriated. I think it would be prudent, even if we are able to fully fund these mandates, to have this provision in the bill as a safety net.

Let me also note that this amendment has the support of state and local governments.

Madam President, I ask unanimous consent that letters from various State and local officials be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF SECRETARIES OF STATE, NATIONAL CONFERENCE OF STATE LEGISLATURES, AND THE NATIONAL ASSOCIATION OF COUNTIES

February 13, 2002.

DEAR SENATOR HATCH: The national organizations listed above, representing state and local elected officials, express our support for your proposed amendment to ensure that full federal funding accompanies federal election reform legislation.

We have reviewed the text of your proposed amendment and endorse it as a mechanism to guarantee that federal mandates be accompanied by full funding. We look forward to working with you to ensure that states and local governments are equipped to provide fair and open elections and to maintain and improve the process by which we conduct elections for local, state and federal office.

Sincerely,

RON THORNBURGH,
Kansas Secretary of State, President, National Association of Secretaries of State.

LARRY NAAKE,
Executive Director, National Association of Counties.

WILLIAM POUND,
Executive Director, National Conference of State Legislatures.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, UT, February 25, 2002.
Hon. ORRIN G. HATCH,
Russell Building,
Washington, DC.

DEAR SENATOR HATCH: I am writing to express my support for your proposed amendment to ensure that full federal funding accompanies federal election reform legislation.

As you are aware, many states, including Utah, are experiencing budget shortfalls. It would be extremely difficult, if not impossible, to make budget allocations to purchase new voting equipment at this time. Unfunded federal mandates would also place a financial burden on our 29 counties. We are dedicated to providing the best equipment so that every individual has an equal opportunity to vote, but we cannot accomplish this without federal funding.

As the Chief Election Official for the State of Utah, I endorse your proposed amendment. I feel that the only way states and localities can accomplish the many aspects of election reform is to provide full funding for all federal mandates. I look forward to working with you to ensure that all elections are fair, open and efficient.

Sincerely,

OLENE S. WALKER,
Lieutenant Governor.

Mr. HATCH. I urge my colleagues to remember your commitment to your State—no more unfunded mandates. I urge an affirmative vote on this important amendment.

Mr. DODD. Madam President, as I understand my colleague—I appreciate his points about what we have tried to do in this legislation, obviously. There are some minimum requirements in the area of access, to make it possible for millions of disabled Americans who have never been able to cast a vote in private, independently, to be able to do so; the anti-fraud provisions of statewide voter registration; and provisional voting. Those are the three minimum requirements here—and fully fund it.

I agree with my colleague from Utah. I happen to believe when there are mandates such as this, minimum requirements, no matter how minimum they may be, we ought to have the resources to make it possible for our States to do those things.

I have committed to my friend and colleague from Utah that we are going to do everything possible to see to it that is the case. So, in terms of the language of this amendment, I inquire of my friend from Utah whether or not the understanding is we are going to see to it—the President has already put $1.2 billion in his budget as a kind of indication of the administration's good faith on this issue.

I found that to be a remarkable commitment in light of the fact the bill has not been adopted yet. Obviously, we don't have the power to appropriate as an authorizing committee. But because my friend from Kentucky, the Senator from Missouri, and the Senator from Illinois—all of whom are principal sponsors of this bill—sit on the Appropriations Committee, along with conversations with others, we feel very confident that the resources are going to be there on a bipartisan basis.

AMENDMENT NO. 2934, AS MODIFIED

Mr. HATCH. Madam President, from our previous conversation, I understand that the Senator requests that I withdraw this amendment.

Let me just say that I am reluctant to withdraw this amendment. I am very concerned that without a concrete assurance in the bill, our states will be saddled with requirements that are clearly out of their financial reach. I hear what my friend, Senator DODD, is saying and I would like to believe that there will be adequate funding for all of the provisions in S. 565. On the other hand I have received countless entreaties from local governments who are, simply put, skeptical that the federal government will provide them with adequate funding. Without that funding, obviously, an unfunded mandates. That is what I would like to avoid.

That being said, Senator DODD does raise a good point when he reminds us that many of the cosponsors of the Election Reform Act serve on the Appropriations Committee. On the other side, one of the great fears of those who I represent with this amendment is that future congresses will not share the same commitment. It is my hope and I'm sure the hope of all of the cosponsors of this amendment that the appropriators will endeavor to fund fully all of the provisions within the bill. I accept the assurances of my colleague address this concern more fully in conference. To that end, I'm willing to work with my colleague on this issue and modify my amendment. I am sending the modification to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 2934), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.

It is the sense of the Senate that full funding be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

Mr. HATCH. Madam President, this modification expresses the sense of the whole Senate to do what both Senator DODD and I are so concerned about. It shows that all 100 Senators agree with Senators ENSIGN, BURNS, THOMAS and me that full funding of this act must be guaranteed to states and localities. While this is not the version of the amendment that I would have preferred, I believe that it will assure the supporters of the original amendment that there will be appropriate funding. I urge adoption of the amendment, as modified.

Mr. DODD. Madam President, I agree. I thank my friend from Utah, the Senator from Nevada, and the Senator from Montana. Everyone feels very strongly about this in the difficult times for all of our jurisdictions. That is why we have not made this a percentage mandate but a 100-percent Federal budget, and becoming a far better partner with our States and localities in the conduct of elections.

I enthusiastically support this modification.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment, as modified, is agreed to.

The amendment (No. 2934), as modified, was agreed to.

Mr. DODD. Madam President, I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2935

Mr. HATCH. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2935.

Mr. HATCH: Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment, No. 2935, is printed in the RECORD under "Amendments Submitted".)

Mr. HATCH. Madam President, I rise to offer another amendment to the bipartisan Equal Protection and Voting Rights Act of 2002. First let me thank my colleagues Senators DODD, MCCONNELL, BOND, SCHUMER, MCCAIN, TORRICELLI, and others for all the hard work that they have put into this bill. I also want to thank Senator LEAHY for cosponsoring this amendment, which will lay the groundwork for integrating new technology into the political process. Senator LEAHY's knowledge and support of technological issues made his input invaluable.

As Americans, we have the right to participate in the greatest democracy in the world, and most will agree that the act of voting is the bedrock of our democratic society. Americans take pride in the role they play in shaping issues and determining their leaders, and yet, we see that voter participation in recent years has decreased among people of all ages, races, and gender. I find these statistics both disappointing and tragic because, as Thomas Jefferson stated, "that government is the strongest of which every man himself feels a part."

Why is voter turnout so low? Of the 21.3 million people who registered but did not vote in the 1996 election, more than one in five reported that they did not vote because they could not take time off of work or school or because they were too busy. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State, and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

In the past, attempts have been made to increase voter registration and turnout. Unfortunately, these attempts have met with limited success. The Motor Voter Act of 1993, for example, attempted to increase voter participation by permitting the registration of voters in conjunction with the issuance of driver's licenses. According to the U.S. Census Bureau, 28 percent of the 19.5 million people who have registered to vote since 1995 have done so at their local Department of Motor Vehicles, the single highest method compared to any other form of registration. Notwithstanding this simplified voter registration procedure, voter participation continues to decline. Although registering to vote at the DMV generally is more convenient than other methods of registration, a substantial portion of registered voters nevertheless continue to fail to register to vote and fail to go to the polls on election day.

Voting via the Internet has been suggested as one possible solution to the problem. The Internet has revolutionized the way people communicate and conduct business by permitting millions of people to access the world instantaneously, at the click of a mouse. The Internet has already increased voter awareness on issues of public policy as well as on candidates and their views. In the future, the Internet may very well increase voter registration and participation, and thereby strengthen our country's electoral process.

As many of us have seen in the recent past, more and more states are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options such as online registration and voting increase political participation or could the Internet be equitably used in the political process? These and other questions deserve our attention.

The Hatch-Leahy amendment addresses these issues in two ways: No. 1, it establishes an advisory committee that will provide a necessary framework for discussing the possible uses and abuses of the Internet in the voting process;

And No. 2, it directs the Attorney General to review existing criminal statutes and penalties and to report to Congress and the advisory committee whether additional penalties for interfering with online registration and voting are needed.

No American who has exercised his or her rights to vote should ever have to wonder if their properly cast vote will be counted. We must preserve the integrity of the voting process and I commend the efforts of those who have drafted this bill. The Hatch-Leahy amendment complements the bill and will help to ensure the legitimacy of the voting process. As we continue to address the current problems with our voting process, we can and should take this opportunity to examine the impact of new technologies on our elections.

Many States already allow for portions of the voter registration process to be completed online. The Arizona State Democratic Party allowed online voting in the 2000 presidential primary and nearly 36,000 Arizona Democrats took advantage of this opportunity. We can anticipate that this trend toward online voting will continue. To make clear our desire to hold elections free from fraud, this amendment requests the Attorney General to study whether our criminal code provides adequate penalties to punish and deter interference with online registration and voting.

The Hatch-Leahy amendment will also create the "Advisory Committee on the Internet and the Electoral Process." This committee, comprised of federal, state, and local officials, as well as representatives of the high-tech industry and academia, will investigate the practicality, feasibility, and advisability of using the Internet in the voting process. The report generated by this committee will provide a much needed framework for discussing important issues related to Internet voting. New technology has enhanced many aspects of our lives, and perhaps it can be used to enhance our civic lives as well.

Can registering and voting online really work? We must carefully evaluate the issues that will arise as the civic privilege of voting meets with technological advances. Proponents of "electronic voting"—so-called e-voting"—contend that there are numerous advantages to this emerging type of "cyber" political participation, including the immediate disclosure of campaign contributions, an increase in the number of grassroots volunteers, and the creation of a more accessible forum for political advertising. Skeptics assert, to the contrary, that e-voting would only serve to decrease "real" electoral participation, place personal privacy at risk and pave the way for election fraud. The late Senator Sam Ervin opposed simplifying voter registration and voting, stating that he did not "believe [in] making it easy for apathetic, lazy people" to vote. I do not know whether online voter registration and e-voting will halt the decline in voter participation; I do not know whether online voter registration and e-voting even is wise. I firmly believe, however, that this issue deserves serious examination as we seek to ensure that our democratic republic engages as many citizens as is possible.

As we seek to ensure equal access to the voting place and the integrity of the voting process, it would be irresponsible of us to ignore the potential effects, both good and bad, that new technology will have on the political process. The importance of the issue demands we take the opportunity to explore these possibilities. The Hatch-Leahy amendment proposes important forward-looking measures that will ensure our ability to properly integrate new technology in the political process.

Madam President, I yield the floor on this amendment. Then I will bring up one more amendment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, this is a study to be done on Internet voting. As my friend from Utah points out, there are jurisdictions which are examining how this would work. Obviously, there are some very serious problems one might face on privacy issues and the like with Internet voting. We have accepted a number of amendments that look at studies to be done to report back to us on this area.

Mr. HATCH. If you are willing to accept the amendment, that will be fine.

Mr. DODD. I want to make sure my colleague from Kentucky is all right on this amendment. I am fine with it.

Mr. HATCH. Shall we wait on that with the understanding you will check and see?

Mr. DODD. Why don't we wait until he comes to the Chamber—I want to give him a chance to respond to this—and temporarily lay this aside?

Mr. HATCH. That is fine.

Mr. DODD. And then come back to it.

Mr. HATCH. Madam President, I ask unanimous consent that my amendment be temporarily laid aside and I be permitted to bring up one more amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. HATCH. Madam President, I send another amendment to the desk.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I discussed with the distinguished manager an opportunity to speak for just a few minutes in morning business. I could not be in the Chamber before. So I ask unanimous consent to speak for up to 5 minutes.

Mr. DODD. Reserving the right to object, my colleague from Georgia has been very patient. He has an amendment to offer on the bill. Can we limit this statement? How much time does the Senator from Pennsylvania need?

Mr. SPECTER. Four minutes.

Mr. CLELAND. I yield.

Mr. DODD. The Senator from Georgia has decided the 4 minutes is an appropriate time.

Madam President, I ask unanimous consent that upon the completion of the remarks of the Senator from Pennsylvania, the Senator from Georgia be recognized to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SPECTER are printed in today's RECORD under "Morning Business.")

Mr. SPECTER. I thank my colleagues and yield the floor.

AMENDMENT NO. 2936

Mr. HATCH. Madam President, I ask unanimous consent to use one of Senator MCCONNELL's relevant amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 2936.

The amendment is as follows:

(Purpose: To make the provisions of the Voting Rights Act of 1965 permanent)

On page 68, between lines 17 and 18, insert the following:

SEC. ___. MAKING THE PROVISIONS OF THE VOTING RIGHTS ACT OF 1965 PERMANENT.

(a) PERMANENCY OF PRECLEARANCE REQUIREMENTS.—Section 4(a)(8) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)(8)) is amended to read as follows:

"(8) The provisions of this section shall not expire.".

(b) PERMANENCY OF BILINGUAL ELECTION REQUIREMENTS.—Section 203(b)(1) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)(1)) is amended by striking "Before August 6, 2007, no covered State" and insert "No covered State".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

Mr. DODD. Just one moment.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Is this the amendment on the——

Mr. HATCH. Bilingual.

Mr. DODD. Could I urge my colleague, on this one, because there is going to be objection raised by the Senator from Vermont, among others—we have the Senator from Georgia waiting to offer an amendment. This is going to take some work. So I would urge my colleague to maybe withdraw the amendment temporarily.

Mr. HATCH. Why don't I make a very short set of remarks, and then you can set it aside, and we can decide what to do later. Is that OK?

Mr. DODD. I urge the Senator to withdraw it temporarily so it is not hanging out here, so we can try to work on it.

Mr. HATCH. Let me leave it, you can set it aside, and then we will work on it.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Madam President, today I offer an amendment to a provision of the Voting Rights Act that I introduced and we adopted in 1992. That law required the States to provide for election materials in Spanish, Asian languages, as well as Native American languages.

I am proud of that law. I am well aware of the excitement that new citizens, often senior citizens, experience on the day they first leave their home to vote as American citizens for the very first time, sometimes accompanied by their English-speaking children and grandchildren. Imagine that, Madam President.

But that excitement turns to terrible anxiety when they find that they cannot understand English language instructions that we English-speakers take for granted. Out 1992 amendment changed that for millions of our newest Americans of Hispanic and Asian descent, as well as the descendants of our first Americans.

The law has worked, and so today I offer an amendment to make permanent the requirement of these bilingual facilities, and I urge my colleagues to join me.

Similarly, my amendment also makes permanent provisions of the Voting Rights Act that have withstood the test of almost 30 years of periodic extensions. Rather than extend these civil rights protections repeatedly, I think we should make them permanent.

That is all I have to say. I would be happy to have it set aside. We can debate this issue later as necessary.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I understand this amendment is going to be set aside. I am glad to see that. This amendment is premature. It would be an extension of the Voting Rights Act absent any hearings of any sort.

We have the current difficulty, as we have seen, of an extremely activist U.S. Supreme Court which basically acts as a kind of super legislature and has been setting aside act after act of the Congress, even some that have had years of hearings. I would be concerned that when they set aside acts of Congress passed by very solid majorities, both Republicans and Democrats, following years of hearings, what they might do on something like this that has not had a hearing.

The Supreme Court's 1997 decision in City of Boerne v. Flores provides an instructive example. In that case, the Court distinguished between the Religious Freedom Restoration Act of 1993—which it invalidated—and the Voting Rights Act. The Court criticized the lack of evidence of religious bigotry Congress had adduced to support its passage of the RFRA. Conversely, it said, Congress had developed a record of widespread bigotry to support its passage of the Voting Rights Act. I believe the Court overstepped its bounds and thwarted Congress' will through this decision, and I fear the same could happen if we hastily make the Voting Rights Act permanent without establishing an ample record of why such a decision is necessary. There is no need for such haste—we should make the Voting Rights Act permanent, but we should do it in a way that would withstand challenge before even the most skeptical court.

Am I correct that the amendment has now been withdrawn?

The PRESIDING OFFICER. The amendment has not yet been withdrawn. The Senator from Utah stated that it would be set aside.

Mr. HATCH. Madam President, I am happy to have the amendment set aside if I could work on it with my colleagues. I am happy to ask unanimous consent that it be set aside so that we can work on it with our colleagues and resolve any difficulties. I can't imagine any difficulties, but if there are, we will try and resolve them. If not, we will vote on it later today.

The PRESIDING OFFICER. Without objection, the amendment will be set aside. The Senator from Georgia is recognized.

AMENDMENT NO. 2883

Mr. CLELAND. Madam President, I rise today to offer an amendment along with my colleague from Georgia, Senator MILLER, who is a cosponsor to S. 565, as amended by the Dodd substitute. I understand the amendment has been sent to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. CLELAND], for himself and Mr. MILLER, proposes an amendment numbered 2883:

Amend section 1(a) to read as follows:

(a) SHORT TITLE.—This Act may be cited as the "Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001".

Mr. CLELAND. Madam President, as read by the clerk, this is a simple but important amendment. This amendment will change the title of the Equal Protection of Voting Rights Act of 2001 to the "Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2001." I believe that it is appropriate to name this legislation after the man who fought for equal voting rights for all Americans, Dr. Martin Luther King, Jr., a man who had a vast and distinguished record of public service to the American people.

As one of the premier champions of basic human rights, Dr. King worked tirelessly to combat segregation, discrimination, and racial injustice. In 1963, Dr. King led the march on Washington, DC, that was followed by his famous address, the "I Have a Dream" speech. Through his work and reliance on nonviolent protest, Dr. King was instrumental in the passage of the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Despite efforts to derail his mission, Dr. King acted on his dream of America and succeeded in making the United States a better place.

I believe this is an appropriate time and place to honor Dr. Martin Luther King, Jr., the foremost leader of the civil rights movement, for his contributions to this Nation in ensuring that all Americans have the right to vote. I would like to thank Senator MILLER for his support of this amendment, and I thank Senator DODD for the opportunity to speak about this matter on the floor this afternoon.

I urge my colleagues to support this amendment and attach Dr. King's name to this important bill during the month of February, a time when we recognize the achievements of African Americans in this great nation of ours.

Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At this time there is not a sufficient second.

Mr. DODD. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DODD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SCHUMER). Without objection, it is so ordered.

AMENDMENT NO. 2906

Mrs. CLINTON. Mr. President, I rise today in support of an amendment to the important election bill that is being considered. I note that the Presiding Officer has been deeply involved in the crafting of this legislation, along with Senator DODD, Senator MCCONNELL, and others. It does put us in a very good position to be able to tell Americans that we have heard their concerns about our electoral system and we are moving to address them.

I applaud the President for putting $1.2 billion in his budget to be able to fund the requirements that will fall upon the States as they attempt to bring their electoral system in line with what is really required for a modern Federal election system to function.

I have introduced this amendment, referred to as the residual vote error rates amendment, a rather complicated description that I will get to in a minute, because I think it is imperative that we address what were the legitimate concerns not only in this last Presidential election, but in elections prior to it, because year after year, not just in the year 2000, ballots have not been counted because of what are referred to as "residual votes." These are overvotes and undervotes, and spoiled votes.

According to the definitive Caltech/MIT report:

> Over the past four Presidential elections, the rate of residual votes was slightly over 2 percent. This means that in a typical Presidential election over 2 million voters did not have their Presidential vote recorded for their ballots.

The percentage of discarded ballots is even higher in Senate elections—approximately 5 percent.

In other words, almost 5 million votes are not recorded for other prominent statewide offices.

Now, in the vast majority of these cases, voters actually believed they were recording their votes, even though their ballots were ultimately discarded.

Because of this pattern of discarded votes, so-called residual votes, based on unintentional human error, the Ford-Carter commission, chaired by former President Gerald Ford and former President Jimmy Carter, recommended unanimously that Congress focus not just on machine errors in improving our election system but on the unintentional human errors that make up the bulk of what denies our citizens their vote from being counted. The commission, acting unanimously—Republicans, Democrats, independents, academics, people with political experience, all walks of life—made this unanimous recommendation because they concluded that only by measuring the rate of residual vote errors will we be able to assess effectively whether the voting process as a whole is giving citizens an equal opportunity to have their votes counted.

That is why I have offered this amendment, which would require the Office of Election Administration—which is called for in the underlying bill—to set a residual vote error rate standard, or benchmark. In other words, just as we are asking the Office of Election Administration to set a standard for mechanical errors—you know, you pull the lever, put the punch card in a machine, and something goes wrong, and the machine, because of mechanical error, doesn't count your vote—in the bill we are asking the Office of Election Administration to set a benchmark, so that we will make sure that mechanical errors are corrected. Well, similarly, I am asking in this amendment that we set such a standard or benchmark for the residual errors, votes that are never counted, so that we keep those votes to the barest possible minimum.

This proposed standard is 100 percent in keeping with the other voting standards in the bill, including the voting system standard that requires the Office of Election Administration to make sure that we have a system nationwide that, in Federal elections, ensures that mechanical errors for people in one State are counted in the same way as for people in another State. Similarly, these unintentional human errors should be held to the same standard.

Now, a mechanical error rate standard, I agree, will certainly be helpful in improving the election system; but, unfortunately, it does not address the most significant cause of discarded votes.

Just think back to those weeks, those torturous weeks when we had to go through the recounting of votes to try to determine what was the voter's intent. Most States have such a standard in State law, and the States use their systems to determine the outcome once a challenge is made and then to figure out how they are going to appropriately address it by counting those votes and trying to meet the standard that the State sets.

We need a similar standard for Federal elections. This amendment will provide greater assurance that all voters in any Federal election are protected.

Some people have said in discussing this amendment with me that this may result in suits being brought against States. As I understand the bill, it gives the Attorney General the authority to bring a civil action against States that fail to comply with any standard. This amendment is no different. It does not put an additional burden on the States, nor does it put an additional burden on the Attorney General. In any event, States will have more funding and more than 7 years to comply since jurisdictions that receive grant funds to meet voting system standard requirements will be deemed in compliance until the year 2010.

We are not asking any different process than what has already been established in the bill for the mechanical error rate.

I also think it is important to recognize that this amendment does not address what happened solely in the Presidential election of 2000. In fact, on the contrary, both the Caltech-MIT report and the Ford-Carter commission have told us that we discovered a problem that has been, unfortunately, widespread throughout our country for many elections.

That is why this amendment is supported by the AARP, the League of Women Voters, the NAACP, the National Council of La Raza, the AFL-CIO, the U.S. Public Interest Research Group, the Leadership Conference on Civil Rights, and many other groups that are concerned that if we leave this particular issue unaddressed, we have not given our citizens the assurance they deserve that their votes will count.

In closing, I hope we are able to obtain the support needed for this residual vote error amendment so that we can be sure we are not only taking care of the machines that break down, but we are taking care of those unintentional errors that may cause a breakdown in the individual citizen being able to have his or her vote counted.

I hope for the sake of all Americans we will ensure that we can have the utmost faith in our election system, and I hope my colleagues will support this amendment. I thank the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, in consultation with the two leaders and with my colleague from Kentucky, I ask unanimous consent that the Senate vote in relation to the Cleland amendment No. 2883 at 4:55 p.m., with no second-degree amendments in order prior to that vote.

As a source of information for my colleagues, there will be two votes based on an earlier unanimous consent agreement. There will be a vote on a judicial nomination immediately following the vote on the Cleland amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair. I believe the hour of 4:55 p.m. has arrived.

The PRESIDING OFFICER. The Senator from Connecticut has correctly announced the time.

VOTE ON AMENDMENT NO. 2883

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2883. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Vermont (Mr. JEFFORDS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

The PRESIDING OFFICER (Mrs. CLINTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 36 Leg.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—3

Ensign
Jeffords
Thurmond

The amendment (No. 2883) was agreed to.

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to vote on the nomination of Cindy K. Jorgenson, which the clerk will report.

The legislative clerk read the nomination of Cindy K. Jorgenson, of Arizona, to be United States District Judge for the District of Arizona.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Cindy K. Jorgenson, of Arizona, to be United States District Judge for the District of Arizona? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from South Carolina (Mr. THURMOND) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

The PRESIDING OFFICER (Mr. REED). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 37 Ex.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Ensign
Thurmond

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table. The President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I ask unanimous consent that Senator SCHUMER be recognized to offer the Schumer-Wyden amendment; that the amendment be debated this evening, and that when the Senate convenes on Wednesday at 9:30 a.m., there be 30 minutes for debate equally divided in the usual form, in relation to the Schumer-Wyden amendment, prior to a vote in relation to the amendment, with no second degree amendments in order prior to the vote.

Mr. REID. Mr. President, reserving the right to object, I should have mentioned this to the two Senators, but I didn't see it. We really need to have the vote at 10 a.m. because there are committees meeting. There will be almost 30 minutes of debate, with the prayer and the pledge and going right to the debate, and that will be equally divided. Could we have the vote at 10? Committee chairmen and ranking members wanted to have the vote at 10.

Mr. McCONNELL. That is fine, if you want to adjust it.

Mr. DODD. I so modify the request to read on Wednesday at 10 a.m.

The PRESIDING OFFICER. Without objection, the unanimous consent request is modified.

Is there further objection?

Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, the majority leader has asked me to announce there will be no more rollcall votes tonight and expressed appreciation to the two managers for getting this far on this very complicated issue.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 2937

Mr. SCHUMER. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mr. WYDEN, proposes an amendment numbered 2937.

Mr. SCHUMER. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail, and for other purposes)

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of .the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) IN GENERAL.—Nothing in this Act may be construed to authorize

Mr. SCHUMER. Mr. President, the amendment I offer on behalf of myself and the Senator from Oregon—joined as cosponsors by the Senators from Washington, Mrs. MURRAY and Ms. CANTWELL; my colleague from New York, Senator CLINTON; the Senator from Illinois, Mr. DURBIN; as well as Senators BINGAMAN, HOLLINGS, AND KERRY—is a very simple amendment. It deals with the issue of signature on first-time voters.

First, before I begin, I commend my colleague, Senator BOND, for his efforts to include provisions in this bill that address voter fraud. All of us—Senators DODD, McCONNELL, BOND, and TORRICELLI, and I—who worked so long and hard on this bill realize that part of the glue of the compromise of this bill was to make sure there were antifraud provisions in it. When an election is tainted by fraud, it not only casts doubt over the outcome and a pall over the victor but, more importantly, it shakes the voters' faith in our system, undermines each and every ballot that was cast. I believe that the Senator from Missouri—and I know my colleague from Connecticut would join me—deserves a great deal of credit for crafting antifraud provisions. One of them has, however, created some real problems that the amendment the Senator from Oregon and I have introduced seeks to correct.

The bill currently requires first-time voters who registered by mail to provide either a photo ID or a copy of a utility bill, a bank statement, a government paycheck, or other government document that shows the name or address of the voter. On the surface, that sounds to be a very reasonable requirement. But once you begin to scratch the surface, you discover it could easily disenfranchise countless eligible voters.

The amendment I offer today, with Senator WYDEN, will allow States to use signature verification and attestation, in addition to a photo ID and government checks, to verify voters; or a State can opt to only use a signature verification system, which is what we have done for decades in my State of New York with very good results. With these additions, we can be just as tough on voter fraud without turning away eligible voters. And there, my colleagues, is the careful balance of this bill. We do want to come down on voter fraud, but at the same time we must be mindful of the fact that the very thrust of this legislation is to make sure that every vote counts and to make sure that those who wish to vote, and wish to vote properly and legally, are able to do so as easily as possible.

That is the ultimate balance we seek. We believe this amendment restores that balance. When we don't have that amendment, balance is not restored and we will not do anything further to prevent voter fraud, but we will turn away thousands—nay, tens of thousands of eligible voters in States such as mine that have this system.

I have heard from election officials in my State, and I have heard from other States as well. The current provisions will disenfranchise voters and, at the same time, create an administrative problem for the many States that have used signature or attestation as the way of verifying that the person who comes to the ballot, to the polling place, is that person indeed.

I have copies of letters from the secretaries of state of Alaska, Kentucky, and North Carolina, for instance, expressing strong reservations about the provisions and urging that they be changed.

I ask unanimous consent to have those letters printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
February 13, 2002.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I understand that the elections reform legislation, S. 565, is currently being debated by the Senate. I have just returned from a meeting of the National Association of Secretaries of State, at which this election reform bill was a major focus.

The bill contains many positive provisions. Alaska's election system is well ahead in many areas, and many of the major sections in the bill will not have a great impact on Alaska because we are already in compliance with them.

I do have a major concern that I ask you to consider as you and your colleagues work on this bill. Under the current provisions, the bill would impose federal requirements for verification of voter identification. Verification of some kind is a good idea, but the type of verification should be left up to states so it can be tailored to fit the unique circumstances of each state.

Let me give two simple examples of how mandated federal requirements could lead to the unintended consequence of discouraging or even disenfranchising voters:

S. 565 mandates that voters show photo identification in order to vote. In Alaska, this provision will create an unnecessary burden on rural Alaskans who live in communities with no means of obtaining photo IDs. It will effectively disenfranchise them (even though, ironically, they will almost certainly be personally known to the poll workers).

S. 565 would require first-time by-mail voters to send in proof of their identity with their ballot. This provision is likely to cause confusion and result in many ballots being unnecessarily disqualified because first-time voters forget to send in their documentation, or they send it in the wrong envelope. (These are just the kind of voters we want to encourage to participate in the democratic process, yet they are the most likely to be discouraged by this requirement!) There are other, equally effective ways to verify voter identification, such as allowing states to verify the signature on the voting envelope with the original signature on the voter registration form.

As I understand it, Senator Wyden may propose an amendment to address this issue. If this is the case, I would appreciate your support for this amendment, and if you can co-sponsor it, that would be even better.

I fully support the objective of effectively verifying the identity of voters and even requiring that each state have a system in place to do this, but I ask you to leave it up to states to decide how best to accomplish that. Although well-intended, voter verification mandates in S. 565 will have the unintended consequence of discouraging or even disenfranchising qualified voters, and it will have an especially harsh impact on Alaska.

I appreciate your consideration of this matter, and I truly appreciate the time and effort you are devoting to improving election processes throughout the nation.

Thank you for taking the time to meet with me this week while I was in Washington. I very much appreciated the opportunity to talk with you about issues of importance to Alaska.

Sincerely,

FRAN ULMER,
Lieutenant Governor.

COMMONWEALTH OF KENTUCKY,
OFFICE OF THE SECRETARY OF STATE,
Frankfort, KY, February 14, 2002.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC.

Hon. CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS MCCONNELL AND BOND: I am writing to express my concern regarding a provision in the substitute to S. 565, the Equal Protection of Voting Rights Act, that you and Senators Dodd and Schumer recently developed.

This legislation would require states to set up a photo ID program for individuals who have registered to vote by mail. Such a requirement would be administratively burdensome, could lead to discrimination or charges of discrimination, would undermine voter participation through absentee balloting, and is not the best way to meet the stated goal of preventing vote fraud.

The photo ID requirement currently in the legislation would put election workers and election directors in the position of administering the program. They would have to determine what photo IDs are acceptable. They would have to determine which voters would be subject to the requirement. And they would have to administer the program at busy polling places.

A photo ID requirement is widely suspect in minority communities. I am concerned that it would result in additional charges of discrimination at a time when we are trying to build greater trust in our election systems. Election officials would be on the front line defending against such charges.

It is clear that the photo ID requirement would undermine voter participation through absentee balloting. The requirement would make it more difficult to cast an absentee ballot because copies of IDs, as required for absentee voting under the bill, are difficult for many, including the aged and person with disabilities, to obtain. Vote-by-mail has promise for increasing voter participation, and we believe that concerns about fraud can be dealt with in other ways.

I share with the bill's sponsors concern about preventing possible fraud. That is one of the reasons that many states have moved to signature verification systems. I urge you to work with the other sponsors to allow states to accept signatures for verification as part of the ID system. No only are such systems easier to administer at the polling place, they are also consistent with well-run absentee ballot programs.

Thank you for your consideration of this important issue.

Sincerely,

JOHN Y. BROWN III,
Secretary of State.

DEPARTMENT OF THE
SECRETARY OF STATE,
Raleigh, NC, February 12, 2002.

Hon. MITCH MCCONNELL,
Russell Senate Office Building,
Washington, DC

Hon. CHRISTOPHER BOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS MCCONNELL AND BOND: I am writing to express some concerns I have regarding a provision in the substitute to Senate Bill 565, the Equal Protection of Voting Rights Act, recently developed with Senators Dodd and Schumer.

I share with many the concerns about preventing possible fraud. The photo ID program for individuals who have registered to vote by mail creates not only an administrative burden on election officials, but the overall effect will be a tremendous chill on voting rights. In my opinion, it is not the best way to address the issue of potential voter fraud.

The practical application of the ID requirement will create an entirely new layer for misunderstanding, miscommunication, potential discrimination and have serious side effects of suppression of voting in the name of preventing fraud. Election officials should not be in the business of determining what type of photo ID's are acceptable, and what other form of identification will be appropriate.

The photo ID requirement will undermine rather than enhance voter participation. Absentee balloting processes would be impeded, especially in elderly communities, disabled communities and others. While many people in this country have home copy machines, many others have no knowledge as where to find a public copy machine, or access to it within their community.

The concern about preventing possible fraud is an important one, but there are a number of other ways that fraud can be addressed without requiring election officials to be decision makers in this area.

Let me relate a personal story from just this morning that will indicate the photo ID system is certainly not a "be all, end all" answer to this issue. Since September 11, the Capital Police Corp of North Carolina government is providing security for all doors into the building that houses the Secretary of State's Office and the Department of Revenue. A new security officer was on the door I used today. This individual asked for my photo ID. I flipped open my case where my photo ID is usually contained, and demonstrated it to the guard who immediately waved me through after looking at the card. As I closed the holder I noticed that my photo ID was not there, because I had used it the prior day for air travel and it was still in a jacket pocket having not been returned to its regular position. In fact, the guard glanced at my social security card with my name printed and a social security number, but no photo whatsoever, and someone who did not know whether I was the elected Secretary of State or an international terrorist waved me on through.

As you can see the systems we have in place as operated by humans are ripe with many opportunities for either intended or unintended consequences. Thank you for your work on this very important issue, but the photo ID requirement is a burden that does not need to be placed on the electoral system in this country.

Sincerely yours,

ELAINE F. MARSHALL.

Mr. SCHUMER. The public also feels strongly about the Schumer-Wyden amendment, as does the AARP, the League of Women Voters, the American Association of People with Disabilities, NAACP, United Cerebral Palsy Association, and the National Hispanic Leadership Agenda, to name a few of the many groups that oppose the provision as it stands. I say to my colleagues and those in the civil rights community, I thank them for working so closely with us on this amendment. We believe this provision, unamended, could undo lots of the progress we have made in the last decade to allow people to vote. In many areas, it could undo the significance of the motor voter law which allows people to register at their motor vehicle department or other places.

Some of the voters who could be disenfranchised by the current provisions include, first, the elderly. Seniors vote in large numbers. In fact, the FEC estimated that, in 1998, 61.3 percent of all Americans over 65 voted. However, this provision established real barriers to the polls for older Americans. As the AARP explains:

> The bill's photo ID requirements are particularly problematic for many senior citizens. Alternate approaches, such as signature match and verification, already successfully used by the majority of States, could

> enhance the antifraud provisions without having a chilling effect on voter participation.

That is from William D. Novelli, executive director and CEO of AARP. The point he makes is well taken. Again, you have lots of people who cannot use the provisions in the bill. I know my colleague from Missouri will say: It is easy, everybody has a photo ID.

Well, not everybody does. Lots of senior citizens don't drive, and there is no other photo ID available. Or some might say that everybody can bring a utility bill. What about two people with different names and sharing a house and one has the name on the utility bill? What does the other do? It is not so easy.

Again, since in this bill we want to err on the side of allowing people to vote, provided it is done in an honest way—nobody wants to see fraud—we have to have this amendment.

How about students? Voting-age high school students may not have a photo ID. They certainly—many of them—would not have a government check or a utility bill in their name. College students who live out of State could be affected by these provisions. Again, with one phone in a suite which six college students are sharing—there is no utility bill, no electricity bill in most college dorms. There are lots of students who don't have licenses, particularly in urban areas. What would they do? These are the kinds of people—young people—whom we most have to bring into the system and get into the habit of voting. Turning them away sends the wrong message at a time we can least afford it.

How about the disabled? Don't ask me; talk to the experts. The American Association of People with Disabilities explained:

> A photo ID requirement would place an onerous burden on the millions of Americans with disabilities that do not drive—

Obviously, many don't—

> or do not live independently, and do not have access to a utility statement or bank account with their name on it. Signature verification is needed as an acceptable form of identification for Americans with disabilities to protect their fundamental right to vote.

That is signed by Andrew J. Imparato, president and CEO of the AAPD.

One of the things my colleague from Connecticut has worked long and hard on, with great success, is making it easier for the disabled to vote. This bill does it. He did a fine job on that. It would be tragic to give with one hand and take away with another by not having the Schumer-Wyden bill added to the provision.

How about those who vote by mail? I am sure my colleague from Oregon and my colleague from Washington, who are cosponsors of this amendment, will discuss the impact of this provision on the mail-in voters, in which their States specialized. I point out that it would make this provision, without the Schumer-Wyden amendment, more difficult for people to vote by mail. In States such as Oregon and Washington, where voter participation has risen following increased reliance on mail-in voting, this provision could cause voter participation numbers to slide.

Finally, minority voters. Both a Federal court and the U.S. Department of Justice have held that photo ID requirements adversely impact minority voters. Don't listen to me, or even some of the advocates, if you may be dubious of them. What about a Federal judge examining this issue? Morris v. Lawrence held that:

> The burden imposed by this requirement will fall disproportionately on the Latin American community.

The Department of Justice, which has examined this issue, while enforcing section 5 of the Voting Rights Act, stated:

> The imposition of the driver's license picture identification requirement is likely to have a disproportionately adverse impact on black voters in the State, and will lessen their political participation opportunities.

I know if you come from a State that doesn't have a large urban area, you may think: Well, what are they talking about? Everybody has a driver's license. Everybody has a utility bill. The only reason to pass this is to allow people to defraud.

Absolutely not. Absolutely not. In my own State of New York, I have been very concerned as we have debated this bill and crafted this bill, as my good friend from Missouri knows from the many meetings we have had, that this provision could unintentionally disenfranchise many voters, particularly in a city such as New York City where people are less likely to have driver's licenses. Some members of my own staff—people who could not be more involved in the political process—don't have driver's licenses and could be prohibited from voting under this provision.

Let me give my colleagues a statistic. Of the 8 million people who live in New York City—obviously, some are underage, but not half, not close to half—only 3 million have driver's licenses. If you want to keep New Yorkers from voting, it is a good provision; otherwise, it fails on every level.

In fact, we have a system in New York that has been extremely successful at deterring voter fraud without creating new barriers for voters. So do many other States. That is why secretaries of state around the country are scratching their heads and wondering: Why won't we include signature and attestation as a way to allow voters to show they are the voter? We use signatures everywhere else.

When one cashes a check, a bank does not make them send in a utility bill or a driver's license. You can, yes. Can some people work and practice and try to forge a signature? Yes. We have counterfeiters. We have people who forge checks. But believe me—and I have talked about this with my good friend from Missouri—if someone is really out to create fraud, they can do it with a photo ID, and they can certainly do it with a utility bill.

In New York, our system of signature has been more successful, I would argue, than most other systems in preventing fraud. Here is how it works. Every voter in New York—not just first-time voters—is required to go through the following identification procedure—as my colleagues know, the bill only deals with first-time voters: When you register in New York, you must sign the registration materials. They are then scanned into a computer. The digitalized signature is then pasted into the poll roster.

On election day, each voter is required to sign the poll roster next to, but without seeing, the digitalized signature. Poll workers then compare the signatures, and if there is any question about the signature, the poll worker is authorized to challenge the signature. Poll workers do it all the time, and as a result, we have been able to prevent voter fraud without preventing eligible voters from exercising their rights.

New York is not alone. According to the GAO, 19 States and the District of Columbia use a signature verification or attestation procedure for verifying the eligibility of voters. An additional 22 States—that is 41 all together and the District—use a signature system in conjunction with something else.

This amendment serves a simple purpose. It allows those States to continue to use the signature procedures that they are effectively using now.

I say to my colleagues, this bill has very fine intent. It is to prevent the mistakes of 2000. In addition, it is to prevent voter fraud. I salute the Senator from Missouri once again—I did earlier before he was in the room—for working hard on those provisions, but its overall purpose is to make sure that people who are eligible to vote can vote and have their votes be counted.

It would be tragic if all the progress we made with so many of the other provisions in this bill were taken back by our failure to allow signature verification or attestation, and so many who want to vote would be refused from voting.

I say to my colleague from Missouri, as all of us who are in this profession, I am very interested in polling places, and I am always going around election time. I see the painful looks on people's faces as they wait on line, and in New York, one sometimes has to wait an hour to an hour and a half. Our voting machines are outdated, and we are trying to correct that in other parts of the bill. But working people have come from work, and I can see on their faces that they have to get home to the kids, and they have to wait on line and then they do not get to vote.

We do not want that to happen. Our amendment prevents that from happening. We do not want people to say because you do not have a driver's license or your own utility bill, when you show up that first time to exercise the very franchise that our ancestors have died for you are turned down.

The solution proposed in the Schumer-Wyden amendment of allowing States to use signature verification and attestation is effective, as proven by all the States that use it. It prevents fraud just as well as the existing provisions in the bill but does not have the very pointed disadvantage of preventing many eligible people from voting.

This is a bill that moves us two desperately needed steps forward: Increasing accessibility to the polls and preventing voter fraud. It would be a shame to include a provision in the bill that takes us one step back.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Missouri.

Mr. BOND. Madam President, it is a great disappointment that I rise to address this amendment. We worked for roughly 6 months in a bipartisan manner, which I previously described in this Chamber, to achieve a bill that truly does make it easier to vote and tougher to cheat.

Many of the ideas and concerns my colleague from New York raised were raised in those discussions, and we made provision to deal with all of those. It was on the basis of the changes and the agreements that we made that we supported this bill.

The Senator from New York has pointed out that maybe people' still cheat. Frankly, I would like to have more protections, and if the Senator is interested in building in more protections against cheating, I would be more than happy to work with him on it.

Simply put, if this amendment is adopted, this bill will make it easier to vote and easier to cheat. Certainly, that is not what we are here to achieve.

When the motor voter law became law 8 years ago, one major impact was to create the mail-in registration card. This section was part of the overall effort to make it easier to get people registered, and it has been used in many States.

However, because of fears even then that registration by mail could encourage voter fraud, a provision was also included that granted States the authority to require everyone who registers by mail to vote in person the first time after they register. Thus, the motor voter, or MVRA, included a provision for first-time voters which specifically granted States the authority to require those who register by mail and have not previously voted in that jurisdiction to vote in person for the first time.

To date, several States have used this provision, and now they require those who register by mail to vote in person the first time they vote.

Unfortunately, numerous States have also discovered since the enactment of motor voter and its mail-in registration requirement that a dramatic number of fake names, illegal names, and duplicate names have been registered. Unfortunately, St. Louis, MO, has become the current poster child for this abuse, but as I will show shortly, it is not limited to St. Louis or to Missouri.

In St. Louis this past March on the final day to register before the mayoral primary, 3,000 mail-in registration cards were dropped off. However, due to the controversies which occurred in the November 2000 election and the overall strain on the election board with just local races on the ballot, election officials did a thorough review of the cards. Some cynics say that maybe in St. Louis it is not important if you are voting for a President, a Governor, a Senator, a Congressman, but when you get down to voting for a mayor, that means jobs, and nobody wants to see cheats in a mayoral race.

Election officials did a thorough review of the 3,000 cards. Immediately, one official noted that a deceased neighbor of his was on the list. He subsequently discovered that a very well-known and highly respected former alderman, "Red" Villa, who had died 10 years ago, was reregistered, along with the deceased mother of another alderman. Might as well get everybody involved. Let's go through the whole ward. It appears that hundreds of the cards were filled out in the same handwriting.

If those people had been allowed to vote by signature affirmation, guess what. I bet the mail-in vote, the mail-in ballot, would have had the same signature that was on those phony mail-in registration forms.

The city attorney was brought in, then the U.S. attorney, as the number of phony-looking cards jumped into the thousands. The criminal investigation is ongoing. We hope maybe we will find out just how much fraud was attempted in the 2001 mayoral primary.

However, big problem: 30,000 cards were dropped off just prior to the registration deadline for the November 2000 election. They received no preelection screening, like nearly every other State in the country. We do not know how many additional false names, dead people, duplicate names, and even dogs are registered. We certainly know one famous St. Louis dog, Ritzy Mekler, the mixed-breed dog registered to vote several years ago. Here is the registration form: Mekler, Ritzy; with address; place of birth is Los Angeles; a Social Security number; date of registration is 10/4/94; and here is Ritzy's signature.

Actually, the Senator from New York goes a little further in saying a mark would be good, so Ritzy could just use a paw print. All he would have to do is affix a similar paw print.

I have a feeling whoever wrote Ritzy Mekler on that registration form probably could duplicate that Ritzy Mekler signature each and every time they wanted to vote. So Ritzy certainly would be advantaged if we got rid of the requirement that you show proof that you are a live human being before you are allowed to vote.

I tell my colleagues this only to get some perspective as to what it is in the underlying Dodd-McConnell amendment, the new requirement that those voters who choose to register by mail must prove, with some form of identity, an address. Whether they vote in person or by mail, they have to have some proof. It is not the absolute requirement that they vote in person, nor is it the absolute requirement that they provide a photo ID. But what we have learned the hard way in some cases over the past 10 years is that registering by mail and then voting by mail is a recipe for vote fraud.

Obviously, registration by mail makes it much easier to put fraudulent names on the voter lists. Voting by mail makes it very easy to vote these names illegally. Thus, after 6 months of work, we achieved the McConnell-Dodd compromise which sought to address this problem head on: How can we stop dogs, dead people, and people registering under phony names from registering?

Section 103(b) of the Dodd-McConnell substitute recognizes the fraud risks of mail-in registration coupled with mail-in voting. Thus, it creates a requirement that any voter who chooses to register by mail must provide some proof of identity at some point in the registration voting process. Proof of identity can be accomplished by any of the following: A current and valid photo identification. That could be a driver's license, or what you have to show if you get on an airplane, or what you show if you want to buy cigarettes or liquor. Most people have these.

But we didn't want to limit it to people who have a photo ID. So, No. 2, a copy of a current utility bill that shows the name and address of the voter. Or, No. 3, a copy of a current bank statement that shows the name, the address of the voter, or a copy of a current government check that shows the name and address of the voter, or a copy of a current paycheck that shows the name and address of a voter, or a copy of any other current government document that shows the name and address of the voter.

Thus, the point my colleague from New York made about the disenfranchisement brought about by requiring a driver's license, a photo ID, is not applicable. That is what we worked 6 long months to achieve. A voter who chooses to vote by mail to comply with the requirements, by enclosing a copy of any of the above with his or her mail-in registration; or, two, bringing a copy of any of the above to the polling place the first time they vote; or, three, enclosing a copy of any of the above with the mail-in absentee vote.

Now, it is a backstop. We even went further for voters who show up at the poll who have forgotten their ID. They have not brought anything. They can vote provisionally. They will be able to put in a provisional vote so we don't have to guess at the polls. They will cast their ballot. It will be set aside until it can be confirmed that they are a lawfully registered voter entitled to vote from that place in that State. When they are, it will be counted.

Madam President, we must keep in mind that vote fraud is accomplished in many different ways. Some are very simple. Some have been developed to a high art form in St. Louis. You can place false names on the voter rolls and vote them absentee. It is the easiest, usually the safest, particularly if the registration and voting are all done by mail. No sweat, no problem. Just sign. Have everybody write down their names. Under this system, I could register my colleague from New York. I certainly would not do anything unlawful. But he might wind up as a Republican voter in southwest Missouri with his mail-in registration and his signature which will match that registration on every ballot he casts thereafter.

Or, second, you can use out-of-date voter rolls and then move people around to vote repeatedly, using the names of people who died or moved or the false names that have been placed on rolls over time. Or you can run extra blank ballots through the voting machine at the end of the day or toss out boxes from key precincts. These are the simple things. We do not deal with all of them here. They are problems that afflict our system across the country.

For anybody who thinks it is just a Missouri problem, let me assure you the problem goes on nationwide. Let me give a sample of some of the things we have found from news articles. The Palm Beach Post, May 28, 2001, says that more than 5,600 people appear on a statewide list of suspected felons who voted illegally on November 7, 2000, 766 of them voting in Palm Beach County, 68 percent of whom were registered as Democrats. The Miami Herald, January 19, 2001, reports that 452 felons voted illegally on November 7, 2000; 343 were cast by Democrats, 62 by Republicans. The Miami Herald, January 24, 2001: 90-year-old Cora Thigpen voted twice in the Presidential election. I bet she would have liked to have voted more. I guess she ran out of steam after casting a second ballot. But hers was one of more than 2,000 illegal ballots cast in the election by Floridians who signed affirmations swearing they were eligible to vote but were not. Poll workers never checked, ignoring county rules that were intended to combat fraud. One poll worker pointed out:

> There are really no safeguards. This system is set up to allow people to vote.

The Florida Sun Sentinel, January 17, 2002, points out that at least 162 ballots in Duval, 200 in Volusia, 43 in Pinellas County were from voters who were ineligible. The newspaper points out that providing false information for a vote is a felony but prosecutions are rare.

Moving over to Texas, the Houston Chronicle reports that in 1991, a special election in Harris County revealed that in precinct 85 where the election judge hired six relatives as clerks, 600 ballots were counted even though only 316 voters had signed in to vote. After the 1992 Presidential election, the vote registrar found that 6,707 illegal ballots were cast in Harris County. Prosecutors contend that voting violations are almost impossible to prosecute because the law is set up only to encourage participation in elections, not to prevent voter fraud.

Moving closer to where we are now, in Virginia, the Washington Post, on November 10, 1998, said 11,000 ineligible felons and nearly 1,500 dead people are registered to vote in Virginia, according to State auditors. In the previous November's election, 1,700 felons voted along with 144 dead people. That is quite a theological accomplishment for Virginia.

State and national election specialists were quoted in that article as saying that part of the problem in the Federal motor voter law, which is designed to make it easier to register to vote, is that it also makes it tougher to protect voter lists from fraud and error.

In Wisconsin, January 21, 2001, the Milwaukee Journal Sentinel said 361 felons were found to have voted illegally in Milwaukee on November 7. A review found that there were virtually no safeguards or notification requirements to prevent or discourage ineligible voters from participating. It is basically an honor system. When fraud is discovered, officials say it is rarely enforced.

California has its own problems. I won't go into all of them. February 1, 2002, the California Journal noted that north California artist Judith Selby, who often scours the beach looking for ingredients for her artwork, found a lid from one of the 63 missing absentee ballot boxes. She recognized the importance of it so she turned the castaway ballot box into an artistic poster entitled, "Cast Your Vote—Away."

In Colorado, a Saudi man detained by Federal authorities for questioning about the September 11 terrorist attacks voted in Denver during last year's Presidential election, even though he was not a U.S. citizen. The Denver city clerk and recorder said it is hard for election officials to discover if someone lied about their citizenship unless someone complains.

In North Carolina, a Pakistani man facing a vote fraud charge has been linked to at least two of the September 11 hijackers.

In Indiana, an examination of inaccurate voter rolls shows that tens of thousands of Indiana voters appear more than once, according to the Indianapolis Star of November 5, 2000. More than 300 dead people were discovered to be registered. One woman who died in April 1998 was found to have voted in the fall election.

Motor voter was partially to blame because it allows people to register to vote, but it is far more difficult to rid the rolls of invalid names.

Of course, there are our good friends in Alaska. According to an FEC report, Alaska had 502,968 names on its voter rolls in 1998, but the census estimates that only 437,000 people of voting age were living in the State that year.

How would the Schumer amendment work? Let me go through this for you. A vote fraud planner fills out numerous false names, uses his or her own address as a return address. Typical would have been multiple names at the same address in one household. This is a drop-house scheme. It is identified by the secretary of state in Missouri as one of the more recently used schemes in Missouri. Eight or more adults registered from a single family residence makes us a little suspicious that there may be some phony registrations there.

Under current law in Missouri, as in most States, these new voters request absentee ballots, and just like that fraudulent voters are registered and fraudulent votes are cast, with the same person signing the fraudulent registration and signing the absentee ballot. It works like clockwork.

Under the original compromise bill, the Dodd-McConnell amendment, this huge loophole is eliminated by the simple proposition that if you register by mail, you need to provide an ID before you vote the first time. You can provide the ID in person or by mail, but you must provide an ID. The bill is very careful to provide numerous options for the ID: Driver's license, other photo ID, utility bills, bank statements, government checks, or other documents—something to show name and address and existence. It is pretty simple, common sense.

Is there a real live person behind the name? Or is it a dog? Or is it a dead person? Or is it somebody conjured up to be a ghost resident in your drop-house location?

Under the amendment being offered by the Senator from New York, all you need to do is use the same handwriting you did to register falsely and you will be able to vote falsely. As I said, Ritzy Mekler could have done it. She got herself registered. Somebody filled out the card. As long as somebody went to the trouble to get the dog registered, follows up and signs Ritzy's name, pretty much the same way when she votes absentee—no problem. Ritzy's vote counts.

Sometimes debates are complicated and intricate. There are provisions that we worked through in this bill that are very difficult. We worked hard to straighten them out. But this one is very simple.

Vote fraud is occurring. People are trying to cheat to win elections. The Dodd-McConnell bill takes some basic, commonsense steps toward eliminating some of the most obvious fraud. The Schumer amendment says: No, we need to keep these fraud options open. We need to make drop-house schemes easy. We need to keep voting franchises available to dogs—maybe even cats.

For those who wish to protect the status quo, the Schumer amendment does just that. It guts section 103(b) protections in two ways. First, it adds two additional methods to comply with the in-person voting requirements, thus effectively abandoning the voter's responsibility to provide some independent proof of his or her identity. Instead, the Schumer amendment would simply require the voter to sign an affirmation that they are who they say they are. It would also require the State and precinct to set up a verification system that would compare the signature of the individual with that of his or her registration document—as another alternative.

Ritzy Mekler's signature would be scanned into the machine so we would know that whoever signed Ritzy Mekler was really signing Ritzy Mekler the next time the dog voted.

Second, for those who vote by mail, the voter would have no responsibility to show proof of identity, as none would be required from the voter. The State would instead have to set up a signature verification system that would, again, match the voter's signature on their ballot with that on their registration card.

Taken together, these provisions eliminate the proof of identity requirement which is the backbone of the antifraud protection. But it appears to me that the Schumer amendment would actually go beyond gutting the identity provisions, as the scheme would roll back the efforts by several States to require first-time voters who register by mail to only be allowed to vote in person the first time after they register.

These States: West Virginia, Virginia, Tennessee, Michigan, Illinois, Nevada, and Louisiana, will have their efforts completely undercut by the Schumer amendment.

Why have we not heard stories from these States that have shown that the groups the Senator from New York mentioned have been so terribly disadvantaged, such as the elderly voting in West Virginia, Virginia, Tennessee, Michigan, Illinois, Nevada, and Louisiana? I think their system makes common sense. St. Louis City, after the threatened vote fraud in the mayor's race in March 2001, required people to show up with a photo ID with their address on it. Nobody complained. As a matter of fact, the citizens in St. Louis may have had an honest election. It was a show stopper. The media watched closely. They congratulated them, and it worked. I did not hear that people were disadvantaged.

The Schumer amendment would actually protect the law—the drop-house scam, one of the most common vote fraud schemes used today. As I said, this scheme is when one individual fills out registrations for multiple names at one address. Then that same individual requests absentee ballots for all of those names and votes all of those names in the privacy of his or her own home. How simple is that?

The Schumer amendment and those who vote for it are simply saying go ahead. Drop-house schemes would now be specifically protected under Federal law as States would not be required to allow the new mail-in to register to vote in person, nor would they be allowed prior proof of identity. The drop house is free and clear of any commonsense scrutiny by speeding that provision into States that now take some steps to prevent it.

But this is serious business. This amendment makes a mockery of the business. Americans across this country follow the rules. They fill in applications honestly. They provide an identification. They stand in line. They are not afraid of hard work, and they care deeply about this country.

As the Missouri Court of Appeals said when it struck down an illegal voting scheme to keep the polls open after closing time in November 2000, it is just as much an important part of your civil right to cast a vote as to make sure it is not diluted by having your vote canceled by somebody who votes illegally.

The end does not justify the means. If you think it is important to win an election in any way rather than win it fairly, then maybe this is something you want to keep open—these loopholes. I don't.

I have listened to an awful lot of people in Missouri who want to get out from under the shame of what the media has shown to have occurred in our elections.

In most of the country, everyday folks—folks you see at the coffee shop, the folks you see at the nursing homes—I talk to them. They express concern. They do not understand when you try to explain to them that it was just too much to ask of a voter who chooses to register by mail to actually provide some proof of who they are and where they live at some point in the process.

So the choice is clear. The choice of the Schumer amendment comes down to the question: Do we want to protect the honest voters from those who would cheat them or do we protect the rights of dogs and the dead to register to vote, the people who operate the drop-house schemes, the people who operate all the other phony mail-in registration schemes to continue to steal votes? What is the most important action we take as citizens in a republic? It is to cast our vote.

I hope my colleagues will join me in rejecting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I yield the Senator from Oregon, my fellow sponsor of this amendment, as much time as he may consume.

Mr. WYDEN. Madam President, I never had the chance to negotiate with the distinguished senior Senator from the State of Missouri. But I can tell him that despite his strong views on the subject, I never would have agreed to the photo ID provision in any negotiation because I believe this provision is a poison pill that is going to silence the political voices of seniors, the disabled, young people, and minorities from coast to coast.

The distinguished senior Senator from Missouri talked about discussing it with nursing home residents. Let us talk about that for a moment.

I was director of the Gray Panthers for 7 years before I was elected to the House of Representatives. I served on the aging committee there, and I serve on the aging committee here. I have dedicated my whole professional life to the cause of senior citizens. I can assure the distinguished Senator from the State of Missouri that there are not any nursing home residents in this country asking to be taken to the copy center to make Xerox copies of driver's licenses or other documents. That is just not going to happen. Many of the seniors are voting by mail because physically going to the polls is hard for them. Forcing seniors to get to a library or a copy center to photocopy an identification card would be just as hard as a trip to the polling place.

I don't think the principal way to stop voter fraud is to make it harder for Americans to vote. The way to deter fraud is to go after it early, when people fraudulently register to vote, and punish it hard. That is what this bill does. That is on what the State of Oregon is focusing. If someone submits a false Federal photo ID or a utility bill, or if somebody attempts to register a cat or a dog to vote, the time to catch them is at the beginning, at the point of registration. It will be a lot more difficult once the registration is in.

In Oregon, those who falsify their registration face up to a $100,000 fine and/or up to 5 years in prison and the loss of their vote. It is a pretty stiff penalty for registering a dog. There are cases outstanding now from the last election.

I tell my colleagues that I think there is also a question, if one really wants to go after fraud. The way my State thinks they can best deter fraud is, Why not figure out a way to make the registration provision kick in in 2002? I think there is a real question about how it is that the registration provision really isn't kicking in until 2004. I think that was an opportunity, had it been sped up, to really meaningfully go after fraud and do it in a way that would not deter voter participation.

The new photo ID or proof of address requirement for first-time voters is going to create many more problems than it will solve. How will the election monitors know exactly who is the first-time voter and whom they should ask for a photo ID? What if only 5 people out of 50 in a line in a polling place are singled out to produce that photo? What if the utility bill that Mabel Barnes brings to the polling place lists her as "M. Barnes" and the election monitor says, How do I know the "M" doesn't stand for "Mark," and they reject the identification? What if Mabel Barnes is an elderly widow who lives with her daughter, has no driver's license, has no accounts in her name, and has her Social Security check directly deposited to her daughter's bank account? In that case, Mabel Barnes, the senior citizen, wouldn't meet the necessary requirements for the first-time voter in the bill.

I say to my colleague, the distinguished senior Senator from Missouri, that he may be talking to nursing home residents in his State, but I will put my 20 years of working with older people, going back to those days of the Gray Panthers, on the line here and say in the most sincere way that I can that I think this bill's photo ID provision is a poison pill. It is going to disenfranchise an awful lot of seniors. I do not know of any nursing home residents in this country who would be asking to be taken to a copy center if this were to go forward. They are going to be disenfranchised. That is a reality of the provision.

I would like to take a couple minutes to explain Oregon's pioneering vote by mail system so my colleagues will get a sense of why section 103, if left unmodified, would be so damaging to States such as Oregon, and other States that rely on mail-in ballots such as Alaska, New York, and Washington.

I also say to my colleagues, I guess it is worth noting that I am the first mail-in U.S. Senator. I am the first Senator ever elected exclusively by mail in a campaign that was very close with my colleague, my friend, Senator SMITH. By the way, Senator SMITH did not cite any evidence of voter fraud in that very closely contested election, to his credit. Many certainly pushed him to do it, and he did not because our system is working.

Enacted by nearly 70 percent of the voters in the 1998 general election, Oregon's vote-by-mail system does not need fixing by the Federal Government. Our voter registration card already includes an oath swearing the signer is a U.S. citizen. Submitting a false registration is a class C felony carrying a penalty of up to $100,000 or 5 years in prison. The same penalties apply to anyone who knowingly votes twice or whose signature cannot be matched with the signature on file with the county clerk.

Oregon's counties verify the signature on each ballot return envelope to the original signature on the voter registration card. Because ballots cannot be forwarded, Oregon's voting rolls have been clean.

In the 2000 general election, out of 1.9 million registered voters, about 1.5 million cast votes, about 80 percent. Of the 1.5 million votes, the counties referred a number of ballots to the secretary of state, close to several hundred. In five of these cases, there was enough evidence for the State to prosecute. The remaining 187 votes were not counted because Oregon requires signature verification for counting the vote.

Since the 1996 May primary, 13 cases of fraud have been prosecuted; convictions won in 5, and 8 cases still pending.

So we want to make it clear that in our State, which has pioneered this innovative approach so popular with seniors and working families, and many who live very hectic and busy lives, the signature authentication system has proven remarkably good at detecting and deterring fraud. Despite that record, this bill, this legislation, says that that system is not good enough.

The photo ID requirement would also be expensive for the States that use voter signature. Election officials at home in Oregon tell me they know of no State that has an easier and more inexpensive way to figure out just who is a first-time voter.

So let's just think about the ramifications. We all—Democrats and Republicans alike—want to encourage young people and first-time voters, those who have not participated in the political process, to participate. So here we are, at a time when it is already difficult, according to the election officials, to try to keep track of who is a first-time voter, and we now have a bill that will make it even tougher to address these issues because of the added expense.

If the provision were in effect, each time a new voter registered in a county, the county clerk would have to call the clerks—at least in my State—in the 35 other counties to determine whether the person was still registered there. Oregon is working to develop a centralized voter registration system, as the bill calls for, by 2004. But it is going to cost about $7 million to do that.

So here is what is going to happen this fall at polling places across the country if the poison pill that is this photo ID provision remains in the legislation.

Millions of first-time voters who register by mail in 28 States will get up on election day and go to the polls to vote. They will wait in line. And when they finally get to the front, they will be asked for a copy of their utility bill, their bank statement, or a valid photo driver's licence. Suppose they walk to the polls or share an apartment where the utilities are all under a roommate's name? They will not be able to satisfy that new requirement. They will go home. And I think any Member of the Senate who thinks those people are going to come back is just not talking to those people or to those election officials who have worked closely with them.

The photo ID requirement in the bill also applies if you registered by mail and you are a first-time voter in any jurisdiction. That means that a voter who lived in a part of Salem, OR, who was in Marion County and moved to West Salem and Polk County, and was voting there for the first time, would have to mail in, with their ballot, a copy of a photo ID or a bank statement. If they voted at a polling place, they would have to show a proof of identification. Without the photo ID, an otherwise eligible voter would be turned away and would probably not come back.

Some might say not to worry because there is a provisional ballot. However, every first-time voter who is turned away at the polls this November is not going to be able to use provisional ballots because under another section of the bill provisional ballots do not take effect until 2004.

The defenders of this provision claim they want every vote to count, but, in my view, this requirement almost guarantees that seniors, the disabled, minorities, and others are going to be disenfranchised from coast to coast.

My colleagues, it seems to me there is a lesson from Florida that is relevant to the debate tonight. What the message from Florida was all about is that the elections process needs to be simplified. It needs to be made less complicated. The photo ID requirement is going to take the elections process across this country in just the opposite direction and make it more complicated.

My State is not alone in its opposition to the photo ID requirement because of the damage the provision would cause, and cause nationwide.

The provision, in my view, is going to work a hardship on minority voters. In fact, last November a Federal court ruled against an identification requirement used at a polling place in Massachusetts, finding that:

> The burden imposed by this photo ID requirement will fall disproportionately on the Latin American community, thereby violating section 2 of the Voting Rights Act.

There is a reason that this coalition of groups of seniors and minorities and a variety of organizations that have worked to expand the franchise is opposing this legislation. They want to see us expand the franchise. They want to deter fraud, but they do not want to deter voting.

I say to my colleagues, supporting this amendment is going to allow 27 States and the District of Columbia to keep their voters' signature or attestation systems, but even more importantly, it is going to protect an approach, a system for voting to which more and more Americans are attracted. More and more Americans like the appeal and the convenience of this way to vote.

In my view, putting a photo ID system in place at the end of the line, at the very end of the process, rather than taking strong steps to discourage fraud at the outset of the process, when a voter registers, is not the way to go. We ought to be taking steps that are cost effective, that are practical.

I know my colleague from Missouri is sincere in his views. I wish I could have been part of the negotiations that took place in committee because I would have brought to the Senator from Missouri and the Senator from Kentucky some of the senior citizens with whom I have worked over the years, some of the seniors with whom I have worked in the Meals on Wheels programs and in nursing homes. They are not going to be able to comply with these provisions. These are folks who are having difficulty reading existing government forms.

My goodness, we all hear from seniors who are having difficulty reading some of what is on a pill bottle. And my colleague has said that these are people who are going to be able to go out and find Xerox machines and copy centers and the like. It is just not going to happen.

It is not a debate about my colleague's sincerity. I know he feels strongly about these views. This is a debate about the real-life provisions of this legislation and the hardships that are going to be caused by this photo ID provision. In my view, it is in fact a poison pill that does great harm to an otherwise very good bill that the distinguished Senator from Connecticut and the distinguished Senator from Kentucky have put together.

I hope my colleagues will vote for this amendment. It has great ramifications for the electoral system in our country. I strongly urge the support of the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Madam President, I rise this evening to oppose the Schumer amendment. I think my good friend from New York underestimates Americans. The greatest example of why we vote is in his little domain. It is called Ellis Island, a wonderful place to visit. I recommend all Americans do it.

See the photographs of people who came from everywhere, some having everything they owned in a little bag, not very much money, not speaking the language, not understanding the system, really not knowing what kind of a land this was. It took a lot of get-up-and-go to do that.

The bottom line was freedom—freedom and opportunity. They knew in their own hearts, after they had not been here very long, that that freedom and opportunity also demanded responsibility. They didn't ask if there was a health plan. They didn't ask if there was a minimum wage. They didn't ask for anything. They just wanted that freedom and opportunity.

Here is where I think we underestimate Americans. If you go down and want to pick up tickets to the theater or to a sporting event and they are in "will call," they require a photo ID, don't they? We all fly on airplanes. Yesterday, after Salt Lake City, I don't know how many more lines I want to stand in. But most of us fly on airplanes. If you don't have a photo ID, are you going to get on? No, sir. You step up there. You pull out your little ID before you can even get in to the gate area. I did that.

We all have new ID cards here. Some of you might have noticed; some of you might not. I pulled mine out the other day and gave it to the one doing the screening. She looked at it. She said: "I don't recognize that kind of an ID card."

I said: "Well, it has on there what I do. It has a picture of a nice-looking fellow and a number."

"It doesn't make any difference. I don't recognize it."

I put that one back. I pulled out one for Sam's Club. That one worked good. I went right on through.

Most of the seniors I know vote absentee if they can't make it to the polls. They preregister. They understand what voting responsibility is and how precious most Americans think that right is to vote.

By the way, I am getting tired of going through these detectors wearing boots because I always have to take them off. They have steel shanks. That requirement has cost me seven pairs of socks. I can't have holes in them anymore, and they have to match.

The seniors in my State of Montana notably have one of the largest percentages of votes in every Federal election. They get absentee ballots. My good friend from Oregon, I am sure, has a mail-in ballot. That is kind of a mail-in absentee. It has to match a registration somewhere. There has to be somebody there.

What this bill requires is the validity of a person. I had an amendment that was rejected by this body—I still think it was a good amendment—that we could purge our lists every 4 years instead of, as this bill requires, every 8 years. Those counties that have universities and institutions of higher learning carry an enormous list of students who desire to vote in that county, and those names have to be carried for 8 years.

I do not have one election administrator in one county out of the 56 in Montana who really thinks they can embrace this legislation at all because there are some mandates in here that maybe we can't comply with.

Let me give an example. We don't have electricity or running water at every polling place in Montana. That is hard to believe, is it not? We have old, abandoned country schoolhouses still used for polling places. But they don't hold school there anymore, so they fire up the old stove and take their lanterns. That is where they vote. And if something comes up, you know everybody in the county. The county is probably as big as Delaware and only has 1,800 people. Everybody knows everybody anyway. There is very little room for fraudulent votes.

What we are saying here with this legislation is that we don't quite trust the American people to do some things for the privilege and the right to vote. If they really want to participate in the political process, they will do all the necessary things.

You are not registered to vote. Would you like to register to vote? Well, I would. So they fill it out. Who mails it in? Usually the guy who is working the neighborhood. That could be me.

The seniors I know and the people I know who have a hard time making it to the polls vote absentee. We forget about this. We go into this debate every time.

I am saying we are talking about something that may be very important, but I don't think it is important because we have underestimated the American people. You never want to do that.

They know what the proposition is. They understand what it is to register to vote. They pay taxes in that county or that township. They protect their right to speak through the polling box. Don't underestimate them.

Everything we do, everything we do, from picking up tickets for the theater or a sporting event or anything else, requires that photo ID. I would admonish anyone to go out and tell anybody, from the first-time voter through the oldest voter, that they can't vote, because they can find ways to do it—register by mail, absentee.

I have to believe what we are trying to do here is to maintain the status quo. We leave ourselves open, with these huge lists, to fraud—we invite it, in fact—when it boils down to the responsibility of each and every citizen to be in a position to vote.

So I ask that this amendment of my good friend from Oregon—and we know each other's States very well, and we also understand the people there very well. I venture to say you would get a higher percentage of voter turnout in eastern Oregon than you do in western Oregon. They know the responsibility, and they understand it, and they welcome it.

So I hope my colleagues will vote to table or defeat this Schumer amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I thank the Senator from Montana for his observations. He certainly makes the point well that what we are asking here in the underlying bill—insisted upon by Senator BOND—is not at all unreasonable.

I heard the Senator from Oregon talk about the failure to pass this amendment being a poison pill. Let's make it clear what the poison pill is. The poison pill is passing this amendment, which unravels the core bill that was negotiated over a lengthy, and sometimes painful, process of many months. If the motion to table the Schumer amendment is not agreed to, then I fear passage of this bill is seriously in question.

As the Senator from Missouri and the Senator from Montana have pointed out, requiring identification is not unusual. I thought I heard the Senator from Oregon talk only about photo ID, and I will defer to my friend from Missouri. Is the Senator from Kentucky correct that a photo ID is only one of a number of different options that could satisfy the antifraud provisions insisted upon, and agreed to, in the underlying bill?

Mr. BOND. Mr. President, to respond to the Senator from Kentucky, this in fact was one of the areas we negotiated for a long time. There is no single requirement that you must have a photo ID. We provided all of the options for other forms of identification that are set out in the bill. I respond further to the Senator from Kentucky that the U.S. Department of Justice, Assistant Attorney General Carl Thorse, for Daniel J. Bryant, advises:

As to acceptable forms of identification, by the Department's reading, voters lacking photographic identification may nonetheless meet the requirement by presenting utility bills, bank statements, government checks, paychecks, or "other government documents" showing the name and address of the voter. Nothing in the Department's preclearance activities or other experience implies that minority voters would be less able than other voters to provide at least one of the documents accepted under this flexible requirement.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 26, 2002.

Hon. CHRISTOPHER S. BOND,
U.S. Senate,
Washington, DC.

DEAR SENATOR BOND: This letter responds to your letter of February 21, 2002, inquiring about the Department of Justice's ("Department") views on whether a covered jurisdiction, which implemented a change in voting procedure consistent with proposed Section 103(b)(2) of S. 565. would thereby violate Section 5 of the Voting Rights Act, 42 U.S.C. §1973c. We interpret proposed Section 103(b)(2) as requiring persons to provide photographic or other identification, in certain circumstances, as a prerequisite to voting. [See below.] As discussed further below, assuming preclearance were needed for such a change, in the Department's view a change in voting procedure requiring voters to provide documentation of identity does not necessarily have the purpose or effect of denying or abridging the right to vote on account of race or color. Far from automatically violating Section 5, identification requirements can be an efficient and effective means of combating voter fraud.

Initially, we assume for the purpose of this letter that Section 103(b)(2) of S. 565 would require a change in pre-existing voting "qualifications, prerequisites, standards, practices, or procedures" cognizable under Section 5. It is far from clear that a federally mandated change in voting procedure, which granted the covered jurisdiction little or no discretion in implementing the change, even would be reviewable by the Department under Section 5. See, e.g., *Young* v. *Fordice*, 520 U.S. 273, 285–86 (1997). By the Department's reading, proposed Section 103(b)(2) appears to vest almost no discretion in local officials with regard to identification requirements; the forms of acceptable identification, for example, are enumerated in the statutory text.

Assuming for purposes of this letter that proposed Section 103(b)(2) is even subject to Section 5 review, we first note that, in responding to your letter, we have not examined the voting systems currently in place in all covered jurisdictions, and we reach no conclusions as to whether those systems are now compliant with proposed Section 103(b)(2), or whether any change in a particular jurisdiction would require Section 5 preclearance. After reviewing the text of proposed Section 103(b)(2), the Department concludes that, as written, nothing in it would require an objection under Section 5. First, identification is required for all voters, and the accepted forms of identification are designated (§103(b)(2)(A)(i)). Moreover, provisional balloting is provided for those who lack the required identification on election day (§103(b)(2)(A)(ii)). As to acceptable forms of identification, by the Department's reading, voters lacking photographic identification may nonetheless meet the requirement by presenting utility bills, bank statements, government checks, paychecks, or "other government documents" showing the name and address of the voter. Nothing in the Department's preclearance activities or other experience implies that minority voters would be less able than other voters to provide at least one of the documents accepted under this flexible requirement.

Thank you for giving the Department the opportunity to express its views on this important issue. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

DANIEL J. BRYANT,
Assistant Attorney General.

Proposed Section 103(b)(2) of S. 565 states in relevant part:

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification; or

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other Government document that shows the name and address of the voter; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification; or

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under Section 102(a).

(3) INAPPLICABILITY.—Paragraph (1) shall apply in the case of a person—

(A) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits as part of such registration either—

(i) a copy of a current and valid photo identification; or

(ii) a copy of a current utility bill, bank statement, Government check, paycheck, or Government document that shows the name and address of the voter; or

(B) who is described in a subparagraph of section 6(c)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)(2)).

Mr. McCONNELL. Mr. President, I thank the Senator from Missouri. He pointed out clearly that the photo ID is only one of a number of acceptable options. The goal is not to deny people the opportunity to vote, but to verify there are actual people who are voting. The notion that somehow it is an onerous requirement to provide photo ID is, frankly, absurd on its face.

I have behind me an advertisement that appeared in the Washington Post recently. It is an advertisement for a cell phone. It says: "Add Nextel to your holiday list." In the ad it says: "In-store purchases require at least two forms of valid identification." That is, to buy a cell phone, two forms of valid identification are required.

Now the sanctity of the vote, the sanctity of the ballot, voting only once, and being a legitimate voter are considerably more important than the purchase of a cell phone. There is almost nothing of consequence you can do in our society today without providing some kind of ID. The Senator from Missouri has been quite generous in providing a number of different options, not just a photo option, which obviously would be the clearest way to make certain that the first time registrant was indeed a person who did live where he was being registered. But the Senator from Missouri was quite generous, I thought, in providing a number of different options to meet that requirement—short of a picture ID.

Secondly, referring to another chart, we have a voter in Maryland—these are two long-time registered voters in Maryland. One is a person named Mabel Briscoe, 82, and the other long-time registered voter in Holly Briscoe, her terrier. Mabel finally got caught, and they gave her community service instead of jail time because she indicated she was trying to make a point in registering her terrier: that they had an absurd registration system in Maryland.

Now surely the Senate is not going to pass an amendment that makes it easier to register to vote than to buy a cell phone. The sanctity of the ballot is extremely important in this country. As the Senator from Missouri said repeatedly, we want to make it easier to vote—but vote only once—and harder to cheat.

So this amendment is the poison pill. It is the deal breaker. If this amendment passes, this bill is in serious trouble. These provisions that the Senator from Missouri negotiated and insisted upon have made this a much better bill and have given it an opportunity to pass on a bipartisan basis. To break faith with the core compromise in this bill, I fear, renders it unfit for passage. That is how serious this vote is.

We are not going to have much time to debate it in the morning. There are not many of our colleagues around tonight. But there is no way I can underscore, as somebody who cares deeply about this bill, that it should pass. It bears my name in the second position, along with the Senator from Connecticut, and I think it moves us in the right direction. I will be darned if I will be party to unraveling the critical elements of this bill that were negotiated by the Senator from Missouri. These elements, which go right to the very heart of our democracy, are that you are only entitled to vote once—and you need to be a person. Nobody has referred yet to "60 Minutes," but they ran a segment within the last year or so. I happened to catch it one night when I was watching television. It was about the current situation in California, where there have been a number of different animals that have registered and voted repeatedly under the current system.

We made it a lot easier to vote a few years back. We certainly made it a lot easier to register. It didn't have any impact on turnout. So now we have these voluminous voting rolls all across America. It is pretty hard not to be registered to vote. All the Senator from Missouri is asking here is that there be clear evidence that a first-time registrant be a real person who is eligible to vote and actually living at the address. I don't think that is asking too much.

I certainly hope that tomorrow, when a motion to table is made, it will be successful. Otherwise, we will still be debating this amendment for quite some time.

I thank the Senator from Missouri again for his important contribution to this bill in the antifraud area. I think it is a core part of the underlying bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I enjoyed listening to the debate from my colleagues from Kentucky, Missouri, and Montana. I say at the top of this that I respect their views and where they are coming from. I don't believe there is any ill motivation. Some would say, well, they really don't want people to vote, or whatever else. I don't buy that. I don't think that is fair. But I would make a couple of observations.

As I was listening to the debate, something struck me.

First, we have a little bit of an obsession of dogs voting. I do not think that is bringing down our system. I say to my friends from Kentucky and Missouri, if someone wants to go out of their way to sign their dog's name, they can very easily, under the proposal of the Senator from Missouri, put their picture in there. The owner of Ritzy could put his or her—I do not know if it is a his or her, the lone Ritzy—could put their picture ID in the envelope and then vote.

We cannot stop people who are totally committed to being fraudulent from doing that. There is no system that will stop everybody. Whether our amendment is adopted or not, whether even the original amendment of the Senator from Missouri is in there or not, the .001 percent, who for their own sick reasons want to have two votes or have their dog vote, are going to get around this provision, and they can easily get around the amendment of the Senator from Missouri. Ritzy can. This nice lady from wherever she is can. We know that.

Let's not say because there are a few people who are totally driven to commit fraud—and they will, and they should be prosecuted. This bill, to the credit of the Senator from Missouri, does a lot to minimize it, particularly the voting rolls provisions which everyone has talked about but will change in this bill unless it does not become law. That is the No. 1 way to stop it. We know that some people are going to commit fraud.

What I am befuddled by is the argument that because a few people will commit a ridiculous type of fraud and can whether or not the Schumer-Wyden amendment is adopted, that we should disenfranchise probably millions, certainly hundreds of thousands of people.

I noticed who the Senator from Kentucky and the Senator from Montana were talking about in their debate: Average folks.

I have a cell phone. I shut it off because I am in the Chamber. Sure, if I wanted to go to Nextel and get a cell phone, I have two or three photo IDs in my wallet. That is not at whom this bill is aimed. I am going to be able to vote easily.

We are talking about people who have a rough time voting. We are talking about realizing the American dream. We are talking about people who do not go to airports regularly and check in and show their photo IDs. Those are not the people who need the help.

We are talking about struggling people who cannot afford a car, do not fly in an airplane, do not own a cell phone, and certainly those who do not have their photo IDs, their United States Senate card, which is given to us so we do not have to do any work for it. As the example my friend from Montana uses: I got my photo ID. Yes, he does; he has a Senate card whether he drives or not.

There are millions of Americans—immigrants, poor people, elderly people, disabled people—who do not have that. Should they be disenfranchised because of Ritzy and Ritzy's owner?

This is not a zero sum game. That is a bogus argument.

The Senator from Connecticut and the Senator from Kentucky, to their credit, along with those others of us who were on for the ride, were looking at people who have a rough time voting because they live in the corners of American life, but our Constitution says their vote is every bit as important as ours, even if they do not have a cell phone, even if they do not fly in a plane regularly, even if they are not a Member of the Senate. There are millions of them, not 10, not 20.

They do not want to vote twice, and they do not want their dogs to vote, but they want to vote. That is what we are doing tonight. We are allowing them to vote. We are allowing the people in the corners of America who struggle, who have enough trouble—they cannot make a political contribution; oh, no. They cannot travel 30 miles to see their Congressman, their Senator, their assemblyman, their State senator. Oh, no. They do not have time to sit at a computer and write a letter to a newspaper. Oh, no. They are too busy trying to eke out a life, and are we to say to them: We are going to treat you just as the guy making $150,000 who flies around the country, who owns two cell phones, who has photo IDs in his pocket, we are treating you the same?

It is very easy for my good friend from Montana, again with best of intentions, to say that it is a responsibility to vote and we should put as many barriers in the way as we have to, to eliminate every last fraudulent voter before they can vote.

That is not the balance this bill seeks, in my judgment. The balance this bill seeks is, yes, prevent fraud and do things that do not unnecessarily disenfranchise people. Cleaning up the voter rolls is not going to disenfranchise people, especially with provisional voting. Do not do things to disenfranchise those who are different because they are generally poorer or disabled or older.

Let's make no bones about it, the outcry that occurred in Florida was not because of fraud. It was because of disenfranchised voters. For one reason or another, they could not vote. It was because we found in so many poor districts a number of people who could not somehow exercise their constitutional right to vote, every bit as protected by our Founding Fathers as yours and mine. They could not vote. That is what this bill is about.

When the Senator from Missouri came to us and said: Let's also try to knock out fraud because that is important, the Senator from Connecticut wisely said: He is right. But there has to be a balance, and if to knock out every Ritzy you are going to disenfranchise 100,000 people because they do not have a cell phone and they do not fly in the planes and they cannot just pull out of their pocket a voter ID card, then you are creating the wrong balance.

I do not think I buy this, but I have heard it from my colleagues and many others, if the Schumer-Wyden amendment is not adopted, the balance in this bill is such that a lot of people are saying the heck with it. The Senator from Oregon is right.

The Senator from Kentucky said if this amendment is adopted, it will slow down the bill. What? We are going to see a lot of amendments to slow down the bill? I will tell my colleagues something. The whole goal of this bill was not an antifraud bill, it was not to disenfranchise, it was not to make it harder to vote, it was to make it easier to vote and, at the same time, as a corollary, try to eliminate fraud, not eliminate fraud and, at the same time, as a corollary, try to make it easier for people to vote.

Again, the lady in that picture, Ritzy, whom we have heard a lot about, Ritzy is going to find a way to vote illegally, incorrectly, whether we have this amendment or not. Again, I repeat, all the owner of Ritzy has to do is put a photo ID in that envelope. So do not make it like this amendment allows that fraud to be created.

What allows that fraud to be created is, again, someone resolute on doing it will do it. I think the proposal of the Senator from Missouri, again, done with good intention, throws out the baby with the bath water. It disenfranchises so many who are not typical middle-class Americans, and I ask my colleagues to think about that; not to say, me and my 20 best friends, we can vote easily.

The only reason we would not want a photo ID is because we would be committing fraud. That is right, but that is not true of a poor person who does not have a car and does not have a phone and does not own a home. It is not true of a disabled person who cannot drive and cannot operate their own bank account. It is not true of an elderly person who has to have most of their things done for them by somebody else.

Yet our Constitution—not CHUCK SCHUMER, not RON WYDEN, not CHRIS DODD—says their right to vote is every bit as sacred as ours. And that is what this bill seeks to protect.

Mr. McCONNELL. Will the Senator from New York yield for a question?

Mr. SCHUMER. Yes, I will yield to the Senator from Kentucky.

Mr. McCONNELL. Would the Senator of New York think there would be hundreds of thousands of people, as I heard him say, who would not have one of the following—he keeps talking about a valid photo ID, but as I read the underlying bill, and the provisions by the Senator from Missouri, any one of the following would satisfy—and we are talking only about first-time registrants—photo ID, utility bill, bank statement, government check, paycheck, or other government document. How many people in America could there be who would not have one of those things? Who in America would not have had one of the things the Senator from Missouri insists be part of the underlying bill?

Mr. SCHUMER. OK. I would answer my good friend, do not ask me, ask the groups that represent them. The AARP says there are lots of their people who do not have any of those provisions. That is why they came to us and said do the signature and do the attestation. The groups that represent minorities in this country say there are lots of their citizens who do not have any of these. These days, I say to my good friend from Kentucky, most welfare checks—I know in my State—are sent by wire to an account.

Mr. McCONNELL. Will the Senator yield for a further question?

Mr. SCHUMER. When I finish. The groups who represent lots of these people, who I daresay know more about their lives and their abilities to meet the requirements of this bill than either he or I do, say the lengthy list, which the Senator read, does not work. I ask the Senator if they believe, which I do, too, that signature, which has worked in my State without any large reports of fraud, will make it easier for these people to vote, these people who live in the corners of America to vote, why is adding that in so significant that it would, in the words of the Senator from Kentucky, bring down the bill?

Yes, I posit to the Senator from Kentucky that there are lots of people who cannot meet the requirements in this section of the bill. If we did not believe that, we would not be offering this amendment.

Mr. McCONNELL. Will the Senator yield for a further question?

Mr. SCHUMER. Please.

Mr. McCONNELL. Since the Senator is asserting there are some Americans who would not have a valid photo ID, utility bill, bank statement, government check, paycheck, or other government document, could they not then vote provisionally?

Mr. SCHUMER. First of all, they cannot vote provisionally in the year 2002. That is in the bill now. I believe that was insisted on either by the Senator from Kentucky, Missouri, or somebody else, so they will be disenfranchised in this election.

Second, I have seen it in the polling places in New York—maybe this is not true—I have seen it with first-time voters, the ballot officer says: Here, sign this paper and put it in the box, but it is not going to count on the machine. And there are arguments at the polling place, particularly from new immigrants who say: No, I want to be on the machine like everybody else because my vote is not counting there.

They come from countries where they do not have the trust we have in government. They may come from a Communist country. They may come from a dictatorship. When they are forced to vote provisionally, they believe they are being treated as second-class citizens.

Now we have put the provisional voting system in as a backup. I would not want to make it the norm because somebody does not have the ability to meet the requirements that most middle-class people could.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am afraid we have seen a bunch of straw men set up and beaten up talking about all of these people who do not have any of these means of showing their identity. We negotiated 6 long months, and we had input from all of these people. The various groups to which my colleagues from New York and Oregon have referred have looked at this bill, and we came to an agreement. Certainly, we did not expect everybody to have a photo ID. Only about 90 percent of adults have driver's licenses that show the photo ID. So we went down the list and found out that the utility bill, bank statement, paycheck, or other documents could show the ID.

Provisional voting, yes, we agreed on provisional voting. I did not happen to write the section that made the provisional voting effective in 2004. I would be happy to move it to 2002. That does not cause me any problem. Let us match them up.

As far as somebody not wanting to vote provisionally, we have laid out everything in the world that they can bring in to show their identity. That new arrival who just qualified to vote in this country, if he or she writes in, sends in a mail-in registration form, he or she is going to get a form back saying: OK, the first time you vote you have to have one of these. That is going to be in plenty of time for the person who takes the responsibility to register to vote to find the proper means of identification.

Now, the Senator from New York talked about how the system worked just fine. I was a little concerned, reading the December 2000 article in the New York Post—and I do not have it with me, but I will bring it in tomorrow—which said they had found that 14,000 people were registered both in New York City and South Florida. I would be interested to find out how many of them voted once or twice. It could be a little problem there.

We are not going to solve all the problems. The Senator from New York is right. We said we were going to make it easier to vote and tougher to cheat. We never said it was going to be automatic that everybody is going to vote. Nor did we say that we are absolutely going to knock out every cheat. What we need is good prosecution. The Senator from Oregon talked about that. He said there are some prosecutions underway in Oregon. I sure hope there are because I have not seen it.

Most of the prosecuting authorities find it is too difficult because they do not have the means to identify the people who voted fraudulently. Yes, we need good, strong prosecutions. We also need in the polling place good, strong Republicans and good, strong Democrats watching each other making sure the voters get what they are entitled to.

Frankly, when the Senator from Oregon said these nursing home residents cannot get up and go to a copy machine to copy a utility bill, or even the stub of a government check or a statement from a bank—if they get a Social Security check deposited in a bank, they are going to get a statement. You know what they could do; they do not even have to photocopy. They can send it in after they paid it or after they received the statement. They could send it in. Maybe somebody is going to have to get up in that nursing home and go get them a stamp and then get them a notary public. I just bet that person, if they spend enough time, put a little time and effort into it, can get them a photocopy or get them one of their ID documents to send in.

I agree we ought to catch them at the beginning. We ought to catch them when they register. That is the whole purpose of the bill. That is what we negotiated when we negotiated the Dodd-McConnell compromise. We are just going to deal with the people registering the first time and say, yes, you have to prove you are a real live human being, adult citizen meeting the standards of the State registrar. The only thing we can do to prove you are a human being is with one of the multitude of provisions we have for showing that. Provisional voting is the way, if they are knocked out, that they can still come back in. We may not have solved 100 percent of every single problem. This bill certainly does not. It certainly does not prevent 100 percent of the fraud.

Let me go back to the State of Oregon to talk about percentages. My friend from Oregon believes the anti-fraud protections included in his bill should not apply to Oregon because they have sufficient protections already in place. My colleague from Oregon was elected in the first mail-in election, and I understand there is a court challenge to the constitutionality of the system. We will be interested to see how that develops.

But it was with great interest I read an article in the Los Angeles Times printed in December 2000 about a range of issues that should give everyone pause, particularly the idea that political operatives can act as mailmen. Let me read a relative portion of that article.

The article is headlined: "Decision 2000/America waits; A 'Modern' Democracy That Can't Count Votes; Special Report: What Happened In Florida Is The Rule And Not The Exception. A Coast-to-Coast Study By The Times Finds A Shoddy System That Can Only Be Trusted When The Election Isn't Close."

They say:

> An Oregon practice that many considered foolhardy is allowing anyone, including campaign workers, to collect ballots. Political operatives go door-to-door to gather them. In the crush of election day, people walked away with ballots collected from cars pulling to the curb outside the county clerk's office in Portland.
>
> Vicki Ervin, the Multnomah County director of elections, says she has no idea where they were going, but she has no evidence of foul play.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Dec. 11, 2000]

DECISION 2000/AMERICA WAITS; A 'MODERN' DEMOCRACY THAT CAN'T COUNT VOTES; SPECIAL REPORT: WHAT HAPPENED IN FLORIDA IS THE RULE AND NOT THE EXCEPTION. A COAST-TO-COAST STUDY BY THE TIMES FINDS A SHODDY SYSTEM THAT CAN ONLY BE TRUSTED WHEN THE ELECTION ISN'T CLOSE

Because ballots can be bought, stolen, miscounted, lost, thrown out or sent to Denmark, nobody knows with any precision how many votes go uncounted in American elections.

For weeks, Florida has riveted the nation with a mind-numbing array of failures: misleading ballots, contradictory counting standards, discarded votes—19,000 in one county alone. But an examination by The Times in a dozen states from Washington to Texas to New York shows that Florida is not the exception. It is the rule.

State and local officials give priority to curbing crime, filing potholes and picking up trash. That often leaves elections across the country underfunded, badly managed, ill equipped and poorly staffed. Election workers are temporaries, pay is a pittance, training is brief and voting systems are frequently obsolete. "You know why we never paid attention to this until now?" asks Candy Marendt, co-director of the Indiana Elections Division. "I'll tell you: because we don't really want to know. We don't want to know that our democracy isn't really so sacred. . . .

"It can be very ugly."

The examination shows:

New York City voters use metal lever-action machines so old they are no longer made, each with 27,000 parts. Similar machines in Louisiana are vulnerable to rigging with pliers, a screwdriver, a cigarette lighter and a Q-Tip.

In Texas, "vote whores" do favors for people in return for their absentees ballots. Sometimes the canvassers or consultants, as they prefer to be called, simply buy the ballots. Failing all else, they steal them from mailboxes.

Alaska has more registered voters than voting-age people. Indiana, which encourages voting with sign-ups by mail and a driver's license bureaus, has jammed its registration lists with hundreds of thousands of people who should not be on them. They include felons, the dead and many who have registered repeatedly.

In Oregon, a preliminary survey indicates that more than 36,000 of the state's 1.5 million voters may have mailed in ballots this year that were signed by someone else. Some students in Wisconsin say they voted as many as four times.

Louisiana's former election commissioner, Jerry Fowler, pleaded guilty 14 days ago to a kickback scheme with a voting machine dealer. Even when relationships are legal, lines of authority blur. In the state of Washington, dealers program vote counters. In Arizona, they go as far as to help feed in the ballots.

To many Americans, the right to vote is sacred, a hard-won legacy of the women's suffrage and civil rights movements. Memories of those 20th century struggles remain fresh among voters of the new century. Yet the system that counts their ballots has fallen into disarray and dysfunction.

The voting system is so troubled that the National Bureau of Standards, a federal agency now know as the National Institute of Standards and Technology, said 12 years ago that an election mainstay, prescored punch-card ballots, should be junked—but more than 500 counties throughout the nation still use them.

Federal standards for voting equipment took effect in 1990, but they are not mandatory. A number of states, including Florida, have written some or all of the standards into their own codes. But all existing equipment was excepted, meaning that decades-old systems in Florida and elsewhere are exempt.

America has learned two things from the 2000 election, says Robert Richie, executive director of the Center for Voting and Democracy, a nonprofit, nonpartisan election watchdog group in the Washington suburb of Takoma Park, Md.: "Your vote certainly counts.

"On the other hand, your vote may not be counted."

LONG-TERM NEGLECT

If the problem were out-and-out fraud, many would recognize it as an object so familiar on the political landscape as to be a running joke. They late Earl Long used to say that he wanted to be buried in Lousiana so he could stay politically active.

This year's election did include corruption, but the real problem was less obvious: In almost innumerable ways, the election system that counts the votes has suffered from long-term neglect and mismanagement.

Much of the bumbling is caused by inexperience and lack of funding. "People ask, 'If we can put a man on the moon, why can't we have an election system that works?'" says William Kimberling, a deputy director at the Federal Election Commission. "I say, 'Yes, and it will cost just about as much.'"

The Board of Elections in New York City, for instance, hired 25,000 temporary workers this year. The job pays $130 for a day that stretches from before 6 a.m. until after 9 p.m. "Would you sit there for 15 hours for $130?" asks Danny DeFrancesco, the board's executive director.

"Most of the workers can't read the manual," sayd Martin Connor, state Senate minority leader and one of New York's leading election lawyers. "You're not going to get bankers, businesspeople and teachers sitting there."

New York has trouble finding voting machine technicans who will start at $21,000 a year. "You make more money servicing laundry machines," says Douglas Kellner, a commissioner on the election board. As a result, machines break down, voting is delayed and people leave.

Some critics blame patronage. Election workers in New York get their job through political leaders. Former Mayor Edward J. Koch calls it "a terrible system."

But much is ineptitude. Four years ago, Susan Marler, the Yuma County, Ariz., recorder enlisted two female inmates from the Yuma jail to help send out ballots. Some were mailed more than two days late. By that time, says County Supervisor Tony Reyes, many migrant laborers, mostly Latinos, had left to work on farms in California and could not vote.

Some places cannot even keep election directors. Several years ago, Tamira Bradley held the job in Longview, Wash. She was paid $1,800 a month. "I really felt that nobody took me seriously," she says, so she quit to become a waitress at a Sizzler. "I made more money."

Long-term neglect introduces so many errors into voting and counting ballots that it is impossible to know after an election exactly what the totals are and how many people may have been robbed of their votes.

Rebecca Mercuri, a computer scientist at Bryn Mawr College in Pennsylvania, and Curtis Gans, director of the nonpartisan Committee for the Study of the American Electorate, estimate that at least 2 million ballots did not get counted this year across the country.

That would disenfranchise a city the size of Houston.

But these estimates include deliberate race skipping, when voters do not like any of their choices. Experts do not know how much of that goes on.

The only mistakes that can be estimated with any confidence are those committed by vote-counting machines. Providers say the machines have error rates of 0.01% to 0.1%. If that is true, counting machines alone could have made as many as 100,000 mistakes this year—an average of 2,000 votes per state.

That is far more than Texas Gov. George W. Bush's margin in Florida for the presidency.

But machine counts do not differentiate race skipping, either, and that makes it impossible, even in the case of machines, to know with any certainty how much voters get robbed.

"Counting votes is like playing horseshoes," says Jim Mattox, a former Texas attorney general who investigated the voting machine industry in the 1980s. "You get points for being close."

WEAK EQUIPMENT

Voting jurisdictions across the country use five varieties of lever-operated machines, six kinds of punch cards, 10 sorts of optical scanning systems and six types of touch-screen computers.

Every system has its weaknesses.

In 1998, the most recent year with records available, New York City reported trouble calls on 474—or nearly 8%—of the 6,221 metal lever-action machines that it deployed.

Each is a 900-pound hunk of metal parts crammed into a gray steel cabinet that stands 6 feet, 4 inches and looks like it dispenses cigarettes. Voters flip toggle switches to choose their candidates, then pull a big lever to record the choices on a mechanical counter.

The machines are called Shoups, after the Ransom Shoup family in Pennsylvania that began making them decades ago. They are stored in five warehouses and hauled each election day to 1,300 polling sites from the northern reaches of the Bronx to Rockaway Beach in Queens.

For 38 years, these clunky monsters have taken a pounding. "We had one that fell onto the hood of a Buick," says Richard Wagner, a voting machine technician since 1968. "An automobile has 5,000 parts; a voting machine has 27,000 parts. If a guy drops it from the moving truck, it goes out of alignment. If it's put out of alignment enough, it won't work."

The machines also are comparatively easy to rig. Louisiana changed to a Shoup competitor in lever machines several years ago after state Rep. Emile "Peppi" Bruneau showed fellow lawmakers, with coaching from a voting machine technician, how to steel a Shoup-equipped election.

With his cigarette lighter, Bruneau softened a lead plug that sealed the machine. With a pair of pliers, he removed a copper wire embedded in the plug. With a screwdriver, he took off the back cover and a Plexiglas lid protecting the vote counting mechanism. With a Q-Tip, he prodded the counter digit by digit, manipulating the vote total as easily as he might reset an alarm clock.

Punch card systems that produce chads are particularly prone to problems.

Sometimes the chads—tiny rectangular pieces of cardboard—are left hanging. Counting machines force them back into their holes and read what should be a vote as a non-vote.

Prompted by problems in last month's election, officials in Wisconsin have decided to scrap their chad-producing systems by the end of next year. The systems deliver votes at only 7 cents a ballot, however, and they remain popular in voting jurisdictions coast to coast. Nine are in California, including Los Angeles, San Diego and Alameda.

Optical scanners have their own special problems.

They require precisely printed ballots, and they cannot count ballots when voters mark them with Xs, circles or check marks instead of filling in ovals, boxes or arrows. When the scanners fail to count those ballots, election workers in some states may create duplicate ballots or enhance the originals with a small graphite stamp to clarify voter intentions. They are meant to work in pairs with members from competing political parties.

Election officials say this system works, but Shawn Newman, an attorney who represents Citizens for Leaders with Ethics and Accountability Now (CLEAN), based in Tacoma, Wash., considers the practice a sham. "Your ballot can be re-marked, remade totally," he says, "without your knowledge or permission. . . ."

More than 8% of counties nationwide have upgraded to fully computerized touch-screen systems, similar to automated teller machines at banks.

Apart from their expense—an estimated $100 million to outfit Los Angeles County, for instance—some election officials do not trust them. Some of these systems provide no paper records for recounts or disputed elections.

Even those that do, some experts say, might be programmed to lie.

Other security concerns are raised by Internet voting. Despite what Arizona Democrats regard as a successful experiment in their primary this year, William Kimberling, the Federal Election Commission deputy director, calls it "a breeding ground for fraud."

What is never trouble-free is the combination of computers and humans.

Four years ago in Yolo County, Calif., a system reversed results between the first- and last-place candidates in a City Council race.

Someone had positioned two of the six candidates out of order when the computer was programmed.

"The actual winner knew something was wrong," says County Clerk-Recorder Tony Bernhard, "when he got one vote in the precinct where his mother and father lived."

TROUBLE WITH ROLLS

Just as troubling is voter registration.

Alaska has 38,209 more names on its rolls than it has voting age population. Virginia Breeze, spokeswoman for the state Division of Elections, says the rolls are hard to purge because people come and go. "Alaska has always been boom or bust."

One of every five names on the Indiana rolls is bogus, according to Aristotle International, a Washington, DC-based firm that helps clean up registration rolls. Indiana officials dispute the number, but most agree it is somewhere between 10% and 20%.

Aristotle representatives say six other states have rolls with bogus names of 20% or higher: Arizona, Idaho, Texas, Oklahoma, Utah and Wisconsin. Officials in those states too believe the figure is inflated, but none denies that his or her state has serious problems.

In many cases, much of the blame rests with the so-called motor-voter law. Passed by Congress, its provisions were adopted by Indiana on Jan. 1, 1995. Under the law, Indiana makes it possible for voters to register by mail or by filling out a form at any of 3,000 state offices, including every branch of the Bureau of Motor Vehicles.

During the five years since the beginning of Indiana's motor-voter program, the number of new registrations has increased by 1 million. Tens of thousands, however, are the names of people who have registered more than once. Others are people who no longer live in Indiana. Still others are in prison—or dead.

To compound these troubles, Indiana makes it very difficult to remove voters from the rolls. One person might register six variations of his name. On the rolls, he would become six different people. Unless he got caught, he could vote six times.

VOTES FOR SALE

Voting repeatedly is one kind of election fraud. Another, says Jack Compton, police chief in Alice, Texas, is hiring a "vote whore" to help you win.

While they prefer to be called political consultants or canvassers, vote whores are paid by campaigns to do favors for people in return for their absentee votes. "The last I heard," Compton says, "it was $20 a vote."

Alice is where operatives stuffed Ballot Box 13 with 200 votes to save Lyndon B. Johnson's political career. The extra ballots were cast in alphabetical order and marked in the same handwriting and with the same dark ink. Johnson had planned to abandon politics if he lost his second campaign for the U.S. Senate in 1948, but Box 13 gave him enough votes to win. He went on to become vice president and finally president.

Since the bad old days, much of Texas has gone straight, says Buck Wood, an Austin attorney who specializes in electoral law. But South Texas is distinctive, he says, because its vote whores are so integral to its political system. "They're generally elderly. They're retired. You can make $6,000 or $7,000 a year. Of course, they don't pay income tax on it. That's a lot of money. It's kind of like a little part-time job."

Rick Sisson, an Alice businessman, pushed for a recent investigation. "They are paid to go out and solicit people for their mail-in ballots. Sometimes they actually pay people for these ballots. . . . The political prostitute comes to me and says, 'I will pay you $3, $5. You put your signature, I vote it the way I want. Here's your money.' "

Sometimes they steal votes outright. "My brother and a co-worker and a lady were stealing ballots from mailboxes to vote for a candidate in 1986," says an Alice resident, who declines to be identified. "My brother wasn't being paid; he just wanted the candidate to win. So they would take the ballots and give them to him. They'd put them in the microwave. The heat would open the envelope. They'd make the vote for whoever they wanted. . . .

"My brother knew when the mailman was coming by. They stole hundreds of ballots. My brother told me about it. He said he was scared."

One woman in the trade describes the people she solicits as "customers."

The woman, who requested anonymity but agreed to be called Anita, says she actually cares about her customers and does many small kindnesses for them throughout the year. In return, they permit her to request mail-in ballots for them and let her tell them how to vote. Many, she says, also give her "gifts" of votes for the candidates of her choice.

Anita says each of her candidates pays her $150 a week during the election season. "By the time the politics is over, you'll have $1,500. I have 167 people on my list.

"There's a girl in my neighborhood that I bring beer to. I see her three times a year. She says, 'Oh, it's you! It must be election time.' I go to get her mail-in ballot request, and she says, 'Do you have any money?' When I say yes, she says, 'Go get me a quart of beer.' So I do, and then I'll request her ballot. . . .

"You keep up with obituaries. If somebody dies, you get a new person."

Students are more straightforward. At Marquette University in Milwaukee, where the campus newspaper polled 1,000 of them, 174 said they voted two, three or four times.

One told The Times he voted twice for Bush—once at a polling place on the Marquette campus and then by absentee ballot in Florida, where he would have been among those who gave Bush his whisper-thin margin.

"It's easy to vote more than once," the student said. "No one seems to care."

But most accounts, however, the preferred way to cheat is with mail-in ballots. And that makes Oregon a target, as well.

This was the first presidential election in which all Oregon votes were cast by mail. The ease of send-in voting gave the state an 80% turnout—among the highest in the nation.

Part of the concern is about possible intimidation from family or friends when voters mark their ballots at home—or at "ballot parties," where group leaders might pressure others to vote as instructed. But a bigger worry is about forged signatures.

It is a felony to sign someone else's ballot. Workers try to match signatures on ballot envelopes with those on the voter rolls.

"I don't have much faith in that process," says Melody Rose, an assistant professor of political science at Portland State University." I can forge my husband's signature perfectly."

In a pilot study, Rose gathered preliminary survey data this year on voters in Washington County, outside Portland. About 5% of 818 respondents said other people marked their ballots, and 2.4% said other people signed their ballot envelopes. Rose suspects the real number is higher, because people are reluctant to admit being party to a crime.

If the trend holds, it could mean that more than 36,000 or Oregon's 1.5 million voters submitted illegal ballots.

Bill Bradley, the Oregon secretary of state, says it is troubling if some people are signing other people's ballots. But Bradbury maintains that he still has confidence in voting by mail.

An Oregon practice that many consider foolhardy is allowing anyone, including campaign workers, to collect ballots. Political operatives go door-to-door to gather them. In the crush of election day, people walked away with ballots collected from cars pulling to the curb outside the county clerk's office in Portland.

Vicki Ervin, the Multnomah County director of election, says she has no idea where they were going, but she has no evidence of foul play.

TURNED AWAY AT POLLS

While some people vote more than once, others are barred from voting at all.

Thousands on the mostly African American east side of Cleveland went to vote this year, only to be turned away.

Because of a 1996 state law cutting Cleveland precincts by a quarter, their polling places had been changed. The Cuyahoga County Board of Elections says it sent postcards to registered voters telling them of the switch.

But of 85 blacks who were asked about the postcards during the 2½ days of interviews in east Cleveland, only one said he received notification.

"I never got a card, never," says Francis Lundrum, an east side native. He says he bellowed at an election worker: "I am a veteran of the United States armed forces! I want to vote!"

It did no good.

Lundrum and the others who were turned away should have been given provisional ballots, to be certified later. Among those who did not get one was Chuck Conway Jr. "I think there was some stinky stuff going on."

Sometimes the post office robs people of their votes. In a few counties in Oregon, long and heavy ballots were returned this year for postage due. But the most egregious postal failure came in Washington state.

Steven and Barbara Forrest and their 29-year-old son mailed in ballots from Bellevue on election day. Several days later, two of the ballots were found on the island of Fyn, 100 miles from Copenhagen, in Denmark.

Brian and Helle Kain of Odense, Denmark, discovered them in a large envelope containing navigational charts they had ordered from a company on Shaw Island, 50 miles north of Seattle. They called the U.S. Embassy in Copenhagen, which told them not to worry because it was too late to count the ballots anyway.

A Danish reporter telephoned Forrest, and he called Julie Anne Kempf, the King County election superintendent. Kempf was miffed. She phoned the embassy. Her country, she said, was far from certifying its election.

At last notice, the two ballots were on their way home. But the Forrests have no idea what happened to their son's vote. "We hope it got counted," Forrest says. "We feel very strongly about voting.

"We told the department of elections that we are upset about it. But I guess if you're going to assess blame, it almost certainly had to go to the Postal Service."

VOLUNTARY STANDARDS

Some of this voting chaos is because there is actually no such thing in this country as a national election. Americans vote in a hodgepodge of 3,141 counties with 10,000 local jurisdictions.

Yet, election officials have never come up with uniform, binding rules for voting.

Federal standards, now in the process of being updated, are voluntary. Each state, for instance, decides which voting machine systems can be sold within its borders. Then, like patients in a health insurance network, counties and cities make their purchases from the state list.

Gary L. Greenhalgh says he favored "mandatory standards with teeth" when he directed the Federal Election Commission's national clearing house on election administration from 1975 to 1985, while election rules were under discussion.

But Congress did not want to impose new cost requirements on the states, he says, and the standards became voluntary.

The Federal Election Commission had no money to enforce standards, and vendors were wary of picking up the cost. So an association of state election directors hired a consultant to find laboratories to test voting systems. The group agreed to mediate among vendors, labs and authorities.

It became an example of interdependence between public election officials and private companies that critics say can grow too intimate. In this instance, there was no illegality, not even over-reliance upon the vendors to do official duties—but there was unchallenged secrecy.

The first vendor to sign up for testing complained about Election Technology Laboratories, says R. Doug Lewis, executive director of the Houston-based Election Center, which helps administer the program. Among the vendor's concerns was the lab's desire to examine its actual lines of computer programming code.

Administrators sided with the vendor, saying they had not intended such a deep level of examination.

"What's going on inside the machine is of no concern," said consultant Robert Naegele, who wrote the standards. "My major concerns were accuracy, reliability and maintainability."

"That's not rigorous testing," counters Arnold B. Urken, a co-founder of the Election Technology lab. Mischief or mistakes could go undetected.

"I'm not saying vendors are evil, but unless you test the code, you don't know," Urken says. Cars and airplanes are regulated at that deep level, he adds. "Why should we demand anything less when we're electing the president of the United States?"

PROPOSALS FOR IMPROVING NATIONAL ELECTION SYSTEM

There is no unanimity on how to fix the myriad problems with the election system nationally that have been spotlighted by the razor-thin presidential vote in Florida. But among the many proposals circulating, the following have been culled from interviews with scores of county, state and federal elections officials, voting equipment vendors and other experts:

*Adopt minimum mandatory national standards for voting equipment used in elections for federal offices and provide funds to help counties meet them. This could include hardware, software and ballots that would be phased in.

Current standards are voluntary. Congress has been reluctant to intervene in election procedures, which the U.S. Constitution delegates to states.

*Require periodic recertification of all voting equipment.

Some current equipment, which has never been certified, is decades old and the manufacturers are no longer in business.

*Encourage states and counties to upgrade training for county election officials and poll workers. This could be done through federal mandates, federal grants or both.

*Urge all states to set uniform standards for how to determine a voter's intent if it is not clear.

Many states already do this, but there is no national consistency, as evidenced by various counties imposing different standards in the Florida recount.

*Adopt uniform standards and provide funding to help prevent voting in more than one state by purging county rolls of voters who have moved or died.

Currently, in many counties, when new residents register to vote, the information is sent back to the county where they previously resided. But the practice is uneven.

*Establish an ethics code for county elections officials to prevent revolving-door and conflict-of-interest problems. Set standards as well for gifts from vendors.

Mr. BOND. In addition to the story about the people coming in with ballots from who knows where, an even more interesting series of facts was unearthed in a study by Portland State University professor Melody Rose who did work assessing the potential for fraud and coercion in Oregon's mail-in voting. Her preliminary data is quite revealing. This is a sample, not exact, but she said 5 percent of voters in Oregon had someone else mark their ballot; 2.5 percent of voters had someone else sign their ballots; 4 percent of voters either signed or marked someone else's ballot.

In a State such as Oregon with about 1.6 million ballots cast in 2000, those percentages could equate to fairly high numbers. If the preliminary data were to hold up across the entire population, that might mean 80,000 voters had someone else mark their ballots, 40,000 voters had someone illegally sign, and 64,000 voters signed or marked someone else's ballot.

I am not comforted by the assertions that Oregon has everything under control and thus should be exempt from antifraud protections in this bill. We are not going to get everybody who commits fraud. I certainly hope my colleague from Oregon was correct when he said prosecutions are underway. I feel like "Waiting for Godot" to see the successful prosecution of election fraud. Too often they find there are better things to do. Colleagues from other States have told me about people voting freely and admitted they voted multiple times and are never prosecuted.

I mentioned Cora Thigpen who voted twice. She was just getting up a head of steam. I am afraid she will not get prosecuted. We need more prosecutions. We cannot do that here. We can assess the penalties. We need strong poll workers watching each other, Republicans watching Democrats. We need strong prosecution. The minimal provisions to protect against drop houses and phony registration—which, yes, includes permitting dogs to register in Missouri and permitting lots of other people to vote illegally; there were 3,000 phony ballots for a mayor's race; 30,000 uninvestigated ballots before a general election in Missouri in November of 2000. We have to do something. We have to begin to get a handle on it and make it more difficult, if not impossible—I wish we could, and I will take any ideas anyone has to make it—impossible to commit fraud.

This compromise language we worked on for 6 months was designed to take into account the need of all the special individuals who we want to make sure can vote. At the same time, we are providing money and resources for voting machines, for voter education. This bill comes at all of these problems in a coordinated way and says yes, we have to do a better job. We have to do a better job making sure that everybody who is entitled to vote gets to vote, and to make sure that those who cast the vote are not having their vote canceled or diluted by people setting up drop houses, registering phony names, whether they be nonexistent people, dead people, or dogs.

The amendment of the Senator from New York undoes the compromise we have reached.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will take a couple of minutes to respond to the comments the distinguished Senator from Missouri made about Oregon and offer up a proposal for how we might avoid the gridlock that looks as if it may be at hand.

With respect to vote by mail and how it is working in the State of Oregon, in the special election held in 1996 where the principal candidates were myself and our colleague, Senator SMITH, we had almost two-thirds of all eligible voters participate in that election. The level of participation was three times as high as that held in the previous special election for a Senate seat. We in effect broke all the records for participation in a Senate special election.

As I stated earlier, our colleague, Senator SMITH, to his credit, when pressed on the subject, said that there was no evidence of voter fraud that he in any way believed affected the election. What we have in the State of Oregon is tremendous benefit in terms of voter participation. The level of participation is three times as high as that seen in the previous Senate special election that certified new Senators in this body with my colleague Senator SMITH—the person who might well have expressed concerns and did not state any whatever at the time, or since.

My sense is that the distinguished Senator from Missouri is basically now saying he is against mail-in voting as well. He has said he is following the constitutionality of various issues relating to mail-in voting, and I think this raises again that there is a lot being presented to the Senate other than deterring fraud. I am certainly interested in working with our colleagues, Senator McCONNELL and Senator BOND, in particular, on this issue because I think we are in a very difficult position, given the last hour and a half of debate. The distinguished Senator from Kentucky has essentially announced if our side prevails, if the amendment prevails and the photo ID is struck, he will in effect have to take to the floor for a considerable length of time, and that will obstruct our ability to go forward.

I certainly do not want to respond in kind. I have passed on that effort up to this point. I was not party to the negotiations that took place in committee. I can tell the President and our colleagues I very much wanted to put a hold on this bill and would have come to the floor and publicly announced that hold in line with the procedural reforms that Senator GRASSLEY and I have advocated, stipulating that all holds ought to be public, but I didn't do it in deference to the distinguished chairman of the committee, Senator DODD, who made it clear he would work with me and others to try to resolve this issue.

So there has been a lot of good faith on this side of the aisle. I would offer up the idea, even at this late hour, that rather than having this sort of mutual assured destruction, where everybody takes down everybody else's work product—and there is so much that can be agreed upon—I think we ought to have another round of negotiations. As one Senator who did not get to participate in the first round, I am anxious to meet our colleagues halfway.

For example, if our colleagues are willing to talk about getting rid of the photo ID, which I and others believe is so onerous for seniors, minorities, and others, I think we ought to be looking at ways to figure out how to put the voter registration requirement into effect in 2002.

If we are going to be tough on fraud, let's be tough now rather than waiting to get so far down the road. I know it is difficult to do, but I think those kinds of ideas would provide an opportunity for at least some further discussion in an effort to try to work this out.

I know there have been months and months of negotiation in good faith in the committee. But this Senator, who has a State where vote by mail has worked, a State that has empowered so many through vote by mail, I didn't participate in any of those negotiations. On top of that, I probably, without thinking about Senators DODD and MCCONNELL, I probably would have put a hold on this bill until this issue had been resolved because of my concern for the State.

I am anxious to meet my colleagues halfway in an effort to resolve this issue. But I think at the end of the day we have to figure out ways to make it easier to vote, easier to participate in the political process, as we deter fraud. The fact is, this is going to make it tougher to vote.

The hour is very late. I cannot believe the distinguished chairman of the committee, Senator DODD, and the distinguished ranking minority member, Senator MCCONNELL, are all that wild about staying here until the wee hours trying to figure out another way to deter fraud without having this photo ID requirement. But I want to make that offer.

This is so important. There is so much good work that has been done on this issue. Let us try to find common ground on the issue of deterring fraud—that is something both Democrats and Republicans feel strongly about—rather than taking this bill down, which is where we appear to be headed tonight.

I would like to participate in the negotiations. I have made it clear I wish I had the opportunity as a member of the committee to do so. This basically is my first opportunity to have a chance to formally participate in the discussion. I would like to look at ways to deter fraud aggressively. If we are serious about it, we should not be waiting until 2004, we should be trying to do it now. We should be trying to do it for this upcoming election.

I think it is just one of several ideas that we might possibly, even at this late hour, figure out a way to come together on and make sure we are united in terms of fighting fraud, not going forward with something which is going to disenfranchise so many voters, which I believe is the end result of photo ID.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to temporarily set aside the pending amendment in order to offer an amendment.

Mr. DODD. Will my colleague wait for a minute or so? Then I will be glad to turn to him.

The PRESIDING OFFICER. Objection is heard.

Mr. DODD. Mr. President, my colleague from New Hampshire has been here quite some time, seated. I want to give him a chance to engage in this.

First of all, let me thank our colleague from Missouri and colleagues from New York and Oregon. They have been engaged in meaningful debate. I regret there are not more Members here— it has been a long day—not here to listen to this, what I think has been a very valuable discussion. Hopefully, through the vehicles of C-SPAN and other such methods, people in the country have had a good opportunity to hear what I think has been a very worthwhile discussion about a very important issue.

I thank all of them for their very generous comments about the miles we have traveled to get us to this point, which is only a few yards away from what could be final passage of a historic piece of legislation. Significant resources are being committed by the Federal Government to our States and localities to improve what I think the Senator from Missouri properly described as a shoddy system, and I think maybe he was being polite about not one State but the entire country, one which is desperately in need of repair, so that our great Nation should be a model to other societies on how a great democratic society chooses its leaders.

Certainly anyone who has looked at this has concluded that this is a system in need of repair. The Senator from Kentucky and I have worked very hard to bring us to this point. We have adopted over 30 different amendments, in addition to what we tried to do ourselves. We thought we were thinking about a lot of things that people might anticipate. This is a subject matter where every Member of this Chamber is an expert. We are talking about elections, and everyone had to go through one to get here. So this is not a subject matter about which any Senator believes he or she does not bring something to the table when it comes to a discussion about how people vote and how those votes are counted.

What I would like to suggest—we are planning, obviously tomorrow, now, at sometime around 10 a.m., to have a vote. I am hopeful that everyone will try, even at this late hour, the Senator from Oregon has raised the prospect, to see if there might not be, despite our efforts over the weeks to find a resolution—maybe there is a possibility of finding some common ground that might avoid what I think might be a very close vote on this subject matter.

I don't know the votes. I haven't been participating in any vote counts. I haven't called Members. I haven't asked Members how they would vote on this. The leader has done that. I have stayed out of it. But I hope we might find some way to resolve this issue without having it come to a vote.

Maybe we can't. Every now and then you can try your best to bring people together and ultimately they decide they just want to cast a ballot. That being the case, and I don't know the outcome, all I want to say is that this is how the process works. You have to accept to some degree, I suppose, allowing the process to function. I just hope in the passions, the emotions that people feel on this, we would not place ourselves in a situation where we take out literally dozens of amendments and dozens of ideas in the hopes of crafting something worthwhile. So I am hopeful we may work something out.

That is all the comment I want to make this evening, except to thank the two Senators who have spoken so eloquently on the subject matter. Senator SCHUMER was involved for a long time and introduced one of the first bills, with our colleague from Kentucky, on this subject matter over a year ago. Senator WYDEN cares about it clearly, and his State uniquely, along with the State of Washington, is acting as sort of pioneers in the area of 21st century voting with mail-in voters that has successfully worked in his State. He has very rightly sought, along with his colleague, Senator SMITH and others, to see to it that we would not in any way jeopardize his State or the State of Washington from continuing to pursue some novel, unique, and very worthwhile ideas on how people can cast their ballots. I thank him and his colleagues for those efforts to bring us to this particular point.

Of course, I thank again my good friend from Kentucky. He has a lot on his mind. He is in the middle of the campaign finance reform debate and there has been no more diligent and articulate spokesman for an alternative point of view in that debate. I admire his courage. He has taken a real beating around the ears from people all across the country. While I disagree with him, I admire immensely his guts; that he doesn't back down on something in which he believes.

He has been a great ally in this effort. It has not been easy trying to juggle a lot of different balls in the air. The one on campaign finance reform is one in which he has been deeply involved, and has borne, I think, the brunt of unfair criticism about what he cares about. I didn't want the evening to end without expressing my emotional appeal to my colleague from Kentucky that my respect for him is unlimited in terms of his commitment to the things and principles in which he believes. I just hope we might find some way to resolve this matter.

Senator BOND was one of the first people I talked to about this bill, in addition to my colleague from Kentucky, and about his determination to try to reduce and eliminate, to the extent possible, fraud in the country. My colleagues from New York and Oregon have identified their remarks with his ambition to seek a system that would be devoid of fraudulent behavior. We deplore it wherever it occurs. But my hope is that with the balance struck between where Senator BOND wants to be and where others raise legitimate points, there is still room to find common ground. That is my fervent hope—to the staff, and to others who are involved in this—before we cast votes or find ourselves in a position where the middle ground becomes impossible to find or is lost.

With that simple plea, let me yield the floor to others who want to make any closing comments. My colleague from New Hampshire has an amendment he is going to raise. I will certainly be happy to sit here and listen to his proposal as he offers it, and then urge our staff, Senator BOND's staff, and the staff of Senators WYDEN and SCHUMER to maybe sit down and see if there isn't some common ground, along with the staff of Senator MCCONNELL. We are prepared to stay around as well to see if we can help in that regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I thank the Senator from Connecticut for his kind remarks, not only on this issue but the other issue that has kept us largely preoccupied in the last few days. Hopefully, we will have a vote in the morning and will know where we stand on the future of this bill.

I commend all of those involved. The Senator from New Hampshire has been waiting patiently. Therefore, we look forward to what he has to say.

I yield the floor.

Mrs. MURRAY. Mr. President, I rise in support of the Schumer/Wyden amendment. The 2000 election clearly illustrated that there are significant flaws in our election system. In many places our systems of voting are antiquated and people are being disenfranchised.

The bill we have before us seeks to correct those problems.

It improves voting systems, provides a mean for provisional voting, cuts down on voter fraud, and provides grants to States so they can improve their methods of voting.

The bill is not perfect. During consideration of this bill, I had worked with my colleagues on both sides to make sure that the intent of this reform bill is realized.

We want fewer people turned away from the polls, and we want to bring our states' election systems into the 21st century.

In my home State of Washington, 69-percent of votes in last November's election were cast by mail. Every election that percentage increases, and those numbers are larger for new voters.

In the state of Oregon, by law every voter casts their ballot by mail. This method has made it much easier for those who lack adequate transportation, or are elderly, or disabled or are single mothers to vote. Previously disenfranchised voters now can exercise their most important civic city because of vote by mail.

This legislation has several provisions that make the vote by mail process more difficult and in some cases could kill this method of voting. Two weeks ago, I worked with Senators CANTWELL, DODD, MCCONNELL, WYDEN, and others to perfect a provision in the bill that would have placed an undo burden on jurisdictions utilizing vote by mail.

I thank those Senators who worked on that amendment.

There is a remaining obstacle to mail-in balloting in this bill that requires first-time voters to show some identification prior to voting.

Many voters don't have access to a polling place because they lack transportation, they are working too hard to provide for their families or are elderly or disabled.

The ability to vote by mail gives them the opportunity to participate in our democracy. These are the voters we cannot abandon as we address some of the obvious deficiencies in our nation's current electoral system.

The provision in the underlying bill places new and cumbersome hurdles on these types of voters and could potentially displace many new voters who want to get involved in the election process but could not without vote by mail.

I agree with many Senators that we must cut down on voter fraud and this bill does that.

In Washington, we run clean elections. We have had some very close races, and the integrity of the system has only been enhanced by the way the State has conducted those elections and the professionalism of the individuals involved.

I strongly support the Schumer/Wyden amendment.

Simply, this amendment would allow States like Washington and Oregon, who have significant numbers of mail-in voters, to create a signature verification system where signatures are matched against their registration.

This is a common sense approach that will insure that those that vote by mail don't have to go through overly burdensome hurdles in exercising their civic duty.

If we are unable to adopt this amendment, systems like those in Oregon and Washington could become unworkable and many new voters would find themselves without a say in the election of their public officials.

That would be an unacceptable result to this Senator.

I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleagues for their courtesy.

I ask unanimous consent that the pending amendment be set aside for the purpose of offering another amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2933

Mr. SMITH of New Hampshire. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 2933.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"SEC. 315A. PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.

"(a) FALSE INFORMATION ON LOCATION AND OPERATING HOURS OF POLLING PLACES.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license any false information concerning the location or time of operation of a polling place designated by the appropriate State authorities for use by electors in such election shall be fined not more than $10,000,000, imprisoned not more than five years, or both.

"(b) UNTIMELY RESULTS OF EXIT POLLS.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license the results of an exit poll or election projection taken within a jurisdiction covered by the license as an actual election result before all polling places in the jurisdiction designated by appropriate State authorities for use by electors in such election have closed shall be fined not more than $10,000,000, imprisoned not more than five years, or both.".

Mr. SMITH of New Hampshire. Mr. President, I know the hour is late. I don't want to inconvenience my colleagues for too long. My purpose in rising now is to get an amendment in for tomorrow. I will try to keep that in mind and be as brief as possible.

I was listening to my colleague, Senator WYDEN, talking about getting voters to the polls and encouraging them to go to the polls. One of the ways to encourage them to go to the polls is to not have the broadcast media tell the voters the polls are closed before they are. That is really what my amendment is about.

I am hopeful that the Senate will agree with me and realize it is improper to do that for obvious reasons, and join me in perhaps agreeing to this amendment overwhelmingly.

I call it the broadcast fraud amendment. It simply prohibits the broadcasting of certain false information on election day. Unfortunately, this amendment is necessary to strengthen Federal prohibitions on the broadcast of false election information—information, by the way, that the broadcasters know full well is false before they broadcast it. It could change the outcome of a Federal election.

There are two provisions in this amendment.

First, the amendment prohibits a broadcaster from knowingly broadcasting false information concerning the location or time of operation of a polling place. In other words, if the broadcaster went on the air at 6 p.m. saying all the polls are closed when he knew they were actually open until 7 p.m., that act would be a clear violation of this amendment.

Second, this amendment prohibits a broadcaster from knowingly broadcasting the results of an exit poll or election projection as an actual election result before all polling places in the jurisdiction have closed. That would also be a violation of this amendment. For example, a broadcaster goes on the air saying at 6 p.m. the race is over and the winner is candidate A when the polls are actually open until 7 p.m. It is one thing if the broadcaster says based on exit polling, but that is not what we are talking about.

So the act of calling the election at 6 p.m. would be a violation of this amendment because that act by a broadcaster would lead thousands of voters to not vote because they would believe their vote would not count. If they were being told on the television that the polls were closed over and over again, why would they vote unless they were to challenge the broadcaster and begin to ask questions? Supposedly, the press is supposed to be telling you the truth when they talk to you.

Let me be clear, because there will be critics, this amendment does not prohibit a broadcaster at any time from saying we have exit poll numbers that show this trend or that trend, and, if the trend continues, candidate A is supposed to win the race. That is not the issue.

This amendment only prevents the broadcasting of exit polls that project the actual election results. That is the issue. If they project these results as actual, that is what it precludes; in other words, saying candidate A has won the State when in fact it is only the exit polls that say that, not the actual poll.

Furthermore, it only prohibits the broadcasting of this sort of information after the polls are closed. If you want to go on the air and broadcast false information to the voters, this amendment allows you to do it, but wait until the polls are closed.

Let us say you have exit polls which say candidate A is a winner based on the exit polls. But the polls close at 7, and you have this information at 6. Wait until 7 when all the polls are closed, and then you can say anything you want. You can say the exit polls say this guy won regardless, and actually won. Then say anything you want. That is all we are saying. It is very important to understand that because that is a very serious distinction.

Another serious problem with the premature broadcast of exit polling is that on occasion the exit poll is incorrect. Our 43rd President, Al Gore, and Senator Dick Swett of New Hampshire discovered that they were victims of false exit polls, because there was no Senator Swett. He was told he was the winner when in fact he wasn't. And there was no President Al Gore even though he was told he was President. He wasn't.

If the media wants to make a total fool of themselves and say Gore was elected and Swett was elected to the Senate, they can go out there and say it. That is fine, but wait until the polls are closed. Then you can say it.

That is all we ask. I don't think that is unreasonable.

Most people do not know too much about my race, although it happened. In Florida, everybody knows about it.

I bring it up because it really goes to the heart of the amendment. To understand the ramifications of voters receiving false information about the closing time of the polling place, we need to look no further than the recent Presidential election in Florida. The Florida polling places closed at 7 p.m. Eastern Standard Time. That meant that in the Florida panhandle, which is in the Central Zone, polling places actually closed at 8 p.m. Eastern Standard Time. The voters in the panhandle had their votes suppressed in that election because the media broadcasted explicit information that the Florida polls had closed.

I know some I will say they really didn't say that. I will give you the actual quotes from most of the major networks and anchors in a few moments. This action happened 1 hour before the polls closed in the Florida Panhandle, and it was repeated constantly time after time and network after network throughout that final hour. No matter what channel you watched, you were going to hear that the polls in Florida were closed. If you were going to vote or wanted to vote, you were told by Peter Jennings or Tom Brokaw that the polls were closed. You would believe them. That is what they were saying. I will give you the quotes in a moment.

The suppression of votes could have a dramatic effect on the election. I am not getting into intent. I don't know the intent, but I can show that they knew. The events that transpired in Florida have been studied to understand how the suppression of a few votes almost changed history.

According to the Committee for Honest Politics, there were two interest studies of the Florida Panhandle situation in the last Presidential election. At 7 p.m. Eastern Standard Time, or 6 p.m. Central Time, the major networks stated that the polls in Florida were closed one hour before the polls in the Florida Panhandle actually closed. They said the State of Florida polls were closed when in fact only on the eastern side of the State was that true, and in the panhandle it was not true.

The major networks went a step further. They called the Florida election for Al Gore as President at 7:50 p.m. Eastern Standard Time, ten minutes before the panhandle polls closed, and 50 minutes after the major networks announced that the Florida polls had closed.

John McLaughlin & Associates compiled a survey that estimated the early call of the election discouraged more than four percent of Republicans more than Democrats to go to the polls. But that is a political issue, take it or leave it, like it or dislike it. The real issue here is that people were discouraged from voting no matter of what party.

Another study by John R. Lott, Jr. of the Yale Law School estimated the dropoff at about 3 p.m., or a range of 7,500 to 10,000 Republican voters.

Why do I say that? Because the Florida panhandle is traditionally Republican.

Obviously, when you are talking about a few hundred votes—indeed a few dozen votes at times deciding an election—several thousand is a huge, huge issue.

Here are excerpts from affidavits about what happened in the Florida Panhandle in 2000. There were some 40 affidavits from poll workers, poll clerks, poll inspectors, and bailiffs. This is what they had to say. I will repeat a few of these.

A poll worker in Bay County, Precinct No. 23:

> I have been a poll worker since the 1970's. Voting was steady all day until 6:00 p.m. Between 6:00 and 7:00 p.m.—

This is panhandle time—

> it was very different from past elections. It was very empty. The poll workers thought it was odd. It was like "the lights went out." We joked with the deputy on duty because there was no one in line for the deputy to be placed behind when the polls closed.

The clerk for elections, Okaloosa County, Precinct No. 37:

> We had over 1,300 people turn out with an average of about 100 voters per hour until the last hour.

This is when the media was on the air saying the polls were closed—every media.

> When the doors were open, there were quite a number of people waiting in line to vote. There was a heavy flow throughout the day. . . . Soon after 6:00, I noticed that the volume dropped to almost zero.

So those are two poll workers saying that the numbers dropped to almost zero after the broadcasters began talking about this on national television.

He said further:

> In past elections, there was usually a rush of people coming from work, trying to get to vote [in that last hour] before the polls closed.

I think we have all experienced that.

Clerk of elections, Okaloosa County, Precinct No. 34:

> As the Clerk, my duties included working the books, instructing people to vote, and handling the ballots, and making sure that things go smoothly and courteously. When the doors were open, there were about 50-60 people waiting in line to vote. During the rest of day, there was a constant flow of voters. We were expecting a rush after Hurlburt Field let out about 4:30. I began to get my workers to take their dinner breaks before 6:00 anticipating people coming before the polls closed. Between 6:15-6:20, I looked around and asked, "Where is everybody?" My poll workers were just as perplexed as I was. I don't think we had more than five people from 6:15 until we closed at 7:00. We had averaged 80 voters per hour until the last hour.

Deputy for elections, Santa Rosa County, Precinct No. 34:

> On Tuesday, November 7, 2000, I was on duty and worked at the precinct from 6 a.m. until 8 p.m.. We have the second largest precinct in the county with 4,678 voters. I kept track of the number of voters per hour. There were many voters waiting to vote in the first hour and then there was a steady flow all day. By the last hour, there was a dramatic decline in voters. It is the deputy's job to stand behind the last voter in line at 7 p.m.. Eight years ago in the presidential election, there were so many people in line that the last voter did not vote until nearly 10:30 p.m. When I went outside at the end of the day to tell people to hurry along, there was no one in the parking lot.

Poll inspector, Escambia County, Precinct No. 8:

> I have worked elections for the past three years to include local and Congressional. On Tuesday, November 7, 2000, I was on duty and worked at the precinct from 7 a.m. until 7 p.m. for the general election. We had the usual rush in the early morning, at noon and right after work. There was a significant drop in voters after 6:00. The last 40 minutes was almost empty. The poll workers were wondering if there had been a national disaster they didn't know about. It was my observation that this decline in voters between 6:00 and 7:00 was very different when compared to previous elections. The last 30 minutes was particularly empty. There is usually a line after the poll closes. In this election there was no one.

I think what the review showed clearly is that all five networks announced to the public, at the top of the hour, that the Florida polls had closed; that is, at 6 p.m. Central Time the polls throughout Florida had closed when, in fact, there was still a full and crucial hour of voting left. That is not right.

Stated another way, when 361 polling places were open and expecting a normal end-of-the-day voter turnout, the west Florida public was told, falsely, that no voting places remained open.

Let me say that again. In the last hour of the election in the Florida Panhandle, 361 precincts were ready to go in that last hour, expecting a rush of people coming home from work, and the public was told, on all of the major networks, that the polls were closed.

I am not exaggerating. I am going to show you that in a second. With the exception of Fox, all the other networks repeated the Florida poll-closing information throughout the 7 p.m. eastern time broadcast over and over again. They reported that the Florida polls had closed, and so implied by calling the Senate race or discussing exist polling data from Florida in a way that implied or assumed the polls were closed.

We cannot tell what was in the hearts and the minds of the network executives and producers who made the decision to air incorrect information. That is not for me to say. All I can tell you is that the facts are they aired incorrect information. I think, although they will say they did not know because they were never informed, that is not true. I would like to call your attention to this news release. The one thing the press does is they do take a look at their news releases.

The election was November the 7th in 2000. This news release is dated October 30, 2000. It was put out by the Florida secretary of state, Katherine Harris. As I say, it was a news release.

> Secretary of State Requests Patience in Predicting Winners of Races.

This is 8 days prior to the election. The news release says:

> Tallahassee, Fl—Secretary of State Katherine Harris today requested the media to delay predictions of the outcome of elections until after 8 p.m. Eastern Standard Time. Florida has six counties in the Central Time zone and the Secretary wants all Floridians' votes to be cast prior to predictions on the winners of races.
>
> With several races too close to call, full voter involvement is imperative for Floridians to participate in the electoral process. "The last thing we need is to have our citizens in the Central Time zone think their vote doesn't count—because it certainly does!"
>
> Waiting until 8 p.m. Eastern Standard Time allows all Floridians the opportunity to decide the outcome of races within Florida.

It is very interesting that is from Katherine Harris because Katherine Harris became a very famous person after November 7. But this was 8 days prior to November 7. A lot of people had a lot of things to say about Katherine Harris, but she is not Nostradamus. She had no idea how this election was going to be counted and recounted and overcounted or undercounted, and dealing with the chads and all that. She did not know anything about that on October 30. She was trying to point out to the media: Be careful. Central Time is part of Florida and East Coast Time is part of Florida. Please be careful and be accurate.

That went to every media outlet—every one—and they ignored it. The networks either ignored it or they did not read it. Now, come on, with all the people in every one of these news outlets, are we going to say they did not read it, no one read it? And I can prove to you, in a moment, that they did.

Mr. President, I ask unanimous consent that this news release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRETARY OF STATE REQUESTS PATIENCE IN PREDICTING WINNERS OF RACES

Tallahassee, FL.—Secretary of State Katherine Harris today requested the media to delay predictions of the outcome of elections

> until after 8 p.m. Eastern Standard Time. Florida has six counties in the Central Time Zone and the Secretary wants all Floridians' votes to be cast prior to predictions on the winners of races.
>
> With several races too close to call, full voter involvement is imperative for Floridians to participate in the electoral process. "The last thing we need is to have our citizens in the Central Time zone think their vote doesn't count—because it certainly does!"
>
> Waiting until 8 p.m. Eastern Standard Time allows all Floridians the opportunity to decide the outcome of races within Florida.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to please—I know you get a million pieces of mail, and I know you have a lot of things to do—view a 7-minute video that I sent to each and every one of your offices. You all have it. Maybe your staff is hiding it from you or maybe they looked at it. I don't know. Maybe they didn't, but it is there. If they lost it, ask me. I will give you another one. It is excerpts of each and every one of these networks saying the same thing, over and over and over again, ad nauseam, between 7 and 8 o'clock: The polls are closed. Dan Rather: The polls are closed. Tom Brokaw: The polls are closed in Florida. Peter Jennings.

If it was not so serious in terms of the consequences, it would be funny; it would be hysterical. When you watch it, you will laugh. But nobody was laughing then. It was serious. Think about the pain we went through in this Nation that night, and for weeks to come, and all the way to the U.S. Supreme Court.

I believe, honestly, that all of it would have been avoided had it not been for what the networks did that evening. I think the turnout would have been more and the election would have been decided, I think overwhelmingly in favor of President Bush; but maybe it would have been the other way. The point is, it would have been decided. I do not think we would have had all the problems.

Let me read this just briefly, and then I will stop. Although I hope you all watch the tape, I have a feeling some of you will not watch the tape. So here are a few excerpts from some of the biggest names—the biggest names—in the media. Listen carefully. I am not exaggerating one word. These are quotes right off the air. And they are on the tape if you watch it.

This is now between 6 and 7 p.m. Central Time, between 7 and 8 p.m. Eastern Time; 6 and 7 p.m. panhandle time, with an hour yet to go at the polls. At 7:01 they started.

Al Hunt, CNN:

> We now go to our election headquarters in Atlanta where it is 7:00 p.m. in the East. Polls have just closed in Florida, New Hampshire, and Virginia.

No doubt about that: "Polls have just closed in Florida, New Hampshire, and Virginia." There is no qualifier. It did not say it was open in the Florida Panhandle.

Brit Hume, Fox News:

> All right folks, we're coming up—right now it's 7:00 and we are in position to project a number of races. Looking at the State of Florida, where the polls have just closed, that race remains too close to call.

Then he goes on to talk about the Senate race of which our colleague, BILL NELSON, won.

Dan Rather, CBS News:

> The polls just closed in six states, with 66 electoral votes including Florida's big 25, but no call yet in what both campaigns say may be the key to this election—Florida.

Peter Jennings, ABC News:

> And now the polls have closed in six more states, so first, in Florida, in the Presidential race in Florida, we simply believe it is too close to call.

Tom Brokaw, NBC:

> The polls have just now closed in six additional states representing 66 electoral votes. Let's take you through them now. Look at this, states that are too close to call—even though the polls have closed now. Here we are in Georgia, with 13 electoral votes; New Hampshire, with 4; and a big prize, the brass ring for this evening—to start everything off, the State of Florida [where the polls have just closed].

Bernard Shaw, CNN:

> At 7:00 the polls have closed in certain states, and CNN is looking at what is going on in Florida.

I am repeating these because they are saying it over and over again. They are not saying it just once.

Dan Rather, CBS, again:

> Also just closed their polls, but the races are too close to call. Look at this—Florida—25. The States in white—these are all the States where the polls have closed, but where it is too early to make a call. Florida the biggun'.

Bernard Shaw, CNN:

> For your viewers, watching our coverage, this is the electoral map, every time we call the states, we will tell you what the totals are. What's going on at this hour across this country is a massive ground, war, he talked about Florida, he took it up the east coast, talked about the Republican strength in the panhandle.

Peter Jennings, ABC:

> But the white states, as they appear on the map at the moment, are too close to call.

Cokie Roberts:

> The Democrats are hoping to take advantage of some of the new people who have moved into Florida, and to pick up maybe one, maybe two, maybe three Republican held seats in Florida. We don't know the results there, even though the polls are closed.

Peter Jennings again:

> It's also not true that turnout has been going down steadily over the last few years and that some of the places in Florida in the exit polls we looked at, so far, we don't see necessarily a vigorous turnout by young people. For example, but we do see many young people in that exit poll going for Mr. Gore.

Dan Rather:

> Hold the phone all these states in gray here, all these states, are places where the polls are still open, and that includes Pennsylvania, with 23 electoral votes.
>
> Where the polls have closed, but no decision is in yet —Florida with 25 electoral college votes.

Peter Jennings:

> 270 electoral votes needed to win, I'm going to say it time and again, and there is our national map. The white are states in which we currently believe it is too close to call.

Sam Donaldson, ABC:

> The Democrats have just picked up another important seat in Florida. It is an open seat. Connie Mack, the Republican, was retiring. ABC News projects that Bill Nelson, the insurance commissioner, has won that race.

Bernie Shaw:

> Where ever you see yellow—that's an ooh-ooh, we can't tell you anything about that state.

On and on.

Cokie Roberts:

> It was called the Senate race for the Democratic candidate there. So these are very important seats for the Democrats. The polls are closed, we don't have any results yet.

Judy Woodruff:

> We've had polls close in let's see—one, two, three, four, five, six, seven, eight states—eight states so far. We have been able to call George Bush the winner in four of those states.

Dan Rather:

> It's 7:30 here in the East, and this is the electoral vote right now—with 270 needed to win. Bush 41, Gore 3.

Jeff Greenfield:

> As we look at the electoral map we are obviously putting none of these states in anybody's column.

Dan Rather:

> It's early—don't be misled by the early Bush lead. Right now, the polls have just closed in three more states.

And on and on. This is about 7:45.

Dan Rather again:

> Let me show the electoral map. In Florida, the polls have closed. No decision yet.

That is a sample of the networks' awareness of the importance of voter turnout which aired between 6 and 7 p.m. central time that night. I ask you, if you lived there and you were hearing that, you flip the channel, you go to another channel, flip the channel, you say: Man, I thought I got a notice somewhere that the polls were open, and they are telling you they are closed. People believe what they see and hear in the media. They were wrong. They were misled. This was out there. That is not the only thing that was out there. I will point that out in a second.

Listen to what else was out there. This is CNN now, the same networks calling the election. Here is what else they are saying:

> The Vice-President and Senator Lieberman we're told are still making calls.

This is between 6 and 7 p.m. central time. These people are reporting this. And rightfully so. Vice President Gore and Senator LIEBERMAN should be making calls. The election is not over.

Guess where they are making them. Right into the Florida Panhandle.

> The Vice-President and Senator Lieberman we're told are still making calls, satellite interviews, radio interviews, their wives both making calls. Just spoke to a White House official who says the President of the United States has made 40 calls himself. Still making some at this hour, trying to turn out the Democratic vote.

So they are telling everybody on one hand the polls are closed, and they are telling them on the other hand that the Vice President and the President are making calls to get out the vote.

One final piece of evidence: There was further evidence that the national news media—I will be kind and say—recklessly ignored the fact that the polls were still open. That is pretty reckless to ignore that. That was out 7 or 8 days prior to the election.

Let me read some excerpts from Jeff Greenfield's book "Oh, Waiter! One Order of Crow!" This is Jeff Greenfield, a very respected guy in the media. He is basically telling them what they knew.

> At 7:48 p.m., NBC called Florida for Gore, an act that raised the competitive juices at the other networks.
>
> So it was that CNN Political Director Tom Hannon, at 7:50 p.m., opened the microphone to the anchor desk and announced in our ears, "We are calling Florida for *Gore*—Florida for *Gore*."
>
> ("I was surprised by the early call for Florida," Hannon said, weeks later. "But it's like a laboratory situation. You look at the numbers, the models, the percentages. There was no reason to assume there was a problem.")
>
> And for the next two hours, our coverage focused on one question: Could George W. Bush win the White House without Florida?

So they kept right on talking about how Florida was not decided. They said it was decided, and then told everybody for the next 2 hours, could Bush win the Presidency without Florida, or Gore, for that matter.

> What we did not do was assume that Gore had the race won. What we did do was assume the accuracy of our call, even as the Bush campaign and its partisans were loudly questioning the call—and question it they did—loudly, urgently, almost desperately. In Austin, Bush political strategist Karl Rove was calling correspondents and news executives alike, with one message. Your Florida call is wrong! The polls in the Panhandle are still open! You're gonna have egg all over your faces!

They dismissed it as partisan rhetoric from partisans, even though they had it in their press releases that the polls were still open. Still quoting Greenfield:

> Did anyone at the networks take these complaints seriously? No. After all, what were partisan voices against the cool objective certainty of the numbers and the models and the system that had worked so well for so long.

Dan Rather, in 1996 on my election, called my opponent and congratulated him on his victory. Then he called me a couple of hours later wanting to know what went wrong. I said: Nothing went wrong, Dan. I won. It went right for me.

I couldn't figure out how it worked.

I said: In New Hampshire, we count the votes before we declare the winner. Maybe that is what you should do.

It is pretty telling the kinds of things we have here. I think we know now that the arrogance is unbelievable. They used their polling results. They dismissed entirely people who were telling them over and over again, early in the hour, that the polls were still open, not to call the race, but they still did.

I want to answer one or two constitutional questions before I stop because I am going to be told that it is unconstitutional. It is not. My amendment would be constitutional pursuant to the Supreme Court case *Burson* v. *Freeman*. There is no violation of the first amendment to the U.S. Constitution with these commonsense regulations.

My amendment creates a new Federal statute to ban false or misleading information that confuses a voter. The whole issue, rightfully so, by the Democrats in this election was, Were the voters confused by looking at these butterfly ballots? That was the whole issue, the whole test.

They were confused. They were misled. Yet not a word uttered about the confusion and absolute flat out misleading information put out by the media, not by political operatives. It wasn't Karl Rove on television saying the polls were closed or open either.

It was Carl Rove trying to get the media to tell the truth. It was Katherine Harris trying to get the media to report the truth 8 days before the election. That is all.

In the *Burson* case, the Court upheld a Tennessee statute that prohibited the solicitation of votes and the display or distribution of campaign materials within 100 feet of the entrance to a polling place.

The Tennessee statute was subjected to strict scrutiny and the state had to prove that the regulation serves a compelling state interest and is necessary to serve the asserted interest.

The compelling state interest in my amendment is preventing the suppression of votes.

If a broadcast company willfully broadcasts information that it knows is incorrect about polling closing times, the broadcast company would be willfully suppressing an individual's right to vote.

My amendment provides for criminal penalties for the willful broadcast of incorrect polling information and is the most effective means to prevent a broadcast company from knowingly and willfully changing the outcome of an election.

Mr. President, I have here a memo from Henry Cohen, a Legislative Attorney for the American Law Division at the Library of Congress. Mr. Cohen gives an excellent legal analysis of my amendment and specifically addresses potential first amendment questions.

According to Mr. Cohen, it is not even close.

He says "It appears that a court, following the decision in *Burson* v. *Freeman* would uphold the statute on the grounds that it served "a compelling interest in protecting the voters from confusion" and was necessary to serve that interest.

He goes even further, citing the dissent in Burson. In his view, even under the dissent in Burson, this amendment would be constitutional.

I ask unanimous consent that this memorandum be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEBRUARY 21, 2002.

To: Hon. Bob Smith, Attention: Edward Corrigan
From: Henry Cohen, Legislative Attorney, American Law Division
Subject: Whether Prohibiting Broadcasting False Information About Federal Elections Would Violate the First Amendment

This memorandum is furnished in response to your question whether there would be a First Amendment problem with Congress's prohibiting, on the day of a federal election, knowingly broadcasting (1) a false statement concerning the location or times of operation of any polling place, or (2) the results of an exit poll, or a projection of the winner of an election, in a manner that could mislead viewers or listeners to believe that the results of the exit poll or the projection of the winner was the outcome of the election itself. We consider only the concept of such a prohibition and not any specific legislation.

In Burson v. Freeman, 504 U.S. 191 (1992), the Supreme Court upheld a Tennessee statute that prohibited the solicitation of votes and the display or distribution of campaign materials within 100 feet of the entrance to a polling place. The Court recognized that this statute both restricted political speech, to which the First Amendment "has its fullest and most urgent application," and "bar[red] speech in quintessential public forums," the use of which for assembly and debate "has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." Id. at 196, 197. Further, the statute restricted speech on the basis of its content, as it restricted political but not commercial solicitation, and therefore was not "a facially content-neutral time, place, or manner restriction." Id. at 197.

The Court therefore subjected the Tennessee statute to strict scrutiny, which means that it required the state to show that the regulation serves a compelling state interest and "is necessary to serve the asserted interest." Id. at 199. Although applying strict scrutiny usually results in a statute's being struck down, in this case the Court concluded "that a State has a compelling interest in protecting voters from confusion and undue influence," and "in preserving the integrity of its election process." Id. A campaign-free zone, the Court believed, would help "preserve the secrecy of the ballot" (Id. at 207-208) and prevent "voter intimidation and election fraud" (Id. at 206). The next question, then, was whether a 100-foot restricted zone is necessary to serve this compelling interest. The Court, noting that "all 50 States limit access to the areas in or around polling places," said that, though it would not specify a precise maximum number of feet permitted by the First Amendment, 100 feet "is on the constitutional side of the line." Id. at 206, 211.

Turning to your question, a statute that prohibited, on the day of a federal election broadcasting false statements about the location or times of operation of a polling place, or misleading statements about exit polls or election projections, would, like the Tennessee statute in Burson v. Freeman, restrict political speech on the basis of its content, and would therefore apparently be subject to "strict scrutiny" if challenged in court. But it appears that a court, following the decision in Burson v. Freeman, would uphold the statute on the ground that it served "a compelling interest in protecting voters from confusion" and was necessary to serve that interest.

In fact, though Burson v. Freeman was a 4–3 decision, it appears that the constitutionality of the proposal under consideration might be not as close a case. This is because the conduct that was restricted in Burson v. Freeman—solicitation of votes and the display or distribution of campaign materials within 100 feet of the entrance to a polling place—did not, like the proposal under consideration, involve false or misleading information, which, by its very nature can cause confusion. Rather, Burson v. Freeman involved conduct that merely had the potential to cause confusion.

The dissenting opinion in *Burson* v. *Freeman* believed the Tennessee statute to be unconstitutional in part because it "does not merely regulate conduct that might inhibit voting; it bars the simple 'display of campaign posters, signs, or other campaign materials.' §2–7–111(b). Bumper stickers on parked cars and lapel buttons on pedestrians are taboo. The notion that such sweeping restrictions on speech are necessary to maintain the freedom to vote and the integrity of the ballot box borders on the absurd." Id. at 218–219. It does not appear that a comparable complaint of overbreadth could be raised with regard to the concept of prohibiting, on the day of a federal election, broadcasting false statements about the location or times of operation of a polling place, or misleading statements about exit polls or election projections. If a statute banned only false or misleading information that can confuse voters, then it would not be overbroad.

Mr. SMITH of New Hampshire. This is the first amendment on the right of the major media networks to knowingly broadcast false information leading to thousands of voters believing their vote doesn't count. In this case, it happened to be a Republican situation. It could be the other way around tomorrow. I would say the same thing if it were the reverse. It is not about party or about anything other than misleading information put out in a time zone where the election was still open. The Secretary of State made a point of that, having no idea how important that statement was going to be.

Clearly, it should not be allowed under the first amendment. Supreme Court precedents agree with that. I have cited that in my statement. This amendment bans the willful broadcast of false or misleading information that suppresses potentially millions—in this case thousands—of people to believe that they don't have to vote, that their vote isn't important, they won't vote because they have been told the election is over.

I ask the Senate to give serious consideration to this amendment. I don't know what time we will vote tomorrow. That is up to the leaders. I ask you to look at the tape, because with me speaking about it, you can say he is putting the inflection wrong. Watch the tape and the body language and the way these broadcasters said this. It is very, very intimidating. They are basically saying, hey, go home, stop and get a beer, have a hot dog, stop at McDonald's, go home, don't worry about voting because the election is over, the polls are closed. That is what they are saying. I hope that you will watch the tape before the vote tomorrow. I can't show it on the floor, unfortunately. I will have it in the cloakrooms. I will bring down a copy tomorrow. I ask you to look at it before you vote.

Thank you, Mr. President.

Mr. DODD. Mr. President, first, let me thank our friend and colleague from New Hampshire for showing patience, first of all, and for staying around this evening. I appreciate that immensely. It will help us move the final product along tomorrow because he has taken time this evening to discuss it. I, for one, have not seen the tape. I will look for it. I haven't been in my office for so many days because I have been working on election reform.

Let me suggest that what the Senator has raised in this particular fact situation is not the first time. I recall, going back to 1980, there were concerns when there were exit polls that came out to the media reported before Western States had actually voted. There were colleagues of the U.S. Senate who allegedly lost reelections because the word was that the Presidential race was over. Even before Pacific coast time when literally thousands of people standing in lines walked out of line and didn't vote because they were going to vote for the Presidential race and decided not to show up.

As a result of that, according to many—I am not suggesting this is absolutely the case—many students of previous elections claimed that the decision to announce that exit polls had closed caused other races from local legislative races, gubernatorial races and Senate races, to be adversely affected. There are other suggestions dealing with the exit polls, making announcements about how States are likely to vote based on exit polls in the afternoon.

A number of issues were raised about how the media can more properly conduct themselves during the election process. The Senator from New Hampshire, I think, rightly points out the reason that you have these competitive juices in these control rooms. The media are watching what their competitors are saying and nobody wants to be left behind. I suspect in some cases they took what otherwise would have been reliable models and jumped ahead and found themselves saying, as in Jeff Greenfield's properly entitled book, "Oh, Waiter, One Order of Crow."

We are not going to vote tonight. I suggest this to my colleague because he brought up a very valuable point. I understand he has attempted to address the constitutional issue. This is a very important issue he raised. Thanks to Senator MCCONNELL, we are going to have a permanent election commission established in this country. My hope would be—because I have heard at least from the major media outlets that they understand they went over the top on these issues the Senator has raised. We might talk about a way, in the very early consideration for the Election Administration Commission, to work out some agreements. There will also be potential challenges in courts.

The point he is driving home is we need to come up with a response. I think my colleague felt the answer, however arrived at, would be that we never again see what happened in Florida, where you have time zones—and he has been going through it, where person after person after person announcing the vote where polls were closed. I don't have any doubt that had some effect on the outcome of those areas. We might explore ways in which to avoid the obvious litigation that may ensue about whether or not we can require media outlets to do certain things or make it a violation of law to do it. I just raise that as a thought. I would like to be supportive of something that this Commission could come back to us, with the media, and say here are the things we are concerned about and these are the things that will never happen again because we have made certain changes.

I thank the Senator for staying around this evening to offer the amendment.

If I can, we have a couple amendments we are going to agree to, so we will temporarily lay the Senator's amendment aside. I encourage my staff to meet with Senator SMITH's staff to see if we might work on language that will give this issue he raised a prominent position in the bill. We will seek a way to accept it in a bipartisan fashion and see if we can achieve an important issue that needs to be addressed.

Mr. President, I ask unanimous consent that we temporarily lay aside the Smith amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 2938 AND 2939 EN BLOC

Mr. DODD. Mr. President, I have two amendments that we have cleared on both sides which I am going to offer. One is by Senator SARBANES and the other is an amendment by Senator SESSIONS. I think both may have other cosponsors. If they do, their names can be added later. I will briefly describe to the chair what these amendments do. Then I will call them up.

Senator SARBANE's proposal was included already in the House-passed Hoyer bill. It establishes a program to encourage college students to participate in the election process in the country. Among other things, the students work as poll workers and the like. It is one that I think our colleagues would consider to be a very worthwhile proposal. It would encourage students enrolled at institutions of higher education, including community colleges, to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants, and to encourage State and local governments to use the services of the students participating in the program. In carrying out the program, the commission shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants. The idea is to get as many young people involved in the election process as possible. It is a worthwhile amendment.

Senator SESSIONS offers a similar approach—one that enjoys terrific support. I know one of the major newspapers in my State every year strongly advocates mock elections. Others, I know, around the country have called for them. We have actually authorized this program under the Elementary and Secondary Education Act. The problem has been that while we have authorized the funds, we have never appropriated any money for it. So the program has been sitting over at the Department of Education and never getting the backing at the local level to support this effort. Senator SESSIONS moves that program from the Department of Education to the new permanent commission we will be establishing with his bill. It becomes an obligation of the commission to see to it that we get these mock elections that Senator SESSIONS has called for. The National Student/Parent Mock Election is the proper title of the amendment. It would include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas, and consist of school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum"; speeches and debates before students and parents by local candidates.

This is very laudable and it is regrettable we haven't done more with this. We need to do everything we can early on in education to involve young people in this process.

Despite the efforts of those who preceded us in this institution, who fought very hard to adopt the constitutional amendment that gave the right to vote to 18-year-olds, we all know that the weakest group of participants in the election process are younger voters. There are a lot of reasons for that. There has been a lot of discussion.

I am not suggesting these two amendments are going to be the complete answer, but I think they go a long way, to the extent we are willing to commit resources to do everything we can to engage people in the excitement of debate.

I am told after the debacle, if you will, of last year, of the 2000 election and the news accounts, the one positive that came out of all that was a heightened degree of interest of young people in the election process. Many became interested because of the nightly news stories.

I commend Senator SARBANES and Senator SESSIONS, cosponsors of these two amendments. I think they are worthwhile and add considerably to this product. I thank Senator MCCONNELL and others for agreeing to accept both of these proposals.

Mr. President, I send both amendments to the desk. I ask unanimous consent they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. SARBANES, proposes an amendment numbered 2938.

The Senator from Connecticut [Mr. DODD], for Mr. SESSIONS, proposes an amendment numbered 2939.

Mr. DODD. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 2938

(Purpose: To establish the "Help America Vote College Program")

On page 68, between lines 17 and 18, insert the following:

SEC. . HELP AMERICA VOTE COLLEGE PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the "Commission") shall develop a program to be known as the "Help America Vote College Program" (in this section referred to as the "Program").

(2) PURPOSES OF PROGRAM.—The purpose of the Program shall be—

(A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(B) to encourage State and local governments to use the services of the students participating in the Program.

(b) ACTIVITIES UNDER PROGRAM.—

(1) IN GENERAL.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2).

(2) REQUIREMENTS FOR GRANT RECIPIENTS.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(3) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

AMENDMENT NO. 2939

(Purpose: To authorize the Election Administration Commission to award grants to the National Student/Parent Mock Election to enable it to carry out voter education activities for students and their parents)

On page 47, after line 19, insert the following:

Subtitle D—National Student/Parent Mock Election

SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Administration Commission is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

Mr. DODD. Mr. President, I ask unanimous consent that both amendments be adopted.

The PRESIDING OFFICER. Without objection, the amendments are agreed to en bloc.

The amendments (Nos. 2938 and 2939) were agreed to en bloc.

Mr. DODD. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. Mr. President, we did a lot of work today. I know we are not done. I am hopeful by tomorrow we will complete this bill. We are working on a couple of amendments which I did not think could be worked out. It may be that we actually work out a couple of amendments that looked as if they clearly were headed for votes. We may have compromise language to accommodate Senators. Some Senators have withdrawn their amendments. Others have changed their amendments to studies, which the Senator from Kentucky and I are more than happy to bring into the fold and take a look at on the very important issues that have been raised.

I think we are very close to final passage. I do not want to overstate the case. I know the leaders want to get to the energy bill. Last week there was an understanding we would get to the Schumer-Wyden proposal and give Senator BOND plenty of opportunity to contest that amendment and to consider maybe some compromise. I say that again to try and encourage them to resolve this issue.

After the completion of the vote tomorrow, my hope is we can move to these remaining few amendments, go to third reading, and get to conference. We are not through, obviously. We have to get to conference with the House and work with the White House, obviously, to try to iron out any differences before we can bring back a conference report on election reform. Our work is hardly over, even with passage of this bill. That will be a major step forward. I thank all for their participation today.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business, with Senators permitted to speak therein not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. THOMAS. Mr. President, later this week I hope we will move on to our energy bill on which all of us have worked for so long, certainly recognizing that energy policy is one of the most important issues we will consider this year. Although we have the pressure of other bills—campaign reform and so on—I hope we move, as was promised, to energy later on this week so that we can move forward.

We need this policy out there. The President has put forth a policy. The House has passed a policy. We need to deal with the situation with regard to oil and gas, and of course the opportunity to increase our production domestically so we are not as reliant as we have become on foreign imports. We need to look, obviously, to a balanced bill and different energy sources such as renewables. We need to do more research in terms of coal, and clean coal, and using those resources which we have in abundance.

We haven't yet really, it seems to me, defined where we want to go, particularly with the electric component of energy, but I have to tell you that I think it is very important. People are certainly touched as much by electric energy as any other source. The issue to a large extent is transmission and transportation.

As we develop more and more opportunities to generate electricity, it has to be moved where the market is. Of course, selfishly, in my State, an energy-producing State, the problem is being able to move that energy to where the markets are.

I hope we will try to get together to act. I am afraid we are going to get all wrapped up in Enron, and so on, which has very little to do, frankly, with the energy aspect of it. But we can take a long look at that and take action that will help us more efficiently use those energies that are available.

HADASSAH INTERNATIONAL'S 90TH ANNIVERSARY

Mr. DASCHLE. Mr. President, we are all, by now, too familiar with reports of cowardly terrorist attacks in the streets of Jerusalem. With each of these terrible attacks, we also hear amazing stories of heroism.

I recently read a powerful account of the health care professionals who cared for the victims of the bombings on Ben Yehudah Street last December. It was written by Barbara Sofer, and it featured the work of the doctors and nurses of the Hadassah Hospital in Jerusalem who saved the lives of dozens of young people under the most trying circumstances.

Two things were clear from the account. First, the contributions of Hadassah members make an undeniable difference in improving lives around the world. Second, in our international war against terrorism, the compassion and dedication personified in Hadassah will defeat terrorists whose only interest is destruction.

Today Hadassah celebrates 90 years of excellence in health care and social justice. Hadassah started as a movement to bring health care to a poor people in a troubled land. It has become much, much more. Hadassah has energized women for nine decades. It helped build modern Israel. It has created world-renowned medical and education institutions in Israel, which provide trained medical experts not only for Israel, but for countries the world over. In fact, Hadassah-trained health professionals have responded to health care crises in Rwanda and Bosnia.

We have felt the impact of its excellent work right here in America, as well, on issues of concern to women and to the American Jewish community. Hadassah has over 300,000 members in 1500 chapters across our Nation, and its work has benefitted Americans of all backgrounds.

We are reminded day in and day out that there are forces who want to destroy Israel, weaken America and destabilize the world. But Israel is more secure, America stronger, and the world more stable because of the work of Hadassah. It is only fitting, therefore, that we celebrate Hadassah International's 90 years of excellence.

I extend my congratulations to Bonnie Lipton, National President of Hadassah, and the women who serve on the Hadassah Foundation's Board of Directors. To each of them, and to each of the 300,000 members in this country, I say, thank you.

Mr. SARBANES. Mr. President, this month, Hadassah, the Women's Zionist Organization of America, will celebrate its 90th Anniversary. Hadassah is a unique organization, which has distinguished itself in many arenas over nearly a century. With priorities that range from women's advocacy to developmental health care, Hadassah has consistently made significant contributions around the globe.

I take great pride in the Baltimorean, Henrietta Szold, who founded Hadassah in 1912. Henrietta Szold was a remarkable woman, a person not only of high principles, great intelligence and inexhaustible energy, but someone with the rare and precious ability to translate principles into reality. It was she who set out for Jerusalem in 1918 with staff and supplies for a 50-bed hospital. Today that hospital is known as the Hadassah Medical Organization in Jerusalem; it cares annually for more than 600,000 patients, sets standards for excellence in health care, teaching and research both in Israel and around the world, and opens its doors to everyone in need.

Henrietta Szold's greatest contribution may not have been her own devotion to her community, but the framework she instituted for Hadassah members under which they could carry on the principles that inspired her—service, generosity of spirit, human kindness, and commitment. Hadassah members have acted on these principles, over the past nine decades turning Hadassah into the largest women's group and largest Jewish membership organization in the United States, with nearly 1,650 chapters and a membership of over 300,000.

In Baltimore alone, Hadassah has contributed to health education and community outreach through a number of award-winning programs. These include Check it Out, a program to increase breast cancer awareness and prevention; Act Against Osteoporosis, a campaign to teach prevention and promote the early detection of osteoporosis; Prostate Cancer Awareness Program, a program to educate men about early detection and awareness of prostate cancer; and the 5K Race for Research, an annual race for breast and prostate cancer research. Hadassah has also contributed greatly to education and advocacy in Baltimore through programs like Reach Out and Read, a program in which volunteers read aloud to children in the pediatric offices at Sinai Hospital, Read, Write, Now! an elementary school tutoring program, and Lunch and Learn, a weekly women's study group. Baltimore Hadassah also offers a number of programs for Jewish youth, including Al Galgalim (Training Wheels), Wheeling On and Young Judaea, exceptional programs designed to foster an interest and devotion to Zionism and Jewish heritage.

The welcome evidence of Hadassah's efforts is everywhere around us. The work of Hadassah has contributed very significantly to the vibrancy and vitality of Jewish life in America and Israel and has strengthened the bonds between our two countries. It has done this by expanding educational opportunities, funding advanced research and health care facilities, establishing youth programs and activities and defending democratic freedoms and social justice around the world.

It would be impossible to pay adequate tribute to all of Hadassah's achievements contributions over the years. But as Hadassah enters its tenth decade, I want to commend this organization for its broad and abiding commitments. In areas from humanitarian relief, education and women's health, to their partnership with Israel, Hadassah is always ready to lend a hand, open a door, or inspire a young mind. I look forward to celebrating many more years of Hadassah's impressive achievements.

Mr. LIEBERMAN. Mr. President, I rise today to congratulate Hadassah, the Women's Zionist Organization of America, who, in addition to having the privilege of sharing its name with my beautiful wife, have worked tirelessly over the past 90 years, leaving an indelible mark on Israel and the American Jewish community. From a small group of women who first gathered in February 1912, Hadassah has grown into the largest women's and largest Jewish membership organization in the United States. Today, comprised of 1500 chapters and more than 300,000 members, who can be found in every congressional district nationwide, Hadassah remains committed to the worthy mission of its founders: promoting education, health care, and social justice to Israel and American Jewish women and their families.

Today, I take a few moments to pay tribute to this institution on its 90th anniversary by sharing with my colleagues a little bit about its founder. Henrietta Szold was born in Baltimore, MD on December 21, 1860. The eldest of eight children, her father, Rabbi Benjamin Szold, raised Henrietta to be a scholar. After graduating high school, she taught French, German, botany, mathematics, and other subjects at the Misses Adam's School for Girls in Baltimore. At the same time, she taught bible history classes for adults and youth Sunday school classes at her father's synagogue. In 1893, she moved to Philadelphia to become the secretary-editor of the Jewish Publication Society. In 1902, after the death of her father, she moved to New York City with her mother where, in 1907, she joined the Hadassah Study Circle, a women's Zionist group.

In 1909–1910, Henrietta and her mother visited what was then known as Palestine—a trip that would change her life. Over the course of 6 months, she was moved by what she witnessed, especially the absence of basic medical care. Her mother suggested that Henrietta get her study group involved in health work in Palestine. Greatly affected by her mother's suggestion, Henrietta posed this idea to her group and, in February 1912, the Hadassah Chapter of the Daughters of Zion adapted this mission, dedicating themselves to the improvement of health care in Palestine and the promotion of Jewish education in the United States. Because they initially met on Purim, the group took the name of the holiday's central figure, Queen Esther, who's Hebrew name is "Hadassah."

Today, Hadassah's achievements in advancing health care are evident throughout Israel. Hadassah Medical Organization supports the most advanced medical center in the region, comprised of two hospitals, 90 outpatient clinics, and numerous health centers. Each year, the organization provides health care to over 600,000 patients a year and participates in global outreach programs to developing countries.

In the United States, Hadassah has taken on a broad range of initiatives on behalf of women and the Jewish community. From the Women's Health department's "Check It Out" breast cancer detection and awareness campaign to the family programs sponsored by the Jewish Education department Hadassah provides the American Jewish community with countless services and educational opportunities. Furthermore, the Government Relations Unit provides members and the general public with education and promotes widespread civic participation on public policy matters such as American-Israeli relations, church-state separation, and women's health.

Additionally, Hadassah funds and maintains four other major programs in Israel and the United States: Hadassah Israel Education Services which gives Israeli citizens vocational and technical training; Youth Aliya which provides disadvantaged Israeli and immigrant youth with education and housing; Young Judea, which helps American teenagers build connections to Israel and Jewish life through clubs, camps, and programs in Israel; and the Jewish National Fund which works to preserve Israel's ecology and natural resources.

Nine decades after a group of 38 women first met in New York City to establish a social action group, Hadassah has grown into a nationwide organization providing much needed services and support to Israelis and the American Jewish community. I am pround to wish them congratulations on their 90th anniversary and extend my appreciation for all their important work, which can best be summed up in the traditional words, "Mazel tov."

Mr. SMITH of Oregon. Mr. President, I rise today to honor the founding of Hadassah, the Women's Zionist Organization of America. Ninety years ago on the holiday of Purim, Henrietta Szold founded Hadassah, a volunteer women's humanitarian organization that is 300,000 members strong and one I am honored to have worked with on many an occasion. Hadassah's President, Bonnie Lipton has been a great leader and a friend.

The holiday of Purim celebrates the story of Esther, who saved the Jews from annihilation by the Persian King Ahasuerus. Esther was Ahasuerus' wife, and when she learned that Ahasuerus' advisor, Haman, convinced him to kill the Jews, at great personal risk she intervened to save the Jewish people. In celebration of this event, Esther, whose Jewish name was Hadassah, instructed the Jewish people to give gifts to the poor. It is appropriate that Henrietta Szold created an organization dedicated to Esther, Hadassah, and Purim: ensuring Jewish continuity and giving the gift of a better life to the poor.

Ms. Szold was inspired to create Hadassah when she learned of the conditions of impoverished Jews living in the slums of Turkish-ruled Jerusalem in 1912. By convincing nurses in New York to help in pre-state Israel, Henrietta Szold created a women's institution dedicated to public service and community responsibility. Hadassah continues today to help bring hope to the less-fortunate across the United States and abroad.

Through educational programs, including vocational training and exposure to the arts and athletics, Hadassah helps disadvantaged youth realize their dreams and potential. Hadassah's Youth Aliyah program offers teenagers from around the world who are struggling with depression solace, support and hope. Hadassah members also work with local elementary schools to help ensure that children are given every opportunity and helping hand to learn to read.

Hadassah offers a positive experience for its members and those who they help. They volunteer their time to assist in soup kitchens, nursing homes, day care centers, libraries, hospitals, clinics, domestic violence shelters, schools, and synagogues. Its members recognize the importance of mentoring and provide many opportunities for young women to learn about the importance of commitment, charity, leadership, community, and individualism, qualities of character that our children need to learn.

Beyond its charitable mission, Hadassah has been a key advocate of women's health issues and led efforts to warn Congress of the dangers of genetic testing. Best known for its medical facility in Jerusalem, Hadassah offers the most advanced medical care in the Middle East, to Jews and Arabs alike, and has helped build hospitals in the poorest of countries. Hadassah has been a leader in medical research, especially in women's health.

For years Hadassah was prevented from gaining special consultative status with the United Nations Economic and Social Council, ECOSOC. I am happy to say that Hadassah was finally admitted in May 2001. This "status" should have been a simple thing. ECOSOC oversees the World Health Organization, UNICEF, UNESCO, the Commission on the Status of Women, and the Human Rights Commission. It seemed logical that Hadassah would gain this status, routinely given to many organizations, given its leadership for 90 years in medicine, education, welfare, and women's rights abroad. Hadassah, however, had to fight a long battle with the anti-Semitism present in the United Nations in order to gain this status.

I salute Hadassah for its 90 years of charity and leadership as a humanitarian organization both in America and Israel and look forward to continue to working closely with its membership.

Mrs. FEINSTEIN. Mr. President, today Hadassah, the Women's Zionist Organization of America, a wonderful organization that exemplifies a spirit of voluntaryism and commitment to others is celebrating their 90th anniversary. With more than 300,000 members nationwide, Hadassah is one of the largest women's and the largest Jewish membership organization in America.

Hadassah was founded in 1912 by Henrietta Szold as a group of women "interested in the promotion of Jewish institutions and enterprises in Palestine." What began as an attempt to provide health and social services to both Jews and Arabs in Palestine has grown into myriad undertakings.

Today, Hadassah's major activities in Israel and in the United States span the arenas of health, education, social services, and environmental preservation. For instance, the Hadassah Medical Organization supplies quality medical care to individuals in the Middle East, regardless of race, religion, or nationality. The Youth Aliya Program provides housing and support for disadvantaged and immigrant youth in Israel.

Additionally, the Jewish National Fund helps to build parks and preserve Israel's natural resources, while Young Judea helps U.S. teenagers build connections to Israel and Jewish life. In all of its endeavors, Hadassah has fulfilled its mission to promote a peaceful and prosperous Israel, ensure Jewish continuity, pursue social justice, and provide for the health, education, and well-being of individuals both in Israel and in America.

Over its 90 years of existence, Hadassah has touched the lives of millions of individuals in a tangible manner. In a time when the Middle East remains embroiled in controversy and violence, it is comforting to find a group whose commitment has not changed over time. Even today, Hadassah provides lessons that we can all learn from. I am proud my home state of California boasts more than 25,000 members, people devoted to improving the world around them. As a lifetime member, I would like to thank Hadassah for its efforts, and look forward to celebrating future milestones with them.

RETIREMENT OF MARIE E. MULLIS

Mr. REID. Mr. President, as chairman of the Select Committee on Ethics, it is my privilege to give public notice and honorable mention to the outstanding service that Marie Mullis has provided the committee and the Senate for the past 31 years.

Marie began her Senate career in 1971 as an employee of the predecessor to the Select Committee on Ethics. In 1977 she joined the staff of the Ethics Committee where she advanced from support staff, to executive assistant, to professional staff member. As a professional staff member for the past 14 years she has drawn from a reserve of institutional knowledge, experience, and wisdom to advise Senate staff about the Senate Code of Official Conduct. The committee commends her commitment to its work and is honored to have been the beneficiary of her loyal service over the years.

Despite the impact of her resignation, we—the committee members and committee staff who regard her highly—are pleased to see Marie move forward into retirement and receive reward for her faithful service to the United States Senate.

Thank you, Marie, for your hard work.

READ ACROSS AMERICA

Mrs. BOXER. Mr. President, since 1998, Americans have celebrated "Read Across America" in March to honor Dr. Seuss' birthday. Millions of Americans take part in this nationwide effort to promote reading among our children while paying tribute to Dr. Seuss' great legacy.

It is hard to imagine our childhoods without the delightful books of Dr. Seuss. Such classics as "The Cat in the Hat and Green Eggs and Ham" taught us life lessons we will never forget. My personal favorite is "Oh, the Places You'll Go!" because it encourages children to reach for their dreams. I loved reading the book to my children, and now read it to my grandson. I also enjoy reading it to students while visiting schools in California.

Schools throughout the Nation hold special events to celebrate "Read Across America." This year, schools plan to have breakfasts of green eggs and ham, reading relays, birthday parties for Dr. Seuss, choral readings and museum exhibits. Celebrities and elected officials will join in the fun by reading books to children.

"Read Across America" is a day to celebrate the joy of reading and a return to our childhood, but it also provides an opportunity to address a very important issue: children's literacy in the United States. It has been proven that if children read more at home, they will do better at school. "Read Across America" can help prepare our children for success.

I take great pride in celebrating the fifth anniversary of the National Education Association's "Read Across America." Books introduce children to a wealth of knowledge and a world of imagination. Last year, celebrations took place in every State in the Nation, involving more than 35 million people. This year, NEA expects an even bigger turnout.

I extend my best wishes to participating schools, and encourage all Americans to get involved in this wonderful celebration of reading.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred October 28, 1993 in Watsonville, CA. Four men with a rifle threatened a gay man and kicked in his apartment door. The attackers, Miguel Lopez, 23, Israel Lopez, 18, Cesar Fuentes, 18, and a 16-year-old were arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

SUPPORT FOR U.S. SERVICE MEMBERS SERVING IN OPERATION ENDURING FREEDOM

Mr. LEVIN. Mr. President, I rise today to pay tribute to the greatest source of strength of our military forces engaged in the war on terrorism—the support they receive from the American people. Over Thanksgiving, Senator WARNER and I traveled to Central Asia to visit with our soldiers, sailors, airmen and marines serving in Operation Enduring Freedom. Nothing lifted our spirits more than sharing Thanksgiving with these wonderful troops. Nothing lifted their spirits more than our message that the American people totally support their mission and are deeply grateful for their service.

We have seen that support on display in countless ways in recent months. Americans from every corner of our country have reached into their hearts and reached out to our men and women in uniform, especially over the holidays. One particular story came to my attention that I think captures the American spirit at this time in history.

Just before Thanksgiving, Kasi Brannen of Covington, LA, decided to send a simple holiday card to her son, AT3 Eric Lepkowski, who was serving on the aircraft carrier USS *Theodore Roosevelt* in the Arabian Sea. When family, friends, and members of the community learned of her effort, they wanted to add their wishes as well. When a television station and newspaper from New Orleans reported the story, people from all over Louisiana wanted to add their appreciation. And when other families and friends of sailors abroad the *Theodore Roosevelt* heard the news through the Internet and e-mail, they wanted to include wishes to their own husbands, wives, sons, brothers, sisters and friends. As the news spread across the Nation, even total strangers wrote in to express their thanks to our servicemen and women.

What started out as a simple holiday message to one sailor had quickly grown to a greeting card from all America—a 75-foot banner with more than 1,000 stars, each containing the holiday wishes from grateful Americans from nearly every state and at least three continents. Among them were several families from my home state of Michigan. Those wishes made all the difference to the 5,000 men and women of the *Theodore Roosevelt*, who displayed the banner in one of their hangar bays as a reminder of home and a daily inspiration.

I know my Senate colleagues will join me in celebrating the spirit of America's unity embodied in Kasi Brannen and all our military families who endure separation from their loved ones and who sacrifice in ways that most Americans will never know.

I know my Senate colleagues will join me in acknowledging the commitment of our senior military leaders to the morale and welfare of our forces, as evidenced in the efforts of Vice Chief of Naval Operations Admiral William Fallon and U.S. Fifth Fleet Commander Vice Admiral Charles More Jr. to quickly transport the 1,000-star banner to the *Theodore Roosevelt* in time for the holidays.

Finally, I know my Senate colleagues will also join me in honoring the service of AT3 Eric Lepkowski and all the brave, dedicated and skilled men and women serving in the armed forces to keep this Nation free.

Ms. LANDRIEU. Mr. President, I rise today to join my colleague from Michigan in thanking Kasi Brannen for her strong patriotism and undying support for our men and women deployed to the theater of conflict.

Kasi Brannen's son, AT3 Eric Lepkowski, serves aboard the aircraft carrier USS *Roosevelt* in the Arabian Sea. When she began assembling a Christmas card for him, she asked friends and family in her hometown of Covington, Louisiana, to contribute well wishes and greetings. Soon, word got out in Convington that she was going to send a card to the *Roosevelt* and messages poured in from all over town. Then word spread through the entire Northshore, and then to New Orleans, and to Baton Rouge, and then all over the country. Kasi's Christmas greetings to Eric became the opportunity for the entire country to send its thanks and their holiday blessings to all the men and women serving overseas to protect America. These messages came not just from Navy families, but from scores of Americans who wanted to express their support for our troops. A simple Christmas card turned into a 75 foot banner with over 1,000 messages on it.

Getting this banner to the men and women of the *Roosevelt* was no small feat. December had rolled around and people, known and unknown to Kasi, still desired to add their message to the banner. Kasi was wondering if she could get the package to the *Roosevelt* in time for Christmas. When the Navy found out about Ms. Brannen's project, the Vice Chief of Naval Operations, Admiral William J. Fallon, and the Commander of the Fifth Fleet, Vice Admiral Charles W. More, offered to transport the banner personally.

The 5,000 men and women serving aboard the *Roosevelt* received the banner in time for Christmas and delighted in reading the messages from home. We can only imagine the effect that these messages had on the sailors of the *Roosevelt*. When our sailors go on deployment, they live in cramped quarters and go without the usual creature comforts. This, combined with the isolation and loneliness of combat can take its toll and easily diminish morale. When one of our sailors receives a letter from home, it reconnects them with their families and friends and reminds them just what they are fighting for.

When our nation goes to war, it is fought on many fronts in many different ways. First and foremost, it is fought by the soldiers, sailors, airmen, and marines who are constantly in harm's way. But these men and women are fully supported by their families and friends at home. I think the spouses and children of all of our fighting men and women know their duty in keeping up morale, and they will follow through.

I am extremely proud of all fighting men and women from Louisiana. Our State is home to thousands of servicemembers, and they are part of the overall force which protects this great nation. I am also extremely proud of our citizens who support these men and women in uniform. The efforts of Kasi Brannen are truly superb and are deserving of great recognition.

I want to join my good friend from Michigan in praising Kasi Brannen and the hundreds of other Americans who contributed to her project. I also want to commend the Vice Chief of Naval Operations, Admiral William J. Fallon, and the Commander of the Fifth Fleet, Vice Admiral Charles W. More for their extraordinary efforts in keeping up the morale of our fighting men and women. I know that my colleagues in the Senate join me in commending the husbands, wives and family back home, our service men and women deployed abroad, and the commanders who lead them.

COMFIRMATION OF RICHARD J. LEON, UNITED STATES DISTRICT JUDGE FOR DC

Mr. DEWINE. Mr. President, I rise to pay tribute to Mr. Richard "Dick" J. Leon, the new U.S. District Judge for the District of Columbia. I have known Dick for many years, and I was pleased that the Senate unanimously confirmed him on February 14, 2002.

Dick has all the key qualities necessary to be a fine a District Judge. He is bright, thoughtful, and ethical. He is a personable individual, who cares deeply about the law. I first worked with Dick in 1987, when I was serving on the Senate/House Select Iran-contra Committee. He had been a distinguished Federal prosecutor for the Justice Department, when our ranking Republican on the committee, DICK CHENEY, hired him to serve as our deputy counsel. His performance on our staff was outstanding and his legal skills as an investigator, counselor, and examiner of witnesses were critical to the work of the select committee.

Dick Leon has distinguished himself as a counselor, handling complex criminal and civil litigation. But, his commitment to legal education is also noteworthy. Over his 28 year career, Dick has served in various positions helping teach others about law. He was a full-time law professor for 4 years at St. John's University Law School in New York, and he currently serves as an adjunct law professor at both the Georgetown University and Catholic University law schools in Washington, DC.

From time to time, Dick has been called to assist Congress with highly sensitive matters. Whether it has been counseling a bipartisan task force or serving on a congressional commission, he always has conducted himself with the utmost integrity. Dick Leon has earned the respect of both Republican and Democratic Members alike.

I have every confidence that Dick is fully prepared for the challenges of being a U.S. District Court Judge. I congratulate him on his new assignment and wish him; his wife, Christina; and their son, Nicholas, all the best.

IN RECOGNITION OF BRAVO COMPANY, FIRST BATTALION, TWENTY-THIRD MARINES

Ms. LANDRIEU. Mr. President, for more than two centuries, the U.S. Marine Corps has exemplified the highest virtues of loyalty, service, and sacrifice. From the walls of Tunn Tavern during the Revolution to the far reaches of the Pacific, from the jungles of Vietnam to the vast expanse of the Arabian desert, and from the walls of Camp Rhino and the sand of the Kandahar Airport to Guantanamo Bay, America's Marines have shown the world the meaning of "Semper Fi."

Through the long march of our history, few military organizations have been held in such high esteem as the U.S. Marine Corps. Our Marine Corps is composed of men and women of great character. They are smart, tough, dedicated, and faithful, truly the best America has to offer. For 226 years, they have stood for all that is great about this Nation: honor, courage, and commitment. Their values, sense of courage, and quiet, steadfast character remain timeless and valuable commodities for a time in which our Nation faces the greatest challenge of a generation. I have seen our Marines in action, and I am confident that no obstacle can block their determined path to victory.

Through their great history, Marines have protected America's interests, struggled against our country's foes, and remained at the forefront of our nation's efforts to maintain global peace and stability. In hundreds of distant lands, from Nicaragua to Lebanon, from Saudi Arabia to Somalia, and from Afghanistan to Cuba, Marines restored and maintained order, aided people in distress, provided protection for the weak, and upheld the values that have come to define our country on the world stage. Many made the ultimate sacrifice in the service of their country, and we honor their memory.

I am proud to represent the State of Louisiana, a land which is steeped in Corps history. When the British attacked American forces on the fields of Chalmette outside of New Orleans, a contingent of Marines contributed to an ultimate American victory. This engagement came to be known as the Battle of New Orleans, and served as a powerful statement of American boldness on the battlefield.

It gives me great pride to have the city of New Orleans host the headquarters of the Fourth Marine Division which commands more than 104,000 Reserve Marines nationwide. I am truly grateful for the services that our reserves perform every month. A Marine Corps reservist serves his country an average of 36 days a year. These men and women are of a truly superior caliber, as they dedicate over a month of the year to national service while working hard in the private sector, getting an education, and raising their families.

I would like to extend my personal commendation to the Marines of Bravo Company, First Battalion, Twenty-third Marines as they conclude their deployment to Guantanamo Bay. I want to assure you that the members of the U.S. Senate and the Senate Committee on Armed Services are personally grateful for your service. Our Nation's freedom was won through the toil and sweat of thousands of volunteers who dropped their plows and left their families during the revolution. After they had proved themselves in the realm of battle, they went back to their fields and their families and created our civic institutions. You Marines are the rightful heirs to their tradition, and I trust that our Nation can rely on you to defend our freedom.

As we set out in this new century, the importance of our Marine Corps has never been more clear. Tomorrow, as today and for generations past, the razor sharp readiness of the United States Marine Corps serves as a beacon to America's friends and a warning to our enemies, promising swift action, great victories and richer traditions yet to come.

On this day, I offer my warmest gratitude to Bravo Company, First Battalion, Twenty-third Marines and all who wear the eagle, globe and anchor, and to the families who also serve by supporting them.

ADDITIONAL STATEMENTS

IN RECOGNITION OF DR. LEE TODD

• Mr. BUNNING. Mr. President, I rise today with great pride to ask my colleagues to join me in paying tribute to one of Kentucky's finest citizens, Dr. Lee Todd. On Friday, February 15, Dr. Lee Todd was officially inaugurated as the University of Kentucky's 11th President.

In 1968, Lee Todd completed the first stage of his relationship with the University of Kentucky when he received his Bachelor of Science degree in electrical engineering. After completing his undergraduate studies at UK, Dr. Todd earned his M.S. and Ph.D. degrees in electrical engineering from the Massachusetts Institute of Technology. During his time as a graduate student, he amazingly received six U.S. patents for his innovative work in the area of high-resolution display technology.

Dr. Todd's professional career officially began in 1974 when he embarked on the second stage of his UK relationship by becoming a professor of electrical engineering. During his nine-year tenure as a professor, Dr. Todd published various research articles spanning numerous topics, gave multiple conference presentations, and won several teaching accolades including the prestigious UK Alumni Association Great Teacher Award. He also served on the University Senate for seven years; served on the President's Advisory Committee that established the first Selective Admissions policy; and chaired the College of Engineering Dean Search Committee. In 1981, he temporarily left UK and founded Projectron, Inc., a manufacturing company specializing in the production of cathode ray tubes for the flight simulation industry. The Projectron picture they developed was successfully used in nearly 90 percent of commercial flight simulators as well as numerous military simulators.

Besides his work with Projectron, Inc., Dr. Todd has been significantly involved with various programs attempting to educate the Kentucky citizenry on the areas of economic development and technological advancement. He cofounded a not-for-profit organization called the Kentucky Science and Technology Corporation, which aims to increase university research capacity and develop science and technology education programs encouraging an entrepreneurial economy in the Commonwealth of Kentucky. He has been appointed to statewide committees related to education and economic development by various Governors, even serving as the chair for Governor Collins' Governor's Council on Science and Technology. He also is a proud member of UK's Engineering Hall of Distinction. Dr. Todd recognizes the rapid pace at which the country and the rest of the world is progressing and understands that Kentucky cannot afford to be left behind clinging to the ways of the past.

Throughout his entire life, Dr. Lee Todd has tirelessly and selflessly worked toward the betterment of Kentucky. He possesses the desired knowledge, vision, and strength to help further advance the University of Kentucky's standing in the academic as well as the athletic community. He has experienced what the University has to offer from the standpoint of a student, teacher, and now president. He is more than prepared to meet head on the various challenges involved in successfully managing UK.

I applaud Dr. Todd's lifelong commitment to the education of Kentucky's future political, economic, and social leaders. Finally, I thank him for accepting the challenge of leading the University of Kentucky into the 21st century.•

IN RECOGNITION OF OSCAR MICHEAUX

• Mr. TORRICELLI. Mr. President, I rise today to honor Oscar Micheaux, one of the pioneers of American film. Though Mr. Micheaux passed away over fifty years ago, the Fort Lee Film Commission has chosen to honor his historic contributions to the American film industry as part of its Black History Month celebrations.

In every age, in every walk of life, there is an individual who possesses the vision to move their craft forward in previously unimaginable ways. Oscar Micheaux opened a door for many visionary film makers who were to follow him. With the production of "The Homesteader," Mr. Micheaux became the first African-American to produce a silent film. In 1931, his production, "The Exile," became the first African-American "talkie" to be produced. He also holds the distinction of being the first African-American to have one of his films open in a white owned theater.

As a credit to his work, Oscar Micheaux has been honored for his work with a star on Hollywood's "Walk of Fame". As the Fort Lee Film Commission honors this groundbreaking individual, I wish to express my gratitude at being able to honor such an influential film producer. The film industry has truly been enriched for his contributions.•

CONGRATULATIONS AND THANKS TO BERTHA GLOTZBACH

• Mr. BROWNBACK. Mr. President, on April 23, 1941, the United States was at peace, although Europe and Asia were not. Citizen Kane was to open and be hailed as the best American film ever. A new baseball season was just underway and would see Joe Dimaggio hit safely in 56 straight games. On that day, Bertha Glotzback reported to work at the Department of Labor.

Here it is almost 61 years later and Ms. Glotzbach, a native of Topeka, KS, is ending her career in Government service. For most of her time in Government Ms. Glotzbach has worked as a secretary for the U.S. Agency for International Development and its predecessor agencies. Ms. Glotzbach was there almost at the creation—joining the Economic Cooperation Agency less then a year after it was establish to implement the Marshall Plan. Through the years she has worked diligently and tirelessly in a number of different offices within USAID, most often in the Office of the General Counsel.

Ms. Glotzbach is a special person—a person whose dedication and devotion to her work has demonstrated the best of what we should expect from public servants. Over the course of her valuable service to her country she has earned the respect and affection of all who have worked with her. She has made their lives easier by the way she has carried out her responsibilities. One expects nothing less from a Kansas native, but she shines above others.

On March 1, 2002, Ms. Glotzbach will retire. USAID and the country will lose a valuable civil servant. Bertha, we wish you well in your retirement. Thank you for over 60 years of dedicated service to this country. Your Nation is grateful.•

SPEAKER ROBERT HERTZBERG'S DEDICATION TO CALIFORNIA

• Mrs. BOXER. Mr. President, I am pleased to rise to reflect on the work of California Speaker Robert M. Hertzberg, who has left the post of Speaker after presiding over the Assembly for 2 extraordinary years.

Most of all, Bob Hertzberg will be remembered as a leader at a time of crisis, first with the State's energy crisis, and then the aftermath of the September 11 attacks.

When California came face-to-face with its energy crisis, Bob worked to identify the problems and craft legislation to solve them. Bob's leader ship and unwavering commitment helped California to avoid blackouts and control utility costs.

On September 11, we experienced events that changed our Nation forever. Bob Hertzberg swiftly established a State Task Force on the Impact of Terrorism on California to assess what California needed to do to protect itself from future terrorist attacks. The task force heard testimony from law enforcement officials, business leaders, economists and health officials, and drafted thorough reports for the State Legislature.

Bob Hertzberg is a leader to create a better future for our children. In 1998, he helped pass, with the help of former Speaker Antonio Villaraigosa, what was the largest school construction bond in America's history. The $9.2 billion bond included record funding for schools, colleges and universities. This funding helped construct more than 500 schools and modernize more than 2,000 existing schools throughout the State. On December 14, 2000, Bob introduced the Kindergarten, University, Public Education Facilities Bond Act of 2002, an even larger bond that would allocate $12 billion for the construction and modernization of elementary schools, colleges and universities. Similar to the previous measure, it would help schools meet the needs of a rapidly growing student population.

Bob Hertzberg is a great representative of the San Fernando Valley and a leader for all of California. He has been a strong leader when we needed it the most. I thank Bob for his great contributions to our State over the years, and wish him well in the future.•

NINETIETH ANNIVERSARY OF HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA

• Mr. HAGEL. Mr. President, I would like to take this opportunity to acknowledge the 90th anniversary of Hadassah, the Women's Zionist Organization of America.

With over 300,000 members and 1,500 chapters across the country, Hadassah is the largest Jewish women's membership organization in the United States. Hadassah's mission is to promote a prosperous and peaceful Israel, ensure Jewish continuity, pursue social justice, and provide for the health, education, and well-being of American Jewish women and their families.

I would also add that Hadassah plays a central role in reinforcing the close and intimate bonds of friendship, solidarity, and shared values between the United States and Israel.

Hadassah was founded in 1912 by educator and visionary Henrietta Szold, who had long been committed to the ideal of a Jewish homeland and the Jewish imperative for social justice. After her first visit to Palestine, Szold transformed her small women's study circle into a dynamic social action committee dedicated to meet the challenges of poverty, filth, and disease in Palestine. In 1913, two American nurses set up community health and maternity care stations in Jerusalem. These health centers became the foundation of Israel's medical infrastructure.

Today in Israel, Hadassah supports the most advanced medical center in the region, comprised of two hospitals, 90 outpatient clinics, and numerous community health centers. Hadassah Medical Organization, HMO, its flagship project, provides state-of-the-art health care to 600,000 patients a year regardless of race, religion, or creed, and often treats the most critically wounded in the region's ongoing conflicts.

Through the Congressionally-funded American Schools and Hospital Abroad, ASHA, program, HMO stands ready to serve American military troops should such a need ever arise. HMO sites have been visited by numerous heads of state, American Congressional delegations and administration officials, state and local leaders, and other public opinion makers.

In addition to Hadassah Medical Organization, Hadassah funds and maintains four other major programs in Israel and the United States:

Hadassah Israel Education Services, which provides cutting-edge technical training, retraining, and vocational guidance for all Israeli citizens;

Youth Aliya founded to bring children of the Holocaust to Palestine, now provides housing, education, and support to disadvantaged Israeli and immigrant youth;

Young Judaea, which includes clubs, camps, and programs for American teenagers to build connections to Israel and Jewish life; and

The Jewish National Fund, which supports the building of parks, plants and trees, and other initiatives to preserve Israel's ecology and natural resources.

As part of its global humanitarian commitment, Hadassah provides medical personnel and training and relief services during international health crises, including those in Bosnia-Herzegovina and Rwanda.

Throughout the United States, Hadassah members are engaged in a wide range of educational, advocacy, and community service initiatives. Hadassah's education services include women's health seminars and Hebrew language classes. Hadassah members also help to shape public opinion and policy through advocacy work on issues ranging from United States-Israel relations to first amendment protections to women's rights and health concerns. In communities across the United States, Hadassah members have also launched many projects aimed at improving the lives of women and their families. Hadassah's members are represented in every Congressional district in the United States.

Thank you, Mr. President, for this opportunity to acknowledge the contributions that Hadassah has made to the promotion of humanity, compassion, and community, in Israel, the United States, and worldwide.●

RECOGNITION OF NATIONAL BLUE RIBBON SCHOOLS IN MARYLAND

● Mr. SARBANES. Mr. President, I am proud to recognize the nine elementary schools throughout Maryland that were selected as Blue Ribbon School Award winners in 2001. These schools are among only 264 elementary schools nationwide to be honored with this award, the most prestigious national school recognition for public and private schools.

According to the Department of Education, Blue Ribbons Schools have been judged to be particularly effective in meeting local, State, and national goals. These schools also display the qualities of excellence that are necessary to prepare our young people for the challenges of the next century. Blue Ribbon status is awarded to schools which have strong leadership; a clear vision and sense of mission that is shared by all connected with the school; high quality teaching; challenging, up-to-date curriculum; policies and practices that ensure a safe environment conducive to learning; a solid commitment to family involvement; evidence that the school helps students achieve high standards; and a commitment to share the best practices with other schools.

After a screening process by each State Department of Education, the Department of Defense Dependent Schools, the Bureau of Indian Affairs, and the Council for American Private Education, the Blue Ribbon School nominations were forwarded to the U.S. Department of Education. A panel of outstanding educators from around the country then reviewed the nominations, selected schools for site visits, and made recommendations to the Secretary of Education.

The designation as a Blue Ribbon School is a ringing endorsement of the successful practices that enable the students of these schools to succeed and achieve. Over the past few years, I have made a commitment to visit the Blue Ribbons Schools in my State and have always been delighted to see first hand the interaction between parents, teachers, and the community, which strongly contribute to the success of the school. As I complete my visits to each of these schools, I look forward to personally congratulating the students, teachers and staff for this exceptional accomplishment.

The nine winning Maryland elementary schools include:

Benfield Elementary School. Located in Anne Arundel County, Benfield Elementary was ranked 7th in Maryland on the Maryland School Performance Assessment Program, MSPAP, in 1996 and noted as one of the fastest improving schools in Maryland. The Baltimore Sun recently recognized Benfield's reading program as one of the most effective in the State. The Washington Post also recognized its character-building program, "No Putdowns," as a valuable asset to the school community. Benfield was one of two elementary schools selected to send their experiments aboard the Space Shuttle *Atlantis* and also has two award winning after school programs focusing on science and Spanish language.

Beth Tfiloh Community School. Beth Tfiloh of Baltimore, MD, has dedicated itself to creating a vibrant educational community that touches the minds and hearts of Jewish children. The school's administration and leadership are committed to meeting the needs of each individual student through continued innovation, both as an institution of learning and as a guarantor of Jewish culture. The school has recently received recognition as a Good Neighbor School, Maryland Character Education School of the Year, and a Baltimore Business Journal Innovation in Technology School. Beth Tfiloh graduates have been accepted by the top colleges, universities, and religious seminaries in the United States and Israel and have assumed Jewish leadership roles on their college campuses and in their communities.

Bodkin Elementary School. Bodkin Elementary, located in Anne Arundel County, has had some of the highest test scores in Maryland over the past 2 years. The school has been awarded the Chesapeake Cup for outstanding participation with the Anne Arundel County Public Library and many of its staff members have earned State and county awards for their teaching skills. Bodkin's theme, "A Recipe For Success," accurately reflects that the special ingredients of a supportive school community, enthusiastic teachers and eager learners work to make it an educational star.

Charlestown Elementary School. Charlestown Elementary strives to live up to its motto, "Success for all students, whatever it takes." As a title I school, it successfully provides numerous programs for students of its rural community in Cecil County, including after-school enrichment programs, student support programs, and parent/student volunteers. Scores on the MSPAP have increased for the last 5 years. The committed staff, hard working students, and involved community all contribute to Charlestown's success.

Darnestown Elementary School. Darnestown Elementary is committed to an educational program that recognizes the unique value, needs, and talents of the individual student. Located in Gaithersburg, MD, Darnestown is a school with steadily increasing test scores. Over the past 4 years, Darnestown's composite MSPAP score has increased from 60 percent to 82 percent. The school has received Maryland's Recognition School monetary award for 2 consecutive years. The staff and community are also proud to be the first recipient of the Marriott "Spirit to Serve" award, recognizing Darnestown's involvement in numerous community service projects to support the homeless.

Fort Foote Elementary School. At Fort Foote Elementary, outstanding MSPAP test scores validate the academic achievement of the students, parents, and teachers. The children of this Fort Washington, MD, school embrace the concept of a Community of Caring through the school's nationally recognized character education program. With a 97 percent minority population, the school coordinates a kindergarten through Grade 6 program with an early childhood special education program and Head Start. Combining innovative assessment techniques such as the Comer School Development Program, team instructional planning, shared decisionmaking, and community partnerships have proven effective for total school success.

Ocean City Elementary School. Ocean City Elementary is located close to the resort town, for which it was named, in Ocean City, MD. the teachers and community strongly believe it is their responsibility to expand the number of life choices a child has upon graduation from high school. Ocean City has an excellent reputation of having high behavioral standards as well as reaching academic achievements that have been recognized statewide. The vision behind the school is to make all students academically successful, as well as productive members of society. The dedication of the students, teachers, and parents of Ocean City Elementary truly represents their school motto: I can be anything, I can learn anything if I believe in myself and work hard.

Saint Bernadette School. Saint Bernadette School, founded in 1947 by the parishioners of St. Bernadette Church, is located in Silver Spring, MD. Saint Bernadette's aims to educate the child completely, recognizing and nurturing the spiritual, intellectual, personal, social, physical, and cultural development of its students. The teachers realize that parents are the primary educators of their children and work with them for the well being of each child. The parents do an exemplary job of participating by volunteering in excess of 10,000 hours per year. Saint Bernadette's parents and students continue to distinguish themselves year after year, demonstrating that their dedication and commitment is a true formula for success.•

RECOGNITION OF CAROL CURTISS

• Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to fellow Texan Carol Curtiss, who has recently made a truly remarkable and unprecedented achievement. She is a Merchant Mariner who is the first woman ever to earn both a Chief Engineer's license and an unlimited Master's license. The U.S. Coast Guard has determined that she is one of only three merchant mariners in the country to achieve both these distinctions. Those who complete and accomplish the rigorous training and sea time required for gaining such status, are forever known as Master Mariners.

Carol entered the U.S. Merchant Marine Academy at Kings Point, NY in 1976, which was the School's third year accepting women. She was attracted to the Merchant Marine Academy because of her love of travel, a love developed as a child when her family lived overseas while her father served in the Air Force.

Women normally pursued careers on the deck side. However, Carol strove to be in the engine room, and decided to defy convention and maximize her talents in the Academy's arduous dual license program. Most participants in the dual program focus on a single department, deck or engine, but Carol earned her degree on a variety of technologies. She graduated as a Third Engineer and Third Mate in 1980, with honors.

Soon after, she became a member of the Marine Engineers' Beneficial Association and started a long and successful career sailing as both an engineer and mate, on a variety of vessel types. Last year, Carol earned her Master's license, enabling her to captain a ship of any size. This year, she gained entry to an even more elite group when she successfully earned her unlimited Chief Engineer's license.

In addition, Carol and her husband are both volunteer firefighters. At sea, Carol is the on-scene commander during all emergency situations. She felt that if she was accountable for training seamen how to fight fires, it would be best to have firsthand experience, not just training.

Carol has ascended to the pinnacle of her profession after two decades of seafaring, a rare achievement reserved for an exceptional person and first-class marine officer. I congratulate Carol for earning such a high and honorable status in her career and service.•

CALVIN JAMES

• Mr. ROBERTS. Mr. President, recently our State of Kansas lost a giant within our political system with the unexpected passing of our Republican National Committeeman, Calvin James of Jewell, KS.

All those involved in public service in Kansas, regardless of party, mourn his loss. Calvin James was a textbook study in the pursuit of politics for the public good, not personal gain

I endeavored to capture what Cal James has meant to his hometown, his State, and our nation and to his family and friends with an article and eulogy published in the Salina Journal last week. I extend the thoughts, prayers and best wishes of Calvin's many friends to Betty, his wife, and to his daughter Susan and her family. I ask the article be printed in the RECORD.

The article follows:

With the death last week of Republican National Committeeman Calvin James, Jewell, Kansas lost a giant of politics. He is remembered not only for what is good about Kansas politics, but also for what is great about Kansas communities.

For me, Calvin James was a mentor, a friend, my strongest supporter and my sharpest critic. He smoothed the ups and downs of winning and losing. He set a high standard, but he was gentle in reaching for it.

At his funeral Saturday, a warm February afternoon, the Methodist Church in Jewell overflowed with friends and family from across the state. Among those attending were a sitting governor and two former governors, two U.S. Senators, a Congressman, the Speaker of the House, the Secretary of State, legislators and political officials—a virtual who's who of the contemporary Kansas GOP.

It was the kind of gathering that happens only rarely in rural communities. It signifies the esteem in which Calvin James was held statewide.

Calvin was remembered for commitment to family, to his community and to his state. Quietly, behind the scene with his yellow legal pad, Calvin was a key advisor to governors, senators and congressmen. He believed strongly in the two-party political system and in the role political parties play in good government.

In an era of impersonal media campaigns, he was a people politician. He scouted candidates and recruited precinct committee men and committee women the old fashioned way—by getting in his car and driving from county seat to county seat and talking to people up and down main street.

He worked tirelessly in their campaigns and, once elected, he expected them to remain accountable to grassroots Kansas.

Calvin knew that to get the votes, you first had to count the votes. He was good at it. In his own race for National Committeeman he had the final vote counted exactly—the day before it was taken.

He believed in consensus, in detail and in organizations well run. As Republican Chairman in the first Congressional District of Western and Central Kansas, Calvin made the rounds by car and by phone every two years to build consensus ahead of party elections, which he expected to operate smoothly.

A few years ago in Great Bend, he was challenged by a delegate with different ideas: "This appears to be a railroad operation," the delegate said.

"If it is, I am the conductor," Calvin retorted.

It is a direct result of Calvin's work over three decades that First District Republicans are more activist, more interested and more involved than their counterparts in other parts of the state.

Calvin was born in Jewell and he died there. He left only twice, once as a young man for a job in a larger Kansas community and once to serve in the Army in Korea. On that first job, in a drug store, African Americans were not to be served at the counter. Outraged, Calvin did so anyway—then walked out before he could be fired.

Calvin was once asked if he had considered moving to a larger community. "Why?" he answered, "I have everything I need here."

"Everything" especially included his wife, Betty, and daughter, Susan.

He believed in the worth of Jewell and his family and neighbors and he worked to make the place better. From the school board to the church board, he applied the same energy he applied to politics.

The first stop for every new Methodist minister in Jewell was Calvin James, who "educated" him as to the proper way to draft, present and implement a church budget in order to build consensus and lower controversy.

He brought government officials to Jewell and Beloit to "educate" them on the need for low income housing, elderly housing, rural water infrastructure, highways and, lately, broadband internet capability.

He built James Clothing, with stores in Jewell and Beloit, selling in recent years to his younger partner and protege. He was a self-described "rag merchant."

In retail clothing as in retail politics, there are certain individuals you would rather not see walk through the front door.

Those are the folks, Calvin often said, who you must "smother with the milk of human kindness" in order to make the sale, secure the vote, cement the support.

Calvin James is a textbook study in the pursuit of politics for the public good, not personal gain. He did not get rich at it. He did not use his many connections to those in politics to accrue personal power.

Rather, he used it for the benefit of his community, his state and his nation.

That is a legacy worth renewing as the torch of political leadership passes to a new generation.●

TRIBUTE TO LILLIAN CIUFO

● Mr. TORRICELLI. Mr. President, I rise today to pay tribute to Lillian Ciufo, a New Jersey resident and distinguished member of the Fort Lee community, who will be honored as Person of the Year by the Fort Lee Rotary Club on March 3, 2002.

Lillian, a resident of River Vale, currently serves as an Executive Director of the Fort Lee Housing Authority. The Housing Authority plays an important role in Fort Lee, a community in New Jersey situated right on the Hudson River, directly across from Manhattan, with limited space but a fast growing population. As Executive Director, Lillian is responsible for operating public housing and administering rent subsidies for hundreds of low-income seniors and families.

Under Lillian's direction, the Fort Lee Housing Authority has enjoyed quite a renaissance. In the past five years that she has been Executive Director, over eight affordable housing projects have been constructed. Additionally, the housing authority has been nationally recognized for operating successful projects such as the Family Self Sufficiency Program, FSS, and an affordable child daycare program. The FSS program is a model which I truly believe all communities should examine closely as they look to solve their housing problems. The program provides career planning, job training, educational opportunities, home ownership opportunities and support services, while honoring personal dignity and one's self worth.

Among other notable distinctions, Lillian also serves as Vice President of Community Revitalization on the Board of trustees of the New Jersey Association of Housing and Redevelopment, a branch of the National Housing Organization, and as Treasurer of the Board of Trustees of Heightened Independent and Progress, an agency that serves the disabled.

It is my firm belief that Lillian will continue this fine tradition of community service in the years to come, and will serve with distinction as a tireless advocate on behalf of those in need of housing. As she continues her career as Executive Director of the Fort Lee Housing Authority, I look forward to further recognition of her outstanding work from both the Rotary club and other service organizations.●

CONGRATULATIONS TO DAVIESS COUNTY HIGH SCHOOL

● Mr. BUNNING. Mr. President, I stand today among my distinguished colleagues to congratulate the students, administration, and faculty of Daviess County High School for winning a Preparing America's Future Award from the U.S. Department of Education.

This recent accolade is just one in the line of many bestowed upon the diligent students and devout faculty of Daviess County High School. In 2001, the U.S. Department of Education selected Daviess County High School as a 1999–2000 National Blue Ribbon School shortly after the Commonwealth awarded them with a Kentucky Blue Ribbon award.

The prestigious Preparing America's Future prize is presented to six high schools throughout the entire nation that have taken significant strides in improving their academic standards for all students. Daviess County High School was among this elite group based specifically upon their reputation for excellence and a rigorous evaluation of their progress in 12 key school improvement strategies. The review showed above all else that the school is accurately meeting the needs and expectations of today's students. I would like to offer a special thanks to Principal Brad Stanley for his inspiring leadership and robust commitment to the education of our nation's and the Commonwealth's future. With this competent captain at the helm, Daviess County High School will surely experience smooth sailing ahead.

I hope Daviess County High is as proud of this accomplishment as I am. This award highly reflects upon not only the students and faculty but also the overall community and its dedication to its children. I thank you all for working towards a better educated Kentucky.●

TRIBUTE TO WILLIAM GRAHAM

● Mr. JEFFORDS. Mr. President, today I rise to recognize the outstanding public service contributions of Windham County Sheriff William Graham, who retired on Friday, February 1, 2002. For 33 years, Graham, who is now 70 years old, has run his department efficiently and with fiscal accountability to the taxpayers.

Since the attacks in New York City and at the Pentagon last September, many Americans have realized how important honest and hard-working law enforcement personnel are to our Nation and our communities. People from around the U.S. watched the police forces in New York and Virginia exhibit an integrity that all Americans appreciated. But I suspect that for the Vermonters of Windham County, in southern Vermont, they have always known this lesson: a trustworthy and reliable police department is indispensable to a community's health.

In 1969, William began his work as sheriff in a department in which he was the only full-time employee. Since then, the department has grown to 20 full-time and an equal number of part-time employees. In Vermont, sheriffs' departments are responsible for transporting prisoners to and from criminal courts and with the paperwork from civil cases. But it hasn't been the duties that have given this sheriff's department distinction. Instead, Sheriff Graham's lengthy time in office has given his constituents the reliable and competent public service they deserve.

Even before being selected sheriff, William worked as a state police trooper and a parole officer. All-in-all, his work in law enforcement has spanned 48 years. I wish Sheriff Graham all the success in his retirement that he enjoyed during his long career. And especially so during hunting season.●

TRIBUTE TO KARYN BYE

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Karyn Bye of Hudson, Wisconsin, for winning a silver medal in the women's ice hockey event at the 2002 Winter Olympics in Salt Lake City, Utah.

I commend Karyn for her exemplary skills and talents as an ice hockey player on the United States team. The women's ice hockey team rose to the occasion representing the country with dedication and pride during a fiercely competitive series of games at the Winter Olympics.

Karyn was a member of the 1998 United States Olympic ice hockey team in Nagano, Japan, and she also participated in the World Championships in Minneapolis, Minnesota in 2001, Mississauga, Ontario, Canada in 2000 and Espoo and Vantaa, Finland in 1999. She is a six-time World Championship silver medalist who received an Outstanding Performance Award in 1994.

Karyn earned a bachelor's degree from the University of New Hampshire in physical education and was the Community Ambassador with Alana Blahoski for the Minnesota Wild team of the National Hockey League. She enjoys outdoor sports including camping, fishing and water skiing in addition to her passion for ice hockey.

On behalf of the citizens of New Hampshire and the country, I applaud Karyn's Olympic award. Through her focus and dedication to the sport of ice hockey, she has earned the Olympic silver medal and the respect of her peers and fellow countrymen. Congratulations for a job well done and best wishes as you pursue your goals and dreams as an accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO SARAH TUETING

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Sarah Tueting of Winnetka, Illinois, for winning a silver medal in the women's ice hockey event at the 2002 Winter Olympics.

I commend Sarah for her exemplary skills and talents as an ice hockey player on the United States team. The women's ice hockey team rose to the occasion representing the country with dedication and pride during a fiercely competitive series of games at the Winter Olympics.

Sarah was the gold medal winning goalie on the 1998 United States Olympic ice hockey team in Nagano, Japan, and is a three-time silver medalist at the World Championships. Sarah played collegiate hockey at Dartmouth College in Hanover, New Hampshire. After playing in one ice hockey competition at the 1997 World Championships, she focused her efforts on the 1998 Olympic Winter games. She graduated from Dartmouth with a degree in neurobiology and her aspiration is to become a doctor when her ice hockey career ends.

On behalf of the citizens of New Hampshire and the country, I applaud Sarah's Olympic award. Through her focus and dedication to the sport of ice hockey, she has earned the Olympic silver medal and the respect of her peers and fellow countrymen. Congratulations for a job well done and best wishes as you pursue your goals and dreams as an accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO BODE MILLER

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Bode Miller of Franconia, New Hampshire, for winning silver medals in the men's alpine combined event and the men's giant slalom event at the 2002 Winter Olympics in Salt Lake City, Utah.

I commend Bode for his exemplary skill and talent as he receives this prestigious award. An accomplished skier, Bode has won other important skiing competitions including the 1998 United States champion in the giant slalom and a bronze medal at the 2001 Giant Slalom World Cup in Val d'Isere, France. His silver medal represents Bode's first Olympic medal in his second Olympic games.

Bode is a 1996 alumni from the Carrabassett Valley Academy in Maine, who earned a place on the U.S. Ski Team by placing third in slalom at the 1996 U.S. National Championship at Sugarloaf, Maine. By 1998, he was on the World Cup circuit full time and, at age 21, made his Olympic debut in Nagano.

On behalf of the citizens of New Hampshire and the country, I wish to congratulate Bode for his Olympic award. There has been no United States dominance in the field of men's slalom events since 1983. Through his focus and dedication to the sport of skiing, Bode has earned the Olympic silver medal and the respect of his peers and fellow countrymen. We all wish you the very best as you pursue your goals and dreams as accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO TRICIA DUNN

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tricia Dunn of Derry, New Hampshire, for winning a silver medal in the women's ice hockey event at the 2002 Winter Olympics in Salt Lake City, Utah.

I commend Tricia for her exemplary skills and achievements as an ice hockey player on the United States team. The women's ice hockey team rose to the occasion representing our country with dedication and pride during a fiercely competitive series of games during the Winter Olympics.

Tricia was a member of the 1998 United States Olympic ice hockey team in Nagano, Japan. She also participated in World Championship competitions in Espoo and Vantaa, Finland in 1999, Mississauga, Ontario, Canada in 2000, and Minneapolis, Minnesota in 2001. As a World Champion, she is a four-time silver medalist.

Tricia is a graduate of the University of New Hampshire who has played at two Three Nations Cups and was a member of the University of New Hampshire women's ice hockey team that defeated Providence College to win the 1996 Eastern Collegiate Athletic Conference Championship.

On behalf of the citizens of New Hampshire and the country, I wish to congratulate Tricia for her Olympic award. Through her focus and dedication to the sport of ice hockey, she has earned the Olympic silver medal and the respect of her peers and fellow countrymen. Congratulations for a job well done and best wishes as you pursue your goals and dreams as an accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO KATIE KING

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Katie King of Salem, New Hampshire, for winning a silver medal in the women's ice hockey event at the 2002 Winter Olympics in Salt Lake City, Utah.

I commend Katie for her exemplary skill and talent as an ice hockey player on the United States team. The women's ice hockey team rose to the occasion representing our country with dedication and pride in a fiercely competitive series of match ups during the Winter Olympics.

Katie was a member of the 1998 United States Olympic ice hockey team which earned the first gold medal in Nagano. She was the third-leading scorer during the 2000–2001 national team season and also scored a goal and seven assists at the 2001 World Championships.

During her senior year at Brown University, Katie was named as the Eastern Collegiate Athletic Conference's Player of the Year and also lead the Brown University Bears to an Ivy League softball title.

On behalf of the citizens of New Hampshire and the country, I congratulate Katie for her Olympic award. Through her focus and dedication to the sport of ice hockey, Katie has earned the Olympic silver medal and the respect of her peers and fellow countrymen. Best wishes as you pursue your goals and dreams as an accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

TRIBUTE TO TARA MOUNSEY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Tara Mounsey of Concord, New Hampshire, for winning a silver medal in the women's ice hockey event at the 2002 Winter Olympics in Salt Lake City, Utah.

I commend Tara for her exemplary skills and achievements as an ice hockey player on the United States team. The women's ice hockey team rose to the occasion representing the country with dedication and pride during a fiercely competitive series of games at the Winter Olympics.

Tara was a member of the 1998 United States Olympic ice hockey team in Nagano, Japan, and she also participated in the 1999 World Championships in Espoo and Vantaa, Finland. She is a two-time silver medalist in World Championship competition in 1997 and 1999.

Tara won a silver medal at the 1996 IIHF Pacific Women's Championship where she was named Outstanding Performer. She played collegiate hockey at Brown University and was named as the 1995–1996 New Hampshire Hockey Player of the Year, the only female to ever win the award.

On behalf of the citizens of New Hampshire and the country, I applaud Tara's Olympic award. Through her focus and dedication to the sport of ice hockey, she has earned the Olympic silver medal and the respect of her peers and fellow countrymen. Congratulations for a job well done and best wishes as you pursue your goals and dreams as an accomplished athlete. It is truly an honor and a privilege to represent you in the U.S. Senate.•

CONGRATULATIONS RUSSELLVILLE MIDDLE SCHOOL

• Mr. BUNNING. Mr. President, today I rise to congratulate the hard-working members of the Russellville Middle School academic team for winning their third straight district championship in the district Governor's Cup tournament.

The academic team won the contest with ease, soundly beating the rest of the field with their intellectual prowess. Russellville Middle School students impressively placed in every single event and captured First Place finishes in the categories of quick recall and future problem-solving. I ask my fellow colleagues to join me in specially recognizing Jonathan White, Ben Kees, and Nikki Koller for placing first in their individual categories. Throughout the school year, the Russellville team has diligently worked together towards achieving this goal and proved that teamwork leads to success.

I commend the Russellville Academic team for their commitment to their studies and applaud them on winning their third consecutive district Governor's Cup title. I wish them and all participating the best of luck in the upcoming regional tournament.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:49 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5501. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2001–64—Leave-based Donation Program" received on February 20, 2002; to the Committee on Finance.

EC–5502. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signs" (RIN2125–AE83) received on February 20, 2002; to the Committee on Environment and Public Works.

EC–5503. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, the report of a rule entitled "Risk-Based Capital" (RIN2550–AA23) received on February 20, 2002; to the Committee on Banking, Housing; and Urban Affairs.

EC–5504. A communication from the Assistant to the Board of Governors, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Amendment to Regulation T (Credit by Brokers and Dealers); Foreign Margin Stock List" received on February 20, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5505. A communication from the Director of the Office of Personnel Management, The Presidents' Pay Agent, transmitting, pursuant to law, a report relative to locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Governmental Affairs.

EC–5506. A communication from the Acting General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director, received on February 20, 2002; to the Committee on Governmental Affairs.

EC–5507. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Louisiana Regulatory Program" (LA–021–FOR) received on February 21, 2002; to the Committee on Energy and Natural Resources.

EC–5508. A communication from the Acting Director of the Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Kansas Regulatory Program" (KS–022–FOR) received on February 21, 2002; to the Committee on Energy and Natural Resources.

EC–5509. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Animals Destroyed Because of Tuberculosis; Payment of Indemnity" (Doc. No. 00–106–1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5510. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Czech Republic Because of BSE" (Doc. No. 01–062–1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5511. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Phytophthora Ramorum; Quarantine and Regulations" (Doc. No. 01–054–1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5512. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Limited Ports of Entry for Pet Birds, Performing or Theatrical Birds, and Poultry and Poultry Products" (Doc. No. 01–121–1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5513. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Chronic Wasting Disease in Cervids; Payment of Indemnity" (Doc. No. 00–108–1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5514. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 01–058–2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5515. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Germany, Italy, and Spain Because of BSE" (Doc. No. 01-008-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5516. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commercial Transportation of Equines to Slaughter" (Doc. No. 98-074-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5517. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 00-088-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5518. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Additions to Quarantined Areas" (Doc. No. 00-036-3) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5519. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Karnal Bunt; Regulated Areas" (Doc. No. 01-063-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5520. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Export Certification; Canadian Solid Wood Packing Materials Exported from the United States to China" (Doc. No. 99-100-4) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5521. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime Periods; Overtime Services Relating to Imports and Exports" (Doc. No. 01-111-1) received on February 21, 2002 ; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5522. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Additions to Quarantined Area" (Doc. No. 01-081-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5523. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Netherlands and Northern Ireland with Regard to Foot-and-Mouth Disease" (Doc. No. 01-031-3) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5524. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "States Approved to Received Stallions and Mares from CEM-Affected Regions; Rhode Island" (Doc. No. 01-055-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5525. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Japan with Regard to Foot-and-Mouth Disease" (Doc. No. 01-010-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5526. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hot Water Treatment for Limes" (Doc. No. 99-081-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5527. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Interstate Movement of Swine Within a Production System" (Doc. No. 98-023-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5528. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Beef from Argentina" (Doc. No. 01-032-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5529. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco" (Doc. No. 01-029-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5530. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Brucellosis in Cattle; State and Area Classification; Florida" (Doc. No. 01-020-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5531. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hot Water Treatment for Limes" (Doc. No. 99-081-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5532. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Horses from Iceland; Quarantine Requirements" (Doc. No. 00-010-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5533. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of France and Ireland with Regard to Foot-and-Mouth Disease" (Doc. No. 01-031-2) received on February 21 , 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5534. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mexican Hass Avocado Import Program" (Doc. No. 00-003-4) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5535. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oriental Fruit Fly; Designation of Quarantined Area" (Doc. No. 01-102-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5536. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "States Approved to Receive Stallions and Mares from CEM-Affected Regions; Rhode Island" (Doc. No. 01-055-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5537. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Greece because of BSE" (Doc. No. 01-065-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5538. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "District of Columbia; Movement of Plants and Plant Products" (Doc. No. 00-085-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5539. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mediterranean Fruit Fly; Addition to Quarantined Areas" (Doc . No. 01-093-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5540. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Slovakia and Slovenia because of BSE" (Doc. No. 01-122-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5541. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Unshu Oranges from Kyushu and Honshu Islands, Japan" (Doc. No. 99-099-2) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5542. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Doc . No. 01-092-1) received on February 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5543. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Termination of the Designation of Argentina as a Participant under the Visa Waiver Program" (RIN1115–AB93) received on February 21, 2002; to the Committee on the Judiciary.

EC–5544. A communication from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Research Room Procedures" (RIN3095–AB01) received on February 25, 2002; to the Committee on Governmental Affairs.

EC–5545. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Pension Plan Etc., Cost-of-Living Adjustments for 2002" (Notice 2001–84) received on February 19, 2002; to the Committee on Finance.

EC–5546. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tax Treatment Regarding Options in Spin-Offs" (Rev.Rul. 2002–1, 2002–2) received on February 19, 2002; to the Committee on Finance.

EC–5547. A communication from the Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Civil Assets Forfeiture" (RIN1515–AC69) received on February 25, 2002; to the Committee on Finance.

EC–5548. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality State Implementation Plans; 'Georgia: Control of Gasoline Sulfur and Volatility" (FRL7148–4) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5549. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Minnesota" (FRL7139–8) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5550. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland Nitrogen Oxide Averaging Plan for Constellation Power Source Generation" (FRL7144–5) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5551. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delaware: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7149–9) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5552. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, Kern County Air Pollution Control District" (FRL7139–2) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5553. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL7146–1) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5554. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities" (FRL7148–7) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5555. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Bay Area Air Quality Management District" (FRL7146–7) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5556. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Kern County Air Pollution Control District" (FRL7139–1) received on February 25, 2002; to the Committee on Environment and Public Works.

EC–5557. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law; the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquein Valley Air Pollution Control District" (FRL7145–8) received on February 25, 2002; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*Air Force nomination of Maj. Gen. Steven R. Polk.

*Air Force nomination of Maj. Gen. John R. Baker.

*Air Force nomination of Lt. Gen. Lance W. Lord.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Army nomination of Leslie C. Smith II.

Air Force nomination of David E. Blum.

Air Force nominations beginning James C. Cooper II and ending John J. Kupko II, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 20, 2001.

Air Force nominations beginning Linda F. Jones and ending Robert J. King, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 2002.

Air Force nomination of Dan Rose.

Air Force nominations beginning Douglas W. Knighton and ending Robert J. Semrad, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 2002.

Air Force nominations beginning Richard E. Horn and ending Mark A. Weiner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 2002.

Army nominations beginning Franklin E. Limerick, Jr. and ending Gary J. Thorstenson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 2002.

Army nominations beginning Darlene S. Collins and ending Michael J. Wagner, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 23, 2002.

Air Force nominations beginning Vincent G. Debono, Jr. and ending Amy M. Rowe, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Air Force nominations beginning Kathryn L. Aasen and ending Justin N. Zumstein, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Air Force nominations beginning Melissa A. * Aerts and ending Richard M. Zwirko, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Air Force nominations beginning Todd E. Abbott and ending Stephen J. Zimmermann, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Army nominations beginning Gary J. Brockington and ending Donna M. Wright, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Marine Corps nominations beginning Robert J Abblitt and ending Carl J. Woods, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Marine Corps nominations beginning Donald A. Barnett and ending Nicolas R. Wisecarver, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Air Force nominations beginning* Kirby D. Amonson and ending* Dalton P. Wilson, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 28, 2002.

Air Force nominations beginning Sandra G. Mathews and ending Margaret M. Nonnemacher, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Air Force nominations beginning Rebecca A. Dobbs and ending Max S. Kush, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Air Force nominations beginning Ernest H. Barnett and ending Ronald W. Schmidt, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Air Force nominations beginning Sandra H. Alford and ending Francis C. Zucconi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Air Force nominations beginning Raul A. Aguilar and ending Gilbert L. Wergowske, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Air Force nominations beginning Larry W. Alexander and ending Claudia R. Ziebis, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on January 29, 2002.

Marine Corps nominations beginning Albert R Adler and ending Peter D. Zoretic, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 11, 2002.

Army nominations beginning Marian Amrein and ending Steven M Walters, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 15, 2002.

Navy nominations beginning Gregory W. Kirwan and ending Matthew M. Scott, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 5, 2002.

Navy nominations beginning Michael J. Adams and ending Scott A. Suozzi, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 5, 2002.

Navy nomination of John J. Whyte.

Navy nominations beginning Kelly V Ahlm and ending Thomas A Winter, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 11, 2002.

Navy nominations beginning Rene V Abadesco and ending Mark W Yates, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on February 11, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 1964. A bill to direct the Secretary of the Interior to make a grant to the Hubbard Museum of the American West in Lincoln County, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. WELLSTONE:

S. 1965. A bill to meet the mental health and substance abuse treatment needs of incarcerated children and youth; to the Committee on the Judiciary.

By Mr. BIDEN:

S. 1966. A bill to educate health professionals concerning substance abuse and addiction; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KERRY:

S. 1967. A bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program; to the Committee on Finance.

By Mr. HOLLINGS:

S. 1968. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel THE ISLANDER; to the Committee on Commerce, Science, and Transportation.

By Mr. HUTCHINSON (for himself, Mr. LOTT, and Mr. GREGG):

S. 1969. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. ALLEN, Ms. SNOWE, Ms. COLLINS, and Mr. SPECTER):

S. Res. 212. A resolution expressing the condolences of the Senate to the family of Daniel Pearl; considered and agreed to.

ADDITIONAL COSPONSORS

S. 177

At the request of Mr. AKAKA, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 459

At the request of Mr. BUNNING, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

S. 743

At the request of Mr. REED, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 743, a bill to establish a medical education trust fund, and for other purposes.

S. 1030

At the request of Mr. CONRAD, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1030, a bill to improve health care in rural areas by amending title XVIII of the Social Security Act and the Public Health Service Act, and for other purposes.

S. 1129

At the request of Mr. WARNER, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1129, a bill to increase the rate of pay for certain offices and positions within the executive and judicial branches of the Government, respectively, and for other purposes.

S. 1248

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1248, a bill to establish a National Housing Trust Fund in the Treasury of the United States to provide for the development of decent, safe, and affordable, housing for low-income families, and for other purposes.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1482

At the request of Mr. HARKIN, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1482, a bill to consolidate and revise the authority of the Secretary of Agriculture relating to protection of animal health.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants , and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1863

At the request of Mr. GRAHAM, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to clarify treatment for foreign tax credit limitation purposes of certain transfers of intangible property.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1911

At the request of Mr. INHOFE, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from North Dakota (Mr. CONRAD), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1911, a bill to amend the Community Services block Grant Act to reauthorize national and regional programs designed to provide instructional activities for low-income youth.

S. 1917

At the request of Mr. BINGAMAN, his name was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. JEFFORDS, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Maryland (Mr. SARBANES), the Senator from New Jersey (Mr. TORRICELLI), the Senator from Michigan (Mr. LEVIN), the Senator from Florida (Mr. NELSON), the Senator from New York (Mr. SCHUMER), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1917, supra.

S. 1934

At the request of Ms. MIKULSKI, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1934, a bill to amend the Law Enforcement Pay Equity Act of 2000 to permit certain annuitants of the retirement programs of the United States Park Police and United States Secret Service Uniformed Division to receive the adjustments in pension benefits to which such annuitants would otherwise be entitled as a result of the conversion of members of the United States Park Police and United States Secret Service Uniformed Division to a new salary schedule under the amendments made by such Act.

S. 1961

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1961, a bill to improve financial and environmental sustainability of the water programs of the United States.

S.J. RES. 10

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for women and men.

S. RES. 209

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 209, a resolution to express the sense of the Senate regarding prenatal care for women and children.

AMENDMENT NO. 2907

At the request of Mr. ROBERTS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 2907 intended to be proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

* * *

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 1964. A bill to direct the Secretary of the Interior to make a grant to the Hubbard Museum of the American West in Lincoln County, New Mexico; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I am pleased to introduce this bill which authorizes the expansion of the Hubbard Museum of the American West in Lincoln County, NM. Specifically, this bill would allow the Secretary of Interior to make a grant of up to $4.5 million dollars to cover the Federal share of the museum's expansion.

The Hubbard Museum of the American West has been serving the public since 1993. Opened that year under the name of The Museum of the Horse, the museum welcomed 25,000 visitors in its first full year of operations. Current annual attendance is 130,000 visitors at three locations and one special event within Lincoln County.

As attendance and programs have grown, the museum no longer has the space or facilities to meet the needs of expanded exhibitions and programs. In addition, the Hubbard museum's recent affiliation with the Smithsonian Institute allows the museum to receive artifacts and other collections from the Smithsonian that can be exhibited for the benefit of the public. The Hubbard museum cannot fully serve the visitors or expand its exhibitions and programs without additional space.

The Hubbard Museum of the American West seeks to dramatically expand its facility in order to increase tourism and job development in Lincoln County, NM. This expansion will allow the museum to fully take advantage of its affiliate status with the Smithsonian, address additional needs for collection storage and collection preservation, through climate control, and will provide permanent jobs for an economically challenged region. Early estimates indicate that the project will bring 25 short-term construction jobs and 15 full time museum jobs to Lincoln County. In addition, the expanded tourist attraction will allow an estimated 100 additional jobs to be created throughout the community.

Lincoln County is consistently ranked in the bottom third for income levels in New Mexico, a State that is ranked at the bottom of most income level charts. The citizens of Lincoln and northern Otero counties include Native American, Hispanic Americans, and Anglo-American ethnic groups. It is estimated that one third of the new museum employees will come from each of these ethnic groups. Of special concern is the hiring of a Native American who will act as a curator for the extensive Native American artifacts that the museum owns and cares for. The museum also plans to add Hispanic staff members to its visitor services division as Spanish speaking visitors make up an estimated 20 percent of the annual visitation. Additionally, the museum plans to work with the New Mexico Department of Labor to identify individuals who can be brought off welfare or less meaningful employment to work for the museum.

The Hubbard Museum has a long history of providing free consulting and operating help to museums and not-for-profit organizations in Lincoln County. It is a true asset and I am pleased to introduce a bill that will help continue these worthwhile efforts.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HUBBARD MUSEUM OF THE AMERICAN WEST, NEW MEXICO.

(a) IN GENERAL.—Subject to the availability of appropriations, the Secretary of the Interior shall make a grant to the Hubbard Museum of the American West in Lincoln County, New Mexico, to pay the Federal share of the cost of expanding the museum.

(b) FEDERAL SHARE.—The Federal share shall be 75 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,500,000 for fiscal year 2003, to remain available until expended.

By Mr. WELLSTONE.

S. 1965. A bill to meet the mental health and substance abuse treatment needs of incarcerated children and youth; to the Committee on the Judiciary.

Mr. WELLSTONE. Mr. President, I rise today to reintroduce the Mental Health Juvenile Justice Act of 2002. As many of my colleagues know, increasing numbers of children with mental disorders are entering the juvenile justice system. Each year, more than one million children come into contact with the justice system, and twenty percent of those who are incarcerated have a serious mental illness. Many of these children are, in effect, dumped on the justice system because of cuts in mental health services in the community. These children are overwhelmingly poor, a disproportionate number are children of color, and most come from troubled homes.

Contrary to what many believe, most children who are locked up are not violent. Justice Department studies show that only one in twenty children in the juvenile system has committed a violent offense. Most children with mental disorders have committed minor, nonviolent offenses or status offenses, such as petty theft or skipping school. Still others have simply run away from home to escape physical or sexual abuse from parents or other adults. Whenever possible, these children should be diverted from the juvenile justice system and toward community-based services, including mental health and substance abuse treatment as needed. Because some children with mental disorders commit serious and violent offenses, it is not always possible to divert them from incarceration. Nevertheless, these children need treatment for their disorders to aid in their inevitable return to the community.

Children with mental illness are largely untreated in the current system, although this may contribute to the child's delinquency. The difficult and sometimes deplorable conditions that prevail in detention centers and youth prisons exacerbate the problems of these children. Mental health services both prevent them from committing delinquent offenses and from re-offending. If appropriate mental health care is not provided, our country will pay a higher price in repeated incarcerations, substance abuse, and even suicides.

The Mental Health Juvenile Justice Act of 2002, if enacted into law, will go a long way to help address the needs of these children. This measure outlines a comprehensive federal strategy for providing critical assistance to children with mental illness in our juvenile justice system. It would:

Train state judges, probation officers, and others on the identification and need for appropriate treatment of mental disorders and substance abuse, and on the use of community-based alternatives to placement in juvenile correctional facilities;

Provide block grant funds and competitive grants to the states and localities to develop mental health diversion programs for children who come into contact with the justice system, by strengthening the collaboration of community agencies serving troubled children, and to provide mental health treatment for incarcerated children with emotional disorders;

Establish a Federal Council on the Criminalization of Youth with Mental Disorders to report to Congress on proposed legislation to improve the treatment of mentally ill children who come into contact with the justice system; and

Remove the most damaging provisions of the Prison Litigation Reform Act of 1996, by giving back to the federal courts important tools to remedy abusive conditions in state facilities under which juvenile offenders and mentally ill prisoners are being held.

We can no longer ignore this tragedy. The neglect of youth with emotional disturbances in our prisons must end. We as a society have the moral obligation to see that they get the help they need.

By Mr. BIDEN.

S. 1966. A bill to educate health professionals concerning substance abuse and addiction; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, I rise today to introduce legislation to address the problem of substance abuse in our country.

Last year the Robert Wood Johnson Foundation called substance abuse America's number one health problem. I don't think that overstates it.

Most of us know someone, a family member, maybe a neighbor, a colleague, or a friend, who is addicted to drugs or alcohol. In fact, 14 million people in this country abuse alcohol or are alcoholics. Nearly 15 million use drugs. And nearly four million are in need of treatment but not receiving it.

Drug and alcohol abuse has far reaching consequences. It exacerbates social ills. It's a public safety problem. It's a public health problem. It's a public expenditure problem. There is an undeniable correlation between substance abuse and crime. Eighty percent of the two million men and women behind bars today have a history of drug and alcohol abuse or addiction or were arrested for a drug-related crime. Illegal drugs are responsible for thousands of deaths each year. They fuel the spread of AIDS and Hepatitis C. They contribute to child abuse, domestic violence, and sexual assault. And we all pay the price.

It costs this Nation almost $276 billion in law enforcement, criminal justice expenses, medical bills, and lost earnings each year. That means that preventing and treating substance abuse makes sense. It makes good criminal justice sense. It makes public health sense. It makes budgetary sense. Not to mention the fact that it's the right thing to do.

Yet there remains a reluctance to recognize substance abuse as a health issue. There's a reluctance to accept addiction as a disease. It's a reluctance that has kept public policy from asserting that addicts should be in treatment. Whether addicts are in prison or out, it seems to me, treatment is the only legitimate choice.

Not only must we authorize it, we must take full advantage of the treatments that have been developed.

For too long, access to effective therapies, such as methadone and LAAM for heroin addiction, has been strangled by layers of bureaucracy and regulation. The result is that only 22 percent of opiate addicts are now receiving pharmaco-therapy treatment.

Yet, when I introduced a bill during the last Congress with Senators HATCH, LEVIN and MOYNIHAN to help improve access by allowing qualified doctors to prescribe certain anti-addiction drugs such as buprenorphine right from their offices, just like other medicines, the bill initially met with resistance.

But, because the facts about addiction are finally beginning to sink in, 69 percent of Americans now support treatment instead of jail as the primary focus for drug abusers, and because we were frustrated enough to be persistent, the bill eventually passed and President Clinton signed it into law.

But it's not only about increasing access to treatment. It is also about moving treatment into the medical mainstream. Unless family doctors, nurses, physician assistants and social workers can identify addiction when they see it, unless they know how to intervene, we will never make any real progress.

That aspect of the challenge came into sharp focus for me when I read a report a few years ago by The National Center on Addiction and Substance Abuse at Columbia University, CASA.

That report said that fewer than one percent of doctors presented with the classic profile of an alcoholic older woman could diagnose it properly. Eighty-two percent mis-diagnosed it as depression, some treatments for which are dangerous when taken with alcohol. A follow-up study showed that 94 percent of primary care physicians fail to diagnose substance abuse when presented with the classic symptoms. And 41 percent of pediatricians fail to diagnose illegal drug use in teenage patients.

No one recognizes this problem better than the doctors themselves. Fewer than one in five, only 19 percent, feel confident about diagnosing alcoholism. And only 17 percent feel qualified to identify illegal drug use. Having said that, even if they diagnose it, most doctors don't believe that treatment works.

Among practitioners, as well as policy makers, we need to get the message out. It needs to be loud and clear. Addiction is a chronic relapsing disease, and as with other such diseases, while there may not be a cure, medical treatment can help control it.

The medical professionals have to be educated to recognize the signs of substance abuse and to pursue the effective therapies that are available. That is why I am introducing legislation to create a grant program to train medical professionals to prevent and recognize addiction and refer patients to treatment if they need it. Representative Patrick Kennedy will introduce companion legislation in the House of Representatives.

Like treatment, training works.

According to a study published in the Brown University Digest of Addiction Theory and Application, 91 percent of health professionals who took part in training on addiction at Boston University were using the techniques they learned one to five years later.

Every family doctor does not need to be an addiction specialist, but they do need to be able to recognize the signs. And they need to know what help is available.

It's another step, and, in my view, a crucial one, to help bridge the divide between research and practice. It will help chip away at the incredible substance abuse-related costs we face each year in human as well as monetary terms.

I hope that my colleagues will join me to support this important legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Health Professionals Substance Abuse Education Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) Illegal drugs and alcohol are responsible for thousands of deaths each year, and they fuel the spread of a number of communicable diseases, including AIDS and Hepatitis C, as well as some of the worst social problems in the United States, including child abuse, domestic violence, and sexual assault.

(2) There are an estimated 14,800,000 current drug users in America, more than 4,000,000 of whom are addicts. An estimated 14,000,000 Americans abuse alcohol or are alcoholic.

(3) There is a significant treatment gap in the United States. Nearly 4,000,000 drug users who are in need of immediate treatment are not receiving it. This includes more than 1,200,000 children ages 12 to 25. These numbers do not take into account the number of alcoholics in need of treatment.

(4) There are more than 28,000,000 children of alcoholics in America, almost 11,000,000 of whom are under 18 years of age. Countless other children are affected by substance abusing parents or other caretakers. Health professionals are uniquely positioned to help reduce or prevent alcohol and other drug-related impairment by identifying affected families and youth and by providing early intervention.

(5) Drug addiction is a chronic relapsing disease. As with other chronic relapsing diseases (such as diabetes, hypertension and asthma), there is no cure, although a number of treatments can effectively control the disease. According to an article published in the Journal of the American Medical Association, treatment for addiction works just as well as treatment for other chronic relapsing diseases.

(6) Drug treatment is cost effective, even when compared with residential treatment, the most expensive type of treatment. Residential treatment for cocaine addiction costs between $15,000 and $20,000 a year, a substantial savings compared to incarceration (costing nearly $40,000 a year), or untreated addiction (costing more than $43,000 a year). Also, in 1998, substance abuse and addiction accounted for approximately $10,000,000,000 in Federal, State, and local government spending simply to maintain the child welfare system. The economic costs associated with fetal alcohol syndrome were estimated at $1,900,000,000 for 1992.

(7) Many doctors and other health professionals are unprepared to recognize substance abuse in their patients or their families and intervene in an appropriate manner. Only 56 percent of residency programs have a required curriculum in preventing or treating substance abuse.

(8) Fewer than 1 in 5 doctors (only 19 percent) feel confident about diagnosing alcoholism, and only 17 percent feel qualified to identify illegal drug use.

(9) Most doctors who are in a position to make a diagnosis of alcoholism or drug addiction do not believe that treatment works (less than 4 percent for alcoholism and only 2 percent for drugs).

(10) According to a survey by the National Center on Addiction and Substance Abuse at Columbia University (referred to in this section as "CASA"), 94 percent of primary care physicians and 40 percent of pediatricians presented with a classic description of an alcoholic or drug addict, respectively, failed to properly recognize the problem.

(11) Another CASA report revealed that fewer than 1 percent of doctors presented with the classic profile of an alcoholic older woman could diagnose it properly. Eighty-two percent misdiagnosed it as depression, some treatments for which are dangerous when taken with alcohol.

(12) Training can greatly increase the degree to which medical and other health professionals screen patients for substance abuse. It can also increase the manner by which such professionals screen children and youth who may be impacted by the addiction of a parent or other primary caretaker. Boston University Medical School researchers designed and conducted a seminar on detection and brief intervention of substance abuse for doctors, nurses, physician's assistants, social workers and psychologists. Follow-up studies reveal that 91 percent of those who participated in the seminar report that they are still using the techniques up to 5 years later.

(13) According to the National Clearinghouse for Alcohol and Drug Information, drug and alcohol abuse account for more than $400,000,000,000 in health care costs each year. Arming health care professionals with the information they need in order to intervene and prevent further substance abuse could lead to a significant cost savings.

(14) A study conducted by doctors at the University of Wisconsin found a $947 net savings patient in health care, accident, and criminal justice costs for each individual screened and, if appropriate, for whom intervention was made, with respect to alcohol problems.

(b) PURPOSE.—It is the purpose of this Act to—

(1) improve the ability of health care professionals to identify and assist their patients with substance abuse;

(2) improve the ability of health care professionals to identify and assist children and youth affected by substance abuse in their families; and

(3) help establish an infrastructure to train health care professionals about substance abuse issues.

SEC. 3. HEALTH PROFESSION EDUCATION.

(a) SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of Health and Human Services may enter into interagency agreements with the Health Resources Services Administration or the Substance Abuse and Mental Health Services Administration to enable each such Administration to carry out activities to train health professionals (who are generalists and not already specialists in substance abuse) so that they are competent to—

(1) recognize substance abuse in their patients or the family members of their patients;

(2) intervene, treat, or refer for treatment those individuals who are affected by substance abuse;

(3) identify and assist children of substance abusing parents; and

(4) serve as advocates and resources for community-based substance abuse prevention programs.

(b) USE OF FUNDS.—Amounts received under an interagency agreement under this section shall be used—

(1) with respect to the Health Resources and Services Administration, to support the Association for Medical Education and Research in Substance Abuse (AMERSA) Interdisciplinary Project; and

(2) with respect to the Substance Abuse and Mental Health Services Administration, to support the Addiction Technology Transfer Centers counselor training programs to train other health professionals.

(c) COLLABORATION.—To be eligible to enter into an interagency agreement under this section the Health Resources and Services Administration or the Substance Abuse and Mental Health Services Administration shall demonstrate that such Administration will participate in interdisciplinary collaboration and collaborate with other nongovernmental organizations with respect to activities carried out under this section.

(d) EVALUATIONS.—The Health Resources and Services Administration and the Substance Abuse and Mental Health Services Administration shall conduct a process and outcome evaluation of the programs and activities carried out with funds received under this section, and shall provide semi-annual reports to the Secretary of Health Human Services and the Director of the Office of National Drug Control Policy.

(e) DEFINITIONS.—In this section—

(1) the term "health professional" means a doctor, nurse, physician assistant, nurse practitioner, social worker, psychologist, pharmacist, osteopath, or other individual who is licensed, accredited, or certified under State law to provide specified health care services and who is operating within the scope of such licensure, accreditation, or certification; and

(2) the terms "doctor", "nurse", "physician assistant", "nurse practitioner", "social worker", "psychologist", "pharmacist",

and "osteopath" shall have the meanings given such terms for purposes of titles VII and VIII of the Public Health Service Act (42 U.S.C. 292 et seq and 296 et seq.).

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $5,500,000 for each of fiscal years 2002 through 2006, of which $1,000,000 in each such fiscal year shall be made available to the Substance Abuse and Mental Health Services Administration and $4,500,000 in each such fiscal year shall be made available to the Health Resources and Services Administration, to carry out this section. Amounts made available under this subsection shall be used to supplement and not supplant amounts being used on the date of enactment of this Act for activities of the types described in this section.

SEC. 4. SUBSTANCE ABUSE FACULTY FELLOWSHIP.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish and administer a substance abuse faculty fellowship program under which the Secretary shall provide assistance to eligible institutions to enable such institutions to employ individuals to serve as faculty and provide substance abuse training in a multidiscipline manner.

(b) ELIGIBILITY.—

(1) INSTITUTIONS.—To be eligible to receive assistance under this section, an institution shall—

(A) be an accredited medical school or nursing school, or be an institution of higher education that offers one or more of the following—

(i) an accredited physician assistant program;

(ii) an accredited nurse practitioner program;

(iii) a graduate program in pharmacy;

(iv) a graduate program in public health;

(v) a graduate program in social work; or

(vi) a graduate program in psychology; and

(B) prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) INDIVIDUALS.—To be eligible to receive a fellowship from an eligible institution under this section, an individual shall prepare and submit to the institution an application at such time, in such manner, and containing such information as the institution may require.

(c) USE OF FUNDS.—

(1) IN GENERAL.—An eligible institution shall utilize assistance received under this section to provide one or more fellowships to eligible individuals. Such assistance shall be used to pay not to exceed 50 percent of the annual salary of the individual under such a fellowship for a 5-year period.

(2) FELLOWSHIPS.—Under a fellowship under paragraph (1), an individual shall—

(A) devote a substantial number of teaching hours to substance abuse issues (as part of both required and elective courses) at the institution involved during the period of the fellowship; and

(B) attempt to incorporate substance abuse issues into the required curriculum of the institution in a manner that is likely to be sustained after the period of the fellowship ends.

Courses described in this paragraph should by taught as part of several different health care training programs at the institution involved.

(3) EVALUATIONS.—The Secretary shall conduct a process and outcome evaluation of the programs and activities carried out with amounts appropriated under this section and shall provide semi-annual reports to the Director of the Office of National Drug Control Policy and the Secretary of Health and Human Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $3,500,000 for each of the fiscal years 2002 through 2006. Amounts made available under this subsection shall be used to supplement and not supplant amounts being used on the date of enactment of this Act for activities of the types described in this section.

SEC. 5. OVERSIGHT COMMITTEE.

(a) IN GENERAL.—The Director of the Office of National Drug Control Policy shall convene an interagency oversight committee, composed of representatives of the Health Resources and Services Administration, as well as the National Institute on Drug Abuse, the National Institute on Alcohol Abuse and Alcoholism, the Substance Abuse and Mental Health Services Administration, and the National Institute on Mental Health, and non-governmental organizations determined to be experts in the field of substance abuse, to receive updates concerning and coordinate the Federal activities funded under this Act and the activities of various Federal agencies, toward the goal of educating health professionals about substance abuse.

(b) MEETINGS.—The interagency oversight committee established under subsection (a) shall meet at least twice each year at the call of the Director of the Office of National Drug Control Policy.

By Mr. HOLLINGS:

S. 1968. A bill to authorize the Secretary of Transportation to issue a certificate of documentation and coastwise trade endorsement for the vessel *The Islander*; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I am introducing a bill today to direct that the vessel *The Islander*, Official Number SC9279BJ, be accorded coastwise trading privileges and be issued a certificate of documentation under section 12103 of title 46, of the U.S. Code.

The Islander is a commuter launch vessel that is intended for commercial use. It is 40 feet in length, and 13 feet in breadth, has a draw of 3 and one half feet, and is self-propelled.

The vessel was purchased by Robert "Scott" Fales of Charleston, South Carolina, who purchased it with the intention of using it for the transportation of passengers. However, proof of the origin of this vessel is unknown, and it did not meet the requirements for coastwise license endorsement in the United States. Such documentation is mandatory to enable the owner to use the vessel for its intended purposes. The ship was bought from a boatyard and was built by the Wyman Company. Although records show that the Wyman Companies were based in New Haven, CT, Mr. Fales has been unable to provide conclusive proof that the vessel was U.S. built. He has invested a considerable amount of money in the vessel, and without a Jones Act waiver for the ship, he will be forced to sell it.

Mr. Fales is seeking this waiver because his plans to use the vessel for the transportation of passengers. This usage will not adversely affect the coastwise trade in the U.S. waters. If he is granted this waiver, it is his intention the comply fully with U.S. documentation and safety requirements.

By Mr. HUTCHINSON (for himself, Mr. LOTT, and Mr. GREGG):

S. 1969. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, today I am introducing legislation along with Senator LOTT and Senator GREGG which will protect the security of American workers retirement plans without chilling their growth. The Pension Security Act of 2002 is based on President Bush's proposal for pension reform made earlier this month. The President's proposal enhances protections for the 401(k) investments of 42 million American workers by providing individuals with better information about their accounts and significantly more control over their funds.

The success of private pension plans has transformed worker retirement in America. Today, because of these plans, the majority of retirees can experience the comfortable retirement that was once available only to few. But as the Enron situation has shown us, there are flaws in the system. When Enron stock plummeted 98.8 percent in one year, thousands of workers lost their retirement nesteggs.

What could have prevented such massive losses? For some workers, better information about the wisdom of a diversified investment strategy would have prevented such heavy investment in company stock.

Our bill will give employees better investment information in two ways. First, it will require plans to send quarterly benefits statement to plan participants. This statement will include easy-to-understand information about the importance of a well-balanced and diversified portfolio and the risk of holding a substantial portion of the portfolio in one security. Second, our bill amends complex and outdated laws, although intended to protect workers retirement funds, actually prevent them from obtaining affordable financial advice. This legislation will help employers to provide their workers with access to professional investment advice. This benefit would require full disclosure of any fees or potential conflicts and put strict safeguards in place to ensure that workers receive advice solely in their best interests.

What else could have prevented the loss of so many Enron employees' retirement savings? Many were unable to control what was in their portfolio. Even when they wanted to sell off their company stock, they could not. Our bill addresses this problem as well. Under our proposal, workers could no longer be locked into a portfolio half-filled with company stock until retirement age. Rather, employees would be allowed to control 100 percent of their investment once they have participated in their plan for three years.

Some Enron employees could not diversify their stock when they wanted to because of the well-publicized "black-out" or "lockdown" period. The Department of Labor is investigating several aspects of the practice of instituting black-out periods for necessary record-keeping adjustments and improvements. However, what has become obvious is that this practice needs legislative guidance. Our bill provides that guidance by requiring 30 days prior notice of any black-out period and codifying definitions associated with the practice. We are also proposing another measure to give workers more control over their investments. During these black-out periods, the law will place the entire burden of liability on the plan. This means that the plan providers would be personally liable for losses to the place caused by a breech of fiduciary duty, and this will be a powerful incentive to keep black-out periods as short as possible.

One of the most infuriating spectacles of the Enron disaster was the Enron executives selling off their own personal shares of company stock while employees were prevented from doing the same during the black-out period. This was unconscionable, and our bill will put a stop to it. If this bill is enacted, what is good for the goose will be good for the gander. If workers cannot control their retirement investments due to a black-out period, neither can the company's owners, directors or officers purchase, acquire, transfer or sell company stock. That change will be a major incentive for companies to keep the necessary periods of time when employees do not control their investments as short as possible.

The proposal we are introducing here today will give workers better information, more choice in their investment options, and more security with their retirement funds. In order to prevent a knee-jerk reaction to the Enron tragedy, which could cause more harm than good, the President has given us a plan which makes retirement savings more secure while also preserving the ability of individuals to make their own choices, based on their own situation, when investing for their retirement. This bill not only preserves this right, it enhances it.

Finally I would like to thank my colleagues Senator GREGG and Senator LOTT for joining me in introducing this bill. This bill is important, and we will work tirelessly to see that America's workers and their retirement security are protected. I thank the President for his leadership on this issue and I commend Congressmen JOHN BOEHNER and SAM JOHNSON for introducing this bill in the House.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1969

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pension Security Act of 2002".

SEC. 2. IMPROVED DISCLOSURE OF PENSION BENEFIT INFORMATION BY INDIVIDUAL ACCOUNT PLANS.

(a) PENSION BENEFIT STATEMENTS REQUIRED ON PERIODIC BASIS.—

(1) IN GENERAL.—Subsection (a) of section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by inserting "and, in the case of an applicable individual account plan, shall furnish at least quarterly to each plan participant (and to each beneficiary with a right to direct investments)," after "who so requests in writing,".

(2) INFORMATION REQUIRED FROM INDIVIDUAL ACCOUNT PLANS.—Section 105 of such Act (29 U.S.C. 1025) is amended by adding at the end the following new subsection:

"(e)(1) The quarterly statements required under subsection (a) shall include (together with the information required in subsection (a)) the following:

"(A) the value of investments allocated to the individual account, including the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and an explanation of any limitations or restrictions on the right of the participant or beneficiary to direct an investment; and

"(B) an explanation, written in a manner calculated to be understood by the average plan participant, of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any one entity, such as employer securities.".

(3) DEFINITION OF APPLICABLE INDIVIDUAL ACCOUNT PLAN.—Section 3 of such Act (29 U.S.C. 1002) is amended by adding at the end the following new subsection:

"(42) The term 'applicable individual account plan' means any individual account plan, except that such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7) of the Internal Revenue Code of 1986) unless there are any contributions to such plan (or earnings thereunder) held within such plan that are subject to subsection (k)(3) or (m)(2) of section 401 of the Internal Revenue Code of 1986.".

(b) CIVIL PENALTIES FOR FAILURE TO PROVIDE QUARTERLY BENEFIT STATEMENTS.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "(5), or (6)" and inserting "(5), (6), or (7)";

(2) by redesignating paragraph (7) of subsection (c) as paragraph (8); and

(3) by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) The Secretary may assess a civil penalty against any plan administrator of up to $1,000 a day from the date of such plan administrator's failure or refusal to provide participants or beneficiaries with a benefit statement on at least a quarterly basis in accordance with section 105(a).".

SEC. 3. PROTECTION FROM SUSPENSIONS, LIMITATIONS, OR RESTRICTIONS ON ABILITY OF PARTICIPANT OR BENEFICIARY TO DIRECT OR DIVERSIFY PLAN ASSETS.

(a) IN GENERAL.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021) is amended—

(1) by redesignating the second subsection (h) as subsection (j); and

(2) by inserting after the first subsection (h) the following new subsection:

"(i) NOTICE OF SUSPENSION, LIMITATION, OR RESTRICTION ON ABILITY OF PARTICIPANT OR BENEFICIARY TO DIRECT INVESTMENTS IN INDIVIDUAL ACCOUNT PLAN.—

"(1) IN GENERAL.—In the case of an applicable individual account plan, the administrator shall notify participants and beneficiaries of any action that would have the affect of suspending, limiting, or restricting the ability of participants or beneficiaries to direct or diversify assets credited to their accounts.

"(2) NOTICE REQUIREMENTS.—

"(A) IN GENERAL.—The notices described in paragraph (1) shall—

"(i) be written in a manner calculated to be understood by the average plan participant and shall include the reasons for the suspension, limitation, or restriction, an identification of the investments affected, and the expected period of the suspension, limitation, or restriction, and

"(ii) be furnished at least 30 days in advance of the action suspending, limiting, or restricting the ability of the participants or beneficiaries to direct or diversify assets.

"(B) EXCEPTION TO 30-DAY NOTICE REQUIREMENT.—In any case in which—

"(i) a fiduciary of the plan determines, in writing, that a deferral of the suspension, limitation, or restriction would violate the requirements of subparagraph (A) or (B) of section 404(a)(1), or

"(ii) the inability to provide the 30-day advance notice is due to circumstances beyond the reasonable control of the plan administrator,

subparagraph (A)(ii) shall not apply, and the notice shall be furnished as soon as reasonably possible under the circumstances.

"(3) CHANGES IN EXPECTED PERIOD OF SUSPENSION, LIMITATION, OR RESTRICTION.—If, following the furnishing of the notice pursuant to this subsection, there is a change in the expected period of the suspension, limitation, or restriction on the right of a participant or beneficiary to direct or diversify assets, the administrator shall provide affected participants and beneficiaries advance notice of the change. Such notice shall meet the requirements of paragraph (2)(A)(i) in relation to the extended suspension, limitation, or restriction.".

(b) Civil Penalties for Failure To Provide Notice.—Section 502 of such Act (as amended by section 2(b)) is amended—

(1) in subsection (a)(6), by striking "(6), or (7)" and inserting "(6), (7), or (8)";

(2) by redesignating paragraph (8) of subsection (c) as paragraph (9); and

(3) by inserting after paragraph (7) of subsection (c) the following new paragraph:

"(8) The Secretary may assess a civil penalty against any person of up to $100 a day from the date of the person's failure or refusal to provide notice to participants and beneficiaries in accordance with section 101(i). For purposes of this paragraph, each violation with respect to any single participant or beneficiary, shall be treated as a separate violation.".

(c) Inapplicability of Relief From Fiduciary Liability During Suspension of Ability of Participant or Beneficiary To Direct Investments.—Section 404(c)(1) of such Act (29 U.S.C. 1104(c)(1)) is amended—

(1) in subparagraph (B), by inserting before the period the following: ", except that this subparagraph shall not apply for any period during which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended by a plan sponsor or fiduciary"; and

(2) by adding at the end the following:

"Any limitation or restriction that may govern the frequency of transfers between investment vehicles shall not be treated as a suspension referred to in subparagraph (B) to the extent such limitation or restriction is disclosed to participants or beneficiaries through the summary plan description or materials describing specific investment alternatives under the plan.".

SEC. 4. LIMITATIONS ON RESTRICTIONS OF INVESTMENTS IN EMPLOYER SECURITIES.

(a) Amendments to the Employee Retirement Income Security Act of 1974.—Section 407 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1107) is amended by adding at the end the following new subsection:

"(g)(1) An applicable individual account plan may not acquire or hold any employer securities with respect to which there is any restriction on divestment by a participant or beneficiary on or after the date on which the participant has completed 3 years of participation (as defined in section 204(b)(4)) under the plan or (if the plan so provides) 3 years of service (as defined in section 203(b)(2)) with the employer.

"(2) For purposes of paragraph (1), the term 'restriction on divestment' includes—

"(A) any failure to offer at least 3 diversified investment options in which a participant or beneficiary may direct the proceeds from the divestment of employer securities, and

"(B) any restriction on the ability of a participant or beneficiary to choose from all otherwise available investment options in which such proceeds may be so directed.".

(b) Amendments to the Internal Revenue Code of 1986.—

(1) In general.—Subsection (a) of section 401 of the Internal Revenue Code of 1986 (relating to requirements for qualification) is amended by inserting after paragraph (34) the following new paragraph:

"(35) Limitations on restrictions under applicable defined contribution plans on investments in employer securities.—

"(A) In general.—A trust forming a part of an applicable defined contribution plan shall not constitute a qualified trust under this subsection if the plan acquires or holds any employer securities with respect to which there is any restriction on divestment by a participant or beneficiary on or after the date on which the participant has completed 3 years of participation (as defined in section 411(b)(4)) under the plan or (if the plan so provides) 3 years of service (as defined in section 411(a)(5)) with the employer.

"(B) Definitions.—For purposes of subparagraph (A)—

"(i) Applicable defined contribution plan.—The term 'applicable defined contribution plan' means any defined contribution plan, except that such term does not include an employee stock ownership plan (as defined in section 4975(e)(7)) unless there are any contributions to such plan (or earnings thereunder) held within such plan that are subject to subsections (k)(3) or (m)(2).

"(ii) Restriction on divestment.—The term 'restriction on divestment' includes—

"(I) any failure to offer at least 3 diversified investment options in which a participant or beneficiary may direct the proceeds from the divestment of employer securities, and

"(II) any restriction on the ability of a participant or beneficiary to choose from all otherwise available investment options in which such proceeds may be so directed.".

(2) Conforming amendment.—Section 401(a)(28)(B) of such Code (relating to diversification of investments) is amended by adding at the end the following new clause:

"(v) Exception.—This subparagraph shall not apply to an applicable defined contribution plan (as defined in paragraph (35)(B)(i)).".

SEC. 5. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Exemption from prohibited transactions.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.".

(2) Requirements.—Section 408 of such Act is amended by adding at the end the following new subsection:

"(g) Requirements Relating to Provision of Investment Advice by Fiduciary Advisers.—

"(1) In general.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) Standards for presentation of information.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(3) Exemption conditioned on continued availability of required information on request for 1 year.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(4) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(5) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—

"(A) IN GENERAL.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

"(B) CONTINUED DUTY OF PRUDENT SELECTION OF ADVISER AND PERIODIC REVIEW.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

"(C) AVAILABILITY OF PLAN ASSETS FOR PAYMENT FOR ADVICE.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

"(6) DEFINITIONS.—For purposes of this subsection and subsection (b)(14)—

"(A) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(ii) a bank or similar financial institution referred to in section 408(b)(4),

"(iii) an insurance company qualified to do business under the laws of a State,

"(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(v) an affiliate of a person described in any of clauses (i) through (iv), or

"(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking "or" at the end;

(B) in paragraph (15), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B), in any case in which—

"(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.".

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

"(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

"(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

"(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

"(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

"(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

"(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

"(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(II) a bank or similar financial institution referred to in subsection (d)(4),

"(III) an insurance company qualified to do business under the laws of a State,

"(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(V) an affiliate of a person described in any of subclauses (I) through (IV), or

"(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

SEC. 6. INSIDER TRADES DURING PENSION PLAN SUSPENSION PERIODS PROHIBITED.

Section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) is amended by adding at the end the following new subsection:

"(h) INSIDER TRADES DURING PENSION PLAN SUSPENSION PERIODS PROHIBITED.—

"(1) PROHIBITION.—It shall be unlawful for any such beneficial owner, director, or officer of an issuer, directly or indirectly, to purchase (or otherwise acquire) or sell (or otherwise transfer) any equity security of such issuer (other than an exempted security), during any pension plan suspension period with respect to such equity security.

"(2) REMEDY.—Any profit realized by such beneficial owner, director, or officer from any purchase (or other acquisition) or sale (or other transfer) in violation of this subsection shall inure to and be recoverable by the issuer irrespective of any intention on the part of such beneficial owner, director, or officer in entering into the transaction.

"(3) RULEMAKING PERMITTED.—The Commission may issue rules to clarify the application of this subsection, to ensure adequate notice to all persons affected by this subsection, and to prevent evasion thereof.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) PENSION PLAN SUSPENSION PERIOD.—The term 'pension plan suspension period' means, with respect to an equity security, any period during which the ability of a participant or beneficiary under an applicable individual account plan maintained by the issuer to direct the investment of assets in his or her individual account away from such equity security is suspended by the issuer or a fiduciary of the plan. Such term does not include any limitation or restriction that may govern the frequency of transfers between investment vehicles to the extent such limitation and restriction is disclosed to participants and beneficiaries through the summary plan description or materials describing specific investment alternatives under the plan.

"(B) APPLICABLE INDIVIDUAL ACCOUNT PLAN.—The term 'applicable individual account plan' has the meaning provided such term in section 3(42) of the Employee Retirement Income Security Act of 1974.".

SEC. 7. EFFECTIVE DATES AND RELATED RULES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by sections 2, 3, 4, and 6 shall apply with respect to plan years beginning on or after January 1, 2003.

(b) SPECIAL RULE FOR COLLECTIVELY BARGAINED PLANS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 2003" the date of the commencement of the first plan year beginning on or after the earlier of—

(1) the later of—

(A) January 1, 2004, or

(B) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after the date of the enactment of this Act), or

(2) January 1, 2005.

(c) PLAN AMENDMENTS.—If the amendments made by sections 2, 3, and 4 of this Act require an amendment to any plan, such plan amendment shall not be required to be made before the first plan year beginning on or after January 1, 2005, if—

(1) during the period after such amendments made by this Act take effect and before such first plan year, the plan is operated in accordance with the requirements of such amendments made by this Act, and

(2) such plan amendment applies retroactively to the period after such amendments made by this Act take effect and before such first plan year.

(d) AMENDMENTS RELATING TO INVESTMENT ADVICE.—The amendments made by section 5 shall apply with respect to advice referred to in section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974 or section 4975(c)(3)(B) of the Internal Revenue Code of 1986 provided on or after January 1, 2003.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 212—EXPRESSING THE CONDOLENCES OF THE SENATE TO THE FAMILY OF DANIEL PEARL

Mr. LOTT (for himself, Mr. DASCHLE, Mr. SMITH of New Hampshire, Mr. WARNER, Mr. ALLEN, Ms. SNOWE, Ms. COLLINS, and Mr. SPECTER) submitted the following resolution; which was considered and agreed to:

S. RES. 212

Whereas Daniel Pearl was a highly respected journalist with keen insight into world affairs;

Whereas Daniel Pearl's high standards of integrity and his quest for knowledge were a credit to his profession;

Whereas in his reporting, Daniel Pearl made a significant contribution to our Nation through his thoughtful analysis of current events;

Whereas in his conduct, Daniel Pearl embodied the American ideal of a free and vigorous press;

Whereas America's war against terrorism is in defense of our fundamental Constitutional principles, including defense of our First Amendment liberties;

Whereas barbaric acts were committed against a citizen of the United States; and

Whereas the United States is determined to vigorously pursue and punish the perpetrators of this unjustified taking of human life: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the death of Daniel Pearl and expresses its condolences to his wife, unborn child, and family; and

(2) salutes Daniel Pearl for his principled and fearless pursuit of journalistic excellence.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2927. Mr. MCCONNELL (for Mr. GRAMM (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2928. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, supra.

SA 2929. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2930. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2931. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, supra.

SA 2932. Mr. HATCH (for himself, Mr. ENSIGN and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2933. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2934. Mr. HATCH (for himself, Mr. DODD, Mr. ENSIGN, Mr. BURNS, and Mr. THOMAS) proposed an amendment to the bill S. 565, supra.

SA 2935. Mr. HATCH (for himself, Mr. LEAHY, and Ms. CANTWELL) proposed an amendment to the bill S. 565, supra.

SA 2936. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 565, supra.

SA 2937. Mr. SCHUMER (for himself, Mr. WYDEN, Mr. BINGAMAN, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mr. HOLLINGS, Mr. KERRY, and Mrs. MURRAY) proposed an amendment to the bill S. 565, supra.

SA 2938. Mr. DODD (for Mr. SARBANES) proposed an amendment to the bill S. 565, supra.

SA 2939. Mr. DODD (for Mr. SESSIONS) proposed an amendment to the bill S. 565, supra.

TEXT OF AMENDMENTS

SA 2927. Mr. MCCONNELL (for Mr. GRAMM (for himself and Mrs. HUTCHISON)) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. 402. STATE RESPONSIBILITY TO GUARANTEE MILITARY VOTING RIGHTS.

(a) REGISTRATION AND BALLOTING.—Section 102 of the Uniformed and Overseas Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting "(a) ELECTIONS FOR FEDERAL OFFICES.—" before "Each State shall—"; and

(2) by adding at the end the following:

"(b) ELECTIONS FOR STATE AND LOCAL OFFICES.—Each State shall—

"(1) permit absent uniformed services voters to use absentee registration procedures and to vote by absentee ballot in general, special, primary, and runoff elections for State and local offices; and

"(2) accept and process, with respect to any election described in paragraph (1), any otherwise valid voter registration application from an absent uniformed services voter if the application is received by the appropriate State election official not less than 30 days before the election.".

(b) CONFORMING AMENDMENT.—The heading for title I of such Act is amended by striking **"FOR FEDERAL OFFICE"**.

SA 2928. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 54, between lines 23 and 24, insert the following:

"(K) the technical feasibility of providing voting materials in 8 or more languages for voters who speak those languages and who are limited English proficient; and".

SA 2929. Ms. LANDRIEU submitted an amendment to be proposed by her to the bill S. 565, to establish the Commission on voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 39, strike lines 3 through 13, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

On page 45, strike lines 8 through 18, and insert the following:

(b) FEDERAL SHARE.—The Federal share of the costs shall be—

(1) in the case of a State or locality that is in the highest ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 90 percent;

(2) in the case of a State or locality that is in the middle ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 80 percent; and

(3) in the case of a State or locality that is in the lowest ⅓ of all States or localities with respect to the percentage of individuals residing in such State or locality whose income does not exceed the poverty line, as determined based on the 2000 Decennial Census and any supplemental survey thereto, 70 percent.

SA 2930. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) SECURITY AND CONFIDENTIALITY OF VOTER INFORMATION.—In implementing the requirements of this subsection, each State shall take the steps necessary to ensure that the computerized list is secure and that any voter information contained in such list is available—

(A) only to the appropriate State and local election officials; and

(B) only for the purpose of implementing and maintaining the list in accordance with this subsection.

SA 2931. Mr. DODD (for Mrs. FEINSTEIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 14, between lines 2 and 3, insert the following:

The appropriate State or local official shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personal information collected, stored, or otherwise used by the free access system established under paragraph (6)(B). Access to information about an individual provisional ballot shall be restricted to the individual who cast the ballot.

SA 2932. Mr. HATCH (for himself, Mr. ENSIGN, and Mr. BURNS) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated at the full authorized level contained in section 209.

SA 2933. Mr. SMITH of New Hampshire submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. . PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by inserting after section 315 the following new section:

"SEC. 315A. PROHIBITION ON BROADCAST OF CERTAIN FALSE AND UNTIMELY INFORMATION ON FEDERAL ELECTIONS.

"(a) FALSE INFORMATION ON LOCATION AND OPERATING HOURS OF POLLING PLACES.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license any false information concerning the location or time of operation of a polling place designated by the appropriate State authorities for use by electors in such election shall be fined not more than $10,000,000, imprisoned not more than five years, or both.

"(b) UNTIMELY RESULTS OF EXIT POLLS.—A licensee who, on the day of a Federal election, knowingly broadcasts using a facility covered by the license the results of an exit poll or election projection taken within a jurisdiction covered by the license as an actual election result before all polling places in the jurisdiction designated by appropriate State authorities for use by electors in such election have closed shall be fined not more than $10,000,000, imprisoned not more than five years, or both.".

SA 2934. Mr. HATCH (for himself, Mr. DODD, Mr. ENSIGN, Mr. BURNS, and Mr. THOMAS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF THE SENATE ON COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS.

It is the sense of the Senate that full funding shall be provided to each State and locality to meet the requirements relating to compliance with election technology and administration pursuant to this Act.

SA 2935. Mr. HATCH (for himself, Mr. LEAHY, and Ms. CANTWELL) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, strike lines 3 and 4, and insert the following:

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

SEC. 321. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the "Committee").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) Private sector representatives.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) Appointments.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) Senate majority leader.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) Senate minority leader.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) Speaker of the house.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) House minority leader.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) Senate majority and house minority jointly.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) House majority and senate minority jointly.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) Date.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) Initial Meeting.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) Meetings.—

(1) In general.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) Notice.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) Open meetings.—Each Committee meeting shall be open to the public.

(f) Quorum.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) Chairperson.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) Additional Rules.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

SEC. 322. DUTIES OF THE COMMITTEE.

(a) Study.—

(1) In general.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) Issues to be studied.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) Report.—

(1) Transmission.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) Approval of report.—Any finding or recommendation included in the report shall be agreed to by at least ⅔ of the members of the Committee serving at the time the finding or recommendation is made.

(3) Internet posting.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

SEC. 323. POWERS OF THE COMMITTEE.

(a) Hearings.—

(1) In general.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) Opportunities to testify.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) Information From Federal Agencies.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) Postal Services.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) Gifts.—

(1) In general.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) Unused gifts.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor,

SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) Compensation of Members.—Each member of the Committee shall serve without compensation.

(b) Travel Expenses.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) Staff.—

(1) In general.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) Compensation.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Personnel as federal employees.—

(A) In general.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of Committee.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) Detail of Government Employees.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) Procurement of Temporary and Intermittent Services.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to carry out this subtitle not less than $2,000,000 from the funds appropriated under section 307.

(b) Availability.—Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.

TITLE IV—CRIMINAL PENALTIES; MISCELLANEOUS

SEC. 401. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) Review.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) Report.—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 402. OTHER CRIMINAL PENALTIES.

SA 2936. Mr. HATCH submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. MAKING THE PROVISIONS OF THE VOTING RIGHTS ACT OF 1965 PERMANENT.

(a) Permanency of Preclearance Requirements.—Section 4(a)(8) of the Voting Rights Act of 1965 (42 U.S.C. 1973b(a)(8)) is amended to read as follows:

"(8) The provisions of this section shall not expire.".

(b) Permanency of Bilingual Election Requirements.—Section 203(b)(1) of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-1a(b)(1)) is amended by striking "Before August 6, 2007, no covered State" and insert "No covered State".

(c) Effective Date.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 2937. Mr. SCHUMER (for himself, Mr. WYDEN, Mr. BINGAMAN, Ms. CANTWELL, Mrs. CLINTON, Mr. DURBIN, Mr. HOLLINGS, Mr. KERRY, and Mrs. MURRAY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) Requirements for Voters Who Register by Mail.—

(1) In general.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) Requirements.—

(A) In general.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) Provisional voting.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) Identity verification by signature or personal mark.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

On page 68, strike lines 19 and 20, and insert the following:

(a) In General.—Nothing in this Act may be construed to authorize

SA 2938. Mr. DODD (for Mr. SARBANES) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 17 and 18, insert the following:

SEC. ___. HELP AMERICA VOTE COLLEGE PROGRAM.

(a) Establishment of Program.—

(1) In general.—Not later than 1 year after the appointment of its members, the Election Administration Commission (in this section referred to as the "Commission") shall develop a program to be known as the "Help America Vote College Program" (in this section referred to as the "Program").

(2) Purposes of program.—The purpose of the Program shall be—

(A) to encourage students enrolled at institutions of higher education (including community colleges) to assist State and local governments in the administration of elections by serving as nonpartisan poll workers or assistants; and

(B) to encourage State and local governments to use the services of the students participating in the Program.

(b) Activities Under Program.—

(1) In general.—In carrying out the Program, the Commission (in consultation with the chief election official of each State) shall develop materials, sponsor seminars and workshops, engage in advertising targeted at students, make grants, and take such other actions as it considers appropriate to meet the purposes described in subsection (a)(2).

(2) Requirements for grant recipients.—In making grants under the Program, the Commission shall ensure that the funds provided are spent for projects and activities which are carried out without partisan bias or without promoting any particular point of view regarding any issue, and that each recipient is governed in a balanced manner which does not reflect any partisan bias.

(3) COORDINATION WITH INSTITUTIONS OF HIGHER EDUCATION.—The Commission shall encourage institutions of higher education (including community colleges) to participate in the Program, and shall make all necessary materials and other assistance (including materials and assistance to enable the institution to hold workshops and poll worker training sessions) available without charge to any institution which desires to participate in the Program.

(c) AUTHORIZATION OF APPROPRIATIONS.—In addition to any other funds authorized to be appropriated to the Commission, there are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal year 2002 and each succeeding fiscal year.

SA 2939. Mr. DODD (for Mr. SESSIONS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 47, after line 19, insert the following:

Subtitle D—National Student/Parent Mock Election

SEC. 231. NATIONAL STUDENT/PARENT MOCK ELECTION.

(a) IN GENERAL.—The Election Administration Commission is authorized to award grants to the National Student/Parent Mock Election, a national nonprofit, nonpartisan organization that works to promote voter participation in American elections to enable it to carry out voter education activities for students and their parents. Such activities may—

(1) include simulated national elections at least 5 days before the actual election that permit participation by students and parents from each of the 50 States in the United States, its territories, the District of Columbia, and United States schools overseas; and

(2) consist of—

(A) school forums and local cable call-in shows on the national issues to be voted upon in an "issues forum";

(B) speeches and debates before students and parents by local candidates or stand-ins for such candidates;

(C) quiz team competitions, mock press conferences, and speech writing competitions;

(D) weekly meetings to follow the course of the campaign; or

(E) school and neighborhood campaigns to increase voter turnout, including newsletters, posters, telephone chains, and transportation.

(b) REQUIREMENT.—The National Student/Parent Mock Election shall present awards to outstanding student and parent mock election projects.

SEC. 232. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this subtitle $650,000 for fiscal year 2002 and such sums as may be necessary for each of the 6 succeeding fiscal years.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, February 26, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: Oversight of the Accounting Profession, Audit Quality and Independence, and Formulation of Accounting Principles."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 26, 2002, at 9:30 a.m., on the collapse of the Enron Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, February 26, at 9 a.m., to conduct a hearing. The purpose of the hearing is to receive testimony on the nomination of Raymond L. Orbach to be Director of the Office of Science, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, February 26, 2002, at 9:30 a.m., to conduct a hearing that will focus on S. 1961, the Water Investment Act, a bill to improve the financial and environmental sustainability of the water programs of the United States.

The Committee will also receive testimony on the following legislation:

S. 252: A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 285: A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements

S. 503: A bill to amend the Safe Water Act to provide grants to small public drinking water systems.

S. 1044: A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Gerald Reynolds, of Missouri, to be Assistant Secretary for Civil Rights, Department of Education during the session of the Senate on Tuesday, February 26, 2002, at 3:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, February 26, 2002, at 10 a.m., in room 106 of the Dirksen Senate Building to conduct an oversight hearing on the management of Indian trust funds.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Tuesday, February 26, 2002, at 10 a.m., in Dirksen room 226.

Tentative Witness List

Panel I: Senators Ted Stevens; Arlen Specter; Frank Murkowski; Phil Gramm; Jon Kyl; Rick Santorum; and Congressman Rubén Hinojosa.

Panel II: D. Brooks Smith to the U.S. Court of Appeals for the Third Circuit.

Panel III: Ralph Beistline to be U.S. District Court Judge for the District of Alaska; David Charles Bury to be U.S. District Court Judge for the District of Arizona; and Randy Crane to be U.S. District Court Judge for the Southern District of Texas.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM, AND GOVERNMENT INFORMATION

Mr. DODD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism, and Government Information be authorized to meet to conduct a hearing on "Securing our Ports Against Terror: Technology, Resources and Homeland Defense" on Tuesday, February 26, 2002, at 3:15 p.m., in Dirksen 226.

Witness List

Panel I: Capt. William G. Schubert, Maritime Administrator, Department of Transportation; Bonni G. Tischler, Assistant Commissioner, Office of Field Operations, Customs Service; and

Rear Admiral Kenneth T. Venuto, Director of Operations Policy, Coast Guard.

Panel II: Richard Steinke, Chairman of the Board, American Association of Port Authorities, and Executive Director, Port of Long Beach, Long Beach, CA; F. Amanda DeBusk, Former Assistant Secretary for Export Enforcement, Commerce Department, and Former Commissioner, Interagency Commission on Crime and Security in U.S. Seaports, Washington, DC; Kim E. Petersen, Executive Director, Maritime Security Council, Fort Lauderdale, FL; Rob Quartel, Chairman and CEO, FreightDesk Technologies, Inc., and Former Member, Federal Maritime Commission, McLean, VA; and Charles Upchurch, President & CEO, SGS Global Trade Solutions, Inc., and Representative, Global Alliance for Trade Efficiency, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING CONDOLENCES TO THE FAMILY OF DANIEL PEARL

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 212, which was submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 212) expressing the condolences of the Senate to the family of Daniel Pearl.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 212) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ENCOURAGING NEGOTIATED SETTLEMENT OF TRIBAL CLAIMS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 316, S. 1857.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1857) to encourage the negotiated settlement of tribal claims.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Indian Affairs with an amendment to strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SETTLEMENT OF TRIBAL CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the date on which an Indian tribe received a reconciliation report for purposes of applying a statute of limitations, any such report provided to or received by an Indian tribe in response to section 304 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4044) shall be deemed to have been received by the Indian tribe on December 31, 1999.

(b) STATEMENT OF PURPOSE.—Subsection (a) is solely intended to provide recipients of reconciliation reports with the opportunity to postpone the filing of claims, or to facilitate the voluntary dismissal of claims, to encourage settlement negotiations with the United States.

Mr. REID. Mr. President, I ask unanimous consent that the committee substitute be agreed to; the bill, as amended, be read the third time and passed; the motion to reconsider be laid upon the table; and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1857), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 2356

Mr. REID. Mr. President, I understand H.R. 2356, which was just received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. REID. Mr. President, I now ask for its second reading and object to my own request on behalf of my colleagues on the Republican side of the aisle.

The PRESIDING OFFICER. The bill will receive its second reading on the next legislative day.

ORDERS FOR WEDNESDAY, FEBRUARY 27, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, February 27. I further ask unanimous consent that on Wednesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; further, that the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will vote at 10 a.m. in relation to the Schumer-Wyden amendment.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:36 p.m., adjourned until Wednesday, February 27, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 26, 2002:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

ROBERT WATSON COBB, OF MARYLAND, TO BE INSPECTOR GENERAL, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE ROBERTA L. GROSS.

MAJOR GENERAL CHARLES F. BOLDEN, JR., UNITED STATES MARINE CORPS, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, VICE JAMES R. THOMPSON, JR., RESIGNED.

DEPARTMENT OF STATE

OTTO J. REICH, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (WESTERN HEMISPHERE AFFAIRS), VICE PETER F. ROMERO, TO WHICH POSITION HE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 20, 2001, TO JANUARY 23, 2002.

MICHAEL ALAN GUHIN, OF MARYLAND, A CAREER MEMBER OF THE SENIOR EXECUTIVE SERVICE, FOR THE RANK OF AMBASSADOR DURING TENURE OF SERVICE AS U.S. FISSILE MATERIAL NEGOTIATOR.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GEORGE P. TAYLOR JR., 9111

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JEFFREY L. GIDLEY, 9702
BRIGADIER GENERAL JERRY W. GRIZZLE, 2042
BRIGADIER GENERAL GUS L. HARGETT JR., 3983
BRIGADIER GENERAL PHILLIP E. OATES, 3549
BRIGADIER GENERAL WALTER A. PAULSON, 4766
BRIGADIER GENERAL CLAUDE A. WILLIAMS, 0702

To be brigadier general

COLONEL RONALD I. BOTZ, 5475
COLONEL DAVID P. BURFORD, 3510
COLONEL JAMES E. FLETCHER, 8812
COLONEL ALAN K. FRY, 1765
COLONEL KENNETH D. HISLOP, 6375
COLONEL LAUGHLIN H. HOLLIDAY, 3517
COLONEL HAL E. HUNTER III, 6352
COLONEL DONALD O. KOONCE, 3706
COLONEL ROBERT A. MARTINEZ, 6433
COLONEL JOSEPH G. MATERIA, 4325
COLONEL THOMAS J. SHAILOR, 2042
COLONEL ROGER L. SHIELDS, 1066
COLONEL PERRY G. SMITH, 2921
COLONEL THOMAS J. SULLIVAN, 4948
COLONEL JOHN J. WEEDEN, 7341
COLONEL MITCHELL M. WILLOUGHBY, 8307
COLONEL PATRICK D. WILSON, 7162
COLONEL TIMOTHY J. WRIGHT, 9146

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) LINDA J. BIRD, 2508

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) DENNIS M. DWYER, 4756

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD A. MAYO, 1835
REAR ADM. (LH) DONALD C. ARTHUR JR., 7104

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) RICHARD E. BROOKS, 3863
REAR ADM. (LH) EVAN M. CHANIK JR., 9906
REAR ADM. (LH) BARRY M. COSTELLO, 3332
REAR ADM. (LH) KIRKLAND H. DONALD, 3953
REAR ADM. (LH) MARK J. EDWARDS, 3734
REAR ADM. (LH) JOSEPH E. ENRIGHT, 8942
REAR ADM. (LH) JAMES B. GODWIN III, 0117
REAR ADM. (LH) JOHN M. KELLY, 6608
REAR ADM. (LH) MICHAEL G. MATHIS, 4091
REAR ADM. (LH) GEORGE E. MAYER, 8977
REAR ADM. (LH) JOHN G. MORGAN JR., 4027
REAR ADM. (LH) ERIC T. OLSON, 6412
REAR ADM. (LH) ANN E. RONDEAU, 9812
REAR ADM. (LH) FREDERIC R. RUEHE, 7532
REAR ADM. (LH) JOHN D. STUFFLEBEEM, 4012
REAR ADM. (LH) WILLIAM D. SULLIVAN, 3858
REAR ADM. (LH) GERALD L. TALBOT JR., 3890
REAR ADM. (LH) HAMLIN B. TALLENT, 7864
REAR ADM. (LH) JAMES M. ZORTMAN, 6747

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DEWITT T BELL JR., 0833
SAMUEL E BIRKY, 6245
RICHARD W BOWER, 7493
FLOYD V CHANDLER, 9832
RONALD L COBB, 7032
GEORGE D FORTENBERRY, 5604
GROVER C GLENN III, 7125
HARRY C GRUBBS, 4063
MATTHEW B HORNE, 1339
JOHN D JOHNSON, 7553
RANDALL A KOCHERSPERGER, 8397
MARK E LARSON, 0638
GERALDINE D MANNING, 7143
DANNY W MARKSBERRY, 6264
GLEN A NEWTON, 3939
WILLIAM O NISBET JR., 7513
JOSEPH ORLANDI, 3596
BERRIS D SAMPLES, 1832
JOHN A VIGILANTI, 6379
LEMUEL F WADE, 0960
CLARENCE M WALKER, 1960
FRANK E WISMER III, 9083
JON M WRIGHT, 3660

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BOBBIE A. BELL, 3549
ROSS B. DEBLOIS, 3402
DAVID J. WELLINGTON, 2370

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 26, 2002:

THE JUDICIARY

ROBERT E. BLACKBURN, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO.

CINDY K. JORGENSON, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

EXTENSIONS OF REMARKS

TRIBUTE TO MR. KEN DAVID, VETERAN SERVICE OFFICER FOR LIMESTONE COUNTY

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CRAMER. Mr. Speaker, I rise today to pay tribute to a distinguished citizen and soldier on the occasion of his retirement from the post of Veteran Service Officer for Limestone County, in my district.

Ken David served his country honorably, first in Vietnam, and later in the Persian Gulf during Operation Desert Storm. For the past ten years, he has been invaluable in assisting other veterans of Limestone County with a wide range of needs and requests.

Ken is a highly motivated and community oriented individual. Several years ago, he founded the Limestone County Veterans Museum and Archives. Ken organized and guided a committee of dedicated volunteers, and worked tirelessly himself, to renovate the historic depot in Athens, Alabama, where many Limestone County veterans disembarked for a war in years past. The museum is now a resource for veterans, their families, school groups, and the public, where they can learn about the tremendous sacrifice of North Alabama residents who proudly served their country in wartime during the 20th Century.

I want to thank Ken today for his immeasurable contribution of time, energy, and enthusiasm on behalf of his fellow veterans and neighbors. I also want to congratulate Ken and his family, and wish him the best during his well-deserved rest in retirement.

IN HONOR OF VONETTA FLOWERS, RECIPIENT OF AN OLYMPIC GOLD MEDAL

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. HILLIARD. Mr. Speaker, I rise today to honor and pay tribute to Vonetta Flowers, a gold medalist in the women's bobsled event during the nineteenth Winter Olympiad in Park City Utah. On Tuesday, February 19, 2002, Ms. Flowers became the first African American to win a Winter Olympic Gold Medal.

Vonetta's journey to Olympic triumph is one that is analogous to that of many other famous track stars who have come before her. While competing at the 2000 Olympic track and field trials in the long jump event, she saw a flyer for the bobsled team. As a lark she decided to try out and quickly mastered the six-event test that includes sprinting, jumping, and throwing a shot thus earning her a trial on the Olympic bobsled track. With only 2 weeks of training on how to push a bobsled, Vonetta and her teammate broke the world start record in October 2000. Later that season the team won four World medals and finished the year ranked third in the world.

A 4-year letter winner at the University of Alabama at Birmingham (UAB), Ms. Flowers is a seven time NCAA All American. During her college career she competed in long jump, triple jump, 100 meters, 200 meters and relay teams. She competed in the 2000 Olympic trials in long jump, where she finished 12th. She also won a Gold Medal at the 1994 Olympic festival in the long jump. Currently, Vonetta is an assistant track coach at UAB.

A native of Birmingham, AL, Vonetta attended Jackson-Olin High School where she was an All-State basketball player and member of the Birmingham Striders Track Club. She is married to Mr. Johnny Mack Flowers and is the daughter of Jimmie and Barbara Jeffrey.

Today, I ask my colleagues to join me in honoring Vonetta Flowers for her monumental achievement and superior athletic performance.

PAYING TRIBUTE TO THE ROYAL COLLEGE OF PHYSICIANS AND SURGEONS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to the Royal College of Physicians and Surgeons of the USA for their prestigious service. The Royal College was created in 1984 and is located in Detroit, MI.

The Royal College of Physicians and Surgeons, an international organization, longs to provide continuing medical education to physicians and surgeons around the world. The Royal College campuses spread around the globe in Canada, England, Ireland, Australia, and South Africa. The College prides itself on its commitment to the science and arts of medicine and surgery. Further, the College is supported by private organizations, however it receives its charters from individual governments.

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to the renowned organization, the Royal College of Physicians and Surgeons as they celebrate their 20 years of service.

A TRIBUTE TO HADASSAH ON THEIR 90TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LANTOS. Mr. Speaker, I invited my colleagues to join me in commending and paying tribute to Hadassah—the Women's Zionist Organization of America, on the occasion of its 90th Anniversary. This extraordinary organization, founded in February 1912 by Henrietta Szold, has worked throughout its nine decades to ensure the unity of the Jewish people.

Hadassah's American activities cover the map from Anchorage, Alaska, to San Juan, Puerto Rico, and from Honolulu, Hawaii, to Bangor, Maine. In more than 800 communities around the United States, Hadassah volunteers undertake programs and activities that change and improve people's lives. These include the "Check it Out" breast cancer detection and awareness campaign and sponsoring Jewish family programs across the country. Members of Hadassah are also on the forefront of important public policy debates on a diverse range of issues including, women's health, church-state separation, and U.S.-Israel relations.

Mr. Speaker, the wonderful work of Hadassah does not stop at our nation's borders. The organization's greatest achievement is its network of world-renowned medical and educational institutions in Israel. The Hadassah Medical Organization in Jerusalem provides the highest quality of health care to more than 600,000 people a year. Since 1984, the Hadassah Medical Organization has also been involved in global outreach programs to other countries, particularly those in Africa. Included in these initiatives are new treatments for eye diseases, AIDS education, post-natal care and public health.

Numbering more than 300,000 throughout the United States, the devoted membership of Hadassah embodies the spirit of volunteerism and community service. These women are our mothers, daughters, sisters, wives and aunts.

Mr. Speaker, I invite our colleagues to join me in paying tribute to Hadassah—this outstanding community service organization—and its many dedicated members, who have made outstanding contributions to our nation and to peoples throughout the world over the past 90 years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

DEFENSE BUDGET STATEMENT

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. McKINNEY. Mr. Speaker, on Wednesday, February 6th, Secretary of Defense Donald Rumsfeld testified before the House Armed Services Committee and asked for a record increase in defense spending. He pointed to the brave new world post-September 11th as justification for the largest hike in defense spending in 20 years. Sadly, Secretary Rumsfeld thinks that the brave new world of post-September gives us amnesia about 9/11 and the events before 9/11. He also mistakenly believes that all of his destabilizing proposals can be justified as a reasoned response to 9/11. An incredibly, both the Vice President and the President placed calls to TOM DASCHLE asking that the fog of ignorance around the events prior to and the day of 9/11 not be lifted. .

The fact, however, is that September 11 was not a failure of our nation's defenses. Rather, September 11 was a colossal intelligence failure—a failure to act on timely and accurate warnings predicting massive terrorist attacks against our nation. The LA Times and other leading press agencies have identified some of these missed warnings. And this was not the first time that our intelligence agencies have let us down. The same failure to act on critical warnings happened with respect to the terror attacks against our embassies in Africa.

Even the CIA, the FBI and other senior Capitol Hill figures all now agree that there were serious lapses in the handling of perishable and highly significant warnings preceding the September 11th attacks. But instead of examining what went wrong with respect to these warnings and then trying to prevent it from ever happening again, President Bush and Vice President CHENEY now seek to actually prevent the Congress from investigating these and other events surrounding September 11th. Indeed, Senator RICHARD SHELBY, a member of the Senate Intelligence Committee told CNN: "It was a real massive failure . . . In my judgment too many bureaucratic failures, not enough coordination between the Agencies." The active efforts to prevent a Congressional investigation into the events surrounding September 11 not only violate the principles of good government but are an affront to the memories of all those who perished in the September 11 attacks. But sadly, the Administration now chooses to direct us on a path of war while refusing to allow us to know how we got there.

I have been asked by my constituents to explain to them why and how September 11 happened. Indeed, the whole world community continues to search for answers to those exact questions. That cannot be done if the Executive Branch will not cooperative with the Legislative Branch in answering important questions about what was known before, during, and after the tragedies in New York and Pennsylvania and Washington, DC. Why doesn't the Executive Branch want us to know answers to these questions? Is there something that they don't want the American public to know?

Instead of working with the Congress to search for answers to these questions the Administration has now become obsessed with finding ways to expand the U.S. military budget. The White House is now using our new War Against Terror as a means of siphoning public attention away from the events surrounding September 11th in order to generate widespread support for the largest increase in defense spending in a generation. The Administration has even identified a dubious "axis of evil" to further justify this increased spending.

The President has requested an increase of $48.1 billion in defense spending. Sadly, many commenters have already pointed out that his father stands to personally gain immense profits from the President's proposals because of the former President's relationship with The Carlyle Group, a leading defense conglomerate. One particular defense contract, for the development and purchase of a mobile howitzer, the Crusader, exists with the Carlyle Group. Though the company has received millions for this, the Crusader is too hefty to transport, has not yet reached its production phase despite years of engineering and re-engineering, and is far from fulfilling its purpose or need.

In his testimony before the Congress Wednesday, Secretary of Defense Donald Rumsfeld said that America can afford this increase just fine. This comes after defense spending snared a whopping 62 percent of all new spending for the year 2002. This accounting is specious, as Rumsfeld himself noted on the eve of September 11th, that "according to some estimates we cannot track $2.3 trillion in transactions." Increased spending should occur under no circumstances without increased financial accountability. Does Arthur Anderson keep the Pentagon's books?

Rumsfeld's trick of throwing bones to would-be critics in the form of pay raises for the troops should not obscure the fact that the bulk of this budget hike goes not for pay raises, but for expensive gadgets such as missile defense, three new, separate fighter planes and space-based lasers. Of the $48.1 billion requested in more funding, less than 5 percent of that increase is for soldier pay raises. And let us not forget that the President's first act in this war on terrorism was to waive the high-deployment overtime pay for our troops who are on the front line of this war.

I might remind Mr. President that we still have veterans from the Vietnam war suffering from the ill effects of Agent Orange, we still have Vietnam veterans impoverished and sleeping on the streets of our Nation's Capital, we still have veterans from the Gulf War suffering the ill effects of Gulf War syndrome and we still have service men and women in our armed forces living on food stamps and residing in poor housing. How in good conscience can the Secretary of Defense come before this Committee and ask for yet more money for aircraft, ships and missiles and not adequately address these critical issues concerning the personal welfare of our veterans and serving men and women?

Sadly, however, at the same time that the President proposes the largest defense spending hike in 20 years, hisbudget also proposes to cut funds for programs that bridge the digital divide, reducing funds for highway construction and urban development and cutting funding for the EPA by $300 million. And despite the down-turned economic situation, the President has also proposed to cut back on job training, assistance for low income home heating, and rural housing and utility improvements. Moreover, funds to cleanup the Savannah River Site nuclear weapons complex are sliced, and abroad, international food aid and peacekeeping funds are also shrunk.

At $379.3 billion, the President's proposal will not tell us how just a few months ago during the trial of suspects charged with initially bombing the World Trade Center in 1993, a suspect told U.S. officials that bin Laden's group was trying to make war on the United States and in particular would bomb an embassy, yet we did nothing and lost hundreds of lives in Nairobi and Dar Es Salaam. Nor will this budget explain the Mossad warning of a major terrorist force of 200 individuals entering the U.S., which apparently again fell on deaf ears. What of the supposed warning to German police by an Iranian in Hamburg of an impending attack on the U.S. using hijacked planes? And nor will this budget illuminate for us who performed the unusual stock trades on the Friday and Monday before September 11th, but has since decided not to pick up the tidy profit that was made. The U.S. Government is now being sued by survivors of the African embassy blasts because it has become clear that the United States had ample warning but chose to do nothing rather than prevent the loss of life. Given the prior warnings, insider stock trades, and convoluted financial interrelationships, September 11th represents yet another wasted chance to save innocent lives.

The most shocking aspect of the President's request involves the New Defense Strategy to be implemented now. Secretary Rumsfeld testified that a major role now for the U.S. military will be to occupy an opponent's capital and replace his regime. In as much as the Secretary has identified some 60 countries, including our own, that host terror cells, and publicly stated his intention to "drain the swamp," we can only surmise that the U.S. military is now in the business of taking over capitals around the world and replacing regimes . . . starting with Washington, DC.

IN MEMORY OF LOWELL F. RUPP

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. KAPTUR. Mr. Speaker, today I rise to pay homage to a man of my district, Lowell F. Rupp, who passed from this life on Monday, January 7, 2002 at the youthful age of 73. Mr. Rupp was a long-time and much loved civic and business leader in Fulton County, Ohio.

Born on a family farm still operational in Fulton County, Mr. Rupp eventually purchased the farm from his father. He produced corn, soybeans, and wheat, selling the seed as well. Even though I came to know him through politics, for me the picture of Mr. Rupp remains with the land, for he was a farmer in his very soul.

Entering German Township politics, he "sought elective office out of a love for people and a desire to make a difference in their lives." That, indeed, he did. After serving for ten years as a German Township Trustee, Mr. Rupp was elected a Fulton County Commissioner. He served in that position for sixteen years, retiring at the end of his final term in 1994. His tenure as commissioner brought a great deal to the residents of Fulton County: he most assuredly did make a difference in their lives, improving their livelihoods, bringing positive progress to the county and always moving forward. Under his stewardship, the Fulton County Courthouse Plaza, a new county health department building and senior centers in four regions of the county were established. He helped to obtain expansion for water lines into the county and improvements to its fairgrounds.

Those who worked with Mr. Rupp in pursuit of projects benefiting the county—myself included—found him to be a most able and honorable man. One of his colleagues describes him as a "rock-ribbed Republican" who never let partisanship get in the way of doing the best job he could for the public good and noted, "He was a gentleman to work with. We were both opinionated and agreed to disagree." Mr. Rupp practiced a style of politics from which all could take a lesson, and though driven to achieve what he thought was right, still understood the art of compromise.

A man of great yet quiet faith who lived his beliefs, Mr. Rupp was a lifelong member of the Evangelical Mennonite Church. He was also a member of Gideons International and the Archbold Rotary.

Lowell Rupp and his wife Ardith celebrated nearly 53 years of marriage together. As deeply as he surely loved his family, words can do little to assuage the grief felt now by Mrs. Rupp, their children Beverly, Pamela, Bruce, Larry, and Leslie, sister, brother, and grandchildren. May the tangible legacy he leaves behind in what his public service gave to his community help them as they find their way now. Lowell Rupp's memory, his talent, his energy, and his service are the gifts he has left to his family, and to us. While we are saddened at his passing, we are grateful for his life.

TRIBUTE TO THE WOMEN'S AUXILIARY OF THE RIVERSIDE VETERANS, INC.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. PASCRELL. Mr. Speaker, I am honored to take this opportunity to salute the Women's Auxiliary of the Riverside Veterans, Inc., from my hometown of Paterson, NJ. On Sunday, October 21, 2001 the post celebrated a proud moment, its 50th Anniversary.

Having spent my formative years in the Riverside section of Paterson, exercising my ability to honor this group in the permanent record of the greatest democracy ever known, is all the more special.

After our Nation's triumph in the Second World War, our heroes from the Riverside section of Paterson returned home and decided to form, under the guiding hand of founder Tony Tirri, the Riverside Veterans Inc., in 1946. Many of these brave men lived and fought together in the same combat units, forging unbreakable bonds that served as the base of this organization.

Mr. Speaker, everyone in this chamber knows it was the collective effort and resolve of our entire country that carried us to decisive victory in 1945. The Riverside Veterans were more than cognizant of this fact, as they took the initiative in rewarding the women who served their country on the homefront. In 1951, the decision was made to form a women's auxiliary.

Under the leadership of the first year officers—President Mary DeNova, Vice President Addie Pacilio, Secretary Dorothy Tirri, Treasurer Dorothy Malizia, Chaplain Pearl Plavan, Service Officer Rosa Palotta, Mistress-At-Arms Connie Barone, and Executive Board members Angie Tateo, Betty Natoli, Julie Cosgrove, and Delma Cuccinello—the highest standards of charity, family values, and community awareness were set for the Women's Auxiliary's of the Riverside Veterans, Inc.

As a lifelong resident and former Mayor of Paterson, I cannot think of another organization that better embodies its motto, "The Post That Cares," than the Riverside Veterans Auxiliary. My revered predecessor in Congress, the Hon. Robert A. Roe, succinctly said it best stating. "It would be difficult indeed to find a more dedicated or hard working group of women than the auxiliary of the Riverside Veterans."

I would like to recognize the exceptional current leadership of this venerable institution: President Delma Cuccinello, whose husband Louis is the Commander of Riverside Veterans Inc., Vice President Janet Rigamonti, Secretary Catherine Spina, Treasurer Ruth Gallo, Chaplain Jean Carini, Service Officer Irma Cantilla, Mistress-At-Arms Ann Cirasuolo and Executive Board members Clover Glloriande, Bette Natoli, Dolly Gorga, Ida Ponte, and Holly Hintzen. These current leaders have carried on the noble precedents set by the founding members.

Mr. Speaker, I ask that you join our colleagues, the City of Paterson, veterans across the nation, and me in recognizing the outstanding and invaluable service of the Women's Auxiliary of the Riverside Veterans Inc.

TRIBUTE TO 125 YEARS OF COMMUNITY SERVICE BY THE FITCHBURG SPORTSMEN'S CLUB

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. OLVER. Mr. Speaker, I rise today in recognition of the valuable service of the Fitchburg Sportsmen's Club of Fitchburg, Massachusetts, located in north Worcester County at the eastern end of my district. On March 4, 2002, the Fitchburg Sportsmen's Club will hold its 125th annual banquet celebrating a long and impressive record of serving the local community.

The Fitchburg Sportsmen's Club first met in the late 19th century to organize sportsmen, hold competitions and promote responsible gun ownership. Since then, the Club has continued these activities, and its members have used the Club as a platform to discuss important issues affecting gun owners and the public. There is evidence that the Club originated for the purpose of supporting laws to preserve and protect fish and game, thereby helping to maintain the environmental integrity of the Commonwealth. The Club has also worked with local law enforcement and community leaders to promote gun safety, provide instruction for gun owners, and promote responsible gun etiquette.

Through its varied activities, the Sportsmen's Club has proven to be an influential and beneficial voice in the city of Fitchburg. As the Club reflects on its past accomplishments, I encourage its members to continue their role as instructors and community organizers.

TRIBUTE TO CATHOLIC HIGH SCHOOL OF HUNTSVILLE, AL

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize Catholic High School in Huntsville, AL, as it kicks off its annual "Community Service Day." Today, Catholic High seniors will go out into the community to volunteer their time and hard work throughout Huntsville.

Part of Catholic High School's mission statement is "to serve the families of our Catholic parishes and the wider community." They pledge to guide students into loving service of others through activities such as "Community Service Day." Catholic High School has a student faith development initiative that includes giving back to their community through service and outreach, and becoming more aware of the needs of others. Every year, students are required to spend 100 hours volunteering in the Community.

Mr. Speaker, I want to commend Catholic High School and each member of its senior class for their strong commitment to serving others. This kind of outreach is extremely beneficial to the Huntsville community as well as to each student as they grow and learn about what it means to reach out to those who are in need. I wish them the best and sincerely thank them as they go out today to serve our community.

A TRIBUTE TO AN AMERICAN HERO—REAR ADMIRAL HERSCHEL GOLDBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LANTOS. Mr. Speaker, it is with a heavy heart that I rise today and pay tribute to a dear friend and true American patriot, Rear Admiral Herschel Goldberg, who recently passed away at his San Mateo home.

Rear Admiral Goldberg was born in Highland, Kansas and raised in St. Joseph, Missouri before graduating from the U.S. Naval Academy in 1935. After a year at the Navy Finance and Supply School, Rear Admiral Goldberg was transferred to the U.S. Navy supply corps. During World War II he was stationed in the South Pacific. He served as the Supply Officer of the Navy bases at Bora Bora and Guadalcanal before being promoted to Commanding Officer of the Naval Supply Depot in Noumea, New Caledonia. Mr. Speaker, it was at Noumea, where Rear Admiral Goldberg did what he described as the, "most soul satisfying thing I've done in my entire career." By racially integrating his 2,000 enlisted men work force, Rear Admiral Goldberg advanced the cause of racial equality.

After the war, Rear Admiral Goldberg received his MBA from Harvard Business School and then served as Logistics Planning Officer on General Eisenhower's NATO staff. After being promoted to Rear Admiral, U.S. Navy Supply Corps, he was appointed by President Lyndon Johnson to Chief of the Bureau of Supplies and Accounts and Paymaster General of the Navy. In 1966 he became the first commander to be officially named Chief of Supply Corps, were he played a dominate role in the continued development of a strong, centrally coordinated and fully integrated supply system that was essential for the maintenance and preservation of the United States as a global naval power. For his extraordinary service to the Navy Rear Admiral Goldberg was awarded both the Distinguished Service Medal and the Legion of Merit.

I had the pleasure on having Rear Admiral Goldberg serve on my Service Academy Nominations board since I was elected to Congress in 1980. I urge all my colleagues to join me in wishing Rear Admiral Goldberg the traditional naval parting for a fallen naval officer, farewell and following seas.

IN RECOGNITION OF MR. DONALD "MAC" McLAUGHLIN

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. HEFLEY. Mr. Speaker, I rise today to recognize Mr. Donald "Mac" McLaughlin. After 61 years of service to his country, Mr. McLaughlin is retiring.

He began his career in 1940 as a cadre in the 10th Mountain Division at Fort Carson in Colorado Springs. He went on to become a member of the 82nd Airborne Division and a parachute jumper for the regimented combat team. After a combat jump in Holland in 1943 and the end of World War II in 1945, he returned home. Mr. McLaughlin separated from the Army that year and began his service with the Air Force in food services.

Twenty-six years later, Mr. McLaughlin retired from active duty as a chief master sergeant, but his service to our Nation did not end there. He was hired by the Air Force Academy athletic department as a concessions manager where he devoted many long hours to ensure that Falcon Stadium and its patrons were accommodated.

This man knows the true meaning of service to his country and I am proud to have him as a constituent. I congratulate him on his long and rewarding career and wish him well as he enters retirement.

IN HONOR OF THE LOWER EAST SIDE PEOPLE'S FEDERAL CREDIT UNION

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. NADLER. Mr. Speaker, I rise today to congratulate the Lower East Side People's Federal Credit Union (LESPFCU) on the occasion of the grand opening of its Avenue C ATM.

Since 1986, the Lower East Side People's Federal Credit Union has served the financial needs of low-income neighborhood residents who are not served by commercial banks. For over 15 years, since the closing of the last commercial bank in the Lower East Side community, the credit union has maintained its goal of stimulating the economic and community development of the neighborhood by providing a safe, sound, and democratic alternative to traditional banks. Today, nearly 4,000 area residents and employees are members of the credit union. Including the extended family of credit union members who benefit from its services, the credit union serves close to 10,000 Lower East Side community members. As of December 2001, LESPFCU has made over $8 million in loans to 3,488 members of the community, enabling them to realize their dreams of home ownership, starting a small business, or furthering their education.

The Lower East Side People's Federal Credit Union has now opened its second ATM location on Avenue C between 8th and 9th Streets. This new ATM makes the credit union the first financial institution to establish a presence on Avenue C since the 1960s. The opening of the ATM marks two important developments for the Lower East Side: first, it is the beginning of the credit union's expansion plan, which will allow it to continue to serve the growing financial needs of the community; secondly, it demonstrates a revitalized interest and dedication to the economic well-being of the Lower East Side. These developments are sure to contribute to a revitalized community and to benefit the long-term recovery of New York City.

I would like to congratulate those whose hard work has contributed to the opening of the new ATM: the dedicated staff and leadership of the Lower East Side People's Federal Credit Union, the Lower East Side People's Mutual Housing Association, New York City Councilwoman Margarita Lopez, the Co-op Network, Citibank, HSBC, and JP Morgan Chase.

HONORING STAFF SERGEANT BRANDON PEARCE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Staff Sergeant Brandon R. Pearce on the occasion of him being named the United States Air Force's Airman of the Year. Mr. Pearce is an Aircraft Hydraulic Systems Journeyman assigned to the 146th Maintenance Squadron, 146th Logistics Group, 146th Airlift Wing, Channel Islands Air National Guard Station, California. In order to achieve this high honor, Mr. Pearce competed against more than 6,000 airmen in California with the national competition including members from throughout the United States and territories.

Staff Sergeant Pearce graduated from Mariposa High School in 1988 and enlisted in the Air Force. While on active duty, Staff Sergeant Pearce received several Crew Chief of the Month awards and was assigned to his own C–141 aircraft. He participated in Operation Just Cause in Panama, the Persian Gulf war as well as many other operational missions. Staff Sergeant Pearce has also received other military awards, such as the Air Force Longevity Service Award Ribbon and the Air Force Training Ribbon. Upon completion of his 4-year enlistment, he became a full time student which earned him an Associate of Arts degree in History in 1993, and a Bachelor of Arts degree in 1995. In addition to his two degrees, he also obtained a Teaching Credential and devoted 3 years helping to educate and mentor the youth of Ventura and Mariposa Counties.

After completing his education, in 1998, Staff Sergeant Pearce rejoined the Air Force in the California Air National Guard as an Aircraft Hydraulic Systems Technician with the 146th Airlift Wing. Some of his responsibilities include maintenance of all hydraulic components of the wing's 12 C–130Es, including flight controls, brakes, and landing gear. In addition to his busy schedule at the California Air National Guard, he and his wife, Jackie, still find time to take active roles in their church's community outreach program assisting families in need and the homeless.

Mr. Speaker, I congratulate Staff Sergeant Brandon Pearce on his achievement of being named the United States Air Force's Airman of the Year. Not only is he a fine example in the service to his country, but also to his community. His success reflects credit upon himself, the Air Force and our Nation. I urge my colleagues to join me in honoring Staff Sergeant Brandon Pearce being named Airman of the Year and wish him many more years of continued success.

TRIBUTE TO DEREK PARRA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BACA. Mr. Speaker, I ask for unanimous consent to revise and extend my remarks.

I rise today to pay tribute to one of America's new Olympic heroes. Like all Americans, I watched all of our athletes competing in the 2002 games with great pride. We love the Olympics. We love the international spirit, the thrill of competition, the joys of victory and stories of struggle. The athletes capture our imaginations and our hearts.

I watched one athlete with particular pride, speed skater Derek Parra, winner of the silver medal in the 5,000-meter skate and the gold in the 1,500-meter skate.

You see, Derek Parra is from my district. He went to school with my son, Joe Baca, Jr., and I attended church with Derek's father, Gilbert Parra, at St. Catherine's in Rialto, California.

Derek Parra is an American hero. One of eight Olympians chosen by fellow teammates to carry the American flag into the opening ceremonies, Derek accepted the honor even though his first race was the next day. While most athletes spend the night before a race resting, Derek jeopardized his medal chances to carry Old Glory.

On February 9, 2002, Derek's family and friends gathered on Saturday at Graziano's pizza restaurant in Colton to watch the San Bernardino native dazzle the world. Derek unexpectedly broke the world record in the 5,000-meter speed skating race with a time of 6 minutes and 17.98 seconds, beating his own best time by 15 seconds. Derek won the silver medal when the Dutch skater edged out Derek's record-breaking time.

Derek's record breaking performance and silver medal were a bit of a surprise even to the people who knew him best, because the 5,000-meter was not his best race. Friends and family eagerly awaited his best event, the 1,500-meter race on February 19th.

Ten days later on February 19, 2002, fifty of Derek's closest relatives and friends jammed a tiny San Bernardino living room to watch Derek break another world record this time in the 1,500-meter speed skating race with a time of 1 minute and 43.95 seconds. This record held and Derek won Olympic gold.

Derek's silver and gold medals surprised the world. At 5 feet 3½ inches, Derek is a small man in a tall man's sport. He is known by his Nordic competitors as "the little man with the big strokes."

Derek grew up on the West Side of San Bernardino with his brother and single father. He attended Roosevelt elementary and Eisenhower high school. He first learned to skate at the stardust roller rink in Highland where be became an avid inline skater.

As a Mexican-American youth growing up in southern California, Derek did not set foot on ice until he was 17 years old. Derek would be 26 years old before he would switch from inline skating to ice skating in 1996 in order to shoot for Olympic gold.

Derek's road to the Olympics has not been easy. He and his wife Tiffany have struggled to make ends meet raising a baby girl, Mia Elizabeth, while Derek trained for the Olympics. Unlike most skaters who train fulltime, Derek works part-time at a Home Depot to help support his family. Derek has doggedly pursued his dream against all odds.

When people said that he could not do it, he said that he could, and he did it. Derek proved that a determined kid from a working class family in Southern California could grow up to be a champion in a sport dominated by Northern Europeans.

We do not have many Winter Olympians in San Bernardino. The beauty of the Olympic games is the opportunity they allow all of us to experience the glory and triumph through our athletes. We feel a connection with them. As the first Mexican-American to ever appear in the winter games let alone win a medal, Derek expanded the dreams of millions of Hispanic boys and girls throughout the U.S. and the world. In a world that all too often tells our children, "no you can't," Derek Parra has shown them that "si se puede," yes, they can compete! Through faith, determination and hard work, Derek broke down barriers to become a beacon of hope to children everywhere. Derek is truly a role model for others to follow.

Derek Parra made history and opened the world of possibility of Hispanic Americans. Thank you Derek. San Bernardino is proud of you. Mexican Americans are proud of you. All Americans are proud of you. You are our hero. God Bless you.

TRIBUTE TO KANSAS CITIANS' RESPONSE TO OUR RECENT ICE STORM

HON. DENNIS MOORE

OF KANSAS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. MOORE. Mr. Speaker, Ms. MCCARTHY and I rise today to pay tribute to the thousands of Kansas City-area residents who over the past two weeks rose to the challenge posed by the worst ice storm to hit the Kansas City metropolitan area in decades.

The storm, which struck our area with unprecedented fury on January 29th and 30th, cut electric power to over 450,000 area residents and caused more than $50 million in damage in Missouri and approximately $47 million plus damage in Kansas. Seven deaths were attributed to the storm.

As the Kansas City Star described it, the storm "blasted through [and] left most of the metropolitan area a dangerous tangle of downed trees, felled power lines and snarled traffic. . . . During an intense 12 hours, from 7 p.m. Wednesday to 7 a.m. Thursday, for example, Johnson County emergency dispatchers took 420 calls, mostly from people reporting tree limbs pulling down overhead lines. The Kansas City Fire Department dispatchers took 1,100 emergency calls in a 12-hour period; ordinarily they receive 1,400 in a month."

Mr. Speaker, our constituents dealt heroically with this unexpected calamity and we want to take special note of the outstanding contributions made by those whose job it was to respond to this crisis: police, firefighters, 911 operators, KCI airport employees, and members of the Missouri and Kansas National Guard, to note just some of them.

Medical teams dealt with cases of carbon monoxide poisoning, exposure, and injuries due to falling tree limbs and falls on ice. Homeless shelters opened their doors to neighbors left without heat and electricity and church groups, the Salvation Army, the Red Cross and municipal emergency services worked overtime and went the extra mile to help those in need during this time of crisis. Countless community volunteers including AmeriCorps, the Boy Scouts, and United Way gave their time to assist in the recovery process. Whether you were in Rosedale or Brookside, Independence or Overland Park, the "Kansas City Spirit" was prevalent with neighbors helping neighbors to cope with the devastation.

Most notably, hundreds of repair crews from area utilities—including Kansas City Power and Light, Missouri Public Service, the Kansas City, Kansas, Board of Public Utilities, Independence Power and Light, Westar Energy, and SBC—worked around the clock, along with 400 out-of-state repair crews and 350 out-of-state tree trimming crews, to replace lines, repair blown fuses and clear ice-laden trees that had cut off power lines and created fire and injury hazards. In fact, it is estimated that of the 450,000 trees that line Kansas City's streets, 10 percent of them will be gone when the cleanup is complete and over 10 percent of the city's privately owned trees also will have perished. To these utility workers, the people of the Kansas City area owe a special debt of gratitude.

We also applaud the leadership of our Governors Bill Graves of Kansas and Bob Holden of Missouri along with the countless local elected officials who worked in tandem with state and federal emergency management officials in compiling the damage assessments so that our Governors could request the Federal Emergency Disaster Declaration. The President and Federal Emergency Management Agency (FEMA) acted quickly to start the process of bringing federal relief to our community so that now the full recovery can occur.

Mr. Speaker, we have proven once again Kansas City truly is the heartland of America—when our friends and neighbors are in trouble, our community comes together to address the crisis and to get the necessary job done—quickly, efficiently and effectively. We have never been prouder to represent the Kansas City metropolitan area.

TRIBUTE TO MRS. EUNICE MERRILL OF HUNTSVILLE, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize and honor a very special lady in the

5th District of Alabama as she celebrates a remarkable anniversary.

Mrs. Eunice Merrill has been serving her home cooking to the people of north Alabama for fifty years. In January of 1952, a time when very few women in Alabama owned their own businesses, she opened "Eunice's Country Kitchen" in Huntsville, Alabama. Over the years, Eunice's Country Kitchen has become a local favorite.

People from all around don't just come to Eunice's for the food. "Aunt" Eunice, as her many patrons know her, is a local celebrity. She is never caught without a smile and shows kindness and warmth to every person who enters her restaurant.

Eunice Merrill shows that same love and affection to her community as well. She is an extremely active member of the Huntsville community, spending much of her time volunteering and raising money for the Arthritis Foundation.

Eunice's Country Kitchen is a place where politicians, business leaders, and other locals can gather to eat, drink coffee, and tell stories. Whether it's at the "Liar's Table" reserved for "Politishins and Fisherfolk" or refilling coffee cups throughout the restaurant, everyone feels right at home at Aunt Eunice's. For fifty years, people from all over the world have visited Eunice's Country Kitchen and have concluded that it truly is the finest place for country ham & biscuits.

Mr. Speaker, I sincerely congratulate Aunt Eunice for fifty years of friendly service and great food. And I want to thank her for making me a part of her Alabama family.

DR. BOB ALBIN OF TEXAS TECH UNIVERSITY RETIRES

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. COMBEST. Mr. Speaker, I rise today to call my colleagues' attention to the tireless dedication and tremendous effort of Dr. Bob Albin, the Associate Dean of Research for the College of Agricultural Sciences and Natural Resources at Texas Tech University. For more than 40 years, Bob has shaped the minds of agriculture students, initiated cutting-edge research throughout the agricultural college, served as a committed faculty member and student advisor, and been a unswerving friend to all of agriculture. As he retires, Bob can look back on his time at Texas Tech with great pride on his many accomplishments.

As the Representative of Lubbock, TX and of Texas Tech University, I have personally witnessed Bob's work to bring collaborative quality research to Texas Tech through his determined efforts to establish the Agricultural Research Service (ARS) Plant Stress and Water Conservation Laboratory in Lubbock. Bob traveled to Washington on a regular basis to testify before the Agriculture Appropriations Subcommittee and to explain the need for an ARS laboratory in Lubbock that would focus on the plant and crop needs in semiarid production environments such as in West Texas. I am pleased that after all of his hard work, funding was provided for this important facility, which is now nearly constructed and that houses research initiatives between ARS and the University. Thanks to Bob's efforts, scientists have used this facility for research critical to plant science which will keep our farmers the most efficient producers of food and fiber in the world.

I know Bob will be missed by faculty and students alike, but his support and enthusiasm for Texas Tech and agriculture will endure. Bob has always been a Red Raider, and he always will be in the future.

Mr. Speaker, it is my distinct honor and pleasure today to express in this public forum my thanks to Dr. Bob Albin for his outstanding service to Texas Tech University and American agriculture and wish him all the best in his retirement.

ANOTHER CHURCH ATTACKED IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BURTON of Indiana. Mr. Speaker, recently another Christian church was attacked in India. The Associated Press reported on February 17 that about 50 militant, extremist Hindu fundamentalists attacked a Catholic church on the outskirts of Bangalore. Unfortunately, this is just the latest incident in a long-standing campaign of repression against Christians and other religious minorities in India, which appears to be tacitly supported by the government. Last year, a cabinet member was quoted as saying that everyone who lives in India must either be a Hindu or be subservient to Hindus. This is part of the Hindutva ideology of the ruling BJP and its parent organization, the RSS, which was founded in support of the Fascists.

This latest incident seems to mirror with so many other actions perpetrated by Hindu militants under the umbrella of the RSS. They have murdered priests, raped nuns, and burned churches. They have attacked Christian schools and prayer halls. It was Hindu militants under the RSS umbrella who burned missionary Graham Staines and his two young sons to death while they slept in their jeep, all the while chanting "Victory to Hannuman," a Hindu god. India subsequently threw Mr. Staines's widow out of the country rather than let her continue his work providing health services for the downtrodden. The RSS itself published a booklet on how to file fake criminal cases against Christians and other religious minorities. Indian police used gunfire to break up a Christian religious festival. More than 200,000 Christians in Nagaland have been murdered by Indian forces. In the face of this pattern of repression, abuse, and tyranny, Prime Minister Vajpayee told an audience in New York, "I will always be a Swayamsewak," invoking the self-designation of RSS members.

Unfortunately, Mr. Speaker, the Indian government has done little to stop or prevent these acts of violence. If the abuse and repression of Christians were the only story, it would be bad enough, but it is not. Sikhs, Muslims, and other minorities have faced repression also. The Indian government has murdered over 250,000 Sikhs, over 75,000 Kashmiri Muslims, and many thousands of other minorities, including Tamils, Dalit "untouchables," Bodos, Assamese, Manipuris and others. According to the Movement Against State Repression, India admitted to holding 52,268 Sikhs as political prisoners, and we know the numbers the government admits to are generally low. Amnesty International reports that tens of thousands of other minorities are also being held as political prisoners.

To make it worse, Mr. Speaker, it was reported in the January 2 issue of the Washington Times that India is sponsoring cross-border terrorism in the province of Sindh to destabilize Pakistan, which has been a solid, strong ally in the war on terrorism. In addition, India's aggressive military maneuvers have forced Pakistan to shift troops away from the border with Afghanistan to the Indian border, possibly creating an escape for Taliban and Al Qaeda terrorists. In effect, India's actions are abetting the Al Qaeda terrorists.

In light of all this repression and terrorism America must make a strong stand. We must make it clear that such practices are unacceptable for countries that proclaim democratic principles and for countries that seek U.S. support. To do so, we should stop U.S. aid to India until these abuses are ended and we should publicly support the freedom movements within India's borders by calling for a free and fair plebiscite on the issue of Independence for Kashmir, Khalistan, predominantly Christian Nagaland, and the other nations seeking their freedom from India. These measures will help shine the light of freedom on everyone in South Asia.

Mr. Speaker, I would like to place the Associated Press article into the RECORD at this time.

[From the Associated Press, Feb. 17, 2002]

POLICE: HINDU EXTREMISTS HIT CHURCH

BANGALORE, INDIA.—About 50 Hindu hardliners attacked a Roman Catholic church in southern India on Sunday and injured several worshipers, police said.

V.V. Bhaskar, the police chief in the city of Mysore, declined to say how many people were hurt in the attack, which happened on the outskirts of the city.

The assailants threw stones at the church before forcing their way inside, breaking furniture, smashing windows and attacking worshipers.

The men demanded the priest end what they said were efforts to convert local villagers, who are mainly Hindu, Bhaskar said.

Christians make up only a tiny fraction of India's 1 billion-plus population. About 80 percent are Hindus.

Some Hindu extremist groups have accused church officials of trying to attract poor Hindus with promises of money and jobs.

The worst attack against Christians in India took place in 1999, when an Australian missionary and his two children were burned alive by a mob.

TRIBUTE TO COACH JOE DASARO AND THE GRISSOM HIGH SCHOOL WRESTLING TEAM

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize Coach Joe Dasaro and the Grissom High School wrestling team from Huntsville, AL. Earlier this month, they took home the 6A State Wrestling Championship, a title they haven't held since 1997. The Tigers won their sixth state championship title in the 19 years that Coach Dasaro has been leading the team. Grissom High School has always upheld the highest standards of excellence in all its endeavors, and this team of outstanding athletes is no exception.

The Grissom team scored 140 points—26 points above any other team in the tournament. Coach Dasaro has called the team solid and consistent, and I am proud of this group of athletes who have maintained an attitude of distinction in all that they do. Mr. Speaker, I want to congratulate Coach Dasaro for his leadership and each member of the Grissom High School wrestling team for their commitment to achieving the championship title.

MIDLAND CHRISTIAN SCHOOL FOOTBALL TEAM WINS STATE CHAMPIONSHIP

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. COMBEST. Mr. Speaker, I rise to join Midland and Permian Basin in congratulating the Midland Christian School football team in their great victory in the Class 4A state championship title in the Texas Association of Private and Parochial Schools. Their November victory over Denton Liberty Christian is an accomplishment that is truly deserving of recognition and praise.

The Midland Christian School football program has been built upon a solid foundation of hard work, dedication, and sportsmanship. The Mustangs have shown what today's youth can accomplish when teamwork and determination are applied. They will forever hold a place of honor in the pages of Texas athletics.

It is with great pride that I recognize the members of the Midland Christian School football team and their coach Greg McClendon for this accomplishment. I would also like to recognize the administration and fans that carried them through to victory. Thanks to their tremendous efforts, Midland, TX, is now home to the 2001–2002 Class 4A State Champions for the Texas Association of Private and Parochial Schools. I congratulate the Midland Christian Mustangs for bringing home a state football title.

TRIBUTE TO FIRE CAPTAIN GLEN VETRANO

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of an outstanding public servant, Fire Captain Glen Vetrano of the Paterson Fire Department, who was recognized on Thursday, October 18, 2001 for his lifelong commitment to helping others.

Fire Captain Vetrano was chosen as the Boys and Girls Club of Paterson's 2001 Man of the Year. The enduring relationship between Glen and the Boys and Girls Club began long ago, when he was only 12 years old.

While enrolled in the old Hawthorne Boys and Girls Club, young Glen demonstrated his altruism and leadership by partnering with community leaders and parents in building a new, vastly improved facility. Even at such a young age, Glen's dedication and ability to lead was recognized, as he was named Youth of the Year for his efforts in the construction of the new building.

Glen Vetrano's desire to serve others certainly continued into his adult life as he chose a career in public safety. After being appointed to the Paterson Fire Department on June 2, 1986, he quickly rose into leadership positions, chosen by his peers as president of the Firefighters Association from 1992–1996 and as the current president of the Fire Officers IAFF Local 3860.

Mr. Speaker, as a lifelong resident and former Mayor of Paterson, I can definitively say that fire Captain Vetrano's capacity for giving is second to none. As a member of the Board of the Boys and Girls Club of Paterson, Glen has been instrumental in the Club's successful growth initiative. Chairing the Marketing Committee and hosting the Club's Annual Winter Beefsteak, Glen Vetrano's devotion and steadfast leadership have produced countless successes for the Boys and Girls Club of Paterson. He has touched countless lives.

No time of year better illustrates the character of my friend Glen Vetrano than the Christmas season. He takes a very special interest in aiding those who might otherwise be overlooked during the joyous holiday season. Glen has founded the Holiday Dinner for the Clergy. He pioneered this dinner to honor those who have devoted themselves to the needs of our residents all year long. Of course, Glen is a staple at the Boys and Girls Club Holiday Party, assisting Santa and helping young people enjoy the Christmas season.

I consider my friendship with Glen Vetrano a blessing, and believe honoring him in this, the permanent record of the greatest democracy ever known, is absolutely necessary.

Mr. Speaker, I ask that you join our colleagues, the Boys and Girls Club of Paterson, the City of Paterson, Glen's family and friends, all those who have been touched by his altruism, and me in recognizing the invaluable service of Fire Captain Glen Vetrano.

HONORING LIA M. JELINGER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. KAPTUR. Mr. Speaker, I am pleased to submit for the RECORD an essay written by Lia M. Jelinger of my district. Such a kind woman, she serves as an example for all of us and it is important to share her story. Her message is timeless, though it need be oft repeated:

> It all started in WWII, whilst suffering under the German Occupation. I was a teenager then, and experienced suffering, hate and destruction. I made a vow, as young as I was not to be part of all this evil, but to show love and compassion the rest of my life toward my fellow men.
>
> It was in 1957 when I immigrated to the United States with 5 kids in tow. My first job opportunity was to work as a nurse in pediatrics in a local hospital. After that I proceeded to become a foster mother and took care all together of 25 foster babies. A few years later I worked for Special Olympics, sewing banners, flags, and ribbons at home so I could be there for my family. I received the "Service to Mankind Award" and personal awards from Eunice Shriver.
>
> In 1990 with so many blessings given to me I started working for the VA here in Toledo 3 days a week under a senior program. Lately I found myself with too much idle time on my hands, which could be utilized and decided to volunteer on my off days.
>
> I am 73 years young now and still going strong. I reckon that there are days of achy cracking bones, but that does not stop me to spread love and compassion I have for my coworkers and patients alike being cheerful and to make their day.
>
> I had always wished to some day meet a WWII veteran and one day the opportunity presented itself. A frail old man entered the office and asked for some help with his hearing aid and made clear he was a WWII veteran. I proceeded to ask him where he was in combat and he told me he was in the Netherlands, fighting in the Battle of Arnhem and in Germany. I was overwhelmed since I came from the Netherlands and asked him permission to hug him and so I did thanking him for his contribution towards our freedom. He then started to cry and told me that nobody ever did that to him.
>
> I want to honor those who lost their lives and those who are still living. It was a horrible experience that we went through as civilians also, but the good thing about it for me is, that it formed character.
>
> God bless this great country of ours and may God keep all those courageous men and women then and now safe with his protection and loving care.

TRIBUTE TO JOY BRYSON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. OBERSTAR. Mr. Speaker, I rise today to undertake a sad, yet heart-warming mission—to honor a most cherished staff member, Mrs. Joy Bryson, on her retirement from the Transportation and Infrastructure Committee.

Joy has been serving for the past eight years as Administrator to the Minority. Previously, she served for nine years as Chief Clerk to the then majority—a position she devoutly wished to reclaim. Throughout all of these years she served all of the Members of the Committee and to staff with grace, uncommon ability, and a cheerfulness that always bespoke her name—with joy.

Prior to joining the Committee, Joy served as Office Manager for our late distinguished Chairman, Jim Howard. More importantly, Joy served for 14 years the people of the Third Congressional District of New Jersey as if they were her own family, in the process earning their gratitude and affection.

In recognition of her abilities, Chairman Howard asked Joy to take on the important position of Committee Administrator. She continued in this position under the following three Chairmen, Glenn Anderson, Bob Roe, and Norm Mineta, and filled a similar position when we became the minority in 1994. I know that Chairman Roe and Secretary Mineta share my gratitude for Joy's many important contributions to the effective operation of the Committee and its staff.

Joy has been the Committee's expert on the intricacies of the rules governing the Congressional Administrative process; such as our internal budget rules, and our rules on travel, ethics, and retirement. As a former congressional staffer I know well the complexities involved. When someone knows the rules and procedures as well as Joy does, she can anticipate and solve problems of which Members and staff may be blissfully unaware. I know of many occasions when Joy's expertise saved Members and staff much time and effort, and ensured that administrative actions were done right, the first time.

Although Joy knows all the rules and procedures, she is anything but a "green eyeshade" type of public servant. Her professional talents include considerable literacy skills. She has a graceful writing style and a good sense for the telling ancedote—told with a special Southern charm. Joy's talents were particularly well displayed when she helped Members prepare speeches, letters and extensions of remarks, expressing our appreciation for distinguished public service, or our thanks for assistance we received.

Joy was also an excellent recruiter for the Committee. Through her efforts, the Committee consistently attracted an exceptional group of staff assistants, who were highly competent, enthusiastic team players; invaluable for the successful functioning of the Committee.

Joy's greatest contribution to the Committee flowed from her personal qualities—her cheerfulness, her interest in her colleagues, and her maturity and common sense. Joy worked with a number of Staff Directors most of whom had little supervisory experience. She took it upon herself to carry out the sometimes thankless task of breaking them in to the human side of the job, their responsibilities in dealing with personal and work problems of the staff. Joy's dedication to this task, her empathy for the perspective of the administrative staff, and here charm and perceptiveness, gave her great influence, and made the Committee a much better place to work.

Supplementing her public service, Joy has been an active volunteer in community service. I particularly appreciate her dedicated service on behalf of the Jo Oberstar Memorial Lecture Series on Breast Cancer Awareness, sponsored by the George Washington University Hospital Breast Care Center in memory of my late wife. Joy played a major role in organizing last year's highly successful lecture and fundraiser.

Mr. Speaker, at this time we are in the midst of an Olympic season. If medals were bestowed in the halls of Congress to those staffers who most deserve the title of "champion", Joy Bryson would be one of those on the dais with a medal of gold. As Joy returns to her beloved family, her husband Lit and her children, Chris and Jeni, she carries with her out gratitude for her service, and our prayers for her well being and, most of all, for her happiness.

FEDERAL EMPLOYEES OF AMERICAN SAMOA INCOME TAXES

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which will repeal a provision in the Internal Revenue Code which requires certain federal employees in American Samoa to pay more in income taxes than a citizen with the same taxable income but who is not a federal employee.

By way of background, U.S. citizens with incomes above a certain threshold and residing in a U.S. possession are required to file tax returns with the Internal Revenue Service or a territorial government on their world-wide income. In the past, U.S. citizen-residents of American Samoa were able to claim a dollar for dollar tax credit for all taxes paid or owing to the territory. The taxpayers claimed a foreign tax credit on their federal return, and the amount of the income tax collected by the IRS was either covered over to the American Samoa Government, or was returned to the taxpayers to be paid to the local government. Either way, U.S. citizens paid income taxes at the federal rates to the American Samoa Government.

Section 931 of the Internal Revenue Code sets forth the general rule on income from sources within American Samoa, Guam and the Commonwealth of the Northern Mariana Islands. The general rule is that income derived from one of the specified possessions shall not be included as gross income for federal tax purposes. On its face, Section 931(d)(1) creates an exception to this general rule for federal employees who reside in one of these three territories, although the section is currently applicable only to American Samoa. Under this exception, a federal employee's income is considered as part of gross income. As incomes have risen in recent years, more taxpayers are not coming within the laws governing the alternative minimum tax (AMT). Under Section 59 of the Code (one of the AMT provisions), taxpayers can only claim 90 percent of their foreign tax credit against the taxes they owe to the federal government.

The net result of Section 59 and 931 as they are applied to federal employees residing in American Samoa is that the federal employees have to pay the usual tax at federal rates, which is paid over to the territorial government. Some federal employee-taxpayers then pay an additional tax to the IRS. If the taxpayers were not federal employees, their federal wages would not be included in their gross income and they would not have to pay this additional tax.

The legislation I introduce today will make Section 931(d)(1) of the Internal Revenue Code inapplicable to American Samoa. When this section is changed, these U.S. citizens will still pay taxes, and they will still be subject to the alternative minimum tax like any other taxpayer.

Mr. Speaker, I see no reason we should require our federal civil workers to pay more in taxes than any other citizen does just because he or she has chosen to serve our government. I urge my colleagues to support this bill.

TRIBUTE TO BISHOP SIMON GORDON

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BLAGOJEVICH. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Honorable Bishop Simon Gordon, Pastor of Triedstone Full Gospel Baptist Church in Chicago, Illinois. Bishop Gordon was ordained in 1987 and since that time, God, through him, has made and continues to make a difference in many lives. Under his leadership and vision, Triedstone's membership has grown to over 1,300 and its ministries have grown from the original 13 to 38. Bishop Gordon's untiring service, faithful dedication to the community and strong leadership have earned him the deserved respect and admiration of all whose lives he has touched.

Bishop Gordon has been instrumental in shaping the future of the community, state and country. He formed the Ministerial Alliance to train ministers and deacons to become and operate effectively as leaders of the church. I applaud his leadership and commend him for toiling so long to provide the type of guidance which has empowered so many to make meaningful contributions to the community. His accomplishments are far too numerous to list but I applaud him for each and every one of them and for having the dream and desire to use his faith as a vehicle to effect social, political and economic change. He is a true testament to his faith and an asset to our country. I commend Bishop Simon Gordon and wish him many more years of exemplary service to the Lord.

TRIBUTE TO REVEREND RONALD L. OWENS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Reverend Ronald L. Owens residing in the Sixth District of New Jersey. He is celebrating his 25th year in the ministry.

Reverend Owens is currently the Senior Pastor of the New Hope Baptist Church of Metuchen, New Jersey. On Friday, April 12, 2002, his church will recognize his illustrious career and dedication to Metuchen and surrounding communities.

Rev. Owens graduated from Northeastern Bible College in Essex Falls. He also has earned a degree from the Virginia Union University in Richmond, Virginia. Presently, he is a candidate for the Doctorate in Ministry from Andersonville Baptist Seminary in Camille, Georgia.

At the New Hope Baptist Church he has the unique honor of pastoring the church he attended in his youth. The church has grown to more than five hundred active members, with more than thirty active ministries serving the community.

Rev. Owens has a noteworthy career. It includes serving as a member of the Board of Supervisors for Field Ministry at Princeton Theological Seminary and the Ad-Hoc Committee for Minority Recruitment for Robert Woods Medical School at Rutgers University. Additionally, he has acted as the president of the Metuchen/Edison Clergy Association and former Vice-Chairman of the Democratic Party of Middlesex County in the State of New Jersey. Lastly, he was President and CEO of the House of Hope Community Development Corporation of New Jersey.

Outside of his career, he spends time with his adoring wife of thirty-years, Cheryl Owens, and his two daughters, Tracey and Kimberly. He also enjoys spending time with his four grandsons, Adam II, Joshua, Blair, Jr. and Brandon.

Through his ministry he spreads the word of God and provides spiritual leadership. Now entering his twenty fifty year of service, I would like to congratulate Reverend Ronald L. Owens on this momentous occasion.

PAYING TRIBUTE TO GARY NICHOLS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual who has dedicated his life to serve and protect the citizens of the State of Colorado. Sheriff's Deputy Gary Nichols of the Moffat County Sheriff's Department has faithfully served his fellow Coloradans for years. After a long and successful career as one of Colorado's finest, the Advocates-Crisis Support Services, an organization created to handle and provide crisis support services to victims of crime, named Gary the "Law Enforcement Officer of the Year." As he celebrates his recent achievement, I would like to take this time to highlight Gary's service to his community.

Gary has faithfully served the Moffat County Sheriff's Department in various capacities throughout his career, but it was his ability to provide emotional support and attention to those in need that has led to this award. In every criminal situation, there is always someone who is directly affected by the crime, either a victim or bystander. Part of a law enforcement officer's duty is to not only protect our citizens from harm, but to also provide compassionate and caring assistance to those in need. Gary has repeatedly demonstrated these traits and proven he is an officer capable of compassion and dedication to his position as a peace officer in Moffat County community. Advocates-Crisis Support Services has worked diligently alongside officers such as Gary, and has rewarded past officers with similar traits for this important and dubious honor. I am extremely proud of not only Gary but also the crisis organization, as they both are our first responder units in times of hardship and crisis.

Mr. Speaker, as a former law enforcement officer, I am well aware of the dangers and hazards our peace officers face today. These individuals work long hours, weekends, and holidays to guarantee their fellow citizen's rights and protection. They work tirelessly and with great sacrifice to their personal and family lives to ensure our freedoms remain strong in our homes and communities. Their service and dedication deserve the recognition and thanks of this body of Congress, and this is why I bring the name of officers like Gary Nichols to light today. Congratulations on this honor and I wish you all the best, Gary, and good luck in your future.

REMARKS BY FORMER CONGRESSMAN TOM EVANS

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. ANDREWS. Mr. Speaker, I recommend to my colleagues that you read some remarks by former Congressman Tom Evans of Delaware he delivered recently at the University of Delaware.

Tom Evans, who played a key role in the passage of the Alaska Lands Act, sets forth compelling reasons why one of America's great treasures, the Arctic National Wildlife Refuge, should continue to be protected.

I strongly agree with him on the need to preserve that great wilderness area and protect the wildlife there. There are much better and quicker ways to develop energy independence in America without oil drilling in the Arctic Refuge.

PRESERVING THE ARCTIC NATIONAL WILDLIFE REFUGE

(Delivered by Thomas B. Evans, Jr.)

It's a great pleasure to be here this evening at the University of Delaware. I appreciate the wonderful turnout and am especially grateful for your strong support of the environment and for the work you do here at the University in that area.

As you know, there is a critical vote coming up in the U.S. Senate late in February that has enormous consequences for millions of acres of wilderness and all kinds of wildlife. I will address those things, but first I'd like to go back to 1980 and reflect on what happened then.

Although passage of the Alaska Lands Act took place over two decades ago, I can remember it better than some events that occurred just two weeks ago. This landmark piece of legislation set aside additional millions of acres of land and designated them as wilderness areas. It was a gigantic effort to achieve the preservation of some irreplaceable, pristine areas of wilderness for us and for future generations. I was honored to have been one of the three principal congressional backers and the Republican floor leader for the bill.

The bill passed, and yes millions of acres of land were protected, but there was something that was equally as important. There was a tremendous lobbying effort against it, and millions of dollars were spent. The dollars spent by our Alaska Coalition paled in comparison to the lobbying effort that attempted to prevent passage of the legislation that was designed to protect wild scenic rivers, wetlands, polar bears, songbirds, caribou, ducks and other wildlife of every description.

We won with 60 plus Republicans voting yea. It was, indeed, a true bipartisan effort; and that, unfortunately, does not take place very often in today's political climate. Afterwards, three of us were invited to a very emotional victory celebration hosted by the Alaska Coalition. That coalition consisted primarily of young people who spent the summer in Washington. They came to Washington to protect a great treasure for future generations. John Seiberling of Ohio, who chaired one of the subcommittees with jurisdiction over this issue, and Mo Udall, a dedicated environmentalist from Arizona, and I were deeply touched by their invitation, and the warm reception we received. I believe I can safely say it was certainly one of the best invitations I've received in my lifetime.

Mo Udall and John Seiberling both spoke eloquently and certainly covered the importance of the legislation. I didn't want to repeat them; so I took a slightly different tack and said that victory today was great in terms of conservation and preservation of millions of pristine acres. But there was an equally important victory today—all of you proved that regardless of dollars and political pressure, our constitutional system of government still works. You can still win, and that's the American way."

Today, we may be facing an even sterner test. Some of the arguments made by proponents of drilling in the Arctic National Wildlife Refuge sound good on the surface. They call for energy independence and equate that to our national security interest. Well, I also believe in developing energy independence so we won't be dependent on a bunch of sheiks in a very unstable part of the world. And certainly energy independence is inextricably related to national security. But this administration, which most of us strongly support in our country's fight against terrorism, is wrong on the centerpiece of its energy policy. Domestic production of oil should not be the primary focus.

Perhaps it would help us all to better understand the Administration's energy policy if we took a look at how it was developed. Vice President Cheney took the lead, and about half a dozen staff members were specifically assigned to develop a working draft. That staff included two top assistants of Senator Murkowski, the main congressional proponent of drilling in the Arctic, and to the best of my knowledge no one on the task force had any experience or background or demonstrated interest in the protection of the environment.

The group met often with oil company executives and a number of times with Enron officials. No wonder that their plan emphasizes domestic production and contains very little on the conservation side. In fact, Vice President Cheney said that conservation may be a personal virtue, but it does little, if anything, to achieve energy independence. That statement demonstrates an appalling, but predictable, bias in favor of oil drilling. But he's wrong, and each of us conserving small amounts of energy can make a big difference on a cumulative basis.

Let me dispel some myths and make a few points on the need for a balanced energy plan—one that clearly should not include drilling in the Arctic National Wildlife Refuge—one of our greatest American treasures!

There is not a tremendous amount of oil in the Arctic refuge. Why develop it simply out of greed when there are so many alternatives?

There is a much better way to achieve energy independence without doing irreparable, irreversible harm to the most environmentally sensitive area of one of the most pristine areas of the world—the narrow coastal plain of the Arctic National Wildlife Refuge.

Alternative sources of energy, including renewable sources of energy, are available, while oil is a finite resource. Fossil fuels will be exhausted some day, but the wind and sun will always be around.

Fuel economy standards for cars and trucks should be raised. Even a very modest mile or two per gallon would make a huge difference. We should also provide incentives for conservation, more efficient power plants, development of fuel cells, better insulation for homes and office buildings and more energy-efficient appliances.

There are also secure alternative sources of oil and gas outside the Middle East. Russia is a prime example, and I recently spent ten days in that country assessing its potential.

It will be seven to ten years before oil from the Arctic National Wildlife Refuge comes on stream. Yet, you may recall that proponents of drilling initially used the argument that implied that the California energy problem could be resolved if we drilled in ANWR. Well, California solved its problem in other ways—including conservation—so now the drilling proponents are invoking the national security argument. That's an absurd argument as well!

New pipelines will have to be built that would be exposed to terrorists. Several months ago, a high-powered rifle shot took out an existing pipeline for several weeks.

And don't be fooled by the argument that technology has developed to the point where oil wells could be drilled on only 2,000 acres of the 19 million in ANWR. That's not the full picture. You also have to take into account the logistics that support the oil wells—oil derricks, trucks, helicopter pads, people, roads, pumping stations and networks of oil field pipelines, even without the toxic spills and air pollution that are endemic in such fields, destroy wilderness and imperil wildlife. And remember that when you damage the tundra, you may destroy it for 100 years or more. What we grow in our climate in a year takes decades there.

We have treated Native Americans rather harshly from the beginning. Now, we are doing it again. The Gwichin Indian tribe live in the Arctic Refuge, and they view the land as sacred. Certainly, oil drilling on this land is inconsistent with preserving it as a sacred place.

As Barrons, the well known financial publication, pointed out recently, "we are entering a period when there is a glut of oil." The publication's cover proclaimed "The Coming Glut of Oil."

Therefore, we should ask the question, is it necessary to drill now? If, in the future, we are unable to develop alternative sources of energy (I believe we can, given the right commitment), if gasoline is $10 a gallon with long lines to even get gas, then it might be something we should consider, but certainly not now! Don't approve something that will do irreparable harm, something that cannot be reversed. Drilling in the Arctic National Wildlife Refuge should be considered only as a last resort!

So, ladies and gentlemen, let me end by saying as I did over twenty years ago that in spite of the money, the political influence, and the greed, you can make a difference. Let history record—say, 50 to 100 years from now—that this generation cared, that we persevered, that we preserved, and that we recognized that important decisions should be made not just for today and not just for a few—but very importantly—for future generations of Americans as well!!

IN MEMORY OF THE HONORABLE DEOTIS GAY OF LA PORTE, TEXAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor the memory of a longtime friend and respected former member of the La Porte City Council of La Porte, Texas, Deotis Gay, who passed away at his home on February 21, 2002. The community of La Porte has lost one of their most beloved and respected citizens. Deotis was a constituent, colleague, and friend with whom I was privileged to know and work with. I will miss his wisdom and guidance.

Mr. Gay was born December 19, 1931, in Kilgore, Texas, and moved to La Porte with his family when he was nine years old. He retired after working for Rohm and Haas Deer Park for 35 years. Besides his 20 years of service on the La Porte City Council that ended just this past year, Deotis was active in the National League of Cities, the Texas Municipal League, the Texas Black Caucus and the La Porte Community Civic Club. He was also a Mason and a member of the board of trustees of Zion Hill Baptist Church.

Deotis was more than just a great civic leader; he was also a great Texan, a loyal friend, and a devoted husband, father and grandfather. I offer my sincere condolences to his wife, Mary; his sons, Deotis Gay, Jr. and Anthony Gay; his daughter Cheryl Gay, his seven grandchildren, and his entire extended family. We feel for their loss as we mourn the passing of this exceptional man. Deotis was a true friend to everyone in La Porte and to me personally.

ARTICLE COMPARES INDIA TO AUSTRIA-HUNGARY—INDIA IS HEADING FOR SIMILAR BREAK-UP

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. TOWNS. Mr. Speaker, I would like to call the attention of my colleagues to an article by Steve Forbes in the March 4 issue of Forbes magazine called "India, Meet Austria-Hungary." In the article, Mr. Forbes compares present-day India to the old Austro-Hungarian Empire. Like Austria-Hungary, India is a multiethnic, multinational country. Such countries are unstable, as Mr. Forbes notes, and they face a similar peril.

The article notes that some leaders in India are "itching to go to war with Pakistan, even though Pakistan's President Pervez Musharraf has taken considerable political risks by moving against Pakistani-based-and-trained anti-India terrorist groups." At the same time, according to a January 2 article in the Washington Times, India continues to sponsor cross-border terrorism against Pakistan. The article notes that when the Austro-Hungarian monarchy attacked Serbia in 1914, it launched a war in which the Hapsburgs lost their empire. Today, several countries exist where the Austro-Hungarian Empire once was.

India is in similar circumstances. It should learn from the example of Austria-Hungary, the Soviet Union, and other multinational empires. It should realize that the breakup of such states is inevitable. The Soviet Union and Austria-Hungary had a stronger, more stable political structure and they fell apart because such multinational states cannot be held together. In fact, Indian Home Minister L.K. Advani recently said that if Kashmir gets its freedom, India will unravel.

Yet India continues its futile efforts to maintain its multinational state by force, in pursuit of Hindu hegemony. It continues to attack and kill Christians, Sikhs, Muslims, Dalits, and other minority groups. It continues to hold tens of thousands of political prisoners, something I find very odd for a democracy. Indian forces have killed more than 250,000 Sikhs, over 200,000 Christians in Nagaland, more than 75,000 Kashmiri Muslims, and many thousands of minorities of all kinds. This repressive policy will not work. Eventually, the force that broke up the Soviet Union and broke up the Austro-Hungarian Empire will break up India. I hope that this happens peacefully. With the war on terrorism ongoing, we do not need another violent trouble spot in the world.

America can encourage this process of nationalism and freedom in South Asia. We should press India for the release of all political prisoners. We should stop our aid and trade with India until they are released and the oppression of minorities ends. We should openly declare our support for self-determination for all peoples and nations in South Asia.

By these measures we will help everyone in the subcontinent to live freely, prosperously, in dignity, stability, and peace.

Mr. Speaker, I would like to insert the Forbes article into the RECORD at this time.

[From Forbes Magazine, Mar. 4, 2002]

INDIA, MEET AUSTRIA-HUNGARY

(By Steve Forbes)

Influential elements in India's government and military are still itching to go to war with Pakistan, even though Pakistan's President Pervez Musharraf has taken considerable political risks by moving against Pakistani-based-and-trained anti-India terrorist groups. Sure, Musharraf made a truculent speech condemning India's "occupation" of Kashmir, but that was rhetorical cover for cracking down on those groups. Washington should send New Delhi some history books for these hotheads; there is no human activity more prone to unintended consequences than warfare. As cooler heads in the Indian government well know, history is riddled with examples of parties that initiated hostilities in the belief that conflict would resolutely resolve outstanding issues.

Pericles of Athens thought he could deal with rival Sparta once and for all when he triggered the Peloponnesian War; instead his city-state was undermined and Greek civilization devastated. Similarly, Hannibal brilliantly attacked Rome; he ended up not only losing the conflict but also setting off a train of events that ultimately led to the total destruction of Carthage. Prussia smashed France in 1870, annexing critical French territory for security reasons, but that sowed the seeds for the First World War. At the end of World War I the victorious Allies thought they had dealt decisively with German military power. Israel crushed its Arab foes in 1967, but long-term peace did not follow.

India is not a homogeneous state. Neither was the Austro-Hungarian Empire. It attacked Serbia in the summer of 1914 in the hopes of destroying this irritating state after Serbia had committed a spectacular terrorist act against the Hapsburg monarchy. The empire ended up splintering, and the Hapsburgs lost their throne.

And on it goes.

Getting back to the present, do Indian war hawks believe China will stand idly by as India tried to reduce Pakistan to vassal-state status? Do they think Arab states and Iran won't fund Muslim guerrilla movements in Pakistan, as well as in India itself? Where does New Delhi think its oil comes from (about 70%, mainly from the Middle East)? Does India think the U.S. will stand by impotently if it starts a war that unleashes nuclear weapons?

In his second inaugural address, Abraham Lincoln summed up the unpredictable consequences of war, vis-á-vis America's Civil War: "Neither party expected for the war the magnitude or the duration which it has already attained. . . . Each looked for an easier triumph, and a result less fundamental and astounding."

DUTCH TREAT

While cracking down on anti-India terrorist groups operating in Pakistan, Islamabad can take the wind out of Indian war sails by turning over the arrested terrorists who carried out murderous acts in Kashmir and New Delhi. It can turn them over not to India—which would be political suicide domestically—but to The Hague for investigation and trial by an international tribunal. India's moral case would then evaporate.

RECOGNIZING CAPTAIN JAMES B. STRAIT

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize an impressive member of my community, Captain James B. Strait. Captain James B. Strait has played an important role in the Monterey Park Police Department and will be retiring after 31 years of service.

Captain Strait joined the Monterey Park Police Department on February 8, 1971 after graduating first in his class from the Riverside County Sheriff's Academy.

Under his leadership, the Monterey Park Police Department made significant changes that improved the Police Department's service to the community. In addition to chairing the Department's Computer Acquisition team and implementing a state of the art digital radio system, he also worked to publish the department's first policy and procedures manual.

In 1985, Captain Strait was awarded the Police Department's Distinguished Service Medal for his help in apprehending a person wielding a hand grenade. During the 1984 Summer Olympic Games, Captain Strait had the honor of being named Monterey Park Police Department's representative for the Security Coordination Center.

Captain Strait's dedication to community activism was shown when he became a founding member of the Mental Illness and Law Enforcement Systems (M.I.L.E.S.) executive board and a member of the Montclair School Board.

Captain Strait has worked diligently to improve law enforcement performance through his career. He has been a true professional and will be missed by his many friends at the Monterey Park Police Department and other state law enforcement agencies but will be missed the most by the citizens whose lives he has touched.

FORTIETH ANNIVERSARY OF THE NORTHWEST KIDNEY CENTERS

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McDERMOTT. Mr. Speaker, forty years ago January 1962, in Seattle, Wash., a major development in health care occurred with the opening of the Seattle Artificial Kidney Center as the world's first out-of-hospital dialysis unit.

Two years previously, Dr. Belding Scribner, head of the Division of Nephrology at the University of Washington, together with surgeon David Dillard and engineer Wayne Quinton, inserted a small length of bent Teflon tubing into the forearm of Clyde Shields who was dying of chronic kidney failure—now known as end-stage renal disease (ESRD). This device, known as the Scribner shunt, first made possible the long-term treatment of ESRD patients by the artificial kidney. Several other patients began treatment shortly thereafter and also survived, and so it soon became obvious that this was a successful treatment for a previously fatal disease.

Because of Dr. Scribner's concern that funds were not available to provide this expensive treatment, in 1961 he approached Dr. James Haviland, then President of the King County Medical Society, to consider development of a center to provide dialysis for ESRD patients in the state of Washington. As a result of the efforts of these two physicians, the King County Medical Society, the Washington State Medical Association and the Seattle Area Hospital Council cooperated with private individuals to open and out-of-hospital, freestanding community-supported dialysis center in Seattle. This was the first time that dialysis was provided outside a hospital and supervised by nurses rather than by physicians. the Seattle Artificial Kidney Center, now the Northwest Kidney Center, served as a prototype for the development of dialysis units around the world. Over the next several years, the Center developed training manuals for physicians, nurses and technicians. At the same time, and for years thereafter, physicians and other health care personnel from this and many other countries came to Seattle to visit the Center and learn from its program.

Continuing concern about the high cost of dialysis led to the development of home dialysis in Seattle, London and Boston in the early 1960s. This proved highly beneficial for patients and became a major treatment alternative at the Seattle Artificial Kidney Center. Today, the Northwest Kidney Centers still has the largest home hemodialysis program in the United States.

Also in the 1960's and early 1970's, Dr. Scribner, Dr. Christopher Blagg and other physicians worked with Senators Jackson and Magnuson to introduce national legislation to assist in the support of ESRD patients. These efforts culminated in 1972, when Public Law 92–603 was enacted into law and extended Medicare coverage for dialysis treatment and kidney transplantation to almost all ESRD patients in this country.

Over the last 40 years, the Northwest Kidney Center has been a leader, respected both nationally and internationally, for providing high quality care for ESRD patients. It has treated many thousands of patients over the years, and now serves more than a thousand dialysis patients in eleven dialysis units throughout King County. Together with the University of Washington, it has played an important role in research and the development of dialysis techniques and technology, and in the training of kidney specialists from around the world. The efforts of its staff have also been influential with the Congress, agencies of the Federal Government, the Washington State Government and various of the health care organizations involved in the care of ESRD patients in helping to see that the Medicare ESRD Program meets the aims of its founders.

At this time, there are more than 350,000 dialysis patients and more than 3,500 dialysis units in this country, and about one million patients on dialysis worldwide. It thus seems appropriate today to honor the 40th anniversary of the world's first dialysis unit and its founders, Drs. Belding Scribner and James Haviland.

PAYING TRIBUTE TO WILLIAM HERMAN FAIRBROTHER

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise to pay tribute to William H. Fairbrother who served his country for thirty years and did what he loved.

William Herman Fairbrother was born in Endicott, New York, on March 28, 1923, the son of Lieutenant Herman and Caroline Fairbrother. He grew up on a variety of Infantry Posts, to include the Panama Canal Zone, and Manila, Philippine Islands. Bill entered the United States Military Academy at West Point on a Congressional appointment from the 34th District of New York. When he arrived at West Point he knew the prepared sling, the hasty sling and had qualified with the 30-caliber water-cooled machine gun. This made it easy to shoot expert with the M–1 Garand plebe year. Academics, however, were something else. With the help of "Sully's Cram School" in Washington, DC the previous year he did fairly well in the first half year. But after that it was a continuing struggle to stay proficient. Because of many moves, High School had been rushed and spotty, and the four years of Academy study being rushed into three because of World War II made the task even harder. On the other hand, flying, which was his first love, went smoothly. Primary flight training in Texas and then Basic and Advanced at Stewart during the three years went without problems. It was during the Plebe year that he picked up the nickname "Fair-Bee" in keeping with the academy tradition to reduce the spoken word to its simplest form.

Fair-B graduated with the class of 1944, the D-Day class, albeit rather far down the list. On the very next day, in the Cadet Chapel, he married his childhood sweetheart, Patricia Ross of Kenmore, New York and they lived happily ever after. P–40 and P–47 training, together with those of the class selected for the Fighter business, followed with time at many different bases, as the Service endeavored to stuff as much military experience into the class as they could before sending them overseas. Shortly thereafter it was Ie Shima Flying P–47's against the Japanese. After the war the unit moved over to Okinawa and Patricia joined him there in 1946. They, along with many other pioneer souls set up housekeeping in a Quonset hut. Number one daughter, Bonnie was born in Okinawa in 1947. In December 1947, Fair-B brought the family back to the U.S. to Selfridge, Michigan. The duty was with the 56th Fighter Group flying F–80's and F–86's, where he was squadron adjutant and group adjutant. It was during this time, in 1948, that daughter number two, Nancy, was born. In 1951 it was off to Minneapolis in the Air Defense Control Center business. There he was assigned as an aircraft controller and control center chief with the 31st Air Division. Flying time was cadged from the local guard squadron, which was equipped with P–51s. Then in 1953 cold weather assignments continued, this time to Rapid City, South Dakota and the 54th Fighter Interceptor Squadron at Ellsworth Air Force Base. This was probably the happiest assignment in his career, with over two years of the time there being in command of the squadron. Initially, the airplanes were P–51s, then F–84Gs and finally F–86Ds. He had always said that next to being a Captain and Fighter Squadron Flight commander, the position of Fighter Squadron Commander was the best job in the Air Force.

Exchange duty with the Royal Air Force at RAF Manby, England followed in June of 1956. The assignment was attendance at the RAF Flying College. The family thoroughly enjoyed this short tour living in the small East Anglia town of Sutton-on-Sea, going to English schools, learning the language, dealing with pounds, schillings and pence, and driving the left side of the road. Fair-B accumulated a respectable amount of time in British Aircraft to include the Gloster Meteor, Hawker Hunter and British Electric Canberra. In January 1957 the family arrived in Rabat, Morocco. The assignment here was Chief, Combat Operations in the 316th Air Division. Further broadening and true sophistication took place during this time. Not only was the Division partially manned with French Air Force personnel but also, the family lived in a French villa and had an Arab houseboy. In addition, flights on military aircraft, with family, up to the European continent were allowed once a year. They took full advantage of this privilege and managed to visit Spain, Portugal, Italy, France, Germany and Switzerland during their Moroccan stay. The Division Fighter Squadrons were equipped with F–86D and F–100 aircraft so Fair-B was able to keep his hand in. There were many trips to Wheelus Air Force Base in Tripoli, Libya, where the squadrons when TDY for gunnery and rocketry training.

The three and a half years in North Africa went by quickly, and the return to the U.S. happened in June 1960 with attendance at the Air War College. Following graduation from the Air War College he spent a long five years in the Pentagon, first on the Air Staff in War Plans and then as Executive Assistant in the Office of the Air Force Chief of Staff. One year with Curtis LeMay and one year with John McConnell provided rare and valuable staff experience.

After the fast pace of the Washington area, duty on the CINCPAC staff in Hawaii, starting in 1966, seemed slow indeed. Here Fair-B served on the staff of the Commander in Chief, Pacific, at Camp Smith. Not only did they take off for the weekends, but Wednesday afternoons as well. The duty was good, with many evaluation trips to the MAAG supported countries in the Far East. This, together with quarters on Hickam, and the benevolent Hawaiian weather made for a delightful tour.

Patricia stayed in Hawaii when Fair-B went to the Republic of Vietnam to join the 14th Special Operations Wing. As Vice Commander and then Commander he was kept busy monitoring the varied activities of the Wing, which were performed from nine separate bases. The little command O–2 spent a lot of time touring the country. In addition to the clandestine operations, the Wing had the AC–47 and AC–119 gunships, the psychological warfare business with O–2s and C–47s and the only armed helicopter squadron in the Air Force, flying UH–1Ns. He served the Wing from September 1969, to September 1970.

After Vietnam the next assignment as Deputy Chief of Staff at Headquarters Air Force Logistics Command at Wright-Patterson Air Force Base, Ohio with the job of DCS Distribution. The assignment was not because of any logistics experience but mainly because the boss man wanted some operational talent on the staff. The job was fascinating and of enormous scope. Fair-B jumped in with his typical enthusiasm and his performance helped in getting him promoted to Brigadier General on April 1, 1972. Separation from the Air Force came in 1974 with Fair-B being allowed to keep the wife and kids and the Air Force keeping the airplanes. His decorations and awards include the Legion of Merit, Distinguished Flying Cross with oak leaf cluster, Air Medal with two oak leaf clusters and the Meritorious Service Medal. He was a command pilot.

Fair-B and Patricia, hand in hand then returned to Hawaii, their choice of all the places they had tried throughout the years. They moved into an apartment on Waikiki beach and then took the time to read what there wasn't time for before, and work on the projects that had long ago been put aside. Other activities during this eight-year idyll included working with the House Republican Whip in the Hawaii State Legislature, activities with the Retiree Affairs Council at Hickam and work with the Oahu Chapter of the Air Force Association. 1982 found them in San Antonio, Texas, and in 1987 they made their next-to-the-last PAC move into a cottage at Air Force Village II. Fair-B served three years as a Trustee on the Board of the Air Force Village Foundation, and over three years as a Director on the Air Force Village II Board of Directors.

He died at 6 am on January 27th at Air Force Village II. He is survived by Patricia; daughters and sons-in-law Bonnie and Jerold Kreidler, Nancy and James Councilor and granddaughters Katherine and Patricia Councilor.

While it can be said he never single handedly moved the world around, he certainly participated in many worthwhile events that did. As a result those who knew him well can look back over his busy years and say, "Not too shabby, old son, not too shabby."

Therefore, Mr. Speaker, I respectfully ask my colleagues to join me in paying tribute to General William H. Fairbrother. I especially wish to extend the gratitude of a grateful nation to his wife Patricia and daughters Bonnie and Nancy for so selflessly supporting his service to our country. I salute General Fairbrother as he represented the honor, and the values, of America's greatest generation.

CHURCH ATTACKED BY HINDU MILITANTS—PERSECUTION OF CHRISTIANS IN INDIA CONTINUES

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. PENCE. Mr. Speaker, the other day the Washington Times ran an excellent article on an attack on a church outside Mysore, India by the Bajrang Dal, a branch of the Rashtriya Swayamsewak Sangh (RSS), which is the parent organization of the ruling party, the BJP. The attack seriously wounded about 20 people, according to the article. Approximately 70 attackers wore the saffron headbands that symbolize the militant Hindu nationalists. They attacked while worship was going on.

This attack is part of what the Times called a "new spate of attacks." It also reports that in February, two church workers and a teenage boy were shot while praying and the boy was injured; two Christian missionaries were beaten with rods while bicycling home; and a Christian cemetery in Port Blair was vandalized. Those are just incidents that have occurred this month. Unfortunately, they are part of a pattern that church leaders described as a "reign of terror."

Since Christmas 1998, a number of priests have been murdered in India, several nuns have been raped (with the enthusiastic endorsement of the Vishwa Hindu Parishad (VHP), another branch of the RSS), churches have been burned, missionary Graham Staines and his two young sons have been burned to death while sleeping in their jeep, Christian schools and prayer halls have been attacked, and numerous other acts of violence and/or hatred have taken place. In 1997, police opened fire on a Christian religious festival, putting an end to it.

Last year, a member of the Indian cabinet said that everyone who lives in India must either be a Hindu or be subservient to Hindus. It is clear, Mr. Speaker, that India intends to ram its Hindutva policy down the throats of everyone in the subcontinent.

Christians are not the only ones being oppressed by the militant Hindu regime in Delhi. Sikhs, Kashmiris, Dalits, and others have also been tyrannized in the name of Hindu nationalism. Just recently more Kashmiris have been made to disappear by the Indian government. A report by the Movement Against State Repression shows that India holds over 52,000 Sikh political prisoners and Amnesty International reports that there are tens of thousands of others. The government's forces have murdered more than a quarter of a million Sikhs, over 200,000 Christians in Nagaland, over 75,000 Kashmiri Muslims, and thousands upon thousands of people from the Dalit caste, as well as minorities such as Tamils, Assamese, Manipuris, Bodos, and others. How can India call itself a democracy when things like this go on with the support of the government? These are not the acts of a democracy.

It is important for America to speak out. I am speaking out today because religious and political freedoms are essential democratic values. America must bring its power to bear peacefully in support of true democracy and freedom in South Asia, and if our influence does not move the region toward real freedom, then we should be willing to use whatever other peaceful means we have at our disposal to end the violence and bring peace, freedom, and stability to all the peoples and nations there.

Mr. Speaker, I would like to place the Times article in the RECORD at this time.

[From the Washington Times, Feb. 25, 2002]

NEW SPATE OF ATTACKS TARGETS CHRISTIANS

(By Julian West)

NEW DELHI.—Violence against India's Christian minority has surged this year, with reports of at least one attack each week in what church leaders are calling a "reign of terror" spreading throughout the country.

In the most recent incident, about 70 men wearing saffron headbands—an emblem of the Hindu nationalist—attacked a church near Mysore, in South India, where children were attending a catechism class. The attack last week seriously wounded about 20 people.

In other incidents this month:

Two church workers and a teen-age boy were shot at while praying, and the boy was injured.

Two Christian missionaries were beaten with iron rods while bicycling home.

A Christian cemetery in Port Blair on the Andaman Islands was vandalized.

Four of the attacks were in Uttar Pradesh, the North Indian state where counting in local government elections ends today and where the Hindu nationalist Bharatiya Janata Party (BJP) fared poorly.

Much of the violence against Christians has taken place in states ruled by the BJP, but church leaders say that last year the number of incidents in states like Karnataka, which has a Congress party government, has risen alarmingly.

In the latest and most violent incident in the state, an angry mob wearing saffron headbands, carrying placards and shouting anti-Christian slogans descended on the Holy Family church in Hinkal, a suburb of Mysore, just after Mass last Sunday.

"The children were crying," said Father William, who was protected by his parishioners. "They could see their parents being beaten up, from the windows."

About 20 people were later taken to the hospital.

Describing the incident as unprecedented in a city whose roughly 30,000 Christians have previously had good relations with their Hindu neighbours. Father Nerona, a member of the Diocesan Council, said that he thought the attack had been provoked by a misunderstanding over a round of Christmas carols.

"They said the carols were converting people, but actually the carol singers only went to Catholic homes," he said. "We were terribly shocked. This has always been such a peaceful city."

The recent attacks follow what church leaders call "a false lull," occurring after the international outrage last year over the burning alive of Graham Staines, an Australian missionary, and his two small sons last year.

"Physically, many of the incidents are now less obvious," said John Dayal, secretary general of the All India Christian Council. "But there is a 24-hour reign of terror, which occasionally bursts into violence."

Last year the Indian government reported 240 incidents—including about 22 murders—in the year leading up to 2000, and almost every week newspapers carry an account of a ransacked church, an assaulted or murdered priest or a vandalized cemetery.

Many of the assailants are member of the Bajrang Dal, a militant Hindu nationalist organization linked to the BJP, which has carried out many of the most violent attacks on Christians in India.

Church leaders maintain, however, that all the attacks—whether they are carried out by the Bajrang Dal or its fellow Hindu nationalist organizations—have the tacit approval of the BJP government.

"The Bajrang Dal are ruffians, but someone must have told them what to do the previous night," said Mr. Dayal.

PAYING TRIBUTE TO CASEY SWANSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay today to senior Colorado State Parks ranger Casey Swanson, whose courageous act of capturing two dangerous fugitives went above and beyond the call of duty, and displayed a measure of heroism worthy of being brought before this body of Congress. During his tenure as a Colorado State Parks ranger, Casey has embodied the ideals of integrity, honesty and courage that we, as Americans, have come to expect from the men and women who serve in our state parks. I, along with the citizens of Colorado, am both grateful and proud of Casey's extraordinary act of valor, and believe it appropriate to pay tribute to him for his courage and bravery.

Though not typically in the job description, Casey's extraordinary efforts to apprehend two armed killers near Salida, Colorado on September 29, 2001 are a testament to his relentless dedication to his job, to his community and to his state. After checking on a colleague who was manning a roadblock, Casey became involved in the search for the two killers. Being familiar with the area, he led a search team into the Castle Gardens area and later stood watch in the dark above a creek that ran though the area. After waiting for some time, Casey spotted the fugitives and ultimately coaxed them out of their hiding place, enabling other officers to join him in peacefully detaining the killers. Because of his incredible bravery, these criminals are now in the hands of law enforcement officials, and of no threat to anyone else in the area. His courage in the face of both fear and adversity is truly remarkable, and for his efforts, Casey was named the outstanding ranger of the year by the Colorado State Parks.

Mr. Ranger, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great, and I am deeply honored to be able to bring them to the attention to this body of Congress. It is in times of great need that true heroes emerge, and I am proud to say Casey Swanson is a hero not only to me, but to his family, his friends and to this country. It is with a great deal of pride that I stand to honor him today, and wish him all the best in his future endeavors.

MUSEUM AND LIBRARY SERVICES ACT OF 2002

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. HOEKSTRA. Mr. Speaker, today I am introducing a bipartisan bill to reauthorize the

Museum and Library Services Act. I would like to thank the Ranking Member of the Subcommittee on Select Education, Mr. ROEMER, for working with me to put together a bill that I trust will have broad, bipartisan support in the Congress. The Museum and Library Services Act of 1996 authorizes the Federal library and museum program until the end of fiscal year 2002. The Subcommittee on Select Education of the Committee on Education and the Workforce has been working to reauthorize the Museum and Library Services Act before it expires.

I believe there will be broad support for this reauthorization because museums and libraries are a vital part of our society. Attendance at American museums is now at more than 865 million visits per year and today's 21st century library is not just a provider of books; instead, the typical American library coordinates a complete and comprehensive approach to community development and services. Under current law, the Museum and Library Services Act:

Provides modest but essential federal support, in partnership with State and local private and public sector sources, for museum and library contributions to public education services and stewardship of the Nation's cultural heritage collections;

Funds the one Federal agency (the Institute of Museum and Library Services) devoted exclusively to museums and libraries, which are natural partners with out nation's schools; and

Encourages model cooperation between museums and libraries as no other legislation does.

The Library Services and Technology subtitle is the only Federal program solely devoted to supporting libraries. This legislation assists libraries in providing crucial services to the communities they serve. Throughout our Nation, libraries are at the forefront of reading and family literacy programs. And importantly, libraries serve as essential links to the business community, assisting with job creation and training programs, and assisting with business development initiatives as well. They are also critical to many people with disabilities, providing them with specialized materials and resources that are obtainable in a single location. For older Americans, libraries provide a place to interact with others, use the Internet, and receive services. For those persons of limited resources or who live in remote areas, libraries provide access to books and reference materials, computers and the Internet, and community-based social services that are often available no where else.

The Museum and Library Services Act also supports museums in their educational role and assists museums in modernizing their methods and facilities so that they are better able to conserve the cultural, historic, and scientific heritage of the United States. Museums play an important role in the education of people of all ages. Specifically, most American museums provide K–12 educational programming, with most using local and State curriculum standards to shape their programs. Additionally, museums increasingly partner with libraries to offer joint educational opportunities for adults as well as children.

Museums can be an important source of cultural and historical knowledge for people, as they learn about the history and traditions of our country and our shared identity as Americans. Museums increasingly serve as places where people of different backgrounds, economic levels and home locations come together and not only share the experience of viewing their community's artifacts and natural objects, but also discuss community issues.

The Museum and Library Services Act of 2002 makes several modifications to current law to streamline and strengthen museum and library services across the country:

Coordination—Ensures that library activities are coordinated with activities under P.L. 107–110, the No Child Left Behind Act of 2001;

Museum and Library Services Board—Eliminates references to the National Commission on Libraries and Information Science and consolidates its advisory responsibilities under the existing Museum Services Board that will expand to include library services. The purpose of this change is to consolidate museum and library board activities under a single statute;

National Awards for Museum and Library Service—Authorizes the Institute of Museum and Library Services (IMLS) Director to award a National Award for Library Service as well as a National Award for Museum Service;

Analysis of Impact of Museum and Library Services—Ensures that administrative funds are also used to conduct annual analyses of the impact of museum and library services to identify needs and trends of services provided under museum and library programs; and

Minimum Allotment—Increases the minimum State allotment for library programs to $500,000 (roughly a 46 percent increase over current law).

I hope that my colleagues on both sides of the aisle cosponsor the Museum and Library Services Act of 2002. I look forward to moving this legislation through the Committee on Education and the Workforce and to the Floor so that we can ensure that our Nation's museums and libraries are getting the best assistance we are able to provide from the Federal level.

ARREST AIDS PURSUIT OF WEAPONS NETWORK

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. HALL of Ohio. Mr. Speaker, I commend your attention and that of our colleagues to a report in today's Washington Post, "Arrest Aids Pursuit of Weapons Network."

This article is part of reporter Douglas Farah's continuing exposé of the role conflict diamonds are playing in funding terror in Africa and terrorist attacks on America. Today's page-one story details significant progress in our intelligence agencies' effort to cut off the flow of sophisticated arms to Al Qaeda, the Taliban, Abu Sayyaf, and rebel groups in Africa. It notes that United Nations investigators working independently have documented the shipment of "hundreds of tons of arms to UNITA rebels in Angola, the government of President Charles Taylor in Liberia and several factions involved in the civil war in Congo." And, of particular interest to this House, it spells out the role that conflict diamonds play in an underground network that funds those weapons.

Mr. Speaker, at a hearing this month before a Senate Government Affairs Committee panel, Chairman DICK DURBIN and Senators MIKE DEWINE, RUSS FEINGOLD, JUDD GREGG, SUSAN COLLINS, and GEORGE VOINOVICH focused on the role conflict diamonds are playing in undermining the United States' efforts to freeze Al Qaeda's assets. As a witness from the State Department testified, "reports that terrorists may be buying and hoarding diamonds are cause for immense concern." I share this concern.

As you know, ending the trade in conflict diamonds has been a priority for me and Congressman FRANK WOLF, since we first met some of the victims of Sierra Leone's war over diamonds in 1999. Last year, we joined CHARLIE RANGEL and AMO HOUGHTON in pressing Congress to act against this blood trade and were proud to see the House approve our Clean Diamond Trade Act by an overwhelming margin.

Today, I commend the U.S. and Belgian authorities who are working to stop what probably is "the biggest weapons-trafficking network in the world." I salute Mr. Farah, who first broke this important story last year and has pursued it doggedly. And I urge everyone working on the problem of conflict diamonds to redouble their efforts. For the sake of the African victims of this blood trade, on behalf of Americans who deserve any protection from future terrorist attacks that our government can provide, and to ensure the legitimate industry is not penalized by the 10–15 percent of diamonds that are tainted by this scourge—this work must be finished.

ARREST AIDS PURSUIT OF WEAPONS NETWORK

(By Douglas Farah)

U.S. and European law enforcement officials say they have scored an important advance in their efforts to disrupt what some officials describe as the biggest weapons-trafficking network in the world, responsible for supplying the Taliban and terrorist groups from al Qaeda in Afghanistan to the Abu Sayyaf in the Philippines, as well as rebel forces in Africa.

For the past three years, U.S. intelligence agencies have covertly been trying to thwart the sprawling arms empire of Victor Bout's, a former Soviet military officer whose operation is based in the United Arab Emirates, according to U.S. and European officials. Bout's network is unique, U.S., British and U.N. investigators said, because of its ability to deliver sophisticated weapon systems virtually anywhere in the world.

A suspected top associate of Bout's is under arrest in Belgium, and investigators say he is providing fresh, inside information on how the arms network functions.

While Bout has long been suspected of supplying weapons to the Taliban, U.S. and European officials said intelligence gathered in recent months in Afghanistan and elsewhere has provided new details about his flights and deliveries in the months before the Sept. 11 attacks on the United States. The intelligence suggests he was flying weapons into Afghanistan more recently than had been believed, according to U.S. and U.N. officials familiar with the material.

Bout specialized in breaking arms embargoes around the world, according to four separate U.N. Security Council reports on weapons trafficking that were issued between December 2000 and last month. His activities were also described in interviews with U.S., British and U.N. investigators. He traffics almost exclusively in weapons bought in the former Soviet bloc, chiefly Bulgaria and Romania, according to these officials.

"There are a lot of people who can deliver arms to Africa or Afghanistan, but you can count on one hand those who can deliver major weapons systems rapidly," said Lee S. Wolosky, a former National Security Council official who led an interagency effort to shut down Bout's operations during the last two years of the Clinton administration. "Victor Bout is at the top of that list."

U.S. and European officials said the suspected top associate of Bout, Sanjivan Ruprah, was arrested in Belgium earlier this month on charges of criminal association and using a false passport.

Before the arrest, Ruprah, a Kenyan, had secretly been in contact with U.S. officials in recent months, providing them with information about Bout, according to U.S. officials and Ruprah's attorney. The U.S. officials said they were given no warning Ruprah was about to be arrested by the Belgians.

U.S. officials also said they had made no deal with Ruprah. They said that since the arrest, Ruprah has divulged more information about Bout's suspected arms pipeline to the Taliban, which ruled Afghanistan until last November, and al Qaeda, which the Taliban had sheltered there.

"We are very, very interested in this case because we understand Ruprah is talking about the supply of weapons to al Qaeda and the Taliban," said a senior U.S. official. "His basic line with us was that, while he had done some bad things, he didn't deal with al Qaeda and he understood that being linked to that now would be very, very bad."

Ruprah was especially valuable to Bout, U.S. and U.N. investigators said, because he was tied to the illicit diamond trade in West Africa and arranged for Bout to be paid for his weapons deliveries with diamonds from Sierra Leone, Congo and Angola.

Al Qaeda and other terrorist organizations have used an underground network that stretches across Africa to trade in diamonds, weapons and other valuable commodities.

Last year both Bout and Ruprah were placed on a U.N. list of individuals banned from international travel because of their ties to Liberia and the Sierra Leone rebel movement known as the Revolutionary United Front, or RUF.

Johan Peleman, a Belgian weapons expert who has investigated Bout for several years on behalf of the United Nations and has spoken regularly to Ruprah in recent months, said Ruprah was knowledgeable about Bout's financial dealings, especially in the diamond trade. Belgium is interested because Bout's financial network was based in Antwerp, the center of the world diamond trade.

Ruprah's attorney, Luc de Temmerman, said in a written statement that his client engaged only in legal activities in Africa. While acknowledging that Bout and Ruprah knew each other, he said they were not in business together.

De Temmerman said Ruprah had recently been in touch with the FBI, the CIA, the United Nations and British intelligence officials to provide them with information in an effort to have the U.N. travel ban on him lifted. He denied Ruprah knew anything about arms shipments to al Qaeda or the Taliban.

The U.N. reports said Bout originally based his operations in Ostend, Belgium, in 1995, and moved to the UAE in 1997 when Belgian officials began investigating his air freight operations.

The reports, compiled independently by separate groups of U.N. investigators monitoring U.N. embargoes, document Bout's shipments of hundreds of tons of arms to UNITA rebels in Angola, the government of President Charles Taylor in Liberia and several factions involved in the civil war in Congo. All are under U.N. weapons bans.

Ruprah was identified in U.N. reports as a key intermediary between Bout and Taylor. A December 2000 report said Ruprah was issued a Liberian diplomatic passport in the name of Samir M. Nasr, and was identified as Liberia's deputy commissioner for maritime affairs.

Ruprah helped arrange for three flights to Liberia in July and one in August 2000, the report said, delivering two combat-capable helicopters, surface-to-air missiles, armored vehicles, machine guns and almost a million rounds of ammunition. The weapons originated in Bulgaria.

U.S. and U.N. investigators say they believe Bout has also run guns for the radical Muslim Abu Sayyaf guerrilla movement in the Philippines and has flown weapons for Libyan leader Moammar Gaddafi.

"Victor Bout, as the largest player in the world in the illicit air logistics business, is a critical alder and abettor to criminal and terrorist organizations, rogue heads of state and insurgencies—whoever is able to pay," Wolosky said.

According to a U.N. Security Council report issued in April 2001, Bout is 35 years old. Bom in Dushanbe, Tajikistan, he is a graduate of Moscow's Military Institute of Foreign Languages and speaks six languages fluently, according to the report.

The report also describes Bout as a former air force officer who holds at least five passports. Investigators said Bout was known as the "Lone Wolf" because he operates by himself. They describe him as short, stocky and usually sporting a bushy mustache.

Telephone calls and faxes to Bout's offices in the UAE went unanswered. An associate of Bout's there said all of Bout's employees in the Emirates had left. The associate said he no longer knew where they were. Bout's brother Sergei, based in Islamabad, Pakistan, also did not return phone calls.

Bout has refused to talk to U.N. investigators or reporters.

He has a fleet of about 60 aircraft, including large Russian cargo planes, according to investigators. His operation is tied together by a complex web of overlapping airlines, charter companies and freight-forwarding operations that give him a global reach. His main company is registered as Air Cess.

In an effort to confound investigators, Bout continually changed the registration of his aircraft from one African country to another, all the while basing his air operations in Sharjah, one of seven emirates that make up the UAE.

Bout's alleged dealings with the Taliban and al Qaeda are the subject of an ongoing, classified U.S. operation that began in early 2000. "There was a concerted effort at the tail end of the Clinton administration, continued into the Bush administration, to put him out of business," said one former U.S. official.

U.N. and U.S. officials said Bout cut a deal with the Taliban in 1996 in UAE, one of only three countries in the world that recognized the regime.

The deal called for Bout's Air Cess to supply and service Afghanistan's Ariana Airways and the Afghan air force, both of which used Soviet-era aircraft. Another company that Bout had an interest in, Flying Dolphin, provided charter flights from Dubai to Afghanistan, the sources said, and soon there were several flights a week from Dubai to the Taliban stronghold of Kandahar.

U.N. investigators say they now believe many of those flights were loaded with weapons. When U.N. sanctions shut down Ariana in November 2000, Flying Dolphin obtained a U.N. waiver, for reasons that are not clear, and continued flying the Dubai-Kandahar route until being shut down by the United Nations in January 2001.

"Bout undoubtedly did supply al Qaeda and the Taliban with arms," Peter Hain, Britain's minister of European affairs and lead investigator into Bout's global arms trade, told the Associated Press on Feb. 19.

A 1998 Belgian intelligence report on Bout's activities, obtained by The Washington Post, says he made $50 million in Afghanistan, selling heavy weapons to the Taliban. However, Peleman and other investigators said they had doubts that Bout had earned that much money from the Taliban and al Qaeda, in part because Bout also supplied weapons to anti-Taliban leaders, some of whom were his close friends.

Nonetheless, the United States launched an effort to disrupt Bout's arms trading, trying to freeze his assets and pressuring other nations, especially the UAE, to expel him. U.S. officials said they were limited in what they could do because they believed Bout had violated no U.S. laws. One of Bout's companies, Air Cess Inc., based in Miami, was dissolved on Sept. 19, according to public records, and its telephone number no longer works.

In late 2000 the Clinton administration asked the UAE at an "extremely high level" to shut down Bout's operation, a former U.S. official said. UAE officials reponded that they had no evidence of criminal wrongdoing by Bout.

"We would have preferred they shut him down completely but they took helpful incremental steps that disrupted his operation," the source said, including imposing new and costly equipment requirements on his air fleet.

When President Bush took office, the Bout project received less attention, U.S. officials said. Then came the Sept. 11 attacks. "Suddenly, he was back on our radar screen in a very significant way," a senior U.S. official said. "His importance suddenly loomed very large."

HONORING COMMON THREADS AWARD RECIPIENTS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Sharon Clauss, Patricia Hillman, Roxie Moradian, Agnes Pelous, and Alice Peters on the occasion of their being awarded the 2002 Common Threads Award. Common Threads is a joint venture of the Agricultural Education Foundation, California State University, Fresno's College of Agricultural Sciences and Technology, and AG ONE

Foundation. The award is given to women in agriculture who have invested in their communities through community service and philanthropy. Honorees must live in Fresno, Kings, Madera, Merced, or Tulare County.

Sharon Clauss has been involved in dairy farming all her life. She and her husband, Richard, operate Clauss Dairy in Hilmar, California. Her support for agriculture and her community include active participation and financial contribution to numerous organizations including California Women for Agriculture, Agricultural Leadership Foundation, 4–H, Hilmar Covenant Church, and the American Jersey Cattle Association.

Pat (Heiskell) Hillman works with her family's farming businesses, Heiskell Family Farms and J.D. Heiskell & Co., in Tulare, California. She also volunteers with the World Ag Expo. Her involvement in her community spans six decades from co-founding of the Tulare County Symphony League in 1956 to being a founding docent of the Heritage Complex in 2000. Pat has also contributed to the Tulare Historical Museum and Society, First Congregational Church of Tulare, and Pro-Youth Tulare and Pro-Youth Visalia.

Roxie Moradian is a former owner of Penny-Newman Grain Company and has been involved in agriculture all her life. Her community service includes not only the Ag One Foundation at California State University, Fresno, with the founding of the Frank Moradian Foundation for Agriculture Scholarship for students, but also the Fresno County Library, Fresno Philharmonic Association, Saint Agnes and Valley Children's Hospitals, Salvation Army-Fresno, and many others.

Agnes Pelous began her ag life in Los Angeles County as the daughter of immigrant farmers from Italy. Agnes continued with farming when she married Alex Pelous and they relocated to Tulare County. She has been an active member in both the Orange County and Tulare County Farm Bureaus. Her other community involvement includes the Lindsay Hospital Guild, Las Madrinas Guild for Valley Children's Hospital, Parent Teacher Association, Tulare County Cotton Women, Tulare County 4–H, California Women for Agriculture, among many others.

Alice Peters and her husband, Leon, owned and farmed orchards in the Fowler, California, area for many years and owned Valley Foundry which was connected to agriculture throughout the world. Alice has been active in many community service organizations including the Fresno Philharmonic, Valley Public Radio, Fresno Metropolitan Museum, and Fresno City and County Historical Societies. The School of Business at California State University, Fresno named their auditorium in her honor.

Mr. Speaker, I rise today to recognize Sharon Clauss, Pat Hillman, Roxie Moradian, Agnes Pelous, and Alice Peters for receiving the 2002 Common Threads Award. I invite my colleagues to join me in commending these outstanding women for their commitment to community service and agriculture and wishing them many more years of continued success.

COMMEMORATION OF THE CHINESE NEW YEAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BONIOR. Mr. Speaker, Chinese American communities across this nation have gathered to celebrate the Chinese New Year. This lunar new year celebration is a special and important time for all Chinese Americans.

China is a country rich in traditional and religious holidays, but none are comparable to the New Year festivities. The New Year is a time for celebration, reflection and most importantly, family. The renewal and strengthening of family ties during this important time is not only essential to the Chinese community, but to America as a whole. In a period that has been difficult for so many of us, I am particularly moved by the Chinese New Year's emphasis on peace and happiness. We should all be well served by following such a tradition.

Our country has been greatly enriched by the many Americans of Chinese descent who have brought with them such rich customs. Michigan is fortunate to have had thousands of Chinese Americans make our great state their new home.

Mr. Speaker, in the Year of the Horse, I join the Chinese American community in celebrating this most joyous New Year or Bainian. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

PAYING TRIBUTE TO TONY FORTINO

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an extraordinary man who embodies the spirit of my district in Colorado and whose contributions to society have been honored with his induction into the Pueblo Hall of Fame. Tony Fortino is a pillar of the Pueblo, Colorado community and has dedicated countless hours to the betterment of his beloved city. As Tony celebrates his achievement, I would like to commend him for his commitment to his fellow citizens and community.

Tony's service to the City of Pueblo began when Tony took it upon himself to promote Pueblo's Downtown business corridor and the city itself. He served in leadership positions in the Greater Pueblo Chamber of Commerce, the Pueblo Economic Development Corporation and the Pueblo Development Foundation. His hard work ethic pushes him to take the initiative and provide leadership on projects, as he has done with the Pueblo Convention Center and the Downtown Hotel. Tony's leadership abilities shine through in his position as chairman of the Pueblo Urban Renewal Authority and as Pueblo's representative on the Colorado Transportation Commission.

Tony served his country as a member of the Coast Guard in World War II. After the war, he came back to Pueblo and began a successful career operating a car dealership and as a commercial real estate investor. After his retirement, Tony generously gave to the Sangre de Cristo Arts and Conference Center and the Catholic Diocese of Pueblo Foundation. He has also helped to raise money for Pueblo Community College and serves as a member and chairman of the PCC Foundation.

Mr. Speaker, it is clear that Tony Fortino is a man of unparalleled dedication, evident through his efforts to improve the City of Pueblo, and his philanthropic contributions. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity that I wish to bring before this body of Congress. Tony Fortino is a remarkable man, who has achieved extraordinary deeds in his community, and I would like to extend to him my congratulations on his induction to the Pueblo Hall of Fame and wish Tony Fortino the best in his future endeavors.

TRIBUTE TO BASEBALL GREAT MICKEY VERNON

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, I want to pay tribute today to legendary baseball batting champ Mickey Vernon who will be honored during Strath Haven High School's presentation of "Damn Yankees" at its spring musical production in Wallingford, Pennsylvania on Saturday, March 2, 2002. Music Director, John Shankweiler, selected this work as a tribute to Wallingford-Swarthmore School District residents Mr. and Mrs. James "Mickey" Vernon.

For the past fifty years, Mickey and Libby, his wife of over 60 years, have called Wallingford their home. However, it must be pointed out that Mickey Vernon is one of the favorite native sons of my hometown of Marcus Hook, Pennsylvania. Mickey Vernon is a hero in my hometown. Marcus Hook is a close-knit, working-class town on the Delaware River. The people of Marcus Hook have community spirit and have much cause for civic pride. One of the unifying bonds in our hometown is our great pride in the career and achievements of Mickey Vernon. In the ballparks of Marcus Hook the name of Mickey Vernon is revered. Even today, more than thirty years after his retirement, kids in Marcus Hook still play ball in the Mickey Vernon Little League.

Mickey Vernon, one of baseball's greatest first basemen of all time has earned a special place in the annals of baseball history. Mickey played twenty-one years in the big leagues, thirteen of those in our Nation's Capital where he played for the Washington Senators. He was known as a slick-fielding lefthanded first baseman with a short, compact lefty swing.

In 1946, Mickey won the first of his two American League batting titles, hitting 0.353 while banging out a league-leading 51 doubles and knocking in 85 runs. He won a second Silver Bat in 1953, when be again lead the league with a 0.337 average and 43 doubles. That year, he also smashed 15 home runs and drove in a career-best 115 runs.

For his career, Mickey batted 0.286, drove in 1,311 runs, and hit 490 doubles. He played in seven All-Star games, and held career records for first basemen in assists, put-outs, chances, and games played, 2,237. He was durable and consistent, playing 115 or more games for 14 straight years.

Typical of many ballplayers of his era, Mickey lost two years in the prime of his career, 1944–45, because he answered his country's call to service during World War II. When we honor individuals like Mickey Vernon we promote the essence of what is good and wholesome in our Nation. Individuals like Mickey Vernon represent the essence of courage and endurance—the qualities that helped make our Nation great. He is a true American hero in every sense of the word.

I ask my colleagues to join me in congratulating Mickey Vernon for his outstanding career and his major league contributions to baseball, to his community, the Commonwealth of Pennsylvania, and to the Nation with best wishes as well to his wife, Libby.

HONORING THE BORDER TEXAN OF THE YEAR, SENATOR PHIL GRAMM

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. HINOJOSA. Mr. Speaker, I rise today to pay tribute to my good friend, the senior Senator from the great State of Texas, who on Thursday, February 28, will be named the "Border Texan of the Year."

Every year, the people of Hidalgo County, Texas, whom I represent, hold an annual Borderfest. This is a wonderful time where the diversity, culture, music and food of the region are celebrated and enjoyed. The highlight of the festival is the presentation of the Border Texan of the Year Award. I am very pleased that this year's recipient is a man of such distinction, whom I admire and respect and with whom I have enjoyed working with in the United States Congress.

Senator GRAMM has served the State of Texas with distinction both as a member of the House and as a United States Senator since 1978. He will truly be missed in Washington once he leaves us at the end of this year, but I am confident that his service to Texas will not be ending.

I have had the pleasure of knowing Senator GRAMM for many years, and we have collaborated across party lines to improve conditions throughout our state and especially in my South Texas region on such projects as transportation and infrastructure, including improving our bridges and roads.

Senator GRAMM and I have jointly introduced legislation to vastly improve the efficiency of the U.S. Customs Service along the U.S./Mexico border, thus increasing the flow of goods and services between the two countries. The residents of South Texas experience daily the long lines at our border crossings. Despite heroic sacrifices by Customs personnel, who work long hours and enormous amounts of overtime, there are just not enough people to make our southern border work efficiently. Before Senator GRAMM leaves the U.S. Senate, I am hopeful that we can win our fight to bring much-needed resources to our southern border.

Infrastructure is vital for economic growth and prosperity and Senator GRAMM has recognized this and has worked hard to improve border infrastructure. His dedication to secure highway funding and particularly his efforts to help secure a Presidential permit for the construction of the new Anzalduas International Bridge is greatly appreciated by all border Texans.

As Senator GRAMM leaves the Senate, I wish him much success in his future endeavors.

HONORING SYDNEY ALDERMAN PERRY FOR OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to join the Jewish Federation of Greater New Haven in honoring an outstanding member of our community and my good friend, Sydney Alderman Perry. Sydney has been the Director of the Department of Jewish Education for over a decade and has made many invaluable contributions to the Jewish Federation during her tenure.

I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. Sydney is a true reflection of this ideal. In the twelve years that she has served as the Director of the Department of Jewish Education, Sydney has worked diligently to improve the synagogue supplementary schools and has initiated a number of education programs for both adults and teens.

In developing "A Taste of Honey" and its offshoots, "A Taste of Milk and Honey" and "A Taste of Apples and Honey," Sydney created new and exciting educational programming for adults and teens. She spearheaded the Israel Experience Savings program, which helps young people travel to Israel and she initiated Talmud Torah Meyuchad, an individualized Jewish education program for children with special needs. She is also responsible for the development of Midrasha, a new adult institute, and the successful community Hebrew High School, MAKOM, which serves three hundred and fifty teens throughout the New Haven area.

In addition to her work in education, Sydney has also dedicated her time and energy to the Jewish Federation. For the past six years, she has served as the Associate Executive Director of the Federation and is presently the Acting Director. In this position, Sydney serves on the Long Range Planning committee; helps staff the Community Relations Council and leadership development; supervises the Holocaust Education-Prejudice Reduction Project, Stepping Stones, and the new library at the Jewish Community Center; and acts as an advocate for Jewish continuity. She has served as a consultant to the community on educational endeavors, including the Anne Frank Project, Shepherd '92, Jerusalem 3000 and the celebration of Israel's 50th Anniversary. Sydney is an extraordinary scholar, often called upon nationally to give workshops and has served as scholar-in-residence for several communities.

Sydney has shown an unparalleled dedication to Jewish education in our community and throughout the nation—a commitment that is reflected in the myriad of awards she has been honored with over the years. I am proud to join her husband, Ted, her children, grandchildren, family, friends, and colleagues in extending my sincere thanks and appreciation to Sydney Alderman Perry for her outstanding service to our community. She is a true inspiration!

COMMEMORATION OF THE MUSLIM HOLIDAY OF EID UL-ADHA

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BONIOR. Mr. Speaker, as we approach the completion of the Hajj, I want to extend my heartfelt greetings to the nearly seven million Muslims in America and the more than one billion Muslims worldwide celebrating a blessed Eid ul-Adha.

This most sacred holiday reminds us all of an important lesson. The Eid commemorates Abraham's willingness to sacrifice his son Ishmael in obedience to God. God, in His great wisdom and mercy, allowed the angel Gabriel to substitute a lamb as Abraham's offering, and Ishmael was spared. I am told the meat of the sacrificed lamb prepared for this feast is to be divided three ways: one third for the household, one third for relatives, and one third for the poor. It is this spirit of mercy and generosity that is most needed today.

As millions of faithful around the world join together for the conclusion of yet another remarkable pilgrimage to Mecca, there is also great reflection as we all seek to better understand the turmoil of the past few months. We all share grief and sorrow over the attacks of September 11. But partly as a testament to the hard work of the American Muslim community, I believe Americans are growing increasingly aware of Islam as a great religion of tolerance and peace.

This has been a difficult time for all Americans, especially Muslims. Not only did the Muslim community lose loved ones in the attacks like every other community in America, but they also suffered a backlash of suspicion, bigotry and violence. As time passes, it becomes increasingly clear that our nation has rejected such intolerance.

However, our struggle for justice continues. As we work to oppose secret evidence, profiling, and the disparate impact some of the measures adopted after September 11 have had on the Arab American and American Muslim community, we are working to protect the very ideals on which this great country was founded.

Mr. Speaker, as Muslim families celebrate Eid ul-Adha, let us remember the strength and discipline that faith offers each of us, and recommit ourselves to the sacrifices that life and justice might demand in the coming year.

PAYING TRIBUTE TO JOHN W. RAWLINGS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and honor an extraordinary man who embodied the spirit of my district in Colorado and whose contributions to society have gone unrecognized for far too long. John W. Rawlings was a pillar of the Las Animas community but far too few remember his services. Fortunately, a donation recently made by this man's loving son will ensure that John W. Rawling's accomplishments and generosity will never be forgotten.

Robert H. Rawlings, the current Pueblo Chieftain Publisher, remembers his father, John, as a kind, generous, and distinguished man. In order to preserve John's memory Robert has donated $150,000 in John's name to the Las Animas museum project. The project will help to move the Kit Carson Museum from outside of Las Animas to Main Street in this historic district. The new museum will be named in John Rawlings' honor.

John Rawlings spent his childhood in Monte Vista in Colorado's beautiful San Luis Valley. In high school, John was a star football player, basketball player, and a top student. In the evenings, he worked as a janitor for the school to help support his family. John's hard work paid off and he won a full scholarship to Colorado College. After college, John served his country in World War I and was honored with officer training. He served in France in the 341st Field Artillery 89th division and was promoted to the rank of second lieutenant.

John's career in banking began in 1920, and 21 years later he became the president of First National Bank of Las Animas. John's hard work and leadership skills were honored during his lifetime with roles in many organizations including the Southeastern Colorado Clearing House Association and the Colorado Bankers Association. John also served his community as the president of the Las Animas Chamber of Commerce, a member of the Las Animas Lions Club, and a commander of the Monte Vista post of the American Legion.

After John's death in 1959, he was named "The Outstanding Citizen of the Area" and was greatly mourned by a loving family and grateful community. His dedication to excellence and his fellow man certainly deserves the attention of this body of Congress. Although it is certain that John's family and his community still miss him dearly, we hope that the new museum will keep the memory of this kind and generous man alive and intact for the future. Thanks John for your contributions to this nation.

TRIBUTE TO THE LATE CLEOTILDE "DING" GOULD

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. UNDERWOOD. Mr. Speaker, Chamorro culture lost one of its most ardent advocates with the recent passing of Cleotilde "Ding" Castro Gould at the age of 71. An inspiring mentor who touched a lot of people through her kindness, warmth, and humor, Mrs. Gould was a woman who lived by a set of lofty ideals and a firm commitment to the island she loved so much.

Primarily known as an educator and as a specialist on Chamorro language and culture, Mrs. Gould played a key role in the formation of the Guam Department of Education's Chamorro language and Culture program. She served as the program's director until her retirement several years ago. The program, which greatly progressed under her guidance, has rekindled interest on Chamorro culture as well as the recent rebirth and rejuvination of the Chamorro language on Guam. It was under her leadership that the Chamorro language program became part of the curriculum of the public schools in Guam. She was the advocate who spoke to the political leadership about requiring the teaching of the Chamorro language. She was the expert who used the Chamorro language in ways no one else could match. She was the teacher whose enthusiasm inspired an entire generation of Chamorro language teachers.

In addition to her administrative capacities, Mrs. Gould also made significant contributions to the body of Chamorro music and literature that we have today. Her many talents included that of singing, songwriting and creative writing. In addition to having been an accomplished performer of Kantan Chamorrita (Chamorro Songs), she has also been credited for several compositions made popular by local island personalities. In the 1980's, she also produced a video documentary of the Kantan Chamorrita song form which is the ancient call-and-response impromptu song form practiced today by only a few remaining artists.

Mrs. Gould was also the writer and creator of the Juan Malimanga comic strip. A daily feature in the Pacific Daily News, Guam's daily newspaper, the strip and its characters embody the Chamorro perspective and our local tendency to use humor either to get points across or to express criticism in a witty and non-confrontational manner.

It was, however, her talent as a storyteller that endeared her to many. For more than four decades, her captivating voice and gestures enthralled the imagination of her audience. Her great talent in conveying ancient Chamorro legends to the younger generation has placed great demand on her skills throughout the island's many schools. Mrs. Gould also represented the island as a storyteller in a Pacific islands tour sponsored by the Consortium of Pacific Arts and Cultures and she employed the same talent in 1988 as part of the Guam delegation to the Pacific Festival of Arts in Australia. She has been honored by the people of Guam as a master storyteller, a great honor in Pacific island cultures.

Through her song lyrics, the comical situations she had developed, and the lessons brought forth by her storytelling, Mrs. Gould touched a generation of children, young adults and students. Her exceptional ability to communicate with people from a wide range of age and educational backgrounds enabled her to pass on the values and standards of our elders to the younger generation. Dedicating her life towards the preservation of our island's culture and traditions, she became one of my best friends and favorite colleagues in the field of education. She represents the best in that indomitable Chamorro spirit.

The passing of Mrs. Gould has left in me a deep sense of personal loss. I have known Mrs. Gould for over 25 years as a fellow professional and advocate for the survival of the Chamorro language and culture. I worked with her in the Chamorro Language and Culture Program, as a fellow commissioner in the Chamorro Language Commission and as a fellow activist in a number of activities pertaining to Guam's indigenous language and culture. She was a warm, caring woman whose impact on the island will not be forgotten. She had a special place in her heart and home for people who needed help. She took in people and helped them if they were in trouble, inspired them if they needed a lift and set them on the right path. It was this part of her life which gave her the greatest joy and where she felt she had the greatest impact.

I take great comfort with the knowledge that her legacy will live on and will forever be cherished by the people of Guam. I join her family, especially her daughter, Sandy; her son-in-law, Brian; her grandchildren, Silas Alexander and Bella Cleotilde; and her reared son, Rick, who, along with the people of Guam, mourn this great loss and, at the same time, celebrate the life and work of a great friend, colleague, loving mother, respected pioneer and staunch advocate of the Chamorro culture. Adios, Ding.

HONORING THE RETIREMENT OF LIEUTENANT KENNETH R. DOLL OF THE MILPITAS POLICE DEPARTMENT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. STARK. Mr. Speaker, on February 26, 2002, the Milpitas Police Department will celebrate the retirement of one of its finest officers, Lieutenant Kenneth Doll.

Lieutenant Doll began his law enforcement career after his separation from the United States Navy as a highly decorated serviceman. He is the recipient of the Vietnamese Gallantry Cross, Vietnamese Civil Action Medal, Vietnam Campaign Medal, Vietnam Service Medal, and eight air medals, as well as a Presidential Unit Commendation and a National Defense Medal. He joined the Milpitas Police Department on November 1, 1971, as the first Patrol Officer. He then advanced to Police Officer status in May of

1973, Corporal in August of 1979, Sergeant in May of 1982, and was promoted to Lieutenant in October of 1998. During his 30-year career, he has worked or supervised Patrol, Traffic Investigations, Community Relations, and Youth Services. For 26 years, he has been directly involved in the SWAT and Firearms program, and is responsible for a $250,000 Range development project, which is nearing completion. Lieutenant Doll has also represented the City and Department in athletic competitions throughout the state in the Police Olympics, the World Police and Fire Games, and the LAPD's Toughest Cop Alive competition, placing second in his age category twice.

I am honored to join the colleagues of Lieutenant Kenneth Doll in commending him for his many years of dedicated and exemplary service to law enforcement. He has left his indelible mark of excellence on the Milpitas Police Department.

HONORING ST. EDWARD CHURCH AND SCHOOL OF NASHVILLE, TENNESSEE ON THE OCCASION OF ITS 50TH ANNIVERSARY AND FATHER JOSEPH PATRICK BREEN FOR 40 YEARS OF SERVICE IN THE PRIESTHOOD

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CLEMENT. Mr. Speaker, I am particularly honored to rise today to add my voice to so many of the people in Nashville and throughout Tennessee who are taking the time this week to honor St. Edward Church and School—which is celebrating its 50th anniversary in 2002—and its pastor, Father Joseph Patrick Breen—who recently marked his 40th year in the priesthood. That these two milestones in the spiritual life of Nashville occur together is more than appropriate, because both St. Edward Catholic Church and Father Breen have been such tremendous positive influences in the lives of the people of Nashville.

A native of Nashville, Joe Pat Breen—one of nine children born to the late Paul and Anna Nenon Breen—attended Christ the King School and was graduated from Father Ryan High School. He entered St. Ambrose College in Davenport, Iowa, and began his seminary training there in 1956. He was awarded his bachelors degree in 1958; and in the same year he entered North American College in Rome to pursue his graduate studies in theology. Father Breen was ordained a priest on December 20, 1961, at St. Peter's Basilica in Rome. He later returned to Rome to study theology at the Gregorian University; and in 1978, he was granted a license in sacred theology.

Following his ordination, Father Breen served a number of parishes in Tennessee, in Nashville (the Cathedral of the Incarnation), Memphis, Millington, Bartlett, Chattanooga and Cleveland (and its missions in Copperhill and Athens). In addition to being a priest, he was an educator, teaching at Christian Brothers High School in Memphis and Notre Dame High School in Chattanooga. In 1974, Father Breen was named pastor of St. Rose of Lima Catholic Church in Murfreesboro and served there for 10 years. During his service in Murfreesboro—a time of unprecedented growth in that community—the church there more than kept pace, increasing in members and in its impact on the life of the city.

Since July of 1984, nearly 18 years, Father Breen has been pastor at St. Edward Church and the principal at St. Edward School. Under his leadership, the parishioners of St. Edward Parish have been inspired to give even more of their time, talent and financial support to make St. Edward an excellent place to worship and to receive an excellent education. This parish is a strong, highly committed community—and the depth of that commitment is demonstrated every day in the community life of Nashville, Tennessee.

Knowing the value of Christian education, Father Breen turned his attention immediately to the school with full force—and it showed: new paint, lighting, structural improvements, compliance with fire and city codes, and an upgraded curriculum including a computer center and full-time computer teacher. In 1999, a capital campaign was launched to raise funds for a new addition to the school for a pre-kindergarten program. A new church office, rectory and primary wing of the school were built. Last year, teachers moved into new classrooms. Today, St. Edward Church serves more than 1,100 families, and school enrollment has grown to 441 students from pre-kindergarten through eighth grade.

This kind of progress is no accident. St. Edward is a parish of wonderful people—people who love God, their country, their families and their community. And they love their pastor—Father Joe Pat Breen. They love him because he loves them, and they can tell.

Father Breen was quoted recently in this way: "As a priest, you had better be close to your blood family, you have to be intimate with several good friends, and try to be a very special part of the family of the parish." Father Breen succeeds in that mission. No one who encounters him can help but be touched by his deep compassion for others, can fail to be impressed with his devotion to his calling, can leave him without a feeling that something or someone greater than themselves is at work in the world. Father Breen does not traffic in sentimentalism—he deals with a world that includes both great joys and deep pain, and he does so, as much as any person can, with the decency and genuine concern and desire to help others that his faith—the faith of millions of Christians all over the world—demands.

Mr. Speaker, Father Joe Breen is a respected and beloved priest, a successful educator, a mentor to the young, and an inspiration to all that know him. He is a fine and good man. He leads a successful and forward-looking church. I am proud that he is making a difference for the better in Nashville; and, as I said at the beginning of my remarks, I am honored to pay tribute to him and to every member of the St. Edward parish.

HONORING AARON ARONOW ON THE OCCASION OF HIS 80TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to extend my very best wishes to Aaron Aronow as he celebrates his 80th birthday. Aaron has been a fixture in our hometown of New Haven, Connecticut for as long as I can remember and it is my honor to pay tribute to his lifetime of contributions to our community.

Throughout his life, Aaron has demonstrated a unique dedication and commitment to the City of New Haven through community service. Our communities would not be the same without those individuals who volunteer their time to make a difference—especially those who expend their energies shaping public policy. He served on the New Haven Board of Alderman for sixteen years, many of which he served along side my mother. Today, he continues in his service as a Ward Chair and a dedicated member of New Haven's Democratic Town Committee. Aaron is a former member of the City Plan Commission and is currently a member of the City's Disability Commission. Throughout his many years in New Haven's political arena, he has and continues to be a reflection of all that a public servant should be.

Though enjoying retirement from his fifty-year career as an executive with Robby Len Industries, a women's bathing suit manufacturer, Aaron continues to stay extremely active. He is an avid student, continuing to learn through the variety of senior courses offered at our local colleges and universities. He and his wife, Mitzi, recently celebrated their fifty-ninth wedding anniversary and enjoy spending time with their three children and four grandchildren. I am also told that he spends a great deal of time playing with his favorite family member, Tina—the family dog.

Aaron Aronow has remained committed to serving in his community. He is an active member of B'nai B'rith and is currently involved with Congregation Beth Israel in the restoration of the historic Orchard Street Synagogue. This synagogue, one of the oldest in New Haven, was once part of our vibrant Jewish community. In restoring this cultural landmark, Aaron hopes that it will once again become a central meeting place for New Haven families.

As family and friends gather to wish him well, I am sure Aaron will take a moment to reflect on his lifetime of achievements. I am so proud to have this opportunity to extend my deepest thanks and appreciation to Aaron Aronow for his many contributions to our community and to join his many friends and family in wishing him a very happy 80th birthday!

COMMEMORATION OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BONIOR. Mr. Speaker, Lithuanian American communities across this nation will be gathering this week to reflect and celebrate the 84th year commemorating Lithuanian independence. In Southfield, Michigan, this community will be gathering on Sunday, February 10, 2002 at the Lithuanian Cultural Center.

On February 16, 1918 the Lithuanian people proclaimed an independent state ruled by the people, free from German military control. For most of the 20th century, however, authoritarian regimes prevented Lithuanian nationalists from enjoying the fruits of liberty and democracy. In 1990, after five decades of oppression under Soviet control and a relentless passion for freedom and democracy, the Lithuanian people once again proclaimed their independence.

The United States' relationship with Lithuania is strong and growing stronger. Today Lithuanian and American leaders, governments and people are able to enjoy a great partnership. A significant goal of this partnership is the commitment to the security of the Baltic region and the promotion of democracy and freedom around the world. To achieve this goal, the Republic of Lithuania is making great economic, social and political progress in an effort to secure membership to the North Atlantic Treaty Organization. The role of NATO in preserving peace and stability in the Euro-Atlantic area is essential for all people; Lithuanians must not be the exception.

Mr. Speaker, I join the people of Lithuania, those of Lithuanian ancestry around the world and Lithuanian Americans in celebrating the 84th Anniversary of Lithuanian Independence. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

IN HONOR OF BLAKE HASELTON

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of Blake Haselton.. Mr. Haselton is Superintendent of Oldham County Schools, a district which lies in Kentucky's 4th Congressional District, which I represent.

Last month, Mr. Haselton was named Superintendent of the Year by the Kentucky Association of School Superintendents. He is also being considered for National Superintendent of the Year by the American Association of School Administrators.

Since he began in Oldham County in 1973, Mr. Haselton has served as a high school biology teacher, athletic director, director of guidance services, and principal. He also served as the district's director of pupil personnel before being named superintendent in 1991.

His colleagues praise him as an education leader who is "stays on top of both the academic and financial elements of operating a school system," and "makes his decisions on what's best for kids." The Oldham County Teachers Association says Mr. Haselton Is everything teachers want in a superintendent: child-centered, focused on teachers' needs, and an aggressive planner. The chair of the Oldham County Board of Education says Mr. Haselton is a "leader amongst leaders . . . a master teacher" who "Inspires the best in others."

Mr. Haselton also serves his community by doing volunteer work for several recreational, civic, and scouting organizations.

I rise today to congratulate Blake Haselton on being named Kentucky Superintendent of the Year, and to wish him well as he vies for the national. I ask my colleagues to join me in commending Mr. Haselton for his nearly three decades of outstanding service to the people of Oldham County, Kentucky.

PAYING TRIBUTE TO ROBERT L. BRAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Grand Junction, Colorado. Over the years, Robert L. Bray has distinguished himself as a business executive, a community leader, and a vital participant in maintaining our civic responsibilities throughout the region. Robert's achievements are impressive, and it is my honor to recognize several of those accomplishments today. Robert is a generous soul whose good deeds and actions certainly deserve the recognition he has recently received.

Robert is the owner and operator of Bray and Co./GMAC Real Estate in Grand Junction, a successful business he has run for years. He has carried on a long tradition of quality guidance and service to his many clients in the area, resulting in a busy operation dedicated to remaining true to high standards of honesty and integrity. His success in the industry has led to several honors including the revamping of the developmental codes in the city, allowing residents to build in areas beneficial to the community residents and businesses.

Throughout his success, Robert and wife Vicky, have remained active in their community that has provided his business the resources to prosper throughout its history. They have actively volunteered their time and energies to community organizations such as Hilltop Community Resources, the Mesa County Library, as well as devoted their efforts to the continuation of a prosperous education system in their volunteer work with Mesa State College.

Mr. Speaker, Robert Bray's achievements have recently been rewarded by his community through the Grand Junction Chamber of Commerce. The chamber named Robert the Citizen of the Year, an award given to an outstanding and well deserving individual who has selflessly given of themselves to directly benefit their community. It is now my honor to congratulate Robert on his most recent and well-deserved award from this organization by bringing his good deeds to the attention of this body of Congress, and this nation. Robert, you have been a model citizen for Grand Junction and I extend my thanks for your efforts. Keep up the good work and good luck to you and your wife Vicky in your future endeavors.

HONORING CHRISTIAN HIT RADIO WAY-FM'S 10TH ANNIVERSARY

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to honor radio station WAYM–FM 88.7 on the occasion of its 10th Anniversary.

"WAY–FM," the name by which it is best known, has truly made a difference in the lives of countless individuals throughout Middle Tennessee, and indeed, across the Nation on its national network of radio stations.

I first became acquainted with WAY–FM through my daughters, Elizabeth and Rachel Clement, who loved to listen to the music of Contemporary Christian artists such as D.C. Talk, Third Day, Sonicflood, and Jennifer Knapp over the airwaves. Upon a personal visit to the station, I was immediately impressed with the work and mission of the staff and its uplifting vision to impact the lives of children, teenagers, college students and adults, under the moniker: "WAY–FM, it is not just a radio station, it is a ministry."

Robert "Bob" and Felice Augsburg founded WAY–FM Media Group, Inc. in 1985. In the beginning, WAY–FM Media Group's sole purpose was to oversee the formation and operation of WAYJ, a non-commercial radio station in Fort Myers, Florida. The Board of Directors possessed a strong desire to establish a positive Christian radio alternative for the area" youth and young adults. The impact of the new format was profound and immediate, resulting in tremendous growth.

In the early 1990's, Bob Augsburg visited Nashville to garner and gauge support for a WAY–FM station in Nashville. Finding a foundation of support, Augsburg formulated a team and as a result, WAYM Nashville officially signed on the air on March 11, 1992 from studios in Franklin.

The expansion of the ministry into Middle Tennessee and Northern Alabama enabled WAY–FM to broaden its mission of using radio to encourage youth and young adults in their Christian walk and to challenge them to make a difference in the world. Providing music as well as inspirational content, the station regularly opens its doors to area church youth groups, allowing them to play guest deejay for a night. It also offers call-in programming for teens in crisis, numerous outreach programs and missions trips.

Community involvement is not only a priority, to the ministry of 88.7 WAY–FM, it is a core value. WAY–FM has sponsored many community events over the past ten years including record breaking food, blood, and winter clothing drives; collecting cell phones for

S.A.V.E. (Survivors Against Violent Environments); promoting and sponsoring numerous concert events and free Brown Bag concerts; making van appearances at countless community events; providing mission trip opportunities for listeners; and most recently collecting several thousand Valentine's Day cards for the children at Madison Children's Home. All of these activities are in addition to the on air presence of sharing God's love and power through music, interviews and daily scripture readings. WAY–FM believes in the work of local churches and supports their efforts through free Public Service Announcements.

In the spring of 1998, WAY–FM began a fund drive to build a new facility to an outpouring of assistance from the community. This Brentwood location was completed in October 1999 with a move in to a virtually debt free facility due in part to the tremendous support of listeners and area businesses.

WAY–FM has achieved success throughout Tennessee winning local awards for its quality programming, as well as awards from national organizations such as the Gospel Music Association (GMA) for Station of the Year honors. Its signal is now broadcast across the Southeastern United States and on satellite via Sky Angel, with expansion to the Western United States expected in the near future.

May WAY–FM continue to grow and prosper as it changes lives through the ministry of music in the years to come.

HONORING THE INAUGURATION OF BISHOP JERRY WAYNE MACKLIN TO THE EPISCOPAL OFFICE OF JURISDICTIONAL BISHOP OF THE NORCAL METROPOLITAN JURISDICTION OF THE CHURCH OF GOD IN CHRIST

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. STARK. Mr. Speaker, I rise to commemorate the elevation of Bishop J.W. Macklin to the Episcopal Office of Jurisdictional Bishop of the NorCal Metropolitan Jurisdiction of the Church of God in Christ.

Bishop Macklin, a native of San Mateo, California, founded the Glad Tidings Church of God in Christ in 1978 in Hayward, California. The neighborhood of South Hayward, once riddled with crime, drug use and violence, was in need of someone to challenge the hearts of citizens and improve the community's conditions. Bishop Macklin was a perfect match. As a result of his role in preaching the gospel, creating an innovative ministry, and networking in the community, the neighborhood has undergone a dramatic transformation, and is known today as the Glad Tidings Community Campus.

Bishop Macklin also serves the Church of God in Christ as Chairman of the Auxiliaries in Ministry Convention in Memphis, Tennessee. In that position, he presides over the Church's Summer Convention, which draws more than 20,000 delegates. In the past, he has served as president of the International Sunday School Department, and as a member of the Publishing Board for the National Church of God in Christ.

A wide variety of groups have come forward to show their gratitude for Bishop Macklin's distinguished dedication to the ministry and his community. He has been the recipient of numerous citations, honors, special recognitions, and awards. These include the John Pappas Humanitarian Award, Bay Area's Most Influential Black Religious Leader, outstanding Leadership and Community Service from the City of Hayward, NAACP, Hayward Unified School District, Alameda County Board of Supervisors, California State Legislature, and the Congress of National Black Churches.

In addition to the many honors and awards Bishop Macklin has received, he also established Northern California's Community Development, a non-profit housing corporation for South Hayward revitalization, and the Institute for Success, Welfare to Work Program for Southern Alameda County. His continual involvement in these programs demonstrates his dedication to enhancing community life and helping to improve individual lives.

I am honored to join the colleagues of Bishop J.W. Macklin in commending him for his many years of dedicated and exemplary service to the Church of God in Christ. He has left his indelible mark of excellence on the South Hayward community.

HONORING DETECTIVE RAY KERN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Detective Ray Kern on the occasion of his retirement from the Madera County Sheriff's Department. Detective Kern retired January 2, 2002, after 32½ years in law enforcement, 28 of those years with the Madera County Sheriff's Department.

Detective Ray Kern started his career in law enforcement with the Chowchilla Police Department in June of 1969. In December of 1973 he began working for the Madera County Sheriff's Department. After working in the jail for eighteen months, Ray Kern was transferred to the mountain division working patrol. In 1982, he was assigned to work in the Detective's Unit. The last several years of his career he also worked with the Sheriff's Department Search and Rescue.

Mr. Speaker, I rise to commend Detective Ray Kern for an exemplary career of service in law enforcement. I encourage my colleagues to join me in congratulating Detective Kern on his retirement and wishing him many more years of continued success.

HONORING POLICE CHIEF KENNETH CRUZ OF GUILFORD ON THE OCCASION OF HIS RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to an outstanding member of the Guilford community and a dear friend, Kenneth Cruz, Chief of the Guilford Police Department on the occasion of his retirement. He has been an active member of the law enforcement community for over three decades and has served with the utmost dedication and integrity.

Recent times have brought a renewed public respect for our nation's law enforcement officials and the very real dangers they face. From the tragic events of Columbine to the devastating attacks of September 11, the skill, dedication and commitment of our law enforcement officials has been tested. From these tragedies lessons have been learned and higher expectations have been made for those who dedicate their lives to protecting our communities. In these times, we have looked to our police officers for guidance and reassurance.

Chief Cruz started his career with the New Haven Police Department in 1968 where he served for sixteen years. In that time, he achieved the rank of commander and left to accept an appointment as Chief of the Guilford Police Department where he spent the remainder of his career. He was elected President of the Connecticut Police Chiefs Association, a statewide organization that diligently promotes the needs of Connecticut's law enforcement community. During his tenure he worked with state and federal legislators to ensure that the voices of Connecticut's police officers were heard.

In addition to his professional career, Chief Cruz made it a priority to be actively involved in Guilford and the surrounding communities. Under his leadership, the Guilford Police Department was one of the first departments to join the efforts of the Yale Child Study Center and its Child Development Community Policing program. This program is designed to address issues of domestic violence, child abuse, and juvenile justice in a way which focuses on community, partnership, innovation and prevention—four elements which are all too often missing from our response to violent crime. By participating in annual conferences and sharing ideas and successes with leaders from other areas, these efforts have made a real difference in the lives of thousands of children who otherwise would fall through the cracks of our system.

With all of his work, at the Department and in the community, Chief Cruz still made time to be of great assistance to myself and my staff. He has been an invaluable resource to us all and I want to extend my deepest thanks and sincere appreciation for all of his support.

Chief Kenneth Cruz has demonstrated an unparalleled commitment and has left an indelible mark on the Town of Guilford—he will be missed. As he celebrates his retirement, I am proud to rise today to join his wife, Virginia; daughter, Dawn; his three grandchildren, family, friends, and colleagues in wishing him the very best for many more years of health and happiness.

IN HONOR OF WALTON-VERONA, KY, INDEPENDENT SCHOOLS

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of the Walton-Verona Independent School System, in Kentucky's Fourth Congressional District, which I represent.

The school district has set a state record by not having a dropout in three years. In that same time period, 209 students have graduated. And once again this year, nobody has dropped out, and 76 more students are on track to graduate in May.

As part of the district's anti-truancy program, the school attendance officer, who is a sheriff's deputy, checks on students who are truant for two consecutive days. The deputy actually goes to the student's home and takes the student to school in a marked cruiser. Also, a retired principal works with families to help solve problems that often lead students to drop out, such as health problems, eating disorders, pregnancy, and divorce.

The district's anti-truancy program, called SAFE, which stands for Schools and Families Empowered, was funded in part by a federal grant that is now expiring. The good news is that the Northern Kentucky Independent Health District is so impressed with the program that it's stepping in to help fund it.

Walton-Verona's dropout-free record is a noteworthy accomplishment, and is a wonderful example of what small school districts can do when they are forced to make the most of limited resources. I ask my colleagues to join me in commending the outstanding students and dedicated staff of the Walton-Verona Independent School District on such a remarkable dropout rate.

PAYING TRIBUTE TO TOM G. ROBERTS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. McINNIS. Mr. Speaker, it is with a solemn heart that I take this opportunity to pay respect to the passing of Tom G. Roberts, who recently passed away at the age of 55. Tom was a pillar of the Hotchkiss, CO, community and as his family mourns his loss, I think it is appropriate to remember Tom and pay tribute to him for his contributions to his community.

Tom was a shining example of a man thoroughly involved in his community. He was a member of the Hotchkiss Community United Methodist Church, the Hotchkiss Elks Lodge No. 1807, the Mt. Lamborn Masonic Lodge No. 102, and Sigma Phi Epsilon. In an effort to serve his community, Tom participated in several civic and business groups, notably the Hotchkiss Library Board, the Hotchkiss Chamber of Commerce, and the Delta County Livestock Association. Tom was a member of the North Fork Snowmobilers Association and was also a member of the Men's League and Mixed League at Valley Lanes, where he spent his free time playing one of his favorite games, bowling.

Tom was well known for his love of outdoor activities, including horseback riding and snowmobiling. As a result of his intimate knowledge of the local forest and his attention to the news, he was often referred to as the "unofficial wildfire reporter". Between his responsibilities as owner of Robert's Short Stop, Tom always loved to visit with residents and tourists visiting the area. Tom loved children, especially his own, and was often seen at the local little league games as a fan and a sponsor. Tom will be remembered as a loving husband, a devoted father, and a friend to all.

Mr. Speaker, it is my privilege to pay tribute to Tom G. Roberts for his contributions to the Hotchkiss community. His dedication to his family, friends, work, and community certainly deserves the recognition of this body of Congress. Although Tom has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my thoughts and deepest sympathies to Tom's family and friends during this difficult time.

IN MEMORIAM OF RICHARD LEONARD DIXON

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LAMPSON. Mr. Speaker, I rise today in great sadness to honor Richard Leonard Dixon, who passed away yesterday, February 25, 2002. Richard Dixon was a remarkable man who was committed to his community, his country, and above all, his family. He is survived by his wife, Geneva Farris Dixon and his son, Jeff Dixon.

Richard was concerned about southeast Texas and the people who lived there. He was a long time civic and community leader. His impact on the community could be felt everywhere, he was a positive force in southeast Texas.

Richard Dixon attended Lon Morris Jr. College, Wharton Jr. College, graduating from Sam Houston University. A member of the Trinity United Methodist Church, he began his career with the Brazosport Facts, was former State Editor for the Beaumont Enterprise, Assistant Director of Public Information at Lamar University, and finally a member of my staff.

Richard was active in community and church affairs in Beaumont and in Nederland. He was of the utmost character, and his attributes of selflessness and commitment to others are rare gifts that his community was lucky to have. Richard Dixon was a man who served his community with great pride and devotion.

His work was part of the fiber of southeast Texas, and with his passing a great loss will be felt in the spirit and the heart of our community. Richard was a long time friend with a sharp sense of humor and an unbridled spirit. Today, as a Congressman I have lost a trusted member of my staff, but as a person, I have lost a friend.

COMMENDING BRIAN SHIMER, OLYMPIC BOBSLEDDER OF NAPLES, FLORIDA

HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. GOSS. Mr. Speaker, I rise today to salute an individual from my district who never gave up. Brian Shimer, of Naples, Florida, came from behind on February 23rd and won a Bronze Medal in the 4-man bobsled competition.

Now Naples, Florida, is not known for its snowfall, but it is known for commitment to community and dedication to principles. It is an amazing feat that Brian Shimer managed to pursue his bobsledding passion for the past 16 years—never giving up and making sure America did not abandon its pursuit of the sport. Five times Brian competed in the Olympic Games, each time, seeking to turn all his years of training and desire into an Olympic medal. He endured injuries, setbacks, and hundredths-of-a-second heartbreaks. Still, Brian kept trying: His teammates changed, the bobsled designs changed and the biological clock ticked toward the ripe old age of 40, but Brian continued toward his dream.

This time in Salt Lake City, Brian Shimer won one of the two Olympic medals awarded to the United States in bobsledding—the first since 1956. In doing so he brought an incredible gift back to the sport he loves, and to his family, friends and all who supported his unquenchable passion. He also made a statement about Americans—that dedication and perseverance to a cause is what makes us strong and our country great. Brian was the one who carried the American flag for the American team during the closing ceremonies for the Olympic Games—a testimony to the respect he has earned among his fellow athletes.

It makes us all proud that Florida Congressional District 14 is the home of an individual who truly emulates the Olympic and American spirit—Congratulations to Olympic Bronze Medal winner, Brian Shimer.

90TH ANNIVERSARY OF HADASSAH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. HART. Mr. Speaker, today I would like to take this opportunity to honor the 90th anniversary of one of the Nation's leading organizations, Hadassah, the Women's Zionist Organization of America, paying special honor to the Greater Pittsburgh Chapter and the Aliquippa, Ohio Valley Group. In the past nine decades, Hadassah has become the largest women and largest Jewish membership organization in the United States with over 300,000 members and 1,500 chapters across the country.

Founded in 1912 by educator Henrietta Szold, Hadassah has been dedicated to pursuing social justice, ensuring Jewish community, promoting a prosperous and peaceful Israel, and providing for the health, education, and well being of American Jewish women and their families. Of the many positive activities and humanitarian missions the members of Hadassah partake, their greatest achievement is their network of world-renowned medical and educational facilities in Israel. Their flagship project, the Hadassah Medical Organization, provides health care of the highest quality to numerous individuals from all areas of the Middle East, without regards to race, religion, or nationality. The Hadassah Medical Organization also provides training for health care professionals from all comers of the world. For 90 years, Hadassah has supported peace and stability in the Middle East.

In addition, the members of the Hadassah Pittsburgh Chapter, and the Aliquippa, Ohio Valley Group have been involved with a number of issues concerning women and the Jewish community in the United States. They have advocated a program for breast cancer detection and awareness, sponsored Jewish family programs, and encouraged civic participation on public policy through their Government Relations Unit. This is included with local support of the Women's Center of Beaver County.

Finally, I would like to congratulate Hadassah and its members within the Greater Pittsburgh Chapter and Aliquippa, Ohio Valley Group for their commitment to helping numerous individuals, and improving the quality of their lives in the Middle East and across America. May they continue to advocate for peace and well being domestically and abroad for another 90 years.

CELEBRATING 90 YEARS OF HADASSAH

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. BERKLEY. Mr. Speaker, it is my great pleasure to publicly acknowledge one of the finest volunteer organizations in America. Founded by Henrietta Szold in 1912, Hadassah has been a shining example of the Jewish commandment, "Tikkun Olam," healing the world.

I am proud to be a longtime, and life member of a group that has been a strong advocate for American-Israeli relations, the Jewish religion and family, civil liberties, and women's health. Over the course of the past nine decades, Hadassah has demonstrated an unsurpassed compassion and zeal for improving the quality of life for Jews, and for all people, everywhere.

Hadassah's best known project is the Hadassah Medical Organization. This world renowned medical complex provides unsurpassed medical care, world class research and professional training for the people of the Middle East. Set in the heart of Jerusalem in Mount Scopus, and in Ein Kerem, the Hadassah Medical Organization has long been a symbol of Jewish values. Built in one of the world's most troubled regions, Hadassah's hospital has consistently provided the highest quality of medical care to all people, regardless of race, religion, or national identity. Hadassah doctors have been the hidden heroes for fallen soldiers, the victims of countless terrorist attacks, and ordinary people, Arab and Jew alike, who seek medical care for their children.

Hadassah is also the sponsor of the Young Judaea program, one of the most impressive Jewish youth organizations in the world. Young Judaca has played a critical role in the development of tens of thousands of American Jewish youth. Located throughout the United States, Young Judaea offers Jewish youngsters an opportunity to interact with other Jewish youth, and learn about their Jewish identity, Zionism, and commitment to their community. In addition to their successful summer camp program, Young Judaea provides outstanding programs for young Americans in Israel. Through Hadassah, Young Judaea has enriched the lives, and broadened the horizons of generations of Jewish youth.

Hadassah's efforts improve the lives of all women, the Jewish community, and all Americans. Their Women's Health Department runs a nationwide "Check It Out" campaign to detect and raise awareness of breast cancer. Hadassah has also played a central role in encouraging women to participate in the political process. Members have lobbied tirelessly on issues including the rights of women, church-state separation, and foreign affairs. Hadassah's 300,000 members are voices heard on every issue, in every state.

As a Jewish woman, Hadassah has been a major force in my life. Membership has prepared me well for public service. For nine decades, Hadassah women have been leaders in our communities, and the inspiration for our nation's Jewish youth. We have a great debt to pay to Henrietta Szold, and the hundreds of thousands of women who have helped make Hadassah the organization it is today.

I congratulate my Hadassah sisters for a job well done, and done well.

CELEBRATING 90 YEARS OF HADASSAH

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of the anniversary of Hadassah, the 90th Women's Zionist Organization of America, Inc. Hadassah, a women's volunteer organization founded in 1912 by Henrietta Szold, is today the largest women's and largest Jewish membership organization in the United States. With more than 300,000 members, Hadassah seeks to promote the growth and unity of the Jewish community within the United States as well as strengthen its partnership with Israel.

During the past nine decades, Hadassah has been devoted to initiating and supporting health care, education, youth institutions, and land development in Israel. The Hadassah Medical Organization, one of Hadassah's greatest achievements, currently provides the highest standard of health care to individuals throughout the Middle East. In accordance with Hadassah's humanitarian mission and its strong support of a peaceful and secure Middle East, service is provided to individuals regardless of race, religion, or nationality. The Hadassah Medical Organization also serves as an excellent tool for training health care professionals around the world.

In addition to its efforts in Israel, Hadassah has been involved in many issues concerning women and the American Jewish community. The Rachel Szold Henrietta Chapter in Madison, one of Hadassah's earliest chapters, has been very active in the community, providing programs concerning the advocacy of women's issues as well as health issues. In the past, they have held a "Fun and Fitness Day," which is an active health fair with workshops. Last September, Hadassah, along with other local Jewish women's organizations, held a medical education discussion on hereditary cancers in Ashkenazi women. These are just a few of the events that the Madison chapter, and other chapters across the country, have held to benefit women and health.

I wholeheartedly congratulate Hadassah for many years of success as a volunteer organization. I am proud to recognize this organization on its 90th anniversary.

90TH ANNIVERSARY OF HADASSAH

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. CARDIN. Mr. Speaker, I rise today to congratulate Hadassah, the Women's Zionist Organization of America on its 90th anniversary and to pay special tribute to the largest Jewish women's membership organization in America.

Hadassah was founded in 1912 by educator and visionary Henrietta Szold. It was her vision and commitment to the ideal of a Jewish homeland and to social justice that led to the creation of Hadassah, an organization dedicated to help heal a Palestine rife with poverty, filth, and disease.

Today, with more than 300,000 members across the United States, Hadassah supports the Hadassah Medical Organization, the most advanced medical center in the Middle East. This medical center is comprised of two hospitals, 90 outpatient clinics, and numerous community health centers. It provides state-of-the-art health care to 600,000 patients a year—regardless of race, religion, or creed. In addition, through the congressionally funded American Schools and Hospitals Abroad Program, the medical center also stands ready to serve American military troops should the need arise.

Hadassah also funds and maintains four major programs in Israel and the United States. They include: Hadassah Israel Education Services, Youth Aliya, Young Judaea, and the Jewish National Fund. Hadassah also provides relief services during international health crises, including in Bosnia-Herzegovina and Rwanda. In the United States, Hadassah members are engaged in a multitude of activities. From women's health seminars to programs about Jewish traditions and rituals, Hadassah is dedicated to improving the lives of those in our community.

Hadassah's mission is to promote a prosperous and peaceful Israel, ensure Jewish continuity, pursue social justice, and provide for the health, education and well-being of American Jewish women and their families. I hope my colleagues will join me in saluting the spirit of volunteerism and service to community that has marked the 90 years of Hadassah's existence.

IN HONOR OF HADASSAH

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. SANCHEZ. Mr. Speaker, I am proud to rise and honor Hadassah, the Women's Zionist Organization of America for their 90th Anniversary. Hadassah is the largest women's and Jewish membership organization in the United States.

Henrietta Szold, the Jewish scholar and activist, who was dedicated to Judaism, Zionism, and the American ideal, founded the organization in February 1912. Her goal was to strengthen their partnership with Israel, ensure Jewish continuity, and realize their potential as a dynamic force in American society. Today, Hadassah's efforts are enhancing the quality of American and Jewish life through its promotion of education, health awareness, and unity.

Hadassah's greatest achievement to date is their network of world-renowned medical and educational institutions in Israel. It provides the highest quality of health care to countless individuals throughout the Middle East, regardless of race, religion or nationality.

Please join me in honoring Hadassah for their continuous efforts in improving the life of Americans as well as the rest of the world.

COMMEMORATING THE 90TH ANNIVERSARY OF HADASSAH

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. ROTHMAN. Mr. Speaker, I rise today in celebration of the 90th anniversary of Hadassah, the Women's Zionist Organization of America. This esteemed organization has grown to become the nations largest woman's and Jewish membership organization. Today, we celebrate Hadassah having dedicated 90 years to pursuing a most worthy humanitarian mission.

It was in 1912 that the educator and visionary Henrietta Szold founded Hadassah. In the time since, it's members have not only been committed to promoting a peaceful and prosperous Israel, ensuring Jewish continuity and pursuing social justice, but also providing for the health, education, and well-being of American Jewish women and their families. This organization has helped build Israel's medical infrastructure from the foundations laid by two American nurses in 1913 through a combination of hard work and professionalism. Today the Hadassah Medical Association supports the region's most advanced medical center, treating 600,000 patients a year from all religious and ethnic backgrounds, and assisting in the training of greatly needed doctors and nurses.

On home soil, Hadassah has also had a historic impact, easing the concerns of women and the Jewish Community. In response to some 43,000 breast cancer deaths each year, Hadassah has joined the battle to diagnose cases early, by running screening and awareness programs. Furthermore, the organization sponsors Jewish family programs across the nation, encourages civic participation and has devoted considerable effort to educating members and the general public alike, on important public policy issues.

Mr. Speaker, for nine decades Hadassah has served communities worldwide improving the lives of women and their families. Now I ask my colleagues to join with me in honoring this organization and its members past and present, for their perseverance and many remarkable accomplishments.

IN HONOR OF HADASSAH'S 90TH ANNIVERSARY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Ms. HARMAN. Mr. Speaker, with great pride I rise to praise the work and women of Hadassah on their 90th Anniversary.

Hadassah has been in the forefront of support for women's rights, women's health, and Israel for almost a century, and its impact can be seen in countless ways.

In Israel, Hadassah's hospitals and clinics provide the best medical care in the region to all those who need it. They treat patients without regard to race or religion, from the victims of the worst terrorist attacks in the region to individuals from across the West Bank and Gaza Strip.

Here in the United States, Hadassah's work in Los Angeles and across the Nation strengthens our community and our ties to Israel. Hadassah works to ensure access to medical care, prevent genetic discrimination, ensure women's reproductive rights and battle domestic violence. Its education and advocacy campaigns have brought people together in support of issues of vital importance to Jewish women around the world.

Hadassah was founded, as the story goes, on Purim 90 years ago. It took its name from the Hebrew word for Esther, who thwarted a plot to kill all the Jews in Persia. Hadassah has thwarted efforts to harm the needs and interests of the Jewish community ever since, and has reached out to all in need.

Congratulations to Hadassah, and thank you.

IN HONOR OF HADASSAH—THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor Hadassah, on the occasion of the organization's 90th anniversary.

In February of 1912, Henrietta Szold founded Hadassah, presently the largest women's and largest Jewish membership organization in the United States. During the past nine decades, thousands of members from throughout the United States have set forth to promote a prosperous and peaceful Israel, ensure Jewish continuity, pursue social justice, and provide for the health, education, and well-being of American Jewish women and their families.

Since the group's humble beginning as a women's study circle, dedicated members have helped Hadassah to become one of the world's leading humanitarian organizations. In Israel, Hadassah's flagship project, the Hadassah Medical Organization, is the most advanced medical center in the region. This state-of-the-art healthcare facility is comprised of two hospitals, 90 outpatient clinics, numerous community health centers, and annually services over 600,000 patients regardless of race, religion, or creed.

The compassion of Hadassah is not only illustrated by their healthcare efforts. Hadassah funds and maintains four major Israeli and American programs—Young Judaea, Young Allya, Hadassah Israel Education Services and the Jewish National Fund. Each of these programs strives to support and promote Jewish life for Israelis and Americans of all ages. In addition to these programs, Hadassah is engaged in a wealth of educational, advocacy, training, and community service initiatives both in the U.S. and in Israel.

In honor of more than 300,000 members of Hadassah, I am privileged to pay tribute to their selflessness, incalculable hospitality, and success. Mr. Speaker, I would ask that you and my colleagues of the U.S. House of Representatives join me in congratulating Hadassah and its dedicated members for nine decades of social action and noble work.

TRIBUTE TO HADASSAH

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. BERMAN. Mr. Speaker, I rise today to pay tribute to Hadassah, the Women's Zionist Organization of America, on its 90th anniversary. I have enormous professional respect for Hadassah, I also have a deep personal affinity: my mother was a very active member, and some of my other relatives were officers in important Hadassah chapters.

Founded in 1912 by Henrietta Szold, Hadassah has become the largest women's and largest Jewish membership organization in the United States, with over 300,000 active members in all 50 states.

Hadassah's greatest achievement is its network of world-renowned medical and educational institutions in Israel. Their flagship project, the Hadassah Medical Organization, provides the highest quality health care to more than 600,000 patients a year from throughout the Middle East—regardless of race, religion or nationality—and is a resource for training health care professionals around the world. It also supports a variety of world-class research projects that have resulted in significant medical advances, particularly in the areas of breast cancer and the treatment of various genetic disorders. Over the years I have strongly supported the U.S. Agency for International Development's American Schools and Hospitals Abroad program, which provides a key source of funding for Hadassah's health care activities.

In addition to their outstanding work in Israel, Hadassah supports many important health, education and women's initiatives here in the U.S. These include a nationwide breast cancer awareness and detection campaign, Jewish family programs, and efforts to promote greater civic participation and awareness of key public policy issues. Through these activities, Hadassah's devoted volunteers strengthen our partnership with Israel, promote the unity of the Jewish people, and truly change people's lives.

I commend Hadassah for its excellent work over the past ninety years, and look forward to continuing my work with the organization to ensure an even brighter future.

TRIBUTE TO HADASSAH

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. WAXMAN. Mr. Speaker, I rise today to honor the 90th anniversary of the founding of Hadassah. With over 300,000 members worldwide, Hadassah is both the largest women's organization and largest Jewish organization in American history.

Founded in 1912 by Jewish scholar and activist Henrietta Szold, Hadassah has evolved as a leading volunteer women's organization, committed to Israel, Jewish continuity and American ideals.

In Israel, the Hadassah Medical Organization in Jerusalem has become a world-renowned center of medical excellence. With two hospitals, five schools, outpatient clinics, research facilities and a community health center, Hadassah is a lifeline for Israeli families and an important partner with the United States in medical research and training.

Sadly, the deterioration of the situation in the Middle East has also made the Hadassah hospital into the premiere trauma center for the victims of the vicious suicide attacks by Palestinian terrorist groups. Reconstructing bodies and healing wounds, the Hadassah doctors and nurses have saved numerous lives and restored the futures of many youth wounded in these gruesome attacks.

Hadassah's work also extends worldwide, with its nurses and doctors dispatched to work with refugees in Rwanda and to treat victims from the terrorist bomb blast at the Jewish community center in Buenos Aires.

Here in the United States, Hadassah is committed to health awareness for its members and for women and girls in underprivileged communities. Hadassah organizes education and screening for diseases like breast cancer and osteoporosis. It sponsors youth reading programs and mobilizes volunteers on national policy issues like school vouchers, genetic discrimination, and a woman's right to choose.

I am proud that Southern California boasts one of the largest concentrations of Hadassah members with over 20,000 activists in nearly 100 chapters.

I ask my colleagues to join me in honoring Hadassah's 90th anniversary and in congratulating Hadassah on its tremendous impact worldwide.

HOUSE OF REPRESENTATIVES—*Wednesday, February 27, 2002*

The House met at 10 a.m.

Father Joseph F. Sica, Our Lady of the Snows Catholic Church, Clarks Summit, Pennsylvania, offered the following prayer:

Father, we thank You for today, a new beginning filled with unlimited possibilities to make wholesome differences in the lives represented by these men and women of our United States Congress.

Father, by faith we welcome You into our lives and accept the love You have for us.

Your love elevates us as we rise above our heartaches, hassles, troubles, setbacks, disappointments by turning them over to You.

Your love liberates us to let go of panic, worry, anxiety, depression, low self-worth, and addictions.

Your love motivates a desire inside each of us to find a need and fill it, to find a hurt and heal it.

Father, Your love demonstrates You care, understand, and forgive, giving us the strength to carry on, casting aside our fears, knowing we can survive. It is perhaps through love that You give us a glimpse of eternity.

Hold this great Nation of America in the palm of Your hand as we make this prayer today in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. LAHOOD. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. LAHOOD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Pursuant to clause 8, rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain one 1-minute at this point by the gentleman from Pennsylvania (Mr. SHERWOOD).

WELCOME TO FATHER JOE SICA OF OUR LADY OF THE SNOWS PARISH IN CLARKS SUMMIT, PENNSYLVANIA

(Mr. SHERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHERWOOD. Mr. Speaker, it is my privilege to welcome as our guest chaplain Father Joe Sica of Our Lady of the Snows Parish in Clarks Summit, Pennsylvania.

I would also like to take this opportunity to thank Father Joe for this wonderful invocation. I have known Father Joe for a long time. He is a good man, a great friend, and a wonderful priest.

Father Joe Sica grew up in Dunmore, Pennsylvania, and began his service to the church at a very young age. As a child, he donated much of his time to St. Rocco's Church, and it was there he began to realize his dream of becoming a priest.

After high school he entered the University of Pennsylvania and Saint Pius X Seminary, where he earned his degree in philosophy and theology. He then took his scholarly talents and spiritual determination and continued his education at the Catholic University of America and the Theological College.

There he wrote his book, "God So Loved the World," which is one of the foremost works in Carl Rhaner's "Theology of Revelation." He also published many articles in several journals, and Father Joe's monthly column, "Miracle Growth: A Seed of Inspiration," that runs in Catholic newspapers across the country.

In every assignment at every parish, Father Joe Sica has been involved with the work of his community. He has organized retreats for parishioners, helped parents and teachers associations; and while he was in my hometown, he was a member of the Rotary International, and a fine volunteer firefighter at the Triton Hose Company.

However, one of his most impressive accomplishments that I have had the pleasure of witnessing was Father Joe's creation of the Helping Other People Program in Tunkhannock. This program coordinated the efforts of several local churches and their parishioners to provide transportation, meals, home repairs, house cleaning, and many other services to those in need.

Father Joe was given the Sam Walton Award, and the Tunkhannock Chamber of Commerce gave him a certificate of excellence for his effort.

In October of 2000, the Columbus Day Association of Lackawanna County named Father Joe their Man of the Year. They commended him for taking risks, for being able to dream, and to work and make those dreams come true.

I can say without hesitation that Father Joe Sica is not just the Man of the Year, but a man of the people whose good deeds and inspiration never cease.

Mr. Speaker, I again would like to thank Father Joe Sica for being here today. His presence and his blessing on this House mean so much to me and the people I represent.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested.

S. 1857. An act to encourage the negotiated settlement of tribal claims.

THE JOURNAL

The SPEAKER. Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SCHROCK. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 48, answered "present" 1, not voting 29, as follows:

[Roll No. 41]

YEAS—355

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett

Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)

Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps

Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin

Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner

Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Woolsey
Wu
Wynn
Young (FL)

NAYS—48

Aderholt
Baird
Becerra
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Gutknecht
Hastings (FL)
Hefley
Hilliard
Hinchey

Holt
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
Markey
McDermott
Menendez
Miller, George
Moore
Moran (KS)
Oberstar
Pallone
Peterson (MN)
Platts

Ramstad
Sabo
Schaffer
Schakowsky
Shadegg
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—29

Baldacci
Blagojevich
Boucher
Burr
Clay
Collins
Coyne
Cubin
Deal
Ehrlich

Gilman
Hayes
Jenkins
Kilpatrick
LaFalce
McCrery
McKinney
Meek (FL)
Mink
Myrick

Norwood
Oxley
Roukema
Thomas
Traficant
Waters
Weldon (PA)
Wolf
Young (AK)

□ 1032

So the Journal was approved.

The result of the vote was announced as above recorded.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 18, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith the Certificate of Election received from the Honorable Mike Hunter, Secretary of State, State of Oklahoma, indicating that, on January 8, 2002, the Honorable John Sullivan was duly chosen by the qualified electors to the Office of Representative in Congress, First Congressional District, State of Oklahoma, to fill the vacancy in the representation from said State in the United States House of Representatives.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk.

SWEARING IN OF THE HONORABLE JOHN SULLIVAN, OF OKLAHOMA, AS A MEMBER OF THE HOUSE

The SPEAKER. Will the Representative-elect from Oklahoma (Mr. SULLIVAN) and the members of the Oklahoma delegation present themselves in the well.

The Representative-elect will please raise his right hand.

Mr. SULLIVAN appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the 107th Congress.

INTRODUCTION OF JOHN SULLIVAN, NEW MEMBER FROM OKLAHOMA

(Mr. WATKINS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATKINS of Oklahoma. Mr. Speaker, this may sound very unusual, but as a dean of the Oklahoma delegation but the newest member of the Republican Party, it gives me great privilege on behalf of our entire Oklahoma delegation, including our two Senators who have come over and joined us, and other members of our delegation to present to you the newest Member, of not only the Oklahoma delegation, but of the 107th Congress, an outstanding young man who, when he announced that he was going to run, the political pundits gave him very little chance because he was outfunded and more popular names were in the race.

JOHN SULLIVAN is a fourth-generation Oklahoman, and he is also the oldest of four children; and speaking of family, I would like to introduce you to his wife, Judy, a tremendous asset. Also, I think he has his three children here, Meredith and Sydney up there and Tommy right here to my left. Let us give him a big hand.

JOHN has had a successful career in two industries, transportation and also energy. So I imagine he will be asking for some very apropos type committee assignments. He was inspired to run for Representative to try to do something more to build a future, yes, for Oklahomans, yes, for the future of our children and grandchildren.

Some of the proudest moments of his accomplishments in the State House where he served and was Republican whip was the creation of Oklahoma State University at Tulsa and the largest income tax cut in the history of Oklahoma, parent notification law. Those are just a few of the accomplishment he did in his short tenure there.

So I ask my colleagues to join me today in welcoming the newest Member and I think one of the hardest-working young men I have met and one I think you will all be very proud of, JOHN SULLIVAN, first district of Oklahoma.

EXPRESSING THANKS

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute.)

Mr. SULLIVAN. Mr. Speaker, I am so honored to be here today. I would like to thank the Members for their warm welcome they have extended to me.

I wish to take a moment to acknowledge my family, my wife, Judy; my son, Tommy; and daughters, Meredith and Sydney; my mother, Mag Sullivan; and mother- and father-in-law, Mary Ann and Tom Beck; also, my mentor, Mayor of Tulsa, Bob LaFortune, who is here, former Mayor of Tulsa; and Art Rubin, who is up there as well; and all of the wonderful friends and family who have accompanied me from Oklahoma to show their support today.

I have a great neighborhood, too, one of the old-fashioned neighborhoods. I have got a lot of my neighbors that have come, and it is great. Our kids run and play together and go in each other's houses, and they came as well.

I am also pleased to be joined by Oklahoma's two extraordinary Senators, JIM INHOFE, who as a Member of this body ably represented the first district of Oklahoma; and DON NICKLES, the assistant Republican leader of the Senate.

I would also like to take a moment to thank former Congressman Steve Largent, who recently departed Congress to run for Governor of Oklahoma. I wish him the best in his new endeavor.

Mr. Speaker, I am truly humbled to become a Member of this honorable body. This day has been a lifelong dream of mine, and I pledge today to continue to fight for the constituents of the first district of Oklahoma, for Oklahoma values. I look forward to the great friendships that will be formed in these hallowed halls and to working together in advancing the prosperity and promise of this great Nation.

I would like to say a special thanks to my father who got me started in politics, and I know he is looking down on me and he is happy that his son got elected to the Congress.

CELEBRATING HADASSAH'S 90TH ANNIVERSARY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, in 1912 Henrietta Szold founded what is now the largest women's and the largest Jewish membership organization in the United States, Hadassah, the Women's Zionist Organization of America.

This year marks its 90th anniversary, celebrating continuous efforts of more than 400,000 Hadassah members in Florida alone.

Some of the outstanding women of Hadassah in my own south Florida congressional district are Alecia Sachs, the regional president; Mildred Riesenberg, the 90th anniversary Chair; Phyllis Goldman, the major gifts fundraising coordinator; Mindy Tucker Olofson, membership coordinator; and Pam Brown, Woman of the Year Chair.

Mr. Speaker, please join me in honoring the spirit of volunteerism and community service that thousands of Hadassah members perform each and every day. Congratulations to each Hadassah member in the Nation.

HONORING THE ACCOMPLISHMENTS AND CONTRIBUTIONS OF BLACK AMERICANS

(Ms. SANCHEZ asked and was given permission to address the House for 1 minute.)

Ms. SANCHEZ. Mr. Speaker, today I rise to honor the accomplishments and contributions of black Americans to this Nation.

February is Black History Month. Established in 1926 by Carter G. Woodson, Black History Month raises awareness of the history of black Americans in our schools and across our Nation.

As a child, Mr. Woodson had to earn money for his family, and so he was not able to start school until very late in life. His motto of "it is never too late to learn" is something that all of us can use every day in our learning and growing, especially when it comes to the history of this Nation.

February is also a significant month for the birthdays of great African Americans, pioneers in many ways to our Nation. These include the birthdays of Frederick Douglass, W.E.B. DuBois, Langston Hughes, Eubie Blake, the NAACP, and the first Pan African Congress.

During Black History Month, we should take the time to continue learning about the contributions, the struggles and the perseverance of African Americans here in our Nation. Our country would not be as culturally diverse without their contributions.

HONORING LUKE ROTH

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, Luke Roth, born December 9, 1953, died of cancer yesterday. A proud graduate of Princeton, a devoted husband to Katie, a loving father to Luke, Anne, and Clare.

Luke was my district director for 6 years and then was President Bush's State campaign director. Luke loved politics. He even met Katie on the campaign trail.

He was a big man, he wore a size 13 EEE shoe, and I never met a man with a bigger heart. Luke believed passionately in American democracy. He was a student of history. He would think there is no higher tribute than if I simply said Luke Roth, servus publicus, civis: public servant, citizen.

All who knew this loving bear of a man are mourning his passing. Our grief is tempered only by our belief that if there was ever anyone who merited heaven, it is Luke.

Luke has left big shoes for us to fill. May he rest in peace.

GERMAN EMBASSY LETTER REGARDING ABDUCTED CHILDREN

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, today I will stray from the story of Ludwig Koons to respond to a letter from the German embassy that was published in the Washington Post.

I am delighted to hear the German government agrees that abducted children deserve swift and fair decisions and it is committed to ensure that this happens. For most parents who have been separated from their children for years, this will certainly be an enormous relief.

I completely agree that abducted children deserve more than rhetoric, which is what most left-behind parents have had to contend with. Hopefully, the German authorities will keep their word and take some positive action to ensure that left-behind parents gain access to their children.

Nobody implies that courts in the United States are perfect, but this does not absolve the German authorities of their responsibilities to allow non-German parents to see their children. As the German embassy rightly pointed out, Germany is not the only country that has a poor record in returning abducted or illegally retained children to their country of origin.

Most left-behind parents are left without any enforceable access rights. This cannot be allowed to continue. We must bring Ludwig Koons and all of our children home.

WELFARE REFORM PRINCIPLES

(Mr. PENCE asked and was given permission to address the House for 1 minute.)

Mr. PENCE. Mr. Speaker, yesterday the President of the United States outlined the principles for the reauthorization of welfare in America.

Many years ago, Ronald Reagan spoke of the purpose of welfare, saying, it is not simply to provide for the needy but more than that, to salvage these, our fellow citizens, to make them self-sustaining and as quickly as possible independent of welfare.

□ 1045

I rise today, Mr. Speaker, to extol my colleagues on both sides of the aisle and the previous administration for enacting the welfare reform laws of 1996. They have been an unqualified success. Half of all welfare recipients got real jobs since that day and age.

Welfare reform has lifted 2.3 million children out of poverty; and, since 1996, we have actually reversed a decades-old explosion of out-of-wedlock births, recognizing that a marriage is the best environment for escaping poverty and building strong and healthy and well-balanced children.

Let us stay the course. Let us keep the purpose of welfare, so adequately described by President Reagan, and measure welfare success not by how many people arrive on welfare but by how many people leave it.

VETERANS COPAY FOR PRESCRIPTIONS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, we oftentimes speak glowingly in here of our respect for our military personnel and of our appreciation for what our veterans have done for us, but oftentimes our words are inconsistent with our behavior.

Many in this Chamber do not realize that just a few weeks ago we increased the copayment for prescription drugs that veterans must pay for these needed medications from $2 to $7 a prescription. Many veterans receive over 10 prescriptions a month. Ten times $7 is $70 a month. Many get a 3-month supply at one time. That is a cost of $210.

I have introduced H.R. 2820, which will return the copay from $7 back to $2 and will freeze it at that level for 5 years. This is the least we can do for those who have served our country so nobly.

MARRIAGE: A WOMAN'S SAFETY ISSUE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, preserving and strengthening marriage in America is not just a values issue, it is a safety issue, especially for women. According to Federal statistics, women are much more likely to be victims of domestic abuse if they are not married.

In fact, domestic partner or spouse abuse against women is almost three times as high among cohabiting couples as it is among all married, divorced, and separated couples combined. If we simply compare married couples to couples who just live together, violence against women is five times as high for those who are not married.

Clearly, women are safest when they are living in healthy, committed marriages. To most Americans, this sounds like common sense, but for the most at-risk women in America, I mean poor women, our welfare laws create a strong disincentive against marriage. Mr. Speaker, that needs to change.

I hope that when we reauthorize our welfare laws later this year that we will address this. America's families and America's women deserve no less.

CONGRESS SHOULD NOT ENDORSE DECEPTIVE SENIOR GROUPS

(Mr. KLECZKA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLECZKA. Mr. Speaker, today I am introducing a bill in response to the deceptive tactics of a group that preys on our senior citizens. The Retired Enlisted Association's Senior Citizen League, or TREA, as it is called, has repeatedly targeted seniors with deceptive "Notch" mailings in an attempt to extort millions of dollars from these seniors.

This is a scam. TREA is telling seniors that they are working to correct a problem that does not exist in an attempt to bilk the elderly out of their hard-earned money. From 1997 to 2000, this group raked in over $46 million.

Because of these tactics, today I am introducing the Senior Protection Act, which would revoke TREA's Federal charter, a distinction given to groups with a patriotic, charitable, or educational mandate. Their deceptive tactics reflect none of these characteristics.

Congress can no longer turn a blind eye to TREA's fund-raising schemes which exploit our seniors. Mr. Speaker, I would ask my colleagues to join me and cosponsor this necessary legislation.

IMPORTANCE OF MARRIAGE

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to affirm the importance of strong marriages in America. A strong marriage is the foundation for a strong family. Strong families, in turn, are fundamental to the pursuit of stronger communities and a stronger Nation.

There are numerous studies and statistics that document how critical it is for children to have a mother and a father dedicated to each other. If we genuinely desire to do what is right for our children, we must work to ensure that every child has the guidance that a strong marriage provides.

As convincing as the statistics are, I know these principles to be true based upon my own experience. My wife Anne and I have been married for 33 wonderful years. Our four children are living examples of what a strong marriage can provide. While we are far from perfect, I have seen firsthand the incredible results of a strong marriage.

We must continue to support measures that encourage and strengthen this sacred institution.

TRIBUTE TO JOHN STEINBECK

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, today I rise to address the House regarding the centennial of the birth of one of our greatest American writers, John Steinbeck.

John Steinbeck brought honor to the United States as a distinguished writer and endured criticism and suspicion for his progressive ideas and the themes of his novels, short stories, and essays. His work reflects deeply the compassionate view of America and Americans.

John Steinbeck promoted a greater understanding of the lives of people who experienced difficult economic times, war, the fulfillment of scientific study, the value of hard labor, the difficulties and joys of the bonds within families and between friends.

People from around the world are attracted to the central coast of California to visit the rich fields of the Salinas Valley and the bountiful Monterey Bay described in Steinbeck's books.

I believe the life and work of John Steinbeck deserves congressional recognition. I encourage my colleagues to support the bill I am introducing today to offer our appreciation and deep respect for the writings of a great American, John Steinbeck.

OFFER OF PRAYERS FOR MARTIN AND GRACIA BURNHAM AND OUR MILITARY PERSONNEL WHO ARE CASUALTIES IN GLOBAL WAR ON TERRORISM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 277th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Last Thursday, 10 American servicemen lost their lives in a helicopter crash while conducting a bilateral training exercise with the Philippine Defense Forces.

From the Army's E company, 160th Special Operations Aviation Regiment, Airborne, we mourn Major Curtis D. Feistner, Captain Bartt D. Owens, Chief Warrant Officer 2 Jody L. Egnor, Staff Sergeant James P. Dorrity, Staff Sergeant Kerry W. Frith, Staff Sergeant Bruce A. Rushforth, Jr., Sergeant Jeremy D. Foshee, Specialist Thomas F. Allison.

From the 320th Special Tactics Squadron, we mourn Master Sergeant William L. McDaniel, II and Staff Sergeant Juan M. Ridout.

I am extremely grateful for their service to our Nation. I send heartfelt prayers to their families, friends, and fellow soldiers for their loss. Their honor, courage, selflessness, and patriotism cannot be overstated.

These fine men were casualties in our global war on terrorism. The U.S. military's presence in the Philippines is assisting the Philippine government in their own national war on terrorism with the Abu Sayyaf. It is hoped that the Army's presence there may additionally help in the freedom of Martin and Gracia Burnham from their nightmare.

I ask my colleagues to join me in praying for these men and their families. Let us continue to make our Nation a shining beacon of freedom so their deaths were not in vain. Also, let us pray for Martin and Gracia, that they are safely released, so the Burnham family does not suffer the same heartache as these servicemen's families.

TRIBUTE TO DEREK PARRA

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, I rise today to pay tribute to one of America's Olympic heroes, skater Derek Parra.

Derek is from my district. He went to school with my son, Joe Baca, Jr., and I attended church with Derek's father, Gilbert Parra, at Saint Catherine's in Rialto. His dad and I play golf together, and we used to play softball on the same team.

Derek unexpectedly broke the world record in the 5,000 meter speed skating race and won the silver medal. Derek later broke another world record in the 1,500 meter speed skating race. This record held, and Derek won the gold medal.

Derek's road to the Olympics has not been easy. He and his wife Tiffany have struggled to make ends meet raising their baby girl, Mia Elizabeth, while Derek trained for the Olympics.

As the first Mexican-American ever to win a medal in the winter Olympics, Derek expanded the dreams of millions of children. In a world that often tells our children, "no, you can't," Derek Parra has shown that "si, se puede," yes, you can compete. Through faith, determination, and hard work, Derek broke down barriers to become a beacon of hope for our children and children everywhere. Derek is truly a role model for others to follow.

Derek made history and opened the world of possibility for Hispanic Americans. His dream said, "dream big and don't be afraid." We are proud of you, Derek. You are our hero. God bless you.

IMPORTANCE OF MARRIAGE INITIATIVES IN WELFARE REFORM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, between 1970 and the year 2000, the number of children living in a single-parent home has jumped from 8.2 million to 19.2 million. That is almost a 150 percent increase.

The effect of that change had a devastating consequence. Children living with a single mother are six times more likely to live in poverty than children living in a complete family. The median income of a single mother with kids is about $21,000. For a married couple with kids, it is about $63,000. Almost a third of single-parent families with kids live in poverty. Only 6 percent of families headed by married couples live in poverty.

Mr. Speaker, it does not take a nuclear scientist to figure out that marriage is good for kids. But that is saying the cup is half full when it is really half empty. It is clear not being married is devastating to our children.

Our welfare laws still penalize poor couples from getting married. Congress needs to change this and change it for good.

FULFILL COMMITMENT MADE TO FUND UNPFA

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, last year Congress and the President agreed to fund UNPFA, the United Nations Population Fund, at $34 million. Now the administration has said they will not spend the funds appropriated by Congress in accordance with the bipartisan deal that was made. They say that UNPFA performs abortions and points to their work in China.

What opponents do not say is that UNPFA does not perform abortions, not in China, not in Africa, and not in Latin America. They never have, and they never will.

My colleagues know U.S. law prevents them from doing so. Secretary Colin Powell and U.N. Ambassador John Negroponte know this as well.

President Bush knows this. That is why in his first budget in Congress he asked for $25 million and most recently, last fall, approved US money for UNPFA for Afghan refugee women's health care.

Our country disagrees with the family planning policies of the Chinese Government. We all want change, and change will come through groups like UNPFA and USAID, who work to encourage voluntary family planning to control a surging population.

But let us not tie up $34 million in funding that will save women's lives and children's lives around the world, to prevent the spread of HIV and AIDS and to improve child health survival.

President Bush said that we fight the Taliban to give hope to women in Afghanistan. Let us fulfill the commitment of Congress to give hope to all women around the world.

IM MEMORY OF DANIEL PEARL

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, I rise today in great sorrow and with much horror about the vicious killing of Wall Street Journal reporter, Daniel Pearl, in Pakistan.

A gentleman and a premier journalist, he enriched the lives of many, including people in my own hometown of Indianapolis during the summer of 1985, where he worked as an intern for the Indianapolis Star.

It was in Indianapolis that Mr. Pearl launched his career in journalism and discovered his passion for reporting. As a reporter, he always knew his job could sometimes put his life in jeopardy, but as the Indianapolis Star wrote so eloquently, David's death in the line of duty brings home the lesson taught by the Ernie Pyles of our history, that journalism, when taken to the heart of human conflict, can be the most honorable of vocations and among the most dangerous.

The pain of his untimely death transcends our borders. He will be missed by caring people universally. My heartfelt sorrow and prayers go to his child yet to be born, his wife, his family and his friends, and certainly all of us who knew him.

□ 1100

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 350 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 350

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary now printed in the bill, the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee on the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules. Each further amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such further amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 350 is a structured rule providing for the consideration of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001.

H. Res. 350 provides for 1 hour and 20 minutes of general debate, with 1 hour of that time equally divided and controlled by the chairman and ranking minority member of the Committee on Energy and Commerce, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

H. Res. 350 waives all points of order against consideration of the bill. It provides that the amendment in the nature of a substitute printed in part A of the report of the Committee on Rules accompanying the resolution shall be considered as adopted in the House and in the Committee of the Whole.

H. Res. 350 provides that the bill, as amended, shall be considered as the original bill for the purpose of further amendment and shall be considered as read. It also provides that no further amendment to the bill, as amended, shall be in order except those amendments printed in part B of the report of the Committee on Rules.

H. Res. 350 provides that the amendments printed in part B of the report may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division in the House or in the Committee of the Whole.

H. Res. 350 waives all points of order against amendments printed in part B of the report and provides one motion to recommit, with or without instructions.

Mr. Speaker, I urge the House to approve this resolution so that we can move on to a vigorous debate on the underlying bill, the Tauzin-Dingell broadband measure.

When the House of Representatives was writing the 1996 Telecommunications Act a number of years ago, I played a role in helping to restore a sense of balance to that bill with respect to its treatment of the various segments of the telecommunications industry as it moved from the Subcommittee on Telecommunications and the Internet to the full Committee on Commerce, to the floor, on to the other body, and eventually into public law. I did so because I believed key to enacting such a monumental, deregulatory telecommunications measure was to take a balanced approach.

I am somewhat dismayed with the current form of H.R. 1542, as I fear that it moves the telecommunications market away from the progress we have started to make under the 1996 act, and puts us instead on a road towards large, unregulated monopolies dominating the telecommunications industry.

This rule provides for two different amendments to section 4 of the bill, which has been at the center of the debate on this proposal from the beginning.

With respect to the upcoming debate regarding the Buyer-Towns and Cannon-Conyers amendments, I will support the Cannon-Conyers proposal, which seeks to address some of the telecommunications industry's concerns with the current version of the Tauzin-Dingell bill, and in doing so will bring some sense of balance, in my judgment, to this proposal. In closing, I am going to vote for this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to support this rule, and to support the underlying bill because it will help close the digital divide and increase people's access to high-speed Internet service.

I want to take a moment to put this issue in perspective. I may be dating myself a little, but the transition to broadband today reminds me of the transition to color television more than 40 years ago. When I was growing up in Fort Worth, just one family in my neighborhood had a color television. Everyone else had black and white sets. So when we wanted to watch football games in color, all of the neighborhood kids would pack into that one lucky family's house.

Mr. Speaker, that is the current situation with broadband. Today, many homes and businesses in communities across the country have no more access to high-speed Internet service than they did 3 years ago when this bipartisan bill was first being debated in Congress. So needless to say, I am very pleased that the House will finally vote on H.R. 1542, the Tauzin-Dingell broadband bill today.

Mr. Speaker, I support this legislation because it will expand access to high-speed Internet connections and increase competition for broadband services. Our current telecommunications law was passed only 5 years ago, but it is already outdated for the rapidly-evolving Internet markets.

Tauzin-Dingell will permit Bell operating companies to operate high-speed data networks, the backbone of the Internet, throughout the country. It will also require those companies to upgrade all of their systems, in every community, for high-speed Internet within 5 years.

Under current law, different rules for different broadband platforms have stifled innovation and saddled consumers with higher prices and fewer choices.

Companies that offer high-speed Internet access over cable lines or satellites are allowed to compete free from regulation. But local phone companies that provide DSL service, which also offer high-speed Internet, are regulated like an old-fashioned telephone service.

This disparity in regulation restricts access to high-speed Internet in many parts of the country. Presently, only a fraction of households have access to broadband services, and rural areas and inner cities are particularly underserved today. This bipartisan bill will help bring broadband to these underserved communities by utilizing phone lines that already run into nearly every home.

Mr. Speaker, current law also drives up the cost people pay for high-speed Internet. Right now 64 percent of those households that have high-speed Internet access use cable modem service. Tauzin-Dingell would provide these consumers with another alternative by lifting the regulations on the major providers of DSL service.

Let me give a couple of examples of how that affects families and small businesses. Many children use the Internet to do their homework, and if they cannot get high-speed service, kids have to spend the entire evening on the computer waiting for the information they need to complete their lessons.

Mr. Speaker, this bipartisan bill could also bring broader benefits to our economy. Unleashing competition in broadband service will lower prices for those using broadband services, and will bring high-speed Internet to consumers and small businesses without access today, allowing them to be more productive and more likely to invest in new equipment and technologies.

By passing the Tauzin-Dingell bill today, Mr. Speaker, we are bringing high-speed Internet a step closer to all of our constituents. The greatest benefit of the Internet is choice. Consumers today can get the news and information they want, when they want it. Tauzin-Dingell will help preserve the free and open nature of the Web by giving consumers greater access to broadband connections and more choices in high-speed Internet providers.

Mr. Speaker, some Members have reservations about the way the Conyers amendment is treated under the rule. They feel Conyers should be entitled to a straight up or down vote rather than being subjected to a substitute by Buyer and Towns. They will be given ample time during the debate on the rule to express their concerns.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana (Mr. TAUZIN), the sponsor of the Tauzin-Dingell bill.

Mr. TAUZIN. Mr. Speaker, I suppose everyone in America has heard the term Tauzin-Dingell to describe this bill, but I want to describe the full and complete name of the bill. The bill is correctly entitled the Internet Freedom and Broadband Deployment Act of 2001.

Mr. Speaker, why is that important? Because that is essentially what the bill does. It ensures that the Internet remains free. Free of what? Free of government regulation both at the State and Federal level and makes sure that the Internet in fact is as free as Americans and people around the world hoped it would be.

Secondly, it is about broadband deployment, and I want to associate myself with the fine description of the gentleman from Texas of how this bill delivers access to citizens in the poorest parts of America who will wait forever for broadband services unless we turn lose the creativity of these companies.

Let me try to put it in lay terms as I would explain to my buddies at a hunting camp in Louisiana what broadband really is. The gentleman from Texas (Mr. FROST) said it right. Broadband is a system that delivers the Internet. It is about the Internet. It is not about the old world of telephone compensation where the government separates so Americans have to pay more every time you make a distant call.

Mr. Speaker, it is about the Internet where distance is irrelevant, where Americans can share data and information with anyone in the world. It is about a distant irrelevant, incredibly important new communication system for our country and the world. And broadband is not the Internet our daddies drove. It is the new Internet. It is not the Internet where we had to dial up and wait patiently to get some information. It is a new, high-speed, hot, ready to go, rich-with-information system that is going to make the Internet the engine that is going to drive the American economy into the future.

This bill is about jobs. It is about creating 1.2 million new jobs to replace the 300,000 jobs lost in the telecommunications industry. It is the biggest consumer bill we will see this Congress because it gives consumers across America, some of them the first chance to get broadband, where we are only 10 percent connected in this country, and some of them a chance to get a competitive system so they can choose between broadband suppliers. Members know the difference there. Members know what happens with one store in town: there are high prices, bad products, bad service, and bad attitudes. When the second store comes to town, consumers get better prices, better service, better products and better attitudes.

Mr. Speaker, this bill is about bringing the second store to town, to make sure that the dominant cable broadband supplier has a real competitor at home so consumers can make a choice. It is about making sure that the Internet is free from the bureaucrats who might regulate it to death the way they almost did the telephone industry. This is a bill about protecting the Internet and its freedom, developing its capabilities for our country, and creating new jobs. I commend the Committee on Rules for finally bring it to the floor for a vote.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this bill for the reasons that were just enunciated by the gentleman from Texas (Mr. FROST) and the gentleman from Louisiana (Mr. TAUZIN). At a time when our economy is suffering and thousands of people are out of work, this is just the kind of measure that will help spark the new economy and new growth.

□ 1115

Today, fewer than 8 percent of Americans have access to broadband. In my home State of Michigan, many small businesses are without the high-speed Internet service that they need. This bill will help them do their business more efficiently and will help them prosper.

I might say, also, that our State, the State of Michigan, ranks among the lowest for access to broadband in homes and schools. Outdated government regulations have prevented those in rural areas, and even in the metropolitan Detroit area, from receiving high-speed Internet service. Meanwhile, decreasing investment in the telecommunications industry has put over a quarter of a million people out of work. The telecom industry has suffered over 10 percent of the layoffs that the Nation has experienced this past year.

Today we have an opportunity to reverse this downturn in our technological sector and provide hope for thousands of workers who rely on its growth for a steady paycheck. By creating more vibrant competition between cable and telephone companies in the rollout of broadband, it is estimated that this bill could boost our economy by as much as $500 billion per year and create over 1 million jobs in the technology sector. Accelerating broadband deployment in Michigan could boost our State's economy by over hundreds of billions of dollars over the next 10 years and almost 500,000 jobs.

I like those numbers. Those numbers mean good jobs and creating and diversifying the economy in the State of Michigan.

I want to vote for a bill that will provide jobs for working people. The Communications Workers of America have highly endorsed this bill, as have the AFL-CIO, because they know these are good jobs and many of them are good union jobs. I want to give more families the economic security that they need, and I want to take action to boost our economic growth to ensure a better future for the people of Michigan.

I urge my colleagues, vote for this rule, vote for this bill, give our economy the jump start that it has needed and put our workers back to work.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I have to reluctantly rise in opposition to this rule presented by my leadership.

Chairman TAUZIN and I have a legitimate difference on policy grounds as to what the effect of this bill will be. We have had it for a long time, and I respect his views. He has been straight with me about what those views are, and we have been unable to bridge that policy gap. We differ on whether this bill will create jobs, whether it will bring competition, whether it will be good for rural areas; and this bill is strongly opposed by 90 percent of the public utility commissioners, by the rural utilities, by the long distance companies, by the competitive carriers and by the rural telephone companies.

There is a very important difference of opinion. Those organizations and the people I represent deserve a vote, a straight up or down vote, on the important public policy matters before us. I do not believe that this rule gives it to them.

The rule is very clever, but it is not fair. It is not fair to submerge a very important policy issue in a nest of amendments to amendments. That is not right. I do not believe this bill will bring competition. I do not believe it will build rural jobs. I do not believe it will give more choice to the people that I represent.

I had offered in the committee an amendment that I think would make this bill supportable, but that amendment is not going to be heard on its merits in an up or down vote, and it deserves that. For that reason, I will oppose my leadership and I will vote against this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. SLAUGHTER).

Ms. SLAUGHTER. I thank the gentleman for yielding me this time.

Mr. Speaker, I oppose this rule. I also have very strong concerns about the underlying bill because this body is once again beating the drum to remove what nominal protection our constituents might have in the face of powerful monopolies. I do not know about your region of the country, but where I am from, every time Congress dismantles a regulatory scheme and hands it over to the private monopolies, my constituents take it on the chin. Airfares, cable rates, utilities, you name it, all have skyrocketed in recent years after Congress or legislatures decided that unregulated monopolies, rather than ratepayers, know best.

This bill poses a real threat to what meager competition we have been able to squeeze out of the Telecommunications Act of 1996. As my colleagues know, that act opened, or was supposed to, local markets to competition by requiring the four monopolistic, multibillion-dollar Bell operating companies to lease elements of their local telecommunications network to competitors on a cost-plus-profit basis. Competitors simply would not have had the ability to compete against the Bells' sheer financial power without that, but it never happened. Their infrastructure continues to dominate telecommunications today. I have no doubt that passage of this legislation could put over a hundred small companies out of business.

Yesterday, I met with employees of PaeTec Communications in my district of Rochester, New York. The energy, the creativity and, most importantly, the competition that these smaller companies provide are all that stand between our constituents and the unregulated monopolies. Tauzin-Dingell would be a lethal blow to scores of these small telecommunications companies who are still scratching to make inroads into the markets.

Of major concern to me, moreover, is Congress' willingness to undercut government bodies from doing their job to protect consumers. Take a look at section 4(a) of the bill. It says, "Neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high-speed data service, Internet access service."

So no one, not you, not me, not local ratepayers, not State legislatures, not Governors, not the FCC, not the DOJ, has any authority to step in and prevent abuses.

My colleagues, this is an extraordinary hand-off of power and should give us long pause.

I hope that this rule will go down and, should it pass, please vote "no" on the underlying bill.

Mr. LINDER. Mr. Speaker, I yield 3 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise for the first time in my life in opposition to a Republican rule.

Mr. Speaker, I am pretty sure that it was one of the name sponsors of the bill before us, and the Dean of the House, who once said words to the effect of, "If you control the substance but I control the process, I'll beat you every time." If I am not quoting or attributing it correctly, I apologize, but whoever said that, that is what is being borne out today.

The rule before us has one simple purpose. It is designed to prevent a vote on any amendment not supported by the Bell monopolies. Granted, if one looks at the amendment list, they will see an amendment from me and the gentleman from Michigan (Mr. CONYERS), but another hostile amendment is made in order as a second-degree amendment in an attempt to prevent a vote on ours. An elegant gag rule is still a gag rule, and that is exactly what this is.

In a way, this rule is sort of a microcosm for the larger debate at hand. The Tauzin-Dingell bill and especially the Buyer-Towns amendment are designed to appear to give competitors fair access to monopoly facilities. It is only upon closer examination that one realizes that they are designed to shut competitors out. Similarly, this rule is designed to appear to give pro-competition Members a chance to offer an amendment, when in truth it does just the opposite.

Supporters of this rule argue that it is necessary to do this to avoid a situation where two contradictory amendments to section 4 of the bill are adopted. This is simply not true. The two amendments speak to different issues in section 4 and would be complementary if adopted.

So why is such a tortured rule necessary? The sponsors of this bill know that the vast majority of Members of this body are uncomfortable with the Tauzin-Dingell bill. Few Members understand it completely, but they have a sense that they may be giving away the store to the Bell monopolies. Given a chance, most Members would probably support some effort to preserve the investments people have made in competitive networks to avoid a complete remonopolization of America's telecommunications system.

So, sensing concerns about the substance, the bill's supporters have decided to rig the process. They have come up with a fig leaf of an amendment that essentially restates Chairman Tauzin's position as of December, which in turn reflects a proposal put forward by a Verizon executive last fall. They stack that amendment on top of my amendment to prevent a vote and thus give Members no outlet for concerns about the monopoly effect of the underlying bill. This is a disservice to the legislative process, to the Members of this body, and ultimately to the consumers of telecommunications services, our constituents.

Those who support a fair and open discussion of the significant issues at hand should oppose this rule; and, should it pass, those who support a fair and open telecommunications marketplace should vote down Buyer-Towns and support Cannon-Conyers.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I rise in opposition to the rule for the reasons that my colleague, the gentleman from Utah (Mr. CANNON), has outlined, that if Buyer comes up first and prevails, Conyers-Cannon never sees the light of day. So that is why a lot of people are joining in a bipartisan way to vote down the rule, because we want to just get the vote out. That is all we are asking for is a vote.

So the Bells, I will not say the Bells wired the Committee on Rules, because they do not do such a good job anyway, but this is not the way to proceed.

There are a number of myths going on here. Number one, that there are between 1.3 million new jobs to be created under Tauzin-Dingell or 1.5 million as another leader states. New jobs, 1.5 million new jobs. By eliminating the CLECs, you will now get new jobs created. Not true. Not only will there be zero jobs created, we will lose jobs.

Number two, the Tauzin-Dingell bill will speed up rural deployment of the high-speed Internet. Great. Except the experts say no, just the opposite.

Number three, and I only wish my dear colleague and friend, the gentleman from Michigan (Mr. BONIOR), were here on the floor, but I am going to do this, anyway. Ask anybody in Detroit how great Ameritech's service is, and they will tell you, nine out of ten, that they keep raising the rates, the service is lousy, the CWA workers are picketing as I speak. It is all over television and the newspapers, I say to the gentleman from Michigan (Mr. UPTON). The relations are horrible. And now people are telling us about how we love the Bells in Detroit. Wrong, big-time, very much in error.

So, ladies and gentlemen, we are dealing with a bill that barely passed the Committee on Energy and Commerce, was voted out negatively in the Committee on the Judiciary. Now we ask for a simple vote on an amendment, and the Committee on Rules gives us, yes, if you can defeat another amendment before that, and if you do not, Conyers-Cannon, you do not even bring yours up, and they walk around saying, "We got you an amendment in the Committee on Rules report." Thanks, Rules Committee, for all you have done to help further fair debate here.

So here we are dealing with the Bells, who want to repeal the 1996 portion, the most important part of the act. I hope that we will vote the rule down and vote the Conyers amendment up and, if necessary, the whole bill down.

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. UPTON), a member of the committee.

Mr. UPTON. I thank the gentleman from Georgia for yielding me this time.

Mr. Speaker, I would just remind my friend from Michigan that the CWA is in support of the legislation and I suspect the rule as well. I think that this is a fair rule.

I want to just go back in history for a moment and talk a little bit about this issue. This issue in the previous Congress I think had more than half the Congress as a cosponsor of the legislation; and, in fact, it is an improved bill from where we were a couple of years ago.

Let me also remind those folks in the Chamber and that are listening today as well that back in 1996 we lifted the regulations on cable; and, when that happened, the cable industry invested across the country some $50 billion to improve their systems, whether they be in Michigan or anyplace else in the country. The American public is pleased that that has happened in terms of the number of channels that are available, a whole host of things, as we look at what has happened with broadband, what is also called high-speed Internet access, that is available now.

This is a good rule. I commend the Committee on Rules. I also commend the Committee on Rules for making my amendment in order which says that the FCC, which complained bitterly over the last number of years that the fines were not high enough as they tried to impose some of the rules and regulations that were out there, that we wanted to do more than just a cost-of-business operation, and by allowing the Upton amendment as part of this legislation, I suspect that it will pass with a very strong margin, if not unanimous. We, in fact, strengthen this legislation; and I think that that is very important.

□ 1130

But as we look at the line-sharing amendment, the biggest amendments I would suspect that will be on the House floor this afternoon offered by the gentleman from Indiana (Mr. BUYER), this is an important improvement to the bill, because it in fact does allow the CLECs to have access to the ability to bring high-speed Internet access to the last mile in a much better fashion in fact than came out of committee; and I think it is an improvement to the bill, and I welcome the series of amendments that the Committee on Rules provided, and I thank them for their leadership and guidance as we see this legislation move to the floor.

The vote on the rule is important. It provides us legislation to get to the floor, obviously; and we then debate the amendments in the order prescribed. I urge my colleagues to support not only the rule, but the Buyer amendment, the Upton amendment, and, obviously, final passage when we get there later this afternoon.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, what I would like everyone to do is to think of the rule which we are debating as a metaphor, a metaphor for the way that the Bell companies view all competitors and competitors' ability to be able to reach the consumer.

The Committee on Rules has structured a rule that allows for all the votes the Bell companies want on their amendments, but it is going to wall out all the competitors, all the consumer groups, all the public utility commissioners from having a straight up or down vote on what they think is the important formula that would be put in place in order to protect consumers and competitors in the country.

A metaphor, because that is exactly what the substance of their bill does. It wants to wall out the competitors, wall out their ability to be able to reach consumers, wall out this pressure, this paranoia, that was induced in the Bells finally that they had to start moving on this new technology because they had other people out there. That is where this whole revolution came from, from the paranoia in the four companies.

So you have four companies, and, by the way, all of us only have one of them in our district, one, and then you have hundreds of other companies, Internet service providers, competitive local exchange companies, all out there. We call it the NASDAQ, if you are wondering why you never heard of it before 1997. It is all these companies that got created because of the 1996 Telecommunications Act.

So, this is a terrible rule. It does not allow anybody who is on the other side of the issue to get a straight up or down vote for consumers and for competitors. It is deliberately structured that way. It is a metaphor for how the monopoly sees all this issue. Not only do they have every American home wired, they have got the Committee on Rules wired. They are going to wall everybody else out. You cannot get in. And then there is this kind of pretend, oh, we will be fair, though. We will be fair. Where is the evidence we are not fair?

Well, of course, all the competitors are going to be posthumously vindicated, maybe someday in a court suit that is finally rendered, 5 years from now in bankruptcy court they will win something, but they will be out of existence, which is the dream of the Bells.

Now, I love these people that work for the Bells, they are good people, but that is an old way of looking at the world. They should be able to compete. They should be glad their competitors are there, because they have been forced to deploy tens of billions of dollars of new DSL technology.

Vote "no" on this rule. It will only take an hour to send it back up to the Committee on Rules, 1 hour. Then they will put our amendment in place so that all the competitors and consumers have a shot at it. One hour is all this it is going to take, and make it fair.

Everyone here has listened to Dingell-Tauzin, Dingell-Tauzin, for a year and a half; and the day of reckoning arrives, and the Bells do not want us to vote on the other side of the issue. So everyone here has already taken all the contributions from everybody on both sides. Now it is time to learn what the issue is, and the Committee on Rules has made it impossible to have a real debate.

Vote "no" on this very unfair rule.

Mr. LINDER. Mr. Speaker, at this time I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan (Ms. RIVERS).

Ms. RIVERS. Mr. Speaker, I rise in opposition to this rule and to this bill.

In 1996, the big phone companies came to Congress and they asked to be deregulated. They promised that if we did so, they would provide better service and more competition. My constituents know that what has happened to telecom services since 1996 has not been good. We are not better off. We cannot read our phone bill, cable rates have skyrocketed, and neither Congress nor the administration seems to care.

Phone service is not better than it was in 1996. Michigan residents experienced a nightmare of waiting 30 to 45 days or more for service, and it took action by our State legislature to remedy that problem.

Competition is not better than it was in 1996. The big companies do not let competitors in. They would rather pay the fines. It is just a cost of doing business for them.

Now the phone companies come to Congress and say that if we will relieve them of their responsibilities under the 1996 act, they will improve Internet service and increase competition. In fact, passage of this bill will push other providers out of business, reducing choices and raising costs for the consumer.

This is not about what is good for the consumer; it is about what is good for big phone companies. The Baby Bells have broken their promise to comply with the 1996 law. That act was a compromise. It offered all parties opportunities and obligations. The big phone companies want the opportunities, but they want to be able to avoid their obligations.

The Federal Communications Commission has tried to make the big phone companies comply with the law. The Michigan Public Service Commission has tried to make the big phone companies comply with the law. No one has been able to make the big phone companies comply with the law. And now these same companies want a chance to do to the Internet what they have done to phone service. They say that if they get this new law, things will be better for Internet users. I do not think so.

I think H.R. 1542 is bad for consumers, bad for Internet service, bad for competition, and newspapers have editorialized against it all over the country. This bill is bad for my constituents. This is a bad rule to protect a terrible bill. Vote "no."

Mr. LINDER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. DAVIS), a member of our leadership.

Mr. TOM DAVIS of Virginia. Mr. Speaker, despite my deep respect for the chairman of the Committee on Energy and Commerce, I have to rise today to voice my continued opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act, and my opposition to allow efforts such as the amendment offered by my good friend, the gentleman from Indiana (Mr. BUYER), which claimed to resolve the concerns put forward over the past year by myself and other Members regarding the anticompetitive impact of the legislation. Both H.R. 1542 and the Buyer-Towns amendment kill competition, plain and simple. A vote for either of them is a vote against the competitive environment that we set out to create when we passed the Telecommunications Act in 1996.

Litigation brought competition to the long distance market, and similarly the 1996 act marked our recognition that innovation stimulated by competition was critical to bringing advanced technologies and services to the local market and, therefore, to consumers. Remember that DSL broadband technology has been available to Bell companies since the mid-1980s. It is only with the passage of the 1996 act and the resulting threat of competition that we actually saw DSL being deployed.

The act prescribed this recipe for local telecom competition through a carefully crafted dynamic that gives competitors access to the local network, an infrastructure built by nearly a century of guaranteed monopolistic profits; and in return the act deregulated the regional Bell companies by allowing them to compete in the long distance market from which they had been barred under the 1984 antitrust settlement with AT&T.

The strategy was simple and should remain so: offer the Bell companies an incentive to open their local monopolies so that conditions for market competition in the local loop will flourish and prices will drop. That incentive is deregulation. At this time, the incumbent carriers possess monopolistic control over 90 percent of their markets nationwide. Clearly, competition in the local markets targeted by the 1996 act has not yet arrived.

Unfortunately, H.R. 1542 and the Buyer-Towns amendment each accomplish the same objective. They irrevocably defeat the purpose of the 1996 act by destroying the efforts made since then to bring competition to the local telecommunications market. With little competition in the space that brings wire digital services into homes and businesses, there will be no competitors or forced markets to push the widespread and competitive provision of broadband markets.

I urge my colleagues to vote to retain competition, ensure that competitors have a chance to compete under the same rules that have promoted competition for the last 6 years.

Let us be clear: the Buyer-Towns amendment destroys that framework. The Cannon-Conyers amendment, on the other hand, keeps that competition alive. Vote "no" on Buyer-Towns, and "yes" on the Cannon-Conyers amendment.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from Texas, and the dean of our delegation, for allowing me time to speak on the rule.

I rise in strong support of the rule and H.R. 1542, the Tauzin-Dingell bill. I support the rule even though my colleague and I, the gentleman from New Jersey (Mr. MENENDEZ), were denied an amendment that we had on the bill that would have provided additional reporting requirements, because one of the concerns we have is that there are people in this business who want to cherry pick and not serve the underserved areas like I represent and the gentleman from New Jersey (Mr. MENENDEZ) represents. I understand the rules process, and my amendment was not made in order; but I still strongly support the rule and the bill.

I have been to the work sites and seen the competition that is there now, and I also see the rules that our local phone companies have that they cannot compete with. America needs more competition in the broadband marketplace to challenge the dominant cable companies.

H.R. 1542 provides this regulatory relief. It allows for our local phone companies to increase the investment and also to make it more affordable for our own constituents to be able to get this service. This bill will speed the broadband deployment in traditionally underserved areas similar to the area I am honored to represent. That is why we need to pass it today.

Mr. Speaker, in closing, I support the rule and the underlying bill, and I urge my colleagues to support both of them.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, the legislation that we are about to debate today has been a long time in coming. As I read my letters of support and opposition, there are many people who, on both sides of the issue, ultimately hope that we will have a very positive compromise for what is a good premise in the Tauzin-Dingell bill, and that is for access to DSL for all Americans. I applaud that, and I applaud the framework that will help us reach that goal. Additionally, I might add that I am pleased to see the number of amendments that were made in order.

But I would raise a question of when we begin to talk about changing the face of America with respect to DSL, we should enhance the opportunity for discussion and debate, and we should always respond to the needs of competition.

My amendment that had to do with making sure a study would be rendered by the FCC should have been made in order to determine, Mr. Speaker, the fact of whether or not this language in this bill is working.

In addition, as I close, simply, Mr. Speaker, it would be important for us to have an assessment of whether or not urban and rural communities, inner-city communities, libraries, schools, African Americans and Hispanic-serving institutions were also being connected to the DSL.

I hope as we debate this on the floor of the House these issues will be addressed, and I hope ultimately we will have the answer of broader and expanded competition as we move this legislation forward.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Speaker, I stand here to support the rule. Obviously, I serve on the Committee on Commerce and the Subcommittee on Telecommunications. But I say to my colleagues, the gentleman from Louisiana (Mr. TAUZIN) has waited many, many months. This passed out of our subcommittee. It was controversial. There is one particular amendment that could have killed the bill. But it finally came out of our committee, and I think the time is now that we should bring it on the House floor and have a full debate.

If it turns out this bill is defeated, the gentleman from Louisiana (Mr. TAUZIN) will move on. But if the bill is passed, the Senate, under Mr. HOLLINGS, is going to have to look at this bill carefully. Right now he is not doing that. But we cannot have this debate in America if we do not pass the rule. So I urge my colleagues to pass the rule.

A lot of people have talked about the economy. This is a big-box economy. The NASDAQ has dropped dramatically, and part of it has been because the potential for broadband has not been met. If this in some small way moves the economy forward by giving high-speed Internet access service to Americans, then so be it. Right now cable has it. Perhaps we need competition for cable, and this would do it.

So the lack of availability of high-speed connection has, I think, in fact slowed the growth in this economy and shunted off development. We can see a lot of new things happen if we can get broadband jump started, and I think Tauzin-Dingell is moving in that direction. However, there are several amendments that are going to be proposed, one in particular, the Buyer-Towns amendment, which I think is a good compromise.

So I think we have an opportunity to amend this bill, and in the end I think my colleagues will realize it promotes competition, it promotes choice and innovation.

□ 1145

That is why I support the rule and I look forward to the debate.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL).

Mr. DINGELL. Mr. Speaker, anybody who has been in this place for more than 2 weeks and knows the phone number of the Parliamentarian could easily have found out that the rule before us is an eminently fair rule. Indeed, it is a conventional rule. It is one which allows the proponents of Cannon-Conyers to offer their amendment. It allows those who do not quite agree to it to offer a different amendment as a substitute. And under the normal Rules of the House of Representatives, I will tell my good friends and colleagues who are on the other side it then allows the first vote on the substitute so that the amendment offered by Cannon-Conyers, which, by the way, is very similar to one rejected by the Committee on the Judiciary, can then be first perfected.

To my good friends who support Cannon-Conyers, I will simply observe, if you win, you will get your vote; if the House wants you to have a chance to prevail, you will, and you will then have a chance to offer your amendment. You will, in any event, be able to offer your amendment and have it considered by the House and debated.

Mr. Speaker, this is the normal process under which the House considers legislation.

So I would urge my colleagues to recognize that this is a fair rule. It is a conventional, traditional rule, one of the kind which has always been offered and which is viewed in the 200 and more year history of this institution as a fair and proper way in which the business of the House of Representatives should be conducted.

Now a word about the legislation. The legislation is very simple. There has been a great deal of whining and complaining by a group of monopolists, would-be monopolists and parasites who do not want the legislation. The reason they do not want the legislation is it lets everybody compete in, guess what, Internet and broadband. It requires the broadband to be made available to the entire country within 5 years. The United States is now behind the whole world, the industrial world, in making broadband service available to our people. The investment in it is being strangled. This bill permits everybody to get in and to invest and compete.

The House, in 1996, made the judgment that we were going to encourage the widest use of telecommunications and access to the information super highway, the intellectual highway, by allowing the fullest possible competition. We do not affect local net and long-distance for voice competition. We affect here only the Internet. This is opposed, as we might expect, by AT&T, which just wants to continue its ancient and special privilege. But it is supported by the AFL–CIO, the CWA, and others who want to see to it that we get the service that we need for our people in this area.

Mr. LINDER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding me this time.

Reluctantly, I rise to oppose this rule. I am disappointed in it. This is a piece of legislation about which there is legitimate disagreement. Some believe it will enhance competition, and their belief is genuine and sincere, but others believe it will not. Many of us believe that it will indeed hamper competition and that we will have a further strengthening of the existing Bell monopolies. But that really is not the issue that is fundamental to the rule.

The issue that is fundamental to the rule and the reason I oppose it, and I urge my colleagues in the strongest possible terms to vote against this rule, is that it is fundamentally unfair. With this rule what happens, which is sad and which is unfair, is that we deny the opponents of this legislation a fair up-or-down vote.

Now, it is true that often legislation is brought to the floor and that those who want to improve it are allowed to offer a manager's amendment to improve it. But in this instance that is not what is happening. Instead, what is happening is that the improving amendment is being offered as a second-degree amendment. That is a perfectly good structure in one sense in that it will allow people to vote on that second degree amendment, but it is not the norm, and it is not what will allow people to have a chance to vote up or down on an amendment that would call for true competition in the form of line-sharing. It is sad to me, it is disappointing to me, that the opponents of this bill do not get a fair chance to voice their view.

Now, also under this rule I will note that at least two-thirds of the time is being given to advocates of the time, while it appears less than 10 minutes, maybe at best 10 minutes, will be given to those who oppose the bill. I believe that is another defect in this rule which we ought to be concerned about.

For those who are concerned about competition, for those who favor markets, for those who oppose monopolies, and for those who support fairness, I urge my colleagues, please follow this debate and please vote against the Buyer amendment. Though its authors believe it will allow competition, it will not, in fact, do so. Vote for the Cannon amendment, and vote "no" on this rule.

Mr. SENSENBRENNER. Mr. Speaker, I rise in strong support of this rule and appreciate the consideration the Rules Committee has given the Judiciary Committee. This Rule recognizes the Judiciary Committee's important and historic role with regard to telecommunications policy, particularly as it relates to issues involving competition, by providing 20 minutes of general debate equally divided between myself and the ranking member of the Judiciary Committee.

Upon adoption of this rule, two amendments negotiated between myself and Chairman TAUZIN will be incorporated into this legislation. These amendments, which will significantly improve the bill, are the result of spirited negotiations that the Speaker requested we undertake. Although the negotiations were at times difficult, both sides worked in good faith to reach a final compromise which helped pave the way for today's floor consideration.

The first amendment provides that, not less than 30 days before offering interLATA high speed data service or Internet backbone service in an in region State, a Bell operating company shall submit to the Attorney General a statement expressing the intention to commence providing such service, providing a description of the service to be offered, and identifying the geographic region in which the service will be offered. This statement shall not be made public except as may be relevant to any administrative or judicial proceeding.

This amendment is important because of the long and checkered antitrust history of the telecommunications market. H.R. 1542 would eliminate the need to go through a regulatory process in deploying broadband, as the RBOCs will continue to be required to do for telephone services, and this amendment mandates that the antitrust enforcers at the Department of Justice will get 30 days notice before such service is offered.

The second amendment provides that the savings clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean that the antitrust laws are not repealed by, not precluded by, not diminished by, and not incompatible with the Communications Act of 1934, this Act, or any law amended by either such Act. This amendment, a version of which was adopted by the Judiciary Committee, is a response to concerns raised about any conflicting, confusing, or contradictory language found in the Seventh Circuit Court of Appeals opinion in *Goldwasser* v. *Ameritech Corp.*, 222 F. 3d 390 (7th Cir. 2000). In *Goldwasser*, the Seventh Circuit Court of Appeals construed the savings clause found in section 601(b)(1) (47 U.S.C. §152 note) of the Telecommunications Act of 1996 (P.L. No. 104–104, 110 Stat. 56).

Mr. Speaker, many Members have labored on these issues and I appreciate their work, particularly the efforts of Chairman TAUZIN. I support the rule and yield back the balance of my time.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. LINDER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 282, nays 142, not voting 10, as follows:

[Roll No. 42]

YEAS—282

Ackerman
Aderholt
Akin
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Bentsen
Bereuter
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Cardin
Carson (IN)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLay
Diaz-Balart
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (FL)
Hastings (WA)
Hayworth
Herger
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Lampson
Langevin
Larsen (WA)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McHugh
McInnis
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Payne
Pence
Petri
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sandlin
Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spratt
Stearns
Stump
Sullivan
Sweeney
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (SC)
Wynn
Young (FL)

NAYS—142

Abercrombie
Allen
Andrews
Baird
Barrett
Bartlett
Becerra
Berkley
Berman
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Capps
Capuano
Carson (OK)
Clayton
Condit
Conyers
Costello
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Dicks
Dooley
Doyle
Edwards
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Frank
Gephardt
Goode
Harman
Hefley
Hill
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kilpatrick
Kucinich
LaFalce
Lantos
Larson (CT)
Leach
Lee
Lipinski
Lofgren
Lowey
Luther
Lynch
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McGovern
McIntyre
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Oberstar
Obey
Olver
Owens
Pallone
Pelosi
Peterson (MN)
Phelps
Pickering
Pitts
Pomeroy
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Sherman
Skelton
Slaughter
Snyder

Solis
Stark
Stenholm
Strickland
Stupak
Sununu
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wilson (NM)
Wolf
Woolsey
Wu

NOT VOTING—10

Baldacci
Cubin
Gilman
Hayes
Mollohan
Myrick
Paul
Peterson (PA)
Traficant
Young (AK)

□ 1215

Ms. CARSON of Indiana changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: Rollcall vote 41, on approving the Journal, I would have voted "yea." Rollcall vote 42, on providing consideration of H.R. 1542, I would have voted "yea."

□ 1215

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1542.

The Chair designates the gentleman from Texas (Mr. BONILLA) as chairman of the Committee of the Whole, and requests the gentleman from Illinois (Mr. LAHOOD) to assume the chair temporarily.

□ 1215

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes. The gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 10 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we begin debate on the Tauzin-Dingell bill, I think it is important to recognize that once the House gets through with its business today perhaps Americans can start enjoying Coca-Cola and Pepsi commercials again instead of these massive commercials advertising for or against Tauzin-Dingell. It is also important to say what Tauzin-Dingell is as opposed to what it is not.

What it is is an effort that my good friend, the gentleman from Michigan (Mr. DINGELL), the ranking minority member of the Committee on Energy and Commerce, the former chairman of the committee and I have worked on for years, a bill we filed in 1999 because we saw in advance of what has occurred the collapse of so much of the high tech industry if we did not free broadband from the grip of bureaucratic regulation and if we did not create an incentive for there to be real competition in the marketplace, so we filed the Internet Freedom and Broadband Deployment Act. That is the real title. Internet Freedom and Broadband Deployment, that is what it is all about.

Now, there are two worlds out there. There are two worlds out there in communications. There is the old world of communications, the old voice telephone world that is still heavily regulated by government at all levels, local, State and Federal levels. That is an old world that is regulated in price and terms and conditions in a way that separates the way we talk to one another on the basis of distance, long distance and local.

There is a new world, the future of communications that is characterized by the Internet which does not care how far we live from one another. It does not care how tightly we are packed into communities or how sparsely we live in rural communities of America. It is the Internet world. It is the satellite world. It is the world of cable-delivered systems where distance is irrelevant, where we pay a single rate and then we can communicate, and we are not caught in this old world recollection of distance. On the Internet it does not matter whether I live in Tokyo or Seattle or Jack Bay, Louisiana. I can communicate with anybody in the world.

But even the Internet is part of the old world now. Today we talk about a new world of Internet communications called broadband.

As I said earlier, when I tried to explain this to my buddies at the hunting camp, I like to use this analogy: When you think about the old Internet it is like going to the refrigerator to get a cold beer and finding out the refrigerator is turned off, and you have to turn it on, and you have to put your beer in and wait for it to get cold, and then sometime later you finally get it and enjoy it. That is the old Internet, the old dial-up service.

The new broadband Internet we are talking about has systems that are so fast, so rich, always on, always ready, it is like going to that refrigerator, and it is always on, and when you open the door you have the bierskeller in there. There are so many varieties of rich, wonderful choices for you.

In the real world we talk about choices on entertainment, information, education, and all sorts of things like long distance tele-medicine, all made possible when we finally connect America to the big broadband Internet systems that have been built in this system in this country but do not have on or off ramps for Americans to get on and off.

After all these years, only 10 percent of Americans are connected to these systems. These are the lowest denominator systems. If I am in high speed and you are at low speed and we are connected, I am at your speed. Until we get more Americans connected with broadband, until we get real competition in those systems, America is handicapped and the high tech economy is in neutral.

This bill is about jobs. It is about creating 1.2 million jobs by turning loose the investments in broadband deployment, by making sure that every company that can deliver a line to a house can offer broadband services.

It is about consumers. It is about ensuring that consumers who live in the country, consumers who live in the inner cities of this country who might wait forever for broadband services get it on a lot quicker. It says there must be deployment within the 5-year period to every part of this country, every community. It says we will have competition in that deployment.

I was on the floor of this House in 1992, a long time ago, to make sure that cable television had a real competitor. And this House joined with me and the Senate joined with me, and eventually we had to override a veto to make sure that satellite television had a chance to compete against cable television.

Today, we make the same fight for consumers. We make the same fight to make sure everybody has a chance to get broadband Internet services, and we want to make sure that they have competition and choice in that marketplace. That is what the Internet Freedom and Broadband Deployment Act is all about.

It is good for consumers. It is great for jobs. It is great for this economy. It sends the right message. It sends the Internet, high speed, rich, fast, fully deployed broadband Internet is going to be available to Americans without the heavy hand of government regulating it in terms, prices and conditions. It means that we will have choice and competition in that marketplace and that all Americans will enjoy the benefits instead of just a few of this amazing revolution in communication.

This is about the future. There are people who rise on the floor and will talk to you about the past and how we ought to employ all the rules and regulations of the past to this new communications structure. The gentleman from Michigan (Mr. DINGELL) and I will ask you to think about the future and how we can build a future where every American has access to these new systems and we can be rich in education and information and entertainment and commerce again. We can put America back to work and get this economy going and give Americans real choice in high speed broadband Internet services.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to yield 15 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY) for purposes of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), a principal cosponsor of this legislation.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I am the supporter of the Tauzin-Dingell measure, and I rise this morning to describe why its passage is in the public interest. I will take this time to make three points.

First, passage of this measure will stimulate the deployment of broadband services by telephone companies. The 1996 Telecommunications Act contains an unbundling requirement that enables competitors to lease at highly favorable rates only a portion of a telephone company's network and then to combine that leased element with the telephone company's own equipment in order to offer a complete service.

Now this provision is good policy if the goal is to promote competition in the offering of traditional voice telephone service, and I would note that many of the cities in the United States have as many as one-half of the lines serving businesses in the hands of the competitors to the local telephone companies. But the unbundling requirement is terrible policy if the goal is to encourage the telephone company to offer high speed Internet access service to a larger number of homes and businesses.

The rate at which the network must be leased to competitors is below the cost of building and maintaining the network in the first instance for the telephone company. The lines and the other equipment necessary to provide these high speed services are costly, and that cost cannot be recovered by the telephone company under the dramatically reduced rate that is available for the lease of these facilities.

Congress always intended this regulation to apply to local telephone service. It was not intended to be applied to high speed Internet access. But the Federal Communications Commission has applied it to these advanced telephone services nonetheless, and that is the problem that we are trying to resolve.

The result of this action by the FCC is that the deployment of DSL by telephone companies severely lags the deployment of cable modem service which is completely unregulated. Of the 20 percent of American Internet users who have high speed access two-thirds are using cable modem service, and the DSL service offered by telephone companies has less than one-third of the market.

The Tauzin-Dingell measure is needed to remove the unbundling requirement from advanced services to create a closer parity of regulation between DSL and cable and to encourage the broad deployment of DSL by telephone companies.

The second point I would make is that this is a jobs bill. The head of our Nation's leading technology companies have said that a revival of the technology sector of our economy hinges on one pivotal development, and that is the mass and rapid deployment of broadband services. The Tauzin-Dingell bill will lead to that deployment. It will result in hundreds of billions of dollars in business investment. It will create more than one million new jobs.

Third, all of our regulations now in place will remain for local telephone service. This bill does not affect traditional voice telephony.

□ 1230

Unbundled network elements, forward-looking cost pricing, and terms-of-service regulation will remain for local telephone service. That is totally unaffected by this bill.

The bill only affects the provision of high-speed Internet services. This market is competitive and telephone companies are the second entrants with only one-third of total customers. The dominant market participant, the cable industry, has no regulation and enjoys two-thirds of the share of this market.

This regulatory disparity is unfair. It poorly serves the public interest because it dampens the deployment of broadband services.

I urge support for the Tauzin-Dingell bill. That will create more even-handed regulation and lift the restraints of current law on broadband deployment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will support final passage of H.R. 1542, the Internet Freedom and Broadband Deployment Act. While I did not support this legislation in the Committee on the Judiciary, I am persuaded that sufficient changes will be made to the bill today that merits supporting the bill and moving the process forward.

I believe two changes negotiated between the gentleman from Louisiana (Mr. TAUZIN) and myself significantly improve the bill. There is general agreement that rapid deployment of broadband could dramatically improve communications, electronic commerce, and more easily deliver digital goods to consumers. However, there is disagreement over how broadband should be deployed. The Committee on the Judiciary had several days of hearings on these complex and difficult issues.

As the chairman of the Committee on the Judiciary, which has jurisdiction over unlawful restraints of trade, I am cognizant of antitrust problems which gave rise to our modern telecommunications policy. After the 1984 breakup of AT&T, competition in the long distance market flourished. As a result, rates decreased and service improved.

However, when local telephone competition failed to materialize, Congress in 1996 attempted to open up the local markets by offering the regional Bell operating companies, RBOCs for short, a basic trade. They were to open their local exchanges to competitors for interconnection; and in return, they were to be allowed entry into the long distance market.

Since 1996, there has been major consolidation in the industry as the RBOCs have merged with one another. Furthermore, the RBOCs have not had a stellar record regarding compliance with the 1996 act. Hence, the gentleman from Michigan (Mr. UPTON) and the gentleman from Texas (Mr. GREEN) will offer an amendment increasing penalties for violation of the Communications Act of 1934, which I urge the committee to adopt. Consolidation and a history of anticompetitive market restraints should give one pause.

Many would argue with considerable justification that there has been not enough progress in the local markets and that the RBOCs should not be rewarded by giving them the unregulated green light to the lucrative data market. On the other hand, we should continuously review public policy to determine whether regulatory regimes are meeting the public interests.

We must also remain vigilant to make sure that the RBOCs do not use their market dominance to undermine competition because competition is the only way to ensure the most efficient delivery of the highest-quality and lowest-price goods and services.

Notwithstanding the changes that will be made today, including two within the jurisdiction of the Committee on the Judiciary, incorporated into the bill by the rule, I remain concerned about competition in the broadband and telecommunications market as a whole and will continue to review these issues to search for ways to ensure that the benefits of competition, lower prices, more choices and better service, are available to the consumer.

No bill is perfect; and after much deliberation, debate, and consideration, I believe on the whole that final passage of this legislation should be supported. Many Members have labored on this legislation, and I want to specifically thank the members of the Committee on the Judiciary on both sides of the aisle for their hard work. The committee performed quickly and thoughtfully under unreasonably tight time constraints last June, and all Members should be proud of their accomplishments.

I would also like to thank the gentleman from Louisiana (Mr. TAUZIN) and his staff for working an agreement in the language contained in section 9 of the bill which preserves the powers of the Justice Department to review antitrust considerations.

Mr. Chairman, I reserve the balance of my time.

Mr. Chairman, I ask that the balance of my time be yielded to the gentleman from Utah (Mr. CANNON) and that he be allowed to yield such portions of that time to other Members as he desires.

The CHAIRMAN pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself 30 seconds.

I want to thank the gentleman from Wisconsin (Mr. SENSENBRENNER), the chairman of the Committee on the Judiciary, for the excellent work I think we put in together with our staffs to ensure, in fact, that the antitrust laws will fully apply to all operations of the Bell companies as they currently conduct their business and telephone service and in their new businesses in broadband. He and I are equally committed to watch carefully the performance of these companies and others to make sure that consumers have the benefits of competition and not the penalties of monopoly unregulated service.

We are going to work together, and I thank him again for working with our subcommittee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan (Mr. UPTON), the chairman of the Subcommittee on Telecommunications and the Internet.

Mr. UPTON. Mr. Chairman, I rise in strong support of H.R. 1542, and as chairman of the Subcommittee on Telecommunications and the Internet, I would say that today, in fact, is the defining moment in our Nation's telecommunications policy.

Yes, the issues are complex, but there certainly is much at stake. The choice in this debate could not be simpler or clearer. Today's regulation of broadband is based on yesterday's technology. So we can either seize the moment and move forward, or we can stay stuck in the outmoded regulatory rut and watch other countries take our jobs and industry away.

Recently, I had the opportunity to chat with the head of the Southwestern Michigan Realtors Association, and it was no surprise to learn that the number one question on the minds of prospective home buyers in Michigan these days is not about property taxes and local schools but, rather, whether there is broadband access available in the neighborhoods. These folks are willing to commute, in fact, more than 30 minutes, even across State lines, just to live in communities which have broadband.

Small businesses in the area are reporting similar competitive disadvantages as well. I compare broadband access to the interstate highway system which was built through southwest Michigan back in the late 1950s and 1960s; and as I crisscross my district, I can see the population and the economic growth which has occurred in these towns that have access to interstate highways.

Those communities which do not have access have remained in a virtual time capsule, great little towns, but they virtually stood still throughout the past number of decades. That is what I fear will happen if we do not move soon, as soon as possible in fact, to get these communities connected to the high-speed Internet access highway.

That is why we need to provide deregulatory parity for broadband, regardless of the platform by which it is delivered, whether it be telephone lines, cable, wireless, satellite; and by doing that we can undo the enormous regulatory shackles which stand in the way of telephone companies providing DSL.

Mr. MARKEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for his leadership and everyone that I have worked with on this issue for now, I think, at least 3 years.

I stand in opposition to the bill and have from the very beginning, and I would like to very quickly go through my top 10 reasons.

I think it is bad for the economy. Why? Because it is going to throw people out of work. The proponents say it is going to create jobs. In fact, it is going to shut down the CLECs in this country who are the children that were born out of the telecom act. So it is not going to do what the promise of the bill says. It is going to lose jobs, no net gains.

I think it is bad for consumers, and consumer organizations across the board oppose the bill. Why? Because it further enlarges the monopoly that the Bells are right now. If someone has a monopoly in their DNA, this is the bill for them.

It is bad for small business because I think the prices without the CLECs, without the CLECs who are competing right now, small business is going to end up paying more. That really is a tax on high-speed access for small businesses.

It is bad for broadband because it stifles innovation. When we think of innovation, and the district that I come from is all about that, we do not think of the local Bells as being the fathers or mothers of innovation.

It is bad for rural areas and the bill promises to get DSL to the rural areas. It does not, and it will not. The homes that are located 3 miles from a Bell central office would still be dependent upon other broadband providers.

It is bad for the States, and 31 State PUCs oppose it. Why? Because the bill takes away the ability from our constituents to protect consumers and oversee quality of service. In California alone the Bells have been fined $350 million for bad service. Under this bill they would not be able to do it.

Lastly, the e-rate. If my colleagues voted for the e-rate, it is in trouble. Our schools, our law libraries, it is bad law. The Bells do not need any legislation to offer high-speed Internet services.

I compliment the proponents of the bill for their advertising of it because they say it is jobs, it is the economy, it is competition, it is going to take high-speed Internet access to all communities right away. That is great advertising, but my colleagues have to read the print in the bill, and the Bells do not need this in order to bring the competition and the high-speed Internet access that it says only the Bell can do.

This enlarges a monopoly that will lumber on, and my colleagues and I are going to have to answer to our constituents on the accountability issue. No PUC, no FCC. I do not think that kind of deregulation in terms of accountability is where we should go.

I think to be about the future we have to get rid of the past. This reeks of the past and does not speak well to the future.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Michigan (Mr. DINGELL), the dean of the House, for yielding me the time.

Mr. Chairman, I rise in strong support of the Tauzin-Dingell bill. Mr. Chairman, to paraphrase Charles Dickens, this is a tale of two cities, the cable and telephone industry. Ten years ago, these two industries had little to do with each other; but today, they are, thanks to technology, they are providing the exact same product, high-speed Internet access.

One would think thus that when the government imposed regulations it would do so in the same manner, but that is the crux of this tale of two industries. One, the cable industry, provides these services unfettered by regulation, the way it should be, and I support this. The other, the telephone industry, is heavily regulated.

We have a responsibility to ensure fairness in our regulations. Luckily, there will be great benefits realized as a result of this legislation. It is estimated that $100 billion will be spent upgrading the telephone networks. There is an enormous amount of labor involved in this task; and as a result, the AFL-CIO and the Communication Workers of America have endorsed this legislation.

Small businesses will also benefit. The cost of a T-1 line can be as much as $1,500 per month. For a small business that is simply not an option, but a DSL line is about $50 per month. Certainly that is affordable for most small businesses, and that will allow them to finally join the e-commerce revolution.

There will also be enormous benefits to bridging the digital divide. Our modern society is dependent upon information. The Internet is the greatest source of information ever created.

Again, I urge a "yes" vote on this bill. It will bridge the digital divide and allow this kind of service to be for all Americans.

Mr. TAUZIN. Mr. Chairman, I am pleased and honored to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. SHIMKUS. Mr. Chairman, I want to thank the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for bringing up this legislation, this very important piece of legislation.

This is a good bill. We should not hold hostage data deployment to the voice fight, and that is what this is all about, long distance versus local; and that fight which should not be involved in this. This is an issue about data, and this is an issue about deploying data in rural America; and if we want to create jobs in deployment of data, not just in the data deployments but the small businesses in rural America that want to be able to market their goods in this world economy through broadband, this is how we do it.

Without this bill, we will not have broadband deployment in rural America, and we will not have the job-creation activity, and we will see the people continue to offer broadband in urban America and not in the places that we need job growth.

□ 1245

The other issue is that we have seen what has happened in the voices with the FEC and the lawsuits, the CARA lawsuits, the rulemaking, and that just stops the deployment of any type of service. And here people want to return to that. They want to bring more regulation into this new, exciting world of high-speed Internet services.

So I am just excited that we have now got this bill on the floor. I think it is going to help create new jobs in rural America. I want to thank the chairman and the ranking member for their foresight, and let us get this done.

Mr. MARKEY. Mr. Chairman, I yield myself 1 minute.

We have really changed our country, and the rest of the world has been following us over the last 20 years. We had one phone company. One. And they had 1.2 million employees. But we decided that it was stultifying innovation. Technology, prices, service, everything was tied to that one company. So our country broke up AT&T. Out of it came Sprint, MCI, Lucent, and dozens, scores of companies, because it created a competitive environment.

That is what the 1996 Telecommunications Act sought to do for the local market as well, to break it up; to say to the local bells, those four companies in the United States, each of us has one who is a monopoly in our hometown, "If you give up your local monopoly, we will let you into long distance with MCI, with Sprint, with AT&T. That was the deal.

This amendment today breaks that deal and sends the American public back to the past, where the choices would be limited rather than unlimited.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me this time and also for his leadership along with that of our committee chairman. I rise in strong support of this measure.

We often talk about American ingenuity, American innovation. Well, it is here. The only problem is it is handicapped, handicapped and handcuffed by outdated regulation that prevents the deployment of broadband, and deployment of broadband is clearly the wave of the future.

Small businesses in particular will need deployment of high-speed Internet service. They will need it for large bids. They will need it for large-volume orders. They will need it to put pictures up that people can get in a quick and rapid manner so that they can sell their products. That is why we need to deploy broadband now.

We also need more competition with the cable companies. Everyone talks about cable rates and talks about competition. Well, we can have competition if we pass this bill. Broadband will provide that competition.

Third, we talk about the digital divide, the fact that we have two communities, some that have it and others that do not. This committee did a good job on a bipartisan basis by guaranteeing a 5-year build-out to ensure that urban as well as rural communities, poor communities as well as wealthier communities would have access to broadband Internet under this bill. I think that is a tremendous idea, and I think it argues well for this bill.

We cannot afford to have businesses leave poor communities because they do not have broadband. We cannot afford to have students in poorer communities disadvantaged because they do not have broadband when their wealthier colleagues do.

This is a good and balanced bill, and I hope my colleagues will adopt it. I urge strong adoption of the broadband access bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), who is a member of our Subcommittee on Telecommunications, Trade, and Consumer Protection.

Mr. WHITFIELD. Mr. Chairman, I want to commend the chairman and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their leadership on this important issue.

I rise in strong support of H.R. 1542. This is a bill whose time has come. It provides for less Federal and State regulation of broadband services and Internet access service. It also removes the disparity that now exists between cable, modem service and DSL.

The bill also addresses the restrictions caused by the LATA lines drawn by Judge Greene in 1984. And I might add that was a long time before commercial Internet or retail broadband service was available.

Finally, this bill will help rural America, an area that I represent, because it will expedite broadband deployment in rural America. I think that will be a tremendous boost to help in economic development in rural America, which is vitally needed at this time.

Mr. Chairman, I urge passage of this legislation.

Mr. TAUZIN. Would the chairman announce how much time is available to all of us in the debate?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Louisiana (Mr. TAUZIN) has 17½ minutes remaining, the gentleman from Massachusetts (Mr. MARKEY) has 11 minutes remaining, the gentleman from Michigan (Mr. DINGELL) has 9 minutes remaining, and the gentleman from Utah (Mr. CANNON) has 6 minutes remaining.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, this is the most important telecommunications bill to come to the floor of this House not just in this Congress but in many, many years. If it passes and becomes law, it will determine the way the telecommunications industry develops in America for untold years to come. Yet we are provided with essentially 2 hours, or less than 2 hours to debate the bill in its essence on the floor here today. The opposition is given, what, 15 minutes to provide alternative points of view. This is scandalous.

The people are not being served here. There ought to be opportunities to debate this bill in its full content and in detail. Why is that? Because the bill, as it is currently written, makes some terrible mistakes.

The premise of the bill is that if monopoly situations are provided to monopolistic companies and get rid of all regulation at the Federal and State level that somehow we will have a fair and open process and a level playing field and that somehow consumers will get the benefit. History shows us different.

This bill will cause prices to rise, and it will ensure that vast areas of the country continue to not get service. Particularly rural areas like upstate New York will not get the service that they need.

The bill alleges to create jobs. Well, the CLECs in New York, for example, now employ about 100,000 people. Those jobs are in danger of being lost and almost certainly would be lost if this bill were to become law.

This bill is not in the interest of the general public, not in the interest of consumers. We could do a good bill; and if we were doing a good bill, we would do many things. For example, we would ensure that every school in every State across this country is hooked up to broadband services, and those services would be required to be provided by the companies that are given this moneymaking opportunity contained in this bill.

It is a big mistake. We could do an awful lot better.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to the distinguished gentleman from California (Mr. ISSA), a member of the Committee on the Judiciary.

Mr. ISSA. Mr. Chairman, I rise in the strongest possible support of this bill.

Coming out of the telecommunications industry, coming out of the high-tech industry and being a user of these products, I recognize full well how stalled broadband deployment is. There is no question on either side of this issue but that broadband deployment has fallen behind our competitors. We have fallen behind Korea. We have fallen behind nations that we never thought we would be second to in the role of high-speed Internet.

This bill seeks to and does in fact, as it is to be amended, allow for the best of both worlds. It allows for universal access both to the incumbent utilities and those who would like to become exchanges.

But it also says, wisely, that there has to be an opportunity for a return for those who will invest hundreds of billions of dollars. This bill does it and does it extremely well.

I believe if those on both sides of this issue recognize and think about the fact that this is not going to be an industry which is stalled and is suddenly going to restart itself, but that to restart it is going to take action from this body, then this bill, passed in the House and hopefully passed in the Senate, is going to lead to a restarting of broadband, which more than anything else I can name will restart the growth of America's economy, something that is sorely needed.

Mr. DINGELL. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Michigan has 9 minutes remaining.

Mr. DINGELL. Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, I thank the gentleman for yielding me this time and for his leadership and the leadership of the gentleman from Michigan (Mr. DINGELL) as well.

As a member of the House Committee on Armed Services, I frequently discuss the importance of redundancy in our information infrastructure. Redundancy is essential to a strong national defense. Because if our information only has one path to travel, times of emergency can make it difficult for information to travel at all.

Redundancy in our system is essential to ensuring confidence in our information infrastructure during times of emergency and to plan for information technology growth in the future. Tauzin-Dingell will use both the carrot and the stick in encouraging telephone companies to expand our high-speed data transmission infrastructure, thus making our country less vulnerable to a communications shutdown in times of emergency.

When there are two high-speed networks capable of handling the broadband needs of the country, both cable and telephone, one could be pressed into service if the other is disabled. The bill we vote on today requires the phone companies to equip all their local offices with high-speed data transmission within 5 years. Without this legislation, neither the incentive nor the requirement will be there for the Bell companies to expand their networks.

Nineteen percent of our country has no high-speed data service at all, and 48 percent have only one network in place. That leaves two-thirds of the country without a redundant high-speed data network. Mr. Chairman, this leaves our country vulnerable and exposed to an information shutdown during a national crisis.

Tauzin-Dingell will not cost taxpayers one penny but will create over a million new jobs, give millions of Americans access to high-speed Internet and, most importantly, will strengthen America's information infrastructure.

Mr. Chairman, I urge all of my colleagues to support this legislation.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding me this time and for his leadership in trying to focus on the positive legacy of the Telecommunications Act of 1996.

The Act required that the Bell companies enter the long-distance Internet market by opening their local markets to competition, and this has simply not occurred. That is why today's legislation that would deregulate broadband services is opposed by consumer protection groups and 31 State public utility commissions, including the PUC in my State of Oregon.

They are concerned in part that this deregulation could severely hurt consumer service. It would limit consumer revenues over complaints with telecommunication services, especially in those instances where consumers are unable to be provided relief for poor service or high rates.

Talk to the people back home. I have got an earful.

Additionally, as somebody who has been deeply, deeply impressed with the impact of the e-rate, I am concerned that it puts at risk those important investments for our schools and our libraries.

□ 1300

But most ironic for me is the allegation somehow that we are going to be extending these services to the rural areas, bringing broadband to them. Well, point in fact that this legislation would in fact require all of the central offices to be upgraded within 5 years; it does not require that the DSL upgrades be extended from those offices. Homes that are located further away would still continue to be dependent on satellite, cable or wireless broadband. Making matters worse, most of the Baby Bells do not even serve the rural areas that ostensibly are going to be served under the enactment of this bill. I strongly urge rejection of the proposal.

Mr. TAUZIN. Mr. Chairman, I yield 15 seconds to myself to correct the record.

Mr. Chairman, the bill does require that all persons and all communities be served within 5 years, even outside of the 3-mile limit from the central office, and requires other technologies to be used, if necessary, to do that. There is a 5-year build-out to everyone in this country.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. RADANOVICH).

Mr. RADANOVICH. Mr. Chairman, this bill will provide a major boost to the U.S. economy, particularly to the telecommunications and high-tech sectors. This is a bill that promises to create more than a million new jobs, and hundreds of billions of dollars in economic activity if it does become law, and our Nation needs this legislation.

As a Member from rural America, I have a particular interest in this bill because Tauzin-Dingell will ensure that the high-speed access reaches underserved areas by requiring local phone companies to provide access throughout the country. This will guarantee that small towns and rural areas, all but ignored today, have access to true information-age opportunities.

And as a business owner, I know that competition empowers consumers by forcing companies to provide better products and better services at cheaper rates. By removing the unfair regulatory barriers that discourage phone companies from investing in broadband, this bill will ensure real competition in the marketplace.

At present, we have no competition in the high-speed data market. What is worse, we have no coherent national policy to encourage the deployment of high-speed Internet services. Instead, we have a regulatory regime that applies a massive set of bureaucratic rules designed for old telephone voice service to the brave new world of the Internet. These rules discourage investment by the very companies most able to lead the way in bringing high-speed Internet service to every American in this country.

H.R. 1542 replaces these anticompetitive rules with a sound regulatory framework that encourages investment and enables competition in the marketplace. And it is for those reasons that I urge a "yes" vote on H.R. 1542.

Mr. MARKEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, the importance of this debate can only be understood by looking at history. If the monopolies had their way, we would still have one phone company. We would have one company providing cellular phone service. We would have one company providing Internet service. That was their vision in 1980, 1982, 1984. But our country decided that our great opportunity was to unleash the technological and entrepreneurial skills of our country. We believed that hundreds of companies could compete in this telecommunications sector, that it did not have to just be a story about one company.

We can look at analogies. We had one long distance phone company. In all of our families when we were younger, it was a big day when someone was on the phone calling grandma because somebody would be yelling in the background, "Remember, that call is long distance. Hurry up and finish," because those calls were so expensive.

The Bells said it was impossible to have low-cost long distance, but once MCI and Sprint and dozens of other companies got in, we reached a point where it became so inexpensive to make long-distance calls that now everyone thinks it is normal just to call to another State.

In cell phones, we had a situation where there were only two companies in the cell phone business, and they were both analog. Only at the point at which the third, fourth, fifth and sixth company got in and went digital did the telephone companies, who had the original license, decide they were going to go digital, too. This is not ancient history, this is 1984, 1985. We are not deep into this revolution. The Bells invented these technologies, but they had not deployed them because they did not have any competition.

The essence of what we tried to do in 1996 and in each of those earlier big moments was to induce massive paranoia in the incumbent company so they had to move faster than they would have otherwise. In this digital, Darwinian world, that is the key to American success. It is not a story tied to one company whose picture is always on the cover, one company whose picture is always on the cover of Fortune or Forbes. It is the story of a country that is on the cover, number one looking over its shoulder at numbers two, three, and four in the world because we have so many companies we do not know all of their names.

That is where we are in cell phones today in terms of the multiple choices which Americans have. That is where we are in long distance. The revolution that we are talking about here today is a revolution of Internet service providers. There are hundreds of them out there. It is a revolution of smaller competitive local exchange companies. There are dozens of them out there. That is the revolution. The Bells invented DSL. Had they deployed it before the 1996 Act? No, they had not. It was still sitting in their laboratories.

Once the other companies were out and moving, did they start to deploy? Members better believe that they started to deploy. Scores of companies were created. And all of the other companies ultimately were the key to the Bells finally beginning to move. This is a story that we are seeing over and over and over again. A vision of one company, or a vision of so many companies we cannot know their names. Something that was called the NASDAQ. That is what happened after 1996.

So I ask each Member to please understand how central this is to a vision of where the children in the country today are going to be working 5 and 10 years from now. It is getting the skill sets to work in these competitive companies, and not just to get a job with Ma Bell. That is not a vision for the future; it is a vision looking in a rear-view mirror.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Chairman, I rise in support of this bill. I represent a fairly urban district in Nebraska; but once I step out of that district, it is very rural. And I stand here sticking up for our rural America which has, I feel, been grossly neglected in providing these types of services.

The FCC recognized the potential impact of broadband on rural America when it noted "a lack of broadband infrastructure could limit the potential of these rural communities to attract and retain businesses and jobs, especially businesses that are dependent on electronic commerce." We have seen this in Nebraska where they look for new employees, and they will go into a rural community, but they need to transfer the data. What we need to do, and what this bill does, is it breaks down a barrier for DSL which is going to be the leading market for broadband in rural communities. It eliminates the disincentive of the companies to offer this type of service. For the sake of our rural communities, I urge passage of this bill.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio (Mr. SAWYER).

Mr. SAWYER. Mr. Chairman, I rise in support of this legislation. It is true that the future of telecommunications is full of uncertainty as we attempt to anticipate the interplay of new technologies and market conditions and consumer preferences with the old. Our job is to work to make sure that the industry competes fairly in all sectors and across the geographic vastness of this American society.

This bill accomplishes that goal. Central to my support of this legislation is the build-out requirement that will take a major step toward bridging the digital divide. Currently, only about half of U.S. residents have access to broadband and just 8 percent actually subscribe to this service, most of them living in wealthier urban areas. The build-out provision, which the gentleman from Illinois (Mr. RUSH) and I coauthored in committee, will ensure that underserved areas, such as inner cities or small towns in rural America, can access high-speed Internet services.

The provision requires local phone companies to upgrade their facilities, speeding the availability of broadband to 100 percent of their central offices, and clearly our intent is by whatever technology available at the time, to all of their customers, reaching schools and businesses and residents throughout their service areas.

In my home State of Ohio, this would guarantee high-speed access to 2.4 million homes and businesses that cannot purchase this service, even if they wish to do so. I urge passage of this legislation so that we can make real progress without regard to the technology available at the time toward bridging the digital divide and bring high-speed Internet access to schools, businesses and residents through the country.

Mr. TAUZIN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE), a member of the Committee on the Judiciary.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for his leadership on this critical issue, as well as the gentleman from Michigan (Mr. DINGELL). As the third sponsor of this important bill after the gentleman from Michigan, I believe this legislation is long overdue.

Back in 1999 I introduced, along with the gentleman from Virginia (Mr. BOUCHER), legislation similar to H.R. 1542 that would have provided long-overdue regulatory parity for the Internet by lifting some of the discriminatory burdens on the incumbent telephone companies as they seek to provide broadband Internet services.

We introduced this legislation because we believed then, and still believe now, that the government should not be in the position of picking winners or losers. There is no clearer example of the need to reexamine the unintended effects of laws enacted by Congress than to look at the interLATA restrictions and unbundling requirements placed on the phone companies in the 1996 Telecommunications Act. These requirements, intended to encourage competition in voice telephony, have been wrongly applied to the delivery of broadband Internet services by the incumbent telephone providers.

This is especially true in rural areas like many parts of my district. The arrival of broadband Internet to rural areas is like the arrival of the railroad in the 19th century. If it ran through a town, that town was connected with the new economy; that town thrived. If it missed a town, that town was a ghost town. Support this legislation; do not turn rural America into a ghost town.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in strong support of H.R. 1542. The digital transition has stalled with the collapse of the Internet bubble. Cable companies now control 70 percent of the consumer broadband connections in our country. Meanwhile, DSL and the digital subscriber line service offered by local telephone companies lags far behind, and is hindered by the outdated analog phone regulations.

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Mr. Chairman, I want to show my colleagues, because I know they have seen it in our publications here on the Hill, an ad that is only partially true. This ad shows four cute little pigs, each one representing supposedly a Bell operating company. Below all the little pigs is a number representing the percentage increase that they say of DSL subscribers for the different Bell operating companies last year.

Reading this ad, one would wrongly assume that DSL service offered by local phone companies is the number one way consumers get broadband access. However, this ad is only partially true. They have had some success in signing up folks, but they still only have a third of the market. So cable still has 70 percent of it.

My colleagues on the floor today and those watching C-SPAN, what is this ad for? Who is coming by our offices in opposition to the bill? We are pointing out the big regional Bell companies are so bad, but it is AT&T, MCI and Sprint who are opposing this bill, so we have the battle of the elephants.

No matter what everyone has told us about broadband, cable is the dominant delivery platform in this country. That is why we need to make sure this bill passes so we can have real competition in DSL.

Mr. TAUZIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I support this bill as I expect it to be amended.

Mr. Speaker, this bill as I expect it to be amended will create new job opportunities and is a step towards ensuring that all Americans have access to broadband.

The New Millennium Research Council study found that building a nationwide broadband network would create 1.2 million jobs. In addition, it would ensure competition between cable and telephone companies, which will not only spur job growth, but also encourage the innovation of new Internet services and products.

We must focus on encouraging economic growth, both to help working Americans and to help the high tech sector.

U.S. businesses waste $11 billion annually because employees access the Web through slow dialup modems. Increasing broadband access will significantly increase efficiency and productivity in the workplace. This is especially important to the high tech sector, which drives our economy. Increasing its capabilities will benefit the entire country.

Only 9% of U.S. households currently have broadband Internet access. This bill will ensure that more Americans are able to use this technology.

Broadband holds the key to the newest technologies. Once broadband is widely available, we will have access to innovative multimedia, video and interactive services that today's Internet simply can't support.

As Microsoft Chairman Bill Gates put it, the lack of broadband deployment is "the one thing holding us back."

This bill also ensures that rural communities will not be left behind. We must close the digital divide with broadband, and not relegate rural communities to the wrong side of an ever-widening information gap. Everyone should have the opportunity to access the most advanced technology.

The United States has been a consistent leader in developing technology. If we want to maintain this leadership role, we must encourage the deployment of technology that benefits all of us. Technology is the key to our future.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1½ minutes to a distinguished member of the Committee on Commerce, the gentleman from Pennsylvania (Mr. GREENWOOD), the chairman of the Subcommittee on Oversight and Investigations.

Mr. GREENWOOD. I thank the gentleman for yielding me this time, and I also thank him for his diligent leadership on this very complex issue.

Mr. Chairman, I rise in strong support of the bill. There are many parallels between what happened in the cellular industry and what is happening in the high-speed data marketplace. The slow rollout of cellular service in the 1980s was related to continuing regulation of the service. That regulatory phase cost consumers and the economy billions of dollars. Significant deregulation since then, however, has increased subscribership and lowered consumer costs.

Wireless growth was actually very slow at first. By the end of 1988, there were approximately 2 million cellular subscribers in the entire United States. The FCC made an effort to significantly deregulate cellular service in 1988. This first of two significant deregulatory events in the cellular industry helped make wireless telecommunications the ubiquitous service it is today.

In December, 1988, the average monthly cellular bill was $98.02 for the 2 million plus subscribers. Within 4 years of the FCC's deregulatory effort, cellular subscribership reached 11 million, while the subscriber's average monthly bill dropped by nearly 30 percent.

Congress undertook the second major deregulatory effort in 1993 and to a great extent deregulated the cellular telephone industry. From 1993 to 1998, wireless telephone subscribership rose from 16 million to 69 million, while the average monthly bill has dropped by nearly 50 percent.

Adoption of H.R. 1542 will permit telephone companies to provide DSL technologies at a more rapid pace, with the same results deregulation of the cellular industry produced, more consumers accessing the technology for lower costs.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, high-speed Internet access is as important to our constituents and our Nation's economy in the 21st century as access to electricity or telephone service was to our forebearers in the 20th century. My district is geographically diverse, one-third urban, one-third suburban, one-third rural. Some have high-speed Internet access but most do not. I want all of my constituents to have broadband access no matter where they live.

The question before this House is, what can we do to facilitate high-speed Internet access?

Over the past couple of years, I have considered that question very carefully. Last year, I participated in a technology roundtable discussion in Dodgeville, in Iowa County, Wisconsin. It was sponsored by the local Chamber of Commerce and included local business leaders, educators, students, public health professionals and local government officials.

Lands' End Corporation, headquartered in Dodgeville, the county's largest employer, told of their need for high-speed Internet services for their website. In the mail order clothing business, the Internet has become a critical tool. But they had to base their website in the city of Madison rather than in their headquarters in Dodgeville.

I also have a constituent who lives in a farmhouse six miles north of Dodgeville who makes specialty cheeses that he wishes to market over the Internet. He needs high-speed data capacity to expand his business. The service will help the library, the public health nurse and the local lumber company. I am convinced that Tauzin-Dingell is the best way to achieve broadband deployment to all of my constituents.

Mr. CANNON. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Michigan (Mr. ROGERS)

Mr. ROGERS of Michigan. Mr. Chairman, I want to thank the chairman for what I think is well-intended work on what he seeks to do and his graciousness for allowing those in the dissent to stand here today. He does a great job for our Congress here.

I have been down this road before. I have been told the same things just a few years ago as a State legislator, that this was going to have competition, this was going to bring technology changes, this was going to bring jobs to the great State of Michigan. I voted that day what I thought was the right direction, because they came in, companies like SBC Ameritech, sat there and said, "Trust us. We're going to do the right thing." What I found was exactly the opposite of that, Mr. Chairman, a vote I wish I could take back today and a vote I will rectify today by proudly voting "no."

This was an 800-pound gorilla that we made a 1,600-pound gorilla. What we got when we empowered this group that was a monopoly and we turned it into a deregulated monopoly is that this was the same company, SBC Ameritech, that sued its own ratepayers in the State of Michigan to keep a line tax on its consumers. This is the same company that, for weeks on end, there was a website there called fix-my-phone-now-dot-com where thousands and thousands of people typed in examples of how Ameritech and this company who was supposed to allow deregulation and competition to provide better service were abusing customers in our State.

We had one elderly woman right before I left who had a husband that was ill, 7 weeks, no phone service, 7 weeks, could not get an answer from SBC Ameritech. At one point, unfortunately, the wrong thing happened. Her elderly husband took ill. She had to walk almost a mile, at her age, in the middle of the night to try to find somebody with a phone that worked to get care for her husband.

This is a life-and death issue. This is empowering the same companies like SBC Ameritech that have been abusing customers in Michigan for years to become bigger and uglier and less concerned. They control now something like 85 percent of the market. That is not competition. That is abuse. There is one guy on the block that controls all the service trucks and when he does not feel like getting there, guess what, he does not come. We saw the fact that he took money, millions and millions of dollars paid by phone users in our great State, to go compete in other States around the country. Good for Ameritech, bad for Michigan consumers.

That is why, Mr. Chairman, every consumer group out there says this is a bad bill. We talk about CLECs and line sharing and technology and broadband and all this great stuff, and it sounds really wonderful, and the economy is going to come to a screeching halt if the Federal Government does not step in and save the day. I could not disagree more. The free market will get it there, but if we stand up for these monsters, if we stand up and empower them and say the same thing you have done before, you will do again, we will regret it here in Congress as we did in our State legislature.

I urge the rejection of the Tauzin-Dingell bill.

Mr. MARKEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. I thank my friend for yielding me this time and stand here as the rookie member of the Committee on Energy and Commerce with some trepidation because I am opposing a bill supported by my chairman and ranking member. Nonetheless, I believe the bill before us effectively unravels the careful balance Congress struck with the enactment of the 1996 Telecommunications Act and in doing so fails to promote consumer access to high-speed Internet services.

The 1996 Telecom Act was the product of extensive debate on the House floor and the adoption of carefully crafted amendments. I was there, and Congress distinguished itself. Today, we are being asked to overturn several critical components of that carefully crafted agreement; and, if we do, I fear that we will only retard achieving the goal of promoting broadband access.

What is preventing broadband access is not the lack of broadband services. Satellite broadband is universally available. About half of all households that have a telephone could have broadband and about 70 percent of all cable subscribers could sign up for broadband if they wanted it. Consumers do not subscribe because they do not see the high-value content that they are willing to pay for. Content is not available in large part because the producers and owners of that content and the manufacturers of the products used to watch and transmit that content have not come to agreement about how best to protect its intellectual property value. Building that demand for broadband should be our focus, not reducing competition.

The bill before us eliminates competition by removing the requirement enacted in the 1996 Act that Bell operating companies open their facilities to CLECs and other providers. This is not the way to build access to broadband. It is reinstating monopoly conditions, not promoting competition.

I urge support for Cannon-Conyers and, absent its passage, defeat for H.R. 1542.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BARTON), chairman of the Subcommittee on Energy and Air Quality of the Committee on Energy and Commerce.

Mr. BARTON of Texas. Mr. Chairman, on the facade behind me, there is a quote from Daniel Webster that begins, "Let us develop the resources of our land." That is what we are about today. I was a cosponsor of the Telecommunications Act of 1996. I was on the conference committee where we worked out the final details with the Senate.

In 1996, the Internet was in its infancy and we did not explicitly say in that Act how to legislate on broadband. So today we are on the floor to perfect the Telco Act of 1996.

The issue is complex, but you can boil it down to several somewhat simplistic elements.

Number one, everybody who wants to provide broadband through the Bell operating companies today has the right to do that. The question is what the reimbursement is to the regional Bell operating companies. The way the FCC has interpreted the current Act, they have to do it at a below-market rate. So, obviously, the regional Bell operating companies do not want to do it very much. This bill, if it passes, lets the Bells build out the broadband network but lets them charge a market rate to provide access. I think that is a good thing. I think that provides more competition.

The second issue is the Internet providers, the long distance providers, the AT&Ts and MCIs and Sprints, would rather that the regional Bell operating companies do not get additional flexibility, so they oppose the bill.

Again, if we pass the bill, we are going to have more competition sooner; and if the bill passes as we expect it to be amended, competitors will have access to their copper loop, competitors will have line sharing access, competitors will have voice access, and the cable companies will not be regulated any more than they are today.

I urge passage for the bill.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 1 minute to the gentleman from Florida (Mr. WEXLER).

Mr. WEXLER. Mr. Chairman, I rise in support of H.R. 1542. H.R. 1542 presents an opportunity to take a major step toward bringing affordable high-speed Internet service to all Americans, toward reviving the high-tech industry, and toward constructing multiple broadband networks to assure communications in times of national crisis.

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I support Tauzin-Dingell because it represents the kind of economic stimulus package that America's workers truly need. A recent report issued by Robert Crandall and Charles Jackson indicates that accelerated deployment of broadband Internet service would infuse $500 billion a year into the American economy. The New Millennium Research Council finds that building a nationwide broadband network will contribute to the creation of 1.2 million new and permanent jobs in America.

Mr. Chairman, it is time for Congress to seize this opportunity to revive our Nation's economy through business investment without cost to the government.

Mr. TAUZIN. Mr. Chairman, would the Chair inform all of us how much time remains on all sides.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has 5½ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY) has 1 minute remaining; the gentleman from Michigan (Mr. DINGELL) has 4½ minutes remaining; and the gentleman from Utah (Mr. CANNON) has 3 minutes remaining.

Mr. CANNON. Mr. Chairman my understanding is that the gentleman from Michigan (Mr. CONYERS) also has another 10 minutes?

The CHAIRMAN. That is correct.

Mr. DINGELL. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Alabama (Mr. HILLIARD).

Mr. HILLIARD. Mr. Chairman, I wish to educate those on the other side and rise in support of the bill.

Mr. Chairman, I rise in support of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This legislation is extremely important to smaller communities that have, as yet, not shared in the high-speed Internet access being deployed in larger metropolitan areas.

H.R. 1542 will accelerate deployment of high-speed Internet connections. The current regulatory bottleneck created by over-regulation is stifling the growth and vast potential of the Internet. The bill provides for local telecommunications companies to accelerate deployment of broadband networks and services to consumers. In the spirit of the Internet, once networks are deployed, innovative companies will develop and offer new services on a more universal basis.

H.R. 1542 will significantly improve the economies of deploying high-speed services in rural communities. Today, many of the very companies that serve rural America are denied the incentives necessary to bring advanced services to these areas. A recent NTIA study showed that the digital divide is most severe for African-Americans living in rural areas. Only 24.4 percent of African-Americans living in rural areas have dial-up Internet access. This legislation will allow companies to develop viable business plans that will help bridge the digital divide with broadband Internet access.

Mr. Chairman, I urge my colleagues to support H.R. 1542, the Internet Freedom and Broadband Development Act of 2001.

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAUZIN. Mr. Chairman, I would like to inquire of the Chair, did I hear you to say the gentleman from Michigan (Mr. CONYERS) had an additional 10 minutes not being used at this time, because we are trying to allocate time between proponents and opponents as equally as possible.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) from the Committee on the Judiciary does have 10 minutes of debate time.

Mr. TAUZIN. Is the gentleman from Michigan (Mr. CONYERS) present to use that time?

The CHAIRMAN. The Chair does not see the gentleman from Michigan (Mr. CONYERS) present in the Chamber.

Mr. TAUZIN. What happens to the time if the gentleman from Michigan (Mr. CONYERS) does not appear to use it?

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. If the gentleman from Michigan (Mr. CONYERS) is not on the floor to control time, what happens?

The CHAIRMAN. The gentleman's time will remain available until all other debate time has expired.

Mr. DINGELL. Mr. Chairman, further parliamentary inquiry. What is it the Chair is telling us then? If the gentleman from Michigan (Mr. CONYERS) is not here and we conclude the debate, what happens?

The CHAIRMAN. If the gentleman from Michigan (Mr. CONYERS) is not present at the conclusion of debate, that time will be considered yielded back.

Mr. TAUZIN. Mr. Chairman, if I can make a further parliamentary inquiry, the normal procedure for us to debate general debate on a bill is that time is used equally by proponents and opponents. If one of the opponents is saving 10 minutes to be used after debate is all finished, that disrupts the normal procedure of the House. I would inquire as to why this is being allowed.

The CHAIRMAN. The Chair is informed that recognition for general debate proceded out of sequence because part of the Committee on the Judiciary's allotted time has already been used by the gentleman from Utah (Mr. CANNON) and the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. TAUZIN. Mr. Chairman, I wonder if the Chair would call on the gentleman from Michigan (Mr. CONYERS) to use this time as we are using our time so that this debate can be balanced as we go forward. My concern is that if an opponent who has time in his pocket waits until the very end of the debate and then uses it all, then it very much unbalances this debate. That is not normal procedure for this House.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) does have the right to close general debate; and when that begins, that will conclude debate.

Mr. TAUZIN. The Chair has satisfied the gentleman in his request. I thank the Chair.

Mr. MARKEY. Mr. Chairman, on behalf of the gentleman from Michigan (Mr. CONYERS), there was a piece of erroneous information which was given to the gentleman, which was that the Committee on the Judiciary's portion of this debate would take place subsequent to the conclusion of the Committee on Energy and Commerce portion. As a result, he went back to his office. I am reliably informed he is on his way back over here in order to claim that time.

This is not something that is being done in any way to undermine the normal procedural order out here, but rather just a piece of information which was given to him personally; and he is on the way back over here because he does want to participate in this debate.

The CHAIRMAN. When the gentleman does arrive, he will be recognized.

Mr. TAUZIN. Mr. Chairman, we certainly accept that explanation and understand it.

Mr. Chairman, while we are awaiting the arrival of the gentleman from Michigan (Mr. CONYERS), I am pleased to yield 1¼ minutes to another great Member, the gentlewoman from Texas (Ms. JACKSON-LEE)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would say to the chairman and the ranking member, competition is enormously important. Competing interests on competition and access are important.

Mr. Chairman, I think today that this debate will focus on and emphasize the fact that we can have access, which is so key, and competition. I believe that the next generation Internet, broadband Internet, offers even more potential distance learning and telemedicine applications that will help the elderly and those unable to travel.

Just a few minutes ago I was in a hearing on NASA, and one of the strong suits on supporting NASA and space is the ability to treat, if you will, diseases and the research that comes about through space travel. This broadband extension will create access to those who do not have the ability to access expertise, research health care that they could not get.

The two amendments, the Upton-Green amendment and the Buyer-Towns amendment, will reinforce the responsibility of the FCC to ensure competition by increasing penalties, making sure that those who are subject to deregulation do what they are supposed to do to serve the American people.

This is a step forward. Let us not let happen to us what happened with the superconductivity lab, where we lost the ability to do that research and it went to Europe. Let us be in the forefront of the access to broadband and make a difference for Americans and ensure that rural and urban areas can be heard.

Mr. Chairman, if I may say to the distinguished gentleman, as the gentleman well knows, I had an amendment that talked about the idea of making sure the digital divide would be closed. I would ask, and I see my ranking member standing, that is my concern, having met with 40 of my community, that we are able to close the digital divide and make sure that inner-city neighborhoods, Hispanics and African Americans are having access.

Mr. DINGELL. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, the answer to that question is yes.

Mr. TAUZIN. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Yes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, we will work on that matter together. I thank both gentleman.

Mr. Chairman, I believe we must view this important legislation before us, H.R. 1542, in light of the creation and progress of the Telecommunications Act of 1996, which was designed to increase competition, quality and affordability of service universally, and the elimination of the digital divide.

During the passage of this Act, which passed with overwhelming majorities in both the House and the Senate and was signed into law by President Clinton, I served on the Conference Committee and had particular insight into the problems and potential solutions that plagued the deployment of service to all sectors of the American population.

Having had such a significant role in the process, I am clear that the primary purpose of the Act was to promote competition and reduce the regulatory burden in order to lower prices and increase quality services for all Americans. It was intended that this would encourage the rapid deployment of new telecommunications technologies, in such a way that increased access for all Americans in order to eliminate the digital divide which in terms of barriers to jobs, education, and trade.

At that time, it was evident that the telecommunications landscape was rapidly changing, and the manner and speed of such development could not be precisely ascertained. On the horizon was the merging of telecommunications, video, and computers into one medium originally intended to only carry voice or analog transmissions.

Today, five years later the Internet and telecommunications technology have come a long way in fulfilling the promise of improving the lives of all Americans. However, despite the positive effects of the Act and other legislative efforts to eliminate these problems, the digital divide remains pervasive throughout this nation.

I believe that the bill before us, H.R. 1542, while not perfect, addresses many issues confronting us in the new information age. I believe that appropriate and targeted deregulation of broadband services is necessary at this juncture in order to stimulate greatly needed and increased investment in high-speed Internet services throughout the Nation.

Such measures are necessary in order to level the regulatory playing field with cable, which essentially dominates the market, in order to stimulate competition to the benefit of all Americans. The result should be affordable broadband access to more customers, while also helping to stimulate the economy and eliminate the digital divide.

I was moved by several letters to Congress last week. Cynthia Jones, from Houston wrote "Dear Rep. Jackson Lee . . . Access to high-speed Internet connections is crucial to consumers and communities in today's economy . . . I strongly urge you to support (H.R. 1542)."

In another letter, The Hispanic Technology & Telecommunications Partnership which represents 40 million Hispanic Americans on public policy issues effecting technology and Internet issues wrote "H.R. 1542 establishes national policy that will set equitable rules and regulations for all broadband/high-speed Internet service providers. This, in turn, will create an economic and regulatory environment that will ensure Latino inclusion in a society that increasingly depends on high-speed communication for education, commerce, telecommunicating, and service delivery."

In another letter the AFL–CIO wrote "H.R. 1542 would . . . stimulate build-out (into rural and urban underserved areas) by telephone companies . . . creating jobs and driving innovation in internet services."

Finally, the Communications Workers of America who wrote "H.R. 1542 is necessary to ensure continued vibrant competition between cable and telephone companies as they build out their high-speed data networks. Competition to build out their high-speed data networks. Competition to build multiple broadband networks will spur job growth as well as development of new and lower-priced Internet services for consumers."

It is clear that because this bill allows the Bells to carry Internet traffic across current LATA long distance boundaries, the costs the Bells currently must pay to other communications companies to transmit data traffic will necessarily be eliminated, resulting in greater competition and cost savings for all Internet providers and their customers.

In my state of Texas and in Houston, which I represent, this 1996 Act has had a profound impact on the quality and level of service provided to the residents and businesses. The local service provider, Southwestern Bell, has had a long and distinguished history of outstanding telecommunication service to both the private and business sector. I have found them to be responsive and proactive in bringing together private and public interest in the pursuit of high standards and corporate good will, and I thank them for their good work.

The importance of such services and broadband technologies furthers our goals of increasing the quality of life and bringing people together through such applications as distance learning education, medical information links, on-line health clinics, home security, teleconferencing, and greater effectiveness and accountability for our law enforcement professionals.

Broadband is, in the truest sense, the future of telecommunications, advancing our needs through such media as cable, digital subscriber line (DSL), satellite, fixed wireless, and others.

Currently, many offices and business have access to these technologies. But the great challenge for this industry and for Congress is to insure that all Americans have the same level of access, and the same quality and affordable service, particularly, to our rural and undeserved areas, which have been traditionally left behind in this revolution.

It is for these areas of the general population that this legislation before us today has potentially sweeping ramifications in the way we deploy and service broadband to Americans in every community and home in this Nation.

The need to secure and promote competition is a crucial component in this evolution, particularly in the crucial sector of the American economy which has been left behind the broadband superhighway.

However, because of the depth and impact of the bill before us, I believe that we should utilize the full resources and insight of all of the Members of this House in order to arrive at the most comprehensive and inclusive piece of legislation that effectively serves the needs of all Americans.

Specifically, the need for increased attention to the serious problem of the digital divide is imperative. To this end, on February 21, 2002 I met with forty members of the Americans for Technology Leadership to address this important issue.

I have been working on this issue for the past several years by working with Members of Congress to try to persuade the High-tech industry to hire, recruit and retain more minority Americans. This meeting was a continuation of that progress.

The digital divide must be approached on many different levels. Data from the Bureau of Labor Statistics show that the hiring of African Americans in high technology has improved only slightly during the past decade. The growing workforce of our country and the strength and growth of the High-tech industry must make it a priority to train our own workers, before hiring highly specialized foreign workers.

While I am an advocate of the H–1b program which brings foreign workers to the United States, I also support efforts to continually train and update the skills of incumbent American workers, and to promote such employees where possible.

High-tech employers should take constructive steps to recruit qualified American workers who are members of under represented minority groups, recruit at historically black colleges and universities, and advertise jobs reaching out to older and disabled Americans.

It is also important that high-tech companies provide equal employment opportunities to United States workers in rural communities. With the leadership of CBC Members from rural districts, I advocated last year the proposition that those living in rural communities will have the opportunity to secure positions in the rapidly expanding job market.

I am pro-labor and pro-business as I come from a city that has over 1000 companies that specialize in information technology. This should be a non-partisan issue. Estimates show that African Americans make up 11 percent of information technology workers, and that Latinos make up another 7 percent. Those numbers show that our communities have a share of jobs that positively reflects our share of the work force.

In a statement issued written by Hugh Price, the President of the National Urban League, he states that, "In the State of Black America 2000, the League showed that African American college attendance was now increasing at a faster rate than whites. The National Science Foundation has found that African American college students are nearly twice as likely as white students to major in computer science. So, it is very important that the current, and future, diversity of the information technology work force be maintained, and protected.

While the digital divide appears to be shrinking, much more work is needed. According to "A Nation Online", only one in four of America's poorest households were online in 2001 compared with eight in ten homes earning over $75,000 per year. Even more striking is the fact that this gap expanded dramatically between 1997 and 2001.

More women and minorities in the United States are using the Internet. About 23 percent of African Americans and 36 percent of Latinos in the U.S. use the Internet, and those numbers will reach 40 percent and 43 percent respectively by next year, according to recent statistics.

One hundred thousand tech jobs in Texas and half a million jobs in the United States are unfilled, reports Terry Hiner, a former teacher who now works for Girlstart.

Texans deserve this type of access to the Internet through the technology that best meets their needs. Until now, low population density and expansive geographic distances have made it difficult to provide certain types of services in certain areas. As thousands of workers from Texas know first-hand, the technology and telecommunications industries have suffered massive slowdowns over the past year, which has dragged down the U.S. economy.

These sectors have served as a driving force in our economy for years, and the collapse has harmed millions of workers and investors. In addition to thousands of layoffs—more than 292,000 telecommunications workers this year alone have announced spending and investment cuts in the billions of dollars.

The Administration has abandoned the fight to bridge the digital divide. In its FY 2003 budget, the White House cut over $100 million in public investments previously available for community technology grants and IT training programs—programs that offer real payoffs to rural communities, the working poor, minorities and children.

To fully address the important issue of the digital divide, and to ensure that the competitive aspects of this bill are fully addressed, I would have hoped for the opportunity for all amendments to be fully discussed and debated.

I believe that more amendments allow for a greater and more robust debate and examination of potential solutions to the broadband problems that America faces. That's why I support the amendment offered by Congressman TOWNS and BUYER which seeks a compromise on the important issue of "line sharing", allowing the CLECs access to the RBOCs copper wire and fiber lines, and empowers the FCC to set "fair and reasonable" prices for such usage. In return, however, it requires the CLECs to build their own "remote terminals" as opposed to using those of the Bells.

Additionally, Congressman UPTON's amendment which provides for greater enforcement and penalties in the event that the Bells violate the provisions of the 1996 Act helps us in considering whether competition is alive and well. This amendment was offered in Subcommittee, then withdrawn. In pertinent part, it gives the FCC cease and desist authority and provides for forfeiture penalties for failure to comply with the 1996 Act.

Similarly, Congressman CONYERS' amendment ambitiously seeks to ensure, above all else, that this bill complies with both the letter and the spirit of the 1996 Telecommunications Act I terms of competition and access for all Americans.

Finally, the amendment that I offered, which was not taken up, recognized that legislation, which leaps ahead of adequate study and reflection, could easily undermine the current course we are on in developing our workforce and bridges the digital divide. To this end, my amendment mandated, in pertinent part, that the FCC conducts a study of the impact of the amendment made in this section on: (A) the deployment of high speed data services to urban and rural undeserved areas; (B) the rates for telephone data services; (C) the number and quality of the choices available to consumers in selecting providers of telephone and data services; and (D) growth and the level of competition in telephone and data services. It also requires the FCC to report to Congress within one year after the date of enactment of this Act.

Also, it included a Sense of Congress that nothing in the bill should impact negatively on the closing of the digital divide in rural and underserved communities, and particularly schools, libraries, and historically Black and Hispanic schools and institutions of learning.

It is my greatest hope that we may consider these amendments so that we may strike the right balance in reducing the regulatory burden while eliminating the digital divide in this country for all Americans.

Mr. DINGELL. Mr. Chairman, I yield 1½ minutes to my friend, the distinguished gentleman from Illinois (Mr. RUSH).

Mr. RUSH. Mr. Chairman, I rise in support of this bill. Today, fewer than 10 percent of U.S. households have broadband Internet access; and in urban and rural areas, broadband Internet access is practically nonexistent.

During debate on this bill in committee, the industry proponents of the bill argued that if given regulatory relief, they would deploy broadband services in underserved areas. So in an effort to hold them true to their word, I, along with my colleague, the gentleman from Ohio (Mr. SAWYER), offered the Rush-Sawyer amendment that requires the Bell operating companies to offer high-speed Internet to urban, poor and urban areas within 5 years through DSL or other alternative technology.

The rationale for this amendment was simple: to ensure that previously overlooked and underserved communities have access to quality connections such as broadband and that they are no longer left on the fringes of the digital revolution.

Today opponents of this bill will argue that giving the Bells' regulatory relief will undermine local competition in the voice market. Let us not be fooled. This bill is only about one thing and one thing only: urban poor and rural areas within 5 years having to have alternative Internet technology.

Mr. Chairman, no competition equals no access and no choices, and no choices equal higher prices. Therefore, it is a no-win situation for the consumer. I urge my colleagues on both sides of the aisle to support H.R. 1542, the Tauzin-Dingell bill. A vote for H.R. 1542 is a voice for more competition and more choices, lower prices and guaranteed access.

Mr. TAUZIN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Chairman, I rise to support H.R. 1542—the Internet Freedom and Broadband Deployment Act.

This plan is hugely important for my home State of West Virginia and the rest of rural America.

We've heard a lot of talk about the digital divide—the GAP in access information technology between rich and poor. But the digital divide also exists between urban and rural America, and that's just as critical.

Today, about 1 out of every 4 Americans lives in a community with less than 10,000 people. But for every 100 of these small towns, only 5 have access to broadband or high speed internet.

The lack of broadband access limits the economic potential of rural communities, hindering their ability to attract businesses and retain jobs—especially in today's economy where e-commerce plays such a huge role.

Just as a lack of sufficient traditional infrastructures such as roads and sewer systems can deter businesses from operating in rural areas, so too does the lack of technological infrastructures like broadband.

Unless we act now to fix this inequity, the absence of an efficient information superhighway will continue to be a barrier to economic development in rural areas. This bill, H.R. 1542 will help break down many of these barriers.

But the potential benefits of broadband deployment to rural America aren't just economic. They are also educational.

With broadband capabilities, rural schools would be able to connect their students to new learning opportunities across the country—and even around the world.

In my home State of West Virginia, there are many schools that are severely handicapped from offering the maximum amount of access and training on the internet because of the lack of broadband access.

Teachers and students from Braxton Middle School have told me of how broadband technology is something they desperately need but do not have access to.

Mr. Chairman, these students of Braxton County, as well as many others in rural America, will someday be a part of our Nation's workforce. But we will fail to properly prepare and educate them to become the workers of the 21st century if we do not give them the necessary tools—and that includes high speed internet access.

Mr. Chairman, this bill holds tremendous promise for the development of my home State of West Virginia and the rest of rural America.

I urge my colleagues, whether from an urban areas or a rural location, to support H.R. 1542 and close the digital divide.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. ARMEY), the majority leader of the House.

Mr. ARMEY. Mr. Chairman, I thank the gentleman from Louisiana for yielding me time. Let me thank the gentleman from Louisiana and the gentleman from Michigan for bringing this bill to the floor.

Mr. Chairman, I am about to suggest that I very likely might be that Member of the House who has studied on this legislation more than any Member not on this committee or perhaps the Committee on the Judiciary. I have studied on this legislation from the point of view of seeking that supermighty application that will get the whole world to sign up for a big old fat pipe called broadband, whether it be cable, DSL, or whatever.

I have studied to the point where I have gone out in the marketplace and sought my alternatives between wireless cable and DSL; made a decision; purchased my DSL; brought my DSL home; installed it myself; and had that marvelous magic moment when it actually went. And what an exciting day that was to start shipping Hank Williams over the Internet, just like I owned every one of those songs.

So it is exciting, and it fits right in to an overriding belief that I have: we, Mr. Chairman, you and I, we are living over what very likely is the most exciting and the most fascinating economic revolution ever certainly in our lifetime. We have seen the agricultural revolution. Historians have told us about that. Even the industrial revolution is history to everybody here except the gentleman from Michigan (Mr. DINGELL), who was there at the industrial revolution.

But for us to be here in the middle of the electronic revolution, what an exciting time in our history, to see this great electronic driving engine. And there is a sense that we need to take the technology one step further in terms of the lines over which we traverse with this electronics, and that is really what this bill is all about.

We did telecommunications as it affects voice. Now we are looking at these new innovations in data transmission that we had not even anticipated, even as late as 1997.

I think the chairman of the committee has worked well with everybody who has been involved. I have watched the process, I have encouraged the process, I have participated in the process. We have tried to look for the well-being of the RBOCs, the long-line carriers. We have tried to be fair. The chairman has listened to every argument, conceded every point he could.

We have, many of us, and let me bring myself clearly here on this point, we created the limb on which an awful lot of people that we call CLECs crawled out on in 1997. There is some criticism that maybe some of these CLECs do not have the best business plan in the world, but what plan they have is the plan they made in accommodation to the law that we built. So we have a responsibility for the CLECs.

I have watched the chairman of this committee work hard to deal with the CLECs. Hopefully, we have found an accommodation to those CLECs that is, in fact, as it were, economically viable; and there are those out there, and perhaps we will see that work here.

If indeed as we move forward with this legislation there is still additional innovation that can be done that preserves the instrumental purposes of this bill, to build the broadband into every household into America and get America back online and the economy growing and the job creation that follows that makes further accommodation to CLECs, I am confident that everybody in this body will work toward that end.

So, Mr. Chairman, let me say again, I want to thank everybody for the hard work that has gone into this bill, the sincere work that has gone into this bill. This is a big deal. We are privileged to be part of it.

I would encourage my colleagues to vote for this bill and to look forward to the opportunity of moving this legislative process even further through the line, to the ultimate conclusion of me having every one of my grandchildren on a big old fat broadband sending pictures to his grandpa on a daily basis wherever they live in America, urban, rural or wherever. That is, in the end, what will make this economy boom and make us all more well served and entertained by the wonders of this electronic revolution.

□ 1345

The CHAIRMAN. The Chair would inform Members that the gentleman from Louisiana (Mr. TAUZIN) has 2¼ minutes remaining; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; the gentleman from Michigan (Mr. DINGELL), 3 minutes; the gentleman from Utah (Mr. CANNON), 3 minutes. The gentleman from Michigan (Mr. CONYERS) has 10 minutes and will now be recognized.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am delighted to be here to merely continue the discussion about some misunderstandings that seem to be the basis for advancing this very important legislation called Tauzin-Dingell.

The first is that the Tauzin-Dingell bill will speed up rural deployment of high-speed Internet. Yet, we have letters and comments from the Nebraska Public Service Commission, the Florida Public Service Commission, the State of Iowa Utilities Board, the Tennessee Regulatory Authority, the New Mexico Public Regulatory Commission, the Montana Public Service Commission, the South Dakota Public Utilities Commission, and the Washington State Utilities and Transportation Commission which all say that to eliminate the line-sharing requirements in H.R. 1542, would, in effect, decrease the rate of deployment of competitive broadband services to resident consumers.

Now, are the Bells a monopoly? Were the Bells a monopoly? Interesting. They are getting larger and larger, even as a result of the 1996 Telecommunications Act, and they are growing. Many of them have doubled their broadband subscribers: Verizon up 122 percent, Quest up 74 percent, Bell South up 188 percent; and the largest one of them all, SBC, which includes Ameritech, the most complained-of service in the State of Michigan, as at least half the delegation will attest, which includes Southwest Bell, Pactel, and Ameritech, well, they are only up 70 percent.

So the question is, why are we granting them an exemption from the requirement that was the heart of the Telecommunications Act of 1996? Well, it is because once you get bigger and larger and can influence more and more people, they figured out that why not eliminate sections 251 and 271, which require the local monopoly facilities to be open to competitors. So what the bill on the floor does is give the local Bell monopolies a license to exclude.

Now, if that were not bad enough, we have an amendment, a modest amendment offered by myself and the gentleman from Utah (Mr. CANNON), which would correct that, but it is subject to a parliamentary process which my colleagues will find very interesting. The process is called king of the Hill without a vote. King of the Hill without a vote. That is, if one can get through Buyer-Towns, then we do not need to consider Cannon-Conyers.

Then it is pointed out, that is the historical rules. What is the complaint about? We granted you an amendment. We forgot to tell you that you would also have to defeat another amendment which was drummed up to present this very same challenge.

So I urge Members to, first of all, join with me in a close and critical examination of Buyer-Towns, and then we can move on to what I consider to be the heart of the discussion this day: the Cannon-Conyers amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. CONYERS) still has the largest amount of time remaining.

Mr. CONYERS. I do not choose to yield at this point, Mr. Chairman.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time.

Mr. CANNON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I would like to congratulate the chairman of the Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), for his work to correct the flawed Goldwasser antitrust decision. This horrible decision has been used by the Bell monopolies to shield themselves from over 100 years of antitrust law so that they can continue to act as monopolists, plain and simple.

The inclusion of the Goldwasser position is a coup for the telecommunications community and reaffirms this body's decision back in 1934 and again in 1996 that the antitrust laws do, in fact, apply to the Bell monopolies. Hopefully now, the Bells will be held accountable for their anticompetitive behavior that the Bells are so famous for. I do not know how the gentleman from Wisconsin (Mr. SENSENBRENNER) was able to negotiate such a huge concession, one that will allow the Department of Justice to crack down on all three Bell monopolies, but I congratulate him for that.

Unfortunately, while I acknowledge the success of the gentleman's work and his attempt to improve this bill, I remain convinced the Tauzin-Dingell bill is fatally flawed, and I oppose it strenuously.

Mr. Chairman, this bill is touted by its supporters as a deregulation bill, and it does do exactly that. Tauzin-Dingell deregulates a monopoly that has the advantages of incumbency, advantages paid for by government-imposed monopoly dollars. This is what we fought with the 1996 Act when we imposed unbundling requirements on the Bell monopolies.

Make no mistake that, if this bill passes, competition will be stomped out, and we will see unregulated remonopolization of the telecommunications industry. Not only will we be undoing the work of this body in the 1996 Telecommunications Act, we will be taking the telecom industry back to the pre-1984 AT&T divestiture days.

Through the course of this debate, we will hear the supporters of this bill say the Bells need this in order to roll out DSL service. Let me assure my colleagues that DSL service is being rolled out now across America at an amazing rate, and it is being done without this bill. This chart explains that.

In 2001, BellSouth increased its coverage from 45 percent to 70 percent of the households in the markets that BellSouth serves, nearly tripling the DSL customer base. BellSouth has the fastest growth of any DSL or cable provider.

During the same period, as we can see from the chart, SBC became the industry's largest DSL provider, with 1,333,000 subscribers.

Last year, Verizon also saw significant growth with an increase of over 122 percent, going from 454,000 customers to 1.2 million, with total revenues in excess of $7 billion.

The roll-out of DSL is hardly stifled by the current regulatory structure. What the Bells are really after is the ability to freeze out the competition and increase their monopoly power and free themselves from the consumer protections put in place by State PUCs and the FCC.

I assure my colleagues that this bill is not going to speed the roll-out of high-speed Internet service across the country. Rather, it will allow the Bell monopolies to have total control of the telecommunications industry.

The CHAIRMAN. The time of the gentleman from Utah has expired.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman from Michigan for yielding me the time.

Competition, not remonopolization, is what is needed to ensure the roll-out of DSL at a price that is reasonable for consumers. The competitive industry is already deploying broadband, and competition is driving down the cost to residential consumers.

As the second chart shows, the Bell monopolies had no interest in rolling out affordable high-speed access until they were forced by the competition. The Bells had DSL technology as far back as 1990, but instead of implementing it into their networks, they chose the more expensive T-1 technology. It was not until after passage of the 1996 Telecommunications Act requiring interconnection that the DSL competitors, such as Covad, did DSL begin to roll out, forcing the monopolies to respond in kind.

Today, DSL deployment is still being driven by competition. Unfortunately, the mere existence of this bill has a chilling effect on the telecom industry where it matters most, and that is Wall Street. It freezes out competition to the Bells. It will undermine consumer protections provided by State governments, and it will bring the level of customer service that the Bells are known for to the entire telecommunications industry, something I do not think we want.

With campaign finance so fresh in our memory, I urge this body to put the hopes and desires of most Americans who believe in the promise of a free and competitive marketplace ahead of the domination of the Bell monopolies. America is and should remain a meritocracy where competition and entrepreneurship matter most. Please vote "no" on H.R. 1542.

Mr. CONYERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, it is unusual in Michigan that we find the alliance of bipartisan that has grown around opposition to this measure. I do not believe anyone here has quoted Governor John Engler recently. I do not think I ever have. But now is an appropriate time, as his career comes to an end due to term limits.

Here is what he said in the Wall Street Journal: "We had a vision that we would have major players competing for our business, that there would be at least two choices for all of us," said Michigan Governor John Engler. "That has not happened, and that is great frustration to me."

That echoes the remarks of the gentleman from Michigan (Mr. ROGERS) on the floor just a little bit earlier.

No, ROGERS is not for Tauzin-Dingell. ROGERS is opposed to this. He is very courageous in the committee to take this stand, but he is being clear and honest about it. Because, I say to my colleagues, not only was the Committee on Rules wired, but the Committee on Commerce itself was wired. Well, why? So was the Committee on the Judiciary, someone said.

Mr. Chairman, H.R. 1542, which was turned down in the Committee on the Judiciary, negatively reported, would eliminate any meaningful opportunity for competitive carriers to gain access to use an incumbent's local loops to provide their own high-speed data.

Now, while the bill's sponsors say that it preserved the FCC's current line-sharing rules, in fact, it preserves only the illusion of line-sharing. We have been wired twice, I say to my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining; the gentleman from Michigan (Mr. CONYERS) has 1½ minutes; the gentleman from Massachusetts (Mr. MARKEY), 1 minute; and the gentleman from Louisiana (Mr. TAUZIN) has 2¼ minutes remaining. The time of the gentleman from Utah (Mr. CANNON) has expired.

Mr. TAUZIN. Mr. Chairman, I reserve the balance of my time to close so that the other gentlemen may use up their time.

PARLIAMENTARY INQUIRY

Mr. DINGELL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DINGELL. Am I correct to assume that the friends of the bill have the right to close?

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. DINGELL. And I gather that the friends of the bill would also have that right, whereas the opponents of the bill would not, am I correct? I happen to be a friend of the bill, and the gentleman from Louisiana (Mr. TAUZIN) happens to be a friend of the bill. My dear friend, the gentleman from Michigan (Mr. CONYERS), is a strong opponent of the legislation, as is my dear friend, the gentleman from Massachusetts (Mr. MARKEY).

So I would like to hear their comments, and since I have only one more request for time I would like to hear that one last, because it might convince me.

□ 1400

The CHAIRMAN. Once again I say to the gentleman from Michigan (Mr. DINGELL) that the manager of the bill, the gentleman from Louisiana (Mr. TAUZIN) has the right to close general debate.

Mr. MARKEY. Mr. Chairman, I yield myself my remaining 1 minute.

Mr. Chairman, I am a friend of telecommunications competition. I know telecommunications competition. This bill is not a friend of telecommunications competition. In fact, what has happened since 1997, after the 1996 Telecommunications Act passed, was that broadband deployment went across the country at such a rapid pace that now somewhere between, depending upon how we look at it, 70 to 80 percent of all Americans now have access to broadband.

That did not happen by accident. It happened because we had a vigorous competitive telecommunications policy. That is why the Bells do not like it. But it has ensured that upwards of $60 billion of investment that otherwise would not have been made was put out into the marketplace.

We do not want to change that. The bill in 1996 was a paranoia-inducement act. This bill is meant to be a sedative, a calming influence, so the Bells do not have to feel that paranoia any longer. If we do that, we will be looking at the future through a rearview mirror.

Mr. CONYERS. Mr. Chairman, I yield the balance of our time to the distinguished gentleman from New York (Mr. NADLER) from the Committee on the Judiciary.

The CHAIRMAN. The gentleman from New York (Mr. NADLER) is recognized for 1½ minutes.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding time to me.

The best way we know to lower prices and improve customer service in any market is to increase competition. This bill does exactly the opposite. It would make it easier for the big-money phone companies to squeeze their competitors and to force the remaining CLECs, competitive local exchange carriers, into bankruptcy.

It would raise prices for competitors and decrease incentives for local monopolies to open their markets to competition. Less competition, higher prices and worse customer service will be the result.

This bill turns the Telecom Act of 1996 on its head. It would allow the local Bell monopolies to have access to all long distance data markets, whether or not they face competition in the local level. The Tauzin-Dingell bill says, we do not care if the Bells have a monopoly at the local level, we are going to allow them to offer long distance data services. We all realize soon there will be no distinction between data and voice, since both data and voice can be reduced to the zeros and ones. Data is voice, for all practical purposes.

Tauzin-Dingell says the Bells do not have to open their networks for competition. If they modify existing lines, they do not have to provide open access to their networks at prices that allow for competition. The Bells are essentially seeking the ability to price their competitors out of business and extend their local monopolies.

We need to stand up to the Bell companies and say no. We believe competition is the best way to improve customer service and lower prices to consumers. We support true competition and ought to oppose anticompetitive legislation like Tauzin-Dingell.

One other point. We support more competition in the cable markets, as well. I am concerned that that local cable monopoly is raising prices and limiting the choice of consumers.

From what I understand, Tauzin-Dingell does not even address the core business of cable companies, which is to provide multichannel viewing services. If this bill passes, no one is saying consumers will have more choice in the TV viewing market. They are only promising choice for the broadband markets. The problem is there already is choice in the broadband.

This bill is not about cable companies; it is about local telephone companies themselves. We should not support one monopoly simply because another exists in another market. I urge everyone to oppose this bill.

Mr. DINGELL. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) has 3 minutes remaining.

Mr. DINGELL. Mr. Chairman, I have listened to this debate with a great deal of interest. Everybody is for competition. The bill says there will be unlimited competition in the area of broadband Internet, and guess what, it does. My friends on the other side say, but they do not want the competition to occur.

Now, there is a very interesting situation. The way it works now is that the

Bells cannot go into broadband because they have too many inhibitions and too much restraint on their investment, so they do not go in.

The United States now has only 8 percent, whereas Korea has better than 36 percent of their homes wired for Superfund and broadband. Imagine how important that then is.

Now, having said that, if we want to get investment, look at what the president of AT&T, one of the principal opponents of this legislation, says: nobody is going to invest if they do not get exemption from excessive regulation, which precludes their investment and does not allow them to get a return.

What does the bill do? The bill does a series of things. First, it requires every part of the country to be served within 5 years. Second of all, it eliminates all constraints on competition. It does not hurt the CLECs, which by and large are noninvesting parasites which happen to get a huge benefit from the services that are provided by the Baby Bells. They get these services at a significant deduction in cost. They continue to get that. But on new investment, however, they will not get anything other than fair treatment.

Now, AT&T wants just an unfair advantage. The people at the CLECs want, again, an unfair advantage because they want to see to it that any investment that comes on the part of the Baby Bells will be given to them at low cost.

We are going to allow them to keep what they are getting now, but we are not going to permit them to get this kind of a sweetheart deal and to deny American users of the information net an opportunity to get the kind of services that they really want. That is what is at stake, and that is why the ferocious expenditure of money on lobbying against this particular piece of legislation.

Now, if Members want to get service for the American people, if they want the Internet to be readily available, allow competition to reign. I was one of the authors and supporters of the original 1996 act. Allowing competition to take place was our purpose. I would observe to Members that the only way they are going to get it is to mandate it.

The States will continue to have their authority to address voice service, the FCC will continue to be able to address voice service, but we are going to do what everybody says has to be done to get Internet service to everybody, and that is, we are going to get regulation out and competition in. Quality will appear for the American public in terms of service; and competition will give us competitive prices, which will benefit the American public. That is what this is all about.

If Members want to take care of the American people, if they want competition, if they want services, that is the way to get it.

One curious story has been going around, how Tauzin-Dingell would adversely affect competition and how it would adversely impact e-net. The simple fact of the matter is that the e-rate will not be affected in even the slightest fashion by Tauzin-Dingell.

I would urge my colleagues to therefore support Tauzin-Dingell and oppose the amendments which will be offered by my good friends, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON), which are in effect a crippling poison bill which will force continuance of regulation on that industry forevermore, and give us 50 different competitive sets of regulations that nobody can meet.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, to clear a matter for the record, I want to be clear that the manager's amendment provides that the saving clause found in section 601(b) of the Telecommunications Act of 1996 shall be interpreted to mean neither the antitrust laws nor the application of those laws by the courts are repealed by, precluded by, diminished by, or incompatible with the Communications Act of 1934, this act, or any law amended by neither such act.

Mr. Chairman, we have seen some pretty charts today. I remember when the networks were really getting the election wrong last year, when they got the Presidential election so messed up with all their predictions. Tim Russert came with a little chart, a little chartboard, and he said, Here it is, the election will be settled in Florida. He was so right.

I watched all these pretty charts, and I have drawn my own while we were talking. This is the state of broadband in America. This is what broadband looks like. Ninety percent of America is unserved, unconnected, and 90 percent of America denied the benefits of this incredible new technology.

Guess who lives in that 90 percent? The Members guessed it, people who live in the rural parts of America, people who live in the underserved parts of America, the people who live in the minority centers of our cities in America, the people who are going to be the last ones cable reaches out to with broadband if cable is the only provider on the ground.

Look at the state of broadband in America. Only 10 percent of Americans are connected, and two-thirds of that, 70 percent, about, is connected by cable. No wonder, no wonder AT&T cable is the biggest opponent of this bill.

There is a quote in a Wall Street Journal article last week: "'Global Crossing built the highway,'" the high-speed network, "says Jeffrey Eisenach of the Progress & Freedom Foundation, but the FCC destroyed the incentives for the Bells to build the on ramps."

They were talking about the Tauzin-Dingell bill getting rid of these phony regulations that have stopped the building of the on and off ramps to the rest of America. No wonder that bill ". . . is hung up, thanks to its opposition from AT&T and the other cable operators."

This is the same fight we fought in 1992, the same fight when we came to this floor with a dream, a dream that instead of regulating the cable companies, we could create competition for them in video.

We stood on the floor of this House in 1992 and on the Senate floor and passed a bill saying there would be an alternative, there would be a theater in the sky, satellite television, and 20 million Americans now have the benefit of satellite direct broadcast television, 500 beautiful channels of television to compete with cable; not just a second choice, I will remind the Members, but a second store to keep cable honest.

This bill is about keeping cable honest, about creating a competitor to broadband, about building the on and off ramps for the 90 percent of America that is left out, about making sure that the Internet is free of regulation. No wonder the regulators oppose this bill. They would love to regulate the Internet, just like the taxing authorities would love to tax the Internet.

Keep the Internet free, free broadband deployment, connect America, give us all a chance to enjoy this amazing technology. That is what Tauzin-Dingell does, and that is why we need to pass the bill.

Mr. OXLEY. Mr. Chairman, we have all witnessed the amazing growth of the Internet as it has become embedded in the U.S. economy in what seems like just a few short years. Businesses, schools, and home users are demanding faster, more dependable service. It is important for our economy and international competitiveness that the best quality Internet service be made available to the widest audience as soon as possible.

By reducing unnecessary regulatory burdens, Congress can promote the kind of competition that will increase the availability and affordability of high-speed Internet access.

For all of the advantages of advanced communications, however, there is a dark side. Terrorists and criminals can use the Internet and cell phones to communicate confidentially. Our law enforcement has been scrambling to keep up with the advanced technologies that the bad guys are using.

CALEA—The Communications Assistance to Law Enforcement Act—was passed in 1994 to make sure that the FBI and local police have the technical ability to conduct legal electronic surveillance to protect our society. It has disturbed me that full compliance with CALEA has been painfully slow in coming.

The original version of H.R. 1542 could have further clouded the compliance issue by calling the Federal Communications Commission's ability to implement CALEA into question. I was prepared to offer an amendment making it clear that the bill would not jeopardize CALEA. The Buyer-Towns amendment does address this concern.

I believe that, in light of the events of September 11, it is imperative that CALEA be revisited. The compensation system has been a long-standing source of contention. Delivery and interface methods would benefit from greater specification. It should be clarified that CALEA applied to new telecommunications technologies. I want to encourage the telecommunications industry, the FBI, and interested parties to resolve these issues and am prepared to advocate needed legislative changes.

The spread of broadband, as envisioned by H.R. 1542, will do much good for our society. But like previous technologies, we also need to make sure that our society is equipped to thwart those who would use it for the wrong purposes.

Mr. TIAHRT. Mr. Chairman, I rise in support of the Internet Freedom and Broadband Deployment Act of 2001, and I commend Chairman TAUZIN and Ranking Member DINGELL for their hard work in crafting the legislation before us today.

Make no mistake about it. This legislation will create real competition among Internet Service Providers and guarantee more choices and lower prices for the American people. In my state of Kansas, high speed internet access is currently available to about 1.3 million consumers. This bill will guarantee high speed access to an additional 830,0009 Kansans. Equally important, it will expand access to an additional 20,000 Kansas businesses, 500 schools, and 200 hospitals and libraries.

Like many of my colleagues, I represent a district with a large rural population. This legislation will bring high-speed internet access to small towns and rural communities currently unable to receive it. No community will be left behind.

Mr. Chairman, we have a choice today. Congress can vote for providing consumers with greater access to internet services, greater choices among providers, and lower costs. OR we can let companies, rather than competition, determine the access and price for these services and leave millions of Americans behind.

I urge my colleagues to vote for competition and choice. Vote for the Internet Freedom and Broadband Deployment Act.

Mrs. JOHNSON of Connecticut. Mr. Chairman, there are many reasons to support H.R. 1542 and many reasons that it will benefit my state of Connecticut. However, among the most compelling are how it will help education, especially education for women who work in the home. These important benefits were discussed in a June, 2001 letter from the U.S. Distance Learning Association.

The USDLA firmly believes that universal access to broadband technology in our schools, our homes, and at work is critical to the realization of enhanced distance learning services. According to a recent study released by the Web-based Education Commission "the promise of widely available, high quality web-based education is made possible by technological and communications trends that could lead to important educational applications over the next two to three years."

H.R. 1542 can help us realize this promise by increasing the competition and choice of broadband service providers and by eliminating market disincentives to investments in the broadband deployment. By accomplishing this, we will be able to sustain the growth and prosperity of distance learning programs which are developing at a rapid pace.

Not only would H.R. 1542 enhance distance learning opportunities for students, it would also set the stage for improved telemedicine and job training services. These two broadband applications cannot be under estimated in today's social and economic climate which increasingly depends on access to broadband technology.

Mr. Chairman, bringing high speed broadband communications into millions of new homes will open windows of opportunity now closed to many women, among them stay-at-home moms, the disabled, and seniors, who wish for educational opportunities but who have few choices today. As this exciting technology spreads, costs will go down and the availability of these services will increase, bringing with them the promise of distance learning for all who choose it.

This bill is also a boost to small businesses across the country. In my Congressional District, DSL is currently available to 17,500 businesses—and 130,000 in Connecticut. The passage of Tauzin-Dingell will guarantee its availability to 7,000 more businesses, more than 100 schools and dozens of libraries. In the 6th District of Connecticut it will add high speed Internet access to 2,526 businesses with 18,867 employees, 231 doctors offices, 3 hospitals, 50 schools and 17 libraries. It has the strong support of local chambers of commerce, including the Northwest Connecticut Chamber of Commerce, which represents the most rural parts of my district.

Mr. Chairman, H.R. 1542 will rationalize the regulation of broadband, not end it. The benefits that this technology promises for Americans who desire more educational opportunities, and for businesses which want to grow is unprecedented. I rise in strong support of this legislation.

Mr. WAXMAN. Mr. Chairman, I rise in strong opposition to H.R. 1542, which would free the monopoly Bell Operating Companies to offer high-speed data service in their regions.

There is a very simple principle at stake today. Deregulation is good when it results in more marketplace competition. Deregulating a monopoly, however, destroys competition, impedes innovation, and hurts residential and business consumes. What's good for a monopoly is only good for the monopoly.

H.R. 1542 would eviscerate key requirements of the 1996 Telecommunications Act and very quickly eliminate the fledging competitive local exchange carriers (CLECs), which only came into being after enactment—and due to the promise—of the Act.

H.R. 1542 would also prohibit any federal or state regulation of rates and service quality for high-speed data services and leave consumers completely unprotected from monopoly abuses. More than fifty percent of the information carried on telephone wires today is high-speed data traffic, and that percentage is growing daily.

In addition, with the convergence of voice, data, and video technology, information in the future will be carried on the same networks that now carry high-speed data traffic. As a technical matter, regulators will be unable to distinguish between voice and data traffic. As a result, under H.R. 1542, the Bell Operating Companies could escape all consumer protection and service quality regulation.

The proponents of H.R. 1542 have told us that the battle for Internet data service is really a fight between the giant cable companies and the giant local telephone companies. I couldn't disagree more with this assessment. Our nation will thrive if companies are allowed to operate under marketplace conditions that encourage the greatest number of technologies and providers for consumers. Unfortunately, H.R. 1542 draws the blueprint for duopoly control of the networks, and that would be a terrible outcome for consumers everywhere.

Competitive local exchange carriers (CLECs), Internet service providers (ISPs), consumer groups, and state public utilities commissions all strongly oppose H.R. 1542. I urge my colleagues to vote against this legislation. I also urge members to vote for the Conyers/Cannon amendment, which is the only amendment that will be offered on the floor that effectively addresses the bill's most serious shortcomings.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This bill continues the ill-conceived approach of deregulating the Telecom industry and promotes the "competition" advanced by the 1996 Telecommunications Act. I voted against the 1996 Act and I am voting against this bill.

Chairman TAUZIN has indicated that there are two ways to promote broadband development: deregulation of the industry or re-regulation of the industry. As California learned all too painfully in the energy arena, de-regulation doesn't work. By removing regulations put in place by federal, state, and local governments, we remove vital consumer protections and open markets to monopolies and price gouging.

Aside from my preference for further regulation as a means to promote telecommunications competition, there are several things in this bill that damage our already weak regulations.

Many of my colleagues who represent rural areas think this bill will ensure that their constituents have access to broadband services. This is simply not the case. Within five years, broadband data service must be available for anyone, with some exemptions. The consumer must live within three miles of a Bell office, so those farmers who have to drive three or more miles to visit their nearest neighbor will have to drive even further to get broadband internet access. Furthermore, if there is no other company providing broadband Internet access, the Bells don't have to deploy to those areas either.

Under this bill, the Bells no longer have to unbundle their services for local phone competitors. This means that a local company who wants to compete against a baby Bell must buy all of the services the Bell company provides to a customer, even if the customer doesn't want the service and the local company doesn't intend to provide the service.

Under the 1996 Telecom Act, this was not allowed. With the kind of prices I'm now charged for local phone service, I can't imagine what the Bells will charge for broadband service. This part of H.R. 1542 creates a market force to keep all competitors out of the broadband market place.

Finally, H.R. 1542 repeals any state or local regulations that protect consumers from abuses by broadband service providers. This includes regulations for: anti-spam, anti-slamming (stealing other companies customers), privacy and obscenity protections, and disability access rules that may have been enacted either by the state, or local government agencies.

In 1996, the Congress bought into the belief that deregulation of the local telecom industry would promote competition. Five years later, I still haven't seen any competition in the local phone market. It's time that we take the same approach to local telecommunications competition that we did not the long distance market: use the strong hand of the government to force these robber barons to give consumers a choice.

Mr. BENTSEN. Mr. Chairman, I rise today in support of H.R. 1542, The Internet Freedom Broadband Deployment Act of 2001. As a cosponsor of this bill, I believe we must act to ensure that more consumers have access to broadband services. Today, many consumers and small businesses do not have access to the high-speed Internet services because these services are prohibitively expensive or simply not available in their area. Getting companies to invest in providing this critical last mile of connection of broadband services is necessary to ensure that all Americans can get the information that the Internet provides.

Under the current telecommunications law, the regional Bell operating companies (RBOCs) are prohibited from carrying long distance Internet data beyond their current local service area without first meeting specific requirements by both the state public utility agencies and the Federal Communications Commission (FCC). This process for approval is cumbersome and take many months to complete. As a result, very few states have authorized these RBOCs to provide these long distance services to their customers. The state of Texas is one of the few states in the nation where the RBOCs can offer long distance services within their local area. However, there are many consumers in other states who do not have competitive broadband services in their neighborhoods. H.R. 1542 would correct this inequity by permitting RBOCs to offer broadband data services in their service areas without first opening up their local market to competition. This measure also includes a safeguard which prohibits the RBOCs from bundling or offering long distance voice services with their broadband data or Internal backbone services, unless the local exchange carriers (LECs) have opened their local markets to competition as prescribed in the 1986 Telecommunication law.

This deregulatory legislation will ensure that LECs can compete directly with cable companies to offer Internet services to their customers. I believe that it is important to note that cable companies do not currently have any restrictions on their ability to offer broadband services to consumers. Yet, the LECs are currently required to get authorization from both their public utility agency as well as the FCC before they can offer their services. I believe that these obstacles to deployment of broadband services must be removed. As a result of this bill, consumers will have more choices and more competition for these services which should, in turn, lead to lower prices and better accessability to broadband services.

Broadband services offer great promise to consumers. With access to broadband services, consumers will be able to quickly connect to the Internet and look up information or find a needed service. A recent Congressional Research Service report found that there are an estimated 6.2 million cable broadband subscribers and 3.8 million Digital Subscriber Line (DSL) subscribers nationwide. Yet, many consumers do not currently subscribe to broadband services, because it may not be available in their underserved area or because it is too expensive.

I also urge my colleagues to support the amendment offered by Representative FRED UPTON and Representative GENE GREEN. This amendment would increase the penalties paid by phone companies for violating requirements of the Telecommunications Act of 1996 from $120,000 to $1 million per day with the cap rising from $1.2 million to $10 million. For repeat offenders, the penalties would be doubled up to a maximum of $20 million. In addition, this amendment extends the statute of limitations so the Federal Communications Commission (FCC) can bring enforcement cases against phone companies for up to two years. I believe that all of these enforcement penalties will help the FCC to ensure that these phone companies are complying with the law.

I also urge my colleagues to support the amendment offered by Representative STEPHEN BUYER and Representative EDOLPHUS TOWNS. This amendment would ensure that other competitors could access their broadband infrastructure. Under this bill, the RBOCs would be required to transmit competitors' broadband services based upon "just and reasonable" rates with the terms and conditions to be set by the FCC. I believe that requiring the FCC to set these rates will help to ensure that competitors can use these high-speed data transmission lines. This amendment also helps to ensure that competitors can directly connect with the RBOCs network by placing their remote terminals on Bell property or near Bell property. In addition, all current contracts as of May 24, 2001 would be valid until the contracts expire. This amendment also ensures that the FCC has the authority to enforce certain consumer protection laws with respect to Bell broadband services.

I believe that this deregulatory bill is necessary to spur the investment in broadband services so consumers will have more choices and better options. I urge my colleagues to support this pro-competitive legislation.

Ms. KILPATRICK. Mr. Chairman, today I rise in opposition to H.R. 1542, the Tauzin-Dingell Broadband legislation. I am simply not confident that this bill provides adequate protection to consumers. I have watched, over the years, while as a nation, we have boldly made our way down the road of deregulation. We deregulated the Savings and Loan Industry and watched them implode under the weight of their own largess. We saw the same with both the Airlines Industry and the former AT&T and Bell behemoths. In all of those cases the consumer paid the price through increased fees, tax subsidies and decreased services.

Now, given the choice to either regulate cable and satellite or deregulate the Baby Bells, who we know to have a history of bad behavior, we are urged to deregulate the bad actors. In my eyes, the underlying legislation before the House represents a choice to deregulate the bad actors.

Without amendment, the underlying bill would limit State and Federal regulation of the pipeline we know as the Internet to an antitrust suit against the Bell Companies. This Mr. and Mrs. America is no choice. This bill gives consumers, who are my constituents and the people that I care about most, no protection if prices are unjustly increased and no protection for failing service quality.

Internet Service Providers oppose the measure because it would subject them to the unrestrained will of the Baby Bells.

Small Innovative Telecommunications Companies oppose the measure because it will force them out of the market.

Thirty-one Public Utility Commissions, including Michigan's oppose this bill.

The National Governors Association opposes this bill.

The National League of Cities opposes Tauzin-Dingell.

The Council of State Governments opposes Tauzin-Dingell.

Most Consumers Groups oppose this bill because it will lead to price increases and inept service.

Mr. Chairman, as you can see there is strong opposition to this measure. Again, I am not confident that any amendment can fix this bill and protect the consumers of Michigan's 15th district. So I will oppose this measure on final passage.

Mr. EVANS. Mr. Chairman, I rise in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act. I believe it will harm competition within the telecommunications industry and reduce oversight of this growing and important sector of our economy, resulting in less service and choice for all Americans.

Broadband internet access is rapidly becoming a necessity for individuals and communities trying to keep up with trends in education and economic development. The internet is a tremendous resource for information, communication, and commerce. Understandably, individuals living in communities without access to broadband are frustrated by their inability to take full advantage of all the internet has to offer.

H.R. 1542 is the Bell Companies' proposed solution to the so-called "digital divide." They claim onerous regulations established by the Telecommunications Act of 1996 have prevented them from deploying broadband to underserved communities. Actually, the 1996 Act merely required the Bell Companies to meet a 14 point competitive checklist before offering long-distance service in their home markets.

The promise of lucrative long-distance markets was to serve as an incentive for the Bell Companies to open their markets to competitors.

By exempting Bell Companies who wish to offer broadband services from competitive requirements, H.R. 1542 essentially guts all of the competitive elements of the 1996 Act. Bell Companies will no longer have to guarantee network access to upstart telecommunications companies who have provided consumers with alternatives. Additionally, the bill will make it impossible for the FCC and states to regulate costs and customer service standards, which could send prices skyrocketing and leave consumers with no recourse for substandard service. Given our recent experiences with deregulation of essential consumer services, it seems foolish to believe that further deregulation of the telecommunications industry is the answer for rural America.

Over the past few years, the Bell Companies have developed a shockingly poor record of customer service. In order to spur competition, the 1996 Act requires the Bell Companies to allow Competitive Local Exchange Carriers (CLECs) access to their lines when consumers choose to do business with CLECs rather than a Bell. The Bells frequently refuse to comply with these requests in a timely manner. Since 1996, Bell Companies have paid over $2 billion in fines. They clearly believe it is to their advantage to pay penalties for violations of the 1996 Act rather than open their markets. Instead of taking steps to aggressively enforce the 1996 Act, Congress has proposed a bill that would eliminate the FCC's and states' ability to regulate costs and protect consumers.

There is no reason to believe that passing H.R. 1542 will speed broadband deployment to rural America. The fact is, the Bell Companies have chosen not to provide even basic services in many of the rural communities they claim will be helped by H.R. 1542. Since they are only required to upgrade infrastructure for communities they already serve, many rural consumers are left out entirely. Another problem is that the broadband service requirement only applies to consumers that live within three miles of a Bell Company central station. Those living outside of a three mile radius are given no guarantees of broadband access at all. Again, rural America is being left out.

As for being shut out of the broadband market, the numbers speak otherwise. BellSouth tripled its DSL customer base in 2001. SBC, Verizon, and Qwest have similarly built and maintained a network of broadband customers. A large majority of Americans already have access to broadband, but very few have chosen to subscribe because of the cost. The FCC has concluded that broadband is being deployed in a reasonable and timely manner. HR 1542 is not about offering broadband services. It is about eliminating competition and oversight in the telecommunications industry for the Bell Companies.

The list of organizations opposing HR 1542 grows longer every day. The Public Utility Commissions of 31 states, AARP, the Gray Panthers, Consumers Union, the Consumer Federation of America, Americans for Tax Reform, Citizens Against Government Waste, and the National Retail Federation have all opposed the bill. HR 1542 will not speed the delivery of broadband to rural America but it will undermine consumer rights nationwide. Americans deserve better.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise in opposition to the rule for H.R. 1542, the Internet Freedom and Broadband Deployment Act.

There were 30 amendments offered to the Rules Committee by those looking to improve the bill to ensure competition and increase the availability of broadband. This rule does not give a voice to the concerns my colleagues and I have with this bill to address open access, state authority, and a multitude of other issues.

No matter what your opinion is on H.R. 1542, this bill deserves a fair process. By using the second degree amendment procedure, the rule could prevent those of us wishing to offer a substantive revision to the bill from doing so. The Cannon-Conyers amendment is critical to ensuring that a monopoly does not take over the DSL marketplace, resulting in high prices and poor service.

The Cannon-Conyers amendment contains a line sharing provision similar to one that failed on a 27–27 tie during the Committee mark up. At the very least, this controversial condition deserves the opportunity for debate by the entire House.

The Buyer-Towns amendment is not an acceptable substitute for Cannon-Conyers. This amendment is not a real compromise because it does not guarantee wholesale pricing for leased lines, nor does it guarantee that competitors have access to the existing Bell network.

Language that ensures fair competition must be inserted into this bill. Even with the current competitive market, I have been told stories of how local Bell companies often postpone the installation of local service if the customer chooses a competitor's long distance service. If H.R. 1542 becomes law, these types of practices will be allowed to flourish at the expense of consumers.

On September 11, we learned the necessity of having more than one phone company in a community, as competitors kept the lines of communication open between New York, Washington, DC, and the rest of the world.

I urge my colleagues to join me in opposing the rule. It is not in the best interest for the people.

Mr. DAVIS of Florida. Mr. Chairman, I rise today in opposition to H.R. 1542, the Tauzin-Dingell Broadband Deployment Act, which proposes major changes to the Telecommunications Act of 1996. This bill would allow the former regional Bell telephone companies (RBOC's) to provide high speed, broadband Internet access without having to allow reasonable access to their networks to competing providers willing to pay for access.

The Telecommunications Act of 1996 has been instrumental in introducing competition among providers of high-speed, broadband technologies like digital subscriber lines (DSL). These competitive developments have increased access to the Internet and its wealth of information while lowering prices for retailers and consumers alike. On the assumption that this competition was developing, many States, including Florida, my home, have repealed regulation of many aspects of the telecommunication industry. In 1995, as a State Representative, I strongly supported this deregulation based on my belief, then and now, that competition and choice was a far superior form of protection for consumers than the old system of regulation and monopoly service. However, many consumers still remain at an economic disadvantage because the RBOC's do not offer DSL service at all or offer it at an affordable rate, and potentially competing providers do not have reasonable access to the RBOC networks.

H.R. 1542 would remove significant incentives for the RBOC's to open their markets to local competition by allowing them to provide broadband services without having to first demonstrate that their local telephone markets have been opened to competition. The further effect of this bill, should it become law, would be to constrain the ability of State and local governments to take steps to reasonably protect consumers' access to telecommunication service through competition or regulation.

I believe that this bill would stifle any hope for free and open competition and if it were to become law, consumers would see less competitive choice when it comes to their Internet access. H.R. 1542 is bad for consumers and it is for this reason that I urge my colleagues to vote no.

Mr. UDALL of Colorado. Mr. Chairman, after careful consideration I have decided that I cannot support this bill.

The stated goal of the bill is to promote growth and development in high-speed (broadband) data services offered by regional Bell operating companies such as SBC, Verizon, BellSouth, and Qwest. The bill seeks to achieve this by relaxing requirements placed on the Bells in the 1996 Telecommunications Act.

What we need is competition to drive prices down and give consumers more choices. However, I am not convinced the bill would achieve these goals, and am concerned that it might have the opposite effect.

I do believe the bill is well intentioned and is intended to respond to a real need. I agree with the bill's sponsors that the expansion and use of broadband services is vital to our economic growth. But Colorado's consumer groups, state and local government officials, small telecommunications firms, and residents in rural and underserved areas in Colorado tell me that they think this bill will consolidate the Bell companies' monopoly and result in increased prices for consumers. I give great weight to the views of those Coloradans.

Today in Colorado small telecommunications companies are working hard to play by rules that Congress passed in a bipartisan fashion in 1996. And our regional Bell company, Qwest, is doing the same thing because it has hopes to enter the long distance market soon. In short, in Colorado the current system seems to be working, and I am not prepared to vote to attempt to fix something that I am not convinced is broken.

Mr. BLUMENAUER. Mr. Chairman, today's bill contains language that eliminates important provisions of the 1996 Telecommunications Act that were intended to open telecommunications markets to competition. The legislation allows Bell telephone companies to enter the long-distance Internet data market without first opening their local markets to competition. It also deregulates high-speed Internet services known as broadband and is opposed by consumer protection groups and 31 State Public Utility Commissions, including our own commission in Oregon.

I am concerned that this deregulation could severely hurt consumers by limiting remedies for people with complaints about their telecommunications services, especially in situations where consumers have been provided poor service or unusually high rates. In Oregon, for example, citizens can currently take their DSL or broadband Internet complaints to the Oregon Public Utility Commission. However, the PUC lacks authority to do anything about these complaints. This legislation would exacerbate the problem by further undercutting the authority of the State to address DSL complaints or declining service quality issues and by removing existing protections for customer service.

This bill will also increase rates for consumers because without the benefits of a truly competitive telecommunications sector, consumers and small businesses will have fewer choices and will pay higher prices for telecommunications service. Unregulated telephone monopolies, such as those created by this bill, cannot be expected to lower prices or innovate. In fact, as competitive DSL providers began to struggle financially last year, the Bell monopolies raised their DSL prices by 20 to 30 percent. There are also concerns that because this bill threatens state oversight of voice services that it could potentially raise local phone rates. The best way to promote lower prices and greater access is by ensuring a robustly competitive market.

Furthermore, this bill will not bring broadband to rural areas, as the proponents of this bill have argued. While today's bill requires some broadband expansion, it contains substantial loopholes and lacks real meaning for rural and underserved areas. Rural homes would continue to be dependent upon cable, satellite or wireless broadband—as they are now. Making matters worse, the Bells do not even serve many of the rural areas they ostensibly claim the bill will help.

Additionally, contrary to some arguments, it appears the deployment of broadband has been severely hindered by the Bell companies themselves. The Bells failed to deploy high-speed technology such as DSL for nearly a decade and it was not until competition was injected into the marketplace after enactment of the 1996 law that the Bells offered DSL, and then just in limited markets at high prices. I urge my colleagues to promote competition, protect consumers and vote against this bill.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I am in opposition to H.R. 1542. This legislation extends the power of the Bell monopolies which the Telecommunications Act of 1996 sought to curb. I am particularly concerned about the negative effects this legislation will have on small businesses in my district if the bill passes. In the past couple of years, a number of Competitive Local Exchange Carriers have begun to provide high-speed data access in my district. If Tauzin-Dingle passes, these small carriers will be priced out of the market and hundreds of small businesses will lost a competitive choice in their data provider. This bill does nothing to lower data service rates, and it is bad policy. I urge my colleagues to vote "no" on final passage of H.R. 1542. Services will not be cheaper for consumers.

Presently it cost me $20 more per month in Texas than I pay in Virginia for the same services.

Mr. KIND. Mr. Chairman, I rise in support of the Tauzin-Dingell Internet Broadband Deployment Act.

Rural communities were the last to get paved roads, the last to get electricity, the last to get voice telephone service, and the last to get cable television. Right now the information superhighway is bypassing rural America, leaving it behind in the new economy. Rural Americans do not want to be the last to experience the economic, education, and cultural benefits of Internet broadband technology.

Mr. Chairman, Tauzin-Dingell will directly benefit the citizens of my district. Passage of this bill will guarantee high-speed access to almost 90,000 people and over 5,000 businesses in the third Congressional district of Wisconsin alone.

The ability of educational institutions, especially in rural areas, to explore all the possibilities the Internet offers depends largely on the availability of broadband technology. With high speed access to the internet, schools will have the ability to supplement classroom teaching in ways currently not available, and to bring cyber-classrooms to everyone, regardless of their physical location.

The Internet is just beginning to deliver on the Promise of education on demand. This will be a powerful tool to education not only those traditional students who would like flexibility in their class choices, but it also has the power to offer the highest caliber education to anyone with high speed access to the Internet. Rural students shouldn't have to wait any longer for the tools to succeed in the digital age.

Tauzin-Dingell will also bring broadband access to over 60 doctor offices and clinics as well as three additional hospitals in my district. With broadband, rural Americans will be able to have a medical specialist diagnose their illness over the Internet, Instead of having to drive long distances to a faraway hospital. Rural hospitals could become virtual teaching hospitals with the deployment of broadband technology.

It's time for Congress to bring broadband Internet access to all Americans. Support Tauzin-Dingell.

Mr. RYAN of Wisconsin. Mr. Chairman, I come to the floor today in support of H.R. 1542 because it will set forth for the first time a national policy that promotes the deployment of broadband technology to all Americans. The passage of H.R. 1542 will create a technology-neutral regulatory policy that will encourage all companies to invest in the deployment of the "last mile" broadband facilities that will provide the average American with access to high-speed Internet services. This deployment of "last mile" broadband facilities is critical to future economic growth in the United States.

Not only will H.R. 1542 provide a much needed lift to the American economy as a whole, but it will for the first time, provide a genuine promise to Americans living in underserved communities, both in our inner cities and in rural areas, that they will not be left behind as we move to the next generation of the Internet. High-speed data services have the capability to enfranchise and empower millions of Americans. H.R. 1542 has express build-out provisions that require the large telephone companies to upgrade all of their central offices to provide high-speed Internet capability within 5 years.

This is the kind of legislation Congress should be producing. It is bipartisan. It is carefully crafted. It lifts all Americans.

Vote "yes" on H.R. 1542.

Mr. Chairman, I also would like to ask unanimous consent to insert an article into the Record written by Mr. Stephen Moore in The Investors Business Daily.

Got Stimulus? Broadband Bill Would Beef Up Frail Economy

With Congress stalemated on a tax-cut economic stimulus plan and the White House considering approval of a dreadful protectionist steel bill, the jittery financial markets are seeking any positive signs that Washington will take productive action to help jump-start economic growth. No industry needs more intelligent help than the embattled telecommunications sector, where profits and investment spending have vaporized.

That's why a vote in Congress this week on deregulation of the broadband infrastructure carries such heavy significance for the economy as a whole, and this industry in particular. If approved, the Tauzin-Dingell bill has the potential over the next decade to bring high-speed Web service to nearly every U.S. home.

Broadband service is the Mach 4-speed Internet technology that will bring to Americans the next generation of Web services. It could transform the Web from a device for exchanging e-mail and checking stock quotes into a tool that will link all businesses in an e-commerce Web, let users quickly download video or music on demand and give rise to products and applications we can only dream of today.

Economist Robert Crandall of the Brookings Institution, and a top deregulation scholar, calculates that if we can accelerate broadband deployment, the value to the U.S. economy could reach $500 billion a year. That's more than the entire economies of most nations.

Very few actions that Congress could take—short of scrapping the income tax for a consumption tax or privatizing Social Security—could deliver those size benefits to workers and consumers. Broadband deregulation would seem to be a no-brainer. But this issue has become the mother of all political brawls, pitting AT&T against the Baby Bells, including Verizon and BellSouth. Both sides have spent tens of millions on lobbying and fatuous TV ads. The truth is, there's no angel in this fight.

The good news is that if Congress shows some common sense, there can be clear-cut winners here—American consumers and businesses, tens of millions of whom lack broadband access simply because of a regulatory regime that prevents access to the infrastructure. Almost eight of 10 homes and businesses still use clunky dial-up technology to access the Web. Broadband technology is more than a decade old, and still is a rarity in most areas. This makes no sense. It's as if we're still watching black-and-white TV. A hallmark of the U.S. era of high-tech innovation has been to spread the technological breakthroughs to the great middle class in short order.

Why the still-lingering digital divide between the information haves and have-nots? Because outdated government regulation is stifling the private-sector investment needed to build the network.

Technology analyst George Gilder argues that today's regulation "privatizes the risk and socializes the benefit." Here's how it works: When a phone company risks its own money to wire homes and businesses to broadband, the federal government forces it to open its network to competitors at money-losing, government-set rates. This prevents the original investors from capturing the full value of the risk-taking expenditure.

A predictable result has been the collapse in telecom investment over the past 18 months. In 2001, telecom investment contracted by $75 billion, a 15 percent decline. That's one of the biggest reasons the industry shed over 317,000 jobs last year—the largest job loss for any industry ever recorded in a single year. By some estimates, it will cost telecom companies some $200 billion of added broadband investment to lay down the cables to bring this technology into most homes and businesses. How can this investment be accelerated? One answer is for Congress to let businesses write off their mega-investments the year they're made. It also must create a fair-minded regulatory structure that allows those firms that make the investments to reap financial rewards. This means eliminating free-riding competitor access without fair payment.

Tauzin-Dingell may be the best chance to close the digital divide and ensure that the U.S. maintains its commanding competitive edge in global communications into the future. It might also be the only chance Congress has this year to pass a genuine economic stimulus bill.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to H.R. 1542 and urge my colleagues to support the Cannon-Conyers amendment which ensures fair competition and consumer protection.

Proponents who have visited with me have claimed that the Bell's hands, including Qwest, are tied when it comes to the deployment of broadband to rural and urban places. That's not necessarily true in my state or my rural district.

In fact, currently, Qwest Communications is not precluded from offering broadband services to its customers. The N.M. State Public Regulation Commission in 2001 approved an Alternative Form of Regulation agreement, which requires Qwest to provide high-speed data services to both urban and rural areas.

H.R. 1542 as written will not improve access to services in New Mexico and could possibly hurt the Bell Operating Companies' incentive to open their markets to competition as required in the Telecommunications Act of 1996.

Without this needed amendment—H.R. 1542 will reward the bad behavior of these telephone companies who have done very little to encourage the development of competition or the deployment of broadband. We shouldn't reward them now with the passage of H.R. 1542 without the safeguards of Cannon-Conyers.

Preserving a competitive marketplace is the best way to spur affordable broadband deployment in urban, suburban, and rural communities like the ones I represent. Competition, wherever it has occurred, in the telecommunication and other industry markets, has virtually always brought about better service, greater investment, more options, and lower prices for consumers.

Support the Cannon-Conyers Amendment which will preserve competition, protect state authority, and safeguard consumers.

Mr. STUPAK. Mr. Chairman, it seems like the rural areas always come last. I guess I should be used to it by now, after all, many of my constituents in northern Michigan can't get mail service to their doorsteps, our veterans have to travel on average 6 hours to get specialized healthcare from a VA center, and it required a federal law merely to get electricity to many portions of my district.

I am therefore not surprised that rural areas are the last to get broadband as well. But let me be clear—this bill will do nothing to bring broadband to rural America. In fact, quite the opposite, H.R. 1542 will make it even more difficult for my constituents and for rural citizens across America to get broadband.

H.R. 1542 claims to require broadband deployment to rural areas by laying out a 5 year timetable, with a schedule of 20 percent, 40 percent, and 70 percent buildout in the first 3 years. In fact, this will allow the Bells to sit on their current deployment for years.

BellSouth told investors that as of year-end 2001, it already provides broadband access to 70 percent of its market; Verizon said it deploys DSL to central offices serving 79 percent of the company's access lines; and SBC said that it can provide high-speed service to more than 60 percent of its customers.

The Bells will get the benefits of monopoly and deregulation without any responsibilities to deploy for years. And once the requirements for them to deploy do finally take effect, the Bells will be wholly unregulated in the amounts they can charge, or they can in fact evade all requirements to deploy to rural areas by selling off their rural exchanges.

I would like to point my colleagues to a study done last July by the Rural Policy Research Institute (RUPRI) of H.R. 1542. This nonpartisan report found that the 5 year deployment schedule in H.R. 1542 is insufficient, noting that:

". . . this provision does not guarantee service to regions beyond three miles of a central office and could still leave substantial portions of the rural market without broadband capabilities."

Furthermore, RUPRI found that rural subscribers are frequently served by remote terminals, and that in locking competitors out of the Bell's remote terminals, H.R. 1542 reduces competition for customers served by remote terminals. Lastly, the study notes that H.R. 1542 does nothing to affect the affordability of broadband.

Let me put it simply: if you don't live within 3 miles of a central office, under this bill the Bells are not going to have to deploy to you for years, competitors are going to be shut out from getting to you, and when, if ever, the Bells do decide to deploy to you, they can charge whatever they want. In short, broadband will be either physically unavailable to rural customers, or economically unavailable to them. This bill will not bring broadband to rural America and I urge my colleagues to vote no on this bill.

Mr. BISHOP. Mr. Chairman, I support this bill for many reasons, but here I will list the four reasons:

1. H.R. 1542 improves Access for Rural Customers (I represent a district in rural South Georgia) this aspect of the bill is most important to my constituents.

This bill will provide unprecedented service to rural communities. It contains a deployment schedule that requires the Bells to offer high-speed data service throughout their region and not only select lucrative areas, like their competitors do today. Specifically it:

Requires the Bells to build out their central offices with multiplexing equipment and upgrade each upgradeable loop (less than three miles) when requested by a customer; or

Requires the Bells to serve each customer (regardless of upgradeability or loop length) with alternative technology.

Taken together, this means that 100 percent of the Bell's customers must be offered high-speed data service by the end of five years. Without passage of H.R. 1542, these areas will have to wait a long time before they are served, if ever, because these geographic areas make the least business sense for companies to penetrate.

2. The bill provides Consumers with Lower Prices, More Choices.

The rules for competing high-speed Internet companies are stifling competition. As a consequence, cable companies which are unfettered by regulations, have about 70 percent of residential high-speed Internet connections. Fair competition for all high-speed Internet services will mean lower costs, more choices and more access for consumers. This bill would provide that kind of fair competition.

3. It restores Fairness to the Marketplace.

Companies that offer high-speed Internet access over cable lines, wireless connections or satellite links are allowed to develop new services and compete without regulation. Disparities in regulation hurt competition. A level playing field would guarantee competition and encourage expansion of new networks.

4. Boosts the Economy—this is another aspect of the bill that is crucially important to our nation specifically at this time.

The bill allows local phone companies to provide affordable high-speed Internet access. This will benefit consumers by providing more consumers and small businesses with high speed Internet access. In addition, because more services will be deployed to more homes, equipment manufacturers and vendors will also likely enjoy growth in their business as well. This all amounts to lower prices, more choices, more jobs, and economic growth.

I close, Mr. Chairman in encouraging my colleagues to vote for this bill, and help our economy and our rural constituents.

Ms. DEGETTE. Mr. Chairman, I want to take just a few minutes to address a couple of issues that are critical to this debate. The district I represent, the Denver metro area, has become one of the latest telecommunications hubs in the country, and I want to talk about the sort of competition that exists back home, which is due in large part to the Telecom Act of '96.

We have an enormous number of telecommunications companies out in Colorado, from cable companies, those who provide DSL, satellite companies, a vast array of Competitive Local Exchange Company's (CLECs). So we have a pretty good representation of the sort of services that are available, and we also have some of the problems that exist across the country, like a lack of services in the more rural areas of the state, and a dearth of competition for local phone service.

Clearly the goal of any telecommunications legislation should be to accelerate the deployment of broadband services to all consumers. As policymakers, we are charged with doing our part to facilitate the most competitive marketplaces that in turn provide the best services and prices available.

We need to do so in a way that is technology and industry neutral. I deeply fear that this bill will not only not accomplish this, but will actually benefit certain sectors of the industry and seriously harm others. This bill will result in the sluggish development and deployment of future advanced technologies.

For example, the CLECs in my district, which have been heavily hit by the recent bumps in the economy, would be in serious trouble if this bill passed. This is not only because of the policy changes mandated by this bill, the details of which we will undoubtedly discuss ad nauseum in the next couple of hours, but also because the capital that has allowed these companies to build up their networks will simply disappear.

I do not think this bill is necessary, and I will use the example of Qwest, located in my district to illustrate this. Qwest is currently in the process of getting back into long distance service after its merge with US West. It will file its first state application this summer and then file for its remaining thirteen states so it can obtain long distance authority for its entire region before the end of the year. I am quite optimistic that they will be successful in complying with the checklist, whether or not this bill passes, and move on to provide my constituents, along with the rest of consumers in their region, great service.

The most diverse array of technologies and services is what will best serve consumers, and I do not think H.R. 1542 will facilitate competition or an even-handed promotion of wide-ranging technologies that exist or are currently developing.

Why now are we now poised to undercut legislation that has brought the marketplace so far along over the past few years? This is not to say that everything has worked out exactly as envisioned, but the '96 Act accomplished some very important goals, and the fact is that things are still shaking out.

I have grave concerns that enactment of H.R. 1542 may adversely impact competition for local telephone service. As currently drafted, the legislation puts at risk the line-sharing requirements that allow competitors into the local exchange market. Absent these requirements it is unlikely that a truly competitive marketplace will continue to develop. Rather we would likely see market consolidation and the attendant increased rates.

In my final analysis of this issue, I have concluded there is nothing in the 1996 Act that prohibits the RBOCs from providing broadband services to the customers that they now serve. In fact, they are doing so today, competing with other providers and satisfying customers the needs of consumers for high-speed Internet access.

The bottom line is that competition is the best incentive for broadband deployment. DSL and other technologies have been around for years. The local exchanges really only began stepping up their roll-outs and lowering their prices in response to the emerging competition from the CLECs, cable companies, wireless and satellite providers.

It cannot be said enough, and indeed, I don't think it has been said enough that we are obligated to pass, or not pass, a legislation that will most benefit consumers. Not bills that will only help certain companies, or particular technologies, but that will, as I said before, create the most diverse and competitive marketplace for our constituents.

Mr. MEEKS of New York. Mr. Chairman, I rise this morning in support of H.R. 1542—the Tauzin-Dingell Broadband Deployment Act. If you believe in competition vote for this bill. As Members of Congress, we have the responsibility and opportunity to bring increased choices for our constituents.

H.R. 1542 promotes fair competition for high-speed internet services which will mean lower prices, more choices and greater access for consumers. Fair competition will bring high-speed internet services to communities that cannot get them—inner cities, small towns and rural areas.

In order to ensure real competition, all companies that provide high-speed access to the internet should face the same rules and regulations. Cable, wireless, satellite and companies that all provide competing high-speed internet services should all be governed by the same rules. When all companies must compete under the same rules, consumers will benefit—from increased choices, lower prices and a stronger economy.

Meanwhile, this bill represents an opportunity to not only help our sagging economy but also to cure an ill that continues to plague our country—the digital divide. The Internet, probably nothing in recent memory has done so much so quickly to change the way we work, learn and live. Think about it: It took 38 years for the radio to get to 50 million American homes and 12 years for TV. The WEB got there in four. And with it have come education, entertainment and economic opportunities like never before.

And today, with the help of a new generation of communications technologies, what used to be the "world wide wait" is rapidly becoming a new, wide-open window onto the world. H.R. 1542 will move along that progress more quickly and help so many who have no access or limited access to the kind of internet services they should expect and deserve.

That is why I urge all my colleagues to vote "no" on the Cannon-Conyers amendment, vote "no" on the motion to recommit, and vote "yes" on final passage. A "yes" vote for Tauzin-Dingell is a vote for consumers, choice and competition.

The CHAIRMAN. All time for general debate has expired.

In lieu of the amendments recommended by the Committee on Energy and Commerce and the Committee on the Judiciary printed in the bill, the amendment in the nature of a substitute printed in part A of House Report 107-361 is adopted.

The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended pursuant to House Resolution 340, is as follows:

H.R. 1542

SECTION 1. SHORT TITLE.

This Act may be cited as the "Internet Freedom and Broadband Deployment Act of 2001".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) Internet access services are inherently interstate and international in nature, and should therefore not be subject to regulation by the States.

(2) The imposition of regulations by the Federal Communications Commission and the States has impeded the rapid delivery of high speed Internet access services and Internet backbone services to the public, thereby reducing consumer choice and welfare.

(3) The Telecommunications Act of 1996 represented a careful balance between the need to open up local telecommunications markets to competition and the need to increase competition in the provision of interLATA voice telecommunications services.

(4) In enacting the prohibition on Bell operating company provision of interLATA services, Congress recognized that certain telecommunications services have characteristics that render them incompatible with the prohibition on Bell operating company provision of interLATA services, and exempted such services from the interLATA prohibition.

(5) High speed data services and Internet backbone services constitute unique markets that are likewise incompatible with the prohibition on Bell operating company provision of interLATA services.

(6) Since the enactment of the Telecommunications Act of 1996, the Federal Communications Commission has construed the prohibition on Bell operating company provision of interLATA services in a manner that has impeded the development of advanced telecommunications services, thereby limiting consumer choice and welfare.

(7) Internet users should have choice among competing Internet service providers.

(8) Internet service providers should have the right to interconnect with high speed data networks in order to provide service to Internet users.

(b) PURPOSES.—It is therefore the purpose of this Act to provide market incentives for the rapid delivery of advanced telecommunications services—

(1) by deregulating high speed data services, Internet backbone services, and Internet access services;

(2) by clarifying that the prohibition on Bell operating company provision of interLATA services does not extend to the provision of high speed data services and Internet backbone services;

(3) by ensuring that consumers can choose among competing Internet service providers; and

(4) by ensuring that Internet service providers can interconnect with competitive

high speed data networks in order to provide Internet access service to the public.

SEC. 3. DEFINITIONS.

(a) Amendments.—Section 3 of the Communications Act of 1934 (47 U.S.C. 153) is amended—

(1) by redesignating paragraph (20) as paragraph (21);

(2) by redesignating paragraphs (21) through (52) as paragraphs (26) through (57), respectively;

(3) by inserting after paragraph (19) the following new paragraph:

"(20) High speed data service.—The term 'high speed data service' means any service that consists of or includes the offering of a capability to transmit, using a packet-switched or successor technology, information at a rate that is generally not less than 384 kilobits per second in at least one direction. Such term does not include special access service offered through dedicated transport links between a customer's premises and an interexchange carrier's switch or point of presence.";

(4) by inserting after paragraph (21) the following new paragraphs:

"(22) Internet.—The term 'Internet' means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

"(23) Internet access service.—The term 'Internet access service' means a service that combines computer processing, information storage, protocol conversion, and routing with transmission to enable users to access Internet content and services.

"(24) Internet backbone.—The term 'Internet backbone' means a network that carries Internet traffic over high-capacity long-haul transmission facilities and that is interconnected with other such networks via private peering relationships.

"(25) Internet backbone service.—The term 'Internet backbone service' means any interLATA service that consists of or includes the transmission by means of an Internet backbone of any packets, and shall include related local connectivity.".

(b) Conforming Amendments.—

(1) Section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.

(2) Section 223(h)(2) of such Act (47 U.S.C. 223(h)(2)) is amended by striking "230(f)(2)" and inserting "230(f)(1)".

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) In General.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

"(a) Freedom From Regulation.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, neither the Commission, nor any State, shall have authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

"(b) Savings Provision.—Nothing in this section shall be construed to limit or affect the authority of any State to regulate circuit-switched telephone exchange services, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

"(c) Continued Enforcement of ESP Exemption, Universal Service Rules Permitted.—Nothing in this section shall affect the ability of the Commission to retain or modify—

"(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission's regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

"(2) rules issued pursuant to section 254.".

(b) Conforming Amendment.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

"(j) Exemption.—

"(1) Access to network elements for high speed data service.—

"(A) Limitation.—Subject to subparagraphs (B), (C), and (D) of this paragraph, neither the Commission nor any State shall require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

"(B) Preservation of regulations and line sharing order.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission's regulations (47 C.F.R. 51.319), as—

"(i) in effect on January 1, 1999; and

"(ii) subject to subparagraphs (C) and (D), as modified by the Commission's Line Sharing Order.

"(C) Exceptions to preservation of line sharing order.—

"(i) Unbundled access to remote terminal not required.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

"(ii) Charges for access to high frequency portion.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

"(D) Limitations on reinterpretation of line sharing order.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission's Line Sharing Order in such manner as would expand an incumbent local exchange carrier's obligation to provide access to any network element for the purpose of line sharing.

"(E) Authority to reduce elements subject to requirement.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission's authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

"(F) Prohibition on discriminatory subsidies.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a nondiscriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

"(2) Resale.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

"(3) Definitions.—For purposes of this subsection—

"(A) the 'Commission's Line Sharing Order' means the Third Report and Order in CC Docket No. 98–147 and the Fourth Report and Order in CC Docket 96–98 (FCC 99–355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01–26); and

"(B) the term 'remote terminal' means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.".

(c) Preservation of Existing Interconnection Agreements.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

SEC. 5. INTERNET CONSUMERS FREEDOM OF CHOICE.

Part I of title II of the Communications Act of 1934, as amended by section 4, is amended by adding at the end the following new section:

"SEC. 233. INTERNET CONSUMERS FREEDOM OF CHOICE.

"(a) Purpose.—It is the purpose of this section to ensure that Internet users have freedom of choice of Internet service provider.

"(b) Obligations of Incumbent Local Exchange Carriers.—Each incumbent local exchange carrier has the duty to provide—

"(1) Internet users with the ability to subscribe to and have access to any Internet service provider that interconnects with such carrier's high speed data service;

"(2) any Internet service provider with the right to acquire the facilities and services necessary to interconnect with such carrier's high speed data service for the provision of Internet access service;

"(3) any Internet service provider with the ability to collocate equipment in accordance with the provisions of section 251, to the extent necessary to achieve the objectives of paragraphs (1) and (2) of this subsection; and

"(4) any provider of high speed data services, Internet backbone service, or Internet access service with special access for the provision of Internet access service within a period no longer than the period in which such incumbent local exchange carrier provides special access to itself or any affiliate for the provision of such service.

"(c) Definitions.—As used in this section—

"(1) Internet service provider.—The term 'Internet service provider' means any provider of Internet access service.

"(2) Incumbent local exchange carrier.—The term 'incumbent local exchange carrier' has the same meaning as provided in section 251(h).

"(3) Special access service.—The term 'special access service' means the provision of dedicated transport links between a customer's premises and the switch or point of presence of a high speed data service provider, Internet backbone service provider, or Internet service provider.".

SEC. 6. INCIDENTAL INTERLATA PROVISION OF HIGH SPEED DATA AND INTERNET BACKBONE SERVICES.

(a) Incidental InterLATA Service Permitted.—Section 271(g) of the Communications Act of 1934 (47 U.S.C. 271(g)) is amended—

(1) by striking "or" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; or"; and

(3) by adding at the end thereof the following new paragraph:

"(7) of high speed data service or Internet backbone service.".

(b) Prohibition on Provision of Voice Telephone Services.—Section 271 of such Act is amended by adding at the end thereof the following new subsection:

"(k) Prohibition on Provision of Voice Telephone Services.—Until the date on which a Bell operating company is authorized to offer interLATA services originating in an in-region State in accordance with the provisions of this section, such Bell operating company offering any high speed data service or Internet backbone service pursuant to the provisions of paragraph (7) of subsection (g) may not, in such in-region State provide interLATA voice telecommunications service, regardless of whether there is a charge for such service, by means of the high speed data service or Internet backbone service provided by such company.".

(c) Notice to Attorney General.—Section 271 of such Act is further amended by adding at the end the following new subsection:

"(*l*) Notice to Attorney General.—

"(1) Statement required.—Not less than 30 days before commencing to offer any interLATA high speed data service or Internet backbone service originating in an in-region State pursuant to paragraph (7) of subsection (g), a Bell operating company shall submit to the Attorney General a statement that

"(A) expresses the intention to commence providing such service in such State;

"(B) provides a description of the service to be offered; and

"(C) identifies the geographic region within the State in which the service will be offered, if the service is not going to be offered Statewide.

"(2) Additional contents prohibited.—The Attorney General may not require a statement under this subsection to contain any additional information other than that specified in subparagraph (A), (B), and (C) of paragraph (1).

"(3) Confidential treatment of statements.—A statement submitted to the Attorney General under this subsection shall be exempt from disclosure under section 552 of title 5, United States Code, and no such statement may be made public, except as may be relevant to any administrative or judicial action or proceeding.".

(d) Conforming Amendments.—

(1) Section 272(a)(2)(B)(i) of such Act is amended to read as follows:

"(i) incidental interLATA services described in paragraphs (1), (2), (3), (5), (6), and (7) of section 271(g);".

(2) Section 272(a)(2)(C) of such Act is repealed.

SEC. 7. DEPLOYMENT OF BROADBAND SERVICES.

Part III of title II of the Communications Act of 1934 is amended by inserting after section 276 (47 U.S.C. 276) the following new section:

"SEC. 277. DEPLOYMENT OF BROADBAND SERVICES.

"(a) Deployment Required.—Each Bell operating company and its affiliates shall deploy high speed data services in each State in which such company or affiliate is an incumbent local exchange carrier (as such term is defined in section 251(h)) in accordance with the requirements of this section.

"(b) Deployment Requirements.—

"(1) Mileposts for deployment.—A Bell operating company or its affiliate shall deploy high speed data services by attaining high speed data capability in its central offices in each State to which subsection (a) applies. Such company or affiliate shall attain such capability in accordance with the following schedule:

"(A) Within one year after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 20 percent of such central offices in such State.

"(B) Within 2 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 40 percent of such central offices in such State.

"(C) Within 3 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 70 percent of such central offices in such State.

"(D) Within 5 years after the date of enactment of this section, such company or affiliate shall attain high speed data capability in not less than 100 percent of such central offices in such State.

"(2) High speed data capability.—For purposes of paragraph (1), a central office shall be considered to have attained high speed capability if—

"(A)(i) such central office is equipped with high speed data multiplexing capability; and

"(ii) each upgradeable customer loop that originates or terminates in such central office is upgraded promptly upon receipt of a customer request for such upgrading, as necessary to permit transmission of high speed data service (including any conditioning of the loop);

"(B) each customer served by such central office (without regard to the upgradeability or length of the customer's loop) is able to obtain the provision of high speed data service from such Bell operating company or its affiliate by means of an alternative technology that does not involve the use of the customer's loop; or

"(C) each such customer is able to obtain the provision of high speed data service by one or the other of the means described in subparagraphs (A) and (B).

"(3) Upgradeable loops.—For purposes of paragraph (2), a customer loop is upgradeable if—

"(A) such loop is less than 15,000 feet in length (from the central office to the customer's premises along the line); and

"(B) such loop can, with or without conditioning, transmit high speed data services without such transmission on such loop causing significant degradation of voice service.

"(c) Availability of Remedies.—

"(1) Forfeiture penalties.—A Bell operating company or its affiliate that fails to comply with this section shall be subject to the penalties provided in section 503(b)(2). In determining whether to impose a forfeiture penalty, and in determining the amount of any forfeiture penalty under section 503(b)(2)(D), the Commission shall take into consideration the extent to which the requirements of this section are technically infeasible.

"(2) Jurisdiction.—The Commission shall have exclusive jurisdiction to enforce the requirements of this section, except that any State commission may file a complaint with the Commission seeking the imposition of penalties as provided in paragraph (1).

"(d) Annual Report on Deployment.—

"(1) Analysis required.—The Commission shall include in each of its annual reports submitted no more than 18 months after the date of enactment of this section an analysis of the deployment of high speed data service to underserved areas. Such report shall include—

"(A) a statistical analysis of the extent to which high speed data service has been deployed to central offices and customer loops, or is available using different technologies, as compared with the extent of such deployment and availability prior to such date and in prior reports under this subsection;

"(B) a breakdown of the delivery of high speed data service by type of technology and class or category of provider;

"(C) an identification of impediments to such deployment and availability, and developments in overcoming such impediments during the intervening period between such reports; and

"(D) recommendations of the Commission, after consultation with the National Telecommunications and Information Administration, for further extending such deployment and availability and overcoming such impediments.

"(2) Definition of underserved area.—For purposes of paragraph (1), the term 'underserved areas' means areas that—

"(A) are high cost areas that are eligible for services under subpart D of part 54 of the Commission's regulations (47 C.F.R. 54.301 et seq.); or

"(B) are within or comprised of any census tract—

"(i) the poverty level of which is at least 30 percent (based on the most recent census data); or

"(ii) the median family income of which does not exceed—

"(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income; and

"(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

"(3) Designation of census tracts.—The Commission shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraph (2)(B).".

SEC. 8. COMMISSION AUTHORIZED TO PRESCRIBE JUST AND REASONABLE CHARGES.

The Federal Communications Commission may impose penalties under section 503 of the Communications Act of 1934 not to exceed $1,000,000 for any violation of provisions contained in, or amended by, section 5, 6, or 7 (or any combination thereof) of this Act. Each distinct violation shall be a separate offense, and in the case of a continuing violation, each day shall be deemed a separate offense, except that the amount assessed for any continuing violation shall not exceed a total of $10,000,000 for any single act or failure to act described in section 5, 6, or 7 (or any combination thereof) of this Act.

SEC. 9. CLARIFICATION OF CONTINUING OPERATION OF ANTITRUST LAWS.

Section 601(b) of the Telecommunications Act of 1996 (Public Law 104-104; 110 Stat. 143) is amended by adding at the end the following new paragraph:

"(4) CONTINUING OPERATION OF THE ANTITRUST LAWS.—Paragraph (1) shall be interpreted to mean that the antitrust laws are—

"(A) not repealed by,

"(B) not precluded by,

"(C) not diminished by, and

"(D) not incompatible with,

the Communications Act of 1934, this Act, or any law amended by either such Act.".

The CHAIRMAN. No further amendment to the bill, as amended, shall be in order except those printed in part B of the report. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question.

The Committee will rise informally.

The Speaker pro tempore (Mr. WELDON of Florida) assumed the chair.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. Evans, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The Committee resumed its sitting.

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in part B of House Report 107-361.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 1 offered by Mr. UPTON:

At the end of the bill, add the following new section:

SEC. 9. COMMON CARRIER ENFORCEMENT.

(a) CEASE AND DESIST AUTHORITY.—Section 501 of the Communications Act of 1934 (47 U.S.C. 501) is amended—

(1) by striking "Any person" and inserting "(a) FINES AND IMPRISONMENT.—Any person";

(2) by adding at the end the following new subsection:

"(b) CEASE AND DESIST ORDERS.— If, after a hearing, the Commission determines that any common carrier is engaged in an act, matter, or thing prohibited by this Act, or is failing to perform any act, matter, or thing required by this Act, the Commission may order such common carrier to cease or desist from such action or inaction.".

(b) FORFEITURE PENALTIES.—Section 503(b) of the Communications Act of 1934 (47 U.S.C. 503(b)) is amended—

(1) in paragraph (2)(B)—

(A) by striking "exceed $100,000" and inserting "exceed $1,000,000"; and

(B) by striking "of $1,000,000" and inserting "of $10,000,000";

(2) in paragraph (2)(C), by striking "subparagraph (A) or (B)" and inserting "subparagraph (A), (B), or (C)";

(3) by redesignating subparagraphs (C) and (D) of paragraph (2) as subparagraphs (D) and (E), respectively;

(4) by inserting after subparagraph (B) of paragraph (2) the following new subparagraph:

"(C) If a common carrier has violated a cease and desist order or has previously been assessed a forfeiture penalty for a violation of a provision of this Act or of any rule, regulation, or order issued by the Commission, and if the Commission or an administrative law judge determines that such common carrier has willfully violated the same provision, rule, regulation, that this repeated violation has caused harm to competition, and that such common carrier has been assessed a forfeiture penalty under this subsection for such previous violation, the Commission may assess a forfeiture penalty not to exceed $2,000,000 for each violation or each day of continuing violation; except that the amount of such forfeiture penalty shall not exceed $20,000,000."; and

(5) in paragraph (6)(B), by striking "1 year" and inserting "2 years".

(c) EVALUATION OF IMPACT.—

(1) EVALUATION REQUIRED.—Within one year after the date of enactment of this Act, the Federal Communications Commission shall conduct an evaluation of the impact of the increased remedies available under the amendments made by this section on improving compliance with the requirements of the Communications Act of 1934, and with the rules, regulations, and orders of the Commission thereunder. Such evaluation shall include—

(A) an assessment of the number of enforcement proceedings commenced before and after such date of enactment;

(B) an analysis of any changes in the number, type, seriousness, or repetition of violations; and

(C) an analysis of such other factors as the Commission considers appropriate to evaluate such impact.

(2) REPORT.—Within one year after such date of enactment, the Commission shall submit a report on the evaluation to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The CHAIRMAN. Pursuant to House Resolution 350, the gentleman from Michigan (Mr. UPTON) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from Texas (Mr. GREEN) for his use and for him to yield that time to other Members as he sees fit.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as the chairman of the Subcommittee on Telecommunications and the Internet, I am very pleased to offer this commonsense, bipartisan enforcement amendment with my good friend and colleague, the gentleman from Texas (Mr. GREEN).

When I became chairman last year, one of the first things I did was to invite the then new chairman of the FCC, Chairman Powell, to appear before the subcommittee to present his vision for that agency. The thing that struck me most was his message that the FCC's current enforcement authority was in fact too weak, and that the FCC's current fines were viewed by many as simply the cost of doing business for many companies.

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And I heard that from many competitive carriers as well.

In a letter to Congress last year, Chairman Powell specifically wrote that, among other things, Congress should consider increasing the cap on fines to at least $10 million in order to enhance their deterrent effect. The current cap, of course, is at $1.2 million.

Responding to Chairman Powell's recommendation, we are, in fact, offering this bipartisan amendment which will substantially increase the FCC's fines for phone companies which violate the telecommunications law by elevating the current cap from $1.2 million to $10 million and increasing the amount up to which the FCC can impose per violation or each day of a continuing violation from $120,000 to $1 million. We did exactly what Chairman Powell requested.

In addition, for repeat offenders the amendment doubles the increased fines up to $2 million per violation or each day of a continuing violation capped at $20 million.

The amendment also doubles from 1 to 2 years the statute of limitations for the FCC to bring enforcement actions against phone companies, which will give the FCC a better opportunity to thoroughly investigate an alleged violation and bring charges. Chairman Powell also asked for this.

We also give the FCC clear, statutory cease and desist authority to use against phone companies which violate any of the telecommunications laws.

Finally, we direct the FCC to study the impact of the enhanced fines under the bill and report back to us, the Congress, one year after enactment.

The amendment applies to all common carriers. For example, it would affect not only a Bell company's violation of the Telecommunications Act but also a long distance company's slamming as well.

It is important to note that these substantially increased fines would not be the only enforcement mechanisms facing the Bell companies. For example, there is also the existing Section 208 complaint process at which the FCC through which a Bell company could be liable for damages. Moreover, some Bell companies must also pay if they fail to meet performance goals established by the FCC in their merger agreements, that was part of the Rush amendment that we accepted in the committee, not to mention the literally millions of State PUC-enforced performance measures penalties which get assessed as well.

We hope you will support our efforts to greatly enhance the FCC's enforcement authority as we seek to accelerate the deployment of broadband high-speed Internet access to underserved areas in our country through the passage of the underlying bill, H.R. 1542.

I want to thank in particular the gentleman from Florida (Mr. STEARNS), the gentleman from Nebraska (Mr. TERRY), the gentleman from Illinois (Mr. SHIMKUS), and the gentleman from New York (Mr. FOSSELLA), obviously, as well as my co-sponsor, the gentleman from Texas (Mr. GREEN), for their good work on this issue throughout the process. I would urge the passage of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, has anyone claimed time in opposition to the amendment?

The CHAIRMAN. The Chair does not see any Member rising in opposition.

Mr. TAUZIN. Mr. Chairman, as a supporter I would like to claim that time in opposition that we might use it to discuss the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana (Mr. TAUZIN) claims the time.

Mr. TAUZIN. Mr. Chairman, I yield half of this time to the gentleman from Texas (Mr. GREEN).

The CHAIRMAN. The gentleman from Texas (Mr. GREEN) now has 15 minutes of debate time to control.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank the chairman for making sure about the time, because I did not hear anyone claim any time in opposition either.

Mr. Chairman, I rise in strong support of the Upton-Green amendment, and it is an important addition to the Tauzin-Dingell bill. It will give the FCC more teeth to stop bad behavior if America's phone companies are actually doing that.

During the earlier debate we heard some of the horror stories, but this would actually raise the fees so it is no longer just the cost of the doing business. It actually has penalties in it.

Phones companies, if they slam and cram new phone charges to our constituents, will now face stiffer fines if our amendment is adopted.

Bell companies who may be acting in a manner that hurts competition will now face stiffer financial penalties from the FCC.

Working with my good friend, the gentleman from Michigan (Mr. UPTON), our amendment increases the FCC's forfeiture penalty tenfold. Currently, the FCC can only fine a company a total of $1.2 million per violation. Under the Upton-Green amendment, the FCC will now be able to fine companies up to $10 million per violation.

In addition, the amendment increases the fines the FCC can impose on continuing violations. Our amendment ups the FCC continuing violation to a cap of $20 million.

FCC Chairman Michael Powell in a letter to Congress last year asked for this increase. We agree it is justified and reasonable.

Other provisions in the amendment double the statute of limitations for imposing a fine from 1 to 2 years, provides new cease and desist authority to the FCC as well.

Taken as a whole, I believe our amendment is not only a reasonable step but a consumer-oriented step towards better protecting our American consumers.

Phone companies may realize that their efforts to illegally boost profits on the backs of our constituents will no longer be tolerated. I urge my colleagues to support the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair miscalculated to the gentleman from Texas (Mr. GREEN) earlier about his total debate time, so the Chair will now review the amount of time remaining for each of the three Members controlling debate time.

The gentleman from Michigan (Mr. UPTON) has 6½ minutes, the gentleman from Louisiana (Mr. TAUZIN) has 10 minutes, and the gentleman from Texas (Mr. GREEN) has 18 minutes.

Mr. UPTON. Mr. Chairman, I yield 4 minutes to my friend and colleague, the gentleman from Florida (Mr. STEARNS), the vice chairman of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. STEARNS. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise today in strong support of the amendment being offered by my good friend, the gentleman from Michigan (Mr. UPTON), and of course my colleague, the gentleman from Texas (Mr. GREEN). I am an original co-sponsor of this legislation which strengthens the FCC's enforcement ability.

As Congress and the FCC ensure the deregulatory progression of telecommunication sectors, proper enforcement mechanisms serve as necessary tools in protecting competition. Winners and losers should be picked by consumers and the marketplace, rather than outdated regulatory schemes. However, it is equally important to note that, absent regulation, meaningful enforcement must serve as one of key principals ensuring that competition and consumers are not harmed.

Mr. Chairman, I have met with industry representatives who tell me the FCC's current cap of $1 million in penalties is insufficient to deter violation and oftentimes such fines are calculated into the cost of doing business. Furthermore, FCC Chairman Powell testified before the Committee on Energy and Commerce regarding the Commission's ability to deter violations through enforcement mechanisms. In fact, he testified, "The enforcement tools made available to us are inadequate with billion dollar industries. Our fines are trivial. They are the cost of doing business for many of these companies." As a matter of fact, they just make it part of doing business.

During this committee's consideration of H.R. 1542, the Broadband Deregulation Bill, the committee accepted one of my amendments creating specific and severe penalties totalling up to $10 million for failure to comply with the specific legislation. Furthermore, the gentleman from Michigan (Mr. UPTON) and I offered an amendment enhancing the FCC enforcement authority under Title 5 of the Communications Act. While that amendment was not germane to H.R. 1542, many provisions of that legislation are now present in the amendment we are considering today.

Mr. Chairman, let me state that this amendment bill is not intended to favor ILECs, CLECs or IXCs over one another. The provisions in this bill are intended to equally apply to all common carriers. The FCC and State PUCs have existing laws on the books intended to ensure competitive competition thrives. This legislation will make certain the commission has a big bat, enough to enforce those laws and regulations.

With this legislation, we empower the FCC with enforcement powers, thus ensuring common carriers will think twice about failing to comply with this Nation's telecommunications laws.

This amendment is centered upon Chairman Powell's recommendation enhancing the Commission's enforcement authority on common carriers. Specifically, this bill, as mentioned, enhances forfeiture penalties up to $1 million for each violation for each day of a continuing series of violations and up to $10 million for any continuing violation, and those fines are increased up to $20 million if a company violates a cease and desist order or is a repeat offender.

Furthermore, as recommended by Chairman Powell, this legislation increases the statute of limitation for forfeiture against common carriers from one year to two.

Lastly, Mr. Chairman, this amendment brings up to date the tools the FCC will have at its disposal to punish and deter bad behavior. The last time the law was changed was in 1989. Furthermore, this amendment ensures that fines and penalties by the FCC are more than just mere calculations as a line item on balance sheets for violating companies. So I urge the adoption of this amendment.

Mr. TAUZIN. Mr. Chairman, I yield 3 minutes to the gentleman from the Big Apple, New York (Mr. FOSSELLA), a distinguished member of the Committee on Energy and Commerce.

Mr. FOSSELLA. Mr. Chairman, I rise in support of the amendment as well.

I commend the gentleman from Michigan (Mr. UPTON), the gentleman from Texas (Mr. GREEN), the gentleman from Michigan (Mr. DINGELL), and, of course, the chairman of the committee, the gentleman from Louisiana (Mr. TAUZIN).

I think the issue in the overall arching legislation comes down to where do we go from here and what is the role of government in deploying broadband across the entire United States; and rather than start here in Washington or in Congress, let us start back in my home town of Staten Island.

We got a call recently from a gentleman who said he does not have access to cable television but would like a DSL line in his home. We called the local Bell, and there is no plans whatsoever to deploy that to his home. So the issue then becomes what to do. Well, nothing as far as he is concerned, unless this legislation were to pass.

We cannot compel the local Bell to deploy broadband. We cannot compel the local cable operator to deploy broadband. What we can do and what I think what this legislation will do will encourage the deployment of broadband and then ultimately mandate it after 5 years. So that gentleman, not unlike more than 90 percent of the people across America, will now have a choice.

Now if I were to visualize it, there is a highway. There is a ramp that goes on that highway. That highway is the broadband, that highway is access, that highway is just innovation, that highway is access for small business to communicate with other small business or family members to communicate with other family members, not just across Staten Island but across the world. But that access is limited to less than 10 percent of the American people and, by the way, most of whom are affluent.

What we have not done and, unless this legislation is passed, we will not encourage or actually mandate the construction of new ramps to allow more Americans, indeed all Americans, access to this wonderful thing we call the highway of broadband. Now, we can sit here and we can whistle Dixie or we can sing until the cows come home and say we hope for those ramps to be built, but unless this were to be passed that would not happen.

Let us remove the obstacles. Let us encourage the private sector and let competition reign and let the deployment of broadband take hold across the country. Let those ramps be built.

At the same time, what the amendment seeks to do is say and to stipulate to those Bells, for example, that if you violate any of these telecommunications laws you will be penalized and penalized severely. Is that not what it is all about? So it brings it back home for that gentleman that called and said, when am I going to get it?

Unless this bill is passed with this amendment, he may never get it. But if this bill is passed, then we will see broadband being deployed across the United States and America retain its rightful place as the leader in telecommunications and information technology and leave it up to the private sector to make those calls. Right now, that is the case.

Mr. GREEN of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ENGEL), a current member of the Committee on Energy and Commerce.

Mr. ENGEL. Mr. Chairman, I thank the gentleman from Texas (Mr. GREEN) for yielding me time.

Mr. Chairman, I rise in support of this amendment. I strongly support the underlying bill, but we can always make improvements to legislation. Again, this is an example of the proponents of the bill trying to be fair with the legislation, trying to have balanced legislation. That may not be legislation that everyone agrees with 100 percent, but on balance it is good and it is fair and that is what this amendment is trying to do.

Last year we not only installed a new President but a new Chair of the FCC. Michael Powell immediately impressed me when he said violators of telecommunications law, that he wanted the authority to hit them hard and hit them fast. We have that opportunity with this amendment to do just that.

Why should we? The fact is that with any regulation when a fine is imposed it should be that it acts as a deterrent. But the present fines for violation of telecommunications law are low enough that paying them has been described as simply the cost of doing business.

□ 1430

This amendment changes that. This amendment will increase the fines by a factor of ten. A $120,000-per-day fine is increased to $1 million per day. The $1.2 million cap for a violation is raised to $10 million for a violation. And for repeat offenders, the new higher limits are double.

This will also expand the time in which the FCC has to bring an enforcement action against a violator from 1 to 2 years. Often we on the Subcommittee on Telecommunications and the Internet have been told that 1 year is just insufficient time for the FCC to properly investigate a potential violation. Again, this is an attempt to make this legislation balanced. It is why all my colleagues should support the underlying Tauzin-Dingell bill, and I urge my colleagues to support this amendment.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. TERRY), a distinguished member of the Subcommittee on Telecommunications and the Internet of the Committee on Energy and Commerce.

Mr. TERRY. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of the Upton enforcement amendment.

This amendment will significantly strengthen the FCC's enforcement of the Telecommunications Act of 1996. Because of this amendment, the FCC will finally be given an enhanced enforcement opportunity, which is critical, which is critical to the ability to mandate compliance to the Tauzin-Dingell bill.

In a recent letter to Congress, FCC Chairman Powell noted that the FCC is limited in levying fines for any single violation to $1.2 million. And due to the vast resources of many of the Nation's phone companies, this amount is insufficient to punish or deter violators. This amendment would address these concerns and raise the single-violation penalty ten times its current level, capping the penalty at $10 million.

This reminds me of a recent city I went to and a parking ticket was $10, but it cost $20 to park in a parking lot. Where is the incentive? And during the hearings held by Chairman UPTON we learned from several of these companies that there is a disincentive to complying with the current FCC regulations. So I thank the gentleman for introducing this amendment to strengthen these fines and provide the proper incentive to comply.

Another part of this that I think is just as important as the monetary fine is the fact that they can issue orders to cease and desist their conduct of not complying. This is an extremely important facet of this that we have not heard much discussion about. The FCC needs the ability to not only identify the conduct but order them to stop and apply meaningful fines. By increasing the penalties that the FCC can levy, the more phone companies will comply with the act and will provide services to areas they should be providing now and do not.

I thank Chairman TAUZIN and Chairman UPTON for bringing this to the floor. I am in support of it.

Mr. TAUZIN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Mr. Chairman, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me this time, and I rise in strong support of the Upton amendment and the Tauzin-Dingell bill, which is long overdue.

Imagine for a moment running a company, a good company, a high-tech telecom company in this country that has been operating with handcuffs on for a long time, watching employees walk out the door to the tune of about 250,000 employees over the last year because we have been in an economic downturn. Now we are on the upturn again, and this will give it a tremendous boost. But imagine running a company with handcuffs on, where you cannot open the doors to more business, to have more people take advantage of the high-tech opportunities that many of us have had an opportunity to take advantage of so far. That is what we are talking about.

This bill takes off the handcuffs; and instead of having between 8 and 10 percent of the American people and businesses having access to broadband accounts, this will open up the floodgates and allow these great companies, and again let me read a couple of them to see who could be against Disney, who could be against Yahoo and Cisco and Packard and Compaq and Texas Instruments and AOL and Dell and Motorola and Microsoft and Intel and Hewlett Packard, and all of these good companies that have been a large part of our economic boom over the last 10 to 15 years who are suddenly finding themselves with the handcuffs on.

We need to take them off so that we can get these people back to work. And again not only do this for this country but to show the world the tremendous economic power that we have within our own borders to create more jobs for good Americans out there that are just waiting for opportunity.

Those who oppose us are simply saying, no, status quo, let us keep the handcuffs on and try to make it work under the current circumstances. That is absurd. Let us get these handcuffs off American businesses and strongly support this broadband bill. It is long overdue. We should have voted on this a year ago.

I am glad this day has finally come, and I look forward to great success here this day at the end of this debate, and I look for others in this great city here in Washington to follow this lead that we are involved in here today.

Mr. GREEN of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand that the gentleman from Michigan (Mr. UPTON) is ready to close, and I do not have any more speakers. I guess the amendment is so popular everybody is just going to let it happen, and I am glad to say this makes a good bill even better.

Mr. Chairman, I yield back the balance of my time.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say that one of the complaints about the bill as we originated it is that it took away one of the carrots that would encourage the local Bells to open up their local markets. What the gentlemen are doing with this amendment is making sure there is a stick there too; that the FCC can hammer the Bells any time they fail to open up their market, as required by the 1996 act.

This is a great amendment, and I commend both gentlemen for it.

Mr. Chairman, I yield back the balance of my time.

Mr. UPTON. Mr. Chairman, I yield myself such time as I may consume. I intend to close at this point as well.

I want to say from the outset that this bill not only in this Congress but in the last Congress as well was known to be a very strong bipartisan bill, Republicans and Democrats working together to unshackle the regulations off a new technology that is so important for our country.

The Tauzin-Dingell bill does that. It was bipartisan in every way, as we have seen in the debate today. And as the new chairman of the subcommittee, my door was open to virtually every group. The concern I heard from virtually every group was that the FCC did not have the right authority to enforce the law. I welcomed the participation of virtually every member of the subcommittee to see this amendment through, both in committee, subcommittee, as well as today on the floor.

The gentleman from Texas (Mr. GREEN) has been a tremendous help not only on this issue but so many others as we have worked in a bipartisan fashion in our committee. I commend my chairman, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL), and I would urge all my colleagues to support the Upton-Green amendment.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. UPTON. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding because it is important as we are about to adopt this amendment to understand that it does not just give the FCC the power to punish a Bell for not opening up its local market, for not complying with the law, section 251, which is mandated but unenforced today.

It does more than say we are going to fine you and penalize you if you fail to do that. It contains authority that Mr. Powell and the FCC requested of our committee to order any Bell company to cease and desist and to enforce that order in court if any Bell company conducts itself in a fashion that is anticompetitive.

So what this amendment does and what makes it so very important to the bill is that it says while the Bells are allowed to get out and deploy the new broadband systems, they cannot forget their obligation to open up the local telephone markets to as much competition as we can get.

In short, this is a total competition bill, competition for telephone in the local market and enhanced competition in the Internet broadband market. This amendment completes the package in a big way.

Again, I commend it to all the Members' attention. Hopefully, it will be adopted unanimously. I thank the gentleman for yielding.

Mr. UPTON. Mr. Chairman, reclaiming my time, I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of this amendment which helps ensure competition by increasing the penalties and fines the FCC may apply against phone companies which violate the 1996 Telecommunications Act.

Such violations, when unchecked, can have severe anticompetitive effects, and may thwart the expansion of this important technology across all strata in the population, expressed as the digital divide.

Specifically, the amendment increases maximum fines per violation from $120,000 to $1 million per day, and caps continuing violations rising from $1.2 million to $10 million. It also doubles the penalty for repeat offenders per violation to $2 million per day, with a cap of $20 million for continuing violations.

The amendment also doubles from 1 year to 3 years the statute of limitations for the FCC to bring enforcement actions against phone companies, it gives the FCC statutory "cease and desist" authority against companies that violate the rules. Finally, it directs the FCC to study the impact of these enhanced penalties and report its findings to Congress.

The amendment goes a long way towards monitoring and enforcing the delicate balance that exists in this industry. I urge my colleagues to support it.

Mr. UPTON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Michigan (Mr. UPTON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

PART B AMENDMENT NO. 1 OFFERED BY MR. UPTON

The CHAIRMAN pro tempore. Proceedings will now resume on the amendment offered by the gentleman from Michigan (Mr. UPTON) on which further proceedings were postponed and on which the yeas prevailed by voice vote.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 421, noes 7, not voting 6, as follows:

[Roll No. 43]

AYES—421

- Abercrombie
- Ackerman
- Aderholt
- Akin
- Allen
- Andrews
- Armey
- Baca
- Bachus
- Baird
- Baldwin
- Ballenger
- Barcia
- Barr
- Barrett
- Bartlett
- Barton
- Bass
- Becerra
- Bentsen
- Bereuter
- Berkley
- Berman
- Berry
- Biggert
- Bilirakis
- Bishop
- Blagojevich
- Blumenauer
- Blunt
- Boehlert
- Boehner
- Bonilla
- Bonior
- Bono
- Boozman
- Borski
- Boswell
- Boucher
- Boyd
- Brady (PA)
- Brady (TX)
- Brown (FL)
- Brown (OH)
- Brown (SC)
- Bryant
- Burr
- Burton
- Buyer
- Callahan
- Calvert
- Camp
- Cannon
- Cantor
- Capito
- Capps
- Capuano
- Cardin
- Carson (IN)
- Carson (OK)
- Castle
- Chabot
- Chambliss
- Clay
- Clayton
- Clement
- Clyburn
- Coble
- Collins
- Combest
- Condit
- Conyers
- Cooksey
- Costello
- Cox
- Coyne
- Cramer
- Crane
- Crenshaw
- Crowley
- Culberson
- Cummings
- Cunningham
- Davis (CA)
- Davis (FL)
- Davis (IL)
- Davis, Jo Ann
- Davis, Tom
- Deal
- DeFazio
- DeGette
- Delahunt
- DeLauro
- DeLay
- DeMint
- Deutsch
- Diaz-Balart
- Dicks
- Dingell
- Doggett
- Dooley
- Doolittle
- Doyle
- Dreier
- Duncan
- Dunn
- Edwards
- Ehlers
- Ehrlich
- Emerson
- Engel
- English
- Eshoo
- Etheridge
- Evans
- Everett
- Farr
- Fattah
- Ferguson
- Filner
- Flake
- Fletcher
- Foley
- Forbes
- Ford
- Fossella
- Frank
- Frelinghuysen
- Frost
- Gallegly
- Ganske
- Gekas
- Gephardt
- Gibbons
- Gilchrest
- Gillmor
- Gonzalez
- Goode
- Goodlatte
- Gordon
- Goss
- Graham
- Granger
- Graves
- Green (TX)
- Green (WI)
- Greenwood
- Grucci
- Gutierrez
- Gutknecht
- Hall (OH)
- Hall (TX)
- Hansen
- Harman
- Hart
- Hastings (FL)
- Hastings (WA)
- Hayes
- Hayworth
- Herger
- Hill
- Hilleary
- Hilliard
- Hinchey
- Hinojosa
- Hobson
- Hoeffel
- Hoekstra
- Holden
- Holt
- Honda
- Hooley
- Horn
- Hostettler
- Houghton
- Hoyer
- Hulshof
- Hunter
- Hyde
- Inslee
- Isakson
- Israel
- Issa
- Istook
- Jackson (IL)
- Jackson-Lee (TX)
- Jefferson
- Jenkins
- John
- Johnson (CT)
- Johnson (IL)
- Johnson, E. B.
- Johnson, Sam
- Jones (OH)
- Kanjorski
- Kaptur
- Keller
- Kelly
- Kennedy (MN)
- Kennedy (RI)
- Kerns
- Kildee
- Kilpatrick
- Kind (WI)
- King (NY)
- Kingston
- Kirk
- Kleczka
- Knollenberg
- Kolbe
- Kucinich
- LaFalce
- LaHood
- Lampson
- Langevin
- Lantos
- Larsen (WA)
- Larson (CT)
- Latham
- LaTourette
- Leach
- Lee
- Levin
- Lewis (CA)
- Lewis (GA)
- Lewis (KY)
- Linder
- Lipinski
- LoBiondo
- Lofgren
- Lowey
- Lucas (KY)
- Lucas (OK)
- Luther
- Lynch
- Maloney (CT)
- Maloney (NY)
- Manzullo
- Markey
- Mascara
- Matheson
- Matsui
- McCarthy (MO)
- McCarthy (NY)
- McCollum
- McCrery
- McDermott
- McGovern
- McHugh
- McInnis
- McIntyre
- McKeon
- McKinney
- McNulty
- Meehan
- Meek (FL)
- Meeks (NY)
- Menendez
- Mica
- Millender-McDonald
- Miller, Dan
- Miller, Gary
- Miller, George
- Miller, Jeff
- Mink
- Mollohan
- Moore
- Moran (KS)
- Moran (VA)
- Morella
- Murtha
- Myrick
- Nadler
- Napolitano
- Neal
- Nethercutt
- Ney
- Northup
- Norwood
- Nussle
- Oberstar
- Obey
- Olver
- Ortiz
- Osborne
- Ose
- Owens
- Oxley
- Pallone
- Pascrell
- Pastor
- Payne
- Pelosi
- Pence
- Peterson (MN)
- Peterson (PA)
- Petri
- Phelps
- Pickering
- Pitts
- Platts
- Pombo
- Pomeroy
- Portman
- Price (NC)
- Pryce (OH)
- Putnam
- Quinn
- Radanovich
- Rahall
- Ramstad
- Rangel
- Regula
- Rehberg
- Reyes
- Reynolds
- Riley
- Rodriguez
- Roemer
- Rogers (KY)
- Rogers (MI)
- Rohrabacher
- Ros-Lehtinen
- Ross
- Rothman
- Roukema
- Roybal-Allard
- Royce
- Rush
- Ryan (WI)
- Ryun (KS)
- Sabo
- Sanchez
- Sanders
- Sandlin
- Sawyer
- Saxton
- Schaffer
- Schakowsky
- Schiff
- Schrock
- Scott
- Sensenbrenner
- Serrano
- Sessions
- Shadegg
- Shaw
- Shays
- Sherman
- Shimkus
- Shows
- Shuster
- Simmons
- Skelton
- Slaughter
- Smith (MI)
- Smith (NJ)
- Smith (TX)
- Smith (WA)
- Snyder
- Solis
- Souder
- Spratt
- Stark
- Stearns
- Stenholm
- Strickland
- Stump
- Stupak
- Sullivan
- Sununu
- Sweeney
- Tancredo
- Tanner
- Tauscher
- Tauzin
- Taylor (MS)
- Taylor (NC)
- Terry
- Thomas
- Thompson (CA)
- Thompson (MS)
- Thornberry
- Thune
- Thurman
- Tiahrt
- Tiberi
- Tierney
- Toomey
- Towns
- Turner
- Udall (CO)
- Udall (NM)
- Upton
- Velázquez
- Visclosky
- Vitter
- Walden
- Walsh
- Wamp
- Waters
- Watkins (OK)
- Watson (CA)
- Watt (NC)
- Watts (OK)
- Waxman
- Weiner
- Weldon (FL)
- Weldon (PA)
- Weller
- Wexler
- Whitfield
- Wicker
- Wilson (NM)
- Wilson (SC)
- Wolf
- Woolsey
- Wu
- Wynn
- Young (AK)
- Young (FL)

NOES—7

- Baker
- Hefley
- Jones (NC)
- Otter
- Paul
- Simpson
- Skeen

NOT VOTING—6

- Baldacci
- Cubin
- Gilman
- Rivers
- Sherwood
- Traficant

□ 1518

Messrs. HEFLEY, OTTER, BAKER and SKEEN changed their vote from "aye" to "no."

Mr. MCINNIS and Mr. EVANS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. TAUZIN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes, had come to no resolution thereon.

REQUEST TO MAKE IN ORDER AMENDMENT NUMBER 3 AS AMENDMENT TO THE BILL DURING FURTHER CONSIDERATION OF H.R. 1-542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that during further consideration in the Committee of the Whole of the bill, H.R. 1542, pursuant to House Resolution 350, that the gentleman from Indiana (Mr. BUYER) be permitted to offer amendment No. 3 printed in House Report 107-361 as an amendment to the bill, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. BUYER. Mr. Speaker, reserving the right to object, since the Buyer-Towns amendment was an amendment to an amendment not made in order, and the committee has now risen, I would ask of the chairman of the Committee on Energy and Commerce to explain to the gentleman from New York (Mr. TOWNS) and me what he intends to do.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Apparently, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Utah (Mr. CANNON) have decided in the Committee of the Whole not to offer their amendment, and since the amendment drafted by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) is an amendment to their amendment, I must seek unanimous consent to have it offered as an amendment to the main bill in the Committee of the Whole, and that is why I have asked for this unanimous consent request.

Absent the granting of this unanimous consent request, it is my understanding the only way that we can get the Buyer-Towns amendment up would be if we defeated the previous question on the motion to recommit, in which case we will do so, if we are not granted this unanimous consent.

Mr. BUYER. Mr. Speaker, further reserving the right to object, I am hopeful that no one does object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

Mr. MARKEY. Mr. Speaker, I reserve the right to object in order to make this point to Members, which is that we have reached a juncture here whereby two amendments, the one made by the gentleman from Utah (Mr. CANNON) and the gentleman from Michigan (Mr. CONYERS), and the one made by the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS), each have a right, in my opinion, to have a vote on the House floor.

The way the rule is structured is there will not be a vote on the Cannon-Conyers amendment. What we are trying to do through this device is to have a straight up or down vote on the amendment, which all the competing companies in America want to have as their up or down vote; and then everyone is free to vote with the Bells or all the competitors. One vote, that is all they want; pick sides, straight up or down. We are not allowed that under the rule that came out of the committee last night.

So that is all we are trying to set up right now. We hope by the end of this process, and on the vote on the previous question, by the way, Members will have that chance to decide, one way or another, to come down forever on competition or with this old monopolistic view.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding, and I concur with his observation.

Mr. Speaker, could I just make this point: Why can we not just have a straight up or down vote on Cannon-Conyers and on Buyer-Towns? That has been spoken about among our leadership. I think it would be agreeable to many of the principals here on this bill, and I think it would make things move a lot more quickly.

We have already saved ourselves hours of time by foreclosing the debate. If we just have these two votes, we would be able to bring this very important piece of legislation to a conclusion.

Mr. MARKEY. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

☐ 1530

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 350 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1542.

☐ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentleman from Michigan (Mr. UPTON) had been disposed of.

It is now in order to consider Amendment No. 2 printed in Part B of House Report 107–361.

Is there any Member in the Chamber wishing to offer that amendment?

PARLIAMENTARY INQUIRIES

Mr. TAUZIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. TAUZIN. Who may offer that amendment under the rule?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. CANNON) or his designee.

Mr. TAUZIN. No one else can offer that amendment but the gentleman from Utah?

The CHAIRMAN pro tempore. The gentleman from Louisiana is correct: The gentleman from Utah or his designee.

Mr. TAUZIN. I thank the Chair.

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. BUYER. The gentleman from New York (Mr. TOWNS) and I had an amendment to the Conyers-Cannon amendment. If these two gentlemen or their designee do not offer that amendment, then I have no opportunity to do that, other than we defeat the previous question, and then I have an opportunity to make an amendment on the motion to recommit. Would that be correct?

The CHAIRMAN pro tempore. The Chair is not able to address in the Committee questions that may arise in the House.

Mr. BUYER. I thank the Chair.

The CHAIRMAN pro tempore. Does any Member wish to offer the amendment?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1542) to deregulate the Internet and high-speed data services, and for other purposes, pursuant to House Resolution 350, he reported the bill, as amended pursuant to that rule, back to the House with a further amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MARKEY. I am opposed to the bill in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MARKEY moves to recommit the bill H.R. 1542 to the Committee on Energy and Commerce with instructions to report the same back to the House forthwith with the following amendment:

AMENDMENT TO H.R. 1542, AS REPORTED

OFFERED BY MR. MARKEY

Strike section 4 and insert the following:

SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH SPEED DATA SERVICES.

(a) IN GENERAL.—Part I of title II of the Communications Act of 1934 (47 U.S.C. 201 et seq.) is amended by adding at the end the following new section:

"SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.

"(a) FREEDOM FROM REGULATION.—Except to the extent that high speed data service, Internet backbone service, and Internet access service are expressly referred to in this Act, the Commission shall have no authority to regulate the rates, charges, terms, or conditions for, or entry into the provision of, any high speed data service, Internet backbone service, or Internet access service, or to regulate any network element to the extent it is used in the provision of any such service; nor shall the Commission impose or require the collection of any fees, taxes, charges, or tariffs upon such service.

"(b) SAVINGS PROVISION.—

"(1) STATE AUTHORITY.—Nothing in this section shall be construed to limit or affect the authority of any State, nor affect the rights of cable franchise authorities to establish requirements that are otherwise consistent with this Act.

"(2) EXISTING RULES AND COMPETITION PRESERVED.—Notwithstanding the limitations on Commission and State authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), in order to preserve and promote fair competition, innovation, economic investment, and consumer choice, no provision of such Act or amendments shall restrict or affect in any way the application and enforcement of the Federal and State rules in effect on the date of enactment of such Act relating to the rates, charges, terms, and conditions for the purchasing or leasing of telecommunications services and network elements by competitive telecommunications carriers.

"(3) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding the limitations on Commission authority contained in the Internet Freedom and Broadband Deployment Act of 2001 (including the amendments made by such Act), such Act and amendments shall not restrict or affect in any way—

"(A) the authority of the Commission to adopt regulations to prohibit unsolicited commercial e-mail messages;

"(B) the authority of the Commission to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

"(C) the authority of the Commission—

"(i) with respect to customer proprietary network information, as provided in section 222;

"(ii) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

"(iii) with respect to access by persons with disabilities, as provided in section 255.

"(c) CONTINUED ENFORCEMENT OF ESP EXEMPTION, UNIVERSAL SERVICE RULES PERMITTED.—Nothing in this section shall affect the ability of the Commission to retain or modify—

"(1) the exemption from interstate access charges for enhanced service providers under Part 69 of the Commission's regulations, and the requirements of the MTS/WATS Market Structure Order (97 FCC 2d 682, 715 (1983)); or

"(2) rules issued pursuant to section 254.".

(b) CONFORMING AMENDMENT.—Section 251 of the Communications Act of 1934 (47 U.S.C. 251) is amended by adding at the end thereof the following new subsection:

"(j) EXEMPTION.—

"(1) ACCESS TO NETWORK ELEMENTS FOR HIGH SPEED DATA SERVICE.—

"(A) LIMITATION.—Subject to subparagraphs (B), (C), and (D) of this paragraph, the Commission shall not require an incumbent local exchange carrier to provide unbundled access to any network element for the provision of any high speed data service.

"(B) PRESERVATION OF REGULATIONS AND LINE SHARING ORDER.—Notwithstanding subparagraph (A), the Commission shall, to the extent consistent with subsections (c)(3) and (d)(2), require the provision of unbundled access to those network elements described in section 51.319 of the Commission's regulations (47 C.F.R. 51.319), as—

"(i) in effect on January 1, 1999; and

"(ii) subject to subparagraphs (C) and (D), as modified by the Commission's Line Sharing Order.

"(C) EXCEPTIONS TO PRESERVATION OF LINE SHARING ORDER.—

"(i) UNBUNDLED ACCESS TO REMOTE TERMINAL NOT REQUIRED.—An incumbent local exchange carrier shall not be required to provide unbundled access to the high frequency portion of the loop at a remote terminal.

"(ii) CHARGES FOR ACCESS TO HIGH FREQUENCY PORTION.—The Commission and the States shall permit an incumbent local exchange carrier to charge requesting carriers for the high frequency portion of a loop an amount equal to which such incumbent local exchange carrier imputes to its own high speed data service.

"(D) LIMITATIONS ON REINTERPRETATION OF LINE SHARING ORDER.—Neither the Commission nor any State Commission shall construe, interpret, or reinterpret the Commission's Line Sharing Order in such manner as would expand an incumbent local exchange carrier's obligation to provide access to any network element for the purpose of line sharing.

"(E) AUTHORITY TO REDUCE ELEMENTS SUBJECT TO REQUIREMENT.—This paragraph shall not prohibit the Commission from modifying the regulation referred to in subparagraph (B) to reduce the number of network elements subject to the unbundling requirement, or to forbear from enforcing any portion of that regulation in accordance with the Commission's authority under section 706 of the Telecommunications Act of 1996, notwithstanding any limitation on that authority in section 10 of this Act.

"(F) PROHIBITION ON DISCRIMINATORY SUBSIDIES.—Any network element used in the provision of high speed data service that is not subject to the requirements of subsection (c) shall not be entitled to any subsidy, including any subsidy pursuant to section 254, that is not provided on a nondiscriminatory basis to all providers of high speed data service and Internet access service. This prohibition on discriminatory subsidies shall not be interpreted to authorize or require the extension of any subsidy to any provider of high speed data service or Internet access service.

"(2) RESALE.—For a period of three years after the enactment of this subsection, an incumbent local exchange carrier that provides high speed data service shall have a duty to offer for resale any such service at wholesale rates in accordance with subsection (c)(4). After such three-year period, such carrier shall offer such services for resale pursuant to subsection (b)(1).

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the 'Commission's Line Sharing Order' means the Third Report and Order in CC Docket No. 98–147 and the Fourth Report and Order in CC Docket 96–98 (FCC 99–355), as adopted November 18, 1999, and without regard to any clarification or interpretation in the further notice of proposed rulemaking in such Dockets adopted January 19, 2001 (FCC 01–26); and

"(B) the term 'remote terminal' means an accessible terminal located outside of the central office to which analog signals are carried from customer premises, in which such signals are converted to digital, and from which such signals are carried, generally over fiber, to the central office.".

(c) PRESERVATION OF EXISTING INTERCONNECTION AGREEMENTS.—Nothing in the amendments made by this section—

(1) shall be construed to permit or require the abrogation or modification of any interconnection agreement in effect on the date of enactment of this section during the term of such agreement, except that this paragraph shall not apply to any interconnection agreement beyond the expiration date of the existing current term contained in such agreement on the date of enactment of this section, without regard to any extension or renewal of such agreement; or

(2) affects the implementation of any change of law provision in any such agreement.

Page 12, beginning on line 23, strike "Internet access" and insert "such".

Mr. MARKEY (during the reading). Mr. Speaker, I ask unanimous consent that the motion to recommit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. BUYER. Mr. Speaker, reserving the right to object, I would inquire of the gentleman from Massachusetts, is this the Cannon amendment?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Yes.

Mr. BUYER. This is the Cannon amendment that the gentleman is offering on the motion to recommit.

Mr. Speaker, while we were in the Committee of the Whole I asked a question of the Chairman which he said he could not answer. At that time, under the rule an amendment was designated. Neither the author nor a designee offered that amendment. Therefore, the Buyer-Towns amendment could not be offered.

The Conyers-Cannon amendment is now being considered in the recommittal motion, so the only opportunity that the gentleman from New York (Mr. TOWNS) and I now have procedurally would be to defeat the previous question, and then in the motion to recommit we make an amendment to the recommittal motion. Would that be in order?

The SPEAKER pro tempore. That would be in order.

Mr. BUYER. It would be in order. I thank the Speaker.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Massachusetts (Mr. MARKEY) in support of his motion to recommit for 5 minutes.

PARLIAMENTARY INQUIRIES

Mr. MARKEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MARKEY. Mr. Speaker, my parliamentary inquiry is this. So that there can be a clarification for the Members as to the procedural process that the House finds itself in at this point in time, I have made a motion to recommit forthwith the bill which we are now considering. It is my understanding that that means that the bill actually does not go back to the committee but just goes to the desk here and is immediately then inserted into the bill forthwith and that there is absolutely no delay in the procedure at that point and we move forward with that new substance added to the bill, is that correct?

The SPEAKER pro tempore. If a motion to recommit is adopted in a form ordering a report forthwith, the gentleman is correct that the proposed amendment would immediately be before the House.

Mr. TAUZIN. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. TAUZIN. Mr. Speaker, I think it is important that we also clarify the effects of that kind of a decision if we do allow the gentleman from Massachusetts (Mr. MARKEY) to recommit this bill with the Canyon-Conyers amendment added to it. If we allow that to happen without voting against the previous question, without giving the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to amend that motion to recommit, it is tantamount to adopting the Conyers amendment on the bill without ever having a chance to vote on Buyer-Towns. Therefore, is it not correct that for Buyer-Towns to have an opportunity to be voted upon that the Members will have to vote against the previous question on the motion to recommit?

The SPEAKER pro tempore. The first portion of the gentleman's observation is not a parliamentary inquiry.

The second portion, however, is. If the previous question were not ordered on the Markey motion to recommit, the Member who, in the perception of the Chair, led the opposition to the motion for the previous question would have an opportunity to offer an amendment to the motion to recommit.

Mr. TAUZIN. Further parliamentary inquiry, Mr. Speaker. May I claim the time in opposition to the motion to recommit?

The SPEAKER pro tempore. The gentleman may.

The gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes in support of his motion.

Mr. MARKEY. Mr. Speaker, I yield myself 1 minute.

The reason we are making this recommittal motion is so that we can have one clear vote on the competition and consumer position on all of these issues. We were not going to have a vote out here on the floor on those issues. The Bell companies do not want a clear vote on the hundreds of other companies out there competing with the four of them. So this recommittal motion is the Conyers-Cannon amendment that we were not going to be allowed to have a vote on, that gives every one of us that clear chance to decide which side of this fence we are on, monopoly or competition. And I think everyone should understand it.

Mr. Speaker, I yield 1 minute to the gentleman from Utah (Mr. CANNON).

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. Does the gentleman from Massachusetts (Mr. MARKEY) yield to the gentleman from Indiana (Mr. BUYER) for the purpose of a parliamentary inquiry?

Mr. MARKEY. I do not.

Mr. BUYER. Mr. Speaker, I object to the yielding of time.

The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. MARKEY) may yield to others and remain on his feet, which he is doing.

The gentleman has yielded to the gentleman from Utah.

Mr. CANNON. Mr. Speaker, I thank the gentleman for yielding me this time.

We might ask ourselves, why are CANNON and CONYERS together on an amendment? Sort of an odd couple, if one follows this body.

Let me point out that we have looked very carefully at this. It is exceedingly important to the future of the deployment of the Internet to have competition. There has been a lot of talk and a lot of obfuscation on this issue, but, in fact, without this amendment, if the bill becomes law, we will snuff out competition in America in the area that is going to give us the technological needed for the next century.

Mr. MARKEY. Mr. Speaker, I thank the gentleman. This is not a debate between Democrats and Republicans. It is between competition and monopoly.

Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me this time.

Mr. Speaker, this legislation has created one of those rare moments where traditional coalitions and party affiliations are nearly irrelevant as Members of the House debate the issue of competition in the field of telecommunications.

I agree with my colleagues on deregulating the industry and giving consumers more options and lower prices, but what I disagree with some of my friends on today are the anticompetitive measures that I believe are given and special privileges for certain companies in this bill.

As a former State public utility commissioner, I am extremely troubled by Congress telling States what they can and cannot do on competition, pricing and the regulation of broadband facilities and networks. This is why 31 State public utility commissions are opposed to this bill before us unamended.

Restricting competitive local exchange carriers' access to incumbent networks endangers, I believe, the future of competition. There are countless small businesses that have invested billions of dollars and have created thousands of jobs. Let us not change the rules at the half time of the game. Let us not limit the lion's share into outmoded copper facilities, let us not tie one hand behind a company's back by taking away access to high-tech fiber lines, and let us not tell States, sorry, but we are taking away your authority on yet another issue.

Instead, I urge my colleagues to think of the small business people in their districts employing constituents and giving consumers options. The motion to recommit will fix this bill so small businesses get a voice, States keep their rights and ordinary, average Americans are given fair choices and fair prices as we keep heading down the information superhighway. Vote for the motion to recommit and vote for competition and consumers.

Mr. MARKEY. Mr. Speaker, I yield my final minute to the gentleman from Mississippi (Mr. PICKERING).

□ 1545

Mr. PICKERING. Mr. Speaker, I want to commend the chairman of the committee and the ranking member for their tenacity, their advocacy, their philosophy, and their approach, as it comes to telecommunications broadband and the questions before us. But we simply want one clean vote: Do we stand with competition, or do we go back to the old fragmented, segmented, monopolistic ways of what we tried to reform in 1996?

For those of us who want multiple choices, not just one or two but many choices, the free market enterprise of competition, innovation, lower prices, then we need to vote for the Conyers amendment; and we need to vote for the Cannon amendment. We need that clean chance.

If we believe in States' rights to help advocate competition and deployment, if Members want to maintain the regulation against child pornography and obscenity on the Internet, then Members need to vote for Cannon and Conyers.

This is our one chance in this debate to have one simple vote. We believe that it is the right vote. I ask for Members' support on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. TAUZIN. Mr. Speaker, there are two amendments before this House, both of which provide access for these competitive telephone lines to the new fiber and the new systems the Bell companies would deploy under this bill. The only difference is that the Cannon-Conyers amendment would put on those conditions all the rules and regulations that currently stifle the delivery of those services.

Every high-tech representative in this town, all the associations that represent companies from Lucent to Motorola, and the two largest associations of all the high-tech companies of America, over a thousand of them, have written us letters urging us to defeat Cannon and Conyers, because what it does, it guarantees that broadband will not be deployed to people in this country without all those rules and regulations of the telephone industry regulating the Internet. That is why they want that amendment defeated.

The Buyer-Towns amendment, on the other hand, gives those competitive telephone companies full access to those facilities of the Bell at fair rates set by the FCC, not by the Bell companies.

There are two proposals before us. I am going to ask Members in a minute to defeat the previous question to give the gentleman from Indiana (Mr. BUYER) and the gentleman from New York (Mr. TOWNS) a chance to offer their proposal. If we defeat that previous question and motion, they will have a chance to offer their motion. Then they can vote Buyer and Towns up or down. If Members vote for that, that will be on the motion to recommit, and we will conclude our business.

Mr. Speaker, I yield to the gentleman from New York (Mr. TOWNS), the author of the bill.

Mr. TOWNS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, this is a very obvious way of trying to usurp the role of the Committee on Rules. What is the purpose of the Committee on Rules if we are going to try and usurp them in this fashion?

Let me be candid by saying that this is not what the Bell companies or the competitors prefer. However, I strongly believe that our amendment represents a middle ground. The Buyer-Towns is a good compromise. Our amendment does the right thing to ensure that broadband is deployed in a competitive environment, and this is what this is all about.

Mr. TAUZIN. Mr. Speaker, I yield to the gentleman from Indiana (Mr. BUYER), the principal author of this amendment.

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding to me.

To those who have walked into this body and were going to support the Buyer-Towns amendment to the Conyers-Cannon amendment, let me share what I believe is about to happen and what I believe Members should do.

If they support the Buyer-Towns amendment, vote no on the previous question; vote no on the previous question, vote yes when I have the opportunity to amend the recommit after the previous question is defeated. So they will vote yes on the Buyer-Towns amendment to the recommital, vote yes on the amended motion to recommit, and vote yes on final passage.

Mr. TAUZIN. Mr. Speaker, it comes down to this. All Members who walked into this room this morning and voted yes on the rule should vote against the motion on the previous question, because that preserves the rule and does not allow these parties to undermine the rule that Members voted for.

Vote no on the previous question and then yes on Buyer-Towns, yes on the amended motion to recommit, and yes on final passage.

Mr. LUTHER. Mr. Speaker, I am a cosponsor of the amendment by Congressmen CANNON and CONYERS which was taken up as a motion to recommit, and I oppose the Buyer/Towns amendment to the motion.

During the Energy & Commerce Committee's mark-up of this bill, Congresswoman WILSON and I introduced a bipartisan amendment addressing the issue of "line sharing"—a concept pioneered in my home state of Minnesota. This amendment represented the most contentious issue of the markup, failing to pass on a 27 to 27 tie vote, and this issue remains the most controversial matter with regard to the bill.

The first part of the Cannon/Conyers amendment is basically the amendment that Representative WILSON and I introduced at the Energy & Commerce Committee. All our amendment does is preserve existing law. The landmark 1996 Telecommunications Act deliberately forced the Regional Bell Operating Companies to open their networks to competition. The Cannon/Conyers Amendment is consistent with this and would simply preserve all existing FCC orders that allow small competitive telecommunications companies to lease elements of the Bells network on a cost-plus-reasonable-profit basis. It does no more than this.

Supporters of the Buyer/Towns Amendment claim that they have fixed the line sharing problem but their amendment will allow a competitor to have access only to copper loops, not to the fiber, remote terminals and other crucial network elements indispensable to competition in both the voice and high-speed data markets. It is vital that existing law and regulation be preserved, because a competitor's access to these fiber and remote terminal networks is the only way to preserve effective and meaningful competition.

It's important to note that competitors do not have access to these networks for free—they must pay for an element's cost and a reasonable profit. The Cannon/Conyers amendment preserves this cost-plus-reasonable-profit pricing mechanism. On the other hand, the Buyer/Towns amendment even changes this pricing mandate and will actually raise rates while giving much more limited access—all to the detriment of competition.

I urge support for the true line sharing amendment—the Cannon/Conyers amendment. And I urge a "no" vote on the Buyer/Towns amendment.

The SPEAKER pro tempore. All time for debate on the motion to recommit has expired.

The question is on ordering the previous question on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. MARKEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 256, not voting 5, as follows:

[Roll No. 44]

AYES—173

Abercrombie
Andrews
Baird
Barrett
Bartlett
Becerra
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Combest
Condit
Conyers
Costello
Cox
Coyne
Crowley
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Doggett
Dooley
Doyle
Duncan
Dunn
Ehrlich
Eshoo
Etheridge
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gephardt
Gilchrest
Goode
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hinchey
Hobson
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Israel
Jenkins
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kilpatrick
Kingston
Kleczka
Kolbe
Kucinich
LaFalce
Lantos
Latham
Leach
Lee
Linder
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McInnis
McKinney
Meehan
Millender-McDonald
Miller, George
Mink
Moore
Moran (KS)
Moran (VA)
Nadler
Napolitano
Norwood
Oberstar
Obey
Olver
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Ramstad
Rangel
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sabo
Sanders
Schaffer
Schakowsky
Scott
Sensenbrenner
Shadegg
Shays
Sherman
Skeen
Skelton
Slaughter
Solis
Stark
Stupak
Sununu
Thompson (CA)
Thune
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Wamp
Waters
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (FL)

NOES—256

Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Bentsen
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capuano
Cardin
Clay
Clayton
Clement
Clyburn
Coble
Collins
Cooksey
Cramer
Crane
Crenshaw
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLay
Diaz-Balart
Dicks
Dingell
Doolittle
Dreier
Edwards
Ehlers
Emerson
Engel
English

Everett
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hart
Hastings (FL)
Hayes
Herger
Hill
Hilleary
Hilliard
Hinojosa
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (IL)
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Knollenberg
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Morella
Murtha
Myrick
Neal
Nethercutt
Ney
Northup
Nussle
Ortiz
Osborne
Ose
Otter
Oxley
Pascrell
Pastor
Pence
Petri
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Regula
Rehberg
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Rush
Ryan (WI)
Sanchez
Sandlin
Sawyer
Saxton
Schiff
Schrock
Serrano
Sessions
Shaw
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wynn
Young (AK)

NOT VOTING—5

Baldacci
Cubin
Evans
Gilman
Traficant

□ 1614

Mrs. MEEK of Florida, Mrs. KELLY, Mrs. NORTHUP, and Messrs. CULBERSON, TANCREDO, BOOZMAN and HERGER changed their vote from “aye” to “no”.

Mr. OBERSTAR, Mr. KINGSTON and Ms. CARSON of Indiana changed their vote from “no” to “aye”.

So the previous question was not ordered.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUYER TO THE MOTION TO RECOMMIT OFFERED BY MR. MARKEY

Mr. BUYER. Mr. Speaker, I offer an amendment to the motion to recommit.

The Clerk read as follows:

Amendment offered by Mr. Buyer to the motion to recommit offered by Mr. Markey:

In lieu of the amendment proposed on the motion, insert the following:

Page 6, beginning on line 9, strike “, or to regulate any network element to the extent it is used in the provision of any such service”.

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

“(j) Guaranteed Access to Consumers for CLECs.—

“(1) Access rules.—

“(A) Preservation of rules guaranteeing CLEC access to incumbent carrier facilities.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

“(B) Transport services available to CLECs.—

“(i) Offering required.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

“(ii) Transmission options.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

“(iii) Rates, terms, and conditions.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

“(iv) Serving central office definition.—For the purpose of this subparagraph, the term ‘serving central office’ means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

“(C) Space adjacent to an incumbent's remote terminal.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

“(D) Clec access to incumbent carrier rights-of-way.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

“(E) Scope.—Notwithstanding any provision of law, neither the Commission nor any State shall—

“(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

“(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

“(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

“(F) Reinterpretation.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

“(3) Definitions.—For purposes of this subsection—

“(A) the term ‘fiber feeder subloop’ means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

“(B) the term ‘fiber local loop’ means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

“(C) the term ‘packet switching network element’—

“(i) means a network element that performs, or offers the capability to perform—

“(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

“(II) any successor to the functions described in clause (i);

“(ii) includes such element on a standalone basis, or as a part of a combination with one or more other network elements; and

“(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

“(D) the term ‘remote terminal’ means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer's premises; and

“(E) the term ‘signaling system 7 network’ means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.”.

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

“(d) Additional Commission Authority Preserved.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

“(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

“(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

"(3) with respect to—

"(A) customer proprietary network information, as provided in section 222;

"(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

"(C) with respect to access by persons with disabilities, as provided in section 255.".

Page 6, line 12, insert before the period the following: "that is not imposed or required on the date of enactment of this section".

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the amendment to the motion to recommit be considered as read and printed in the Record.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Indiana?

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will continue to read.

The Clerk continued to read.

Mr. BUYER (during the reading). Mr. Speaker, I ask unanimous consent that the Buyer-Towns amendment to the motion to recommit be considered as read and printed in the Record.

Mr. WATT of North Carolina. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman may state his inquiry.

Mr. BUYER. Mr. Speaker, the Buyer-Towns amendment to the motion to recommit, is it a debatable or a nondebatable amendment?

The SPEAKER pro tempore. The amendment is not debatable.

Mr. BUYER. It is not. So the Members have to stay here during the reading of this amendment?

The SPEAKER pro tempore. The amendment is not debatable.

The Clerk will continue to read.

The Clerk continued to read.

PARLIAMENTARY INQUIRY

Mr. ROEMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Mr. Speaker, with the House vote denying the minority the right for a motion to recommit, has that happened in the last 10 years, the last decade in the House of Representatives?

The SPEAKER pro tempore. The Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. Parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. ROEMER. Has the minority in the House of Representatives been denied the sacred right of a motion to recommit in the last 20 years?

The SPEAKER pro tempore. The Chair would give the gentleman the same response, and that is that the Chair cannot presume to place the pending proceedings in historical context.

Mr. ROEMER. I thank the Chair.

Mr. TOWNS. Mr. Speaker, I rise today in support of my amendment to H.R. 1542.

Last year, I voted to report H.R. 1542 out of Committee. I felt that America needed to formulate a national broadband policy and that the Tauzin-Dingell Bill was an excellent first step in doing so.

I also supported a line-sharing amendment during Committee deliberations because I felt that it was critical to provide access and reasonable pricing for the competitive industry. Over the past three years, line sharing has been the most contentious issue in the broadband debate. The amendment that Mr. Buyer and I offer today represents a true compromise on this issue.

Our amendment ensures that the competitive industry will have access to all copper and fiber networks owned by the Bell Companies. They will also have FCC-regulated pricing, which will prohibit the Bell Companies from pricing the CLECs out of the market. In addition to these provisions, this amendment also safeguards important laws such as the anti-slamming provisions and it protects the E-Rate program.

Let me be candid by saying, this is not what the Bell Companies or the competitors preferred; however I strongly believe that our amendment represents the middle ground that has been sorely missing in this debate over high-speed data deployment.

I will tell you Mr. Speaker that it is my belief that our amendment does the right thing to ensure that broadband is deployed in a competitive environment. I am pleased that the AARP and the Communications Workers of America have endorsed our proposal to strike a balance that is fair to consumers and is equitable for providers.

I urge each of my colleagues to vote "yes" on the Buyer-Towns Amendment and forge a true compromise on the issue of line sharing.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of this amendment.

I disagree with opponents of this amendment who argue that it would give the RBOCs a competitive advantage over smaller competitors. This amendment, a substitute amendment to the Cannon/Conyers amendment, requires RBOCs to utilize a competitor's broadband service over their network, but it does not require that they share their lines or facilities.

Although, under the bill, RBOCs would no longer be required to provide to competitors, at "wholesale rates," the use of RBOC DSL switching and routing equipment, fiber optic lines, or remote terminals, it does require RBOCs to transmit a competitor's broadband service over their fiber lines and equipment at "just and reasonable" rates, terms and conditions set by the FCC. It also preserves the authority of the FCC to enforce consumer protection laws, and establishes a new framework under which RBOCs that use fiber lines to provide broadband services must also carry the broadband services of competitors.

Additionally, it eliminates the requirement that RBOCs permit competitors to directly connect with or be provided space in a RBOC remote terminal, but gives competitors access to RBOCs' rights-of-way so that competitors may place their own remote terminals on RBOC property near the RBOC equipment.

Importantly, this amendment guarantees that CLECs have access to customers served by RBOC company high-speed networks under FCC-regulated rates, terms, and conditions. It also preserves rules governing CLECs access to RBOC facilities, including a rule that permits CLECs to line-share on RBOC copper facilities; maintains rules governing law enforcement, pornography, slamming/cramming, privacy, access by persons with disabilities.

This amendment goes a long way towards increasing competition, access, and fairness in this important sector. I urge my colleagues to support it.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the amendment to the motion to recommit and on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. Buyer) to the motion to recommit offered by the gentleman from Massachusetts (Mr. Markey).

The amendment to the motion to recommit was agreed to.

The SPEAKER pro tempore. The question is on the motion to recommit, as amended.

The motion to recommit, as amended, was agreed to.

Mr. TAUZIN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit and on behalf of the Committee on Energy and Commerce, I report the bill, H.R. 1542, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

Page 6, beginning on line 9, strike ", or to regulate any network element to the extent it is used in the provision of any such service".

Page 7, strike line 7 and all that follows through line 2 on page 9 and insert the following:

"(j) Guaranteed Access to Consumers for CLECs.—

"(1) Access rules.—

"(A) Preservation of rules guaranteeing CLEC access to incumbent carrier facilities.—Except as provided in subparagraph (E), the Commission is not required to repeal or modify the regulations in effect on May 24, 2001, that enable a requesting carrier to use the facilities of an incumbent local exchange carrier to provide high speed data services.

"(B) Transport services available to CLECs.—

"(i) Offering required.—If an incumbent local exchange carrier provides high-speed data services over a fiber local loop or fiber feeder subloop, that carrier shall offer, over such loop or subloop for delivery at the incumbent local exchange carrier's serving central office, a high speed data service that is provided by such carrier utilizing an industry-standard protocol.

"(ii) TRANSMISSION OPTIONS.—Such service shall enable a requesting carrier to transmit information over an incumbent local exchange carrier's facilities between that incumbent local exchange carrier's serving central office and (I) a customer's premises served by that serving central office; (II) a remote terminal supplied by the requesting carrier; or (III) a high frequency portion of the copper subloop obtained by such requesting carrier pursuant to the provisions of subsection (c)(3).

"(iii) RATES, TERMS, AND CONDITIONS.—Such high speed data service shall be offered on rates, terms, and conditions that are just and reasonable in accordance with section 201(b). For such purposes, such high speed data service shall be deemed a nondominant service.

"(iv) SERVING CENTRAL OFFICE DEFINITION.—For the purpose of this subparagraph, the term 'serving central office' means the centralized location where the incumbent local exchange carrier has elected to provide access to the high speed data service required by this subparagraph.

"(C) SPACE ADJACENT TO AN INCUMBENT'S REMOTE TERMINAL.—Subparagraph (E)(iii) does not relieve an incumbent carrier of any obligation under regulations in effect on May 24, 2001, to provide space adjacent to its remote terminal to a requesting carrier so that the requesting carrier may construct its own remote terminal.

"(D) CLEC ACCESS TO INCUMBENT CARRIER RIGHTS-OF-WAY.—Any incumbent local exchange carrier has the duty to afford access to its poles, conduits, and rights-of-way in accordance with subsection (b)(4) for provision of high speed data service.

"(E) SCOPE.—Notwithstanding any provision of law, neither the Commission nor any State shall—

"(i) require an incumbent local exchange carrier to provide unbundled access in accordance with subsection (c)(3) to any packet switching network element;

"(ii) require an incumbent local exchange carrier to provide, for the provision of high speed data service, access on an unbundled basis in accordance with subsection (c)(3) to any fiber local loop or fiber feeder subloop; or

"(iii) require an incumbent local exchange carrier to provide for collocation in accordance with subsection (c)(6) in a remote terminal, or to construct or make available space in a remote terminal.

"(F) REINTERPRETATION.—Consistent with subparagraph (E), neither the Commission nor any State shall construe, interpret, or apply this section in such a manner as to expand an incumbent local exchange carrier's obligation, as in effect on May 24, 2001, to provide access in accordance with subsection (c)(3) to any network element for the provision of high speed data service, or to provide collocation in accordance with subsection (c)(6) for the provision of high speed data service.

Page 9, lines 3 and 15, redesignate subparagraphs (E) and (F) as subparagraphs (G) and (H), respectively.

Page 10, beginning on line 11, strike paragraph (3) through page 11, line 3, and insert the following:

"(3) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'fiber feeder subloop' means the entirely fiber optic cable portion of the local loop between the feeder/distribution interface (or its equivalent) and a distribution frame (or its equivalent) in an incumbent local exchange carrier central office, including all features, functions, and capabilities of such portion of the local loop;

"(B) the term 'fiber local loop' means an entirely fiber optic cable transmission facility, including all features, functions, and capabilities of such transmission facility, between a distribution frame (or its equivalent) in an incumbent local exchange carrier central office and the loop demarcation point at an end-user customer premise;

"(C) the term 'packet switching network element'—

"(i) means a network element that performs, or offers the capability to perform—

"(I) the basic packet switching function of routing or forwarding packets, frames, cells, or other data units based on address or other routing information contained in the packets, frames, cells, or other data units, including the functions that are performed by digital subscriber line access multiplexers; or

"(II) any successor to the functions described in clause (i);

"(ii) includes such element on a standalone basis, or as a part of a combination with one or more other network elements; and

"(iii) does not include elements of the signaling system 7 network transmitting signaling information between switching points;

"(D) the term 'remote terminal' means a controlled environment hut, controlled environment vault, cabinet, or other structure at a remote location between the central office and a customer's premises; and

"(E) the term 'signaling system 7 network' means the network that uses signaling links to transmit routing messages between switches and between switches and call related data bases.".

Page 7, line 3, strike the close quotation marks and the following period, and after such line insert the following:

"(d) ADDITIONAL COMMISSION AUTHORITY PRESERVED.—Notwithstanding subsection (a), such subsection shall not restrict or affect in any way the authority of the Commission—

"(1) to adopt regulations to prohibit unsolicited commercial e-mail messages;

"(2) to regulate changes in subscriber carrier selections or the imposition of charges on telephone bills for unauthorized services; or

"(3) with respect to—

"(A) customer proprietary network information, as provided in section 222;

"(B) with respect to rules and procedures adopted pursuant to section 223 to restrict the provision of pornography to minors and unconsenting adults; or

"(C) with respect to access by persons with disabilities, as provided in section 255.".

Page 6, line 12, insert before the period the following: "that is not imposed or required on the date of enactment of this section".

Mr. TAUZIN (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. TAUZIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 273, noes 157, not voting 4, as follows:

[Roll No. 45]

AYES—273

Ackerman
Aderholt
Akin
Allen
Armey
Baca
Bachus
Baker
Baldwin
Ballenger
Barcia
Barr
Barton
Bass
Becerra
Bentsen
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Capito
Capuano
Cardin
Carson (IN)
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Cooksey
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (IL)
Davis, Jo Ann
Deal
DeLauro
DeLay
Diaz-Balart
Dicks
Dingell
Doolittle
Edwards
Ehlers
Emerson
Engel
English
Everett
Ferguson
Filner
Fletcher
Foley
Ford
Fossella
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goodlatte
Gordon
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hart
Hastings (FL)
Hayes
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Jones (NC)
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Lynch
Maloney (CT)
Manzullo
Matheson
Matsui
McCarthy (NY)
McCrery
McGovern
McHugh
McIntyre
McKeon
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Neal
Ney
Northup
Norwood
Nussle
Olver
Ortiz
Ose
Otter
Oxley
Pascrell
Pastor
Payne
Pence
Petri
Phelps
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Reyes
Reynolds
Riley
Rodriguez
Rogers (KY)
Ros-Lehtinen
Ross
Roukema
Rush
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin

Sawyer
Saxton
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Toomey
Towns
Turner
Upton
Visclosky
Vitter
Walden
Walsh
Watkins (OK)
Watson (CA)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wilson (SC)
Wynn

NOES—157

Abercrombie
Andrews
Baird
Barrett
Bartlett
Bereuter
Berkley
Berman
Biggert
Blumenauer
Borski
Boswell
Brown (OH)
Cannon
Cantor
Capps
Carson (OK)
Castle
Chabot
Coble
Conyers
Costello
Cox
Coyne
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeMint
Deutsch
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Ehrlich
Eshoo
Etheridge
Evans
Farr
Fattah
Flake
Forbes
Frank
Frelinghuysen
Gilchrest
Goode
Goss
Hansen
Harman
Hastings (WA)
Hayworth
Hefley
Hinchey
Hoeffel
Hoekstra
Holt
Honda
Hooley
Inslee
Isakson
Israel
Johnson, E. B.
Johnson, Sam
Kaptur
Keller
Kilpatrick
Kingston
Kolbe
Kucinich
LaFalce
Latham
Leach
Lee
Linder
Lipinski
Lofgren
Luther
Maloney (NY)
Markey
Mascara
McCarthy (MO)
McCollum
McDermott
McInnis
McKinney
Meehan
Mica
Miller, George
Miller, Jeff
Mink
Moore
Moran (VA)
Nadler
Napolitano
Nethercutt
Oberstar
Obey
Osborne
Owens
Pallone
Paul
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Ramstad
Regula
Rehberg
Rivers
Roemer
Rogers (MI)
Rohrabacher
Rothman
Roybal-Allard
Royce
Sabo
Sanders
Schaffer
Schakowsky
Scott
Shadegg
Shays
Skeen
Skelton
Slaughter
Solis
Stark
Stump
Stupak
Sununu
Taylor (MS)
Thune
Thurman
Tierney
Udall (CO)
Udall (NM)
Velázquez
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Wicker
Wilson (NM)
Wolf
Woolsey
Wu
Young (AK)
Young (FL)

NOT VOTING—4

Baldacci
Cubin
Gilman
Traficant

☐ 1654

Ms. MILLENDER-McDONALD changed her vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1542, INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make necessary technical, conforming and clerical corrections in the enrollment of the bill, H.R. 1542.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous material in the RECORD on H.R. 1542, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

COMMUNICATION FROM THE HON. HOWARD L. BERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable HOWARD L. BERMAN, Member of Congress:

WASHINGTON, DC,
February 25, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with civil subpoenas for documents and testimony issued by the United States District Court for the Central District of California in a civil case pending there. The testimony and documents sought relate in part to the official functions of the House.

After consultation with the Office of General Counsel, I will determine whether it is consistent with the privileges and rights of the House to comply with the subpoenas, to the extent that they seek testimony and documents that relate to the official functions of the House.

Sincerely,

HOWARD L. BERMAN,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE CASE OF JOSEPH SALVATI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to talk about what I think is one of the greatest miscarriages of justice ever heard of or ever seen in this Nation.

As some people know, I spent 7½ years before coming to Congress as a criminal court judge in Tennessee trying felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. But I want to talk briefly today about the Joseph Salvati case, a case in which a man whom the FBI knew was innocent and yet they still kept him in prison for more than 30 years, a man with a wife and, I think, four children. It is just horrendous to think about what was done to this man by our own Federal Government, a man that they knew was innocent. They did not discover that he was innocent after he had been in prison for 25 years. They knew before he went to prison that he was innocent.

First of all, I want to start by expressing my great admiration and respect for the courage and determination of the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, in conducting several hearings about this terrible miscarriage of justice that I am talking about here. This is my 14th year in the Congress. I have been shocked by this Joseph Salvati case and all that I have heard in the hearings that Chairman BURTON has had so far, but I want to read to you the first paragraph of Chairman BURTON'S opening statement, because I am a member of three different committees, five separate subcommittees, I have participated in hundreds, maybe even several thousand of committee and subcommittee hearings since I have been in the Congress, and I have never heard a more shocking statement in a congressional hearing than I heard Chairman BURTON give. In fact, I have heard him now give it on two occasions.

His opening statement, the first paragraph said, "The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars. It permitted informants to commit murder. It tipped off killers so that they could flee before they were caught. It interfered with local investigations of drug dealing and arms smuggling. And then when people went to the Justice Department with evidence about murders, some of them ended up dead."

☐ 1700

Now, that is a statement by the gentleman from Indiana (Chairman BURTON). As I said, I think it is the most shocking statement I have ever heard made in a congressional investigation.

I do not really know what all is behind everything that is in that statement. I know it is far more than just the Salvati case from Massachusetts, which, as I say, was a case in which the Justice Department kept a man in prison for more than 30 years for something that they knew all along that he did not do.

But I will say this: anyone who is not totally, completely shocked by what the gentleman from Indiana (Chairman BURTON) said in that statement that I just read and who is not totally completely shocked by the Salvati case should reexamine his or her commitment to true justice and to our legal system.

The primary purpose of the law and our legal system should be to protect the freedom and liberty of innocent citizens. That should be the primary purpose and goal of our legal system. Our term "justice" can be defined in many ways; but in the end, it should and does mean fairness, simple fairness from one human being to another. Justice should mean fairness to all.

Apparently, you had and still have Justice Department and FBI bureaucrats who are so blinded by arrogance and power that they can no longer see what true justice means. To me, this is shocking. The FBI and the Justice Department are still refusing to turn over documents and papers on the Salvati case and on some of these other cases to the gentleman from Indiana (Chairman BURTON), even though these cases are many years old. The Salvati case, as I say, occurred more than 30 years ago.

Joseph Califano, who was a member of the Cabinet and a top adviser to Presidents Clinton and Carter, wrote in a column a few weeks ago in the Washington Post and said, "In the war against terrorism, which all of us support, we are missing a very alarming problem that is growing by leaps and bounds," and that is what he described as the "shocking, alarming rise in Federal police power."

If we are going to have true justice in this country, we cannot end up with a Federal police state that allows the FBI and the Justice Department to do just anything they want, no matter if it means that an innocent man ends up behind bars for 30 years when they know he is innocent, and they covered it up and then attempt to continue to cover it up after the world knows all about it. This Salvati case has been on "60 Minutes." Everybody knows about it; it has been all over the television and the news.

So I hope the gentleman from Indiana (Chairman BURTON) will continue the series of hearings that he has held trying to call attention to this horrendous abuse, this terrible miscarriage of justice that was done to Mr. Salvati, and I hope that people realize that we have a Federal Government that has gotten out of control here and they start opposing things like happened in this case.

TWO THOUSAND DETAINEES: AMERICA'S GULAG?

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I would like to address a matter of grave concern for those of us who value freedom and democracy in this country.

On December 14, Rabih Haddad, a prominent community leader and religious cleric in Anne Arbor, Michigan, was preparing to celebrate a major religious holiday with his wife and four children when a knock came at his door. There stood three INS agents who had come to take him away. Mr. Haddad is now being held in 23-hour solitary confinement several hundred miles away from his family, whom he is allowed to see only 4 hours a month. Mr. Haddad has been in jail for 76 days and has never been charged with a crime.

On November 24, Mazen Al-Najjar, a former university professor and religious leader living in Tampa, Florida, was rearrested by Justice Department officials. Professor Al-Najjar had already been held for 3 years in Federal prison on secret evidence until December 2000, when a judge ruled that allegations against him were baseless and ordered the government to release him. He is now being held in 23-hour lockdown in a maximum security prison. Professor Al-Najjar has been in jail for 96 days and still has never been charged with a crime.

In early October, Anser Mehmood, a New Jersey truck driver originally from Pakistan, was arrested by Federal law enforcement officials. His family was not allowed to visit him for 3 months, nor were they told of his whereabouts. Deprived of their only source of income, his wife and four children have been forced to sell all of their belongings and now plan to return to Pakistan. Anser has been in jail for more than 140 days and has never been charged with a crime.

On September 18, Mohammed Refai, a legal resident of the United States, was informed that the 1-year extension of his conditional green card was being revoked. Then he was put in jail. The government denied him access to his lawyer for 2 days, and he remains in solitary confinement. Mohammad has been in jail for 162 days and has never been charged with a crime.

These are just a handful of the stories of people who have been swept up in Attorney General John Ashcroft's dragnet and who have been denied the most fundamental rights of due process and rule of law. But there are literally hundreds and hundreds and hundreds of such cases all over the country.

We do not know their names, and we do not know what they are being charged with. We do not know if they have access to legal assistance or even to their families. There are reports that many have been mistreated and denied access to their legal counsel and even visits by their families. We know that one such detainee has already died while in U.S. custody. But we do not know exactly how many others are being held because the Bush administration will not tell us. They will not tell us who they are, where they are, or why they are being held.

The ACLU and other domestic civil rights groups estimate there are as many as 2,000 individuals, most of them men from the Middle East and South Asia, who are now swept up in this administration dragnet. The number will likely increase in the coming months as John Ashcroft goes after thousands more so-called "absconders."

We do know that one detainee, 55-year-old Mohammad Butt from Pakistan, died in custody at the Hudson County Jail in New Jersey. But the Justice Department offers little justice for those now caught in its snare.

The great irony is that all along the administration has said that we are hated because we are free; not because of what we are, but because we are free.

There is so much talk about how America is viewed abroad. Well, let us look at a recent headline: "The disappeared: Since 11 September, last year, up to 2,000 people in the United States have been detained without trial or charge or even legal rights. The fate of most is unknown. Andrew Gumbel investigates a scandal that shames the land of the free."

A scandal that shames the land of the free, and most Americans do not even know it. But that is not from a newspaper in Pyongyang; it is not from a newspaper in Tehran. It is from a newspaper from London, one of the largest newspapers, in fact, in London, from the Independent.

If we want the world to understand who we are and what we stand for, we should bear in mind that everything we say and do is broadcast all over the world, even if it is not broadcast right here in America. When what is being broadcast are mass arrests of young men and closing down of charities, then we can only expect insightful rhetoric from abroad. It is time we start living up to our own standards of freedom, equality, and justice.

LOCAL FIREFIGHTERS COULD FACE CHOICE BETWEEN TWO PASSIONS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Madam Speaker, I reluctantly rise to discuss an issue that troubles me greatly. For the past 16 years that I have served in this body I have tried to focus attention on the plight of the Nation's fire and emergency service providers.

Across this country, we have fought for their interests. We have fought for the career and volunteer firefighters in 32,000 departments. We organized the largest caucus in the Congress. We have an annual dinner each April which brings all the focus together. We have had President Clinton, former President Bush and all of our major party leaders come together to support them.

As we saw in the Washington Post 2 days ago, the good will we have developed is currently being undone by a resolution passed by the International Association of Fire Fighters, good friends of mine, supporters of mine, that tells their membership they can no longer volunteer in the course of serving the communities where they live. So a firefighter in the District of Columbia who lives in suburban Maryland or Virginia is no longer allowed on his own free time to serve the communities where he lives. If he wants to do that, he must give up his union card.

Madam Speaker, this is like saying that teachers, and I was a teacher for 7 years, should withdraw from the teacher's association if they want to tutor poor kids on weekends or after school, or even teach Sunday school. It is like telling doctors that they should no longer serve in clinics on their own time or be dismissed from the AMA. It is like telling professional athletes they should no longer play in charity games, raising money for good causes, or coach our youth teams. It is like telling lawyers that they should not belong to the American Bar Association if they do pro bono work.

Madam Speaker, one of the leaders, a paid IAFF leader and a member of the Rockville City Volunteer Fire Department, has estimated that 70 percent of all career firefighters volunteer in the communities where they live. The IAFF has now come out and said they can no longer do that.

I respectfully request our friends in the IAFF to reconsider this decision. We will continue to support firefighters, career and volunteer. We will continue to fight for more funding to provide even for paid personnel where there are shortages. But this kind of a policy drives a wedge between career and volunteer fire and EMS people that is just, I think, unthinkable.

In fact, one of the leaders of the IAFF said it well: "Many of the smaller communities rely solely on volunteer stations and they stand to lose a lot. This is all about men and women who really just love being a firefighter. Volunteering on their days off, whether in their own county or nearby, keeps their skills fresh. This just unnecessarily drives a wedge between the careers and the volunteers, and that eventually hurts the public."

Madam Speaker, I was up at the World Trade Center 2 days after the disaster, and I saw thousands of firefighters from around the country working together with the New York City career firefighters. Does this mean that those career firefighters from other departments that went to New York City would lose their union cards if this were enforced because they were volunteering to help their brother firefighters in time of need?

I plead with my friends in the IAFF, for the sake of your own members, change this policy, so that we all can work together for the good of America's domestic defenders.

METRO AIRPORT JANITORS HAVE EARNED A FAIR WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Madam Speaker, in the Detroit Metropolitan area, we recently celebrated the opening of a $1.2 billion Midfield Terminal at our regional airport. Now, after millions and millions have been spent to build this terminal, and after billions and billions have been spent to bail out the airline industries, our airport is literally a mess because of $3.55.

Now, $3.55 may not seem like a lot of money, but to workers like James Hughes it is a lot. What is even more insulting is that his pay and benefits are being cut without negotiations with his collective-bargaining agent, the Service Employees International Union Local 79.

When the new Midfield Terminal opened and the contractor in charge of custodial services turned its back on James Hughes and his coworkers, they turned their backs on the SEIU Local 79, and they turned their backs on all the passengers who fly through Detroit's airport. They said to James Hughes and his coworkers, we will not pay you a living wage. In fact, we are going to cut your pay from $10.90 an hour to $7.35 an hour, and we will not give you the same health care benefits that you had before. This is an absolute outrage.

Well, you know what? James Hughes and his fellow janitors, they said that they are not going to pick up the trash, and the SEIU janitors walked off their jobs and let the garbage pile high.

□ 1715

This new symbol of prosperity is supposed to be embodied in this new terminal. It is supposed to be clean and new, and it is supposed to be a sign that things are turning around at Detroit Metro. Well, instead, it had become a symbol of greed, a symbol of cronyism, a symbol of nepotism, and a symbol of corruption at this airport. It seemed that contracts, whether they are no-bid contracts handed out to political friends and family members or broken contracts with our janitors, remain a persistent problem at our airport and in Wayne County.

Well, it is high time that it stopped.

On Thursday, the janitors who had previously cleaned Northwest's former home in the Davey Terminal, they are going to be holding a rally. They have had enough of this. They are tired. They are sick and tired of being sick and tired, and they will be standing up for justice. They will be standing up for dignity and respect, and they will be standing up for what is right.

A living wage is something that every worker ought to be able to have. A wage enough so they can feed their families, pay their rent, pay their mortgage, a pay that one should be respected for.

Madam Speaker, one cannot help but be reminded of the time when garbage piled high up all over Memphis, leaving a stench in the air. The mayor there at that time refused to treat city sanitation workers with respect. He refused to honor their work with a fair wage, and he listened more to his political cronies than he did to the elected representatives of the people. So the young Memphis janitors, represented by AFSCME United, they held rallies, they marched the streets, and then they brought in Martin Luther King, Jr., to fight their cause.

The second time he came was the tragic day in April which no one will ever, ever forget. Yet, sometimes we forget why he came to Memphis. He was there because he saw his brothers and sisters in a struggle. It was a struggle for civil rights, for social justice, and for economic equality; and he died fighting against poverty and supporting sanitation workers who were on strike in Memphis.

Now, nearly 34 years later, in a different city, at a different moment in our history, janitors and sanitation workers are still struggling for the right to be treated with dignity and respect.

Fredrick Douglas once wrote, "There is no progress without struggle." Well, these workers have been struggling for generations, and progress has become painfully, painfully slow to come. The time is now for those who care about working families to join them in their struggle. The time has come for justice for janitors. I am here to say tonight, Madam Speaker, that I am proud to stand with the men and women of SEIU local 79 and their great President Willie Hampton for their fight for living wages and adequate benefits. It is time we move forward. It is time to act. And on Thursday, February 28, we will.

SUPPORT H.R. 2820 AND SUPPORT OUR VETERANS

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Madam Speaker, we hear lots of lofty words and phrases uttered in this Chamber when it comes to honoring our military men and women and paying our debt of gratitude to our veterans who have served this country so nobly. But I have found that talk is cheap, and if one wants to know what is really important to the people who occupy this Chamber, one watches where the money goes. How do we use our resources?

I want to call to this Chamber's attention two things that have happened recently which negatively impact our Nation's veterans. We are in the process of imposing upon many of our veterans an annual deductible of $1,500 in order for them to receive health care at our veterans' facilities. Madam Speaker, $1,500, a new burden being placed upon our veterans.

In addition to that burden, there is an additional burden. In the past, veterans have been able to go to our hospitals and receive prescription drugs by giving a $2 per prescription copay; $2 per prescription. But, sadly, in early February of this year, that copay was increased dramatically by 250 percent. So now veterans do not pay $2 when they get a prescription filled, they are required to pay $7 for each prescription.

Now, at a VA hospital in my area, the average veteran gets over 10 prescriptions per month. If we take 10 prescriptions per month and we charge $7 copay per prescription, that is $70 a month, and many of our veterans get their medications for 3 months at a time. If we take 70 times 3, that is $210. But what does this mean to the veteran who is living on a fixed income, a veteran who has served this country honorably and nobly, a veteran who has paid the price for the security needs of this Nation? This new burden for a veteran who takes 10 prescriptions a month amounts to $600 per year. This is totally unjustified.

Madam Speaker, I would point out that we are doing this at a time when this House voted just a few days ago to eliminate the Alternative Minimum Tax, a tax that was placed on wealthy corporations, profitable corporations during the presidency of Ronald Reagan, because back in those days, President Reagan recognized that there were janitors who were literally paying more in taxes than the profitable corporations that they worked for. So the Alternative Minimum Tax was imposed, and it has been in place since 1986. But in this Chamber, just a few days ago, we voted to eliminate that tax and to refund the money that had been paid by these profitable corporations since 1986, what is estimated to be approximately $24 billion that would be given back, with no strings attached. We are doing that at the same time we are putting burdens on the backs of our veterans.

What we have done, basically, is to require veterans to pay more for their health care at the same time we are giving huge tax breaks and tax givebacks to profitable corporations. It is unacceptable.

Madam Speaker, I have introduced H.R. 2820, a bill that would simply return the copay to $2, at a level it has been for quite some time, and it would freeze it at the $2 level for the next 5 years. It seems to me that this is the least we can do for these men and women who have served our country.

Now, I believe this is something that this House will be willing to do, and I am calling upon my colleagues of both political parties to sign on to this legislation. Thus far, I have acquired about 70 cosponsors, Republicans and Democrats alike.

I would like to point out that the cointroducer of this legislation with me is a Republican, the gentleman from Ohio (Mr. NEY). The gentleman from Ohio and I are hopeful that all of our colleagues in this House will join us in the effort to reduce this burden upon our veterans, and we will be grateful if they do, and I am sure the veterans in this country will be grateful as well.

IN MEMORY OF STATE SENATOR CLIVE L. DUVAL II

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Madam Speaker, I rise today to recognize the accomplishments of one of Virginia's finest and most respected public figures. Clive L. DuVal II passed away on Monday, February 25. But his legacy of leadership on the environment, on consumer rights, on civil rights, and good government will leave a lasting impression on the Commonwealth of Virginia for decades to come.

Born in New York City, Senator DuVal came to embody the definition of a Virginia gentleman, serving in the House of Delegates for 6 years and as a State Senator from 1972 until his retirement in 1992. Educated at Yale where he received his law degree, Senator DuVal went on to serve as a lieutenant commander in the Navy's 16th Air Group during World War II. After the war, he served at the Department of Defense as a lawyer, later becoming general counsel for the U.S. Information Agency in 1955.

Senator DuVal got his political start standing up against the controversial land use dispute over the Merrywood estate in McLean, Virginia. Citing illegal zoning practices, Senator DuVal helped persuade the U.S. Interior Department to join the effort, and it led to the successful prevention of high-rise developments along the Potomac River.

These concerns for the environment continued throughout Senator DuVal's legislative career. Known as a stalwart defender of the little guy, Senator DuVal rose to become the head of the Northern Virginia delegation. He eventually assumed the chairmanship of the Democratic Caucus and successfully used that position in fighting for progressive priorities. During all the budget agreements, as they would be worked out behind closed doors, we knew he was there fighting for the right priorities.

Senator DuVal left an indelible mark on everyone with whom he served. His courageous stands on civil rights and on women's rights made a great difference in Virginia's social progress. He was always admired by his colleagues for his velvet glove approach to the toughest of legislative battles, a good personal friend and an inspiration to so many of us looking for examples of successful progressive leadership in Virginia.

Madam Speaker, I stand today in salute of Senator DuVal's life's work. He was a role model for us all and a great American, and we will miss him dearly.

LAND LOSS SUFFERED BY AFRICAN AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. I am pleased to come to the House floor to speak in honor of Black history month. In 1926, Carter G. Woodson started Black history week to bring national attention to the contributions of Black people to this nation. Since 1976, Americans annually recognize February as Black history month. This year's theme, "[t]he Color Line Revisited, Is Racism Dead?", reminds us as a nation to examine our haunted past, while affording us an opportunity to appreciate how African-Americans have been instrumental in shaping the spirit of our nation, despite the barriers imposed by racism. As I take this opportunity to recognize the triumphs of African-Americans, I would be remiss if I did not recognize the losses we have suffered. I would like to recount one particularly painful loss endured by African-Americans, that of land loss. Madam Speaker, on January 12, 1865, General William T. Sherman met with 20 black community leaders of Savannah, Georgia. The following day, General Sherman issued Special Field Order Number 15 which set aside the Sea Islands off the Georgia coast and a

30-mile tract of land along the southern coast of South Carolina for the exclusive settlement of black families. This land, along with other confiscated and abandoned land, fell under the jurisdiction of the Freedmen's Bureau, a government entity created to assist former slaves. Each family was to receive 40 acres of land and an Army mule to work the land, thus the origin of "40 acres and a mule."

The Freedmen's Bureau lent a helping hand to former slaves in their newfound freedom by assisting them in taking advantage of the government's promise of land and a chance at prosperity. Unfortunately, the government never lived up to its promise of 40 acres and a mule. During the fall of 1865, President Andrew Johnson issued special pardons which returned the confiscated property of many ex-Confederates. The Freedmen's Bureau was stripped of most of its power, and much of the land that had been leased to black farmers was taken and returned to the Confederates.

Nevertheless, despite the absence of government assistance, many African-Americans on their own managed to purchase land. Despite the failure of our Federal Government to make good on a promise of assistance and despite open hostility and racial discrimination, between the end of the Civil War and 1910, African American families in the South amassed a land base of over 15 million acres.

□ 1730

This was by no means an easily accomplished feat. Many sacrifices were made, and much hard work went into the efforts of African Americans to fulfill the American dream and own their own land. By 1920, there were 925,000 African American farmers. In 1999, the figures had dropped to less than 17,000 African American farmers with less than 3 million acres of land.

Fast forward to the year 2002, and many of us in the African American community look back on a promise made to us in 1865 that was never realized. We have to acknowledge the fact that not only did the government fail black farmers and landowners in 1865, it seems that the government has played and active role in depriving African Americans of property acquired through their own hard work and sacrifices. In some cases, the government approved taking lands from African Americans; in others, it actually participated.

How many cases have we heard where African Americans, through intimidation, trickery, fraud, and outright violence, have been driven from their land or lost family homesteads? In spite of bitter struggles to hold onto their land, many African Americans have lost land involuntarily and have received no remedy to correct these injustices.

We as a people recognize land ownership is an integral source of power. Cases of government-condoned land-taking are viewed by the black community as a campaign to deprive African Americans of our ownership rights as American citizens. For African Americans who have struggled to overcome the legacy of slavery, the loss of lands is particularly devastating. Land ownership is viewed as a source of economic security and prosperity. Since the mid-1800s when black Americans were first promised the opportunity to own land, we have sought to gain economic freedom, prosperity, and respect through our land and pass that legacy on to future generations.

In spite of the fact that our government has failed us and reneged on a promise of yesterday, we have shown that we have the drive and the determination to overcome adversity in our quest to share the prosperity to which we are entitled.

This does not mean, however, that we will accept the discrimination practices and government-sanctioned schemes that served to rob African American landowners of property that they have literally in some cases shed blood, sweat, and tears to attain and maintain.

As policymakers, we have an obligation to respond to the critical issue of land loss in the African American community. The link that has been established between land ownership, community, and democratic participation makes it critical that we are committed in our efforts to help black landowners hold onto their land. We must preserve a legacy that is worthy of passing on to future generations.

IN SUPPORT OF AMERICA'S DOMESTIC STEEL INDUSTRY AND THE CONGRESSIONAL BLACK CAUCUS PROGRAM ON BLACK HISTORY MONTH

The SPEAKER pro tempore (Mrs. BIGGERT). Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Madam Speaker, I am going to split my remarks between two areas that will be addressed in the House later this evening.

First of all, I rise in support of our domestic steel industry. Thousands of American steel workers have lost their jobs due to massive levels of low-priced steel imports. In my own district, the 11th district of Ohio, 3,200 LTV steelworkers may lose their jobs while 22,000 steelworkers and vendors in the region have been affected as a result of these imports.

I stand here today to urge the President to take decisive action against the cheap imports that are destroying the U.S. steel industry. This is an industry that has been a cornerstone of our economy and national security over the last 100 years.

The ITC found unanimously that American steel companies and thousands of workers and their communities have been seriously injured by these imports. I say and know firsthand that they have been devastated. The ball is now in the President's hands. He must decide what measures his administration will take to correct the wrong that has been caused by low-priced imports.

I urge the President in the strongest possible terms to impose strong and effective tariff-based relief. The President must impose a tariff of at least 40 percent against all foreign low-priced steel imports. I urge the President to impose such a tariff for a period of at least 4 years, as the law allows.

I also urge the President not to waiver from his commitment to the American steel industry and its workers because strong tariff-based relief is the only remedy that can realistically assist this industry in our United States.

Secondly, I rise in support of the Congressional Black Caucus Black History Month Special Order. Our theme tonight is "The Color Line Revisited: Is Racism Dead?" We have come together to salute the great history of African Americans in America. I would like to address that African American history and its origins and what it means to our great Nation today.

Let us take a moment to reflect on a time in our history when African Americans were so dehumanized and their history so distorted that slavery, segregation, and lynching were not punishable by law. It was a time when people were being mistreated because of the color of their skin, and as a result, many people began to stand against these terrible acts.

This stand against injustice by many eventually brought about a massive change that divided our Nation and sparked the Civil War. After the war, America stood true to its union as one Nation, under God. The spirit of African Americans was strong and unwavering during such difficult times, which makes the history of African Americans so great.

It is important to reflect upon this time in our history so that what happened to innocent people never happens again. It is largely for these reasons that I am working to make a difference in the life of every American. I believe that we must pick up where African American heroes left off. We must not only know our history but honor it, so that slavery, segregation, and inhumane acts never happen again.

We must be united for access to quality public schools for our Nation's youth, we must be united for access to affordable health care, and we must not rest until our Nation unites and what will be done for African Americans in terms of reparations.

Right now, inner-city schools, which are overwhelmingly populated by African American children, are failing standardized tests at disproportionate rates. Right now, African American families lack access to quality health care at disproportionate rates. Right now, in the slowing economy, African Americans are losing their jobs at double the rate of white Americans. Right now, African Americans are victims of predatory lending by unscrupulous companies that are stripping our community of her wealth. Right now, the American people have a duty to their fellow countrymen and women to not only apologize for the inhumane acts, but also to supplement it with economic justice.

With all of our efforts, I am sure that we will continue to celebrate freedom and justice for all for many, many years to come.

In closing, racism is not dead; but we are one Nation, under God, indivisible, with liberty and justice for all. I am proud to be an American, and I am more proud that I am an African American. I salute those African Americans who believed in the fight for justice, believed in their dreams for equality, and paved a path for a brighter tomorrow.

We must stand up and continue to fight to be assured that racism does die. But right now, it is not dead.

CONTINUATION OF EMERGENCY WITH RESPECT TO THE GOVERNMENT OF CUBA'S DESTRUCTION OF TWO UNARMED U.S.-REGISTERED CIVILIAN AIRCRAFT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–182)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 26, 2002.*

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) is recognized for 60 minutes as the designee of the minority leader.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, it is my honor to begin the Congressional Black Caucus 2002 Black History Month Special Order. The theme of this year's national African American History Month is "The Color Line Revisited: Is racism dead?"

More than 100 years ago, in 1900, the great scholar, W.E.B. DuBois, addressed a pan-African conference in London where he said, "The problem of the 20th century is the problem of the color line." It is now the 21st century and a major problem for this Nation is still the color line, but I believe that the color line is shifting, and shifting toward a better future.

Certainly as a nation we could not have watched Vonetta Flowers become the first African American woman ever to win a gold medal in the Winter Olympics, ironically during Black History Month, without acknowledging that the color line is shifting.

Certainly when we look at the progress among black-elected officials, we know the color line is shifting. In 1964, there were just three African Americans in Congress and 300 black-elected officials nationally. Today, those numbers have swelled to 9,000 black-elected officials nationwide and 39 Members in Congress, 38 being members of the Congressional Black Caucus.

Yes, the color line is shifting; but the problem is still here. In our lifetime, in my lifetime, I have seen Nazism fall, Communism fall, Fascism fall, but why not racism? In our lifetime, we must cling to the belief that we as a united people will celebrate the death of racism.

American-styled racism, loosely defined, is the belief that one race is superior to another. Upon this principle, slavery, Jim Crowism, lynching, economic exploitation, and many other forms of oppression were engraved in law and tradition.

Can we now say racism is dead when 51 percent of African American children are living in poverty, while the civil rights movement fought for the right to vote in the sixties; and now in the new millennium we must fight to ensure that votes are counted, particularly in black areas?

For example, one in 11 ballots in the predominantly black voting precincts in Florida were tossed out, according to a New York Times analysis of the Sunshine State's black vote.

Racial profiling is alive. About 73 percent of motorists stopped and searched on a major New Jersey highway in 1999 were African Americans, even though African Americans made up less than 18 percent of the traffic violators.

Disparities in sentencing and in incarceration have grown. African American men comprise 50 percent of the U.S. prison population, despite representing just 6 percent of the U.S. population.

Reparations were refused to the survivors of the 1921 race riots in Tulsa, Oklahoma. The legislature refused this remedy, even though whites destroyed an African American community, killing 300 residents and destroying businesses and homes.

But they are just a few examples, just a few. There are so many more.

Moreover, when we witness the fights against affirmative action as a tool against African Americans achieving equality in employment and education, we can only conclude that much more must be done to bury racism.

When we review even now that land has been taken from African Americans, that they have had to pay more for life insurance policies, we know that racism is not dead.

But in my closing, the words of Dr. Martin Luther King, Jr., speaking in Nashville, Tennessee, on December 27, 1962, are appropriate: "The problem of race and color prejudice remains America's greatest moral dilemma. How we deal with this crucial situation will determine our moral health as individuals, our political health as a Nation, and our prestige as a leader of the free world. The hour is late, the clock of destiny is ticking out. We must act now before it is too late."

I know the Speaker joins me in recognizing the tremendous achievements that African Americans are making to this Nation. When I get on an elevator to come up each day, I know that it was an African American who invented the elevator. Even turning on a light or stopping at a street light, we know that we have been part of it. Standing in this building, we know that African Americans as slave workers built this great Capitol of the Nation.

Madam Speaker, I yield to the gentlewoman from California (Ms. LEE) to moderate the rest of the Special Order.

☐ 1745

Ms. LEE. Madam Speaker, I would like to thank the chair of the Congressional Black Caucus, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her leadership on issues affecting African Americans, all minorities in this country, in fact, the entire country, for everyone and for bringing us together here tonight.

As she reminded us so eloquently, in 1903 W.E.B. DuBois wrote The Souls of Black Folks and stated that, "the problem of the 20th century is the problem of the color line."

Now here in the 21st century, nearly 100 years after the publishing of his groundbreaking work, we really do face many of the same problems, and they are further complicated by an economic divide.

While African Americans have made great strides in many areas in the last 100 years, including the end of Jim Crow and legalized segregation, the color line is still evident and is still costly to African Americans and really to the entire Nation.

Some feel that because legal segregation was ended and that the Civil Rights Act was passed and affirmative action exists in some States, some believe that racism has ended. But I ask you tonight to consider the unfortunate new manifestations of racism as they exist in the year 2002 when we ask the question, is racism dead?

There are more than 44 million people in this country without health insurance. Nearly 20 percent of African Americans have no health insurance.

Thirty percent of children living in poverty are African American. That is about 3.5 million children.

Forty percent of black men in urban areas do not graduate from high school.

There are more young African American men under the control of the criminal justice system than enrolled in higher education.

The unemployment rate for blacks is 12.2 percent compared with 5.5 percent for white.

Homicide is the leading cause of deaths for black males between 15 and 24, and suicide is the third leading cause of death among young black males.

Black men in inner-city neighborhoods are less likely to reach the age of 65 than men in Bangladesh, one of the poorest countries in the world.

Since December of 2000, over 130,000 AIDS cases were reported among women in the United States. Almost two-thirds of all women with AIDS are African Americans. And young girls make up about 58 percent of new AIDS cases among teens in the United States.

Blacks are 10 times more likely to be diagnosed with AIDS than whites and 10 times more likely to die from this disease.

African Americans in this country were emancipated from slavery and given no compensation for their forced labor nor for that of their ancestors. Following this, legalized and institutional segregation marginalized African Americans to separate and unequal education, health services and protections under the law.

This was the inequality that Dr. DuBois was speaking of in 1903, but these inequalities continued to exist and define the state of affairs for much of black America.

Is racism dead? I do not think so. African Americans are still dealing with this terrible legacy of slavery, racism, social and political and economic marginalization.

Until we erase the health disparities, education disparities, unequal economic opportunities, and ensure that there are equal protections under the law, including making sure, may I say, that the votes of African Americans are as likely to be counted as whites in our elections, we have to acknowledge, we have to be clear about this, that the color line does exist and that there is much to do in terms of seeking liberty and justice for African Americans.

So the question now should be, what does this Congress and this administration have the will to do about this? We all have a duty, a responsibility to fight for equality and justice.

As Dr. W.E.B. DuBois reminded us so eloquently 100 years ago, he said, "By every civilized and peaceful method we must strive for the rights that the world accords to men and women clinging unwaiveringly to those great words which the sons of the fathers would feign forget, 'We hold those truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness.'"

Again, I want to thank the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON) for bringing us together tonight. As we celebrate Black History Month, as it comes to a close, let us celebrate our achievements but remain vigilant on the issues that affect the millions of African Americans in this country.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to yield back my time and request that time be yielded to the gentlewoman from California (Ms. LEE).

IS RACISM ALIVE?

The SPEAKER pro tempore (Mrs. BIGGERT). Under the Speaker's announced policy of January 3, 2001, the gentlewoman from California (Ms. LEE) is recognized for the remainder of the minority leadership hour.

Ms. LEE. Madam Speaker, I would like to recognize the gentlewoman from Florida (Mrs. MEEK), a great African American shero.

Mrs. MEEK of Florida. Madam Speaker, I thank my colleague.

Madam Speaker, I am very pleased to stand here today to celebrate black history, American history. The theme of this month or week and this special order is The Color Line Revisited: Is Racism Dead?

Madam Speaker, I want to thank my colleagues, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), and I also want to thank the Congressional Black Caucus for organizing today's black history special order.

Certainly the history of the people of African descent is interwoven with the history of America. Since the first Africans arrived on what is now American soil in 1619, black Americans have played a pivotal role on behalf of the development of this great Nation. I rise to speak on behalf of this year's Black History Month as designated by the Association of the Study of African American Life in History. For me, every month is Black History Month.

The Color Line Revisited: Is Racism Dead? This poignant theme forces us to reflect upon the legacy of African Americans and the state of race relations in America. To some people, race relations is a term that they feel a little bit shy to talk about or to think about. But we must still remember that race is a great divider in our great country, and we must talk about it.

We have much to celebrate in the achievements of African Americans and the great strides this country has made towards equality. Just recently, we saw Vonetta Flowers make history by becoming the first African American ever to win a gold medal in the winter Olympics.

We have had many, many firsts, but our many firsts should have been firsts many, many years ago. The fact that I am able to serve as a Member of Congress along with 38 other African Americans is a clear indication of how far we have come. In the State of Florida it took three of us 129 years to come to this Congress. My question is, was racism alive? Would we have been here 129 years earlier?

America has changed much since I was a child growing up in Tallahassee, Florida, which at one time was really the seat of racism in the South. We no longer accept legal discrimination. We no longer allow poll taxes to bar African Americans from voting. We no longer accept separate but equal schools or water fountains. We are no longer forced to sit in the back of bus.

But we do often sit in the back of the bus many times, maybe not in a real bus but in the bus that is America, many times we sit in the back seat. We are not happy about it. We fight every day to be sure that the people we represent and those who are not here in the halls of Congress as we are to say we must fight anything that stands in our way to keep us from equality.

We are very proud, but there is much work to be done. We have come a very long way since the slave ships arrived on these shores. However, there is still a lot to be done.

This theme makes us ask the difficult question, is racism really dead? This is an important question that has the capacity to make us feel a little uncomfortable. We would rather not have to answer this question.

However, is racism dead when the black unemployment rate remains twice that of whites? Is racism dead when a young married couple is denied financing on the house of their dreams simply because of their skin color? Is a racism dead when a young black man is stopped for no apparent reason except for driving while black? Is racism dead when in my congressional district one out of six African Americans lack access to health insurance? Is racism dead when most young men who are fleeing from the police are shot in the back and it does not happen with any other color? When police use unjustified force against people of color, is racism dead?

If racism were truly dead, we would not need a Federal Office of Civil Rights. We would not need the Fair Housing Act. We would not need the Community Reinvestment Act. We would not need countless other Federal and State offices whose job is to monitor and enforce equal treatment.

These are just some of today's challenges for African Americans and for America and for this Congress.

We need to continue to help America understand these challenges and struggles shall serve as incentives for a new program of action. We must work very hard to eradicate the institutional racism that exists in many of America's institutions, America schools, America's churches. All institutions in America frequently have racism.

Let us work hard to fund educational reform at a level that will impact the schools that need it most. Let us work hard to make health care available and affordable for African Americans and for all Americans. Let us speak out and demand justice in the face of unjustified use of force by police in our communities.

Our goal, as it was for the civil rights movement in the 1960s, should be an end to inequality in America. As we celebrate black history during this special month of February, let us realize that black history is American history. Let us commend ourselves as Americans, as African Americans to work ceaselessly to end the persistent inequalities in our Nation and improve the quality of life for all Americans, the challenge to keep what we have and a god to glorify.

Ms. LEE. Madam Speaker, I want to thank the gentlewoman from Florida (Mrs. MEEK) for that very eloquent statement and also for actually working every day of your life to make the American dream real for all.

I would like to now recognize my colleague, the gentlewoman from Georgia (Ms. MCKINNEY), a fighter for justice and human rights both here at home and abroad.

Ms. MCKINNEY. Madam Speaker, I just want to state publicly for the record that you are a tremendous woman, a woman of courage and a woman I admire.

"The black man has no rights which the white man is bound to respect." That is what the Supreme Court wrote in black and white in 1857. In the presidential election year 2000, when the Supreme Court selected George Bush as our President and failed to order that the votes of black voters be counted, did the Supreme Court resurrect the ghost of Judge Tanksley who wrote those words? "The black man has no rights which the white man is bound to respect."

Certainly in Florida black voters had no rights that Jeb Bush and Katherine Harris felt bound to respect. They conspired with their leader, presidential candidate and Texas Governor George W. Bush to create a list, a so-called felons' list in order to target black people and keep them from voting. They came up with a list of 57,700 names from Florida and Texas as well as Ohio and New Jersey.

Now, I do not think it is legal for Florida to deny Ohioans the right to vote. And we have our esteemed lawyers here, the gentlewoman from the District of Columbia (Ms. NORTON) and the gentleman from Michigan (Mr. CONYERS) who can perhaps tell us about the legality of Florida disenfranchising people who supposedly were from Ohio and New Jersey.

□ 1800

At any rate, for example, you have a voter by the name of Johnny Jackson, Jr., who is a black man from Texas, but in Jeb Bush's Florida, Johnny Jackson, Jr., becomes a convicted felon by the name of John Fitzgerald Jackson. Now, Katheryn Harris maintained that Johnny Jackson, Jr., is the same person as John Fitzgerald Jackson. So when John Fitzgerald Jackson in Florida goes to vote, Katheryn Harris, Secretary of State, and all those people say, "Sorry, you cannot vote because you committed a felony in Texas. And in Texas your name was Johnny Jackson, Jr." Well, we know that that was not the case.

And in case after case after case, black people were denied the right to vote. The black man has no rights which the white man is bound to respect. It happened with names from Ohio, where blacks in Florida were targeted as whites in Ohio; and it happened even in New Jersey, with Latinos who ended up on the list as convicted felons, even though they had not committed any crime at all except to be a minority and a probable Democratic voter in a State that George W. Bush needed to get elected as President.

Sadly, 90 percent of the names on the 57,700 list of convicted felons were wrong. Sixty percent of those who were purged were black. Ninety-three percent of the people who were targeted voted Democratic.

Now, the subject of tonight's Special Order is: Is racism dead? Mr. Speaker, I will leave that up to you.

Ms. LEE. Well, I want to thank the gentlewoman from Georgia for speaking the truth and for reminding us of another chapter of American history and black history. I thank her very much.

I would like now to yield to my colleague, the gentlewoman from the District of Columbia (Ms. NORTON), who is a champion for civil rights not only here in the District of Columbia but throughout our country. She is a champion and defender of our Constitution, and one of these days there will be voting rights for all residents of the District of Columbia thanks to her and her constituents.

Ms. NORTON. I thank the gentlewoman for those kind remarks and for reminding this body of that outstanding debt in democracy owed to the 600,000 people I represent. I was pleased to be in the gentlewoman's district during the most recent recess and saw how well she represents her district.

I also want to thank our caucus chair, the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), for her work in gathering us once again, as we do every year, to speak about African Americans during Black History Month.

The theme chosen is well chosen, I must say: Is racism dead? I have to confess that for me the short answer is no. It is kind of a truism. I feel that I should not have to put forward the evidence, if you happen to live in this country of whatever background; but I do believe that my colleagues have more than demonstrated that proposition and that, by now, for those of us who want to open their minds, it is a self-evident matter.

I thought that I would devote my few minutes, knowing that others would speak eloquently to answer the question of the day, that I would devote my 2 minutes to speaking about racial pride and the pride that our country should take in black heritage in this city. I feel constrained to do so because many people know that this is a great monumental city, but I would bet that many do not know that this is a great hub of African American history.

I do not think I should let the Congress come here every year, sail through here without understanding the kind of black heritage that this city represents. The reason, of course, is that when this city was formed out of Maryland and Virginia, half of the blacks in the United States lived in those two States. So from the beginning it had a large African American population. A quarter of the population was African American. Interestingly, it did not become a majority African American city, it is now 60 percent black, until the 1950s.

This city is always a major tourist destination site. Increasingly, it is becoming a black heritage destination site as well; and I would like to devote my few minutes to saying why. At a time when we want people to come to their capital city as an act of patriotism, I want to say that I want them also to come to learn more about their country. And this is a great city to learn more about our country because so much black history was made in this country.

Indeed, as I speak, the Congress has allowed the home of Carter G. Woodson here, the father of black history, to become a historic site. We are about to get a bill I will soon be introducing in April that will take the home on 9th Street so that it is converted into the kind of home that Mt. Vernon is and that Frederick Douglass's home is. And we ought to do that because we are here talking about black history and this is the man that started black history, started the Association for the Study of Negro Life and History, who was the second black after W.E.B. DuBois to get a PhD from Harvard, the man to whom we owe the very idea of black history because he uncovered it for the first time.

I mentioned the Frederick Douglass home. This is the city where Frederick Douglass did most of his work. He was the Recorder of Deeds in this city. It was from this city that he went to be ambassador to Haiti. It was in this city that he walked the halls of Congress.

To its credit, the Congress has approved a Presidential commission for an African American museum on the Mall, thanks to a bill whose chief sponsors were the gentleman from Georgia (Mr. LEWIS) and the gentleman from North Carolina (Mr. WATT). This Presidential commission brings us for the first time close to the idea that African Americans ought to be commemorated in this city.

This is the city where, of course, Howard University is found, the flagship university of black America, founded in 1867 as the first university that was open to blacks. It was open also to people of every race and color. Sterling Brown, the distinguished poet who taught at Howard, has said that after the Civil War the most distinguished and brilliant assemblage of negroes in the world, to quote him, came to this city. And that was in no small part because of Howard University. Howard University and the assemblage of so many black intellectuals made this a center for civil rights ferment and for the study and appreciation of African American history.

On U Street now we have 209,145 United States Colored Troops who served in the Civil War commemorated in the first Civil War monument to the black troops who served their country in the Civil War. The descendants of these troops can trace their lineage through a registry located there.

There is a 12th Street Y that was built by one of the Nation's first African American architects, and the son-in-law of Booker T. Washington. It was built by African American artisans in 1912, known not only as a historic structure but known for the many notable young men who passed through that Y: Dr. Charles Drew, the man who discovered blood plasma; former Georgetown University Coach John Thompson. The writer Langston Hughes, to name a few.

There is a home near McPherson Square of Mary McLeod Bethune, the woman who managed to advise four Presidents before blacks got their rights anywhere in the United States.

There is the Sumner school. This was the first public school for African Americans in the country. It later became the old M Street High School and the forerunner of Dunbar High School, the famous African American high school here where I was privileged to attend.

The tourist season is starting. Many of us who live here, who work here, are unaware that this is one of the great cities for black heritage. It is a great American story here in the lives of black people. Much that is history in this city other than its Federal buildings is in fact black history. The building where we now stand, the Capitol of the United States of America, was built with the help of slave labor and the labor of free blacks.

As we commemorate Black History Month and learn more about our history, as we seek to answer the question is racism dead, we ought also to seek to appreciate what African Americans have done for our country. One way to do so is to see the marvels of African American history laid out in the great Nation's capitol.

Ms. LEE. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia for that very wonderful and thorough history lesson, and I thank her also for representing us, all who live here sometime during the week, for being our representative.

Mr. Speaker, I would like now to yield to the gentleman from Michigan (Mr. CONYERS), the ranking Democrat on the Committee on the Judiciary, our great leader, and one who makes history each and every day here in this House of Representatives.

Mr. CONYERS. Mr. Speaker, I thank the gentlewoman from California and commend her for this very important event in which we recollect our thoughts and thinking on the most sensitive question in our society, the question of race.

I am delighted to engage in a little recollection of things that have been going on in my life recently. I was at the University of Michigan for a black history program in Ann Arbor, Michigan, a month ago; and I must say I was astounded by the department size, the fact that they had professors, they had fellows who were coming from all over the world. There was a young fellow that had just come from South Africa that day, who made the mistake of not bringing an overcoat to Michigan in January. It was a great program. And there was a genuine interest demonstrated by the university that I had not known about before. A talented professor, teacher, a member of my congressional district in Detroit, heads up this department at U of M, and she goes from Detroit to Ann Arbor 5 days a week and loves her work. There was a real enthusiasm there.

And then 2 weeks ago I was approached by the gentleman from Michigan (Mr. HOEKSTRA) to join him in a program in Traverse City in which they were celebrating the life of a soldier who had to pass for white in World War II to get into the Air Force, because it was before they created Tuskegee Institute, which Mayor Coleman Young, our first African American Mayor in the city of Detroit, went to this school. But this was before him. And so he had passed away. We gave his family nine or 10 medals, from the Purple Heart, up and down, that had been denied him. And thanks to my colleague, the gentleman from Michigan (Mr. HOEKSTRA), and myself, we were able to get the Department of the Air Force to go over this incredibly valiant record. He had reenlisted several times, and on his last mission his plane was shot down and he was killed.

□ 1815

Mr. Speaker, it was quite enlightening because there were very few people of color at the school. I was at a school, it is the first K–12 school I will ever recall being in in the North. Here it was in Traverse City. It was a very nice school, 300 young people, but still it went from K–12, which is quite a stretch in these days.

In addition, I will be joining the gentlewoman from California (Ms. LEE) tomorrow in terms of a meeting that we will be having concerning Three Strikes and You're Out. I am looking forward to that because it is very, very important.

I will be at the Wolverine Bar Association of Michigan's Annual Barristers' Ball this Saturday evening, a huge event, but it marks something more than just a wonderful social event. It marks the time not too far distant when African American lawyers could not practice law in the larger firms in Detroit.

Wade McCree, Jr., who became a county judge, a Federal judge and appeals judge, was President Jimmy Carter's Solicitor General and was surely scheduled to go on the Supreme Court, went into workmen's compensation as a referee, although he was Harvard trained with all honors, because no law firm would accept him at that time.

Our former colleague from Michigan, Congressman George Crockett, he, with Attorney Bill Goodman and others, they formed a firm called Goodman, Eden, Crockett, Robb, Philo & Millender, which was the first integrated firm in Detroit. This was in the 1940s. We are past that. We have broken into that. Our former mayor, Dennis Archer, is president-elect of the American Bar Association. A doctor and former health department head of Washington, D.C., is now a vice president of the American Medical Association.

So we have started making these kinds of movements, but it is important for us to understand that, even as we do, so we will be meeting tomorrow, a meeting that I invite everyone to, where we will be dealing with the subject of people of African descent in Latin America who have been largely ignored, notwithstanding there are 150 million of them, and they are moving forward in a very important way.

So this kind of refreshes our minds as to where we are, what the struggles are. Reparations is still more than a dozen years old in the Congress, but it is many, many more years old, and we are still struggling to get a fair hearing here.

The criminal justice system speaks for itself. Racial profiling, even though outlawed, is still practiced widely; and with the terrorist activity, there are those that argue that we should relax racial profiling because Arab Americans should be subject to different criteria than other people, while law enforcement has repeatedly stated that racial profiling is a poor police technique.

Mr. Speaker, we have a health system in which the discrepancy of health statistics between people of color and not of color are widely known, and the Congressional Black Caucus is working very hard on that.

Our unemployment statistics are double everybody else's, have been and still are.

I cannot help but raise the question: How long are we going to tolerate African American slums and ghettoes in the major cities of America? They could have been wiped out in one fell swoop generations ago, and yet they are allowed to persist with Band-Aid programs.

The AIDS crisis is a question of color because many people of color have no way of getting any assistance whatsoever, or the prevention techniques are not made available.

Haiti is a question, and I always am intrigued by Americans who say, why are you so interested in Haiti? Haiti is the place where African slaves were transported, the indigenous people were eliminated, and this is the closest black country on the Western Hemisphere, the only black country in the Western Hemisphere and is the nearest you can get to Africa without leaving the Western Hemisphere.

We have the problem of the disparities in the treatment by our own State Department of the 48 States that compromise the continent of Africa, and that is even though we have an African American Secretary of State. We are struggling just as we always have.

Affirmative action has been under constant legal threats, and I am not proud to say that in the Eastern District of Michigan we had a decision that came out so badly that it is almost unbelievable, and it is going to make its way up to the courts.

These are some of the concerns that I have.

I will be in Philadelphia celebrating Black History Month. I want to read other Members' remarks. I think they would make a very interesting paper, document or book, and I would volunteer to work with the gentlewoman on that kind of activity. I congratulate all of my colleagues who have chosen to participate this evening.

Ms. LEE. Mr. Speaker, I thank the gentleman. Listening to the gentleman from Michigan is like listening to a history book. The gentleman reminds us how far we have come and how far we have to go.

Mr. Speaker, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE), a great woman who fights every day on behalf of her constituents.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California for participating in leading us in this effort, along with the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), the chairperson of the Congressional Black Caucus, particularly allowing for us to focus on revisiting The Color Line: Is Racism Still Alive?

In listening to my colleagues, each have offered a different perspective; and I might, in the moments that I have, and I would like to be able to come back to the floor tomorrow to elaborate on the system of justice that concerns me greatly.

It is important to note that we have made progress, and I do believe that all of us who have come here have indicated that we know that slavery in its technical sense is over. The Jim Crowism of the early 1900s is over. Segregation of the deep South is claimed to be over.

I am reminded of 1901 when the last African American Congressperson was drawn out of this Congress. In fact, there was no African American who sat in the House of Representatives, similar to what we have in the other body, where no African American sits now in the United States Senate, and we now enter into the 21st century.

Although we can say to our colleagues and to all of America that there have been strides, we do have a knowledge of African American history. We can cite W.E.B. Dubois and Booker T. Washington. We can cite the work of George Washington Carver. We know that the street light was designed by an African American. We are quite familiar with some of the military generals, particularly General Davis. We are familiar, of course, with the men and women who fight in the United States military and the strides they have made.

We are familiar with the new millionaires and CEOs like Dick Parsons of AOL, Ken Chenault of American Express, Franklin Raines of Fannie Mae Corporation, and Stanley O'Neal of Merrill Lynch; and many people would cite that as a fact that we have made great progress. But I would just bring some attention to some of the cancerous sores that continue in this system that really should bear attention and ask the question: Is it because of color?

Is it because of color that we go to inner city schools and find the inequities in the funding systems where our children are not learning?

Is it because of color that we find that if we have what we call alternative school systems where you put children who have been designated as troublesome that you will find, go there and find a large percentage of those being minority children?

Is it the issue of color where you are not finding male role models in the public school systems or a multitude of them as principals in the administration where we are teaching our children?

When we look at our juvenile justice system, and we have looked at it across the country. When I first came to Congress, I traveled around the country to visit with various States about the juvenile justice system. That was at the end of the time or maybe at the beginning of the time when our mind-set was to lock up juveniles and throw away the key. It was interesting when we looked at those percentages, the high percentage of incarcerated juveniles were African American young people and in large part African American males.

In Harris County, Texas, we find a large percentage of those in courts who do not go home. When the judge gets to ruling, he would say, you go home with your parents. We are putting you on probation. We are giving you a warning, if you will. A large number of those are not African American young people. A large percentage of African American young people are sent to the Texas Youth Council.

We do have an inequitable system that points to the need to address the issue of color. I believe as we look at the incarcerated persons in our Nation we will find a higher number on death row who happen to be African Americans who did not get a high school education. Those are systemic problems that point to the issue: Is race an issue?

As I applaud the success that we have had, applaud the number of lawyers and physicians who have graduated from our schools, I want to point to the fact that those numbers have gone down.

Lastly, I would say what we need to entertain, we need to have an overall, wide national discussion on this word called reparations so it is not stigmatized by the lack of understanding what it means. At the ending of slavery, it was announced that those who were freed would get 40 acres and a mule. Some people view that as a joke, but it was economic compensation for the 400 years of slavery. That was never fulfilled.

And although people will say I did not cause slavery, it was not me, I grant you that, but it is extremely important that we as a Nation not only express the apology to seek forgiveness for what happened to throngs of African Americans who are the ancestors of those who suffered the brutality of slavery, but it is necessary for us to have a fair, calm, generous discussion about what reparations really mean and how we can move this country forward as we did for the Japanese that were interned, as we did for those in the experiment.

□ 1830

Let us do that, and I believe then we will answer the question whether racism is alive and as well we will heal this Nation and come together as a unified Nation as we should.

Mr. Speaker, I rise today to pay homage to all those great African American pioneers who made it possible for me to stand today. It is truly on their shoulders that I stand, and I am honored to carry their legacy of justice, freedom and equality into future generations.

The question often arises in contemporary society, "Is racism still alive?" After all, as many would point out, African Americans and other minorities in this country have achieved greatness despite centuries of slavery, decades of discrimination, and an attitude of hatred that continues to permeate our society.

The number of African American elected officials has increased by 3,000 percent since 1963, the year of the historic March on Washington. Black college graduates have increased by 400 percent, and African American consumer power is equal to that of more than 200 countries, including Australia, Belgium and Hong Kong.

And stories like Newsweek's coverage of the four extraordinary black men who head multi-national corporations—Dick Parsons of AOL Time Warner; Ken Chenault of American Express; Franklin Raines of Fannie Mae; and Stanley O'Neal of Merrill Lynch, who control 300 billion dollars worth of market capital and employ 300,000 people—these are extraordinary success stories and extraordinary statistics.

Mr. Speaker, that might be the end of the story, but it is not. Today, African Americans are still under-represented in business, government, and higher education. African Americans are the largest growing AIDS population, and represent a disproportionate percentage of all major illnesses. Twenty-five percent of all young black males are, or are predicted to be, under the jurisdiction of the criminal justice system.

Perhaps these statistics paint a more realistic picture of the status of race in America, but statistics are not enough. While racism no longer hides behind Jim Crow laws and restrictive covenants in housing, racism is unfortunately alive in America.

Today, it hides behind the cover of public policies that disregard the poor; attitudes that deny access with subtlety; and ignorance that blinds the nation. Racism fears the outspoken greatness of academic pioneers like Harvard University's Cornell West, much like it feared the greatness of Harvard's first African American graduate, W.E.B. Dubois.

When America becomes truly committed to ending racism, we will see an immediate end to racial profiling; an end to an educational system that relegates black students to inferior preparation; and a criminal justice policy that judges individuals by their character and their deeds, rather than the color of their skin. The color line must be visited on a regular basis—for as Cornell West reminds us, the color line is too significant to ignore.

Ms. LEE. I want to thank the gentlewoman from Texas for reminding us in a very clear and forthright fashion of the unfinished business of America.

Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON), a great woman who constantly and consistently reminds us of the needs of rural America and of all of those issues that America needs to address in each and every one of our policy decisions.

Mrs. CLAYTON. I thank the gentlewoman for yielding and for her leadership in calling to the attention of the American people the history and achievements of blacks, or African Americans as we label or refer to ourselves.

The history and achievement of blacks or African Americans in the areas of business and wealth creation has been one of great amazement and achievement. I was reminded recently of a book that described the life of a Reverend William Washington Brown who lived in the 1880s. He is a former slave, and coming out of slavery he organized businesses throughout the Northeast and Southeast, from Georgia, Florida, Alabama, Virginia, South Carolina, even up to Massachusetts. He organized banks, he organized insurance companies, stores. This is a former slave himself.

He did it by organizing something called the United Lodge. He was establishing these lodges throughout the States. It was called the United True Reformers. It was the reformers who felt that you could bring dignity to yourself by being industrious and having wealth and working hard and bringing together your collective economy and owning something yourself. What a marvelous idea.

This person learned to read and write after he was an adult. He became a minister, and he wanted to pass that on.

We have a great history in the area of business, and so we have a lot to celebrate in the whole area of business ownership. There are great businesses now, insurance businesses now, a lot of them that we ought to celebrate. African American banks and ownership of those, again we ought to celebrate those. Those are achievements. But there are not enough of those opportunities.

In my own background, my father worked for a black insurance company for more than 42 years. I remember my brother and I saying that we were going to grow up and own an insurance company. That insurance company, of course, we never did, but that insurance company became another insurance company, and now it is called the Atlanta Life Insurance Company. In my own State now, we have the North Carolina Mutual Insurance Company.

I cite that to say there has been progress. We are acknowledging that. But when you examine in the full achievement and expansion and opportunity for business and banks and wealth, it has been minuscule. So the question is, if a former slave could do this early on, if it were not for race, then why is it that that pace has not continued?

By the way, the story on the United True Reformers is that they found a way to break that up. It became too powerful. You can organize banks in Massachusetts and Georgia, you can have insurance companies, you can have people selling things for churches. If you can understand the power of that, the system broke that up.

Well, the system not only breaks up businesses but also breaks up the wealth of land.

I wanted to, in my last few minutes, talk about the land. You remember early on when we moved from slavery to freedom, there was this great promise, but more than that, we as African Americans were people of the land. We owned a lot of land. It is reported that in 1910 we had more than 15 million acres of land. Today, it is reported that we have something less than 2 million acres. I ask the question, what has happened from 1910 to now 2002 that indeed blacks do not have that land? What in the system has allowed this?

So the question of race continues to find us in the opportunities of business and also in the ownership of land, some of the ways obviously that we are found.

By the way, there was a wonderful series of articles by the Associated Press. They had a three-part series, 10 articles, and they examined more than 100 takers of land in 13 southern States and border States. They examined documents and others so that we would know that this was not just anecdotal evidence but really was written evidence. The history shows that there were different methods that were used to defraud or to take land from African Americans. They were, obviously, through intimidation, violence and even murder. That was early on. Now the system is a little less violent, but nevertheless the results are the same.

So the results we use now is in selling the land for taxes, having eminent domain, petitioning the land. All of that finds a way of disenfranchising the many people who own land.

I would say that the question of race is a persistent one. The question of race is not only in individuals but is also corporate. I think we need to find ways where we celebrate the history of everyone, and we need to find ways where this country can make sure that the opportunities for America is celebrated by everyone.

I want to thank the gentlewoman for the opportunity to participate and to acknowledge that we have indeed made great progress. We have reason to celebrate that America has brought opportunity, but also it has many ways we can improve this for everyone.

Ms. LEE. I want to thank the gentlewoman from North Carolina for once again educating us and for all of her work on behalf of everyone in our country.

Mr. Speaker, I yield to the gentleman from Alabama.

Mr. HILLIARD. Mr. Speaker, I have titled my remarks "The Color Line Revisited, Is Racism Dead?"

Mr. Speaker, I rise to address the question, is there still a color line in America?

Mr. Speaker, when I visit the unemployment office, the persons there are mostly black. When I fly home on the airplanes, the persons there are mostly white. When I go to prisons, Mr. Speaker, most of the prisoners are black. When I visit our inner city schools which are underfunded, overcrowded and often in bad condition, the children are mostly black. When I visit the private academies in my district, the children are mostly white. When I see the victims of police violence, Mr. Speaker, the policemen are mostly white. The victims are mostly black.

Yes, there is a color line in America. This color line is green, the color of money; it is red, the color of the lines drawn through black neighborhoods by banks; it is blue, the color of the skin of the black homeless freezing on side streets; it is gray, the color of prison bars; it is yellow, the color of the eyes of junkies in the inner cities.

Mr. Speaker, yes, there is a color line. It is a line on the soul of America. It is a line on the mind of America. It is a line around our cities, around our neighborhoods and around our banks. No, it is not absolute as was the line of segregation. It is smeared and vague and in most cases denied, but it is there. It is everything except what they call it. But it is real. It is the line that tells the truth on America. It is a line that defines the heartbreak of America. It is the great sin of America. It is the line that splits our Nation. It is what it has always been. It is discrimination. Yes, it is racism.

Yes, Mr. Speaker, there is a line in America. It is a color line. That line is racism. Racism is alive and flourishing.

Mr. CLAY. Mr. Speaker, each year during Black History Month we honor the many great African American men and women, who over the course of our nation's history have made important and lasting contributions to our country and its people.

It is also a time that we, as a people, examine our place in American society. Through this examination, we identify and celebrate our achievements, while also rededicating ourselves to overcoming those obstacles that still confront us.

Here in America, people are born equal and made unequal by their surroundings. These conditions create a socioeconomic gap, where birth and inheritance breed success, while merit and hard work are frequently meaningless.

It is worth noting that, more often than not, the roots of this socioeconomic gap have come from the seeds of racism.

But let's assume for the sake of argument that racism is dead. I certainly will not claim that race makes no difference in society today, but this assumption will help prove a point.

Let me first say one thing: Wealth and poverty are inherited more than they are earned. Because of this fact, we need to do more to resolve race-based inequalities within our system.

The battle over affirmative action has been, more than anything else, an attempt to solve the social inequalities based on race in America.

It is a means by which people who come from poor quality public schools to move up the socioeconomic ladder, whereas without such a mechanism, escaping the lower class is extremely difficult no matter how hard you work.

But assuming racial preferences are dead, there needs to be some kind of remedy to ensure at least equal opportunity at success.

Those opposed to racial preferences claim that it is the way affirmative action actually equalizes the playing field that is unfair. But this argument only works if an alternative solution is proposed and enforced.

This has not happened. So in the absence of affirmative action, the best solution to leveling the playing field in educational opportunity is to equally fund all public schools.

All Americans should want to eliminate any barriers that underprivileged people now face in attempting to educate themselves and make a decent living.

In the meantime, there is still something to be said for hard work. But at the same time, when hard work cannot save a large portion of society from living a lower-class lifestyle, our system of capitalism is failing.

That is why it is imperative that public schools be funded equally and that people who can't afford college tuition can still go to college if they so choose.

Capitalism relies on the theory of competition, and the hardest work and greatest talent paying off the most. Right now, the hardest work and greatest talent can get you nowhere or anywhere depending on where you start from.

For a capitalist system to hold true to its ideals—and to even be efficient—it must allow people from all types of backgrounds to have the same opportunities; or else the best will not always reach the places where they can be most productive.

This will never occur until we have equal funding and equal opportunity at all levels of our educational system.

BLACK HISTORY MONTH

The SPEAKER pro tempore (Mr. FLAKE). Under a previous order of the House, the gentleman from New York (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, in harmony with the theme that the 1-hour presentation on Black History Month has set forth, is there a color line, is there racism, emphatically, yes, there is. This does not prevent us from noting the positive achievements that have taken place and the progress that has been made. We are quite pleased that there are now 39 Members of the House of Representatives who are African Americans. We have gotten back what we lost certainly after the Civil War. There were some 30 representatives elected, some in the Senate as well as the House.

All that was lost. Step by step we have seen gains wiped out over the years during reconstruction, and for about a hundred years before the civil rights movement under Martin Luther King we were steadily going backwards and every achievement that was accomplished was accomplished without the help of the mainstream population, just about every achievement. Many of the achievements were accomplished despite a great deal of hostility and animosity from the mainstream population.

I sit on the Committee on Education and the Workforce and, of course, am very interested in all aspects of education. The historically black colleges and universities, fortunately, are in the spotlight and have been the recipients of quite a bit of Federal attention from both parties in the last year or so; and in the last 10 years the Federal Government has stepped up to the plate and provided special assistance to the 113 historically black colleges and universities. They were established and they achieved a very important role, have come to a very important role, achieved a very important place in African American society by educating those who could not get an education anywhere else. Many of our leaders of today still are graduates of historically black colleges and universities.

But the history of those institutions is a history where they got very little help from the mainstream society, and they received a lot of hostility and animosity from the local communities. The southern communities were often very hostile toward the so-called intellectuals who were in the black colleges and universities.

Even after the Morril Act, the Federal act which established land grant colleges in every State, even after that Act was amended to establish a parallel land grant college in the segregated States where blacks were not allowed to attend the land grant colleges, even after that happened, there was tremendous discrimination. The amount of money received by the land grant colleges which blacks attended, were allowed to attend, were allowed to set up and provide a faculty for, et cetera, was much smaller. The amount of money was much smaller. That historically was the case, and even today those same land grant colleges established by the Federal Government are receiving less funding from the States than the land grant colleges that serve primarily the mainstream population, traditionally white land grant colleges.

So every step of the way there have been impediments. Is race a factor? Yes, unfortunately, it is. All over the world you have racism, and certainly you have racism in the United States. But the important thing is to note that we must operate and act and work constantly to make certain that the negative impact of racism is not used to make other people suffer. We must alleviate as much racism as possible, counteract as much racism as possible, pass laws which keep racism in check. That is the best we can do.

History has shown us that the only way we can guarantee that you will be able to make the progress that these institutions have made and be able to cite the positive accomplishments is that some group has to work against the prevailing, ongoing racism. We have had in America a golden opportunity to do that.

□ 1845

What makes America great is that it provides the room, it provides the leeway, to fight; and we have fought and accomplished a great deal, despite the racism.

I would like to look forward to the day when an American President could say that he wants to apologize for slavery and receive the overwhelming support of the American people. Unfortunately, when President Clinton implied that he might want to do that in the last year of his term, he was criticized; and there was a poll taken and the majority of white Americans, 70 percent, said no, there should be no apology for slavery.

We can apologize for the Holocaust. The Germans can apologize for the Holocaust, and the Japanese asked to apologize to the Chinese and Koreans; but there should be no apology for slavery, the majority of American people said.

That is unfortunate, because the opposite of not apologizing is covering up. It does not mean I refuse to apologize; but it means I will cover up, and we will continue to cover it up.

The only way we can break the back of racism and guarantee that racism will not be harmful is to recognize it and jointly, black-white, all minorities, work together to try to alleviate the harsh impact and effect of racism, so everybody in America has an equal opportunity to go forward.

Black History Month is a time to celebrate those positive achievements; it is also a time to remind everybody that we cannot achieve unless we recognize the truth of racism and attempt to combat it.

ORDER OF BUSINESS

Mr. PAYNE. Mr. Speaker, I ask unanimous request to address the House for 5 minutes.

The SPEAKER pro tempore (Mr. FLAKE). Is there objection to the request of the gentleman from New Jersey?

Mr. McINNIS. Mr. Speaker, reserving the right to object, my understanding from the gentleman's side was that they were, first of all, going to run about a half an hour, but they certainly are entitled to an hour, so I have no objection to that.

But now this is the second 5 minutes, and I would like to know when the speakers are going to end. We have another speaker behind myself, and we would like to stay on schedule. I was assured by the gentleman's side a few moments ago they had one 5-minute request, and now we are into two 5-minute additional requests. They have had an hour.

I guess I would just like to know from the gentleman's side, how much longer it is going to continue.

Mr. PAYNE. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from New Jersey.

Mr. PAYNE. Mr. Speaker, I am sorry if there was a misunderstanding. We thought the gentleman was advised there would be two speakers. However, the gentleman certainly has the right to object.

Mr. McINNIS. Mr. Speaker, continuing my reservation, I am going to let the gentleman go, if he will just let me know, is this it?

Mr. PAYNE. This is definitely it.

Mr. McINNIS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

THE COLOR LINE REVISITED: IS RACISM DEAD?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I thank the gentleman for removing the objection, and we certainly do apologize for the misunderstanding.

Mr. Speaker, I am pleased to have the opportunity to speak this evening on this year's theme for Black History Month, "The Color Line Revisited: Is Racism Dead?"

While we all wish that we could proclaim the end of racism, we know that we are not there yet. We continue to hear disturbing stories about racial profiling in my State of New Jersey, where it has been admitted by the New Jersey State Police that they were not only doing it, but trained in how to perfect it by disguising numbers and falsifying reports.

We hear the question, Is racism dead? But we hear about the unequal opportunities in our school system, where the dropout rate continues to soar, where the great author Jonathan Kozol wrote a book, "Savage Inequalities; Children in America's Schools," where he highlighted how race and economics have a great deal to do. In the mis-education of people, we ask, Is racism dead?

We take a look at the whole question of home ownership and employment, where we find that only 45 percent of African Americans own homes in the United States, where 75 percent of other Americans, White Americans, have been able to achieve that level. We find that it is difficult in many instances to get the finances to do that.

We have the question of health care, where African-Americans' life expectancy continues to drop about a month or so each year, where the white population's life expectancy increases about 2 months per year, therefore making a disparity in a widening gap in life expectancy in our great Nation.

However, we in the Congressional Black Caucus have worked hard to overcome these obstacles. Despite setbacks along the way, we are making sound progress. We continue working on innovative initiatives at all fronts as we meet weekly to promote our agenda, and we have seen much success and progress as we continue to move forward.

Black History Month offers us an opportunity to honor many African American heroes who have been largely left out of the history books.

When I was growing up, I loved history; and I learned about the midnight ride of Paul Revere, who came and warned the colonists that the Redcoats were coming. However, I never was taught about the first man who gave his life for our Nation's independence, who was an African-American, Crispus

Attucks, who was killed during the Boston Massacre incident the night of March 5, 1770. Today, there is a monument to Crispus Attucks in Boston inscribed with the words of John Adams: "On that night the foundation of American independence was laid."

As a student I was taught about Teddy Roosevelt and the Rough Riders and the crucial battle at San Juan Hill during the Spanish-American War. However, I did not discover in school, but later, about the story of the Buffalo Soldiers, who had a very low desertion rate, who had a low alcoholism rate, which were prevalent in the cavalries at that time; and the fact it was the Buffalo Soldiers who prevented the annihilation of Teddy Roosevelt at the battle of San Juan Hill. That was kept out of the history that I learned. The Indians gave the Buffalo Soldiers that name because the buffalo to them were a symbol of courage.

Finally when we were taught about Admiral Peary and told of his skill and courage in reaching the North Pole, I was so proud of that great explorer. However, it was only in recent years that we did learn that much of the credit should have gone to Matthew Henson, an African-American who was on the expedition. Admiral Peary became sick, became snow blind, his feet were injured, and he had to slow down and stop. But Matt Henson went forward, provided a camp, and waited for Admiral Peary to come there. At that spot, it was the North Pole, and it was Matt Henson that got there first. However, when Admiral Peary returned home, he was given awards by the White House and the Congress. Mr. Henson was not invited to participate.

So as I conclude, I think we should resolve to teach our children the lessons of history every day, so that they may take pride in their rich heritage. We are all proud to be Americans today, more than ever before; and we are especially proud of our African Americans who have contributed to the growth and development of this great Nation.

THE ISSUE OF WATER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, this evening I wanted to talk about a subject that is near and dear to my heart, obviously a subject that is important to all of us, no matter where you reside or what district you represent in the United States, and that is the issue of water.

Now, water generally is a pretty boring subject, as long as it continues to run out of the tap, or when you turn on the bath water it is there, or when you want to go fishing and the lake is at the right level. But water is a very critical issue for us to keep an eye on.

The United States is very unique in that the geographical layout of this country is such that water is dramatically different and the issues dealing with water are dramatically different in the western portion of the United States than they are in the eastern portion of the United States.

For example, half of the land mass of the United States, half of the land mass, which I will point out a little later on, only has 14 percent of the water. If one draws a line down, say, between Kansas and the State of Missouri, from north to south, that eastern portion has 70-some percent, maybe 72 percent of the water in that smaller portion of the Nation. So we have got a Nation that is large, but the water is not equally divided.

Likewise, the State that I represent, the State of Colorado, is the only State in the Union where it has no inflowing water. No water comes into Colorado for use within the borders of Colorado.

Colorado is a very unique State, and I intend to spend some time this evening talking about the relationship of Colorado to the Nation's water, specifically the Colorado River. The Colorado River, of course, is called the Mother of Rivers.

Colorado is interesting in that Colorado is the highest State in elevation of all 50 States in the country. In fact, there are about 67 mountains in the United States, including Alaska, that are over 14,000 feet, and of those 67 mountains, 56 of them, I think, 56 of the 67, you find in the State of Colorado. Mountains over 13,000 feet, there is like 700 mountains in the United States that are over 13,000 feet; and of those 700, 600 of them are located in the State of Colorado.

That is critical. The reason the elevation is critical because, obviously, at the higher elevations is where you have your massive accumulations of snow and moisture during the winter months. That, of course, is very determinative as to what kind of spring runoff and what kind of water you are going to have for a good portion of the Nation as far as surface water is concerned for your months where you do not have heavy moisture.

Colorado really is a very dry State. In fact, that part of the west of the United States is a very arid portion of the Nation. It gets very little moisture. I will give some statistics as we go on into this conversation we are having this evening.

But when one takes a look at Colorado, it is very arid during most months of the year, which makes it even more dependent on those winter months and that snow accumulation and its relationship to the months that we have very little rain.

By the way, I never really knew what rain was until I came to the East. In the West our droplets are very cold and very little droplets of rain. You come to the East, man, it seems like it rains forever. But out there in Colorado we are very dependent in the months where we have very low rainfall, which are most months of the year. We then have to rely on the water that we have either been able to store or accumulate because of the snow that has come down on those mountains.

What is interesting in history is one of the first dams ever discovered goes back in the Mesa Verde National Park around 1,000 A.D., and there they found an ancient irrigation system. It did not take man very long to figure out that water does not always necessarily flow on where you need it and when you need it. So when you need it, that is when man first began to develop some way to store it, because, obviously, the stream did not stay at the same level all year-round and where you needed it. It led man for the first time to take water and move it from its natural course, to divert it to where the man or animals or agriculture needed it.

Every person in America diverts their water. Every person in America diverts water for their use. That is how you get water diverted from its source into, for example, your house, or onto your farm field, or into your communities, or into the buildings that you visit. So there are a lot of interesting things about water.

But you can start off by looking at the water supply throughout the world. When you notice the water supply in the world, something is very interesting: 97 percent, 97 percent of the water supply in the world, is salt water. And until we are able to come up with desalinization at an economic price, and I am sure the future generations will be able to do that, but for our generation in existence today it is not economically viable to take that salt water and convert it to clear water with any kind of quantity. So 97 percent of the water in this world really right now is pretty much off limits.

Then you take a look what the balance is, and the balance of the 3 percent. You have got 3 percent left of water that is clear water. Most of that 3 percent, most of it, almost all of it, in fact, again 90 percent of that 3 percent, is water that is not salt water, but it is tied up in the iceberg, frozen solid, so we do not have access to that as well. So really the amount of water that is available for consumption that does not have high levels of salinity is very limited when you look at the picture as a whole.

Now, as I mentioned earlier, it is pretty interesting, because a lot of people, including myself, I was stunned when I first saw this poster to my left, and I would like to point out some of it to you, because I think it is pretty interesting.

It is amazing, it is stunning, to see how much water is necessary, how much water the average person uses in their daily consumption. I do not mean just glasses of water or the bottles of water that one may drink during an average day. I am talking about the quantity of water that is necessary for your food, for example, or for your everyday living needs.

I think this chart is one of the best demonstrations that I have seen of what water usage is, so you have a pretty accurate picture of just how dependent you are on water. Water usage. Americans are fortunate. We can turn on the faucet and get all the clean and fresh water we need. Many of us take water for granted.

Have you ever wondered how much water you use each day? Look at this chart. Direct uses of water. Drinking and cooking, 2 gallons. Now, this is per person. Per person. Two gallons of water to drink it and cook with it. Flushing the toilet, 5 to 7 gallons per flush. Now, that has come down just a little with the new toilets we have, but basically that number will probably be accurate going from about 3 to 6 gallons per flush. Washing machine, if you do one load, 20 gallons of water just to do a load of wash. Your dishwasher, 25 gallons per load. Taking a shower, 7 to 9 gallons per minute.

Now, look at this: growing food. That is what is really fascinating. In order to produce one loaf of bread, in other words, prepare the farm field, grow the wheat, et cetera, process the wheat, bake the bread, et cetera, one loaf of bread requires, by the time that loaf of bread is ready for consumption, 150 gallons of water.

□ 1900

Mr. Speaker, 150 gallons of water to prepare one loaf of bread. One egg. One egg. That is not a dozen eggs; one egg requires 120 gallons of water. These are numbers that we have never even imagined. But take a look at it. One quart of milk, 223 gallons of water to produce 1 quart of milk. A pound of oranges, it takes 47 gallons of water. A pound of potatoes takes 23 gallons. It takes more than 1,000 gallons of water to produce three meals a day for one person. For one person to have three meals a day, it takes over 1,000 gallons of water to produce that food product. So clearly we can see that the amount of water that is consumed in our society is primarily consumed for our agricultural needs.

What happens to 50 glasses of water? This chart I think demonstrates what I have just said. If we lined up 50 glasses of water and we begin to move those glasses as to where their consumption was, we would take our first 44 glasses of that 50, scoot that aside, that is just what is necessary for our agricultural requirements in this country. Three glasses are used by industry for production. In other words, even the wheat production, we take the wheat off the farm, we move it into a production facility, say, for example, to bake the bread. Those requirements are about three glasses; three of those glasses would go for those requirements. Two glasses are used by the cities, and one-half of a glass is used out in the country. I think it is a pretty interesting chart. It lets us realize just exactly how important water, how important water is.

Let me move on just a little from there. I think this is a pretty clear map right here to show some of the differences, pretty dramatic differences of the layout of the United States. Remember that when they settled the country in the early days, that most of our population lived on the East Coast. The population in the United States is not evenly spread now. In fact, I heard a statistic the other day that if we took all of the population and put it together like in one large city, it only takes a very, very small fraction of the amount of land that currently exists in the United States. Obviously, our population is not put together like that, it is spread out through the country. But in the early days of the founding of the United States, the population was primarily focused on the East Coast.

As our government began to acquire additional land, to expand this ever-growing Nation, to create the United States of America, as they acquired this land, they had to figure out how to really get control of the land. Now today, in this country, when we buy a piece of property, we do not actually have to be on the property. We can have a piece of paper, a little thing called a deed; and that deed filed at the courthouse protects our rights on that land. But that is not how it was back then. In fact, a piece of paper really was not worth a whole lot. The only way back then, or the primary way back then for one to protect the rights that one had on that land was to possess the land. That is where the old saying came from, that possessions is nine-tenths of the law. That is exactly where that came from.

So in the early days of the founding of this country, as we began to acquire this land, our leaders back on the East Coast said, how do we encourage people, how do we get people to leave the comfort of the East Coast and move to the West? West being maybe only as far as western Virginia, or not very far west at all. How do we get people to move out there? How do we settle this country.

Well, the answer was, look, everybody in America, the American dream, even in its early stages of this country, the American dream was, one, individual rights and, two, the opportunity to own a piece of property. In other words, the land would not be owned by the government. People got to own a piece of property that they could build a home on, that they could farm on; and back then, in excess of 98 percent of our population lived on farms and agriculture and put their hands in the soil. So owning a piece of land back then was just as important as it is today. We all dream of owning our own homes.

So our leaders decided to take advantage of that and say, look, the incentive that we should give to these people is if they will go out and help us settle the West, help us settle this new country, we will give them land, the land grants or the homestead acts. Remember that it was not new. It had already been tested. In fact, our government used it during the Revolutionary War to try and bribe British soldiers to defect and come over to our side; and if they did, we would give them a land grant or we would give them a homestead. That land could be their land that they would individually own.

Well, this worked pretty well. The government began offering, and we can see by this chart entitled "Government, Lands" the government began to see the populations become westward and moving to the west. Do we know what happened? We discovered that on 160 acres out in Kansas or Missouri or even in eastern Colorado or up in Nebraska where some of the most fertile land in the country is, all of these people out in Virginia, a family could be supported off of 160 acres, that the soil was so fertile that that was an adequate amount of land to give.

But then word got back to Washington to our leaders. Hey, we are having a problem, because as the population begins to hit those high elevations in Colorado, when the population runs into the mountains, the Rocky Mountains, the Continental Divide, they are not staying there, because they are discovering that with 160 acres, one can not even feed a cow with 160 acres. They cannot possibly support a family off only 160 acres.

So our leaders in Washington sat down and said, How do we persuade people to go ahead and settle in these areas? What is happening is they are going around to the Imperial Valley, as demonstrated here in California where we have this white spot. So they had a lot of debate back in Washington; and the conclusion really was, well, one of the ideas or one of the solutions was, let us give them a proportionate amount of land. If 160 acres is what is necessary in the State of Nebraska to support a family, let us give a family in the Rocky Mountains 3,000 acres. Maybe that is what is necessary to support a family.

Well, during this period of time from a historical basis was also the time when we had the building of the Continental Railroad, for example, and other land grants that were going out there. Washington was under a lot of pressure not to give away so much land.

So the conclusion was, look, giving away 3,000 acres to just one family is too much land to give to just one family. We cannot just give it away like that. So somebody came up with the idea of well, instead of giving the land away, why does the government not go ahead and retain title. The government will continue to be the owner in name of this land, but we will let the people move onto the land. We will let the people use the land. We will come up with a new concept called multiple use. We will let people use the land for many purposes. They can live on it. They can have roads on it. They can recreate on it, fish on it, enjoy it. Let us do that. But for formality purposes, we will just keep it in our names so we do not have the political pressure of giving away too much land. That is exactly what happened in the West.

On this map to my left we will see that all of the colors on this map indicate government-owned land. We will see in the East, it is almost, with the exceptions of the Appalachias down here, a portion of the Everglades, a little up here in the Northeast. But some of these States do not have any government land at all to speak of. Their government land is the local courthouse. But when we hit the West, look at what happens. Big blocks of land.

Now, some people today, I would call them revisionists who like to revise history, would like us to believe that the reason the government owns this land is that that was to be preserved to the extent that human use was to be eliminated, and their goal is to take multiple use and get rid of multiple use. One of their goals too is when people want you off this land, what is the best way to get you off the land? If they cannot get the Congress to go along with it, if they cannot get the population to support it, then go for the most important asset that you have on that land, and that is the water, which brings us to kind of a full circle in our discussion of water.

It is interesting, because right through here we have something called the Continental Divide, and Colorado follows my pointer here as it goes down through this way. The Continental Divide, although most of us know what that is, but it is very interesting; it is a dynamic of nature upon which side of the line we can actually see it in place. The Continental Divide, the water on one side goes towards the Atlantic, the other on the other side goes towards the Pacific. The Continental Divide is really, at those high elevations where the Continental Divide is, that is where water is amongst the purest water; and that water is very important, not just for human consumption, but actually, a lot of that water is important to allow it to flow into the streams so that it can flow down and protect our environment. There is lots of multiple uses, not just on the land, but multiple uses of the water.

Now, Colorado begins to emerge in the country as probably one of the most critical, if not the most critical State in the Union in regards to water. One, as I spoke of earlier, the high mountain ranges and the accumulation of water. Colorado provides water for what, 26, 27 States. Colorado provides water for other foreign countries. The country of Mexico, for example, actually gets water from the State of Colorado from the Colorado River, the Colorado River Compact, the compact that they made with Mexico. It is interesting how Mexico, down in this area, ends up getting water that originates, 70 percent of the water in the Colorado River Basin originates in the high Rocky Mountains of Colorado. Now, how does Mexico end up getting rights out of the Colorado River? Interesting story. Not really the basis of this speech, but interesting enough to bring into these comments this evening.

What happened was, during World War II there was a concern that the Japanese would invade Mexico. So the Mexican Government came to the United States, and we had a mutual meeting. Mexico did not want the Japanese in Mexico. The United States did not want the Japanese right next to them in Mexico, so they made an agreement. And the agreement was that if the Japanese or the Germans or the axis there, the enemies, if they crossed the border or if they attempted an invasion of Mexico, the United States would enter Mexico and defend Mexico. They would fight for Mexico. They would fight to push them back out of Mexico.

Now, of course, the Mexican Government seemed to have a little leverage, I guess we would say. They seemed to be a little smarter in the negotiations. To summarize it, it is accurate to say that the Mexicans said, all right, it would be a good idea, United States, for you could come down and defend us if we are invaded; but you know, for you to come across the borders and come into our country to protect us, it really ought to be worth something to you because you do not want the Japanese in here either, so why do you not give us a part of the Colorado River. So the Colorado River is actually designated for the country of Mexico.

Now, Colorado is the home for four major rivers; four major rivers have their head waters in the State of Colorado. We have the Platte River, we have the Arkansas River, we have the Rio Grande River, and one of the rivers that I am going to focus on today, and that is the Colorado River. The Colorado River really is called the Mother of all Rivers, the Grand River.

Let me talk a little about the water climate in the State of Colorado. I would remind my colleagues that Colorado again is unique as we look at our maps, and the line would be very hard for my colleagues to see, but basically, this is the State of Colorado. This is the only area of the United States right here, the only area of the United States where there is no water that flows into the State for its use. Every other State in the Continental United States, every other State has water that flows into their State for their use. Colorado is the exception.

Keep in mind, also, my earlier comments. If we drew a line here down through Kansas and Missouri out like this, this portion of the country right here has 73 or 74 percent of the water in the country. This portion of the country right up here has about oh, I do not know, 13 percent or so of the water is right up in this area. And then for the rest of these Western States which consist geographically of half the Nation, only 14 percent of the water in the Nation has to provide for that massive land area, which makes water storage very critical. The Colorado River, that is where, for example, we have Hoover Dam and Lake Mead. That is where we get huge hydropower facilities.

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Water storage is absolutely critical for all of us. In the East we need it for flood control, primarily. In the West we not only need it for flood control, but we need it for year-around usage, so we are able to store the water when the water is coming down the mountain, because most of the months the water is not coming down the mountain in the kind of force we need and are able to store it.

Let me give an idea of our statewide climate. Statewide, Colorado gets 16.5 inches of water each year, although that can vary depending on population. Down in this part of Colorado near Durango, Colorado, we have a pass called Wolf Creek Pass. Twenty-some miles from Wolf Creek, it may snow 15 inches of snow a year. Go those few miles up to Wolf Creek Pass, we may get 550 inches of snow a year. So the geographic nature of the State provides for dramatic differences in the moisture and precipitation that follows.

In Colorado's high altitude, the semiarid climate, 85 percent of the State's precipitation is lost. Eighty-five percent of our water in Colorado is lost to evaporation. Why? Because Colorado as a State is known as the Sunshine State. In the State of Colorado, we have over 300 days of sunshine a year, over 300 days of sunshine a year. At that high altitude, we have to worry about evaporation. There is not much we can do about it, but most of our water that falls in the State of Colorado then is evaporated.

Keep in mind that water, water is the only renewable resource that we have. Now, we have resources that we have not captured the energy from, for example, the sun. But once the sun ray comes down, if we do not capture the energy, the energy disperses and it is gone; a gallon of oil, if we burn it up, it is gone.

But water is a renewable resource. So the key to water is one person's waste may be another person's water. What do I mean by that statement?

For example, on the Colorado River, we may have a diversion into an irrigation ditch. Somebody may say, well, to help conserve on water we ought to line that ditch with concrete so the water does not seep into the soil until it gets to the point we want it. That water seepage into that irrigation ditch may actually provide somebody else's water for a spring.

Today we do not have the technology, although at some point in the future they will have the technology, but today we do not have the technology to look underneath the surface and see all of the different fingers of water and the connections of water underneath our surface that we cannot see above the surface. So our understanding, really, is based on the best science that we have.

That is why we have to be so very careful when we talk about water, about where we put water storage or how we impact the water, what impact that has throughout the rest of that particular water system.

Let me say that when I said earlier that our snow pack is so important, to give an idea of those few months of snow that we get in Colorado, 80 percent of the water, 80 percent of the water in this Rocky Mountain area comes from snow. Only 20 percent of the water that Colorado gets comes from rain. So we are very, very dependent on that snowfall.

In a year like this in Colorado, we are having a dry year this year, and it runs in cycles. We have not been able to time the cycles, we have not figured out the cycles, but we know it runs in cycles. In Colorado, we have a very dry winter. In fact, some of our snow packs are only about 23 percent of normal.

Right now, it does not bother us because we have all the snow, and 23 percent is still a lot of snow. But wait until about June or July. All of a sudden, Colorado and the States that depend on the Colorado River will have a lot of suffering.

There are cities out there that have no water sources at all except massive diversions out of the Colorado River. One of them we know very well: Las Vegas, Nevada. Take a look at Las Vegas. At the Bellagio, that beautiful water show, that is Colorado River water. The same thing with the State of Arizona, same thing with the State of California, same thing with the State of New Mexico, same thing with Utah, and the same thing with the country of Mexico. A lot of States are very dependent on that high snow in those Colorado Rockies.

Some of these States add to it. For example, the State of Utah, the State of New Mexico, they add a little water to the Colorado River Basin. But, basically, the State of Colorado puts 70 percent of that water into that basin. By the way, of the 70 percent of the water that comes from the State of Colorado into the Colorado River Basin, only 25 percent of it goes back to the people of the State of Colorado. The rest of it is utilized in other States.

In the State of Colorado, as similar to our chart that I was showing earlier, 85 percent of the water that we use in Colorado, 85 percent of it is used for agricultural purposes.

Let me just real quickly go over some kind of fun statistics, interesting things. Ninety percent of our naturally-occurring lakes in Colorado, and we are not a lake State, we do not have massive lakes, but the lakes that we do have in Colorado, 89 percent of them that are natural are above 9,000 feet. Imagine that, 9,000 feet. That is where 90 percent of our lakes are.

Colorado has 13 different streams that we call Clear Creek, to give an idea how pure and how good that water is. As I said, Colorado is the only State in the Continental U.S. with all major waterways originating within its boundaries.

Water flowing out of the State travels to the Atlantic or Pacific Oceans, depending on which side of the Continental Divide it originates on. On average, 10,400,000 or 10,500,000 acre feet of water leave the State every year. An acre foot is how much water it takes to form an acre I think 1 foot high over a 1-year period of time. Most of the water that leaves the State of Colorado, about 45 percent of it is in the Colorado River Basin.

And 87 percent of the water in Colorado, when we take a look at Colorado, 87 percent of the water in the State is on the western portion of the State. Eighty some percent of the population in the State of Colorado is on the eastern portion of the State, so we can see just because of the dispersement of the population in the State of Colorado, most of our population is not located where the water is; most of the population is located away from the water.

Denver, for example, has no water that originates in Denver. It is the beneficiary of all that water that runs off the mountains. Or in the case of the Continental Divide, Denver, for example, or the cities on the eastern portion of the State, have decided to go over on the other side of the divide where the water runs this direction and redirect the diversion of that water, or the direction of that water, so it flows in reverse order and comes back to the cities.

It is often said that water flows not downhill but flows towards the direction of money. That is exactly what has transpired over the years. Water has been impacted a great deal from what its original intent was.

Let me just go over a few other statistics that I think are interesting. As I said, water sometimes can be a pretty boring subject; but I find it pretty fascinating. Now, all of the Members would be pretty interested in water if they turned on the tap tonight when they went home, they went to take a shower or cook dinner, and there was no water there. Then all of a sudden Members would become real interested in it.

I think tonight the purpose of tonight's comments are to give kind of a basic education and talk really where kind of the apex of water in the United States is and how critical the State of Colorado is for the supply of that water.

The largest reservoir that we have in the State of Colorado is the Blue Mesa. The amount of water, for example, throughout the country in the public water systems, if we have a city water system, do Members know what percentage of that is actually used to cook and drink? About 1 percent of the city water system. The rest of it is used for all of the other needs one has with water. I thought that was a pretty interesting statistic.

Kentucky bluegrass uses 18 gallons of water per square foot. I do not have the actual statistic here, but it is amazing how many thousands of gallons of water are necessary for just one oak tree, for example. We do not even envision the huge quantity of water that is necessary to support one of those big cottonwood trees or a great big oak tree.

Water and its recirculation through our society, and its recycling, and I do not mean man-made recycling, I mean recycling by nature, is really a feat, and pretty amazing, just to the extent that we know. My guess is that we have only tapped a small knowledge of how our water system in this Nation works.

At any rate, back to my points, here. The Platte River was named, which of course "platte" means "flat," and the water that is used in the Platte River was first used, of course, by the Native Americans. One of the interesting things that the Native Americans used early on in the State of Colorado were the hot springs located in Glenwood Springs, Colorado.

Some may have been to Glenwood Springs. It is a community near Aspen, Colorado. Actually, it is my birth home. But there we have hot springs, and I think the water there comes in at about 180 degrees Fahrenheit. The spring I think puts between 2 million or 6 million gallons a day of water at 180 degrees that comes out of the springs. We use it. We have a huge pool there. Anybody who has been to Glenwood Springs knows exactly what I am talking about.

The Indians used to use that because they thought it was the gods that put it there for health care. We later used it, in fact the Navy used it in World

War II for recuperation of its wounded sailors. They would ship them from the oceans into the middle of the country for recovery in Glenwood Springs with the hot waters.

We have a lot of interesting things about the streams that we have in Colorado. We have about 2,000 lakes in Colorado. That seems like a lot, but our lakes are not very big. Our lakes really, in proportion, if we take a look at Minnesota or some of these States that really are States with huge lakes, we do not have much comparison there.

But within the boundaries of Colorado, within the four corners of that State, we have over 9,000 miles of streams, 9,000 miles of streams. So we know we have the highest elevation in the country in Colorado with the Rocky Mountains. We have by far the largest number of mountains over 14,000 feet; and by far the largest number of mountains over 13,000 feet are in Colorado.

Now, we know between all of these mountains, and coming down all of those mountains, we have 9,000 miles of streams that go through and circulate that water. It is pretty interesting when we take a look at the different diversions that we have.

We have 48 million people in the United States that divert their water off wells. That is below-surface water. The rest of the people in the country depend on surface water. Go back to the Colorado River Basin, here. That river kind of goes like my pointer, down through here, out like this, out into here, and then kind of like that, and out into the country of Mexico.

It is incredible to take a look, and I think I have a chart here. Hydroelectric power. Hydroelectric power from the Colorado River, again, coming back to the Colorado River, where our focus is, hydropower from the Colorado River keeps the lights burning in many parts of the West, including Phoenix, Arizona, pictured here. Phoenix also obtains water from the Colorado River via the Central Arizona Project canals.

There is Phoenix, Las Vegas, and all of those small communities, and many of the cities in California. The Colorado River, we do not really realize the importance of that water, the importance of it not only for the human population, not only for the agricultural population, not only for the energy needs, but for the environment, as well.

The more we know about water, the more deep our appreciation becomes for that miracle matter that the good Lord gave for us to use.

Let me kind of leave the charts here for a minute and wrap up my comments. I am going to do a series of speeches to my colleagues about the resources, the natural resources, we have over there. We have lots of debates on this House floor in regard to natural resource issues, in regard to the environment, in regard to energy and conservation of energy.

I am going to give a number of different speeches to my colleagues, not just focusing entirely on natural resources, but talking about the energy demands that we have in this country, the future for alternative energy that we have in this country, the necessity for conservation of energy that we have in this country; the need to protect our environment, protect it in such a way that it is balanced; the importance of multiple use on our public lands.

I intend to have a very thorough discussion here on public lands. In the East, because they do not have any government lands to speak of, many people do not know what public lands are. I do not hold that critically. I am not saying that critically. I am just saying that they do not deal with them.

In the West, for example, in my district, I have a huge congressional district. I probably have approximately 120 different communities, and 119 of those 120 communities are completely surrounded by public lands. In other words, everything we do in our communities is totally dependent upon the government's lands. For our water that comes across it, our water that is stored upon it, our water that originates on it, our power lines, our highways, our recreation areas, our agriculture, we are totally dependent on that.

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In the East, you do not have that handicap. In the West, it is in fact a handicap; and I intend to spend a few moments with you discussing that, in future moments, when we are here together on the floor. My purpose here tonight is to kind of break the ice, you might say, coming back to water, to talk a little about water.

If you ever have a moment to go to Denver, Colorado, and you go through the State Capitol there, you will find in their rotunda, every painting in that rotunda, in their murals somewhere in that painting has the subject of water, whether it is an irrigation canal, whether it is somebody fishing, whether it is animals drinking from the stream. Water is a critical, critical factor. In fact, the State of Colorado, as I said earlier, is the apex in this country. Four major rivers have their headwaters there. It is the mother of rivers. It is an interesting subject.

I appreciate the moments I have been able to spend with you this evening.

AMERICAN STEEL INDUSTRY CRISIS

The SPEAKER pro tempore (Mr. KIRK). Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 60 minutes.

Mr. ENGLISH. Mr. Speaker, America is at a critical moment. The domestic steel in its industry and the current workforce retirees and their dependents are clearly at a vital crossroad. Without strong relief under the section 201 action that this administration has called forth utilizing that section of our trade laws, the future of the industry is clearly grim. Thousands of steelworkers already have lost their jobs, and thousands more jobs are at stake. Beyond that, pension and health care benefits are in jeopardy for hundreds of thousands of retirees. Now is the time to provide relief for this beleaguered domestic industry.

The Bush administration took the vital first step by initiating the 201 investigation, and now the results are in. The investigation demonstrated what the industry and its workers have known all along, the rest of the world is not playing by the same set of rules. Meaning, the steel score sheet has long been skewed to provide foreign competitors with an unfair handicap, making it unnecessarily difficult for U.S. producers to compete. That has to stop.

Mr. Speaker, this may be hard for people to see up here, but let me assure you that the subsidies our domestic steel companies have received since 1980 are dwarfed by the subsidies that foreign steel makers receive.

Looking at this graphic, this minuscule yellow bar down here represents the U.S. government subsidies, while this tower next to it represent the $90 billion in subsidies our leading competitors have received since 1980 in the steel sector. The amount of subsidies to foreign producers have outnumbered and outshone by those in the U.S. by a factor of more than 8 to 1. Substantial relief under section 201 is a move toward eliminating that handicap as well as others, putting the U.S. on a level playing field and staving off a permanent liquidation of this strategic industry.

Inaction or weak action would silence many steel plants, while destroying the livelihood, the good-paying jobs of the workers, their families and communities, and dealing a blow to our national economy and to our national security.

I applaud the Bush administration for stepping up to the plate for the American steel industry and its workers, something that previous administrations had been reluctant to do.

With that, I urge the Bush administration in the next week in making a decision on this steel 201 to knock the ball out of the park by imposing credible tariffs over the next 4 years.

There will be a number of speakers joining me tonight. The first of these is the gentleman from Illinois (Mr. SHIMKUS), and I yield to him.

Mr. SHIMKUS. Mr. Speaker, I want to thank my colleague, the gentleman from Pennsylvania (Mr. ENGLISH), for his work on this and for his work for his constituents in Pennsylvania.

We have would not be here if the President had not invoked section 201; and we would not be here if the ITC, the International Trade Commission, had not found in essence in our favor that there has been some illegal dumping.

We hear a lot on trade, and a lot of the debate stems around free and fair trade. I think it is pretty clearly evident that when trade is not fair then we need to do just what we did in this case so far. What we have done so far is asked for a section 201 hearing that has been found in our favor, and now the administration has to finish the deal. They have a deadline of March 6 in which they are going to recommend the type of penalties that this country would like to see to get our steel industry back on sound footing; and, as with every other issue, there is always a debate of what those penalties should be.

Well, the Steel Caucus, which the gentleman chairs and which we have many members of, have tried to weigh in on this. We have sent a letter to President Bush asking for a minimum of 40 percent tariff to be implemented over 4 years on all imported steel products. That is what we can do now, and I am glad to have signed that letter and sent that.

But I also had a chance to personally speak with Secretary Evans on this issue and reiterate the importance of some strong, strong penalties, not only to help our domestic steel industry, but it sends a signal to the rest of the countries that we want to trade and do business with. We can compete with them. We cannot compete with them if they have subsidized their production, and that is what they do by a term called dumping, which means foreign countries are selling steel to us at below-market prices, usually subsidized by their own government.

The International Trade Commission's ruling, they said that we in our domestic steel industry suffered serious injury due to the surge in imports. So that is why we need a substantial tariff for a maximum length of time, because the majority of steel that is making its way to America from off shore is being heavily subsidized.

The imposition of tariffs over a 4-year period will demonstrate to foreign producers and governments that this administration is serious about addressing the problem of foreign excess steel capacity. And it is kind of ironic that our European allies, from what I understand, are not supportive of our heavy tariffs because they fear that if we are successful then they will be the target for the illegal dumping of steel and then they will have to deal with this issue.

So we need to make sure that our allies and friends understand that steel is also a national security issue and it is important for us to have that domestic capability.

The administration must take this lead in developing a plan to address the critical legacy costs which are preventing the industry from restructuring. The progress of the President's comprehensive steel strategy demonstrates once again his strong, decisive leadership on behalf of America, American workers and American families. It is now time to take the next step and implement a remedy that would be advantageous to the U.S. steel industry. I am confident that this Congress working with this President will provide help for those who have lost their jobs and benefits as a result of the bankruptcy of the steel industry.

The 40 percent tariff that we suggest would bring the domestic steel industry back to a level playing field with foreign competitors and hopefully bring an end to the steel crisis in our country, not only for the factory itself, but for the workers, and not just for the current day workers but for the retirees.

I appreciate all the gentleman from Pennsylvania (Mr. ENGLISH) has done on this behalf since the day he arrived here. We have made great inroads in working it together across the party lines and the caucus. And I am really proud of what the President has done with this issue. Now we want to him finish the job and get the work done.

Mr. ENGLISH. Mr. Speaker, I want to thank the gentleman, and I want to thank him for his personal involvement, for his work with the administration, for helping to bring there issue to the fore, at a very, very critical time when we can still save our domestic steel industry. I thank him for being involved in the Steel Caucus.

Mr. Speaker, I yield to another gentleman from Illinois (Mr. PHELPS), who is also a member of the Steel Caucus.

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. ENGLISH).

I first want to commend the gentleman on his firm leadership in bringing this issue to the forefront of the American people. Those who are not associated with the steel industry may not be aware just how serious this situation is, and I want to associate my remarks with my friend and colleague, the gentleman from Illinois (Mr. SHIMKUS). We are fighting the same battle.

Let me state, Mr. Speaker, I rise to discuss the crisis the steel industry faces. The American steel industry and the steelworkers are in the midst of possibly the worst crisis ever due to the continued illegal dumping into this country of foreign-made steel.

Thousands of steelworkers have lost their jobs, and countless more are in jeopardy. In my congressional district in Central and Southern Illinois the effects have been devastating. Yesterday, I attended a steel rally in Greenwich City, Illinois, and was able to hear firsthand the effects this has had on the local economy.

Now is the time to institute the highest tariff levels of at least 40 percent if the steel industry is to recover.

Last year, the President directed the International Trade Commission to undertake one of the most extensive and complex investigations into the section 201 history. I applaud the President for this leadership, very much needed assistance for an ailing industry. The International Trade Commission ruled unanimously that nearly 80 percent of the product lines of the American steel industry have been seriously damaged by surges of low-priced foreign imports. The most severe violations of U.S. trade laws have taken place since 1998.

The devastating impact that low-priced steel imports have had on American steel companies is amply evident; and, as a result of foreign dumped steel since 1998, 31 steel companies have filed for bankruptcy nationwide. Of these, four are located in my home State, Illinois, which has caused over 5,000 Illinois steelworkers to lose their jobs.

The International Trade Commission has recommended the President impose tariffs of up to 40 percent on a broad variety of steel products over a 4-year period. I strongly urge the President to impose the highest tariff rate for 4 years on all subject steel categories as the first step in saving our American steel industry and the jobs and the health insurance of Illinois steel makers and over 50,000 retirees in Illinois.

The domestic steel industry has invested billions of dollars in upgrading and modernizing its facilities and, as a result, is among the most productive makers of high-quality steel in the world. No industry, no matter how productive, however, can compete against the onslaught of low-priced and often unfairly traded steel imports. It is imperative we send the strongest possible message to deter our trading partners from further illegal dumping and to give the domestic steel industry the time it needs to recover from its injury. Anything less would be a disservice to those working men and women who are counting on government to stand up for them.

In this body last year we have deliberated several trades issues and even this year. Some are disagreed upon and some have total agreement, and it is not even by party lines. Unfortunately, it is by geographical, cultural differences, many times, rather than party line.

And we have a healthy debate. One was such as permanent normal trade relations with China. The reason I resisted that proposition and opposed it is that in my 19th District in Illinois we are exporting jobs because of trade policies such as free trade and the P.N.T.R. motion that we looked at and debated on this floor.

□ 1945

I know that many people have stock in the fact that this will help us, our country; but I say right now, in the 19th district, that is just the opposite case.

We had 10 years of China breaking their word, violating their contracts with this country on items that left us $82 billion in trade deficit. Now, the reason I mention that is in this context. One blow after another to the American worker is adding to a serious situation not only of our economy but the quality of products that we produce even for our defense system; and that borders on compromising our national security.

I yield back to the gentleman and thank him for his courtesy.

Mr. ENGLISH. I thank the gentleman, and I will resume making some of the points I had been making; and then, in a few minutes, I will recognize another member of the steel caucus, the gentleman from Ohio (Mr. BROWN), who has been a leading advocate of this cause.

Summarizing the last two speakers, it is clear that the International Trade Commission has given the Bush administration the tool that it needs to get action. Tariffs in the range of 40 percent are clearly needed if the industry is to recover. But, Mr. Speaker, we recognize the March 6 decision is only the first inning; 201 action must be followed by a concrete commitment from our trading partners to reduce inefficient global overcapacity.

Again, I have to congratulate the President for his understanding of the issue and his foresight in initiating the OECD talks. Beyond that, we must look at ways to address the industry's legacy costs, clearing the way for a domestic steel renaissance. Continued cooperation between Congress and the Bush administration is the only way of ensuring the viability of the domestic steel industry.

Let us think a minute about the fundamental causes of this crisis. In my view, one of the underlying causes is a massive foreign inefficient overcapacity. Looking at this graphic, as my colleagues can see, from 1998 to 2000 the United States consumed 131 million metric tons of steel, while the former Soviet Union, which is NIS on that graphic, alone produced 114 million metric tons. The entire foreign excess raw steelmaking capacity averaged 268 metric tons, which is more than twice the level of average U.S. steel consumption. Massive foreign steel overcapacity, created and sustained by abusive government subsidies, protected markets and anticompetitive practices, resulting in a diversion of excess steel products into the U.S. market.

Going to the next graphic, it is obvious that raw steelmaking capacity has greatly exceeded steel consumption in many areas of the world during the last 3 years. Again, the former Soviet Union is producing more than 120 million metric tons of steel than it needs. Even Brazil is producing almost 20 million more metric tons of steel than it needs for domestic consumption. And make no mistake, the excess production is being dumped in our domestic market. And they say it is our fault.

Mr. Speaker, a key point to understand is that American steel companies and their workers have already done their part to create a world-class competitive industry during recent years. They have invested more than $60 billion in steel plant modernization since 1980 to become among the most productive steel producers in the world with as few as 1½ man hours needed per ton of steel produced. To achieve these advances in productivity, the U.S. steel industry reduced capacity by more than 23 million tons, closed numerous inefficient mills, and significantly cut jobs. The workers have endured their fair share of economic pain and sacrifice as the workforce was reduced by hundreds of thousands of workers in an effort to become the most efficient producers of steel.

As this graphic reflects, U.S. productivity measured as output-per-worker has nearly tripled since 1980, according to the U.S. Commerce Department. These are the official statistics. The industry average has gone from using 10 man-hours to produce a ton of steel to just 4, all the while the net shipments of steel have grown from just over 90 million tons to 110 million tons. That is extraordinary. But when competing with the unfair trading practices of our foreign competitors, it is simply not enough. Much of the world's major steel markets have formal steel import barriers to foreign steel or are subject to international market-sharing arrangements by foreign steel exporters. These cartels are aimed at us.

Obviously, Mr. Speaker, the steel industry is the victim of predatory trade practices, and we desperately need strong relief under section 201 of the U.S. trade laws. This is allowable under the WTO rules. In this case, the International Trade Commission determined damage has occurred and made recommendations for tariffs to the President. The March 6 deadline for the Bush administration to make a decision is fast approaching. I call upon the President to recognize the needs of our domestic industry. Significant relief is necessary in order to return steel prices to their normal precrisis levels and allow American steel companies to make the necessary investments to remain viable and competitive in the future while providing good paying jobs.

Tariff rates must be substantial in order to ensure that import prices return to market-based levels. The section 201 remedy must be enforced for at least 4 years to allow the domestic steel industry to make the necessary adjustments to be competitive. A shorter duration, I feel, will simply be ineffective.

Section 201 relief must not replace existing orders under the antidumping and countervailing duty laws. If these orders are set aside, hard won as they are, any remedy will be perversely rewarding those foreign producers that engage in unfair trade. That is something that I would think we all would agree we do not want.

To further these remarks, I would like to yield to the gentleman from Ohio (Mr. BROWN), a member of our caucus, a gentleman who has been very involved in the steel issue from the get-go.

Mr. BROWN of Ohio. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on steel issues as American workers and corporations try to fight back against this terrible situation that we have seen coming for the last 3 or 4 years.

The U.S., as we know, has become the world's steel dumping ground, costing U.S. jobs, hurting U.S. families, and damaging the U.S. economy. During the 1998 steel crisis, the trade deficit in steel was almost $12 billion, accounting for nearly 7 percent of our overall trade imbalance. We have known from other Special Orders in this body and from other debates in this body that legislation like NAFTA, GATT, which formed the World Trade Organization, PNTR, giving special trading privileges to China, and Fast Track legislation, which passed this body by one vote last year, that this body of trade law that this Congress in my mind has wrongly passed, has damaged this country and that has put us in this situation where we have these huge trade deficits. And our steel deficit is one of the major parts of that.

That means that we are buying a lot more steel in this country than we are exporting, $11.7 billion worth. The bulk of these imports in steel were subsidized by foreign governments and illegally dumped below market prices in the United States. Under Federal trade law, and international trade law too, it is illegal to subsidize a product through a variety of different means that governments do and then sell it under cost into another country, thereby undercutting that domestic industry's products.

Today, we import 39 million tons of steel, more than double the amount we imported in 1991, and steel prices are below 1998 levels. The surge in illegally dumped steel has obviously been incredibly damaging to the domestic steel industry. Since 1998, 26 steel companies have filed for bankruptcy, 17 in the last year. That includes three in my State, including LTV in Cleveland, including RTI in Lorain, where there is a major plant in Lorain and the community which I call home.

Steelworkers from LTV and RTI are learning firsthand how unfair competition is destroying America's ability to make steel. The White House and the Congress must respond. Congress must pass H.R. 808, the Steel Revitalization Act. It has bipartisan cosponsors, the gentleman from Pennsylvania (Mr. ENGLISH), the gentleman from Illinois (Mr. PHELPS), who was here earlier, and 200-plus Members of this body who have cosponsored that bill.

The Republican leadership, the gentleman from Texas (Mr. DELAY), and others, have refused to schedule it for a floor vote. It would make all the difference in the world in revitalizing this Nation's steel industry. Because this Congress has failed to act, because the Republican leadership in this Congress has not given the means to even allow us to have a vote on these very crucial issues to protect American steel, it is up to the President.

On March 6, the President will announce his decision on the recommendation of the International Trade Commission for tariffs on illegally dumped steel. We need a strong response. As the gentleman from Illinois (Mr. PHELPS) and others have said, we need a 40 percent tariff, which is what the ITC has recommended, if the President goes along.

A year and a half ago we heard Vice President Cheney, while in Weirton, West Virginia, say we will never lie to you. If our trading partners violate trade laws, he told steelworkers, we will respond swiftly and firmly. We need the administration's swift response; we need their firm response on steel dumping now more than ever.

If they are sincere about helping steel, and I take them at their word, although there has been a pretty big delay in the President acting, he was originally supposed to act in mid-February, and every day the President fails to act, every day of delay causes more duress to the American steel industry, more layoffs, more bankruptcies, and more likely failed steel companies; but taking the President at his word, we call for him to do the 40 percent tariffs for 4 years. Anything less simply will not cut it.

It does not mean 40 percent with hundreds of exceptions, as steelworker president Mr. Leo Gerard told the gentleman from Pennsylvania (Mr. ENGLISH) and me and some others this afternoon. We must protect the 700,000 hard-working families who rely on this industry for their salary, for their pensions, for their health benefits, and all of us who rely on this industry for our national security.

The steelworkers at Weirton Steel, where then Vice Presidential candidate Cheney made, I hope, a genuine promise, and to the workers at RTI in Lorain, in Canton, in Madison, Ohio, the workers at LTV in Cleveland, and all over this country, are absolutely counting on the President to do the right thing to stop these unfair trade practices. Since this President took office, we have lost a million industrial jobs in this country. I wonder how many workers must file for unemployment before President Bush and Vice President Cheney honor their campaign pledge, not to do this half-baked, but to do the full 40 percent. More and more Americans are joining the ranks calling for Washington to assist this industry.

Again, we ask for Republican leadership here to move on H.R. 808. It clearly will pass this Congress. It has plenty of cosponsors. We ask the President to move on section 201 on implementing it and calling in these tariffs.

Now, in addition, it is important that this Congress do something about so-called legacy costs. Legacy costs are what is left for those workers who are retired; who, when these companies go out of business, lose at least 20 percent, sometimes as much as 40 or 50 percent of their pensions, and who lose all of their health care benefits. In virtually every other steel producing country in the world, especially Western Europe, we are seeing companies, as President Leo Gerard told us today, we are seeing more and more companies joining together in larger companies; and we are seeing government help with these legacy costs, with social costs, with health care benefits, with retirement. And we have to compete with those companies.

The only way for Congress to do that is for us to deal with these legacy costs for these workers who simply do not have anywhere to turn at the age of 58 or 62 or 64, or even before they are eligible for Medicare. And there are hundreds of thousands of American steelworkers whose companies have gone bankrupt, who are about to lose their medical care, who are about to lose up to half, at least a quarter, a fifth or a quarter of their pensions.

It is important the President do the right thing on or before March 6. We need the 40 percent tariff. We need that tariff in effect for 4 years until this industry gets back on its feet and American steel can have a level playing field from which to compete. It is important that Congress move on section H.R. 808 and override the Republican leadership to stop it. It is important that Congress stop passing legislation like Fast Track and NAFTA and the World Trade Organization, the way it was created, and PNTR for China, and all the trade agreements that have put us behind the 8-ball.

It is important that this Congress and this President finally do the right thing for American workers. I thank my friend from Pennsylvania for his good work and I yield back to him.

□ 2000

Mr. ENGLISH. Mr. Speaker, I congratulate the gentleman for his great advocacy for the cause of steel.

Mr. Speaker, this administration has done more than the last administration did so far; and that is very, very encouraging. Also, a bill like H.R. 808 was brought up by this House Republican leadership, passed the House overwhelmingly, and was killed in the Senate. This is not so much a partisan issue. The importance is that we need to move now the strong remedies necessary to put this critical, strategic industry back on an even keel.

We also know an effective remedy is the only way to stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers have already made to modernize, eliminate inefficient capacity and rationalize, bringing stability and balance to the global steel market.

Looking at this next graphic, we know that a 40 percent tariff would provide more than $1.4 billion of operating revenue for our domestic producers. A substantial tariff-based remedy is the only way to prevent the loss of thousands of additional steel-related jobs and will send a clear message to foreign producers that the United States is not a dumping ground for excess steel product.

Going to the next graphic, even with the 40 percent tariff, people need to understand prices would still be well below the 20-year average on hot-rolled, cold-rolled, hot-dipped galvanized steel and coil plated.

Even with the 40 percent tariff, prices would still be below the 20-year average. So much for the dramatic price increase as a result of tariffs that some opponents of relief for the domestic industry have been arguing; and comparing the pricing trends of steel to other industries, going to the next graphic, according to the Bureau of Labor Statistics, the price of construction machinery and equipment has increased about 60 percent during the last 20 years. I realize that this graphic is confusing and looks like something that Washington would conceive of, but if Members look at the actual details, if Members know that the price of products such as motor vehicles have risen by about 45 percent since 1981, paper has risen 55 percent, food has risen 40 percent, steel prices during that same time have increased less than 5 percent. That shows that steel has managed to maintain a relatively low cost and has actually declined as a cost in relative terms. Anything that we do as part of this remedy is not going to create a problem with the relative price of steel.

Tariff-based remedies will not harm U.S. consumers. Increases in steel prices have minimal effect on the price of end products because steel constitutes only a small share of the total cost of most products that contain steel. Think about it. For a typical family car, the increase caused by the imposition of a 40 percent tariff would be about $60, $60 on the cost of an automobile. For a refrigerator, the increase would be a cost of about $3. That is not enough to affect consumer decisions.

On this graphic, as measured by the Department of Commerce, steel's share of total costs is 0.8 percent for construction, 3.4 percent for motor vehicles and parts, 5.4 percent for other transport equipment, 6.8 percent for household appliances, 4.6 percent for electrical industrial apparatus, and for the highest of Commerce's categories, fabricated metal products, steel's share of total cost is less than 16 percent.

That clearly indicates that by seeking this remedy, we are not going to create a problem for the domestic economy. Since 1995, the price of finished goods has risen 11 percent while the cost of steel mill products has declined 16 percent. The steel-consuming industries have been running around Washington suggesting that relief under section 201 will not return profitability to the domestic steel industry by raising prices while at the same time arguing that relief will raise consumer prices to prohibitive levels.

According to a study by Professor Jerry Hausman, an economist at the prestigious Massachusetts Institute of Technology, MIT, the tariffs would actually have a minimal effect on prices, costing the average consumer $2 a year, and having no negative effect on the U.S. economy.

We can reach out and successfully impose 40 percent tariffs, and it will have a minimum impact on consumer prices. Hausman said the assumptions from the consuming industry's trade action coalition are fundamentally flawed. Using the same model, but with accurate assumptions that truly reflect the current steel market, the studies show that the section 201 remedies would provide a net benefit of about $9 billion to the U.S. economy. The same consuming industries that are saying that they will be placed at a severe disadvantage because of these tariffs on steel have not had to endure the same stagnated prices on their products during the last 20 years. My previous graphic, those steel-intensive industries such as construction machinery, equipment and motor vehicles, have seen the price of their product increase 60 and 40 percent respectively since 1981. I will say it again: steel prices have increased less than 5 percent.

Entire American communities have been devastated by this import crisis, and I would like my colleagues to consider that regions already experiencing hardship as a result of the current recession are being dealt a devastating blow by the massive levels of low-priced imports. The loss of good-paying steel industry jobs directly impacts thousands of workers in other sectors that depend on the steel industry.

The U.S. manufacturing sector, including the steel industry, has one of the highest multiplier effects. For every $1 of a manufactured product sold to an end user, an additional $1.19 of intermediate activity is generated. The steel industry is a major consumer of computers and other high-tech equipment. It is also a major user of transportation industries such as rail, trucking, and shipping.

Steel-generated demand for key raw materials, coal, coke, iron ore and limestone provides employment in a number of regions where, frankly, other jobs are scarce. The steel industry is also a major contributor to the U.S. tax base, including the tax base of State and local governments.

There is another dimension that I would encourage my colleagues to think about, and that is a healthy domestic steel industry is a cornerstone of our national defense. Steel is an indispensable component of many weapons and weapon systems, as well as the ships, tanks and other vehicles that carry these systems and our dedicated troops. In my district, Erie Forge and Steel is the sole producer of propeller shafts that are used in Navy ships, and they are just coming out of Chapter 11 bankruptcy with a new buyer.

The President and many other U.S. government leaders recognize that steel and national security go hand in hand. At a time when we are trying to enhance our national security and we are thinking anew about the need to have a strong defense, defending the steel industry should be a top priority. It is vital to U.S. national economic security and to our homeland security that America does not become dangerously dependent on offshore sources of supply for, among other things, the steel that goes into our transportation security infrastructure such as highways, bridges, railroads and airports; the steel, that goes into our health and public safety infrastructure, such as waste and sewage treatment facilities and the public water supply; the steel that goes into our commercial, industrial and institutional complexes such as schools, hospitals, retail stores, hotels, churches and government buildings. We must maintain a viable domestic steel industry if our country and our economy is truly to be secure.

The gentleman from Ohio brought up the issue of legacy costs, and we need to recognize that 2 decades of downsizing have created a domestic steel industry that is highly efficient with modern facilities; but the downsizing that has occurred to achieve this goal has placed an enormous burden on the industry, and that burden is these legacy costs: health and pension liabilities for steelworkers who lost their jobs as a result of the massive industry downsizing which occurred especially during the period of the 1980s through the present as a result of injurious, unfair trade.

Legacy costs have put the industry overall at a significant competitive disadvantage versus foreign competitors whose governments have assumed these same costs. Congress, the administration, and the industry must continue to work together to address these costs that serve as a critical barrier to industry consolidation. While this is a time of enormous crisis for the industry, we need to recognize it is also a time of unique opportunity. This is a chance to facilitate an important, long-term restructuring to allow for significant capacity reduction and help create an industry poised to compete over the long run with any competitor in the world.

Mr. Speaker, we have reached a pivotal point in stabilizing the American steel industry and ensuring good-paying jobs for its workers. The Bush administration took a monumental first step. I encourage the administration to follow through by enacting tough tariffs that will truly provide relief for a besieged industry and its struggling employees.

Many of our manufacturers face growing and cumulative competitive disadvantages in the international market. While the European Union may loudly voice their objections to strong tariffs as not necessary to fix America's problem, the percentage of steel dumped into their market is significantly lower than that dumped on our shores, and I would like to demonstrate that with another graphic.

As Members can see, not since 1960 have we been on a relatively even keel with the Europeans when it comes to receiving excess foreign steel. The foreign excess steel dumped in the United States has steadily grown since then, topping off at 30 percent while the EU hovers at 15 percent. The EU's argument simply does not hold water.

Mr. Speaker, the plight of the steel industry is grim, but both Congress and the administration are working hard to give employers the tools that they need to be competitive in the global market. Nothing will solve today's steel crisis in this sense: the damage is already done. Instead, we must seek to apply the lessons learned in today's crisis, put reforms into place so nothing like this will happen again.

We need to have substantial tariffs to begin this process. We must do this in order to provide some security for the 62,000 American steelworkers as well as 600,000 retirees and their dependents. Without this action, the future of our domestic steel industry as well as our economy and our national security will remain very much in question.

□ 2015

With that, I would like to yield to another of my colleagues, a great member of the Steel Caucus, the gentleman from West Virginia (Mr. MOLLOHAN).

Mr. MOLLOHAN. I thank the gentleman for his leadership in this area and for yielding.

Madam Speaker, I rise today in support of America's steel industry, steelworkers and steel communities.

Just 7 days remain for the President to issue his decision on the future of our domestic steel industry. To his credit, the President requested that the International Trade Commission conduct a section 201 investigation to determine if steel imports injured the domestic steel industry. Last year, the ITC held a lengthy hearing process in which it heard testimony about, and concluded that, serious injury had been caused to the steel industry by imports. The ITC ruled that sharp increases in 16 product categories have injured, or could seriously injure, U.S. steel companies. Various tariff levels were recommended by the ITC. Now we await the President's response and the President's action.

For 4 years now, our domestic steel industry has been engaged in a brutal fight for survival. Foreign steelmakers have flooded our markets with their products, much of it illegally subsidized. These imports have pushed 31 of our steelmakers into bankruptcy and forced our workers into the unemployment lines. We desperately need relief that restores prices to reasonable levels. This decision that we await from the President is our domestic steel industry's last chance for survival.

As my colleagues know, the overwhelming majority of commissioners at the ITC recognized that substantial tariffs of 20 to 40 percent must be imposed in order to address the steel import problem and return prices to their normal, pre-crisis levels. In this market environment, however, 20 percent tariffs simply will not be enough. I join my colleagues in asking the President to impose the highest level of tariffs, 40 percent, because it is the only way to ensure the future of our steel industry. And, further, any section 201 remedy must be enforced for at least 4 years to demonstrate the seriousness of the administration in addressing excess capacity.

Lastly, a tariff-based remedy must be applied across all flat products, including slab. If the remedy is different for different products, the imports will just shift to the product with the lowest tariff, and the remedy will be gutted.

I would like to take a moment to address one particular problem, tinplate. The district that I serve is home to Weirton Steel and Wheeling-Pittsburgh Steel. Both have a significant stake in tinplate production. In fact, probably no district in the Nation has a higher concentration of tin mill production than the First District of West Virginia. Unfortunately, it is one of the many segments that has been staggered by rising imports and falling prices.

Imports of tin mill products have increased by 200,000 tons. Prices have fallen by $65 per ton. Imported tin mill products jumped 50 percent from December, 2001, to January, 2002, a monthly record.

The ITC's vote on tin mill products was a three-to-three tie. Of the three who voted that the domestic industry was injured by imported tin mill products, two voted for tariffs of 40 percent, 38 percent, 36 percent and 31 percent; and one voted for tariffs of 20 percent, 17 percent, 14 percent and 11 percent. Because of the tie, the law states that no remedy recommendation can be made to the President.

However, even without a tin mill products recommendation, the President can still enact a remedy if he so chooses. If the President provides tariff relief on other products but not on tin mill products, other nations will likely offset their losses and flood the U.S. tin mill products market. This is called product shifting. I urge the President, in the strongest terms, to include tariff remedies for tin mill products in his remedy decision.

We are truly at a crossroads in the steel industry. The cause of our steel crisis is, simply put, massive foreign overcapacity. The ITC's section 201 investigation provided overwhelming evidence that the industry is seriously injured. Six commissioners unanimously agreed that the increase in imports was a substantial cause of serious injury. In fact, last Tuesday, the U.S. Bureau of Census released preliminary data showing that all steel imports rose from 2 million net tons in December to 2.5 million tons in January. So even in the face of possible tariffs, foreign countries continue to dump steel in our market.

More than 325,000 American jobs are at risk if serious, swift and decisive action is not taken. According to calculations based on measurements by the Bureau of Labor Statistics, the U.S. Department of Labor and independent economic analysts, every job in the basic steel industry supports at least three other jobs in other industries.

Without significant tariff remedies, our steel industry, our steelworkers, and our steel communities will be decimated. I join my colleagues in asking the President to issue strong tariff remedies for our steel industry.

Mr. ENGLISH. I want to thank the gentleman for his involvement in our Steel Caucus. One of the things that has made being chairman of the Steel Caucus such an extraordinary pleasure is the involvement of people like him and like you, Madam Speaker, both of you from West Virginia, and also from our last, final speaker of the evening, the gentlewoman from Pennsylvania (Ms. HART), to whom I will yield.

Ms. HART. I thank the chairman of the Steel Caucus, the gentleman from Pennsylvania (Mr. ENGLISH), for his great leadership on this issue and for actually having this administration be so well educated to actually file the 201 investigation and really to have gotten us to the point where we are today.

It is an honor for me to speak here on behalf of those in my district and throughout this Nation who have made the steel industry what it was and what it should be today, very strong and a very highly mechanized, very technical and very much improved industry over the last many years.

Unfortunately, we have not been reaping the benefits that that industry has earned over the last several years. As I know has been discussed by several other Members earlier this evening, we have not reaped the benefits because of foreign nations subsidizing their steel and dumping it at below market costs here in this country.

I had the opportunity to speak with the President, as I know many of my colleagues have, about this issue. We were instrumental in making the decision to file that 201 investigation. I am pleased that once the ITC had the opportunity to review the issue that they did agree with us that foreign steel dumping, in a 6–0 decision, in fact, that those products being imported into the United States are being imported below cost and also in increased quantities, that they are the substantial cause of the injury to the United States steel industry, not the lack of mechanization and modernization of our industry.

I want to say, I represent a part of western Pennsylvania that has been known for being very strong in the steel industry. Unfortunately, we have lost many, many jobs over the last several years. Not only did we have a very difficult time in the 1970s and 1980s, but once again, since 1986, for example, we have lost over 20,000 steelworker jobs and five major plants in Beaver County alone, Babcock & Wilcox, Crucible, LTV, Armco and American Bridge.

The problems, though, did not get better once the industry did modernize and consolidate. It has gotten worse. Allegheny County, where I live, Butler County, Fayette County, Washington County in western Pennsylvania and Westmoreland County where I represent have all lost jobs, not again because of their lack of technology but because of steel dumping. It is the unfair trade that has caused these problems.

I would urge everyone involved who has the opportunity to have some input now with the administration to encourage them to stand along with my colleagues in the Steel Caucus and our chairman, the gentleman from Pennsylvania (Mr. ENGLISH), and push for a very effective remedy. It appears that that will happen next week. We have the opportunity to actually help our steel industry survive. We need to have a serious and effective remedy. What we are asking for, what the industry has been asking for, is a strong remedy, 40 percent tariffs, something along that line, for a period of time that will allow our industry to recover, something that they have earned because of the good faith they have shown in modernizing and moving the industry forward.

Unfortunately, for too long, the administrations that ran this country did not pay attention to the steel industry. It was completely ignored, in fact, under the previous administration. I must credit President Bush, I must credit his trade ambassador and some of the folks who work with him who have listened to us, who have discussed with us the issue and I believe understand that it is important for us to take this step now so that we will continue to have a steel industry in this country at all. Because otherwise I think we are in jeopardy of losing it completely.

Between 1997 and 2000, steel imports from China increased by 212 percent. From the former Soviet Union area, they increased by 167 percent. That is mostly from the Ukraine. From Taiwan, by 558 percent. I do not think anybody could say with a straight face that the quality of the steel or the process that they used was that much better than ours, and in fact it probably was not better at all.

So I stand here along with my colleagues and I ask that we together, and I ask the administration, to work with us together to make sure that our steel industry and those who have worked in it and built it and built a large part of this Nation be rewarded for their hard work, be given the opportunity to continue to be a strong industry, that they can rebuild themselves, that they only ask that they be given a level playing field with other countries that are steel producers, and that we make sure that given this opportunity now, that the ITC has given us a decision showing that they have been injured by dumping, that they get the opportunity again to get back on their feet.

Because not only is it important to my region, the regions that many of my colleagues represent, it is important to our entire Nation that we have a strong steel industry, not only for the automobile industry, not only for the appliance industry, but for the defense industry, for the defense of this Nation, and for our future.

I thank the gentleman from Pennsylvania for his leadership.

Mr. ENGLISH. I thank the gentlewoman. I congratulate her particularly on serving within the Steel Caucus, already as a member of the executive committee and one of the effective leadership, helping us shape the strategy to bring this issue to the point where it has arrived today, where there is an opportunity for the President, through his action, to put this steel industry on a much more level playing field.

It is worth noting, since he initiated the 201, already it has had a substantial effect on imports and already it is having some effect on steel prices, forcing foreign competitors to rethink their strategies and rethink their dumping.

I also want to congratulate the steelworkers unions, the United Steelworkers Union, the Independent Steelworkers Union, and the industry which is so diverse yet has come together behind the notion that this 201, coupled with a 40 percent tariff through the President's initiative, is ultimately going to lead to a strong, competitive, world-class American steel industry for the future.

Mr. STUPAK. Madam Speaker, the health of the domestic steel industry is vital to our nation, and it is the lifeblood of my district of northern Michigan. Without meaningful comprehensive relief, 40% tariffs over 4 years for all segments of the steel industry, including slab steel we will not recover from the current crisis.

Only the strongest of remedies can offer any hope for our nation's steel and iron ore industries to survive. Over 30 steel companies are in bankruptcy, including the LTV Corporation, a part owner and customer of the Empire Mine in northern Michigan. Michigan's iron ore mines have felt the impact of these bankruptcies as the steel companies that have been their customers go out of business one by one. Most recently as a result of LTV's bankruptcy, the Empire Mine has been shut down, and over 800 employees are currently out of work.

With the Empire Mine shut down, Michigan has only one remaining iron ore mine, the Tilden Mine which is located in Marquette County. The Empire and the Tilden Mines have been a vital part of the economies of the Upper Peninsula and the state of Michigan. In addition to the 2,000 employees of these mines, our citizens have been employed in the transportation of ore from the mines, to the ports, to the steel mills along the Great Lakes, as well as in the power plants that supply these mines, and many other related industries.

I was very pleased by the unanimous finding of injury by the U.S. International Trade Commission. However, I was troubled by the relief recommended by a majority of the board in the form of a tariff-rate quota on slabs, beginning in the first year with a 20% tariff on slab imports over 7 million tons. This will be insufficient relief to the iron ore industry and to the steel companies whose blast furnance operations must compete with the cheap slab steel that is flooding our country.

Rather, the relief for semi-finished steel slab must be equivalent to that recommended for the other covered industry products: there must be a tariff on each and every ton that enters this country. We need tariffs of at least 40% on steel slabs. Without such a tariff, millions of tons of slab steel will continue to enter the U.S. market at artificially low prices, and will continue to harm our domestic industry.

Now is the time to act to save the steel industry. Our national security, our manufacturing base, our workers, our communities depend upon a strong domestic steel industry. Now is the time to stand up for steel!

Ms. DELAURO. Madam Speaker, I want to thank Representatives VISCLOSKY and ENGLISH for organizing tonight's special order on the crisis facing the hardworking men and women in the U.S. steel industry, and for their dedication and leadership on this crucial issue.

Since the late 1990's, the steady increase in imported steel into our country has put the U.S. steel industry and the future of U.S. steelworkers and their families in serious jeopardy. To date, 28,000 steelworkers across the country have lost their jobs.

These losses have ripple effects throughout their communities. When steel mills close, businesses around them close, people leave their towns and neighborhoods. Bonds and traditions built over years are broken.

We must take action immediately. Now, more than ever, we must unite in defense of meaningful protection. It is time to stand firm against illegal dumping by foreign competitors.

In December, the International Trade Commission called on the President to impose tariffs on foreign steel—to protect American families. Since then, three steel companies have collapsed, leaving hundreds of steelworkers without jobs—men and women who have dedicated years to making the highest quality steel available.

By March 6th—just a week away—the deadline arrives for the President to act. He will have to decide whether to protect steelworkers and their families or to protect foreign interests. I strongly urge him to do the right thing and stand with our nation's steelworkers.

I am proud to stand shoulder-to-shoulder with the men and women who are coming to the Capitol tomorrow to rally for meaningful relief, for their jobs, for the highest quality steel in the world, for a safe future for their families.

Mr. DINGELL. Madam Speaker, the crisis facing the American steel industry not only jeopardizes thousands of jobs in Michigan and the industrial Midwest, but also threatens the long-term stability and strength of the American economy. We must commit ourselves as Americans to making sure our trade laws have teeth and our country never becomes dependent on foreign steel.

The events of the last few months should also remind us that the steel crisis also jeopardizes our national defense capabilities. If we no longer have the mills and workers to produce steel, the strength of our armed forces—which today are the world's most powerful—will be dependent upon our ability to import foreign steel. This is an unnecessary gamble and a grave concern. During World War II it was our ability to out-produce our foes in the factory that led to our victory on the battlefield.

Twenty steel makers have filed chapter 11 bankruptcy protection since 1998. Steel prices are at their lowest point in 20 years. Some 20,000 steelworkers have lost their jobs since 1998. Since 1980, the number of American steelworkers has fallen from 460,000 to 140,000. Statistics have not measured the job and economic losses that have been absorbed by those whose work is tied to the steel industry.

Great Lakes Steel once operated with nearly 12,000 employees; today they employ less than a third that number. During the second quarter of 2001 alone, their parent company lost over $110 million. Rouge Steel is also struggling to survive; Rouge finished 1999 and 2000 with net losses.

These plants, like many across the nation, have been periodically hit by hard times and have survived. The industry has always gritted its teeth and survived by relying on what makes it competitive in the world market: quality. It has continually improved productivity and product. In fact, the steel industry has invested nearly $35 billion in steel plant modernization since 1995. The productivity of the American steel industry has improved 180 percent since 1980.

For the last few decades, we have world economies becoming more interdependent. Some job losses in the industry could not be avoided, but American steel regrouped and made itself competitive on the world marketplace. All the industry and workers asked in return was for a level playing field with foreign competitors, and that trade laws be enforced.

We all know this has not happened, particularly over the last five years. Subsidized foreign steel from Russia, China, Japan, and Brazil has been dumped into the United States at prices so low that there is no way the unsubsidized American steel industry can compete. Last year, steel import levels were 83 percent higher than the annual import average for the last eight years.

Hopefully the playing field will soon be leveled, as it must be. On October 22, the International Trade Commission voted that imports have been a substantial cause of serious injury to the U.S. steel industry in affirmative decisions covering nearly 80 percent of total import tonnage. The decision was a significant step that set the stage to provide a temporary period of strong, effective steel import relief. Such relief would provide a period of time to allow U.S. steel producers to recover and to address long-term structural problems in the U.S. and global steel sector.

It is now up to the President to determine what measures will be taken. The Congressional Steel Caucus, of which I am a proud member, has pressed the President to implement real, meaningful sanctions. On December 7, the ITC voted remedy recommendations; 5 of 6 Commissioners voted for four years of tariffs ranging from 20% to 40% on major categories of finished carbon and alloy steel imports. The President will make his decision March 6. Words alone will not suffice. I have already weighed in with the White House on this matter, and have sent the President—along with my colleagues in the steel caucus—three letters in the past week alone.

High tariffs for four years—at or near the 40 percent advocated by the industry and proposed by two Republican ITC Commissioners—are essential if the industry is to recover. Experts have projected that the industry needs to invest $7-9 billion over the next four years to stay competitive and adjust to import competition. This can only happen with the near-term price relief and market stabilization that would come from significant tariffs. Substantial tariffs will do the following: have immediate but modest price effects; allow domestic producers to significantly increase sales quantities; provide certainty in the market; will distort trade less than quantitative measures; and, allow the industry to generate the revenue needed for investments.

Inadequate tariffs, such as the 20 percent recommended by the ITC plurality, will likely be absorbed and will have little or no effect in the market. So-called "tariff rate quotas," which apply an additional duty only after a certain volume of imports comes in at low or zero duty rates, will provide no benefits and might well be worse than nothing at all. Relief on slab is also critical. Without an effective remedy on slab, the pressure for domestic producers to shut down their hot-ends and stop making steel will be unstoppable.

Regardless of the President's decision, Congress' job is not finished. We must examine other ways to assist the steel industry, including addressing the problem associated with legacy costs. If nothing is done, and the federal government does not intervene, 600,000 retirees will lose their hard-earned health care benefits.

I implore my colleagues to join me in urging the President to enforce our trade laws, follow the recommendations of the ITC, and stand up for American industry and American workers. Now is the time to level the playing field and end illegal foreign steel dumping, and save the American steel industry.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. EDDIE BERNICE JOHNSON of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. BONIOR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

Mr. GANSKE, for 5 minutes, March 6.

Mr. WELDON of Pennsylvania, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House, reports that on February 27, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 2998. To authorize the establishment of Radio Free Afghanistan.

ADJOURNMENT

Mr. ENGLISH. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 29 minutes p.m.), the House adjourned until tomorrow, Thursday, February 28, 2002, at 10 a.m.

OATH OF OFFICE

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Member of the 107th Congress, pursuant to the provisions of 2 U.S.C. 25:

Honorable JOHN SULLIVAN, 1st Oklahoma.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5647. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Slovakia and Slovenia Because of BSE [Docket No. 01-122-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5648. A letter from the Congressional Review Coordinator, Animal and Plant Health

Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Japan With Regard to Foot-and-Mouth Disease [Docket No. 01–010–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5649. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Greece Because of BSE [Docket No. 01–065–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5650. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Czech Republic Because of BSE [Docket No. 01–062–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5651. A letter from the Secretary, Department of Transportation, transmitting the annual report of the Maritime Administration (MARAD) for Fiscal Year 2000, pursuant to 46 U.S.C. app. 1118; to the Committee on Armed Services.

5652. A letter from the Director, Office of Federal Housing Enterprise Oversight, Department of Housing and Urban Development, transmitting the Department's final rule—Risk-Based Capital (RIN: 2550–AA23) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5653. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's annual financial report to Congress required by the Prescription Drug User Fee Act of 1992 (PDUFA) for fiscal year 2001, pursuant to 21 U.S.C. 379g nt; to the Committee on Energy and Commerce.

5654. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals (RIN: 0938–AL05) received February 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5655. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled, "Visibility in Mandatory Federal Class I Areas (1994–1998)"; to the Committee on Energy and Commerce.

5656. A letter from the Chairman, Consumer Product Safety Commission, transmitting the report from the Inspector General covering the activities of the Office for the period April 1 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5657. A letter from the Chairman, Federal Housing Finance Board, transmitting the semiannual report on the activities of the Office of Inspector General ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5658. A letter from the President, James Madison Memorial Fellowship Foundation, transmitting the annual report under the Federal Managers' Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5659. A letter from the Inspector General, Railroad Retirement Board, transmitting the budget request for the Office of Inspector General, Railroad Retirement Board, for fiscal year 2003, pursuant to 45 U.S.C. 231f(f); to the Committee on Government Reform.

5660. A letter from the Chair, Railroad Retirement Board, transmitting the semiannual report on activities of the Office of Inspector General for the period April 1, 2001, through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5661. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Kansas Regulatory Program [KS–022–FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5662. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—Louisiana Regulatory Program [LA–021–FOR] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5663. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ending June 30, 20010, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

5664. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability (RIN: 2900–AK66) received February 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KLECZKA (for himself, Mr. Shaw, Mr. Matsui, Mr. Brady of Texas, Mr. Doggett, Mr. Sam Johnson of Texas, Mr. Pomeroy, Mr. Rangel, Mr. Ryan of Wisconsin, and Mr. LaHood):

H.R. 3799. A bill to amend title 36, United States Code, to repeal the Federal charter for Retired Enlisted Association, Incorporated; to the Committee on the Judiciary.

By Mr. DINGELL (for himself and Mr. Markey):

H.R. 3800. A bill to amend the Federal Power Act to reform the hydroelectric licensing process, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CASTLE (for himself, Mr. Boehner, Mr. Upton, Mr. Fletcher, Mrs. Biggert, Mr. Keller, and Mr. Tancredo):

H.R. 3801. A bill to provide for improvement of Federal education research, statistics, evaluation, information, and dissemination, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 3802. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. BOSWELL (for himself, Mr. Pomeroy, and Mr. Shows):

H.R. 3803. A bill to amend the Packers and Stockyards Act, 1921, to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter; to the Committee on Agriculture.

By Mr. BROWN of Ohio (for himself, Mr. Waxman, and Ms. Slaughter):

H.R. 3804. A bill to amend the Federal Food, Drug, and Cosmetic Act to ensure that use of certain antibiotic drugs in animal agriculture does not compromise human health by contributing to the development of antibiotic resistance; to the Committee on Energy and Commerce.

By Ms. HART (for herself, Mr. Pitts, Mr. Brown of South Carolina, Mr. Ryun of Kansas, Mr. Grucci, Mr. Smith of New Jersey, Mr. Brady of Texas, Mr. Shimkus, Mr. DeMint, Mr. Pickering, Mr. Forbes, Mr. Burton of Indiana, Mr. Schaffer, Mr. Bartlett of Maryland, Mr. Shows, Mr. Shadegg, Mr. Tancredo, Mr. Manzullo, Mr. Tiahrt, Mr. Stearns, Mr. Weldon of Florida, Mr. Paul, Mr. Terry, Mr. Vitter, Mr. Armey, Mr. Rogers of Michigan, Mrs. Myrick, Mr. Akin, Mr. Souder, Mr. Boozman, Mr. Linder, Mr. Doolittle, Mr. Chabot, Mr. Wilson of South Carolina, Mr. Hostettler, Mr. Goode, Mr. Flake, Mr. Hoekstra, Mr. Aderholt, Mr. Gutknecht, Mr. Istook, Mr. Toomey, Mr. Fletcher, and Mr. Sensenbrenner):

H.R. 3805. A bill to amend the General Education Provisions Act to prohibit Federal education funding for elementary or secondary schools that provide access to emergency postcoital contraception; to the Committee on Education and the Workforce.

By Mr. ISRAEL (for himself, Mr. Gilman, Mr. Markey, and Mrs. Morella):

H.R. 3806. A bill to amend title 5, United States Code, to protect those who defend the United States by exercising their duty as patriots to warn against the existence of threats to weaknesses created by institutional failures that should be identified and corrected in a timely manner, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JONES of Ohio:

H.R. 3807. A bill to protect home buyers from predatory lending practices; to the Committee on Financial Services.

By Mr. McINNIS:

H.R. 3808. A bill to provide consistent enforcement authority to the Bureau of Land Management, the National Park Service, and the Forest Service to respond to violations of regulations regarding the management, use, and protection of the public lands, National Park System lands, and National Forest System lands, to clarify the purposes for which collected fines may be used, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MEEKS of New York:

H.R. 3809. A bill to amend the Internal Revenue Code of 1986 to stimulate economic development by enhancing the availability and benefits of small issue bonds; to the Committee on Ways and Means.

By Mr. NUSSLE (for himself and Mr. THUNE):

H.R. 3810. A bill to prohibit livestock packers from owning or feeding livestock intended for slaughter for more than 14 days before such slaughter, to prohibit excessive concentration resulting from mergers among certain purchasers, processors, and sellers of livestock, poultry, and basic agricultural commodities, to require the Attorney General to establish an Office of Special Counsel for Agriculture, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 3811. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a system independent of the Food and Drug Administration for the review of health claims, to define health claims, and for other purposes; to the Committee on Energy and Commerce.

By Mr. PAUL:

H.R. 3812. A bill to sunset the Bretton Woods Agreements Act; to the Committee on Financial Services.

By Mr. RAHALL (for himself and Mr. NEY):

H.R. 3813. A bill to modify requirements relating to allocation of interest that accrues to the Abandoned Mine Reclamation Fund; to the Committee on Resources.

By Mr. RODRIGUEZ (for himself and Mr. UPTON):

H.R. 3814. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Energy and Commerce.

By Mr. ROSS (for himself, Mr. KANJORSKI, Mrs. MALONEY of New York, Mrs. CHRISTENSEN, Mr. WYNN, Mr. SERRANO, Mr. ISRAEL, Ms. LEE, Mr. BOOZMAN, Mr. SNYDER, Mr. THOMPSON of Mississippi, Mr. BERRY, Mr. DINGELL, Mr. CLAY, Mr. MCNULTY, Mr. FATTAH, Mr. TOWNS, Mr. SHERMAN, Mr. JACKSON of Illinois, Mr. CUMMINGS, Ms. WATSON, Mr. JEFFERSON, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. BISHOP, Mr. CARSON of Oklahoma, Ms. ROYBAL-ALLARD, and Mr. RANGEL):

H.R. 3815. A bill to authorize the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing a Presidential National Historic Site, in Hope, Arkansas, and for other purposes; to the Committee on Resources.

By Mr. SHERMAN (for himself and Mr. DAVIS of Illinois):

H.R. 3816. A bill to amend section 19 of title 3, United States Code, to allow the President to choose between possible successors in case of the event that, by reason of certain circumstances, there is neither a President nor Vice President to discharge the powers and duties of the office of President; to the Committee on the Judiciary.

By Mr. VISCLOSKY:

H.R. 3817. A bill to amend the Act entitled "An Act to provide for the establishment of the Indiana Dunes National Lakeshore, and for other purposes" to clarify the authority of the Secretary of the Interior to accept donations of lands that are contiguous to the Indiana Dunes National Lakeshore, and for other purposes; to the Committee on Resources.

By Mr. WATTS of Oklahoma:

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States; to the Committee on Government Reform.

By Mr. FARR of California (for himself, Mr. BACA, Mr. DOOLITTLE, Ms. SANCHEZ, Ms. LEE, Ms. KAPTUR, Ms. DELAURO, Mr. FROST, Mr. HONDA, Ms. WATSON, Mrs. DAVIS of California, Mr. CONDIT, Mr. BERMAN, Mr. THOMPSON of California, Mrs. CAPPS, Mr. STARK, Ms. HARMAN, Mr. SHERMAN, and Ms. ESHOO):

H. Con. Res. 336. Concurrent resolution expressing the sense of Congress regarding the life and works of John Steinbeck; to the Committee on Government Reform.

By Mr. WATTS of Oklahoma (for himself and Mr. DAVIS of Illinois):

H. Con. Res. 337. Concurrent resolution recognizing the teams and players of the Negro Baseball Leagues for their achievements, dedication, sacrifices, and contributions to baseball and the Nation; to the Committee on Government Reform.

By Mr. ISRAEL:

H. Res. 352. A resolution providing for consideration of the bill (H.R. 3341) to provide a short-term enhanced safety net for Americans losing their jobs and to provide our Nation's economy with a necessary boost; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. MICA.

H.R. 250: Mr. LAMPSON and Mr. BARRETT.

H.R. 257: Mr. KERNS and Ms. PRYCE of Ohio.

H.R. 336: Mr. HINCHEY.

H.R. 537: Mr. LUTHER.

H.R. 760: Mr. BAIRD and Mr. ROHRABACHER.

H.R. 781: Mr. LYNCH.

H.R. 831: Mr. BARR of Georgia, Mr. VITTER, Mr. LUCAS of Kentucky, Mr. RILEY, and Mr. FALEOMAVAEGA.

H.R. 840: Ms. DELAURO, Mr. SNYDER, and Mr. BOEHLERT.

H.R. 968: Mr. TERRY.

H.R. 1181: Mr. SCHROCK.

H.R. 1262: Mr. OLVER.

H.R. 1460: Mr. INSLEE.

H.R. 1475: Mr. SWEENEY and Mr. JOHNSON of Illinois.

H.R. 1609: Mr. BLUNT and Mr. THORNBERRY.

H.R. 1624: Mr. FORBES, Mr. LARSON of Connecticut, and Mr. ISSA.

H.R. 1705: Mr. TERRY.

H.R. 1795: Mr. BONILLA, Mr. EDWARDS, Mr. UDALL of Colorado, Mr. KINGSTON, Mr. SKELTON, and Mr. PITTS.

H.R. 1822: Mr. CONYERS.

H.R. 1904: Mr. RUSH, Ms. KAPTUR, Mr. NEAL of Massachusetts, Mr. GUTIERREZ, and Mr. RODRIGUEZ.

H.R. 1935: Mr. COSTELLO, Mr. KING, Mr. WYNN, Mr. SHIMKUS, Mr. UNDERWOOD, Mr. WHITFIELD, Mr. FALEOMAVAEGA, Mr. DINGELL, Mr. CUMMINGS, Mr. OWENS, Mr. RODRIGUEZ, and Mr. DEUTSCH.

H.R. 1979: Mr. BROWN of South Carolina.

H.R. 2014: Mr. BARR of Georgia.

H.R. 2020: Mr. PICKERING, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. FOLEY.

H.R. 2125: Mr. GILLMOR, Mr. COSTELLO, Mr. HALL of Ohio, Mr. SANDERS, Mr. NEAL of Massachusetts, Mrs. EMERSON, and Mr. DAVIS of Illinois.

H.R. 2146: Mr. KELLER and Mr. CHABOT.

H.R. 2148: Ms. DELAURO.

H.R. 2163: Mr. BROWN of Ohio and Ms. RIVERS.

H.R. 2237: Mr. STUPAK.

H.R. 2254: Mr. PLATTS, Mr. SHUSTER, and Mr. SENSENBRENNER.

H.R. 2339: Mr. MATSUI and Ms. PRYCE of Ohio.

H.R. 2349: Ms. DEGETTE.

H.R. 2426: Mrs. CAPITO.

H.R. 2569: Mr. KINGSTON.

H.R. 2570: Mrs. TAUSCHER.

H.R. 2625: Mrs. MORELLA.

H.R. 2638: Mr. MARKEY, Mr. GONZALEZ, and Mr. NEAL of Massachusetts.

H.R. 2692: Mr. ORTIZ.

H.R. 2735: Mr. DEAL of Georgia.

H.R. 2820: Mr. EVANS, Mr. MOORE, Mr. SANDLIN, and Mr. SAWYER.

H.R. 2835: Mr. SCHAFFER.

H.R. 2868: Ms. ROS-LEHTINEN.

H.R. 2908: Mr. LANGEVIN, Mr. UDALL of New Mexico, Mrs. JOHNSON of Connecticut, and Mr. HONDA.

H.R. 2929: Mr. HONDA.

H.R. 2953: Mr. ENGLISH, Mr. CAMP, Mr. DREIER, and Mr. ROHRABACHER.

H.R. 3017: Mr. FOLEY.

H.R. 3105: Mrs. NORTHUP.

H.R. 3113: Ms. KAPTUR and Mr. SCOTT.

H.R. 3175: Mr. SENSENBRENNER.

H.R. 3231: Mr. WICKER.

H.R. 3259: Mr. HANSEN, Mr. GIBBONS, Mr. SCHAFFER, Mr. SIMPSON, Mr. DOOLITTLE, Mr. CANNON, Mr. DUNCAN, Mr. HERGER, Mr. HEFLEY, Mr. TANCREDO, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mrs. BONO, Mr. RADANOVICH, Mr. REHBERG, and Mr. SOUDER.

H.R. 3285: Mrs. KELLY.

H.R. 3321: Mr. BLUNT.

H.R. 3333: Mr. SOUDER.

H.R. 3358: Mr. STENHOLM.

H.R. 3375: Mr. RANGEL, Mrs. MORELLA, and Mr. DELAHUNT.

H.R. 3389: Mrs. MORELLA, Mr. FRANK, Mr. TOWNS, Mr. PALLONE, Mr. LANGEVIN, Mr. MARKEY, Mr. BLUMENAUER, Mr. CALLAHAN, Mr. WICKER, Mr. DAVIS of Florida, Mr. KING, Mr. OWENS, Mr. HINCHEY, Mr. DELAHUNT, and Mr. WILSON of South Carolina.

H.R. 3424: Mr. HONDA, Mr. LEVIN, and Mr. MEEKS of New York.

H.R. 3443: Mr. FOLEY.

H.R. 3465: Mr. PLATTS, Mr. BAIRD, Mr. OWENS, and Mr. PASCRELL.

H.R. 3478: Mr. MCNULTY.

H.R. 3479: Mr. REYES and Mr. BERRY.

H.R. 3482: Mr. WELLER.

H.R. 3659: Mr. ROSS, Mr. DICKS, Mr. GREENWOOD, Mr. MATSUI, Mr. ABERCROMBIE, Mr. WICKER, and Ms. LEE.

H.R. 3673: Mr. FALEOMAVAEGA.

H.R. 3677: Mr. FALEOMAVAEGA.

H.R. 3687: Mr. PLATTS, Mr. SHUSTER, and Mr. UPTON.

H.R. 3733: Ms. WOOLSEY and Mr. KLECZKA.

H.R. 3782: Mr. BAIRD, Mr. LATHAM, Mr. MATSUI, Mr. POMEROY, Mr. MICA, Mr. HOLDEN, Mr. HILL, Mr. HUNTER, and Mr. CUNNINGHAM.

H.R. 3792: Ms. HART.

H.J. Res. 23: Mr. UPTON.

H.J. Res. 40: Mr. SCHIFF, Mr. LARSON of Connecticut, and Ms. WATSON.

H.J. Res. 54: Mr. SHIMKUS.

H.J. Res. 81: Mr. SESSIONS.

H.J. Res. 83: Mr. MICA, Mr. LIPINSKI, Mr. FOSSELLA, Mr. STUMP, Mr. CROWLEY, Mr. TANCREDO, Mr. BAKER, Mr. MCNULTY, Mr. BEREUTER, and Mr. OXLEY.

H. Con. Res. 20: Mr. FOLEY.

H. Con. Res. 255: Mrs. TAUSCHER.

H. Con. Res. 317: Mr. DOOLEY of California, Mr. MORAN of Kansas, Mr. GILMAN, Mr. DICKS, Mr. ROYCE, Ms. WOOLSEY, Mr. CUNNINGHAM, Mr. GALLEGLY, and Mr. HUNTER.

H. Con. Res. 318: Mr. RADANOVICH and Ms. MCCOLLUM.

H. Con. Res. 329: Mr. WEXLER.

H. Con. Res. 334: Mr. MORAN of Virginia.

H. Res. 281: Mr. UDALL of Colorado.

H. Res. 295: Mr. NEAL of Massachusetts and Mr. PAYNE.

H. Res. 339: Mr. UDALL of Colorado and Mrs. JONES of Ohio.

SENATE—*Wednesday, February 27, 2002*

The Senate met at 9:30 a.m., and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, You know us as we really are. You see beneath the polished surface of our projected adequacy. You know our true needs. The great need, at the core of all of our needs, is to truly experience Your presence. We need You, Dear God. You delight in us when we desire You above all else. More than anything You can give us or do for us, we long to live in vital communication with You. In this moment of honest prayer, we turn over to You the longings of our hearts: everything from our most personal anxieties to our relationships and our responsibilities. How wonderful it is to know that You have motivated us to pray because You have solutions and resolutions for our most complex problems.

Bless the Senators today with an ongoing conversation with You. Thank you that You are ready to give the guidance, wisdom, and vision that will be required in each hour. Reside in their minds to provide guidance, and replenish their assurance that what You have called them to be and do, can and will make a difference. This is the day that You have made; we will rejoice and be glad in You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 27, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

SCHEDULE

Mr. REID. Mr. President, as was indicated last night, the Senate is going to resume consideration immediately of the election reform bill. There will be a 10 a.m. vote on the Schumer-Wyden amendment, and there will be additional roll call votes expected throughout the day. The majority leader has asked me to announce he has every intention of completing this bill today. The two managers have worked hard on it. We ask those who have amendments outstanding to cooperate with the managers and offer those amendments.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) Modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

AMENDMENT NO. 2937

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. shall be equally divided in the usual form for debate relevant to amendment No. 2937.

Mr. DODD. Mr. President, I understand that is 30 minutes equally divided?

The ACTING PRESIDENT pro tempore. The time until 10 a.m.

Mr. DODD. I ask unanimous consent that the vote occur at 10:05 a.m. so as to provide for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. I ask unanimous consent that the time of the proponents of the amendment be equally divided between Senator SCHUMER and Senator WYDEN.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time? If neither side yields time, time will be charged against both sides.

The Senator from New York.

Mr. SCHUMER. Mr. President, I yield myself 2 minutes.

This is a very important amendment. We have done a great deal in this bill to make it easier for people to vote and at the same time prevent voter fraud.

I very much thank our colleague from Missouri for leading the charge on voting fraud. There are lots of provisions in this bill that we have worked on that deal with that. However, in our efforts to prevent voter fraud, we cannot go so far that we actually create barriers to the polls for eligible voters. That would be the antithesis of what this bill is about.

The intent of this legislation is to take people, particularly those who live in the corners of America who do not fly airplanes and use their credit cards all the time but rather people who may not have a driver's license, who may not have a utility bill, and allow them to vote, our most sacred right. This amendment does that. It does it in a way that does not increase fraud at all. It does it in a way that rises to the real purpose of this bill. It is a crucial amendment.

If one believes in extending the right to vote and believes we have to allow people who need that right because that is all they have—perhaps their vote is equal to ours but they may need it even more than ours—then he or she

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

should vote for the Schumer-Wyden amendment. I will have a little more to say later.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. McCONNELL. Mr. President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Fourteen minutes.

Mr. McCONNELL. I yield 5 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, I am glad we can begin this debate because there is much to be said, but let me go to the heart of the matter. This amendment simply guts the compromise, the key antifraud provision that was carefully negotiated over 6 months as a part of the bipartisan compromise. We asked for some protection against the widespread practice of loading up voter rolls with phony names and then voting those names. It is something that every voter can comply with. It has been negotiated to make sure it did not have any unfavorable impact on people we are trying to get to the polls.

After 6 months of negotiations, I feel like we are playing rope-a-dope. The Senator from Oregon gets up and says, why, this is a photo ID requirement. Everybody knows a photo ID requirement is discriminatory.

Then the Senator from New York gets up and says these antifraud provisions really do not prevent fraud absolutely either way.

I said we devised a compromise that recognized the concerns that their side had about making sure we did not impose any unreasonable restrictions on voters who might not have a driver's license, for example. That is why we said voters can use a bank statement, a government check, utility bill, anything that has your name and address on it, the first time you register.

No, it is not as strong as I would like, but that was part of the compromise. No, it does not limit the identification that must be shown to a driver's license photo ID—which my colleagues on the other side and some of the groups that were supporting this compromise and are now against it are saying would be unfair. So we compromised. And now the people who worked on the compromise say the compromise is not a good one.

I have seen that game before. But the people of America are tired of having their votes diluted because someone in a drop house registers 8, 10 people. Yes, we have had dogs registered. We have had dead aldermen registered, mothers of dead aldermen registered, and dead neighbors registered. Under the current Federal motor-voter registration law it is very difficult to stop the mail-in registration fraud.

We talked yesterday about 3,000 ballots being dropped off before the mayoral primary in St. Louis in 2001. Because of the attention we have brought to this problem, they were reviewed. It was found that most of those 3,000 were in the same handwriting and were for new registrants on one or two city blocks. St. Louis did not have time to check thoroughly before the November 2000 election. There was a registration of 200,000 people, with 30,000 post card registrations that were dropped off in the final days, a more than 15 percent increase. Nobody checked these, but initial suggestions are at least 15,000, half of them, were phony.

One can conjure up all kinds of scenarios where maybe one person will not have the kind of ID needed to vote under the provisions in the underlying bill. We allow provisional voting; 39 States already provide it. We will take care of those people. One thing we have seen for sure—not just in Missouri, but across the country—is fraudulent votes, by nonexistent people. They are diluting the votes of legitimate voters.

I yield the floor and I reserve the remainder of my time.

Mr. WYDEN. Mr. President, there is a reason the American Association of Retired Persons so strongly supports this amendment. They and the sponsors feel strongly that the photo ID provision in effect is making it tougher for those who saved our democracy in World War II to participate in our democracy today.

Nursing home residents in this country are not asking to be taken to a copy center. The Senate should not be telling them they should have to go to the copy center before they can vote by mail, which is clearly one of the most popular ways to participate in our democracy today.

I am particularly troubled that the tough provisions to deter fraud do not even kick in until 2004. I would like to work with colleagues to address those issues. It seems to me various approaches that encourage voting are not kicking in for quite some time.

Last night, the Senate voted wisely to call this the Martin Luther King Voting Rights bill. If we put in place a photo ID for first time voters, we step back, in my view, to the days when only the enfranchised had the opportunity to vote. That would be a mistake. I urge strongly this amendment be supported.

I retain the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, one of the pitiful results of motor voter registration systems in America is that we have countless dogs registered to vote. That is why Senator BOND's provision makes so much sense. There are countless examples of dead people voting, dogs voting, and people voting multiple times. Nearly all these instances of voter fraud have one thing in common: They were perpetrated through lax mail-in registration requirements.

Many of our colleagues were obviously not around last night when we debated this amendment. Let me take a moment to show a copy of a photograph that appeared in the Washington Post last summer, which I discussed last night. This is Mable Briscoe, 82, and Holly Briscoe, her terrier, both long-time registered voters in America. Both Mable and Holly have been registered to vote for quite some time in Maryland. This is a photo of the long-time registered voters—as I said, Mable and her terrier, Holly. According to the article accompanying this photograph, Mable says she registered her dog to prove a point about the lax registration process that opens the door to fraud. Mable's crime was finally detected when her dog, Holly, was called for jury duty. Holly got called for jury duty and then the game was up. Perhaps Mable Briscoe said it best when she said: I just think the system is broke and needs some fixing. Anybody can register. I can register a dog.

The system is broken. It invites fraud. Senator BOND's modest antifraud measure will do a great deal to help make voter fraud more difficult. As he said, he wanted to go further. This underlying provision that the Schumer amendment seeks to strike is quite modest. The amendment of the Senator from New York amounts to a fraud loophole. It actually undoes what Senator BOND and all five of the original cosponsors worked so hard to achieve, the underlying compromise. If this amendment is agreed to, it is completely stripped out.

This amendment needs to be tabled if we are serious about this legislation. We will have that vote shortly.

How much time remains?

The ACTING PRESIDENT pro tempore. Seven minutes.

Mr. McCONNELL. I retain the balance.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has 5 minutes.

Mr. WYDEN. I yield 3 minutes to our distinguished colleague from Washington.

Ms. CANTWELL. Mr. President, I am pleased to be a cosponsor of the Schumer-Wyden amendment because I believe it is a critical issue that we must solve before we can pass this bill. Millions of people in my State, and I think across America, will be done a great disservice by making voting harder. If we do not pass this amendment, the bill as currently written forces States to rely on a photo identification as a means of making sure that first-time voters are who they say they are. While I believe we need to be vigilant about preventing fraud in our elections, the provision as currently written goes too far in mandating a particular response and has the real potential to result in fewer legitimate voters having their votes counted.

This bill requires voters who registered by mail to show a photo identification or utility bill when they go to the polls for the first time. This will create a disincentive for seniors, disabled, and those who have a tough time getting that information.

In our State, 64 percent of the voters in the most recent election voted by absentee ballot or mail-in ballot. Requiring a photo identification or utility bill to be enclosed with their ballots is an incredible burden in order to prove they are who they say they are. In fact, in those cases where those copies were not provided, their votes would not be counted.

It is very important we look at the underlying system. The underlying system, based on signature verification, makes sure that people who are attesting under the penalty of perjury are who they say they are and that they are properly registered to vote in that jurisdiction. When the ballot is received, the signature is carefully checked against the registration rolls to make sure they are a match. Only then is the ballot counted.

Unlike the signature, the election official receiving the photocopy has nothing to compare it against, and it is of no use in verifying the authenticity of the vote.

Although the photocopy has little use to officials, if it is not included, as I said, it disqualifies the ballot. That is correct—if the voter fails to include a photocopy that is of no use to the election official, the vote will still not be counted even though the signature on the ballot matches the signature in the registration rolls. This is simply unacceptable.

This amendment fixes this problem by allowing states the option of relying on other methods to make certain that votes are valid, including signature verification which is currently used in my state and other states.

While I am very concerned about passing this amendment to fix the problems that photo ID requirements create for voters who vote by mail, I am also concerned that the requirements will lead to serious problems for voters who go to the polls. The Secretary of State and other election officials in my State are concerned that the requirements place a huge burden on volunteer poll workers in the polling place, and a Federal court has already ruled that this type of photo ID requirement may present a disparate impact on minorities seeking to have their votes counted. The right to vote is the most important right that we have as citizens, and it is important that we do everything that we can to make certain States can strike the proper balance between facilitating voting and preventing fraud. This amendment helps to do that.

I strongly urge my colleagues to support this amendment and I believe that passage of this amendment is essential to making certain that our electoral system is improved by this legislation.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time.

Mr. McCONNELL. How much time remains, Mr. President?

The PRESIDING OFFICER. Seven minutes.

Mr. McCONNELL. I yield 3 minutes to the Senator from Missouri.

Mr. BOND. Mr. President, we have just heard some inaccurate statements about the underlying amendment. Nobody says you have to go to a copy center. Any antifraud provisions do not hold off in this bill until 2004. They are effective upon the signing of the bill. The provisional voting provision in this bill that says it will not take effect until 2004 was not something I wrote. I will be happy to take an amendment to say it is effective right away as well, because 39 States have provisional voting and we need to clean it up so it works for all 50 States.

It is important to note that, believe it or not, the current system offers few protections to States that want to maintain clean rolls. The Senator from Oregon said we need to make sure registrations are accurate at the beginning. Believe it or not, motor voter actually prohibits States from requiring verification of the cards. Registration by mail makes it much easier to put fake names on voter lists and then voting by mail makes it very easy to vote these names illegally.

The opponents of my anti-fraud provision claim the bill will disenfranchise millions. At the same time, several States, including West Virginia, Virginia, Tennessee, Michigan, Illinois, Nevada, and Louisiana, have tougher standards—tougher than in this bill. I would like to see them as tough as these States'. No one has come forward and shown that these States actually deprive voters of the right to vote on any level, much less on the level claimed here.

Furthermore, the way the amendment is drafted, the steps taken by these States to protect themselves from fraud will be undercut. We will be here, making it easier to cheat. This amendment makes it easier to cheat, not just easier to vote.

There are those who said recently that this will create an administrative problem. Nonsense. The States I just named already keep track of first-time voters. The State of Michigan has offered to provide its software to do this for free to any State that has a problem. If free is not cheap enough, we provide funds in this bill to buy the systems you want, to track the voters. This will not threaten mail-in States. It will actually make it better for them.

As I pointed out last night, when we hear about Oregon, the great State that has no problem with mail-in registration and balloting, Portland State Professor Melody Rose studied the Oregon system and determined that 5 percent of voters had someone else mark their ballot, 2.5 percent had someone else sign their ballot, 4 percent had someone else either sign or mark their ballot. In States with 1.6 million cast, close to 200,000 of them could have have had some sort of irregularity.

Carter-Ford noted that signature verification does not work. This is the National Commission on Federal Election Reform, page 31:

> Signature verification puts an extra burden upon administrators, especially on often ill-trained poll workers practicing a very subjective, often impossible task.

The PRESIDING OFFICER. The Senator has used 3 minutes.

Mr. BOND. I rest my case. Signature verification does not work. I urge people to support the motion I will offer.

Mr. McCONNELL. At the beginning of the debate we worked with the Senators from Oregon and Washington to fix a provision their State election officials thought threatened their system of voting. That has already been accomplished. Obviously this provision threatens only one thing the way it is now, fraud. It could mean increased work for those who administer elections, but that is a very small price to pay for fair and honest elections. Make no mistake about it, this amendment is the poison pill of election reform.

The bill is a carefully crafted compromise agreed to by all 5 cosponsors, including the Senator from New York. There has been a lot of misinformation about this anti-fraud provision. It applies only to a small number of voters who register by mail and vote for the first time. As Senator BOND made clear, this is the prime area of voter fraud.

When we negotiated this compromise in December, none of us thought that it was too much to ask that voters be real, live people.

Senator BOND had a bill that would have required first-time mail registrants to vote in person and show a photo ID. He agreed to compromise on that requirement, to reach the agreement we have before us today. Mail registrants who vote for the first time now have many options to identify themselves. Photo ID is only one of them. A current utility bill, bank statement, government check, paycheck or any other government document would serve the purpose. This very broad universe of identification was advanced and advocated by Senator SCHUMER and was even suggested by advocacy groups who now claim it must be changed.

The same groups who originally suggested it now want to change it. The very language of this amendment was also suggested by the advocacy groups, notably in a November 6 document sent to "interested parties." We spent well over a month discussing and debating the very language of this amendment.

We agreed on the language in our compromise bill instead.

The bill language does not require every voter to show identification, be they rich, poor, disabled, young, or elderly. Let me tell you what the amendment of the Senator from New York would do.

First, not only does it not improve the current system, it could actually make it worse in many States. It creates new and improved opportunities for fraud in States with more restrictive requirements. Second, this could become the most expensive mandate in this bill. Not only will States have to buy new machines and databases under this bill, but the 34 States that do not have signature verification will have to buy technology to verify signature and marks.

Third and most important, all of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. What a great idea. All of the 1.4 million poll workers nationwide will have to become handwriting and personal mark experts. The shortage of poll workers is already a major problem, as reported by GAO. Now they will have to be handwriting experts.

Finally, the poison pill amendment has already been discussed, debated, and dismissed by the cosponsors of this bill. I urge the other 95 Members of this body to support our joint resolution on the issue and vote against this amendment or vote to table it. Senator BOND will make the tabling motion when all time has been yielded back.

The PRESIDING OFFICER. The time of the opposition has expired. Who yields time?

Mr. SCHUMER. Mr. President, I yield 2 minutes to the Chair of the committee, Senator DODD.

Mr. DODD. Mr. President, let me thank Members here who have argued both in favor and in opposition to this amendment. It has been a very worthwhile debate. Unfortunately, as my colleague from Kentucky pointed out, we didn't have enough Members around last night to hear the full debate, but it was very worthwhile. I repeat what I said a week or so ago. This is one of those issues that has come down and is a clear, almost equal division, I think, in the Chamber about what ought to be done about this particular issue.

I had hoped we would find some compromise to it. That is what you do in the legislative process. We did this on 35 amendments that have come along here. I didn't like voting against DICK DURBIN's amendment. I happen to agree with it. I did not like having to accept amendments from my friend from New Hampshire, Senator GREGG, and other amendments that we worked on to make this process reach the point it has today.

I am still hopeful. I don't know how this vote will come out. But my plea would be, to those on either side of this question, to see if we can't find some common ground. That is not going to happen, obviously, in the next 5 minutes. So this vote will go forward. Then my hope is that we can find some resolution here that will satisfy the concerns that are raised—legitimately, in my view—by the proponents of the amendment and the concerns raised by my friend from Missouri who has raised from the very beginning his concerns about this.

My desire has been to try to find some common ground and compromise on this proposal. That has not happened yet, but I am prepared to try to work that out when the time arrives.

With that, I thank the Members for their time in debate. We still have a few minutes left for the proponents of the amendment to make some closing arguments, and then we will get to the vote.

Mr. MURKOWSKI. Mr. President, I rise to explain my vote in favor of tabling the Senator Schumer/Wyden amendment to S. 565, election reform legislation pending before the Senate.

For U.S. citizens, voting is a fundamental right guaranteed by the U.S. Constitution. In no way am I attempting to deny that right by not supporting the Schumer/Wyden amendment. In fact, I believe that strong anti-fraud language strengthens the right to vote, and the integrity of the election system in our Nation.

The Schumer/Wyden amendment would dissolve the carefully crafted bipartisan framework in this legislation—designed to ensure proper voter identification methods exist to protect the validity of national elections. This framework allows for a person to use a current and valid photo identification to validate their registration and vote. Those individuals who lack these forms of identification could also present a current utility bill, bank statement, paycheck, government check, or other government document that shows the name and address of the voter.

The Schumer/Wyden amendment would have gutted these protections by allowing individuals to simply use a signature or a personal mark.

It is important to note that if an individual fails to meet the required identification methods on election day they can still cast a ballot. Provisional balloting protects an individuals' constitutional right to cast a ballot in an election. The validity of provision ballots is determined later, thus ensuring that no eligible voter is turned away.

My fellow colleague from Missouri, Senator BOND, recently spoke on the floor of the Senate about some of the most egregious examples of voter fraud in his home State. Senator BOND explained how the drop house and other scams have been used in St. Louis to register dead neighbors, deceased aldermen, ghosts, and dogs. Drop house scams occur when one person submits multiple mail-in registration forms using one address. Then, as election day approaches, that one person requests absentee ballots for each of his phantom voters, and then votes them all.

There are a number of other examples of voter fraud as well: Over 30,000 illegitimate voters were added to voter registrations in the 2000 presidential election in St. Louis, MO. Over 5,000 illegal ballots were cast in the 2000 presidential election in Florida by individuals who were not U.S. citizens and not permitted to vote. One individual in Missouri actually voted 47 times—and was not even prosecuted!

In fact, voter fraud can be easily traced back over 150 years before the 2000 presidential election. In 1844, New York City had 41,000 people in their voter pool. However, on election day, 55,000 people cast ballots!

Clearly, voter fraud is not a new issue in elections. Congress passed the National Voter Registration Act of 1993 ("Motor Voter") allowing States to require that individuals vote in person if they registered by mail and have never before voted in that jurisdiction.

The anti-fraud provisions of this legislation strengthen the provisions from 1993. Under S. 565, any person who registers by mail must, either when registering or voting in a Federal election, provide some form of identification that connects the name on the registration form to a real, live, qualified citizen of voting age. The requirement is not onerous.

In the 2000 presidential election our country contained wide-spread voter fraud and abuses by individuals who were clearly casting illegitimate ballots. This legislation works to prevent such fraud and restore confidence in the election process. I will continue to work toward strengthening voter rights, but not the ability of individuals to cheat or manipulate the system.

Mr. BINGAMAN. Mr. President, I rise today to urge my colleagues to support the Schumer-Wyden amendment to the election reform bill.

This important amendment would fix what I believe is a very problematic provision in the bill. That provision requires first-time voters who registered by mail to provide either a photo identification or a current utility bill, bank statement, government check, or other government document establishing their identity.

I commend the sponsors of the bill for their focus on ensuring strong anti-fraud protection; but I believe this provision goes too far and could end up disenfranchising significant numbers of voters. In particular, the elderly, students, low-income voters, minorities, and the disabled are examples of people who could have a difficult time meeting the requirements of the Election Reform bill, as written.

In addition, the bill would impose a significant burden on many States, including my own, that currently allow the use of signature verification and attestation to verify identity. If the bill is not amended, my State would have to do away with that procedure altogether.

For these reasons, I am proud to be a cosponsor of the Schumer-Wyden amendment, and I urge my colleagues to vote for it.

This important amendment would add two alternative verifiers for first time voters who vote in person: (1) it would allow voters to attest to who they are by signing a sworn statement, falsification of which is punishable as perjury; or (2) it would allow voters to have their signatures verified by matching them to signatures on record with State or local election officials. First time voters who vote by mail also would be given an alternative to a photo ID or other government document—they would be allowed to use signature matching to establish their identity.

I believe this is a sensible and necessary measure. And I'm pleased to report that it enjoys the support of the Nation's leading civil rights organizations, including: MALDEF, the NAACP, the National Council of La Raza, LULAC, AARP, the Leadership Conference on Civil Rights, and the League of Women Voters.

The intent of the Election Reform bill is to ensure that every vote counts, but if we do not act now by passing the Schumer-Wyden amendment, I fear that many tens of thousands of voters will once again face significant barriers to voting the next time they go to the polls.

I urge my colleagues to do the right thing today, vote yes on the Schumer-Wyden amendment.

Ms. LANDRIEU. Mr. President, I want to take a few minutes to express my strong support for the amendment offered by Senators SCHUMER and WYDEN.

History has shown that requiring photo identification or certain other documents most significantly impacts minority voters. It will be difficult for some citizens to meet such requirements. For instance, a rural voter may have difficulty even finding a copy machine to make a copy of his or her driver's license. Individuals living below the poverty level may not have drivers licenses or utility bills. Students who live at home with their parents also may not have a utility bill with their name on it.

Ironically, the current language in the bill puts an added burden on some of the very people that we should be working to make it easier to vote. This is contrary to the purpose behind this legislation. We are not trying to lower voter participation with this Election Reform bill; we are trying to raise it, and make the voting process better for the American people. The photo ID requirement would without a doubt have a chilling effect on voter participation. And while the provisional voting system would address this problem to some extent, it will not be in place in time for the 2002 elections. The language in this amendment is a much fairer way of dealing with this problem, and that is why I want to express my full support for the efforts of Senators SCHUMER and WYDEN.

I want to take one more minute just to go over briefly a couple of initiatives that I proposed for this bill; amendments that I will no longer be offering, but I want to mention nonetheless. My first amendment would establish election day as a Federal holiday. Currently, this bill contains provisions for the new Election Administration Commission to study the possibility of designating Election Day as a Federal holiday. And just yesterday Senator HOLLINGS added language to the bill calling for a 6-month turnaround on this study.

I commend Senator HOLLINGS for his amendment, as well as Senators DODD and MCCONNELL for specifying the EAC study in the original bill. I look forward to seeing the results of the study later this year, and I hope Congress will act quickly on the recommendations of the report.

The second measure I proposed would change the Federal match in this bill to be fair to all States regardless of economic circumstances. This is an issue in which I have had a long-standing interest. While Congress often passes bills that provide a Federal match for States in various programs, it is rare that any effort is made to level the playing field for States that have fewer resources. States like Louisiana, with high poverty a generally lower standard of living, receive the same matching rate as other States.

My concern is that in this bill, as well as others, the matching rates for these States are the same. Despite the huge difference in resources in these States, the Federal matching rate remains the same. To me, this is unfair and counterproductive.

In closing, let me state again that I fully support the efforts of Senators DODD and MCCONNELL, as well as my other colleagues who have worked so hard on this bill, to bring about election reform. In fact, because this bill is so important I have decided not to offer this amendment today on this legislation, but will continue to press this important issue in the future.

The PRESIDING OFFICER. Who yields time?

Mr. SCHUMER. Mr. President, how much time is remaining?

The PRESIDING OFFICER. There are 6 minutes.

Mr. SCHUMER. How is that divided?

The PRESIDING OFFICER. Four for the Senator from New York, two for the Senator from Oregon.

Mr. WYDEN. Mr. President, in Oregon, the penalty for registering dogs that have become so famous, the monetary penalty is something like ten times the amount in this bill. When fraud happens with the vote-by-mail system, it is caught and it is stopped. Our penalties prove it. Any way you slice it, making it harder to vote isn't the way to deter fraud.

I come back in closing to why the American Association of Retired Persons and senior citizens groups feel so strongly about this amendment. They like voting by mail. It is convenient for them. They and millions of Americans are saying make it easier to vote. Congress should do everything possible to make it easier to vote rather than to make it harder. I don't think this body this morning should make it tough for those who saved our democracy in World War II to participate in our democracy in the days ahead.

I urge my colleagues to strongly support the amendment, and I yield the floor.

The PRESIDING OFFICER (Mr. BINGAMAN). The Senator from New York.

Mr. SCHUMER. Mr. President, as we come to the conclusion of this debate, I ask why so many groups—the AARP, the AFL–CIO, American Association of People With Disabilities, the Mexican-American Legal Defense Fund, the NAACP, La Raza, the National Hispanic Leadership Council, as well as the secretaries of State of so many States—are not opposed to this provision if it is as terrible as the opponents say. I will tell you why—because they know what this bill is all about.

Let us go over the history of this bill for a minute.

There was a national outcry after what occurred in Florida. We realized that millions of people are deprived of their right to vote because of the way we vote. I say to my friend from Kentucky that the outcry after Florida was not because dogs were voting. That argument to use the fact that one fraudulent person might have registered a dog, or maybe five of them, could deprive millions of people of their right to vote is sophistic, at best. I don't like it. It is not fair.

What are we talking about? What happened in Florida and what moved us to debate this issue is that thousands of people in every city in this country who had the right to vote couldn't.

What the Schumer-Wyden amendment does is very simple. It says we are allowing you to vote. We are not going to make you do things that in your world are next to impossible. If you think of every voter as any middle class person with a lot of credit cards in his pocket and a couple of cars in the garage and several cell phones, sure, there is no problem. But think of the new immigrant who waited five years and has just became a voter, who doesn't have a car, who is just learning English, and who is afraid of the government where that immigrant came from. You say, You have to do this, this, this, and this. When you show up at the polling place, you may not be allowed to vote. Yes. It is the first-time voters.

I say to my colleagues: I have seen the look on the faces of first-time voters who waited in line with their eyes bright with the first chance to exercise their franchise and then were turned away. And they never come back again.

We do plenty in this bill about fraud, but the key in this bill is balance because every time you make it easier for people to vote, you may make it a little easier for a nasty person to commit fraud; if you want to eliminate fraud totally, eliminate the right to vote.

That is not the argument. The argument is do we take people who are elderly, who are new immigrants, who are poor, who are members of minority groups, and say, Yes, we welcome you into the American family, we welcome you into the franchise of voting.

If you go through the process that 40 States have used, we are not going to create signature experts. We have them. Every bank teller is a signature expert. In my State, we have used signatures for years with no signs of fraud.

We are saying to them, We welcome you into the American family. We are not going to put 17 laws in the way before you vote. Your right to vote is a right. It is not an obstacle course, which is what this amendment creates.

I urge my colleagues to support the Schumer-Wyden amendment.

The PRESIDING OFFICER. The Senator from Oregon has 1 minute remaining before the conclusion of the debate.

Mr. McCONNELL. Mr. President, we are out of time on this side. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. WYDEN. Does the Senator from Kentucky desire time?

Mr. McCONNELL. No. We will make a motion to table when the time is used up.

Mr. WYDEN. Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. All time is yielded.

The Senator from Missouri.

Mr. BOND. Mr. President, this amendment undoes a carefully crafted compromise and opens wide the door to fraud. Therefore, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. Mr. President, on this vote I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, he would vote "aye." If I were permitted to vote, I would vote "nay." I therefore withdraw my vote.

Mr. NICKLES. I announce that the Senator from Utah (Mr. HATCH) and the Senator from Nevada (Mr. ENSIGN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 46, nays 51, as follows:

[Rollcall Vote No. 38 Leg.]

YEAS—46

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Torricelli
Wellstone
Wyden

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Reid, nay

NOT VOTING—2

Ensign
Hatch

The motion was rejected.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the amendment is still pending before the Senate. We would like to continue discussing that matter. I know the Senator from Missouri is going to talk on the subject. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. DODD. Mr. President, before my colleague speaks—and I will be 30 seconds on this—I had hoped, and I say this to my two friends on the other side with whom I have worked very closely to put this bill together, I had hoped we could find compromise language on this last provision. That is still my hope. We have worked very hard. We have considered around 35 amendments. Both sides have added to the bill with accepted amendments. We have modified some; some have been withdrawn.

We are very close to final consideration of this bill. We still have to go to conference—the White House, obviously, will get involved—with the House-passed bill. We will not have completed this process when we vote this bill out of the Senate.

My hope is we can find some way to work on this amendment while we are considering other amendments—the energy bill is waiting to be considered—rather than have this now splintered off. Too much effort has been made to get us to this point.

It is my fervent plea to my friends on the minority side to try and work on some resolution of this issue. That is what we ought to be doing as legislators. That is my plea to my colleague from Missouri and my colleague from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, the vote was not a good sign. It was almost totally a partisan vote on a bill we had been advancing on a bipartisan basis. We had long and difficult negotiations across party lines to achieve the core agreement that was represented by the bill that was brought up by the majority leader.

The vote that was just taken, should that amendment ultimately be successful, strips out one of the core principles of the bill.

So I am not terribly optimistic, I must say, about the future of this bill. Maybe something can be worked out, but this was certainly a dramatic step in the wrong direction.

I know the Senator from Missouri seeks recognition. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

AMENDMENT NO. 2940 TO AMENDMENT NO. 2937

Mr. BOND. Mr. President, I send to the desk a second degree amendment to the Schumer amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND] proposes an amendment numbered 2940 to amendment No. 2937.

Mr. BOND. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection?

Mr. DODD. Mr. President, I would like to see a copy of the amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Mr. DODD. Reserving the right to object, if I can see a copy of the amendment so I can know what we are talking about. Maybe my colleague would like to explain what we are doing.

The PRESIDING OFFICER. The clerk will continue to read the amendment.

The assistant legislative clerk continued with the reading of the amendment, as follows:

At the end, add the following:

SEC. . SIGNATURE VERIFICATION PROGRAMS.

Notwithstanding any other provision of this Act, a State may use a signature verification or affirmation program to meet the requirements of section 103(b) relating to the verification of the identity of individuals who register to vote by mail only if the Attorney General certifies that less than one-half of 1 percent of votes cast in the 2 most recent elections for Federal office were cast by voters who were not eligible to vote under the law of such State.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, as I think the Senator from Kentucky indicated, we were very disappointed that after working 6 months to establish a very modified, watered-down provision to help prevent fraud, the other side chose, without objection, on a party line vote, to refuse to table a motion to strike an amendment that really guts the compromise.

When we began this debate, I said I thought every American understood the importance of the vote. There are two aspects to that which are involved in this bill. One is making it easier to vote for those who may have had difficulty in the past. We worked on those items and many of them went further than I and some of my colleagues would like.

Coming from Missouri where we have seen significant vote fraud, which we believe may have affected close elections in our State, I said we needed to change some of the provisions of the motor voter law which permits mail-in registration and prevents the States from verifying the bone fides of the registrant.

As a part of the compromise we reached over 6 months, we said, one does not have to show up with a photo ID with their address on it the first time they vote after they have registered by mail; we will let them bring in or send in either a photo ID or any of a number of documents which would tend to show that they are a real person, such as a utility bill, a government check, a paycheck, bank statements.

That would be supplanted under this amendment, if unamended, to say you can sign your name. We have seen the wholesale fraud that signing one's name can bring in Missouri: Drop houses, 3,000 almost assuredly phony registrations before a mayoral primary in 2001 in St. Louis; 30,000 last-minute mail-in registrations prior to the November 2000 general election in St. Louis. The guess is at least 15,000 of them were phony. That was followed by an effort by the Gore-Lieberman team in St. Louis and Kansas City to continue fraudulent voting by getting courts to keep open the ballot boxes in both cities on the theory—and I have to say the laughable theory—that the Democratically-controlled election boards in St. Louis City and Kansas City were conspiring to keep the Democratic voters in Kansas City and St. Louis from casting their votes in a general election for the Democratic candidates. Now that does not compute.

So we are saying, number one, we stopped the effort to keep the polls open in the Missouri Court of Appeals, pointing out that it is just as much a denial of civil rights to have one's vote deluded by an illegal vote as it is to be denied the opportunity to cast a vote yourself.

This amendment I proposed is the starting point to continue and reopen the negotiations. As I said, it is important that we balance this bill, make it easier to vote but make it tougher to cheat. This is one minor suggestion I am offering to avoid wholesale fraud through signature verification and affirmation. Frankly, I think we have seen enough to know that signature verification and affirmation does not work.

I ask my colleagues from New York if they know how many of the New York City voters, 14,000 of them who are registered in South Florida, voted only in one place in the 2000 election? I think that is something we need to find out.

There are real problems with the amendment that is now pending. I urge my colleagues to consider my second degree amendment favorably. We will look forward to continuing negotiations but, frankly, unless and until this is resolved this bill is a significant step in the wrong direction.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, this is the first time we have seen this proposal, but certainly on its face it raises a number of very troubling issues. To start with, it seems it goes after the wrong end. Our view has been if the question of vote fraud is really going to be tackled, we have to go after the registration kind of process. That is what we have sought to do.

Once again, this goes to the process of signature verification, which is basically trying to deal with the problem after it is all out of the barn and off to the races.

I think what really troubles me is that this would make a presumption that in scores of States, the State and local officials are not doing their jobs. They are essentially bad guys. They would have to go through a very cumbersome, almost incomprehensible process, to try to prove they are good guys.

In our State, it has empowered thousands and thousands of people, without instances of fraud. We are running a system that has not been a sieve of fraud and abuse. To say they are now going to create a presumption that people who are running effective, efficient vote-by-mail systems are essentially bad guys and they should have to go through a process from Washington, DC, to prove they are good guys does not make a whole lot of sense to me. Hopefully, there will be further discussion how this will work, how you would even go about determining who these so-called abusers are in the two most recent elections.

I have great reservations about what I have seen at this point. First, it seems to go at the wrong end of the process. We ought to be trying to address voter fraud questions at the registration level rather than essentially so late in the process. Second, I am very troubled by the presumption that seems to underlie this amendment that all these State and local people are bad guys, they are doing an inefficient job, they are not up to the task of challenging fraud, so what we ought to do is create a presumption, in effect, that they are the problem and that somehow they ought to have this convoluted process to convince the Federal Government they are not.

I yield the floor.

Mr. DODD. Mr. President, I inquire of my colleague from Kentucky, I don't know if we can resolve the amendment at this moment, but there are other matters we might consider on the bill. I don't know if there is the appetite to temporarily lay these aside to consider the other matters, knowing nothing gets resolved until this issue gets resolved. I Know there are colloquies, including Senator THOMAS, and Senator SMITH had an amendment we can try and work on.

Mr. McCONNELL. I think we need to resolve the current pending matter. It goes to the heart of the bill. I know even if I didn't object to laying aside the amendment to go on to other matters, others would object. We need to stay on the amendment, the second-degree amendment and continue to discuss how we might unravel the knot which we find ourselves.

There would be an objection to laying the amendment aside and going on to other matters.

Mr. DODD. Mr. President, the authors, the direct opponents of the amendment are not here. I will make the case again, as I tried a week or so ago. I see where we are headed with this. We need to try and find a compromise. Obviously, people feel strongly about this. The debate went on for some time. When Members feel strongly, no matter how you try and resolve it, sometimes you have to go through the vote process to have some clarity. Then a compromise can emerge. That is how this works from time to time. We have all been in that situation at one time or another.

Certainly, that is where we find ourselves in this case. I have great respect for how Senator BOND feels. We all bring a very strong local experience to this national debate. He had a very strong, in his view, local experience which provoked his interest in the matter. I respect that.

I respect very much the point of view of others that feel there are ways, particularly with statewide voter registration efforts, that we can take major steps to reduce the dangers of fraud or the realities of fraud. The establishment of our Election Commission in this bill will allow on a continuing basis examining the election structures of the country, rather than waiting for a crisis to occur, so we can continue to address matters like this and others we have not considered in this bill.

I had hoped that might occur. I think it will. We can find a way to get together. There are only 6 or 7 other amendments that I know of to consider on the bill. There could be more out there. We were down to either amendments that could be accepted or modified to some degree and become acceptable. I am still hopeful that can be the case.

I know where some of the Members are now on this issue. Perhaps we will go into a quorum call for a while and see if we can find some language that could satisfy both sides.

Mr. McCONNELL. Mr. President, we are happy to have discussions. I assume there will be on this issue, sooner or later. Our view is sooner rather than later, which is why we are going to stay on this subject.

Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to speak in opposition to the underlying amendment offered by the Senator from New York, Senator SCHUMER, which would permit people to vote by mail with only an authentication of a signature. The amendment modifies the underlying bill, which would require that there be either a photo identification or a government check which would establish that the individual is, in fact, in existence, not a false person; or a paycheck, again establishing the person is in existence; or a utility bill or a bank statement or some other governmental document.

There is no doubt that it is in the interests of democracy to have as many people register to vote as possible so that people can express themselves in the electoral process. That is very fundamental. It is also fundamental that we ought to do whatever is reasonably possible to avoid vote fraud. This is an issue which I faced to a very substantial extent when I was District Attorney of Philadelphia. Philadelphia is a rough, tough, political town.

When I was DA in the 1960s and 1970s it was a rougher, tougher political town. I had the responsibility to enforce the election laws. In that capacity, on a bipartisan, nonpartisan basis, I prosecuted both Republicans and Democrats alike for vote fraud, and there was a lot of it in the city of Philadelphia. We could only detect a relatively small amount of it, but that was a real problem in our city elections.

When motor voter came up, I supported it, to try to broaden the availability of registration for the broadest number of people. However, there have been very substantial problems with people purporting to vote when those people are not in existence.

When I was DA of Philadelphia, we had a great many people purporting to vote where there was no such person. It is a difficult matter to police and to enforce. The underlying bill has a minimal check, to see to it that there is, in fact, a person who is registered to vote. If you have somebody who has a government check, that is a solid indication. It is not absolute proof that the person is in existence, but they wouldn't be getting a government check or paycheck or utility bill or bank statement. The photo ID, of course, is the best, but the underlying bill does not require that. It is a modest stand in seeing to it that somebody actually is in existence.

If we are to continue motor voter and to have the broad sweep of availability for people to register so you do not have to go down specifically to the registration spot—which is the customary way, in many, many jurisdictions—if we are to have these procedures which make it very, very easy for people to register, and they are to be maintained and continue in existence, then we are going to have to take steps to stop fraud.

It seems to me the provisions of the underlying bill are minimal. So, if you have an amendment which the Senator from New York has offered, that says all you have to have is a signature, anybody can sign a purported signature. Anybody can sign a name. Then, if securing the right to vote simply requires putting that writing down again, it may be the signature of someone other than the person which it purports to represent. So, I believe the underlying Schumer amendment is unwise. That is why I voted to table it.

Now we have a second-degree amendment, offered by the Senator from Missouri, which would seek to limit the applicability of the underlying Schumer amendment. I think that would at least take some steps to safeguard against voter fraud.

Mr. BOND. Mr. President, does the Senator from Pennsylvania yield for a question?

Mr. SPECTER. I yield, Mr. President. I am reluctant to do so, knowing the cross-examination expertise of the Senator from Missouri, but I will take my chances.

Mr. BOND. Mr. President, I am not here to cross-examine. I am just here to ask some experience from a Senator who is distinguished by his career as a prosecutor previously. Many people have said that if anybody votes fraudulently, they will be prosecuted.

I have looked long, far, and wide to see any consistent pattern of prosecution of vote fraud. I just do not know that there has been any significant effort. I wonder if the Senator from Pennsylvania can inform me to what extent vote fraud is even prosecuted and what are some of the problems that are entailed in a prosecution for vote fraud?

Mr. SPECTER. Well, vote fraud is prosecuted. When I was District Attorney of Philadelphia, I prosecuted Republicans and Democrats. Customarily, vote fraud is illegal assistance when somebody goes into the polling place, and this happens, and pulls the lever. There you can have a witness. You can identify the individual, and you can prosecute them. If you are seeking to prosecute someone who has sent in a purported signature which matches the signature on record, and there is registration by mail so that no one ever sees the person, you don't have an identification of the voter in the first instance. If you do not have an ongoing identification of that person's actual existence, it is not virtually impossible. It is impossible. How are you going to find the person who signed their name, even if you ascertain that there is no such person as the purported signature? How are you going to find them? It is not a needle in the haystack. It is a needle in a city of more than a million people.

Mr. BOND. Mr. President, the Senator from Pennsylvania pointed out precisely the problem with motor voter making it impossible for States to require a positive identification with the registration. As the Senator from Oregon I think wisely said in his debate, we ought to be making sure the registration is legitimate and that there is a real person behind it. Right now you can't do that under motor voter. The underlying bill, section 103(b) provides that.

But the Senator from Pennsylvania is saying that if somebody registers the name of a dead person, a non-existent person, or even a dog, sends in that registration, writes the name on a card, gets the absentee ballot, and sends it back in, it is next to impossible from the prosecutor's standpoint to prosecute the unknown person who has done the registration and cast the vote.

Is that a fair assessment?

Mr. SPECTER. Mr. President, the Senator from Missouri articulates it accurately. It is impossible to prosecute an unknown person. That is a matter of the fundamental definition. If you do not know the person, you can't swear out a warrant for an arrest. You also can't take the unknown person into custody. Then you would have the problem of proving that this unknown person committed the crime, and proving it beyond a reasonable doubt. It can't be done.

I am concerned about changing motor voter. There is a lot of criticism of motor voter generally. When I supported motor voter, I got a lot of criticism from many people who thought that it went too far. However, I was willing to support motor voter legislation with that broad sweep to try to encourage people to be on the voter rolls to express themselves. Motor voter works against my interest as a candidate in a city like Philadelphia. That happens to be the fact of life. It works against my electoral interests as a U.S. Senator running in Pennsylvania. But notwithstanding that factor, I have supported it, and I continue to support it.

If fraud becomes so widespread—and I think it is reaching that point—that we really do not know the level of fraud, it is impossible to determine. But, there is a lot of evidence that there are a lot of people who are not in existence who are voting. We do know that, because there is a check back. There is a signature of John Jones at a given address, and you find out that there is no John Jones at that address. Who signed the name? How can you tell? You cannot prove who did it to have a criminal prosecution. It is about the easiest form of voter fraud to perpetrate.

If you go into the polling booth in Philadelphia, as we had a lot of people do, and walk behind the curtain with a registered voter and pull the lever, or give illegal assistance—there are legal ways to do it, if the person can't pull the lever—there the person is taking a chance. You can identify them. You can get a witness. You can prosecute them. You can convict them. But, that can't be done just on signature.

For the people who are urging the enactment of the Schumer amendment to broaden the opportunities to vote, let me say to them head on that they are going to be defeating their cause, because motor voter is going to be in jeopardy unless we are able to work it out in a way so there is not fraud in this manner. The underlying bill is a modest step forward to eliminate that fraud.

I compliment the Senator from Missouri for his diligence in pursuing it. I also compliment him for his diligence in pursuing it over the weekend. It is pretty hard to find most of us over the weekend. But he found me and talked to me about this matter. I told him that my experience supported the stand that he was taking, and that I was prepared to back him and come to the floor and make this argument.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I rise to thank my colleague from Pennsylvania for giving us some very practical insights on the difficulties a prosecutor faces in prosecuting a phony mail-in registration. It seems to be an almost impossible task, unless you are fortunate enough to get somebody's fingerprints or have some way-beyond-the-normal way of identifying who sent it in.

Obviously, everybody laughs about dead people being registered and Ritzy Mekler, the dog, being registered. We know they did not register, but finding out who registered them is a problem. Ritzy Mekler's owner claims he did not register her. Somebody else may have done so.

But there is a real problem with the phony registrations piled on to our voter rolls in Missouri, for sure—I know in St. Louis, and I would imagine in most parts of the country.

So since we have undone the compromise that we worked 6 months to achieve, I express, again, my willingness to come to a bipartisan compromise on how we make sure, A, that everybody who is entitled to vote gets registered, and, B, gets to vote. But also how do we get those phony people off of the rolls?

I mentioned, in my earlier debate on this amendment, we know that 3,000 registration cards dumped on the St. Louis City Election Board prior to the mayoral primary in 2001 were mostly phony—most of them in the same handwriting, most of them with addresses from one or two blocks of the city. So we actually got on those, and those have been turned over to the prosecuting authorities.

But there is a little matter of 30,000 voters who were added to the rolls in St. Louis City, MO, just prior to the November 2000 general election. Nobody knows for sure who they came from. But let me tell you, I have some suspicions. I have some suspicions that we are seeing people who might benefit from those registrations opposing efforts to purge.

So I would like to see if we can't work out a way to change some of the onerous provisions that the motor voter bill puts on States in trying to ascertain whether the voters who have been registered by mail are legitimate.

I voted against an amendment offered by my good friend and colleague from Montana, Senator BURNS. It was going to give some power to purge. I told him at the time I thought it was a good idea. I think it is an even better idea now.

So we would like to work on finding a way to make sure we can make it easier to vote but tougher to cheat. As I said, if the Schumer-Biden amendment goes through as is, it makes it easier to cheat, not tougher to cheat.

I started, in my remarks prior to the vote on the tabling motion, to share with some of my colleagues the wisdom from the National Commission on Federal Election Reform. They were talking about accountability. And they said: The question is whether to require voters to display some proof of identification at the polls.

This is on page 31:

> All states hope that precinct officials and poll watchers will have at least some familiarity with the residents of their precincts. Seven states, all but one of them rural, do nothing more. In the rest, the most common practice now is to require voters to sign their names in an official registry or on a ballot application. About a third of the states require poll workers to check signatures against those provided at registration. Fourteen states insist that voters produce some form of identification.
>
> Most states that have histories of strong party rivalry or election fraud require signature verification or voter identification at the polls.

This is the key part:

> Signature verification puts an extra burden upon administrators, and especially on often ill-trained poll workers practicing a very subjective, often impossible, task while voter lines lengthen. Also, many polling places lack the means to provide poll workers with accurate copies of the voter's actual signature (the one the voter used in order to register) and a signature may change over time.
>
> One alternative, favored by several Commissioners, is to require those who are registering to vote and those who are casting their ballot to provide some form of official identification, such as a photo ID issued by a government agency, (e.g., a driver's license). A photo ID is already required in many other transactions, such as check-cashing and using airline tickets. These Commissioners point out that those who register and vote should expect to identify themselves. If they do not have photo identification, then they should be issued such cards from the government or have available alternative forms of official ID. They believe this burden is reasonable, that voters will understand it, and that most democratic nations recognize this act as a valid means of protecting the sanctity of the franchise.

They then go on to talk about striking the right balance, and they conclude talking about whether a photo ID is too much. They talk about alternative forms. But they said on page 32:

> We do believe, however, that States should be able to verify a voter's identity.

That goes to the sum and substance of the Schumer amendment. The Schumer amendment is flatly contradicted by the National Commission on Federal Election Reform. That is why I have offered a modest amendment to say that verification and affirmation will only go into effect when and if the Attorney General of the United States certifies that a State has had less than half a percent of illegal ballots cast in the last two Federal elections.

Frankly, I don't believe that signature affirmation or verification works as well as my colleagues claim. There are not hundreds of thousands of people denied an opportunity to register because they don't have any kind of photo ID or government check or bank statement or utility bill or any other kind of paycheck stubs with their name and address on it. Any of those people who do exist can vote provisionally, and they should be able to vote provisionally. I think there is a handful at most, and we will accommodate them through provisional voting. But I am most worried, for future elections, that there were 30,000 names that came in out of the blue, mail-in registrations that had not been checked in the city of St. Louis. I would like to believe they are all legitimate voters who all of a sudden got the real view that they ought to register in one two-day period. But 15 percent of the electorate? I don't think so.

Mr. President, I am not willing to give up on this process. But I am not willing to see a bill go through that makes it easier to vote and easier to cheat. I thank the Chair and I yield the floor.

Mr. DODD. Mr. President, first of all, I thank my colleague from Missouri for his expression of trying to find some common ground. We know each other pretty well, and I would never question the motivations of my friend from Missouri. He brings a lot of passion to matters he cares about. I like people who do that.

As he knows, there has been a tireless effort to cobble together a proposal here that would enjoy the broad-based support of this institution. We are dealing with 98 other colleagues, and when you deal with a matter like elections, everybody is an expert. We have all been through them and everybody has a point of view—unlike in other matters where members can defer to other colleagues. Here everybody has something to contribute to the discussion and debate. I accept his words here to try to find some resolution of the situation we are in. That is what I have tried to do for a couple of weeks. Sometimes you need to have the votes; because then you know where; you are. Votes will let you know.

This place is pretty equally divided on this issue. We have to try to find something here where a center can gather and move the bill forward. We are hoping to do that.

On the second-degree amendment—and I appreciate him offering an amendment that is substantive and that goes to the heart of this. It is not a frivolous amendment. It is one not the least of which is—I presume the amendment refers to the U.S. Attorney General. My colleague indicates that is the case. The concern, I suppose, we hear from all States is that in this bill they want to avoid to have the Justice Department all of a sudden be reaching into States. We are already trying to become a better partner in the election process, and that attorneys general, regardless of party, can all of a sudden, under this amendment, be engaged in some "fishing expeditions" on some of these matters—I think we would all be concerned about that.

There may be something we can work on that may provide a means by which we can come to an agreement on the issue of signatures and attestations. Let me say to my friend as well—and he and I went through this a great deal, back an forth, on how we can resolve these issues. As I understand it—and it gets hard trying to identify exactly what each State does—there are 28 or 29 States that do an attestation or signature. I may be off by a State or 2. As I went down the list and tried to determine how many States do that, many of these States believe that is a very viable means by which to deal with the fraud issue.

I know my colleague from Missouri has had different experience in his State. I don't argue with that, except to say that around the country there are different views on how best to achieve these results. There is nothing in here, obviously, that precludes the photo ID from being a part of that means of identification. The issue is whether or not we are going to, in some way, restrict these other means of verification that a majority of States have been comfortable with over the years, and then if there is something else we might add to that to address the concerns the Senator from Missouri raised.

Aside from these particular amendments that are pending, I will point out that, historically, the efforts of enforcement have to be in the States; that is, where there is a problem of fraud, the States have to pursue it. The Presiding Officer brings to this issue more than a casual acquaintance with these issues having been—the Secretary of State in his State worked directly in these areas. I presume he could bring to this discussion some additional thoughts and ideas, and I am grateful to him for that.

As I said, the attestation and signature have been used, and many States are comfortable with that. I am hopeful we can find some mechanism which will allow us to get beyond this particular issue in such a way that while it would not do everything, as my colleague from Missouri might want, it certainly will do more than the present situation.

What I suggest, because we have to resolve this one way or the other, is that we take some time and get our respective staffs together and sit down and skull on this and see if we can hammer out some ideas and come back with some proposals on how we might deal with this.

My friend from Missouri is nodding in the affirmative. Rather than talking, it seems to me we would be advised to sit down and see, over the next half hour or hour, if we can come back with some ideas for consideration. That is the path we will follow.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DODD. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business until 1 p.m., with Senators allowed to speak for not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the quorum call be rescinded.

Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

The PRESIDING OFFICER. In my capacity as a Senator from Indiana, I ask unanimous consent the Senate stand in recess subject to the call of the chair.

Without objection, it is so ordered.

Thereupon, the Senate, at 12:16 p.m., recessed until 12:27 p.m. and reassembled when called to order by the Presiding Officer (Ms. STABENOW).

The PRESIDING OFFICER. The Senator from Nevada.

ORDER OF PROCEDURE

Mr. REID. Madam President, the managers of the bill and staff are working through the amendment that is now before the Senate and trying to resolve this issue, We hope we can move forward on this legislation. There has been a tremendous amount of time spent on it. The majority leader indicated that he wants to move this legislation as quickly as possible. The energy legislation is waiting until this bill is completed in some form or fashion. I hope everyone will understand it will be to everyone's benefit if we can proceed. There has been a hue and cry from the other side that we need to do the energy legislation. The only thing holding up our moving to that is the legislation now before the Senate, the reform bill on the election process in America. I hope that can be done as soon as possible.

We are now in a period of morning business until 1 o'clock. At that time, the decision will be made as to what will transpire thereafter.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CAMPAIGN FINANCE REFORM

Mr. BENNETT. Madam President, we are about to finalize and pass on to the President a bill on campaign finance reform. Anyone who has followed the proceedings during the years knows that I have been opposed to this since I first came into the Chamber back in 1993. I remember participating in an all-night filibuster against it, which Senator Mitchell forced us to go through. My hour, as I recall, was something between 1 and 2 in the morning because I didn't have enough seniority to have an hour that was more compatible with my sleeping patterns.

I have done everything to see to it that this bill does not become law, for one very fundamental reason: I believe it is clearly unconstitutional. It violates both the spirit and the letter of the work of James Madison. I have quoted Madison on the floor, but I have been unsuccessful. It is clear to me now that the law is going to pass. It is, in all probability, going to be signed.

I want to take a moment or two to outline, in the spirit of some prophecy, what I think is going to happen as a result of the bill. I have tried to be as objective as possible and set aside my deeply felt conviction that this bill violates what Madison was telling us in the tenth Federalist about appropriate government. The first thing that is very clear is that this bill will weaken—I won't go so far as to say "destroy," as some others have said—both political parties. Neither party will be able to raise the money to pay the lights, run the overhead, keep the operation going and, at the same time, participate significantly in the campaigns of its members. By banning so-called soft money, we guarantee that each party will have to raise hard money to keep its overhead going and, therefore, be unable to put as much money and as much muscle into individual campaigns. This means that special interest groups which can raise this money have raised this money and will continue to raise this money and will play an increasing role in political campaigns. That is, the vacuum created by pushing down the role of parties will be filled by special interest group money. We are already seeing this. I have seen it in my home State of Utah. The net effect of it will be that candidates will increasingly lose control of their own campaigns.

We saw an example in Utah, where candidate X was attacked by a special interest group over a particular issue. Candidate Y, who normally would benefit from that kind of attack, in fact, was appalled at the attack and did everything she could to stop it because she felt, correctly, that it was reflecting on her. The voter could not differentiate between the source, whether it was from a special interest group or the political campaign. All the voter knew was that these ads were unnecessarily nasty, unnecessarily antagonistic, attacking candidate X. They took it out on candidate Y. They blamed her for the attacks, and she was powerless to do anything about it because special interest groups have the right to run their own campaigns.

As a result of the passing of campaign finance reform, she would be even more powerless to defend herself against that kind of circumstance because she could not call on her national party for assistance. The party will be prevented from providing the kind of help that is currently available. So, as I say, the net effect will be to increase the power of special interest groups in campaigns and to decrease the abilities of a candidate to manage his or her own campaign.

The next thing I see coming out of this is, of course, a plethora of lawsuits, because the bill is very badly written, it is badly drafted, and it creates a whole series of vague references to the relationship between the national party and the State party, Federal money, State money, what can be done by a State party to try to advance its candidates; and what happens if the State party spends money in a way that somehow is deemed to advance a national candidate, or Federal candidate? Let's have a lawsuit. Let's be in court. Let's have all kinds of disputes.

Once again, by limiting the amount of money that parties can raise, it will drain off party money to handle legal bills. So, once again, the party will be less capable of defending its own candidates in the political arena.

Now, at the moment, my judgment is that there are more special interest groups involved in issue advocacy campaigns who support Democrats than there are who support Republicans. I have seen one study—I have no idea how accurate it is—that indicates that in the last Presidential campaign there was about $300 million, total, spent on both sides. If you take the money allocated to the parties, the Republican Party outspent the Democratic Party. But when you add in the issue advocacy money spent by special interest groups, most of it was on the Democratic side of the ledger, so the total, according to this one study, suggested that you got to rough parity between the two sides in the election. Now, I think the initial effect will be—if it is true there are more special interest groups supporting Democrats—you will see a financial benefit for the Democrats through that special interest group, if indeed the money spent does benefit them. Once again, we come back to the example I described in Utah, where the money spent by the special interest group damaged the candidate it was supposed to help, because the candidate had no control, no input, and had lost control of her campaign.

Let's assume, for the moment, that all of the money spent by the special interest groups on behalf of Democratic candidates is well spent and produces a benefit for the Democratic candidates. There will be an attempt—and I suspect overtime it will be successful—for Republicans to create special interest groups to balance that.

We will, once again, get to the point of rough parity because money and politics abhor a vacuum. We will have just as much money spent on politics as we have now. The difference is that it will be channeled either through existing special interest groups, most of which, as I say, benefit the Democrats, or newly created special interest groups to counter that, created to benefit the Republicans. Once again, the total impact will be that candidates and parties will lose control over their elections.

I hope the time does not come, but I think it is possible, where candidates and parties become almost insignificant in political campaigns; where political campaigns are fought between major special interest groups and candidates simply sign up with which interest group they are going to endorse and then sit back, watch the money get spent, and watch the results come in, with our historic political parties significantly weakened, a candidate's ability to manage his own campaign significantly degraded, and ultimately politics in this country the worst as a result of the passage of this legislation.

I lay that down, Madam President, as my view of what is going to happen. The bill will be passed. If the bill is signed, then we can all wait and see. I hope I am wrong. I hope the reformers are right and we will enter a new era of magnificent good feeling about politics.

My expectation is that, as has been the case with most reform efforts until now, we will see things get worse rather than better.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 1:30 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I ask unanimous consent to speak for up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS OF JUDGE CHARLES PICKERING AND JUDGE BROOKS SMITH

Mr. SPECTER. Madam President, I have sought recognition to announce my support for the nomination of District Court Judge Charles Pickering to the Court of Appeals and make some comments about the pending nomination of Judge D. Brooks Smith, now Chief Judge of the Western District of Pennsylvania for the Court of Appeals for the Third Circuit, who had a hearing yesterday, and to comment generally about the issues facing the Judiciary Committee on partisanship.

Judge Pickering appeared before the Judiciary Committee. Prior to that time, I had an opportunity to read his opinions, to meet with him personally, to go over the issues, to study his record, and it is my conclusion that if we were dealing with State Senator Charles Pickering from the early 1970s, we would not confirm him for the Court of Appeals. But dealing with Charles Pickering in the year 2002, based upon his record today, he is worthy of confirmation.

In the early 1960s, it was a different world, as we all know. Prior to the passage of the Civil Rights Act of 1964, prior to the passage of the Voting Rights Act and the early days following the decision of the Supreme Court in Brown v. Board of Education handed down in 1954, it was a different world.

Judge Pickering has distinguished himself and has shown that he has a sensitivity to civil rights issues. He spoke out against the leader of the Ku Klux Klan in a way which was a threat to his personal security. He has demonstrated in his conduct a sensitivity to racial matters.

There has been quite a divergence in opinion about Judge Pickering based upon people inside the beltway, in Washington, contrasted with the African Americans who know Judge Charles Pickering from his hometown of Laurel, MS.

The pseudo-hearings which have been conducted on national television and the comments in the national press from those who know Judge Pickering from Mississippi portray a very different man than those who oppose his nomination within the beltway.

In making that comparison, I raise no objection to the opinions of the positions taken by people who have spoken out against Judge Pickering. That is their right. But I do make a sharp distinction in terms of the value of those opinions and the weight which ought to be given to those opinions when you have people who know him so much better on his home turf.

If we were to apply the standards which would have been applicable to State Senator Charles Pickering in the early 1970s, it would be very different. I cannot help but think of Senator THURMOND who ran for President as a Dixiecrat in 1948 and who was a staunch opponent of many of the civil rights issues. Senator THURMOND, as so many others, like Charles Pickering, changed over the years and saw the evolution from desegregation in Brown v. Board of Education in 1954 to a very different era.

Senator THURMOND has enormous support among African Americans. I mention him because he is someone known to everybody in the Senate, having been here since 1954 and having established himself as very sensitive and very pro-civil rights, but if he were to be judged on his record from the early 1960s, as some are trying to judge then-State Senator Charles Pickering on his record of the early 1970s, Senator THURMOND would not be confirmed.

I can count the votes, Madam President, and it seems to me that, regrettably, the Judiciary Committee is going to vote along party lines and deny Judge Pickering an affirmative vote to bring his nomination to the floor of the Senate. I may be wrong. I hope I am wrong. I do not think I am wrong. It seems to me that whatever the vote for confirmation is in the Judiciary Committee, Judge Pickering ought to come to the full Senate.

Judge Bork and Judge Thomas—Judge Bork then a judge on the District of Columbia Circuit Court—received a negative vote in the Senate Judiciary Committee 9 to 5, but he was voted to the floor for full consideration and ultimately did not prevail and was defeated 42 in favor, 58 against.

Justice Thomas, then Judge Thomas, had a tie vote in the Judiciary Committee but was voted out of the Judiciary Committee by a vote of 13 to 1 to be considered by the full Senate.

In the old days, the Judiciary Committee used to bottle up a lot of civil rights legislation. It is my view that this is a matter which ought to be considered by the full Senate.

Yesterday, we had the confirmation hearing of United States District Court Judge D. Brooks Smith, who was recommended by Senator Heinz and myself in 1988, appointed by President Reagan, and has had a very distinguished record on the United States District Court for the Western District of Pennsylvania where he now serves as chief judge.

Prior to that, he had been in the Court of Common Pleas in Blair County, PA, and prior to that had been assistant district attorney.

Judge Smith was challenged on a number of grounds. People raised questions about his reversal rate, but when that was examined, we found that of the approximately 5,300 cases that Judge Smith had, about 10 percent of them were appealed, about 530 cases, and that his reversal rate was right at 10 percent, which is right at the norm.

His reversal rate was higher in 1989, his first year as a federal judge, in excess of 35 percent. As the years passed and as he gained more experience, he brought that reversal rate down very substantially. With the total number of cases, about 5,300, and something around 50 reversals, it is right at the 1 percent mark.

I ask unanimous consent that at the conclusion of this presentation the text of the record of Judge Smith on reversals be printed in the RECORD.

The PRESIDING OFFICER (Mrs. MURRAY). Without objection, it is so ordered.

(See Exhibit No. 1.)

Mr. SPECTER. Judge Smith was further challenged on the issue of conflict of interest when he sat on a case where a bank was a depository, where he had stock or financial interest in the bank and his wife was an employee but the bank was not a party. The trustee in that case was Dick Thornburgh, formerly Governor of Pennsylvania and also formerly Attorney General of the United States. Governor Thornburgh wrote an op-ed piece for the Pittsburgh Post-Gazette exonerating Judge Smith from any issue of conflict of interest, citing Justice Donetta Ambrose who succeeded Judge Smith to handle that case after Judge Smith recused himself.

I ask unanimous consent that at the conclusion of this statement the op-ed piece by Governor Thornburgh be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit No. 2.)

Mr. SPECTER. Judge Smith was questioned at some length about trips he had made to seminars, that there might have been an effort to influence his decisions and that they were, in effect, junkets.

There is a famous expression that it does not lie in the mouth of someone to say something, which really means that party has no standing to raise the question.

I do not think that the Senate, or Senators, have standing to raise questions about travel. I say that in the context of traveling myself, and I think those travels are very worthwhile. And I have gone to seminars, and I make the appropriate disclosure on my financial statements.

The seminars that Judge Smith attended were entirely appropriate, and he was challenged because he had not listed the value of those trips to seminars. He stated that he thought he had complied with the law. Since staff has checked out, it was found there was no requirement that the value be listed.

It may be when we are talking about Judge Pickering and perhaps about Judge Smith—and I feel confident Judge Smith will be acted upon favorably by the Judiciary Committee, but one never knows—but in looking at the proceedings as to Judge Pickering, this may be a warm-up for the next Supreme Court nomination.

When Attorney General John Ashcroft was up for a confirmation hearing, there was an undertone that where you have the issue of choice, someone has to be willing to say they will support Roe v. Wade. It really did not apply to the Attorney General's nomination itself but as to his pro-life position, which then-Senator Ashcroft had articulated, we knew his position. There was an undertone in the hearing, and some on the Judiciary Committee have articulated a view that there ought to be a litmus test, that nobody ought to be confirmed unless that judicial nominee is prepared to say the nominee would uphold Roe v. Wade.

When those issues have been posed in the past, the nominees have been accorded standing to say they are not going to comment about cases which may come before the Court. But there is what at least appears to be an effort to put Roe v. Wade on a par with Brown v. Board of Education. Doubtless it is true that no one could be confirmed to the Supreme Court of the United States or to the Federal judiciary if they said they would favor reversing Brown v. Board of Education and integration. It is going to be a hotly contested issue, I believe.

Again, I may be wrong, but I do not think so, that some in the Senate and some on the Judiciary Committee, and perhaps many others, are trying to equate Roe v. Wade with Brown v. Board of Education.

We see the changing times on the issue of the death penalty for people who have a mental impairment, with the Supreme Court saying they are looking for a national consensus before changing the law. On the evaluation of judicial decisions where the Court does look for an evolving national consensus to establish the moral temper ofttimes, with the Court's interpretations being very different on the equal protection clause of Plessy v. Ferguson in 1896 compared to the reversal of Brown v. Board of Education in 1954.

I do believe it is time for a truce between Republicans and Democrats on this issue of judicial confirmations. I think we ought to declare a truce and sign an armistice agreement that we are not going to have a repetition of what happened when we had a Democrat in the White House and Republicans in control of the Judiciary Committee. That was the position I took at the time in breaking party ranks and voting to confirm Judge Paez and Judge Marcia Berzon and in voting to confirm Judge Roger Gregory for the Court of Appeals for the Fourth Circuit, and in voting to confirm Bill Lan Lee for Assistant Attorney General of the Civil Division. We ought to declare this truce and ought to sign this armistice so we take partisan politics out of the confirmation process of Federal judges. It is high time we did that.

I hope the confirmation proceeding as to Judge Charles Pickering elevating him from the district court to the court of appeals will be a good occasion for that truce, or that signing of an armistice.

I yield the floor.

EXHIBIT 1

BROOKS SMITH—CASE STATISTICS

ABSOLUTE NUMBERS

Smith has closed 5,298 cases—of which 526 cases were appealed to the Third Circuit.

Smith has been reversed 53 times over his 13 year career as a federal judge (since 11/1/1988).

Note that in 12 of these 53 cases (i.e., about one-fourth of the cases), Smith was affirmed in part and reversed in part. And some of these were complex cases involving numerous issues where he was affirmed on nearly all of the issues but reversed on one ground or a few grounds.

PERCENTAGES

Smith has been reversed in 10% of appealed cases (i.e., 53 of 526 cases).

He has been reversed in only 1% of closed cases (i.e., 53 of 5,298 cases).

COMPARISON

Smith's 10% average reversal rate (in appealed cases) from 1989–2001 is similar to the average annual reversal rate for the Third Circuit and for all circuits for appeals terminated on the merits.

[Amount in percent]

	Smith	Third Circuit	All circuits
1989	29.16	12.4	13.4
1990	15.38	11.3	11.8
1991	3.7	10.4	11.7
1992	12.5	10.4	11.0
1993	6.66	10.3	10.0
1994	11.9	11.8	10.0
1995	6.55	9.4	11.0
1996	10	9.9	9.4
1997	16.66	9.9	9.1
1998	13.51	9.0	10.2
1999	0	10.4	9.1
2000	9.3	12.0	9.7
2001	5.88	11.7	9.2

Notes: None of the cases closed by Smith in 1988 were appealed. The reversal rates for the Third Circuit and for all circuits were obtained from the Administrative Office of the U.S. Courts; these rates do not include data regarding the Federal Circuit.

EXHIBIT 2

[From the Pittsburgh Post-Gazette, February 26, 2002]

SETTING THE RECORD STRAIGHT ON JUDGE D. BROOKS SMITH

(By Dick Thornburgh)

WASHINGTON.—Today the Senate Judiciary Committee will consider President Bush's nomination of Chief U.S. District Judge D. Brooks smith for the 3rd U.S. Circuit Court of Appeals, headquartered in Philadelphia.

For 18 years, Judge Smith has served Pennsylvanians with distinction. Judge Smith boasts first-rate credentials in addition to his years of judicial experience, and the American Bar Association unanimously gave him its highest rating. Over 100 Democrats and Republicans alike have signed letters of support to the Senate Judiciary Committee. These letters from judges, public officials and leaders of civil liberties, labor, and women's organizations all praise Judge Smith's fairness and impartiality. The Post-Gazette has detailed the campaign against Judge Smith by the Community Rights Counsel and other extreme interest groups. Just as night follows day, it seems the usual suspects are lining up for another effort to "Bork" a distinguished judge. Specifically, critics argue that Judge Smith should have immediately recused himself from a 1997 municipal fraud case involving an investment adviser later convicted of defrauding several Pennsylvania school districts. Critics say recusal was necessary as Judge Smith's wife worked at Mid-State Bank where some of the defendants' assets were deposited, and the Smiths held stock in Mid-State's parent company.

Please allow me to set the record straight. I served as the trustee for the defrauded schools and bore a fiduciary duty to safeguard their funds. And I can say with front-row, firsthand knowledge that Judge Smith acted with absolute integrity, independence and honor.

First, Mid-State Bank was not a party to the case, and nothing at the outset suggested Mid-State was complicit in any fraudulent scheme. It was therefore unlikely that Judge Smith's wife, who worked in an unrelated part of the bank, would become a material witness. Since the complint did not allege any wrongdoing by the bank holding the defendants' funds, any stock the Smiths owned in its parent company was immaterial. As trustee, I had sole possession of and control over the assets, and Judge Smith's initial order distributing 50 percent of frozen funds to defrauded school districts just approved an interim plan proposed jointly by me and the Securities and Exchange Commission while the case proceeded.

When Judge Smith later received information that Mid-State could, in the future, conceivably play a role in the litigation, out of an excess of caution he immediately recused himself sua sponte, without being asked by either party. The actions that Judge Smith took prior to his recusal in the civil case did nothing to limit Mid—State's eventual liability exposure or impact the victims' rights of recovery.

In fact, the attacks by interest groups ignore the fact that no funds were even deposited at Mid-State at the time Judge Smith granted his last orders. As trustee, I had transferred the assets to another bank several days before this order. Nothing that occurred between this order and Judge Smith's recusal days later benefited Mid-State. Judge Donetta Ambrose, who obtained the case after Judge Smith's recusal, agreed. She wrote to the Senate Judiciary Committee to say, "There was never any suggestion by me or the Court of Appeals that Judge Smith acted inappropriately or unethically. Rather, he acted prudently and cautiously. . . . The allegations of unethical conduct in the context of this case are without foundation."

Partisan critics also improperly fault Judge Smith for temporarily handling a later criminal case against the investment adviser. Nobody involved in the case has alleged that Judge Smith issued any improper orders or took any inappropriate action. The case was assigned to Judge Smith only after lawyers in the case agreed that it was unrelated to the SEC's civil case. Mid-State Bank was not a party. The U.S. attorney's office never sought recusal, and defense counsel did not seek recusal until four months later, when Judge Smith immediately recused himself.

As governor of Pennsylvania in 1984, I had the honor of originally nominating Brooks Smith to sit on the Court of Common Pleas in Blair County. In 1988, while attorney general of the United States, I had the honor of seeing the U.S. Senate unanimously confirm Brooks Smith as a federal judge. This year, I hope to see the same Senate set aside the recent attacks of extreme interest groups and honor Judge Smith's long record of judicial service with a swift and unanimous approval to the 3rd Circuit.

By any measure of judicial merit, Brooks Smith is qualified to serve. Like the president who nominated him, Brooks Smith has rallied a broad coalition of support. It would be wrong to allow extreme interest groups to delay his confirmation by even one day. However, I am optimistic that this will not occur. Judge Smith acquired his reputation for honesty, uprightness and professionalism the old-fashioned way—he earned it. And it will see him through.

Mr. SPECTER. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 2 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NEGOTIATIONS ON THE ISSUE OF VOTER IDENTIFICATION

Mr. DODD. Madam President, I just want to give the Presiding Officer a little bit of an update on where things are regarding negotiations on the Schumer-Wyden-Bond issue involving the question of voter identification.

Staffs are meeting. There has been no resolution, I am sad to report, at this juncture, but they are meeting and are working on this.

I thank Senator SCHUMER and Senator WYDEN and their staffs, along with Senator BOND and his staff, to see if they can come forward with a compromise proposal. As I mentioned two or three times already today, I hoped that would have happened before we got to the vote today. I made a pitch and appeal on numerous occasions, but there was not much of an appetite for a compromise until now.

My hope is we can come to this sooner rather than later. I apologize to my colleagues. I apologize to Senator DASCHLE, who has been absolutely stellar in all of this. I am sure he is going to remind me for years to come, when he asked me how long this bill might take, I said I thought we could do it in a day. I suspect I will hear that story over and over again for many years to come.

We have been on it 2 days. We were on it for 2 days when we were not in session, a Friday and a Monday. We did get some work done then. On the Thursday of the week before recess, we were here, and yesterday, now today, so at least 2½ days.

My hope is that by later this afternoon, sooner rather than later, we can report a compromise proposal, then the rest of the amendments we can deal with fairly quickly. There will be votes on some. I don't anticipate that any one of them, regardless of the outcome, would provoke the kind of situation we are in at this particular juncture.

Hope springs eternal, even in February. I am hopeful that before the afternoon is out, we can make a favorable report to the Chair and to our colleagues that the election reform bill is prepared to move forward and get to final passage.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MIKULSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEEL

Ms. MIKULSKI. Madam President, today I come to the Senate Chamber to stand up for steel. There is a crisis in America's steel industry. The next few weeks will determine the fate and future of that industry and, I believe, the fate and future of our steelworkers today and our retired steelworkers.

I commend President Bush for initiating the section 201 investigation on steel. That means an investigation by the International Trade Commission on whether or not we are facing unfair dumping. I am now calling on the President to impose an effective remedy; that is, a remedy of 40-percent tariffs across the board on steel.

Since 1997, 31 steel companies have gone bankrupt, putting at risk over 62,000 jobs. Why is this? It is exactly what the International Trade Commission found: Subsidized foreign steel companies dump their excess products on the United States market at below market prices. They come into the United States and flood us with their imports at fire sale prices.

In response to this unprecedented crisis, President Bush did take an important step of initiating an investigation under section 201 of the trade act. The ITC unanimously found that these imports have caused serious harm to the American steel industry. Now the President has to act before tens of thousands more jobs are lost and retirees face the threat to their pensions and their health care. He must take meaningful action, not just some half measure that doesn't meet the challenge of the crisis.

Steel is in crisis. Last year, 17 steel companies filed for bankruptcy protection, 14 steel mills shut down, and nearly 30,000 workers lost their jobs.

Why does steel matter? This is not nostalgia for our industrial past. This is about our national and our economic security.

If we are worried about dependence on foreign oil, we should certainly be worried about dependence on foreign steel. We need steel to build America, whether it is our bridges or our automobiles, and also for our national security. In my own home State of Maryland, Bethlehem Steel made the steel plate to repair the U.S.S. *Cole*. It is American steel that is building Navy ships, Navy subs, American planes, the kind of steel we need for those bunker-buster bombs we need.

Are we going to rely upon Russia, China, and other countries and be steel dependent? I don't think we should do that.

What about our steelworkers and our steelworker retirees? There are over 300,000 people currently working as steel and iron workers. There are now over 700,000 retirees and surviving spouses. All told, there are more than 1 million Americans, both retired and on the job now, who depend on steel for their livelihood, their pension, and their health care.

What caused this crisis? Is it because American steel was inefficient, because the unions wouldn't cooperate with management, because we didn't use new technologies or new processes? Absolutely not. The reason American steel is in such dire straits is unfair trade. Foreign steel companies, subsidized by their government, dump excess steel in our market at those fire sale prices.

The United States of America does not have excess capacity. The United States and Canada have been net importers of steel. If you want to look at examples of these subsidies, let me give you one: Russia. This comes from the Bloomberg Business Report. This does not come from BARB MIKULSKI. The Bloomberg Report last week talked about how the Russian Government keeps 1,000 unprofitable steel plants open through Russian subsidies. That is not 1,000 workers; that is 1,000 steel plants. Because of those subsidies, they are able to stay in operation.

How can we compete with Russian subsidies where they have comrade health care, all their health care is paid for, they get subsidies in steel, and at the same time we are expected to compete?

What is the solution? We need a level playing field by reducing excess steel capacity abroad.

The way we also send them a message to stop the dumping is by imposing a 40-percent tariff. That would level the playing field. Half measures will not do. We need that 40-percent tariff and we need it without exception. The effects will last much longer than the 3 or 4 years because America's steel industry will have a chance to get back on its feet.

America's steel industry is the best in the world and I can't emphasize how competitive we are. It is the most efficient, uses the fewest man-hours available per ton, thanks to our steelworkers making the best use of technology and a willingness to cooperate with management. It is also the most environmentally sound, producing less emissions on steel produced.

Do you think those 1,000 Russian steel mills are going to be environmentally sensitive and OSHA compliant? I don't think so. American steel companies have invested over $20 billion in new technology to achieve these efficiencies. American steelworkers have made painful concessions in wages and benefits so that the industry would be efficient and competitive and would have a future.

Madam President, the President must act now. The next few weeks will determine the fate and future of the steel industry. There is a March 6 deadline for a remedying decision, the tariff decision. The President has the authority. We want him now to have the will. We want him to impose this 40-percent tariff, give American steel mills a future and, most of all, protect the United States of America against dependence on foreign steel. Steel built our Nation; steel will continue to build our Nation, and most of all, steel will help us protect our Nation. Steel built America and it is now time that we stand up for steel. I hope we can count on the President to do this, and we thank him for the work he has already done.

I yield the floor and look forward to standing with the Presiding Officer as we stand up for steel.

Mr. REID. Madam President, before the Senator leaves the floor, I want to say that she is a leader on this issue. I told her privately yesterday that wherever she pointed me to help steel, I would be there. I also say it is not often that you find a Senator who works as hard privately as publicly. I have been in a number of private meetings with the Senator from Maryland, where she has been a staunch vocal advocate of doing something to help the steelworkers and the steel industry of this country.

The people of Maryland should understand the advocacy of this giant from Maryland who is working so hard for the people who have been so good to America—the steelworkers and the steel industry, generally.

Ms. MIKULSKI. Madam President, I thank the Senator from Nevada for those gracious and complimentary remarks. This is a man from Searchlight, NV. He knows what hard work is because of the way he pulled himself up by the bootstraps, and he has given opportunity to other people. All those people working in the mines in Nevada, who every day have those calloused hands in the end, have a very strong advocate in him. We have to stand up for the ordinary people who do extraordinary things in our country. I look forward to working with the Senator.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam president, I ask unanimous consent that morning business be extended until the hour of 3 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WIND ENERGY PRODUCTION TAX CREDIT SHOULD BE EXTENDED

Mr. DORGAN. Madam President, about a week ago I spoke briefly on a subject that falls under the jurisdiction of the Senate Finance Committee and that is referred to as the extenders. This term does not mean much to people, but the extenders are tax provisions that expire at certain times. For example, at the end of last year one of the tax provisions that expired was the wind energy production tax credit. It is a tax credit that was in law to stimulate the development of wind energy in our country.

That tax credit expired on December 31 and, at that moment, the development pretty well stopped because the expectation was that the credit would be extended, but it has not been extended. This credit is one of a handful of extenders that should have been extended at the end of last year. The Congress did not do it, because it got connected to the issue of the economic recovery package, and it went back and forth between the House and the Senate.

The fact is, at the end of the day, this tax provision expired and wind energy development has pretty well stopped around the country. By "wind energy development," I mean those developments that were on the books with plans underway, and ready to be financed and installed across the country.

What does this wind energy mean? We are going to take up an energy bill as soon as we figure out what to do with the filibuster on the election reform bill, and when we talk about the energy bill in this country we talk about the need to produce additional energy: more oil, more natural gas, more coal. Yes, we are going to produce more by digging and drilling, and do that in an environmentally acceptable way. But limitless and renewable sources of energy such as ethanol, biodiesel, wind energy, and others, are also a very important part of what we ought to be doing in this country.

Let me focus for a moment on wind energy, because I come from a State in which wind energy has great potential. The Department of Energy ranks the States and their potential for wind energy, and North Dakota ranks No. 1. We are called the Saudi Arabia of wind for its energy potential.

North Dakota is a lot of things. Most of all, it is wonderful. It ranks 50th, dead last, in native forest lands. That means we have less trees than anybody else. But we have a ranking of No. 1 in wind and the ability to take the energy from the wind, put it in transmission lines, and move it around our country to extend America's energy supply.

I held a wind energy conference in Grand Forks, ND, last week. Over 700 people came to the conference from all over the country. They had a display of a couple of the types of blades used in the new, very large turbines. One of these blades weighs 18,000 pounds.

This new technology is highly efficient and, with the small production tax credit, is also very competitive. We have brought the price of wind energy way down, and now if we extend this wind energy tax credit for 5 years, we will be able to unleash the opportunities in wind energy development.

A CEO of a company came to see me about 2 weeks ago and said his company has 150 megawatts of wind-generated electricity on the books and prepared to build in North Dakota. He told me the company has the money for it, $130 million to $150 million, the plans complete, but that it cannot move forward until the company knows whether Congress is going to extend the wind energy production tax credit.

The fact is, the Congress is messing around back and forth, stuttering, and not getting it done. This back and forth between the House and the Senate means the extenders did not get finished.

What does that mean? It means companies that were preparing investments and were going to be able to build wind energy facilities across this country have now put these plans on hold.

Does that make sense for the country? Is that a good energy strategy? I do not think so.

I am going to be asking unanimous consent, and I will not do it at the moment because I wanted to provide notice to others in the Chamber as a matter of courtesy, but I will ask either later today or tomorrow, unanimous consent to take up the legislation that I have previously introduced, S. 94. It provides a 5-year extension of the tax credit for electricity produced from wind. I will ask that it be discharged from the Senate Finance Committee and be brought to the floor and voted on.

This is not controversial. We have done this before. We should have done it last December but did not. It does not require a big debate. We have had debate after debate on this. It is widely supported by virtually the entire Senate and the entire House, but it does not get done. It is one of these things that runs off the ditch and gets stuck there, and nobody thinks much about it.

The problem is we are not producing the energy we could be producing, because these projects are not being built. As we get people in the Senate who ring their hands and gnash their teeth and wipe their brow about America's energy problems, I want everybody to understand that part of the solution—just part—to that problem is to build these projects that are ready to go, that can produce and create these new highly efficient wind energy turbines, that can put electricity in our transmission lines and move it around the country.

Does anybody remember California and the price spikes, some of the other problems we have experienced with energy supply? The fact is, this country needs this new form of energy.

I would like to talk for an hour about ethanol, biodiesel, and other limitless and renewable sources of energy. One of the big oil companies once said that ethanol is no good, that it will not work. I saw it in a quarter-page ad in a daily newspaper, and I thought, well, if the big oil companies say this is not any good, it must be something we ought to take a closer look at: Taking the alcohol from a kernel of corn—you get a drop of alcohol from a kernel of corn—and you still have the protein feedstock left. One can use that alcohol to help contribute to America's energy supply. That makes good sense to me. But taking energy from the wind and running it through a turbine, through blades that turn, and then moving the electricity to the transmission lines, makes eminent good sense.

There is no excuse at all for this Congress to twiddle its thumbs when it ought to extend these production tax credits for wind energy. It ought to be done not next week, not next month, not next year; it ought to be done now. It ought to be done for 5 years. If we get people to come out and say first let's not do it, I say they are not thinking much about America's energy needs.

If they say let's do it for a year, I say it will not matter. It will not mean a thing. That will not provide enough of an incentive for anybody to do anything. Let us give people an opportunity to plan, to do the right thing. Let us give people the opportunity and the incentive to build, to extend America's energy supplies.

I am intending to offer that unanimous consent request either later today or tomorrow and would want to put people on notice of that.

Let me, if I might, read a couple of examples of what has happened because Congress did not do what it should do. Lonestar Transportation of Fort Worth, TX, is losing $1.5 million in revenue per month due to the delay of this production tax credit. Trinity Industries of Dallas, TX, a builder of wind turbine towers, has furloughed 200 workers and projects a revenue loss of $7 million a month. MFG, a builder of fiberglass turbine blades located in Gainesville, TX, laid off 138 skilled workers. Georgia and Texas: CAB, Inc. of Oakwood, GA, and also in Texas, that manufactures steel tower components, will see a 50-percent reduction in revenues because of failure to extend this. In Oregon, investment will not be made in a multimillion-dollar wind turbine manufacturing facility for Portland. DMI Industries in my State of North Dakota, a tower manufacturer in West Fargo, will likely see a 25-percent decrease in revenues. The company currently employs 165 people and was planning to hire an additional 50. They will not be able to do that at this point. LM Glasfiber, a wind turbine blade manufacturer in Grand Forks, has furloughed 30 percent of its 100 employees because of failure to extend the tax credit. In Louisiana, Beaird Industries of Shreveport, LA, a builder of metal towers for wind turbines, furloughed 150 of its 500 employees just before Christmas. Zond Wind Turbines in California near Bakersfield furloughed 85 skilled workers. In West Virginia, Atlantic Renewable Energy Corporation will indefinitely delay a $65 million investment in its Backbone Mountain site in Tucker County. That is 150 construction jobs. M.A. Mortenson Company of Minneapolis, MN, that designs and builds wind tower projects throughout the United States, will hold off creating 150 direct construction jobs and 450 subcontractor jobs without the extension.

The list goes on. I ask unanimous consent to have this printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Economic Development Foregone Due to Delay in Extending the Wind Energy Production Tax Credit (PTC)

In 2001 the wind industry installed nearly 1,700 megawatts (MW) of new capacity spurring more than $1.7 billion in direct economic activity.

For this level of economic activity to continue in 2002, Congress must pass a multiyear extension of the wind energy Production Tax Credit (PTC) immediately. Failure to do so would forego billions in economic activity and thousands of jobs such as . . .

Texas: Lonestar Transportation of Ft. Worth, TX is losing $1.5 million in revenue per month due to the PTC delay. Last year the company earned $20 million—a full 20 percent of company revenues—by trucking wind turbine towers, blades, and generating units to development sites. Contact: David Ferebee, V.P. of Sales at 1-800-541-8271.

Trinity Industries of Dallas, TX, a builder of wind turbine towers, has furloughed 200 workers and projects a revenue loss of $7 million per month (or $84 million over 12 months) until the PTC is extended. Contact: John Miller at 512-322-0299.

MFG, a builder of fiberglass turbine blades located in Gainsville, laid off 138 skilled workers upon notification that Congress had not extended the wind tax credit.

Georgia and Texas: CAB, Inc. of Oakwood, GA and Nacogdoches, TX, a manufacturer of steel tower components will likely see a 50 percent reduction in revenues with workforce reductions of 30–40%. Contact: Ms. Terri Jondahl, Executive Vice President, Chief Operating Officer, at 888-241-7312, www.cabinc.com.

Oregon: Investment will not be made in a multi-million dollar wind turbine manufacturing facility for Portland that would have provided as many as 1,000 jobs.

North Dakota: DMI Industries, a tower manufacturer in West Fargo, ND, will likely see a 25 percent decrease in revenues (about $15 million) in 2002 without an early PTC extension. The company currently employs 165 people and planned to hire an additional 50. Contact: Chuck Savageau, Business Development Manager at 701-282-6959, csavageau@dmiindustries.com.

LMGlasfiber, a wind turbine blade manufacturer in Grand Forks has furloughed 30 percent of its more than 100 employees because of failure to extend the wind tax credit. Had the tax credit been extended last year, the company would have ramped up to 200 jobs. Contact: Craig Hoiseth, President, LM Glasfiber, 701-780-9910.

Louisiana: Beaird Industries of Shreveport, LA—a builder of metal towers for wind turbines—furloughed 150 of its 500 employees just before Christmas 2001 because failure to extend the wind tax credit resulted in no new orders for towers. Last year the company built 800 steel towers for wind turbines. Contact: Alberto Garcia, VP for Sales at 318-865-6351.

California: Zond wind turbines, manufactured near Bakersfield, CA, have furloughed 85 skilled workers because failure to extend the PTC has caused a halt in orders for new turbines. Contact: Robert "Hap" Boyd at 213-452-5103.

West Virginia: Without an immediate PTC extension Atlantic Renewable Energy Corp. will indefinitely delay a $65 million investment in its Backbone Mountain site in Tucker County. This project would provide about 150 construction jobs and as many as 6 permanent operations and maintenance jobs. Contact: Sam Enfield of Atlantic Renewable Energy Corporation at 301-407-0424.

Minnesota: M.A. Mortenson Company of Minneapolis, Minnesota a design/build contractor of wind power projects throughout the United States will have to hold off on creating up to 150 direct construction jobs and 450 subcontractor jobs in 2002 without the PTC extension. The loss in revenue to M.A. Mortenson Company will be up to $70,000,000 in 2002. Contact Jerry Grundtner, General Manager, at 763-387-5513.

Farm Economy: Net farm earnings are expected to drop by 20 percent his year (from $49.3 billion to $40.6 billion) according to the U.S. Department of Agriculture. Extending the PTC expeditiously will pump significant additional income into the farm economy by allowing more farms to host wind turbines. Wind developers provide lease payments to farmers of about $3,000 per wind turbine, per year for twenty years or more.

Mr. DORGAN. Madam President, I am disappointed we have not been able to get this completed. It is a matter of will. We understand there is wide support here and in the House. Bring it up, pass it on the floor of the Senate and the House, and send it to the President, so projects can go forward beginning tomorrow, next week, and next month. Skilled workers will find they are rehired by the companies. New jobs will be created. We will extend America's energy supply. It is exactly what we ought to do.

For that reason, I intend to make unanimous consent requests that the Finance Committee be discharged and we bring up and pass S. 94, legislation to provide a 5-year extension of the tax credit for electricity produced from wind. I intend to come to the Chamber and talk about this—until I am more than a minor annoyance—to see if we can get people to understand we have a responsibility to act in the interests of this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

ENERGY

Mr. MURKOWSKI. Madam President, I will respond briefly to my good friend, Senator DORGAN. I totally agree with his concept that we should pursue ethanol and wind and all alternative sources of energy. We will need them. There is absolutely no question. We need all the energy we can produce in this country.

The good news is the energy bill has been laid down. I hope we can start on this relatively soon. Clearly, we have to get the pending business resolved. I will discuss the foundation we begin with. It is a departure from the traditions of this body. It is unfortunate the majority leader has seen fit to mandate a procedure that is clearly contrary to the traditions of the process associated with the committees of jurisdiction. I am referring specifically, as former chairman of the Energy and Natural Resources Committee and now the ranking member, to the manner in which the majority leader saw fit to circumvent the responsibilities of the committee of jurisdiction.

My good friend, the chairman, Senator BINGAMAN, and I have worked together for some time. We have had a good relationship. Our theory was we would attempt to develop from the committee process a comprehensive energy bill. When I was chairman, we had hearings, we had input, and we introduced a bill. However, as we all are aware, there was a change in June. As a consequence, the Republicans lost control of the Senate and hence lost control of the agenda of the committee process.

Prior to the changeover, we had had several discussions in the Energy and Natural Resources Committee on various issues associated with the proposed energy legislation. This came about as a consequence of our President laying down as one of his prerequisites a mandate that Congress address an energy bill and do it with dispatch. The House has done its job in H.R. 4. So it became the responsibility of the Senate to take up a comprehensive energy bill.

What happened in the process deserves enlightenment. This is what I specifically object to. On the issue of ANWR, we had enough bipartisan votes to report out a bill containing ANWR. The leader knew this. As a consequence, in order to circumvent this process, the terminology I think that was used was to alleviate any differences of opinion in the process. However, that is what this body is all about, differences of opinion in coming together on a consensus. Nonetheless, the leader prevailed and ordered the chairman, Senator BINGAMAN, not to hold any markups on the bill. That precluded the committee from pursuing a process of taking up a bill, proceeding with amendments in the ordinary workings of the committee process, and voting out and bringing to the floor a comprehensive bill.

I can only assume the leader did this as a parliamentary maneuver to ensure we would not get a vote in committee on ANWR, where he clearly knew we had the votes to get it out. I hope every Senator in this body considers the precedent this action sets, particularly those Senators who value the traditions and open debate concept associated with this body. This is a departure. This is almost a dictate from the majority leader who simply says we are not going to allow the committee of jurisdiction to take up the bill and vote it out and bring it to the floor.

That prevailed, and we have a situation where we are about to start debate on a very complex bill that has not gone through the committee process. What does this mean? This means every Member will be subjected to some very complex issues, those particularly associated with the electricity portion. They are not going to understand the terminology because it didn't go through the committee. There will be a lot of interest on behalf of various lobbyists who have different points of view relative to certain aspects, aspects that have never had a hearing, never had an opportunity for Members to express their views, let alone vote it out.

I am very irate as a consequence of this circumvention of our responsibility, and I think every Senator should be. We should put politics aside and reflect on the traditions of this body which dictate this is not the way this body traditionally does business.

Sure, the majority leader can initiate an action and go around the committee process, but is that the tradition of the Senate? Is that the tradition to circumvent the committees and the amendment process by subjecting this body now to a bill while it has not had hearings on many of the portions that are very complex?

I know how the majority leader feels about ANWR, but I add one more observation. He has indicated if ANWR stays in the bill, he will pull the bill. That means regardless of how the Senate prevails in a democratic process, he will take the initiative to see that it will not happen. He has circumvented the committee process which requires—instead of 51 votes—60 votes, on cloture, which he would, of course, file. Then he says if you get 60 votes, you are going to lose because he is going to pull the bill.

I don't care what the issue is, but I suggest this is a poor way to do business. The Senate should reflect on just what is happening and whether we can support a leader who dictatorially initiates an action of this type. I know it makes many members of the committees feel somewhat at a loss: What are we here for if we are not here to conduct committee business in the course of our responsibility?

As we start to consider this bill, we should continue to reflect on how we got there. We got there without a committee process. We got there as a consequence of the majority leader taking the authority away from the committee. We got a bill before the Senate that has not had a markup, it has not had individual hearings, and many of the portions of the bill, we are told, if we prevail on one, particularly the lightning rod of ANWR, we will lose anyway because he will pull the bill. I just want all parties to know that I object, and I know a number of my colleagues do, to this type of procedure.

I want to refer to a couple of other points that I think are germane to the debate which is going to take place.

For some time now we have been dependent on imported oil from Iraq. As a matter of fact, on September 11 we were importing a little over 1 million barrels a day from that nation. We are enforcing a no-fly zone over that nation. We are putting the lives of our young men and women at risk enforcing that no-fly zone. Yet we are buying oil. It is almost as if we take the oil, put it in our airplanes, and go take out his targets.

What does he do with the money he receives from the United States? He keeps his Republican Guard well fed. That keeps him alive. What else does he do? He develops a missile capability, a delivery capability, biological capability, and perhaps aimed at our ally, Israel.

That is the fact associated with the vulnerability of this country as we increase our dependence on imported oil. We are about 58 percent dependent, and it is increasing. The Department of Energy says it is going to be up to 63 percent or 64 percent in the year 2006. What does that do to the vulnerability of the United States? It means we become more dependent on Iraq.

What about Saudi Arabia? When we look at the terrorist activities in New York, we find most of the passports are from Saudi Arabia. It is a very unstable area, and we are becoming more and more dependent. Is it not in our national interest to reduce our dependence? The answer is clearly yes.

Let me reflect on one more thing. We have not had an inspector in Iraq in several years, under the U.N. agreement. We don't know what Iraq is up to. But as we reflect on the terrors and tragedies that have already occurred in this Nation, we recognize we should have acted sooner. We knew who bin Laden was. We knew about al-Qaida. Yet we did not act, and we know the consequences. The consequences became evident on September 11.

What day of reckoning is going to come when we have to face what Saddam Hussein has been up to? Will it be after the fact or will we mandate that our inspectors go in there and address this threat now? I know what my recommendation would be. It is better sooner than later; sooner to take out the terrorism risks associated with Saddam Hussein.

I know this is something the administration is agonizing about and will be critical if, indeed, there is some action and we will not have taken action.

This is what this issue is all about. It is about the national security of this country and our increased dependence. I do not know how many of my colleagues remember 1973–1974, the Yom Kippur War. Some of us are old enough to remember we had gas lines around the block. The public was outraged, they were inconvenienced.

What was the result of that? We were 37 percent dependent on imported oil at that time. Now we are 58 percent dependent. You figure it out. It is pretty easy. Our vulnerability has increased. Make no mistake about it, with the unrest in the Mideast we are going to have a crisis. I can tell you, every Member of this body will be standing in line behind me to open up ANWR. They will say we have to increase our domestic production.

What is this bill anyway? Partially, as I have indicated, it is a bill in the national security interests of our country. I ask my colleagues, are they going to stand behind the environmental lobby, that has used this as a cash cow for membership and dollars? There is no evidence to suggest we can't open this area safely. This is my State. We support opening ANWR. We were there when the arguments in the 1960s were prevailing against opening Prudhoe Bay and building an 800-mile pipeline.

Let me tell you what that has done. That has provided this Nation, for several years—it has been operating 27 years—for several years with 25 percent of the total crude oil produced in this country. That was about 2 million barrels a day. Today it is a little over 1 million barrels, a little over 20 percent.

Where was that issue in the 1960s? That issue was before the Senate. It was a tie vote. The Vice President broke the tie, and it passed by one vote. That is how close it was. Where would we have been if we had not done that? Instead of 58 percent, we would probably be somewhere in the area of 68 percent dependent on imported oil.

What were the arguments then? You are going to build an 800-mile pipeline from Prudhoe Bay to Valdez. It is going to be like a fence across Alaska, and the caribou and the moose are not going to cross it. It is going to have a terrible effect on the environment. You are putting a hot pipeline in permafrost, and when the hot pipeline melts the permafrost, it is going to break.

It has been there 27 years, one of the construction wonders of the world. All the doomsayers' arguments then are the same arguments now: You can't do it safely; you can't protect the caribou.

They are all false. Go up to Prudhoe Bay and you find the caribou herd is 27,000. It was 3,000 or 4,000 in the late 1960s.

Talk about polar bear habitat—you can't shoot a polar bear in the United States, and Alaska is part of the United States. You can in Russia. You can in Canada.

So as we reflect upon what we are about to embark, I encourage my colleagues and you, Madam President, to reflect on the prevailing arguments that were used 27 years ago and the prevailing arguments that we are using now. As I indicated, the argument then was a hot pipeline through permafrost; it was a fence across Alaska; it was whether or not we could do it safely; it was the caribou herd—all of which history has proven we have been able to do. We have overcome the problems and responsively addressed them.

One can go up to Prudhoe Bay and get off the airplane and walk over to where the pickups are. Do you know what you see under every single pickup? You see a diaper. It is under the pan of the car. It is a big cotton thing to pick up a drop of oil that spills. As you know, in your own driveway you get drops of oil. That is the extent they go to, to try to maintain the maximum environmental oversight.

As we address this ANWR issue, keep in mind the arguments of those opposed to it. They say it is a 6-month supply of oil. We all know that is only if you didn't have any oil produced in this country or any oil imported into this country. To what does it equate? We don't really know, but the latest USGS reports say 5.6 billion to 16 billion barrels. How does that compare with anything you and I can understand? You can compare it with what Prudhoe Bay has produced in 27 years. Prudhoe Bay was supposed to produce 10 billion barrels. It is on its 13 billionth barrel now. If you took half of the range of ANWR, 5.6 and 16, and said it was 10, it would be as big as Prudhoe Bay.

The infrastructure is already in place. You have a pipeline 800 miles long that is only half full. This is not a big issue, in the sense of reality. Yes, it is a significant amount of oil, if it is 10 billion barrels. If it is 16, it is even better. But if it is 3.5, you will not even develop it because you have to have a major discovery in order to develop in the higher Arctic altitudes associated with drilling in that part of the world.

It is either there in abundance—and it has to be to make a difference—or it isn't. They say it will take 10 years. Come on. If President Clinton had not vetoed the bill in 1995, it would be on line now. He vetoed it. Why? Same response: The environmental community pressured. The cash cow generates membership, it generates dollars. And they are milking it for all it is worth, and will continue until we prevail. Then they will go on to another issue.

What about the Porcupine caribou? We have already addressed that with the caribou comparison in Prudhoe Bay, where they have flourished. As I indicated before, it was a short break.

We don't shoot polar bear. You can't take trophy polar bear in Alaska. They are marine mammals, they are protected. If you want to protect the animals, you don't shoot them; you don't take them for food, or subsistence.

There are very few taken for subsistence, I might add.

These are some of the arguments we are going to be addressing.

Furthermore, this is a big jobs bill. Find an issue that employs 250,000 people. These are high-paying jobs. That is why the unions support it. It will generate somewhere in the area of $2.5 billion in Federal lease sales because these are Federal leases that will come back into the Treasury. It won't cost the taxpayers one red cent. Find a better stimulus.

What about the veterans in this country? They are for it because they do not want to fight another war in a foreign country over oil.

I am always reminded of my good friend, Mark Hatfield. He is a pacifist who said before this body time and time again, I will vote for opening this area any day rather than send a young man or woman overseas to fight in a war over oil in a foreign land.

We talk about alternative energy. I indicated that I support it. But let me tell you about a little comparison. I have some graphs that will show this. One of the largest wind farms in the United States is located outside of Palms Springs. It is between Palm Springs and Banning, CA. I think it is called San Jacinto. That farm has hundreds of windmills that move when the wind blows. They do not move all the time. The footprint there is 1,500 acres. You see it and you say: Wow, there are a lot of windmills there.

What is the equivalent of that in oil production? That would be equivalent to 1,350 barrels of oil a day from 1,500 acres. What is ANWR? ANWR is 2,000 acres. The equivalent production is 1 million barrels a day. I support wind power, but if you are looking for relief, you had better put it in an equation that makes sense and that people can understand. From 1,500 acres, the equivalent from that wind farm is 1,350 barrels of oil. ANWR's footprint as authorized in the House bill is 2,000 acres. That is equivalent to 1 million barrels per day.

Let us remember the bottom line—our national security. What could this do for the U.S. steel industry? When we built that 800-mile pipeline, do you know what the U.S. steel industry did? This was the largest order ever in the United States—800 miles of 48-inch pipe. They did absolutely nothing. They said: We don't have the capacity for an order that big. Where did it come from? It came from Korea, it came from Japan, and it came from Italy. If the steel unions and the steel industry want to get their act together, let us go after some domestic business. You will have some more domestic business associated with opening up ANWR.

I encourage my colleagues again to reflect a little bit. I hope everybody's conscience bothers them about the manner in which this was laid down, without a committee process and without the jurisdiction of the Democratic chairman of the Energy and Natural Resources Committee. The leadership pulled it out of the committee because he knew we had the votes to get it to the floor and, furthermore, the dictatorial statement that even if we prevail, he is going to pull the bill. Come on. I have been around this place long enough to know what the democratic process is all about, the committee process is all about, and the traditions of the Senate are all about. This is the wrong way to start a bill.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 4:30 today with Senators allowed to speak for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 4:30 this afternoon.

There being no objection, the Senate, at 3:13 p.m., recessed until 4:31 p.m. and reassembled when called to order by the Presiding Officer (Mr. NELSON of Florida).

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 5:15 p.m. today.

There being no objection, the Senate, at 4:32 p.m., recessed until 5:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. In my capacity as a Senator from the State of South Dakota, I suggest the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 565, the election reform bill:

Christopher Dodd, Harry Reid, Charles Schumer, Ron Wyden, Debbie Stabenow, Patty Murray, Tom Daschle, Jeff Bingaman, Daniel Inouye, Carl Levin, Max Baucus, Joe Biden, Pat Leahy, James M. Jeffords, Barbara Mikulski, Bob Graham, and Edward M. Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum with respect to the cloture motion be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, for the information of the Senate, I would like to announce to all Members who have amendments on the finite list of amendments that first-degree amendments must be filed prior to 1 p.m., Thursday, February 28. If Members have already submitted amendments, then it is not necessary to resubmit an amendment.

Ms. CANTWELL. Mr. President, I would like to take this opportunity to commend Senators DODD, MCCONNELL, SCHUMER, and BOND for their dedication and diligence in addressing what I believe to be an issue of critical importance to our country—protecting voting rights and ensuring the integrity of the electoral system in our nation. Especially given the events in the world today, making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The State of Washington has a long and trusted history as a leader in election administration. Through great efforts and cooperation, the state has pioneered such programs as motor voter, provisional balloting, vote by mail, and absentee voting.

I thank Senator DODD, the chairman of the Rules Committee for his support for an amendment that I offered with Senator MURRAY's support that has been adopted. The amendment guarantees that States are able to continue using mail-in voting, while also providing new safeguards to make mail-in voters aware of how to properly fill out their ballots, and how, if needed to obtain a replacement.

Voters in my State are proud of our system that offers voters the option of voting by mail or in the polling place, and they are extremely committed to seeing it continue. The mail-in ballot, in my opinion, offers voters several advantages. First, it allows voters to cast their ballots on their own time and at their own convenience. It also allows voters to make more informed choices, as they are able to consult literature sent by the state and by the campaigns in making their decisions. Because these votes are cast without the pressure of other voters waiting in line, or without the time crunch of being late to work or to pick up the kids, voters are also less likely to make mistakes that will disqualify their ballots.

In addition, the mail-in system is very secure. Each ballot that is cast by mail requires, that the voter sign the outer envelope. This signature is then checked against the voters signature that is kept on file and only when there is agreement that the signatures match is the ballot counted. Washington State has consistently increased the number of voters choosing to vote by mail and through provisional voting without any allegations that these types of voting have involved fraud or other misconduct. In fact, the procedures in place have consistently ensured the integrity and security of our elections and led to public confidence in our system that is unparalleled anywhere in the country.

It has not always been this way. In the early 1990s, we had several close elections that pointed out the vulnerabilities in our system. These close elections led Washington to become one of the first states to adopt statewide guidelines that ensured that each jurisdiction followed the' same rules in determining how ballots are verified and counted. In addition, my State also adopted other requirements for testing and procedural consistency. It is my hope that this legislation will lead other States to follow our example and institute similar guidelines and procedures that will result in more people voting and making sure that all votes are properly cast and counted.

Our challenge, at the federal level, is to ensure that in passing legislation that reduces hurdles to civic participation across in country, we respect the role of the States in selecting types of voting that work well for their citizens and lead to maximum participation. I believe that this bill as amended does that, and I thank the chairman of the Rules Committee for his commitment to this bill and to ensuring that States have the flexibility to keep their systems in place.

This bill, by setting minimum standards and by guaranteeing the Federal Government will provide the funds necessary to purchase new equipment, takes very important steps forward in guaranteeing to every American that not only do they have the right to vote, but that when they cast their vote it will be counted.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIP TO LATIN AMERICA

Mr. SPECTER. Mr. President, I would like to report briefly on a trip to Latin America which I made last month before the Senate went into session in January.

This trip took me to a number of Latin American countries to discuss issues of trade and drug control. The first stop was in Havana, Cuba, where I had an opportunity to talk to President Fidel Castro about the serious situation in Cuba on the deprivation of human rights, and about the failure in Cuba to have contested elections. I urged President Castro to run in a contested election.

I had the opportunity to meet with President Castro about 30 months earlier in June of the year of 1999 and made the same points to him. However, emphatically, again, when I challenged President Castro to run against someone in a contested election, he told me he did have an opponent. His opponent was the United States of America. He said this in more of a humorous way. The United States policy toward Cuba, I think, has tended to make, if not quite a martyr, at least a sympathetic person of President Castro.

We talked about a great many things. With my background as assistant counsel of the Warren Commission, I asked President Castro if there was any connection between Lee Harvey Oswald and Cuba. There had been rumors at the time that Castro and Cuban officials may have put Oswald up to the assassination of President Kennedy. Those rumors were based upon the CIA efforts to assassinate Castro in that era. Oswald was a part of the Fair Play for Cuba Committee, which had a rally in New Orleans. When I asked that of President Castro, he said he was not responsible for Oswald. He was a Marxist, and not a madman. We talked in some detail about the Cuban missile crisis in 1962 and why Castro permitted the Soviets to have missiles in Cuba. He tried to defend that, I think unpersuasively, with the threats to himself from the Bay of Pigs invasion and the CIA assassination attempts.

Before going to see him 30 months ago, I checked with the records of the Church Committee, and found, in fact, that there was evidence about efforts to assassinate Castro—maybe 8 or 9 such attempts. When I told Castro that number, he laughed, and said that there had been many, many more attempts than that—something in the 300 range. I asked him how it felt to be the subject of assassination attempts.

He said: Muy bien.

This is Spanish for "very good."

I said: No, no. How did it really feel when they were trying to assassinate you?

Again, he said: Muy bien.

I said: No. How did it really feel?

He said: Do you have a sport?

I said: Yes. My sport is squash.

He said, through the interpreter: Well, avoiding assassination is a sport for me.

I talked to Castro in some detail about his willingness to have Cuban airspace and Cuban waters used by the United States to detect drug trafficking. Toward that end, I offered an amendment to the Foreign Operations Appropriations bill a year and a half ago, which was defeated in conference. I offered a milder bill this year which was accepted, calling for a report from the State Department. However, when Castro makes an offer to allow Cuban waters and Cuban airspace to interdict drug traffickers, that is an offer we ought to accept. Drugs are polluting a generation of Americans and they are a major cause of street crime in America, which is something that I fought against as District Attorney of Philadelphia. If we can stop the flow of drugs with Castro's assistance, we ought to take him up on that offer.

There have been some changes in U.S. policy toward Cuba. The House of Representatives submitted a bill with a provision to ease travel restrictions, which was dropped in conference. It is my view that it is a very small step which ought to be uncontested.

We then traveled to other Latin American countries. We were in Argentina, where it is well-known that there is a tremendous financial crisis. Argentina has lived beyond its means. They have the inability to pay major suppliers, after having talked to major U.S. firms, such as Exxon-Mobil, IBM, and General Motors. They cannot withdraw money from their bank accounts to pay their suppliers. The International Monetary Fund is working on the matter.

It would be my hope that the United States would provide some leadership and some expertise to try to bring Argentina out of this economic crisis. I think a good bit of the record from the United States and the International Monetary Fund has been too harsh. I think we can make our point without language which borders on arrogance or borders on insults because Argentina is a very important country in Latin America.

One of the problems with Latin America is the frequency of the dictatorships, such as Juan Peron in Argentina, as well as those in Chile and Brazil. It is just a way of life there. Trade with the United States, I think, is very important to promote democracy.

In Peru there was great concern regarding the trade agreement with the United States that had lapsed in December. It is my hope that this trade bill will be acted upon by the Congress at an early date.

In Chile they are waiting for a trade bill to be enacted, with some ten rounds of negotiations. The President of Chile is willing to have an agreement, even if it is not fast tracked, and even if there would be amendments offered on the floor of the Senate or the House of Representatives.

In Uruguay we met with the distinguished President Jorge Batlle. We have a very distinguished U.S. Ambassador there, Martin Silverstein, a Pennsylvanian. We took a look at the coastline, with the attractive apartment houses in Montevideo. Uruguay is quite a contrast to the barren coastline of Havana, Cuba, showing what free enterprise and democracy can do if it is permitted to operate.

Mr. President, I would just like to add another comment or two about Brazil, where we met with the equivalent of our National Security Adviser. There is a little area where Paraguay, Brazil, and Argentina meet where there are supporters of Hezbollah posing quite a threat to that area. In Buenos Aires, we met at the Jewish Community Center with leading Jewish officials there and were told, in detail, about the bombing of the Jewish Community Center in 1994 and the attack on the Israeli Embassy. I was pleased to note that the Brazilian officials are looking into this issue as to the potential terrorist activity arising out of this group in that little section where Paraguay, Brazil, and Argentina meet.

On January 2, 2002, we arrived in Havana, Cuba for two days of meetings with human rights activists, religious leaders, medical researchers, our U.S. country team, and President Fidel Castro. When we arrived in Cuba, we were met by the U.S. country team, who briefed us on the current situation in Cuba.

We began by meeting with a delegation of human rights activists, all of whom had been jailed during the Castro regime on various charges. When asked why he was jailed, one of the dissidents, Oswaldo Paya Sardinas, President of the Christian Liberation Movement, expressed the general sentiment of the group that he was jailed for the anti-Castro opinions he publicly expressed. When I asked them their opinion on the embargo, the group of Cuban dissidents was split on the advisability of continuing the U.S. embargo with Cuba.

Next we traveled to the Finlay Institute in Havana, a research center dedicated to the development and testing of vaccines. Our briefing on the Finlay Institute's work was conducted by a team of researchers including Dr. Concepcion Campa, director of the Institute and leader of the team that developed the vaccine for meningitis B. Supported entirely by the Cuban Government, the Finlay Institute, which I had previously visited in June 1999, is one of the 45 biotechnology facilities supported by government funds. The Cuban Government has demonstrated a commitment to medical research and cooperative agreements, such as the one the Finlay Institute entered into with GlaxoSmithKline in 1999, licensed by the U.S. Treasury Department. This agreement represents a positive and productive relationship with this ostracized nation.

The next morning we met with a delegation of Cuban officials, including the Minister of Justice Roberto Sotolongo and Oliverio Montalvo, the drug enforcement chief. Minister Sotolongo responded to my question regarding the advisability of cooperation between the United States and Cuba on the drug issues with his hope that the issue not be politicized. He further stated that exchanges of information between the United States and Cuba could net real results in preventing drugs from entering the United States through this region. The Ministers wanted us to know that Cuba is actively involved in intercepting and destroying contraband found in Cuban waters en route to the United States and elsewhere.

Minister Sotolongo detailed the 1996 incident involving the Limerick, a successful joint United States-Cuba drug interdiction operation. The Limerick, carrying 6.5 tons of cocaine drifted into Cuban waters and was impounded. All the evidence was turned over to the United States, and those involved were tried and convicted in a court with the participation of Cuban officials.

Our time in Cuba concluded with a meeting with President Fidel Castro, which lasted 6½ hours. Many issues were discussed, including our earlier meeting with the dissidents. President Castro did not directly respond to the merits of the dissidents' issues, but chose instead to reprimand our congressional delegation for holding meetings independent of the schedule that his functionaries had in mind for us. We flatly rejected his objection.

Our conversation with President Castro began with a wide-ranging discussion on drug interdiction. President Castro suggested a formal relationship with the United States in order to make progress on drug interdiction efforts in the area. This was a suggestion made to me by General Barry McCaffrey, former head of U.S. drug policy in the previous administration. When asked if he wanted the embargo against Cuba lifted, President Castro responded, "Can you doubt that?"

We spoke of the September 11, 2001 terrorist attacks on America and President Castro was asked to condemn Osama bin Laden. While making general statements against terrorism, President Castro would not condemn bin Laden, feigning a lack of evidence in his possession to make such a condemnation. The President also offered that he had not heard of Osama bin Laden prior to September 11, 2001 incidents and closed our meeting with a call for a bilateral agreement with Cuba to fight terrorism.

As we arrived in Cuba, the United States' decision to transfer detainees from Afghanistan to Guantanamo Bay was being announced publicly. President Castro had issued a press release saying that the Government of Cuba had too little information to comment on the U.S. plan to use Guantanamo Bay for Afghan detainees. At the news conference on January 4, 2002, before our departure, I was asked about the issue and said that my apprisal was that President Castro was not going to object to the U.S. plan to use Guantanamo Bay because if he had an objection, he would have already expressed it. My meetings with President Castro, religious leaders, human rights activists, and medical researchers lead me to believe that we must continue to support and expand our people-to-people relationships with Cuba. There are many areas of mutual concern between our two countries, including drug interdiction and medical research.

On January 4, 2002, Senator CHAFEE and I traveled to Lima, Peru and were met by Ambassador John Hamilton. Our meeting with President Alejandro Toledo included Foreign Minister Diego Garcia Sayan, First Vice President and Minister of Industry and Trade Raul Diez Canseco, Trade Vice Minister Alfredo Ferrero, and drug czar Ricardo Vega Llona. We first exchanged welcoming statements and our expressions of sympathy to Peru for the tragedy that took place just a week before our arrival in downtown Lima. A fire, stemming from fireworks, had set ablaze a shopping district and killed over 250, according to reports at that time.

The President made clear his desire for a renewed and expanded Andean Trade Preference Act (ATPA) and for continued assistance in combating the drug trade. President Toledo expressed concern that the trade agreement between the United States and Peru had lapsed on December 4, 2001, and urged that the Congress give it prompt consideration. He said that Peruvian farmers would be tempted to grow products for drug production instead of textile production, if the agreement was not extended. I told him I would urge prompt consideration by the Congress.

The President and Ministers made the case that eliminating the cocoa trade in Peru is essential to combat terrorism, and spoke strongly to the elimination of the narco-terrorism as a "matter of national security." With regards to the general state of the Peruvian economy, the President reported that they were coming off of 3 years of little or no growth, further reporting that the Peruvian economy is affected by the overall world economy. Senator CHAFEE and I were further debriefed on the state of the Peruvian economy by the Minister of Economy and Finance Pedro Pablo Kuczynski.

The President further described his "full commitment" to reform of the Peruvian judicial system. In a separate meeting, I queried the drug czar and his colleagues further on the progress of the drug war in Peru and the region. There was general agreement with my point that progress is difficult without a reduction in the demand for drugs. Meeting participants reiterated the need for the Andean anti-drug plan, which offers increased intelligence sharing, regional air coverage, and maritime cooperation among the Andean nations. Further, it was emphasized that an alternative crop or industry to drug crops was essential for local farmers.

From Lima, Peru, Senator CHAFEE and I traveled to Santiago, Chile on January 6, 2002. After our meeting with President Ricardo Lagos, I wrote a letter to President Bush and Treasury Secretary Paul O'Neill expressing President Lagos' strong support for the United States-Chile Bilateral Free Trade Agreement (FTA) without linkage to passage by the U.S. Congress of trade promotion authority. President Lagos expressed his concern that ongoing congressional negotiations with the White House regarding trade promotion authority may further delay consideration of the Bilateral FTA with Chile. The President further stated that Chile wants "trade not aid."

Additional topics discussed included the potential F–16 sale to Chile, as well as the Pinochet and Letelier/Moffit cases. On December 27, 2000, the Chilean Ministry of Defense announced that the Government of Chile had authorized the Chilean Air Force to initiate discussions on the purchase of 10 Lockheed Martin F–16 Fighting Falcons, Block 50, from the United States. The F–16 was chosen over the French Mirage and the Swedish Gripen on its merits in a competitive, transparent selection process.

Regarding the Letelier/Moffit case, which involved the 1976 car bomb murder in Washington, DC of former Chilean Ambassador to the United States Orlando Letelier and his American citizen assistant, Ronnie Moffit. I told the President that the jail sentences of 6, 7, and 8 years, which were given to those involved in this terrorist act on U.S. soil, were not sufficient in my opinion and asked his opinion on the extradition of those individuals to the United States for trial. President Lagos responded that he cannot take a position that would appear to pressure the court, but that his impression was such that the court, on its own, might well order extradition.

Concerning counter-terrorism and the events of September 11, 2001, the President expressed strong condemnation of the terrorist attacks. This expression is in keeping with the Lagos administration's action immediately following the terrorist attacks in the United States. As head of the RIO Group of Latin American countries in 2001, Chile leads the coordinated counter-terrorism efforts for the group.

On January 8, 2002, Senator CHAFEE and I arrived in Buenos Aires, Argentina, just one week after the latest President was installed during this tumultuous time in that country. Newly-installed President Eduardo Duhalde, the fifth president in 13 days, is confronted with a bankrupt government and a citizenry deeply dispirited after 4 years of a worsening economy and recent political instability. It is unclear at this time if this administration is capable, or willing, to put together a viable long-term economic plan to pull Argentina out of its very serious economic situation.

President Duhalde told us that his administration would have a new budget passed within 15 days with a plan to retire his country's industrial debt, which could then justify further aid from the International Monetary Fund. Corporate representatives from Bank of Boston, General Motors, IBM, and ESSO detailed the extremely difficult business environment, including a freeze of all banks that precluded the paying of suppliers and subcontractors. This issue, along with the ongoing currency crises, made for an extremely precarious business environment as described by the executives.

Senator CHAFEE and I visited the Jewish Community Center and the site of a 1994 terrorist attack that killed eighty-four people. Upon our arrival to the Community Center, it was explained to us that the line in front of the building was persons visiting the visa office applying for travel to Israel as an escape from the Argentine economic situation.

On January 10, 2002, Senator CHAFEE and I proceeded next to Montevideo, Uruguay for meetings with President Jorge Batlle and the Chief of Staff and National Drug and Anti-Terrorism Coordinator Leonardo Costa. We were accompanied by Ambassador Martin Silverstein, a Pennsylvanian, who is serving with distinction.

We met with President Batlle for over one and one-half hours discussing Argentina, International Patent Rights (IPR), free trade issues, and narcotics. Regarding the Argentine economic crisis, the President was generally optimistic, providing that the new government follows the programs of the newly-installed Economic Minister Jorge Lenikov. President Batlle stated that President Duhalde appeared to have a strong majority within the Parliament.

On International Patent Rights, the President expressed disagreement with the U.S. Government's approach to IPR legislation. While he favors drug legalization, he would not implement such a policy without an international consensus. I took the opportunity to praise the President's support for Free Trade Area of the Americas and free trade, pointing out that this seemed to contrast with the government's unwillingness to enact a strong copyright bill, which is an essential tool for attracting investment.

On January 11, 2001, we traveled to Brasilia, Brazil where our first meeting was with representatives from the Brazilian Ministry of Health to discuss the government's response to HIV and AIDS. A comprehensive presentation by Claudio Duarte da Fonseca and Rosemeire Munhoz with the Health Ministry detailed Brazil's national response to their growing numbers of HIV and AIDS cases. Governmental lead efforts include prevention campaigns, mass media campaigns, behavioral interventions, condom distribution, and a policy of universal and free-of-charge access to ARV drugs.

Our meeting with General Alberto Cardoso, the counterpart to our National Security Adviser, provided assurances of cooperation from his country with the U.S. and Israel efforts to oppose financing of Hezbollah terrorism from an enclave at the border of Paraguay, Argentina, and Brazil. There was no reason to believe that support has come from residents of that area for the bombing of the Israeli Embassy in Argentina in 1992 and the Jewish Community Center in Buenos Aires in 1994. With the worldwide focus on cutting off terrorist funding, the tri-border area is under international scrutiny.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, first of all, I ask unanimous consent to speak as in morning business for 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LATIN AMERICA TRIP

Mr. DODD. Mr. President, I wanted to commend our colleague from Pennsylvania who took a trip to Latin America. He talked about it and I commend him for doing that. A lot of attention is being focused—rightfully so—on Southwest Asia because of events since 9–11. I think it is refreshing that a couple of colleagues took the time to visit this hemisphere and the countries they did and to bring back to the U.S. Senate their own observations about events in Cuba, Chile, Uruguay, and Brazil.

I commend our colleague from Pennsylvania. I believe our colleague from Rhode Island, LINCOLN CHAFEE, was along on that trip, and others may have been there also. I thank him for reporting to us on their observations.

CLOSING THE DIGITAL DIVIDE

Mr. BIDEN. Mr. President, I rise today, as we near the end of Black History Month, to focus attention on the widening gap between those Americans who use or have access to telecommunications technologies, like computers and the Internet, and those who do not. Surprisingly, there are those naysayers who suggest that the "digital divide" does not exist, that it is a myth or fabrication of consumer and civil rights advocates. Perhaps it is because the term "digital divide" has been so over-used and, in some instances, mis-used that it causes some to doubt its existence. Perhaps the term has so thoroughly infiltrated our everyday discourse that it causes skeptics to under-estimate its very real and powerful consequences.

No matter the reason for these naysayers' doubt, the unequivocal answer to their question "is there really a digital divide" is a resounding "YES." A series of reports issued by the U.S. Department of Commerce not only confirms that the "digital divide" exists; it suggests that, while the number of Americans accessing the Internet has grown rapidly in recent years, the technology gap between poor and minority communities, on one hand, and other Americans, on the other, is actually widening.

Take this seemingly encouraging example: from December 1998 to August 2000, the percentage of African-American households with Internet access more than doubled, from 11.2 percent to 23.5 percent—an encouraging development, by any measure. But during that same time period, the percentage of total households nationally with Internet access soared to 41.5 percent. And the access rates for White Americans and Asian-Americans/Pacific Islanders—46.1 percent and 56.8 percent, respectively—significantly outpaced that national average. As a consequence, the already substantial gap between African-American Internet usage and national usage grew 3 percentage points. The gap was even greater when comparing African-American usage with that of White Americans or Asian-Americans and Pacific Islanders. Similarly, during that same 20-month period, the gap between Hispanic households with Internet access and the national average grew 4 percentage points.

The effect: What was once a gap is now swelling into a chasm. Just this morning, the Wall Street Journal reported that, in 1997, ten percent of Americans earning less than $25,000 a year used the Internet, compared with 45 percent of those earning more than $75,000. By 2001, despite increased usage by both groups, the "gap" had grown to 50 percentage points.

Yes, the "digital divide" exists, and that fact should concern us greatly. In today's information age, unequal access to the national information infrastructure affects nearly every part of our lives. Access to these networks increasingly dictates the ease with which we can pursue education, conduct our financial affairs, apply for a job, or participate in the political process. Lack of access will only reinforce and magnify already existing inequalities in these important areas of life.

Against that backdrop, I am shocked by the Bush administration's apparent efforts to dismantle many programs designed to eliminate the inequality of access to technology. These programs, including the popular E-Rate Program, have a demonstrated record of success connecting roughly 1 million public school classrooms and 13,000 community libraries to modern telecommunications networks. Moreover, the vast majority of the funding is dedicated to low-income communities, and significant dollars flow to schools under the Bureau of Indian Affairs. By all accounts, these initiatives are working, yet the Administration is maneuvering to eliminate them one by one.

Don't be fooled: This is not a debate about electronic gadgets or computer megabytes. It is a debate about who gets to speak and who gets to listen. At its heart, it implicates the very nature of our democracy.

It is a debate about who among us, as the information revolution takes off, will be left behind. Electronic commerce has become a critical factor in determining future economic development and prosperity. Communities and individuals without access to the Internet will be excluded from that growth. The sadness, however, is that, by leaving some behind, we impoverish not only those individuals, we also impoverish ourselves. None of us will enjoy sustained economic growth unless we expand the information revolution to all parts of our society.

With that in mind, we cannot afford to make technology decisions based on dated and ill-conceived perceptions about the interest or ability of minorities and poor people to purchase certain "high-end" technology. Nor can we simply bypass low-income and minority communities, where the telecommunications and electronic network infrastructure may be older and, therefore, less able to provide more sophisticated services. To the extent that technology, including the Internet and telecommunications services, is deployed in a way that avoids poor and minority communities, we must do all that we can to deter this form of redlining.

Toward this end, the administration should keep its promise to invest $400 million to create and maintain more than 2,000 community technology centers in low-income neighborhoods by 2002. The role that community technology centers plays in helping to bridge the digital divide cannot be overstated. Community technology centers are instrumental in closing the information technology divide, and, by tapping demand for these services, supporters of community technology initiatives can open up new markets for companies that serve the Internet economy.

The development of information technology holds great potential to strengthen and invigorate American society. That potential cannot be fully realized, however, unless we pay attention to the hundreds of thousands of individuals, many of whom reside in largely minority and/or low-income communities, who have no, or limited, access to our burgeoning national information infrastructure. We can, and must, inform decisionmakers about the true value of minority markets receptive to advanced services. We must provide private industry with incentives to deploy in these markets. And, perhaps most important, we must continue to make public investments in underserved communities. Our failure will only dampen private sector and philanthropic efforts, and, more tragically, handicap a generation of Americans for years to come.

TESTIMONY OF RICHARD PERLE BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE

Mr. HELMS. Mr. President, Mr. Richard Perle is currently Resident Fellow at American Enterprise Institute and chairman of the Defense Policy Board of the Department of Defense, and served as Assistant Secretary of Defense for International Security Policy in the Reagan administration. He gave this testimony at a Senate Foreign Relations Committee hearing this morning on the subject of "How Do We Promote Democratization, Poverty Alleviation, and Human Rights To Build A More Secure Future?" Mr. Perle's testimony was superb, and I commend it to all.

Mr. President, I ask unanimous consent that this statement by Richard Perle be placed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF RICHARD PERLE, FELLOW, AMERICAN ENTERPRISE INSTITUTE, BEFORE THE COMMITTEE ON FOREIGN RELATIONS, UNITED STATES SENATE

Mr. Chairman, I appreciate your invitation to participate in the Committee's hearing which poses the question "How do we promote democratization, poverty alleviation and human rights to build a more secure world?" These three ideas, poverty, democracy and human rights that are often linked as we try to think our way through the vexing problems of national and international security.

The phrase "a more secure world" is almost certainly prompted by the discovery, on September 11, of how insecure we turned out to be on that day. In any case, hardly any discussion takes place these days that is not somehow related to terrorism and the war against it. For my part, this morning will be no exception.

Let me say, at the outset, that the idea that poverty is a cause of terrorism, although widely believed and frequently argued, remains essentially unproven. That poverty is not merely a cause, but a "root cause," which implies that it is an essential source of terrorist violence, is an almost certainly false, and even a dangerous idea, often invoked to absolve terrorists of responsibility or mitigate their culpability. It is a liberal conceit which, if heeded, may channel the war against terror into the cul de sac of grand development schemes in the third world and the elevation of do-good/feel-good NGO's to a role they cannot and should not play.

What we know of the September 11 terrorists suggests they were neither impoverished themselves nor motivated by concerns about the poverty of others. After all, their avowed aim, the destruction of the United States, would, if successful, deal a terrible blow to the growth potential of the world economy. Their devotion to Afghanistan's Taliban regime, which excluded half the Afghan work force from the economy and aimed to keep them illiterate as well as poor, casts conclusive doubt on their interest in alleviating poverty.

Poverty—or poverty and despair—is the most commonly adumbrated explanation for terrorism abroad—and crime at home. Identifying poverty as a source of conduct invariably confuses the matter. We will never know what went through the mind of Mohammed Atta as he plotted the death of thousands of innocent men, women and children, including a number of Moslems. We do know that he lived in relative comfort as did most, perhaps all, of the 19 terrorists—15 of them from affluent Saudi Arabia.

If we accept poverty as an explanation we will stop searching for a true, and useful, explanation. We may not notice the poisonous extremist doctrine propagated, often with Saudi oil money, in mosques and religious institutions around the world.

If we attribute terrorism to poverty, we may fail to demand that President Mubarak of Egypt silence the sermons, from mosques throughout Egypt, preaching hatred of the United States. As you authorize $2 billion a year for Egypt, please remember that these same clerics are employees of the Egyptian government. It is not a stretch to say that U.S. taxpayer dollars are helping to pay for the most inflammatory anti-American ranting.

So when you hear about poverty as the root cause of terrorism, I urge you to examine the manipulation of young Muslim men sent on suicidal missions by wealthy fanatics, like Osama bin Laden, whose motives are religious and ideological in nature and have nothing to do with poverty or privation.

Mr. Chairman, this hearing is about building a more secure future; and I know it will come as no surprise if I argue that doing that in the near term will require an effective military establishment to take the war on terrorism to the terrorists, to fight them over there because they are well on the way to achieving their murderous objectives when we are forced to fight them over here. For once those who wish to destroy Americans gain entry to the United States and exploit the institutions of our open society, the likelihood that we will stop them is greatly diminished.

This is why President Bush was right to declare on September 11 that "We will make no distinction between the terrorists who committed these acts and those who harbor them." This was not the policy of the last Democratic administration or the Republican one before it. It is not a policy universally applauded by our allies. But it is a right and bold and courageous policy and the only policy that has a reasonable prospect of protecting the American people from further terrorist acts.

Dealing effectively with the states that support or condone terrorism against us (or even remain indifferent to it) is the only way to deprive terrorists of the sanctuary from which they operate, whether that sanctuary is in Afghanistan or North Korea or Iran or Iraq or elsewhere. The regimes in control of these "rogue" states—a term used widely before the last administration substituted the flaccid term "states of concern"—pose an immediate threat to the United States. The first priority of American policy must be to transform or destroy rogue regimes.

And while some states will observe the destruction of the Taliban regime in Afghanistan and decide to end their support for terrorism rather than risk a similar fate, others will not.

It is with respect to those regimes that persist in supporting and harboring terrorists that the question of the role of democratization and human rights is particularly salient. And foremost among these regimes is Saddam Hussein's Iraq.

The transformation of Iraq from a brutal dictatorship, in which human rights are unknown, to a democratic state protecting the rights of individuals would not only make the world more secure, it would bring immediate benefits to all the people of Iraq (except the small number of corrupt officials who surround Saddam Hussein).

I believe that this is well understood in the Congress, which has repeatedly called on the administration to support the Iraqi National Congress, an umbrella group made up of organizations opposed to Saddam's dictatorship. The INC is pledged to institute democratic political institutions, protect human rights and renounce weapons of mass destruction. As we think through the best way to change the regime in Iraq, it is precisely the proponents of democracy who deserve our support, not the disaffected officer who simply wishes to substitute his dictatorship for that of Saddam Hussein.

I hope, Mr. Chairman, that the Congress, which has been well ahead of the executive branch in recognizing this, will succeed in persuading this administration, although it failed to persuade the last one, that our objective in removing Saddam's murderous regime must be its replacement by democratic forces in Iraq and the way to do that is work with the Iraqi National Congress.

Mr. Chairman, it goes without saying that democracies that respect human rights, and especially the right to speak and publish and organize freely, are far less likely to make war or countenance terrorism than dictatorships in which power is concentrated in the hands of a few men whose control of the instruments of war and violence is unopposed. As a general rule, democracies do not initiate wars or undertake campaigns of terror. Indeed, democracies are generally loath to build the instruments of war, to finance large military budgets or keep large numbers of their citizens in military establishments. Nations that embrace fundamental human rights will not be found planning the destruction of innocent civilians. I can't think of a single example of a democracy planning acts of terror like those of September 11.

We could discuss at length why democratic political institutions and a belief in the rights of individuals militate against war and terror and violence. But the more difficult questions have to do with how effectively we oppose those regimes that are not democratic and deny their citizens those fundamental human rights, the exercise of which constitutes a major restraint on the use of force and violence.

Here the issue is frequently one of whether we "engage" them in the hope that our engagement will lead to reform and liberalization, or whether we oppose and isolate them. I know of no general prescription. Each case, it seems to me, must be treated individually because no two cases are alike. Take the three cases of the "axis of evil."

In the case of Iraq, I believe engagement is pointless. Saddam Hussein is a murderous thug and it makes no more sense to think of engaging his regime than it would a mafia family.

In the case of Iran, I doubt that the goals of democratization and human rights would be advanced by engaging the current regime in Teheran. There is sufficient disaffection with the mullahs, impressive in its breadth and depth, to commend continued isolation—and patience. The spontaneous demonstrations of sympathy with the United States are brave and moving. We owe those who have marched in sympathy with us the support that comes from refusing to collaborate with the regime in power. The people of Iran may well throw off the tyrannical and ineffective dictatorship that oppresses them. We should encourage them and give them time.

In the case of North Korea end the policy of bribing them. Such a policy invites blackmail, by them or others who observe their manipulation of us—and it certainly moves them no closer to democracy or respect for human rights. We must watch them closely and remain ready to move against any installation that may place weapons of mass destruction or long-range delivery within their reach.

Mr. Chairman, I have only one recommendation for the Committee and it is this: to support enthusiastically, and specifically with substantially larger budgets, the National Endowment for Democracy. On a shoestring it has been a source of innovative, creative programs for the building of democratic institutions, often working in places where democracy and respect for human rights is only a distant dream. It may well be the most cost-effective program in the entire arsenal of weapons in the war against terror and for a more secure world. The Endowment, and even more the organizations that benefit from the Endowment's support, need and deserve all the help we can give them.

REMARKS OF JORGE CASTAÑEDA, MEXICAN SECRETARY OF FOREIGN AFFAIRS

Mr. DODD. Mr. President, I rise today to publicly thank my good friend Jorge Castañeda, Mexican Secretary of Foreign Relations, for taking the time out of his busy schedule to address the U.S.-Spain Council last weekend.

I have had the pleasure of chairing the U.S.-Spain Council for two years now, and each year our annual meetings have been informative and thought-provoking. At these meetings American and Spanish members of the Council discuss U.S.-Spain bilateral relations, but we also focus on the unique triangular relationship between the U.S., Spain, and Latin America, particularly Mexico. Our meetings are always candid, constructive, and informative, and I believe that they are particularly valuable for our membership. Part of what makes our annual meetings so successful is the high quality of the speakers that attend our conferences. This was truly evident when Secretary Castañeda delivered the address at our closing dinner last Friday in the Senate Caucus Room.

Having been an elected public servant for over 25 years, I have attended numerous dinners and receptions, and have heard countless dinner speeches. I can honestly say that Secretary Castañeda's speech ranks among the best I have ever heard. In his insightful remarks, Secretary Castañeda detailed his analysis of Mexican political history, and outlined his vision for the future of democracy in Mexico while drawing several parallels between Mexican political liberalization and the democratization of Spain after the fall of Franco. Secretary Castañeda's remarks were astute, thought-provoking, and engaging. Indeed, they are among the most comprehensive analyses of modern Mexico to date. I think that my colleagues, especially those with an interest in the Western Hemisphere, would have enjoyed and greatly benefited from the substance of these remarks had they been present at the dinner.

Dr. Jorge Castañeda is uniquely qualified to speak about Mexico's political situation. He is a man of enormous talent and experience, a leading intellectual, and now an important diplomat. He has thought and written extensively about international relations, and particularly Mexico's role in the global community. He was a world renowned academic before joining the Fox Administration, and has taught at the National Autonomous University of Mexico and at New York University. He is the author of twelve books, published in English and Spanish, and he has been a frequent contributor to noted publications such as Newsweek magazine, El País, and Reforma.

As Secretary of Foreign Relations, Secretary Castañeda has worked to build the image of a safe, honest, and peaceful Mexico that respects human rights and engages in political and social reform. He has also sought very successfully to strengthen his government's involvement on the global stage, both in this Hemisphere and in Europe.

In light of the fact that my colleagues were not able to be present to hear Secretary Castañeda speak, I ask unanimous consent that his remarks be printed in the RECORD. I urge my colleagues to take the time to read them. I know that they will enjoy and be better informed having done so.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Ladies and gentlemen: I want to thank the U.S.-Spanish Council and my good friend Senator Chris Dodd for inviting me to join you here this evening. I am grateful for this opportunity to share with you some thoughts on Mexico's foreign policy.

As a result of Mexico's far-reaching process of reform and renewal, the government of President Vicente Fox has acquired a legitimacy that is almost without precedent in our country. This has had a profound impact on President Fox's domestic agenda. It has also forced us to rethink and retool our foreign policy so that it responds to the needs and priorities of a new democratic Mexico. Times have changed. Things have changed. And, Lampedusa not withstanding, let me assure you that not everything will remain the same.

This process of reform and renewal is uncharted territory for us in Mexico, but it should not be unfamiliar to those who have lived through or have studied democratic transitions in other countries. In the past few decades, many authoritarian regimes have come to an end not as result of violence, but through a peaceful and orderly process of democratization. Several factors came into play to make these transitions possible. One of the most significant among them was the growing role of civil society as a source of moral and political pressure, both at home and abroad. Also prominent was the influence of the media, both national and international, constantly challenging and undermining authoritarian regimes through public exposure. And obviously, the most significant factor was the balance of political forces within each nation and their willingness to enter into agreements that would facilitate the transition to a democratic regime.

All these factors have also been at play in Mexico, and they deserve a detailed examination in order to fully understand the country's recent democratic transition and its prospects for consolidation. However, I wish to focus my remarks here today on another crucial issue that does not often receive the attention it merits, in spite of the potentially decisive role that it can play in the consolidation of a democratic regime: the influence of international affairs and foreign policy in strengthening democracy.

There is often a positive correlation between democracy and international engagement or conversely between authoritarianism and isolation. That is why undemocratic governments tend to be defensive in their engagement with others. The less democratic a country is, the more likely that it will view the outside world with suspicion and will interpret any criticism as an affront to its sovereignty and to the rule of the few. Undemocratic governments today may pay utmost attention to domestic issues, while they regard international matters with mistrust, at best, or with fear and hostility, at worst.

The end of authoritarianism has a two-fold effect: it means building and consolidating democratic institutions and, at the same time, leaving behind the defensive and inward-looking attitude that had kept our country at a distance from the world community. This complex interplay between foreign policy and democracy has been part of other transitions, and I believe that Mexico can draw some important lessons from those experiences.

Perhaps the most relevant case for Mexico is the Spanish transition. In a recent book, aptly entitled "The Future is No Longer what it Used to Be," former President Felipe Gonzalez and journalist Juan Luis Cebrian provide a brilliant account of the political transition that allowed Spain to overcome its authoritarian legacy and consolidate a democratic regime. Some of the agonizingly complex issues that Spanish society had to resolve in this process are also pertinent, *mutatis mutandis*, to other countries: How to ensure that age-old authoritarian temptations would be effectively resisted and eventually eliminated? How to prevent new conflicts and long standing fractures within society from derailing the democratic process?

The Spanish transition to democracy boldly and creatively addressed these questions. The remarkably successful outcome of this process owed much to the responsible, stabilizing leadership of Spain's politica elites and media. This was most singularly achieved through the 1977 Constitution and the celebrated "Pactos de la Moncloa", which brought all major Spanish political forces together to agree on a basic framework for the Spanish State and for economic and social policy. But equally important was the role played by Spanish foreign policy in deepening and strengthening democracy, as well as, change across the board.

They keyb to this process was Spain's decisive shift towards European integration, which contributed enormously to democratic stability. The first crucial step in this direction was the country's decision to become a full fledged Party to the NATO, which Spain joined on May 1982, submitting its continued membership to a national referendum in 1986. This effectively put an end to its relative isolation and promoted the modernization and democratization of the armed forces, which henceforth were obliged to adhere to the same professional standards in place throughout the NATO's member nations.

The most significant foreign policy measure as far as the consolidation of democracy is concerned, however, was the decision to join the European Economic Community, as the European Union was known then. There was wide consensus among Social political leaders about the need to bind Madrid to Brussels, that is to say, to bring Spain into close association with the EEC nations, anchoring the modernization and democratization of the country within the regional institutions of a democratic Europe. Spain's request for entry had been submitted as early as 1977. But, it was President Felipe González and the *Partido Socialista Obrero Español*, who explicitly linked foreign policy and democratic consolidation as a State goal. They understood that the move towards Europe and the move towards democracy were complementary processes: if Spain was to be part of the European Economic Community and enjoy the benefits that this membership afforded in terms of trade and finance, it also had to maintain social policies and political institutions that were consistent with those of the EEC as a whole.

In assuming these responsibilities within the framework of NATO and the EEC, Spain was acting freely and on the basis of its own sovereign interests. The new demands placed on Spain by European membership were unquestionably binding, but were also the result of an internal and public debate and, as such, a deliberate choice by the Spanish people. It is in this sense that the importance of the foreign factor in the Spanish transition can contribute to understand the current process of change in Mexico.

The fact that foreign policy is a key element of Mexico's transition is neither a whim nor a fluke. Its source is the presidential election of 2000, which stands as a milestone in Mexico's recent political development. But it is also a purposeful response to the changes that have occurred in the international arena over the past decade, not least of which is the emergence of a growing international consensus regarding both the legitimacy of democratic institutions above all others and the respect for fundamental human rights, including basic civil and political rights, and the rule of law.

Under these new conditions, it is imperative to bring Mexico's relations with the rest of the world up to date. and in order to do so, President Fox established a two-pronged strategy. Firstly, it was necessary to provide greater depth to our long term relationship with the United States, which for historical as well as geopolitical reasons remains—and will continue to be in the foreseeable future—Mexico's most important and closest foreign partner. And secondly, given the hegemonic position of the US in the world area and the asymmetry of our bilateral relationship, Mexico needed to develop an additional major policy axis that would bring greater balance to our international agenda. This is the reasoning behind the country's more active engagement in regional and multilateral fora, such as the UN, the OAS, and other international mechanisms over the past year or so. But in addition to their own intrinsic merits and justifications these two external guidelines include fundamental domestic policy policy connotations.

They obviously face a series of constraints. Admittedly, our country today cannot rely, as Spain did, on an already existing institutional framework such as the one provided by the European Economic Community. There are no established supranational North American or regional institutions which may serve as an anchor for the process of democratization and modernization that we have undertaken; nor are there structural or cohesion funds through which financial assistance could be channeled to reduce inequalities between different countries and regions and foster socioeconomic convergence among European nations, as was the case within the EEC. In the absence of this framework, we need to actively and creatively develop new institutions that will promote North American prosperity and, in the process, help Mexico achieve a successful and definitive transition to democracy.

That is why we have, first, re-launched our bilateral relationship with the United States, introducing new issues, such as migration and energy seeking consistently and systematically to engage all actors across the spectrum of US society; and, most importantly, it explains why we are trying to establish a new conceptual framework for our relationship. What we envision is a new set of standing institutions that would allow for the free movement of capital, goods and services, and also people, so that we may gradually bring about a greater degree of uniformity in the levels of economic and social development within North America. This will require designing creative mechanisms to transfer resources for social cohesion and infrastructure, opening up our borders, and North American institution building to regulate and oversee this process of integration between the three countries. This may sound overtly ambitious and even far-fetched. But it should be doable and, more importantly, it is a right step in the same direction that was chosen over a decade ago for not entirely the right reasons.

Indeed, NAFTA was meant—and largely sold—as a means to lock into place economic convergence and macroeconomic policies. This was done, however, in a typically authoritarian fashion in Mexico, without authentic debate, transparency or consensus and some of the Treaty's most obvious shortcomings may be attributed directly to this.

Playing a more active role in the multilateral arena is the other road we have chosen abroad to consolidate democracy domestically. We are convinced that it is in Mexico's best interest to adapt itself to the new rules-based international system that is gradually emerging and we therefore now subscribe to the argument that certain principles are universal and enforceable above and beyond the sovereignty of the State. In this regard, also, there are important precedents in Mexico's recent past. The so-called "democratic clause" that was part and parcel of Mexico's Free Trade Agreement signed with the European Union in 1999 is evidence that, even before the full onset of democracy in Mexico, the country was being compelled to adhere to certain basic international standards if it wanted to have a more active international profile.

This is why Mexico has recently taken a more proactive role in international fora fighting racial discrimination and promoting the rights of indigenous peoples in the World Conference held in Durban last year; or strengthening democratic values and institutions in the Americas though the Interamerican Democratic Charter and throughout the world by joining the Community of Democracies; or adopting a more consistent stance in the proceedings of the UN Human Rights Commission; or actively working to increase transparency and combat corruption during the recent International Anti-Corruption Conference held in Prague; or hosting the UN sponsored International Conference on Financing for Development to be held next month in Monterrey; or hosting the forthcoming Ministerial Conference of the World Trade Organization in 2003.

These actions and the commitments not only promote key foreign policy interests, but they also, and most crucially, help to anchor Mexico's emerging democracy and process of change. They will contribute to prevent a future dislocation of the democratic process or the temptation to return to the authoritarianism of previous decades.

Let me give you an example. The government of President Fox has radically altered the country's traditional international stance on human rights, and has recently taken a number of important steps to guarantee their full observance within the country. Prominent prisoners, such as activists Teodor Cabrera and Rodolfo Montiel, fishermen Leocadio Ascencio and Aurelio Guzmán, and Mr. José Gallardo, a former member of the Mexican armed forces, were released from jail as a result of the President's decision to review their cases and find adequate solutions that fully respect the rule of law. They are part of an ambitious agenda for reform that has already allowed for the liberation of nearly a hundred other prisoners who had been detained because of their activities during the Chiapas uprising; the appointment of a Special Prosecutor to investigate past human rights violations, the subscription or ratification of 13 international treaties on issues such as discrimination against women, the exploitation of children or crimes against humanity or asking the Mexican Congress to ratify the Statute of Rome creating the International Criminal Court; and an agreement for the establishment of a regional delegation of the International Committee of the Red Cross in Mexico. But they are also, first and foremost, actions that seek to guarantee that international surveillance on these issues will strengthen democracy and human rights at home.

Ladies and Gentlemen: By overcoming authoritarian rule, Mexico is leaving behind its former defensive attitude and reaching out to the world in search for a new identity, just as Spain did more than 25 years ago. But while the similarities between the Spanish and the Mexican transitions are significant, the differences are equally revealing.

Whereas Spaniards were able to come to terms with their authoritarian past, Mexicans have yet to achieve reconciliation and a common sense of purpose of its real and longstanding democratic institutions by addressing the grievances of recent past history. Whereas the Spanish people immediately experienced the tangible benefits afforded by EEC membership, through infrastructure and cohesion funds aimed at overcoming backwardness and establishing a level playing field within the Community, Mexican society has yet to fully realize the enormous advantages to be gained by establishing similar mechanisms to boost economic and social development in Mexico and by embracing the idea of a North American community. Whereas Spain was able to anchor its democratic transition in an existing European Community, Mexico must strive to build the institutions of true North American Community. And whereas Spain's entry in the EEC impinged upon Spanish sovereignty, as indeed it affected the sovereignty of all other EEC members, NAFTA, a truly Anglo-Saxon institution, left domestic politics and social policy, two fundamental attributes of sovereignty, largely untouched.

This latter point is crucial. Mexico, today, as Spain purposefully did back in the eighties, seeks supranational rules and regulations that bind and ensure its democratic transition and enhance its prosperity and ensure its democratic stability. This seems to me a more than fair trade off.

The jury is still out on Mexico's democratic consolidation. If we are to succeed, the leaders of all major political parties in Mexico must have the courage to put some of their differences aside and work together for a common purpose. But our North American partners must also show themselves willing to take on the challenge of developing a new vision for our region, one that can radically change for the better the lives of millions of people throughout Mexico, the U.S. and Canada.

If there has been a clear and consistent trait throughout the world in recent decades, it is the tendency towards integration, which in turn has resulted in stronger democratic institutions and the adherence to basic universal standards of behavior. This is not a spontaneous or natural process, even though there may be historical forces at play. Rather, it must be complemented by deliberate action. This is exactly what the government of President Fox has set out to achieve: to use foreign policy as a crowbar to open up our country and help consolidate democracy and change human rights in Mexico. Succeeding in this endeavor is not only critical for Mexico; it is an issue of central importance to the future of North America, to our hemisphere and to the rest of the international community.

Let me conclude by quoting the Spanish-British historian Charles Powell, who ends his splendid work on the history of Spain after Franco by stating—not without some British reserve and understatement—that "it would be unfair not to acknowledge that what was achieved [by this transition] undoubtedly constitutes a cause for collective pride".

I sincerely hope that, 26 years from now, a future historian of Mexico can express similar feelings about our transition to democracy. It is this hope that spurs many of us in government, and throughout society at large, to do everything we can to ensure that our country lives up to its present challenge. And I am sure that all of you will understand why we in Mexico wholeheartedly believe that it is a cause that our partners should also embrace.

Thank you.

THE PENSION SECURITY ACT OF 2002

Mr. GREGG. Mr. President, the spectacular collapse of the Enron Corporation has broken lives, shattered dreams and shaken confidence in our financial markets and in several professions. From what we know so far, it appears that the fall of Enron involves malfeasance, misfeasance and nonfeasance on the part of very many people. There may ultimately be criminal prosecutions, civil fines, and partial restitution. It may take years to sort out all of the problems and for Congress to enact appropriate solutions.

Although the Enron investigations and lawsuits are ongoing, we have learned several lessons in the area of employee retirement security that can be addressed swiftly and responsibly. I am pleased to join my colleagues Senators TIM HUTCHINSON and TRENT LOTT in introducing the Pension Security Act of 2002. This legislation creates important new protections and rights for working Americans that give them the tools to enhance their own retirement planning and security.

The measure includes new safeguards and options to help workers preserve and enhance their retirement security, and insists on greater accountability from companies and senior corporate executives during "blackout" periods when rank-and-file workers are unable to make changes to their retirement accounts.

Under the Pension Security Act, workers would have more freedom to diversify their investments, much greater access to high quality investment advice, advance notice before blackout periods, more information about their pensions, and other tools they can use to maximize the potential of their 401(k) plans and ensure a secure retirement future.

The bill also clarifies that employers have a fiduciary responsibility for the security of workers' investments during "blackout" periods and bars senior corporate executives from selling their own stock at times when rank-and-file workers cannot make changes to their 401(k) accounts.

The bill strikes an important balance between preserving employee free choice and opportunity in the voluntary retirement savings system and protecting individuals from the wrongful acts of others. I look forward to working with all of my colleagues to join with us in enacting these important reforms.

SENATOR TED KENNEDY'S 70TH BIRTHDAY

Mr. INOUYE. Mr. President, I am most honored to express my congratulations to my dear friend, Senator TED KENNEDY, as he celebrates his 70th birthday. He and I joined the Senate chamber 40 years ago, and it has been my privilege to serve alongside this great man over the years.

Senator KENNEDY has championed health insurance and education reform, defended the rights of the elderly and workers, strengthened civil rights, and protected our natural resources. He has proudly and ably carried on his family's legacy of public service.

I wish to thank Senator KENNEDY for his outstanding service to his home State of Massachusetts and to our Nation. I extend my best wishes to him for many more years of good health, memorable experiences, and continued success.

Mr. AKAKA. Mr. President, I wish to join my colleagues from both sides of the aisle who have taken to the Senate floor to offer heartfelt tributes and best wishes to our esteemed colleague and friend, the senior Senator from Massachusetts (Mr. KENNEDY) as he celebrates his 70th birthday. While prior commitments precluded my participation in yesterday's bipartisan tribute, I wanted to take a moment to offer my congratulations to Senator KENNEDY.

For 40 of his 70 years, TED KENNEDY has worked for the people of Massachusetts and America in the United States Senate. During that time, through hard work, consensus building and perseverance, with great wit and charm, and, on many memorable occasions, passionate oratory, TED KENNEDY has established himself as one of the most effective legislators of the 20th century and a champion for equality, opportunity, and justice for all Americans.

When I was appointed to the Senate in 1990, we were considering the Americans With Disabilities Act, one of the many landmark civil rights bills that TED KENNEDY has helped to inspire and craft, guide through Congress, and become law. For as long as I have been in public service, TED KENNEDY has been a powerful voice and an advocate for those who are most vulnerable in our Nation. On issues ranging from civil rights, voting rights, equal rights for women, equal protection for all Americans regardless gender, race, religion, or sexual orientation, Americans with disabilities, access to health care, quality education for all children, workers' rights, patients' rights, a decent minimum wage, food stamps, or equal justice for all Americans, TED KENNEDY has been at the forefront of the battles for equal opportunity for all Americans, for fairness, for justice.

In 1963, speaking on civil rights for African Americans, President Kennedy said that "every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. This is not the case." Throughout his illustrious career, TED KENNEDY has worked to ensure that all Americans are treated fairly, are treated with respect and dignity. His work in the Senate has helped us move forward as a people and Nation toward the vision of America that President Kennedy and Senator ROBERT F. KENNEDY spoke about with such eloquence. His effectiveness in forging bipartisan partnerships to advance the causes and issues he cares so much about is legendary. As the Majority Leader said, TED KENNEDY is the master of the principled compromise. In doing so, TED inspires those of us lucky enough to serve with him with his dedication, persistence and hard work, and he has earned the admiration, respect, and love of people across America.

As both a colleague and friend, no one is more generous with his time or considerate than Ted Kennedy. The senior Senator from Illinois (Mr. DURBIN) and some of my colleagues mentioned that in some parts of their states being accused of voting too much like TED KENNEDY is a standard political reproach. In Hawaii, a comparison to TED KENNEDY is a badge of honor. In 1990, I was appointed to the Senate in May, and was campaigning for election in November. My race was extremely close, and the Senate was in session until the last week of October working on the Federal budget. Then President George H.W. Bush and other national leaders had come to the islands to campaign for my opponent. TED KENNEDY agreed to campaign with me in Hawaii right before the election. His appearance energized the voters, and sparked a surge in the polls that broke open a close race. In fact, on election night, TED KENNEDY was the first person to call with congratulations based on exit poll projections he had received.

In the history of the Senate, there have been few Senators whose record of accomplishments, whose hard work, whose contributions to building a more perfect Union, equals that of the senior Senator from Massachusetts. I am proud to serve with him in the Senate and fortunate to call him a friend. It is with the deepest admiration and profound aloha that I wish TED, hau'oli la hanau, a most Happy Birthday. May you have many more. God bless you.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred May 16, 1993 in Rehoboth Beach, DE. Three gay men were brutally assaulted by five assailants. The attackers used bottles and an aluminum baseball bat to beat the victims.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

90TH ANNIVERSARY OF HADASSAH

Mr. KOHL. Mr. President, this week marks the 90th anniversary of Hadassah, the Women's Zionist Organization of America. With over 300,000 members and 1,500 chapters across the country, Hadassah is the largest women's and largest Jewish membership organization in the United States. Over the last nine decades, its devoted members have exhibited the best of the American philanthropic and volunteer spirit in pursuing the organization's mission of a peaceful and secure Israel, a vital Jewish culture, and the Jewish imperative for social justice.

Today in Israel, Hadassah continues to add to a well-established humanitarian record that has fostered peace, understanding, and prosperity for all Israeli citizens. The Hadassah Medical Organization (HMO) operates two hospitals, ninety outpatient clinics, and numerous community health centers that provide state of the art health care to 600,000 patients a year—regardless of race, religion, or creed. These medical facilities often treat the most critically wounded in the region's ongoing conflicts and the support they receive from Hadassah members allows them to save lives. The HMO reaches out beyond Israel, providing medical personnel and training during international health crises, enhancing the welfare of communities around the globe.

Here in United States, Hadassah's women's health and education initiatives have enhanced the health and well being of the American Jewish community and our Nation. Its informative awareness campaigns on breast cancer, osteoporosis, and eating disorders have empowered women of all ages to make healthy lifestyle decisions. Hadassah has strengthened American Jewish culture through sponsorship of Jewish and Hebrew educational classes and study groups.

Mr. President, for ninety years Hadassah has brought Jewish-American women together to explore their shared faith and connection to Israel. On this week of their 90th anniversary, I commend their good work and wish them many more years of success.

ERIC BERGOUST APPRECIATION

Mr. BURNS. Mr. President, I rise today to recognize Eric Bergoust, a distinguished freestyle skier from Missoula MT. At the age of 31, Eric has attained nearly every milestone that inspires athletes to achieve their dreams. He is an Olympic champion, a world champion, and has held numerous world records throughout his career. As impressive as his accomplishments are, the passion Eric has for his sport is truly remarkable. Passion shines brightest through innovations; and Eric has made many. He has landed unprecedented jumps throughout his career, and has developed a one-armed take off style that has opened up new possibilities to all freestyle skiers.

Like so many of his fellow Montanans, Eric has achieved great things through both his appreciation of the virtues of a will-do attitude and the determination to follow through on a task. These assets led Eric down the seemingly improbable path from a boy jumping off the roof of his house into a matress pile, to a young man driving alone from Montana to Lake Placid with only makeshift skis and ten dollars in his pocket, to an Olympic and world champion. It has been exciting to see Eric accomplish so many things. But when I consider the determination and passion that have pushed Eric along, it has become clear that maybe his path really wasn't so improbable after all.

2002 BLACK HISTORY MONTH

Mr. DURBIN. Mr. President, I rise today in honor of Black History Month, a 76-year tradition recognizing and celebrating the contributions of African-Americans throughout our history.

Dr. Carter G. Woodson, the son of former slaves, earned his bachelor's and master's degrees from the University of Chicago in my home State of Illinois, before continuing his studies at Harvard University and the Sorbonne in Paris. Since African-American history had barely begun to be studied or even documented, Dr. Woodson established what is now called the Association for the Study of Afro-American Life and History and founded the Journal of Negro History. In 1926, he started Negro History Week and chose the second week of February because it marks the birthdays of two men who have had a great impact on African-Americans: Abraham Lincoln and Frederick Douglass. Thanks to the efforts of Dr. Woodson and those who have followed him, we now celebrate the outstanding achievements of African-Americans past and present during the entire month of February.

Illinois has a rich African-American legacy. Gwendolyn Brooks was the first African-American poet to win the Pulitzer Prize, and in 1968, she was named the poet laureate of Illinois. In 1985–86, she was the Poet Laureate Consultant in Poetry to the Library of Congress and focused her efforts on encouraging elementary school students to write poetry.

Black History Month is also a celebration of lesser-known African-Americans, and I would like to recognize the far-reaching contributions of Illinoisan Lloyd Augustus Hall. Mr. Hall was a chemist who earned more than 100 patents in the United States, Great Britain, and Canada. His work revolutionized the meatpacking industry, and his method for sterilizing spices is used today to sterilize medicine, medical supplies, and cosmetics. He was the first African-American elected to the National Board of Directors of the American Institute of Chemists, and President John F. Kennedy appointed him to the American Food for Peace Council in 1962.

Today, Illinoisans continue to build upon Dr. Woodson's legacy of preserving and celebrating African-American history. Last month, Jewish leaders at the Beth Emet synagogue in Evanston, Illinois, released a restored recording of a speech Dr. Martin Luther King, Jr., gave there 44 years ago. It took months of digital forensic audio techniques to clean background noise and to convert the reel-to-reel tape to compact disc, but the effort was well worth it, and Dr. King's words then are still instructive today.

Dr. King observed that there had been three distinct periods in our nation's history of race relations: slavery, segregation, and desegregation. He also declared that the issue of civil rights is "an eternal moral issue which may well determine the destiny of our nation" and looked toward a fourth period—a period of real integration.

This month, we honor the great strides made by African-Americans in overcoming obstacles and color barriers. But I am afraid we have not yet reached Dr. King's goal of real integration. The unemployment rate for African-Americans has jumped to 9.8 percent, over four percentage points higher than the rate for all workers. The 2000 Presidential election illustrated the disenfranchisement of thousands of African-American voters nationwide, whose votes did not count. There is disturbing evidence that some law enforcement agencies and agents "profile," or make pre-determinations about, people based on their race.

Dr. King noted the important role that we in the Federal Government must play in addressing issues such as these. In his 1958 speech at Beth Emet, he said, "As we look to Washington, so often it seems that the judicial branch of the government is fighting the battle alone. The executive and legislative branches of the government have been all too slow and stagnant and silent, and even apathetic, at points. The hour has come now for the Federal Government to use its power, its constitutional power, to enforce the law of the land."

The time indeed has come for Congress to show that it is no longer slow and certainly not apathetic. I have been working for several months to try to extend unemployment benefits and to help unemployed workers continue their health benefits. I proposed an amendment that would have increased weekly unemployment benefits by $25 or fifteen percent, whichever is greater. It also would have expanded coverage to part-time and low-wage workers, helping nearly 80 percent of the laid-off workers who currently are not receiving benefits.

In addition, I am an original cosponsor of the bipartisan election reform measure and introduced an amendment to eliminate the unnecessary special treatment of punchcard voting systems. The overwhelming majority of African-American and Hispanic voters use the punchcard system, which loses at least 50 percent more votes than optically-scanned paper ballots. My amendment would have reduced the number of these discarded votes by permitting a voter to verify the votes he or she selected on the ballot and notifying the voter if more than one candidate had been selected for a single office. The voter also would have had the opportunity to change the ballot or correct any error before the ballot was cast and counted.

I am also an original cosponsor of the End Racial Profiling Act of 2001, which prohibits law enforcement agencies and agents from engaging in racial profiling and provides for enforcement in civil court. This legislation would also require Federal, State, and local law enforcement agencies receiving Federal grants to maintain adequate policies and procedures designed to eliminate racial profiling. Furthermore, I have introduced the Reasonable Search Standards Act to prohibit U.S. Customs Service personnel from searching or detaining individuals based on racial and other discriminatory profiling criteria.

The official theme for this year's Black History Month is "The Color Line Revisited: Is Racism Dead?" This month, and every month, we must push forward until the answer to this question is a resounding "Yes." We must continue to fight for economic opportunity, equal justice, and equity in education and health care. While we celebrate the accomplishments of African-Americans throughout our history, we must build upon those achievements, until we can finally reach Dr. King's vision of real integration.

ADDITIONAL STATEMENTS

IN REMEMBRANCE OF LOUIS M. LAINO

• Mr. SANTORUM. Mr. President, I rise today to honor the memory of one of my constituents, Mr. Louis M. Laino, a man who gave his life in defense of his country.

I would like to call attention to a tragic accident which occurred on January 15, 1961, and which took the lives of 28 brave Americans, one of whom, Louis M. Laino, was a resident of the Commonwealth of Pennsylvania. Mr. Laino was a crew member aboard Texas Tower 4.

Texas Tower 4 was one of three Department of the Air Force radar sites installed in the North Atlantic Ocean in the 1950s whose purpose was to provide early warning in the event of an enemy missile or bomber strike against the United States. Texas Tower 4 was located approximately 85 miles southeast of New York City in 185 feet of water. Prior to the accident in 1961, Tower 4 had earned a reputation for being unstable and had been nicknamed "Old Shaky" by the crew members who served aboard the structure.

On September 12, 1960, Texas Tower 4 was struck by Hurricane "Donna." The storm's 130-mile per hour winds and 50-foot waves exceeded Tower 4's design specifications and caused structural damage to the platform. The Air Force decided that extensive repair work would need to be performed on Tower 4 the following spring. February 1, 1961, was established as the date for complete evacuation of the platform. In the meantime, a maintenance crew of 28 persons was stationed aboard Tower 4 to perform immediate repair work prior to more rigorous repairs being performed. Mr. Laino was among this group of workers, and tragically lost his life when a second storm struck Tower 4. This storm possessed 85-mile per hour winds, 35-foot waves, and proved to be too much for the already weakened Tower 4 to withstand. At 7:20 pm on the evening of January 15, 1961, Texas Tower 4's structure failed, and the platform, with all hands on board, sank to the bottom of the Atlantic.

In closing, I would again like to call attention to the sacrifice made by Louis M. Laino in defense of his country. Mr. Laino made the ultimate sacrifice, that of his life. On behalf of the people of Pennsylvania, I salute Mr. Laino for his courage and bravery in performing a dangerous duty. Mr. Laino died so that all of us might be safer, and for that, he should be remembered.•

HONORING SENATOR HARRY F. BYRD, JR.

Mr. ALLEN. Mr. President, I rise today to recognize and honor Harry F. Byrd, Jr., for his lifelong commitment to principles and honestly serving the people of Virginia and the United States of America. The Virginia General Assembly recently honored U.S. Senator Harry F. Byrd, Jr., of Winchester, VA, and celebrated his accomplishments. Some present members of the Senate had the pleasure of serving and working with Senator Byrd of Virginia. Having the privilege of serving in the seat once held by Senator Byrd, I wish to share with all my colleagues those positive sentiments expressed in the resolution adopted by the General Assembly of Virginia, and ask that the related article be printed in the RECORD.

The article follows:

TEXT OF SENATE RESOLUTION HONORING HARRY F. BYRD JR.

SENATE JOINT RESOLUTION NO. 179

Whereas, Harry Flood Byrd, Jr., of Winchester has served the Commonwealth and the nation with great distinction, continuing a Byrd family tradition that dates to the earliest days of the Republic; and

Whereas, educated at the Virginia Military Institute and the University of Virginia, Harry Byrd, Jr., followed his father Harry Byrd, Sr., into public service, thus forming a father-son combination that was the most influential in 20th century Virginia politics; and

Whereas, Harry Byrd, Jr., served as a member of the Democratic State Central Committee from 1940 to 1965 and served as a lieutenant in the U.S. Naval Reserve during World War II; and

Whereas, following distinguished service in the Senate of Virginia from 1948 to 1965, Harry Byrd, Jr., succeeded his father in the United States Senate on November 12, 1965; and

Whereas, for the next 18 years, Harry F. Byrd, Jr., maintained the family tradition of fiscal conservation, unquestioned integrity, and a distaste for political expediency; and

Whereas, Harry F. Byrd, Jr., continued his father's insistence on "pay as you go" government, and his aversion to debt still reverberates in Virginia's continued recognition as a fiscally sound, well-managed state; and

Whereas, Senator Byrd is the oldest living former United States Senator from Virginia; and

Whereas, the influence of Harry Byrd, Jr., on the political life of Virginia during the 20th century was profound, beneficent, and lasting, and the ideas and ideals he espoused continue to ring true as the Commonwealth enters the 21th; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the General Assembly hereby honor Harry Flood Byrd, Jr., for his dedication, commitment, and integrity over a long and meritorious political career; and, be it

Resolved further, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harry Flood Byrd Jr., as an expression of the admiration and respect of the General Assembly.

HARRY F. BYRD JR.

(By Bob Lewis)

RICHMOND, VA. (AP).—Former U.S. Sen. Harry F. Byrd Jr. returned to the state Senate chamber to prolonged standing applause Thursday to receive a proclamation in his honor and recall his own Senate service.

The 87-year-old heir to the political dynasty that ruled Virginia for much of the 20th century noted his first days in the Senate in 1948, when he was pressured into hastily signing onto a bill.

"The next day, all hell broke loose. It was interpreted as an effort to keep the president off the ballot that year," Byrd said with a chuckle. "I learned never to sign a bill without reading it."

The bill was the state's unsuccessful effort to snub President Harry S. Truman.

Then, in a soft voice, Byrd looked to his right to the desk he occupied in his 18 years in the state Senate and recalled old days and old friends.

"I find it hard to believe it was 54 years ago that I first came here," he said. "I love the Senate. I love the U.S. Senate, too, but this Senate is my favorite. It's smaller and you can make friends here to a greater degree than you can in Washington."

Among his closest friends in that freshman Senate class were Albertis Harrison and Mills E. Godwin, who later became Virginia governors. "And we remained friends until Albertis and Mills died," Byrd said.

Byrd served 18 years in the Virginia Senate as a Democrat, the party his father, Harry F. Byrd Sr., built into a political machine. In 1966, after Byrd Sr. retired from his U.S. Senate seat in poor health, Byrd Jr. won a special election to fill the four years that remained on his father's term. He left the party and won re-election in 1970 and 1976 as an independent, then retired from public life in 1982 to return to his hometown, Winchester, and run his family's newspapers.

Byrd was a former director and a second vice president of The Associated Press.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGES

The following presidential messages were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

PM–71. A message from the President of the United States, transmitting, pursuant to law, a report concerning the continuation of the national emergency relating to Cuba and of the emergency authority relating to the regulation of the anchorage and movement of vessels to extend beyond March 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, which states that the emergency declared with respect to the Government of Cuba's destruction of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba on February 24, 1996, is to continue in effect beyond March 1, 2002.

GEORGE W. BUSH.

THE WHITE HOUSE, *February 26, 2002.*

MESSAGES FROM THE HOUSE

At 11:24 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 304. Concurrent resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002.

The message further announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1892) to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

ENROLLED BILLS SIGNED

At 6:02 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 304. Concurrent resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1970. A bill to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Governmental Affairs.

By Mr. GRASSLEY:

S. 1971. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 1972. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 975

At the request of Mr. CHAFEE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 975, a bill to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development, and for other purposes.

S. 1125

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1617

At the request of Mr. DODD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1651

At the request of Mr. DORGAN, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1651, a bill to establish the United States Consensus Council to provide for a consensus building process in addressing national public policy issues, and for other purposes.

S. 1754

At the request of Mr. LEAHY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1754, a bill to authorize appropriations for the United States Patent and Trademark Office for fiscal years 2002 through 2007, and for other purposes.

S. 1850

At the request of Mr. CHAFEE, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1850, a bill to amend the Solid Waste Disposal Act to bring underground storage tanks into compliance with subtitle I of that Act, to promote cleanup of leaking underground storage tanks, to provide sufficient resources for such compliance and cleanup, and for other purposes.

S. 1867

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Indiana (Mr. BAYH), the Senator from South Dakota (Mr. DASCHLE), the Senator from Louisiana (Mr. BREAUX), the Senator from Maine (Ms. SNOWE), the Senator from California (Mrs. FEINSTEIN), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1969

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1969, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor.

At the request of Mr. HUTCHINSON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 1969, supra.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 211

At the request of Ms. COLLINS, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Jersey (Mr. TORRICELLI), the Senator from North Dakota (Mr. DORGAN), the Senator from Michigan (Mr. LEVIN), the Senator from North Dakota (Mr. CONRAD), the Senator from South Dakota (Mr. JOHNSON), the Senator from Virginia (Mr. WARNER), the Senator from Minnesota (Mr. DAYTON), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Ohio (Mr. DEWINE), the Senator from Georgia (Mr. CLELAND), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wyoming (Mr. ENZI), and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. Res. 211, a resolution designating March 2 , 2002, as "Read Across America Day."

At the request of Mr. SPECTER, his name was added as a cosponsor of S. Res. 211, supra.

AMENDMENT NO. 2937

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2937 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ENZI (for himself and Mr. THOMAS):

S. 1970. A bill to designate the facility of the United states Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Government Affairs.

Mr. ENZI. Mr. President, I rise to introduce a bill to designate the facility of the United states Postal Service located at 2829 Commercial Way, Rock Springs, WY, as the "Teno Roncalio Post Office Building." I am joined by my distinguished colleague from Wyoming, Senator THOMAS in the introduction of this bill.

Mr. Roncalio has served the great State of Wyoming and this Nation with honor and integrity throughout his public and private career. The Wyoming native was Wyoming's first five-term Representative to the U.S. House of Representatives during the 1960s and 1970s, and served as a delegate to four democratic National Conventions. He was also selected to serve for two years as a national Democratic committeeman.

Mr. Roncalio was named to the U.S. Army Officer Candidates Hall of Fame after having served in World War II and participating in beachhead invasions in Sicily and Normandy. Mr. Roncalio also received the Silver Star for gallantry in action for his service in North Africa, Italy, France, Central Europe, and Germany.

Mr. Roncalio and I have worked on some projects together, and just the friendships he has made over the years almost guarantees success. On several occasions, I have been pleased with his willingness to share his opinions with me based on his vast experience, common sense, and desire to see the "right thing" done. He has been a model and mentor to many.

Mr. Roncalio has committed his lifetime to public service, and I strongly encourage my colleagues to support naming the Federal post office building in Rock springs, WY after Mr. Teno Roncalio in recognition of his long, distinguished career in Wyoming and national politics.

By Mr. GRASSLEY:

S. 1971. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 ,to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, there has been a flurry of activity surrounding the bankruptcy of the Enron Corporation. Part of the attention has focused on the company's questionable accounting practices and tax havens. Another spotlight has been focused on the Enron retirement plans, particularly its 401(k) plan.

These are legitimate areas of inquiry. The same fact pattern in the case of Enron applies to Global Crossings, a company that was founded in 1997, went public in 1998, sold shares worth $734 million before the company collapsed just this year, pauperizing its workforce and investors. In both companies, executives were lining their pockets with gold while they were duping investors and pillaging workers' retirement plans. The difference between Enron and Global Crossing is merely one of scale. Enron was the seventh largest company on the Fortune 500. Global Crossings was smaller but there are eerie similarities, both between these two bankruptcies, and the effect they have had on the way we now view pension plan security.

Any company bankruptcy will inevitably harm workers, retirees and investors. Some Enron employees, and some of those at Global Crossing, invested large amounts of their own money in company stock. In addition, both plans matched contributions made by the workers with the, now worthless, company stock. Had the company's financial statements correctly reflected the value of its stock, neither the workers, nor the investors would have purchased the shares. Unfortunately, the financial statements of those two companies were at least, highly misleading and very possibly fraudulent.

The losses by retirement plan participants are of concern to the Senate Finance Committee because it is the Committee with jurisdiction over both the Internal Revenue Code, IRC, and parts of ERISA. The Code provides generous tax benefits to retirement plan sponsors. In return for those tax preferences, plans must be established and maintained in accordance with the rules set out in the Internal Revenue Code and in the Employee Retirement Income Security Act of 1974, as amended, ERISA.

The losses in the plans sponsored by recently bankrupted companies have prompted us to reconsider some of the laws that govern retirement programs. In particular, many have questioned whether plan participants should be permitted to hold any company stock in their accounts, or only a limited amount of stock. Other questions have been raised about fiduciary obligations, so-called "blackouts" and about information provided to workers.

For those in the business community who are alarmed about the large number of proposals, including mine, making changes to this area of the law, I would urge caution. This bill is not written in stone. Further refinements will be made to it. I am introducing it today because the Finance Committee will be holding a hearing on this issue tomorrow. Barely three weeks thereafter, Congress will be entering another recess period. If the introduction of this bill is delayed, interested parties will not have the time they need to examine this proposal and give me their views.

This bill gives workers new diversification rights on holdings of company stock in their accounts. Some legislative proposals have called for caps on the amount of stock that can be dedicated by employers to workers' 401(k) accounts through matching contributions or through gains on the value of company stock. I believe such an approach will discourage employers from giving stock to workers through their plan and could not be administered except through the application of benefit wear-aways. During the cash balance pension plan debate, Congress found out just how unpopular benefit wear-aways are with plan participants.

Some have also suggested that employees should not be permitted to purchase employer stock in their plans. They argue the need for a paternalistic government to save employees from the "temptation" of investing in employer stock in their 401(k) plans. I do not believe the government should treat workers like children. American workers are intelligent, and when armed with the right information, they will exercise foresight and make decisions for the best interest of themselves and their families.

My approach does not discourage employer matching contributions in company stock. Nor would it restrict a worker choice to invest in company stock. However, once the worker has three years of service with the employer, he or she should be permitted to change investments out of the company stock and into any other investment offered by the plan. This change gives maximum flexibility to the worker and will prevent the long holding periods that some companies impose on matching contributions in their own stock.

An important exception to this rule will apply to closely held corporations. Because of the difficulty of valuing stock in closely held corporations, under my bill, these rules will not apply to closely-held companies. This bill also provides that a pure, "stand-alone" ESOP, one consisting solely of now-elective contributions is not subject to the new rule.

The current draft of the bill does not include a long phase-in of the effective date for company stock currently allocated to workers retirement accounts. Such a delayed effective date has been proposed in other legislation. However, I am open to such a recommendation, if necessary. I encourage plan sponsors and practitioners to give me their thoughts on that issue.

This legislation also provides new disclosure requirements. At the end of 2001, Enron stopped participants from trading their investments while they changed plan administrators. Its stock was declining in value at this time, and for a long period prior to the so-called "blackout". It is no surprise that while the plan was closed to trading, all indications are that the value of the stock continued to decline. It appears that Enron employees did receive a notice prior to the transaction suspension period. But concerns have been raised that a statutory requirement for a notice will help to protect participants in other plans from missing an opportunity to change investments prior to a transaction suspension period. I am inclined to agree.

Consequently, this bill will also impose a requirement that plans provide 30-days advance notice of transaction suspension periods, the so-called "blackouts". These are periods when participants are unable to change their investments. This change in law is needed so that employees have the opportunity to trade out of company stock, or for that matter, any other investment, before the beginning of a blackout period. The bill does not limit the duration of a transaction suspension period. Some companies to a remarkable job in shortening the time during which a plan is closed to transactions, however, practitioners have convinced me that it would be impractical to limit these transaction suspension periods given the number of variables involved in reconciling accounts.

New disclosure requirements for so-called blackouts will be supplemented by better information regarding the value of plan benefits. I have long been concerned that participants need better information regarding their retirement. In the 105th Congress, I introduced a bill with Senator BREAUX that would impose a requirement for periodic pension benefit statements.

Language on periodic benefit statements was included again in a bill that Senator BAUCUS and I introduced early last year. While most of that bill was enacted as the Economic Growth and Revenue Reconciliation Act of 2001, EGTRRA, Public Law 107-16, the requirement for periodic benefit statements was "Byrded out". In other words, it was dropped from the bill because it was revenue neutral and as such did not meet the rules governing a reconciliation measure.

Because we did not enact that provision in EGTRRA, the benefit statements language has been replicated here. Under this bill, participants will be entitled to a quarterly statement from their defined contribution plan, such as a section 401(k) plan. If the workers also have a defined benefit plan, they would be entitled to an estimated benefit statement once every three years.

Included in the periodic benefit statements will be language designed to alert workers to how much employer stock they hold in their accounts. Also included will be information regarding the importance to long-term retirement security of participants of a well-balanced an diversified portfolio. This information will encourage workers to avoid over-concentration in employer securities and to periodically re-balance their portfolio.

Mr. President, I ask unanimous consent that the text of the bill and a technical explanation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1971

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Employee Savings and Trust Equity Guarantee Act".

TITLE I—DIVERSIFICATION OF PENSION PLAN ASSETS

SEC. 101. DEFINED CONTRIBUTION PLANS REQUIRED TO PROVIDE EMPLOYEES WITH FREEDOM TO INVEST THEIR PLAN ASSETS.

(a) AMENDMENTS OF INTERNAL REVENUE CODE.—

(1) QUALIFICATION REQUIREMENT.—Section 401(a) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by inserting after paragraph (34) the following new paragraph:

"(35) DIVERSIFICATION REQUIREMENTS FOR CERTAIN DEFINED CONTRIBUTION PLANS.—

"(A) IN GENERAL.—A trust which is part of an applicable defined contribution plan shall not be treated as a qualified trust unless the plan—

"(i) provides that a participant or beneficiary of a participant has the right at any time to invest any elective deferrals (and earnings thereon) contributed to his or her account in the form of publicly traded employer securities in any other investment option offered under the plan,

"(ii) provides that a participant with 3 or more years of service and any beneficiary of a participant has the right to invest any publicly traded employer securities (and earnings thereon) to which clause (i) does not apply and which are allocated to his or her account in any other investment option offered under the plan, and

"(iii) offers at least 3 investment options (not inconsistent with regulations prescribed by the Secretary).

"(B) CERTAIN RESTRICTIONS AND CONDITIONS NOT ALLOWED.—A plan shall not meet the requirements of subparagraph (A) if the plan imposes restrictions or conditions on the investment of publicly traded employer securities which are not imposed on the investment of other assets of the plan. This subparagraph shall not apply to any restrictions or conditions imposed by reason of application of securities laws.

"(C) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable defined contribution plan' means any defined contribution plan which holds any publicly traded employer securities.

"(ii) EXCEPTION FOR CERTAIN ESOPS.—Such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7)) if—

"(I) there are no contributions to such plan (or earnings thereunder) which are held within such plan and are subject to subsections (k)(3) or (m)(2), and

"(II) such plan is a separate plan (within the meaning of section 414(l)) with respect to any other defined benefit plan or defined contribution plan maintained by the same employer or employers.

"(D) OTHER DEFINITIONS.—For purposes of this paragraph—

"(i) PUBLICLY TRADED EMPLOYER SECURITIES.—The term 'publicly traded employer securities' means employer securities which are readily tradable on an established securities market.

"(ii) EMPLOYER SECURITIES.—The term 'employer securities' has the meaning given such term by section 407(d)(1) of the Employee Retirement Income Security Act of 1974.

"(iii) YEAR OF SERVICE.—The term 'year of service' has the meaning given such term by section 411(a)(5)."

(2) CONFORMING AMENDMENT.—Section 401(a)(28)(B) of such Code (relating to additional requirements relating to employee stock ownership plans) is amended by adding at the end the following new clause:

"(v) EXCEPTION.—This paragraph shall not apply to an applicable defined contribution plan (as defined in paragraph (35)(C))."

(b) AMENDMENT OF ERISA.—Section 204 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1054) is amended by redesignating subsection (j) as subsection (k) and by adding at the end the following new subsection:

"(j)(1) An applicable individual account plan shall provide that—

"(A) a participant or beneficiary of a participant has the right at any time to invest any elective deferrals (and earnings thereon) contributed to his or her account in the form of publicly traded employer securities in any other investment option offered under the plan,

"(B) a participant with 3 or more years of service and any beneficiary of a participant has the right to invest any publicly traded employer securities (and earnings thereon) to which subparagraph (A) does not apply and which are allocated to his or her account in any other investment option offered under the plan, and

"(C) offers at least 3 investment options (not inconsistent with regulations prescribed by the Secretary).

"(2) A plan shall not meet the requirements of paragraph (1) if the plan imposes restrictions or conditions on the investment of publicly traded employer securities which are not imposed on the investment of other assets of the plan.

"(3)(A) For purposes of this subsection, the term 'applicable individual account plan' means any individual account plan which holds any publicly traded employer securities.

"(B) Such term does not include an employee stock ownership plan (within the meaning of section 4975(e)(7) of the Internal Revenue Code of 1986) if—

"(i) there are no contributions to such plan (or earnings thereunder) which are held within such plan and subject to subsection (k)(3) or (m)(2) of section 401 of such Code, and

"(ii) such plan is a separate plan (within the meaning of section 414(l) of such Code) with respect to any other defined benefit plan or defined contribution plan maintained by the same employer or employers.

"(4) For purposes of this subsection—

"(A) the term 'publicly traded employer securities' means employer securities which are readily tradable on an established securities market,

"(B) the term 'employer security' has the meaning given such term by section 407(d)(1), and

"(C) the term 'year of service' has the meaning given such term by section 203(b)(2)."

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2003.

(2) SPECIAL RULE FOR COLLECTIVELY BARGAINED AGREEMENTS.—In the case of a plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified on or before the date of the enactment of this Act, subsection (a) shall be applied to benefits pursuant to, and individuals covered by, any such agreement by substituting for "January 1, 2003" the earlier of—

(A) the later of—

(i) January 1, 2004, or

(ii) the date on which the last of such collective bargaining agreements terminates (determined without regard to any extension thereof after such date of enactment), or

(B) January 1, 2005.

TITLE II—PROTECTION OF EMPLOYEES DURING PENSION PLAN TRANSACTION SUSPENSION PERIOD

SEC. 201. PROTECTION OF PARTICIPANTS OR BENEFICIARIES FROM SUSPENSION OF ABILITY TO DIVERSIFY PLAN ASSETS.

(a) NOTICE REQUIREMENTS.—

(1) EXCISE TAX.—

(A) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans) is amended by adding at the end the following new section:

"SEC. 4980G. FAILURE OF APPLICABLE PLANS TO PROVIDE NOTICE OF TRANSACTION SUSPENSION PERIOD.

"(a) Imposition of Tax.—There is hereby imposed a tax on the failure of any applicable defined contribution plan to meet the requirements of subsection (e) with respect to any participant or beneficiary.

"(b) Amount of Tax.—

"(1) In general.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period with respect to the failure.

"(2) Noncompliance period.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the notice to which the failure relates is provided or the failure is otherwise corrected.

"(c) Limitations on Amount of Tax.—

"(1) Tax not to apply where failure not discovered and reasonable diligence exercised.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) Tax not to apply to failures corrected as soon as reasonably practicable.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the notice described in subsection (e) as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

"(3) Overall limitation for unintentional failures.—

"(A) In general.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) Taxable years in the case of certain controlled groups.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) Waiver by secretary.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) Liability for Tax.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) Notice of Transaction Suspension Period.—

"(1) In general.—The plan administrator of an applicable defined contribution plan shall provide notice of any transaction suspension period to each participant or beneficiary to whom the transaction suspension period applies (and to any employee organization representing such participants).

"(2) Notice.—The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with rules or other guidance adopted by the Secretary) to allow applicable individuals to understand the timing and effect of such transaction suspension period.

"(3) Timing of notice.—

"(A) In general.—Except as provided in subparagraph (B), the notice required by paragraph (1) shall be provided not later than 30 days before the beginning of the transaction suspension period.

"(B) Exceptions to 30-day notice.—

"(i) Unplanned events.—In the case of any transaction suspension period which is imposed by reason of an event outside of the control of a plan sponsor or administrator, subparagraph (A) shall not apply and the notice shall be furnished as soon as reasonably possible under the circumstances.

"(ii) Acquisitions, etc.—In the case of any transaction suspension period—

"(I) in connection with an acquisition or disposition to which section 410(b)(6)(C) applies, or

"(II) due to such other circumstances specified by the Secretary,

the Secretary may provide that subparagraph (A) shall not apply and the notice shall be furnished at such time as the Secretary specifies.

"(4) Form and manner of notice.—The notice required by paragraph (1) shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the applicable individual.

"(f) Definitions and Special Rules.—For purposes of this section—

"(1) Applicable defined contribution plan.—The term 'applicable defined contribution plan' means a defined contribution plan which—

"(A) is a qualified retirement plan (as defined in section 4974(c)), and

"(B) permits a participant or beneficiary to exercise control over assets in his or her account.

"(2) Transaction suspension period.—

"(A) In general.—The term 'transaction suspension period' means a temporary or indefinite period of 2 or more consecutive business days during which there is a substantial reduction (other than by reason of application of securities laws) in the rights of 1 or more participants or beneficiaries to direct investments in a defined contribution plan.

"(B) Business day.—For purposes of this paragraph, a day shall not be treated as a business day to the extent that 1 or more established securities markets for trading securities are not open."

(B) Clerical amendment.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

"Sec. 4980G. Failure of applicable plans to provide notice of transaction suspension period."

(2) Amendments of erisa.—

(A) In general.—Section 101 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 11021) is amended by redesignating the second subsection (h) as subsection (j) and by inserting after the first subsection (h) the following new subsection:

"(i)(1) The plan administrator of an individual account plan which permits a participant or beneficiary to exercise control over assets in his or her account applies shall provide notice of any transaction suspension period to each participant or beneficiary to whom the transaction suspension period applies (and to any employee organization representing such participants).

"(2) The notice required by paragraph (1) shall be written in a manner calculated to be understood by the average plan participant and shall provide sufficient information (as determined in accordance with rules or other guidance adopted by the Secretary of the Treasury) to allow applicable individuals to understand the timing and effect of such transaction suspension period.

"(3)(A) Except as provided in subparagraph (B), the notice required by paragraph (1) shall be provided not later than 30 days before the beginning of the transaction suspension period.

"(B)(i) In the case of any transaction suspension period which is imposed outside of the control of a plan sponsor or administrator, subparagraph (A) shall not apply and the notice shall be furnished as soon as reasonably possible under the circumstances.

"(ii) In the case of any transaction suspension period—

"(I) in connection with an acquisition or disposition to which section 410(b)(6)(C) of the Internal Revenue Code of 1986 applies, or

"(II) due to such other circumstances specified by the Secretary of the Treasury,

the Secretary of the Treasury may provide that subparagraph (A) shall not apply and the notice shall be furnished at such time as the Secretary specifies.

"(4) The notice required by paragraph (1) shall be in writing, except that such notice may be in electronic or other form to the extent that such form is reasonably accessible to the applicable individual.

"(5)(A) For purposes of this subparagraph, the term 'transaction suspension period' means a temporary or indefinite period of 2 or more consecutive business days during which there is a substantial reduction (other than by reason of application of securities laws) in the rights of 1 or more participants or beneficiaries to direct investments in an individual account plan.

"(B) For purposes of this paragraph, a day shall not be treated as a business day to the extent that 1 or more established securities markets for trading securities are not open."

(B) Civil penalties for failure to provide notice.—Section 502 of such Act is amended—

(i) in subsection (a)(6), by striking "or (6)" and inserting "(6), or (7)";

(ii) by redesignating paragraph (7) of subsection (c) as paragraph (8); and

(iii) by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) The Secretary may assess a civil penalty against any person of up to $100 a day from the date of the person's failure or refusal to provide notice to participants and beneficiaries in accordance with section 101(i). For purposes of this paragraph, each violation with respect to any single participant or beneficiary, shall be treated as a separate violation."

(b) Inapplicability of Relief From Fiduciary Liability During Suspension of Ability of Participant or Beneficiary To Direct Investments.—Section 404(c)(1) of such Act (29 U.S.C. 1104(c)(1)) is amended—

(1) in subparagraph (B), by inserting before the period the following: ", except that this

subparagraph shall not apply for any period during which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended by a plan sponsor or fiduciary"; and

(2) by adding at the end the following:

"Any limitation or restriction that may govern the frequency of transfers between investment vehicles shall not be treated as a suspension referred to in subparagraph (B) to the extent such limitation or restriction is disclosed to participants or beneficiaries through the summary plan description or materials describing specific investment alternatives under the plan."

"(c) SAFE HARBOR GUIDANCE.—The Secretary of Labor, in consultation with the Secretary of Treasury, shall, prior to December 31, 2002, issue final regulations providing clear guidance, including safe harbors, on how plan sponsors or any other affected fiduciaries can satisfy their fiduciary responsibilities during any period which the ability of a participant or beneficiary to direct the investment of assets in his or her individual account is suspended."

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to plan years beginning after December 31, 2002.

(2) EXCEPTIONS TO 30-DAY NOTICE.—The Secretary of the Treasury shall, no later than 120 days after the date of the enactment of this Act, specify the circumstances under section 4980G(e)(3)(B)(ii) of the Internal Revenue Code of 1986 under which the 30-day notice rule would not apply and the time by which the notice is required to be provided.

SEC. 202. CERTAIN SALES AND PURCHASES OF COMPANY STOCK BY CORPORATE INSIDERS TO BE SUBJECT TO EXCISE TAX ON GOLDEN PARACHUTE PAYMENTS.

(a) IN GENERAL.—Section 4999 of the Internal Revenue Code of 1986 (relating to golden parachute payments) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) CERTAIN SALES OF COMPANY STOCK BY CORPORATE INSIDERS.—

"(1) TREATMENT AS EXCESS PARACHUTE PAYMENT.—

"(A) IN GENERAL.—For purposes of this section, if there is a sale or exchange, or purchase, of stock in a corporation by a corporate insider during any period in which a transaction suspension period affecting the ability of participants and beneficiaries to invest stock in such corporation is in effect with respect to a defined contribution plan—

"(i) to which section 401(a) (28) or (35) applies, and

"(ii) which is maintained by such corporation (or any other entity consolidated with such corporation for purposes of reporting to the Securities and Exchange Commission),

any amount realized by the corporate insider on such sale or exchange (or the purchase price in the case of a purchase) shall be treated as an excess parachute payment.

"(B) LIMITATION.—Subparagraph (A) shall only apply to stock acquired by an individual by reason of the individual's employment with the corporation or by reason of any other relationship with the corporation that makes the individual a corporate insider.

"(2) APPLICATION TO OTHER INSTRUMENTS.—For purposes of paragraph (1)—

"(A) any sale or exchange, or purchase, of an option, warrant, or other derivative of stock in a corporation,

"(B) any transaction involving the exercise of an option, warrant, or other derivative of stock in a corporation, or

"(C) any similar transaction,

shall be treated in the same manner as a transaction involving the sale or exchange, or purchase, of stock.

"(3) CORPORATE INSIDER.—For purposes of this subsection, the term 'corporate insider' means, with respect to a corporation, any individual who is subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to such corporation.

"(4) TRANSACTION SUSPENSION PERIOD.—The term 'transaction suspension period' has the meaning given such term by section 4980G(f)(2)."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and exchanges after the 120th day after the date of the enactment of this Act.

TITLE III—PROVIDING OF INFORMATION TO ASSIST PARTICIPANTS

SEC. 301. PERIODIC PENSION BENEFITS STATEMENTS.

(a) EXCISE TAX.—

(1) IN GENERAL.—Chapter 43 of the Internal Revenue Code of 1986 (relating to qualified pension, etc., plans), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 4980H. FAILURE OF CERTAIN DEFINED CONTRIBUTION PLANS TO PROVIDE REQUIRED QUARTERLY STATEMENTS.

"(a) IMPOSITION OF TAX.—There is hereby imposed a tax on the failure of an applicable defined contribution plan to meet the requirements of subsection (e) with respect to any participant or beneficiary.

"(b) AMOUNT OF TAX.—

"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to any participant or beneficiary shall be $100 for each day in the noncompliance period with respect to the failure.

"(2) NONCOMPLIANCE PERIOD.—For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period beginning on the date the failure first occurs and ending on the date the statement to which the failure relates is provided or the failure is otherwise corrected.

"(c) LIMITATIONS ON AMOUNT OF TAX.—

"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED AND REASONABLE DILIGENCE EXERCISED.—No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that any person subject to liability for tax under subsection (d) did not know that the failure existed and exercised reasonable diligence to meet the requirements of subsection (e).

"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 30 DAYS.—No tax shall be imposed by subsection (a) on any failure if—

"(A) any person subject to liability for the tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), and

"(B) such person provides the statement described in subsection (e) during the 30-day period beginning on the first date such person knew, or exercising reasonable diligence should have known, that such failure existed.

"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.—

"(A) IN GENERAL.—If the person subject to liability for tax under subsection (d) exercised reasonable diligence to meet the requirements of subsection (e), the tax imposed by subsection (a) for failures during the taxable year of the employer (or, in the case of a multiemployer plan, the taxable year of the trust forming part of the plan) shall not exceed $500,000. For purposes of the preceding sentence, all multiemployer plans of which the same trust forms a part shall be treated as 1 plan.

"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.—For purposes of this paragraph, if all persons who are treated as a single employer for purposes of this section do not have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.

"(4) WAIVER BY SECRETARY.—In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive or otherwise inequitable relative to the failure involved.

"(d) LIABILITY FOR TAX.—The following shall be liable for the tax imposed by subsection (a):

"(1) In the case of a plan other than a multiemployer plan, the employer.

"(2) In the case of a multiemployer plan, the plan.

"(e) REQUIREMENT TO PROVIDE QUARTERLY STATEMENTS.—

"(1) IN GENERAL.—The administrator of an applicable defined contribution plan shall furnish a pension benefit statement—

"(A) to a plan participant at least once each calendar quarter, and

"(B) to a plan beneficiary upon written request but no more frequently than once during any 12-month period.

"(2) STATEMENT.—

"(A) IN GENERAL.—A pension benefit statement under paragraph (1) shall indicate, on the basis of the latest available information—

"(i) the total benefits accrued, and

"(ii) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable.

"(B) SPECIFIC INFORMATION.—A pension benefit statement under paragraph (1) shall include (together with the information required in subparagraph (A))—

"(i) the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and an explanation of any limitations or restrictions on the right of the participant or beneficiary to direct an investment; and

"(ii) an explanation of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any one entity, such as employer securities.

"(3) MANNER OF STATEMENT.—A pension benefit statement under paragraph (1)—

"(A) shall be written in a manner calculated to be understood by the average plan participant, and

"(B) may be provided in written, electronic, or other appropriate form.

"(f) APPLICABLE DEFINED CONTRIBUTION PLAN.—For purposes of this section, the term 'applicable defined contribution plan' means a defined contribution plan which—

"(1) is a qualified retirement plan (as defined in section 4974(c)), and

"(2) permits a participant or beneficiary to exercise control over assets in his or her account."

(2) CLERICAL AMENDMENT.—The table of sections for chapter 43 of such Code is amended by adding at the end the following new item:

"Sec. 4980H. Failure of certain defined contribution plans to provide required quarterly statements."

(b) AMENDMENTS OF ERISA.—

(1) IN GENERAL.—Section 105(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025(a)) is amended to read as follows:

"(a)(1)(A) The administrator of an individual account plan shall furnish a pension benefit statement—

"(i) to a plan participant at least once annually (each calendar quarter in the case of an applicable individual account plan), and

"(ii) to a plan beneficiary upon written request.

"(B) The administrator of a defined benefit plan shall furnish a pension benefit statement—

"(i) at least once every 3 years to each participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished to participants, and

"(ii) to a participant or beneficiary of the plan upon written request.

Information furnished under subparagraph (B) to a participant (other than at the request of the participant) may be based on reasonable estimates determined under regulations prescribed by the Secretary.

"(2)(A) A pension benefit statement under paragraph (1)—

"(i) shall indicate, on the basis of the latest available information—

"(I) the total benefits accrued, and

"(II) the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable,

"(ii) shall be written in a manner calculated to be understood by the average plan participant, and

"(iii) may be provided in written, electronic, telephonic, or other appropriate form.

"(B) In the case of an applicable individual account plan, the pension benefit statement under paragraph (1) shall include (together with the information required in subparagraph (A))—

"(i) the value of any assets held in the form of employer securities, without regard to whether such securities were contributed by the plan sponsor or acquired at the direction of the plan or of the participant or beneficiary, and an explanation of any limitations or restrictions on the right of the participant or beneficiary to direct an investment, and

"(ii) an explanation of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any 1 entity, such as employer securities.

"(C) For purposes of this subsection, the term 'applicable individual account plan' means an individual account plan to which section 404(c) applies.

"(3)(A) In the case of a defined benefit plan, the requirements of paragraph (1)(B)(i) shall be treated as met with respect to a participant if the administrator provides the participant at least once each year with notice of the availability of the pension benefit statement and the ways in which the participant may obtain such statement. Such notice shall be provided in written, electronic, telephonic, or other appropriate form, and may be included with other communications to the participant if done in a manner reasonably designed to attract the attention of the participant.

"(B) The Secretary may provide that years in which no employee or former employee benefits (within the meaning of section 410(b) of the Internal Revenue Code of 1986) under the plan need not be taken into account in determining the 3-year period under paragraph (1)(B)(i)."

(c) CONFORMING AMENDMENTS.—

(1) Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by striking subsection (d).

(2) Section 105(b) of such Act (29 U.S.C. 1025(b)) is amended to read as follows:

"(b) In no case shall a participant or beneficiary of a plan be entitled to more than 1 statement described in subsection (a)(1)(A)(ii) or (B)(ii), whichever is applicable, in any 12-month period."

(d) MODEL STATEMENTS.—The Secretary of Labor shall develop 1 or more model benefit statements, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 4980H of the Internal Revenue Code of 1986 and section 105 of the Employee Retirement Income Security Act of 1974.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2003.

TECHNICAL EXPLANATION OF S. 1971

DIVERSIFICATION OF PENSION PLAN ASSETS

The bill amends the Internal Revenue Code to require a qualified defined contribution plan invested in publicly-traded employer securities to provide participants with the right to diversify their investment in employer securities. A participant must be provided with the immediate right to reinvest elective deferrals that are invested in employer securities. In addition, the participant must be provided with the right to invest employer contributions that are invested in employer securities once the participant has 3 or more years of service.

The participant must be permitted to reinvest employer securities allocated to the participant's account in any other investment option currently available to employees, and the plan must provide at least 3 alternative investment options. These diversification rights are also extended to any beneficiary of a participant.

A plan will fail to comply with this requirement if the ability of participants to diversify their investment in employer securities is restricted under the plan or in practice. For example, a plan will not comply with this requirement if it provides for diversification of investment in employer securities, but also provides for a reduced matching contribution for any participant who invests any employer securities in another investment option. The bill also amends ERISA by adding this diversification requirement to section 204.

These diversification requirements do not apply to an ESOP that provides only for nonelective employer contributions and is separate from any other qualified plan maintained by the same employer. These ESOPs continue to be subject to the diversification requirements in effect under section 401(a)(28) of the Code.

PROTECTION OF EMPLOYEES DURING PENSION PLAN TRANSACTION SUSPENSION PERIODS

Notice of transaction suspension periods

The bill requires that participants and beneficiaries who are permitted to direct the investment of their accounts in a qualified defined contribution plan must be notified by the plan administrator of any "transaction suspension period" no later than 30 days before the transaction suspension period begins.

A transaction suspension period is any temporary or indefinite period of 2 or more business days during which there is a substantial reduction in the rights of participant or beneficiaries to direct investments (other than by reason of the application of securities laws). The notice must provide sufficient information to allow affected participants and beneficiaries to understand the timing and effect of the transaction suspension period and must be written in a manner calculated to be understood by the average plan participant.

The notice may be provided in writing or through an electronic or other form reasonably accessible to the affected participants and beneficiaries. These requirements are not violated if 30-days notice could not be provided because of events outside of the control of the plan sponsor or administrator, provided that notice is provided as soon as is reasonably possible under the circumstances. This exception to the 30-day requirement also applies, to the extent permitted in guidance by the Secretary, in other appropriate situations such as acquisitions or dispositions.

The bill also imposes an excise tax of $100 a day on the failure of a qualified defined contribution plan to provide notice to a participant or beneficiary. The excise tax is imposed on the employer or, in the case of a multiemployer plan, on the plan. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement.

In addition, no excise tax is imposed to the extent that a person subject to liability for the tax exercised reasonable diligence and actually provided notice as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed. For a person who exercised reasonable diligence, the tax is limited to no more than $500,000 for the failures during a taxable year. Finally, the Secretary may waive all or part of any tax that would otherwise be imposed to the extent that payment of the tax would be excessive or otherwise inequitable.

Inapplicability of relief from fiduciary liability during transaction suspension period

The provisions of ERISA that limit fiduciary liability during periods when a participant or beneficiary exercises control over assets in his account would be amended to clarify that this limit does not apply during any transaction suspension period.

Trading in company stock by corporate insiders subject to excise tax

Under the bill, a corporate insider is subject to a 20% excise tax on any acquisition, disposition, or similar transaction involving any employer securities during any transaction suspension period that affects investment in employer securities with respect to which notice must be provided to any plan participant or beneficiary.

The excise tax is calculated based on the amount realized by the insider in any sale or other disposition or the fair market value of securities acquired by the insider during the transaction suspension period. For this purpose, “corporate insiders” are individuals subject to the requirements of section 16(a) of the Securities Exchange Act of 1934 with respect to the corporation.

PROVIDING OF INFORMATION TO ASSIST PARTICIPANTS

Periodic pension benefit statements

The bill amends ERISA to require the plan administrator of a qualified defined contribution plan to provide participants with benefit statements at least annually, except that benefit statements must be provided at least quarterly to participants who have the ability to direct the investment of their account in the plan. These statements must provide information on (i) the fair market value of assets in the participant's account, (ii) the portion of the assets which are nonforfeitable and the earliest date on which assets not nonforfeitable become so, (iii) the percentage (if any) which the fair market value of employer securities bears to the fair market value of assets in the account, and (iv) a reminder of the importance of having diversified investments of assets in the plan and other plans of the employer in which the individual is also a participant. In addition, statements must be provided to plan beneficiaries at least annually, if requested in writing.

The bill also amends ERISA to require that the administrator of a qualified defined benefit plan provide a benefit statement at least every 3 years to a participant with a nonforfeitable accrued benefit who is employed by the employer maintaining the plan at the time the statement is furnished. A statement is also required to be provided to any participant or beneficiary upon written request.

This benefit statement must provide information on the total benefits accrued, the nonforfeitable pension benefits, if any, which have accrued, or the earliest date on which benefits will become nonforfeitable. The statement must be written in a manner calculated to be understood by the average plan participant and may be provided in writing or in electronic or other form reasonably accessible by the participant.

The information provided in a defined benefit plan statement, other than a statement requested by a plan participant, may be based on reasonable estimates. The requirement to provide a defined benefit plan statement is met if the plan notifies participants annually of the availability of a statement and information on how the participant can obtain a statement.

The bill also imposes an excise tax of $100 a day during a period of noncompliance with the requirement that quarterly benefit statements be provided to participants who have the right to direct investment of their account. The excise tax is imposed on the employer or, in the case of a multiemployer plan, on the plan. No excise tax is imposed during any period during which any person subject to liability for the tax did not know that the failure existed and exercised reasonable diligence to meet the notice requirement.

In addition, no excise tax is imposed to the extent that a person subject to liability for the tax exercised reasonable diligence and actually provided notice as soon as reasonably practicable after the first date such person knew, or exercising reasonable diligence should have known, that such failure existed. For a person who exercised reasonable diligence, the tax is limited to no more than $500,000 for the failures during a taxable year. Finally, the Secretary may waive all or part of any tax that would otherwise be imposed to the extent that payment of the tax would be excessive or otherwise inequitable.

EFFECTIVE DATE

The provisions of the bill would be effective for plan years beginning on or after January 1, 2003, except that the provisions related to the provision of benefit statements would be effective for plan years beginning after December 31, 2003. The bill provides a transition period for compliance with the diversification requirements for plans maintained pursuant to collective bargaining agreements.

By Mr. ROCKEFELLER:

S. 1972. A bill to amend the charter of the AMVETS organization; to the Committee on the Judiciary.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation on behalf of American Veterans of World War II, Korea, and Vietnam, AMVETS, a nonprofit veterans service organization chartered by Congress in 1947, which boasts approximately 250,000 members. Formed in the years immediately following World War II, AMVETS has served America's veterans for more than 50 years.

This bill would amend the AMVETS' congressional charter in three ways. First, it would change AMVETS' official name from “American Veterans of World War II, Korea, and Vietnam” to simply “American Veterans,” in order to more accurately reflect the group's membership; second, it would amend the charter to reflect long-standing organizational changes; and finally, it would recognize the change of address for AMVETS' headquarters from Washington, DC, to Lanham, MD.

These amendments are important to allowing AMVETS to continue its strong tradition of serving veterans. I am proud to offer them my assistance, and I ask that my colleagues act quickly to accommodate these small changes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RERCORD, as follows:

S. 1972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS TO AMVETS CHARTER.

(a) NAME OF ORGANIZATION.—(1) Sections 22701(a) and 22706 of title 36, United States Code, are amended by striking “AMVETS (American Veterans of World War II, Korea, and Vietnam)” and inserting “AMVETS (American Veterans)”.

(2)(A) The heading of chapter 227 of such title is amended to read as follows:

“CHAPTER 227—AMVETS (AMERICAN VETERANS)”.

(B) The item relating to such chapter in the table of chapters at the beginning of subtitle II of such title is amended to read as follows:

“227. AMVETS (American veterans) .. 22701”.

(b) GOVERNING BODY.—Section 22704(c)(1) of such title is amended by striking “seven national vice commanders” and all that follows through “a judge advocate,” and inserting “two national vice commanders, a finance officer, a judge advocate, a chaplain, six national district commanders,”.

(c) HEADQUARTERS AND PRINCIPAL PLACE OF BUSINESS.—Section 22708 of such title is amended—

(1) by striking “the District of Columbia” in the first sentence and inserting “Maryland”; and

(2) by striking “the District of Columbia” in the second sentence and inserting “Maryland”.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2940. Mr. BOND proposed an amendment to amendment SA 2937 submitted by Mr. SCHUMER and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 2941. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2942. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2940. Mr. BOND proposed an amendment to amendment SA 2937 submitted by Mr. SCHUMER and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

SEC. . SIGNATURE VERIFICATION PROGRAMS.

Notwithstanding any other provision of this Act, a State may use a signature verification or affirmation program to meet the requirements of section 103(b) relating to the verification of the identity of individuals who register to vote by mail only if the Attorney General certifies that less than one-half of 1 percent of votes cast in the 2 most recent elections for Federal office were cast by voters who were not eligible to vote under the law of such State.

SA 2941. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

SA 2942. Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 19 and 20, and insert the following:

"(a) IN GENERAL.—Nothing in this Act may be construed to authorize".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND UNION AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., to conduct an oversight hearing on "Corporate Governance."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2 p.m., to hear testimony on "Retirement Security: Picking up the Enron Pieces."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., to hold a hearing titled, "Now Do We Promote Democratization, Poverty Alleviation, and Human Rights To Build a More Secure Future?"

Agenda

Witnesses: The Honorable Madeleine Albright, former Secretary of State, Chairman, National Democratic Institute, Washington, DC, and the Honorable Richard N. Perle, former Assistant Secretary of Defense for International Security, Resident Fellow, American Enterprise Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:15 p.m., to hold a hearing titled, "U.S. Funding for the UN Population Fund: The Effect on Women's Lives."

Agenda

Witnesses

Panel 1: Mr. Arthur E. "Gene" Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State, Washington, DC.

Panel 2: The Honorable Nicolas H. Biegman, former Ambassador of the Netherlands to NATO, Amsterdam, the Netherlands; Mrs. Phyllis E. Oakley, Former Assistant Secretary of State for Intelligence and Research, Former Assistant Secretary of State for Population, Refugees, and Migration, Adjunct Professor, Johns Hopkins University, Washington, DC; Ms. Josephine Guy, Director of Governmental Affairs, America 21, Louisville, KY; and Dr. Nicholas Eberstadt, Henry Wendt Chair in Political Economy, American Enterprise Institute, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, February 27, 2002, at 9:30 a.m., to hold a hearing entitled "The Watchdogs Didn't Bark: Enron and the Wall Street Analysts."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Employment Non-Discrimination Act, ENDA, during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on Workplace Safety and Health for Immigration and Low Wage Workers during the session of the Senate on Wednesday, February 27, 2002, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, February 27, 2002, at 2 p.m., in room 106 of the Dirksen Senate Building to conduct a hearing on the rulings of the U.S. Supreme Court affecting tribal governments powers and authorities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Sovereign Immunity and the Protection of Intellectual Property" on Wednesday, February 27, 2002, at 10 a.m., in Dirksen room 226.

Revised Witness List

Panel I: James E. Rogan, Under Secretary of Commerce for Intellectual Property, Director of the U.S. Patent and Trademark Office, Washington, DC; and Marybeth Peters, Register of Copyrights, U.S. Copyright Office, Washington, DC.

Panel II: Michael K. Kirk, Executive Director, American Intellectual Property Law Association, Arlington, Virginia; Keith Shraad, Western Regional Director, National Information Consortium, Lawrence, Kansas; William E. Thro, General Counsel, Christopher Newport University, Newport News, Virginia; and Paul Bender, Professor, Arizona State University College of Law, Counsel to Meyer & Klipper, PLLC, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a hearing regarding the U.S. Small Business Administration's Fiscal Year 2003 Budget and other matters on Wednesday, February 27, 2002, beginning at 9 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentations of the Disabled American Veterans and the Veterans of Foreign Wars.

The hearing will take place in room 345 of the Cannon House Office Building at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, February 27, 2002, from 9 a.m.–12 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 2:30 p.m., in open and closed session to receive testimony on the weapons of mass destruction threat from Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, February 27, 2002, at 10 a.m., in open session to receive testimony on Department of Defense acquisition policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology, and Space of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 27, 2002, at 2 p.m., on digital divide and minority serving institutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—H.R. 2356

Mr. REID. Mr. President, I understand H.R. 2356 is at the desk and is due for its second reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. REID. Mr. President, I would object to any further proceedings.

The PRESIDING OFFICER. Under the rule, the bill will be placed on the calendar.

READ ACROSS AMERICA DAY

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from consideration of S. Res. 211, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A resolution (S. 211) designating March 2, 2002, as "Read Across America Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 211) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 211

Whereas reading is a basic requirement for quality education and professional success, and a source of pleasure throughout life;

Whereas Americans must be able to read if the Nation is to remain competitive in the global economy;

Whereas Congress, through the No Child Left Behind Act of 2001 (Public Law 107–110) and the new Reading First, Early Reading First, and Improving Literacy Through School Libraries programs, has placed great emphasis on reading intervention and additional resources for reading assistance; and

Whereas more than 40 national associations concerned about reading and education have joined with the National Education Association to use March 2, the anniversary of the birth of Theodor Geisel, also known as Dr. Seuss, to celebrate reading: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 2, 2002, as "Read Across America Day";

(2) honors Theodor Geisel, also known as Dr. Seuss, for his success in encouraging children to discover the joy of reading;

(3) encourages parents to read with their children for at least 30 minutes on Read Across America Day in honor of Dr. Seuss and in a celebration of reading; and

(4) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 699, 700, and 701, and the nominations placed on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon be printed in the Record, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Steven R. Polk, 6022.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. John R. Baker, 3934.

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Lance W. Lord, 1026.

Nominations Placed on the Secretary's Desk

AIR FORCE

PN1312 Air Force nomination of David E. Blum, which was received by the Senate and appeared in the Congressional Record of December 20, 2001

PN1313 Air Force nominations (2) beginning JAMES C. COOPER, II, and ending JOHN J. KUPKO, II, which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2001

PN1349 Air Force nominations (2) beginning LINDA F. JONES, and ending Robert J. King, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1350 Air Force nomination of Dan Rose, which was received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1351 Air Force nominations (3) beginning DOUGLAS W. KNIGHTON, and ending ROBERT J. SEMRAD, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1352 Air Force nominations (5) beginning RICHARD E. HORN, and ending MARK A. WEINER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1358 Air Force nominations (10) beginning VINCENT G. DEBONO, JR, and ending AMY M. ROWE, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1360 Air Force nominations (41) beginning KATHRYN L. AASEN, and ending JUSTIN N. ZUMSTEIN, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1362 Air Force nominations (155) beginning MELISSA A. AERTS, and ending RICHARD M. ZWIRKO, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1353 Air Force nominations (295) beginning TODD E. ABBOTT, and ending STEPHEN J. ZIMMERMANN, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1369 Air Force nominations (56) beginning KIRBY D. AMONSON, and ending DALTON P. WILSON, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1377 Air Force nominations (2) beginning SANDRA G. MATHEWS, and ending MARGARET M. NONNEMACHER, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

PN1378 Air Force nominations (2) beginning REBECCA A. DOBBS, and ending MAX S. KUSH, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

PN1379 Air Force nominations (11) beginning ERNEST H. BARNETT, and ending RONALD W. SCHMIDT, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

PN1380 Air Force nominations (16) beginning SANDRA H. ALFORD, and ending FRANCIS C. ZUCCONI, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

PN1381 Air Force nominations (14) beginning RAUL A. AGUILAR, and ending GILBERT L. WERGOWSKE, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

PN1382 Air Force nominations (143) beginning LARRY W. ALEXANDER, and ending CLAUDIA R. ZIEBIS, which nominations were received by the Senate and appeared in the Congressional Record of January 29, 2002

ARMY

PN1299 Army nomination of LESLIE C. SMITH, II, which was received by the Senate and appeared in the Congressional Record of December 18, 2001

PN1353 Army nominations (8) beginning FRANKLIN E. LIMERICK, JR., and ending GARY J. THORSTENSON, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1354 Army nominations (7) beginning DARLENE S. COLLINS, and ending MICHAEL J. WAGNER, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002

PN1364 Army nominations (17) beginning GARY J. BROCKINGTON, and ending DONNA M. WRIGHT, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1438 Army nominations (35) beginning MARIAN AMREIN, and ending STEVEN M. WALTERS, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2002

MARINE CORPS

PN1367 Marine Corps nominations (143) beginning ROBERT J. ABBLITT, and ending CARL J. WOODS, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1368 Marine Corps nominations (192) beginning DONALD A. BARNETT, and ending NICOLAS R. WISECARVER, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002

PN1418 Marine Corps nominations (365) beginning ALBERT R. ADLER, and ending PETER D. ZORETIC, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2002

NAVY

PN1391 Navy nominations (4) beginning GREGORY W. KIRWAN, and ending MATTHEW M. SCOTT, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2002

PN1392 Navy nominations (9) beginning MICHAEL J. ADAMS, and ending SCOTT A. SUOZZI, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 2002

PN1419 Navy nomination John J. Whyte, which was received by the Senate and appeared in the Congressional Record of February 11, 2002

PN1420 Navy nominations (33) beginning KELLY V. AHLM, and ending THOMAS A. WINTER, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2002

PN1421 Navy nominations (262) beginning RENE V. ABADESCO, and ending MARK W. YATES, which nominations were received by the Senate and appeared in the Congressional Record of February 11, 2002

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Corzine). Without objection, it is so ordered.

BLACK HISTORY MONTH

Mr. BROWNBACK. Mr. President, perhaps one of the most moving anthems of this Nation was written by Katharine Lee Bates, "America The Beautiful." In the fourth verse, Ms. Bates wrote:

> O beautiful for patriot dream that sees beyond the years,
> Thine alabaster cities gleam undimmed by human tears!

From the inception of our Nation, many Americans have given their lives in order that we may enjoy the freedom and prosperity of American society. Now where is that more apparent than in our military history.

As we celebrate Black History Month, it is fitting that we take time to remember those Americans who, undaunted by the confines of slavery, oppression, and segregation, fought valiantly to preserve our great Nation.

During the struggle for national independence during the Revolutionary War, approximately 8,000 to 10,000 African-American soldiers served the cause for freedom. Of that number, 5,000 African Americans served in combat roles.

These brave soldiers fought or provided labor in virtually every major action of the war, from the first exchange of fire at Lexington and Concord to the decisive victory at Yorktown.

When the war of 1812 broke out between the United States and Great Britain, once again African Americans offered their services to protect this country. For example, New York raised two 1,000-man African-American regiments and many White units included African-American soldiers.

In Philadelphia, 2,500 African Americans volunteered to erect fortifications on the outskirts of the city, and an estimated 10 percent of those serving on U.S. Navy ships in the Great Lakes were African Americans, who took part as seamen in Capt. Oliver Hazard Perry's victory over the British on Lake Erie in 1813. During the battle, an African-American soldier, Cytus Tiffany, used his body as a shield to protect Captain Perry during the battle.

Captain Perry later wrote:

> I have yet to learn that the colour of a man's skin * * * can affect a man's qualifications or usefulness.

Similarly, many African Americans quickly volunteered their military services during the Civil War. In fact, many slaves escaped persecution to join the Union forces in order to end slavery in this country.

One such brave individual was Robert Smalls. Smalls, who was born into slavery, was "hired out" by his Master for various jobs, including that of sailor. While serving on a ship called the Planter, Smalls coordinated and carried out an escape with the Confederate vessel into Federal lines on May 13, 1862.

Following this heroic deed; Robert eventually was made captain of the vessel. Robert's courage and intelligence in delivering the Planter to the Union forces helped invalidate the theory that Blacks were inferior to whites and greatly influenced the 1862 debates over slavery and the Union's use of African American soldiers.

One of the most distinguished and revered African-American military regiments in our Nation's history was the Buffalo Soldiers.

After the Civil war, the future of African Americans in the U.S. Army was in question. However, in July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche Tribes.

Until the early 1890s, they constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the Western frontier still remains one of the most exemplary services performed by a regiment in the U.S. Army.

As a Kansan and an American, I am very proud of the Buffalo Soldiers. In fact, this is a picture of the late Elmer Robinson, Sergeant 1st Class, 10th Cavalry. Mr. Robinson served his country valiantly from 1935 to 1955. After he retired from the military, he resided in Leavenworth, KS until his death in July 2000. Over the years African-Americans continued to serve valiantly for our country such as with the Tuskegee Airmen in World War II and subsequent wars following. In 1948, President Harry Truman issued an Executive Order that paved the way for our Armed Forces to end segregation.

Over the years, the military produced many distinguished African-Americans such as, Benjamin O. Davis, Sr., who was the first African-American general in the regular Armed Forces and his son, Benjamin O. Davis, Jr., who became the second African-American general in the regular Armed Forces and in the Air Force.

Finally, one of the most distinguished and recognized African-American military leaders in our Nation is Secretary of State, General Colin Powell. Secretary Powell has served and continues to serve this country with distinction. He dedicated the monument we have, a statue of a Buffalo soldier on horseback in Leavenworth, KS.

During the late 1980s, former President George Bush nominated Secretary Powell as Chairman of the Joint Chiefs of Staff—becoming the first African-American to serve in this capacity. This would not be his last "African-American first" accomplishment however. After the election of President George W. Bush, the President nominated Secretary Powell to the position of Secretary of State where he serves currently with distinction.

This American history is just a glimpse of what I hope will be showcased on a national level. As you know; we recently passed legislation that creates a Presidential Commission charged with recommending a legislative plan of action to establish a National African-American history and culture museum in Washington, DC. It had been 70 years people had fought for this museum. We passed it last year.

This is the first concrete step we have taken to properly honor the many contributions of African-Americans in this society. Currently, we are in the process of nominating the presidential commission and I am looking forward to the commission's recommendations regarding establishing this museum on the National Mall—where it belongs.

Indeed, this country has been richly blessed by the contributions and sacrifices of African-Americans.

Cytus Tiffany, Robert Smalls, the Buffalo Soldiers, and the Tuskegee Airmen only make up a fraction of Americans who believed in the ideals of America and were willing to "see beyond" the years of their oppression to a society that was fully inclusive of all citizens despite race.

Because of their sacrifices, our Nation has prospered and grown into the symbol of freedom around the world. As we continue to ensure our national freedom, we encourage you to join us and celebrate this magnificent American history; a history of a group of individuals who were brought to our shores in shackles, yet, helped remove "shackles" from our society to ensure that we live together in peace and prosperity.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 2917, AS MODIFIED

Mr. REID. Mr. President, I ask unanimous consent that amendment No. 2917 be modified with the changes at the desk, notwithstanding the pendency of S. 517; that upon modification, the amendment be printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Policy Act of 2002".

SEC. 2. TABLE OF CONTENTS.

Sec. 1. Short title.
Sec. 2. Table of contents.

DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

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Sec. 205. Transmission interconnections.
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Sec. 207. Electric reliability standards.
Sec. 208. Market transparency rules.
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Sec. 222. Definitions.
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Sec. 224. Federal access to books and records.

Sec. 225. State access to books and records.
Sec. 226. Exemption authority.
Sec. 227. Affiliate transactions.
Sec. 228. Applicability.
Sec. 229. Effect on other regulations.
Sec. 230. Enforcement.
Sec. 231. Savings provisions.
Sec. 232. Implementation.
Sec. 233. Transfer of resources.
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Sec. 235. GAO study on implementation.
Sec. 236. Effective date.
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Sec. 238. Conforming amendments to the Federal Power Act.

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

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DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

SEC. 101. POLICY ON REGIONAL COORDINATION.

(a) Statement of Policy.—It is the policy of the Federal Government to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable energy services to the public while minimizing the impact of providing energy services on communities and the environment.

(b) Definition of Energy Services.—For purposes of this section, the term "energy services" means—

(1) the generation or transmission of electric energy,

(2) the transportation, storage, and distribution of crude oil, residual fuel oil, refined petroleum product, or natural gas, or

(3) the reduction in load through increased efficiency, conservation, or load control measures.

SEC. 102. FEDERAL SUPPORT FOR REGIONAL COORDINATION.

(a) Technical Assistance.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in coordinating their energy policies on a regional basis. Such technical assistance may include assistance in—

(1) assessing future supply availability and demand requirements,

(2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs,

(3) identifying and resolving problems in distribution networks,

(4) developing plans to respond to surge demand or emergency needs, and

(5) developing renewable energy, energy efficiency, conservation, and load control programs.

(b) Annual Conference on Regional Energy Coordination.—

(1) Annual conference.—The Secretary of Energy shall convene an annual conference to promote regional coordination on energy policy and infrastructure issues.

(2) Participation.— The Secretary of Energy shall invite appropriate representatives of federal, state, and regional energy organizations, and other interested parties.

(3) State and federal agency cooperation.—The Secretary of Energy shall consult and cooperate with State and regional energy organizations, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Federal Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality in the planning and conduct of the conference.

(4) Agenda.—The Secretary of Energy, in consultation with the officials identified in paragraph (3) and participants identified in paragraph (2), shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructure issues.

(5) Recommendations.—Not later than 60 days after the conclusion of each annual conference, the Secretary of Energy shall report to the President and the Congress recommendations arising out of the conference that may improve—

(A) regional coordination on energy policy and infrastructure issues, and

(B) federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

SEC. 201. DEFINITIONS.

(a) Definition of Electric Utility.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) 'electric utility' means any person or Federal or State agency (including any municipality) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing agency.

(b) Definition of Transmitting Utility.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23))is amended to read as follows:

"(23) Transmitting utility.—The term 'transmitting utility' means an entity (including any entity described in section 201(f)) that owns or operates facilities used for the transmission of electric energy in—

"(A) interstate commerce; or

"(B) for the sale of electric energy at wholesale.".

SEC. 202. ELECTRIC-UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $1,000,000,

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

(C) purchase, acquire, or take any security of any other public utility, or

(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy or for the production or transportation of natural gas.

"(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

"(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the same.

"(5) For purposes of this subsection, the terms 'electric utility company', 'gas utility company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2002.

"(6) Notwithstanding section 201(b)(1), facilities used for the generation of electric energy shall be subject to the jurisdiction of the Commission for purposes of this section.".

SEC. 203. MARKET-BASED RATES.

(a) Approval of Market-Based Rates.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider—

"(1) whether the seller and its affiliates have, or have adequately mitigated, market power in the generation and transmission of electric energy;

"(2) whether the sale is made in a competitive market;

"(3) whether market mechanisms, such as power exchanges and bid auctions, function adequately;

"(4) the effect of demand response mechanisms;

"(5) the effect of mechanisms or requirements intended to ensure adequate reserve margins; and

"(6) other such considerations as the Commission may deem to be appropriate and in the public interest.".

(b) Revocation of Market-Based Rates.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order in accordance with this section, or order such other action as will, in the judgment of the Commission, adequately ensure a just and reasonable market-based rate.".

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking "60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "on which the complaint is filed"; and

(2) striking "60 days after the publication by the Commission of notice of its intention to initiate such proceeding nor later than 5 months after the expiration of such 60-day period" in the third sentence and inserting "on which the Commission publishes notice of its intention to initiate such proceeding".

SEC. 205. TRANSMISSION INTERCONNECTIONS.

Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended to read as follows:

"TRANSMISSION INTERCONNECTION AUTHORITY

"Sec. 210. (a)(1) The Commission shall, by rule, establish technical standards and procedures for the interconnection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce. The rule shall provide—

"(A) criteria to ensure that an interconnection will not unreasonably impair the reliability of the transmission system; and

"(B) criteria for the apportionment or reimbursement of the costs of making the interconnection.

"(2) Notwithstanding section 201(f), a transmitting utility shall interconnect its transmission facilities with the generation facilities of a power producer upon the application of the power producer if the power producer complies with the requirements of the rule.

"(b) Upon the application of a power producer or its own motion, the Commission may, after giving notice and an opportunity for a hearing to any entity whose interest may be affected, issue an order requiring—

"(1) the physical connection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce;

"(2) such action as may be necessary to make effective any such physical connection;

"(3) such sale or exchange of electric energy or other coordination, as may be necessary to carry out the purposes of such order; or

"(4) such increase in transmission capacity as may be necessary to carry out the purposes of such order.

"(c) As used in this section, the term 'power producer' means an entity that owns or operates a facility used for the generation of electric energy.".

SEC. 206. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

"OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

"SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

"(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

"(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

"(A) sells no more than 4,000,000 megawatt hours of electricity per year;

"(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

"(C) meets other criteria the Commission determines to be in the public interest.

"(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

"(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

"(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(7) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

"(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

"(B) is either an entity described in section 201(f) or a rural electric cooperative.".

SEC. 207. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY STANDARDS.

"(a) DUTY OF THE COMMISSION.—The Commission shall establish and enforce one or more systems of mandatory electric reliability standards to ensure the reliable operation of the interstate transmission system, which shall be applicable to—

"(1) any entity that sells, purchases, or transmits, electric energy using the interstate transmission system, and

"(2) any entity that owns, operates, or maintains facilities that are a part of the interstate transmission system.

"(b) STANDARDS.—In carrying out its responsibility under subsection (a), the Commission may adopt and enforce, in whole or in part, a reliability standard proposed or adopted by the North American Electric Reliability Council, a regional reliability council, a similar organization, or a State regulatory authority.

"(c) ENFORCEMENT.—In carrying out its responsibility under subsection (a), the Commission may certify one or more self-regulating reliability organizations (which may include the North American Electric Reliability Council, one or more regional reliability councils, one or more regional transmission organizations, or any similar organization) to ensure the reliable operation of the interstate transmission system and to monitor and enforce compliance of their members with electric reliability standards adopted under this section.

"(d) COOPERATION WITH CANADA AND MEXICO.—The Commission shall ensure that any self-regulating reliability organization certified under this section, one or more of whose members are interconnected with transmitting utilities in Canada or the Republic of Mexico, provide for the participation of such utilities in the governance of the organization and the adoption of reliability standards. Nothing in this section shall be construed to extend the jurisdiction of the Commission outside of the United States.

"(e) PRESERVATION OF STATE AUTHORITY.—Nothing in this section shall be construed to preempt the authority of any State to take action to ensure the safety, adequacy, and reliability of local distribution facilities service within the State, except where the exercise of such authority unreasonably impairs the reliability of the interstate transmission system.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'interstate transmission system' means the network of facilities used for the transmission of electric energy in interstate commerce.

"(2) The term 'reliability' means the ability of the interstate transmission system to transmit sufficient electric energy to supply the aggregate electric demand and energy requirements of electricity consumers at all times and the ability of the system to withstand sudden disturbances.".

SEC. 208. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. MARKET TRANSPARENCY RULES.

"(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, state commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

"(b) INFORMATION REQUIRED.—The Commission shall require—

"(1) each regional transmission organization to provide statistical information about the available capacity and capacity constraints of transmission facilities operated by the organization; and

"(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

"(c) TIMELY BASIS.—The Commission shall require the information required under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

"(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.".

SEC. 209. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not penalize such generators, directly or indirectly, for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) are beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the requirement in subsection (a) is met by adopting such policies as it deems appropriate which shall include, but not be limited to, the following:

"(1) Subject to the sole exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not directly or indirectly penalize intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in subsection (b) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have a substantial adverse impact on the reliability of the transmitting utility's system. For purposes of administering this exemption, there shall be a rebuttable presumption of no adverse impact where intermittent generators collectively constitute 20 percent or less of total generation interconnected with transmitting utility's system and using transmission services provided by transmitting utility.

"(3) The Commission shall ensure that to the extent any transmission charges recovering the transmitting utility's embedded costs are assessed to intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated rather than the intermittent generator's capacity.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators, and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service pursuant to long-term contracts of up to ten years duration under reasonable terms and conditions.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'intermittent generator' means a facility that generates electricity using wind or solar energy and no other energy source.

"(2) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(3) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.".

SEC. 210. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting "electric utility," after "Any person,"; and

(2) inserting "transmitting utility," after "licensee" each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting "or transmitting utility" after "any person" in the first sentence.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting "electric utility," after "Any person," in the first sentence.

(d) CRIMINAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is repealed.

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

Subtitle B—Amendments to the Public Utility Holding Company Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2002".

SEC. 222. DEFINITIONS.

For purposes of this subtitle:

(1) The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term "associate company" of a company means any company in the same holding company system with such company.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 223. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 224. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 225. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail by the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 226. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 224 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 224, if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 227. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—. Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.— Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 228. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 229. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 230. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e-825p) to enforce the provisions of this subtitle.

SEC. 231. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 232. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 233. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 234. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

(a) TASK FORCE.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), which shall consist of—

(1) 1 member each from—

(A) the Department of Justice, to be appointed by the Attorney General of the United States;

(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and

(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and

(2) 2 advisory members (who shall not vote), of whom—

(A) 1 shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and

(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

(b) STUDY AND REPORT.—

(1) STUDY.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.

(2) REPORT.—

(A) FINAL REPORT.—Not later than 1 year after the effective date of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

(B) PUBLIC COMMENT.—At least 60 days before submission of a final report to the Congress under subparagraph (A), the task force shall publish a draft report in the Federal Register to provide for public comment.

(c) FOCUS.—The study required by this section shall examine—

(1) the best means of protecting competition within the wholesale and retail electric market;

(2) activities within the wholesale and retail electric market that may allow unfair and unjustified discriminatory and deceptive practices;

(3) activities within the wholesale and retail electric market, including mergers and acquisitions, that deny market access or suppress competition;

(4) cross-subsidization that may occur between regulated and nonregulated activities; and

(5) the role of State public utility commissions in regulating competition in the wholesale and retail electric market.

(d) CONSULTATION.—In performing the study required by this section, the task force shall consult with and solicit comments from its advisory members, the States, representatives of the electric power industry, and the public.

SEC. 235. GAO STUDY ON IMPLEMENTATION.

(a) STUDY.—The Comptroller General shall conduct a study of the success of the Federal Government and the States during the 18-month period following the effective date of this subtitle in—

(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and

(2) the promotion of competition and efficient energy markets to the benefit of consumers.

(b) REPORT TO CONGRESS.—Not earlier than 18 months after the effective date of this subtitle or later than 24 months after that effective date, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 236. EFFECTIVE DATE.

This subtitle shall take effect 18 months after the date of enactment of this subtitle.

SEC. 237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 238. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—

(1) Section 201(g) of the Federal Power Act (16 U.S.C. 824(g)) is amended by striking "1935" and inserting "2002".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2002".

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 241. REAL-TIME PRICING STANDARD.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

“(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.”.

“(b) Special Rules for Real-Time Pricing Standard.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

“(i) Real-Time Pricing.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.”.

SEC. 242. ADOPTION OF ADDITIONAL STANDARDS.

(a) Adoption of Standards.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

“(6) Distributed generation.—Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less.

“(7) Distribution interconnections.—No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with technical standards adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

“(8) Minimum fuel and technology diversity standard.—Each electric utility shall develop a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

“(9) Fossil fuel efficiency.—Each electric utility shall develop and implement a ten-year plan to increase the efficiency of its fossil fuel generation and shall monitor and report to its State regulatory authority excessive greenhouse gas emissions resulting from the inefficient operation of its fossil fuel generating plants.”.

(c) Time for Adopting Standards.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

“(d) Special Rule.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subsection.”.

SEC. 243. TECHNICAL ASSISTANCE.

Section 132(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(c)) is amended to read as follows:

“(c) Technical Assistance for Certain Responsibilities.—The Secretary may provide such technical assistance as he determines appropriate to assist State regulatory authorities and electric utilities in carrying out their responsibilities under section 111(d)(11) and paragraphs (6), (7), (8), and (9) of section 113(b).”.

SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) Termination of Mandatory Purchase and Sale Requirements.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

“(m) Termination of Mandatory Purchase and Sale Requirements.—

“(1) In general.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

“(2) No effect on existing rights and remedies.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

“(A) the right to recover costs of purchasing such electric energy or capacity; and

“(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

“(3) Recovery of costs.—

“(A) Regulation.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall collect the prudently incurred costs associated with such purchases.

“(B) Enforcement.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).”.

(b) Elimination of Ownership Limitations.—

(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

“(C) ‘qualifying small power production facility’ means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”.

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

“(B) ‘qualifying cogeneration facility’ means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.”.

SEC. 245. NET METERING.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

“SEC. 605. NET METERING FOR RENEWABLE ENERGY AND FUEL CELLS.

“(a) Definitions.—For purposes of this section:

“(1) The term ‘eligible on-site generating facility’ means—

“(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

“(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

“(2) The term ‘renewable energy resource’ means solar, wind, biomass, or geothermal energy.

“(3) The term ‘high efficiency system’ means fuel cells or combined heat and power.

“(4) The term ‘net metering service’ means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

“(b) Requirement To Provide Net Metering Service.—Each electric utility shall make available upon request net metering service to an electric consumer that the electric utility serves.

“(c) Rates and Charges.—

“(1) Identical charges.—An electric utility—

“(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

“(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

“(2) Measurement.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

“(3) Electric energy supplied exceeding electric energy generated.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

“(4) Electric energy generated exceeding electric energy supplied.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

“(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

“(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

“(d) Safety and Performance Standards.—

“(1) An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(2) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(e) Application.—This section applies to each electric utility during any calendar year in which the total sales of electric energy by such utility for purposes other than resale exceeded 1,000,000,000 kilowatt-hours during the preceding calendar year.".

Subtitle D—Consumer Protections

SEC. 251. INFORMATION DISCLOSURE.

(a) Offers and Solicitations.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information—

(1) the nature of the service being offered, including information about interruptibility of service;

(2) the price of the electric energy, including a description of any variable charges;

(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

(A) the product or its price;

(B) the share of electric energy that is generated by each fuel type; and

(C) the environmental emissions produced in generating the electric energy.

(b) Periodic Billings.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

SEC. 252. CONSUMER PRIVACY.

(a) Prohibition.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

(b) Permitted Use.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes—

(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

(3) to protect the rights or property of the person obtaining such information;

(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

(5) for law enforcement purposes; or

(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

(c) Aggregate Consumer Information.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

(d) Definitions.—As used in this section:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

SEC. 253. UNFAIR TRADE PRACTICES.

(a) Slamming.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

(b) Cramming.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

SEC. 254. APPLICABLE PROCEDURES.

The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

SEC. 255. FEDERAL TRADE COMMISSION ENFORCEMENT.

Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to it.

SEC. 257. APPLICATION OF SUBTITLE.

The provisions of this subtitle apply to each electric utility if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours per calendar year. The provisions of this subtitle do not apply to the operations of an electric utility to the extent that such operations relate to sales of electric energy for purposes of resale.

SEC. 258. DEFINITIONS.

As used in this subtitle:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

(3) The terms "electric consumer", "electric utility", and "State regulatory authority" have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle E—Renewable Energy and Rural Construction Grants

SEC. 261. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) Incentive Payments.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting the following: ". The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.".

(b) Qualified Renewable Energy Facility.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting the following: "an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(2) by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(c) Eligibility Window.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "before October 1, 2013".

(d) Payment Period.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended by inserting "or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility" after "eligible for such payments".

(e) Amount of Payment.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(f) Sunset.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(g) Incremental Hydropower; Authorization of Appropriations.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is further amended by striking subsection (g) and inserting the following:

"(g) Incremental Hydropower.—

"(1) Programs.—Subject to subsection (h)(2), if an incremental hydropower program meets the requirements of this section, as determined by the Secretary, the incremental hydropower program shall be eligible to receive incentive payments under this section.

"(2) Definition of Incremental Hydropower.—In this subsection, the term 'incremental hydropower' means additional generating capacity achieved from increased efficiency or additions of new capacity at a hydroelectric facility in existence on the date of enactment of this paragraph.

"(h) Authorization of Appropriations.—

"(1) In general.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) Limitation on funds used for incremental hydropower programs.—Not more than 30 percent of the amounts made available under paragraph (1) shall be used to carry out programs described in subsection (g)(2).

"(3) Availability of funds.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 262. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) Resource Assessment.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources available within the United States, including solar, wind, biomass, ocean, geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies and other relevant factors.

(b) Contents of Reports.—Not later than one year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources, and

(2) such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) Requirement.—The President shall ensure that, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices, including aggregation and the use of renewable energy derivatives, by federal agencies.

(b) Definition.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

(c) Tribal Power Generation.—To the maximum extent practicable, the President shall ensure that not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 264. RURAL CONSTRUCTION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

"(c) Rural and Remote Communities Electrification Grants.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities for—

"(1) a unit of local government of a State or territory; or

"(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(d) Grant Criteria.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

"(e) Preference.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

"(f) Definition.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

(e) Authorization.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary $20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.".

SEC. 265. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) Minimum Renewable Generation Requirement.—For each calendar year beginning with 2003, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

"(b) Required Annual Percentage.—

"(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2);

"(2) For calendar year 2005 the required annual percentage shall be 2.5 percent of the retail electric supplier's base amount; and

"(3) For each calendar year from 2006 through 2020, the required annual percentage of the retail electric supplier's base amount shall be .5 percent greater than the required annual percentage for the calendar year immediately preceding.

"(c) Submission of Credits.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

"(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any of the two previous calendar years;

"(B) renewable energy credits obtained by purchase or exchange under subsection (e);

"(C) renewable energy credits borrowed against future years under subsection (f); or

"(D) any combination of credits under subparagraphs (A), (B), and (C).

"(2) A credit may be counted toward compliance with subsection (a) only once.

"(d) Issuance of Credits.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

"(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

"(A) the type of renewable energy resource used to produce the electricity,

"(B) the location where the electric energy was produced, and

"(C) any other information the Secretary determines appropriate.

"(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility.

"(B) For incremental hydropower the credits shall be calculated based on a normalized annual capacity factor for each facility, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

"(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

"(D) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

"(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit. The Secretary shall retain the fee and use it to pay these administrative costs.

"(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

"(f) CREDIT BORROWING.—At any time before the end of calendar year 2003, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (a) for calendar year 2003 and the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

"(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted.

"(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(j) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

"(k) DEFINITIONS.—For purposes of this section—

"(1) The term 'eligible facility' means—

"(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2002; or

"(B) a repowering or cofiring increment that is placed in service on or after January 1, 2002 at a facility for the generation of electric energy from a renewable energy resource that was placed in service before January 1, 2002.

An eligible facility does not have to be interconnected to the transmission or distribution system facilities of an electric utility.

"(2) The term 'generation offset' means reduced electricity usage metered at a site where a customer consumes electricity from a renewable energy technology.

"(3) The term 'incremental hydropower' means additional generation capacity achieved from increased efficiency or additions of capacity after January 1, 2002 at a hydroelectric dam that was placed in service before January 1, 2002.

"(4) The term 'Indian land' means—

(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(5) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(6) The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(7) The term 'renewable energy resource' means solar, wind, biomass, ocean, or geothermal energy, a generation offset, or incremental hydropower facility.

"(8) The term 'repowering or cofiring increment' means the additional generation from a modification that is placed in service on or after January 1, 2002 to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before January 1, 2002.

"(9) The term 'retail electric supplier' means a person, State agency, or Federal agency that sells electric energy to electric consumers and sold not less than 500,000,000 kilowatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

"(10) The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by a renewable energy resource, landfill gas, or a hydroelectric facility.

"(l) SUNSET.—Subsection (a) of this section expires December 31, 2020.".

SEC. 266. RENEWABLE ENERGY ON FEDERAL LAND.

(a) COST-SHARE DEMONSTRATION PROGRAM.—Within 12 months after the date of enactment of this section, the Secretaries of the Interior, Agriculture, and Energy shall develop guidelines for a cost-share demonstration program for the development of wind and solar energy facilities on Federal land.

(b) DEFINITION OF FEDERAL LAND.—As used in this section, the term "Federal land" means land owned by the United States that is subject to the operation of the mineral leasing laws; and is either:

(1) public land as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1702(e)); or

(2) a unit of the National Forest System as that term is used in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(c) RIGHTS-OF-WAYS.—The demonstration program shall provide for the issuance of rights-of-way pursuant to the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) by the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and by the Secretary of Agriculture with respect to federal lands under the jurisdiction of the Department of Agriculture.

(d) AVAILABLE SITES.—For purposes of this demonstration program, the issuance of rights-of-way shall be limited to areas:

(1) of high energy potential for wind or solar development;

(2) that have been identified by the wind or solar energy industry, through a process of nomination, application, or otherwise, as being of particular interest to one or both industries;

(3) that are not located within roadless areas;

(4) where operation of wind or solar facilities would be compatible with the scenic, recreational, environmental, cultural, or historic values of the Federal land, and would not require the construction of new roads for the siting of lines or other transmission facilities; and

(5) where issuance of the right-of-way is consistent with the land and resource management plans of the relevant land management agencies.

(e) COST-SHARE PAYMENTS BY DOE.—The Secretary of Energy, in cooperation with the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and the Secretary of Agriculture with respect to Federal land under the jurisdiction of the Department of Agriculture, shall determine if the portion of a project on federal land is eligible for financial assistance pursuant to this section. Only those projects that are consistent with the requirements of this section and further the purposes of this section shall be eligible. In the event a project is selected for financial assistance, the Secretary of Energy shall provide no more than 15 percent of the costs of the project on the federal land, and the remainder of the costs shall be paid by non-Federal sources.

(f) REVISION OF LAND USE PLANS.—The Secretary of the Interior shall consider development of wind and solar energy, as appropriate, in revisions of land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1712); and the Secretary of Agriculture shall consider development of wind and solar energy, as appropriate, in revisions of land and resource management plans under section 5 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). Nothing in this subsection shall preclude the issuance of a right-of-way for the development of a wind or solar energy project prior to the revision of a land use plan by the appropriate land management agency.

(g) REPORT TO CONGRESS.—Within 24 months after the date of enactment of this section, the Secretary of the Interior shall develop and report to Congress recommendations on any statutory or regulatory changes the Secretary believes would assist in the development of renewable energy on Federal land. The report shall include—

(1) a five-year plan developed by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, for encouraging the development of wind and solar energy on Federal land in an environmentally sound manner; and

(2) an analysis of—

(A) whether the use of rights-of-ways is the best means of authorizing use of Federal land for the development of wind and solar energy, or whether such resources could be better developed through a leasing system, or other method;

(B) the desirability of grants, loans, tax credits or other provisions to promote wind and solar energy development on Federal land; and

(C) any problems, including environmental concerns, which the Secretary of the Interior or the Secretary of Agriculture have encountered in managing wind or solar energy projects on Federal land, or believe are likely to arise in relation to the development of wind or solar energy on Federal land;

(3) a list, developed in consultation with the Secretaries of Energy and Defense, of lands under the jurisdiction of the Departments of Energy and Defense that would be suitable for development for wind or solar energy, and recommended statutory and regulatory mechanisms for such development; and

(4) an analysis, developed in consultation with the Secretaries of Energy and Commerce, of the potential for development of wind, solar, and ocean energy on the Outer Continental Shelf, along with recommended statutory and regulatory mechanisms for such development.

TITLE III—HYDROELECTRIC RELICENSING

SEC. 301. ALTERNATIVE MANDATORY CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

"(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

"(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

"(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

"(1) inserting '(a)' before the first sentence; and

"(2) adding at the end the following:

"(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

"(A) will be no less effective than the fishway initially prescribed by the Secretary, and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

"(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

SEC. 302. CHARGES FOR TRIBAL LANDS.

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1)) is amended by inserting after the second proviso the following: "*Provided further*, That the Commission shall not issue a new or original license for projects involving tribal lands embraced within Indian reservations until annual charges required under this section have been fixed.".

SEC. 303. DISPOSITION OF HYDROELECTRIC CHARGES.

Section 17 of the Federal Power Act (16 U.S.C. 810) is amended by striking "to be expended under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States." and inserting the following: "to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior pursuant to a grant program to be established by the Secretary to support collaborative watershed restoration and education activities intended to promote the recovery of candidate, threatened, and endangered species under the Endangered Species Act of 1973; and (B) fifty-percent of the funds shall be expended by the Secretary of Agriculture, acting through the Chief of the Forest Service, for the Youth Conservation Corps program.".

SEC. 304. ANNUAL LICENSES.

Section 15(a) of the Federal Power Act (16 U.S.C. 808(a)) is amended by adding at the end the following:

"(4) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall first consult with the Secretary of the Interior and the Secretary of Commerce, and if the project is within any reservation, with the Secretary under whose supervision such reservation falls.

"(5) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall publish a written statement setting forth the reasons why the annual license is needed, and describing the results of consultation with the Secretary of the Interior, the Secretary of Commerce, and the Secretary under whose supervision the reservation falls. Such explanation shall also contain the best judgment of the Commission as to whether the Commission anticipates issuing an additional annual license.

"(6) At least 60 days prior to expiration of the seventh and subsequent annual licenses issued under paragraph (1), the Commission shall submit to Congress the written statement required in paragraph (5).".

SEC. 305. ENFORCEMENT.

(a) MONITORING AND INVESTIGATIONS OF MANDATORY CONDITIONS AND FISHWAY PRESCRIPTIONS.—The first sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823b(a)) is amended to read as follows:

"The Commission shall monitor and investigate compliance with each license and permit issued under this Part, each condition imposed under section 4(e) or 4(h), each fishway prescription imposed under section 18, and each exemption granted from any requirement of this Part."

(b) COMPLIANCE ORDERS.—The third sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823(a)) is amended to read as follows:

"After notice and opportunity for public hearing, the Commission may issue such orders as necessary to require compliance with the terms and conditions of licenses and permits issued under this Part, with conditions imposed under section 4(e) or 4(h), with fishway prescriptions imposed under section 18, and with the terms and conditions of exemptions granted from any requirement of this Part."

SEC. 306. ESTABLISHMENT OF HYDROELECTRIC RELICENSING PROCEDURES.

(a) JOINT PROCEDURES OF THE COMMISSION AND RESOURCE AGENCIES.—

(1) Within 18 months after the date of enactment of this section, the Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, shall, after consultation with the interested states and public review and comment, issue coordinated regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808).

(2) Such regulations shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 15(b) of the Federal Power Act (16 U.S.C. 808(b)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and other regulatory procedures of the Commission and the resource agencies under Part I of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), and draft and final fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the resource agencies;

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, data, and analysis to be provided by the license applicant

(b) PROCEDURES OF THE COMMISSION.—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the application; and

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 307. RELICENSING STUDY.

(a) IN GENERAL.—The Federal Energy Regulatory Commission shall, jointly with the Secretary of Commerce, the Secretary of the Interior, and the Secretary of Agriculture, conduct a study of all new licenses issued for existing projects under section 15 of the Federal Power Act (16 U.S.C. 808) since January 1, 1994.

(b) SCOPE.—The study shall analyze:

(1) the length of time the Commission has taken to issue each new license for an existing project;

(2) the additional cost to the licensee attributable to new license conditions;

(3) the change in generating capacity attributable to new license conditions;

(4) the environmental benefits achieved by new license conditions;

(5) significant unmitigated environmental damage of the project and costs to mitigate such damage; and

(6) litigation arising from the issuance or failure to issue new licenses for existing projects under section 15 of the Federal Power Act or the imposition or failure to impose new license conditions.

(c) DEFINITION.—As used in this section, the term "new license condition" means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 797(e)),

(2) section 10(a) of the Federal Power Act (16 U.S.C. 803(a)),

(3) section 10(e) of the Federal Power Act (16 U.S.C. 803(e)),

(4) section 10(j) of the Federal Power Act (16 U.S.C. 803(j)),

(5) section 18 of the Federal Power Act (16 U.S.C. 811), or

(6) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)).

(d) CONSULTATION.—The Commission shall give interested persons and licensees an opportunity to submit information and views in writing.

(e) REPORT.—The Commission shall report its findings to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 24 months after the date of enactment of this section.

SEC. 308. DATA COLLECTION PROCEDURES.

Within 24 months after the date of enactment of this section, the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall jointly develop procedures for ensuring complete and accurate information concerning the time and cost to parties in the hydroelectric licensing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly, but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

"SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'Director' means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

"(2) the term 'Indian land' means—

"(A) any land within the limits of an Indian reservation, pueblo, or rancheria;

"(B) any land not within the limits of an Indian reservation, pueblo, or rancheria whose title on the date of enactment of this section was held—

"(i) in trust by the United States for the benefit of an Indian tribe,

"(ii) by an Indian tribe subject to restriction by the United States against alienation, or

"(iii) by a dependent Indian community; and

"(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

"(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

"(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting their energy education, research and development, planning, and management needs.

"(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

"(A) renewable energy, energy efficiency, and conservation programs;

"(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

"(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

"(D) developing, constructing, and interconnecting electric power transmission facilities with transmission facilities owned and operated by a Federal power marketing agency or an electric utility that provides open access transmission service.

"(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

"(A) the total number of acres of Indian land owned by an Indian tribe;

"(B) the total number of households on the Indian tribe's Indian land;

"(C) the total number of households on the Indian tribe's Indian land that have no electricity service or are under-served; and

"(D) financial or other assets available to the Indian tribe from any source.

"(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

"(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

"(6) The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(c) LOAN GUARANTEE PROGRAM.—

"(1) AUTHORITY.—The Secretary may guarantee not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development, including the planning, development, construction, and maintenance of electrical generation plants, and for transmission and delivery mechanisms for electricity produced on Indian land. A loan guaranteed under this subsection shall be made by—

"(A) a financial institution subject to the examination of the Secretary; or

"(B) an Indian tribe, from funds of the Indian tribe, to another Indian tribe.

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated to cover the cost of loan guarantees shall be available without fiscal year limitation to the Secretary to fulfill obligations arising under this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

"(B) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the administrative expenses related to carrying out the loan guarantee program established by this subsection.

"(4) LIMITATION ON AMOUNT.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any one time under this subsection shall not exceed **$2,000,000,000**.

"(5) REGULATIONS.—The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(d) INDIAN ENERGY PREFERENCE.—(1) An agency or department of the United States Government may give, in the purchase of electricity, oil, gas, coal, or other energy product or by-product, preference in such purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by a tribal government.

"(2) In implementing this subsection, an agency or department shall pay no more than the prevailing market price for the energy product or by-product and shall obtain no less than existing market terms and conditions.

"(e) EFFECT ON OTHER LAWS.— This section does not—

"(1) limit the discretion vested in an Administrator of a Federal power marketing agency to market and allocate Federal power, or

"(2) alter Federal laws under which a Federal power marketing agency markets, allocates, or purchases power.".

SEC. 402. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

Title II of the Department of Energy Organization Act is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

"SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code.

"(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote tribal energy efficiency and utilization;

"(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

"(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

"(4) lower or stabilize energy costs; and

"(5) electrify tribal members' homes and tribal lands.

"(c) The Director shall carry out the duties assigned the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).".

SEC. 403. CONFORMING AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) TABLE OF CONTENTS.—The Table of Contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

"Sec. 217. Office of Indian Energy Policy and Programs.".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 404. SITING ENERGY FACILITIES ON TRIBAL LANDS.

(a) DEFINITIONS.—For purposes of this section:

(1) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except that such term does not include any Regional Corporation as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(2) INTERESTED PARTY.—The term "interested party" means a person whose interests could be adversely affected by the decision of an Indian tribe to grant a lease or right-of-way pursuant to this section.

(3) PETITION.—The term "petition" means a written request submitted to the Secretary for the review of an action (or inaction) of the Indian tribe that is claimed to be in violation of the approved tribal regulations;

(4) RESERVATION.—The term "reservation" means—

(A) with respect to a reservation in a State other than Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, federal statute, secretarial order, or judicial determination;

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe, and

(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TRIBAL LANDS.—The term "tribal lands" means any tribal trust lands or other lands owned by an Indian tribe that are within a reservation, or tribal trust lands located contiguous thereto.

(b) LEASES INVOLVING GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a lease of tribal land for electric generation, transmission, or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, and such leases shall not require the approval of the Secretary if the lease is executed under tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed 30 years.

(c) RIGHTS-OF-WAY FOR ELECTRIC GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a right-of-way over tribal lands for a pipeline or an electric transmission or distribution line without separate approval by the Secretary, if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary and the term of the right-of-way does not exceed 30 years; and

(2) the pipeline or electric transmission or distribution line serves—

(A) an electric generation, transmission or distribution facility located on tribal land, or

(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal lands.

(d) RENEWALS.—Leases or rights-of-way entered into under this subsection may be renewed at the discretion of the Indian tribe in accordance with the requirements of this section.

(e) TRIBAL REGULATION REQUIREMENTS.—

(1) The Secretary shall have the authority to approve or disapprove tribal regulations required under this subsection. The Secretary shall approve such tribal regulations if they are comprehensive in nature, including provisions that address—

(A) securing necessary information from the lessee or right-of-way applicant;

(B) term of the conveyance;

(C) amendments and renewals;

(D) consideration for the lease or right-of-way;

(E) technical or other relevant requirements;

(F) requirements for environmental review as set forth in paragraph (3);

(G) requirements for complying with all applicable environmental laws; and

(H) final approval authority.

(2) No lease or right-of-way shall be valid unless authorized in compliance with the approved tribal regulations.

(3) An Indian tribe, as a condition of securing Secretarial approval as contemplated in paragraph (1), must establish an environmental review process that includes the following—

(A) an identification and evaluation of all significant environmental impacts of the proposed action as compared to a no action alternative;

(B) identification of proposed mitigation;

(C) a process for ensuring that the public is informed of and has an opportunity to comment on the proposed action prior to tribal approval of the lease or right-of-way; and

(D) sufficient administrative support and technical capability to carry out the environmental review process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. The 180-day period may be extended by the Secretary after consultation with the Indian tribe.

(5) If the Indian tribe executes a lease or right-of-way pursuant to tribal regulations required under this subsection, the Indian tribe shall provide the Secretary with—

(A) a copy of the lease or right-of-way document and all amendments and renewals thereto; and

(B) in the case of regulations or a lease or right-of-way that permits payment to be made directly to the Indian tribe, documentation of the payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under existing law.

(6) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under this subsection, including the Indian tribe.

(7) (A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Indian tribe with any tribal regulations approved under this subsection. If upon such review, the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding or holding the lease or right-of-way in abeyance until the violation is cured. The Secretary may also rescind the approval of the tribal regulations and reassume the responsibility for approval of leases or rights-of-way associated with the facilities addressed in this section.

(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

(i) make a written determination with respect to the regulations that have been violated;

(ii) provide the Indian tribe with a written notice of the alleged violation together with such written determination; and

(iii) prior to the exercise of any remedy or the rescission of the approval of the regulations involved and reassumption of the lease or right-of-way approval responsibility, provide the Indian tribe with a hearing and a reasonable opportunity to cure the alleged violation.

(C) The tribe shall retain all rights to appeal as provided by regulations promulgated by the Secretary.

(f) AGREEMENTS.—

(1) Agreements between an Indian tribe and a business entity that are directly associated with the development of electric generation, transmission or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, shall not separately require the approval of the Secretary pursuant to section 18 of title 25, United States Code, so long as the activity that is the subject of the agreement has been the subject of an environmental review process pursuant to subsection (e) of this section.

(2) The United States shall not be liable for any losses or damages sustained by any party, including the Indian tribe, that are associated with an agreement entered into under this subsection.

(g) DISCLAIMER.—Nothing in this section is intended to modify or otherwise affect the applicability of any provision of the Indian Mineral Leasing Act of 1938 (25 U.S.C. 396a–396g); Indian Mineral Development Act of 1982 (25 U.S.C. 2101–2108); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1328); any amendments thereto; or any other laws not specifically addressed in this section.

SEC. 405. INDIAN MINERAL DEVELOPMENT ACT REVIEW.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a review of the activities that have been conducted by the governments of Indian tribes under the authority of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report containing:

(1) the results of the review;

(2) recommendations designed to help ensure that Indian tribes have the opportunity to develop their nonrenewable energy resources; and

(3) an analysis of the barriers to the development of energy resources on Indian land, including federal policies and regulations, and make recommendations regarding the removal of those barriers.

(c) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this subsection.

SEC. 406. RENEWABLE ENERGY STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on energy consumption and renewable energy development potential on Indian land. The report shall identify barriers to the development of renewable energy by Indian tribes, including federal policies and regulations, and make recommendations regarding the removal of such barriers.

(b) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this section.

SEC. 407. FEDERAL POWER MARKETING ADMINISTRATIONS.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501) (as amended by section 201) is amended by adding the at the end of the following:

"SEC. 2608. FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means—

"(1) the Administrator of the Bonneville Power Administration; or

"(2) the Administrator of the Western Area Power Administration.

"(b) ASSISTANCE FOR TRANSMISSION STUDIES.—

"(1) Each Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power. The costs of such technical assistance shall be funded—

"(A) by the Administrator using non-reimbursable funds appropriated for this purpose, or

"(B) by the Indian tribe.-

"(2) PRIORITY FOR ASSISTANCE FOR TRANSMISSION STUDIES.—In providing discretionary assistance to Indian tribes under paragraph (1), each Administrator shall give priority in funding to Indian tribes that have limited financial capability to conduct such studies.

"(c) POWER ALLOCATION STUDY.——

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on Indian tribes' utilization of federal power allocations of the Western Area Power Administration, or power sold by the Southwestern Power Administration, and the Bonneville Power Administration to or for the benefit of Indian tribes in their service areas. The report shall identify—

"(A) the amount of power allocated to tribes by the Western Area Power Administration, and how the benefit of that power is utilized by the tribes;

"(B) the amount of power sold to tribes by other Power Marketing Administrations; and

"(C) existing barriers that impede tribal access to and utilization of federal power, and opportunities to remove such barriers and improve the ability of the Power Marketing Administration to facilitate the utilization of federal power by Indian tribes.

"(2) The Power Marketing Administrations shall consult with Indian tribes on a government-to-government basis in developing the report provided in this section.

"(d) AUTHORIZATION FOR APPROPRIATION.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.".

SEC. 408. FEASIBILITY STUDY OF COMBINED WIND AND HYDROPOWER DEMONSTRATION PROJECT.

(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(b) SCOPE OF STUDY.—The study shall—

(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(3) assess the wind energy resource potential on tribal lands and projected cost savings through a blend of wind and hydropower over a thirty-year period; and

(4) include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration;

(5) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(6) include an independent tribal engineer as a study team member.

(c) REPORT.—The Secretary of Energy and Secretary of the Army shall submit a report to Congress not later than one year after the date of enactment of this title. The Secretaries shall include in the report—

(1) an analysis of the potential energy cost savings to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production and provide Missouri River management flexibility;

(3) recommendations for a demonstration project which the Western Area Power Administration could carry out in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian lands to supply firming energy to the Western Area Power Administration or other Federal power marketing agency; and

(4) an identification of the economic and environmental benefits to be realized through such a federal-tribal partnership and identification of how such a partnership could contribute to the energy security of the United States.

(d) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section, which shall remain available until expended. All costs incurred by the Western Area Power Administration associated with performing the tasks required under this section shall be non-reimbursable.

TITLE V—NUCLEAR POWER

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 502. EXTENSION OF DEPARTMENT OF ENERGY INDEMNIFICATION AUTHORITY.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

“(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

“(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and

“(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.”.

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

“(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.”.

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended by striking “paragraph (3)” and inserting “paragraph (2)(B)”.

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking “$100,000,000” and inserting “$500,000,000”.

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4) is amended by striking “$100,000,000” and inserting “$500,000,000”.

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking “August 1, 1998” and inserting “August 1, 2008”.

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210 (t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

“(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

“(A) such date of enactment, in the case of the first adjustment under this paragraph; or

“(B) the previous adjustment under this paragraph.”.

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

“d. (1) Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of the fee paid under the contract under which such violation occurs for any not-for-profit contractor, subcontractor, or supplier.

“(2) For purposes of this section, the term ‘not-for-profit’ means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 shall not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

Subtitle B—Miscellaneous Provisions

SEC. 511. URANIUM SALES.

(a) INVENTORY SALES.—Section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)) is amended to read as follows:

“(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (b), (c), and (e), the Secretary may, from time to time, sell or transfer uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) from the Department of Energy’s stockpile.

“(2) Except as provided in subsections (b), (c), and (e), the Secretary may not deliver uranium in any form for consumption by end users in any year in excess of the following amounts:

“**Annual Maximum Deliveries to End Users**

“Year:-	(million lbs. U_3O_8 equivalent)
2003 through 2009-	3
2010-	5
2011-	5
2012-	7
2013 and each year thereafter-	10.

“(3) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium in any form shall be made unless—

“(A) the President determines that the material is not necessary for national security needs;

“(B) the Secretary determines, based on the written views of the Secretary of State and the Assistant to the President for National Security Affairs, that the sale or transfer will not adversely affect the national security interests of the United States;

“(C) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement; and

“(D) the price paid to the Secretary will not be less than the fair market value of the material.”.

(b) EXEMPT TRANSFERS AND SALES.—Section 3112(e) of the USEC Privatization Act (42-U.S.C. 2297h-10(e)) is amended to read as follows:

“(e) EXEMPT SALES OR TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell uranium—

“(1) to the Tennessee Valley Authority for use pursuant to the Department of Energy’s highly enriched uranium or tritium program, to the extent provided by law;

“(2) to research and test reactors under the University Reactor Fuel Assistance and Support Program or the Reduced Enrichment for Research and Test Reactors Program;

“(3) to USEC Inc. to replace contaminated uranium received from the Department of Energy when the United States Enrichment Corporation was privatized;

“(4) to any person for emergency purposes in the event of a disruption in supply to end users in the United States; and

“(5) to any person for national security purposes, as determined by the Secretary.”.

SEC. 512. REAUTHORIZATION OF THORIUM REIMBURSEMENT.

(a) REIMBURSEMENT OF THORIUM LICENSEES.— Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) by striking “$140,000,000” and inserting “$365,000,000”; and

(2) by adding at the end the following: “Such payments shall not exceed the following amounts:

“(i) $90,000,000 in fiscal year 2002.

“(ii) $55,000,000 in fiscal year 2003.

“(iii) $20,000,000 in fiscal year 2004.

“(iv) $20,000,000 in fiscal year 2005.

“(v) $20,000,000 in fiscal year 2006.

“(vi) $20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.”.

(b) AUTHORIZATION OF APPROPRIATIONS.— Section 1003(a) of the Energy Policy Act of 1992 (42 U.S.C. 2296a-2) is amended by striking “$490,000,000” and inserting “$715,000,000”.

(c) DECONTAMINATION AND DECOMMISSIONING FUND.—Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1(a)) is amended—

(1) by striking “$488,333,333” and inserting “$518,233,333 ”; and

(2) by inserting after “inflation” the following: “beginning on the date of enactment of the Energy Policy Act of 1992”.

SEC. 513. FAST FLUX TEST FACILITY.

The Secretary of Energy shall not reactivate the Fast Flux Test Facility to conduct—

(1) any atomic energy defense activity,

(2) any space-related mission, or

(3) any program for the production or utilization of nuclear material if the Secretary has determined, in a record of decision, that the program can be carried out at existing operating facilities.

DIVISION B—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION

TITLE VI—OIL AND GAS PRODUCTION

SEC. 601. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

“SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.”; and

(2) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act) and its heading.

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.".

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act) and its heading.

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended by striking the items relating to part D of title I and part D of title II.

SEC. 602. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, the Secretary of the Interior shall—

(1) ensure expeditious compliance with the requirements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States;

(3) improve the collection, storage, and retrieval of information related to such leasing activities; and

(4) improve inspection and enforcement activities related to oil and gas leases.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraphs (1) through (4) of subsection (a), there are authorized to be appropriated to the Secretary of the Interior $60,000,000 for each of the fiscal years 2003 through 2006, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226).

SEC. 603. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: "as well as acreage under any lease any portion of which has been committed to a Federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year,".

SEC. 604. ORPHANED AND ABANDONED WELLS ON FEDERAL LAND.

(a) ESTABLISHMENT.—(1) The Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall establish a program to ensure within three years after the date of enactment of this Act, remediation, reclamation, and closure of orphaned oil and gas wells located on lands administered by the land management agencies within the Department of the Interior and the U.S. Forest Service that are—

(A) abandoned;

(B) orphaned; or

(C) idled for more than 5 years and having no beneficial use.

(2) The program shall include a means of ranking critical sites for priority in remediation based on potential environmental harm, other land use priorities, and public health and safety.

(3) The program shall provide that responsible parties be identified wherever possible and that the costs of remediation be recovered.

(4) In carrying out the program, the Secretary of the Interior shall work cooperatively with the Secretary of Agriculture and the states within which the federal lands are located, and shall consult with the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(b) PLAN.—Within six months from the date of enactment of this section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall prepare a plan for carrying out the program established under subsection (a). Copies of the plan shall be transmitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $5,000,000 for each of fiscal years 2003 through 2005 to carry out the activities provided for in this section.

SEC. 605. ORPHANED AND ABANDONED OIL AND GAS WELL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a program to provide technical assistance to the various oil and gas producing states to facilitate state efforts over a ten-year period to ensure a practical and economical remedy for environmental problems caused by orphaned and abandoned exploration or production well sites on state and private lands. The Secretary shall work with the states, through the Interstate Oil and Gas Compact Commission, to assist the states in quantifying and mitigating environmental risks of onshore abandoned and orphaned wells on state and private lands.

(b) PROGRAM ELEMENTS.—The program should include—

(1) mechanisms to facilitate identification of responsible parties wherever possible;

(2) criteria for ranking critical sites based on factors such as other land use priorities, potential environmental harm and public visibility; and

(3) information and training programs on best practices for remediation of different types of sites.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for the activities under this section $5,000,000 for each of fiscal years 2003 through 2005 to carry out the provisions of this section.

SEC. 606. OFFSHORE DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, the Secretary may grant a request for a suspension of operations under any lease to allow the lessee to reprocess or reinterpret geologic or geophysical data beneath allocthonous salt sheets, when in the Secretary's judgment such suspension is necessary to prevent waste caused by the drilling of unnecessary wells, and to maximize ultimate recovery of hydrocarbon resources under the lease. Such suspension shall be limited to the minimum period of time the Secretary determines is necessary to achieve the objectives of this subsection.".

SEC. 607. COALBED METHANE STUDY.

(a) STUDY.—The National Academy of Sciences shall conduct a study on the effects of coalbed methane production on surface and water resources.

(b) DATA ANALYSIS.—The study shall analyze available hydrogeologic and water quality data, along with other pertinent environmental or other information to determine—

(1) adverse effects associated with surface or subsurface disposal of waters produced during extraction of coalbed methane;

(2) depletion of groundwater aquifers or drinking water sources associated with production of coalbed methane;

(3) any other significant adverse impacts to surface or water resources associated with production of coalbed methane; and

(4) production techniques or other factors that can mitigate adverse impacts from coalbed methane development.

(c) RECOMMENDATIONS.—The study shall analyze existing Federal and State laws and regulations, and make recommendations as to changes, if any, to Federal law necessary to address adverse impacts to surface or water resources attributable to coalbed methane development.

(d) COMPLETION OF STUDY.—The National Academy of Sciences shall submit the study to the Secretary of the Interior within 18 months after the date of enactment of this Act, and shall make the study available to the public at the same time.

(e) REPORT TO CONGRESS.—The Secretary of the Interior shall report to Congress within 6 months of her receipt of the study on—

(1) the findings and recommendations of the study;

(2) the Secretary's agreement or disagreement with each of its findings and recommendations; and

(3) any recommended changes in funding to address the effects of coalbed methane production on surface and water resources.

SEC. 608. FISCAL POLICIES TO MAXIMIZE RECOVERY OF DOMESTIC OIL AND GAS RESOURCES.

(a) EVALUATION.—The Secretary of Energy, in coordination with the Secretaries of the Interior, Commerce, and Treasury, Indian tribes and the Interstate Oil and Gas Compact Commission, shall evaluate the impact of existing Federal and State tax and royalty policies on the development of domestic oil and gas resources and on revenues to Federal, State, local and tribal governments.

(b) SCOPE.—The evaluation under subsection (a) shall—

(1) analyze the impact of fiscal policies on oil and natural gas exploration, development drilling, and production under different price scenarios, including the impact of the individual and corporate Alternative Minimum Tax, state and local production taxes and fixed royalty rates during low price periods;

(2) assess the effect of existing federal and state fiscal policies on investment under different geological and developmental circumstances, including but not limited to deepwater environments, subsalt formations, deep and deviated wells, coalbed methane and other unconventional oil and gas formations;

(3) assess the extent to which federal and state fiscal policies negatively impact the ultimate recovery of resources from existing fields and smaller accumulations in offshore waters, especially in water depths less than 800 meters, of the Gulf of Mexico;

(4) compare existing federal and state policies with tax and royalty regimes in other countries with particular emphasis on similar geological, developmental and infrastructure conditions; and

(5) evaluate how alternative tax and royalty policies, including counter-cyclical measures, could increase recovery of domestic oil and natural gas resources and revenues to Federal, State, local and tribal governments.

(c) POLICY RECOMMENDATIONS.—Based upon the findings of the evaluation under subsection (a), a report describing the findings and recommendations for policy changes shall be provided to the President, the Congress, the Governors of the member states of the Interstate Oil and Gas Compact Commission, and Indian tribes having an oil and gas lease approved by the Secretary of the Interior. The recommendations should ensure that the public interest in receiving the economic benefits of tax and royalty revenues is balanced with the broader national security and economic interests in maximizing recovery of domestic resources. The report should include recommendations regarding actions to—

(1) ensure stable development drilling during periods of low oil and/or natural gas prices to maintain reserve replacement and deliverability;

(2) minimize the negative impact of a volatile investment climate on the oil and gas service industry and domestic oil and gas exploration and production;

(3) ensure a consistent level of domestic activity to encourage the education and retention of a technical workforce; and

(4) maintain production capability during periods of low oil and/or natural gas prices.

(d) ROYALTY GUIDELINES.—The recommendations required under (c) should include guidelines for private resource holders as to the appropriate level of royalties given geology, development cost, and the national interest in maximizing recovery of oil and gas resources.

(e) REPORT.—The study under subsection (a) shall be completed not later than 18 months after the date of enactment of this section. The report and recommendations required in (c) shall be transmitted to the President, the Congress, Indian tribes, and the Governors of the member States of the Interstate Oil and Gas Compact Commission.

SEC. 609. STRATEGIC PETROLEUM RESERVE.

(a) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan toB

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2002".

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to expedite the approval, construction, and initial operation of one or more transportation systems for the delivery of Alaska natural gas to the contiguous United States;

(2) to ensure access to such transportation systems on an equal and nondiscriminatory basis and to promote competition in the exploration, development and production of Alaska natural gas; and

(3) to provide federal financial assistance to any transportation system for the transport of Alaska natural gas to the contiguous United States, for which an application for a certificate of public convenience and necessity is filed with the Commission not later than 6 months after the date of enactment of this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) ISSUANCE OF CERTIFICATE.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has—

(A) entered into a contract to transport Alaska natural gas through the proposed Alaska natural gas transportation project for use in the contiguous United States; and

(B) satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 704.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(e) REGULATIONS.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) OTHER AGENCIES.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) EXPEDITED PROCESS.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

(e) UPDATED ENVIRONMENTAL REVIEWS UNDER ANGTA.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

SEC. 706. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) THE FEDERAL COORDINATOR.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

SEC. 707. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of

Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of the Commission under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

SEC. 708. LOAN GUARANTEE.

(a) AUTHORITY.— The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) CONDITIONS.—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 6 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) LIMITATION ON AMOUNT.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(d) REGULATIONS.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

SEC. 709. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 6 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) SCOPE OF STUDY.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) CONSULTATION.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) REPORT.—If the Secretary of Energy is required to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 710. SAVINGS CLAUSE.

Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g).

SEC. 711. CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.

Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

SEC. 712. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" has the meaning given such term by section 4(1) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719b(1)).

(2) The term "Alaska natural gas transportation project" means any other natural gas pipeline system that carries Alaska natural gas from the North Slope of Alaska to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale in interstate commerce of such gas for resale; and

(6) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.

SEC. 713. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

Subtitle B—Operating Pipelines

SEC. 721. APPLICATION OF HISTORIC PRESERVATION ACT TO OPERATING PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following:

"(l)(1) Notwithstanding the National Historic Preservation Act (16 U.S.C. 470 et seq.), a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

"(A) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b), or

"(B) the owner of the facility has given written consent to such eligibility.

"(2) Any transportation facility considered eligible for inclusion on the National Register of Historic Places prior to the date of enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.".

SEC. 722. ENVIRONMENTAL REVIEW AND PERMITTING OF NATURAL GAS PIPELINE PROJECTS.

(a) INTERAGENCY REVIEW.—The Chairman of the Council on Environmental Quality, in coordination with the Federal Energy Regulatory Commission, shall establish an interagency task force to develop an interagency memorandum of understanding to expedite the environmental review and permitting of natural gas pipeline projects.

(b) MEMBERSHIP OF INTERAGENCY TASK FORCE.—The task force shall consist of—

(1) the Chairman of the Council on Environmental Quality, who shall serve as the Chairman of the interagency task force,

(2) the Chairman of the Federal Energy Regulatory Commission,

(3) the Director of the Bureau of Land Management,

(4) the Director of the U.S. Fish and Wildlife Service,

(5) the Commanding General, U.S. Army Corps of Engineers,

(6) the Chief of the Forest Service,

(7) the Administrator of the Environmental Protection Agency,

(8) the Chairman of the Advisory Council on Historic Preservation, and

(9) the heads of such other agencies as the Chairman of the Council on Environmental Quality and the Chairman of the Federal Energy Regulatory Commission deem appropriate.

(c) MEMORANDUM OF UNDERSTANDING.—The agencies represented by the members of the interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

DIVISION C—DIVERSIFYING ENERGY DEMAND AND IMPROVING EFFICIENCY

TITLE VIII—FUELS AND VEHICLES

Subtitle A—CAFE Standards and Related Matters

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "NON-PASSENGER AUTOMOBILES.—" in subsection (a) and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—"; and

(2) by striking "(except passenger automobiles)" in subsection (a) and inserting "(except passenger automobiles and light trucks)";

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2013 of at least 35 miles per gallon.

"(2) ANNUAL PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

"(A) increase the applicable average fuel economy standard ratably over the 9 model-year period beginning with model year 2005 and ending with model year 2013;

"(B) require that each manufacturer achieve—

"(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 33.2 miles per gallon no later than model year 2010; and

"(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 26.3 miles per gallon no later than model year 2010; and

"(C) for any model year within that 9 model-year period does not result in an average fuel economy standard lower than—

"(i) 27.5 miles per gallon for passenger automobiles; or

"(ii) 20.7 miles per gallon for light duty trucks.

"(3) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Energy Policy Act of 2002.

"(4) DEFAULT STANDARDS.—If the Secretary fails to meet the requirement of paragraph (3), the average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 is the average fuel economy standard set forth in the following tables:

"For model year –	The average fuel economy standard for passenger automobiles is:
"2005 —	28 miles per gallon
"2006 —	28.5 miles per gallon
"2007 —	30 miles per gallon
"2008 —	31 miles per gallon
"2009 —	32.5 miles per gallon
"2010 —	34 miles per gallon
"2011 —	35 miles per gallon
"2012 —	36.5 miles per gallon
"2013 and thereafter –	38.3 miles per gallon

"For model year –	The average fuel economy standard for light trucks is:
"2005 —	21.5 miles per gallon
"2006 —	22.5 miles per gallon
"2007 —	23.5 miles per gallon
"2008 —	24.5 miles per gallon
"2009 —	26 miles per gallon
"2010 —	27.5 miles per gallon
"2011 —	29.5 miles per gallon
"2012 —	31 miles per gallon
"2013 and thereafter –	32 miles per gallon

"(5) COMBINED STANDARD FOR MODEL YEARS AFTER MODEL YEAR 2010.—Unless the default standards under paragraph (4) are in effect, for model years after model year 2010, the Secretary may by rulemaking establish—

"(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; or

"(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer.";

(4) by striking "the standard" in subsection (c)(1) and inserting "a standard";

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in subsection (g).

(b) DEFINITION OF LIGHT TRUCKS.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

"(17) 'light truck' means an automobile that the Secretary decides by regulation—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) does not fall within the exceptions from the definition of 'medium duty passenger vehicle' under section 86.1803-01 of title 40, Code of Federal Regulations.".

"(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2005.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY TRUTH IN TESTING.

(a) IN GENERAL.—Section 32907 of title 49, United States Code, is amended by adding at the end the following:

"(c) IMPROVED TESTING PROCEDURES.—

"(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct—

"(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with the procedures in effect as of the date of enactment of the Energy Policy Act of 2002 for the purpose of determining whether, and to what extent, the fuel economy of passenger automobiles and light trucks as tested by the Administrator differs from the fuel economy reasonably to be expected from those automobiles and trucks when driven by average drivers under average driving conditions; and

"(B) an assessment of the extent to which fuel economy changes during the life of passenger automobiles and light trucks.".

"(2) REPORT.—The Administrator of the Environmental Protection Agency shall, within 12 months after the date of enactment of the Energy Policy Act of 2002 and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

"(A) a comparison between—

"(i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of the Energy Policy Act of 2002; and

"(ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under that paragraph;

"(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

"(C) a plan to reduce, by model year 2015, the percentage difference identified under subparagraph (B) by using uniform test methods that reflect actual on-the-road fuel economy consumers experience under normal driving conditions to no greater than 5 percent.".

SEC. 803. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Improved crashworthiness

"(a) ROLLOVERS.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

"(1) dynamic roof crush standards;

"(2) improved seat structure and safety belt design;

"(3) side impact head protection airbags; and

"(4) roof injury protection measures.

"(b) HEAVY VEHICLE HARM REDUCTION COMPATIBILITY STANDARD.—

"(1) Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary, through the National Highway Traffic Safety Administration, shall prescribe a federal motor vehicle safety standard under this chapter that will reduce the aggressivity of light trucks by 30 percent, using a baseline of model year 2002, and will improve vehicle compatibility in collisions between light trucks and cars, in order to protect against unnecessary death and injury.

"(2) The Secretary should review the effectiveness of this standard every five years following final issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressivity.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30127 the following: "30128. Improved crashworthiness".

SEC. 804. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that runs only on an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term "hybrid vehicle" means a motor vehicle—

(1) which—

(A) draws propulsion energy from onboard sources of stored energy which are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 805. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

"(g) VEHICLE CREDIT TRADING SYSTEM.—

"(1) IN GENERAL.—The Secretary of Transportation, with technical assistance from the Administrator of the Environmental Protection Agency, may establish a system under which manufacturers with credits under this section may sell those credits to other manufacturers or transfer them among a manufacturer's fleets.

"(2) PURPOSES.—The purposes of the system are:

"(A) Reducing the adverse effects of inefficient consumption of fuel by passenger automobiles and light trucks.

"(B) Accelerating introduction of advanced technology vehicles into use in the United States.

"(C) Encouraging manufacturers to exceed the average fuel economy standards established by section 32902.

"(D) Reducing emissions of carbon dioxide by passenger automobiles and light trucks.

"(E) Decreasing the United States' consumption of oil as vehicular fuel.

"(F) Providing manufacturers flexibility in meeting the average fuel economy standards established by section 32902.

"(G) Increasing consumer choice.

"(3) PROGRAM REQUIREMENTS.—The system established under paragraph (1) shall—

"(A) make only credits accrued after the date of enactment of the Energy Policy Act of 2002 eligible for transfer or sale;

"(B) use techniques and methods that minimize reporting costs for manufacturers;

"(C) provide for monitoring and verification of credit purchases;

"(D) require participating manufacturers to report monthly sales of vehicles to the Administrator of the Environmental Protection Agency; and

"(E) make manufacturer-specific credit, transfer, sale, and purchase information publicly available through annual reports and monthly posting of transactions on the Internet.

"(4) CREDITS MAY BE TRADED BETWEEN PASSENGER AUTOMOBILES AND LIGHT TRUCKS AND BETWEEN DOMESTIC AND IMPORT FLEETS.—The system shall provide that credits earned under this section—

"(A) with respect to passenger automobiles may be applied with respect to light trucks;

"(B) with respect to light trucks may be applied with respect to passenger automobiles;

"(C) with respect to passenger automobiles manufactured domestically may be applied with respect to passenger automobiles not manufactured domestically; and

"(D) with respect to passenger automobiles not manufactured domestically may be applied with respect to passenger automobiles manufactured domestically.

"(5) REPORT.—The Secretary and the Administrator shall jointly submit an annual report to the Congress—

"(A) describing the effectiveness of the credits provided by this subsection achieving the purposes described in paragraph (2); and

"(B) setting forth a full accounting of all credits, transfers, sales, and purchases for the most recent model year for which data is available.".

(b) NO CARRYBACK OF CREDITS.—Section 32903(a) of title 49, United States Code, is amended—

(1) by striking "applied to—" and inserting "applied—";

(2) by inserting "for model years before model year 2006, to" in paragraph (1) before "any";

(3) by striking "and" after the semicolon in paragraph (1);

(4) by striking "earned." in paragraph (2) and inserting "earned; and"; and

(5) by adding at the end the following:

"(3) for model years after 2001, in accordance with the vehicle credit trading system established under subsection (g), to any of the 3 consecutive model years immediately after the model year for which the credit was earned.".

(c) USE OF CREDIT VALUE TO CALCULATE CIVIL PENALTY.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting "and is unable to purchase sufficient credits under section 32903(g) to comply with the standard" after "title" the first place it appears; and

(2) by striking all after "penalty" and inserting "of the greater of—

"(1) an amount determined by multiplying—

"(A) the number of credits necessary to enable the manufacturer to meet that standard; by

"(B) 1.5 times the previous year's weighted average open market price of a credit under section 32903(g); or

"(2) $5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

"(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied manufactured by the manufacturer during the model year;

"(B) multiplied by the number of those automobiles; and

"(C) reduced by the credits available to the manufacturer under section 32903 for the model year.".

(d) CONFORMING AMENDMENTS.—Section 32903 of title 49, United States Code, is amended—

(1) by inserting "or light trucks" after "passenger automobiles" each place it appears in subsection (c);

(2) by inserting after "manufacturer." in subsection (d) "Credits earned with respect to passenger automobiles may be used with respect to nonpassenger automobiles and light duty trucks."; and

(3) by inserting after "manufacturer." in subsection (e) "Credits earned with respect to non-passenger automobiles or light trucks may be used with respect to passenger automobiles.".

SEC. 806. GREEN LABELS FOR FUEL ECONOMY.

Section 32908 of title 49, United States Code, is amended—

(1) by striking "title." in subsection (a)(1) and inserting "title, and a light truck (as defined in section 32901(17) after model year 2005; and";

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901) and with vehicles in the vehicle class to which it belongs; and

"(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902; and

"(G) a fuelstar under paragraph (5)."; and

(3) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Energy Policy Act of 2002, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

"(B) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

"(i) The amount of greenhouse gases that will be emitted over the life-cycle of the automobile.

"(ii) The fuel economy of the automobile.

"(iii) The recyclability of the automobile.

"(iv) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

"(5) FUELSTAR PROGRAM.—The Secretary, in consultation with the Administrator, shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under subsection 4(A), provide consumer incentives to purchase vehicles that exceed the applicable fuel economy standard.

SEC. 807. LIGHT TRUCK CHALLENGE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct an open competition for a project to demonstrate the feasibility of multiple fuel hybrid electric vehicle powertrains in sport utility vehicles and light trucks. The Secretary shall execute a contract with the entity determined by the Secretary to be the winner of the competition under which the Secretary will provide $10,000,000 to that entity in each of fiscal years 2003 and 2004 to carry out the project.

(b) PROJECT REQUIREMENTS.—Under the contract, the Secretary shall require the entity to which the contract is awarded to—

(1) select a current model year production vehicle;

(2) modify that vehicle so that it—

(A) meets all existing vehicle performance characteristics of the sport utility vehicle or light truck selected for the project;

(B) improves the vehicle's fuel economy rating by 50 percent or more (as measured by gasoline consumption); and

(3) meet the requirements of paragraph (2) in such a way that incorporation of the modification in the manufacturer's production process would not increase the vehicle's incremental production costs by more than 10 percent.

(c) ELIGIBLE ENTRANTS.—The competition conducted by the Secretary shall be open to any entity, or consortium of nongovernmental entities, educational institutions, and not-for-profit organizations, that—

(1) has the technical capability and resources needed to complete the project successfully; and

(2) has sufficient financial resources in addition to the contract amount, if necessary, to complete the contract successfully.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of fiscal years 2003 and 2004 to carry out this section.

SEC. 808. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2005, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of petroleum used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions, properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 809. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) ENGINEERING TEAM AWARDS.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles or light trucks (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of—

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title;

(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title; and

(3) the first small sport utility vehicle, van, or light truck to achieve a fuel economy rating of 40 miles per gallon under section 32902 of such title.

(b) MANUFACTURER'S AWARD.—The Secretary of Transportation shall establish an Oil Independence Award to recognize the first manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 37 miles per gallon under section 32902 of such title.

(c) REQUIREMENTS FOR PARTICIPATION IN ENGINEERING TEAM AWARDS PROGRAM.—In establishing the engineering team awards program under subsection (a), the Secretary shall establish eligibility requirements that include—

(1) a requirement that the vehicle, van, or truck be domestically-manufactured or manufacturable (if a prototype) within the meaning of section 32903 of title 49, United States Code;

(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and

(3) such additional requirements as the Secretary may require in order to carry out the program.

(d) AMOUNT OF PRIZE.—The Secretary shall award a prize of not less than $10,000 to each engineering team determined by the Secretary to have successfully met the requirements of subsection (a)(1), (2), or (3). The Secretary shall provide for recognition of any manufacturer to have met the requirements of subsection (b) with appropriate ceremonies and activities, and may provide a monetary award in an amount determined by the Secretary to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 810. COOPERATIVE TECHNOLOGY AGREEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Environmental Protection Agency, may execute a cooperative research and development agreement with any manufacturer of passenger automobiles or light trucks (as those terms are defined in section 32901 of title 49, United States Code) to implement, utilize, and incorporate in production government-developed or jointly-developed fuel economy technology that will result in improvements in the average fuel economy of any class of vehicles produced by that manufacturer of at least 55 percent greater than the average fuel economy of that class of vehicles for model year 2000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and the Administrator of the Environmental Protection Agency such sums as may be necessary to carry out this section.

Subtitle B—Alternative and Renewable Fuels

SEC. 811. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS.

(a) REQUIREMENT TO USE ALTERNATIVE FUELS.—Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement in part, but only to the extent that:

"(i) not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels; and

"(ii) not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.".

(b) DEFINITION OF "DEDICATED VEHICLE".—Section 400AA(g)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)(4)(B)) is amended by inserting after "solely on alternative fuel" the following: ", including a three-wheeled enclosed electric vehicle having a vehicle identification number".

SEC. 812. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after "required" the following: "(unless, in the discretion of the State transportation department, the vehicle is being operated on, or is being fueled by, an alternative fuel (as defined in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)))".

SEC. 813. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national basis and a regional basis, including—

(1) the quantity of renewable fuels produced;

(2) the cost of production;

(3) the cost of blending and marketing;

(4) the quantity of renewable fuels consumed;

(5) the quantity of renewable fuels imported; and

(6) market price data.

SEC. 814. GREEN SCHOOL BUS PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy and the Secretary of Transportation shall jointly establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) REQUIREMENTS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal Register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) SOLICITATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) Types of Grants.—

(1) In general.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) No economic benefit.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) Priority of grant applications.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977.

(f) Conditions of Grant.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) Buses.—Funding under a grant made under this section may only be used to demonstrate the use of new alternative fuel school buses or ultra-low sulfur diesel school buses that—

(1) have a gross vehicle weight greater than 14,000 pounds;

(2) are powered by a heavy duty engine;

(3) in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model year 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) in the case of ultra-low sulfur diesel school buses, emit not more than the lesser of—

(A) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of the same class of ultra-low sulfur diesel school buses commercially available at the time the grant is made; or

(B) the applicable following amounts—

(i) for buses manufactured in model year 2002 or 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(ii) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter.

(h) Deployment and Distribution.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) Limit on Funding.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) Definitions.—For purposes of this section—

(1) the term "alternative fuel school bus" means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term "ultra-low sulfur diesel school bus" means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 815. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) Establishment of Program.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) Cost Sharing.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) Funding.—No more than $25,000,000 of the amounts authorized under section 815 may be used for carrying out this section for the period encompassing fiscal years 2003 through 2006.

(d) Reports to Congress.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for carrying out sections 814 and 815, to remain available until expended—

(1) $50,000,000 for fiscal year 2003;

(2) $60,000,000 for fiscal year 2004;

(3) $70,000,000 for fiscal year 2005; and

(4) $80,000,000 for fiscal year 2006.

SEC. 817. BIODIESEL FUEL USE CREDIT.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking "NOT" in the subsection heading; and

(2) by striking "not".

SEC. 818. NEIGHBORHOOD ELECTRIC VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of paragraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

"(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

"(B) a zero-emission vehicle, as such term is defined in section 86.1703–99 of title 40, Code of Federal Regulations.".

Subtitle C—Additional Fuel Efficiency Measures

SEC. 821. FUEL EFFICIENCY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for executive agency automobiles

"(a) Baseline Average Fuel Economy.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

"(b) Increase of Average Fuel Economy.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

"(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

"(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

"(c) Calculation of Average Fuel Economy.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

"(d) Definitions.—In this section:

"(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

"(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

"(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.".

SEC. 822. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) Establishment.—The Secretary shall establish a program, to be known as the "National Motor Vehicle Efficiency Improvement Program." Under this program, the Secretary shall provide grants to States to operate programs to offer owners of passenger automobiles and light-duty trucks manufactured in model years more than 15 years prior to the fiscal year in which appropriations are made under subsection (d) financial incentives to voluntarily—

(1) scrap such automobiles and to replace them with automobiles with higher fuel efficiency; or

(2) repair such vehicles to improve their fuel economy.

(b) State Plan.—Not later than 180 days after the date of enactment of an appropriations act containing funds authorized under subsection (d), to be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this subtitle in that State.

(c) Eligibility Criteria.—The Secretary shall approve a State plan and provide the funds under subsection (d), if the State plan—

(1) for voluntary vehicle scrappage programs—

(A) requires that all passenger automobiles and light-duty trucks turned in be scrapped;

(B) requires that prior to scrapping a vehicle, the state provide public notification of the intent to scrap and allow for the salvage of valuable parts from the vehicle;

(C) requires that all passenger automobiles and light-duty trucks turned in be currently registered in the State in order to be eligible;

(D) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that they are turned in;

(E) restricts automobile owners (except not-for-profit organizations) from turning in more than one passenger automobile and one light-duty truck in a 12-month period;

(F) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(G) provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in;

(H) provides, in addition to the payment under subparagraph (G), an additional credit that may be redeemed by the owner of the turned-in passenger automobile or light-duty truck at the time of purchase of new fuel-efficient automobile; and

(I) estimates the fuel efficiency benefits of the program, and reports the estimated results to the Secretary annually; and

(2) for voluntary vehicle repair programs—

(A) requires the vehicle owner contribute at least 20 percent of the cost of the repairs;

(B) sets a ceiling beyond which the vehicle owner is responsible for the cost of repairs;

(C) allows the vehicle owner to opt out of the program if the cost of the repairs is considered to be too great; and

(D) estimates the fuel economy benefits of the program and reports the estimated results to the Secretary annually.

(d) Authorization of Appropriations.—There are hereby authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary, to remain available until expended.

(e) Allocation Formula.—The amounts appropriated pursuant to subsection (d) shall be allocated among the States on the basis of the population of the States as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time that the Secretary needs to compute shares under this subsection.

(f) Definitions.—In this section:

(1) Automobile.—The term "automobile" has the meaning given such term in section 32901(3) of title 49, United States Code.

(2) Fuel-efficient automobile.—

(A) The term "fuel-efficient automobile" means a passenger automobile or a light-duty truck that has an average fuel economy greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to such passenger automobile or light-duty truck.

(B) The term "average fuel economy" has the meaning given such term in section 32901(5) of title 49, United States Code.

(C) The term "average fuel economy standard" has the meaning given such term in section 32901(6) of title 49, United States Code.

(D) The term "fuel economy" has the meaning given such term in section 32901(10) of title 49, United States Code.

(3) Light-duty truck.—The term "light-duty truck" means an automobile that is not a passenger automobile. Such term shall include a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002–85 of title 40, Code of Federal Regulations.

(4) Passenger automobile.—The term "passenger automobile" has the meaning given such term by section 32901(16) of title 49, United States Code.

(5) Secretary.—The term "Secretary" means the Secretary of Energy.

(6) State.—The term "State" means any of the several States and the District of Columbia.

SEC. 823. IDLING REDUCTION SYSTEMS IN HEAVY DUTY VEHICLES.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by adding at the end the following:

"PART K—REDUCING TRUCK IDLING

"SEC. 400AAA. REDUCING TRUCK IDLING.

"(a) Study.—Not later than 18 months after the date of enactment of this section, the Secretary shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from long duration idling of main drive engines in heavy-duty vehicles.

"(b) Regulations.—Upon completion of the study under subsection (a), the Secretary may issue regulations requiring the installation of idling reduction systems on all newly manufactured heavy duty vehicles.

"(c) Definitions.—As used in this section:

"(1) The term 'heavy-duty vehicle' means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

"(2) The term 'idling reduction system' means a device or system of devices used to reduce long duration idling of a diesel engine in a vehicle.

"(3) The term 'long duration idling' means the operation of a main drive engine of a heavy-duty vehicle for a period of more than 15 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty vehicle.

"(4) The term 'vehicle' has the meaning given such term in section 4 of title 1, United States Code.".

TITLE IX—ENERGY EFFICIENCY AND ASSISTANCE TO LOW INCOME CONSUMERS

Subtitle A—Low Income Assistance and State Energy Programs

SEC. 901. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION ASSISTANCE, AND STATE ENERGY GRANTS.

"(a) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2003 through 2005.".

(2) Section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e)) is amended by striking "$600,000,000" and inserting "$1,000,000,000".

(3) Section 2609A(a) of the Low-Income Energy Assistance Act of 1981 (42 U.S.C. 8628a(a)) is amended by striking "not more than $300,000" and inserting: "not more than $750,000".

(b) Weatherization Assistance.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.".

SEC. 902. STATE ENERGY PROGRAMS.

(a) State Energy Conservation Plans.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322)) is amended by adding at the end the following:

"(g) The Secretary shall, at least once every three years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions that may be carried out in pursuit of common energy conservation goals.".

(b) State Energy Conservation Goals.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"Sec. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2002 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.".

(c) State Energy Conservation Grants.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$100,000,000 for each of fiscal years 2003 and 2004; $125,000,000 for fiscal year 2005; and such sums as may be necessary for each fiscal year thereafter.".

SEC. 903. ENERGY EFFICIENT SCHOOLS.

(a) Establishment.—There is established in the Department of Energy the High Performance Schools Program (in this section referred to as the "Program").

(b) Grants.—The Secretary of Energy may make grants to a State energy office—

(1) to assist school districts in the State to improve the energy efficiency of school buildings;

(2) to administer the Program; and

(3) to promote participation in the Program.

(c) Grants To Assist School Districts.—The Secretary shall condition grants under subsection (b)(1) on the State energy office using the grants to assist school districts that have demonstrated—

(1) a need for the grants to build additional school buildings to meet increasing elementary or secondary enrollments or to renovate existing school buildings; and

(2) a commitment to use the grant funds to develop high performance school buildings in accordance with a plan that the State energy office, in consultation with the State educational agency, has determined is feasible and appropriate to achieve the purposes for which the grant is made.

(d) Grants for Administration.—Grants under subsection (b)(2) shall be used to—

(1) evaluate compliance by school districts with requirements of this section;

(2) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;

(3) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;

(4) obtain technical services and assistance in planning and designing high performance school buildings; or

(5) collect and monitor data and information pertaining to the high performance school building projects.

(e) Grants to Promote Participation.—Grants under subsection (b)(3) shall be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy savings performance contracts, working with school administrations, students, and communities, and coordinating public benefit programs.

(f) Supplementing Grant Funds.—The State energy office shall encourage qualifying school districts to supplement funds awarded pursuant to this section with funds from other sources in the implementation of their plans.

(g) Allocations.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

(1) 70 percent shall be used to make grants under subsection (b)(1);

(2) 15 percent shall be used to make grants under subsection (b)(2); and

(3) 15 percent shall be used to make grants under subsection (b)(3).

(h) Other Funds.—The Secretary of Energy may retain an amount, not to exceed $300,000 per year, to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance school buildings.

(i) Authorization of Appropriations.—For grants under subsection (b) there are authorized to be appropriated—

(1) $200,000,000 for fiscal year 2003;

(2) $210,000,000 for fiscal year 2004;

(3) $220,000,000 for fiscal year 2005;

(4) $230,000,000 for fiscal year 2006; and

(5) such sums as may be necessary for fiscal year 2007 and each fiscal year thereafter through fiscal year 2012.

(j) Definitions.—For purposes of this section:

(1) High performance school building.—The term "high performance school building" means a school building that, in its design, construction, operation, and maintenance—

(A) maximizes use of renewable energy and energy-efficient technologies and systems;

(B) is cost-effective on a life-cycle basis;

(C) achieves either—

(i) the applicable Energy Star building energy performance ratings, or

(ii) energy consumption levels at least 30 percent below those of the most recent version of ASHRAE Standard 90.1;

(D) uses affordable, environmentally preferable, and durable materials;

(E) enhances indoor environmental quality;

(F) protects and conserves water; and

(G) optimizes site potential.

(2) Renewable energy.—The term "renewable energy" means energy produced by solar, wind, biomass, ocean, geothermal, or hydroelectric power.

(3) School.—The term "school" means—

(A) an "elementary school" as that term is defined in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)),

(B) a "secondary school" as that term is defined in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)), or

(C) an elementary or secondary Indian school funded by the Bureau of Indian Affairs.

(4) State educational agency.—The term "State educational agency" has the same meaning given such term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

(5) State energy office.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State.

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) Grants.—The Secretary of Energy is authorized to make grants to private, nonprofit community development organizations and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) Purpose of Grants.—The Secretary may make grants on a competitive basis to a community development organization for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) Definition.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) Authorization of Appropriations.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $10 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

Subtitle B—Federal Energy Efficiency

SEC. 911. ENERGY MANAGEMENT REQUIREMENTS.

(a) Energy Reduction Goals.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended to read as follows:

"(1) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2002 through 2011 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2002–	2
2003–	4
2004	6
2005	8
2006–	10
2007–	12
2008–	14
2009–	16
2010–	18
2011	20.".

(b) Review and Revision of Energy Performance Requirement.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2010, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.".

(c) Exclusions.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended to read as follows:

"(1)(A) An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executives Orders, and other federal law; and

"(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking “impracticability standards” and inserting “standards for exclusion”; and

(2) by striking “a finding of impracticability” and inserting “the exclusion”.

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

“(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).”.

(f) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting “The PRESIDENT and” before “CONGRESS”; and

(2) by inserting “President and” before “Congress”.

(g) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking “the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)).” and inserting “each of the energy reduction goals established under section 543(a).”.

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

“(e) METERING OF ENERGY USE.—

“(1) DEADLINE.—By October 1, 2004, all Federal buildings shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

“(2) GUIDELINES.—

“(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, energy services industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

“(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

“(i) take into consideration—

“(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

“(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

“(III) the measurement and verification protocols of the Department of Energy;

“(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

“(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirement specified in paragraph (1) shall take effect; and

“(iv) establish exclusions from the requirement specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

“(f) USE OF ENERGY CONSUMPTION DATA IN FEDERAL BUILDINGS.—

“(1) IN GENERAL.—Beginning not later than January 1, 2003, each agency shall use, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity used in the Federal buildings of the agency, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency.

“(2) PLAN.—As soon as practicable after the date of enactment of this subsection, in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirement of paragraph (1), including how the agency will designate personnel primarily responsible for achieving the requirement.”.

SEC. 913. FEDERAL BUILDING PERFORMANCE STANDARDS.

(a) REVISED STANDARDS.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking “CABO Model Energy Code, 1992” and inserting “the 2000 International Energy Conservation Code”; and

(2) by adding at the end the following:

(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective—

“(i) new commercial buildings and multifamily high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency;

“(ii) new residential buildings (other than those described in clause (i)) be constructed so as to achieve the applicable Energy Star building energy performance ratings or achieve energy consumption levels at least 30 percent below the requirements of the most recent version of the International Energy Conservation Code, whichever results in the greater increase in energy efficiency; and

“(iii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

“(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

“(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

“(i) a list of all new Federal buildings of the Federal agency; and

“(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a monitoring and commissioning report that is in compliance with the measurement and verification protocols of the Department of Energy.

“(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.”.

(b) ENERGY LABELING PROGRAM.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is further amended by adding at the end the following:

“(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that exceed the revised standards established under subsection (a)(3) by 15 percent or more.”.

SEC. 914. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

“SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

“(a) DEFINITIONS.—In this section:

“(1) ENERGY STAR PRODUCT.—The term ‘Energy Star product’ means a product that is rated for energy efficiency under an Energy Star program.

“(2) ENERGY STAR PROGRAM.—The term ‘Energy Star program’ means the program established by section 324A of the Energy Policy and Conservation Act.

“(3) EXECUTIVE AGENCY.—The term ‘executive agency’ has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

“(4) FEMP DESIGNATED PRODUCT.—The term ‘FEMP designated product’ means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

“(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

“(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

“(A) an Energy Star product; or

“(B) a FEMP designated product.

“(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

“(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

“(B) no Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

“(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

“(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by inserting after the item relating to section 551 the following:

"Sec. 552. Federal Government procurement of energy efficient products."

(c) Regulations.—Not later than 180 days after the effective date specified in subsection (f), the Secretary of Energy shall issue guidelines to carry out section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(d) Designation of Energy Star Products.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall expedite the process of designating products as Energy Star products (as defined in section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(e) Designation of Electric Motors.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days of the enactment of this paragraph, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

(f) Effective Date.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 915. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 916. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) Energy Savings.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources.".

(b) Energy Savings Contract.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations.".

(c) Energy or Water Conservation Measure.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.".

SEC. 917. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 918. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 553. FEDERAL ENERGY BANK.

"(a) Definitions.—In this section:

"(1) Bank.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

"(2) Energy or water efficiency project.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

"(A) this part;

"(B) title VIII;

"(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

"(D) any applicable Executive order, including Executive Order No. 13123.

"(3) Federal agency.—The term 'Federal agency' means—

"(A) an Executive agency (as defined in section 105 of title 5, United States Code);

"(B) the United States Postal Service;

"(C) Congress and any other entity in the legislative branch; and

"(D) a Federal court and any other entity in the judicial branch.

"(b) Establishment of Bank.—

"(1) In general.—There is established in the Treasury of the United States a fund to be known as the 'Federal Energy Bank', consisting of—

"(A) such amounts as are deposited in the Bank under paragraph (2);

"(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

"(C) any interest earned on investment of amounts in the Bank under paragraph (3).

"(2) Deposits in bank.—

"(A) In general.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to $250,000,000 in fiscal year 2003 and in each fiscal year thereafter.

"(B) Maximum amount in bank.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed $1,000,000,000.

"(3) Investment of amounts.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(c) Loans From the Bank.—

"(1) In general.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

"(2) Loan program.—

"(A) Establishment.—

"(i) In general.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

"(ii) Commencement of operations.—The Secretary may begin—

"(I) accepting applications for loans from the Bank in fiscal year 2002; and

"(II) making loans from the Bank in fiscal year 2003.

"(B) Energy savings performance contracting funding.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available and is acceptable to the Federal agency under title VIII.

"(C) Purposes of Loan.—

"(i) In general.—A loan from the Bank may be used to pay—

"(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

"(II) the costs of an energy metering plan and metering equipment installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

"(III) at the time of contracting, the costs of cofunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

"(ii) Limitation.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

"(iii) Renewable and alternative energy projects.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

"(D) Repayments.—

"(i) In general.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) Waiver or Reduction of Interest.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

"(iii) DETERMINATION OF INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) INSUFFICIENCY OF APPROPRIATIONS.—

"(I) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

"(II) SUSPENSION OF REPAYMENT REQUIREMENT.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

"(E) FEDERAL AGENCY ENERGY BUDGETS.—Until a loan is repaid, a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(F) NO RESCISSION OR REPROGRAMMING.—A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines issued under subparagraph (G).

"(G) GUIDELINES.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

"(d) SELECTION CRITERIA.—

"(1) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

"(i) is technically feasible;

"(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary;

"(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

"(I) commission energy savings for new and existing Federal facilities;

"(II) monitor and improve energy efficiency management at existing Federal facilities; and

"(III) verify the energy savings under an energy savings performance contract under title VIII;

and

"(iv)(I) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

"(II) in the case of any other project, has a simple payback period of not more than 10 years.

"(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

"(i) are a component of a comprehensive energy management project for a Federal facility; and

"(ii) are designed to significantly reduce the energy use of the Federal facility.

"(e) REPORTS AND AUDITS.—

"(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

"(A) states whether the project meets or fails to meet the energy savings projections for the project; and

"(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

"(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

"(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

"(A) the total receipts by the Bank;

"(B) the total amount of loans from the Bank to each Federal agency; and

"(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such sums as are necessary to carry out this section."

SEC. 919. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

"SEC. 554. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

"(a) IN GENERAL.—The Architect of the Capitol—

"(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the "plan") for all facilities administered by the Congress (referred to in this section as "congressional buildings") to meet the energy performance requirements for Federal buildings established under section 543(a)(1).

"(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

"(b) PLAN REQUIREMENTS.—The plan shall include—

"(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

"(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

"(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

"(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

"(5) information packages and "how-to" guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

"(c) CONTRACTING AUTHORITY.—The Architect—

"(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

"(2) may use innovative contracting methods-that will attract private sector funding for the installation of energy efficient and renewable energy technology, such as energy savings performance contracts described in title VIII.

"(d) CAPITOL VISITOR CENTER.—The Architect—

"(1) shall ensure that state-of-the-art energy efficiency and renewable energy technologies are used in the construction and design of the Visitor Center; and

"(2) shall include in the Visitor Center an exhibit on the energy efficiency and renewable energy measures used in congressional buildings.

"(e) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

"(1) energy expenditures and savings estimates for each facility;—

"(2) energy management and conservation projects; and

"(3) future priorities to ensure compliance with this section.".

(b) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 1661), is repealed.

Subtitle C—Industrial Efficiency and Consumer Products

SEC. 921. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) GOAL.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 2.5 percent each year from 2002 through 2012.

(c) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term "energy intensity" means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2008 and June 30, 2012, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 922. AUTHORITY TO SET STANDARDS FOR COMMERCIAL PRODUCTS.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended as follows:

(1) In the heading for such part, by inserting "AND COMMERCIAL" after "CONSUMER".

(2) In section 321(2), by inserting "or commercial" after "consumer".

(3) In paragraphs (4), (5), and (15) of section 321, by striking "consumer" each place it appears and inserting "covered".

(4) In section 322(a), by inserting "or commercial" after "consumer" the first place it appears in the material preceding paragraph (1).

(5) In section 322(b), by inserting "or commercial" after "consumer" each place it appears.

(6) In section 322 (b)(1)(B) and (b)(2)(A), by inserting “or per business in the case of a commercial product” after “per-household” each place it appears.

(7) In section 322 (b)(2)(A), by inserting “or businesses in the case of commercial products” after ‘households” each place it appears.

(8) In section 322 (B)(2)(C)—

(A) by striking “term” and inserting “terms”; and

(B) by inserting “and ‘business’” after “household”.

(9) In section 323 (b)(1) (B) by inserting “or commercial” after “consumer”.

SEC. 923. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

“(32) The term ‘battery charger’ means a device that charges batteries for consumer products.

“(33) The term ‘commercial refrigerator, freezer and refrigerator-freezer’ means a refrigerator, freezer or refrigerator-freezer that—

“(A) is not a consumer product regulated under this Act; and

“(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

“(34) The term ‘external power supply’ means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

“(35) The term ‘illuminated exit sign’ means a sign that—

“(A) is designed to be permanently fixed in place to identify an exit; and

“(B) consists of—

“(i) an electrically powered integral light source that illuminates the legend ‘EXIT’ and any directional indicators; and

“(ii) provides contrast between the legend, any directional indicators, and the background.

“(36)(A) Except as provided in subsection (B), the term ‘low-voltage dry-type transformer’ means a transformer that—.

“(i) has an input voltage of 600 volts or less;

“(ii) is air-cooled;

“(iii) does not use oil as a coolant; and

“(iv) is rated for operation at a frequency of 60 Hertz.

“(B) The term ‘low-voltage dry-type transformer’ does not include—

“(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

“(ii) transformers that are designed to be used in a special purpose application, such as transformers commonly known as drive transformers, rectifier transformers, autotransformers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers; or

“(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

“(37) The term “standby mode” means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

“(38) The term ‘torchiere’ means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

“(39) The term ‘transformer’ means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

“(40) The term ‘unit heater’ means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace.

SEC. 924. ADDITIONAL TEST PROCEDURES.

(a) EXIT SIGNS.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

“(9) Test procedures for illuminated exit signs shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for illuminated exit signs, as in effect on the date of enactment of this paragraph.

“(10) Test procedures for low voltage dry-type distribution transformers shall be based on the ‘Standard Test Method for Measuring the Energy Consumption of Distribution Transformers’ prescribed by the National Electrical Manufacturers Association (NEMA TP 2-1998). The Secretary may review and revise this test procedure based on future revisions to such standard test method.

(b) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is further amended by adding at the end the following:

“(f) ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, commercial unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.”.

SEC. 925. ENERGY LABELING.

(a) RULEMAKING ON EFFECTIVENESS OF CONSUMER PRODUCT LABELING.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

“(F) Not later than three months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 15 months of the date of enactment of this subparagraph.”.

(b) RULEMAKING ON LABELING FOR ADDITIONAL PRODUCTS.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

“(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in subsections (u) and (v) of section 325, and within 18 months of enactment of this paragraph for products referred to in subsections (w) through (y) of section 325, prescribe, by rule, labeling requirements for such products. Labeling requirements adopted under this paragraph shall take effect on the same date as the standards set pursuant to sections 325(v) through (y).

SEC. 926. ENERGY STAR PROGRAM.

The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting after section 324 the following:

“ENERGY STAR PROGRAM.

“SEC. 324A. (a) IN GENERAL.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

“(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

(2) work to enhance public awareness of the Energy Star label;

(3) preserve the integrity of the Energy Star label; and

(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised product category provide an explanation of the decision that responds to significant public comments.”.

SEC. 927. ENERGY CONSERVATION STANDARDS FOR CENTRAL AIR-CONDITIONERS AND HEAT PUMPS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

“(1) Except as provided in paragraph (3), the seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 13.0.

“(2) Except as provided in paragraph (4), the heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 7.7.

“(3) The seasonal energy efficiency ratio of central air conditioners or central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 12.0 for products that—

“(A) have a rated cooling capacity equal to or less than 30,000 Btu per hour;

“(B) have an outdoor or indoor unit having at least two overall exterior dimensions or an overall displacement that—

“(i) is substantially smaller than those of other units that are currently installed in site-built single family homes, and of a similar cooling or heating capacity, and

“(ii) if increased would result in a significant increase in the cost of installation or would result in a significant loss in the utility of the product to the consumer; and

“(C) were available for purchase in the United States as of December 1, 2000.

“(4) The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 25, 2006 shall not be less 7.4 for products that meet the criteria in paragraph (3).

"(5) The Secretary may postpone the requirements of paragraphs (3) and (4) for specific product types until a date no later than January 23, 2010, if he determines that compliance is either—

"(A) not technologically feasible, or

"(B) not economically justifiable.

"(6) The Secretary shall publish a final rule not later than January 1, 2006 to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2011.".

SEC. 928. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) Standby Mode Electric Energy Consumption.—

"(1) Initial rulemaking.—

"(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) Designation of additional covered products.—

"(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; providing that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

"(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

"(i) standby mode power consumption compared to overall product energy consumption; and

"(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

"(C) Not later than one year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

"(3) Review of standby energy use in covered products.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to section 325 should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of this subsection.

"(4) Rulemaking for standby mode.—

"(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in section 325 and the criteria set forth in paragraph 2(B) of this subsection.

"(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

"(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

(5) Effective date.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported three years after the date of promulgation.

(6) Voluntary programs to reduce standby mode energy use.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

"(v) Suspended Ceiling Fans, Vending Machines, Unit Heaters, and Commercial Refrigerators, Freezers and Refrigerator-Freezers.—The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

"(w) Illuminated Exit Signs.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency as in effect on the date of enactment of this subsection.

"(x) Torchieres.—Torchieres manufactured on or after January 1, 2005—

"(1) shall consume not more than 190 watts of power; and

"(2) shall not be capable of operating with lamps that total more than 190 watts.

"(y) Low Voltage Dry-Type Transformers.—

"The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for low voltage dry-type transformers specified in Table 4-2 of the 'Guide for Determining Energy Efficiency for Distribution Transformers' published by the National Electrical Manufacturers Association (NEMA TP-1-1996).".

SEC. 929. CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING, AND VENTILATION MAINTENANCE.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC Maintenance.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

"(2) The Secretary may carry out the program in cooperation with industry trade associations, industry members, and energy efficiency organizations.".

Subtitle D—Housing Efficiency

SEC. 931. CAPACITY BUILDING FOR ENERGY EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 932. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES:

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the period at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 933. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) Single Family Housing Mortgage Insurance.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting "or paragraph (10)"; and

(2) by striking "20 percent" and inserting "30 percent".

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking "20 per centum" and inserting "30 percent".

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking "20 per centum" and inserting :"30 percent".

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 934. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and 112.18.1–2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.".

SEC. 935. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation.".

SEC. 936. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m-290m-3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

DIVISION D—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY

TITLE X—CLIMATE CHANGE POLICY FORMULATION

Subtitle A—Global Warming

SEC. 1001. SENSE OF CONGRESS ON GLOBAL WARMING.

(a) FINDINGS.—The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years".

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency has found that global warming may harm the United States by altering crop yields, accelerating sea level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention of Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system", and which stated in part "the Parties to the Convention are to implement policies with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases."

(7) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations' emissions will significantly increase in the future.

(8) The United Nations Framework Convention on Climate Change further states that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases.

(9) Senate Resolution 98 of July 1997, which expressed that developing nations, especially the largest emitters, must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help find a solution to the global climate change dilemma.

(10) American businesses need to know how governments worldwide will respond to the threat of global warming.

(11) The United States has benefitted and will continue to benefit from investments in the research, development and deployment of a range of clean energy and efficiency technologies that can mitigate global warming and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the United States Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by—

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, emissions trading and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions; and

(3) participating in international negotiations, including putting forth a proposal at the next meeting of the Conference of the Parties, with the objective of securing United States' participation in a revised Kyoto Protocol or other future binding climate change agreements in a manner that is consistent with the environmental objectives of the Framework Convention on Climate Change, that protects the economic interests of the United States, and recognizes the shared international responsibility for addressing climate change, including developing country participation.

Subtitle B—Climate Change Strategy

SEC. 1011. SHORT TITLE.

This title may be cited as the "Climate Change Strategy and Technology Innovation Act of 2002".

SEC. 1012. FINDINGS.

Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;

(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system";

(3) although science currently cannot determine precisely what atmospheric concentrations are "dangerous", the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for temperance of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) a large share of this economic burden would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) such a revolution can occur only if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) over the decade preceding the date of enactment of this Act—

(A) energy research and development budgets in the public and private sectors have declined precipitously and have not been focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(11) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(ii) technology development, including—

(I) a national commitment to double energy research and development by the United States public and private sectors; and

(II) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(iii) climate adaptation research that—

(I) focuses on response actions necessary to adapt to climate change that may have already occurred; and

(II) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario; and

(iv) climate science research that—

(I) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(II) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies; and

(13) inherent in each of the 4 key elements of the response strategy is consideration of the international nature of the challenge, which will require—

(A) establishment of joint climate response strategies and joint research programs;

(B) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and

(C) promotion of public awareness of the issue.

SEC. 1013. PURPOSE.

The purpose of this title is to implement the new approach described in section 1012(12) by developing a national focal point for climate change response through—

(1) the establishment of the National Office of Climate Change Response within the Executive Office of the President to develop the United States Climate Change Response Strategy that—

(A) incorporates the 4 key elements of that new approach;

(B) is supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States;

(C) takes into account—

(i) the diversity of energy sources and technologies;

(ii) supply-side and demand-side solutions; and

(iii) national infrastructure, energy distribution, and transportation systems;

(D) provides for the inclusion and equitable participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(E) incorporates new models of Federal-State cooperation;

(F) defines a comprehensive energy technology research and development program that—

(i) recognizes the important contributions that research and development programs in existence on the date of enactment of this title make toward addressing the climate change response challenge; and

(ii) includes an additional research and development agenda that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere;

(G) includes consideration of other efforts to address critical environmental and health concerns, including clean air, clean water, and responsible land use policies; and

(H) incorporates initiatives to promote the deployment of clean energy technologies developed in the United States and abroad;

(2) the establishment of the Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of Federal agencies work together to develop and implement the Strategy;

(3) the establishment of the Office of Climate Change Technology within the Department of Energy—

(A) to manage, as its primary responsibility, an innovative research and development program that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually assess United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(1) CLIMATE-FRIENDLY TECHNOLOGY.—The term "climate-friendly technology" means any energy supply or end-use technology that, over the life of the technology and compared to similar technology in commercial use as of the date of enactment of this Act—

(A) results in reduced emissions of greenhouse gases;

(B) may substantially lower emissions of other pollutants; and

(C) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) DEPARTMENT OFFICE.—The term "Department Office" means the Office of Climate Change Technology of the Department established by section 1017(a).

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(5) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) an anthropogenic gaseous constituent of the atmosphere (including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and tropospheric ozone) that absorbs and re-emits infrared radiation and influences climate; and

(B) an anthropogenic aerosol (such as black soot) that absorbs solar radiation and influences climate.

(6) INTERAGENCY TASK FORCE.—The term "Interagency Task Force" means the United States Climate Change Response Interagency Task Force established under section 1016(d).

(7) KEY ELEMENT.—The term "key element", with respect to the Strategy, means—

(A) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(B) technology development, including—

(i) a national commitment to double energy research and development by the United States public and private sectors; and

(ii) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(C) climate adaptation research that—

(i) focuses on response actions necessary to adapt to climate change that may have already occurred; and

(ii) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario; and

(D) climate science research that—

(i) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(ii) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies.

(8) QUALIFIED INDIVIDUAL.—

(A) IN GENERAL.—The term "qualified individual" means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

(B) FIELDS OF KNOWLEDGE.—The fields of knowledge referred to in subparagraph (A) are—

(i) the science of primary and secondary climate change impacts;

(ii) energy and environmental economics;

(iii) technology transfer and diffusion;

(iv) the social dimensions of climate change;

(v) climate change adaptation strategies;

(vi) fossil, nuclear, and renewable energy technology;

(vii) energy efficiency and energy conservation;

(viii) energy systems integration;

(ix) engineered and terrestrial carbon sequestration;

(x) transportation, industrial, and building sector concerns;

(xi) regulatory and market-based mechanisms for addressing climate change;

(xii) risk and decision analysis;

(xiii) strategic planning; and

(xiv) the international implications of climate change response strategies.

(9) REVIEW BOARD.—The term "Review Board" means the United States Climate Change Response Strategy Review Board established by section 1019.

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term "stabilization of greenhouse gas concentrations" means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(12) STRATEGY.—The term "Strategy" means the United States Climate Change Response Strategy developed under section 1015.

(13) WHITE HOUSE OFFICE.—The term "White House Office" means the National Office of Climate Change Response of the Executive Office of the President established by section 1016(a).

SEC. 1015. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

(a) IN GENERAL.—The Director of the White House Office shall develop the United States Climate Change Response Strategy, which shall—

(1) have the long-term goal of stabilization of greenhouse gas concentrations through actions taken by the United States and other nations;

(2) recognize that accomplishing the long-term goal of stabilization will take from many decades to more than a century, but acknowledging that significant actions must begin in the near term;

(3) build on the 4 key elements;

(4) be developed on the basis of an examination of a broad range of emissions levels and dates for achievement of those levels (including those evaluated by the Intergovernmental Panel on Climate Change and those consistent with U.S. treaty commitments) that, after taking into account by actions other nations (if any), would culminate in the stabilization of greenhouse gas concentrations;

(5) consider the broad range of activities and actions that can be taken by United States entities to reduce, avoid, or sequester greenhouse gas emissions both within the United States and in other nations through the use of market mechanisms, which may include but not limited to mitigation activities, terrestrial sequestration, earning offsets through carbon capture or project-based activities, trading of emissions credits in domestic and international markets, and the application of the resulting credits from any of the above within the United States;

(6) minimize any adverse short-term and long-term social, economic, national security, and environmental impacts, including ensuring that the strategy is developed in an economically and environmentally sound manner;

(7) incorporate mitigation approaches leading to the development and deployment of advanced technologies and practices that will reduce, avoid, or sequester greenhouse gas emissions;

(8) recognize that the climate change response strategy is intended to guide the nation's effort to address climate change, but it shall not create a legal obligation on the part of any person or entity other than the duties of the Director of the White House Office and Interagency Task Force in the development of the strategy;

(9) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(10) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, and other relevant policies of the United States;

(11) have a scope that considers the totality of United States public, private, and public-private sector actions that bear on the long-term goal;

(12) be based on an evaluation of a wide range of approaches for achieving the long-term goal, including evaluation of—

(A) a variety of cost-effective Federal and State policies, programs, standards, and incentives;

(B) policies that integrate and promote innovative, market-based solutions in the United States and in foreign countries; and

(C) participation in other international institutions, or in the support of international activities, that are established or conducted to facilitate stabilization of greenhouse gas concentrations;

(13) in the final recommendations of the Strategy, emphasize response strategies that achieve the long-term goal and provide specific recommendations concerning—

(A) measures determined to be appropriate for short-term implementation, giving preference to cost-effective and technologically feasible measures that will—

(i) produce measurable net reductions in United States emissions that lead toward achievement of the long-term goal; and

(ii) minimize any adverse short-term and long-term economic, environmental, national security, and social impacts on the United States;

(B) the development of technologies that have the potential for long-term implementation—

(i) giving preference to technologies that have the potential to reduce significantly the overall cost of stabilization of greenhouse gas concentrations; and

(ii) considering a full range of energy sources, energy conversion and use technologies, and efficiency options;

(C) such changes in institutional and technology systems as are necessary to adapt to climate change in the short-term and the long-term;

(D) such review, modification, and enhancement of the scientific, technical, and economic research efforts of the United States, and improvements to the data resulting from research, as are appropriate to improve the accuracy of predictions concerning climate change and the economic and social costs and opportunities relating to climate change; and

(E) changes that should be made to project and grant evaluation criteria under other Federal research and development programs so that those criteria do not inhibit development of climate-friendly technologies;

(14) be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in accordance with subsections (b)(4)(C)(iv)(II) and (d)(3)(B)(iii) of section 1016;

(15) address how the United States should engage State, tribal, and local governments in developing and carrying out a response to climate change;

(16) promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues;

(17) provide a detailed explanation of how the measures recommended by the Strategy will ensure that they do not result in serious harm to the economy of the United States;

(18) provide a detailed explanation of how the measures recommended by the Strategy will achieve the long-term goal of stabilization of greenhouse gas concentrations;

(19) include any recommendations for legislative and administrative actions necessary to implement the Strategy;

(20) serve as a framework for climate change response actions by all Federal agencies;

(21) recommend which Federal agencies are, or should be, responsible for the various aspects of implementation of the Strategy and any budgetary implications;

(22) address how the United States should engage foreign governments in developing an international response to climate change; and

(23) be subject to review by an independent review board in accordance with section 1019.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this title, the President shall submit to Congress the Strategy.

(c) UPDATING.—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 2-year period thereafter, the President shall submit to Congress an updated version of the Strategy.

(d) PROGRESS REPORTS.—Not later than 1 year after the date of submission of the

Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

(e) ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER POLICIES.—The President, the Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

SEC. 1016. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

(2) FOCUS.—The White House Office shall have the focus of achieving the long-term goal of stabilization of greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

(3) DUTIES.—Consistent with paragraph (2), the White House Office shall—

(A) establish policies, objectives, and priorities for the Strategy;

(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office;

(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities; and

(E) advise the President and notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

(b) DIRECTOR OF THE WHITE HOUSE OFFICE.—

(1) IN GENERAL.—The White House Office shall be headed by a Director, who shall report directly to the President.

(2) APPOINTMENT.—The Director of the White House Office shall be a qualified individual appointed by the President, by and with the advice and consent of the Senate.

(3) DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.—

(A) STRATEGY.—In accordance with section 1015, the Director of the White House Office shall coordinate the development and updating of the Strategy.

(B) INTERAGENCY TASK FORCE.—The Director of the White House Office shall serve as Chairperson of the Interagency Task Force.

(C) ADVISORY DUTIES.—

(i) CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which United States energy, transportation, industrial, agricultural, forestry, building, and other relevant programs are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(ii) TAX, TRADE, AND FOREIGN POLICIES.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which the United States tax policy, trade policy, and foreign policy are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(iii) INTERNATIONAL TREATIES.—The Secretary of State, acting in conjunction with the Interagency Task Force and using the analytical tools available to the White House Office, shall provide to the Director of the White House Office an opinion that—

(I) specifies, to the maximum extent practicable, the economic and environmental costs and benefits of any proposed international treaties or components of treaties that have an influence on greenhouse gas management; and

(II) assesses the extent to which the treaties advance the long-term goal of stabilization of greenhouse gas concentrations, while minimizing adverse short-term and long-term economic and social impacts and considering other impacts.

(iv) CONSULTATION.—

(I) WITH MEMBERS OF INTERAGENCY TASK FORCE.—To the extent practicable and appropriate, the Director of the White House Office shall consult with all members of the Interagency Task Force and other interested parties before providing advice to the President.

(II) WITH OTHER INTERESTED PARTIES.—The Director of the White House Office shall establish a process for obtaining the meaningful participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of advice to be provided to the President.

(D) PUBLIC EDUCATION, AWARENESS, OUTREACH, AND INFORMATION-SHARING.—The Director of the White House Office, to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

(4) ANNUAL REPORTS.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

(A) assesses progress in implementation of the Strategy;

(B) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

(C) assesses progress toward meeting climate change-related international obligations;

(D) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the measures that are necessary to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

(E) addresses the totality of actions in the United States that relate to the 4 key elements.

(5) ANALYSIS.—During development of the Strategy, preparation of the annual reports submitted under paragraph (5), and provision of advice to the President and the heads of Federal agencies, the Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(c) STAFF.—

(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, nonprofit organizations, and national laboratories, for appointments of a limited term.

(d) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

(2) COMPOSITION.—The Interagency Task Force shall be composed of—

(A) the Director of the White House Office, who shall serve as Chairperson;

(B) the Secretary of State;

(C) the Secretary;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of Transportation;

(G) the Secretary of Agriculture;

(H) the Administrator of the Environmental Protection Agency;

(I) the Administrator of the Agency for International Development;

(J) the United States Trade Representative;

(K) the National Security Advisor;

(L) the Chairman of the Council of Economic Advisers;

(M) the Chairman of the Council on Environmental Quality;

(N) the Director of the Office of Science and Technology Policy;

(O) the Chairperson of the Subcommittee on Global Change Research (which performs the functions of the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932)); and

(P) the heads of such other Federal agencies as the Chairperson determines should be members of the Interagency Task Force.

(3) STRATEGY.—

(A) IN GENERAL.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly—

(i) assist the Director of the White House Office in developing and updating the Strategy; and

(ii) assist the Director of the White House Office in preparing annual reports under subsection (b)(5).

(B) REQUIRED ELEMENTS.—In carrying out subparagraph (A), the Interagency Task Force shall—

(i) take into account the long-term goal and other requirements of the Strategy specified in section 1015(a);

(ii) consult with State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; and

(iii) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1017. TECHNOLOGY INNOVATION PROGRAM IMPLEMENTED THROUGH THE OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.—

(1) IN GENERAL.—There is established, within the Department, the Office of Climate Change Technology.

(2) DUTIES.—The Department Office shall—

(A) manage an energy technology research and development program that directly supports the Strategy by—

(i) focusing on high-risk, bold, breakthrough technologies that—

(I) have significant promise of contributing to the national climate change policy of long-term stabilization of greenhouse gas concentrations by—

(aa) mitigating the emissions of greenhouse gases;

(bb) removing and sequestering greenhouse gases from emission streams; or

(cc) removing and sequestering greenhouse gases from the atmosphere;

(II) are not being addressed significantly by other Federal programs; and

(III) would represent a substantial advance beyond technology available on the date of enactment of this title;

(ii) forging fundamentally new research and development partnerships among various Department, other Federal, and State programs, particularly between basic science and energy technology programs, in cases in which such partnerships have significant potential to affect the ability of the United States to achieve stabilization of greenhouse gas concentrations at the lowest possible cost;

(iii) forging international research and development partnerships that are in the interests of the United States and make progress on stabilization of greenhouse gas concentrations;

(iv) making available, through monitoring, experimentation, and analysis, data that are essential to proving the technical and economic viability of technology central to addressing climate change; and

(v) transitioning research and development programs to other program offices of the Department once such a research and development program crosses the threshold of high-risk research and moves into the realm of more conventional technology development;

(B) prepare annual reports in accordance with subsection (b)(6);

(C) identify the total contribution of all Department programs to climate change response;

(D) provide substantial analytical support to the White House Office, particularly support in the development of the Strategy and associated progress reporting; and

(E) advise the Secretary on climate change-related issues, including necessary changes in Department organization, management, budgeting, and personnel allocation in the programs involved in climate change response-related activities.

(b) DIRECTOR OF THE DEPARTMENT OFFICE.—

(1) IN GENERAL.—The Department Office shall be headed by a Director, who shall report directly to the Secretary.

(2) APPOINTMENT.—The Director of the Department Office shall be an employee of the Federal Government who is a qualified individual appointed by the President.

(3) TERM.—The Director of the Department Office shall be appointed for a term of 4 years.

(4) VACANCIES.—A vacancy in the position of the Director of the Department Office shall be filled in the same manner as the original appointment was made.

(5) DUTIES OF THE DIRECTOR OF THE DEPARTMENT OFFICE.—

(A) TECHNOLOGY DEVELOPMENT.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) STRATEGY.—The Director of the Department Office shall support development of the Strategy through the provision of staff and analytical support.

(C) INTERAGENCY TASK FORCE.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the members positively or negatively contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations.

(D) TOOLS, DATA, AND CAPABILITIES.—The Director of the Department Office shall foster the development of tools, data, and capabilities to ensure that—

(i) the United States has a robust capability for evaluating alternative climate change response scenarios; and

(ii) the Department Office provides long-term analytical continuity during the terms of service of successive Presidents.

(E) ADVISORY DUTIES.—The Director of the Department Office shall advise the Secretary on all aspects of climate change response.

(6) ANNUAL REPORTS.—The Director of the Department Office shall prepare an annual report for submission by the Secretary to Congress and the White House Office that—

(A) assesses progress toward meeting the goals of the energy technology research and development program described in subsection (a)(2)(A);

(B) assesses the activities of the Department Office;

(C) assesses the contributions of all energy technology research and development programs of the Department (including science programs) to the long-term goal and other requirements of the Strategy specified in section 1015(a); and

(D) makes recommendations for actions by the Department and other Federal agencies to address the components of technology development that are necessary to support the Strategy.

(7) ANALYSIS.—During development of the Strategy, annual reports submitted under paragraph (6), and advice to the Secretary, the Director of the Department Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any associated uncertainties.

(c) STAFF.—The Director of the Department Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the Department Office.

(d) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Department Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), subchapter VI of chapter 33 of title 5, United States Code, and other Departmental personnel authorities, to obtain staff from academia, scientific bodies, nonprofit organizations, industry, and national laboratories, for appointments of a limited term.

(e) RELATIONSHIP TO OTHER DEPARTMENT PROGRAMS.—Each project carried out by the Department Office shall be—

(1) initiated only after consultation with 1 or more other appropriate program offices of the Department that support research and development in areas relating to the project;

(2) managed by the Department Office; and

(3) in the case of a project that reaches a sufficient level of maturity, with the concurrence of the Department Office and an appropriate office described in paragraph (1), transferred to the appropriate office, along with the funds necessary to continue the project to the point at which non-Federal funding can provide substantial support for the project.

(f) ANALYSIS OF STRATEGIC CLIMATE CHANGE RESPONSE.—

(1) IN GENERAL.—

(A) GOAL.—The Department Office shall foster the development and application of advanced computational tools, data, and capabilities that, together with the capabilities of other federal agencies, support integrated assessment of alternative climate change response scenarios and implementation of the Strategy.

(B) PARTICIPATION AND SUPPORT.—Projects supported by the Department Office may include participation of, and be supported by, other Federal agencies that have a role in the development, commercialization, or transfer of energy, transportation, industrial, agricultural, forestry, or other climate change-related technology.

(2) PROGRAMS.—

(A) IN GENERAL.—The Department Office shall—

(i) develop and maintain core analytical competencies and complex, integrated computational modeling capabilities that, together with the capabilities of other federal agencies, are necessary to support the design and implementation of the Strategy; and

(ii) track United States and international progress toward the long-term goal of stabilization of greenhouse gas concentrations.

(B) INTERNATIONAL CARBON DIOXIDE SEQUESTRATION MONITORING AND DATA PROGRAM.—In consultation with Federal, State, academic, scientific, private sector, nongovernmental, tribal, and international carbon capture and sequestration technology programs, the Department Office shall design and carry out an international carbon dioxide sequestration monitoring and data program to collect, analyze, and make available the technical and economic data to ascertain—

(i) whether engineered sequestration and terrestrial sequestration will be acceptable technologies from regulatory, economic, and international perspectives;

(ii) whether carbon dioxide sequestered in geological formations or ocean systems is stable and has inconsequential leakage rates on a geologic time-scale; and

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) AREAS OF EXPERTISE.—

(A) IN GENERAL.—The Department Office shall develop and maintain expertise in integrated assessment, modeling, and related capabilities necessary—

(i) to understand the relationship between natural, agricultural, industrial, energy, and economic systems;

(ii) to design effective research and development programs; and

(iii) to develop and implement the Strategy.

(B) TECHNOLOGY TRANSFER AND DIFFUSION.—The expertise described in clause (i) shall include knowledge of technology transfer and technology diffusion in United States markets and foreign markets.

(4) DISSEMINATION OF INFORMATION.—The Department Office shall ensure, to the maximum extent practicable, that technical and scientific knowledge relating to greenhouse gas emission reduction, avoidance, and sequestration is broadly disseminated through publications, fellowships, and training programs.

(5) ASSESSMENTS.—In a manner consistent with the Strategy, the Department shall conduct assessments of deployment of climate-friendly technology.

(6) USE OF PRIVATE SECTOR FUNDING.—

(A) IN GENERAL.—The Department Office shall create an operating model that allows for collaboration, division of effort, and cost sharing with industry on individual climate change response projects.

(B) REQUIREMENTS.—Although cost sharing in some cases may be appropriate, the Department Office shall focus on long-term high-risk research and development and should not make industrial partnerships or cost sharing a requirement, if such a requirement would bias the activities of the Department Office toward incremental innovations.

(C) REEVALUATION ON TRANSITION.—At such time as any bold, breakthrough research and development program reaches a sufficient level of technological maturity such that the program is transitioned to a program office of the Department other than the Department Office, the cost-sharing requirements and criteria applicable to the program should be reevaluated.

(D) PUBLICATION IN FEDERAL REGISTER.—Each cost-sharing agreement entered into under this subparagraph shall be published in the Federal Register.

SEC. 1018. ADDITIONAL OFFICES AND ACTIVITIES.

The Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies may establish such offices and carry out such activities, in addition to those established or authorized by this Act, as are necessary to carry out this Act.

SEC. 1019. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment within the executive branch the United States Climate Change Response Strategy Review Board.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Review Board shall consist of 11 members who shall be appointed, not later than 90 days after the date of enactment of this Act, by the President by and with the advice and consent of the Senate, from among qualified individuals nominated by the National Academy of Sciences in accordance with paragraph (2).

(2) NOMINATIONS.—Not later than 60 days after the date of enactment of this Act, after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, the National Academy of Sciences shall nominate for appointment to the Review Board not fewer than 22 individuals who—

(A) are—

(i) qualified individuals; or

(ii) experts in a field of knowledge specified in section 1014(9)(B); and

(B) as a group represent broad, balanced expertise.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Review Board shall not be an employee of the Federal Government.

(4) TERMS; VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—Subject to clause (ii), each member of the Review Board shall be appointed for a term of 4 years.

(ii) INITIAL TERMS.—

(I) COMMENCEMENT DATE.—The term of each member initially appointed to the Review Board shall commence 120 days after the date of enactment of this title.

(II) TERMINATION DATE.—Of the 11 members initially appointed to the Review Board, 5 members shall be appointed for a term of 2 years and 6 members shall be appointed for a term of 4 years, to be designated by the President at the time of appointment.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Review Board shall be filled in the manner described in this subparagraph.

(ii) NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 60 days after the date on which a vacancy commences, the National Academy of Sciences shall—

(I) after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, nominate, from among qualified individuals, not fewer than 2 individuals to fill the vacancy; and

(II) submit the names of the nominees to the President.

(iii) SELECTION.—Not later than 30 days after the date on which the nominations under clause (ii) are submitted to the President, the President shall select from among the nominees an individual to fill the vacancy.

(iv) SENATE CONFIRMATION.—An individual appointed to fill a vacancy on the Review Board shall be appointed by and with the advice and consent of the Senate.

(5) APPLICABILITY OF ETHICS IN GOVERNMENT ACT OF 1978.—A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

(6) CHAIRPERSON; VICE CHAIRPERSON.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 180 days after the date of submission of the initial Strategy under section 1015(b), each updated version of the Strategy under section 1015(c), and each progress report under section 1015(d), the Review Board shall submit to the President, Congress, and the heads of Federal agencies as appropriate a report assessing the adequacy of the Strategy or report.

(2) COMMENTS.—In reviewing the Strategy or a report under paragraph (1), the Review Board shall consider and comment on—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the 4 key elements;

(B) the extent to which actions of the United States, with respect to climate change, complement or leverage international research and other efforts designed to manage global emissions of greenhouse gases, to further the long-term goal of stabilization of greenhouse gas concentrations;

(C) the funding implications of any recommendations made by the Review Board; and

(D)(i) the effectiveness with which each Federal agency is carrying out the responsibilities of the Federal agency with respect to the short-term and long-term greenhouse gas management goals; and

(ii) the adequacy of the budget of each such Federal agency to carry out those responsibilities.

(3) ADDITIONAL RECOMMENDATIONS.—.

(A) IN GENERAL.—Subject to subparagraph (B), the Review Board, at the request of the President or Congress, may provide recommendations on additional climate change-related topics.

(B) SECONDARY DUTY.—The provision of recommendations under subparagraph (A) shall be a secondary duty to the primary duty of the Review Board of providing independent review of the Strategy and the reports under paragraphs (1) and (2).

(d) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, the Review Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Review Board considers to be appropriate.

(B) ADMINISTRATION OF OATHS.—Any member of the Review Board may administer an oath or affirmation to any witness that appears before the Review Board.

(2) PRODUCTION OF DOCUMENTS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, and subject to applicable law, the Secretary or head of a Federal agency represented on the Interagency Task Force, or a contractor of such an agency, shall provide the Review Board with such records, files, papers, data, and information as are necessary to respond to any inquiry of the Review Board under this Act.

(B) Inclusion of work in progress.—Subject to applicable law, information obtainable under subparagraph (A)—

(i) shall not be limited to final work products; but

(ii) shall include draft work products and documentation of work in progress.

(3) Postal services.—The Review Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(e) Compensation of Members.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(f) Travel Expenses.—A member of the Review Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Review Board.

(g) Staff.—

(1) In general.—The Chairperson of the Review Board may, without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Review Board to perform the duties of the Review Board.

(2) Confirmation of executive director.—The employment of an executive director shall be subject to confirmation by the Review Board.

(3) Compensation.—

(A) In general.—Except as provided in subparagraph (B), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) Procurement of Temporary and Intermittent Services.—The Chairperson of the Review Board may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 1020. AUTHORIZATION OF APPROPRIATIONS.

(a) White House Office.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the White House Office to carry out the duties of the White House Office under this Title $5,000,000 for each of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(b) Department Office.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this Title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this title $4,750,000,000 for the period of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(c) Review Board.—

(1) Use of available appropriations.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this title until the date on which funds are made available under paragraph (2).

(2) Authorization of appropriations.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this title $3,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.

(d) Additional Amounts.—Amounts authorized to be appropriated under this section shall be in addition to—

(1) amounts made available to carry out the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and

(2) amounts made available under other provisions of law for energy research and development.

Subtitle C—Science and Technology Policy

SEC. 1031. GLOBAL CLIMATE CHANGE IN THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

Section 101(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;".

SEC. 1032. ESTABLISHMENT OF ASSOCIATE DIRECTOR FOR GLOBAL CLIMATE CHANGE.

Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by striking "four" in the second sentence and inserting "five"; and

(2) by striking "title." in the second sentence and inserting "title, one of whom shall be responsible for global climate change science and technology under the Office of Science and Technology Policy.".

Subtitle D—Miscellaneous Provisions

SEC. 1041. ADDITIONAL INFORMATION FOR REGULATORY REVIEW.

In each case that an agency prepares and submits a Statement of Energy Effects pursuant to Executive Order 13211 of May 18, 2001 (relating to actions concerning regulations that significantly affect energy supply, distribution, or use), or as part of compliance with Executive Order 12866 of September 30, 1993 (relating to regulatory planning and review) or its successor, the agency shall also submit an estimate of the change in net annual greenhouse gas emissions resulting from the proposed significant energy action. In the case in which there is an increase in net annual greenhouse gas emissions as a result of the proposed significant energy action, the agency shall indicate what policies or measures will be undertaken to mitigate or offset the increased emissions.

SEC. 1042. GREENHOUSE GAS EMISSIONS FROM FEDERAL FACILITIES.

(a) Methodology.—

(1) In general.—Not later than one year after the date of enactment of this section, the Secretary of Energy, Secretary of Agriculture, Secretary of Commerce, and Administrator of the Environmental Protection Agency shall publish a jointly developed methodology for preparing estimates of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, including mobile sources.

(2) Indirect and other emissions.—The methodology under paragraph (1) shall include emissions resulting from any Federal procurement action with an annual Federal expenditure of greater than $100 million, indirect emissions associated with Federal electricity consumption, and other emissions resulting from Federal actions that the heads of the agencies under paragraph (1) may jointly decide to include in the estimates.

(b) Publication.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary of Energy shall publish an estimate of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, using the methodology published under subsection (a).-

TITLE1 XI—NATIONAL GREENHOUSE GAS DATABASE

SEC. 1101. PURPOSE.

The purpose of this title is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and,

(3) will encourage and acknowledge greenhouse gas emissions reductions.

SEC. 1102. DEFINITIONS.

In this title—

(1) Database.—The term "database" means the National Greenhouse Gas Database established under section 1104.

(2) Designated agency or agencies.— The term "Designated Agency or Agencies" means the Department or Departments and/or Agency or Agencies given the responsibility for a function or program under the Memorandum of Agreement entered into pursuant to Section 1103.

(3) Direct emissions.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.-

(4) Entity.—The term "entity" means—

(A) a person located in the United States; or

(B) a public or private entity, to the extent that the entity operates in the United States.

(5) Facility.—The term "facility" means all buildings, structures, or installations located on any one or more of contiguous or adjacent property or properties, or a fleet of

20 or more transportation vehicles, under common control of the same entity.

(6) GREENHOUSE GAS.—The term ''greenhouse gas'' means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluororcarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(7) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from a facility owned or controlled by another entity and are not already reported as direct emissions by a covered entity.

(8) SEQUESTRATION.—The term 'sequestration' means the capture, long-term separation; isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT.

(a) Not later than one year after the date of enactment of this title, the President, acting through the Chairman of the Council on Environmental Quality, shall direct the Department of Energy, the Department of Commerce, the Department of Agriculture, the Department of Transportation and the Environmental Protection Agency, to enter into a Memorandum of Agreement that will—

(1) recognize and maintain existing statutory and regulatory authorities, functions and programs that collect data on greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database;

(2) distribute additional responsibilities and activities identified by this title to Federal departments or agencies according to their mission and expertise and to maximize the use of existing resources; and

(3) provide for the comprehensive collection and analysis of data on the emissions related to product use, including fossil fuel and energy consuming appliances and vehicles.

(b) The Memorandum of Agreement entered into under subsection (a) shall, at a minimum, retain the following functions for the respective Departments and agencies:

(1) The Department of Energy shall be primarily responsible for developing, maintaining, and verifying the emissions reduction registry, under both this title and its authority under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)).

(2) The Department of Commerce shall be primarily responsible for the development of measurement standards for emissions monitoring and verification technologies and methods to ensure that there is a consistent and technically accurate record of emissions, reductions and atmospheric concentrations of greenhouse gases for the database under this title.

(3) The Environmental Protection Agency shall be primarily responsible for emissions monitoring, measurement, verification and data collection, pursuant to this title and existing authority under Titles IV and VIII of the Clean Air Act, and including mobile source emissions information from implementation of the Corporate Average Fuel Economy program (49 U.S.C. Chapter 329), and the Agency's role in completing the national inventory for compliance with the United Nations Framework Convention on Climate Change.

(c) The Chairman shall publish a draft version of the Memorandum of Agreement in the Federal Register and solicit comments on it as soon as practicable and publish the final Memorandum of Agreement in the Federal Register not later than 15 months after the date of enactment of this title.

(d) The final Memorandum of Agreement shall not be subject to judicial review.

SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.

(a) ESTABLISHMENT.—The Designated Agency or Agencies, working in consultation with the private sector and nongovernmental organizations, shall establish, operate and maintain a database to be known as the National Greenhouse Gas Database to collect, verify, and analyze information on—

(1) greenhouse gas emissions by entities located in the United States; and

(2) greenhouse gas emission reductions by entities based in the United States.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of an inventory of greenhouse gas emissions and a registry of greenhouse gas emissions reductions.

(c) DEADLINE.—Not later than 2 years after the date of enactment of this title, the Designated Agency or Agencies shall promulgate a rule to implement a comprehensive system for greenhouse gas emissions reporting, inventorying and reductions registration. The Designated Agency or Agencies shall ensure that the system is designed to maximize completeness, transparency, and accuracy and to minimize measurement and reporting costs for covered entities.

(d) REQUIRED ELEMENTS OF DATABASE REPORTING SYSTEM.—

(1) MANDATORY REPORTING.—

(A) Beginning one year after promulgation of the final rule issued under subsection (c), each entity that exceeds the greenhouse gas emissions threshold in paragraph (2) shall report annually to the Designated Agency or Agencies, for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Such reports are due annually to the Designated Agency or Agencies, but must be submitted no later than April 30 of each calendar year in support of the previous years' emission reporting requirements.

(B) Each report submitted shall include:

(i) direct emissions from stationary sources;

(ii) direct emissions from vehicles owned or controlled by a covered entity;

(iii) direct emissions from any land use activities that release significant quantities of greenhouse gases;

(iv) indirect emissions from all outsourced activities, contract manufacturing, wastes transferred from the control of an entity, and other relevant instances, as determined to be practicable under the rule;

(v) indirect emissions from electricity, heat, and steam imported from another entity, as determined to be practicable under the rule;

(vi) the production, distribution or import of greenhouse gases listed under section 1102 by an entity; and

(vii) such other categories, which the designated Agency or Agencies determine by rule, after public notice and comment, should be included to accomplish the purposes of this title.

(C) Each report shall include total mass quantities for each greenhouse gas emitted, and in terms of carbon dioxide equivalent.

(D) Each report shall include the greenhouse gas emissions per unit of output by an entity, such as tons of carbon dioxide per kilowatt-hour or a similar metric.

(E) The first report shall be required to be submitted not later than April 30 of the fourth year after the date of enactment of this title.

(2) THRESHOLD FOR REPORTING.—

(A) An entity shall not be required to make a report under paragraph (1) unless:

(i) the total greenhouse gas emissions of at least one facility owned by an entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule; or,

(ii) the total quantity of greenhouse gases produced, distributed or imported by the entity exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule.

(B) the final rule promulgated under section 1104(c) and subsequent revisions to that rule with respect to the threshold for reporting in subparagraph (A) shall capture information on no less than 75 percent of anthropogenic greenhouse gas emissions from entities.

(3) METHOD OF REPORTING.—Entity-wide emissions shall be reported at the facility level.

(4) ADDITIONAL VOLUNTARY REPORTING.—An entity may voluntarily report to the Designated Agency or Agencies, for inclusion in the registry portion of the national database—

(A) with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

(i) project reductions from facilities owned or controlled by the reporting entity in the United States;

(ii) transfers of project reductions to and from any other entity;

(iii) project reductions and transfers of project reductions outside the United States;

(iv) other indirect emissions that are not required to be reported under subsection (d); and

(v) product use phase emissions; and

(B) with respect to greenhouse gas emissions reductions activities carried out since 1990 and verified according to rules implementing subparagraphs (6) and (8) of this subsection and submitted to the Designated Agency or Agencies before the date that is three years after the date of enactment of this title, those reductions that have been reported or submitted by an entity under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) or under other Federal or State voluntary greenhouse gas reduction programs.

(5) TYPES OF ACTIVITIES.—Under paragraph (4), an entity may report projects that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

(A) fuel switching;

(B) energy efficiency improvements;

(C) use of renewable energy;

(D) use of combined heat and power systems;

(E) management of cropland, grassland, and grazing land;

(F) forestry activities that increase forest carbon stocks or reduce forest carbon emissions;

(G) carbon capture and storage;

(H) methane recovery; and

(I) greenhouse gas offset investments.

(6) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Designated Agency or Agencies to verify, in accordance with measurement and verification criteria developed under Section 1106, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each additional voluntary report, represents—

(i) actual reductions in direct greenhouse gas emissions relative to historic emission levels and net of any increases in direct emissions and indirect emissions described in clauses (iv) and (v) of paragraph (1)(B), or

(ii) actual increases in net sequestration.

(7) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Designated Agency or Agencies for consideration by the Designated Agency or Agencies in carrying out paragraph (1).

(8) DATA QUALITY.—The rule under subsection (c)shall establish procedures and protocols needed to—

(A) prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than one reporting entity;

(B) provide for corrections to errors in data submitted to the database;

(C) provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions; and,

(E) account for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities.

(9) AVAILABILITY OF DATA.—The Designated Agency or Agencies shall ensure that information in the database is published, accessible to the public, and made available in electronic format on the Internet, except in cases where the Designated Agency or Agencies determine that publishing or making available the information would disclose information vital to national security.

(10) DATA INFRASTRUCTURE.—The Designated Agency or Agencies shall ensure that the database established by this Act shall utilize and is integrated with existing Federal, regional, and state greenhouse gas data collection and reporting systems to the maximum extent possible and avoid duplication of such systems.

(11) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the rules for and implementing the Database, the Designated Agency or Agencies shall consider a broad range of issues involved in establishing an effective database, including the following:

(A) UNITS FOR REPORTING.—The appropriate units for reporting each greenhouse gas, and whether to require reporting of emission efficiency rates (including emissions per kilowatt-hour for electricity generators) in addition to mass emissions of greenhouse gases.

(B) INTERNATIONAL CONSISTENCY.—The greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant; and

(C) DATA SUFFICIENCY.—The extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement a comprehensive National Greenhouse Gas Database.

(e) ENFORCEMENT.—The Attorney General may, at the request of the Designated Agency or Agencies, bring a civil action in United States District Court against an entity that fails to comply with reporting requirements under this section, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

(f) ANNUAL REPORT.—The Designated Agency or Agencies shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported, and

(3) describes the atmospheric concentrations of greenhouse gases and tracks such information over time.

SEC. 1105. REPORT ON STATUTORY CHANGES AND HARMONIZATION.

Not later than 3 years after the date of enactment of this title, the President shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the Greenhouse Gas Database and related programs under this title.

SEC. 1106. MEASUREMENT AND VERIFICATION.

The Designated Agency or Agencies shall, not later than 1 year after the date of enactment of this title, design and develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations for use in the national greenhouse gas database. The Agency or Agencies shall periodically review and revise these methods and standards as necessary.

SEC. 1107. INDEPENDENT REVIEW.

(a) The General Accounting Office shall submit a report to Congress five years after the date of enactment of this title, and every three years thereafter, providing a review of the efficacy of the implementation and operation of the National Greenhouse Gas Database established in section 1104 and making recommendations for improvements to the programs created pursuant to this title and changes to the law that will achieve a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations and the other purposes of this title.

(b) The Designated Agency or Agencies shall enter into an agreement with the National Academy of Sciences to review the scientific methods, assumptions and standards used by the Agency or Agencies implementing this title, and to report to Congress not later than four years after the date of enactment of this title with recommendations for improving those methods and standards or related elements of the programs or structure of the reporting and registry system established by this title.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out the activities and programs included in this title.

DIVISION E—ENHANCING RESEARCH, DEVELOPMENT, AND TRAINING

TITLE XII—ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 1201. SHORT TITLE.

This division may be cited as the "Energy Science and Technology Enhancement Act of 2002".

SEC. 1202. FINDINGS.

The Congress finds the following:

(1) A coherent national energy strategy requires an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy new energy technologies in partnership with industry.

(2) An aggressive national energy research, development, demonstration, and technology deployment program is an integral part of a national climate change strategy, because it can reduce—

(A) United States energy intensity by 1.9 percent per year from 1999 to 2020;

(B) United States energy consumption in 2020 by 8 quadrillion Btu from otherwise expected levels; and

(C) United States carbon dioxide emissions from expected levels by 166 million metric tons in carbon equivalent in 2020.

(3) An aggressive national energy research, development, demonstration, and technology deployment program can help maintain domestic United States production of energy, increase United States hydrocarbon reserves by 14 percent, and lower natural gas prices by 20 percent, compared to estimates for 2020.

(4) An aggressive national energy research, development, demonstration, and technology deployment program is needed if United States suppliers and manufacturers are to compete in future markets for advanced energy technologies.

SEC. 1203. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following multi-purpose laboratories owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory; or

(K) Sandia National Laboratory.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) TECHNOLOGY DEPLOYMENT.—The term "technology deployment" means activities to promote acceptance and utilization of technologies in commercial application, including activities undertaken pursuant to section 7 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) or section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12007).

SEC. 1204. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title and title XIV, the Secretary shall carry out the research, development, demonstration, and technology deployment programs authorized by this title in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C.13201 et seq.), or any other Act under which the Secretary is authorized to carry out such activities.

Subtitle A—Energy Efficiency

SEC. 1211. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance energy efficiency in buildings, industry, power technologies, and transportation.

(b) PROGRAM GOALS.—

(1) ENERGY-EFFICIENT HOUSING.—The goal of the energy-efficient housing program shall be to develop, in partnership with industry, enabling technologies (including lighting technologies), designs, production methods, and supporting activities that will, by 2010—

(A) cut the energy use of new housing by 50 percent, and

(B) reduce energy use in existing homes by 30 percent.

(2) INDUSTRIAL ENERGY EFFICIENCY.—The goal of the industrial energy efficiency program shall be to develop, in partnership with industry, enabling technologies, designs, production methods, and supporting activities that will, by 2010, enable energy-intensive industries such as the following industries to reduce their energy intensity by at least 25 percent—

(A) the wood product manufacturing industry;

(B) the pulp and paper industry;

(C) the petroleum and coal products manufacturing industry;

(D) the mining industry;

(E) the chemical manufacturing industry;

(F) the glass and glass product manufacturing industry;

(G) the iron and steel mills and ferroalloy manufacturing industry;

(H) the primary aluminum production industry;

(I) the foundries industry; and

(J) U.S. agriculture.

(3) TRANSPORTATION ENERGY EFFICIENCY.—The goal of the transportation energy efficiency program shall be to develop, in partnership with industry, technologies that will enable the achievement—

(A) by 2010, passenger automobiles with a fuel economy of 80 miles per gallon;

(B) by 2010, light trucks (classes 1 and 2a) with a fuel economy of 60 miles per gallon;

(C) by 2010, medium trucks and buses (classes 2b through 6 and class 8 transit buses) with a fuel economy, in ton-miles per gallon, that is three times that of year 2000 equivalent vehicles;

(D) by 2010, heavy trucks (classes 7 and 8) with a fuel economy, in ton-miles per gallon, that is two times that of year 2000 equivalent vehicles; and

(E) by 2015, the production of fuel-cell powered passenger vehicles with a fuel economy of 110 miles per gallon.

(4) ENERGY EFFICIENT DISTRIBUTED GENERATION—The goals of the energy efficient onsite generation program shall be to help remove environmental and regulatory barriers to on-site, or distributed, generation and combined heat and power by developing technologies by 2015 that achieve—

(A) electricity generating efficiencies greater than 40 percent for on-site generation technologies based upon natural gas, including fuel cells, microturbines, reciprocating engines and industrial gas turbines;

(B) combined heat and power total (electric and thermal) efficiencies of more than 85 percent;

(C) fuel flexibility to include hydrogen, biofuels and natural gas;

(D) near zero emissions of pollutants that form smog and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent;

(F) packaged system integration at end user facilities providing complete services in heating, cooling, electricity and air quality; and

(G) increased reliability for the consumer and greater stability for the national electricity grid.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1)$700,000,000 for fiscal year 2003;

(2) $784,000,000 for fiscal year 2004;

(3) $878,000,000 for fiscal year 2005; and

(4) $983,000,000 for fiscal year 2006.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used for the following programs of the Department—

(1) Weatherization Assistance Program;

(2) State Energy Program; or

(3) Federal Energy Management Program.

SEC. 1212. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1211(c), there are authorized to be appropriated not more than $50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) REPORT.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1213. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department a Next Generation Lighting Initiative to research, develop, and conduct demonstration activities on advanced solid-state lighting technologies based on white light emitting diodes.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the initiative shall be to develop, by 2011, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

(c) CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall initiate and manage basic and manufacturing-related research on advanced solid-state lighting technologies based on white light emitting diodes for the initiative, in cooperation with the Next Generation Lighting Initiative Consortium.

(2) COMPOSITION.—The consortium shall be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting research, development, and manufacturing expertise as a whole.

(3) FUNDING.—The consortium shall be funded by—

(A) participation fees; and

(B) grants provided under subsection (e)(1).

(4) ELIGIBILITY.—To be eligible to receive a grant under subsection (e)(1), the consortium shall—

(A) enter into a consortium participation agreement that—

(i) is agreed to by all participants; and

(ii) describes the responsibilities of participants, participation fees, and the scope of research activities; and

(B) develop an annual program plan.

(5) INTELLECTUAL PROPERTY.—Participants in the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under subsection (e)(1).

(d) PLANNING BOARD.—

(1) IN GENERAL.—Not later than 90 days after the establishment of the consortium, the Secretary shall establish and appoint the members of a planning board, to be known as the "Next Generation Lighting Initiative Planning Board", to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in advanced solid-state lighting and technologies based on white light emitting diodes; and

(B) 3 members from a list of not less than 6 nominees from industry submitted by the consortium.

(3) STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary appoints members to the planning board, the planning board shall complete a study on strategies for the development and implementation of advanced solid-state lighting technologies based on white light emitting diodes.

(B) REQUIREMENTS.—The study shall develop a comprehensive strategy to implement, through the initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the initiative in accordance with the recommendations of the planning board.

(4) Termination.—The planning board shall terminate upon completion of the study under paragraph (3).

(e) Grants.—

(1) Fundamental research.—The Secretary, through the consortium, shall make grants to conduct basic and manufacturing-related research related to advanced solid-state lighting technologies based on white light emitting diode technologies.

(2) Technology development and demonstration.—The Secretary shall enter into grants, contracts, and cooperative agreements to conduct or promote technology research, development, or demonstration activities. In providing funding under this paragraph, the Secretary shall give preference to participants in the consortium.

(3) Continuing assessment.—The consortium, in collaboration with the Secretary, shall formulate annual operating and performance objectives, develop technology roadmaps, and recommend research and development priorities for the initiative. The Secretary may also establish or utilize advisory committees, or enter into appropriate arrangements with the National Academy of Sciences, to conduct periodic reviews of the initiative. The Secretary shall consider the results of such assessment and review activities in making funding decisions under paragraphs (1) and (2) of this subsection.

(4) Technical assistance.—The National Laboratories shall cooperate with and provide technical assistance to persons carrying out projects under the initiative.

(5) Audits.—

(A) In general.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this section have been expended in a manner that is consistent with the objectives under subsection (b) and, in the case of funds made available to the consortium, the annual program plan of the consortium under subsection (c)(4)(B).

(B) Reports.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(6) Applicable law.—Grants, contracts, and cooperative agreements under this section shall not be subject to the Federal Acquisition Regulation.

(f) Protection of Information.—Information obtained by the Federal Government on a confidential basis under this section shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential under section 552(b)(4) of title 5, United States Code.

(g) Authorization of Appropriations.—In addition to amounts authorized under section 1211(c), there are authorized to be appropriated for activities under this section **$50,000,000** for each of fiscal years 2003 through 2011.

(h) Definitions.—In this section:

(1) Advanced solid-state lighting.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) Consortium.—The term "consortium" means the Next Generation Lighting Initiative Consortium under subsection (c).

(3) Initiative.—The term "initiative" means the Next Generation Lighting Initiative established under subsection (a).

(4) inorganic white light emitting diode.—The term "inorganic white light emitting diode" means an inorganic semiconducting package that produces white light using externally applied voltage.

(5) Organic white light emitting diode.—The term "organic white light emitting diode" means an organic semiconducting compound that produces white light using externally applied voltage.

(6) White light emitting diode.—The term "white light emitting diode" means—

(A) an inorganic white light emitting diode; or

(B) an organic white light emitting diode.

SEC. 1214. RAILROAD EFFICIENCY.

(a) Establishment.—The Secretary shall, in cooperation with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the federal government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out the requirements of this section **$60,000,000** for fiscal year 2003 and **$70,000,000** for fiscal year 2004.

Subtitle B—Renewable Energy

SEC. 1221. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) Program Direction.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance the use of renewable energy.

(b) Program Goals.—

(1) Wind power.—The goals of the wind power program shall be to develop, in partnership with industry, a variety of advanced wind turbine designs and manufacturing technologies that are cost-competitive with fossil-fuel generated electricity, with a focus on developing advanced low wind speed technologies that, by 2007, will enable the expanding utilization of widespread class 3 and 4 winds.

(2) Photovoltaics.—The goal of the photovoltaic program shall be to develop, in partnership with industry, total photovoltaic systems with installed costs of **$4000** per peak kilowatt by 2005 and **$2000** per peak kilowatt by 2015.

(3) Solar thermal electric systems.—The goal of the solar thermal electric systems program shall be to develop, in partnership with industry, solar power technologies (including baseload solar power) that are competitive with fossil-fuel generated electricity by 2015, by combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles.

(4) Biomass-based power systems.—The goal of the biomass program shall be to develop, in partnership with industry, integrated power-generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2010, together with the production of fuels, chemicals, and other products under paragraph (6).

(5) Geothermal energy.—The goal of the geothermal program shall be to develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal heat pump technology, with a specific focus on—

(A) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 40 percent by 2006;

(B) reducing the cost of drilling by 2008 to an average cost of **$150** per foot; and

(C) developing enhanced geothermal systems technology with the potential to double the useable geothermal resource base.

(6) Biofuels.—The goal of the biofuels program shall be to develop, in partnership with industry, advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks, that are price-competitive with gasoline or diesel, in either internal combustion engines or fuel cell vehicles, by 2010.

(7) Hydrogen-based energy systems.—The goals of the hydrogen program shall be to support research and development on technologies for production, storage, and use of hydrogen, including fuel cells and, specifically, fuel-cell vehicle development activities under section 1211.

(8) Hydropower.—The goal of the hydropower program shall be to develop, in partnership with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems.

(9) Electric energy systems and storage.—The goals of the electric energy and storage program shall be to develop, in partnership with industry—

(A) generators and transmission, distribution, and storage systems that combine high capacity with high efficiency;

(B) technologies to interconnect distributed energy resources with electric power systems, comply with any national interconnection standards, have a minimum 10-year useful life;

(C) advanced technologies to increase the average efficiency of electric transmission facilities in rural and remote areas, giving priority for demonstrations to advanced transmission technologies that are being or have been field tested;

(D) the use of new transmission technologies, including composite conductor materials, advanced protection devices, controllers, and other cost-effective methods and technologies;

(E) the use of superconducting materials in power delivery equipment such as transmission and distribution cables, transformers, and generators;

(F) energy management technologies for enterprises with aggregated loads and distributed generation, such as power parks;

(G) economic and system models to measure the costs and benefits of improved system performance;

(H) hybrid distributed energy systems to optimize two or more distributed or on-site generation technologies; and

(I) real-time transmission and distribution system control technologies that provide for continual exchange of information between generation, transmission, distribution, and end-user facilities.

(c) Special Projects.—In carrying out this section, the Secretary shall demonstrate—

(1) the use of advanced wind power technology, biomass, geothermal energy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations; and

(2) the combined use of wind power and coal gasification technologies.

(d) Financial Assistance to Rural Areas.—In carrying out special projects under subsection (c), the Secretary may provide financial assistance to rural electric cooperatives and other rural entities.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $500,000,000 for fiscal year 2003;

(2) $595,000,000 for fiscal year 2004;

(3) $683,000,000 for fiscal year 2005; and

(4) $733,000,000 for fiscal year 2006.

SEC. 1222. BIOENERGY PROGRAMS.

(a) Program Direction.—The Secretary shall carry out research, development, demonstration, and technology development activities related to bioenergy, including programs under paragraphs (4) and (6) of section 1221(b).

(b) Authorization of Appropriations.—

(1) Biopower energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biopower energy systems—

(A) $60,300,000 for fiscal year 2003;

(B) $69,300,000 for fiscal year 2004;

(C) $79,600,000 for fiscal year 2005; and

(D) $86,250,000 for fiscal year 2006.

(2) Biofuels energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biofuels energy systems—

(A) $57,500,000 for fiscal year 2003;

(B) $66,125,000 for fiscal year 2004;

(C) $76,000,000 for fiscal year 2005; and

(D) $81,400,000 for fiscal year 2006.

(3) Integrated bioenergy research and development.—The Secretary may use funds authorized under paragraph (1) or (2) for programs, projects, or activities that integrate applications for both biopower and biofuels, including cross-cutting research and development in feedstocks and economic analysis.

SEC. 1223. HYDROGEN RESEARCH AND DEVELOPMENT.

(a) Short Title.—This section may be cited as the "Hydrogen Future Act of 2002".

(b) Purposes.—Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) to direct the Secretary to develop a program of technology assessment, information transfer, and education in which Federal agencies, members of the transportation, energy, and other industries, and other entities may participate;

"(3) to develop methods of hydrogen production that minimize production of greenhouse gases, including developing—

"(A) efficient production from non-renewable resources; and

"(B) cost-effective production from renewable resources such as biomass, geothermal, wind, and solar energy; and

"(4) to foster the use of hydrogen as a major energy source, including developing the use of hydrogen in—

"(A) isolated villages, islands, and communities in which other energy sources are not available or are very expensive; and

"(B) foreign economic development, to avoid environmental damage from increased fossil fuel use.".

(c) Report to Congress.—Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking "January 1, 1999," and inserting "1 year after the date of enactment of the Hydrogen Future Act of 2002, and biennially thereafter,";

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intragovernmental collaboration;

"(2) recommendations of the Hydrogen Technical Advisory Panel established by section 108 for any improvements in the program that are needed, including recommendations for additional legislation; and

"(3) to the extent practicable, an analysis of State and local hydrogen-related activities."; and

(3) by adding at the end the following:

"(c) Coordination Plan.—The report under subsection (a) shall be based on a comprehensive coordination plan for hydrogen energy prepared by the Secretary in consultation with other Federal agencies.".

(d) Hydrogen Research and Development.—Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12403) is amended—

(1) in subsection (b)(1), by striking "marketplace;" and inserting "marketplace, including foreign markets, particularly where an energy infrastructure is not well developed;";

(2) in subsection (e), by striking "this chapter" and inserting "this Act";

(3) by striking subsection (g) and inserting the following:

"(g) Cost sharing.—

"(1) Inability to fund entire cost.—The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that—

"(A) reasonable efforts to obtain non-Federal funding in the amount necessary to pay 100 percent of the cost of the project have been made; and

"(B) non-Federal funding in that amount could not reasonably be obtained.

"(2) Non-federal share.—

"(A) In general.—The Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the project.

"(B) Reduction or elimination.—The Secretary may reduce or eliminate the cost-sharing requirement under subparagraph (A) for the proposed research and development project, including for technical analyses, economic analyses, outreach activities, and educational programs, if the Secretary determines that reduction or elimination is necessary to achieve the objectives of this Act.

(4) in subsection (i), by striking "this chapter" and inserting "this Act".

(e) Demonstrations.—Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12404) is amended by striking subsection (c) and inserting the following:

"(c) Non-Federal Share.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) Reduction.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(f) Technology Transfer.—Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "The Secretary shall conduct a program designed to accelerate wider application" and inserting the following:

"(1) In general.—The Secretary shall conduct a program designed to—

"(A) accelerate wider application"; and

(ii) by striking "private sector" and inserting "private sector; and

"(B) accelerate wider application of hydrogen technologies in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) Advice and assistance.—The Secretary"; and

(2) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) by striking "The Secretary, in" and inserting the following:

"(1) In general.—The Secretary, in";

(D) by striking "The information" and inserting the following:

"(2) Activities.—The information"; and

(E) in paragraph (1) (as designated by subparagraph (C))—

(i) in subparagraph (A) (as redesignated by subparagraph (B)), by striking "an inventory" and inserting "an update of the inventory"; and

(ii) in subparagraph (B) (as redesignated by subparagraph (B)), by striking "develop" and all that follows through "to improve" and inserting "develop with the National Aeronautics and Space Administration, the Department of Energy, other Federal agencies as appropriate, and industry, an information exchange program to improve".

(g) Technical Panel Review.—

(1) In general.—Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407) is amended—

(A) in subsection (b)—

(i) by striking "(b) Membership.—The technical panel shall be appointed" and inserting the following:

"(b) Membership.—

"(1) In general.—The technical panel shall be comprised of not fewer than 9 nor more than 15 members appointed";

(ii) by striking the second sentence and inserting the following:

"(2) Terms.—

"(A) In general.—The term of a member of the technical panel shall be not more than 3 years.

"(B) Staggered terms.—The Secretary may appoint members of the technical panel in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the technical panel.

"(C) Reappointment.—A member of the technical panel whose term expires may be reappointed."; and

(iii) by striking "The technical panel shall have a chairman," and inserting the following:

"(3) Chairperson.—The technical panel shall have a chairperson,"; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the following items";

(ii) in paragraph (1), by striking "and" at the end;

(iii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.".

(2) NEW APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall review the membership composition of the Hydrogen Technical Advisory Panel; and

(B) may appoint new members consistent with the amendments made by subsection (a).

(h) AUTHORIZATION OF APPROPRIATIONS.—Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking "and";

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(10) $65,000,000 for fiscal year 2003;

"(11) $70,000,000 for fiscal year 2004;

"(12) $75,000,000 for fiscal year 2005; and

"(13) $80,000,000 for fiscal year 2006.".

(i) FUEL CELLS.—

(1) INTEGRATION OF FUEL CELLS WITH HYDROGEN PRODUCTION SYSTEMS.—Section 201 of the Hydrogen Future Act of 1996 is amended—

(A) in subsection (a)—

(i) by striking "(a) Not later than 180 days after the date of enactment of this section, and subject" and inserting "(a) IN GENERAL.—Subject"; and

(B) by striking "with"— and all that follows and inserting "into Federal, State, and local government facilities for stationary and transportation applications.";

(2) in subsection (b), by striking "gas is" and inserting "basis";

(3) in subsection (c)(2), by striking "systems described in subsections (a)(1) and (a)(2)" and inserting "projects proposed"; and

(4) by striking subsection (d) and inserting the following:

"(d) NON-FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) REDUCTION.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(2) COOPERATIVE AND COST-SHARING AGREEMENTS; INTEGRATION OF TECHNICAL INFORMATION.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104-271) is amended by striking section 202 and inserting the following:

"SEC. 202. INTERAGENCY TASK FORCE.

"(a) ESTABLISHMENT.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

"(1) the Office of Science and Technology Policy;

"(2) the Department of Transportation;

"(3) the Department of Defense;

"(4) the Department of Commerce (including the National Institute for Standards and Technology);

"(5) the Environmental Protection Agency;

"(6) the National Aeronautics and Space Administration; and

"(7) other agencies as appropriate.

"(b) DUTIES.—

"(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

"(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

"(A) hydrogen production, storage, and use in Federal, State, and local government buildings and vehicles;

"(B) hydrogen-based infrastructure for buses and other fleet transportation systems that include zero-emission vehicles; and

"(C) hydrogen-based distributed power generation, including the generation of combined heat, power, and hydrogen.

"SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

"The Secretary shall enter into cooperative and cost-sharing agreements with Federal, State, and local agencies for participation by the agencies in demonstrations at facilities administered by the agencies, with the aim of integrating high efficiency hydrogen systems using fuel cells into the facilities to provide immediate benefits and promote a smooth transition to hydrogen as an energy source.

"SEC. 204. INTEGRATION AND DISSEMINATION OF TECHNICAL INFORMATION.

"The Secretary shall—

"(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title;

"(2) make the information available to all Federal and State agencies for dissemination to all interested persons; and

"(3) foster the exchange of generic, nonproprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, for activities under this title—

"(1) $25,000,000 for fiscal year 2003;

"(2) $30,000,000 for fiscal year 2004;

"(3) $35,000,000 for fiscal year 2005; and

"(4) $40,000,000 for fiscal year 2006.".

Subtitle C—Fossil Energy

SEC. 1231. ENHANCED FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to enhance fossil energy.

(b) PROGRAM GOALS.—

(1) CORE FOSSIL RESEARCH AND DEVELOPMENT.—The goals of the core fossil research and development program shall be to reduce emissions from fossil fuel use by developing technologies, including precombustion technologies, by 2015 with the capability of realizing—

(A) electricity generating efficiencies of 60 percent for coal and 75 percent for natural gas;

(B) combined heat and power thermal efficiencies of more than 85 percent;

(C) fuels utilization efficiency of 75 percent for the production of liquid transportation fuels from coal;

(D) near zero emissions of mercury and of emissions that form fine particles, smog, and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent through efficiency improvements and 100 percent with sequestration; and

(F) improved reliability, efficiency, reductions of air pollutant emissions, or reductions in solid waste disposal requirements.

(2) OFFSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the offshore oil and natural gas resources program shall be to develop technologies to—

(A) extract methane hydrates in coastal waters of the United States, and

(B) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

(3) ONSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the onshore oil and natural gas resources program shall be to advance the science and technology available to domestic onshore petroleum producers, particularly independent operators, through—

(A) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(B) improvement in the ability to extract hydrocarbons from known reservoirs and classes of reservoirs; and

(C) development of technologies and practices that reduce the threat to the environment from petroleum exploration and production and decrease the cost of effective environmental compliance.

(4) TRANSPORTATION FUELS.—The goals of the transportation fuels program shall be to increase the price elasticity of oil supply and demand by focusing research on—

(A) reducing the cost of producing transportation fuels from coal and natural gas; and

(B) indirect liquefaction of coal and biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this section—

(1) $485,000,000 for fiscal year 2003;

(2) $508,000,000 for fiscal year 2004;

(3) $532,000,000 for fiscal year 2005; and

(4) $558,000,000 for fiscal year 2006.

(2) LIMITS ON USE OF FUNDS.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) Fossil energy environmental restoration;

(ii) Import/export authorization;

(iii) Program direction; or

(iv) General plant projects.

(B) COAL-BASED PROJECTS.—The coal-based projects funded under this section shall be consistent with the goals in subsection (b). The program shall emphasize carbon capture and sequestration technologies and gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, hybrid gasification/combustion, or other technology with the potential to address the goals in subparagraphs (D) or (E) of subsection (b)(1).

SEC. 1232. POWER PLANT IMPROVEMENT INITIATIVE.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to demonstrate commercial applications of advanced lignite and coal-based technologies applicable to new or existing power plants (including co-production plants) that advance the efficiency, environmental performance, and cost-competitiveness substantially beyond technologies that are in operation or have been demonstrated by the date of enactment of this subtitle.

(b) TECHNICAL MILESTONES.—

(1) IN GENERAL.—The Secretary shall set technical milestones specifying efficiency

and emissions levels that projects shall be designed to achieve. The milestones shall become more restrictive over the life of the program.

(2) 2010 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2010 interim thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(3) 2020 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2020 thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and,

(C) 57 percent for coal of less than 7,000 Btu.

(4) EMISSIONS MILESTONES.—The milestones shall include near zero emissions of mercury and greenhouse gases and of emissions that form fine particles, smog, and acid rain.

(4) REGIONAL AND QUALITY DIFFERENCES.—The Secretary may consider regional and quality differences in developing the efficiency milestones.

(c) PROJECT CRITERIA.—The demonstration activities proposed to be conducted at a new or existing coal-based electric generation unit having a nameplate rating of not less than 100 megawatts, excluding a co-production plant, shall include at least one of the following—

(1) a means of recycling or reusing a significant portion of coal combustion wastes produced by coal-based generating units, excluding practices that are commercially available by the date of enactment of this subtitle;

(2) a means of capture and sequestering emissions, including greenhouse gases, in a manner that is more effective and substantially below the cost of technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle;

(3) a means of controlling sulfur dioxide and nitrogen oxide or mercury in a manner that improves environmental performance beyond technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle, and

(A) in the case of an existing unit, achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(i) 7 percent for coal of more than 9,000 Btu;

(ii) 6 percent for coal of 7,000 to 9,000 Btu; or

(iii) 4 percent for coal of less than 7,000 Btu; or

(B) in the case of a new unit, achieve the efficiency milestones set for in subsection (b) compared to the efficiency of a typical unit as operated on the date of enactment of this subtitle, before any retrofit, repowering, replacement, or installation.

(d) STUDY.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and interested entities (including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers), shall conduct an assessment that identifies performance criteria that would be necessary for coal-based technologies to meet, to enable future reliance on coal in an environmentally sustainable manner for electricity generation, use as a chemical feedstock, and use as a transportation fuel.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out activities under this section $200,000,000 for each of fiscal years 2003 through 2011.

(2) LIMITATION ON FUNDING OF PROJECTS.—Eighty percent of the funding under this section shall be limited to—

(A) carbon capture and sequestration technologies; or

(B) gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, or hybrid gasification/combustion, or

(C) or other technology either by itself or in conjunction with other technologies has the potential to achieve near zero emissions.

SEC. 1233. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to—

(1) develop mining research priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) establish a process for conducting joint industry-government research and development; and

(3) expand mining research capabilities at institutions of higher education.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out activities under this section, $12,000,000 in fiscal year 2003 and $15,000,000 in fiscal year 2004.

(2) LIMIT ON USE OF FUNDS.—Not less than 20 percent of any funds appropriated in a given fiscal year under this subsection shall be dedicated to research carried out at institutions of higher education.

SEC. 1234. ULTRA-DEEPWATER AND UNCONVENTIONAL RESOURCE EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Ultra-Deepwater and Unconventional Resource Technology Advisory Committee established under subsection (c).

(2) AWARD.—The term "award" means a cooperative agreement, contract, award or other types of agreement as appropriate.

(3) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(4) ELIGIBLE AWARD RECIPIENT.—The term "eligible award recipient" includes—

(A) a research institution;

(B) an institution of higher education;

(C) a corporation; and

(D) a managing consortium formed among entities described in subparagraphs (A) through (C).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MANAGING CONSORTIUM.—The term "managing consortium" means an entity that—

(A) exists as of the date of enactment of this section;

(B)(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of that Code;

(C) is experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration; and

(D) has demonstrated capabilities and experience in representing the views and priorities of industry, institutions of higher education and other research institutions in formulating comprehensive research and development plans and programs.

(7) PROGRAM.—The term "program" means the program of research, development, and demonstration established under subsection (b)(1)(A).

(8) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(9) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the integration of technologies to explore and produce natural gas or petroleum products located at ultra-deepwater depths.

(10) ULTRA-DEEPWATER RESOURCE.—The term "ultra-deepwater resource" means natural gas or any other petroleum resource (including methane hydrate) located in an ultra-deepwater area.

(11) UNCONVENTIONAL RESOURCE.—The term "unconventional resource" means natural gas or any other petroleum resource located in a formation on physically or economically inaccessible land currently available for lease for purposes of natural gas or other petroleum exploration or production.

(b) ULTRA-DEEPWATER AND UNCONVENTIONAL EXPLORATION AND PRODUCTION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program of research into, and development and demonstration of, ultra-deepwater resource and unconventional resource exploration and production technologies.

(B) LOCATION; IMPLEMENTATION.—The program under this subsection shall be carried out—

(i) in areas on the outer Continental Shelf that, as of the date of enactment of this section, are available for leasing; and

(ii) on unconventional resources.

(2) COMPONENTS.—The program shall include one or more programs for long-term research into—

(A) new deepwater ultra-deepwater resource and unconventional resource exploration and production technologies; or

(B) environmental mitigation technologies for production of ultra-deepwater resource and unconventional resource.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the "Ultra-Deepwater and Unconventional Resource Technology Advisory Committee".

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry; and

(ii) are not Federal employees or employees of contractors to a federal agency.

(B) EXPERTISE.—Of the members of the advisory committee appointed under subparagraph (A)—

(i) at least 4 members shall have extensive knowledge of ultra-deepwater resource exploration and production technologies;

(ii) at least 3 members shall have extensive knowledge of unconventional resource exploration and production technologies.

(3) Duties.—The advisory committee shall advise the Secretary in the implementation of this section.

(4) Compensation.—A member of the advisory committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) Awards.—

(1) Types of awards.—

(A) Ultra-deepwater resources.—

(i) In general.—The Secretary shall make awards for research into, and development and demonstration of, ultra-deepwater resource exploration and production technologies—

(I) to maximize the value of the ultra-deepwater resources of the United States;

(II) to increase the supply of ultra-deepwater resources by lowering the cost and improving the efficiency of exploration and production of such resources; and

(III) to improve safety and minimize negative environmental impacts of that exploration and production.

(ii) Ultra-deepwater architecture.—In furtherance of the purposes described in clause (i), the Secretary shall, where appropriate, solicit proposals from a managing consortium to develop and demonstrate next-generation architecture for ultra-deepwater resource production.

(B) Unconventional resources.—The Secretary shall make awards—

(i) to carry out research into, and development and demonstration of, technologies to maximize the value of unconventional resources; and

(ii) to develop technologies to simultaneously—

(I) increase the supply of unconventional resources by lowering the cost and improving the efficiency of exploration and production of unconventional resources; and

(II) improve safety and minimize negative environmental impacts of that exploration and production.

(2) Conditions.—An award made under this subsection shall be subject to the following conditions:

(A) Multiple entities.—If an award recipient is composed of more than one eligible organization, the recipient shall provide a signed contract, agreed to by all eligible organizations comprising the award recipient, that defines, in a manner that is consistent with all applicable law in effect as of the date of the contract, all rights to intellectual property for—

(i) technology in existence as of that date; and

(ii) future inventions conceived and developed using funds provided under the award.

(B) Components of application.—An application for an award for a demonstration project shall describe with specificity any intended commercial applications of the technology to be demonstrated.

(C) Cost sharing.—Non-federal cost sharing shall be in accordance with section 1403.

(e) Plan and funding.—

(1) In general.—The Secretary, and where appropriate, a managing consortium under subsection (d)(1)(A)(ii), shall formulate annual operating and performance objectives, develop multi-year technology roadmaps, and establish research and development priorities for the funding of activities under this section which will serve as guidelines for making awards including cost-matching objectives.

(2) Industry input.—In carrying out this program, the Secretary shall promote maximum industry input through the use of managing consortia or other organizations in planning and executing the research areas and conducting workshops or reviews to ensure that this program focuses on industry problems and needs.

(f) Auditing.—

(1) In general.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds authorized by this section, provided through a managing consortium, are expended in a manner consistent with the purposes of this section.

(2) Reports.—The auditor retained under paragraph (1) shall submit to the Secretary, and the Secretary shall transmit to the appropriate congressional committees, an annual report that describes—

(A) the findings of the auditor under paragraph (1); and

(B) a plan under which the Secretary may remedy any deficiencies identified by the auditor.

(g) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(h) Termination of Authority.—The authority provided by this section shall terminate on September 30, 2009.

(i) Savings Provision.—Nothing in this section is intended to displace, duplicate or diminish any previously authorized research activities of the Department of Energy.

SEC. 1235. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TRANSPORTATION TECHNOLOGIES.

The Secretary of Energy shall conduct a comprehensive five-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators, gas turbines, reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

SEC. 1236. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ARCTIC ENERGY.

There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398) such sums as may be necessary, but not to exceed $25,000,000 for each of fiscal years 2003 through 2011.

Subtitle D—Nuclear Energy

SEC. 1241. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.

(a) Program Direction.—The Secretary shall conduct an energy research, development, demonstration, and technology deployment program to enhance nuclear energy.

(b) Program Goals.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations for greater efficiencies;

(2) examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost, and improved safety, proliferation-resistant and high burn-up nuclear fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science;

(3) attract new students and faculty to the nuclear sciences and nuclear engineering and related fields (including health physics and nuclear and radiochemistry) through—

(A) university-based fundamental research for existing faculty and new junior faculty;

(B) support for the re-licensing of existing training reactors at universities in conjunction with industry; and

(C) completing the conversion of existing training reactors with proliferation resistant fuels that are low enriched and to adapt those reactors to new investigative uses;

(4) maintain a national capability and infrastructure to produce medical isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry;

(5) ensure that our nation has adequate capability to power future satellite and space missions; and

(6) maintain, where appropriate through a prioritization process, a balanced research infrastructure so that future research programs can use these facilities.

(c) Authorization of Appropriations.—

(1) Core nuclear research programs.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under subsection (b)(1) through (3)—

(A) $100,000,000 for fiscal year 2003;

(B) $110,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $130,000,000 for fiscal year 2006.

(2) Supporting nuclear activities.—There are authorized to be appropriated to the Secretary for carrying out activities under subsection (b)(4) through (6), as well as nuclear facilities management and program direction—

(A) $200,000,000 for fiscal year 2003;

(B) $202,000,000 for fiscal year 2004;

(C) $207,000,000 for fiscal year 2005; and

(D) $212,000,000 for fiscal year 2006.

SEC. 1242. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) Establishment.—The Secretary shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) Duties.—In carrying out the program under this section, the Secretary shall—

(1) develop a graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) Maintaining University Research and Training Reactors and Associated Infrastructure.—Activities under this section may include:

(1) converting research reactors to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among universities;

(2) providing technical assistance, in collaboration with the U.S. nuclear industry, in re-licensing and upgrading training reactors as part of a student training program;

(3) providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) University-National Laboratory Interactions.—The Secretary shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments. The Secretary may provide for fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) Operating and Maintenance Costs.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) Authorization of Appropriations.—From amounts authorized under section 1241(c)(1), the following amounts are authorized for activities under this section—

(1) $33,000,000 for fiscal year 2003;

(2) $37,900,000 for fiscal year 2004;

(3) $43,600,000 for fiscal year 2005; and

(4) $50,100,000 for fiscal year 2006.

SEC. 1243. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) Establishment.—The Secretary shall support a Nuclear Energy Research Initiative for grants for research relating to nuclear energy.

(b) Authorization of Appropriations.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1244. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) Establishment.—The Secretary shall support a Nuclear Energy Plant Optimization Program for grants to improve nuclear energy plant reliability, availability, and productivity. Notwithstanding section 1403, the program shall require industry cost-sharing of at least 50 percent and be subject to annual review by the Nuclear Energy Research Advisory Committee of the Department.

(b) Authorization of Appropriations.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1245. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

(a) Establishment.—The Secretary shall support a Nuclear Energy Technology Development Program to develop a technology roadmap to design and develop new nuclear energy powerplants in the United States.

(b) Generation IV Reactor Study.—The Secretary shall, as part of the program under subsection (a), also conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment. The study shall examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost and improved safety, proliferation-resistant and high burn-up fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science. Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the study.

(c) Authorization of Appropriations.—From amounts authorized to be appropriated under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

Subtitle E—Fundamental Energy Science

SEC. 1251. ENHANCED PROGRAMS IN FUNDAMENTAL ENERGY SCIENCE.

(a) Program Direction.—The Secretary, acting through the Office of Science, shall—

(1) conduct a comprehensive program of fundamental research, including research on chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and advanced scientific computing;

(2) maintain, upgrade and expand the scientific user facilities maintained by the Office of Science and ensure that they are an integral part of the departmental mission for exploring the frontiers of fundamental science;

(3) maintain a leading-edge research capability in the energy-related aspects of nanoscience and nanotechnology, advanced scientific computing and genome research; and

(4) ensure that its fundamental science programs, where appropriate, help inform the applied research and development programs of the Department.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $3,785,000,000 for fiscal year 2003;

(2) $4,153,000,000 for fiscal year 2004;

(3) $4,586,000,000 for fiscal year 2005; and

(4) $5,000,000,000 for fiscal year 2006.

SEC. 1252. NANOSCALE SCIENCE AND ENGINEERING RESEARCH.

(a) Establishment.—The Secretary, acting through the Office of Science, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) Nanoscience and Nanoengineering Research Centers and Major Instrumentation.—

(1) Authorization.—From amounts authorized to be appropriated under section 1251(b), the amounts specified under subsection (d)(2) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) Projects.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) Facilities.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation science.

(4) Collaboration.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) Authorization of Appropriations.—

(1) Total authorization.—From amounts authorized to be appropriated under section 1251(b), the following amounts are authorized for activities under this section—

(A) $270,000,000 for fiscal year 2003;

(B) $290,000,000 for fiscal year 2004;

(C) $310,000,000 for fiscal year 2005; and

(D) $330,000,000 for fiscal year 2006.

(2) Nanoscience and nanoengineering research centers and major instrumentation.—Of the amounts under paragraph (1), the following amounts are authorized to carry out subsection (c)—

(A) $135,000,000 for fiscal year 2003;

(B) $150,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $100,000,000 for fiscal year 2006.

SEC. 1253. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) Establishment.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.

(b) Duties of the Office of Science.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms,

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest,

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets, and

(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address DOE missions are available; explore new computing approaches and technologies that promise to advance scientific computing.

(c) High-Performance Computing Act Program.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking "and";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding after paragraph (4) the following: "(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy in conducting basic and applied energy research.".

(d) COORDINATION WITH THE DOE NATIONAL NUCLEAR SECURITY AGENCY ACCELERATED STRATEGIC COMPUTING INITIATIVE AND OTHER NATIONAL COMPUTING PROGRAMS.—The Secretary shall ensure that this program, to the extent feasible, is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Agency; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b), the following amounts are authorized for activities under this section—

(1) $285,000,000 for fiscal year 2003;

(2) $300,000,000 for fiscal year 2004;

(3) $310,000,000 for fiscal year 2005; and

(4) $320,000,000 for fiscal year 2006.

SEC. 1254. FUSION ENERGY SCIENCES PROGRAM AND PLANNING.

(a) OVERALL PLAN FOR FUSION ENERGY SCIENCES PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subtitle, the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop and transmit to the Congress a plan to ensure a strong scientific base for the Fusion Energy Sciences Program within the Office of Science and to enable the experiments described in subsections (b) and (c).

(2) OBJECTIVES OF PLAN.—The plan under this subsection shall include as its objectives—

(A) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(B) to ensure a strengthened fusion science theory and computational base;

(C) to encourage and ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(D) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(E) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in subsections (b) and (c); and

(F) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development.

(b) PLAN FOR UNITED STATES FUSION EXPERIMENT.—

(1) IN GENERAL.—The Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for construction in the United States of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences and shall transmit the plan and the review to the Congress by July 1, 2004.

(2) REQUIREMENTS OF PLAN.—The plan described in paragraph (1) shall—

(A) address key burning plasma physics issues; and

(B) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) PLAN FOR PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.—In addition to the plan described in subsection (b), the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost-effective relative to the cost and scientific benefits of a domestic experiment described in subsection (b). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b)(2), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academy of Sciences of a plan developed under this subsection, and shall transmit the plan and the review to the Congress no later than July 1, 2004.

(d) AUTHORIZATION FOR RESEARCH AND DEVELOPMENT.—The Secretary, through the Office of Science, may conduct any research and development necessary to fully develop the plans described in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b) for fiscal year 2003, $335,000,000 are authorized for fiscal year 2003 for activities under this section and for activities of the Fusion Energy Sciences Program.

Subtitle F—Energy, Safety, and Environmental Protection

SEC. 1261. CRITICAL ENERGY INFRASTRUCTURE PROTECTION RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration and technology deployment program, in partnership with industry, on critical energy infrastructure protection, consistent with the roles and missions outlined for the Secretary in Presidential Decision Directive 63, entitled "Critical Infrastructure Protection", The program shall have the following goals:

(1) Increase the understanding of physical and information system disruptions to the energy infrastructure that could result in cascading or widespread regional outages.

(2) Develop energy infrastructure assurance "best practices" through vulnerability and risk assessments.

(3) Protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents within the energy infrastructure.

(b) PROGRAM SCOPE.—The program under subsection (a) shall include research, development, deployment, technology demonstration for——

(1) analysis of energy infrastructure interdependencies to quantify the impacts of system vulnerabilities in relation to each other;

(2) probabilistic risk assessment of the energy infrastructure to account for unconventional and terrorist threats;

(3) incident tracking and trend analysis tools to assess the severity of threats and reported incidents to the energy infrastructure; and

(4) integrated multi-sensor, warning and mitigation technologies to detect, integrate, and localize events affecting the energy infrastructure including real time control to permit the reconfiguration of energy delivery systems.

(c) REGIONAL COORDINATION.—The program under this section shall cooperate with Departmental activities to promote regional coordination under section 102 of this Act, to ensure that the technologies and assessments developed by the program are transferred in a timely manner to State and local authorities, and to the energy industries.

(d) COORDINATION WITH INDUSTRY RESEARCH ORGANIZATIONS.—The Secretary may enter into grants, contracts, and cooperative agreements with industry research organizations to facilitate industry participation in research under this section and to fulfill applicable cost-sharing requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) $25,000,000 for fiscal year 2003;

(2) $26,000,000 for fiscal year 2004;

(3) $27,000,000 for fiscal year 2005; and

(4) $28,000,000 for fiscal year 2006.

(f) CRITICAL ENERGY INFRASTRUCTURE FACILITY DEFINED.—For purposes of this section, the term "critical energy infrastructure facility" means a physical or cyber-based system or service for the generation, transmission or distribution of electrical energy, or the production, refining, transportation, or storage of petroleum, natural gas, or petroleum product, the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States. The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

SEC. 1262. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a five-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) REPORTS TO CONGRESS.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the natural laboratories, universities, and any other research organizations, including industry research organizations.

(g) PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the research and development program plan under subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) MEMBERSHIP.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out this section $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2006.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under this section for each of the fiscal years 2003 through 2006.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2003 through 2006.

SEC. 1263. RESEARCH AND DEMONSTRATION FOR REMEDIATION OF GROUNDWATER FROM ENERGY ACTIVITIES.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration, and technology deployment program to improve methods for environmental restoration of groundwater contaminated by energy activities, including oil and gas production, surface and underground mining of coal, and in-situ extraction of energy resources.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

TITLE XIII—CLIMATE CHANGE-RELATED RESEARCH AND DEVELOPMENT

Subtitle A—Department of Energy Programs

SEC. 1301. PROGRAM GOALS.

The goals of the research, development, demonstration, and technology deployment programs under this subtitle shall be to—

(1) provide a sound scientific understanding of the human and natural forces that influence the Earth's climate system, particularly those forces related to energy production and use;

(2) help mitigate climate change from human activities related to energy production and use; and

(3) reduce, avoid, or sequester emissions of greenhouse gases in furtherance of the goals of the United National Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that does not result in serious harm to the U.S. economy.

SEC. 1302. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) PROGRAM DIRECTION.—The Secretary, acting through the Office of Science, shall conduct a comprehensive research program to understand and address the effects of energy production and use on the global climate system.

(b) PROGRAM ELEMENTS.—

(1) CLIMATE MODELING.—The Secretary shall—

(A) conduct observational and analytical research to acquire and interpret the data needed to describe the radiation balance from the surface of the Earth to the top of the atmosphere;

(B) determine the factors responsible for the Earth's radiation balance and incorporate improved understanding of such factors in climate models;

(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and policy makers interested in assessing the relationship between energy and climate change.

(2) CARBON CYCLE.—The Secretary shall—

(A) carry out field research and modeling activities—

(i) to understand and document the net exchange of carbon dioxide between major terrestrial ecosystems and the atmosphere; or

(ii) to evaluate the potential of proposed methods of carbon sequestration;

(B) develop and test carbon cycle models; and

(C) acquire data and develop and test models to simulate and predict the transport, transformation, and fate of energy-related emissions in the atmosphere.

(3) ECOLOGICAL PROCESSES.—The Secretary shall carry out long-term experiments of the response of intact terrestrial ecosystems to—

(A) alterations in climate and atmospheric composition; or

(B) land-use changes that affect ecosystem extent and function.

(4) INTEGRATED ASSESSMENT.—The Secretary shall develop and improve methods and tools for integrated analyses of the climate change system from emissions of aerosols and greenhouse gases to the consequences of these emissions on climate and the resulting effects of human-induced climate change on economic and social systems, with emphasis on critical gaps in integrated assessment modeling, including modeling of technology innovation and diffusion and the development of metrics of economic costs of climate change and policies for mitigating or adapting to climate change.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1440(c), there are authorized to be appropriated to the Secretary for carrying out activities under this section—

(1) $150,000,000 for fiscal year 2003;

(2) $175,000,000 for fiscal year 2004;

(3) $200,000,000 for fiscal year 2005; and

(4) $230,000,000 for fiscal year 2006.

(d) Limitation on Funds.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

SEC. 1303. AMENDMENTS TO THE FEDERAL NONNUCLEAR RESEARCH AND DEVELOPMENT ACT OF 1974.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3) by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emissions streams; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "subsection (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and" at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

"(i) renewable energy systems;

"(ii) advanced fossil energy technology;

"(iii) advanced nuclear power plant design;

"(iv) fuel cell technology for residential, industrial and transportation applications;

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

"(vi) efficient electrical generation, transmission and distribution technologies; and

"(vii) efficient end use energy technologies.".

Subtitle B—Department of Agriculture Programs

SEC. 1311. CARBON SEQUESTRATION BASIC AND APPLIED RESEARCH.

(a) Basic Research.—

(1) In general.—The Secretary of Agriculture shall carry out research in the areas of soil science that promote understanding of—

(A) the net sequestration of organic carbon in soil; and

(B) net emissions of other greenhouse gases from agriculture.

(2) Agricultural research service.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall collaborate with other Federal agencies in developing data and carrying out research addressing soil carbon fluxes (losses and gains) and net emissions of methane and nitrous oxide from cultivation and animal management activities.

(3) Cooperative state research extension and education service.—

(A) In general.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to carry out research on the matters described in paragraph (1) in land grant universities and other research institutions.

(B) Consultation on research topics.—Before issuing a request for proposals for basic research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(b) Applied Research.—

(1) In general.—The Secretary of Agriculture shall carry out applied research in the areas of soil science, agronomy, agricultural economics and other agricultural sciences to—

(A) promote understanding of—

(i) how agricultural and forestry practices affect the sequestration of organic and inorganic carbon in soil and net emissions of other greenhouse gases;

(ii) how changes in soil carbon pools are cost-effectively measured, monitored, and verified; and

(iii) how public programs and private market approaches can be devised to incorporate carbon sequestration in a broader societal greenhouse gas emission reduction effort;

(B) develop methods for establishing baselines for measuring the quantities of carbon and other greenhouse gases sequestered; and

(C) evaluate leakage and performance issues.

(2) Requirements.—To the maximum extent practicable, applied research under paragraph (1) shall—

(A) draw on existing technologies and methods; and

(B) strive to provide methodologies that are accessible to a nontechnical audience.

(3) Minimization of adverse environmental impacts.—All applied research under paragraph (1) shall be conducted with an emphasis on minimizing adverse environmental impacts.

(4) Natural resources conservation service.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall collaborate with other Federal agencies, including the National Institute of Standards and Technology, in developing new measuring techniques and equipment or adapting existing techniques and equipment to enable cost-effective and accurate monitoring and verification, for a wide range of agricultural and forestry practices, of—

(A) changes in soil carbon content in agricultural soils, plants, and trees; and

(B) net emissions of other greenhouse gases.

(5) Cooperative state research extension and education service.—

(A) In general.—The Secretary of Agriculture, acting through the Cooperative State Research Extension and Education Service, shall establish a competitive grant program to encourage research on the matters described in paragraph (1) by land grant universities and other research institutions.

(B) Consultation on research topics.—Before issuing a request for proposals for applied research under paragraph (1), the Cooperative State Research, Education, and Extension Service shall consult with the National Resources Conservation Service and the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(c) Research Consortia.—

(1) In general.—The Secretary of Agriculture may designate not more than 2 research consortia to carry out research projects under this section, with the requirement that the consortia propose to conduct basic, research under subsection (a) and applied research under subsection (b).

(2) Selection.—The consortia shall be selected in a competitive manner by the Cooperative State Research, Education, and Extension Service.

(3) Eligible consortium participants.—Entities eligible to participate in a consortium include—

(A) land grant colleges and universities;

(B) private research institutions;

(C) State geological surveys;

(D) agencies of the Department of Agriculture;

(E) research centers of the National Aeronautics and Space Administration and the Department of Energy;

(F) other Federal agencies;

(G) representatives of agricultural businesses and organizations with demonstrated expertise in these areas; and

(H) representatives of the private sector with demonstrated expertise in these areas.

(4) Reservation of funding.—If the Secretary of Agriculture designates 1 or 2 consortia, the Secretary of Agriculture shall reserve for research projects carried out by the consortium or consortia not more than 25 percent of the amounts made available to carry out this section for a fiscal year.

(d) Standards of Precision.—

(1) Conference.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture, acting through the Agricultural Research Service and in consultation with the Natural Resources Conservation Service, shall convene a conference of key scientific experts on carbon sequestration and measurement techniques from various sectors (including the government, academic, and private sectors) to—

(A) discuss benchmark standards of precision for measuring soil carbon content and net emissions of other greenhouse gases;

(B) designate packages of measurement techniques and modeling approaches to achieve a level of precision agreed on by the participants in the conference; and

(C) evaluate results of analyses on baseline, permanence, and leakage issues.

(2) Development of benchmark standards.—

(A) In general.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) Opportunity for public comment.—The Secretary shall provide an opportunity for the public to comment on benchmark standards developed under subparagraph (A).

(3) Report.—Not later than 180 days after the conclusion of the conference under paragraph (1), the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the conference.

(e) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section

$25,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for competitive grants by the Cooperative State Research, Education, and Extension Service.

SEC. 1312. CARBON SEQUESTRATION DEMONSTRATION PROJECTS AND OUTREACH.

(a) DEMONSTRATION PROJECTS.—

(1) DEVELOPMENT OF MONITORING PROGRAMS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service and in cooperation with local extension agents, experts from land grant universities, and other local agricultural or conservation organizations, shall develop user-friendly, programs that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and net changes in greenhouse gas emissions.

(B) BENCHMARK LEVELS OF PRECISION.—The programs developed under subparagraph (A) shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(2) PROJECTS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under which projects use the monitoring programs developed under paragraph (1) to demonstrate the feasibility of methods of measuring, verifying, and monitoring—

(i) changes in organic carbon content and other carbon pools in agricultural soils, plants, and trees; and

(ii) net changes in emissions of other greenhouse gases.

(B) EVALUATION OF IMPLICATIONS.—The projects under subparagraph (A) shall include evaluation of the implications for reassessed baselines, carbon or other greenhouse gas leakage, and permanence of sequestration.

(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall be submitted by the appropriate agency of each State, in cooperation with interested local jurisdictions and State agricultural and conservation organizations.

(D) LIMITATION.—Not more than 10 projects under subparagraph (A) may be approved in conjunction with applied research projects under section 1331(b) until benchmark measurement and assessment standards are established under section 1331(d).

(b) OUTREACH.—

(1) IN GENERAL.—The Cooperative State Research Extension and Education Service shall widely disseminate information about the economic and environmental benefits that can be generated by adoption of conservation practices (including benefits from increased sequestration of carbon and reduced emission of other greenhouse gases).

(2) PROJECT RESULTS.—The Cooperative State Research Extension and Education Service shall inform farmers, ranchers, and State agricultural and energy offices in each State of—

(A) the results of demonstration projects under subsection (a)(2) in the State; and

(B) the ways in which the methods demonstrated in the projects might be applicable to the operations of those farmers and ranchers.

(3) POLICY OUTREACH.—On a periodic basis, the Cooperative State Research Extension and Education Service shall disseminate information on the policy nexus between global climate change mitigation strategies and agriculture, so that farmers and ranchers may better understand the global implications of the activities of farmers and ranchers.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for demonstration projects under subsection (a)(2).

Subtitle C—Clean Energy Technology Exports Program

SEC. 1321. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) CLEAN ENERGY TECHNOLOGY.—The term "clean energy technology" means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in developing countries, countries in transition, and other partner countries—

(A) emits substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) INTERAGENCY WORKING GROUP.—The term "interagency working group" means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

(b) INTERAGENCY WORKING GROUP.—

(1) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this section, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the U.S. Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports. The interagency working group will focus on opening and expanding energy markets and transferring clean energy technology to the developing countries, countries in transition, and other partner countries that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the Framework Convention on Climate Change, other international agreements, and relevant Federal efforts.

(2) MEMBERSHIP.—The interagency working group shall be jointly chaired by representatives appointed by the agency heads under paragraph (1) and shall also include representatives from the Department of State, the Department of Treasury, the Environmental Protection Agency, the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and other federal agencies as deemed appropriate by all three agency heads under paragraph (1).

(3) DUTIES.—The interagency working group shall—

(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

(B) investigate issues associated with building capacity to deploy clean energy technology in developing countries, countries in transition, and other partner countries, including—

(i) energy-sector reform;

(ii) creation of open, transparent, and competitive markets for energy technologies;

(iii) availability of trained personnel to deploy and maintain the technology; and

(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve U.S. clean energy technology exports in support of the following areas:

(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and co-generation technology initiatives; and

(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives;

(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

(E) monitor each agency's progress towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001, and the Energy and Water Development Appropriations Act, 2002;

(F) make recommendations to heads of appropriate Federal agencies on ways to streamline federal programs and policies to improve each agency's role in the international development, demonstration, and deployment of clean energy technology;

(G) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

(H) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening their markets and exporting United States energy technology.

(c) FEDERAL SUPPORT FOR CLEAN ENERGY TECHNOLOGY TRANSFER.—Notwithstanding any other provision of law, each federal agency or government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country, country in transition, or other partner country shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(d) ANNUAL REPORT.—Not later than April 1, 2002, and each year thereafter, the Interagency Working Group shall submit a report to Congress on its activities during the preceding calendar year. The report shall include a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the Interagency Working Group in that year, as well as any policy recommendations to improve the expansion of clean energy markets and U.S. clean energy technology exports.

(e) REPORT ON USE OF FUNDS.—Not later than October 1, 2002, and each year thereafter, the Secretary of State, in consultation with other federal agencies, shall submit a report to Congress indicating how United States funds appropriated for clean energy technology exports and other relevant federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries, countries in transition, and other partner countries, including efforts pursuant to multi-lateral environmental agreements.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country, country in transition, or other partner country.

SEC. 1322. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

(a) In General.—Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (l) and inserting the following:

"(l) International Energy Technology Deployment Program—

"(1) Definitions.—In this subsection:

"(A) International energy deployment project.—The term 'international energy deployment project' means a project to construct an energy production facility outside the United States—

"(i) the output of which will be consumed outside the United States; and

"(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented—

"(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

"(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

"(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

"(B) Qualifying international energy deployment project.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

"(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

"(ii) uses technology that has been successfully developed or deployed in the United States;

"(iii) meets the criteria of subsection (k);

"(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

"(v) complies with such terms and conditions as the Secretary establishes by regulation.

"(C) United states.—For purposes of this paragraph, the term 'United States', when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(2) Pilot program for financial assistance.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

"(B) Selection criteria.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

"(C) Financial assistance.—

"(i) In general.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

"(ii) Rate of interest.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

"(iii) Amount.—The amount of a loan or loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

"(iv) Developed countries.—Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(v) Developing countries.—Loans or loan guarantees made for projects to be located in a developing country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(vi) Capacity building research.—Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an institution in the host country and an industry, university or national laboratory participant from the United States. The host institution shall contribute at least 50 percent of funds provided for the capacity building research.

"(D) Coordination with other programs.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

"(E) Report.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to the President a report on the results of the pilot projects.

"(F) Recommendation.—Not later than 60 days after receiving the report under subparagraph (E), the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary of Energy, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

"(3) Authorization of appropriations.—There are authorized to be appropriated to the Secretary carry out this section $100,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.".

Subtitle D—Climate Change Science and Information

PART I—AMENDMENTS TO THE GLOBAL CHANGE RESEARCH ACT OF 1990

SEC. 1331. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. 1332. CHANGES IN DEFINITIONS.

Paragraph (1) of section 2 (15 U.S.C. 2921) is amended by striking "Earth and" inserting "Climate and".

SEC. 1333. CHANGE IN COMMITTEE NAME.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking "**EARTH AND**" in the section heading and inserting "**CLIMATE AND**"; and

(2) by striking "Earth and" in subsection (a) and inserting "Climate and".

SEC. 1334. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by adding at the end of subsection (c) the following:

"(6) Methods for integrating information to provide predictive tools for planning and decision making by governments, communities and the private sector.";

(2) by inserting "local, State, and Federal" before "policy makers" in subsection (d)(3);

(3) by striking "and" in subsection (d)(2);

(4) by striking "change." in subsection (d)(3) and inserting "change; and";

(5) by adding at the end of subsection (d) the following:

"(4) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes."; and

(6) by adding at the end the following:

"(g) Strategic Plan; Revised Implementation Plan.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2002 and submit the plan to the Congress within 180 days after the date of enactment of the Global Climate Change Act of 2002. The Chairman, through the Committee, shall also submit a revised implementation plan under subsection (a).".

SEC. 1335. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) inserting before subsection (b), as redesignated, the following:

"(a) Integrated Program Office.—

"(1) Establishment.—There is established in the Office of Science and Technology Policy an integrated program office for the global change research program.

"(2) Organization.—The integrated program office established under paragraph (1) shall be headed by the associate director with responsibility for climate change science and technology and shall include a representative from each Federal agency participating in the global change research program.

"(3) Function.—The integrated program office shall—

"(A) manage, working in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

"(B) ensure that the activities and programs of each Federal agency or department participating in the program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

"(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the climate change action strategy;

"(D) review, solicit, and identify, and allocate funds for, partnership projects that address critical research objectives or operational goals of the program, including projects that would fill research gaps identified by the program, and for which project resources are shared among at least 2 agencies participating in the program; and

"(E) review and provide recommendations on, in conjunction with the Committee, all annual appropriations requests from Federal agencies or departments participating in the program.

"(4) GRANT AUTHORITY.—The Integrated Program Office may authorize 1 or more of the departments or agencies participating in the program to enter into contracts and make grants, using funds appropriated for use by the Office of Science and Technology Policy for the purpose of carrying out the responsibilities of that Office.

"(5) FUNDING.—For fiscal year 2003, and each fiscal year thereafter, not less than $13,000,000 shall be made available to the Integrated Program Office from amounts appropriated to or for the use of the Office of Science and Technology Policy.";

(3) by striking "Committee." in paragraph (2) of subsection (c), as redesignated, and inserting "Committee and the Integrated Program Office."; and

(4) by inserting "and the Integrated Program Office" after "Committee" in paragraph (1) of subsection (d), as redesignated.

PART II—NATIONAL CLIMATE SERVICES AND MONITORING

SEC. 1341. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 1342. CHANGES IN FINDINGS.

Section 2 (15 U.S.C. 2901) is amended—

(1) by striking "Weather and climate change affect" in paragraph (1) and inserting "Weather, climate change, and climate variability affect public safety, environmental security, human health,";

(2) by striking "climate" in paragraph (2) and inserting "climate, including seasonal and decadal fluctuations,";

(3) by striking "changes." in paragraph (5) and inserting "changes and providing free exchange of meteorological data."; and

(4) by adding at the end the following:

"(7) The present rate of advance in research and development is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.".

SEC. 1343. TOOLS FOR REGIONAL PLANNING.

Section 5(d) (15 U.S.C. 2904(d)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(2) by inserting after paragraph (3) the following:

"(4) methods for improving modeling and predictive capabilities and developing assessment methods to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues;

(3) by inserting "sharing," after "collection," in paragraph (5), as redesignated;

(4) by striking "experimental" each place it appears in paragraph (9), as redesignated;

(5) by striking "preliminary" in paragraph (10), as redesignated;

(6) by striking "this Act," the first place it appears in paragraph (10), as redesignated, and inserting "the Global Climate Change Act of 2002,"; and

(7) by striking "this Act," the second place it appears in paragraph (10), as redesignated, and inserting "that Act,".

SEC. 1344. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (15 U.S.C. 2908) is amended—

(1) by striking "1979," and inserting "2002,";

(2) by striking "1980," and inserting "2003,";

(3) by striking "1981," and inserting "2004,"; and

(4) by striking "$25,500,000" and inserting "$75,500,000".

SEC. 1345. NATIONAL CLIMATE SERVICE PLAN.

The Act (15 U.S.C. 2901 et seq.) is amended by inserting after section 5 the following:

"SEC. 6. NATIONAL CLIMATE SERVICE PLAN.

"Within one year after the date of enactment of the Global Climate Change Act of 2002, the Secretary of Commerce shall submit to the Senate Committee on Commerce, Science, and Transportation and the House Science Committee a plan of action for a National Climate Service under the National Climate Program. The plan shall set forth recommendations and funding estimates for—

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

"(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long and short term time schedule and at a range of spatial scales;

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both domestically and internationally.".

SEC. 1346. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia-Pacific sector, including regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. There are authorized to be appropriated for purposes of this section $1,500,000 to the National Oceanic and Atmospheric Administration, $1,500,000 to the National Aeronautics and Space Administration, and $500,000 for the Pacific ENSO Applications Center.

SEC. 1347. REPORTING ON TRENDS.

(a) ATMOSPHERIC MONITORING AND VERIFICATION PROGRAM.—The Secretary of Commerce, in coordination with relevant Federal agencies, shall, as part of the National Climate Service, establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, and modeling capabilities to monitor, measure, and verify atmospheric greenhouse gas levels, dates, and emissions. Where feasible, the program shall measure emissions from identified sources participating in the reporting system for verification purposes. The program shall use measurements and standards that are consistent with those utilized in the greenhouse gas measurement and reporting system established under subsection (a) and the registry established under section 1102.

(b) ANNUAL REPORTING.—The Secretary of Commerce shall issue an annual report that identifies greenhouse emissions and trends on a local, regional, and national level. The report shall also identify emissions or reductions attributable to individual or multiple sources covered by the greenhouse gas measurement and reporting system established under section 1102.

PART III—OCEAN AND COASTAL OBSERVING SYSTEM

SEC. 1351. OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, shall establish and maintain an integrated ocean and coastal observing system that provides for long-term, continuous, and real-time observations of the oceans and coasts for the purposes of—

(1) understanding, assessing and responding to human-induced and natural processes of global change;

(2) improving weather forecasts and public warnings;

(3) strengthening national security and military preparedness;

(4) enhancing the safety and efficiency of marine operations;

(5) supporting efforts to restore the health of and manage coastal and marine ecosystems and living resources;

(6) monitoring and evaluating the effectiveness of ocean and coastal environmental policies;

(7) reducing and mitigating ocean and coastal pollution; and

(8) providing information that contributes to public awareness of the state and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In addition to its responsibilities under section 7902(a) of such title, the Council shall be responsible for planning and coordinating the observing system and in carrying out this responsibility shall—

(1) develop and submit to the Congress, within 6 months after the date of enactment of this Act, a plan for implementing a national ocean and coastal observing system that—

(A) uses an end-to-end engineering and development approach to develop a system design and schedule for operational implementation;

(B) determines how current and planned observing activities can be integrated in a cost-effective manner;

(C) provides for regional and concept demonstration projects;

(D) describes the role and estimated budget of each Federal agency in implementing the plan;

(E) contributes, to the extent practicable, to the National Global Change Research Plan under section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934); and

(F) makes recommendations for coordination of ocean observing activities of the United States with those of other nations and international organizations;

(2) serve as the mechanism for coordinating Federal ocean observing requirements and activities;

(3) work with academic, State, industry and other actual and potential users of the observing system to make effective use of existing capabilities and incorporate new technologies;

(4) approve standards and protocols for the administration of the system, including—

(A) a common set of measurements to be collected and distributed routinely and by uniform methods;

(B) standards for quality control and assessment of data;

(C) design, testing and employment of forecast models for ocean conditions;

(D) data management, including data transfer protocols and archiving; and

(E) designation of coastal ocean observing regions; and

(5) in consultation with the Secretary of State, provide representation at international meetings on ocean observing programs and coordinate relevant Federal activities with those of other nations.

(c) System Elements.—The integrated ocean and coastal observing system shall include the following elements:

(1) A nationally coordinated network of regional coastal ocean observing systems that measure and disseminate a common set of ocean observations and related products in a uniform manner and according to sound scientific practice, but that are adapted to local and regional needs.

(2) Ocean sensors for climate observations, including the Arctic Ocean and sub-polar seas.

(3) Coastal, relocatable, and cabled sea floor observatories.

(4) Broad bandwidth communications that are capable of transmitting high volumes of data from open ocean locations at low cost and in real time.

(5) Ocean data management and assimilation systems that ensure full use of new sources of data from space-borne and in situ sensors.

(6) Focused research programs.

(7) Technology development program to develop new observing technologies and techniques, including data management and dissemination.

(8) Public outreach and education.

SEC. 1352. AUTHORIZATION OF APPROPRIATIONS.

For development and implementation of an integrated ocean and coastal observation system under this title, including financial assistance to regional coastal ocean observing systems, there are authorized to be appropriated **$235,000,000** in fiscal year 2003, **$315,000,000** in fiscal year 2004, **$390,000,000** in fiscal year 2005, and **$445,000,000** in fiscal year 2006.

Subtitle E—Climate Change Technology

SEC. 1361. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulphur hexafluoride; and".

SEC. 1362. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) In General.—The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;

(2) non-carbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 1363. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) In General.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 4 of the Global Climate Change Act of 2002).

"(b) Research Program.—

"(1) In general.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) Research projects.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing of a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

"(c) National Measurement Laboratories.—

"(1) In general.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) Material, process, and building research.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low or no-emission technologies into building designs.

"(3) Standards and tools.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) National Voluntary Laboratory Accreditation Program.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 1364. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) Advanced Technology Program Competitions.—The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute's competitions in thematic areas, selected after consultation with industry, academics, and other Federal Agencies, designed to develop and commercialize enabling technologies to address global climate change by significantly reducing greenhouse gas emissions and concentrations in the atmosphere.

(b) Manufacturing Extension Partnership Program for "Green" Manufacturing.—The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new "green" manufacturing technologies and techniques by the more than 380,000 small manufacturers.

SEC. 1365. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out functions pursuant to sections 1345, 1351, and 1361 through 1363, $10,000,000 for fiscal years 2002 through 2006.

Subtitle F—Climate Adaptation and Hazards Prevention

PART I—ASSESSMENT AND ADAPTATION

SEC. 1371. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION PROGRAM.

(a) In General.—The President shall establish within the Department of Commerce a National Climate Change Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) Coordination.—In designing such program the Secretary shall consult with the Federal Emergency Management Agency, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Transportation, and other appropriate Federal, State, and local government entities.

(c) Vulnerability Assessments.—The program shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed levels; and

(2) build upon predictions and other information developed in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) Preparedness Recommendations.—The program shall submit a report to Congress within 2 years after the date of enactment of this Act that identifies and recommends implementation and funding strategies for short and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property,

(2) to improve resilience to hazards,

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) Information and Technology.—The Secretary shall make available appropriate information and other technologies and products that will assist national, regional, State, and local efforts to reduce loss of life and property, and coordinate dissemination of such technologies and products.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the requirements of this section.

SEC. 1372. COASTAL VULNERABILITY AND ADAPTATION.

(a) Coastal Vulnerability.—Within 2 years after the date of enactment of this Act, the Secretary shall, in consultation with the appropriate Federal, State, and local governmental entities, conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels. The Secretary may also establish, as warranted, longer term regional assessment programs. The Secretary may also consult with the governments of Canada and Mexico as appropriate in developing such regional assessments. In preparing the regional assessments, the Secretary shall collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions. The regional assessments shall include an evaluation of—

(1) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(2) physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(3) economic impact on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

(b) Coastal Adaptation Plan.—The Secretary shall, within 3 years after the date of enactment of this Act, submit to the Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels. The regional plans that will make up the national coastal adaptation plan shall be based on the information contained in the regional assessments and shall identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions. The Plan shall recommend both short and long-term adaptation strategies and shall include recommendations regarding—

(1) Federal flood insurance program modifications;

(2) areas that have been identified as high risk through mapping and assessment;

(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(4) land and property owner education;

(5) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(6) funding requirements and mechanisms.

(c) Technical Planning Assistance.—The Secretary, through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

(d) Coastal Adaptation Grants.—The Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs if the State provides a Federal-to-State match of 4 to 1 in the first fiscal year, 2.3 to 1 in the second fiscal year, 2 to 1 in the third fiscal year, and 1 to 1 thereafter. Distribution of these funds to coastal states shall be based upon the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(e) Coastal Response Pilot Program.—

(1) In General.—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities most adversely affected by the impact of climate change or climate variability that are located in States with Federally approved coastal zone management programs.

(2) Eligible Projects.—A project is eligible for financial assistance under the pilot program if it—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by such an impact, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which it is located; and

(C) will not cost more than $100,000.

(3) Funding Share.—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project. In the administration of this paragraph—

(A) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(B) the Secretary may waive the requirements of this paragraph for a project in a community if—

(i) the Secretary determines that the project is important; and

(ii) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the projects's costs.

(f) Definitions.—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given it by that section.

(g) Authorization of Appropriations.—There are authorized to be appropriated $3,000,000 annually for regional assessments under subsection (a), and $3,000,000 annually for coastal adaptation grants under subsection (d).

PART II—FORECASTING AND PLANNING PILOT PROGRAMS

SEC. 1381. REMOTE SENSING PILOT PROJECTS.

(a) In General.—The Administrator of the National Aeronautics and Space Administration shall establish, through the National Oceanic and Atmospheric Administration's Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) Preferred Projects.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period of not more than 3 years.

(e) RESPONSIBILITIES OF GRANTEES.—Within 180 days after completion of a grant project, each recipient of a grant under subsection (a) shall transmit a report to the Center on the results of the pilot project and conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(f) REGULATIONS.—The Center shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 1382. DATABASE ESTABLISHMENT.

The Center shall establish and maintain an electronic, Internet-accessible database of the results of each pilot project completed under section 1381.

SEC. 1383. DEFINITIONS.

In this subtitle:

(1) CENTER.—The term "Center" means the Coastal Services Center of the National Oceanic and Atmospheric Administration.

(2) GEOSPATIAL INFORMATION.—The term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1384. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out the provisions of this subtitle—

(1) $17,500,000 for fiscal year 2003;

(2) $20,000,000 for fiscal year 2004;

(3) $22,500,000 for fiscal year 2005; and

(4) $25,000,000 for fiscal year 2006.

TITLE XIV—MANAGEMENT OF DOE SCIENCE AND TECHNOLOGY PROGRAMS

SEC. 1401. DEFINITIONS.

In this title:

(1) APPLICABILITY OF DEFINITIONS.—The definitions in section 1203 shall apply.

(2) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the following primarily single purpose entities owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fernald Environmental Management Project;

(E) Fermi National Accelerator Laboratory;

(F) Kansas City Plant;

(G) Nevada Test Site;

(H) New Brunswick Laboratory;

(I) Pantex Weapons Facility;

(J) Princeton Plasma Physics Laboratory;

(K) Savannah River Technology Center;

(L) Stanford Linear Accelerator Center;

(M) Thomas Jefferson National Accelerator Facility;

(N) Y-12 facility at Oak Ridge National Laboratory;

(O) Waste Isolation Pilot Plant; or

(P) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities.

SEC. 1402. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department of Energy under title XII, title XIII, and title XV shall remain available until expended.

SEC. 1403. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND DEPLOYMENT.—For demonstration and technology deployment activities funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 50 percent of the costs of the project directly and specifically related to any demonstration or technology deployment activity. The Secretary may reduce or eliminate the non-federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet one or more goals of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall include cash, personnel, services, equipment, and other resources.

SEC. 1404. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under title XII, subtitle A of title XIII, and title XV shall be made only after an independent review of the scientific and technical merit of the proposals for such awards has been made by the Department of Energy.

SEC. 1405. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—(1) The Secretary shall establish an advisory board to oversee Department research and development programs in each of the following areas—

(A) energy efficiency;

(B) renewable energy;

(C) fossil energy;

(D) nuclear energy; and

(E) climate change technology, with emphasis on integration, collaboration, and other special features of the cross-cutting technologies supported by the Office of Climate Change Technology.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, or may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of experts drawn from industry, academia, federal laboratories, research institutions, or state, local, or tribal governments, as appropriate.

(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and technology deployment program. The advisory board shall also review the adequacy and relevance of the goals established for each program by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.

SEC. 1406. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

"(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

"(A) have extensive background in scientific or engineering fields; and

"(B) are well qualified to manage the civilian research and development programs of the Department of Energy.

"(3) The Under Secretary for Energy and Science shall—

"(A) serve as the Science and Technology Advisor to the Secretary;

"(B) monitor the Department's research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

"(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

"(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

"(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

"(F) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—Section 209 of the Department of Energy Organization

Act (41 U.S.C. 7139) is amended to read as follows—

"(a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary of Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(b) The Assistant Secretary of Science shall be in addition to the Assistant Secretaries provided for under section 203 of this Act.

"(c) It shall be the duty and responsibility of the Assistant Secretary of Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and,management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.".

(c) Additional Assistant Secretary Position To Enable Improved Management of Nuclear Energy Issues.—

(1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking "There shall be in the Department six Assistant Secretaries" and inserting "Except as provided in section 209, there shall be in the Department seven Assistant Secretaries".

(2) It is the Sense of the Senate that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) Technical and Conforming Amendments.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

"(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

"(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

(2) Section 5314 of title 5, United States Code, is amended by striking "Under Secretaries of Energy (2)" and inserting "Under Secretaries of Energy (3)".

(3) Section 5315 of title 5, United States Code, is amended by—

(A) striking "Director, Office of Science, Department of Energy."; and

(B) striking "Assistant Secretaries of Energy (6)" and inserting "Assistant Secretaries of Energy (8)".

(4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking "Section 209" and inserting "Sec. 209";

(B) by striking "213." and inserting "Sec. 213.";

(C) by striking "214." and inserting "Sec. 214.";

(D) by striking "215." and inserting "Sec. 215."; and

(E) by striking "216." and inserting "Sec. 216.".

SEC. 1407. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) Technology Transfer Coordinator.—The Secretary shall appoint a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Partnerships Working Group, and shall oversee the expenditure of funds allocated to the Technology Partnership Working Group.

(b) Technology Partnership Working Group.—The Secretary shall establish a Technology Partnership Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department.

SEC 1408. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) Establishment.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) Purpose.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories or single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories or single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments, that can support departmental missions at the National Laboratories and single-purpose research facilities.

(c) Projects.—The Secretary shall authorize the Director of each National Laboratory or facility to implement the Technology Infrastructure Program at such National Laboratory or single-purpose research facility through projects that meet the requirements of subsections (d) and (e).

(d) Program Requirements.—Each project funded under this section shall meet the following requirements:

(1) Minimum participants.—Each project shall at a minimum include—

(A) a National Laboratory or single-purpose research facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) Cost sharing.—

(A) Minimum amount.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) Qualified funding and resources.—

(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) Competitive selection.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary.

(4) Accounting standards.—Any participant that receives funds under this section, other than a National Laboratory or single-purpose research facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) Limitations.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) Selection Criteria.—

(1) Threshold funding criteria.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) Additional criteria.—The Secretary shall require the Director of the National Laboratory or single-purpose research facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project; and

(H) such other criteria as the Secretary determines to be appropriate.

(f) REPORT TO CONGRESS.—Not later than January 1, 2004, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(g) DEFINITIONS.—In this section:

(1) TECHNOLOGY CLUSTER.—The term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) TECHNOLOGY-RELATED BUSINESS CONCERN.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2003 and 2004.

SEC. 1409. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to appoint a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 1410. OTHER TRANSACTIONS.

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.".

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions.

SEC. 1411. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than two years after the enactment of this section, the Secretary, acting through the Technology Transfer Coordinator under section 1407, shall determine whether each contractor operating a National Laboratory or single-purpose research facility has policies and procedures that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities.

SEC. 1412. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to—

(1) conduct a study on the obstacles to accelerating the innovation cycle for energy technology, and

(2) report to the Congress recommendations for shortening the cycle of research, development, and deployment.

SEC. 1413. REPORT ON TECHNOLOGY READINESS AND BARRIERS TO TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Technology Partnership Working Group and in consultation with representatives of affected industries, universities, and small business concerns, shall—

(1) assess the readiness for technology transfer of energy technologies developed through projects funded from appropriations authorized under subtitles A through D of title XIV, and

(2) identify barriers to technology transfer and cooperative research and development agreements between the Department or a National Laboratory and a non-federal person; and

(3) make recommendations for administrative or legislative actions needed to reduce or eliminate such barriers.

(b) REPORT.—The Secretary provide a report to Congress and the President on activities carried out under this section not later than one year after the date of enactment of this section, and shall update such report on a biennial basis, taking into account progress toward eliminating barriers to technology transfer identified in previous reports under this section.

TITLE XV—PERSONNEL AND TRAINING

SEC. 1501. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

(1) MONITORING.—The Secretary of Energy (in this title referred to as the "Secretary"), acting through the Administrator of the Energy Information Administration, in consultation with the Secretary of Labor, shall monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy-efficiency, the oil and gas industry, nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

(2) ANNUAL REPORTS.—The Administrator of the Energy Information Administration shall include statistics on energy industry workforce trends in the annual reports of the Energy Information Administration.

(3) SPECIAL REPORTS.—The Secretary shall report to the appropriate committees of Congress whenever the Secretary determines that significant shortfalls of technical personnel in one or more energy industry segments are forecast or have occurred.

(b) TRAINEESHIP GRANTS FOR TECHNICALLY SKILLED PERSONNEL.—

(1) GRANT PROGRAMS.—The Secretary shall establish grant programs in the appropriate offices of the Department to enhance training of technically skilled personnel for which a shortfall is determined under subsection (a).

(2) ELIGIBLE INSTITUTIONS.—As determined by the Secretary to be appropriate to the particular workforce shortfall, the Secretary shall make grants under paragraph (1) to—

(A) an institution of higher education;

(B) a postsecondary educational institution providing vocational and technical education (within the meaning given those terms in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302));

(C) appropriate agencies of State, local, or tribal governments; or

(D) joint labor and management training organizations with state or federally recognized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term "skilled technical personnel" means journey and apprentice level workers who are enrolled in or have completed a state or federally recognized apprenticeship program and other skilled workers in energy technology industries.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1502. POSTDOCTORAL AND SENIOR RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.

(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.

(b) DISTINGUISHED SENIOR RESEARCH FELLOWSHIPS.—The Secretary shall establish a program of fellowships to allow outstanding senior researchers in energy research and development and their research groups to explore research and development topics of their choosing for a fixed period of time. Awards under this program shall be made on the basis of past scientific or technical accomplishment and promise for continued accomplishment during the period of support, which shall not be less than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1503. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

(a) MODEL GUIDELINES.—The Secretary shall, in cooperation with electric generation, transmission, and distribution companies and recognized representatives of employees of those entities, develop model employee training guidelines to support electric supply system reliability and safety.

(b) CONTENT OF GUIDELINES.—The guidelines under this section shall include—

(1) requirements for worker training, competency, and certification, developed using criteria set forth by the Utility Industry Group recognized by the National Skill Standards Board; and

(2) consolidation of existing guidelines on the construction, operation, maintenance, and inspection of electric supply generation, transmission and distribution facilities such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1504. NATIONAL CENTER ON ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall establish a National Center on Energy Management and Building Technologies, to carry out research, education, and training activities to facilitate the improvement of energy efficiency and indoor air quality in industrial, commercial and residential buildings. The National Center shall be established in cooperation with—

(1) recognized representatives of employees in the heating, ventilation, and air conditioning industry;

(2) contractors that install and maintain heating, ventilation and air conditioning systems and equipment;

(3) manufacturers of heating, ventilation and air-conditioning systems and equipment;

(4) representatives of the advanced building envelope industry, including design, windows, lighting, and insulation industries; and

(5) other entities as appropriate.

SEC. 1505. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—

Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR WOMEN AND MINORITY STUDENTS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage women and minority students to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 1203 of the Energy Science and Technology Enhancement Act of 2002.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 1401 of the Energy Science and Technology Enhancement Act of 2002.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(b) EDUCATION PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall direct the Director of each National Laboratory, and may direct the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(2) ACTIVITIES.—An activity under paragraph (1) may include—

"(A) collaborative research;

"(B) a transfer of equipment;

"(C) training of personnel at a National Laboratory or science facility; and

"(D) a mentoring activity by personnel at a National Laboratory or science facility.

"(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the activities carried out under this section.".

DIVISION F—TECHNOLOGY ASSESSMENT AND STUDIES

TITLE XVI—TECHNOLOGY ASSESSMENT

SEC. 1601. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

"SEC. 701. ESTABLISHMENT.

"There is hereby created a Science and Technology Assessment Service (hereinafter referred to as the 'Service'), which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

"The Service shall consist of a Science and Technology Board (hereinafter referred to as the 'Board') which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

"The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

"Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

"(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

"(2) the Board; or

"(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

"The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

"SEC. 706. AUTHORITY.

"The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

"(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

"(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

"SEC. 707. BOARD.

"The Board shall consist of 13 members as follows—

"(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

"(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

"(3) the Director, who shall not be a voting member.

"SEC. 708. REPORT TO CONGRESS.

"The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

"SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.".

TITLE XVII—STUDIES

SEC. 1701. REGULATORY REVIEWS.

(a) Regulatory Reviews.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review relevant regulations and standards to identify—

(1) existing regulations and standards that act as barriers to—

(A) market entry for emerging energy technologies (including fuel cells, combined heat and power, distributed power generation, and small-scale renewable energy), and

(B) market development and expansion for existing energy technologies (including combined heat and power, small-scale renewable energy, and energy recovery in industrial processes), and

(2) actions the agency is taking or could take to—

(A) remove barriers to market entry for emerging energy technologies and to market expansion for existing technologies,

(B) increase energy efficiency and conservation, or

(C) encourage the use of new and existing processes to meet energy and environmental goals.

(b) Report to Congress.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to the Congress on the results of the agency reviews conducted under subsection (a).

(c) Contents of the Report.—The report shall—

(1) identify all regulatory barriers to—

(A) the development and commercialization of emerging energy technologies and processes, and

(B) the further development and expansion of existing energy conservation technologies and processes,

(2) actions taken, or proposed to be taken, to remove such barriers, and

(3) recommendations for changes in laws or regulations that may be needed to—

(A) expedite the siting and development of energy production and distribution facilities,

(B) encourage the adoption of energy efficiency and process improvements,

(C) facilitate the expanded use of existing energy conservation technologies, and

(D) reduce the environmental impacts of energy facilities and processes through transparent and flexible compliance methods.

SEC. 1702. ASSESSMENT OF DEPENDENCE OF HAWAII ON OIL.

(a) Study.—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall initiate a study that assesses the economic risk posed by the dependence of Hawaii on oil as the principal source of energy.

(b) Scope of the Study.—The Secretary shall assess—

(1) the short- and long-term threats to the economy of Hawaii posed by insecure supply and volatile prices;

(2) the impact on availability and cost of refined petroleum products if oil-fired electric generation is displaced by other sources;

(3) the feasibility of increasing the contribution of renewable sources to the overall energy requirements of Hawaii; and

(4) the feasibility of using liquid natural gas as a source of energy to supplement oil.

(c) Report.—Not later than 300 days after the date of enactment of this section, the Secretary shall prepare, in consultation with appropriate agencies of the State of Hawaii, industry representatives, and citizen groups, and shall submit to Congress a report detailing the Secretary's findings, conclusions, and recommendations. The report shall include—

(1) a detailed analysis of the availability, economics, infrastructure needs, and recommendations to increase the contribution of renewable energy sources to the overall energy requirements of Hawaii; and

(2) a detailed analysis of the use of liquid natural gas, including—

(A) the availability of supply,

(B) economics,

(C) environmental and safety considerations,

(D) technical limitations,

(E) infrastructure and transportation requirements,

(F) siting and facility configurations, including—

(i) onshore and offshore alternatives, and

(ii) environmental and safety considerations of both onshore and offshore alternatives.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.

SEC. 1703. STUDY OF SITING AN ELECTRIC TRANSMISSION SYSTEM ON AMTRAK RIGHT-OF-WAY.

(a) Study.—The Secretary of Energy shall contract with Amtrak to conduct a study of the feasibility of building and operating a new electric transmission system on the Amtrak right-of-way in the Northeast Corridor.

(b) Scope of the Study.—The study shall focus on siting the new system on the Amtrak right-of-way within the Northeastern Corridor between Washington, D.C., and New Rochelle, New York, including the Amtrak right-of-way between Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

(c) Contents of the Study.—The study shall consider—

(1) alternative geographic configuration of a new electronic transmission system on the Amtrak right-of-way;

(2) alternative technologies for the system;

(3) the estimated costs of building and operating each alternative;

(4) alternative means of financing the system;

(5) the environmental risks and benefits of building and operating each alternative as well as environmental risks and benefits of building and operating the system on the Northeast Corridor rather than at other locations;

(6) engineering and technological obstacles to building and operating each alternative; and

(7) the extent to which each alternative would enhance the reliability of the electric transmission grid and enhance competition in the sale of electric energy at wholesale within the Northeast Corridor.

(d) Recommendations.—The study shall recommend the optimal geographic configuration, the optimal technology, the optimal engineering design, and the optimal means of financing for the new system from among the alternatives considered.

(e) Report.—The Secretary of Energy shall submit the completed study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 270 days after the date of enactment of this section.

(f) Definitions.—For purposes of this section—

(1) the term "Amtrak" means the National Railroad Passenger Corporation established under chapter 243 of title 49, United States Code; and

(2) the term "Northeast Corridor" shall have the meaning given such term under section 24102(7) of title 49, United States Code.

DIVISION G—ENERGY INFRASTRUCTURE SECURITY

TITLE XVIII—CRITICAL ENERGY INFRASTRUCTURE

Subtitle A—Department of Energy Programs

SEC. 1801. DEFINITIONS.

In this title:

(1) Critical energy infrastructure.—

(A) IN GENERAL.—The term "critical energy infrastructure" means a physical or cyber-based system or service for—

(i) the generation, transmission or distribution of electric energy; or

(ii) the production, refining, or storage of petroleum, natural gas, or petroleum product—

the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States.

(B) EXCLUSION.—The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

(2) DEPARTMENT; NATIONAL LABORATORY; SECRETARY.—The terms "Department", "National Laboratory", and "Secretary" have the meaning given such terms in section 1203.

SEC. 1802. ROLE OF THE DEPARTMENT OF ENERGY.

Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

"(20) To ensure the safety, reliability, and security of the nation's energy infrastructure, and to respond to any threat to or disruption of such infrastructure, through activities including—

"(A) research and development;

"(B) financial assistance, technical assistance, and cooperative activities with States, industry, and other interested parties; and

"(C) education and public outreach activities.".

SEC. 1803. CRITICAL ENERGY INFRASTRUCTURE PROGRAMS.

(a) PROGRAMS.—In addition to the authorities otherwise provided by law (including section 1261), the Secretary is authorized to establish programs of financial, technical, or administrative assistance to—

(1) enhance the security of critical energy infrastructure in the United States;

(2) develop and disseminate, in cooperation with industry, best practices for critical energy infrastructure assurance; and

(3) protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents affecting critical energy infrastructure.

(b) REQUIREMENTS.—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 1804;

(2) have available to it the scientific and technical resources of the Department, including resources at a National Laboratory; and

(3) be consistent with any overall Federal plan for national infrastructure security developed by the President or his designee.

SEC. 1804. ADVISORY COMMITTEE ON ENERGY INFRASTRUCTURE SECURITY.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, or utilize an existing advisory committee within the Department, to advise the Secretary on policies and programs related to the security of U.S. energy infrastructure.

(b) BALANCED MEMBERSHIP.—The Secretary shall ensure that the advisory committee established or utilized under subsection (a) has a membership with an appropriate balance among the various interests related to energy infrastructure security, including—

(1) scientific and technical experts;

(2) industrial managers;

(3) worker representatives;

(4) insurance companies or organizations;

(5) environmental organizations;

(6) representatives of State, local, and tribal governments; and

(7) such other interests as the Secretary may deem appropriate.

(c) EXPENSES.—Members of the advisory committee established or utilized under subsection (a) shall serve without compensation, and shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

SEC. 1805. BEST PRACTICES AND STANDARDS FOR ENERGY INFRASTRUCTURE SECURITY.

The Secretary, in consultation with the advisory committee under section 1804, shall enter into appropriate arrangements with one or more standard-setting organizations, or similar organizations, to assist the development of industry best practices and standards for security related to protecting critical energy infrastructure.

Subtitle B—Department of the Interior Programs

SEC. 1811. OUTER CONTINENTAL SHELF ENERGY INFRASTRUCTURE SECURITY.

(a) DEFINITIONS.—In this section:

(1) APPROVED STATE PLAN.—The term "approved State plan" means a State plan approved by the Secretary under subsection (c)(3).

(2) COASTLINE.—The term "coastline" has the same meaning as the term "coast line" as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) CRITICAL OCS ENERGY INFRASTRUCTURE FACILITY.—The term "OCS critical energy infrastructure facility" means—

(A) a facility located in an OCS Production State or in the waters of such state related to the production of oil or gas on the Outer Continental Shelf; or

(B) a related facility located in an OCS Production State or in the waters of such state that carries out a public service, transportation, or infrastructure activity critical to the operation of an Outer Continental Shelf energy infrastructure facility, as determined by the Secretary.

(4) DISTANCE.—The term "distance" means the minimum great circle distance, measured in statute miles.

(5) LEASED TRACT.—

(A) IN GENERAL.—The term "leased tract" means a tract that—

(i) is subject to a lease under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(ii) consists of a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as—

(I) specified in the lease; and

(II) depicted on an outer Continental Shelf official protraction diagram.

(B) EXCLUSION.—The term "leased tract" does not include a tract described in subparagraph (A) that is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was in production on that date.

(6) OCS POLITICAL SUBDIVISION.—The term "OCS political subdivision" means a county, parish, borough or any equivalent subdivision of an OCS Production State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

(7) OCS PRODUCTION STATE.—The term "OCS Production State" means the State of—

(A) Alaska;

(B) Alabama;

(C) California;

(D) Florida;

(F) Louisiana;

(G) Mississippi; or

(H) Texas.

(8) PRODUCTION.—The term "production" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) PROGRAM.—The term "program" means the Outer Continental Shelf Energy Infrastructure Security Program established under subsection (b).

(10) QUALIFIED OUTER CONTINENTAL SHELF REVENUES.—The term "qualified Outer Continental Shelf revenues" means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(11) SECRETARY.—The term 'Secretary' means the Secretary of the Interior.

(12) STATE PLAN.—The term 'State plan' means a State plan described in subsection (b).

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "Outer Continental Shelf Energy Infrastructure Security Program," under which the Secretary shall provide funds to OCS Production States to implement approved State plans to provide security against hostile and natural threats to critical OCS energy infrastructure facilities and support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure activities. For purposes of this program, restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(c) STATE PLANS.—

(1) INITIAL PLAN.—Not later than 180 days after the date of enactment of this Act, to be eligible to receive funds under the program, the Governor of an OCS Production State shall submit to the Secretary a plan to provide security against hostile and natural threats to critical energy infrastructure facilities in the OCS Production State and to support any of the necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure facilities. Such plan shall include—

(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

(B) a program for the implementation of the plan which describes how the amounts provided under this section will be used;

(C) a contact for each OCS political subdivision and description of how such political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section; and

(D) Measures for taking into account other relevant Federal resources and programs.

(2) ANNUAL REVIEWS.—Not later than 1 year after the date of submission of the plan and annually thereafter, the Governor of an OCS Production State shall—

(A) review the approved State plan; and

(B) submit to the Secretary any revised State plan resulting from the review.

(3) APPROVAL OF PLANS.—

(A) IN GENERAL.—In consultation with appropriate Federal security officials and the Secretaries of Commerce and Energy, the Secretary shall—

(i) approve each State plan; or

(ii) recommend changes to the State plan.

(B) RESUBMISSION OF STATE PLANS.—If the Secretary recommends changes to a State plan under subparagraph (A)(ii), the Governor of the OCS Production State may resubmit a revised State plan to the Secretary for approval.

(4) AVAILABILITY OF PLANS.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) CONSULTATION AND PUBLIC COMMENT.—

(A) CONSULTATION.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) PUBLIC COMMENT.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent that the Governor determines to be appropriate.

(d) ALLOCATION OF AMOUNTS BY THE SECRETARY.—The Secretary shall allocate the amounts made available for the purposes of carrying out the program provided for by this section among OCS Production States as follows—

(1) 25 percent of the amounts shall be divided equally among OCS Production States; and

(2) 75 percent of the amounts shall be divided among OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(e) CALCULATION.—The amount for each OCS Production State under paragraph (d)(2) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the OCS Production State to the qualified OCS revenues generated off the coastlines of all OCS Production States for the prior five-year period. Where there is more than one OCS Production State within 200 miles of a leased tract, the amount of each OCS Production State's payment under paragraph (d)(2) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(f) PAYMENTS TO OCS POLITICAL SUBDIVISIONS.—Thirty-five percent of each OCS Production State's allocable share as determined under subsection (e) shall be paid directly to the OCS political subdivisions by the Secretary based on the following formula:

(1) 25 percent shall be allocated based on the ratio of such OCS political subdivision's population to the population of all OCS political subdivisions in the OCS Production State.

(2) 25 percent shall be allocated based on the ratio of such OCS political subdivision's coastline miles to the coastline miles of all OCS political subdivisions in the OCS Production State. For purposes of this subsection, those OCS political subdivisions without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(3) 50 percent shall be allocated based on the relative distance of such OCS political subdivision from any leased tract used to calculate that OCS Production State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(g) FAILURE TO HAVE PLAN APPROVED.—Any amount allocated to an OCS Production State or OCS political subdivision but not disbursed because of a failure to have an approved Plan under this section shall be allocated equally by the Secretary among all other OCS Production States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold an OCS Production State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Plan.

(h) USE OF AMOUNTS ALLOCATED BY THE SECRETARY.—

(1) IN GENERAL.—Amounts allocated by the Secretary under subsection (d) may be used only in accordance with a plan approved pursuant to subsection (c) for—

(A) activities to secure critical OCS energy infrastructure facilities from human or natural threats; and

(B) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities.

(2) RESTORATION OF COASTAL WETLAND.—For the purpose of subparagraph (1)(A), restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(i) FAILURE TO HAVE USE.—Any amount allocated to an OCS political subdivision but not disbursed because of a failure to have a qualifying use as described in subsection (h) shall be allocated by the Secretary to the OCS Production State in which the OCS political subdivision is located except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the use of the funds.

(j) COMPLIANCE WITH AUTHORIZED USES.—If the Secretary determines that any expenditure made by an OCS Production State or an OCS political subdivision is not consistent with the uses authorized in subsection (h), the Secretary shall not disburse any further amounts under this section to that OCS Production State or OCS political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

(k) RULEMAKING.—The Secretary may promulgate such rules and regulations as may be necessary to carry out the purposes of this section, including rules and regulations setting forth an appropriate process for appeals.

(l) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated $450,000,000 for each of the fiscal years 2003 through 2008 to carry out the purposes of this section.

ORDERS FOR THURSDAY, FEBRUARY 28, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m., Thursday, February 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 11 a.m. with Senators permitted to speak for up to 10 minutes each; further, at 11 a.m., the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL TOMORROW

Mr. REID. Mr. President, I believe there is no further business to come before the Senate this evening. Therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:15 p.m., adjourned until Thursday, February 28, 2002, at 10:30 a.m.

NOMINATIONS

Executive nominations received by the Senate February 27, 2002:

NATIONAL CREDIT UNION ADMINISTRATION

DEBORAH MATZ, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2005, VICE GEOFF BACINO, TO WHICH POSITION SHE WAS APPOINTED DURING THE RECESS OF THE SENATE FROM DECEMBER 20, 2001, TO JANUARY 23, 2002.

DEPARTMENT OF STATE

LAWRENCE E. BUTLER, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

J. RUSSELL GEORGE, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE, VICE LUISE S. JORDAN, RESIGNED.

DEPARTMENT OF LABOR

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE BERNARD E. ANDERSON.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NAOMI SHIHAB NYE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006. (REAPPOINTMENT)

CENTRAL INTELLIGENCE

JOHN LEONARD HELGERSON, OF VIRGINIA, TO BE INSPECTOR GENERAL, CENTRAL INTELLIGENCE AGENCY, VICE L. BRITT SNIDER, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

DAVID H. CONROY, 0662

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

EDWARD A. LAFERTY, 6105

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

JOHN W. BAKER, 1121
LONNIE B. BARKER, 0583
ALFRED W. BRIDGEMAN, 9998
MICHAEL C. COGGINS, 5576
RICHARD M. * ERIKSON, 2293
GERALD S. HENRY, 0149
JOSEPH D. LIM, 8179
HARRY P. MATHIS III, 5846
TIMOTHY M. STURGILL, 3388
MICHAEL S. TINNON, 8112
JOSEPH P. M. VU, 1317
MICHAEL J. WEBER, 0600
DAVID E. WILSHEK, 6179

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

AMY J. ALTEMUS, 9190
MICHAEL J. ANDERSEN, 4094
SARITHA R. ANJILVEL, 4631
KENNETH A. ARNOLD, 4368
RENEE T. BENNETT, 2864
DONNIE W. BETHEL, 9627
JAMES C. BUCKELS, 9687
JAMES R. CANTRALL, 5440
GUILLERMO R. CARRANZA, 0548
DAVID S. CASTRO, 4475
LOUIS J. CHERRY, 0245
KERIC B.O. CHIN, 5171
DOUGLAS P. CORDOVA, 5661
THOMAS J. COUTURE, 1187
DAVID S. DALES, 2242
EDWIN H. DANIEL JR., 2964
RICHARD D. DESMOND, 1002
DAVID J. DUSSEAU, 7911
STEVEN J. EHLENBECK, 8862
RUPINDER S. GILL, 1279
THOMAS J. HELGET, 5498
TERESA K. HOLLINGSWORTH, 0378
GARY M. JACKSON, 8185
JOSEPH D. JACOBSON, 8847
CHARLIE M. JOHNSONWRIGHT, 1631
PHILLIP J. KAUFFMAN, 4259
DAVID A.G. KENDRICK, 7457
PETER R. MARKSTEINER, 4006
CHRISTOPHER A. * MATHEWS, 0036
MICHAEL L. MCINTYRE, 4466
CRAIG G. MILLER, 2881
JAY W. MOUNKES, 0902
JEFFREY S. PALMER, 6423
PERRY J. PELOQUIN, 1370
JENNIFER R. RIDER, 1372
JORGE H. ROMERO, 4563
JEFFREY P. RUDE, 4720
VERNOLA A. SCHLEGEL, 7521
STEPHEN M. SHREWSBURY, 5658
JEFFREY J. SLAGLE, 7587
MARGO A. STONE, 2074
MARK S. TESKEY, 7079
KENNETH M. THEURER, 6207
LISA L. TURNER, 5656
DONNA M. VERCHIO, 1437
THOMAS R. WILLIAMS II, 6551
THOMAS F. ZIMMERMAN, 5747

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JOSEPH J. BALAS, 4712
KATHI O. BECKMAN, 0839
JOHN M. BEERY, 9806
CHARLES H. BLAKESLEE JR., 7200
DAVID W. BOBB, 4361
CYNTHIA E. BROWN, 5482
JOSEPH D. CALLISTER, 4460
DAVID T. CAREY, 8945
CHARLES R. CARLTON JR., 4064
BRIDGET K. CARR, 1308
CRAIG J. CHRISTENSON, 6009
MICHAEL E. CHULICK, 2209
JEFFREY A. CIGRANG, 6769
DAVID COHEN, 2959
RANDALL S. COLLINS, 2026
JOHN M. DATENA, 1982
CHARLOTTE Y. DAVIS, 4863
THOMAS P. DEVENOGE, 5599
RICHARD G. EDDINGTON, 6903
ELLEN C. ENGLAND, 0073
NANCY K. FAGAN, 0311
STEPHEN D. FAIRCHILD, 0745
DAVID M. FARRELL, 6196
DENNIS W. FAY, 1139
RICARDO GARCIA III, 4270
DENISE T. GREEN, 4080
STEPHEN T. GREGOIRE, 9837
KEITH M. GROTH, 8978
SAMUEL D. HALL III, 0288
ALVIS W. HEADEN III, 7449
ANNE P. HEINLY, 9678
SANDRA J. HESTER, 3472
STEVEN R. HINTEN, 0165
WILLIAM V. HOAK, 8939
DOUGLAS C. HODGE, 3636
MARIA D. IONESCU, 2170
KRISTINE M. KRUMINSLINEHAN, 7208
PETER T. LAPUMA, 9936
CYNTHIA L. LEE, 7829
TAMMY J. LINDBERG, 8908
BAILEY H. MAPP, 6398
VALERIE E. MARTINDALE, 7836
EUGENE S. MONTANO, 7025
ALLEN R. NAUGLE, 1697
GHITIANA M. OATIS, 5251
KEVIN S. PURVIS, 5498
SARA M. RAMIREZ, 8885
DANIEL E. REISER, 3599
LONDON S. RICHARD, 0137
MELANIE F. RICHARDSON, 1025
RONALD T. RIPPETOE, 6013
KIMBERLY J. ROBINSON, 4492
LAURA J. ROSAMOND, 5435
KENNETH R. RUSSELL JR., 3092
CHERYL S. SCAGLIONE, 0737
ERIC A. SHALITA, 1181
MARK E. SMALLWOOD, 6123
JEANNE K. SMITH, 1871
LISA SMITH, 2800
LAURA R.P. STAHL, 4765
BRIAN K. STANTON, 6550
FRED P. STONE, 8824
JAY M. STONE, 7258
WADE H. WEISMAN JR., 6177
ANDREW P. WIDGER, 4509
ROBERT W. WISHTISCHIN, 5884
MARK C. WROBEL, 3987

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MICHELLE D. ADAMS, 4542
BRIAN D. ANDERSON, 3703
MICHAEL E. BAGWELL, 0374
LISTA M. BENSON, 6478
THOMAS M. BERGMANN, 9998
JEFFREY P. BLISE, 7213
JOYCE K. BORGFELD, 2041
ALLISON W. BOWDEN, 1100
GLORIA S. BOWDEN, 0734
CYNTHIA H. BRADLEY, 9506
PATRICIA A. BROWN, 3421
DARLENE R. BRUNNER, 3217
MARLA D. BUCKLES, 7633
RALPH T. BUDDEMEYER JR., 8715
ELAINA L. CAMPBELL, 3580
JEANNE L. CAMPSIE, 6005
LILLY B. CHRISMAN, 8476
LESLIE M. CLARAVALL, 1705
DEBORAH A. CLEARY, 1089
STEPHANIE A. CONDRON, 4850
GRETCHEN A. CUSACK, 2292
JUDITH M. DALY, 0386
TAMY D. DE LEON, 2069
LORENE R.A. DEHAARTE, 1682
DIANE L. DEYAK, 0053
DOROTHY E. DIZMANG, 9350
LESLIE K. DROEGE, 7198
RICHARD H. EAVES, 7375
MARILEE L. EDWARDS, 7201
JOYCELYN ELAIHO, 8750
HARRIET ERICKSON, 4035
GLENN R. ERMER, 4085
JOSE A. ESTELA JR., 1142
THOMAS J. EVANS, 3966
BETH A. EWING, 8029
JOHN R. EWING, 6488
MATTHEW A. FAGERT, 7708
TOMMI L. GILL, 0296
KATRINA A. GLAVAN, 5685
JORGE L. GOMEZDIAZ, 6135
CARLA K. GRAVES, 9944
ANN K. HAKENSON, 4941
LAURIE A. HALL, 5304
VIVIAN C. HARRIS, 2248
SUSAN L. HEGLAR, 0033
DONNA M. HEITER, 2827
JANE C. HENDRICKS, 0928
MARY M. HIGGINS, 9918
MARK S. HOLLAND, 0631
PATRICIA HUGHES, 3164
ELLIS R. JACKSON, 1616
ANDREW J. JORGENSEN, 0050
JUDITH A. KINCAID, 7921
KAREN M. KINNE, 6819
MAUREEN A. KOCH, 6687
BARBARA L. KUHN, 0069
MOLLY J. KUSIK, 4747
BRIDGET L. LAREW, 9004
MARYBETH S. LENZ, 1063
BARBARA J. LIPPARD, 9850
ROBERT J. MARKS, 5588
BARBARA M. MASON, 6177
TAMARA S. MATTER, 0821
CATHERINE F. MATTIE, 7905
EUGENE A. MCADOO, 0362
SHAE MCCOMAS, 6215
IVONNE Q. MUEHLENWEG, 0991
CORINNE O'MEARA NAUGHTON, 6918
WILLIAM R. OSBORNE, 5717
KELLY R. PRESTON, 7744
CHERYL A. REILLY, 7398
CATHERINE A. RICE, 4314
MARY E. ROBINSON, 0856
SHERRY J. SASSER, 5950
REBECCA SCHLICK, 0366
DENISE R. SCHRADER, 5638
CHRISTINE R. SINKULA, 8285
PATRICIA A. SKELTON, 3797
BEVERLY J. SMITH, 8801
DELAINE R. SMITH, 8638
ROBERT R. SMITH, 8135
STEPHANIE D. SMITH, 8246
ANNE C. SPROUL, 0417
ROBIN E. SQUELLATI, 3646
BRENDA J. STRAND, 2081
CECELIA W. SUTTON, 6731
KELLI J. B. THOMAS, 3868
SANDRA C. TYNES, 0708
RICK L. WADE, 2610
ROSEANNE C. WARNER, 4569
WENDY J. WARNER, 6637
KAREN L. WEIS, 0321
CAROL L. WESTFALL, 7226

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be lieutenant colonel

ROBERT K. ABERNATHY, 2894
EMIL E. ABRAHAM, 4894
WILLIAM P. ACKER JR., 1754
CHRISTOPHER F. ACKERSON, 4869
JOHN P. ADAMO, 5435
BRENT ADAMS, 2446
DONALD R. ADAMS JR., 0216
BONNIE N. ADKINS, 3121
DAVID S. ADLER, 0496
DAVID J. AIROLA, 6827
KEITH A. ALBRECHT, 7739
DAVID J. ALCORN, 2660
GARY E. ALDRICH, 0381
TY G. ALEXANDER, 4655
THOMAS J. ALICATA III, 7903
CARL D. ALLEN, 0656
JARA N. ALLEN, 8312
PATRICK R. ALLEN, 0687
RANDY S. ALLEN, 4874
RUFUS D. ALLEN JR., 5075
KENNETH ALLISON, 0513
RICHARD J. ALLISON, 4887
ELIZABETH O. ALMEIDA, 1293
ROBERT W. ALTON, 6611
ANTHONY L. AMADEO, 2775
WILLIAM J. AMES, 2984
JAMES L. ANDERSEN, 5990
DAVID M. ANDERSON, 3998
DEAN J. ANDERSON, 1187
GEORGE J. ANDERSON, 8713
KEVIN J. ANDERSON, 7203
REID R. ANDERSON, 5009
STEVEN N. ANDRASZ, 2802
KAREN D. ANGELL, 7878
SALVADOR ARANGO II, 1691
MARK A. ARBOGAST, 3917
TIMOTHY J. ARCH, 8492
NINA M. ARMAGNO, 3926
JOHN L. ARMANTROUT, 5144
ERIC R. ARMSTRONG, 2227
MERRILL F. ARMSTRONG, 2879
EDWARD A. ARRINGTON, 6284
WILLIAM H. ARRINGTON III, 9378
MITCHELL B. ASHMORE, 0241
ROBERT T. ATKINS, 8114
DONALD L. ATKINSON, 3814
KORVIN D. AUCH, 7250
JAMES R. AUCLAIR, 4387
CHRISTOPHER S. AUSTIN, 5695
LAWRENCE M. AVERBECK, 7388
DAVID P. AVERY, 2333
JOHN F. AX, 1477
JAY C. BACHHUBER, 3051

FREDERICK C. BACON, 9555
PETER C. BAHM, 9903
THOMAS M. BAILEY, 3569
CALVIN D. BALL, 8134
LLOYD A. BALLARD, 7935
MARTIN P. BALUS, 0220
JOHN D. BANSEMER, 0341
CHRIS BARGERY, 4197
CASSIE B. BARLOW, 9615
BRADFORD R. * BARNETT, 2259
EDWARD C. BARON, 5351
SAM C. BARRETT, 4813
SUMMER E. BARTCZAK, 7689
RICHARD C. BARTON, 1089
RICHARD M. BASAK, 0942
ALISON M. BASINGER, 9451
LORI M. BASS, 4179
TERENCE P. BAUGH, 5319
CATHERINE A. BAUM, 8458
T. W. BEAGLE JR., 8060
JOSEPH V. BEALKOWSKI JR., 9056
CHARLES L. BEAMES, 3913
SETH BEAUBIEN, 2350
ARTHUR F. BEAUCHAMP, 2191
NICKY L. BECKWITH, 7739
WILLIAM P. BEDESEM, 2182
DAVID B. BEEN, 1167
TODD P. BEER, 6412
MARK T. BEIERLE, 1304
JAMES J. BEISSNER, 9014
ANDREW E. BELKO II, 2860
DAVID E. BELL, 2101
RICHARD L. BELL, 3316
LYLE A. BELLEQUE, 5627
RONALD A. BELYAN, 8261
ERNESTO V. BENAVIDES, 4866
GARY D. BENEDETTO, 8693
FRANK K. BENJAMIN, 7849
JOHN T. BENJAMIN, 0130
MARK R. BENZ, 9776
CHRISTOPHER J. BERGER, 9855
ANDERS P. BERGMANN, 8858
JOHN R. BERNIER, 5615
JAMES C. BERRES, 8589
JUAN R. BERRIOSVAZQUEZ, 3998
BRIAN D. BERRY, 3041
HARRY A. BERRY, 4229
JOSEPH J. BESSELMAN III, 0607
MARY E. BIGGS, 7643
JOHN D. BIRD II, 2101
GEORGE W. BIRSIC IV, 7913
JEB S. BISHOP, 6065
SCOTT C. BISHOP, 4864
WILLIAM W. BISHOP JR., 4691
ROBERT C. BLACK, 8339
STEVEN G. BLACKWELL, 0113
JAMES E. BLACKWOOD, 8552
JAMES N. BLAIR, 2187
JEFFREY A. BLANK, 1871
ANTHONY L. BLAYLOCK, 7350
SCOTT C. BLUM, 3429
JOHN V. BODE II, 4421
JAMES T. BOLLES, 5867
RICHARD W. BOLTZ, 7017
JOSEPH M. BOND, 9375
GARY J. BONTLY, 7040
JEFFREY EUGENE BORG, 3138
STACY M. BOUDREAUX, 6554
SCOTT C. BOWEN, 6194
VICTORIA L. BOWENS, 3823
LARRY D. BOWERS, 0627
GARY W. BRANDSTROM, 9924
MARTIN C. BRAUN, 2828
RANDY S. BRAWLEY, 8290
MICHAEL G. BREAKEY, 9079
KENNETH C. BRENNEMAN, 9254
KEVIN N. BREWER, 3750
GORDON D. BRIDGER, 2619
KAREN M. BRIDGES, 2769
GREGORY J. BROARDT, 5556
WILLIAM K. BROGAN JR., 8258
PETER J. BROLL, 2834
KIM R. BROOKS, 8063
TODD A. BROOKS, 5956
JOSEPH E. BROUILLARD, 3396
RANDY P. BROUSSARD, 4296
DAVID W. BROWN, 8993
DOUGLAS M. BROWN, 0546
EUGENE A. BROWN JR., 1083
KELLEY A. BROWN, 4663
LAWRENCE M. BROWN, 1312
ROGER A. BROWN, 6475
RUSS J. BROWN, 5448
STANLEY L. BROWN, 2019
HERALDO B. BRUAL, 1102
ROBERT B. BRUMLEY II, 3882
ALFRED E. BRUNER, 0212
JOHN P. BRYANT IV, 9961
RONALD M. BRYANT JR., 0413
KENRYU M. BRYSON, 2917
DAVID T. BUCKMAN, 6526
MARK C. BUERKLE, 8297
CARL A. BUHLER, 2126
GEORGE R. BUMILLER, 2401
LAURA L. BUNKER, 9008
BONNIE R. BURCKEL, 5514
THORNTON W. BURGESS, 5281
EDWIN I. BURKHART, 3802
WILLIAM E. BURTON JR., 3876
TIMOTHY E. BUSH, 6384
JEFFREY T. BUTLER, 2466
RICHARD J. BUTLER, 0333
JOHN B. BYRD, 8712
CRAIG D. CADY, 4166
GREGORY B. CAICEDO, 5289
TIMOTHY TY CALDERWOOD, 4543
SCOTT R. CALISTI, 5357
DANIEL L. CALKINS, 3353
JAMES E. CALNAN, 2222
MARK D. CAMERER, 6575
CRAIG P. CAMPBELL, 2481
ROBERT C. CAMPBELL JR., 4122
CHRISTOPHER L. CANADA, 6943
WAYNE A. CANIPE, 7281
FELIX A. CAPALUNGAN, 4234
JOHN T. CAPPELLO, 4095
JAMES C. CARDINAL, 9629
JAMES L. CARDOSO, 7195
PATRICIA M. CARPENTER, 8882
MARK T. CARROLL, 9493
AARON G. CARTER, 4450
JOHN A. CARTER, 5155
RICKY E. CARTER, 2261
SUSAN M. CASTRO, 5514
RICHARD R. CASTROP, 0118
GREG M. CAYON, 4447
MICHAEL J. CHANDLER, 6212
DAVID A. CHAPMAN, 0952
THOMAS N. CHEATHAM, 5492
JOHN A. CHERREY, 9090
BRIAN K. CHESHER, 1115
THOMAS J. CHIAVACCI, 3308
CATHERINE M. CHIN, 8993
GREGORY M. CHRIST, 2121
KEL O. CHRISTIANSON, 8000
GREGORY A. CHURCH, 7139
DAVID P. CIENSKI, 4531
SCOTT A. CILLEY, 5520
STEVEN E. CLAPP, 6878
AARON J. CLARK, 5995
JOSEPH M. CLARK, 2852
KAREN S. CLARK, 6455
MICHAEL P. CLARK, 6388
PAUL CLARKE, 0489
ROBERT S. CLARKE, 5810
ALISON E. CLAY, 7859
BYRON K. CLAY, 1843
JAMES J. CLAY, 6885
BRUCE A. CLAYPOOL, 4689
TED B. CLEMENTS JR., 2785
SARAH B. CLIATT, 4733
MARK E. CLINE, 6714
JONATHAN C. CLOUGH, 5379
JERRY R. COATS, 4762
ALFORD C. COCKFIELD, 8188
LAVANSON C. COFFEY III, 1596
JOHN T. COFFINDAFFER, 1726
DAVID M. COHEN, 4650
ROBERT H. COLE, 4698
CYNTHIA B. COLIN, 0715
JOHN E. COLLETTA, 6932
PETER J. COLLINS, 9882
JOHN M. COLOMBI, 6708
JOSE E. COLON, 1407
DOUGLAS C. COMBS, 1002
JAMES P. COMBS, 6620
EDWARD S. CONANT, 7071
CHRISTOPHER CONAWAY, 1642
DAVID H. CONN, 8665
LYNN F. CONNETT, 9622
KEVIN D. CONRAD, 5338
STANLEY K. CONTRADES, 7500
SEBASTIAN M. CONVERTINO, 9143
CHRISTOPHER D. COOK, 7910
DAVID LYNN COOPER, 5563
DEANNA L. COOPER, 6915
GLEN F. COPELAND JR., 0845
WILLIAM P. CORCORAN, 9892
ALLEN B. CORNELIUS II, 4688
STAN CORNELIUS, 0281
DAVID L. COSS, 8147
DAVID A. COURCHENE, 9822
ANDREW R. COX, 0814
CHRIS D. CRAWFORD, 4674
CLAY P. CRAWFORD, 4801
DUANE T. CREAMER, 2261
BRIAN J. CREELMAN, 3467
TY R. CRESAP, 7220
MICHAEL T. CROCKER, 6289
DAVID J. CROW, 8155
WILLIAM H. CUMLER, 5764
SEAN M. CUNNEEN, 2040
GREGORY D. CUNNINGHAM, 7391
THOMAS W. CURBYLUCIER, 5953
DONALD P. CURRAN, 8102
CHESTER R. CURTIS JR., 3030
RUSSELL N. CUTTING, 1210
CHARLES H. CYNAMON, 2423
RICHARD E. CZYZEWSKI, 3828
ROBERT J. DAGUE, 8227
WILLIAM J. DALONZO, 6706
SCOTT A. DALRYMPLE, 6319
PAUL S. DALY JR., 6230
RODNEY B. DAVIDSON, 7461
RICARDO C. DAVILA, 6504
CHARLES E. DAVIS III, 8927
EDGAR F. DAVIS II, 9200
JOHN H. DAVIS, 7690
RANDY J. DAVIS, 4161
JOHANN H. DAVISSON, 7016
ENRIQUE T. DE LA GARZA, 1143
PATRICK K. DEAN, 8768
DAVID S. DEARY, 1306
GARY L. DEATON, 0020
TIMOTHY L. DEAVER, 8813
JON CHASE DECLERCK, 1653
JEFFREY D. DEEM, 4544
MARK P. DEGROODT, 5664
MONTGOMERY C. DEIHL, 0577
CARL T. DEKEMPER, 2155
ROGER A. DELLINGER, 4747
DAVID F. DEMARTINO, 1628
EDWARD B. DENHOLM, 5926
JOHN P. DENN, 1748
DAVID R. DENNING, 3127
STERLING P. DEPEW, 8100
MARK R. DETCHEVERRY, 7687
DEBORAH A. DETERMAN, 7924
PHILIP R. DEVOE, 3445
JOHN P. DEWINE, 9418
CRAIG D. DEZERN, 6802
KEVEN B. DIAMOND, 1045
VICTOR J. DIAZ JR., 0111
DONALD A. DICKERSON, 3167
STEVEN C. DIETZIUS, 9605
MARK W. DILLON, 8742
ROBERT A. DISTAOLO, 4646
WILLIAM A. DODD, 2213
BERNARD DODSON JR., 6011
BRIAN M. DODSON, 5574
JOHN L. DOLAN, 5803
TIMOTHY S. DONOHUE, 4215
PATRICK H. DONOVAN, 3712
RICHARD M. DORAN, 9478
PAUL E. DORCEY, 4769
STEVEN N. DORFMAN, 9668
MARK R. DOTSON, 0390
DAVID D. DOUGHERTY, 5433
CHARLES A. DOUGLASS, 3149
KEVIN H. DOYLE, 9385
BERT L. DREHER, 1059
DEBORAH Y. DRENTH, 1659
JEFFREY J. DRUESSEL, 7552
EMMETT W. DRUMHELLER JR., 0925
DARRELL A. DUBOSE, 4071
JOHN A. DUCHARME JR., 7577
TRENT O. DUDLEY, 8239
PATRICK D. DUGAS, 3906
TODD M. DUGO, 5946
DAWN M. DUNLOP, 7307
PATRICK A. DUNN, 4010
LARRY J. DUVALL, 9319
KARL E. EAGER, 0594
KENNETH L. ECHTERNACHT JR., 9497
NORMAN L. ECKERT, 4729
RICHARD J. EDGE JR., 1604
RONNIE E. EDGE, 2815
STEPHEN G. EDWARDS, 0180
FRANK EFFRECE JR., 1786
DEBORAH A. ELLIOT, 2150
JANON D. ELLIS, 4234
DANIEL J. ELMORE, 4935
RALPH W. EMERSON III, 8140
CHARLES D. ENGEL, 8013
JOSEPH M. ENGLE, 7031
HAROLD W. ENNULAT, 1041
SAMUEL H. EPPERSON JR., 1469
GREGORY A. ESSES, 1300
DANIEL S. EUCKER, 4497
DAVID R. EVANS, 6530
ROBERT D. EVANS, 3779
KRAIG A. EVENSON, 1760
JASON G. EVGENIDES, 6041
FREDERICK L. FAHLBUSCH, 2621
TODD J. FALKENSTEIN, 4096
FREDERICK W. FALLMAN III, 3972
ROBERT J. FALVEY, 1753
HARLAN B. FANGMEYER, 1703
FRANKLIN J. FANNING, 1710
MICHAEL R. FARRAR, 2795
TAMMY E. FARROW, 6477
JOSEPH G. FAWCETT, 9293
TIMOTHY G. FAY, 5555
PAUL E. FEATHER, 9206
VINCENT J. FECK, 9573
MATTHEW R. FENTON II, 9572
MICHAEL C. FERGUSON, 4117
TIMOTHY D. FERGUSON, 4119
RALPH D. FERO, 0992
BARBARA A. FERRA, 2532
THOMAS W. FESSENDEN, 5461
GLENN P. FETTER, 1995
TOD R. FINGAL, 7628
JAMES D. FISHER, 1632
JOHN A. FISHER, 1275
KEVIN J. FITCH, 1822
MICHAEL F. FLECK, 6997
SHAWN R. FLEMING, 4916
WALTER C. FLINT, 9406
MATTHEW W. FLOOD, 0437
JOHN J. FODEN III, 9269
LOUIS A. FOEHRKOLB, 4694
PATRICK F. FOGARTY, 4923
ELDRED J. FOLSE, 1219
SCOTT A. FOREST, 5522
TIMOTHY A. FORSYTHE, 8654
LAWRENCE O. FOUNTAIN, 2678
JEROME M. FOWLER, 5875
PRENTICE N. FOX, 1884
MICHAEL R. FRANKEL, 2361
JEFFREY E. FRANKHOUSER, 5613
ROBERT E. FRANKLIN, 3845
BRIAN S. FRATUS, 6784
BRIAN E. FREDRIKSSON, 8581
TODD M. FREECE, 2263
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MARJORIE A. FULLER, 9859
ROY J. FULLERTON JR., 2631
BARBARA E. FURYKOLSON, 0434
JOSEPH R. FUTCH, 9786
GLENN C. FYFE, 1426
GARY GAGLIARDI, 1397
MARK P. GAGNON, 4511
JOSEPH M. GAINES, 4196
KENNETH A. GAINES, 1798
KEVIN P. GALLAGHER, 8144
MICHAEL E. GANTT, 7003
DANIEL C. GARD, 0996
VON A. GARDINER, 2419
JOHN D. GAREY, 5271
STEVEN D. GARLAND, 3523
LAWRENCE M. GATTI, 1828
FRED W. GAUDLIP, 1019
JOSEPH L. GAUTHIER JR., 8659
AMANDO E. GAVINO, 5802
MARTIN R. GEARHART, 1110
THOMAS W. GEARY, 0247
GREGORY A. S. GECOWETS, 1855
FRANCIS J. GEISER III, 5903
MICHAEL D. GENDRON, 3440
DAVID E. GENEVISH, 5960
CHRISTOPHER R. GENTRY, 6589
KERRY M. GENTRY, 6227
MARK J. GERKEN, 7398
CHARLES S. GERSTENECKER, 8213
PETER L. GETTS, 4746
DAVID M. GIACHETTI, 5269
ANDREW S. GIACONIA, 1295
REX O. GIBSON, 1816
THOMAS L. GIBSON, 0824
JON F. GIESE, 8198
SAMPSON GILBERT, 7566
ROBERT N. GILCHRIST, 9407
GREGORY P. GILETTI, 5200
JENNINGS F. GILLEM, 6986
DAVID L. GILLESPIE, 7364
TERENCE J. GIVEN, 6268
KEITH M. GIVENS, 2149
ALAN R. GLADFELTER, 3597
THOMAS L. GLARDON, 4646
JOHN A. GLAZE, 7459
ALAN C. GNANN, 4598
LEAH F. GOERKE, 1106
ROBERT V. GOERKE, 5727
JAMES R. GOFF, 3719
BRUCE A. GOLDSTEIN, 8677
PAULA A. GOODE, 3709
MARK R. GOODELL, 8439
PATRICK A. GOODMAN, 9326
DAVID J. GOOL, 1115
MICHAEL L. GOOLSBY, 0292
DANIEL B. GORDON, 3282
MICHAEL F. GOSNELL, 9454
TODD W. GOSSETT, 4768
KENNETH A. GOTSKI, 3842
DAVID C. GOULD II, 6560
KEVIN A. GRADT, 9906
WILLIAM E. GRAHAM, 3122
BRADLEY K. GRAMBO, 9116
STEVEN G. GRAY, 9011
CURTIS L. GREEN, 0994
CRAIG R. GREENWOOD, 2662
THOMAS M. GREETAN, 9765
DOUGLAS E. GREGORY JR., 5046
MICHAEL S. GRENKE, 8476
KENNETH C. GRIER, 4285
THOMAS C. GRIESBAUM, 6615
THOMAS A. GRIFFIN, 7697
JAMES L. GRIFFITH, 8805
KEVIN H. GRILL, 9770
DARRYLE J. GRIMES, 6175
LUKE G. GROSSMAN, 0588
BERNARD J. GRUBER, 5166
STEVEN M. GRUPENHAGEN, 0591
JOSEPH T. GUASTELLA JR., 5670
ROBERTO I. GUERRERO, 7894
ROBERT B. GURNER, 6242
TODD C. HACKETT, 6347
DAVID E. HAFER JR., 9959
GEORGE D. HAGY, 5385
SCOTT A. HAINES, 0623
CHARLES H. HAINLINE, 9087
MICHAEL T. HALBIG, 8586
PATRICK J. HALLORAN, 5963
DOUGLAS M. HALSELL, 0634
BRADLEY K. HAMMER, 5248
AMY A. HAMMOND, 5891
WILLIAM E. HAMPTON, 1440
DAVID T. HANAWAY, 2221
THOMAS O. HANFORD, 9221
ELIGAH HANKS, 0559
BRIAN J. HANLEY, 5496
WILLIAM C. HANNA, 7278
JENNIFER M. HARALSON, 9851
MICHAEL A. HARBISON, 2490
JAMES W. HARDIN, 2813
PHILLIP C. HARDING III, 7427
ROBERT E. HARDWICK, 9305
BRUCE E. HARDY, 8902
GERALD J. HARRIS, 9226
JOHN N. HARRIS, 9297
ROBERT A. HARRIS, 2050
WILLIAM C. HARRIS, 3366
HARRY M. HARRISON, 5703
SHAWN D. HARRISON, 0598
ANDREW E. HART, 4730
SCOTT A. HARTFORD, 7402
DANIEL J. HARTIGAN, 6458
TIM D. HARTJE, 9298
JAMES P. HARVEY, 6960
WINIFORD L. HARVEY, 4765
DAVID C. HATHAWAY, 4494
DANIEL J. HAUSAUER, 3487
WALTER E. HAUSSNER, 8407
DOUGLAS L. HAVEN, 9843
KIM D. HAWTHORNE, 9725
JEFFREY E. HAYMOND, 8972
MICHAEL D. HAYS, 6089
RICHARD J. HAZDRA, 4792
DEIRDRE HEALEY, 2552
GLENN H. HECHT, 8293
SCOT T. HECKMAN, 2915
MICHAEL L. HEIDT, 5449
TODD E. HEINLE, 7921
SHARON A. HEISE, 5565
BRUCE T. HELLEN, 0085
PAUL J. HELT, 3600
CHARLES HELWIG III, 0262
GARY W. HENDERSON, 4710
JAMES P. HENDRICKS, 4506
MASAO HENDRIX, 5529
ROBERT J. HENNING, 7221
JEFFREY S. HENRY, 7236
STEVEN L. HENRY, 8610
LISA L. HENRYHAMILTON, 4193
DENNIS F. HENSLEY, 4590
JOHN D. HENSON, 0713
THOMAS A. HENWOOD, 7676
JEFFREY A. HERD, 0119
MARK A. HERING, 2879
SEAN R. HERR, 4487
SCOTT M. HERRICK, 9330
DONALD M. HERRING, 1826
NORMAN B. HETZEL, 4519
PHILIP L. HEZELTINE, 2845
DANIEL P. HICKEY, 7170
JOSEPH C. HICKOX, 8444
JAMES T. HICKS, 8464
ANTHONY C. * HIGUERA, 1226
THOMAS H. HILDERBRANDT, 0440
NATHAN E. HILL, 5404
PETER J. HILL, 1622
JONATHAN C. HINES, 1854
WARREN D. HINES, 1142
ANTHONY G. HINGLE, 2648
ANTHONY K. HINSON, 0299
FRANKLIN J. HINSON JR., 6670
STEVEN T. HISS, 9491
BENJAMIN P. HOBDAY, 4194
ROBERT J. HOCK, 5833
PETER D. HOFELICH, 4258
JAMES J. HOGAN, 7989
ROBERT S. HOLBA, 7545
BENNY D. HOLBROOK, 0133
WILLIAM P. HOLCOMB, 4910
ERIC J. HOLDAWAY, 7800
JONATHAN A. HOLDAWAY, 0166
EDGAR M. HOLLANDSWORTH, 3830
PATRICK R. HOLLRAH, 7657
DENISE M. HOLLYWOOD, 9491
ELIZABETH J. HOLMES, 5202
NANCY G. HOLT, 6426
PHILLIP W. HOOVER, 5329
STEVEN L. HOPKINS, 5698
ANDREW M. HORTON, 4676
MARK F. HOSTETTER, 0967
KEVIN R. HOUDEK, 2708
GERALD L. HOUNCHELL, 9051
RICKEY L. HOUSTON, 2102
RANDALL B. HOWARD, 9261
SCOTT J. HOWER, 1167
KENNETH R. HUBBARD, 3861
DONALD L. HUDSON, 9291
PAUL E. HUFFMAN, 6467
PETER W. HUGGINS, 7809
RONALD C. HUGGINS JR., 6845
JOHNATHAN B. HUGHES, 8686
MICHAEL P. HUGHES, 7152
STEVE D. HUGHES, 6498
HAROLD HUGULEY III, 6206
DOUGLAS W. HUMERICK, 7374
KERRY S. HUMPHREY, 3112
JORJI R. HUNNICUTT, 4400
JOSEPH HUNT, 1348
MARK W. HUNTER, 2319
JOSEPH A. HUNTINGTON, 2680
ROBERT E. HUTCHENS, 5912
SHERYL L. HUTCHISON, 5052
KENNETH J. HYATT, 4648
WILLIAM M. IBINSON, 8239
PETER W. INGENLOFF, 9493
ANDREW D. INGRAM, 0734
BILLY J. C. IRWIN, 1565
ANN L. ISAACS, 5591
WALTER L. ISENHOUR, 0531
GORDON D. ISSLER, 2010
LLOYD W. JACK, 7040
DOUGLAS D. * JACKSON, 6702
KEITH A. JACKSON, 5093
MICHIEL D. JACKSON, 8996
ROBERT E. JACOBSON, 8001
BYRON L. JAMES, 1390
DOUGLAS E. JAMES, 2399
JONATHAN E. JAMES, 4171
THOMAS J. JAMES, 9175
AUSTIN D. JAMESON, 2819
JAMES D. JEFFERS, 7005
CHRISTOPHER B. JELLA, 8060
MARILYN H. JENKINS, 1162
JIM E. JENNINGS, 6989
GREGORY A. JERRELL, 8251
THOMAS W. JETT, 5915
ERIC T. JOHNSON, 8275
JANICE R. JOHNSON, 4026
JEFFREY B. JOHNSON, 5788
JERRY L. JOHNSON, 9007
KARLTON D. JOHNSON, 1058
LEIF C. JOHNSON, 7606
MARK K. JOHNSON, 2107
ROBERT E. JOHNSON, 5132
ROGER G. JOHNSON, 3800
NICHOLAS G. JOHNSTON, 4946
WESLEY R. JOLLY, 0501
CHARLES D. JONES, 9359
CHARLES M. JONES, 8162
DAVID E. JONES, 9456
DAVID W. JONES, 2130
GARY A. JONES, 5200
KEITH R. JONES, 2454
SOREN K. JONES, 3844
BRIAN T. JORDAN, 4134
WILLIAM G. JORDAN JR., 4674
BARBARA J. JORGENSEN, 7627
DAVID A. * JORGENSEN, 5548
JEFFREY J. JORGENSEN, 6759
CHRISTOPHER A. JOSEPH JR., 8185
EDWARD L. JOSLIN, 7153
THOMAS C. JOYCE, 2830
DIMASALANG F. JUNIO, 1173
CHRIS J. KAMPSEN, 9850
PATRICK KANE, 7533
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DAVID A. KASBERG, 7395
STEVEN M. KAUFFMANN, 1173
CHRISTOPHER J. KAUFMAN, 9795
DEREK B. KAUFMAN, 5954
PAMELA J. KAUFMAN, 8530
ROBERT H. S., KAUFMAN III, 9854
DUANE J. KAUTZMANN, 1212
RONALD G. KEARNS, 5073
JOHN W. KEFFER, 4450
WARREN L. KEITHLEY JR., 5563
MATTHEW L. KELL, 1685
CHARLES K. KELLEY, 8726
BRIAN T. KELLY, 3880
MARK D. KELLY, 7221
MARTIN T. KENDRICK, 9586
DAVID M. KENNEDY, 0971
STEPHEN H. KENNEDY, 2523
BRADFORD P. KENNEY, 0845
JAMES E. KENT, 5195
STEVEN D. KEPHART, 0045
RONALD J. KIEKLAK JR., 8985
WESLEY J. KIEL, 6018
MICHAEL KIFER, 0515
JOHN A. KIMBALL III, 9990
STEVEN A. KIMBALL, 4852
GREGORY S. KIMBRELL, 2766
JEFFREY D. KINDLEY, 1716
CURTIS S. KINDRED, 4848
SCOTT A. KINDSVATER, 2670
KYLE S. KINGSFORD, 9851
CHRISTOPHER J. KINNAN, 4100
JAMES A. KIRK JR., 7147
KURT JAY KITTI, 3631
GARY R. KLETT, 2494
MICHAEL T. KLOENNE, 6999
BRETT W. KNAUB, 3626
CLETE W. KNAUB, 7533
CHRISTOPHER G. KNEHANS, 4780
CRAIG J. KNIERIM, 0022
JOHN B. KNOWLES, 8767
DANIEL G. KNOX, 0716
MICHAEL L. KNUDSON, 1100
KORINA L. KOBYLARZ, 4144
MARK P. KOCH, 0726
ROBERT M. KOEHLER, 3513
MARK S. KOOPMAN, 4493
MUSTAFA R. KOPRUCU, 0944
KENTON C. KORAN, 8509
DAVID L. KOVACH, 8967
JOHN W. KRAFT JR., 3632
GEORGE J. KRAKIE, 1542
KEITH R. KREEGER, 8099
JOHN C. KRESS, 0217
NEAL F. KRINGEL, 1950
OLGA M. KRIPNER, 9059
MICHAEL J. KUCHTA, 7030
CHRISTOPHER T. KUGEL, 3516
GARRY L. KUHN, 2369
KYLE W. KUHN, 9558
MARK L. KUNZ, 0394
RUSSELL D. KURTZ, 8297
CARL A. KUTSCHE, 0812
ROBERT D. LABRUTTA, 8291
PETER A. LADEN, 6491
ERIC M. LAGIER, 2063
MICHAEL L. LAKOS, 4538
GEORGE H. LAMONT, 9662
RICHARD A. LANE, 3496
MARK G. LANGENDERFER, 6504
BILLY R. LANGFORD, 7171
JAMES C. LANGFORD II, 9358
TROY V. LANIER, 5686
DAVID N. LARSON, 9400
ERIK S. LARSON, 2865
KELLY J. LARSON, 0803
JON A. LARVICK, 5741
STEVEN G. LAVOYE, 0554
STEVEN B. LAWLOR, 1300
TIMOTHY J. LEA, 0463
KIRK A. LEAR, 4880

TERRENCE A. LEARY, 2961
JONATHAN G. LEATHERS, 0437
GARY J. LEAVY, 6146
LUCY LEE, 7543
PETER A. LEE, 0782
RICKY A. LEE, 9375
ANTONE L. LEFEVRE, 7207
DAVID R. LEHOSIT, 3232
MICHAEL E. LEIGHTON, 5182
ERIC L. LEININGER, 4009
BARRY P. LEISTER, 2160
SCOTT P. LEMAY, 3181
NICHOLAS C. LENTO, 1875
ANDREW W. LESTER, 6160
ROBERT M. LETOURNEAU, 5353
WILLIAM K. LEWIS, 2155
MARK J. LINDHORST, 9838
JEFFERY R. LINSKENS, 8234
STEVEN M. LIPSCOMB, 7733
LAURIE J. LISEC, 2869
STEPHEN W. LISKA, 0887
NANCY A. LIVELY, 5728
BRIAN J. LLOYD, 7156
DONALD C. LOCKE JR., 9667
PHIL LOCKLEAR, 3337
JOHN M. LONGHINI, 5817
JANNETTE T. LOOTENS, 9821
PATRICK A. LOPARDI, 3825
JOHN A. LOPES, 1114
ERIC C. LORRAINE, 7983
GEORGE E. LOUGHRAN, 5186
MARTIN E. LOVATO JR., 6559
RICKY A. LOVE, 0611
THOMAS J. LOWRY, 7380
MICHAEL J. B. LUCIER, 9198
PATRICK P. LUDFORD, 1159
KYLE C. LUNDBERG, 4150
STEVEN R. LUSK, 5823
JEFFREY E. LUTES, 4178
ALLISON G. LYNCH, 6667
MICHAEL S. LYNCH, 2546
BOBBY J. LYONS JR., 2790
JAMES L. MACFARLANE, 2041
JACQUELINE M. MACH, 8279
JEAN MACINTYRE, 7152
RUSSELL L. MACK, 9538
MARTIN L. MACNABB, 2417
DAVID D. MADDOX, 3092
MICHAEL E. MADISON, 1918
JAMES A. MAESTAS, 3736
DAVID H. MAHARREY JR., 2705
DEIRDRE A. MAHON, 4842
TERRENCE W. MAKI JR., 7564
ROBERT L. MANESS, 0114
VICTOR J. MANGES, 5973
THOMAS J. MANGNER, 6410
STEVEN S. MANLEY, 8497
SCOTT E. MANNING, 3674
STEPHEN L. MANSPEAKER, 6792
TIMOTHY H. MARBURGER, 7090
ANTHONY J. MARCHESANO, 6138
CHRISTOPHER S. MARDIS, 1298
JAMES RALEY MAREK, 7934
MICHAEL J. MARES, 1567
KURT M. MARISA, 0872
PETER A. MARKLE, 9522
CHRISTINE R. MARKWARDT, 1153
ROBERT A. MARRAZZO, 6355
MICHAEL P. MARTEL, 5354
GLENN D. MARTIN, 0104
LARRY D. MARTIN, 2690
RONALD K. MARTIN, 1752
SCOTT D. MARTIN, 6788
GREGORY S. MARZOLF, 5184
JOHN T. MASSEE, 7994
RUSSELL F. MATHERS, 7990
KARL S. MATHIAS, 0403
STEPHEN M. MATSON, 1011
LINDA K. MATTHEWS, 0436
KYLE H. MATYI, 6989
CHARLES C. MAU, 4484
JEFFREY W. MAXWELL, 0799
KEITH H. MAXWELL, 8473
DANIEL K. MAY, 8685
SIDNEY F. MAYEUX, 1699
KIRK M. MAYS, 8601
THOMAS J. MAZAIKA, 7948
GREGORY P. MAZZARELLA, 2349
ROBERT S. MCALLUM, 2108
TIMOTHY S. MCARTHUR, 4556
TERRANCE J. MCCAFFREY II, 4033
CHRISTOPHER B. MCCAMMANT, 5278
MICHAEL J. MCCARTHY, 6715
EDWARD A. MCCARTY, 2832
GEOFFREY MCCLENDON, 2322
VICKY L. MCCLENDON, 0051
GARY L. MCCOLLUM, 5519
PATRICK E. MCCORMACK, 9882
BRADLEY K. MCCOY, 7270
ROBERT T. MCCREADIE, 4105
TODD W. MCCULLOUGH, 7208
DENNIS P. MCDEVITT JR., 3612
JOHN F. MCDEVITT JR., 7514
MAURICE D. MCDONALD, 0462
KEVIN A. MCFADDEN, 4049
JOHN P. MCGARRITY, 6290
KEVIN P. MCGLAUGHLIN, 4390
FRANCIS M. MCGUIGAN, 3793
DUNCAN D. MCKENZIE, 3890
JAMES K. MCKENZIE, 3171
PATRICK T. MCKENZIE, 8601
FLOYD A. MCKINNEY, 8197
CHRISTOPHER C. MCLANE, 2282
MICHAEL T. MCLAUGHLIN, 0005
JOHN S. MCLAURIN JR., 5975
JAMES K. MCMAHON, 3885
BENJAMIN S. MCMULLEN, 8491
DEBORAH A. MCMURTREY, 6900
ROGER A. MCNEAL, 9192
MARY E. MCNEELY, 1555
DONALD D. MCQUOWN, 9154
MARY E. MCRAE, 4694
STEVEN E. MCTIER, 4462
CARL G. MCVICKER III, 6659
CECIL A. MEDINA, 9296
MARK S. MEDVEC, 7084
MICHAEL R. MEIER, 5711
ERIC W. MEIERS, 8311
STEPHEN P. MELROY, 0178
GARY R. MELUSEN, 1205
ROBERT K. MENDENHALL, 8463
GEORGE T. MENKER JR., 7223
RODNEY C. MERANDA, 6768
SEAN R. MERCADANTE, 3656
SCOTT C. MERRELL, 4933
ROBERT C. MEYER, 3066
STEPHEN L. MEYER, 5149
GEORGE A. MEYERS, 2635
LEONARD MEYERS, 3910
CHRISTOPHER MICELI, 6512
ROBERT E. MIGLIONICO, 7820
STEPHEN J. MIHALIK, 4403
DOUGLAS B. MILES, 2591
BARRY G. MILLER, 6206
DANIEL R. MILLER, 3729
DAVID A. MILLER, 3801
DOUGLAS R. MILLER, 6015
JOHN G. MILLER, 8655
KEITH S. MILLER, 6246
LAWRENCE M. MILLER, 7447
MARK B. MILLER, 9571
MICHAEL J. MILLER, 3976
TIMOTHY M. MILLER, 9511
VINCENT B. MILLER, 8142
DENNIS W. MILLSAP, 5560
JOSEPH A. MINIOR, 6433
PATRICK G. MINTO, 8385
RAUL T. MIRELES, 4025
SCOTT J. MISCHO, 4173
MICHAEL J. MISENHIMER, 6021
DARRYL G. MITCHELL, 8874
JAMES L. MITCHELL, 1861
MARIAMNE R. MITCHELL, 0243
ROBERT E. MITCHELL, 3380
KURT H. MITTMANN, 6039
PETER H. MIYARES, 1673
THOMAS B. MIZELLE, 1655
DAVID B. MOBLEY, 0223
JOHN E. MOCHOWSKI, 4640
JAY D. MOHEIT, 3844
ANDREW J. MOLNAR, 7098
JOHN F. MONAHAN, 3078
ROBERT E. MONROE, 2887
POLLYANNA P. MONTGOMERY, 3581
RONALD E. MONTGOMERY, 3463
CHARLES L. MOORE JR., 5200
CHRISTIAN E. MOORE, 0762
JASON A. MOORE, 7325
MICHAEL S. MOORE, 0449
ESEQUIEL J. MORA JR., 3939
PATRICK X. MORDENTE, 7087
ALBERTO MORENOBONET, 2987
DAVID A. MORGAN, 2382
JEFFREY W. MORGAN, 5617
ROBERT A. MORIARTY, 9890
MANSON O. MORRIS, 6678
MICHAEL L. MORRIS, 4285
PATRICK C. MORRIS, 6207
SHAUN Q. MORRIS, 5056
TIMOTHY R. MORRIS, 3875
DARYL R. MORRISON, 3930
WILLIAM R. MOSCHELLE, 2512
SANDRA A. MOSCOVIC, 9814
RANDY J. MOSER, 8760
CHRISTOPHER S. MOSS, 1955
NORBERT A. MOTZ, 1797
SCOTT K. MUESSIG, 3475
ROBERT A. MULHERAN, 5208
KENNETH B. MULLIGAN, 2677
BRIAN J. MULLIN, 8357
ANTHONY J. MURCH, 6418
COLLEEN R. MURPHY, 4027
RICHARD M. MURPHY, 9759
RICKY R. MURPHY, 6399
TIMOTHY J. MURPHY, 8267
KENNETH M. MURRAY, 9782
TODD A. NADING, 6876
GARY J. NANFITO, 3752
TRACY J. NASH, 2444
JEFFREY S. NELSON, 2036
LARRY S. NELSON, 3321
JOHN N. NERI, 4827
RUSSELL A. NERO JR., 3814
EDWARD J. NEVERA, 1060
JOHN D. NEWBERRY, 6646
JOHN NICASTRI, 7984
CHRISTOPHER A. NICELY, 7915
DONNA C. NICHOLAS, 5930
CARL W. NICHOLSON, 9507
TIMOTHY P. NICKERSON, 8864
RICHARD A. NOBBS, 4075
SALMAN M. NODJOMIAN, 7434
DANIEL A. NOLLETTE, 6643
THOMAS J. NOON, 8456
PARKER W. NORTHRUP III, 8767
DANIEL E. NORTON, 5921
MARCUS F. NOVAK, 5729
MARK E. NUNN, 0749
CHARLES P. NUSSMAN, 8935
BRET L. NYANDER, 7593
BRIAN E. OAKELEY, 0267
JOHN S. OATES, 6806
GARY W. OBERMEYER, 1194
PRESTON E. OBRAY, 3386
DOMINGO R. OCHOTORENA, 3229
EARL B. ODOM III, 3884
TRACY A. O'GRADY-WALSH, 9906
STEVEN G. OLIVE, 4031
JERALD G. OLIVER, 8476
KIMBERLY A. OLSON, 4577
EDWARD J. ONEAL JR., 7879
SEAN E. ONEAL, 3589
TERRY M. ORNER, 6587
RONALD A. ORTIZ, 7047
DALE E. ORVEDAHL, 0473
JAMES M. OUELLETTE, 1552
MICHAEL T. OUELLETTE, 6113
CHRISTOPHER W. OVERMAN, 8454
JONATHAN H. OWENS, 1016
PATRICK J. OWENS, 8632
SABRINA T. S. OZISIK, 0402
HENRY P. PANDES, 4146
KEITH J. PANNABECKER, 2944
MARK W. PAPEN, 4617
CHARLES H. PAPPAS, 7314
GUY E. PARKER, 4766
GEOFFREY S. PARKHURST, 5482
GEORGE E. PARROTT III, 0160
DAVID W. PARSONS, 7420
GREGORY D. PARSONS, 2768
JAMES R. PASSARO, 0937
CHARLES W. PATNAUDE, 5438
JOHN T. PATRICOLA, 3134
CHRIS B. PATTERSON, 9180
JOHN K. PATTERSON, 2938
RICHARD V. PATTERSON, 7834
MARC E. PATTI, 4335
CREG D. PAULK, 1879
JEFFREY B. PAXSON, 9185
JOHN L. PECKO, 3143
DAVID R. PEDERSEN, 7642
PAMELA M. PEISTRUP, 7569
VERNON L. PEPPERS, 3041
LEE J. PERA, 4160
RICKY D. PERALTA, 3064
JOHN D. PEREZ, 6374
DONALD E. PERKINS JR., 4720
GERALD M. PERKINS, 1899
LEE-ANN PERKINS, 9998
MONTY R. PERRY, 4542
STEVEN F. PETERS, 7356
MICHAEL E. PETERSON, 5458
GORDON D. PHILLIPS, 0369
LISA M. PHILLIPS, 9570
NEAL C. PHILLIPS, 4199
TRENT A. PICKERING, 5527
ERIC J. PIERCE, 9834
GEORGE M. PIERCE II, 3747
TODD M. PIERGROSSI, 4167
BRIAN C. PIERSON, 6083
MICHAEL D. PIETRYGA, 9253
JOHN S. PIGEON, 6923
CHRISTOPHER A. PIKE, 1523
WILLIAM B. PILCHER JR., 8172
ALEXANDER S. PILIPOWSKYJ, 9112
MICHAEL D. PILKENTON, 7494
MARC L. PINCINCE, 8791
JOSEPH M. PINCKNEY JR., 1061
SAMUEL P. PINO, 4975
ANTHONY C. PISO, 6050
LEE T. PITTMAN, 7917
MICHELLE R. PLACE, 4821
JEFFREY M. PLATE, 8193
SCOTT L. PLEUS, 0750
THOMAS C. PLUMMER, 6941
DOUGLAS R. PLYMALE, 9138
VAN L. POINDEXTER JR., 6119
HENRY W. POLCZER, 7928
JAMES D. POOLE, 3776
MICHAEL J. POOLE, 2201
TERRENCE G. POPRAVAK JR., 7096
ALVIN L. PORTER, 4544
KEELY PORTER, 2313
THOMAS J. PORTERFIELD, 8362
BRUCE H. POSTEL, 6461
STEVEN W. POWELL, 8778
PHILLIP R. J. PRATZNER, 0456
AMANDA J. PREBLE, 5869
WILLIAM E. PRENOT, 0803
SHARON J. PRESZLER, 4990
MARY C. PRICE, 0455
STEVEN A. PRICE, 8821
RONALD R. PRINCE, 3036
JERRY W. PRITCHARD, 6249
ROBERT W. PROUHET, 6909
BRADFORD A. PROVENCAL, 3508
PAASHKA E. PROWELL, 4757
MARK D. PRUITT, 1030
MARTHA S. PRUITT, 0340
DAVID C. PTAK, 5282
MARY M. PULLIAM, 6626
ALDON E. PURDHAM JR., 4389
MARTA L. PURVIS, 2921
ALAN R. PYBAS, 7035
JOHN T. QUINTAS, 2479
KEITH M. QUINTON, 4204

JOSEPHINE L. RACICOT, 3401
DONALD J. RAINES, 7398
GEORGE C. RAMEY, 6449
JEFFREY A. RAMMES, 2699
KIMBERLEY A. RAMOS, 2985
MARGARET M. RANALLI, 1354
MARY A. RANDOUR, 2276
GLENN R. RATTELL, 9092
PATRICIA A. RATTERREE, 4695
GREGORY S. RAU, 3662
ROBERT O. RAU JR., 0728
JAMES J. RAVELLA, 4766
THOMAS S. RAY JR., 7205
MARK J. REA, 0425
PETER D. READ, 7511
RONALD D. REAGAN, 9435
DAVID A. REARICK, 8088
MICHAEL D. REED, 3687
THOMAS G. REED, 6014
VICTORIA H. REED, 9703
WILLIAM A. REESE, 4486
MARTIN N. REFF, 6688
DANIEL J. REGAN JR., 7913
JAMES A. REGENOR, 9264
EMIL J. REIMAN, 5868
KENNETH A. REIMAN, 8928
JAMES R. REITZEL, 3363
STANLEY M. RESNIK, 2351
GEORGE J. REYES, 6953
WAYNE M. REZZONICO, 5407
WILLIAM E. RICHARD, 2354
DUKE Z. RICHARDSON, 1509
JOSEPH A. RICHARDSON, 2413
JACK R. RICKMAN JR., 3074
ROBERT Q. RIDEOUT, 9095
DONALD H. RIDOLFI JR., 7595
LARRY A. RIDOLFI, 4769
DAVID M. RIEL, 2325
JANET A. RIELLEY, 4371
HEINRICH K. RIEPING JR., 5541
VINCENT T. RIES, 2280
SHAWN P. RIFE, 5822
BRIAN S. RIGSBY, 6838
GRAHAM W. RINEHART, 5416
EDWARD M. RIVERA, 8677
DOYE P. ROBBINS JR., 0801
MICHAEL G. ROBBINS, 5776
JULIE M. ROBEL, 3233
LESLIE D. ROBERSON, 0187
TONCIE L. ROBERSON, 2467
PETER C. ROBICHAUX, 4488
GARY J. ROBINETT, 9614
BOBBY L. ROBINSON II, 5832
STEVEN M. ROBINSON, 2168
TIMOTHY H. ROBINSON, 7958
LAWRENCE O. ROCHE, 9177
KYLE E. ROCKETT, 9263
RICKEY S. RODGERS, 2227
ERNEST H. RODRIGUEZ, 4501
VICTOR M. RODRIGUEZ, 0662
CHRISTOPHER L. ROEDER, 3788
DONNA M. ROGERS, 1029
MARILYN R. ROGERS, 7302
JOSEPH L. ROMANO III, 4683
JOHN R. ROMERO, 0733
LUIS E. ROSABERRIOS, 9394
DONALD G. ROSE, 0234
PAT A. ROSE JR., 6033
SCOTT A. ROSE, 8222
LEE W. ROSEN, 4556
ROBERT A. ROSENTHAL, 9819
KEITH P. ROSS, 5632
MATTHEW D. ROTONDARO, 3366
WILLIAM G. ROUTT, 9932
MARK E. ROVERSE, 8402
MARBEL C. ROY, 7334
TOMISLAV Z. RUBY, 1736
MICHAEL J. RUSNACK, 4157
JOHN A. RUSS, 1252
ROBERT L. RUSSELL JR., 7251
MICHAEL D. RUSSO, 5127
LINDA B. RUTHERFORD, 7694
SCOTT C. RUTHERFORD, 7593
JAMES P. RYAN, 8476
JEFFREY A. RYAN, 4619
PATRICK T. RYAN, 0507
MATTHEW D. RYERSE, 5318
MELVIN D. SACHS, 8379
JOHN T. SACKS, 6159
SAMUEL R. SAGER, 6522
CLAUDE E. SALCEDO, 5059
DAVID L. SALM, 6806
RICHARD P. SAMUELS, 8302
JOSE A. SANCHEZANDINO, 2374
DAMIAN P. SANDHEINRICH, 2341
EDWIN SANTOS, 6238
NEIL T. SAUVE, 4586
VINCENT SAVINO, 1467
DION SCAGLIONE, 8335
LEIGH A. SCARBORO, 6513
ROBERT S. SCHAAB, 5419
MICHAEL K. SCHAEFFER, 0718
JOHN GEORGE SCHAEUFELE IV, 2227
MARK R. SCHAIBLE, 6471
STANLEY M. SCHALCK, 3301
VALERIE L. SCHALK, 7143
GEORGE P. SCHAUB, 7384
LUKE J. SCHAUB, 4028
WALTER R. SCHENBERGER JR., 8753
TIMOTHY J. SCHEPPER, 3633
BRADLY A. SCHERER, 3067
TODD C. SCHIFF, 8096
MARK E. SCHLICHTE, 7173
RHONDA D. SCHLUMPBERGER, 2202
STEVEN J. SCHLUMPBERGER, 5564
CHARLES R. SCHMETZER, 2441
JOEL B. SCHMICK, 8801
CHARLES L. SCHNARR, 0530
KEVIN B. SCHNEIDER, 2361
ROBERT H. SCHRINK, 2097
JOHN J. SCHULDHEISS, 8670
JIMMIE D. SCHUMAN JR., 9412
DIANA K. SCHUMICK, 4225
MARK D. SCHWALM, 6287
GREGORY J. SCHWARTZ, 9940
KAREN F. SCHWARTZ, 7115
RICHARD P. SCHWING, 2292
COERT C. SCOGGIN, 5162
CHERYL V. SCOTT, 8598
TODD J. SCOTT, 5495
WINFIELD J. SCOTT, 2571
JOHN A. SCOTTO, 1782
TIMOTHY M. SCULLY, 4352
SCOTT D. SEAVERS, 3496
MICHAEL J. SEAY, 7178
JOANNE B. SECHREST, 6128
PAUL F. SEELING, 7326
JEFFREY D. SEINWILL, 5025
GREGORY S. SELLERS, 2578
JOHN M. SEPANSKI, 5870
THADDEUS P. SETTLEMIRE, 8040
GREGORY T. SETTLES, 4161
THEODORE D. SEYMOUR, 7461
FRANK K. SHARP, 6176
CHRISTOPHER C. SHARPE, 3130
JOHN S. SHATTUCK, 4958
DAVID SHELIKOFF, 6506
THEODORE F. SHELTON, 0110
GREGORY W. SHEPPARD, 5215
RICHARD O. SHEPPARD, 7721
SCOTT F. SHERIDAN, 0900
WILLIAM A. SHERMAN, 4806
CHARLES B. SHERWIN JR., 9409
LEE A. SHICK, 8101
CHARLES P. SHIFFLETT, 2231
KENT U. M. SHIN, 1021
RICHARD P. SHIPMAN, 3682
SCOT D. SHIVELY, 6004
KEITH B. SHOATES, 5367
KEVIN A. SHORB, 4667
ROBERT C. SHORES, 2067
STEVEN R. SHULTZ, 8548
JEFFREY R. SICK, 1875
ROBERT M. SIEGLE, 7662
ALAN C. SIERICHS, 3081
RONALD W. SIMMONS, 1484
SCOTT W. SIMMONS, 1875
DANIEL J. SIMONSEN, 5039
MARK H. SIMPSON, 0594
ETHEL E. SINGLETON, 5342
ROBERT S. SITTON, 2904
TIMOTHY D. SKINNER, 6996
STEPHEN J. SKOTTE, 4647
DAVID S. * SLONE, 5608
TIMOTHY W. SMART, 5378
ANDREW J. SMITH, 8707
GREGORY C. SMITH, 6742
JAMES K. SMITH, 9878
JEFFREY J. SMITH, 6370
KARI L. SMITH, 8909
LEROY D. SMITH, 3465
MARK R. SMITH, 4250
MARVIN W. SMITH JR., 4855
MICHAEL P. SMITH, 8561
MICHAEL S. SMITH, 0245
MICHAEL V. SMITH, 8294
PAUL F. SMITH, 7970
SHANE R. SMITH, 5854
STEPHEN C. SMITH, 5521
MICHAEL C. SNEEDER, 1189
JEFFERY S. SNELL, 1839
DANIEL R. SNY, 2824
DAVID G. SNYDER, 1665
THOMAS J. SNYDER, 1343
JOANNA J. SOBIESKI, 0329
JOSE R. SOLIS JR., 6392
DAVID A. SOUTHERLAND, 8368
JOHN W. SPECHT, 6924
JOSEPH S. SPECKHART, 7914
JOEL S. SPEIGHT, 5871
CHARLES F. SPENCER JR., 2023
JEFFREY D. SPENCER, 8054
LANCE H. SPENCER, 9604
LESLEY D. SPRAKER, 0553
JIMMY B. STANDRIDGE, 9145
GREGORY S. STANLEY, 5075
THOMAS R. STANLEY, 1629
CLIFFORD B. STANSELL, 8606
MICHAEL P. STAPLETON, 6919
SHERRY L. STEARNSBOLES, 5566
ROBERT L. STEPHENSON, 2670
WILLIAM B. STEVENSON IV, 3429
ERIC J. STEWARD, 1133
DAWN L. STEWART, 0445
ERIC J. STEWART, 0850
JAMES A. STEWART, 3449
JAMES M. STEWART, 5406
DOUGLAS R. STICKLE, 2118
JILL E. STIGLICH, 7717
HAROLD R. STILLINGS, 0505
MICHAEL J. STINSON, 0869
MICHAEL E. STOCKSDALE, 5646
RICHARD C. STOCKTON, 7653
MARK A. STOKES, 7385
CRISTINA M. STONE, 7697
FERDINAND B. STOSS, 9490
KIRK J. STREITMATER, 6500
ANTHONY STRICKLAND, 0650
RICKY D. STRICKLAND, 0788
DANA E. STRUCKMAN, 9496
JOSEPH A. SUBLOUSKY, 1223
KERRY M. SULLIVAN, 4829
THOMAS A. SUMMERS, 9447
DAVID E. SWANSON, 6216
PHILLIS J. SWANSON, 9459
ESTHER S. SWARTZ, 8843
STEPHEN M. SWARTZ, 3196
DANIEL L. SWAYNE, 4595
JEFFREY R. SWEGEL, 9158
GLENN B. SWIFT, 6861
MICHAEL D. SWIFT, 5880
THOMAS S. SZVETECZ, 0852
STEVEN C. TANNER, 4994
ERNEST S. TAVARES JR., 7936
DOUGLAS J. TAYLOR, 2015
JOHN B. TAYLOR, 3240
MICHAEL K. TAYLOR, 7380
RUSSELL E. TAYLOR, 5365
WILLIAM J. TAYLOR, 0753
DAVID L. TEEL, 3612
CRAIG J. TEFT, 5877
JOHN G. TERINO, 8206
TERRY W. TERWEE, 9479
THOM H. TERWILLIGER, 0065
DAVID H. THARP, 5004
MICHAEL L. THERIANOS JR., 5856
KURT E. THIELEN, 2084
ANTHONY C. THOMAS, 0112
GAYLORD Z. THOMAS, 8408
JAMES P. THOMAS, 8014
TIMOTHY M. THOMAS, 7013
BILLY D. THOMPSON, 5592
BRADLEY P. THOMPSON, 8543
JOSEPH J. THOMPSON III, 0847
ROBERT T. THOMPSON JR., 3929
RONALD E. THOMPSON JR., 8563
WILLIAM A. THOMPSON, 3031
DAVID A. THOMSON, 6718
ERIC M. THOMTON, 6486
JULIAN E. THRASH, 2540
PATRICK S. TIBBETTS, 7461
KEVIN B. TIBBS, 5312
MARK A. TIDWELL, 8949
JON B. TIGGES, 9902
STEVEN R. TIMMONS, 9513
CHRISTOPHER L. TIPSWORD, 4739
NATHAN A. TITUS, 8697
JOHN C. TOBIN, 9224
KEVIN L. TODD, 4747
DOUGLAS S. TOLBERT, 9702
BRIAN W. TONNELL, 5939
JODINE K. TOOKE, 4414
THOMAS J. TOOMER, 8652
EDWARD M. TOPPS, 6951
ROBERT J. TORICK JR., 0472
TIMOTHY C. TORPEY, 5061
JOSE L. TORRES JR., 4368
ANDREW J. TOTH, 8283
ROBERT P. TOTH, 2829
KHANH C. TRAN, 0215
ARTHUR B. TRIGG, 9185
EUGENE E. TRIZINSKY, 4227
SCOTT D. TROTTER, 3301
MARK A. TRUDEAU, 2114
GEORGE R. TRUMBULL, 8546
DAVID J. TUBB, 8222
GIOVANNI K. TUCK, 5957
THOMAS W. TUCKER, 3724
WILLIAM S. TULLY JR., 2096
SCOTT M. TURNER, 6718
SHAUN B. TURNER, 3454
STUART L. TURNER, 7715
LINDA A. TYREE, 8426
ROGER T. TYREE, 8520
JON H. ULLMANN, 0220
JASON P. ULM, 2457
CARL F. UNHOLZ JR., 1735
RALPH E. URCH, 4814
KARON L. UZZELL-BAGGETT, 0890
DARRIN M. VALHA, 0069
FREDERICK W. VANCLEAVE, 4393
STEPHEN S. VANDERHOOF, 9810
PETER L. VANDEUSEN, 0613
ROLAND K. VANDEVENTER, 3707
MICHAEL A. VANDOREN, 6747
GLEN D. VANHERCK, 8276
FRANK L. VANHORN, 4824
JAMES A. VANLOBENSELS, 8493
DONALD A. VANPATTEN, 0281
PETER L. VANVLECK, 3689
MARK G. VARAN, 5164
EDGAR M. VAUGHAN, 7414
CHRISTOPHER M. VEAZIE, 0119
JANE M. VESPERMAN, 7762
HUGH S. VEST, 0480
MARK K. VIDMAR, 5943
XAVIER C. VILLARREAL, 3576
ROGER M. VINCENT, 0911
JEFFERY A. VINGER, 9591
MICHAEL D. VLK, 7896
MICHAEL G. VOLLMUTH, 9733
WILLIAM T. VOLZ, 7160
RICHARD M. VROEGINDEWEY, 0415
DANIEL J. WAGNER JR., 6238
ROGER L. WAGNER, 8236
JAMES D. WALKER, 0401

LARRY S. WALKER, 1131
ROBERT J. WALLACE, 7577
SCOTT A. WALLACE, 6041
ANDREAS W. WALSH, 1986
ANNA M. WALTERS, 0398
CHRISTINA N. WALTON, 7495
BENJAMIN F. WARD, 5843
MICHAEL J. WARD, 1058
TERRY WARD, 0284
WILLIAM M. WARD, 6758
WILLIAM W. WARDEN, 9567
BARRY G. WARDLAW, 9570
PAUL R. WARREN, 7921
BENJAMIN C. WASH, 2160
ESAU N. WATERS, 2733
PATRICK D. WATHEN, 8985
DARREL R. WATSEK, 4987
BRUCE A. WATSON, 0823
DANNY J. WATSON, 0861
BRUCE K. WAY, 7690
MICHAEL WEBB JR., 1375
JANINE T. WEBER, 9866
LINDSAY R. WEBER, 3196
MICHAEL R. WEEKS, 7726
HAROLD S. WEIMER, 5735
ALISON M. WEIR, 4032
BARTHOLOMEW W. WEISS, 6141
PATRICK G. WELCH, 2514
DOUGLAS E. WELLS, 3367
THOMAS M. WELLS, 0770
RANDALL J. WELP, 0432
CRAIG J. WERENSKJOLD, 8974
JAMES L. ROY WERTZ, 2660
HERBERT H. WESSELMAN, 9051
JAMES J. WESSLUND, 7616
EVIN R. WESTEREN, 5970
ROGER H. WESTERMEYER, 0028
CHARLES J. WETTERER, 3296
ROBERT J. WETZEL, 6539
BENJAMIN WHAM II, 4532
JEFFREY L. WHIDDON, 8875
MARK S. WHINNERY, 8161
ANDRE P. WHISNANT, 3916
DAVID E. WHITACRE, 7976
ANDREW B. WHITE III, 9470
ANDREW W. WHITE, 7702
EARL R. WHITE JR., 3729
CHET L. WHITLEY, 0635
MARK S. WHITMIRE, 1595
STEVEN D. WHITNEY, 7007
DAVID R. WHITT, 6737
ROBERT E. WICKS JR., 6456
ALAN J. WIEDER, 2174
DAVID P. WIEGAND, 2268
GINGER L. WIERZBANOWSKI, 8274
LESLIE K. WILFORD, 9808
DAVID S. WILKINSON, 0109
DAVID L. WILLARD, 0163
ALBERT C. WILLIAMS II, 9314
CALVIN WILLIAMS, 1850
JOHN D. WILLIAMS, 2774
STEPHEN S. WILLIAMS, 1480
DAVID G. WILSEY, 6355
BRIAN C. WILSON, 0590
BRIAN D. WILSON, 1907
KURT DANIEL WILSON, 4504
RUSSELL A. WILSON, 0501
GLENN R. WINKLER, 4259
CURTIS M. WINSTEAD, 0458
ROBERT J. WINTERSTEEN, 6108
JUDITH A. WISER, 9939
ROGER J. WITEK, 3021
RANDY L. WITHAM, 6906
JAMES R. WITTER, 2491
LATISHIE L. WODETZKI, 6125
GARY M. WOLFE, 7403
PAMELA J. WOLOSZ, 9380
MARSHALL S. WOODSON, 0515
SANDRA G. WORTMAN, 7216
CHRISTOPHER P. WRIGHT, 9534
DAVID A. WRIGHT, 7945
RICKY L. WYATT, 1633
MICHAEL J. YAGUCHI, 3132
HIROSHI T. YAMAGUCHI, 6866
ROBERT T. YARBOROUGH, 5140
GEORGE W. P. YORK, 5134
SARAH E. ZABEL, 6883
JOSEPH A. ZAHN, 2048
GEORGE A. ZANIEWSKI, 3998
ANTHONY E. ZARBANO, 8748
KENNETH R. ZATYKO, 0093
FREDDIE D. ZAYAS, 1296
MARK A. ZILLI, 0924
MICHAEL E. ZOLLER, 4065
ANTHONY J. ZUCCO, 7633

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

DONALD E. EBERT, 3766

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

To be colonel

CLIFFORD D. FRIESEN, 4412 MC

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

GREGORY A. BROUILLETTE, 9930

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE JUDGE ADVOCATE GENERAL'S CORPS (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

AMY M * BAJUS, 9543
CHRISTOPHER W * BEHAN, 9008
ROBERT W * BEST, 5226
LOUIS A BIRDSONG, 8569
GREGORY R * BOCKIN, 4243
ROBERT D * BROUGHTON JR., 8643
SUSAN J BURGERHETZEL, 0505
HEATHER L * BURGESS, 7387
PAULETTE V * BURTON, 6096
DAVID T * CLUXTON, 5595
JOHN H CRADDOCK, 4124
MICHAEL A * CRESSLER, 2964
DANIEL Z CROWE, 4079
STEVEN P * CULLEN, 3184
GAIL A CURLEY, 9838
DAVID E * DAUENHEIMER, 3337
CHERYL A * DUPRAS, 6065
GREGG A * ENGLER, 7228
TODD P * FEDERICI, 1965
ANTHONY E * GENTRY, 9535
PETER C GRAFF, 5440
RICHARD L * HATFIELD, 7323
KIMBERLY S * HERNDON, 2179
MICHAEL K * HERRING, 6777
JONATHAN * HOWARD, 4361
JOHN T HYATT, 0091
CHRISTOPHER W * JACOBS, 7956
YOLANDA M * JAMISON, 3113
CARL A * JOHNSON, 3783
CHARLES T * KIRCHMAIER, 9976
RICK S * LEAR, 7802
DION LYONS, 6123
JOSEPH M * MASTERSON, 1350
JOHN F * MATLOCK, 9574
TOBY D * MCCOY, 8224
DAVID E * MENDELSON, 3730
MATTHEW M MILLER, 4777
RUSSELL L * MILLER, 5361
PHILIP C * MITCHELL, 0510
JOHN C * MOORE, 1556
JOHN L * MUEHLHEUSER, 5893
MICHAEL E * MUELLER, 0621
ROBERT T * PENLAND JR., 3057
CHARLES C POCHE, 8557
KRIS R * POPPE, 6573
EDWARD C REDDINGTON, 9021
PAUL E * REYNOLDS JR., 9851
LUIS O * RODRIGUEZ, 6570
JOHN T * ROTHWELL, 6927
MICHAEL J * RUDKIN, 0836
MICHELLE L * RYAN, 9914
KENNETH W * SHAHAN, 7075
JAMES W * SMITH III, 9625
WILLIAM D * SMOOT III, 9863
SCOTT E * STAUFFER, 5325
BRADLEY G * SUTERA, 1996
KURT A * TAKUSHI, 0163
JOSEPH B * TOPINKA, 1557
JAMES L * VARLEY, 6915
ROBERT P * VASQUEZ, 9398
FRANCISCO A * VILA, 2775
THOMAS D * WHITE JR., 8223
ANTOINETTE * WRIGHTMCRAE JR., 2291

CONFIRMATIONS

Executive Nominations Confirmed by the Senate February 27, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. STEVEN R. POLK

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN R. BAKER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

LT. GEN. LANCE W. LORD

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

AIR FORCE NOMINATION OF DAVID E. BLUM.

AIR FORCE NOMINATIONS BEGINNING JAMES C. COOPER II AND ENDING JOHN J. KUPKO II, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

AIR FORCE NOMINATIONS BEGINNING LINDA F. JONES AND ENDING ROBERT J. KING, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATION OF DAN ROSE.

AIR FORCE NOMINATIONS BEGINNING DOUGLAS W. KNIGHTON AND ENDING ROBERT J. SEMRAD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING RICHARD E. HORN AND ENDING MARK A. WEINER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

AIR FORCE NOMINATIONS BEGINNING VINCENT G. DEBONO, JR. AND ENDING AMY M. ROWE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING KATHRYN L. AASEN AND ENDING JUSTIN N. ZUMSTEIN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING *MELISSA A. AERTS AND ENDING RICHARD M. ZWIRKO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING TODD E. ABBOTT AND ENDING STEPHEN J. ZIMMERMANN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING *KIRBY D. AMONSON AND ENDING *DALTON P. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING SANDRA G. MATHEWS AND ENDING MARGARET M. NONNEMACHER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING REBECCA A. DOBBS AND ENDING MAX S. KUSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING ERNEST H. BARNETT AND ENDING RONALD W. SCHMIDT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING SANDRA H. ALFORD AND ENDING FRANCIS C. ZUCCONI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING RAUL A. AGUILAR AND ENDING GILBERT L. WERGOWSKE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

AIR FORCE NOMINATIONS BEGINNING LARRY W. ALEXANDER AND ENDING CLAUDIA R. ZIEBIS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 29, 2002.

ARMY NOMINATION OF LESLIE C. SMITH II.

ARMY NOMINATIONS BEGINNING FRANKLIN E. LIMERICK, JR. AND ENDING GARY J. THORSTENSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

ARMY NOMINATIONS BEGINNING DARLENE S. COLLINS AND ENDING MICHAEL J. WAGNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

ARMY NOMINATIONS BEGINNING GARY J. BROCKINGTON AND ENDING DONNA M. WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

ARMY NOMINATIONS BEGINNING MARIAN AMREIN AND ENDING STEVEN M. WALTERS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J. ABBLITT AND ENDING CARL J. WOODS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

MARINE CORPS NOMINATIONS BEGINNING DONALD A. BARNETT AND ENDING NICOLAS R. WISECARVER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

MARINE CORPS NOMINATIONS BEGINNING ALBERT R. ADLER AND ENDING PETER D. ZORETIC, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.

NAVY NOMINATIONS BEGINNING GREGORY W. KIRWAN AND ENDING MATTHEW M. SCOTT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2002.

NAVY NOMINATIONS BEGINNING MICHAEL J. ADAMS AND ENDING SCOTT A. SUOZZI, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 5, 2002.

NAVY NOMINATION OF JOHN J. WHYTE.

NAVY NOMINATIONS BEGINNING KELLY V. AHLM AND ENDING THOMAS A. WINTER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.

NAVY NOMINATIONS BEGINNING RENE V. ABADESCO AND ENDING MARK W. YATES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 11, 2002.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my district on Tuesday, February 26, 2002, and I would like the record to indicate how I would have voted had I been present.

For rollcall vote No. 39, the bill to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked, I would have voted "yea."

For rollcall vote No. 40, the resolution expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyiragongo volcano on January 17, 2002, and supporting an increase in the amount of assistance provided by the United States to the people of the Democratic Republic of the Congo I would have voted "yea."

RETAINING A STRONG AND HEALTHY STEEL INDUSTRY IN U.S. IS A MUST

HON. RALPH REGULA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. REGULA. Mr. Speaker, I would like to commend the President for initiating his three-prong program to address the steel import crisis. This crisis, caused by a worldwide over capacity of steel making is slowly destroying our domestic steel industry. The increased level of imports, often subsidized by foreign governments, keeps driving steel prices down. Not even the most efficient steel mills in the U.S. are able to make money when steel is priced so low. As of this week, thirty-one steel companies have declared bankruptcy and over fifty steel-making and related plants had been shut down.

The President's steel plan includes the Section 201 investigation initiated last June and efforts to negotiate a reduction of worldwide steel making capacity with foreign nations. The key element in the President's plan is the 201 investigation. The International Trade Commission (ITC), which completed the 201 investigation last fall, unanimously found that the level of steel imports coming into the U.S. was injuring the domestic steel industry. Now it is up to the President to implement a meaningful remedy. The industry and its workers are asking for at least 40 percent tariffs across the board. Tariffs would provide the most immediate relief to the industry allowing prices to recover. Tariffs would also send a clear message to our trading partners that this U.S. is not the dumping ground for all the world's excess steel.

Our steel companies need a "time-out" from the constant flow of low-priced imports. Strong tariffs will provide such a "time-out." Domestic steel companies and their workers have downsized and restructured and they continue to do so. One example is Republic Technologies International, which has facilities in my Congressional District. Republic had to file for bankruptcy protection. In order to keep operating in this very difficult market, all workers had to take a 15 percent pay reduction and additional cost cutting measures are being implemented to reduce costs another 20 percent. Overall employment has fallen by 20 percent recently. The type of 201 remedy will directly impact how Republic will be able to restructure and come out of bankruptcy. If the President implements a strong remedy, investor confidence will increase and Republic will be able to preserve more jobs as it restructures. If the President imposes a weak remedy, Republic may face significant job cuts during its restructuring.

As steel mills close, it is not just the steelworkers and their families that suffer. Steel company retirees will lose their retiree health benefits in many instances. Furthermore, every steelworker supports more than three jobs in other industries, from workers who make production equipment to those who process raw materials and move the steel products to market. Steel communities are also impacted by the loss of steelworker jobs because people buy less groceries and use less services. It is imperative that we retain a strong and healthy steel industry in the U.S. not only for our economic well-being but also to supply our national defense needs.

IN SUPPORT OF INTERNATIONAL FAMILY PLANNING FUNDING

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Ms. HARMAN. Mr. Speaker, I rise in strong opposition to the Administration's decision to withhold funds already appropriated for the United Nations Population Fund (UNFPA).

Last year, after extensive negotiations between Congress and the Bush Administration, Congress passed and the President signed the FY02 Foreign Operations Appropriations bill, including $34 million for UNFPA.

The decision to withhold funding from this vital program was founded on the mistaken belief that UNFPA supported forced abortion in China.

This decision is part of a disturbing trend of anti-choice opposition within the Administration to any type of family planning funding. This funding is vital to women's health and vital to sustainable international development, and the President should reverse this decision immediately.

I would like to remind my colleagues that since 1973 no U.S. dollars have been used to pay for the performance of an abortion as a method of family planning or for involuntary sterilizations overseas—none.

Turning UNFPA funding into a debate about abortion does a disservice to the millions of women throughout the world who do not have access to the health care and reproductive services, education and treatment that is available to women in this country.

The World Health Organization estimates that close to 600,000 women die each year of causes related to pregnancy or childbirth. Three hundred fifty million women in developing countries don't have access to safe and effective family planning methods. More than 600,000 infants become infected with HIV each year worldwide. These statistics are appalling. How can we possibly claim to be working to prevent the spread of HIV if we do not offer counsel and education in family planning?

UNFPA is the largest international source of population assistance to developing countries, often working in countries where few others go, such as Vietnam. UNFPA does not fund abortion in China and its program there is rigorously monitored to ensure that it does not support coercion in any form.

We cannot allow yet another issue to get caught up in abortion politics. We have the chance to really make a difference for millions of women worldwide. Let's give women the opportunity to make informed and educated decisions about their reproductive health. Mr. President, reverse the decision to withhold UNFPA funds.

INTRODUCTION OF THE PAUL REVERE FREEDOM TO WARN ACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ISRAEL. Mr. Speaker, on the evening of April 18, 1775, Paul Revere bravely went out into the Massachusetts night to warn his fellow patriots of a threat they faced.

The tyranny of the time dictated that if caught, Paul Revere would be hanged; he rode that night knowing that if caught, he would die.

Today we have other Americans who take risks that are just as real to preserve our liberty. These brave men and women risk their jobs, their livelihoods, to ensure our safety.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

They are fighting for us. And so the least we can do is fight for them.

I didn't come here to Washington to fight for the special interests. I came here to make sure the little guy was protected.

In today's climate, we face new threats, threats of life and death. And despite these threats, there are still powerful interests that try to hide their mistakes and negligence rather than protect the public.

When there are powerful interests trying to hide what they are doing, we have found that there is always a brave soul willing to step up and take the heat. We have seen that with the FAA and airline security. We have seen some of that with Enron. And yes, we saw that with the brave whistleblowers I met with this morning. They each stood up and fought for what was right and just.

And all of them faced real heat and the intimidation that too often comes along with doing the right thing. All too often that heat isn't fair, and in fact, isn't even legal.

The law is clear: according to the Lloyd-LaFollette Act, employers can't interfere with whistleblowers. Unfortunately, while the law is clear, it doesn't have any penalties if the act is violated. It has no teeth; it is like Paul Revere without a voice. The Paul Revere Freedom to Warn Act, which I will be introducing later today, protects employees who blow the whistle by allowing them to bring a civil action in federal courts with jury trials.

These people have three years to bring these actions for lost wages and benefits, reinstatement, costs and attorney fees, compensatory or punitive damages, and any other relief that the courts believe are appropriate.

This is just common sense; if something is against the law, then there has to be a price to pay if you violate the law.

Mr. Speaker, it is time for us all to stand up for the whistleblowers. They are the true patriots, and I want to thank them, salute them, and help them by introducing and passing the Paul Revere Freedom to Warn Act.

I would like to thank the Government Accountability Project (GAP). In particular, I want to thank Tom Devine and Doug Hartnett, for constantly keeping the issue of whistleblower protection before Congress.

The price of liberty is eternal vigilance, and even though they only represent whistleblowers, they too serve as modern Paul Reveres through their work.

The Government Accountability Project has been a very effective partner in laying the groundwork for this necessary legislation.

TRIBUTE TO THE HONORABLE JOHN W. GARDNER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Ms. ESHOO. Mr. Speaker, I rise to pay tribute today to a distinguished Californian and a great American, John W. Gardner, who died at the age of eighty-nine on February 16, 2002. He leaves his wife of 67 years, Aida, and his two daughters, Stephanie Gardner Trimble and Francesca Gardner. He also leaves two granddaughters, two grandsons, two great-grandchildren and a brother, Louis.

John W. Gardner was born in California in 1912. A true American hero, he devoted his life to public service, pioneering the modern movement for citizen activism, campaign finance reform and healthcare for the needy.

A 1935 graduate of Stanford University, John Gardner went on to earn a doctorate in psychology from the University of California, Berkeley. He taught psychology at Connecticut College and Mount Holyoke and was later named Haas Centennial Professor of Public Service at Stanford.

John Gardner served under six U.S. Presidents including President Lyndon B. Johnson who named him Secretary of Health, Education and Welfare. A Republican, Mr. Gardner believed good ideas transcended partisanship, and as Secretary, he initiated and implemented many of the programs in President Johnson's War on Poverty. He developed many of these innovative ideas during his decade as President of the Carnegie Corporation.

After leaving government service, Mr. Gardner continued to serve the public. In 1970 he founded Common Cause, a prominent citizens' watchdog organization that remains a powerful political force today. John Gardner was also cofounder of Independent Sector, a philanthropic coalition of over six hundred corporate and nonprofit organizations.

Inspired by his commitment to public service, both Stanford and U.C. Berkeley have established a successful public service fellowship in his honor. Modeled after the White House Fellows Program which Gardner designed, the John Gardner Fellowship in Public Service serves as a critical launching pad for graduating seniors looking to pursue a career in public service.

When the House passed Campaign Finance Reform in the early hours of February fourteenth, it was John Gardner whom I thought of first because no one did more or spoke more eloquently about the need for this critical reform. Frequently referred to as the "father of campaign finance reform," he was appointed by President Clinton as co-chairman of the Campaign Finance Reform Commission. The American people owe an enormous debt of gratitude to this extraordinary individual for his leadership, his commitment and his vision.

Mr. Speaker, I ask my colleagues to join me in paying tribute to this exceptional man and extend our condolences to his wife and family. We are a better community, a better country and a better people because of John W. Gardner.

IN HONOR OF MOTHERS' VOICES—UNITED TO END AIDS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. NADLER. Mr. Speaker, I rise today to congratulate Mothers' Voices on the occasion of its 10th anniversary. Mothers' Voices is an organization of mothers and supporters, based on Manhattan's West Side, that works to educate our families about the prevention of HIV/AIDS and to advocate for creative and effective public policy to stem the tide of this devastating epidemic.

While the rate of HIV/AIDS infection among young people under 25 continues to climb, it is increasingly necessary to mobilize our entire community to expand education and prevention programs. Despite the advancements in research and treatment of AIDS, the statistics on the rate of infection are disheartening. The Centers for Disease Control recently announced that the HIV/AIDS infection rate for the U.S. has risen by 8 percent in the last year alone. New York had the highest rate of increase, at 47 percent. Approximately half of the 40,000 new HIV infections occurring annually in America are in young people under the age of 25. Every hour of every day, two Americans between the ages of 13 and 24 become infected with HIV. The CDC report recommends the need for community-based outreach and education, like the programs offered by Mothers' Voices. As an organization of parents, Mothers' Voices has the unique ability to educate young people about the devastating consequences of HIV/AIDS. Under the leadership of President Suzanne Benzer and Executive Director Carol Henry, Mothers' Voices has worked to inform the public about the deadly effects of HIV/AIDS and how to properly prevent infection.

As the toll of HIV/AIDS on our families and communities mounts higher and higher, it is imperative that Mothers' Voices keeps working to provide educational outreach and advocacy. I wholeheartedly congratulate Mothers' Voices for ten successful years of educating our families, raising awareness and advocating for our children's health and well being.

A TRIBUTE TO THE RECIPIENTS OF THE FIRST ANNUAL CHILDREN AND FAMILIES HEROES AWARD

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. FARR of California. Mr. Speaker, I rise today to honor the recipients of the First Annual Children and Families Heroes Award from Santa Cruz County. These men and women have all invested time and energy in numerous endeavors designed to improve the welfare of children. Along with the Children & Families Commission, I would like to recognize them for their commitment and service to our community.

The Santa Cruz County Board of Supervisors established this commission in 1998 to determine the best practices to promote the welfare of children. The commission has strived "to ensure that family-friendly services and education are available so that each child reaches the fifth year of life, healthy, ready and able to learn, and emotionally well developed." Through promoting the ideas of healthy and school ready children, as well as strong families in combination with facilitating community discussions, task forces, surveys and data analysis, the commission continues to preserve the future viability of the nation.

I applaud the commission for its work and for its recognition of individuals in the community who promote the welfare of children. In honoring these individuals we realize that the goals of the commission could not be met without the support and leadership of countless members of the Santa Cruz County community.

I join the Children and Families Commission in congratulating the following recipients for their commitment to improving the lives of children in Santa Cruz County: Dr. Salem Margarian, Laurie Hester, Mountain Community Resources, Terry Jimenez, The Beck Family, Sara Wood Smith, Maria Cristina Negrete, Special Parents Information Network, Rita Mori, Marcia Meyer, Una Baer, Ana Granados, Catherine and Martin Newman, Julie Olsen Edwards, and Luis Villacreces. These individuals and organizations demonstrate the ongoing need to promote child welfare programs.

NATIONAL CENTER FOR SOCIAL WORK RESEARCH ACT

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RODRIGUEZ. Mr. Speaker, I rise today to acknowledge the hard work and dedication of social workers across the nation. This Friday, March 1st, marks the start of the National Professional Social Work Month. I encourage Members to take this opportunity to reach out to social workers in their local communities.

Social workers are an integral part of the safety net fabric woven to support the most vulnerable in our community—children, senior citizens, victims of violence. Every day, social workers are on the front lines coordinating services and ensuring individuals have their basic needs of food, shelter, and health care met. On the local level, they can be found in elementary schools, nursing homes, children's and veteran's hospitals, and a variety of service agencies. On the national level, they advocate for better social welfare policy through organizations like the National Association of Social Workers.

Through their work, social workers promote healthier and stronger communities, and their experience puts them in a unique position to provide valuable research information on how to address societal challenges. However, the bulk of research addressing these complex social issues has produced clinical and empirical data that is difficult to translate into effective policy solutions. The Social Work Research Center would provide a venue for this research to be coordinated and disseminated to Congress and the public.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, it is difficult to coordinate or consolidate these critical activities. Furthermore, for the data we do have, there has been neither an overall assessment of need nor the opportunity to translate the data into effective policy recommendations. For this reason, I strongly believe in the creation of a National Center for Social Work Research within the National Institutes of Health. This proposal has received widespread support from the community and bipartisan support in Congress.

Mr. Speaker, the establishment of a National Center for Social Work Research would result in improved behavioral and mental health care policy proposals for our nation's children, families, and elderly.

I urge my colleagues to support the establishment of this Center and cosponsor the National Center for Social Work Research Act.

REMEDY SELECTION FOR THE 201 STEEL INVESTIGATION

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. CALLAHAN. Mr. Speaker, within the next few days the President will make a decision on the appropriate course of action in response to the International Trade Commission (ITC) findings on steel imports. I am grateful to the President for addressing this matter and hope he will stay the course on the issue of steel imports and keeping our trading partners interested in negotiations on global overcapacity reductions.

Steel is an important part of the economy in Alabama. There are over 20,000 jobs directly tied to steel in our state. Alabama is home to some of the most efficient steel makers in the world. A mill in my district can turn scrap into high grade steel in a matter of hours. It can supply steel for ship building as well as a number of other products from street lights to bridges.

All the steel companies in the U.S. are suffering. The accepted reason for this downturn is the overproduction of steel world-wide. The ITC and our trading partners agree there is a real problem. Everyone recognizes that global over capacity is the root cause, and we are meeting with other steel producing nations to do something about it.

But the solution will take years to develop, and in the meantime the open borders of the U.S. are drawing a lot of this overcapacity and damaging our domestic industry. In the short run we need to stabilize the domestic market, while continuing global trade talks.

A four-year time out, is not a lot of time to correct this situation. The steel industry has asked for a four-year tariff starting at 40 percent. Each year that tariff will be reduced. This tariff will do two things, first it will send a message that we are very serious about this problem, and second it will demonstrate that these trade talks are not for show. I am reasonably certain that the talks would not be so well attended without the threat of tariffs.

This tariff will allow the U.S. market to stabilize and provide time to see if these global talks will bear fruit. The President should provide this assistance, which is perfectly legal under the WTO, and which is necessary to bring some stability to the steel markets.

The U.S. steel industry underpins our basic manufacturing base. We need to be very careful about allowing an industry that is so essential to our infrastructure and security to be unjustly damaged. I hope the President will do the right thing and use the tools provided in the WTO to give some breathing room to the domestic industry. I will support him in a strong action.

PAYING TRIBUTE TO CHRIS PARMETER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to Chris Parmeter, a Colorado Division of Wildlife officer, whose courageous act of capturing two dangerous fugitives went above and beyond the call of duty, and displayed a measure of heroism worthy of being brought before this body of Congress. During his tenure as a Division of Wildlife officer, Chris has embodied the ideals of integrity, honesty and courage that we, as Americans, have come to expect from the men and women who serve in our state parks. I, along with the citizens of Colorado, am both grateful and proud of Chris' extraordinary act of valor, and believe it appropriate to pay tribute to him for his courage and bravery.

Though not typically in the job description, Chris' extraordinary efforts to apprehend two armed killers near Salida, Colorado on September 29, 2001 are a testament to his relentless dedication to his job, to his community and to his state. While manning a roadblock in the area where the fugitives were believed to be, Chris became involved in the search for the two killers. When they were finally flushed from hiding, it was Chris, along with other state wildlife employees, who apprehended the two suspects, and ultimately brought them into custody. Because of his incredible bravery, these criminals are now in the hands of law enforcement officials, and of no threat to anyone else in the area. His courage in the face of both fear and adversity is truly remarkable, and I applaud him for his actions.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great, and I am deeply honored to be able to bring them to the attention of this body of Congress. It is in times of great need that true heroes emerge, and I am proud to say Chris Parmeter is a hero not only to me, but to his family, his friends and to this country. It is with a great deal of pride that I stand to honor him today, and wish him all the best in his future endeavors.

TARIFF-BASED SECTION 201 RELIEF

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. HOUGHTON. Mr. Speaker, I rise today along with many of my fellow colleagues to urge the President to implement a strong, effective remedy for the U.S. steel industry as a result of the ITC's recent Section 201 investigation, even if I speak from a somewhat different perspective than many of these colleagues.

While I am well aware of the importance of a stable domestic steel industry to the financial security and national defense of this country, I do not represent a district with an extensive steel industry presence that has been devastated by the recent steel crisis. However, I do have a steel specialty company that closed last year, laying off many individuals. The plant was recently purchased by a new owner and is in the process of reopening. In addition, I have many constituents in the district with steel-related jobs that have been hurt by the steel imports. In New York State, the number of employees in the New York steel industry dropped by 27 percent from January 1998 to July 2001. I also represent thousands of hard-working Americans who want to know that America's trade laws are going to be enforced if their own livelihoods ever come under a similar attack. That is why I stand before you today.

I applaud the President for his recognition that the domestic steel industry is in the midst of a crisis and for initiating a Section 201 investigation. That investigation has culminated in a unanimous agreement at the ITC that the U.S. steel industry has been significantly injured by the unfair trade practices of foreign producers and nations. Our laws now put the ball back in the President's court and call on the Administration to implement a remedy that will give the domestic industry a real opportunity to recover from years of unfair trade and to compete in today's ever-changing marketplace. This remedy must come in the form of strong, tariff-based relief.

An effective tariff-based remedy would help return steel prices to their normal pre-crisis levels and allow American steel companies to make the necessary investments to remain viable and competitive in the future. It would also stimulate foreign governments and steel producers to make the difficult decisions that U.S. producers have already made—to bring stability and balance to the global steel market. In order to be effective, this remedy must meet certain criteria.

The first key to an effective tariff-based remedy is that it must be substantial in order to ensure that import prices return to market-based levels. To that end, the domestic industry has determined that a 40 percent tariff rate on flat-rolled products is warranted. In the Section 201 investigation, two of the ITC Commissioners fully agreed with this determination.

An effective remedy also must be comprehensive and must be imposed for a substantial period of time. Applying a consistent tariff-based remedy across all flat steel products is the only fair way to impose relief, and the only way to ensure that foreign producers don't simply shift their excess production to other areas. Further, in order for a remedy to have any real effect on the domestic and global marketplace, it must be enforced for at least four years. This will allow the domestic industry to make the necessary adjustments to import competition, and the President to achieve his objective of repairing the global steel trading system.

In endorsing the use of an effective, tariff-based remedy, I strongly urge the President to steer clear of quota-based relief. Such a remedy would further distort the global marketplace by providing an artificial incentive for foreign producers to ship substantial amounts of low-priced steel into our borders as quickly as possible in order to "get in under the quota." The last thing U.S. producers need at this time is another uncontrolled flood of under-priced steel.

The Administration has promised on a number of occasions to be tough on unfair trade, and now is the time to live up to that promise. The President must implement this effective tariff-based relief in order to demonstrate to foreign producers and governments that the Administration is serious about addressing not just the problem of foreign excess steel capacity, but also the problem of unfair trade practices in general. Our laws are consistent with international law and designed to ensure that our industries have somewhere to turn for relief when they fall victim to unfair trade. These laws are only effective to the extent they are enforced, and their enforcement is a duty that we owe to the American people.

* * *

ON THE FIRST ANNIVERSARY OF THE ENACTMENT OF THE CHILD CITIZENSHIP ACT OF 2001

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. DELAHUNT. Mr. Speaker, for all our colleagues in this chamber, the days are long and the rewards often intangible. Once in a great while, however, the results of our work together are so compelling that it's worth stopping for a moment to take notice.

In this spirit, I rise today to celebrate the first anniversary of the implementation of the Child Citizenship Act of 2001. With the help of a remarkable bipartisan coalition—Congressmen HENRY HYDE and LAMAR SMITH; Senators DON NICKLES, MARY LANDRIEU and TED KENNEDY, to name just a few—we made history for tens of thousands of American families, and for the scores of overseas orphans they have embraced as their own.

On February 27, 2001, United States citizenship was conferred automatically on every young child under age 18 adopted by American parents. By the most conservative estimates, more than 150,000 children woke up that morning as American citizens.

The joy of that sunny morning brimmed on the faces of adoptive families, their relatives and neighbors from coast to coast. Spontaneous commemorations, public and private, sprouted up in dozens of communities across the country, from Atlanta to Alaska.

It was a special pleasure to help host the national celebration one year ago today, in Boston's historic Fanueil Hall. Since its construction in 1742, that hall has occupied a hallowed place on our nation's trail toward freedom. It witnessed the revolutionary speeches of Samuel Adams, the anti-slavery oratory of Frederick Douglass, and the stirring call of Susan B. Anthony for women's suffrage. Last February 27, we gathered in that cradle of liberty to mark another step forward.

The new law lives not only in the bright eyes of these children and the pride in their parents' hearts, but also in the story of human compassion. In addition to those "overnight citizens" of last February 27, the Child Citizenship Act has conferred automatic U.S. citizenship upon the lawful completion of each international adoption since. In 2001 alone, U.S. parents adopted over 4600 orphans from China and 4200 from Russia, 1700 from South Korea, 1600 from Guatemala, 1200 from Ukraine, 700 from each of Romania, Vietnam and Kazakhstan; 500 from India; 400 from Cambodia; and hundreds more from Bulgaria, Colombia, the Philippines, Haiti, Ethiopia, Poland, Thailand, Mexico, Jamaica, Liberia, and dozens of other nations—altogether, more than 19,000 overseas children since the new law took effect.

Each is now a United States citizen. Not one had to struggle with the red tape or expense of the naturalization process. No federal agency was saddled with reams of paperwork to process their cases.

The real meaning, of course, cannot adequately be measured in statistics. The deepest gratification lies in the strengthening of the family—the American family and the universal, extended family of which we are all a part. During the Faneuil Hall celebration, my own daughter Kara, herself a beneficiary of the Saigon Babylift 26 years ago and a naturalized citizen, stressed that U.S. citizenship is not a rejection of one's country of origin, but rather an opportunity to weave a new, deeply personal heritage.

The enactment of the Child Citizenship Act was a model of bipartisan legislative collaboration. I still hope to build on this success to address, either administratively or through additional legislation, a number of questions that remain about the Act's application to children of American citizens living abroad.

My only real disappointment—last February and still today—is the reluctance of the U.S. Immigration and Naturalization Service to streamline its protocols for issuing certificates of citizenship.

Many of the 150,000 who assumed citizenship last year, and those since adopted, naturally desire official affirmation of their new status. Thousands have taken advantage of the new State Department procedures to acquire United States passports. The process is so straightforward that Senator KENNEDY was able to hand-deliver the first such passport in the nation on the stage at the Fanueil Hall celebration, within two hours of the legislation taking effect.

Inexplicably, however, the INS still has not followed suit. If an adoptive child who is now a U.S. citizen seeks an INS certificate, he or she must undergo the same lengthy, expensive and cumbersome process that faces a non-citizen seeking naturalization. This procedure is irrationally burdensome for both the applicant and the agency; and it offends nearly everyone who has the misfortune to have to undergo it.

These children are already American citizens. All adoptive parents want is a piece of paper affirming that fact. It should be no harder than getting a driver's license—or a passport.

Fortunately, this problem cannot negate the enormous benefits the law has conferred on adoptive families and our entire community. Especially in the wake of September 11, as we all struggle against global misunderstanding, this new law helps fulfill the lifelong dream of thousands of families and shows enormous respect to the compassion of our own great, diverse and generous nation.

IN HONOR OF GRAND MARSHAL MARYANN CONNELLY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor and acknowledge the many accomplishments of Grand Marshal Maryann Connelly. The St. Patrick's Parade Committee honored her on Sunday, February 24th, 2002, at the annual brunch at the Hi-Hat Caterers in Bayonne, New Jersey.

Maryann Connelly is the Principal at the Philip G. Vroom Elementary School in Bayonne, New Jersey. She has been employed by the Bayonne Board of Education for the past ten years as a teacher and guidance counselor.

She is an active volunteer in a variety of organizations: she was the first female President of Ireland's 32 in 1992; elected by Ireland's 32 as the first "Irishwoman of the Year" in 1985; elected to Bayonne St. Patrick's Parade Committee and was the first female Chairperson elected in 1991; and is currently serving her eighth consecutive term as the General Chairperson. She raised funds for the Hudson County March of Dimes; is a member of the Art Auction Committee for the Bayonne Hospital Foundation; and co-hosts a weekly Irish-American radio show.

Mrs. Connelly received the State of New Jersey Governor's Teacher Recognition Award in 1992; became a member of Who's Who Among American Teachers in 1996; was recognized as Outstanding Community Leader from Ireland's Civic Organization in 1999; and was awarded the New Jersey Heritage Award in 2001.

Maryann Connelly earned her Bachelors and Masters of Arts degree from New Jersey City University.

She is married to Philip Connelly and is the proud mother of Kevin Patrick.

Today, I ask my colleagues to join me in honoring Grand Marshal Maryann Connelly for her contributions towards cultural understanding and the education of our youth. We are pleased to have her play such an important and positive role in the community of Bayonne, New Jersey.

HONORING DR. A.B. FALCONE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the memory of Dr. A.B. Falcone on the occasion of the one year anniversary of his passing, February 20, 2001. Dr. Falcone's resume is full of academic, professional and community service accolades which reveal his dedication to bettering the society in which he lived. Dr. Falcone's memory and work are alive and continue his legacy of service.

In December of 1953, as a medical researcher in biochemistry, Dr. Falcone co-discovered the phosphate exchange reactions of the mitochondrial ATP Synthetase of Oxidative Phosphorylation. He has been widely published, recognized by the International Who's Who of Intellectuals and Who's Who in the World and invited to participate in numerous seminars and scientific meetings.

Dr. Falcone had a number of professional memberships including the American Medical Association, the American Diabetes Association and the American Federation for Clinical Research. His community organization memberships included the Archeological Society of America, the Association for Academic Excellence, the Marines Memorial Association and the California Association for the Gifted. The Falcone Foundation has established an endowment for undergraduate research in chemistry at the College of Chemistry at the University of California, Berkeley.

Mr. Speaker, I rise today to honor Dr. Falcone for his unending support of and contributions to academia, his community, our nation and the entire world. I invite my colleagues to join me in commemorating his life and wishing his family well.

IN RECOGNITION OF THE HONORABLE JACK McNULTY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today in recognition of the Honorable Jack McNulty, on the occasion of his 80th birthday today. Mr. McNulty is the father of our esteemed colleague, Congressman Mike McNulty.

The Honorable Jack McNulty has had a long and distinguished career in public service. He was first elected to office in 1949 and has been re-elected to serve the people of his community in every decade since. Just this past November, he was re-elected as Mayor of Green Island, a village in New York which his son, Mike, represents with distinction in Congress.

Jack McNulty is an upstanding citizen, dedicated public servant, and devoted father. I ask my colleagues to rise and Join with me in honoring Jack McNulty and wishing him a happy 80th birthday, and many, many more to come.

WELCOMING THE CITY AND COUNTY OF BROOMFIELD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. UDALL of Colorada. Mr. Speaker, I rise today to recognize the "First 100 Days" of Colorado's newest county.

At midnight on November 15, 2001, the City of Broomfield, Colorado, became the City and County of Broomfield, and as such became Colorado's 64th county. It represents the culmination of years of difficult and tireless work the results of which will benefit Broomfield residents with enhanced and more efficient services—not to mention a higher profile.

The success of these efforts is illustrated in an article from the Rocky Mountain News that I am attaching for the information of our colleagues.

It all started in 1994 when a citizen group first publicly broached the idea due to the inconveniences of a city spread across four separate counties. This resulted in a fractured community that had to depend on four different seats for basic services and property taxes that varied throughout the city. After four years of organizing and diligence on the part of many Broomfield officials, Colorado's voters took the necessary step of agreeing to amend Colorado's Constitution to allow the city to become a city and county.

But this was only the beginning of the work that lay ahead. As many in Broomfield County can now attest, creating a new county from scratch is a monumental task.

In order to prepare the new county for business, a city and county building, a courthouse and a county jail had to be located and constructed. In addition to these and other physical changes, an entirely new administrative system had to be developed, which included the complex and daunting county health care program. In the political arena, rather than conduct elections for county commissioners, Broomfield elected to have their town council and mayor perform the task of the county commission. This innovative system will ensure a smooth transition and ensure those city services and county services are coordinated, assuring the best possible results to residents.

The people and the government of Broomfield are to be commended for such an innovative and far-sighted task. Their years of hard work have at last come to fruition and their success will be measured by a better quality of life for their citizens. I hope my colleagues will join me in recognizing this accomplishment and in wishing the people of Broomfield City and County continued success and much prosperity in the years to come.

[From Rocky Mountain News, Feb. 22, 2002]

100-DAY-OLD BROOMFIELD HAPPY AS A LARK

(By Berry Morson)

BROOMFIELD—Greg Young was turned away at the motor vehicle department in this newly formed county when he tried recently to register a used Subaru.

He didn't have the right paper-work, Young was told.

But it's what happened next that surprised Young.

The clerk who turned him away, Darlene Yengich, picked up the phone and politely, but firmly explained to the car's former owner which papers must be turned over to Young for the vehicle to get plates.

"It stunned me that she just called the person." Young said, He had made numerous calls to the previous owner in a vain quest for the magic papers.

Thanks to Yengich's call, Young is now legally driving the streets of Broomfield in his '92 gray Subaru wagon.

That's the kind of personal service community leaders were hoping to achieve when they campaigned for a 1998 ballot proposal to make Broomfield a county, as well as a city.

Today, Broomfield is quietly celebrating its 100th day as Colorado's 64th county, which took effect Nov. 15. No speeches or parades are planned.

But Young is taking plenty about the benefits of being able to register his car in the community where he's lived for 12 years. He showed up recently at a City Council meeting to tell City leaders about how helpful Yengich had been.

"I said, 'You must have gotten her from Planet Wonderful,' " Young said.

Before Nov. 15, Broomfield was divided among four counties—Adams, Boulder, Jefferson and Weld. Conducting business such as registering a car or applying for a marriage license meant a drive to a distant county seat.

Transition from a city of a city-and-county has been smooth, partly because citizens are behind the changes, said Russ Ragsdale, the county clerk and Yengich's boss.

"They all, as a majority, were behind this county thing, and they want to see us succeed, and they've helped," Ragsdale said. "I can see it when I sit in the motor vehicle office, and watch the customers as they come in. They're glad to have us here, and they make it easy on us."

Transfer of records from the previous counties to Broomfield went with few hitches, Ragsdale said.

Among the people most happy that Broomfield is now a county are police officers.

Before Nov. 15, arrests meant transporting a prisoner to jail in one of the other counties, said police Chief Tom Deland. They are resting officer was off the street for hours.

Now the county has its own 80-bed jail.

Under a unique system, prisoners are booked at the arrest scene via computer hook-up. The prisoner is taken to jail in a van, while the arresting officer goes back on patrol, Deland said.

Never a high-crime area, the daily jail population at the new jail has not broken the low 20s, Deland said.

The number will increase in coming months—probably to the 50s—as more people begin serving sentences imposed by Broomfield County court. Most Broomfield crimes now before courts were committed before Nov. 15, and so they are being heard in the previous counties.

So far, the most serious crime committed in the city or county of Broomfield was assault on a police officer with a knife, Deland said. No murders or sexual assault reports have occurred.

Yengich, the motor vehicle clerk who helped Young register his Subaru, said she would have gone out of her way to help a customer at the Jefferson County motor vehicle office, where she previously worked.

But, she said, the Broomfield office "is smaller and not quite as busy as the Jefferson County office. . . . It seems like everybody is closer knit here."

Yengich said she's in the process of selling her house in Lakewood. She plans to move to Broomfield.

PAYING TRIBUTE TO J.W. WILDER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, it is with a great deal of pride that I pay tribute today to senior Colorado State Parks ranger J.W. Wilder, whose courageous act of capturing two dangerous fugitives went above and beyond the call of duty, and displayed a measure of heroism worthy of being brought before this body of Congress. It takes a truly special person to put himself in harm's way, not out of duty or obligation, but out of simple benevolence and civic responsibility. I, along with the citizens of Colorado, am both grateful and proud of J.W.'s extraordinary act of valor, and believe it appropriate to pay tribute to him for his courage and bravery.

Though not typically in the job description, J.W.'s extraordinary efforts to apprehend two armed killers near Salida, Colorado on September 29, 2001 are a testament to his relentless dedication to his job, to his community and to his state. After checking on a colleague who was manning a roadblock, J.W. became involved in the search for the two killers. When the two fugitives were finally flushed from hiding, it was J.W., along with other state wildlife employees, who apprehended the two suspects, and ultimately brought them into custody. Because of his incredible bravery, these criminals are now in the hands of law enforcement officials, and of no threat to anyone else in the area. His courage in the face of both fear and adversity is truly remarkable, and for his efforts, J.W. was named the outstanding ranger of the year by the Colorado State Parks.

Mr. Speaker, I am honored today to rise and pay tribute to a man whose actions are the very essence of all that makes this country great, and I am deeply honored to be able to bring them to the attention of this body of Congress. It is in times of great need that true heroes emerge, and I am proud to say J.W. Wilder is a hero not only to me, but to his family, his friends and to this country. It is with a great deal of pride that I stand to honor him today, and wish him at the best in his future endeavors.

HEALTH INFORMATION INDEPENDENCE ACT OF 2002

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce the Health Information Independence Act of 2002. This act takes a major step toward restoring the right of consumers to purchase the dietary supplements of their choice and receive accurate information about the health benefits of foods and dietary supplements. The Health Information Independence Act repeals the Food and Drug Administration's (FDA) authority to approve health claims of foods and dietary supplements. Instead, that authority is vested in an independent review board. The board is comprised of independent scientific experts randomly chosen by the FDA. However, anyone who is, or has ever been, on the FDA's payroll is disqualified from serving on the commission. The FDA is forbidden from exercising any influence over the review board. If the board recommends approval of a health claim then the FDA must approve the claim.

The board also must consider whether any claims can be rendered non-misleading by adopting a disclaimer before rejecting a claim out of hand. For example, if the board finds that the scientific evidence does not conclusively support a claim, but the claim could be rendered non-misleading if accompanied with a disclaimer then the board must approve the claim provided the claim is always accompanied by an appropriate disclaimer. The disclaimer would be a simple statement to the effect that "scientific studies on these claims are inconclusive" and/or "these claims are not approved by the FDA." Thus, the bill tilts the balance of federal law in favor of allowing consumers access to information regarding the health benefits of foods and dietary supplements, which is proper in a free society.

The procedures established by the Health Information Independence Act are a fair and balanced way to ensure consumers have access to truthful information about dietary supplements. Over the past decade, the American people have made it clear they do not want the federal government to interfere with their access to dietary supplements, yet the FDA continues to engage in heavy-handed attempts to restrict access to dietary supplements.

In 1994, Congress responded to the American people's desire for greater access to information about the benefits of dietary supplements by passing the Dietary Supplements and Health and Education Act of 1994 (DSHEA), which liberalized rules regarding the regulation of dietary supplements. Congressional offices received a record number of comments in favor of DSHEA.

Despite DSHEA, FDA officials continued to attempt to enforce regulations aimed at keeping the American public in the dark about the benefits of dietary supplements. Finally, in the case of Pearson v. Shalala, 154 F.3d 650 (DC Cir. 1999), reh'g denied en banc, 172 F.3d 72 (DC Cir. 1999), the United States Court of Appeals for the DC Circuit Court reaffirmed consumers' First Amendment right to learn about dietary supplements without unnecessary interference from the FDA. The Pearson court anticipated my legislation by suggesting the FDA adopt disclaimers in order to render some health claims non-misleading.

In the more than two years since the Pearson decision, members of Congress have had to continually intervene with the FDA to ensure it followed the court order. The FDA continues to deny consumers access to truthful health information. Clearly, the FDA is determined to continue to (as the Pearson court pointed out) act as though liberalizing regulations regarding health claims is the equivalent of "asking consumers to buy something while hypnotized and therefore they are bound to be misled." Therefore, if Congress is serious about respecting the First Amendment rights of the people, we must remove FDA authority to censor non-misleading health claims, and those claims which can be rendered non-misleading by the simple device of adopting a disclaimer, by passing my Health Information Independence Act.

In conclusion, I urge my colleagues to help establish an objective process that respects consumers' First Amendment rights to non-misleading information regarding the health benefits of foods and dietary supplements by cosponsoring the Health Information Independence Act.

FAMILY AND MEDICAL LEAVE EXPANSION ACT

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to introduce legislation which would expand the Family and Medical Leave Act so that individuals can take time off when disaster strikes.

Each year, disasters such as hurricanes, floods, wildfires, earthquakes, and other tragedies strike thousands of families and businesses throughout the United States. In the last year alone, the Federal Emergency Management Agency (FEMA) responded to forty-five declared disasters and ten emergencies in thirty-two states, the District of Columbia, Guam and Puerto Rico. More than 49,500 affected families and businesses sought assistance after the September 11th attacks.

Following a disaster, families often have no home, belongings, clothing, or transportation. They struggle to deal with insurance companies, government officials, the Red Cross, and other organizations so that they can get the assistance they need to get back to normal. For many individuals this process can take several weeks, if not months.

While most employers are sympathetic and compassionate people, they sometimes will not allow employees to take the time they need to manage a disaster and get their lives in order again. As a result, these individuals are left with no home, no belongings and no job. This situation can often create a downward spiral for some families, where they cannot recover.

The legislation I have introduced would expand the successful Family and Medical Leave Act (FMLA) so that individuals can take time off from work to resolve their situations during a natural disaster. Dealing with a natural disaster is as trying an ordeal as a health crisis, and amending the FMLA to include this change will ensure that workers are protected in times of family crisis.

I urge my colleagues to support this legislation.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Medical Leave Expansion Act".

SEC. 2. LEAVE IN CASE OF STATE OR FEDERALLY DECLARED DISASTER.

(a) NON-FEDERAL EMPLOYEES.—Section 102(a)(1) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)(1)) is amended by adding at the end the following new subparagraph:

"(E) Because of a State or Federally declared disaster occurring in the geographical area in which the employee resides, works, or through which the employee must travel to get to work or as a part of the employee's work duties.".

(b) FEDERAL EMPLOYEES.—Section 6382(a)(1) of title 5, United States Code, is amended by adding at the end the following new subparagraph:

"(E) Because of a State or Federally declared disaster occurring in the geographical area in which the employee resides, works, or through which the employee must travel to get to work or as a part of the employee's work duties.".

CONGRATULATIONS ON 25TH ANNIVERSARY OF FOUNDING OF AARP CHAPTER 2840 IN FALLING SPRING, PENNSYLVANIA

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate the members of AARP chapter number 2840 of Falling Spring, Pennsylvania, on the 25th Anniversary of the chapter's founding. The AARP is dedicated to enhancing the quality of life for its members and for members of the community through education, advocacy, and service.

This very active chapter is comprised of nearly 650 members and 100 honorary members. The members of this chapter focus on community service and strive to live by their motto "To Serve and Not to be Served." To that end, this chapter has served as the longtime sponsor and supporter of the Chambersburg Toy Mission, which help bring the Christmas spirit to children in Franklin County. The members also participate in the Adopt-a-Highway program and the "Meals on Wheels" program. The chapter even has its own chorus that tours the area performing for residents of nursing and retirement homes.

The Falling Spring chapter of the AARP is a wonderful example of an organization that is making a difference in the lives of the people of central Pennsylvania. I enthusiastically congratulate them on their anniversary and wish them another successful 25 years.

IN FOND MEMORY OF JUDY BOGGS

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SCHIFF. Mr. Speaker, I rise today in great sorrow to remember the life of Judy Boggs. Judy passed away suddenly on Monday, February 25th. She will be greatly missed, not only by my staff and me, but by countless members of the community which she served so thoughtfully over the past 30 years.

Judy grew up in Portland, Oregon and graduated from the University of Washington. She had a passion for the university's football team, and it was in 1961 when the Huskies played in the Rose Bowl that Judy was introduced to Pasadena and the surrounding areas which she grew to love. After marrying Mr. Dale Boggs, she moved from the Pacific Northwest to La Cañada Flintridge in the mid-1960s and was a resident of that community for over 30 years.

Judy will long be regarded as one of the most influential Democratic political activists in the foothills communities of my Congressional District. She began her political career by volunteering for the 1972 presidential campaign of George McGovern, but her involvement in local politics began in 1973 when she co-founded ACT, a non-partisan action group which over the years has supported campaigns for elected leaders serving the foothill communities in the California state Assembly and Senate, and the U.S. House of Representatives.

Most recently Judy served as a Senior Field Deputy to State Senator Jack Scott. It is in this capacity that my staff and I grew to respect Judy for her wealth of experience and knowledge, and to love her for her charm, grace and dignity. She possessed an unmatched spirit, and brought joy and laughter to all who had an opportunity to work with her.

I believe the former mayor of Pasadena, the Honorable Kathryn Nack, said it best when she commented, "You don't meet a Judy Boggs in this world and not . . . want to see her all the time." Judy's bright smile and quick wit were adored by all who were lucky enough to have Judy in their lives, and we will always carry a terrific fondness and love for her.

I ask all Members of the United States House of Representatives to pause and join me today in honoring the life of Judy Boggs, for her many gifts, most especially her friendship. She will be missed by many people.

FAMILY SPONSOR IMMIGRATION ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, the House overwhelmingly passed H.R. 1892, The Family Sponsor Immigration Act, a bill that will help keep the American Dream alive for immigrants whose hopes have been crushed by the sudden or unexpected death of their American sponsors.

We know that hundreds of thousands of immigrants throughout the world go through the immigration process each year for the chance to share in the promise of America. And what a wonderful promise it is—the opportunity to share in the freedom and blessings of a nation born out of ideals.

In many ways, our immigration process is unique. President Reagan often remarked, "You can go to Turkey and live there your whole life, but never really become a Turk. You can go to Japan and live there, but never really become Japanese. You can go to Germany, but never become German. But, you can come from any place in the world and become an American."

This process is often lengthy and many times even tedious. But our laws are designed to provide for the fairest and most just system possible, a system that will not only allow others access to our society, but that will also help foster their success. Integral to the success of immigrants are their American sponsors—proven citizens with established roots and financial security. American sponsors provide the support necessary to help an immigrant begin their journey in America.

We know, however, that under current law, in the rare case that an immigrant's American sponsor passes away, so too dies the promise of America for the immigrant. Imagine the case of an immigrant who applies to become a permanent resident, who plays by all the rules and waits patiently in hope, perhaps to be united with a long separated loved one, but who at the last minute is hit by the death of this loved one. Not only is the loss of this person a tragedy to be overcome, but the hopes and dreams of the immigrant are thwarted as well.

According to reports from INS, this scenario became part of the September 11 tragedy. As the towers crumbled and thousands of lives were lost, so too was lost the chance for immigrants in-waiting to continue on the road to become Americans. Thankfully, the Patriot Act which the President signed last fall included important provisions to extend visas and filing deadlines for the alien relatives of those killed in the World Trade Center already involved with the immigration process. However, more needs to be done to accommodate future scenarios.

HR 1892 will help correct this glitch in our immigration law. It says if a qualifying relative of the deceased sponsor exists, they can act as a replacement. As an immigrant you don't have to start the whole process over again.

Remember, we want to reward those who have played by the rules—those who attempt to go through the process we have designed, seeking justice and fair treatment. Let's correct this unfair technicality in our immigration law to help keep the American Dream a reality for those who lose their sponsors. The hope of freedom should not die because of the untimely death of a sponsor. I thank my colleagues for supporting HR 1892.

PAYING TRIBUTE TO ESTHER MASH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Esther Mash and thank her for her extraordinary contributions to the children of Mesa County and the State of Colorado. Her life-long dedication to her job as a schoolteacher and now as a volunteer at her local elementary school is matched only by the level of integrity and honesty with which she has conducted herself each and every day. The children whose lives she has touched are eternally grateful for all that she has taught them in her lifetime of public service.

At age ninety-one, Esther is the oldest volunteer in the Mesa County Retired Senior Volunteer Program. Every weekday, Esther walks to Taylor Elementary to volunteer her mornings and afternoons to tutor needy children. Known to the children as "Grandma Mash," Esther brings to the classroom the rare gift of a lifetime of experience gained as a teacher for over 20 years with District 51, located in southeast Colorado. She retired in 1975, after providing countless children with the gift of learning.

Esther continued to dedicate her efforts to children when she moved to Palisade, Colorado in 1995. There, she began to volunteer at Taylor Elementary, and continues to enjoy the respect and adulation from colleagues and children throughout the school. The school community, from the principal and teachers to the children and parents, has repeatedly expressed their gratitude for Esther's volunteer efforts. Taylor Elementary recently awarded her efforts with the title of "extraordinary volunteer."

Mr. Speaker, it is with great pride that I bring to the attention of this body of Congress, and this nation, the life and spirit of such an incredible woman. Throughout her life, Esther has managed to enrich and improve the lives of those around her. She continues to dedicate her time and energy to bring the gift of learning to children throughout the community. Esther Mash is truly an inspiration to all of us and I am honored to recognize her passion for life and indomitable human spirit that sets an example of charity to us all.

IN HONOR OF MAYOR PATRICIA SIANO-GILLIGAN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize Mayor Patricia Siano-Gilligan of Keansburg, New Jersey, who was honored on February 22, 2002, at the First Annual Keansburg Mayor's Ball.

Mayor Gilligan was born in Hoboken, New Jersey, and lived in Union City and Carteret before moving to Keansburg sixteen years ago.

In 1994, Mayor Gilligan was elected to the Keansburg City Council, where she served until 1998, becoming the youngest councilperson ever elected to office in the Bayshore area of New Jersey. Following her tenure as councilperson, she focused her efforts on reorganizing the Keansburg Democratic Party preparation for the General Election of 2000.

Patricia Siano-Gilligan was sworn-in as the Mayor of Keansburg in 2000, becoming the only female mayor in the Bayshore area, as well as the youngest mayor in the area. Mayor Gilligan was a founding member of "Save the Bay" Committee, which successfully stopped a proposed waste site off the coast of Keansburg.

For several years, she has been a dedicated basketball and softball coach, and is active with such veterans' organizations as the American Legion and VFW, as well as various senior citizen organizations.

Today, I ask my colleagues to join me in honoring Mayor Patricia Siano-Gilligan of Keansburg, New Jersey, for her many accomplishments and her dedication to public service.

HONORING DON OLSEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Don Olsen on the occasion of the completion of his term as President of the Eastern Madera County Chamber of Commerce. Mr. Olsen provided valuable leadership during his tenure and has an exemplary record of career and civic leadership. He served as the Chamber's President from January 1, 2001, until December 31, 2001.

Mr. Olsen has been a member of the Eastern Madera County Chamber of Commerce for five years. As President, he coordinated the effort of the organization's many officers, directors, and committee chairpersons to create an effective mechanism to organize and sponsor many successful projects that benefited the local community, the business community, and local civic organizations.

In addition to his responsibilities with the Eastern Madera County Chamber of Commerce, Mr. Olsen has been a member of the Oakhurst Sierra Sunrise Rotary for seven years, Director for the Boys and Girls Club of Oakhurst, and Senior Coach of Sierra Little League for three years.

Mr. Speaker, I rise today to honor Don Olsen for his service as President to the Eastern Madera County Chamber of Commerce. I invite my colleagues to join me in thanking him for his community service and wishing him many more years of continued success.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 28, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 1

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine U. S. policy in Iraq.

SD–342

MARCH 5

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on unified and regional commanders, military strategy and operational requirements.

SH–216

10 a.m.

Indian Affairs

To hold hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.

SR–485

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.

SD–538

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Judiciary.

SD–138

Judiciary

To hold hearings on pending executive branch nominations.

SD–226

2:30 p.m.

Veterans' Affairs

To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.

SR–418

Governmental Affairs

To hold hearings on the nomination of Jeanette J. Clark, to be an Associate Judge of the Superior Court of the District of Columbia.

SD–342

Armed Services

SeaPower Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003, focusing on Marine Corps modernization programs.

SR–222

Health, Education, Labor, and Pensions

To hold hearings to examine the dangers of cloning and the promise of regenerative medicine.

SD–430

MARCH 6

9:30 a.m.

Governmental Affairs

To hold hearings to examine the monitoring of accountability and competition in the Federal and Service Contract Workforce.

SH–216

Agriculture, Nutrition, and Forestry

To hold hearings to examine the nominations of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture, and Grace Trujillo Daniel, of California, and Fred L. Dailey, of Ohio, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.

SD–106

10 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine financial management issues of the Department of Defense.

SR–222

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Army budget.

SD–192

Foreign Relations

To hold hearings to examine the terrorist nuclear threat, focusing on dirty bombs and basement nukes.

SD–419

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on analysis of the Congressional Budget Office.

SD–608

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine the improvement of surveillance of chronic conditions and potential links to environmental exposures.

SD–430

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.

SD–538

10:30 a.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the Echostar-Direct TV merger.

SD–226

2:30 p.m.

Commerce, Science, and Transportation

Communications Subcommittee

To hold hearings to examine wireless communications infrastructure in the United States.

SR–253

Banking, Housing, and Urban Affairs

Housing and Transportation Subcommittee

To hold oversight hearings to examine the proposed reauthorization of the HUD McKinney-Vento Homeless Assistant Act Programs.

SD–538

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction program of the Department of Defense.

SR–222

Intelligence

To hold closed hearings on pending intelligence matters.

SH–219

MARCH 7

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program.

SH–216

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

345, Cannon Building

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Securities and Exchange Commission and the Federal Communications Commission.

SR–253

Indian Affairs

To resume hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.

SR–485

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine the semi-annual report on Monetary Policy of the Federal Reserve.

SD–106

Health, Education, Labor, and Pensions

To hold hearings on proposed legislation authorizing funds for national service programs.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System; S. 213, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 1384, to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; and S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

SD–366

MARCH 12

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State.
SD–138

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements, and technology acquisition.
SR–222

MARCH 13

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.
SD–116

MARCH 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.
345, Cannon Building

MARCH 19

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.
SD–138

MARCH 20

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine identity theft and information protection.
SD–226

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.
345, Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.
SD–116

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD–226

HOUSE OF REPRESENTATIVES—*Thursday, February 28, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 28, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord of light and majesty, a few weeks ago this Chamber prayed for Your blessing and protection upon the Olympic Winter Games before the torch was lighted. We confess that often enough we cry out to You when in need, and sometimes forget to return to You to offer thanks.

Today, Lord, we praise and thank You as the Lord God who made heaven and Earth, who granted peace and security to the Olympics in Salt Lake City.

We know You will bless and provide a just reward to the God-fearing people of Utah for all their labor in hosting the Olympics. We are grateful You have granted safe travel to all who attended the games, and brought them home to be received with joy and peace.

During the games, many young people around the globe came to see themselves as children of light, bringing new life and reconciliation to an aching world. May the Olympians throughout their lifetime be ambassadors of friendship and fair play beyond national borders. Knowing the importance of good order and abiding by the rules, and having glimpsed the glory of a community born of freedom and excellence, may they bring to people of all ages a spirit that will build upon yesterday's joys and tomorrow's hopes for a world free of drugs, addictions, and compulsions, even that of always winning or being first.

We seek such freedom from You, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Iowa (Mr. GANSKE) come forward and lead the House in the Pledge of Allegiance.

Mr. GANSKE led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEFENDING THE TRADITIONAL VALUES COALITION

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, last month we saw a clear example of irresponsible journalism. In January, National Public Radio aired a story that inappropriately linked the Traditional Values Coalition to the anthrax terror attacks against the Senate, but the NPR story did not present any credible evidence to support the awful association they suggested.

NPR's conduct is outrageous and ignores their basic responsibilities as journalists: presenting the facts to the public accurately and without bias. There was no legitimate justification for including TVC in the story describing the anthrax investigation. The only plausible explanation is an attempt by NPR to practice guilt by association.

I have worked with the Traditional Values Coalition for many years. They are a principled, compassionate, Christian organization which speaks for 43,000 member churches from across the United States. The Traditional Values Coalition is dedicated to defending the sanctity of life and upholding the dignity of every individual.

NPR needs to hold itself to far higher standards. By inserting a group without any possible connection to the anthrax attack into its report, NPR raised serious questions about their presentation of the news. NPR should be cautious about the damage that can be done to a group's reputation by similar association.

The public should expect responsible reporting from NPR, and they ought to demand it of themselves.

EXPRESSING CONDOLENCES TO THE FAMILY OF DANIELLE VAN DAM, AND URGING MEMBERS TO JOIN THE CONGRESSIONAL MISSING AND EXPLOITED CHILDREN'S CAUCUS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today on behalf of the Congressional Caucus on Missing and Exploited Children to express my condolences to the family and the friends of Danielle van Dam. As an activist on the issue of missing kids, far too often I have seen parents who have had to deal with this tragedy. I have seen communities mobilized to search for a child who has not come home from school or disappeared from home.

We must continue to work hard to educate and protect America's children from exploitation. I urge all Members to go back to their offices and log onto www.missingkids.org and find out how we can talk to our children and what we can do to help in our communities. Our efforts to prevent crimes against children have not kept pace with the increasing vulnerability of our young citizens.

Please contact my office if Members are not already a member of the Congressional Caucus on Missing and Exploited Children. Our children, grandchildren, nieces and nephews are counting on Members to give them a voice in Washington, as are people like Ludwig Koons, who is being kept illegally in Italy with little or no help from the Italian Government or the United States State Department. We must bring our children home.

RECOGNIZING MIAMI DADE COMMUNITY COLLEGE FOR ITS PROGRAMS, INCLUDING THE MDCC SCHOOL OF JUSTICE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, today I would like to congratulate a special higher education center located in my congressional district, Miami Dade Community College, which operates six campuses, two major outreach centers, and additional instruction sites, including a center at Miami International Airport.

Run by Dr. Eduardo Padron, the college has a wide variety of departments,

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☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

including the much-acclaimed School of Justice. Each year, Miami Dade Community College's School of Justice provides training for over 350 law enforcement recruits, in-service training for over 3,000 sworn officers, and 2,500 State of Florida-certified security officers.

Additionally, the School of Justice has developed and administered over 170 law enforcement assessment and testing programs to 25 State agencies since 1981. The FBI and the London Metropolitan Police have used Miami Dade Community College's programs as a benchmark.

Please join me in congratulating and recognizing Miami Dade Community College's School of Justice, and especially Debbie Goodman, the school Chair; Robert Calabrese, the interim director; Ron Forester, the deputy director; but most especially, Dr. Eduardo Padron.

NATIONAL PUBLIC RADIO

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, following up on the comments of the majority whip, the gentleman from Texas (Mr. DELAY), I am also concerned about what has happened here with NPR.

Although I had supported NPR's public funding in the past, I know when someone has been wronged. It does not matter if it is the Traditional Values Coalition or the ACLU, right or left wing, they simply did not deserve to be treated this way, to be forced to prove or disprove a negative.

America is still recovering from September 11, and the fight ought to be Americans versus terrorists, not Americans versus Americans. When such reckless, irresponsible accusations are pulled out of thin air, we are doing exactly what Osama bin Laden would like us to do, to turn on each other.

I am happy to see NPR has technically apologized. I can only hope they do so again much more loudly and much more often. It is a disgrace to journalism to make such a reckless accusation against a fine organization operating in this country.

I insist, before I continue to support their organizations, that they, in fact, do apologize more forcefully.

HATS OFF TO WADE SATERN AND ANDY ROUSCH, AND ALL KIDS WHO QUALIFY FOR THEIR STATE HIGH SCHOOL WRESTLING TOURNAMENTS

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, hats are off to all the kids who qualify for their State high school wrestling tournaments across the country. We exhigh school and college wrestlers now in Congress know the hard work those accomplishments take.

However, I want to especially recognize two individuals. Wade Satern, of Humboldt, Iowa, won the 119-pound class 2–A championship, and Andrew "Andy" Rousch of Wilton, Iowa, placed third at 103 pounds in class 1–A.

Each of these young men wrestled with only one leg. Satern lost his leg as an infant; and he has said, "I earned it just like any other kid earns a State championship: I worked my tail off. I personally do not feel like I am handicapped."

The Speaker of the House, an exwrestling coach himself, joins me in saying to these young men, congratulations for a job well done.

NPR BREAKS TRUST WITH AMERICANS WITH IRRESPONSIBLE REPORTING

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, in a report already mentioned today on Morning Edition, NPR implied, as we have already heard, that a conservative group, the Traditional Values Coalition, was involved in the anthrax mailings to the Senate because they disagreed with two members of that body on a religious issue.

The first amendment to the Constitution of the United States establishes the freedom of the press, forbidding the Congress to make any law abridging the right of the press to speak freely.

I, like all of us, am a true believer in the Constitution and what it stands for. However, I believe that with this freedom comes responsibility, the responsibility of the press to report accurately and in an unbiased manner the facts of an issue. This trust is compounded in the case of public television and public radio in that they receive taxpayer dollars to fund part of their operations.

On the morning of January 22, NPR broke their contract with the American people by reporting hearsay as fact. They did their fellow journalists and their listeners a grave disservice. In this case, the United States taxpayers did not get what they paid for. This report was completely inaccurate and irresponsible.

As I have stated, the press has a responsibility to report the facts, not unproven accusations. Two results should emerge from our 1-minutes today: one, NPR should issue an equally public apology to the Traditional Values Coalition; and, two, Congress should look long and hard at the recipients of taxpayer dollars.

NPR CROSSED THE LINE FROM BIAS TO OUTRIGHT LIBEL IN INACCURATE COMMENT ON TRADITIONAL VALUES COALITION

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, like most Americans, I have become jaded to the fact that the news media uses the airways to promote their liberal agenda. But when National Public Radio made a thinly veiled accusation that the Traditional Values Coalition could be responsible for the anthrax attacks on Capitol Hill, they crossed the line from simple bias to outright libel.

Mr. Speaker, the thousands of men and women who make up the Traditional Values Coalition are our neighbors, our fellow churchgoers. They are the people who responded to our national emergency by giving their money, clothes, food, time, and even their blood to the victims of September 11. But to NPR, they are simply accused terrorists.

In the end, while the people of the Traditional Values Coalition practice the American ideals of charity and compassion, NPR continues to practice their traditional values: shameful pettiness and slanderous lies.

COMMEMORATING AFRICAN AMERICAN HISTORY AS AMERICAN HISTORY

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, on this last day of the month that we commemorate African American history, as I speak to my schools and community groups, I make the argument that we should celebrate and commemorate all of our diversities throughout the year because we all are Americans, and the history of African Americans is just that, the history of America.

☐ 1015

I rise today to honor a local hero, Nellye Joyce Punch, who happens to be an African American soldier of good fortune for those who do not have. Nellye Joyce Punch has been someone who has worked in the fifth ward area for a number of years, and she fights against hunger in our community. Last evening, Target Hunger, an organization that she helped found, honored her. Well deserved. Because Nellye Joyce Punch when no one was speaking about the hungry in America, she was on the front line. She was someone who worked with my predecessor Mickey Leland and as well the Honorable Barbara Jordan. She has never left the fifth ward community. She is an educator. She is known as someone whose door is always open. She and her husband are both charitable and wise, and young people always know that when Nellye Joyce Punch is around she is there to be of help.

What a great African American hero. What a great hero of America. What a great person. Nellye Joyce Punch should be honored by all of us not only this month but throughout the year.

UNETHICAL REPORTING BY NPR

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today the Corporation for Public Broadcasting will testify before the Subcommittee on Labor, Health and Human Services and Education of the Committee on Appropriations. The Corporation for Public Broadcasting oversees National Public Radio. As we review National Public Radio's budget, I must express my outrage at their unethical report on the anthrax mailings.

On January 22, NPR broadcast a story linking the Traditional Values Coalition to the anthrax mailings here on Capitol Hill. There are no facts and no sources to support this charge of the NPR broadcast. Though they have since issued a correction of the story, there was no apology. I am very concerned that their previously liberal bias has transformed into an all-out attack on conservative and Christian organizations. Four people died from the anthrax mailings, and it is very serious to accuse people of that crime without any supporting facts.

Andrea Lafferty and Reverend Shelton of the Tradition Values Coalition are good friends and loving people. It is shocking that anybody could consider them capable of such a horrific act. NPR receives Federal funds, and therefore we in Congress have a responsibility to make sure that our constituents' taxpayer dollars are not misused for such malicious and unethical reporting.

COMMENDING THE WORLDCOM CLASSIC

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to commend the charitable efforts of Worldcom Classic, the Heritage of Golf and the Heritage Golf Classic Foundation, a non-profit organization located at Hilton Head Island, South Carolina, which sponsors the annual Worldcom Classic Golf Tournament in April of each year and which generates $56 million for the hospitality industry of Beaufort County and the low country of South Carolina.

Since 1987 the Heritage Classic Foundation, chaired by Joseph B. Fraser, has given over $8.1 million to numerous charities, including noteworthy organizations such as Volunteers in Medicine of Hilton Head Island, the Shiners Hospital for Crippled Children in Greenville, Boys and Girls Club of Hilton Head Island, The Penn Center and Meals on Wheels. Also, 88 students have benefited from over half a million dollars distributed in scholarships to Beaufort County High School graduates.

Last year they donated a record amount of $1 million, surpassing the $2 million total of the prior 7 years, which goes out to the 102 charities and colleges across South Carolina.

I want to thank the tournament director, Steve Wilmot, and all those involved with Worldcom Classic, the Heritage Foundation of Golf, for their tireless efforts to support the low country of South Carolina and congratulate them on being an example to all communities of this Nation of how one group with the determination and desire to reach out and help neighbors can actually change lives and make dreams come true.

IMMORALITY OF CLONING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the world was amazed a few years ago when scientists in Scotland successfully cloned a sheep. Many of us wondered what was coming next. Well, in November, Advanced Cell Technology of Massachusetts announced that they had successfully cloned a human embryo. Amazingly, there are people out there who think cloning human beings is perfectly okay. Right now the U.N. is meeting to discuss a ban on what they call "reproductive cloning."

Mr. Speaker, I think we all know what a redundancy is. It means using two words that mean the same thing. Cloning is by definition reproductive. The only question is how long will the clones survive. But the pro-cloning crowd wants to create this false distinction so they can keep on cloning human beings as long as they do not grow up. In other words, they want to clone human beings as long as they are used for experimentation and then destroyed.

Mr. Speaker, this is sick and it needs to stop. The House has passed a cloning ban. America is still waiting for the other body to do the same thing so we can put a stop to this immoral and ethical science.

HONORING AMERICA'S POSTAL WORKERS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I would like to take this opportunity to acknowledge the hard work and amazing contributions of United States postal workers who since September 11, since the anthrax scare has continued to do yeoman work in delivering the mail without any sense of stoppage. I just think that these men and women are continuously owed a debt of gratitude, and we say thanks to the American postal workers.

SAFE TRANSPORTATION OF SPENT NUCLEAR FUEL

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, I rise today to put an end to the claims from opponents of used nuclear fuel disposal who say transporting the material is unsafe. These claims have become louder since President Bush made a decision to move forward with the disposing of nuclear waste in Yucca Mountain. The truth is their concerns are misguided. You cannot argue with the fact that almost 3,000 safe shipments of used nuclear fuel have taken place without any release of radioactive material. That is right. On some 3,000 occasions used fuel has traveled by truck or rail across this country including almost 500 in my home State of Illinois. And the reason you probably have not heard about this is because not one of these shipments has threatened the environment or public safety.

States like Illinois have gone to great lengths to set up a system that will ensure safe transportation of nuclear waste through the State and across State lines. Transporting spend nuclear fuel is safe. It has been proven to be safe, and there is no reason to doubt that it will remain safe.

HONORING MICHAEL DUNCAN, JR.

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, it has been more than 5 months since the terrible terrorist attacks on the World Trade Center and the Pentagon. And since that fateful day, thousands of dedicated Americans have united to help build this country. Today I rise, Mr. Speaker, to recognize one of those great Americans, Mr. Michael Duncan, Jr., who was the only Nevadan deployed from the Disaster Mortuary Operational Response Team, also known as DMORT. DMORT is a Federal-level response team which provides mortuary assistance in cases of mass fatality incidents like September 11.

Unfortunately, due to the heinous acts of the terrorists, our Nation has had to call upon DMORT for assistance at Ground Zero in New York City.

Mr. Speaker, I would like today to recognize the efforts of DMORT and specifically of Mr. Michael Duncan. On behalf of a grateful Nation, I thank him for his dedicated effort to a stressful, tragic and demanding job but a job which has to be done. Mr. Duncan serves as a role model for Nevadans and for all Americans.

STALLING THE FARM BILL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, several months ago back in October the House of Representatives passed a farm bill. Farm bills are important because in our food service delivery production chain, the government is very involved in the production end on the farm; and farmers cannot make planting decisions until the law for the coming year is stipulated. And one reason they cannot is they cannot borrow money to plant their crops because the banks will not lend money until they know what the farm bill says in it.

Now, because of the House of Representatives return by Republicans is responsible, we passed this many, many months ago. Unfortunately it is across the hall in a body led by the other party, and they are still sitting on it. It is sad when so many people have such a callous disregard for farmers in America and for production agriculture. We need food in this country.

The miracle of our food, to think that less than 2 percent of the population is serving 100 percent plus the world; and yet we cannot get the other body to pass the farm bill. It is ridiculous. Let us move on for the sake of farmers and for the sake of American consumers and get this thing done.

APPOINTMENT OF CONFEREES ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

MOTION TO INSTRUCT OFFERED BY MS. ESHOO

Ms. ESHOO. Mr. Speaker, I offer a motion to instruct conferees.

The Clerk read as follows:

Ms. ESHOO moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 3448 be instructed—

(1) to work diligently to reconcile the differences between the two Houses in order to promote public health security and address potential bioterrorist threats;

(2) to recognize that Federal resources to combat bioterrorism and other public health emergencies have been increased through recent appropriations bills, to enhance preparedness and response to bioterrorism and other public health emergencies for fiscal year 2002, and that the managers on the part of the House should be careful not to disrupt or delay this much needed funding for fiscal year 2002;

(3) to recognize the pressing need to establish a national system for tracking the possession and use of deadly biological agents;

(4) to recognize the need to prioritize Federal and State resources to address potential threats to the food supply;

(5) to acknowledge the need to work with the Administration to ensure feasibility of enhanced food safety regulatory programs; and

(6) to provide for vulnerability assessments, emergency response plans, and other actions with respect to public drinking water supplies.

The SPEAKER pro tempore. The gentlewoman from California (Ms. ESHOO) will be recognized for 30 minutes and the gentleman from Louisiana (Mr. TAUZIN) will be recognized for 30 minutes.

The Chair recognizes the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, I rise this morning in support of this motion of the House bill and emphasize the need for conferees to address and quickly resolve their differences on the bioterrorism legislation.

We live in unsettling times. Our hope is that we never again experience an act of terrorism, but we have to plan and prepare to respond to further attacks. The conferees face a complex task. The bills passed by the House and Senate cover many subjects including grants to our first responders, regulation of select agents, protection of our food supply, and protection of our water systems.

The motion recognizes the need for conferees to coordinate the final legislation with ongoing efforts to support existing plans and programs. Bioterrorist threats and public health emergencies can come in many forms, in many places; and the House bill is sensitive to that fact. We want an aggressive response to this problem.

Title I of H.R. 3448 provides a funding structure that focuses resources towards first responders with a minimum of delay and with maximum efficiency. This bill is a down payment, not a full measure of what will be needed for our citizens and our community to prevent, prepare for, and respond to terrorist attacks.

Title III of H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2001 which we overwhelmingly passed on December 11, 2001, establishes important new regulatory authorities for the protection of our Nation's food supply. These new authorities enable the Food and Drug Administration to allocate its limited inspection resources more effectively where they are needed the most, at the ports of entry into the United States. In addition, the bill authorizes the appropriations of new funds for increased inspections of food, the development of rapid testing technologies, and an assessment of threats for the adulteration of food.

□ 1030

Along with improving FDA's information management systems as they pertain to imported food, the bill mandates that FDA notify relevant States when it has information indicating that a shipment of food presents a threat of serious adverse health consequences and requests that such States take appropriate remedial action.

Mr. Speaker, this is a motion on which I would expect all of my colleagues would agree. The bill passed the House by a vote of 418 to 2, and I believe my colleagues are unified in their desire to pass this legislation as soon as possible, and I urge them to do that.

I would also like to add that, as we have emphasized, a good part of the legislation is built around first responders, that what they will have in their hands, the tools that they will use, represent the best of the biotechnology industry of our country, the technology industry and high technology, both of which find a home in the 14th Congressional District of California. So America's best will be placed in America's best hands as first responders. I am very proud of that, and I know that my colleagues are as well.

Mr. Speaker, I thank all of my colleagues for the work that has been done on one of the most important bills that the House of Representatives will pass.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the motion offered by my dear friend and colleague, the gentlewoman from California (Ms. ESHOO), a valued member of the Committee on Energy and Commerce, and thank her for this motion.

This motion is obviously to instruct the conferees on H.R. 3448, the other Tauzin-Dingell bill, the Tauzin-Dingell Public Health Security and Bioterrorism Response Act; and also I want to, obviously, thank the gentleman from Michigan (Mr. DINGELL), the ranking member of the Committee on

Energy and Commerce, for again an extraordinary bipartisan effort to do what I think is something awfully important and necessary for our country.

As the gentlewoman explained, this bill came out of the Committee on Energy and Commerce in December and passed the House by 418 to 2, again a remarkable expression of the concern all Members have on both sides of the aisle for protecting America from these chemical and bioterrorism attacks. I believe that now we have to work even more diligently to reconcile the differences between our House-passed bill and the bill the Senate eventually passed in late December and go to a conference and get this bill accomplished as quickly as possible.

At its core, H.R. 3448 is about the safety and about the security of our country, a country that is now faced with profound new threats of terrorism and public health emergencies. Increasing Federal resources available to identify, to prevent, to deter and to respond to threats of bioterrorism is probably the most important thing we can do now in improving our readiness to face an enemy that is now here at home and threatens a free and prosperous society.

For fiscal year 2002 we have already addressed increasing the funding to combat bioterrorism through appropriations bills and by administrative actions. We must be careful not to disrupt or delay this very much needed funding by unnecessarily imposing substantial new requirements on the grants or the funding for fiscal year 2002. We must also enact a strong framework that combines smart, innovative policy with these additional resources to prepare our country for these bioterrorism threats, to improve our abilities to respond, as the gentlewoman said, quickly and efficiently if, in fact, those threats not only arise but are carried out as many predict al Qaeda and other members are still attempting to do.

Title I of the House-passed bill is intended to step up our preparedness and our capacity to identify and respond to these kinds of threats. The title will improve communications between and among the levels of government, public health officials, first responders, the health care providers and the facilities that must obviously take care of victims in the case of those emergencies.

As we work to reconcile the House- and Senate-passed bills, we must also enhance the controls on deadly biological agents in order to help prevent bioterrorism, establish a national database on dangerous pathogens. Even today we do not have a national system in place for tracking the possession and use of the anthrax that has already killed and injured citizens and continues to pose a threat to our national and economic security and public health and welfare, not to mention the lives of our postal workers and others in our society who are threatened by such an attack.

Title II of the House-passed bill imposes new registration requirements on all the possessors of the 36 most dangerous biological agents and toxins. It mandates tough new safety and security requirements to ensure that only legitimate scientists working in appropriate laboratory facilities can gain access to these potential weapons of mass personal destruction.

Title III of the House bill protects the food and drug supplies by increasing Food and Drug Administration resources to hire more inspectors at the border where so little of our food is inspected and by providing additional authority for the FDA to detain food and to investigate credible evidence of contamination and to improve access to records to assist in investigating any threats to our food supplies.

Finally, we must recognize the need to provide for the vulnerability assessments, emergency response plans and other actions with respect to public drinking water supplies. All of us should pay special attention to what is happening in Rome where tunnels were found and suspects arrested who had materials on hand designed to infect the water supplies of the Americans who work in our embassy there and could possibly have poisoned them and damaged them or hurt them or killed them. That single incident in Rome ought to stand as a stock warning to everyone in this country that it can happen here, too, if we are not careful.

Title IV of the House-passed bill requires a comprehensive review of the ways to detect and respond to chemical, biological, radiological contamination of drinking water, as well as ways to prevent and mitigate the effects of physical attacks upon those assets.

Again, I want to thank the gentleman from Michigan (Mr. DINGELL) and the members of the Committee on Energy and Commerce on both sides of the aisle for their tireless, extraordinary efforts to produce H.R. 3448. Once again, the House led the Senate in getting this legislation passed, but the Senate has done its job, too, now, and we need to reconcile the differences between the legislation.

I look forward to working expeditiously with the House and Senate managers to resolve those differences so this country can quickly get a strong public health security and bioterrorism-response bill to the President's desk, not just this year but hopefully by the time we conclude in another month. We ought to get this thing done not in months but in days and weeks, and we ought to put it on the President's desk so the country can have the benefit of this kind of security.

I urge my colleagues to support this motion and commend the gentlewoman for presenting it to the House.

Mr. Speaker, I reserve the balance of my time.

Ms. ESHOO. Mr. Speaker, I yield myself such time as I may consume.

I would like to congratulate the chairman of our committee for the extraordinary work that has been done on this bill and to the gentleman from Michigan (Mr. DINGELL) our ranking member.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. ESHOO) for her leadership on this issue and her energy on the Committee on Energy and Commerce and also on the Homeland Security Task Force.

I thank the chairman and the ranking member of this full committee and stand to support this legislation, particularly as it relates to authorizing funding to develop antidote drugs in case of attacks, grants for emergency preparedness, aid to hospitals and other health and food programs.

This bill, along with the Justice Department reauthorization bill, H.R. 2215, is expected to deal with issues of terrorism, and of course, all of us are singularly committed to fighting against terrorism but also protecting the homeland.

I am particularly gratified that this legislation will help us stockpile vaccines and drugs, strengthen public health systems and promote other efforts to defend against biological attacks. We must reconcile the Senate bill with what we are attempting to do.

What I like about this legislation is it expands the role of the Centers for Disease Control. Many of us visited the Centers for Disease Control right after the September 11 tragic incident and right after the anthrax, and we saw there was great need in reinforcing its fund, reinforcing its expanse, because it relates to the public health system and also giving it money to help restore its physical plant. This is a very important aspect of this legislation.

As the chair of the Congressional Children's Caucus, let me say how glad I am that we have established the National Task Force on Children and Terrorism and the Emergency Public Information Communications Task Force. One of the greater or silent victims of September 11 was all of the children that were impacted by terrorism.

I am interested also in the funding source, and I might raise this, I am concerned with first responders and local government. If someone comes out of local government, I am a former city council member, and I would like to make sure that those dollars get to the first responders and local governments. I know that we are dealing with block grants, and if I might put on the RECORD that it is very important that our mayors and county commissioners and those who are first responders are the ones that actually get those dollars.

I hope as we are resolving this legislation that we can assure that the ground firefighters and police and the emergency paramedics and hospitals get those dollars. As I met with those groups in my own congressional district, I can assure my colleagues that that is an important issue to us.

As I close, let me say that in my community we are establishing a biomedical center. Also, NASA is very much involved in biomedicine, and I believe we have a lot of good collaborators that can work with us on this issue, and I simply hope that, as we work together on these particular issues, we will make sure that those dollars get to those who need it.

Finally, might I say the food safety and security is extremely important. I do not know if we realize that the food supply of our farm animals even, the seed, needs to be protected, because that then generates into a potential for devastation among our population.

I rise again to ask support for this legislation, hope in conference some of my concerns will be addressed.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Illinois (Mr. SHIMKUS) from the Committee on Energy and Commerce who played an instrumental role in fashioning the very important frame upon which H.R. 3448 was built and who will be joining us on the conference committee with the Senate.

Mr. SHIMKUS. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me the time. I appreciate the ranking member and this motion to recommit, and I want to associate with my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

On Monday I met with over 150 firefighters as they tried to figure out how to competitively complete work on the fire grant acts and try to get up to snuff to be able to respond. Of great concern to them is responding to bioterrorism. And I am a Federalist, I believe in Federal responsibilities and local responsibilities, but this new world, there is something new that has emerged.

We have a responsibility if we want to rely on these people to respond to these great crises that could face our country. They have to be trained. They have to be equipped. They have to be able to be there. Because no matter, as an Army officer, no matter how we drop in a field medical office, those firefighters, those police officers, those local sheriffs are going to be there and they better be equipped and trained and be able to perform the mission, not only them but our local hospitals.

This whole health care debate and the changing from hospital rooms, I think now there is a big gap. If there is a great crisis, where are these sick people going to go? How are we going to be able to respond? So the local hospitals, the community health clinics and those things are just critical, and I know this is a way that we are going to try to wrestle out some of those problems and get a way that we can help the local responders, and I am honored to be able to serve on the conference.

I look forward to working hard.

Ms. ESHOO. Mr. Speaker, I have no further speakers; and I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I have no further speakers; and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentlewoman from California (Ms. ESHOO).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

□ 1045

APPOINTMENT OF CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. COMBEST. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas? The Chair hears none and, without objection, appoints the following conferees: Messrs. COMBEST, BOEHNER, GOODLATTE, POMBO, EVERETT, LUCAS of Oklahoma, CHAMBLISS, MORAN of Kansas, STENHOLM, CONDIT, PETERSON of Minnesota, DOOLEY of California, Mrs. CLAYTON and Mr. HOLDEN.

There was no objection.

The SPEAKER pro tempore. The Speaker may supplement the appointment at a future time.

MOTION TO INSTRUCT CONFEREES ON H.R. 3448, PUBLIC HEALTH SECURITY AND BIOTERRORISM RESPONSE ACT OF 2001

The SPEAKER pro tempore. The pending business is the question on the motion to instruct conferees on H.R. 3448 on which further proceedings were postponed and on which the yeas and nays were ordered.

The Clerk will redesignate the motion.

The Clerk redesignated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentlewoman from California (Ms. ESHOO).

The vote was taken by electronic device, and there were—yeas 412, nays 0, not voting 22, as follows:

[Roll No. 46]

YEAS—412

Abercrombie
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski

LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOT VOTING—22

Ackerman
Baldacci
Blagojevich
Clay
Clayton
Condit
Cubin
DeFazio
Fattah
Gallegly
Gilman
Hinojosa
Linder
Lynch
Norwood
Roukema
Rush
Sandlin
Traficant
Vitter
Weiner
Young (AK)

☐ 1114

Mr. Jefferson changed his vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. CLAYTON. Mr. Speaker, I missed the last vote, rollcall 46. If I had been here, I would have voted "yea."

Mr. SANDLIN. Mr. Speaker, I ask that it be entered in the RECORD that if I had been present today I would have voted "yea" on rollcall No. 46, the motion to instruct conferees on H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2002.

PERSONAL EXPLANATION

Mr. GILMAN. Mr. Speaker, this week, due to personal matters, I was unable to vote on rollcall No. 44. If I had been present I would have voted "no."

In addition, I was not present to vote on rollcall Nos. 39, 40, 41, 42, 43, 45, and 46. If I had been present I would have voted "yes."

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the Chair appoints the following conferees:

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conferences: Messrs. TAUZIN, BILIRAKIS, GILLMOR, BURR of North Carolina, SHIMKUS, DINGELL, WAXMAN, and BROWN of Ohio.

Provided that Mr. PALLONE is appointed in lieu of Mr. BROWN of Ohio for consideration of Title IV of the House bill, and modifications committed to conference.

From the Committee on Agriculture, for consideration of Title II of the House bill and section 216 and Title V of the Senate amendment, and modifications committed to conference:

Messrs. COMBEST, LUCAS of Oklahoma, CHAMBLISS, STENHOLM and HOLDEN.

From the Committee on the Judiciary, for consideration of Title II of the House bill and sections 216 and 401 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, SMITH of Texas, and CONYERS.

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I have an inquiry of the distinguished majority leader about the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

☐ 1115

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, March 5, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Mr. Speaker, Members should make special note that on Tuesday, recorded votes will be postponed until 6 p.m.; and that 6 p.m. is for next week only.

On Wednesday and Thursday, the House will consider the following measures subject to rules:

Networking and Information Technology Research Advancement Act; and

The Department of Justice authorization conference report, if it is available.

Mr. Speaker, I am also talking with Chairman OXLEY about the possibility of moving H.R. 2604, the Multinational Bank Reauthorization Act, next week.

I thank the gentlewoman for yielding.

Ms. PELOSI. I thank the majority leader.

I had some further questions about the schedule. Is there any Social Security legislation that will be scheduled on the floor next Tuesday or any other day next week?

Mr. ARMEY. I thank the gentlewoman for that inquiry.

At this point, I see no legislation on that subject that would be available for the floor next week.

Ms. PELOSI. It is my understanding that the Committee on Ways and Means today is holding hearings on Social Security certificates legislation. When would that legislation be expected to come to the floor?

Mr. ARMEY. Again I thank the gentlewoman for her inquiry.

I do know that the hearings were held today, but I have not been requested to provide floor time to the committee for any pending legislation.

Ms. PELOSI. Mr. Leader, once again I am disappointed that there is no legislation addressing unemployment assistance. We all know that there is an urgent need for that.

Will we be appointing conferees on that legislation next week? If so, when might that occur?

Mr. ARMEY. Again let me thank the gentlewoman for the inquiry.

The Speaker and I have spoken about this only briefly, but at this point he has not asked me to schedule any appointment of conferees.

Ms. PELOSI. I find that disappointing because, as the gentleman knows, we have people who are suffering in our country. We passed the airline bailout bill in a matter of days of September 11, and that was appropriate. We should have at that time passed unemployment benefits for those who are affected by September 11. Now we are 6 months later, and we still do not have the conferees appointed.

Mr. ARMEY. If the gentlewoman will yield, and I do appreciate her concern. In fact, we, too, share this concern. The frustration that she feels is felt over here, too. Having passed unemployment insurance extensions three times through this body to the other body and having seen such a disappointing response by the other body, we do understand her concern and we are hopeful that we can work this out as well as opportunities to go back to work for most of these people.

Ms. PELOSI. I appreciate the majority leader saying that, Mr. Speaker, because the American people expect and deserve for this Congress, in this House for us to work together in a bipartisan way to bring the same relief to the American workers affected by September 11 as we did to bail out the airline industry only a few days after September 11, as I mentioned.

Mr. Speaker, on the question of the schedule, as the gentleman knows, there are primaries beginning this spring. We have our own this Tuesday in California. Will there be any change in the vote schedule on Tuesdays with the primaries?

Mr. ARMEY. Again I thank the gentlewoman for the inquiry.

I know that, in fact, just a week later, we will have ours in Texas. Primary season this year does generally fall on Tuesdays. Unfortunately, it is our need to convene the body for work on Tuesdays. We try to have the votes later in the evening so that Members hopefully would be able to vote in their States in the mornings and return. It is a difficulty for California, but I believe we have done the best we can in terms of our accommodation for next week.

Ms. PELOSI. Mr. Leader, I assume that I should not take it personally that on the day of the California primary you have made the votes earlier rather than later.

Mr. ARMEY. I thank the gentlewoman for the inquiry; but let me just say that this body, as the Nation, admires and respects California and can only hope for the best for your great State.

Ms. PELOSI. I am certain of that. I thank the gentleman for the information.

ADJOURNMENT TO MONDAY, MARCH 4, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. SWEENEY). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 5, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday March 4, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, March 5, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

EXTENDING CONGRATULATIONS AND BEST WISHES TO JOE YANCEY

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that this body join me in extending congratulations and best wishes to Mr. Joe Yancey on this very special day in his life.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RECOGNIZING CIVIL AIR PATROL FOR 60 YEARS OF SERVICE TO UNITED STATES

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the concurrent resolution (H. Con. Res. 311) recognizing the Civil Air Patrol for 60 years of service to the United States, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

Mr. HASTINGS of Florida. Mr. Speaker, reserving the right to object, I would like to begin in great sincerity by thanking the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS), the chairman and ranking member of the Committee on the Judiciary, for allowing this resolution to be brought to the floor. Their stewardship of that distinguished committee is an inspiration to me, and I appreciate their taking the time to review my request on such short notice. The 60th anniversary gala of the Civil Air Patrol is being held here in Washington, D.C., this Saturday evening; so, honestly, their diligence in steering this resolution through the committee is timely indeed.

In 1938 as the winds of war began to stir over Europe and East Asia, a group of concerned American pilots began to advocate for the creation of a civilian air defense. Their concerns about American involvement in the coming world conflict proved to be prophetic. The Civil Air Patrol, commonly known as CAP, was organized on December 1, 1941, 6 days before the attack on Pearl Harbor.

Over the course of the Second World War, CAP volunteers would log more than 500,000 flying hours performing coastal patrols to search for enemy submarines, search and rescue missions, and cargo and courier flights for military personnel. Their efforts freed countless Army Air Corps enlistees to fight at the front and contributed greatly to homeland defense. Several historical sources suggest that the CAP coastal patrol rid the Atlantic coast of German U-boats by 1943.

With the end of hostilities, CAP's responsibilities grew. In 1946, CAP was incorporated as a benevolent, nonprofit organization. Two years later, it became an auxiliary of the newly created United States Air Force. For the next 54 years, CAP would mobilize its resources to fulfill its congressionally mandated mission of providing aerospace education, cadet programs, and emergency services to the American public.

It has performed this mission with distinction. The CAP cadet program has trained more than 750,000 youths in leadership and life skills over the past 60 years. During that same period, CAP pilots have flown over 1 million hours on search and rescue missions, saving hundreds of lives. In 1951, CAP initiated its aerospace education program which has since trained more than 300,000 teachers in math and science as they relate to aviation. These teachers have, in turn, taught over 18 million students. Since 1986, CAP has cooperated with the United States Air Force, the U.S. Customs Service, the Drug Enforcement Administration, and the United States Forest Service to stem the flow of illegal drugs into our country. Together with these agencies, it has assisted in the confiscation or eradication of billions of dollars of illegal drugs. Today, CAP is stronger than ever, boasting a membership of 60,000 individuals and a fleet of over 500 airplanes.

In offering this resolution, I implore my colleagues to award the Civil Air Patrol the honor it is due for its untiring service to the Nation. To the members of the Civil Air Patrol, I say happy 60th birthday. I wish you, at the very least, 60 more.

Mr. SENSENBRENNER. Mr. Speaker, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. I thank the gentleman from Florida for yielding.

Mr. Speaker, I also support H. Con. Res. 311, recognizing the Civil Air Patrol for 60 years of distinguished service to the United States.

Mr. Speaker, the Civil Air Patrol was established on December 1, 1941, days before the attack on Pearl Harbor. Today it provides an important service to our country by performing search and rescue missions, assisting law enforcement with antidrug operations, and helping the FAA to monitor airports.

The Civil Air Patrol deserves our support, praise, and thanks. With this concurrent resolution, we recognize it for the important role it has played in our Nation.

Mr. HASTINGS of Florida. Mr. Speaker, again I thank Chairman SENSENBRENNER for his great help.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 311

Whereas the Civil Air Patrol was established on December 1, 1941, in the Office of Civilian Defense;

Whereas during World War II the volunteer units of the Civil Air Patrol conducted search and rescue missions, provided air transportation for military personnel and cargo, towed targets for the training of Army Air Corps gunners, and patrolled the coasts of the United States searching for enemy submarines;

Whereas by the end of World War II the Civil Air Patrol had flown more than 500,000 hours, sunk 2 German U-boats, and saved hundreds of crash victims;

Whereas on July 1, 1946, the Civil Air Patrol was chartered by the United States as a nonprofit, benevolent corporation;

Whereas on May 26, 1948, the Civil Air Patrol was permanently established as a volunteer auxiliary of the United States Air Force;

Whereas since 1942 the cadet programs of the Civil Air Patrol have trained approximately 750,000 youth, providing them with leadership and life skills;

Whereas since 1942 the Civil Air Patrol has flown more than 1,000,000 hours of search and rescue missions, saving several thousand lives; and

Whereas since 1951 the aerospace education programs of the Civil Air Patrol have provided training and educational materials to more than 300,000 teachers, who have educated more than 8,000,000 students about aerospace: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress recognizes the Civil Air Patrol for 60 years of service to the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the subject of House Concurrent Resolution 311 just adopted.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

RECOGNIZING SIGNIFICANCE OF BLACK HISTORY MONTH

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the concurrent resolution (H. Con. Res. 335) recognizing the significance of Black History Month and the contributions of black Americans as a significant part of the history, progress, and heritage of the United States, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, and I will not object, I yield to the gentlewoman from Virginia (Mrs. JO ANN DAVIS) to explain the concurrent resolution.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, House Concurrent Resolution 335 expresses the sense of Congress that the contributions of black Americans are a significant part of the history, progress, and heritage of the United States and that the ethnic and racial diversity of the United States enriches and strengthens the Nation.

Mr. Speaker, I rise today in honor and acknowledgment of Black History Month, a great tradition honoring and celebrating black Americans. This 74-year tradition seeks to broaden our vision of the world, the legacy of black Americans in our Nation's history, and their role in our Nation's future. I commend the distinguished gentleman from Oklahoma (Mr. WATTS) for introducing this important piece of legislation.

Mr. Speaker, the first black Americans were brought to these shores as early as the 17th century. These black Americans and subsequent generations were enslaved and brought to America against their free will. Despite this setback, early black Americans made their mark in the economic, educational, political, artistic, literary, scientific, and technological advancement of the United States. Black Americans have also contributed to protecting the Nation's security and freedom through service in the Armed Forces. In addition, they have built many of the Nation's strongest faith-based institutions which serve the Nation's poorest citizens, strengthen the Nation's moral code, and uplift its spirits.

Mr. Speaker, it is important that we stand today and recognize the achievements of black Americans. Their heritage and history are invaluable learning tools to the people of our great Nation. I thank the gentleman for yielding.

Mr. DAVIS of Illinois. Mr. Speaker, reclaiming my time, when I think of this bill, which was introduced by the gentleman from Oklahoma (Mr. WATTS), I think of the words of Langston Hughes, the African-American poet, who stated:

"O, let America be America again.
The land that never has been yet
And yet must be.
The land where every man is free.
The land that's mine—
The poor man's, Indian's, Negro's, me—
Who made America,
Whose sweat and blood,
Whose faith and pain,
Whose hand at the foundry,
Whose plow in the rain,
Must bring back our mighty dream again."

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That is from "Let America be America Again." Those eloquent words of celebrated African American poet and writer Langston Hughes resound today as we celebrate Black History Month and as we discuss this resolution recognizing the significance of Black History Month.

On February 1, 2002, Mr. Hughes joined the other 24 prominent African Americans distinguished by having a stamp issued in their honor as part of the U.S. Postal Service's Black Heritage Stamp service.

There was certainly a time in our not-too-distant past when this would have been unthinkable, issuing stamps depicting prominent African Americans. Indeed, this was the case in February 1926 when renowned African American educator Carter G. Woodson, founder of the Association for the Study of African American History and Life, designated a week in February coinciding with the birthdays of two great Americans, Frederick Douglass and Abraham Lincoln, as Negro History Week. Mr. Woodson hoped that the contributions of African Americans would be studied as integral to our shared American history. Fifty years later, in 1976, the observance was expanded to embrace the entire month of February, and here we are today commemorating yet another Black History Month.

In 1926, the landscape in this country for African Americans was demonstrably different than it is today. At that time, "separate but equal," a doctrine that afforded Black Americans second-class citizenship, was the law of the land, although an immoral one.

Through the heroic efforts of many Americans of all races, legalized discrimination became a thing of the past. This body passed landmark legislation, most notably the Civil Rights Act of 1964 and Voting Rights Act of 1965. However, the story of racial discrimination did not end in 1965.

Here we are in 2002, and the theme for this year's observance of Black History Month is most appropriately timed: "The color line revisited: Is racism dead?" The answer obviously is a resounding "no."

One only needs to read the newspapers from around the country every day to see that racism is not dead. New York Times, January 15: "New Jersey troopers avoid jail in case that highlighted profiling."

Chicago Tribune, January 21: "Racial profiling is bad policing."

Detroit Free Press, January 11: "Black Arab-American leaders assail racial profiling."

Denver Post, November 28, 2001: "Hispanics, Blacks, get searched more."

Dallas Morning News, January 2, 2002: "Racial profiling ban takes effect."

I could go on and on and on; but African Americans, despite our robust laws, face a daily dosage of humiliation as the result of racism. Thousands of African Americans and other racial and ethnic minorities have been the victims of racial, ethnic or national origin profiling; targeted, identified, stopped, questioned and searched by law enforcement officials under the guise of committing a crime, when in reality their only crime was the color of their skin or their country of origin.

Young black men are particularly prone to DWB, driving while black. Since September 11, law-abiding Arab-American citizens have been targeted for profiling by law enforcement officials. Racial profiling violates the equal protection provisions of our great Constitution. Not only is it un-American, it is also bad law enforcement.

Salim Muwakkil, in the Chicago Tribune, wrote about University of Toledo law professor David A. Harris' new book, "Profiles in Injustice: Why Racial Profiling Cannot Work." Harris' book, for the first time, compared all of the available data on racial profiling with relevant crime statistics and makes clear that the "hit rate," the rate at which police actually find contraband on people they stop in racial profiling, is actually lower for blacks than for whites. The hit rate for Latinos is much lower than for either.

In 2001, a Department of Justice report came to the same conclusion. Wade Henderson, executive director of the Leadership Conference on Civil Rights said, "Most Americans think that the most blatant forms of discrimination and segregation have ended, that we are dealing now with a much more complex, often more subtle form of discrimination. Yet incidents like the ones we are discussing now seem to belie the point. They seem to suggest that even the more blatant forms of discrimination, though not as institutionalized as they once were, are still occurring, and I think stand in mockery of the perception that America has become a color-blind nation."

Since June of last year, the End Racial Profiling Act of 2001 has been pending in our esteemed institution. This 107th Congress could put an end to racial profiling by passing this act and sending it to the President for signature. Then we would really be celebrating Black History Month 2002.

So I end, Mr. Speaker, as I began. "O, let America be America again; the land that never has been yet and must be; the land where every man is free."

I urge my colleagues to support this resolution.

Mr. Speaker, further reserving the right to object, I am pleased to yield to the gentleman from Oklahoma (Mr. WATTS).

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today in celebration of Black History Month. Since 1976, each year during the month of February, Black History Month is celebrated across the Nation.

The origins of Black History Month are dated back to 1976 when, as the gentleman from Illinois (Mr. DAVIS) said, Dr. Carter G. Woodson, an American of African descent who was an educator and historian, set aside a special period of time in the month of February which began as Negro History Week, to recognize the heritage, the achievements and contributions of Americans of African descent to our great Nation.

When you consider that Abraham Lincoln, the Great Emancipator, is celebrated during February, it is only appropriate that those people whom he freed more than a century ago be celebrated during this month as well.

However, although February is officially recognized as Black History Month, we should celebrate black history throughout the entire year. This is a magnificent opportunity for everyone, red, yellow, brown, black and white, to learn about their own history.

After all, black history is American history. Rising from the horrors and brutality of slave roots, Americans of African descent are the epitome of strength and endurance, perseverance, intellect and creativity.

Throughout America's history, Americans of African descent have consistently served as a catalyst for change and progress. The innumerable struggles and successes of the African American people have made it possible for all Americans to enjoy and share the same civil rights and privileges which we all hold so dear: freedom, liberty, and equality.

It is impossible to imagine our world without the contributions of Americans of African descent. Americans of African descent have played an integral role in building this country and making it the superpower that we all know it to be today. From helping to fight the Civil War, to constructing America's most prominent addresses, the United States Capitol and the White House, as well as making some of the most important discoveries and inventions that to this day still influence every aspect of our lives, be it economics, politics, language, art, technology, food or music, Americans of African descent have made an extraordinary and indelible mark on American culture.

No one chooses to be born red, yellow, brown, black or white. Rather, the good Lord above makes that decision. And if it is good enough for God, it should be good enough for all of us; and it is surely good enough for me.

Therefore, I challenge each and every one of us who are gathered here today and all Americans to celebrate black history and the many different cultures that constitute this place that we all call home and the rest of the world calls America. After all, our diversity is our strength.

Mr. DAVIS of Illinois. Mr. Speaker, continuing my reservation, I urge passage of this resolution.

Mr. LANGEVIN. Mr. Speaker, today marks the end of Black History Month, a time when we are reminded of the great contributions of African-Americans to our Nation. Rhode Island has a proud history of African-American accomplishments ranging from the heroic deeds of the Black Regiment, which fought under General Nathaniel Greene during the American Revolution, to Ruth Simmons who, as president of Brown University, is the first African-American to head an Ivy League institution.

Last month, I met with civil rights leaders from Rhode Island to discuss the work of Rev. Martin Luther King, Jr., and how we are still working to keep alive his vision for America. While we have made great strides since Dr. King's death, we have much more to accomplish. Throughout my service as a public official, I have met far too often with people with no access to affordable health care, housing, or even quality education for their children, and who fear for the safety of their loved ones because of gun violence. Congress must have the courage to address these problems immediately and promote efforts to improve the lives of all Americans.

We cannot tolerate violence and crimes that target a victim's race, religion, gender, sexual orientation, or disability. We must demand affordable health care and housing. We must support equal pay for equal work. And we must defend affirmative action in order to provide greater opportunities to minority students, workers, and business owners.

When accepting his Nobel Peace Prize Reverend King said, "I have the audacity to believe that peoples everywhere can have three meals a day for their bodies, education and culture for their minds, and dignity, equality and freedom for their spirits." I challenge all of us to share Dr. King's audacity and to continue fighting for an America that offers equality for all.

Mr. GILMAN. Mr. Speaker, I rise to honor the many achievements of African-Americans this February 2002, Black History Month.

The first Black History Month took place in 1926, when Carter G. Woodson chose the second week in February, a week that includes the birthdays of Abraham Lincoln and

Frederick Douglass, to honor the contributions of African-Americans.

The rich history of African-Americans reflects the challenges our Nation has faced, the diversity of our people, and the bright future ahead. Throughout our history, African-Americans have bravely fought for the freedoms we hold dear. The first American to lose his life in the American Revolution was a free black man named Crispus Attucks and, posing as a double agent, a slave, James Armistead, a slave, received permission to enlist in the Army under French General Marquis de LaFayette, providing the Americans with crucial information about British naval support.

During the 19th century, many African-Americans joined the abolitionist movement, fighting against the injustices of slavery. We remember the bravery of Frederick Douglass, Harriet Tubman, and Sojourner Truth who stood for the principles of freedom and equality.

The 20th century has also known many achievements of African-Americans. In New York a remarkable period of literary creativity in the 1920s and 1930s came to be known as the Harlem Rennaissance. Among the notable writers of this era were Langston Hughes, Claude McKay, and poet James Weldon Johnson. In sports, while fans will remember Jackie Robinson's talents in fielding, hitting, and base running, it was his bravery in breaking the color barrier that paved the way for many great athletes.

In our mutual struggle for civil rights, our Nation has reaped the benefits of dedicated African-Americans. We must never forget the life, message, and many achievements of Dr. Martin Luther King, Jr., whose efforts paved the way for the revolutionary legislation of the 1960s. In addition we remember the bravery of Ms. Rosa Parks, who as a young woman, stood to end discrimination on a bus in Alabama and ignited change throughout our Nation.

Our society has come a long way. Today, many African-Americans serve in this body and in the President's Cabinet. President Bush recently stated that "Nobody can understand this country without understanding the African-American experience. It began when America began."

Mr. Speaker, too often, people think of Black History Month as a time for African-Americans to reflect and celebrate their rich history. However, this is a time for us all to recognize the significant contributions of African-Americans, to reflect upon the struggle to end slavery and to extend civil rights to all, and to reinvigorate our efforts to end prejudice throughout our Nation and our world.

I am pleased to join my colleagues and all Americans in expressing appreciation for the contributions African-Americans have made to our Nation this Black History Month.

Mr. DAVIS of Illinois. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. Sweeney). Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 335

Whereas the first Black Americans were brought to these shores as early as the 17th century;

Whereas these first Black Americans and subsequent generations were enslaved and brought to America against their free will;

Whereas, despite this enslavement, early Black Americans made significant contributions to the economic, educational, political, artistic, literary, scientific, and technological advancement of the United States;

Whereas many of these enslaved Black Americans fought and died in the Revolutionary War and the Civil War;

Whereas, despite official and social discrimination, subsequent generations of Black Americans have continued to build on these early contributions and continue to make important advancements in politics, business, culture, education, art, literature, science, and technology;

Whereas Black Americans have worked consistently and arduously to strengthen the Constitutional values of freedom, liberty, and equality;

Whereas Black Americans have disproportionately contributed to protecting the Nation's security and freedom through service in the Armed Forces;

Whereas Black Americans have built many of the Nation's strongest faith-based institutions which serve the Nation's poorest citizens, strengthen the Nation's moral core, and uplift its spirit; and

Whereas the month of February is officially celebrated as Black History Month, which dates back to 1926, when Dr. Carter G. Woodson set aside a special period of time in February to recognize the heritage and achievements of Black Americans: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress recognizes the significance of Black History Month, an important time to recognize the contributions of Black Americans in the Nation's history, and encourages the continued celebration of this month to provide an opportunity for all people of the United States to learn more about the past and to better understand the experiences that have shaped the Nation; and

(2) it is the sense of Congress that—

(A) the contributions of Black Americans are a significant part of the history, progress, and heritage of the United States; and

(B) the ethnic and racial diversity of the United States enriches and strengthens the Nation.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 335.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

COMMENDING THE WINNERS OF THE ROSA PARKS ESSAY CONTEST HELD IN INDIANA'S TENTH CONGRESSIONAL DISTRICT.

(Ms. Carson of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include therein extraneous material.)

Ms. CARSON of Indiana. Mr. Speaker, as we celebrate Black History Month, I rise to commend the six winners of the Rosa Parks Essay Contest held in Indianapolis' Tenth Congressional District conducted by my office in conjunction with the recent movie premier of "Ride to Freedom, the Rosa Parks Story."

I challenged the students of the Indianapolis public schools to write essays discussing the difference Rosa Parks made in the world and the difference they can make in their own lives. This competition was opened to students in grades 6 through 12. The six winners received two tickets to attend the movie premier of the "Ride to Freedom," as well as a replication of the Rosa Parks Congressional Gold Medal.

The winners were selected by my Congressional Youth Caucus: April Johnson and Ashlee Johnson, Arlington high school; Gabrielle Hayes and Alicia Henderson, both eight grade students at the Sidener Learning Community; Heather Sweigart and Tiffany Thompson, both 7th grade students at John Marshall Middle School.

One of the winners wrote, "Rosa Parks is a leader and fighter for her beliefs," and that is what she wants to be. "We must stand up for what is right, no matter what the cost. In the end we will live safer, longer, and better . . ."

Mr. Speaker, I include copies of the essays by the winners for the Congressional Record.

The essays referred to are as follows:

(By Tiffany Thompson)

Rosa Parks was born in 1913, grew up in Montgomery, Alabama, where racism, segregation, and insults were a daily part of her life. She didn't care so she did it in her own way. For example, she would take the stairs instead of the elevators marked "color" elevators. Rosa grew up in a bad environment that is probably why it became more active in the civil rights movement. Rosa graduated from Alabama State College, and she worked as a housekeeper.

On December 1, 1955 after a long day at work pressing shirts, Parks was too tired to go all the way to the back so she sat in the section where blacks weren't supposed to sit but if a white person wasn't there they could. Parks and three other black women were sitting in the same section. When a white person got on the bus the three women went to the back but Rosa refused because she was too tired of work and racism. Then the Montgomery Boycott started. After refusing to move, Parks was arrested. She could have just paid a fine instead she chose to fight for her rights as well as others, and with the support of her family, she won, she took a stand that America will never forget.

What I am doing to help the community, first of all, at church we are donating shoes, clothes, food, and other things to the shelters and poor people. Second, we are giving money to help the people in New York, who don't have homes and have lost family members. Last, we are helping the community by all the kids who need help and who need families. In conclusion, this is how me and my church are helping the community.

"THE WOMAN WHO MADE A DIFFERENCE"

(By Heather Sweigart)

The things that Rosa Parks made a difference in her community. First of all, she was active in the Montgomery Voters League and the NAACP (National Association for the Advancement of Colored People) Youth Council. She was secretary of the Montgomery branch of the NAACP. On the other hand, Rosa also worked as a fundraiser for the NAACP. Rosa founded the Rosa and Raymond Parks Institute for Self-Development in 1987. The institute for self-development was for offering guidance to young blacks. That is how Rosa Parks made a difference.

These are the things that I do to make a difference. First, I help other people and volunteer for things during and after school. Right now at school, I'm helping do the yearbook and newspaper. I'm also helping Mrs. Hastings teach some people how to play volleyball. Most of the time, I'm helping people do math, reading, and s. studies homework. I like to help people by giving them my opinion on how to draw something, too. In conclusion, I volunteer during and after school, I help do yearbook and newspaper, help Mrs. Hastings teach volleyball, help people do different homework papers, and give opinion on drawings, that's how I make a difference.

(By Gabrielle Hayes)

Rosa Parks made a big impact on the people in America, she made her mark around the world. Her act of refusing to give up a seat started change in race relations and transportation. Back then, blacks were to sit in the back of the bus. She worked very hard and she was tired. Now you can sit anywhere you want on the buses. Rosa Parks is a leader and fighter for her beliefs. She never compromised what she thought was right. Although she had some personal tragedies in her life, she never showed any signs of loneliness. She is an icon all over the world for Civil Rights. She makes everyone around her do their best. When she was a young woman she worked as a seamstress. She had lost everything she worked hard for when she refused to go to the back of the bus.

I can do some good for my community by getting an education and remaining drug free. I can be a role model for my younger brother and sisters. We must stand up for what is right no matter what the cost. In the end we will live safer, longer, and better as imitators of Rosa Parks. Who knows someone some day may remember Gabrielle Hayes for making a difference in Indianapolis.

(By Alicia Henderson)

The influence of Rosa Parks on the world community started by her refusal to give up a seat. That one refusal changed public transportation. She started a movement that demanded change with the way things were run. Her hard work and dedication to help the fight for civil rights established her as a firm believer in nonviolence. Parks fought for civil rights even though she herself was suffering terrible personal losses. The lives of her brother, husband, and mother were claimed by cancer. Although going through much pain she never let it show. Through many personal battles she never lost sight of the purpose she set out to fulfill.

What Rosa Parks does shows the true power of one person. Confidence, strong-will and perseverance make her an outstanding leader and role model; she has qualities that not many people have. She embodies the spirit of what one can do if she sets her mind to it. A small step can go a long way toward making a dream come alive.

Rosa Parks is an inspiring person. She helps young people like me realize that the small things we do can add to a greater cause. I, as one person, can help by making sure my generation doesn't forget what people like Rosa Parks did to ensure that African Americans of future generations can live the dream.

(By Ashlee Johnson)

Rosa Parks was a nice and respectful black woman. She made a big difference in this world by standing up for herself. Mrs. Parks influenced others to stand up for themselves by not letting people run over them. The details behind Mrs. Parks standing up for herself is that one day Mrs. Parks had just had a hard and tired day, just like anybody else that works. So Rosa decided to ride the bus home.

Now back in 1955 black people were to sit in the back of the bus, and white people were to sit in the front of the bus. But if there were not enough seats for the white people, the black people were to stand up so the white people could be seated. It just so happened that Mrs. Parks was that black person that was suppose to stand up for the white person, but she did not let anyone disrespect her, and she did not disrespect them either. She just simply told them in a soft toned voice, "I'm not moving." In conclusion by Rosa Parks doing this, she made a big difference in the world. She influenced them to stand up for themselves.

A difference that I can make in this world for people in general is that I can get people to stop judging people by the way they look. I can influence them to stop saying, "Ohh, girl look at her, she know she look stinky." Instead of just laughing it off, I could say, "What if that was you? You would not want anyone to talk about you. Would you?" To sum it up, this is how I could make a difference in the world.

(By April Johnson)

Rosa Parks made a big difference. Rosa Parks stood up for what she believed and took a stand. She made people more confident and she influenced people to stand up for their rights. Rosa did what any ordinary person could do.

I believe in myself and I believe I could make the same difference. I would stand up for what is right and be my own person. I would demand justice for blacks. I would try to succeed and do what no other black has ever done. I would try to make a difference step by step. I would make a difference on racism and segregation. These are a couple of differences I would make. I like to work hard and make my family proud of me. I will accomplish great deeds in the future and be remembered as an honorable young lady. I will make it so minorities have the same rights as white people. I will try to stop criticism and violence. These are a couple of differences I would try to make.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONOR THE FALLEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) is recognized for 5 minutes.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, last session I was joined by my colleagues in honoring those who lost their lives or are still missing as a result of the September 11 terrorist attacks upon America by reading their names on the House floor and having them entered into the CONGRESSIONAL RECORD.

Today I would like to again take up the effort to pay tribute and honor the fallen who perished as a result of the attacks on September 11, 2001. This list of over 3,000 names is comprised of many of the victims of the recent horrific attacks on our Nation, including firefighters and policemen who willingly gave their lives in an attempt to rescue others. I intend to read these names for as many days as it takes to bring honor and recognition to those individuals who lost their lives or are still missing.

Mr. Speaker, I encourage my colleagues to call my office to obtain the alphabetical list we are utilizing for this effort, and to join me in this worthy cause.

Mark Petrocelli, Matthew Petterno; Philip S. Petti; Glen K. Pettit; Dominick A. Pezzulo; Kaleen E. Pezzuti; Kevin Pfeifer; Tu-Anh Pham; Kenneth Phelan; Eugenia Piantieri; Ludwig J. Picarro; Matthew Picerno; Joseph Pick; Christopher Pickford; Dennis Pierce; Bernard T. Pietronico; Nicholas P. Pietrunti; Susan Elizabeth Pinto; Joseph Piskadlo; Christopher Todd Pitman; Josh Piver; Robert R. Ploger; Zandra Ploger; Joseph Plumitallo; John M. Pocher; William H. Pohlmann; Laurence M. Polatsch; Thomas H. Polhemus; Steve Pollicino; Susan Pollio; Darin Howard Pontell; Eric Thomas Popiteau; Joshua Poptean; Giovanna Porras; Anthony Portillo; James Edward Potorti; Daphne Pouletsos; Richard Poulos; Stephen E. Poulos; Shawn Edward Powell; Scott Powell; Brandon Jerome Powell; Tony Pratt; Gregory M. Preziose; Wanda Astol Prince; Vincent Princiotta; Kevin M. Prior; Everett Martin "Marty" Proctor, III; Carrie B. Progen; David Lee Pruim; Richard Prunty; John F. Puckett; Robert D. Pugliese; Edward F. Pullis; Patricia Ann Puma; Jack Punches; Sonia Morales Puopolo; Joseph John Pycior, Jr.; Edward Richard Pykon; Christopher Quackenbush.

□ 1145

Mr. Speaker, I ask again that the families forgive me if I have mispronounced any of the names, but we do this to honor those who gave their lives. Again, Mr. Speaker, I ask that my colleagues join me in this worthy endeavor.

TEN COMMANDMENTS SHOULD REMAIN ON PUBLIC BUILDINGS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, we are told that "there is a time for everything and a season for every activity under heaven." At this time in our Nation's history, it is undeniable that citizens have found a newfound interest in spiritual things. And until 2 days ago, the Supreme Court was poised to hear a case from my home State of Indiana that was driven by, I believe, this newfound interest in the permanent things in our lives.

Indiana Governor Frank O'Bannan had asked to have the Ten Commandments posted on the lawn of the Indiana State House. It was the governor's purpose to replace a plaque that had been there for decades, Mr. Speaker. It had been desecrated and destroyed by vandals. But on Tuesday of this week, the Supreme Court of the United States of America refused to take the case.

In a similar case in the city of Richmond, Indiana, in my own district, the county government has been sued by the local civil liberties union. The plaintiff in the case has requested that Wayne County, Indiana, remove the Ten Commandments from the courthouse lawn, commandments that have stood, Mr. Speaker, on the lawn of the Wayne County courthouse for over 4 decades.

Lawsuits like this are being brought before courts across the country. As I have said, Mr. Speaker, these cases come at a unique time in our Nation's history. I am greatly disappointed that the Supreme Court has refused to hear this case at such a time as this. Not only are these lawsuits to remove the Ten Commandments from our Nation's public buildings based on a flawed reading of the U.S. Constitution, but I assert it also reveals a profound misunderstanding of the foundations of our national government.

The first amendment to the Constitution reads, as we all know, that "Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof." As scholars and average citizens know, until the 1960s, most Americans understood this to be the Establishment Clause. It was intended to allow Americans to worship freely and prevented the Federal Government from creating any official religion. The Establishment Clause was interpreted again and again by the Supreme Court to be a requirement that we as Americans accommodate in the public square the fact that we are, as one court wrote a "deeply religious peoples whose institutions presuppose a supreme being." In fact, on the very walls of this Chamber that read, in my presence, the phrase, "In God We Trust," on the very walls of the United States Supreme Court hang the Ten Commandments themselves, this is proven out.

Beginning with the Supreme Court's decision in Everson v. Board of Education, our courts have reinterpreted the meaning of the Establishment Clause, and now many Americans believe the phrase, "wall of separation of church and State" actually appears in our Constitution.

Chief Justice William Rehnquist said, and I am quoting now, "There is simply no historical foundation for the proposition that the Framers intended to build a 'wall of separation'" as expressed in the Everson case. "The 'wall of separation' between church and State is a metaphor based," the Chief Justice said, "on bad history, a metaphor which has proved useless as a guide to judging."

With the phrase "bad history," the Chief Justice points out, perhaps the greatest problems with those like the civil liberty lawyers who would remove all vestiges of religion from public life, a lack of understanding about the foundations of our Nation and our national laws. As I said, Mr. Speaker, the reality is that as evidenced on these walls, as evidenced as I look up in this Chamber and am looked down upon by the very gaze and likeness of Moses himself, the reality is that the Ten Commandments represent not just the cornerstone of the three great religions of planet Earth, but also they are the inconvenient cornerstone of western civilization. They are, however inconvenient to the modernists and the liberals of our day, they are the cornerstone of our moral and legal and governmental institutions in Western Civilization.

So for the court to have missed an opportunity this week to reframe our constitutional law to once again accommodate the religious expression of good people, the good people of Indiana, the good people of Wayne County, Indiana, is deeply saddening to me and to many millions of Americans.

Therefore, next week, Mr. Speaker, I will do what I can in this Chamber to reset the legal dial to join this national debate. I will introduce legislation known as the Ten Commandments Defense Act that will allow States to determine the appropriate display of this inconvenient cornerstone of Western Civilization.

TRIBUTE TO PROFESSOR HAKI MADHUBUTI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today as we continue to celebrate the achievements and milestones that comprise black history. Indeed, my remarks proclaim how far we have come and chronicle the lives of historical individuals of preceding generations. There are trailblazers today as well, and I appreciate the opportunity to pay tribute to my friend, Professor Haki Madhubuti.

In August 2001, Professor Madhubuti was appointed Distinguished Professor by Chicago State University, the first African American male to obtain this distinction in Chicago State University's 135-year history.

Born Donald Luther Lee in Little Rock, Arkansas, in 1951, Haki Madhubuti is an influential poet, essayist, activist, and editor. As a child, he moved to Chicago and later attended the University of Illinois, Roosevelt University, and earned his Masters of Fine Arts from the University of Iowa.

According to Professor Madhubuti, "Ideas are important. The writing of ideas, the publishing of ideas, and the purveying of ideas. So at 17 years old, I got into the idea business: thinking them, writing them, and later on at publishing them."

Consequently, he is the author of more than 20 books, including "Heart Love: Wedding & Love Poems"; "Groundwork and Selected Poems of Haki R. Madhubuti Don L. Lee"; "Killing Memory, Seeking Ancestors; Earthquakes and Sunrise Missions: Poetry and Essays of Black Renewal"; "Book of Life"; and "Directionscore: Selected and New Poems."

These ideas shaped black literature and history and have helped to make Professor Madhubuti an important part of our intellectual landscape. He has developed his own new concept private school which he and his wife have made a citadel of learning opportunities.

Professor Haki Madhubuti has indeed distinguished himself as an important intellectual, writer, lecturer, poet and, yet, has a spirit of humility as he walks among kings and queens and yet has not lost the common touch. A man of distinction, I am pleased to recognize his contribution.

FEDERAL LAW ENFORCEMENT AGENCIES ARE OUT OF CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rose yesterday to discuss in a 5-minute Special Order about the horrendous miscarriage of justice that occurred in a case involving a man named Joseph Salvati in Massachusetts who was kept in prison for more than 30 years, despite the fact that the FBI and the Justice Department knew all along, from the beginning, that he was an innocent man. And even worse than keeping a totally innocent man in prison for more than 30 years, a man with a wife and four small children at the time he went into prison who had, through all of those years, to visit him in prison; even worse, the Justice Department was doing that to protect a man in the witness protection program named Joe "The Animal" Barboza, one of the leading figures in organized crime, who, listen to this, was responsible, according to the FBI and the Justice Department and law enforcement officials, who was responsible for 26 murders.

Mr. Speaker, I mentioned yesterday that I spent 7½ years as a criminal court judge in Tennessee prior to coming to Congress; and I tried the felony criminal cases, the murders, the rapes, the armed robberies, the burglary cases, the most serious cases. I have been a strong supporter of law enforcement. But it seems to me that we have allowed a government to get so big that it just gets totally out of control and then the government can somehow rationalize or justify almost anything.

Now, the Justice Department has convinced the President to stand behind a claim of executive privilege and refuse to release documents about this Salvati case, even though it has been on "60 Minutes," even though it has been publicized all over the world, to keep these documents covered up, in spite of repeated requests or demands from the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform. I want to say how much I admire and respect the courage of the gentleman from Indiana (Chairman BURTON) in continuing to hold a series of hearings in regard to this Salvati case and other abuses by the FBI and the Justice Department, especially in regard to this witness protection program.

I mentioned here yesterday that Chairman BURTON's statement that he has now made twice in hearings before the Committee on Government Reform was to me the most shocking statement I have heard in a congressional hearing since I have served in the Congress. I am in my 14th year. I serve on three different committees, five different subcommittees. I have participated in hundreds, possibly even several thousand committee and subcommittee hearings; and I think the statement that I am about to read was the most shocking statement I have ever heard a chairman or any Member, really, give in this Congress. Chairman BURTON has said now at two of our hearings this statement: "The United States Department of Justice allowed lying witnesses to send men to death row. It stood by idly while innocent men spent decades behind bars; it permitted informants to commit murder; it tipped off killers so that they could flee before they were caught; it interfered with local investigations of drug dealing and arms smuggling; and then when people went to the Justice Department with evidence about murders, some of them ended up dead."

This Salvati case, while I hope it is the worst example, is just the tip of the iceberg.

I can tell my colleagues this: there needs to be some reforms within the Justice Department and the FBI. I think the problem has come about because we have expanded those agencies so much and given them so much money that they do not know what to do with all of it.

Forbes Magazine, in 1993, had a cover article in which they said that we had quadrupled the Justice Department between 1980 and 1993 and that there were Federal prosecutors falling all over themselves trying to come up with cases to prosecute because they had so little to do, and that they were prosecuting businessmen and women who had violated obscure rules and regulations that they did not even know were in existence.

We need to be funneling our law enforcement assets to the local law enforcement people who are fighting the real crime, the street crime that people want fought. Some of these Justice Department and FBI officials here in Washington never see a real criminal unless they are mugged on their way to their cars after work. But this idea, or this case, of keeping a man in prison for more than 30 years, even though they knew from the start of his innocence, they did not find out he was innocent after he had been in jail 25 years or so, they knew from the start that he was innocent. To do that to protect a man that had committed 26 murders is just, to me, mind-boggling. It is unbelievable.

They told in this hearing that Barboza's defense lawyer was given great assistance by the Federal Government while the prosecutors were snubbed when they asked for help. A murder weapon in one case was conveniently lost by the FBI. Barboza's own lawyer called him one of the worst men on the face of the Earth.

□ 1200

When asked about the short prison term that Barbosa got in one case, one murder that he committed after he was in the witness protection program, his lawyer said that that was amazing, he figured out that must be how it worked when you had friends in the FBI.

I can tell the Members, the people of this country need to know that we desperately need reforms at the Justice Department and the FBI. Joseph Califano, a former Cabinet member under President Carter and adviser to President Clinton, wrote in a Washington Post column a few days ago, "In the war on terrorism, we need not to overlook the alarming rise in Federal police power that is going on, and not create some type of Federal police state that will abuse citizens in horrible ways."

OMITTED FROM THE CONGRESSIONAL RECORD OF WEDNESDAY FEBRUARY 27, 2002 AT PAGE H564

OKLAHOMA SECRETARY OF STATE,
Oklahoma City, OK, January 14, 2002.

Hon. JEFF TRANDAHL,
House of Representatives, The Capitol, Washington, DC.

DEAR MR. TRANDAHL: Pursuant to Enrolled Senate Bill 7X from the 1st Extraordinary Session of the 48th Legislative Session, and due to the resignation of Steve Largent, United States House of Representatives, effective February 15, 2002, I herewith certify the election results of the Special General Election held on January 8, 2002 for the Office of United States House of Representatives District 1, as certified by the Oklahoma State Election Board this 14th day of January, 2002.

Also, enclosed is a copy of the official notice of resignation from Steve Largent, Congressman of the First District of Oklahoma; and a copy of Enrolled Senate Bill 7X.

If our office can be of further assistance, please do not hesitate to contact Kathy Jekel at 405-522-4564.

Sincerely,

MIKE HUNTER,
Secretary of State.

OFFICE OF THE SECRETARY OF STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR UNEXPIRED TERM

This is to certify that on the 8th day of January, 2002, John Sullivan was duly chosen by the qualified electors of the State of Oklahoma as United States Representative, District Number 1, as Representative for the unexpired term ending at noon on the 3rd day of January, 2003, to fill the vacancy in the representation from said State in the United States House of Representatives caused by the resignation of Steve Largent.

Witness: His Excellency our Governor Frank Keating, and our Seal hereto affixed at Oklahoma City, Oklahoma this 14th day of January, 2002.

By the Governor:

Frank Keating, Governor.
Mike Hunter, Secretary of State.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SANDLIN (at the request of Mr. GEPHARDT) for today on account of family matters.

Mr. GILMAN (at the request of Mr. ARMEY) for February 26 and the balance of the week on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McNULTY) to revise and extend their remarks and include extraneous material:)

Mr. GEORGE MILLER of California, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. McGOVERN, for 5 minutes, today.

(The following Members (at the request of Mrs. JO ANN DAVIS of Virginia) to revise and extend their remarks and include extraneous material:)

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today.

Mr. PENCE, for 5 minutes, today.

Mr. DUNCAN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

ADJOURNMENT

Mr. DUNCAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 1 minute p.m.), under its previous order, the House adjourned until Monday, March 4, 2002, at 2 p.m.

OATH FOR ACCESS TO CLASSIFIED INFORMATION

Under clause 13 of rule XXIII, the following Members executed the oath for access to classified information:

Neil Abercrombie, Anibal Acevedo-Vilá, Gary L. Ackerman, Robert B. Aderholt, W. Todd Akin, Thomas H. Allen, Robert E. Andrews, Richard K. Armey, Joe Baca, Spencer Bachus, Brian Baird, Richard H. Baker, John Elias E. Baldacci, Tammy Baldwin, Cass Ballenger, James A. Barcia, Bob Barr, Thomas M. Barrett, Roscoe G. Bartlett, Joe Barton, Charles F. Bass, Xavier Becerra, Ken Bentsen, Doug Bereuter, Shelley Berkley, Howard L. Berman, Marion Berry, Judy Biggert, Michael Bilirakis, Sanford D. Bishop, Jr., Rod R. Blagojevich, Earl Blumenauer, Roy Blunt, Sherwood L. Boehlert, John A. Boehner, Henry Bonilla, David E. Bonior, Mary Bono, John Boozman, Robert A. Borski, Leonard L. Boswell, Rick Boucher, Allen Boyd, Kevin Brady, Robert A. Brady, Corrine Brown, Sherrod Brown, Henry E. Brown, Jr., Ed Bryant, Richard Burr, Dan Burton, Steve Buyer, Sonny Callahan, Ken Calvert, Dave Camp, Chris Cannon, Eric Cantor, Shelley Moore Capito, Lois Capps, Michael E. Capuano, Benjamin L. Cardin, Brad Carson, Julia Carson, Michael N. Castle, Steve Chabot, Saxby Chambliss, Donna M. Christensen, Wm. Lacy Clay, Eva M. Clayton, Bob Clement, James E. Clyburn, Howard Coble, Mac Collins, Larry Combest, Gary A. Condit, John Cooksey, Jerry F. Costello, Christopher Cox, William J. Coyne, Robert E. (Bud) Cramer, Jr., Philip P. Crane, Ander Crenshaw, Joseph Crowley, Barbara Cubin, John Abney Culberson, Elijah E. Cummings, Randy "Duke" Cunningham, Danny K. Davis, Jim Davis, Jo Ann Davis, Susan A. Davis, Thomas M. Davis, Nathan Deal, Peter A. DeFazio, Diana DeGette, William D. Delahunt, Rosa L. DeLauro, Tom DeLay, Jim DeMint, Peter Deutsch, Lincoln Diaz-Balart, Norman D. Dicks, John D. Dingell, Lloyd Doggett, Calvin M. Dooley, John T. Doolittle, Michael F. Doyle, David Dreier, John J. Duncan, Jr., Jennifer Dunn, Chet Edwards, Vernon J. Ehlers, Robert L. Ehrlich, Jr., Jo Ann Emerson, Eliot L. Engel, Phil English, Anna G. Eshoo, Bob Etheridge, Lane Evans, Terry Everett, Eni F.H. Faleomavaega, Sam Farr, Chaka Fattah, Mike Ferguson, Bob Filner, Jeff Flake, Ernie Fletcher, Mark Foley, J. Randy Forbes, Harold E. Ford, Jr., Vito Fossella, Barney Frank, Rodney P. Frelinghuysen, Martin Frost, Elton Gallegly, Greg Ganske, George W. Gekas, Richard A. Gephardt, Jim Gibbons, Wayne T. Gilchrest, Paul E. Gillmor, Benjamin A. Gilman, Charles A. Gonzalez, Virgil H. Goode, Jr., Bob Goodlatte, Bart Gordon, Porter J. Goss, Lindsey O. Graham, Kay Granger, Sam Graves, Gene Green, Mark Green, James C. Greenwood, Felix J. Grucci, Jr., Luis Gutierrez, Gil Gutknecht, Ralph M Hall, Tony P. Hall, James V. Hansen, Jane Harman, Melissa A. Hart, J. Dennis Hastert, Alcee L. Hastings, Doc Hastings, Robin Hayes, J.D. Hayworth, Joel Hefley, Wally Herger, Baron P. Hill, Van Hilleary, Earl F. Hilliard, Maurice D. Hinchey, Rubén Hinojosa, David L. Hobson, Joseph M. Hoeffel, Peter Hoekstra, Tim Holden, Rush D. Holt, Michael M. Honda, Darlene Hooley, Stephen Horn, John N. Hostettler, Amo Houghton, Steny H. Hoyer, Kenny C. Hulshof, Duncan Hunter, Henry J. Hyde, Jay Inslee, Johnny Isakson, Steve Israel, Darrell E. Issa, Ernest J. Istook, Jr., Jesse L. Jackson, Jr., Sheila Jackson-Lee, William J. Jefferson, William L. Jenkins, Christopher John, Eddie Bernice Johnson, Nancy L. Johnson, Sam Johnson, Timothy V. Johnson, Stephanie Tubbs Jones, Walter B. Jones, Paul E. Kanjorski, Marcy Kaptur, Ric Keller, Sue W. Kelly, Mark R. Kennedy, Patrick J. Kennedy, Brian D. Kerns, Dale E. Kildee, Carolyn C. Kilpatrick, Ron Kind, Peter T. King, Jack Kingston, Mark Steven Kirk, Gerald D. Kleczka, Joe Knollenberg, Jim Kolbe, Dennis J. Kucinich, John J. LaFalce, Ray LaHood, Nick Lampson, James R. Langevin, Tom Lantos, Steve Largent, Rick Larsen, John B. Larson, Tom Latham, Steven C. LaTourette, James A. Leach, Barbara Lee, Sander M. Levin, Jerry Lewis, John Lewis, Ron Lewis, John Linder, William O. Lipinski, Frank A. LoBiondo, Zoe Lofgren, Nita M. Lowey, Frank D. Lucas, Ken Lucas, Bill Luther, Stephen F. Lynch, Carolyn B. Maloney, James H. Maloney, Donald A. Manzullo, Edward J. Markey, Frank Mascara, Jim Matheson, Robert T. Matsui, Carolyn McCarthy, Karen McCarthy, Betty McCollum, Jim McCrery, James P. McGovern, John M. McHugh, Scott McInnis, Mike McIntyre, Howard P. McKeon, Cynthia A. McKinney, Michael R. McNulty, Martin T. Meehan, Carrie P. Meek, Gregory W. Meeks, Robert Menendez, John L. Mica, Juanita Millender-McDonald, Dan Miller, Gary G. Miller, George Miller, Jeff Miller, Patsy T. Mink, Alan B. Mollohan, Dennis Moore, James P. Moran, Jerry Moran, Constance A. Morella, John P. Murtha, Sue Wilkins Myrick, Jerrold Nadler, Grace F. Napolitano, Richard E. Neal, George R. Nethercutt, Jr., Robert W. Ney, Anne M. Northup, Eleanor Holmes Norton, Charlie Norwood, Jim Nussle, James L. Oberstar, David R. Obey, John W. Olver, Solomon P. Ortiz, Tom Osborne, Doug Ose, C.L. Otter, Major R. Owens, Michael G. Oxley, Frank Pallone, Jr., Bill Pascrell, Jr., Ed Pastor, Ron Paul, Donald M. Payne, Nancy Pelosi, Mike Pence, Collin C. Peterson, John E. Peterson, Thomas E. Petri, David D. Phelps, Charles W. Pickering, Joseph R. Pitts, Todd Russell Platts, Richard W. Pombo, Earl Pomeroy, Rob Portman, David E. Price, Deborah Pryce, Adam H. Putnam, Jack Quinn, George Radanovich, Nick J. Rahall, II, Jim Ramstad, Charles B. Rangel, Ralph Regula, Dennis R. Rehberg, Silvestre Reyes, Thomas M. Reynolds, Bob Riley, Lynn N. Rivers, Ciro D. Rodriguez, Tim Roemer, Harold Rogers, Mike Rogers, Dana Rohrabacher, Ileana Ros-Lehtinen, Mike Ross, Steven R. Rothman, Marge Roukema, Lucille Roybal-Allard, Edward R. Royce, Bobby L. Rush, Paul Ryan, Jim Ryun, Martin Olav Sabo, Loretta Sanchez, Bernard Sanders, Max Sandlin, Tom Sawyer, Jim Saxton, Bob Schaffer, Janice D. Schakowsky, Adam B. Schiff, Edward L. Schrock, Robert C. Scott, F. James Sensenbrenner, Jr., José E. Serrano, Pete Sessions, John B. Shadegg, E. Clay Shaw, Jr., Christopher Shays, Brad Sherman, Don Sherwood, John Shimkus, Ronnie Shows, Bill Shuster, Rob Simmons, Michael K Simpson, Joe Skeen, Ike Skelton, Louise McIntosh Slaughter, Adam Smith, Chistopher H. Smith, Lamar S. Smith, Nick Smith, Vic Snyder, Hilda L. Solis, Mark E. Souder, Floyd Spence, John N. Spratt, Jr., Fortney Pete Stark, Cliff Stearns, Charles W. Stenholm, Ted Strickland, Bob Stump, Bart Stupak, John Sullivan, John E. Sununu, John E. Sweeney, Thomas G. Tancredo, John S. Tanner, Ellen O. Tauscher, W.J. (Billy) Tauzin, Charles H. Taylor, Gene Taylor, Lee Terry, William M. Thomas, Bennie G. Thompson, Mike Thompson, Mac Thornberry, John R. Thune, Karen L. Thurman, Todd Tiahrt, Patrick J. Tiberi, John F. Tierney, Patrick J. Toomey, Edolphus Towns, James A. Traficant, Jr., Jim Turner, Mark Udall, Tom Udall, Robert A. Underwood, Fred Upton, Nydia M. Velázquez, Peter J. Visclosky, David Vitter, Greg Walden, James T. Walsh, Zach Wamp, Maxine Waters, Wes Watkins, Diane E. Watson, Melvin L. Watt, J.C. Watts, Jr., Henry A. Waxman, Anthony D. Weiner, Curt Weldon, Dave Weldon, Jerry Weller, Robert Wexler, Ed Whitfield, Roger F. Wicker, Heather Wilson, Joe Wilson, Frank R. Wolf, Lynn C. Woolsey, David Wu, Albert Russell Wynn, C.W. Bill Young, Don Young.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5665. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 01-058-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5666. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 00-088-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5667. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Karnal Bunt; Regulated Areas [Docket No. 01-063-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5668. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Hot Water Treatment for Limes [Docket No. 99-081-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5669. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Hot Water Treatment for Limes [Docket No. 99-081-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5670. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Mediterranean Fruit Fly; Addition to Quarantined Areas [Docket No. 01-093-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5671. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Oriental Fruit Fly; Designation of Quarantined Areas [Docket No. 01-102-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5672. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Diflubenzuron; Pesticide Tolerance [OPP-301213; FRL-6821-7] (RIN: 2070-AB78) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5673. A communication from the President of the United States, transmitting notification to reallocate funds previously transferred from the Emergency Response Fund to the Department of Defense; (H. Doc. No. 107-183); to the Committee on Appropriations and ordered to be printed.

5674. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Leather Finishing Operations [FRL-7147-8] , (RIN: 2060-AH17) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5675. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Regulation of Fuels and Fuel Additives: Reformulated Gasoline Transition [FRL-7147-1] (RIN: 2060-AJ79) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5676. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio [OH118-1a; FRL-7133-8] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5677. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN70-7295a; FRL-7136-4] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5678. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities [AD-FRL-7148-7] (RIN: 2060-AE34) received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5679. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5680. A communication from the President of the United States, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5681. A communication from the President of the United States, transmitting a report consistent with the War Powers Resolution regarding U.S. Armed Forces in East Timor; (H. Doc. No. 107-184); to the Committee on International Relations and ordered to be printed.

5682. A letter from the Secretary, Department of Agriculture, transmitting the semiannual report of the Inspector General for the 6-month period ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5683. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule—Research Room Procedures (RIN: 3095-AB01) received February 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5684. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—World Heritage Convention (RIN: 1024-AC74) received February 22, 2002, pursuant to 5 .U.S.C. 801(a)(1)(A); to the Committee on Resources.

5685. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Special Regulations; Areas of the National Park System (RIN: 1024-AC67) received February 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5686. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule—Special Regulations; Wrangell-St. Elias National Park and Preserve (RIN: 1024-AC83) received February 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5687. A letter from the Chairman, Defense Nuclear Facilities Safety Board, transmitting the Twelfth Annual Report describing the Board's health and safety activities relating to the Department of Energy's defense nuclear facilities during the calendar year 2001; jointly to the Committees on Armed Services and Energy and Commerce.

5688. A letter from the Chairman, Federal Election Commission, transmitting the FY 2003 Budget Request, pursuant to 2 U.S.C. 437d(d)(1); jointly to the Committees on House Administration and Appropriations.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 2581. Referral to the Committee on Agriculture, Armed Services, Energy and Commerce, Rules, the Judiciary, Ways and Means, and Intelligence (Permanent Select) for a period ending not later than March 8, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAFALCE (for himself, Mr. GEPHARDT, Ms. PELOSI, Ms. DELAURO, Mr. CONYERS, Mr. WAXMAN, Mr. FRANK, Mr. KANJORSKI, Mrs. MALONEY of New York, Mr. GUTIERREZ, Ms. CARSON of Indiana, Mr. MEEKS of New York, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mrs. JONES of Ohio, Mr. CLAY, Mr. FORD, Mr. ISRAEL, Mr. HINCHEY, Ms. SLAUGHTER, Mr. LIPINSKI, and Mr. STUPAK):

H.R. 3818. A bill to protect investors by enhancing regulation of public auditors, improving corporate governance, overhauling corporate disclosure made pursuant to the securities laws, and for other purposes; to the Committee on Financial Services.

By Mr. BERRY:

H.R. 3819. A bill to suspend temporarily the duty on 2-Naphthalenecarboxamide,N,N′-(2-chloro-1,4-pheylene)bis=[4- [(2,5-dichlorophenyl)azo]-3-hydroxy-; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3820. A bill to suspend temporarily the duty on (1,1′-Bianthracene)-9,9′, 10,10-tetrone, 4,4′-diamino-; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3821. A bill to suspend temporarily the duty on Anthra[2,1,9-mna]naphth[2,3-h]acridine-5,10,15(16H)-trione,3 [(9,10-dihydro-9,10-dioxo-1-anthracenyl)amino]-; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3822. A bill to suspend temporarily the duty on Benzamide,3,3′[(2-chloro-5-methyl-1,4-phenylene)bis[imino=(1 acety-2-oxo-2,1-ethanediyl)azo¦¦bis(4-chloro-N-(3-chloro-2-methyphenyl)-; to the Committee on Ways and Means.

By Mr. BERRY:

H.R. 3823. A bill to suspend temporarily the duty on Bezamide,3,3′-¦(2,5-dimethyl-1,4-phenylene)bis¦imino(1-acety - 2-oxo-2,1-ethanediyl)azo¦¦bis¦4-chloro-N-(5-chloro-2-methylp henyl)-; to the Committee on Ways and Means.

By Mrs. BONO:

H.R. 3824. A bill to extend Federal recognition to the Gabrieleno Band of Mission Indians, and for other purposes; to the Committee on Resources.

By Mr. CHAMBLISS (for himself, Ms. HARMAN, Mr. GOSS, Ms. PELOSI, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. GIBBONS, Mr. ROEMER, Mr. LAHOOD, Mr. HASTINGS of Florida, Mr. HOEKSTRA, Mr. BURR of North Carolina, Mr. BISHOP, Mr. BEREUTER, Mr. REYES, Mr. CASTLE, Mr. BOSWELL, Mr. PETERSON of Minnesota, and Mr. EVERETT):

H.R. 3825. A bill to provide for the sharing of homeland security information by Federal intelligence and law enforcement agencies with State and local entities; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on the Judiciary, and Government Reform, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER (for himself and Mr. Evans):

H.R. 3826. A bill to amend title 38, United States Code, to repeal the requirement that for former prisoners of war to be eligible for Department of Veterans Affairs dental benefits they must have been interred for a specified minimum period of time; to the Committee on Veterans' Affairs.

By Mr. MORAN of Kansas (for himself and Mr. Berry):

H.R. 3827. A bill to amend the Department of Agriculture Reorganization Act of 1994 relating to the National Appeals Division to ensure that agricultural producers and other persons appealing adverse agency decisions of the Department of Agriculture receive fair and equitable treatment, and for other purposes; to the Committee on Agriculture.

By Ms. SCHAKOWSKY (for herself, Ms. Jackson-Lee of Texas, Mr. Frank, Ms. Lofgren, Ms. Baldwin, Mr. Platts, Mrs. Mink of Hawaii, Ms. Millender-McDonald, Mr. Kucinich, Ms. Woolsey, Ms. Kaptur, Mr. Payne, Ms. Roybal-Allard, Mr. Owens, Ms. Norton, Mr. Frost, Mr. Jackson of Illinois, Mr. Waxman, Mr. Gonzalez, Mr. Underwood, Ms. McCollum, Mrs. Jones of Ohio, Mr. McDermott, Mr. Blagojevich, Mr. Hastings of Florida, Mr. Towns, Mr. Serrano, Mr. Farr of California, Mr. Gutierrez, and Mr. Tierney):

H.R. 3828. A bill to provide additional protections for battered immigrant families; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Ways and Means, Energy and Commerce, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. LaFalce):

H.R. 3829. A bill to repeal the provisions of the Private Securities Litigation, Reform Act and the Securities Litigation Uniform Standards Act that limit private securities actions, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIBERI (for himself and Mr. Hobson):

H.R. 3830. A bill to authorize the award of the Medal of Honor to Don S. Gentile; to the Committee on Armed Services.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 134: Mr. Hinchey.

H.R. 250: Mr. Dooley of California and Ms. Roybal-Allard.

H.R. 303: Mr. Lynch.

H.R. 440: Mr. Andrews.

H.R. 461: Mr. Gilman.

H.R. 671: Mr. Blumenauer.

H.R. 774: Mr. Price of North Carolina.

H.R. 776: Mr. Price of North Carolina.

H.R. 817: Mr. Tiahrt.

H.R. 822: Mr. Lipinski.

H.R. 950: Mr. Mascara and Mr. Otter.

H.R. 1081: Mr. Terry.

H.R. 1155: Mr. Tiberi.

H.R. 1184: Mrs. Mink of Hawaii, Mr. Serrano, Mr. Waxman, and Mr. Blagojevich.

H.R. 1490: Mr. Thompson of California.

H.R. 1587: Mr. Foley.

H.R. 1645: Mr. Luther.

H.R. 1724: Mrs. Capito.

H.R. 1784: Ms. Carson of Indiana, Mr. Pallone, Mr. Holt, and Mr. Andrews.

H.R. 1789: Mr. Hall of Texas and Mrs. Christensen.

H.R. 2138: Mr. DeFazio.

H.R. 2148: Ms. Eddie Bernice Johnson of Texas.

H.R. 2153: Mr. Price of North Carolina.

H.R. 2207: Mr. Abercrombie and Mr. Kildee.

H.R. 2219: Mr. Johnnson of Illinois.

H.R. 2316: Mr. Brown of South Carolina, Mr. Wilson of South Carolina, and Mr. Chambliss.

H.R. 2350: Mr. Evans.

H.R. 2405: Mr. Evans, Mr. Rush, Mr. Payne, Mr. Jefferson, Mr. Gonzalez, and Mr. Brown of Ohio.

H.R. 2527: Mr. Thompson of Mississippi, Mr. Gilchrest, Mr. Lipinski, Mr. Moran of Virginia, Ms. Rivers, Mr. Pickering, and Mr. Coyne.

H.R. 2550: Mr. English and Mr. Isakson.

H.R. 2576: Mr. McInnis.

H.R. 2618: Mrs. Thurman.

H.R. 2637: Ms. Sanchez.

H.R. 3007: Ms. Carson of Indiana.

H.R. 3014: Mr. Tom Davis of Virginia.

H.R. 3278: Mr. Leach.

H.R. 3390: Mr. Green of Wisconsin.

H.R. 3410: Mr. Isakson.

H.R. 3429: Mr. Pastor, Mr. Vitter, and Mr. Ferguson.

H.R. 3450: Mr. Issa, Mr. Carson of Oklahoma, Mr. Watt of North Carolina, and Mr. Baldacci.

H.R. 3464: Mrs. Lowey.

H.R. 3477: Mr. Leach.

H.R. 3524: Mr. Olver.

H.R. 3561: Mr. Stenholm.

H.R. 3617: Mr. Baca.

H.R. 3657: Mr. Sherman.

H.R. 3670: Mr. Clay.

H.R. 3717: Mr. Green of Wisconsin, Mr. Ryun of Kansas, Mr. LaHood, Mr. Stenholm, Mrs. Capito, and Mr. Gordon.

H.R. 3749: Mr. Smith of New Jersey, Mr. Wexler, Mrs. Meek of Florida, and Mr. English.

H.R. 3771: Mr. Owens, Ms. Brown of Florida, Mr. Reynolds, Mr. Foley, Mr. Frost, and Mr. Simpson.

H.R. 3794: Mrs. Maloney of New York, Mr. Frost, Mr. Lipinski, Mr. Deutsch, Ms. DeLauro, and Mr. Fossella.

H.J. Res. 6: Mr. Abercrombie, Mr. Sweeney, Mr. Berman, and Mr. Clay.

H. Con. Res. 177: Mr. Faleomavaega.

H. Con. Res. 271: Mr. Gary G. Miller of California.

H. Con. Res. 290: Ms. Kaptur.

H. Con. Res. 311: Mr. Udall of Colorado.

H. Con. Res. 333: Ms. Waters, Ms. Kaptur, Mr. Hinchey, and Ms. McKinney.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. RANDY "DUKE" CUNNINGHAM, on House Resolution 271: Rick Larsen.

Petition 5, by Mr. DENNIS J. KUCINICH, on House Resolution 304: Sander M. Levin.

SENATE—*Thursday, February 28, 2002*

The Senate met at 10:30 a.m., and was called to order by the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. James A. Scudder of Quentin Road Bible Baptist Church in Lake Zurich, IL.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray:

Dear Heavenly Father, sovereign of our Nation and our personal friend in time of trouble, we come before You with much gratitude for Your bountiful mercy. You are the governor of the universe and You are supremely good. Therefore, the laws You have promulgated must be the expression of a nature infinitely good.

What the terrorists have done is infinitely bad and cannot come from an infinitely good God. Your great goodness and providential loving care have been seen and understood, especially in the midst of a great turmoil our Nation has faced recently. Bestow power to these women and men of the Senate as they seek Your help in silent strength for the difficulties and pressures we are facing as a nation.

Psalms tell us that blessed is the nation whose God is the Lord. And so, Lord, we are blessed that You are our God. These Senators also bless our Nation with their leadership, and we thank You for each man and woman here. Like never before, we beseech You for Your holy strength. We ask for Your mighty hand of power and for Your divine wisdom to assist these Senators as they lead our Nation. Give them the clarity of thought they need to make their many decisions. Give them guidance and help today. Grant them courage for such a time as this. In the name of Your son, Jesus Christ, I pray. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BYRON DORGAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, February 28, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BYRON L. DORGAN, a Senator from the State of North Dakota, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. DORGAN thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Illinois, Mr. FITZGERALD, is recognized.

THANKING REVEREND JAMES A. SCUDDER

Mr. FITZGERALD. Mr. President, I thank and acknowledge the invocation by Dr. James A. Scudder, the Pastor of Quentin Road Bible Baptist Church in Lake Zurich, IL. Reverend Scudder is one of my distinguished constituents from the State of Illinois. I have appeared before his congregation and I have known him for many years. I appreciate his friendship, and we are all eternally grateful for his being here this morning and giving the prayer.

Dr. Scudder is somewhat nationally known. He has a national television show that appears once a week on WGN–TV. He is an outstanding guest Chaplain for us to have today. I thank Dr. Scudder on behalf of the State of Illinois and the country for being here today.

SCHEDULE

Mr. REID. Mr. President, the Senate will be in a period of morning business very shortly, with Senators permitted to speak for up to 10 minutes each.

At 11 o'clock, we will resume consideration of the election reform bill. As Senators know, cloture was filed yesterday. Therefore, all first-degree amendments are to be filed prior to 1 p.m. today.

Mr. President, once you announce our being in morning business, I ask unanimous consent that I be allowed to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes.

Under the previous order, the Senator from Nevada is recognized.

Mr. REID. I thank the Chair.

Mr. WELLSTONE. May I ask the Senator a question first? Other Senators are here. There are three or four of us on the floor, which would be a little over 30 minutes. I wonder if we can modify that request.

Mr. REID. Mr. President, I think we are going to have a lot of time for morning business today. I would not worry about that at all.

Mr. WELLSTONE. I thank the Senator.

ELECTION REFORM

Mr. REID. Mr. President, I see here one of the persons responsible for the amendment that has brought the Senate to a standstill—Senator WYDEN. I think it is really too bad that the amendment has brought the Senate to a standstill.

The opponents of the Schumer-Wyden amendment claim they are seeking to eliminate fraud and that is why they oppose the amendment. Well, of course, everybody in the Senate is against fraud. However, we over here believe that also we must do anything we can to stop disenfranchisement of voters.

I think it is so important to recognize that we need to encourage people to vote, and vote honestly. Nobody is encouraging people to vote by fraud. But by holding up this legislation—and that is what is happening—the opponents are preventing, among other things, $3 billion going to the States for election reform efforts.

My State, Nevada, needs this money very badly. We have the most modern machines you can buy in southern Nevada, in Las Vegas. They are electronic, beautiful, and they are without fail. But in the other 16 counties, we have a mishmash of other types of machines. In the 1998 election Senator ENSIGN had with me, we had a registrar of voters in Washoe County, Reno, NV, who wanted to save the county money, so she had printed the ballots herself. They were approximately a 16th or a 32nd of an inch off. A lot of them didn't count. They didn't match the machines. It created all kinds of problems. In addition to that, there were—because of the inappropriateness of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

machines—a number of ballots that were not counted because they were not put into the machines correctly.

In other counties, we have old-fashioned, very old punchcard machines. This legislation would allow the State of Nevada to have all good machines. That is one of the things being held up here—$3 billion in funding going to the States for election reform efforts.

The secretary of state of Nevada, one of the most progressive secretaries of state, has been in conference with Senator DODD on this legislation. He is a Republican, by the way. He loves our legislation and thinks it should pass. He likes the amendment of the Senator from Oregon. We have letters from secretaries of state of Arkansas, Kentucky, and North Carolina, to name a few, who have strong reservations with the bill's original language dealing with identification.

Currently, there are 19 States and the District of Columbia that have signature verification. An additional 22 States use a signature system in conjunction with something else.

No eligible voter should be prevented from casting their vote. Remember, this bill still has to go to conference, and one of the things that so troubles me with the minority is the President of the United States is a member of their party. The leadership in the House is all Republican. So when we go to conference with this bill, we are in the minority because we are dealing with the President and the Republican leadership in the House. So I cannot understand why they will not let this legislation move on and go to conference. It is as if they are changing the rules in the middle of the game.

Legislation has come before the Senate, an amendment was offered and was adopted. Does that mean anytime legislation comes before this body and an amendment is offered to it we just close up and go on to something else? If that is the case, then we should do everything in committee and forget about action by the full Senate.

By holding up this important legislation, we are wasting valuable time that could be spent on, for example, the energy bill or campaign finance reform. I am terribly disappointed we are not moving forward. I hope cloture will be invoked tomorrow.

I say to my friend from Oregon, I have been tremendously impressed with the State of Oregon and their method of election. The two Senators from Oregon who voted in favor, of course, of the amendment that Senator WYDEN offered were elected by virtue of ballots cast by mail.

I followed very closely what went on in Oregon. I have not heard an iota from newspapers or any other commentary that there was anything wrong with the election. I have never known anyone to say there was any fraud in electing Senator WYDEN or Senator SMITH. They were elected by mail.

Mr. WYDEN. Mr. President, will the Senator yield for a question?

Mr. REID. I will be happy to yield for a question.

Mr. WYDEN. Not only is the Senator right, but Senator SMITH, in particular, deserves great credit because in a very close election, he made no assertions that there was any fraud in the election.

My question is, Is the Senator from Nevada aware of any evidence of any studies or analyses indicating that these vote-by-mail elections are tainted by fraud? I am not aware of any. Senator SMITH deserves a lot of credit because he could have raised that issue in our election, and he declined to do it.

Is the Senator aware of any evidence of fraud in these races?

Mr. REID. Mr. President, I say to my friend, the evidence speaks for itself. The Senator from Oregon courageously stepped forward yesterday and was the only Republican to vote in favor of Senator WYDEN's amendment. Why did he do that? Because he knows the process in Oregon is good.

I think we, as Senators, have to do everything we can to stimulate voter turnout, to make it easier. I am in favor of voting 2 days. In Nevada, I am in favor of—we are a 24-hour town—voting all night long. We have to do everything we can to allow more participation.

I am so impressed with what North Dakota does. In North Dakota, if you want to vote, come on in, we will let you vote. They have same-day registration. Imagine that. I have talked to my friend from North Dakota, and I have never heard—and I do not think he has either—of any fraud.

We live in a world of computers. People are going to cheat. It is easy to find out if they cheat.

We should do everything we can to move forward with allowing people to vote. We should not make it harder for them to vote. We should make it easier for them to vote.

I applaud my friend from Oregon for working on this legislation so hard and, I think, making the legislation so much better. Recognizing there is a problem with it, let us work it out in conference and not say we are going to close up shop and not allow us to move forward on this legislation.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I, too, compliment the distinguished Senator from Oregon for his outstanding work and leadership on this issue. He has gone the extra mile to find a way to resolve this matter. I know he has worked diligently over the last several weeks. He and I have talked about this matter on a number of occasions.

I think Oregon has been the leader in this country in innovative ways to encourage broader voter participation. He so ably represents his State. On this particular issue, no one has provided greater leadership and more insight on what we can do to improve participation than he has.

I join with my colleague from Nevada in thanking him and commending him for his efforts.

AMERICA'S STEEL INDUSTRY

Mr. DASCHLE. Mr. President, I ask the indulgence of my colleagues. I have a short statement that I will use my leader time to make. It involves a matter I know is of great concern to a number of our colleagues. I wish to make a couple of remarks with regard to the so-called 201 decision to be made by the administration relating to steel.

The last few years have been among the worst in history for the American steel industry. In just the last 2 years, 31 steel companies have filed for bankruptcy. Since January of 2000, more than 50 steel-making or related plants have shut down or been idle. Steel prices are now at their lowest level in 20 years.

This crisis has been devastating for steelworkers, their families, and communities. Over 43,000 steelworkers have lost their jobs, and another 600,000 retirees and their surviving spouses are in danger of losing their health care benefits because the companies that once employed them are now facing bankruptcy.

A number of those families are in Washington today. In talking with them, one quickly realizes the numbers do not even begin to capture the pain they are feeling and the insecurity they face about their very future.

These families are hurting because this important sector of our economy is competing against global competitors who unfairly benefit from government subsidies or have resorted to flooding our Nation with imports.

Seven months ago, the President initiated what is called a section 201 investigation. This investigation, conducted by the International Trade Commission, found unanimously that imports have caused serious injury. That means under our trade laws the steel industry deserves an immediate and effective remedy.

In less than a week, by March 6, the President has to make his final ruling on what that remedy will be. But we already know the right remedy. The remedy is a 40-percent tariff rate for 4 years. That would be an effective enforcement of our trade laws and the right thing to do for hard-hit steelworker families.

There is one other action the President must take, and that is lead on the issue of promoting consolidation and the protection of retirement health benefits, the benefits that were promised years ago to workers by companies that are now teetering on the verge of bankruptcy.

These benefits are so-called legacy costs. They really are a lifeline for 600,000 retirees and their surviving spouses and a measure of our commitment to the healthy and decent retirement these workers have earned.

America's steelworkers have literally built this Nation, from skyscrapers that define us, to the military that defends us. In the process, they have proven they can compete against any workers anywhere in the world and win, so long as the rules are fair.

In a very real sense, the future of the steel industry in America hinges on the administration's decision. So today we are asking the administration to use this historic opportunity to do the right thing for America's steelworkers, their industry, and the retirement health benefits on which they depend.

I yield the floor, and I thank my colleagues for their willingness to accommodate me.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

ELECTION REFORM

Mr. BOND. Mr. President, I just happened to catch the last of the remarks of my very good friend, the distinguished majority whip, about what has happened with this election reform bill.

We ought to get the record straight. My good friend mentioned the fact that we seem to be holding this up over one little amendment. I will tell you what this is all about, Mr. President. We worked long and hard to come to a reasonable, responsible compromise because the Senator from Connecticut very eloquently made the case that we need to make it easier to vote, and I agree with that.

We worked on his portion of the bill. He made some compromises that took care of some of our concerns, but at the same time I tried to testify before the Rules Committee, and I came to the floor and made the case that there is another problem that is as serious a problem as making it difficult for somebody to vote, and that is diluting their vote with fraudulent, improper votes.

I have laid out for this body a number of times the fact that vote fraud continues to exist in Missouri and too many other States. So I proposed some solutions to give us some minimal protection against vote fraud in the future.

As part of the compromise, it was pointed out by my colleagues on the other side that requiring the photo ID may be too difficult, or requiring them to vote in person may be too difficult, although seven States do it, and I think that makes a lot of sense. St. Louis, MO, after we called attention to the vote fraud committed in November of 2000, decided to require photo IDs at the poll in the mayoral primary. Do you know something. It worked. We did not hear any complaints that people could not vote. They had an honest election in St. Louis.

I was willing to compromise with my colleagues, the Senator from Connecticut, the Senator from New York, and the Senator from New Jersey, and say if it is too burdensome to require a photo ID, let us go down the list and see what other things could be done. That is why we added that a bank statement with one's name and address can be used, or a utility bill, a government check, a paycheck, to try to make it possible so that one time in the process they would have to have proof that they were a real live human being.

Now our friends on the other side made fun of the fact that we had dogs registered to vote in Missouri and in Maryland. Well, that sounds kind of crazy, but the system is so sloppy, the motor voter law has made it possible for people to register dogs. I will guarantee there are a lot more fraudulent votes than just the dogs.

Some have objected and said we have not shown widespread fraud in St. Louis. Oh, yes, we have. Wherever we have looked, we have found fraud. Wherever we have looked, we have found ineligible people voting, dead people voting, felons voting—in Virginia, Wisconsin, California, Colorado, North Carolina, Indiana, Florida, and Texas.

What we found that in Missouri they had judges ordering people to be registered to vote. They went before a judge, and he said: Why are you not registered? One said: I am a Democrat. Another one said: I want to vote for Gore. Another one said: I have been a felon and forgot to reregister. Thirteen hundred people were registered by judge order. The secretary of state went back and did an exhaustive search on those 1,300 and found 97 percent of them were not lawful votes.

In the mayoral primary in 2001, 3,000 postcard registrations were dumped on the election board on the last day. At that point, my colleagues in the other party in St. Louis, who were a lot more concerned about stealing a mayor's race than they were about stealing a Governor's race or President's race or a Senate race, raised cane.

When those postcard registrations were looked at, they were all found to have had the same handwriting—many of them had the same handwriting. They were on one or two blocks. Those have all been turned over to the prosecuting authorities. We have not gotten any convictions yet.

We also know that right before the general election in November of 2000, 30,000 postcard registrations were dumped on the St. Louis city election board. Nobody has gone back and reviewed them, but the guess is that at least 15,000 of them were fraudulent. Is it not a little bit beyond credibility that St. Louis, which had 200,000 registered voters, would on the last 2 days of registration register 30,000 people, equal to 15 percent?

That is one of the reasons St. Louis has almost as many registered voters as it has adults. It would be truly remarkable if each one of those registrations equaled a registration of somebody who was an adult human being entitled to vote in Missouri. I do not believe it. We have not had the resources to go back and check.

Frankly, as the Senator from Pennsylvania pointed out yesterday, it is very difficult, particularly under motor voter, to prosecute people who register illegally. Why? Because there is nobody there. You sign somebody else's name, send it in, and say I promise to, with a signature affirmation and verification. I could register all my colleagues on the other side of the aisle in a Republican area of Missouri, and we would have signatures on their mail-in ballots every time. This time they might be voting our way rather than the other way.

I believe some of the people arguing against the bill yesterday were woefully uninformed about what this bill requires. I say to my friend from Oregon, this only applies to people registering after the bill becomes law. It only applies one time, either when you register or when you vote for the first time. You have to show something that would tend to prove you are a live human being, living where you said you were, entitled to vote.

Concern was expressed over provisional voting, and the registration—the identification goes into effect immediately. Right now, 39 States have either provisional voting or same-day registration. I did not draft that part of the bill that says provisional voting would only go into effect in 2004. We would be happy to move it up for the other 11 States so it takes effect immediately.

The Senator from Oregon made a very good point in his discussions yesterday: When a person registers, we ought to make sure when they register that they are legitimate voters. I agree 100 percent.

Do you know what. Motor voter prevents verification of the registration, as it now stands. That is why we had to amend it.

There was a lot of discussion yesterday about how many people we would disenfranchise, and they postulated hundreds of thousands, maybe millions, of people would be disenfranchised because they would not have a photo ID, a utility bill, a bank statement, a government check, that shows their address. I think that is hogwash.

There may be a handful of people who do not have that, but we have money in the bill for the States to go out and affirmatively identify and provide registration for people who fall through the cracks. I am happy to put a provision in there saying the States—if on application by somebody who is entitled to vote, who does not have any of these documents, they can get a State or an election board identification card. Put the burden on the States when somebody shows they have none of these articles or identifiers. I think that might be one-hundredth of a percent at the maximum.

ORDER OF PROCEDURE

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. DODD. I ask unanimous consent that the Senator from Missouri be allowed to speak for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

The Senator from Nevada.

Mr. REID. I ask unanimous consent that the time for morning business be extended until the hour of 11:45 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that the Senator from Missouri be allowed to proceed for another 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. I ask unanimous consent that the Senator be allowed to speak under the period for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent to proceed after Senator BOND.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent to proceed after the Senator from Oregon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri is recognized for an additional 10 minutes.

ELECTION REFORM

Mr. BOND. Mr. President, I do not need an additional 10 minutes. I have said all the things I need to say.

It is not just my view that signature affirmation or verification does not work. Professor Melody Rose of Portland State University in Oregon has pointed out the significant numbers, 60,000 to 80,000, perhaps, who signed someone else's ballot or had someone else mark it for them. There were problems in Oregon.

The Carter-Ford commission said signature verification and affirmation is not adequate, it is inaccurate. Check page 31 of the report. Why? You sign a mail-in registration which cannot be checked under motor voter; you put a signature on it—it could be a dog, a dead alderman, a neighbor, a fictitious brother—and every time you vote as that person, your signature will match the signature that you put on fraudulently when you registered that person.

I knew when we took on fraud, fraud would fight back. I want to make sure everybody understands that the deal we worked out was widely praised. The Senator from New York said we ought to come together because we have a good bill. I agree. I thought we had a good bill. We made a lot of compromises. There is money there to improve the voting system and get statewide registration to make it easier for those with disabilities to vote, to cut down on fraud, to have provisional voting. That is a reasonable, rational system.

I believe this body cannot go down the road saying we are making it easier to vote and harder to cheat. They blow a huge hole in the voter fraud section by saying all you have to do is sign your name or sign a dog's name or sign a dead person's name or sign a fictitious brother or sister's name. That is what this is all about.

I am not the one trying to torpedo this bill. We had a torpedo in midship, yesterday, from people who had been part of the compromise on grounds I do not think were legitimate. I think there was some misunderstanding by many. We talked to staff people who did not realize the aspects I just pointed out, the fact that it is a one-time registration, only for people who register after this goes into effect. They said, maybe people will be disenfranchised. We will do everything in our power to make sure that does not happen.

Fraud has been proven. Fraud is alive and well in Missouri. There is a whole list of other places where fraud exists.

Mr. SCHUMER. Will the Senator yield?

Mr. BOND. I am happy to yield the floor, and I am happy to respond to any of my colleagues.

Mr. SCHUMER. I have been listening to the Senator as we had a debate on the amendment. The Senator from Oregon and I have added to his proposal. I have been very mindful of the passion of the Senator from Missouri about fraud. I respect it, appreciate it, and do not belittle it in any way. He has been through it.

If the Senator says there has been a large amount of fraud in Missouri, I am not here to quarrel with that. He knows his State better than I do. All I ask is to understand where this Senator is coming from. The Senator from Oregon and I are coming from slightly different places because our systems are different. In New York—and I checked again yesterday; we called around the State, people not just of one party or another—there has been almost no allegation of any kind of fraud with our system, which is a signature system.

Yet I do know one thing. If we were to adopt the section he proposed, it would make it more difficult for many of our citizens to vote. We have 8 million people in New York. About 6 million, a little over than that, are above voting age. Only 3 million have driver's licenses. Half the people in New York City don't have driver's licenses. A good number of those—there are no statistics, as there are no statistics, really, on fraud in our State; it is what you hear and know of your State—a good number of those do not have a utility bill to exhibit.

Having spent a lot of time at polling places, which I do in New York, as does the Senator in Missouri, I know how worried and scared lots of our voters are—new voters, people who voted for the first time, even if they are 30 or 40 years old.

I say to the Senator, I respect his passion to try to deal with fraud. Fraud is terrible for the system. As the Senator knows, except for this provision, I have been fully supportive in our meetings of all the other items—the registration lists and everything else—that the Senator has added to the bill. I believe he has made it a better bill.

My question to the Senator: Is there a way we can deal with the problems in Missouri and still deal with the problems in New York and move this bill forward? That is what I would like to do. I know the Senator from Connecticut has some ideas and others have some ideas. I ask the Senator if he has any thoughts about that. Perhaps we are not—I pray, we are not—on an irreconcilable course.

I yield.

Mr. BOND. Mr. President, I am very pleased to hear that fraud does not exist in New York. That is reassuring.

I pointed out yesterday that 14,000 New York City residents were also registered to vote in south Florida. Would the Senator care to make a friendly wager that none of them voted twice?

Mr. SCHUMER. In answer to my friend's question, I would ask the Senator to give me a single instance of people who voted twice. Here is why: The way our voting rolls work, it would be cleared up by the bill. You must remain on the voting rolls for a minimum, I believe, of 8 years once you stop voting. So every day probably 1,000 people from New York move to south Florida.

My guess is there are more than 14,000 people on the voting rolls in New York and south Florida because you are not stricken from the rolls in New York even if you have not voted for 6 years. That is not an indication of any fraud whatever. If the Senator from

Missouri could come forward and show me even 10 cases where this happened—maybe it has, but we don't have evidence of it, and we certainly don't have evidence that anyone is organized to do it. It is just the way our system works.

I am sure there is occasional fraud in New York. I said to the Senator there is no instance of widespread or organized fraud, of large numbers of people who come in and vote fraudulently, organized by someone or not.

Mr. BOND. Mr. President, I make a friendly wager that maybe quite a few of those people voted twice.

I think the Senator from New York has raised a point we did not adequately address. It was a point raised by the Senator from Montana who said there has to be a more effective way of getting those voters no longer living in the State off the rolls. That causes confusion.

In Montana they have many people who come in and register while they are at college, then move away. If we are going to go back and compromise again, I told some people yesterday this compromise on election reform is like loading frogs in a wheelbarrow: I keep thinking I have a half wheelbarrow full, and I come back with the frogs and the wheelbarrow is empty.

We need to be able to clean up those rolls. Eight years means there is a lot of confusion and a lot of opportunity. We will be happy to work on that.

The second point the Senator from New York has pointed out is there may well be voters in New York who do not have a driver's license. Granted. When I lived in New York, I was scared to death to drive. I was scared to death of taxicabs, but I sure wouldn't take a bike. I did not keep a car in New York City when I lived there.

They may not have a paycheck. Some of them don't even get a government check of any kind.

Mr. SCHUMER. Right.

Mr. BOND. Some of them don't even have a bank account. I think that is a rather small universe. But I am willing to make explicit what I believe is already in the law—staff on the majority side has assured us it is already in the law—that money can be used. But I will be happy to make it explicit. If you have Joe or Jane Doe, who do not have any of those things, we should be providing the money to the registration authority to give them a card or to ascertain their registration and get them registered. If they don't have any of those items, they ought to have a chance to be registered. We ought to identify them.

The Carter-Ford commission says one should have an identifying number. That would help us a lot. Carter-Ford pointed out that, No. 1, signature verification doesn't work—and I can assure you, it doesn't work from our side, from what we have seen in Missouri.

Those are the outlines that I think would work.

The ACTING PRESIDENT pro tempore. The additional time allotted to the Senator from Missouri has expired. The Senator from Oregon is recognized under the previous order.

Mr. WYDEN. Mr. President, I see the Senator from Missouri is in the Chamber. I want to make a comment to address some of the concerns the Senator has voiced.

In particular, with respect to the process that has been followed, I was not involved in any of the negotiations with the Senator from Missouri. I made it very clear I am interested in meeting him halfway in trying to find some common ground. We have been talking since the vote yesterday—Senator DODD, Senator MCCONNELL, Senator SCHUMER, Senator BOND, myself—really, hour after hour since yesterday. I do believe at this point there is a framework for a genuine compromise that could allow this bill to go forward. I want to outline what I think that framework is because we all ought to try to come together and get a bill.

I was asked yesterday by the press and others: Maybe those on the other side just don't want a bill? I stuck up for the Senator from Missouri. I said I believe he wants a bill. I think he wants us to come together. We have some differences of opinion.

Here is the framework for what in my view is a genuine compromise. What we ought to try to do is tighten up at the front end of the process. Let's tighten up with respect to registration. That is the best way to deter fraud. Right now, the tough antifraud provisions with respect to registration don't kick in until a ways down the road. Let's figure out a way to make them kick in earlier. Let's tighten up at the front end so we all come together and make it clear we are interested in deterring fraud, we are not interested in deterring voting.

But at the same time, what we would ask in return for our effort to meet the concerns of our colleague from Missouri with respect to the registration process and tough antifraud processes—at the front end we ask to let the signature be valid when people vote because on our side, and in the State of Oregon, we believe very strongly in the 27 States where that is used, it works. We know our colleague does not share that view. Sincere people agree with him. But I would say when he cites studies in Oregon, which I have not seen, the colleague that sits just a few seats from him, Senator SMITH, made it clear—after a very difficult and contested election where he clearly could have said: I have some questions about how these votes were cast—Senator SMITH, to his credit, said the system worked and there were not the problems the Senator from Missouri has found.

So as of right now, without the legislation that has been drafted by the Senator from New York and me, it seems what we are doing is discouraging people from voting now but not putting in place the toughest antifraud provisions until 2004. We ought to keep negotiating. We ought to continue the work.

By the way, even when we were debating the Schumer and Wyden amendment, I suggested to my colleagues, and was very appreciative of what the chairman of the committee said—I went to him and said: We have the votes. We have the votes now. We have done our checking. We have the votes. But let's still reach out even before the vote and try to have a compromise.

That was echoed by the distinguished chairman of the committee, Senator DODD, who said even the night before the vote: Let's stay at it.

I didn't have a chance to be part of the negotiations and the process. I know there are some who have concerns about that process. But I said from the very beginning, because I was not part of that process, I would have to take steps—I was inclined to put a public hold on the bill to make sure my State wasn't rolled.

At every stage of the process that I had a chance to be part of, and this has been backed up by Senator DODD and Senator SCHUMER and the leadership, we have been trying to find a way to meet in a genuine compromise. I think the framework for that genuine compromise is to tighten up on the front end, come down as aggressively as we possibly can on fraud where we can best deter it, which is at the beginning of the process, through registration, but then let those signatures be valid for a ballot, a system that we believe works in 27 States, and not create new obstacles.

Mr. BOND. Will the Senator yield for a question?

Mr. WYDEN. I am happy to yield.

Mr. BOND. First, the Senator is aware that we did take care of one of the Oregon problems. When he pointed out we could not send a second ballot, he is aware that we did agree to change the requirement in the underlying law. I understood it was at the request of the Senators from Oregon and Washington. We made the change.

Your staff asked for it and we did make the change.

Mr. WYDEN. I want to respond. The Senator clearly has been working in good faith and we appreciate that. What I am trying to do this morning is to see if I can help get the rest of the way. I think in this arcane area of election law, where I think, frankly, the Senators from Missouri and Connecticut and New York know more about this nationally than do I, it is very complicated. But I think there is the framework for a genuine compromise. If we stick with that kind of outline, I think we can still get there and we ought to try with this bill which, as a result of efforts of the Senator from Missouri and the Senator from Connecticut, has a lot of good in it. It has a lot of useful provisions. I am for it, but we have to get over this particular problem.

Mr. BOND. Will the Senator yield?

Mr. WYDEN. Of course.

Mr. BOND. Just a further question. I stated very clearly that I applaud and support the Senator's premise that we ought to make sure the registration the first time is legitimate because that is where the problem begins. I will ask the Senator a two-part question: Does he understand that existing motor voter law does not permit effective ascertainment of the legitimacy of a registration upon registration, No. 1? And, No. 2, that the bill before us would not apply to anybody who is already registered?

We had set up these requirements. Is the Senator aware we set up these requirements only for people registering after the date of the act, and they only have to meet the requirements to prove they are a live, qualified human being, one time—either upon registration or upon the first vote? Is the Senator aware of those two things?

Mr. WYDEN. Mr. President, the Senator makes a valid point with respect to the first part. With respect to the second part, I and others think the motor voter law has been an important step forward. We are concerned about the implication that some of the spirit and substance of it could be unraveled. That is why we are trying to stay at the table with the distinguished Senator from Missouri and work this out.

I think if we can get an acceptance of the proposition that a signature should be valid to the ballot—if that basic proposition can be accepted, which is something we believe works in 27 States—I think we can do a great deal to reach out on the other concerns the Senator from Missouri has. He has raised them consistently. He understands the substance of this very well. We are trying to reach out to him in an effort to get this compromise.

But what we need in return is to know that when people actually vote after they have gone through what I would call a real gauntlet of steps to make sure there are antifraud provisions at the front end, then let us have a signature be valid for the ballot, a system which works very well in our State.

I will close by way of saying I think people are stunned by this. In the Senate special election in 1996, we tripled the rate of voter participation from the previous Senate special elections in this country. This is a system that has empowered voters.

That is why it is so important in those 27 States to seniors, the disabled, minorities, and others. With record turnouts, people are being prosecuted now in a small number of instances. Where there is fraud, we would like to find a way to protect against that as it relates to having a signature be valid to the ballot.

In return, we are willing to meet the Senator from Missouri halfway and more on the front end so that we come down aggressively on fraud in the area where we believe it can do the most.

My time has expired. I am inclined to get back to the negotiating table with the Senators from Missouri, Connecticut, and New York so we can get a bipartisan compromise.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, my chief of staff and my counsel negotiated 4 to 5 hours a day for 6 months, and they thought they had reached the end. If the Senator from Oregon and I are now talking about different things than what he has outlined, it would seem to make very good sense. No. 1, he says make sure there is a real, live person qualified to vote when they register. Hallelujah. If we can do that, then I agree that they sign a registration, and any time they go to vote, all they have to do is sign, whether it is a mail-in or whether it is voting in person.

But what I want to make sure of is when that first registration comes in, there is something to identify it. It is not a gauntlet. It is picking one of the pieces of evidence that shows they are a real, live human being, or, if we can find a better way, that we can even task the local election authorities to use money we provide them to verify.

If they confirm that the registrations are legitimate, and if they deal with the problem that the Senator from New York and the Senator from Connecticut laid out about the 8 years full of clogged rolls, there is no problem that I have with letting people vote by signature once it is proven they are real, live human beings at the beginning of the registration process. If that is the basis, we can start over again, and see all of you in July, maybe.

But the Senator from Connecticut is good humored, equally determined, and is willing to go at it again.

If what the Senator from Oregon laid out is what I said, then I think there is some good possibility that we can get agreement. But sending in a signature alone is not going to cut the mustard.

We will get back to the Senator from New York on the number of people doubledipping. The December 19th issue of the New York Post reports on doubledippers. We will get back with the information on that. That is a good reason to clean up the registration rolls. I hope we can do that as well.

I thank the Chair. I thank particularly my colleague from Connecticut for his good humor throughout this.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I would like to speak in morning business for about 9 minutes.

The PRESIDING OFFICER. The Senator has that right.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1974 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 2 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

(The remarks of Mr. WELLSTONE pertaining to the submission of S.R. 213 are printed in Today's RECORD under "Statements on Submitted Resolutions.")

THE STEELWORKERS OF AMERICA

Mr. WELLSTONE. Mr. President, I thank the steelworkers of America for coming to Washington, DC, today. I think it is a historic gathering. Time is not neutral or on the side of these workers and their families, including the taconite workers in the Iron Range in Minnesota. I could spend hours on our trade policy and the ways in which I do not think we have a fair trade policy. But when you have the best workers who care fiercely about their families and their communities in our country and essentially the dumping of steel and, for that matter, semifinished steel in our market, way below the cost of production in other countries, much less quite often produced at wages that are deplorable wages, the effect is devastating.

The request and the demand of the White House, which follows up on an International Trade Commission recommendation, is for a 40-percent import fee. If we get that fee, then we will be able to compete effectively. If we don't get that fee, I think it will be very difficult to see a future for the steel industry in our country. There will be no way we can cover legacy costs, health care costs of retirees; and a whole lot of very decent, good, working people are going to be spat out of this economy.

Nobody is asking for a leg up on anybody else. Frankly, when you see the import surge of the last several years—so much of this well below cost of production—and you see the impact on people, you know we ought to do something.

So the President has until the beginning of next week to act. We call on him to do the right thing. We believe it is the right thing. There are going to be steelworkers from all across the country today. There are going to be marching bands from high schools from all across the country today. I have been told there may be more than 10,000 steelworkers coming to Washington, DC, for themselves, for their children, their communities, and for the country. I hope their voice is listened to.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. LANDRIEU). Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that I be allowed to speak in morning business for 10 minutes.

The PRESIDING OFFICER. There is a 10-minute time limitation. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair and welcome the occupant, the Senator from Louisiana. I look forward to providing her with some factual information this morning, not that she has not been exposed to factual information before.

ARCTIC NATIONAL WILDLIFE REFUGE

Mr. MURKOWSKI. Madam President, I received a letter in my office from the respected former President Jimmy Carter. I suspect this letter went to every Member. It was an appeal on the issue of the energy bill which has been laid down by the majority leader and will be taken up at some point, probably next week.

In his letter, President Carter highlights the realization that every decade or so we have a great national debate about whether or not to preserve our national heritage. He indicated that in the sixties, it was over building dams in the Grand Canyon to oil drilling in Yosemite or Yellowstone. Clearly, there is no consideration for oil drilling in either Yosemite or Yellowstone, to both of which I would object. I know virtually every Member in this body would.

President Carter indicates in his letter that the significant issue before us today is the fate of the Coastal Plain of the Arctic National Wildlife Refuge, an area first set aside for protection by President Dwight Eisenhower. He is correct in that generalization, but what he does not add is that out of that area, so-called ANWR, there were 1.5 million acres, or the 1002 area, left out specifically at the declaration of President Eisenhower for Congress to make a determination of the disposition.

Since that time, the matter of opening ANWR has been debated before this body. Many of us will recall that in 1995, in the omnibus bill, ANWR had prevailed and President Clinton vetoed it.

It is important to recognize the sequence of events because they are not necessarily as recounted in President Carter's letter. He states that he has enjoyed the extraordinary beauty of the peninsula and Beaufort Sea, watching the musk ox circle their young. He has wandered on the tundra near the Jago River as the caribou streamed through. He has watched this timeless migration from vital calving grounds. He has watched the dens of wolves, large flocks of Dall sheep, and isolated polar bears. "These phenomena," he terms it, "of the untrammeled earth are what lead wildlife experts to characterize the coastal plain as America's Serengeti."

I live there. I have spent all my life there. I have spent a good deal of time in the Arctic. His description is not without some further explanation.

The difference with the American Serengeti is, of course, the wildlife concentration is virtually year round, and the caribou, which is a nomadic animal, moves through the area. It is quite inspiring when they move through the area, but they are not residents.

In the wintertime, which is 9½ to 10 months of the year, there is virtually no activity of any kind relative to wildlife and bird life. Nonetheless, we have an obligation to address the compatibility of the natural wildlife and the wildlife experience of visitors and the realization that we also have a tremendous amount of reserves of oil in this area. There is a compatibility.

President Carter further states:

> Having traveled extensively in this unique wilderness, I feel very strongly about its incredible natural values.

I do, too.

He hopes Members "will not be distracted by the argument that oil exploration and development will have minimal impact because the 'footprint' of modern drilling technology will be small amid the 1,500,000 acres of the coastal plain."

This is where we depart because what he fails to take into consideration is the people who live there and their thoughts and aspirations. I will perhaps go into that a little later.

One realizes in his letter he assumes this area is an absolute wilderness devoid of any villages, devoid of any footprint, and devoid of any personal expression of attitude from the Eskimo people who live on the Coastal Plain, whether they live in Barrow or Kaktovik, or whether the activities in Prudhoe Bay have, in fact, been a distraction.

He further suggests a precise measurement of activity in the 1002 area would involve a web of drilling pads, gravel pits, access roads, and air fields. While these might not exceed 2,000 acres, they would be spread across a far wider expanse covering hundreds of square miles, connected by a network of what he calls modern transportation routes.

As those who follow the debate recognize, that simply is not the case. We have developed the technology dramatically, and that technology is evidenced in the transition from Prudhoe Bay, which is the 30-year-old technology which uses large areas of surface for roads and so forth, to the development of Endicott, which came on as the 10th largest field, and the actual footprint was 56 acres.

So the point is, we have this technology. It will be advanced if indeed ANWR is opened. It would be further advanced to have ice roads as the access for development of drilling, not roads. We would not open up gravel pits; that would not be necessary because we have technology now that allows us to move only in the wintertime and not leave a footprint in the summer. Further, the directional drilling technology suggests if we were to drill on the Capitol Grounds, we could focus on an oilfield as far away as the Reagan Airport, outside the edge of Washington, DC. That is the technology we have.

So it is an entirely different set of circumstances. To suggest that somehow this would be an expanse covering hundreds of miles, with airports and so forth, is totally inaccurate.

I have a picture. This is children in Kaktovik. To indicate where Kaktovik is, this is in the 1002 area. This is a village that has been there for a long time. There are real people there. They have hopes and aspirations. We have other pictures of Kaktovik which can give an idea of the realism that President Carter simply overlooks in his letter. He suggests this is an unspoiled wilderness. Here is a village that is actually in the 1002 area. There is an old radar site. Here is the community hall.

These people happen to support opening the area. Why? They want a better opportunity. They want health care. They want toilets that flush. They want running water. They want to have opportunities for the children.

It is one thing to simply address the environmental aspects, but that is hardly fair when you have to consider the fact that there are real people living here.

I want to show a little bit about how we develop the Arctic and show some of the activity. Some of the technology we have developed—and I know the occupant of the chair is quite familiar with it—that is used now more often than not is called directional drilling.

This was an article that appeared in the New York Times, and it shows how in one drill pad you can access a huge area that otherwise was unaccessible. This is called directional drilling. You do this through a process called 3D sizement. That has only come about in the last decade.

Before, we used to have to drill down, and if we hit one of those pockets of oil—they are the dark areas—we would hit them or we would miss them. With 3D sizing, you can spot where these other pockets are and directionally drill from one pad. That is the technology of today. That is why President Carter's generalization that this area is going to be covered with roads and air fields and pipelines, and so forth, is totally inaccurate.

Now let me show you how we operate. I said we are not going to have roads. We are not going to open up gravel pits. That is drilling in the Arctic. That is the same as in the 1002 area of ANWR. That is a winter road. It is a road that is frozen. It works fine. You have a drill pad that is on frozen ground. This ground is permafrost. It is frozen year round. On the surface, it does thaw, but remember, winter is just about 9½, 10 months. So you have a long period of time when you can do development. This is what it looks like in the summertime as a consequence of not having to have a road into the area. That is a spot as well.

So when he says the impacts on the fragile tundra, ecosystem, migratory waterfowl, and other wildlife would be devastated by oil activity, that is not necessarily true.

The Senator from Louisiana knows how you operate in the State of Louisiana. You have numerous areas where you have oil and gas drilling. You have commercial shrimping. You have sport fishing. You have access for waterfowl because you consciously protect them. But there is a compatibility by doing it right and using technology. You do it in monuments that have been set aside by Congress, and you do it correctly.

There is some suggestion that this somehow is of a magnitude to parallel dams on the Colorado River, that we have to make choices: We cannot have the untouched, sublime wilderness on one hand compatible with oil development.

If we look at this map, we note that few people have an idea of the distance and the vastness of the State of Alaska. It is one-fifth the size of the United States. It overlays the United States dramatically in a proportional view that hopefully we have with us—but I guess we do not. It shows Alaska overlaying the United States. It shows an overlay, and Alaska runs basically from Florida to California. It runs from Canada to Mexico on a proportionate overlay. It is a big piece of real estate.

We have this entire area of portions of Alaska associated with wilderness. We have 56 million acres of wilderness, and what we do not really reflect on in the issue of opening up ANWR is the fact there are already footprints in the area; there is a community of Kaktovikians, and the Coastal Plain is the green area that would be proposed to be leased. The rest of the 19 million acres is split between a wilderness area, which is about 8½ million acres. That is the light buff color on the chart, and the darker buff color is already in the wilderness. So we are talking about a very small area.

We are also talking about, in the House bill, which authorized the opening, only 2,000 acres. That is the size of that little red dot in the chart. That is about the size of a small farm.

So what does 19 million acres equate to? A lot of people do not recognize that. ANWR and the State of South Carolina are about the same size, 19 million acres. So we are talking about 2,000 acres out of 19 million acres of development, which is hardly reflected in the President's letter to each Member. He says: Opening of the Coastal Plain for oil exploration and development would be, despite all the much-vaunted technological promises, severely damaging to wildlife and the ecosystem.

Let me show what our evidence is in Prudhoe Bay. I am sure we have a chart of the caribou and the bear. This is Prudhoe Bay. We had about 3,000 or 4,000 caribou in Prudhoe Bay when the development started in that particular area. Today we have over 20,000 caribou. The issue is, you cannot shoot them, you cannot run them down with a snow machine, so they propagate dramatically. And those are not stuffed; those are real caribou wandering around. So there is a compatibility.

There is a compatibility with the bears. Here are the bears. I know the occupant of the chair has seen this chart many times. They are walking on the pipeline because it beats walking on the snow. You cannot shoot them. You cannot take a gun in there.

People are concerned about polar bears and polar bear dens, but they never tell you it is against the law to shoot a polar bear in the United States. And Alaska is in the United States. You can go out and get a guide in Canada, you can get a guide in Russia, and take a polar bear, but not in the United States.

Talking about conservation, one of the best ways is to make sure they are protected, and they are. So to suggest a mild amount of activity is going to displace their dens is absolutely balderdash.

They talk about the wilderness qualities. You are talking about huge areas. Fifty-six million acres of wilderness is what we have in the State of Alaska alone. We are very proud of it. To suggest we cannot open this area is totally unrealistic.

Let me show some of the other areas in the United States where we have oil and gas exploration. These two charts show oil production facilities in the Nation's wildlife refuges and wetland management districts. We have 9 in Texas, 12 in Louisiana, 4 in California. The other charts oil production in national wildlife refuges and wetland management districts. We have them in Texas, Oklahoma, North Dakota, New Mexico, Montana, Mississippi, Alabama, Arkansas, one in Alaska, California, Kansas, Louisiana, and Michigan.

We have oil and gas development and mineral development in refuges. It is common. Can we do it safely? That is the question. The answer is yes.

Former President Jimmy Carter's letter fails to recognize people have dreams and aspirations and certain rights. He says:

> It is inherently fatal to the wilderness qualities of this matchless example of America's heritage.

The letter does not say there are 56 million acres of wilderness in Alaska, and we are proud. He implies somehow if the area is open to modest development, it will be detrimental.

He makes another mistake when he says:

> Through compromises that began more than four decades ago and were concluded when I signed the Alaska National Interest Lands Conservation Act in 1980, 95 percent of Alaska's North Slope has already been made available for oil exploration.

We have charts that show the upper Arctic area. This chart illustrates the Arctic Coast from Canada, the area we are talking about, and next is the Prudhoe Bay area, and from Prudhoe Bay we go across the Naval Petroleum Reserve in Alaska. The suggestion that 95 percent is open is inaccurate; 95 percent of it is closed. I guarantee, one cannot get a drilling permit on public land in these areas. This area is the National Petroleum Reserve, and the dark area shows the concentration of lakes. That is where the bird life is. That is Lake Nestia Puk. That is a delicate area. The Department of Interior refused to open leases in those areas. They have leases issued which have been modestly successful, but to make the statement that 95 percent is open, and therefore why not leave the area, is false.

The President has inaccurate information. He said we should not sacrifice the last 5 percent. Well, 95 percent is closed. Furthermore, in his letter he says this issue has assumed gigantic symbolic stature. He is right on target. It is symbolic. It has nothing to do with scientific evidence. It has nothing to do with whether or not there is enough oil to offset the amount of oil we import from Iraq or Saudi Arabia. Some have indicated that this issue is all about our national security. To a large extent, they are right. We are 58-percent dependent upon imported oil in this country. The ramifications of that are very real. As we increase our dependence, we are going to be more and more beholden to those who supply the energy.

We have seen the power of OPEC in reducing the supply and the price goes up. I have discussed time and time again the issue of Iraq. We wonder how we will deal with Saddam Hussein. On September 11, we imported 1 million barrels a day from Iraq; today it is 780,000 barrels. We are still maintaining a no-fly zone, an area blockade, over that country. We put the lives of men and women at risk each day enforcing that no-fly zone. We take out Saddam Hussein's targets, and he tries to shoot us down, but we are taking his oil. We take his oil, put it in our airplanes, and go back. But he takes our money and develops missile capability, maybe aimed at Israel. We have not had an inspector in that country in 6 or 7 years. When will we deal with that? When we have an unfortunate issue such as a terrorist development that might emanate from there we will wish we would have moved sooner?

These are the questions the administration has to deal with and each Member has to deal with in his or her own conscience. These are very real.

From the Persian Gulf we get almost 3 million barrels; from OPEC producing countries, 5.5 million barrels of oil. That is where we get the oil. We need all the conservation we can get—CAFE, wind power, solar power—but America and the world moves on nothing but oil. We do not have the technology. We will continue to be more dependent.

The question is, How can we relieve that dependence? Obviously, in the Gulf of Mexico and off Louisiana and Texas they have extraordinary technology. They are drilling in 2,500 and 3,000 feet of water. The record has been very good because we have that technology. Can we open up ANWR safely? Absolutely.

This next chart is important. What we are doing is rather interesting. We have substantial prospects for oil and gas off the Atlantic Ocean, off our coastal States, including Florida clear up to Maine. Those States do not want development. That is fine if they do not want development. They have taken 31 trillion cubic feet of natural gas that is believed to be off the east coast and said they do not want to develop it. We should respect that. Off Florida on the gulf side, 24 trillion cubic feet, we have taken that off limits.

Now the west coast—Washington, Oregon, California—they do not want drilling offshore where the risks are relatively high. There are storms and all kinds of bad things that can happen. We have taken the middle area of the country, the overthrust zone of Montana, to a degree, Wyoming, Colorado, Utah, and said we will not allow any road access in public lands. We have taken that off. We take these off because the people do not want it. We should respect those areas where people support drilling. In my State of Alaska they do. We are not talking about offshore. We are talking about on land. There is a difference. There is much less risk.

These are the arguments used that frustrate those in the Alaska delegation. It is fair to say we probably include Texas, Louisiana, Mississippi, and Alabama, who do want responsible development offshore. It provides a standard of living. It provides a tax base. Those are very important for working men and women.

This is a jobs issue. If we open ANWR, we are putting up for lease in the area of 1.5 million acres out of 19 million acres. That will be competitive lease sale. Companies will put up money to have the opportunity to lease those lands. How much money? It is estimated somewhere in the area of close to $3 billion. That means $3 billion coming into the Federal Treasury. That, in itself, should interest our budgeteers. In addition, it is jobs for Americans at a time when we are losing jobs. It is payback time to American labor. These people are entitled to these jobs as opposed to sending our dollars overseas and bringing back the oil from Iraq or Saudi Arabia. We have the know-how, we have the technical ability, and we can bring these jobs home.

How many jobs are we talking about with ANWR? Somewhere in the area of 250,000. Talk about stimulus; show me a better stimulus that does not cost the taxpayer a red cent. That is $3 billion in revenue and 250,000 jobs, all paid for and put up by the private sector, not the government and not the taxpayer.

These are some of the issues to which we should relate. It is a matter of what is in the national security interests of our country as well as the realism associated with sound jobs in this country.

President Carter goes on to say the truth: We can drill in every national park, wildlife refuge, et cetera.

We are not talking about that. We are talking about a small area, a footprint of 2,000 acres out of 19 million acres. To suggest we can get there through conservation is unrealistic. It will be an interesting issue to watch the debate on CAFE. Some are going to say we are going to do it, and we will mandate the type of cars or public businesses. We are going to compromise safety. We are going to bring in more foreign cars. That is not the answer.

We need better mileage. There is no question about it. But you just can't get there from here because this particular CAFE is going to be effective in the year 2015, 15 years from now. Some of us are not going to be here to be held accountable.

It is very easy to vote and say, yes, we ought to do that; get 37 miles per gallon by the year 2015. Technically, they say you can't get there without a mandate by the Government telling you what kind of car you are going to drive.

We will have that debate later. Nevertheless, I think we have to address the national energy security of this country.

I am always reminded of the statement of Mark Hatfield, a very respected Member of this body from the State of Oregon, who stood here time and time again and said: I'll vote for ANWR any day rather than send a young man or woman overseas to fight a war on foreign land over oil.

This is leaving us more dependent on foreign oil, and then we know just what happens. Some people forget what happened in 1973 during the Arab oil embargo, the Yom Kippur War, because, I guess, they were too young. We had gas lines around the block. People were indignant. They said: How could Government let this happen?

We were 37-percent dependent on imported oil at that time. Now we are 58-percent dependent.

What does the Department of Energy say? In the year 2007, 2008, we will be somewhere up to 63 or 64 percent dependent. That is reality.

I hope when Members reflect on their vote and recognize the pressures that have been brought about by environmental groups, by President Carter in his letter to each Member, and others, they reflect somewhat on accuracy, factual information, and not the emotional arguments that suggest this is only a 6-month supply; that it is going to take 10 years to go on line; that it is not going to make any difference.

They recognize reality. I hope they recognize their vote should be what is right for America, not what is right to satisfy the environmental lobbyists' desires to use this issue for what it has been used, and that is to generate a tremendous amount of membership and dollars. Once they lose on ANWR, they will go to another major environmental issue and that is understood.

They make a significant contribution. But on this issue they are simply wrong. We can do it right. We can do it safely. It is a significant amount of oil because it is somewhere between 5.6 billion barrels and 16 billion barrels. If it is half that, it is as big as Prudhoe Bay, which has supplied the Nation with 25 percent of the total crude oil produced in this country in the last 27 years.

I will have a chart later. I didn't want to run the risk of having one of my friends from Texas acknowledge that, indeed, ANWR has more oil in it than the proven reserves in one of our largest producer States, and that is the State of Texas.

I think we have to keep the argument in perspective. We have the technology. We can do it right.

When we get on the debate, I trust Members will reflect on the reality that this is one of the biggest jobs issues in the country. Organized labor feels very strongly about the reality of keeping these jobs in the United States.

I will make one more point. As the occupant of the chair is aware, there is a great deal of shipbuilding in Louisiana, Mississippi, and southern California. There is a whole new fleet of tankers being built. They are being built because U.S. law mandates that the movement of oil between two States goes in a U.S.-flagged vessel built in a U.S. shipyard with U.S. crews. Let me tell you, our oil that goes from the Port of Valdez down there, clear down to the west coast of the United States, primarily in the Puget Sound area, the San Francisco Bay area, and the Los Angeles harbor area—these new ships mean jobs in the shipyards, jobs on the ship, and U.S.-documented vessels.

So it is a big jobs issue. The most significant portions of our merchant marine are these tankers that haul the oil.

Washington, Oregon, and California are going to get oil. What happens? They will get it from Iraq, Iran, and Saudi Arabia. It is going to come over in foreign vessels that do not have double bottoms—all our new vessels have double bottoms—and it is going to come over with foreign crews, and they are not going to have the deep pockets of Exxon. I point out what this means in terms of sound, high-paying U.S. jobs.

Let's do what is right for America. I appreciate the time allotted to me and unless there is another Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that I be recognized as in morning business for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Chair.

(The remarks of Mrs. FEINSTEIN pertaining to the introduction of S. 1796 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Florida.

BLACK HISTORY MONTH

Mr. NELSON of Florida. Mr. President, as our celebration of Black History Month now comes to a close, I want to acknowledge some of the rich and ongoing contributions made by my State's African-American citizens. Of course, the efforts of African Americans in Florida and throughout our Nation's history should be recognized every day, not just during Black History Month. Back home in Florida, our State has been blessed with a remarkable number of prominent African-American citizens who have served our State and Nation with distinction in a variety of fields. I want to mention a few.

Although not a Florida native, just think of the contributions of Mary McLeod Bethune. She founded one of the oldest and most prestigious black colleges, Bethune-Cookman College. In addition to serving as President of Bethune-Cookman, she also was one of the leading civil rights activists of her time, and the first African-American woman to serve on a Presidential commission. Bethune-Cookman College is one of our stellar institutions of higher learning. It is located in Daytona Beach. I have had the privilege of attending that college and visiting with the distinguished president, who has been there over 2 decades, Dr. Oswald Bronson.

The spirit that school has today carries on in the memory of Mrs. Mary McLeod Bethune. It is just amazing. I have seen that in the classrooms. I have seen it in their auditorium. I have seen it on the football field and the band performing at half time. It is a wonderful and rich part of our heritage in Florida.

That is just one. Let me name another: Justice Joe Hatcher. He was born in Clearwater and, in 1975, Judge Hatcher became the first African American elected a justice of the Supreme Court of Florida. He later went on to serve with distinction on the Federal court of appeals, a body that sits in Atlanta, although he maintained his office right there in Tallahassee. His election to the State supreme court marked the first time an African American won a statewide office since Reconstruction.

I will give you another one: James Weldon Johnson, the first African-American executive director of the NAACP, author, lyricist, creator of the National Negro Anthem, and poet. He was born in Jacksonville.

And then Eatonville, Florida's native, Zora Neale Hurston. She was a folklorist, anthropologist, and acclaimed author of such works as "Their Eyes Were Watching God," and "Of Mules and Men." I got to know about her heritage when I had the privilege, as a young Congressman, of representing Eatonville, FL, in the late 1970s as part of my congressional district.

I will give you another one: Timothy Thomas Fortune. He was born up in the panhandle in Marianna, FL, Jackson County, in 1856. He was the editor and publisher of a paper called the New York Age, and his paper was a platform for defending the civil rights of both northern and southern Blacks.

Here is one you will recognize: Asa Philip Randolph, founder of the Brotherhood of Sleeping Car Porters. He was born in Crescent City, FL. The Brotherhood was the first union founded by and for African Americans.

Not far from there was born, in Palatka, FL, John Henry Lloyd. He was a baseball player and a manager in the Negro leagues, and was considered one of the greatest shortstops in the game. In 1930, as a member of the New York Lincoln Giants, he played in the first Negro League game in Yankee Stadium against the Baltimore Black Sox.

Now I am going to tell you a name that everybody recognizes today: Sidney Poitier, the renowned actor who won an Academy Award in 1964 for his performance in "Lilies of the Field." He was born in Miami.

And our contemporary, my colleague, Winston Scott, one of our Nation's pioneering African-American astronauts, was born in Miami. In 1992, Winston was selected by NASA and served as a mission specialist on flights in 1996 and 1997, and today he has returned to his alma mater, Florida State, where he serves as the dean of students. Winston had logged a total of 24 days, 14 hours, and 34 minutes in space.

Augusta Christine Savage was born in Green Cove Springs, just south of Jacksonville. In 1923, Augusta Christine Savage was among 100 young American women selected to attend the summer program at Fontainebleau, outside of Paris, but was refused admission once the program directors became aware of her race. In the mid-1930s she founded and became the first director of the Harlem Community Arts Theater, which played a crucial role in the development of many young African-American artists. In addition, she became the first Black elected to the National Association of Women Painters and Sculptors.

A Washington hero, GEN Chappie James, the first African-American four-star general, was born in Pensacola. As a young State legislator, I had the privilege of meeting General James. He was right back from Vietnam where he had flown so many combat missions. He became one of the famed Tuskegee Airmen, earning his wings back in World War II and going on to serve as a pilot, a fighter pilot in Korea and Vietnam. In 1975 he received his fourth star and he became the commander of the North American Air Defense System.

I could go on. As we remember the contributions of these and many others, and so many other African-American citizens, duty calls us to remember the difficulties this community faced as our Nation traveled through the struggle to achieve full civil rights for all people. I want to highlight two small initiatives that should help us preserve these important memories.

Florida now is home to more than a dozen former Negro League baseball players. These men are nearing the end of their lives, and they have never received a pension for their time in the league, unlike their counterparts who played Major League baseball. Although Jackie Robinson broke baseball's color barrier in 1947, baseball didn't truly integrate until a decade after Robinson's historic feat. It took all the way up to 1959 for Major League baseball to integrate the last team.

No doubt their fans appreciate their contribution to baseball, but by refusing to grant a pension to these old-timers who played in a segregated society, Major League baseball is denying them an appropriate reward in their efforts. I am trying to help these men resolve their dispute with Major League baseball so that they can receive a small but important token for their contributions to sports history.

Also throughout the era of segregation, when public facilities were segregated by law, the African-American community of Miami was forbidden to use all of the area's beaches but one, Virginia Key Beach, in Biscayne Bay known as "the Negro beach."

Known in those days as the "Colored Only Beach," Virginia Key Beach was an important place in the lives of African-American families—a place for them to gather and enjoy the pleasures of relaxation beside the ocean. The memories of this place are sweet, even mixed and intertwined with the bitterness and memories of segregation.

Together with my friend and colleague, Congresswoman CARRIE MEEK of Miami, we have sponsored legislation that will help preserve this historic place. Our bill would require the Secretary of the Interior to study and report to Congress on the feasibility of incorporating Virginia Key Beach into the National Park System.

By enacting this legislation, we can preserve its 77 acres of beach and wildlife, while honoring its past and present importance to the people of Florida.

These are examples of some of the small ways in which we can honor the lives and memories of our Nation's African-Americans.

My own State, Florida, has an especially proud history in this regard, as well as a willingness to correct past mistakes.

In 1994, for example, the Florida Legislature passed, and the late Gov. Lawton Chiles signed, the Rosewood claims bill, which provided $2.1 million to survivors and the families of victims of the 1923 Rosewood Massacre.

Last year, the legislature enacted sweeping reforms to give every person an equal opportunity to have his or her vote counted.

You don't want any State to ever have to go through what we went through in Florida in the last Presidential election because there were votes that were not counted. So the Florida Legislature, in 2001, in trying to correct the voting rights abuses, passed legislation to help modernize the system in a Presidential election.

Unfortunately, a $50-billion State budget proposed by the Florida House last week left out the second of two installments of $12 million to help counties replace antiquated, punch-card voting machines.

African-Americans were disproportionately affected by flaws in the election system. And Florida lawmakers have made a commitment not only to that community but also to all the people of Florida to fix the system.

Without this funding, they will have broken their promise.

It would be appropriate at this time of recognizing the achievements of African-Americans for the State House to do its duty and to keep its word so that every vote gets counted.

Today—and every day—let us celebrate African-American achievement both by remembering our past and by recommitting ourselves to the current fight for social, political, and economic equality for everyone.

I thank the Chair for the time to address the Senate.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until 3 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, for the edification of Members, Senator DODD has been working. I talked to him not long ago. He indicated progress was being made. Even though it appears we are not doing anything, there is a lot of committee work going on around the Hill. With this most important election reform legislation, there is a last-ditch attempt by Senator DODD to see if it can be rescued.

As a number of Members indicated this morning, it would be a real shame if this were held up by virtue of a filibuster, especially when we know that matters go to conference, and with the present makeup we have in Washington, with a Republican President and a Republican House, certainly they should be willing to take their chances with a Democratic Senate.

I hope progress is made and we can resolve the Schumer-Wyden matter. But if we can't, I hope Members look forward to invoking cloture on this most important legislation tomorrow when the vote is scheduled.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I seek recognition and ask unanimous consent that upon the completion of my comments, the Senator from North Dakota, who is sitting in the chair at the moment, be recognized.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered.

PLEA TO THE FLORIDA LEGISLATURE

Mr. NELSON of Florida. Mr. President, I want to follow my remarks of a few minutes ago about Black History Month with an underlining of my concern of what is happening in the Florida Legislature as we speak, which is meeting in the capital city of Tallahassee.

It is almost ironic that at the very time the Senate is considering an election reform bill, of which for that legislation we are having discussions, negotiations, and awaiting agreements to finally come forth so we do not have to come to the Chamber to break a filibuster to pass it—and it is legislation that is going to get wide support once we get to final passage—but it is almost ironic what has happened in the Florida Legislature since we started this legislation 2½ weeks ago when I spoke in this Chamber in favor of the legislation. At that time, I took to the floor complimenting the Florida Legislature.

In the State of Florida, we went through a grueling experience in the Presidential election of 2000. We saw so many ballots that were not counted. We saw clear voter intent that was not followed. There was confusion over the ballots. There was confusion in the construction of the ballot, how it fit together. There was the famous butterfly ballot. We saw how even when voter intent was so clear for example, a first-time voter, who was not familiar with the ballot, would go down the Presidential names and select one name and mark that on a punchcard ballot, and then at the bottom of the Presidential names there was a line, and it said: "Write-in," and they would write in the same Presidential candidate—the voter intent was clear, but that ballot was not counted.

So after that awful experience, before which I had never known anything about error rates in ballot counting—and thank the Good Lord I never had a close election, and little did I ever know there could be the confusion and so many people, in effect, disenfranchised in an election—when we started our election reform bill in this Chamber a couple weeks ago, I took to the floor and complimented the Florida Legislature because it changed all of the punchcard ballots and it appropriated, out of a $50 billion annual budget, $24 million so that the counties could buy new voting equipment and they would never have to go through the confusion of that punchcard voting system again. They would have an optical scan system with a much lower error rate.

That was my compliment to the Florida Legislature. They did right. That was a year ago. But just last week, the Florida House of Representatives did not appropriate, in its appropriations bill, the second $12 million installment to modernize the election system. What in the world are we thinking in the year 2002, when it is almost taken for granted that it is a bedrock principle that registered voters should have the right to vote and to have their vote counted?

So as we continue to discuss and debate—and ultimately we will pass—this election reform bill at the Federal level, let me make a plea to the Florida Legislature: You were so gallant, as leaders in the Nation, after the debacle and the disenfranchisement of the 2000 election, to first step forward with an election reform bill and providing the appropriations to fund that election reform.

Please do not falter now, Florida Legislature. Please, appropriate the second half of that appropriation that was promised a year ago so Florida will not have any serious questions about every Floridian's vote being counted.

I thank you, Mr. President, for the opportunity to speak.

I yield the floor.

The ACTING PRESIDENT pro tempore. Does the Senator suggest the absence of a quorum?

Mr. NELSON of Florida. Yes. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

UNFAIR TRADE

Mr. DORGAN. Mr. President, Senator DASCHLE, the majority leader, was in the Chamber today talking about a decision that will be made in the coming days by the Bush administration on the subject of trade disputes that exist with respect to the American steel industry.

What is all this about? It is that the steel industry, as with many other American industries, has been under assault. It has been under assault by unfair trade coming from abroad, products being dumped in our country into our marketplace below their acquisition cost, undercutting our domestic producers. This is unfair trade. It is trade that violates our trade laws. In fact, an International Trade Commission investigation has recently determined that the flood of foreign steel has significantly hurt the U.S. steel industry.

The question the President will decide next week is: What will be the remedy? What will be done about it? If our steel industry is being threatened and assaulted by unfair trade and it is closing plants, going into bankruptcy, laying off workers, what is the remedy? That is the question this administration will answer next Wednesday.

My hope is they will answer this question in an aggressive way. My hope is they will say, we intend to stand up for American steel. My hope is they will say, we intend to stand up for all American producers when confronted with unfair trade. How do you stand up for producers when confronted with unfair trade? You take action against those perpetrating that unfair trade against our producers.

We have something like 10,000 steelworkers in Washington, DC, today who are here demonstrating the point that they are losing their jobs and their companies are going bankrupt. This is about them and their families and their future. They are saying: Give us some fairness in international trade. Stand up for our interests.

It is not steelworkers saying, we want our country to be protectionist. It is not them saying, we want to build a wall around our country and prevent imports from coming in. It is a group of workers who have come to Washington to say: When we are confronted with unfair trade, we expect our Government to be in our corner. We expect our Government to stand with us.

It is interesting that the steel dispute is very much like a dispute we have with Canada on the issue of wheat. The North Dakota wheat producers, with a 301 case, brought a trade case against Canada. That case, after investigation, was recently resolved by the United States Trade Representative saying, yes, the Canadian Wheat Board is a state-sponsored monopoly that engages in unfair trade practices that harm United States wheat growers.

If we have decided Canada is guilty of unfair trade with respect to wheat, what have we done about it? USTR's answer was: We are not going to have any remedies. If we provide relief at this moment, it will violate NAFTA and it will violate our World Trade Organization commitments. Therefore, even though we have decided Canada is guilty of unfair trade practices that injure American farmers, we essentially will do nothing at the moment; we will instead take this to the WTO.

That means that our great grandchildren, if we are lucky, may see action by the WTO. Although they probably won't see it because the WTO considers and takes action behind closed doors. And anyway, it is likely not to take much action at all; if it does, it will be years in the future.

I have talked about the steel dispute and the wheat dispute. In both cases, our producers have been told that those who are competing against us, foreign producers, are doing so unfairly, injuring our workers and our farmers. Yet it is very hard to get relief, to get this country to stand up for its producers.

There are some real storm clouds on the horizon. Our trade deficit keeps rising year after year. The more trade agreements we have, the higher the trade deficit.

This chart shows what has happened. We have the GATT Tokyo Round, and then we have the Uruguay Round, the WTO agreement, and then the NAFTA. We can see what has happened to the trade deficit—up, up, up, over a long period of time.

The U.S. Constitution has something to say about international trade. Article I, section 8, says: The Congress shall have the power to regulate commerce with foreign nations and among the several States, and with the Indian tribes.

That means the authority vested by the U.S. Constitution on matters affecting international trade rests here—not at the White House, but in the Congress, and only here. Yet to listen to Republican and Democratic administrations over the last 30 or 40 years, you realize that, by and large, they think they are the ones in control of trade. Administrations empower negotiators to go out and work out trade agreements that they bring back to the Congress under a provision called fast track. Fast track allows administrations to tie the hands of Members of Congress behind their backs and say: Here is the trade agreement we negotiated—mostly in secret—and you have no right to offer any amendment to change any of it at any time. That is fast track.

Fast track is fundamentally undemocratic. I voted against it in the past. I would not support giving it to President Clinton; I will not support giving it to President Bush. Go negotiate treaties, if you wish—but good ones. If you do, the Congress will approve them. If you don't, they deserve to be changed or killed.

Let me talk for a bit about some of these treaties. We've had fast track in the past; fast track was something given to previous Presidents, including President Reagan and the first President Bush. We negotiated an agreement with Canada, and the agreement with Canada went through the House Ways and Means Committee. I was serving in the House at the time. The vote for the United States-Canada trade agreement was 34 to 1. I cast the lone vote against it. There were 34 for it, 1 against.

I believed I was right at the time, and events certainly demonstrated that was the case. We took a small deficit with Canada and doubled it very quickly. They dumped grain into this country, injuring our farmers, and we have had trouble ever since. Do you know why we could not do anything about the provisions in that agreement that traded away the interests of family farmers? Because you can't offer amendments to trade agreements with fast track. So the administration said: Here it is. We negotiated it and, by the way, we had secret side agreements we will not tell you about. You accept it, yes or no. If you don't like it, there can be no amendments because fast track ties your hands behind your back. That is what happened with that trade agreement.

Not long after that, I drove up to Canada with a man named Earl in a 12-year-old, orange, 2-ton truck. The truck was carrying 150 bushels of U.S. durum wheat. All the way to the Canadian border, we saw Canadian 18-wheelers coming into this country, hauling Canadian wheat into this country. There was 18-wheeler after 18-wheeler. In fact, it was a windy day, and even though they had tarps on their trucks, the grain kept spilling off, and it was hitting our windshield all the way to the border. We had that 12-year-old, little, 2-ton orange truck. We arrived at the border having seen dozens of Canadian trucks hauling grain into this country. We were stopped at the border and told: You can't take that 150 bushels of U.S. durum wheat into Canada. We asked: Why not? They said: Because we won't let you in.

All the way to the border, we saw them coming into our country, but we could not take the product of one little orange truck into Canada. Is that fair trade? I don't think so.

The administration turned from Canada to Mexico and did a trade agreement with Mexico called NAFTA. We wrapped Canada and Mexico together. NAFTA sure didn't work. I voted against that as well. We had a very small trade surplus before NAFTA, and we turned that into a very big deficit. Now we are up to our neck in troubles with NAFTA. We have troubles trying to get high-fructose corn syrup in, we have unfair trade with potatoes—you name it.

After we negotiated to reduce tariffs from United States goods going into Mexico, the Mexicans devalued their peso 50 percent, which meant that all the work done to get rid of the 10- or 15-percent tariffs didn't mean anything. They obliterated that by simply devaluing the peso.

What else are we facing? I will give you some examples. Automobiles. We don't make automobiles in North Dakota, but this is a national issue. Let me show you this chart. Absurdities in trade. Last year, we had automobiles coming into the United States from Korea. Last year, we imported into the United States 570,000 automobiles from the country of Korea—570,000 cars. Do you know how many cars the United States sent to Korea? One thousand, seven hundred. I will say that again. We had 570,000 Korean cars driven off boats to be sold in the United States. Going the other way, we had 1,700 United States cars into Korea. Do you know why? If you try to sell an American car in Korea, they will find all kinds of ways to stop you. Not just tariffs, but all kinds of non-tariff barriers, like intimidation of potential buyers with the threat of a tax audit. They want to just ship their cars to our country, and make it one-way trade. If you are somebody working for a car company in this country, you have a right to ask: Who on Earth is minding the store if you let this go on? Is this fair trade? Clearly, no. Somebody ought to stand up on behalf of workers in this country and say we are not going to let that happen.

What about beef to Japan? Every pound of American beef going to Japan has a 38.5-percent tariff on it, and that is 12 years after a beef agreement with Japan. Every pound of T-bone steak going to Tokyo has a 38.5-percent tariff. That is absurd.

Right now, we are fighting and trying to get soybeans into China because they are trying to squeeze the neck of the bottle, just after we had a bilateral trade agreement with China. The list goes on and on and on.

We have a trade agreement with Canada, as I mentioned. Do you know what happens with Canada? They move sugar from Brazil into this country, in contravention of American law, in what they call stuffed molasses. Then they take the sugar out of the molasses and send the molasses back, and they do it again and call it stuffed molasses. It is done every day. That is fundamentally wrong. Yet nobody is willing to stand up on behalf of producers.

Winston Churchill said that when he was a kid, he got into a debate with Atlee in Parliament. As the story went—it was an aggressive debate—he told Atlee: When I was a child, my parents took me to the carnival, and they had a sideshow. At the sideshow, they had these canvas flaps that described what wonderful, extraordinary, outrageous things you were going to see in the sideshow. One of them advertised the boneless wonder—a man apparently born without bones, if you can imagine.

Churchill said: My parents felt I was far too tender in age to be taken into a sideshow to see the boneless wonder. Then, standing on the floor of the Parliament when he was in this debate with Atlee, he said: It has taken 50 years, but I can finally put my eyes on another boneless wonder.

When I think about the boneless wonder, I think about the people who are supposed to be negotiating trade for us and enforcing it and standing up for American interests. They should be working hard on behalf of farmers, steelworkers, auto workers, and so many others in this country, who are part now of a global economy, demanding on their behalf that the rules of trade be fair.

We had a hearing in Congress in which we heard about conditions under which carpets or rugs were made for export to this country. We heard about warehouses where young children, 9, 10, 11, and 12 years old, are using needles to make these carpets that will be sent to Pittsburgh, Los Angeles, and Denver—into the American marketplace. Locked in these warehouses, the children had gunpowder put on the tips of their fingers, and it was lit with a match; their fingertips were burned so they would scar, and these 10- and 12-year-old kids, with scarred fingertips, could then use these needles with impunity, making these carpets, and it would never hurt their fingers because they were now scarred sufficiently to be able to resist the needle's sting. That is how they got more productivity out of 10- and 12-year-old kids. They were making carpets that were being sent to this country.

The question is: Is that something we ought to allow? Is that fair trade? Is that a product we want on American markets? The answer is no, it is not fair trade. We have the marketplace being flooded with products—the products of forced child labor anywhere in the world. It is not fair trade for someone to be paid 16 cents an hour to make shoes in a factory somewhere, and ship it to Pittsburgh, and compete with somebody working in a factory in this country who would be required to be paid some sort of a living wage—and to work in a factory that will not pollute the water and air.

We fought 75 years in this country for those basic conditions. Now we have people saying, let's pole-vault over those issues, and we will go to Bangladesh, or to Indonesia—we will go someplace where we don't have to worry so much about those restrictions, and we will ship the product back in to Toledo, or Buffalo, or Los Angeles.

The global economy needs to define fair trade. We in the U.S. Government need to define for ourselves when and under what conditions we will stand up for American producers. Or is there not a case at all where our Government is willing to stand up for American producers and demand fair trade?

This is an issue that is not going to go away. We will have the debate over so-called trade protection authority. That is a euphemism. You know, in this town, when something becomes controversial, you just change the name.

Fast track became TPA, trade promotion authority. But a hog by any other name is a hog. We are talking about fast track.

In the coming weeks, the President will ask for fast track. I keep coming back to article I, section 8, which says that:

> The Congress shall have Power To . . . regulate Commerce with foreign Nations. . . .

I just ask all of those who are concerned about the decision being made next Wednesday on steel, to ask whether the next group of trade negotiators should go out, lock the door, keep the American public out, negotiate a deal, and then come back to the Congress and say: you have no business suggesting any change under any circumstance to the deal we made.

My hope is we could just once find an administration, Democrat or Republican—it does not matter to me—who would hire trade negotiators and have the will and the backbone and the strength to stand up on behalf of American producers and demand fair trade.

I am so tired of these mountains of Jell-O that serve in public office and negotiate incompetent agreements, sell away the interests of American producers, and then say to us: Oh, by the way, you are correct; this trade is unfair, but we elect not to do anything about it. That is just wrong. I guess on every occasion I have spoken about this, I have suggested—mostly in jest—we ought to have jerseys for our trade negotiators. We have them for the Olympians and they can look down and know they are for the USA. What about jerseys for trade negotiators so that occasionally when they are in meetings, behind those locked doors, they can look down and say: Oh, yes, that's right, now I remember for whom I am negotiating.

Most of our trade policy has been negotiated as foreign policy. Most of it has been eggheaded foreign policy now almost a quarter of a century. For the first quarter century after the Second World War, it was all foreign policy. We just granted trade concessions everywhere, and it did not matter because we were bigger, tougher, and we could compete with anybody around the world with one hand tied behind our back. So our trade policy was almost exclusively foreign policy. Then we had competitors who developed into shrewd, tough, international competitors in the global economy, and we are still running around giving away concessions, tying our hands behind our back, negotiating agreements we will not enforce, and shame on us for doing that.

This country needs an economy with a manufacturing base. We cannot remain a world-class economy unless we have a manufacturing base. We need good jobs that pay well, that sustain a strong manufacturing base in our country.

There are those in this town who divide the trade debate into two thoughtless categories: You are either a smart, incisive person who can see over the horizon and understand that global trade is benefitting our country, or if you say anything at all on the other side of the issue, you are some xenophobic stooge who does not get it, has never gotten it, and wants to build walls around America to keep foreign products out. Of course, that is a thoughtless way to describe relative positions on trade. There is a much better way to describe this country's trade interests, in my judgment, and that is to say this country ought to be willing, ready, and able to compete anywhere in the world with any product as long as the competition is fair.

The doctrine of comparative advantage is a fair doctrine, in my judgment. If someone can make a product better than we can, then by all means let's find a way to acquire that product from a country that has a natural advantage. But the impediments to fair trade have very little to do with comparative advantage; they have to do with political advantage. They have to do with countries that decided they do not want minimum wages; that think it is fine to have 16-year-old kids working 16 hours a day being paid 16 cents an hour; they think that is fine.

This country fought 75 years to say it is not fine, and the American marketplace ought not be open to any and all schemes of production around the globe, regardless of how inhumane and unjust they might be. It is not acceptable to us as consumers and ought not be acceptable to us as public officials who have an obligation to stand up for American producers, for fair trade.

Mr. President, that is a long meandering road to describe the decision next Wednesday that this administration has to make on the subject of steel. My hope is that the administration will make the right decision. I have not seen an administration in some 20 years that has a record in international trade that I think benefits this country and its producers in a way that is fair.

UNANIMOUS CONSENT REQUEST—S. 94

Mr. DORGAN. Mr. President, I notice my colleague from Wyoming is in the Chamber. I did give notice that I was going to propound a unanimous consent request, and if he is in the Chamber for the purpose of representing the minority, I will propound that unanimous request at this point in time.

I spoke yesterday about the subject of the wind energy production tax credit, which expired at the end of last year. The expiration occurred because it became embroiled in the back and forth over the economic recovery package and the stimulus plan. The fact is, the Congress ended its year and its work without having extended the tax extenders—there are some half dozen of them—one of which is the tax credit for wind energy.

In my judgment, it is just fundamentally wrong for us not to take the action we need to take right now to extend that production tax credit for wind energy.

I had a conference in Grand Forks, ND, last week when the Senate was not in session. The conference was on wind energy. Over 700 people showed up. There is great interest in this from all over the country. North Dakota is No. 1 in wind energy potential. The new technology wind turbines are remarkable. To be able to take energy from the wind, put it in a transmission line and move it around the country is remarkable.

There are plans on the books right now. A CEO from one of the largest companies came to see me 3 weeks ago. He said: I have plans for 150 megawatts, 150 one-megawatt towers. It is going to cost $130 million to $150 million. The plans are done. He said: They are ready; I have the money. That is already developed. But it had to be put on the shelf until Congress extends the production tax credit.

We do not seem to think it is urgent. I believe it is urgent.

My colleague, Senator REID, asked he be remembered on this issue because he supports this. He has companies in Nevada with plans on the shelf. They are ready to go, but they are held up. The same is true in many other States in the country.

For that reason, I ask unanimous consent that the Finance Committee be discharged from further consideration of S. 94, a bill to extend tax credits for wind energy; that the Senate proceed to its immediate consideration; that the bill be read a third time and passed; and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. DORGAN. Mr. President, I understood there would be an objection. I want to demonstrate again—and I hope I can do this in the coming days—there are many Republicans and Democrats serving in the Senate who know we ought to pass this bill, who want to get this done. We need to find a way to make this happen. This is urgent. Yet we are sort of at a parade rest on a range of areas.

We can talk about who is at fault. I do not intend to do that. I am much more interested in trying to get this started than I am in trying to figure out why it stalled. Let's see if we can work together to accomplish this goal. We know it needs doing. We are going to turn to the energy bill next. We know having this production tax credit extended is important. It ought to be done now, not later.

Mr. President, I understand my colleague from Wyoming was required to object to this. I will not go beyond that except to say I hope he joins me and others as we find a way to extend these tax credits and that we do so soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I, too, am supportive of wind energy and the alternatives, of course, but we have been waiting—talk about waiting, we have been waiting for months to get to an energy bill, which has been objected to and held up by the folks on the other side of the aisle. We are finally going to get to it, and certainly this issue ought to be part of an overall energy policy, not a stand-alone bill.

So hopefully next week we will have a chance to get to energy. I do not think there is anything more important before this Congress than to have an energy policy in this country. We have talked about it now for months. I am on the Energy Committee, as well as the Finance Committee. We have talked about energy for a very long time. We did not have a chance to put it together in the committee but, rather, the majority leader took it away from the committee and brought it to the floor.

So now we find ourselves in a very difficult position by putting together a very complex bill, but hopefully starting in the next day or two we will have an opportunity to do that. I hope my friend from North Dakota will have an opportunity to talk about wind energy and the opportunities to do something with it at that time. It seems to me that is the appropriate time to do it.

ELECTION REFORM

Mr. THOMAS. Mr. President, I will now talk a little bit about election reform. Of course, that is the bill that is before us now, but we have not been able to move it forward in the last day and a half or so. Whether we will be able to or not, I do not know. No one disagrees, of course, with seeking to do something to make elections fair; to make the changes, if there need to be changes made, to make elections available to everyone on a free basis, an open basis, and a legal basis.

I am glad the Senate has taken up this bill. I happen to believe the major responsibility for voting, whether it be in Florida or whether it be in Wyoming, lies with the State. Where there are problems with voting, the State election officers, it seems to me, have the primary responsibility to do that.

One of the issues that has come up—not unusually, I suppose; it comes up in many areas such as health care, education—there is a difference between how you do things in New York City and Meeteetsi, WY. That has kind of become an interesting issue with regard to setting up voting standards and the requirements that need to be made for voting precincts. When one has a precinct that has thousands of people in it, that is one thing. Go to Wapiti, WY, with a precinct that may only have 30 to 40 people in it; that is quite different.

When I went home last weekend, we were talking about the proposal initially that there had to be a paved parking lot and access for the disabled. Everyone wants the disabled to be able to vote, and they were saying sometimes we have to look hard to find a place that has a toilet, so we need to do something about that.

I have talked with the chairman, and certainly we could, I think, come to some kind of an agreement. This bill currently requires each polling place to have a machine that is adaptable for ADA. I am a great supporter of ADA, as a matter of fact, and have worked very hard on that, but I think we have to be realistic about how it is dealt with. We have curbside voting, for example. We can do that for people who are disabled. We have these certain kinds of machines in every county seat, but to require that in some 400 rural polling places, as we have in Wyoming, would be extremely difficult. Even though the return sometimes is, "Well, the Government is going to pay for it," regardless of who pays for it, some of it is not good use of taxpayer dollars.

I do not know exactly how it will end up. Perhaps we will not be having a bill if we cannot move it any more than we have. Perhaps we can continue to talk to the chairman, who seems to be receptive, knowing there are differences in how it is dealt with in one place or another.

I do want to say we have talked with the elected officials in Wyoming. As I said, our voting has been very satisfactory. We have a good many registered voters. We had more voters last time than we had registered before the election who came in and could register on election day. It is really quite simple.

We are concerned, if we were required to have very complicated machines in every polling place, that that would not be appropriate. Instead, if we could offer the flexibility to where they could make proposals as to how to deal with voting for disabled and other voters, those could be viewed, and if they were acceptable, then they could do it the way they wanted to do it in that community.

In any event, I do not know whether we will have an amendment. If that becomes necessary—or perhaps we could have a colloquy with the chairman to deal with this in the conference committee—we can do that.

TRADE AUTHORITY

Mr. THOMAS. Mr. President, I have to respond just a little bit to my friend from North Dakota who talked about trade. Obviously, trade is very important for all of us. I am a little interested in how he thinks 435 people could negotiate a trade agreement. The idea is that the trade agreement needs to be negotiated and then brought to the Congress for approval. If it is not approved, it is not approved. I cannot imagine us trying to set up a trade bill and 435 folks trying to deal with that.

So I am not in agreement entirely that we ought to take away the trade authority to negotiate and then bring it to the Congress. Presidents have had that, and hopefully they will continue to have that.

The main constituency of the Senator from North Dakota, of course, is agriculture. Forty percent of agricultural products go into foreign trade. Obviously, we all want trade agreements to be fair and advantageous.

I also have to respond a little bit to the molasses issue. We worked on that for several months, and it has been cured, as a matter of fact. The idea that nobody stood up to it is not accurate. The court has ruled, and that is no longer being done. It was being done, and it was wrong, but we brought it up through the court, and it is no longer the case.

So trade is always difficult, and certainly I feel strongly about it from time to time, too. We are in a world where billions of dollars move around the world every day. We are going to have to trade. We are behind other countries in making trade agreements in South America, for example. So hopefully we can find a way to come up with agreements that will allow us to trade with other countries and, at the same time, of course, be as fair as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I have been meeting with Senator SCHUMER, Senator DODD, and others. There is some hope we can resolve this vexatious issue that has been so troublesome on this legislation. We are in the process of trying to work this out now. Senator DODD has been conferring with members of the minority all day in hopes that something can be resolved.

I ask unanimous consent that morning business be extended until the hour of 4 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that morning business be extended until 4:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be allowed to speak up to 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUMPED STEEL

Mr. SPECTER. Mr. President, I have sought recognition to comment on a meeting which has been held with President Bush and Members of Congress from steel States concerning the plight of the steel industry and the decision which the President is scheduled to make on or before March 6, 2002. The President has initiated proceedings under Section 201, which activated an inquiry by the International Trade Commission. The International Trade Commission has made a recommendation that there be remedies to stop subsidized and dumped steel from coming into the United States in violation of U.S. law and international trade law. The President granted our request for a meeting so that we could state to him our views on this important subject.

The Senate Steel Caucus has 34 members from 24 States. The House Steel Caucus has 133 members. I was Chairman of the Senate Steel Caucus until Senator JEFFORDS made his famous declaration. Now I am Vice Chairman with Senator JAY ROCKEFELLER serving as Chairman.

Senator ROCKEFELLER and I were at the meeting with the President, as were Senator SANTORUM, Senator DURBIN, Senator SESSIONS, and Congressman ENGLISH, Chairman of the House Steel Caucus. We presented the case to the President that this is really the critical stage, that it is not inaccurate to say at this time that it is a do-or-die situation.

There have been tens of thousands—really hundreds of thousands—of jobs lost in the steel industry. There have been bankruptcies literally too numerous to count from the steel companies, and there has been an onslaught of steel coming into the United States which is subsidized and dumped.

When the term "dumping" is used, it means that steel is sold in the United States at a price lower than it is sold, for example, in Brazil where it is manufactured. So it is a calculated effort to sell at a cost so low that it undercuts the legitimate costs of American steel, and the costs are customarily calculated at the cost of production, plus a reasonable profit. The steel which comes into the United States, in addition to being dumped, is subsidized very heavily by foreign governments, so an American steel company is compelled to compete against a foreign government. That is something you cannot compete with, leading to the characterization of the playing field, which is not level.

We presented to the President the consideration that it really require what Commissioners on the International Trade Commission have recommended. The President said: Where did you come up with the idea of a 40 percent tariff for 4 years? The response was: Well, that is what the Republican members of the International Trade Commission said. That is necessary in order to give the American steel industry an opportunity to restructure itself.

There have been very extensive conversations with Mr. Leo Gerard, President of the United Steelworkers of America, and Mr. Tom Usher, President of USX, regarding the steel tariffs. In discussing the remedy, one of the critical parts about imposing a tariff is that it will call upon the foreign steel companies to restructure their steel. There is excess capacity in the world at the present time, and it comes to the United States where it is dumped because we are a great market. We have an open market. We believe in free trade, and I believe in free trade. An essential ingredient of free trade is to not allow subsidies or dumping, which is illegal. Free trade also has the critical component of fair trade, which is a part of free trade.

These considerations were presented. The issue arose as to what the impact would be upon the American consumer. It has been carefully calculated. A tariff of 40 percent would lead to a price increase on steel to around 8.4 percent, a negligible cost on the purchase of an automobile or a refrigerator. It is not going to change the American economy, but it is shortsighted for consumers to seek that kind of cheaper steel because we know for sure that if, as, or when the American steel industry is unable to meet domestic demands, we are at the mercy of foreign steel prices, which are going to go up. It is a boomerang consideration. It is not in the consumers' interest in the long run to have that kind of illegal competition come in and drive the American steel industry out of business.

All of these arguments were presented to the President, a meeting which lasted for the better part of an hour. The President was noncommittal, subjective as to how he was regarding the arguments. He made a number of comments. I think it is fair to say that he was sympathetic to the arguments. He made the point that he was prepared to make the tough decision without regard to political costs or whether Europe was going to be mad over what the decision would be.

President Bush has shown a remarkable tendency to be willing to make his own judgment, to go his own way. He has shown that in the War on Terrorism. He has sometimes been criticized for unilateralism by the United States, but he is a person who studies a situation very carefully, a very good listener who makes up his mind and then is prepared to make a judgment, in accordance with what his conscience says is in the national interest.

Overall, I thought it was a very good meeting, and I am optimistic. It is hard to say much more than that without creating false hope or false impressions.

Earlier in the day there was a rally on the Ellipse, which was calculated to be within earshot of the President. The speaker's stand was set up. The Chair was there, as were many of our colleagues in the Senate. We heard quite a number of speeches, and an enormous number of steelworkers, men and women, were there. The crowd was estimated to be at 25,000. I think that was a conservative estimate. Mr. Leo Gerard, President of the United Steelworkers of America, said they gave out 18,000 tokens. They had to bus people into RFK Stadium—there was no place to park the buses—and have them take the subway. Even when the rally had run for almost an hour, there were still people streaming in.

As I was on the speaker's podium and looked over at the South Portico, I could not tell if the President was there listening or not. However, I think he was within earshot. One of the great things about America is our right to assemble, even within earshot of the White House, as well as the right to freedom of speech and the right to petition the Government.

This whole issue has had a very thorough hearing. It is a matter of great importance. It is a matter of importance to America to have a steel industry. Without a steel industry, what do you do for national defense in time of a national emergency? Without a steel industry, what do you do if you are at the mercy of foreign suppliers? We have laws to stop dumping in subsidy. They are not enforced.

Years ago, I introduced legislation for a private right of action. It has been very difficult to get enforcement proceedings. Through the International Trade Commission, they are laborious. They can be upset easily. By the time they take effect, the critical period has passed. They have not been adequate.

Now, that the President has introduced, to his credit, the Section 201 proceedings, there is a chance for real action. Under the law, the decision has to be made by March 6, 2002, which is next Wednesday. To repeat, I am optimistic there will be a good result.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATIONS

Mr. SPECTER. Mr. President, I have sought again recognition to comment on the pending nomination of District Court Judge Charles Pickering who is up for consideration for the Court of Appeals for the Fifth Circuit. I had spoken briefly on this subject yesterday and had stated my intention to support Judge Pickering because he is a different man in 2002 than he was in the early 1970s when he was a Mississippi State senator.

The world has come a long way in the intervening 30 years. Attitudes have evolved. Judge Pickering has evidenced his sensitivity to civil rights issues. He has been praised broadly by people who know him from Laurel, MS, for taking on the leader of the Ku Klux Klan in a way which was physically endangering to Judge Pickering himself.

I noted yesterday, and I think it worth commenting today, the votes probably will not be there to send Judge Pickering from the Judiciary Committee with an affirmative vote. It looks to me as if it will be a party-line vote of 10 to 9. Regrettably, there is a great deal of partisan politics in the way judges are confirmed by the Senate. Regrettably, that is a practice regardless of which party is in control of the White House and which party has control of the Senate.

When President Clinton, a Democrat, was in the White House, sending over nominations, I expressed my personal dissatisfaction at the way they were handled by the Republican-controlled Senate, Republican-controlled Judiciary Committee. I crossed party lines and voted for Judge Paez, Judge Berzon, Judge Gregory, and the nomination of Bill Lann Lee. Now we have the situation reversed: A Republican President, President George W. Bush, and a Judiciary Committee controlled by the Democrats.

It is time for a truce. It is time for an armistice. We ought to sign a declaration if necessary to set forth a procedure to take partisan politics out of judicial confirmations. That is present very decisively with Judge Pickering. There is an element expressed by some members of the Judiciary Committee on the so-called litmus test, with some people believing that unless a judicial nominee is willing to endorse Roe v. Wade on a woman's right to choose, that individual should not be confirmed to the Supreme Court—really, an effort to place Roe v. Wade on a level with Brown v. Board of Education. But it is clear no one can be confirmed today who said Brown v. Board of Education should be reversed.

When the nominees are questioned before the Judiciary Committee, they frequently will say: I won't answer that question; it is a matter which may come before the court. That is customarily accepted. If someone were to say that about Brown v. Board of Education, not affirming that conclusion—that the decision ending segregation is a vital part of America—I think that person could not be confirmed. To establish that standard for Roe v. Wade I think is very contentious, but that awaits another day.

The issue of taking partisan politics out of judicial selection is one with us right now. Earlier this week, Judge D. Brooks Smith, who is a chief judge of the U.S. District Court for the Western District of Pennsylvania, a person recommended for that position by Senator Heinz and myself back in 1988, was confirmed and is now up for the Court of Appeals for the Third Circuit. Although not as heavily overlaid as Judge Pickering's confirmation was, there is an element of partisanship as to Judge Smith. I believe he has answered the questions adequately, and I am cautiously confident he will be confirmed.

It is my hope that if I am right—hopefully, I am not right and Judge Pickering will be confirmed by a majority here—if it turns out to be a vote along party lines, I am hopeful the Judiciary Committee will send Judge Pickering for action by the full Senate. There is precedence for that. Judge Thomas was not recommended by the committee and received a tie, 7-to-7, vote. That meant it failed. But by a 13-to-1 vote, the Judiciary Committee sent Judge Thomas, who was then a circuit judge, to the Senate, where they voted 13-to-1 that the full Senate should consider him. The full Senate confirmed him 52 to 48.

Judge Bork received a negative vote of 5 in favor and 9 against, and then on a motion to send to the floor, Judge Bork got 9 votes that the full Senate should consider him, with 5 members of the Judiciary Committee dissenting.

In the old days, we used to have the Judiciary Committee bottleneck civil rights litigation, stopping it from coming to the floor.

I believe on the judicial nominations with the overtones of partisanship, this is a matter which ought to be decided by the full Senate. I urge my colleagues to give consideration that in the event there is not an affirmative vote in committee, at least Judge Pickering ought to have standing to have the full Senate consider his nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent morning business be extended to the hour of 5:30 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Madam President, there have been discussions all day long with regard to the so-called Schumer amendment, the matter involving photo identification and the election reform legislation. I think it is accurate to say that while no resolution has been reached, the discussions continue.

This has been an unfortunate and very unproductive period of time, but nonetheless I think it is appropriate at this point to announce there will be no more rollcall votes today. We will be in session tomorrow, and there is a likelihood that we will have at least a cloture vote. There may be other votes as well. So Senators should be advised that at least in the morning tomorrow there will be votes, perhaps beginning at 10 o'clock.

So we will keep Senators informed of our progress. We will not be going out of session tonight. My hope is we might still resume debate and further consideration of the election reform bill, but I think the time has come to recognize that at least if votes could be cast, we could postpone those votes until tomorrow. So no votes tonight but votes certainly in the morning.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION REFORM

Ms. STABENOW. Madam President, I would like to express my strong support for the Schumer-Wyden amendment to S. 565, the Martin Luther King Jr., Equal Protection of Voting Rights Act of 2001. While one of the important goals of this legislation is to prevent voter fraud, we must be careful that we do not go so far that we keep eligible voters out of the electoral process.

This bill currently requires first-time voters who registered by mail to provide either a photo ID or a copy of a utility bill, bank statement, a Government paycheck or other government document that shows the name or address of the voter when they go to cast their vote. While this may sound like a reasonable requirement on the surface, the practical consequences of this requirement could easily prevent countless eligible voters from voting.

For example, senior citizens, who vote in large numbers, often do not drive and therefore, do not have a driver's license to use as a photo ID. Voting age high school and college students, a group that we need to encourage to vote and participate in the democratic process, may not have a photo ID, and certainly will not have a Government paycheck or a utility bill in their name. A photo ID requirement also would place a heavy burden on the millions of Americans with disabilities who do not drive or do not live independently so that their name would be listed on a bank statement or utility bill.

Finally, a photo ID requirement could have an adverse impact on minority voters. Immigrants who have newly become U.S. citizens and come from countries where governments instill fear instead of trust, could be intimidated by these requirements and might be afraid to vote.

The Schumer-Wyden amendment allows States to use signature verification and attestation, in addition to a photo ID and government checks, to verify voters; or a State can opt to use only a signature verification system. This amendment will allow us to be just as tough on voter fraud without turning away eligible voters.

In Michigan, we have several laws that effectively prevent voter fraud, without disenfranchising eligible voters. First-time voters who registered by mail are required to vote in person the first time they cast a ballot. Michigan also requires a voter signature for all voters at the polls, and has a signature verification system to confirm a voter's identity. These measures protect our electoral system against fraud, without undermining voter participation.

I urge my colleagues to support the Schumer-Wyden amendment that protects our electoral system, without preventing eligible voters from exercising their right to vote.

AFRICAN AMERICAN HISTORY MONTH

Mr. LEVIN. Madam President, today, I join the many Americans who this month reflect on the rich and extraordinary achievements of African Americans. We do so in keeping with the spirit and the vision of Dr. Carter G. Woodson, son of a former slave, who in 1926, proposed such a recognition as a way of preserving the history of the Negro. Each year, during the month of February, we celebrate African American History Month.

Dr. Woodson was, himself, an extraordinary individual and I would like to pay tribute to him, as well as several courageous and accomplished individuals claimed by my state of Michigan, all of whom have earned a unique place in African American history.

Dr. Woodson overcame seemingly insurmountable challenges in his rise from the coal mines of West Virginia to one of the highest levels of academic achievement of his time. Author Lerone Bennett, writes of the struggles and successes of Carter G. Woodson, who was an untutored coal miner at the age of 17; and at the age of 19, after teaching himself the fundamentals of English and arithmetic, entered high school and mastered the four-year curriculum in less than two years. At 22, after two-thirds of a year at Berea College in Kentucky, Woodson returned to the coal mines and studied Latin and Greek between trips to the mine shafts. He then went on to the University of Chicago, where he received bachelor's and master's degrees, and Harvard University, where be became the second African American to receive a doctorate in history. The rest, of course, is history.

Dr. Benjamin Solomon Carson, Sr., who was born and raised in Detroit, had a childhood dream of becoming a physician. In his books, Gifted Hands. THINK BIG, and The Big Picture he reveals how growing up in dire poverty with horrible grades and being called "dummy" as well as having a "horrible temper, and low self-esteem," appeared to preclude the realization of that dream. He writes about an inspiring mother, with a third grade education, who worked two and sometimes three jobs as a domestic to care for her two sons, determined that they would succeed. Carson remembers, "we had to read two books a week from the Detroit Public Library, and submit to her written book reports, which she could not read, but we didn't know that . . . my mother was one of twenty four children, went through the foster care system and married at the age of 13—a marriage that rapidly deteriorated."

Today, despite all of the odds stacked against her and him, Sonya Carson's son is one of the world's most gifted surgeons, performing over 500 critical operations on children in dire need each year, over triple the average neurosurgeon's caseload. Dr. Ben Carson is Director of Pediatric Neurosurgery at the Johns Hopkins Medical Institutions, a position he had held since 1984 when he was 32 years old, then the youngest surgeon in the nation to hold this distinguished title. He is also a professor of neurosurgery, oncology, plastic surgery, and pediatrics. On the occasion of its 200th anniversary the Library of Congress named him one of the 89 "Living Legends." In 2001, he was chosen by CNN and Time Magazine as one of America's top 20 physicians and scientists. After graduating with honors from high school, Ben Carson was accepted to Yale University on a scholarship. He received his M.D. from the University of Michigan.

In 1987, he gained worldwide recognition as the principal surgeon in the 22-hour separation of the Binder Siamese twins from Germany. This was the first time occipital craniopagus twins had been separated with both surviving. In 1997, Dr. Carson was the primary surgeon in the team of South African and Zambian surgeons that separated type-2 vertical carniopagus twins (joined at the top of the head) in a 28-hour operation. It represents the first time such complexly joined siamese twins have been separated with both remaining neurologically normal. He is noted for his use of cerebral hemispherectomy to control intractable seizures as well as for his work in craniofacial reconstructive surgery, achondroplasia (human dwarfism), and pediatric neuro-oncology (brain tumors).

Dr. Carson is the president and cofounder of the Carson's Scholars Fund, which recognizes young people of all backgrounds for exceptional academic and humanitarian accomplishments, which he hopes will positively change the perception of high academic achievers among their peers across our nation.

Madam President, I would also like to pay tribute to two women who played a pivotal role in addressing American injustice and inequality. They are Sojourner Truth, who helped lead our country out of the dark days of slavery, and Rosa Parks, whose dignified leadership sparked the Montgomery Bus Boycott and the start of the Civil Rights movement.

Sojourner Truth, though unable to read or write, was considered one of the most eloquent and noted spokespersons of her day, on the inhumanity and immorality of slavery. She was a leader in the abolitionist movement, and a ground breaking speaker on behalf of quality for women. Michigan honored her several years ago with the dedication of the Sojourner Truth Memorial Monument, which was unveiled in Battle Creek, Michigan on September 25, 1999.

Sojourner Truth had an extraordinary life. She was born Isabella Baumfree in 1797, served as a slave under several different masters, and was eventually freed in 1828 when New York state outlawed slavery. In 1851, Sojourner Truth delivered her famous "Ain't I a Woman?" speech at the Women's Convention in Akron, Ohio. In the speech, Truth attacked both racism and sexism. Truth made her case for equality in plain-spoken English when she said, "Then that little man in black there, he says women can't have as much rights as men, cause Christ wasn't a woman? Where did your Christ come from? Where did your Christ come from? From God and a woman! Man had nothing to do with Him"

By the mid-1850s, Truth had settled in Battle Creek, Michigan. She continued to travel and speak out for equality. During the Civil War, Truth traveled throughout Michigan, gathering food and clothing for Negro volunteer regiments. Truth's travels during the war eventually led her to a meeting with President Abraham Lincoln in 1864, at which she presented her ideas on assisting freed slaves. Truth remained in Washington, DC for several years, helping slaves who had fled from the South and appearing at women's suffrage gatherings. Due to bad health, Sojourner Truth returned to Battle Creek in 1875, and remained there until her death in 1883. Sojourner Truth spoke from her heart about the most troubling issues of her time. A testament to Truth's convictions is that her words continue to speak to us today.

On May 4, 1999 legislation was enacted which authorized the President of the United States to award the Congressional Gold Medal to Rosa Parks. The Congressional Gold Medal was presented to Rosa Parks on June 15, 1999 during an elaborate ceremony in the U.S. Capitol Rotunda. I was pleased to cosponsor this fitting tribute to Rosa Parks—the gentle warrior who decided that she would no longer tolerate the humiliation and demoralization of racial segregation on a bus. Her personal bravery and self-sacrifice are remembered with reverence and respect by us all.

Forty six years ago in Montgomery, Alabama the modern civil rights movement began when Rosa Parks refused to give up her seat and move to the back of the bus. The strength and spirit of this courageous woman captured the consciousness of not only the American people, but the entire world. My home state of Michigan proudly claims Rosa Parks as one of our own. Rosa Parks and her husband made the journey to Michigan in 1957. Unceasing threats on their lives and persistent harassment by phone prompted the move to Detroit where Rosa Parks' brother resided.

Rosa Parks' arrest for violating the city's segregation laws was the catalyst for the Montgomery bus boycott. Her stand on that December day in 1955 was not an isolated incident but part of a lifetime of struggle for equality and justice. For instance, twelve years earlier, in 1943, Rosa Parks had been arrested for violating another one of the city's bus related segregation laws, which required African Americans to pay their fares at the front of the bus then get off of the bus and re-board from the rear of the bus. The driver of that bus was the same driver with whom Rosa Parks would have her confrontation 12 years later.

The rest is history. The boycott which Rosa Parks began was the beginning of an American revolution that elevated the status of African Americans nationwide and introduced to the world a young leader who would one day have a national holiday declared in his honor, the Reverend Martin Luther King Jr.

Mr. CLELAND. Madam President, Thomas Carlyle once said, "a mystic bond of brotherhood makes all men one." In light of the events of September 11, this statement has never rung truer. To see the firefighters, police, and rescue teams working side by side in the recovery effort at the World Trade Center, seeking peace for their fallen comrades whether black, white, Hispanic or Asian reminds us just how far we have come in only a few short decades.

And yet there is still a great distance to travel. This month, as we celebrate Black History and the contributions made by members of the African American community, we must remember that work still remains to be done. Senior leadership at Fortune 500 companies and even our own Congress fails to reflect America's racial demographics. But we are certainly moving in the right direction.

Less than 50 years ago, it was unthinkable that a black man or woman be an elected official, or university president, or hold any number of other prestigious positions across our Nation. That started to change, though, with the bravery of men like Doctors Martin Luther King, Jr. and Benjamin E. Mays.

While most everyone has heard of the former, Dr. Mays' name is not as easily recognized by most Americans, but he is every bit as important in the annals of history. Born in South Carolina in 1895, Benjamin Mays distinguished himself as a dean at Howard University and president of Morehouse College. Throughout his life, he served his community, speaking early and often against segregation and on behalf of education.

Mays urged his students to strive for academic excellence, fight for racial justice, and introduced his students to Gandhi's philosophy of non-violence. Years after graduating from Morehouse College, Dr. Martin Luther King, Jr. called Mays his most important "spiritual and intellectual mentor."

Dr. Mays was Martin Luther King, Jr.'s teacher, inspiration, and friend. He stood beside Dr. King as during the struggle for racial equality, and walked behind his casket during one of the darkest times in our Nation's history.

The son of former slaves, Dr. Mays had to fight every day of his life for many of the advantages Americans today take for granted. Mays was a civil and human rights leader, noted theologian, educator, and the recipient of 56 honorary degrees.

It was with great pleasure that I submitted, and witnessed the passage of a resolution encouraging President Bush to award the Presidential Medal of Freedom, the highest honor the U.S. government can bestow upon a civilian.

posthumously to Dr. Mays. It is an honor that is well overdue, and rightfully deserved.

Benjamin Mays understood disappointment and pain, and dealt with both during his long life of public service, but he never lost site of his ultimate goals. He explained why when he said, "The tragedy in life doesn't lie in not reaching your goal. The tragedy lies in having no goal to reach. It isn't a calamity to die with dreams unfulfilled, but it is a calamity not to dream. . . . It is not a disgrace not to reach the stars, but it is a disgrace to have no stars to reach for. Not failure, but low aim, is sin."

It is with those words in mind that we must continue to fight for more equity in our society. Certainly we have come a long way in a relatively short period of time, but let us not lose site of how far away the horizon still lies.

Mr. REED. Madam President, as we conclude Black History Month, I rise to join in the celebration of the achievements of African Americans throughout our Nation's history, and especially in my home State of Rhode Island. Indeed, African Americans have contributed a great deal to my State, and I am honored to be able to acknowledge two such individuals today, the late Reverend Mahlon Van Horne of Newport, and the late John Hope of Brown University.

Reverend Van Horne was one of Newport's most prominent African Americans in the late 1800's. He was an avid civil rights activist, a three term State representative, and was also one of the Nations first black diplomats. Reverend Van Horne came to Newport, RI, in 1868 after being ordained, and graduating from Lincoln University in Pennsylvania. He began his ministry in Rhode Island as the Acting Pastor of the Colored Union Congregational Church of Newport. Despite the times in which he lived, due to his charismatic leadership and scholarly sermons, his congregation was made up of both black and white Rhode Islanders, and the many black professionals from New York, Washington, D.C., and Philadelphia who would come to Newport during the summer months. By 1871, his congregation had grown to the point where they had to tear down the old church to make way for a larger building which was renamed the Union Congregational Church. Despite his success as a minister, Reverend Van Horne did not stop there, in 1871 he was able to successfully draw votes from both blacks and whites to win election to the Newport School Committee, the first African American ever to serve in this capacity. As a member of the school committee, he used his position to continue his civil rights movement and pressed for integration and better education for Newport's black children. In 1885, he was elected to the Rhode Island General Assembly, becoming the first African American to ever serve in the State legislature. He was re-elected in 1886, and 1887, and after his last term he continued in his role as pastor of the Union Congregational Church. His service did not end there. In 1896, President William McKinley appointed Reverend Van Horne as the United States Counsel to the Danish West Indies, in where he served his Nation honorably for 12 more years.

Another great Rhode Islander that I would like to bring attention to was a champion of education; John Hope. Mr. Hope first came to Rhode Island in 1890 when he enrolled as a freshmen at Brown. While in school he became very involved in the African-American community, and later joined the Second Free Will Baptist Church in Providence. While a member of the Church, he started a literary club with the help of other prominent African Americans in the community. In honor of his work in Providence, in 1944, the community center on Burgess street was renamed the John Hope Settlement House and continues to be a vital resource for many of the residents of Providence today. In addition to his community involvement and dedication to the education of blacks in Providence, John Hope was a founding editorial board member of the Daily Herald and a campus correspondent for the New York Tribune, and wrote many articles for the Providence Journal and the Chicago Tribune. After his graduation from Brown, John Hope continued his mission of improving educational opportunities for blacks by taking a position teaching Greek and Latin at the Roger Williams University in Nashville, Tennessee an all black institution. From there, he moved on to become the President of one of the most prestigious historically black institutions of higher education Morehouse College, from 1906 to 1929. He culminated his career in education as the President of Atlanta University, which was the only black graduate school in the Nation at the time, where he served until his death in 1936. John Hope's vision that education is the key to improving the quality of life for not only African Americans, but for all Americans, is one I share.

It is truly my honor and privilege to acknowledge such great Rhode Islander's during Black History Month, and it is my hope that these and other African American leaders from both past and present will continue to inspire our Nation's youth.

SONNY MONTGOMERY AWARD TO SENATOR ROBERTS

Mr. WARNER. Madam President, on Monday night Senator PAT ROBERTS was recognized as the 2002 recipient of the National Guard Bureau's "Sonny Montgomery" Award.

Senator ROBERTS' comments upon receiving this award highlight, in a most thoughtful and eloquent manner, the absolutely critical role our Nation's National Guard plays in the defense of our homeland and our own strategic defense in critical areas beyond our shores—an example being the 29th Division, with elements from Virginia, now serving in Bosnia.

This vital role is nowhere more evident than in Virginia where our National Guard men and women patrol the skies over our Nation's Capital and help defend key military posts and bases across the State.

I would like to highlight my colleague's wise admonition that we must "preserve our founding fathers intent with respect to the National Guard, specifically preserving the connection between military forces and the States, between our national defense and America's local cities and towns." Excellent advice, we in the Congress must be very careful to heed it.

As America is continuing its preparations to defend our homeland against territorial threats, we owe a debt of gratitude to our respected colleague, from the great State of Kansas, as he, serving as chairman of the "Subcommittee on Emerging Threats" of the Armed Services Committee during the 106th Congress, laid foundations—at times in the face of skepticism and resistance—before the attacks of September 11, foundations we are rapidly building on today to strengthen our Homeland Defense.

As Americans reflect, with deep gratitude, on the proud history of America's military, let us never forget that the Guard was our first, being founded in 1636.

I ask unanimous consent that Senator ROBERTS' remarks be printed in the RECORD along with introductory comments by the distinguished Chief of the National Guard Bureau, Lieutenant General Russell C. Davis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY CHIEF OF THE NATIONAL GUARD BUREAU (GENERAL RUSS DAVIS) PRESENTING THE SONNY MONTGOMERY AWARD TO SENATOR PAT ROBERTS OF KANSAS, MONDAY, 25, 2002

This evening we gather to bestow the 6th Annual Major General G.V. "Sonny" Montgomery Award. This award was established in 1996 to honor an outstanding individual whose accomplishments were of major significance to the National Guard of the United States. Specifically, it is presented to an individual: who has demonstrated exemplary service to the National Guard at the national level; whose performance exceeded the normal scope of public or private service in support to the Nation's defense; who demonstrated skill and initiative to introduce new policies or procedures that significantly advance the mission of the National Guard; and who exhibited integrity, competence, and the ability to inspire others.

This year we are very pleased to present this Award to Senator Pat Roberts of Kansas. Throughout his career, Senator Roberts has been an industrious and effective advocate for a robust national security posture for the United States. Today he is a member of the Senate Armed Services Committee. He plays a key, forward-thinking role in making certain that America is ready to counter post-Cold War and terrorist threats. He was the first chairman and today is the ranking member of the Emerging Threats and Capabilities Subcommittee.

Senator Roberts has led the way in strengthening America's ability to meet the threat posed by Weapons of Mass Destruction. Years before the events of September 11, Senator Roberts was at the forefront of the debate on increasing the security of the United States homeland.

His strong support for the creation, expansion and sustainment of the National Guard's Weapons of Mass Destruction Civil Support Teams is but one example of the demonstrated leadership, wisdom and foresight of Senator Roberts.

We are joined tonight by a number of other highly distinguished Kansans including the Nation's Chairman of the Joint Chiefs of Staff, General Richard Meyers and the Adjutant General of Kansas, Major General Greg Gardner. I would ask the Honorable Sonny Montgomery to come forward to make the presentation of the award that bears his name.

STATEMENT OF SENATOR PAT ROBERTS, RECIPIENT, THE NATIONAL GUARD BUREAU G.V. "SONNY" MONTGOMERY AWARD

Thank you General Myers, General Davis, General Rees, General Gardner, the Kansas Guard, and distinguished visitors to the Capitol. It is truly an honor to receive the Sonny Montgomery Award from the National Guard Bureau and from the Guardsman and women currently serving our Nation here at home as well as around the world.

2001 was a challenging year for America and her National Guard. Determined enemies attacked America and our way of life, killing thousands, but the Guard sprung into action. Army Guard personnel were tasked to secure our airports, harbors, military bases and other critical infrastructure while Air Guard personnel, along with their active brothers and sisters, were tasked to secure our airspace and yes, if need be, take out the threat of another hijacked jetliner bearing down on an America city.

Guard personnel are participating in the ongoing mission in Afghanistan to kill or capture remaining al Qaeda. On top of that, the Guard continues to develop its primary role in the evolving Homeland security mission area.

Indeed, the National Guard was deployed and in action well before September 11: Southwest Asia, Former Yugoslavia, South America, disaster relief and other missions here at home. The list goes on.

However, I wanted to specifically mention your performance since the attacks: outstanding and inspiring. Your country needs you now more than ever. Keep up the good work and know there are those in Congress who will champion your mission and cause.

It is a privilege to receive an award for "exceptional support to the nation's defense for significantly advancing the mission of the National Guard." I hope I have indeed done so and can live up to Sonny's namesake in the months and years ahead.

And, what a privilege it is to receive and award so deservedly named after the veteran's all time champion Sonny Montgomery: successful businessman; decorated Veteran of World War II & Korea; champion of the Guard; congressman; general; chairman; and colleague, Southern Gentleman.

I don't want to leave the podium tonight without discussing an issue of great importance to the Guard and to our Nation.

This past year I was a part of the dialogue between the Department of Defense and the Air Guard on the future of the active component-National Guard relationship.

Indeed, we can and ought to discuss new missions for various units be they active component, Army Guard, or Air Guard.

Any changes, however, must preserve our founding fathers intent with respect to the National Guard, specifically preserving the connection between military forces and the states, between our national defense and America's local cities and towns.

This relationship serves a critical practical purpose today: when America goes to war, which we are doing often, so to do America's States, cities, and towns.

That kind of connection between the people and their military helps to ensure our forces are not used without at least the knowledge, if not consent and support, of the American people.

So let us have a discussion on transformation, the weapons and tactics of the future, and the future of the active component, National Guard relationship.

But let us not consider severing a critical link between the American people and their military. Let us not make the mistake of taking down flags, consolidating all authority and control in Washington, DC, and broadening whatever gap already exists between the military and civilian sectors.

America needs her Guard now more than ever but not just your outstanding skills, capability and dedication.

For the current international obligations, the War Against Terrorism, and the wars of the future, America must bring to the fight every state, city, town, and community.

Thank you again for this honor and I look forward to working with you in the years ahead.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 11, 1993 in New Orleans, LA. A group of attackers stabbed a gay man to death and injured his friend. The assailants, several men, chased the victims, beat them, and yelled anti-gay slurs.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ABDUCTION AND DEATH OF DANIEL PEARL

Mrs. BOXER. Madam President, the shock of September 11 has been replaced with a focus on rebuilding and recovery, but the abduction and death of Daniel Pearl remind us that cold-blooded terrorism continues and that its casualties are too often innocent individuals: moms, dads, sisters, brothers, husbands, wives, and children.

A writer for The Wall Street Journal since 1990, Daniel Pearl, was abducted in Karachi, Pakistan on January 23, while going, he thought, to conduct an interview about the Islamic militant underground. Instead of being granted that interview, Mr. Pearl was abducted, and it is now clear that his kidnappers intended all along to kill him, in the most horrifying fashion.

Born in Princeton, NJ, Daniel Pearl moved as a young man with his family to California's San Fernando Valley, where his parents still reside. He attended Birmingham High School in Van Nuys, and went on to Stanford University where he graduated with a degree in Communications.

Journalism was clearly his calling, and he returned to the northeast to begin his career. Following a stint with a newspaper in Massachusetts, he joined the staff of The Wall Street Journal. Over the next decade, he would see the world, beginning with postings in Atlanta and Washington, and later in London and Paris.

Wherever he went, people were drawn to and delighted by Daniel Pearl. His warmth and wit, his kindness and intelligence, defined him as a person and were gifts that he shared generally with those around him.

I offer my deepest condolences to Daniel Pearl's wife Mariane, 7 months pregnant with their first child; to his parents Dr. Yehuda and Ruth Pearl, and to his sisters Tamara and Michelle, who describe their brother, son and husband as "such a gentle soul . . . the musician, the writer, the storyteller, the bridge builder."

Their courage and dignity in the face of this tragic loss is nothing short of inspirational, and my heart goes out to them.

It is time for the terrorism to stop. In the name of Daniel Pearl and the other innocent victims, we must seek to understand the roots of terrorism in the world and bring to an end the ever-escalating cycle of violence.

U2'S CONTRIBUTION TO A LOST GENERATION

Mr. FRIST. Madam President, I would like to take this time to congratulate Bono and the band U2 on receiving four Grammy Awards at last night's ceremony. While music listeners across the globe recognize Bono's music is well deserving of such accolades, I believe that another aspect of his career is also deserving of recognition.

I was first introduced to Bono when he came by my office to talk about Africa and the struggles many third world countries face, including the issues of debt relief and the global HIV/AIDS epidemic. As chair of the Senate subcommittee on African Affairs and an active participant in medical missionary work in Africa, I was interested in learning how a rock star could contribute to international policy. I quickly found out that Bono was much more than a music icon. He is a serious person, well versed in the many issues that plague third world countries. More importantly, I found a person who was willing to use his time and talent to champion issues that will help end poverty and disease throughout the world.

In January, Bono joined me on my trip to Uganda, where we visited health centers and AIDS clinics to learn how countries are coping with what's become the world's greatest health crisis. In a region where over half the population is under 15, Bono was able to carefully balance compassion and pragmatism. He asked the hard questions that countries like Uganda now face and how we, as a world, can aid in the fight. His interest was genuine. His commitment to making a difference was concrete. And because of his efforts, countries like Uganda and many others have a viable spokesperson committed to ending their strife.

U2's music has always been one of compassion and humanity, committed as much to what their lyrics say as to how the music sounds. But this higher level of political consciousness goes far beyond U2's music. It's a part of their advocacy efforts and apparent in their ability to stay committed to the issues they support. Just as U2 is still being honored for their music after 25 years, I fully expect them to also be remembered for their efforts to improve international policy 25 years from now.

Taking home four of music's most prestigious honors is, in itself, an inspiring feat. But it's Bono and U2's ability to be a voice for a lost generation that deserves the real honor.

WATER INVESTMENT ACT OF 2002

Mr. SMITH of New Hampshire. Madam President, I am pleased to join my colleagues on the Environment & Public Works Committee in introducing the Water Investment Act of 2002. The introduction of this bill to provide clean water for our nation comes in the year that we are celebrating the 30th anniversary of the Clean Water Act. When I became chairman of the committee in 1999, one of my top priorities was a renewed commitment to our nation's water systems and the Americans served by them. Since that time, the committee has held a number of hearings, both at the subcommittee level, chaired by my good friend from Idaho, Senator CRAPO, and at the full committee level. I am pleased that Senators JEFFORDS and GRAHAM have continued to make this a priority in their new roles as full committee and subcommittee chairmen. Today that effort culminates with the introduction of this bipartisan piece of legislation that will address the many water infrastructure problems facing our local communities.

So much of our nation's water infrastructure is aging and in desperate need of replacement. Coupled with the aging problem is the cost burden that local communities face in order to comply with ever increasing State and Federal clean water mandates. This bill addresses these problems and makes structural changes to ensure that we avoid a national crisis now and in the future.

I am a strong advocate of limited government and when it comes to water infrastructure, I do not believe the primary responsibility of financing local water needs lies with the Federal government. I am equally adamant, however, that the Federal government shouldn't place unfunded mandates on our local communities. This bill recognizes both of these principles and strikes a responsible balance. The legislation authorizes $35 billion over the next five years in Federal contribution to the total water infrastructure need to help defray the cost of the mandates placed on communities. This is a substantial increase in Federal commitment, but not nearly as high as some would have preferred. Even so, this commitment does not come without additional responsibilities. When the Clean Water Act was amended by Congress in 1987, a debate I remember well, we set up a revolving fund so more federal money would not be required. The fund would continually revolve providing a continual pool of money for water needs. Unfortunately, many officials did not meet their commitment to properly plan for future needs and what was not to be Federal responsibility became a Federal necessity. Now we are faced with a near crisis situation. This bill makes certain that we do not go down that road again. The Federal government will help to defray the costs of Federal mandates, but with the new money comes a new requirement that all utilities do a better job of managing their funds and plan for future costs. The Federal trough will not continue to be filled up every so many years because there is a dereliction of responsibility—so that 15 years from now, these utilities will not be coming back to Congress looking for an additional $57 billion. The bill requires utilities to assess the condition of their facility and pipes and develop a plan to pay for the long-term repair and replacement of these assets. That plan will include Federal assistance, but it will be limited assistance.

We also make additional structural changes to the law both to address financial concerns and to help achieve improved management of these water systems. One such change to the Clean Water Act is to incorporate a Drinking Water Act provision that allows States, at their discretion, to provide principal forgiveness on loans and to extend the repayment period for loans to disadvantaged communities. This flexibility will provide help to communities struggling with high combined sewer overflow cost to secure additional financial help. This bill also promotes other important cost saving measures that many communities are ready experimenting with throughout the country.

Finally Madam President, New Hampshire is the midst of our worst drought in 50 years. In an effort to help communities facing water shortages, this bill directs the U.S. Geological survey to assess the state of water resources. The USGS is then to share with localities information on water shortages and surplus, planning models and streamlined procedures for local interaction with federal agencies responsible for water resources. This type of information will be helpful to New Hampshire communities facing a severe water shortage.

I am pleased that Republicans and Democrats worked together to introduce this bipartisan bill to address one of the very urgent needs of the nation. It will be a tremendous help to many struggling communities in New Hampshire and across the country. It is my hope that we can move it through the committee process and see it passed by the Senate in short order. Madam President, I want to express my appreciation to Senator CRAPO, who has been my partner in this for over two years. I also want to thank Senators JEFFORDS and GRAHAM for their work in getting us to this point—their leadership will be crucial in getting this bill to the President's desk.

UNIVERSITY OF WISCONSIN BIG TEN CONFERENCE CHAMPIONS

Mr. KOHL. Madam President, it is with great pride that I rise today to honor the University of Wisconsin's men's basketball team. On Wednesday, the Badgers beat Michigan, 74–54, in Madison to finish 11–5 and clinch at least a share of the Big Ten Conference Championship and a No. 1 seed in next week's Conference Tournament. The players and coaches on the University of Wisconsin men's basketball team provide an example of commitment, skill and sportsmanship as they bring the school its first Big Ten Conference title in men's basketball since 1947.

Not too many people gave this young team a chance to succeed before the season began. Based on the preseason consensus, this was to be a rebuilding year and the Badgers would finish near or at the bottom of the league standings. However, in the spirit of the Wisconsin faithful who have supported the men's basketball program both in times of glory and moments of frustration, the Badgers proved themselves to be a hardworking, highly motivated and resilient team.

I especially want to recognize the phenomenal job of first-year UW coach Bo Ryan, who, from day one, brought a winning atmosphere. Likewise, the close-knit group of players committed themselves to improving throughout the season. It all culminated with the team winning its last six Big Ten games. Coach Ryan and his players have given the State of Wisconsin a lot of great basketball to look forward to in the years to come.

Winning the Big Ten is an impressive achievement, one that the players, coaches, and fans should be proud of for as long as they live. The Badgers' season, however, is not done yet. I look forward to cheering the team on during "March Madness," and hope to watch this hard-working team make it all the way to Atlanta for the Final Four. On Wisconsin!

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE 100TH ANNIVERSARY OF 4-H

• Mr. ALLARD. Mr. President, today, it is with great pride that I congratulate one of the finest organizations in the United States for a truly remarkable accomplishment. This year marks the centennial anniversary of 4-H, a youth organization that was launched by a group of volunteer visionaries who wanted to challenge America's youth to become a fundamental building block of our Nation's communities. With the motto, "To make the best better," the organization has grown from an agriculture based institution into a well balanced mix of 7 million urban and rural members.

4-H encourages service; it promotes civility; broadens life experiences; and pushes a better way of life through a healthy spirit and healthy living. After 100 years of existence, the organization has grown to more than 50 million alumni, of which 55 are Members of Congress.

In an interview with Roll Call Daily, I had the chance to reflect on my 4-H experience. I remember well how 4-H taught me how to be a leader, how to prioritize and organize, as well as running meetings with efficiency and purpose. 4-H projects paid for nearly all of my tuition to become a Doctor of Veterinary Medicine.

The value of 4-H to America's youth can be measured in the accomplishments of its members—both past and present, and in the hours and hours of service the many 4-H clubs across the country have dedicated to service projects and personal development. Congratulations, and, I wish the organization many more successful years.•

TRIBUTE TO DREW HENDERSON OF HENRY CLAY HIGH SCHOOL

• Mr. BUNNING. Madam President, I proudly pay tribute to Drew Henderson of Henry Clay High School in Lexington, KY for his most recent academic accomplishment.

Drew Henderson recently discovered, via his mom's delivery bright and early one morning, that he belongs to an elite academic category. He is one of only 12 students nationwide to score a perfect 36 on the ACT Assessment. Drew has been blessed with natural learning abilities and has worked extremely hard to ensure that these talents are not ignored or denied the proper attention. Drew has already applied to 11 schools, with his top choices being Harvard, Princeton, and Penn State. He wants to focus his studies primarily on biology during his time as an undergraduate and then pursue a career in the area of medicine. Besides his commitment to his studies, Drew serves as the National Honor Society treasurer at Henry Clay High School, belongs to both the debate team and beta club, and is the captain for the golf team.

I applaud Drew for his academic as well as his extra curricular achievements and wish him the best of luck in his future endeavors. Drew has made Henry Clay High School and the Commonwealth of Kentucky very proud.•

CONGRATULATIONS TO DAVIESS COUNTY HIGH SCHOOL

• Mr. BUNNING. Madam President, I stand today among my distinguished colleagues to congratulate the students, administration, and faculty of Daviess County High School for winning a Preparing America's Future Award from the U.S. Department of Education.

This recent accolade is just one in the line of many bestowed upon the diligent students and devout faculty of Daviess County High School. In 2001, the U.S. Department of Education selected Daviess County High School as a 1999–2000 National Blue Ribbon School shortly after the Commonwealth awarded them with a Kentucky Blue Ribbon award.

The prestigious Preparing America's Future prize is presented to six high schools throughout the entire Nation that have taken significant strides in improving their academic standards for all students. Daviess County High School was among this elite group based specifically upon their reputation for excellence and a rigorous evaluation of their progress in 12 key school improvement strategies. The review showed above all else that the school is accurately meeting the needs and expectations of today's students. I would like to offer a special thanks to Principal Brad Stanley for his inspiring leadership and robust commitment to the education of our nation's and the Commonwealth's future. With this competent captain at the helm, Daviess County High School will surely experience smooth sailing ahead.

I hope Daviess County High School is as proud of this accomplishment as I am. This award highly reflects upon not only the students and faculty but also the overall community and its dedication to its children. I thank you all for working towards a better educated Kentucky.•

RECOGNIZING SARAH CONN AND JEWELL OF WINCHESTER, KENTUCKY

• Mr. BUNNING. Madam President, I have the distinct honor today of recognizing the recent accomplishments of Sarah Conn and Jewell, both residents of Winchester, KY.

At this year's 126th Westminster Kennel Club Dog Show held in New York City, 12-year-old Sarah Conn and her graceful Boston Terrier, Jewell, put on quite a performance, taking Best in Breed and winning the prestigious Open Junior Handler title. In winning Best in Breed, Sarah amazingly bested a woman who has been showing Boston Terriers for an astonishing 50 years and a man who is rated the top handler in the Boston Terrier category. Sarah and Jewell rose to the occasion, overcoming all obstacles to prove that they do indeed belong at the top.

Sarah and Jewell have obviously worked extremely hard to earn this honorable distinction and deserve our praise for their diligent efforts. I know that the people of Winchester as well as the people of the Commonwealth of Kentucky are proud of their achievements. I finally ask my colleagues to join me in thanking Sarah and Jewell for proudly representing the Commonwealth of Kentucky in this year's Westminster Dog Show.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:03 p.m., a message from the House of Representatives, delivered by

Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1542. An act to deregulate the Internet and high speed data services, and for other purposes.

The message also announced that pursuant to section 112 of the Clean Air Act (42 U.S.C. 7412), the Speaker has appointed the following member on the part of the House to the Board of Directors of the National Urban Air Toxics Research Center to fill the existing vacancy thereon: Mr. Hans P. Blascheck of Champaign, Illinois.

At 12:32 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 311. Concurrent resolution recognizing the Civil Air Patrol for 60 years of service to the United States.

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States.

The message also announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

From the Committee on Agriculture, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. COMBEST, Mr. BOEHNER, Mr. GOODLATTE, Mr. POMBO, Mr. EVERETT, Mr. LUCAS of Oklahoma, Mr. CHAMBLISS, Mr. MORAN of Kansas, Mr. STENHOLM, Mr. CONDIT, Mr. PETERSON of Minnesota, Mr. DOOLEY of California, Mrs. CLAYTON, and Mr. HOLDEN.

The message further announced that the House has disagreed to the amendment of the Senate to the bill (H.R. 3448) to improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies, and agree to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and that the following Members be the managers of the conference on the part of the House.

From the Committee on Energy and Commerce, for consideration of the House bill and the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BILIRAKIS, Mr. GILLMOR, Mr. BURR of North Carolina, Mr. SHIMKUS, Mr. DINGELL, Mr. WAXMAN, and Mr. BROWN of Ohio: Provided, that Mr. PALLONE is appointed in lieu of Mr. BROWN of Ohio for consideration of title IV of the House bill, and modifications committed to conference.

From the Committee on Agriculture, for consideration of title II of the House bill and section 216 and title V of the Senate amendment, and modifications committed to conference: Mr. COMBEST, Mr. LUCAS of Oklahoma, Mr. CHAMBLISS, Mr. STENHOLM, and Mr. HOLDEN.

From the Committee on the Judiciary, for consideration of title II of the House bill and sections 216 and 401 of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. SMITH of Texas, and Mr. CONYERS.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1542. An act to deregulate the Internet and high speed data services, and for other purposes; to the Committee on Commerce, Science, and Transportation.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 311. Concurrent resolution recognizing the Civil Air Patrol for 60 years of service to the United States; to the Committee on Armed Services.

H. Con. Res. 335. Concurrent resolution recognizing the significance of Black History Month and the contributions of Black Americans as a significant part of the history, progress, and heritage of the United States; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5558. A communication from the Acting General Counsel, National Endowment for the Humanities, transmitting, pursuant to law, the report of a vacancy and a nomination confirmed for the position of Chairman of the National Endowment for the Humanities, received on February 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-5559. A communication from the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the Board's semiannual Monetary Policy Report dated February 27, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5560. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance" (FRL6822-7) received on February 26, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5561. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills—Interim Rule with Request for Comments" (31 CFR Part 357) received on February 12, 2002; to the Committee on Finance.

EC-5562. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Commission's Budget Request for Fiscal Year 2003, the Commission's Information Technology Strategic Plan for Fiscal Years 2002-2007, and the Commission's Performance Plan for Fiscal Year 2003; to the Committee on Rules and Administration.

EC-5563. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wrangell—St. Elias National Park and Preservation—Resident Zone Communities" (RIN1024-AC83) received on February 25, 2002; to the Committee on Energy and Natural Resources.

EC-5564. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Parks Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Appalachian National Scenic Trails—Designation of Snowmobile Routes" (RIN1024-AC67) received on February 25, 2002; to the Committee on Energy and Natural Resources.

EC-5565. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report concerning Nonproliferation and Disarmament Fund activities; to the Committee on Foreign Relations.

EC-5566. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report concerning the Foreign Agents Registration Act for the period beginning January 1, 2001 through June 30, 2001; to the Committee on Foreign Relations.

EC-5567. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, the Annual Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-5568. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-5569. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Report for Fiscal Year 2001 and the Commission's Inspector General Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-5570. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Annual Report on Performance and Accountability for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC-5571. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination that State has Corrected the Deficiencies" (FRL7149-7) received on February 26, 2002; to the Committee on Environment and Public Works.

EC-5572. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa" (FRL7151-7) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5573. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Operating Permits Program; State of Iowa" (FRL7151–9) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5574. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7150–6) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5575. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, El Dorado Air Pollution Control District" (FRL7149–6) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5576. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL7148–8) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5577. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Wisconsin: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7150–9) received on February 26, 2002; to the Committee on Environment and Public Works.

EC–5578. A communication from the Chairman of the Office of Economics, Environmental Analysis and Administration, Surface Transportation Board, transmitting, pursuant to law, the report of a rule entitled "Electronic Access to Case Filings" (Ex Parte No. 576) received on February 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5579. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled "Securities Programs for Aircraft 12,500 Pounds or More" (RIN2110–AA04) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5580. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled "Aviation Security Infrastructure Fees" (RIN2110–AA02) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5581. A communication from the Senior Regulations Analyst, Transportation Security Administration, transmitting, pursuant to law, the report of a rule entitled "Civil Aviation Security Rules" (RIN2110–AA03) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5582. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model DH 125, HS 125, BH 125, and BAe 125 Series Airplanes; Model Hawker 800, 800 (U–125A), 800XP, and 1000 Airplanes; Correction" ((RIN2120–AA64)(2002–0113)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5583. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3 Series Airplanes" ((RIN2120–AA64)(2002–0114)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5584. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767 Series Airplanes" ((RIN2120–AA64)(2002–0112)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5585. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company GE90 Series Turbofan Engines" ((RIN2120–AA64)(2002–0111)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5586. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Rolls-Royce plc RB211–524G and –524H Series Turbofan Engines" ((RIN2120–AA64)(2002–0119)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5587. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC 9–81, –82, –83, and –87 Series Airplanes; and Model MD 88 Airplanes" ((RIN2120–AA64)(2002–0118)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5588. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Model Beech 400, 400A, and 400T Series Airplanes; Model Beech MU 300–10 Airplanes; and Model Mitsubishi MU 300 Airplanes" ((RIN2120–AA64)(2002–0166)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5589. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F.28 Mark 0070 and 0100 Series Airplanes" ((RIN2120–AA64)(2002–0117)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5590. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC 8–100, –200, and –300 Series Airplanes" ((RIN2120–AA64)(2002–0115)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5591. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, –200, –200C, –300, –400, and –500 Series Airplanes" ((RIN2120–AA64)(2002–0124)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5592. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Aircraft Ltd. Models PC7, PC12, and PC12/45 Airplanes" ((RIN2120–AA64)(2002–0123)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5593. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Canada Model 430 Helicopters" ((RIN2120–AA64)(2002–0122)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5594. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fairchild Aircraft, Inc. SA26, SA226, and SA227 Series Airplanes" ((RIN2120–AA64)(2002–0121)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5595. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Israel Aircraft Industries, Ltd., Model 1124 and 1124A, and Model 1125 Westwind Astra Series Airplanes" ((RIN2120–AA64)(2002–0120)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5596. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 146–200A Series Airplanes" ((RIN2120–AA64)(2002–0126)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5597. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002–0125)) received on February 25, 2002; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

H.R. 3005: A bill to extend trade authorities procedures with respect to reciprocal trade agreements. (Rept. No. 107–139).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HAGEL (for himself, Mr. DAYTON, Mr. SESSIONS, Mr. CLELAND, Mr. WARNER, Mr. BREAUX, Mr. BUNNING, Ms. MIKULSKI, and Mrs. BOXER):

S. 1973. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1974. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for himself and Mrs. LINCOLN):

S. 1975. A bill to amend title III of the Public Health Service Act to include each year of fellowship training in geriatric medicine or geriatric psychiatry as a year of obligated service under the National Health Corps Loan Repayment Program; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. JEFFORDS, Mrs. CLINTON, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Ms. COLLINS, Ms. LANDRIEU, Mr. CHAFEE, Mrs. MURRAY, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mrs. CARNAHAN, Mr. SCHUMER, Mr. TORRICELLI, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. REED, Mr. BREAUX, Mr. CORZINE, Mr. LEAHY, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, Mr. GRAHAM, and Mr. DODD):

S. 1976. A bill to provide for a comprehensive Federal effort relating to treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THURMOND:

S. 1977. A bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WELLSTONE (for himself and Mr. BROWNBACK):

S. Res. 213. A resolution condemning human rights violations in Chechnya and urging a political solution to the conflict; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself and Mr. CARPER):

S. Con. Res. 99. A concurrent resolution expressing the sense of the Congress that a commemorative stamp should be issued honoring Felix Octavius Carr Darley; to the Committee on Governmental Affairs.

ADDITIONAL COSPONSORS

S. 414

At the request of Mr. CLELAND, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 414, a bill to amend the National Telecommunications and Information Administration Organization Act to establish a digital network technology program, and for other purposes.

S. 572

At the request of Mr. CHAFEE, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 946

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 957

At the request of Mr. WELLSTONE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 957, a bill to provide certain safeguards with respect to the domestic steel industry.

S. 1087

At the request of Mr. CONRAD, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1087, a bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period of the depreciation of certain leasehold improvements.

S. 1278

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1329

At the request of Mr. JEFFORDS, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1329, a bill to amend the Internal Revenue Code of 1986 to provide a tax incentive for land sales for conservation purposes.

S. 1335

At the request of Mr. KENNEDY, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1335, a bill to support business incubation in academic settings.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1912

At the request of Mr. SMITH of Oregon, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 1912, a bill to amend the Endangered Species Act of 1973 to require the Secretary of the Interior and the Secretary of Commerce to give greater weights to scientific or commercial data that is empirical or has been field-tested or peer-reviewed, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Georgia (Mr. CLELAND), the Senator from Michigan (Ms. STABENOW), the Senator from Missouri (Mrs. CARNAHAN), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1917, supra.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. RES. 206

At the request of Mr. MURKOWSKI, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Illinois (Mr. DURBIN), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 206, a resolution designating the week of

March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 208

At the request of Ms. COLLINS, the names of the Senator from Montana (Mr. BURNS), the Senator from Nebraska (Mr. HAGEL), the Senator from Wyoming (Mr. THOMAS), the Senator from Ohio (Mr. DEWINE), and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. Res. 208, a resolution commending students who participated in the United States Senate Youth Program between 1962 and 2002.

S. RES. 211

At the request of Ms. COLLINS, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from New Hampshire (Mr. GREGG), the Senator from Indiana (Mr. LUGAR), and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. Res. 211, a resolution designating March 2, 2002, as "Read Across America Day."

S. CON. RES. 11

At the request of Mrs. FEINSTEIN, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Con. Res. 11, a concurrent resolution expressing the sense of Congress to fully use the powers of the Federal Government to enhance the science base required to more fully develop the field of health promotion and disease prevention, and to explore how strategies can be developed to integrate lifestyle improvement programs into national policy, our health care system, schools, workplaces, families and communities.

S. CON. RES. 98

At the request of Mrs. MURRAY, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. Con. Res. 98, a concurrent resolution commemorating the 30th anniversary of the inauguration of Sino-American relations and the sale of the first commercial jet aircraft to China.

AMENDMENT NO. 2907

At the request of Mr. ROBERTS, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 2907 intended to be proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

STATEMENTS OF INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL (for himself, Mr. DAYTON, Mr. SESSIONS, Mr. CLELAND, Mr. WARNER, Mr. BREAUX, Mr. BUNNING, Ms. MIKULSKI, and Mrs. BOXER):

S. 1973. A bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HAGEL. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION OF CERTAIN MILITARY BASIC ALLOWANCES FOR HOUSING FOR DETERMINATION OF ELIGIBILITY FOR FREE AND REDUCED PRICE MEALS.

Section 9(b) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended by adding at the end the following:

"(7) EXCLUSION OF CERTAIN MILITARY HOUSING ALLOWANCES.—For the 2-year period beginning on the date of enactment of this paragraph, the amount of a basic allowance provided under section 403 of title 37, United States Code, on behalf of a member of a uniformed service for housing that is acquired or constructed under subchapter IV of chapter 169 of title 10, United States Code, or any related provision of law, shall not be considered to be income for the purpose of determining the eligibility of a child of the member for free or reduced price lunches under this Act.".

By Mr. LEAHY (for himself and Mr. GRASSLEY):

S. 1974. A bill to make needed reforms in the Federal Bureau of Investigation, and for other purposes; to the committee on the Judiciary.

Mr. LEAHY. Madam President, I rise today, joined by my good friend Senator GRASSLEY, to introduce the FBI Reform Act of 2002. This bill stems from the lessons learned during a series of Judiciary Committee hearings on oversight of the FBI that I chaired beginning last June. Even more recently, the important changes which are being made under the FBI's new leadership after the September 11 attacks and the new powers granted the FBI by the USA PATRIOT Act have resulted in FBI reform becoming an pressing matter of national importance.

Since the attacks of September 11, 2001, and the anthrax attacks last fall, we have relied on the FBI to detect and prevent acts of catastrophic terrorism that endanger the lives of the American people and the institutions of our country. The men and women of the FBI are performing this task with great professionalism at home and abroad. I think that we have all felt safer as a result of the full mobilization of the FBI's dedicated Special Agents, its expert support personnel, and its exceptional technical capabilities. We owe the men and women of the FBI our thanks.

For decades the FBI has been an outstanding law enforcement agency and a vital member of the United States intelligence community. As our hearings and recent events have shown, however, there is room for improvement at the FBI. We must face the mistakes of the past, and make the changes needed to ensure that they are not repeated. In meeting the international terrorist challenge, the Congress has an opportunity and obligation to strengthen the institutional fibre of the FBI based on lessons learned from recent problems the Bureau has experienced.

This view is not mine alone. When Director Bob Mueller testified at his confirmation hearings last July, he forthrightly acknowledged "that the Bureau's remarkable legacy of service and accomplishment has been tarnished by some serious and highly publicized problems in recent years. Waco, Ruby Ridge, the FBI lab, Wen Ho Lee, Robert Hanssen, and the McVeigh documents—these familiar names and events remind us all that the FBI is far from perfect and that the next director faces significant management and administrative challenges." Since then, the Judiciary Committee has forged a constructive partnership with Director Mueller to get the FBI back on track.

Congress sometimes has followed a hands-off approach about the FBI. But with the FBI's new increased powers, with our increased reliance on them to stop terrorism, and with the increased funding requested in the President's budget will come increased scrutiny. Until the Bureau's problems are resolved and new challenges overcome, we have to take a hands-on approach.

Indeed our hearings and other oversight activities have highlighted tangible steps the Congress should take in an FBI reform bill as part of this hands-on approach. Last year's hearings demonstrated the need to improve FBI internal accountability, extend whistleblower protection, end the double-standard for discipline of senior FBI executives, enhance the FBI's internal security program to protect against espionage as occurred in the Hanssen case, and modernize the FBI's information technology systems. Since last year's oversight hearings, the committee has explored additional management issues that are reflected in the FBI Reform Act. Senator GRASSLEY called attention to concerns about the practices of the FBI and other Federal criminal investigative agencies in reporting and using statistics on their investigations. In addition, FBI officials responsible for protecting its facilities informed us of difficulties in retaining the most qualified people on the FBI's own police force to protect some of our nation's most important and, unfortunately, most targeted facilities.

When Director Mueller announced the first stage of his FBI reorganization last December, he stressed the importance of taking a comprehensive look at the FBI's missions for the future, and Deputy Attorney General Thompson's office has told us that the Attorney General's management review of the FBI is considering this matter. Director Mueller has stated that the second phase of FBI reorganization will be part of a "comprehensive plan to address not only the new challenges of terrorism, but to modernize and streamline the Bureau's more traditional functions. . . ." Thus, through our hearings, our other oversight efforts, and the statements and efforts of the new management team at the FBI, an initial list of challenges facing the FBI has been developed.

The provisions in the FBI Reform Act address each of these challenges.

Titles I, II, and VII of the FBI Reform Act strengthen the system for uncovering and reviewing FBI misconduct and imposing appropriate discipline, so that there is appropriate accountability. Title I creates statutory jurisdiction for the DOJ Inspector General over allegations of misconduct in the FBI. It brings the statutory authorities of the Justice Department's Inspector General into line with the administrative regulations adopted by the Attorney General on July 11, 2001, ensuring that there will be no return to a system in which the FBI enjoyed unique exemption for scrutiny by an independent Inspector General. Title II strengthens whistleblower protection for FBI employees and protects them from retaliation for reporting wrongdoing. Title VII eliminates statutory disparities in disciplinary penalties for Senior Executive Service and non-SES personnel.

The committee received testimony in our oversight hearings showing that, too often, the independence that is part of the FBI's culture crossed the line into arrogance. Senator Danforth expressed concern to the committee about entrenched executives at the FBI who had created a closed and insular culture resistant to disclosure of mistakes and to reforms. His concern was echoed in testimony the committee heard from experienced FBI Special Agents, including a unit chief in the FBI's own Office of Professional Responsibility, who told us of a "club" mentality among some Bureau executives who viewed any criticism or change as a threat to their careers.

If there was one message from these witnesses, it was that FBI executives needed to be more willing to admit their mistakes. Too often their response was to shield the Bureau from embarrassment by sacrificing accountability and needed reform. For example, Senator Danforth testified that the FBI helped fan the flames of conspiracy theories at Waco by covering up evidence that it used pyrotechnic rounds, even though they had nothing to do with starting the fire. The FBI culture demanded covering up rather than admitting a mistake. Of course, as the FBI painfully discovered, the price for circling the wagons in this way can be the loss of public confidence.

The Justice Department Inspector General is in a position to conduct an independent investigation that enables the Attorney General and the FBI Director to hold FBI personnel accountable and learn the necessary lessons from mistakes. When Director Mueller was asked at his confirmation hearing about a separate FBI Inspector General, he replied, "If I were the Attorney General I might have some concern about a separate Inspector General feeding the perception that the FBI was a separate institution accountable only to itself. And I'm not certain in my own mind whether or not what the accountability you seek cannot be discharged by an Inspector General with appropriate personnel in the Department of Justice, as opposed to establishing another Inspector General in the FBI." Attorney General Ashcroft decided to follow this route, and Title I of the FBI Reform Act codifies his action.

The committee also heard disturbing testimony about retaliation against FBI Agents who are tasked to investigate their colleagues or who discuss issues with the Congress, either directly or through cooperation with the General Accounting Office, which assists in congressional oversight. Therefore, Title II is important to ensure that the Federal whistleblower protection laws protect FBI personnel to the greatest extent possible. Senator GRASSLEY deserves great credit for stressing the need for this provision and developing the language in the bill. The bill extends whistleblower protections to employees who report wrongdoing to their supervisors or to Congress, and ensures that whistleblowers will enjoy basic procedural protections, including the normal procedures and judicial review provided under the Administrative Procedure Act, if they are subjected to retaliation. It also ensures that those who report wrongdoing to the Office of the Special Counsel have access to the normal Merit System Protection Board rights if retaliated against.

Title VII addresses the issue of a double standard for discipline of senior executives. Internal investigations must lead to fair and just discipline. A troubling internal FBI study that was released at the committee's July hearing documented a double standard at work, with senior FBI executives receiving a slap on the wrist for the same kind of conduct that would result in serious discipline for lower level employees. At his confirmation hearing, Director Mueller said it is "very important that there be no double standards in accountability. I know there have been allegations that senior FBI officials are sometimes treated more leniently than more junior employees. Any such double standard would be fundamentally unfair and enormously destructive to employee morale." Title VII embodies that principle by eliminating the disparity in authorized punishments between Senior Executive Service members and other Federal employees.

The Hanssen espionage case was a tremendous shock to the nation and to the FBI. A trusted and experienced FBI Supervisory Special Agent was found to have sold many of the nation's most sensitive national security secrets to the Soviet Union and to Russia. Just as the Ames case forced the CIA to revamp its security program after 1994, the Hanssen case requires major changes in FBI security. Former FBI and CIA Director William Webster chairs a commission that is completing its review of lessons learned from the Hanssen case for the Attorney General and the FBI Director. It is my hope that Judge Webster will testify before the Judiciary Committee when his report is complete to present his unclassified findings and recommendations. The FBI Reform Act includes provisions that are based on the Judiciary Committee's initial oversight hearings and we remain open to incorporating the considered recommendations and reforms for which the Webster Commission may call.

Title III of the FBI Reform Act would establish a Career Security Program in the FBI and Title IV would establish an FBI Counterintelligence Polygraph Program for screening personnel in exceptionally sensitive positions with specific safeguards. In addition, as a result of concerns about terrorist attacks against FBI targets, Title V would authorize an FBI police force as part of comprehensive security enhancements.

The FBI Career Security Program would bring the FBI into line with other U.S. intelligence agencies that have strong career security professional cadres whose skills and leadership are dedicated to the protection of agency information, personnel, and facilities. The challenges of espionage, information technology vulnerability, and the FBI's high profile as a target of terrorist attack require that the FBI match or exceed the best security programs in the intelligence and national security community. This can only be achieved by a fundamental change that reverses the tendency, found too often in civilian agencies, to treat security as a secondary mission and security assignments as obstacles to career advancement. Before the Hanssen case, an FBI Special Agent experienced as a criminal investigator might be assigned for a few years to a security position and then move on without building continuity of security expertise. Turnover in FBI security work was high, the top rank was Headquarters Section Chief.

Director Mueller has changed direction by creating a Assistant Director position to head a new Security Division and supporting the principle of a Security Career Program. I support this change. Title II of the FBI Reform Act provides the statutory mandate and tools to achieve this goal based on the experience of the Defense Department in reforming its acquisition career program. The key requirements are leadership and accountability in a Security Director, creation of security career program boards, designation of security positions, identification of security career paths requiring appropriate training and experience, and development of education programs for security professionals. To help ensure that security professionals gain stature comparable to Special Agents, the program would limit the preference for Special Agents in considering persons for security positions. FBI security managers would complete a security management course accredited by the Joint Security Training Consortium recently formed by the Intelligence Community and the Department of Defense.

The FBI Counterintelligence Polygraph Program that would be established under Title III of the Act also addresses the security issue. Title III recognizes the security value of polygraph screening, but provides specific safeguards for those who may be subject to adverse action based on polygraph exams. Screening procedures must address the problems of "false positive" responses, limit adverse actions taken solely by reason of physiological reactions in an examination, ensure quality assurance and control, and allow subjects to have prompt access to unclassified reports on examinations that relate to adverse actions against them. Title III is based upon the simple conviction that increased security and protection of employee rights can and must coexist at the FBI.

Title IV of the Act provides long overdue statutory authorization for a permanent FBI Police force, to protect critical FBI facilities. It would provide the men and women who currently guard the highest risk targets with the same pay and benefits as members of the Uniformed Division of the United States Secret Service. Today the FBI police force operating under delegated authority from the General Services Administration has been unable to retain skilled personnel at a rate commensurate with the threat and the need for experienced leadership. The FBI Reform Act would bring the FBI police force generally into line not only with the Uniformed Division of the Secret Service, but also with the Capitol Police and the Supreme Court police. It is intended to be consistent with the current Memorandum of Agreement between the FBI and the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds covered in Washington, D.C..

The Attorney General has directed Deputy Attorney General Thompson to lead a management review of the FBI, while Director Mueller has already begun reorganizing the Bureau. Congress must participate in reviewing the FBI's structure and identifying its future priorities. The FBI is being called on today to protect the national security from terrorist and intelligence threats mounted from abroad. FBI investigations now extend overseas far more often because of our government's decision to use law enforcement as an instrument of national security along with diplomacy, military deployments, and intelligence operations. At the same time, it must continue with other uniquely Federal areas of enforcement. Title VI requires a set of reports that would enable Congress to engage the Executive branch in a constructive dialogue building a more effective FBI for the future.

To help Congress participate in charting the FBI's course, Title VI directs the Attorney General to submit a comprehensive report on the legal authorities for FBI programs and activities. In the late 1970s the Judiciary Committee considered enactment of a legislative charter for the FBI that would spell out its authorities and responsibilities. That proposal was set aside in 1980 despite determined efforts by then-Judiciary Committee Chairman KENNEDY, Judge Webster and Attorney General Civiletti to reach agreement. The time is ripe to revive consideration of this effort.

In addition to a comprehensive charter, Congress should consider whether the FBI should continue to have responsibility for the broad range of investigations that it is currently expected to conduct. I believe we have gone too far in federalizing criminal law enforcement and that more responsibilities which are not uniquely federal can be transferred back to the states. In addition, even within the Federal law enforcement family, numerous agencies perform redundant functions. The Attorney General's report would recommend whether the FBI should continue to have all its current investigative responsibilities, whether existing legal authority for any FBI program or activity should be modified or repealed, and whether the FBI must or should have express statutory authority for new or existing programs or activities.

Title VI also recognizes that the task of modernizing FBI's information technology and management is as important as setting the FBI's future missions. Judiciary Committee oversight hearings have documented, and Director Mueller has acknowledged, that the FBI must overcome years of neglect in this regard. Congress is providing the funds, especially in the FY 2002 Counterterrorism Supplemental for technology assistance. We must ensure, however, that the FBI can and does use these funds effectively. There is concern that the FBI may need greater flexibility than is allowed under current law to procure new technologies. Congress also needs to see detailed plans as to how the FBI plans to update its information technology systems. Unfortunately, the Department of Justice and the FBI have not provided quarterly status reports on the principal FBI computer upgrade program, known as TRILOGY, as requested in the Appropriations Act for FY 2001. Title VI directs the Attorney General to address these concerns in a comprehensive report on FBI information management and technology.

Finally, Title VI requires the Comptroller General to investigate and complete a report on how statistics are reported and used by Federal law enforcement agencies, including the FBI. Senator GRASSLEY has focused attention on the question whether the FBI and other agencies may be double-counting criminal investigations and arrests in the reporting of accomplishments. We also need to ascertain whether the FBI and other agencies properly use the statistics which they compile in making management decisions. It is important to get the facts and recommendations that put the FBI into the context of the full spectrum of Federal law enforcement agencies. Title VI ensures that the GAO can complete this important task by requiring agencies to comply with its requests for the information that is necessary to assist in preparing this report.

The legislation which Senator GRASSLEY and I introduce today is just one part of a bipartisan, hands-on approach to FBI reform. The committee plans additional oversight hearings to consider the Justice Department Inspector General's report on the belated production of documents in the Oklahoma City bombing case and the report of Judge Webster's Commission on the security lessons of the Robert Hanssen espionage case. The committee also intends to hear from Director Mueller and Deputy Attorney General Thompson on their response to these reports and on their actions and goals in reorganizing the FBI and charting its management course for the future.

At the same time, we are focusing oversight attention on key aspects of

FBI and law enforcement performance in connection with the September 11 terrorist attacks and the lessons learned for developing an effective counterterrorism and homeland security program. As contemplated by the sunset provisions in the USA PATRIOT Act, we must monitor the implementation of new surveillance and investigative powers provided to strengthen counterterrorism efforts and, in some provisions, law enforcement and counterintelligence generally.

The FBI Reform Act is designed to strengthen the FBI as an institution that has a unique role as both a law enforcement agency and a member of the intelligence community. As the Judiciary Committee continues its oversight work and more is learned about recent FBI performance, additional legislation may prove necessary. Especially important will be the lessons from the attacks of September 11, 2001, the anthrax attacks, and implementation of the USA PATRIOT Act and other counterterrorism measures. Strengthening the FBI cannot be accomplished overnight, but today, with the introduction of FBI Reform Act, we take an important step into the future.

For all of these reasons, I am pleased to introduce this legislation with Senator GRASSLEY. I ask unanimous consent that the text of the bill be printed in the RECORD along with the sectional analysis.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1974

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Bureau of Investigation Reform Act of 2002".

TITLE I—IMPROVING FBI OVERSIGHT

SEC. 101. AUTHORITY OF THE DEPARTMENT OF JUSTICE INSPECTOR GENERAL.

Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (b), by striking paragraphs (2) and (3) and inserting the following:

"(2) except as specified in subsection (a) and paragraph (3), may investigate allegations of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice, or may, in the discretion of the Inspector General, refer such allegations to the Office of Professional Responsibility or the internal affairs office of the appropriate component of the Department of Justice; and

"(3) shall refer to the Counsel, Office of Professional Responsibility of the Department of Justice, allegations of misconduct involving Department attorneys, investigators, or law enforcement personnel, where the allegations relate to the exercise of the authority of an attorney to investigate, litigate, or provide legal advice, except that no such referral shall be made if the attorney is employed in the Office of Professional Responsibility."; and

(2) by adding at the end the following:

"(d) The Attorney General shall ensure by regulation that any component of the Department of Justice receiving a nonfrivolous allegation of criminal wrongdoing or administrative misconduct by an employee of the Department of Justice shall report that information to the Inspector General.".

SEC. 102. REVIEW OF THE DEPARTMENT OF JUSTICE.

(a) APPOINTMENT OF OVERSIGHT OFFICIAL WITHIN THE OFFICE OF INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of Justice shall direct that 1 official from the office of the Inspector General be responsible for supervising and coordinating independent oversight of programs and operations of the Federal Bureau of Investigation until September 30, 2003.

(2) CONTINUATION OF OVERSIGHT.—The Inspector General may continue individual oversight in accordance with paragraph (1) after September 30, 2003, at the discretion of the Inspector General.

(b) INSPECTOR GENERAL OVERSIGHT PLAN FOR THE FEDERAL BUREAU OF INVESTIGATION.—Not later than 30 days after the date of the enactment of this Act, the Inspector General of the Department of Justice shall submit to the Chairman and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives, a plan for oversight of the Federal Bureau of Investigation, which plan may include—

(1) an audit of the financial systems, information technology systems, and computer security systems of the Federal Bureau of Investigation;

(2) an audit and evaluation of programs and processes of the Federal Bureau of Investigation to identify systemic weaknesses or implementation failures and to recommend corrective action;

(3) a review of the activities of internal affairs offices of the Federal Bureau of Investigation, including the Inspections Division and the Office of Professional Responsibility;

(4) an investigation of allegations of serious misconduct by personnel of the Federal Bureau of Investigation;

(5) a review of matters relating to any other program or operation of the Federal Bureau of Investigation that the Inspector General determines requires review; and

(6) an identification of resources needed by the Inspector General to implement a plan for oversight of the Federal Bureau of Investigation.

(c) REPORT ON INSPECTOR GENERAL FOR FEDERAL BUREAU OF INVESTIGATION.—Not later than 90 days after the date of enactment of this Act, the Attorney General shall submit a report and recommendation to the Chairman and ranking member of the Committees on the Judiciary of the Senate and the House of Representatives concerning whether there should be established, within the Department of Justice, a separate office of the Inspector General for the Federal Bureau of Investigation that shall be responsible for supervising independent oversight of programs and operations of the Federal Bureau of Investigation.

TITLE II—WHISTLEBLOWER PROTECTION

SEC. 201. INCREASING PROTECTIONS FOR FBI WHISTLEBLOWERS.

Section 2303 of title 5, United States Code, is amended to read as follows:

"§ 2303. Prohibited personnel practices in the Federal Bureau of Investigation

"(a) DEFINITION.—In this section, the term 'personnel action' means any action described in clauses (i) through (x) of section 2302(a)(2)(A).

"(b) PROHIBITED PRACTICES.—Any employee of the Federal Bureau of Investigation who has the authority to take, direct others to take, recommend, or approve any personnel action, shall not, with respect to such authority, take or fail to take a personnel action with respect to any employee of the Bureau or because of—

"(1) any disclosure of information by the employee to the Attorney General (or an employee designated by the Attorney General for such purpose), a supervisor of the employee, the Inspector General for the Department of Justice, or a Member of Congress that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety; or

"(2) any disclosure of information by the employee to the Special Counsel of information that the employee reasonably believes evidences—

"(A) a violation of any law, rule, or regulation; or

"(B) mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety,

if such disclosure is not specifically prohibited by law and if such information is not specifically required by Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs.

"(c) INDIVIDUAL RIGHT OF ACTION.—Chapter 12 of this title shall apply to an employee of the Federal Bureau of Investigation who claims that a personnel action has been taken under this section against the employee as a reprisal for any disclosure of information described in subsection (b)(2).

"(d) REGULATIONS.—The Attorney General shall prescribe regulations to ensure that a personnel action under this section shall not be taken against an employee of the Federal Bureau of Investigation as a reprisal for any disclosure of information described in subsection (b)(1), and shall provide for the enforcement of such regulations in a manner consistent with applicable provisions of sections 1214 and 1221, and in accordance with the procedures set forth in sections 554 through 557 and 701 through 706.".

TITLE III—FBI SECURITY CAREER PROGRAM

SEC. 301. SECURITY MANAGEMENT POLICIES.

The Attorney General shall establish policies and procedures for the effective management (including accession, education, training, and career development) of persons serving in security positions in the Federal Bureau of Investigation.

SEC. 302. DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) IN GENERAL.—Subject to the authority, direction, and control of the Attorney General, the Director of the Federal Bureau of Investigation (referred to in this title as the "Director") shall carry out all powers, functions, and duties of the Attorney General with respect to the security workforce in the Federal Bureau of Investigation.

(b) POLICY IMPLEMENTATION.—The Director shall ensure that the policies of the Attorney General established in accordance with this Act are implemented throughout the Federal Bureau of Investigation.

SEC. 303. DIRECTOR OF SECURITY.

The Director shall appoint a Director of Security, or such other title as the Director may determine, to assist the Director in the performance of the duties of the Director under this Act.

SEC. 304. SECURITY CAREER PROGRAM BOARDS.

(a) ESTABLISHMENT.—The Director acting through the Director of Security shall establish a security career program board to advise the Director in managing the hiring, training, education, and career development of personnel in the security workforce of the Federal Bureau of Investigation.

(b) COMPOSITION OF BOARD.—The security career program board shall include—

(1) the Director of Security (or a representative of the Director of Security);

(2) the senior officials, as designated by the Director, with responsibility for personnel management;

(3) the senior officials, as designated by the Director, with responsibility for information management;

(4) the senior officials, as designated by the Director, with responsibility for training and career development in the various security disciplines; and

(5) such other senior officials for the intelligence community as the Director may designate.

(c) CHAIRPERSON.—The Director of Security (or a representative of the Director of Security) shall be the chairperson of the board.

(d) SUBORDINATE BOARDS.—The Director of Security may establish a subordinate board structure to which functions of the security career program board may be delegated.

SEC. 305. DESIGNATION OF SECURITY POSITIONS.

(a) DESIGNATION.—The Director shall designate, by regulation, those positions in the Federal Bureau of Investigation that are security positions for purposes of this Act.

(b) REQUIRED POSITIONS.—In designating security positions under subsection (a), the Director shall include, at a minimum, all security-related positions in the areas of—

(1) personnel security and access control;

(2) information systems security and information assurance;

(3) physical security and technical surveillance countermeasures;

(4) operational, program, and industrial security; and

(5) information security and classification management.

SEC. 306. CAREER DEVELOPMENT.

(a) CAREER PATHS.—The Director shall ensure that appropriate career paths for personnel who wish to pursue careers in security are identified in terms of the education, training, experience, and assignments necessary for career progression to the most senior security positions and shall make available published information on those career paths.

(b) LIMITATION ON PREFERENCE FOR SPECIAL AGENTS.—

(1) IN GENERAL.—Except as provided in the policy established under paragraph (2), the Attorney General shall ensure that no requirement or preference for a Special Agent of the Federal Bureau of Investigation (referred to in this title as a "Special Agent") is used in the consideration of persons for security positions.

(2) POLICY.—The Attorney General shall establish a policy that permits a particular security position to be specified as available only to Special Agents, if a determination is made, under criteria specified in the policy, that a Special Agent—

(A) is required for that position by law;

(B) is essential for performance of the duties of the position; or

(C) is necessary for another compelling reason.

(3) REPORT.—Not later than December 15 of each year, the Director shall submit to the Attorney General a report that lists—

(A) each security position that is restricted to Special Agents under the policy established under paragraph (2); and

(B) the recommendation of the Director as to whether each restricted security position should remain restricted.

(c) OPPORTUNITIES TO QUALIFY.—The Attorney General shall ensure that all personnel, including Special Agents, are provided the opportunity to acquire the education, training, and experience necessary to qualify for senior security positions.

(d) BEST QUALIFIED.—The Attorney General shall ensure that the policies established under this Act are designed to provide for the selection of the best qualified individual for a position, consistent with other applicable law.

(e) ASSIGNMENTS POLICY.—The Attorney General shall establish a policy for assigning Special Agents to security positions that provides for a balance between—

(1) the need for personnel to serve in career enhancing positions; and

(2) the need for requiring service in each such position for sufficient time to provide the stability necessary to carry out effectively the duties of the position and to allow for the establishment of responsibility and accountability for actions taken in the position.

(f) LENGTH OF ASSIGNMENT.—In implementing the policy established under subsection (b)(2), the Director shall provide, as appropriate, for longer lengths of assignments to security positions than assignments to other positions.

(g) PERFORMANCE APPRAISALS.—The Director shall provide an opportunity for review and inclusion of any comments on any appraisal of the performance of a person serving in a security position by a person serving in a security position in the same security career field.

(h) BALANCED WORKFORCE POLICY.—In the development of security workforce policies under this Act with respect to any employees or applicants for employment, the Attorney General shall, consistent with the merit system principles set out in paragraphs (1) and (2) of section 2301(b) of title 5, take into consideration the need to maintain a balanced workforce in which women and members of racial and ethnic minority groups are appropriately represented in Government service.

SEC. 307. GENERAL EDUCATION, TRAINING, AND EXPERIENCE REQUIREMENTS.

(a) IN GENERAL.—The Director shall establish education, training, and experience requirements for each security position, based on the level of complexity of duties carried out in the position.

(b) QUALIFICATION REQUIREMENTS.—Before being assigned to a position as a program manager or deputy program manager of a significant security program, a person—

(1) must have completed a security program management course that is accredited by the Intelligence Community-Department of Defense Joint Security Training Consortium or is determined to be comparable by the Director; and

(2) must have not less than 6 years experience in security, of which not less than 2 years were performed in a similar program office or organization.

SEC. 308. EDUCATION AND TRAINING PROGRAMS.

(a) IN GENERAL.—The Director, in consultation with the Director of Central Intelligence and the Secretary of Defense, shall establish and implement education and training programs for persons serving in security positions in the Federal Bureau of Investigation.

(b) OTHER PROGRAMS.—The Director shall ensure that programs established under subsection (a) are established and implemented, to the maximum extent practicable, uniformly with the programs of the Intelligence Community and the Department of Defense.

SEC. 309. OFFICE OF PERSONNEL MANAGEMENT APPROVAL.

(a) IN GENERAL.—The Attorney General shall submit any requirement that is established under section 307 to the Director of the Office of Personnel Management for approval.

(b) FINAL APPROVAL.—If the Director does not disapprove the requirements established under section 307 within 30 days after the date on which the Director receives the requirement, the requirement is deemed to be approved by the Director of the Office of Personnel Management.

TITLE IV—FBI COUNTERINTELLIGENCE POLYGRAPH PROGRAM

SEC. 401. DEFINITIONS.

In this title:

(1) POLYGRAPH PROGRAM.—The term "polygraph program" means the counterintelligence screening polygraph program established under section 402.

(2) POLYGRAPH REVIEW.—The term "Polygraph Review" means the review of the scientific validity of the polygraph for counterintelligence screening purposes conducted by the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences.

SEC. 402. ESTABLISHMENT OF PROGRAM.

Not later than 6 months after publication of the results of the Polygraph Review, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation and the Director of Security of the Federal Bureau of Investigation, shall establish a counterintelligence screening polygraph program for the Federal Bureau of Investigation that consists of periodic polygraph examinations of employees, or contractor employees of the Federal Bureau of Investigation who are in positions specified by the Director of the Federal Bureau of Investigation as exceptionally sensitive in order to minimize the potential for unauthorized release or disclosure of exceptionally sensitive information.

SEC. 403. REGULATIONS.

(a) IN GENERAL.—The Attorney General shall prescribe regulations for the polygraph program in accordance with subchapter II of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedures Act).

(b) CONSIDERATIONS.—In prescribing regulations under subsection (a), the Attorney General shall—

(1) take into account the results of the Polygraph Review; and

(2) include procedures for—

(A) identifying and addressing false positive results of polygraph examinations;

(B) ensuring that adverse personnel actions are not taken against an individual solely by reason of the physiological reaction of the individual to a question in a polygraph examination, unless—

(i) reasonable efforts are first made independently to determine through alternative means, the veracity of the response of the individual to the question; and

(ii) the Director of the Federal Bureau of Investigation determines personally that the personnel action is justified;

(C) ensuring quality assurance and quality control in accordance with any guidance provided by the Department of Defense Polygraph Institute and the Director of Central Intelligence; and

(D) allowing any employee or contractor who is the subject of a counterintelligence screening polygraph examination under the polygraph program, upon written request, to have prompt access to any unclassified reports regarding an examination that relates to any adverse personnel action taken with respect to the individual.

SEC. 404. REPORT ON FURTHER ENHANCEMENT OF FBI PERSONNEL SECURITY PROGRAM.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to Congress a report setting forth recommendations for any legislative action that the Director considers appropriate in order to enhance the personnel security program of the Federal Bureau of Investigation.

(b) POLYGRAPH REVIEW RESULTS.—Any recommendation under subsection (a) regarding the use of polygraphs shall take into account the results of the Polygraph Review.

TITLE V—FBI POLICE

SEC. 501. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Federal Bureau of Investigation.

(2) FBI BUILDINGS AND GROUNDS.—

(A) IN GENERAL.—The term "FBI buildings and grounds" means—

(i) the whole or any part of any building or structure which is occupied under a lease or otherwise by the Federal Bureau of Investigation and is subject to supervision and control by the Federal Bureau of Investigation;

(ii) the land upon which there is situated any building or structure which is occupied wholly by the Federal Bureau of Investigation; and

(iii) any enclosed passageway connecting 2 or more buildings or structures occupied in whole or in part by the Federal Bureau of Investigation.

(B) INCLUSION.—The term "FBI buildings and grounds" includes adjacent streets and sidewalks not to exceed 500 feet from such property.

(3) FBI POLICE.—The term "FBI police" means the permanent police force established under section 502.

SEC. 502. ESTABLISHMENT OF FBI POLICE; DUTIES.

(a) IN GENERAL.—Subject to the supervision of the Attorney General, the Director may establish a permanent police force, to be known as the FBI police.

(b) DUTIES.—The FBI police shall perform such duties as the Director may prescribe in connection with the protection of persons and property within FBI buildings and grounds.

(c) UNIFORMED REPRESENTATIVE.—The Director, or designated representative duly authorized by the Attorney General, may appoint uniformed representatives of the Federal Bureau of Investigation as FBI police for duty in connection with the policing of all FBI buildings and grounds.

(d) AUTHORITY.—

(1) IN GENERAL.—In accordance with regulations prescribed by the Director and approved by the Attorney General, the FBI police may—

(A) police the FBI buildings and grounds for the purpose of protecting persons and property;

(B) in the performance of duties necessary for carrying out subparagraph (A), make arrests and otherwise enforce the laws of the United States, including the laws of the District of Columbia;

(C) carry firearms as may be required for the performance of duties;

(D) prevent breaches of the peace and suppress affrays and unlawful assemblies; and

(E) hold the same powers as sheriffs and constables when policing FBI buildings and grounds.

(2) EXCEPTION.—The authority and policing powers of FBI police under this subsection shall not include the service of civil process.

(e) PAY AND BENEFITS.—

(1) IN GENERAL.—The rates of basic pay, salary schedule, pay provisions, and benefits for members of the FBI police shall be equivalent to the rates of basic pay, salary schedule, pay provisions, and benefits applicable to members of the United States Secret Service Uniformed Division.

(2) APPLICATION.—Pay and benefits for the FBI police under paragraph (1)—

(A) shall be established by regulation;

(B) shall apply with respect to pay periods beginning after January 1, 2003; and

(C) shall not result in any decrease in the rates of pay or benefits of any individual.

SEC. 503. AUTHORITY OF METROPOLITAN POLICE FORCE.

This title does not affect the authority of the Metropolitan Police Force of the District of Columbia with respect to FBI buildings and grounds.

TITLE VI—REPORTS

SEC. 601. REPORT ON LEGAL AUTHORITY FOR FBI PROGRAMS AND ACTIVITIES.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report describing the statutory and other legal authority for all programs and activities of the Federal Bureau of Investigation.

(b) CONTENTS.—The report submitted under subsection (a) shall describe—

(1) the titles within the United States Code and the statutes for which the Federal Bureau of Investigation exercises investigative responsibility;

(2) each program or activity of the Federal Bureau of Investigation that has express statutory authority and the statute which provides that authority; and

(3) each program or activity of the Federal Bureau of Investigation that does not have express statutory authority, and the source of the legal authority for that program or activity.

(c) RECOMMENDATIONS.—The report submitted under subsection (a) shall recommend whether—

(1) the Federal Bureau of Investigation should continue to have investigative responsibility for each statute for which the Federal Bureau of Investigation currently has investigative responsibility;

(2) the legal authority for any program or activity of the Federal Bureau of Investigation should be modified or repealed;

(3) the Federal Bureau of Investigation should have express statutory authority for any program or activity of the Federal Bureau of Investigation for which the Federal Bureau of Investigation does not currently have express statutory authority; and

(4) the Federal Bureau of Investigation should—

(A) have authority for any new program or activity; and

(B) express statutory authority with respect to any new programs or activities.

SEC. 602. REPORT ON FBI INFORMATION MANAGEMENT AND TECHNOLOGY.

(a) IN GENERAL.—Not later than December 31, 2002, the Attorney General shall submit to Congress a report on the information management and technology programs of the Federal Bureau of Investigation including recommendations for any legislation that may be necessary to enhance the effectiveness of those programs.

(b) CONTENTS OF REPORT.—The report submitted under subsection (a) shall provide—

(1) an analysis and evaluation of whether authority for waiver of any provision of procurement law (including any regulation implementing such a law) is necessary to expeditiously and cost-effectively acquire information technology to meet the unique need of the Federal Bureau of Investigation to improve its investigative operations in order to respond better to national law enforcement, intelligence, and counterintelligence requirements;

(2) the results of the studies and audits conducted by the Strategic Management Council and the Inspector General of the Department of Justice to evaluate the information management and technology programs of the Federal Bureau of Investigation, including systems, policies, procedures, practices, and operations; and

(3) a plan for improving the information management and technology programs of the Federal Bureau of Investigation.

(c) RESULTS.—The results provided under subsection (b)(2) shall include an evaluation of—

(1) information technology procedures and practices regarding procurement, training, and systems maintenance;

(2) record keeping policies, procedures, and practices of the Federal Bureau of Investigation, focusing particularly on how information is inputted, stored, managed, utilized, and shared within the Federal Bureau of Investigation;

(3) how information in a given database is related or compared to, or integrated with, information in other technology databases within the Federal Bureau of Investigation;

(4) the effectiveness of the existing information technology infrastructure of the Federal Bureau of Investigation in supporting and accomplishing the overall mission of the Federal Bureau of Investigation;

(5) the management of information technology projects of the Federal Bureau of Investigation, focusing on how the Federal Bureau of Investigation—

(A) selects its information technology projects;

(B) ensures that projects under development deliver benefits; and

(C) ensures that completed projects deliver the expected results; and

(6) the security and access control techniques for classified and sensitive but unclassified information systems in the Federal Bureau of Investigation.

(d) CONTENTS OF PLAN.—The plan provided under subsection (b)(3) shall ensure that—

(1) appropriate key technology management positions in the Federal Bureau of Investigation are filled by personnel with experience in the commercial sector;

(2) access to the most sensitive information is audited in such a manner that suspicious activity is subject to near contemporaneous security review;

(3) critical information systems employ a public key infrastructure to validate both users and recipients of messages or records;

(4) security features are tested by the National Security Agency to meet national information systems security standards;

(5) all employees in the Federal Bureau of Investigation receive annual instruction in records and information management policies and procedures relevant to their positions;

(6) a reserve is established for research and development to guide strategic information management and technology investment decisions;

(7) unnecessary administrative requirements for software purchases under **$2,000,000** are eliminated;

(8) full consideration is given to contacting with an expert technology partner to provide technical support for the information technology procurement for the Federal Bureau of Investigation;

(9) procedures are instituted to procure products and services through contracts of other agencies, as necessary; and

(10) a systems integration and test center, with the participation of field personnel, tests each series of information systems upgrades or application changes before their operational deployment to confirm that they meet proper requirements.

SEC. 603. GAO REPORT ON CRIME STATISTICS REPORTING.

(a) IN GENERAL.—Not later than 9 months after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on the Judiciary of the Senate and the House of Representatives a report on the issue of how statistics are reported and used by Federal law enforcement agencies.

(b) CONTENTS.—The report submitted under subsection (a) shall—

(1) identify the current regulations, procedures, internal policies, or other conditions that allow the investigation or arrest of an individual to be claimed or reported by more than 1 Federal or State agency charged with law enforcement responsibility;

(2) identify and examine the conditions that allow the investigation or arrest of an individual to be claimed or reported by the Offices of Inspectors General and any other Federal agency charged with law enforcement responsibility;

(3) examine the statistics reported by Federal law enforcement agencies, and document those instances in which more than 1 agency, bureau, or office claimed or reported the same investigation or arrest during the years 1998 through 2001;

(4) examine the issue of Federal agencies simultaneously claiming arrest credit for in-custody situations that have already occurred pursuant to a State or local agency arrest situation during the years 1998 through 2001;

(5) examine the issue of how such statistics are used for administrative and management purposes;

(6) set forth a comprehensive definition of the terms "investigation" and "arrest" as those terms apply to Federal agencies charged with law enforcement responsibilities; and

(7) include recommendations, that when implemented, would eliminate unwarranted and duplicative reporting of investigation and arrest statistics by all Federal agencies charged with law enforcement responsibilities.

(c) FEDERAL AGENCY COMPLIANCE.—Federal law enforcement agencies shall comply with requests made by the General Accounting Office for information that is necessary to assist in preparing the report required by this section.

TITLE VII—MISCELLANEOUS PROVISIONS

SEC. 701. ALLOWING DISCIPLINARY SUSPENSIONS OF MEMBERS OF THE SENIOR EXECUTIVE SERVICE FOR 14 DAYS OR LESS.

Section 7542 of title 5, United States Code, is amended by striking "for more than 14 days".

S. 1974—SECTION-BY-SECTION ANALYSIS

TITLE I

Title I of this bill provides for improved Department of Justice and Congressional oversight of the FBI by ensuring that the Department of Justice Office of the Inspector General, "OIG", is authorized to investigate allegations of misconduct at the FBI and requiring a report to the Judiciary Committees on how the OIG carries out this new authority. This title is consistent with provisions in the DOJ Authorization Act, S. 1319/H.R. 2215, which have passed the Senate by unanimous consent.

Section 101. Authority of Department of Justice Inspector General

This section would amend Section 8E of the Inspector General Act of 1978 (5 U.S.C. App.) to provide explicit statutory authority for the OIG to investigate all allegations of criminal or administrative misconduct by DOJ employees, including FBI personnel. The OIG is also authorized to refer certain matters to the FBI Office of Professional Responsibility or to the internal affairs office of the appropriate component of the Department. The Attorney General is directed to promulgate regulations implementing this OIG authority.

For many years, the FBI was excluded from OIG jurisdiction and the FBI's own internal Office of Professional Responsibility had sole authority to investigate FBI personnel misconduct, unless the Attorney General made an exception. The FBI's exclusive domain to investigate its own misconduct was unique in the Department and created the appearance of a conflict of interest. On July 11, 2001, Attorney General Ashcroft issued a new rule expanding the OIG's jurisdiction over the FBI. This section is consistent with, and codifies, the Attorney General's new rule.

Section 102. Review of the Department of Justice

To ensure that the OIG has the necessary structure and resources to effectively assume its new jurisdiction over the FBI and that the Congress is fully informed of such needs, this subsection requires the Inspector General to: 1. appoint an official to help supervise and coordinate oversight operations and programs of the FBI during the transition period; 2. conduct a comprehensive study of the FBI and report back to the Judiciary Committees with a plan for auditing and evaluating various parts of FBI, including information technology, and for effective continued OIG oversight; and 3. report back to the Judiciary Committee on whether an Inspector General for the FBI should be established.

TITLE II

This title of the bill amends Title 5, U.S.C. §2303, to enhance the whistle blower protection provided to FBI employees and protect them from retaliation.

Section 201. Providing whistle blower protection for FBI employees

Section 2303 of title 5, United States Code, is amended to expand the types of disclosures that trigger whistle blower protections by protecting disclosures, which the employee "reasonably believes" evidences misconduct, to the OIG, the Congress, a supervisor of the employee, or the Special Counsel (an office of the Merit Systems Protection Board, "MSPB", provided for by 5 U.S.C. §1214). The amendment would also ensure that the procedural protections of the Administrative Procedure Act, including but not limited to 5 U.S.C. sections 554–57 and 701–706, would be followed in cases where a complaint of retaliation was made by an FBI employee. These procedural protections include, among other things, an impartial decision maker and decision based on the "record" of any proceedings without ex parte contacts and judicial review as provided. Current laws and regulations which allow for the protection of classified material would also be available for such proceedings in appropriate situations. The amendment, in new subsection (c), provides an individual right of action as provided under Chapter 12 of Title 5 before the MSPB. The amendment, in new subsection (d), requires the Attorney General to prescribe regulations to ensure that the title is enforced at the FBI.

TITLE III

Title III requires the FBI to establish a career security program to enhance the internal security of the FBI and ensure that appropriate management tools and resources are devoted to that task. Security professional career development requirements would be modeled generally on the statutory Department of Defense Acquisition Career Program.

Sections 301–305. Establishing and defining career security program

Section 301 requires the Attorney General to establish policies and procedures for career management of FBI security personnel. Section 302 authorizes the Attorney General to delegate to the FBI Director the Attorney General's duties with respect to the FBI security workforce. Section 303 directs the FBI Director to appoint a Security Director, who, under Section 304, would chair a security career program board to advise in managing hiring, training, education, and career development. Section 305 directs the FBI Director to designate certain positions as security positions, with responsibility for personnel security and access control, information systems security, information assurance, physical security, technical surveillance countermeasures, operational, program and industrial security, and information security and classification management.

Sections 306–309. Career development and training

Section 306 requires that career paths to senior positions would be published. FBI Special Agents would not have preference for a security position, and no positions would be restricted to Special Agents unless the Attorney General makes a special determination. All FBI personnel would have the opportunity to acquire the education, training and experience needed for senior security positions. The Attorney General would ensure that policies are designed to select the best qualified individuals, consistent with other applicable law. Consideration would also be given to the need for a balanced workforce.

Section 307 would direct that education, training, and experience requirements would be established for each position. Before assignment as manager or deputy manager of a significant security program, a person would have to complete a security program management course accredited by the Joint DoD-Intelligence Security Training Consortium or determined to be comparable by the Director, and have 6 years security experience including 2 years in a similar program. Section 308 directs the Director, in consultation with the DCI and Secretary of Defense, to establish education and training programs for FBI security personnel that are, to the maximum extent practical, uniform with Intelligence and DoD programs. Section 309 sets forth the process for approval of requirements set forth under section 307.

TITLE IV

This title would require the Attorney General to establish an FBI Counterintelligence Polygraph Program for personnel in exceptionally sensitive positions that reflects the results of a pending National Academy of Sciences review of the validity of the polygraph, within 6 months after publication of that review. The regulations would be prescribed in accordance with the Administrative Procedures Act. A similar requirement for the Department of Energy was passed in the latest Defense Authorization Act.

Sections 401–404. Definitions, establishment of program, regulations, report

Section 402 requires the establishment of a counterintelligence screening polygraph program consisting of periodic polygraph examinations of employees and contractors with access to sensitive compartmented information, special access program information, on restricted data. This program shall be established within 6 months of the publication of the results of the report of the Committee to Review the Scientific Evidence on the Polygraph of the National Academy of Sciences. Section 403 directs that the program have procedures that address "false positive" results and ensure quality assurance and control in accordance with guidance from the DoD Polygraph Institute and the DCI. No adverse personnel action could be taken solely by reason of physiological reactions on an exam without further investigation and personal decision by the Director. Employees could have prompt access to unclassified reports on their exams that relate to adverse personnel action. Section 404 requires a report within 9 months of the enactment of the Act on any further legislative action appropriate in the personnel security area.

TITLE V

This title provides statutory authorization for an already existing FBI police force that protects FBI buildings and adjacent streets. Currently, the FBI police suffers from a high rate of turnover due to lower pay and fewer benefits than the Uniformed Division of Secret Service or Capitol and Supreme Court police. This title would close the disparity.

Sections 501–503. Definitions; establishment; authority of metropolitan police

Section 501 defines the terms "Director," "FBI buildings and grounds," and "FBI police" as used in the title. Section 502 authorizes the FBI Director to establish the FBI police, subject to the Attorney General's supervision, to protect persons and property within FBI buildings and grounds, including adjacent streets and sidewalks within 500 feet. FBI buildings and grounds would include any building occupied by the FBI and subject to FBI supervision and control, the land on which such building is situated, and enclosed passageways connecting such buildings. FBI police would be uniformed representatives of the FBI with authority to make arrests and otherwise enforce federal and D.C. laws, carry firearms, prevent breaches of the peace, suppress unlawful affrays and unlawful assemblies, and hold the same powers as sheriffs and constables. FBI police would not have authority to serve civil process. Pay and benefits would be equivalent to pay and benefits for the Secret Service Uniformed Division. Section 503 provides that the authority of the Washington, D.C. Metropolitan Police would not be affected by this title.

TITLE VI

This title requires two separate reports by the Attorney General and one by the General Accounting Office.

Section 601. FBI authority and mission

Section 601 requires the Attorney General to submit a report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that do not. The FBI does not have a statutory charter. One was proposed in 1979 but never enacted. Many FBI functions including its national intelligence and counterintelligence activities are authorized by Executive order rather than by statute. This section also requires the Attorney General to recommend the criminal statutes for which the FBI should have investigative responsibility, whether the authority for any FBI program or activity should be modified or repealed, whether the FBI should have express statutory authority for any program or activity for which it does not currently have such authority, and whether the FBI should have authority for any new program or activity.

Section 602. FBI information management

Section 602 requires the Attorney General to submit a report on FBI information management and technology, including whether the authority is needed to waive normal procurement regulations. The report would provide the results of pending Justice Management Council studies and Inspector General audits and submitting a 10-point plan for improving FBI information management and technology to ensure that 1. appropriate FBI technology management positions are filled by personnel with commercial sector experience, 2. access to the most sensitive information is audited so that suspicious activity is subject to near contemporaneous review, 3. critical information systems employ a public key infrastructure, 4. security features are tested by the National Security Agency, 5. FBI employees receive annual instruction in records and information management, 6. a research and development reserve is established, 7. undue requirements for less costly software purchases are eliminated, 8. contracting with an expert technology partner is considered, 9. procedures are instituted to procure through contracts of other agencies as necessary, and 10. system upgrades are tested before operational deployment.

Section 603. GAO report on crime statistics reporting

Section 603 requires the General Accounting Office to report on how crime statistics are reported and used by Federal law enforcement agencies. Specifically, the report would identify policies that allow a case to be claimed or reported by more than one law enforcement agency, the conditions that allow such reporting to occur, the number of such cases reported during a 4-year period, similar multiple claims of credit for arrests, the use of such statistics for administrative and management purposes, and relevant definitions. The report would include recommendations for how to eliminate unwarranted and duplicative reporting. Federal law enforcement agencies would be required to comply with GAO requests for information necessary to prepare the report.

TITLE VII

This title would address the issue of the "double standard" in the FBI, to prevent lower level employees from being more harshly disciplined than senior FBI officials. Section 7542 of title 5, United States Code, would be amended to allow disciplinary suspensions of SES members for 14 days or less, as is the case for other federal personnel. Current law provides only for suspension "for more than 14 days."

Section 702. Allowing disciplinary suspensions of members of the senior executive service for 14 days or less

This section would lift the minimum of 14 days suspension that applies in the FBI's SES disciplinary cases and thereby provide additional options for discipline in SES cases and encourage equality of treatment. The current inflexibility of disciplinary options applicable to SES officials was cited at a Senate Judiciary Committee oversight hearing in July, 2001, as one underlying reason for the "double standard" in FBI discipline. In effect, those deciding the discipline of SES employees are often left with the choice of an overly harsh penalty or no penalty at all—so they decide not to impose any meaningful disciplinary action.

Mr. GRASSLEY. Madam President, I am pleased to introduce with Senator LEAHY a bill to reform the FBI. For almost a decade I have been engaged in FBI oversight and during that time I have seen numerous scandals and coverups. While Director Mueller is working to address these problems, Congress also has a role to play in the overhaul of the FBI. The FBI reform bill is designed to address the accountability problems that have plagued the FBI for years. The bill expands the Department of Justice Inspector General's jurisdiction, protects FBI whistleblowers, creates an FBI Security Career program and a Counterintelligence Polygraph program, enhances the FBI police force, and mandates various reports by the Attorney General.

I have advocated some of these measures, particularly those dealing with protecting whistleblowers and expanding the jurisdiction of the DOJ Inspector General's Office to include the FBI. Let me provide some more detail about the most important provisions in the bill.

In the past the FBI's own internal Office of Professional Responsibility was tasked with the sole authority to investigate the misconduct of FBI personnel. Clearly this constitutes a conflict of interest. In fact, no other area of the Department of Justice maintains this type of accountability system.

Last summer, Attorney General Ashcroft issued an order which changed that situation by expanding the jurisdiction of the Department of Justice Office of Inspector General to encompass both the FBI and the DEA. Specifically, the order gave the DOJ Inspector General primary jurisdiction over allegations of misconduct against employees of the FBI and DEA. Previously, the Inspector General could not initiate an investigation within the FBI or the DEA, without receiving permission from the Deputy Attorney General. I commended Attorney General Ashcroft's order because I had been saying for many years that the FBI should not be allowed to police itself. I was encouraged that the establishment of a free and independent oversight entity would have a beneficial impact on the FBI's management culture.

The bill codifies the Attorney General's order making it a permanent fixture in the plan to reform the FBI. Specifically, the bill provides statutory authority for the DOJ Office of Inspector General to investigate all allegations of criminal and administrative misconduct by DOJ employees, including those in the FBI and the DEA. However, it does not abolish the FBI's Office of Professional Responsibility, OPR, but rather gives the DOJ Inspector General discretion to refer certain investigations to the FBI OPR. Because the FBI OPR is particularly good at investigating certain types of low level offenses, it is good that the Inspector General will have this discretion.

The bill also contains much needed protections for FBI whistleblowers. As many of you know, I believe that good government requires that the brave men and women who blow the whistle on wrongdoing be protected. I have been an active champion of the rights of federal whistleblowers since 1983. This is because of my strong belief that disclosures of wrongdoing by whistleblowers are an integral part of our system of checks and balances. Whistleblowers ensure that waste, fraud, and abuse are brought to light. Whistleblowers play a critical role in ensuring that public health and safety problems are exposed.

I truly believe that reform at the FBI will only occur when FBI employees feel free to blow the whistle on wrongdoing. Since the FBI was excluded from the Whistleblower Protection Act I have been concerned about the retaliation that is often perpetrated against whistleblowers at the FBI, such as Dr. Fred Whitehurst, who speak out about abuses and problems with the system.

So, the bill gives FBI whistleblowers the same rights and protections that other Federal employees currently possess. When FBI employees are retaliated against for blowing the whistle, they can avail themselves of all the protections afforded them by the Whistleblower Protection Act.

Since the FBI has made the fight against terrorism its top priority, many would be FBI whistleblowers may blow the whistle on wrongdoing that involves national security issues. Because of the need to keep that information secure, the bill directs the Attorney General to formulate regulations to provide specific protections for these employees consistent with the relevant portions of the WPA and the Administrative Procedures Act.

Our FBI reform bill addresses several other issues that contribute to the FBI's culture of arrogance. I have believed for a long time that one of the biggest contributors to this culture is the cumbersome and unwieldy jurisdiction of the FBI. The Bureau currently investigates over 300 different federal offenses, which are divided between violent crime, white collar crime, organized crime, drugs, national security, and civil rights. Contained within these areas are numerous instances of concurrent or overlapping jurisdiction with other Federal law enforcement agencies.

Despite having what many would describe as an already overburdened array of jurisdiction, the FBI has established a campaign of jurisdictional encroachment. This "Pacman" philosophy of the Bureau's past has only served to feed the culture of arrogance. I pointed this problem out to the DOJ and was pleased to hear of the Attorney General and the FBI Director's intention to put a stop to that "Pacman" mentality and limit the FBI's investigatory scope.

But, this will be a complex issue. Just as Congress has been complicit in the FBI's expansion, we will need to be involved in the divestiture. The Department of Justice's Strategic Plan states that the FBI will focus on building and maintaining its utmost capacity to detect, deter, counter, and prevent terrorist activity. The plan also encourages the FBI to promote and, when available, use new legislation and authorities to conduct investigations of terrorist incidents.

It is ironic that in light of this, the FBI continues to view many violations that it has traditionally investigated as being of strategic importance. Why are environmental crimes, health care fraud, bank robbery, telemarketing and financial institution fraud, computer intrusions, intellectual property crimes, and credit card fraud still viewed by the FBI as of strategic importance? I understand that terrorism investigations could potentially involve any one, or a number, of the above violations, but there are many other Federal regulatory and investigative agencies that have established historic expertise in these same program areas.

In its reorganization, the FBI needs to scale back on some of its law enforcement activities which are duplicated by other Federal and state agencies. The Bureau needs to completely jettison some of these areas, but in other areas the Bureau could simply take a secondary role, allowing another agency to take the lead. It is my hope that by scaling back on certain FBI investigative activities, the FBI will send a positive signal in dealing with its counterparts in state, local, and federal government.

To assist in cutting back on the FBI's jurisdiction, the bill directs the Attorney General to report to Congress on the legal authority for FBI programs and activities, identifying those that have express statutory authority and those that don't. The bill also requires the Attorney General to recommend what criminal statutes he believes the FBI should have investigative responsibility for. This report will help Congress, as we continue to address the FBI's culture of arrogance.

Another issue that contributes to the FBI's culture of arrogance is the collection, use, and reporting of crime statistics. It is often the case in Federal law enforcement that several agencies will claim credit for a single arrest. This double and triple counting of arrests leads to an inflation of statistics that often misrepresents the actual work load of the various agencies. This is a problem because these statistics are used by federal law enforcement agencies, including the FBI, to justify increases in their funding.

To get a handle on the exact nature and extent of this problem, our bill directs the GAO to conduct a review of how crime and investigation statistics are reported and used by Federal law enforcement agencies. This report will assist us in future legislation on this issue.

There are many more reforms contained in our FBI reform bill, but there is just one more that I want to focus on today. This reform is a change in the way employees of the Senior Executive Service are punished.

Last summer, four exceptional and courageous FBI agents alerted the Judiciary Committee to the fact that there exists a gross inequality in the way Senior Executive Service (SES) employees of the FBI and rank and file agents are disciplined. SES employees are given a slap on the wrist for their infractions, while the rank and file agents are often punished to the letter of the law. This issue was further exposed by a GAO report on the investigation of the Larry Potts Retirement Dinner scandal. That report reemphasized what had been reveled in the FBI Law Enforcement Ethics Unit's position paper, "FBI SES Accountability, a Higher Standard or a Double Standard." These two reports document the existence of a double standard.

I was glad to see that former Director Freeh abolished the SES Review Board, but I'm not sure it was a sufficient change for a culture that has historically treated SES employees with kid gloves.

So our FBI Reform bill attempts to address this problem by providing some flexibility in how SES employees can be punished. The Senate Judiciary Committee has heard repeatedly that this inflexibility is one of the main causes for the inequality in punishment at the FBI. Currently, the minimum suspension that SES employees can receive is 14 days, to the Bureau's management is often left with the choice of an overly harsh penalty or no penalty at all—so often they decide not to impose any meaningful disciplinary action.

Specifically, our bill would lift the 14-day minimum suspension for SES disciplinary cases to provide for additional options in disciplining senior executive employees. Hopefully, this change will help to remedy this double standard.

In conclusion, I urge my colleagues to support this bill to foster reform in the FBI. The Bureau is crucial in the war on terrorism. Let's fix the problems we have helped to create, so that the FBI can again be he best at what it does.

By Mrs. FEINSTEIN (for herself, Mr. SMITH of Oregon, Mr. DASCHLE, Mr. JEFFORDS, Mrs. CLINTON, Mrs. HUTCHISON, Ms. MIKULSKI, Ms. SNOWE, Mrs. BOXER, Ms. COLLINS, Ms. LANDRIEU, Mr. CHAFEE, Mrs. MURRAY, Mrs. LINCOLN, Ms. STABENOW, Ms. CANTWELL, Mrs. CARNAHAN, Mr. SCHUMER, Mr. TORRICELLI, Mr. NELSON of Nebraska, Mr. JOHNSON, Mr. REED, Mr. BREAUX, Mr. CORZINE, Mr. LEAHY, Mr. REID, Mr. KERRY, Mr. NELSON of Florida, Mr. GRAHAM, and Mr. DODD):

S. 1976. A bill to provide for a comprehensive Federal effort relating to treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Madam President, I rise today to introduce the National Cancer Act of 2002. This bill is co-sponsored by Senators GORDON SMITH, DASCHLE, JEFFORDS, CLINTON, HUTCHISON, MIKULSKI, SNOWE, BOXER, COLLINS, LANDRIEU, CHAFEE, MURRAY, LINCOLN, STABENOW, CANTWELL, CARNAHAN, SCHUMER, TORRICELLI, BEN NELSON, JOHNSON, REED, BREAUX, CORZINE, LEAHY, REID, KERRY, and BILL NELSON.

Today, cancer is the Nation's second cause of death, trailing heart disease. Over the next 30 years, cancer will surpass heart disease and become the leading cause of death as the baby boomers age.

This bill represents a comprehensive national battle plan to reenergize the Nation's war on cancer, a war begun when President Richard Nixon on January 22, 1971 proposed to Congress that we launch a war on cancer.

That commitment was a critical first step. But it is clear that we must take further steps to address the scourge of cancer in every respect.

The bill we are introducing today is the product of more than 3 years and hundreds of hours of work.

I am the vice-chair of the National Dialogue on Cancer. In discussions with cancer experts from this group, it became clear to me that the National Cancer Act of 1971 was out of date.

We are now in the genomic era, on the cusp of discoveries and cures that we could only have dreamed about in 1971. The science of cancer has advanced dramatically with the revolution in molecular and cellular biology creating unprecedented opportunities for understanding how genetics, environmental risk factors, and lifestyle factors relate to cancer. The explosion in knowledge about the human genome and molecular biology will enable scientists to better target cancer drugs.

I believe the opportunity for new drugs is so bright, we might well find a cure for cancer in my lifetime.

With these advances, I thought it was time to update the National Cancer Act of 1971 to reflect these advances in science.

I asked John Seffrin, CEO of the American Cancer Society, and Dr. Vincent DeVita, Director of the Yale Cancer Center, to form a special committee of cancer experts to provide recommendations on a battle plan to conquer cancer.

The committee produced an ambitious plan and what I tried to do was take the most important components, given the current budget situation, and develop a piece of legislation that could pass the Senate.

On November 7, 2001, President George Bush commended the work of the committee when he wrote, "The journey ahead will not be easy. But 30 years ago, no one would have imagined coming as far as we have. Working together, we will take the next steps necessary to defeat this deadly disease." I invite him today to join me in taking these steps.

Finding a cure for cancer is a very personal goal. I lost both my father, Leon Goldman, and my husband, Bert Feinstein, to cancer. I saw its ravages firsthand, and I experienced the frustrations, the difficulties, and the loneliness that people suffer when a loved-one has cancer. I determined that I would do all I could to reduce the number of people who go through this devastating experience.

And it is my great hope that this legislation will help do just that, and enable us to find a cure for cancer in my lifetime.

This may in fact be the most important thing I do in the Senate.

There are several reasons we need a major attack on cancer. Much has changed since 1971. The way we prevent, diagnose, treat, conduct research, and understand cancer has changed dramatically.

Cancer is a disease of aging and as the American population ages, cancer incidence will grow by 29 percent by 2010 and cancer deaths by 25 percent. The number of Americans over age 65 will double in the next 30 years.

Since 1971, survival rates for some cancers have improved, while others have not. More and more people live with cancer. Compared to 1971, twice as many people, 8.9 million in 1997, are living with a history of cancer.

Since 1971, more cancer care has moved from inpatient to outpatient settings. Some families find themselves virtually becoming nurses to their loved ones in their homes.

Since 1971, more research is collaborative, between the public and private sectors, and more cancer research requires a multi-disciplinary approach.

Since 1971, the biotechnology industry has blossomed and provided a broad array of new treatment options, promising even more innovations in cancer care.

Since 1971, computer technology and communications have expanded and increased in complexity, making the accessing and transmitting of information more widespread, more readily available and transforming research methodologies.

While the science of cancer has seen revolutionary change, there are still many gaps in the system, especially from the patient's perspective.

Just three months ago, the President's Cancer Panel in their report titled, Voices of a Broken System: Real People, Real Problems, told us that cancer is an "equal opportunity" killer, but if you are poor, uneducated, or isolated you are doubly disadvantaged in America. They said, "Access to appropriate cancer care is the crucial fundamental step needed to relieve the desperate physical suffering, financial devastation, and loss of dignity so many people endure when cancer is diagnosed."

Take cancer screening, for example. Cancer screening can reduce cancer mortality. While many screening tools have been developed, screening rates are still low, especially for colorectal cancer. Screening technologies have improved, but cancer screening rates vary by cancer site, by population group, and by health insurance coverage.

Another "hole" in the system: Fewer than 5 percent of adult cancer patients participate in cancer trials. Among the elderly, the population most likely to get cancer, only 3-4 percent participate. Drugs cannot be brought to patients without clinical trials.

The quality of cancer care is uneven and often based on the pure coincidence of where one lives. According to the President's Cancer Panel, "People living in rural, frontier, geographically isolated and impoverished inner city areas suffer the most from the uneven distribution of cancer care resources and providers. . . ." Many studies show that many cancer patients do not receive optimal care.

Additionally, the cancer care workforce will face severe shortages, particularly in long-term care settings.

The pipeline of medical researchers is threatened with, the number of young physicians entering medical research declining.

Over 44 million Americans have no health care insurance and those that do have uneven coverage. The President's Cancer Panel says that at least

31 million Americans have inadequate coverage.

The National Cancer Act of 2002 takes a multi-pronged approach to winning the war against cancer. Here's what the bill will do:

The advances in science that I spoke of earlier on the human genome and molecular biology have thus far produced medications that can target cancer cells and leave in tack healthy cells.

This legislation would enable the National Cancer Institute (NCI) to fund up to 40 percent of grants over 5 years, up from the current level of 28 percent. Why is this important? The research is what will bring the cure.

NCI now funds 4,500 research project grants at nearly 600 institutions every year. This represents 28 percent of the 16,000 grant proposals NCI receives. NCI scientists think funding 40 percent will allow them to fund the most promising grants. At 28 percent, it does not happen.

Funding basic research is a full frontal assault on cancer, which will lead to more breakthroughs, more treatments, and ultimately, I believe, to a cure.

We now have drugs, like Gleevec for Chronic Myeloid Leukemia and Herceptin for breast cancer, that can target and destroy cancer cells while leaving healthy cells unharmed.

Patients, who were considered terminal, have taken Gleevec and were able to get out of their beds and leave the hospice within days of treatment. After one-year of clinical trials for Gleevec, 51 out of 54 patients were still doing well. With 4,500 Americans diagnosed with Chronic Myeloid Leukemia a year, the potential for this drug is tremendous.

And just this month, Gleevec was approved by the FDA to treat another cancer Gastrointestinal Stromal Tumors, suggesting that the potential for this drug may be even greater than we hope.

The bill authorizes funds for new and existing research centers to conduct translational, multidisciplinary cancer research, and to establish networks linking translational research centers to community cancer providers, hospitals, clinics, doctors' practices, particularly in underserved areas.

The purpose of this provision is to greatly accelerate the movement of basic research to the patient, from the "bench to the bedside," so that we can conduct more clinical trials.

Clinical trials test the safety and efficacy of drugs, devices or new medical techniques. They are required for FDA approval. These trials require thousands of participating people to help determine if drugs are safe and effective.

But clinical trials are expensive. They involve many people, who often have to travel to a cancer center; they involve staff time and careful monitoring and recordkeeping. The drug industry says it costs on average $500 million to develop a drug; a November 2001 Tufts University study puts the cost at $800 million. Whatever it is, it is expensive.

The bill includes several steps to expand clinical trials, those research projects that require thousands of people to determine whether new drugs are safe and effective.

First, the bill will provide $100 million per year for new grants for what is called "translational" research, work that moves promising drugs from the "bench to the bedside."

Right now, there are many new drugs under development that are stuck, as though in a funnel, because we have not put the resources into having the people-based research to test those drugs. There are approximately 400 new drugs that are held up in the development process because the resources are not available to fund clinical research to test those drugs.

For every one drug approved, 5,000 to 10,000 were initially considered. The entire process can take as long as 15 years. NCLAC said it takes 12 to 14 years to bring one drug from discovery to patients.

Second, the bill will require insurers to pay the routine or non-research costs for people to participate in clinical trials, while the drug sponsor would continue to pay the research costs. California already requires this coverage by private insurers.

Third, the bill requires the National Cancer Institute to establish a program to recruit patients and doctors to participate in clinical trials. Dr. Robert Comis, President of the Coalition of National Cancer Cooperative Groups, has said that eight out of ten cancer patients do not consider participating in a clinical trial. They are unaware that they might have the option. He also has found that physician involvement is key.

We must work all we can to make both physicians and patients more aware of the importance of participating.

Currently, only 4 to 5 percent of adult cancer patients participate in clinical cancer trials. But Research America polls found that 61 percent of Americans would participate in a clinical trial.

We should heed the example of what is called the "pediatric model." Over 60 percent of children with cancer participate in clinical trials. Children in these trials get optimal care, with an overall physician manager or "quarterback." The five-year survival rates for children with cancer have increased significantly.

In the 1960s, childhood leukemia could not be cured. It was a death sentence. Today, 70 percent of children with acute lymphoblastic leukemia enter remission. This is but one example of the power and importance of clinical trials. An investigational treatment yesterday is standard treatment today.

Only by injecting new funding into cancer research will we enable cancer researchers to conduct the trials that are necessary to bring promising new drugs to market.

Scientists say we will stop defining cancer by body part, like breast cancer or prostate cancer. Because everyday we are understanding better the genetic basis of cancer and can focus drugs on molecular targets, we may have, for example, 50 different kinds of breast cancer, defined by their genetic basis. As NCI's Dr. Rabson has said, "As we've come to understand the molecular signatures of cancer cells, we can classify tumors according to their genetic characteristics."

This means that we need to create incentives to encourage companies to make these targeted drugs because as we redefine cancer, we will have smaller numbers of people who have that particular kind of breast cancer. Companies are often reluctant to make drugs for small patient populations.

This legislation would provide tax and marketing incentives to encourage pharmaceutical companies to produce "orphan drugs," or drugs targeted to small patient populations.

Beginning with Gleevec and continuing into the future, drugs will target a narrow genetic or cellular mutation.

While this holds great promise for patients, it also means that the number of treatments will proliferate, thereby segmenting cancer patients into smaller and smaller populations. In some cases, this will mean that pharmaceutical companies—for strictly financial reasons—may not want to produce a given drug.

This provision would create incentives for those companies to produce and market the drugs targeted to patient populations of less than 200,000.

The impact: This will help to ensure that patients receive the highest quality care, even when the number of people faced with a particular type of cancer is small.

The bill will create a new initiative to train more cancer researchers. Specifically, it will (1) pay off the medical school loans of 100 physicians who commit to spend at least 3 years doing cancer research; and (2) boost the salaries of postdoctoral fellows from $28,000 to $45,000 per year over 5 years.

Every year, young physicians and researchers avoid the field of cancer research because, frankly, they feel they can make more money elsewhere. This provision will help reverse that trend and add thousands of men and women on the front lines of the fight.

The physician-scientist is endangered and essential, concluded a January 1999 study, showing that the number of first-time M.D. applicants for NIH research projects has been declining. The study, published in Science, said, ". . . fewer young M.D.'s are interested in or perhaps prepared for careers as independent NIH-supported investigators."

Young doctors and Ph.Ds do not want to go into cancer research because they can make more money elsewhere. Graduating physicians have medical school debt averaging $75,000 to $80,000. Because of the low pay to be a physician-scientist, these doctors cannot afford to go into research.

Postdoctoral fellows, who conduct the bulk of day-to-day research, receive pay that is neither commensurate with their education and skills nor adequate. To attract the best and the brightest to the field of cancer research, we need to pay them more than $28,000 to start.

The National Academy of Sciences in September 2000 called for increasing their compensation.

All too often having cancer is a lonely and frightening experience. Cancer patients have a team of doctors, from the primary care physician to the radiologist to the oncologist. Patients need one doctor to be in charge.

The Institute of Medicine told the Senate Cancer Coalition in our June 16, 1999 hearing that the care that cancer patients get is all too often just a matter of circumstance: ". . . for many Americans with cancer, there is a wide gulf between what could be construed as the ideal and the reality of Americans' experience with cancer care . . . The ad hoc and fragmented cancer care system does not ensure access to care, lacks coordination, and is inefficient in its use of resources." The Institute of Medicine study on the uneven quality of health care says, "Health care today is characterized by more to know, more to manage, more to watch, more to do, and more people involved in doing it than at any time in the nation's history."

The bill will require plans to pay doctors, preferably oncologists, to become the overall managers of patients' care, what I call a "quarterback physician," to be with the patient from diagnosis through treatment to prevent the patient from being forced to navigate the medical system alone.

I developed this concept after meeting Dr. Judy Schmidt, a solo-practicing oncologist from Montana. Dr. Schmidt cares for her patients from diagnosis to treatment, and she is really a model for doctors across the nation to emulate.

This "quarterback physician" would provide overall management of the patient's care among all the providers. Someone would be in charge. This provision could save money because good coordination can reduce hospitalization costs.

The bill also authorizes $8 million to the Agency for Health Care Research and Quality to convene cancer experts, providers, patients and other relevant experts to coordinate the development of practice guidelines for optimal cancer care, prevention, palliation, symptom management and end-of-life care.

People cannot get good health care if they have no way to pay for it, if insurance plans, public and private, do not cover the basics like screenings for cancer.

My bill will require public plans, like Medicare and Medicaid, and private insurance plans to cover five services important to good cancer care: (1) cancer screenings; (2) genetic testing and counseling for people at risk; (3) smoking cessation; and (4) nutrition counseling.

The coverage added by this bill is important to preventing cancer. Here's an example: On January 31, we read reports of a promising new screening test for colon cancer that can find extremely small traces of cancer in patients' stool, offering an entirely new approach to finding colon cancer, which kills 48,000 Americans annually and is often found too late to cure.

Mammograms, pelvic exams, reducing fat in the diet and stopping smoking—all of which could be enhanced by this bill—can stop cancer before it is too late.

Because too many Americans have no way to pay for their health care when cancer strikes and because seven percent of cancer patients are uninsured, the bill also requires the Institute of Medicine of the National Academy of Sciences to conduct a study of the feasibility and cost of providing Medicare coverage to individuals at any age who are diagnosed with cancer and have no other way to pay for their health care.

Medicare already covers care for people of any age who have End Stage Renal Disease and Amyotrophic Lateral Sclerosis, Lou Gehrig's Disease. This study could provide helpful guidance to the Congress.

Because no assault on cancer is complete without a strong cancer prevention component, the bill provides funds and requires the Centers for Disease Control and Prevention to prepare a model state cancer control and prevention program; expand the National Program of Comprehensive Cancer Control plans and to assist every state to develop a cancer prevention and control program.

The bill also authorizes $250 million to expand the Center for Disease Control and Prevention's breast and cervical cancer screening program and authorizes $50 million for CDC to begin screening programs for colorectal cancer.

Today, 16 states now have cancer plans and 16 states are creating or updating their plans. States could use these funds to promote cancer education and prevention, improve registries, study disparities and other uses.

Because of the aging of the American population, we face a virtual explosion of cancer in the coming 30 years. The number of cases will double. But the sad fact is that we do not have enough nurses and other health care professionals to take care of this expected rise in cancer patients.

My bill will provide $100 million for loans, grants and fellowships to train for the full range of cancer care providers, including nurses for all settings, allied health professionals, and physicians. The bill requires that these applicants have the intention to get a certificate, degree, or license and demonstrate a commitment to working in cancer care.

In nursing alone, those critical people on the front line of care, we face a national nursing shortage in virtually every setting, say many experts, which will peak in the next 10 to 15 years unless steps are taken. By 2020, the RN workforce will be 20 percent short of what is needed. My home state of California ranks 50th among registered nurses per capita.

And it's not just nurses. The Health Resources Services Administration says that the demand of health care professionals will grow at twice the rate of other occupations.

Cancer is primarily a disease of aging. As the baby boomers age, there will be more cancer. Cancer care is becoming more and more complex as technology improves. Skilled providers, from the nurse assistant to the oncologist are needed to administer the complex therapies. This bill should provide some help.

Cancer cannot be conquered without addressing smoking and the use of tobacco products. Smoking causes one-third of all cancers, and is the cause of approximately 165,000 deaths annually.

Over the past two decades, we have learned that tobacco companies have manipulated the level of nicotine in cigarettes to increase the number of people addicted to their product.

There are more than 40 chemicals in tobacco smoke that cause cancer in humans and animals, according to the CDC. Tobacco smoke has toxic components, as well as tar, carbon monoxide and other dangerous additives.

The cancer community is united in the belief that the single most important preventive measure is to place tobacco products under the regulatory control of the Food and Drug Administration (FDA).

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people—I believe that empowering the FDA to regulate tobacco will help do that.

The U.S. Surgeon General and the Centers for Disease Control and Prevention have unequivocally demonstrated that, for example, anti-smoking campaigns can reduce smoking, a major cause of cancer.

California is a good example: My state started an aggressive tobacco control program in 1989 and throughout the 1990s, tobacco use dropped at two to three times faster than the rest of the country.

Ninety percent of adult smokers begin before age 18 and every day, 3,000 young people become smokers.

This bill will provide meaningful regulation by the Food and Drug Administration of the content and marketing of tobacco products, especially the addicting and carcinogenic components. Dr. C. Everett Koop, former U.S. Surgeon General, and Dr. David Kessler, former Commissioner of the Food and Drug Administration, wrote in their 1997 report, cited FDA and other studies and said: "Nicotine in cigarettes and smokeless tobacco has the same pharmacological effects as other drugs that FDA has traditionally regulated . . . nicotine is extremely addictive . . . and the vast majority of people who use nicotine-containing cigarettes and smokeless tobacco do so to satisfy their craving for the pharmacological effects of nicotine; that is, to satisfy their drug-dependence or addiction."

They recommended: "FDA should continue to have authority to regulate all areas of nicotine, as well as other constituents and ingredients, and that authority should be made completely explicit."

I am pleased to note that even the Philip Morris Companies have acknowledged the need for FDA to regulate tobacco. On their Web site, they say:

> We believe federal legislation that includes granting FDA authority to regulate tobacco products could effectively address many of the complex tobacco issues that concern the public, the public health community and us.

It is long past time to reduce the addictive nature of cigarettes and curtail the marketing of these products to young people. This bill gives FDA the power to regulate tobacco products' content, design, sale, and marketing.

The bill requires the NCI and the National Institute for Environmental Health Sciences to one or more strategic plans to intensify research in the following areas: quality of life for cancer patients and survivors; symptom management for patients and survivors; palliative care and pain management; health disparities for racial and ethnic minorities; cancer prevention; behavioral research associated with causing and preventing cancer; environmental risk factors for cancer and gene-environment interactions; new imaging and early detection technologies and methods; and cancer survivorship.

Patient advocates and others have called on NCI and other institutes to develop a broad and responsive portfolio.

Experts say we need to learn more about cancer survivorship. People used to die quickly of cancer, but today, more and more are living with cancer, as many as nine million Americans. Kathleen Foley of Memorial Sloan-Kettering Cancer Center said, "While we work to cure the many types of cancer, nothing would have greater impact on the daily lives of cancer patients and their families than good symptom control and supportive therapy." Charles S. Cleeland, of the M.D. Anderson Cancer Center, said in the June 20, 2001 Washington Post, "We need a new research agenda that focuses on alleviation of disease-related distress." The National Cancer Policy Board of the Institute of Medicine last year recommended that NCI conduct more research on palliative care.

This is an example of an area that needs more emphasis. While NCI's work has brought huge advances in understanding, preventing and treating cancer, there is no question that we could do more.

For eight years I have co-chaired the Senate Cancer Coalition. We have held eight hearings on cancer. With each hearing, I become more and more convinced that we can conquer cancer in my lifetime.

Polls by Research America show that the public wants their tax dollars spent on medical research and that in fact people will pay more in taxes for more medical research.

When Beatle George Harrison died in December of cancer, a Maryland nursery school teacher, Jennifer DeBernardis, said: "All the fame and fortune and talent doesn't save you from something like cancer." Cancer impacts everyone. Everyone knows someone who has had cancer or will have cancer.

I am thoroughly convinced that if we just marshal the resources, we can conquer cancer in the 21st century. Let's begin. The road ahead is long and treacherous. But if we all work together, I honestly believe we can do it.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. SMITH of Oregon. Madam President, I am very pleased and honored to join Senator FEINSTEIN today to introduce this very important piece of legislation. Our country is very good at waging a winning war, but there is one more that we need to wage and win and that is the war on cancer.

I joined Senator FEINSTEIN as an original cosponsor of this for three reasons: First of all, because she asked me to. She is a person of remarkable leadership on this issue and so many more. Second, it was important to her and to me that the other cosponsor be a Republican because cancer is not a partisan issue. It attacks us both equally no matter how we register at the polls. This is one of those issues where truly we ought to be walking in lockstep together as Americans.

Finally, I know something of the pain that families experience through the contraction of cancer. As an honor and a tribute to my own mother, whom I recently lost to cancer, I cosponsor this legislation.

Oregon is a small State relatively—large geographically, but not in population—but cancer knows no boundaries as to States or as to countries. As we consider the statistics I can give, they apply to my State. In percentage terms, they would apply equally to every State. Truly, cancer is the second biggest killer in the State of Oregon, second only to heart disease. And at current rates, it will soon surpass that. This is a war we have to win.

There are 18,000 new cases of cancer diagnosed among Oregonians every year. That is about 50 a day. On average, 19 Oregonians die from cancer every day. Breast cancer is the most common form of diagnosed cancer in my State. Nine women every day hear the dreaded words: You have breast cancer. And every day, one family in Oregon will lose a family member to breast cancer. Every 3 days, a child in Oregon is told that he or she has cancer. I could go on. The statistics become rather numbing. But they are not unique to my State. That makes it all the more tragic that this is such a large and growing problem.

There is something we can do about it. I am proud to say that Senator FEINSTEIN has mentioned Dr. Druker of the Oregon Health Sciences University. He has, through his study of the genome, the genomic field, developed a promising new oral treatment for patients with chronic myeloid leukemia, a rare and life-threatening form of cancer. We met a wonderful woman yesterday who has been apparently cured on the basis of this drug. Gleevec is a target therapy based on new knowledge in this important area of research. It is hoped that future advances in cancer treatment will be equally as successful at targeting abnormalities with curative or less toxic drugs for cancer patients. This legislation will help us on this path.

In the interests of time, I will not review the details of our bill that Senator FEINSTEIN has so very ably and eloquently laid out. This is a good bill. This is a bill that should pass. It is expensive in dollar terms, but how can we put a pricetag on the health of the American people, on an issue as painful as this one?

Again, cancer is not a partisan disease.

I am proud today to cosponsor the National Cancer Act of 2002. I do so as a Republican, but more I do so as an American, and even more I do so as a member of the human family.

I yield the floor.

Mrs. CLINTON. Madam President, I rise today on behalf of legislation I am introducing along with Senator FEINSTEIN and others to help patients and their families around the country who are struggling against cancer.

It has been three decades since we declared war on cancer, and passed the National Cancer Act of 1971. And while we have many new weapons in our arsenal, new surgical techniques, new drugs like Gleevec, and new diagnostic tests to catch cancer in its early stages, the burden of this disease on our Nation is still devastating. One out of every two Americans will hear these devastating words sometime in their lives: "you have cancer." It is the second leading cause of death in our country—surpassed only by heart disease, and it not only devastates the patient; it brings immeasurable pain into the lives of that person's family and friends.

Consider the statistic that 1,500 Americans die of cancer each day—that's 1 out of every 4 deaths attributable to cancer. And the new cases continue to mount. Last year in New York alone there were an estimated 83,200 new cases of cancer—including 14,200 cases of breast cancer and nearly 4,000 cases of Non-Hodgkin's Lymphoma.

Sadly, cancer has become a part of life for all American families. Thanks to research, early detection and treatment, cancer is not automatically a death sentence. It can be beaten. And it is even better to keep it from occurring in the first place. Our hope for this and future generations is this simple dream—that in the long fight against this disease, some day we will ultimately win—that keeps so many patients and families going.

This bill we're introducing today can move us closer to making the dream a reality. It calls for: Recruiting talented medical experts by offering to cover the student loan payments of 100 physicians a year who agree to become cancer researchers; supporting the work of NCI Cancer centers like Memorial Sloan Kettering and Roswell Park in New York; improving cancer care by attracting and training health professionals to provide cancer care, to encourage cancer quarterbacks that can coordinate a patients care, and improving access to important cancer services such as screenings, smoking cessation therapy, genetic testing, and counseling about whether to undertake genetic testing.

While this legislation goes a long way to strengthening the biomedical research efforts, we will also be continuing to work with the States, communities, and public health institutions to educate the public about cancer prevention, to address the risk factors, and promote early intervention.

In the past, the phrase "public health" conjured up battles against infectious diseases like malaria or tuberculosis. Now with chronic diseases, such as heart disease and cancer, as the leading killers, we must think about "public health" in a new light, and fight carcinogens as well as pathogens.

For instance, this bill affirms FDA's authority over tobacco, the carcinogen that is responsible for 1 out of every 3 cancer deaths. Next week I will be chairing a hearing in the Subcommittee on Public Health to explore the need for better tracking of chronic disease and environmental exposure, so that we can identify and understand the connections between the environment and diseases like cancer.

I am a big believer in patient access to clinical trials. In the previous administration Medicare and Medicaid began covering the routine medical costs of participating in clinical trials, and I support extending that coverage to patients who have private insurance as well. The Senate-passed Patients' Bill of rights and the legislation we're introducing today takes steps toward allowing more cancer patients to participate in clinical trials that just might save their lives. I will continue fighting to strengthen this important cornerstone of patient care and scientific progress.

Our hope for this legislation and America's war on cancer is simple: to move cancer from the medical books to the history books. And to live in a world where no one has to hear the words, "you have cancer," ever, ever again.

By Mr. THURMOND:

S. 1977. A bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

Mr. THURMOND. Madam President; I rise to introduce legislation that would improve the U.S. Marshals Service by making the U.S. Marshal at the district level a career position rather than a political one. This reform is long overdue and would create an improved management structure for the Marshals Service. This legislation would bring the Service in line with other Federal agencies that choose their top district and field officers by professional advancement, such as the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco and Firearms, and the Drug Enforcement Administration. As a result of this change, we will ensure that highly qualified and experienced individuals become U.S. Marshals. I encourage my colleagues to support this important reform, which would greatly improve the efficiency and effectiveness of the U.S. Marshals Service.

The U.S. Marshals Service is the oldest Federal law enforcement agency. While its most traditional role is assisting the Federal judiciary by protecting Federal judges and witnesses and by transporting prisoners, it also plays a critical role in Federal law enforcement in other ways. For example, it is the primary Federal agency responsible for apprehending dangerous fugitives from justice, and it conducts many special operations for the Attorney General.

The management of the Marshals Service is unlike any other Federal law enforcement agency. While there is a national Director of the Marshals Service located in Arlington, VA, each judicial district has a U.S. Marshal that is appointed by the President and confirmed by the Senate. Consequently, the district U.S. Marshals are in reality independent and accountable only to the President. Eduardo Gonzalez, past Director of the U.S. Marshals Service, testified before the Senate Judiciary Committee in 1998 that neither the Director of the Marshals Service nor the Attorney General can directly discipline a U.S. Marshal. Rather, the President must specifically authorize the disciplinary action. Additionally, a House report that accompanied a similar reform bill from the 106th Congress stated that the Director of the Marshals Service is powerless to demote, suspend, or transfer a U.S. Marshal. The current system, therefore, undercuts the leadership capacity of the Director of the Marshals Service due to the political independence of the U.S. Marshals.

Each district also has the position of Chief Deputy Marshal, which is occupied by a career professional. The Chief Deputy Marshals assist the politically-appointed U.S. Marshal, who may have little or no experience in law enforcement, and provide continuity and leadership in the district offices. The Chief Deputy Marshals are vital to the operation of the field offices, providing stability during the comings and goings of U.S. Marshals. Due to the inexperience of many U.S. Marshals, the Chief Deputy Marshals have assumed critical roles in the operation of the field offices. In fact, the Marshals Service website states, "The backbone of the Marshals Service has always been the individual Deputy Marshal." It is significant that the politically-appointed U.S. Marshal is not the "backbone" of the Service. Rather, the Deputy Marshal, who arrives at the position through career advancement, is the mainstay of the Marshals Service.

The Chief Deputies in turn have Supervisory Deputy U.S. Marshals to assist them with day-to-day activities. Due to the heavy turnover in leadership at the district level, there must be significant support for new and inexperienced U.S. Marshals. Therefore, the district level offices are heavily staffed. This situation results in an agency that is top heavy in management.

In an excellent book about the U.S. Marshals Service called "The Lawmen" by Frederick Calhoun, the author asserts that the Marshals Service is harmed by the process of appointing district marshals. He writes, "The service remained too politicized. The presidential appointment of the U.S. marshals haunted the organization. It could never escape the taint of politics as long as its top district managers owed their appointments to political favors, not professional advancement." Mr. Calhoun recognized that because of the political appointment of the top field officers, career employees must walk a fine line between balancing their allegiances to the temporary U.S. Marshal and to headquarters. He goes on to say, "The deputies dealt daily with their political supervisors, who controlled their work assignments and annual personnel evaluations, while they looked to headquarters for careers and promotions."

The current organization of the Marshals Service not only causes political strains, but it is also structurally unsound. Wayne Colburn, Director of the U.S. Marshals Service in the early 1970s, argued that the agency functioned as a "loosely organized group of ninety-four judicial districts" due to the weakness of the Director. Mr. Colburn recognized that the management structure was flawed because the agency in effect had ninety-four directors who owed little allegiance to the national director. While Mr. Colburn's concerns were alleviated somewhat by the Marshals Service Act of 1988, which strengthened the policy-making powers of the Director, the Act did not go far enough. The Director has centralized authority, yet he is still extremely limited in his ability to make personnel and disciplinary decisions regarding the politically-appointed U.S. Marshals. This situation is unacceptable in such an important Federal agency. We owe it to our Nation's oldest law enforcement organization to improve its structure and to make its operations more efficient.

I would like to point out that the U.S. Marshals Service has already placed some of its most crucial functions under the management of the national office, thereby avoiding some of the problems that I have discussed so far. For example, the Witness Security Program, which ensures the safety of witnesses who testify for the government, is administered centrally by the Marshals Service. According to former Director Gonzalez's testimony before the Senate Judiciary Committee, the Witness Security Program's operation was changed because it was not functioning correctly at the district level. He said, "Witness Security Inspectors assigned to the districts found they were attempting to serve two masters, the headquarters' Witness Security Program and the U.S. Marshal." This example of internal restructuring by the Service demonstrates the need for Congress to enact fundamental reform.

This reform legislation also has the potential to save taxpayer money. Mr. Gonzalez testified before the Senate Judiciary Committee that if the political selection of U.S. Marshals were ended, the Service would eliminate many field office positions. There would no longer be a need to provide the kind of support that is currently necessary to assist the political appointees, who often do not have the proper experience and expertise. A more streamlined management structure would save money and make operations more efficient. According to Mr. Gonzalez, the Marshals Service has estimated that this change would save over $10 million in the first three years.

Legislation to change the appointment process for district Marshals passed the house in 1997 but did not pass the Senate. That bill, as this one, essentially makes the change effective at the start of the upcoming four-year term for the President. This bill would be effective in January 2005, so that U.S. Marshals appointed by President Bush could complete the current four-year term of the Bush Administration.

It is important to recognize that many district U.S. Marshals who have served over the years have been distinguished public servants and are fine people. However, others had no experience in law enforcement and were not qualified to serve in these important positions.

For the benefit of the Marshals Service, I urge my colleagues to support this important reform measure. It is long overdue. Similar reforms have been supported by Presidential commissions under Presidents Howard Taft, Herbert Hoover, and Franklin Roosevelt. It is time that we professionalized one of our most important law enforcement agencies. We owe it to all those who have served honorably during the proud history of the U.S. Marshals Service, and we owe it to those who entrust their lives to the safekeeping of the U.S. Marshals.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. APPOINTMENTS OF UNITED STATES MARSHALS.

(a) SHORT TITLE.—This Act may be cited as the "United States Marshals Service Reform Act of 2002".

(b) APPOINTMENTS OF MARSHALS.—

(1) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(A) in section 561(c)—

(i) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(ii) by inserting "United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates." after the first sentence;

(B) by striking subsection (d) of section 561;

(C) by redesignating subsections (e), (f), (g), (h), and (i) of section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(D) by striking section 562.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

(c) MARSHALS IN OFFICE BEFORE EFFECTIVE DATE.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the effective date of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(d) EFFECTIVE DATE.—This Act and the amendments made by this Act shall take effect on January 20, 2005, and shall apply to appointments made on and after that date.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 213—CONDEMNING HUMAN RIGHTS VIOLATIONS IN CHECHNYA AND URGING A POLITICAL SOLUTION TO THE CONFLICT

Mr. WELLSTONE (for himself and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 213

Whereas the United States Department of State Country Reports on Human Rights for 2000 reports that the "indiscriminate use of force by Russian government troops in Chechnya has resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons";

Whereas the United States Department of State Country Reports on Human Rights for 2000 reports that Russian forces continue to arbitrarily detain, torture, extrajudicially execute, extort, rape, and forcibly disappear people in Chechnya;

Whereas credible human rights groups within the Russian Federation and abroad report that Russian authorities have failed to launch thorough investigations into these abuses and have taken no significant steps toward ensuring that its high command has taken all necessary measures to prevent abuse;

Whereas there are credible reports of specific abuses by Russian soldiers in Chechnya, including in Alkhan-Yurt in 1999; Staropromysloviski and Aldi in 2000; Alkhan-Kala, Assinovskaia, and Sernovodsk in 2001; and Tsotsin-Yurt and Argun in 2002;

Whereas the Government of the Russian Federation has cracked down on independent media and threatened to revoke the license of RFE/RL, Incorporated, further limiting the ability to ascertain the extent of the crisis in Chechnya;

Whereas Chechen rebel forces are believed responsible for the assassinations of Chechen civil servants who cooperate with the Government of the Russian Federation, and the Chechen government of Aslan Maskhadov has failed unequivocally to condemn these and other human rights abuses or to distance itself from persons in Chechnya allegedly associated with such forces; and

Whereas the Department of State officially recognizes the grievous human rights abuses in Chechnya and the need to develop and implement a durable political solution: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the war on terrorism does not excuse, and is ultimately undermined by, abuses by Russian security forces against the civilian population in Chechnya;

(2) the Government of the Russian Federation and the elected leadership of the Chechen government, including President Aslan Maskhadov, should immediately seek a negotiated settlement to the conflict there;

(3) the President of the Russian Federation should—

(A) act immediately to end and to investigate human rights violations by Russian soldiers in Chechnya, and to initiate, where appropriate, prosecutions against those accused;

(B) provide secure and unimpeded access into and around Chechnya by international monitors and humanitarian organizations to report on the situation, investigate alleged atrocities, and distribute assistance; and

(C) ensure that refugees and displaced persons in the North Caucasus are registered in accordance with Russian and international law, receive adequate assistance, and are not forced against their will to return to Chechnya; and

(4) the President of the United States should—

(A) ensure that no security forces or intelligence units that are the recipients of United States assistance or participants in joint operations, exchanges, or training with United States or NATO forces, are implicated in abuses;

(B) seek specific information from the Government of the Russian Federation on investigations of reported human rights abuses in Chechnya and prosecutions against those individuals accused of those abuses;

(C) promote peace negotiations between the Government of the Russian Federation and the elected leadership of the Chechen government, including Aslan Maskhadov; and

(D) re-examine the status of Chechen refugees, especially widows and orphans, including consideration of the possible resettlement of such refugees in the United States.

Mr. WELLSTONE. Madam President, I rise today once again to draw attention to the suffering of people in Chechnya. On behalf of myself and Senator BROWNBACK, I am submitting a resolution urging the Russian government to seek a negotiated settlement to the conflict there, to end human rights violations by Russian soldiers there, to investigate and initiate prosecutions against those accused, and to ensure that refugees receive the assistance they need. The resolution also urges President Bush to promote peace negotiations between the parties, to obtain assurances from the Russian government that no security forces who are recipients of U.S. assistance are implicated in human rights abuses and to seek specific information on the status of investigations into reported abuses.

The war in Chechnya has raged too long, and reports of egregious human rights violations by Russian soldiers continue to increase. Today, Human Rights Watch is releasing yet another report of such abuses, Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya. Year after year we receive reports telling the same stories, yet nothing seems to change. Since September 11, Russian officials have argued more vigorously that they are fighting terrorism in Chechnya. Whether the Russian government believes this to be true or not is not the issue. What is clear is that Russia is acting illegally and immorally in Chechnya, and it must stop.

I want to talk briefly about the United States and our relationship to this war. As we increase our cooperation with various governments in the war on terrorism, we cannot condone some of the actions these friends are taking in the name of fighting terrorism.

Russia has been a key member of the anti-terrorist coalition since September 11. It has played a crucial role in our success in Afghanistan. I applaud and support this U.S.-Russian cooperation. But what is happening in Chechnya cannot be justified by the war on terrorism. Russian forces in Chechnya have acted illegally and with unspeakable brutality against the civilian population there. There continue to be credible reports of summary execution, mass detention, rape, torture, forced disappearance, arbitrary arrest and looting. The Russian government has so far refused to investigate such reports.

The Russian government believes it is fighting terrorism in Chechnya. In fact, it frequently compares the U.S. war on terrorism to its own efforts in Chechnya. But the world community must remind Russia's leaders that even in a war on terrorism, ends do not necessarily justify any means. A war against terrorism does not permit abuses against civilians. We must remind Russia that the war against terrorism is a struggle for freedom and democracy. Free and democratic nations do not round up boys and beat them so badly that they have to be carried home when the are finally released. They do not torture and rape women. Today as I read the reports of intensified human rights violations on a massive scale in Chechnya, as well as of Russia's refusal to investigate such reports and hold responsible individuals accountable, I have to question Russia's commitment to democratic norms and to internationally recognized human rights standards.

We have a moral duty not only to speak out against Russian atrocities in Chechnya, but also to ensure that we aren't unintentionally allowing them to continue. We must ensure that no security forces that are the recipients of U.S. assistance or participants in joint operations with the U.S. are implicated in human rights abuses in Chechnya. This resolution urges the President to provide that assurance.

It saddens me to speak once again about a war that has now entered its third year. It is a war that has been conducted with such brutality that it has been hard at times to imagine the situation getting worse. Unfortunately, it has gotten worse. The Russian government apparently has intensified its campaign against civilians in the name of fighting terrorism. When I met recently with the Chechen Foreign Minister, he made it clear to me that he believes the post-September 11 period will be remembered as one of the most savage times in Chechen history.

The New York Times reported recently that, according to Chechen police officials, Russian troops are killing civilians in a campaign of executions and looting that takes place alongside military operations aimed at destroying rebel forces. According to the article, Russian units roll into a town during the day to scout neighborhoods for residents who appear to have money or property worth stealing. Then, at night, the soldiers return in their tanks and burst into houses, stealing goods and killing witnesses. In one of the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Russian Interior Ministry troops in killing civilians during such looting.

Human Rights Watch and Amnesty International have both documented accounts of terrible human rights violations in Chechnya. Our own State Department Country Reports on Human Rights Practices reports the execution of at least 60 civilians last February in the suburbs of Grozny. It reports torture by police officers using electric shocks. It reports the rape of Chechen women by Russian soldiers. These are reports from 2000. The new report for 2001 will be released soon, and, sadly, no one expects it to be better.

There have been credible reports of human rights violations on both sides of the conflict in Chechnya. I condemn human rights violations by all parties, as does the resolution we offer today. Chechen rebel fighters have increasingly targeted for murder Chechen civilians they believe are cooperating with the Russian government. Human Rights Watch World Report for 2002 reports that Chechen fighters murdered at least 18 leaders of district and town administrations and at least five religious leaders, as well as numerous Chechen police officers, teachers and low ranking officials. There are extremist groups in Chechnya—some with ties to Arab extremist groups and possibly to al-Qaeda. I condemn all acts of terrorism, but what is happening in Chechnya is a human tragedy, and nothing justifies the often brutal use of violence by Russian soldiers there.

Credible reports estimate that the war in Chechnya from 1994–1996 left over 80,000 civilians dead. The State Department cities evidence that the current war has resulted in the deaths of thousands of innocent civilians. There is credible evidence of the displacement of nearly 40 percent of the civilian population, or close to 400,000 people. According to the American Committee for Peace in Chechnya, a group committed to finding a political solution to this conflict, a significant portion of the male population between the ages of 16–55 is simply gone.

Doctors without Borders reports that the humanitarian situation for an estimated 180,000 refugees in camps in the neighboring Republic of Ingushetia is deteriorating. The majority of the refugees are living with families, but over 60,000 people remain in tents, empty schools, and factory buildings. Shelter and sanitation facilities are poor, worn out and far below acceptable standards. Sometimes one latrine serves 100 people or more. The government of Russia also refuses to register the refugees, arguing they are economic migrants. Since these refugees are being accorded no legitimate status, they are often unable to get the humanitarian assistance they need. The resolution we offer today urges the Russian government to secure the distribution of humanitarian assistance and to register refugees as required by both Russian and international law.

The government of Russia must work to find a political solution to end the war in Chechnya. In must put a stop to human rights violations by its soldiers, hold those who are responsible accountable for their actions and ensure that refugees get the assistance they need. I urge my colleagues to support this resolution.

Again, this resolution, which Senator BROWNBACK from Kansas and I submit, urges the Russian Government to seek to negotiate a settlement to the conflict there. This deals with the suffering of the people in Chechnya, and it calls on the Russian Government to end human rights violations by Russian soldiers there, to investigate and initiate prosecution against those who are accused, and to ensure that refugees receive the assistance they need.

The resolution also urges President Bush to promote peace negotiations between the parties, to obtain assurances from the Russian Government that no security forces that are recipients of United States assistance are implicated in human rights abuses, and to seek specific information on the status of investigations into reported abuses.

Senator BROWNBACK and I submit this resolution timed with a report that Human Rights Watch is releasing today, which deals with these abuses. The title of the report is "Swept Under: Torture, Forced Disappearances, and Extrajudicial Killings During Sweep Operations in Chechnya."

I recommend that my colleagues and their staffs look at this report, which is deeply troubling.

I ask unanimous consent that a piece in the New York Times, written by Patrick Tyler, on January 25, 2002, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Jan. 25, 2002]

POLICE IN CHECHNYA ACCUSE RUSSIA'S TROOPS OF MURDER

(By Patrick E. Tyler)

ROZNY, Russia, Jan. 22.—Nearly two years after major hostilities ended here in Chechnya, the devastated republic in the Caucasus, Russian troops are killing civilians in a campaign of executions and looting that takes place alongside military operations aimed at destroying rebel forces, according to Chechen police officials.

Chechen police authorities working under the republic's pro-Russian government said in interviews over the past week that Russian Interior Ministry units, known by their acronym, Obron, have been scouting neighborhoods during mine-sweeping operations for residents who appear to have money or property worth stealing.

At night, the soldiers return in armored personnel carriers, some with identifying markings, and burst into the houses, stealing household goods and killing witnesses. Chechen police investigators say.

In the central Leninsky district of Grozny, skeletal shards of buildings teeter above a landscape of debris that evokes scenes from European cities destroyed in World War II. The rubble now lies sealed under a winter blanket of snow as thousands of Chechen families eke out an isolated existence in bomb-damaged homes.

In Leninsky, the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Interior Ministry troops in killing civilians during looting. One of the most notorious of the units is known as Obron–22, the Chechens say.

But in each case, military and civilian prosecutors have refused to bring criminal cases, the police said. Instead, the prosecutors set aside files as inactive or return them with demands to provide the names of soldiers involved.

"These units burst into people's houses on the pretext of 'mopping up' operations and commit murders," said Alvi Magomed-Mirzoyev, a police lieutenant colonel who returned to Grozny from Moscow a year ago to lead a criminal investigation department in Leninsky.

In Moscow, the Interior Ministry, the Defense Ministry and prosecutors were asked to comment on these allegations, but declined.

Chechen police authorities are drawing up a republic-wide list of unsolved killings of civilians in which federal forces have been implicated by witnesses, but which prosecutors have refused to pursue. One senior member of the Chechen administration in Grozny, taking a significant risk, provided documents on 163 such cases compiled under the heading, "Some cases of detention by representatives of the federal forces of civilians who subsequently disappeared or were found dead."

"These are the conditions we are living under," he said he handed over the document and disappeared into a police headquarters building where Chechen recruits are certified and inducted into a new force.

A typical case in the file is that of Magomed H. Vakhidov, 57, once mayor of Urus-Martan, just south of Grozny. He fled Chechnya when the second war with Russia broke out in September 1999; a year later he sought and received an amnesty to return home.

But at 3 a.m. on July 20, 2001, a squad of Russia soldiers fired smoke grenades into his home and then burst in and arrested him, according to the documents. Russian military authorities denied taking him into custody. On July 31, his body was found in the gardens of a state farm, badly mutilated from torture, electric shock, knife wounds and burns from a blow torch.

Russian officials routinely attribute such killings to "rebels." But, as one Chechen police official noted, "the rebels do not travel in armored personnel carriers."

A number of unsolved cases relate to Chechen rebels who took advantage of amnesties issued by Moscow and by Russian military commanders.

In March 2000, after Russian forces had driven rebel forces from Grozny, Roman S. Bersanukayev, 19, turned himself in to the commander of Russia's 245th Rifle Regiment near Martan-Çhu, near Urus-Martan.

When his relatives asked the local office of the Federal Security Service about his status, they were given a document showing that no criminal proceedings would be lodged against him. They also received an amnesty certificate signed by the Russian military commandant for the district, Y.A. Naumov. But Mr. Bersanukayev then disappeared from federal custody and is feared dead.

"I am an officer and I took an oath to Russia to uphold the law," said Colonel Magomed-Mirzoyev, the policeman, "but I am sick and tired of being afraid and I hate the lawlessness that is going on here, and I want to do everything I can to bring it to an end."

On a visit to Paris this month, President Vladimir V. Putin asserted that Russian troops committing acts of violence against Chechen civilians were being held accountable and that judicial and law enforcement organs were functioning normally. "About 20 servicemen have already been brought to justice," he said.

By lending strong support to President Bush's war against terrorism, Mr. Putin has successfully blunted Western criticism of Russian conduct in Chechnya. Several governments have suggested that Russia had more justification for its actions than had been acknowledged.

But the situation on the ground has continued to fester.

Chechnya's top prosecutor, Vsevolod Chernov, said this week that 212 criminal cases based on reports of missing people had been opened in the last year. "In some cases, the disappearance of people can be connected to special operations conducted by federal units," he said, but "sufficient legally substantiated evidence" was necessary to bring the cases to court.

Local police officials tell a different story. They say criminal cases sent to Mr. Chernov are technically open but are frozen by the inability of criminal investigators to interview Russian soldiers who may be witnesses or suspects involved in crimes against civilians.

The police investigators say that they have tried to gain access to Russian military units, but that they are afraid to approach Russian military prosecutors, who must approve any contact with federal soldiers.

The military prosecutors are housed at Russia's main military base, at Khankala, on the southeast edge of Grozny. The base is known to Chechens as a place where detainees are taken and sometimes never return.

"If the shelling of a civilian neighborhood involved federal servicemen, I wouldn't be able to send my investigator because he might not come back," Colonel Magomed-Mirzoyev said.

Earlier this month, a senior official of the new Chechen administration, Ruslan Yunusov, deputy minister of the Chechen Emergencies Ministry and a veteran of the Soviet military campaign in Afghanistan, was shot dead by federal troops in front of the Russian military police headquarters here when he tried to arrest Russian soldiers in an armored personnel carrier. The soldiers were suspected of wounding one of Mr. Yunusov's officers on Dec. 29.

Several high-profile cases against federal troops have been brought to court in the past year, like the murder trial of Col. Yuri Budanov, accused of the rape and murder of an 18-year-old Chechen woman in March 2000. The trial began nearly a year ago and has suffered numerous delays over demands for psychiatric evaluations by military officials to determine whether Colonel Budanov was temporarily insane when he strangled the woman in a fit of rage over the deaths of his comrades at the hands of rebels.

Chechen officials also point out that there appear to be no active investigations of reports of civilian massacres during the intense Russian military campaign that was begun in Chechnya by Mr. Putin after he became prime minister in 1999. That campaign followed incursions by armed men—Russia called them Islamic extremists—and terrorist attacks that left more than 300 dead in Moscow and other Russian cities.

A martial-style curfew is enforced so strictly here that ambulance service is halted at night, when lethal mayhem takes over. Russian forces hide in their fortified checkpoints as rebels creep into the city to shoot at them or to lay mines to blow up military convoys the next day.

In addition to reported abuses by Interior Ministry forces, regular Russian Army troops continue to inflict punitive raids on Chechen towns and villages, as they did earlier this month in Tsotsin-Yurt, just southeast of Grozny, after two suspected rebels fleeing federal forces took refuge in a house there on Dec. 30. The rebels were killed, and a large column of Russian armored forces surrounded the town.

Town residents said that over the next several days, soldiers seized young and middle-aged men from their homes and looted a number of houses, all in violation of military pledges made last year calling for Chechen authorities to be present to observe such "mopping up" operations.

Seven civilians died during the initial gun battle, town officials said, two of them after they were used as human shields by soldiers attacking the house where the suspected rebels holed up.

One of the men used as a shield was Idris Zakiyev, a 42-year-old tractor driver with four daughters. The other was Musa Ismailov, 43, an elder of the mosque who performed a traditional dance at Chechen funerals; he had five children.

"They were shot at short distance and their bodies showed signs of mutilation," said Ilyas Zakiyev, a brother of Idris.

Even now, weeks later, Russian units have blocked all roads into Tsotsin-Yurt and more than 15,000 residents are being held virtually as prisoners, forced to pay a bribe—amounting to a day's wages in many cases—to enter or leave. Entering Tsotsin-Yurt on Monday, this reporter saw Russian soldiers collecting these tolls from Chechen drivers passing the checkpoints.

Turko Aliev, 51, the chairman of the town elders' council, was among the first to meet with the Russian commander who ordered the assault on the town. The commander threatened to open an artillery attack in 30 minutes unless the elders sent the mayor out to meet him and to identify the seven corpses laid out before Russian news reporters as "rebels."

"I told him that was impossible because the mayor was in Grozny, but he replied, 'You now have 28 minutes,'" said Ilyas Zakiyev, who accompanied the elders.

At that moment, Mr. Aliev stepped forward as chairman of the council and identified the bodies of Idris Zakiyev and Mr. Ismailov, the mosque elder.

The town officials were allowed to take the two bodies away in a car, which Mr. Aliev said he drove through a gantlet of checkpoints where one Russian soldier stopped him and threatened to kill him.

"Where can we complain?" asked Mr. Aliev, as he stood in a makeshift morgue at the town mosque to make the final grim accounting from the raid on the village: three bundles of tattered clothing that belonged to unidentified men blown up in a field on the edge of town.

Mr. WELLSTONE. Madam President, I will read 2 paragraphs:

> In Leninsky, the largest of Grozny's four districts, Chechen investigators have documented 17 cases in the last 12 months implicating Interior Ministry troops in killing civilians during looting. One of the most notorious of the units is known as Obron-22, the Chechens say.
>
> In the central Leninsky district of Grozny, skeletal shards of buildings teeter above the landscape of debris that evokes scenes from European cities destroyed in World War II. The rubble now lies sealed under a winter blanket of snow as thousands of Chechen families eke out an isolated existence in bomb-damaged homes.'

Let me summarize. The conclusions are as follows: It is the sense of the Senate that the war on terrorism does not excuse and is ultimately undermined by abuses by Russian security forces against civilians in Chechnya. It also is the sense of the Senate that Russia and Chechen leadership should seek a negotiated settlement. It is the sense of the Senate that Russian President Putin should: 1, end human rights violations, investigate them, and prosecute them; 2, provide secure access to international monitors and humanitarian organizations; and 3, ensure the registration of refugees and not force them to return against their will.

Finally, the sense of the Senate says President Bush should: 1, ensure no United States assistance goes to Russian units implicated in these abuses; 2, seek specific information on the status of investigations, or lack of investigations, of the human rights abuses; 3, promote peace negotiations; and 4, reexamine the status of Chechen refugees in regard to possible resettlement in the United States.

The reason we introduce this resolution today is, again, this very powerful report that came out by Human Rights Watch. I want the Russian Government to know, and I want the people in Chechnya and in Russia to know, that here on the floor of the Senate we are paying attention to what is happening.

I will send this resolution to the desk, and we will take steps to pass it, and I think there is strong support for this resolution in the Foreign Relations Committee. Most important is the message. The message is that we want to see an end to the terrorism, to the murder of innocent civilians. But, quite frankly, much of what the Russian Government is trying to excuse—all in the name of a war against terrorism—is, unfortunately, rape, torture, and murder of innocent people. That is not acceptable. That needs to be settled before the Senate and we need to pass this resolution.

SENATE CONCURRENT RESOLUTION 99—EXPRESSING THE SENSE OF THE CONGRESS THAT A COMMEMORATIVE STAMP SHOULD BE ISSUED HONORING FELIX OCTAVIUS CARR DARLEY

Mr. BIDEN (for himself and Mr. CARPER) submitted the following concurrent resolution; which was referred to the Committee on Governmental Affairs:

S. CON. RES. 99

Whereas Felix Octavius Carr Darley, a prolific 19th century illustrator and designer, was born on June 22, 1821, in Philadelphia, Pennsylvania, and completed most of his major works while living in Claymont, Delaware, before he died on March 27, 1888;

Whereas Darley was the illustrator for Washington Irving's "The Legend of Sleepy Hollow", "Rip Van Winkle", "Tales of a Traveler", and the five-volume "Life of George Washington";

Whereas Darley created the sketches for Henry Wadsworth Longfellow's "Evangeline", and was the illustrator for the American publications of Charles Dickens, including "A Tale of Two Cities";

Whereas Darley designed and executed the two woodcut illustrations for the first printing of Edgar Allen Poe's "The Gold-Bug" in the Philadelphia Dollar Newspaper;

Whereas Darley provided illustrations for the first known publication of Clement Moore's "A Visit from St. Nicholas", the edition featuring the first change of the last line from "happy Christmas to all" to "merry Christmas to all";

Whereas, in 1875, Darley engaged in preparing 500 drawings to illustrate a book entitled "History of the United States", by B. J. Lossing;

Whereas Darley illustrated more than 500 designs for James Fenimore Cooper's works, including a project involving designs for 64 steel engravings and 120 wood engravings, leading to the publication of "The Cooper Vignettes" which showcased the artist's works;

Whereas Darley provided the line drawings for Nathaniel Hawthorne's "The Scarlet Letter";

Whereas Darley was elected a member of the Academy of Design in 1852;

Whereas Darley was a member of the Artist's Fund Society and was one of the early members of the American Society of Painters in Watercolors;

Whereas Darley was inducted into the Society of Illustrators Hall of Fame in 2001; and

Whereas, for his accomplishments, Darley is credited by many scholars with helping to create the pioneer image of American History: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that—

(1) a commemorative stamp should be issued honoring Felix Octavius Carr Darley; and

(2) the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that such a stamp be issued.

Mr. BIDEN. Madam President, I am pleased to submit today a resolution calling on the Citizens' Stamp Advisory Committee to recommend a commemorative stamp honoring the 19th century illustrator, Felix Octavius Carr Darley. My distinguished colleague from the other body, Congressman MICHAEL CASTLE, has already introduced an identical resolution in the House of Representatives.

Felix Darley was the consummate American artist. He was born in Philadelphia, PA in 1821, but spent much of his later years in Delaware, where he died in 1888. In fact, for the last 29 years of Darling's life he lived in my hometown of Claymont, DE, where he produced many of his most famous and renowned drawings. As a Delawarean, and a resident of Claymont, Felix Darley has special significance for me. But he also has a special significance for the entire Nation.

Mr. Darley has been described as "one of the most famous illustrators of his time" and "the first major American illustrator." His works have even been said to have forged our very national identity. Felix Darley was the illustrator of books produced by the legendary writers of his time, including such masterful storytellers and poets as Charles Dickens, Henry Wadsworth Longfellow, Edgar Allan Poe, Washington Irving, Nathaniel Hawthorne, and James Fenimore Cooper. Moreover, he is credited with helping to capture the image of the American frontier, which has become such an integral image of our collective imagination and consciousness. As a testament to his greatness, he was inducted into the Society of Illustrators Hall of Fame last year.

Through his works, Felix Darley commemorated and captured our history and the creative achievements of some of our greatest writers. It is time we commemorate his life and his works for posterity by honoring him with a memorial postage stamp. I urge all of my colleagues to join me in sponsoring this resolution which calls on the Citizens' Stamp Advisory Committee to recommend such a stamp. It is a small, but needed step to recognize an American artist who gave us so much.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2943. Mr. LEVIN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2944. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2946. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, supra; which was ordered to lie on the table.

SA 2947. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2948. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2949. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2950. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2951. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2952. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2953. Mr. REID (for himself, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2955. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2956. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2957. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2958. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2959. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2960. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2961. Mr. SPECTER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2962. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2963. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2943. Mr. LEVIN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

On page 14, between lines 2 and 3, insert the following:

Notwithstanding the preceding provisions of this subsection, a State that had a State law in effect before the date of enactment of this Act that provides for a provisional balloting process shall be deemed to meet the requirements of this subsection as long as such State law is in effect so long as such process includes the following components:

(1) Verification of the registration, identity, and residence of the individual seeking to cast a provisional ballot.

(2) An affidavit executed by the individual seeking to cast a provisional ballot in the precinct asserting that he or she is a registered voter of the jurisdiction and eligible to vote in the election.

(3) Procedures by which the ballot that is tabulated on election day may be retrievable after the election should there be an issue over the individual's eligibility to have voted in the election.

SA 2944. Mr. ROCKEFELLER submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

On page 68, between lines 2 and 3, insert the following:

SEC. ____. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; ADMINISTRATION OF OVERSEAS VOTING BY A SINGLE STATE OFFICE.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279).

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) ADMINISTRATION OF OVERSEAS VOTING BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278), is amended—

(1) by inserting "(a) IN GENERAL.—" before "Each State"; and

(2) by adding at the end the following new subsection:

"(b) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—

"(1) IN GENERAL.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.

"(2) USE OF OFFICE TO ACCEPT AND PROCESS MATERIALS.—The State office designated under paragraph (1) shall be responsible for carrying out the State's duties under this Act that relate to the distribution of information and ballots (but not for carrying out any duties relating to the receipt or counting of ballots), including accepting valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of including the duties relating to the receipt and counting of ballots described in section 102(b) of such Act (as added by subsection (b)) in the duties of the State office designated under paragraph (1) of such section (as so added).

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ____. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1) is amended by adding at the end the following new subsection:

"(c) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.".

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ____. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 402, is amended by adding at the end the following new subsection:

"(d) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.".

SEC. ____. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ____. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SA 2945. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, between lines 16 and 17, insert the following:

Subtitle B—Election Administration Advisory Board

SEC. 311. ESTABLISHMENT OF THE ELECTION ADMINISTRATION ADVISORY BOARD.

There is established the Election Administration Advisory Board (in this title referred to as the "Board").

SEC. 312. MEMBERSHIP OF THE BOARD.

(a) NUMBER AND APPOINTMENT.—The Board shall be composed of 24 members appointed by the Election Administration Commission established under section 201 (in this title referred to as the "Commission") as follows:

(1) 12 members appointed by the chairperson of the Commission.

(2) 12 members appointed by the vice chairperson of the Commission.

(b) QUALIFICATIONS.—

(1) IN GENERAL.—Members appointed under subsection (a) shall have experience administering State and local elections.

(2) PROHIBITION.—A member of the Board appointed under paragraph (1) may not be a candidate (as defined in section 301 of the

Federal Election Campaign Act of 1971 (2 U.S.C. 431)), or hold a Federal office (as defined in such section) while serving as a member of the Board.

(3) FEDERAL OFFICERS AND EMPLOYEES.—No member of the Board may be an officer or employee of the Federal Government.

(c) DATE OF APPOINTMENT.—The appointments of the members of the Board under subsection (a) shall be made not later than 90 days after the date on which all the members of the Commission have been appointed under section 202.

(d) PERIOD OF APPOINTMENT; VACANCIES.—

(1) PERIOD OF APPOINTMENT.—Members shall be appointed for a period of 2 years, except that of the members first appointed, 6 members appointed by the chairperson of the Commission shall be appointed for a term of 3 years and 6 members appointed by the vice chairperson of the Commission shall be appointed for a term of 3 years.

(2) VACANCIES.—

(A) IN GENERAL.—A vacancy on the Board shall not affect its powers, but shall be filled in the manner in which the original appointment was made. The appointment made to fill the vacancy shall be subject to any conditions that applied with respect to the original appointment.

(B) FILLING UNEXPIRED TERM.—An individual chosen to fill a vacancy on the Board occurring prior to the expiration of the term for which the individual's predecessor was appointed shall be appointed for the unexpired term of the member replaced.

(3) EXPIRATION OF TERMS.—A member of the Board may serve on the Board after the expiration of the member's term until the successor of such member has taken office as a member of the Board.

(e) CHAIRPERSON; VICE CHAIRPERSON.—

(1) IN GENERAL.—The Board shall elect a chairperson and vice chairperson from among its members to serve a term of 1 year.

(2) POLITICAL AFFILIATION.—The chairperson and vice chairperson may not be affiliated with the same political party.

SEC. 313. DUTY OF THE BOARD.

It shall be the duty of the Board to advise the Commission on the following matters:

(1) The revision and adoption of general policies and procedures under subparagraph (A) and clauses (ii) and (iii) of subparagraph (B) of section 305(b)(2).

(2) The revision of voting system standards under section 101(c)(2).

(3) Upon the request of the Commission, other matters relating to the administration of elections.

SEC. 314. MEETINGS OF THE BOARD.

(a) IN GENERAL.—The Board shall meet at the call of the chairperson.

(b) ANNUAL MEETING REQUIRED.—The Board shall meet not less often than annually.

(c) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold its first meeting.

(d) QUORUM.—A majority of the members of the Board shall constitute a quorum.

SEC. 315. VOTING.

Each action of the Board shall be approved by a majority vote of the members of the Board. Each member of the Board shall have 1 vote.

SEC. 316. BOARD PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Board shall serve without compensation, notwithstanding section 1342 of title 31, United States Code.

(b) TRAVEL EXPENSES.—Each member of the Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.

SEC. 317. TERMINATION OF THE BOARD.

Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

SEC. 318. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Board such sums as may be necessary to carry out this title.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this section shall remain available, without fiscal year limitation, until expended.

SA 2946. Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . RETROACTIVE PAYMENTS FOR CERTAIN DRE VOTING SYSTEMS.

In addition to any other payment made under section 206 or 215, the Attorney General may make retroactive payments under such section (as appropriate) to any State or locality having an application approved under section 203 or 213 (as appropriate) for any costs incurred by such State or locality for the purpose of acquiring a direct recording electronic voting system during calendar year 2000 if that State or locality is continuing to make payments for such system as of the date of enactment of this Act.

SA 2947. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, after line 19, add the following:

SEC. 403. SEVERABILITY OF PROVISIONS.

If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of this Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

SA 2948. Mr. THOMAS (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 5, strike line 22 and all that follows through line 13 on page 6, and insert the following:

(3) ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES.—

(A) IN GENERAL.—The voting system shall—

(i) be accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters;

(ii) except as provided in subparagraph (B), satisfy the requirement of clause (i) through the use of at least 1 direct recording electronic voting system or other voting system equipped for individuals with disabilities at each polling place; and

(iii) meet the voting system standards for disability access if purchased with funds made available under title II on or after January 1, 2007.

(B) ACCESS TO VOTING SYSTEMS IN RURAL AREAS.—The requirement of subparagraph (A)(ii) shall not apply to a city, town, or unincorporated area in a State if—

(i) pursuant to the most recent Decennial Census (including any supplemental surveys thereto), the city, town, or area is determined to have a population of less than 50,000 inhabitants (other than an urbanized area immediately adjacent to a city, town, or unincorporated area that has a populations in excess of 50,000 inhabitants); and

(ii) the State submits, as part of the State plan submitted under section 202, a plan demonstrating that individuals with disabilities in the city, town, or unincorporated areas involved will be permitted to vote through the use of—

(I) direct recording electronic voting systems or other voting systems equipped for individuals with disabilities that are located at the office of each county clerk within the areas involved, or the office of each chief election official with jurisdiction over the areas involved, and that are available to such individuals during the entire period in which absentee ballots for the election involved are permitted to be submitted, at least 30 days in advance of the election and up through the day of the election; or

(II) other voting systems determined to be appropriate to provide voting accessibility to individuals with disabilities.

SA 2949. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . NATIONAL DEMONSTRATION PROGRAM IN EXPERIENCE-BASED CIVIC EDUCATION.

(a) GENERAL AUTHORITY.—The Attorney General is authorized to award a grant or contract to The Citizenship Trust and its American Village for the operation of a national educational demonstration and resource program in experience-based civic education that works to promote citizenship and voter participation.

(b) EDUCATIONAL ACTIVITIES AND PROGRAM CONTENT.—The grant or contract awarded under subsection (a) shall include provisions to—

(1) support, enhance, and expand the 'Securing the Blessings of Liberty' experienced-based civic education program administered by The Citizenship Trust and its American Village national civic education center;

(2) foster increased student learning of challenging and critical content in civics, government, and American history through comprehensive programs, projects, and activities which directly involve students as active participants in simulations, reenactments of historical and contemporary civic events, dramatizations, debates, proceedings, and other programs which illustrate and model important responsibilities of citizens; and

(3) demonstrate ways in which comprehensive experienced-based civic education programs can be implemented by States, school districts, public and private schools, classrooms, and other non-profit entities by developing and making available programs, training, seminars, projects, materials, media, resources and other services.

The content focus of activities under paragraph (2) shall be on the basic principles of the Constitution, the Bill of Rights, key founding documents and events in the history of the United States, and the important role of individual citizens in the founding and sustaining of the American system of liberty and self-government.

(c) AVAILABILITY AND EMPHASIS.—The program and activities carried out under this section shall be available as a national demonstration and resource project to serve public and private elementary and secondary schools throughout the United States. The emphasis of such activities shall be on the experiential component of civic education through a cooperative effort with other civic education programs. Such activities shall model and demonstrate ways in which experience-based civic education can enhance student knowledge and skills in critical areas of civics and government.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $650,000 for fiscal year 2002, and such sums as may be necessary for each of the succeeding 6 fiscal years.

SA 2950. Mr. MCCONNEL submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON RECEIPT OF FUNDS.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title unless that State or locality elects to apply for a grant under title II and has received funding under that title for the purpose of meeting such requirement.

SA 2951. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 68, strike lines 19 and 20, and insert the following:

"(a) IN GENERAL.—Nothing in this Act may be construed to authorize".

SA 2952. Mr. DASCHLE (for himself and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

SA 2953. Mr. REID (for himself, Mr. SCHUMER, and Mr. WYDEN) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and

Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purpose; which was ordered to lie on the table; as follows:

Beginning on page 18, line 8, strike through page 19, line 24, and insert the following:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(1) IN GENERAL.—Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(c)) and subject to paragraphs (3) and (4), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if—

(A) the individual has registered to vote in a jurisdiction by mail; and

(B) the individual has not previously voted in an election for Federal office in that State.

(2) REQUIREMENTS.—

(A) IN GENERAL.—An individual meets the requirements of this paragraph if the individual—

(i) in the case of an individual who votes in person—

(I) presents to the appropriate State or local election official a current and valid photo identification;

(II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter;

(III) provides written affirmation on a form provided by the appropriate State or local election official of the individual's identity; or

(IV) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official; or

(ii) in the case of an individual who votes by mail, submits with the ballot—

(I) a copy of a current and valid photo identification;

(II) a copy of a current utility bill, bank statement, Government check, paycheck, or other Government document that shows the name and address of the voter; or

(III) provides a signature or personal mark for matching with the signature or personal mark of the individual on record with a State or local election official.

(B) PROVISIONAL VOTING.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(3) IDENTITY VERIFICATION BY SIGNATURE OR PERSONAL MARK.—In lieu of the requirements of paragraph (1), a State may require each individual described in such paragraph to provide a signature or personal mark for the purpose of matching such signature or mark with the signature or personal mark of that individual on record with a State or local election official.

(4) RELATIONSHIP TO OTHER LAWS.—Notwithstanding section 402(a), nothing in this Act may be construed to authorize or require conduct prohibited under any of the laws described in such section, or supersede, restrict, or limit any of the laws described in such section.

SA 2954. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . PURGING OF VOTER REGISTRATION LISTS.

Not less than once every 2 years, each jurisdiction shall tally the number of registered voters in that jurisdiction and compare that number with the number of citizens of voting age in that jurisdiction, as determined by the U.S. Census Bureau. If the number of registered voters exceeds the number of citizens of voting age in that jurisdiction, the jurisdiction shall provide notice as described in section 8(d)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(d)(2)) to each citizen of voting age in that jurisdiction and shall remove the name of each citizen from the official list of eligible voters if that citizen does not return the card provided as part of such notice and has not voted in the election for Federal office immediately preceding, and the election for Federal office immediately following, the date on which such notice was provided.

SA 2955. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administrative requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, between lines 6 and 7, insert the following:

(6) FREE VOTER IDENTIFICATION CARDS.—A State or locality shall not meet the requirements of this subsection unless the State or locality issues, upon request, to any registered voter who lacks appropriate documentation a voter identification card that contains the name, address, and photo of the voter and that is valid only for purposes of the requirements of this subsection. A State or locality may not charge any fee for the issuance of the voter identification card.

SA 2956. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 15, between lines 2 and 3, insert the following:

(b) RECENTLY REGISTERED VOTERS.—Any individual who registers to vote in an election for Federal office on or after the date that is 21 days before the date of the election may only vote in that election by casting a provisional ballot under subsection (a).

(c) VOTERS WHO VOTE AFTER THE POLLS CLOSE.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

SA 2957. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . CLARIFICATION OF ABILITY OF ELECTION OFFICIALS TO REMOVE REGISTRANTS FROM OFFICIAL LIST OF VOTERS ON GROUNDS OF CHANGE OF RESIDENCE.

(a) IN GENERAL.—Section 8(b)(2) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–6(b)(2)) is amended by striking the period at the end and inserting the following: ", except that nothing in this paragraph may be construed to prohibit a State from using the procedures described in subsections (c) and (d) to remove an individual from the official list of eligible voters if the individual has not voted or appeared to vote in 2 or more consecutive general elections for Federal office and has not either notified the applicable registrar (in person or in writing) or responded to a notice sent by the applicable registrar during the period in which such elections are held that the individual intends to remain registered in the registrar's jurisdiction.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the day after the date of enactment of this Act.

SA 2958. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 18, strike lines 17 through 19, and insert the following:

(B) The individual has not previously voted in an election for Federal office in the State.

SA 2959. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 21, strike lines 19 through 23, and insert the following:

(2) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.—

(A) Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004; and

(B) The provisions of section (b) shall apply to any individual who registers to vote on or after the first day after the date on which voters must be registered under the law of that State in order to be eligible to vote in the election for Federal office to be held in 2002.

SA 2960. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 47, after line 19, insert the following:

Subtitle D—Federal Election Antifraud Pilot Program

SEC. 231. ESTABLISHMENT OF THE FEDERAL ELECTION ANTIFRAUD PILOT PROGRAM.

There is established a Federal Election Antifraud Pilot Program under which the Attorney General is authorized to make grants to States and localities to pay the costs of the activities described in section 234.

SEC. 232. APPLICATION.

(a) IN GENERAL.—Each State or locality that desires to receive a grant under this subtitle shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General shall require, consistent with the provisions of this section.

(b) CONTENTS.—Each application submitted under subsection (a) shall—

(1) describe the activities for which assistance under this section is sought; and

(2) provide such additional assurances as the Attorney General determines to be essential to ensure compliance with the requirements of this subtitle.

(c) RELATION TO FEDERAL ELECTION REFORM INCENTIVE GRANT PROGRAM.—A State or locality that desires to do so may submit an application under this section as part of any application submitted under section 212(a).

(d) SAFE HARBOR.—No action may be brought against a State or locality on the basis of any information contained in the application submitted under subsection (a).

SEC. 233. APPROVAL OF APPLICATIONS.

The Attorney General shall establish general policies and criteria for the approval of applications submitted under section 232(a).

SEC. 234. AUTHORIZED ACTIVITIES.

A State or locality may use grant payments received under this subtitle—

(1) for the purchase, lease, installation, use, and operation of video cameras or other surveillance equipment at registration and polling sites in order to monitor compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973a et seq.) and other Federal and State voting rights laws;

(2) for the costs of employing law enforcement officers at registration and polling sites in order to monitor compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973a et seq.) and other Federal and State voting rights laws. Such law enforcement officers working at registration and polling sites shall be readily identifiable to the public so that the law enforcement officer can be easily recognized and located in the event that a voter desires to complain that their voting rights have been or are being violated; and

(3) for the costs of implementing a photographic or biometric identification program for all registered voters in the State.

SEC. 235. PAYMENTS.

The Attorney General shall pay to each State or locality having an application approved under section 233 the costs of the activities described in that application.

SEC. 236. AUDITS AND EXAMINATIONS OF STATES AND LOCALITIES.

(a) RECORDKEEPING REQUIREMENT.—Each recipient of a grant under this subtitle shall keep such records as the Attorney General shall prescribe.

(b) AUDITS AND EXAMINATIONS.—The Attorney General and the Comptroller General, or any authorized representative of the Attorney General or the Comptroller General, may audit or examine any recipient of a grant under this subtitle and shall, for the purpose of conducting an audit or examination, have access to any record of a recipient of a grant under this subtitle that the Attorney General or the Comptroller General determines may be related to the grant.

SEC. 237. REPORTS TO CONGRESS AND THE ATTORNEY GENERAL.

(a) REPORTS TO CONGRESS.—

(1) IN GENERAL.—Not later than January 31, 2003, and each year thereafter, the Attorney General shall submit to the President and Congress a report on the grant program established under this subtitle for the preceding year.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain the following:

(A) A description and analysis of any activities funded by a grant awarded under this subtitle.

(B) Any recommendation for legislative or administrative action that the Attorney General considers appropriate.

(b) REPORTS TO THE ATTORNEY GENERAL.—The Attorney General shall require each recipient of a grant under this subtitle to submit reports to the Attorney General at such time, in such manner, and containing such information as the Attorney General considers appropriate.

SEC. 238. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary for fiscal year 2003 to carry out the provisions of this subtitle.

SEC. 239. EFFECTIVE DATE.

The Access Board shall establish the general policies and criteria for the approval of applications under section 233 in a manner that ensures that the Attorney General is able to approve applications not later than October 1, 2002.

SA 2961. Mr. SPECTER (for himself and Mr. REID) submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . STUDY AND REPORT ON SECURING THE VOTING RIGHTS OF INDIVIDUALS WHO HAVE SERVED THEIR SENTENCES.

(a) STUDY.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission") shall conduct a study on the feasibility and advisability of prohibiting States from restricting the right of an individual who is a citizen of the United States to vote in any election for Federal office because that individual has been convicted of a criminal offense unless, at the time of the election, such individual—

(A) is serving a felony sentence in a correctional institution or facility; or

(B) is on parole or probation for a felony offense.

(2) ISSUES STUDIED.—In conducting the study under paragraph (1) the Commission shall determine—

(A) whether the application of State laws that determine the qualifications for voting in Federal elections result in unfair discrepancies regarding which citizens may vote in Federal elections;

(B) the number of individuals in the United States that cannot vote in elections for Federal office as a result of a felony conviction;

(C) whether State disenfranchisement laws disproportionately impact ethnic minorities;

(D) the number of States that disenfranchise ex-offenders who have fully served their sentences, regardless of the nature or seriousness of the offense;

(E) whether the nature and seriousness of the offense should be considered in determining whether voting rights may be restored to an ex-offender; and

(F) the number of individuals who have regained the right to vote after losing that right as the result of a felony conviction and the feasibility and costs of regaining the right to vote through a pardon process on the State or Federal level.

(b) REPORT.—Not later than the date that is 1 year after the date of enactment of this Act, the Commission shall submit to Congress a report on the study conducted under subsection (a)(1) together with recommendations for such legislative and administrative action as the Commission determines appropriate.

SA 2962. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . CONSTRUCTION REGARDING STATE REQUIREMENT OF PROOF OF CITIZENSHIP FOR VOTER REGISTRATION.

Notwithstanding any other provision of law, nothing in this Act shall be construed to prohibit a State from requiring an individual to provide proof of the citizenship of that individual before permitting that individual to register to vote in an election for Federal office.

SA 2963. Mr. BURNS submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, after line 25, insert the following:

SEC. 105. COMPLIANCE WITH ELECTION TECHNOLOGY AND ADMINISTRATION REQUIREMENTS CONDITIONED ON FUNDING.

Notwithstanding any other provision of this title, no State or locality shall be required to meet a requirement of this title prior to the date on which funds are appropriated pursuant to the authorization contained in section 209.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Dr. DORGAN. Mr. President; I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 9:30 a.m., in open session to receive testimony on the future of the North Atlantic Treaty Organization (NATO).

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 10 a.m. to conduct an oversight hearing on "Issues Regarding the Sending of Remittances."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, February 28, 2002, at 9:30 a.m. on protecting content in a digital age-promoting broadband and the digital television transition, in room SR–253.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Fisheries, Wildlife and Water be authorized to meet on Thursday, February 28, 2002, at 2:30 p.m. to conduct a hearing that will focus on S. 1961, the Water Investment Act, a bill to improve the financial and environmental sustainability of the water programs of the United States.

The committee will also receive testimony on the following legislation:

S. 252: A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes.

S. 285: A bill to amend the Federal Water Pollution Control Act to authorize the use of State revolving loan funds for construction of water conservation and quality improvements.

S 503: A bill to amend the Safe Water Act to provide grants to small public drinking water system.

S. 1044: A bill to amend the Federal Water Pollution Control Act to provide assistance for nutrient removal technologies to States in the Chesapeake Bay watershed.

The hearing will be held in room SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:45 p.m. to hold a nomination hearing.

Agenda

Nominees: Mrs. Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator (Economic Growth, Agriculture, and Trade) of the United States Agency for International Development (New Position); and Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of two years.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Government Affairs be authorized to meet on Thursday, February 28, 2002, at 2:30 p.m. to consider the nomination of Louis Kincannon to be Director of the Census.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "Making Sense of the Mammography Controversy: What Women Need to Know" during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DORGAN. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration be authorized to meet to conduct a hearing on "The Unaccompanied Alien Child Protection Act" on Thursday, February 28, 2002, at 2:30 p.m. in Dirksen Room 226.

Witness List

Panel I: Michael Creppy, Chief Immigration Judge, Executive Office of Immigration Review, Falls Church, VA; and Stuart Anderson, Executive Associate Commissioner, U.S. Immigration and Naturalization Service, Washington, DC.

Panel II: Edwin Munoz, Grand Rapids, MI; Wendy Young, Director of Government Relations and U.S. Programs, Women's Commission on Refugee Women & Children, Falls Church, VA; Andrew Morton, Attorney, Latham & Watkins, Washington, DC; and Julianne Duncan, Director of Children's Services, United States Conference on Catholic Bishops, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE AND FINANCE

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on International Trade and Finance of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m. to conduct an oversight hearing on "Argentina's Economic Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. DORGAN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Armed Services Committee be authorized to meet during the session of the Senate on Thursday, February 28, 2002, at 2:30 p.m., in open session to receive testimony on Department of Defense installation and environmental programs, in review of the defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Michael Misterek, an intern in our office, be allowed to be on the floor during deliberations today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I ask unanimous consent that Gabriel Adler be granted the privilege of the floor for the duration of my remarks on trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the President of the Senate, pursuant to Public Law 85–874, as amended, appoints the Senator from Nevada, Mr. REID, to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Mississippi, Mr. LOTT.

SENATE YOUTH PROGRAM

Mr. REID. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 208, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 208) commending students who participated in the United States Senate Youth Program between 1962 and 2002.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements regarding thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 208) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 208

Whereas the students who have participated in the United States Senate Youth Program (referred to in this resolution as the "Senate Youth Program") over the past 40 years were chosen for their exceptional merit and interest in the political process;

Whereas the students demonstrated outstanding leadership abilities and a strong commitment to community service and have ranked academically in the top 1 percent of their States;

Whereas the Senate Youth Program alumni have continued to achieve unparalleled success in their education and careers and have demonstrated a strong commitment to public service on the local, State, national, and global levels;

Whereas the Senate Youth Program alumni have reflected excellent qualities of citizenship and have contributed to the Nation's constitutional democracy, be it in either professional or volunteer capacities, and have made an indelible impression on their communities;

Whereas the chief State school officers, on behalf of the State Departments of Education, have selected outstanding participants for the Senate Youth Program;

Whereas the Department of Defense, Department of State, and other Federal Departments, as well as Congress, have offered support and provided top level speakers who have inspired and educated the students of the Senate Youth Program; and

Whereas the directors of the William Randolph Hearst Foundation have continually made the Senate Youth Program available for outstanding young students and exposed them to the varied aspects of public service: Now, therefore, be it

Resolved, That the Senate congratulates, honors, and pays tribute to the more than 4,000 exemplary students who have been selected, on their merit, to participate in the United States Senate Youth Program between 1962 and 2002.

ORDERS FOR FRIDAY, MARCH 1, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. on Friday, March 1; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the election reform bill, with the time until 9:45 a.m. equally divided between Senators DODD and MCCONNELL or their designees; further, that the Senate vote on cloture at 9:45 a.m., and that Senators have until 9:30 a.m. tomorrow to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate—and I believe there is none—I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:10 p.m., adjourned until Friday, March 1, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate February 28, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WESLEY J. ASHABRANNER, 2044
STEPHEN L. CARPENTER, 0784
JIM C. CHOW, 5643
BRUCE R. GUERDAN, 5668

DAVID D. HAMLAR JR., 3899
JOHN K. HAYES JR., 8888
GEORGE IVANOVSKIS, 2570
KENNETH L. KAYLOR, 6819
DENNIS P. LAWLOR, 1201
JOSEPH K. MARTIN JR., 0432
WALLACE D. MAYS, 3095
VABIAN L. PADEN, 7068
MICHAEL R. SCHOENHALS, 9736
DAVID L. WALTON, 0718

NATIONAL LABOR RELATIONS BOARD

RENE ACOSTA, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 27, 2003, VICE WILLIAM B. COWEN, WHO WAS APPOINTED TO THIS POSITION DURING THE RECESS OF THE SENATE FROM DECEMBER 20, 2001, TO JANUARY 23, 2002.

THE JUDICIARY

CHRISTOPHER C. CONNER, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE SYLVIA H. RAMBO, RETIRED.

JOHN E. JONES III, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF PENNSYLVANIA, VICE JAMES F. MCCLURE, JR., RETIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

MICHAEL HAJATIAN JR., 8502

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

CATHERINE S. LUTZ, 1078

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

KAREN L. WOLF, 4098

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

ALBERT G. BALTZ, 1041
DONALD E. COOPER, 0436
DUANE KELLOGG JR., 9382

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

JAMES C. DEMERS, 0686
CLINTON C. HICKS, 9161
JAY R. HONE, 5855
MARY V. JOHNSON, 7826
CARLOS E. RODRIGUEZ, 1918

EXTENSIONS OF REMARKS

IN HONOR OF SARAH HUGHES—LADIES FIGURE SKATING OLYMPIC GOLD MEDALIST, 2002

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to honor and congratulate my constituent and America's newest sweetheart, Sarah Hughes, on her spectacular gold medal performance at the 2002 Winter Olympics.

On February 21, 2002, Sarah, a 16-year-old high school junior from Great Neck, New York, accomplished the unimaginable. After years of training and dedication, Sarah skated a flawless performance that included seven triple jumps with two triple-triple combinations. Sarah said that she wasn't skating for a gold medal that night, she just wanted to do her best. And that she did. While many discounted her chances, Sarah's long program left the world awestruck and moved her from fourth place to capture the gold medal ahead of the top skating competitors in the world.

It's not every day that Great Neck produces a gold medalist. Sarah is our hometown hero. Local supermarkets, stores, delis and police stations all proudly display signs of congratulations to Sarah. If you stop the people on the street, everyone has a smile and only praise to share about Sarah Hughes. In addition to being a gold medalist, Sarah is a top student at Great Neck North High School, who despite spending hours training to be an Olympic gold medalist, also attends a full schedule of class and maintains a straight-A average.

Last Thursday night, I had the pleasure to watch Sarah's performance on the big screen with her supporters at Great Neck House, the area's community center. The atmosphere was thick with excitement and the moment Sarah was awarded the gold was a moment I will never forget. To continue the celebration, on March 3rd at 11 a.m., Great Neck will welcome Sarah home with a parade through the center of town.

From her back, yard skating rink to the Olympic stadium, Sarah Hughes has captured the hearts of the American people. Mr. Speaker, it is with great pride that I rise today to honor Sarah for her magnificent performance at the 2002 Winter Olympics. I ask all my colleagues in the House of Representatives to please join me in congratulating Sarah as an Olympic gold medalist.

TRIBUTE TO DAN TANG

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor a constituent of mine, Mr. Dan Tang, who was recently featured in the Rocky Mountain News for his success as an entrepreneur in the restaurant business. Mr. Tang's story reminds us that perhaps no one enjoys the fruits of the opportunity that America has to offer as much as those who have never had the luxury of taking it for granted.

Over twenty years ago, having heard countless stories of how much our great country has to offer, Mr. Tang bravely escaped communist China with the hope of one day becoming an American citizen. He spent nearly a year in extremely harsh conditions at a refugee camp in Canton awaiting permission to come here. Thankfully, Mr. Tang had relatives in Los Angeles who were able to give him a floor to sleep on, and a roof over his head when he finally received permission to enter the United States.

As an immigrant who spoke no English, he had a life-sustaining dream to overcome the obstacles he faced and move to Colorado. In Colorado he was able to get a job as a dishwasher in an American-owned Chinese restaurant. He worked tirelessly, learned English, and moved up the ladder of the restaurant business, eventually becoming a chef. Recognizing Mr. Tang's talent, a Colorado restaurant owner took him under his wing and taught him the financial side of the business. This knowledge and experience enabled Mr. Tang to purchase his first restaurant, "Heaven Dragon." The restaurant is one of the most popular and successful restaurants in my district and has enabled Mr. Tang to buy a second restaurant nearby, "Pearl Wok". He is a leader in the Chinese-American community of Colorado, a successful businessman, a friend to the Governor of Colorado, and an example of how the so-called "American dream" is still a reality.

Mr. Speaker, at a time in our country's history when many are skeptical of the enormous contribution that immigrants and their families make in contributing to the success of America and strengthening our communities, I am encouraged by the example of Dan Tang.

Mr. Speaker, I commend Dan Tang's story to this House and to my colleagues for the inspiration it evokes, and for a reminder of what it is to be an American.

[From the Rocky Mountain News, Feb. 20, 2002]

FEEDING THE AMERICAN DREAM

(By Marty Meitus)

Fourteen people. One rusty old boat. A harrowing glide down the river to Macau, then a Portuguese colony more than 100 miles from the farm near Canton, with two toddlers to keep quiet.

If the boat went toward the shore, Dan Tang says, they would cover the children with a blanket to make it look as if they were transporting something. If the boat had sprung a leak and sunk, or if the children had cried out at the wrong moment, Tang and company would have risked prison and a steep fine.

"It was pretty scary," he says in his heavily accented English.

Tang, owner of the Heaven Dragon restaurant, a hidden treasure tucked away in a strip mall in Thornton, has been asked to tell the tale of his escape from communist China over and over since he arrived in this country 20 years ago. The affable 40-year-old is given to easy laughter, taking pleasure and pride in his pretty restaurant.

In honor of the Chinese, New Year, which began Feb. 12 and lasts 15 days, we talked to Tang about his journey toward the American dream.

Tang's father was a rice and yam farmer in Canton; his mother was a housewife. He and his five brothers slept in the same bed in their two-bedroom wood-and-dirt house. Needed in the fields, he attended school only to fifth grade. The family never rose above the poverty level, restricted by a government that confiscated most of their earnings and limited their activities.

In 1980, hearing that fortunes could be made here, Tang decided to leave China for the United States. "They (his parents) let me try it to escape to freedom," he says. "The government limited what you could do. You had to escape, because there were no travel visas; you had to get permission to go from city to city."

In Macau, he stayed in a refugee camp for 11 months, under rough conditions, while he waited for his visa to come through. His goal was to reach his aunt, his father's sister, who lived in Los Angeles.

Eventually, he was granted permission to leave. He lost sight of the other 13 people on the boat, although he knows that a couple of them immigrated to Canada. "We were lucky," he says. "I know people who tried to get out four or five times."

In Los Angeles, he slept in his aunt's dining room, hoping to break into the restaurant business, one of the few fields open to an immigrant who spoke no English. Struggling to survive, he finally moved to Colorado, where he had friends, and went to work for Americans who owned a Chinese restaurant in Aurora.

His experience with cooking was limited. "The first time I saw a grocery store in the U.S., I'm in paradise," he says.

He worked his way up from dishwasher to prep cook to deep-fry cook to chef, moving around the metro area to 10 restaurants in all. Then an American businessman took him under his wing and taught him the restaurant business, enabling Tang to buy Heaven Dragon in 1985.

Tang has brought all his family except two brothers to America, and they should be allowed to come in the next couple of years. The family includes his wife, Ying Li, the woman chosen to be his bride by his parents in an arranged marriage. When he brought her over as an adult for their wedding, he hadn't seen her since she was 9. "When she got off the plane," he says. "I didn't recognize her, except a little bit."

Choosing his own wife would have been out of the question. "We still have old culture, so I wouldn't even think of not doing it," he says. But all's well that ends well. He and Yung Li have been married for 11 years and have three children: Victor, 10, Tracey 8, and Audrey, 7.

Tang has been successful enough to open a second restaurant, the Pearl Wok, at West 120th Avenue and Sheridan Boulevard. Although he'd like to have more free time to devote to learning English and he regrets never being able to return to school, the restaurant life has been its own education. "If you work hard," he says, "you get rewarded."

CELEBRATING THE 70TH ANNIVERSARY OF THE WOODLAND CHRISTIAN CHURCH IN HOUSTON, TEXAS

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. GREEN of Texas. Mr. Speaker, I rise today to recognize and congratulate the Woodland Christian Church in Houston, Texas, which will celebrate its 70th Anniversary on March 2, 2002. Truly a milestone occasion, this celebration is a testament to the outstanding dedication and commitment of the entire church and community.

The Woodland Christian Church was organized on March 2, 1932 as Woodland Heights. It has been located on its present site in North side Houston for almost 45 years and has an active congregation of 125 people. Throughout its history, the church has provided a caring, loving environment and has faithfully ministered to the spiritual needs of its members. It has been a source of hope and comfort in times of distress, and its Christian ministry has been one of outreach to the homeless and day laborers.

The members of this church have operated a day care center and are active in a lunch program four days a week, providing sack lunches three days and a hot meal one day. Pastor Virzola Law, a new minister at Woodland Christian Church, has continued to give her endorsement and support to the ministry for the homeless.

Situated in a low-income neighborhood, the Woodland Christian Church has been very active in the community assisting single mothers, transients, and other people in need. It has also sponsored two homes for senior citizens and disabled people, Woodland Christian Towers and Pecan Grove Manor. By their actions, the congregation of the Woodland Christian Church and its pastor have proven their commitment and dedication for others. This is also the church in which my wife, Helen, and I were married in 1970.

Seventy years is a milestone, and that is why Mr. Speaker, I ask my colleagues in the House of Representatives to help me recognize this truly remarkable church. We congratulate you on your many good works, and we wish you seventy more years of dedicated service.

INTERNATIONAL MONETARY FUND

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce legislation to withdraw the United States from the Breton Woods Agreement and thus end taxpayer support for the International Monetary Fund (IMF). Rooted in a discredited economic philosophy and a complete disregard for fundamental constitutional principles, the IMF forces American taxpayers to subsidize large, multinational corporations and underwrite economic destruction around the globe. This is because the IMF often uses the $37 billion line of credit provided to it by the American taxpayers to bribe countries to follow destructive, statist policies.

For example, Mr. Speaker, the IMF played a major role in creating the Argentine economic crisis. Despite clear signs over the past several years that the Argentine economy was in serious trouble, the IMF continued pouring taxpayer-subsidized loans with an incredibly low interest rate of 2.6 percent into the country. In 2001, as Argentina's fiscal position steadily deteriorated, the IMF funneled over 8 billion dollars to the Argentine government.

According to Congressman JIM SAXTON, chairman of the Joint Economic Committee, this continued lending over many years sustained and subsidized a bankrupt Argentine economic policy, whose collapse is now all the more serious. The IMF's generous subsidized bailouts lead to moral hazard problems; and enable shaky governments to pressure the IMF for even more funding or risk disaster.

Argentina is just the latest example of the folly of IMF policies. Only 4 years ago the world economy was rocked by an IMF-created disaster in Asia. The IMF regularly puts the taxpayer on the hook for the mistakes of the big banks. Often times, Mr. Speaker, IMF funds end up in the hands of corrupt dictators who use our taxpayer-provided largesse to prop up their regimes by rewarding their supporters and depriving their opponents of access to capital.

If not corrupt, most IMF borrowers are governments of countries with little economic productivity. Either way, most recipient nations end up with huge debts that they cannot service, which only adds to their poverty and instability. IMF money ultimately corrupts those countries it purports to help, by keeping afloat reckless political institutions that destroy their own economies.

IMF policies ultimately are based on a flawed philosophy that says the best means of creating economic prosperity is through government-to-government transfers. Such programs cannot produce growth, because they take capital out of private hands, where it can be allocated to its most productive use as determined by the choices of consumers in the market, and place it in the hands of politicians. Placing economic resources in the hands of politicians and bureaucrats inevitably results in inefficiencies, shortages, and economic crises, as even the best intentioned politicians cannot know the most efficient use of resources.

In addition, the IMF violates basic constitutional and moral principles. The federal government has no constitutional authority to fund international institutions such as the IMF. Furthermore, Mr. Speaker, it is simply immoral to take money from hard-working Americans to support the economic schemes of politically-powerful special interests and third-world dictators.

In all my years in Congress, I have never been approached by a taxpayer asking that he or she be forced to provide more subsidies to Wall Street executives and foreign dictators. The only constituency for the IMF are the huge multinational banks and corporations. Big banks used IMF funds—taxpayer funds—to bail themselves out from billions in losses after the Asian financial crisis. Big corporations obtain lucrative contracts for a wide variety of construction projects funded with IMF loans. It's a familiar game in Washington, with corporate welfare disguised as compassion for the poor.

The Argentine debacle is yet further proof that the IMF was a bad idea from the very beginning—economically, constitutionally, and morally. The IMF is a relic of an era when power-hungry bureaucrats and deluded economists believed they could micro-manage the world's economy. Withdrawal from the IMF would benefit American taxpayers, as well as workers and consumers around the globe. I hope my colleagues will join me in working to protect the American taxpayer from underwriting the destruction of countries like Argentina, by cosponsoring my legislation to end America's support for the IMF.

STATEMENT REGARDING THE PRESIDENT'S BUDGET

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with my colleagues in expressing my concern about the economic effects of the recently enacted tax cuts and how these tax cuts have affected our country's once sound economy.

I begin, Mr. Speaker, by asking my friends on the other side of the aisle, where has the surplus, the very same surplus that was the largest in the history of this great nation just 1 year ago, gone? Well, I will tell you where the surplus has gone. On June 7, 2001, Congress rammed through the so-called "Economic Growth and Tax Relief Reconciliation Act" that had an effect opposite of its specified purpose. For those whose memories escape them, the Administration ensured the tax cut program would be a powerful economic stimulant to a slowing economy, while leaving the Social Security trust fund and Medicare surplus in tact. Yet, according to CBO's most recent projections, within the last year the overall cumulative surplus has been reduced by $4 trillion and now hovers at just $1.6 trillion. According to the CBO, about 60 percent of that decline is due to the tax cuts.

Mr. Speaker, the facts are indisputable. However, some insist the down shift in the economy and the projected surplus is largely due to the nation's response to September 11, while CBO states the terrorist attacks contributed to only a small fraction of the deficit. Yes, September 11 was a tragic and unexpected event but it is because of unexpected or unforeseeable events why we, as a Congress, cannot draft intractable initiatives.

It was not too long ago that I remember campaigning across South Florida and people were asking about issues such as Social Security, Medicare, and prescription drugs. Now, due to the Administration's faltering tax program, citizens are no longer assured that the nation will have adequate means to address its current needs and the long run costs of paying Social Security and Medicare benefits. Thus, the solvency of Social Security has been reduced by 10 years at the very least, and our ability to expand Medicare coverage has been paralyzed.

And what about priorities such as building new schools? What about fixing our roads? Or what about paying off the national debt? As I mentioned, at the beginning of the 107th Congress this body was faced with a list of priorities that the American people wanted to address: education, prescription drugs, Social Security, the environment, energy and Medicare. Now, due to our plummeting surplus, we do not have the money to begin talking about these problems, let alone solving them.

It is time to take action. It is time to be honest with the American people. It is time to discard ineffective policies that leave us with no hope of a balanced budget between now and 2011. It is time to stand behind initiatives that leave room for emergencies and "rainy days," initiatives that do not exclude the average working man and woman, and initiatives that benefit not just 10 percent of the population but the entire population. It is time to implement an effective and proven resolution to tax cuts, Medicare, Social Security, unemployment, the national debt, and every other American priority.

PAYING TRIBUTE TO OLIVE MORTON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Olive Morton and thank her for her extraordinary contributions to Routt County and Colorado Mountain College. Olive's life-long dedication to the pursuit of excellence as an educator and volunteer for community organizations is matched only by the level of integrity and honesty with which she has conducted herself each and every day. She will always be remembered at Colorado Mountain College as a person with the utmost dedication and talent, and will continue to be known as a leader in her community. After over thirty years of service, Olive is retiring from her position as Director of the Alpine Campus of the college. As she celebrates her retirement, I feel that it is only appropriate to recognize her achievements and dedication to education expressed throughout her career.

Olive has been a pioneering spirit all of her life. She began her career as one of the first employees at the Colorado Mountain College—Alpine Campus. Through her countless hours devoted to the college and its students, she has helped to bring Colorado Mountain College from its infancy to a well-respected and renowned institute today. Olive not only has shown the strength to be the foundation for the college but has also crafted the vision for its future. Known among her colleagues for her inspiration, her professionalism, fairness and her leadership, Olive will be deeply missed.

Olive has brought her strong work ethic and commitment to excellence to community activities for many years. This year Olive is continuing to serve as the Republican Chairperson for Routt County in Colorado, a position in which she has served for several terms. Her commitment as an educator and as a civil servant has led her to combine her two passions, and as a result she has faithfully represented the academic world and her political party.

Mr. Speaker, it is clear that Olive Morton is a woman of unparalleled dedication and commitment to both her professional and civic endeavors. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress, and this nation. Olive Morton is a remarkable woman, who has achieved extraordinary things in her career and in her community, and I would like to extend to her my congratulations on her retirement and wish her the best in her future endeavors.

HONORING MARCIA F. VOLPERT

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. BERMAN. Mr. Speaker, we rise today to honor our good friend Marcia F. Volpert who will be presented with an award for Exceptional Community Leadership at the Jewish Family Service of Los Angeles (JFSLA) annual award dinner on May 19, 2002. This prestigious award, known as the "Fammy" award is given to one exceptional person each year who has served both the JFSLA and the community at large.

We have known Marcia for many years and know firsthand of her dedication, commitment and numerous accomplishments. For more than twelve years Marcia helped guide, grow and promote JFSLA as an actively engaged Board Member. She also served as its Secretary and Vice President while at the same time playing a valuable role on key committees including Strategic & Planning and Public Relations & Marketing.

Marcia has been active with many Jewish causes and organizations. She has served as both the Vice President and Chair of the Jewish Federation Council of Greater Los Angeles and the Jewish Community Relations Committee. In addition she has held a number of very important positions including Chair of the LA Jewish Population Survey, Vice Chair of the Jewish Federation Strategic Planning Committee and Chair of the Statewide Jewish Public Affairs Committee. Also, she is well known for her leadership within the Soviet Jewry Movement.

In addition to her prodigious work with Jewish organizations, Marcia has given her time and energy to many other civic and public services. She served as a Los Angeles Civil Service Commissioner, a Water and Power Commissioner and President of the Los Angeles County Board of Education. She is currently a member of the committee of Bar Examiners of the State Bar of California.

To say that Marcia has earned this Fammy Award is an understatement. She is a remarkable person who we are privileged to know and to call a friend. It is our distinct pleasure to ask our colleagues to join us in saluting Marcia F. Volpert for all of her outstanding achievements, and to congratulate her for receiving this year's Fammy award.

A TRIBUTE TO ALEXANDER GONZALEZ ON HIS APPOINTMENT TO SERVE ON THE COMMISSION ON EDUCATIONAL EXCELLENCE FOR HISPANIC AMERICANS

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to pay tribute to Alexander Gonzalez, the President of California State University San Marcos. This morning, President Gonzalez was sworn in to serve on President Bush's Commission on Educational Excellence for Hispanic Americans. President Bush authorized the Commission in October 2001, and charged it with creating a multi-year plan to close the educational achievement gap between Hispanic American students and their peers.

On September 1, 1999 I stood beside Alexander Gonzalez while he was sworn in as the second President of the California State University at San Marcos. Together, we recognized the achievements of the University, which was celebrating its tenth anniversary, and reflected on the greatness and potential of the institution and its people.

Since his inauguration, President Gonzalez has worked to make the University an epicenter for the diverse community that it serves. Under his leadership, Cal State San Marcos has expanded the National Latino Research Center, which disseminates research-based information regarding Hispanic populations in the U.S. The NLRC also facilitates the training of researchers to do research on Hispanic populations.

Cal State San Marcos has also expanded The Barahona Center for the Study of Books in Spanish, which collects, catalogues, and reviews the world's only complete collection of

Spanish-language books published since 1989 for children and adolescents. Programs of the Barahona Center focus on skill development in literacy, including literacy training for educators and parents, and services to assist librarians, parents, and teachers in book selection.

In addition to these programs which document the history of Hispanic Americans, President Gonzalez is also working to improve their future, as Cal State San Marcos is training a new generation of teachers for our Nation's schools.

As a former teacher and coach myself, both for students in public schools and for fighter pilots at the Top Gun Navy Fighter Weapons School at Miramar, I share with President Gonzalez a strong commitment to excellent education, and a desire to share this enthusiasm for learning. It is frustrating to me that our educational system has created an achievement gap between Hispanic Americans and their peers. Closing this achievement gap is going to require a fresh perspective on an old problem. Having seen the changes that Cal State San Marcos has inspired in our local community, I am confident that Alexander Gonzalez will be able to provide that perspective for the President's Commission. I am proud to rise today to recognize President Gonzalez, and I look forward to my continuing work with him to improve academic achievement for Hispanic Americans in San Diego, and now all across our great Nation.

TRIBUTE TO FRANK LONG

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to Frank Long, a farmer from Sinking Valley, Pennsylvania. Frank was recently awarded Pennsylvania State Fairperson of the Year by the Pennsylvania State Association of County Fairs for his tireless efforts as President of the Sinking Valley Farm Show. Frank has been a dairy farmer for 38 years and he brings a lifetime of experience not only to the Sinking Valley Farm Show, but to the many other organizations in which he serves.

Frank demonstrates his dedication to his community as an active member of the Blair County Chapter of the American Red Cross, where he serves on the board of Directors and as a part of the Disaster Team. He is a charter member of the Southern Alleghenies Resource, Conservation & Development, and a charter member and chairman of the Southern Alleghenies Conservancy. Frank also sits on Blair County Farm Park and Recreation Board, and was appointed in 2000 by Governor Tom Ridge to three committees dealing with agriculture, land use, and the "Growing Greener" program.

Through his 25 years as director of the Sinking Valley Farm Show, Frank has worked to improve the fair facilities and attractions at the fair. His colleagues credit him with making the fairgrounds more appealing for year-round use and for expanding the old grounds into a larger facility. Frank has devoted his life to promoting agriculture in Pennsylvania, and I applaud his efforts. Again I congratulate Frank Long on being awarded Pennsylvania State Fairperson of the Year.

IN HONOR OF THE CATHEDRAL VILLAGE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the Grand Opening and Ribbon Cutting Ceremony of the Cathedral Village Townhouse Development, which was sponsored by Bishop Donald Hilliard, Jr., the Cathedral-Second Baptist Church, and the Church Community Development Corporation. The ceremony took place on Friday, February 22, 2002, followed by a luncheon at the Family Life Center in Perth Amboy.

A newly-completed affordable townhouse facility, the Cathedral Village Townhouse Development will improve the quality of life for many families. This project was made possible thanks to the dedicated efforts of the Cathedral-Second Baptist Congregation and funding and support from the State of New Jersey; Governor James E. McGreevey; Department of Community Affairs Commissioner Susan Bass Levin; City Council Members Peter Jiminez, Frank Sinatra, David Szilagyi, Geraldine Bolanowski, and Robert Sottilaro; the HUD Home Program; the Reinvestment Fund/CLI, and First Union Bank.

Today, I ask my colleagues to join me in celebrating the Grand Opening and Ribbon Cutting Ceremony of the Cathedral Village Townhouse, a truly memorable and historic event for the community of Perth Amboy.

CONGRATULATING FRIENDS OF AGRICULTURAL EXTENSION HONOREES

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to congratulate Tom Shultz on the occasion of his being honored as the 2002 Farm Advisor recipient of the Award for Outstanding Achievement. Other finalists were Marsha Campbell-Mathews, Pam Geisel, Brent Holtz, Maxwell Norton, Steve Sibbett, and Bill Weir. I also extend my congratulations to Beth Grafton-Cardwell as she is honored as the 2002 Extension Specialist recipient of the Award for Outstanding Achievement. Other finalists in that category were Rob Atwill, Joe DiTomaso, John Maas, and James Oltjen.

Tom Shultz is a Tulare County Farm Advisor with 22 years of extension work supporting the dairy community with particular emphasis on his development and implementation of guidelines for site selection, animal density and manure management to help dairymen meet regulatory requirements in an economically viable manner.

Marsha Campbell-Mathews is a Stanislaus County Agronomy Farm Advisor with a program dealing with lagoon water management as a nutrient source for crops. Pam Geisel, a Fresno County Environmental Horticulture Farm Advisor, developed an education program for urban neighborhoods called Garden of the Sun. Brent Holtz is a Madera County Pomology Farm Advisor. He researched and developed cultural controls for Brown Rot without heavy reliance on fungicidal spray programs. Merced County Farm Advisor Maxwell Norton assisted and educated small farmers new to this country while conducting significant research experiments with strawberries. Steve Sibbett, a Tulare County Farm Advisor, contributed extensively and valuably to the cultural development of walnuts. Bill Weir is a Merced County Farm Advisor with continuing achievements in the growing of ultranarrow row cotton.

Beth Grafton-Cardwell is a Riverside Extension Entomologist with numerous research and extension efforts to help citrus growers reduce their need for broad spectrum pesticides to combat pest problems while maintaining fruit quality and acceptable economic return.

Rob Atwill, a Davis Veterinary Extension Specialist, identified and articulated cost-effective strategies to minimize surface water contamination by livestock. Joe DiTomaso is a Davis Weed Science Extension Specialist and has expanded effective control strategies for the resilient and economically devastated Yellow Starthistle. Davis Veterinary Extension Specialist John Maas delivered thorough information to livestock producers through the Feedlot Certification and Cow-Calf Quality Assurance programs. James Oltjen, a Davis Animal Science Extension Specialist, worked on the development and delivery of the California Feedlot Certification and Cow-Calf Quality Assurance programs.

Mr. Speaker, I rise today to recognize these men and women as they receive recognition by the Friends of Agricultural Extension for the 2002 Award for Outstanding Achievement. I invite my colleagues to join me in congratulating these honorees for their contributions to agriculture and their community and wishing them many more years of continued success.

HONORING MONSIGNOR LEONARD TOOMEY ON THE OCCASION OF BEING NAMED GRAND MARSHAL OF THE TRENTON ST. PATRICK'S DAY PARADE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to honor Monsignor Leonard Toomey, who has been named the Grand Marshal of this year's City of Trenton's St. Patrick's Day Parade. Just a few days after he leads the annual parade through historic Trenton, Msg. Toomey will celebrate the 54th anniversary of his ordination as a priest, which occurred on March 13, 1948.

Technically, Monsignor Toomey is "retired." Yet he is more active in his community than people half his age. He serves as an assistant pastor at several Diocesan Parishes, and devotes many of his homilies to the children he loves so much.

Perhaps best known for his 26 years as pastor of Sacred Heart Church on South Broad Street, Trenton—the oldest Catholic Parish in the state of New Jersey—Monsignor Toomey was a pillar of the community during one of the city's most turbulent time periods of the late 1960s.

While at Sacred Heart, he worked to make sure the Church's external image was restored and preserved to match its lofty lineage and legacy of service. In the mid-1970s, he launched a successful campaign to restore all of the parish's buildings and grounds.

His service to the Church, to the city of Trenton, and surrounding areas has been so effective on many fronts. In addition to serving as pastor at several churches, Monsignor Toomey founded the Children's Youth Organization Day Camp so area children had a safe and fun place to go during the summer.

He also brought God's guidance to the brave men and women of the Trenton Fire Department, as well as to the inmates at New Jersey's State Prison in Trenton, a maximum security facility where those convicted of the state's worst crimes are housed.

Monsignor Toomey has held numerous posts throughout the Diocese and has given his time to several local boards including those for public housing projects, museums and historical societies, and St. Francis Hospital.

I always enjoy marching in Trenton's St. Patrick's Day Parade, and this year's experience will be equally meaningful for I will be marching behind a man who truly has been a bedrock of the city of Trenton for the better part of a century.

I join Monsignor's many admirers, friends, proteges and parishioners in thanking and congratulating him on another well-deserved recognition and milestone for his leadership and contributions to our community.

CELEBRATING 100 YEARS OF JARRETT STATIONARY

STATEMENT OF THE HONORABLE HOWARD COBLE, FEBRUARY 27, 2002

Mr. Speaker, On Friday, March 1, 2002, one of the most respected family-owned businesses in High Point, North Carolina, will celebrate its 100th birthday. On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate Jarrett Stationary on its first century of existence.

"We don't know the exact date when Gene Jarrett started the business, but it was in February 1902," David Wall, the store's president told the High Point Enterprise. Wall, a third-generation owner and a High Point City Councilman, told the newspaper, "I figured holding the celebration on March 1 would help us cover the date properly. Ever since we got to 95 years, it seems like it's taken forever to get to 100 years, so I'm both proud and relieved that this time has finally come."

Because small businesses are the lifeblood of our economy, Mr. Wall, all of us are proud that Jarrett Stationary has succeeded for 100 years. Jarrett Stationary is the 16th oldest business entity in High Point according to the local Chamber of Commerce. Jarrett Stationary has had a rich and colorful history during its century in business.

There have only been three presidents during its 100-year existence. Gene Jarrett ran the company for approximately 45 years. Thurman Wall, Jarrett's son-in-law, served as president before his son, David assumed the role in 1981. The company also served as a bookstore during its first 40 years before concentrating on office supplies after World War II.

It has been at its downtown North Wrenn Street location since 1929. Despite the glut of national office supply chains, and that many other small businesses have abandoned the downtown retail core, Jarrett Stationary has stayed and thrived. The future looks equally bright for Jarrett Stationary.

In fact, the very name of the company has come up for discussion in the past. Though a Wall family member has run the business longer than a Jarrett, David Wall said there was never any real consideration to abandon the company name. "Both my father and I thought about all those years that the good name of Jarrett Stationary has been built up in this city," Wall told the High Point Enterprise. "In retail especially, if you have that, that's like money in the bank, so why change?"

We concur that Jarrett Stationary should not change. It should continue to serve the people of High Point the same way it has for 100 years. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Jarrett Stationary on its centennial celebration, and we offer our best wishes for the future.

THE SENIORS PROTECTION ACT

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. KLECZKA. Mr. Speaker, the Retired Enlisted Association's Senior Citizens League (TREA) is a non-profit organization that professes to help seniors by promoting legislative reforms that will advance the interests of elderly individuals. However, contrary to its claims, TREA has repeatedly targeted seniors with mailings about the "Notch" issue that are deceptive, false, and designed to extort money from elderly persons, many of whom live on limited incomes.

The term "Notch" refers to the difference in Social Security benefits paid to individuals born before 1917 versus those born between 1917 and 1921. This difference arose because a law was passed in 1972 that provided automatic cost-of-living adjustments for all Social Security recipients, so that benefits would keep pace with inflation. However, the formula used was flawed, causing benefit levels to rise faster than the rate of inflation. In 1977, Congress corrected this formula, necessitating a reduction to the correct level of Social Security benefits.

Unfortunately, groups like TREA are telling seniors they are working to correct a Notch "problem" that doesn't exist, in an attempt to scam seniors out of their hard-earned money. The Social Security Administration, State Attorney General offices, and Members of Congress have received numerous complaints and questions from seniors who have been confused and misled by TREA's Notch campaign.

In response to these complaints, the Ways and Means Social Security Subcommittee held a hearing on July 26, 2001 to investigate TREA's activities. This hearing uncovered numerous deceptive tactics used by this organization.

For example, TREA purports to have the authority to handle distribution of Social Security benefits by mailing seniors an official looking "Notch Registry" identification card and a "National Notch Victim Register" form that asks seniors to specify whether they prefer their $5,000 Notch payment sent to them in one lump sum or in installments. Seniors' preferences are requested in spite of the fact that Notch payments have not been authorized by Congress, and even if they were, distribution of such payments would be handled exclusively by the Social Security Administration. TREA also disseminates solicitations containing replicas of Social Security checks written in the amount of $5,000.

Perhaps the most disturbing of all, TREA's fundraising efforts have included mailing solicitations that ask seniors to redraft their wills to make TREA a beneficiary. Specific instructions for such will preparation are even provided.

During the Subcommittee hearing, it was discovered that TREA Senior Citizens League used its mailings to collect over $46 million from seniors from 1997 to 2000, with $12 million of that in the year 2000 alone.

It is clear that Congress can no longer turn a blind eye to TREA's fundraising schemes, which seek to exploit America's seniors in the name of legislative reform. Despite repeated warnings by House members to end the barrage of misleading solicitations, TREA has refused to comply with such requests.

TREA's actions leave me with little choice but to introduce a bill that would revoke the Congressional charter granted to TREA in 1992. While Congress rarely revisits a former charter decision, this group's persistent pattern of fleecing seniors clearly warrants such a step. Federal charters are prestigious distinctions awarded to organizations with a patriotic, charitable, or educational purpose. Although intended as an honorific title, a Federal charter implies government support for such organizations. Misleading America's seniors is clearly not patriotic, charitable, or educational, and allowing TREA to maintain its Federal charter would send a signal to the American public that Congress condones such behavior. I urge my colleagues to cosponsor this legislation.

ACCOMPLISHMENTS OF MR. BOB POTTER

HON. C.L. "BUTCH" OTTER

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. OTTER. Mr. Speaker, I rise today to bring to the attention of the House the distinguished accomplishments of Mr. Bob Potter of Hayden Lake, Idaho. Bob has been the President of Jobs Plus in Coeur d' Alene since the organization's inception 15 years ago. Known affectionately as "Mr. Jobs Plus", Bob's mission is to create investment and bring new jobs and companies to the Coeur d' Alene area. I'm pleased to report his mission is a success. Bob Potter is a great salesman for

Northern Idaho, and he recruits companies with good benefits programs for their employees in addition to providing a decent wage. As a rule, when Bob successfully recruits a new company, the average annual wage in Kootenai County increases. The benefit of Jobs Plus and Bob Potter is seen in the numbers: 74 companies recruited; 3,780 jobs created; $85 million in new payroll. It is the tireless dedication of people like Mr. Potter that keep our local economies growing and diversifying. Bob Potter's hard work and sense of community should serve as an inspiration to us all, and I thank him for all he has done for Idaho and the nation.

BOB POTTER: MR. JOBS PLUS

RETIREMENT DOESN'T SUIT SALESMAN

(By Bill Buley)

At the end of each year, Jobs Plus President Bob Potter visits companies he's recruited to the area since the organization was formed 15 years ago.

The numbers tell the story.

In 2001: 74 companies; 3,780 jobs, $85 million in payroll; $340 million in capital investment; 2.4 million square feet pleased or owned; average wage, $26,300-plus.

"Those are the reasons Jobs Plus is damn important," he says.

But numbers don't tell the tale of Bob Potter.

He comes across initially, quite frankly, as a grumpy old man.

He's anything but.

Before the interview even begins, he grabs a putter resting against a wall just outside his office at the Resort Plaza; picks up a golf ball, and walks about 10 feet from the practice hole.

"Watch," he says.

A moment later, in a smooth motion, he strokes the ball.

It seems to be going left. It's going to miss.

Then, it begins to break, curving back.

It drops in the target.

He knew.

"I've won a lot of bets on that," he says with a grin.

Potter glows when he speaks of his wife Patricia, whom he married 49 years ago on Valentine's Day.

He smiles as he boasts of their daughter Pam, a teacher in Olympia, Wash., and their son Bo, a Notre Dame graduate who today sells medical insurance in Los Angeles.

Potter, by the way, is a huge fan of the Fighting Irish. He anguishes over the football team's misfortunes and hopes for another national championship soon.

His son was the roommate of Rudy Ruettiger, whose drive to play football for Notre Dame resulted in the movie, "Rudy."

"I knew Rudy really well, in fact he still visits Bo a lot and stays at our house in Los Angeles when he's down there," Potter said.

Still, to many in North Idaho, Bob Potter is Mr. Job Plus.

The two seem synonymous.

But a parting might not be far off.

Potter says he can't continue forever in the $60,000-a-year-job—the same as when he started in 1987.

"I am 74 years old. Sooner or later, the Jobs Plus board of directors is going to have to face up to the fact that we're going to have to take Jobs Plus into the next phase."

That phase will lead to Jobs Plus II.

"We've been doing this with mirrors. Our costs are stable and low. I don't need a medical plan (he has one already). I've never taken a raise. Jobs Plus II isn't going to be that fortunate. Those days are going to be over, probably in the next transition. It's going to cost us more to run Jobs Plus in the future than it is now."

So Potter, as usual, has a plan.

He'll make a presentation to Kootenai County Commissioners Tuesday that the county should—like the cities of Coeur d'Alene, Hayden, Rathdrum and Post Falls and about 100 other businesses—support Jobs Plus, which operates on a modest budget of $200,000.

That, Potter said, is far less than what similar organizations in other areas work with.

"The county hasn't had to invest in to produce the millions of dollars that we've created in property tax. We feel that Jobs Plus is an investment and we can prove it because we've got the numbers."

Potter was born in Utah. He graduated from the University of Utah with a degree in political science.

For 35 years, he worked his way up the corporate ladder with the Bell system, AT&T, eventually becoming vice president of sales for the western region.

When Potter quit and moved to North Idaho and bought a home on Hayden Lake, the economy was struggling.

Community business leaders including Jacklin Land Company, then Washington Water Power, Dennis Wheeler from Coeur d'Alene Mines, and Duane Hagadone, at the time were in the midst of raising $1 million for a four-year program that would focus on expanding the area's economy and employment base.

After interviewing hundreds of candidates from across the nation, they found no one they believed right for the job.

Then, a headhunter suggested the person they were looking for was in their own back yard.

He was.

PAYING TRIBUTE TO TINA SANDOVAL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a truly dedicated teacher from Pueblo, Colorado, Ms. Tina Sandoval. Tina has spent countless hours helping others understand and succeed in their academic endeavors at Pueblo Community College. She has gone far beyond what is expected in the classroom and touched the lives of many of her students in such a profound way that she was recently named Pueblo Community College Teacher of the Year.

Although Tina has always been passionate about teaching mathematics, her real love is working with people. Originally from Walsenburg, Colorado, Tina was drawn to teaching after seeing the impact teachers had on students' lives. Tina set out to obtain her education and went on to receive both her Bachelors and Masters Degree from Regis College. After a brief career in accounting, Tina found that she missed working with people and decided to become a teacher. Her dedication and commitment paid off and today she is responsible for touching the lives of many who have passed through her classroom.

Mr. Speaker, it is a great privilege to recognize Tina for her service to her community and especially to the students whose lives she has changed. The diligence and commitment demonstrated by Tina certainly deserve the recognition of this body of Congress, and this nation. Tina's achievements as a teacher serve as a symbol to other teachers throughout Colorado. The honor of the Teacher of the Year is proof that hard work and persistence can lead to success in achieving your goals. It is people like Tina Sandoval that ensure our future generations are guaranteed the opportunity to improve their lives through a quality education. Congratulations Tina, and thank you for all of your hard work!

COMMENDING THE DELIVERY OF MEDICINE AND ASSISTANCE TO AFGHANISTAN BY THE HUMANITARIAN ORGANIZATION—AMERICARES

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. WOLF. Mr. Speaker, last week, the humanitarian and relief organization, AmeriCares, delivered a cargo plane's worth of medicine and food to the very needy people of Afghanistan. Some 79,400 pounds of donated medical supplies and food was delivered for the sick and starving men, women and children in Afghanistan.

The supplies range from basic antibiotics, analgesics and bandages to nutritional supplements, flour and cooking oil.

So many have suffered in Afghanistan. A staggering number are dying or have contracted disease because of malnutrition. AmeriCares' shipment of food and medical supplies will help save thousands of lives.

Under the leadership of founder Bob Macauley, AmeriCares provides immediate response to emergency medical needs—and supports long-term health care programs—for all people around the world, irrespective of race, creed or political persuasion.

AmeriCares solicits donations of medicines, medical supplies and other relief materials from U.S. and international manufacturers and delivers them quickly and efficiently to indigenous health care and welfare professionals in 137 countries. Since its inception in 1982, AmeriCares has delivered more than $2.9 billion worth of life-saving supplies to those in need.

I commend the staff of AmeriCares for their hard work in bringing much needed food and medical supplies to the suffering people of Afghanistan.

CARE 21

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to restore our Nation's historic commitment to insuring lifetime health care for retired coal miners. Joining me in introducing this bill is the distinguished gentleman from Ohio, BOB NEY.

Enactment this year of CARE 21, the "Coal Accountability and Retired Employee Act for the 21st Century," is necessary if we are to avoid seeing a curtailment in health care coverage for thousands of retired coal miners and their widows. Indeed, this would not be the first time that Congress has acted in this matter. In 1992, in what is known as the "Coal Act" enacted as part of the Energy Policy Act, Congress established the UMWA Combined Benefit Fund (CBF) combining the union's 1950 and 1974 benefit plans. This action came in response to changes in the coal industry which created a large class of "orphaned" miners whose benefits were no longer being paid by an active coal company. A key feature of the Coal Act was the financing of orphaned miner health care costs through an annual transfer of a portion of the interest which accrues to the unappropriated balance in the Abandoned Mine Reclamation Fund.

Simply put, in restoring abandoned coal mine lands we must not abandon the retired coal miner.

The Coal Act was working well, health care for retirees whose former employers could be identified would be financed by premiums paid by those companies while providing for a transfer of reclamation fund interest to finance orphaned miner care.

However, a barrage of litigation and adverse court decisions once again is threatening the financial integrity of the program. Among them, what is known as the "Chater" decision which overturned the Social Security Administration's premium determination reducing premiums by 10 percent. Another court decision ordered the CBF to refund about $40 million in contributions. And the Supreme Court has rendered two especially harsh decisions; in the Eastern Enterprise case adding some 8,000 retirees to the orphaned miner rolls and just last week ruling that successor companies to signatories of the national wage agreement are not responsible to continue paying premiums for former employees. The result: Without a new source of funds, the CBF will face a cash shortage most likely beginning at the end of this year which could force curtailments in health care coverage for some 50,000 retirees and widows whose average age is 78.

CARE 21 takes a relatively simple and straightforward approach to addressing this impending crisis: It would lift the restriction in current law that reclamation fund interest can only be used for orphaned miner health care. Rather, it would allow AML interest transfers to be made for the purpose of offsetting any deficit in net assets in the CBF.

I would note that interest accrues to the Abandoned Mine Reclamation Fund at a rate of, for example, $103 million last fiscal year. Meanwhile, there is a $1.8 billion unappropriated balance in the Fund. CARE 21 in no way adversely affects the abandoned mine reclamation program. The principal remains intact for that effort, and is fueled by annual reclamation fees assessed on every ton of mined coal which finances the program.

As such, one of the key features of CARE 21 is that the general taxpayer is not being called upon to pay for retired coal miner health care, but rather, the coal industry itself would provide for this coverage through the interest which accrues to the fees it pays into the Abandoned Mine Reclamation Fund.

Mr. Speaker, I noted earlier there is a historical commitment to providing health care for retired coal miners. This is a unique situation in that what would normally be a matter solely for the private sector is not in this instance. The genesis for this situation dates back to 1946 in an agreement between then-UMW President John L. Lewis and the Federal Government to resolve a long-running labor dispute. At the time, President Truman had ordered the Interior Secretary to take possession of all bituminous coal mines in the country in an effort to break a United Mine Workers of America strike. Eventually, Lewis and Secretary Julius Krug reached an agreement that included an industry-wide, miner controlled health plan.

In fact, the 1992 Coal Act itself was formulated partly on the basis of recommendations from the Coal Commission, established by former Labor Secretary Libby Dole, which in 1990 recommended a statutory obligation to help finance the UMWA's Health Benefit Funds.

Mr. Speaker, the people covered by this health care program spent their careers producing the energy which powered this Nation to greatness. We must not forsake them. We must not cast them adrift in their later years, robbed of the health care they so desperately need.

THE RETIREMENT OF RIO RANCHO MAYOR JOHN JENNINGS

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. UDALL of New Mexico. Mr. Speaker, we all know of those local elected leaders from our states who, because of their tenure in office, accomplishments, dedication, and hard work, seem to define the term 'public servant.' These are the ones who do not seek headlines, but whose satisfaction comes from doing good things for their communities. I know of no other leader who fits this definition and style of public service more aptly than Rio Rancho Mayor John Jennings. Mayor Jennings will be leaving his post in March, after an exciting term in the history of this special city. He deserves immense credit for the success and growth of New Mexico's fastest-growing city.

Mayor Jennings came to office in 1998 from a career in banking, serving Sunwest Bank for 23 years. He also served as a president of the Rio Rancho Chamber of Commerce. He used this experience to begin the demanding task of governing.

Mayor Jennings has served at a time of amazing expansion for the City of Vision. Building a city that can sustain such rapid growth has required patience, careful planning and effort, but those who live there feel they have finally created a community with its own identity, one that will continue to grow and thrive. Mayor Jennings has done a remarkable job in this regard.

A number of challenging issues face the City of Vision. Whether it be water, planning, revenue, or any issue that looms before our nation's mayors, John has capably acted on behalf of his city to address them. His leadership has been effective, and he leaves the city better than he found it.

As the U.S. Representative for the Third Congressional District, I hear from a number of the elected officials that I represent. However, Mayor Jennings has always made sure that I was aware of the matters that affected our dual constituents.

Mayor Jennings leaves office with a number of important accomplishments that will aid Rio Rancho for years to come. He fought to attract new industry to the city, which is critical to expanding the city's tax base. He worked on a number of transportation and infrastructure issues. He was also a major voice in the Vision 2020 Integrated Comprehensive Plan, which is a blueprint for dealing with growth-associated problems. In addition, Rio Rancho is the second safest city in New Mexico and has one of the best school systems.

However, I believe that the true legacy of Mayor Jennings is the emphasis he placed on the quality of life in Rio Rancho. He told a reporter once that he wanted children in Rio Rancho to have the same things he had growing up in Roswell: good libraries, free schooling, a safe environment. Therefore, many of his priorities were not surprising: adding park space and open space, correcting infrastructure deficiencies, such as adding sewer lines, repairing and upgrading roads, and adding to libraries; and maintaining the Department of Public Safety at its current level to keep its excellent safety record. Without a doubt, he has succeeded in many of these initiatives.

Mayor Jennings is from a family in New Mexico devoted to public service. From Rio Rancho to Roswell, the Jennings family has left a legacy of making government work for our citizens. His brother Tom is a former mayor of Roswell, and his brother Tim serves in the New Mexico State Senate. I am pleased that John has chosen to follow his family in this endeavor and he has done a remarkable job. More important than all of that is the indelible mark he continues to make on our minds as a man of true integrity, character, and kindness, a true gentleman who never speaks ill of a soul and one whose friendship is of the highest quality and value.

I hope that Mayor Jennings leaves his post with fond memories of his mayoral tenure and a sense of accomplishment for his efforts. Knowing John, upon his retirement, he is going to pursue endeavors that will be interesting and challenging; and no matter what he undertakes, I am sure that he will enjoy great success.

On behalf of Rio Rancho, the state of New Mexico, and this nation, I ask that my colleagues join me in thanking Mayor John Jennings for his service.

HONORING THE NORTHERN CALIFORNIA WATER ASSOCIATION'S TENTH ANNIVERSARY

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. OSE. Mr. Speaker, today, the Northern California Water Association is celebrating its tenth anniversary. Since 1992, NCWA has provided a strong regional voice on California water policy for Northern California's water suppliers, farmers, and landowners.

NCWA is a prominent and well-respected organization in Northern California water issues. The organization represents 70 agricultural water suppliers and individual farmers who rely upon the waters of the American, Feather, Sacramento, and Yuba Rivers, smaller tributaries and groundwater to irrigate over 870,000 acres of Northern California farmland, extending from the Coast Range to the Sierra Nevada foothills, and from Redding to Sacramento.

For the past 10 years, NCWA has been a leader in protecting Northern California water rights, developing the Sacramento Valley Water Management Agreement, promoting the construction of new surface water storage in Northern California including Sites Reservoir, protecting Northern California groundwater resources, developing and implementing constructive solutions to Bay-Delta water supply and environmental problems, and developing and constructing fish passage improvements including fish screens and siphons.

It has been my great honor and pleasure to represent this region and to work closely with NCWA to protect the region's water supplies. Again, I would like to congratulate NCWA as the organization celebrates 10 years representing Northern California water interests.

PERSONAL EXPLANATION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SHAW. Mr. Speaker, earlier this month, in the first week of February, I remained in Florida all week to attend to my wife, Emilie, who had to undergo surgery. I am pleased to report that she is doing well, and thank my colleagues for their expressions of kindness and support for her. While away from Washington on personal family medical leave, I was not present to record my vote on Roll Call Votes #6 through #14. I ask unanimous consent that the Congressional Record reflect, in the appropriate place, that had I been present, I would have voted "Yea" in each instance, for recorded votes number 6, 7, 8, 9, 10, 11, 12, 13, and 14.

IN HONOR OF JOSEPH A. WUTKOWSKI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Joseph A. Wutkowski, the youngest person in the history of the Borough of Carteret to place the Wreath of Honor at the Carteret Soldiers and Sailors Memorial in Carteret Park.

Joseph was recognized by the Carteret Veterans Alliance and the Senate and General Assembly of New Jersey as being a truly patriotic citizen and the youngest presenter of the Wreath of Honor at the Carteret Soldiers and Sailors Memorial. He was a special guest speaker in July of 2001 at the Rotary Club of Carteret, and was presented with an official Certificate of Appreciation. In addition, Joseph received a proclamation from Carteret Mayor Jim Failace, and was honored with a Joint Resolution from New Jersey State Senator Joseph Vitale, Assemblyman John Wisniewski, and Assemblywoman Arline Friscia.

Joseph is presently enrolled at Holy Family School in Carteret, New Jersey. He enjoys playing Basketball and Little League Baseball.

He is the son of Joseph and Bernadette Wutkowski.

Today, I ask my colleagues to join me in honoring Joseph A. Wutkowski for his patriotism, and for honoring America's veterans in Carteret, New Jersey, and veterans all across America.

APPALACHIAN REGIONAL DEVELOPMENT ACT AMENDMENTS OF 2002

SPEECH OF

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 26, 2002

Mr. LEWIS of Kentucky. Mr. Speaker, I rise in support of this legislation to reauthorize the Appalachian Regional Commission. Since 1965, the ARC has fostered cooperation among the Federal Government; Governors of Appalachian States and local community leaders for economic development initiatives.

I am especially pleased the bill today adds Hart and Edmonson counties in my district to the Commission. Based on economic data, both of these counties fall into the ARC's distressed classification, the Commission's lowest economic status rank. I believe I can speak for these counties when I say they appreciate this opportunity for assistance in improving their economic situations.

This bill also changes the Commission's fund distribution, requiring half of its program funds to be directed to ARC's distressed counties. Distressed counties are the ones most in need of the extra development assistance ARC provides, and it only makes sense that we target a substantial portion of the project funds available to the areas most in need.

Membership in the ARC does not guarantee funds for local areas, but membership does give local development leaders an opportunity to apply for grants and make the case for their proposals to boost economic and social development.

I want to thank Chairman LATOURETTE for his support in adding these counties deserving of assistance to the Commission and for his support of economic development in Kentucky.

While I would have preferred that we were voting on the chairman's original legislation which included neighboring Metcalfe County in the Commission, I am pleased with this outcome. We passed that legislation in August. Unfortunately, the other body did not agree to our version of the legislation, and we had to make this compromise. I hope the committee will consider adding Metcalfe County to the Commission in the future, as this area is also economically deserving of aid.

I appreciate the work of Chairman LATOURETTE and Chairman YOUNG in this process, and I urge the House's support for this bill.

IN RECOGNITION OF HADASSAH'S 90TH ANNIVERSARY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. SCHIFF. Mr. Speaker, I would like to take this opportunity to recognize the 90th anniversary of Hadassah, the Women's Zionist Organization of America. As the largest Jewish membership organization in the United States, Hadassah exemplifies the true spirit of voluntarism.

Founded in 1912 by Henrietta Szold, a Jewish scholar and activist, Hadassah is committed to unifying Jewish people throughout the world. Its mitzvot, or good deeds, are felt at home in America and abroad in the land of Israel.

In Israel, Hadassah funds and maintains two hospitals and 90 outpatient clinics that treat 600,000 patients each year regardless of ethnicity or religious background. Hadassah also supports four other major organizations in Israel and the United States. The Hadassah Israel Education Services group provides cutting-edge technical and vocational training for Israeli citizens, while the Youth Aliyah program provides education and support to immigrant youth. The Young Judea program builds connections between American teenagers and Israel through student exchange partnerships and the Jewish National Fund works to preserve Israel's natural resources by constructing parks and planting trees.

The impact of Hadassah can also be felt throughout the United States. The organization is represented in every congressional district and members work with political leaders on matters ranging from U.S.-Israel relations to women's health and equality issues. Hadassah volunteers are active in community service projects, educational initiatives, and programs benefitting women and their families.

In my district of California, there are over 250 Hadassah members and six active chapters. These chapters have raised over $5 million for the Hadassah Hospital and educational programs in Israel.

On this, its 90th anniversary, I salute Hadassah's efforts to promote education, welfare, and women's rights, that have helped preserve strong cultural ties with Israel.

PERSONAL EXPLANATION

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. PHELPS. Mr. Speaker, on rollcall No. 39 and No. 40, had I been present, I would have voted yes. Unfortunately, I was unable to attend the vote due to circumstances at home. Several Illinois steelworkers may lose their jobs due to the closing of a few large plants, and I felt the need to show my support for these workers and their families.

ARC OF MERCER COUNTY

HON. PHIL ENGLISH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. ENGLISH. Mr. Speaker, Norman Vincent Peale—a pastor and a motivational speaker—said "Change your thoughts and you change your world."

Fifty years ago, more than 20 residents of Mercer County, many of them parents of developmentally disabled children, recognized a need in their community. The area lacked much needed education programs that addressed the special needs of their children.. This included not only basic education but also the development of job and social skills. With that focus, they established what has evolved into the Arc of Mercer County.

Remember, this was a time when mental retardation was often misunderstood by society. Those who were developmentally disabled were quickly committed to asylums. It was believed that they could contribute nothing to the community. But, these Mercer County residents knew otherwise. They knew these precious individuals could enrich people's lives if they could find a way to integrate them into society. So with hope, optimism and faith, they actively sought donations of space, time and money to establish a program where children and adults with mental retardation could learn to support themselves, learn social skills and attend classes designed to meet their special needs.

These 20 families, through their actions and deeds, changed the way we view mental retardation forever, not only in their own community but worldwide. We now know that being developmentally disabled is not an end-all, they play a vital role in our economy while gaining independence for themselves.

MCAR has grown from a small patchwork organization who once borrowed classroom space from the Salvation Army and the American Legion to a powerhouse agency providing services to more than 500 individuals with mental retardation. Their services have expanded to include vocational training, residential services, employment services and recreation and socialization programming. MCAR owns 17 group homes, a campus of education facilities in Hermitage as well as a Mechenbier workshop in Greenville.

For 50 years, MCAR has given some very special people in the community the opportunity to stand on their own two feet. With their various programs, they are building new and better bridges, ensuring everyone has the opportunity to live a full and productive life. I applaud the founding officers—Mrs. Peter Jarocki, Mrs. Frank Machuga, Mrs. Royal DeWeese, and Mrs. David Cooke—for working with the community to develop a program that would blossom and bloom into an agency that helps so many. Under the leadership and inspiration of current CEO Bob Beech and his board, the vision of these families has only flourished.

Mr. Speaker, those with developmental disabilities and their families face a lifetime of challenges. MCAR has provided the tools necessary to ensure that those challenges are met. I would like to congratulate the founding families and everyone at MCAR—past and present. Your hands and hearts have left a positive imprint on so many lives, mine included. Last but not least, I would like to congratulate the clients of MCAR. You have come so far. Your contributions to our local community are felt in so many ways and our lives are enriched by knowing all of you. You have truly made Mercer County a better place to live.

PAYING TRIBUTE TO RUSS SODERQUIST

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a Lions Club member from Grand Junction, Colorado whose hard work and dedication has been rewarded with the highest honor given to any Lions Club member. Russ Soderquist was recently awarded the Melvin Jones Fellowship, and as he celebrates his achievement, I would like to commend him for his commitment to excellence that has resulted in this honor. He is certainly a well deserving recipient of this Fellowship and I am pleased to represent him and his chapter of the Lions Club in Colorado.

Russ has served as a member of the Grand Junction chapter of the Lions Club since 1969. Throughout the years, Russ has become famous for his writing on a variety of issues and subjects, drafting letters with concerns and comments to the President of the Lions Club and his fellow citizens. What set Russ apart is that not only is he active in raising concerns to the attention of others, but he also proposes actual solutions. In addition to his letters, Russ also writes numerous articles, several of which have appeared in the Lions Club international magazine. Russ is well known throughout his community as a compassionate man who is dedicated to his community and improving the lives of others. He always conducts himself with sincerity and honesty, both in his letters and in his everyday life.

Mr. Speaker, the diligence and commitment demonstrated by Russ Soderquist certainly deserves the recognition of this body of Congress, and this nation. Russ' achievement serves as a symbol to community members throughout Colorado, and indeed the entire nation. The Melvin Jones Fellowship is an incredible honor that has been awarded to a well deserving recipient. Congratulations Russ, and thank you for all of your hard work!

JOSEPH ORSULAK HONORED ON OCCASION OF RETIREMENT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. KANJORSKI. Mr. Speaker, I rise today to call the attention of the House of Representatives to the long public service of my good friend Joseph P. Orsulak of Lansford, Pennsylvania, who will be honored with a retirement dinner on March 2, 2002.

Joe began his political career working for the late Congressman Francis "Tad" Walter of Easton in Washington, D.C., as an assistant publication officer. In 1971, he was appointed as Carbon County's chief clerk and served several county commissioners in that capacity over the next 20 years. During his terms as chief clerk, the commissioners entrusted him with additional responsibilities and named him the country's fiscal director to coordinate all fiscal and budgeting affairs of the country government.

During his service as country chief clerk, the state Association of County Commissioners asked him to serve on a state committee to create an instructional booklet on the duties and responsibilities of a county chief clerk. He accepted the challenge and contributed many administrative ideas to improve the way chief clerks do their jobs.

In 1993, Joe was elected to the first of two full terms as Carbon County treasurer. During his first term as treasurer, he installed a new computer system and upgraded the software to conform with the various changes in the hunting, fishing, and dog license regulations.

One of his primary duties as treasurer was serving on the Carbon County Employees Retirement Board. In his capacity as a fiduciary member of the board beginning in 1994 with a portfolio worth $20 million, he set a goal of reaching $50 million during his term of office, and this goal was reached in 2000. Joe was also instrumental in having the Retirement Board to evaluate its investment policies and strategies by engaging the services of a second investment manager to diversify the employee pension fund portfolio.

He served on the legislative and nominating committees of the Pennsylvania State Association of County Treasurers, and hosted two state conventions in Carbon County. He was also a member of the Pennsylvania Finance Officers Association.

In December 2000, Joe was appointed to the Pennsylvania State Association of Elected County Officials to represent all treasurers in Pennsylvania. In this capacity, he met monthly with state legislators on the Local Government Commission in Harrisburg to discuss legislation pending in the state House of Representatives and state Senate.

Mr. Speaker, Joe also dedicated himself to serving his neighbors outside of his official capacity. He was active in the former Panther Valley Jaycees, serving as an officer on a local, regional and state level. He concluded his tenure in the Jaycees organization as a Pennsylvania state vice president and state chairman of a program called "Operation We Care" accepting the portfolio of the "Apple Butter Sunday" program. He coordinated the statewide program where Jaycee chapters raised funds for the mentally disadvantaged children of Pennsylvania. In two weeks the organization raised over $400,000, and the funds were used to send children to summer camps to enjoy the fruits of recreation.

Also in his activities with the Jaycees, Joe had a major role in creating a "Leadership in Action" committee, and traveled throughout the region instructing Jayee chapters in leadership skills and the importance of the use of the rules of parliamentary procedures in public meetings.

Joe is a member of St. Michael's Roman Catholic Church and a graduate of the former Lansford High School. A lifetime Democrat, he has served on the Carbon County Democratic Executive Committee and as a member of various Democratic clubs in the county.

Mr. Speaker, I am pleased to call to the attention of the House of Representatives to the long public service of Joseph P. Orsulak, and I wish him a happy retirement.

TRIBUTE TO BOB CALLEGARI

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BORSKI. Mr. Speaker, I rise to commend a devoted public servant, Bob Callegari, who is retiring following 31 years of dedicated service with the U.S. Army Corps of Engineers. Bob and I have worked together in Philadelphia to advance many waterway projects and I am confident these projects will benefit the entire region for many years to come, serving as a legacy to the Army Corps, and the man responsible for their implementation.

Bob Callegari began his career in 1971, with the North Atlantic Division, U.S. Army Corps of Engineers. He served initially as an economist on the North Atlantic Regional Water Resources Study, and from 1972 to 1976 as the Chief of the New York Metro Study Section of the North East Water Supply Study, which resulted in the authorization, by Congress, of a $3.2 billion water supply project.

From 1977 through 1987, Mr. Callegari served in the Passaic River Study Branch, New York District, as Technical Coordinator, Acting Branch Chief and Branch Chief. During his tenure, Mr. Callegari led the development of the largest Phase I General Design Memorandum at that time, a $21 million effort. Additional projects totaling $1.5 billion were authorized, including a flood warning system. As a result, Mr. Callegari's organization was the recipient of numerous awards for outstanding performance.

Bob Calllegari came to the Philadelphia District as Chief of the newly organized Planning Division in 1987. At that time, the Philadelphia District had only five active planning studies and one project authorized for construction. Recognizing the needs of the region and the Corps unique capability in flood control, Bob effectively outreached to potential customers and partners generating widespread congressional support. His efforts resulted in an impressive increase in construction or planning projects.

Mr. Speaker, as a member of the House Transportation and Infrastructure committee and in my previous role as ranking member of the Subcommittee on Water Resources and Development, I have worked closely with Mr. Callegari to advance projects crucial to improving and protecting the Philadelphia waterways. He believes, as I do, that we must enhance, preserve and protect our waterways, improving our environment in the process.

With congressional support, and Mr. Callegari's leadership, we have successfully reconstructed a seawall at the historic Glen Foerd on the Delaware and made needed waterway improvements at Pennypack Creek and Philadephia's famed Boathouse Row. The Delaware River channel deepening project is now in its first construction phase. We have established a pilot program for water-related "browhfields" environmental cleanup at the East Central Incinerator so that abandoned industrial sites can be cleaned for waterfront reuse and redevelopment.

Mr. Speaker, these projects would not have occurred without the persistence and passion of Mr. Callegari's diversified planning program which includes environmental restoration, beneficial use of dredged material projects and effective use of the Corps' Continuing Authorities Program to address the needs of the region. His leadership has earned him the distinctive deFleury Bronze Medal, a well-deserved honor.

I am proud to have worked with Bob in sharing a vision of maintaining and improving our waterways. As he seeks new professional challenges, I am confident that his distinguished career with the U.S. Army Corps of Engineers will benefit all citizens.

THE BAY CITY LION'S CLUB: KINGS OF GIVING FOR 80 YEARS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to the Lions Club of Bay City, Michigan, as its members prepare to celebrate 80 years of outstanding community service, charitable giving and remarkable volunteer efforts.

Chartered on December 8, 1921, the Bay City Lions Club was founded by 35 civic-minded local men who were determined to expand their passion for doing good by giving back to the entire community and beyond. Today, the Bay City chapter, with 235 members, ranks as the largest Lions Club in the state of Michigan; the fifth largest in the entire United States; and, the 15th largest in the world. Under the leadership of Club President Joseph Gwizdala and all officers past and present, members have consistently lives up to their club motto. "We Serve," by actively addressing the needs of our community in large and small measures.

It is especially noteworthy that the Lions Club never uses any of the money collected from the public to defray administrative costs. Instead, they use all the money they collect to help those in need, with 75 percent of their annual budget used to help local families and individuals and 25 percent going to statewide projects.

The Lions are widely known for their mission to provide glasses and hearing aids to the needy, but the Bay City Lions Club has gone above and beyond the call of duty in that regard and in many more endeavors as well. One particularly praiseworthy example was when they purchased a glaucoma testing machine for the Bay County Health Department. The club also annually sponsors many events and activities, including a health fair, holiday celebrations for disadvantaged children, Little League teams, and a host of other projects. They also provide scholarships to students from area high schools and adult education programs.

The Bay City Lions Club serves as a shining example of community-minded selflessness by putting the needs of others ahead of personal or financial regard. The many volunteers who give their time and talents to the Lions Club have set a high standard when it comes to serving the greater community.

Mr. Speaker, I ask my colleagues to join me in applauding the Bay City Lions Club for their significant contributions and in congratulating them for 80 years of success. I am confident they will continue to make Bay City proud.

BILL TO ESTABLISH OFFICE OF CORRECTIONAL HEALTH

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. STRICKLAND. Mr. Speaker, I would encourage my colleagues to support HR 2422, legislation I have introduced that would establish an Office of Correctional Health within the Department of Health and Human Services.

According to the Department of Justice (DOJ), the United States is second only to Russia among industrialized nations in incarceration rates with nearly 2 million people in jail or prison. The fuel that feeds this prison population explosion is comprised of several components. Mandatory minimum and "three-strikes" sentencing laws have resulted in longer sentences and more frequent incarcerations. A look at the changing demographics in American prisons and jails sheds light on the challenges correctional facilities face at the beginning of the 21st century.

Substance abuse poses a significant health care challenge for correctional facilities. According to DOJ, 57 percent of state prisoners and 45 percent of federal prisoners surveyed in 1997 said they had used drugs in the month before their offense. A whopping 83 percent of state prisoners and 73 percent of federal prisoners had used drugs at some time in the past. It is estimated that about three-quarters of all inmates can be characterized as being involved in alcohol or drug abuse in the time leading to their arrest.

According to an article in the Washington Post entitled, "Mentally Ill Need Care, Find Prison", it is estimated that the number of inmates with serious mental illnesses in American prisons and jails is nearly 5 times the number of mentally ill in state mental hospitals. So many of these inmates with mental health needs also have a co-occurring substance abuse problem. This high incarceration rate of the mentally ill, many of whom have substance abuse problems, poses an enormous challenge to the correctional health care system. In the first comprehensive report on mental illness in correctional facilities, the Bureau of Justice Statistics (BJS) found that 7 percent of federal inmates and 16 percent of those in state prisons or local jails or on probation said they either had a mental condition or had stayed over night in a mental hospital unit or treatment program. The highest rate of mental illness was among white females in state prisons at 29 percent. For white females age 24 or younger this level rose to almost 40 percent. When compared to other inmates, mentally ill inmates and probationers reported higher rates of prior physical and sexual abuse. According to BJS, nearly 6 in 10 mentally ill offenders reported they were under the influence of alcohol and drugs at the time of their current offense.

The increased incarceration rate of women also presents new health care challenges to correctional facilities. According to BJS, in 1998 an estimated 950,000 women were under custody, care or control of correctional agencies. Nearly 6 in 10 women in state prisons had experienced physical or sexual abuse in the past. This statistic, coupled with the reality that 7 in 10 women under correctional sanction have minor children, points to the acute need for counseling services. Women inmates utilize health care, including sexually transmitted diseases, and the possibility of pregnancy either upon entry into the corrections system or during, women's special health care needs must be addressed in a comprehensive fashion.

The health care needs of inmates have expanded as the incarcerated population has aged. As inmates grow old in prison they succumb to the same ailments which afflict the elderly in the outside world—diabetes, heart disease and stroke. These geriatric health care needs represent another challenge to correctional agencies in providing adequate care.

In 1996, the Centers for Disease Control and Prevention's National Center for HIV, STD, and TB Prevention formed an ad hoc working group, the Cross Centers Correctional Work Group made up of health professionals from across CDC. The purpose of the group is to focus attention on the complex health needs of incarcerated men, women, and youth in the United States. I commend the work of this group and the fine efforts of CDC in addressing the very complex health issues associated with correctional facilities.

According to CDC, the prevalence of infectious disease is high among inmates. For AIDS, the prevalence is five times that of the general population. Further, inmates coming into correctional facilities are increasingly at risk for HIV infection through risk behaviors such as needle sharing and unprotected sex. Tuberculosis is another important public health issue in prisons and jails according to CDC. TB infection rates are substantially higher among inmates; estimates are anywhere from four to 17 times higher because conditions associated with TB (poverty, drug use, HIV infection, etc.) are more common in the incarcerated population than the general US population. According to CDC, even as we have decreased the number of TB cases overall, it has become a much more focused disease, with outbreaks of TB in correctional facilities starting to count as a major factor in its spread. For Hepatitis C, the prevalence among inmates is nine times higher than that of the general population.

Jails, where inmates are held awaiting trial or serve short sentences of two years or less, represent the "front lines" of correctional health care. Many inmates lacked good access to health care services before their incarceration and are therefore more likely to come to jails and prisons with chronic illnesses and infectious diseases. Rates of infectious disease are known to be higher among inmates than in the general population. This high incidence of infectious disease among inmates threatens the health and lives of thousands of dedicated corrections officers and staff members who work in prisons and jails across America.

Most inmates are released after they've served their time; without treatment, these infected inmates threaten the public health of the community upon release. Every year there are approximately 12 million inmates released into the community. We need to recognize the real opportunity for treatment and prevention services in treating the high-risk corrections population as well as the clear public health implications for the community at large.

All of these alarming statistics contribute to the need for the establishment of an Office of Correctional Health within HHS. Such an office would coordinate all correctional health programs within HHS; provide technical support to State and local correctional agencies on correctional health; cooperate with other Federal agencies carrying out correctional health programs to ensure coordination; provide outreach to State directors of correctional health and providers; and facilitate the exchange of information regarding correctional health activities.

Mr. Speaker, with a growing diverse and medically complex population in America's prisons and jails, we must ensure that inmates are provided the health care they need, that staff members operate in a safe working environment, and as a result, that public safety is enhanced.

CELEBRATING 100 YEARS OF JARRETT STATIONARY

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. COBLE. Mr. Speaker, on Friday, March 1, 2002, one of the most respected family-owned businesses in High Point, North Carolina, will celebrate its 100th birthday. On behalf of the citizens of the Sixth District of North Carolina, we wish to congratulate Jarrett Stationary on its first century of existence.

"We don't know the exact date when Gene Jarrett started the business, but it was in February 1902," David Wall, the store's president told the High Point Enterprise. Wall, a third-generation owner and a High Point City Councilman, told the newspaper, "I figured holding the celebration on March 1 would help us cover the date properly. Ever since we got to 95 years, it seems like it's taken forever to get to 100 years, so I'm both proud and relieved that this time has finally come."

Because small businesses are the lifeblood of our economy, Mr. Wall, all of us are proud that Jarrett Stationary has succeeded for 100 years. Jarrett Stationary is the 16th oldest business entity in High Point according to the local Chamber of Commerce. Jarrett Stationary has had a rich and colorful history during its century in business.

There have only been three presidents during its 100-year existence. Gene Jarrett ran the company for approximately 45 years. Thurman Wall, Jarrett's son-in-law, served as president before his son, David, assumed the role in 1981. The company also served as a bookstore during its first 40 years before concentrating on office supplies after World War II.

It has been at its downtown North Wrenn Street location since 1929. Despite the glut of national office supply chains, and that many other small businesses have abandoned the downtown retail core, Jarrett Stationary has stayed and thrived. The future looks equally bright for Jarrett Stationary.

In fact, the very name of the company has come up for discussion in the past. Though a Wall family member has run the business longer than a Jarrett, David Wall said there was never any real consideration to abandon the company name. "Both my father and I thought about all those years that the good name of Jarrett Stationary has been built up in this city," Wall told the High Point Enteprise. "In retail especially, if you have that, that's like money in the bank, so why change?"

We concur that Jarrett Stationary should not change. It should continue to serve the people of High Point the same way it has for 100 years. On behalf of the citizens of the Sixth District of North Carolina, we congratulate Jarrett Stationary on its centennial celebration, and we offer our best wishes for the future.

WELCOMING MEMBERS OF THE AMERICAN BURN ASSOCIATION

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I would like to take this opportunity to welcome to Washington the members of the American Burn Association ("ABA"). The ABA and its over 3,500 members devote their time and resources to promoting and supporting burn-related research, education, care, rehabilitation and prevention. The membership consists of physicians, nurses, occupational and physical therapists, researchers, social workers, firefighters and hospital burn centers.

Many of you may be surprised to learn that there are over one million burn injuries in the United States each year and over 4,500 burn deaths. There are over 700,000 emergency room visits each year for burn-related injuries and over 45,000 hospitalizations. Because burn care is so complex and highly specialized, over half of all hospitalizations are to the nation's 139 specialized burn centers.

Burn injuries are among the most painful and horrific injuries that one can suffer. Even in ordinary times, we would owe a debt of gratitude to these dedicated and highly trained professionals and their institutions for treating and saving thousands of burn victims each year. September 11th brought about an even more profound appreciation of the work done by these burn professionals.

Immediately after the two planes plunged into the World Trade Center and a third plane crashed into the Pentagon, burn center hospitals and medical personnel responded. According to the CDC, about one third of all patients hospitalized in New York after September 11th were burn victims. These victims suffered from 35–75 percent total body burns. Many were in critical condition, some dying, others facing a long road to recovery with several reconstructive surgeries required to repair the damage. Similarly, in Washington Hospital Center.

As bad as this situation was, the medical community prepared for even greater horror. The ABA immediately alerted the 139 U.S. burn centers and began an assessment of the maximum burn bed availability for possible victims. By early afternoon on September 11th, the ABA had identified 1,500 available burn beds for potential victims and communicated specific information regarding this situation to relevant federal agencies.

The ABA also reached out to the Office of Emergency Preparedness, which manages the National Disaster Medical System ("NDMS"). NDMS is a partnership between FEMA, HHS and other federal agencies and private organizations that can provide emergency medical and support care during a disaster. Burn doctors formed Burn Specialty Teams under NDMS' auspices to ensure that all victims received the best care possible.

One story that deserves particular mention relates to the ABA's role regarding providing allograft that is critically important in burn treatment. There was simply not enough allograft available in Washington after the Pentagon attack. The Washington Hospital Center contacted a Dallas skin bank, which had 70 square feet of skin available to send to Washington. The problem was that all air transportation had been grounded. Despite these obstacles, the skin was packed in a truck and two young men drove from Dallas to Washington, arriving late afternoon on September 12th. Lives were saved as a result of this heroic effort.

We know from incidents dating back to Oklahoma City up to the World Trade Center and the Pentagon that disasters can strike at any time. If we are to respond to such disasters, we must strengthen the nation's National Disaster Medical System, including fully integrating the nation's burn centers into any disaster preparedness plans. Burn care is unique and requires a cadre of multi-disciplinary professionals to ensure a favorable outcome from these horrific injuries.

Mr. Speaker, we thank the dedicated medical professionals of the American Burn Association for what they do every day and, most especially what they did to treat the victims of September 11th.

RECOGNIZING OLYMPIC SILVER MEDAL WINNER LEA ANN PARSLEY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. TIBERI. Mr. Speaker, countless Americans are proud of Olympic medalist Lea Ann Parsley, but none more so than her friends and neighbors in central Ohio.

America knows Lea Ann as the athlete who sped to a silver medal in the first-ever women's skeleton event at the Salt Lake City winter games. But her friends in central Ohio know her as much more than that. She's a full-time firefighter at the plain township fire department in Franklin County and a volunteer firefighter in her hometown of Granville. And she's completing her work at the Ohio State University on a doctorate in community health nursing.

No wonder that Granville assistant fire chief Stan Nicodem said that Lea Ann "embodies not only the ideals of the Olympics, but the ideals of volunteerism and of firefighting. This just highlights that she's a very special person."

So special, in fact, that she was selected as one of the athletes to carry the American flag that had flown over the world trade center in the opening Olympic ceremonies. She persevered to win her silver medal despite an injured hamstring.

If boys and girls across our country are looking for a role model, all they need to do is look to central Ohio and Lea Ann Parsley. She's a true champion, both in the Olympics and in life.

BATTERED IMMIGRANT FAMILY RELIEF ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Ms. SCHAKOWSKY. Mr. Speaker, today I am introducing the Battered Immigrant Family Relief Act.

Violence against women is a profound and extremely pervasive problem, striking across economic, cultural and ethnic backgrounds, and across all age groups. It is an epidemic that affects not only women, but children and families as well.

We, in Congress, should be proud that we were able to reauthorize the Violence Against Women Act last session. I was particularly pleased with the inclusion of critical provisions of relief to battered immigrant women that came from my bill, H.R. 3083, the Battered Immigrant Women Protection Act. However, there are still important groups that were left out of last year's negotiations. That is why this legislation is so critical.

There are still battered immigrants, like asylees and the elderly, who are forced to remain in abusive relationships, unable to appeal for protection from law enforcement and the courts for fear of deportation. The Battered Immigrant Family Relief Act will allow them to safely escape their abusers without fear of deportation or other negative immigration consequences. This legislation would also provide a safety net for battered legal immigrants and their children by allowing them access to health insurance, food, and other benefits required to escape their abuser and gain economic self-sufficiency. We can no longer allow immigration status to be used as a tool of control in abusive situations.

I urge my colleagues to support this effort and this bill. While there is still even one women out there who endures violence, our work will not be complete.

RECOGNIZING PEACE CORPS DAY 2002

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. FARR of California. Mr. Speaker, I would like to bring to your attention that tomorrow, Friday, March 1, 2002, is Peace Corps Day. Tomorrow throughout the country, former volunteers will bring their experiences to work, school, places of worship and recreation. They will share with their colleagues, friends and community members the story of their years as volunteers and how it changed and shaped their lives. Since 1961, more than 163,000 volunteers have served in 135 countries and, in so doing, have served their country and the cause of peace and friendship across the globe.

This year, former volunteers will also be carrying with them the message of the President of the United States—that the Peace Corps is more important and relevant in the world today than it has ever been. I applaud the President's initiative to double the number of Peace Corps volunteers to 14,000 by the year 2007, and to bring Americans to parts of the globe where volunteers have yet to serve—parts of the globe that Americans need to know more about, and which need to know more about Americans.

Of course, Mr. Speaker, every day is Peace Corps day for me. My experience as a volunteer in Colombia is one that I draw upon and share with everyone I meet. Tomorrow will be no different.

I urge all Members of Congress, whether they were volunteers or not, to honor the Peace Corps tomorrow, and to share the spirit of volunteerism and international peace with everyone they come in contact with that day.

REPORT ON NATIONAL PUBLIC RADIO

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. SOUDER. Mr. Speaker, I am appalled by a recent report on National Public Radio linking the Traditional Values Coalition with the Anthrax letters that were sent to Senators TOM DASCHLE and PATRICK LEAHY. I am outraged by this biased and unsubstantiated attack.

I have personally known the leadership of the Traditional Values Coalition for many years. Even if I was not personally acquainted with members of TVC, I would still find this type of malicious and biased reporting completely outrageous.

NPR linked an organization that represents 43,000 churches across the nation to criminal activity with absolutely no evidence or fact. As the basis for their accusation, NPR cited a press release that TVC issued criticizing Senators DASCHLE and LEAHY for a policy that they disagreed with. If a policy disagreement is enough to speculate on a taxpayer-funded national radio program that a group has tried to murder members of Congress, then the list of suspects for this unspeakable crime would take NPR days to report. Instead NPR chose to mention only TVC in connection to the Anthrax with absolutely no evidence linking them to the crime. This is slander, and NPR should be held accountable for such blatantly biased reporting.

TRIBUTE TO CARLOS J. BADGER

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. CONDIT. Mr. Speaker, I rise today to honor Carlos J. Badger on the occasion of his 100th birthday and to honor him for a lifetime of service and community leadership.

Carlos J. Badger has had a distinguished career as a lawyer and he is currently the oldest practicing attorney in Stanislaus County, California. His legal career started after he graduated from Stanford University Law School. He argued his first case before the United States Supreme Court in 1949. His love for the law and concern for his clients keeps him still practicing today.

Carlos J. Badger also distinguished himself as a graduate of the United States Naval Academy. He was a classmate with Admiral Hyman Rickover when he graduated in 1922. He served honorably until he was forced to leave the Navy due to tuberculosis. He reenlisted during World War II and passed the California Bar while in the service. He is the oldest living veteran in Stanislaus County that served in both World Wars.

Mr. Speaker, it is indeed and honor and privilege to honor Carlos J. Badger for his service to our country and his dedication to the people of Stanislaus County. He is a shining example of professionalism in the legal profession. His selfless acts and professionalism reflect great credit upon himself.

I ask my colleagues in the House of Representatives to rise and join me in honoring Mr. Carlos J. Badger.

RECOGNIZING RUTH SWIGGETT'S LIFELONG COMMUNITY SERVICE TO EL SERENO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Ms. SOLIS. Mr. Speaker, I rise today to recognize and extend birthday wishes to an inspirational African-American woman from my district who has demonstrated a life long commitment to the community of El Sereno. For several decades, Ruth Swiggett has been a pillar in one of the most diverse communities in my district. The life of Ruth Swiggett takes on monumental significance as we will be celebrating her 99th birthday on Friday.

Ruth Swiggett has worn many hats in her lifetime—wife, mother, and community activist. She is the co-founder of the El Sereno Coordinating Council and has also served as advisor and president of the El Sereno Seniors. She has also been heavily involved with the El Sereno Youth Center, a community-based organization that fosters an educational enriched program and provides an after-school literacy based technology center for the children of the surrounding school community. As a proud Benefactor of the El Sereno Youth Center, Ruth has always worked tirelessly to help raise funds and coordinate supplementary educational resources for this important youth center.

Our nation is always in search of positive and meaningful role models to enrich our lives and foster innovative approaches that embrace positive character and virtue. One need not look any further than the community of El Sereno—for there is a sweet, caring woman who continues to make monthly visits to the El Sereno Youth Center where she celebrates every holiday with the children from the neighborhood who love and respect her.

I am privileged to have befriended Ruth Swiggett and am proud to speak of this renowned woman who has taught us all the significance of humanism and social justice.

CONGRATULATING SPECIAL AGENT TIMOTHY LATTERNER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to recognize and congratulate Special Agent Timothy Latterner, resident of Allendale, New Jersey, and decorated member of the Federal Bureau of Investigation, for his dedication to protecting our country. Later today, the Mayor and Council of the Borough of Allendale will pay tribute to Special Agent Latterner for his outstanding service to our country and the people of New Jersey. On this day, he will also be honored for his heroism and success in ending the trail of violence of one of the FBI's most wanted fugitives. As stories and reports from this dramatic event become known, we can understand the gravity of the situation as well as the outstanding skill of Special Agent Latterner as he protected the lives of innocent citizens. A leader of the men and women who bravely defend the citizens of this country, Special Agent Latterner is truly a hero of Allendale, of New Jersey, and of the country.

Special Agent Latterner's career in law enforcement is certainly impressive. Aside from serving in the Military Police in our Nation's army, he has been active as a Patrolman of the Borough of Allendale Police Department as well as the city of Fort Lee Police Department. Special Agent Latterner has always found the time and energy to participate in every aspect of his community. While serving in the Allendale and Fort Lee Police Departments, he also was a Drug Abuse Resistance Education (DARE) instructor to local youth. Almost seven years ago, he began a career with the Federal Bureau of Investigation and today serves in New York City as a member of the FBI's Fugitive Task Force and SWAT team.

The awards and honors Special Agent Latterner has received are tremendous, and quite outstanding. To list only a few: he has received the Armed Forces Expeditionary Medal for Combat in Panama, Medal of Valor from the New York City Police Department, the Heroism Award from the New York Fraternal Police Order, and named Investigator of the Year by the Federal Law Enforcement Foundation. Most recently, his name was submitted for the FBI Medal of Valor for heroic actions.

One of Special Agent Latterner's most remarkable moments will be honored in Allendale today. His dedication to his career and the pursuit of justice brought him to Atlantic City on May 11, 2001. With a lead on a notorious and deadly fugitive wanted nationwide, Special Agent Latterner and two other law enforcement officials pursued the man successfully to a casino. Witnesses said that the scene was right out of the movies. For Special Agent Latterner, it was the final step in a chase across States for a man the FBI named in its most wanted. The fugitive was wanted for murder, sexual assault, kidnapping and armed robbery. In a crowded chaotic room, Special Agent Latterner was able to successfully subdue this armed and dangerous man and prevent injury to the other law officials or the public. I do not doubt that Special Agent Latterner spared the lives of his partners and witnesses as he apprehended the dangerous criminal. This heroism and professionalism deserves our utmost respect and appreciation.

I am honored to have such a man residing in the 5th District of New Jersey, and serving our country. Mr. Speaker, I urge my colleagues to join me in commending Special Agent Latterner for his actions that heroic day in Atlantic City, and for his outstanding career in enforcing our country's laws and defending our citizens. I wish him all the best for the rest of his remarkable career.

HONORING THE GOOD HOPE MISSIONARY BAPTIST CHURCH

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the congregation of the Good Hope Missionary Baptist Church at 3015 North MacGregor Way in Houston, Texas, as they observe the church's 130th anniversary on March 23–24, 2002. The church's long history of providing spiritual nourishment and community service will be celebrated with a music workshop, luncheon and two Sunday services.

The Good Hope Missionary Baptist Church was founded in 1872, nine years after President Lincoln signed the Emancipation Proclamation. The former slaves began to exercise their hard won freedom to worship God after having been prohibited from congregating in large numbers and from holding services. The church was first located on Valentine Street in the Freedman Town area of Fourth Ward, eventually moving to a larger facility on the corner of Wilson and Saulnier Streets which was later damaged by fire. In 1933 the congregation moved into its first modern structure. Then on March 22, 1981, the church moved to its current central location to better service the needs of its membership.

Six Pastors have served as leaders of Good Hope over the last 130 years. The church was established under the leadership of Reverend Samuel Grantham, known as Father Grantham, and he continued in his role as church leader until he passed away in 1891. The second pastor, Reverend C.H. Hunt served from 1893 until his death in 1921; the third pastor, Reverend Henry C. Cashaw served from 1922 until his death in 1934; the fourth pastor, Reverend Albert A. Lucas served till his death in the pulpit in 1963; the fifth pastor, Reverend Crawford W. Kimble was elected and served from 1964 until his retirement in January 1994; and the sixth and current pastor, Reverend D.Z. Cofield has served as Senior Pastor since March 1994.

Today, the membership is one of the largest African American congregations in Houston. A few of the ministries are Christian Education, counseling, Wellness, and the Hope Resource Center. This year Good Hope will break ground on a 25,000 square foot Family Life Center to better serve the membership and surrounding community. This facility will include a state of the art auditorium/cafeteria, commercial kitchen, 20 classrooms, library/bookstore, and day care center. Also, Good Hope has a faith-based nonprofit community development corporation, Hope for Families, Inc., which was organized in 1994.

Mr. Speaker, I congratulate Pastor Cofield and all the members of Good Hope Missionary Baptist Church as they celebrate their 130th anniversary. I wish them continued success as they build on the strong sense of community they have helped establish in Houston.

TO HONOR THE SERVICE OF RICHARD 'DICK' HEALING, NAVY DIRECTOR OF SAFETY AND SURVIVABILITY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. WELDON of Pennsylvania. Mr. Speaker, today, a valued asset of the Navy and a dear friend of mine will retire after a long and distinguished career in public service. Richard 'Dick' Healing selflessly served as the Navy's first Director of Safety and Survivability. His objective was the operational safety of our servicemen and women in combat and training. Whenever the well-being of the individuals who would operate the various aircraft, weapons and machinery was ignored or overlooked, Dick Healing made it a priority so that no design created unreasonable risks.

Dick's contribution affected the lives of all Navy personnel. He took pride in closely overseeing the assessment and procurement of countless technology improvements. He is most well-known for aviation safety including, but not limited to, the addition of the life-saving Helicopter Emergency Egress Device (HEED) and the use of flight recorders on combat aircraft. Thanks to his tireless efforts, countless Navy personnel and their families would never have to experience the loss of a loved one due to hasty or imprudent engineering.

Dick's services to America did not begin with his life-saving Navy survivability work. After dedicating 29 years of his life to the Coast Guard, Captain Healing held four Navy commands, including the Command of a patrol gunboat during the Vietnam War and Command of the Secretary of Defense Crisis Coordination Center Reserve Unit. He served as Team Chief in this unit during Desert Shield and Desert Storm and is the recipient of 26 medals and awards including the Defense Superior Service Medal and the Combat Action Ribbon.

As a licensed Professional Engineer and a graduate from the Naval War College, he was selected to be a Presidential Exchange Executive in 1990 and was a Senior Executive Fellow at Harvard University in 1991. After acting as President and CEO of a Connecticut contracting and engineering firm and as Executive Vice President of a military parts manufacturer, Dick Healing has been with the Secretary of Navy since 1983. A family man and a man of great character, Richard Healing takes great pride in his wife Darlene and their three grown children.

My friend's tireless dedication to improving the safety of our Navy will be missed. It has been an honor to work with him in pursuit of this noble goal. America's armed forces and I applaud his service. A grateful nation wishes him and his family the very best.

TRIBUTE TO THEODORE BLUM

HON. MICHAEL FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. FERGUSON. Mr. Speaker, I rise today to congratulate Theodore Blum, a resident of Hillsborough, New Jersey, on his recent nomination to the National 4–H Hall of Fame.

Mr. Blum will be one of the inaugural 100 members of the National 4–H Hall of Fame, which has been created to commemorate the 100th anniversary of this world-renowned service organization.

Known by many as "Mr. 4–H," Theodore Blum served as Somerset County, New Jersey's 4–H agent from 1956 to 1984, the longest anyone has held that position since the county program began in the mid-1920s.

As county agent, Mr. Blum oversaw the construction of a 20,000-square-foot facility in Bridgewater, New Jersey, which is the largest 4–H center in the state. He initiated a program that enrolled six through eight year olds in a 4–H prep program that inspired similar programs throughout New Jersey. Mr. Blum also oversaw the growth of the county 4-H Fair to its status now as one of the largest free fairs in New Jersey, and tirelessly promoted the 4–H and their activities by distributing pamphlets to local newspaper and schools.

But most importantly, Theodore Blum helped enrollment in Somerset County 4–H programs from 500 to 2,500 members, paving the way for greater involvement by young people in their community.

Today I commend Theodore Blum, who recently has turned 75 years old, for his leadership and congratulate him on being named as one of the first one hundred members of the National 4–H Hall of Fame.

HONORING REVEREND JOE GRIZZLE

HON. J.C. WATTS, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. WATTS of Oklahoma. Mr. Speaker, I rise today to honor a great American, a wonderful family man and a true servant of God: Reverend Joe Grizzle.

Reverend Grizzle has recently accomplished a great feat: celebrating 25 years in the same church, in the same town: First Free Will Baptist Church of Norman, Oklahoma—in the heart of the 4th district of Oklahoma.

And heart is what this is all about. Churchgoers at First Free Will refer to their home as the Church with a heart. Many Oklahomans have commented that Joe Grizzle has a great big heart. A heart that cares for others, a heart that cares for his wife Billie and his children Christy and Rick and their spouses Jeff and Kim and 5 beautiful grandchildren, and a heart that recently was broken but thankfully God saw fit to mend it back together again to allow him to continue his ministry. More than that, Rev. Grizzle has a heart that cares for God. And like David, he is a man after God's own heart.

Rev. Grizzle knows what it means to teach and be obedient. He knows what it is to plant seeds that will bloom well into eternity. He knows what is done for God will last. While we debate budgets and appropriations and talk of legislation, Rev. Grizzle is doing the real work of this great nation: healing hurts, mending brokenness and putting families back together and talking about the things of God.

When it comes to keeping this nation great and strong, we need to look to our families and our churches. Especially right now, our churches have been raised for such a time as this. Rev. Grizzle is a credit to this nation and a testimony of God's grace as he celebrates 25 years of ministry at the First Free Will Baptist Church in Norman, Oklahoma.

RECOGNIZING STEW FLAHERTY

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. TIBERI. Mr. Speaker, all of us were thrilled to watch Jill Bakken and Vonetta Flowers make history by winning a Gold Medal in the first-ever women's bobsledding competition at the Winter Olympics. But there might not have been a Gold Medal, or even a women's bobsledding event, without Stew Flaherty of Westerville, OH.

After meeting two of the U.S. athletes in a Westerville gym 7 years ago, Stew spearheaded a campaign to make the women's bobsled an Olympic sport. He organized a letter writing campaign to pressure the International Bobsled and Skeleton Federation and the International Olympic Committee to include the event in the Salt Lake City games. Along with others, Stew helped build the sport internationally by convincing other countries to create teams.

As women's coach Bill Tavares told the Columbus Dispatch, "Without Stew's support we wouldn't be here." And to quote Gold Medalist Jill Bakken, "Stew's role was huge. He was supporting us when no one else was."

Stew Flaherty's efforts show that with hard work and a never-give-up attitude, you can move mountains. Or in Stew's case, make it possible for others to win Olympic gold.

HONORING BILL JOHNSON

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BARR of Georgia. Mr. Speaker, we in the 7th District are deeply saddened by the loss of one of our greatest friends; a man who carried the torch not only for truth and justice as an excellent lawyer, but also stood as an outstanding community volunteer.

Bill Johnson was born November 10, 1932 in Moreland, Georgia. He graduated from Moreland High School and received his B.A. from West Georgia College in 1951. After graduating Bill moved on to the University of Georgia, where he received his juris doctorate in 1954. After serving a three-year stint in the Army, Bill continued on to a distinguished law career, operating as the Carroll County government attorney between 1969 and 1984, and then in private practice, eventually opening his own firm—Johnson, Word, and Simons, which still remains in Carroll County.

Bill was a member of numerous legal and financial organizations, including the Carroll County Bar, the Coweta Circuit Bar Association, the State Bar of Georgia, the Georgia Trial Lawyers Association, and the Association of Trial Lawyers of America. He also served as a board member for the Community Bank and the Peoples Bank of West Georgia. Bill also belonged to several philanthropic groups such as the Lions Club and the Jaycees. He was extremely active with the First Baptist Church, as well as the Masons and Shriners.

On a personal note, Bill was my friend. He enjoyed sponsoring huge annual BBQ fundraisers, and was one of my biggest and most outspoken supporters. I will dearly miss the grace, and dignity, and humor he brought to the courtroom and the political arena, and the dedication he offered up to all.

Bill left us to join his Creator in heaven on Monday, February 18, 2002, after a long illness. He is survived by his wife, Ramona Teal Johnson, his daughter Angela Lee Johnson, and his son Alton Parker Johnson II, a Carroll County Magistrate Judge. We will all miss him and his legacy of dedicated service.

MILITARY SPENDING AND PUBLIC HEALTH

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I would like to direct my colleagues' attention to an Op-ed in the Chicago Tribune (February 17, 2002), by the highly esteemed Dr. Quentin Young, "President puts military funds ahead of those for health." As the head of Physicians for A National Health Program and the Health and Medicine Policy Research Group, Dr. Young reports on the uncertain and frightening future of a disintegrating public health system.

With a $340 million reduction in the Centers for Disease Control and Prevention's expenditures not devoted to "anti-terrorism," the Bush Administration is abandoning needed support for our public health system. Dr. Young highlights how the Bush Administration has subordinated public health to military priorities, through $57 million slash in the program for chronic disease prevention and health promotion, a $10 million cut for infectious disease control, and a $9 million cut for Medicaid funding.

We have made great strides in public health over the last 150 years with strong focus, and fiscal and political support. Life expectancy in our country has doubled, from 40 years to 80 years, through ". . .[t]he separation of sewage from drinking water, mass immunization, discovery and elimination of insect vectors of disease, improved nutrition, prenatal care, purification of the food supply, addressing ambient pollution, and diminishing workplace hazards."

But in recent decades, we have neglected critical public health needs, eroding our ability to protect communities and individuals. We cannot allow emerging issues to destroy our nation's efforts to enhance the health status of the population. If we continue to divert funds from critical investments in public health because of short-term goals and a "military first" attitude, we will inevitably harm our nation's health in many other areas. A single-minded focus on bioterrorism that neglects ongoing public health needs is a shortsighted and dangerous policy.

I strongly urge my colleagues to read the enclosed full text of Dr. Young's very informative op-ed.

[From the Chicago Tribune, Feb. 17, 2002]

PRESIDENT PUTS MILITARY FUNDS AHEAD OF THOSE FOR HEALTH

(By Dr. Quentin Young)

Americans, still on the threshold of the 21st Century, confront an uncertain, even frightening, future, not least because their public health system is diving headlong into errors of the past.

On Feb. 4, President George W. Bush presented his FY 2003 budget to Congress.

Its health provisions repeat the dangerous errors of the past, especially with its focus on defense. To truly strengthen the public health system, millions should have been added to the budget of the Centers of Disease Control and Prevention. Instead, CDC would take a $340 million reduction in expenditures not devoted to "anti-terrorism."

A sampling of the reductions indicates a $57 million slash in the program for chronic disease prevention and health promotion, $10 million for infectious disease control, $9 million for Medicaid funding. On the other hand, there is a 33 percent increase in funding for abstinence-only-until-marriage education. The decision to increase community health center support by $114 million was helpful; it probably should have been more.

Our public health system needs serious invigoration based on adequate funding at all levels. The president, however, has debilitated the system by removing support for programs with proven success and doing nothing to rally independent public support for the mission of public health. Finally, he has moved a long way toward repeating the 1950s blunder: subordinating the public health system to military priorities.

The nation may pay dearly for this strategy.

A good way to approach an understanding of the place of contemporary public health is to look backward a century and a half. Such an examination will define our current situation and how we got there. It can illuminate the wisest decisions we can make based on science and practice.

In the past 150 years, life expectancy in our country has doubled, from 40 years to nearly 80 years. This astounding extension of life in such a brief time has no precedent in the human experience.

It was achieved fundamentally by public health triumphs: the separation of sewage from drinking water, mass immunization, discovery and elimination of insect vectors of disease, improved nutrition, prenatal care, purification of the food supply, addressing ambient pollution, and diminishing workplace hazards. The public valued these gains. The decline in the perils to life was palpable. A grateful citizenry accepted the rules and regulations that the preventive discipline required. Fiscal and political support were there for the array of measures—from compulsory immunization to meat inspection—needed to improve the nation's health.

Until the 1950s.

Then, three powerful currents emerged and converged to undermine the vigor and the readiness of the public health establishment. The recent panicky response to the anthrax letters and the legislative fixes being proposed will achieve the necessary safeguards only if we recognize how we blundered in midcentury and if we resolve not to repeat history's mistakes.

The first blow came, paradoxically, from the success of the system.

In a recent article, Lawrence Gostin and M. Gregg Bloche captured this turnaround: "Americans saw these [public health] activities as vital to their security, no less so than military force or police and fire protection. Taxpayers supported the needed spending. Lawmakers empowered local health authorities to move robustly when contagion threatened. Destruction of buildings, killing of infected animals and even restraints on the movement of infected people were provided for by law and widely accepted by citizens."

"But after World War II, American public health fell victim to its own success. Thanks to city-planning and sanitation campaigns of the early 20th Century and the antibiotic revolution of the 1940s, fear of infectious disease waned. The conquest of polio through vaccination in the 1950s delivered the coup de grace for public health's middle-class constituency."

Despite awesome accomplishments, public health was now the Cinderella—nay the Caliban—of our health system. Although exploding health expenditures reached $1.4 trillion by 1999, less than 2 percent was allocated to all activities in public health. The workforce, the facilities, the technology—all of the basics—fell behind.

The second undoing of progressive growth of public health was essentially political. This derived from the hard fact that it is a governmental function, totally dependent on fiscal and legislative policies. Because the designated leaders—from the local and state health department directors on up to the surgeon general—are all political appointees who serve at the pleasure of an elected chief executive, an effective independent professional advocacy did not and perhaps could not develop.

These health chieftains were locked into a loyalty to their sponsors. They cannot question the budgetary and policy devolution openly and expect to keep their jobs. At the local, state and federal levels, the reward for public health successes was reduction of support from the public treasury.

The third major element in the decline in U.S. public health over the past half-century is a cautionary tale. It is quite pertinent to the re-emergence of concern with bioterrorism, which is the deliberate use of lethal pathogens on your opponents. It was Alexander Langmuir, chief epidemiologist at the CDC, who was the architect of the dramatic shift in research and funding to look at what was called biological warfare in the midcentury realpolitik.

The irony of the resource shift lies in the reality that we have not developed reliable defenses against hostile use of organisms. We have a gigantic capacity to create these weapons, but the option to use them is illusory. Nor do our weapons offer deterrence to enemies who are not powerful nation-states but an elusive network of terrorists who claim to welcome death in the service of injury to us.

An unintended consequence of Sept. 11 is an overdue appreciation and enthusiasm for the vital functions of public health. We have not been at all steadfast in this regard in the past five decades. Indeed, we have been heedless. In all quarters the question arises: Can we now build a public health capability that is robust and responsive, independent of volatile political swings?

Above all, can we avoid the trap of reducing our focus to garrison state protection functions? The system should be developing defenses against all threats to the public's health, including bioterrorist ones. However, we should recognize the folly of neglecting or abandoning the great array of other crucial functions.

Public health has been defined as those things society as a whole does together to enhance the health status of the population. This tradition grows out of premises that include equity, social justice, confidence in government capability in a democratic society, and reliance on observation and scientific validity to guide practice in the community. When the system works efficiently and compassionately, it generates the solidarity and confidence much needed in a time of confusion and polarization.

To achieve the benefits of a vigorous, fully developed public health system, our strategy should not repeat the major errors of the past: Do not abandon sustained support of public health because of short-term achievements; Decouple the subordination of public health leadership to politicians; introduce a tradition of independence from partisan politics by developing an informed citizenry acting as public health advocates; Do not let the system become simply an auxiliary to the military.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise today in opposition to H.R. 1542, the Internet Freedom and Broadband Deployment Act. As a member representing one of the most rural states in our nation, I believe that this bill will do nothing to spur broadband deployment in rural America, while destroying the ability of the FCC and state regulatory commissions to provide valuable consumer protections.

The Bell companies say they are eager to deploy broadband in rural areas, but their actions speak louder than their words: for years, the Bells have sold off millions of lines in rural America. These companies have no commitment to rural America, and passing this bill will not change that. In fact, the Bells can easily evade the rural broadband development provisions of this bill simply by selling off additional rural exchanges. Rather than encouraging Bells to invest in rural America, this bill increases their incentives to accelerate their rural sell-off.

Small carriers and local providers have long been the lifeblood of communications services in rural America, yet this bill allows the Bells to deny these companies access to their networks. The very small competitors which today provide outstanding communications services in rural North Dakota and throughout the country could be quickly put out of business by this bill. Thousands of jobs at these competitive carriers would be lost.

What's more, H.R. 1542 preempts states from regulating high-speed data service altogether. This provision would prohibit states and the FCC from providing basic consumer protections, such as restrictions on unsolicited email and child pornography. The Bell companies pay millions of dollars in fines each year for violating state and federal laws, yet H.R. 1542 would remove almost all oversight of their high-speed activities, putting consumers at risk.

Rather than guaranteeing rural broadband service to rural America, H.R. 1542 simply provides the Bells with a tool to destroy their smaller competitors and avoid state and federal regulatory agencies. This bill is bad for competition and bad for consumers. I urge my colleagues to vote no.

TRIBUTE TO JAMEL BRADLEY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Jamel Bradley as he—along with Columbia native Aaron Lucas—prepares to play his final home game as #10 for the University of South Carolina Gamecocks on Saturday, March 2, 2002 Senior Day.

Leading college basketball's Southeastern Conference and ranking in the top ten nationally in three-point field goals as well as setting the three point record at USC would be reasons enough to recognize senior Jamel Bradley's accomplishments. What is even more extraordinary is the path that brought him to these amazing achievements.

At 18 months old, Jamel suffered an illness that kept his temperature at 106 degrees for three straight days. Although he recovered, 80% of his hearing was gone. As a child growing up in West Virginia, Jamel never felt he "belonged in this world." The hearing aids in both ears were inadequate and only served to stigmatize him. It wasn't until he found basketball that he discovered a way to fit in with his peers.

His success on the court led him to the USC Gamecocks and another life-changing event. This time Jamel received programmable, omni-directional hearing aids that restored 75–80% of his hearing. For the first time he could remember, he heard birds chirping and clocks ticking.

Jamel's basketball accomplishments also took him to Rome, Italy last summer where he scored 33 points in the Championship Game of the Deaflympics, leading the U.S. team to a gold medal. This reinforced what Jamel had come to realize—his hearing deficiency would not and should not keep him from achieving his goals. That is a message that he enjoys sharing with deaf youth while serving as the role model he never had growing up.

Recently the ESPN Sports Network brought his low-key, inspirational style to a nationwide audience. Now his story has served to inspire children with disabilities across the country. Since Jamel's story aired, calls and emails have poured into USC's Basketball office attesting to the impact his story has had on others. It had a tremendous impact on me.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Jamel Bradley. The contributions he has made both on and off the basketball court will leave lasting impressions on all those he has touched. He is a remarkable young man. I wish him continued success and Godspeed!

COMPREHENSIVE INVESTOR PROTECTION ACT OF 2002, H.R. 3818

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. LAFALCE. Mr. Speaker, today, I am very pleased to join with Minority Leader GEPHARDT and many of my Democratic colleagues in introducing the Comprehensive Investor Protection Act of 2002. Well before the failure of Enron, I had spoken out frequently on my concerns that fraudulent financial reporting and earnings manipulation by public companies was endangering the savings and retirement plans of many Americans. Now that Enron has made the systemic problems in our financial oversight and disclosure systems all too clear to everyone, we have an opportunity to adopt serious reforms to correct the weaknesses that are undermining confidence in our capital markets.

Our bill will significantly enhance the independence and oversight of the accounting industry and puts on the table a full range of reforms to make real improvements in investor protection.

The bill adopts the proposal made by former SEC Chairman Levitt in 2000 to separate audit and consulting functions by prohibiting substantially all non-audit services that auditors have been providing to their audit clients, in addition to incorporating other significant provisions aimed at enhancing auditor independence.

The bill creates a Public Accounting Regulatory Board to provide strong and effective oversight of the auditing industry. We provide this new regulator with explicit, broad oversight authority and a stable funding source to ensure it can take tough action to provide effective oversight of the auditing industry, including direct inspection of audits.

The bill changes the way that auditors work with audit clients by ensuring that the audit committee is responsible for hiring and firing auditors. This has been advocated by five former SEC Chairmen as a way to make sure that auditors are clearly and directly responsible to the audit committee and shareholders, not to management.

The bill restores both joint and several liability and aiding and abetting liability for auditors and other outside professionals, as advocated by consumer and investor groups.

The bill places additional restrictions on securities analysts, including restrictions that have already been adopted by some major securities firms, but that were not included in the measures proposed by the NYSE and NASD last week.

Finally, an essential step in restoring the vitality of the financial reporting system is to provide a significant increase in SEC resources. I have been very pleased to see that our Republican colleagues have now heard my year-long calls for a significant increase in SEC resources. But I have been very concerned that the increase that they call for does not provide for pay parity for SEC staff generally. Funding pay parity is essential for the SEC to be able to hire and retain experienced, professional staff needed to restore confidence in our capital markets and our financial reporting system. My bill addresses this by authorizing a doubling of staff for the Division of Corporate Finance, the Office of the Chief Accountant, and the Division of Enforcement, while providing full pay parity for all SEC staff.

I thank my colleagues for joining me today in introducing a bill that I believe represents a significant step forward in restoring the integrity of our system and providing investors the protections they expect and deserve.

SUMMARY OF 2002 COMPREHENSIVE INVESTOR PROTECTION ACT ("CIPA") H.R. 3818

Auditor Independence: CIPA would seek to ensure that an auditor's first duty is to the public by substantially limiting the non-audit services an auditor may provide to an audit client. The prohibited services to an audit client include, among others: (1) bookkeeping; (2) financial information systems design (3) valuation services and fairness opinions; (4) internal audit services; (5) managerial services (i.e. acting as a director or officer); and (6) broker-dealer, investment adviser or investment banking services. Tax-related services and other non-audit services not otherwise enumerated would be subject to the approval of the audit committee, which would evaluate the effect of the provision of such services on the auditor's independence.

Corporate Governance and additional Independence requirements: CIPA includes a list of critical reforms in corporate governance and auditor independence, including:

(1) requiring a 4-year rotation of a registrant's auditor, with the possibility of one 4-year extension so long as the Public Accounting Regulatory Board approves such extension, after due review and inspection of the audit.

(2) vesting the audit committee with the power to hire and fire its auditors;

(3) requiring the audit committee to meet quarterly with its auditors and have an opportunity to do so outside the presence of management;

(4) requiring a 2-year cooling off period for certain former auditor employees before they could work for an audit client;

(5) making it unlawful for the issuer to improperly influence an auditor in the performance of an audit;

(6) prohibiting directors from providing consulting services to the issuer; and

(7) prohibiting the issuer from making charitable contributions to organizations associated with any director.

In addition, the bill would require extensive disclosures to make transparent to shareholders and investors the relationships that compromise independence that now prevail on many corporate boards among officers, directors and affiliates of the issuer.

Regulation of the Auditors: CIPA would create a strong public regulator, with clearly defined duties and powers mandated by Congress, to provide comprehensive oversight of accountants.

A super majority of a 7-member board would be selected from the public and would represent the interests of shareholders, investors, pension beneficiaries and future retirees.

The Chairman of the Board would be appointed jointly by the SEC and the Comptroller General.

An Appointment Committee, consisting of the Chairman of the Board, the Chairman of the SEC, and the Comptroller General shall select the six remaining Board members from nominations received from groups representing institutional investors and pension funds (public employee pension plans, pension plans organized pursuant to the Taft-Hartley Act (i.e. union-related pension plans), and pension plans organized pursuant to ERISA).

The Board shall have the power to establish its own rules. Rulemaking would be subject to SEC approval and to public comment.

The Board will be self-funded through assessments on public companies that receive the benefit of audit services.

The duties of the Board include: (1) establishing quality standards relating to audits; (2) performing direct quality reviews of individual audits; (3) conducting comprehensive and direct inspections of auditing firms; (4) setting independence standards; and (5) establishing ethical standards.

The Board will have a full range of disciplinary powers.

The Board will have sweeping investigative powers including the ability to compel testimony and subpoena documents from auditors and their clients. It shall also have the power to refer matters to the SEC for investigation or additional action.

Enhanced Financial Disclosure: CIPA directs the SEC to conduct rulemaking to significantly improve financial disclosure relating to: (1) the treatment of special purpose entities; (2) related party transactions; (3) the creation of a plain English financial statement disclosure regime; and (4) earnings manipulation.

Expansion of SEC Resources: CIPA would double the resources for the Divisions of Enforcement and Corporation Finance, as well as the Office of the Chief Accountant. Moreover, CIPA would fund pay parity for the entire Commission staff. The total SEC authorization would amount to $876 million for fiscal 2003.

Real-Time Disclosure of Affiliate Stock Sales: CIPA would require real-time disclosure of insider stock sales and disclosure of affiliated-party dispositions of stock and related derivative instruments.

Restoration of Joint and Several Liability for Accountants: CIPA would hold auditors fully responsible for their actions. This legislation would overturn provisions of existing law to provide for joint and several liability for auditors when: (1) an accounting firm provides both auditing and non-auditing services (such as consulting services) to an issuer; (2) the defendant knowingly committed a violation of the securities laws; (3) an accounting firm failed to comply with the financial fraud reporting provisions of the securities laws; or (4) the issuer of the securities that are the subject of the fraud has become insolvent. This replaces the current proportional liability standard.

Restoration of Aiding and Abetting Liability for Accountants and Outside Professionals: CIPA would provide a private right of action against anyone (auditors, lawyers and other outside professionals) who knowingly or recklessly provides substantial assistance to another person in violation of the securities laws.

Lockdowns: CIPA would prohibit stock sales by insiders at any time when employees are subject to a lockdown on their 401(k)s.

Destruction of Records: CIPA would require auditors to retain certain key files for 7 years relating to an audit so that they would be available for investigations.

Statute of Limitations: Provides that an implied right of action arising under the Securities and Exchange Act of 1934 may be brought no later than the earlier of 5 years after the date on which the alleged violation occurred or 3 years after which the violation was discovered.

Analyst Conflict of Interest: CIPA would go beyond the requirements in the recent rulemaking proposed by the NASD and NYSE by: (1) banning analysts from holding stock in the companies that they cover; (2) prohibiting analyst compensation from being based wholly or in part on investment banking revenue; and (3) requiring the NYSE and NASD to establish criteria for evaluating analyst research quality and also requiring analyst compensation to be based principally on the quality of their research.

Enhanced SEC Review of Issuers: CIPA requires the SEC to review on a more regular and systematic basis the public disclosures made by issuers, especially reports filed on form 10-K. CIPA would require the SEC to establish a risk-rating system which shall be used to determine the frequency of such reviews. Companies with large disparities in price to earnings ratios (i.e. "dot com-like" companies) would be among those ripe for regular review.

Current Disclosure: CIPA would provide for the establishment of a "current disclosure regime" as suggested by SEC Chairman Pitt. The goal would be to change the way issuers communicate with investors by providing more meaningful and current information about their financial results, including providing useful trend information.

Study of the Role of Credit Rating Agencies: CIPA would require the SEC to study the role of credit rating agencies and make recommendations concerning the establishment of minimum standards, among other things.

A TRIBUTE TO REVEREND TIMOTHY WRIGHT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Timothy Wright for his dedication to the spiritual upliftment of his community through music.

Reverend Wright was born on June 17, 1947 in Brooklyn, NY. He accepted Jesus Christ as his Lord and Personal Savior at an early age. During this time it became very apparent that Reverend Wright had an unusual gift for music. At St. John's Baptized Holiness Church, he cultivated his musical skills while serving as church organist and choir director for the youth ensemble.

In 1966, Reverend Wright was drafted in the U.S. Army and served his country until 1968. He received a honorable discharge and returned to his home in Brooklyn, NY. From 1969 to 1990, Reverend Wright has served many capacities at the Washington Temple C.O.G.I.C. in Brooklyn, NY. During his tenure, he founded the Timothy Wright Concert Choir in 1976. In addition, Reverend Wright has recorded with many other choirs through out the U.S. and abroad. Reverend Wright gained national recognition for the album "Come Thou Almighty King." Reverend Wright has been a three-time Grammy nominee, NAACP Image Award winner and a Stellar Award winner.

In 1990, Reverend Wright established the Grace Tabernacle Christian Center COGIC in his home. The Grace Tabernacle Christian Center COGIC ministry included various outreach programs that served all in need. Grace COGIC, located in the heart of the inner city, has grown and flourished over the years. In January 1998, Rev. Wright was elevated to Superintendent of District #3 in New York.

Reverend Wright has been a beacon of light for the Brooklyn community through preaching, teaching the word of God or ministering in song or music. Reverend Wright is truly an anointed man of God. And, today it is my pleasure to bring his achievements to the attention of my colleagues.

PAUL REVERE FORUM

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mrs. MORELLA. Mr. Speaker, employees in the government and private sector who have refused to put personal comfort and profit above public safety represent true public service and patriotism. By speaking the truth and refusing to be silenced, they have prevented the spread of sickness and disease, disastrous environmental contamination, and unknown accidents on our highways, railroads and airways. Whistleblowers have saved the American taxpayer billions of dollars, and they have literally saved countless lives.

These men and women usually do not think of themselves as being heroic. In many cases, they are just doing their jobs. We call them "whistleblowers," a label they are often reluctant to accept. They are reluctant for understandable reasons. Being a whistleblower usually means harassment, intimidation, and career-ending retaliation from those who stand to lose when the public learns the truth.

On Wednesday, February 27, several public interest organizations hosted an event entitled "The Paul Revere Forum: National Security Whistleblowers Speak." I am proud to be invited to address the whistleblowers and their supporters who will be in attendance. Paul Revere is not often thought of as a "whistleblower," but for the security and freedom of the colonial citizens of Lexington and Concord, that is exactly what he was. Now, we again find ourselves in a period where National Security whistleblowers can play a critical role—in the war against terrorism.

National Security whistleblowers have recently provided warnings about potential terrorist attacks by sounding the alarm about vulnerabilities that senior bureaucratic managers would prefer to cover up or ignore. The warnings have covered a vast array of official activities: security officers at nuclear laboratories, weapons facilities, waste dumps and power plants have for years warned that nuclear material is highly vulnerable to terrorist attack; FAA employees have come forward with similar concerns about the effectiveness of security technology as well as passenger screening practices; emergency management officials have exposed dramatic inadequacies of protections for our food supplies and evacuation plans, and Customs employees have pointed to weaknesses in our border security. These problems will become tragedies unless both public and private employees feel they can raise concerns without suffering retaliation.

Since the tragedies of September 11, blowing the whistle is no longer only about protesting abuses of power, personal corruption or violations of regulations. It has a new dimension—it is about preserving the freedom to warn.

I have been an ardent advocate for whistleblower protections throughout my career in Congress. I am the sponsor of a bill, H.R. 2588, that strengthens the original Whistleblower Protection Act. I supported passage of the NO FEAR Act, which actually came about due to the efforts of two of my constituents, Dr. Marsha Coleman-Adebayo and Mr. Leroy Warren, Jr. In addition, I am an original cosponsor of Congressman Israel's legislation to improve whistleblower protections for national security personnel.

I also want to thank the Government Accountability Project for keeping this issue in the public eye, in particular Tom Devine, Legal Director and Doug Hartnett, National Security Campaign Director.

TRIBUTE TO JERRY ROBERTS

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Ms. PELOSI. Mr. Speaker, I rise today to honor Jerry Roberts, a giant among West Coast journalists, who after 25 years of devoted service is leaving my hometown newspaper, the San Francisco Chronicle.

Jerry Roberts has provided outstanding service to Northern California, devoting his professional life to covering San Francisco, the Bay Area and California. Throughout his career, he has consistently exhibited exemplary fairness and insight.

Over the past quarter century, Jerry has covered hundreds of elections, including my first, and has also authored a biography of my fellow San Franciscan, Senator DIANNE FEINSTEIN.

Jerry has served as the Chronicle's political editor, editorial page editor, city editor and for the past five years, managing editor, always displaying a passion for politics, family and baseball, not necessarily in that order.

A fellow West Coast immigrant, Jerry was born in Cleveland, moving to San Francisco in the early 1970s. He and his wife Linda Kiefer raised three daughters, Anna, Maggie and Rebecca in the greatest city in the world. San Francisco is a better place because of Jerry Roberts' professionalism and devotion to his job, his family, and his community.

I join Jerry's family and his many friends in wishing him all the best in his new endeavors. We continue to expect great things from Jerry Roberts as we thank him and pay tribute to him for his contribution to San Francisco and to the field of journalism.

TRIBUTE TO WILLIAM O'REE—A TRUE PIONEER

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. CAPUANO. Mr. Speaker, as we close the chapter on February, Black History Month, I want to bring to the attention of Congress a man who has had a profound impact on the sport of ice hockey and its connection to communities of color.

On last Sunday, the world turned its attention to the Olympic games to witness the men's ice hockey gold medal game featuring Team USA against Team Canada. At the conclusion of the hard-fought battle, Team Canada emerged victorious by a score of five to two. Although I wished the score had been reversed, I was extremely proud of what that game did to increase the level of exposure for the game of hockey. I was particularly moved by the exploits of one player in that game and I believe that, over time, his participation may prove more beneficial to the sport of hockey than the gold medal game itself. The player's name is Jarome Iginla.

Jarome is an extremely talented young man who plays for the Calgary Flames. At the Olympic break, he was atop the leader board in overall points and goals and recently enjoyed his first appearance at a National Hockey League All-Star game. This past Sunday, Jarome played a critical role in Canada's victory by contributing two goals and an assist. It was truly a standout performance. However, it was not just his performance that makes him so special. Jarome is the first Black ice hockey player to ever have the opportunity to accomplish such a feat.

While the NHL is considered to be one of the most diverse sports when considering national origin, it is still a predominately Caucasian sport. Currently, there are only thirteen Black players in the NHL, but there are efforts underway throughout the United States and Canada to introduce Blacks and other persons of color to this amazing game. Leading this effort is a man who has been a trailblazer when it comes to professional hockey's quest for diversification. While Jarome Iginla has become a pioneer at the Olympic level, William (Willie) O'Ree is the pioneer when it comes to the involvement of players of color in the sport of hockey.

For those who might not be familiar with him, Willie O'Ree is the Jackie Robinson of ice hockey. Born in Fredericton, New Brunswick, on Canada's Atlantic coast, Mr. O'Ree as a youngster excelled at hockey, rugby, soccer, basketball, track and baseball. Focusing on his first love, he quickly established himself as an outstanding hockey player. He also was a courageous individual who overcame a major physical obstacle to achieve his dream of playing professional hockey. During the 1955–56 season, while playing for a junior hockey club, Mr. O'Ree was struck in the right eye with a puck. As a result of the injury he lost 95% of his sight in that eye and was advised by doctors to quit the game. Willie O'Ree decided to persevere rather than quit; the rest is history. On January 18, 1958, he became the first Black player to play for a National Hockey League team. The team, just in case you were wondering, just happened to be the Boston Bruins.

Unlike the other major professional sports, hockey was slow to embrace the idea of diversity following Willie O'Ree's emergence in 1958, and it would take another fifteen years before the next Black player made it to the NHL. All told, only thirty-one Black players have ever suited up for NHL teams. Acknowledging a need to do more in the area of diversity, the NHL recently began a worthy campaign to increase the game's exposure to communities of color. Once again, Willie O'Ree was called upon to lead the way.

Just as he did 44 years ago, Mr. O'Ree today continues to tear down barriers and create opportunities for persons of color to enjoy the game of ice hockey. In 1996, he assisted the NHL with designing a youth All-Star game that celebrated hockey's growing diversity. Now in it's seventh year, the Willie O'Ree tournament allows selected boys and girls, ages 10–12, from each of the NHL's Diversity Task Force programs across North America to take part in an all-star game of their own. In addition to the game, the young people have an opportunity to interact with NHL players, attend an NHL game and experience the culture of the host city. This year's All-Star game is scheduled to take place next month in Columbus, Ohio.

In 1998, on the 40th anniversary of his historic first game with the Bruins, Willie O'Ree formally joined the NHL as Director of Youth Development for the NHL Diversity Task Force. In this capacity, Mr. O'Ree travels around the country assisting communities and the 30 Diversity Task Force programs with their hockey programs and outreach to boys and girls from communities of color. Through the outreach efforts of Willie O'Ree and NHL today's Black NHL players like Jarome Iginla, George Laraque, Anson Carter, Mike Grier, Sean Young, Jamal Mayers, Bryce Salvador, Freddie Brathwaite, Kevin Weeks, Peter Worrell, Sandy McCarthy and Donald Brashear will one day be seen as less an exception and more the norm when considering the diversity of the sport.

IN HONOR OF DR. EDISON O. JACKSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Dr. Edison O. Jackson, President of the Medgar Evers College of the City University of New York, Board member of the New York City Board of Education, member of the Ministerial staff of Bridge Street A.M.E. Church, father, husband and outstanding community resident, in recognition of all that he does for his borough, his city and his state.

Dr. Jackson, a resident of Prospect Heights, Brooklyn, is an outstanding citizen and a pillar of our community. He was born in Heathsville, Virginia. Dr. Jackson received a B.S. in Zoology, followed by a Master of Arts Degree in Counseling from Howard University. He began his education career counseling, where he served for almost four years. In 1969, he was named Dean of Student Affairs at Essex County College, in New Jersey. He distinguished himself to the point that he was promoted to Vice President of Student Affairs. In 1983, Dr. Edison was named Executive Vice President and Chief Academic Officer at Essex County College. In that same year, he received a Doctorate in Education from Rutgers University. In 1989, he accepted the position of President of Medgar Evers College. He brought with him a wealth of experience and knowledge in administering the affairs of educational institutions.

Dr. Jackson currently holds memberships on a number of civic, educational and community organizations. His affiliations with professional and national organizations run the gamut from the American Association of Higher Education, to the President's Round Table and the National Council on Crime and Delinquency. Dr. Jackson has also written extensively on issues of concern to educators, with particular concentration on minority students and the community, academic preparation and student performance.

Finally, Mr. Speaker, I want to note that Dr. Jackson is married to Florence E. Jackson, and is the proud father of two children: Eulaynea and Terrance.

Mr. Speaker, as Black History Month comes to an end it is only fitting that we honor a man who has done so much—and continues to do so much—to shape so many young lives. Dr. Edison O. Jackson is that man and he is nationally recognized as a leader in education. As such he is more than worthy of receiving our praise and I urge my colleagues to join me in honoring this truly remarkable man.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

The House in committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes:

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 1542, the Internet Freedom and Broadband Deployment Act of 2001. This important and timely legislation will expedite the roll-out of high-speed Internet access across our nation, foster competition, and bridge the digital divide that separates neighbors, communities, and regions from the benefits of the information age.

Opponents of this bill argue that it will unfairly favor certain technologies within the broadband industry. On the contrary, H.R. 1542 is designed to eliminate the unfair conditions which currently exist within the industry by offering consumers an expanded and guaranteed alternative to cable and satellite-based broadband technology. This legislation simply creates a level playing field for the different enterprises which comprise the broadband industry to freely and competitively offer their technologies to the American people.

Moreover, opponents wrongly assert that by eliminating the prohibitive regulations that currently stifle roll-out of DSL broadband technology, this legislation will destroy local service providers who enjoy reduced rates and access to existing technology as set forth in the 1996 Telecommunications Act. On the contrary, H.R. 1542 does not prevent local exchange carriers from accessing any existing or future customer using the telephone network. However, to ensure local competitors are fairly and adequately protected from the change in the 1996 law, I fully support the Buyer-Towns Amendment. This amendment further protects the local competitor by guaranteeing their continued right to access high-speed data services over fiber lines as they presently do.

It is evident that H.R. 1542 is good for America. Our future competitiveness in the global market depends on our access to and utilization of data and information systems, which begins at the individual level which this legislation addresses.

Accordingly, I urge my colleagues to vote yes for expanded access by voting yes to this bill.

500 DAYS IN CAPTIVITY—AND STILL COUNTING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. LANTOS. Mr. Speaker, I rise today to mark the 500th day of captivity of Elchanan Tannenbaum—one of nine Israelis now held captive by terrorist groups and regimes that sponsor terrorism. A husband and the father of two, Elchanan is the only Israeli civilian to be counted among Israel's missing. He is being held in Lebanon and is presumed to be alive.

As we all know, Mr. Speaker, terror has many faces and takes many forms. Sometimes terror targets large numbers of people in spectacular acts of destruction as we saw on September 11th. At other times it seeks to achieve its goals by targeting a single individual. Mr. Tannenbaum was such a target, as was the American journalist Daniel Pearl, whose brutal murder has sickened and saddened us all. Mr. Tannenbaum's Hezbollah captors have proudly announced their crime, with their usual flair for the contemptuous. Although Mr. Tannenbaum has a medical condition that requires daily attention, Hezbollah has denied the Red Cross permission to visit him.

The Tannenbaum kidnaping is further proof—as if it were needed—that Hezbollah is a terrorist organization with global reach. If we ignore this case of abduction, we are granting the terrorists a cheap and formidable weapon. As long as groups like Hezbollah believe that they can commit such actions with impunity, they will be encouraged to continue to target the citizens of the world's democracies. To ignore the plight of Elchanan Tannenbaum and Israel's other missing men, would not only constitute an abandonment of our closest ally in the Middle East, but would weaken our own efforts to secure a safe future for Americans and others who have been seized by terrorists.

Mr. Speaker, I must point out that not only is it in America's interest to help in this matter, but in fact it is our obligation to do so. In 1991 Israel played a critical role in securing the release of Terry Anderson and other American hostages being held in Lebanon by releasing hundreds of terrorists from Israeli jails. At that time Israel was promised that international efforts would continue on behalf of Israeli captives left behind in Lebanon. It is now more than ten years since that promise was made, and the number of captive Israelis has only grown. It is time for us to repay out debt.

What can we do, Mr. Speaker? I believe the U.S. is well-positioned to make demands of the Syrian government, which is effectively the ruling power in Lebanon and is ultimately responsible for the fate of all Israelis captured or held there. Syria is a sovereign state and currently serves as a member of the UN Security Council. Syria, like Lebanon, can and must be made accountable for the behavior of the terrorist groups it harbors and supports. Greater U.S. resolve in dealing with the Syrians can be critical in bringing Elchanan Tannenbaum home alive.

Mr. Speaker, for too many years, Americans presumed that the terrorist actions from which our Israeli allies suffered would not be exported to our shores. September 11th has permanently shattered that notion. We should now pay closer attention to the Israeli experience with terrorism. The murder of Daniel Pearl is a warning that the ugly specter of kidnaping that has plagued Israel for so many years is now targeting Americans as well. Let us fight back. Calling attention to Elchanan Tannenbaum's plight, and working to secure his release, would be an important first step toward stopping this scourge.

HONORING SHIRLEY LASSETER

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BARR of Georgia. Mr. Speaker, there are qualities in true leaders that set them apart; courage, wisdom, flexibility—just to name a few. Perhaps just as important is the quality of timing—knowing when to step to the plate. Yet another admirable quality in the test of a true leader may lie in humility; when someone has fought the hard battle, done the leg work, helped ensure the cause is just and the goal accomplished, only to hand it over when no more can be done, and accept the fact they won't be praised for their efforts.

My fellow members of Congress, today I bring before you one such individual and ask you to join me in singing the praises of Ms. Shirley Lasseter. Shirley is a resident of Duluth, Georgia and the Mayor of this beautiful city in Gwinnett County. She is involved in numerous philanthropic and business related organizations; extending from her participation on the Preservation District Board, to her leadership in the Georgia Municipal Association, and her active presence in the local PTSA's.

Shirley graduated from Brenau University with a B.S. in Elementary Education, and continued on to Georgia State University, where she received her Masters in Education. She is married to Joe Lasseter and is the proud mother of four children. Along with her official duties and extracurricular activities, Shirley is a member of Duluth United Methodist Church, where she has worshipped for 17 years. But perhaps her most proud title will be awarded soon, when her daughter Jenny gives birth to Shirley's soon-to-be-grandchild, and "Miss Shirley" becomes "Grandma Shirley."

Yet with all she has going on, Shirley made a particularly special effort for a project she coordinated for former House Speaker Newt Gingrich several years ago, for which she never received proper credit. In the summer of 1998, Speaker Gingrich spearheaded a bill that enacted a new form of protection for Georgia's Chattahoochee River. It called for a 48-mile stretch of the river's recreational area to be extended by 2,000 feet, known as a "greenway." The new boundaries eased pollution stemming from construction and storm runoff, helped control flooding and erosion, and improved water quality for Georgia residents. Land was acquired from willing sellers and paid for by a public-private campaign that included a $25 million federal contribution. This move to help the environment came at a time when the natural resources and beauty of the Chattahoochee were under particular strain, because of the explosive growth the city of Atlanta and the north metro area had been experiencing.

At this time I would like to not only acknowledge Shirley for her foresight and dedication to the community and environmental issues, but also recognize her for the dauntless leadership and incredible humility she shows to the citizens she serves. It is true leaders like Shirley Lasseter who are the real secret to solving local and state issues. Please join me in congratulating Shirley Lasseter for the accomplishments she has already achieved, and the goals I am certain she will realize in years to come.

CHINA'S LONG-RANGE MISSILE PROGRAM

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. SCHAFFER. Mr. Speaker, on several occasions I have addressed this House on the matter of National Security and the threat to it posed by China's aggressive arms buildup. Particularly, with regard to China's long-range missile program, America's vulnerability is growing, not shrinking.

While I applaud the leadership of our President to advance a national missile defense program, Congress must rely upon complete, accurate, and candid assessments of the threat posed by China, or any other nation. Without such candid assessments, Americans are burdened by excessive risk.

I hereby submit for the Record, a letter I have today posted to Mr. George Tenant, who heads America's Central Intelligence Agency. I urge each of our colleagues to review this letter and respond to its contents or reinforce its sentiments to the Director, and to the President.

Mr. Speaker, I respectfully submit the following for the Record.

• DEAR MR. TENET: Last month, your agency produced the assessment of China's ballistic missile threat to the United States in the unclassified summary of the January 2002 National Intelligence Estimate "Foreign Missile Developments and the Ballistic Missile Threat Through 2015." The lack of attention to the pronounced and growing danger caused by China's ballistic missile buildup, and its aggressive strategy for using its ballistic missiles cannot go unchallenged. The report is misleading, and, because it understates the magnitude of threat, is profoundly dangerous.

Perhaps the unclassified National Intelligence Estimate was meant to conceal from foreign eyes what the CIA really thinks or knows. But this government has a duty to defend the lives and freedom of its citizens. A large part of that defense is informing the American people of the threats they face rather than downplaying, for example, China's ballistic missile and military buildup.

In this regard, I protest the inferior quality and lack of information compared to Department of Defense reports such as the Soviet Military Power series initiated by Secretary of Defense Caspar Weinberger in the 1980's, which addressed the Soviet military threat in detail, providing numbers of missile, bombers, and warheads, and location of forces.

Your report is an issue because China has focused on a buildup of ballistic missiles to defeat the United States. In addition to its ballistic missile and information warfare buildup, you yourself have noted the threat posed by China's growing anti-satellite capabilities. China is engaged in economic and surrogate terrorism, and diplomatic initiatives using its mouth to promise friendship while preparing for war. America needs to be informed and warned.

Without adequate intelligence about the ballistic missile threat, or the courage to act on the intelligence it has, the United States will not be able to defend itself. President Bush's proposed defense budget understates the need to accelerate ballistic missile defense programs, and emphasizes a poor design for a ballistic missile defense using groundbased defenses over space-based defenses that can provide boost phase interception, global coverage, and multiple opportunities for interception.

One point is how China's program for multiple reentry vehicles for its road-mobile ICBMs and SLBMs is "encountering significant technical hurdles and would be costly," giving an impression that China may not develop a MIRV capability, at least in the near future.

In contrast, in 1999 defense analyst Richard D. Fisher, .Jr., could convincingly write, "Both the DF–31 and DF–41 ICBMs are expected to incorporate multiple independently targeted reentry vehicle (MIRV) warheads." Fisher further noted China has been suspected of trying to develop MIRVs for years, and that in 1998 Air force General Eugene Harbinger said China is developing MIRVs for its ICBMs. One would suspect that China would have made some progress since Fisher's analysis in 1999, especially given technological assistance from the United States and Russia. In January 2002 Fisher noted the CIA report appeared to be too low in its estimates of China's threat.

On the issue of MIRVs, the report appears to understate how China's spy and intelligence gathering program, highlighted by the 1999 Congressional Cox Committee report, was focused on obtaining information on U.S. nuclear warheads and ballistic missile technology, which makes extensive use of MIRVs. In addition to U.S. missile, nuclear warhead, and satellite technology that could be used for MIRVs, China has obtained considerable technological help from Russia. China is one of Russia's largest arms customers and has signed a strategic partnership with it. Russia has perfected the technology for multiple warheads in its advanced rail and road-mobile ICBMs—the SS–24 and SS–27 Topol-M, and reportedly transferred to China SS–18 technology that would presumably include MIRV technology as the SS–18 was designed to carry 10 nuclear warheads, and could be fitted with even more.

Of surprise is the CIA statement that "China could begin deploying the DF–31 ICBM during the first half of the decade." In contrast to the uncertainties contained in the CIA report, in May 2001 Taipei Times defense reporter Brian Hsu noted China has built two bases for housing the DF–31 and plans to build more. It would be very reasonable to assume that these bases house DF–31s. In addition, according to a story by Washington Times reporter Bill Gertz, China was expected to obtain an operational capability for the DF–31 by the end of 2001, before the release of the CIA report.

If China's deployment of the DF–31 ICBM follows its pattern of deploying short-range road-mobile ballistic missiles over a number of bases as it has done with its ballistic missile buildup aimed at Taiwan, the United States should expect China to deploy the DF–31 over more than two bases to blunt the effect of any potential counterattacks or preemptive strikes.

The CIA report, rather than telling the American people how China is taking steps to deploy the DF–31 and apparently has achieved an operational capability, is content to word its analysis as a possibility. In addition, it overlooks why China is building the DF–31—its ballistic missile strategy.

The Taipei Times noted that China's buildup of the DF–31 is part of its "Long Wall Project" that "is aimed at the US, not Taiwan," and said that "The Chinese military leadership plans to put longer-range ballistic missiles in the southeastern provinces so that they can cover US military targets in the Pacific."

The CIA report, moreover, appears remiss with respect to China's buildup of intermediate-range ballistic missiles such as the DF–21–X and DF–25, which can attack U.S. forces and bases in the Far East and Pacific. The report also projects that by 2005 China will have a force of short-range ballistic missiles that will number "several hundred missiles." Yet, throughout 2000 and 2001 China was reported as having massed 300–350 short-range ballistic missiles against Taiwan in a number of news accounts, and increased production to more than 50 per year. China already has an arsenal exceeding "several hundred missiles."

China's view on using its long-range ballistic missiles is very aggressive. It does not believe in a "balance of power" dictated by equal numbers of missiles or nuclear warheads. Rather, according to one Chinese analyst, China believes that "It is not necessary for China to seek a nuclear balance with the US. If we have the capacity to launch a nuclear counterattack, there will be no difference between 10 and 10,000 nuclear warheads." This same view appeared in an August 1999 planning document of China's Central Military Commission headed by President Jiang Zemin.

In May 2000, the late Congressman Floyd Spence, quoting the Liberation Army Daily, noted that China "is a country that has certain abilities of launching a strategic counterattack and the capacity of launching a long-distance strike . . . It is not a wise move to be at war with a country such as China, a point which the U.S. policymakers know fairly well also." In 1995 PLA General Xiong Guangkai issued a similar threat.

China has used its ballistic missiles to intimidate, seen in its launch of ballistic missiles off Taiwan in 1995 and 1996. While the diplomatic failure which occurred resulted in the tempering of its diplomacy, the fact that China has changed its diplomatic tactics toward Taiwan and the United States should not obscure its strategy for using its ballistic missiles for aggression. China's words of friendship are a mask for its ballistic missile and military buildup.

American should be concerned with its defense. The terrorist attacks of September 11, 2001 showed what can happen with a lack of vigilance. The United States needs to realize that China is engaged in a military and ballistic missile buildup pointed at Americans. We must take the necessary steps to defend our citizens, and we should build a space-based ballistic missile defense. We must have better information about China's ballistic missile threat. Regrettably, your report on this matter is insufficient.

Very truly yours,

BOB SCHAFFER,
Member of Congress from Colorado.

HOUSE LEADERSHIP FAILS AGAIN TO ASSIST LONGTERM UNEMPLOYED

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, it is difficult to believe that once again, the House of Representatives is leaving

Washington without passing an Unemployment Assistance extension bill that could be in effect by the time we return next Tuesday.

The Senate has passed the extension bill several times. But the House Republican leadership refuses to take that bill and send it to the President for signature—unless it is loaded up with unjustified and very detrimental tax cuts for the most affluent Americans and corporations., a bill that the Wall Street Journal declared "mainly padded corporate bottom lines."

And so, once again, Congress leaves Washington without doing its job for the men and women who send us here to represent them and whose taxes pay our salaries.

That may not be very important to our Republican leaders who run this House. But it surely is important to the 378,000 working men and women who filed new unemployment claims last week who wonder if extended benefits will be there for them when their meager weeks run out, as they have for over 1 million Americans between September 11 and December 31, 2001 and 11,000 more every day of this year!

When we left Washington without passing extended benefits for the President's Day recess, over a quarter million Americans lost their unemployment benefits. By the time we return next week after being gone for nearly five full days, another 55,000 left high and dry by this Congress and by the Republican leadership that uses them, and their suffering, as leverage for fat cat tax breaks.

Mr. Speaker, where is the compassion of the Republican leadership? Why can we not have a straight up-or-down vote on the Senate's bill to extend unemployment benefits as we have been urged to do by 9 Nobel laureates who say these benefits are the quickest and surest stimulus we could enact? Let's stop the political gamesmanship, get the assistance to the men and women who paid for it with their labor, and then we can continue the debate over tax cuts for the wealthy.

ON THE 90TH ANNIVERSARY OF HADASSAH

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. WEINER. Mr. Speaker, in 1912, Henrietta Szold founded the Daughters of Zion, an organization to meet the health needs of Jews and Arabs in what is now the modern State of Israel. Soon renamed Hadassah, the Women's Zionist Organization of America, it has grown to be not only the largest Jewish organization in America, but also the largest women's organization. I rise today to pay tribute to Hadassah and all of the wonderful accomplishments of its ninety-year history.

Today, Henrietta Szold's vision lives on. With more than 300,000 members and 1,500 chapters across the country, Hadassah is stronger than ever. While best known for the Hadassah Medical Organization, which is synonymous with expert medical care, Hadassah has expanded its services greatly to help so many people across the globe.

From preventing the spread of AIDS in Africa to helping at-risk teens in Russia, Ethiopia and Israel, the women of Hadassah continue to serve the world community in addition to helping American teens develop their Jewish spiritual identity.

The great accomplishments of Hadassah were recognized last year when Hadassah gained special consultative status as a nongovernmental organization with the United Nations Economic and Social Council. This enables Hadassah to participate more fully in international deliberations over medical research and treatment, immigrant absorption, refugee welfare and the status of women and children—all the areas in which Hadassah has earned its reputation for expertise.

I congratulate the Women of Hadassah for reaching this milestone, and I commend them for their many wonderful accomplishments during the past ninety years.

GIRL SCOUT GOLD AWARDS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. CRANE. Mr. Speaker, I rise today to recognize five outstanding young women from Illinois' 8th District. Sarah Desprat, Kristen Rusek, Katherine Swanson, Julie Zielinski and Shauna Marie Zivin all will receive the Girl Scout Gold Award, the highest award in Girl Scouting.

Only 6 percent of Girl Scouts nationwide receive this award. According the Girl Scouts, the requirements for the Gold Award include efficient organization, time management, and leadership skills resulting in a 50-hour community service project.

I am glad to see the hard work, dedication and commitment of these Girl Scouts are being recognized with this honor. I am proud to represent such fine young women and pass along my congratulations.

CONGRATULATING TEMPLE BETH EL OF SAN MATEO ON THEIR 50TH ANNIVERSARY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. LANTOS. Mr. Speaker, it is with great pride that I rise to congratulate Temple Beth El of San Mateo California, in my Congressional district, on the 50th anniversary of its founding.

In 1950 the San Francisco peninsula was experiencing an extraordinary growth spurt. Young families were reunited with soldiers returning from the war and began purchase homes with their G.I. loans. This resulted in the rapid growth of the Bay Area. One result of this growth was that public facilities could not meet the demand of the population explosion, and schools were required to have double session to accommodate all the new children. At the time there was only one Jewish institution housed in its own building on the Peninsula at a small synagogue in Menlo Park. Although members of the Congregations Sherith Israel and Temple Emanu-El were cosponsoring a religious school for their children, the schooling took place at a Seventh Day Adventist Church, because the congregations did not have the necessary building space for a religious school.

In order to accommodate their expanding numbers concerned parents met on a Monday evening in October of 1950, calling themselves the "Board of Directors of the Peninsula Temple Congregation." Their focus that evening was to create a facility for Jewish learning and worship on the peninsula. From that first night, it was obvious that this group of dedicated individuals would be a success. They elected officers, organized themselves and took the first steps towards their exciting journey that very first night. Soon they had hired a Rabbi and chose a name; Peninsula Temple Beth El.

Mr. Speaker, over its fifty years Temple Beth El has grown from a few families to a congregation made up of over 700 families numbering more than 3,000 people. Their religious school has become a model of programing followed by other congregations in California and the rest of the country. Today over 600 children receive a quality Jewish education in Beth El's religious school. Two years ago the Gannon Day Care center was named the number one child-care facility on the Peninsula.

In addition to providing excellent religious institutions for their children, the members of Temple Beth El sponsor numerous programs aimed at enriching the spiritual lives of adult members. They were one of the first congregations in California to establish a Havurah—a traditional Jewish prayer group. Members of Temple Beth El are also actively fulfilling their obligations to be involved in social justice. From preparing food for the homeless at the Samaritan House in San Mateo, to collecting donations for numerous charities, serving as tutors for literacy programs in public schools, the members of Temple Beth El are extraordinary examples of selflessness and giving back to their community.

Mr. Speaker, after fifty years Temple Beth of San Mateo remains a vigorous, exciting and expanding congregation. Despite its growth it has remained committed to the core goal—to provide a place for Jewish worship and Jewish education and to nurture Jewish Life on the Peninsula. I urge all of my colleagues to join me in commending Temple Beth El of San Mateo on the occasion of its 50th Anniversary, and wish its members continued success for the future.

OPENING OF SLOVAK CONSULATE IN MIAMI FLORIDA AND 50TH ANNIVERSARY OF SLOVAK GARDEN

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. MICA. Mr. Speaker, I rise today to recognize the official opening in Miami, Florida of the Consulate of the Slovak Republic and the 50th Anniversary of Slovak Garden in my District. As you may know, Slovakia is a country full of rich history and tradition. It became a free and independent republic in 1993 and opened their new Embassy in Washington, DC in June of 2001.

I am pleased to announce that, Mr. Robert J. Petrik, who is the Honorary Consul of the Slovak Republic to the State of Florida, was appointed by Eduard Kukan, Minister of Foreign Affairs of the Slovak Republic, with the approval by the United States Department of State, established a Consulate of Slovakia in Miami, FL.

Currently there are Consulates of the Slovak Republic in Pittsburgh, Chicago, Cleveland, Minneapolis, Denver, LA and Kansas City. The Honorable Ambassador Martin Butora, PhD, Ambassador Plenipotentiary and Extraordinary of the Slovak Republic to the United States, and his wife Zora Butorova, PhD, will be visiting Florida this week for the purpose of officially opening the Consulate of the Slovak Republic.

There are a number of outstanding events planned to mark this exciting opening and the visit by Ambassador Butora and we are pleased to welcome them to the great State of Florida. Florida continues to experience tremendous growth and advances toward the future, while still recognizing and celebrating its proud history and vibrant culture. The added presence of the Slovak Republic will only serve to enhance Florida's history and culture.

Slovak Garden had it beginnings in 1906, at the 10th National Slovak Society Convention in Connellsville, Pennsylvania, when American Slovaks discussed creating a Slovak retirement community. The seed was sown on November 10, 1939 as the Zivena Beneficial Society Branch 163 celebrated its 25th anniversary. During the program of this celebration, Mr. and Mrs. John Jerga made a substantial financial contribution toward building a retirement community for American Slovaks: Mr. John Jerga, ailing for years, had visited Florida frequently and often remarked how ideal it would be to have this retirement community for Americans of Slovak Heritage in central Florida.

Jergo Road now serves as the dividing line between Slovak Garden and Slovak Village in Winter Park, Florida. It was dedicated in his memory to honor him and his wife Maria for their generous and unselfish donation of $10,000 to the Slovak retirement community in Florida and for other charitable projects they have founded and supported.

After the death of John Jerga on February 23, 1941, Mrs. Jerga continued to be active in various Slovak affairs in Detroit. In 1946, she married a widower, the Slovak fraternalist and newspaper editor, Karol Belohlavek who was very well known in Slovak circles in Pittsburgh, Pennsylvania and Cleveland, Ohio. The idea of creating a Slovak retirement community took on a new image and began moving again, since Karol Belohlavek was a great promoter for the idea. He published numerous articles in Slovak newspapers and solicited financial help from Slovak fraternal organizations and individuals to finance and promote the Slovak retirement community.

Finally, they succeeded in finding a 40-acre farm with an old fashioned two-bedroom house and then acres of citrus grove, the balance of the land being mostly wooded. The farm was located on Howell Branch Road near Winter Park, Florida and just 15 miles east of the city of Orlando.

Slovak Garden, as many other Slovak organizations in America, experienced growing pains of failure and successes during the years. The years from 1952 to 1970 were truly pioneering years for the Slovak Garden, but thanks to many devoted individuals, such as Karol Belohlavek, Mr. and Mrs. Zary, Mr. and Mrs. Kacir, ,Gus and Agnes Hodak, Mr. and Mrs. John Cibula, Mr. and Mrs. Richard Steffel and many others who succeeded to make this concept a reality. The years between 1980 and 1984, Slovak Garden went through tremendously difficult times fighting daily for it survival. In 1984 a new generation became involved, with Andrew F. Hudak, Jr., George Kantor, Mary Ondovcik, Joseph Hoda, Maria Kupcik, Andrew Croftcheck, Martha Volosin, Vincent Kazimir and John Gabor. They and many others helped Slovak Garden resume it progress. In recent years, Slovak Garden with various improvements and additions, continues to serve the American Slovak community and remind us all of a rich heritage.

During the 50 years of Slovak Garden's existence, it has provided comfortable residences to scores of American and Canadian Slovaks, many of whom are now reposing in the national Slovak Cemetery in Slovak Village. Presently, many American Slovaks from various parts of the United States and Canada enjoy gracious living in Slovak Garden. Once a small farm in central Florida, today it is a complete Slovak cultural and retirement community.

We congratulate the Slovak American Community in Florida on these two very special occasions.

HONORING DR. ALBERT ALLEY AND THE WORLD BLINDNESS OUTREACH

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. GEKAS. Mr. Speaker, every once in a while we hear of an individual whose gift of giving is so powerful that it must be recognized. Dr. Albert Alley of Lebanon, Pennsylvania is one of those individuals. and I would like to take this opportunity to honor and commend him and his colleagues for their tremendous generosity and benevolence.

Dr. Alley, through his non-profit organization, World Blindness Outreach, has organized a team of doctors for an annual journey to Nicaragua for the past four years to provide free eye care and eye surgery to those who cannot afford such procedures. Helping him are William Busch, a physician from Pensacola, Florida; Eduardo Miller, a physician from Mexico; Richard Simmons, a physician from Westerville, Ohio; Bill Hoffman, an optometrist from Lebanon, Pennsylvania; Ron Johns, an optician in Dr. Alley's office; and Cheryl Strauss, an operating room technician from the Lebanon Outpatient Surgery Center. Not only do they provide the service, but they provide all the necessary tools and materials required to do that service because the hospital they work out of in Nicaragua cannot afford the equipment.

This past January, these hard-working doctors spent a week working ten-hour days removing 85 cataracts and correcting 12 cases of strabismus. Already, they have plans to continue with this mission of goodwill in March to the Dominican Republic.

Dr. Alley's dedicated passion and ability to spread his amity among his colleagues is a talent which we all endure to achieve. He is indeed a leader whose charitable work and medical help for those who cannot afford it serves as an inspiration to us all.

As a perfect example of how giving is contagious, two women in Nicaragua, inspired by the work of Dr. Alley, collected $100 to donate to Mayor Rudolph Giuliani after hearing of the terrorist attacks in New York and Washington, D.C. this past September. Though this donation may not seem large by our standards, it was collected from individuals whose average annual income is $500.

With the utmost respect and admiration, I commend Dr. Alley, Dr. Busch, Dr. Miller, Dr. Simmons, Dr. Hoffman, Dr. Johns, and Ms. Strauss in the noble and altruistic healthcare they provide to the citizens of Nicaragua. We hope his energy and motivation will proliferate among other medical professionals.

STATUS OF THE DOMESTIC STEEL INDUSTRY

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to comment on the status of the domestic steel industry.

Our domestic steel industry is currently in a crisis situation. The fundamental cause of this crisis is massive foreign overcapacity, which has caused the United States to become the dumping ground for world excess steel products. As a result of this, since 1997, 31 steel companies have filed for bankruptcy, affecting over 62,000 American steel workers.

In my home state of Illinois, four steel companies have filed for bankruptcy, including Laclede Steel, which is in the Congressional District I represent. Approximately 5,000 steel workers have lost their jobs in Illinois alone.

Yesterday, I was honored to speak at a steel rally in my district. Hundreds of people attended, many of whom have lost their jobs as a result of the illegal dumping of foreign steel. We came together to support the American steel industry—an industry that has been essential to the development of this great nation.

This is not just a trade issue—it is a national security issue. Laclede Steel in Alton produced the steel that built the World Trade Center and we must never become dependent on foreign steel to produce our tanks and battleships and protect the men and women of our armed forces. We need the Administration to implement tariffs to prevent foreign steel from entering our country. We need to level the playing field. Tariffs at less than 40 percent are not relief.

Last year, I joined my colleagues on the Congressional Steel Caucus in urging the President to implement a Section 201 investigation by the International Trade Commission to determine if our domestic markets had been harmed by illegal dumping. In the fall, I testified before the ITC to express my concerns regarding the steel crisis. The ITC ruled unanimously that the steel industry had indeed been harmed.

While the ITC's decision was welcome, it didn't guarantee relief for the domestic steel industry. The ITC recommended the highest tariff rate of up to 40 percent for four years on all subject steel categories; however, it is up to the President to determine what type of remedy should be afforded to the industry. It is imperative that the President imposes the highest possible tariffs, rather than quotas, which will not be as helpful to the industry.

Without strong, decisive and quick action from the President, thousands more steel workers are at a very real risk of losing their jobs, at an economic time when our nation can least afford it.

Mr. Speaker, I urge my colleagues to join me in asking the President to help our domestic steel industry by implementing tariffs on foreign steel. Anything less would be a disservice to the hardworking men and women who are counting on the President to stand up for them.

CONGRATULATIONS TO HADASSAH ON ITS 90TH BIRTHDAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. GILMAN. Mr. Speaker, it is with great pleasure that I take the opportunity to congratulate Hadassah, The Women's Zionist Organization of America, on its 90th anniversary.

Nine decades after Henrietta Szold founded Hadassah in the USA in February 1912, it is now the largest women's organization, as well as the largest Jewish organization in the United States. It is not only its membership numbers that make Hadassah such a remarkable organization, but the splendid deeds carried out over nine decades, in both the USA and in Israel, as well as in many other countries.

In Israel, in spite of the ongoing violent conflict, Hadassah, through its flagship project, the Hadassah Medical Organization, has been providing for many years, according to its humanitarian mission, the highest quality health care to countless individuals from throughout the Middle East—regardless of their race, religion or nationality.

In this country, through efforts related to health care—for instance with its "Check it Out" breast cancer detection and awareness campaign—and in many other ways, Hadassah has aided countless American women of all persuasions through its various programs.

Over my many years of public service, I have met in numerous occasions with members of Hadassah. Their indefatigable support for Israel has been a continuous source of inspiration. I count myself as a staunch supporter of this notable organization, and would like to wish Hadassah, the Women's Zionist Organization of America, a "happy 90th birthday", and my best wishes for a continuation of its enriching and exemplary work for many years to come.

HONORING HADASSAH, THE WOMEN'S ZIONIST ORGANIZATION OF AMERICA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BARR of Georgia. Mr. Speaker, founded in 1912, Hadassah is the largest women's and largest Jewish membership organization in the country. February 2002 marks the 90th anniversary of this group working to enhance the quality of American and Jewish life through its education and youth programs, promote health awareness, and provide personal enrichment and growth for its members.

One of Hadassah's most compelling projects is the Hadassah Medical Organization, providing health care throughout the Middle East, regardless of race, religion, or nationality. The Hadassah Medical Organization has also been recognized for its world-class research projects that have resulted in significant medical advances, particularly in the areas of breast cancer and the treatment of various genetic disorders. Since 1984, the Hadassah Medical Organization has also been involved in global outreach programs to other countries, particularly those in Africa.

Some of Hadassah's other projects include the Hadassah Foundation, addressing societal needs in Israel and the United States, and engaging in initiatives outside the Hadassah framework; Hadassah Associates, an affiliate program of Hadassah giving males of all ages the opportunity to share in Hadassah's efforts; and various women's health programs.

I ask my fellow Members of the House to join me today in recognition of the meritorious work Hadassah has done and congratulate them on 90 years of service.

SENATE—*Friday, March 1, 2002*

The Senate met at 9:15 a.m., and was called to order by the Honorable JEAN CARNAHAN, a Senator from the State of Missouri.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Loving Father, You have shown us that the antidote to pride is praise. In this time of prayer, we intentionally praise You for all that we might be tempted to think we have achieved or acquired on our own. Pride stunts our spiritual growth, creates tension in our relationships, and makes us difficult for You to bless. Thank You for breaking the bubble of the illusion that we are where we are because of our own cleverness or cunning. Humbly we acknowledge that we could not think a thought without Your guidance and inspiration or accomplish anything of lasting value without Your strength and courage. We dedicate this day to praise You for the privilege of serving You here in the Senate, for supernatural gifts of wisdom, discernment, and vision to maximize the talents that You have given us, and for the power to press on with opportunities that You have opened for us. All glory, honor, and praise be to You. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JEAN CARNAHAN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 1, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JEAN CARNAHAN, a Senator from the State of Missouri, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CARNAHAN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, today the Senate is going to resume consideration of the election reform bill. There is scheduled at 9:45 a vote. Senators DODD and MCCONNELL control that time until then. We hope that, as Senator DODD has indicated, progress is being made on this bill. We should have announcements prior to 9:45 as to what the rest of the day will be.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 565) to establish a Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail. (By 46 yeas to 51 nays (Vote No. 38), Senate failed to table the amendment.)

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Bond amendment No. 2940 (to amendment No. 2937), to permit the use of signature verification programs to verify the identity of individuals who register to vote by mail.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. DODD. Madam President, I yield whatever time the Senator from Oregon may need.

Mr. WYDEN. Madam President, I commend the Senator from Connecticut, who has just done yeoman work on what I think is a critical question; that is, finding common ground and the bipartisanship that is needed to pass this election reform bill.

I think the Senate has a clear choice this morning. A vote for cloture strengthens this Nation's greatest freedom—the right to vote. A vote against cloture weakens that freedom and it weakens a freedom that is critical for this country and leaves that freedom unprotected.

I believe this morning's vote is a choice between affirming the pioneering spirit of this country—the spirit that led my State of Oregon to champion new voting reforms, such as vote by mail, motor voter laws—and stamping out that spirit with what could end up to be repressive antivoting rules.

So the choice is between election reform and gridlock. I want to be fair with the Senator from Connecticut and we are going to continue to work nonstop, relentlessly, to find a bipartisan approach to this issue. We want to blaze a real trail in meaningful election reform and get this bill on the President's desk.

So I urge my colleagues on both sides to continue to work on this critical effort, to join the Senator from Connecticut and the Senator from Kentucky in an effort to get a bipartisan solution.

I don't want to see this bill derailed. S. 565 is the vehicle that can enfranchise the thousands, perhaps millions of voters who will cast their ballots in every election. But we also need to make sure that there is a fix to S. 565. The photo identification requirement, in my view, would disenfranchise millions of first-time voters by requiring identifying documents to be presented along with their vote—not their registration, but their vote—before that vote could be counted. This would have applied to first-time voters even if they had cast ballots for 50 years in a jurisdiction and then moved down the street to another.

The amendment approved by the Senate allows the signature verification system used by 27 States and the District of Columbia as one option for identifying first-time voters. The amendment I drafted with the Senator from New York, Mr. SCHUMER, protected successful vote-by-mail systems such as the one in my home State and ensured that Americans who may not have access to driver's licenses, bank accounts, and utility bills would still have access to democracy.

There doesn't seem to be any point to rehashing the Schumer-Wyden amendment this morning. A majority of this body acknowledged that allowing signature verification would protect the voting rights of 24 million seniors in this country who disproportionately vote by absentee and mail-in ballot.

The majority of this body agreed with the eloquent assertion of the Leadership Conference on Civil Rights that "requiring voters to present photo ID or other documentation when voting in person or by mail results in discrimination"—that it "would undermine successful vote by mail programs—such as Oregon's . . . and . . . make voting more difficult for millions of elderly and disabled Americans."

A majority of this body refused to overturn the will of Oregon voters and scores of others across this country. In my home State, 70 percent chose to institute a vote-by-mail system based on signature verification, a vote-by-mail system that has boosted turnout to record levels—without deterring voting.

A majority of this body refused to return to the bad old days when only Americans who were already enfranchised could be assured that their vote could be cast and counted.

Most importantly, a majority of this body recognized that being tough on fraud doesn't have to make it tougher to vote. Since approval of our amendment, I have worked with Senator Schumer, Senators DODD, BOND, and MCCONNELL to continue to find a way to meet our colleagues halfway. I have said that I think the framework for a compromise is to strengthen antifraud measures at the front end of the process, when people register and when you do the most good in terms of deterring fraud. I think tougher identification standards at that point in the registration—something the Senator from Missouri has felt strongly about—makes sense and I want to see that happen.

I believe compromise is possible, that we can, on a bipartisan basis, come together, put the voting rights of Americans first, whether they vote by mail or in person, and find ways to stop fraud without putting up roadblocks to democracy.

I ask unanimous consent to have a number of editorials and letters printed in the RECORD supporting the amendment that I and Senator SCHUMER authored.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

SENATE DEMOCRATS AIM FOR COMPROMISES TO SAVE BILL OVERHAULING VOTING SYSTEM

(By David Rogers)

WASHINGTON.—In a last ditch effort to save election-law overhaul legislation, Senate Democrats will seek to compromise on Republican demands for provisions to prevent voter fraud, despite protests from civil-rights and Hispanic groups.

At issue is a proposal to require people who register by mail to present photo identification or other documentation when they first vote in a jurisdiction. Democrats won a 51–46 roll call Wednesday to ease the proposed rules, but the outcome so angered some Republicans that the entire bill was put in jeopardy by a threatened filibuster.

After hours of sometimes tempestuous discussions with civil-rights groups, Senate Rules Committee Chairman Christopher Dodd (D., Conn.) said last night that he is prepared to give ground to the GOP in hope of completing debate and moving to the next step: negotiations with the House and the Bush Administration. Talks continued into the evening with Republican staff in hopes an agreement can be taken to the full Senate this morning.

As outlined by Mr. Dodd, tougher voter-ID requirements would be preserved under the compromise. But the effective date would be delayed until 2004, when the bill also requires states to take steps to better protect the rights of voters who may be challenged at the polls.

The most important of those so-called insurance provisions is the requirement that all states adopt provisional-voting systems for people who claim to be eligible, but aren't on the official registration list. Rather than be turned away outright, an individual in this case would be given a provisional ballot so that if his or her claim is later verified, the vote would be counted.

Minority lawmakers and civil-rights groups were themselves sometimes divided. At one juncture, Rep. Corrine Brown, an African-American Democrat, delivered an emotional appeal for the bill, given the balloting problems in her own state of Florida during the 2000 election.

Rep. Silvestre Reyes (D., Texas), chairman of the House Hispanic Caucus, lent crucial support to Mr. Dodd's decision, which ran in the face of opposition from groups such as the Mexican-American Legal Defense and Education Fund.

Mr. Reyes said the voter-ID provisions are the most difficult for Hispanics because many lack photo identification and don't have easy access to substitute documents. For example, the bill would allow a voter to use his or her utility bill as a form of identification. But Mr. Reyes said that since many Hispanics live together as extended families, not all household members would have a utility bill in their name.

Under the bill, the federal government would for the first time provide funding—$3.5 billion over five years under the Senate version—to help states and localities buy new voting equipment and address such problems as occurred in Florida.

AMERICAN ASSOCIATION
OF RETIRED PERSONS,
Washington, DC, February 12, 2002.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: We are writing to express our firm support for the bipartisan election reform legislation (S. 565 substitute) that you jointly cosponsored with Senators Dodd, McConnell, Durbin, Bond, Toricelli, McCain, Schumer and Brownback. AARP urges you to support passage of the bill. While the S. 565 substitute can be improved, it contains the critical building blocks to reform and enhance the nation's voting system. Enactment of S. 565 should minimize the likelihood of a recurrence of the problems that plagued the Presidential Election of 2000.

We support the Dodd/McConnell substitute because it addresses the following core AARP concerns: Enhancement of civil rights protections; improved registration & balloting technology; improved elections administrative procedures; and provision of Federal funds to encourage state & local reforms.

Equally important, Dodd/McConnell establishes minimum standards of accountability and enforcement.

The bill includes measures critical to older persons, people with disabilities, and minority populations, such as: The ability to verify that their ballots actually reflect their voting preferences; enhanced access to registration opportunities, polling places, and user-friendly equipment; fail-safe provisional ballots to avoid erroneous voter denials; centralized, statewide registration lists to assist in voter confirmation; and funds for better election administration, including voting equipment upgrades, poll site access enhancement and poll worker training.

At the same time, some of the antifraud provisions in Dodd/McConnell need modification in order to assure existing civil rights protections and reduce technical loopholes that might discourage or intimidate potential voters. The bill's photo ID requirements are particularly problematic. Alternative approaches such as signature match and verification, already successfully used by many states, could enhance the anti-fraud provisions without having a chilling effect on voter participation. We strongly urge you to support both the Manager's amendment and a floor amendment that would correct these shortcomings in an otherwise strong, balanced and comprehensive election reform bill.

We appreciate your support in making these reforms in our elections process a reality. AARP look forward to working with the Senate to further our most basic right as citizens—the vote. If you have any questions, please feel free to call me or have your staff contact Larry White of our Federal Affairs staff at (202) 434-3800.

Sincerely,

WILLIAM D. NOVELLI,
Executive Director and CEO.

NATIONAL HISPANIC
LEADERSHIP AGENDA,
Washington, DC, February 11, 2002.

Re the Dodd-McConnell Substitute Amendment to S. 565—The Equal Protection of Voting Rights Act of 2001.

DEAR SENATOR: As members of the National Hispanic Leadership Agenda (NHLA), a non-partisan coalition of 39 national Hispanic organizations and distinguished individuals, we are writing to urge you to support provisions in the Dodd-McConnell bill which improve access to voting for Latino voters and oppose the photo identification requirement (Section 103(b)), which would have a discriminatory effect on Latino voters. Unless Section 103(b) is fixed, the NHLA will urge you to oppose the bill.

NHLA supports many of the bill's provisions, particularly those provisions which set national minimum standards regarding voting systems, provisional balloting, and statewide registration lists. While some states already have laws in these areas, too many states do not. It is time that Congress step in and set some basic standards that ensure that voting is more accessible to all eligible voters no matter in which state they live. Voting is the cornerstone of our democracy. By voting in favor of these provisions, you are voting in favor of an inclusive democracy.

NHLA vigorously opposes Section 103(b) of the bill, which would require voters who register and vote for the first time in a jurisdiction to produce either a photo ID or one of only five limited documents either in person or by including a copy with their ballot. Latino voters are likely to be subject to this provision frequently since we move often, have a significant number of youth turning 18, and have a high number of new citizens. Also, Latino voters are less likely to have the documents required. A Massachusetts federal court recently struck down a requirement similar to the provision in the bill because it would have a discriminatory impact on Hispanic voters under the Voting rights Act (VRA). The Justice Department has also opposed similar measures under the VRA.

We are truly befuddled as to why the Senate would want to take steps to disenfranchise Hispanic voters at this time. The 2000 Census showed the demographic power of the Latino community, and the 2000 and 2001 election cycles demonstrated that our demographic force is converting into a political force. Also, the trends and polls indicate that Hispanic voters are more open to voting for the best candidate to represent them, regardless of party affiliation. At at time when both parties are reaching out to this growing electorate, it is the wrong time to adopt a measure that would make it harder to vote.

We urge you to vote for an amendment to either strike Section 103(b) or fix it by adding in the alternatives of collecting signatures that can be verified or collecting an attestation. We will score the vote on the amendment in our NHLA congressional scorecard. If the provision is not, fixed, we urge you to oppose the bill, and we will score the vote on the final passage of the bill.

Moises Perez, Exec. Director, Alianza Dominicana; Gumersindo Salas, Vice Pres., Hispanic Association of Colleges & Universities; Oscar Sanchez, Exec. Director, Labor Council for Latin American Advancement; Jack Ienna, Interamerican College of Physicians & Surgeons; Roger Rivera, Pres., National Hispanic Environmental Council; Manuel Oliverez, Pres. & CEO, National Association of Hispanic Federal Executives; Alma Morales-Riojas, Pres., MANA, A National Latina Organization; Zeke Montes, Pres., National Association of Hispanic Publications; Manuel Mirabal, Chair, National Hispanic Leadership Agenda & Pres. & CEO, National Puerto Rican Coalition, Inc.; Juan Figueroa, Pres. & General Counsel, Puerto Rican Legal Defense & Educational Fund; Elena Rios, M.D., Pres., National Hispanic Medical Association; Gilbert Moreno, Pres. & CEO Association for the Advancement of Mexican Americans; Delia Pompa, Exec. Director, National Association for Bilingual Education; Brent Wilkes, Exec. Director, League of United Latin American Citizens; Maria E. Mills-Torres, Pres., National Conference of Puerto Rican Women; Raul Yzaguirre, Pres., National Council of La Raza; Syddia Lee-Chee, Latino Civil Rights Center; and Antonia Hernandez, Press. & General Counsel, Mexican American Legal Defense and Educational Fund.

THE LEAGUE OF WOMEN
VOTERS OF THE UNITED STATES,
Washington, DC, February 11, 2002.

To: Members of the U.S. Senate.
From: Carolyn Jefferson-Jenkins, Ph.D., President.
Re: Election Reform.

The League of Women Voters urges you to support the bipartisan election reform bill developed by Senators Dodd, McConnell, Bond and Schumer. The legislation will be offered as a substitute to S. 565. While the substitute is not perfect, it contains the key elements needed to improve our nation's election systems.

The 2000 election demonstrated that basic reforms are needed at the federal, state and local levels to protect voters and to improve election administration. It is also clear that it is time for the federal government to pay its fair share of the costs of administering federal elections.

The Dodd-McConnell substitute provides for basic national standards in vital, but limited, areas. It provides substantial federal funds for election reform efforts. And it provides a blueprint on which federal, state and local efforts can be built.

To protect voters and improve administration, the substitute provides for minimum national standards in three areas. First, voting systems standards will assure that voters can verify and correct their ballots, as well as be notified of overvotes. These standards also protect against high voting machine error rates and enhance access for persons with disabilities. Second, a national standard will assure that voters can receive provisional ballots. This fail-safe system means that if a voter's name is not found on the registration list at the polls, or if other problems occur, the voter can still cast a ballot that will be counted if the voter's eligibility is confirmed. Third, statewide computerized voter registration lists will be required. This facilitates removal of duplicate registration across jurisdictions, provides greater assurance that names will be on the rolls, and streamlines administration while combating possible fraud.

The substitute provides funding through state grants programs that will be developed with public involvement. Funds are provided not only for meeting standards, but also for other vital areas of election administration, including poll worker training and providing access to the polls for persons with disabilities.. The substitute sets up a new federal commission that can provide effective guidance, while Justice Department enforcement of voter protection laws, such as the Voting Rights Act, is maintained.

While the substitute is a strong bill, it contains a photo ID requirement that will result in discrimination and create real administrative problems at polling places. Though the requirement is described as an anti-fraud device, effective alternatives exist to meet anti-fraud objectives that will not undermine voter participation through absentee balloting by persons with disabilities, seniors and others. We strongly urge you to correct this provision. We are also concerned that the so-called "safe harbor" provisions of the bill will have unintended, deleterious consequences.

The League of Women Voters believes that the Senate must act expeditiously on this important topic. We urge you to move ahead with the Dodd-McConnell substitute, which is clearly preferable to the House-passed bill in setting a workable structure for reform and creating an effective election commission.

America deserves an election system that will protect the most basic and precious right of all citizens in a democracy—the right to vote. Each citizen's right to vote, and to have that vote fairly counted, is at state.

[From the Washington Post, Mar. 1, 2002]

FIXING THE VOTE

Last December Sen. Charles Schumer (D-N.Y.) helped broker a bipartisan election reform bill in the Senate; "this is a bill that works, this is a bill that can pass," he said. Now Mr. Schumer has proposed an amendment to that bill, and Republicans say he is damaging the chances of a post-Florida fix for the nation's creaky voting system. But the truth is that the Schumer amendment would improve the bill. Republicans should contain their sense of betrayal and support the measure in the procedural vote scheduled for today. The electoral system will be the better for it.

The Schumer amendment fixes an anti-fraud provision in the election bill. The provision says that new voters, including those who have moved to a different county, must verify their identity by showing a photo ID, a utility bill or some other official document with their address on it. This provision may have the good effect of preventing some fraud. But it also may disqualify voters with no driver's license and no utility bills in their own name—and this group of potentially disqualified voters is much bigger than the likely number of fraudulent ballots.

Some 3 million disabled people are thought not to have driver's licenses or other qualifying picture IDs, and many of them may live in homes where the utility bills go to some other member of the household. Poor people without cars and settled homes may be disenfranchised too. The anti-fraud provision also threatens the vote-by-mail systems in Oregon, Washington and Colorado. It would require voters to photocopy proof of identity and send it in along with the ballot. But some voters live out of convenient range of photocopiers. Others may be put off by the sheer hassle.

The Schumer amendment would fix this danger by allowing states to accept other types of proof of identity—for example, a signature. It would also impose the identity requirement on fewer people—only new voters and those who have moved across state lines, and not those who have just changed counties. This is a good amendment that would significantly cut the risk of disqualifying eligible voters while only marginally increasing the risk of fraud. The Senate should adopt it, and then proceed quickly to pass the election reform bill. The 2000 contest demonstrated that hundreds of thousands of voters are deprived of their rights by a system that is broken. It is past time to fix it.

Mr. WYDEN. Madam President, I do believe that a vote for cloture strengthens this country's greatest freedom—the right to vote—and a vote against cloture leaves that freedom unprotected. A vote for cloture is a vote for the millions of seniors in American nursing homes who need to vote by mail and don't want new barriers to have their votes counted and assured. Their generation saved this democracy and they deserve to participate in it.

A vote for cloture is a vote for working families who use the vote-by-mail system in my State and others as a way to have their voices heard as they live the hectic lives that often present challenges to their getting to the polls. This morning, I urge my colleagues to affirm America's most precious right—the right of every citizen to vote and to have that vote count. I want to wrap up—particularly since my good friend from Pennsylvania is in the Chamber—by reemphasizing my desire to work with my colleagues on the other side of the aisle, Senator BOND and Senator McCONNELL. I have strong views about this issue. We want to work with our colleagues and talk about whether those on the other side of the aisle want a bill. I have stuck up for my colleagues. I think they want a bill and I want to make it clear that I think Senators BOND and McCONNELL are working very hard with us to try to find the common ground. I hope we can get there, and I believe cloture will help advance that.

Mr. SPECTER. Will the Senator yield for a question?

Mr. WYDEN. I yield to my friend for a question.

Mr. SPECTER. Madam President, I thank the distinguished Senator. My question relates to the provisions of the underlying bill, as I understand it, providing that a voter may establish identity by either photo identification, a bank statement, utility bill, paycheck, government check, or any other check, or any other government document which shows the name and address. Is that the Senator's understanding?

Mr. WYDEN. My colleague is right. It is the basic proposition that there are a number of systems by which we can address this concern. There is a reason that groups such as AARP still believe that, even with the measure the distinguished Senator from Pennsylvania has outlined, the legislation without the Schumer-Wyden amendment still creates barriers. We have people in vote-by-mail systems—seniors, the disabled—who find it awfully hard, physically, to get about and locate the kind of documents the Senator is talking about.

Mr. SPECTER. Will the Senator yield further?

Mr. WYDEN. Yes.

Mr. SPECTER. The further question is: The amendment offered by the Senator from Oregon and the Senator from New York would put in the disjunctive one other way of establishing identity and that is, by signature alone—is that correct?

Mr. WYDEN. Of course, in my home State of Oregon, what we have tried to do is to have a tough system at the front end. But, yes, when you sign your ballot and mail it in, and there is a statement about the tough criminal penalties that are involved in falsification there, we prosecute people in the State of Oregon. You can send your ballot in by signing it, and that is then checked against the original signature. That is how it takes place in my home State.

Mr. SPECTER. Madam President, a further question I have of the Senator from Oregon is: How do you prosecute someone where there is a registration by signature and then subsequent voting by signature?

By way of background, I have had considerable experience in prosecuting vote fraud cases, having been in the Philadelphia district attorney's office for 12 years, 4 as assistant and 8 as district attorney. Philadelphia is a rough town with political corruption, and I have prosecuted both Democrats and Republicans.

When you talk about a signature alone, having been registered with the signature and then a signature comes in, there is no way to find that person. The difficulty is that it may be a dead person. Graveyard voting is very popular in Philadelphia—voting people who have died. It is also very popular to have people registered by signature who were never in existence.

I ask my colleague from Oregon, how can you conduct a prosecution—I could never figure out how to—how can you conduct a prosecution, if you have a registration by signature and then you have a signature come in on the card? You cannot find the person. To have a prosecution, you have to have a defendant, you have to have a warrant of arrest identifying somebody, and you have to pick somebody up. How can there possibly be a prosecution for someone who sends in a signature of somebody who never existed?

Mr. WYDEN. Madam President, I say to my friend from Pennsylvania, there have been a number of prosecutions. They, obviously, as my colleague knows from his prosecutorial days, play out in a variety of ways.

For example, I know of an instance where the person was out bragging that they had skirted the law, they were evading the law, and when the prosecutors learned about it, they came down very hard.

The point is—and my colleague makes a good point with respect to how these systems may work in Pennsylvania—Senator SMITH, my friend and colleague, and I had a Senate special election. We generated three times the level of voter participation than we saw in the previous Senate special election. I won by a grand total of 18,220 votes after more than 1 million were cast.

Mr. SPECTER. Any braggarts among those?

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. WYDEN. I ask for 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Madam President, to my colleague's great credit, he did not assert there was any fraud. We prosecute aggressively in the State of Oregon.

I see my colleague from Missouri is in the Chamber, and I want him to be assured, however this vote turns out this morning, we are going to continue to work relentlessly for a bipartisan compromise.

I urge my colleagues to vote for cloture. I yield the floor.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. SPECTER. Madam President, I ask for 4 minutes.

Mr. BOND. Madam President, how many minutes remain on this side?

The ACTING PRESIDENT pro tempore. Twelve and a half minutes remain.

Mr. BOND. I will be happy to yield 3 minutes to my colleague from Pennsylvania.

Mr. SPECTER. I increase my request to 6 minutes.

Mr. BOND. We will offer 2½ minutes. I am pleased to yield 3 minutes to my colleague from Pennsylvania.

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SPECTER. Madam President, I engaged in a colloquy with the Senator from Oregon to show we really cannot prosecute anyone successfully on this signature arrangement. You register by signature, nobody ever sees the person, and you vote by the signature. The person could be dead or never in existence.

On the one case the Senator from Oregon cites of the braggart case, if somebody admits it, you can prosecute anybody if you are going to have confessions. But, that is not the way criminal law cases arise. In the 12 years I was in the district attorney's office, I never saw somebody who came in and confessed to having committed vote fraud. To prosecute those cases, you have to have evidence and there is no realistic way to obtain it.

I was listening to the majority leader, Senator DASCHLE, on the radio this morning on a playback of a news conference he had yesterday in which he said that the position staked out by Senator BOND requiring photo identification was just too difficult, referring to people in his own State.

But the fact of the matter is, the underlying bill which was worked out in the compromise does not require photo identification. Photo identification is one way. There could be a bank statement, a utility bill, a paycheck, a government check, or any other government document showing an address, showing a person is in existence. If the underlying bill required a photo identification, I would say that is too difficult. There are many other ways to establish that the person actually is in existence, but the signature simply does not accomplish that.

Nobody has a better record than I on voting rights. In my 22 years in the

Senate, I have pushed that consistently. Against many in my party, I have supported motor voter. I want to see the ballot as widespread as possible, but people who want to make it easy to register with motor voter are going to lose it, if there is not some realistic way to prevent fraud.

Frankly, I do not like to see filibusters, but we are on a very basic proposition as to whether we can have widespread fraud without any way to identify whether the person is in existence or not. I think the Schumer-Wyden amendment simply cannot be accepted.

If there are overtones that the bill is going to be pulled if this amendment is not accepted, it seems to me that very frequently—I ask for an additional 25 seconds.

Mr. BOND. I will be happy to yield half a minute to my colleague from Pennsylvania.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPECTER. Any suggestion that the whole bill is going to go down over this amendment—the Democrats control the Rules Committee; they have a majority. They have come out with a bill which they have controlled, and that bill ought to be enacted if this amendment cannot survive a cloture vote.

I thank my colleague from Missouri, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Madam President, I yield myself 5 minutes.

I thank the Senator from Pennsylvania for his excellent work on this bill. As a former prosecutor in a State that has not been a stranger to vote fraud, he knows how difficult it is, and he has made a very compelling case for our efforts to eliminate fraud in this bill.

We have had an interesting dueling set of editorials today that have come out in some of the papers on the east coast. We do not read a lot of them in Missouri, but the Washington Post is the one that did not get it. The Washington Post said:

> Republicans should contain their sense of betrayal and support the measure.

They go on to say that without the Schumer amendment, it would disqualify a number of voters.

No. 1, Madam President, sense of betrayal counts for something here and counts for something back home. It may not matter to editorial board writers within the beltway, but when we make a deal, as we made a deal, a bipartisan deal after accommodations on both sides, I expect that people will stay with that deal.

Somebody said: You made a deal, but now we want you to start negotiating again. I said: Wait a minute, we do not work that way.

We came in good faith to an agreement, and we agreed with the proposition that we ought to make sure everybody who is eligible to vote is registered and can vote.

The Washington Post just flat gets it wrong when it says there are going to be people who cannot qualify. Ninety percent of adult Americans have a driver's license. You have to show identification to get on a plane, to rent a video, to buy cigarettes.

Why can't you have some minimal identification to assure that you are a live human being entitled to vote, and entitled to vote only once in every important election?

Well, we have agreed that with the money we are providing to States, if somebody does not have a photo identification, a driver's license, a government check, a bank account, a utility bill, a pay stub, we are providing the money for the States to issue an election card.

We are worried about all the people in nursing homes. No. 1, everybody who is registered is going to stay registered. The Senator from New York pointed out the problems they had with crowded rolls. We do need to work on purging. I voted against the amendment by my colleague from Montana; he wanted to make it easier to purge no longer active voters from the rolls. I think it was a good idea, but because we had a deal, I voted against his amendment. We are, as the Senator from New York pointed out, going to have to clean it up.

Incidentally, speaking of the Senator from New York, he assured us yesterday—and I am glad to see he is in the Chamber—there was no fraud in New York. Well, I do not know anything about New York, but the Wall Street Journal this morning points out the doubledippers sign up to vote in New York and Florida, and they report that an investigation turned up 286 individuals who voted both in New York City and in Florida last November in the 2000 election. Since you can figure that New York City voters generally vote 3 to 1 Democratic, that means at least 140 fraudulent votes for the Gore-Lieberman ticket in Florida.

One other thing. Somebody gave me a copy of the New York Daily News: Double Take in Ballot Probe. Voters With Same Name and Birthday Expose New York System.

> Seventy-five voters with the same name and same date of birth registered to vote in Brooklyn and either Rockland or Orange Counties. Fourteen actually voted in more than one county, sometimes in the same election.

It describes how the double voting and the double registration occurs in some areas with heavy Democratic votes. So there are some problems, but frankly we do not have time to go into it.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. BOND. Madam President, I ask unanimous consent that I be allowed 1 additional minute.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. MCCONNELL. Madam President, how much time remains on this side?

The ACTING PRESIDENT pro tempore. Three minutes fourteen seconds.

Mr. BOND. Madam President, I ask unanimous consent that the Daily News article, the Wall Street Journal editorial, the Washington Post editorial, and a New York Times editorial which says Americans should be willing to verify their identity in order to exercise the right to vote, and the St. Louis Post-Dispatch article on the famous dog Ritzy Mekler, whose owner says she, Ritzy, does not want any other dogs voting, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From the Washington Post, Mar. 1, 2002

FIXING THE VOTE

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[From the Daily News]

DOUBLE TAKE IN BALLOT PROBE—VOTERS WITH SAME NAME & BIRTHDAY EXPOSE N.Y. SYSTEM

(By Bob Port and Greg B. Smith)

Yitchok Levovits, whose birthday is Dec. 29, 1970, voted in Brooklyn's Hasidic neighborhood of Williamsburg on Election Day, November 1996.

Forty miles away in the Rockland County Hasidic community of Monsey, Yitchok Levovits, whose birthday is Dec. 29, 1970, voted in the same election.

The question of residence came up again in November when Yitchok Levovits voted in the general election in Monsey even though last week he was found living in Brooklyn.

Levovits is one of 75 voters with the same name and same date of birth registered to vote in Brooklyn and either Rockland or Orange counties, a Daily News investigation found.

Of that number 14 actually voted in more than one county sometimes in the same election according to a computer analysis of voter registration records.

Several registered in one county shortly before voting in another. Some registered to vote in one county then voted in another.

The Daily News reported yesterday that during the last election, there was evidence of similar voting irregularities in the Rockland County Hasidic community of New Square. That contributed to an overwhelming 1,400-to-12 New Square vote for Sen. Hillary Clinton that is now under investigation by federal prosecutors.

But the irregularities appear to extend beyond New Square into other Hasidic communities in Brooklyn's Williamsburg, Rockland County's Monsey and Orange County's Monroe.

The News found that in New York it's easy to pull off double voting because—unlike many other states—New York has no nationwide system for registering voters.

Each country has a separate registration system, and no one checks to see if a voter is registered and voting in two spots.

"There is no computer link. Some of the upstate counties aren't even on computer," said Steven Richman, general counsel to the New York City Board of Elections.

For instance, Jacob Fligman, whose birthday is July 29, 1953, voted in the general election of 1998 in both Brooklyn and Monsey. He also voted in November in Monsey, but this week he was found at his apartment in Brooklyn.

In all, seven men voted in elections in both Brooklyn and Rockland County throughout the 1990s, raising questions about whether they properly voted in November's election.

Israel Reich voted in Brooklyn in 1997 and 1998, and this week he was found at his apartment on Wythe Ave. in Williamsburg. He voted in Monsey in November.

Chaim Pinkasovits voted in November in Monsey, though his name was listed this week on a mailbox at his apartment on Hooper St. in Brooklyn's Williamsburg.

Jacob Weber voted in the November election in Monsey, but last week a neighbor said he lived in an apartment on Heyward St. in Williamsburg.

New York Attorney General Eliot Spitzer has called for a statewide voter registration system that would make it easier for voters to register, but also "enable election officials to curb election fraud."

Spitzer's report, issued in February, specifically noted state wide registration would "curb multiple voting."

[From the New York Times, Mar. 1, 2002]

VOTE FOR VOTING REFORMS

All week, partisan wrangling over the question of preventing electoral fraud threatened to kill the Senate's sensible election reform bill, though a compromise seemed within reach late yesterday. Differences over the fraud issue do not justify scuttling the overall bill, the product of year-long, painstaking negotiations. The resulting bipartisan legislation goes a long way toward curing the deficiencies in the nation's balloting process that became manifest in the 2000 presidential election. Senate leaders must ensure that the vote on electoral reform proceeds, and should encourage members to support it overwhelmingly.

The legislation establishes federal standards for voting procedures and technologies that state and local election officials would have to meet when administering national elections, and it provides $3.5 billion over five years to pay for the upgrade. The bill forces states to meet federally mandated error rates for their voting equipment, provide provisional ballots when someone's eligibility is questioned at the polls and allow people an opportunity to correct improperly marked ballots. The bill's anti-fraud provisions were necessary to gain key Republican support late last year for such a forceful federal intrusion into the states' traditional prerogative of running elections. When Senators Charles Schumer and Ron Wyden, both Democrats, offered a last-minute amendment to remove the bill's requirement for first-time voters who register by mail to identify themselves at the polls, the measure's Republican sponsors, Christopher Bond and Mitch McConnell, felt their Democratic colleagues were reneging on the deal, and they threatened to filibuster the legislation.

Both sides would be foolish to allow the fight over this amendment to kill the legislation. Republicans should know that forcing states to maintain computerized statewide voter lists, a key item in the bill, does more than the disputed provision itself to combat fraud, eliminating as it does duplicate registrations in several counties.

The Schumer-Wyden amendment was strongly supported by a coalition of civil rights groups that say the burden of having to produce a photo identification card or an alternative proof of identity, like a utility bill, disproportionately hurts minority voters, recent immigrants, students and people with disabilities. Their legitimate concerns must be balanced against the need to safeguard the integrity of the process.

Americans should be willing to verify their identity in order to exercise their right to vote. Senators Schumer and Wyden are wisely seeking an accommodation with Republicans, even if it means leaving much of the original provision intact. The Senate must move ahead now and pass this needed reform.

[From the Wall Street Journal, Mar. 1, 2002]

SHOULD DOGS VOTE?

Dogs and dead people don't have a constitutional right to vote, but more of them are going to start turning up at the polls if Senate Democrats, led by New York's Charles Schumer, have their way.

It wasn't supposed to come to this. Following the Florida 2000 debacle both parties were eager to fix the system. The House did its part by passing a bipartisan bill last year. And then in December, after months of negotiations, Senator Christopher Bond (R., Mo.) and Mr. Schumer announced that the Senate, too, had reached a compromise. Their bill, said Mr. Schumer, would allot $3.5 billion for states and localities to upgrade voting systems, improve registration procedures and educate voters about ballots.

It would also target voter fraud, which has been on the increase since the 1993 Motor Voter Law allowed people to register to vote while applying for a driver's license. Unfortunately, some 95% of Motor Voter registrants don't vote, but their names are available for political operatives and others to misuse. A St. Louis dog once registered. The Senate bill requires those who register by mail and are voting for the first time to prove their identity.

Acceptable proof of identity would include photo ID, a utility bill, a bank statement, a government check, a pay check, or any government document showing the name and address of the voter. This is not a requirement that every voter show up at the polls with a photo ID. The measures would apply only to first-time mail-in registrants.

These antifraud measures, which were acceptable to Democrats two months ago, are somehow now unacceptable; Mr. Schumer this week introduced an amendment that strips away the mail-in registrant requirements. And on the Senate floor yesterday he announced that his home state is practically fraud free.

"In New York," said Mr. Schumer, "We have not had—I checked again yesterday, we called around the state. We called people, not just on one party or another . . . There's been almost no allegation of any kind of fraud with our system." Perhaps he thinks that all of the political cheats in the Northeast live in New Jersey.

Alas, the Senator failed to call one of his hometown newspaper, the New York Post, which reported two years ago in a story headlined "Double-Dippers Sign Up to Vote in N.Y. and Florida" that "New York City [alone] has 11,642 voters with illegal dual registrations." An investigation of voting records in New York and Florida by the Republican National Committee, which the Senator also apparently failed to ring, has turned up 286 names of individuals who double-voted in November 2000.

Mr. Schumer would prefer that states verify voter identities through signature matching. Not only would this be a costly provision—34 states currently don't use signature verification and would have to purchase the technology—but it would also require that the nation's 1.4 million poll workers double as hand-writing experts.

The truth is that Senate Democrats are trying to torpedo a bill they helped write due to pressure from civil rights groups such as the NAACP and La Raza. The activists claim that requiring proof that a voter is a real person is an "undue burden." They expect us to believe that the same ID requirements for, say, renting a video or buying a pack of cigarettes somehow disenfranchise the poor and elderly when it comes to casting a ballot.

Mr. Schumer's amendment passed in a largely partisan preliminary vote Wednesday, but Senate Republicans are planning to filibuster and we'd encourage them to do so. Someone has to make the case that the integrity of the ballot box is just as important to the credibility of elections as the access to it.

[From the St. Louis Post-Dispatch, Mar. 1, 2002]

SPANIEL MAKES SENATE APPEARANCE IN SUPPORT OF BOND'S REFORM EFFORTS

(By Deirdre Shesgreen)

WASHINGTON.—Ritzy Mekler has given new bite to Sen. Christopher "Kit" Bond's election-reform crusade.

Ritzy, a 13-year-old English springer spaniel, was Bond's Exhibit A on the floor of the Senate this week as the Missouri Republican pressed his case for anti-fraud provisions in legislation to overhaul the nation's voting system. The reason: When she was a younger pup, Ritzy was registered to vote in St. Louis.

The dog's 1994 registration is one reason, in Bond's view, that St. Louis has a reputation for vote fraud. Other reasons are recent efforts to register several dead St. Louisans, including a prominent former alderman.

What does Ritzy think about her sudden celebrity status?

"Ritzy would like for their to be reform," deadpanned her owner, Margaret Mekler, a retired teacher who lives in St. Louis. "I don't think she wants any other dogs, including the ones in her own household, voting."

Mekler seconded her pet's position. "Our dog is very intelligent," she said, "but I'm not sure I want her voting on who's going to be the president."

Bond was pleased.

"I'm glad to have Ritzy's support," he said. "I just don't want her votes."

Bond hoped to eliminate the animal vote through a provision in the legislation that would require first-time voters who register by mail to show a photo ID or other verification of their identity, such as a utility bill, before they vote.

But Democrats said that requirement would disenfranchise many voters—such as the elderly or immigrants—who don't have the necessary identification cards. Sens. Charles Schumer, D-N.Y., and Ron Wyden, D-Ore., offered an amendment that would allow voters to prove their identity by providing a signature that could be matched with a signature on record with local election authorities.

Bond said the amendment would "gut" his anti-fraud provisions.

He promptly trotted out a blown-up copy of Ritzy's 1994 registration card to the Senate floor. With the card on prominent display, Bond said Schumer's amendment would do nothing to keep the pooch from casting a ballot.

"I have a feeling that whoever wrote 'Ritzy Mekler on that registration form probably could duplicate that 'Ritzy Mekler' signature each and every time they wanted to vote," said Bond as the debate opened earlier this week.

Schumer responded that there was no law Congress could pass to keep all dogs from voting.

"Ritzy, whom we have heard a lot about, is going to find a way to vote illegally, incorrectly, whether we have this amendment or not," Schumer said. "All the owner of Ritzy has to do is put a photo ID in that envelope."

Democrats won a preliminary vote on Schumer's amendment, prompting Bond and other Republicans to hold up the bill, which is now stalled.

Just how Ritzy got onto the St. Louis voter rolls is still a mystery.

Mekler suspects it started when she and her husband put their phone number under Ritzy's name because they didn't want their own names listed in the phone book.

Then they received a notice from the election board.

". . . We got a voting notification that said that Ritzy . . . had been registered, unbeknownst to us," Mekler said. "The registration said she had moved here from California, she was 21, and had a Social Security number."

"We got the letter and we said 'Well, wait a minute, What is this?'" Mekler recalled.

Mekler, 56, suspects someone must have seen Ritzy's name in the phone book and decided to register her, not knowing she was a dog.

As soon as they realized the mistake, the Meklers notified the election board.

St. Louis election officials said nobody by name of Ritzy Mekler ever voted. "Ritzy was removed (from the voting rolls) as soon as we received a call from Mr. Mekler," said Jeanne Bergfeld, assistant director of the Election Board.

Bergfeld also said she knew of no second attempted dog registration last year, as previous elections officials had reported after 3,800 suspect cards were dropped off at the Election Board just before the mayoral primary last March.

The cards included the deceased, but no canines, she said.

Mekler said she'd like stricter rules for voter identification, though not all members of her household agree.

"I hope (we) get some reform," she said. "If not, we have two other dogs and a cat who would like to register."

The ACTING PRESIDENT pro tempore. The Senator from Kentucky is recognized.

Mr. McCONNELL. Madam President, the Wall Street Journal editorial this morning has accurately captured the essence of our vote this morning—"Dogs and dead people don't have the constitutional right to vote, but more of them are going to start turning up at the polls if Senate Democrats, led by New York's CHARLES SCHUMER, have their way."

The cloture vote today is not about whether we support election reform; clearly everyone in this Chamber does. The cloture vote today is about ensuring the integrity of our elections—do we want to make it harder, or easier, to cheat.

Over 2 months ago Senators DODD, BOND, SCHUMER, TORRICELLI, and I introduced a bipartisan bill to make it easier to vote and harder to cheat. This compromise was the result of months and months of negotiations among the five of us.

Two weeks ago this bill was brought before the entire Senate for its consideration. But, on Tuesday night, after 5 days of debate on the bill, the Senator from New York, one of the principal negotiators and cosponsors of this compromise, offered an amendment which would eviscerate one of the key antifraud provisions of our deal.

The antifraud provisions in the compromise are due to the hard work of the Senator from Missouri, which I thought we all supported. He sought to ensure that when one talks about the *Spirit of St. Louis* they are referring to an airplane, not a dead voter.

This amendment was put to a vote on Wednesday morning and the three Democratic cosponsors of the bill voted in favor of gutting the antifraud provision. After months of negotiations, after more than 2 months between introduction and bringing it up on the floor, and after 5 days of debate, it appears our cosponsors did not really support the agreement after all.

The Senator from Missouri and I voted to support the compromise we had reached. That is what this vote today is all about.

This vote is as much about the sanctity of a compromise deal as it is about a person's right to vote, and do so only once.

A vote today against cloture is not a vote to kill election reform. To the contrary, it ensures effective and balanced reform.

Over the course of this 8-day debate we have addressed issues important to individuals Senators and their home States.

However, the Schumer amendment which brought this debate and this Chamber to a grinding halt, takes us all back to the first days of our negotiations over this compromise.

We already discussed, debated, and decided these issues once, and now my colleagues want to do it all over again but this time on the floor of the Senate.

My colleagues on this side of the aisle have serious concerns about some provisions of this bill, but we have been willing to work with the Senator from Connecticut to preserve the key provisions of the compromise.

This vote is all about the Schumer amendment, which would make it easier to cheat, impose the most expensive mandate on the states, and require 1.4 million poll workers to become handwriting experts.

Quoting again from the Wall Street Journal:

> Someone has to make the case that the integrity of the ballot box is just as important to the credibility of elections as the access to it.

I commend the Senator from Missouri from doing exactly that.

The Schumer amendment unravels the core agreement we had reached on election reform and has turned what we had hoped was going to be a largely bipartisan exercise into a partisan split, which will be evident in a few moments on the cloture vote.

I urge my colleagues to vote no on cloture. A vote against cloture is not a vote against election reform. It gives us the opportunity to continue to discuss the matter and hopefully work out this problem.

The Senator from Connecticut has spent an enormous amount of time on this issue, and so have I and other Senators, and we still would like to see a bill passed, but this is a critical point. The whole crux of this bill is to make it easier to vote and harder to cheat. What the Senator from Missouri has offered and has discussed—and the provision that was in the underlying bill is quite simply understood—is this deals with first-time registrants by mail only, that they be required to provide some identification so we can eliminate dead people and dogs from the rolls all across America. I do not think that is asking too much.

The sanctity of the vote is important to everyone, and to the extent dead people and dogs can vote, it diminishes obviously the votes of all the rest of us. So that is really what this is about. A vote no on cloture will give us the opportunity to continue to discuss this matter and hopefully get back to the original core compromise that brought us all together in the first place. Consequently, I urge my colleagues to vote no on the cloture motion that will be before us momentarily.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Connecticut be given 1 minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Connecticut.

Mr. DODD. Madam President, so my colleagues know, we had hoped as a result of hours of negotiation—and I am not exaggerating—over the last 48 hours, we would resolve the issue at hand. I mentioned the other day the efforts have gone on for several weeks. Unfortunately, not everybody has seen every dotted "i" and crossed "t," and obviously if that is the case, then we cannot get the unanimous consent necessary to either vitiate cloture or to withdraw amendments and consider others.

So we are in a situation where the rules of the Senate make it very difficult, if there is not complete agreement on everything, to move forward.

Let me say to those who are interested in where this debate is going, we are very close to a resolution of this particular issue that has caused the stall on this bill. It is my fervent hope and belief that come the first of next week we will be able to complete action on this bill. When we get beyond this issue, there are several remaining issues that will need to be voted on. My view is none of them is of such a nature, whether adopted or defeated, that would go to in any way derail the process.

On the cloture vote, Members will vote for or against. At this point, it is a matter on which we are going to vote, but it does not go to the issue of whether we are voting for dead dogs or live people or dead people and live dogs. The issue is whether or not we are going to get to an agreement, and I believe we can.

I regret we did not have it done by this morning. I thought we had, but obviously we do not, and so I am disappointed by that fact. I am optimistic we can get there in the next couple of days.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. SCHUMER. I ask unanimous consent to address the Senate for 30 seconds.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, I add my remarks to those of the Senator from Connecticut. We are willing to compromise. We have worked fully. We have moved on the amendment that Senator WYDEN and I have to virtual agreement with what the Senator from Missouri wants. Let us not hold up this bill. We think that having the overall bill is more important than the amendment the Senator from Oregon and I offered. We want to try as best we can to protect voters, but we do not want the bill to go down. We do not want to use that as a pretext for killing this bill.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 565, the election reform bill:

Christopher Dodd, Harry Reid, Charles Schumer, Ron Wyden, Debbie Stabenow, Patty Murray, Tom Daschle, Jeff Bingaman, Daniel Inouye, Carl Levin, Max Baucus, Joe Biden, Pat Leahy, James M. Jeffords, Barbara Mikulski, Bob Graham, Edward M. Kennedy.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 565 relative to election reform shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. Madam President, on this vote, I have a pair with the Senator from Nevada, Mr. ENSIGN. If he were present and voting, he would vote nay. If I were permitted to vote, I would vote yea. I, therefore, withhold my vote.

I further announce that the Senator from Georgia (Mr. MILLER) is necessarily absent.

Mr. LOTT. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr. ENSIGN), the Senator from Texas (Mr. GRAMM), the Senator from North Carolina (Mr. HELMS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Oklahoma (Mr. NICKLES) and the Senator from Wyoming (Mr. ENZI) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "no."

The PRESIDING OFFICER (Mr. NELSON of Florida). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 39, as follows:

[Rollcall Vote No. 39 Leg.]

YEAS—49

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Torricelli
Wellstone
Wyden

NAYS—39

Allard
Allen
Bennett
Bond
Bunning
Campbell
Chafee
Cochran
Collins
Crapo
Daschle
DeWine
Domenici
Fitzgerald
Frist
Grassley
Gregg
Hagel
Hatch
Hutchinson
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

PRESENT AND GIVING A LIVE PAIR—1

Reid, yea

NOT VOTING—11

Brownback
Burns
Craig
Ensign
Enzi
Gramm
Helms
Hutchison
Inhofe
Miller
Nickles

The PRESIDING OFFICER. On this vote, the yeas are 49, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. DASCHLE. Mr. President, I enter a motion to reconsider the vote by which cloture was not invoked on S. 565.

The PRESIDING OFFICER. The motion is entered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CLELAND). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

IDENTIFICATION BY DRIVER'S LICENSE

Mr. DURBIN. Mr. President, this afternoon many Members of Congress, many people across America will be headed to airports, and at the airport checkpoint they will be asked to show some form of a photo identification as well as a ticket. That is now the custom in America. It is something we have come to accept as part of our effort to make certain we have security on planes and in airports.

The most common form of identification which will be presented by passengers across America to prove their identity is their driver's license. More than any other documentation, that is what people use when they travel.

But, if we look to the question of the authenticity and integrity of a driver's license, I am afraid we find very troubling statistics and information. It seems that with very little effort and a minimum amount of money, virtually anyone in America can get a driver's license made with their picture on it. It may not be their real name. It may not have any accurate facts on it. But it will be a photo of some person with some name.

A driver's license, as the primary source of identification in America, is your ticket to enter our society. Once you have that driver's license and present it, you are in the system. You are recognized as part of the system.

You may want to get in the system for a variety of reasons. A person who is over 21 years old and wants to buy alcohol needs a driver's license to present so they can make that purchase. Someone who is in the business of stealing the identity of another person will want a driver's license with their photo on that other person's statistical information.

Of course, if your goal is even more sinister, a driver's license becomes critical. Timothy McVeigh knew that. That is why he used a phony driver's license when he rented the truck which he drove into Oklahoma City, blew up and killed so many innocent people. Several of the 19 terrorists involved in the September 11th attack also knew how important a phony driver's license was. They either obtained fake driver's licenses or licenses issued to them under false pretenses, which gave them access to a system, which started opening doors once the driver's license was in their name—or at least in some name with their photo.

When we debate this, a lot of people in America get nervous. If we are talking about identification cards, are we talking about a national identification card system? I am not proposing that at all. Some Members of Congress have. I am not one of them. But I do think there are things we can do that can strengthen the process of issuing driver's licenses all across America, which can make them more uniform, more authentic, more credible.

I am working on legislation, and I will be holding a hearing in the Governmental Affairs Committee in the coming weeks that will address this issue. I have worked with the administrators of State agencies across America. Every State agency with the responsibility of issuing driver's licenses is part of an association which has worked with me in an effort to come up with some standards across the States. When I walk into a DMV, whether it is in Illinois, New York, Georgia, or California, what do they ask to prove my identity? Is it a birth certificate? Is it a passport? What will really prove my identity?

I think establishing minimum uniformity in the way driver's licenses are issued State to State makes sense. It is going to eliminate forum shopping by those who are looking for the easiest State to provide counterfeit and illegal documents in the process of obtaining a driver's license. That is why I worked with the association to come up with minimum uniform standards, so that State to State everybody knows that a person applying for a driver's license has established their identity through the most credible means. If somebody comes to Illinois to apply for a driver's license and they produce documentation that indicates they once lived in another State, I think the State of Illinois should have an opportunity to have access to that other State and find out if there is a chance that person either applied for a driver's license which was suspended or revoked or that State has some information that may be of value to Illinois before issuing the license. I think this is an excellent starting point.

We are also working with States in terms of applying standardized verification requirements, such as validating source documents, for example. This includes authenticating the information provided, perhaps by cross-checking with other government agencies. So if somebody came and said, "Here is my birth certificate as part of the proof of who I am," there would be a way to establish how you would cross-check that to make certain the document was valid.

We are also working on ways to prevent tampering and counterfeiting of documents. This morning, on the CBS morning show, I was a guest of Bryant Gumbel. They featured a video segment where one of their reporters went to Los Angeles with $150 in hand and started walking the streets and saying, "Where can I get a phony driver's license?" It didn't take long to find one. Within a short period of time, that phony license was prepared with the reporter's photo for $150. Then he took that license and started buying airline tickets with that new name. He also got on several flights without anyone ever stopping him for using a phony document.

That tells you how easy it can be even with enhanced aviation security today. But there are ways to make these driver's licenses more secure so they can't be counterfeited and easily manipulated. There are also ways to authenticate the validity of the driver's license using very inexpensive equipment. I think that ought to be part of our goal as well.

We also need to establish tougher criminal penalties for those who would misuse driver's licenses, who would issue phonies, or those who, frankly, are part of a network that is trying to make a profit at the expense of identity. Senator BARBARA BOXER of California and I discussed this issue this morning. She has legislation that addresses some of these aspects and we are going to work together with her on that.

We also provide Federal whistleblower protection to those who uncover internal fraud or report suspicious activities involving State motor vehicle agencies. Why is this important? Look at what recently happened in Tennessee. There was a woman who—at least, it is alleged—was involved in an illegal scheme to sell driver's licenses, which is a very serious charge for somebody who had been a State employee in Tennessee. Then, under the most mysterious of circumstances, within a day of her expected court appearance, her car was set on fire, and she was killed. We have had instances in my State where people working at the driver's license stations have been bribed to issue commercial driver's licenses and other things. That does not give us confidence in the integrity of the system today.

We need enhanced criminal penalties in place for anyone involved in any aspect of the fake driver's license trade, and also we need to establish whistleblower protections to get people to come forward with information.

We should also require States to implement effective auditing programs in order to scrutinize every aspect of the issuing process for driver's licenses. One way to cut down on internal fraud and abuse is to protect the integrity of the agency's process. So a State should be able to find out for example, through routine audits, if some of their equipment used to manufacture driver's licenses are missing or inventory is unusually low for the number of applications received.

Frankly, these things would move us toward a system which would give more credence to the current process of presenting identification. I don't mind standing in line at airports. Last week, I was at Chicago Midway, and I twice stood in lines for a half hour each to present my identification and plane ticket. That is part of the cost of making certain that when I got on that airplane, it was safe. I think people all across America understand that. It is sad, and I wish it weren't the case, but it would be sadder still if the wrong person using fake documents got on the plane and ended up endangering many innocent lives. But if this process is worth anything, and if it is going to work, the identification presented has to be valid and validated. That is why this effort is so important.

I have discussed this in terms of terrorism and security, but two other aspects should be mentioned. All across America now, we have problems with drunk driving. Fortunately, the percentage of drunk drivers has gone down dramatically in this country, and I give credit to effective law enforcement, as well as to organizations such as Mothers Against Drunk Driving (MADD) and Students Against Drunk Driving (SADD). They have changed the climate and environment, advocating designated drivers and a more responsible use of alcohol. Even some of the beer and alcoholic beverage companies have gone that extra step to try to advertise the dangers of drinking and driving, and the need to be suspicious of those who do.

The biggest problem we face here is the number of young people under 21 who are easily able to obtain phony driver's licenses and identifications who can then purchase alcohol. Once they purchase and consume it and end up in an intoxicated state, they endanger their lives and others. If we toughen the standards by which States issue these driver's licenses, and if we go after the manufacturers and marketers of fake documents with heavy penalties, and if we make the cards more resistant to counterfeiting, then I believe we can diminish the likelihood that a young person will end up with a phony license or identification, buy alcohol, and cause a death in the process.

The next area I will mention is one that I know personally—identity theft. You may not be aware of the fact that this is the largest growing consumer fraud complaint in America. Last year, at the Federal Trade Commission, 204,000 complaints were filed for a variety of deceptive practices, and 42 percent of them related to identity theft. This means that in just one year, close to 100,000 Americans were victimized when somebody took their name and their information and did something with it without their approval. It has happened to me as a Member of the Senate. I got a call a couple of years ago at home, and they said:

> We finally caught up with you, Richard Durbin. Did you think you were going to avoid this bill you incurred in Denver, Colorado?

I said:

> I haven't incurred any bills in Denver, Colorado."

They said:

> Yes, you did. You applied for a credit card, and here is your Social Security number. You made several thousand dollars in purchases and you never paid for it.

I said:

> It never happened. I never went to that store. I haven't been in Denver, Colorado, for that purpose.

Someone had stolen my identity, and they applied for a local credit card, and they ran up several thousand dollars in purchases. Of course, they didn't make any payments. Eventually, I straightened it out. There are ways to do that although it could take a long time. I give credit to the credit agencies that accepted the truthful information and cleared my credit record.

Identity theft is growing, and part of the scam is to come up with phony documentation. One of the key elements in documentation is your driver's license which is the most widely used form of identification. Once you have that license, doors start to open. You use that phony license to match the name on a stolen credit card, and you are off to the races. It is pretty easy. Sadly, we have to acknowledge that it is a growing problem in America.

So coming up with minimum uniform standards on driver's licenses, making sure that when they are issued, they are truly issued to the person who is applying for them, providing ways to make certain that other States haven't revoked a driver's license when a new State is being asked to issue one, making certain that States improve their internal processes to prevent fraud and abuse, putting in tougher penalties for those who would abuse them, incorporating security features on driver's licenses so they can't be counterfeited—all of these things move us forward to improve our nation's security.

And all of these common sense solutions add up to a process that is far from anything remotely resembling any national identification card. There would not be any new nationally issued cards or databases or tracking systems or collection of sensitive information. There would not be intrusion on privacy—if the FBI needed information about a potential criminal's information contained in his DMV record, they would go through the same process they do today—by going to each State and following the established process to obtain that information.

What I propose is a system where the States would have an incentive to move forward—a better system, more accurate, with more integrity, with ability to work more effectively with other States. I think this is a step in the right direction. I commend my colleagues who have expressed an interest in this issue. In the next several weeks, we will have a hearing in the Governmental Affairs Committee, where we will bring in people from across the spectrum—law enforcement, State leaders and representatives, those who have been deceived, and those who have had their identity stolen from them.

I will ask them to come together to help us with legislation that will take this commonsense step forward, to make sure that the most commonly used photo identification presented at an airport or a train station or at the bank is really an indication of true identity of the cardholder.

I yield back my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. REED). Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. DASCHLE. Mr. President, there are discussions underway regarding the impasse we continue to experience on the voter identification amendment and other related issues on the election reform bill. I am probably stating the obvious—but I will make it official—there are no more rollcall votes today. My expectation is the next rollcall vote will be on Monday evening after 6 o'clock. We will set a specific time a little later, but there will be at least a cloture vote on the bill Monday morning, if we have not been able to arrive at any other agreement prior to that time.

Members should be aware they should expect a vote on Monday night, and then certainly Tuesday morning.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, I ask unanimous consent the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 12:10 p.m., recessed until 1:19 p.m. and reassembled when called to order by the Presiding Officer (Mr. BAYH).

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may speak in morning business for about 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY LEGISLATION AND IRAQ

Mr. MURKOWSKI. Mr. President, this being the first day of March, I remind my colleagues of the schedule before us. We are about 3 weeks away from our 2-week Easter recess. There are many items on the agenda: campaign finance reform; trade authority; stimulus, perhaps; and, of course, the

President's budget, which will take, I am sure, at least a week.

So it is becoming somewhat clear that time is a precious commodity. It is in short supply. I remind my colleagues of commitments made by the majority leader. These were commitments made in good faith about time and about energy, and we have both around this body.

I am reminded of a statement he made on November 27 of last year. I quote:

> I am prepaid to commit to taking up the energy bill prior to the Founders Day recess; that is, during the first work period, between January 22 and the time we break for the Founders Day recess.

Again, on December 3, the majority leader said:

> I have already stated very emphatically my desire to bring up the energy bill prior to the Founders Day recess, to have a good debate, to talk about all of the issues, including those which are controversial. It is my expectation we will do just that.

Again, that was December.

The majority leader says he wants to move an energy bill, but I am afraid we just have not seen the kind of commitment that America expects or that is referenced in our calendar. We spent virtually all day yesterday in quorum calls, morning business, with no votes. We certainly have not done an awful lot this week. I note it is Friday afternoon, and it is pretty lonesome around here. Nevertheless, I do want to bring to everyone's attention the absence of any aggressive timeframe in addressing this energy legislation.

As you know, it was one of our President's priorities. The priorities were energy, a stimulus package, and trade promotion.

To my knowledge, after looking through the RECORD, our debates, so far, have been quite limited. I spoke an hour on it. Senator DASCHLE spoke for some 20 minutes. That was some time ago. I do not think that is an energy debate.

In my view, the leader has been waiting I do not know for what purpose. When will it come up? Perhaps Monday or Tuesday. It probably will not come up Monday; maybe Tuesday. The longer it takes until we can pass an energy bill, the longer our Nation remains vulnerable.

In my opinion, energy dependence is our Achilles' heel. Our enemies are painfully aware of this. We waited too long to deal with bin Laden, we waited too long to deal with al-Qaida, and we are waiting too long to deal with Saddam Hussein.

This is a new month. There is still time and there are still plenty of opportunities to commit to the debate and the vote. But the longer we wait to address our energy security, the tougher it becomes to fix and the greater the risks that we face.

Mr. President, I would also like to call to the attention of my colleagues the dilemma we will face once we get to the bill. This is a very complex bill. It is inferior, in my opinion, because it did not come through the normal course of activities associated with Senate procedure.

Ordinarily, the bill would begin, upon introduction, by being referred to the committee of jurisdiction, the Energy and Natural Resources Committee. The committee would hold hearings. It would take witnesses. It would develop a consensus, and, more importantly, it would provide an education for each member on the intricacies.

We are going to be talking about ANWR. That is a very contentious issue. But equally contentious is going to be CAFE standards. Just what are we going to do to address conservation? And, indeed, at what price?

The electric portion is extraordinarily complicated. We have not had an opportunity for review in the normal process. As a consequence, Members are going to be educated by lobbyists, lobbyists with special interests. I venture to say, three-quarters, if not more, of the membership is not familiar with the terminology used in the electric bill. It is very, very complex.

Our interests, of course, are maintaining an uninterrupted supply of electric energy in this country. We have seen what happened in California. We are going to need more transmission lines, more intra- and interstate activities relative to oversight by FERC. I could go on and on, but I promised to keep my remarks within 12 minutes.

My purpose in bringing this issue up is to make sure every Member understands what we are looking at. We are going to be looking at a bill that has been laid down as the energy bill, without the process of the hearings, without the process of committee action, without the process of Republicans and Democrats having come together on some kind of a consensus about what we could agree or disagree on. That is going to be done on the floor of the Senate, which I think is unfortunate. And I am very critical, very frankly, of the Democratic leader, who made the decision to pull the responsibility away.

We all know why that was done. It was done strictly as a political move, to ensure the issue of ANWR did not come up in the committee, because the votes to pass out a bill with ANWR were clearly within the committee's structure. We had both Democratic and Republican support. As a consequence of this decision, we are left with this rather unusual set of circumstances.

I might say, to some extent, it was also done to the Commerce Committee, which was debating the issue of CAFE standards. It couldn't address it or resolve it. At least they had the authority up to that time. But, anyway, that was pulled from their committee as well from the standpoint of jurisdiction.

So, my point is, we have a process here that is less than traditional. I think it is less than a bipartisan effort in the Senate to try to move a bill.

So the bill has been laid down on the floor by the majority leader, and we will start the process.

As a consequence of that, I think it is also important to recognize the realities.

Yesterday, our brave men and women in uniform were again fired upon. They were fired upon by Saddam Hussein's ground forces. They were threatened. They were attacked. As a consequence, they fired back.

I am not talking about Afghanistan; I am talking about Iraq, a country from which we are currently importing 800,000 barrels of oil a day.

I quote the Associated Press:

> U.S. planes patrolling a no-fly zone over northern Iraq bombed an Iraqi air defense system Thursday in response to Iraqi anti-aircraft fire, the U.S. military said. It is the second time that U.S. planes have bombed Iraqi defense sites in northern Iraq this year.

Well, we are 2 months into this year.

But since the gulf war, in 1992, we have been enforcing a no-fly zone over Iraq to keep Saddam Hussein in check. A no-fly zone is almost an aerial blockade in the sense of comparing it to a sea blockade. It is considered almost an act of war.

It is the second time we have bombed, as I said, and it is only March 1st. So I think we are off to a rather troubling start.

Last year, Iraq shot at U.S. forces, enforcing the no-fly zone, over 400 times. We responded on 23 occasions.

But let's not lose sight that while, on the one hand, we perhaps make a fist at Iraq, on the other hand, we have our hand out taking his oil.

In September 2001, we broke an 11-year-old record, importing more than 1.16 million barrels of oil from Iraq. It was the same time that we had the aircraft used as a weapon in taking down the Twin Towers in New York and the Pentagon and the tragedy that occurred in Pennsylvania. It was the same time.

Where is the synergy? We have given Saddam Hussein more than $4 billion for his oil in the last year. That is a lot of money for an economy that is believed to have a GDP of only about $52 billion.

What does he do with that money? We know he has chemical weapons. He has a chemical weapons program. The reason we know it is because during the Iran-Iraqi war he used it on his own people—his own people—the Kurdish people in northern Iraq.

In fact, he is believed to have sufficient chemicals to produce hundreds of tons of mustard gas, VX, and other nerve agents, as well as 25 missiles and an estimated 15,000 artillery shells capable of the delivery of lethal weapons.

Israel witnessed first hand the reach of his weapons delivery system during the gulf war. We know what happened. We know of missiles that were aimed at Israel. We know he has been working on nuclear weapons because one of his top nuclear engineers defected to the West in 1994 and has given us details of the program.

Over many years, Iraq has worked on a number of occasions to acquire the material and the knowledge to perhaps build some kind of crude nuclear weapon. We can only truly speculate on the extent of his success, but it is commonly believed that an Iraqi nuclear device is inevitable. And if it is not available currently, the question is when?

I think it is fair to say that he is up to no good. We can't say for sure because we haven't had U.N. inspectors in there since 1998. There was a U.N. mandate that we do that. We have not followed through. One can only imagine what he might be able to have accomplished in almost 4 years of seclusion.

As long as we are dependent on sources such as Saddam Hussein for our oil, we will continue to finance the regime of Saddam Hussein. As long as he is in power, he will continue to threaten the world as a member of the axis of evil, which is a quote from our President.

All the tools he needs evidently are now within his grasp. Reducing foreign dependence on oil can reduce the influence and the reach of a Saddam Hussein. The question we have to ask ourselves is, when and if we are going to have to deal with this, what will be the consequences if we wait too long? Will it be another terrorist attack sponsored by Iraq? Will it be another situation where we have something occur that we wish we had taken care of because all the signs were there that this threat was real? Reducing our dependence on a country such as Iraq is going to decrease the supply of oil, so the price is going to go up.

So what do we do? We have domestic opportunities, and some of that will come up in the debate on ANWR, which obviously, as the occupant of the Chair knows, is a conviction I have, that we can open it safely, that it will come on line in roughly 2½ to 3 years, that it would be on line now if President Clinton had not vetoed it in 1995, and that it is a significant supply because it is estimated at somewhere between 6.5 and 16 billion barrels. If it is half that, it would be as big as Prudhoe Bay.

I might add, for the benefit of the Chair, who is not from Texas, I can speculate that there is much more oil in ANWR than in all of Texas.

With that profound statement, I ask unanimous consent that a Washington Post article of Friday, March 1, final edition, be printed in the RECORD, that portion covering Thursday's bombing which comes amid a rising debate on whether Iraq will be the next target of U.S. antiterrorism campaigns. President George Bush "branded Iraq as part of an 'axis of evil' along with Iran and North Korea, and accused it of seeking weapons of mass destruction."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 1, 2002]

JETS ON PATROL OVER IRAQ ATTACK AIR DEFENSE SITES

ANKARA (AP).—U.S. planes patrolling a no-fly zone over northern Iraq bombed an Iraqi air defense system Thursday in response to Iraqi anti-aircraft fire, the U.S. military said.

It is the second time that U.S. planes have bombed Iraqi defense sites in northern Iraq this year. The planes dropped bombs on the Iraqi defense system after Iraqi forces north of Mosul fired on them during routine patrols of the zone, the U.S. European Command said in a statement. Mosul is 400 kilometers (250 miles) north of Baghdad.

The planes returned safely to their base at Incirlik, in southern Turkey, the command, which is based in Germany, said.

U.S. and U.K. planes based in southeast Turkey have been flying patrols over northern Iraq since 1991 to protect the Kurdish population from Iraqi forces. Iraq doesn't recognize the zone and has been challenging allied aircraft regularly since 1998.

Thursday's bombing comes amid a rising debate on whether Iraq will be the next target of the U.S. anti-terror campaign. U.S. President George W. Bush branded Iraq as part of an "axis of evil" along with Iran and North Korea, and accused it of seeking weapons of mass destruction.

Turkey, host to the air patrols and a launching pad for strikes against Iraq in the 1991 Gulf War, fears that a war in Iraq could lead to creation of a Kurdish state and boost aspirations of autonomy-seeking Kurds in Turkey.

Mr. MURKOWSKI. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senator from Alaska, Mr. MURKOWSKI, has come to the floor on several occasions and complained about the manner and method in which Senator BINGAMAN and Senator DASCHLE brought forth the energy bill, which will shortly come before the Senate. They have complained about the path by which it got to the floor. My friend, the Senator from Alaska, says it should have been reported out of the Energy Committee rather than coming to the floor by Senate standing rule XIV.

But, in May of 2000, Senator LOTT moved a Republican bill—the National Energy Security Act of 2000—to the floor by rule XIV.

So when the Senator from Alaska was chair of the Energy Committee and the Republicans were in the majority, they moved the bill to the floor exactly the same way Senator DASCHLE has moved our bill. So the ranking member of the Energy Committee is now complaining of Senator DASCHLE doing exactly the same thing they did. He participated in this when he was chairman of the committee.

It seems the Senator from Alaska is denigrating the example he set last Congress. I guess in the minds of the minority, turnabout is not fair play. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

Mr. HARKIN. Mr. President, I would like to clarify some issues related to my amendment that passed the Senate earlier this week regarding the establishment of a protection and advocacy system to ensure that people with disabilities have full and equal access to the election process. Among other provisions, my amendment states that protection and advocacy systems under S. 565 may not resort to litigation when representing persons with disabilities who have been denied equal access to the polling place or to the voting process.

I agreed to this provision with some trepidation, since the protection and advocacy system has a long and well established authority under several federal laws to pursue litigation to enforce the rights of people with disabilities. The protection and advocacy system has proven themselves to be responsible stewards of the public trust we as members of Congress have placed in them in regard to litigation. The protection and advocacy system is known for exhausting all other remedies before resorting to litigation, and in fact less than 5 percent of all cases handled by protection and advocacy systems nationally result in litigation. The vast majority of people with disabilities helped by the protection and advocacy system have their issues resolved through alternative means of dispute resolution such as negotiation and mediation.

And yet the authority to pursue litigation when necessary and when warranted is an essential component of our nation's disability rights system. If we take away the ability of people with disabilities to obtain due process through the courts, we take away the level playing field created by laws such as the Americans with Disabilities Act, the Fair Housing Act, the Individuals with Disabilities Education Act, the Rehabilitation Act, the Developmental Disabilities Act, and others. Because of that, it is essential that protection and advocacy systems retain their current authority to utilize a full array of approaches, including litigation, to carry out their important work as defenders of the rights of people with disabilities. Nothing in my amendment today is intended to undermine that important authority in any other federal laws affecting the protection and advocacy system.

I look forward to continuing in my role as a champion of the protection and advocacy system, and of the rights of people with disabilities.

FIGHTING HATE VIOLENCE

Mr. BIDEN. Mr. President, I rise today to pay homage to the legion of African-American leaders who have made extraordinary contributions to humanity by fighting to secure equality and justice for us all. As a consequence of their valiant efforts, people of color can now enjoy a quality of life, including unprecedented educational and professional opportunities, never before realized. Because of their courage, we all can experience the benefits that flow from building a nation that values the creativity and talent of all her citizens. I am, and we all should be, proud to be the beneficiaries of their heroic acts.

Despite the extraordinary accomplishments of the past century, however, we began this new millennium still burdened by the weight of racial prejudice and the hatred, and sometimes violence, that emanates from it. Based on improved data collection efforts, we now know that far too frequently individuals may be victimized or otherwise targeted for vicious acts, simply because of the color of their skin, or the content of their faith, or because of any number of distinguishing characteristics—differences that should form the basis of our best American values, but instead are used to injure certain individuals and tarnish the American spirit.

Simply stated, hate violence is a scourge on our national consciousness, and the incidents of it are embarrassingly high. Perhaps the best-known racially-motivated hate crime in recent years is the callous killing of James Byrd, who, for no other reason except the color of his skin, was chained to the back of a pickup truck and dragged to his death. Mr. Byrd's death was senseless and shocking, but by no means is it the only example of such a crime. Each year, thousands of Americans are subjected to hate crimes, in perhaps not so savage a manner as Mr. Byrd's murder, but no less cruel and no less harmful.

Consider these numbers: while the overall number of crimes reported to the Federal Bureau of Investigation in 2000 declined slightly, by 0.2 percent, reported hate crimes increased 2.3 percent, from 7,876 in 1999 to 8,063. And by all indicators, those numbers likely underestimate the true magnitude of hate violence in our country. Studies by organizations like the National Organization of Black Law Enforcement Executives have revealed that countless targets of hate violence, some of whom are immigrants who fear reprisals or deportation, decline to report these crimes to the police.

As disturbing as the quantity of hate crimes committed each year, however, is the record number of young people who are perpetrating these crimes. According to a special report by the Federal Bureau of Justice Statistics, from 1997 to 1999, 33 percent of all known hate crime offenders were under the age of 18 years. For that same time period, another 29 percent of all hate crime offenders were 18 to 24 years of age. In total, an alarming 62 percent of all offenders were under the age of 24. When they should be imagining their college years or their early career plans, some kids, sometimes suffering under great mental depression, are instead conjuring up awful acts of hatred.

The damage caused by these crimes cannot be measured solely in terms of the physical injury inflicted or the property costs incurred. The devastation they provoke is far greater and much more destructive. These crimes fragment our society and inspire distrust. They fuel fear and suspicion of groups and communities that are unfamiliar. And, perhaps most fatal, they threaten to stall the important growth and community-building that must transpire for this Nation to retain its standing as a world leader for centuries to come.

If we have learned anything from the tragic events of September 11, it is that we cannot tolerate acts of hatred. We must enable a swift and tough law enforcement response by refining Federal hate crime laws, as well as give our children the tools to confront violent bigotry by providing necessary education and programming.

We can undertake to do nothing more important, nor pay any greater tribute to the heroes we honor during Black History Month, than to fight hate violence in every form and in every way we know. The security and safety of all Americans depend on it.

TRIBUTE TO DAN NAATZ

Mr. THOMAS. Mr. President, I rise today to say goodbye to a good friend of mine, someone who has worked by my side for the last 13 years.

Dan Naatz has been my chief of staff for the last 2 years, but his commitment to me and Wyoming has lasted much longer then that.

I first met Dan back in 1989 when he joined my office in the U.S. House of Representatives. He was one of the first staff members I hired after being elected that year in a special election to fill the seat left open by DICK CHENEY who was nominated to be our Secretary of Defense.

After several years, Dan made the decision to return to school and earn a master's degree from the University of Virginia.

I was disappointed to see him go then, but after he earned that degree I was fortunate enough to convince him to come back and serve as my legislative director.

Dan was with me when I was honored to win a seat in the U.S. Senate in 1994 as well. Our history together goes way back.

It is never easy to lose someone like Dan, who has been with me since the beginning. He has held nearly every position in my office and did them all very well. None better than the job he did of leading my staff and our legislative agenda for Wyoming.

It was inevitable though that Dan would be recognized outside of this body though for his expertise in crafting successful legislation and public policy.

Over the years, he has been a key advisor and good friend.

Particularly, Dan played a significant role in our efforts to reform and strengthen the National Park System.

As Chairman of the Senate Subcommittee on National Parks, he and I spent many hours together, first writing and developing changes that would improve the system for visitors and the valuable resources, and then, as the engine that helped see it through to public law.

I was proud of all the work he did, and he should be proud of the changes he helped make, because they will make a difference for future generations who will visit and experience our parks.

Dan has joined CHEP USA. I wish him and his wife Cindy and their family the best of luck, and I know the Senate body does as well.

PROSECUTING GUN-RELATED CRIMES

Mr. LEVIN. Mr. President, the fight to reduce gun violence must be waged on two fronts. First, we need to keep guns out of the hands of criminals, prevent children from gaining access to firearms and give law enforcement the resources they need to thoroughly investigate gun-related crimes. At the same time, we have to vigorously prosecute criminals who commit gun-related crimes.

According to the 2000 National Crime Victimization Survey, 533,470 victims of rape and sexual assault, robbery and aggravated assault faced a perpetrator with a firearm. The Community Gun Violence Prosecution Program can play a major role in improving prosecution of criminals who commit these gun-related violent crimes by providing funding to hire prosecutors solely to prosecute firearm-related violent crimes. Providing funds to improve prosecution will not only bring felons to justice, but will also act as a deterrent to future crimes.

On Monday, it was announced that the Dickinson County, MI, prosecutors office will receive $119,117 from the U.S. Department of Justice through CGVPP. The grant will be used to hire an assistant prosecutor who will devote his or her time to prosecuting violent crimes committed with a firearm. This grant is the latest of several that prosecutors in Michigan, including Wayne, Muskegon and Ingham County prosecutors, have received to combat and deter gun-related crime. The efforts of prosecutors are critical to getting violent criminals off the streets. However we cannot forget that preventing gun violence ultimately requires that we enact sensible gun-safety legislation.

RECOGNIZING STEWART VERDERY

Mr. ALLEN. Mr. President, I rise today to recognize C. Stewart Verdery, General Counsel to the Assistant Republican Leader, DON NICKLES, and a staffer for the Senate Republican High Tech Task Force, of which I serve as Chair, for his dedicated service to the Senate.

After more than 6 years of serving the U.S. Senate, Stewart Verdery will depart today to join the team at Vivendi Universal here in Washington, D.C. He first served as counsel to my friend from Virginia, Senator JOHN WARNER. Stewart then served as counsel to the Senate Rules Committee, as counsel to the Senate Judiciary Committee, and currently serves as General Counsel to Senator DON NICKLES. Let me take this opportunity to also thank Senator NICKLES for allowing Stewart to dedicate time to the High Tech Task Force and the broader goal of advancing constructive technology policy in the Senate.

As Chairman of the High Tech Task Force, I have come to know Stewart very well over the last year through his role as an advisor to Task Force and to the Republican leadership on technology issues. From the beginning, I have been impressed by his extraordinary command of complex technology issues and, perhaps more important, his ability to succinctly explain the issues to others. His advice and counsel were always sound and thoughtful, and through his effective and friendly manner, he instantly earned the respect of those with whom he worked.

Stewart Verdery played a key role in the transformation of the High Tech Task Force into a lead advocate for the technology-friendly policies in the Senate. With his assistance, my colleagues and I were better prepared to advance a positive technology policy agenda in the Senate last year, including: the passage of a clean, two-year Internet tax moratorium extension; passage of the upgraded Export Administration Act reauthorization; securing additional funding for anti-piracy prosecutions; and the hard-fought effort in the economic stimulus debate to make the Research and Development tax credit permanent, to provide enhanced expensing and to include the broadband tax credit.

I speak for many in the U.S. Senate when I say that we will miss Stewart and his talents. I wish Stewart, his wife Jenny and their two young children, Isabelle and Chase, all the very best health and happiness in their future endeavors.

CAPITOL POLICE CHIEF JAMES VAREY

Mr. HOLLINGS. Mr. President, for the past 17 years, James Varey has served this institution with distinction, and I want to congratulate him and wish him the best in his retirement.

As the Capitol Chief of Police since May 2000, he has been the best of the best at one of the most difficult times in our history. The Capitol Police has never had to respond to the terrible problems we have seen in the last 6 months, be it terrorist threats, or anthrax attacks, but because of the strong leadership at the top, this institution has remained strong and open to the public. The force will miss Chief Varey's great advocacy on their behalf, which resulted in such new resources as the Federal Law Enforcement Training Center. We will certainly miss the friendly spirit he has displayed to the entire Senate family. Most of all, the institution will miss his dedication and hard work.

CELEBRATING WOMEN'S HISTORY MONTH

Mrs. CARNAHAN. Mr. President, when I think of women who have put their stamp on history, I think of so many "Wonder Women" from Lucretia Mott to Eleanor Roosevelt to Sally Ride. While these names are recognizable to all of us, there are others—teachers, mothers, grandmothers—who are unsung heroines. They are women who greatly influenced our lives.

I have also come to admire our 19th-century counterparts—the women who were warriors on the front lines of the slavery, suffrage, and temperance battles. These early advocates of social justice continue to inspire us today. With few resources at their command, they were forced to use the power of ideas to affect change. The pen became a mighty sword; the voice, a thunderous cannon. They shook the 19th century.

Two of these women were contemporaries. They were both reared in New England, were married, had large families and overwhelming personal responsibilities. They were especially sensitive to injustice. Both changed the thinking of the nation on the dominant issues of their day. Beyond that, the similarities cease. One was from a prominent family, the daughter of a renowned clergyman. Unlike most women of her time, she was well-educated—a teacher and a writer. The other woman was a slave, unable to read or write. But she could speak, and did that quite well.

One was Harriet Beecher Stowe, the author of Uncle Tom's Cabin—the woman whose writings did more to arouse the conscience of the nation against slavery than anyone of her day. Harriet had seven children and a husband who was a hypochondriac. He took to his bed whenever there was a crisis in life, leaving her to manage on her own. In spite of the demands on her, Harriet managed to do what she loved most—to write. At the time, women with political opinions were not taken seriously, but that did not prevent her from expressing her ideas. She somehow found time to write—letters, articles, entire books—thirty-three literary works in all. Uncle Tom's Cabin broke all sales records of its day. Her success brought her to the attention of the President of the United States. It is said that Abraham Lincoln referred to her as "the little lady whose book started this big war."

Harriet recognized what women have known for centuries, that there are duties, intrusions, necessary things that lay claim to our time and thoughts. That was certainly true of Isabella Baumfree, the hearty slave woman who faced more than her share of adversity. She was quite a contrast to the very proper, primly dressed, and precisely spoken Mrs. Stowe.

By 1828, New York had abolished slavery. Around the same time, Isabella felt the call to preach. She was 46. She took the name Sojourner Truth because it was her intention to sojourn the land and proclaim the truth. Since she couldn't read the Bible, Isabella had it read to her, and she memorized large portions of it. She dictated her life's story and sold it to support herself. Wherever she spoke, her simple but dynamic message attracted crowds. She confounded the skeptics with plain truth and images from her own life, but critics hounded her. When told that there were threats to burn the auditorium where she was to speak; Sojourner replied, "Let them burn the building and I will speak upon the ashes."

Women of accomplishment have always been adaptive. They find a way when there is no way. They wear many hats. Being generalists, they come at problems from many different perspectives.

A good example of this can be seen in the life of a St. Louis lady by the name of Frances Gage, or Aunt Fanny as she was known in the women's movement. Aunt Fanny loved to give speeches at the women's conventions. She often told her audiences about an incident that had inspired her to become an activist on behalf of women. "At age ten, I made my first barrel. It was a beautiful barrel. The cooper who instructed me told my father, "Fanny made that barrel and has done it quicker and better than any boy I have had after six months training." Fanny beamed with pride as she waited for her father's approval. Instead he shook his head and replied, "What a pity that you were not born a boy so that you could be good for something. Now, run into the house, child, and go back to your knitting."

Having been rejected as a barrel maker, Fanny turned her energy to being a speechmaker for the women's movement. Her desire to make a perfect barrel transferred to a desire to perfect the rights of women. Not only are women adaptive, they are triumphant. Without the traditional power resources—money, position, and prestige they had to rely on their talents and determination.

These women refused to see themselves as too weak, or under-empowered, to make a difference. Their efforts on the critical issues of their time radically changed the course of the nation. They were not just taking political stands—not just writing and speaking about compassion, justice, and mercy. They were engaged in daily acts of human kindness. What they said and what they did matched. These women left their stamp on history with their ability to be adaptive, triumphant, and genuine. They have also left their stamp on us, their 20th- and 21st-century sisters. For these traits are alive and well in women today.

ADDITIONAL STATEMENTS

CONGRATULATING THE MEN'S BASKETBALL TEAM AT THE UNIVERSITY OF WISCONSIN IN MADISON

• Mr. FEINGOLD. Mr. President, today, as a proud alumnus, I congratulate the men's basketball team at the University of Wisconsin in Madison for their victory over the University of Michigan this week. This victory allowed UW's Coach Bo Ryan and his Badgers to claim the Big Ten conference title for the first time since 1947. As a fellow Badger, I am proud of their accomplishment and I look forward to their play in the post season.

This marks the 104th season since the UW-Madison men's basketball program began. From their first season in 1898 to their Cinderella season two years ago, to this week, when they clinched the title, Badger Basketball has more than earned this Big Ten Championship. The people of Wisconsin continue to support and cheer for our Badgers each season. Known as one of the finest institutions of public higher education, UW-Madison also has proven to be a powerhouse in Big Ten sports.

I take great pride in commending our men's basketball team. As a graduate of UW-Madison, I wish Coach Ryan and his Badger team all the best in the upcoming post season. Wisconsin is behind you, and we wish you all the luck. Go Badgers!•

TRIBUTE TO JARAD ROBERT LYONS

• Mr. CAMPBELL. Mr. President, today I want to recognize and congratulate a special Coloradan, Jarad Robert Lyons, for winning the AAA State Wrestling Championship Title in his division.

Jarad, an 18-year-old senior at Ignacio High School, started wrestling at the very early age of 4 in the Pee Wee divisions. He continued his career throughout junior high and high school, and first qualified for the State championships in his junior year in the 136-pound division. He has received numerous awards leading up to this year's State championship, where he qualified in the 145-pound division. He placed first at the Regionals—Southern Region Tournament in Salida, CO. He then took first place at the Ignacio Invitational, first again at the Moab Tournament and first at the Rocky Mountain Invitational, where he was also awarded the Most Valuable Wrestler Award.

Jarad was one of his team's captains this year, and his senior season is a true list of accomplishments. In the last two months alone, he has been named Outstanding Middle Weight Wrestler at the Aztec Duels, Champion at the Rocky Mountain Invitational, Champion at the Moab Tournament, Champion and Outstanding Wrestler at the Ignacio Invitational, League Champion at the Intermountain League, Champion at the Regional Tournament, and then finally, State Champion at the Colorado State Championship tournament for the AAA division which was held the weekend of February 21–23.

Jarad Lyons is, without a doubt, a class act. He is respected by not only his teammates and his coach, but by other coaches in the State as well. He is a compassionate team member, and is willing to help every wrestler on his team, regardless of his experience. He is well known throughout his community, and enjoys the support and well wishes of everyone. People feel they can call him at home, and tell him how proud they are of him. I think this is the mark of a truly special young man.

In his free time, while I know wrestling takes precedence, Jarad also enjoys working on his car, a 1965 Barracuda, which he purchased himself and has rebuilt entirely. He now drives the silver and black pinstriped classic beauty very proudly.

I congratulate Jarad Lyons on his tremendous achievement, and wish him every success in the future. He is an example of the success that hard work and determination bring when we set ourselves to achieving our goals. He is an outstanding young Coloradan and he has earned and deserves our applause and congratulations.•

HONORING DANIEL MAYDAN, ANTI-DEFAMATION LEAGUE'S TORCH OF LIBERTY AWARD RECIPIENT

• Mrs. BOXER. Mr. President, I would like to set aside a moment to reflect on the work of Dr. Daniel Maydan, the latest recipient of the Anti-Defamation League's Torch of Liberty Award. This distinguished honor recognizes those who personify the League's ideals of equality and justice.

Dr. Maydan, President of California-based Applied Materials, is a true leader in the technology industry and broader community. He spearheaded the development of the company's plasma etch technologies, leading to the creation of a manufacturing system central to California's semiconductor industry. This revolutionary technology has been included in the Smithsonian Institution's breakthrough technologies collection.

Bridging the digital divide both at home and abroad, Dr. Maydan helped strengthen Israel's presence in the global economic sphere, earning the Israel Trade and State of Israel Jubilee Awards. In addition, he established scholarship programs at Hebrew University and a Center for Advanced Materials Study at the Israel Institute of Technology to encourage and support others pursuing studies and careers in the sciences. In addition to his many other activities, he serves on the Board of Directors of the San Jose Symphony.

Dr. Maydan has helped shape our technology field and helped make it possible for others to follow his lead. It is clear that he is most worthy of this honor.•

TRIBUTE TO KENTUCKY'S COMMUNITIES

• Mr. BUNNING. Mr. President, today I rise to congratulate 10 Kentucky communities for being named to "Site Selection" magazine's top 100 Small Towns. Site Selection, an Atlanta-based magazine circulated to over 45,000 executives involved in corporate site selection decisions, based its study on how well prepared small towns are to handle businesses searching for new project locations and business ventures. Specifically, each town was judged by the total number of jobs created, the number created on a per capita basis, unemployment rates, and the amount of investments by companies who locate in the community.

The 10 towns in Kentucky named to this noteworthy list are: Bowling Green, Campbellsville, Danville, Bardstown, Frankfort, Elizabethtown, Franklin, Shelbyville, Glasgow, Madisonville, and Lebanon. Through their hard work and commitment to progress, these towns have proven to the business community nationwide that they are more than prepared to take on the many challenges that accompany the opening of new business projects. I take this as an indication of the Commonwealth's commitment to creating a new and better economy for future generations of Kentuckians.

I once again congratulate these 10 communities for this much deserved distinction and thank the men and women living in these towns for continually working toward the greater good of the Commonwealth of Kentucky.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 1979: A bill to provide energy tax incentives. (Rept. No. 107–140).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary:

William Smith Taylor, of Alabama, to be United States Marshal for the Southern District of Alabama for the term of four years.

By Mr. BINGAMAN for the Committee on Energy and Natural Resources:

*Raymond L. Orbach, of California, to be Director of the Office of Science, Department of Energy.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of March 1, 2002:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 2003.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON:

S. 1978. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BAUCUS:

S. 1979. A bill to provide energy tax incentives; from the Committee on Finance; placed on the calendar.

By Mrs. BOXER:

S. 1980. A bill to require a training program for all airline personnel responsible for checking passenger identification, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 1981. A bill to enhance penalties for fraud in connection with identification documents that facilitates an act of domestic terrorism; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 653

At the request of Mr. BAYH, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 653, a bill to amend part D of title IV of the Social Security Act to provide grants to States to encourage media campaigns to promote responsible fatherhood skills, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1677

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1677, a bill to amend title I of the Employee Retirement Income Security Act of 1974 to create a safe harbor for retirement plan sponsors in the designation and monitoring of investment advisers for workers managing their retirement income assets.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Indiana (Mr. BAYH), the Senator from California (Mrs. BOXER), the Senator from Washington (Ms. CANTWELL), the Senator from Georgia (Mr. CLELAND), the Senator from Maine (Ms. COLLINS), the Senator from Illinois (Mr. DURBIN), the Senator from California (Mrs. FEINSTEIN), the Senator from Michigan (Mr. LEVIN), the Senator from Washington (Mrs. MURRAY), the Senator from Florida (Mr. NELSON), the Senator from Oregon (Mr. SMITH), the Senator from Maine (Ms. SNOWE), the Senator from Minnesota (Mr. WELLSTONE), and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. RES. 209

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. Res. 209, a resolution to express the sense of the Senate regarding prenatal care for women and children.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON:

S. 1978. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets; to the Committee on Health, Education, Labor, and Pensions.

Mr. HUTCHINSON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1978

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Retirement Security Advice Act of 2002".

SEC. 2. PROHIBITED TRANSACTION EXEMPTION FOR THE PROVISION OF INVESTMENT ADVICE.

(a) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Exemption from prohibited transactions.—Section 408(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(b)) is amended by adding at the end the following new paragraph:

"(14)(A) Any transaction described in subparagraph (B) in connection with the provision of investment advice described in section 3(21)(A)(ii), in any case in which—

"(i) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(ii) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(iii) the requirements of subsection (g) are met in connection with the provision of the advice.

"(B) The transactions described in this subparagraph are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.".

(2) Requirements.—Section 408 of such Act is amended by adding at the end the following new subsection:

"(g) Requirements Relating to Provision of Investment Advice by Fiduciary Advisers.—

"(1) In general.—The requirements of this subsection are met in connection with the provision of investment advice referred to in section 3(21)(A)(ii), provided to an employee benefit plan or a participant or beneficiary of an employee benefit plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(A) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(i) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(ii) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(iii) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(iv) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

"(v) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

"(B) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(C) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(D) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(E) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(2) Standards for presentation of information.—The notification required to be provided to participants and beneficiaries under paragraph (1)(A) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(3) Exemption conditioned on continued availability of required information on request for 1 year.—The requirements of paragraph (1)(A) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in paragraph (1) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in clauses (i) through (iv) of subparagraph (A) in currently accurate form and in the manner described in paragraph (2) or fails—

"(A) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(B) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(C) in the event of a material change to the information described in clauses (i) through (iv) of paragraph (1)(A), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(4) Maintenance for 6 years of evidence of compliance.—A fiduciary adviser referred to in paragraph (1) who has provided advice referred to in such paragraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this subsection and of subsection (b)(14) have been met. A transaction prohibited under section 406 shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(5) Exemption for plan sponsor and certain other fiduciaries.—

"(A) In general.—Subject to subparagraph (B), a plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this part solely by reason of the provision of investment advice referred to in section 3(21)(A)(ii) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this subsection, and

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice.

"(B) Continued duty of prudent selection of adviser and periodic review.—Nothing in subparagraph (A) shall be construed to exempt a plan sponsor or other person who is a fiduciary from any requirement of this part for the prudent selection and periodic review of a fiduciary adviser with whom the plan sponsor or other person enters into an arrangement for the provision of advice referred to in section 3(21)(A)(ii). The plan sponsor or other person who is a fiduciary has no duty under this part to monitor the specific investment advice given by the fiduciary adviser to any particular recipient of the advice.

"(C) Availability of plan assets for payment for advice.—Nothing in this part shall be construed to preclude the use of plan assets to pay for reasonable expenses in providing investment advice referred to in section 3(21)(A)(ii).

"(6) Definitions.—For purposes of this subsection and subsection (b)(14)—

"(A) Fiduciary adviser.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(i) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(ii) a bank or similar financial institution referred to in section 408(b)(4),

"(iii) an insurance company qualified to do business under the laws of a State,

"(iv) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(v) an affiliate of a person described in any of clauses (i) through (iv), or "(vi) an employee, agent, or registered representative of a person described in any of clauses (i) through (v) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(B) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(C) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section).".

(b) AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.—

(1) EXEMPTION FROM PROHIBITED TRANSACTIONS.—Subsection (d) of section 4975 of the Internal Revenue Code of 1986 (relating to exemptions from tax on prohibited transactions) is amended—

(A) in paragraph (14), by striking "or" at the end;

(B) in paragraph (15), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following new paragraph:

"(16) any transaction described in subsection (f)(7)(A) in connection with the provision of investment advice described in subsection (e)(3)(B), in any case in which—

"(A) the investment of assets of the plan is subject to the direction of plan participants or beneficiaries,

"(B) the advice is provided to the plan or a participant or beneficiary of the plan by a fiduciary adviser in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of plan assets, and

"(C) the requirements of subsection (f)(7)(B) are met in connection with the provision of the advice.".

(2) ALLOWED TRANSACTIONS AND REQUIREMENTS.—Subsection (f) of such section 4975 (relating to other definitions and special rules) is amended by adding at the end the following new paragraph:

"(7) PROVISIONS RELATING TO INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—

"(A) TRANSACTIONS ALLOWABLE IN CONNECTION WITH INVESTMENT ADVICE PROVIDED BY FIDUCIARY ADVISERS.—The transactions referred to in subsection (d)(16), in connection with the provision of investment advice by a fiduciary adviser, are the following:

"(i) the provision of the advice to the plan, participant, or beneficiary;

"(ii) the sale, acquisition, or holding of a security or other property (including any lending of money or other extension of credit associated with the sale, acquisition, or holding of a security or other property) pursuant to the advice; and

"(iii) the direct or indirect receipt of fees or other compensation by the fiduciary adviser or an affiliate thereof (or any employee, agent, or registered representative of the fiduciary adviser or affiliate) in connection with the provision of the advice or in connection with a sale, acquisition, or holding of a security or other property pursuant to the advice.

"(B) REQUIREMENTS RELATING TO PROVISION OF INVESTMENT ADVICE BY FIDUCIARY ADVISERS.—The requirements of this subparagraph (referred to in subsection (d)(16)(C)) are met in connection with the provision of investment advice referred to in subsection (e)(3)(B), provided to a plan or a participant or beneficiary of a plan by a fiduciary adviser with respect to the plan in connection with any sale, acquisition, or holding of a security or other property for purposes of investment of amounts held by the plan, if—

"(i) in the case of the initial provision of the advice with regard to the security or other property by the fiduciary adviser to the plan, participant, or beneficiary, the fiduciary adviser provides to the recipient of the advice, at a time reasonably contemporaneous with the initial provision of the advice, a written notification (which may consist of notification by means of electronic communication)—

"(I) of all fees or other compensation relating to the advice that the fiduciary adviser or any affiliate thereof is to receive (including compensation provided by any third party) in connection with the provision of the advice or in connection with the sale, acquisition, or holding of the security or other property,

"(II) of any material affiliation or contractual relationship of the fiduciary adviser or affiliates thereof in the security or other property,

"(III) of any limitation placed on the scope of the investment advice to be provided by the fiduciary adviser with respect to any such sale, acquisition, or holding of a security or other property,

"(IV) of the types of services provided by the fiduciary adviser in connection with the provision of investment advice by the fiduciary adviser, and

"(V) that the adviser is acting as a fiduciary of the plan in connection with the provision of the advice,

"(ii) the fiduciary adviser provides appropriate disclosure, in connection with the sale, acquisition, or holding of the security or other property, in accordance with all applicable securities laws,

"(iii) the sale, acquisition, or holding occurs solely at the direction of the recipient of the advice,

"(iv) the compensation received by the fiduciary adviser and affiliates thereof in connection with the sale, acquisition, or holding of the security or other property is reasonable, and

"(v) the terms of the sale, acquisition, or holding of the security or other property are at least as favorable to the plan as an arm's length transaction would be.

"(C) STANDARDS FOR PRESENTATION OF INFORMATION.—The notification required to be provided to participants and beneficiaries under subparagraph (B)(i) shall be written in a clear and conspicuous manner and in a manner calculated to be understood by the average plan participant and shall be sufficiently accurate and comprehensive to reasonably apprise such participants and beneficiaries of the information required to be provided in the notification.

"(D) EXEMPTION CONDITIONED ON MAKING REQUIRED INFORMATION AVAILABLE ANNUALLY, ON REQUEST, AND IN THE EVENT OF MATERIAL CHANGE.—The requirements of subparagraph (B)(i) shall be deemed not to have been met in connection with the initial or any subsequent provision of advice described in subparagraph (B) to the plan, participant, or beneficiary if, at any time during the provision of advisory services to the plan, participant, or beneficiary, the fiduciary adviser fails to maintain the information described in subclauses (I) through (IV) of subparagraph (B)(i) in currently accurate form and in the manner required by subparagraph (C), or fails—

"(i) to provide, without charge, such currently accurate information to the recipient of the advice no less than annually,

"(ii) to make such currently accurate information available, upon request and without charge, to the recipient of the advice, or

"(iii) in the event of a material change to the information described in subclauses (I) through (IV) of subparagraph (B)(i), to provide, without charge, such currently accurate information to the recipient of the advice at a time reasonably contemporaneous to the material change in information.

"(E) MAINTENANCE FOR 6 YEARS OF EVIDENCE OF COMPLIANCE.—A fiduciary adviser referred to in subparagraph (B) who has provided advice referred to in such subparagraph shall, for a period of not less than 6 years after the provision of the advice, maintain any records necessary for determining whether the requirements of the preceding provisions of this paragraph and of subsection (d)(16) have been met. A transaction prohibited under subsection (c)(1) shall not be considered to have occurred solely because the records are lost or destroyed prior to the end of the 6-year period due to circumstances beyond the control of the fiduciary adviser.

"(F) EXEMPTION FOR PLAN SPONSOR AND CERTAIN OTHER FIDUCIARIES.—A plan sponsor or other person who is a fiduciary (other than a fiduciary adviser) shall not be treated as failing to meet the requirements of this section solely by reason of the provision of investment advice referred to in subsection (e)(3)(B) (or solely by reason of contracting for or otherwise arranging for the provision of the advice), if—

"(i) the advice is provided by a fiduciary adviser pursuant to an arrangement between the plan sponsor or other fiduciary and the fiduciary adviser for the provision by the fiduciary adviser of investment advice referred to in such section,

"(ii) the terms of the arrangement require compliance by the fiduciary adviser with the requirements of this paragraph,

"(iii) the terms of the arrangement include a written acknowledgment by the fiduciary adviser that the fiduciary adviser is a fiduciary of the plan with respect to the provision of the advice, and

"(iv) the requirements of part 4 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 are met in connection with the provision of such advice.

"(G) DEFINITIONS.—For purposes of this paragraph and subsection (d)(16)—

"(i) FIDUCIARY ADVISER.—The term 'fiduciary adviser' means, with respect to a plan, a person who is a fiduciary of the plan by reason of the provision of investment advice by the person to the plan or to a participant or beneficiary and who is—

"(I) registered as an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 et seq.) or under the laws of the State in which the fiduciary maintains its principal office and place of business,

"(II) a bank or similar financial institution referred to in subsection (d)(4),

"(III) an insurance company qualified to do business under the laws of a State,

"(IV) a person registered as a broker or dealer under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.),

"(V) an affiliate of a person described in any of subclauses (I) through (IV), or

"(VI) an employee, agent, or registered representative of a person described in any of subclauses (I) through (V) who satisfies the requirements of applicable insurance, banking, and securities laws relating to the provision of the advice.

"(ii) AFFILIATE.—The term 'affiliate' of another entity means an affiliated person of the entity (as defined in section 2(a)(3) of the Investment Company Act of 1940 (15 U.S.C. 80a–2(a)(3))).

"(iii) REGISTERED REPRESENTATIVE.—The term 'registered representative' of another entity means a person described in section 3(a)(18) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(18)) (substituting the entity for the broker or dealer referred to in such section) or a person described in section 202(a)(17) of the Investment Advisers Act of 1940 (15 U.S.C. 80b–2(a)(17)) (substituting the entity for the investment adviser referred to in such section)."

By Mrs. BOXER:

S. 1980. A bill to require a training program for all airline personnel responsible for checking passenger identification, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER:

S. 1981. A bill to enhance penalties for fraud in connection with identification documents that facilitates an act of domestic terrorism; to the Committee on the Judiciary.

Mrs. BOXER. Mr. President, today I am introducing two bills to help prevent terrorists from using false identification to gain access to our Nation's airports and airplanes.

The tragic events of September 11 taught our Nation and the world a very harsh lesson about the safety of our skies. Congress responded by drafting and passing legislation to ensure enhanced security at our airports and on our airplanes. I worked hard with my colleagues on the Senate Commerce Committee to increase the security of our Nation's skies, and we succeeded in passing an airline security bill.

However, there is still more we can do. Current law does not go far enough when it comes to guarding against the use of fake IDs by terrorists. The importance of this fact cannot be underestimated. As we now know, some of the terrorists who hijacked the planes on September 11 did indeed use fake IDs to board the planes. My two bills include three "T"'s to prevent terrorists from using false identification—technology, training, and tough sentences.

First, the legislation I am introducing today will mandate training for airline personnel who are responsible for checking the identification of passengers.

Second, my legislation would provide technology to catch fraudulent IDs. It would require the placement of ID technology in every airport across the Nation. This technology would check the validity of passengers' IDs, and could also include optical or facial scanners to determine if an individual is in a terrorist database. These technologies are out there, they're ready for use, and our airports should be using them starting now.

Finally, I propose legislation to mandate prison time for anyone who produces, transfers, possesses, or uses a fake ID in connection with terrorism. Currently, in Federal law, there is no mandatory imprisonment for the production, transfer, possession, or use of a fake ID. Under any circumstances, even in relation to terrorist acts. This, to me, seems wrong. If you at any point and time facilitate an act of terrorism by providing someone with a fake ID, making a fake ID, possessing a fake ID, or using that fake ID, you should go to jail. Period. My bill makes sure that principle is reflected in Federal law.

Last, my bill closes the loophole that punishes people for fake IDs used in acts of international terrorism, but not domestic terrorism. Under the USA PATRIOT Act the Congress passed last year, a definition of "domestic terrorism" was added to the criminal code. My bill makes sure that fake ID offenses related to domestic terrorism get the same punishment as those relating to international terrorism.

It simply is not enough to have sporadic safeguards in a handful of airports. The bills I am introducing today will help close loopholes that currently serve as wide open doors for terrorists.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2964. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2885 submitted by Mr. GRASSLEY and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2965. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2885 submitted by Mr. GRASSLEY and intended to be proposed to the bill (S. 565) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2964. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2885 submitted by Mr. GRASSLEY and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting and election administration to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The records under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with access to applicable records under clause (i), any other State or locality may access such records through the State or locality that had access to the records under such clause.

(B) APPLICABLE RECORDS.—For purposes of this subsection, the term "applicable records" means—

(i) in the case of the Commissioner of Social Security, information needed to verify—

(I) the social security number of an individual; or

(II) whether such individual is shown on the records of the Commissioner of Social Security as being alive or deceased;

(ii) in the case of the Commissioner of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 2965. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2885 submitted by Mr. GRASSLEY and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting and election administration to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security, the Attorney General, and the Commissioner of the Immigration and Naturalization Service shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State or locality. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the applicable agency head determines appropriate to protect and prevent the misuse of information.

(iii) DUPLICATIVE INFORMATION.—If a State or locality is provided with applicable information under clause (i), any other State or locality may access such information through the State or locality that was provided with information under such clause.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term "applicable information" means—

(i) in the case of the Commissioner of Social Security, information regarding whether—

(I) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; or

(II) such individual is shown on the records of the Commissioner as being deceased;

(ii) in the case of the Commissioner of the Immigration and Naturalization Service, information needed to verify whether or not an individual is a citizen of the United States or lawfully admitted for permanent residence; and

(iii) in the case of the Attorney General, information regarding felony convictions of individuals.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the applicable agency head determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate Committee on Energy and Natural Resources be authorized to hold a business meeting during the session of the Senate on Friday, March 1, in the morning at a time to be announced. The purpose of the business meeting is to consider the committee views and estimates on the fiscal year 2003 budget, and Dr. Raymond L. Orbach's nomination to be Director of the Office of Science, Department of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Friday, March 1, 2002, at 10 a.m. for a hearing regarding "U.S. Policy in Iraq: Next Steps."

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Carl Levin:									
United Kingdom	Pound		72.00						72.00
Uzbekistan	Pound		168.00						168.00
Oman	Rial		168.00						168.00
Greece	Drachma		76.00						76.00
Hungary	Forint		192.00						192.00
David S. Lyles:									
United Kingdom	Pound		67.00						67.00
Uzbekistan	Pound		165.00						165.00
Oman	Rial		207.00						207.00
Greece	Drachma		76.00						76.00
Hungary	Forint		188.00						188.00
Senator John Warner:									
United Kingdom	Dollar		81.00						81.00
Uzbekistan	Dollar		371.00						371.00
Oman	Dollar		178.00						178.00
Hungary	Forint		334.00						334.00
Greece	Dollar		106.00						106.00
Judith A. Ansley:									
United Kingdom	Dollar		61.00						61.00
Uzbekistan	Dollar		143.00						143.00
Oman	Dollar		128.00						128.00
Hungary	Forint		199.00						199.00
Greece	Dollar		46.00						46.00
Richard D. DeBobes:									
United Kingdom	Dollar		61.00						61.00
Uzbekistan	Dollar		146.00						146.00
Oman	Dollar		195.00						195.00
Greece	Dollar		76.00						76.00
Hungary	Dollar		194.00					25.00		219.00
Total			3,698.00				25.00		3,723.00

CARL LEVIN,
Chairman, Committee on Armed Services, Jan. 2, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DASCHLE'S CONGRESSIONAL DELEGATION FOR TRAVEL FROM NOV. 16 TO NOV. 18, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Mexico	Peso		646.00						646.00
John Elsold:									
Mexico	Peso		588.69						588.69
Andrea LaRue:									
Mexico	Peso		496.00						496.00
Denis McDonough:									
Mexico	Peso		580.00						580.00
Sally Walsh:									
Mexico	Peso		646.00						646.00
Delegation Expenses:[1]									
Mexico	Peso						7,539.17		7,539.17
Total			2,956.69				7,539.17		10,495.86

[1] Delegation expenses include payments and reimbursements to the Department of State and the Department of Defense under authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 950384, and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Majority Leader, Jan. 28, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert Hand:									
U.S.A	Dollar				1,469.95				1,469.95
Austria	Dollar		146.00						146.00
Kosovo	Dollar		798.00						798.00
Representative Alcee Hastings:									
U.S.A	Dollar				5,039.46				5,039.46
Romania	Dollar		440.00						440.00
Janice Helwig:									
U.S.A	Dollar				5,374.45				5,374.45
Austria	Dollar		11,944.06		832.44				12,776.50
Germany	Dollar		432.00						432.00
Austria	Dollar				3,422.09				3,422.09
Kyrgyzstan	Dollar		1,309.00						1,309.00
Austria	Dollar				1,115.00				1,115.00
Romania	Dollar		1,100.00						1,100.00
Representative Steny Hoyer:									
U.S.A	Dollar				5,039.46				5,039.46
Romania	Dollar		440.00						440.00
Total			16,609.06		22,292.85				38,901.91

BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on the Commission on Security and Cooperation in Europe, Jan. 31, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Christopher Bond:									
England	Dollar		688.00		7,826.86				8,514.86
Belgium	Dollar		514.00						514.00
Germany	Dollar		798.00						798.00
Total			2,000.00		7,826.86				9,826.86

JOHN F. KERRY,
Chairman, Committee on Small Business and Entrepreneurship, Feb. 5, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Ted Posner:									
Switzerland	Franc	1,018.46	509.23		961.03				1,356.32
Cary D. Pugh:									
Switzerland	Franc	1,018.46	509.23		1,270.98				1,550.75
Angela Marshall:									
Canada	Dollar		626.13		332.80				958.93
Total			1,644.59		2,564.81				3,866.00

MAX BAUCUS,
Chairman, Committee on Finance, Jan. 15, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), MAJORITY LEADER, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Franz Wuerfmannsdobler:									
Morocco	Dollar		1,300.00						1,300.00
United States	Dollar				4,490.27				4,490.27
Total			1,300.00		4,490.27				5,790.27

TOM DASCHLE,
Majority Leader, Jan. 31, 2002.

*AMENDMENT TO 3D QUARTER 2001 REPORT—CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Joseph I. Lieberman:									
Mexico	Dollar		380.00						380.00
Colombia	Dollar		249.00				312.00		561.00
Costa Rica	Dollar		977.00						977.00
Frederick M. Downey:									
Mexico	Dollar		300.00				100.00		400.00
Colombia	Dollar		228.00				150.00		378.00
Costa Rica	Dollar		572.00				233.00		805.00
Senator John McCain:									
Estonia	Kroon		455.55						455.55
Bulgaria	Dollar		214.00						214.00
Czech Republic	Koruna		303.00						303.00
United States	Dollar				8,436.63				8,436.63
Daniel C. Twining:									
Estonia	Kroon		578.91						578.91
Bulgaria	Dollar		292.00						292.00
Czech Republic	Koruna		303.00						303.00
United States	Dollar				4,812.83				4,812.83
Total			4,852.46		13,249.46		795.00		18,896.92

CARL LEVIN,
Chairman, Armed Services Committee, Oct. 1, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Phil Gramm:									
England	Dollar		1,367.60		5,202.85				6,570.45
Senator Larry Neal:									
England	Dollar		1,390.30		5,202.85				6,593.15
Total			2,757.90		10,405.70				13,163.60

PAUL S. SARBANES,
Chairman, Committee on Banking, Housing, and Urban Affairs, Nov. 6, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Robert W. Chamberlin:									
France	Franc		1,249.00		1,072.70				2,321.70
Samuel E. Whitehorn:									
France	Franc		1,249.00		1,072.70				2,321.70
Total			2,498.00		2,145.40				4,643.40

FRITZ HOLLINGS,
Chairman, Committee on Commerce, Science and Transportation,
Dec. 6, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Timothy Profeta:									
Germany			630.00		1,278.90				1,908.90
Total			630.00		1,278.90				1,908.90

JIM JEFFORDS,
Chairman, Committee on Environment and Public Works, Feb. 11, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John D. Rockefeller:									
Japan	Yen	183,760	1,473.02		8,634.16				10,107.18
Andrew Quinn:									
Japan	Yen	183,760	1,422.27		5,598.16				7,020.43
Greg Mastel:									
British Columbia	Dollar		800.00		808.63				1,608.63
Total			3,695.29		15,040.95				18,736.24

MAX BAUCUS,
Chairman, Committee on Finance, October 2, 2001.

AMENDMENT TO 2ND QUARTER REPORT—CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Richard Chriss:									
Canada		263.76	71.17		890.32				916.49
Total			71.17		890.32				961.49

MAX BAUCUS,
Chairman, Committee on Finance, Sept. 30, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENT AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mitchel B. Kugler:									
Marshall Islands	Dollar		700.00		1,723.26				2,423.26
Senator Thompson:									
Taiwan	Dollar		185.15						185.15
China	Yuan		417.00						417.00
Korea	Won		0.00						0.00
Howard S. Liebengood:									
Taiwan	Dollar		141.00						141.00
China	Yuan		185.98						185.98
Korea	Won		80.00						80.00
Total			1,709.13		1,723.26				3,432.39

JOSEPH LIEBERMAN,
Chairman, Committee on Governmental Affairs, Oct. 1, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bob Graham			1,383.00						1,383.00
Senator Jon Kyl			1,383.00						1,383.00
Paula DeSutter			1,198.00						1,198.00
Total			3,964.00						3,964.00

BOB GRAHAM,
Chairman, Committee on Intelligence, Feb. 4, 2002.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON THE COMMISSION ON SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Orest Deychakiwsky:									
U.S.A	Dollar				5,278.00				5,278.00
Belarus	Dollar		630.00						630.00
U.S.A	Dollar				4,031.00				4,031.00
Poland	Dollar		1,897.00						1,897.00
Janice Helwig:									
U.S.A	Dollar				5,374.45				5,374.45
Austria	Dollar		13,312.43						13,312.43
Austria	Dollar				479.00				479.00
Poland	Dollar		2,949.51						2,949.51
Ronald McNamara:									
U.S.A	Dollar				5,278.00				5,278.00
Belarus	Dollar		630.00						630.00
Erika Schlager:									
U.S.A	Dollar				4,957.12				4,957.12
Romania	Dollar		416.58						416.58
Poland	Dollar		1,758.25						1,758.25
Dorothy Taft:									
U.S.A	Dollar				1,295.18				1,295.18
Poland	Dollar		1,066.34						1,066.34
Knox Thames:									
U.S.A	Dollar				4,929.71				4,929.71
Poland	Dollar		1,132.00						1,132.00
Maureen Walsh:									
U.S.A	Dollar				4,031.65				4,031.65
Poland	Dollar		1,980.37						1,980.37
Total			25,772.48		35,654.11				61,426.59

BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on the Commission on Security and
Cooperation in Europe, Nov. 7, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON U.S. DELEGATION TO THE PARLIAMENTARY ASSEMBLY OF THE ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE FOR TRAVEL FROM JULY 4 TO JULY 10, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Ben Nighthorse Campbell:									
U.S.A	Dollar								
France	Dollar		2,173.52						2,173.52
Senator Kay Bailey Hutchison:									
U.S.A	Dollar				1,778.28				1,778.28
France	Dollar		1,545.00						1,545.00
Ronald J. McNamara:									
U.S.A	Dollar								
France	Dollar		1,973.52						1,973.52
Michael Russell:									
U.S.A	Dollar								
France	Dollar		1,905.52						1,905.52
Senator George V. Voinovich:									
U.S.A	Dollar								
France	Dollar		1,875.14						1,875.14
Delegation Expenses:									
France	Dollar						15,904.00		15,904.00
Total			9,472.70		1,778.28		15,904.00		27,154.98

BEN NIGHTHORSE CAMPBELL,
Chairman, Committee on the Commission on Security and
Cooperation in Europe, Nov. 7, 2001.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), REPUBLICAN LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2001

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mike Russell:									
France	Dollar		1,905.52						1,905.52
Senator Arlen Specter:									
Taiwan	Dollar		135.86						135.86
South Korea	Dollar		198.19						198.19
China	Dollar		797.02						797.02
John Klemmer:									
Taiwan	Dollar		273.24						273.24
South Korea	Dollar		268.65						268.65
China	Dollar		759.56						759.56
Alison DeKosky:									
Taiwan	Dollar		197.23						197.23
South Korea	Dollar		261.65						261.65
China	Dollar		525.17						525.17
Total			5,322.09						5,322.09

TRENT LOTT,
Republican Leader.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the HELP Committee be discharged from further consideration of the following nomination, and that the Senate proceed to its consideration: Leslie Silverman, to be a member of the Equal Employment Opportunity Commission; further, that the nomination be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed, as follows:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Leslie Silverman, of Virginia, to be a Member of the Equal Employment Opportunity Commission for the remainder of the term expiring July 1, 2003.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

UNANIMOUS CONSENT AGREEMENT—S. 565

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to the motion to reconsider be agreed to; that the motion to reconsider be agreed to; and that at 6 p.m., Monday, March 4, there be 15 minutes for debate, equally debated and controlled by Senators DODD and MCCONNELL, or their designees; that at 6:15 p.m., the Senate vote on the motion to invoke cloture on S. 565; further, that Senators have until 5:15 p.m. on Monday to file second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 4, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 4 p.m., Monday, March 4. I further ask unanimous consent that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 6 p.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders, or their designees; further, at 6 p.m., the Senate resume consideration of the election reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur at 6:15 p.m. on Monday on cloture on the election reform bill.

ELECTION REFORM

Mr. REID. Mr. President, I see the manager of the election reform bill coming into the Chamber. He has worked so hard on it. In fact, he worked last night and is still working on it. I am glad he has come out of the bowels of the Senate where he has been working and has come to the Senate Chamber. I would be glad to hear from the Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from Nevada, the distinguished Democratic majority assistant floor leader, for yielding.

To give some flavor and idea about where this is, let me thank, first of all, Senator DASCHLE, the majority leader. His patience—I may be testing it. I hope I am not. I have such deep affection for my leader, and he has been generous beyond belief, and his staff's cooperation has been just stunning. I want to publicly thank them.

I thank my Republican colleagues. I thank Senator LOTT as well. I know he is feeling a certain amount of pressure from his Members, too. I know there are other issues with which this body needs to grapple in debate on. I am very in tune with that desire. It certainly was not our intent that this matter end up taking as long as it has. In fact, I had predicted it might take substantially less time. However, howwe ended up—when we have a matter such as this one cannot accurately predict with any certainty what is going to happen. Actually, we ended up in a logjam earlier this week on the Schumer-Wyden amendment, with Senator BOND and other Members.

I am prepared to say we are literally attempting to resolve this issue as I speak. We do not have it in writing yet in final form. It appears that we are not going to have it this afternoon based on my conversations. I thank the staffs of Senator MCCONNELL and Senator BOND. Both Brian Lewis and Leon Sequeira of Senator MCCONNELL's office and Julie Dammann and Jack Bartling of Senator BOND's office have been very supportive and helpful. I thank particularly Senator BOND's staff, Jack Bartling, who worked with me last night until almost midnight to try to work out appropriate language. Again, today we have spent any number of hours in our cloakrooms trying to come together with some bipartisan language that is very important to those of us who are interested in completing action on this compromise election reform bill.

There has been concern this bill might die because we have not been able to resolve certain issues. That is not going to happen today. This bill is going to be resolved, in my view, by Monday night or Tuesday morning at the latest. Then we will be able to get on to other business in the Senate.

We do not have a unanimous consent request to that effect, and I have urged not to propose one. I do not want to find myself having the UC become a vehicle for some people taking advantage of these circumstances.

I think the managers of the bill on the minority side are committed to getting this bill done. I thank them for that. We have come a long way. We have some amendments yet to resolve. We have not voted on everything. However, we will on Monday consider remaining amendments and work on some compromise where needed. Over the weekend, the staffs will be finalizing some language, and then on Monday night we have a cloture vote, as I understand it, at 6:15 p.m. My hope is that, regardless of the outcome of that cloture vote, we will then consider amendments that evening with the possibility of stacking some votes Tuesday morning. This will be considered in light of the fact that some Members may not be back even for the cloture vote on Monday night.

We would accommodate them in such a way that we would have the stacked votes, go to third reading, and complete work on this bill by Tuesday morning. That is my desire. I further believe it is the desire of Senator MCCONNELL and the desire of Senator BOND and others who have been involved with this process. That is not a suggestion that they would accept the unanimous consent request to provide for such. However, I believe their intent and their desire is to mutually achieve the same goal as I seek to achieve.

In this body, the Senate works on comity. We look each other in the eye and we make commitments to each other to the extent we can fulfill them. I still believe this may be one of the few institutions left in America where you do not need a written contract to achieve those agreements. So I am working on the assumption that my colleagues are as committed as I am to seeing this unique and historic legislation become the law of the land with respect to the administration of elections for Federal office.

I apologize to my colleagues for taking so much time. I am sorry it has gone to this length. However, when you are legislating in something this unique and this novel, that goes to the very heart of who we are as a democracy and how we cast and count our ballots for the most important offices in our land, then there are an awful lot of people who are at the table. Even the legislative process is inclusive, not exclusive.

The Presiding Officer on several occasions has been in the chair. I say to my colleagues, he knows these matters that have been discussed over the last number of days. He is a former secretary of state. He knows these issues as well as anyone—in fact, better than anyone in the Chamber probably, given his most recent work in the area. So he knows when I speak that there is deep interest at a local level from all the local election administrators and officials in this subject matter. I do not have to mention that this is also the case for all the secretaries of state across the country, obviously all of us in the Senate, the people in the other Chamber, and people at the White House.

There are a lot of people who are at the table when you are discussing the future of how elections are going to be conducted in light of what happened in the November 2000 elections for Federal office and what had occurred in previous Presidential elections. So this is a major undertaking. It is not an annual appropriations bill. It is a fundamental change in how we are going to do some things with respect to Federal elections. We think we have been inclusive and worked in a very cooperative fashion with our States and localities. I should have maybe anticipated it might have taken a bit more time. I guess my optimism for the bill exceeded my ability to see how many people would like to be heard and offer ideas to the underlying proposal we brought to the Chamber now 2 weeks ago.

So I commit to my colleagues I will do everything I can to get this done at the very first of the week. I make this commitment to the distinguished assistant Democratic leader and to the majority leader and to others who I know are very anxious to get moving on other matters. I will not stand in the way of that occurring if you will give me a bit more of a window to try to achieve what I have sought to do over these last couple of weeks.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Before the Senator from Connecticut leaves, I say to him I have been involved in the legislative process a long time at a State level and in Congress. The Senator from Connecticut has been in the Congress longer than I, but I have been tremendously impressed the last several days by the Senator from Connecticut. I have to say I think most people would have given up by now, but the Senator from Connecticut has a vision as to what this legislation will do for our country, what it will do for the State of Nevada.

The Senator from Connecticut has spoken to our secretary of state, a Republican, by the name of Dean Heller——

Mr. DODD. He is a good man.

Mr. REID. Who loves this legislation. This legislation for my State is very important.

I spoke a little bit yesterday indicating in 1998 the nightmare of my election. Because the State has so few resources outside of Clark County, the very populous Las Vegas area, in Reno one registrar of voters tried to save a few dollars and printed their own ballots, causing all kinds of problems because of antiquated machines. With this legislation, that would be taken care of. The State of Nevada would have help to have elections, and all 17 counties would have fair elections.

So, as I said, I think most people would have given up.

I have to say the strength and the depth of feelings of the Senator from Connecticut is something we do not often see—a Senator sitting down at a table with not another Senator there, with only staff representing various Senators in this institution. I have not seen that very often. That portrays, to me, how the Senator feels about this.

The Senator and I have spoken off the Senate floor about the importance of this legislation. In the last few minutes of the Senator's statement today, he talked about this legislation being historic. This will give the opportunity to vote to people who have never had the opportunity to vote. It will cause people to go to the voting booth who will no longer feel demeaned because they cannot hear or see or they have some other handicap. They will be able to vote now.

The Senator from Connecticut has shown tremendous courage in going forward with this legislation. I have to say I only hope, after the many times the Senator from Connecticut has tried to get this legislation passed, that it gets passed. In fairness and justice, it needs to pass. I hope over this weekend people reach out to the Senator from Connecticut and indicate how important it is that he stick to what he is doing because this certainly—the Senator has had many remarkable accomplishments in his career, while I have been in the Senate with him, not the least of which is being the quarterback of the campaign finance reform. But I hope this legislation is able to go forward because our country deserves it and the Senator from Connecticut deserves it.

Mr. DODD. I thank the assistant leader and again I thank the other staff, Brian Lewis and Leon Sequeira of Senator MCCONNELL's and Julie Dammann and Jack Bartling of Senator BOND's staff. I thank my own staff as well, Ronnie Gillespie, Kennie Gill, and Shawn Maher specifically. I would also like to include in the record a special thanks and appreciation for two interns, Laura Roubicek and Candace Chin, who have both taken extraordinary measures to support election reform and bring the this landmark legislation to final passage. There are also many others in my office who have done a terrific job as well and I thank each and every one of them. I thank the people from the civil rights community. We spent about 5 hours yesterday going over what this bill does and what are its shortcomings and what are its strengths.

Before this debate is complete, I will list all the groups around the country participating in this effort and have been at the table, including yesterday, who bring a passion and interest in fairness and justice that I wish America could have watched. We only have cameras in the Chamber and in committee rooms, but this was not a hearing, it was a group of people sitting down trying to figure out what was right for justice, for people who are in the corners, who fall through the cracks too often when we talk about legislation.

I was deeply proud as an American to be sitting in that room listening to people who do not hold an elective office, do not run for office, but fight on behalf of the people they represent.

I thank CORRINE BROWN, Congresswoman from Florida, for whom, as I said yesterday, this is not an intellectual issue alone. It is one she feels passionately about. She watched all that happened in her own congressional district in Florida. Others in attendance included EDDIE BERNICE JOHNSON, the chairperson of the Congressional Black Caucus; SYLVESTRE REYES, head of the Hispanic caucus in the House; and JOHN CONYERS, Ranking Member of the House Judiciary Committee and co-author of the original Dodd-Conyers election reform bill. They were all present at this gathering yesterday to talk about the importance of this compromise bill and how valuable it is to move forward and complete the legislative process.

Even if it means, as part of what I think the arrangement will be, withdrawal of the Schumer-Wyden proposal, and consideration of a package of civil rights provisions that will protect and preserve existing civil rights laws as they are and administrative provisions dealing with some state and local issues as well. That is the way we are going to try to get through this Gordian knot that sits on the path to final passage of the legislation.

There are a lot of people who were disappointed that the final result is going to be that the Schumer-Wyden amendment may be withdrawn from this bill at this particular point. However, there are others, such as Congresswoman CORRINE BROWN, who will tell you while she is disappointed about that, she understands there are a lot of other things to recommend in this bill, such as the very strong provisions in this bill.

Congresswoman BROWN spoke passionately about the compromise bill and moving forward, as have EDDIE BERNICE JOHNSON, SYLVESTRE REYES, and JOHN CONYERS. That in no way should reflect their disappointment over the fact that Schumer-Wyden may not be part of this bill. It deals with the situation where a person who registers by mail but does not provide identification in the mail-in registration package, and then shows up in person to vote. Under our compromise bill, that voter would have three alternatives to cast a vote. First, that voter could provide a photo ID and then cast an actual ballot. Next, that voter could provide any of the documents listed in the bill, such as a utility bill, and cast an actual ballot. Finally, that voter could not present any identification and then be eligible to cast a provisional ballot, not an actual ballot. The Schumer-Wyden amendments permits two additional alternatives for that voter to cast a ballot on election day. The Schumer-Wyden amendment would add both the alternative of voter signature verification and attestation as legitimate methods for such first time voters who register by mail and want to come in to vote in person to cast a vote on election day. Under our compromise law, without the Schumer-Wyden proposal, that voter could still vote, but it would be a provisional ballot and would count only when the registration was corroborated.

I don't know the approximate number of how many fit into that category. Even if it is a few, it is wrong, in my view. But I understand the passions and feelings of my colleagues from Missouri and others are such to stop this bill in its entirety from going forward.

The Senator from Nevada mentioned those who are disabled. I have a sister who is blind. I have talked about her in the past. She represents the National Federation of the Blind in my State. Her eyesight is such she can see some things. She is a teacher and has been for 35 years. The idea that a person who is blind has never been able to cast a ballot in private, independently in the same manner as others, in the history of our country, is changed with the underlying law.

If this bill becomes law, no longer will millions of Americans have to rely on somebody else to walk into a voting booth to be told how they will cast a ballot. For the first time in the history of this country we will have voting systems in every precinct in America that allows people to cast the independent and private ballot—for those who are disabled, those who are blind—and we do it by paying for it, not by asking local States and jurisdictions to do so because we think it is the right thing to do.

For the first time in the history of our country, a person will be able to cast a ballot, and in fact check how they voted. They will know whether or not they overvoted. That is included in this legislation as well. There will be provisional voting process for every voter in America, in all 50 States and the District of Columbia, so they can go in and if there is a battle over whether they are properly registered, they can cast the provisional ballot, and it will be counted and not be thrown out. We require statewide voter registration, which will go to the heart of the fraud issues in many respects. I mentioned the disabled provisions, the language minorities provisions. We expand the numbers of language minorities now included in the Voting Rights Act of 1965.

This bill establishes a permanent commission on elections at the request of Senator MCCONNELL of Kentucky. We have never had one before charged with Federal elections. It will give a permanent place so that we will not have to go through this process of waiting for a crisis to occur and come to the Congress of the United States to fix something. We will have a place where we can reform and modernize our election process so it will serve the voters of this country over and over again, as well as the election administrators.

The antifraud provisions, the open access of the voting process for others, as well as the provisions for the disability community and our language minorities are major achievements. These are the reasons why CORRINE BROWN, why EDDIE BERNICE JOHNSON, and why JOHN CONYERS, why SYLVESTRE REYES all believe this is the right thing to do. Even though there is a provision in this bill with which they will end up disagreeing, their view is, go forward, get to Senate-House conference, see if we cannot work out other differences and pass landmark legislation.

The White House will be involved. We are not done with this. I believe we can get out of the Senate with a good bill, as I believe we can get to conference, resolve it with the Ney-Hoyer bill, and come back for the 2002 elections this year.

The President has put $1.2 billion in Fiscal Year 2003 budget for election reform issues. There is no reason the $400 million provided in the bill cannot be drawn down by States so voters who vote this fall can see changes they never would have imagined occurring as quickly as they can.

That is what is at stake. That is how we hope to resolve the roadblock in this process. We are aware and are working on the Oregon and Washington issue. Senators WYDEN and GORDON SMITH and PATTY MURRAY and MARIA CANTWELL have spoken eloquently on behalf of their unique situation on how they conduct vote by mail Federal elections and cast and count ballots. We are trying to accommodate them. Our goal in this bill has never been to deprive a State of the ability to conduct its elections in the unique way they do. We are trying to accommodate their interests.

I apologize for reviewing where things are. I want people to know how much is at stake. This is not another bill we are dealing with, as the Senator from Nevada has graciously pointed out. This is fundamental. Thomas Paine said more than 200 years ago, this is the primary right to vote, upon which all other rights depend. If you get this one wrong, it is awfully hard to get the other ones right. We are talking about something that is so important to the long-term health and well-being of our Nation. We saw how much harm was done, how many people were hurt in the 2002 elections when things went wrong. We bear a responsibility as the national legislative body to come up and respond to what occurred in this country in 2002 and occurred before that. We only became aware of it to the extent we did because of what happened in the Presidential race.

The country believes we need to make this process work better. It is in shoddy condition. To engage in this Congress and not engage this question would be a shortcoming we should not endure. We must accept and meet this challenge. I apologize to my colleagues, particularly the leadership, for the time this has taken. It is my fervent hope we are coming down to the final few hours of this. This is the last major hurdle. It is not to minimize the significance of other amendments that Members have, but this is a major battle between a House divided in many ways, as we saw by the vote that occurred on the tabling motion, almost 50–50 in terms of how people felt. If we get beyond that and deal with the other issues, I am fairly hopeful by Monday night or Tuesday morning Members will have an opportunity to vote on the first election reform proposal before this body of this size almost in 40 years, since the Voting Rights Act of 1965.

I don't know what else we will accomplish in this Congress, but I hope at the end of the day when we look at the 107th Congress we can point to this landmark election reform bill as one of the significant achievements of this Congress.

I yield the floor.

ADJOURNMENT UNTIL 4 P.M. MONDAY, MARCH 4, 2002

Mr. REID. I believe there is no further business to come before the Senate; therefore, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 2:15 p.m., adjourned until Monday, March 4, 2002, at 4 p.m.

NOMINATIONS

Executive nomination received by the Senate March 1, 2002:

DEPARTMENT OF JUSTICE

JOHN R. EDWARDS, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS, VICE JOHN HOLLINGSWORTH SINCLAIR.

CONFIRMATION

Executive Nomination Confirmed by the Senate March 1, 2002:

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

LESLIE SILVERMAN, OF VIRGINIA, TO BE A MEMBER OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JULY 1, 2003.

HOUSE OF REPRESENTATIVES—*Monday, March 4, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. DAN MILLER of Florida).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 4, 2002.

I hereby appoint the Honorable DAN MILLER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, Source of all life and unconditional love, the House of Representatives is a noble institution, which embraces the highest aspirations of the Nation's people and embodies its lasting values. Today we pray for an end to all forms of child abuse in the human family.

Children are a precious gift. May they always be treated as honored treasure. Whether at home, in school or on the streets of this Nation, may they always be protected by Your Almighty arm.

Reach out and with Your Spirit transform the lives of the adults who surround the lives of children. Make parents, teachers, community leaders, and neighbors all instruments of Your loving protection for the children in their midst.

Create an environment everywhere, in cities and even in the most remote areas of this land, a safe place for children to enjoy childhood, free from fear and spontaneous with joyous laughter.

Wipe away the silent tears of Your dearest little ones, tears You alone hear of those who suffer abduction, hunger, poverty, neglect, or abuse of any kind.

Send someone of Your own choosing to confront their plight and lift them to new life; that they may love life itself and live in a true loving relationship with You and with others now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the pledge as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 1, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 1892. To amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 3699. To revise certain grants for continuum of care assistance for homeless individuals and families.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 3 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 5, 2002, at 12:30 p.m., for morning hour debates.

RULES AND REPORTS SUBMITTED PURSUANT TO THE CONGRESSIONAL REVIEW ACT

[Omitted from the Record of February 28, 2002]

Pursuant to 5 U.S.C. 801(d), executive communications [final rules] submitted to the House pursuant to 5 U.S.C. 801(a)(1) during the period of July 30, 2001 through January 23, 2002, shall be treated as though received on February 28, 2002. Original dates of transmittal, numberings, and referrals to committee of those executive communications remain as indicated in the Executive Communication section of the relevant CONGRESSIONAL RECORDS.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5689. A letter from the Director, Office of Management and Budget, transmitting a report on the OMB Estimate For Pay-As-You-Go Calculations; to the Committee on the Budget.

5690. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Kern County Air Pollution Control District [CA 256-0319a; FRL-7139-1] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5691. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Bay Area Air Quality Management District [CA 249-0329; FRL-7146-7] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5692. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 250-0317a; FRL-7145-8] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5693. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Final Approval of Operating Permit Program Revisions; Jefferson County (KY) [KY-JEFF-T5-2002-01a; FRL-7143-9] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5694. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Attainment Finding; Bullhead City and Payson Nonattainment Areas, Arizona; Sacramento and San Bernardino Nonattainment Areas, California; Particulate Matter of 10 Microns or less (PM-10) [CAO-70-FOA; FRL-7143-2] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5695. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [MO 0149–1149a; FRL–7146–5] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5696. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Utah; Revision of Definitions [SIP NO. UT–001–0037a; FRL–7142–9] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5697. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services (Transmittal No. 02–06), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5698. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question covering the period December 1, 2001 through January 31, 2001, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

5699. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–292, "Mental Health Commitment Temporary Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5700. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–291, "Vendor Payment Authorization Temporary Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5701. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–290, "Square 456 Payment in Lieu of Taxes Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5702. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–289, "Woolly Mammoth Theatre Tax Abatement Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5703. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–288, "Edward 'Duke' Ellington Plaza Designation Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5704. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–279, "Towing Vehicles Rulemaking Authority Temporary Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5705. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–278, "District of Columbia Emancipation Day Fund Temporary Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5706. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–277, "Residential Permit Parking Area Temporary Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5707. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–276, "John T. 'Big John' Williams Building Designation Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5708. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–275, "Closing of a Public Alley in Square 628, S.O. 00–96 Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5709. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–274, "Closing of a Portion of a Public Alley in Square 236, S.O. 01–2919 Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5710. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–269, "Closing of a Public Alley in Square 528, S.O. 01–173 Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5711. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–272, "Eastern Avenue Tour Bus Parking Prohibition Temporary Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5712. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–271, "Washington Convention Center Authority Oversight and Management Continuity Temporary Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5713. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–270, "North Capitol Expansion and Expansion of Business Improvement Districts Temporary Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5714. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–268, "Food Regulation Amendment Act of 2002" received March 4, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5715. A letter from the President, African Development Foundation, transmitting the annual report in compliance with the Inspector General Act Amendments of 1978, as amended, pursuant to 5 app.; to the Committee on Government Reform.

5716. A letter from the Comptroller, Department of Defense, transmitting reports on FY 2001 audited financial statements; to the Committee on Government Reform.

5717. A letter from the Secretary, Department of Health and Human Services, transmitting the FY 2001 Accountability Report; to the Committee on Government Reform.

5718. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on activities of the Inspector General for the period April 1, 2001 to September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5719. A letter from the Attorney General, Department of Justice, transmitting the FY 2001 Accountability Report; to the Committee on Government Reform.

5720. A letter from the Secretary, Department of Labor, transmitting the FY 2001 Annual Report on Performance and Accountability; to the Committee on Government Reform.

5721. A letter from the Chair, Farm Credit System Insurance Corporation, transmitting the Corporation's consolidated report addressing the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5722. A letter from the Administrator, General Services Administration, transmitting the FY 2001 Accountability Report; to the Committee on Government Reform.

5723. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's 2001 Performance and Accountability Report and our Inspector General's FY 2001 Performance Report; to the Committee on Government Reform.

5724. A letter from the Program Analyst, FAA, Department of transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30290; Amdt. No. 2088] received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5725. A letter from the Attorney, RSPA, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Revisions to the List of Hazardous Substances and Reportable Quantities [Docket No. RSPA–2002–11675 (HM–145M)] (RIN: 2137–AD65) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5726. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30294; Amdt. No. 2092] received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30292; Amdt. No. 2090] received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Britten-Norman Ltd. BN–2, BN–2A, BN–2B, BN–2T, BN–2T–4, and BN2A MK. III Series Airplanes [Docket No. 2000–CE–47–AD; Amendment 39–12603; AD 2002–01–11] (RIN: 2120–AA64) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes and Avro 146–RJ Series Airplanes [Docket No. 2001–NM–199–AD; Amendment 39–12615; AD 2002–01–21] (RIN: 2120–AA64) received February 28, 2002, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Enhanced Security Procedures for Operations at Certain Airports in the Washington, DC Metropolitan Area Special Flight Rules Area [Docket No. FAA-2002-11580; SFAR 94] (RIN: 2120-AH62) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5731. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Loan Guaranty: Advertising and Solicitation Requirements (RIN: 2900-AJ86) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5732. A letter from the Chief, Regulations Branch, Department of Treasury, transmitting the Department's final rule—Andean Trade Preference Act (RIN: 1515-AD03) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. House Concurrent Resolution 275. Resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds (Rept. 107-362). Referred to the House Calendar.

Mr. HANSEN: Committee on Resources. H.R. 1883. A bill to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon (Rept. 107-363). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SAXTON (for himself, Mr. ANDREWS, Mr. LOBIONDO, Mr. SMITH of New Jersey, Mrs. ROUKEMA, Mr. PALLONE, Mr. PASCRELL, and Mr. HOLT):

H.R. 3831. A bill to amend title 10, United States Code, to reduce the age for receipt of military retired pay for non-regular service from 60 to 55; to the Committee on Armed Services.

By Mr. TOM DAVIS of Virginia:

H.R. 3832. A bill to make improvements with respect to the procurement of services for the Federal Government, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself, Mr. MARKEY, Mr. UPTON, Mr. TERRY, Mr. PICKERING, Mr. BARTON of Texas, Mr. TOWNS, and Mr. TAUZIN):

H.R. 3833. A bill to facilitate the creation of a new, second-level Internet domain within the United States country code domain that will be a haven for material that promotes positive experiences for children and families using the Internet, provides a safe online environment for children, and helps to prevent children from being exposed to harmful material on the Internet, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ENGLISH (for himself, Mr. CARDIN, Mr. BLUNT, and Mr. PALLONE):

H.R. 3834. A bill to amend title XVIII of the Social Security Act to repeal the Medicare outpatient rehabilitation therapy caps; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUTHER (for himself, Mr. SABO, Mr. OBERSTAR, and Ms. MCCOLLUM):

H.R. 3835. A bill to provide for equitable reimbursement rates under the Medicare Program for thin prep pap smears tests; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. TAUSCHER (for herself, Mr. MCHUGH, and Mr. SCHIFF):

H.R. 3836. A bill to establish a Russian Federation debt reduction for nonproliferation program; to the Committee on International Relations.

By Ms. VELAZQUEZ:

H.R. 3837. A bill to establish the Silver Scholarship program to provide transferable educational awards to individuals 55 years of age and older who perform certain volunteer services; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself and Mr. EVANS):

H.R. 3838. A bill to amend the charter of the Veterans of Foreign Wars of the United States organization to make members of the armed forces who receive special pay for duty subject to hostile fire or imminent danger eligible for membership in the organization, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 63: Mrs. NORTHUP.

H.R. 183: Mr. GREEN of Texas and Mr. DINGELL.

H.R. 250: Mr. BRYANT.

H.R. 602: Mr. LYNCH.

H.R. 770: Mr. LYNCH and Ms. MILLENDER-MCDONALD.

H.R. 865: Mr. COYNE.

H.R. 1127: Mr. BAKER.

H.R. 1139: Mr. DEFAZIO.

H.R. 1520: Mr. GOSS, Mrs. MYRICK, Mrs. CHRISTENSEN, Ms. PRYCE of Ohio, and Ms. GRANGER.

H.R. 1609: Mr. BRYANT.

H.R. 1700: Mrs. MORELLA.

H.R. 1795: Mr. LUCAS of Kentucky and Mr. WICKER.

H.R. 1810: Mr. MOORE and Mr. GORDON.

H.R. 1896: Mr. DAVIS of Illinois.

H.R. 2173: Mr. GONZALEZ and Mr. EHRLICH.

H.R. 2363: Mr. ABERCROMBIE.

H.R. 2623: Mrs. LOWEY.

H.R. 2808: Mr. HALL of Ohio.

H.R. 3185: Ms. CARSON of Indiana, Mr. MEEHAN, Mr. ABERCROMBIE, and Mr. BENTSEN.

H.R. 3236: Mr. NADLER and Mrs. CHRISTENSEN.

H.R. 3273: Mr. GOODLATTE.

H.R. 3337: Mr. SOUDER, Mr. CARSON of Oklahoma, Mr. BOYD, Mr. JOHN, and Mrs. SCHAKOWSKY.

H.R. 3524: Mr. TIERNEY, Mr. LYNCH, Mr. HILLIARD, Ms. RIVERS, Mr. MARKEY, Ms. KILPATRICK, Mr. ISRAEL, and Ms. PELOSI.

H.R. 3580: Mr. LUTHER and Mr. RAMSTAD.

H.R. 3694: Mr. KING, Mr. HILL, Mr. DEUTSCH, Mr. ROEMER, Mr. UDALL of Colorado, Mr. LANGEVIN, Mr. GOODLATTE, Ms. MCKINNEY, Mr. CAMP, Mr. GILLMOR, Mrs. BIGGERT, Mr. ABERCROMBIE, Mr. RILEY, Mr. HINOJOSA, and Mr. UNDERWOOD.

H.R. 3714: Mrs. CLAYTON, Mrs. MEEK of Florida, Mr. RUSH, Ms. JACKSON-LEE of Texas, Mrs. CHRISTENSEN, Mr. TOWNS, Mr. CONYERS, Mr. OWENS, Mr. FROST, Mr. MORAN of Virginia, Mr. BISHOP, Mr. CLYBURN, and Ms. BROWN of Florida.

H.R. 3733: Mr. DOYLE and Mr. TOWNS.

H.R. 3741: Mr. SMITH of Michigan.

H.R. 3781: Mr. GEORGE MILLER of California, Ms. MCKINNEY, Mr. PASCRELL, Ms. LEE, Mr. MORAN of Virginia, Mr. OWENS, Mr. SHAYS, Ms. WOOLSEY, Mrs. KELLY, Mr. COSTELLO, Mr. BONIOR, Mr. SPRATT, and Mr. DOYLE.

H.J. Res. 83: Mr. FROST, Mr. JOHNSON of Illinois, and Mr. LANTOS.

H. Con. Res. 99: Mr. DAVIS of Illinois.

H. Con. Res. 197: Mr. WILSON of South Carolina, Mr. ETHERIDGE, and Mr. LEVIN.

SENATE—*Monday, March 4, 2002*

The Senate met at 4 p.m. and was called to order by the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas.

The PRESIDING OFFICER. The prayer will be offered today by the guest Chaplain, Rev. Daniel P. Coughlin, the Chaplain of the House of Representatives.

PRAYER

The guest Chaplain offered the following prayer:

In the main reading room of the Library of Congress there are eight large statues standing aloft giant marble columns. The statues represent eight categories of knowledge symbolic of civilized life and thought. Above the figure of Religion there are these words of Micah: "What doth the Lord require of thee, but to do justly, and to love mercy, and to walk humbly with thy God."

Lord God, as the Senate of these United States gathers today for its deliberations so we pray for each and every Senator. As lawmakers elected by the people of this great land, may their motive be solely justice. As leaders of this Nation who know many people and have deep and abiding relationships, as well as friendships, may they always love mercy when it comes to dealing with other humans so like themselves. But above all, Lord, may these women and men called to greatness know themselves so thoroughly that they will always walk humbly with You, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BLANCHE L. LINCOLN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 4, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BLANCHE L. LINCOLN, a Senator from the State of Arkansas, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mrs. LINCOLN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, the Chair will shortly announce we will be in a period of morning business until 6 p.m. tonight, with Senators permitted to speak for up to 10 minutes each. It is my understanding the Senator from Arizona wishes to speak for 30 minutes, which is certainly appropriate.

At 6 p.m. the Senate will resume consideration of the election reform bill with 15 minutes of debate prior to the 6:15 rollcall vote on cloture on the bill. Senators are reminded they have until 5:15 p.m. today to file second-degree amendments to the election reform bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 6 p.m., with Senators permitted to speak for up to 10 minutes each, with the time to be equally divided between the two leaders or their designees.

The Senator from Arizona.

Mr. KYL. Madam President, I ask unanimous consent to speak for 30 minutes in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COSTS OF NATIONAL MISSILE DEFENSE

Mr. KYL. Madam President, on January 28, I addressed the reasons why I believe the President is correct to move this nation forward in the deployment of a national missile defense. I pointed out then that the threat is too great not to proceed when the technical means are at hand.

Today, I wish to address the issue of the costs of defending America against the threat of ballistic missile attack. At the end of January, the Congressional Budget Office released yet another of its reports purporting to show the costs to the American taxpayer of a system to defend the United States against such an attack. Opponents of missile defense rushed to use the study to bolster their arguments. For reasons I will discuss, portions of the CBO report are seriously flawed, and opponents' cost arguments are fallacious. Today, I intend to set the record straight, and to demonstrate that we can afford missile defense.

The first problem with the CBO report is that it was prepared at the request of national missile defense skeptics various Senators who carefully defined the options they wanted analyzed in their letter to the CBO. As a result, CBO, as with its April 2000 report, provides a selection of options, with high and low estimates for each option, none of which necessarily reflects the actual system that will be built. Each is representative only of possibilities, and many are not being contemplated. As such, CBO's estimates tend to range from around $40 billion over 14 or 15 years to around $187 billion. The high-end numbers, however, are derived from options that exceed anything the Department of Defense is considering. Options that can be used to inflate the cost of missile defenses include increasing the number of land-based interceptor sites, the number of X-band radars on land and at sea, the number of satellites in constellations, the number of ships that will have to be built versus modifying existing ships for sea-based assets, and so on.

Also, CBO's cost estimates vary widely, depending upon which of its scenarios and assumptions one wishes to use. For example, its April 2000 report includes cost estimates for one and two ground-based sites with varying numbers of interceptors and X-Band radars and associated space-based sensors, ranging from $29 to $60 billion. This wide variance in estimates—a factor of 100—renders its analysis virtually meaningless, except for the rhetorical use of opponents.

The high range of the new study—$187 billion—is CBO's estimate of the cost of a 3-site national missile defense system and a full constellation of space-based lasers—an option not planned by the either the Clinton or Bush Administrations. This tactic of inflating the cost of national missile defense was similarly employed in the 2000 study.

At least part of the reason for this methodology again can be laid at the feet of the report's sponsors. CBO has estimated the cost of a national missile defense employing the artificially derived assumptions required by the letter from the Senators. It was their letter, not any Department of Defense plan, that required the CBO study to include the cost of the nonexistent third site. The same letter also requested cost estimates for a standalone sea-based midcourse system, despite the fact that no such system is envisioned by the Administration. It should, therefore, be no surprise that CBO came up with a high estimate in the neighborhood of $187 billion to build the national missile defense system defined by its skeptics rather than the Defense Department.

To CBO's credit, it denied the request of the sponsors' letter to include in its estimate Brilliant Pebbles—canceled in 1993—and appropriately treated as "conceptual" the sea-based boost-phase kinetic energy idea. CBO explained its reluctance to factor into its study cost estimates for Brilliant Pebbles by noting that:

> the most recent complete technical description of [Brilliant Pebbles] dates from 1992 [and] little additional work has been done on space-based interceptors since Brilliant Pebbles was terminated early in the Clinton Administration.

With regard to a sea-based boost-phase kinetic energy, it writes that:

> sea-based boost-phase defenses are . . . currently in the very early stages of conceptual development [and] there are substantial uncertainties regarding the needed capabilities, system architecture, technologies, and schedule for developing and deploying such defenses.

I should note that I remain a strong supporter of Brilliant Pebbles and hope that it is seriously pursued at some point in the future. That the program's revival would entail financial costs is, of course, a given, if it were ever actually considered.

CBO did include an estimated cost of $68 billion for a 24-satellite constellation of Space-Based Lasers, despite the Appropriations Committees having killed the long-range program, the Administration's budget request reflecting little emphasis on that program, and despite the fact that very little is known about the characteristics of any such satellites that may eventually be built. CBO also included in its estimate the construction of nine new AEGIS ships, each outfitted with 35 advanced interceptors, while omitting consideration of the possibility of converting existing AEGIS ships for the new mission.

At the request of the Senators who requested the study, CBO also priced options as though they will all develop and deploy concurrently, and without regard for the relationships between programs. In other words, it estimated program costs in what we call a "stovepipe" fashion: programs exist parallel to and independent of each other. Deliberately ignored by the report's congressional sponsors is the common base from which these programs develop and from which they will operate, for example, feeding off of common sensor and processors. Once again, CBO warned against using such an approach. To quote again from its cover letter to Senators:

> (A)s you requested, CBO's assumptions about the architecture and components of the sea-based system reflect its use as a stand-alone system, not as an adjunct to a ground-based system.

To summarize, then, CBO's high-end estimates are derived from the following questionable practices requested by Senators:

No. 1, use of exaggerated scenarios, for example, the third ground-based site and the construction of new ships;

No. 2, inclusion of drawing board programs that may or may not be included in some distant architecture, but certainly won't be developed concurrent with other covered programs; and

No. 3, use of pricing and inventory requirement methodologies that may bear little or no relationship to a national missile defense system.

The second problem with the analysis is the context.

It assumes circumstances similar to other weapon acquisition programs. But the development of missile defenses, does not easily allow for such analysis. Unlike a new aircraft, for example, there is no existing national missile defense system from which to draw comparisons to programs under development. A decade of lost opportunity has left us with no alternatives but to field the systems currently under development.

Yet, look at some of CBO's assumptions from its April 2000 report, which attempt to redefine a missile defense program to some hypothetical norm:

> Differing estimates for procurement arise for two reasons. First, CBO believes that in addition to the 100 deployed interceptors, the system would need 82 additional interceptors to use in testing and to replace ones lost in accidents or engagements. The Administration puts the number of additional interceptors at 47. However, CBO's larger figure is more consistent with the experience of previous missile programs. It includes 20 additional interceptors for operational testing and evaluation because CBO assumes that the system will need a total of 30 tests over its first five years of operations. (The Peacekeeper missile program conducted about 20 tests during its initial five years of operations, and the Navy's Trident missile program conducted about 40 tests in its first five years.) In addition, CBO projects that a greater number of spare interceptors (20 instead of five) will be necessary to replace ones that are destroyed during engagement or tests and to allow for unforeseen events such as damage during maintenance.

The problem with this approach is that it estimates the cost of a make-believe program. It devises a program it thinks will be necessary and runs the numbers on that. With regard to the number of additional interceptors required for testing and spares, for example, CBO relies on the histories of ballistic missile programs that have no bearing on or relationship to the air defense interceptors being contemplated.

To summarize, then, the CBO report includes a very wide variance of costs, depending upon a number of variables, many of which may bear no relationship to the eventual system architecture, and it derives assumptions based upon the experience of programs that have little or no relationship to the components of a missile defense system.

The second point relates to the tactics of missile defense opponents.

Missile defense opponents, such as the sponsors of the CBO report, invariably employ a series of misleading arguments to advance their case against missile defense. One is the misuse of total program life-cycle costs. Another involves the use of improperly derived cost estimates by adding together numbers that even CBO clearly states should not be added. A third argument used by missile defense opponents is that money spent on missile defense programs comes at the expense of other programs.

With regard to argument number one, it is not fair to evaluate the cost of a program without spreading it out over the life of the program. But many missile defense opponents do precisely that. CBO's estimates are for a 14-year time span. To cavalierly throw total program life-cycle costs around without regard to annual expenditures is to distort the debate over the program's value. As one analyst exposed the problem:

> Estimating the cost of missile defenses over a 14-year period would have been akin to devising a similar cost estimate in 1958 for the cost of five generations of intercontinental ballistic missiles (the Titan I, II, the Minuteman I, II, and III) through 1972. If the procurement cost of these systems—likely more than $200 billion—had been debated prior to the decision to develop ballistic missiles, perhaps Congress would have been equally shocked by the "sticker price" of deploying a nuclear deterrent for the next 14 years.

The second argument or tactic of missile defense opponents involves a misuse of data contained in the CBO report despite CBO warnings. For example, if one simply adds the various high-end estimates, ignoring the lower estimates and CBO's own caveats against taking such an approach, it could appear as though the cost of a National Missile Defense system would exceed $180 billion. And it turns out that is exactly the conclusion the report's congressional sponsors emphasize. In their prepared statement issued upon release of the report, the three senators wrote the following: "The report . . . shows that developing, deploying, and maintaining a modest layered system that includes ground, sea and space-based elements could easily cost well over $150 billion.'' Yet, the CBO stated in its cover letter to the Senate sponsors, "The cost estimates that CBO has prepared for individual systems should not be added together to yield an estimate of the total potential costs of national missile defense." But that is precisely what Senate opponents of missile defense are doing.

Missile defense opponents use the high-end CBO estimate as a baseline from which the rhetoric escalates to even higher cost estimates. Some examples:

One of our esteemed colleagues, in a floor statement on June 25, stated the following:

> The Congressional Budget Office in an April 2000 report concluded that the most limited national missile defense system would cost $30 billion . . . If we hope to defend against the accidental launch of numerous highly sophisticated missiles of the type that are now in Russia's arsenal, the Congressional Budget Office estimated that the cost will almost double, to $60 billion . . . This is what the Congressional Budget Office had to say in March 2001: Those estimates from April 2000 may now be too low . . . Is it any wonder that some critics believe that a workable national missile defense system will cost more than $120 billion?

From $30 to $120 billion.

Another Senator was described in the New York Times on September 11 as saying that:

> "The cheapest system proposed by the Bush Administration . . . would cost $60 billion over 20 years, but could rise to as much as $120 billion . . . A more complicated system that would combat decoys or munitions that carry biological weapons—known as a layered defense would cost between one-quarter-trillion and half-a-trillion dollars," Mr. BIDEN said.

This Senator is reported to have said, that quickly, the estimated cost to defend the American public from ballistic missile attack, in the eyes of those who oppose any such defenses, went from CBO's lowest number of $40 billion to "one-quarter trillion." Exaggeration? Yes.

Inevitably, cost estimates for missile defense are used out of context. The use of exaggerated lump-sum figures to portray national missile defense in the most negative light is intellectually dishonest. Even many critics of national missile defense claim to support the components to defend against shorter range missiles, like Iraqi Scuds.

Taking such support for theater missile defense programs into account, the remaining portion of the overall missile defense budget allocated for defense of American cities usually represents less than two percent of the defense budget. That's right: less than two percent. The fiscal year defense appropriations bill included $331 billion. Of the $8.2 billion in that bill authorized for missile defense, only $3.8 billion is directed toward the so-called midcourse segment, which includes the ground and sea-based systems capable of intercepting intercontinental-range missiles. That amounts to one percent of the fiscal year 2002 defense budget for national missile defense. I will repeat that.

That amounts to one percent of the fiscal year 2002 defense budget for national missile defense.

For fiscal year 2003, the defense budget request is $379 billion. The amount requested for missile defenses is $7.8 billion. Of that amount, again, around $3 billion will go for systems designed to defend the United States. Again, that is only one percent for National Missile Defense programs. The Department of Defense's budget documents show that the annual expenditure for all missile defense programs will rise to $11 billion in 2007, a time when total defense spending is expected to be around $450 billion. So, in 2007, when national missile defense programs will be in or near the operational stage of development, and assuming they represent as much as half of all missile defense programs, they will still represent only one to two percent of defense spending, while all missile defense programs constitute two to three percent.

A third argument is that missile defense will rob other needy programs of necessary funding.

Some folks try to portray the missile defense programs as robbing from other more important things, more pressing national security requirements, and other needs more close to the heart of the American people.

For example—and I will just quote one or two of these—the Senators, in their statement accompanying the release of the new CBO report, write:

> If the Administration decides to pursue such a costly program, it could draw resources away from programs to counter other, more likely and more immediate threats we know we face: terrorism, attacks with anthrax or other biological and chemical agents, the proliferation of weapons of mass destruction, and delivery systems that are far more likely to be used than are ballistic missiles, such as trucks, ships, airplanes, and suitcases.

One of the Senators involved here is the majority leader. It is my understanding that the distinguished majority leader has proposed to pay for the approximately $15 billion in energy subsidies in the energy bill that we are going to be taking up perhaps this week by offsetting that with the user fees that are collected by the Customs Agency.

U.S. Customs has a responsibility in this war on terror, a very serious responsibility. As these Senators pointed out, one of the likely possibilities, anyway, of threat to the United States is the delivery of a weapon of mass destruction in the cargo hold of a ship. That, of course, is exactly the kind of thing for which Customs is supposed to check.

So on the one hand the distinguished majority leader is at least recorded as having suggested that we take money away from the Customs Service, money which could be spent to check this kind of thing, and pay for subsidies in the energy bill with that funding. It is my belief that we should do both. We have to leave the Customs fees with the Customs Service which has a massive responsibility. They need more money, not less, to do what we want them to do with their regular job as well as fighting the war on terror.

We also need to spend the kind of money that is required to ensure that we do not have a threat from ballistic missile attack. We can and should do both.

Other Senators made similar comments, but I believe these arguments are demonstrably wrong. I will illustrate why with discussion on three brief points: First of all, spending to protect our Nation from another terrorist attack; secondly, costs of other weapons programs; and, third, what I would call porkbarrel spending.

According to the Office of Management and Budget, the United States had budgeted $10.3 billion to combat terrorism for fiscal year 2002. That was before September 11. Back in August, once again, the Congressional Research Service had provided my office estimated federal expenditures for border security of $14 billion for the current fiscal year. Taking into account some degree of overlap, we can reasonably surmise that between $15 and $20 billion was budgeted by the Bush administration for what we now call "homeland defense" before the attacks on the World Trade Center and the Pentagon. And this omits the $20 billion from the emergency supplemental and the cost of ongoing military operations intended to eliminate the terrorist threat emanating from Afghanistan, as well as a supplemental appropriations request we will soon receive in the range of $10 to $20 billion.

The budget request for fiscal year 2003 includes $38 billion for homeland security, double the amount for 2002. In addition, the amount budgeted for national defense will be $379 billion, almost all for conventional and special forces. Compare that with the $3 billion we are spending on national missile defense. Clearly, the opponents' claims that other defense and domestic security projects, especially our efforts to deal with terrorism, are suffering because of missile defense are just plain wrong.

How about other weapons programs?

The total costs of any major procurement program can appear daunting. Tactical fighter modernization—the development and acquisition of the F/A–18E/F, the F–22, and Joint Strike Fighter—is anticipated, if we accept CBO's numbers, to cost $350 billion through the year 2020.

To date, we have spent over $10 billion on the V–22 Osprey program, which continues to prove a developmental headache and accidents of which have cost the lives of 30 Marines. The Department of Defense calculates that the V–22 program will cost a total of $38 billion.

These are all high total costs. Taken out of context, they can be exploited by opponents of individual programs. The $350 billion figure for tactical fighter modernization, in particular, has been used to buttress arguments against these aircraft, given the absence of a serious threat to U.S. air superiority.

Such arguments, however, would be misleading. They ignore the imponderables, such as the need to ensure air superiority throughout much of the 21st century, and the fact that procurement costs are spread out over many years. They ignore cost-benefit analyses that demonstrate fewer units required to accomplish missions that require far greater numbers of older, less capable models. They ignore missions assigned to platforms that may not be readily apparent because they do not fit into conventional images of how such platforms are used.

So, it is not persuasive to argue against missile defense based on the seemingly large total cost spent over time.

Finally, what about he argument that other needs go unmet because of what we would be spending on missile defenses? We rarely hear many of these same critics decrying the expenditure of considerable amounts of taxpayer money for porkbarrel projects that contribute neither to national security nor to our economic well-being. I direct my colleagues attention, for example, to the February 6 column by Robert Samuelson in the Washington Post. Samuelson notes that, "since 1978, federal outlays to support farmers' incomes have exceeded $300 billion." Samuelson goes on to write: "But wait: Congress is about to expand the subsidies. The Congressional Budget Office estimates that new farm legislation would increase costs by $65 billion over a 10-year period, on top of the $128.5 billion of existing programs."

These figures make what we are spending on national missile defense pale by comparison.

Samuelson's column argues persuasively that the $300 billion in farm subsidies have had no—repeat, no—discernable impact on agricultural production in the United States, on farmer incomes, or on the contraction in the number of small family farms.

My colleague Senator McCain regularly produces lists of items added to spending bills for purely parochial reasons. For example, he identified $3.6 billion worth of pure pork in the current year's defense appropriations bill—an amount exceeding our expenditure for national missile defense. And this is an annual phenomenon and represents just one of the 13 annual appropriations bills, all of which are loaded up with pork every year. Senator McCain estimated that the total spent on pork for fiscal year 2002 equals $15 billion three times the amount historically spent on missile defense programs per year.

As a final thought, when discussing the cost of a national missile defense system, we should attempt to inject a little integrity into the process. The liberal public policy organization, The Center for Defense Information, recently published a report concluding that, since 1983, the United States has spent "roughly $44 billion" on national missile defense. The implication is intended to be that we have nothing to show for all that money, and should not spend more. The center further concludes that the cost of a three-site national missile defense system—the nonexistent third site that I mentioned earlier—would "likely" cost more than $60 billion.

The $44 billion spent since 1983 on national missile defense amounts to $2.3 billion per year—less than 1 percent of defense spending. The suggestion that we have little or nothing to show for the money spent ignores two very important facts: No. 1, the research and development effort has given us a strong base of knowledge for what is technically feasible; has contributed to the development of the theater and short-range systems such as the Patriot PAC–3 that most of us agree are needed; and has generated a large number of technological spinoffs, for example, in the areas of cancer screening, computer chip production, and laser eye surgery; and, second, to the extent not all of the money was spent to produce a deployable system, we must recognize that, for 8 years, we had an administration vehemently opposed to actually developing and building a system to defend this country against missile attack.

To the extent we did not make as much progress as could have been accomplished, the 8 years that were "lost" was because the Clinton administration was committed to the notion that we didn't need missile defenses, that arms control and deterrence would protect us against those who would do us harm. While money was spent on research, there was no commitment to actually deploy a national missile defense system. Adherence to the ABM Treaty, which was considered "the cornerstone of strategic stability," was sacrosanct. As Deputy Defense Secretary Wolfowitz, in response to an inquiry regarding the eventual cost of the Bush administration's missile defense plans, said in his July 12 statement before the Armed Services Committee:

> . . . we have not yet chosen a systems architecture to deploy. We are not in a position to do so because so many promising technologies were not pursued in the past. The program we inherited was designed not for maximum effectiveness, but to remain within the constraints of the ABM Treaty.

That is the real problem.

So in conclusion, there is no question that the cost to build a national missile defense system will be high. Freedom is not free. We do not know the exact cost, both because we are struggling to make up for lost time and we were constrained by an outdated treaty from which President Bush is wisely extricating us. We do not know how many satellites we will need, because political decisions are still to be made regarding the scale of the threat against which a defensive system will be deployed. And we are only now getting a handle on questions that should have been answered years ago, for example, the feasibility of various technologies for interceptors and sensors.

While we don't know precisely how much it will cost to build a national missile defense system, we do have some sense of what it could cost if we don't build one. A nuclear-armed missile targeted against New York City would do far more damage than did the aircraft that struck the World Trade Center. It would, in fact, destroy the city. The ramifications for the people, the whole country, and our national economy would, obviously, be enormous.

Just to try to quantify the fiscal costs, the Congressional Research Service states that most credible projections of the cost to the insurance industry from the September 11 attacks range from $40 to $70 billion. And that's just the impact on the insurance industry. Arnaud de Borchgrave discussed the impact on the economy in a recent column in the Washington Times, stating, ". . . the accumulated damage to the U.S. and world economies is now thought to be almost $700 billion." Obviously, the cost in human lives is incalculable.

The cost of a system to defend against that attack would be minuscule in comparison. In fact, as pointed out, the cost of defending against terrorist attacks employing weapons of mass destruction, or even conventional weapons, far exceeds what we spend on missile defenses.

The missile threat develops faster than does the means to counter it. We are neither spending extravagantly, nor inappropriately. We are seeking to deploy a layered defense that optimizes technologies that have been developed over the past two decades, and that are continuing to evolve.

Opponents of national missile defense are free to continue to oppose the President's plan. That is their right. There is an old saying, though. Everyone is entitled to his or her own opinion; no one is entitled to his or her own facts. Missile defense programs should be discussed with the same respect for context and intellectual honesty that we afford the programs on which the other 98 percent of the defense budget is allocated. Only then, can we make the informed decisions we were sent here to make.

That concludes my remarks on this matter of the cost of national ballistic missile defense. I spoke before on the need for national missile defense, and I will speak in the future on the question of the legal authority of the President to withdraw the United States from the 1972 ABM Treaty.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. COLLINS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Ms. COLLINS. Are we in morning business?

The ACTING PRESIDENT pro tempore. The Senator is correct.

THE MAINE ANNUAL FISHERMAN'S FORUM

Ms. COLLINS. Madam President, last Friday night, I attended the Maine Annual Fisherman's Forum in Rockport, ME. This is a wonderful event that brings leaders from the industry together to talk about problems that the fishing industry is experiencing. We have a wonderful fresh fish dinner and then there is an auction held which annually raises thousands of dollars in scholarship money.

But this year, a shadow was cast over the entire forum. We arrived at the forum only to learn that earlier that day, the National Marine Fisheries Service had unveiled a Draconian response to a Federal lawsuit that had been filed that affects the ground fishing industry. The response proposed by the National Marine Fisheries Service would have a devastating impact on our fishermen in Maine.

The life of a fisherman is already a difficult one. He or she encounters rough weather, and we have suffered devastating losses of life in the fishing industry in Maine. It is a difficult life. They are proud, independent people who ask only that they be given a fair chance to earn a living.

The fishermen of my State have been leaders in pioneering conservation efforts. They understand it is necessary to have some restrictions to preserve the fish stocks for future generations, but when we get into a situation where lawsuits are being filed and Federal regulators respond in a way that is completely indifferent to the needs of the fishing industry, we make the life of Maine's fishermen virtually impossible.

Already we have seen years and years of escalating restrictions that have driven many fishermen out of business, cut the incumbent processors, suppliers, and fish auctions, and strained coastal communities that are the heart of Maine. In fact, 1,200 fishermen have participated in retraining programs, and the Coastal Workforce Board, which runs these programs, estimates that represents only a third of the total number of displaced fishermen.

Since 1995, the ground fishing industry has been limited to only 88 days at sea, a restriction that has been extremely difficult for those in the industry to bear. Nevertheless, they have coped, they have managed to endure, even under the restrictions of only 88 days at sea. Imagine the shock of Maine fishermen when they learned that Federal regulators were proposing to cut in half the number of days they can be at sea.

Furthermore, they have restricted the number of days that can occur during the peak season for fishing. Only 22 of the days can occur during the peak season. This is devastating. Imagine that, our fishermen are being told they can only go to sea for 44 days a year in the Gulf of Maine.

Some Federal regulators in the regulatory community have pointed out that the fishermen would still be allowed to use their full allowance of days during the nonseason months. Those are the months between October and May. Again, I wonder to whom these regulators are talking. Surely they know those months are not practical for a sustained fishing effort. Fishermen encounter low stocks, low prices, and, most of all, hazardous weather.

The restrictions in the proposals put forth by the National Marine Fisheries Service go even further. Each day that a fisherman goes out to sea, no matter how short the trip, even if the fisherman is only out for a few hours, will be counted as a full 24 hours at sea. The proposal also calls for restricted fishing areas.

In short, these restrictions will have a devastating impact on the ground fishing industry in Maine, an industry made up of small, independently owned businesses, an industry made up of proud, independent men and women. They are already struggling to make a living, given all the other restrictions that have been imposed. The NMFS proposal would now make it virtually impossible for many ground fishermen to survive.

It comes as a particular disappointment to me that Federal regulators did not consult with members of the fishing community when they were confronted with this Federal lawsuit. It is so frustrating that the National Marine Fisheries Service ignored the letter I sent them asking that they bring all the stakeholders to the table to work out a response to this lawsuit. Instead, Federal regulators essentially shut our fishermen out of the process, and that is one reason they came up with such an ill-conceived proposal that does not reflect the reality of earning a living as a fisherman in the State of Maine.

The proposal put forth by Federal regulators is even more surprising because it comes at a time when both scientists and fishermen agree that ground fish stocks are rebounding, that the conservation efforts already underway, that the regulatory restrictions already in place are having a beneficial impact.

Again I stress, our fishermen are in the forefront of conservation efforts. They are keenly aware of the importance of rebuilding the fishing stocks. After all, fewer fish mean fewer activities and fewer opportunities for our fishermen to make a living.

In fact, Maine's fishing industry, working together with marine scientists, have been pioneers in the use of conservation techniques and self-regulation in fishing management, but our efforts to rebuild our ground fish stocks are only useful if a ground fish industry remains. Any effort to rebound ground fish stocks must guarantee the survival not only of the fish but of the fishermen.

When I think of the amount of money that has been squandered in costly lawsuits, it is so unfortunate because those are funds that could have been put into research. Those are funds that could have been used to bring everybody to the table to work out and devise a commonsense solution to the problems of rebuilding the fishing stocks.

Let me give an example of what the impact will be on one fisherman in Maine. I heard from a fisherman named Sam Viola about this issue. Sam is a fisherman from Portland, ME, who owns two 70-foot draggers and fishes for haddock, hake, and cod. His brother is a fisherman, as was Sam's dad. That is typical in Maine. Families, generation after generation, will go to the sea to earn a living.

Sam said that finally, after years of scraping by due to catch restrictions and limits on fishing days per year designed to restore the ground fishery, he has been able to make a living to support himself and his family. He believes the seas are now teeming with fish. He has seen such a rebound in the stocks, and he is very worried that the latest regulations proposed by the National Marine Fisheries Service will put him and many of his fellow fishermen out of business.

I share the grave concerns of the responsible fishermen such as Sam and those fishermen with whom I talked on Friday night at the annual fisherman's forum. They are good people. They know the sea better than any regulator in Washington, DC. How unfortunate it is, how wrong it is, that Federal fishing regulators did not involve the people who know the Gulf of Maine the best: The fishermen who are out there earning a living.

I am going to be working with my colleagues in both the House and the Senate and particularly with Maine's senior Senator, Ms. OLYMPIA SNOWE, who is the ranking Republican on the subcommittee with jurisdiction over this issue, to develop a plan, to develop an alternative approach that recognizes we can both support our fishermen and have the seas teeming with fish.

It is a false choice to say our fishermen can only go to sea half the number of days that they are now allowed, a restriction that is already extremely difficult for many fishermen and their families to accept. These further restrictions, the new approach proposed by the National Marine Fisheries Service, I fear, will spell the end for many Maine fishermen. It will make it simply impossible for them to earn a living; the restrictions are so onerous, so unreasonable, and so strict.

We need a different approach, and I believe if Federal regulators had only taken the time to involve the experts in the industry, the men and women who are fishing in the Gulf of Maine, we would have come up with a far better approach, an approach that would not only continue the process of rebuilding the fishing stocks in Maine, in the Gulf of Maine, but also would allow our hard-working, proud, and independent fishermen to earn a living.

This is an issue on which I will continue to be working with the Chair and others.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEXAS INDEPENDENCE DAY

Mrs. HUTCHISON. Mr. President, today, as I have done every year I have been in the Senate, I want to especially commemorate the anniversary of Texas independence. Many know—many do not know—the history of Texas, but I am very proud of the heritage we have. Texas is the only State that came into the Nation as a nation. There was a treaty that was made between the United States and the Republic of Texas for Texas to come into the Union. The freedom the Texans got in 1836 was hard fought and it was a long time coming. They were a part of Mexico. The Mexican Government was becoming more oppressive, and they were taxing the people, they were not giving them religious freedom, and they finally passed a law that said no one could emigrate from the United States into the Texas territory of Mexico.

So the people rebelled. They had to fight for their independence, and one of the most famous battles in the history of our country was the Battle of the Alamo.

I commemorate Texas Independence Day, which is March 2, every year, by reading the letter from William Barret Travis, that has become very famous, as he was holding down the fort at the Alamo. This was at a time when the convention was meeting at Washington-on-the-Brazos to make the formal declaration of independence from Mexico for Texas. My great, great grandfather was one of the delegates to that convention. He represented Nacogdoches, just as Thomas Rusk did.

Thomas Rusk was the first Senator to hold my seat. He and my great, great grandfather, Charles S. Taylor, were very good friends. They were partners, and they were certainly patriots in the fight for freedom for Texas.

It is with that background I would like to read the letter from William Barret Travis, remembering there were 184 Texas rebels in the Alamo at the time. There was a huge army of Santa Ana's out there, and this was the second day of the siege of the Alamo, February 24, 1836.

> Fellow citizens and compatriots: I am besieged by a thousand or more of the Mexicans under Santa Ana. I have sustained a continual bombardment and cannonade for 24 hours and have not lost a man. The enemy has demanded a surrender at discretion, otherwise, the garrison are to be put to the sword, if the fort is taken. I have answered the demands with a cannon shot, and our flag still waves proudly from the wall. I shall never surrender or retreat.
>
> Then, I call on you in the name of liberty, of patriotism and of everything dear to the American character, to come to our aid, with all dispatch. The enemy is receiving reinforcements daily and will no doubt increase to three to four thousand in four or five days. If this call is neglected, I am determined to sustain myself as long as possible and die like a soldier who never forgets what is due to his own honor and that of his country—Victory or Death.
>
> William Barret Travis, Lt. Col, Commander.

It turns out there were 3,000 to 6,000 Mexican soldiers. They did take the Alamo, which did not have reenforcements. Gen. Sam Houston decided it would be a waste of manpower to send reinforcements because he thought the cause was lost. Those 184 men were able to hold off the Mexican Army for days, and that allowed Gen. Sam Houston to gather his forces. The Declaration of Independence was signed on March 2, 1836, and because he was able to marshall the forces after the Alamo and take a stand at San Jacinto, that is where the war was won and the Republic of Texas was formed.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent I be allowed to speak for 10 minutes as in morning business

The PRESIDING OFFICER. Without objection, it is so ordered.

ELECTION REFORM

Mr. MURKOWSKI. Mr. President, I understand we are going to be going back to a vote pretty soon relative to the issue of antifraud provisions associated with election reform. We all have different views on this issue. I can certainly recognize and support the simplicity of encouraging voters to have a relatively easy method to vote and register. However, Mr. BOND, the Senator from Missouri, has made quite a point of how fraud occurs. I gather we have seen scams, particularly in Missouri, relative to voter fraud, registering dead neighbors and diseased alderman, and in one case a dog that evidently voted several times and the jig was up when the dog was called for jury duty.

A system that allows that much flexibility is a little too flexible. I hope we address reasonable requirements to encourage people to vote but have reasonable identification so we do not have fraudulent activities such as the dog that was called to jury duty.

IRAQ

Mr. MURKOWSKI. Mr. President, I came to the floor last week to talk about Iraq. I indicated that U.S. forces enforcing the no-fly zone since 1992 were fired on for the second time this year. Of course, our forces responded by destroying an Iraqi air defense group north of Baghdad. This is a continuing commitment we have had to enforce a no-fly zone under the U.N. proclamation over Iraq.

The inconsistency is that, on one hand, we are enforcing this no-fly zone; on the other, we are importing oil from Iraq. Even on September 11, when the attack on the Trade Centers occurred, we were importing a little over 1 million barrels of oil a day from Iraq. Today we import some 875,000 barrels. We are enforcing a no-fly zone, putting the lives of our men and women at risk, yet we are becoming even more dependent on that part of the world for our oil supply.

As I indicated, this is the second time this year we have bombed Iraq, taking out targets. We are off to a troubling start. Last year, Iraq shot at U.S. forces enforcing the no-fly zone some 400 times. We responded with a like force some 25 times. On one hand, we make a fist at Iraq; on the other, we want to take their oil.

As I indicated, in September there was more than a million barrels. This is a point that I think has been lost to some extent, but it has not been lost on the brave men and women who enforce this no-fly zone each day.

I would like to read a passage I found in today's National Journal. It quoted BG Edward Ellis, Commander, Northern Watch, Combined Task Forces. He says very eloquently:

> I know the rules of engagement are sometimes frustrating for my pilots, whose natural reaction when they get shot at is to want to do some leveling, leveling of something. But anyone who thinks that military action shouldn't be governed by political constraints is naive. The political reality is we're not at war with Iraq at this point, and if we reacted harshly, we could force the hand or limit the options of U.S. policymakers who are trying to figure out what to do about Saddam Hussein.
>
> Having said that, I do think there is merit to the argument that the policy makers might want to address this issue sooner than later, because of the inherent jeopardy of this mission.
>
> Saddam has put a bounty on our heads.
>
> The bottom line is, we continue to fly and the Iraqis continue to shoot at us. Nobody should be especially surprised if eventually they happen to hit something.

That comes from BG Edward Ellis, Commander of the Northern Watch, Combined Task Forces.

Our Nation was built on the premise that statesman and soldier are two different professions. But in this instance, I hope my colleagues will make a note of the warning of General Ellis from the front lines, that perhaps his wisdom will guide us to make the right choices for dealing with Iraq and certainly the right choices about our dependence on Iraq; that is, to substantially eliminate that dependence and reduce our dependence on imported oil through the Mideast.

I was also struck by a Gallup Poll that came out the other day. It was in USA Today and a number of our national periodicals. I am told it was the most comprehensive poll on Muslim countries and their views with regard to America. They polled people in Pakistan, Indonesia, Lebanon, Jordan, Morocco, Iraq, Saudi Arabia, and Kuwait. I don't know about you, Mr. President, but when I read those results they were frightening, and they should give us pause. Residents of these countries viewed America unfavorably by a 2-to-1 margin. Some of these countries are supposed to be good friends of ours, but their views and their people's attitude towards us certainly doesn't show it.

Friends or not, we get a lot of energy from this area, and I think we have become dangerously reliant upon them. Let's look at the numbers: 61 percent of the residents of those countries, in polling information from Gallup, suggest that the Arabs were not responsible for 9–11. In other words, those who carried citizenship from those countries, they bear no responsibility. Only 18 percent of the people in these countries believe that Arabs were even involved in the terrorism that took place on September 11.

In Kuwait, 36 percent said the attacks were justifiable, the highest number of any country. That is rather troubling to me because we only have to go back to 1992 when we fought a war to keep Saddam Hussein from invading Kuwait and going on into Saudi Arabia. Here is Kuwait, 36 percent of the people say the attacks were justifiable. If it were not for our action, Saddam Hussein would be in Saudi Arabia today; he would have taken over Kuwait.

Only 9 percent say U.S. military action in Afghanistan is justified. Let me say that again. Only 9 percent, according to the Gallup Poll, say U.S. military action is justified even though the people of Afghanistan were happy, in our view at least, to throw off the yoke of the Taliban and al-Qaida that was strangling them to death, certainly, in our opinion, using that country as a clubhouse for gangsters and terrorists.

I am appalled by these figures. I am worried and I think it should bother all Members of this body. Why? Because we are too dependent on these countries that clearly have a different view of the United States. The poll shows the United States has a 16-percent approval rating in Saudi Arabia. I hope that irony is not lost, that we also get 16 percent of our oil from Saudi Arabia.

What are we going to do about it? The governments of some of these countries are friends of ours, but what about the people? The Gallup Poll shows that, despite our money, our aid, our support, they either don't like us or they don't trust us, or both.

What really concerns all of us is the manner in which this lack of trust, this hatred, is fostered within these countries. We know that fundamentalist schools in some of the Muslim countries do not necessarily preach democracy. We have heard about these schools, where they teach youngsters to hate western ideas, western democracy, and especially America. The real concern is they are teaching some of these young people who are going to be the leaders of tomorrow. These are youngsters who might grow up believing that dying while killing an American is a great thing. These are the young people who will not forever be satisfied with their government's sending them to schools. They will want to take the power themselves from what they learned. As we know, children are very impressionable.

What I am concerned with today is what this leadership could become. I am also concerned at the lack, in this body, of a concentrated effort to reduce our dependence on oil from that part of the world. We are sending money to Saddam Hussein every day for oil—somewhere in the area of $15 million every day.

Our President has taken a strong stance for energy independence, against terrorism, recognizing that we can't eliminate that dependence but we can reduce it.

I think the Gallup Poll numbers are so true. I think it is also true that we should reflect, at this crucial time, on our relationship with Iraq, particularly our knowledge that Saddam Hussein has been able to evade the monitoring activities of the United Nations within Iraq, particularly recognizing that we have not had any inspectors there under the U.N. for nearly 4 years, particularly in view of the fact that we have evidence that shows he has a missile capability, a delivery capability, and that he may be working towards a biological and/or nuclear warhead.

Where is he aiming? We know Israel is one of the countries within his sights. The question is, When do we address and resolve, if you will, what this threat might become? Do we initiate, through a mandate, inspections that occur immediately? And what kind of reaction can we expect from Saddam Hussein? Clearly, the U.N. is unable to do its job, but this threat is increasing. It is being fostered by dollars from the United States that we pay Saddam Hussein for his oil at the same time we are bombing him and taking out his targets. He is using the money to keep his Republican Guard alive. He is obviously using the money to develop his missile capability.

The question is, How do we begin to unwind Iraq? What is it going to take? Do we wait for an action that costs American lives? This is a very sobering question, but I cannot stand in this body and condone our continued dependence on oil from a neighbor such as Saddam Hussein.

I challenge the leader, who has previously given me his assurance that we would be able to address in this session an action that would be initiated against Iraq, Senate action expressing not only our displeasure but setting up the mechanics to ensure that we did not purchase any more oil from Saddam Hussein. We can do that, just as we initiated action against Iran, from which the United States has not had any oil for many years. Basically, what we are talking about is a sanction. We have sanctions against Libya. We have sanctions against Iran. But I find it very frustrating that we have not gone forth and sanctioned Saddam Hussein and oil imports coming to the United States from Iraq.

As I mentioned some time ago, when we had the unanimous consent agreement—and the RECORD will show that the leader allowed me an opportunity to bring this matter up at the appropriate time—I will again bring this matter up with the leader for his consideration. I think the time is right to initiate such action of a sanction against oil from Iraq.

We find ourselves in a situation where not only are we enforcing a no-fly zone but we are taking out targets when he attempts to take us down, suggesting that it is certainly not in the national interest of our Nation to maintain this kind of relationship. I will be calling on the majority leader to honor his commitment to me to allow us to take up a sanction against Iraq. I suggest we do it as soon as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEINZ AWARDS

Mr. SPECTER. Mr. President, after the sudden and untimely death of our colleague—and my friend—Senator John Heinz, in 1991, his wife, Teresa Heinz, set about devising a suitable and characteristic memorial to his memory. As she has said, such a task is especially difficult when the goal is to honor someone as complex and multi-faceted as Senator Heinz was. She realized that no static monument or self-serving exercise in sentimentality would do, and that the only tribute befitting Senator Heinz would be one that celebrated his spirit by honoring those who live and work in the same ways he did.

Those of us who had the privilege of knowing Senator Heinz remember, with respect and affection, his tremendous energy and intellectual curiosity; his commitment to improving the lives of people; and his impatience with procedural roadblocks when they stood in the way of necessary progress. For Senator Heinz, excellence was not enough; excellence was taken as a given. What made the difference was the practical—and, yes, pragmatic—application of excellence to the goal of making America a better nation and the world a better place. Although John Heinz thought and worked on a grand scale, he understood that progress is more often made in small increments: one policy, one program, even one person, at a time. We also remember the contagious enthusiasm and palpable joy with which he pursued his goals and lived his life.

Teresa Heinz created the Heinz Awards to celebrate and carry on these qualities and characteristics—five awards in each of five categories in which John was especially interested and active during his legislative and public career: Arts and Humanities; the Environment; the Human Condition; Public Policy; and Technology and the Economy. In each of these areas, the Heinz Awards recognize outstanding achievements. In fact, the annual Heinz Awards are among the largest individual achievement prizes in the world.

The six men and women who are being honored with this year's Heinz Awards—the eighth annual Awards—have just been named. They are a distinguished and accomplished group of men and women whose lives and work have truly made a difference.

This year the Arts and Humanities Heinz Award is shared by Dudley Cocke and Rick Lowe. Mr. Cocke, with his Roadside Theater company based in Whitesburg, KY, has worked in hundreds of communities in 43 States. He is a leader in the movement to cultivate locally based art all across America. Mr. Lowe is an artist and activist who founded Project Row Houses in Houston as a way to bring a world-class art project to a low-income neighborhood where such art is rarely seen and experienced.

The Heinz Award in the Environment is conferred on Dr. Jane Lubchenco. An expert in biodiversity, conservation, and global change, Dr. Lubchenco, of Oregon State University, is one of the most influential and respected voices in environmental policy.

Cushing Dolbeare receives the Heinz Award for the Human Condition. For five decades, as many members of this House well know, Ms. Dolbeare, the founder of the National Low Income Housing Coalition, has worked across party lines to make low-income housing a government priority. I am proud to say that Ms. Dolbeare is a resident of Philadelphia, PA, my home city.

The Heinz Award for Public Policy is awarded to retired Air Force General Lee Butler, of Omaha, NE. General Butler's efforts to end nuclear proliferation and change America's nuclear deterrence policy, have resulted in increased global awareness of the threat of nuclear war and nuclear weapons.

Dr. Anita Borg, of Palo Alto, California, receives the Heinz Award for Technology, the Economy and Employment. The creator of the "Systers" information-sharing Internet network for women, she has been in the forefront of promoting women's participation in the advancement and uses of technology, and particularly computing.

Occasionally the Heinz Awards program bestows a special honor—the Chairman's Medal—on a truly exceptional nominee whose career has been distinguished by a pattern of singular accomplishment and character. This year a Chairman's Medal has been awarded to Dr. Ruth Patrick—who is, I am again proud to say, a resident of Philadelphia, PA—who is truly a scientific pioneer. Still actively working and contributing at the age of 93, Dr. Patrick is one of the world's leading biologists and a pioneer in predicting ecosystem risks at a time before such risks were a part of general scientific knowledge. I had the opportunity to meet with her relatively recently, and she is really a dynamo at 93.

I know that every Member of this body joins me in saluting Teresa Heinz for creating such an apt and appropriate way of honoring the memory of our late colleague; and also in congratulating these distinguished Americans, recipients of the eighth annual Heinz Awards, for the way their lives and contributions have—and continue to—carry on the spirit and the work of Senator John Heinz, and have helped to make America, and the world, truly a better place for all of us.

I yield the floor. In the absence of any other Senator in the Chamber, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the hour of 6 p.m. having arrived, the Senate will now resume consideration of S. 565, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal election, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisory Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Schumer/Wyden amendment No. 2937, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

Bond amendment No. 2940 (to Amendment No. 2937), to permit the use of signature verification programs to verify the identity of individuals who register to vote by mail.

The PRESIDING OFFICER. Under the previous order, the time until 6 p.m. shall be equally divided between the Senator from Connecticut, Mr. DODD, and the Senator from Kentucky, Mr. MCCONNELL, or their designees.

Who yields time?

If no one yields time, time will be charged equally to both sides.

The Senator from Oregon is recognized.

(Ms. CANTWELL assumed the chair.)

Mr. WYDEN. Madam President, in a few moments, the Senate will vote once again on cloture with respect to the election reform bill. I come to the floor to take a couple of minutes to say that, once again, Oregon's two Senators will be working together on a bipartisan basis to try to protect the voting rights of folks who, in a small State 3,000 miles from here, have come up with a system that I think can be a national model. It has empowered Americans. It empowered the people of our State—like, essentially, no other—in the Senate special election that was held in 1996, when three times the level of voter interest was shown as was shown in the previous Senate special election.

My colleague, Senator SMITH, lost in that election by a small amount. He waged a valiant campaign. He has become a colleague with whom I have worked very closely. To his great credit, after an election that I won narrowly, he made it clear there were no instances of fraud or flagrant violations that tainted the election. That is why the two of us, on a bipartisan basis, feel so strongly about protecting Oregon's election rights.

I see another northwesterner in the Chamber and currently presiding. I know the occupant of the chair feels strongly about protecting the rights of those in Washington State who vote by mail.

We are willing to meet our colleagues on the other side more than halfway. We have said that from the very beginning. Northwesterners are not a part of the Rules Committee. We have tried very hard to work with our colleagues. I have believed for some time that there is the framework of a compromise that could address the concerns of those on both sides. The senior Senator from Missouri makes a good case that more does need to be done to address fraud. I think the appropriate time to do that is in the registration process—what is essentially the front end of the voters' involvement in the political process. I am willing to meet him more than halfway in addressing those concerns.

The chairman of the Rules Committee, Senator DODD, has worked on a variety of compromises to try to address the concerns of our colleagues on both sides of the aisle, and he and I are going to continue to do that. But we do have to voice our strong objection to gutting a system that is working, that has empowered thousands and thousands of voters.

Unfortunately, if we go forward today with the bill as written, it will do great damage to those States that do vote by mail. Every review of the disputed 2000 election showed that there were a variety of errors with punchcard voting machines. But what we want to do is address those concerns and not roll back the clock, which is what you would do if you did damage to States that vote by mail. We think our signature verification process is a good one. It is one that has been in place to ensure that there are not those who would engage in fraud. At the end of the day, we think voting by mail—the process used exclusively in Oregon—is not one that should be thrown overboard to deal with problems of fraud in other parts of the country. We have a system that works. We have a system that empowers the people in our State. It is not a system riddled by corruption.

I am going to yield the floor now because I see the chairman of the committee and ranking minority member here. Both of them have been very helpful in working with this Senator. I want them to know that, however the vote turns out, I am going to continue to work with them. I assure them, having just spoken with my colleague, Senator SMITH, tonight as well, that he and I are working right now on ideas to address the concerns of both sides of the aisle to get over this Oregon issue. Oregon's two Senators are united on a bipartisan basis to address this concern.

Mr. SPECTER. Mr. President, at 6:15 this evening, the Senate will vote on cloture, that is to cut off debate on a pending amendment which would permit voting on a signature alone. This has been a contentious subject because there are those who contend that it ought to be that easy for somebody to vote, contrasted with others of us who believe that simply on a signature it is insufficient to avoid fraud.

The underlying bill on election reform is a very important bill. There is no need to recount what happened in the Presidential election of the year 2000, with special emphasis on Florida, to emphasize the need for reform of the voting process, to bring modern technology into play, to avoid the chads and the dimples, and to find a way to have voters' intent recorded honestly and completely.

The drafters of the underlying bill have worked very hard on all aspects of it, including ways to deal with this question of fraud. They came up with a compromise which said somebody could be accorded the right to vote if there was a photo identification, or if the individual had some other document which showed that person was in existence, such as a utility bill or a bank statement or a government check or a generalized provision or any kind of a document which is similar, to show that a voter, "Mr. John Voter," "Mrs. Jane Voter," actually was in existence.

The reason for this procedure to avoid fraud is that many people have been on the rolls who were not in existence: names from decedents, names from nonexistent people, and animals that were represented to be named people. In an effort to be funny, I think the latter reference has sort of denigrated the subject, which is really very serious.

But my view is, the requirement for some document to show that a person is in existence is minimal and necessary. I say that based on the experience I have had as District Attorney of Philadelphia in prosecuting vote fraud.

The distinguished Presiding Officer comes from the State of Delaware, which is pretty close to Philadelphia. It is widely known that in a rough, tough political city, such as Philadelphia, there is a lot of vote fraud. It happens to be a fact of life.

During my 8 years as District Attorney of Philadelphia, from the 1960s into the 1970s, I prosecuted many people for vote fraud in both political parties—Republicans and Democrats. It is a very serious problem.

But if you have someone who can vote simply on a signature, then that person can register with a signature. Someone could register as "Mr. John Voter" with a signature, and it being on file on the voters' rolls, later they could mail in a vote, "Mr. John Voter," which is the same signature and that person may not be in existence at all.

I had a little discussion on Friday with the Senator from Oregon about this subject and made the point that, it is a case which cannot be successfully investigated or cannot be successfully prosecuted. You simply have to have an identity of a person whom you can locate to serve a warrant of arrest and to bring into court and to prosecute. But if there is no such person as "Mr. John Voter," if it is a name which is fictitious, backed up only by the signature on registration or the signature on voting, you simply can't prove it.

The Senator from Oregon brought up one illustration: Somebody who boasted about having done it. Well, if you have a confession, you can prosecute, if you establish the corpus delicti as well, but that is so highly unusual and so unrealistic in dealing with the underlying problem, as not to require extended refutation.

On Friday morning, I heard on the radio the voice of the majority leader objecting to the position taken that there ought to be some document identifying the name with the voter, saying that Senator BOND, who has been the major proponent of the position I have articulated—that Senator BOND was insisting on photo ID, which is not the case. The underlying bill does not insist on photo ID. If it did, I would have a different position. It requires and insists only on a document which shows the identity and some document showing the person is in existence.

I noted the Senator from New York, Mr. SCHUMER, was quoted over the weekend saying that if his amendment, the one which is pending now on the cloture vote, is not accepted, that we go ahead and pass the underlying bill. It is my hope that the majority leader, who controls the calendar, will leave the bill up and have it passed.

Democrats have had a majority on the committee. They reported this bill out in its current form, which, as I say, is a carefully crafted compromise. It is my view that the bill in that posture ought to be acted upon by the full Senate and ought to be enacted, even if the Schumer amendment is not part of the bill because cloture cannot be obtained on the amendment.

I yield the floor.

AMENDMENT NO. 2937, WITHDRAWN

Mr. DODD. Madam President, I am about to make a unanimous consent request on behalf of the Senator from New York and the Senator from Oregon, so we can move and get to the cloture vote. I thank all of those who have worked over the weekend and all day today. We are down to an issue or two—maybe one, frankly. I hope we can resolve that.

In order to demonstrate the good faith we have in this effort, I ask unanimous consent—and I have spoken with Senator SCHUMER—that the Schumer-Wyden amendment be withdrawn.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DODD. Madam President, we have made some great progress today. In fact, we have pretty much agreed on a package dealing with issues such as the uniform standards, the savings clause, and several other items. I will not go through them now. I will provide a litany of what we have agreed upon afterwards. We are down to maybe the issue of Oregon and Washington. In order to get us moving along, and rather than trying to write that last piece here tonight, we wanted to indicate to our colleagues where we were on this issue. This place works on comity, and we have to rely on good-faith commitments. I am satisfied that what we have agreed to today will be part of a final package. I turn to my colleague now.

Mr. MCCONNELL. Madam President, I thank my good friend from Connecticut for withdrawing the Schumer amendment. That is certainly a step in the right direction. I echo his observations that even though, after the cloture vote, I understand we may be going to energy, we are close to passing an election reform bill of which I think Members on both sides of the aisle can feel proud. I have assured my friend from Connecticut that we are going to work to pare down the remaining amendments on our side. I know he is going to be doing the same thing.

We believe there are only a few issues that are serious, and, hopefully, we will be able to say to the majority leader soon that we have the ability to put together a agreement that we can bring this up and, hopefully, dispose of it in half a day.

Mr. DODD. Madam President, I know the Senator from Oregon may want to make additional comments. I agree with those sentiments, and our message would be to both sides and the media that this has been very productive. This is a complicated issue. It obviously involves local communities, States, up to the Federal Government, in the decisionmaking process.

It has not been easy to pull this all together. We are on the brink of doing something very worthwhile, something very historic, as we both described over the last number of months. The decision to set this aside while we move to energy—normally one might say that is a death knell. I have been assured by the majority leader, who cares deeply about this issue, that as soon as we have a package that we can bring forward, which I am convinced we can, we will get to that matter and resolve it.

This is not putting it on a side track where it will languish in the coming weeks. We intend to work intensely over the next several days to bring back an agreement, hopefully the end of the week.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I want to mention to my colleagues on this side of the aisle the vote we are about to have at 6:15 p.m, hopefully, will be the same vote. It is a vote to oppose cloture, even though we are toward the end of this bill. The reason is, we have not been able to figure out which of our amendments will be shut out by the invocation of cloture. I urge my Republican colleagues to, once again, vote no on cloture, while at the same time saying I think we are very close to wrapping up this bill, as the Senator from Connecticut and I have previously outlined tonight.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I will be very brief.

Mr. DODD. Madam President, I want to yield to our colleague from New York, whose amendment I just withdrew on his behalf.

The PRESIDING OFFICER. The Senator from Kentucky controls the remainder of the time.

Mr. SCHUMER. Madam President, I ask unanimous——

The PRESIDING OFFICER. The Senator from Kentucky controls the time.

Mr. MCCONNELL. Madam President, how much time do I have?

The PRESIDING OFFICER. Three minutes.

Mr. MCCONNELL. I yield a minute and a half to the Senator from New York.

Mr. SCHUMER. I do not mind if the Senator from Oregon speaks first for 1 minute. He needs another minute, and I will take the remaining 2 minutes.

Mr. MCCONNELL. The remaining time I have I yield in equal division to the Senators from Oregon and New York.

Mr. WYDEN. Madam President, I thank my friend from Kentucky. I will be brief. I want it understood tonight that in the withdrawal of this amendment, I am doing this as part of a good-faith effort to find common ground with my colleagues. The people of Oregon feel so strongly about this issue that I could not let this bill go to final passage until it protects Oregon's election rights, but I would like to advance the consideration of the legislation by this body. That is why I am not objecting tonight.

Senator SMITH and I will continue to work with our colleagues on a bipartisan basis to address this issue. I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, if the Senator from Connecticut has not asked unanimous consent to withdraw the amendment, I do, or concur in that request.

I wish to make three points. First, it is the strong view of those of us on this side—certainly of me—that while this amendment has a great deal of merit, the bill is more important than the amendment. I am willing to withdraw it not because I think any deal was broken; it was clearly not. We all had agreed there would be amendments and, in fact, it is our side's understanding there was an agreement that the Gregg amendment would be accepted and there would be a vote without a filibuster. That was explicit. If anything, if any deal was broken, it was done on the other side.

Two, the amendment is an important amendment because there are, as I mentioned in my speeches, hundreds of thousands of people, if not millions, for whom it will be much harder to vote. This amendment would have made it easier for them to vote without increasing fraud by very much. We believe in the amendment, and we will try to deal with this issue in some other way, in some other form.

Third, the bill is an excellent bill. The Senator from Connecticut, the Senator from Kentucky, the Senator from Missouri, and myself have spent a great deal of time on it. It will improve elections. It will do a lot to prevent the Floridas from happening and the 2000s from happening. I think it would be wrong to let the entire bill go down because of this worthy amendment. Therefore, I have no problem in withdrawing it to move the bill forward. That is something each of us is called upon to do: To see things go forward for the legislative process and avoid gridlock.

I will withdraw the amendment if it has not been withdrawn already. If it has, I concur in the withdrawal.

The PRESIDING OFFICER. The amendment has been withdrawn.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the time of 6:15 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 565, the election reform bill:

> Christopher Dodd, Harry Reid, Charles Schumer, Ron Wyden, Debbie Stabenow, Patty Murray, Tom Daschle, Jeff Bingaman, Daniel Inouye, Carl Levin, Max Baucus, Joe Biden, Pat Leahy, James M. Jeffords, Barbara Mikulski, Bob Graham, Edward M. Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 565, the election reform bill, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Alaska (Mr. STEVENS), the Senator from Virginia (Mr. WARNER), the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Virginia (Mr. ALLEN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 40 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Stabenow
Wellstone
Wyden

NAYS—44

Allard
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—5

Allen
Hutchinson
Stevens
Torricelli
Warner

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The Senator from South Dakota.

Mr. DASCHLE. Madam President, I am sure I share the disappointment of a number of our colleagues in our inability to come to some closure on this legislation. But I will say the good news is the distinguished Senator from Connecticut, the manager of the bill, and the Senator from Kentucky, his comanager, have agreed to continue to attempt to work out what remaining differences exist.

I will also say, because so much good work has been done, it is my strong desire to bring this bill to a successful completion. We are going to do that. I have made a commitment to Senator DODD and to all of our colleagues that at such time as we have been able to work out procedurally a way to resolve these final matters, we will bring the bill back under a unanimous consent agreement.

So when that unanimous consent agreement is reached, it is my desire and my commitment to renew the debate on this issue. This is too important to let go. It is too important not to find some final resolution to the remaining questions.

We spent a lot of time on this bill. I don't want to lose that investment in time and effort. Obviously, the stakes are quite high. We recognize those stakes. We recognize the effort made. We recognize the progress we have made in the last couple of weeks. We are just not quite there yet.

But as I have noted on several occasions, it is my strong desire to go to the energy bill. That will be what we do tomorrow. I hope Senators will be prepared to come to the floor midmorning, 10 o'clock. We will begin the debate on energy. I am sure there will be opening statements, and we will begin entertaining amendments. I hope Senators are prepared to have a good debate about energy. We will hopefully resolve that issue and move to other questions.

It is my expectation that if some agreement has not yet been reached on the campaign finance reform bill, I will be asking unanimous consent to take that up as well. It will be the only thing that would take us off the energy bill prior to the time we complete it. But my hope is we can reach some agreement procedurally on the campaign finance reform bill as well. If not, of course, when we resolve these issues, if we can resolve them, on energy, my intention is to move to the campaign finance reform bill.

So we have a full agenda over the course of the next 3 weeks. Energy begins tomorrow. Hopefully campaign finance reform and election reform can also be addressed successfully before we complete our work in this work period.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

CELEBRATING BLACK HISTORY MONTH FEBRUARY 2002

Mr. REID. Mr. President, every February our Nation celebrates Black History Month to recognize the contributions that African Americans have made to America. It provides us with a special time to commemorate the accomplishments of African Americans and reflect upon their role in our country's diversity and growth. I believe it is important to acknowledge the vision of leaders such as Frederick Douglass, Martin Luther King, Jr., and Thurgood Marshall and the efforts of countless others who struggled to bring down the barriers of inequality in this country. They confronted enormous obstacles to make life better for future generations and for all Americans.

As we reflect upon our Nation's history, we see that America has made great strides in improving the status of ethnic and racial minorities. Today African Americans are leaders in our communities, the arts and sciences, and the business world. We no longer accept legal discrimination in any form. We no longer allow the use of poll taxes that prohibited African Americans from voting. And we no longer tolerate discrimination in public accommodations, such as water fountains, lunch counters or movie houses reserved for whites only.

While taking pride in how far we have come, we must recall the painful memories of segregation and intolerance in the not so distant past. Up until the 1950's, casinos and hotels in my own State of Nevada, like many public accommodations did not welcome blacks. But when the Moulin Rouge opened its doors in Las Vegas in 1955, African Americans were received warmly. There they could find lodging, enjoy the casino and see the best entertainers of the day. The Moulin Rouge became one of our Nation's first major interracial hotels and paved the way for the integration of all of Nevada's casinos. I support efforts to preserve the Moulin Rouge as an important part of African American history in Southern Nevada.

In addition to making political and social gains, blacks are now enjoying unprecedented economic success. African-American unemployment and poverty levels are at record lows. There continues to be a significant rise in African American home ownership and a dramatic increase in loans to African American entrepreneurs.

Despite all of our progress as a society expanding opportunities for all, I know we can do better. We still have more work to do and more challenges we shall overcome.

The population of blacks and other minorities continues to increase and flourish across America, but African Americans often lack the services and resources they need to receive a quality education and in turn to achieve a better place in society. Nearly half a century after Brown v. Board of Education, most minority students still attend schools that are predominantly minority. On average, they are in larger classes, use older books, receive less challenging lessons and have teachers with less training in the subject being taught.

Fortunately, Congress passed a bipartisan "Leave No Child Behind" education reform package, which became law this year to correct these inequities by making sure that well-trained teachers are in every classroom, setting higher standards for all students and providing schools with the resources to meet these new standards. To continue improving the quality of education and expanding opportunities for all Americans, our next step must be to raise the standards for safety, character and discipline in our schools.

Although our nation has made substantial progress, blacks still lag behind financially and are disproportionately represented among America's poor. Congress should increase the minimum wage not only to help youths and African Americans but all of our Nation's citizens, especially working single mothers, better meet the needs of their families. In addition, providing unemployment and health care benefits for those who have been hindered by the recession, will help dislocated workers and their families get back on their feet and continue to improve their lives. We also need to find creative, effective ways to narrow the earnings gap between whites and African Americans.

Making these improvements will take the dedication of all Americans. Black History Month is an appropriate time to recognize those helping America move forward. I would like to pay particular tribute to some who are leading the way in northern Nevada:

Delores Feemster has been a activist in Washoe County for many years working for the underdog, organizing voter registration efforts in black churches, and inspiring members of younger generations to make a difference. In fact, her son Lonnie got involved in social activism during his youth and now serves as president of the Reno-Sparks chapter of the NAACP.

Evelyn Mount started a food program many years ago before any social services agencies offered this kind of help and has provided thousands of Thanksgiving and Christmas dinners to needy families of every color.

Bertha Mullins has worked in the community on equal employment and housing issues for many years.

Bernice Martin Mathews has been a leader in improving access to quality health care and serves as the assistant minority leader in the State Senate.

I would also like to acknowledge some African American leaders from southern Nevada:

Shirley Barber, who for over 40 years as a teacher, principal and now as a Clark County School Board Trustee has served students and encouraged greater parental involvement in education;

Yvonne Atkinson Gates, a Clark County Commissioner who was recently elected to chair the Democratic National Committee's Black Caucus;

Joe Neal, the longest serving African American member of the Nevada Senate; and

Lt. Col. (Ret.) Thomas Leigh, long active in senior issues, who has served on various State commissions and led an AARP chapter in West Las Vegas.

I am proud of these Nevadans and others like them across the country working to promote equality and diversity.

They have toiled for a better life for African Americans and indeed for all Americans, and their work makes our state and our nation better.

Although Black History Month officially ends when February does, let us continue to celebrate the achievements of African Americans each and every day. Our efforts to recover from the tribulations of September 11 remind us that by working together we become a stronger America. We must join together and continue fighting to make sure that all Americans enjoy equal opportunities for justice, quality education, and economic prosperity.

Mr. SMITH of Oregon. Mr. President, last month we celebrated Black History Month in the United States, and I took to the floor each week we were in session to speak for a moment or two about the tribulations and contributions of Black Oregonians.

I want to make one more statement, however, since recognition of these contributions really cannot, and should not, be confined to any single month of the year. We must not spend the next eleven months oblivious to the monumental strides and invaluable contributions that black Americans have made since the birth of our Nation. The individuals who opened the west and helped build my State, people like Moses Harris, George Washington Bush, and York, must not remain obscure characters in the annals of Oregon history. Countless other men and women, who never achieved prominence, are also owed our gratitude for helping make Oregon, and America, a better home for all her citizens.

The efforts of black Americans have helped Oregon shed the days when it was marked by racial intolerance and exclusion. When my predecessor, former-U.S. Senator Mark Hatfield, was a State senator, he was forced to take the great opera singer Marian Anderson to Portland because no hotels in Salem would serve a black woman. Thankfully, now Salem not only hosts black women in hotels, but in the State senate as well. We have come a long way as a State and as a people, and we should be grateful.

In the decades following the passage of the Fair Employment Practices Act in 1949 and the State Public Accommodations Act in 1953, Oregon began slowly to address some of the other problems still facing black Oregonians, such as discrimination in housing and segregation in the public schools. Also of note, in 1969, Portland State established a Black Studies Program. In 1972 the first black person, William McCoy, was elected to the State legislature, and in 1980, Oregon crowned her first black Rose Festival Queen, Robin Marks. All along, organizations such as the NAACP and Urban League have been helping to guide my State's progress.

Not all difficulties facing black Oregonians have been resolved, however. While most students are benefitting from a successful statewide battle to reduce school dropout rates, black students are still dropping out in large numbers, and at the same rate they have for the past three years, 11 percent, compared with a 4.5 percent dropout rate for white students. There are economic distinctions as well, a black Oregonian is more than twice as likely to be poor than a white Oregonian. These and other disparities are not merely coincidences, and we have much work ahead of us if we are to change the circumstances that contribute to current racial inequalities in Oregon.

Still, the trend for all Oregonians has been positive over our State's history, and I see nothing but progress in our future. Oregon has had strong black leaders since the Lewis and Clark expedition, and a history of overcoming obstacles much more daunting than what we face today. Today, Oregon is home to a diverse and prosperous citizenry made up of people from every conceivable background and racial composition. While our Constitution used to prevent black Americans from moving to our State, Oregon now has a growing minority population that fuels our economy, and enriches our local culture. This might never have been possible without the efforts of early black pioneers, and the thousands of black Americans who came to Oregon in the middle of the last century, bringing with them a thirst for equality, and the wherewithal to achieve it.

We should not celebrate the contributions of black Americans for just one month. The lives we lead 365 days a year have been shaped by individuals and groups who have changed America, and Oregon, forever. Our lives are richer and freer because of the contributions of black Oregonians, and I, for one, will remember that year round.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 3, 1993 in Lincoln, NE. A gay man, Harold Grover, 51, was stabbed and beaten to death by two men. The attackers, Eldon T. Leger and Clifford A. Privat, both 19, were charged with first-degree murder in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO GEORGETOWN COLLEGE FOOTBALL TEAM

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to the players and coaches of the 2001 Georgetown College football team.

On December 15, 2001, the Georgetown College Tigers defeated the University of Sioux Falls by a score of 49–27 to win the 46th Annual NAIA Football National Championship. Under the expert leadership of coach Bill Cronin, the Tigers finished with a perfect 14–0 record for the second straight year and became only the 9th team in NAIA history to win consecutive National Championship titles. Clearly, this is a remarkable accomplishment.

Although the Bluegrass State is widely known for producing great basketball teams, the Georgetown College Tigers are doing their very best to let the Nation know that Kentucky is also the home of great football. This season's victory marks the third time the Tigers have claimed the national title and caps a remarkable 28-game winning streak. In addition to bringing home another national championship in 2001, the Tigers also captured their fourth straight Mid-South Conference title. Through hard work, determination, and skill, this team has established itself as a football powerhouse.

It should also be noted for the record that in addition to being star athletes, these players are also dedicated students. Georgetown College has a long standing history of academic excellence and has been rated by U.S. News & World Report as one of the Nation's top liberal arts colleges for the last seven years. During the 2001 season, the Tigers proved they could juggle the intense responsibility of being student-athletes. As a result, 15 Tigers were named Mid-South Conference Scholar-Athletes.

I want to congratulate the Tigers for their tremendous success. They have made the State of Kentucky very proud. I ask each of my colleagues to join me in honoring Georgetown College, history-making coach Billy Cronin, and most importantly each and every talented player on the 2001 Championship Tiger team.•

TRIBUTE TO BARBARA F. WEAVER

• Mr. REED. Mr. President, I rise today to pay tribute to an outstanding public servant in Rhode Island, Barbara F. Weaver, who is retiring from her position as Chief Information Officer for Rhode Island's Office of Library Services after a long and distinguished career.

With an impressive background in libraries and government, Barbara came to Rhode Island as the new Director of the Department of State Library Services in 1991. During her tenure she has made a significant contribution. She is credited with expanding the information role of the Department into the Office of Library and Information Services, and with the creation of that office, she has the distinction of becoming Rhode Island's first Chief Information Officer.

A leader in the library and information management worlds, Barbara has been responsible for coordinating the state's management information systems and coordinating library services to state government and to libraries throughout the state. She is credited with the creation of RI.gov, the state's World Wide web portal, and setting the stage for e-government in Rhode Island. She successfully brought Rhode Island through the y2k phenomenon without incident and has efficiently and effectively been in the forefront of new technologies.

Barbara has also been active nationally as evidenced through her work with organizations like the Chief Officers of State Library Agencies and the National Association of Chief Information Officers. Her vision, initiative and professionalism are indeed noteworthy, and I have been proud to work closely with this outstanding professional on legislative initiatives geared to enhancing literacy, technology and accessibility.

Rhode Islanders have been fortunate to have Barbara Weaver devote nearly a decade of service to our community. She has increased public and government awareness of the value of library services and leaves a lasting legacy of significant achievements which have brought library and information policy boldly into the new century.

I ask my colleagues to join me in commending Barbara Weaver for her professionalism, unwavering commitment, and inspired vision. I am honored to join others in my state in offering praise and admiration of a grateful community for all her great work. We wish her much fulfillment and continued success.•

RECOGNITION OF RICHARD WELDON'S RETIREMENT

• Mr. CARPER. Mr. President, I rise today in recognition of Richard Weldon upon his retirement from the New Castle Conservation District Board of Supervisors. Dick served on the Board for twenty-three years. He has been a respected colleague and remains a trusted friend.

In his twenty-two years as Board Vice Chair, Dick was an effective liaison between Delaware's State legislature and State agencies, promoting water and soil conservation. He was a strong advocate for the role of conservation districts and the driving force behind the construction of a new conservation office for the New Castle Conservation District and the U.S. Department of Agriculture agencies.

I had the pleasure of serving alongside Dick's brother, CURT WELDON, in the House of Representatives from 1987 to 1992. We all share a passion for protecting the environment, an enthusiasm that ensured we remained focused over the years to protecting our area's historic and open spaces. Together, we worked across party lines to ensure that a balance between progress and preservation was struck. Today that balance appears precarious without Dick.

Dick held a position of leadership within the National Association of Conservation Districts for many years. As Delaware's Governor, I appointed Dick to the Soil and Water Advisory Council. He was also Chair of the Coastal and Urban Committee from 1994 to 1997.

Dick led the Committee to hold the National Urban Conservation Conference, the first successful coordination of Federal agencies with urban conservation programs. His leadership brought Federal agencies to the table, harvesting the support of the U.S. Environmental Protection Agency, the National Resource Conservation Service, and the Federal Department of Housing and Urban Development. The successful conference pooled their interests, goals and resources and resulted in efficient and productive initiatives.

After thirty-eight years of service, Mr. Weldon retired from Star Enterprises in 1993, having also retired as regional chair of the Republican Committee in Delaware in 1978.

Dick and his wife Fay continue to be active members in their community, particularly within their church. The joy of their four children and nine grandchildren will undoubtedly keep their days full.

Richard Weldon defined his career working for clean and practical energy solutions, earning a reputation for promoting conservation while protecting resources. Upon his retirement he leaves a legacy of commitment to public service for both his children and grandchildren and the generations that will follow.●

TRIBUTE TO BEVERLY LAFFERTY

● Mr. JOHNSON. Mr. President, I rise today to pay tribute to Beverly Lafferty of Rapid City, SD. On March 1, 2002, Bev retired from Child Protection Services after 34 years of dedication to the children and families in my home State of South Dakota.

Bev began her career as a child protection social worker in Rapid City on July 1, 1968. Her gentle nature and caring heart have helped many families in South Dakota through the adoption process. As a founding member of the Congressional Coalition on Adoption, I have had the honor of nominating Bev for the coalition's annual Angels in Adoption awards. Bev is an example to our entire Nation of the joys associated with adoption, and I commend her work, especially her devotion to Native American children and families.

Adoptive parents, judges, social workers, and others involved with the adoption process truly are angels who do not gain the recognition they deserve on a day to day basis. Bev's recognition as an "Angel in Adoption" in 2001 was one way for me to help recognize the important contributions Bev makes to the lives of children and to our communities.

As a parent, I know the challenges and joys of raising a family, and that is why I have made it one of my priorities in Congress to make adoptions easier for families. Bev's work in Rapid City has made the adoption process easier for children and families in that community. Although I know that she will be missed, her impact in the adoption community will be felt for many years to come. I wish her all the best as she moves on to enjoy the next phase of her life.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 4, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bill was signed today, March 4, 2002, by the President pro tempore (Mr. BYRD).

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on February 28, 2002, by the President pro tempore (Mr. BYRD):

H.R. 1892. An act to amend the Immigration and Nationality Act to provide for the acceptance of an affidavit of support from another eligible sponsor if the original sponsor has died and the Attorney General has determined for humanitarian reasons that the original sponsor's classification petition should not be revoked.

H.R. 3699. An act to revise certain grants for continuum of care assistance for homeless individual and families.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 4, 2002, she had presented to the President of the United States the following enrolled bill:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5598. A communication from the Register of Copyrights, Library of Congress, transmitting, pursuant to law, the Analysis and Proposed Copyright Fee Schedule to Go into Effect July 1, 2002; to the Committee on the Judiciary.

EC-5599. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the Superfund Annual Report for Fiscal Year 1998; to the Committee on Environment and Public Works.

EC-5600. A communication from the Attorney for the Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials: Revisions to the list of Hazardous Substances and Reportable Quantities" (RIN2137-AD65) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5601. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (20); Amdt. No. 2088" ((RIN2120-AA65) (2002-0012)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5602. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Ltd., BN-2, 2A, 2B, 2T, 2T4, and 2A MK. II Series Airplanes" ((RIN2120–AA64) (2002–0129)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5603. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 146 Series Airplanes and AVRO 146 RJ Series Airplanes" ((RIN2120–AA64) (2002–0127)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5604. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (46); Amdt. No. 2090" ((RIN2120–AA65) (2002–0013)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5605. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Raytheon Aircraft Company Models 65–90, 65–A90–1, 65–A90–4, B90, C90, C90A, E90, and H90 Airplanes" ((RIN2120–AA64) (2002–0128)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5606. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (70); Amdt. No. 2092" ((RIN2120–AA65) (2002–0015)) received on February 28, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5607. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Split-Dollar Life Insurance Arrangements" (Notice 2002–8, 2002–4) received on March 1, 2002; to the Committee on Finance.

EC–5608. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EGTRRA Changes to Prototype SEPs, SIMPLEs and IRAs" (Rev. Proc. 2002–10) received on March 1, 2002; to the Committee on Finance.

EC–5609. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to Section 6050I Cross-Referencing Section 5331 of Title 31 Relating to Reporting of Certain Currency Transactions by Nonfictional Trades of Business Under the Bank Secrecy Act" (RIN1545–BA48) received on March 1, 2002; to the Committee on Finance.

EC–5610. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Revenue Procedure 2001–6" (Rev. Proc. 2002–6) received on March 1, 2002; to the Committee on Finance.

EC–5611. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Revenue Procedure 2001–5" (Rev. Proc. 2002–5) received on March 1, 2002; to the Committee on Finance.

EC–5612. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Excise Taxes on Excess Benefits" (RIN1545–AY65) received on March 1, 2002; to the Committee on Finance.

EC–5613. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disallowance of Deductions and Credits for Failure to File Timely Return" (RIN1545–BA40) received on March 1, 2002; to the Committee on Finance.

EC–5614. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 807: Actuarial Guideline 33" (Rev. Rul. 2002–6) received on March 1, 2002; to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–219. A petition presented by a citizen from the state of Texas relative to equal rights; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1982. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Governmental Affairs.

By Mrs. CLINTON:

S. 1983. A bill to designate the facility of the United States Postal Service located at 201 Main Street, Lake Placid, New York, as the "John A. 'Jack' Shea Post Office Building"; to the Committee on Governmental Affairs.

By Mr. BUNNING:

S. 1984. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (for himself, Mr. SPECTER, Mr. BYRD, Mr. CLELAND, Mr. BIDEN, Mr. HARKIN, Mr. REID, Mr. MILLER, and Mr. STEVENS):

S.-J. Res. 33. A joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SPECTER (for himself, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BREAUX, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER):

S. Res. 214. A resolution designating March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. ALLEN, Mr. BAYH, Mrs. BOXER, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mr. MCCONNELL, Mr. NICKLES, Mr. SESSIONS, Mr. SPECTER, and Mr. VOINOVICH):

S. Res. 215. A resolution designating the week beginning March 17 , 2002, as "National Safe Place Week"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Wisconsin (Mr. KOHL), and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 177

At the request of Mr. AKAKA, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 229

At the request of Mr. HAGEL, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 229, a bill to amend Federal banking law to permit the payment of interest on business checking accounts in certain circumstances, and for other purposes.

S. 326

At the request of Ms. COLLINS, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 326, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services and to permanently increase payments for such services that are furnished in rural areas.

S. 913

At the request of Ms. SNOWE, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 946

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 1054

At the request of Mr. KOHL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1054, a bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs.

S. 1125

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1125, a bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes.

S. 1356

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1356, a bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, Europeans Latin Americans, and European refugees during World War II.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1644, supra.

S. 1812

At the request of Mr. CORZINE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1812, a bill to repeal the provision of the September 11th Victim Compensation Fund of 2001 that requires the reduction of a claimant's compensation by the amount of any collateral source compensation payments the claimant is entitled to receive, and for other purposes.

S. 1897

At the request of Mrs. CARNAHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1897, a bill to require disclosure of the sale of securities by an affiliate of the issuer of the securities to be made available to the Commission and to the public in electronic form, and for other purposes.

S. 1911

At the request of Mr. INHOFE, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1911, a bill to amend the Community Services block Grant Act to reauthorize national and regional programs designed to provide instructional activities for low-income youth.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Virginia (Mr. ALLEN), the Senator from Ohio (Mr. DEWINE), the Senator from Alaska (Mr. MURKOWSKI), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Nebraska (Mr. NELSON), the Senator from Nebraska (Mr. HAGEL), the Senator from Maryland (Ms. MIKULSKI), the Senator from Massachusetts (Mr. KERRY), and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1973

At the request of Mr. HAGEL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1973, a bill to amend the Richard B. Russell National School Lunch Act to exclude certain basic allowances for housing of a member of a uniformed service from the determination of eligibility for free and reduced price meals of a child of the member.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MIKULSKI (for herself and Mr. SARBANES):

S. 1982. A bill to amend chapter 89 of title 5, United States Code, to increase the Government contribution for Federal employee health insurance; to the Committee on Governmental Affairs.

Ms. MIKULSKI. Mr. President, I rise today to introduce the Federal Employees Health Benefits Improvement Act of 2002 along with my colleague from Maryland, Senator SARBANES. This bill would reduce the employee portion of premiums costs under the Federal Employee Health Benefits Plan.

Our Federal employees work hard for the American people and they deserve quality benefits.

What is the need for this legislation?

Health insurance premiums for Federal employees and retirees rose an average of 13.3 percent this year. In contrast, wages rose by 4.77 percent in the Washington-Baltimore area. This follows a 10.5 percent increase last year, and increases of greater than 9 percent for 2000 and 1999. As a result, premiums are nearly 50 percent greater than they were just five years ago.

The Federal program provides health insurance coverage to about 9 million government workers, retirees and family members. More than 800,000 of these workers live in the DC metro area.

Health insurance costs are skyrocketing, and Federal employees are paying a greater share of their take home pay for health care each year. Currently, Federal employees pay anywhere between 28 percent to 30 percent of premiums. In the private sector, other large employers pay at least 80 percent of premiums and employees pay 20 percent according to recent data published by the Bureau of Labor Statistics and the Kaiser Family Foundation.

How would this bill help solve this problem?

This bill would change the financing formula for Federal Employees Health Benefits Program (FEHBP). Under this approach, the federal agencies would pay 80 percent of the weighted average for premiums. This would help reduce the out-of-pocket health care costs for federal employees and improve the affordability of FEHBP immensely.

What would this mean to Federal employees?

My bill would help improve the affordability of health care insurance for all 9 million. Currently, about 250,000 Federal employees do not have health insurance. Many of them cannot afford health care insurance at the current rates. My proposal would improve the affordability of health care insurance so that many of these workers would be able to afford coverage.

Providing quality benefits for Federal employees is also an important tool in helping recruit and retain a high quality workforce and compete with the private sector and other state and local governments.

This bill would have an enormous impact in my State, Maryland, but would also benefit Federal workers nationally. Under this proposal, the percent that a Federal employee pays in health insurance premiums would decline, putting more money into Federal employees pockets each pay period.

This bill improves benefits for our hardworking Federal employees.

I urge my colleagues to join me in expressing support for this bill.

By Mr. BUNNING:

S. 1984. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BUNNING. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1984

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. GRANTS FOR PURCHASE OF ULTRASOUND EQUIPMENT.

(a) IN GENERAL.—The Secretary of Health and Human services may make grants for the purchase of ultrasound equipment. Such ultrasound equipment shall be used by the recipients of such grants to provide, under the direction and supervision of a licensed medical physician, free ultrasound examinations to pregnant woman needing such services.

(b) ELIGIBILITY REQUIREMENTS.—An entity may receive a grant under subsection (a) only if the entity meets the following conditions:

(1) The entity is a nonprofit private organization that is approved by the Internal Revenue Service as a tax-exempt entity under section 501(c)(3) of the Internal Revenue Code of 1986.

(2) The entity operates as a community based pregnancy help medical clinic, as defined in subsection (f).

(3) The entity provides medical services to pregnant women under the guidance and supervision of a physician who serves as the medical director of the clinic and is duly licensed to practice medicine in the State in which the entity is located.

(4) The entity is legally qualified to provide such medical services to pregnant women and is in compliance with all Federal, State, and local requirements for the provision of such services.

(5) The entity agrees to comply with the following medical procedures:

(A) Each pregnant woman upon whom the ultrasound equipment is used will be shown the visual image of the fetus from the ultrasound examination and will be given a general anatomical and physiological description of the characteristics of the fetus.

(B) Each pregnant woman will be given, according to the best medical judgment of the physician performing the ultrasound examination or the physician's agent performing such exam, the approximate age of the embryo or fetus considering the number of weeks elapsed from the probable time of the conception of the embryo or fetus, based upon the information provided by the client as to the time of her last menstrual period, her medical history, a physical examination, or appropriate laboratory tests.

(C) Each pregnant woman will be given information on abortion and alternatives to abortion such as childbirth and adoption and information concerning public and private agencies that will assist in those alternatives.

(D) The entity will obtain and maintain medical malpractice insurance in an amount not less than $1,000,000, and such insurance will cover all activities relating to the use of the ultrasound machine purchased with the grant under subsection (a).

(6) The entity does not receive more than 30 percent of its gross annual revenue from a single source or donor.

(c) LIMITATION ON INDIVIDUAL GRANT AMOUNT.—No grant under subsection (a) may be made in an amount that exceeds an amount equal to 50 percent of the purchase price cost of the ultrasound machine involved, or $20,000, whichever is less.

(d) APPLICATION FOR GRANT.—A grant may be made under subsection (a) only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

(e) ANNUAL REPORT TO SECRETARY.—A grant may be made under subsection (a) only if the applicant for the grant agrees to report on an annual basis to the Secretary, in such form and manner as the Secretary may require, on the ongoing compliance of the applicant with the eligibility conditions established in subsection (b).

(f) DEFINITIONS.—For purposes of this Act:

(1) The term "community based pregnancy help medical clinic" means a facility that—

(A) provides free medical services to pregnant women under the supervision and direction of a licensed physician who serves as the medical director for such clinic; and

(B) does not charge for any services rendered to its clients, whether or not such services are for pregnancy or nonpregnancy related matters.

(2) The term "Secretary" means the Secretary of Health and Human Services.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $3,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 214—DESIGNATING MARCH 25, 2002, AS "GREEK INDEPENDENCE DAY: A NATIONAL DAY OF CELEBRATION OF GREEK AND AMERICAN DMEOCRACY"

Mr. SPECTER (for himself, Mr. ALLEN, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BREAUX, Mrs. CARNAHAN, Mr. CLELAND, Mrs. CLINTON, Mr. COCHRAN, Ms. COLLINS, Mr. DASCHLE, Mr. DEWINE, Mr. DODD, Mr. DOMENICI, Mr. DURBIN, Mr. EDWARDS, Mrs. FEINSTEIN, Mr. FITZGERALD, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LIEBERMAN, Mr. LOTT, Ms. MIKULSKI, Mr. MURKOWSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROCKEFELLER, Mr. SANTORUM, Mr. SARBANES, Mr. SESSIONS, Mr. SCHUMER, Mr. SHELBY, Mr. SMITH of Oregon, Ms. SNOWE, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. TORRICELLI, Mr. VOINOVICH, and Mr. WARNER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 214

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict for more than 100 years;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece, presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece in the World War II period;

Whereas President George W. Bush, in a letter to the Prime Minister of Greece, Constantinos Simitis, in January 2001, referred to the "stable foundations and common values" that are the basis of relations between Greece and the United States;

Whereas President Bush in his January 10, 2002 meeting with the Greek Prime Minister, said, "I am most appreciative of your strong stand against terror. You have been a friend in our mutual concerns about routing out terror around the world," and, "I look forward to the Olympics. It's going to be a magnificent moment for the sporting world to have the Olympics return to Athens. I'm confident your country will do a fine job";

Whereas as a member of NATO, Greece has assigned members of its air force to fly surveillance missions over the United States;

Whereas Greece is a stabilizing force by virtue of its political and economic power in the volatile Balkan region, is one of the fastest growing economies in Europe, and will hold the presidency of the European Union in 2003;

Whereas Greece, geographically located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2002, marks the 181st anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Mr. SPECTER. Mr. President, today I am pleased to submit a resolution along with 52 of my colleagues to designate March 25, 2002, as "Greek Independence Day: A Celebration of Greek and American Democracy."

One hundred and eighty one years ago, the Greek people began the revolution that would free them from the Ottoman Empire and return Greece to its democratic heritage. It was, of course, the ancient Greeks who developed the concept of democracy in which the supreme power to govern was vested in the people. Our Founding Fathers drew heavily upon the political and philosophical experience of ancient Greece in forming our representative democracy. Thomas Jefferson proclaimed that, "to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness." It is fitting, then, that we should recognize the anniversary of the beginning of their efforts to return to that democratic tradition.

The democratic form of government is only one of the most obvious of the many benefits we have gained from the Greek people. The ancient Greeks contributed a great deal to the modern world, particularly to the United States of America, in the areas of art, philosophy, science and law. Today, Greek-Americans continue to enrich our culture and make valuable contributions to American society, business, and government.

It is my hope that strong support for this resolution in the Senate will serve as a clear goodwill gesture to the people of Greece with whom we have enjoyed such a close bond throughout history. Similar resolutions have been passed by the Senate since 1984 with overwhelming support. Accordingly, I urge my Senate colleagues to join me in supporting this important resolution.

SENATE RESOLUTION 215—DESIGNATING THE WEEK BEGINNING MARCH 17, 2002, AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself, Mr. Allen, Mr. Bayh, Mrs. Boxer, Mr. Burns, Mr. Campbell, Ms. Cantwell, Mr. Cochran, Mr. Crapo, Mr. Daschle, Mr. DeWine, Mr. Domenici, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Frist, Mr. Hagel, Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Inouye, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mr. McConnell, Mr. Nickles, Mr. Sessions, Mr. Specter, and Mr. Voinovich) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 215

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 641 communities in 39 states and more than 11,000 locations have established Safe Place programs;

Whereas over 53,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 17 through March 23, 2002 as "National Safe Place Week" and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

Mr. CRAIG. Mr. President, events of the day may turn our attention overseas, but it is essential to remember those who are fighting an ongoing battle right here at home. This battle has been raging for generations and consists of fighting to protect this Nation's most valuable resource: our children. Youth are the future of the Nation; they need to be both valued and protected. Sadly, however, as my colleagues know, this precious resource is threatened daily.

I come to the Senate floor today to talk about a tremendous initiative between the public and private sector that has been reaching out to youth for nearly twenty years. Project Safe Place is a program that was developed to assist our Nation's youth and families in crisis. This partnership creates a network of private businesses trained to refer youth in need to the local service providers who can help them. Those businesses display a Safe Place sign so that young people can easily recognize a "safe place" for them to go to receive help.

In his State of the Union Address President Bush called for every American to commit at least two years or 4,000 hours to the service of neighbors and our Nation. The goal of National Safe Place Week is to recognize the thousands of individuals who work to make Project Safe Place a reality. From trained volunteers to seasoned professionals, these dedicated individuals are working together with the resources in their local communities and through their ties across the Nation, to serve young people. Because of Project Safe Place, this all happens under a well-known symbol of safety for in-crisis youth.

Project Safe Place is a simple program to implement in any local community, and it works. Young people are more likely to seek help in locations that are familiar and non-threatening to them. By creating a network of Safe Places across the nation, all youth would have access to needed help, counseling, or a safe place to stay. However, while the program has already been established in 39 States, there are still too many communities that don't know about this valuable youth resource.

If your State does not already have a Safe Place organization, please consider facilitating this worthwhile resource so that young people who are abused, neglected, or whose futures are jeopardized by physical or emotional trauma will have access to immediate help and safety in your community. To create more Project Safe Place sites in Idaho, the staff in three of my State offices have gone through the training to make them Safe Place sites, and now have the skills and ability to assist troubled youth. In the next five years, Project Safe Place hopes that every child in America will have the opportunity to connect with someone who can provide immediate help by easily recognizing the Safe Place sign.

I look forward to the U.S. Senate passing this resolution and designating the week of March 17–23, 2002 as National Safe Place Week. This action will recognize the importance of Project Safe Place and send a message that we will keep working to protect our children. As we saw following the tragic events of September 11, volunteers truly do make a difference every day, and in passing this resolution, the Senate will be applauding the tireless efforts of the thousands of dedicated volunteers across the Nation for their many contributions to the youth of our Nation through Project Safe Place.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2966. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table.

SA 2967. Mr. KENNEDY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2936 submitted by Mr. HATCH and intended to be proposed to the bill (S. 565) supra; which was ordered to lie on the table.

SA 2968. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2969. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2970. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2971. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2972. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2973. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2974. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2975. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2976. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2977. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

SA 2978. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2966. Mr. NICKLES submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

In the matter proposed to be inserted, insert ", but excluding any charge for public service announcements" after "the 365-day period preceding the date of the use".

SA 2967. Mr. KENNEDY (for himself and Mr. LEAHY) submitted an amendment intended to be proposed to amendment SA 2936 submitted by Mr. HATCH and intended to be proposed to the bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . SENSE OF THE SENATE ON MAKING THE PROVISIONS OF THE VOTING RIGHTS ACT OF 1965 PERMANENT.

It is the sense of the Senate that the Voting Rights Act of 1965 was one of the most significant laws enacted by Congress in the 20th century, and it has full support of the Senate today. In order to ensure the continuing constitutionality of that Act, any proposed amendments or changes, including making sections 4 and 203 permanent, warrant full review and consideration by the Judiciary Committee before being considered by the full Senate. Since the Act does not expire until 2007, the Senate, and the Judiciary Committee, should take every necessary step between now and then to develop a substantial record that will ensure that any changes or amendments to the Act will withstand constitutional scrutiny.

SA 2968. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . MODIFICATION TO REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Section 103(b)(1)(B) is amended to read as follows:

"(B)(i) the individual has not previously voted in an election for Federal office in the State; or

"(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).".

SEC. . INAPPLICABILITY OF REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL TO CERTAIN STATES.

In addition to the exceptions under paragraph (3) of section 103(b), paragraph (1) of such section shall not apply in the case of a person who votes by mail-in-ballot and who is registered to vote in a State in which in excess of 45 percent of the voting population voted by mail-in-ballot in the November 2000 elections for Federal office.

SEC. . REVISED EFFECTIVE DATE FOR REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Notwithstanding section 103(d)(2)—

(1) each State and locality shall be required to comply with the requirements of section 103(b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in paragraph (2) on and after the date described in such subparagraph; and

(2) the provisions of section 103(b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. . SAFE HARBOR PROVISIONS.

Notwithstanding sections 104(b), 203(c), 212(d), and 222(d), the safe harbor provisions contained in such sections shall only provide immunity from actions brought under this Act.

SEC. . CLARIFICATION OF PROVISIONS RELATING TO COMPLIANCE WITH EXISTING FEDERAL LAW.

(a) STATE PLANS.—The assurances provided by a State under section 202(a)(3) that the State will comply with existing Federal laws, including the laws described in such section, need only be provided insofar as such laws relate to the provisions of this Act.

(b) REQUEST FOR CERTIFICATION.—The specific and detailed demonstration provided by a State or locality under section 212(c)(1)(A) that the State or locality will comply with the laws described in such section need only be provided insofar as such laws relate to the provisions of this Act.

SEC. . STUDY AND REPORT ON FIRST TIME VOTERS WHO REGISTER BY MAIL.

(a) STUDY.—

(1) IN GENERAL.—The Election Administration Commission established under section

301 (in this section referred to as the "Commission") shall conduct a study of the impact of section 103(b) on voters who register by mail.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include—

(A) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(B) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(C) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(b) REPORT.—Not later than 18 months after the date described in section 103(b)(2)(A), the Commission shall submit a report to the President and Congress on the study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. . REVISION OF RELATIONSHIP TO OTHER LAWS.

Notwithstanding section 402(a), nothing in this Act may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit any of the laws described in such section.

SA 2969. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . MODIFICATION TO REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Section 103(b)(1)(B) is amended to read as follows:

"(B)(i) the individual has not previously voted in an election for Federal office in the State; or

"(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).".

SEC. . INAPPLICABILITY OF REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL TO CERTAIN STATES.

In addition to the exceptions under paragraph (3) of section 103(b), paragraph (1) of such section shall not apply in the case of a person who votes by mail-in-ballot and who is registered to vote in a State in which in excess of 45 percent of the voting population voted by mail-in-ballot in the November 2000 elections for Federal office.

SEC. . CLARIFICATION WITH RESPECT TO MAIL VOTER REGISTRATION.

Materials submitted by individuals under clauses (i) and (ii) of section 103(b)(3)(A) shall not be considered to be a mail voter registration application form described in paragraph (1) of section 6(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(a)) or a mail voter registration form described in paragraph (2) of such section.

SEC. . REVISED EFFECTIVE DATE FOR REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Notwithstanding section 103(d)(2)—

(1) each State and locality shall be required to comply with the requirements of section 103(b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in paragraph (2) on and after the date described in such subparagraph; and

(2) the provisions of section 103(b) shall apply to any individual who registers to vote on or after January 1, 2003.

SEC. . SAFE HARBOR PROVISIONS.

Notwithstanding sections 104(b), 203(c), 212(d), and 222(d), the safe harbor provisions contained in such sections shall only provide immunity from actions brought under this Act.

SEC. . CLARIFICATION OF PROVISIONS RELATING TO COMPLIANCE WITH EXISTING FEDERAL LAW.

(a) STATE PLANS.—The assurances provided by a State under section 202(a)(3) that the State will comply with existing Federal laws, including the laws described in such section, need only be provided insofar as such laws relate to the provisions of this Act.

(b) REQUEST FOR CERTIFICATION.—The specific and detailed demonstration provided by a State or locality under section 212(c)(1)(A) that the State or locality will comply with the laws described in such section need only be provided insofar as such laws relate to the provisions of this Act.

SEC. . STUDY AND REPORT ON FIRST TIME VOTERS WHO REGISTER BY MAIL.

(a) STUDY.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission") shall conduct a study of the impact of section 103(b) on voters who register by mail.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include—

(A) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(B) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(C) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(b) REPORT.—Not later than 18 months after the date described in section 103(b)(2)(A), the Commission shall submit a report to the President and Congress on the study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SEC. . REVISION OF RELATIONSHIP TO OTHER LAWS.

Notwithstanding section 402, the rights and remedies established by such section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by such section nor any other provision of this Act shall supersede, restrict, or limit the application, nor authorize or require conduct that is prohibited by, any of the laws described in such section.

SA 2970. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . REVISION OF RELATIONSHIP TO OTHER LAWS.

Notwithstanding section 402(a), nothing in this Act may be construed to authorize or require conduct prohibited under the following laws, or supersede, restrict, or limit any of the laws described in such section.

SA 2971. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . MODIFICATION TO REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Section 103(b)(1)(B) is amended to read as follows:

"(B)(i) the individual has not previously voted in an election for Federal office in the State; or "(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).".

SA 2972. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . INAPPLICABILITY OF REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL TO CERTAIN STATES.

In addition to the exceptions under paragraph (3) of section 103(b), paragraph (1) of such section shall not apply in the case of a person who votes by mail-in-ballot and who is registered to vote in a State in which in excess of 45 percent of the voting population voted by mail-in-ballot in the November 2000 elections for Federal office.

SA 2973. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . CLARIFICATION WITH RESPECT TO MAIL VOTER REGISTRATION.

Materials submitted by individuals under clauses (i) and (ii) of section 103(b)(3)(A) shall not be considered to be a mail voter registration application form described in paragraph (1) of section 6(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg–4(a)) or a mail voter registration form described in paragraph (2) of such section.

SA 2974. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . REVISED EFFECTIVE DATE FOR REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

Notwithstanding section 103(d)(2)—

(1) each State and locality shall be required to comply with the requirements of section 103(b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in paragraph (2) on and after the date described in such subparagraph; and

(2) the provisions of section 103(b) shall apply to any individual who registers to vote on or after January 1, 2003.

SA 2975. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . SAFE HARBOR PROVISIONS.

Notwithstanding sections 104(b), 203(c), 212(d), and 222(d), the safe harbor provisions contained in such sections shall only provide immunity from actions brought under this Act.

SA 2976. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . CLARIFICATION OF PROVISIONS RELATING TO COMPLIANCE WITH EXISTING FEDERAL LAW.

(a) STATE PLANS.—The assurances provided by a State under section 202(a)(3) that the State will comply with existing Federal laws, including the laws described in such section, need only be provided insofar as such laws relate to the provisions of this Act.

(b) REQUEST FOR CERTIFICATION.—The specific and detailed demonstration provided by a State or locality under section 212(c)(1)(A) that the State or locality will comply with the laws described in such section need only be provided insofar as such laws relate to the provisions of this Act.

SA 2977. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . STUDY AND REPORT ON FIRST TIME VOTERS WHO REGISTER BY MAIL.

(a) STUDY.—

(1) IN GENERAL.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission") shall conduct a study of the impact of section 103(b) on voters who register by mail.

(2) SPECIFIC ISSUES STUDIED.—The study conducted under paragraph (1) shall include—

(A) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(B) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(C) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(b) REPORT.—Not later than 18 months after the date described in section 103(b)(2)(A), the Commission shall submit a report to the President and Congress on the study conducted under subsection (a)(1) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

SA 2978. Mr. DODD submitted an amendment intended to be proposed by him to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, add the following:

SEC. . REVISION OF RELATIONSHIP TO OTHER LAWS.

Notwithstanding section 402, the rights and remedies established by such section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by such section nor any other provision of this Act shall supersede, restrict, or limit the application, nor authorize or require conduct that is prohibited by, any of the laws described in such section.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 702 and 703; that the nominations be confirmed, the motions to reconsider be laid on the table, the President be immediately notified of the Senate's action, any statements in relation thereto be printed in the RECORD, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

DEPARTMENT OF JUSTICE

William Smith Taylor, of Alabama, to be United States Marshal for the Southern District of Alabama for the term of four years.

DEPARTMENT OF ENERGY

Raymond L. Orbach, of California, to be Director of the Office of Science, Department of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. MILLER). Under the previous order, the Senate will return to legislative session.

ORDERS FOR TUESDAY, MARCH 5, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, March 5; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 517, the energy bill; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following the statement of the Senator from Oklahoma.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

PEACE IN THE MIDDLE EAST

Mr. INHOFE. Mr. President, I was interested the other day when I heard that the de facto ruler, Saudi Arabian Crown Prince Abdullah, made a statement which was received by many in this country as if it were a statement of fact, as if it were something new, a concept for peace in the Middle East that no one had ever heard of before. I was kind of shocked that it was so well received by many people who had been down this road before.

I suggest to you that what Crown Prince Abdullah talked about a few days ago was not new at all. He talked about the fact that under the Abdullah plan, Arabs would normalize relations with Israel in exchange for the Jewish state surrendering the territory it received after the 1976 Six-Day War as if that were something new. He went on to talk about other land that had been acquired and had been taken by Israel.

I remember so well on December 4 when we covered all of this and the fact that there isn't anything new about the prospect of giving up land that is rightfully Israel's land in order to have peace.

When it gets right down to it, the land doesn't make that much difference because Yasser Arafat and others don't recognize Israel's right to any of the land. They do not recognize Israel's right to exist.

I will discuss seven reasons, which I mentioned once before, why Israel is entitled to the land they have and that it should not be a part of the peace process.

If this is something that Israel wants to do, it is their business to do it. But anyone who has tried to put the pressure on Israel to do this is wrong.

We are going to be hit by skeptics who are going to say we will be attacked because of our support for Israel, and if we get out of the Middle East—that is us—all the problems will go away. That is just not true. If we withdraw, all of these problems will again come to our door.

I have some observations to make about that. But I would like to reemphasize once again the seven reasons that Israel has the right to their land.

The first reason is that Israel has the right to the land because of all of the archeological evidence. That is reason, No. 1. All the archeological evidence supports it.

Every time there is a dig in Israel, it does nothing but support the fact that Israelis have had a presence there for 3,000 years. They have been there for a long time. The coins, the cities, the pottery, the culture—there are other people, groups that are there, but there is no mistaking the fact that Israelis have been present in that land for 3,000 years.

It predates any claims that other peoples in the regions may have. The ancient Philistines are extinct. Many other ancient peoples are extinct. They do not have the unbroken line to this date that the Israelis have.

Even the Egyptians of today are not racial Egyptians of 2,000, 3,000 years ago. They are primarily an Arab people. The land is called Egypt, but they are not the same racial and ethnic stock as the old Egyptians of the ancient world. The first Israelis are in fact descended from the original Israelites. The first proof, then, is the archeology.

The second proof of Israel's right to the land is the historic right. History supports it totally and completely. We know there has been an Israel up until the time of the Roman Empire. The Romans conquered the land. Israel had no homeland, although Jews were allowed to live there. They were driven from the land in two dispersions: One was in 70 A,.D. and the other was in 135 A.D. But there was always a Jewish presence in the land.

The Turks, who took over about 700 years ago and ruled the land up until about World War I, had control. Then the land was conquered by the British. The Turks entered World War I on the side of Germany. The British knew they had to do something to punish Turkey, and also to break up that empire that was going to be a part of the whole effort of Germany in World War I. So the British sent troops against the Turks in the Holy Land.

One of the generals who was leading the British armies was a man named Allenby. Allenby was a Bible-believing Christian. He carried a Bible with him everywhere he went and he knew the significance of Jerusalem.

The night before the attack against Jerusalem to drive out the Turks, Allenby prayed that God would allow him to capture the city without doing damage to the holy places.

That day, Allenby sent World War I biplanes over the city of Jerusalem to do a reconnaissance mission. You have to understand that the Turks had at that time never seen an airplane. So there they were, flying around. They looked in the sky and saw these fascinating inventions and did not know what they were, and they were terrified by them. Then they were told they were going to be opposed by a man named Allenby the next day, which means, in their language, "man sent from God" or "prophet from God." They dared not fight against a prophet from God, so the next morning, when Allenby went to take Jerusalem, he went in and captured it without firing a single shot.

The British Government was grateful to Jewish people around the world, particularly to one Jewish chemist who helped them manufacture niter. Niter is an ingredient that was used in nitroglycerin which was sent over from the New World. But they did not have a way of getting it to England. The German U-boats were shooting on the boats, so most of the niter they were trying to import to make nitroglycerin was at the bottom of the ocean. But a man named Weitzman, a Jewish chemist, discovered a way to make it from materials that existed in England. As a result, they were able to continue that supply.

The British at that time said they were going to give the Jewish people a homeland. That is all a part of history. It is all written down in history. They were gratified that the Jewish people, the bankers, came through and helped finance the war.

The homeland that Britain said it would set aside consisted of all of what is now Israel and all of what was then the nation of Jordan—the whole thing. That was what Britain promised to give the Jews in 1917.

In the beginning, there was some Arab support for this action. There was not a huge Arab population in the land at that time, and there is a reason for that. The land was not able to sustain a large population of people. It just did not have the development it needed to handle those people, and the land was not really wanted by anybody. Nobody really wanted this land. It was considered to be worthless land.

I want the Presiding Officer to hear what Mark Twain said. And, of course, you may have read "Huckleberry Finn" and "Tom Sawyer." Mark Twain—Samuel Clemens—took a tour of Palestine in 1867. This is how he described that land. We are talking about Israel now. He said:

> A desolate country whose soil is rich enough but is given over wholly to weeds. A silent, mournful expanse. We never saw a human being on the whole route. There was hardly a tree or a shrub anywhere. Even the olive and the cactus, those fast friends of a worthless soil, had almost deserted the country.

Where was this great Palestinian nation? It did not exist. It was not there. Palestinians were not there. Palestine was a region named by the Romans, but at that time it was under the control of Turkey, and there was no large mass of people there because the land would not support them.

This is the report that the Palestinian Royal Commission, created by the British, made. It quotes an account of the conditions on the coastal plain along the Mediterranean Sea in 1913. This is the Palestinian Royal Commission. They said:

> The road leading from Gaza to the north was only a summer track, suitable for transport by camels or carts. No orange groves, orchards or vineyards were to be seen until one reached the Yavnev village. Houses were mud. Schools did not exist. The western part toward the sea was almost a desert. The villages in this area were few and thinly populated. Many villages were deserted by their inhabitants.

That was 1913.

The French author Voltaire described Palestine as "a hopeless, dreary place."

In short, under the Turks the land suffered from neglect and low population. That is a historic fact. The nation became populated by both Jews and Arabs because the land came to prosper when Jews came back and began to reclaim it. Historically, they began to reclaim it. If there had never been any archaeological evidence to support the rights of the Israelis to the territory, it is also important to recognize that other nations in the area have no longstanding claim to the country either.

Did you know that Saudi Arabia was not created until 1913, Lebanon until 1920? Iraq did not exist as a nation until 1932, Syria until 1941; the borders of Jordan were established in 1946 and Kuwait in 1961. Any of these nations that would say Israel is only a recent arrival would have to deny their own rights as recent arrivals as well. They did not exist as countries. They were all under the control of the Turks.

Historically, Israel gained its independence in 1948.

The third reason that land belongs to Israel is the practical value of the Israelis being there. Israel today is a modern marvel of agriculture. Israel is able to bring more food out of a desert environment than any other country in the world. The Arab nations ought to make Israel their friend and import technology from Israel that would allow all the Middle East, not just Israel, to become an exporter of food. Israel has unarguable success in its agriculture.

The fourth reason I believe Israel has the right to the land is on the grounds of humanitarian concern. You see, there were 6 million Jews slaughtered in Europe in World War II. The persecution against the Jews had been very strong in Russia since the advent of communism. It was against them even before then under the Czars.

These people have a right to their homeland. If we are not going to allow them a homeland in the Middle East, then where? What other nation on Earth is going to cede territory, is going to give up land?

They are not asking for a great deal. The whole nation of Israel would fit into my home State of Oklahoma seven times. It would fit into the Presiding Officer's State of Georgia seven times. They are not asking for a great deal. The whole nation of Israel is very small. It is a nation that, up until the time that claims started coming in, was not desired by anybody.

The fifth reason Israel ought to have their land is that she is a strategic ally of the United States. Whether we realize it or not, Israel is a detriment, an impediment, to certain groups hostile to democracies and hostile to what we believe in, hostile to that which makes us the greatest nation in the history of the world. They have kept them from taking complete control of the Middle East. If it were not for Israel, they would overrun the region. They are our strategic ally.

It is good to know we have a friend in the Middle East on whom we can count. They vote with us in the United Nations more than England, more than Canada, more than France, more than Germany—more than any other country in the world.

The sixth reason is that Israel is a roadblock to terrorism. The war we are now facing is not against a sovereign nation; it is against a group of terrorists who are very fluid, moving from one country to another. They are almost invisible. That is whom we are fighting against today. We need every ally we can get. If we do not stop terrorism in the Middle East, it will be on our shores. We have said this again and again and again, and it is true.

One of the reasons I believe the spiritual door was opened for an attack against the United States of America is that the policy of our Government has been to ask the Israelis, and demand it with pressure, not to retaliate in a significant way against the terrorist strikes that have been launched against them.

Since its independence in 1948, Israel has fought four wars: The war in 1948 and 1949—that was the war for independence—the war in 1956, the Sinai campaign; the Six-Day War in 1967; and in 1973, the Yom Kippur War, the holiest day of the year, and that was with Egypt and Syria.

You have to understand that in all four cases, Israel was attacked. They were not the aggressor. Some people may argue that this was not true because they went in first in 1956, but they knew at that time that Egypt was building a huge military to become the aggressor. Israel, in fact, was not the aggressor and has not been the aggressor in any of the four wars.

Also, they won all four wars against impossible odds. They are great warriors. They consider a level playing field being outnumbered 2 to 1.

There were 39 Scud missiles that landed on Israeli soil during the gulf war. Our President asked Israel not to respond. In order to have the Arab nations on board, we asked Israel not to participate in the war. They showed tremendous restraint and did not. Now we have asked them to stand back and not do anything over these last several attacks.

We have criticized them. We have criticized them in our media. Local people in television and radio often criticize Israel, not knowing the true facts. We need to be informed.

I was so thrilled when I heard a reporter pose a question to our Secretary of State, Colin Powell. He said:

> Mr. Powell, the United States has advocated a policy of restraint in the Middle East. We have discouraged Israel from retaliation again and again and again because we've said it leads to continued escalation—that it escalates the violence. Are we going to follow that preaching ourselves?

Mr. Powell indicated we would strike back. In other words, we can tell Israel not to do it, but when it hits us, we are going to do something.

But all that changed in December when the Israelis went into the Gaza with gunships and into the West Bank with F-16s. With the exception of last May, the Israelis had not used F-16s since the 1967 6-Day War. And I am so proud of them because we have to stop terrorism. It is not going to go away. If Israel were driven into the sea tomorrow, if every Jew in the Middle East were killed, terrorism would not end. You know that in your heart. Terrorism would continue.

It is not just a matter of Israel in the Middle East. It is the heart of the very people who are perpetrating this stuff. Should they be successful in overrunning Israel—which they won't be—but should they be, it would not be enough. They will never be satisfied.

No. 7, I believe very strongly that we ought to support Israel; that it has a right to the land. This is the most important reason: Because God said so. As I said a minute ago, look it up in the book of Genesis. It is right up there on the desk.

In Genesis 13:14-17, the Bible says:

The Lord said to Abram, "Lift up now your eyes, and look from the place where you are northward, and southward, and eastward and westward: for all the land which you see, to you will I give it, and to your seed forever. . . . Arise, walk through the land in the length of it and in the breadth of it; for I will give it to thee."

That is God talking.

The Bible says that Abram removed his tent and came and dwelt in the plain of Mamre, which is in Hebron, and built there an altar before the Lord. Hebron is in the West Bank. It is at this place where God appeared to Abram and said, "I am giving you this land,"—the West Bank.

This is not a political battle at all. It is a contest over whether or not the word of God is true. The seven reasons, I am convinced, clearly establish that Israel has a right to the land.

Eight years ago on the lawn of the White House, Yitzhak Rabin shook hands with PLO Chairman Yasser Arafat. It was a historic occasion. It was a tragic occasion.

At that time, the official policy of the Government of Israel began to be, "Let us appease the terrorists. Let us begin to trade the land for peace." This process continued unabated up until last year. Here in our own Nation, at Camp David, in the summer of 2000, then Prime Minister of Israel Ehud Barak offered the most generous concessions to Yasser Arafat that had ever been laid on the table.

He offered him more than 90 percent of all the West Bank territory, sovereign control of it. There were some parts he did not want to offer, but in exchange for that he said he would give up land in Israel proper that the PLO had not even asked for.

And he also did the unthinkable. He even spoke of dividing Jerusalem and allowing the Palestinians to have their capital there in the East. Yasser Arafat stormed out of the meeting. Why did he storm out of the meeting? Everything he had said he wanted was offered there. It was put into his hands. Why did he storm out of the meeting?

A couple of months later, there began to be riots, terrorism. The riots began when now Prime Minister Ariel Sharon went to the Temple Mount. And this was used as the thing that lit the fire and that caused the explosion.

Did you know that Sharon did not go unannounced and that he contacted the Islamic authorities before he went and secured their permission and had permission to be there? It was no surprise. The response was very carefully calculated. They knew the world would not pay attention to the details.

They would portray this in the Arab world as an attack upon the holy mosque. They would portray it as an attack upon that mosque and use it as an excuse to riot. Over the last 8 years, during this time of the peace process, where the Israeli public has pressured its leaders to give up land for peace because they are tired of fighting, there has been increased terror.

In fact, it has been greater in the last 8 years than any other time in Israel's history. Showing restraint and giving in has not produced any kind of peace. It is so much so that today the leftist peace movement in Israel does not exist because the people feel they were deceived.

They did offer a hand of peace, and it was not taken. That is why the politics of Israel have changed drastically over the past 12 months. The Israelis have come to see that, "No matter what we do, these people do not want to deal with us. . . . They want to destroy us." That is why even yet today the stationery of the PLO still has upon it the map of the entire state of Israel, not just the tiny little part they call the West Bank that they want. They want it all.

We have to get out of this mindset that somehow you can buy peace in the Middle East by giving little plots of land. It has not worked before when it has been offered.

These seven reasons show why Israel is entitled to that land.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate is adjourned until 10 a.m. on Tuesday, March 5, 2002.

Thereupon, the Senate, at 7:15 p.m., adjourned until Tuesday, March 5, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 4, 2002:

DEPARTMENT OF STATE

ROBERT PATRICK JOHN FINN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AFGHANISTAN.

STEPHEN GEOFFREY RADEMAKER, OF DELAWARE, TO BE AN ASSISTANT SECRETARY OF STATE (ARMS CONTROL), VICE AVIS THAYER BOHLEN.

THE JUDICIARY

ROBERT R. RIGSBY, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS, VICE REGGIE BARNETT WALTON, ELEVATED.

UNITED STATES POSTAL SERVICE

ALBERT CASEY, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2009, VICE TIRSO DEL JUNCO, TERM EXPIRED.

DEPARTMENT OF JUSTICE

JAMES B. COMEY, OF NEW YORK, TO BE UNITED STATES ATTORNEY FOR THE SOUTHERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE MARY JO WHITE, TERM EXPIRED.

THOMAS A. MARINO, OF PENNSYLVANIA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS, VICE DAVID M. BARASCH, TERM EXPIRED.

PATRICK E. MCDONALD, OF IDAHO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF IDAHO FOR THE TERM OF FOUR YEARS, VICE JAMES HOWARD BENHAM, TERM EXPIRED.

JOHN EDWARD QUINN, OF IOWA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF IOWA FOR THE TERM OF FOUR YEARS, VICE DENNIS H. BLOME, TERM EXPIRED.

DON SLAZINIK, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE TERRENCE EDWARD DELANEY, TERM EXPIRED.

KIM RICHARD WIDUP, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS, VICE JAMES L. WHIGHAM, TERM EXPIRED.

FEDERAL ELECTION COMMISSION

MICHAEL E. TONER, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION FOR A TERM EXPIRING APRIL 30, 2007, VICE DARRYL R. WOLD, TERM EXPIRED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 4, 2002:

DEPARTMENT OF ENERGY

RAYMOND L. ORBACH, OF CALIFORNIA, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

WILLIAM SMITH TAYLOR, OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

TRIBUTE TO CHRISTINE FRENCH

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mrs. CUBIN. Mr. Speaker, I would like to congratulate and honor a Wyoming teacher today who has achieved national recognition for exemplary service to her students and her community. Christine French of Newcastle has been named the recipient of a Christa McAuliffe Fellowship and has spent the $28,000 award not on herself, but on her students.

Christine used the money to buy wireless networked laptop computers and other information technology tools to be used by students at Newcastle High School. These hands-on tools will help students learn how to use real-world applications in a classroom setting and will help to ensure a quality education for the students of Newcastle High.

It is vital that we continue to encourage and support the kind of selfless contribution that Christine has made. We all need to think more about how we, as individual citizens, can work together to make our communities better. Teachers like Christine are inspiring examples for us all, and are among our brightest hopes for a better tomorrow.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 17, on approving the Journal. Had I been present I would have voted "yea."

I was unavoidably detained for rollcall No. 18, the motion to adjourn. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 19, the amendment in the nature of a substitute numbered 13 offered by Mr. ARMEY to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 20, the amendment in the nature of a substitute numbered 14 offered by Mr. NEY to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 21, the amendment in the nature of a substitute numbered 9 offered by Mr. SHAYS to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "no."

I was also unavoidably detained for rollcall No. 22, the amendment numbered 32 offered by Mr. HYDE to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 23, the amendment numbered 11 offered by Mr. GREEN of Texas to H. R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 24, the amendment numbered 27 offered by Mr. PICKERING to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 25, the amendment numbered 31 offered by Mr. WATTS of Oklahoma to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 26, the amendment numbered 28 offered by Mr. SAM JOHNSON of Texas to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 27, the amendment numbered 30 offered by Mr. COMBEST to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 28, the amendment numbered 12 offered by Mr. WAMP to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 29, the amendment numbered 33 offered by Mr. EMERSON to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 30, the amendment numbered 34 offered by Mr. WICKER to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 31, the amendment numbered 29 offered by Mr. REYNOLDS to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 32, the amendment numbered 25 offered by Mr. KINGSTON to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 33, the amendment in the nature of a substitute numbered 26 offered by Mr. NEY to H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 34, final passage of H.R. 2356, the Bipartisan Campaign Reform Act of 2001. Had I been present I would have voted "no."

U.S.—TAIWAN RELATIONS

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Ms. ROS-LEHTINEN. Mr. Speaker, the United States and the Republic of China on Taiwan have been maintaining strong relations for decades. In recent years, despite the lack of formal diplomatic relations between the U.S. and Taiwan, Taiwan has been unwavering in its support of the United States in all areas.

In the wake of the Twin Towers and Pentagon tragedy, Taiwan went into deep mourning and its government ordered all flags lowered at half staff for two days. Taiwan stands with the United States on nearly all issues including safeguarding human rights and fighting terrorism around the globe.

President Bush was right when he made several comments during his recent trip to Asia:

First, U.S. will continue to support the Taiwan Relations Act (President Bush and Chinese President Jiang Zemin's joint press on Feb. 21, 2002); second, when my country makes an agreement, we stick with it. And there is called the Taiwan Relations Act, and I honor that act, which says we will help Taiwan defend itself, if provoked (President Bush answering a question from a student of Xinhua University on Feb. 22, 2002); and third, America will remember our commitments to the people on Taiwan (Remarks by President Bush to the Diet of Japan on Feb. 18, 2002).

Mr. Speaker, as long as we stand firm on our principles of providing what Taiwan needs militarily, there will be stability in the Taiwan Strait and that is in everyone's best interests.

H. CON. RES. 324—WELCOMING PRESIDENT MUSHARRAF

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. ROYCE. Mr. Speaker, I rise in support of H. Con. Res. 324, commending President Pervez Musharraf of Pakistan for his leadership and welcoming him to the United States. I thank the gentleman from Pennsylvania, Mr. PITTS who recently traveled to the region, for introducing this legislation.

In the days following September 11th, Mr. Musharraf had to make a difficult choice—he could have taken the easy way out—but he did not. To this end, Pakistan's support for President Bush's war on terrorism has been vital to our success in liberating Afghanistan.

Pakistan is at a critical point, it is my hope that General Musharraf's speech of January 12th will be seen as the turning point in Pakistan's unfortunate history. Musharraf aligned his country with the international mainstream, rejecting terrorism. The members of this House now watch closely for the results.

My colleagues have touched on cross border terrorism and democracy, let me turn to education reform. During his speech, President Musharraf announced a major overhaul to this country's 7,000 madrassas, or Islamic religious schools. In recent years, madrassas have sprouted up across Pakistan, Central Asia, and North Africa, in many instances funded by sources in Saudi Arabia. The curriculum in Pakistan's religious schools is not reading and math, instead, rote memorization is used to learn the Koran—in many schools, no other subjects are taught. Pakistan's madrassas have become a breeding ground to spread extremist ideas, stir up antigovernment sentiment, and send young men off to wage holy war in Afghanistan and Kashmir. Each year, young men graduate from madrassas schooled in two things—they can either open up another school spreading extremism, or wage jihad.

These madrassas are a threat to Pakistan's stability, they are a threat to India and they are a threat to the United States—President Musharraf's reforms are a welcome development. Now, they must rewrite the curriculum so that children will learn other skills rather than reciting the Koran. Those found propagating hatred will be shut down. The United States should support education reform in Pakistan and do other things—like lift trade barriers to Pakistani textiles, so that people are working and not left to find trouble.

I urge my colleagues to support this resolution. We welcome Mr. Musharraf to Washington, and will be watching Pakistan closely to make sure that his reforms become a reality.

TRIBUTE TO CHELSIE GORZALKA

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mrs. CUBIN. Mr. Speaker, I would like to congratulate and honor a young Wyoming student today who has achieved national recognition for exemplary volunteer service in her community. Chelsie Gorzalka of Clearmont has been named one of Wyoming's top honorees in the 2002 Prudential Spirit of Community Awards program, an annual honor bestowed on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Chelsie is being recognized for her work around Wyoming to educate young children about the dangers of tobacco and drugs. Chelsie presents puppet programs, solicits volunteer puppeteers, leads rehearsals, makes anti-tobacco posters and arranges exhibits at local health fairs. Chelsie's work shows that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

It is vital that we continue to encourage and support the kind of selfless contribution that Chelsie has made. People of all ages need to think more about how we, as individual citizens, can work together to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Chelsie are inspiring examples for us all, and are among our brightest hopes for a better tomorrow.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 35, on agreeing to the journal. Had I been present I would have voted yea.

I was also unavoidably detained for rollcall No. 36, on ordering the previous question. Had I been present I would have voted yea.

I was also unavoidably detained for rollcall No. 37, H. Res. 347, providing for consideration of the Senate amendments to the bill (H.R. 622) to amend the Internal Revenue Code of 1986 to expand the adoption credit, and for other purposes. Had I been present I would have voted yea.

I was also unavoidably detained for rollcall No. 38, H.R. 622, to amend the Internal Revenue Code of 1986 to expand the adoption credit, for other purposes. Had I been present I would have voted yea.

IN MEMORY OF GENE COOK

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Ms. KAPTUR. Mr. Speaker, recently my community unexpectedly lost one of its foremost citizens. Gene Cook, an elected official and community leader for nearly four decades, passed away on February 15th, 2002.

Ever the gentleman, Gene went about moving our community and its citizens forward. As the longest serving member to date on the Toledo City Council, Gene's influence can be felt through a legion of initiatives and projects throughout Northwest Ohio.

Born in a west Tennessee farming community, Gene moved with his family to Cleveland when he was a boy. There he developed true passion and skill for sports that always remained an integral part of his life. After completing wartime service in Korea, Gene enrolled in the University of Toledo where he excelled in football, basketball, and baseball. He went on to a professional football career and until permanently sidelined by injury, he played for the Green Bay Packers, Cleveland Browns, Detroit Lions, and Baltimore Colts.

Gene began his tenure in public service in 1967 with his election to the Toledo City Council. He served in various capacities on the Council, including thirteen years as vice mayor and three years as council president. He retired from the Council in 1997 after thirty years of able service. Beginning in 1977 and continuing to his death. Gene was also the general manager of Toledo's Triple A baseball team, the Mud Hens. A skilled marketer, Gene guided the club through many innovations including its last, a move to a new stadium in downtown Toledo this spring.

A family man at heart, Gene together with his wife of 45 years, Marion, reared three children: John, Gary, and Shelley. The Toledo Blade noted that "in spite of all his public accomplishments, his greatest accomplishment was his family. His pride in family was the very essence of Gene. His joy in life was having his wife and children and grandchildren with him." No truer or finer testament may be given to a man.

We extend our sympathy to Marion, to her children and grandchildren, to Gene's sister and brother, Betty and Bill, and to his many friends and relatives. As they set out on this difficult journey and carrying Gene in their hearts, may his legacy to them and our city help carry them through.

AMENDMENTS TO FISCAL YEAR 2002 APPROPRIATIONS LEGISLATION AFFECTING THE RIGHTS OF THE WYANDOTTE TRIBE OF OKLAHOMA

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. MOORE. Mr. Speaker, during the first session of the 107th Congress, two amendments were considered as a part of the annual appropriations process which had an impact upon the Wyandotte Tribe of Oklahoma. This Tribe has a long history in Wyandotte County, Kansas, which is located in my congressional district. Currently, the Tribe is seeking to establish and operate a gaming facility in Wyandotte County, under the provisions of the Indian Gaming Regulatory Act.

I recently received a very thoughtful and detailed letter from Wyandotte Tribe Chief Leaford Bearskin, in which he responds to a statement concerning the issues raised by these appropriations amendments that was delivered on the Senate floor late last year by Senator SAM BROWNBACK. So that the CONGRESSIONAL RECORD may fully and accurately reflect the history of the Wyandotte Tribe in Kansas, as well as the circumstances surrounding last year's provisions of P.L. 107-63 and Senate amendment 2065 to H.R. 3061, I ask that Chief Bearskin's correspondence with me be included in the RECORD.

WYANDOTTE NATION,
Wyandotte, OK, January 29, 2002.

Hon. DENNIS MOORE,
House of Representatives, Cannon House Office Building, Washington, DC

DEAR CONGRESSMAN MOORE: As Chief of the Wyandotte Nation, I am compelled to write in response to Senator Brownback's comments on the Wyandotte Nation which were published in the Congressional Record on December 19, 2001 [at pp. S13671-3].

The deplorable history of tribal relations in the United States History is well known, and for more than three centuries the nontribal community and even the United States Government have continuously attacked the Wyandotte Nation, both verbally and physically. I am truly saddened that in this modern era of instant global communication, Senator Brownback continues the centuries old practice of verbally attacking the Wyandotte Nation by spreading false and misleading information about both the Nation and our reservation lands located in Kansas City, Kansas. While my ancestors did not have the capacity to respond to false and insidious verbal attacks on the Nation, I do, and feel compelled to set the record straight for the Senate concerning our history and activities in Kansas.

First, Senator Brownback and others have wrongfully suggested that the Wyandotte Nation is an out-of-state tribe trying to relocate to Kansas. Such suggestions are outrageous, and demonstrate that Senator Brownback and other who have labeled the Nation as "carpetbaggers" simply speak without knowing the history of the Nation and the State of Kansas. In 1843, after the Nation ceded millions of acres in Ohio and Michigan to the United States for unfair and inadequate compensation (according to the Indian Claims Commission) the Nation relocated to the Kansas Territory and were promised a 148,000-acre reservation. When the United States did not honor this promise, the Wyandotte Nation acquired 39 sections of land at the confluence of the Kansas and Missouri Rivers from the Delaware Indian Nation. The Wyandottes founded and platted Wyandotte City, which was later renamed Kansas City.

As commerce expanded dramatically on the Kansas and Missouri Rivers in the late 1840s and early 1850s, the United States Government determined that it was no longer advisable to have the Wyandotte Indians occupying Wyandotte City, which was growing into a significant river city. In 1855, the United States, noting that the Wyandotte had become so "civilized" and experienced in commercial dealings, entered into a Treaty with the Tribe, giving tribal members the choice to either renounce their Indian heritage and become citizens of the United States, or to maintain their tribal existence and be removed to the Indian Territory (Oklahoma). Rather than turn their back on centuries of history and culture and renounce their tribal identity, my ancestors and many other members of the tribe chose to maintain their proud history and thus were forcibly removed to Oklahoma, left to fend for themselves without any land or resources, and finally left to starve. The Treaty also ceded most of the Wyandotte Nation's Kansas lands to the United States, although the Treaty expressly "reserved to the Nation the perpetual use and occupancy of the Huron Cemetery".

On the Senate Floor, Senator Brownback objected to the conference report on the Labor-HHS Appropriations Bill (Senate amendment 2065) because the report did not include Senator Brownback's amendment to the Bill which would have overturned a technical provision (Section 134) enacted in the FY 2002 Interior Appropriations Bill (H.R. 2217). Senator Brownback's comments concerning Section 134 of H.R. 2217 are so misleading, and so demonstrate a complete lack of understanding of 150 years of Indian law and history, that I feel compelled to also set the this record straight for the Senate.

Section 134 of H.R. 2217, as originally proposed, would simply have acknowledged and clarified that since the Department of the Interior was created in 1848, the Secretary of the Interior has had the authority to determine what lands constitute an Indian reservation. Such a clarification was necessary because last April, the United States Court of Appeals for the 10th Circuit, in Sac & Fox of Missouri, et al. v. Bruce Babbitt, et al., issued a confusing opinion that turned two centuries of Federal Indian Law on its head, ruling that the National Indian Gaming Commission (the NIGC) and not the Secretary of the Interior, had the authority to determine what lands constitute an Indian reservation. Both the Department of the Interior and the NIGC were so troubled by this ruling that they requested, albeit unsuccessfully, for the 10th Circuit to reconsider its decision.

The 10th Circuit case arose out of a 1996 decision by the Secretary of the Interior with respect to the Huron Cemetery and the property adjacent to the Cemetery. The suit was initiated by the State of Kansas and three (3) other Kansas tribes who operate gaming facilities south of Topeka in an attempt to prevent the Wyandotte Nation from operating a gaming facility in Kansas City. Although Senator Brownback stated that the State and the other tribes prevailed at the District Court level, he is wrong: the United States District Court dismissed the suit in February 2000.

The District Court did not address the question of whether the Secretary of the Interior or the NIGC had the authority to determine what constitutes and Indian reservation, and neither the State, and other Kansas tribes, nor the Wyandotte Nation briefed or even discussed this question before the 10th Circuit. Without any thoughtful discussion or information on the matter whatsoever, the 10th Circuit, in a fit of judicial activism, simply turned Federal Indian Law upside down by throwing out more than 100 years of history and precedent.

Senator Brownback's accusation that the Wyandotte Nation committed an egregious abuse of the appropriations process simply further demonstrates that he does not understand Federal Indian Law or how the Wyandotte Nation responded to the 10th Circuit's plainly wrong decision.

After the 10th Circuit opinion was issued, the Nation consulted with the NIGC, the Associate Solicitor for Indian Affairs within the Department of the Interior, and the Department of Justice who had represented the Secretary before both the U.S. District Court and the 10th Circuit. All of the agencies instantly recognized that the 10th Circuit decision not only established bad precedent by reversing 150 years of established law, but created uncertainty throughout Indian Country by creating confusion over which agency, the NIGC or the BIA, makes Indian land and Indian reservation determinations. As a result of these consultations, and to avoid further confusion within Indian Country created by the 10th Circuit's wrong decision, the Nation worked with Members of the House and Senate Appropriation Committees, the Senate Indian Affairs Committee and the House Committee on Natural Resources to correct the problem created by the 10th Circuit.

The Department of the Interior strongly supported the original version of Section 134, which simply clarified for the BIA, the NIGC and all of Indian Country that the Secretary of the Interior has always had the authority to determine what constitutes an Indian reservation, and nothing in IGRA was intended to eliminate or diminish the Secretary's authority. During the Interior conference, Senator Brownback, through his surrogates, attempted to add a rider to Section 134, which would have taken away the Nation's rights to use and develop its trust land as it best sees fit. The conferees wisely rejected Senator Brownback's attempt to take the Nation's property rights without any debate, discussion or compensation.

After failing to convince the appropriate Committees to strip the Nation of it property rights, Senator Brownback sponsored another amendment (#2065), which was accepted en bloc with numerous other amendments on the Senate floor to a non-germane piece of legislation, the FY 2002 Senate Labor-HHS Appropriations Bill, without any debate or discussion. Fortunately, with your help, the Labor-HHS conferees also rejected Senator Brownback's amendment. The Bureau of Indian Affairs, the National Indian Gaming Commission, the Department of Justice, as well as the Senators and Representatives serving on the various committees which have been involved with both Section 134 of H.R. 2217 and Senator Brownback's various attempts to amend or repeal Section 134 all recognize that the 10th Circuit decision wrongfully divests the Secretary of the Interior authority which the Secretary alone has exercised for more than 150 years.

Because of the unique role the Department of the Interior has played in Indian Affairs since its inception in 1848, only the Secretary of the Interior has the institutional experience and knowledge to make complex Indian land and Indian reservation determinations. Many of the current Senators were in Congress in 1988 when the Indian Gaming Regulatory Act was enacted and the NIGC was created. They know that the IGRA only gives the NIGC authority to regulate tribal gaming and not the broad authority to make Indian land decisions in the first instance, as the 10th Circuit attempted to do. As many in Congress also know, the Secretary of the Interior has always had the authority to determine what constitutes Indian lands or an Indian reservation, and when Congress passed the IGRA, it carefully ensured that nothing in the IGRA diminished or eliminated that authority. Hopefully Senator Brownback will cease his efforts to divest the Secretary of authority that dates back 150 years.

In the past, Senator Brownback has publicly stated his intention is to protect the Huron Cemetery by prohibiting gaming activity within the boundaries of the Cemetery itself. Indeed, for the past three years Senator Brownback has attached riders to the Interior Appropriations Bills prohibiting such activity and that language is included again in the Interior conference report on H.R. 2217, without objection from the Wyandotte Nation. The Wyandotte Nation has already agreed to protect the Huron Cemetery by entering into a formal agreement with the Wyandotte Nation of Kansas for such purposes (see enclosed letter from the Wyandotte Nation of Kansas).

I should point out that the Wyandotte Nation will not game on the Huron Cemetery, and does not want to game on the land next to the cemetery. We would rather game on another piece of property in Wyandotte County away from downtown Kansas City.

Our efforts to game in another location are supported by the Unified Government of Wyandotte County/Kansas City, Kansas, organized labor, the local business community and 80% of the voters by referendum. Yet, Senator Brownback's comments on the Senate Floor imply that Wyandotte County residents and local officials do not support our effort. Senator Brownback's comments are simply not true.

Congressman Moore, we sincerely appreciate your support of both our and the community's position and will continue to work with you on your legislation that would settle the land claims that we have in Kansas City and Wyandotte County, Kansas. We understand that your bill has twice passed the House Resources Committee. However, we also understand it has never seen action on the House floor because of opposition from Senator Brownback and some of his Kansas colleagues in the House who do not represent Wyandotte County. This session will be different.

Currently, we have a claim to three sections of land in Kansas City, Kansas, and had filed a lawsuit in this regard. We have subsequently dismissed the lawsuit for the time being because we reached an agreement with the City and County that we, with their support, would pursue the passage of Congressman Moore's bipartisan legislation in Congress allowing us to purchase a piece of property in Wyandotte County that would be taken into trust by the Secretary of the Interior. If that were to occur, we would not pursue any further litigation and give up our claims to the three sections of land we believe we have legitimate title to in Wyandotte County.

Finally, it is also important to mention that the property adjacent to the Huron Cemetery was purchased with funds appropriated, pursuant to P.L. No. 98-602, in satisfaction of four (4) judgments rendered in favor of the Wyandotte Nation against the United States. Each of these judgments arose out of the U.S. acquiring Wyandotte land in the present states of Ohio and Michigan for unfair and inadequate compensation. Because the Nation had virtually no trust land when P.L. No. 98-602 was enacted, the act provided that $100,000 of the appropriated funds must be used to acquire land, and that the United States must accept title to such lands in trust for the Nation. P.L. No. 98-602 is thus a statute, which provided for reestablishment of a trust land base so that the Nation could pursue economic development and self-sufficiency.

Senator Brownback's attempts to amend or repeal Section 134 of H.R. 2217 would deprive the Wyandotte Nation of its ability to use the Property acquired with 602 funds for any meaningful economic development. Such a move would be entirely contrary to our legal rights under P.L. No. 98-602 to reestablish a trust land base and pursue economic development and self-sufficiency.

Having said all that, I am hopeful that you will continue to oppose Senator Brownback's attempt to amend or repeal Section 134 that would not only take away from the Wyandotte Nation the rights every other Indian tribe is guaranteed by law, but would also cement a decision by the 10th Circuit which creates great uncertainty within Indian Country and prejudices the rights of every Indian tribe in the United States.

Sincerely,

LEAFORD BEARSKIN,
Chief.

IN RECOGNITION OF THE FIRST AFRICAN-AMERICAN TO WIN A GOLD MEDAL IN A WINTER OLYMPICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. RANGEL. Mr. Speaker, I rise today to congratulate an American athlete, Vonetta Flowers who accomplished a crowning achievement by winning a gold medal for the United States during the 19th Winter Olympic Games in Salt Lake City, Utah. The accomplishment is made so more notable in that Vonetta Flowers became the first American of African descent to win a gold medal for the United States in a Winter Olympic Games.

Ms. Vonetta Flowers won a gold medal along with her teammate, Jill Bakken, in the inaugural women's Olympic bobsled race. Ms. Flowers is a native of Helena, Alabama. She is the daughter of Jimmie and Barbara Jeffery and is married to Johnny Mack Flowers.

Ms. Vonetta Flowers attended Jackson-Olin High School in Birmingham Alabama where she was The Athletic Congress (TAC) champion, an All-State basketball star, and a member of the Birmingham Strider Track Club. She went on to be a four year-letterwinner in track and field at the University of Alabama-Birmingham (UAB). She achieved prominence as a seven-titleholder in the 100 meters, 200 meters, long jump, and triple jump throughout her illustrious career at UAB. She received her Bachelor of Science degree in Physical Education in 1997. Since graduation, she has returned to Birmingham to coach the track team at the University of Alabama-Birmingham.

Ms. Vonetta Flowers' path to Winter Olympic gold is storied one. After failing to qualify for the 2000 United States Olympic team, she was given a flier found by her husband indicating that someone was in need of versatile athletes interested in the bobsled. Flowers tried out and eventually raced with Bonny Warner amassing a top 10 in all seven World Cup races in 2000–2001 and closed the season with four straight top-three finishes—earning them a third-place finish in the overall World Cup Standings.

After the 2001 season, Vonetta Flowers started racing with Jill Bakken, a former Oregon State soccer player turned bobsleder. On Tuesday 19th, 2001, they sled into the history books as the fastest women on a bobsled at the Winter Olympic Games.

I share the view of Ms. Vonetta Flowers as she spoke on the interview podium. She said "I didn't know I was the first. I hope this won't be the end of it. I hope you'll see other African-American girls and boys who want to give winter sports a try . . ." Ms. Vonetta Flowers, the Congress of the United States of America salute you. The American people salute you.

TRIBUTE TO TABETHA WAITS

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mrs. CUBIN. Mr. Speaker, I would like to congratulate and honor a young Wyoming student today who has achieved national recognition for exemplary volunteer service in her community. Tabetha Waits of Rawlins has been named one of Wyoming's top honorees in the 2003 Prudential Spirit of Community Awards program, an annual honor bestowed on the most impressive student volunteers in each state, the District of Columbia and Puerto Rico.

Tabetha is being recognized for her work around Wyoming to educate young children about the dangers of tobacco and drugs. Tabetha organized "You Can't Break Our Stride," an all-school walk-a-thon that raised nearly $10,000 to aid victims and families affected by the tragic terrorist attacks of September 11. Tabetha's work shows that young Americans can—and do—play important roles in our communities, and that America's community spirit continues to hold tremendous promise for the future.

It is vital that we continue to encourage and support the kind of selfless contribution that Tabetha has made. People of all ages need to think more about how we, as individual citizens, can work together to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Tabetha are inspiring examples for us all, and are among our brightest hopes for a better tomorrow.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall No. 39, H.R. 1892, Family Sponsor Immigration Act. Had I been present I would have voted "yea."

I was also unavoidably detained for rollcall No. 40, H. Con. Res. 304, Expressing sympathy to the people of the Democratic Republic of the Congo who were tragically affected by the eruption of the Nyriagongo volcano on January 17, 2002. Had I been present I would have voted "yea."

UAW LOCAL 599 CIVIL RIGHTS PIONEER

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. KILDEE. Mr. Speaker, I rise today to recognize the first annual Civil Rights Pioneer Awards presented by UAW Local 599 on Sunday, March 3rd in my hometown of Flint, Michigan.

Local 599 is honoring those members that have dedicated their lives to end discriminatory practices in the workplace. Throughout the Civil Rights movement in the 1950s and 1960s, these courageous people fought against bigotry and racial discrimination in our nation. They have followed in the footsteps of A. Philip Randolph and combined their efforts to end discrimination with the goals of the labor movement to provide dignified, respected employment to all workers.

Don Winans served on Local 599's Alternate Committee, the Fair Employment Practices Committee, and chair of the Shop Committee. Russ Easton served as an Alternate Committeeman, Committeeman, Shop Committeeman, and on the Fair Employment Practices Committee. Zeke Holmes served as an Alternate Committeeman, Committeeman, and as a member of the Fair Employment Practice Committee.

Bill Williams was an Alternate Committeeman, Committeeman, Shop Committeeman, a member of the Fair Employment Practices Committee, Vice-Chair of the Shop Committee, and International Financial Secretary of the Foundry. Bill Barnum served as an Alternate Committeeman, a Committeeman and a member of the Fair Employment Practices Committee. John Hightower was a Committeeman, Chair of the Fair Employment Practices Committee, President of the Trade Leadership Council, and an Executive Board Member of the Flint NAACP.

Fred Tucker was an Alternate Committeeman, Committeeman, Shop Committeeman, Chair of the Shop Committee, and was the 5th Ward Flint City Councilman. Don Sorensen, Sr. was an Alternate Committeeman, Committeeman, Shop Committeeman, Vice-President of Local 599, Education Director, Health and Safety Committeeman, Attendance Counselor for Skilled Trades, Journeyman Millwright, Walter Reuther Awardee and a member of the Fair Employment Practices Committee. Edgar Holt was the President of both the Flint chapter of the NAACP and the Statewide NAACP as well as serving as a member of the Fair Employment Practices Committee. In addition, Carl Thrasher and Harry Eaton are also being honored today for their undaunted moral strength fighting ingrained bias and breaking down barriers in our community.

In my Flint District Office. I have assembled photographs of persons important in shaping the community. Included in that group is a picture of Edgar Holt. I chose him to represent the significance labor and civil rights have had in making Flint a better place to live. His picture is a reminder of the voluntary service the civil rights workers gave to this country to shape a brighter future.

Mr. Speaker, I ask the House of Representatives to join me in paying homage to these eleven people. The Flint community owes a debt of gratitude for their tenacity to fight on against insurmountable odds. Collectively and individually they never admitted defeat and prevailed in bringing about a better workplace and a better society.

TRIBUTE TO DR. DOUG SHARP

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 4, 2002

Mr. HILL. Mr. Speaker, I rise today to honor a fellow Hoosier who has achieved a truly Olympian feat. Dr. Doug Sharp, of Jeffersonville, Indiana, helped to bring one of America's four-man bobsled teams a bronze medal in the 2002 Salt Lake City Winter Olympic Games. Participating in his first Olympic games, Doug helped give his team a four-heat combined time of 3 minutes 7 seconds. Doug's team, along with the silver medal-winning bobsled team, ended a 46-year medal drought for U.S. men's bobsledding.

A native of Ohio, Doug now lives in Jeffersonville, and went to Purdue University for his undergraduate degree. After graduation, he went on to become a chiropractor, receiving his degree from the Palmer College of Chiropractic in Davenport, Iowa. Doug narrowly missed competing in the 1996 Summer Games in the pole vault by falling just 4 inches short in the U.S. Olympic trials. Doug remains competitive in track and field as an assistant coach of the University of Louisville track and field team.

Doug is no stranger to serving his country. He is a member of the U.S. Army's World Class Athletes Program. The program's mission is to help support and guide world-class athletes to the pinnacle of their chosen sports while maintaining Army careers and representing the U.S. Army before the world. Doug has said that his job, as an Olympic athlete and a representative of the Army, "is to be an ambassador of good will."

It is apparent to me that—with or without the Olympic glory—Doug Sharp has already reached the pinnacle. He has served his country well and with distinction. Hoosiers and Americans everywhere are proud of his achievement. He is a true Olympic hero. On behalf of the citizens of the Ninth District and of the State of Indiana, I want to congratulate Dr. Doug Sharp on a job well done.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 5, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 6

9:30 a.m.

Governmental Affairs

To hold hearings to examine the monitoring of accountability and competition in the Federal and Service Contract Workforce.

SH–216

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Veterans Affairs.

SD–138

Environment and Public Works

To hold hearings to examine S. 975, to improve environmental policy by providing assistance for State and tribal land use planning, to promote improved quality of life, regionalism, and sustainable economic development; and S. 1079, to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

SD–406

Agriculture, Nutrition, and Forestry

To hold hearings on the nominations of Thomas C. Dorr, of Iowa, to be a Member of the Board of Directors of the Commodity Credit Corporation, and to be Under Secretary of Agriculture for Rural Development, Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture, and Grace Trujillo Daniel, of California, and Fred L. Dailey, of Ohio, each to be a Member of the Board of Directors of the Federal Agricultural Mortgage Corporation, Farm Credit Administration.

SD–106

10 a.m.

Armed Services

Readiness and Management Support Subcommittee

To hold hearings to examine financial management issues of the Department of Defense.

SR–222

Banking, Housing, and Urban Affairs

To hold oversight hearings to examine accounting and investor protection issues raised by Enron and other public companies.

SD–538

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine the improvement of surveillance of chronic conditions and potential links to environmental exposures.

SD–430

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Army budget.

SD–192

Joint Economic Committee

To hold hearings to examine reforms to the International Monetary Fund and the World Bank, focusing on efficiency and effectiveness.

311, Cannon Building

Appropriations

Foreign Operations Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2003 for democracy and human rights programs of the Department of State and the Agency for International Development.

SD–124

Foreign Relations

To hold hearings to examine the terrorist nuclear threat, focusing on dirty bombs and basement nukes.

SD–419

Budget

To hold hearings to examine the President's proposed budget request for fiscal year 2003, focusing on analysis of the Congressional Budget Office.

SD–608

10:30 a.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the Echostar-Direct TV merger.

SD–226

2:30 p.m.
Commerce, Science, and Transportation
Communications Subcommittee
To hold hearings to examine wireless communications infrastructure in the United States.
SR–253

Intelligence
To hold closed hearings on pending intelligence matters.
SH–219

Banking, Housing, and Urban Affairs
Housing and Transportation Subcommittee
To hold oversight hearings to examine the proposed reauthorization of the HUD McKinney-Vento Homeless Assistant Act Programs.
SD–538

Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction program of the Department of Defense.
SR–222

MARCH 7

9:30 a.m.
Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, and the Future Years Defense Program.
SH–216

Governmental Affairs
To hold hearings to examine public health and natural resources, focusing on implementation of environmental laws.
SD–342

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.
345 Cannon Building

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine the semi-annual report on Monetary Policy of the Federal Reserve.
SD–106

Finance
To hold hearings to examine the President's proposal for Medicare modernization.
SD–215

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Energy.
SD–124

Judiciary
Business meeting to consider pending calendar business.
SD–226

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Securities and Exchange Commission and the Federal Communications Commission.
SR–253

Appropriations
Transportation Subcommittee
To hold hearings to examine the future of Amtrak.
SD–138

Indian Affairs
To resume hearings on the President's proposed budget request for fiscal year 2003 for Indian programs.
SR–485

10:15 a.m.
Foreign Relations
To hold hearings to examine two optional protocols to the Convention on the Rights of the Child, both of which were adopted at New York, May 25, 2000: (1) The Optional Protocol to the Convention on the Rights of the Child on Involvement of Children in Armed Conflict; and (2) The Optional Protocol to the Conventional on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, signed on July 5, 2000 (Treaty Doc. 106–37).
SD–419

11 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Health and Human Services.
SD–192

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1069, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers from the majority of the trails in the System; S. 213, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails; H.R. 1384, to amend the National Trails System Act to designate the Navajo Long Walk to Bosque Redondo as a national historic trail; and S. 1946, to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.
SD–366

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the Ballistic Missile Defense program.
SR–232A

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the trafficking of persons, focusing on monitoring and combating this practice.
SD–419

MARCH 8

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the U. S. Army Corps of Engineers and the Burueau of Reclamation, Department of the Interior.
SD–138

MARCH 11

1:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the Central Intelligence Agency national intelligence estimate of foreign missile development and the ballistic missile threat through 2015.
SD–342

MARCH 12

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State.
SD–138

2:30 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements, and technology acquisition.
SR–222

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on S. 1800, to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.
SD–342

MARCH 13

9:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Joint Economic Committee, the Joint Committee on Taxation, the Library of Congress, and the Congressional Research Service.
SD–124

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.
SD–116

MARCH 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.
345 Cannon Building

2 p.m.
Veterans' Affairs
To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.
SR-418

MARCH 19

9:30 a.m.
Armed Services
To hold hearings to examine the worldwide threat to United States interests (to be followed by closed hearings in SH-219).
SH-216

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.
SD-138

MARCH 20

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine identity theft and information protection.
SD-226

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.
345 Cannon Building

MARCH 21

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.
SD-116

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD-226

CANCELLATIONS

MARCH 19

9:30 a.m.
Armed Services
To hold hearings on worldwide threats to United States interests; to be followed by closed hearings (in Room SH-219).
SH-216

POSTPONEMENTS

MARCH 7

10 a.m.
Health, Education, Labor, and Pensions
To hold hearings on proposed legislation authorizing funds for national service programs.
SD-430

HOUSE OF REPRESENTATIVES—*Tuesday, March 5, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 5, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

LEAVE NO VETERAN BEHIND WAITING FOR A MEDICAL APPOINTMENT

Mr. STEARNS. Mr. Speaker, our President often proudly uses a very enthusiastic phrase committing our Nation to better education for our young people, "Let us leave no child behind," and rightly so. Children are the lifeblood of our Nation. But today, with all of the military commitments overseas, I propose another rallying cry, leave no veteran behind waiting to get a doctor's appointment.

Just as we must look ahead and nurture our children, we must look back in gratitude and take care of our veterans who have fought for freedom and democracy. Besides, investing in care for veterans is looking ahead, for timely veterans' benefits can serve as a powerful incentive in steering young people towards armed services careers.

Not a day goes by when I do not hear from a frustrated veteran who cannot get an appointment at a VA outpatient clinic or an inpatient VA bed. I suspect the same is true for most of my colleagues. For too long too few resources have been provided to the VA health care system, resulting in understaffed, underfunded facilities.

Last week Salvatore Stanzione, Assistant Executive Director of the Disabled American Veterans in Florida, presented to me some very disturbing trends. In my district and other parts of Florida, a wait of a year to see a primary care physician, and up to 16 months to see a specialist, is not unusual. Last Wednesday, Commander-in-Chief James Goldsmith of the Veterans of Foreign Wars shared that there are 37,000 veterans waiting for medical appointments in Florida. Intolerably, veterans are kept waiting for the most routine appointments, like diabetes or high cholesterol monitoring. If managed on a timely basis, these conditions are more comfortable to the veteran and less expensive to the American taxpayer.

Yesterday witnessed the bloodiest day of the Afghan War thus far. We mourn the nine American casualties of the downed Chinooks. In addition to those killed in battle, Defense Secretary Donald H. Rumsfeld reported that "There have been a number of wounded." Thankfully, he relayed that "close to half of those are already back in the battle, and of the remainder, relatively few have life-threatening wounds."

Today we ask American sons and daughters to give their blood to advance liberty and to halt terrorism, but when tomorrow comes, we show our veterans a chair in the waiting room. Especially egregious is the long wait for those who served for a long period or sustained a service-connected disability.

A Federal budget, just like that of a household or business, always faces difficult economic choices. But a household must first pay its creditors and buy grocery before it buys artwork and entertainment. This is the most basic necessity of obligation. Just like a household, America ought to first meet its obligations to those whom it owes in exchange for their service.

To exacerbate matters, the government seems to shut the door on other options for health care accessibility. Alternatives have been proposed over the years on expanding VA health care options. We have debated Medicare subvention to little avail. This Thursday, the House Committee on Veterans' Affairs and the Committee on Armed Services will again consider resource sharing between the two agencies.

Mr. Speaker, the gentleman from the First District of Florida (Mr. JEFF MILLER) knows this fight. He has not one single inpatient bed in his district. His veterans have to go to Biloxi, Mississippi, for hospitalization. Meanwhile, he has DOD facilities with available beds. Coordinating arrangements so that his veterans could use these DOD beds would solve this problem.

Mr. Speaker, we are a wartime Congress, and the Nation is in an era of renewed appreciation of soldiers, sailors, airmen and marines. Defense briefs top the headlines, and the box office movies feature current episodes on the wars in Somalia and in Vietnam. Let us embrace this mood and opportunity and commit this Congress to providing the attention and resources to the health care needs of those who have served. Yes, Mr. Speaker, let us leave no child behind; but, similarly, let us leave no veteran behind waiting for a medical appointment.

SOCIAL SECURITY LOCKBOX

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, over the last 5 years in the House, initiated by the Republican majority, something which I supported, we took a series of votes on something called the Social Security lockbox. Originally, some of my colleagues on the Democratic side opposed this. They said it was a mere gimmick on the part of the Republican majority and an attempt to restrain the social spending of the Clinton administration, and the Republican majority had no intention of safeguarding those funds.

I did not believe that, and I voted for it. I said, it makes sense to me, with the retirement of the baby boom near upon us, we should safeguard those funds and be certain they are used only to pay the benefits for which they are intended by law.

Eight, ten times in the House of Representatives we voted for the lockbox, Social Security lockbox. Unfortunately, that was all superseded by a vote last March when tax cuts were voted on in the House, predicated on shaky economic assumptions that we would have huge and growing surpluses as far as the eye could see. So let us give the money back to the people. Of course, mostly to Americans who earn

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over $383,000 a year and have estates worth more than $5 million, but let us give it back. Over my objections and the objections of others, this rosy scenario was adopted. The Republican leadership said, do not worry, the Social Security lockbox will still be there.

Here we are a year later. The lockbox is crushed, robbed, torn open, and the President has proposed in his budget to spend $1.5 trillion of the Social Security trust funds, those which were formerly intended to be placed in the lockbox, to fund tax cuts for the wealthy and other operations of the government over the next 10 years.

There is no more talk about a lockbox on the other side of the aisle with a Republican President who wants to give big tax cuts and gifts to the largest corporations and his friends. No, now they have got a new gimmick. What is it? Certificates. At taxpayer expense, we will send out to every person receiving Social Security, and, by the way, we no longer send them checks in the mail anymore because that is too expensive, but now for this special, one-time only offer, we will send out certificates to everybody currently receiving Social Security and their survivors and others receiving Social Security benefits, saying the Social Security benefits which are being e-mailed to Americans' bank accounts, do not worry, they will keep coming. We will ensure that. These are the same people that gave us the lockbox. Now we are going to have certificates.

Mr. Speaker, how about this certificate? This is a real certificate, and this is what the majority in the House, the Republicans, have to get serious about honoring. This is an irrefutable obligation of the United States of America. Look to this line. "This bond is incontestable in the hands of the Federal Old Age and Survivors Insurance Trust Fund. Bond is supported by the full faith and credit of the United States."

The United States has pledged the payment of the bond with respect to principal and interest. But in their rush to privatize Social Security and in their rush to give tax cuts to the most wealthy, they are questioning whether or not that will be honored. In fact, Secretary O'Neill, the Secretary of the Treasury, appointed by George Bush, the President, said that this is worthless. He said, starting in 2016, when we will have to draw on the interest on these bonds, that is worthless. That means he is questioning every investor in America and around the world who thinks that U.S. Treasury Bonds are the safest haven.

I believe they are. I do not believe Secretary O'Neill when he says it is worthless. I believe he and the President and the Republican leadership here are trying to rush Congress into a hasty privatization plan which will actually accelerate the problems of Social Security in another thrust to help a few people to the disadvantage of the many.

Social Security, if we honor these bonds, with the full faith and credit of the United States Government as it says right there, Social Security is totally 100 percent capable of paying 100 percent of the benefits through the year 2038. Starting in 2038, with conservative assumptions, not the rosy scenario that the Republican majority pushed through last year for the big tax cuts, but with conservative economic assumptions, it will have about a 25 to 27 percent problem. That is 73 percent of benefits could be paid forever after 2038.

So we have to address that problem, that 25 to 27 percent problem starting in 36 years. But we do not address it by further reducing the trust fund, giving them to the wealthy in tax cuts, or privatizing the system in a way that reduces trust fund income for Social Security, because then we have created an even bigger problem.

Mr. Speaker, that is the real agenda here. They want to go after Social Security. They have already broken open the lockbox; now watch for the crackerjack box top in the mail, the certificate that gives us a hollow promise.

PROTECT U.S. STEEL MANUFACTURERS

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Indiana (Mr. PENCE) is recognized during morning hour debates for 5 minutes.

Mr. PENCE. Mr. Speaker, I am a strong advocate of free trade. As an original co-sponsor of Presidential Trade Promotion Authority, I fought on the floor of this very Chamber to give this President the ability to negotiate down trade barriers because I simply believe, as a Hoosier Member of this institution, that trade means jobs from automotive and manufactured exports to agricultural exports that we grow in such abundance in the heartland of Indiana.

But the reality is that, in the arena of worldwide steel, unfair trade practices and steel dumping have actually destroyed jobs in this country and impaired our national security.

Today we learned that President Bush has decided to impose selective tariffs of up to 30 percent on foreign steel imports using section 201 of the Trade Act. I rise today to commend the President on his decision to protect the American steel industry and, more than that, to lay the foundation to protect America's national security for generations to come.

The reality is America is recovering from a mild recession, and we must ensure that our Nation and our economy continues on a full path of recovery. A thriving steel industry will significantly aid in this task. However, the steel industry has been under increased pressure from unfairly subsidized imports of foreign steel. Foreign companies and governments have undermined our domestic industry through dumping practices and eroded our own ability to manufacture steel in this country.

In response to this problem, the International Trade Commission conducted an investigation and held hearings at which I had the privilege of testifying. The ITC unanimously found that low-priced imports have seriously injured domestic steel production in the United States. Every American should understand the steel industry has been facing years of unfair competition. These unfair trade practices have already caused over 30 bankruptcies in the steel industry and cost thousands of American jobs.

Steel production is the bedrock of a viable manufacturing base, but I also would add today that it is absolutely imperative to our national security. America must not become dependent on foreign steel, as we have become dependent on foreign oil.

□ 1245

The reality is, as the caskets are slowly lowered off the transport aircraft at Andrews Air Force Base today, the Chinooks, the Black Hawk helicopters, the rifles, the artillery that are being fired at this hour in the mountains of eastern Afghanistan are made of steel, Mr. Speaker; and the ability of the United States of America to manufacture steel, merchantable steel, is at the very essence of our ability to provide for the common defense.

It also strengthens our economy. In Indiana, 30,000 families make their livelihood in the steel industry. Increased efficiency and technological innovation combined with our hard-working employees have made the steel industry the envy of the world. Yet our policies have been rewarding uncompetitive and destructive behavior. Domestic steel production is vital to the national interest; it is vital to strengthening our economy.

I commend the President of the United States today as we anticipate his decision, selective tariffs, using section 201 of the Trade Act. It is important that we support the steel industry in America long term and preserve our ability to produce the arsenal of democracy which gives the enemies of freedom pause and gives the friends of freedom hope all across the world.

PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, recently the National Governors Association passed a resolution calling for action to prevent the brand-name drug industry from blocking access to lower-cost generic drugs. It turns out that the drug industry is cheating consumers out of literally billions of dollars in prescription drug savings by illegally and unethically keeping generic competitors off the market.

Shocking, is it not, that the drug industry would exploit loopholes in the law to make sure that American consumers continue to pay higher prices than necessary for lifesaving products? We are talking about the same industry that charges Americans two and three and four times what it charges in other countries. We are talking about an industry that pummels American consumers with ads on TV and in magazines and on radio promoting a handful of drugs that just happen to be some of the most expensive drugs on the market.

As a matter of fact, the drug industry's use of direct-to-consumer advertising to manipulate the public is just as insidious as the tricks the industry uses to keep generic competition off the market. The European Union does not permit direct-to-consumer advertising, neither does Japan nor Canada nor Israel. In fact, only one other country in the world, New Zealand, permits direct-to-consumer advertising of prescription drugs. That is because this advertising skews health care towards the newest, most expensive drugs, regardless of whether these drugs are the best alternative for patients and regardless of the impact on America's health care bill.

The industry claims it is doing consumers a favor, that direct-to-consumer advertising is a breakthrough in consumer education. In 2000, the drug industry advertised 1 percent of its 10,000 available prescription drugs. Ninety-five percent of all direct-to-consumer advertising was spent on just 50 of these 10,000 drugs. The drug industry claims its advertising is highly educational. Direct-to-consumer advertising is highly profitable, hardly highly educational.

Those 50 drugs I mentioned, the ones that were most heavily advertised in 2000, were responsible for half of the $21 billion increase in prescription drug spending. And about those 50 drugs, they are not for 50 different conditions. Most of those drugs are simply copycat drugs.

We see ads for Vioxx and Celebrex, $239 million worth, which are alternative treatments for the same condition, arthritis. We see ads for Claritin and Zyrtec and Allegra to the tune of $227 million, all for the treatment of allergies. Billions of dollars are spent on ads for fewer than 30 health problems. American consumers pay for those ads when we shell out two and three and four times more than consumers in any other country in the world. We pay for those ads when the 50 most heavily advertised drugs account for half of the dramatic annual increase in spending.

Prescription drug inflation is fueling double-digit increases in health care premiums, it is pushing State budgets into the red, and it is forcing seniors into poverty. And behind it all are romantic images of allergy-free people digging in their gardens and playing with their puppies.

The drug industry has a chokehold on the United States. They charge Americans more than any other consumer; they manipulate American consumers with questionable TV and print ads; and they block access to affordable medicines, even though 70 million Americans, many of them seniors, do not have the benefit of insurance and are paying hundreds of dollars out of pocket.

So where is the Bush administration? Why is George Bush not outraged about this? Where is his administration? The administration does not like to be perceived as catering to large corporations at the expense of American consumers. The administration bristles at the notion that it turned to Enron and big oil when it formulated its energy policy. They do not like it when you point out that they turned to the chemical companies when writing their environmental policy, that they turned to the insurance companies when they wrote the Patients' Bill of Rights. And I am sure the administration would vehemently deny that their silence on prescription drug prices stems from their close ties to the drug industry. Well, the proof is in the pudding. This is a litmus test in the next year what this body does about prescription drug prices, both for the President and for every Member of Congress. We report to the American public, not to the drug industry. If the President and the Congress do not break loose from the drug industry's chokehold and reign in that industry's unbridled greed, then American voters should send us all packing.

It is as simple as that.

SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, we are going to increase the debt limit of the United States in the next several days. Already, the debt limit of the United States, set at $5.95 trillion, is being apparently violated by having a debt greater than the debt limit set by the United States. I think we need a thorough discussion in this Chamber and in the Senate and certainly in the White House of how do we want to treat debt in the United States; how deep do we want to go in debt; how much, if you will, mortgage do we want to leave to our children and our grandchildren.

It seems that it is reasonable to live within our means, not to say that our spending today is so important that it justifies leaving a larger debt or a larger mortgage to our kids and our grandkids. If we want to spend money, then it is reasonable to say to the American people and be up-front with them that we are going to increase taxes and use those revenues for existing spending rather than, I suggest, hoodwinking the American people by increasing our borrowing. The borrowing is not as obvious as tax increases. Therefore, over the last 30 years, we have said we are going to borrow more and more as government gets larger and larger and, sadly, a lot of that borrowing has come from the trust funds.

Since 1983 when we last changed the Social Security system, and we changed it by increasing taxes and reducing benefits, we have had more revenue coming in from the Social Security tax, the so-called FICA tax, than was needed to pay out Social Security benefits. Just a footnote here to mention that Social Security is a system that is, and always has been, designed to tax current workers and use that money to pay current retirees. As the number of workers per retiree has diminished since we started the program in 1934, we have developed an obvious insolvency in the Social Security system.

I have heard some of my colleagues from the other side of the aisle criticize some things the Republicans are doing. It is easy to demagogue this kind of program that so many seniors find so valuable. We now have over 50 percent of our seniors that depend on the money coming in from Social Security. So it scares the heck out of seniors when anybody suggests, that somebody is going to change Social Security.

Here are the facts: Social Security is going broke. Fifty years ago we had 40 workers for every one retiree. Today, there are three workers paying in their tax for every one retiree. The actuaries estimate that by 2025 there will be two workers paying in for every retiree. And by 2040 there will be one worker for each retiree. Can you imagine the taxes and the burden on that one worker, paying in Social Security, enough taxes to cover the Social Security benefits of one retiree? There is going to be a huge unfunded cost and the burdon should not be placed on future taxpayers.

Look. Nobody is going to suggest that we stop our commitment of paying Social Security benefits. So this trust fund is only a booking record of the mandate to come up with the money, starting in 2014 or 2015 or 2016.

The only way to come up with the money is to either increase taxes or reduce benefits or increase borrowing. Increasing borrowing is the most politically likely to put our kids even further in debt. It is going to cost a lot of money; there is now an unfunded liability of $9 trillion in today's dollars of the benefits that are needed to pay Social Security benefits over the next 75 years over and above what is going to come in from the FICA tax. We need to deal with it but it depends on how we deal with it. Do you do nothing? And if you do nothing, the cost is going to be substantially greater than doing something and getting a better return on some of that money paid into Social Security.

In conclusion, Mr. Speaker, let me just say that the average retiree is going to get a 1.7 percent return on the money that they and their employer invested in Social Security. We can do better than that. There needs to be a transition to earn more for the program rather than demagoguing. Let us come up with ideas and suggestions rather than playing poltics, because it is a program that is worth saving.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 56 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

From the blood-stained lintels, You, Almighty God, led the Jewish people through the doors of freedom to the desert. By the Spirit, Jesus was led into the desert to discover You in prayer and fasting.

Be with the Members of Congress and draw them into the emptiness of imagining and desire where You, our mysterious Lord, always siren Your people. Total dependency upon You, symbolized by the desert, either lifts one beyond present blindness or drowns one in the abandonment of spirit.

As You lead the leaders of this Nation and other nations forward, may the American people follow with all their struggling questions of faith. Bring peaceful agreement to the holy and ancient lands of the Middle East in Your own way, in Your own time, by Your own direction.

In You we place our trust, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. CHABOT) come forward and lead the House in the Pledge of Allegiance.

Mr. CHABOT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

MARRIAGE AND SELF-ESTEEM

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, there is a lot of talk these days about self-esteem. We do not want children to have low self-esteem. Whole curricula are developed about how to increase children's self-esteem.

The truth is, marriage is one of the best mental health programs for children and adults. Children born or raised outside of marriage are more likely to suffer mental health problems, such as depression. Children whose parents are not married have lower school attendance, lower school performance.

Teenagers whose parents are divorced are also more likely to have problems with substance abuse than children whose parents are married.

Married adults are significantly less likely to suffer from the problems of alcoholism and depression than nonmarried adults.

Mr. Speaker, I am not a mental health expert, but it seems to me that encouraging healthy marriages is a whole lot cheaper and more effective than picking up the pieces of broken marriages after it is too late.

IT IS TIME TO STAND UP FOR AMERICAN JOBS AND AMERICAN STEEL

(Mr. SANDLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, it is time to stand up for American families. It is time to stand up for American jobs. It is time to stand up in this country for American steel.

Already, 30 American steel companies have declared bankruptcy, and 47,000 American steelworkers have lost their jobs. Why has that happened? The International Trade Commission has determined that trade violations and steel dumping by foreign countries have caused these losses.

Tomorrow, the administration will decide what needs to be done to punish these foreign offenders. Apparently, the administration is considering an ineffective 30 percent tariff and total exemptions for a number of foreign countries. That simply will not work. Ask the domestic steel industry; ask the steelworkers.

Let us protect American jobs. A 40 percent tariff will protect our domestic industry and provide security to American families. We expect American families and American workers to work hard and to play by the rules. We should expect the same from our foreign trading partners.

HOW MANY TERRORIST OPPORTUNITIES WILL YUCCA MOUNTAIN PROVIDE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, proponents of transporting 77,000 tons of high-level nuclear waste to Yucca Mountain proclaim that terrorists will have a more difficult time committing an act of terrorism at one singular site as opposed to 131 commercial nuclear reactors around the country.

Nonsense. What this view does not take into account is how many opportunities terrorists will now be provided if this nuclear waste is transported through 43 States, past the homes, hospitals, and schools of over 123 million Americans. Seventy-seven thousand tons of nuclear waste will require at least 96,000 truck shipments over 3 decades, giving terrorists over 96,000 opportunities to target these shipments as the next act of heinous terrorism.

Mr. Speaker, I implore my colleagues to consider the safety and welfare of the 123 million Americans whose communities could be destroyed by transporting deadly nuclear waste throughout our entire country. Protect Americans from the next possible terrorist act. Stop Yucca Mountain.

IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to express my support for President Bush in extending our war on terrorism to the countries that make up the axis of evil: Iran, Iraq, and North Korea. These countries have all been designated as state sponsors of terrorism, and all three are engaged in the proliferation of weapons of mass destruction.

Today, Iraq poses the most serious threat to America's national security. Iraq and Iran were engaged in a war from 1980 to 1988 which killed approximately 1 million people. Just 3 years after this war was over, in 1991, Iraq invaded Kuwait. Two years after the Gulf War in 1993, Iraq tried to assassinate President George H.W. Bush when he visited Kuwait.

Iraq has consistently destabilized the Middle East over the past 20 years and is trying to acquire weapons of mass destruction which can be used against America and our allies. We should work with our allies to finally bring peace, stability, and democracy to the people of Iraq.

We must also prevent other nations from undermining our efforts to bring about a stable, democratic government in Iraq. Mr. Speaker, I fully support President Bush's efforts to eradicate international terrorism, which threatens all free, democratic nations.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY TO PRESENT A GOLD MEDAL ON BEHALF OF CONGRESS TO FORMER PRESIDENT RONALD REAGAN AND HIS WIFE NANCY REAGAN

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 305) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan, as amended.

The Clerk read as follows:

H. CON. RES. 305

Resolved by the House of Representatives (the Senate concurring), That the Rotunda of the Capitol is authorized to be used on May 16, 2002, for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan. Physical preparations for the ceremony shall be carried out in accordance with such conditions as the Architect of the Capitol may prescribe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Maryland (Mr. HOYER) will each control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to stand up on behalf of awarding the Congressional Medal to former President Reagan and his wife, Nancy.

I had a long-standing personal relationship with President Reagan, having traveled in his campaign plane going back to the East in 1976. He was a remarkable human being who knew who he was and what he was about, and he left office exactly as he entered it. Uninflated by the trappings of power, he came to do some things, he did them, and then he left.

On the night before he announced his candidacy for President in October of 1975, he gave a speech at the 20th anniversary celebration of the National Review. It was a remarkably confident, uplifting, and humorous speech; but toward the end of that speech, he looked at the world as we see it, and it was not all pretty.

He quoted something written 40 years earlier, or so, by Whittaker Chambers, a former Communist and popular writer in the 1940s and '50s. He said, "It is idle to speak of saving western civilization because western civilization is already a wreck from within. That is why we can hope to do little more than snatch a fingernail from a saint on the rack, or a handful of ash from the faggots, and bury them secretly in the flower pot against that day ages hence when a few men will dare to believe that there once was something else, that something else was thinkable; and that there are those who, at the dark moments, took loving care to preserve the tokens of hope and truth."

Reagan was looking at a very, very dark time in America. He went on to run for President, and he did not win. In some ways, it does not matter that he did not win in that race. The day after President Ford won the nomination in Kansas City, Ronald Reagan assembled the friendly troops that had followed him so ardently for the past year, and he told them that it was just the beginning, and that we would one day reach that shining city on the Hill.

Four years later, he ran for President again. It is valuable to remember what kind of circumstances the United States faced in 1980 as he ran for President. We have heard for the last 10 years that I have been here on this floor that the 1980s was a decade of greed and that he ran us into all kinds of debt. But let us lay some facts on the table. Facts, as it has been said, are stubborn things.

When Ronald Reagan ran for President, we had interest rates of 21 percent, we had home mortgages at 17 percent, inflation at 14 percent, and double-digit unemployment. He faced these challenges on that January day when he was sworn into office, and he listed them one after the other. Then he told the American people that we can conquer this, because, after all, we are Americans.

Over the next 10 years, not Ronald Reagan and not government policy, but the American people, changed the world with a cut in taxes to take the burden of paying for government off the backs of small businesses, the creators of jobs, with a significant reduction in regulations across the board. The American people, over the next 8 or 10 years; created 4 million businesses and nearly 20 million new jobs. The revenues to the Federal Government after reducing taxes doubled from $519 billion in 1980 to $1 trillion 54 billion in 1990.

The American people are a generous sort and also increased their contributions to strangers, people they have never met, through charities from $48 billion in 1980 to around $100 billion in 1990. It is now $195 billion.

Ronald Reagan would be reluctant to take any credit for any of this. He set a tone. He set a tone for the United States, and they followed it. In the 4 years before he became President, from 1976 to 1980, communist influence had increased in 14 major areas around the world from Afghanistan to Zambia. When Ronald Reagan took office, he was facing probably the largest expansion of communist activity in the history of this past century.

As he left office, quietly, without bragging, without talking, communism was collapsing on its own. Shortly thereafter, the Berlin Wall fell, and the whole idea of communism and socialism were both empirically and theoretically discredited. We now face expansions of freedom around the world.

He was an unassuming and decent man, and the American people saw that. They saw what he was, and they gave him two huge Presidential victories. But my favorite story about him was told by his friend of many, many years, Mike Deaver, who, while walking with Ronald Reagan on the streets of Manhattan in 1978, I believe it was, after he had run for President, and much of the world knew who he was from that campaign, he was walking down the street in Manhattan and saw someone inching toward him, wanting to get his autograph, thinking he knew who he was, but not sure.

Reagan, ever the polite gentleman, turned to him and put his hand out and said hello. The gentleman looked at Ronald Reagan and said, Could I get your autograph, Mr. Milland? Ronald Reagan signed "Ray Milland" and moved on. Mike Deaver said, why didn't you tell him who you were? Ronald Reagan said, I know who I am. He wanted to meet Ray Milland.

That is the kind of guy he was, the kind of President he was. He and Mrs. Reagan deserve to be honored with a Congressional Medal as a marvelous team in the history of this great country.

Mr. Speaker, I reserve the balance of my time.

□ 1415

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the concurrent resolution to authorize a ceremony to present a Congressional Gold Medal to former President Ronald Reagan and to Nancy Reagan. I regret that President Reagan will not be present for that ceremony.

H.R. 3591, enacted in the last Congress as Public Law 106–251, authorized presentation of this gold medal to our 40th President and our First Lady.

Mr. Speaker, President Reagan was a strong leader, both substantively in terms of policy and symbolically in terms of the image he projected to the American people. He was a significant figure at a critical point in time in our history. Ronald Reagan was clearly an effective advocate for his views, and he retained the affection of the American people throughout his Presidency. President Reagan was skilled at representing the office of the Presidency as well as his policies. He was an individual, as the gentleman from Georgia (Mr. LINDER) has said, simple, unassuming, profound in some ways and a thoroughly decent human being.

I want to take this opportunity as well to salute Nancy Reagan his wife, an active First Lady and a devoted spouse both in the White House and in the difficult days since she has coped with the former President's tragic Alzheimer's disease. Nancy Reagan has been a tireless proponent of programs to prevent alcohol and drug abuse as well.

Mr. Speaker, I may disagree with the gentleman from Georgia (Mr. LINDER) in terms of some of the policies and some of the reasons for what has happened in America. We will have those kind of differences appropriately. But what neither of us disagree on and what we both agree on is that Ronald Reagan is in fact a decent human being who cares greatly about his country, who cares about its people, who cares about freedom, and who cares about justice. He was a leader of significance, as I said earlier, a leader who made a difference, a leader who set before the world an image of freedom, a leader who was prepared to commit himself to the defense of freedom and, as a result, in my opinion, gave to those who would undermine freedom in the Kremlin and other places in the world second thoughts.

In the final analysis, I am convinced that Gorbachev, the leader of the Soviet Union, looked at his people and said, Ronald Reagan, the Congress, the American people are prepared to pay the price of defending freedom and are not going to let it go by default. We cannot compete, I am sure Gorbechev said, with a President, a Congress and a people with such resolve. As a result, I think, as the gentleman from Georgia (Mr. LINDER) has pointed out, shortly after the Reagan Presidency, communism was certainly in retreat, the Iron Curtain came down, the Berlin Wall, which he asked to be torn down, in fact was torn down.

So although during the course of his Presidency I differed on some policies and, frankly, agreed on others, but what we all can agree on is that this was an American who served his country well, an American who gave of himself, of his philosophy, of his intellect, of his devotion to country. Americans and America and, indeed, the world benefitted by that contribution.

I am pleased, Mr. Speaker, to rise with my friend, the gentleman from Georgia (Mr. LINDER), in support of this most appropriate use of the rotunda of the Capitol of the United States.

Mr. Speaker, I reserve the balance of my time.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I thank my friend and colleague, the gentleman from Georgia (Mr. LINDER), for allowing me the time today to appear and present a few remarks on this bill.

Mr. Speaker, yesterday marked the 50th wedding anniversary of former President and First Lady, Ronald and Nancy Reagan, a half a century of commitment not just to themselves and to each other but a commitment to the American people.

Mr. Speaker, today we plan for another milestone, the Congressional Gold Medal ceremony for this distinguished couple.

In the 106th Congress I, along with my good friend and colleague, the gentlewoman from Washington (Ms. DUNN), introduced legislation to award the Reagans the highest honor that Congress can bestow, the Congressional Gold Medal. Ronald and Nancy Reagan have dedicated their lives to promoting national pride and bettering the quality of life for every American. Certainly the Congressional Gold Medal is a fitting tribute to their enduring commitment to public service.

Recently, I introduced House Concurrent Resolution 305 to authorize the use of the Capitol Rotunda for their Congressional Gold Medal award ceremony to be held on May 16 of this year.

The Reagans have stood as leaders and icons in our Nation's history for years. A popular two-term governor and later as President of the United States, Ronald Reagan was dedicated to encouraging economic growth, recognizing the value of hard work and sparking hope and pride among all Americans. He believed that everyone can rise as high and as far as their abilities will take them. This principle became a guiding creed of Reagan's Presidency as he successfully turned the tide of public cynicism and sparked a national renewal of faith and hope. He fulfilled his pledge to restore the great confident roar of American progress, growth and optimism; and Americans once again believed in the good old-fashioned American dream.

Always standing by his side, President Reagan's wife, Nancy, served as a gracious First Lady and a distinguished leader in her own right. Perhaps her most notable and longest-lasting achievement was her "Just Say No" campaign aimed at preventing alcohol and drug abuse among our youth.

Even today, Mrs. Reagan continues to be an active public leader as a champion for increasing funding for research on Alzheimer's disease.

Together, the Reagans have dedicated much of their lives to our Nation. Their leadership and service extended well beyond President Reagan's tenure in office.

It has been an honor for me to lead the effort of awarding the Congressional Gold Medal to this deserving couple.

I encourage all of my colleagues to support this resolution which will allow for the Congressional Gold Medal ceremony to occur here, in the People's House, our Nation's Capitol.

Mr. LINDER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington (Ms. DUNN).

Ms. DUNN. Mr. Speaker, today I rise in support of this resolution to allow the use of the Capitol to honor President and Mrs. Reagan.

I so much appreciate hearing the words of our colleague, the gentleman from Maryland (Mr. HOYER), who was eloquent in his description of how this President was able to bring hope to this country and work across the aisle to achieve great things for the United States.

Two years ago the gentleman from Nevada (Mr. GIBBONS) and I sponsored a bill that awarded the Congressional Gold Medal to President Reagan and his wife and his long-time supporter, Mrs. Nancy Reagan. That bill, as the gentleman from Nevada told us, was passed in both houses; and it was signed by the President. With passage of today's resolution we will have the privilege to present our Nation's highest award to Mrs. Reagan this May in the Capitol Rotunda.

President Reagan delivered his second inaugural address in the Rotunda. I well remember that day because it was about one degree above zero and they actually canceled the parade to be held that day for the inauguration of the President. So President Reagan went ahead with his inaugural address, but he moved it to the Rotunda, so that has significance to us. In that address he personified our country as hopeful, big-hearted, idealistic, daring, decent and fair. Those are the exact words I would use to describe President Reagan himself.

Together, the President and the First Lady dedicated their lives to lifting the American spirit and bettering the quality of life for all Americans.

I continue and I know so many people also continue to be inspired by President Reagan's ideals of lowering the tax burden on individual working Americans, of strengthening families, limiting the control of government and achieving peace through strength here for our United States.

In the early 1980s President Reagan's policy and leadership lifted us out of a terrible economic situation. I well remember the record unemployment, the 21 percent interest rates, the double-digit inflation that we lived through during that time. He stated in his campaign that he would bring America back, and he did.

As we all know, the First Lady has been very instrumental in every Presidency. This is especially true of First Lady Nancy Reagan who traveled tirelessly around this Nation promoting her Just Say No campaign in order to stop substance abuse among young people. She knew she was not elected to office. She was not elected to office and yet she put to the best use the clout that she had as First Lady of this Nation to make what I believe was a lasting impact on our Nation's youth.

President and Mrs. Reagan believed in the promise of the American dream. In an era of growing cynicism, they worked in their own upbeat and hopeful ways to make America a place where everybody can rise as high and as far as their ability will take them.

My best wishes go out to President and Mrs. Reagan who have just celebrated their 50th wedding anniversary. Although he has withdrawn from public life and we will be here forever to remember his accomplishments, his wife will come to receive this honor in the Rotunda on May 16. We will be there to greet her, to thank her for her constant support of this great man and the wonderful activities she herself initiated on behalf of our Nation's youth. We will never forget their achievements.

Now it is time for us to honor these two individuals and to say thank you to our Nation's most magnificent President and his First Lady, Nancy Reagan.

Mr. Speaker, I urge passage of this resolution.

Mr. LINDER. Mr. Speaker, I yield such time as he may consume to my colleague, the gentleman from Georgia (Mr. ISAKSON).

Mr. ISAKSON. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER), and I thank the gentleman from Nevada (Mr. GIBBONS) for introducing House Concurrent Resolution 305, and I subscribe to everything that the gentleman from Nevada (Mr. GIBBONS) thereafter has said and the gentlewoman from Washington (Ms. DUNN) has said.

President Reagan was an unusually great President of this country. He lowered the burden of taxation on Americans. He in a large measure was solely responsible through his policies and his tenacity for bringing down the Berlin Wall and ending the Cold War. He was a leader of great proportion. But I rise for a different reason, not just to repeat the same.

It is really appropriate that we use the Rotunda to present this award to Nancy Reagan, and it is because she and the President are still achieving great things for our country.

Mr. Speaker, I lost my mother 4 years ago to Alzheimer's, and I have the greatest of regard for the caregivers of America who today deal with the care and the tragedy of that disease that afflicts their loved ones. I am so proud of the President, President Reagan, in the way he, in such a dignified manner, let the American people know of his debilitating disease; and he met it with the same positive influence that he met every challenge, no matter how great it was, in his life.

As President of the United States, he did wonderful things for our country. As First Lady, Nancy Reagan did wonderful things for our country. And when the Gold Medal is presented, it will be for all the positive accomplishments that he made. But at this time in their lives it also recognizes a couple who are a shining beacon to millions of Americans whose loved ones have been confronted with Alzheimer's, who, as caregivers, give every moment of their day to make the life of their loved one as easy as possible.

So on the 50th anniversary of their marriage, on their recognition of the accomplishments as First Lady and the President, it is also appropriate that we point out to the American people that even today, as a past President and a past First Lady, Ronald Reagan and Nancy Reagan continue to be a beacon to the American people in their handling of the most difficult of diseases in the latter years of their lives.

Mr. Speaker, I commend the gentleman from Nevada (Mr. GIBBONS), and I thank the gentleman from Georgia (Mr. LINDER) for yielding me time, and I urge the support of House Concurrent Resolution 305.

□ 1430

Mr. HOYER. Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time to urge all of our colleagues to support this resolution in honor of President and Mrs. Reagan.

Mr. Speaker, I said much about President Reagan in the opening of this conversation about his life, and let me close by honoring Mrs. Reagan. President Reagan said for many years that his life started 50 years ago yesterday, that was the day he married Nancy Reagan. She has been a full partner in all of his successes, of which there are many.

It is often the partner, the spouse, that does a lot of the work, while the person up front gets a lot of the credit. She was there from day one, 50 years ago yesterday. She deserves this tribute just as does he. I look forward to their coming here on May 16 to receive this tribute.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 305, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LINDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING PRINTING AS HOUSE DOCUMENT OF COLLECTION OF MEMORIAL TRIBUTES MADE IN HONOR OF THE LATE GERALD SOLOMON

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 338) authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon.

The Clerk read as follows:

H. CON. RES. 338

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. AUTHORIZING PRINTING OF COLLECTION OF STATEMENTS IN TRIBUTE TO GERALD SOLOMON.

A collection of statements made in tribute to the late Gerald Solomon, together with related materials, shall be printed as a House document under the direction of the Joint Committee on Printing, with illustrations and suitable binding.

SEC. 2. NUMBER OF COPIES.

The number of copies of the document printed under section 1 shall be the lesser of—

(1) 114 casebound copies, of which 50 copies shall be provided to the family of the late Gerald Solomon, 1 copy shall be provided to each Senator from the State of New York, and 2 copies shall be provided to each Member of the House of Representatives from the State of New York; or

(2) such number of casebound copies as does not exceed a total production and printing cost of $25,525, with distribution to be allocated in the same proportion as described in paragraph (1).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Jerry Solomon was my friend. He was my leader when I came here. He was the ranking Republican on the Committee on Rules. He was a tough partisan, but he was fair.

Jerry served 20 years in this body before retiring and then dying shortly thereafter. He was born in 1930 in Florida and grew up in the northern regions of upstate New York. He attended St. Lawrence University and was a Marine through and through. He spent 8½ years in active and reserve duty, and was one of the proud recipients of the Iron Mike Award given by Marines to Marines.

He was married to Freda, a high school sweetheart and a sweetheart on her own. They have five children and six grandchildren. They had a marvelous relationship, where Jerry got all the credit and Freda did much of the work, much like, I am afraid to say, in my family. She was a marvelous partner for him and the two of them had a great relationship for many years.

In 1995, Jerry became the chairman of the Committee on Rules, and I was given the opportunity to serve with him on the Committee on Rules. He was a strong leader for our cause and a fair one. He was tough and fair, and you cannot say much more about a politician than that. You appreciate their toughness, but you expect their fairness.

He was outspoken on veterans issues. I recall one day him saying that he was the ranking member, and if he had stayed back on the Committee on Veterans' Affairs, he would have been its chairman. And one day he said he would rather, frankly, serve as the Committee on Veterans' Affairs Chair than the Committee on Rules Chair. He thought so much of our veterans, and he fought for them unstintingly through a 20-year career in this body.

His proudest moment was in 1988 when President Reagan signed into law "Solomon's Bill" to elevate the Veterans Administration to a full cabinet level Department. This work won him wide praise from veterans groups over the years.

Jerry was laid to rest with military honors this past year in Saratoga National Cemetery. He was the driving force behind the creation of that cemetery and helped secure the money to buy the land for the cemetery. In 1998, the gentleman from New York (Mr. MCNULTY) introduced a bill to name the Saratoga National Cemetery in honor of Gerald Solomon. The bill had 88 cosponsors. However, some of the bureaucrats in the Department of Veterans Affairs were concerned because nothing like that had ever been done. After finding out, Jerry asked his colleague from New York to withdraw the bill because he did not want any controversy associated with the cemetery.

On December 4, 2001, this House passed a measure that did, in fact, name the national cemetery in Saratoga as the Gerald B.H. Solomon National Cemetery. It was signed into law on January 24, 2002.

Those of us who watched him in his work as the chairman of the Committee on Rules recall him standing right at that microphone, with his big expanded file that said Solomon on the front, which held his whole world worth of information and detail on all the issues that he fought for and cared for through all the years. He was the Chair of the National Defense Task Force, he was a congressional adviser to the United Nations Session on Disarmament, he was a representative to the North Atlantic Assembly, Chair of the Political Foreign Affairs Committee, Chair of the House NATO Observer Group and the U.S. Task Force on POWs and MIAs.

During the 1980s, Jerry was one of 13 House Members who served on President Reagan's group of congressional advisers and four generals for foreign policy, national defense, and budgetary initiatives. I was privileged to introduce him at a breakfast one day, and those who knew him would appreciate when I said, "This man has devoted his life to insurance agents, milk producers, and Ronald Reagan, and not necessarily in that order."

He was a firm and staunch fighter for what he believed in. He could always be counted on. He was a great American, an important and dedicated member of this body, and I urge the passage of this resolution on his behalf.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the concurrent resolution.

I was pleased to serve with Jerry Solomon during 18 years of my service here in the House that we overlapped. He was a passionate advocate of the positions he held. He was a Marine, in the best tradition of the United States Marines, of which he was a member until the day he died. He was a fighter for the issues that he believed in, but he was also a friend.

He had a good word for almost all on this floor and even in passion and anger he could turn to you with a smile and with a wink and say, we differed on this issue but we serve the American public, and we shall do so together.

It was enjoyable to serve with Jerry Solomon. It was appropriate that the bill, of which the gentleman from Georgia (Mr. LINDER) spoke, was passed, because Jerry was such a fighter, not only for that facility but for veterans generally. And he was a strong supporter of Ronald Reagan, whom we just set aside a time to honor.

So I am pleased to rise on behalf of this measure and urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself the balance of my time, and I urge my colleagues to support House Concurrent Resolution 338, this resolution on behalf of the printing of the remarks in honor of Jerry Solomon.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 338.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

TENO RONCALIO POST OFFICE BUILDING

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3789) to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building".

The Clerk read as follows:

H.R. 3789

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TENO RONCALIO POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2829

Commercial Way in Rock Springs, Wyoming, shall be known and designated as the "Teno Roncalio Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Teno Roncalio Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Virginia (Mrs. JO ANN DAVIS) and the gentleman from Maryland (Mr. HOYER) each will control 20 minutes.

The Chair recognizes the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

GENERAL LEAVE

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3789.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Virginia?

There was no objection.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3789, introduced by my distinguished colleague, the gentlewoman from Wyoming (Mrs. CUBIN), designates the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the Teno Roncalio Post Office Building.

Mr. Speaker, Mr. Roncalio was a native of Rock Springs, Wyoming, and has been a distinguished public servant for the majority of his life. He enlisted in the United States Army in 1941 and served as an infantryman in Europe, Sicily, and North Africa. After graduating from the University of Wyoming, he practiced law in Cheyenne. Mr. Roncalio represented Wyoming in this House from 1965 until 1967 and from 1971 until 1979, and I urge adoption of H.R. 3789.

Mr. Speaker, I reserve the balance of my time.

Mr. HOYER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of the gentleman from Illinois (Mr. DAVIS), the distinguished ranking member of this subcommittee, I am pleased to join my colleague, the gentlewoman from Virginia (Mrs. JO ANN DAVIS), in the consideration of H.R. 3789, which names, as she has pointed out, a postal facility after Congressman Roncalio.

I am sure that the gentlewoman from Wyoming (Mrs. CUBIN) will speak of Mr. Roncalio. It is interesting that the gentlewoman and Congressman Roncalio were of different parties, but represent a State that has a distinction of having a representative who really is like a United States Senator, in that they are elected statewide.

Mr. Roncalio was an outstanding member of this House, ran for the United States Senate unsuccessfully, but the people of Wyoming did not want to lose his service and reelected him for another three terms to the House of Representatives.

So we on this side of the aisle are very pleased to join the gentlewoman from Wyoming (Mrs. CUBIN) and the subcommittee and full committee in supporting this appropriate recognition of his service to Wyoming and his service to the country.

Mr. Speaker, I yield back the balance of my time.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Wyoming (Mrs. CUBIN), the distinguished sponsor of H.R. 3789.

Mrs. CUBIN. Mr. Speaker, the legislation that is before us today designates the United States Post Office in Rock Springs, Wyoming, in honor of Mr. Teno Roncalio.

Mr. Roncalio is one of those exceptional individuals who has spent his entire life serving the public and serving the people of the great State of Wyoming. It is an honor and a privilege for me to be able to present this legislation on his behalf today.

Mr. Roncalio, as the gentleman from Maryland (Mr. HOYER) stated, is a Democrat. He is from the other party than I belong to, but it never mattered to him when he was dealing with his constituents whether they were Republicans or Democrats. He represented Wyoming in the noblest of ways, in the most sincere of ways.

He is a native son of a small town in Wyoming known as Rock Springs, which is in the southwest corner of the State. It is along the Union Pacific Railroad that connected the East and the West and helped develop the West. This is where he grew up, where he attended high school, and spent most of his youth.

□ 1445

He later went on to graduate from the University of Wyoming.

As a decorated World War II veteran, he was awarded the Silver Star for Gallantry in Action and was named to the United States Army Officer Candidates Hall of Fame.

After serving in the military, Mr. Roncalio continued on with his public service, this time in loyal service to the State of Wyoming as a U.S. Representative in this very body. He served five terms, during which time he successfully brought Wyoming's concerns to the attention of this Nation, and he did so with great strength of heart and compassion.

As the gentleman from Maryland (Mr. HOYER) stated, Wyoming does have but one representative in the United States House of Representatives, so that representative has to work harder and be more passionate because we have all the issues that every other congressman has, plus issues that are unique to Wyoming as a rural State, being the lowest populated State. Mr. Roncalio was passionate in his love for the people of Wyoming.

When he served in Congress, it was a time in history when groundbreaking legislation was being adopted, such as the Voting Rights Act, the Civil Rights Act and the dawning of Medicare and Medicaid.

While he was in Congress, he worked diligently to boost Wyoming's share of mineral royalties, which is a driving force in our State's economy to this day. He also sponsored legislation establishing a number of recreational areas in the State, including Flaming Gorge, Big Horn Canyon, and the Fossil Butte Monument. His contribution to environmental concerns and preserving the beauty and history of Wyoming cannot be overlooked.

After leaving Congress in 1978, Teno returned to his native Wyoming where he resumed his law practice. He continues to live in the State to this day.

Please join me in acknowledging his great dedication to public service, to the State of Wyoming, to the Nation, and to all of the people that he loved.

Mrs. JO ANN DAVIS of Virginia. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentlewoman from Virginia (Mrs. JO ANN DAVIS) that the House suspend the rules and pass the bill, H.R. 3789.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m. today.

Accordingly (at 2 o'clock and 48 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SHIMKUS) at 6 p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 275, SENSE OF CONGRESS REGARDING HUNTING SEASONS FOR MIGRATORY DOVES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–364) on the resolution (H. Res. 353) providing for consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. DIAZ-BALART, from the Committee on Rules, submitted a privileged report (Rept. No. 107–365) on the resolution (H. Res. 354) providing for consideration of motions to suspend the rules, which was referred to the House Calendar and ordered to be printed.

APPOINTMENT OF MEMBERS TO BOARD OF TRUSTEES OF JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

The SPEAKER pro tempore. Without objection, and pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C 76h(a)), amended by Public Law 107–117, the Chair announces the Speaker's appointment of the following Members of the House to the Boards of Trustees of the John F. Kennedy Center for the Performing Arts:

Ms. PRYCE of Ohio and

Mr. KENNEDY of Rhode Island.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

PERMITTING USE OF ROTUNDA OF CAPITOL FOR CEREMONY TO PRESENT A GOLD MEDAL ON BEHALF OF CONGRESS TO FORMER PRESIDENT RONALD REAGAN AND HIS WIFE NANCY REAGAN

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 305, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 305, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 0, not voting 42, as follows:

[Roll No. 47]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—42

Becerra
Bentsen
Blagojevich
Boehner
Borski
Callahan
Calvert
Condit
Cubin
Davis, Tom
Dooley
Doolittle
Doyle
Filner
Hilleary
Hunter
Jefferson
John
Kilpatrick
Kingston
Lee
Lofgren
McKeon
Millender-McDonald
Murtha
Napolitano
Olver
Pombo
Reynolds
Ros-Lehtinen
Roybal-Allard
Sanchez
Solis
Taylor (NC)
Traficant
Waters
Watson (CA)
Watts (OK)
Waxman
Weldon (PA)
Wexler
Woolsey

□ 1829

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. KILPATRICK. Mr. Speaker, due to business in the District, I was unavoidably detained on, Tuesday, March 5. Had I been present, I would have voted "yea" on rollcall No. 47—H. Con. Res. 305, permitting use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

Mr. FILNER. Mr. Speaker, on rollcall No. 47 (H. Con. Res. 305) I was conducting official business in my San Diego California district. Had I been present, I would have voted "yea."

Ms. SANCHEZ. Mr. Speaker, during rollcall vote No. 47 on March 5, 2002 I was unavoidably detained. Had I been present, I would have voted "yea."

□ 1830

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE SALT LAKE 2002 WINTER OLYMPIC GAMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. HANSEN) is recognized for 5 minutes.

Mr. HANSEN. Mr. Speaker, I rise today to commend my home State of Utah for hosting, in the words of NBC sportscaster Dick Ebersol, "far and away the most successful Olympics, summer or winter, in the history of the games." The State of Utah and their citizens were introduced to the world, and boy did they ever shine in the eyes of their national and international visitors. Never in the history of the Olympics has there been such a spirit of volunteerism exhibited by the host community. Visitors from around the world were duly impressed by the helpfulness and congeniality of the locals. Salt Lake City, Utah, in the words of a Washington Post writer, is the "nice" capital of the world.

Mr. Speaker, not only did my home State shine in its hosting of the Winter Olympics, U.S. Olympians took home an unprecedented number of medals, 34 in all, placing a close second to Germany with 35 medals. The previous U.S. record for winter games was 13 medals. I commend our U.S. Olympic team for their tremendous showing. Furthermore, since the horrendous attacks on our country on September 11, United States citizens and the international community as a whole approached the 2002 Winter Olympic games with some trepidation. Thanks to the united efforts of thousands of Federal, State, local law enforcement and National Guard personnel, the Olympic games went off without a single incident.

Unfortunately, some in the press viewed the Olympics as a prime opportunity to take potshots at my home State and the predominant religion. Gladly, they were loudly renounced by our international visitors. Even the editors of their papers were compelled to apologize for their off-color remarks.

To the gentleman who writes for the Denver Post who took a shot at the State of Utah and then later apologized, he said that our areas out there were for beginners. He has never gone down Grizzly. Grizzly is where the downhill is and Grizzly has a sign up there that says: "Know your limitations. If you can't make this, take your skis, get on the gondola and go back down."

I used to ski, Mr. Speaker; but as I look at that, it is a 77 percent drop. You are doing 85 miles an hour in 300 feet. I have talked to a lot of the Olympians who said, "That's the best men's downhill in the world." To Mr. Paige from the Denver Post who has a perfect right under the first amendment to blast all of us, I have talked to the president and owner of Snowbasin. He said, "I have two tickets for Mr. Paige." We invite Mr. Paige to come to this beginners hill and for him to go straight down that hill. We do not want any of this back and forth stuff. We want a heckbent for election straight on down.

I am sure the local TV people would find it very interesting to watch him do it, and we would love to have Mr. Paige come out. We offer him those free tickets to come out and see it.

Mr. Speaker, I did not realize the custom is to ring a cow bell during the Olympics and cow bells were ringing everywhere. It was a wonderful experience for America. It reenergized us. We could see something we felt good about. It was emotional. The opening ceremony was wonderful. The closing ceremony was tremendous. The Olympians were great. I cannot think of a better Olympics that ever occurred. I agree with all the people who said that this was the best one ever.

SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. GEPHARDT) is recognized for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a full and fair debate on Social Security. Three months ago, the President's commission issued a report. It called for sweeping changes to the Social Security system. It called for the creation of private accounts. It called for three plans to meet these goals. Then last week, in a speech to the Cato Institute, the majority leader urged a debate on this issue. He urged us to reform Social Security. He urged us to privatize Social Security. And the President of the United States argued the same in speeches also delivered last week. Yet in Congress, Republicans are refusing to have that full and fair debate on their schemes of privatization. Do they have something to hide?

We hear that soon we are going to get a proposal to send certificates out to seniors, at a cost of $14 million, that tells them that if you are over the age of 62, your benefits will never be cut. The first question is, What if you are under 62? What should they assume? We are also told that CRS and other agencies have said that there is no legal effect to this document. It is not anything that anybody can rely on. Jo Anne Barnhart, the Social Security commissioner, suggests that the plan would drain millions of dollars from the administration's fund and alarm seniors who did not get their certificates. I could not agree with her more. The certificate idea is a political exercise that will squander taxpayer time and taxpayer money. It will create confusion. And it is an insult to seniors who put their faith and trust in Social Security.

We do not need a secret plan on Social Security. We do not want people to go into the voting booth and elect candidates next fall who say, "Oh, I'm going to guarantee your Social Security benefits," and then turn around the day after the election and cut their benefits in some scheme of privatization.

I am not afraid to stand on this floor and fight for my beliefs. I say to my Republican colleagues, in the words of the old hymn, "be not afraid." That hymn says that if you believe in something and you care about it, you ought to go ahead without fear. I want a debate on this issue before the election, not after the election. If Republicans fail to put Social Security on the floor, I intend to mount a discharge petition to bring up the Presidential commission's plans so that we can have a full and free debate, the House of Representatives at its best.

I think it is essential. Social Security is at the heart of our retirement security system. Thanks to Social Security, millions of Americans avoid poverty. They have lived their lives free from fear. People with disabilities and surviving family members have put food on the table because of Social Security. They have roofs over their heads. For 67 years, Social Security has been there for the people of this country when they have needed it.

My mother is 94 years old. She lives in an independent-living facility in St. Louis, and about half the costs of that facility every month come from her Social Security. You better believe she cares about Social Security. And you better believe I care about Social Security. And you better believe that millions of Americans care about Social Security. And you better believe that there are millions of people out there who care about Social Security and are concerned and rightly concerned about secret Republican plans to wait until after the election to put forward plans that will cut their benefits.

We are not talking about an academic exercise here. We are talking about people's lives and what happens to them every month. We are talking about the biggest changes in the program that the President has proposed in the history of the program. We are talking about a sea change in the way this program works. The Republican Party has always sought to weaken Social Security. In 1935, they voted against it. In 1964, they wanted to make it voluntary. And in 1994, Representative ARMEY appeared on national television admitting that "I would never have created Social Security."

Today, the Republican slogan seems to be, "Save Social Security last, not first." In today's New York Times, Paul Krugman is dead on. His argument is that Social Security has never been a simple pension fund. It really, he says, is a social contract. Each generation pays taxes that support the previous generation's retirement and expects to receive the same treatment from the next generation. Republicans propose to allow younger workers to place their payroll taxes in private accounts, in effect to break this ongoing contract, in Krugman's words.

He says, we are left with two options: make room for the trillions diverted into private accounts by slashing baby boomer benefits, or use money from other, unidentified sources to replace the diverted funds. The Republican plan makes promises that sound too good to be true, because they are too good to be true. According to Krugman, private accounts will create a financing crisis requiring sharp benefit cuts or large infusions of money from unspecified sources, or both.

Republicans say privatization will not cost a dime. The Social Security actuaries say it will drain $20 trillion from the budget. Republicans say privatization will strengthen people's retirement security. Tell that to the employees at Enron. They cannot even pay the cost of health care for their kids. Republicans say that 40 years of neglect have permanently damaged Social Security's financial health, in the words of Majority Leader ARMEY. Bob Ball, an expert on the subject, calls this statement flat out untrue.

Our challenge is to strengthen Social Security into the future. We need to honor our commitments. We need to strengthen the trust funds. We need to save Social Security first. America had a golden opportunity about 15 months ago. Fifteen months ago, we could have passed tax cuts to promote long-term economic growth while paying down the national debt and investing in Social Security for Americans everywhere. Republicans rejected our approach. Today, the President's budget breaks pledges by both parties. Both parties promised to safeguard the trust funds. The President's budget invades them for the next 10 years. It drains $1.5 trillion from the trust funds, and plans proposed by his commission fail to explain how we will pay for privatization. And they will lead to cuts in benefits for seniors, even for individuals opting out of private accounts.

This is not a debate about numbers. It is a debate in the end about our values. What is the value we place on Social Security? Our values call for understanding that Social Security will be solvent for the next 36 years, at a minimum. Our values call for recognizing that people have faith and trust and confidence in our most respected program. Our values call for realizing that Social Security offers economic security not just to seniors but to widows, disabled Americans, and children of parents who die before the age of 65. Our values call for keeping our intergenerational contract and commitment in the 21st century.

□ 1845

Our values call for keeping our word to the seniors of this country. Our values call for investing in Social Security today, not tearing it down as baby-boomers retire a few years from now.

I urge Republicans, be not afraid. Let us get about having a real debate before the voters speak in November of this year. Let us get about the task of saving Social Security first and today.

BREAKING THE CONTRACT

(By Paul Krugman)

If converting Social Security to a system of private retirement accounts is such a good idea, why can't advocates of that conversion try, just once, to make their case without insisting that 1+1=4?

Last week George W. Bush did it again, contrasting Social Security benefits with what retiring workers would have if they had invested all the Social Security taxes in the stock market instead. As an article in The Times pointed out, this was a misleading scenario even on its own terms; financial planners strongly advise against investing solely in stocks, and a diversified retirement account wouldn't have risen nearly as much in the 1990's bull market.

But there's something much more serious wrong with Mr. Bush's story. Indeed, the latest remarks perfectly illustrate how he uses bogus comparisons to make private accounts sound like a much better idea than they really are. For by emphasizing what today's 65-year-olds could have done if they hadn't paid Social Security taxes, Mr. Bush has forgotten something rather important. Without those taxes, who would have paid for their parents' benefits?

The point is that when touting its plan to privatize Social Security, the Bush administration conveniently fails to mention the system's existing obligations, the debt it owes to older Americans. As with so many other administration proposals, private accounts are being sold with deceptive advertising.

The truth—which Mr. Bush's economists understand perfectly well—is that Social Security has never been run like a simple pension fund. It's really a social contract: each generation pays taxes that support the previous generation's retirement, and expects to receive the same treatment from the next generation.

You may believe that Franklin Roosevelt should never have created this system in the first place. I disagree, but in any case Social Security exists, and older Americans have upheld their end of the bargain. In particular, baby boomers have spent their working years paying quite high payroll taxes, which were used mainly to support their elders, and only secondarily to help Social Security build up a financial reserve. And they expect to be supported in their turn.

Mr. Bush proposes to allow younger workers to place their payroll taxes in private accounts—in effect, to break this ongoing contract. But then what happens to older workers, who have already paid their dues?

There are only two possibilities. One is default: make room for the trillions diverted into private accounts by slashing the baby boomers's benefits. The other is to buy the baby boomers out—that is, to use money from other sources to replace the diverted funds.

Those really are the only alternatives. Last year the special commission on reform of Social Security, which was charged with producing a plan for private accounts, came to an ignominious end—it issued a deliberately confusing report, then slunk quietly out of town. But wade through its menu of options, and you'll find that in the end the commission grudgingly rediscovered the obvious: Private accounts won't "save" Social Security. On the contrary, they will create a financing crisis, requiring sharp benefit cuts, large infusions of money from unspecified outside sources, or both.

But nervous Republican members of Congress want to send all Social Security recipients a letter (at government expense, of course) assuring them that their benefits will never be cut. And now that the magic budget surplus has turned back into a pumpkin, the government is in no position to infuse new money into Social Security—on the contrary, the government at large is now borrowing from Social Security at a furious pace.

So why is the Bush administration reviving its push for private accounts right now? Did it really learn nothing from the implosion of the reform commission? I doubt it; the administration's economists aren't fools, though loyalty often requires that they pretend otherwise.

A more likely interpretation is that this is entirely cynical. War frenzy is subsiding, the Bush domestic agenda is stalled, and early indications for the November election aren't as good as Karl Rove expected. So it's fantasy time: tantalize the public with visions of sugarplums, then blame Democrats for snatching the goodies away. And it doesn't matter that the numbers don't add up, because the plan will never be tested by reality.

CELEBRATING THE 167TH BIRTHDAY OF THE REPUBLIC OF TEXAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I come to the House floor tonight to talk about a special day that happened last Saturday in Texas. March 2, 2002, marked the 167th birthday of the Republic of Texas.

Long ago on that date, in 1836, 54 delegates representing settlements across Texas gathered for the Constitutional Convention of 1836 in the small Village of Washington-on-the-Brazos.

From the beginning, it was an event marked by haste and urgency. The army forces of Mexico under General Santa Anna were closing in on the defenders in the Alamo. On March 2nd, the day after the opening of the convention, the delegates declared the independence of Texas from Mexico.

Within days of that announcement, on March 6th, the Alamo would fall.

This was the first in a chain of defeats for the small Texas Army which would, nevertheless, emerge victorious at the battle of San Jacinto, 6 weeks later, on April 21.

Mr. Speaker, what those brave Texans were fighting for is the same thing we are fighting for today. Up to the point when they gathered at Washington-on-the-Brazos, it was simply to restore the Mexican Republic and the constitution of 1824, which had been suspended by General Antonio Lopez de Santa Anna. This constitution had granted all citizens and subjects of Mexico basic human rights.

On the night of March 1, however, a group of five men stayed up late at night drafting the document that would be approved the next day by the full convention. This document, which echoed the lines of its American counterpart, was the Texas Declaration of Independence.

It started off in much the same way as ours, with the words, "When a government has ceased to protect the lives, liberty and property of the people." It spoke of the numerous injustices inflicted upon the settlers of the state then known as Coahuila y Tejas: the elimination of the state's legislative body; the denial of religious freedom; the elimination of civil justice system; and the confiscation of firearms, this last one being the most intolerable, particularly among Texans.

Finally, it stated that, because the injustices of Santa Anna's government, Texans were severing their connection with the Mexican nation and declaring themselves a free, sovereign and independent republic, fully invested with all the rights and attributes that belonged to independent nations and a declaration that they "fiercely and confidently" committed their decision to "the Supreme Arbiter of the destiny of nations."

Over the next 2 weeks, a constitution was drafted and an interim government was formed, despite daily reports from the front detailing the collapse of the Alamo and the subsequent advance of the Mexican army through Texas.

On March 17, 1836, the government was forced to flee Washington-on-the-Brazos on the news of the approach of Santa Anna. Just over a month later, independence was secured in the form of a victory over that same army by General Sam Houston, a delegate at that very convention, and his courageous fighters at the battle of San Jacinto.

Mr. Speaker, let me remind folks from my neighboring State of Tennessee that Sam Houston, along with another Texas hero, Davy Crockett, served in this Congress representing the State of Tennessee. In fact, I have told my colleagues from Tennessee that sometimes the best of Tennessee immigrated to Texas in the 1830s.

From that point on, Texas was firmly established in the community of nations, and for 10 years she stood as an independent nation, until President James K. Polk signed the treaty admitting Texas to the United States in 1845.

Mr. Speaker, last Saturday, March 2nd, was celebrated throughout Texas. But, again, as we are a Nation at war now, I hope that this Congress and the whole country realize that we did not start this country just yesterday. We have a tradition in our Nation of freedom, and that freedom not only started with our own independence in the 1700s but it started with the Texas independence in 1836, and that is why we celebrate Texas Independence Day.

WORKING TOGETHER TO FIX SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, I would like to make some comments on Social Security, a very important program.

A couple speakers ago, the minority leader suggested that the President and Republicans come up with their Social Security proposal, I suspect so that it could be criticized.

I would hope that the minority leader and the Democrats would come up with their solution for Social Security. To pretend that there is no problem and nothing needs to be changed is not facing up to the fact that the Social Security system is going to run out of money.

Social Security started in 1934. It was predicated on the fact that there would be an increasing number of workers paying their taxes into Social Security that is used to pay benefits for existing retirees. I think that point needs to be stressed, that it is now and always has been a system where existing workers pay their taxes and that tax money goes out to existing retirees.

Back in 1940, there were 38 workers paying in their Social Security tax for every one retiree. Today, there are three workers paying in their Social Security tax for every retiree. The suggestion by the actuaries is that by 2025 there will only be two workers paying in their Social Security tax for every retiree. It will be very expensive for those workers.

So what Congress and the President have done in the past, every time that we are short of money we have increased the taxes on workers and reduced benefits. Let us not put ourselves in that predicament again.

One way to do it is not to suggest that this is just up to the President of the United States. This is the Congress. This is the House of Representatives. We should be working together on both sides of the aisle to look at the problem with a program that has been so successful and so important since it was instigated in 1934.

The way we accomplish something to solve this problem is facing up to the fact that it is insolvent; the fact that there is an unfunded liability, according to the actuaries, of $9 trillion right now; that the money in the trust fund right now, money that the government has borrowed from the surplus coming in from Social Security and spent on other programs or other responsibilities of the General fund, is now $1.2 trillion, again compared to the $9 trillion unfunded liability. We would have to come up with $9 trillion today and invest it to accommodate what we are going to be short over the next 75 years in terms of meeting current-day promises on Social Security payments.

The average retiree today is receiving a return of 1.7 percent interest on the money they and their employer put into Social Security. We can do better than that.

Nobody is talking about privatizing Social Security. None of the proposals suggest that government is not going to be ultimately responsible for paying those Social Security benefits. But the way to accomplish this, the way to move ahead, is not by demagoguery. I know it is tempting in an election year to try to put down and scold and scare seniors that one party is better than the other.

Mr. Speaker, in conclusion, let me say that I would hope both the Democrats, the minority leader and the majority party in this House and the same with the Senate work together to come up with proposals to solve the problem, rather than demagoguing it.

PAKISTAN'S INTER-SERVICES INTELLIGENCE—ISI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to express my serious concerns regarding Pakistan's Inter-Services Intelligence, or ISI. It is important to highlight the history, work and intentions of the ISI in light of the unfortunate murder of Daniel Pearl and in light of the current fight against global terrorism.

The ISI not only has ties to Omar Sheik, the prime suspect in the murder of Daniel Pearl, but the ISI has also fostered deep connections with Islamic militant groups, particularly Jaish-e-Muhammad, operating throughout Kashmir.

In the 1980s, Pakistan assisted Afghanistan in fighting off Soviet invasion. During these years, the ISI grew into the role of Pakistan's strongest political agency on foreign policy. It was also during this time that the ISI developed and nurtured strong relationships with Islamic militants in Afghanistan and Kashmir.

Ties between the ISI and Afghan militants grew stronger, and this gave rise to the Taliban. The ties between the Taliban and the ISI remained strong for years, and to this day there are deep connections between the Pakistani ISI and what is left of the Taliban.

Ties between the ISI and Islamic militants in Kashmir grew stronger as well, and, in fact, the ISI, until very recently, had a Kashmir desk, headed by Brigadier Abdullah, which was responsible for militant insurgency into India's state of Jammu and Kashmir.

Mr. Speaker, I would like to expand on the deep, nefarious connections between the ISI in light of Daniel Pearl's murder and recent terrorist events throughout the world. There have been reports that Brigadier Abdullah, formerly of the ISI, has aided Omar Sheik in his travels between Afghanistan and Pakistan and has perhaps provided further support to both Omar Sheik and another individual, Maulana Azhar.

Omar Sheik and Maulana Azhar worked to form Jaish-e-Muhammad, an Islamic militant group that continues to operate throughout Kashmir and is the primary group blamed for the October attack on the Jammu and Kashmir State assembly. Jaish has received support from the ISI and particularly Brigadier Abdullah.

Both Sheikh and Azhar served in prison together in India in 1999, when they were freed after the hijacking of an Indian Airlines flight that landed in Kandahar, Afghanistan. Mr. Speaker, I would like to note that this flight was hijacked by the method of knives and box cutters and that weapons were not available to the hijackers until the plane landed in Kandahar. Furthermore, it was after their release that both Sheikh and Azhar formed Jaish and operated terrorist activities in Kashmir while in Pakistan and Afghanistan and with the help of the Pakistani ISI.

Azhar was arrested in December, 2001. However, Sheikh continued his mission of kidnapping and terrorism in hopes of Jihad; and, until the murder of Daniel Pearl, Sheikh was living freely in Pakistan. If it was not for the support of current or former officials of the Pakistani ISI, Sheikh may not have been able to succeed in his mission until this point in time and may not have succeeded in the kidnapping and tragic murder of Daniel Pearl.

It is clear that the ties between the ISI and both the Taliban and militant groups in Kashmir are deep. General Musharraf has taken it upon himself to arrest Azhar, arrest Sheikh, remove Brigadier Abdullah from the ISI and crack down on terrorists. However, more work needs to be done if Pakistan wants to take serious steps in breaking ties with the Taliban and Islamic militant groups operating in Kashmir and defusing tensions with India due to the terrorist attack on the Indian Parliament.

Although the ties between Pakistani intelligence officials and terrorists are clear, there is still much left to be investigated and publicized. Mr. Speaker, we need to approach the ISI with criticism and we need to approach Pakistan with great caution. U.S.-Pakistan ties have become closer as a result of our war in Afghanistan. However, I cannot urge us enough to proceed with caution.

The terrorist networks operating in Afghanistan, Pakistan and Kashmir are not isolated and, in fact, have significant ties to al Qaeda.

HONORING PROJECT HOMESAFE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON of Indiana) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise tonight to give special honor to Project HomeSafe and their latest firearm safety initiative, although I do it under the shadow of yet another child's death caused by the reckless use of a firearm.

Yesterday, in Albuquerque, New Mexico, a 4-year-old boy shot and killed an 18-month-old girl with his father's handgun while the two of them were watching a movie. Another young innocent life ended. Congress has refused to enact common-sense legislation to prevent these kinds of senseless acts.

As part of the National Shooting Sports Foundation, Project HomeSafe represents one of the largest and most diverse trade associations in America. Since September last year, Project HomeSafe has toured 16 States and visited over 300 communities, distributing hundreds of thousands of firearm safety devices in an effort to improve and preserve the lives of our children.

□ 1900

This month, they reached the great State of Indiana. In conjunction with our Lieutenant Governor, the Honorable Joe Kernan, Project HomeSafe launched a 35-day tour of Indiana, during which they will distribute 40,000 gun safety devices across the State. I want to commend the Department of Justice for providing the $5 million grant to enable this kind of activity.

From March 1 to April 4, Project HomeSafe will be working with the Indiana State Police to help distribute the trigger locks at Wal-Mart lots and K-Mart lots across the State. Indiana residents can receive a free firearm safety kit that includes a cable-style gun lock and a safety brochure detailing the safe storage of firearms.

To reinforce Project HomeSafe's safety messages, the firearms safety tour will travel through Indiana visiting 29 communities, using a 16-foot mobile classroom truck designed to provide safety education at the community level. Indiana residents will be able to pick up their firearms safety kit, watch a safety video, and view a display of the safe storage equipment. A safety tour coordinator will also be available to answer any questions.

Indiana's children will be able to visit the mobile classroom and will be encouraged to take the Project HomeSafe Pledge, which is a pledge presented to parents by children to show their commitment to safe firearms. Having already visited Indianapolis and Bloomington, the Project HomeSafe tour will visit many other cities, and I would like to insert those in the RECORD for the edification of people.

PROJECT HOMESAFE INDIANA TOUR SCHEDULE, MARCH 1–APRIL 4

Day and date	City	Time	Venue
Wednesday, 3/6/2002	Columbus	10:00–12:00	Wal-Mart, 1149 North National Rd.
Wednesday, 3/6/2002	Jeffersonville	3:00–5:00	Kmart, 2960 Hwy. 62.
Thursday, 3/7/2002	New Albany	10:00–4:00	Kmart, 3525 Grantline Road.
Friday, 3/8/2002	Evansville	10:00–5:00	Wal-Mart, 4551 University Drive.
Saturday, 3/9/2002	Evansville	10:00–5:00	Wal-Mart, 401, N. Burkhardt Road.
Sunday, 3/10/2002	Vincennes	10:00–5:00	Wal-Mart, 650 Kimmel Road.
Monday, 3/11/2002	Terre Haute	10:00–5:00	Wal-Mart, 5555 U.S. Hwy. #41.
Tuesday, 3/12/2002	Carmel	10:00–5:00	Wal-Mart, 2001 East 151 Street.
Wednesday, 3/13/2002	Lafayette	10:00–5:00	Wal-Mart, 4205 Commerce Drive.
Thursday, 3/14/2002	West Lafayette	10:00–5:00	Wal-Mart, 2801 Northwestern Dr.
Friday, 3/15/2002	Hammond	10:00–5:00	Wal-Mart, 1828 165th Street.
Saturday, 3/16/2002	Hammond	10:00–5:00	Big Kmart, 7925 Indianapolis Blvd.
Sunday, 3/17/2002	East Chicago	10:00–5:00	TBD.
Monday, 3/18/2002	Gary	10:00–5:00	TBD
Tuesday, 3/19/2002	Merrillville	10:00–5:00	Wal-Mart, 2936 East 79th Avenue.
Wednesday, 3/20/2002	Valparaiso	10:00–5:00	Wal-Mart, 2400 Morthland Drive.
Thursday, 3/21/2002	Portage	10:00–5:00	Wal-Mart, 6087 U.S. Hwy. 6.
Friday, 3/22/2002	Michigan City	10:00–5:00	Wal-Mart, 4301 South Franklin St.
Saturday, 3/23/2002	South Bend	10:00–5:00	Wal-Mart, 3701 Portage Road.
Sunday, 3/24/2002	South Bend	10:00–5:00	Big Kmart, 4850 Western Ave. W.
Monday, 3/25/2002	Mishawaka	10:00–5:00	Wal-Mart, 316 Indian Ridge Road.
Tuesday, 3/26/2002	Elkhart	10:00–5:00	Wal-Mart, 175 Country Road #6 W.
Wednesday, 3/27/2002	Goshen	10:00–5:00	Wal-Mart, 2304 Lincolnway East.

PROJECT HOMESAFE INDIANA TOUR SCHEDULE, MARCH 1–APRIL 4—Continued

Day and date	City	Time	Venue
Thursday, 3/28/2002	Fort Wayne	10:00–5:00	Wal-Mart, 5311 Coldwater Road.
Friday, 3/29/2002	Fort Wayne	10:00–5:00	Wal-Mart, 1710 Apple Glen Blvd.
Saturday, 3/30/2002	Marion	10:00–5:00	Wal-Mart, 3240 Southwestern.
Sunday, 3/31/2002	Kokomo	10:00–5:00	Wal-Mart, 1920 E. Markland Ave.
Monday, 4/1/2002	Anderson	10:00–5:00	Wal-Mart, 4420 Scatterfield Road.
Tuesday, 4/2/2002	Muncie	10:00–5:00	Wal-Mart, 4801 W. Clara Lane.
Wednesday, 4/3/2002	New Castle	10:00–5:00	Wal-Mart, 709 S. Memorial Drive
Thursday, 4/4/2002	Indianapolis	11:00	State Capitol, Wrap-up Press Conference.

I am extremely proud of my own home State of Indiana in that it is one of only 18 States participating in this program, but the education of both children and parents about firearm safety is still lacking across the Nation.

A couple of weeks ago, a young man walked into a school in Indianapolis, Indiana, attempting to kill some 13 students. He lamented that the gun that he planned to use had a safety device on it that had already been inserted by his father and he was unable to follow through on his threat. Sadly, guns continue to be exempt from Federal oversight, and consumer protection laws continue to be tougher on toy guns than real guns.

Mr. Speaker, I would encourage Congress to pay attention to the senseless and early deaths of our children and take some immediate measures to counteract the early demise of our children. Safety devices can prevent unintentional firearm death and injury. Every unintentional shooting involving children could have been prevented by a child-proof gun safety device.

COMPROMISE RESULTS IN SELL-OUT OF IRON ORE INDUSTRY

The SPEAKER pro tempore (Mr. SHIMKUS). Under a previous order of the House, the gentleman from Michigan (Mr. STUPAK) is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, I take to the floor tonight to talk about President Bush's proposed remedies on steel imports. Unfortunately, for those of us who represent iron ore miners in northern Minnesota and northern Michigan, the remedy proposed by the President today does little to help us.

We must look back to December of last year in which the ITC, the International Trade Commission, by a six to nothing vote said illegal steel, steel products, slab steel, was being dumped in this country to the great harm of the U.S. steel industry. With slab steel, that replaces iron ore pellets. In order to make steel, we need a raw product like iron ore pellets or slab steel.

In order to corner the market, foreign countries have been dumping slab steel in this country at exorbitant amounts since 1998. Every time slab steel comes into our country, it hurts our iron ore miners. In fact, up in my district, the Empire Mine has just shut down. Over 800 workers have been laid off and all the managerial and administrative people have been laid off.

So we were hoping today that President Bush would give us a strong steel remedy. We asked for 40 percent over 4 years, as allowable under U.S. law. Although the report was put forth today, and some in the media have called the tariff and quota on imported steel a compromise, I believe the iron ore industry may have been sacrificed in making that compromise. We in the iron ore industry have basically been sold out.

The ITC, the International Trade Commission, caught nations cheating under import pricing; and as I said earlier, by a six to nothing vote, they agreed those imports were hurting the domestic steel and the iron ore industry.

If we take a look at what the President did today, he said we will allow 5.4 million tons of imported slabs to come into the United States, but we will not count Mexico or Canadian slab steel coming into the United States. So basically, we are at about 7 million tons a year. That is exactly what they are importing right now. So therefore, the remedy does nothing for those of us who have been harmed over the last 4 years by illegal imports. Because this import level of 7 million for slab steel has already caused mines to shut down and layoffs in northern Michigan and elsewhere, we have really won nothing with the President's proposed remedy.

If we take a look at it, Mexico has been used more than once by countries throughout the world as an export platform. By that I mean to get around the President's proposals today, his remedies today, other countries can export their product to Mexico, and then from Mexico it will come into the United States. Mexico, as I said earlier, the President made an exemption for them as to steel products. Therefore, any country who wants to get around the new trade remedies proposed by the President will just ship their product to Mexico, it suddenly becomes a Mexican product, and it comes into the United States, it comes into the United States as not being part of the quota put forth by the Bush administration.

If we take a look at it, and in fact, one of the recent articles that appeared right after the President made his recommendation was from the California Steel Institute. They said, "We are pleased that the President recognized that slabs are different from finished products and excluded slab from the tariff measure imposed on finished steel products." Those who use slabs already recognize that the President did nothing to stop or stem the tide of illegal slabs into this country. The vice-chair of the ITC was quoted today in explaining their treatment of slab, and said that it wanted "to avoid causing harm to domestic steel producers that have legitimate needs to continue to import slabs." The vice-chair, Deanna Okun, added that a tariff on slab "would have a potentially severe impact on the members of the domestic industry that need a reliable source of slab." Reliable source.

The iron ore industry in my district has been there for over 150 years. One cannot get much more reliable than men and women going day in and day out, working in the iron ore mines for 150 years to provide America with the basic raw material it needs to produce steel, being iron ore pellets.

The California Steel Institute went on to say, "We fought hard to convince the U.S. Government to treat slabs separately from finished steel. As a raw material that is virtually nonexistent in the U.S. market, slab is fundamentally different from finished steel products such as hot bands and plate." Yes, it is different, because those of us in this country use iron ore as opposed to cheap imported slabs.

I should note that the California Steel Institute that I have been commenting on here tonight, 50 percent is owned by CBRD, a Brazilian iron ore company, and the other 50 percent is owned by a Japanese company. So while California steel industries are talking about how they have no remedy or how the slab remedy proposed by the President does not hurt them, they are already foreign owned. They will use Mexico as an export platform, and they will just sidestep these proposed remedies.

The California steel industry and others who have used slab steel realize that the President's remedy is nothing, and slab was not hurt. In fact, they are pleased with the remedy the President put forth. We in the iron ore industry and those who represent iron ore miners are not pleased. Iron mines are as reliable as the day is long. The miners have been there for us through all the world wars. They are loyal, hard-working Americans; and now they have just basically been exported out of this country.

I previously passed an amendment last year, a "melted and poured" amendment, which basically says that any steel used in the United States defense industry must be from steel that is melted and poured here in the United States. I will be offering this amendment again in the next 30 to 60 days on the supplemental appropriation bill; and every possible piece of legislation that it is germane to, I will be offering this amendment. I and others who represent iron ore miners will not give up, we will not sell out, we will not be shortchanged, and we will not shortchange our miners. We plan to be here day in and day out to continue to stand up for our iron ore miners.

OIL DEPENDENCE IS MAGNET FOR CONFLICT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, our thoughts and prayers this evening are with the men and women in our Armed Forces who serve America's cause on the front lines in Afghanistan, fighting one front in the war against terrorism. We await their prompt return, and we extend our deepest sympathies to the families of our fallen soldiers. As we prosecute the war against terrorism, we must take affirmative steps as a Nation to drain the swamp of hatred and violence in central Asia and the Middle East, in Indonesia, Africa, and Central America.

But the real dimension of our mission must be clear. Even as our troops carry out their dangerous assignments in the four corners of our world, the Bush administration is pushing a plan for $98 million in outlays for military equipment to protect not democratic values, but an oil pipeline in Colombia. This aspect of the Bush administration foreign policy should serve to focus our attention on the urgent need for the United States to wean itself from a dangerous addiction to foreign oil. In fact, that historic addiction to Saudi oil, to Kuwaiti oil, to Iraqi oil, to Colombian oil, to Nigerian oil, lies on the basis of the repressive regimes whose dissidents strike out now against our country. It is an addiction that distorts our foreign policy, that drains our national wealth and demands treatment.

The treatment on the home front for that oil addiction is restoring fuel independence, energy independence for America again, and one of the most promising sources is biofuels.

I would like to submit for the RECORD this evening a simply magnificent article in foreign affairs called "The New Petroleum," written by a Member of the other body, RICHARD G. LUGAR and former CIA Director R. James Woolsey. The first sentence of this article reads: "Oil is a magnet for conflict." And it talks about well over two-thirds of the world's remaining oil reserves lie in the Middle East and becoming more and more precious as this century and millennium proceed. But then it talks about ethanol always being there as an alternative to gasoline, but never really being taken seriously, because until now, it has only been possible to produce ethanol from a tiny portion of the corn plant, the edible portions.

But recent breakthroughs in genetic engineering and processing of new biocatalysts have made possible something called "cellulosic biomass," literally using every scrap of organic material on the face of the Earth, including this country's waste material put into our landfills, to spawn an entire new industry for our country and, indeed, countries of the world. If the hundreds of billions of dollars that now flow into a few coffers of a few nations were to flow instead to the millions of people who till the world's fields, most countries would see substantial national security, economic, and environmental benefits.

It talks about genetically engineered biocatalysts and advancing processing technologies that can make a transition from fossil fuels to biofuels affordable, and would not the world's security picture change dramatically. U.S. diplomacy and policies in the Middle East could be guided by a respect for democracy, rather than a need to protect oil supplies and accommodate oil-producing regimes, all of which are undemocratic.

It talks about cellulostic ethanol, radically improving the outlook for rural areas around the world, and how the nearly $70 billion spent annually for imported oil representing nearly half of the U.S. trade deficit, and would it not be better to spend those dollars here at home producing new jobs based on new fuels production for our own people and the world. It talks about how renewable fuels will actually reduce greenhouse gases around the world, and it talks about how these technologies are even better than the battery-powered technologies that are being developed and the various nuclear technologies that are being promoted by the Bush administration, which have spent plutonium, for which there is no real safe answer.

□ 1915

It talks about ethanol's economic viability as a result of these new technologies coming online with biocatalysts and new genetic engineering and the tremendous difference it will make in the price per gallon. The current efficiency of ethanol processing is somewhat analogous to that of petroleum refining in the early part of the 20th century, when after the invention of thermal cracking, it made possible a major share of the petroleum molecule for gasoline production. We are at the dawn, at the dawn of the biofuels age. We only need to see it.

Dartmouth engineering professor Lee Lynd talks about using only some of our Nation's agricultural and forest residues to produce a minimum of 8 percent of replacement for gasoline. And then take a look at much of the land idled across the country, and many of the forests, where there is residue on the ground, harvesting that, using that, using all the corn stalks that are being thrown away, all of the cotton hulls that are being thrown away, using those organics to produce fuel, and replacing a minimum of 25 percent additional.

So we would add the 8 percent, add the 25 percent, and we are moving to well over nearly 40 percent already of replacing what we currently are required to fuel with gasoline.

I include for the RECORD this really incredible article; again, "The New Petroleum in Foreign Affairs," by Senator LUGAR and R. James Woolsey. It is the future. Please take a look at it.

The article referred to is as follows:

THE NEW PETROLEUM

(By Richard G. Lugar and R. James Woolsey)

WHY CHANGE?

Oil is a magnet for conflict. The problem is simple—everyone needs energy, but the sources of the world's transportation fuel are concentrated in relatively few countries. Well over two-thirds of the world's remaining oil reserves lie in the Middle East (including the Caspian basin), leaving the rest of the world dependent on the region's collection of predators and vulnerable autocrats. This unwelcome dependence keeps U.S. military forces tied to the Persian Gulf, forces foreign policy compromises, and sinks many developing nations into staggering debt as they struggle to pay for expensive dollar-denominated oil with lower-priced commodities and agricultural products. In addition, oil causes environmental conflict. The possibility that greenhouse gases will lead to catastrophic climate change is substantially increased by the 40 million barrels of oil burned every day by vehicles.

Ethanol has always provided an alternative to gasoline. In terms of environmental impact and fuel efficiency, its advantages over gasoline substantially outweigh its few disadvantages. But until now it has only been practical to produce ethanol from a tiny portion of plant life—the edible parts of corn or other feed grains. Corn prices have fluctuated around $100 a ton in the last few years, ranging from half to double that amount. Ethanol has thus been too expensive to represent anything but a small, subsidized niche of the transportation fuel market. In spite of recent reductions in the expense of ethanol processing, the final product still costs roughly a dollar a gallon, or about double today's wholesale price of gasoline.

Recent and prospective breakthroughs in genetic engineering and processing, however, are radically changing the viability of ethanol as a transportation fuel. New biocatalysts—genetically engineered enzymes, yeasts, and bacteria—are making it possible to use virtually any plant or plant product (known as cellulosic biomass) to produce ethanol. This may decisively reduce cost—to the point where petroleum products would face vigorous competition.

The best analogy to this potential cost reduction is the cracking of the petroleum molecule in the early twentieth century. This let an increasingly large share of petroleum be used in producing high-performance gasoline, thus reducing waste and lowering cost enough that gasoline could fuel this century's automotive revolution. Genetically engineered biocatalysts and new processing techniques can similarly make it possible to utilize most plant matter, rather than a tiny fraction thereof, as fuel. Cellulosic biomass is extremely plentiful. As it comes to be used to produce competitively priced ethanol, it will democratize the world's fuel market. If the hundreds of billions of dollars that now flow into a few coffers in a few nations were to flow instead to the millions of people who till the world's fields, most countries would see substantial national security, economic, and environmental benefits.

PAYING FOR ROGUES

Energy is vital to a country's security and material well-being. A state unable to provide its people with adequate energy supplies or desiring added leverage over other people often resort to force. Consider Saddam Hussein's 1990 invasion of Kuwait, driven by his desire to control more of the world's oil reserves, and the international response to this threat. The underlying goal of the U.N. force, which included 500,000 American troops, was to ensure continued and unfettered access to petroleum.

Oil permeates every aspect of our lives, so even minor price increases have devastating impacts. The most difficult challenge for planners, policymakers, and alternative-energy advocates is the transportation sector, which accounts for over 60 percent of U.S. oil demand. The massive infrastructure developed to support gasoline-powered cars is particularly resistant to modifications. It precludes rapid change to alternative transportation systems and makes America highly vulnerable to a break in oil supplies. During a war or embargo, moving quickly to mass transit or to fuel-cell or battery-powered automobiles would be impossible.

For most countries, excluding only those few that will be the next century's oil suppliers, the future portends growing indebtedness, driven by increasingly expensive oil imports. New demand for oil will be filled largely by the Middle East, meaning a transfer of more than $1 trillion over the next 15 years to the unstable states of the Persian Gulf alone—on top of the $90 billion they received in 1996.

Dependence on the Middle East entails the risk of a repeat of the international crises of 1973, 1979, and 1990—or worse. This growing reliance on Middle Eastern oil not only adds to that region's disproportionate leverage but provides the resources with which rogue nations support international terrorism and develop weapons of mass destruction and the ballistic missiles to carry them. Iraqi vx nerve gas and Iranian medium-range missiles show how such regimes can convert oil revenues into extensive and sophisticated armament programs.

IS OIL RUNNING OUT?

Optimists about world oil reserves, such as the Department of Energy, are getting increasingly lonely. The International Energy Agency now says that world production outside the Middle Eastern Organization of Petroleum Exporting Countries (OPEC) will peak in 1999 and world production overall will peak between 2010 and 2020. This projection is supported by influential recent articles in Science and Scientific American. Some knowledgeable academic and industry voices put the date that world production will peak even sooner—within the next five or six years.

The optimists who project large reserve quantities of over one trillion barrels tend to base their numbers on one of three things: inclusion of heavy oil and tar sands, the exploitation of which will entail huge economic and environmental costs; puffery by OPEC nations lobbying for higher production quotas within the cartel; or assumptions about new drilling technologies that may accelerate production but are unlikely to expand reserves.

Once production peaks, even though exhaustion of world reserves will still be many years away, prices will begin to rise sharply. This trend will be exacerbated by increased demand in the developing world. As Daniel Yergin, Dennis Eklof, and Jefferson Edwards pointed out in these pages ("Fueling Asia's Recovery," March/April 1998), even assuming a substantial recession, increased Asian needs alone will add enough demand by 2010 (9 million barrels per day) to more than equal Saudi Arabia's current daily production.

The nations of the Middle East will be ready to exploit the trend of rising demand and shrinking supply. The Gulf states control nearly two-thirds of the world's reserves; the states bordering the Caspian Sea have another several percent. Barring some unforeseen discoveries, the Middle East will control something approaching three-quarters of the world's oil in the coming century.

A WHOLE NEW WORLD

If genetically engineered biocatalyst and advanced processing technologies can make a transition from fossil fuels to biofuels affordable, the world's security picture could be different in many ways. It would be impossible to form a cartel that would control the production, manufacturing, and marketing of ethanol fuel. U.S. diplomacy and policies in the Middle East could be guided more by a respect for democracy than by a need to protect oil supplies and accommodate oil-producing regimes. Our intrusive military presence in the region could be reduced, both ameliorating anti-American tensions and making U.S. involvement in a Middle Eastern war less likely. Other states would also reap benefits. Ukraine, rich in fertile land, would be less likely to be dominated over time by oil-rich Russia. China would feel less pressure to befriend Iran and Iraq or build a big navy to secure the oil of the South China Sea. The ability of oil-exporting countries to shape events would be increasingly limited.

The recent report by the President's Committee of Advisers on Science and Technology (PCAST) predicted that U.S. oil imports will approximately double between 1996 and 2030, from 8.5 million barrels per day, at a cost of $64 billion, to nearly 16 million barrels per day, at a cost of $120 billion. They estimated, however, that with concentrated efforts in fundamental energy research and investment in renewable fuel technologies, this could be reduced to 6 million barrels per day in 2030. The report concluded, "A plausible argument can be made that the security of the United States is at least as likely to be imperiled in the first half of the next century by the consequences of inadequacies in the energy options available to the world as by inadequacies in the capabilities of U.S. weapons systems. It is striking that the Federal government spends about 20 times more R&D money on the latter problem than on the former."

FUEL FARMERS

Cellulosic ethanol would radically improve the outlook for rural areas all over the world. Farmers could produce a cash crop by simply collecting agricultural wastes or harvesting grasses or crops natural to their region. Agricultural nations with little to no petroleum reserves would begin to see economic stability and prosperity as they steadily reduced massive payments for oil imports. Even more striking would be redistribution of resources that would occur if farmers and foresters produced much of the world's transportation fuel. We know from the positive results of micro-credit institutions and other such programs that even small increases in income can be a major boost to a subsistence-level family's prospects. If family income is a few hundred dollars a year, earning an extra $50–$100 by gathering and selling agricultural residues to a cellulosic ethanol plant could mean a much improved life. Such added income can buy a few used sewing machines to start a business or a few animals to breed and sell. It can begin to replace despondency with hope.

There are likely to be even larger effects on rural development if biomass ethanol production can lead a shift toward using plant matter of other products as well, such as biochemicals and electrical energy. The cleanliness of renewable fuel technologies makes them particularly attractive to countries that lack a sophisticated infrastructure or network of regulatory controls. At least some facilities that process carbohydrates should lend themselves to being simplified and sized to meet the needs of remote communities. If such towns can produce their own fuel, some of their fertilizers, and electricity, they will be far better positioned to make their way out of poverty and to move toward democracy and free enterprise. Local economic development can promote political stability and security where poverty now produces hopelessness and conflict.

A major strength of the new technologies for fermenting cellulosic biomass is the prospect that almost any type of plant, tree, or agricultural waste can be used as a source of fuel. This high degree of flexibility allows for the use of local crops that will enrich the soil, prevent erosion, and improve local environmental conditions.

Finally, as recession and devaluations overseas move the American balance-of-payments deficit from the 1998 level—$1 billion every two days—toward nearly $1 billion every day, there will be increased calls for protectionism. The best way to avoid the mistakes of the 1930s is to have a solid economic reason for increasing U.S. production of commodities new bought abroad. The nearly $70 billion spent annually for imported oil represents about 40 percent of the current U.S. trade deficit, and every $1 billion of oil imports that is replaced by domestically produced ethanol creates 10,000—20,000 American jobs.

EASY BEING GREEN

To be politically and economically acceptable, changes in fuel must be understood by the American public to be affordable and not disruptive. Most other countries require the same tough criteria—U.S. difficulties in convincing developing nations to reduce greenhouse gas emissions are directly related to the cost and the damage this would have on their development plans. But if one of the most effective ways to reduce greenhouse emissions also produced an improved balance-of-payments deficit and opportunities for rural development, economic benefits would suddenly far exceed the costs. The political acceptability of reducing emissions changes substantially when the economics change. A shift to biomass fuels stands out as an excellent way to introduce an environmentally friendly energy technology that has a chance of both enjoying widespread political and economic support and having a decisive impact on the risk of climate change.

Renewable fuels produced from plants are an outstanding way to substantially reduce greenhouse gases. Although burning ethanol releases carbon dioxide into the atmosphere, it is essentially the same carbon dioxide that was fixed by photosynthesis when the plants grew. Burning fossil fuels, on the other hand, releases carbon dioxide that otherwise would have stayed trapped beneath the earth.

If one looks at the complete life cycle of the production and use of ethanol derived from feed gains, the only addition of carbon dioxide to the atmosphere results from the use of fossil fuel products in planting, chemical fertilizing, harvesting, and processing. But this fossil fuel use can be substantial—up to seven gallons of oil may be needed to produce eight gallons of ethanol. When ethanol is produced from cellulosic biomass, however, relatively little tilling or cultivation is required, reducing the energy inputs. It takes only about one gallon of oil to produce seven of ethanol. There is a virtual consensus among scientists: when considered as part of a complete cycle of growth, fermentation, and combustion, the use of cellulosic ethanol as a fuel, once optimized, will contribute essentially no net carbon dioxide to the atmosphere.

According to a 1997 study done by five laboratories of the U.S. Department of Energy, a vehicle powered by biomass ethanol emits well under one percent of the carbon dioxide emitted by one powered by gasoline. More surprising, however, is that ethanol produced from biomass emits only about one percent of the carbon dioxide emitted by battery-powered vehicles, since the electricity for those is commonly produced by burning fossil fuels at another location. Although local air quality is improved, total carbon dioxide emissions are not curtailed; they are merely exported—for example, from Los Angeles to the Four Corners. Unless the electricity to charge the car's batteries is produced by renewable fuels or nuclear power, electric vehicles are only 20 to 40 percent better as carbon dioxide emitters than gasoline-powered cars. Biomass ethanol beats both by a factor of about 100, fundamentally changing the global-warming debate.

FRINGE BENEFITS

Cellulosic ethanol is the only alternative fuel that requires, at most, very modest changes to vehicles and the transportation infrastructure. One need not spend money retooling Detroit, nor spend years awaiting the gradual replacement of older vehicles by those with new technology. Nor does one need to modify or construct pipelines and storage tanks to hold hydrogen as an alternate to petroleum. This compatibility with today's infrastructure saves billions of dollars and not just years, but decades. Moreover, there is nothing incompatible between using ethanol now in internal combustion engines and using it later in more efficient power systems, such as hybrids or fuel cells.

Essentially all automobiles currently on the road can use fuel containing up to ten percent ethanol. But strict fuel economy standards have encouraged the development and production of flexible fuel vehicles (FFVS) that can use up to 85 percent ethanol. FFVS are already in dealers' showrooms, containing (at no added cost to the consumer) the minor engine modifications—a computer chip in the fuel system and a fuel line made out of slightly different material—that make large-scale ethanol use possible. Even pure ethanol vehicles are quite practical. Brazil has 3.6 million on the road.

Corn ethanol will continue to serve an important role as ethanol production shifts to cellulosic biomass. Commercialization of corn ethanol has provided a base of industrial experience, talented people, and infrastructure from which a much larger cellulosic ethanol industry may be launched. For corn farmers, biomass is no threat; it will probably be a boon. Indeed, there is likely to be a continuing, perhaps even an expanding, market for corn ethanol because of the value of its byproducts, such as animal feed. In general, the transition from corn to cellulosic biomass and from a few producers to many is likely to expand opportunities for American farmers.

BIOENGINEERED BUGS

Ethanol's economic viability depends on making it cheaper to produce. This can be achieved by making it out of cellulosic biomass, which includes essentially anything that grows or has grown: agricultural and forest residues, prairie grass, kudzu, waste wood, used paper products, even much of urban waste. Last year, about 95 percent of the ethanol produced in the United States came from corn. But agricultural residues and other wastes have low or even negative cost—some you are paid to haul away—while crops like prairie grass cost only a few tens of dollars a ton. This represents a substantial savings in the raw material used in ethanol and puts it within the range of oil, even inexpensive Persian Gulf oil.

Only recently have scientists developed the means to convert cellulosic biomass efficiently into ethanol. The edible portions of corn and other grains easily ferment into ethanol because of their chemical make-up. Most biomass, however, consists of more recalcitrant hemicellulose and cellulose, requiring both the breaking up of these two fibers as well as the fermenting of both five- and six-carbon sugars. This all happens in nature, but two parts of it—fermenting five-carbon sugars and breaking up cellulose quickly—are technically challenging. The first is now done by genetically engineered microorganisms; this tool and other new techniques are now being brought to bear on the second problem.

How far along are these developments? The current efficiency of ethanol processing is somewhat analogous to that of petroleum refining in the early 1900s: after the invention of thermal cracking made it possible to use a major share of the petroleum molecule for gasoline production but before the invention of catalytic cracking opened up an even larger share of petroleum to exploitation. In short, we have come a long way, but still have some inventing to do. The new, genetically engineered microorganisms have already taken us far toward the fermentation of ethanol from a wide range of plant material, laying the groundwork for reductions in processing costs as well.

The new microorganisms, combined with other improvements in processing, fundamentally change the equation for considering ethanol a major transportation fuel. According to a recent study by Dartmouth engineering professor Lee Lynd, utilizing only some of the nation's agricultural and forest residues, with no additional land use, could supply over 15 billion gallons of ethanol a year—more than ten times the amount now produced from corn, and enough to replace around eight percent of the nation's gasoline. (Not all residues would be used, of course, since some must be left for long-term fertility.) Lynd also calculated that taking a little over half of the 60 million acres of cropland historically idled by federal programs for conservation and other purposes, and using for ethanol production the mown grasses with which much of this acreage is ordinarily planted, would produce enough ethanol to fulfill around 25 percent of the country's annual gasoline needs. These calculations use current automobile mileage. Lynd notes that further mileage improvements, achieved through a shift to hybrids or fuel cells, could obviate the need for gasoline entirely, without taking land from food crops or nonagricultural uses. The coproduction of animal feed and biomass residues from alfalfa and witchgrass is especially promising. There is, in short, no basis for the argument that America does not have the land to produce enough ethanol to make a very large dent in U.S. gasoline consumption.

Biofuels must be produced in ways that enhance overall environmental quality. Sound land-use policies certainly must be followed, to protect wildlife habitat and address other environmental concerns. But professional land-use techniques should readily accomplish this. Alternative fuels are often seen as an unpalatable necessity representing a retrenched standard of living, forced upon us in an age of limits. The opposite may be true. Utilization of renewable fuels will make it possible for us to continue enjoying the freedom afforded by private cars, even as the production of petroleum begins to decline.

THE RIGHT STUFF?

Early this century, Henry Ford expected that ethanol, not gasoline, would be the fuel of choice for automobiles. His reasons are evident. The two fuels can be compared by examining three basic parameters—energy content, octane, and vapor pressure. Pure ethanol contains 69 percent of the energy of gasoline. A lower energy content translates into fewer miles to the gallon; in order to travel the same range, about a 30 percent larger fuel tank is needed (as is used in Brazil). Many scientists believe that optimizing engines for ethanol use will largely compensate for this difference, in part because ethanol is a simple combination of carbon, hydrogen, and oxygen. It is vastly less complex than gasoline, which means that fine-tuning an engine to squeeze very last drop of energy from ethanol is potentially easier.

Octane is the measure of a fuel's ability to oxidize hydrogen and carbon molecules within a fraction of a second. When the reaction is not simultaneous, "engine knock" and inefficient combustion result. Ethanol has an octane rating 15 percent higher than gasoline's. In the 1920s ethanol was briefly considered as a large-scale additive to gasoline to stop the knocking of the new higher compression engines. However, to the detriment of public health, ethanol lost out to highly toxic tetraethyl lead, for three reasons: in contrast to ethanol, only a small amount of lead was needed as an additive; some were concerned that corn-derived ethanol would compete for land and threaten the feed grains market; and since Prohibition was in effect, many were also worried about the security problems associated with maintaining large volumes of what is essentially 200-proof vodka. Ethanol's ability to be an effective fuel, however, was never an issue.

A third important fuel measurement is vapor pressure, or how readily a liquid evaporates. A fuel's vapor pressure is directly lined to the quantity of vehicle emissions, since over 40 percent of automobile emissions result from evaporation, not tailpipe emissions. Substituting ethanol for gasoline in any amount reduces tailpipe emissions and thus reduces urban smog. Pure ethanol, and any gasoline-ethanol mixture that is more than 22 percent ethanol, has a lower vapor pressure than gasoline and would therefore reduce the amount of evaporative emissions.

Somewhat confusingly, however, blends of ethanol and current gasoline have a slightly higher vapor pressure than pure gasoline when the mixture contains less than 22 percent ethanol, because of the unique mixing properties of the liquids. Some studies show that low-level blends of ethanol and gasoline (like gasohol, which is ten percent ethanol) can actually worsen local air pollution, especially the formation of low-level ozone. Consequently, in cities in the Northeast and California, proposals to encourage the use of ethanol blends have often fallen on deaf ears. Some environmentalists see them as camouflaged subsidies for Midwestern corn growers at the expense of the cities.

But although low-level ethanol blends present complex issues, blends with more than 22 percent ethanol—which can be used in FFVs—do not have the vaporization problem. Moreover, with different approaches to refining and blending gasoline, a solution to the vaporization problem may well exist even at mixtures below 22 percent. Finally, ETBE—an oxygenate made from ethanol that improves gasoline combustion—improves air quality both in tailpipe emissions and vaporization, although its use means the fuel contains five to ten percent ethanol.

Choosing to use cellulosic ethanol is not a choice to forsake more advanced automobile propulsion technologies, such as hybrids and fuel cells. Ethanol is compatible with both. Jeffrey Bentley, vice president of Arthur D. Little, Inc., a company recently honored by the U.S. government for its novel fuel-cell technology, stated that "ethanol provides higher efficiencies, fewer emissions, and better performance than other fuel sources, including gasoline. . . . Where ethanol is available, it will be the fuel of choice by consumers." As both hybrids and fuel cells continue to improve, automobiles powered by them may dramatically reduce air pollution. Ethanol's compatibility with both makes moving toward cellulosic ethanol as a transportation fuel much more desirable.

If government policies promote FFVS, moreover, a large fleet of ethanol-compatible vehicles will be available much earlier than would otherwise have been feasible. This is because FFVS can burn gasoline now but can use cellulosic ethanol as it becomes available. Introducing FFVS into the national fleet differs radically in timing from other changes in transportation. Even if an ideal hybrid or fuel-cell vehicle came on the market, the slow rate of turnover in the nation's cars would mean that it would be many years before its introduction would make a dent in overall fuel use. But moving now to substantially increase the number of FFVS being produced would create the capability to shift to cellulosic ethanol as soon as it is available at attractive prices.

In addition, insofar as U.S. security and environmental concerns are more with the consumption of problem-causing petroleum fuel than with fuel in general, substituting cellulosic ethanol for gasoline improves relevant "mileage" radically, even in internal combustion engines. For example, an average automobile gets approximately 17 miles per gallon and is driven approximately 14,000 miles per year, thus using 825 gallons of gasoline annually. Suppose that same automobile were an FFV using a mixed fuel containing 85 percent cellulosic ethanol. Because of ethanol's lower energy content, it would use about 1,105 gallons of fuel, but only 165 would be gasoline. Such a vehicle could be said to be getting, in a sense, over 80 miles per gallon—of national-security-risk-increasing, carbon-dioxide-producing gasoline.

The one remaining barrier to widespread replacement of gasoline with ethanol is production cost. Relying on feed grains makes this cost comparatively high and volatile, since corn is subject to the caroming behavior of feed markets. In 1995, its price of $100 a ton nearly doubled, forcing a sharp curtailment in ethanol production. A partial shift to biomass should circumvent such instabilities. Over the past 15 years, the cost of producing a gallon of ethanol has been cut in half, to just over $1 a gallon wholesale. If, as predicted, the new biocatalysts, low and steady raw material costs, and improved processing let costs fall another 50 percent or so, ethanol could compete with gasoline at today's prices. If oil prices rise in the next century, gasoline could actually be at a substantial price disadvantage.

Such a reduction of ethanol cost is entirely plausible for two reasons. First, a simple comparison of energy content reveals that a dry ton of biomass crops—$40 is a reasonable current average cost—is comparable to oil at $10–13 a barrel. Agricultural wastes, in many cases, are considerably cheaper than either: many are free or have negative cost. So the overall costs of cellulosic biomass are likely to at least be in the same ballpark as those of crude oil Second, further reductions in the cost of processing seem quite achievable. The current cost of processing ethanol is significantly higher than the equivalent price per barrel for oil. But this discrepancy reflects the maturity and sophistication of the petroleum industry, developed over the past century, as compared to the fledgling biofuels effort. Producing ethanol is not inherently more complex than refining petroleum—in fact, just the contrary. The world has simply invested far more effort in the latter.

JUMP-START

While the private sector will provide the capital and motivation to move toward ethanol, the federal government has a vital role to play. Market forces seldom reflect national security risks, environmental issues, or other social concerns. The private sector often cannot fund long-term research, despite its demonstrated potential for dramatic innovation. Hence, the federal government must increase its investment in renewable energy research, particularly in innovative programs such as genetic engineering of biocatalysts, development of dedicated energy crops, and improved processing. The very small sums previously invested by the Departments of Energy and Agriculture have already spawned dramatic advances. Every effort should be made to expand competitive, merit-based, and peer-reviewed science and to encourage research that cuts across scientific disciplines.

Research is essential to produce the innovations and technical improvements that will lower the production costs of ethanol and other renewable fuels and let them compete directly with gasoline. At present, the United States is not funding a vigorous program in renewable technologies. The Department of Energy spends under two percent of its budget on renewable fuels; its overall work on renewable technologies is at its lowest level in 30 years. Because private investment often follows federal commitment, industrial research and development has also reached new lows. These disturbing trends occur at a time of national economic prosperity when America has both time and resources for investing in biofuels. The United States cannot afford to wait for the next energy crisis to marshal its intellectual and industrial resources.

Research alone will not suffice to realize cellulosic ethanol's promise. The federal government should also modify the tax code to spur private investment. The existing renewable alcohol tax credits have recently been extended by Congress through 2007—which will help the growth for the new biofuels industry and offer some protection in the transition from grain to cellulosic biomass. But the tax credit structure should facilitate the gradual adoption of cellulosic ethanol—in time, it should not need subsidies. Government incentives to produce FFVs should also be increased.

Finally, there must be a coordinated effort across the many different federal agencies that oversee government laboratories and regulatory agencies. The analogy to the semiconductor industry is instructive. In 1987, Congress authorized the creation of a government-industry partnership, the Semiconductor Manufacturing Technology Association (SEMATECH). Under the direction of the Department of Defense's Advanced Research Projects Agency, SEMATECH pursued fundamental research in semiconductor components and manufacturing processes. Private firms with innovative ideas were encouraged to devote research dollars to transform the idea into a commercial reality. The few domestic semiconductor manufacturers were brought together in forums where the companies could discuss technical hurdles without sacrificing competitive advantage. Today, the success of SEMATECH is evident, as the high-technology sector demonstrates. Biofuels offer a similar opportunity.

Cellulosic ethanol is a first-class transportation fuel, able to power the cars of today as well as tomorrow, use the vast infrastructure already built for gasoline, and enter quickly and easily into the transportation system. It can be shipped in standard rail cars and tank trucks and is easily mixed with gasoline. Although somewhat lower in energy content, it has a substantially higher octane rating than gasoline, allowing for more efficient combustion. It can radically reduce the emission of global warming gases, help reduce the choking smog of our cities, and improve air quality. It is far less toxic than petroleum, far less likely to explode and burn accidentally, and far simpler physically and chemically, making possible simpler refining procedures. If a second Exxon *Valdez* filled with ethanol ran aground off Alaska, it would produce a lot of evaporation and some drunk seals.

Our growing dependence on increasingly scarce Middle Eastern oil is a fool's game—there is no way for the rest of the world to win. Our losses may come suddenly through war, steadily through price increases, agonizingly through developing-nation poverty, relentlessly through climate change—or through all of the above. It would be extremely short-sighted not to take advantage of the scientific breakthroughs that have occurred and that are in the offing, accelerate them, and move smartly toward ameliorating all of these risks by beginning to substitute carbohydrates for hydrocarbons. If we do, we will make life far less dangerous and far more prosperous for future generations. If we do not, those generations will look back in angry wonder at the remarkable opportunity that we missed.

IDENTIFYING THOSE KILLED IN OPERATION ANACONDA, AND URGING AMERICANS TO FULLY SUPPORT THE REBUILDING OF AFGHANISTAN

The SPEAKER pro tempore (Mr. SCHAFFER). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, having just returned from Afghanistan just a few hours ago, being on the ground and visiting with the military personnel, serving and dedicating themselves to freedom, I thought it was appropriate to come to the floor of the House to acknowledge the cause upon which we fight, and to call the names of those in the last 72 hours who have lost their lives:

In the Army, Sergeant Bradley Crose, 27; Sergeant Philip J. Svitak, 31; Specialist Marc A. Anderson, 30; Private Matthew A. Commons, 21.

In the Navy, First Class Neil C. Roberts, 32;

In the Air Force, Tech Sergeant John A. Chapman, 36; Senior Airman Jason D. Cunningham, 26.

And in the last 72 hours, as well, Army Chief Warrant Officer Stanley L. Harriman, 34.

It should be recognized that the American people love freedom and they love their values of democracy and justice. Those young men and women that we visited with likewise love those values and fight for them. To them I pay great tribute this evening.

I say to the American public that we must look at their battle that is continuing as we speak as a battle for the recapturing, if you will, of the virtues of democracy and justice and freedom and equality for the people of Afghanistan.

As we traveled the one road they had and saw the conditions of their major cities, and looked at the frighteningly poor people with no food and 97 percent illiteracy in their women, and thousands of children living in orphanages and burned-out and bombed-out buildings, it did not occur because of the American influence of the last couple of months, but because of the 23 years of war.

It is important for America to understand that if we are to fight terrorism and win, we must rebuild Afghanistan, its systems of government, its love for freedom, its economic structure. That must be the war we must fight.

I will take to the floor of the House to tell Members what I saw: The conditions of women, the conditions of the people who lived there. There is no agriculture and no food. Hospital units that I visited had malnourished babies and children because there is no food.

So as Chairman Karzai has said, Afghanistan would have been in hell if it had not been for the brave men and women that are fighting there today. But as we fight to rid it of the last vestiges of terrorism, let us not be fearful of investing dollars, so they might not only love freedom, but they may act upon freedom.

Again, I will share with the Members how the women still wear burqas and that there is no system of equality of rights for women. But we must never undermine those young men and women who fight and stand side by side because they believe in those values and virtues that we cling to in this Nation.

Hopefully, we will realize as Americans that what we fight most of all for, what should be the end result, is peace, not only in central Asia but peace in the Mideast; and the only way we can secure peace is if we engage in diplomacy and begin to put into structure constitutional rights and privileges: equality, justice, and democracy.

Mr. Speaker, we have a lot to learn, but the one thing we know today is that brave men and women offered their lives so we might be free, and others around the world.

THE TWILIGHT ZONE, OTHERWISE KNOWN AS GEORGE BUSH'S AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia (Ms. MCKINNEY) is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, I am worried about what is happening to our great country today. I fear that many of us cannot see what is happening here. Maybe we are too close. Maybe there are even people who do not want us to see; but our friends and allies in Europe and elsewhere are reporting that they are seeing disturbing developments in our country, like the fading of our fundamental constitutional rights, the creation of a war machine that threatens world peace, the spending of a generation of Americans on this war on terrorism, and even an attack on truth in government by forming the Office of Strategic Influence to lie to us and to the rest of the world. The President even asked Hollywood to make these developments palatable to the American people.

With this as a backdrop, I would just like to ask that Members close their eyes and imagine being drawn deeper and deeper into black space. If Members keep their eyes closed and if they close them good and tight, they will be able to imagine themselves going faster and faster and deeper and deeper into a black unknown.

All of a sudden we see a bright light at a distance far away, but faster and faster and closer and closer it becomes brighter and brighter; and in one instant, with one grand motion, we can cross from the darkness into the light. But just before we make the crossing, a huge booming voice coming from nowhere, and at the same time coming from everywhere, booms all around us: You unlock this door with the key of understanding. Beyond it is another dimension, a dimension of hearing that which is not spoken, a dimension of seeing that which is invisible, a dimension of reading that which is not written.

We are moving into a land of both shadow and substance, of things and ideas. Welcome. We just crossed over into the Twilight Zone, otherwise known as George Bush's America. For it is here and only here that the White House could receive warning after warning of massive attacks that were going to take place on American soil, the attack happens, and both the President and the Vice President, in separate phone calls to TOM DASCHLE, ask that Congress not investigate what happened and why. That could only happen in the Twilight Zone.

Or that an administration battling worldwide perception, as well as a domestic one having come to power in circumstances like Zambia's or Kenya's, could form a shadow government inside the selected government, with no one in the real government knowing about the shadow government except the shadow leaders in it. That could only happen in the Twilight Zone.

Or that this President could propose the biggest hike in defense spending, where his dad stands to make a mint, as long as increased spending does not get lost wherever the $2.3 trillion is that the Pentagon has already lost, and the Secretary of Defense, Donald Rumsfeld, says we can afford it. That could only happen in the Twilight Zone.

Or that Arthur Andersen, who kept Enron's books, could still have contracts to keep the books over at FBI, DOJ, and the Pentagon. That could only happen in the Twilight Zone.

Wake up, America. We are not only in the Twilight Zone, we have crossed the threshold into George Bush's America.

CONDOLENCES TO THE FAMILY AND FRIENDS OF CHIEF WARRANT OFFICER STANLEY HARRIMAN

(Mr. MCINTYRE asked and was given permission to address the House for 5 minutes and to revise and extend his remarks.)

Mr. MCINTYRE. Mr. Speaker, I would like to offer my deepest condolences to the family and friends of Chief Warrant Officer Stanley Harriman of the Third

Special Forces Group of the United States Army who gave his life in the service of our country.

I join with his family and friends in paying tribute to him for the ultimate sacrifice that he has made on behalf of our Nation, and my prayers are with his family.

Stanley Harriman was a decorated soldier who willfully and enthusiastically participated in Operation Enduring Freedom. Among his many awards and decorations were two Meritorious Service Medals, three Army Commendation Medals, three Army Achievement Medals, the Valorous Unit Award, Army Superior Unit Award, two Army Good Conduct Medals,' the National Defense Service Medal, the Armed Forces Expeditionary Medal, three Southwest Asia Service Medals, the Humanitarian Service Medal, three Noncommissioned Officer Professional Development Medals, the Army Service Ribbon, the Overseas Service Ribbon, the Master Parachutist Badge, and the Special Forces Tab. Now, because of his heroic actions in recent days, he will also receive the Bronze Star and the Purple Heart.

This tragedy should remind us that our freedom and our security are neither free nor secure; they are repeatedly earned and protected by our men and women in uniform. They risk their lives so freedom may survive. Chief Warrant Officer Harriman's courage in the face of danger reflects his character, a character born of his personal commitment to his Lord as a committed Christian and to his family as a committed husband, father, brother, and son.

We owe Chief Warrant Officer Stanley Harriman a tremendous debt of gratitude. His courage, character, and commitment to freedom are an example to all of us. It is important that we not only remember Stanley as an excellent and dedicated soldier and Christian family man, but also as the American hero that he is.

May God bless him and his family and those who have served with him. May God bless our great country. We indeed are a better Nation because of men like Stanley Harriman and those who serve with him in our Nation's Armed Forces.

SOCIAL SECURITY, THE SHADOW GOVERNMENT, AND THE WAR IN AFGHANISTAN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, there are a number of different issues that I would like to address this evening; but I find myself, having listened to the last hour of comments, in need of a little rebuttal to some of these comments, especially those comments that were directed to us by the minority leader, which of course went unrebutted.

First of all, the minority leader talks about some kind of secret Republican plan for Social Security. Where does he get that? What gives him the liberty to make those kinds of remarks? That speech that the minority leader gave, in my opinion, was one of the most partisan speeches I have heard on this floor.

I challenge the minority leader to show me one Republican or show me one Democrat on the House floor, one in office in either our House or at any elected level, that is against Social Security. Show me one elected official in this country that wants to devastate Social Security. Show me one Congressman, Mr. Minority Leader, that meets the standards that he put out there: because they are Republican, they must be against Social Security.

What really justifies some of those remarks, I would guess, is the fact that it is an election year, and now is the time to begin to position oneself as the savior of Social Security. The minority leader talks about, we should not talk about numbers, we should talk about values. He is right, the minority leader, we should talk about values. Part of those values are the preservation of that system.

All of us on this floor, Republicans and Democrats, want to preserve the system; but in order to meet that value of preservation of the system, we need to talk about numbers. Let us talk about a few numbers.

When that system was created 67 years ago, we had, what, 12 workers for every retired person? Today that statistic is three workers for every retired person, and in a few short years it is going to be that there are two people working for every retired person. Take a look at the math on that, Mr. Minority Leader, and take a calculation of what that means.

Furthermore, take a look 67 years ago what the average age was, the average life expectancy for a male and a female, and compare it to today.

□ 1930

I would suggest that the difference between 67 years ago and the life expectancy today is at least a minimum of 14, perhaps 15 or 16 years. And what will it be when the generations of my children grow, another 10 years, when people are living longer?

And that is the good news. The fact is that our system is getting more and more weight put against it. We have got to come up with more and more dollars to continue the same kind of benefits. One, if we have less people putting in and more people taking out, we better talk about numbers, Mr. Minority Leader. And because of the fact that some of us who are fiscally conservative want to talk about numbers does not mean we are against Social Security.

Mr. Minority Leader, there are a number of Democrats on your side of the aisle who are fiscally conservative. There are a number of Democrats who worry about those numbers. There are a number of Democrats who put the emotion aside, the rhetoric aside and try and sit down with us and those who are interested in trying to figure out how do we work with these numbers so that, one, we can meet the demands of the future.

Any elected official that tells you that any other elected official wants to do away with Social Security, frankly, is not telling you the truth. I have yet in my years of service in the United States Congress, I have yet to find one Congressman, and we have gone through hundreds of Congressmen in the years that I have been in service, I have yet to find one Congressman who has told me to my face or I have heard it through an indirect conversation that has said what the minority leader said, and that is that the Republicans want to get rid of Social Security; that they have a secret plan out there for Social Security to slash the benefits of all of these people.

Mr. Minority Leader, I think your approach would be better phrased if you said, hey, look, we better sit down, both sides of this thing. We better talk numbers. Obviously, the value is preservation of the system. I think everybody agrees with that. So there should not be any argument about who wants to preserve the system.

Again, everybody that I know of in the United States Congress, and I defy the minority leader to show me somebody who does not, but everybody I know, every Congressperson wants to preserve the system. So put that argument aside. It is not an argument of preservation. It is a discussion of numbers.

How do we work with these numbers? How do we figure it out? Take a look at 67 years ago, the benefits that Social Security paid out, and take a look at the expansion of benefits that have occurred in the last 67 years without a reflective expansion of revenue coming in.

In other words, the Congresses through the years and the people of the country through the years have appropriated and approved more benefits than they have revenue coming in. Come on. You have got to deal with your family budget and you have a responsibility to deal with the budget of this country.

The best way to preserve Social Security for the future, which we all want to do, is to act with some economic sensibility. Do not mislead the people by pretending to promise them things that you know several years after you leave office, several years after you accomplish what you want to accomplish politically, somebody else gets stuck with the bill. That is what happened years ago when 40 years of rule here stacked up deficit after deficit.

Now we are back into a deficit this year, but it is not because of some kind of slight of hand. It is because we are engaged in a war and we are watching our revenue drop. We have to sit down and discuss that, just the same as Social Security. So those remarks at the beginning of this evening by the minority leader, again, some of the most partisan remarks I have seen on this floor, are clearly devised for election strategy.

It is an election year, and as we proceed closer to November, you will see, unfortunately, more and more people using the strategy of this microphone to enhance their own political self-serving interest. And I hope we can avoid that, especially when it comes to Social Security. Many of us, many Democrats that I know do not take part, do not participate in those kind of partisan discussions. They instead sit together in groups of people and say, how do we figure out, how do we work the numbers?

We have a problem. We have a lot more going out in Social Security over time than we have coming in. On a cash flow basis we are okay, but on an actuarial basis over time Social Security needs to have some adjustments.

I do not condemn the President of the United States. I commend the President of the United States for stepping forward and saying, get some expert help. Let me reach out to a commission, a commission made up of Republicans and Democrats, a commission made up of experts and of people who understand the needs of that generation and the needs of future generations, people that know, that are experts in accounting and economics.

That is the kind of panel that this President, President Bush, put together. Instead of condemning it and saying it is some kind of secret society out there which, of course, is obviously nothing but politically-charged language, the fact is they have come up with some suggestions, that the commission has worked long and hard to try to come up with something that is constructive towards preservation of the Social Security system.

So I would hope that the minority leader would tone down these kind of partisan remarks; and instead of showing up at the microphone and firing out with this negotiation as an election year strategy, in my opinion, I think he would be much better served if he would join us and sit down and maybe go over to the commission and sit down in person with that commission and talk about what their ideas are and what we can do to preserve the system.

SHADOW GOVERNMENT

Let me move on to a couple of other things that I think are very, very important.

First of all, in the last few days I have seen a media barrage, a media barrage across this country, about how aghast some people are that President Bush, the Vice President and the administration have put into place a back-up government in case a terrorist attack took out the sitting government in Washington, D.C.

Why would anybody be surprised about that? You better have a back-up plan in place. You know what happened at this U.S. Capitol on September 11? I was here. You know what kind of back-up plan we had? Zip. Zero. We were fortunate that a few brave souls, a few brave souls took a plane into the ground in Pennsylvania, because my guess is this plane would have been right here, coming through this dome in this Capitol and would have very easily wiped out the congressional leadership. That plane that hit the Pentagon very easily may have been intended to hit the White House and take out the leadership there.

Sure, we have a line of succession; but what happens to that line of succession, as occurred on September 11, when in one central location are your Cabinet secretaries and your different agencies, and they have no direction from the selected government on how to run? Of course you better make up back-up plans.

In fact, some of the people, some of my colleagues here have different bills they have introduced, for example, the gentleman from Washington (Mr. BAIRD) on succession. I think it is a very legitimate and, frankly, is a responsibility of this administration, after September 11 especially, to say, hey, what if this happens again? What if they would have wiped out the United States Congress? What if they would have wiped out the White House? Who gives direction to our government? What kind of safeguards do we have?

So I commend the administration, not condemn it. I commend the administration for thinking forward into the future, for having some kind of foresight as to what we ought to do in case this scenario repeats itself again.

We all know that there are people out there who hate the United States and would love nothing more than to destroy this great building and the people that work in it and to disable our government. So now is the time to prepare.

So my opinion is people that have criticized this surprise me. Criticizing the President for, in effect, buying a back-up fire truck in case the fire station burns down. You ought to say, good job. Keep it up. That is the kind of forward thinking that we need to prepare against this ongoing battle against terrorism and this ongoing battle against people who wish evil against the United States of America.

HONORING CHIEF WARRANT OFFICER STANLEY L. HARRIMAN

I want to move on from this and visit just for a moment about the horrible causalities that we have taken as far as in the last 48 hours or so. The deaths that were suffered were terrible, but I want to read, in fact, about the gentleman who was mentioned here, Chief Warrant Officer Stanley Harriman who lost his life in the last few hours in Afghanistan. I wanted to read a few comments out of today's New York Times from the families.

This is a card last month that the Chief Warrant Officer sent his wife, an e-mail message rejoicing that he had been sent to Afghanistan. "Honey, I am so excited about going to Afghanistan. I will be doing what I have trained for 16 years to do."

His survivors, which include his wife, a 6-year-old daughter and a 3-year-old son, his father, who is retired military, and he has a brother; and of this family, the commitment of this family towards the duty of their father, towards the duty of their husband, towards the duty of their son, towards the duty of their brother, it is an amazing family, that the duty and the preservation and the great things that we have in this country called for him to be in Afghanistan.

Let me share that card. Let me repeat a card that the Chief Warrant Officer sent to his wife, another card. He mailed a card to his wife from Kuwait which she received about one week ago. Mrs. Harriman, the wife, read from it during an interview. "I know that it is not always easy with me gone so much, but we have so much to be thankful for. We are truly blessed by God, and these trials and tribulations will only make us stronger."

Then let me say to you what his brother said, after learning of his brother's death. This is the Chief Warrant Officer's brother, Steve. He said that "he hoped the military would not flinch at pursuing military operations to their conclusion.

"Stan would not have changed it if he could. He would do it the same way," Steve said. "I hope they continue to do what they say they are going to do, to complete the mission."

And the key words here are "to complete the mission." We cannot allow the enemy to kill seven or nine or any number of our American soldiers over there and cut and run from our mission.

Some of you may have had the opportunity to see the movie Black Hawk Down. Those are the results, that is the kind of results where the sight of a body bag convinces many of our enemies across this world, the al Qaeda and some of the other people, that all you have to do is show the American citizens a body bag and they will cut and run. If you want to break America's resolve, kill a few of their soldiers.

As Steve said about his brother, his brother would want the military to complete its mission. And we have a very heavy mission on our shoulders, this country does, for the world, for the future of the world, not just for our generations and future generations of America, but for generations of all countries of this world. And that is to rid this world to the extent that we possibly can of the cancer that we discovered that had gone a lot further than we had ever imagined. That cancer had spread, and we discovered it on September 11.

Now, we have been able to locate some of that cancer, and we have got to cut that cancer out. You cannot ignore it. You cannot love it off your body. You cannot pray it off your body. All of these things help. Do not get me wrong. That all helps. But the reality is you have to go in with chemotherapy. You may have to go in with surgery. You may have to go in with radiation. You have got to get that cancer. You cannot turn your face the other way. You have got to complete your mission.

You cannot go in and get a few cells of the cancer. You cannot go in and nip the little end off of it. You cannot even go in a take a big chunk of it but still leave some vital cells of cancer still in your body. You have got to complete the mission.

This country has taken a loss in the last few days of some very young and very brave American soldiers. But I would guess that the families of those soldiers and every one of those soldiers if they could say it today would say to the United States of America, complete your mission. Take out the enemy. Destroy those who would destroy this country. Destroy those who would destroy democracy in this world. Destroy those who, without any regard to nationality, any regard to sex, any regard to age would kill thousands of people in an act of terrorist attack.

So I think that our resolve should be hardened. I do not think we should give any kind of message because I do not think it is true with the American citizens. I think our resolve should be hardened to complete this mission.

We have learned from the past. In Somalia, it was a disgrace, frankly, our brave soldiers that fought and gave their lives. Vietnam was another example. We did not complete the mission. And you know what? We have trained people out there, we have convinced our enemies that the United States, again, all they have to do is have a death of their soldiers or torture some of their soldiers or drag them through the street like they did in Somalia, and within a couple of weeks after seeing their soldiers dragged through Somalia the president of the country will order their troops out and we will have beat the American giant.

□ 1945

If we want to protect democracy in this world, if we want to stop terrorism before it stops us, and a better word, instead of stopped, is destroy us, we have to complete the mission. That is exactly what the Harriman family has relayed through the tragic death of Chief Warrant Officer Harriman, and that is "complete your mission."

I want to visit a little about the President and his dedication to the completion of this mission. I noticed some criticism in the last few days of some individuals who say, number one, the President ought to inform us of the operational details of what is going on over there. Listen, we are not military experts. We are Members of the United States Congress. We have some oversight authority and so on, and we work with the administration, but what do my colleagues want done? What, do they want the President to come over to Congress every day and say, all right, here is how many helicopters we have dispatched in this portion of Afghanistan, here is where this ship is, this is what we are doing? Let the President and the military administration do their job.

I heard a complaint over the weekend on some of the news stories that we do not seem to really have a plan of where this is going. Well, I think the Vice President, DICK CHENEY, did a very good job of responding to that. I think it was last evening, when he said, look, the people we are dealing with are terrorists. They are not going to meet us in some country and have a summit for peace or sign a peace treaty with us. There is not going to be some kind of long-term peace plan that they want to execute or cooperate in with the United States of America. There is no deterrent out there against these kind of people. They have one mission in mind: they want to destroy the United States, and they want to destroy anybody that is affiliated with the United States, and they want to destroy people that do not agree with them in any regard.

These are not the kind of people we can draw out some kind of peace plan or conclusion with short of taking them into custody or destroying them. And we cannot just stop with the al Qaeda. We have to call people what they are; we have to call it what it is.

I was amazed that after the President's speech, where he talked about North Korea, that all of a sudden some of my colleagues or some of the commentators across the country were starting to act like North Korea is a very amicable country; that the leadership, and not the people of North Korea, but the leadership of North Korea is not as evil as we portray them to be. What a misconception.

Take a look what North Korea is all about. In fact, if I was a wealthy man, I would spend my money and I would take every high school graduate in this country, if they wanted to go, and I would fly them to Korea and I would take them up to the DMZ and I would show them that line that separates two societies, the society of democracy and freedom against the society of communism and dictatorship and ruthlessness.

But all of a sudden, because our President and his administration, and a very able administration, DICK CHENEY and Condoleezza Rice and Donald Rumsfeld, because they say it so, we all of a sudden see them draw criticism. It was interesting that Colin Powell had to say the other day to even some of our allies in NATO, hey, every time you pound on the United States, why not pound on Iraq.

And when the President talks about Iraq as part of the axis of evil and the evilness of Iran, do not forget the leader of Iraq, Saddam Hussein, who has poisoned his own people. He has not used chemical warfare or other kinds of poison against an enemy, but used it against his own people who disagreed with his policies. Look at the mass executions in that country. Look at the oppression against women in that country. Look at the oppression against scholars.

And let me remind my colleagues that they are not content to keep it within their own borders. North Korea is not content to stay within its own borders. Iraq is not content to stay within its own borders. They want to reach outside their borders, and they want to destroy the signs of freedom, and they want to destroy the evidence of democracy. And we had better stand up to it.

Frankly, most of the people in America have given their support to the President and his leadership. We have got to draw the line in the sand. That is what the President has said, and he is willing to commit the American forces to complete the mission. That is what all of us need to do. But some of my colleagues stand up to the American people and say, well, where is this going and to start criticizing the administration at this point in time on our war against terrorism, when they have not sat 10 minutes as the commanding officer of the United States, our chief military officer; they have not sat for 10 minutes in a lieutenant's chair in this mission. We need to give these people confidence. We need to give them our confidence that the job they are doing is what needs to be done.

The cancer that is the al Qaeda, the acts of these terrorists, must be stopped. And thank goodness we finally have an administration that, despite the fact that we have taken some casualties, understands that if we are going to clear out the rats, if we are going to get in there and get those cancer cells, we are going to take casualties. There is a lot of dirty work ahead for us to get rid of this threat. But if we do not get rid of it now, the casualties we take today will be nothing, nothing compared to the many casualties we will take in the future and the regrets we will have in the future because we did not support this administration and take out the al Qaeda while we had the opportunity to take out the al Qaeda; while we had the opportunity to do something to restrain the expansionist mode of Iraq and the ideals of Iraq to use nuclear weapons, or biological weapons, or any kind of weapon of mass destruction against the rest of the free world.

So I would urge my colleagues to be a little slower in their criticism; study the facts a little more and do not pretend to be some kind of tank captain out there who knows how to run the battlefield. We have experts out there that do that.

Now, I am not saying that Congress should forgive or forget or release our oversight responsibilities and our budgetary responsibilities, et cetera. I am not saying that. I am just saying that I am beginning to sense that Congress and some Members of Congress are beginning to run interference on their own team. As our quarterback is getting ready to throw the ball, it is not a member of the enemy team that has broken through the line, it is some of our own people, kind of confused and running back there and asking the quarterback if he ought to be throwing the ball, right in the middle of the play. That does not work.

This country, I think, has shown very admirable dedication to what this country is all about, and that is freedom and the protection of people throughout this world. Clearly, it has been reflected by our military, which has done an outstanding job. It has done such a good job that up to this point we have been able to limit casualties. But now when it comes to hand-to-hand combat, which is a necessary part, now when it comes to digging in real deep to get those cancer cells, we are going to have casualties.

I wish we would not have casualties. Everyone in this Chamber wishes we would not have casualties. These poor families who have suffered the worst loss a family can suffer wishes they had not suffered that. But it is my opinion that almost everybody, almost everybody comes to the same conclusion, and that is that sometimes we have to fight. We cannot run. Sometimes we have to do what is right. Sometimes we have to draw that line in the sand; and when the other person steps over it, we have to stop them. Because if we do not, we will pay a very, very heavy price in the future.

Let me talk very briefly about NATO. As my colleagues know, NATO is our North Atlantic defense council or European council treaty organization, the North Atlantic Treaty Organization. It is very important. They have played an important part in our war in Afghanistan. Within hours after the September 11 attack against the United States of America, NATO, for the first time in its history, for the first time in its history, invoked what is called article 5.

Article 5 in the NATO agreement says, simplified, an attack against one is an attack against all. Within hours after that, NATO agreed to give the United States of America whatever was necessary, whatever the United States requested to assist them going after the people who committed that atrocious act of war against us. And the United States took advantage of that offer and took advantage of our membership in NATO.

We called upon our friends to help us track down the financial network that supported this from a financial point of view. We called upon our friends to help us with intelligence and to help us break up those cells, those terrorist cells, located throughout the world, including some located in the United States of America. We requested, and it was supplied, NATO AWAC aircraft. For the first time in the history of the United States, we had nine U.S. aircraft patrolling our skyways while we sent our AWAC aircraft over to the theater of operations.

I just recently returned from NATO meetings; and when I listened to the British, it was like listening to your own brother. The British are there. They are there 100 percent. And the British people, the ambassador over in London, told me what it was like hours after September 11. Tens of thousands of Britons came to the embassy to sign the condolence books. They could not get a phone call out because there were so many condolence phone calls from the British people to the American people. Tony Blair's resolve was instant and has only strengthened. It has not weakened. He came to the assistance of the United States.

And so I want to commend NATO, but at the same time that I commend our partners in NATO, I want to remind some of our fair weather friends in NATO that this is not going to be an easy battle. Do not let these casualties of the last few hours scare you off. This, clearly, is a battle for this next century. This is a battle that determines the safety and the freedom and the future for all of our countries, whether you are in NATO or not. This time around it was the United States of America. It was New York. It was Washington, DC. Next time it might be Paris or next time maybe a terrorist attack in the country of Luxembourg or, God forbid, some other place in this world.

We need to stick together as a team. This is not the time to pound on the United States, as Colin Powell has said. It is time to recognize who the enemy is, to acknowledge to the American people and to all world people who that enemy is, and to do something about the enemy. It is time to get a rope around that wild horse and bring it in. This cancer that is spreading throughout the world must be stopped, and it is not going to be stopped through weak knees. It is only going to be stopped through teamwork, through dedication, and, frankly, through sacrifice.

The sacrifice reflected in the last few hours by the loss of American soldiers is exactly the kind of medicine that unfortunately is going to be necessary to take that cancer off that body. So let me, in conclusion of my remarks, just repeat what I said earlier, and these are the remarks of the brother of Chief Warrant Officer Stanley Harriman, who was killed in action in the last few hours, here is what his brother says; and this is how I conclude my remarks this evening: His brother Steve said that he hoped the military, and I add to that NATO and all our allies throughout the world, he hoped the military would not flinch in pursuing military operations to their conclusion. Stan would not have changed it if he could. He would have done it the same way. Steve said, I hope they continue to do what they say they are going to do, to complete the mission.

Our military, with our support, and the administration, which is doing an outstanding job of leading this effort, must be allowed to complete the mission, to protect the freedom of the world and democracy as we know it.

THE BUDGET AND THE DEBT CEILING INCREASE

The SPEAKER pro tempore (Mr. CRENSHAW). Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, this will be another in a series of 1-hours that the so-called Blue Dog Coalition is taking to focus on the budget, to focus on the request of the administration to raise our debt ceiling by $750 billion. We want to continue to talk about this.

I want to make it very, very clear that we, the Blue Dogs, are willing to support a temporary increase in the debt limit to meet the expenses of the war and to allow government to meet its obligations; but we suggest holding off on a long-term increase in the debt ceiling until we have a plan in place to return our country and our fiscal affairs to balance.

□ 2000

I remind everyone that it was less than a year ago that we stood and debated on this floor of the House the economic game plan that we were going to follow for the next year and the next 10 years. I remind everyone just briefly that the Blue Dogs felt that we ought to be conservative with the $5.6 trillion projected surplus just in case it was not real, just in case something of an emergency nature might occur, just in case those who projected that surplus might be wrong.

We suggested that we ought to take half of that $5.6 trillion projected surplus and pay down the debt. We were told by our friends on the other side of the aisle and the administration that they were concerned about paying down the debt too quickly.

Well, I do not know where they got that information, but now all of a sudden the President's budget that he has submitted to the Congress this year projects deficits and the utilization of the Social Security trust fund for the next 10 years. I repeat. The President's budget proposes using Social Security trust fund dollars for the next 10 years. That is the economic game plan that we are under tonight.

The Blue Dogs are suggesting that we ought to sit back, the Congress and the President, and our friends on the other side of the aisle need to sit back and roll up our sleeves and have an honest discussion about what we need to do to put our budget back in order. We need to have a serious discussion with everything on the table. The preceding speaker opened his remarks in just that vein, and there are a large number of Democrats who are willing to sit down and try to put our fiscal house back in order, but that offer has to be extended and so far it has not.

The bottom line tonight is that we are being asked to increase our debt ceiling by $750 billion. That means we are going to have to borrow or it is suggested that we need to borrow that amount of money. In the conduct of the war, we are perfectly willing, if that should be the decision of the President, to borrow the money to fight the war.

There are some that suggest that maybe, just maybe, we ought to consider paying for it, because when we borrow it today we are saying that this generation does not wish to pay for that which we are enjoying, but we are perfectly willing to send that obligation to our children and grandchildren. That is part of the discussion that we wish that we were having on this floor tonight.

We have made it very clear we are willing to participate in a meaningful dialogue, a meaningful debate in which we can have ideas and suggestions put forward as to how we get from where we are to where we need to be. Where we are today is we are back into deficit spending. We are back into spending the Social Security trust funds when after I think last year five times, five times we voted on this floor unanimously a lockbox on the Social Security trust fund. I guess we did not mean it.

The Blue Dogs when we were on the floor last year talking about the economic game plan that we suggested not only suggested that we ought to take that $5.6 trillion surplus and devote half of it to paying down the debt, 25 percent of it to cutting taxes, and 25 percent of it to be spent on the priorities of this Nation.

What were those priorities? Fixing Social Security, fixing Medicare, dealing with prescription drugs, dealing with the educational problems of this country. We believe and still believe that we could do what we needed to do with that amount of revenue, and then we proposed cutting taxes with 25 percent of that proposed projected surplus.

Well, we lost. We came up 14 votes short, I believe was the number. And under our system of government, when you lose, you go on to the next round.

Well, here we are into the next round being asked to increase the debt ceiling by 750 billion additional dollars. We say, whoa, let us not do that much at one time. Let us not admit that this body is not capable of working with the other body and working with the President and putting our fiscal house back in order and balancing our budget at a time certain. We are perfectly willing to deal with spending caps, with pay-go so long as everything is put on the table so we might have an open and honest dialogue and then get a vote on the issues in which we are concerned.

Now what does the debt ceiling mean to the average person watching us tonight? I know many times when you listen to us you get very confused. But, basically, it is a businessman going to their lender. It is a student going to their parents, having run up a $6,000 credit card bill. Of course, the parents will pay because they do not want the kid's credit damaged in the long run, but they will work out the arrangement that includes reducing the allowance, getting a part-time job, and getting promises for less partying, et cetera.

The worse thing that we are doing with our accumulated Federal debt is the reverse of this scenario. Parents are going to the students with their bills and expecting the youths to pay for their elders' irresponsible consumption. A businessman that reaches his credit limit at his bank needs to go to his banker and say, I need to borrow additional money, I have this great investment potential, I have got this great idea, and you convince your banker that you have a plan that will pay him back not only what you have borrowed up to this point but also will pay back that which you are intending to borrow in upping your credit limit.

That is what we are trying to focus on tonight as Blue Dogs, a plan. If Members want to increase the debt ceiling, tell us how they are going to get the budget back into balance in a time certain and in a short time. The economic plan that we are under tonight says 10 years. Ten years we will stay in the Social Security surplus; and then, remember, baby boomers begin to retire in 2008. 2008, that is not very far from tonight. In 2011, we begin to have the baby boomers retiring in earnest. That is not very long. We cannot afford to continue to go into the Social Security trust fund without coming up with a plan for how we are going to fix Social Security and Medicare for the future. That is what we are going to be talking about tonight.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY), another one of the true leaders of the Blue Dog Coalition. He has been focusing not only on budget but health care matters and on agricultural matters.

Mr. BERRY. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the gentleman's great leadership in this House of Representatives over many years. Almost from the beginning, he has been a great champion of fiscal responsibility. He was one of the founders of the Blue Dogs, and fiscal responsibility is our hallmark, and we are very proud of it.

Mr. Speaker, I cannot begin to tell you this evening how heartbroken I am that we are here on this floor yet again tonight to talk about the fact that this country simply cannot live within its means. It is a heart-breaking thing to know that we continue to run up bills, borrow money, pass the debt on to our children and grandchildren and tell the American people everything is all right, do not worry about it. That is what is going on.

Mr. Speaker, I have to ask: When is this going to stop? How long are we going to allow this to go on? When I came into this House in 1997, that was the last time we had a vote to raise the debt ceiling. We worked hard to create a situation where we would have money to pay off the debt that this generation has accumulated, and we have nothing to show for it.

We worked hard in this House to get a balanced budget and to accumulate a little bit of a surplus and to create a situation where we would have the ability to pay off this debt. Just a year ago, in a Blue Dog meeting, the gentleman that is the director of the Office of Management and Budget, the President's bookkeeper, the President's accountant, came to the Blue Dogs, and I will never ever forget his statement. He said, our greatest fear is that we will have so much money that we will pay off all of the debt, and no one will have a safe place to invest their money because you will not be able to buy a United States treasury bond.

I almost embarrassed myself by laughing out loud right in front of him. I thought it was the most ridiculous statement I had ever heard because his plan was to create the situation that we have today. He told the Blue Dogs we are not interested, count us out when you talk about taking this surplus and taking half of it and paying down the debt because we do not want any part of that.

We said, let us take a fourth of it and reduce taxes. We thought we should do something about the marriage tax penalty and the estate tax, and I still think we should have. Then we said, let us take a fourth of it and deal with some disparate spending priorities that we feel that we need to deal with. To achieve the balanced budget and the surplus that we had at that time, we had basically train-wrecked the senior citizens health care system because we have created a situation where the health care providers in this country are not going to continue to provide health care to our seniors for the small amount of reimbursement that they get. They are just not going to do it. We are about to ruin the health care system in this country for our seniors. We do not have any money for prescription drug benefits.

We wrote a farm bill to try to balance the budget that bankrupted the entire agricultural community of this country and has cost us far more than we ever intended or a responsible farm bill would have cost us had we done it right.

The long-term interest rates in this country have not gone down, even though we have done everything that we know to do to try to drive them down, and that is an indication that Wall Street and the world's financiers do not want any part of this.

□ 2015

They know that we are borrowing money that we cannot pay back. They know that we are passing an economic burden on to our children and grandchildren that they cannot bear.

What is going to happen? We have already spent all of the Social Security trust fund. We have spent all the Medicare trust fund. All the money is gone. And now we are being asked to raise the ceiling on the amount of money above that that we can borrow: "Let's spend all the money we can get our hands on and then borrow some more to go with it." And what are we going to have to show for it? Nothing. We have not built a road. We have not built a school. We cannot point to anything that we have accomplished.

Mr. Speaker, I carry this buckeye in my pocket. It is a relatively worthless little nut off a small bush in Arkansas. The squirrels will eat it sometimes. Nothing else will. Folklore has it that if you take that little nut and carry it in your pocket and rub it just right with your thumb, the oil from your skin will make it shiny and the shinier it gets, the better your health will be. It will protect you from rheumatism. It will protect you against all kind of evil spirits. And it will bring you good health. Mr. Speaker, that is what the Medicare system is going to look like in 15 years, because we have squandered the opportunity to make Medicare and Social Security whole and make sure that they are here so that our children and grandchildren do not get stricken by a horrible tax burden.

Let me read to you what the GAO Comptroller General, David Walker, said just a few days ago: "Absent substantive reform of the entitlement programs, a rapid escalation of Federal spending for Social Security and Medicare and Medicaid beginning less than 10 years from now is virtually certain to overwhelm the rest of the Federal budget."

We are not going to be able to do anything but pay for Social Security and Medicare and pay the interest on the national debt. That is not a secure Nation. It is not a responsible Nation. It is something that we should not allow to happen. The Blue Dogs are overwhelmingly in favor of doing whatever we have to do to fight the war and the recession. But we are not willing to give the administration, or anyone else, a blank check and say, go borrow all the money you want to borrow, pass the debt on to our children and grandchildren and not even have a plan as to how we are going to deal with it. They do not even want to talk about a plan. They just say, just keep borrowing money, just keep cutting taxes more and more, and hope for the best. This same Comptroller General makes the comment that you cannot grow economically fast enough to take care of this problem once it reaches that particular spot that he was talking about.

It is time for us as a Nation and it is time for this House and this Congress to be responsible and sit down and work together for a plan that will provide for the responsible fiscal operation of this country.

Mr. STENHOLM. I thank my friend from Arkansas for those remarks. I want to remind everyone now what we are all about tonight. We are saying that to increase our debt ceiling without a plan for getting us back into balance is irresponsible. We are prepared to vote to increase the debt ceiling short term. We do not want to see our country default on its debt. We do not want that; no one wants that. But we do believe it is irresponsible for us to blindly follow an economic game plan that has squandered $5 trillion of surpluses without first dealing with the problems of Social Security and Medicare. We think that is irresponsible. And we hope that as a majority of this House puts together their budget, this year we would hope that we could be a part of it.

We are here tonight saying that if you participate in a budget process that gives us a plan to get us back into balance in a reasonable period of time and that keeps us in balance, we will support it. We will support it. But we will not support increasing the debt limit by $750 billion by not only continuing down the plan area that we are into tonight but actually making it worse as the budget that has been presented to Congress projects to do. That, we will not do.

I yield to the other gentleman from Arkansas (Mr. ROSS), one of our newer Blue Dogs, to discuss this issue that we bring before you tonight.

Mr. ROSS. I thank the gentleman from Texas for yielding.

When I tell people I am a member of the Blue Dog Coalition, they ask me, what is the Blue Dog Coalition all about? I tell them that we are about being fiscal conservatives.

I come from 10 years in the Arkansas State Senate where I helped balance the State budget for 10 years. My wife, Holly, and I own a small business in our hometown of Prescott, Arkansas, a town of 3,400 people. We know what it is like to meet a payroll every Friday. We know what it is like to live within a balanced budget at our small town family business. And I do not think the American people expect anything less of those of us in the United States Congress, those of us that are setting out the vision and the priorities for the future of this great country. That is what the Blue Dogs are all about, being fiscal conservatives.

I can tell you something else that I am about and I think the Blue Dogs are about, and, that is, we are sick and tired of all the partisan bickering that goes on in our Nation's capital. It should not be about what makes the Democratic Party look good or bad or what makes the Republican Party look good or bad. It ought to be about doing the right thing by the people who sent us here to represent them. I believe there are extremists in both parties. The Blue Dogs are trying to bring the extreme sides of both parties to the middle to find some commonsense solutions to the problems that face us here in America.

The administration requests to raise the debt limit by another $750 billion. Last year, the administration said we would not need to raise the debt limit for at least 7 years. The administration even said that there was a danger in paying down the debt too soon. I have not figured that one out yet. And now the administration in their fiscal year 2003 budget puts us back in deficit spending by $100 billion, by creating $100 billion in new debt, and I believe that is wrong. Raising the debt limit, allowing our government to go further into debt, raids the Social Security trust fund. It simply authorizes the government to write another $750 billion in IOUs to the Social Security trust fund.

There are several problems with that. Most of us have loans at banks or credit unions. When we go to the bank or credit union for a loan, normally they want to know how we are going to pay it back, what terms, how long it is going to take, how much the monthly payments are going to be. But not our government. Our government simply writes another IOU, and sticks it in the Social Security trust fund with no provision, absolutely no provision, on how that money will ever be paid back. I think that is wrong. That is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund and, yes, to keep their hands off the Medicare trust fund.

Let us talk about the debt, some $5.7 trillion in debt. A lot of people do not want to talk about it. I think we should. We should not only talk about it, we ought to pay that debt down. Why? Because we are the ones that created it. At least the majority of the people in America elected the politicians that created that debt. I think it is wrong to pass it on to our children and our grandchildren.

$5.7 trillion this country is in debt tonight. What does that mean for all of us? Some people in this country think we spend too much money on food stamps. That is $2 billion a month. Some people in this country think we spend too much money on foreign aid. That is $1 billion a month. We spend $1 billion every single day in America simply paying interest, not principal, just interest, on the national debt.

How much is $1 billion? I put that in my calculator, and I get that little E at the end. But I can tell you what really brought it home for me. I was recently touring a brand new state-of-the-art elementary school in Monticello, Arkansas. As the principal and some teachers took me through that school, they mentioned that it cost $5 million to build. And it hit me. You know, we could build 200 brand new state-of-the-art elementary schools every single day in America simply with the interest we are paying on the national debt. I am not advocating that we do that, although there are some schools that need our help in a very big way; but I think that demonstrates to all of us how much $1 billion a day in interest really is. Give me a couple of days of it, and I can finish I–49 in Arkansas. Give me a week of it, I can build I–69 across Arkansas. It is time we pay down the debt.

And something else, we must pay back the IOUs to the Social Security trust fund. They already total $1 trillion. Let me tell you why that is important to all of us. When Social Security was created, we had 30 people paying in for every one earning benefits. Sometime between 2011 and 2016, depending on whose numbers you want to believe, we are going to have more people earning Social Security benefits than we are going to have paying in to the Social Security trust fund. And everyone agrees that by 2038, Social Security is broke. It is broke in 2038 even if the $1 trillion in IOUs which, I might add, there is no provision on how we are going to pay them back, it is broke in 2038 provided that $1 trillion in IOUs is paid back, even with them being paid back, not counting the new $100 billion that the President and this administration proposes that we take from the Social Security trust fund and go back into the days of deficit spending. Despite all that, if all that some way or the other gets paid back, Social Security is still broke in 2038.

I have got a grandmother. My grandfather died when I was a year old. My grandmother is now 91. But when he died, she first learned how to drive a car. Then she got her GED, she moved to Little Rock, which is about 100 miles from where we live; and she went to nursing school. She came back to our hometown, and she worked tirelessly for about 20 years as a nurse at our local hospital. My grandmother did not have the benefit of a big retirement plan. She has lived from Social Security check to Social Security check. I know what it is like for seniors to try and live from Social Security check to Social Security check. That is why I want to see us not increase the debt limit. That is why I want to see the politicians in Washington stop raiding the Social Security trust fund. That is why we need to not honor this request of raising the debt limit. It is time for fiscal responsibility at our Nation's capital.

Mr. STENHOLM. I thank my friends from Arkansas, both of them, for making some very relevant points. One of the statements that the gentleman from Arkansas (Mr. ROSS) just made was that we need to tone down the partisan rhetoric. That is what we are trying to do tonight. That is why I will join the gentleman from Arizona (Mr. KOLBE) from the other side tomorrow going before the Committee on Ways and Means in which we will be saying to the Committee on Ways and Means, let us sit down and begin to honestly and sincerely talk about what kind of a fix we need to put in for Social Security so that it does not run into financial difficulties in 2030. Let us start reasoning together.

I do not understand, and that is what the Blue Dogs said last year, we ought to have had that discussion last year; but we did not. But it is not too late. It is never too late for reasonable men and women, elected by our constituents in our respective 435 districts. All of us get here the same way. We get elected by a majority of the people in our district. All of us are well-meaning. But every now and then you vote for something that puts in place something that we think tonight we would like to turn around.

□ 2030

When you had a $5.6 trillion surplus last year, and you squander it in 1 year, and we go back now back into the Social Security trust fund for the next 10 years under the economic game plan we are under, I would hope our friends on the other side would not say, "there you go again."

All we are saying is we think, before we increase the debt ceiling, we ought to make one more attempt to get a true balanced budget, to get out of the Social Security trust fund and, even in an election year, have a serious debate and discussion about how we would fix Social Security.

I have got a plan that I have joined with the gentleman from Arizona (Mr. KOLBE) on. Others have plans. Anyone that stands on this floor and criticizes the other person's idea without offering one of their own, I do not think too highly of. But I would welcome an honest and serious debate, and I hope at some time in the future we could use some special orders in which we would actually have a discussion about what it is that we are differing on.

Tonight, for example, I would welcome someone from the other side of the aisle that would come over and say, you guys are all wet. Here is what we are doing. I would welcome that. Maybe we can get into that.

Now I would like to yield to the gentleman from Utah (Mr. MATHESON). The gentleman from Utah is making a real mark here in the Congress. One of the things I have appreciated is his understanding of energy, because he kind of comes from that experience. But, also, just as my two colleagues from Arkansas have been real leaders within the Blue Dog Coalition for focusing on fiscal responsibility, so has the gentleman of Utah.

Mr. MATHESON. Mr. Speaker, I thank my colleague from Texas, and I appreciate him leading this discussion tonight on an issue that is so important to me. It is important to the Blue Dog Coalition, but it really ought to be important to all of us.

It was about 150 years ago that my great-great grandfather came to the United States from Scotland. I have to say that I believe I personally am true to my Scottish ancestry when it comes to money, especially the people's money. I do not like deficits. I do not like debt.

When I first decided to run for public office, I never had heard of the Blue Dogs. I was a candidate working hard, talking about issues that I thought were important and the notion of being fiscally responsible, the notion of trying to pay down debt. That was really important to me.

As I got involved in being a candidate, suddenly I heard about this group called the Blue Dogs, and the more I heard about them, the more I said, you know, those guys are saying a lot of the same things that seem to make sense to me, and it has been a group that I am real proud to associate with, for a number of reasons.

Number one, they have a reputation for caring very much about being fiscally responsible. Number two, they also have a reputation for just putting the cards on the table.

What I like about this group is that we try to get away from a lot of the rhetoric, and we are real open to discussion. As the gentleman from Texas (Mr. Stenholm) just said, if someone wants to disagree with us, that is great. Let us invite that dialogue. Let us have a discussion about how we can come together and come up with some good ideas from both parties to be fiscally responsible.

I think the Blue Dog budget that was introduced a year ago was a real responsible plan. It was a good idea, and we nearly won. We nearly did. But we did not quite make it.

Now we find ourselves in a rather extraordinary circumstance compared to 1 year ago. I recognize that there are a lot of changes in what this country faces from a year ago, and we as Blue Dogs understand that we face some new expenditures in our government right now.

We face a war on terrorism that costs money, and it is a serious issue and something that we support. We face issues about homeland security that we were not thinking about a year ago, and those are going to take resources, too. We support that, and we want to take care of those issues and address them in a responsible way.

To the extent that the economy is in a downturn and to the extent we face some of these issues, we understand that there may be times, extraordinary circumstances like that, when the government may have to go into some deficit in the short term, and if we are coming right up against that borrowing limit, it may be responsible to raise that up a little bit to get us through this short-term problem we face here.

But that is not what we are looking at. That is not what the administration is asking us to do. The administration is asking us to raise the debt limit by $750 billion.

We throw so many numbers around this place, I think we grow numb to the meaning of these numbers. But $750 billion in more debt? That is just a lot of money and that is a big blank check that we are asking for, that the administration is asking for; and, quite frankly, they are asking for Congress to be given the latitude to run up another $750 billion of debt with no plan, with no financial plan, with no idea that has been presented about how we are going to right this ship, how we are going to get away from this pattern of just increasing debt over and over and over.

That just does not seem to make sense. From my Southern Utah roots that does not pass the smell test. We ought to be willing to be responsible about this, and before we write a huge blank check, let us take a look at the short-term issues, as I suggested. Let us be willing to acknowledge that we ought to maybe increase the debt limit a little bit, because we have these increased expenses from the war on terrorism, homeland security.

The economy has been slow. We understand that. But, for crying out loud, $750 billion, that is a lot of money.

I notice what the gentleman from Arkansas (Mr. ROSS) was saying about trying to get people a sense of what $1 billion means. I really like that example of 200 elementary schools.

There is another part of that example that ought to be amplified, and that is if you spent that money on 200 elementary schools, you would have something to show for it. You would have an important asset, an asset that creates value. It is an investment in our country, it is an investment in our children, which is the best investment we can make. But when we pay that interest payment, we have nothing, we have nothing to show for it, every single day. I thought that was a great analogy to point out, the difference in how you either spend money or invest money.

There are things government should do, and there are some things government should not do, but I think we ought to keep in mind the notion that there is an investment component to what we do.

The gentleman from Arkansas (Mr. ROSS) mentioned that he is a small businessman. The gentleman from Texas (Mr. STENHOLM) I know has been a farmer. I am sure both of them in their lives had the experience of at times borrowing money for their business. They have gone to the bank, and they have had to tell a story, a legitimate, credible story about how, if they are going to borrow that money, how they are going to put it in that business and how that business is going to create some recurring income over time to pay that loan off.

It has been my personal experience, too. I used to work in the energy business, built a couple of cogeneration projects that cost $100 million apiece. I had to go to a bank to find that money to help build that project. I will tell you, they made me jump through a lot of hoops to explain how that project, once it was built, was going to pay for itself over time. And we got that loan, and those projects are making electricity and those loans are getting paid off because we told a story that was credible, and I am glad to say it has worked out that way as well.

The same thing applies to all of us. Everybody has gone out, maybe they borrowed money to buy a car or a house. You cannot just walk in and say, well, I have no idea how I am going to pay you back, but please give me money.

Yet in terms of raising this debt limit, that is what we are talking about. I know there is a lot of uncertainty when you look out in the future. I understand the problems with long-term projections. We all have to live with that uncertainty.

But that does not mean you just ignore the future. That does not mean you do not try to give your best effort to figure out what you are going to do in the future. As time goes on, you retool your plan to fit changes that you did not expect.

But what we have now is this request to raise the debt limit by $750 billion, and there is no end in sight. There is no sense of how we are going to ultimately change this pattern of deficit spending.

That is why we are here tonight. That is what we are talking about. We are trying to engage people in a dialogue.

I do not claim to have all the answers for how we are going to right this ship. I really do not. I have some ideas. I think I have some good ideas. But I think we have to be committed, collaboratively, as Democrats and Republicans, and with the administration, too, to talk these things through. These are serious issues. These are tough issues. If they were simple, we would have resolved them already. And they got more difficult in the past year. We have new challenges we were not thinking about a year ago.

This is when we are supposed to rise to the occasion. This is why people elect us. They elect us to come here, think these issues through, learn all the facts, talk to as many experts as we can, and work together to come up with viable, common-sense solutions.

That is what the Blue Dogs are all about. That is why I have been so proud, as I said, to be associated with that group. Their reputation speaks for itself. They have been very helpful in terms of guiding this discussion. And that is why we are here tonight, to talk about this issue of raising the debt limit.

I cannot say enough about how important this is. I think about this issue through the eyes of my little boy who is 3 years old. He has gotten no benefit out of this debt we have run up around this country, none at all. But we are going to stick him with having to pay it off.

You know, as I take on this job and as I think about issues, I try to look at all of these issues through the eyes of him, through the eyes of a child, and think about what kind of world he is going to be growing up in. It is just not fair. It is not right. Those kids do not vote. They do not vote, but they are our constituents, and they are our future. Those are the people we are supposed to be representing.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Utah for those very pointed remarks. What we are talking about tonight is aimed at his child, at my two grandsons, and that is all we are asking that we take a look at.

I have been in this body now for going on 24 years. I have worked with five presidents, and it matters not whether there is an R or D after the president's name. It matters not whether that is an R or D after any of my colleagues' name. If they have a good idea, I will join in attempting to pass it, or at least attempting to discuss it.

Tomorrow I will join with our colleague, the gentleman from Arizona (Mr. KOLBE), in which we will ask the Committee on Ways and Means to tone down the rhetoric regarding Social Security. I will be equally hard on my party, those who choose to get a little bit rambunctious with the rhetoric on Social Security, as I will be equally hard on the majority side. I am very critical of the majority for not taking up a Social Security reform plan. I think that is legitimate.

I used to get blamed for a lot of things that happened when we were in the majority on the Democratic side, but now it seems I still get blamed for what is going on, even though I am in the minority.

Everyone tonight has stated the absolute importance of dealing with the future of Social Security, and we are pointing out our belief that you do not deal with the future of Social Security by digging the hole deeper. When you have an unfunded liability in the Social Security system tonight of $22 trillion, we do not believe it is a solution to dig the hole to $23 trillion.

You do not really back up and get a running start out of a hole. When you find yourself in a hole, the first rule is to quit digging. That was the infamous words of Garfield. That is what we are saying tonight. You do not just automatically borrow additional money unless you have got a plan.

Our colleague talked about going and borrowing $100 million to finance a cogeneration plant. It was a good investment or he would not have gotten the money.

Tonight we are being asked to borrow additional money so we can pay interest on that debt without doing anything to solve the problems of this Nation. That is what bugs us. A lot of people say, well, you know, are you all not being just a little inconsistent? Some might say, how is the debt limit vote different this year from the last time?

Well, let me point out how it is different. We are being asked to raise the debt limit outside of a plan for balance. The last two votes that this body had to raise the debt limit came at a time when Congress and the President were engaged in bipartisan negotiations on a balanced budget plan that ultimately led to the Balanced Budget Agreement of 1997. The current situation is very different. The President has submitted a budget which projects deficits financed by borrowing the Social Security surplus for the next decade. I repeat, the plan that we have been asked to put into place borrows the Social Security trust fund for the next 10 years. That is not a plan we can support.

□ 2045

Now, also we are going to hear, I hope we do not, but I have already heard rumblings of this, that we need to change the manner in which we determine what the numbers are. The last time this bill came up in 1997, we had a different President in the White House. The minority leader of this body said, and I quote, "We said from the beginning of this Congress that we want to negotiate with the President, but we cannot negotiate with a President that does not want to balance the budget. We do not want to negotiate over whether to balance the budget or not. We want him to submit a budget that balances by CBO."

Now, here we are in danger of again doing, as we have seen happen a few times over the years, we will either use OMB, that is the Office of Management and Budget, that is the administration's budget arm, or we will use the Congressional Budget Office, that is CBO, that is the bipartisan congressional budget arm. We agreed several years ago that we would use CBO; we, the Congress, agreed that CBO would be the arbiter of what the numbers are. Not saying that they are automatically right; not saying that they are any better than OMB, but since we often have different assumptions, we just agreed that we would use CBO.

Now, I hope that the majority this year will stick to what we have agreed to doing. We will use CBO, whatever they say because, remember, these are projections. Let us not slip into using OMB when it works to the advantage or CBO when it works to the advantage; let us use CBO.

Congress and the President need to sit down, roll up our sleeves and have an honest discussion about what we need to do to put the budget back in order with everything on the table. We need to put together an honest plan, putting the budget on a reasonable glidepath toward balance without using Social Security using CBO estimates. That is what we are trying to say tonight.

In 1995, in 1995, 48 Democrats joined with the Republican majority to insist that President Clinton submit a plan that was balanced under CBO numbers. We hope that the 148 Republicans who voted for that legislation, who are still in the House, will stay consistent. Those 48 of us on our side of the aisle do intend to stay consistent. We believe that since we, over the last 8 years, got our Nation's fiscal house in order, eliminated the deficits as far as the eye could see, actually got ourselves into surplus for 1 year, that all of the pain and anguish that has been caused or was caused or was utilized in order to accomplish that goal for our country should not be squandered in 12 months.

Now, is that an overly partisan statement to make? I would hope not. I listen very carefully to my colleagues on the other side of the aisle. They say, and I believe it sincerely, as we do, that that is what they want to do. But we cannot do it on this side of the aisle unless they do it. We are in the minority. When we are in the minority, we do not have 218 votes.

Now, I want to repeat, we are not playing politics with this issue. We are not. We will vote for a short-term debt ceiling, provided there is a plan of how to get from where we are to where we need to be. We do not think that is too much to ask of the majority. We are willing to put our money where our mouth is. We are willing to vote on a temporary increase on the debt limit to meet the expenses of the war. We are willing to do that. What we are not willing to do is give a $750 billion blank check to continue on an economic game plan that has already squandered $5 trillion of projected surpluses in one year. We do not think that is unreasonable. But we did not think our budget last year was unreasonable either. We put forth our best effort on the floor, and we lost. And when we lose, we go on to the next battle. Well, the next battle is now. The next battle is now.

Now, again, in case someone is just now joining us, on the debt limit, I used one example, and I will use another. On the debt limit, it is kind of like going into one of our best restaurants in Texas and enjoying one of our infamous Texas beef steaks, enjoying it, and then walking out and saying we are not going to pay for it. That is what the debt ceiling is all about. The other example is a businessman in trouble because of unforeseen difficulties, but has a good record. We have a lot of farmers in that condition right now out in the country that, through no fault of their own, they are finding it difficult to pay back their banker. To go back to the banker, the banker knows them, and they make adjustments. They make adjustments in their economic game plan. They make adjustments in their budgets. We cut back here; we do things a little differently. We tighten our belt. Well, that is what we are asking. We just do not believe it makes common sense to arbitrarily say to our country, we are going to borrow $750 billion on a game plan that has squandered $5 trillion of surpluses.

Now, I think it was very important that the gentleman from Utah (Mr. MATHESON) a moment ago acknowledged the war. I have said three times tonight, we are perfectly willing, and we are 110 percent behind our President, regarding the conduct of the war. Separate that issue from what we are talking about tonight. We will do what is necessary to make sure that our young men and women have the tools necessary, both now and in the future, to do what they are called on to do, and that is defend the freedom of this country. We will do that. That is not what we are talking about tonight. I hope that as we get closer and closer to that vote on the debt ceiling, that we will make a few changes in that economic game plan. We will be proposing how we would do it. We have already proposed how we would do it. We told our colleagues last year how we could do it, but we lost.

I want to conclude my remarks tonight by going back again to the Social Security question. I want to make it very, very clear. This is one Member on this side of the aisle that has happened to agree with the President regarding his proposal for individual accounts. I have joined with the gentleman from Arizona (Mr. KOLBE) on that for the last 6 years. We have introduced, reintroduced and reintroduced for the third time our suggestion of how we can, in fact, make Social Security as sound or even sounder for our children and grandchildren. I am perfectly willing to discuss and debate that issue until the cows come home, and if we could get a majority, we win; if not, somebody will beat us with a better idea.

What I am deeply concerned about is on my side of the aisle critics talking about Social Security without offering their own plan. We will find no one anywhere in the United States tonight that says that Social Security will be there for our grandchildren without making some changes. No one. No one on it today should be concerned for one second about their Social Security check. But for my grandsons, 6½ and 4½ years old, we had better start getting concerned about their Social Security if Congress continues to not do what we need to do in coming up with a plan to reform it.

That is why even if, even if 9–11–01 had not occurred, we still would be standing here tonight saying the economic game plan that we are under, we ought to change. I repeat: even if 9–11–01 had not occurred, we would still be having the discussion that we are having tonight, based on the estimates of CBO and OMB. That is something that people need to understand.

Again, I want to make it very, very clear. The Blue Dogs have taken this hour tonight to say that we are willing to support a temporary increase to meet our expenses, but only a temporary increase. I think we need to keep this Congress's feet to the fire, and we need to make the tough decisions, hopefully starting with at least beginning a dialogue on Social Security this year, without elevating the rhetoric and attempting to win elections this November based on someone pointing a finger at the other side and suggesting that one side is going to bankrupt the system and the other side has all the answers without ever saying what their answer would be.

I will join with the gentleman from Arizona (Mr. KOLBE) and others, the gentleman from Michigan (Mr. SMITH) on the other side of the aisle, for example, the gentleman from Florida (Mr. BOYD) on my side, and the gentlewoman from Missouri (Ms. MCCARTHY), and others who have been a part of coming up with a constructive solution; we will join. I just do not think it is too much to ask of the majority to spend a little bit of time in serious legislation on the most serious problem facing us, other than the war, and that is the future of Social Security. We are going to have a lot more to say about it in the days and weeks ahead, and I thank my colleagues for their indulgence tonight.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

TO FACILITATE POSITIVE ADJUSTMENT TO COMPETITION FROM IMPORTS OF CERTAIN STEEL PRODUCTS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore (Mr. CRENSHAW) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 203(b) of the Trade Act of 1974, as amended (the "Act"), I hereby transmit documents to the Congress that describe the safeguard action that I have proclaimed on imports of certain steel products, pursuant to the authority vested in me by section 203(a)(1) of the Act and as President of the United States, and the reasons for taking that action.

GEORGE W. BUSH.

THE WHITE HOUSE, *March 5, 2002.*

CORRECTION TO THE CONGRESSIONAL RECORD OF MONDAY, MARCH 4, 2002 AT PAGE H-653, ENROLLED BILL SIGNED

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1206. An act to reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. LEE (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of business in the district.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. GEPHARDT, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mr. GREEN of Texas, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Ms. CARSON of Indiana, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. STUPAK, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. MCINTYRE, for 5 minutes, today.

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. PENCE, for 5 minutes, March 6 and 7.
Mr. GANSKE, for 5 minutes, March 7.
Mr. OSBORNE, for 5 minutes, March 6.
Mr. HANSEN, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. SMITH of Michigan, for 5 minutes, today.

ADJOURNMENT

Mr. STENHOLM. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 6, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5733. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Commonwealth of Massachusetts; Carbon Monoxide Redesignation Request, Maintenance Plan, and Emissions Inventory for the Cities of Lowell, Springfield, Waltham, and Worcester [MA084-7214a; A-1-FRL-7143-7] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5734. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Wisconsin: Final Authorization of State Hazardous Waste Management Program Revisions [FRL-7150-9] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5735. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Billings Carbon Monoxide Redesignation to Attainment and Designation of Areas for Air Quality Planning Purposes [MT-001-0036a; FRL-7139-6] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5736. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that State has Corrected the Rule Deficiencies and Stay of Sanctions, El Dorado County Air Pollution Control District, State of California [CA 253-0321c; FRL-7139-4] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5737. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to India for defense articles and services (Transmittal No. 02-15), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5738. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Ireland for defense articles and services (Transmittal No. 02-04), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5739. A letter from the Director, Defense Security Cooperation Agency, transmitting the Department of the Army's proposed lease of defense articles to Greece (Transmittal No. 01-02), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

5740. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 05-02 which informs the intent to sign a Project Arrangement between the United States and Canada concerning Vaccinia (Smallpox) Virus Vaccine under the Chemical, Biological and Radiological (CBR) Memorandum of Understanding, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5741. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 04-02 which informs the intent to sign a Project Arrangement between the United States and the Kingdom of Norway concerning the Lightweight Hypervelocity Missile Flights Demonstration, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5742. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Switzerland [Transmittal No. DTC 140-01], pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

5743. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt [Transmittal No. DTC 116-01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5744. A letter from the President, Republic of the Marshall Islands, transmitting a report Presented to the Congress of the United States of America Regarding Changed Circumstances Arising from the U.S. Nuclear Testing in the Marshall Islands, pursuant to 48 U.S.C. 1681 nt.; to the Committee on Resources.

5745. A letter from the Independent Counsel, transmitting the annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

5746. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Beech Models 65-90, 65-A90, 65-A90-1, 65-A90-4, B90, C90, C90A, E90, and H-90 Airplanes [Docket No. 99-CE-80-AD; Amendment 39-12602; AD 2002-01-10] (RIN: 2120-AA64) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5747. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Certain Transfers of Property to Regulated Investment Companies and Real Estate Investment Trusts [REG-142299-01] [REG-209135-88] (RIN: 1545-BA36 and 1545-AW92) received February 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HASTINGS of Washington: Committee on Rules. House Resolution 353. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds (Rept. 107-364). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 354. Resolution providing for consideration of motions to suspend the rules (Rept. 107-365). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were of the following titles introduced and severally referred, as follows:

By Mr. HOEKSTRA (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. GREENWOOD, Mr. GRAHAM, Mr. FLETCHER, Mr. DEMINT, Mr. ISAKSON, Mr. PLATTS, and Ms. HART):

H.R. 3839. A bill to reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. ANDREWS, Mr. FORD, Mr. KILDEE, Mr. KUCINICH, Mrs. MCCARTHY of New York, Mr. OWENS, Mr. PAYNE, Ms. RIVERS, Ms. SOLIS, Mr. TIERNEY, Ms. WOOLSEY, Mr. WU, Mrs. JONES of Ohio, Mr. SANDERS, Mr. BROWN of Ohio, and Mr. DOGGETT):

H.R. 3840. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide for timely notification of plan participants and beneficiaries whose individual accounts hold employer securities of insider trading in employer securities; to the Committee on Education and the Workforce.

By Mr. THOMAS:

H.R. 3841. A bill to provide assistance to displaced workers by extending unemployment benefits and by providing a credit for health insurance costs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAMPSON (for himself and Mr. LOBIONDO):

H.R. 3842. A bill to assure that recreation benefits are accorded the same weight as hurricane and storm damage reduction benefits as well as environmental restoration benefits; to the Committee on Transportation and Infrastructure.

By Mr. BURTON of Indiana (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3843. A bill to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2008, a program applying simplified procedures to the acquisition of certain commercial items; to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management; and to authorize telecommuting for Federal contractors, and for other purposes; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HORN):

H.R. 3844. A bill to strengthen Federal Government information security, including through the requirement for the development of mandatory information security risk management standards; to the Committee on Government Reform, and in addition to the Committee on Science, for a period to be subsequently determined by the

Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOLEY:

H.R. 3845. A bill to provide that adjustments in rates of pay for Members of Congress may not exceed any cost-of-living increases in benefits under title II of the Social Security Act; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRANK:

H.R. 3846. A bill to amend the Immigration and Nationality Act to authorize the submission of an application for naturalization under section 322 of such Act on behalf of a child by the child's grandparent or legal guardian, if the parent who otherwise would be authorized to submit such application is deceased; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 3847. A bill to direct the Director of the Federal Emergency Management Agency to designate New Jersey Task Force 1 as part of the National Urban Search and Rescue System; to the Committee on Transportation and Infrastructure.

By Mr. HANSEN:

H.R. 3848. A bill to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes; to the Committee on Resources.

By Mr. HILLIARD:

H.R. 3849. A bill to designate the facility of the United States Postal Service located at 306 Pickens Street in Marion, Alabama, as the "Jimmie Lee Jackson Post Office Building"; to the Committee on Government Reform.

By Mr. HILLIARD:

H.R. 3850. A bill to designate the facility of the United States Postal Service located at 1313 Alabama Avenue in Selma, Alabama, as the "Reverend James Joseph Reeb Post Office Building"; to the Committee on Government Reform.

By Mr. KILDEE (for himself, Mr. Rahall, Mr. Hansen, Mr. Hayworth, and Mr. Gallegly):

H.R. 3851. A bill to encourage the negotiated settlement of tribal claims; to the Committee on Resources.

By Mr. LEWIS of Kentucky (for himself and Mrs. Northup):

H.R. 3852. A bill to amend title II of the Social Security Act to include Kentucky among the States which may divide their retirement systems into two parts so as to obtain Social Security coverage, under State agreement, for only those State and local employees who desire such coverage; to the Committee on Ways and Means.

By Mr. RADANOVICH (for himself and Mr. Jones of North Carolina):

H.R. 3853. A bill to make technical corrections to laws passed by the 106th Congress related to parks and public lands, and for other purposes; to the Committee on Resources.

By Mr. THUNE (for himself and Ms. Rivers):

H.R. 3854. A bill to authorize funding for the development, launch, and operation of a Synthetic Aperture Radar satellite in support of a national energy policy; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado:

H.R. 3855. A bill to establish a program administered by the Department of State to promote visits to the United States by youths from regions of conflict for training in peaceful cooperation and mutual understanding; to the Committee on International Relations.

By Mr. NEY (for himself, Mr. Dreier, Mr. Reynolds, and Mr. McInnis):

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon; to the Committee on House Administration. considered and agreed to.

By Mr. GONZALEZ (for himself, Mr. Bonilla, Mr. LaFalce, Mr. Menendez, Mr. Smith of Texas, Mr. Rodriguez, Mr. Sandlin, Mr. Bentsen, Mr. Green of Texas, Mr. Hinojosa, and Mr. Ortiz):

H. Res. 355. A resolution expressing the sense of the House of Representatives with regard to negotiations between the United States Government and the governments of Mexico and Canada with regard to the North American Development Bank and the Border Environmental Cooperation Commission; to the Committee on Financial Services.

By Mr. HYDE (for himself, Mr. Crane, Mr. Evans, Mr. Johnson of Illinois, Mr. LaHood, and Mr. Kirk):

H. Res. 356. A resolution supporting the goals and ideas of North American Occupational Safety and Health Week; to the Committee on Education and the Workforce.

By Mr. ROTHMAN (for himself, Mr. Payne, Mr. Wolf, Mr. Brown of Ohio, Ms. Carson of Indiana, Mrs. Mink of Hawaii, Mr. Rohrabacher, Mr. Kucinich, Ms. McCarthy of Missouri, Ms. Baldwin, Ms. Ros-Lehtinen, Mr. McGovern, Mr. Abercrombie, Mr. Towns, Ms. Pelosi, Ms. Rivers, Ms. Kilpatrick, Mr. Hilliard, Mr. Diaz-Balart, Mr. Wynn, Mr. Pallone, Mr. DeFazio, Mr. Davis of Illinois, Mr. Evans, Ms. Kaptur, Mr. Hinchey, Mr. Pascrell, Ms. Roybal-Allard, Mr. Tierney, Mr. Stark, Mr. Menendez, Ms. Lee, Ms. Solis, Mrs. Jones of Ohio, Mr. Capuano, Mr. Sherman, Ms. McCollum, Ms. Jackson-Lee of Texas, Mr. Frank, Ms. Woolsey, Mr. Sanders, and Mr. Wexler):

H. Res. 357. A resolution expressing the sense of the House of Representatives regarding the recognition of the authorities of Tibet who are currently exiled in Dharamsala, India, as the legitimate representatives of Tibet; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. TOM DAVIS of Virginia introduced a bill (H.R. 3856) to exempt a historic amphibious landing ship from inspection requirements under title 46, United States Code; which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. Fattah.

H.R. 168: Mr. Wicker.

H.R. 228: Mr. Lucas of Kentucky.

H.R. 250: Mrs. Johnson of Connecticut.

H.R. 292: Mr. Serrano, Mr. Ford, Mr. Baird, Mrs. Christensen, Ms. McKinney, Mr. Langevin, and Mr. Oberstar.

H.R. 356: Mr. Jeff Miller of Florida, Mr. Reyes, Mr. Forbes, and Mr. Andrews.

H.R. 488: Mr. Sawyer.

H.R. 600: Mr. Gordon.

H.R. 638: Ms. Eshoo.

H.R. 745: Mr. Underwood.

H.R. 854: Mr. Simmons, Mr. Deal of Georgia, Mr. Pallone, and Mr. Sandlin.

H.R. 951: Mr. Ryun of Kansas, Mr. Tierney, Mr. Johnson of Illinois, Mr. Dan Miller of Florida, and Mr. Lynch.

H.R. 1013: Mr. Graham.

H.R. 1064: Mr. Bentsen.

H.R. 1109: Mr. Camp, Mr. Dreier, Mr. Gutknecht, Mr. Pombo, Mr. McInnis, Mr. Chambliss, and Mr. Bonilla.

H.R. 1158: Mr. Crowley.

H.R. 1296: Mr. Portman and Mr. Wilson of South Carolina.

H.R. 1433: Mr. Neal of Massachusetts.

H.R. 1460: Mr. DeMint.

H.R. 1466: Mr. Graham, Mr. Hefley, and Mr. Jeff Miller of Florida.

H.R. 1543: Ms. Hooley of Oregon.

H.R. 1556: Ms. Watson and Mr. Sandlin.

H.R. 1609: Mr. Baker and Mr. Smith of Michigan.

H.R. 1626: Mr. Bentsen and Mr. Taylor of Mississippi.

H.R. 1683: Mr. Dingell, Mr. Holt, Mr. Towns, and Mr. Sandlin.

H.R. 1754: Mr. Coyne.

H.R. 1809: Ms. McCollum.

H.R. 1861: Mr. Larsen of Washington.

H.R. 2014: Mr. Hefley.

H.R. 2018: Mr. Barr of Georgia.

H.R. 2020: Mr. Underwood and Mr. Hefley.

H.R. 2117: Mr. Larson of Connecticut Ms. Carson of Indiana, Mrs. Capito, Mr. Hilleary, Mrs. Kelly, Mr. Ortiz, Mr. Barcia, Mr. Foley, Mr. Rangel, Ms. McKinney, Mr. Beohlert, Mr. Olver, Mr. Simpson, Mr. Walsh, Mr. Sessions, Mr. Boozman, Mr. Ballenger, Mr. McHugh, Ms. Schakowsky, Mr. McGovern, Mr. Turner, Mr. Owens, Ms. Roybal-Allard, Ms. Solis, Mr. Oxley, Mr. McDermott, Mr. Rogers of Michigan, Mr. Frank, Mr. LaHood, Mr. Pascrell, and Mr. Baird.

H.R. 2118: Mr. Filner.

H.R. 2125: Mr. Boehlert, Mr. Boswell, Mrs. Lowey, Mr. Reyes, Mr. Boozman, and Mr. Thompson of California.

H.R. 2148: Mr. Costello.

H.R. 2160: Ms. Waters.

H.R. 2254: Mr. Gekas and Mr. Rush.

H.R. 2258: Ms. Hooley of Oregon.

H.R. 2332: Mr. Gordon.

H.R. 2335: Mr. Pomeroy.

H.R. 2339: Mr. Brown of Ohio.

H.R. 2341: Mr. Rogers of Michigan, Mr. Nethercutt, Mr. Graham, and Mr. Graves.

H.R: 2374: Mr. Ramstad.

H.R. 2569: Mr. Horn.

H.R. 2592: Mr. Conyers, Mr. Lantos, and Ms. Waters.

H.R. 2638: Mr. Lynch, Mr. Bonior, Mr. Gillmor, Mr. Kildee, Mrs. Biggert, and Mr. Goode.

H.R. 2667: Mr. Tancredo.

H.R. 2674: Mr. Langevin, Mr. Turner, Ms. Lee, Mr. Schiff, Mr. Ross, and Mr. Green of Wisconsin.

H.R. 2695: Mr. Isakson, Mrs. Johnson of Connecticut, and Mr. Hayworth.

H.R. 2787: Mr. Payne, Mr. Faleomavaega, Mr. Lantos, and Mr. Meeks of New York.

H.R. 2874: Mr. FARR of California.

H.R. 2908: Mr. SHAYS and Mr. CUMMINGS.

H.R. 2946: Mr. GORDON.

H.R. 2953: Ms. HARMAN, Mr. RANGEL, and Mr. HOUGHTON.

H.R. 3013: Mr. OWENS, Mr. WYNN, Mrs. MEEK of Florida, and Ms. LEE.

H.R. 3041: Mr. CLEMENT.

H.R. 3154: Mr. POMEROY and Mr. CARDIN.

H.R. 3215: Mr. LATHAM.

H.R. 3236: Mr. PAYNE and Mr. OWENS.

H.R. 3238: Mr. NADLER.

H.R. 3267: Mrs. CHRISTENSEN, Mr. GORDON, and Ms. NORTON.

H.R. 3279: Mrs. CAPPS and Mr. FRANK.

H.R. 3321: Mr. FOSSELLA, Ms. SCHAKOWSKY, Mr. BALLENGER, Mr. KING, Mr. GOODE, Mr. GRUCCI, Mr. ALLEN, Ms. MILLENDER-MCDONALD, Mr. ISRAEL, Mr. MCINTYRE, Mr. ENGEL, and Mr. RAHALL.

H.R. 3336: Mr. DINGELL, Mr. CROWLEY, Mr. FILNER, and Mr. BLAGOJEVICH.

H.R. 3351: Mr. LAFALCE, Mr. SABO, Mr. GEORGE MILLER of California, Mr. YOUNG of Alaska, Mr. LATHAM, Mr. WATT of North Carolina, and Ms. WATSON.

H.R. 3360: Mr. FRANK and Mr. BERRY.

H.R. 3375: Mr. BONIOR.

H.R. 3389: Mr. HOEFFEL, Mr. CRENSHAW, Mr. BRADY of Texas, Mr. WALSH, Mr. BOUCHER, Mr. STEARNS, Mr. ACEVEDO-VILA, Ms. SANCHEZ, Mr. NEAL of Massachusetts, Mr. LATOURETTE, Mr. HOUGHTON, Mr. BROWN of Ohio, Mr. QUINN, Mrs. JO ANN DAVIS of Virginia, Mr. GILMAN, Mrs. ROUKEMA, Mr. ROTHMAN, Mr. RILEY, Mr. GRAHAM, Mr. MCINTYRE, Mr. GILLMOR, Mr. BURR of North Carolina, and Mrs. MCCARTHY of New York.

H.R. 3412: Mr. FOLEY, Mr. RODRIGUEZ, Mr. SCHAFFER, Mr. FALEOMAVAEGA, Mr. NETHERCUTT, Mr. TAYLOR of North Carolina, Mr. BARR of Georgia, Mr. WELDON of Pennsylvania, and Mr. PASCRELL.

H.R. 3414: Mr. MCGOVERN.

H.R. 3424: Mr. REHBERG, Ms. RIVERS, Mr. WYNN, Mr. POMEROY, Mr. SAWYER, and Mr. CANNON.

H.R. 3430: Mr. UNDERWOOD and Mr. BARR of Georgia.

H.R. 3443: Mrs. JOHNSON of Connecticut and Mr. LAMPSON.

H.R. 3450: Mr. THOMPSON of California, Ms. DEGETTE, Mr. PETERSON of Minnesota, Mr. LYNCH, Mr. SAWYER, Mr. CHAMBLISS, Ms. LEE, Mr. LEWIS of Georgia, Ms. DELAURO, and Mr. CROWLEY.

H.R. 3464: Mrs. TAUSCHER.

H.R. 3524: Mr. LEWIS of Georgia.

H.R. 3581: Mrs. JONES of Ohio, Ms. WOOLSEY, and Ms. NORTON.

H.R. 3661: Mr. JONES of North Carolina.

H.R. 3670: Mr. HILL.

H.R. 3698: Mr. SCHAFFER.

H.R. 3710: Mr. FRANK.

H.R. 3713: Mr. CALVERT.

H.R. 3716: Ms. ESHOO.

H.R. 3731: Mr. FOLEY, Mr. STUMP, and Mr. DOYLE,

H.R. 3733: Mr. BONIOR and Mr. GORDON.

H.R. 3747: Mr. WEINER and Ms. BERKLEY.

H.R. 3773: Mr. SWEENEY and Mr. CHAMBLISS.

H.R. 3784: Mr. GEORGE MILLER of California, Ms. DELAURO, Mr. CAPUANO, Mr. FROST, Mr. TAYLOR of North Carolina, Mr. CLYBURN, Mr. MEEHAN, Mr. NORWOOD, Ms. SANCHEZ, Mr. ALLEN, Mr. THOMPSON of Mississippi, Mr. FLETCHER, Ms. SOLIS, Mr. BASS, Mr. SPRATT, Mr. CALVERT, Mr. LARSEN of Washington, Mr. CASTLE, Ms. HARMAN, Mr. TIERNEY, Mr. LANTOS, Mr. ISAKSON, Mr. WU, Mr. TAUZIN, Mr. TERRY, and Mr. DEMINT.

H.R. 3794: Mr. LYNCH, Mr. CUNNINGHAM, Mr. WEINER, Mrs. TAUSHCER, Mr. PALLONE, and Mr. HOEFFEL.

H.R. 3797: Mr. MCHUGH, Mr. BOEHLERT, Mr. ACKERMAN, Mr. TOWNS, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Mr. CROWLEY, Mr. ISRAEL, Mr. NADLER, Mr. GILMAN, Mr. MCNULTY, Mr. FOSSELLA, Mr. WALSH, Mr. HINCHEY, Mr. KING, Mr. LAFALCE, Mr. REYNOLDS, Mr. HOUGHTON, and Mr. ENGEL.

H.R. 3802: Mr. GIBBONS, Mr. TOWNS, and Mr. STUMP.

H.R. 3810: Mr. BEREUTER and Mr. PICKERING.

H.R. 3814: Mr. STENHOLM, Mr. PAYNE, and Mr. STUPAK.

H.R. 3833: Mr. STEARNS.

H.R. 3834: Mrs. MCCARTHY of New York, Mr. CONYERS, Mr. JOHN, and Mr. LANGEVIN.

H.R. 3838: Mr. EDWARDS.

H.J. Res. 6: Ms. SLAUGHTER, Mr. DELAHUNT, Mr. DOYLE, and Mr. NEAL of Massachusetts.

H.J. Res. 40: Mr. DOGGETT, Mr. MASCARA, and Mr. DICKS.

H.J. Res. 83: Mr. HOBSON, Mr. SOUDER, Mr. PETERSON of Pennsylvania, Mr. BARR of Georgia, Mr. KOLBE, Mr. UNDERWOOD, and Mr. CUNNINGHAM.

H. Con. Res. 116: Mr. PASCRELL.

H. Con. Res. 162: Ms. VELÁZQUEZ.

H. Con. Res. 238: Mr. BORSKI and Mr. MURTHA.

H. Con. Res. 260: Mr. FORD.

H. Con. Res. 290: Ms. MCKINNEY and Mr. FALEOMAVAEGA.

H. Con. Res. 317: Mr. NETHERCUTT, Mr. SCHAFFER, Mr. GILLMOR, and Mr. PETERSON of Pennsylvania.

H. Con. Res. 336: Mr. LANTOS, Mr. PASTOR, and Mr. UNDERWOOD.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

50. The SPEAKER presented a petition of the Legislature of Westchester County, New York, relative to Resolution No. 265 petitioning the Congress of the United States and the State of New York to develop a comprehensive plan to properly defend the Indian Point nuclear plants from all potential areas of attack; to the Committee on Armed Services.

51. Also, a petition of the Legislature of Westchester County, New York, relative to Resolution No. 266 petitioning the Congress of the United States and Entergy, the New York State Public Service Commission and all other relevant parties to immediately begin a detailed feasibility study on converting Indian Points II and III from nuclear energy to natural gas or other non-nuclear fuel; to the Committee on Armed Services.

SENATE—*Tuesday, March 5, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable JOHN EDWARDS, a Senator from the State of North Carolina.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, we praise You for Your love that embraces us and gives us security, Your joy that uplifts us and gives us resiliency, Your peace that floods our hearts and gives us serenity, Your Spirit that fills us and gives us strength and endurance.

Be with us, Lord, so we can maximize the hours of this week. Help us to think clearly without confusion, to speak honestly without rancor, to debate without division, and to decide courageously without contention. May our rhetoric honor You and deal with issues and not personalities. Grant the Senators Your grace to work this week as patriots who love You and count it a high privilege to serve as leaders of our beloved Nation. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JOHN EDWARDS led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 5, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN EDWARDS, a Senator from the State of North Carolina, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. EDWARDS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate is going to resume consideration of the energy reform bill. The Senate will recess from 12:30 to 2:15 p.m. for the weekly party conferences.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

> Daschle/Bingaman amendment No. 2917, as modified, in the nature of a substitute.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that when the energy bill is laid down this morning—which it has been—there be a period for debate only until 12:30 p.m. today, the time we recess for the party conferences; further, I ask unanimous consent that at 2:15 today the pending amendment be further modified by Senator DASCHLE or his designee with the changes that are at the desk, and that no further modifications be in order to the substitute. Finally, I ask unanimous consent that following that modification the amendment be printed.

The PRESIDING OFFICER (Mr. CARPER). Is there objection?

Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I am pleased that the Senate is today finally proceeding to consider the Energy Policy Act of 2002. The fact that we are at this point in our deliberations is the result of a tremendous amount of work involving several committees in the Senate.

I think the committee with the largest stake in the development of this legislation is, of course, the Committee of Energy and Natural Resources, which I am privileged to chair and of which Senator MURKOWSKI is the ranking member at this point.

We have held over 50 hearings in the 106th and 107th Congresses that are related to today's bill. I express appreciation to Senator MURKOWSKI, the ranking member, who chaired many of these hearings.

I believe we have a good understanding of the issues that are forming this debate and that are at stake in this debate. Many of the elements in this energy bill are not going to shake out along party lines but because of genuine differences of opinion that particular Senators have.

I anticipate we will see all sorts of combinations of sponsorship on amendments on both a party and on a regional basis, before we are done.

Let me speak for a few minutes about the rationale for this energy bill. It is important to recall why we have invested so much time on the topic of energy in preparing this legislation. Why is it important for the Senate at this stage in the year 2002 to consider and pass comprehensive legislation?

I believe there are two basic answers to that question: First, energy is central to our present and our future economic prosperity. Because of its importance, improving and strengthening our national energy system can provide significant economic benefits for each American. Similarly, the vulnerabilities in our national energy system can present major threats to our national economic health. We need to anticipate those threats and deal with them, as we try to in this legislation.

A second basic reason we are considering energy legislation is there have been significant changes in energy markets since the last time Congress considered comprehensive energy legislation. The last major energy bill passed in Congress was the Energy Policy Act of 1992, 10 years ago. Since that time, as a nation we have moved further away from the command-and-control regulation of energy toward a system that relies more on market forces to set the price of energy. In the process of making that move, energy markets have become more competitive and dynamic but not without some significant bumps along the way.

Let me recount a few of those bumps of which we are all aware. First, consumers are now more vulnerable to the vagaries of the energy markets and to volatile prices for energy that cause repercussions throughout our economy. We saw that phenomenon at work in California last winter over a year ago and last spring. Also, the structures to regulate these emerging market forces, particularly with respect to trading in natural gas and electricity, are not fully developed. I think we all saw that with the collapse of Enron.

Gasoline supplies nationwide have become increasingly subject to local crises and price spikes due to the proliferation of inflexible local fuel specifications and tight capacity for refining and for pipelines.

And, finally, the events of September 11 have caused many of us to reflect on the inherent vulnerabilities of the energy transmission system we have in the country. The time may be right for rethinking how we site energy infrastructure and the balance between central and distributed generation of power in our electricity system.

Congress does need to respond to these changes and to these challenges and to these opportunities. If we do so in a balanced and comprehensive and forward-looking way, we can develop an energy policy that will lead to new economic prosperity for the country and, hopefully, for the world. But we will not get there simply by perpetuating the energy policy approaches of the past. We need new ideas and new approaches as well as greater investment in order to move to the future that we all want. That is what this bill tries to do.

The bill has three overarching goals. I have a chart that sets these out. Let me briefly go through each of them.

The first goal is to ensure a diversity of fuels and technologies for adequate and affordable supplies of energy. By this we are talking about renewable sorts of energy, as well as the more traditional sources we have depended upon. Natural gas, coal, oil, hydropower, nuclear power—all of those issues are dealt with in this legislation, and we have provisions intended to encourage adequate supply from this entire diversity of sources.

A second major goal of the legislation is to improve the efficiency and productivity of our energy use, including the reliability of our electric transmission system, the efficiency of energy use in industry, in vehicles, appliances, and buildings. We will have a great deal of discussion during the debate about the various provisions in the bill intended to encourage more efficient use of energy. We all recognize that we waste a tremendous amount of energy, and new technology can help us to use energy much more efficiently.

The third major overarching goal is to be sure that whatever we do in the energy area is done with an eye toward protecting the environment, toward not worsening the problem of climate change. I believe we have achieved that goal. Again, we will get into a serious discussion of the details as we get into the bill.

We can achieve these goals if we both accelerate the development and introduction of new technology—and we try to do that through this legislation—and if we create flexible market conditions that empower energy consumers so they can make the right choices, the choices that benefit them but also that benefit society more generally.

This combination of technology and policy innovation in pursuit of a diverse and robust national energy system can be seen in the provisions of the bill related to this first major goal—the adequate and affordable supply of energy. Let me talk about that goal and what we have in the bill related to it.

The first part of energy supply I will discuss is renewable energy. We have put a great emphasis on renewable energy in this legislation. The Senate bill contains numerous provisions to enhance the contribution of renewable forms of energy to our future energy mix. Under what I see as pretty much a business-as-usual approach, which is reflected in the House-passed bill, H.R. 4, the contribution of our energy mix from renewables would not markedly grow over the next 20 years. The result would be an energy system, particularly for the production of electricity, that would go from being 68 percent based on coal and natural gas today, in the year 2002, to being about 80 percent, based on those two fuels, by the year 2020.

That overdependence on those two fuels would leave our country extremely vulnerable to shortfalls in the delivery of either of these commodities and leave consumers exposed to the severe risk of price spikes. We need a more diverse way in which to produce electricity, not a less diverse way.

Such an overdependence does not make sense in light of the commitments to renewable energy that we are seeing in other countries, particularly in Europe. I have a chart that makes that point. This chart is "Commitment to Renewable Generation." It is the percentage of increase in nonhydro renewable generation from 1990 to 1995. That was the first half of the last decade.

It shows that Spain, Germany, Denmark, the Netherlands, and France have all dramatically increased their percentage of power generated from renewable sources; the United States is barely on the chart. Even France, which is often held up as a model for its commitment to nuclear power, has outpaced the United States in development of renewable sources for electricity.

The United States needs to lead the world in renewable technologies. We have abundant domestic renewable resources. The world market for the technologies we have developed is capable of growing immensely. Renewable technology leadership would help U.S. firms achieve a strong position in winning these markets and creating new jobs domestically.

If the United States is to lead the world in renewable energy technologies, though, we need to do a better job of getting those technologies into our own economy and into our own markets.

This bill we are beginning to debate today boosts our future use of renewables in five major ways: First, the bill contains market incentives that will triple the amount of electricity produced from renewable energy over the next 20 years. This chart tries to make that point very effectively. The orange band at the bottom represents the Energy Information Agency's projection of nonhydro renewables, assuming we do not pass the legislation. We can see that from the year 2000 to the year 2020, the percentage we are generating from nonhydro renewables would not change at all, absent legislation such as we are considering today.

The green wedge represents the contribution we believe would be made if this Senate energy bill becomes law, as we hope very much it will. You can see that we would be essentially tripling, or more than tripling the percentage of the electricity generated from renewable sources.

Let me talk about the specific incentives. One incentive in the bill is what we call the renewable portfolio standard. It creates a market for new renewable sources of energy, whether they are from wind, solar, biomass, or incremental hydroelectric generation in existing dams. This is something which many States have already done. We believe it is a good policy and one we should move to as well. One State that has moved ahead very dramatically is Texas. We commend the Senate to be aware of what has happened in Texas during the time, in fact, when our current President was Governor of that State. We believe the rest of the country should follow suit.

A second market incentive is a Federal purchase requirement for renewables. It grows to 7.5 percent for all Federal electricity purchases by the year 2010. We believe the Federal Government should lead in this area. This is an opportunity for it to do so.

The third provision is the renewable energy production incentive. There is an existing program in place to help rural electric co-ops and municipal utilities to generate renewable energy. In this bill we propose to reauthorize that and extend it to include Indian lands which contain prime renewable resources.

The next provision is that when the Senate considers the energy tax incentive amendment from the Finance Committee—and we believe Senator BAUCUS and Senator GRASSLEY will be offering that amendment at some stage during the debate—we will have an important opportunity to boost the future production of renewable energy. Existing renewable tax incentives expire January 1 of this year. This package of tax provisions that has come from the Finance Committee will reinstate the highest priority incentives for 5 years. It will expand the coverage of the production tax credit to include open-loop biomass and geothermal energy.

In addition to these incentives for renewable production of electricity, the bill greatly expands the contribution of renewable fuels such as ethanol and biodiesel. Those fuels, of course, are used primarily to power vehicles of transportation.

By the year 2005, 75 percent of the Federal Government's vehicles that can burn alternative fuels will be required to do so. That will create more market certainty for renewable fuels and for their associated infrastructure.

By 2012, 5 million gallons per year of renewable fuels will be blended into gasoline, thereby decreasing our import dependence on foreign oil.

The bill helps renewables contribute more to the energy mix also by removing existing regulatory barriers that affect renewable energy. For example, wind and solar power can be effectively tapped by small distributed generation systems. But current practices and rules in the marketplace often discriminate against distributed generation.

This bill deals with the problem by requiring electric utilities to offer customers net metering in which a customer can offset his or her electric bill by the amount of electricity that is generated and that he or she is able to sell to the local utility. This provision will facilitate the use of a wide variety of distributed generation technologies by electric customers, including renewable technologies such as solar and wind power.

This bill also requires fair transmission rules for intermittent generation. By that, I am referring to wind and solar generation in particular. Those types of generations should not be unfairly penalized because of the natural variability of these resources from day to day or hour to hour.

Finally, the bill mandates easier interconnection for distributed energy production into the interstate transmission grid. It requires States to examine ways to facilitate interconnection of distributed energy in local electric distribution systems.

A fourth way in which the bill promotes the use of renewables is by disseminating information about and facilitating access to areas with high resource potential. Particularly here, I am talking about public lands. There are many places in the Nation—particularly in the West and in the State that I represent in the Senate—where we have significant untapped renewable energy potential. The bill creates a pilot program in the Department of Interior and in the Forest Service for development of wind and solar energy projects on Federal land. The bill authorizes the study of renewable energy development potential on Indian tribal lands. The bill requires an annual publication of the assessment of available renewable resources by the Department of Energy.

A fifth and final area in which the bill helps make renewable energy a bigger part of the supply picture in the future is through enhanced research and development programs. Under this bill, these R&D programs at the Department of Energy will grow from an authorized level of $500 million in fiscal year 2003 to $733 million in fiscal 2006. Renewable energy R&D was cited by the distinguished Presidential task force in 1997 as being significantly underfunded relative to its long-term promise and the benefits that we can achieve for our economy if we did better by funding this research and development. Our bill expands the research and development activity, consistent with the recommendations of that task force.

These are all measures that I have described, which we believe will increase the contribution of renewables to our energy supply picture. They are balanced in our bill with a very strong commitment to the other more traditional energy supply sources. Let me briefly describe those.

Natural gas is one that is very much on our minds and very much a fuel of the future as well. I want to briefly describe what the bill will do to support continued development in this area. In the area of natural gas, our Nation is at a crossroads. We need to make some major decisions about our energy security. U.S. natural gas demand is expected to increase from 23 trillion cubic feet per year, which is what it is now, to 35 trillion cubic feet per year by 2020. Much of that demand will be driven by the use of natural gas for electricity generation.

This chart makes the case very strongly. The green line, of course, represents production; the red line represents consumption. We can see very clearly that consumption is outstripping production by a significant amount—even in the year 2000, which is where that line is. By the year 2020, the problem becomes much worse. As a result, we are at risk of becoming, as a Nation, dependent upon imported natural gas that is brought to us by tanker. Countries on which we would rely for such gas are, as we all know, prone to political instability. They are—as far as we can tell at this point—in the early stages of forming an OPEC-like organization for natural gas exporters. There is a cover story in the June 2001 issue of the OPEC Bulletin with a headline entitled "Iran Hosts Inaugural Meeting of Gas-Exporting Countries Forum." I don't think any of us wants to put our Nation into a position of having to deal with a natural gas cartel, in addition to the cartel that controls the price of oil now.

This bill will take several steps to try to come up with a different policy for natural gas in order to avoid that possibility. It increases funding for research to develop domestic natural gas deposits in deep water areas of the Gulf of Mexico and in harder to tap geologic formations on shore. It provides research funds to explore the potential of methane hydrates trapped on the ocean floor. The bill authorizes more funds to facilitate the permitting and leasing of Federal lands for natural gas production in places where it is environmentally acceptable. It addresses a number of developing problems in natural gas provision—conflicts over coal methane, hydraulic fracturing—and tries to bring those conflicts to resolution before we encounter a real crisis.

But even after all these steps—and I believe each one is useful and important—that will not be enough to close the gap that we indicated earlier. The most significant thing the bill tries to do for future natural gas supply is to provide financial incentives to build a pipeline to bring from Alaska the vast reserves of natural gas that have been discovered and developed in the Prudhoe Bay region. I know my colleague from Alaska, Senator MURKOWSKI, has championed this for some time. This is a high priority for his State. It is a high priority for this Nation, in my view. The existing reserves are estimated to be over 30 trillion cubic feet of gas. It is estimated that the total natural gas resource in the North Slope is enormous—on the order of 100 trillion cubic feet.

The natural gas pipeline from Alaska to the lower 48 would provide daily at least 4 billion to 6 billion cubic feet of natural gas before the end of the decade.

Once a pipeline is constructed, it would provide gas to American consumers for at least 30 years and would be a stabilizing force on natural gas prices. We all saw the volatility in natural gas prices in the year or 18 months where at one point they were up around $8 per MCF, and now it is down around $2 per MCF. Building this pipeline, we believe, will stabilize the price, and that will benefit consumers tremendously.

This project makes a great deal of sense for our Nation, but it is not happening because of this uncertainty about the investment risk of building such a major pipeline, making such an enormous investment. By any measure, the pipeline would be one of the largest construction projects ever undertaken. Construction would take approximately 8 years, from start to finish. It would require $15 billion to $20 billion. The pipeline project would create a massive number of jobs in Alaska, Canada, and in the lower 48. It would require the construction of the largest gas treatment plants in the world, and the laying of about 3,600 miles of pipe. It would require an enormous amount of steel to be produced. The number of jobs that would be created also is extremely significant—350,000 to 400,000 jobs, at a time when the steel industry is suffering harm from global overcapacity of steel production and foreign dumping. A project that would require over 500 million tons of steel means real jobs for workers in communities and States that produce steel.

Since natural gas prices vary, as I indicated before, from $2 to $8 and sometimes $10 per million cubic feet, it is hard for the free market to take this challenge on by itself. At the same time, we want to rely on the private sector to the greatest extent possible. There are two major groups of potential investors in such a pipeline, and the provisions of the bill are aimed at giving them both a shot at proposing a successful project. The provisions include an expedited process for the permits, rights of way, and certificates needed for the U.S. segment of the pipeline.

Time is money in any construction project, and in a construction project of this magnitude, uncertainty and delay will kill the project. The Government has an obligation on behalf of U.S. consumers to see that it exercises its role in a responsible way and in an expeditious way.

The Alaska Natural Gas Transportation Act of 1976 provided a framework for construction and operation of a gas pipeline along a designated route. Our legislation preserves this option. It also provides an alternative expedited procedure in the event the parties decide to pursue a different route.

Because of the enormous benefits this long-term supply of energy will have on the economy and the significant uncertainties in natural gas prices, I believe the Government has an interest in reducing the financial risks associated with the project. Accordingly, the bill does authorize in its present form loan guarantees for the project, as long as appropriate filings are made within 6 months after the bill becomes law.

I understand there are a number of refinements and modifications that may be sought by my distinguished ranking member on the Energy Committee as we move forward. He is also vitally interested in the project. For example, we are working together to come up with a tax provision that could reduce the financial uncertainty of the economics of the project going forward. Both of us are committed to encouraging Alaska North Slope producers, the interested pipeline companies, the State of Alaska, and other interested parties to begin serious negotiations on a final outline of a commercial agreement.

I believe it is important for the Senate to be proactive on this project, not simply to sit back and cross our fingers and hope that someday it occurs. If we do not act while there is a substantial private sector interest in building this pipeline, we will lose an important opportunity to bolster our energy security in natural gas. As a consequence, we might be hearing speeches 10, 20 years from now about our dependence upon foreign sources of natural gas that sound a lot like the speeches we will be hearing today and in the next few days about our dependence on foreign sources of oil.

Let me say a few words about oil. That is a central part of our energy mix. Clearly, we want to increase domestic production of oil and maintain domestic production of oil. The volume of rhetoric about drilling in the Arctic National Wildlife Refuge—both from the proponents and the opponents—would lead one to think that is the only place in the country where we can look for additional oil. In my view, that is far from true.

There are 32 million acres of the Outer Continental Shelf off the coast of Texas, Louisiana, and Mississippi that have already been leased by the Government to oil companies for exploration and production. This chart shows that. As shown on this map, the yellow part of this chart indicates those areas that have been leased and not yet developed. The red dots indicate actual producing wells.

In addition to production in the Gulf of Mexico, there are outstanding prospects for increased production from National Petroleum Reserve-Alaska, which lies to the west of the Prudhoe Bay region. Under the Clinton administration, leasing was expanded in this area. Industry has made some major finds. There is no law that needs to be passed to have additional parts of this area leased. As I understand it, the Secretary of the Interior is proceeding to prepare some of that area for leasing.

If the problem is not finding areas to lease under current law, why is there not more domestic production going on in the areas that have already been leased for exploration and production? In my view, an important reason might be the difference between our Federal and State royalty and tax policies relative to those in other countries with oil and gas resources.

Oil exploration and production is a worldwide business. Areas such as the ones on the map and in Alaska compete with other producing regions around the world. U.S. companies are making major commitments of capital derived from their earnings in the United States to develop energy resources elsewhere in the world. For example, ExxonMobil is investing $20 billion to develop natural gas in Saudi Arabia. Other U.S. companies are actively looking for oil in the Caspian region.

A key initiative in the bill to support increased domestic production is to have a top-to-bottom review of Federal and State royalty and tax policies on domestic oil and gas production, and then to have a comparison of that with similar provisions encountered by companies in other countries.

Our current U.S. policies were put in place when the United States had abundant and easily accessible reserves. We have fewer such reserves now. While technology for finding oil has continued to improve, we should consider whether our tax and our fiscal policies should change to policies that enhance the economics for exploration of oil and gas in more challenging geologic formations.

Our fiscal policies should also be changed to take into account the boom-and-bust nature of the industry and to provide incentives to maintain domestic production when prices are low. They might also include disincentives for buying and sitting on leases without developing them in a timely way. That is what we have seen off the coast in the gulf.

All of that I have described is a tall order. I do not believe Congress has the background it needs to revise these laws in a sensible way right now. We need to have a distinguished external group investigate these issues and make reports back. Setting this process in motion might prove to be useful to boost domestic production in the long run.

A second proposal to boost domestic production in the near future is to provide adequate funding for the Federal programs that actually issue new leases and permits for oil and gas production. For all the rhetoric we have heard from the administration about the need to increase domestic production, the budget request we received for fiscal year 2002 did not ask for enough money to do this job properly.

The result of inadequate funding for land management agencies is delay and frustration on the part of oil and gas producers. This bill provides increased budget levels for these functions. The Federal Government can then take the necessary steps to make oil and gas leasing faster and more predictable where it is already permitted and where it is able to be achieved in an environmentally acceptable way.

The bill also contains increased R&D funding to support oil and gas production by smaller companies and independent producers. These are the entities that account for the majority of onshore U.S. production of oil. They do not have the resources to do their own exploration and production research and development. Improving their ability to use new technology to find and produce oil and gas is a good policy for increased domestic production.

Here, too, there is room for improvement on the part of the administration. The most recent budget request we have seen from them has slashed funding in the Department of Energy for these very programs. My ranking member and I oppose these cuts. It is important for the Senate to take a position in favor of increased authorization for these programs, not cutting funding for these programs, and this bill will do that.

Let me say a few words about coal. Another very important contributor to our current energy supply picture is coal. This chart makes the case very dramatically. We can see this is a chart that depicts where the electricity generation comes from by fuel. We can see that the top line is coal. So 59 percent of the electricity generated today in this country is produced from coal.

We have a tremendous coal resource. We have been called by some the Saudi Arabia of coal by some. But coal in our energy future needs to be clean, and it needs to be emission free. Coal-based generation produces more greenhouse gas emissions per Btu of energy output than does natural-gas-fired generation.

Other pollutants from coal-fired plants have been a source of regional tensions between the States where coal-fired plants are based and States downwind from those particular States.

Coal is too important a resource for us to write off. Technology holds promise for dramatically lowering, even reducing to zero, the emissions from coal-based plants.

This bill takes a very forward-looking approach to the issue. It authorizes $200 million per year for research and development and demonstration programs, based on coal gasification, on carbon sequestration, and related ultraclean technologies for burning coal. This proposal was a result of a strong bipartisan push in the Energy Committee by Senator BAYH and Senator THOMAS, who was present a few minutes ago and I am sure will want to speak on this issue.

There is one more example of the crucial role research and development is going to have to play in shaping the energy future we want. Let me say a few words about nuclear power because clearly research and development is also the key to the future of nuclear power in the country.

Nuclear reactors emit no greenhouse gases. So on that basis one would think they were an option we should be looking to for the future. But nuclear plants have other characteristics that are not as attractive. They have very high upfront capital costs compared to other generating options. That puts them at a disadvantage in the marketplace.

The nuclear waste problem is still not solved. Nuclear safety is a continuing concern for the public. Our cadre of nuclear scientists and engineers is growing older and is dwindling in size, and we are not seeing a large supply of students being trained to help us deal with nuclear issues in the future. This bill takes on these problems by focusing on research and development on new nuclear plant designs that might address these problems and on a program to strengthen university departments of nuclear science and technology.

The bill also contains a partial reauthorization of the basic nuclear liability statute, the Price-Anderson Act. The part that is in the bill deals with the liability of the Department of Energy nuclear contractors, including our national laboratories that are a significant source of our national nuclear expertise. The other main part of the Price-Anderson Act dealing with the commercial nuclear power industry is likely to feature prominently in the debate we have on this bill, and I believe we should go ahead with full authorization of that bill and will support efforts to do that.

Hydropower is another source of energy supply that this bill tries to address in electricity generation. Many hydropower facilities are reaching the age at which their original licenses under the Federal Power Act are about to expire. The process of relicensing these facilities needs to be protective of the environment, predictable for licensees, and efficient in the way it is administered.

We have been working for months with various Senators to try to come up with compromise, consensus language that would accomplish all of these objectives. I hope we can do so, and I hope we can include legislation in the final version of this bill by the time it passes the Senate. We have legislative language in the bill right now, but there are still concerns about it, and I am aware of those concerns.

Indian energy, a final way this bill focuses on increasing the supply of domestic energy, is through a series of provisions facilitating the development of energy resources on Indian lands. We have a significant share of our untapped domestic energy resources located on Indian lands. I will not go into great detail about those provisions but simply say it is very much in our national interest that we facilitate development of those resources. It can be a benefit to the Indian tribes that have those lands. It can also be a great benefit to our Nation.

Our second big goal in the bill, on that list of three goals I mentioned, is increased efficiency in the use of energy. So far, I have described ways in which the bill achieves the goal of increasing supplies of energy, but let me talk a little bit about this efficiency issue.

As I have mentioned consistently through this past year, we cannot have a sound energy policy based only on production or based only on conservation; we need a combination of the two. The energy policy needs to make a major push toward increased efficiency.

The first major way in which we can use energy supplies more effectively and efficiently is by having an electricity transmission system that is ready for the challenges of the 21st century. Electricity is essential to our way of life. It is how we light our offices. It is how we light our homes.

Our electric system largely operates on a design that is nearly a century old. The vulnerabilities of the current system by which we regulate electricity were illustrated by the electricity problems faced by California and the West last year and the year before. Those problems which occurred on the west coast should be a wake-up call to the fact that we need to deal with these electricity markets in a more proactive way.

In addition to these problems, there are important opportunities during the next few years. Literally billions of dollars of investment will be planned and committed to electricity generation and transmission. Those investments will have 30- to 50-year lifespans, so it is important we get it right. Market institutions need to be developed that ensure reliable and affordable supplies of electricity, and policies need to be adopted that favor future investments in new technologies and give consumers real choices over the energy they use. I believe the provisions contained in this bill do that.

First, the bill sorts out the roles and responsibilities between the Federal Energy Regulatory Commission and the States. We give FERC clearer direction as to what its role is in ensuring the adequacy and reliability of a transmission system. FERC is given, in fact, responsibility for making mandatory adherence to rules to promote the reliability of this interstate transmission system in this legislation. The bill also gives FERC tools to make sure competitive markets work well to provide customers with affordable electricity by strengthening its authority over mergers, clarifying its authority over market-based rates, and increasing the transparency in energy market information.

One of the lessons we all learned as we watched the collapse of Enron was that we need more transparency. We need more openness in these markets so we can see on a real-time basis what is being bought and what is being sold and at what price.

Finally, the bill begins to address the tough issue of siting new electric transmission lines. This is obviously a contentious and controversial issue. I believe the Federal Government can play a role, through FERC, in assisting in decisionmaking at the regional level, and we try to put in place a framework for the Federal Government to assist States in more effective regional coordination on all of these energy issues, including transmission siting.

On energy efficiency, this modernized electricity system is a major way to move ahead and position the country for the future. A second is to increase the efficiency of the various uses of energy across the board in vehicles, in industry, in appliances, in buildings. I will talk a minute for each of those.

The bill contains provisions that directly bear on fuel efficiency of vehicles. We will have a great deal of debate on that. One mandates higher fuel efficiency in the vehicles that are purchased by Federal agencies for civilian use. We also provide a framework for the Department of Energy to assist States in expanding voluntary incentive programs. The major initiative in this area is an increase in the corporate average fuel efficiency, or economy, standards. The House-passed bill had a very weak provision on this subject. We attempt to do better.

The chart we have shows the problem we have with oil being imported into this country. The top line is total oil demand. Something in the range of 52 to 54 percent of our oil today is imported. Our total demand for oil is represented by that top line, and it is continuing to rise as we go from the year 2000 to the year 2020.

All projections are it will rise. The reason it is rising, looking at the next line down: The transportation demand line is also rising. Unless we can do something to flatten out that transportation demand line by using gasoline more efficiently, we will not do anything very significant to reduce our dependence on foreign oil.

We try to do that in this bill. As I indicated, there will be a great deal of debate about whether or not we are doing what we should do there. I believe strongly that we should strengthen or increase corporate average fuel economy standards. We are trying to do that.

This chart also reflects our projection as to what would be achieved by opening the Arctic National Wildlife Refuge to drilling. The small red line on the bottom of the chart shows that there would be increased production. The green line on the bottom is domestic oil production. It would go up if there were an opening of ANWR to drilling and development, but in our view it does not constitute a substantial solution to the problems we face.

These issues, both the CAFE standards and the ANWR issue, are issues about which we will have a great deal of debate.

We also have provisions in the bill to improve the energy efficiency of Federal buildings and schools and public housing. We have provisions to reduce energy use in manufacturing and other industries, provisions to increase efficiency for numerous consumer and commercial products, and we reauthorize the important Federal grant programs that help low-income families pay their energy bills and reduce their energy costs. That is something which I think all Senators will support.

We could go into great detail about each of these, but in the interest of time I will not do so at this point. Let me just point out that there will be an opportunity to debate these issues as we get into the amendments. The Senate bill addresses each of these areas. We have tried to work hard with Senators who have an interest in them to come up with consensus proposals.

Let me also talk about energy efficiency research and development. The research and development emphasis that is in this bill applies to increased supply because much of our ability to increase supply depends upon increased research and development activity, but also the increased research and development applies to improved efficiency in our use of energy. We have a major push for that in the bill. We propose a funding increase—from $810 million in fiscal year 2003 to over $1 billion in 2006—that will support efficiency progress across the spectrum. I believe this is one of those areas where we have a tremendous amount that can be accomplished. I believe very strongly the provisions in this bill will move us in that direction.

One particularly exciting R&D activity being funded as part of this bill is a program called the Next Generation Lighting Initiative. In contrast to a grant program with the same name in the House bill, the Senate bill establishes a Government-industry partnership to develop the technology for semiconductor-based lighting that would be ultraefficient. The model for this partnership is the SEMATECH consortium, established several years ago, which boosted our national competitiveness in semiconductor manufacturing in the 1980s and 1990s.

Current lighting technology wastes an enormous amount of energy going into the bulb in the form of heat. That is one reason it feels so hot under klieg lights. Light-emitting diodes, which have been developed in recent years, create light with very little energy loss. The only problem is that we do not know how to commercially manufacture, at low cost, reliable light-emitting diodes producing white light. There are a lot of good ideas for how to do that. This Next Generation Lighting Initiative will try to develop long-lasting, cost-competitive white lights from diodes by the year 2011, and develop those in a way they can be manufactured at a low cost. We are continuing to use the light bulb that Thomas Edison developed. After 100 years, I think it is time we move to a new generation of technology. This provision in our bill tries to help us do that.

All the major elements of the U.S. lighting industry are supporting this effort in the Senate energy bill. The rationale for their interest and for a Government-industry partnership is clear: Lighting represents 20 percent to 30 percent of all U.S. electricity use. The best current systems are about 25 percent efficient. That is, for every kilowatt of power going in, you get about 25 percent of it back in light. We need to change that. The technology is here to do that. We need to find a way to manufacture it in a low-cost way.

These energy efficiency assistance programs are the Low Income Home Energy Assistance Program, the LIHEAP program, with which we are all familiar here in the Senate, and also the Weatherization Assistance Program. We propose to authorize those at a higher level and to make those more useful programs for all parts of the country. As I said before, those are provisions which should get the support of all Senators. I certainly hope that is the case.

The third and final goal of the bill is reducing the adverse effects of energy on the environment. Energy production and use are associated with a host of consequences for the environment. We need to strike the right balance among energy and the environment and the economy in order to deal with the longstanding concern we have in the Senate and in our society in this regard. This bill addresses these issues in a number of ways.

There are provisions in the bill dealing with the legacy of past problems posed by energy production and use for the environment. These include programs to clean up orphaned and abandoned oil and gas wells and programs to develop research to remediate groundwater supplies damaged by past energy activities. Another way in which the bill addresses the connection is by developing and adopting new energy technologies with better environmental performance.

Probably the most important future problem on which we need to focus as part of this bill is the problem of increased concentrations of greenhouse gases in the atmosphere and the impact they are believed to be having on the climate. We have various provisions in this bill that ensure we integrate climate change strategy with our energy policy. We will have a chance later in the debate to go into those in great detail. Some of those provisions are drawn from a bipartisan climate change bill sponsored by Senator BYRD and Senator STEVENS. That had the unanimous support of the Committee on Governmental Affairs when it was reported out of that committee.

We need a strategic plan for climate change that can get buy-in from both the Congress and the administration. Just before our Presidents Day recess, President Bush announced a new climate change policy framework based on reducing the greenhouse gas emission intensity of the U.S. economy. Emission intensity is defined as the output of greenhouse gases divided by the gross domestic product. The President announced that his plan would decrease emission intensity by 18 percent by the year 2012. That sounds impressive until you look at this chart we have here entitled "Greenhouse Gas Emission Intensity; recent trends as compared to the Bush proposal."

The black line which leads up to about halfway through the chart, up to 2002, shows how greenhouse gas emission intensity has been declining in the 1990s. Greenhouse gas intensity has been declining because the part of the economy that is growing fastest is the service sector, which does not produce greenhouse gases in any significant amount.

The red line, which is on this chart—you can see it very clearly there—shows what the President claims his proposal would do.

The green line, which is harder to see because it is covered up by the red line, shows what would happen if current trends were simply to continue. The point is, it is hard to see the green line on the chart because it is almost completely covered up by the red line. Simply put, the President's proposal would not change the trend in greenhouse gas intensity over what would likely happen at any rate based on current trends. It is perhaps a good thing. The President has indicated an interest in climate change policy—a policy that does not improve over what would likely happen anyway, and is certainly not an adequate strategic plan in my view. We will have an opportunity to debate that issue as part of this bill as well.

I will not go into detail about the various provisions in the Byrd-Stevens proposal except to say that I believe they set up a good framework for addressing this issue in future years.

Strengthening our Nation's energy infrastructure security is another key issue as a result of the terrorist attacks we have suffered.

This is something that I am sure is of great concern to all Senators. We have various provisions in the bill that attempt to do that. One set of relevant provisions has already been described—giving FERC authority to promulgate rules to ensure the reliability of States' electric grids.

Another set of provisions in the bill focuses on the Nation's Strategic Petroleum Reserve. This is a major insurance policy against cutoffs of oil from the Middle East.

We have a provision to provide for permanent authorization of that and fulfilling of the Strategic Petroleum Reserve.

Let me say a few final words about R&D, technology transfer, and education as crosscutting themes in this bill.

I have described the many provisions of this bill in terms of the three overarching themes of increasing energy supply, increasing the efficiency and productivity of energy use, and coordinating energy policy with other societal goals. Throughout these discussions, I have described R&D programs that play a major role in achieving these goals. An aggressive and forward-looking R&D program on energy is the pervasive cross-cutting theme of this bill. I believe there is a broad consensus in the Senate that new science and new technology are at the core of any solution to our national energy challenges. Yet, despite the importance of energy R&D, our recent commitment to it leaves a lot to be desired. Federal energy technology R&D today is equivalent, in constant dollars, to what it was in 1966. Yet, our economy is 3 times larger today than it was in 1966. When you look at trends in Federal expenditures for R&D over the last 10 years, some startling facts stand out.

First, while Federal R&D expenditures for health science at the NIH—the blue line—and basic science at the National Science Foundation—the black line—have grown during the 1990s, R&D support for energy—the red line—has stagnated or even fallen, in real timers. Today, in real terms, we are still below where we were in 1990 in terms of support for energy science and technology. For fiscal year 2002 and fiscal year 2003, the Bush administration has proposed nothing to reverse these trends. Both budget requests proposed cuts in R&D for energy.

It is hard to see how you build a 21st century energy system on stagnant, 1960's-level-of-effort R&D budgets. This bill builds these budgets in a rational way to levels that, by 2006, will give us a robust energy R&D effort to support the goals of this bill.

As we proceed with this debate, there will be areas in which we reach bipartisan agreement and areas in which we will differ substantially. In the latter areas, we will have to make a choice between alternatives.

With respect to the areas of bipartisan agreement, I am pleased with the support that we have received from the administration for our position that electricity is an integral part of any energy bill. They have worked hard on assisting with electricity as a part of this energy bill. We may differ on a number of the details, but the President and the Department of Energy have made clear their interest in working on a bipartisan basis to get electricity provisions that increase renewable sources of electricity, protect consumers, and promote a reliable and effective transmission grid.

The Administration has also supported our initiative to promote the construction of the Arctic Natural Gas Pipeline.

There are also some important differences between where we are starting in this bill and the administration's positions. Perhaps the most reported-upon difference is on drilling in the Arctic Refuge. We will probably not get to that debate immediately, but when we do, the differences will be apparent.

We support a stronger standard for central air conditioning units, recognizing that their energy use on hot summer days are a key contributor to the threat of brownouts and blackouts. In my view, the administration's position to roll back the standards it found when it took office was a mistake, based on incorrect and outdated data on costs. In hearings in the Energy Committee, this point was explored in detail.

We are advocating a much stronger position on CAFE standards in this bill than the administration is willing to step up to. We believe that there is no conflict between safety, employment, and higher fuel efficiency in cars. They myths that higher standards will lead to less safe cars, or that we will lose domestic employment if we make our cars and trucks more fuel efficient are just that—myths. The National Academy of Sciences pretty much exploded them in the report that Congress commissioned it to write on the subject.

Finally, now that we have seen the President's proposal on climate change, we must recognize some real differences between our approach and the President's plan, which is simply business as usual.

I hope there are some concrete steps we can take to actually reduce the amount of carbon we are putting into the atmosphere. It is not enough to just reduce it relative to our GNP. We need to reduce it in absolute terms at some stage in the foreseeable future.

I hope we can have a very good debate. I hope we can come together—both Democrat and Republican Members of the Senate, as well as the administration—and have a thoughtful analysis of our current energy challenges and demonstrate a willingness to take some bold policy steps to address those challenges. The country needs no less. Our national security, our future economic prosperity, and the jobs of millions of Americans are at stake as we try to shape an energy policy for these next several decades.

I look forward to the debate. I know my colleague from Alaska, the ranking member on the committee, is here to give his opening statement.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, under the order, we are likely to go out at 12:30 for the luncheon recess.

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. Senator BINGAMAN has used how much time?

The PRESIDING OFFICER. Approximately 55 minutes.

Mr. MURKOWSKI. So I would have perhaps 30 minutes left. I propose that I be allowed to proceed when we come back. I have probably a little less than 55 minutes. I am somewhat reluctant to start and be interrupted. I would propose to the leader that we might use the remaining time for Senators who want to speak in morning business, and I be allowed to introduce my opening statement at 2 o'clock when we come back. We will probably have statements and take amendments as they come up.

Mr. REID. Mr. President, if I could respond to my friend from Alaska, what the Senator from Alaska proposes is that we go into a period of morning business until 12:30, and at 2:15, when we return, the Senator from Alaska be recognized for up to 1 hour; at 3:15, the Senator from South Dakota, the majority leader, or his designee would offer a modification. The Senator has suggested that he proceed at 2:15.

For the convenience of everyone, I propose that the majority leader, or his designee, at 2:15 lay down the modification, which would take a matter of a few minutes at the most, and then the Senator from Alaska would have 1 hour to present his opening statement.

Mr. MURKOWSKI. If I may respond, I certainly have no objection to the procedure of the majority leader laying down his modification. I don't want to be bound by a time agreement. We didn't discuss a time agreement on opening statements. It is not my intention to speak at length, but I would not like to be limited necessarily.

Mr. REID. I think that is entirely appropriate. I would like to hear the Senator speak longer than an hour.

Mr. MURKOWSKI. I am sure the Senator would.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that the period from now until 12:30 be deemed as morning business; at 2:15 Senator DASCHLE, or his designee, be recognized to offer the modification; and, the Senator from Alaska, the ranking member on the committee, be recognized to give his opening statement.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

ENERGY POLICY

Mr. CARPER. Mr. President, I simply begin by thanking you, first, for your statement in the Chamber today, but also, more importantly, for the leadership that you, Senator MURKOWSKI, and others have demonstrated to bring us to this point today. I cannot speak for the rest of my colleagues, but I am delighted we are in this Chamber and have begun the debate. It has been long delayed, but it is a most important debate on whether or not we are going to have an energy policy for this country of ours.

At the end of the Vietnam war, as a young naval flight officer, I moved from California to Delaware to enroll in the University of Delaware Business School. One of my earliest memories of coming to Delaware is sitting in line, waiting to buy gas for my car. We were in the middle of an oil embargo, and at that time you could only buy gas every other day. We did not have an energy policy in the mid 1970s. We do not have one today.

Twenty-eight years ago, some 30 percent of the oil we used in our country was imported. We had a trade balance that was pretty much even. There was not much of a deficit. Greenhouses at the time were something in which we grew plants. We did not worry about greenhouse gases and whether or not we would have a hole in the ozone layer of our atmosphere. That was 28 years ago. Today, almost 60 percent of the oil we consume comes from other places around the globe. A lot of it we buy from people who don't like us very much and, I am convinced, use some of the money we send them to try, in some cases, to hurt us or our interests.

Our trade deficit has ballooned to $300 billion, and not all of it but a good chunk of it is attributable to the oil we import. Today, when people talk about greenhouses, we still grow plants in them, but we also worry about greenhouse gases and what is going on with the hole in the ozone layer, what is going on with a rising global temperature, and what is going to happen to our sea level in this world over the next 100 years if we do nothing about it.

The question we are going to be answering in the next couple weeks is, What kind of energy policy should we have in this Nation?

Like most of my colleagues, I would argue that the answer to that question has two parts. One part says we create more energy. And while we work to do that, in a variety of ways, the second part says we need to conserve more energy.

Let me talk a little bit about both of those issues: First, the creation of more energy and, second, the conservation of energy.

I live in a State where, I am told, we actually grow more soybeans in Sussex County, DE, than any other county in the country. We also have more chickens in Sussex County than any other county in the country, including those in Arkansas. We can look to those soybeans for a source of energy. Frankly, we can look to those chickens as a source of energy, as well, as we go along.

We raise soybeans in Delaware to feed chickens. We feed them the hull of the soybean. The oil that comes out of the soybean we do all kinds of things with in this country. We create soy foods, soy milk. We also can create something called soy diesel fuel: 20 percent soy, the rest is diesel. We can burn it in our diesel-consuming machines, and it works just fine. It is energy efficient. It works well in the machines, and the emissions are no worse, for the most part, than any regular diesel fuel. In some cases, they are actually better.

We have too much soybean in this country; we have a glut of that commodity. It is a good alternative to use the soybeans that are in excess on our farms to help lessen our reliance on foreign oil.

We have figured out how we can burn animal waste to derive the Btu value, including chicken litter, in ways that are environmentally friendly.

In my State, we have the biggest independent producer of solar energy panels in the country. We are proud of the work they do at AstroPower. And it is not just at AstroPower; there are places all over this country that are relying more and more on solar energy in developing evermore efficient ways to create that solar energy.

Windmill farms are becoming more common in this country. Hopefully, as we continue to perfect that technology, they will become even more efficient.

Others have spoken, and will in the weeks ahead, about geothermal energy, how we can take hot air in the summer and run it 300 feet underground to cool it off, and then use it to cool our homes in the summer; and we can take cold air in the winter, run it 300 feet underground to warm it up, and then use it to warm our homes and businesses in the winter.

Those are just some of the ideas of renewable energy that we can use, that we can rely on, that we are more relying on, and need to do more so in the future.

We also have, as Senator BINGAMAN said earlier, a lot of coal in this country. I think he said we are the "Saudi Arabia of coal." I am privileged to represent the State of Delaware in the Senate. I was born in West Virginia. I know full well they have a lot of coal there and other places around our Nation. We ought to find ways to burn that coal without doing more harm to our environment. We can do that. Clean coal technology is very promising. We need to continue those efforts.

There has been some discussion already today about natural gas. We are starting to rely more on natural gas from other places around the world. We have a lot of it in our country. But consumption is going right through the roof because we have such good environmental consequences compared to other fossil fuels we use. There are huge finds of natural gas in the northern parts of Alaska. We ought to bring it down here and use it.

Similarly, in the Gulf of Mexico there are huge deposits of oil and natural gas that are available to us to be extracted safely and in an environmentally sound way. Those are sources on which we need to rely.

A year or so ago, I reported back to my colleagues about a trip in which I led a bunch of Boy Scouts from Delaware on down to Norfolk Naval Station. The trip was on a weekend a year ago last January. We visited a lot of ships and submarines. It was a lot of fun for the adults and for the young Scouts.

One of the ships we visited was the *Teddy Roosevelt*, a nuclear-powered carrier. It is about 1,000 feet long. It is about 25 stories high. It carries a crew of roughly 5,000 men and women. Underway, it has about 70 aircraft or so that it takes with it. It needs to refuel about once every 25 years—once every 25 years.

For us to walk away from nuclear power as if it is from a day gone by I think is a mistake. I fully acknowledge the security concerns that revolve around nuclear power and terrorism. I acknowledge the legitimate concerns about disposal. But having said that, the potential is real, and we have only begun to realize it. I urge us not to walk away from that technology while we work to solve the issues regarding security, the environment, and disposal.

Another very promising area for creating new energy is fuel cells.

The idea that we can take hydrogen, which we have in abundance, and derive energy from that hydrogen and end up with a waste product that is H_2O—what a bonanza, what potential.

This is 2002. By 2012, we will have cars, trucks and vans traveling the highways of America powered by fuel cells. We will have homes, buildings, and factories that are going to be powered by fuel cells.

In Government, if we are smart enough to, one, invest in the research and development; two, help commercialize those new technologies, including fuel cells; and, three, in addition to doing those things, if we will provide tax incentives to encourage producers to produce those more fuel and energy efficient, environmentally efficient, and friendly sources of energy, and to encourage consumers to buy them, we will do this country and this planet a real favor.

Let me talk about a couple of efforts on the conservation side. We will have a substantial debate on CAFE standards in the next 2 weeks. That deals with the efficiency of the cars, trucks, and vans we drive.

I would suggest we consider and keep in mind these principles as we go forward. As we seek to reduce the amount of oil our cars, trucks, and vans consume, one, let's work to find meaningful reductions in oil consumption by motor vehicles.

Two, let's set measurable objectives so we actually know we are making progress and we can measure our progress against the objectives.

Three, let's provide a reasonable time line for the auto industry to make the changes it needs to make to bring more energy-efficient vehicles to the market.

Four, let's make sure we don't get rid of, as collateral damage, the domestic auto industry; but when we finish our work in 10, 15 years from now that we still have a strong and vibrant, even more strong domestic auto industry.

Fifth, we ought to set some long-range goals for car makers and truck makers with respect to oil consumption. We should defer to other entities, to NHTSA, within the Department of Transportation, to actually do the intermediate setting of goals for fuel efficiency.

Six, we need to think outside the box with respect to the auto industry so that they have some additional tools to work with to help them get to the target we are going to set.

One of those I have already mentioned is fuel cells. Fuel cells is where we are going to be in 10 or 15 years. Today, we are, for the most part, the internal combustion engine. The bridge to the future with cars, trucks, and vans is with hybrids. We are starting to see the introduction of gas hybrid vehicles that are getting 50, 60 miles per gallon. I continue to be struck by a presentation I received from DaimlerChrysler where they shared with us a model vehicle they could produce which gets 75 miles per gallon. It is a four-door passenger vehicle, the SX-3. They cannot sell them in this country. It is a diesel hybrid vehicle. They can sell them in Japan and Europe.

We need to work with the auto industry to help them achieve the next tier of standards, tier 2 standards, for emissions that include nitrogen oxide. We need to be mindful that diesel-powered vehicles, which now account for about 40 percent of the sales in Europe, can do a lot to help us reduce our reliance on foreign oil and reduce carbon dioxide emissions which lead to greenhouse gasses and global warming.

The last topic I want to address is what the Government can do: One, we can invest our money, our taxpayer money in research and development in ways that will help us to create more energy and to conserve more energy.

We can use the buying power of the Federal Government on both the civilian and military side to help commercialize new technologies. If companies, particularly in America, are building more fuel-efficient vehicles, whether they are gas hybrids, diesel hybrids, and eventually fuel cells, we should use our buying power to commercialize those technologies in the marketplace.

Lastly, if manufacturers are going to build hybrid vehicles, fuel-cell-powered vehicles, that will enormously reduce our reliance on foreign oil and that are good for the environment, we should provide a tax incentive for producers to produce them and for us, as consumers, to buy them.

Two general points with respect to conservation: Air conditioners, we have the technology to build air conditioners that will cut our reliance on electricity or reduce our consumption of electricity by 30 percent. We can do that. We have the technology. We need to commercialize the technology. We ought to build them, and we as consumers ought to buy them.

On transmission lines, we have seen presented in our Energy Committee transmission lines which are able to transmit electricity across the country and reduce the loss of energy through those transmission lines by some 30, 35 percent below what is currently occurring. That is another thing we can do and ought to do in order to conserve energy.

Let me close with this: I am troubled, having felt for 28 years that we need a comprehensive energy policy, by the voices I hear inside this body, and outside, who say we are not going to agree on an energy policy.

In the wake of September 11, we must develop the political will to hammer out an agreement on energy policy that conserves more energy and produces more energy at a time when almost 60 percent of our oil comes from overseas, comes from some of the people who don't like us and who use the resources we give them to threaten us. How can we not pass an energy policy bill? We are smarter than that; we are better than that. The American people deserve better than that as well.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Texas.

Mrs. HUTCHISON. Madam President, I am so pleased that finally we are going to address an energy policy for our country. It has been a long time coming.

I thought, even since before I came to the Senate, we were not looking forward enough to address the future energy needs of our country. September

11, 2001, turned an energy policy from a possible economic, far-reaching element that we should put into our policy think-tanks to a national security issue.

The fact is, if we do not have energy supplies within our own country, under the control of our own country, we are not going to be a country that is economically self-sufficient, strong, and stable. And we most certainly cannot prosecute this war on terrorism if we do not have a strong and stable economy.

The fact is, today we import 60 percent of our oil for national consumption. If we had a sudden closing of Middle East oil to our country, it would have a profound impact on the stability of our economy. What we cannot take, as we are looking at a fragile recovery in our economy, is another hit.

We have the chance to do what is right, to plan for the future, and to stabilize our self-sufficiency. What we need is a balanced energy policy.

We need a policy that addresses conservation, that says to Americans: You can do certain things and cut back on your consumption, and that will save millions of barrels of oil that we would need to import or millions of feet of natural gas or electricity or whatever.

The bottom line is that we can have incentives for conservation. We need to look at alternative sources of renewable energy. That is certainly something we are just beginning to scratch the surface on, to see what the capabilities are.

Nuclear power is certainly a clean energy, and we know we can build safe nuclear powerplants. We have seen other countries that are practically totally dependent upon nuclear power, and it is a safe and environmentally sound way to produce energy. We stopped building nuclear powerplants, and, frankly, I think we need to look at ways we can safely build nuclear powerplants today. That would provide a huge source of energy in our country, and it would certainly be a way to become more independent.

Last but not least, we need to have more exploration and drilling in our own country. We need to have an energy supply that we can provide at home. So if we had a balanced approach, we would be able to become much closer to energy self-sufficiency. That is the kind of bill we need. It is not the kind of bill that will be laid before us.

The bill that will be laid before us does practically nothing for the production side and relies totally on the other two prongs—conservation and renewable energy sources—and it is not a balanced approach. We must go full force on all fronts.

There are two things that will be very valuable. One is in the bill, and that is to encourage production by small businesspeople with marginal well tax credits. They could actually cost nothing because the price of energy is so high right now. If the price falls below break-even, which is $15 to $18 a barrel, we need a floor for the small guys, the 15-barrel-a-day well businesses—and to put that into perspective, 15 barrels a day is barely break-even in the best of times. A normal, good well would produce 1,000 barrels or 10,000 barrels a day. We are talking about 15 barrels a day. A well like that, when the price goes to $11 per barrel, has to shut in. It cannot stay in business. It is too small. The margins are too low, and you have to have a break-even point, which is about $15 to $18 a barrel.

So if you have a tax credit for that small driller of 15 barrels a day or less, if the price goes below $15 per barrel, you can keep those people in business; whereas, they would shut in the wells, as thousands did when the price of oil, 2 years ago, sank to $11 a barrel. In fact, those little bitty wells have a great capacity. There are 500,000 of those around the country. Many have not been reopened because of the fluctuation and the view that if prices went down, they would have to shut in again, and they don't want to go to the expense of reopening. If we had those 500,000 wells working and producing 10 to 15 barrels a day, that would equal 20 percent of America's needs—the amount we import from Saudi Arabia every day.

Think of the stability for that small businessperson just with a tax credit, if the price falls below break-even, which costs the Treasury nothing but keeps small business jobs going and creates stability for our country for 20 percent of our oil needs. That provision has been introduced and it will be part of our debate.

We need to keep that provision, and I don't think we will lose it. But it is a significant part of our energy bill that is very important that we pass, hopefully, within the next few weeks.

The second part is opening up ANWR, the Arctic National Wildlife Refuge. There has been a lot said about the environmental concerns about drilling in ANWR, but I think people who make this argument do not understand the new technology for drilling. For example, the wildlife refuge is an area the size of South Carolina. It is, obviously, a vast area. The amount we would be limited to drilling in from the House bill that has come to the Senate, and which everybody agrees is reasonable, is approximately 2,000 acres of land. That is an area the size of Dulles Airport. So the area is the size of South Carolina, and the area of drilling is limited to an area the size of Dulles Airport. That is what we are talking about. It would have all of the environmental restrictions to make sure that land is preserved and not damaged in any way for the wildlife there.

In fact, the part where you would really do most of the drilling is not an area that has trees or any kind of vegetation. It is frozen a good part of the year, and it is basically barren flat land. Other parts of the wildlife refuge do have beautiful trees and wildlife, and it would not be encroached on at all. So we are talking about, I think, a very environmentally safe operation—to go in and drill. If we don't, let's look at what happens to the environment.

If we decide not to drill in ANWR, the drilling will be done in Russia, right across the channel from Alaska. Will Russia put the same environmental concerns in place that we have if we do it on American soil? I don't know, but I doubt that the Russian environmental requirements would be as much as we would put on it if it were in Alaska. If Russia does this, using the same resources under the ground that would be what we would drill from Alaska, then you will have foreign ships coming in and out right through the Alaska channel. Oil spills that could happen, if we were not in control of the requirements for those ships, could be very damaging.

So I think, environmentally, it would be much safer to drill on our shores with our environmental requirements, with our requirements on the ship that would come in and take the oil out, than to have it done 15 miles away in Russia, where we would have no control. So I think the argument is better made to do it where we can control it, where we would have the standards that would make sure it does not encroach on any kind of wildlife or wilderness area. That is why Alaskans are for drilling in ANWR. That is why the State that would be most affected very much wants this to happen.

I think it will be a huge help for our national defense if we go forward and drill in ANWR. Today, we import a million barrels a day from Iraq. Oddly enough, in September of 2001 we were importing a million barrels a day from Iraq.

Do we really want to depend on the good will of Iraq for almost 20 percent of the needs of our country—for jobs, for companies that need energy to continue to operate, for the gasoline we buy at the pump? Do we really want to depend on Iraq for 20 percent of our needs?

I do not think that is a prudent position. We can create the same amount of oil from our shores in an environmentally safe way as we import from Iraq every day.

We are going to have to make some sacrifices in our country to become energy self-sufficient. It is part of our effort in the war on terrorism. It is part of what we should step up to the plate and do to make sure our country is secure; that we do not depend on the good will of Iraq, Saudi Arabia, Venezuela, or anyone else who produces oil that is exported to America. We are friends with Saudi Arabia. We are friends with Venezuela. But do we really want to be dependent on any country? Do we really want to be dependent on a country that has clearly exhibited hostilities to the United States as Iraq certainly has?

I hope not. I hope the Senate will pass a bill that will have the goal of creating energy self-sufficiency in our country. Only then will we be truly able to control our own economy. Only then will we not have to go begging with a tin cup to other countries to ask them not to cut back on their supply to our country.

This is not a nation that does well at begging with a tin cup. This is a nation that has taken the lead in the war on terrorism; that is standing behind our military and our President in the prosecution of this war; that is standing behind those men and women who are in harm's way today. To not go forward with an energy policy that protects those in the field and those at home and strengthens our freedom, our democracy, and our economy will be walking away from one of the most important responsibilities we have.

I hope we will pass an energy policy that does all that needs to be done: That creates incentives for conservation; that asks Americans to conserve; that puts in place a program asking Americans to do certain things, not forcing them but asking them.

I hope we will look at new sources of energy, such as nuclear power, wind energy, and solar energy—all the sources that are renewable—and producing in our own country, creating the jobs in our country rather than exporting them overseas, giving good living wages to people in our country to drill for our own natural resources. That is a balanced energy package. Anything less would be an abdication of the responsibility of the Senate.

I thank the Chair, and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:34 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. CANTWELL).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. BINGAMAN. Madam President, I ask unanimous consent that the amendment before the Senate be modified with the language that is already at the desk.

The PRESIDING OFFICER. Without objection, the amendment is so modified.

The amendment (No. 2917), as further modified, is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Energy Policy Act of 2002".

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DIVISION A—RELIABLE AND DIVERSE POWER GENERATION AND TRANSMISSION

TITLE I—REGIONAL COORDINATION

SEC. 101. POLICY ON REGIONAL COORDINATION.

(a) STATEMENT OF POLICY.—It is the policy of the Federal Government to encourage States to coordinate, on a regional basis, State energy policies to provide reliable and affordable energy services to the public while minimizing the impact of providing energy services on communities and the environment.

(b) DEFINITION OF ENERGY SERVICES.—For purposes of this section, the term "energy services" means—

(1) the generation or transmission of electric energy,

(2) the transportation, storage, and distribution of crude oil, residual fuel oil, refined petroleum product, or natural gas, or

(3) the reduction in load through increased efficiency, conservation, or load control measures.

SEC. 102. FEDERAL SUPPORT FOR REGIONAL COORDINATION.

(a) TECHNICAL ASSISTANCE.—The Secretary of Energy shall provide technical assistance to States and regional organizations formed by two or more States to assist them in coordinating their energy policies on a regional basis. Such technical assistance may include assistance in—

(1) assessing future supply availability and demand requirements,

(2) planning and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to meet regional needs,

(3) identifying and resolving problems in distribution networks,

(4) developing plans to respond to surge demand or emergency needs, and

(5) developing renewable energy, energy efficiency, conservation, and load control programs.

(b) ANNUAL CONFERENCE ON REGIONAL ENERGY COORDINATION.—

(1) ANNUAL CONFERENCE.—The Secretary of Energy shall convene an annual conference to promote regional coordination on energy policy and infrastructure issues.

(2) PARTICIPATION.—The Secretary of Energy shall invite appropriate representatives of Federal, State, and regional energy organizations, and other interested parties.

(3) STATE AND FEDERAL AGENCY COOPERATION.—The Secretary of Energy shall consult and cooperate with State and regional energy organizations, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Commerce, the Secretary of the Treasury, the Chairman of the Federal Energy Regulatory Commission, the Administrator of the Environmental Protection Agency, and the Chairman of the Council on Environmental Quality in the planning and conduct of the conference.

(4) AGENDA.—The Secretary of Energy, in consultation with the officials identified in paragraph (3) and participants identified in paragraph (2), shall establish an agenda for each conference that promotes regional coordination on energy policy and infrastructure issues.

(5) RECOMMENDATIONS.—Not later than 60 days after the conclusion of each annual conference, the Secretary of Energy shall report

to the President and the Congress recommendations arising out of the conference that may improve—

(A) regional coordination on energy policy and infrastructure issues, and

(B) Federal support for regional coordination.

TITLE II—ELECTRICITY

Subtitle A—Amendments to the Federal Power Act

SEC. 201. DEFINITIONS.

(a) DEFINITION OF ELECTRIC UTILITY.—Section 3(22) of the Federal Power Act (16 U.S.C. 796(22)) is amended to read as follows:

"(22) 'electric utility' means any person or Federal or State agency (including any municipality) that sells electric energy; such term includes the Tennessee Valley Authority and each Federal power marketing agency.

(b) DEFINITION OF TRANSMITTING UTILITY.—Section 3(23) of the Federal Power Act (16 U.S.C. 796(23)) is amended to read as follows:

"(23) TRANSMITTING UTILITY.—The term 'transmitting utility' means an entity (including any entity described in section 201(f)) that owns or operates facilities used for the transmission of electric energy in—

"(A) interstate commerce; or

"(B) for the sale of electric energy at wholesale.".

SEC. 202. ELECTRIC UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of **$1,000,000**,

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

"(C) purchase, acquire, or take any security of any other public utility, or

"(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy or for the production or transportation of natural gas.

"(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

"(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, if the Commission finds that the proposed disposition, consolidation, acquisition, or control will be consistent with the public interest, it shall approve the same.

"(5) For purposes of this subsection, the terms 'electric utility company', 'gas utility company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2002.

"(6) Notwithstanding section 201(b)(1), facilities used for the generation of electric energy shall be subject to the jurisdiction of the Commission for purposes of this section.".

SEC. 203. MARKET-BASED RATES.

(a) APPROVAL OF MARKET-BASED RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end the following:

"(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider—

"(1) whether the seller and its affiliates have, or have adequately mitigated, market power in the generation and transmission of electric energy;

"(2) whether the sale is made in a competitive market;

"(3) whether market mechanisms, such as power exchanges and bid auctions, function adequately;

"(4) the effect of demand response mechanisms;

"(5) the effect of mechanisms or requirements intended to ensure adequate reserve margins; and

"(6) other such considerations as the Commission may deem to be appropriate and in the public interest.".

(b) REVOCATION OF MARKET-BASED RATES.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order in accordance with this section, or order such other action as will, in the judgment of the Commission, adequately ensure a just and reasonable market-based rate.".

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking "60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "on which the complaint is filed"; and

(2) striking "60 days after the publication by the Commission of notice of its intention to initiate such proceeding nor later than 5 months after the expiration of such 60-day period" in the third sentence and inserting "on which the Commission publishes notice of its intention to initiate such proceeding".

SEC. 205. TRANSMISSION INTERCONNECTIONS.

Section 210 of the Federal Power Act (16 U.S.C. 824i) is amended to read as follows:

"TRANSMISSION INTERCONNECTION AUTHORITY

"SEC. 210. (a)(1) The Commission shall, by rule, establish technical standards and procedures for the interconnection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce. The rule shall provide—

"(A) criteria to ensure that an interconnection will not unreasonably impair the reliability of the transmission system; and

"(B) criteria for the apportionment or reimbursement of the costs of making the interconnection.

"(2) Notwithstanding section 201(f), a transmitting utility shall interconnect its transmission facilities with the generation facilities of a power producer upon the application of the power producer if the power producer complies with the requirements of the rule.

"(b) Upon the application of a power producer or its own motion, the Commission may, after giving notice and an opportunity for a hearing to any entity whose interest may be affected, issue an order requiring—

"(1) the physical connection of facilities used for the generation of electric energy with facilities used for the transmission of electric energy in interstate commerce;

"(2) such action as may be necessary to make effective any such physical connection;

"(3) such sale or exchange of electric energy or other coordination, as may be necessary to carry out the purposes of such order; or

"(4) such increase in transmission capacity as may be necessary to carry out the purposes of such order.

"(c) As used in this section, the term 'power producer' means an entity that owns or operates a facility used for the generation of electric energy.".

SEC. 206. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

"OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

"SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

"(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

"(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

"(A) sells no more than 4,000,000 megawatt hours of electricity per year,

"(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

"(C) meets other criteria the Commission determines to be in the public interest.

"(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

"(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

"(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(7) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

"(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

"(B) is either an entity described in section 201(f) or a rural electric cooperative.".

SEC. 207. ELECTRIC RELIABILITY STANDARDS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 215. ELECTRIC RELIABILITY STANDARDS.

"(a) DUTY OF THE COMMISSION.—The Commission shall establish and enforce one or more systems of mandatory electric reliability standards to ensure the reliable operation of the interstate transmission system, which shall be applicable to—

"(1) any entity that sells, purchases, or transmits, electric energy using the interstate transmission system, and

"(2) any entity that owns, operates, or maintains facilities that are a part of the interstate transmission system.

"(b) STANDARDS.—In carrying out its responsibility under subsection (a), the Commission may adopt and enforce, in whole or in part, a reliability standard proposed or adopted by the North American Electric Reliability Council, a regional reliability council, a similar organization, or a State regulatory authority.

"(c) ENFORCEMENT.—In carrying out its responsibility under subsection (a), the Commission may certify one or more self-regulating reliability organizations (which may include the North American Electric Reliability Council, one or more regional reliability councils, one or more regional transmission organizations, or any similar organization) to ensure the reliable operation of the interstate transmission system and to monitor and enforce compliance of their members with electric reliability standards adopted under this section.

"(d) COOPERATION WITH CANADA AND MEXICO.—The Commission shall ensure that any self-regulating reliability organization certified under this section, one or more of whose members are interconnected with transmitting utilities in Canada or the Republic of Mexico, provide for the participation of such utilities in the governance of the organization and the adoption of reliability standards. Nothing in this section shall be construed to extend the jurisdiction of the Commission outside of the United States.

"(e) PRESERVATION OF STATE AUTHORITY.—Nothing in this section shall be construed to preempt the authority of any State to take action to ensure the safety, adequacy, and reliability of local distribution facilities service within the State, except where the exercise of such authority unreasonably impairs the reliability of the interstate transmission system.

"(f) DEFINITIONS.—For purposes of this section:

"(1) The term 'interstate transmission system' means the network of facilities used for the transmission of electric energy in interstate commerce.

"(2) The term 'reliability' means the ability of the interstate transmission system to transmit sufficient electric energy to supply the aggregate electric demand and energy requirements of electricity consumers at all times and the ability of the system to withstand sudden disturbances.".

SEC. 208. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. MARKET TRANSPARENCY RULES.

"(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, state commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

"(b) INFORMATION REQUIRED.—The Commission shall require—

"(1) each regional transmission organization to provide statistical information about the available capacity and capacity constraints of transmission facilities operated by the organization; and

"(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

"(c) TIMELY BASIS.—The Commission shall require the information required under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

"(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.".

SEC. 209. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not penalize such generators, directly or indirectly, for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) are beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the requirement in subsection (a) is met by adopting such policies as it deems appropriate which shall include, but not be limited to, the following:

"(1) Subject to the sole exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not directly or indirectly penalize intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in subsection (b) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have a substantial adverse impact on the reliability of the transmitting utility's system. For purposes of administering this exemption, there shall be a rebuttable presumption of no adverse impact where intermittent generators collectively constitute 20 percent or less of total generation interconnected with transmitting utility's system and using transmission services provided by transmitting utility.

"(3) The Commission shall ensure that to the extent any transmission charges recovering the transmitting utility's embedded costs are assessed to intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated rather than the intermittent generator's capacity.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators, and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service pursuant to long-term contracts of up to ten years duration under reasonable terms and conditions.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'intermittent generator' means a facility that generates electricity using wind or solar energy and no other energy source.

"(2) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(3) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.".

SEC. 210. ENFORCEMENT.

(a) COMPLAINTS.—Section 306 of the Federal Power Act (16 U.S.C. 825e) is amended by—

(1) inserting "electric utility," after "Any person,"; and

(2) inserting "transmitting utility," after "licensee" each place it appears.

(b) INVESTIGATIONS.—Section 307(a) of the Federal Power Act (16 U.S.C. 825f(a)) is amended by inserting "or transmitting utility" after "any person" in the first sentence.

(c) REVIEW OF COMMISSION ORDERS.—Section 313(a) of the Federal Power Act (16 U.S.C. 8251) is amended by inserting "electric utility," after "Any person," in the first sentence.

(d) CRIMINAL PENALTIES.—Section 316(c) of the Federal Power Act (16 U.S.C. 825o(c)) is repealed.

(e) CIVIL PENALTIES.—Section 316A of the Federal Power Act (16 U.S.C. 825o–1) is amended by striking "section 211, 212, 213, or 214" each place it appears and inserting "Part II".

Subtitle B—Amendments to the Public Utility Holding Company Act

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Public Utility Holding Company Act of 2002".

SEC. 222. DEFINITIONS.

For purposes of this subtitle:

(1) The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

(2) The term "associate company" of a company means any company in the same holding company system with such company.

(3) The term "Commission" means the Federal Energy Regulatory Commission.

(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than

the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

(8) The term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

(9) The term "holding company system" means a holding company, together with its subsidiary companies.

(10) The term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(11) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

(12) The term "person" means an individual or company.

(13) The term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

(14) The term "public utility company" means an electric utility company or a gas utility company.

(15) The term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies.

(16) The term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

(17) The term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 223. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

SEC. 224. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 225. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail by the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) LIMITATION.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

(c) CONFIDENTIALITY OF INFORMATION.—The production of books, accounts, memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

(d) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

(e) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 226. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 224 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.);

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—The Commission shall exempt a person or transaction from the requirements of section 224, if, upon application or upon the motion of the Commission—

(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

SEC. 227. AFFILIATE TRANSACTIONS.

(a) COMMISSION AUTHORITY UNAFFECTED.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

(b) RECOVERY OF COSTS.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 228. APPLICABILITY.

Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 229. EFFECT ON OTHER REGULATIONS.

Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 230. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

SEC. 231. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 232. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this subtitle, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

SEC. 233. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 234. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

(a) TASK FORCE.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), which shall consist of—

(1) 1 member each from—

(A) the Department of Justice, to be appointed by the Attorney General of the United States;

(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and

(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and

(2) 2 advisory members (who shall not vote), of whom—

(A) 1 shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and

(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

(b) STUDY AND REPORT.—

(1) STUDY.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.

(2) REPORT.—

(A) FINAL REPORT.—Not later than 1 year after the effective date of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

(B) PUBLIC COMMENT.—At least 60 days before submission of a final report to the Congress under subparagraph (A), the task force shall publish a draft report in the Federal Register to provide for public comment.

(c) FOCUS.—The study required by this section shall examine—

(1) the best means of protecting competition within the wholesale and retail electric market;

(2) activities within the wholesale and retail electric market that may allow unfair and unjustified discriminatory and deceptive practices;

(3) activities within the wholesale and retail electric market, including mergers and acquisitions, that deny market access or suppress competition;

(4) cross-subsidization that may occur between regulated and nonregulated activities; and

(5) the role of State public utility commissions in regulating competition in the wholesale and retail electric market.

(d) CONSULTATION.—In performing the study required by this section, the task force shall consult with and solicit comments from its advisory members, the States, representatives of the electric power industry, and the public.

SEC. 235. GAO STUDY ON IMPLEMENTATION.

(a) STUDY.—The Comptroller General shall conduct a study of the success of the Federal Government and the States during the 18-month period following the effective date of this subtitle in—

(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and

(2) the promotion of competition and efficient energy markets to the benefit of consumers.

(b) REPORT TO CONGRESS.—Not earlier than 18 months after the effective date of this subtitle or later than 24 months after that effective date, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

SEC. 236. EFFECTIVE DATE.

This subtitle shall take effect 18 months after the date of enactment of this subtitle.

SEC. 237. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

SEC. 238. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

(a) CONFLICT OF JURISDICTION.—Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

(b) DEFINITIONS.—

(1) Section 201(g) of the Federal Power Act (16 U.S.C. 824(g)) is amended by striking "1935" and inserting "2002".

(2) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2002".

Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

SEC. 241. REAL-TIME PRICING STANDARD.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time rate schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.".

(b) SPECIAL RULES FOR REAL-TIME PRICING STANDARD.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) REAL-TIME PRICING.—In a State that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.".

SEC. 242. ADOPTION OF ADDITIONAL STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 113(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623(b)) is amended by adding at the end the following:

"(6) DISTRIBUTED GENERATION.— Each electric utility shall provide distributed generation, combined heat and power, and district heating and cooling systems competitive access to the local distribution grid and competitive pricing of service, and shall use simplified standard contracts for the interconnection of generating facilities that have a power production capacity of 250 kilowatts or less.

"(7) DISTRIBUTION INTERCONNECTIONS.—No electric utility may refuse to interconnect a generating facility with the distribution facilities of the electric utility if the owner or operator of the generating facility complies with technical standards adopted by the State regulatory authority and agrees to pay the costs established by such State regulatory authority.

"(8) MINIMUM FUEL AND TECHNOLOGY DIVERSITY STANDARD.—Each electric utility shall develop a plan to minimize dependence on one fuel source and to ensure that the electric energy it sells to consumers is generated using a diverse range of fuels and technologies, including renewable technologies.

"(9) FOSSIL FUEL EFFICIENCY.—Each electric utility shall develop and implement a ten-year plan to increase the efficiency of its fossil fuel generation and shall monitor and report to its State regulatory authority excessive greenhouse gas emissions resulting from the inefficient operation of its fossil fuel generating plants.".

(b) TIME FOR ADOPTING STANDARDS.—Section 113 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2623) is further amended by adding at the end the following:

"(d) SPECIAL RULE.—For purposes of implementing paragraphs (6), (7), (8), and (9) of subsection (b), any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this subsection.".

SEC. 243. TECHNICAL ASSISTANCE.

Section 132(c) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2642(c)) is amended to read as follows:

"(c) TECHNICAL ASSISTANCE FOR CERTAIN RESPONSIBILITIES.—The Secretary may provide such technical assistance as he determines appropriate to assist State regulatory authorities and electric utilities in carrying out their responsibilities under section 111(d)(11) and paragraphs (6), (7), (8), and (9) of section 113(b).".

SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

(a) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3) is amended by adding at the end the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

"(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

"(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

"(A) the right to recover costs of purchasing such electric energy or capacity; and

"(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

"(3) RECOVERY OF COSTS.—

"(A) REGULATION.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall collect the prudently incurred costs associated with such purchases.

"(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).".

(b) ELIMINATION OF OWNERSHIP LIMITATIONS.—

(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows:

"(C) 'qualifying small power production facility' means a small power production facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.".

(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the Commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.".

SEC. 245. NET METERING.

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

"SEC. 605. NET METERING FOR RENEWABLE ENERGY AND FUEL CELLS.

"(a) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible on-site generating facility' means—

"(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

"(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(2) The term 'renewable energy resource' means solar, wind, biomass, or geothermal energy.

"(3) The term 'high efficiency system' means fuel cells or combined heat and power.

"(4) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.

"(b) REQUIREMENT TO PROVIDE NET METERING SERVICE.—Each electric utility shall make available upon request net metering service to an electric consumer that the electric utility serves.

"(c) RATES AND CHARGES.—

"(1) IDENTICAL CHARGES.—An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

"(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

"(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(d) SAFETY AND PERFORMANCE STANDARDS.—

"(1) An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(2) The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(e) APPLICATION.—This section applies to each electric utility during any calendar year in which the total sales of electric energy by such utility for purposes other than resale exceeded 1,000,000,000 kilowatt-hours during the preceding calendar year.".

Subtitle D—Consumer Protections

SEC. 251. INFORMATION DISCLOSURE.

(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information—

(1) the nature of the service being offered, including information about interruptibility of service;

(2) the price of the electric energy, including a description of any variable charges;

(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

(A) the product or its price;

(B) the share of electric energy that is generated by each fuel type; and

(C) the environmental emissions produced in generating the electric energy.

(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

SEC. 252. CONSUMER PRIVACY.

(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes:

(1) To facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority.

(2) To initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services.

(3) To protect the rights or property of the person obtaining such information.

(4) To protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers.

(5) For law enforcement purposes.

(6) For purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

(d) DEFINITIONS.—As used in this section:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

SEC. 253. UNFAIR TRADE PRACTICES.

(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

SEC. 254. APPLICABLE PROCEDURES.

The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

SEC. 255. FEDERAL TRADE COMMISSION ENFORCEMENT.

Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing additional laws, rules, or procedures regarding the practices which are the subject of this section, so long as such laws, rules, or procedures are not inconsistent with the provisions of this section or with any rule prescribed by the Federal Trade Commission pursuant to it.

SEC. 257. APPLICATION OF SUBTITLE.

The provisions of this subtitle apply to each electric utility if the total sales of electric energy by such utility for purposes other than resale exceed 500 million kilowatt-hours per calendar year. The provisions of this subtitle do not apply to the operations of an electric utility to the extent that such operations relate to sales of electric energy for purposes of resale.

SEC. 258. DEFINITIONS.

As used in this subtitle:

(1) The term "aggregate consumer information" means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

(3) The terms "electric consumer", "electric utility", and "State regulatory authority" have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

Subtitle E—Renewable Energy and Rural Construction Grants

SEC. 261. RENEWABLE ENERGY PRODUCTION INCENTIVE.

(a) INCENTIVE PAYMENTS.—Section 1212(a) of the Energy Policy Act of 1992 (42 U.S.C. 13317(a)) is amended by striking "and which satisfies" and all that follows through "Secretary shall establish." and inserting the following:

". The Secretary shall establish other procedures necessary for efficient administration of the program. The Secretary shall not establish any criteria or procedures that have the effect of assigning to proposals a higher or lower priority for eligibility or allocation of appropriated funds on the basis of the energy source proposed.".

(b) QUALIFIED RENEWABLE ENERGY FACILITY.—Section 1212(b) of the Energy Policy Act of 1992 (42 U.S.C. 13317(b)) is amended—

(1) by striking "a State or any political" and all that follows through "nonprofit electrical cooperative" and inserting the following: "an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986, a public utility described in section 115 of such Code, a State, Commonwealth, territory, or possession of the United States or the District of Columbia, or a political subdivision thereof, or an Indian tribal government or subdivision thereof,"; and

(2) by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(c) ELIGIBILITY WINDOW.—Section 1212(c) of the Energy Policy Act of 1992 (42 U.S.C. 13317(c)) is amended by striking "during the 10-fiscal year period beginning with the first full fiscal year occurring after the enactment of this section" and inserting "before October 1, 2013".

(d) PAYMENT PERIOD.—Section 1212(d) of the Energy Policy Act of 1992 (42 U.S.C. 13317(d)) is amended by inserting "or in which the Secretary finds that all necessary Federal and State authorizations have been obtained to begin construction of the facility" after "eligible for such payments".

(e) AMOUNT OF PAYMENT.—Section 1212(e)(1) of the Energy Policy Act of 1992 (42 U.S.C. 13317(e)(1)) is amended by inserting "landfill gas, incremental hydropower, ocean" after "wind, biomass,".

(f) SUNSET.—Section 1212(f) of the Energy Policy Act of 1992 (42 U.S.C. 13317(f)) is amended by striking "the expiration of" and all that follows through "of this section" and inserting "September 30, 2023".

(g) INCREMENTAL HYDROPOWER; AUTHORIZATION OF APPROPRIATIONS.—Section 1212 of the Energy Policy Act of 1992 (42 U.S.C. 13317) is further amended by striking subsection (g) and inserting the following:

"(g) INCREMENTAL HYDROPOWER.—

"(1) PROGRAMS.—Subject to subsection (h)(2), if an incremental hydropower program meets the requirements of this section, as determined by the Secretary, the incremental hydropower program shall be eligible to receive incentive payments under this section.

"(2) DEFINITION OF INCREMENTAL HYDROPOWER.—In this subsection, the term 'incremental hydropower' means additional generating capacity achieved from increased efficiency or additions of new capacity at a hydroelectric facility in existence on the date of enactment of this paragraph.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—Subject to paragraph (2), there are authorized to be appropriated such sums as may be necessary to carry out this section for fiscal years 2003 through 2023.

"(2) LIMITATION ON FUNDS USED FOR INCREMENTAL HYDROPOWER PROGRAMS.—Not more than 30 percent of the amounts made available under paragraph (1) shall be used to carry out programs described in subsection (g)(2).

"(3) AVAILABILITY OF FUNDS.—Funds made available under paragraph (1) shall remain available until expended.".

SEC. 262. ASSESSMENT OF RENEWABLE ENERGY RESOURCES.

(a) RESOURCE ASSESSMENT.—Not later than 3 months after the date of enactment of this title, and each year thereafter, the Secretary of Energy shall review the available assessments of renewable energy resources available within the United States, including solar, wind, biomass, ocean, geothermal, and hydroelectric energy resources, and undertake new assessments as necessary, taking into account changes in market conditions, available technologies and other relevant factors.

(b) CONTENTS OF REPORTS.—Not later than one year after the date of enactment of this title, and each year thereafter, the Secretary shall publish a report based on the assessment under subsection (a). The report shall contain—

(1) a detailed inventory describing the available amount and characteristics of the renewable energy resources, and

(2) such other information as the Secretary of Energy believes would be useful in developing such renewable energy resources, including descriptions of surrounding terrain, population and load centers, nearby energy infrastructure, location of energy and water resources, and available estimates of the costs needed to develop each resource.

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President shall ensure that, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices, including aggregation and the use of renewable energy derivatives, by federal agencies.

(b) DEFINITION.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam.

(c) TRIBAL POWER GENERATION.—To the maximum extent practicable, the President shall ensure that not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

SEC. 264. RURAL CONSTRUCTION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

“(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities for—

“(1) a unit of local government of a State or territory; or

“(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

“(d) GRANT CRITERIA.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

“(e) PREFERENCE.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

“(f) DEFINITION.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

“(g) AUTHORIZATION.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary $20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.”.

SEC. 265. RENEWABLE PORTFOLIO STANDARD.

Title VI of the Public Utility Regulatory Policies Act of 1978 is further amended by adding at the end the following:

“SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

“(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning with 2003, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage, specified in subsection (b), of the total electric energy sold by the retail electric supplier to electric consumers in the calendar year. The retail electric supplier shall make this submission before April 1 of the following calendar year.

“(b) REQUIRED ANNUAL PERCENTAGE.—

“(1) For calendar years 2003 and 2004, the required annual percentage shall be determined by the Secretary in an amount less than the amount in paragraph (2);

“(2) For calendar year 2005 the required annual percentage shall be 2.5 percent of the retail electric supplier's base amount; and

“(3) For each calendar year from 2006 through 2020, the required annual percentage of the retail electric supplier's base amount shall be .5 percent greater than the required annual percentage for the calendar year immediately preceding.

“(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of—

“(A) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier in the calendar year for which credits are being submitted or any of the two previous calendar years;

“(B) renewable energy credits obtained by purchase or exchange under subsection (e);

“(C) renewable energy credits borrowed against future years under subsection (f); or

“(D) any combination of credits under subparagraphs (A), (B), and (C).

“(2) A credit may be counted toward compliance with subsection (a) only once.

“(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

“(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

“(A) the type of renewable energy resource used to produce the electricity,

“(B) the location where the electric energy was produced, and

“(C) any other information the Secretary determines appropriate.

“(3)(A) Except as provided in paragraphs (B) and (C), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility.

“(B) For incremental hydropower the credits shall be calculated based on a normalized annual capacity factor for each facility, and not actual generation. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

“(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated in calendar year 2002 and any succeeding year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

“(D) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

“(4) In order to receive a renewable energy credit, the recipient of a renewable energy credit shall pay a fee, calculated by the Secretary, in an amount that is equal to the administrative costs of issuing, recording, monitoring the sale or exchange of, and tracking the credit. The Secretary shall retain the fee and use it to pay these administrative costs.

“(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

“(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use in another year.

“(f) CREDIT BORROWING.—At any time before the end of calendar year 2003, a retail electric supplier that has reason to believe that it will not have sufficient renewable energy credits to comply with subsection (a) may—

“(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric supplier to meet the requirements of subsection (a) for calendar year 2003 and the calendar year involved; and

(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

“(g) ENFORCEMENT.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a). A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) is subject to a civil penalty of not more than 3 cents each for the renewable energy credits not submitted.

“(h) INFORMATION COLLECTION.—The Secretary may collect the information necessary to verify and audit—

“(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

“(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

“(3) the quantity of electricity sales of all retail electric suppliers.

“(i) ENVIRONMENTAL SAVINGS CLAUSE.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

“(j) STATE SAVINGS CLAUSE.—This section does not preclude a State from requiring additional renewable energy generation in that State.

“(k) DEFINITIONS.—For purposes of this section—

“(1) The term 'eligible facility' means—

“(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after January 1, 2002; or

“(B) a repowering or cofiring increment that is placed in service on or after January 1, 2002 at a facility for the generation of electric energy from a renewable energy resource that was placed in service before January 1, 2002.

An eligible facility does not have to be interconnected to the transmission or distribution system facilities of an electric utility.

"(2) The term 'generation offset' means reduced electricity usage metered at a site where a customer consumes electricity from a renewable energy technology.

"(3) The term 'incremental hydropower' means additional generation capacity achieved from increased efficiency or additions of capacity after January 1, 2002 at a hydroelectric dam that was placed in service before January 1, 2002.

"(4) The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(5) The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(6) The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(7) The term 'renewable energy resource' means solar, wind, biomass, ocean, or geothermal energy, a generation offset, or incremental hydropower facility.

"(8) The term 'repowering or cofiring increment' means the additional generation from a modification that is placed in service on or after January 1, 2002 to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before January 1, 2002.

"(9) The term 'retail electric supplier' means a person, State agency, or Federal agency that sells electric energy to electric consumers and sold not less than 500,000,000 kilowatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year.

"(10) The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by a renewable energy resource, landfill gas, or a hydroelectric facility.

"(l) SUNSET.—Subsection (a) of this section expires December 31, 2020.".

SEC. 266. RENEWABLE ENERGY ON FEDERAL LAND.

(a) COST-SHARE DEMONSTRATION PROGRAM.—Within 12 months after the date of enactment of this section, the Secretaries of the Interior, Agriculture, and Energy shall develop guidelines for a cost-share demonstration program for the development of wind and solar energy facilities on Federal land.

(b) DEFINITION OF FEDERAL LAND.—As used in this section, the term "Federal land" means land owned by the United States that is subject to the operation of the mineral leasing laws; and is either—

(1) public land as defined in section 103(e) of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1702(e)), or

(2) a unit of the National Forest System as that term is used in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(c) RIGHTS-OF-WAYS.—The demonstration program shall provide for the issuance of rights-of-way pursuant to the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 et seq.) by the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and by the Secretary of Agriculture with respect to federal lands under the jurisdiction of the Department of Agriculture.

(d) AVAILABLE SITES.—For purposes of this demonstration program, the issuance of rights-of-way shall be limited to areas—

(1) of high energy potential for wind or solar development;

(2) that have been identified by the wind or solar energy industry, through a process of nomination, application, or otherwise, as being of particular interest to one or both industries;

(3) that are not located within roadless areas;

(4) where operation of wind or solar facilities would be compatible with the scenic, recreational, environmental, cultural, or historic values of the Federal land, and would not require the construction of new roads for the siting of lines or other transmission facilities; and

(5) where issuance of the right-of-way is consistent with the land and resource management plans of the relevant land management agencies.

(e) COST-SHARE PAYMENTS BY DOE.—The Secretary of Energy, in cooperation with the Secretary of the Interior with respect to Federal land under the jurisdiction of the Department of the Interior, and the Secretary of Agriculture with respect to Federal land under the jurisdiction of the Department of Agriculture, shall determine if the portion of a project on federal land is eligible for financial assistance pursuant to this section. Only those projects that are consistent with the requirements of this section and further the purposes of this section shall be eligible. In the event a project is selected for financial assistance, the Secretary of Energy shall provide no more than 15 percent of the costs of the project on the federal land, and the remainder of the costs shall be paid by non-Federal sources.

(f) REVISION OF LAND USE PLANS.—The Secretary of the Interior shall consider development of wind and solar energy, as appropriate, in revisions of land use plans under section 202 of the Federal Land Policy and Management Act of 1976 (42 U.S.C. 1712); and the Secretary of Agriculture shall consider development of wind and solar energy, as appropriate, in revisions of land and resource management plans under section 5 of the Forest an Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604). Nothing in this subsection shall preclude the issuance of a right-of-way for the development of a wind or solar energy project prior to the revision of a land use plan by the appropriate land management agency.

(g) REPORT TO CONGRESS.—Within 24 months after the date of enactment of this section, the Secretary of the Interior shall develop and report to Congress recommendations on any statutory or regulatory changes the Secretary believes would assist in the development of renewable energy on Federal land. The report shall include—

(1) a five-year plan developed by the Secretary of the Interior, in cooperation with the Secretary of Agriculture, for encouraging the development of wind and solar energy on Federal land in an environmentally sound manner; and

(2) an analysis of—

(A) whether the use of rights-of-ways is the best means of authorizing use of Federal land for the development of wind and solar energy, or whether such resources could be better developed through a leasing system, or other method;

(B) the desirability of grants, loans, tax credits or other provisions to promote wind and solar energy development on Federal land; and

(C) any problems, including environmental concerns, which the Secretary of the Interior or the Secretary of Agriculture have encountered in managing wind or solar energy projects on Federal land, or believe are likely to arise in relation to the development of wind or solar energy on Federal land;

(3) a list, developed in consultation with the Secretaries of Energy and Defense, of lands under the jurisdiction of the Departments of Energy and Defense that would be suitable for development for wind or solar energy, and recommended statutory and regulatory mechanisms for such development; and

(4) an analysis, developed in consultation with the Secretaries of Energy and Commerce, of the potential for development of wind, solar, and ocean energy on the Outer Continental Shelf, along with recommended statutory and regulatory mechanisms for such development.

TITLE III—HYDROELECTRIC RELICENSING

SEC. 301. ALTERNATIVE MANDATORY CONDITIONS AND FISHWAYS.

(a) ALTERNATIVE MANDATORY CONDITIONS.—Section 4 of the Federal Power Act (16 U.S.C. 797) is amended by adding at the end the following:

"(h)(1) Whenever any person applies for a license for any project works within any reservation of the United States, and the Secretary of the department under whose supervision such reservation falls deems a condition to such license to be necessary under the first proviso of subsection (e), the license applicant or any other party to the licensing proceeding may propose an alternative condition.

"(2) Notwithstanding the first proviso of subsection (e), the Secretary of the department under whose supervision the reservation falls shall accept the proposed alternative condition referred to in paragraph (1), and the Commission shall include in the license such alternative condition, if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative condition, that the alternative condition—

"(A) provides no less protection for the reservation than provided by the condition deemed necessary by the Secretary; and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the condition deemed necessary by the Secretary.

"(3) Within 1 year after the enactment of this subsection, each Secretary concerned shall, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

(b) ALTERNATIVE FISHWAYS.—Section 18 of the Federal Power Act (16 U.S.C. 811) is amended by—

(1) inserting "(a)" before the first sentence; and

(2) adding at the end the following:

"(b)(1) Whenever the Commission shall require a licensee to construct, maintain, or operate a fishway prescribed by the Secretary of the Interior or the Secretary of Commerce under this section, the licensee or any other party to the proceeding may propose an alternative to such prescription to construct, maintain, or operate a fishway.

"(2) Notwithstanding subsection (a), the Secretary of the Interior or the Secretary of Commerce, as appropriate, shall accept and prescribe, and the Commission shall require, the proposed alternative referred to in paragraph (1), if the Secretary of the appropriate department determines, based on substantial evidence provided by the party proposing such alternative, that the alternative—

"(A) will be no less effective than the fishway initially prescribed by the Secretary, and

"(B) will either—

"(i) cost less to implement, or

"(ii) result in improved operation of the project works for electricity production,

as compared to the fishway initially prescribed by the Secretary.

"(3) Within 1 year after the enactment of this subsection, the Secretary of the Interior and the Secretary of Commerce shall each, by rule, establish a process to expeditiously resolve conflicts arising under this subsection.".

SEC. 302. CHARGES FOR TRIBAL LANDS.

Section 10(e)(1) of the Federal Power Act (16 U.S.C. 803(e)(1) is amended by inserting after the second proviso the following: "*Provided further*, that the Commission shall not issue a new or original license for projects involving tribal lands embraced within Indian reservations until annual charges required under this section have been fixed."

SEC. 303. DISPOSITION OF HYDROELECTRIC CHARGES.

Section 17 of the Federal Power Act (16 U.S.C. 810) is amended by striking "to be expended under the direction of the Secretary of the Army in the maintenance and operation of dams and other navigation structures owned by the United States or in the construction, maintenance, or operation of headwater or other improvements of navigable waters of the United States." and inserting the following: "to be expended in the following manner on an annual basis: (A) fifty-percent of the funds shall be expended by the Secretary of the Interior pursuant to a grant program to be established by the Secretary to support collaborative watershed restoration and education activities intended to promote the recovery of candidate, threatened, and endangered species under the Endangered Species Act of 1973; and (B) fifty-percent of the funds shall be expended by the Secretary of Agriculture, acting through the Chief of the Forest Service, for the Youth Conservation Corps program.".

SEC. 304. ANNUAL LICENSES.

Section 15(a) of the Federal Power Act (16 U.S.C. 808(a)) is amended by adding at the end the following:

"(4) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall first consult with the Secretary of the Interior and the Secretary of Commerce, and if the project is within any reservation, with the Secretary under whose supervision such reservation falls.

"(5) Prior to issuing a fourth and subsequent annual license under paragraph (1), the Commission shall publish a written statement setting forth the reasons why the annual license is needed, and describing the results of consultation with the Secretary of the Interior, the Secretary of Commerce, and the Secretary under whose supervision the reservation falls. Such explanation shall also contain the best judgment of the Commission as to whether the Commission anticipates issuing an additional annual license.

"(6) At least 60 days prior to expiration of the seventh and subsequent annual licenses issued under paragraph (1), the Commission shall submit to Congress the written statement required in paragraph (5).".

SEC. 305. ENFORCEMENT.

(a) MONITORING AND INVESTIGATIONS OF MANDATORY CONDITIONS AND FISHWAY PRESCRIPTIONS.—The first sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823b(a)) is amended to read as follows:

"The Commission shall monitor and investigate compliance with each license and permit issued under this part, each condition imposed under section 4(e) or 4(h), each fishway prescription imposed under section 18, and each exemption granted from any requirement of this part."

(b) COMPLIANCE ORDERS.—The third sentence of section 31(a) of the Federal Power Act (16 U.S.C. 823(a)) is amended to read as follows:

"After notice and opportunity for public hearing, the Commission may issue such orders as necessary to require compliance with the terms and conditions of licenses and permits issued under this part, with conditions imposed under section 4(e) or 4(h), with fishway prescriptions imposed under section 18, and with the terms and conditions of exemptions granted from any requirement of this part."

SEC. 306. ESTABLISHMENT OF HYDROELECTRIC RELICENSING PROCEDURES.

(a) JOINT PROCEDURES OF THE COMMISSION AND RESOURCE AGENCIES.—

(1) Within 18 months after the date of enactment of this section, the Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture, shall, after consultation with the interested states and public review and comment, issue coordinated regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808).

(2) Such regulations shall provide for—

(A) the participation of the Commission in the pre-application environmental scoping process conducted by the resource agencies pursuant to section 15(b) of the Federal Power Act (16 U.S.C. 808(b)), sufficient to allow the Commission and the resource agencies to coordinate environmental reviews and other regulatory procedures of the Commission and the resource agencies under Part I of the Federal Power Act, and under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(B) issuance by the resource agencies of draft and final mandatory conditions under section 4(e) of the Federal Power Act (16 U.S.C. 797(e)), and draft and final fishway prescriptions under section 18 of the Federal Power Act (16 U.S.C. 811);

(C) to the maximum extent possible, identification by the Commission staff in the draft analysis of the license application conducted under the National Environmental Policy Act, of all license articles and license conditions the Commission is likely to include in the license;

(D) coordination by the Commission and the resource agencies of analysis under the National Environmental Policy Act for final license articles and conditions recommended by Commission staff, and the final mandatory conditions and fishway prescriptions of the resource agencies;

(E) procedures for ensuring coordination and sharing, to the maximum extent possible, of information, studies, data and analysis by the Commission and the resource agencies to reduce the need for duplicative studies and analysis by license applicants and other parties to the license proceeding; and

(F) procedures for ensuring resolution at an early stage of the process of the scope and type of reasonable and necessary information, studies, data, and analysis to be provided by the license applicant.

(b) PROCEDURES OF THE COMMISSION.—Within 18 months after the date of enactment of this section, the Commission shall, after consultation with the interested federal agencies and states and after public comment and review, issue additional regulations governing the issuance of a license under section 15 of the Federal Power Act (16 U.S.C. 808). Such regulations shall—

(1) set a schedule for the Commission to issue—

(A) a tendering notice indicating that an application has been filed with the Commission;

(B) advanced notice to resource agencies of the issuance of the Ready for Environmental Analysis Notice requesting submission of recommendations, conditions, prescriptions, and comments;

(C) a license decision after completion of environmental assessments or environmental impact statements prepared pursuant to the National Environmental Policy Act; and

(D) responses to petitions, motions, complaints and requests for rehearing;

(2) set deadlines for an applicant to conduct all needed resource studies in support of its license application;

(3) ensure a coordinated schedule for all major actions by the applicant, the Commission, affected Federal and State agencies, Indian Tribes and other parties, through final decision on the application; and

(4) provide for the adjustment of schedules if unavoidable delays occur.

SEC. 307. RELICENSING STUDY.

(a) IN GENERAL.—The Federal Energy Regulatory Commission shall, jointly with the Secretary of Commerce, the Secretary of the Interior, and the Secretary of Agriculture, conduct a study of all new licenses issued for existing projects under section 15 of the Federal Power Act (16 U.S.C. 808) since January 1, 1994.

(b) SCOPE.—The study shall analyze:

(1) the length of time the Commission has taken to issue each new license for an existing project;

(2) the additional cost to the licensee attributable to new license conditions;

(3) the change in generating capacity attributable to new license conditions;

(4) the environmental benefits achieved by new license conditions;

(5) significant unmitigated environmental damage of the project and costs to mitigate such damage; and

(6) litigation arising from the issuance or failure to issue new licenses for existing projects under section 15 of the Federal Power Act or the imposition or failure to impose new license conditions.

(c) DEFINITION.—As used in this section, the term "new license condition" means any condition imposed under—

(1) section 4(e) of the Federal Power Act (16 U.S.C. 797(e)),

(2) section 10(a) of the Federal Power Act (16 U.S.C. 803(a)),

(2) section 10(e) of the Federal Power Act (16 U.S.C. 803(e)),

(3) section 10(j) of the Federal Power Act (16 U.S.C. 803(j)),

(4) section 18 of the Federal Power Act (16 U.S.C. 811), or

(5) section 401(d) of the Clean Water Act (33 U.S.C. 1341(d)).

(d) CONSULTATION.—The Commission shall give interested persons and licensees an opportunity to submit information and views in writing.

(e) REPORT.—The Commission shall report its findings to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 24 months after the date of enactment of this section.

SEC. 308. DATA COLLECTION PROCEDURES.

Within 24 months after the date of enactment of this section, the Federal Energy Regulatory Commission, the Secretary of the Interior, the Secretary of Commerce, and the Secretary of Agriculture shall jointly develop procedures for ensuring complete and accurate information concerning the time and cost to parties in the hydroelectric licensing process under part I of the Federal Power Act (16 U.S.C. 791 et seq.). Such data shall be published regularly, but no less frequently than every three years.

TITLE IV—INDIAN ENERGY

SEC. 401. COMPREHENSIVE INDIAN ENERGY PROGRAM.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501–3506) is amended by adding after section 2606 the following:

"SEC. 2607. COMPREHENSIVE INDIAN ENERGY PROGRAM.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'Director' means the Director of the Office of Indian Energy Policy and Programs established by section 217 of the Department of Energy Organization Act, and

"(2) the term 'Indian land' means—

"(A) any land within the limits of an Indian reservation, pueblo, or rancheria;

"(B) any land not within the limits of an Indian reservation, pueblo, or rancheria whose title on the date of enactment of this section was held—

"(i) in trust by the United States for the benefit of an Indian tribe,

"(ii) by an Indian tribe subject to restriction by the United States against alienation, or

"(iii) by a dependent Indian community; and

"(C) land conveyed to an Alaska Native Corporation under the Alaska Native Claims Settlement Act.

"(b) INDIAN ENERGY EDUCATION PLANNING AND MANAGEMENT ASSISTANCE.—

"(1) The Director shall establish programs within the Office of Indian Energy Policy and Programs to assist Indian tribes in meeting their energy education, research and development, planning, and management needs.

"(2) The Director may make grants, on a competitive basis, to an Indian tribe for—

"(A) renewable energy, energy efficiency, and conservation programs;

"(B) studies and other activities supporting tribal acquisition of energy supplies, services, and facilities;

"(C) planning, constructing, developing, operating, maintaining, and improving tribal electrical generation, transmission, and distribution facilities; and

"(D) developing, constructing, and interconnecting electric power transmission facilities with transmission facilities owned and operated by a Federal power marketing agency or an electric utility that provides open access transmission service.

"(3) The Director may develop, in consultation with Indian tribes, a formula for making grants under this section. The formula may take into account the following—

"(A) the total number of acres of Indian land owned by an Indian tribe;

"(B) the total number of households on the Indian tribe's Indian land;

"(C) the total number of households on the Indian tribe's Indian land that have no electricity service or are under-served; and

"(D) financial or other assets available to the Indian tribe from any source.

"(4) In making a grant under paragraph (2), the Director shall give priority to an application received from an Indian tribe that is not served or is served inadequately by an electric utility, as that term is defined in section 3(4) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(4)), or by a person, State agency, or any other non-federal entity that owns or operates a local distribution facility used for the sale of electric energy to an electric consumer.

"(5) There are authorized to be appropriated to the Department of Energy such sums as may be necessary to carry out the purposes of this section.

"(6) The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(c) LOAN GUARANTEE PROGRAM.—

"(1) AUTHORITY.—The Secretary may guarantee not more than 90 percent of the unpaid principal and interest due on any loan made to any Indian tribe for energy development, including the planning, development, construction, and maintenance of electrical generation plants, and for transmission and delivery mechanisms for electricity produced on Indian land. A loan guaranteed under this subsection shall be made by—

"(A) a financial institution subject to the examination of the Secretary; or

"(B) an Indian tribe, from funds of the Indian tribe, to another Indian tribe.

"(2) AVAILABILITY OF APPROPRIATIONS.—Amounts appropriated to cover the cost of loan guarantees shall be available without fiscal year limitation to the Secretary to fulfill obligations arising under this subsection.

"(3) AUTHORIZATION OF APPROPRIATIONS.—

"(A) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

"(B) There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the administrative expenses related to carrying out the loan guarantee program established by this subsection.

"(4) LIMITATION ON AMOUNT.—The aggregate outstanding amount guaranteed by the Secretary of Energy at any one time under this subsection shall not exceed $2,000,000,000.

"(5) REGULATIONS.—The Secretary is authorized to promulgate such regulations as the Secretary determines to be necessary to carry out the provisions of this subsection.

"(d) INDIAN ENERGY PREFERENCE.—(1) An agency or department of the United States Government may give, in the purchase of electricity, oil, gas, coal, or other energy product or by-product, preference in such purchase to an energy and resource production enterprise, partnership, corporation, or other type of business organization majority or wholly owned and controlled by a tribal government.

"(2) In implementing this subsection, an agency or department shall pay no more than the prevailing market price for the energy product or by-product and shall obtain no less than existing market terms and conditions.

"(e) EFFECT ON OTHER LAWS.—This section does not—

"(1) limit the discretion vested in an Administrator of a Federal power marketing agency to market and allocate Federal power, or

"(2) alter Federal laws under which a Federal power marketing agency markets, allocates, or purchases power.".

SEC. 402. OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS.

Title II of the Department of Energy Organization Act is amended by adding at the end the following:

"OFFICE OF INDIAN ENERGY POLICY AND PROGRAMS

"SEC. 217. (a) There is established within the Department an Office of Indian Energy Policy and Programs. This Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at the rate equal to that of level IV of the Executive Schedule under section 5315 of Title 5, United States Code.

"(b) The Director shall provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs of the Department that—

"(1) promote tribal energy efficiency and utilization;

"(2) modernize and develop, for the benefit of Indian tribes, tribal energy and economic infrastructure related to natural resource development and electrification;

"(3) preserve and promote tribal sovereignty and self determination related to energy matters and energy deregulation;

"(4) lower or stabilize energy costs; and

"(5) electrify tribal members' homes and tribal lands.

"(c) The Director shall carry out the duties assigned the Secretary or the Director under title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501 et seq.).".

SEC. 403. CONFORMING AMENDMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—Section 2603(c) of the Energy Policy Act of 1992 (25 U.S.C. 3503(c)) is amended to read as follows:

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.".

(b) TABLE OF CONTENTS.—The table of contents of the Department of Energy Act is amended by inserting after the item relating to section 216 the following new item:

"Sec. 217. Office of Indian Energy Policy and Programs.".

(c) EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code, is amended by inserting "Director, Office of Indian Energy Policy and Programs, Department of Energy." after "Inspector General, Department of Energy.".

SEC. 404. SITING ENERGY FACILITIES ON TRIBAL LANDS.

(a) DEFINITIONS.—For purposes of this section:

(1) INDIAN TRIBE.—The term "Indian tribe" means any Indian tribe, band, nation, or

other organized group or community, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, except that such term does not include any Regional Corporation as defined in section 3(g) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(g)).

(2) INTERESTED PARTY.—The term "interested party" means a person whose interests could be adversely affected by the decision of an Indian tribe to grant a lease or right-of-way pursuant to this section.

(3) PETITION.—The term "petition" means a written request submitted to the Secretary for the review of an action (or inaction) of the Indian tribe that is claimed to be in violation of the approved tribal regulations;

(4) RESERVATION.—The term "reservation" means—

(A) with respect to a reservation in a State other than Oklahoma, all land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, federal statute, secretarial order, or judicial determination;

(B) with respect to a reservation in the State of Oklahoma, all land that is—

(i) within the jurisdictional area of an Indian tribe, and

(ii) within the boundaries of the last reservation of such tribe that was established by treaty, executive order, or secretarial order.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) TRIBAL LANDS.—The term "tribal lands" means any tribal trust lands or other lands owned by an Indian tribe that are within a reservation, or tribal trust lands located contiguous thereto.

(b) LEASES INVOLVING GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a lease of tribal land for electric generation, transmission, or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, and such leases shall not require the approval of the Secretary if the lease is executed under tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed 30 years.

(c) RIGHTS-OF-WAY FOR ELECTRIC GENERATION, TRANSMISSION, DISTRIBUTION OR ENERGY PROCESSING FACILITIES.—An Indian tribe may grant a right-of-way over tribal lands for a pipeline or an electric transmission or distribution line without separate approval by the Secretary, if—

(1) the right-of-way is executed under and complies with tribal regulations approved by the Secretary and the term of the right-of-way does not exceed 30 years; and

(2) the pipeline or electric transmission or distribution line serves—

(A) an electric generation, transmission or distribution facility located on tribal land; or

(B) a facility located on tribal land that processes or refines renewable or nonrenewable energy resources developed on tribal lands.

(d) RENEWALS.—Leases or rights-of-way entered into under this subsection may be renewed at the discretion of the Indian tribe in accordance with the requirements of this section.

(e) TRIBAL REGULATION REQUIREMENTS.—

(1) The Secretary shall have the authority to approve or disapprove tribal regulations required under this subsection. The Secretary shall approve such tribal regulations if they are comprehensive in nature, including provisions that address—

(A) securing necessary information from the lessee or right-of-way applicant;

(B) term of the conveyance;

(C) amendments and renewals;

(D) consideration for the lease or right-of-way;

(E) technical or other relevant requirements;

(F) requirements for environmental review as set forth in paragraph (3);

(G) requirements for complying with all applicable environmental laws; and

(H) final approval authority.

(2) No lease or right-of-way shall be valid unless authorized in compliance with the approved tribal regulations.

(3) An Indian tribe, as a condition of securing Secretarial approval as contemplated in paragraph (1), must establish an environmental review process that includes the following—

(A) an identification and evaluation of all significant environmental impacts of the proposed action as compared to a no action alternative;

(B) identification of proposed mitigation;

(C) a process for ensuring that the public is informed of and has an opportunity to comment on the proposed action prior to tribal approval of the lease or right-of-way; and

(D) sufficient administrative support and technical capability to carry out the environmental review process.

(4) The Secretary shall review and approve or disapprove the regulations of the Indian tribe within 180 days of the submission of such regulations to the Secretary. Any disapproval of such regulations by the Secretary shall be accompanied by written documentation that sets forth the basis for the disapproval. The 180-day period may be extended by the Secretary after consultation with the Indian tribe.

(5) If the Indian tribe executes a lease or right-of-way pursuant to tribal regulations required under this subsection, the Indian tribe shall provide the Secretary with—

(A) a copy of the lease or right-of-way document and all amendments and renewals thereto; and

(B) in the case of regulations or a lease or right-of-way that permits payment to be made directly to the Indian tribe, documentation of the payments sufficient to enable the Secretary to discharge the trust responsibility of the United States as appropriate under existing law.

(6) The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under this subsection, including the Indian tribe.

(7)(A) An interested party may, after exhaustion of tribal remedies, submit, in a timely manner, a petition to the Secretary to review the compliance of the Indian tribe with any tribal regulations approved under this subsection. If upon such review, the Secretary determines that the regulations were violated, the Secretary may take such action as may be necessary to remedy the violation, including rescinding or holding the lease or right-of-way in abeyance until the violation is cured. The Secretary may also rescind the approval of the tribal regulations and reassume the responsibility for approval of leases or rights-of-way associated with the facilities addressed in this section.

(B) If the Secretary seeks to remedy a violation described in subparagraph (A), the Secretary shall—

(i) make a written determination with respect to the regulations that have been violated;

(ii) provide the Indian tribe with a written notice of the alleged violation together with such written determination; and

(iii) prior to the exercise of any remedy or the rescission of the approval of the regulations involved and reassumption of the lease or right-of-way approval responsibility, provide the Indian tribe with a hearing and a reasonable opportunity to cure the alleged violation.

(C) The tribe shall retain all rights to appeal as provided by regulations promulgated by the Secretary.

(f) AGREEMENTS.—

(1) Agreements between an Indian tribe and a business entity that are directly associated with the development of electric generation, transmission or distribution facilities, or facilities to process or refine renewable or nonrenewable energy resources developed on tribal lands, shall not separately require the approval of the Secretary pursuant to section 18 of title 25, United States Code, so long as the activity that is the subject of the agreement has been the subject of an environmental review process pursuant to subsection (e) of this section.

(2) The United States shall not be liable for any losses or damages sustained by any party, including the Indian tribe, that are associated with an agreement entered into under this subsection.

(g) DISCLAIMER.—Nothing in this section is intended to modify or otherwise affect the applicability of any provision of the Indian Mineral Leasing Act of 1938 (25 U.S.C. 396a-396g); Indian Mineral Development Act of 1982 (25 U.S.C. 2101-2108); Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201-1328); any amendments thereto; or any other laws not specifically addressed in this section.

SEC. 405. INDIAN MINERAL DEVELOPMENT ACT REVIEW.

(a) IN GENERAL.—The Secretary of the Interior shall conduct a review of the activities that have been conducted by the governments of Indian tribes under the authority of the Indian Mineral Development Act of 1982 (25 U.S.C. 2101 et seq.).

(b) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall transmit to the Committee on Resources of the House of Representatives and the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate a report containing—

(1) the results of the review;

(2) recommendations designed to help ensure that Indian tribes have the opportunity to develop their nonrenewable energy resources; and

(3) an analysis of the barriers to the development of energy resources on Indian land, including federal policies and regulations, and make recommendations regarding the removal of those barriers.

(c) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this subsection.

SEC. 406. RENEWABLE ENERGY STUDY.

(a) IN GENERAL.—Not later than 2 years after the date of the enactment of this Act, and once every 2 years thereafter, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on energy consumption and renewable energy development potential on Indian land. The report shall identify barriers to the development of renewable energy by Indian tribes, including federal policies and regulations, and make recommendations regarding the removal of such barriers.

(b) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations as provided in this section.

SEC. 407. FEDERAL POWER MARKETING ADMINISTRATIONS.

Title XXVI of the Energy Policy Act of 1992 (25 U.S.C. 3501) (as amended by section 201) is amended by adding the at the end of the following:

"SEC. 2608. FEDERAL POWER MARKETING ADMINISTRATIONS.

"(a) DEFINITION OF ADMINISTRATOR.—In this section, the term 'Administrator' means—

"(1) the Administrator of the Bonneville Power Administration; or

"(2) the Administrator of the Western Area Power Administration.

"(b) ASSISTANCE FOR TRANSMISSION STUDIES.—

"(1) Each Administrator may provide technical assistance to Indian tribes seeking to use the high-voltage transmission system for delivery of electric power. The costs of such technical assistance shall be funded—

"(A) by the Administrator using non-reimbursable funds appropriated for this purpose, or

"(B) by the Indian tribe.

"(2) PRIORITY FOR ASSISTANCE FOR TRANSMISSION STUDIES.—In providing discretionary assistance to Indian tribes under paragraph (1), each Administrator shall give priority in funding to Indian tribes that have limited financial capability to conduct such studies.

"(c) POWER ALLOCATION STUDY.—

"(1) Not later than 2 years after the date of enactment of this Act, the Secretary of Energy shall transmit to the Committees on Energy and Commerce and Resources of the House of Representatives and the Committees on Energy and Natural Resources and Indian Affairs of the Senate a report on Indian tribes' utilization of federal power allocations of the Western Area Power Administration, or power sold by the Southwestern Power Administration, and the Bonneville Power Administration to or for the benefit of Indian tribes in their service areas. The report shall identify—

"(A) the amount of power allocated to tribes by the Western Area Power Administration, and how the benefit of that power is utilized by the tribes;

"(B) the amount of power sold to tribes by other Power Marketing Administrations; and

"(C) existing barriers that impede tribal access to and utilization of federal power, and opportunities to remove such barriers and improve the ability of the Power Marketing Administration to facilitate the utilization of federal power by Indian tribes.

"(2) The Power Marketing Administrations shall consult with Indian tribes on a government-to-government basis in developing the report provided in this section.

"(d) AUTHORIZATION FOR APPROPRIATION.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.".

SEC. 408. FEASIBILITY STUDY OF COMBINED WIND AND HYDROPOWER DEMONSTRATION PROJECT.

(a) STUDY.—The Secretary of Energy, in coordination with the Secretary of the Army and the Secretary of the Interior, shall conduct a study of the cost and feasibility of developing a demonstration project that would use wind energy generated by Indian tribes and hydropower generated by the Army Corps of Engineers on the Missouri River to supply firming power to the Western Area Power Administration.

(b) SCOPE OF STUDY.—The study shall—

(1) determine the feasibility of the blending of wind energy and hydropower generated from the Missouri River dams operated by the Army Corps of Engineers;

(2) review historical purchase requirements and projected purchase requirements for firming and the patterns of availability and use of firming energy;

(3) assess the wind energy resource potential on tribal lands and projected cost savings through a blend of wind and hydropower over a thirty-year period;

(4) include a preliminary interconnection study and a determination of resource adequacy of the Upper Great Plains Region of the Western Area Power Administration;

(5) determine seasonal capacity needs and associated transmission upgrades for integration of tribal wind generation; and

(6) include an independent tribal engineer as a study team member.

(c) REPORT.—The Secretary of Energy and Secretary of the Army shall submit a report to Congress not later than one year after the date of enactment of this title. The Secretaries shall include in the report—

(1) an analysis of the potential energy cost savings to the customers of the Western Area Power Administration through the blend of wind and hydropower;

(2) an evaluation of whether a combined wind and hydropower system can reduce reservoir fluctuation, enhance efficient and reliable energy production and provide Missouri River management flexibility;

(3) recommendations for a demonstration project which the Western Area Power Administration could carry out in partnership with an Indian tribal government or tribal government energy consortium to demonstrate the feasibility and potential of using wind energy produced on Indian lands to supply firming energy to the Western Area Power Administration or other Federal power marketing agency; and

(4) an identification of the economic and environmental benefits to be realized through such a federal-tribal partnership and identification of how such a partnership could contribute to the energy security of the United States.

(d) CONSULTATION.—The Secretary shall consult with Indian tribes on a government-to-government basis in developing the report and recommendations provided in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $500,000 to carry out this section, which shall remain available until expended. All costs incurred by the Western Area Power Administration associated with performing the tasks required under this section shall be non-reimbursable.

TITLE V—NUCLEAR POWER

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 502. EXTENSION OF DEPARTMENT OF ENERGY INDEMNIFICATION AUTHORITY.

Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity, and

"(B) shall indemnify the persons indemnified against such claims above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended by striking "paragraph (3)" and inserting "paragraph (2)(B)".

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Section 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210 (t)) is amended—

(1) by renumbering paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) such date of enactment, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy of 1954 (42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d. (1) Notwithstanding subsection a., a civil penalty for a violation under subsection a. shall not exceed the amount of the fee paid under the contract under which such violation occurs for any not-for-profit contractor, subcontractor, or supplier.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 shall not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

Subtitle B—Miscellaneous Provisions

SEC. 511. URANIUM SALES.

(a) INVENTORY SALES.—Section 3112(d) of the USEC Privatization Act (42 U.S.C. 2297h-10(d)) is amended to read as follows:

"(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (b), (c), and (e), the Secretary may, from time to time, sell or transfer uranium (including natural uranium concentrates, natural uranium hexafluoride, enriched uranium, and depleted uranium) from the Department of Energy's stockpile.

"(2) Except as provided in subsections (b), (c), and (e), the Secretary may not deliver uranium in any form for consumption by end users in any year in excess of the following amounts:

"Annual Maximum Deliveries to End Users

"Year:	Million lbs. U_3O_8 equivalent
2003 through 2009	3
2010	5
2011	5
2012	7
2013 and each year thereafter	10.

"(3) Except as provided in subsections (b), (c), and (e), no sale or transfer of uranium in any form shall be made unless—

"(A) the President determines that the material is not necessary for national security needs;

"(B) the Secretary determines, based on the written views of the Secretary of State and the Assistant to the President for National Security Affairs, that the sale or transfer will not adversely affect the national security interests of the United States;

"(C) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement; and

"(D) the price paid to the Secretary will not be less than the fair market value of the material.".

(b) EXEMPT TRANSFERS AND SALES.—Section 3112(e) of the USEC Privatization Act (42 U.S.C. 2297h-10(e)) is amended to read as follows:

"(e) EXEMPT SALES OR TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell uranium—

"(1) to the Tennessee Valley Authority for use pursuant to the Department of Energy's highly enriched uranium or tritium program, to the extent provided by law;

"(2) to research and test reactors under the University Reactor Fuel Assistance and Support Program or the Reduced Enrichment for Research and Test Reactors Program;

"(3) to USEC Inc. to replace contaminated uranium received from the Department of Energy when the United States Enrichment Corporation was privatized;

"(4) to any person for emergency purposes in the event of a disruption in supply to end users in the United States; and

"(5) to any person for national security purposes, as determined by the Secretary.".

SEC. 512. REAUTHORIZATION OF THORIUM REIMBURSEMENT.

(a) REIMBURSEMENT OF THORIUM LICENSEES.—Section 1001(b)(2)(C) of the Energy Policy Act of 1992 (42 U.S.C. 2296a) is amended—

(1) by striking "$140,000,000" and inserting "$365,000,000"; and

(2) by adding at the end the following: "Such payments shall not exceed the following amounts:

"(i) $90,000,000 in fiscal year 2002.

"(ii) $55,000,000 in fiscal year 2003.

"(iii) $20,000,000 in fiscal year 2004.

"(iv) $20,000,000 in fiscal year 2005.

"(v) $20,000,000 in fiscal year 2006.

"(vi) $20,000,000 in fiscal year 2007.

Any amounts authorized to be paid in a fiscal year under this subparagraph that are not paid in that fiscal year may be paid in subsequent fiscal years.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1003(a) of the Energy Policy Act of 1992 (42 U.S.C. 2296a-2) is amended by striking "$490,000,000" and inserting "$715,000,000".

(c) DECONTAMINATION AND DECOMMISSIONING FUND.—Section 1802(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297g-1(a)) is amended—

(1) by striking "$488,333,333" and inserting "$518,233,333"; and

(2) by inserting after "inflation" the following: "beginning on the date of enactment of the Energy Policy Act of 1992".

SEC. 513. FAST FLUX TEST FACILITY.

The Secretary of Energy shall not reactivate the Fast Flux Test Facility to conduct—

(1) any atomic energy defense activity,

(2) any space-related mission, or

(3) any program for the production or utilization of nuclear material if the Secretary has determined, in a record of decision, that the program can be carried out at existing operating facilities.

DIVISION—DOMESTIC OIL AND GAS PRODUCTION AND TRANSPORTATION

TITLE VI—OIL AND GAS PRODUCTION

SEC. 601. PERMANENT AUTHORITY TO OPERATE THE STRATEGIC PETROLEUM RESERVE.

(a) AMENDMENT TO TITLE I OF THE ENERGY POLICY AND CONSERVATION ACT.—Title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.) is amended—

(1) by striking section 166 (42 U.S.C. 6246) and inserting—

"SEC. 166. There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended."; and

(2) by striking part E (42 U.S.C. 6251; relating to the expiration of title I of the Act) and its heading.

(b) AMENDMENT TO TITLE II OF THE ENERGY POLICY AND CONSERVATION ACT.—Title II of the Energy Policy and Conservation Act (42 U.S.C. 6271 et seq.) is amended—

(1) by striking section 256(h) (42 U.S.C. 6276(h)) and inserting—

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this part, to remain available until expended.".

(2) by striking section 273(e) (42 U.S.C. 6283(e); relating to the expiration of summer fill and fuel budgeting programs); and

(3) by striking part D (42 U.S.C. 6285; relating to the expiration of title II of the Act) and its heading.

(c) TECHNICAL AMENDMENTS.—The table of contents for the Energy Policy and Conservation Act is amended by striking the items relating to part D of title I and part D of title II.

SEC. 602. FEDERAL ONSHORE LEASING PROGRAMS FOR OIL AND GAS.

(a) TIMELY ACTION ON LEASES AND PERMITS.—To ensure timely action on oil and gas leases and applications for permits to drill on lands otherwise available for leasing, the Secretary of the Interior shall—

(1) ensure expeditious compliance with the requirements section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C));

(2) improve consultation and coordination with the States;

(3) improve the collection, storage, and retrieval of information related to such leasing activities; and

(4) improve inspection and enforcement activities related to oil and gas leases.

(b) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out paragraphs (1) through (4) of subsection (a), there are authorized to be appropriated to the Secretary of the Interior $60,000,000 for each of the fiscal years 2003 through 2006, in addition to amounts otherwise authorized to be appropriated for the purpose of carrying out section 17 of the Mineral Leasing Act (30 U.S.C. 226).

SEC. 603. OIL AND GAS LEASE ACREAGE LIMITATIONS.

Section 27(d)(1) of the Mineral Leasing Act (30 U.S.C. 184(d)(1)) is amended by inserting after "acreage held in special tar sand areas" the following: "as well as acreage under any lease any portion of which has been committed to a Federally approved unit or cooperative plan or communitization agreement, or for which royalty, including compensatory royalty or royalty in kind, was paid in the preceding calendar year,".

SEC. 604. ORPHANED AND ABANDONED WELLS ON FEDERAL LAND.

(a) ESTABLISHMENT.—(1) The Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall establish a program to ensure within three years after the date of enactment of this Act, remediation, reclamation, and closure of orphaned oil and gas wells located on lands administered by the land management agencies within the Department of the Interior and the U.S. Forest Service that are—

(A) abandoned;

(B) orphaned; or

(C) idled for more than 5 years and having no beneficial use.

(2) The program shall include a means of ranking critical sites for priority in remediation based on potential environmental harm, other land use priorities, and public health and safety.

(3) The program shall provide that responsible parties be identified wherever possible and that the costs of remediation be recovered.

(4) In carrying out the program, the Secretary of the Interior shall work cooperatively with the Secretary of Agriculture and

the states within which the federal lands are located, and shall consult with the Secretary of Energy, and the Interstate Oil and Gas Compact Commission.

(b) PLAN.—Within six months from the date of enactment of this section, the Secretary of the Interior, in cooperation with the Secretary of Agriculture, shall prepare a plan for carrying out the program established under subsection (a). Copies of the plan shall be transmitted to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $5,000,000 for each of fiscal years 2003 through 2005 to carry out the activities provided for in this section.

SEC. 605. ORPHANED AND ABANDONED OIL AND GAS WELL PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a program to provide technical assistance to the various oil and gas producing states to facilitate state efforts over a ten-year period to ensure a practical and economical remedy for environmental problems caused by orphaned and abandoned exploration or production well sites on state and private lands. The Secretary shall work with the states, through the Interstate Oil and Gas Compact Commission, to assist the states in quantifying and mitigating environmental risks of onshore abandoned and orphaned wells on state and private lands.

(b) PROGRAM ELEMENTS.—The program should include—

(1) mechanisms to facilitate identification of responsible parties wherever possible;

(2) criteria for ranking critical sites based on factors such as other land use priorities, potential environmental harm and public visibility; and

(3) information and training programs on best practices for remediation of different types of sites.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy for the activities under this section $5,000,000 for each of fiscal years 2003 through 2005 to carry out the provisions of this section.

SEC. 606. OFFSHORE DEVELOPMENT.

Section 5 of the Outer Continental Shelf Lands Act of 1953 (43 U.S.C. 1334) is amended by adding at the end the following:

"(k) SUSPENSION OF OPERATIONS FOR SUBSALT EXPLORATION.—Notwithstanding any other provision of law or regulation, the Secretary may grant a request for a suspension of operations under any lease to allow the lessee to reprocess or reinterpret geologic or geophysical data beneath allocthonous salt sheets, when in the Secretary's judgment such suspension is necessary to prevent waste caused by the drilling of unnecessary wells, and to maximize ultimate recovery of hydrocarbon resources under the lease. Such suspension shall be limited to the minimum period of time the Secretary determines is necessary to achieve the objectives of this subsection.".

SEC. 607. COALBED METHANE STUDY.

(a) STUDY.—The National Academy of Sciences shall conduct a study on the effects of coalbed methane production on surface and water resources.

(b) DATA ANALYSIS.—The study shall analyze available hydrogeologic and water quality data, along with other pertinent environmental or other information to determine—

(1) adverse effects associated with surface or subsurface disposal of waters produced during extraction of coalbed methane;

(2) depletion of groundwater aquifers or drinking water sources associated with production of coalbed methane;

(3) any other significant adverse impacts to surface or water resources associated with production of coalbed methane; and

(4) production techniques or other factors that can mitigate adverse impacts from coalbed methane development.

(c) RECOMMENDATIONS.—The study shall analyze existing Federal and State laws and regulations, and make recommendations as to changes, if any, to Federal law necessary to address adverse impacts to surface or water resources attributable to coalbed methane development.

(d) COMPLETION OF STUDY.—The National Academy of Sciences shall submit the study to the Secretary of the Interior within 18 months after the date of enactment of this Act, and shall make the study available to the public at the same time.

(e) REPORT TO CONGRESS.—The Secretary of the Interior shall report to Congress within 6 months of her receipt of the study on—

(1) the findings and recommendations of the study;

(2) the Secretary's agreement or disagreement with each of its findings and recommendations; and

(3) any recommended changes in funding to address the effects of coalbed methane production on surface and water resources.

SEC. 608. FISCAL POLICIES TO MAXIMIZE RECOVERY OF DOMESTIC OIL AND GAS RESOURCES.

(a) EVALUATION.—The Secretary of Energy, in coordination with the Secretaries of the Interior, Commerce, and Treasury, Indian tribes and the Interstate Oil and Gas Compact Commission, shall evaluate the impact of existing Federal and State tax and royalty policies on the development of domestic oil and gas resources and on revenues to Federal, State, local and tribal governments.

(b) SCOPE.—The evaluation under subsection (a) shall—

(1) analyze the impact of fiscal policies on oil and natural gas exploration, development drilling, and production under different price scenarios, including the impact of the individual and corporate Alternative Minimum Tax, state and local production taxes and fixed royalty rates during low price periods;

(2) assess the effect of existing federal and state fiscal policies on investment under different geological and developmental circumstances, including but not limited to deepwater environments, subsalt formations, deep and deviated wells, coalbed methane and other unconventional oil and gas formations;

(3) assess the extent to which federal and state fiscal policies negatively impact the ultimate recovery of resources from existing fields and smaller accumulations in offshore waters, especially in water depths less than 800 meters, of the Gulf of Mexico;

(4) compare existing federal and state policies with tax and royalty regimes in other countries with particular emphasis on similar geological, developmental and infrastructure conditions; and

(5) evaluate how alternative tax and royalty policies, including counter-cyclical measures, could increase recovery of domestic oil and natural gas resources and revenues to Federal, State, local and tribal governments.

(c) POLICY RECOMMENDATIONS.—Based upon the findings of the evaluation under subsection (a), a report describing the findings and recommendations for policy changes shall be provided to the President, the Congress, the Governors of the member states of the Interstate Oil and Gas Compact Commission, and Indian tribes having an oil and gas lease approved by the Secretary of the Interior. The recommendations should ensure that the public interest in receiving the economic benefits of tax and royalty revenues is balanced with the broader national security and economic interests in maximizing recovery of domestic resources. The report should include recommendations regarding actions to—

(1) ensure stable development drilling during periods of low oil and/or natural gas prices to maintain reserve replacement and deliverability;

(2) minimize the negative impact of a volatile investment climate on the oil and gas service industry and domestic oil and gas exploration and production;

(3) ensure a consistent level of domestic activity to encourage the education and retention of a technical workforce; and

(4) maintain production capability during periods of low oil and/or natural gas prices.

(d) ROYALTY GUIDELINES.—The recommendations required under (c) should include guidelines for private resource holders as to the appropriate level of royalties given geology, development cost, and the national interest in maximizing recovery of oil and gas resources.

(e) REPORT.—The study under subsection (a) shall be completed not later than 18 months after the date of enactment of this section. The report and recommendations required in (c) shall be transmitted to the President, the Congress, Indian tribes, and the Governors of the member States of the Interstate Oil and Gas Compact Commission.

SEC. 609. STRATEGIC PETROLEUM RESERVE.

(a) FULL CAPACITY.—The President shall—

(1) fill the Strategic Petroleum Reserve established pursuant to part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) to full capacity as soon as practicable;

(2) acquire petroleum for the Strategic Petroleum Reserve by the most practicable and cost-effective means, including the acquisition of crude oil the United States is entitled to receive in kind as royalties from production on Federal lands; and

(3) ensure that the fill rate minimizes impacts on petroleum markets.

(b) RECOMMENDATIONS.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a plan to—

(1) eliminate any infrastructure impediments that may limit maximum drawdown capability; and

(2) determine whether the capacity of the Strategic Petroleum Reserve on the date of enactment of this section is adequate in light of the increasing consumption of petroleum and the reliance on imported petroleum.

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2002".

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a certificate of public convenience and necessity for the

Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to expedite the approval, construction, and initial operation of one or more transportation systems for the delivery of Alaska natural gas to the contiguous United States;

(2) to ensure access to such transportation systems on an equal and nondiscriminatory basis and to promote competition in the exploration, development and production of Alaska natural gas; and

(3) to provide federal financial assistance to any transportation system for the transport of Alaska natural gas to the contiguous United States, for which an application for a certificate of public convenience and necessity is filed with the Commission not later than 6 months after the date of enactment of this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) AUTHORITY OF THE COMMISSION.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) ISSUANCE OF CERTIFICATE.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has—

(A) entered into a contract to transport Alaska natural gas through the proposed Alaska natural gas transportation project for use in the contiguous United States; and

(B) satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) EXPEDITED APPROVAL PROCESS.—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 705.

(d) REVIEWS AND ACTIONS OF OTHER FEDERAL AGENCIES.—All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(e) REGULATIONS.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) COMPLIANCE WITH NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)).

(b) DESIGNATION OF LEAD AGENCY.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) OTHER AGENCIES.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) EXPEDITED PROCESS.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

(e) UPDATED ENVIRONMENTAL REVIEWS UNDER ANGTA.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

SEC. 706. FEDERAL COORDINATOR.

(a) ESTABLISHMENT.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) THE FEDERAL COORDINATOR.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) DUTIES.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by Federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

SEC. 707. JUDICIAL REVIEW.

(a) EXCLUSIVE JURISDICTION.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of the Commission under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) DEADLINE FOR FILING CLAIM.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

SEC. 708. LOAN GUARANTEE.

(a) AUTHORITY.—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) CONDITIONS—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 6 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) LIMITATION ON AMOUNT.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(d) REGULATIONS.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

SEC. 709. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) REQUIREMENT OF STUDY.—If no application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 6 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) SCOPE OF STUDY.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) CONSULTATION.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) REPORT.—If the Secretary of Energy is required to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 710. SAVINGS CLAUSE.

Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g).

SEC. 711. CLARIFICATION OF AUTHORITY TO AMEND TERMS AND CONDITIONS TO MEET CURRENT PROJECT REQUIREMENTS.

Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

SEC. 712. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" has the meaning given such term by section 4(1) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719b(1)).

(2) The term "Alaska natural gas transportation project" means any other natural gas pipeline system that carries Alaska natural gas from the North Slope of Alaska to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale in interstate commerce of such gas for resale; and

(6) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.

SEC. 713. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

Subtitle B—Operating Pipelines

SEC. 721. APPLICATION OF HISTORIC PRESERVATION ACT TO OPERATING PIPELINES.

Section 7 of the Natural Gas Act (15 U.S.C. 717(f)) is amended by adding at the end the following:

"(i)(1) Notwithstanding the National Historic Preservation Act (16 U.S.C. 470 et seq.), a transportation facility shall not be eligible for inclusion on the National Register of Historic Places unless—

"(A) the Commission has permitted the abandonment of the transportation facility pursuant to subsection (b), or

"(B) the owner of the facility has given written consent to such eligibility.

"(2) Any transportation facility considered eligible for inclusion on the National Register of Historic Places prior to the date of enactment of this subsection shall no longer be eligible unless the owner of the facility gives written consent to such eligibility.".

SEC. 722. ENVIRONMENTAL REVIEW AND PERMITTING OF NATURAL GAS PIPELINE PROJECTS.

(a) INTERAGENCY REVIEW.—The Chairman of the Council on Environmental Quality, in coordination with the Federal Energy Regulatory Commission, shall establish an interagency task force to develop an interagency memorandum of understanding to expedite the environmental review and permitting of natural gas pipeline projects.

(b) MEMBERSHIP OF INTERAGENCY TASK FORCE.—The task force shall consist of—

(1) the Chairman of the Council on Environmental Quality, who shall serve as the Chairman of the interagency task force,

(2) the Chairman of the Federal Energy Regulatory Commission,

(3) the Director of the Bureau of Land Management,

(4) the Director of the U.S. Fish and Wildlife Service,

(5) the Commanding General, U.S. Army Corps of Engineers,

(6) the Chief of the Forest Service,

(7) the Administrator of the Environmental Protection Agency,

(8) the Chairman of the Advisory Council on Historic Preservation, and

(9) the heads of such other agencies as the Chairman of the Council on Environmental Quality and the Chairman of the Federal Energy Regulatory Commission deem appropriate.

(c) MEMORANDUM OF UNDERSTANDING.—The agencies represented by the members of the interagency task force shall enter into the memorandum of understanding not later than one year after the date of the enactment of this section.

DIVISION C—DIVERSIFYING ENERGY DEMAND AND IMPROVING EFFICIENCY

TITLE VIII—FUELS AND VEHICLES

Subtitle A—CAFE Standards and Related Matters

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) INCREASED STANDARDS.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "NON-PASSENGER AUTOMOBILES.—" in subsection (a) and inserting "PRESCRIPTION OF STANDARDS BY REGULATION.—";

(2) by striking "(except passenger automobiles)" in subsection (a) and inserting "(except passenger automobiles and light trucks)"; and

(3) by striking subsection (b) and inserting the following:

"(b) STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.—

"(1) IN GENERAL.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2007 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2015 of at least 35 miles per gallon.

"(2) ANNUAL PROGRESS TOWARD STANDARD REQUIRED.—In prescribing average fuel economy standards under paragraph (1), the Secretary shall prescribe appropriate annual fuel economy standard increases for passenger automobiles and light trucks that—

"(A) increase the applicable average fuel economy standard ratably over the 9 model-year period beginning with model year 2007 and ending with model year 2015;

"(B) require that each manufacturer achieve—

"(i) a fuel economy standard for passenger automobiles manufactured by that manufacturer of at least 33.2 miles per gallon no later than model year 2012; and

"(ii) a fuel economy standard for light trucks manufactured by that manufacturer of at least 26.3 miles per gallon no later than model year 2012; and

"(C) for any model year within that 9 model-year period does not result in an average fuel economy standard lower than—

"(i) 27.5 miles per gallon for passenger automobiles; or

"(ii) 20.7 miles per gallon for light duty trucks.

"(3) DEADLINE FOR REGULATIONS.—The Secretary shall promulgate the regulations required by paragraphs (1) and (2) in final form no later than 18 months after the date of enactment of the Energy Policy Act of 2002.

"(4) DEFAULT STANDARDS.—If the Secretary fails to meet the requirement of paragraph (3), the average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2005 is the average fuel economy standard set forth in the following tables:

"For model year	The average fuel economy standard for passenger automobiles is:
"2007	28 miles per gallon
"2008	28.5 miles per gallon
"2009	30 miles per gallon
"2010	31 miles per gallon
"2011	32.5 miles per gallon
"2012	34 miles per gallon
"2013	35 miles per gallon
"2014	36.5 miles per gallon
"2015 and thereafter	38.3 miles per gallon

"For model year	The average fuel economy standard for light trucks is:
"2007	21.5 miles per gallon
"2008	22.5 miles per gallon
"2009	23.5 miles per gallon
"2010	24.5 miles per gallon
"2011	26 miles per gallon
"2012	27.5 miles per gallon
"2013	29.5 miles per gallon
"2014	31 miles per gallon
"2015 and thereafter	32 miles per gallon

"(5) COMBINED STANDARD FOR MODEL YEARS AFTER MODEL YEAR 2012.—Unless the default standards under paragraph (4) are in effect, for model years after model year 2012, the Secretary may by rulemaking establish—

"(A) separate average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer; or

"(B) a combined average fuel economy standard for passenger automobiles and light trucks manufactured by a manufacturer.";

(4) by striking "the standard" in subsection (c)(1) and inserting "a standard";

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in subsection (g).

(b) DEFINITION OF LIGHT TRUCKS.—

(1) IN GENERAL.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

"(17) 'light truck' means an automobile that the Secretary decides by regulation—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) does not fall within the exceptions from the definition of 'medium duty passenger vehicle' under section 86.1803–01 of title 40, Code of Federal Regulations.".

(2) DEADLINE FOR REGULATIONS.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) EFFECTIVE DATE.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) APPLICABILITY OF EXISTING STANDARDS.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2005.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY TRUTH IN TESTING.

(a) IN GENERAL.—Section 32907 of title 49, United States Code, is amended by adding at the end the following:

"(c) IMPROVED TESTING PROCEDURES.—

"(1) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct—

"(A) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks by the Administrator performed in accordance with the procedures in effect as of the date of enactment of the Energy Policy Act of 2002 for the purpose of determining whether, and to what extent, the fuel economy of passenger automobiles and light trucks as tested by the Administrator differs from the fuel economy reasonably to be expected from those automobiles and trucks when driven by average drivers under average driving conditions; and

"(B) an assessment of the extent to which fuel economy changes during the life of passenger automobiles and light trucks.".

"(2) REPORT.—The Administrator of the Environmental Protection Agency shall, within 12 months after the date of enactment of the Energy Policy Act of 2002 and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce of the House of Representatives a report on the results of the study required by paragraph (1). The report shall include—

"(A) a comparison between—

"(i) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of the Energy Policy Act of 2002; and

"(ii) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under that paragraph;

"(B) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

"(C) a plan to reduce, by model year 2015, the percentage difference identified under subparagraph (B) by using uniform test methods that reflect actual on-the-road fuel economy consumers experience under normal driving conditions to no greater than 5 percent.".

SEC. 803. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Improved crashworthiness

"(a) ROLLOVERS.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

"(1) dynamic roof crush standards;

"(2) improved seat structure and safety belt design;

"(3) side impact head protection airbags; and

"(4) roof injury protection measures.

"(b) HEAVY VEHICLE HARM REDUCTION COMPATIBILITY STANDARD.—

"(1) Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary, through the National Highway Traffic Safety Administration, shall prescribe a Federal motor vehicle safety standard under this chapter that will reduce the aggressivity of light trucks by 30 percent, using a baseline of model year 2002, and will improve vehicle compatibility in collisions between light trucks and cars, in order to protect against unnecessary death and injury.

"(2) The Secretary should review the effectiveness of this standard every five years following final issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressivity.".

(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30127 the following: "30128. Improved crashworthiness".

SEC. 804. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than 2 occupants to operate in high occupancy vehicle lanes if it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that runs only on an alternative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term "hybrid vehicle" means a motor vehicle—

(1) which—

(A) draws propulsion energy from onboard sources of stored energy which are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

(3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section, the term "alternative fuel" has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 805. CREDIT TRADING PROGRAM.

(a) IN GENERAL.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

"(g) VEHICLE CREDIT TRADING SYSTEM.—

"(1) IN GENERAL.—The Secretary of Transportation, with technical assistance from the Administrator of the Environmental Protection Agency, may establish a system under which manufacturers with credits under this section may sell those credits to other manufacturers or transfer them among a manufacturer's fleets.

"(2) PURPOSES.—The purposes of the system are:

"(A) Reducing the adverse effects of inefficient consumption of fuel by passenger automobiles and light trucks.

"(B) Accelerating introduction of advanced technology vehicles into use in the United States.

"(C) Encouraging manufacturers to exceed the average fuel economy standards established by section 32902.

"(D) Reducing emissions of carbon dioxide by passenger automobiles and light trucks.

"(E) Decreasing the United States' consumption of oil as vehicular fuel.

"(F) Providing manufacturers flexibility in meeting the average fuel economy standards established by section 32902.

"(G) Increasing consumer choice.

"(3) PROGRAM REQUIREMENTS.—The system established under paragraph (1) shall—

"(A) make only credits accrued after the date of enactment of the Energy Policy Act of 2002 eligible for transfer or sale;

"(B) use techniques and methods that minimize reporting costs for manufacturers;

"(C) provide for monitoring and verification of credit purchases;

"(D) require participating manufacturers to report monthly sales of vehicles to the Administrator of the Environmental Protection Agency; and

"(E) make manufacturer-specific credit, transfer, sale, and purchase information publicly available through annual reports and monthly posting of transactions on the Internet.

"(4) CREDITS MAY BE TRADED BETWEEN PASSENGER AUTOMOBILES AND LIGHT TRUCKS AND BETWEEN DOMESTIC AND IMPORT FLEETS.—The system shall provide that credits earned under this section—

"(A) with respect to passenger automobiles may be applied with respect to light trucks;

"(B) with respect to light trucks may be applied with respect to passenger automobiles;

"(C) with respect to passenger automobiles manufactured domestically may be applied with respect to passenger automobiles not manufactured domestically; and

"(D) with respect to passenger automobiles not manufactured domestically may be applied with respect to passenger automobiles manufactured domestically.

"(5) REPORT.—The Secretary and the Administrator shall jointly submit an annual report to the Congress—

"(A) describing the effectiveness of the credits provided by this subsection achieving the purposes described in paragraph (2); and

"(B) setting forth a full accounting of all credits, transfers, sales, and purchases for the most recent model year for which data is available.".

(b) NO CARRYBACK OF CREDITS.—Section 32903(a) of title 49, United States Code, is amended—

(1) by striking "applied to—" and inserting "applied—";

(2) by inserting "for model years before model year 2006, to" in paragraph (1) before "any";

(3) by striking "and" after the semicolon in paragraph (1);

(4) by striking "earned." in paragraph (2) and inserting "earned; and"; and

(5) by adding at the end the following:

"(3) for model years after 2001, in accordance with the vehicle credit trading system established under subsection (g), to any of the 3 consecutive model years immediately after the model year for which the credit was earned.".

(c) USE OF CREDIT VALUE TO CALCULATE CIVIL PENALTY.—Section 32912(b) of title 49, United States Code, is amended—

(1) by inserting "and is unable to purchase sufficient credits under section 32903(g) to comply with the standard" after "title" the first place it appears; and

(2) by striking all after "penalty" and inserting "of the greater of—

"(1) an amount determined by multiplying—

"(A) the number of credits necessary to enable the manufacturer to meet that standard; by

"(B) 1.5 times the previous year's weighted average open market price of a credit under section 32903(g); or

"(2) $5 multiplied by each 0.1 of a mile a gallon by which the applicable average fuel economy standard under section 32902 exceeds the average fuel economy—

"(A) calculated under section 32904(a)(1)(A) or (B) for automobiles to which the standard applied manufactured by the manufacturer during the model year;

"(B) multiplied by the number of those automobiles; and

"(C) reduced by the credits available to the manufacturer under section 32903 for the model year.".

(d) CONFORMING AMENDMENTS.—Section 32903 of title 49, United States Code, is amended—

(1) by inserting "or light trucks" after "passenger automobiles" each place it appears in subsection (c);

(2) by inserting after "manufacturer." in subsection (d) "Credits earned with respect to passenger automobiles may be used with respect to nonpassenger automobiles and light duty trucks."; and

(3) by inserting after "manufacturer." in subsection (e) "Credits earned with respect to non-passenger automobiles or light trucks may be used with respect to passenger automobiles.".

SEC. 806. GREEN LABELS FOR FUEL ECONOMY.

Section 32908 of title 49, United States Code, is amended—

(1) by striking "title." in subsection (a)(1) and inserting "title, and a light truck (as defined in section 32901(17) after model year 2005; and";

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

"(F) a label (or a logo imprinted on a label required by this paragraph) that—

"(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

"(ii) permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901) and with vehicles in the vehicle class to which it belongs; and

"(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

"(G) a fuelstar under paragraph (5)."; and

(3) by adding at the end of subsection (b) the following:

"(4) GREEN LABEL PROGRAM.—

"(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Energy Policy Act of 2002, the Administrator shall complete a study of social marketing strategies with the goal of maximizing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

"(B) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

"(i) The amount of greenhouse gases that will be emitted over the life-cycle of the automobile.

"(ii) The fuel economy of the automobile.

"(iii) The recyclability of the automobile.

"(iv) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

"(5) FUELSTAR PROGRAM.—The Secretary, in consultation with the Administrator, shall establish a program, to be known as the 'fuelstar' program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under subsection 4(A), provide consumer incentives to purchase vehicles that exceed the applicable fuel economy standard.

SEC. 807. LIGHT TRUCK CHALLENGE.

(a) IN GENERAL.—The Secretary of Transportation shall conduct an open competition for a project to demonstrate the feasibility of multiple fuel hybrid electric vehicle powertrains in sport utility vehicles and light trucks. The Secretary shall execute a contract with the entity determined by the Secretary to be the winner of the competition under which the Secretary will provide $10,000,000 to that entity in each of fiscal years 2003 and 2004 to carry out the project.

(b) PROJECT REQUIREMENTS.—Under the contract, the Secretary shall require the entity to which the contract is awarded to—

(1) select a current model year production vehicle;

(2) modify that vehicle so that it—

(A) meets all existing vehicle performance characteristics of the sport utility vehicle or light truck selected for the project;

(B) improves the vehicle's fuel economy rating by 50 percent or more (as measured by gasoline consumption); and

(3) meet the requirements of paragraph (2) in such a way that incorporation of the modification in the manufacturer's production process would not increase the vehicle's incremental production costs by more than 10 percent.

(c) ELIGIBLE ENTRANTS.—The competition conducted by the Secretary shall be open to any entity, or consortium of nongovernmental entities, educational institutions, and not-for-profit organizations, that—

(1) has the technical capability and resources needed to complete the project successfully; and

(2) has sufficient financial resources in addition to the contract amount, if necessary, to complete the contract successfully.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $10,000,000 for each of fiscal years 2003 and 2004 to carry out this section.

SEC. 808. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2005, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of petroleum used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 809. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) ENGINEERING TEAM AWARDS.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles or light trucks (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of—

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title;

(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title; and

(3) the first small sport utility vehicle, van, or light truck to achieve a fuel economy rating of 40 miles per gallon under section 32902 of such title.

(b) MANUFACTURER'S AWARD.—The Secretary of Transportation shall establish an Oil Independence Award to recognize the first manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 37 miles per gallon under section 32902 of such title.

(c) REQUIREMENTS FOR PARTICIPATION IN ENGINEERING TEAM AWARDS PROGRAM.—In establishing the engineering team awards program under subsection (a), the Secretary shall establish eligibility requirements that include—

(1) a requirement that the vehicle, van, or truck be domestically-manufactured or manufacturable (if a prototype) within the meaning of section 32903 of title 49, United States Code;

(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and

(3) such additional requirements as the Secretary may require in order to carry out the program.

(d) AMOUNT OF PRIZE.—The Secretary shall award a prize of not less than $10,000 to each engineering team determined by the Secretary to have successfully met the requirements of subsection (a)(1), (2), or (3). The Secretary shall provide for recognition of any manufacturer to have met the requirements of subsection (b) with appropriate ceremonies and activities, and may provide a monetary award in an amount determined by the Secretary to be appropriate.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 810. COOPERATIVE TECHNOLOGY AGREEMENTS.

(a) IN GENERAL.—The Secretary of Transportation, in cooperation with the Administrator of the Environmental Protection Agency, may execute a cooperative research and development agreement with any manufacturer of passenger automobiles or light trucks (as those terms are defined in section 32901 of title 49, United States Code) to implement, utilize, and incorporate in production government-developed or jointly-developed fuel economy technology that will result in improvements in the average fuel economy of any class of vehicles produced by that manufacturer of at least 55 percent greater than the average fuel economy of that class of vehicles for model year 2000.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation and the Administrator of the Environmental Protection Agency such sums as may be necessary to carry out this section.

Subtitle B—Alternative and Renewable Fuels

SEC. 811. INCREASED USE OF ALTERNATIVE FUELS BY FEDERAL FLEETS.

(a) REQUIREMENT TO USE ALTERNATIVE FUELS.—Section 400AA(a)(3)(E) of the Energy Policy and Conservation Act (42 U.S.C. 6374(a)(3)(E)) is amended to read as follows:

"(E) Dual fueled vehicles acquired pursuant to this section shall be operated on alternative fuels. If the Secretary determines that all dual fueled vehicles acquired pursuant to this section cannot operate on alternative fuels at all times, he may waive the requirement in part, but only to the extent that:

"(i) Not later than September 30, 2003, not less than 50 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.

"(ii) Not later than September 30, 2005, not less than 75 percent of the total annual volume of fuel used in such dual fueled vehicles shall be from alternative fuels.".

(b) DEFINITION OF "DEDICATED VEHICLE".—Section 400AA(g)(4)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(g)(4)(B)) is amended by inserting after "solely on alternative fuel" the following: ", including a three-wheeled enclosed electric vehicle having a vehicle identification number".

SEC. 812. EXCEPTION TO HOV PASSENGER REQUIREMENTS FOR ALTERNATIVE FUEL VEHICLES.

Section 102(a)(1) of title 23, United States Code, is amended by inserting after "required" the following: "(unless, in the discretion of the State transportation department, the vehicle is being operated on, or is being fueled by, an alternative fuel (as defined in section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)))".

SEC. 813. DATA COLLECTION.

Section 205 of the Department of Energy Organization Act (42 U.S.C. 7135) is amended by adding at the end the following:

"(m) In order to improve the ability to evaluate the effectiveness of the Nation's renewable fuels mandate, the Administrator shall conduct and publish the results of a survey of renewable fuels consumption in the motor vehicle fuels market in the United States monthly, and in a manner designed to protect the confidentiality of individual responses. In conducting the survey, the Administrator shall collect information both on a national basis and a regional basis, including—

(1) the quantity of renewable fuels produced;

(2) the cost of production;

(3) the cost of blending and marketing;

(4) the quantity of renewable fuels consumed;

(5) the quantity of renewable fuels imported; and

(6) market price data.

SEC. 814. GREEN SCHOOL BUS PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Energy and the Secretary of Transportation shall jointly establish a pilot program for awarding grants on a competitive basis to eligible entities for the demonstration and commercial application of alternative fuel school buses and ultra-low sulfur diesel school buses.

(b) REQUIREMENTS.—Not later than 3 months after the date of the enactment of this Act, the Secretary shall establish and publish in the Federal register grant requirements on eligibility for assistance, and on implementation of the program established under subsection (a), including certification requirements to ensure compliance with this subtitle.

(c) SOLICITATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary shall solicit proposals for grants under this section.

(d) ELIGIBLE RECIPIENTS.—A grant shall be awarded under this section only—

(1) to a local governmental entity responsible for providing school bus service for one or more public school systems; or

(2) jointly to an entity described in paragraph (1) and a contracting entity that provides school bus service to the public school system or systems.

(e) TYPES OF GRANTS.—

(1) IN GENERAL.—Grants under this section shall be for the demonstration and commercial application of technologies to facilitate the use of alternative fuel school buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977 and diesel-powered buses manufactured before model year 1991.

(2) NO ECONOMIC BENEFIT.—Other than the receipt of the grant, a recipient of a grant under this section may not receive any economic benefit in connection with the receipt of the grant.

(3) PRIORITY OF GRANT APPLICATIONS.—The Secretary shall give priority to awarding grants to applicants who can demonstrate the use of alternative fuel buses and ultra-low sulfur diesel school buses instead of buses manufactured before model year 1977.

(f) CONDITIONS OF GRANT.—A grant provided under this section shall include the following conditions:

(1) All buses acquired with funds provided under the grant shall be operated as part of the school bus fleet for which the grant was made for a minimum of 5 years.

(2) Funds provided under the grant may only be used—

(A) to pay the cost, except as provided in paragraph (3), of new alternative fuel school buses or ultra-low sulfur diesel school buses, including State taxes and contract fees; and

(B) to provide—

(i) up to 10 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will only be available to the grant recipient; and

(ii) up to 15 percent of the price of the alternative fuel buses acquired, for necessary alternative fuel infrastructure if the infrastructure will be available to the grant recipient and to other bus fleets.

(3) The grant recipient shall be required to provide at least the lesser of 15 percent of the total cost of each bus received or $15,000 per bus.

(4) In the case of a grant recipient receiving a grant to demonstrate ultra-low sulfur diesel school buses, the grant recipient shall be required to provide documentation to the satisfaction of the Secretary that diesel fuel containing sulfur at not more than 15 parts per million is available for carrying out the purposes of the grant, and a commitment by the applicant to use such fuel in carrying out the purposes of the grant.

(g) BUSES.—Funding under a grant made under this section may only be used to demonstrate the use of new alternative fuel school buses or ultra-low sulfur diesel school buses that—

(1) have a gross vehicle weight greater than 14,000 pounds;

(2) are powered by a heavy duty engine;

(3) in the case of alternative fuel school buses, emit not more than—

(A) for buses manufactured in model year 2002, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(B) for buses manufactured in model years 2003 through 2006, 1.8 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(4) in the case of ultra-low sulfur diesel school buses, emit not more than the lesser of—

(A) the emissions of nonmethane hydrocarbons, oxides of nitrogen, and particulate matter of the best performing technology of the same class of ultra-low sulfur diesel school buses commercially available at the time the grant is made; or

(B) the applicable following amounts—

(i) for buses manufactured in model year 2002 or 2003, 3.0 grams per brake horsepower-hour of oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter; and

(ii) for buses manufactured in model years 2004 through 2006, 2.5 grams per brake horsepower-hour of nonmethane hydrocarbons and oxides of nitrogen and .01 grams per brake horsepower-hour of particulate matter.

(h) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek to the maximum extent practicable to achieve nationwide deployment of alternative fuel school buses through the program under this section, and shall ensure a broad geographic distribution of grant awards, with a goal of no State receiving more than 10 percent of the grant funding made available under this section for a fiscal year.

(i) LIMIT ON FUNDING.—The Secretary shall provide not less than 20 percent and not more than 25 percent of the grant funding made available under this section for any fiscal year for the acquisition of ultra-low sulfur diesel school buses.

(j) DEFINITIONS.—For purposes of this section—

(1) the term "alternative fuel school bus" means a bus powered substantially by electricity (including electricity supplied by a fuel cell), or by liquefied natural gas, compressed natural gas, liquefied petroleum gas, hydrogen, propane, or methanol or ethanol at no less than 85 percent by volume; and

(2) the term "ultra-low sulfur diesel school bus" means a school bus powered by diesel fuel which contains sulfur at not more than 15 parts per million.

SEC. 815. FUEL CELL BUS DEVELOPMENT AND DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish a program for entering into cooperative agreements with private sector fuel cell bus developers for the development of fuel cell-powered school buses, and subsequently with not less than 2 units of local government using natural gas-powered school buses and such private sector fuel cell bus developers to demonstrate the use of fuel cell-powered school buses.

(b) COST SHARING.—The non-Federal contribution for activities funded under this section shall be not less than—

(1) 20 percent for fuel infrastructure development activities; and

(2) 50 percent for demonstration activities and for development activities not described in paragraph (1).

(c) FUNDING.—No more than $25,000,000 of the amounts authorized under section 815 may be used for carrying out this section for the period encompassing fiscal years 2003 through 2006.

(d) REPORTS TO CONGRESS.—Not later than 3 years after the date of the enactment of this Act, and not later than October 1, 2006, the Secretary shall transmit to the appropriate congressional committees a report that—

(1) evaluates the process of converting natural gas infrastructure to accommodate fuel cell-powered school buses; and

(2) assesses the results of the development and demonstration program under this section.

SEC. 816. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Secretary of Energy for carrying out sections 814 and 815, to remain available until expended—

(1) $50,000,000 for fiscal year 2003;

(2) $60,000,000 for fiscal year 2004;

(3) $70,000,000 for fiscal year 2005; and

(4) $80,000,000 for fiscal year 2006.

SEC. 817. BIODIESEL FUEL USE CREDIT.

Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) by striking "NOT" in the subsection heading; and

(2) by striking "not".

SEC. 818. NEIGHBORHOOD ELECTRIC VEHICLES.

Section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211) is amended—

(1) by striking "or a dual fueled vehicle" and inserting ", a dual fueled vehicle, or a neighborhood electric vehicle";

(2) by striking "and" at the end of paragraph (13);

(3) by striking the period at the end of subparagraph (14) and inserting "; and"; and

(4) by adding at the end the following:

"(15) the term 'neighborhood electric vehicle' means a motor vehicle that qualifies as both—

"(A) a low-speed vehicle, as such term is defined in section 571.3(b) of title 49, Code of Federal Regulations; and

"(B) a zero-emission vehicle, as such term is defined in section 86.1703–99 of title 40, Code of Federal Regulations.".

SEC. 819. RENEWABLE CONTENT OF MOTOR VEHICLE FUEL.

(a) IN GENERAL.—Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating subsection (o) as subsection (q); and

(2) by inserting after subsection (n) the following:

"(o) RENEWABLE FUEL PROGRAM.—

"(1) DEFINITIONS.—In this section:

"(A) CELLULOSIC BIOMASS ETHANOL.—The term 'cellulosic biomass ethanol' means ethanol derived from any lignocellulosic or hemicellulosic matter that is available on a renewable or recurring basis, including—

"(i) dedicated energy crops and trees;

"(ii) wood and wood residues;

"(iii) plants;

"(iv) grasses;

"(v) agricultural commodities and residues;

"(vi) fibers;

"(vii) animal wastes and other waste materials; and

"(viii) municipal solid waste.

"(B) RENEWABLE FUEL.—

"(i) IN GENERAL.—The term 'renewable fuel' means motor vehicle fuel that—

"(I)(aa) is produced from grain, starch, oilseeds, or other biomass; or

"(bb) is natural gas produced from a biogas source, including a landfill, sewage waste treatment plant, feedlot, or other place where decaying organic material is found; and

"(II) is used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle.

"(ii) INCLUSION.—The term 'renewable fuel' includes cellulosic biomass ethanol and biodiesel (as defined in section 312(f) of the Energy Policy Act of 1992 (42 U.S.C. 13220(f)).

"(C) SMALL REFINERY.—The term 'small refinery' means a refinery for which average aggregate daily crude oil throughput for the calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

"(2) RENEWABLE FUEL PROGRAM.—

"(A) IN GENERAL.—Not later than one year from enactment of this provision, the Administrator shall promulgate regulations ensuring that gasoline sold or dispensed to consumers in the United States, on an annual average basis, contains the applicable volume of renewable fuel as specified in subparagraph (B). Regardless of the date of promulgation, such regulations shall contain compliance provisions for refiners, blenders, distributors and importers, as appropriate, to ensure that the requirements of this section are met, but shall not restrict where renewables can be used, or impose any per-gallon obligation for the use of renewables. If the Administrator does not promulgate such regulations, the applicable percentage, on a volume percentage of gasoline basis, shall be 1.62 in 2004.

"(B) APPLICABLE VOLUME.—

(i) CALENDAR YEARS 2004 THROUGH 2012.—For the purpose of subparagraph (A), the applicable volume for any of calendar years 2004 through 2012 shall be determined in accordance with the following table:

Applicable volume of renewable fuel

"Calendar year:	(In billions of gallons)
2004	2.3
2005	2.6
2006	2.9
2007	3.2
2008	3.5
2009	3.9
2010	4.3
2011	4.7
2012	5.0.

"(ii) CALENDAR YEAR 2013 AND THEREAFTER.—For the purpose of subparagraph (A), the applicable volume for calendar year 2013 and each calendar year thereafter shall be equal to the product obtained by multiplying—

"(I) the number of gallons of gasoline that the Administrator estimates will be sold or introduced into commerce in the calendar year; and

"(II) the ratio that—

"(aa) 5.0 billion gallons of renewable fuels; bears to

"(bb) the number of gallons of gasoline sold or introduced into commerce in calendar year 2012.

"(3) APPLICABLE PERCENTAGES.—Not later than October 31 of each calendar year, through 2011, the Administrator of the Energy Information Administration shall provide the Administrator an estimate of the volumes of gasoline sales in the United States for the coming calendar year. Based on such estimates, the Administrator shall by November 30 of each calendar year, through 2011, determine and publish in the Federal Register, the renewable fuel obligation, on a volume percentage of gasoline basis, applicable to refiners, blenders, distributors and importers, as appropriate, for the coming calendar year, to ensure that the requirements of paragraph (2) are met. For each calendar year, the Administrator shall establish a single applicable percentage that applies to all parties, and make provision to avoid redundant obligations. In determining the applicable percentages, the Administrator shall make adjustments to account for the use of renewable fuels by exempt small refiners during the previous year.

"(4) CELLULOSIC BIOMASS ETHANOL.—For the purpose of paragraph (2), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallon of renewable fuel.

"(5) CREDIT PROGRAM.—

‘‘(A) IN GENERAL.—The regulations promulgated to carry out this subsection shall provide for the generation of an appropriate amount of credits by any person that refines, blends, distributes or imports gasoline that contains a quantity of renewable fuel that is greater than the quantity required under paragraph (2). Such regulations shall provide for the generation of an appropriate amount of credits for biodiesel fuel. If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

‘‘(B) USE OF CREDITS.—A person that generates credits under subparagraph (A) may use the credits, or transfer all or a portion of the credits to another person, for the purpose of complying with paragraph (2).

‘‘(C) LIFE OF CREDITS.—A credit generated under this paragraph shall be valid to show compliance:

(i) in the calendar year in which the credit was generated or the next calendar year, or

(ii) in the calendar year in which the credit was generated or next two consecutive calendar years if the Administrator promulgates regulations under paragraph (6).

‘‘(D) INABILITY TO PURCHASE SUFFICIENT CREDITS.—The regulations promulgated to carry out this subsection shall include provisions allowing any person that is unable to generate or purchase sufficient credits to meet the requirements under paragraph (2) to carry forward a renewables deficit provided that, in the calendar year following the year in which the renewables deficit is created, such person shall achieve compliance with the renewables requirement under paragraph (2), and shall generate or purchase additional renewables credits to offset the renewables deficit of the previous year.

‘‘(6) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

‘‘(A) STUDY.—For each of calendar years 2004 through 2012, the Administrator of the Energy Information Administration, shall conduct a study of renewable fuels blending to determine whether there are excessive seasonal variations in the use of renewable fuels.

‘‘(B) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under subparagraph (A), makes the determinations specified in subparagraph (C), the Administrator shall promulgate regulations to ensure that 35 percent or more of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) is used during each of the periods specified in subparagraph (D) of each subsequent calendar year.

‘‘(C) DETERMINATIONS.—The determinations referred to in subparagraph (B) are that—

‘‘(i) less than 35 percent of the quantity of renewable fuels necessary to meet the requirement of paragraph (2) has been used during 1 of the periods specified in subparagraph (D) of the calendar year; and

‘‘(ii) a pattern of excessive seasonal variation described in clause (i) will continue in subsequent calendar years.

‘‘(D) PERIODS.—The two periods referred to in this paragraph are—

‘‘(i) April through September; and

‘‘(ii) January through March and October through December.

‘‘(E) EXCLUSIONS.—Renewable fuels blended or consumed in 2004 in a state which has received a waiver under section 209(b) shall not be included in the study in subparagraph (A).

‘‘(7) WAIVERS.—

‘‘(A) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, may waive the requirement of paragraph (2) in whole or in part on petition by 1 or more States by reducing the national quantity of renewable fuel required under this subsection—

‘‘(i) based on a determination by the Administrator, after public notice and opportunity for comment, that implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

‘‘(ii) based on a determination by the Administrator, after public notice and opportunity for comment, that there is an inadequate domestic supply or distribution capacity to meet the requirement.

‘‘(B) PETITIONS FOR WAIVERS.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy—

‘‘(i) shall approve or deny a State petition for a waiver of the requirement of paragraph (2) within 180 days after the date on which the petition is received; but

‘‘(ii) may extend that period for up to 60 additional days to provide for public notice and opportunity for comment and for consideration of the comments submitted.

‘‘(C) TERMINATION OF WAIVERS.—A waiver granted under subparagraph (A) shall terminate after 1 year, but may be renewed by the Administrator after consultation with the Secretary of Agriculture and the Secretary of Energy.

‘‘(8) STUDY AND WAIVER FOR INITIAL YEAR OF PROGRAM.—Not later than 180 days from enactment, the Secretary of Energy shall complete for the Administrator a study assessing whether the renewable fuels requirement under paragraph (2) will likely result in significant adverse consumer impacts in 2004, on a national, regional or state basis. Such study shall evaluate renewable fuel supplies and prices, blendstock supplies, and supply and distribution system capabilities. Based on such study, the Secretary shall make specific recommendations to the Administrator regarding waiver of the requirements of paragraph (2), in whole or in part, to avoid any such adverse impacts. Within 270 days from enactment, the Administrator shall, consistent with the recommendations of the Secretary waive, in whole or in part, the renewable fuels requirement under paragraph (2) by reducing the national quantity of renewable fuel required under this subsection in 2004. This provision shall not be interpreted as limiting the Administrator's authority to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7), pertaining to waivers.

‘‘(9) SMALL REFINERIES.—

‘‘(A) IN GENERAL.—The requirement of paragraph (2) shall not apply to small refineries until January 1, 2008. Not later than December 31, 2006, the Secretary of Energy shall complete for the Administrator a study to determine whether the requirement of paragraph (2) would impose a disproportionate economic hardship on small refineries. For any small refinery that the Secretary of Energy determines would experience a disproportionate economic hardship, the Administrator shall extend the small refinery exemption for such small refinery for no less than two additional years.

‘‘(B) ECONOMIC HARDSHIP.—

‘‘(i) A small refinery may at any time petition the Administrator for an extension of the exemption from the requirement of paragraph (2) for the reason of disproportionate economic hardship. In evaluating a hardship petition, the Administrator, in consultation with the Secretary of Energy, shall consider the findings of the study in addition to other economic factors.

‘‘(ii) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the receipt of the petition.

‘‘(C) CREDIT PROGRAM.—If a small refinery notifies the Administrator that it waives the exemption provided by this Act, the regulations shall provide for the generation of credits by the small refinery beginning in the year following such notification.

‘‘(D) OPT-IN FOR SMALL REFINERS.—A small refinery shall be subject to the requirements of this section if it notifies the Administrator that it waives the exemption under subparagraph (A).

‘‘(10) STUDY.—Not later than 180 days after the date of enactment, the Secretary of Energy shall complete for the Administrator a study assessing whether the renewable fuels requirement under paragraph (2) will likely result in significant adverse consumer impacts in 2004, on a national, regional or state basis. Such study shall evaluate renewable fuel supplies and prices, blendstock supplies, and supply and distribution system capabilities. Based on such study, the Secretary shall make specific recommendations to the Administrator regarding waiver of the requirements of paragraph (2), in whole or in part, to avoid any such adverse impacts. Within 270 days after the date of enactment, the Administrator shall, consistent with the recommendations of the Secretary waive, in whole or in part, the renewable fuels requirement under paragraph (2) by reducing the national quantity of renewable fuel required under this subsection in 2004. This provision shall not be interpreted as limiting the Administrator's authority to waive the requirements of paragraph (2) in whole, or in part, under paragraph (7), pertaining to waivers.’’.

(b) PENALTIES AND ENFORCEMENT.—Section 211(d) of the Clean Air Act (42 U.S.C. 7545(d)) is amended—

(1) in paragraph (1)—

(A) in the first sentence, by striking ‘‘or (n)’’ each place it appears and inserting ‘‘(n) or (o)’’; and

(B) in the second sentence, by striking ‘‘or (m)’’ and inserting ‘‘(m), or (o)’’; and

(2) in the first sentence of paragraph (2), by striking ‘‘and (n)’’ each place it appears and inserting ‘‘(n), and (o)’’.

(c) EXCLUSION FROM ETHANOL WAIVER.—Section 211(h) of the Clean Air Act (42 U.S.C. 7545(h)) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following:

‘‘(5) EXCLUSION FROM ETHANOL WAIVER.—

‘‘(A) PROMULGATION OF REGULATIONS.—Upon notification, accompanied by supporting documentation, from the Governor of a State that the Reid vapor pressure limitation established by paragraph (4) will increase emissions that contribute to air pollution in any area in the State, the Administrator shall, by regulation, apply, in lieu of the Reid vapor pressure limitation established by paragraph (4), the Reid vapor pressure limitation established by paragraph (1) to all fuel blends containing gasoline and 10 percent denatured anhydrous ethanol that are sold, offered for sale, dispensed, supplied, offered for supply, transported or introduced into commerce in the area during the high ozone season.

"(B) DEADLINE FOR PROMULGATION.—The Administrator shall promulgate regulations under subparagraph (A) not later than 90 days after the date of receipt of a notification from a Governor under that subparagraph.

"(C) EFFECTIVE DATE.—

"(i) IN GENERAL.—With respect to an area in a State for which the Governor submits a notification under subparagraph (A), the regulations under that subparagraph shall take effect on the later of—

"(I) the first day of the first high ozone season for the area that begins after the date of receipt of the notification; or

"(II) 1 year after the date of receipt of the notification.

"(ii) EXTENSION OF EFFECTIVE DATE BASED ON DETERMINATION OF INSUFFICIENT SUPPLY.—

"(I) IN GENERAL.—If, after receipt of a notification with respect to an area from a Governor of a State under subparagraph (A), the Administrator determines, on the Administrator's own motion or on petition of any person and after consultation with the Secretary of Energy, that the promulgation of regulations described in subparagraph (A) would result in an insufficient supply of gasoline in the State, the Administrator, by regulation—

"(aa) shall extend the effective date of the regulations under clause (i) with respect to the area for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

(d) SURVEY OF RENEWABLE FUEL MARKET.—

(1) SURVEY AND REPORT.—Not later than December 1, 2005, and annually thereafter, the Administrator shall—

(A) conduct, with respect to each conventional gasoline use area and each reformulated gasoline use area in each State, a survey to determine the market shares of—

(i) conventional gasoline containing ethanol;

(ii) reformulated gasoline containing ethanol;

(iii) conventional gasoline containing renewable fuel; and

(iv) reformulated gasoline containing renewable fuel; and

(B) submit to Congress, and make publicly available, a report on the results of the survey under subparagraph (A).

(2) RECORDKEEPING AND REPORTING REQUIREMENTS.—The Administrator may require any refiner, blender, importer, or distributor to keep such records and make such reports as are necessary to ensure that the survey conducted under paragraph (1) is accurate. The Administrator shall rely, to the extent practicable, on existing reporting and recordkeeping requirements to avoid duplicative requirements.

(3) APPLICABLE LAW.—Activities carried out under this subsection shall be conducted in a manner designed to protect confidentiality of individual responses.

(e) RENEWABLE FUELS SAFE HARBOR.—

(1) IN GENERAL.—Notwithstanding any other provision of federal or state law, no renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, nor any motor vehicle fuel containing such renewable fuel, shall be deemed defective in design or manufacture by virtue of the fact that it is, or contains, such a renewable fuel, if it does not violate a control or prohibition imposed by the Administrator under section 211 of the Clean Air Act, as amended by this Act, and the manufacturer is in compliance with all requests for information under section 211(b) of the Clean Air Act, as amended by this Act. In the event that the safe harbor under this section does not apply, the existence of a design defect or manufacturing defect shall be determined under otherwise applicable law.

(2) EFFECTIVE DATE.—This section shall be effective as of the date of enactment and shall apply with respect to all claims filed on or after that date.

Subtitle C—Additional Fuel Efficiency Measures

SEC. 821. FUEL EFFICIENCY OF THE FEDERAL FLEET OF AUTOMOBILES.

Section 32917 of title 49, United States Code, is amended to read as follows:

"§ 32917. Standards for executive agency automobiles

"(a) BASELINE AVERAGE FUEL ECONOMY.—The head of each executive agency shall determine, for all automobiles in the agency's fleet of automobiles that were leased or bought as a new vehicle in fiscal year 1999, the average fuel economy for such automobiles. For the purposes of this section, the average fuel economy so determined shall be the baseline average fuel economy for the agency's fleet of automobiles.

"(b) INCREASE OF AVERAGE FUEL ECONOMY.—The head of an executive agency shall manage the procurement of automobiles for that agency in such a manner that—

"(1) not later than September 30, 2003, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 1 mile per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet; and

"(2) not later than September 30, 2005, the average fuel economy of the new automobiles in the agency's fleet of automobiles is not less than 3 miles per gallon higher than the baseline average fuel economy determined under subsection (a) for that fleet.

"(c) CALCULATION OF AVERAGE FUEL ECONOMY.—Average fuel economy shall be calculated for the purposes of this section in accordance with guidance which the Secretary of Transportation shall prescribe for the implementation of this section.

"(d) DEFINITIONS.—In this section:

"(1) The term 'automobile' does not include any vehicle designed for combat-related missions, law enforcement work, or emergency rescue work.

"(2) The term 'executive agency' has the meaning given that term in section 105 of title 5.

"(3) The term 'new automobile', with respect to the fleet of automobiles of an executive agency, means an automobile that is leased for at least 60 consecutive days or bought, by or for the agency, after September 30, 1999.".

SEC. 822. ASSISTANCE FOR STATE PROGRAMS TO RETIRE FUEL-INEFFICIENT MOTOR VEHICLES.

(a) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the "National Motor Vehicle Efficiency Improvement Program." Under this program, the Secretary shall provide grants to States to operate programs to offer owners of passenger automobiles and light-duty trucks manufactured in model years more than 15 years prior to the fiscal year in which appropriations are made under subsection (d) financial incentives to voluntarily—

(1) scrap such automobiles and to replace them with automobiles with higher fuel efficiency; or

(2) repair such vehicles to improve their fuel economy.

(b) STATE PLAN.—Not later than 180 days after the date of enactment of an appropriations act containing funds authorized under subsection (d), to be eligible to receive funds under the program, the Governor of a State shall submit to the Secretary a plan to carry out a program under this subtitle in that State.

(c) ELIGIBILITY CRITERIA.—The Secretary shall approve a State plan and provide the funds under subsection (d), if the State plan—

(1) for voluntary vehicle scrappage programs—

(A) requires that all passenger automobiles and light-duty trucks turned in be scrapped;

(B) requires that prior to scrapping a vehicle, the state provide public notification of the intent to scrap and allow for the salvage of valuable parts from the vehicle;

(C) requires that all passenger automobiles and light-duty trucks turned in be currently registered in the State in order to be eligible;

(D) requires that all passenger automobiles and light-duty trucks turned in be operational at the time that they are turned in;

(E) restricts automobile owners (except not-for-profit organizations) from turning in more than one passenger automobile and one light-duty truck in a 12-month period;

(F) provides an appropriate payment to the person recycling the scrapped passenger automobile or light-duty truck for each turned-in passenger automobile or light-duty truck;

(G) provides a minimum payment to the automobile owner for each passenger automobile and light-duty truck turned in;

(H) provides, in addition to the payment under subparagraph (G), an additional credit that may be redeemed by the owner of the turned-in passenger automobile or light-duty truck at the time of purchase of new fuel-efficient automobile; and

(I) estimates the fuel efficiency benefits of the program, and reports the estimated results to the Secretary annually; and

(2) for voluntary vehicle repair programs—

(A) requires the vehicle owner contribute at least 20 percent of the cost of the repairs;

(B) sets a ceiling beyond which the vehicle owner is responsible for the cost of repairs;

(C) allows the vehicle owner to opt out of the program if the cost of the repairs is considered to be too great; and

(D) estimates the fuel economy benefits of the program and reports the estimated results to the Secretary annually.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary to carry out this section such sums as may be necessary, to remain available until expended.

(e) ALLOCATION FORMULA.—The amounts appropriated pursuant to subsection (d) shall be allocated among the States on the basis of the population of the States as contained in the most recent reliable census data available from the Bureau of the Census, Department of Commerce, for all States at the time that the Secretary needs to compute shares under this subsection.

(f) DEFINITIONS.—In this section:

(1) AUTOMOBILE.—The term "automobile" has the meaning given such term in section 32901(3) of title 49, United States Code.

(2) FUEL-EFFICIENT AUTOMOBILE.—

(A) The term "fuel-efficient automobile" means a passenger automobile or a light-duty truck that has an average fuel economy greater than the average fuel economy standard prescribed pursuant to section 32902 of title 49, United States Code, or other law, applicable to such passenger automobile or light-duty truck.

(B) The term "average fuel economy" has the meaning given such term in section 32901(5) of title 49, United States Code.

(C) The term "average fuel economy standard" has the meaning given such term in section 32901(6) of title 49, United States Code.

(D) The term "fuel economy" has the meaning given such term in section 32901(10) of title 49, United States Code.

(3) LIGHT-DUTY TRUCK.—The term "light-duty truck" means an automobile that is not a passenger automobile. Such term shall include a pickup truck, a van, or a four-wheel-drive general utility vehicle, as those terms are defined in section 600.002–85 of title 40, Code of Federal Regulations.

(4) PASSENGER AUTOMOBILE.—The term "passenger automobile" has the meaning given such term by section 32901(16) of title 49, United States Code.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) STATE.—The term "State" means any of the several States and the District of Columbia.

SEC. 823. IDLING REDUCTION SYSTEMS IN HEAVY DUTY VEHICLES.

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended by adding at the end the following:

"PART K—REDUCING TRUCK IDLING

"SEC. 400AAA. REDUCING TRUCK IDLING.

"(a) STUDY.—Not later than 18 months after the date of enactment of this section, the Secretary shall, in consultation with the Secretary of Transportation, commence a study to analyze the potential fuel savings resulting from long duration idling of main drive engines in heavy-duty vehicles.

"(b) REGULATIONS.—Upon completion of the study under subsection (a), the Secretary may issue regulations requiring the installation of idling reduction systems on all newly manufactured heavy duty vehicles.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'heavy-duty vehicle' means a vehicle that has a gross vehicle weight rating greater than 8,500 pounds and is powered by a diesel engine.

"(2) The term 'idling reduction system' means a device or system of devices used to reduce long duration idling of a diesel engine in a vehicle.

"(3) The term 'long duration idling' means the operation of a main drive engine of a heavy-duty vehicle for a period of more than 15 consecutive minutes when the main drive engine is not engaged in gear, except that such term does not include idling as a result of traffic congestion or other impediments to the movement of a heavy-duty vehicle.

"(4) The term 'vehicle' has the meaning given such term in section 4 of title 1, United States Code.".

Subtitle D—Federal Reformulated Fuels

SEC. 831. SHORT TITLE.

This subtitle may be cited as the "Federal Reformulated Fuels Act of 2002".

SEC. 832. LEAKING UNDERGROUND STORAGE TANKS.

(a) USE OF LUST FUNDS FOR REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—Section 9003(h) of the Solid Waste Disposal Act (42 U.S.C. 6991b(h)) is amended—

(1) in paragraph (7)(A)—

(A) by striking "paragraphs (1) and (2) of this subsection" and inserting "paragraphs (1), (2), and (12)"; and

(B) by inserting "and section 9010" before "if"; and

(2) by adding at the end the following:

"(12) REMEDIATION OF CONTAMINATION FROM ETHER FUEL ADDITIVES.—

"(A) IN GENERAL.—The Administrator and the States may use funds made available under section 9013(1) to carry out corrective actions with respect to a release of methyl tertiary butyl ether or other ether fuel additive that presents a threat to human health, welfare, or the environment.

"(B) APPLICABLE AUTHORITY.—Subparagraph (A) shall be carried out—

"(i) in accordance with paragraph (2), except that a release with respect to which a corrective action is carried out under subparagraph (A) shall not be required to be from an underground storage tank; and

"(ii) in the case of a State, in accordance with a cooperative agreement entered into by the Administrator and the State under paragraph (7).".

(b) RELEASE PREVENTION AND COMPLIANCE.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended by striking section 9010 and inserting the following:

"SEC. 9010. RELEASE PREVENTION AND COMPLIANCE.

"Funds made available under section 9013(2) from the Leaking Underground Storage Tank Trust Fund may be used for conducting inspections, or for issuing orders or bringing actions under this subtitle—

"(1) by a State (pursuant to section 9003(h)(7)) acting under—

"(A) a program approved under section 9004; or

"(B) State requirements regulating underground storage tanks that are similar or identical to this subtitle, as determined by the Administrator; and

"(2) by the Administrator, acting under this subtitle or a State program approved under section 9004.

"SEC. 9011. BEDROCK BIOREMEDIATION.

"The Administrator shall establish, at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) with established expertise in bioremediation of contaminated bedrock aquifers, a resource center—

"(1) to conduct research concerning bioremediation of methyl tertiary butyl ether in contaminated underground aquifers, including contaminated bedrock; and

"(2) to provide for States a technical assistance clearinghouse for information concerning innovative technologies for bioremediation described in paragraph (1).

"SEC. 9012. SOIL REMEDIATION.

"The Administrator may establish a program to conduct research concerning remediation of methyl tertiary butyl ether contamination of soil, including granitic or volcanic soil.

"SEC. 9013. AUTHORIZATION OF APPROPRIATIONS.

"In addition to amounts made available under section 2007(f), there are authorized to be appropriated from the Leaking Underground Storage Tank Trust Fund, notwithstanding section 9508(c)(1) of the Internal Revenue Code of 1986—

"(1) to carry out section 9003(h)(12), $200,000,000 for fiscal year 2003, to remain available until expended;

"(2) to carry out section 9010—

"(A) $50,000,000 for fiscal year 2003; and

"(B) $30,000,000 for each of fiscal years 2004 through 2008;

"(3) to carry out section 9011—

"(A) $500,000 for fiscal year 2003; and

"(B) $300,000 for each of fiscal years 2004 through 2008; and

"(4) to carry out section 9012—

"(A) $100,000 for fiscal year 2003; and

"(B) $50,000 for each of fiscal years 2004 through 2008.

(c) TECHNICAL AMENDMENTS.—

(1) Section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by striking the item relating to section 9010 and inserting the following:

"Sec. 9010. Release prevention and compliance.
"Sec. 9011. Bedrock bioremediation.
"Sec. 9012. Soil remediation.
"Sec. 9013. Authorization of appropriations.".

(2) Section 9001(3)(A) of the Solid Waste Disposal Act (42 U.S.C. 6991(3)(A)) is amended by striking "sustances" and inserting "substances".

(3) Section 9003(f)(1) of the Solid Waste Disposal Act (42 U.S.C. 6991b(f)(1)) is amended by striking "subsection (c) and (d) of this section" and inserting "subsections (c) and (d)".

(4) Section 9004(a) of the Solid Waste Disposal Act (42 U.S.C. 6991c(a)) is amended in the second sentence by striking "referred to" and all that follows and inserting "referred to in subparagraph (A) or (B), or both, of section 9001(2).".

(5) Section 9005 of the Solid Waste Disposal Act (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking "study taking" and inserting "study, taking";

(B) in subsection (b)(1), by striking "relevent" and inserting "relevant"; and

(C) in subsection (b)(4), by striking "Evironmental" and inserting "Environmental".

SEC. 833. AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.

(a) FINDINGS.—Congress finds that—

(1) since 1979, methyl tertiary butyl ether (referred to in this section as "MTBE") has been used nationwide at low levels in gasoline to replace lead as an octane booster or anti-knocking agent;

(2) Public Law 101–549 (commonly known as the "Clean Air Act Amendments of 1990") (42 U.S.C. 7401 et seq.) established a fuel oxygenate standard under which reformulated gasoline must contain at least 2 percent oxygen by weight;

(3) at the time of the adoption of the fuel oxygen standard, Congress was aware that significant use of MTBE could result from the adoption of that standard, and that the use of MTBE would likely be important to the cost-effective implementation of that program;

(4) Congress is aware that gasoline and its component additives have leaked from storage tanks, with consequences for water quality;

(5) the fuel industry responded to the fuel oxygenate standard established by Public Law 101–549 by making substantial investments in—

(A) MTBE production capacity; and

(B) systems to deliver MTBE-containing gasoline to the marketplace;

(6) when leaked or spilled into the environment, MTBE may cause serious problems of drinking water quality;

(7) in recent years, MTBE has been detected in water sources throughout the United States;

(8) MTBE can be detected by smell and taste at low concentrations;

(9) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(10) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard;

(B) to greatly reduce use of MTBE; and

(C) to maintain the environmental performance of reformulated gasoline;

(11) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(12) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) environmental protection;

(B) adequate energy supply; and

(C) reasonable fuel prices; and

(13) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act; and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) Purposes.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) Authority for Water Quality Protection From Fuels.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended—

(1) in paragraph (1)(A)—

(A) by inserting "fuel or fuel additive or" after "Administrator any"; and

(B) by striking "air pollution which" and inserting "air pollution, or water pollution, that";

(2) in paragraph (4)(B), by inserting "or water quality protection," after "emission control,"; and

(3) by adding at the end the following:

"(5) Prohibition on use of MTBE.—

"(A) In general.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) Regulations.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) States that authorize use.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) Publication of notice.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (B).

"(E) Trace quantities.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE merchant producer conversion assistance.—

"(A) In general.—

"(i) Grants.—The Secretary of Energy, in consultation with the Administrator, may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of iso-octane and alkylates.

"(ii) Determination.—The Administrator, in consultation with the Secretary of Energy, may determine that transition assistance for the production of iso-octane and alkylates is inconsistent with the provisions of subparagraph (B) and, on that basis, may deny applications for grants authorized by this provision.

"(B) The Secretary of Energy, in consultation with the Administrator, may also further make grants to merchant producers of MTBE in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (C) to the production of such other fuel additives that, consistent with 211(c)—

"(i) unless the Administrator determines that such fuel additives may reasonably be anticipated to endanger public health or the environment;

"(ii) have been registered and have been tested or are being tested in accordance with the requirements of this section; and

"(iii) will contribute to replacing gasoline volumes lost as a result of paragraph (5).

"(C) Eligible production facilities.—A production facility shall be eligible to receive a grant under this paragraph if the production facility—

"(i) is located in the United States; and

"(ii) produced methyl tertiary butyl ether for consumption in nonattainment areas during the period—

"(I) beginning on the date of enactment of this paragraph; and

"(II) ending on the effective date of the prohibition on the use of methyl tertiary butyl ether under paragraph (5).

"(D) Authorization of appropriations.—There is authorized to be appropriated to carry out this paragraph $250,000,000 for each of fiscal years 2003 through 2005.".

(d) No Effect on Law Concerning State Authority.—The amendments made by subsection (c) have no effect on the law in effect on the day before the date of enactment of this Act regarding the authority of States to limit the use of methyl tertiary butyl ether in motor vehicle fuel.

SEC. 834. ELIMINATION OF OXYGEN CONTENT REQUIREMENT FOR REFORMULATED GASOLINE.

(a) Elimination.—

(1) In general.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended—

(A) in paragraph (2)—

(i) in the second sentence of subparagraph (A), by striking "(including the oxygen content requirement contained in subparagraph (B))";

(ii) by striking subparagraph (B); and

(iii) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively;

(B) in paragraph (3)(A), by striking clause (v);

(C) in paragraph (7)—

(i) in subparagraph (A)—

(I) by striking clause (i); and

(II) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(ii) in subparagraph (C)—

(I) by striking clause (ii); and

(II) by redesignating clause (iii) as clause (ii); and

(2) Effective date.—The amendments made by paragraph (1) take effect 270 days after the date of enactment of this Act, except that such amendments shall take effect upon enactment in any State that has received a waiver under section 209(b) of the Clean Air Act.

(b) Maintenance of Toxic Air Pollutant Emission Reductions.—Section 211(k)(1) of the Clean Air Act (42 U.S.C. 7545(k)(1)) is amended—

(1) by striking "Within 1 year after the enactment of the Clean Air Act Amendments of 1990," and inserting the following:

"(A) In general.—Not later than November 15, 1991,"; and

(2) by adding at the end the following:

"(B) Maintenance of toxic air pollutant emissions reductions from reformulated gasoline.—

"(i) Definitions.—In this subparagraph:

"(I) PADD.—The term 'PADD' means a Petroleum Administration for Defense District.

"(ii) Regulations regarding emissions of toxic air pollutants.—Not later than 270 days after the date of enactment of this subparagraph, the Administrator shall establish, for each refinery or importer (other than a refinery or importer in a State that has received a waiver under section 209(b) with regard to gasoline produced for use in that state), standards for toxic air pollutants from use of the reformulated gasoline produced or distributed by the refinery or importer that maintain the reduction of the average annual aggregate emissions of toxic air pollutants for reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000, determined on the basis of data collected by the Administrator with respect to the refinery or importer.

(iii) Standards applicable to specific refineries or importers.—

"(I) Applicability of standards.—For any calendar year, the standards applicable to a refinery or importer under clause (ii) shall apply to the quantity of gasoline produced or distributed by the refinery or importer in the calendar year only to the extent that the quantity is less than or equal to the average annual quantity of reformulated gasoline produced or distributed by the refinery or importer during calendar years 1999 and 2000.

"(II) Applicability of other standards.—For any calendar year, the quantity of gasoline produced or distributed by a refinery or importer that is in excess of the quantity subject to subclause (I) shall be subject to standards for toxic air pollutants promulgated under subparagraph (A) and paragraph (3)(B).

"(iv) Credit program.—The Administrator shall provide for the granting and use of credits for emissions of toxic air pollutants in the same manner as provided in paragraph (7).

"(v) Regional protection of toxics reduction baselines.—

"(I) In general.—Not later than 60 days after the date of enactment of this subparagraph, and not later than April 1 of each calendar year that begins after that date of enactment, the Administrator shall publish in the Federal Register a report that specifies, with respect to the previous calendar year—

"(aa) the quantity of reformulated gasoline produced that is in excess of the average annual quantity of reformulated gasoline produced in 1999 and 2000; and

"(bb) the reduction of the average annual aggregate emissions of toxic air pollutants in each PADD, based on retail survey data or data from other appropriate sources.

"(II) EFFECT OF FAILURE TO MAINTAIN AGGREGATE TOXICS REDUCTIONS.—If, in any calendar year, the reduction of the average annual aggregate emissions of toxic air pollutants in a PADD fails to meet or exceed the reduction of the average annual aggregate emissions of toxic air pollutants in the PADD in calendar years 1999 and 2000, the Administrator, not later than 90 days after the date of publication of the report for the calendar year under subclause (I), shall—

"(aa) identify, to the maximum extent practicable, the reasons for the failure, including the sources, volumes, and characteristics of reformulated gasoline that contributed to the failure; and

"(bb) promulgate revisions to the regulations promulgated under clause (ii), to take effect not earlier than 180 days but not later than 270 days after the date of promulgation, to provide that, notwithstanding clause (iii)(II), all reformulated gasoline produced or distributed at each refinery or importer shall meet the standards applicable under clause (iii) not later than April 1 of the year following the report in subclause (II) and for subsequent years.

"(vi) REGULATIONS TO CONTROL HAZARDOUS AIR POLLUTANTS FROM MOTOR VEHICLES AND MOTOR VEHICLE FUELS.—Not later than July 1, 2004, the Administrator shall promulgate final regulations to control hazardous air pollutants from motor vehicles and motor vehicle fuels, as provided for in section 80.1045 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this subparagraph).".

(c) CONSOLIDATION IN REFORMULATED GASOLINE REGULATIONS.—Not later than 180 days after the date of enactment of this Act, the Administrator shall revise the reformulated gasoline regulations under subpart D of part 80 of title 40, Code of Federal Regulations, to consolidate the regulations applicable to VOC-Control Regions 1 and 2 under section 80.41 of that title by eliminating the less stringent requirements applicable to gasoline designated for VOC-Control Region 2 and instead applying the more stringent requirements applicable to gasoline designated for VOC-Control Region 1.

(d) SAVINGS CLAUSE.—Nothing in this section is intended to affect or prejudice any legal claims or actions with respect to regulations promulgated by the Administrator prior to enactment of this Act regarding emissions of toxic air pollutants from motor vehicles.

(e) DETERMINATION REGARDING A STATE PETITION.—Section 211(k) of the Clean Air Act (42 U.S.C. 7545(k)) is amended by inserting after paragraph (10) the following:

"(11) DETERMINATION REGARDING A STATE PETITION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, not less than thirty days after enactment of this paragraph the Administrator must determine the adequacy of any petition received from a Governor of a State to exempt gasoline sold in that State from the requirements of (k)(2)(B).

"(B) If the determination in (A) is not made within thirty days of enactment of this paragraph, the petition shall be deemed approved.".

SEC. 835. PUBLIC HEALTH AND ENVIRONMENTAL IMPACTS OF FUELS AND FUEL ADDITIVES.

Section 211(b) of the Clean Air Act (42 U.S.C. 7545(b)) is amended—

(1) in paragraph (2)—

(A) by striking "may also" and inserting "shall, on a regular basis,"; and

(B) by striking subparagraph (A) and inserting the following:

"(A) to conduct tests to determine potential public health and environmental effects of the fuel or additive (including carcinogenic, teratogenic, or mutagenic effects); and"; and

(2) by adding at the end the following:

"(4) STUDY ON CERTAIN FUEL ADDITIVES AND BLENDSTOCKS.—

"(A) IN GENERAL.—Not later than 2 years after the date of enactment of this paragraph, the Administrator shall—

"(i) conduct a study on the effects on public health, air quality, and water resources of increased use of, and the feasibility of using as substitutes for methyl tertiary butyl ether in gasoline—

"(I) ethyl tertiary butyl ether;

"(II) tertiary amyl methyl ether;

"(III) di-isopropyl ether;

"(IV) tertiary butyl alcohol;

"(V) other ethers and heavy alcohols, as determined by then Administrator;

"(VI) ethanol;

"(VII) iso-octane; and

"(VIII) alkylates; and

"(ii) conduct a study on the effects on public health, air quality, and water resources of the adjustment for ethanol-blended reformulated gasoline to the VOC performance requirements otherwise applicable under sections 211(k)(1) and 211(k)(3) of the Clean Air Act.

"(iii) submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of these studies.

"(B) CONTRACTS FOR STUDY.—In carrying out this paragraph, the Administrator may enter into 1 or more contracts with nongovernmental entities including but not limited to National Energy Laboratories and institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).".

SEC. 836. ANALYSES OF MOTOR VEHICLE FUEL CHANGES.

Section 211 of the Clean Air Act (42 U.S.C. 7545) (as amended by section 819(a)) is amended by inserting after subsection (o) the following:

"(p) ANALYSES OF MOTOR VEHICLE FUEL CHANGES AND EMISSIONS MODEL.—

"(1) ANTI-BACKSLIDING ANALYSIS.—

"(A) DRAFT ANALYSIS.—Not later than 4 years after the date of enactment of this paragraph, the Administrator shall publish for public comment a draft analysis of the changes in emissions of air pollutants and air quality due to the use of motor vehicle fuel and fuel additives resulting from implementation of the amendments made by the Federal Reformulated Fuels Act of 2002.

"(B) FINAL ANALYSIS.—After providing a reasonable opportunity for comment but not later than 5 years after the date of enactment of this paragraph, the Administrator shall publish the analysis in final form.

"(2) EMISSIONS MODEL.—For the purposes of this subsection, as soon as the necessary data are available, the Administrator shall develop and finalize an emissions model that reasonably reflects the effects of gasoline characteristics or components on emissions from vehicles in the motor vehicle fleet during calendar year 2005.".

SEC. 837. ADDITIONAL OPT-IN AREAS UNDER REFORMULATED GASOLINE PROGRAM.

Section 211(k)(6) of the Clean Air Act (42 U.S.C. 7545(k)(6)) is amended—

(1) by striking "(6) OPT-IN AREAS.—(A) Upon" and inserting the following:

"(6) OPT-IN AREAS.—

"(A) CLASSIFIED AREAS.—

"(i) IN GENERAL.—Upon";

(2) in subparagraph (B), by striking "(B) If" and inserting the following:

"(ii) EFFECT OF INSUFFICIENT DOMESTIC CAPACITY TO PRODUCE REFORMULATED GASOLINE.—If";

(3) in subparagraph (A)(ii) (as redesignated by paragraph (2))—

(A) in the first sentence, by striking "subparagraph (A)" and inserting "clause (i)"; and

(B) in the second sentence, by striking "this paragraph" and inserting "this subparagraph"; and

(4) by adding at the end the following:

"(B) OZONE TRANSPORT REGION.—

"(i) APPLICATION OF PROHIBITION.—

"(I) IN GENERAL.—In addition to the provisions of subparagraph (A), upon the application of the Governor of a State in the ozone transport region established by section 184(a), the Administrator, not later than 180 days after the date of receipt of the application, shall apply the prohibition specified in paragraph (5) to any area in the State (other than an area classified as a marginal, moderate, serious, or severe ozone nonattainment area under subpart 2 of part D of title I) unless the Administrator determines under clause (iii) that there is insufficient capacity to supply reformulated gasoline.

"(II) PUBLICATION OF APPLICATION.—As soon as practicable after the date of receipt of an application under subclause (I), the Administrator shall publish the application in the Federal Register.

"(ii) PERIOD OF APPLICABILITY.—Under clause (i), the prohibition specified in paragraph (5) shall apply in a State—

"(I) commencing as soon as practicable but not later than 2 years after the date of approval by the Administrator of the application of the Governor of the State; and

"(II) ending not earlier than 4 years after the commencement date determined under subclause (I).

"(iii) EXTENSION OF COMMENCEMENT DATE BASED ON INSUFFICIENT CAPACITY.—

"(I) IN GENERAL.—If, after receipt of an application from a Governor of a State under clause (i), the Administrator determines, on the Administrator's own motion or on petition of any person, after consultation with the Secretary of Energy, that there is insufficient capacity to supply reformulated gasoline, the Administrator, by regulation—

"(aa) shall extend the commencement date with respect to the State under clause (ii)(I) for not more than 1 year; and

"(bb) may renew the extension under item (aa) for 2 additional periods, each of which shall not exceed 1 year.

"(II) DEADLINE FOR ACTION ON PETITIONS.—The Administrator shall act on any petition submitted under subclause (I) not later than 180 days after the date of receipt of the petition.".

SEC. 838. FEDERAL ENFORCEMENT OF STATE FUELS REQUIREMENTS.

Section 211(c)(4)(C) of the Clean Air Act (42 U.S.C. 7545(c)(4)(C)) is amended—

(1) by striking "(C) A State" and inserting the following:

"(C) AUTHORITY OF STATE TO CONTROL FUELS AND FUEL ADDITIVES FOR REASONS OF NECESSITY.—

"(i) IN GENERAL.—A State"; and

(2) by adding at the end the following:

"(ii) ENFORCEMENT BY THE ADMINISTRATOR.—In any case in which a State prescribes and enforces a control or prohibition under clause (i), the Administrator, at the request of the State, shall enforce the control or prohibition as if the control or prohibition had been adopted under the other provisions of this section.".

SEC. 839. FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall jointly conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of the requirements described in paragraph (1) on achievement of—

(i) national, regional, and local air quality standards and goals; and

(ii) related environmental and public health protection standards and goals;

(C) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(D) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities;

(E) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that, while protecting and improving air quality at the national, regional, and local levels, could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply; and

(F) the feasibility of providing incentives, and the need for the development of national standards necessary, to promote cleaner burning motor vehicle fuel.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Administrator of the Environmental Protection Agency and the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers;

(C) motor vehicle fuel producers and distributors; and

(D) the public.

TITLE IX—ENERGY EFFICIENCY AND ASSISTANCE TO LOW INCOME CONSUMERS

Subtitle A—Low Income Assistance and State Energy Programs

SEC. 901. INCREASED FUNDING FOR LIHEAP, WEATHERIZATION ASSISTANCE, AND STATE ENERGY GRANTS.

(a) LIHEAP.—(1) Section 2602(b) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(b)) is amended by striking the first sentence and inserting the following: "There are authorized to be appropriated to carry out the provisions of this title (other than section 2607A), $3,400,000,000 for each of fiscal years 2003 through 2005.".

(2) Section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621(e) is amended by striking "$600,000,000" and inserting "$1,000,000,000".

(3) Section 2609A(a) of the Low-Income Energy Assistance Act of 1981 (42 U.S.C. 8628a(a)) is amended by striking "not more than $300,000" and inserting: "not more than $750,000".

(b) WEATHERIZATION ASSISTANCE.—Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$325,000,000 for fiscal year 2003, $400,000,000 for fiscal year 2004, and $500,000,000 for fiscal year 2005.".

SEC. 902. STATE ENERGY PROGRAMS.

(a) STATE ENERGY CONSERVATION PLANS.—Section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322)) is amended by adding at the end the following:

"(g) The Secretary shall, at least once every three years, invite the Governor of each State to review and, if necessary, revise the energy conservation plan of the State submitted under subsection (b) or (e). Such reviews should consider the energy conservation plans of other States within the region, and identify opportunities and actions that may be carried out in pursuit of common energy conservation goals.".

(b) STATE ENERGY CONSERVATION GOALS.—Section 364 of the Energy Policy and Conservation Act (42 U.S.C. 6324) is amended to read as follows:

"SEC. 364. Each State energy conservation plan with respect to which assistance is made available under this part on or after the date of enactment of the Energy Policy Act of 2002 shall contain a goal, consisting of an improvement of 25 percent or more in the efficiency of use of energy in the State concerned in calendar year 2010 as compared to calendar year 1990, and may contain interim goals.".

(c) STATE ENERGY CONSERVATION GRANTS.—Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "for fiscal years 1999 through 2003 such sums as may be necessary." and inserting: "$100,000,000 for each of fiscal years 2003 and 2004; $125,000,000 for fiscal year 2005; and such sums as may be necessary for each fiscal year thereafter.".

SEC. 903. ENERGY EFFICIENT SCHOOLS.

(a) ESTABLISHMENT.—There is established in the Department of Energy the High Performance Schools Program (in this section referred to as the "Program").

(b) GRANTS.—The Secretary of Energy may make grants to a State energy office—

(1) to assist school districts in the State to improve the energy efficiency of school buildings;

(2) to administer the Program; and

(3) to promote participation in the Program.

(c) GRANTS TO ASSIST SCHOOL DISTRICTS.—The Secretary shall condition grants under subsection (b)(1) on the State energy office using the grants to assist school districts that have demonstrated—

(1) a need for the grants to build additional school buildings to meet increasing elementary or secondary enrollments or to renovate existing school buildings; and

(2) a commitment to use the grant funds to develop high performance school buildings in accordance with a plan that the State energy office, in consultation with the State educational agency, has determined is feasible and appropriate to achieve the purposes for which the grant is made.

(d) GRANTS FOR ADMINISTRATION.—Grants under subsection (b)(2) shall be used to—

(1) evaluate compliance by school districts with requirements of this section;

(2) distribute information and materials to clearly define and promote the development of high performance school buildings for both new and existing facilities;

(3) organize and conduct programs for school board members, school personnel, architects, engineers, and others to advance the concepts of high performance school buildings;

(4) obtain technical services and assistance in planning and designing high performance school buildings; or

(5) collect and monitor data and information pertaining to the high performance school building projects.

(e) GRANTS TO PROMOTE PARTICIPATION.—Grants under subsection (b)(3) shall be used for promotional and marketing activities, including facilitating private and public financing, promoting the use of energy savings performance contracts, working with school administrations, students, and communities, and coordinating public benefit programs.

(f) SUPPLEMENTING GRANT FUNDS.—The State energy office shall encourage qualifying school districts to supplement funds awarded pursuant to this section with funds from other sources in the implementation of their plans.

(g) ALLOCATIONS.—Except as provided in subsection (h), funds appropriated to carry out this section shall be allocated as follows:

(1) 70 percent shall be used to make grants under subsection (b)(1);

(2) 15 percent shall be used to make grants under subsection (b)(2); and

(3) 15 percent shall be used to make grants under subsection (b)(3).

(h) OTHER FUNDS.—The Secretary of Energy may retain an amount, not to exceed $300,000 per year, to assist State energy offices in coordinating and implementing the Program. Such funds may be used to develop reference materials to further define the principles and criteria to achieve high performance school buildings.

(i) AUTHORIZATION OF APPROPRIATIONS.—For grants under subsection (b) there are authorized to be appropriated—

(1) $200,000,000 for fiscal year 2003;

(2) $210,000,000 for fiscal year 2004;

(3) $220,000,000 for fiscal year 2005;

(4) $230,000,000 for fiscal year 2006; and

(5) such sums as may be necessary for fiscal year 2007 and each fiscal year thereafter through fiscal year 2012.

(j) DEFINITIONS.—For purposes of this section:

(1) HIGH PERFORMANCE SCHOOL BUILDING.—The term "high performance school building" means a school building that, in its design, construction, operation, and maintenance—

(A) maximizes use of renewable energy and energy-efficient technologies and systems;

(B) is cost-effective on a life-cycle basis;

(C) achieves either—

(i) the applicable Energy Star building energy performance ratings, or

(ii) energy consumption levels at least 30 percent below those of the most recent version of ASHRAE Standard 90.1;

(D) uses affordable, environmentally preferable, and durable materials;

(E) enhances indoor environmental quality;

(F) protects and conserves water; and

(G) optimizes site potential.

(2) RENEWABLE ENERGY.—The term "renewable energy" means energy produced by solar, wind, biomass, ocean, geothermal, or hydroelectric power.

(3) SCHOOL.—The term "school" means—

(A) an "elementary school" as that term is defined in section 14101(14) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(14)),

(B) a "secondary school" as that term is defined in section 14101(25) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(25)), or

(C) an elementary or secondary Indian school funded by the Bureau of Indian Affairs.

(4) STATE EDUCATIONAL AGENCY.—The term "State educational agency" has the same meaning given such term in section 14101(28) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801(28)).

(5) STATE ENERGY OFFICE.—The term "State energy office" means the State agency responsible for developing State energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), or, if no such agency exists, a State agency designated by the Governor of the State.

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to private, nonprofit community development organizations and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis to a community development organization for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term "Indian tribe"means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $10 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

Subtitle B—Federal Energy Efficiency

SEC. 911. ENERGY MANAGEMENT REQUIREMENTS.

(a) ENERGY REDUCTION GOALS.—Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended to read as follows:

"(1) Subject to paragraph (2), each agency shall apply energy conservation measures to, and shall improve the design for the construction of, the Federal buildings of the agency (including each industrial or laboratory facility) so that the energy consumption per gross square foot of the Federal buildings of the agency in fiscal years 2002 through 2011 is reduced, as compared with the energy consumption per gross square foot of the Federal buildings of the agency in fiscal year 2000, by the percentage specified in the following table:

"Fiscal Year	Percentage reduction
2002	2
2003	4
2004	6
2005	8
2006	10
2007	12
2008	14
2009	16
2010	18
2011	20

(b) REVIEW AND REVISION OF ENERGY PERFORMANCE REQUIREMENT.—Section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)) is further amended by adding at the end the following:

"(3) Not later than December 31, 2010, the Secretary shall review the results of the implementation of the energy performance requirement established under paragraph (1) and submit to Congress recommendations concerning energy performance requirements for calendar years 2012 through 2021.".

(c) EXCLUSIONS.—Section 543(c)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(1)) is amended to read as follows:

"(1)(A) An agency may exclude, from the energy performance requirement for a calendar year established under subsection (a) and the energy management requirement established under subsection (b), any Federal building or collection of Federal buildings, if the head of the agency finds that—

"(i) compliance with those requirements would be impracticable;

"(ii) the agency has completed and submitted all federally required energy management reports;

"(iii) the agency has achieved compliance with the energy efficiency requirements of this Act, the Energy Policy Act of 1992, Executives Orders, and other federal law; and

"(iv) the agency has implemented all practicable, life-cycle cost-effective projects with respect to the Federal building or collection of Federal buildings to be excluded.

"(B) A finding of impracticability under subparagraph (A)(i) shall be based on—

"(i) the energy intensiveness of activities carried out in the Federal building or collection of Federal buildings; or

"(ii) the fact that the Federal building or collection of Federal buildings is used in the performance of a national security function.".

(d) REVIEW BY SECRETARY.—Section 543(c)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)(2)) is amended—

(1) by striking "impracticability standards" and inserting "standards for exclusion"; and

(2) by striking "a finding of impracticability" and inserting "the exclusion".

(e) CRITERIA.—Section 543(c) of the National Energy Conservation Policy Act (42 U.S.C. 8253(c)) is further amended by adding at the end the following:

"(3) Not later than 180 days after the date of enactment of this paragraph, the Secretary shall issue guidelines that establish criteria for exclusions under paragraph (1).".

(f) REPORTS.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in the subsection heading, by inserting "THE PRESIDENT AND" before "CONGRESS"; and

(2) by inserting "President and" before "Congress".

(g) CONFORMING AMENDMENT.—Section 550(d) of the National Energy Conservation Policy Act (42 U.S.C. 8258b(d)) is amended in the second sentence by striking "the 20 percent reduction goal established under section 543(a) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a))." and inserting "each of the energy reduction goals established under section 543(a).".

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2004, all Federal buildings shall be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2).

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, energy services industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirement specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirement specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

"(f) USE OF ENERGY CONSUMPTION DATA IN FEDERAL BUILDINGS.—

"(1) IN GENERAL.—Beginning not later than January 1, 2003, each agency shall use, to the maximum extent practicable, for the purposes of efficient use of energy and reduction in the cost of electricity used in the Federal buildings of the agency, interval consumption data that measure on a real-time or daily basis consumption of electricity in the Federal buildings of the agency.

"(2) PLAN.—As soon as practicable after the date of enactment of this subsection, in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirement of paragraph (1), including how the agency will designate personnel primarily responsible for achieving the requirement.".

SEC. 913. FEDERAL BUILDING PERFORMANCE STANDARDS.

(a) REVISED STANDARDS.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is amended—

(1) in paragraph (2)(A), by striking "CABO Model Energy Code, 1992" and inserting "the 2000 International Energy Conservation Code"; and

(2) by adding at the end the following:

"(3) REVISED FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this paragraph, the Secretary of Energy shall establish, by rule, revised Federal building energy efficiency performance standards that require that, if cost-effective—

"(i) new commercial buildings and multifamily high rise residential buildings be constructed so as to achieve the applicable Energy Star building energy performance ratings or energy consumption levels at least 30 percent below those of the most recent ASHRAE Standard 90.1, whichever results in the greater increase in energy efficiency;

"(ii) new residential buildings (other than those described in clause (i)) be constructed so as to achieve the applicable Energy Star building energy performance ratings or achieve energy consumption levels at least 30 percent below the requirements of the most recent version of the International Energy Conservation Code, whichever results in the greater increase in energy efficiency; and

"(iii) sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings.

"(B) ADDITIONAL REVISIONS.—Not later than 1 year after the date of approval of amendments to ASHRAE Standard 90.1 or the 2000 International Energy Conservation Code, the Secretary of Energy shall determine, based on the cost-effectiveness of the requirements under the amendments, whether the revised standards established under this paragraph should be updated to reflect the amendments.

"(C) STATEMENT ON COMPLIANCE OF NEW BUILDINGS.—In the budget request of the Federal agency for each fiscal year and each report submitted by the Federal agency under section 548(a) of the National Energy Conservation Policy Act (42 U.S.C. 8258(a)), the head of each Federal agency shall include—

"(i) a list of all new Federal buildings of the Federal agency; and

"(ii) a statement concerning whether the Federal buildings meet or exceed the revised standards established under this paragraph, including a monitoring and commissioning report that is in compliance with the measurement and verification protocols of the Department of Energy.

"(D) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this paragraph and to implement the revised standards established under this paragraph.".

(b) ENERGY LABELING PROGRAM.—Section 305(a) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)) is further amended by adding at the end the following:

"(e) ENERGY LABELING PROGRAM.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency, shall develop an energy labeling program for new Federal buildings that exceed the revised standards established under subsection (a)(3) by 15 percent or more.".

SEC. 914. PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

(a) REQUIREMENTS.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 552. FEDERAL PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.

"(a) DEFINITIONS.—In this section:

"(1) ENERGY STAR PRODUCT.—The term 'Energy Star product' means a product that is rated for energy efficiency under an Energy Star program.

"(2) ENERGY STAR PROGRAM.—The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act.

"(3) EXECUTIVE AGENCY.—The term 'executive agency' has the meaning given the term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

"(4) FEMP DESIGNATED PRODUCT.—The term 'FEMP designated product' means a product that is designated under the Federal Energy Management Program of the Department of Energy as being among the highest 25 percent of equivalent products for energy efficiency.

"(b) PROCUREMENT OF ENERGY EFFICIENT PRODUCTS.—

"(1) REQUIREMENT.—To meet the requirements of an executive agency for an energy consuming product, the head of the executive agency shall, except as provided in paragraph (2), procure—

"(A) an Energy Star product; or

"(B) a FEMP designated product.

"(2) EXCEPTIONS.—The head of an executive agency is not required to procure an Energy Star product or FEMP designated product under paragraph (1) if—

"(A) an Energy Star product or FEMP designated product is not cost effective over the life cycle of the product; or

"(B) no Energy Star product or FEMP designated product is reasonably available that meets the requirements of the executive agency.

"(3) PROCUREMENT PLANNING.—The head of an executive agency shall incorporate into the specifications for all procurements involving energy consuming products and systems, and into the factors for the evaluation of offers received for the procurement, criteria for energy efficiency that are consistent with the criteria used for rating Energy Star products and for rating FEMP designated products.

"(c) LISTING OF ENERGY EFFICIENT PRODUCTS IN FEDERAL CATALOGS.—Energy Star and FEMP designated products shall be clearly identified and prominently displayed in any inventory or listing of products by the General Services Administration or the Defense Logistics Agency.

(b) CONFORMING AMENDMENT.—The table of contents in section 1(b) of the National Energy Conservation Policy Act (42 U.S.C. 8201 note) is amended by inserting after the item relating to section 551 the following:

"Sec. 552. Federal Government procurement of energy efficient products."

(c) REGULATIONS.—Not later than 180 days after the effective date specified in subsection (f), the Secretary of Energy shall issue guidelines to carry out section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(d) DESIGNATION OF ENERGY STAR PRODUCTS.—The Administrator of the Environmental Protection Agency and the Secretary of Energy shall expedite the process of designating products as Energy Star products (as defined in section 552 of the National Energy Conservation Policy Act (as added by subsection (a)).

(e) DESIGNATION OF ELECTRIC MOTORS.—In the case of electric motors of 1 to 500 horsepower, agencies shall select only premium efficient motors that meet a standard designated by the Secretary. The Secretary shall designate such a standard within 120 days of the enactment of this paragraph, after considering the recommendations of associated electric motor manufacturers and energy efficiency groups.

(f) EFFECTIVE DATE.—Subsection (a) and the amendment made by that subsection take effect on the date that is 180 days after the date of enactment of this Act.

SEC. 915. REPEAL OF ENERGY SAVINGS PERFORMANCE CONTRACT SUNSET.

Section 801(c) of the National Energy Conservation Policy Act (42 U.S.C. 8287(c)) is repealed.

SEC. 916. ENERGY SAVINGS PERFORMANCE CONTRACT DEFINITIONS.

(a) ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended to read as follows:

"(2) The term 'energy savings' means a reduction in the cost of energy or water, from a base cost established through a methodology set forth in the contract, used in an existing federally owned building or buildings or other federally owned facilities as a result of—

"(A) the lease or purchase of operating equipment, improvements, altered operation and maintenance, or technical services;

"(B) the increased efficient use of existing energy sources by cogeneration or heat recovery, excluding any cogeneration process for other than a federally owned building or buildings or other federally owned facilities; or

"(C) the increased efficient use of existing water sources.".

(b) ENERGY SAVINGS CONTRACT.—Section 804(3) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(3)) is amended to read as follows:

"(3) The terms 'energy savings contract' and 'energy savings performance contract' mean a contract which provides for the performance of services for the design, acquisition, installation, testing, operation, and, where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations.".

(c) ENERGY OR WATER CONSERVATION MEASURE.—Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended to read as follows:

"(4) The term 'energy or water conservation measure' means—

"(A) an energy conservation measure, as defined in section 551(4) (42 U.S.C. 8259(4)); or

"(B) a water conservation measure that improves water efficiency, is life cycle cost effective, and involves water conservation, water recycling or reuse, more efficient treatment of wastewater or stormwater, improvements in operation or maintenance efficiencies, retrofit activities or other related activities, not at a Federal hydroelectric facility.".

SEC. 917. REVIEW OF ENERGY SAVINGS PERFORMANCE CONTRACT PROGRAM.

Within 180 days after the date of the enactment of this Act, the Secretary of Energy shall complete a review of the Energy Savings Performance Contract program to identify statutory, regulatory, and administrative obstacles that prevent Federal agencies from fully utilizing the program. In addition, this review shall identify all areas for increasing program flexibility and effectiveness, including audit and measurement verification requirements, accounting for energy use in determining savings, contracting requirements, and energy efficiency services covered. The Secretary shall report these findings to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, and shall implement identified administrative and regulatory changes to increase program flexibility and effectiveness to the extent that such changes are consistent with statutory authority.

SEC. 918. FEDERAL ENERGY BANK.

Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end the following:

"SEC. 553. FEDERAL ENERGY BANK.

"(a) DEFINITIONS.—In this section:

"(1) BANK.—The term 'Bank' means the Federal Energy Bank established by subsection (b).

"(2) ENERGY OR WATER EFFICIENCY PROJECT.—The term 'energy or water efficiency project' means a project that assists a Federal agency in meeting or exceeding the energy or water efficiency requirements of—

"(A) this part;

"(B) title VIII;

"(C) subtitle F of title I of the Energy Policy Act of 1992 (42 U.S.C. 8262 et seq.); or

"(D) any applicable Executive order, including Executive Order No. 13123.

"(3) FEDERAL AGENCY.—The term 'Federal agency' means—

"(A) an Executive agency (as defined in section 105 of title 5, United States Code);

"(B) the United States Postal Service;

"(C) Congress and any other entity in the legislative branch; and

"(D) a Federal court and any other entity in the judicial branch.

"(b) ESTABLISHMENT OF BANK.—

"(1) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the 'Federal Energy Bank', consisting of—

"(A) such amounts as are deposited in the Bank under paragraph (2);

"(B) such amounts as are repaid to the Bank under subsection (c)(2)(D); and

"(C) any interest earned on investment of amounts in the Bank under paragraph (3).

"(2) DEPOSITS IN BANK.—

"(A) IN GENERAL.—Subject to the availability of appropriations and to subparagraph (B), the Secretary of the Treasury shall deposit in the Bank an amount equal to $250,000,000 in fiscal year 2003 and in each fiscal year thereafter.

"(B) MAXIMUM AMOUNT IN BANK.—Deposits under subparagraph (A) shall cease beginning with the fiscal year following the fiscal year in which the amounts in the Bank (including amounts on loan from the Bank) become equal to or exceed $1,000,000,000.

"(3) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Bank as is not, in the judgment of the Secretary, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

"(c) LOANS FROM THE BANK.—

"(1) IN GENERAL.—The Secretary of the Treasury shall transfer from the Bank to the Secretary such amounts as are appropriated to carry out the loan program under paragraph (2).

"(2) LOAN PROGRAM.—

"(A) ESTABLISHMENT.—

"(i) IN GENERAL.—In accordance with subsection (d), the Secretary, in consultation with the Secretary of Defense, the Administrator of General Services, and the Director of the Office of Management and Budget, shall establish a program to make loans of amounts in the Bank to any Federal agency that submits an application satisfactory to the Secretary in order to pay the costs of a project described in subparagraph (C).

"(ii) COMMENCEMENT OF OPERATIONS.—The Secretary may begin—

"(I) accepting applications for loans from the Bank in fiscal year 2002; and

"(II) making loans from the Bank in fiscal year 2003.

"(B) ENERGY SAVINGS PERFORMANCE CONTRACTING FUNDING.—To the extent practicable, an agency shall not submit a project for which energy performance contracting funding is available and is acceptable to the Federal agency under title VIII.

"(C) PURPOSES OF LOAN.—

"(i) IN GENERAL.—A loan from the Bank may be used to pay—

"(I) the costs of an energy or water efficiency project, or a renewable or alternative energy project, for a new or existing Federal building (including selection and design of the project);

"(II) the costs of an energy metering plan and metering equipment installed pursuant to section 543(e) or for the purpose of verification of the energy savings under an energy savings performance contract under title VIII; or

"(III) at the time of contracting, the costs of cofunding of an energy savings performance contract (including a utility energy service agreement) in order to shorten the payback period of the project that is the subject of the energy savings performance contract.

"(ii) LIMITATION.—A Federal agency may use not more than 10 percent of the amount of a loan under subclause (I) or (II) of clause (i) to pay the costs of administration and proposal development (including data collection and energy surveys).

"(iii) RENEWABLE AND ALTERNATIVE ENERGY PROJECTS.—Not more than 25 percent of the amount on loan from the Bank at any time may be loaned for renewable energy and alternative energy projects (as defined by the Secretary in accordance with applicable law (including Executive Orders)).

"(D) REPAYMENTS.—

"(i) IN GENERAL.—Subject to clauses (ii) through (iv), a Federal agency shall repay to the Bank the principal amount of a loan plus interest at a rate determined by the President, in consultation with the Secretary and the Secretary of the Treasury.

"(ii) WAIVER OR REDUCTION OF INTEREST.—The Secretary may waive or reduce the rate of interest required to be paid under clause (i) if the Secretary determines that payment of interest by a Federal agency at the rate determined under that clause is not required to fund the operations of the Bank.

"(iii) DETERMINATION OF INTEREST RATE.—The interest rate determined under clause (i) shall be at a rate that is sufficient to ensure that, beginning not later than October 1, 2007, interest payments will be sufficient to fully fund the operations of the Bank.

"(iv) INSUFFICIENCY OF APPROPRIATIONS.—

"(I) REQUEST FOR APPROPRIATIONS.—As part of the budget request of the Federal agency for each fiscal year, the head of each Federal agency shall submit to the President a request for such amounts as are necessary to make such repayments as are expected to become due in the fiscal year under this subparagraph.

"(II) SUSPENSION OF REPAYMENT REQUIREMENT.—If, for any fiscal year, sufficient appropriations are not made available to a Federal agency to make repayments under this subparagraph, the Bank shall suspend the requirement of repayment under this subparagraph until such appropriations are made available.

"(E) FEDERAL AGENCY ENERGY BUDGETS.—Until a loan is repaid, a Federal agency budget submitted by the President to Congress for a fiscal year shall not be reduced by the value of energy savings accrued as a result of any energy conservation measure implemented using amounts from the Bank.

"(F) NO RESCISSION OR REPROGRAMMING.—A Federal agency shall not rescind or reprogram loan amounts made available from the Bank except as permitted under guidelines issued under subparagraph (G).

"(G) GUIDELINES.—The Secretary shall issue guidelines for implementation of the loan program under this paragraph, including selection criteria, maximum loan amounts, and loan repayment terms.

"(d) SELECTION CRITERIA.—

"(1) IN GENERAL.—The Secretary shall establish criteria for the selection of projects to be awarded loans in accordance with paragraph (2).

"(2) SELECTION CRITERIA.—

"(A) IN GENERAL.—The Secretary may make loans from the Bank only for a project that—

"(i) is technically feasible;

"(ii) is determined to be cost-effective using life cycle cost methods established by the Secretary;

"(iii) includes a measurement and management component, based on the measurement and verification protocols of the Department of Energy, to—

"(I) commission energy savings for new and existing Federal facilities;

"(II) monitor and improve energy efficiency management at existing Federal facilities; and

"(III) verify the energy savings under an energy savings performance contract under title VIII; and

"(iv)(I) in the case of renewable energy or alternative energy project, has a simple payback period of not more than 15 years; and

"(II) in the case of any other project, has a simple payback period of not more than 10 years.

"(B) PRIORITY.—In selecting projects, the Secretary shall give priority to projects that—

"(i) are a component of a comprehensive energy management project for a Federal facility; and

"(ii) are designed to significantly reduce the energy use of the Federal facility.

"(e) REPORTS AND AUDITS.—

“(1) REPORTS TO THE SECRETARY.—Not later than 1 year after the completion of installation of a project that has a cost of more than $1,000,000, and annually thereafter, a Federal agency shall submit to the Secretary a report that—

“(A) states whether the project meets or fails to meet the energy savings projections for the project; and

“(B) for each project that fails to meet the energy savings projections, states the reasons for the failure and describes proposed remedies.

“(2) AUDITS.—The Secretary may audit, or require a Federal agency that receives a loan from the Bank to audit, any project financed with amounts from the Bank to assess the performance of the project.

“(3) REPORTS TO CONGRESS.—At the end of each fiscal year, the Secretary shall submit to Congress a report on the operations of the Bank, including a statement of—

“(A) the total receipts by the Bank;

“(B) the total amount of loans from the Bank to each Federal agency; and

“(C) the estimated cost and energy savings resulting from projects funded with loans from the Bank.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to such sums as are necessary to carry out this section.”.

SEC. 919. ENERGY AND WATER SAVING MEASURES IN CONGRESSIONAL BUILDINGS.

(a) IN GENERAL.—Part 3 of title V of the National Energy Conservation Policy Act is amended by adding at the end:

“SEC. 554. ENERGY AND WATER SAVINGS MEASURES IN CONGRESSIONAL BUILDINGS.

“(a) IN GENERAL.—The Architect of the Capitol—

“(1) shall develop, update, and implement a cost-effective energy conservation and management plan (referred to in this section as the ‘plan’) for all facilities administered by the Congress (referred to in this section as ‘congressional buildings’) to meet the energy performance requirements for Federal buildings established under section 543(a)(1).

“(2) shall submit the plan to Congress, not later than 180 days after the date of enactment of this section.

“(b) PLAN REQUIREMENTS.—The plan shall include—

“(1) a description of the life-cycle cost analysis used to determine the cost-effectiveness of proposed energy efficiency projects;

“(2) a schedule of energy surveys to ensure complete surveys of all congressional buildings every five years to determine the cost and payback period of energy and water conservation measures;

“(3) a strategy for installation of life cycle cost effective energy and water conservation measures;

“(4) the results of a study of the costs and benefits of installation of submetering in congressional buildings; and

“(5) information packages and ‘how-to’ guides for each Member and employing authority of Congress that detail simple, cost-effective methods to save energy and taxpayer dollars in the workplace.

“(c) CONTRACTING AUTHORITY.—The Architect—

“(1) may contract with nongovernmental entities and use private sector capital to finance energy conservation projects and meet energy performance requirements; and

“(2) may use innovative contracting methods that will attract private sector funding for the installation of energy efficient and renewable energy technology, such as energy savings performance contracts described in title VIII.

“(d) CAPITOL VISITOR CENTER.—The Architect—

“(1) shall ensure that state-of-the-art energy efficiency and renewable energy technologies are used in the construction and design of the Visitor Center; and

“(2) shall include in the Visitor Center an exhibit on the energy efficiency and renewable energy measures used in congressional buildings.

“(e) ANNUAL REPORT.—The Architect shall submit to Congress annually a report on congressional energy management and conservation programs required under this section that describes in detail—

“(1) energy expenditures and savings estimates for each facility;

“(2) energy management and conservation projects; and

“(3) future priorities to ensure compliance with this section.”.

(b) REPEAL.—Section 310 of the Legislative Branch Appropriations Act, 1999 (40 U.S.C. 166i), is repealed.

Subtitle C—Industrial Efficiency and Consumer Products

SEC. 921. VOLUNTARY COMMITMENTS TO REDUCE INDUSTRIAL ENERGY INTENSITY.

(a) VOLUNTARY AGREEMENTS.—The Secretary of Energy shall enter into voluntary agreements with one or more persons in industrial sectors that consume significant amounts of primary energy per unit of physical output to reduce the energy intensity of their production activities.

(b) GOAL.—Voluntary agreements under this section shall have a goal of reducing energy intensity by not less than 2.5 percent each year from 2002 through 2012.

(c) RECOGNITION.—The Secretary of Energy, in cooperation with the Administrator of the Environmental Protection Agency and other appropriate federal agencies, shall develop mechanisms to recognize and publicize the achievements of participants in voluntary agreements under this section.

(d) DEFINITION.—In this section, the term “energy intensity” means the primary energy consumed per unit of physical output in an industrial process.

(e) TECHNICAL ASSISTANCE.—An entity that enters into an agreement under this section and continues to make a good faith effort to achieve the energy efficiency goals specified in the agreement shall be eligible to receive from the Secretary a grant or technical assistance as appropriate to assist in the achievement of those goals.

(f) REPORT.—Not later than June 30, 2008 and June 30, 2012, the Secretary shall submit to Congress a report that evaluates the success of the voluntary agreements, with independent verification of a sample of the energy savings estimates provided by participating firms.

SEC. 922. AUTHORITY TO SET STANDARDS FOR COMMERCIAL PRODUCTS.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.) is amended as follows:

(1) In the heading for such part, by inserting “AND COMMERCIAL” after “CONSUMER”.

(2) In section 321(2), by inserting “or commercial” after “consumer”.

(3) In paragraphs (4), (5), and (15) of section 321, by striking “consumer” each place it appears and inserting “covered”.

(4) In section 322(a), by inserting “or commercial” after “consumer” the first place it appears in the material preceding paragraph (1).

(5) In section 322(b), by inserting “or commercial” after “consumer” each place it appears.

(6) In section 322 (b)(1)(B) and (b)(2)(A), by inserting “or per-business in the case of a commercial product” after “per-household” each place it appears.

(7) In section 322 (b)(2)(A), by inserting “or businesses in the case of commercial products” after “households” each place it appears.

(8) In section 322 (B)(2)(C)—

(A) by striking “term” and inserting “terms”; and

(B) by inserting “and ‘business’ ” after “ ‘household’ ”.

(9) In section 323 (b)(1)(B) by inserting “or commercial” after “consumer”.

SEC. 923. ADDITIONAL DEFINITIONS.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by adding at the end the following:

“(32) The term ‘battery charger’ means a device that charges batteries for consumer products.

“(33) The term ‘commercial refrigerator, freezer and refrigerator-freezer’ means a refrigerator, freezer or refrigerator-freezer that—

“(A) is not a consumer product regulated under this Act; and

“(B) incorporates most components involved in the vapor-compression cycle and the refrigerated compartment in a single package.

“(34) The term ‘external power supply’ means an external power supply circuit that is used to convert household electric current into either DC current or lower-voltage AC current to operate a consumer product.

“(35) The term ‘illuminated exit sign’ means a sign that—

“(A) is designed to be permanently fixed in place to identify an exit; and

“(B) consists of—

“(i) an electrically powered integral light source that illuminates the legend ‘EXIT’ and any directional indicators; and

“(ii) provides contrast between the legend, any directional indicators, and the background.

“(36)(A) Except as provided in subsection (B), the term ‘low-voltage dry-type transformer’ means a transformer that—

“(i) has an input voltage of 600 volts or less;

“(ii) is air-cooled;

“(iii) does not use oil as a coolant; and

“(iv) is rated for operation at a frequency of 60 Hertz.

“(B) The term ‘low-voltage dry-type transformer’ does not include—

“(i) transformers with multiple voltage taps, with the highest voltage tap equaling at least 20 percent more than the lowest voltage tap;

“(ii) transformers that are designed to be used in a special purpose application, such as transformers commonly known as drive transformers, rectifier transformers, autotrans- formers, Uninterruptible Power System transformers, impedance transformers, harmonic transformers, regulating transformers, sealed and nonventilating transformers, machine tool transformers, welding transformers, grounding transformers, or testing transformers; or

“(iii) any transformer not listed in clause (ii) that is excluded by the Secretary by rule because the transformer is designed for a special application and the application of standards to the transformer would not result in significant energy savings.

"(37) The term "standby mode" means the lowest amount of electric power used by a household appliance when not performing its active functions, as defined on an individual product basis by the Secretary.

"(38) The term 'torchiere' means a portable electric lamp with a reflector bowl that directs light upward so as to give indirect illumination.

"(39) The term 'transformer' means a device consisting of 2 or more coils of insulated wire that transfers alternating current by electromagnetic induction from one coil to another to change the original voltage or current value.

"(40) The term 'unit heater' means a self-contained fan-type heater designed to be installed within the heated space, except that such term does not include a warm air furnace:

SEC. 924. ADDITIONAL TEST PROCEDURES.

(a) Exit Signs.—Section 323(b) of the Energy Policy and Conservation Act (42 U.S.C. 6293) is amended by adding at the end the following:

"(9) Test procedures for illuminated exit signs shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for illuminated exit signs, as in effect on the date of enactment of this paragraph.

"(10) Test procedures for low voltage dry-type distribution transformers shall be based on the 'Standard Test Method for Measuring the Energy Consumption of Distribution Transformers' prescribed by the National Electrical Manufacturers Association (NEMA TP 2–1998). The Secretary may review and revise this test procedure based on future revisions to such standard test method.

(b) Additional Consumer and Commercial Products.—Section 323 of the Energy Policy and Conservation Act (42 U.S.C. 6293) is further amended by adding at the end the following:

"(f) Additional Consumer and Commercial Products.—The Secretary shall within 24 months after the date of enactment of this subsection prescribe testing requirements for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, commercial unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. Such testing requirements shall be based on existing test procedures used in industry to the extent practical and reasonable. In the case of suspended ceiling fans, such test procedures shall include efficiency at both maximum output and at an output no more than 50 percent of the maximum output.".

SEC. 925. ENERGY LABELING.

(a) Rulemaking on Effectiveness of Consumer Product Labeling.—Paragraph (2) of section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)(2)) is amended by adding at the end the following:

"(F) Not later than three months after the date of enactment of this subparagraph, the Commission shall initiate a rulemaking to consider the effectiveness of the current consumer products labeling program in assisting consumers in making purchasing decisions and improving energy efficiency and to consider changes to the labeling rules that would improve the effectiveness of consumer product labels. Such rulemaking shall be completed within 15 months of the date of enactment of this subparagraph.".

(b) Rulemaking on Labeling for Additional Products.—Section 324(a) of the Energy Policy and Conservation Act (42 U.S.C. 6294(a)) is further amended by adding at the end the following:

"(5) The Secretary shall within 6 months after the date on which energy conservation standards are prescribed by the Secretary for covered products referred to in subsections (u) and (v) of section 325, and within 18 months of enactment of this paragraph for products referred to in subsections (w) through (y) of section 325, prescribe, by rule, labeling requirements for such products. Labeling requirements adopted under this paragraph shall take effect on the same date as the standards set pursuant to sections 325(v) through (y).

SEC. 926. ENERGY STAR PROGRAM.

The Energy Policy and Conservation Act (42 U.S.C. 6201 and following) is amended by inserting after section 324 the following:

"ENERGY STAR PROGRAM.

"Sec. 324A. (a) In General.—There is established at the Department of Energy and the Environmental Protection Agency a program to identify and promote energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution through labeling of products and buildings that meet the highest energy efficiency standards. Responsibilities under the program shall be divided between the Department of Energy and the Environmental Protection Agency consistent with the terms of agreements between the two agencies. The Administrator and the Secretary shall—

"(1) promote Energy Star compliant technologies as the preferred technologies in the marketplace for achieving energy efficiency and to reduce pollution;

"(2) work to enhance public awareness of the Energy Star label;

"(3) preserve the integrity of the Energy Star label; and

"(4) solicit the comments of interested parties in establishing a new Energy Star product category or in revising a product category, and upon adoption of a new or revised product category provide an explanation of the decision that responds to significant public comments.".

SEC. 927. ENERGY CONSERVATION STANDARDS FOR CENTRAL AIR CONDITIONERS AND HEAT PUMPS.

Section 325(d) of the Energy Policy and Conservation Act (42 U.S.C. 6295(d)) is amended to read as follows:

"(1) Except as provided in paragraph (3), the seasonal energy efficiency ratio of central air conditioners and central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 13.0.

"(2) Except as provided in paragraph (4), the heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 7.7.

"(3) The seasonal energy efficiency ratio of central air conditioners or central air conditioning heat pumps manufactured on or after January 23, 2006 shall be no less than 12.0 for products that—

"(A) have a rated cooling capacity equal to or less than 30,000 Btu per hour;

"(B) have an outdoor or indoor unit having at least two overall exterior dimensions or an overall displacement that—

"(i) is substantially smaller than those of other units that are currently installed in site-built single family homes, and of a similar cooling or heating capacity, and

"(ii) if increased would result in a significant increase in the cost of installation or would result in a significant loss in the utility of the product to the consumer; and

"(C) were available for purchase in the United States as of December 1, 2000.

"(4) The heating seasonal performance factor of central air conditioning heat pumps manufactured on or after January 25, 2006 shall not be less than 7.4 for products that meet the criteria in paragraph (3).

"(5) The Secretary may postpone the requirements of paragraphs (3) and (4) for specific product types until a date no later than January 23, 2010.

"(6) The Secretary shall publish a final rule not later than January 1, 2006 to determine whether the standards in effect for central air conditioners and central air conditioning heat pumps should be amended. Such rule shall provide that any amendment shall apply to products manufactured on or after January 1, 2011.".

SEC. 928. ENERGY CONSERVATION STANDARDS FOR ADDITIONAL CONSUMER AND COMMERCIAL PRODUCTS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(u) Standby Mode Electric Energy Consumption.—

"(1) Initial rulemaking.—

"(A) The Secretary shall, within 18 months after the date of enactment of this subsection, prescribe by notice and comment, definitions of standby mode and test procedures for the standby mode power use of battery chargers and external power supplies. In establishing these test procedures, the Secretary shall consider, among other factors, existing test procedures used for measuring energy consumption in standby mode and assess the current and projected future market for battery chargers and external power supplies. This assessment shall include estimates of the significance of potential energy savings from technical improvements to these products and suggested product classes for standards. Prior to the end of this time period, the Secretary shall hold a scoping workshop to discuss and receive comments on plans for developing energy conservation standards for standby mode energy use for these products.

"(B) The Secretary shall, within 3 years after the date of enactment of this subsection, issue a final rule that determines whether energy conservation standards shall be promulgated for battery chargers and external power supplies or classes thereof. For each product class, any such standards shall be set at the lowest level of standby energy use that—

(i) meets the criteria of subsections (o), (p), (q), (r), (s) and (t); and

(ii) will result in significant overall annual energy savings, considering both standby mode and other operating modes.

"(2) Designation of additional covered products.—

"(A) Not later than 180 days after the date of enactment of this subsection, the Secretary shall publish for public comment and public hearing a notice to determine whether any noncovered products should be designated as covered products for the purpose of instituting a rulemaking under this section to determine whether an energy conservation standard restricting standby mode energy consumption, should be promulgated; providing that any restriction on standby mode energy consumption shall be limited to major sources of such consumption.

"(B) In making the determinations pursuant to subparagraph (A) of whether to designate new covered products and institute rulemakings, the Secretary shall, among other relevant factors and in addition to the criteria in section 322(b), consider—

"(i) standby mode power consumption compared to overall product energy consumption; and

"(ii) the priority and energy savings potential of standards which may be promulgated under this subsection compared to other required rulemakings under this section and the available resources of the Department to conduct such rulemakings.

"(C) Not later than one year after the date of enactment of this subsection, the Secretary shall issue a determination of any new covered products for which he intends to institute rulemakings on standby mode pursuant to this section and he shall state the dates by which he intends to initiate those rulemakings.

"(3) REVIEW OF STANDBY ENERGY USE IN COVERED PRODUCTS.—In determining pursuant to section 323 whether test procedures and energy conservation standards pursuant to section 325 should be revised, the Secretary shall consider for covered products which are major sources of standby mode energy consumption whether to incorporate standby mode into such test procedures and energy conservation standards, taking into account, among other relevant factors, the criteria for non-covered products in subparagraph (B) of this subsection.

"(4) RULEMAKING FOR STANDBY MODE.—

"(A) Any rulemaking instituted under this subsection or for covered products under this section which restricts standby mode power consumption shall be subject to the criteria and procedures for issuing energy conservation standards set forth in section 325 and the criteria set forth in paragraph 2(B) of this subsection.

"(B) No standard can be proposed for new covered products or covered products in a standby mode unless the Secretary has promulgated applicable test procedures for each product pursuant to section 323.

"(C) The provisions of section 327 shall apply to new covered products which are subject to the rulemakings for standby mode after a final rule has been issued.

"(5) EFFECTIVE DATE.—Any standard promulgated under this subsection shall be applicable to products manufactured or imported three years after the date of promulgation.

"(6) VOLUNTARY PROGRAMS TO REDUCE STANDBY MODE ENERGY USE.—The Secretary and the Administrator shall collaborate and develop programs, including programs pursuant to section 324A and other voluntary industry agreements or codes of conduct, which are designed to reduce standby mode energy use.

"(v) SUSPENDED CEILING FANS, VENDING MACHINES, UNIT HEATERS, AND COMMERCIAL REFRIGERATORS, FREEZERS AND REFRIGERATOR-FREEZERS.—The Secretary shall within 24 months after the date on which testing requirements are prescribed by the Secretary pursuant to section 323(f), prescribe, by rule, energy conservation standards for suspended ceiling fans, refrigerated bottled or canned beverage vending machines, unit heaters, and commercial refrigerators, freezers and refrigerator-freezers. In establishing standards under this subsection, the Secretary shall use the criteria and procedures contained in subsections (l) and (m). Any standard prescribed under this subsection shall apply to products manufactured 3 years after the date of publication of a final rule establishing such standard.

"(w) ILLUMINATED EXIT SIGNS.—Illuminated exit signs manufactured on or after January 1, 2005 shall meet the Energy Star Program performance requirements for illuminated exit signs prescribed by the Environmental Protection Agency as in effect on the date of enactment of this subsection.

"(x) TORCHIERES.—Torchieres manufactured on or after January 1, 2005—

"(1) shall consume not more than 190 watts of power; and

"(2) shall not be capable of operating with lamps that total more than 190 watts.

"(y) LOW VOLTAGE DRY-TYPE TRANSFORMERS.—The efficiency of low voltage dry-type transformers manufactured on or after January 1, 2005 shall be the Class I Efficiency Levels for low voltage dry-type transformers specified in Table 4–2 of the 'Guide for Determining Energy Efficiency for Distribution Transformers' published by the National Electrical Manufacturers Association (NEMA TP–1–1996).".

SEC. 929. CONSUMER EDUCATION ON ENERGY EFFICIENCY BENEFITS OF AIR CONDITIONING, HEATING, AND VENTILATION MAINTENANCE.

Section 337 of the Energy Policy and Conservation Act (42 U.S.C. 6307) is amended by adding at the end the following:

"(c) HVAC MAINTENANCE.—(1) For the purpose of ensuring that installed air conditioning and heating systems operate at their maximum rated efficiency levels, the Secretary shall, within 180 days of the date of enactment of this subsection, carry out a program to educate homeowners and small business owners concerning the energy savings resulting from properly conducted maintenance of air conditioning, heating, and ventilating systems.

"(2) The Secretary may carry out the program in cooperation with industry trade associations, industry members, and energy efficiency organizations.".

Subtitle D—Housing Efficiency

SEC. 931. CAPACITY BUILDING FOR ENERGY EFFICIENT, AFFORDABLE HOUSING.

Section 4(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note) is amended—

(1) in paragraph (1), by inserting before the semicolon at the end the following: ", including capabilities regarding the provision of energy efficient, affordable housing and residential energy conservation measures"; and

(2) in paragraph (2), by inserting before the semicolon the following: ", including such activities relating to the provision of energy efficient, affordable housing and residential energy conservation measures that benefit low-income families".

SEC. 932. INCREASE OF CDBG PUBLIC SERVICES CAP FOR ENERGY CONSERVATION AND EFFICIENCY ACTIVITIES.

Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended—

(1) by inserting "or efficiency" after "energy conservation";

(2) by striking ", and except that" and inserting "; except that"; and

(3) by inserting before the period at the end the following: "; and except that each percentage limitation under this paragraph on the amount of assistance provided under this title that may be used for the provision of public services is hereby increased by 10 percent, but such percentage increase may be used only for the provision of public services concerning energy conservation or efficiency".

SEC. 933. FHA MORTGAGE INSURANCE INCENTIVES FOR ENERGY EFFICIENT HOUSING.

(a) SINGLE FAMILY HOUSING MORTGAGE INSURANCE.—Section 203(b)(2) of the National Housing Act (12 U.S.C. 1709(b)(2)) is amended, in the first undesignated paragraph beginning after subparagraph (B)(iii) (relating to solar energy systems)—

(1) by inserting "or paragraph (10)"; and

(2) by striking "20 percent" and inserting "30 percent".

(b) MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 207(c) of the National Housing Act (12 U.S.C. 1713(c)) is amended, in the second undesignated paragraph beginning after paragraph (3) (relating to solar energy systems and residential energy conservation measures), by striking "20 percent" and inserting "30 percent".

(c) COOPERATIVE HOUSING MORTGAGE INSURANCE.—Section 213(p) of the National Housing Act (12 U.S.C. 1715e(p)) is amended by striking "20 per centum" and inserting "30 percent".

(d) REHABILITATION AND NEIGHBORHOOD CONSERVATION HOUSING MORTGAGE INSURANCE.—Section 220(d)(3)(B)(iii) of the National Housing Act (12 U.S.C. 1715k(d)(3)(B)(iii)) is amended by striking "20 per centum" and inserting "30 percent".

(e) LOW-INCOME MULTIFAMILY HOUSING MORTGAGE INSURANCE.—Section 221(k) of the National Housing Act (12 U.S.C. 1715l(k)) is amended by striking "20 per centum" and inserting "30 percent".

(f) ELDERLY HOUSING MORTGAGE INSURANCE.—The proviso at the end of section 213(c)(2) of the National Housing Act (12 U.S.C. 1715v(c)(2)) is amended by striking "20 per centum" and inserting "30 percent".

(g) CONDOMINIUM HOUSING MORTGAGE INSURANCE.—Section 234(j) of the National Housing Act (12 U.S.C. 1715y(j)) is amended by striking "20 per centum" and inserting "30 percent".

SEC. 934. PUBLIC HOUSING CAPITAL FUND.

Section 9(d)(1) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d)(1)) is amended—

(1) in subparagraph (I), by striking "and" at the end;

(2) in subparagraph (K), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(L) improvement of energy and water-use efficiency by installing fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation, and by increasing energy efficiency and water conservation by such other means as the Secretary determines are appropriate.".

SEC. 935. GRANTS FOR ENERGY-CONSERVING IMPROVEMENTS FOR ASSISTED HOUSING.

Section 251(b)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8231(1)) is amended—

(1) by striking "financed with loans" and inserting "assisted";

(2) by inserting after "1959," the following: "which are eligible multifamily housing projects (as such term is defined in section 512 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (42 U.S.C. 1437f note) and are subject to a mortgage restructuring and rental assistance sufficiency plans under such Act,"; and

(3) by inserting after the period at the end of the first sentence the following new sentence: "Such improvements may also include the installation of energy and water conserving fixtures and fittings that conform to the American Society of Mechanical Engineers/American National Standards Institute standards A112.19.2–1998 and A112.18.1–2000, or any revision thereto, applicable at the time of installation.".

SEC. 936. NORTH AMERICAN DEVELOPMENT BANK.

Part 2 of subtitle D of title V of the North American Free Trade Agreement Implementation Act (22 U.S.C. 290m–290m-3) is amended by adding at the end the following:

"SEC. 545. SUPPORT FOR CERTAIN ENERGY POLICIES.

"Consistent with the focus of the Bank's Charter on environmental infrastructure projects, the Board members representing the United States should use their voice and vote to encourage the Bank to finance projects related to clean and efficient energy, including energy conservation, that prevent, control, or reduce environmental pollutants or contaminants.".

DIVISION D—INTEGRATION OF ENERGY POLICY AND CLIMATE CHANGE POLICY

TITLE X—CLIMATE CHANGE POLICY FORMULATION

Subtitle A—Global Warming

SEC. 1001. SENSE OF CONGRESS ON GLOBAL WARMING.

(a) FINDINGS. The Congress makes the following findings:

(1) Evidence continues to build that increases in atmospheric concentrations of man-made greenhouse gases are contributing to global climate change.

(2) The Intergovernmental Panel on Climate Change (IPCC) has concluded that "there is new and stronger evidence that most of the warming observed over the last 50 years is attributable to human activities" and that the Earth's average temperature can be expected to rise between 2.5 and 10.4 degrees Fahrenheit in this century.

(3) The National Academy of Sciences confirmed the findings of the IPCC, stating that "the IPCC's conclusion that most of the observed warming of the last 50 years is likely to have been due to the increase of greenhouse gas concentrations accurately reflects the current thinking of the scientific community on this issue" and that "there is general agreement that the observed warming is real and particularly strong within the past twenty years".

(4) The IPCC has stated that in the last 40 years, the global average sea level has risen, ocean heat content has increased, and snow cover and ice extent have decreased, which threatens to inundate low-lying island nations and coastal regions throughout the world.

(5) The Environmental Protection Agency has found that global warming may harm the United States by altering crop yields, accelerating sea level rise, and increasing the spread of tropical infectious diseases.

(6) In 1992, the United States ratified the United Nations Framework Convention of Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system", and which stated in part "the Parties to the Convention are to implement policies with the aim of returning . . . to their 1990 levels anthropogenic emissions of carbon dioxide and other greenhouse gases."

(7) There is a shared international responsibility to address this problem, as industrial nations are the largest historic and current emitters of greenhouse gases and developing nations' emissions will significantly increase in the future.

(8) The United Nations Framework Convention on Climate Change further states that "developed country Parties should take the lead in combating climate change and the adverse effects thereof", as these nations are the largest historic and current emitters of greenhouse gases.

(9) Senate Resolution 98 of July 1997, which expressed that developing nations, especially the largest emitters, must also be included in any future, binding climate change treaty and such a treaty must not result in serious harm to the United States economy, should not cause the United States to abandon its shared responsibility to help find a solution to the global climate change dilemma.

(10) American businesses need to know how governments worldwide will respond to the threat of global warming.

(11) The United States has benefitted and will continue to benefit from investments in the research, development and deployment of a range of clean energy and efficiency technologies that can mitigate global warming and that can make the United States economy more productive, bolster energy security, create jobs, and protect the environment.

(b) SENSE OF CONGRESS.—It is the sense of the United States Congress that the United States should demonstrate international leadership and responsibility in mitigating the health, environmental, and economic threats posed by global warming by:

(1) taking responsible action to ensure significant and meaningful reductions in emissions of greenhouse gases from all sectors;

(2) creating flexible international and domestic mechanisms, including joint implementation, technology deployment, emissions trading and carbon sequestration projects that will reduce, avoid, and sequester greenhouse gas emissions; and

(3) participating in international negotiations, including putting forth a proposal at the next meeting of the Conference of the Parties, with the objective of securing United States' participation in a revised Kyoto Protocol or other future binding climate change agreements in a manner that is consistent with the environmental objectives of the Framework Convention on Climate Change, that protects the economic interests of the United States, and recognizes the shared international responsibility for addressing climate change, including developing country participation.

Subtitle B—Climate Change Strategy

SEC. 1011. SHORT TITLE.

This title may be cited as the "Climate Change Strategy and Technology Innovation Act of 2002".

SEC. 1012. FINDINGS.

Congress finds that—

(1) evidence continues to build that increases in atmospheric concentrations of greenhouse gases are contributing to global climate change;

(2) in 1992, the Senate ratified the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992, the ultimate objective of which is the "stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system";

(3) although science currently cannot determine precisely what atmospheric concentrations are "dangerous", the current trajectory of greenhouse gas emissions will lead to a continued rise in greenhouse gas concentrations in the atmosphere, not stabilization;

(4) the remaining scientific uncertainties call for temperance of human actions, but not inaction;

(5) greenhouse gases are associated with a wide range of human activities, including energy production, transportation, agriculture, forestry, manufacturing, buildings, and other activities;

(6) the economic consequences of poorly designed climate change response strategies, or of inaction, may cost the global economy trillions of dollars;

(7) a large share of this economic burden would be borne by the United States;

(8) stabilization of greenhouse gas concentrations in the atmosphere will require transformational change in the global energy system and other emitting sectors at an almost unimaginable level—a veritable industrial revolution is required;

(9) such a revolution can occur only if the revolution is preceded by research and development that leads to bold technological breakthroughs;

(10) over the decade preceding the date of enactment of this Act—

(A) energy research and development budgets in the public and private sectors have declined precipitously and have not been focused on the climate change response challenge; and

(B) the investments that have been made have not been guided by a comprehensive strategy;

(11) the negative trends in research and development funding described in paragraph (10) must be reversed with a focus on not only traditional energy research and development, but also bolder, breakthrough research;

(12) much more progress could be made on the issue of climate change if the United States were to adopt a new approach for addressing climate change that included, as an ultimate long-term goal—

(A) stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) a response strategy with 4 key elements consisting of—

(i) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(ii) technology development, including—

(I) a national commitment to double energy research and development by the United States public and private sectors; and

(II) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(iii) climate adaptation research that—

(I) focuses on response actions necessary to adapt to climate change that may have already occurred;

(II) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario;

(iv) climate science research that—

(I) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act;

(II) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies; and

(13) inherent in each of the 4 key elements of the response strategy is consideration of the international nature of the challenge, which will require—

(A) establishment of joint climate response strategies and joint research programs;

(B) assistance to developing countries and countries in transition for building technical and institutional capacities and incentives for addressing the challenge; and

(C) promotion of public awareness of the issue.

SEC. 1013. PURPOSE.

The purpose of this title is to implement the new approach described in section 1012(12) by developing a national focal point for climate change response through—

(1) the establishment of the National Office of Climate Change Response within the Executive Office of the President to develop the United States Climate Change Response Strategy that—

(A) incorporates the 4 key elements of that new approach;

(B) is supportive of and integrated in the overall energy, transportation, industrial, agricultural, forestry, and environmental policies of the United States;

(C) takes into account—

(i) the diversity of energy sources and technologies;

(ii) supply-side and demand-side solutions; and

(iii) national infrastructure, energy distribution, and transportation systems;

(D) provides for the inclusion and equitable participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties;

(E) incorporates new models of Federal-State cooperation;

(F) defines a comprehensive energy technology research and development program that—

(i) recognizes the important contributions that research and development programs in existence on the date of enactment of this title make toward addressing the climate change response challenge; and

(ii) includes an additional research and development agenda that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere;

(G) includes consideration of other efforts to address critical environmental and health concerns, including clean air, clean water, and responsible land use policies; and

(H) incorporates initiatives to promote the deployment of clean energy technologies developed in the United States and abroad;

(2) the establishment of the Interagency Task Force, chaired by the Director of the White House Office, to serve as the primary mechanism through which the heads of Federal agencies work together to develop and implement the Strategy;

(3) the establishment of the Office of Climate Change Technology within the Department of Energy—

(A) to manage, as its primary responsibility, an innovative research and development program that focuses on the bold, breakthrough technologies that are critical to the long-term stabilization of greenhouse gas concentrations in the atmosphere; and

(B) to provide analytical support and data to the White House Office, other agencies, and the public;

(4) the establishment of an independent review board—

(A) to review the Strategy and annually assess United States and international progress toward the goal of stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system; and

(B) to assess—

(i) the performance of each Federal agency that has responsibilities under the Strategy; and

(ii) the adequacy of the budget of each such Federal agency to fulfill the responsibilities of the Federal agency under the Strategy; and

(5) the establishment of offices in, or the carrying out of activities by, the Department of Agriculture, the Department of Transportation, the Department of Commerce, the Environmental Protection Agency, and other Federal agencies as necessary to carry out this title.

SEC. 1014. DEFINITIONS.

In this title:

(1) CLIMATE-FRIENDLY TECHNOLOGY.—The term "climate-friendly technology" means any energy supply or end-use technology that, over the life of the technology and compared to similar technology in commercial use as of the date of enactment of this Act—

(A) results in reduced emissions of greenhouse gases;

(B) may substantially lower emissions of other pollutants; and

(C) may generate substantially smaller or less hazardous quantities of solid or liquid waste.

(2) DEPARTMENT.—The term "Department" means the Department of Energy.

(3) DEPARTMENT OFFICE.—The term "Department Office" means the Office of Climate Change Technology of the Department established by section 1017(a).

(4) FEDERAL AGENCY.—The term "Federal agency" has the meaning given the term "agency" in section 551 of title 5, United States Code.

(5) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) an anthropogenic gaseous constituent of the atmosphere (including carbon dioxide, methane, nitrous oxide, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and tropospheric ozone) that absorbs and re-emits infrared radiation and influences climate; and

(B) an anthropogenic aerosol (such as black soot) that absorbs solar radiation and influences climate.

(6) INTERAGENCY TASK FORCE.—The term "Interagency Task Force" means the United States Climate Change Response Interagency Task Force established under section 1016(d).

(7) KEY ELEMENT.—The term "key element", with respect to the Strategy, means—

(A) definition of interim emission mitigation levels, that, coupled with specific mitigation approaches and after taking into account actions by other nations (if any), would result in stabilization of greenhouse gas concentrations;

(B) technology development, including—

(i) a national commitment to double energy research and development by the United States public and private sectors; and

(ii) in carrying out such research and development, a national commitment to provide a high degree of emphasis on bold, breakthrough technologies that will make possible a profound transformation of the energy, transportation, industrial, agricultural, and building sectors of the United States;

(C) climate adaptation research that—

(i) focuses on response actions necessary to adapt to climate change that may have already occurred;

(ii) focuses on response actions necessary to adapt to climate change that may occur under any future climate change scenario; and

(D) climate science research that—

(i) builds on the substantial scientific understanding of climate change that exists as of the date of enactment of this Act; and

(ii) focuses on resolving the remaining scientific, technical, and economic uncertainties to aid in the development of sound response strategies.

(8) QUALIFIED INDIVIDUAL.—

(A) IN GENERAL.—The term "qualified individual" means an individual who has demonstrated expertise and leadership skills to draw on other experts in diverse fields of knowledge that are relevant to addressing the climate change response challenge.

(B) FIELDS OF KNOWLEDGE.—The fields of knowledge referred to in subparagraph (A) are—

(i) the science of primary and secondary climate change impacts;

(ii) energy and environmental economics;

(iii) technology transfer and diffusion;

(iv) the social dimensions of climate change;

(v) climate change adaptation strategies;

(vi) fossil, nuclear, and renewable energy technology;

(vii) energy efficiency and energy conservation;

(viii) energy systems integration;

(ix) engineered and terrestrial carbon sequestration;

(x) transportation, industrial, and building sector concerns;

(xi) regulatory and market-based mechanisms for addressing climate change;

(xii) risk and decision analysis;

(xiii) strategic planning; and

(xiv) the international implications of climate change response strategies.

(9) REVIEW BOARD.—The term "Review Board" means the United States Climate Change Response Strategy Review Board established by section 1019.

(10) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(11) STABILIZATION OF GREENHOUSE GAS CONCENTRATIONS.—The term "stabilization of greenhouse gas concentrations" means the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system, recognizing that such a level should be achieved within a time frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner, as contemplated by the United Nations Framework Convention on Climate Change, done at New York on May 9, 1992.

(12) STRATEGY.—The term "Strategy" means the United States Climate Change Response Strategy developed under section 1015.

(13) WHITE HOUSE OFFICE.—The term "White House Office" means the National Office of Climate Change Response of the Executive Office of the President established by section 1016(a).

SEC. 1015. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY.

(a) IN GENERAL.—The Director of the White House Office shall develop the United States Climate Change Response Strategy, which shall—

(1) have the long-term goal of stabilization of greenhouse gas concentrations through actions taken by the United States and other nations;

(2) recognize that accomplishing the long-term goal of stabilization will take from many decades to more than a century, but acknowledging that significant actions must begin in the near term;

(3) build on the 4 key elements;

(4) be developed on the basis of an examination of a broad range of emissions levels and dates for achievement of those levels (including those evaluated by the Intergovernmental Panel on Climate Change and those consistent with U.S. treaty commitments) that, after taking into account by actions other nations (if any), would culminate in the stabilization of greenhouse gas concentrations;

(5) consider the broad range of activities and actions that can be taken by United States entities to reduce, avoid, or sequester greenhouse gas emissions both within the United States and in other nations through the use of market mechanisms, which may include but not limited to mitigation activities, terrestrial sequestration, earning offsets through carbon capture or project-based activities, trading of emissions credits in domestic and international markets, and the application of the resulting credits from any of the above within the United States;

(6) minimize any adverse short-term and long-term social, economic, national security, and environmental impacts, including ensuring that the strategy is developed in an economically and environmentally sound manner;

(7) incorporate mitigation approaches leading to the development and deployment of advanced technologies and practices that will reduce, avoid, or sequester greenhouse gas emissions;

(8) recognize that the climate change response strategy is intended to guide the nation's effort to address climate change, but it shall not create a legal obligation on the part of any person or entity other than the duties of the Director of the White House Office and Interagency Task Force in the development of the strategy;

(9) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, economic, and other relevant policies of the United States;

(10) be consistent with the goals of energy, transportation, industrial, agricultural, forestry, environmental, and other relevant policies of the United States;

(11) have a scope that considers the totality of United States public, private, and public-private sector actions that bear on the long-term goal;

(12) be based on an evaluation of a wide range of approaches for achieving the long-term goal, including evaluation of—

(A) a variety of cost-effective Federal and State policies, programs, standards, and incentives;

(B) policies that integrate and promote innovative, market-based solutions in the United States and in foreign countries; and

(C) participation in other international institutions, or in the support of international activities, that are established or conducted to facilitate stabilization of greenhouse gas concentrations;

(13) in the final recommendations of the Strategy, emphasize response strategies that achieve the long-term goal and provide specific recommendations concerning—

(A) measures determined to be appropriate for short-term implementation, giving preference to cost-effective and technologically feasible measures that will—

(i) produce measurable net reductions in United States emissions that lead toward achievement of the long-term goal; and

(ii) minimize any adverse short-term and long-term economic, environmental, national security, and social impacts on the United States;

(B) the development of technologies that have the potential for long-term implementation—

(i) giving preference to technologies that have the potential to reduce significantly the overall cost of stabilization of greenhouse gas concentrations; and

(ii) considering a full range of energy sources, energy conversion and use technologies, and efficiency options;

(C) such changes in institutional and technology systems as are necessary to adapt to climate change in the short-term and the long-term;

(D) such review, modification, and enhancement of the scientific, technical, and economic research efforts of the United States, and improvements to the data resulting from research, as are appropriate to improve the accuracy of predictions concerning climate change and the economic and social costs and opportunities relating to climate change; and

(E) changes that should be made to project and grant evaluation criteria under other Federal research and development programs so that those criteria do not inhibit development of climate-friendly technologies;

(14) be developed in a manner that provides for meaningful participation by, and consultation among, Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in accordance with subsections (b)(4)(C)(iv)(II) and (d)(3)(B)(iii) of section 1016;

(15) address how the United States should engage State, tribal, and local governments in developing and carrying out a response to climate change;

(16) promote, to the maximum extent practicable, public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues;

(17) provide a detailed explanation of how the measures recommended by the Strategy will ensure that they do not result in serious harm to the economy of the United States;

(18) provide a detailed explanation of how the measures recommended by the Strategy will achieve the long-term goal of stabilization of greenhouse gas concentrations;

(19) include any recommendations for legislative and administrative actions necessary to implement the Strategy;

(20) serve as a framework for climate change response actions by all Federal agencies;

(21) recommend which Federal agencies are, or should be, responsible for the various aspects of implementation of the Strategy and any budgetary implications;

(22) address how the United States should engage foreign governments in developing an international response to climate change; and

(23) be subject to review by an independent review board in accordance with section 1019.

(b) SUBMISSION TO CONGRESS.—Not later than 1 year after the date of enactment of this title, the President shall submit to Congress the Strategy.

(c) UPDATING.—Not later than 2 years after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 2-year period thereafter, the President shall submit to Congress an updated version of the Strategy.

(d) PROGRESS REPORTS.—Not later than 1 year after the date of submission of the Strategy to Congress under subsection (b), and at the end of each 1-year period thereafter, the President shall submit to Congress a report that—

(1) describes the progress on implementation of the Strategy; and

(2) provides recommendations for improvement of the Strategy and the implementation of the Strategy.

(e) ALIGNMENT WITH ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, FORESTRY, AND OTHER POLICIES.—The President, the Director of the White House Office, the Secretary, and the other members of the Interagency Task Force shall work together to align the actions carried out under the Strategy and actions associated with the energy, transportation, industrial, agricultural, forestry, and other relevant policies of the United States so that the objectives of both the Strategy and the policies are met without compromising the climate change-related goals of the Strategy or the goals of the policies.

SEC. 1016. NATIONAL OFFICE OF CLIMATE CHANGE RESPONSE OF THE EXECUTIVE OFFICE OF THE PRESIDENT.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established, within the Executive Office of the President, the National Office of Climate Change Response.

(2) FOCUS.—The White House Office shall have the focus of achieving the long-term goal of stabilization of greenhouse gas concentrations while minimizing adverse short-term and long-term economic and social impacts.

(3) DUTIES.—Consistent with paragraph (2), the White House Office shall—

(A) establish policies, objectives, and priorities for the Strategy;

(B) in accordance with subsection (d), establish the Interagency Task Force to serve as the primary mechanism through which the heads of Federal agencies shall assist the Director of the White House Office in developing and implementing the Strategy;

(C) to the maximum extent practicable, ensure that the Strategy is based on objective, quantitative analysis, drawing on the analytical capabilities of Federal and State agencies, especially the Department Office;

(D) advise the President concerning necessary changes in organization, management, budgeting, and personnel allocation of Federal agencies involved in climate change response activities; and

(E) advise the President and notify a Federal agency if the policies and discretionary programs of the agency are not well aligned with, or are not contributing effectively to, the long-term goal of stabilization of greenhouse gas concentrations.

(b) DIRECTOR OF THE WHITE HOUSE OFFICE.—

(1) IN GENERAL.—The White House Office shall be headed by a Director, who shall report directly to the President.

(2) APPOINTMENT.—The Director of the White House Office shall be a qualified individual appointed by the President, by and with the advice and consent of the Senate.

(3) DUTIES OF THE DIRECTOR OF THE WHITE HOUSE OFFICE.—

(A) STRATEGY.—In accordance with section 1015, the Director of the White House Office shall coordinate the development and updating of the Strategy.

(B) INTERAGENCY TASK FORCE.—The Director of the White House Office shall serve as Chairperson of the Interagency Task Force.

(C) ADVISORY DUTIES.—

(i) CLIMATE, ENERGY, TRANSPORTATION, INDUSTRIAL, AGRICULTURAL, BUILDING, FORESTRY, AND OTHER PROGRAMS.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which United States energy, transportation, industrial, agricultural, forestry, building, and other relevant programs are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created energy, transportation, industrial, agricultural, forestry, building, and other relevant programs positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(ii) TAX, TRADE, AND FOREIGN POLICIES.—The Director of the White House Office, using an integrated perspective considering the totality of actions in the United States, shall advise the President and the heads of Federal agencies on—

(I) the extent to which the United States tax policy, trade policy; and foreign policy are capable of producing progress on the long-term goal of stabilization of greenhouse gas concentrations; and

(II) the extent to which proposed or newly created tax policy, trade policy, and foreign policy positively or negatively affect the ability of the United States to achieve the long-term goal of stabilization of greenhouse gas concentrations.

(iii) INTERNATIONAL TREATIES.—The Secretary of State, acting in conjunction with the Interagency Task Force and using the analytical tools available to the White House Office, shall provide to the Director of the White House Office an opinion that—

(I) specifies, to the maximum extent practicable, the economic and environmental costs and benefits of any proposed international treaties or components of treaties that have an influence on greenhouse gas management; and

(II) assesses the extent to which the treaties advance the long-term goal of stabilization of greenhouse gas concentrations, while minimizing adverse short-term and long-term economic and social impacts and considering other impacts.

(iv) CONSULTATION.—

(I) WITH MEMBERS OF INTERAGENCY TASK FORCE.—To the extent practicable and appropriate, the Director of the White House Office shall consult with all members of the Interagency Task Force and other interested parties before providing advice to the President.

(II) WITH OTHER INTERESTED PARTIES.—The Director of the White House Office shall establish a process for obtaining the meaningful participation of Federal, State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties in the formulation of advice to be provided to the President.

(D) PUBLIC EDUCATION, AWARENESS, OUTREACH, AND INFORMATION-SHARING.—The Director of the White House Office, to the maximum extent practicable, shall promote public awareness, outreach, and information-sharing to further the understanding of the full range of climate change-related issues.

(4) ANNUAL REPORTS.—The Director of the White House Office, in consultation with the Interagency Task Force and other interested parties, shall prepare an annual report for submission by the President to Congress that—

(A) assesses progress in implementation of the Strategy;

(B) assesses progress, in the United States and in foreign countries, toward the long-term goal of stabilization of greenhouse gas concentrations;

(C) assesses progress toward meeting climate change-related international obligations;

(D) makes recommendations for actions by the Federal Government designed to close any gap between progress-to-date and the measures that are necessary to achieve the long-term goal of stabilization of greenhouse gas concentrations; and

(E) addresses the totality of actions in the United States that relate to the 4 key elements.

(5) ANALYSIS.—During development of the Strategy, preparation of the annual reports submitted under paragraph (5), and provision of advice to the President and the heads of Federal agencies, the Director of the White House Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any uncertainties associated with the analysis.

(c) STAFF.—

(1) IN GENERAL.—The Director of the White House Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the White House Office.

(2) INTERGOVERNMENTAL PERSONNEL AND FELLOWSHIPS.—The Director of the White House Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.) and subchapter VI of chapter 33 of title 5, United States Code, and fellowships, to obtain staff from academia, scientific bodies, nonprofit organizations, and national laboratories, for appointments of a limited term.

(d) INTERAGENCY TASK FORCE.—

(1) IN GENERAL.—The Director of the White House Office shall establish the United States Climate Change Response Interagency Task Force.

(2) COMPOSITION.—The Interagency Task Force shall be composed of—

(A) the Director of the White House Office, who shall serve as Chairperson;

(B) the Secretary of State;

(C) the Secretary;

(D) the Secretary of Commerce;

(E) the Secretary of the Treasury;

(F) the Secretary of Transportation;

(G) the Secretary of Agriculture;

(H) the Administrator of the Environmental Protection Agency;

(I) the Administrator of the Agency for International Development;

(J) the United States Trade Representative;

(K) the National Security Advisor;

(L) the Chairman of the Council of Economic Advisers;

(M) the Chairman of the Council on Environmental Quality;

(N) the Director of the Office of Science and Technology Policy;

(O) the Chairperson of the Subcommittee on Global Change Research (which performs the functions of the Committee on Earth and Environmental Sciences established by section 102 of the Global Change Research Act of 1990 (15 U.S.C. 2932)); and

(P) the heads of such other Federal agencies as the Chairperson determines should be members of the Interagency Task Force.

(3) STRATEGY.—

(A) IN GENERAL.—The Interagency Task Force shall serve as the primary forum through which the Federal agencies represented on the Interagency Task Force jointly—

(i) assist the Director of the White House Office in developing and updating the Strategy; and

(ii) assist the Director of the White House Office in preparing annual reports under subsection (b)(5).

(B) REQUIRED ELEMENTS.—In carrying out subparagraph (A), the Interagency Task Force shall—

(i) take into account the long-term goal and other requirements of the Strategy specified in section 1015(a);

(ii) consult with State, tribal, and local government agencies, nongovernmental organizations, academia, scientific bodies, industry, the public, and other interested parties; and

(iii) build consensus around a Strategy that is based on strong scientific, technical, and economic analyses.

(4) WORKING GROUPS.—The Chairperson of the Interagency Task Force may establish such topical working groups as are necessary to carry out the duties of the Interagency Task Force.

(e) PROVISION OF SUPPORT STAFF.—In accordance with procedures established by the Chairperson of the Interagency Task Force, the Federal agencies represented on the Interagency Task Force shall provide staff from the agencies to support information, data collection, and analyses required by the Interagency Task Force.

(f) HEARINGS.—On request of the Chairperson, the Interagency Task Force may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Interagency Task Force considers to be appropriate.

SEC. 1017. TECHNOLOGY INNOVATION PROGRAM IMPLEMENTED THROUGH THE OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.

(a) ESTABLISHMENT OF OFFICE OF CLIMATE CHANGE TECHNOLOGY OF THE DEPARTMENT OF ENERGY.—

(1) IN GENERAL.—There is established, within the Department, the Office of Climate Change Technology.

(2) DUTIES.—The Department Office shall—

(A) manage an energy technology research and development program that directly supports the Strategy by—

(i) focusing on high-risk, bold, breakthrough technologies that—

(I) have significant promise of contributing to the national climate change policy of long-term stabilization of greenhouse gas concentrations by—

(aa) mitigating the emissions of greenhouse gases;

(bb) removing and sequestering greenhouse gases from emission streams; or

(cc) removing and sequestering greenhouse gases from the atmosphere;

(II) are not being addressed significantly by other Federal programs; and

(III) would represent a substantial advance beyond technology available on the date of enactment of this title;

(ii) forging fundamentally new research and development partnerships among various Department, other Federal, and State programs, particularly between basic science and energy technology programs, in cases in which such partnerships have significant potential to affect the ability of the United States to achieve stabilization of greenhouse gas concentrations at the lowest possible cost;

(iii) forging international research and development partnerships that are in the interests of the United States and make progress on stabilization of greenhouse gas concentrations;

(iv) making available, through monitoring, experimentation, and analysis, data that are essential to proving the technical and economic viability of technology central to addressing climate change; and

(v) transitioning research and development programs to other program offices of the Department once such a research and development program crosses the threshold of high-risk research and moves into the realm of more conventional technology development;

(B) prepare annual reports in accordance with subsection (b)(6);

(C) identify the total contribution of all Department programs to climate change response;

(D) provide substantial analytical support to the White House Office, particularly support in the development of the Strategy and associated progress reporting; and

(E) advise the Secretary on climate change-related issues, including necessary changes in Department organization, management, budgeting, and personnel allocation in the programs involved in climate change response-related activities.

(b) Director of the Department Office.—

(1) In general.—The Department Office shall be headed by a Director, who shall report directly to the Secretary.

(2) Appointment.—The Director of the Department Office shall be an employee of the Federal Government who is a qualified individual appointed by the President.

(3) Term.—The Director of the Department Office shall be appointed for a term of 4 years.

(4) Vacancies.—A vacancy in the position of the Director of the Department Office shall be filled in the same manner as the original appointment was made.

(5) Duties of the director of the department office.—

(A) Technology development.—The Director of the Department Office shall manage the energy technology research and development program described in subsection (a)(2)(A).

(B) Strategy.—The Director of the Department Office shall support development of the Strategy through the provision of staff and analytical support.

(C) Interagency task force.—Through active participation in the Interagency Task Force, the Director of the Department Office shall—

(i) based on the analytical capabilities of the Department Office, share analyses of alternative climate change response strategies with other members of the Interagency Task Force to assist all members in understanding—

(I) the scale of the climate change response challenge; and

(II) how the actions of the Federal agencies of the members positively or negatively contribute to climate change solutions; and

(ii) determine how the energy technology research and development program described in subsection (a)(2)(A) can be designed for maximum impact on the long-term goal of stabilization of greenhouse gas concentrations.

(D) Tools, data, and capabilities.—The Director of the Department Office shall foster the development of tools, data, and capabilities to ensure that—

(i) the United States has a robust capability for evaluating alternative climate change response scenarios; and

(ii) the Department Office provides long-term analytical continuity during the terms of service of successive Presidents.

(E) Advisory duties.—The Director of the Department Office shall advise the Secretary on all aspects of climate change response.

(6) Annual reports.—The Director of the Department Office shall prepare an annual report for submission by the Secretary to Congress and the White House Office that—

(A) assesses progress toward meeting the goals of the energy technology research and development program described in subsection (a)(2)(A);

(B) assesses the activities of the Department Office;

(C) assesses the contributions of all energy technology research and development programs of the Department (including science programs) to the long-term goal and other requirements of the Strategy specified in section 1015(a); and

(D) makes recommendations for actions by the Department and other Federal agencies to address the components of technology development that are necessary to support the Strategy.

(7) Analysis.—During development of the Strategy, annual reports submitted under paragraph (6), and advice to the Secretary, the Director of the Department Office shall place significant emphasis on the use of objective, quantitative analysis, taking into consideration any associated uncertainties.

(c) Staff.—The Director of the Department Office shall employ a professional staff of not more than 25 individuals to carry out the duties of the Department Office.

(d) Intergovernmental Personnel and Fellowships.—The Department Office may use the authority provided by the Intergovernmental Personnel Act of 1970 (42 U.S.C. 4701 et seq.), subchapter VI of chapter 33 of title 5, United States Code, and other Departmental personnel authorities, to obtain staff from academia, scientific bodies, nonprofit organizations, industry, and national laboratories, for appointments of a limited term.

(e) Relationship to Other Department Programs.—Each project carried out by the Department Office shall be—

(1) initiated only after consultation with 1 or more other appropriate program offices of the Department that support research and development in areas relating to the project;

(2) managed by the Department Office; and

(3) in the case of a project that reaches a sufficient level of maturity, with the concurrence of the Department Office and an appropriate office described in paragraph (1), transferred to the appropriate office, along with the funds necessary to continue the project to the point at which non-Federal funding can provide substantial support for the project.

(f) Analysis of Strategic Climate Change Response.—

(1) In general.—

(A) Goal.—The Department Office shall foster the development and application of advanced computational tools, data, and capabilities that, together with the capabilities of other federal agencies, support integrated assessment of alternative climate change response scenarios and implementation of the Strategy.

(B) Participation and support.—Projects supported by the Department Office may include participation of, and be supported by, other Federal agencies that have a role in the development, commercialization, or transfer of energy, transportation, industrial, agricultural, forestry, or other climate change-related technology.

(2) Programs.—

(A) In general.—The Department Office shall—

(i) develop and maintain core analytical competencies and complex, integrated computational modeling capabilities that, together with the capabilities of other Federal agencies, are necessary to support the design and implementation of the Strategy; and

(ii) track United States and international progress toward the long-term goal of stabilization of greenhouse gas concentrations.

(B) International carbon dioxide sequestration monitoring and data program.—In consultation with Federal, State, academic, scientific, private sector, nongovernmental, tribal, and international carbon capture and sequestration technology programs, the Department Office shall design and carry out an international carbon dioxide sequestration monitoring and data program to collect, analyze, and make available the technical and economic data to ascertain—

(i) whether engineered sequestration and terrestrial sequestration will be acceptable technologies from regulatory, economic, and international perspectives;

(ii) whether carbon dioxide sequestered in geological formations or ocean systems is stable and has inconsequential leakage rates on a geologic time-scale; and

(iii) the extent to which forest, agricultural, and other terrestrial systems are suitable carbon sinks.

(3) Areas of expertise.—

(A) In general.—The Department Office shall develop and maintain expertise in integrated assessment, modeling, and related capabilities necessary—

(i) to understand the relationship between natural, agricultural, industrial, energy, and economic systems;

(ii) to design effective research and development programs; and

(iii) to develop and implement the Strategy.

(B) Technology transfer and diffusion.—The expertise described in clause (i) shall include knowledge of technology transfer and technology diffusion in United States markets and foreign markets.

(4) Dissemination of information.—The Department Office shall ensure, to the maximum extent practicable, that technical and scientific knowledge relating to greenhouse gas emission reduction, avoidance, and sequestration is broadly disseminated through publications, fellowships, and training programs.

(5) Assessments.—In a manner consistent with the Strategy, the Department shall conduct assessments of deployment of climate-friendly technology.

(6) Use of private sector funding.—

(A) In general.—The Department Office shall create an operating model that allows for collaboration, division of effort, and cost sharing with industry on individual climate change response projects.

(B) Requirements.—Although cost sharing in some cases may be appropriate, the Department Office shall focus on long-term high-risk research and development and should not make industrial partnerships or cost sharing a requirement, if such a requirement would bias the activities of the Department Office toward incremental innovations.

(C) Reevaluation on transition.—At such time as any bold, breakthrough research and development program reaches a sufficient level of technological maturity such that the program is transitioned to a program office of the Department other than the Department Office, the cost-sharing requirements and criteria applicable to the program should be reevaluated.

(D) PUBLICATION IN FEDERAL REGISTER.—Each cost-sharing agreement entered into under this subparagraph shall be published in the Federal Register.

SEC. 1018. ADDITIONAL OFFICES AND ACTIVITIES.

The Secretary of Agriculture, the Secretary of Transportation, the Secretary of Commerce, the Administrator of the Environmental Protection Agency, and the heads of other Federal agencies may establish such offices and carry out such activities, in addition to those established or authorized by this Act, as are necessary to carry out this Act.

SEC. 1019. UNITED STATES CLIMATE CHANGE RESPONSE STRATEGY REVIEW BOARD.

(a) ESTABLISHMENT.—There is established as an independent establishment within the executive branch the United States Climate Change Response Strategy Review Board.

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Review Board shall consist of 11 members who shall be appointed, not later than 90 days after the date of enactment of this Act, by the President by and with the advice and consent of the Senate, from among qualified individuals nominated by the National Academy of Sciences in accordance with paragraph (2).

(2) NOMINATIONS.—Not later than 60 days after the date of enactment of this Act, after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, the National Academy of Sciences shall nominate for appointment to the Review Board not fewer than 22 individuals who—

(A) are—

(i) qualified individuals; or

(ii) experts in a field of knowledge specified in section 1014(9)(B); and

(B) as a group represent broad, balanced expertise.

(3) PROHIBITION ON FEDERAL GOVERNMENT EMPLOYMENT.—A member of the Review Board shall not be an employee of the Federal Government.

(4) TERMS; VACANCIES.—

(A) TERMS.—

(i) IN GENERAL.—Subject to clause (ii), each member of the Review Board shall be appointed for a term of 4 years.

(ii) INITIAL TERMS.—

(I) COMMENCEMENT DATE.—The term of each member initially appointed to the Review Board shall commence 120 days after the date of enactment of this title.

(II) TERMINATION DATE.—Of the 11 members initially appointed to the Review Board, 5 members shall be appointed for a term of 2 years and 6 members shall be appointed for a term of 4 years, to be designated by the President at the time of appointment.

(B) VACANCIES.—

(i) IN GENERAL.—A vacancy on the Review Board shall be filled in the manner described in this subparagraph.

(ii) NOMINATIONS BY THE NATIONAL ACADEMY OF SCIENCES.—Not later than 60 days after the date on which a vacancy commences, the National Academy of Sciences shall—

(I) after taking into strong consideration the guidance and recommendations of a broad range of scientific and technical societies that have the capability of recommending qualified individuals, nominate, from among qualified individuals, not fewer than 2 individuals to fill the vacancy; and

(II) submit the names of the nominees to the President.

(iii) SELECTION.—Not later than 30 days after the date on which the nominations under clause (ii) are submitted to the President, the President shall select from among the nominees an individual to fill the vacancy.

(iv) SENATE CONFIRMATION.—An individual appointed to fill a vacancy on the Review Board shall be appointed by and with the advice and consent of the Senate.

(5) APPLICABILITY OF ETHICS IN GOVERNMENT ACT OF 1978.—A member of the Review Board shall be deemed to be an individual subject to the Ethics in Government Act of 1978 (5 U.S.C. App.).

(6) CHAIRPERSON; VICE CHAIRPERSON.—The members of the Review Board shall select a Chairperson and a Vice Chairperson of the Review Board from among the members of the Review Board.

(c) DUTIES.—

(1) IN GENERAL.—Not later than 180 days after the date of submission of the initial Strategy under section 1015(b), each updated version of the Strategy under section 1015(c), and each progress report under section 1015(d), the Review Board shall submit to the President, Congress, and the heads of Federal agencies as appropriate a report assessing the adequacy of the Strategy or report.

(2) COMMENTS.—In reviewing the Strategy or a report under paragraph (1), the Review Board shall consider and comment on—

(A) the adequacy of effort and the appropriateness of focus of the totality of all public, private, and public-private sector actions of the United States with respect to the 4 key elements;

(B) the extent to which actions of the United States, with respect to climate change, complement or leverage international research and other efforts designed to manage global emissions of greenhouse gases, to further the long-term goal of stabilization of greenhouse gas concentrations;

(C) the funding implications of any recommendations made by the Review Board; and

(D)(i) the effectiveness with which each Federal agency is carrying out the responsibilities of the Federal agency with respect to the short-term and long-term greenhouse gas management goals; and

(ii) the adequacy of the budget of each such Federal agency to carry out those responsibilities.

(3) ADDITIONAL RECOMMENDATIONS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Review Board, at the request of the President or Congress, may provide recommendations on additional climate change-related topics.

(B) SECONDARY DUTY.— The provision of recommendations under subparagraph (A) shall be a secondary duty to the primary duty of the Review Board of providing independent review of the Strategy and the reports under paragraphs (1) and (2).

(d) POWERS.—

(1) HEARINGS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, the Review Board may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Review Board considers to be appropriate.

(B) ADMINISTRATION OF OATHS.—Any member of the Review Board may administer an oath or affirmation to any witness that appears before the Review Board.

(2) PRODUCTION OF DOCUMENTS.—

(A) IN GENERAL.—On request of the Chairperson or a majority of the members of the Review Board, and subject to applicable law, the Secretary or head of a Federal agency represented on the Interagency Task Force, or a contractor of such an agency, shall provide the Review Board with such records, files, papers, data, and information as are necessary to respond to any inquiry of the Review Board under this Act.

(B) INCLUSION OF WORK IN PROGRESS.—Subject to applicable law, information obtainable under subparagraph (A)—

(i) shall not be limited to final work products; but

(ii) shall include draft work products and documentation of work in progress.

(3) POSTAL SERVICES.—The Review Board may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(e) COMPENSATION OF MEMBERS.—A member of the Review Board shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Review Board.

(f) TRAVEL EXPENSES.—A member of the Review Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Review Board.

(g) STAFF.—

(1) IN GENERAL.—The Chairperson of the Review Board may, without regard to the provisions of title 5, United States Code, regarding appointments in the competitive service, appoint and terminate an executive director and such other additional personnel as are necessary to enable the Review Board to perform the duties of the Review Board.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Review Board.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Chairperson of the Review Board may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(h) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Review Board may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 1020. AUTHORIZATION OF APPROPRIATIONS.

(a) WHITE HOUSE OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this Title is enacted, the President shall provide such sums as are necessary to carry out the duties of the White House Office under this title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the

White House Office to carry out the duties of the White House Office under this Title $5,000,000 for each of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(b) DEPARTMENT OFFICE.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Department Office under this Title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department Office to carry out the duties of the Department Office under this title $4,750,000,000 for the period of fiscal years 2003 through 2011, to remain available through September 30, 2011.

(c) REVIEW BOARD.—

(1) USE OF AVAILABLE APPROPRIATIONS.—From funds made available to Federal agencies for the fiscal year in which this title is enacted, the President shall provide such sums as are necessary to carry out the duties of the Review Board under this title until the date on which funds are made available under paragraph (2).

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Review Board to carry out the duties of the Review Board under this title $3,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.

(d) ADDITIONAL AMOUNTS.— Amounts authorized to be appropriated under this section shall be in addition to—

(1) amounts made available to carry out the United States Global Change Research Program under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.); and

(2) amounts made available under other provisions of law for energy research and development.

Subtitle C—Science and Technology Policy

SEC. 1031. GLOBAL CLIMATE CHANGE IN THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY.

Section 101(b) of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601(b)) is amended—

(1) by redesignating paragraphs (7) through (13) as paragraphs (8) through (14), respectively; and

(2) by inserting after paragraph (6) the following:

"(7) improving efforts to understand, assess, predict, mitigate, and respond to global climate change;".

SEC. 1032. ESTABLISHMENT OF ASSOCIATE DIRECTOR FOR GLOBAL CLIMATE CHANGE.

Section 203 of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6612) is amended—

(1) by striking "four" in the second sentence and inserting "five"; and

(2) by striking "title." in the second sentence and inserting "title, one of whom shall be responsible for global climate change science and technology under the Office of Science and Technology Policy.".

Subtitle D—Miscellaneous Provisions

SEC. 1041. ADDITIONAL INFORMATION FOR REGULATORY REVIEW.

In each case that an agency prepares and submits a Statement of Energy Effects pursuant to Executive Order 13211 of May 18, 2001 (relating to actions concerning regulations that significantly affect energy supply, distribution, or use), or as part of compliance with Executive Order 12866 of September 30, 1993 (relating to regulatory planning and review) or its successor, the agency shall also submit an estimate of the change in net annual greenhouse gas emissions resulting from the proposed significant energy action. In the case in which there is an increase in net annual greenhouse gas emissions as a result of the proposed significant energy action, the agency shall indicate what policies or measures will be undertaken to mitigate or offset the increased emissions.

SEC. 1042. GREENHOUSE GAS EMISSIONS FROM FEDERAL FACILITIES.

(a) METHODOLOGY.—

(1) IN GENERAL.—Not later than one year after the date of enactment of this section, the Secretary of Energy, Secretary of Agriculture, Secretary of Commerce, and Administrator of the Environmental Protection Agency shall publish a jointly developed methodology for preparing estimates of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, including mobile sources.

(2) INDIRECT AND OTHER EMISSIONS.—The methodology under paragraph (1) shall include emissions resulting from any Federal procurement action with an annual Federal expenditure of greater than $100 million, indirect emissions associated with Federal electricity consumption, and other emissions resulting from Federal actions that the heads of the agencies under paragraph (1) may jointly decide to include in the estimates.

(b) PUBLICATION.—Not later than 18 months after the date of enactment of this section, and annually thereafter, the Secretary of Energy shall publish an estimate of annual net greenhouse gas emissions from all Federally owned, leased, or operated facilities and emission sources, using the methodology published under subsection (a).

TITLE XI—NATIONAL GREENHOUSE GAS DATABASE

SEC. 1101. PURPOSE.

The purpose of this title is to establish a greenhouse gas inventory, reductions registry, and information system that—

(1) is complete, consistent, transparent, and accurate;

(2) will create reliable and accurate data that can be used by public and private entities to design efficient and effective greenhouse gas emission reduction strategies; and,

(3) will encourage and acknowledge greenhouse gas emissions reductions.

SEC. 1102. DEFINITIONS.

In this title—

(1) DATABASE.—The term "database" means the National Greenhouse Gas Database established under section 1104.

(2) DESIGNATED AGENCY OR AGENCIES.—The term "Designated Agency or Agencies" means the Department or Departments and/or Agency or Agencies given the responsibility for a function or program under the Memorandum of Agreement entered into pursuant to Section 1103.

(3) DIRECT EMISSIONS.—The term "direct emissions" means greenhouse gas emissions by an entity from a facility that is owned or controlled by that entity.

(4) ENTITY.—The term "entity" means—

(A) a person located in the United States; or

(B) a public or private entity, to the extent that the entity operates in the United States.

(5) FACILITY.—The term "facility" means all buildings, structures, or installations located on any one or more of contiguous or adjacent property or properties, or a fleet of 20 or more transportation vehicles, under common control of the same entity.

(6) GREENHOUSE GAS.—The term "greenhouse gas" means—

(A) carbon dioxide;

(B) methane;

(C) nitrous oxide;

(D) hydrofluororcarbons;

(E) perfluorocarbons; and

(F) sulfur hexafluoride.

(7) INDIRECT EMISSIONS.—The term 'indirect emissions' means greenhouse gas emissions that are a consequence of the activities of an entity but that are emitted from a facility owned or controlled by another entity and are not already reported as direct emissions by a covered entity.

(8) SEQUESTRATION.—The term 'sequestration' means the capture, long-term separation, isolation, or removal of greenhouse gases from the atmosphere, including through a biological or geologic method such as reforestation or an underground reservoir.

SEC. 1103. ESTABLISHMENT OF MEMORANDUM OF AGREEMENT.

(a) Not later than one year after the date of enactment of this title, the President, acting through the Chairman of the Council on Environmental Quality, shall direct the Department of Energy, the Department of Commerce, the Department of Agriculture, the Department of Transportation and the Environmental Protection Agency, to enter into a Memorandum of Agreement that will—

(1) recognize and maintain existing statutory and regulatory authorities, functions and programs that collect data on greenhouse gas emissions and effects and that are necessary for the operation of the National Greenhouse Gas Database;

(2) distribute additional responsibilities and activities identified by this title to Federal departments or agencies according to their mission and expertise and to maximize the use of existing resources; and

(3) provide for the comprehensive collection and analysis of data on the emissions related to product use, including fossil fuel and energy consuming appliances and vehicles.

(b) The Memorandum of Agreement entered into under subsection (a) shall, at a minimum, retain the following functions for the respective Departments and agencies:

(1) The Department of Energy shall be primarily responsible for developing, maintaining, and verifying the emissions reduction registry, under both this title and its authority under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)).

(2) The Department of Commerce shall be primarily responsible for the development of measurement standards for emissions monitoring and verification technologies and methods to ensure that there is a consistent and technically accurate record of emissions, reductions and atmospheric concentrations of greenhouse gases for the database under this title.

(3) The Environmental Protection Agency shall be primarily responsible for emissions monitoring, measurement, verification and data collection, pursuant to this title and existing authority under Titles IV and VIII of the Clean Air Act, and including mobile source emissions information from implementation of the Corporate Average Fuel Economy program (49 U.S.C. Chapter 329), and the Agency's role in completing the national inventory for compliance with the United Nations Framework Convention on Climate Change.

(c) The Chairman shall publish a draft version of the Memorandum of Agreement in the Federal Register and solicit comments on it as soon as practicable and publish the final Memorandum of Agreement in the Federal Register not later than 15 months after the date of enactment of this title.

(d) The final Memorandum of Agreement shall not be subject to judicial review.

SEC. 1104. NATIONAL GREENHOUSE GAS DATABASE.

(a) ESTABLISHMENT.—The Designated Agency or Agencies, working in consultation with the private sector and nongovernmental organizations, shall establish, operate and maintain a database to be known as the National Greenhouse Gas Database to collect, verify, and analyze information on—

(1) greenhouse gas emissions by entities located in the United States; and

(2) greenhouse gas emission reductions by entities based in the United States.

(b) NATIONAL GREENHOUSE GAS DATABASE COMPONENTS.—The database shall consist of an inventory of greenhouse gas emissions and a registry of greenhouse gas emissions reductions.

(c) DEADLINE.—Not later than 2 years after the date of enactment of this title, the Designated Agency or Agencies shall promulgate a rule to implement a comprehensive system for greenhouse gas emissions reporting, inventorying and reductions registration. The Designated Agency or Agencies shall ensure that the system is designed to maximize completeness, transparency, and accuracy and to minimize measurement and reporting costs for covered entities.

(d) REQUIRED ELEMENTS OF DATABASE REPORTING SYSTEM.—

(1) MANDATORY REPORTING.—

(A) Beginning one year after promulgation of the final rule issued under subsection (c), each entity that exceeds the greenhouse gas emissions threshold in paragraph (2) shall report annually to the Designated Agency or Agencies, for inclusion in the National Greenhouse Gas Database, the entity-wide emissions of greenhouse gases in the previous calendar year. Such reports are due annually to the Designated Agency or Agencies, but must be submitted no later than April 30 of each calendar year in support of the previous years' emission reporting requirements.

(B) Each report submitted shall include—

(i) direct emissions from stationary sources;

(ii) direct emissions from vehicles owned or controlled by a covered entity;

(iii) direct emissions from any land use activities that release significant quantities of greenhouse gases;

(iv) indirect emissions from all outsourced activities, contract manufacturing, wastes transferred from the control of an entity, and other relevant instances, as determined to be practicable under the rule;

(v) indirect emissions from electricity, heat, and steam imported from another entity, as determined to be practicable under the rule;

(vi) the production, distribution or import of greenhouse gases listed under section 1102 by an entity; and

(vii) such other categories, which the designated Agency or Agencies determine by rule, after public notice and comment, should be included to accomplish the purposes of this title.

(C) Each report shall include total mass quantities for each greenhouse gas emitted, and in terms of carbon dioxide equivalent.

(D) Each report shall include the greenhouse gas emissions per unit of output by an entity, such as tons of carbon dioxide per kilowatt-hour or a similar metric.

(E) The first report shall be required to be submitted not later than April 30 of the fourth year after the date of enactment of this title.

(2) THRESHOLD FOR REPORTING.—

(A) An entity shall not be required to make a report under paragraph (1) unless—

(i) the total greenhouse gas emissions of at least one facility owned by an entity in the calendar year for reporting exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule; or

(ii) the total quantity of greenhouse gases produced, distributed or imported by the entity exceeds 10,000 metric tons of carbon dioxide equivalent, or a greater level as determined by rule.

(B) The final rule promulgated under section 1104(c) and subsequent revisions to that rule with respect to the threshold for reporting in subparagraph (A) shall capture information on no less than 75 percent of anthropogenic greenhouse gas emissions from entities.

(3) METHOD OF REPORTING.—Entity-wide emissions shall be reported at the facility level.

(4) ADDITIONAL VOLUNTARY REPORTING.—An entity may voluntarily report to the Designated Agency or Agencies, for inclusion in the registry portion of the national database—

(A) with respect to the preceding calendar year and any greenhouse gas emitted by the entity—

(i) project reductions from facilities owned or controlled by the reporting entity in the United States;

(ii) transfers of project reductions to and from any other entity;

(iii) project reductions and transfers of project reductions outside the United States;

(iv) other indirect emissions that are not required to be reported undersubsection (d); and

(v) product use phase emissions; and

(B) with respect to greenhouse gas emissions reductions activities carried out since 1990 and verified according to rules implementing subparagraphs (6) and (8) of this subsection and submitted to the Designated Agency or Agencies before the date that is three years after the date of enactment of this title, those reductions that have been reported or submitted by an entity under section 1605(b) of the Energy Policy Act of 1992 (42 U.S.C. 13385(b)) or under other Federal or State voluntary greenhouse gas reduction programs.

(5) TYPES OF ACTIVITIES.—Under paragraph (4), an entity may report projects that reduce greenhouse gas emissions or sequester a greenhouse gas, including—

(A) fuel switching;

(B) energy efficiency improvements;

(C) use of renewable energy;

(D) use of combined heat and power systems;

(E) management of cropland, grassland, and grazing land;

(F) forestry activities that increase forest carbon stocks or reduce forest carbon missions;

(G) carbon capture and storage;

(H) methane recovery; and

(I) greenhouse gas offset investments.

(6) PROVISION OF VERIFICATION INFORMATION BY REPORTING ENTITIES.—Each reporting entity shall provide information sufficient for the Designated Agency or Agencies to verify, in accordance with measurement and verification criteria developed under Section 1106, that the greenhouse gas report of the reporting entity—

(A) has been accurately reported; and

(B) in the case of each additional voluntary report, represents—

(i) actual reductions in direct greenhouse gas emissions relative to historic emission levels and net of any increases in direct emissions and indirect emissions described in clauses (iv) and (v) of paragraph (1)(B), or

(ii) actual increases in net sequestration.

(7) INDEPENDENT THIRD-PARTY VERIFICATION.—A reporting entity may—

(A) obtain independent third-party verification; and

(B) present the results of the third-party verification to the Designated Agency or Agencies for consideration by the Designated Agency or Agencies in carrying out paragraph (1).

(8) DATA QUALITY.—The rule under subsection (c) shall establish procedures and protocols needed to—

(A) prevent the reporting of some or all of the same greenhouse gas emissions or emission reductions by more than one reporting entity;

(B) provide for corrections to errors in data submitted to the database;

(C) provide for adjustment to data by reporting entities that have had a significant organizational change (including mergers, acquisitions, and divestiture), in order to maintain comparability among data in the database over time;

(D) provide for adjustments to reflect new technologies or methods for measuring or calculating greenhouse gas emissions; and

(E) account for changes in registration of ownership of emissions reductions resulting from a voluntary private transaction between reporting entities.

(9) AVAILABILITY OF DATA.—The Designated Agency or Agencies shall ensure that information in the database is published, accessible to the public, and made available in electronic format on the Internet, except in cases where the Designated Agency or Agencies determine that publishing or making available the information would disclose information vital to national security.

(10) DATA INFRASTRUCTURE.—The Designated Agency or Agencies shall ensure that the database established by this Act shall utilize and is integrated with existing Federal, regional, and state greenhouse gas data collection and reporting systems to the maximum extent possible and avoid duplication of such systems.

(11) ADDITIONAL ISSUES TO BE CONSIDERED.—In promulgating the rules for and implementing the Database, the Designated Agency or Agencies shall consider a broad range of issues involved in establishing an effective database, including the following:

(A) UNITS FOR REPORTING.—The appropriate units for reporting each greenhouse gas, and whether to require reporting of emission efficiency rates (including emissions per kilowatt-hour for electricity generators) in addition to mass emissions of greenhouse gases,

(B) INTERNATIONAL CONSISTENCY.—The greenhouse gas reduction and sequestration methods and standards applied in other countries, as applicable or relevant; and

(C) DATA SUFFICIENCY.—The extent to which available fossil fuels, greenhouse gas emissions, and greenhouse gas production and importation data are adequate to implement a comprehensive National Greenhouse Gas Database.

(e) ENFORCEMENT.—The Attorney General may, at the request of the Designated Agency or Agencies, bring a civil action in United

States District Court against an entity that fails to comply with reporting requirements under this section, to impose a civil penalty of not more than $25,000 for each day that the failure to comply continues.

(f) ANNUAL REPORT.—The Designated Agency or Agencies shall publish an annual report that—

(1) describes the total greenhouse gas emissions and emission reductions reported to the database;

(2) provides entity-by-entity and sector-by-sector analyses of the emissions and emission reductions reported; and

(3) describes the atmospheric concentrations of greenhouse gases and tracks such information over time.

SEC. 1105. REPORT ON STATUTORY CHANGES AND HARMONIZATION.

Not later than 3 years after the date of enactment of this title, the President shall submit to Congress a report identifying any changes needed to this title or to other provisions of law to improve the accuracy or operation of the Greenhouse Gas Database and related programs under this title.

SEC. 1106. MEASUREMENT AND VERIFICATION.

The Designated Agency or Agencies shall, not later than 1 year after the date of enactment of this title, design and develop comprehensive measurement and verification methods and standards to ensure a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations for use in the national greenhouse gas database. The Agency or Agencies shall periodically review and revise these methods and standards as necessary.

SEC. 1107. INDEPENDENT REVIEW.

(a) The General Accounting Office shall submit a report to Congress five years after the date of enactment of this title, and every three years thereafter, providing a review of the efficacy of the implementation and operation of the National Greenhouse Gas Database established in section 1104 and making recommendations for improvements to the programs created pursuant to this title and changes to the law that will achieve a consistent and technically accurate record of greenhouse gas emissions, reductions, and atmospheric concentrations and the other purposes of this title.

(b) The Designated Agency or Agencies shall enter into an agreement with the National Academy of Sciences to review the scientific methods, assumptions and standards used by the Agency or Agencies implementing this title, and to report to Congress not later than four years after the date of enactment of this title with recommendations for improving those methods and standards or related elements of the programs or structure of the reporting and registry system established by this title.

SEC. 1108. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as are necessary to carry out the activities and programs included in this title.

DIVISION E—ENHANCING RESEARCH, DEVELOPMENT, AND TRAINING

TITLE XII—ENERGY RESEARCH AND DEVELOPMENT PROGRAMS

SEC. 1201. SHORT TITLE.

This division may be cited as the "Energy Science and Technology Enhancement Act of 2002".

SEC. 1202. FINDINGS.

The Congress finds the following:

(1) A coherent national energy strategy requires an energy research and development program that supports basic energy research and provides mechanisms to develop, demonstrate, and deploy new energy technologies in partnership with industry.

(2) An aggressive national energy research, development, demonstration, and technology deployment program is an integral part of a national climate change strategy, because it can reduce—

(A) United States energy intensity by 1.9 percent per year from 1999 to 2020;

(B) United States energy consumption in 2020 by 8 quadrillion Btu from otherwise expected levels; and

(C) United States carbon dioxide emissions from expected levels by 166 million metric tons in carbon equivalent in 2020.

(3) An aggressive national energy research, development, demonstration, and technology deployment program can help maintain domestic United States production of energy, increase United States hydrocarbon reserves by 14 percent, and lower natural gas prices by 20 percent, compared to estimates for 2020.

(4) An aggressive national energy research, development, demonstration, and technology deployment program is needed if United States suppliers and manufacturers are to compete in future markets for advanced energy technologies.

SEC. 1203. DEFINITIONS.

In this title:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) DEPARTMENTAL MISSION.—The term "departmental mission" means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) NATIONAL LABORATORY.—The term "National Laboratory" means any of the following multi-purpose laboratories owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Energy Technology Laboratory;

(H) National Renewable Energy Laboratory;

(I) Oak Ridge National Laboratory;

(J) Pacific Northwest National Laboratory; or

(K) Sandia National Laboratory.

(5) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(6) TECHNOLOGY DEPLOYMENT.—The term "technology deployment" means activities to promote acceptance and utilization of technologies in commercial application, including activities undertaken pursuant to section 7 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5906) or section 6 of the Renewable Energy and Energy Efficiency Technology Competitiveness Act of 1989 (42 U.S.C. 12007).

SEC. 1204. CONSTRUCTION WITH OTHER LAWS.

Except as otherwise provided in this title and title XIV, the Secretary shall carry out the research, development, demonstration, and technology deployment programs authorized by this title in accordance with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), the Federal Nonnuclear Research and Development Act of 1974 (42 U.S.C. 5901 et seq.), the Energy Policy Act of 1992 (42 U.S.C. 13201 et seq.), or any other Act under which the Secretary is authorized to carry out such activities.

Subtitle A—Energy Efficiency

SEC. 1211. ENHANCED ENERGY EFFICIENCY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance energy efficiency in buildings, industry, power technologies, and transportation.

(b) PROGRAM GOALS.—

(1) ENERGY-EFFICIENT HOUSING.—The goal of the energy-efficient housing program shall be to develop, in partnership with industry, enabling technologies (including lighting technologies), designs, production methods, and supporting activities that will, by 2010—

(A) cut the energy use of new housing by 50 percent, and

(B) reduce energy use in existing homes by 30 percent.

(2) INDUSTRIAL ENERGY EFFICIENCY.—The goal of the industrial energy efficiency program shall be to develop, in partnership with industry, enabling technologies, designs, production methods, and supporting activities that will, by 2010, enable energy-intensive industries such as the following industries to reduce their energy intensity by at least 25 percent—

(A) the wood product manufacturing industry;

(B) the pulp and paper industry;

(C) the petroleum and coal products manufacturing industry;

(D) the mining industry;

(E) the chemical manufacturing industry;

(F) the glass and glass product manufacturing industry;

(G) the iron and steel mills and ferroalloy manufacturing industry;

(H) the primary aluminum production industry;

(I) the foundries industry; and

(J) U.S. agriculture.

(3) TRANSPORTATION ENERGY EFFICIENCY.—The goal of the transportation energy efficiency program shall be to develop, in partnership with industry, technologies that will enable the achievement—

(A) by 2010, passenger automobiles with a fuel economy of 80 miles per gallon;

(B) by 2010, light trucks (classes 1 and 2a) with a fuel economy of 60 miles per gallon;

(C) by 2010, medium trucks and buses (classes 2b through 6 and class 8 transit buses) with a fuel economy, in ton-miles per gallon, that is three times that of year 2000 equivalent vehicles;

(D) by 2010, heavy trucks (classes 7 and 8) with a fuel economy, in ton-miles per gallon, that is two times that of year 2000 equivalent vehicles; and

(E) by 2015, the production of fuel-cell powered passenger vehicles with a fuel economy of 110 miles per gallon.

(4) ENERGY EFFICIENT DISTRIBUTED GENERATION.—The goals of the energy efficient on-site generation program shall be to help remove environmental and regulatory barriers to on-site, or distributed, generation and combined heat and power by developing technologies by 2015 that achieve—

(A) electricity generating efficiencies greater than 40 percent for on-site generation technologies based upon natural gas, including fuel cells, microturbines, reciprocating engines and industrial gas turbines;

(B) combined heat and power total (electric and thermal) efficiencies of more than 85 percent;

(C) fuel flexibility to include hydrogen, biofuels and natural gas;

(D) near zero emissions of pollutants that form smog and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent;

(F) packaged system integration at end user facilities providing complete services in heating, cooling, electricity and air quality; and

(G) increased reliability for the consumer and greater stability for the national electricity grid.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $700,000,000 for fiscal year 2003;

(2) $784,000,000 for fiscal year 2004;

(3) $878,000,000 for fiscal year 2005; and

(4) $983,000,000 for fiscal year 2006.

(d) LIMITATION ON USE OF FUNDS.—None of the funds authorized to be appropriated in subsection (c) may be used for the following programs of the Department—

(1) Weatherization Assistance Program;

(2) State Energy Program; or

(3) Federal Energy Management Program.

SEC. 1212. ENERGY EFFICIENCY SCIENCE INITIATIVE.

(a) ESTABLISHMENT AND AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1211(c), there are authorized to be appropriated not more than $50,000,000 in any fiscal year, for an Energy Efficiency Science Initiative to be managed by the Assistant Secretary in the Department with responsibility for energy conservation under section 203(a)(9) of the Department of Energy Organization Act (42 U.S.C. 7133(a)(9)), in consultation with the Director of the Office of Science, for grants to be competitively awarded and subject to peer review for research relating to energy efficiency.

(b) REPORT.—The Secretary of Energy shall submit to the Committee on Science and the Committee on Appropriations of the United States House of Representatives, and to the Committee on Energy and Natural Resources and the Committee on Appropriations of the United States Senate, an annual report on the activities of the Energy Efficiency Science Initiative, including a description of the process used to award the funds and an explanation of how the research relates to energy efficiency.

SEC. 1213. NEXT GENERATION LIGHTING INITIATIVE.

(a) ESTABLISHMENT.—There is established in the Department a Next Generation Lighting Initiative to research, develop, and conduct demonstration activities on advanced solid-state lighting technologies based on white light emitting diodes.

(b) OBJECTIVES.—

(1) IN GENERAL.—The objectives of the initiative shall be to develop, by 2011, advanced solid-state lighting technologies based on white light emitting diodes that, compared to incandescent and fluorescent lighting technologies, are—

(A) longer lasting;

(B) more energy-efficient; and

(C) cost-competitive.

(2) INORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to inorganic white light emitting diodes shall be to develop an inorganic white light emitting diode that has an efficiency of 160 lumens per watt and a 10-year lifetime.

(3) ORGANIC WHITE LIGHT EMITTING DIODE.—The objective of the initiative with respect to organic white light emitting diodes shall be to develop an organic white light emitting diode with an efficiency of 100 lumens per watt with a 5-year lifetime that—

(A) illuminates over a full color spectrum;

(B) covers large areas over flexible surfaces; and

(C) does not contain harmful pollutants typical of fluorescent lamps such as mercury.

(c) CONSORTIUM.—

(1) IN GENERAL.—The Secretary shall initiate and manage basic and manufacturing-related research on advanced solid-state lighting technologies based on white light emitting diodes for the initiative, in cooperation with the Next Generation Lighting Initiative Consortium.

(2) COMPOSITION.—The consortium shall be composed of firms, national laboratories, and other entities so that the consortium is representative of the United States solid state lighting research, development, and manufacturing expertise as a whole.

(3) FUNDING.—The consortium shall be funded by—

(A) participation fees; and

(B) grants provided under subsection (e)(1).

(4) ELIGIBILITY.—To be eligible to receive a grant under subsection (e)(1), the consortium shall—

(A) enter into a consortium participation agreement that—

(i) is agreed to by all participants; and

(ii) describes the responsibilities of participants, participation fees, and the scope of research activities; and

(B) develop an annual program plan.

(5) INTELLECTUAL PROPERTY.—Participants in the consortium shall have royalty-free nonexclusive rights to use intellectual property derived from consortium research conducted under subsection (e)(1).

(d) PLANNING BOARD.—

(1) IN GENERAL.—Not later than 90 days after the establishment of the consortium, the Secretary shall establish and appoint the members of a planning board, to be known as the "Next Generation Lighting Initiative Planning Board", to assist the Secretary in carrying out this section.

(2) COMPOSITION.—The planning board shall be composed of—

(A) 4 members from universities, national laboratories, and other individuals with expertise in advanced solid-state lighting and technologies based on white light emitting diodes; and

(B) 3 members from a list of not less than 6 nominees from industry submitted by the consortium.

(3) STUDY.—

(A) IN GENERAL.—Not later than 90 days after the date on which the Secretary appoints members to the planning board, the planning board shall complete a study on strategies for the development and implementation of advanced solid-state lighting technologies based on white light emitting diodes.

(B) REQUIREMENTS.—The study shall develop a comprehensive strategy to implement, through the initiative, the use of white light emitting diodes to increase energy efficiency and enhance United States competitiveness.

(C) IMPLEMENTATION.—As soon as practicable after the study is submitted to the Secretary, the Secretary shall implement the initiative in accordance with the recommendations of the planning board.

(4) TERMINATION.—The planning board shall terminate upon completion of the study under paragraph (3).

(e) GRANTS.—

(1) FUNDAMENTAL RESEARCH.—The Secretary, through the consortium, shall make grants to conduct basic and manufacturing-related research related to advanced solid-state lighting technologies based on white light emitting diode technologies.

(2) TECHNOLOGY DEVELOPMENT AND DEMONSTRATION.—The Secretary shall enter into grants, contracts, and cooperative agreements to conduct or promote technology research, development, or demonstration activities. In providing funding under this paragraph, the Secretary shall give preference to participants in the consortium.

(3) CONTINUING ASSESSMENT.—The consortium, in collaboration with the Secretary, shall formulate annual operating and performance objectives, develop technology roadmaps, and recommend research and development priorities for the initiative. The Secretary may also establish or utilize advisory committees, or enter into appropriate arrangements with the National Academy of Sciences, to conduct periodic reviews of the initiative. The Secretary shall consider the results of such assessment and review activities in making funding decisions under paragraphs (1) and (2) of this subsection.

(4) TECHNICAL ASSISTANCE.—The National Laboratories shall cooperate with and provide technical assistance to persons carrying out projects under the initiative.

(5) AUDITS.—

(A) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds made available under this section have been expended in a manner that is consistent with the objectives under subsection (b) and, in the case of funds made available to the consortium, the annual program plan of the consortium under subsection (c)(4)(B).

(B) REPORTS.—The auditor shall submit to Congress, the Secretary, and the Comptroller General of the United States an annual report containing the results of the audit.

(6) APPLICABLE LAW.—Grants, contracts, and cooperative agreements under this section shall not be subject to the Federal Acquisition Regulation.

(f) PROTECTION OF INFORMATION.—Information obtained by the Federal Government on a confidential basis under this section shall be considered to constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential under section 552(b)(4) of title 5, United States Code.

(g) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized under section 1211(c), there are authorized to be appropriated for activities under this section $50,000,000 for each of fiscal years 2003 through 2011.

(h) DEFINITIONS.—In this section:

(1) ADVANCED SOLID-STATE LIGHTING.—The term "advanced solid-state lighting" means a semiconducting device package and delivery system that produces white light using externally applied voltage.

(2) CONSORTIUM.—The term "consortium" means the Next Generation Lighting Initiative Consortium under subsection (c).

(3) INITIATIVE.—The term "initiative" means the Next Generation Lighting Initiative established under subsection (a).

(4) INORGANIC WHITE LIGHT EMITTING DIODE.—The term "inorganic white light emitting diode" means an inorganic semiconducting package that produces white light using externally applied voltage.

(5) Organic white light emitting diode.—The term "organic white light emitting diode" means an organic semiconducting compound that produces white light using externally applied voltage.

(6) White light emitting diode.—The term "white light emitting diode" means—

(A) an inorganic white light emitting diode; or

(B) an organic white light emitting diode.

SEC. 1214. RAILROAD EFFICIENCY.

(a) Establishment.—The Secretary shall, in cooperation with the Secretaries of Transportation and Defense, and the Administrator of the Environmental Protection Agency, establish a public-private research partnership involving the federal government, railroad carriers, locomotive manufacturers, and the Association of American Railroads. The goal of the initiative shall include developing and demonstrating locomotive technologies that increase fuel economy, reduce emissions, improve safety, and lower costs.

(b) Authorization of Appropriations.—There are authorized to be appropriated to carry out the requirements of this section $60,000,000 for fiscal year 2003 and $70,000,000 for fiscal year 2004.

Subtitle B—Renewable Energy

SEC. 1221. ENHANCED RENEWABLE ENERGY RESEARCH AND DEVELOPMENT.

(a) Program Direction.—The Secretary shall conduct balanced energy research, development, demonstration, and technology deployment programs to enhance the use of renewable energy.

(b) Program Goals.—

(1) Wind power.—The goals of the wind power program shall be to develop, in partnership with industry, a variety of advanced wind turbine designs and manufacturing technologies that are cost-competitive with fossil-fuel generated electricity, with a focus on developing advanced low wind speed technologies that, by 2007, will enable the expanding utilization of widespread class 3 and 4 winds.

(2) Photovoltaics.—The goal of the photovoltaic program shall be to develop, in partnership with industry, total photovoltaic systems with installed costs of $4000 per peak kilowatt by 2005 and $2000 per peak kilowatt by 2015.

(3) Solar thermal electric systems.—The goal of the solar thermal electric systems program shall be to develop, in partnership with industry, solar power technologies (including baseload solar power) that are competitive with fossil-fuel generated electricity by 2015, by combining high-efficiency and high-temperature receivers with advanced thermal storage and power cycles.

(4) Biomass-based power systems.—The goal of the biomass program shall be to develop, in partnership with industry, integrated power-generating systems, advanced conversion, and feedstock technologies capable of producing electric power that is cost-competitive with fossil-fuel generated electricity by 2010, together with the production of fuels, chemicals, and other products under paragraph (6).

(5) Geothermal energy.—The goal of the geothermal program shall be to develop, in partnership with industry, technologies and processes based on advanced hydrothermal systems and advanced heat and power systems, including geothermal heat pump technology, with a specific focus on—

(A) improving exploration and characterization technology to increase the probability of drilling successful wells from 20 percent to 40 percent by 2006;

(B) reducing the cost of drilling by 2008 to an average cost of $150 per foot; and

(C) developing enhanced geothermal systems technology with the potential to double the useable geothermal resource base.

(6) Biofuels.—The goal of the biofuels program shall be to develop, in partnership with industry, advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks, that are price-competitive with gasoline or diesel, in either internal combustion engines or fuel cell vehicles, by 2010.

(7) Hydrogen-based energy systems.—The goals of the hydrogen program shall be to support research and development on technologies for production, storage, and use of hydrogen, including fuel cells and, specifically, fuel-cell vehicle development activities under section 1211.

(8) Hydropower.—The goal of the hydropower program shall be to develop, in partnership with industry, a new generation of turbine technologies that are less damaging to fish and aquatic ecosystems.

(9) Electric energy systems and storage.—The goals of the electric energy and storage program shall be to develop, in partnership with industry—

(A) generators and transmission, distribution, and storage systems that combine high capacity with high efficiency;

(B) technologies to interconnect distributed energy resources with electric power systems, comply with any national interconnection standards, have a minimum 10-year useful life;

(C) advanced technologies to increase the average efficiency of electric transmission facilities in rural and remote areas, giving priority for demonstrations to advanced transmission technologies that are being or have been field tested;

(D) the use of new transmission technologies, including composite conductor materials, advanced protection devices, controllers, and other cost-effective methods and technologies;

(E) the use of superconducting materials in power delivery equipment such as transmission and distribution cables, transformers, and generators;

(F) energy management technologies for enterprises with aggregated loads and distributed generation, such as power parks;

(G) economic and system models to measure the costs and benefits of improved system performance;

(H) hybrid distributed energy systems to optimize two or more distributed or on-site generation technologies; and

(I) real-time transmission and distribution system control technologies that provide for continual exchange of information between generation, transmission, distribution, and end-user facilities.

(c) Special Projects.—In carrying out this section, the Secretary shall demonstrate—

(1) the use of advanced wind power technology, biomass, geothermal energy systems, and other renewable energy technologies to assist in delivering electricity to rural and remote locations; and

(2) the combined use of wind power and coal gasification technologies.

(d) Financial Assistance to Rural Areas.—In carrying out special projects under subsection (c), the Secretary may provide financial assistance to rural electric cooperatives and other rural entities.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $500,000,000 for fiscal year 2003;

(2) $595,000,000 for fiscal year 2004;

(3) $683,000,000 for fiscal year 2005; and

(4) $733,000,000 for fiscal year 2006.

SEC. 1222. BIOENERGY PROGRAMS.

(a) Program Direction.—The Secretary shall carry out research, development, demonstration, and technology development activities related to bioenergy, including programs under paragraphs (4) and (6) of section 1221(b).

(b) Authorization of Appropriations.—

(1) Biopower energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biopower energy systems—

(A) $60,300,000 for fiscal year 2003;

(B) $69,300,000 for fiscal year 2004;

(C) $79,600,000 for fiscal year 2005; and

(D) $86,250,000 for fiscal year 2006.

(2) Biofuels energy systems.—From amounts authorized under section 1221(e), there are authorized to be appropriated to the Secretary for biofuels energy systems—

(A) $57,500,000 for fiscal year 2003;

(B) $66,125,000 for fiscal year 2004;

(C) $76,000,000 for fiscal year 2005; and

(D) $81,400,000 for fiscal year 2006.

(3) Integrated bioenergy research and development.—The Secretary may use funds authorized under paragraph (1) or (2) for programs, projects, or activities that integrate applications for both biopower and biofuels, including cross-cutting research and development in feedstocks and economic analysis.

SEC. 1223. HYDROGEN RESEARCH AND DEVELOPMENT.

(a) Short Title.—This section may be cited as the "Hydrogen Future Act of 2002".

(b) Purposes.—Section 102(b) of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401(b)) is amended by striking paragraphs (2) and (3) and inserting the following:

"(2) to direct the Secretary to develop a program of technology assessment, information transfer, and education in which Federal agencies, members of the transportation, energy, and other industries, and other entities may participate;

"(3) to develop methods of hydrogen production that minimize production of greenhouse gases, including developing—

"(A) efficient production from non-renewable resources; and

"(B) cost-effective production from renewable resources such as biomass, geothermal, wind, and solar energy; and

"(4) to foster the use of hydrogen as a major energy source, including developing the use of hydrogen in—

"(A) isolated villages, islands, and communities in which other energy sources are not available or are very expensive; and

"(B) foreign economic development, to avoid environmental damage from increased fossil fuel use.".

(c) Report to Congress.—Section 103 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12402) is amended—

(1) in subsection (a), by striking "January 1, 1999," and inserting "1 year after the date of enactment of the Hydrogen Future Act of 2002, and biennially thereafter,";

(2) in subsection (b), by striking paragraphs (1) and (2) and inserting the following:

"(1) an analysis of hydrogen-related activities throughout the United States Government to identify productive areas for increased intragovernmental collaboration;

"(2) recommendations of the Hydrogen Technical Advisory Panel established by section 108 for any improvements in the program that are needed, including recommendations for additional legislation; and

"(3) to the extent practicable, an analysis of State and local hydrogen-related activities."; and

(3) by adding at the end the following:

"(c) Coordination Plan.—The report under subsection (a) shall be based on a comprehensive coordination plan for hydrogen energy prepared by the Secretary in consultation with other Federal agencies.".

(d) Hydrogen Research and Development.—Section 104 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12403) is amended—

(1) in subsection (b)(1), by striking "marketplace;" and inserting "marketplace, including foreign markets, particularly where an energy infrastructure is not well developed;";

(2) in subsection (e), by striking "this chapter" and inserting "this Act";

(3) by striking subsection (g) and inserting the following:

"(g) Cost Sharing.—

"(1) Inability to fund entire cost.—The Secretary shall not consider a proposal submitted by a person from industry unless the proposal contains a certification that—

"(A) reasonable efforts to obtain non-Federal funding in the amount necessary to pay 100 percent of the cost of the project have been made; and

"(B) non-Federal funding in that amount could not reasonably be obtained.

"(2) Non-federal share.—

"(A) In general.—The Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the project.

"(B) Reduction or elimination.—The Secretary may reduce or eliminate the cost-sharing requirement under subparagraph (A) for the proposed research and development project, including for technical analyses, economic analyses, outreach activities, and educational programs, if the Secretary determines that reduction or elimination is necessary to achieve the objectives of this Act."; and

(4) in subsection (i), by striking "this chapter" and inserting "this Act".

(e) Demonstrations.—Section 105 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12404) is amended by striking subsection (c) and inserting the following:

"(c) Non-Federal Share.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) Reduction.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(f) Technology Transfer.—Section 106 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12405) is amended—

(1) in subsection (a)—

(A) in the first sentence—

(i) by striking "The Secretary shall conduct a program designed to accelerate wider application" and inserting the following:

"(1) In general.—The Secretary shall conduct a program designed to—

"(A) accelerate wider application"; and

(ii) by striking "private sector" and inserting "private sector; and

"(B) accelerate wider application of hydrogen technologies in foreign countries to increase the global market for the technologies and foster global economic development without harmful environmental effects."; and

(B) in the second sentence, by striking "The Secretary" and inserting the following:

"(2) Advice and assistance.—The Secretary"; and

(2) in subsection (b)—

(A) in paragraph (2), by redesignating subparagraphs (A) through (D) as clauses (i) through (iv), respectively, and indenting appropriately;

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(C) by striking "The Secretary, in" and inserting the following:

"(1) In general.—The Secretary, in";

(D) by striking "The information" and inserting the following:

"(2) Activities.—The information"; and

(E) in paragraph (1) (as designated by subparagraph (C))—

(i) in subparagraph (A) (as redesignated by subparagraph (B)), by striking "an inventory" and inserting "an update of the inventory"; and

(ii) in subparagraph (B) (as redesignated by subparagraph (B)), by striking "develop" and all that follows through "to improve" and inserting "develop with the National Aeronautics and Space Administration, the Department of Energy, other Federal agencies as appropriate, and industry, an information exchange program to improve".

(g) Technical Panel Review.—

(1) In general.—Section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407) is amended—

(A) in subsection (b)—

(i) by striking "(b) Membership.—The technical panel shall be appointed" and inserting the following:

"(b) Membership.—

"(1) In general.—The technical panel shall be comprised of not fewer than 9 nor more than 15 members appointed";

(ii) by striking the second sentence and inserting the following:

"(2) Terms.—

"(A) In general.—The term of a member of the technical panel shall be not more than 3 years.

"(B) Staggered terms.—The Secretary may appoint members of the technical panel in a manner that allows the terms of the members serving at any time to expire at spaced intervals so as to ensure continuity in the functioning of the technical panel.

"(C) Reappointment.—A member of the technical panel whose term expires may be reappointed."; and

(iii) by striking "The technical panel shall have a chairman," and inserting the following:

"(3) Chairperson.—The technical panel shall have a chairperson,"; and

(B) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "the following items";

(ii) in paragraph (1), by striking "and" at the end;

(iii) in paragraph (2), by striking the period at the end and inserting "; and"; and

(iv) by adding at the end the following:

"(3) the plan developed by the interagency task force under section 202(b) of the Hydrogen Future Act of 1996.".

(2) New appointments.—Not later than 180 days after the date of enactment of this Act, the Secretary—

(A) shall review the membership composition of the Hydrogen Technical Advisory Panel; and

(B) may appoint new members consistent with the amendments made by subsection (a).

(h) Authorization of Appropriations.—Section 109 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12408) is amended—

(1) in paragraph (8), by striking "and";

(2) in paragraph (9), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(10) $65,000,000 for fiscal year 2003;

"(11) $70,000,000 for fiscal year 2004;

"(12) $75,000,000 for fiscal year 2005; and

"(13) $80,000,000 for fiscal year 2006.".

(i) Fuel Cells.—

(1) Integration of fuel cells with hydrogen production systems.—Section 201 of the Hydrogen Future Act of 1996 is amended—

(A) in subsection (a)—

(i) by striking "(a) Not later than 180 days after the date of enactment of this section, and subject" and inserting "(a) In General.—Subject"; and

(B) by striking "with—" and all that follows and inserting "into Federal, State, and local government facilities for stationary and transportation applications.";

(2) in subsection (b), by striking "gas is" and inserting "basis";

(3) in subsection (c)(2), by striking "systems described in subsections (a)(1) and (a)(2)" and inserting "projects proposed"; and

(4) by striking subsection (d) and inserting the following:

"(d) Non-Federal Share.—

"(1) In general.—Except as provided in paragraph (2), the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the costs directly relating to a demonstration project under this section.

"(2) Reduction.—The Secretary may reduce the non-Federal requirement under paragraph (1) if the Secretary determines that the reduction is appropriate considering the technological risks involved in the project and is necessary to meet the objectives of this Act.".

(2) Cooperative and cost-sharing agreements; integration of technical information.—Title II of the Hydrogen Future Act of 1996 (42 U.S.C. 12403 note; Public Law 104–271) is amended by striking section 202 and inserting the following:

"SEC. 202. INTERAGENCY TASK FORCE.

"(a) Establishment.—Not later than 120 days after the date of enactment of this section, the Secretary shall establish an interagency task force led by a Deputy Assistant Secretary of the Department of Energy and comprised of representatives of—

"(1) the Office of Science and Technology Policy;

"(2) the Department of Transportation;

"(3) the Department of Defense;

"(4) the Department of Commerce (including the National Institute for Standards and Technology);

"(5) the Environmental Protection Agency;

"(6) the National Aeronautics and Space Administration; and

"(7) other agencies as appropriate.

"(b) DUTIES.—

"(1) IN GENERAL.—The task force shall develop a plan for carrying out this title.

"(2) FOCUS OF PLAN.—The plan shall focus on development and demonstration of integrated systems and components for—

"(A) hydrogen production, storage, and use in Federal, State, and local government buildings and vehicles;

"(B) hydrogen-based infrastructure for buses and other fleet transportation systems that include zero-emission vehicles; and

"(C) hydrogen-based distributed power generation, including the generation of combined heat, power, and hydrogen.

"SEC. 203. COOPERATIVE AND COST-SHARING AGREEMENTS.

"The Secretary shall enter into cooperative and cost-sharing agreements with Federal, State, and local agencies for participation by the agencies in demonstrations at facilities administered by the agencies, with the aim of integrating high efficiency hydrogen systems using fuel cells into the facilities to provide immediate benefits and promote a smooth transition to hydrogen as an energy source.

"SEC. 204. INTEGRATION AND DISSEMINATION OF TECHNICAL INFORMATION.

"The Secretary shall—

"(1) integrate all the technical information that becomes available as a result of development and demonstration projects under this title;

"(2) make the information available to all Federal and State agencies for dissemination to all interested persons; and

"(3) foster the exchange of generic, nonproprietary information and technology developed under this title among industry, academia, and Federal, State, and local governments, to help the United States economy attain the economic benefits of the information and technology.

"SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated, for activities under this title—

"(1) $25,000,000 for fiscal year 2003;

"(2) $30,000,000 for fiscal year 2004;

"(3) $35,000,000 for fiscal year 2005; and

"(4) $40,000,000 for fiscal year 2006.".

Subtitle C—Fossil Energy

SEC. 1231. ENHANCED FOSSIL ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to enhance fossil energy.

(b) PROGRAM GOALS.—

(1) CORE FOSSIL RESEARCH AND DEVELOPMENT.—The goals of the core fossil research and development program shall be to reduce emissions from fossil fuel use by developing technologies, including precombustion technologies, by 2015 with the capability of realizing—

(A) electricity generating efficiencies of 60 percent for coal and 75 percent for natural gas;

(B) combined heat and power thermal efficiencies of more than 85 percent;

(C) fuels utilization efficiency of 75 percent for the production of liquid transportation fuels from coal;

(D) near zero emissions of mercury and of emissions that form fine particles, smog, and acid rain;

(E) reduction of carbon dioxide emissions by at least 40 percent through efficiency improvements and 100 percent with sequestration; and

(F) improved reliability, efficiency, reductions of air pollutant emissions, or reductions in solid waste disposal requirements.

(2) OFFSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the offshore oil and natural gas resources program shall be to develop technologies to—

(A) extract methane hydrates in coastal waters of the United States, and

(B) develop natural gas and oil reserves in the ultra-deepwater of the Central and Western Gulf of Mexico.

(3) ONSHORE OIL AND NATURAL GAS RESOURCES.—The goal of the onshore oil and natural gas resources program shall be to advance the science and technology available to domestic onshore petroleum producers, particularly independent operators, through—

(A) advances in technology for exploration and production of domestic petroleum resources, particularly those not accessible with current technology;

(B) improvement in the ability to extract hydrocarbons from known reservoirs and classes of reservoirs; and

(C) development of technologies and practices that reduce the threat to the environment from petroleum exploration and production and decrease the cost of effective environmental compliance.

(4) TRANSPORTATION FUELS.—The goals of the transportation fuels program shall be to increase the price elasticity of oil supply and demand by focusing research on—

(A) reducing the cost of producing transportation fuels from coal and natural gas; and

(B) indirect liquefaction of coal and biomass.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this section—

(A) $485,000,000 for fiscal year 2003;

(B) $508,000,000 for fiscal year 2004;

(C) $532,000,000 for fiscal year 2005; and

(D) $558,000,000 for fiscal year 2006.

(2) LIMITS ON USE OF FUNDS.—

(A) None of the funds authorized in paragraph (1) may be used for—

(i) fossil energy environmental restoration;

(ii) import/export authorization;

(iii) program direction; or

(iv) general plant projects.

(B) COAL-BASED PROJECTS.—The coal-based projects funded under this section shall be consistent with the goals in subsection (b). The program shall emphasize carbon capture and sequestration technologies and gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, hybrid gasification/combustion, or other technology with the potential to address the goals in subparagraphs (D) or (E) of subsection (b)(1).

SEC. 1232. POWER PLANT IMPROVEMENT INITIATIVE.

(a) PROGRAM DIRECTION.—The Secretary shall conduct a balanced energy research, development, demonstration, and technology deployment program to demonstrate commercial applications of advanced lignite and coal-based technologies applicable to new or existing power plants (including co-production plants) that advance the efficiency, environmental performance, and cost-competitiveness substantially beyond technologies that are in operation or have been demonstrated by the date of enactment of this subtitle.

(b) TECHNICAL MILESTONES.—

(1) IN GENERAL.—The Secretary shall set technical milestones specifying efficiency and emissions levels that projects shall be designed to achieve. The milestones shall become more restrictive over the life of the program.

(2) 2010 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2010 interim thermal efficiency of—

(A) 45 percent for coal of more than 9,000 Btu;

(B) 44 percent for coal of 7,000 to 9,000 Btu; and

(C) 42 percent for coal of less than 7,000 Btu.

(3) 2020 EFFICIENCY MILESTONES.—The milestones shall be designed to achieve by 2020 thermal efficiency of—

(A) 60 percent for coal of more than 9,000 Btu;

(B) 59 percent for coal of 7,000 to 9,000 Btu; and

(C) 57 percent for coal of less than 7,000 Btu.

(4) EMISSIONS MILESTONES.—The milestones shall include near zero emissions of mercury and greenhouse gases and of emissions that form fine particles, smog, and acid rain.

(5) REGIONAL AND QUALITY DIFFERENCES.—The Secretary may consider regional and quality differences in developing the efficiency milestones.

(c) PROJECT CRITERIA.—The demonstration activities proposed to be conducted at a new or existing coal-based electric generation unit having a nameplate rating of not less than 100 megawatts, excluding a co-production plant, shall include at least one of the following—

(1) a means of recycling or reusing a significant portion of coal combustion wastes produced by coal-based generating units, excluding practices that are commercially available by the date of enactment of this subtitle;

(2) a means of capture and sequestering emissions, including greenhouse gases, in a manner that is more effective and substantially below the cost of technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle;

(3) a means of controlling sulfur dioxide and nitrogen oxide or mercury in a manner that improves environmental performance beyond technologies that are in operation or that have been demonstrated by the date of enactment of this subtitle—

(A) in the case of an existing unit, achieve an overall thermal design efficiency improvement compared to the efficiency of the unit as operated, of not less than—

(i) 7 percent for coal of more than 9,000 Btu;

(ii) 6 percent for coal of 7,000 to 9,000 Btu; or

(iii) 4 percent for coal of less than 7,000 Btu; or

(B) in the case of a new unit, achieve the efficiency milestones set for in subsection (b) compared to the efficiency of a typical unit as operated on the date of enactment of this subtitle, before any retrofit, repowering, replacement, or installation.

(d) STUDY.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of the Interior, and interested entities (including coal producers, industries using coal, organizations to promote coal or advanced coal technologies, environmental organizations, and organizations representing workers), shall conduct an assessment that identifies performance criteria that would be necessary for coal-based technologies to meet, to enable future reliance on coal in an environmentally sustainable manner for electricity generation, use as a chemical feedstock, and use as a transportation fuel.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary for carrying out activities under this section **$200,000,000** for each of fiscal years 2003 through 2011.

(2) LIMITATION ON FUNDING OF PROJECTS.—Eighty percent of the funding under this section shall be limited to—

(A) carbon capture and sequestration technologies;

(B) gasification technologies, including gasification combined cycle, gasification fuel cells, gasification co-production, or hybrid gasification/combustion; or

(C) or other technology either by itself or in conjunction with other technologies has the potential to achieve near zero emissions.

SEC. 1233. RESEARCH AND DEVELOPMENT FOR ADVANCED SAFE AND EFFICIENT COAL MINING TECHNOLOGIES.

(a) ESTABLISHMENT.—The Secretary of Energy shall establish a cooperative research partnership involving appropriate Federal agencies, coal producers, including associations, equipment manufacturers, universities with mining engineering departments, and other relevant entities to—

(1) develop mining research priorities identified by the Mining Industry of the Future Program and in the recommendations from relevant reports of the National Academy of Sciences on mining technologies;

(2) establish a process for conducting joint industry-government research and development; and

(3) expand mining research capabilities at institutions of higher education.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out activities under this section, **$12,000,000** in fiscal year 2003 and **$15,000,000** in fiscal year 2004.

(2) LIMIT ON USE OF FUNDS.—Not less than 20 percent of any funds appropriated in a given fiscal year under this subsection shall be dedicated to research carried out at institutions of higher education.

SEC. 1234. ULTRA-DEEPWATER AND UNCONVENTIONAL RESOURCE EXPLORATION AND PRODUCTION TECHNOLOGIES.

(a) DEFINITIONS.—In this section:

(1) ADVISORY COMMITTEE.—The term "Advisory Committee" means the Ultra-Deepwater and Unconventional Resource Technology Advisory Committee established under subsection (c).

(2) AWARD.—The term "award" means a cooperative agreement, contract, award or other types of agreement as appropriate.

(3) DEEPWATER.—The term "deepwater" means a water depth that is greater than 200 but less than 1,500 meters.

(4) ELIGIBLE AWARD RECIPIENT.—The term "eligible award recipient" includes—

(A) a research institution;

(B) an institution of higher education;

(C) a corporation; and

(D) a managing consortium formed among entities described in subparagraphs (A) through (C).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).

(6) MANAGING CONSORTIUM.—The term "managing consortium" means an entity that—

(A) exists as of the date of enactment of this section;

(B)(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986; and

(ii) is exempt from taxation under section 501(a) of that Code;

(C) is experienced in planning and managing programs in natural gas or other petroleum exploration and production research, development, and demonstration; and

(D) has demonstrated capabilities and experience in representing the views and priorities of industry, institutions of higher education and other research institutions in formulating comprehensive research and development plans and programs.

(7) PROGRAM.—The term "program" means the program of research, development, and demonstration established under subsection (b)(1)(A).

(8) ULTRA-DEEPWATER.—The term "ultra-deepwater" means a water depth that is equal to or greater than 1,500 meters.

(9) ULTRA-DEEPWATER ARCHITECTURE.—The term "ultra-deepwater architecture" means the integration of technologies to explore and produce natural gas or petroleum products located at ultra-deepwater depths.

(10) ULTRA-DEEPWATER RESOURCE.—The term "ultra-deepwater resource" means natural gas or any other petroleum resource (including methane hydrate) located in an ultra-deepwater area.

(11) UNCONVENTIONAL RESOURCE.—The term "unconventional resource" means natural gas or any other petroleum resource located in a formation on physically or economically inaccessible land currently available for lease for purposes of natural gas or other petroleum exploration or production.

(b) ULTRA-DEEPWATER AND UNCONVENTIONAL EXPLORATION AND PRODUCTION PROGRAM.—

(1) ESTABLISHMENT.—

(A) IN GENERAL.—The Secretary shall establish a program of research into, and development and demonstration of, ultra-deepwater resource and unconventional resource exploration and production technologies.

(B) LOCATION; IMPLEMENTATION.—The program under this subsection shall be carried out—

(i) in areas on the outer Continental Shelf that, as of the date of enactment of this section, are available for leasing; and

(ii) on unconventional resources.

(2) COMPONENTS.—The program shall include one or more programs for long-term research into—

(A) new deepwater ultra-deepwater resource and unconventional resource exploration and production technologies; or

(B) environmental mitigation technologies for production of ultra-deepwater resource and unconventional resource.

(c) ADVISORY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 30 days after the date of enactment of this section, the Secretary shall establish an advisory committee to be known as the "Ultra-Deepwater and Unconventional Resource Technology Advisory Committee".

(2) MEMBERSHIP.—

(A) COMPOSITION.—Subject to subparagraph (B), the advisory committee shall be composed of 7 members appointed by the Secretary that—

(i) have extensive operational knowledge of and experience in the natural gas and other petroleum exploration and production industry; and

(ii) are not Federal employees or employees of contractors to a federal agency.

(B) EXPERTISE.—Of the members of the advisory committee appointed under subparagraph (A)—

(i) at least 4 members shall have extensive knowledge of ultra-deepwater resource exploration and production technologies; and

(ii) at least 3 members shall have extensive knowledge of unconventional resource exploration and production technologies.

(3) DUTIES.—The advisory committee shall advise the Secretary in the implementation of this section.

(4) COMPENSATION.—A member of the advisory committee shall serve without compensation but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(d) AWARDS.—

(1) TYPES OF AWARDS.—

(A) ULTRA-DEEPWATER RESOURCES.—

(i) IN GENERAL.—The Secretary shall make awards for research into, and development and demonstration of, ultra-deepwater resource exploration and production technologies—

(I) to maximize the value of the ultra-deepwater resources of the United States;

(II) to increase the supply of ultra-deepwater resources by lowering the cost and improving the efficiency of exploration and production of such resources; and

(III) to improve safety and minimize negative environmental impacts of that exploration and production.

(ii) ULTRA-DEEPWATER ARCHITECTURE.—In furtherance of the purposes described in clause (i), the Secretary shall, where appropriate, solicit proposals from a managing consortium to develop and demonstrate next-generation architecture for ultra-deepwater resource production.

(B) UNCONVENTIONAL RESOURCES.—The Secretary shall make awards—

(i) to carry out research into, and development and demonstration of, technologies to maximize the value of unconventional resources; and

(ii) to develop technologies to simultaneously—

(I) increase the supply of unconventional resources by lowering the cost and improving the efficiency of exploration and production of unconventional resources; and

(II) improve safety and minimize negative environmental impacts of that exploration and production.

(2) CONDITIONS.—An award made under this subsection shall be subject to the following conditions:

(A) MULTIPLE ENTITIES.—If an award recipient is composed of more than one eligible organization, the recipient shall provide a signed contract, agreed to by all eligible organizations comprising the award recipient, that defines, in a manner that is consistent with all applicable law in effect as of the date of the contract, all rights to intellectual property for—

(i) technology in existence as of that date; and

(ii) future inventions conceived and developed using funds provided under the award.

(B) COMPONENTS OF APPLICATION.—An application for an award for a demonstration project shall describe with specificity any intended commercial applications of the technology to be demonstrated.

(C) COST SHARING.—Non-Federal cost sharing shall be in accordance with section 1403.

(e) PLAN AND FUNDING.—

(1) IN GENERAL.—The Secretary, and where appropriate, a managing consortium under subsection (d)(1)(A)(ii), shall formulate annual operating and performance objectives, develop multi-year technology roadmaps, and establish research and development priorities for the funding of activities under this section which will serve as guidelines

for making awards including cost-matching objectives.

(2) INDUSTRY INPUT.—In carrying out this program, the Secretary shall promote maximum industry input through the use of managing consortia or other organizations in planning and executing the research areas and conducting workshops or reviews to ensure that this program focuses on industry problems and needs.

(f) AUDITING.—

(1) IN GENERAL.—The Secretary shall retain an independent, commercial auditor to determine the extent to which funds authorized by this section, provided through a managing consortium, are expended in a manner consistent with the purposes of this section.

(2) REPORTS.—The auditor retained under paragraph (1) shall submit to the Secretary, and the Secretary shall transmit to the appropriate congressional committees, an annual report that describes—

(A) the findings of the auditor under paragraph (1); and

(B) a plan under which the Secretary may remedy any deficiencies identified by the auditor.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section.

(h) TERMINATION OF AUTHORITY.—The authority provided by this section shall terminate on September 30, 2009.

(i) SAVINGS PROVISION.—Nothing in this section is intended to displace, duplicate or diminish any previously authorized research activities of the Department of Energy.

SEC. 1235. RESEARCH AND DEVELOPMENT FOR NEW NATURAL GAS TRANSPORTATION TECHNOLOGIES.

The Secretary of Energy shall conduct a comprehensive five-year program for research, development and demonstration to improve the reliability, efficiency, safety and integrity of the natural gas transportation and distribution infrastructure and for distributed energy resources (including microturbines, fuel cells, advanced engine-generators, gas turbines, reciprocating engines, hybrid power generation systems, and all ancillary equipment for dispatch, control and maintenance).

SEC. 1236. AUTHORIZATION OF APPROPRIATIONS FOR OFFICE OF ARCTIC ENERGY.

There are authorized to be appropriated to the Secretary for the Office of Arctic Energy under section 3197 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398) such sums as may be necessary, but not to exceed $25,000,000 for each of fiscal years 2003 through 2011.

Subtitle D—Nuclear Energy

SEC. 1241. ENHANCED NUCLEAR ENERGY RESEARCH AND DEVELOPMENT.

(a) PROGRAM DIRECTION.—The Secretary shall conduct an energy research, development, demonstration, and technology deployment program to enhance nuclear energy.

(b) PROGRAM GOALS.—The program shall—

(1) support research related to existing United States nuclear power reactors to extend their lifetimes and increase their reliability while optimizing their current operations for greater efficiencies;

(2) examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost, and improved safety, proliferation-resistant and high burn-up nuclear fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science;

(3) attract new students and faculty to the nuclear sciences and nuclear engineering and related fields (including health physics and nuclear and radiochemistry) through—

(A) university-based fundamental research for existing faculty and new junior faculty;

(B) support for the re-licensing of existing training reactors at universities in conjunction with industry; and

(C) completing the conversion of existing training reactors with proliferation resistant fuels that are low enriched and to adapt those reactors to new investigative uses;

(4) maintain a national capability and infrastructure to produce medical isotopes and ensure a well trained cadre of nuclear medicine specialists in partnership with industry;

(5) ensure that our nation has adequate capability to power future satellite and space missions; and

(6) maintain, where appropriate through a prioritization process, a balanced research infrastructure so that future research programs can use these facilities.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) CORE NUCLEAR RESEARCH PROGRAMS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under subsection (b)(1) through (3)—

(A) $100,000,000 for fiscal year 2003;

(B) $110,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $130,000,000 for fiscal year 2006.

(2) SUPPORTING NUCLEAR ACTIVITIES.—There are authorized to be appropriated to the Secretary for carrying out activities under subsection (b)(4) through (6), as well as nuclear facilities management and program direction—

(A) $200,000,000 for fiscal year 2003;

(B) $202,000,000 for fiscal year 2004;

(C) $207,000,000 for fiscal year 2005; and

(D) $212,000,000 for fiscal year 2006.

SEC. 1242. UNIVERSITY NUCLEAR SCIENCE AND ENGINEERING SUPPORT.

(a) ESTABLISHMENT.—The Secretary shall support a program to maintain the nation's human resource investment and infrastructure in the nuclear sciences and engineering and related fields (including health physics and nuclear and radiochemistry), consistent with departmental missions related to civilian nuclear research and development.

(b) DUTIES.—In carrying out the program under this section, the Secretary shall—

(1) develop a graduate and undergraduate fellowship program to attract new and talented students;

(2) assist universities in recruiting and retaining new faculty in the nuclear sciences and engineering through a Junior Faculty Research Initiation Grant Program;

(3) support fundamental nuclear sciences and engineering research through the Nuclear Engineering Education Research Program;

(4) encourage collaborative nuclear research between industry, national laboratories and universities through the Nuclear Energy Research Initiative; and

(5) support communication and outreach related to nuclear science and engineering.

(c) MAINTAINING UNIVERSITY RESEARCH AND TRAINING REACTORS AND ASSOCIATED INFRASTRUCTURE.—Activities under this section may include:

(1) Converting research reactors to low-enrichment fuels, upgrading operational instrumentation, and sharing of reactors among universities.

(2) Providing technical assistance, in collaboration with the U.S. nuclear industry, in re-licensing and upgrading training reactors as part of a student training program.

(3) Providing funding for reactor improvements as part of a focused effort that emphasizes research, training, and education.

(d) UNIVERSITY-NATIONAL LABORATORY INTERACTIONS.—The Secretary shall develop—

(1) a sabbatical fellowship program for university professors to spend extended periods of time at National Laboratories in the areas of nuclear science and technology; and

(2) a visiting scientist program in which National Laboratory staff can spend time in academic nuclear science and engineering departments. The Secretary may provide for fellowships for students to spend time at National Laboratories in the area of nuclear science with a member of the Laboratory staff acting as a mentor.

(e) OPERATING AND MAINTENANCE COSTS.—Funding for a research project provided under this section may be used to offset a portion of the operating and maintenance costs of a university research reactor used in the research project, on a cost-shared basis with the university.

(f) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c)(1), the following amounts are authorized for activities under this section—

(1) $33,000,000 for fiscal year 2003;

(2) $37,900,000 for fiscal year 2004;

(3) $43,600,000 for fiscal year 2005; and

(4) $50,100,000 for fiscal year 2006.

SEC. 1243. NUCLEAR ENERGY RESEARCH INITIATIVE.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Research Initiative for grants for research relating to nuclear energy.

(b) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1244. NUCLEAR ENERGY PLANT OPTIMIZATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Plant Optimization Program for grants to improve nuclear energy plant reliability, availability, and productivity. Notwithstanding section 1403, the program shall require industry cost-sharing of at least 50 percent and be subject to annual review by the Nuclear Energy Research Advisory Committee of the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

SEC. 1245. NUCLEAR ENERGY TECHNOLOGY DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall support a Nuclear Energy Technology Development Program to develop a technology roadmap to design and develop new nuclear energy powerplants in the United States.

(b) GENERATION IV REACTOR STUDY.—The Secretary shall, as part of the program under subsection (a), also conduct a study of Generation IV nuclear energy systems, including development of a technology roadmap and performance of research and development necessary to make an informed technical decision regarding the most promising candidates for commercial deployment. The study shall examine advanced proliferation-resistant and passively safe reactor designs, new reactor designs with higher efficiency, lower cost and improved safety, proliferation-resistant and high burn-up fuels, minimization of generation of radioactive materials, improved nuclear waste management technologies, and improved instrumentation science. Not later than December 31, 2002, the Secretary shall submit to Congress a report describing the results of the study.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized to be appropriated under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as are necessary for each fiscal year.

Subtitle E—Fundamental Energy Science

SEC. 1251. ENHANCED PROGRAMS IN FUNDAMENTAL ENERGY SCIENCE.

(a) PROGRAM DIRECTION.—The Secretary, acting through the Office of Science, shall—

(1) conduct a comprehensive program of fundamental research, including research on chemical sciences, physics, materials sciences, biological and environmental sciences, geosciences, engineering sciences, plasma sciences, mathematics, and advanced scientific computing;

(2) maintain, upgrade and expand the scientific user facilities maintained by the Office of Science and ensure that they are an integral part of the departmental mission for exploring the frontiers of fundamental science;

(3) maintain a leading-edge research capability in the energy-related aspects of nanoscience and nanotechnology, advanced scientific computing and genome research; and

(4) ensure that its fundamental science programs, where appropriate, help inform the applied research and development programs of the Department.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for carrying out research, development, demonstration, and technology deployment activities under this subtitle—

(1) $3,785,000,000 for fiscal year 2003;

(2) $4,153,000,000 for fiscal year 2004;

(3) $4,586,000,000 for fiscal year 2005; and

(4) $5,000,000,000 for fiscal year 2006.

SEC. 1252. NANOSCALE SCIENCE AND ENGINEERING RESEARCH.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program of research and development in nanoscience and nanoengineering consistent with the Department's statutory authorities related to research and development. The program shall include efforts to further the understanding of the chemistry, physics, materials science and engineering of phenomena on the scale of 1 to 100 nanometers.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) support both individual investigators and multidisciplinary teams of investigators;

(2) pursuant to subsection (c), develop, plan, construct, acquire, or operate special equipment or facilities for the use of investigators conducting research and development in nanoscience and nanoengineering;

(3) support technology transfer activities to benefit industry and other users of nanoscience and nanoengineering; and

(4) coordinate research and development activities with industry and other federal agencies.

(c) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—

(1) AUTHORIZATION.—From amounts authorized to be appropriated under section 1251(b), the amounts specified under subsection (d)(2) shall, subject to appropriations, be available for projects to develop, plan, construct, acquire, or operate special equipment, instrumentation, or facilities for investigators conducting research and development in nanoscience and nanoengineering.

(2) PROJECTS.—Projects under paragraph (1) may include the measurement of properties at the scale of 1 to 100 nanometers, manipulation at such scales, and the integration of technologies based on nanoscience or nanoengineering into bulk materials or other technologies.

(3) FACILITIES.—Facilities under paragraph (1) may include electron microcharacterization facilities, microlithography facilities, scanning probe facilities and related instrumentation science.

(4) COLLABORATION.—The Secretary shall encourage collaborations among universities, laboratories and industry at facilities under this subsection. At least one facility under this subsection shall have a specific mission of technology transfer to other institutions and to industry.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) TOTAL AUTHORIZATION.—From amounts authorized to be appropriated under section 1251(b), the following amounts are authorized for activities under this section—

(A) $270,000,000 for fiscal year 2003;

(B) $290,000,000 for fiscal year 2004;

(C) $310,000,000 for fiscal year 2005; and

(D) $330,000,000 for fiscal year 2006.

(2) NANOSCIENCE AND NANOENGINEERING RESEARCH CENTERS AND MAJOR INSTRUMENTATION.—Of the amounts under paragraph (1), the following amounts are authorized to carry out subsection (c)—

(A) $135,000,000 for fiscal year 2003;

(B) $150,000,000 for fiscal year 2004;

(C) $120,000,000 for fiscal year 2005; and

(D) $100,000,000 for fiscal year 2006.

SEC. 1253. ADVANCED SCIENTIFIC COMPUTING FOR ENERGY MISSIONS.

(a) ESTABLISHMENT.—The Secretary, acting through the Office of Science, shall support a program to advance the Nation's computing capability across a diverse set of grand challenge computationally based science problems related to departmental missions.

(b) DUTIES OF THE OFFICE OF SCIENCE.—In carrying out the program under this section, the Office of Science shall—

(1) advance basic science through computation by developing software to solve grand challenge science problems on new generations of computing platforms,

(2) enhance the foundations for scientific computing by developing the basic mathematical and computing systems software needed to take full advantage of the computing capabilities of computers with peak speeds of 100 teraflops or more, some of which may be unique to the scientific problem of interest,

(3) enhance national collaboratory and networking capabilities by developing software to integrate geographically separated researchers into effective research teams and to facilitate access to and movement and analysis of large (petabyte) data sets, and

(4) maintain a robust scientific computing hardware infrastructure to ensure that the computing resources needed to address DOE missions are available; explore new computing approaches and technologies that promise to advance scientific computing.

(c) HIGH-PERFORMANCE COMPUTING ACT PROGRAM.—Section 203(a) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(a)) is amended—

(1) in paragraph (3), by striking "and";

(2) in paragraph (4), by striking the period and inserting "; and"; and

(3) by adding after paragraph (4) the following: "(5) conduct an integrated program of research, development, and provision of facilities to develop and deploy to scientific and technical users the high-performance computing and collaboration tools needed to fulfill the statutory missions of the Department of Energy in conducting basic and applied energy research.".

(d) COORDINATION WITH THE DOE NATIONAL NUCLEAR SECURITY AGENCY ACCELERATED STRATEGIC COMPUTING INITIATIVE AND OTHER NATIONAL COMPUTING PROGRAMS.—The Secretary shall ensure that this program, to the extent feasible, is integrated and consistent with—

(1) the Accelerated Strategic Computing Initiative of the National Nuclear Security Agency; and

(2) other national efforts related to advanced scientific computing for science and engineering.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b), the following amounts are authorized for activities under this section—

(1) $285,000,000 for fiscal year 2003;

(2) $300,000,000 for fiscal year 2004;

(3) $310,000,000 for fiscal year 2005; and

(4) $320,000,000 for fiscal year 2006.

SEC. 1254. FUSION ENERGY SCIENCES PROGRAM AND PLANNING.

(a) OVERALL PLAN FOR FUSION ENERGY SCIENCES PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this subtitle, the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop and transmit to the Congress a plan to ensure a strong scientific base for the Fusion Energy Sciences Program within the Office of Science and to enable the experiments described in subsections (b) and (c).

(2) OBJECTIVES OF PLAN.—The plan under this subsection shall include as its objectives—

(A) to ensure that existing fusion research facilities and equipment are more fully utilized with appropriate measurements and control tools;

(B) to ensure a strengthened fusion science theory and computational base;

(C) to encourage and ensure that the selection of and funding for new magnetic and inertial fusion research facilities is based on scientific innovation and cost effectiveness;

(D) to improve the communication of scientific results and methods between the fusion science community and the wider scientific community;

(E) to ensure that adequate support is provided to optimize the design of the magnetic fusion burning plasma experiments referred to in subsections (b) and (c); and

(F) to ensure that inertial confinement fusion facilities are utilized to the extent practicable for the purpose of inertial fusion energy research and development.

(b) PLAN FOR UNITED STATES FUSION EXPERIMENT.—

(1) IN GENERAL.—The Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, shall develop a plan for construction in the United States of a magnetic fusion burning plasma experiment for the purpose of accelerating scientific understanding of fusion plasmas. The Secretary shall request a review of the plan by the National Academy of Sciences and shall transmit the plan and the review to the Congress by July 1, 2004.

(2) REQUIREMENTS OF PLAN.—The plan described in paragraph (1) shall—

(A) address key burning plasma physics issues; and

(B) include specific information on the scientific capabilities of the proposed experiment, the relevance of these capabilities to the goal of practical fusion energy, and the overall design of the experiment including its estimated cost and potential construction sites.

(c) PLAN FOR PARTICIPATION IN AN INTERNATIONAL EXPERIMENT.—In addition to the plan described in subsection (b), the Secretary, after consultation with the Fusion Energy Sciences Advisory Committee, may also develop a plan for United States participation in an international burning plasma experiment for the same purpose, whose construction is found by the Secretary to be highly likely and where United States participation is cost-effective relative to the cost and scientific benefits of a domestic experiment described in subsection (b). If the Secretary elects to develop a plan under this subsection, he shall include the information described in subsection (b)(2), and an estimate of the cost of United States participation in such an international experiment. The Secretary shall request a review by the National Academy of Sciences of a plan developed under this subsection, and shall transmit the plan and the review to the Congress no later than July 1, 2004.

(d) AUTHORIZATION FOR RESEARCH AND DEVELOPMENT.—The Secretary, through the Office of Science, may conduct any research and development necessary to fully develop the plans described in this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251(b) for fiscal year 2003, $335,000,000 are authorized for fiscal year 2003 for activities under this section and for activities of the Fusion Energy Sciences Program.

Subtitle F—Energy, Safety, and Environmental Protection

SEC. 1261. CRITICAL ENERGY INFRASTRUCTURE PROTECTION RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary shall carry out a research, development, demonstration and technology deployment program, in partnership with industry, on critical energy infrastructure protection, consistent with the roles and missions outlined for the Secretary in Presidential Decision Directive 63, entitled "Critical Infrastructure Protection". The program shall have the following goals:

(1) Increase the understanding of physical and information system disruptions to the energy infrastructure that could result in cascading or widespread regional outages.

(2) Develop energy infrastructure assurance "best practices" through vulnerability and risk assessments.

(3) Protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents within the energy infrastructure.

(b) PROGRAM SCOPE.—The program under subsection (a) shall include research, development, deployment, technology demonstration for—

(1) analysis of energy infrastructure interdependencies to quantify the impacts of system vulnerabilities in relation to each other;

(2) probabilistic risk assessment of the energy infrastructure to account for unconventional and terrorist threats;

(3) incident tracking and trend analysis tools to assess the severity of threats and reported incidents to the energy infrastructure; and

(4) integrated multi-sensor, warning and mitigation technologies to detect, integrate, and localize events affecting the energy infrastructure including real time control to permit the reconfiguration of energy delivery systems.

(c) REGIONAL COORDINATION.—The program under this section shall cooperate with Departmental activities to promote regional coordination under section 102 of this Act, to ensure that the technologies and assessments developed by the program are transferred in a timely manner to State and local authorities, and to the energy industries.

(d) COORDINATION WITH INDUSTRY RESEARCH ORGANIZATIONS.—The Secretary may enter into grants, contracts, and cooperative agreements with industry research organizations to facilitate industry participation in research under this section and to fulfill applicable cost-sharing requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) $25,000,000 for fiscal year 2003;

(2) $26,000,000 for fiscal year 2004;

(3) $27,000,000 for fiscal year 2005; and

(4) $28,000,000 for fiscal year 2006.

(f) CRITICAL ENERGY INFRASTRUCTURE FACILITY DEFINED.—For purposes of this section, the term "critical energy infrastructure facility" means a physical or cyber-based system or service for the generation, transmission or distribution of electrical energy, or the production, refining, transportation, or storage of petroleum, natural gas, or petroleum product, the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States. The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104b of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

SEC. 1262. PIPELINE INTEGRITY, SAFETY, AND RELIABILITY RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program shall include materials inspection techniques, risk assessment methodology, and information systems surety.

(b) PURPOSE.—The purpose of the cooperative research program shall be to promote research and development to—

(1) ensure long-term safety, reliability and service life for existing pipelines;

(2) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(3) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(4) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(5) develop improved materials and coatings for use in pipelines;

(6) improve the capability, reliability, and practicality of external leak detection devices;

(7) identify underground environments that might lead to shortened service life;

(8) enhance safety in pipeline siting and land use;

(9) minimize the environmental impact of pipelines;

(10) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(11) provide risk assessment tools for optimizing risk mitigation strategies; and

(12) provide highly secure information systems for controlling the operation of pipelines.

(c) AREAS.—In carrying out this section, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil, and petroleum product pipelines for—

(1) early crack, defect, and damage detection, including real-time damage monitoring;

(2) automated internal pipeline inspection sensor systems;

(3) land use guidance and set back management along pipeline rights-of-way for communities;

(4) internal corrosion control;

(5) corrosion-resistant coatings;

(6) improved cathodic protection;

(7) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(8) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(9) longer life, high strength, non-corrosive pipeline materials;

(10) assessing the remaining strength of existing pipes;

(11) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(12) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(13) any other areas necessary to ensuring the public safety and protecting the environment.

(d) RESEARCH AND DEVELOPMENT PROGRAM PLAN.—Within 240 days after the date of enactment of this section, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a five-year program plan to guide activities under this section. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and prioritize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(e) IMPLEMENTATION.—The Secretary of Transportation shall have primary responsibility for ensuring the five-year plan provided for in subsection (d) is implemented as intended by this section. In carrying out the research, development, and demonstration activities under this section, the Secretary of Transportation and the Secretary of Energy may use, to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(f) Reports to Congress.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Departments of Transportation and Energy, the natural laboratories, universities, and any other research organizations, including industry research organizations.

(g) Pipeline Integrity Technical Advisory Committee.—

(1) Establishment.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Advisory Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the research and development program plan under subsection (d). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under this section.

(2) Membership.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

(h) Authorization of Appropriations.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out this section $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2006.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under this section for each of the fiscal years 2003 through 2006.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out this section such sums as may be necessary for each of the fiscal years 2003 through 2006.

SEC. 1263. RESEARCH AND DEMONSTRATION FOR REMEDIATION OF GROUNDWATER FROM ENERGY ACTIVITIES.

(a) In General.—The Secretary shall carry out a research, development, demonstration, and technology deployment program to improve methods for environmental restoration of groundwater contaminated by energy activities, including oil and gas production, surface and underground mining of coal, and in-situ extraction of energy resources.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

TITLE XIII—CLIMATE CHANGE-RELATED RESEARCH AND DEVELOPMENT

Subtitle A—Department of Energy Programs

SEC. 1301. PROGRAM GOALS.

The goals of the research, development, demonstration, and technology deployment programs under this subtitle shall be to—

(1) provide a sound scientific understanding of the human and natural forces that influence the Earth's climate system, particularly those forces related to energy production and use;

(2) help mitigate climate change from human activities related to energy production and use; and

(3) reduce, avoid, or sequester emissions of greenhouse gases in furtherance of the goals of the United National Framework Convention on Climate Change, done at New York on May 9, 1992, in a manner that does not result in serious harm to the U.S. economy.

SEC. 1302. DEPARTMENT OF ENERGY GLOBAL CHANGE SCIENCE RESEARCH.

(a) Program Direction.—The Secretary, acting through the Office of Science, shall conduct a comprehensive research program to understand and address the effects of energy production and use on the global climate system.

(b) Program Elements.—

(1) Climate modeling.—The Secretary shall—

(A) conduct observational and analytical research to acquire and interpret the data needed to describe the radiation balance from the surface of the Earth to the top of the atmosphere;

(B) determine the factors responsible for the Earth's radiation balance and incorporate improved understanding of such factors in climate models;

(C) improve the treatment of aerosols and clouds in climate models;

(D) reduce the uncertainty in decade-to-century model-based projections of climate change; and

(E) increase the availability and utility of climate change simulations to researchers and policy makers interested in assessing the relationship between energy and climate change.

(2) Carbon cycle.—The Secretary shall—

(A) carry out field research and modeling activities—

(i) to understand and document the net exchange of carbon dioxide between major terrestrial ecosystems and the atmosphere; or

(ii) to evaluate the potential of proposed methods of carbon sequestration;

(B) develop and test carbon cycle models; and

(C) acquire data and develop and test models to simulate and predict the transport, transformation, and fate of energy-related emissions in the atmosphere.

(3) Ecological processes.—The Secretary shall carry out long-term experiments of the response of intact terrestrial ecosystems to—

(A) alterations in climate and atmospheric composition; or

(B) land-use changes that affect ecosystem extent and function.

(4) Integrated assessment.—The Secretary shall develop and improve methods and tools for integrated analyses of the climate change system from emissions of aerosols and greenhouse gases to the consequences of these emissions on climate and the resulting effects of human-induced climate change on economic and social systems, with emphasis on critical gaps in integrated assessment modeling, including modeling of technology innovation and diffusion and the development of metrics of economic costs of climate change and policies for mitigating or adapting to climate change.

(c) Authorization of Appropriations.—From amounts authorized under section 1440(c), there are authorized to be appropriated to the Secretary for carrying out activities under this section—

(1) $150,000,000 for fiscal year 2003;
(2) $175,000,000 for fiscal year 2004;
(3) $200,000,000 for fiscal year 2005; and
(4) $230,000,000 for fiscal year 2006.

(d) Limitation on Funds.—Funds authorized to be appropriated under this section shall not be used for the development, demonstration, or deployment of technology to reduce, avoid, or sequester greenhouse gas emissions.

SEC. 1303. AMENDMENTS TO THE FEDERAL NONNUCLEAR RESEARCH AND DEVELOPMENT ACT OF 1974.

Section 6 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5905) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3) by striking the period at the end and inserting ", and"; and

(C) by adding at the end the following:

"(4) solutions to the effective management of greenhouse gas emissions in the long term by the development of technologies and practices designed to—

"(A) reduce or avoid anthropogenic emissions of greenhouse gases;

"(B) remove and sequester greenhouse gases from emissions streams; and

"(C) remove and sequester greenhouse gases from the atmosphere."; and

(2) in subsection (b)—

(A) in paragraph (2), by striking "subsection (a)(1) through (3)" and inserting "paragraphs (1) through (4) of subsection (a)"; and

(B) in paragraph (3)—

(i) in subparagraph (R), by striking "and" at the end;

(ii) in subparagraph (S), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following:

"(T) to pursue a long-term climate technology strategy designed to demonstrate a variety of technologies by which stabilization of greenhouse gases might be best achieved, including accelerated research, development, demonstration and deployment of—

"(i) renewable energy systems;

"(ii) advanced fossil energy technology;

"(iii) advanced nuclear power plant design;

"(iv) fuel cell technology for residential, industrial and transportation applications;

"(v) carbon sequestration practices and technologies, including agricultural and forestry practices that store and sequester carbon;

"(vi) efficient electrical generation, transmission and distribution technologies; and

"(vii) efficient end use energy technologies.".

Subtitle B—Department of Agriculture Programs

SEC. 1311. CARBON SEQUESTRATION BASIC AND APPLIED RESEARCH.

(a) Basic Research.—

(1) In general.—The Secretary of Agriculture shall carry out research in the areas of soil science that promote understanding of—

(A) the net sequestration of organic carbon in soil; and

(B) net emissions of other greenhouse gases from agriculture.

(2) Agricultural research service.—The Secretary of Agriculture, acting through the Agricultural Research Service, shall collaborate with other Federal agencies in developing data and carrying out research addressing soil carbon fluxes (losses and gains) and net emissions of methane and nitrous oxide from cultivation and animal management activities.

(3) Cooperative state research, extension, and education service.—

(A) In general.—The Secretary of Agriculture, acting through the Cooperative

State Research, Extension, and Education Service, shall establish a competitive grant program to carry out research on the matters described in paragraph (1) in land grant universities and other research institutions.

(B) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for basic research under paragraph (1), the Cooperative State Research, Extension, and Education Service shall consult with the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(b) APPLIED RESEARCH.—

(1) IN GENERAL.—The Secretary of Agriculture shall carry out applied research in the areas of soil science, agronomy, agricultural economics and other agricultural sciences to—

(A) promote understanding of—

(i) how agricultural and forestry practices affect the sequestration of organic and inorganic carbon in soil and net emissions of other greenhouse gases;

(ii) how changes in soil carbon pools are cost-effectively measured, monitored, and verified; and

(iii) how public programs and private market approaches can be devised to incorporate carbon sequestration in a broader societal greenhouse gas emission reduction effort;

(B) develop methods for establishing baselines for measuring the quantities of carbon and other greenhouse gases sequestered; and

(C) evaluate leakage and performance issues.

(2) REQUIREMENTS.—To the maximum extent practicable, applied research under paragraph (1) shall—

(A) draw on existing technologies and methods; and

(B) strive to provide methodologies that are accessible to a nontechnical audience.

(3) MINIMIZATION OF ADVERSE ENVIRONMENTAL IMPACTS.—All applied research under paragraph (1) shall be conducted with an emphasis on minimizing adverse environmental impacts.

(4) NATURAL RESOURCES CONSERVATION SERVICE.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service, shall collaborate with other Federal agencies, including the National Institute of Standards and Technology, in developing new measuring techniques and equipment or adapting existing techniques and equipment to enable cost-effective and accurate monitoring and verification, for a wide range of agricultural and forestry practices, of—

(A) changes in soil carbon content in agricultural soils, plants, and trees; and

(B) net emissions of other greenhouse gases.

(5) COOPERATIVE STATE RESEARCH, EXTENSION, AND EDUCATION SERVICE.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Cooperative State Research, Extension, and Education Service, shall establish a competitive grant program to encourage research on the matters described in paragraph (1) by land grant universities and other research institutions.

(B) CONSULTATION ON RESEARCH TOPICS.—Before issuing a request for proposals for applied research under paragraph (1), the Cooperative State Research, Extension, and Education Service shall consult with the National Resources Conservation Service and the Agricultural Research Service to ensure that proposed research areas are complementary with and do not duplicate research projects underway at the Agricultural Research Service or other Federal agencies.

(c) RESEARCH CONSORTIA.—

(1) IN GENERAL.—The Secretary of Agriculture may designate not more than 2 research consortia to carry out research projects under this section, with the requirement that the consortia propose to conduct basic research under subsection (a) and applied research under subsection (b).

(2) SELECTION.—The consortia shall be selected in a competitive manner by the Cooperative State Research, Extension, and Education Service.

(3) ELIGIBLE CONSORTIUM PARTICIPANTS.—Entities eligible to participate in a consortium include—

(A) land grant colleges and universities;

(B) private research institutions;

(C) State geological surveys;

(D) agencies of the Department of Agriculture;

(E) research centers of the National Aeronautics and Space Administration and the Department of Energy;

(F) other Federal agencies;

(G) representatives of agricultural businesses and organizations with demonstrated expertise in these areas; and

(H) representatives of the private sector with demonstrated expertise in these areas.

(4) RESERVATION OF FUNDING.—If the Secretary of Agriculture designates 1 or 2 consortia, the Secretary of Agriculture shall reserve for research projects carried out by the consortium or consortia not more than 25 percent of the amounts made available to carry out this section for a fiscal year.

(d) STANDARDS OF PRECISION.—

(1) CONFERENCE.—Not later than 3 years after the date of enactment of this subtitle, the Secretary of Agriculture, acting through the Agricultural Research Service and in consultation with the Natural Resources Conservation Service, shall convene a conference of key scientific experts on carbon sequestration and measurement techniques from various sectors (including the government, academic, and private sectors) to—

(A) discuss benchmark standards of precision for measuring soil carbon content and net emissions of other greenhouse gases;

(B) designate packages of measurement techniques and modeling approaches to achieve a level of precision agreed on by the participants in the conference; and

(C) evaluate results of analyses on baseline, permanence, and leakage issues.

(2) DEVELOPMENT OF BENCHMARK STANDARDS.—

(A) IN GENERAL.—The Secretary shall develop benchmark standards for measuring the carbon content of soils and plants (including trees) based on—

(i) information from the conference under paragraph (1);

(ii) research conducted under this section; and

(iii) other information available to the Secretary.

(B) OPPORTUNITY FOR PUBLIC COMMENT.—The Secretary shall provide an opportunity for the public to comment on benchmark standards developed under subparagraph (A).

(3) REPORT.—Not later than 180 days after the conclusion of the conference under paragraph (1), the Secretary of Agriculture shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the results of the conference.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2003 through 2006.

(2) ALLOCATION.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for competitive grants by the Cooperative State Research, Extension, and Education Service.

SEC. 1312. CARBON SEQUESTRATION DEMONSTRATION PROJECTS AND OUTREACH.

(a) DEMONSTRATION PROJECTS.—

(1) DEVELOPMENT OF MONITORING PROGRAMS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Natural Resources Conservation Service and in cooperation with local extension agents, experts from land grant universities, and other local agricultural or conservation organizations, shall develop user-friendly, programs that combine measurement tools and modeling techniques into integrated packages to monitor the carbon sequestering benefits of conservation practices and net changes in greenhouse gas emissions.

(B) BENCHMARK LEVELS OF PRECISION.—The programs developed under subparagraph (A) shall strive to achieve benchmark levels of precision in measurement in a cost-effective manner.

(2) PROJECTS.—

(A) IN GENERAL.—The Secretary of Agriculture, acting through the Farm Service Agency, shall establish a program under which projects use the monitoring programs developed under paragraph (1) to demonstrate the feasibility of methods of measuring, verifying, and monitoring—

(i) changes in organic carbon content and other carbon pools in agricultural soils, plants, and trees; and

(ii) net changes in emissions of other greenhouse gases.

(B) EVALUATION OF IMPLICATIONS.—The projects under subparagraph (A) shall include evaluation of the implications for reassessed baselines, carbon or other greenhouse gas leakage, and permanence of sequestration.

(C) SUBMISSION OF PROPOSALS.—Proposals for projects under subparagraph (A) shall be submitted by the appropriate agency of each State, in cooperation with interested local jurisdictions and State agricultural and conservation organizations.

(D) LIMITATION.—Not more than 10 projects under subparagraph (A) may be approved in conjunction with applied research projects under section 1331(b) until benchmark measurement and assessment standards are established under section 1331(d).

(b) OUTREACH.—

(1) IN GENERAL.—The Cooperative State Research, Extension, and Education Service shall widely disseminate information about the economic and environmental benefits that can be generated by adoption of conservation practices (including benefits from increased sequestration of carbon and reduced emission of other greenhouse gases).

(2) PROJECT RESULTS.—The Cooperative State Research, Extension, and Education Service shall inform farmers, ranchers, and State agricultural and energy offices in each State of—

(A) the results of demonstration projects under subsection (a)(2) in the State; and

(B) the ways in which the methods demonstrated in the projects might be applicable to the operations of those farmers and ranchers.

(3) POLICY OUTREACH.—On a periodic basis, the Cooperative State Research, Extension,

and Education Service shall disseminate information on the policy nexus between global climate change mitigation strategies and agriculture, so that farmers and ranchers may better understand the global implications of the activities of farmers and ranchers.

(c) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2003 through 2006.

(2) Allocation.—Of the amounts made available to carry out this section for a fiscal year, at least 50 percent shall be allocated for demonstration projects under subsection (a)(2).

Subtitle C—Clean Energy Technology Exports Program

SEC. 1321. CLEAN ENERGY TECHNOLOGY EXPORTS PROGRAM.

(a) Definitions.—In this section:

(1) Clean energy technology.—The term "clean energy technology" means an energy supply or end-use technology that, over its lifecycle and compared to a similar technology already in commercial use in developing countries, countries in transition, and other partner countries—

(A) emits substantially lower levels of pollutants or greenhouse gases; and

(B) may generate substantially smaller or less toxic volumes of solid or liquid waste.

(2) Interagency working group.—The term "interagency working group" means the Interagency Working Group on Clean Energy Technology Exports established under subsection (b).

(b) Interagency Working Group.—

(1) Establishment.—Not later than 90 days after the date of enactment of this section, the Secretary of Energy, the Secretary of Commerce, and the Administrator of the U.S. Agency for International Development shall jointly establish a Interagency Working Group on Clean Energy Technology Exports. The interagency working group will focus on opening and expanding energy markets and transferring clean energy technology to the developing countries, countries in transition, and other partner countries that are expected to experience, over the next 20 years, the most significant growth in energy production and associated greenhouse gas emissions, including through technology transfer programs under the Framework Convention on Climate Change, other international agreements, and relevant Federal efforts.

(2) Membership.—The interagency working group shall be jointly chaired by representatives appointed by the agency heads under paragraph (1) and shall also include representatives from the Department of State, the Department of Treasury, the Environmental Protection Agency, the Export-Import Bank, the Overseas Private Investment Corporation, the Trade and Development Agency, and other federal agencies as deemed appropriate by all three agency heads under paragraph (1).

(3) Duties.—The interagency working group shall—

(A) analyze technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology;

(B) investigate issues associated with building capacity to deploy clean energy technology in developing countries, countries in transition, and other partner countries, including—

(i) energy-sector reform;

(ii) creation of open, transparent, and competitive markets for energy technologies;

(iii) availability of trained personnel to deploy and maintain the technology; and

(iv) demonstration and cost-buydown mechanisms to promote first adoption of the technology;

(C) examine relevant trade, tax, international, and other policy issues to assess what policies would help open markets and improve U.S. clean energy technology exports in support of the following areas—

(i) enhancing energy innovation and cooperation, including energy sector and market reform, capacity building, and financing measures;

(ii) improving energy end-use efficiency technologies, including buildings and facilities, vehicle, industrial, and co-generation technology initiatives; and

(iii) promoting energy supply technologies, including fossil, nuclear, and renewable technology initiatives.

(D) establish an advisory committee involving the private sector and other interested groups on the export and deployment of clean energy technology;

(E) monitor each agency's progress towards meeting goals in the 5-year strategic plan submitted to Congress pursuant to the Energy and Water Development Appropriations Act, 2001, and the Energy and Water Development Appropriations Act, 2002;

(F) make recommendations to heads of appropriate Federal agencies on ways to streamline federal programs and policies to improve each agency's role in the international development, demonstration, and deployment of clean energy technology;

(G) make assessments and recommendations regarding the distinct technological, market, regional, and stakeholder challenges necessary to carry out the program; and

(H) recommend conditions and criteria that will help ensure that United States funds promote sound energy policies in participating countries while simultaneously opening their markets and exporting United States energy technology.

(c) Federal Support for Clean Energy Technology Transfer.—Notwithstanding any other provision of law, each federal agency or government corporation carrying out an assistance program in support of the activities of United States persons in the environment or energy sector of a developing country, country in transition, or other partner country shall support, to the maximum extent practicable, the transfer of United States clean energy technology as part of that program.

(d) Annual Report.—Not later than April 1, 2002, and each year thereafter, the Interagency Working Group shall submit a report to Congress on its activities during the preceding calendar year. The report shall include a description of the technology, policy, and market opportunities for international development, demonstration, and deployment of clean energy technology investigated by the Interagency Working Group in that year, as well as any policy recommendations to improve the expansion of clean energy markets and U.S. clean energy technology exports.

(e) Report on Use of Funds.—Not later than October 1, 2002, and each year thereafter, the Secretary of State, in consultation with other federal agencies, shall submit a report to Congress indicating how United States funds appropriated for clean energy technology exports and other relevant federal programs are being directed in a manner that promotes sound energy policy commitments in developing countries, countries in transition, and other partner countries, including efforts pursuant to multi-lateral environmental agreements.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the departments, agencies, and entities of the United States described in subsection (b) such sums as may be necessary to support the transfer of clean energy technology, consistent with the subsidy codes of the World Trade Organization, as part of assistance programs carried out by those departments, agencies, and entities in support of activities of United States persons in the energy sector of a developing country, country in transition, or other partner country.

SEC. 1322. INTERNATIONAL ENERGY TECHNOLOGY DEPLOYMENT PROGRAM.

(a) In General.—Section 1608 of the Energy Policy Act of 1992 (42 U.S.C. 13387) is amended by striking subsection (*l*) and inserting the following:

"(*l*) International Energy Technology Deployment Program.—

"(1) Definitions.—In this subsection:

"(A) International energy deployment project.—The term 'international energy deployment project' means a project to construct an energy production facility outside the United States—

"(i) the output of which will be consumed outside the United States; and

"(ii) the deployment of which will result in a greenhouse gas reduction per unit of energy produced when compared to the technology that would otherwise be implemented—

"(I) 10 percentage points or more, in the case of a unit placed in service before January 1, 2010;

"(II) 20 percentage points or more, in the case of a unit placed in service after December 31, 2009, and before January 1, 2020; or

"(III) 30 percentage points or more, in the case of a unit placed in service after December 31, 2019, and before January 1, 2030.

"(B) Qualifying international energy deployment project.—The term 'qualifying international energy deployment project' means an international energy deployment project that—

"(i) is submitted by a United States firm to the Secretary in accordance with procedures established by the Secretary by regulation;

"(ii) uses technology that has been successfully developed or deployed in the United States;

"(iii) meets the criteria of subsection (k);

"(iv) is approved by the Secretary, with notice of the approval being published in the Federal Register; and

"(v) complies with such terms and conditions as the Secretary establishes by regulation.

"(C) United states.—For purposes of this paragraph, the term 'United States', when used in a geographical sense, means the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(2) Pilot program for financial assistance.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, by regulation, provide for a pilot program for financial assistance for qualifying international energy deployment projects.

"(B) Selection criteria.—After consultation with the Secretary of State, the Secretary of Commerce, and the United States

Trade Representative, the Secretary shall select projects for participation in the program based solely on the criteria under this title and without regard to the country in which the project is located.

"(C) FINANCIAL ASSISTANCE.—

"(i) IN GENERAL.—A United States firm that undertakes a qualifying international energy deployment project that is selected to participate in the pilot program shall be eligible to receive a loan or a loan guarantee from the Secretary.

"(ii) RATE OF INTEREST.—The rate of interest of any loan made under clause (i) shall be equal to the rate for Treasury obligations then issued for periods of comparable maturities.

"(iii) AMOUNT.—The amount of a loan or loan guarantee under clause (i) shall not exceed 50 percent of the total cost of the qualified international energy deployment project.

"(iv) DEVELOPED COUNTRIES.—Loans or loan guarantees made for projects to be located in a developed country, as listed in Annex I of the United Nations Framework Convention on Climate Change, shall require at least a 50 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(v) DEVELOPING COUNTRIES.—Loans or loan guarantees made for projects to be located in a developing country (those countries not listed in Annex I of the United Nations Framework Convention on Climate Change) shall require at least a 10 percent contribution towards the total cost of the loan or loan guarantee by the host country.

"(vi) CAPACITY BUILDING RESEARCH.—Proposals made for projects to be located in a developing country may include a research component intended to build technological capacity within the host country. Such research must be related to the technologies being deployed and must involve both an institution in the host country and an industry, university or national laboratory participant from the United States. The host institution shall contribute at least 50 percent of funds provided for the capacity building research.

"(D) COORDINATION WITH OTHER PROGRAMS.—A qualifying international energy deployment project funded under this section shall not be eligible as a qualifying clean coal technology under section 415 of the Clean Air Act (42 U.S.C. 7651n).

"(E) REPORT.—Not later than 5 years after the date of enactment of this subsection, the Secretary shall submit to the President a report on the results of the pilot projects.

"(F) RECOMMENDATION.—Not later than 60 days after receiving the report under subparagraph (E), the President shall submit to Congress a recommendation, based on the results of the pilot projects as reported by the Secretary of Energy, concerning whether the financial assistance program under this section should be continued, expanded, reduced, or eliminated.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out this section $100,000,000 for each of fiscal years 2003 through 2011, to remain available until expended.".

Subtitle D—Climate Change Science and Information

PART I—AMENDMENTS TO THE GLOBAL CHANGE RESEARCH ACT OF 1990

SEC. 1331. AMENDMENT OF GLOBAL CHANGE RESEARCH ACT OF 1990.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

SEC. 1332. CHANGES IN DEFINITIONS.

Paragraph (1) of section 2 (15 U.S.C. 2921) is amended by striking "Earth and" and inserting "Climate and".

SEC. 1333. CHANGE IN COMMITTEE NAME.

Section 102 (15 U.S.C. 2932) is amended—

(1) by striking "EARTH AND" in the section heading and inserting "CLIMATE AND"; and

(2) by striking "Earth and" in subsection (a) and inserting "Climate and".

SEC. 1334. CHANGE IN NATIONAL GLOBAL CHANGE RESEARCH PLAN.

Section 104 (15 U.S.C. 2934) is amended—

(1) by adding at the end of subsection (c) the following:

"(6) Methods for integrating information to provide predictive tools for planning and decision making by governments, communities and the private sector.";

(2) by inserting "local, State, and Federal" before "policy makers" in subsection (d)(3);

(3) by striking "and" in subsection (d)(2);

(4) by striking "change." in subsection (d)(3) and inserting "change; and";

(5) by adding at the end of subsection (d) the following:

"(4) establish a common assessment and modeling framework that may be used in both research and operations to predict and assess the vulnerability of natural and managed ecosystems and of human society in the context of other environmental and social changes."; and

(6) by adding at the end the following:

"(g) STRATEGIC PLAN; REVISED IMPLEMENTATION PLAN.—The Chairman of the Council, through the Committee, shall develop a strategic plan for the United States Global Climate Change Research Program for the 10-year period beginning in 2002 and submit the plan to the Congress within 180 days after the date of enactment of the Global Climate Change Act of 2002. The Chairman, through the Committee, shall also submit a revised implementation plan under subsection (a).".

SEC. 1335. INTEGRATED PROGRAM OFFICE.

Section 105 (15 U.S.C. 2935) is amended—

(1) by redesignating subsections (a), (b), and (c) as subsections (b), (c), and (d), respectively; and

(2) inserting before subsection (b), as redesignated, the following:

"(a) INTEGRATED PROGRAM OFFICE.—

"(1) ESTABLISHMENT.—There is established in the Office of Science and Technology Policy an integrated program office for the global change research program.

"(2) ORGANIZATION.—The integrated program office established under paragraph (1) shall be headed by the associate director with responsibility for climate change science and technology and shall include a representative from each Federal agency participating in the global change research program.

"(3) FUNCTION.—The integrated program office shall—

"(A) manage, working in conjunction with the Committee, interagency coordination and program integration of global change research activities and budget requests;

"(B) ensure that the activities and programs of each Federal agency or department participating in the program address the goals and objectives identified in the strategic research plan and interagency implementation plans;

"(C) ensure program and budget recommendations of the Committee are communicated to the President and are integrated into the climate change action strategy;

"(D) review, solicit, and identify, and allocate funds for, partnership projects that address critical research objectives or operational goals of the program, including projects that would fill research gaps identified by the program, and for which project resources are shared among at least 2 agencies participating in the program; and

"(E) review and provide recommendations on, in conjunction with the Committee, all annual appropriations requests from Federal agencies or departments participating in the program.

"(4) GRANT AUTHORITY.—The Integrated Program Office may authorize 1 or more of the departments or agencies participating in the program to enter into contracts and make grants, using funds appropriated for use by the Office of Science and Technology Policy for the purpose of carrying out the responsibilities of that Office.

"(5) FUNDING.—For fiscal year 2003, and each fiscal year thereafter, not less than $13,000,000 shall be made available to the Integrated Program Office from amounts appropriated to or for the use of the Office of Science and Technology Policy.";

(3) by striking "Committee." in paragraph (2) of subsection (c), as redesignated, and inserting "Committee and the Integrated Program Office."; and

(4) by inserting "and the Integrated Program Office" after "Committee" in paragraph (1) of subsection (d), as redesignated.

PART II—NATIONAL CLIMATE SERVICES AND MONITORING

SEC. 1341. AMENDMENT OF NATIONAL CLIMATE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Climate Program Act (15 U.S.C. 2901 et seq.).

SEC. 1342. CHANGES IN FINDINGS.

Section 2 (15 U.S.C. 2901) is amended—

(1) by striking "Weather and climate change affect" in paragraph (1) and inserting "Weather, climate change, and climate variability affect public safety, environmental security, human health,";

(2) by striking "climate" in paragraph (2) and inserting "climate, including seasonal and decadal fluctuations,";

(3) by striking "changes." in paragraph (5) and inserting "changes and providing free exchange of meteorological data."; and

(4) by adding at the end the following:

"(7) The present rate of advance in research and development is inadequate and new developments must be incorporated rapidly into services for the benefit of the public.

"(8) The United States lacks adequate infrastructure and research to meet national climate monitoring and prediction needs.".

SEC. 1343. TOOLS FOR REGIONAL PLANNING.

Section 5(d) (15 U.S.C. 2904(d)) is amended—

(1) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(2) by inserting after paragraph (3) the following:

"(4) methods for improving modeling and predictive capabilities and developing assessment methods to guide national, regional, and local planning and decision-making on land use, water hazards, and related issues;"

(3) by inserting "sharing," after "collection," in paragraph (5), as redesignated;

(4) by striking "experimental" each place it appears in paragraph (9), as redesignated;

(5) by striking "preliminary" in paragraph (10), as redesignated;

(6) by striking "this Act," the first place it appears in paragraph (10), as redesignated, and inserting "the Global Climate Change Act of 2002,"; and

(7) by striking "this Act," the second place it appears in paragraph (10), as redesignated, and inserting "that Act,".

SEC. 1344. AUTHORIZATION OF APPROPRIATIONS.

Section 9 (15 U.S.C. 2908) is amended—

(1) by striking "1979," and inserting "2002,";

(2) by striking "1980," and inserting "2003,";

(3) by striking "1981," and inserting "2004,"; and

(4) by striking "$25,500,000" and inserting "$75,500,000".

SEC. 1345. NATIONAL CLIMATE SERVICE PLAN.

The Act (15 U.S.C. 2901 et seq.) is amended by inserting after section 5 the following:

"SEC. 6. NATIONAL CLIMATE SERVICE PLAN.

"Within one year after the date of enactment of the Global Climate Change Act of 2002, the Secretary of Commerce shall submit to the Senate Committee on Commerce, Science, and Transportation and the House Science Committee a plan of action for a National Climate Service under the National Climate Program. The plan shall set forth recommendations and funding estimates for—

"(1) a national center for operational climate monitoring and predicting with the functional capacity to monitor and adjust observing systems as necessary to reduce bias;

"(2) the design, deployment, and operation of an adequate national climate observing system that builds upon existing environmental monitoring systems and closes gaps in coverage by existing systems;

"(3) the establishment of a national coordinated modeling strategy, including a national climate modeling center to provide a dedicated capability for climate modeling and a regular schedule of projections on a long and short term time schedule and at a range of spatial scales;

"(4) improvements in modeling and assessment capabilities needed to integrate information to predict regional and local climate changes and impacts;

"(5) in coordination with the private sector, improving the capacity to assess the impacts of predicted and projected climate changes and variations;

"(6) a program for long term stewardship, quality control, development of relevant climate products, and efficient access to all relevant climate data, products, and critical model simulations; and

"(7) mechanisms to coordinate among Federal agencies, State, and local government entities and the academic community to ensure timely and full sharing and dissemination of climate information and services, both domestically and internationally.".

SEC. 1346. INTERNATIONAL PACIFIC RESEARCH AND COOPERATION.

The Secretary of Commerce, in cooperation with the Administrator of the National Aeronautics and Space Administration, shall conduct international research in the Pacific region that will increase understanding of the nature and predictability of climate variability in the Asia- Pacific sector, including regional aspects of global environmental change. Such research activities shall be conducted in cooperation with other nations of the region. There are authorized to be appropriated for purposes of this section $1,500,000 to the National Oceanic and Atmospheric Administration, $1,500,000 to the National Aeronautics and Space Administration, and $500,000 for the Pacific ENSO Applications Center.

SEC. 1347. REPORTING ON TRENDS.

(a) ATMOSPHERIC MONITORING AND VERIFICATION PROGRAM.—The Secretary of Commerce, in coordination with relevant Federal agencies, shall, as part of the National Climate Service, establish an atmospheric monitoring and verification program utilizing aircraft, satellite, ground sensors, and modeling capabilities to monitor, measure, and verify atmospheric greenhouse gas levels, dates, and emissions. Where feasible, the program shall measure emissions from identified sources participating in the reporting system for verification purposes. The program shall use measurements and standards that are consistent with those utilized in the greenhouse gas measurement and reporting system established under subsection (a) and the registry established under section 1102.

(b) ANNUAL REPORTING.—The Secretary of Commerce shall issue an annual report that identifies greenhouse emissions and trends on a local, regional, and national level. The report shall also identify emissions or reductions attributable to individual or multiple sources covered by the greenhouse gas measurement and reporting system established under section 1102.

PART III—OCEAN AND COASTAL OBSERVING SYSTEM

SEC. 1351. OCEAN AND COASTAL OBSERVING SYSTEM.

(a) ESTABLISHMENT.—The President, through the National Ocean Research Leadership Council, established by section 7902(a) of title 10, United States Code, shall establish and maintain an integrated ocean and coastal observing system that provides for long-term, continuous, and real-time observations of the oceans and coasts for the purposes of—

(1) understanding, assessing and responding to human-induced and natural processes of global change;

(2) improving weather forecasts and public warnings;

(3) strengthening national security and military preparedness;

(4) enhancing the safety and efficiency of marine operations;

(5) supporting efforts to restore the health of and manage coastal and marine ecosystems and living resources;

(6) monitoring and evaluating the effectiveness of ocean and coastal environmental policies;

(7) reducing and mitigating ocean and coastal pollution; and

(8) providing information that contributes to public awareness of the state and importance of the oceans.

(b) COUNCIL FUNCTIONS.—In addition to its responsibilities under section 7902(a) of such title, the Council shall be responsible for planning and coordinating the observing system and in carrying out this responsibility shall—

(1) develop and submit to the Congress, within 6 months after the date of enactment of this Act, a plan for implementing a national ocean and coastal observing system that—

(A) uses an end-to-end engineering and development approach to develop a system design and schedule for operational implementation;

(B) determines how current and planned observing activities can be integrated in a cost-effective manner;

(C) provides for regional and concept demonstration projects;

(D) describes the role and estimated budget of each Federal agency in implementing the plan;

(E) contributes, to the extent practicable, to the National Global Change Research Plan under section 104 of the Global Change Research Act of 1990 (15 U.S.C. 2934); and

(F) makes recommendations for coordination of ocean observing activities of the United States with those of other nations and international organizations;

(2) serve as the mechanism for coordinating Federal ocean observing requirements and activities;

(3) work with academic, State, industry and other actual and potential users of the observing system to make effective use of existing capabilities and incorporate new technologies;

(4) approve standards and protocols for the administration of the system, including—

(A) a common set of measurements to be collected and distributed routinely and by uniform methods;

(B) standards for quality control and assessment of data;

(C) design, testing and employment of forecast models for ocean conditions;

(D) data management, including data transfer protocols and archiving; and

(E) designation of coastal ocean observing regions; and

(5) in consultation with the Secretary of State, provide representation at international meetings on ocean observing programs and coordinate relevant Federal activities with those of other nations.

(c) SYSTEM ELEMENTS.—The integrated ocean and coastal observing system shall include the following elements:

(1) A nationally coordinated network of regional coastal ocean observing systems that measure and disseminate a common set of ocean observations and related products in a uniform manner and according to sound scientific practice, but that are adapted to local and regional needs.

(2) Ocean sensors for climate observations, including the Arctic Ocean and sub-polar seas.

(3) Coastal, relocatable, and cabled sea floor observatories.

(4) Broad bandwidth communications that are capable of transmitting high volumes of data from open ocean locations at low cost and in real time.

(5) Ocean data management and assimilation systems that ensure full use of new sources of data from space-borne and in situ sensors.

(6) Focused research programs.

(7) Technology development program to develop new observing technologies and techniques, including data management and dissemination.

(8) Public outreach and education.

SEC. 1352. AUTHORIZATION OF APPROPRIATIONS.

For development and implementation of an integrated ocean and coastal observation system under this title, including financial assistance to regional coastal ocean observing systems, there are authorized to be appropriated $235,000,000 in fiscal year 2003, $315,000,000 in fiscal year 2004, $390,000,000 in fiscal year 2005, and $445,000,000 in fiscal year 2006.

Subtitle E—Climate Change Technology

SEC. 1361. NIST GREENHOUSE GAS FUNCTIONS.

Section 2(c) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)) is amended—

(1) striking "and" after the semicolon in paragraph (21);

(2) by redesignating paragraph (22) as paragraph (23); and

(3) by inserting after paragraph (21) the following:

"(22) perform research to develop enhanced measurements, calibrations, standards, and technologies which will enable the reduced production in the United States of greenhouse gases associated with global warming, including carbon dioxide, methane, nitrous oxide, ozone, perfluorocarbons, hydrofluorocarbons, and sulphur hexafluoride; and".

SEC. 1362. DEVELOPMENT OF NEW MEASUREMENT TECHNOLOGIES.

(a) IN GENERAL.—The Secretary of Commerce shall initiate a program to develop, with technical assistance from appropriate Federal agencies, innovative standards and measurement technologies (including technologies to measure carbon changes due to changes in land use cover) to calculate—

(1) greenhouse gas emissions and reductions from agriculture, forestry, and other land use practices;

(2) non-carbon dioxide greenhouse gas emissions from transportation;

(3) greenhouse gas emissions from facilities or sources using remote sensing technology; and

(4) any other greenhouse gas emission or reductions for which no accurate or reliable measurement technology exists.

SEC. 1363. ENHANCED ENVIRONMENTAL MEASUREMENTS AND STANDARDS.

The National Institute of Standards and Technology Act (15 U.S.C. 271 et seq.) is amended—

(1) by redesignating sections 17 through 32 as sections 18 through 33, respectively; and

(2) by inserting after section 16 the following:

"SEC. 17. CLIMATE CHANGE STANDARDS AND PROCESSES.

"(a) IN GENERAL.—The Director shall establish within the Institute a program to perform and support research on global climate change standards and processes, with the goal of providing scientific and technical knowledge applicable to the reduction of greenhouse gases (as defined in section 4 of the Global Climate Change Act of 2002).

"(b) RESEARCH PROGRAM.—

"(1) IN GENERAL.—The Director is authorized to conduct, directly or through contracts or grants, a global climate change standards and processes research program.

"(2) RESEARCH PROJECTS.—The specific contents and priorities of the research program shall be determined in consultation with appropriate Federal agencies, including the Environmental Protection Agency, the National Oceanic and Atmospheric Administration, and the National Aeronautics and Space Administration. The program generally shall include basic and applied research—

"(A) to develop and provide the enhanced measurements, calibrations, data, models, and reference material standards which will enable the monitoring of greenhouse gases;

"(B) to assist in establishing of a baseline reference point for future trading in greenhouse gases and the measurement of progress in emissions reduction;

"(C) that will be exchanged internationally as scientific or technical information which has the stated purpose of developing mutually recognized measurements, standards, and procedures for reducing greenhouse gases; and

"(D) to assist in developing improved industrial processes designed to reduce or eliminate greenhouse gases.

"(c) NATIONAL MEASUREMENT LABORATORIES.—

"(1) IN GENERAL.—In carrying out this section, the Director shall utilize the collective skills of the National Measurement Laboratories of the National Institute of Standards and Technology to improve the accuracy of measurements that will permit better understanding and control of these industrial chemical processes and result in the reduction or elimination of greenhouse gases.

"(2) MATERIAL, PROCESS, AND BUILDING RESEARCH.—The National Measurement Laboratories shall conduct research under this subsection that includes—

"(A) developing material and manufacturing processes which are designed for energy efficiency and reduced greenhouse gas emissions into the environment;

"(B) developing environmentally-friendly, 'green' chemical processes to be used by industry; and

"(C) enhancing building performance with a focus in developing standards or tools which will help incorporate low or no-emission technologies into building designs.

"(3) STANDARDS AND TOOLS.—The National Measurement Laboratories shall develop standards and tools under this subsection that include software to assist designers in selecting alternate building materials, performance data on materials, artificial intelligence-aided design procedures for building subsystems and 'smart buildings', and improved test methods and rating procedures for evaluating the energy performance of residential and commercial appliances and products.

"(d) NATIONAL VOLUNTARY LABORATORY ACCREDITATION PROGRAM.—The Director shall utilize the National Voluntary Laboratory Accreditation Program under this section to establish a program to include specific calibration or test standards and related methods and protocols assembled to satisfy the unique needs for accreditation in measuring the production of greenhouse gases. In carrying out this subsection the Director may cooperate with other departments and agencies of the Federal Government, State and local governments, and private organizations.".

SEC. 1364. TECHNOLOGY DEVELOPMENT AND DIFFUSION.

(a) ADVANCED TECHNOLOGY PROGRAM COMPETITIONS.—The Director of the National Institute of Standards and Technology, through the Advanced Technology Program, may hold a portion of the Institute's competitions in thematic areas, selected after consultation with industry, academics, and other Federal Agencies, designed to develop and commercialize enabling technologies to address global climate change by significantly reducing greenhouse gas emissions and concentrations in the atmosphere.

(b) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM FOR "GREEN" MANUFACTURING.—The Director of the National Institute of Standards and Technology, through the Manufacturing Extension Partnership Program, may develop a program to support the implementation of new "green" manufacturing technologies and techniques by the more than 380,000 small manufacturers.

SEC. 1365. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out functions pursuant to sections 1345, 1351, and 1361 through 1363, $10,000,000 for fiscal years 2002 through 2006.

Subtitle F—Climate Adaptation and Hazards Prevention

PART I—ASSESSMENT AND ADAPTATION

SEC. 1371. REGIONAL CLIMATE ASSESSMENT AND ADAPTATION PROGRAM.

(a) IN GENERAL.—The President shall establish within the Department of Commerce a National Climate Change Vulnerability and Adaptation Program for regional impacts related to increasing concentrations of greenhouse gases in the atmosphere and climate variability.

(b) COORDINATION.—In designing such program the Secretary shall consult with the Federal Emergency Management Agency, the Environmental Protection Agency, the Army Corps of Engineers, the Department of Transportation, and other appropriate Federal, State, and local government entities.

(c) VULNERABILITY ASSESSMENTS.—The program shall—

(1) evaluate, based on predictions developed under this Act and the National Climate Program Act (15 U.S.C. 2901 et seq.), regional vulnerability to phenomena associated with climate change and climate variability, including—

(A) increases in severe weather events;

(B) sea level rise and shifts in the hydrological cycle;

(C) natural hazards, including tsunami, drought, flood and fire; and

(D) alteration of ecological communities, including at the ecosystem or watershed levels; and

(2) build upon predictions and other information developed in the National Assessments prepared under the Global Change Research Act of 1990 (15 U.S.C. 2921 et seq.).

(d) PREPAREDNESS RECOMMENDATIONS.—The program shall submit a report to Congress within 2 years after the date of enactment of this Act that identifies and recommends implementation and funding strategies for short and long-term actions that may be taken at the national, regional, State, and local level—

(1) to minimize threats to human life and property,

(2) to improve resilience to hazards,

(3) to minimize economic impacts; and

(4) to reduce threats to critical biological and ecological processes.

(e) INFORMATION AND TECHNOLOGY.—The Secretary shall make available appropriate information and other technologies and products that will assist national, regional, State, and local efforts to reduce loss of life and property, and coordinate dissemination of such technologies and products.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce $4,500,000 to implement the requirements of this section.

SEC. 1372. COASTAL VULNERABILITY AND ADAPTATION.

(a) COASTAL VULNERABILITY.—Within 2 years after the date of enactment of this Act, the Secretary shall, in consultation with the appropriate Federal, State, and local governmental entities, conduct regional assessments of the vulnerability of coastal areas to hazards associated with climate change, climate variability, sea level rise, and fluctuation of Great Lakes water levels. The Secretary may also establish, as warranted, longer term regional assessment programs. The Secretary may also consult with the governments of Canada and Mexico as appropriate in developing such regional assessments. In preparing the regional assessments, the Secretary shall collect and compile current information on climate change, sea level rise, natural hazards, and coastal erosion and mapping, and specifically address impacts on Arctic regions and the Central, Western, and South Pacific regions. The regional assessments shall include an evaluation of—

(1) social impacts associated with threats to and potential losses of housing, communities, and infrastructure;

(2) physical impacts such as coastal erosion, flooding and loss of estuarine habitat, saltwater intrusion of aquifers and saltwater encroachment, and species migration; and

(3) economic impact on local, State, and regional economies, including the impact on abundance or distribution of economically important living marine resources.

(b) COASTAL ADAPTATION PLAN.—The Secretary shall, within 3 years after the date of enactment of this Act, submit to the Congress a national coastal adaptation plan, composed of individual regional adaptation plans that recommend targets and strategies to address coastal impacts associated with climate change, sea level rise, or climate variability. The plan shall be developed with the participation of other Federal, State, and local government agencies that will be critical in the implementation of the plan at the State and local levels. The regional plans that will make up the national coastal adaptation plan shall be based on the information contained in the regional assessments and shall identify special needs associated with Arctic areas and the Central, Western, and South Pacific regions. The Plan shall recommend both short and long-term adaptation strategies and shall include recommendations regarding—

(1) Federal flood insurance program modifications;

(2) areas that have been identified as high risk through mapping and assessment;

(3) mitigation incentives such as rolling easements, strategic retreat, State or Federal acquisition in fee simple or other interest in land, construction standards, and zoning;

(4) land and property owner education;

(5) economic planning for small communities dependent upon affected coastal resources, including fisheries; and

(6) funding requirements and mechanisms.

(c) TECHNICAL PLANNING ASSISTANCE.—The Secretary, through the National Ocean Service, shall establish a coordinated program to provide technical planning assistance and products to coastal States and local governments as they develop and implement adaptation or mitigation strategies and plans. Products, information, tools and technical expertise generated from the development of the regional assessments and the regional adaptation plans will be made available to coastal States for the purposes of developing their own State and local plans.

(d) COASTAL ADAPTATION GRANTS.—The Secretary shall provide grants of financial assistance to coastal States with Federally approved coastal zone management programs to develop and begin implementing coastal adaptation programs if the State provides a Federal-to-State match of 4 to 1 in the first fiscal year, 2.3 to 1 in the second fiscal year, 2 to 1 in the third fiscal year, and 1 to 1 thereafter. Distribution of these funds to coastal states shall be based upon the formula established under section 306(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1455(c)), adjusted in consultation with the States as necessary to provide assistance to particularly vulnerable coastlines.

(e) COASTAL RESPONSE PILOT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish a 4-year pilot program to provide financial assistance to coastal communities most adversely affected by the impact of climate change or climate variability that are located in States with Federally approved coastal zone management programs.

(2) ELIGIBLE PROJECTS.—A project is eligible for financial assistance under the pilot program if it—

(A) will restore or strengthen coastal resources, facilities, or infrastructure that have been damaged by such an impact, as determined by the Secretary;

(B) meets the requirements of the Coastal Zone Management Act (16 U.S.C. 1451 et seq.) and is consistent with the coastal zone management plan of the State in which it is located; and

(C) will not cost more than $100,000.

(3) FUNDING SHARE.—The Federal funding share of any project under this subsection may not exceed 75 percent of the total cost of the project. In the administration of this paragraph—

(A) the Secretary may take into account in-kind contributions and other non-cash support of any project to determine the Federal funding share for that project; and

(B) the Secretary may waive the requirements of this paragraph for a project in a community if—

(i) the Secretary determines that the project is important; and

(ii) the economy and available resources of the community in which the project is to be conducted are insufficient to meet the non-Federal share of the projects's costs.

(f) DEFINITIONS.—Any term used in this section that is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453) has the meaning given it by that section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $3,000,000 annually for regional assessments under subsection (a), and $3,000,000 annually for coastal adaptation grants under subsection (d).

PART II—FORECASTING AND PLANNING PILOT PROGRAMS

SEC. 1381. REMOTE SENSING PILOT PROJECTS.

(a) IN GENERAL.—The Administrator of the National Aeronautics and Space Administration shall establish, through the National Oceanic and Atmospheric Administration's Coastal Services Center, a program of grants for competitively awarded pilot projects to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs to forecast a plan for adaptation to coastal zone and land use changes that may result as a consequence of global climate change or climate variability.

(b) PREFERRED PROJECTS.—In awarding grants under this section, the Center shall give preference to projects that—

(1) focus on areas that are most sensitive to the consequences of global climate change or climate variability;

(2) make use of existing public or commercial data sets;

(3) integrate multiple sources of geospatial information, such as geographic information system data, satellite-provided positioning data, and remotely sensed data, in innovative ways;

(4) offer diverse, innovative approaches that may serve as models for establishing a future coordinated framework for planning strategies for adaptation to coastal zone and land use changes related to global climate change or climate variability;

(5) include funds or in-kind contributions from non-Federal sources;

(6) involve the participation of commercial entities that process raw or lightly processed data, often merging that data with other geospatial information, to create data products that have significant value added to the original data; and

(7) taken together demonstrate as diverse a set of public sector applications as possible.

(c) OPPORTUNITIES.—In carrying out this section, the Center shall seek opportunities to assist—

(1) in the development of commercial applications potentially available from the remote sensing industry; and

(2) State, local, regional, and tribal agencies in applying remote sensing and other geospatial information technologies for management and adaptation to coastal and land use consequences of global climate change or climate variability.

(d) DURATION.—Assistance for a pilot project under subsection (a) shall be provided for a period of not more than 3 years.

(e) RESPONSIBILITIES OF GRANTEES.—Within 180 days after completion of a grant project, each recipient of a grant under subsection (a) shall transmit a report to the Center on the results of the pilot project and conduct at least one workshop for potential users to disseminate the lessons learned from the pilot project as widely as feasible.

(f) REGULATIONS.—The Center shall issue regulations establishing application, selection, and implementation procedures for pilot projects, and guidelines for reports and workshops required by this section.

SEC. 1382. DATABASE ESTABLISHMENT.

The Center shall establish and maintain an electronic, Internet-accessible database of the results of each pilot project completed under section 1381.

SEC. 1383. DEFINITIONS.

In this subtitle:

(1) CENTER.—The term "Center" means the Coastal Services Center of the National Oceanic and Atmospheric Administration.

(2) GEOSPATIAL INFORMATION.—The term "geospatial information" means knowledge of the nature and distribution of physical and cultural features on the landscape based on analysis of data from airborne or spaceborne platforms or other types and sources of data.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

SEC. 1384. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator to carry out the provisions of this subtitle—

(1) $17,500,000 for fiscal year 2003;

(2) $20,000,000 for fiscal year 2004;

(3) $22,500,000 for fiscal year 2005; and

(4) $25,000,000 for fiscal year 2006.

TITLE XIV—MANAGEMENT OF DOE SCIENCE AND TECHNOLOGY PROGRAMS

SEC. 1401. DEFINITIONS.

In this title:

(1) APPLICABILITY OF DEFINITIONS.—The definitions in section 1203 shall apply.

(2) SINGLE-PURPOSE RESEARCH FACILITY.—The term "single-purpose research facility" means any of the following primarily single purpose entities owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fernald Environmental Management Project;

(E) Fermi National Accelerator Laboratory;

(F) Kansas City Plant;

(G) Nevada Test Site;

(H) New Brunswick Laboratory;

(I) Pantex Weapons Facility;

(J) Princeton Plasma Physics Laboratory;

(K) Savannah River Technology Center;

(L) Stanford Linear Accelerator Center;

(M) Thomas Jefferson National Accelerator Facility;

(N) Y-12 facility at Oak Ridge National Laboratory;

(O) Waste Isolation Pilot Plant; or

(P) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities.

SEC. 1402. AVAILABILITY OF FUNDS.

Funds authorized to be appropriated to the Department of Energy under title XII, title XIII, and title XV shall remain available until expended.

SEC. 1403. COST SHARING.

(a) RESEARCH AND DEVELOPMENT.—For research and development projects funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 20 percent of the cost of the project. The Secretary may reduce or eliminate the non-Federal requirement under this subsection if the Secretary determines that the research and development is of a basic or fundamental nature.

(b) DEMONSTRATION AND DEPLOYMENT.—For demonstration and technology deployment activities funded from appropriations authorized under subtitles A through D of title XII, the Secretary shall require a commitment from non-federal sources of at least 50 percent of the costs of the project directly and specifically related to any demonstration or technology deployment activity. The Secretary may reduce or eliminate the non-federal requirement under this subsection if the Secretary determines that the reduction is necessary and appropriate considering the technological risks involved in the project and is necessary to meet one or more goals of this title.

(c) CALCULATION OF AMOUNT.—In calculating the amount of the non-Federal commitment under subsection (a) or (b), the Secretary shall include cash, personnel, services, equipment, and other resources.

SEC. 1404. MERIT REVIEW OF PROPOSALS.

Awards of funds authorized under title XII, subtitle A of title XIII, and title XV shall be made only after an independent review of the scientific and technical merit of the proposals for such awards has been made by the Department of Energy.

SEC. 1405. EXTERNAL TECHNICAL REVIEW OF DEPARTMENTAL PROGRAMS.

(a) NATIONAL ENERGY RESEARCH AND DEVELOPMENT ADVISORY BOARDS.—(1) The Secretary shall establish an advisory board to oversee Department research and development programs in each of the following areas—

(A) energy efficiency;

(B) renewable energy;

(C) fossil energy;

(D) nuclear energy; and

(E) climate change technology, with emphasis on integration, collaboration, and other special features of the cross-cutting technologies supported by the Office of Climate Change Technology.

(2) The Secretary may designate an existing advisory board within the Department to fulfill the responsibilities of an advisory board under this subsection, or may enter into appropriate arrangements with the National Academy of Sciences to establish such an advisory board.

(b) UTILIZATION OF EXISTING COMMITTEES.—The Secretary of Energy shall continue to use the scientific program advisory committees chartered under the Federal Advisory Committee Act by the Office of Science to oversee research and development programs under that Office.

(c) MEMBERSHIP.—Each advisory board under this section shall consist of experts drawn from industry, academia, federal laboratories, research institutions, or state, local, or tribal governments, as appropriate.

(d) MEETINGS AND PURPOSES.—Each advisory board under this section shall meet at least semi-annually to review and advise on the progress made by the respective research, development, demonstration, and technology deployment program. The advisory board shall also review the adequacy and relevance of the goals established for each program by Congress and the President, and may otherwise advise on promising future directions in research and development that should be considered by each program.

SEC. 1406. IMPROVED COORDINATION AND MANAGEMENT OF CIVILIAN SCIENCE AND TECHNOLOGY PROGRAMS.

(a) EFFECTIVE TOP-LEVEL COORDINATION OF RESEARCH AND DEVELOPMENT PROGRAMS.—Section 202(b) of the Department of Energy Organization Act (42 U.S.C. 7132(b)) is amended to read as follows:

“(b)(1) There shall be in the Department an Under Secretary for Energy and Science, who shall be appointed by the President, by and with the advice and consent of the Senate. The Under Secretary shall be compensated at the rate provided for at level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(2) The Under Secretary for Energy and Science shall be appointed from among persons who—

“(A) have extensive background in scientific or engineering fields; and

“(B) are well qualified to manage the civilian research and development programs of the Department of Energy.

“(3) The Under Secretary for Energy and Science shall—

“(A) serve as the Science and Technology Advisor to the Secretary;

“(B) monitor the Department's research and development programs in order to advise the Secretary with respect to any undesirable duplication or gaps in such programs;

“(C) advise the Secretary with respect to the well-being and management of the multipurpose laboratories under the jurisdiction of the Department;

“(D) advise the Secretary with respect to education and training activities required for effective short- and long-term basic and applied research activities of the Department;

“(E) advise the Secretary with respect to grants and other forms of financial assistance required for effective short- and long-term basic and applied research activities of the Department; and

“(F) exercise authority and responsibility over Assistant Secretaries carrying out energy research and development and energy technology functions under sections 203 and 209, as well as other elements of the Department assigned by the Secretary.

(b) RECONFIGURATION OF POSITION OF DIRECTOR OF THE OFFICE OF SCIENCE.—Section 209 of the Department of Energy Organization Act (41 U.S.C. 7139) is amended to read as follows—

“(a) There shall be within the Department an Office of Science, to be headed by an Assistant Secretary of Science, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(b) The Assistant Secretary of Science shall be in addition to the Assistant Secretaries provided for under section 203 of this Act.

“(c) It shall be the duty and responsibility of the Assistant Secretary of Science to carry out the fundamental science and engineering research functions of the Department, including the responsibility for policy and management of such research, as well as other functions vested in the Secretary which he may assign to the Assistant Secretary.”.

(c) ADDITIONAL ASSISTANT SECRETARY POSITION TO ENABLE IMPROVED MANAGEMENT OF NUCLEAR ENERGY ISSUES.—

(1) Section 203(a) of the Department of Energy Organization Act (42 U.S.C. 7133(a)) is amended by striking “There shall be in the Department six Assistant Secretaries” and inserting “Except as provided in section 209, there shall be in the Department seven Assistant Secretaries”.

(2) It is the Sense of the Senate that the leadership for departmental missions in nuclear energy should be at the Assistant Secretary level.

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 202 of the Department of Energy Organization Act (42 U.S.C. 7132) is further amended by adding the following at the end:

“(d) There shall be in the Department an Under Secretary, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall perform such functions and duties as the Secretary shall prescribe, consistent with this section. The Under Secretary shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code.

“(e) There shall be in the Department a General Counsel, who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall be compensated at the rate provided for level IV of the Executive Schedule under section 5315 of title 5, United States Code.”.

(2) Section 5314 of title 5, United States Code, is amended by striking “Under Secretaries of Energy (2)” and inserting “Under Secretaries of Energy (3)”.

(3) Section 5315 of title 5, United States Code, is amended by—

(A) striking “Director, Office of Science, Department of Energy.”; and

(B) striking “Assistant Secretaries of Energy (6)” and inserting “Assistant Secretaries of Energy (8)”.

(4) The table of contents for the Department of Energy Organization Act (42 U.S.C. 7101 note) is amended—

(A) by striking “Section 209” and inserting “Sec. 209”;

(B) by striking “213.” and inserting “Sec. 213”;

(C) by striking “214.” and inserting “Sec. 214.”;

(D) by striking “215.” and inserting “Sec. 215.”; and

(E) by striking “216.” and inserting “Sec. 216.”.

SEC. 1407. IMPROVED COORDINATION OF TECHNOLOGY TRANSFER ACTIVITIES.

(a) TECHNOLOGY TRANSFER COORDINATOR.—The Secretary shall appoint a Technology Transfer Coordinator to perform oversight of and policy development for technology transfer activities at the Department. The Technology Transfer Coordinator shall coordinate the activities of the Technology Partnerships Working Group, and shall oversee the expenditure of funds allocated to the Technology Partnership Working Group.

(b) TECHNOLOGY PARTNERSHIP WORKING GROUP.—The Secretary shall establish a Technology Partnership Working Group, which shall consist of representatives of the National Laboratories and single-purpose research facilities, to—

(1) coordinate technology transfer activities occurring at National Laboratories and single-purpose research facilities;

(2) exchange information about technology transfer practices; and

(3) develop and disseminate to the public and prospective technology partners information about opportunities and procedures for technology transfer with the Department.

SEC 1408. TECHNOLOGY INFRASTRUCTURE PROGRAM.

(a) ESTABLISHMENT.—The Secretary shall establish a Technology Infrastructure Program in accordance with this section.

(b) PURPOSE.—The purpose of the Technology Infrastructure Program shall be to improve the ability of National Laboratories or single-purpose research facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support departmental missions at the National Laboratories or single-purpose research facilities;

(2) improving the ability of National Laboratories or single-purpose research facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or single-purpose research facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions, and

(D) agencies of State, tribal, or local governments,

that can support departmental missions at the National Laboratories and single-purpose research facilities.

(c) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility to implement the Technology Infrastructure Program at such National Laboratory or single-purpose research facility through projects that meet the requirements of subsections (d) and (e).

(d) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratory or single-purpose research facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a State, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—(i) The calculation of costs paid by the non-Federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31-205-18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-Federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-Federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects in which a party other than the Department, a National Laboratory, or a single-purpose research facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary.

(4) ACCOUNTING STANDARDS.—Any participant that receives funds under this section, other than a National Laboratory or single-purpose research facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No Federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(e) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall allocate funds under this section only if the Director of the National Laboratory or single-purpose research facility managing the project determines that the project is likely to improve the ability of the National Laboratory or single-purpose research facility to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall require the Director of the National Laboratory or single-purpose research facility managing a project under this section to consider the following criteria in selecting a project to receive Federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, which will derive most of the demand for its products or services from the private sector, and which will support departmental missions at the participating National Laboratory or single-purpose research facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or single-purpose research facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or single-purpose research facility;

(D) the commitment shown by non-Federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or single-purpose research facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of State, tribal, or local governments that will make substantive contributions to achieving the goals of the project;

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project; and

(H) such other criteria as the Secretary determines to be appropriate.

(f) REPORT TO CONGRESS.—Not later than January 1, 2004, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued and, if so, how the program should be managed.

(g) DEFINITIONS.—In this section:

(1) TECHNOLOGY CLUSTER.—The term "technology cluster" means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions,

that reinforce each other's performance in the areas of technology development through formal or informal relationships.

(2) TECHNOLOGY-RELATED BUSINESS CONCERN.—The term "technology-related business concern" means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufacturer's products based on new technologies, or

(D) performs technological services.

(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary for activities under this section $10,000,000 for each of fiscal years 2003 and 2004.

SEC. 1409. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(a) SMALL BUSINESS ADVOCATE.—The Secretary shall require the Director of each National Laboratory, and may require the Director of a single-purpose research facility, to appoint a small business advocate to—

(1) increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurement, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or single-purpose research facility;

(2) report to the Director of the National Laboratory or single-purpose research facility on the actual participation of small business concerns in procurement and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurement and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or single-purpose research facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or single-purpose research facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall require the Director of each National Laboratory, and may require the director of a single-purpose research facility, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or single-purpose research facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

(d) DEFINITIONS.—In this section:

(1) SMALL BUSINESS CONCERN.—The term "small business concern" has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632).

(2) SOCIALLY AND ECONOMICALLY DISADVANTAGED SMALL BUSINESS CONCERNS.—The term "socially and economically disadvantaged small business concerns" has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)).

SEC. 1410. OTHER TRANSACTIONS.

(a) IN GENERAL.—Section 646 of the Department of Energy Organization Act (42 U.S.C. 7256) is amended by adding at the end the following:

"(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases, cooperative agreements, grants, and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research functions now or hereafter vested in the Secretary. Such other transactions shall not be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

"(2)(A) The Secretary of Energy shall ensure that—

"(i) to the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

"(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

"(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

"(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-Federal entity under paragraph (1) that is privileged and confidential.

"(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-Federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

"(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a Federal agency.".

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions.

SEC. 1411. MOBILITY OF SCIENTIFIC AND TECHNICAL PERSONNEL.

Not later than two years after the enactment of this section, the Secretary, acting through the Technology Transfer Coordinator under section 1407, shall determine whether each contractor operating a National Laboratory or single-purpose research facility has policies and procedures that do not create disincentives to the transfer of scientific and technical personnel among the contractor-operated National Laboratories or contractor-operated single-purpose research facilities.

SEC. 1412. NATIONAL ACADEMY OF SCIENCES REPORT.

Within 90 days after the date of enactment of this Act, the Secretary shall contract with the National Academy of Sciences to—

(1) conduct a study on the obstacles to accelerating the innovation cycle for energy technology, and

(2) report to the Congress recommendations for shortening the cycle of research, development, and deployment.

SEC. 1413. REPORT ON TECHNOLOGY READINESS AND BARRIERS TO TECHNOLOGY TRANSFER.

(a) IN GENERAL.—The Secretary, acting through the Technology Partnership Working Group and in consultation with representatives of affected industries, universities, and small business concerns, shall—

(1) assess the readiness for technology transfer of energy technologies developed through projects funded from appropriations authorized under subtitles A through D of title XIV, and

(2) identify barriers to technology transfer and cooperative research and development agreements between the Department or a National Laboratory and a non- federal person; and

(3) make recommendations for administrative or legislative actions needed to reduce or eliminate such barriers.

(b) REPORT.—The Secretary provide a report to Congress and the President on activities carried out under this section not later than one year after the date of enactment of this section, and shall update such report on a biennial basis, taking into account progress toward eliminating barriers to technology transfer identified in previous reports under this section.

TITLE XV—PERSONNEL AND TRAINING

SEC. 1501. WORKFORCE TRENDS AND TRAINEESHIP GRANTS.

(a) WORKFORCE TRENDS.—

(1) MONITORING.—The Secretary of Energy (in this title referred to as the "Secretary"), acting through the Administrator of the Energy Information Administration, in consultation with the Secretary of Labor, shall monitor trends in the workforce of skilled technical personnel supporting energy technology industries, including renewable energy industries, companies developing and commercializing devices to increase energy-efficiency, the oil and gas industry, nuclear power industry, the coal industry, and other industrial sectors as the Secretary may deem appropriate.

(2) ANNUAL REPORTS.—The Administrator of the Energy Information Administration shall include statistics on energy industry workforce trends in the annual reports of the Energy Information Administration.

(3) SPECIAL REPORTS.—The Secretary shall report to the appropriate committees of Congress whenever the Secretary determines that significant shortfalls of technical personnel in one or more energy industry segments are forecast or have occurred.

(b) TRAINEESHIP GRANTS FOR TECHNICALLY SKILLED PERSONNEL.—

(1) GRANT PROGRAMS.—The Secretary shall establish grant programs in the appropriate offices of the Department to enhance training of technically skilled personnel for which a shortfall is determined under subsection (a).

(2) ELIGIBLE INSTITUTIONS.—As determined by the Secretary to be appropriate to the particular workforce shortfall, the Secretary shall make grants under paragraph (1) to—

(A) an institution of higher education;

(B) a postsecondary educational institution providing vocational and technical education (within the meaning given those terms in section 3 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2302));

(C) appropriate agencies of State, local, or tribal governments; or

(D) joint labor and management training organizations with state or federally recognized apprenticeship programs and other employee-based training organizations as the Secretary considers appropriate.

(c) DEFINITION.—For purposes of this section, the term "skilled technical personnel" means journey and apprentice level workers who are enrolled in or have completed a state or federally recognized apprenticeship program and other skilled workers in energy technology industries.

(d) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1502. POSTDOCTORAL AND SENIOR RESEARCH FELLOWSHIPS IN ENERGY RESEARCH.

(a) POSTDOCTORAL FELLOWSHIPS.—The Secretary shall establish a program of fellowships to encourage outstanding young scientists and engineers to pursue postdoctoral research appointments in energy research and development at institutions of higher education of their choice. In establishing a program under this subsection, the Secretary may enter into appropriate arrangements with the National Academy of Sciences to help administer the program.

(b) DISTINGUISHED SENIOR RESEARCH FELLOWSHIPS.—The Secretary shall establish a program of fellowships to allow outstanding senior researchers in energy research and development and their research groups to explore research and development topics of their choosing for a fixed period of time. Awards under this program shall be made on the basis of past scientific or technical accomplishment and promise for continued accomplishment during the period of support, which shall not be less than 3 years.

(c) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1241(c), there are authorized to be appropriated to the Secretary for activities under this section such sums as may be necessary for each fiscal year.

SEC. 1503. TRAINING GUIDELINES FOR ELECTRIC ENERGY INDUSTRY PERSONNEL.

(a) MODEL GUIDELINES.—The Secretary shall, in cooperation with electric generation, transmission, and distribution companies and recognized representatives of employees of those entities, develop model employee training guidelines to support electric supply system reliability and safety.

(b) CONTENT OF GUIDELINES.—The guidelines under this section shall include—

(1) requirements for worker training, competency, and certification, developed using criteria set forth by the Utility Industry Group recognized by the National Skill Standards Board; and

(2) consolidation of existing guidelines on the construction, operation, maintenance, and inspection of electric supply generation, transmission and distribution facilities such as those established by the National Electric Safety Code and other industry consensus standards.

SEC. 1504. NATIONAL CENTER ON ENERGY MANAGEMENT AND BUILDING TECHNOLOGIES.

The Secretary shall establish a National Center on Energy Management and Building Technologies, to carry out research, education, and training activities to facilitate the improvement of energy efficiency and indoor air quality in industrial, commercial and residential buildings. The National Center shall be established in cooperation with—

(1) recognized representatives of employees in the heating, ventilation, and air conditioning industry;

(2) contractors that install and maintain heating, ventilation and air conditioning systems and equipment;

(3) manufacturers of heating, ventilation and air-conditioning systems and equipment;

(4) representatives of the advanced building envelope industry, including design, windows, lighting, and insulation industries; and

(5) other entities as appropriate.

SEC. 1505. IMPROVED ACCESS TO ENERGY-RELATED SCIENTIFIC AND TECHNICAL CAREERS.

(a) DEPARTMENT OF ENERGY SCIENCE EDUCATION PROGRAMS.—Section 3164 of the Department of Energy Science Education Enhancement Act (42 U.S.C. 7381a) is amended by adding at the end the following:

"(c) PROGRAMS FOR WOMEN AND MINORITY STUDENTS.—In carrying out a program under subsection (a), the Secretary shall give priority to activities that are designed to encourage women and minority students to pursue scientific and technical careers.".

(b) PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVICING INSTITUTIONS, AND TRIBAL COLLEGES.—The Department of Energy Science Education Enhancement Act (42 U.S.C. 7381 et seq.) is amended—

(1) by redesignating sections 3167 and 3168 as sections 3168 and 3169, respectively; and

(2) by inserting after section 3166 the following:

"SEC. 3167. PARTNERSHIPS WITH HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, HISPANIC-SERVING INSTITUTIONS, AND TRIBAL COLLEGES.

"(a) DEFINITIONS.—In this section:

"(1) HISPANIC-SERVING INSTITUTION.—The term 'Hispanic-serving institution' has the meaning given the term in section 502(a) of the Higher Education Act of 1965 (20 U.S.C. 1101a(a)).

"(2) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term 'historically Black college or university' has the meaning given the term 'part B institution' in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

"(3) NATIONAL LABORATORY.—The term 'National Laboratory' has the meaning given the term in section 1203 of the Energy Science and Technology Enhancement Act of 2002.

"(4) SCIENCE FACILITY.—The term 'science facility' has the meaning given the term 'single-purpose research facility' in section 1401 of the Energy Science and Technology Enhancement Act of 2002.

"(5) TRIBAL COLLEGE.—The term 'tribal college' has the meaning given the term 'tribally controlled college or university' in section 2(a) of the Tribally Controlled College or University Assistance Act of 1978 (25 U.S.C. 1801(a)).

"(b) EDUCATION PARTNERSHIP.—

"(1) IN GENERAL.—The Secretary shall direct the Director of each National Laboratory, and may direct the head of any science facility, to increase the participation of historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges in activities that increase the capacity of the historically Black colleges or universities, Hispanic-serving institutions, or tribal colleges to train personnel in science or engineering.

"(2) ACTIVITIES.—An activity under paragraph (1) may include—

"(A) collaborative research;

"(B) a transfer of equipment;

"(C) training of personnel at a National Laboratory or science facility; and

"(D) a mentoring activity by personnel at a National Laboratory or science facility.

"(c) REPORT.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report on the activities carried out under this section.".

DIVISION F—TECHNOLOGY ASSESSMENT AND STUDIES

TITLE XVI—TECHNOLOGY ASSESSMENT

SEC. 1601. NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE.

The National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.) is amended by adding at the end the following:

"TITLE VII—NATIONAL SCIENCE AND TECHNOLOGY ASSESSMENT SERVICE

"SEC. 701. ESTABLISHMENT.

"There is hereby created a Science and Technology Assessment Service (hereinafter referred to as the 'Service'), which shall be within and responsible to the legislative branch of the Government.

"SEC. 702. COMPOSITION.

"The Service shall consist of a Science and Technology Board (hereinafter referred to as the 'Board') which shall formulate and promulgate the policies of the Service, and a Director who shall carry out such policies and administer the operations of the Service.

"SEC. 703. FUNCTIONS AND DUTIES.

"The Service shall coordinate and develop information for Congress relating to the uses and application of technology to address current national science and technology policy issues. In developing such technical assessments for Congress, the Service shall utilize, to the extent practicable, experts selected in coordination with the National Research Council.

"SEC. 704. INITIATION OF ACTIVITIES.

"Science and technology assessment activities undertaken by the Service may be initiated upon the request of—

"(1) the Chairman of any standing, special, or select committee of either House of the Congress, or of any joint committee of the Congress, acting for himself or at the request of the ranking minority member or a majority of the committee members;

"(2) the Board; or

"(3) the Director.

"SEC. 705. ADMINISTRATION AND SUPPORT.

"The Director of the Science and Technology Assessment Service shall be appointed by the Board and shall serve for a term of 6 years unless sooner removed by the Board. The Director shall receive basic pay at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code. The Director shall contract for administrative support from the Library of Congress.

"SEC. 706. AUTHORITY.

"The Service shall have the authority, within the limits of available appropriations, to do all things necessary to carry out the provisions of this section, including, but without being limited to, the authority to—

"(1) make full use of competent personnel and organizations outside the Office, public or private, and form special ad hoc task forces or make other arrangements when appropriate;

"(2) enter into contracts or other arrangements as may be necessary for the conduct of the work of the Office with any agency or instrumentality of the United States, with any State, territory, or possession or any political subdivision thereof, or with any person, firm, association, corporation, or educational institution, with or without reimbursement, without performance or other bonds, and without regard to section 3709 of the Revised Statutes (41 U.S.C. 51);

"(3) accept and utilize the services of voluntary and uncompensated personnel necessary for the conduct of the work of the Service and provide transportation and subsistence as authorized by section 5703 of title 5, United States Code, for persons serving without compensation; and

"(4) prescribe such rules and regulations as it deems necessary governing the operation and organization of the Service.

"SEC. 707. BOARD.

"The Board shall consist of 13 members as follows—

"(1) 6 Members of the Senate, appointed by the President pro tempore of the Senate, 3 from the majority party and 3 from the minority party;

"(2) 6 Members of the House of Representatives appointed by the Speaker of the House of Representatives, 3 from the majority party and 3 from the minority party; and

"(3) the Director, who shall not be a voting member.

"SEC. 708. REPORT TO CONGRESS.

"The Service shall submit to the Congress an annual report which shall include, but not be limited to, an evaluation of technology assessment techniques and identification, insofar as may be feasible, of technological areas and programs requiring future analysis. The annual report shall be submitted not later than March 15 of each year.

"SEC. 709. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Service such sums as are necessary to fulfill the requirements of this title.".

TITLE XVII—STUDIES

SEC. 1701. REGULATORY REVIEWS.

(a) REGULATORY REVIEWS.—Not later than one year after the date of enactment of this section and every five years thereafter, each Federal agency shall review relevant regulations and standards to identify—

(1) existing regulations and standards that act as barriers to—

(A) market entry for emerging energy technologies (including fuel cells, combined heat and power, distributed power generation, and small-scale renewable energy), and

(B) market development and expansion for existing energy technologies (including combined heat and power, small-scale renewable energy, and energy recovery in industrial processes), and

(2) actions the agency is taking or could take to—

(A) remove barriers to market entry for emerging energy technologies and to market expansion for existing technologies,

(B) increase energy efficiency and conservation, or

(C) encourage the use of new and existing processes to meet energy and environmental goals.

(b) REPORT TO CONGRESS.—Not later than 18 months after the date of enactment of this section, and every five years thereafter, the Director of the Office of Science and Technology Policy shall report to the Congress on the results of the agency reviews conducted under subsection (a).

(c) CONTENTS OF THE REPORT.—The report shall—

(1) identify all regulatory barriers to—

(A) the development and commercialization of emerging energy technologies and processes, and

(B) the further development and expansion of existing energy conservation technologies and processes,

(2) actions taken, or proposed to be taken, to remove such barriers, and

(3) recommendations for changes in laws or regulations that may be needed to—

(A) expedite the siting and development of energy production and distribution facilities,

(B) encourage the adoption of energy efficiency and process improvements,

(C) facilitate the expanded use of existing energy conservation technologies, and

(D) reduce the environmental impacts of energy facilities and processes through transparent and flexible compliance methods.

SEC. 1702. ASSESSMENT OF DEPENDENCE OF HAWAII ON OIL.

(a) STUDY.—Not later than 60 days after the enactment of this Act, the Secretary of Energy shall initiate a study that assesses the economic risk posed by the dependence of Hawaii on oil as the principal source of energy.

(b) SCOPE OF THE STUDY.—The Secretary shall assess—

(1) the short- and long-term threats to the economy of Hawaii posed by insecure supply and volatile prices;

(2) the impact on availability and cost of refined petroleum products if oil-fired electric generation is displaced by other sources;

(3) the feasibility of increasing the contribution of renewable sources to the overall energy requirements of Hawaii; and

(4) the feasibility of using liquid natural gas as a source of energy to supplement oil.

(c) REPORT.—Not later than 300 days after the date of enactment of this section, the Secretary shall prepare, in consultation with appropriate agencies of the State of Hawaii, industry representatives, and citizen groups, and shall submit to Congress a report detailing the Secretary's findings, conclusions, and recommendations. The report shall include—

(1) a detailed analysis of the availability, economics, infrastructure needs, and recommendations to increase the contribution of renewable energy sources to the overall energy requirements of Hawaii; and

(2) a detailed analysis of the use of liquid natural gas, including—

(A) the availability of supply,

(B) economics,

(C) environmental and safety considerations,

(D) technical limitations,

(E) infrastructure and transportation requirements, and

(F) siting and facility configurations, including—

(i) onshore and offshore alternatives, and

(ii) environmental and safety considerations of both onshore and offshore alternatives.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Energy such sums as may be necessary to carry out the purposes of this section.

SEC. 1703. STUDY OF SITING AN ELECTRIC TRANSMISSION SYSTEM ON AMTRAK RIGHT-OF-WAY.

(a) STUDY.—The Secretary of Energy shall contract with Amtrak to conduct a study of the feasibility of building and operating a new electric transmission system on the Amtrak right-of-way in the Northeast Corridor.

(b) SCOPE OF THE STUDY.—The study shall focus on siting the new system on the Amtrak right-of-way within the Northeastern Corridor between Washington, D.C., and New Rochelle, New York, including the Amtrak right-of-way between Philadelphia, Pennsylvania and Harrisburg, Pennsylvania.

(c) CONTENTS OF THE STUDY.—The study shall consider—

(1) alternative geographic configuration of a new electronic transmission system on the Amtrak right-of-way;

(2) alternative technologies for the system;

(3) the estimated costs of building and operating each alternative;

(4) alternative means of financing the system;

(5) the environmental risks and benefits of building and operating each alternative as well as environmental risks and benefits of building and operating the system on the Northeast Corridor rather than at other locations;

(6) engineering and technological obstacles to building and operating each alternative; and

(7) the extent to which each alternative would enhance the reliability of the electric transmission grid and enhance competition in the sale of electric energy at wholesale within the Northeast Corridor.

(d) RECOMMENDATIONS.—The study shall recommend the optimal geographic configuration, the optimal technology, the optimal engineering design, and the optimal means of financing for the new system from among the alternatives considered.

(e) REPORT.—The Secretary of Energy shall submit the completed study to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Energy and Commerce of the House of Representatives not later than 270 days after the date of enactment of this section.

(f) DEFINITIONS.—For purposes of this section—

(1) the term "Amtrak" means the National Railroad Passenger Corporation established under chapter 243 of title 49, United States Code; and

(2) the term "Northeast Corridor" shall have the meaning given such term under section 24102(7) of title 49, United States Code.

DIVISION G—ENERGY INFRASTRUCTURE SECURITY

TITLE XVIII—CRITICAL ENERGY INFRASTRUCTURE

Subtitle A—Department of Energy Programs

SEC. 1801. DEFINITIONS.

In this title:

(1) CRITICAL ENERGY INFRASTRUCTURE.—

(A) IN GENERAL.—The term "critical energy infrastructure" means a physical or cyber-based system or service for—

(i) the generation, transmission, or distribution of electric energy; or

(ii) the production, refining, or storage of petroleum, natural gas, or petroleum product—

the incapacity or destruction of which would have a debilitating impact on the defense or economic security of the United States.

(B) EXCLUSION.—The term shall not include a facility that is licensed by the Nuclear Regulatory Commission under section 103 or 104 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133 and 2134(b)).

(2) DEPARTMENT; NATIONAL LABORATORY; SECRETARY.—The terms "Department", "National Laboratory", and "Secretary" have the meaning given such terms in section 1203.

SEC. 1802. ROLE OF THE DEPARTMENT OF ENERGY.

Section 102 of the Department of Energy Organization Act (42 U.S.C. 7112) is amended by adding at the end the following:

"(20) To ensure the safety, reliability, and security of the nation's energy infrastructure, and to respond to any threat to or disruption of such infrastructure, through activities including—

"(A) research and development;

"(B) financial assistance, technical assistance, and cooperative activities with States, industry, and other interested parties; and

"(C) education and public outreach activities.".

SEC. 1803. CRITICAL ENERGY INFRASTRUCTURE PROGRAMS.

(a) PROGRAMS.—In addition to the authorities otherwise provided by law (including section 1261), the Secretary is authorized to establish programs of financial, technical, or administrative assistance to—

(1) enhance the security of critical energy infrastructure in the United States;

(2) develop and disseminate, in cooperation with industry, best practices for critical energy infrastructure assurance; and

(3) protect against, mitigate the effect of, and improve the ability to recover from disruptive incidents affecting critical energy infrastructure.

(b) REQUIREMENTS.—A program established under this section shall—

(1) be undertaken in consultation with the advisory committee established under section 1804;

(2) have available to it the scientific and technical resources of the Department, including resources at a National Laboratory; and

(3) be consistent with any overall Federal plan for national infrastructure security developed by the President or his designee.

SEC. 1804. ADVISORY COMMITTEE ON ENERGY INFRASTRUCTURE SECURITY.

(a) ESTABLISHMENT.—The Secretary shall establish an advisory committee, or utilize an existing advisory committee within the Department, to advise the Secretary on policies and programs related to the security of U.S. energy infrastructure.

(b) BALANCED MEMBERSHIP.—The Secretary shall ensure that the advisory committee established or utilized under subsection (a) has a membership with an appropriate balance among the various interests related to energy infrastructure security, including—

(1) scientific and technical experts;

(2) industrial managers;

(3) worker representatives;

(4) insurance companies or organizations;

(5) environmental organizations;

(6) representatives of State, local, and tribal governments; and

(7) such other interests as the Secretary may deem appropriate.

(c) Expenses.—Members of the advisory committee established or utilized under subsection (a) shall serve without compensation, and shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the committee.

SEC. 1805. BEST PRACTICES AND STANDARDS FOR ENERGY INFRASTRUCTURE SECURITY.

The Secretary, in consultation with the advisory committee under section 1804, shall enter into appropriate arrangements with one or more standard-setting organizations, or similar organizations, to assist the development of industry best practices and standards for security related to protecting critical energy infrastructure.

Subtitle B—Department of the Interior Programs

SEC. 1811. OUTER CONTINENTAL SHELF ENERGY INFRASTRUCTURE SECURITY.

(a) Definitions.—In this section:

(1) Approved state plan.—The term "approved State plan" means a State plan approved by the Secretary under subsection (c)(3).

(2) Coastline.—The term "coastline" has the same meaning as the term "coast line" as defined in subsection 2(c) of the Submerged Lands Act (43 U.S.C. 1301(c)).

(3) Critical OCS energy infrastructure facility.—The term "OCS critical energy infrastructure facility" means—

(A) a facility located in an OCS Production State or in the waters of such State related to the production of oil or gas on the Outer Continental Shelf; or

(B) a related facility located in an OCS Production State or in the waters of such State that carries out a public service, transportation, or infrastructure activity critical to the operation of an Outer Continental Shelf energy infrastructure facility, as determined by the Secretary.

(4) Distance.—The term "distance" means the minimum great circle distance, measured in statute miles.

(5) Leased tract.—

(A) In general.—The term "leased tract" means a tract that—

(i) is subject to a lease under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil or natural gas resources; and

(ii) consists of a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as—

(I) specified in the lease; and

(II) depicted on an outer Continental Shelf official protraction diagram.

(B) Exclusion.—The term "leased tract" does not include a tract described in subparagraph (A) that is located in a geographic area subject to a leasing moratorium on January 1, 2001, unless the lease was in production on that date.

(6) OCS political subdivision.—The term "OCS political subdivision" means a county, parish, borough or any equivalent subdivision of an OCS Production State all or part of which subdivision lies within the coastal zone (as defined in section 304(1) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453(1)).

(7) OCS production state.—The term "OCS Production State" means the State of—

(A) Alaska;

(B) Alabama;

(C) California;

(D) Florida;

(F) Louisiana;

(G) Mississippi; or

(H) Texas.

(8) Production.—The term "production" has the meaning given the term in section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(9) Program.—The term "program" means the Outer Continental Shelf Energy Infrastructure Security Program established under subsection (b).

(10) Qualified outer continental shelf revenues.—The term "qualified Outer Continental Shelf revenues" means all amounts received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any State, including bonus bids, rents, royalties (including payments for royalties taken in kind and sold), net profit share payments, and related late payment interest. Such term does not include any revenues from a leased tract or portion of a leased tract that is included within any area of the Outer Continental Shelf where a moratorium on new leasing was in effect as of January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(11) Secretary.—The term "Secretary" means the Secretary of the Interior.

(12) State plan.—The term "State plan" means a State plan described in subsection (b).

(b) Establishment.—The Secretary shall establish a program, to be known as the "Outer Continental Shelf Energy Infrastructure Security Program," under which the Secretary shall provide funds to OCS Production States to implement approved State plans to provide security against hostile and natural threats to critical OCS energy infrastructure facilities and support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure activities. For purposes of this program, restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(c) State plans.—

(1) Initial plan.—Not later than 180 days after the date of enactment of this Act, to be eligible to receive funds under the program, the Governor of an OCS Production State shall submit to the Secretary a plan to provide security against hostile and natural threats to critical energy infrastructure facilities in the OCS Production State and to support any of the necessary public service or transportation activities that are needed to maintain the safety and operation of critical energy infrastructure facilities. Such plan shall include

(A) the name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this section;

(B) a program for the implementation of the plan which describes how the amounts provided under this section will be used;

(C) a contact for each OCS political subdivision and description of how such political subdivisions will use amounts provided under this section, including a certification by the Governor that such uses are consistent with the requirements of this section; and

(D) Measures for taking into account other relevant Federal resources and programs.

(2) Annual reviews.—Not later than 1 year after the date of submission of the plan and annually thereafter, the Governor of an OCS Production State shall—

(A) review the approved State plan; and

(B) submit to the Secretary any revised State plan resulting from the review.

(3) Approval of plans.—

(A) In general.—In consultation with appropriate Federal security officials and the Secretaries of Commerce and Energy, the Secretary shall—

(i) approve each State plan; or

(ii) recommend changes to the State plan.

(B) Resubmission of state plans.—If the Secretary recommends changes to a State plan under subparagraph (A)(ii), the Governor of the OCS Production State may resubmit a revised State plan to the Secretary for approval.

(4) Availability of plans.—The Secretary shall provide to Congress a copy of each approved State plan.

(5) Consultation and public comment.—

(A) Consultation.—The Governor of an OCS Production State shall develop the State plan in consultation with Federal, State, and local law enforcement and public safety officials, industry, Indian tribes, the scientific community, and other persons as appropriate.

(B) Public comment.—The Governor of an OCS Production State may solicit public comments on the State plan to the extent that the Governor determines to be appropriate.

(d) Allocation of Amounts by the Secretary.—The Secretary shall allocate the amounts made available for the purposes of carrying out the program provided for by this section among OCS Production States as follows:

(1) 25 percent of the amounts shall be divided equally among OCS Production States; and

(2) 75 percent of the amounts shall be divided among OCS Production States on the basis of the proximity of each OCS Production State to offshore locations at which oil and gas are being produced.

(e). Calculation.—The amount for each OCS Production State under paragraph (d)(2) shall be calculated based on the ratio of qualified OCS revenues generated off the coastline of the OCS Production State to the qualified OCS revenues generated off the coastlines of all OCS Production States for the prior five-year period. Where there is more than one OCS Production State within 200 miles of a leased tract, the amount of each OCS Production State's payment under paragraph (d)(2) for such leased tract shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary. A leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(f) Payments to OCS Political Subdivisions.—Thirty-five percent of each OCS Production State's allocable share as determined under subsection (e) shall be paid directly to the OCS political subdivisions by the Secretary based on the following formula:

(1) 25 percent shall be allocated based on the ratio of such OCS political subdivision's population to the population of all OCS political subdivisions in the OCS Production State.

(2) 25 percent shall be allocated based on the ratio of such OCS political subdivision's coastline miles to the coastline miles of all OCS political subdivisions in the OCS Production State. For purposes of this subsection, those OCS political subdivisions without coastlines shall be considered to have a coastline that is the average length of the coastlines of all political subdivisions in the state.

(3) 50 percent shall be allocated based on the relative distance of such OCS political subdivision from any leased tract used to calculate that OCS Production State's allocation using ratios that are inversely proportional to the distance between the point in the coastal political subdivision closest to the geographic center of each leased tract or portion, as determined by the Secretary. For purposes of the calculations under this subparagraph, a leased tract or portion of a leased tract shall be excluded if the leased tract or portion is located in a geographic area where a moratorium on new leasing was in effect on January 1, 2001, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 2001.

(g) Failure To Have Plan Approved.—Any amount allocated to an OCS Production State or OCS political subdivision but not disbursed because of a failure to have an approved Plan under this section shall be allocated equally by the Secretary among all other OCS Production States in a manner consistent with this subsection except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the disapproval of a plan submitted under this section. The Secretary may waive the provisions of this paragraph and hold an OCS Production State's allocable share in escrow if the Secretary determines that such State is making a good faith effort to develop and submit, or update, a Plan.

(h) Use of Amounts Allocated by the Secretary.—

(1) In general.—Amounts allocated by the Secretary under subsection (d) may be used only in accordance with a plan approved pursuant to subsection (c) for—

(A) activities to secure critical OCS energy infrastructure facilities from human or natural threats; and

(B) support of any necessary public service or transportation activities that are needed to maintain the safety and operation of critical OCS energy infrastructure facilities.

(2) Restoration of coastal wetland.—For the purpose of subparagraph (1)(A), restoration of any coastal wetland shall be considered to be an activity that secures critical OCS energy infrastructure facilities from a natural threat.

(i) Failure To Have Use.—Any amount allocated to an OCS political subdivision but not disbursed because of a failure to have a qualifying use as described in subsection (h) shall be allocated by the Secretary to the OCS Production State in which the OCS political subdivision is located except that the Secretary shall hold in escrow such amount until the final resolution of any appeal regarding the use of the funds.

(j) Compliance With Authorized Uses.—If the Secretary determines that any expenditure made by an OCS Production State or an OCS political subdivision is not consistent with the uses authorized in subsection (h), the Secretary shall not disburse any further amounts under this section to that OCS Production State or OCS political subdivision until the amounts used for the inconsistent expenditure have been repaid or obligated for authorized uses.

(k) Rulemaking.—The Secretary may promulgate such rules and regulations as may be necessary to carry out the purposes of this section, including rules and regulations setting forth an appropriate process for appeals.

(l) Authorization of Appropriations.—There are hereby authorized to be appropriated $450,000,000 for each of the fiscal years 2003 through 2008 to carry out the purposes of this section.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I believe the next order of business is to have the opening statement of the Senator from Alaska. Unless my colleague from Nevada has business to transact, I suggest the absence of a quorum until the Senator from Alaska arrives.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota:

Mr. DORGAN. Madam President, I inquire about the order this afternoon. My understanding is the ranking member on the Energy Committee intends to make a presentation. I want to inquire about the opportunity to make an opening statement on the bill. I inquire of the majority whip what the circumstances are.

Mr. REID. If the Senator will yield, the Senator from Alaska is going to speak for approximately an hour—it may last a little longer than that—and thereafter the bill will be open for amendment. Or if the Senator would like to come back in an hour or so to make his opening statement, that would be entirely appropriate. If the Senator wishes, we could certainly make that in the form of a unanimous consent request that the Senator be allowed to speak on the bill.

Mr. DORGAN. I guess I do not understand whether we are going to go back and forth. If we are, I ask unanimous consent that I might be recognized following whatever time is taken by Senator MURKOWSKI.

Mr. REID. Does the Senator from North Dakota have some idea as to how long he wishes to speak?

Mr. DORGAN. Perhaps 20 minutes or so. I do not know what order has been established, if any.

Mr. REID. There has been no order established.

Mr. DORGAN. I ask unanimous consent that I might be recognized following the opening presentation by Senator MURKOWSKI.

The PRESIDING OFFICER. Is there objection?

Mr. DOMENICI. Reserving the right to object.

Mr. MURKOWSKI. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I do not intend to object. I propose we go back and forth on opening statements and, following that, pretty much on amendments on the basis of Members coming to the floor and being recognized.

Mr. REID. The Senator from North Dakota still has the floor, but I think it would be very good if we could get the opening statements out of the way as soon as we could—not limiting anybody as to how long they speak. If it takes into the evening, fine. We are just getting started. I am not trying in any way to limit the length of the opening statements on this bill. But I think it would be good if we could get those out of the way now and move to the amendment process as soon as possible.

Mr. MURKOWSKI. Reserving the right to object, and I shall not, I think that is an appropriate procedure, if Members want to work out among themselves a time agreement or discuss it, but I don't think any Members should be limited to a time agreement on an opening statement at this time.

Mr. REID. I note the Senator from New Mexico is here. It is my understanding he wished to speak following the Senator from North Dakota?

Mr. DOMENICI. If that is the order we are in, I ask I be added to that consent in that manner.

Mr. REID. I withdraw the previous request and ask unanimous consent the Senator from North Dakota, Mr. DORGAN, be recognized following the statement of the Senator from Alaska, and following the Senator from North Dakota, Senator DOMENICI will be recognized to give his opening statement.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Mexico.

Mr. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, first of all, let me compliment my colleague, Senator BINGAMAN, for the submission of what has been a difficult and long process, represented by a lot of staff work on behalf of the majority. I very much appreciate his lengthy opening statement because I think it provides us with a detailed explanation of what is in the bill.

As you know, the minority has not had an opportunity to craft this particular bill. I do want to highlight that, indeed, we do want a bill. We think, in response to the President's request, that we should proceed with an energy bill, a comprehensive bill, and we believe, since the House has met its obligation, it is paramount the Senate meet its obligation and produce a comprehensive energy bill.

There are a number of amendments before us today; I am estimating somewhere in the area of 100 or more. As a consequence, it is fair to say that many of these are very contentious.

ANWR has already been mentioned this morning by Senator JEFF BINGAMAN; CAFE is going to require an extended debate; the renewable mandates are, in the opinion of some, not a mandate and, in others, a clear mandate.

The electrical portion of this bill is going to take a great deal of time and explanation for the specific reason that we have not had an opportunity in the committee of jurisdiction to address the process with extended debate, the submission of amendments, and the formulation of a consensus. So there is going to be a lot of education in this Chamber. There will be a lot of input from lobbyists as a consequence of the unfamiliarity associated with a lot of the terminology. It may be possible for Price-Anderson alone, which represents a necessity for the continued contribution of our nuclear industry, to have a good deal of attention based on those who do not want to see the nuclear industry in the United States continue.

There is probably going to be considerable discussion over the issue of Yucca Mountain and the question of what to do with our high level waste that is associated with a number of years of accumulation.

It is interesting to note on that particular item that the Federal Government entered into the sanctity of a contractual relationship with many of the States, and certainly the industry, to take this waste in 1998. So basically the Federal Government is in breach of its contractual relationship. Yet the ratepayers have been paying into a fund of the Federal Government, somewhere in the area of $11 billion over an extended period of time, and the Federal Government has not been able to take the waste. As a consequence, the damages associated with suits are estimated to be somewhere in the area of $60 billion to $70 billion. This seems to be overlooked in the manner in which we address a resolution of Yucca Mountain and what to do with it.

It is fair to say that we have differences of opinion relative to this particular legislation. The chairman of the Energy Committee has indicated a terminology that I believe will come up from time to time that suggests renewable performance standards.

I think it is fair to say we see that as a clear mandate to achieve a certain percentage. The question that comes to mind is why, for example, hydroelectric is not considered to be a renewable. If it is not a renewable, I don't know what it is. Is it beauty in the eyes of the beholder? Is it charity in the eyes of the beholder? It has to be something, if it is not renewable. Yet it is 10 percent of our energy production. I find that rather inconsistent. But we are going to have a lot of time on this legislation. So we are going to have other inconsistencies.

I want to highlight that the United States has not done a bad job in energy production and conservation. We have a chart that I think highlights certainly noteworthy progress because it suggests that 25 percent of the world's energy is what we basically use to produce 30 percent of the world's economy. What do we do that with? We do that with about 3 percent of the world's population.

If you look at this chart, it shows in detail that there has been substantial growth in efficiency since 1973. If you look at the chart, it is roughly 18,400 Btu's per dollar of gross domestic product in 1973. In the year 2000, it is 10,600 per dollar of gross domestic product. That is a 42-percent decrease. So we are using 42 percent less energy to produce the same value today.

I recognize we are all committed to conservation, we are committed to greater utilization of renewables. But I think it is important to point out the direction in which we are going and what we have achieved. We haven't been standing still. We haven't been going the other way. We have been making what amounts to substantive and significant progress. Again, we are using 42 percent less energy to produce the same value today in this country.

To those who suggest that the world is coming down, and to the doomsayers who suggest that somehow we have to abandon our traditional dependence on sources of energy, whether it be coal, whether it be hydro, whether it be oil and gas or nuclear, for the advancement of greater shares of energy sources such as might be available from wind or energy sources that might be available from other alternatives, I suggest to you there are other charts that show an alarming inconsistency relative to the footprint.

Let us look at wind energy, for example, We have developed several charts. The one I want to show first is a wind farm that is familiar to many people, and certainly to those who reside in California and have had occasion to drive to Palm Springs and go through the Banning area in California where the San Gorgonio wind farm is located. For those who have been there, it is not necessarily a very pretty sight. You go up through the pass, and you see this huge area of wind farms. Some of the windmills are moving; some of them aren't moving. How you compare this wind farm in proportion to the generation of oil deserves a few minutes of examination.

This chart actually shows the 1,500-acre wind farm that is in evidence in California today. The energy production is about 800 million kilowatts of electricity, which is equivalent to 1,360 barrels of oil and a footprint of 1,500 acres. I offer that in comparison because one of the lightning rods in this discussion is going to be ANWR. Let us not kid ourselves. We are talking about footprints, and 2,000 acres of ANWR equals 1 million barrels of oil a day.

We obviously need wind power, but we also have to face the reality that there is a footprint. It is not very pretty. Some people say these are nothing more than Cuisinarts for birds because low-flying birds don't do very well going through this particular type of exposure.

I am not going to spend a lot of time on this at this time because we will have to get into some of the specifics in this legislation.

I see the majority leader is on the floor. I want to talk a little bit about the process because I take issue with the process. I have great respect for both the majority leader as well as the chairman of the Energy and Natural Resources Committee.

What we have tried to do is recognize that we have an obligation to be responsive to our President. Our President has charged us to help him seek ways to make our Nation more secure. Our Nation's energy policy is a critical first step in this enormous challenge.

When we fight for freedom, when we seize the day for democracy, we need energy. These things cannot be done without energy. When we pioneer new technology, that saves lives. When we turn on the conveniences that mark the difference between modern life and life of the past, we turn to energy. It is probably something we take for granted more than anything around us. That is why our work today is so critical. That is partially why the process which has gotten us to this point has been, in my opinion, frustrating, it has been embarrassing, and it has not been in the traditions of the Senate.

I think the process is severely flawed as a consequence of the committee of jurisdiction having been ordered by the majority leader to no longer take up the process that ordinarily is appropriate around here; that is, the bills are referred to the committees of jurisdiction and the committees of jurisdiction proceed in an orderly manner—in a manner where amendments are offered, discussions take place, and we proceed through the process.

Does the majority leader seek recognition?

Mr. DASCHLE. Madam President, I was just going to ask if the Senator would yield at the appropriate time.

Mr. MURKOWSKI. I would be happy to yield without losing my right to the floor.

Mr. DASCHLE. I ask if the distinguished Senator from Alaska is aware that the majority leader, when the Republicans were in charge, utilized exactly the same process the last time the energy bill the Senator is now criticizing came to the floor. I am wondering if the Senator could clarify the difference between that set of circumstances and this one.

Mr. MURKOWSKI. I think there is a significant difference. I think what the majority leader is referring to is his right to have a contentious bill be introduced by the leadership. I have been around here 21 years. I do not recall one instance where the committee of jurisdiction has been deprived of the process—not only the committee of jurisdiction, the Energy and Natural Resources Committee, but to some extent the Environment and Public Works Committee, and to some extent I think the Commerce Committee—and, as a consequence, bring a bill up and bypass the jurisdiction of the committee. I think it is not in the tradition of the Senate. It is certainly not in the tradition of the committee process.

Why the majority leader chose to do this on the excuse that somehow it was contentious, to me, fails the true test of this body, of being a deliberative body that considers debate as part of the process, and certainly the value of education from the standpoint of Members of the committee to proceed.

The majority leader knows as well as I do that the reason it was pulled from the committee was that we had the votes to vote out a certain contentious amendment, and that was to open ANWR. The majority leader simply pulled it. I think if he would refer to comments made by the chairman of the committee, which I would be happy to quote later on in the debate, he would see that the chairman of the committee didn't have anything to do with it. It was simply pulled by the leader. The leadership said they were going to take it over, and that is the way it was.

Mr. DASCHLE. Madam President, will the Senator yield for one last time?

Mr. MURKOWSKI. I am happy to yield.

Mr. DASCHLE. I do not mean to interrupt his presentation. I know he has an opening statement. It is not my intention to debate him.

I ask unanimous consent that there be printed in the RECORD the document showing the sequence of events beginning on May 16, of the year 2000.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2557—BILL SUMMARY AND STATUS FOR THE 106TH CONGRESS

Sponsor: Senator Lott, Trent (introduced 5/16/2000).

Latest Major Action: 10/31/2000 Senate floor actions: Motion to proceed to consideration of measure made in Senate (consideration: CR S11417).

Title: A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Titles(s): *(italics indicate a title for a portion of a bill).*

Popular Title(s): Oil Dependency on Foreign Resources bill (identified by CRS); Energy Security Act (identified by CRS).

Short Title(s) as Introduced: *National Energy Security Act of 2000; Marginal Well Preservation Act of 2000; Frontier Exploration and Development Incentives Act of 2000; Federal Oil and Gas Lease Management Improvement Act of 2000; Arctic Coastal Plain Domestic Energy Security Act of 2000.*

Official Title as Introduced: A bill to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the Year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Status: *(dates in italics indicate Senate actions).* See also: CQ Custom BillTrack Report

5/16/2000: Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.

5/17/2000: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 552.

6/15/2000: Committee on Energy and Natural Resources. Hearings held. Hearings printed: S. Hrg. 106–746

9/22/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S9029).

9/25/2000: Motion to proceed in considered in Senate (consideration: CR S9137).

9/27/2000: Motion to proceed to consideration of measure withdrawn in Senate (consideration: CR S9375).

9/27/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S9376).

10/2/2000: Motion to proceed considered in Senate (consideration: CR S9572).

10/6/2000: Motion to proceed considered in Senate (consideration: CR S10039–10040).

10/19/2000: Motion to proceed consideration of measure withdrawn in Senate (consideration: CR S10769).

10/19/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S10770).

10/26/2000: Motion to proceed to consideration of measure withdrawn in Senate (consideration: CR S11104).

10/26/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S11104).

10/27/2000: Motion to proceed to consideration of measure withdrawn in Senate (consideration: CR S11205).

10/27/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S11206).

10/30/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S11378).

10/31/2000: Motion to proceed to consideration of measure withdrawn in Senate (consideration: CR S11416).

10/31/2000: Motion to proceed to consideration of measure made in Senate (consideration: CR S11417).

Mr. DASCHLE. Madam President, I say for the RECORD that the majority leader at that time, Senator LOTT, introduced an energy bill outside of the committee. It was read the first time and was placed on the Senate Legislative Calendar under "Read the First Time" on May 16. On May 17, the bill was read the second time. And then on September 22 of the year 2000, the majority leader made a motion to proceed. None of the activity had taken place in committee, except for one hearing. I think the Senator from New Mexico has had multiple hearings on energy and on the bill over the course of the last many months. But this is exactly what our Republican colleagues did in May and September of the year 2000.

So I find it a little inconsistent for the Senator to criticize our efforts to bring a bill to the floor this year when his party and his leadership did exactly the same thing in May and September of the year 2000.

Again, I thank the Senator for yielding.

Mr. MURKOWSKI. Madam President, let me respond to the majority leader because I think we should pursue this a little bit, because the traditions of Senate procedure are very much in play.

While I agree that bills have been brought to the floor in accordance with Senate rules, I completely disagree the Republicans brought bills to the floor while violating the Senate rules. As long as I was committee chairman under Senator Dole and Senator LOTT, I can never recall of one instance where the majority leader ordered me—ordered me—to stop the process of marking up a bill and shut down the standing committee of the U.S. Senate.

And Senator DASCHLE, that is exactly what you did on October 9th of last year. You ordered the Senate energy committee to suspend markup of the energy bill. As a result, the committee has not held a legislative markup since August of last year out of fear that we would want to bring up amendments regarding energy, because you knew we had the votes to pass them out.

Mr. DASCHLE. Will the Senator yield?

Mr. MURKOWSKI. I would like to finish my statement. I will be happy to yield at the conclusion of my statement.

I am sure those on the other side of the aisle recognize that the Standing Rules of the Senate require committees to meet regularly to conduct business. And I am not aware of any unanimous consent request asking the Senate Energy and Natural Resources Committee to be exempt from the rules of the Senate. So I think the comparison of what Republicans and what Democrats did is completely different.

Let me refer the Senator to—before I yield, and I will yield—to a release that came out of Senator BINGAMAN's office. This came out October 9. I quote:

> At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

I am happy to yield to the majority leader, without losing my right to the floor.

Mr. DASCHLE. Madam President, I hope the distinguished Senator from Alaska has more documentation than a press release that will allow him to make the assertion he has just made. I do not order my chairmen to do anything. I consult with them. I talk with them. But I think the Senator from New Mexico, who is on the floor, can attest to that fact.

There was no ordering here. There was plenty of consultation, just as I am sure there was some consultation with the Senator from Alaska when Senator LOTT chose to bring the energy bill to the floor in May of the year 2000. I doubt very much that he ordered Senator MURKOWSKI or anybody else to comply with his wishes. I am sure he consulted. That is exactly what we did.

So I hope the Senator has some documentation to support his assertion because that is quite a charge. I will say that there was ample consultation, not only with the Senator from New Mexico but many other Senators who also had jurisdiction.

Nine different committees have had some jurisdictional role to play with regard to the completion and the progress on this legislation—nine committees. To take up this bill, in sequence with each of the nine committees, or even simultaneously, for that matter, would be quite a legislative undertaking.

So we have worked diligently to come up with a working draft that we have shared with our Republican colleagues. But to assert that I ordered anybody to do something is, I think, not only an error but is a disservice to the process that we have been engaged in.

I thank the Senator again for yielding.

Mr. BINGAMAN. Madam President, could I also respond to——

Mr. MURKOWSKI. If I may, before the majority leader leaves, tell him that I very much appreciate that we have had this dialog because I think it truly represents a departure from the committee norm that I certainly have learned to expect around here. And the fact that the majority leader has seen fit to identify that the Republicans have done it, therefore, it is all right—or the implication of that—I think is not necessarily applicable to good legislation or a process.

I again would demur, because having been on the Energy Committee for a little over 21 years, somewhere between 21 and 22—I have never, never had a situation where the majority leader has taken, if you will, an action, either direct or through the chairman, which would absolve the committee from its function.

The fact is, we have not had—and I think the majority leader can ask any member of the committee, at least in the minority, as to whether or not we have had any significant input in this legislation. We have not. We have not had any markups or any opportunity for any amendments. And I think the majority leader would have to acknowledge that because that is factual.

It was rather curious at the time this was done. It was shortly after we lost control of the U.S. Senate. It was shortly after it became apparent that we had the votes to get out an amendment that would include opening up ANWR. It was clear that we had the votes to do it.

Then the majority leader has left us in this quandary where he stated that even if you do have the votes—and it would be a 60-vote point of order on a cloture—why, we cannot win because he will pull the bill down. I think that kind of an approach to the Democratic process around here is a bit inconsistent with tradition.

Mr. DASCHLE. If the Senator will yield one last time, I know Senator BINGAMAN has been patiently waiting to be able to register his own comments here.

Let me just say, it is just not accurate for the Senator from Alaska to assert that this is unprecedented. That is the word he used; this was "unprecedented." As I said for the RECORD—it is now part of the RECORD—this very action was taken by the majority leader in May and September of the year 2000—exactly the same.

So I would just make sure that our colleagues are aware, this is not unprecedented. It has happened on many, many occasions, involving many, many issues and many committees.

I think we ought to get on to the substantive issues, and put this procedural issue to rest once and for all. We have a lot of important substantive debates in store. I look forward to having those. But I do hope we can clarify the RECORD in this regard and move on to more substantive questions.

Again, I thank the Senator for yielding.

Mr. MURKOWSKI. It isn't a matter of who is going to have the last word. The majority leader should have the last word. But, on the other hand, this committee was requested to stop markup, and that is a fact. And I do not think it can be colored any other way by the majority leader.

Mr. BINGAMAN. Mr. President, may I clarify, since I have been quoted, at least?

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, since I have been quoted, or a press release has from my office, the decision to terminate the markup of any legislation on energy was made by me after consultation with the majority leader because it was a joint decision by us that the best way to get a bill to the Senate floor, which reflected the policies that we agreed made sense for the country, was to pursue that approach.

As the majority leader has pointed out, that is exactly the approach that Senator LOTT used when he was majority leader.

As far as the action we have taken in the Senate Energy Committee, I think the Senator from Alaska will acknowledge that we have had a series of hearings. We have had various confirmation hearings. I have approached the Senator from Alaska several times in the last several months to see whether or not we could proceed to consider legislation without having controversial energy bill amendments added to that legislation. I was informed we could not.

We have held off on considering those other nonrelated pieces of legislation. We have worked hard to accommodate the majority and to accommodate the administration in getting all of their nominees approved. We have worked hard to have hearings that were of interest to members of the committee. And we intend to continue doing so.

Frankly, I am very proud of the product we are bringing to the Senate for consideration today. It is a good bill. It does reflect many proposals that came from the Republican side. We worked hard with Members from the Republican side to perfect provisions in this bill. It has not been in an official markup. But just as we have worked with Democratic Members to perfect provisions in the bill, we worked with Republican Members to perfect provisions in the bill, and the same with the administration. This is a combined effort. I feel very good about it.

I hope we can get on with a discussion of the bill, with consideration of amendments, to the extent that Senators have amendments. I know there are many. That is exactly what this period on the Senate floor is devoted to.

I know the Senator from Alaska has been anxious to get a debate on the Senate floor and anxious to get an opportunity to offer his amendments. He has that time. He has that opportunity. I hope we will use it.

I yield the floor.

Mr. MURKOWSKI. I thank my friend for his comments. I, too, wish to get on with my opening statement.

We have to call a spade a spade around here for a change. I hope the chairman of the Energy Committee would recognize the reality and acknowledge that indeed the reason we could not agree on proceeding within the committee on various amendments is because we could only agree to it if we didn't offer an amendment to put ANWR in the package. If I am wrong on that, I hope Senator BINGAMAN will correct me. That is clearly my understanding. The realization was that the votes were there to vote it out of committee, and they didn't want to have a vote in committee. That is a rationale. I think we should quit kidding ourselves.

I didn't read all of Senator BINGAMAN's press release, but I ask unanimous consent that it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ENERGY COMMITTEE SUSPENDS MARK-UPS; WILL PROPOSE COMPREHENSIVE AND BALANCED ENERGY LEGISLATION TO MAJORITY LEADER

At the request of Senate Majority Leader Tom Daschle, Senate Energy & Natural Resources Committee Chairman Jeff Bingaman today suspended any further mark-up of energy legislation for this session of Congress. Instead, the Chairman will propose comprehensive and balanced energy legislation that can be added by the Majority Leader to the Senate Calendar for potential action prior to adjournment.

Noted Bingaman, It has become increasingly clear to the Majority Leader and to me that much of what we are doing in our committee is starting to encroach on the jurisdictions of many other committees. Additionally, with the few weeks remaining in this session, it is now obvious to all how difficult it is going to be for these various committees to finish their work on energy-related provisions.

Finally, and perhaps most importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee. At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite, us.

Bingaman will continue to consult and build consensus with members of his committee, with other committee chairs and with other Senators as he finalizes a proposal to present to the Majority Leader.

Mr. MURKOWSKI. I have the greatest respect for my friend. But to suggest that somehow what has happened is the everyday order of business in the Senate, where legislation that is contentious is pulled away from committee, let me quote what came from Senator BINGAMAN's press release, again, on October 9. It says:

> Finally, and perhaps more importantly, Bingaman said, the Senate's leadership sincerely wants to avoid quarrelsome, divisive votes in committee.

What is wrong with divisive votes in committee? They occur all the time around here. It is a difference of opinion. It is voting out and prevailing or not. Here they say they want to avoid quarrelsome, divisive votes in committee.

Furthermore:

> At a time when Americans all over the world are pulling together with a sense of oneness and purpose, Congress has an obligation at the moment to avoid those contentious issues that divide, rather than unite us.

I can tell my colleagues, by taking the authority away from the committee, it certainly did not unite us.

I will have a little more to say about this process because it is important that the American public understands it. We worked on a bill last year. We worked with at that time the minority. We had a lot of hearings. But it was not on this legislation.

I am not suggesting there aren't good provisions in this bill. The point is, the Energy Committee has not had a legislative business meeting since August 1 of last year, despite the Senate and committee rules requiring a business meeting at least once a month. We are either in violation of the rules or we are not. The fact that a bipartisan majority of the Energy Committee would have brought to the floor a comprehensive energy bill with the chairman's report, there is no question the majority leader was free to incorporate it or ignore it, but at least the Senate would have had the benefit of our views.

These are the facts. You cannot whitewash it any other way. The terminology the majority leader was critical of that I attributed to him, that he had "ordered" or "directed" or "it was agreed to," nevertheless, it happened. Things don't happen around here in a vacuum. We are all aware of that.

The process is flawed. I am glad the majority leader was here so we could have a discussion.

This is not a representative bill. Somehow the prevailing majority has forced the Senate to consider this measure, again, without the benefit of committee deliberation and action. As a consequence, he has made the task much harder of moving this bill. It is much more complicated than it had to be because it has not gone through the committee process. To say, well, Senator LOTT did it that way, I can tell my colleagues, again, I know of no instance where the committee of jurisdiction was removed from its obligation to address the issue before it.

Difficult and divisive issues that could and should have been worked out in committee are going to be right here in the Senate Chamber.

I am going to work towards a bill. That was the first thing I indicated in my opening statement. I mean that. We want a bill. We want a comprehensive bill. We want a good bill. But we want some input in it. So what we will have to do is have our input by amendment. We don't think that should have been necessary but, clearly, that is the only choice we have. As a consequence, we are going to begin a long process.

I suppose I will be subject to some examination, but I think the majority leader said, as far as he was concerned, a portion of the bill was dead—ANWR, dead. That hardly represents anything more than a guess. He may be right. But if it is dead, TOM DASCHLE killed it. Make no mistake about that.

I hope when Members recognize the severity of our dependence on imported oil, they will recognize that in 1973 or thereabouts, when we had the Arab oil embargo, when we had gas lines around the block—and some people are old enough to remember that—the public was outraged and indignant, that was during the Yom Kippur War. We were 37-percent dependent on oil at that time. We were blaming everybody. The Government was lashing out: How could this happen?

Now we are over 58-percent dependent. When we talk about doing something about it, we better be specific.

We could have had, in the committee process, hundreds of amendments that could and should have been dealt with in the committee. Now they are going to take time on the floor away from our deliberations because the excuse I have heard so far is they are contentious. I don't know what isn't contentious around here. We all respect each other's opinions. But we are entitled to express those opinions in a process associated with the committee function.

As far as I am concerned, the majority leader took control over the committee process. He said: We are going to have 60 votes because there is going to be a filibuster.

I have never heard or seen that kind of an action taken before. Maybe someone will enlighten me as to when the authorities have been taken from the committee. Every committee chairman, whether Republican or Democrat, should remember this because it is a milestone in inconsistency—a milestone, in my opinion, not in the best tradition of the Senate.

Now, we have heard our majority leader lay the responsibility around here, but I think the fault rests solely with his judgment. I don't think there is any question about it, and I doubt very much if anyone would disagree with me, Republican or Democrat alike.

But even with the additional hurdles now being put before us, I think we can move a bill off the floor. This Nation needs an energy bill, one that is rooted in findings—the finding of new alternative energy sources, boosting efficiency, and helping us use less energy. This is something with which Republicans agree. But efficiency and alternatives are simply a two-legged stool, and they are not enough. Alone, they are not going to close the gap between energy supply and demand in this Nation.

We must also seek to safely increase our domestic energy resources, and we must do it in a way that protects our environment. How do we do that? We do that through technology. Make no mistake, we are the most efficient economy in the world, and we are getting better. I have indicated on this chart, again, the recognition of just how well we are doing. As the chart indicates, we are doing pretty well. The fact that we have been able to increase, if you will, our energy efficiency by 40-some-odd percent I think is evidence of the advancements we have made.

Now, it was approximately 42 percent. As I indicated, this chart shows growth in efficiency since 1973, and it shows a 42-percent decrease, if you will. That is a decrease in our utilization of energy. Again, if 3 percent of the population of the United States utilizes 25 percent of the world's energy and produces 30 percent of the world's economy, that is not a bad start. So we are using 42 percent less energy to produce the same value today. That is what that chart shows.

Senator BINGAMAN and I have a lot of charts here, so we will probably be trading charts before this process is over. What we have done, to a degree—and we can do better—is we have proven we can balance our conservation and environmental protection with increased domestic energy production. For that reason, I refuse to take part in the fable being put forth by those who are running the so-called spin machines around here that say the Nation needs to make a choice. Some say we need to make a choice between using the energy technologies of today—coal, oil, gas, hydro, nuclear—or using energy technologies of tomorrow.

Now, some would discuss this as energy vis-a-vis the environment. I don't think that is the issue. Some say this is about today and tomorrow. I don't think that is the issue. Some insist whatever solutions we propose, they can't be done safely today. I don't think that is the issue. The logic sells the American worker and American ingenuity far too short. We need to strive for new technologies and diversify our energy supply. We need to conserve more and become more energy efficient.

If this bill passes today, we will not be driving hydrogen cars tomorrow, in spite of the fact that many have suggested, "Why can't we?" It is simply a matter that we don't have the technology. We will not be powered by solar or wind energy by morning. We cannot simply shut down the economy of this Nation and put our national security on hold for a generation or more while we work on new technologies. What we are going to have to do is build a bridge. I think most people would agree that we need to build a bridge through technology to assess, if you will, the goals of tomorrow. It is not going to come just by setting a standard and making it become effective in 12 to 15 years. Most of us are not going to be around to be held accountable in 12 to 15 years for a goal set today.

We have seen what has happened since 1992, when we set certain standards around here on mileage for utilization of nonpetroleum-based utilization in Government vehicles. We haven't achieved that, for the most part. We have been in violation of the agreement. Whom do you blame? The Federal Government. What is achievable, and at what cost? How much are you willing to spend? These are all legitimate considerations that I think have to be dealt with in an open debate and in a manner in which we can get the best experts to advise us on just what course of action to take.

Our energy comes from many sources today—coal, oil, natural gas, hydro, nuclear, and so forth. We must, through the technology, explore new and highly, perhaps, unachievable technologies today, but they might be achievable tomorrow, because they can reduce our consumption in the coming years.

Recognize, Mr. President, we have 200 million cars on the road. Oil is going to continue to be the primary ingredient in surface transportation needs for the foreseeable future—even if they get 30 miles to the gallon. A lot of people reflect on all sources of energy that we have in this country and say: Aren't we fortunate? We have hydro and nuclear, and we have plenty of oil and gas, and a good deal of it we import. Nevertheless, we have it, and we have technology for wind and solar. But make no mistake about it, for transportation, the world is beholden to oil. We don't fly in and out of Washington on hot air—although there is a lot of it here. So whether it be on the ships, trains, trucks, cars, or airplanes, it is oil.

The world is in the same position. Transportation is dependent on oil. So we have to reflect on reality and recognize that, as we become more dependent on oil, it is from overseas. We import that oil, and we become more vulnerable. As I indicated, in 1973 we were 37 percent dependent on imported oil; today, that is magnified to 58 percent. What about nuclear? We have over 100 nuclear plants spread across the country. They provide nearly 20 percent of the energy produced in this Nation. We see that new electric plants are being built today that run on natural gas.

The United States is the "Saudi Arabia of coal." We have West Virginia coal. We have Pennsylvania coal. We have coal in Alaska. We have a supply of coal that would last for centuries. We can use these coal resources in a cleaner, more efficient way, and we have to do that. We can do that. It is just a matter of applying our technology.

Now, all this, to a degree, relates to the economy of this country. We are talking about jobs. It is pretty simple. Development of our domestic resources. I am talking about resources in the United States. That is going to mean thousands and thousands of jobs across our Nation. I am talking about pipe, new software, building new double-bottom, double-hull supertankers, which we are currently building in California and in Mississippi. These are U.S. ships—the largest concentration of tonnage under the U.S. flag in our merchant marine service. These are mandated by law because the carriage of goods between two American ports has to be in a U.S. flag vessel, with a U.S. crew, built in a U.S. yard.

So these are big job issues, Mr. President. That oil that moves from my State of Alaska doesn't go to Japan. There hasn't been a drop of oil that has moved outside the United States since a year ago last April. What did go was a very small amount that was excess to the west coast. There is no excess oil going from the west coast. We are importing oil from Saudi Arabia, as well as other areas, and bringing oil down from Alaska. My point is very clear: We are becoming more dependent on imported oil, and as we do so, we are exporting our dollars and our jobs. What is the logic of that?

The development of domestic resources would mean thousands and thousands of jobs across the country. These are good paying jobs. These are not service jobs flipping hamburgers in a McDonald's. As I indicated, ships will be built by high-skilled workers. This will help turn around our economy and get us out of this rather soft recession.

Somebody put together a figure—and I do not know how correct it is—that we have lost some 700,000 jobs since September 11. Whatever the case, it is time to put American workers back to work. We can do it, because we have before us some opportunities to produce more energy in the United States.

Let's talk about some of the groups that are supporting proposals to develop more domestic energy in the United States. The Teamsters, the Seafarers International Union, the Maritime Laborers Union, the Operating Engineers Union, the Plumbers and Pipefitters Union, the Carpenters and Joiners, Building Trades, dozens of labor groups representing thousands of workers are behind our efforts for a comprehensive energy bill that creates nothing more than jobs in this country.

I suspect every Member of this body is a little concerned about the creation of jobs, the maintenance of jobs, the switch we have seen, as we have seen more jobs in the service industry but less higher paying blue collar jobs.

Dozens of labor groups representing thousands of workers are behind our efforts for a comprehensive energy plan that creates jobs, that develops energy sources at home. For this reason, I am going to oppose any amendment or underlying provision that sacrifices American jobs for political expediency. I am not interested in political expediency. I have been in this body for over 21 years.

I also reject the underlying premise of the majority leader, the senior Senator from Connecticut, and the junior Senator from Massachusetts—who I hope will join us in this debate. Those who oppose domestic resource development do not believe that American workers and American technology can develop our natural resources while fully protecting the environment. We have that capability, there is no question about it.

Some Members may choose to rely on sources such as Saddam Hussein or others for our supplies, but I will stand with the American workers to develop these new technologies. Unlike those who oppose nuclear, hydro, natural gas, and oil, I have faith and confidence in this Nation and the men and women who drive it. We need an energy bill that provides today's resources to move us to tomorrow's promises, not the shallow measures before us with empty promises that simply export the wealth, jeopardizes the national security, and shifts U.S. jobs overseas.

Obviously, we have some differences of opinion with America's environmental community. They are opposed to various parts of this bill, particularly those parts that suggest we can develop our domestic resources at home; more particularly our oil. They have no scientific evidence to suggest that we cannot. None whatsoever. We will have an opportunity to get into that a little further in the debate.

Let's talk a little bit about the bill before us, the bill that was introduced by the majority leader—call it the Daschle bill. As far as I am concerned, it is pretty hard to identify new job production associated with that legislation. We have already discussed that we have not had hearings, we have not had input, and the excuse has been: Senator LOTT did it; therefore, it is all right. I think I have already made that point, and that point is very explicit. We have never had responsibility pulled from the committee simply because the votes in the committee were supportive of an amendment that would increase domestic production.

Since we have not had the benefit of committee debate and approval, I want to delve into this bill for a closer look. What does this bill do? Even though we have only seen it for a very short period of time, the legislation appears to authorize some 60 new Federal programs, many of which already exist at the Department of Energy or elsewhere. We can go into those.

We are told there are some 32 new studies on various impacts of energy policy, but studies are what one calls for when you are not ready to act. We are ready to act. We need an energy bill now. We need to make decisions now. There is nearly $49 billion in new spending authorizations over the next 5 years. In a time of fiscal constraints, the level of spending called for in this bill, if fully funded, is well above the baseline estimates for these programs. This elevated level of spending will take precious funds away from other spending priorities, such as homeland defense, education, and health care.

As a matter of energy policy, these authorizations have questionable value. Unrealistic authorizations, in my opinion, are nothing more than empty promises. So we have waited for 6 months for the new energy proposal. Yet it is not much different than the one offered nearly a year ago.

What is different now is that 700,000 Americans are out of work in this country, a recession, I remind you, that was the direct result of one thing: Energy price increases that we experienced in 1999 and 2000, all for a lack of an energy policy.

I will go through the titles very briefly. Title X, XI, and XIII of this bill simply rehash other Senators' proposals to address the risk of climate change, and there are so many conflicts among these provisions that will need to be sorted out that is going to take a lot of time. Title XII, XIV, XV, energy R&D and workforce training is the work product of the only markup held before the Energy Committee. What does that say for the committee process? I know that other committees were affected.

In addition, the committee had agreed this provision needed to be revisited before we completed our markup.

Title XVI, technology assessment: Like so many other parts of this bill, it is a title for which no legislative hearings have been held, no scrutiny whatsoever. The scrutiny on it is obviously lacking.

Title I through IX are largely the same as in Senator Bingaman's original bill, I might add.

Title XVIII, critical energy infrastructure, was the very same title that prompted the Democratic leader and the Energy Committee chairman to suspend committee action in the first place. I ask, what is new, what is different about this proposal to merit delaying discussion on these important issues for the past several months?

On a positive note—I am sure my colleagues wonder if there are any positive notes in this bill; I am pleased to say we do. I do not suggest there are no provisions of the pending legislation that have redeeming social value. There are several. There are provisions that we have generally agreed on that could have been refined and supported almost unanimously in committee had we been allowed to meet.

Among those provisions are title I, regional coordination of energy policies and planning for energy infrastructure; title II, PUCHA and PURPA repeal for electricity and possibly changes in other provisions in this title with minor changes; title III, hydro relicensing. The proposal in this bill reflects part but not all of an emerging consensus on how to balance power needs with environmental concerns. And title IV, Indian energy programs. I only wish the Committee on Indian Affairs had been allowed to hold hearings to consider these programs in some detail.

I happen to be a member of that committee. I am a member of the Finance Committee. We still have not reported out the tax aspects associated with this bill.

So we have title V, the Price-Anderson, both the chairman of the Energy Committee and I proposed full review of Price-Anderson for both the DOE contractors and the NRC licensees. Why NRC licensees are not included, I am not sure, but hopefully we will find that out in our debate. Title VI, permanent authority for the SPR and a related study of SPR capacity are areas of broad agreement.

Title VII, higher standards for Federal fleet fuel economy proposed comes from our bipartisan energy proposal and other alternative fuel provisions that are basically taken from H.R. 4, the House bill, and the renewable motor fuel provisions for ethanol are the same as those that I proposed last year in a draft revision of our bipartisan bill.

We agree on much of title IX, energy efficiency, with one large exception for the 13 SEER air conditioning standards rejected by the administration last year.

There is agreement in principle but not on specific spending levels or program structures in title X, onward, with respect to climate change and energy R&D. Many of the subtle differences of opinion throughout this bill could have been easily addressed in a committee markup and not on the Senate floor, but we are left with that reality for reasons we have already articulated, although we have differences of opinion on those, and I respect that. So I regret we were deprived of the chance to proceed in committee, for now we will have to deal with these changes on the floor, which will make our task harder and longer.

Since I commented on the areas of agreement, let me comment on the issues of disagreement because this is where we are going to be spending a lot of time.

We are talking about issues of agreement, and despite the broad agreement on the majority of issues contained in this bill, there are some other provisions which we have great disagreement on. I want to address some of those today. I think we should have been able to provide the Senate with a recommendation and some sense of legislative history, and we should have been able to better define the debate, but because of the reality that the committee has not had an opportunity to meet, why we have no other choice but to proceed.

I think it is important that particularly the minority that we are in now reflect on what our intention was so we could communicate that to the majority. So we developed some principles on one of the more contentious parts of the bill, and that was the electricity portion.

Basically, what Republicans, as a minority, stand for in our caucus is an obligation to, first, protect consumers.

That would give the Federal Trade Commission precautions and protections without preempting the traditional authority of the States. We feel very strongly about that. We are talking about trying to streamline the regulatory process, eliminate some of the obsolete statutes like PUHCA and PURPA, and limit Federal micromanagement.

One has to wonder, if we reflect on the Enron situation, if we had what is in this bill, could there have been an orderly transition of the market working? Because what happened with Enron clearly was: The market worked. There were no interruptions of power. There were no price increases. One wonders if we had to get permission if one company whose trading suddenly falls to its knees can have an orderly, innovative market work. Well, maybe we can get to that, but I personally am a little uncomfortable with too much Federal micromanagement.

We also stand for enhancing interstate transmission while preserving State authority through the interconnection concept. We want to assure reliability and allow regional flexibility, the North American Electric Reliable Council enforceable standards. We want to promote renewable energy, market-driven approaches and consumer choices and not Federal mandates. That is kind of where we are coming from.

Again, those issues we disagree on because we could not get together and resolve our differences in committee. Among those issues we disagree on are the extent to which we should strip States of their rights over electricity and give those rights to the Federal Government through FERC. How much should we manipulate the electric markets and force a higher priced energy resource on to the consumer at a lower cost? This is the issue of renewable portfolio standards.

How best to protect nuclear plant operators from any exposure on a catastrophic loss and how to keep them afloat, that is the Price-Anderson. Some people see this as a way of prolonging the life of the nuclear industry, but I take issue with those people because they are not realists and do not recognize that there is a trade-off.

There are no emissions with nuclear. There is a problem with waste, but it is emission-free. We look at global warming concepts. We look at emission standards. There is certainly room for the nuclear energy industry, and they need Price-Anderson.

Where do we explore for energy resources to meet our growing needs? We know about ANWR, but what about the lower 48? How do we make automobiles more efficient without jeopardizing safety, undermining consumer choice, and hurting the American worker? This is very real, if you are working in an automobile plant or in a parts plant.

How to make our homes more efficient, again, without hurting the American worker? Our energy efficiency standards such as the proposed 13 SEER air-conditioning and heat pump standard—are those the answer? Our disagreements on these provisions are deep and run to the heart of what we believe the proper role of government to be.

Many of these provisions constitute an unacceptable intrusion of the Federal Government into the marketplace. Many of these provisions have little to do with our energy security but represent a growth in Federal authority at the expense of the States and our concept of federalism.

Some of these issues impact my State of Alaska. The rationale is very clear. We have a chart here that shows Alaska and gives you some idea of the geographics of the area, because it has been said the energy wealth of North America is in the Arctic. If you look at Canada over in the all-white portion here, and look at Russia over across the Bering Straits in the all-white, what you have between them is Alaska. If you concede the energy wealth of North America is coming from the Arctic, you have to concede one thing: The only State with "Arctic" in it is Alaska, and we have already seen the development of oil from Prudhoe Bay. That has constituted initially 25 percent of the total crude oil produced in this country but today about 20 percent. It is pretty significant.

A lot of people forget that the same arguments that prevailed in this body in the 1960s are prevailing today on the issue of opening up ANWR.

We have another chart I want to show on Alaska that gives a little different view because it projects the ANWR issue. We will go into this in greater detail. But what I want to show is the realization that the Prudhoe Bay oil field has produced that energy for about 27 years. It has produced it by an 800-mile pipeline, so the infrastructure is already there. It is pretty significant because I indicated it is 20 percent to 25 percent of our total energy.

Let's relate that to real terms because it is appropriate that we relate this to things we can all understand. How big is Prudhoe Bay? It was supposed to have recoverable reserves of 10 billion barrels. We are in the process of producing the 13 billionth barrel now.

How big, according to the experts in the final USGS study? There was one made in 3 days to accommodate the former Secretary of the Interior, but the current one, the most credible one, suggests the reserves at 5.6 billion to 16 billion barrels. If it is an average between the two, it is about 10 billion barrels, which would provide the Nation with as much as Prudhoe Bay is currently providing. So you double that.

The question is, Can you do it safely? We will get into it later. The footprint is pretty small. In H.R. 4, the House bill, it was 12,000 acres. We are not talking about peanuts here. If the oil isn't there, it will not be developed; that is all there is to it. We have to find a lot of oil in Alaska because the costs are so high.

The chairman of the committee talked a little bit about natural gas that has been found. It is important to note on this chart that this gas has been found associated with looking for oil, not gas. It is an incidental find. I used to say to the geologists: If you find another gas discovery, forget it. We are not even going to buy you a Coke. We are looking for oil. But in the process, they accumulated about 36 trillion cubic feet of proven gas, the largest deposit of gas known to exist in North America. So it is very important that we look to ways to get that out. I appreciate working with my colleague, the chairman of the committee, in that regard.

We need the development of gas from the Arctic. Our country needs it for the simple reason that we are pulling down our gas reserves faster than we are finding new ones. I think we have a chart that shows our reserves in decline. The Senate plan that the Democrats propose—the Senate Democratic plan that has been presented—initially was to provide, I believe, a $10 billion guarantee. It did not address a route selection.

One of the amendments I am going to have will be to mandate a southern highway route that would bring the gas down paralleling the pipeline to Fairbanks and follow the highway into Canada. That would keep options open for Alaskans. It would keep options to bring gas down to the port of Valdez if the market for the liquefied natural gas in Asia should develop. It would provide an alternative to bring gas into Fairbanks and take that gas further on down to Point Mackenzie or take the gas into Anchorage or down the Kenai Peninsula where gas is liquefied and exported and urea and ammonia are made. We want to keep all our options open. So it is very important a southern high route be designated in this legislation.

Make no mistake about it, I support the development of the resources, both the oil and gas. However, the proposal put forth on the other side allows for some untested technology to be used in sensitive areas of the Arctic over the opposition of some of the Native people and virtually every elected official in Alaska.

What I am concerned with here is the realization that currently this legislation does not exclude another route, which would be a route over the top, across Canada. Most of those jobs and most of that activity would benefit Canada and not the State of Alaska, nor American labor.

I remind my colleagues, the gas in question is owned exclusively by the State of Alaska. This is not Federal gas. This gas is on State lands associated with the fields at Prudhoe Bay which are on State lands. Unlike discussions about leasing of the so-called 1002 area—that chart is behind this one—the Coastal Plain where the subject of Federal lands is the issue, the issue involving gas is strictly on State lands and is an issue of the State's ability to develop and transport a resource owned exclusively by the State and not the Federal Government.

As a delegation, Senator STEVENS, Representative Young, and I have worked with the Governor and Lieutenant Governor and our Native population and others to ensure that any proposal fully protects the interests of our residents, the environment, and the state of our economy. So it is important to have a proposal that meets, if you will, our wishes relative to what is in the best interests of the State as well as our Nation. Our Nation, again, is pulling its gas reserves down faster than we are finding new reserves.

Furthermore, the project that has been proposed has some problems with it because the producers of the gas—namely, Exxon, British Petroleum, and Phillips—have indicated at the current prices the project is uneconomic at this time. We have a situation where, to make it economic, we are going to need some assistance. What I am talking about is how we can work to come up with a methodology to take some of the risk out of the movement and development of this project because this will be the largest and most expensive construction project ever undertaken in North America. We have to be careful that it stimulates the United States economy and not the Canadian economy, and that we recognize the contribution of American workers by keeping as much as possible of this pipeline in the United States or Alaska.

What we have here, of course, among our critics are, for the most part, people who have never visited the Arctic. They have never taken an opportunity to go up there.

I will say Senator BINGAMAN has accompanied me up on occasion, where we had the Secretary of the Interior. We got a lot of fresh air. It was cold. But, nevertheless, I think we were given an opportunity of having extended hospitality by the Eskimo people, as well as seeing some of the highest technology in the oil and gas business underway.

It is my intention to offer significant amendments to this gas provision to make sure that the development of Alaska gas is done in the most environmentally sensitive way as possible. That mandates the selection of the southern highway route. I intend to work closely with my colleague, Senator BINGAMAN, on these amendments. And I certainly appreciate his support.

There is another area, however, where we have some differences. I would refer to some of the statements that I have heard. I am not going to go into ANWR in any detail. But I think it is important that we reflect on a few things that are in the minds of some.

We have a chart that shows what happened to our imports of oil when the Trans-Alaska pipeline from Prudhoe Bay to Valdez was built. We have heard critics and environmentalists suggest that the impact of ANWR would not have any significant effect on oil imports into the United States. It shows the barrels of oil per day that the United States imports. In the time frame between 1977, 1978, and 1979, imports clearly were up. Then the 2 million barrels a day came down from Alaska. You see TAPS opens at the top, and imports begin to drop dramatically. The reason our imports dropped is the market for oil didn't decline. It was because of the contribution by Alaska's domestic production.

The point of this chart is a very simple one. It simply shows that when you produce more oil of the magnitude of a million barrels a day, it has a decided impact on reducing imports.

You see this period from 1982 through about 1987, and then imports start to climb up again.

Where would we have been if we didn't have the Prudhoe Bay contribution? That is my point. It would still be going off the chart. The chart in red clearly shows the import vis-a-vis Alaska production. The blue line shows Alaska production coming on line and it beginning to decline. It would not decline if ANWR were opened.

We also have statements by various individuals that are made from time to time relative to the effects on drilling in Alaska, and the impact that it would have on various areas of concern.

I am going to refer to a couple of those because I think we need to shed some light on it.

I can only defer to those who have indicated some position on the issue of opening up the Arctic to oil and gas exploration. I would like to, first of all, refer to comments that were made by my good friend from Massachusetts, the junior Senator, who on MSNBC's "Hardball with Chris Matthews" on February 26 of this year and indicated that:

> The alternative to drilling in Alaska is several things. No. 1, there should be drilling almost anywhere but Alaska. No. 2, you can't drill your way out of the problem of the Persian Gulf.

I think the last chart we saw indicated that by drilling our way domestically we reduce our imports. I think that question has been resolved. I think for the first one—drilling almost anywhere but Alaska,—let us look at anywhere but Alaska.

Here is the chart of the United States. If you look at the gray areas, you see the areas off limits for drilling: The entire east coast from Maine to Florida, the area off Florida in the gulf, and then in the overthrust belt—those areas which have been closed primarily because of wilderness mandates. Colorado, Wyoming, and various other States are limited. And clearly the west coast is off limits.

I wonder where in the world the oil is going to come from if we have taken all of these areas off limits. Some suggest going to the Gulf of Mexico off Louisiana. That is where a good portion of our exploration is occurring. It is occurring there because of the technology. They are drilling in 3,000 feet of water. The industry is doing an extraordinary job. We have to go somewhere.

Then we have heard from time to time: Who wants to drill where? Clearly, Alaskans propose drilling and support drilling in our State.

The point is, you have to get it somewhere. If you do not get it domestically, you are going to import it.

As I have indicated, gas isn't the only resource our State can contribute to America's energy security. The gas will not fill the transportation needs of California, or some of the other States as some have suggested. Only the development of a small portion of ANWR can do this.

We have heard discussions on the issue of safety. We have heard discussions on the issue of Prudhoe Bay—the amount of oil, the timeframe, the wildlife, and the caribou. We are going to show you some of the wildlife associated with the area as a consequence of good conservation and the fact that these animals are not subject to hunting. As a matter of fact, polar bear cannot be taken by a non-Native in my State of Alaska because it is protected by the Marine Mammal Act. If you want to take a polar bear, you can go to Canada, or you can go to Russia, but you can't go to Alaska. I think that is a pretty significant conservation of the polar bear.

You see pictures of the caribou behind me. You see pictures of bears because they are not threatened. They are not shot. You can't run in there with a snow machine and run them down.

Some would be surprised. I don't believe there is anyone here from Texas. So I can make this statement without fear of reprisal. But geologists indicate that ANWR holds more oil than all of the proven oil reserves of Texas—all of Texas. I might add that Alaska is about 2½ times the size of Texas. That would equate to 30 years worth of Saudi Arabian imports. Engineers believe that it can be explored for less than a 2,000-acre footprint. The union men and women of this Nation believe it can create thousands of jobs. It can be flowing in a few years—not 10 years. It is a matter of recognizing that if we want to go ahead with it, we can issue the permits. We can do it safely. Winter exploration will occur on ice roads.

Some suggest that it is a decade away. That is not factual. It is unfortunate that some people who have never been there think they can make decisions about the people who live there.

Unlike the plan that has been proposed on the other side of the aisle about Alaska's gas, the plan to develop Alaskan oil will use proven and tested technology. It will take advantage of existing infrastructure on the North Slope. It will minimize the impact of Arctic environment. It will have the benefit of a 7-year environmental impact statement. It will limit the surface footprint to 2,000 acres, and it will require the use of project labor agreements—labor that will prohibit the export of any energy resource. None will be exported outside the United States.

It is overwhelmingly supported by the delegations—Senator STEVENS, Representative YOUNG, myself, our Governor, our Lieutenant Governor, the State legislature, and the people of the area, the Innupiat Eskimo people.

In conclusion, I realize that some in this Chamber regard energy as just a political issue, pure and simple, with pressure from the environmental community. It is just another piece of the puzzle that has been laid out for us.

I think our last piece is to reach the bipartisan goal of coming together and recognizing that this country simply cannot proceed with its increased dependence on imported oil.

As a consequence of that, I think we have to be very careful to not sell America's can-do spirit short, the American family, and America's future. We must address the national security interests that our President has directed us to do by coming up with a responsible energy bill at this time. As a consequence, we have differences. But, hopefully, we can work that out through a process of debate. We have differences that we can undoubtedly address with regard to alternative and renewables.

But make no mistake about it, we are not going to be able to get there from here on any one alone. It is going to take all our resources to meet our energy demands until we have significant breakthroughs in technology that will allow us to lessen our dependence on our conventional sources of energy.

Energy isn't about politics. It is about families, families across this country wondering if their jobs are going to be there in the morning. It is about preserving the very independence of this Nation because I believe in a nation that is dependent on no one but God alone.

I recognize the public policy debate about how best to approach our energy policy. I know it is complex. I know it will involve issues at the very heart of the extreme environmental agenda. Yet, at the same time, I take issue with that environmental agenda because it suggests that we can simply get there on conservation alone, and that is not a realistic assumption.

At the same time, I think the issue can be framed rather simply. It is better to have strong domestic energy policy—I use the word "domestic"—that safeguards our environment and our national security than to rely on the likes of a Saddam Hussein to supply this energy.

On September 11, we were importing a million barrels, just a little over a million barrels a day, from Saddam Hussein. Today that is about 870,000 barrels a day. We bombed him twice this year, once just a few days ago. We have put the lives of our young women and men at risk enforcing that no-fly zone over Iraq. He attempts to shoot us down. We take out his targets. But we take his oil. It is almost as if we put it in our jet fighters and go over and take out his targets. He takes our money and develops a missile capability. He pays his Republican Guard. As a consequence, he remains a threat to world peace.

At whom is he aiming these missiles, this biological capability he has developed? At our ally, Israel. When will we come to grips with the likes of a Saddam Hussein as we continue to rely more and more on that source, when we have a domestic source at home that we can develop safely? The answer, in my mind, is clearly that we should reduce our dependence on foreign oil.

We have a statement from an outstanding American who has indicated—well, we will get it for the later debate. But we have a number of statements of outstanding Americans who have indicated they believe it is the worst mistake we could possibly make to continue our dependence on imported oil.

Excuse me. I have a chart with a quote from Richard Holbrooke, Ambassador to the United Nations in the second Clinton administration. This was in the Washington Post of February 12. I quote:

> Our greatest single failure over the last 25 years was our failure to reduce our dependence on foreign oil . . . which would have reduced the leverage of Saudi Arabia.

These are people who know what they are talking about.

Furthermore, I have to recognize the responsibility that we have in this body to the President. President Bush has asked, time and time again, for an energy bill. He has asked as recently as in his State of the Union Address because he recognizes the urgent need for a national energy plan. He knows energy is about jobs. He knows energy is about security. He wants to protect this Nation from the Axis of Evil. He knows that so long as we are dependent on other nations for our energy, our very security is threatened and our future at stake.

So, Mr. President, our challenge is clear: To deliver to this President an energy plan for our Nation and our Nation's future. That is the job of this body. I have indicated, the House has done its job by passing H.R. 4.

So I pledge my support to improve the legislation before us and get a bill to the President as soon as possible. I urge my colleagues to recognize the weight of the task before us, to push aside their agendas, and to do what is right for the Nation.

Finally, in conclusion, I encourage Members to recognize that we have contentious issues here in ANWR, in CAFE standards, in renewable portfolio standards in electricity and perhaps several others. But I encourage Members to use accurate information—particularly when they are talking about my State, particularly when they are talking about Alaska and having never visited there, and particularly when they are expressing the litany of opponents such as some of the national environmental groups who fail to address the question of whether we can do it safely. The answer is clearly yes, we can do it safely based on 30 years of experience in the Alaska's Arctic.

Is it a significant supply? Some suggest it is 6 months. Obviously, it is potentially as much or more than Prudhoe Bay, which has been 25 percent of the Nation's total production; particularly when they say it is 10 years away, when it is only a matter of a few years if, indeed, the oil is there; and, finally, to recognize that when we passed legislation that would have opened ANWR in 1995, if President Clinton had not vetoed it, we would have all this behind us. We would know whether the oil was there. And if it was, it would be flowing and reducing our dependence on imported oil.

So it is in our national security interests. It is in the interests of American labor and American jobs to move forward with ANWR. I encourage Members who have been lobbied heavily by America's environmental community to recognize that they are going to be called on to vote, to vote on the question of whether to appease and be responsive to the environmental lobbyists, or do what is right for America.

I will conclude with a reference to a statement made by a former and respected Member of this body, Senator Mark Hatfield of Oregon, who was, I might add, a pacifist—at least in the minds of many of us, although we had the deepest respect for him—who said: I will vote for opening ANWR any day rather than send a man or woman in our Armed Services overseas to fight another war over oil.

I think that says a lot.

Mr. President, I yield the floor and look forward to the statements of my colleagues who will be forthcoming throughout the day.

Mr. DASCHLE. Mr. President, the events of the last year have highlighted what Americans have known since the 1970s, our economic security and our national security depend on our energy security. Americans need—and deserve—an energy plan that truly moves us towards energy independence.

America's appetite for energy continues to grow each year. Today we import nearly sixty percent of our oil. And the problem is getting worse, not better.

Over the next 10 years, the United States is expected to consume roughly 1.5 trillion gallons of gasoline, most of it refined from imported oil.

We need to reduce our growing dependence on foreign oil. We need to ensure the reliability and security of our energy supply. And we need to do so in a way that is good for our families, our economy, and our environment.

There is no doubt in my mind that we can do all of these things, if we're willing to invest in new ideas, new technologies, and new approaches to old problems.

As we begin this energy debate, I think we should keep in mind four key goals. Any energy plan we pass should increase our energy independence, it should be good for consumers, it should create jobs, and it should be responsible, both environmentally and fiscally.

Nine committees have worked on this bill, and Senator BINGAMAN has done an amazing job of coordinating input from so many committees and so many Senators on both sides of the aisle.

In the end, he's put together a bill that meets each of these goals.

Opponents of this bill have essentially said that we face a choice between production and conservation. This bill demonstrates that we can, indeed, increase both.

First, production.

For a long time, we've looked for the "Made in America" label on our clothes. We need to put that same "Made in America" label on our energy, too.

That means increasing our domestic production. But it also means recognizing the reality we face. We hold only 3 percent of the known world oil reserves, and we consume 25 percent of the world's supply. Even if we drilled in everybody's back yard, we could never meet our own demand with our own supply.

One might call the assertion that we can drill our way to energy independence, fuzzy math.

That's not to say that we shouldn't drill for oil and gas in the United States; to the contrary, we can and we must.

But we cannot simply drill our way out of this problem, and we should not be drilling in environmentally sensitive areas, such as the Arctic National Wildlife Refuge.

Here is what we should do: We should look to develop natural gas deposits in deepwater areas of the Gulf of Mexico, and allow for increased production where it is environmentally acceptable.

We should explore for oil and gas in the National Petroleum Reserve in Alaska, the area where the three largest onshore oil reserves in the last ten years have been found.

And we should construct a pipeline to bring natural gas from Alaska to the lower forty-eight states. There are 35 trillion cubic feet of known natural gas reserves on the North Slope of Alaska.

Right now, we are literally pumping that gas back into the ground because we have no way of getting it to people.

This 2,000 mile long gas pipeline would create 400,000 jobs, use an estimated 5 million tons of U.S. steel, and ensure that we do not become dependent on imported liquified natural gas from the middle east. If we want to create jobs, increase our energy security, and help the U.S. steel industry, then building this pipeline is the way to do it.

Energy for America, jobs and opportunity for steelworkers, and no damage to sensitive environmental areas, this is the type of pro-development, pro-jobs, energy project we should be encouraging.

Others assert that we can dig our way to energy independence. Some see coal as a panacea. Others see it as a dirty and unsafe source of energy. But the choice between simply using more coal or less is a false choice.

This bill says that we can use coal better.

It invests in new clean coal technologies, which are good for our environment. In so doing, it will create jobs in an industry and area that has been losing them, and will help guarantee the future of coal in America.

Still, we need to recognize that drilling and digging simply won't add up to independence if we don't find other fuel sources here at home.

That is why this bill invests heavily in new and renewable fuels, including biofuels.

For example, it will triple our use of ethanol, which is a clean-burning, corn-based, renewable fuel.

It will help us harness the power of the wind, the sun, and the heat of the earth itself with tax incentives to develop these sources of energy, and to keep the energy produced affordable.

Recent analysis indicates that investing in these clean and renewable energy technologies will create 1.3 million new jobs for American workers.

More importantly, energy from these sources would come from American farmers and producers, pass through American refiners, and fuel American energy needs. No soldier would have to fight overseas to protect them. And no international cartel could turn off the spigot on us.

For all of those reasons—economic, security, and environmental—this bill sets a goal of generating 10 percent of our energy from renewable sources by 2010.

Some states are exceeding this goal already. There's no reason that our nation can't meet it.

Our bill also invests in common-sense efficiency, and the new technologies necessary to increase efficiency without making sacrifices in performance.

Take air conditioners, for example. Two years ago, the Clinton Administration issued a standard that would have increased the efficiency of air conditioners by 30 percent.

Here is what that means: a 30 percent more efficient air conditioner would save our nation from having to build the equivalent of 50 new power plants and save Americans $3 billion in electricity bills.

Meeting that standard isn't a pie-in-the sky proposal or a crushing new mandate for business.

In fact, Goodman Manufacturing Company, the second largest air conditioning manufacturer in the United States supports this standard and says that they can meet it with no additional cost to consumers.

As John Goodman, Chairman and Chief Executive Officer of the company, said, "[the higher standard] is just the right thing, and it's something our industry can do to help."

The Bush Administration revoked this standard, and the House-passed bill doesn't include it. We think it makes sense, and that's why we require it.

This bill will help us make similar efficiency gains with items such as vending machines, commercial refrigerators, lights—even our power lines.

As Senator KERRY has said so well, you just can't tell Americans you're serious about energy security unless you're willing to tackle transportation, where 70 percent of the oil we purchase is consumed.

During the 1970s, America created a program to increase auto efficiency. Those standards now save 3 million barrels of oil every day. But because those standards were frozen seven years ago, our vehicle fuel efficiency is worse now than it has been in twenty years.

So this bill says that automobiles and light trucks should average 35 miles per gallon by the year 2013.

This doesn't mean that we are going to take away anyone's SUV or make every American drive a compact car.

It means that the car companies will do what they say they can do, and increase the efficiency of the vehicles they make.

In fact, the National Academy of Sciences found that technology that already exists can be used to improve the fuel economy of automobiles and light trucks without affecting safety or performance.

When the fuel-efficiency provisions of the Senate energy bill are fully implemented, they will not only save American drivers billions of dollars—they will save our Nation the same amount of oil we are currently importing from the Persian Gulf.

Finally, when it comes to energy efficiency, this bill says that the Federal Government must lead by example.

Last year, the Federal Government's utility bill totaled $3.4 billion. This bill mandates that the government use cost effective technologies that consume less energy.

This small step alone—one that is not a part of the House-passed bill—will save taxpayers $250 million a year.

Doing all of this will be good for consumers and families, good for our energy independence, and good for our economy.

Finally, this bill demonstrates international leadership on global climate change—leadership that the Administration, sadly, has been unwilling to show.

This bill links energy policy and climate change by creating a national strategy to track and reduce carbon pollution and other greenhouse gas emissions. It funds research and development on innovative technologies to reduce carbon pollution, opens markets for clean energy technologies, and demands high-level coordination and leadership from the White House.

The science on this issue is clear. Carbon pollution and other greenhouse gas emissions are causing changes in our climate, including coastal flooding, agricultural disruptions and significant damage to our ecosystems.

As the largest emitter of carbon pollution in the world, I believe the United States has a special responsibility to help address this problem. This bill does.

Now, we know what our opponents are going to say about this bill and about our approach.

They are going to say that we are going to take away people's SUVs and washing machines—we are going to ask you to sweat in the summer and freeze in the winter.

They will try to tell you that this is a choice between abundance and austerity. They couldn't be more wrong.

Actually, they are right about one thing—we do face a choice. It is a choice between the past and the future, between a bill that is good for consumers, or one that serves only the energy companies.

The energy bill that passed the House is based entirely on the old philosophy of dig, drill and burn. The centerpiece of that plan is to open the Arctic Refuge.

Supporters of drilling in the Arctic Refuge have used almost every opportunity to justify their position.

When we were experiencing rising oil prices, supporters said it would make oil available quickly and drive prices down in the process.

But even if Congress were to authorize drilling in the Arctic National Wildlife Refuge today, we would not see significant quantities of oil produced from the refuge for 10 years at the earliest.

When our economy began to slow, supporters began billing it as an economic stimulus measure, saying it would create 750,000 jobs.

Yet that number comes from an outdated and biased study by the American Petroleum Institute. Recent, more credible estimates by the Congressional Research Service and others suggest that only 60,000 jobs would actually be created.

And now, as we face threats to our nation's security, those same supporters are wrapping their argument in the cloak of patriotism, saying that drilling in ANWR is vital to increasing our energy security.

But the oil there would only meet America's needs for less than 6 months.

Let me give you an example of how little oil that is: If we all put replacement tires on our cars that were as good as the ones that came with the cars when they were new, the resulting increase in energy efficiency would save 5.4 billion gallons of oil—70 percent more than the total amount of oil in the Arctic Refuge.

Compare that our proposed Alaska natural gas pipeline we have proposed which would provide natural gas to American consumers for at least 30 years.

The rest of the House bill is a smorgasbord of tax cuts for oil and gas companies. The Republican bill includes $33 billion in tax cuts. Twenty-seven billion of that goes to the biggest energy companies.

Perhaps even more astonishing is this fact: Because the House bill fails to make meaningful reductions in the transportation sector and relies on getting oil from a source that would produce so little and so far in the future, if we enacted it into law today, it would actually increase our dependence on foreign oil.

The House plan may indeed be an energy plan for a new century. Unfortunately, that century is the 1900s.

Our bill takes the better path—for our energy security, for our economy, for our environment, and for our future.

Now, there is one other thing we're hearing from the other party, and it is the complaint that this bill was not subject to a markup in committee.

I find this complaint to be ironic for two reasons.

First, it is not at all unusual to take a bill directly to the floor. In fact, my colleagues might remember that the Republican leadership did the exact same thing with a Republican energy bill—the National Energy Security Act of 2000.

Second, now that we're debating an energy bill, some of my colleagues seem more intent on debating how we came to debate this bill.

I made a promise to bring this bill up for debate. That is exactly what I have done.

No one's right to be heard will be compromised.

Anyone is welcome to offer any amendment they choose.

I expect to have a full and open debate on this bill. The less time we spend worrying about procedure, the more time we can spend debating the direction and substance of our Nation's energy policy.

So, with that, I want to thank Chairman BINGAMAN and the other committee chairs who have worked so hard to assemble this bill.

And I look forward to working with my colleagues on both sides of the aisle in order to make progress on this vitally important piece of legislation.

Mr. REID. Mr. President, we have had a number of calls in the cloakroom from Senators who want to come over and give opening statements. Others want to offer amendments. I am wondering if I could ask the Republican manager, because I have cleared this with the manager on this side, if we were alternating back and forth on the statements—as I said, there are a couple of more statements at least that people want to give this afternoon. It is going to take us into early evening. It is my understanding there is something some Members are interested in doing tonight. I wonder if when we get into the amendment stage we could have an initial agreement that we alternate back and forth on amendments on this very important legislation. That is normally the way we do it. Is there any problem with that?

Mr. MURKOWSKI. Mr. President, it is my understanding we had reached agreement on that earlier in our discussion, that we would go back and forth as Members appear.

Mr. REID. On statements.

Mr. MURKOWSKI. And we would go back and forth on amendments. I ask the Chair if that agreement has not been previously made?

Mr. REID. I apologize. I thought it was on statements.

The PRESIDING OFFICER. There is an agreement on the recognition of the following two Senators: Senators DORGAN and DOMENICI, in that order.

Mr. MURKOWSKI. I would not object to what has been propounded by the majority whip.

Mr. REID. I would also say to my friend, so there is some order, Senators DASCHLE and BINGAMAN have decided they will offer the first amendment and then we will go to the Republican side. We will probably not get to that until first thing in the morning the way the statements are going.

I ask unanimous consent that in addition to the alternating of opening statements on this bill that the amendments also alternate; that Senator DASCHLE or his designee will offer the first one and then go to Senator LOTT or his designee, and so on down the line.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Dakota.

Mr. DORGAN. Mr. President, I listened to the comments of my colleague from Alaska. He obviously feels passionately about this issue. I have served with him on the Energy Committee for a long while. He studies these issues carefully. He uses a prodigious number of charts when he makes his presentations.

I noticed that he did say in his presentation that there is much in this bill on which we can find agreement. He indicated there were a number of areas of agreement. I know he stressed areas of disagreement, but I think he also said there are a number of areas in this legislation where there can be some broad agreement. I think that is helpful.

At the start, however, I want to comment on the exchange between my colleague from Alaska and the majority leader.

The majority leader brought this bill to the floor of the Senate for a very important reason. It is not unprecedented. It was brought to the floor of the Senate rather than being moved through the committee first.

We all know the issue of energy security is more than just finding additional supplies of energy. As a result of September 11, and other concerns about the broader area of energy security, the majority leader decided to bring to the floor the product of a number of different committees of the Senate working on this issue of energy security.

This is about protecting America's nuclear power plants against attack by terrorists. That is part of this bill. That is part of energy security. So there are a series of things that were brought together, including the work and the efforts by the Finance Committee dealing with tax credits. That, too, is part of this bill.

The majority leader decided to bring this bill to the floor as a product of a number of different committees, to work on all of these issues on the floor of the Senate, so all Senators would have the opportunity to address these issues.

It does not shortchange the Senate to adopt that approach. It has been done before. It is not unprecedented. And the majority leader did not make a mistake in doing so. I think he advanced the interests of the energy bill and advanced the interests of the debate about energy in this country by adopting this strategy, despite the fact that some of my colleagues think it was the wrong thing to do. I respect their opinion, but they are just flat out wrong.

We are here in the Chamber dealing with energy. That is where we ought to be. This is an important public policy issue for this country. The bill that has now come to the floor has the combined input of many committees, which is as it should be. We ought not deal with these issues incrementally.

I say that, because I know the majority leader has been criticized by some for this approach. The majority leader has done exactly the right thing and has done it at the right time. He kept his word in bringing this bill to the floor, so we can have an open and full debate on all of the issues that affect this country's energy future.

This is probably not the most opportune time to debate energy. Timing is everything, of course. This morning I stopped for gas on my way to the Capitol Building, and it cost $1.08 per gallon. In high school, when I was pumping gas at my father's service station, I was pumping gas for about the same price—actually slightly more in real dollars than we are paying today for a gallon of gasoline.

The current price probably does not promote great urgency among the American people that we must have a new energy policy now. Most Americans understand, despite the fact that the price of gasoline is very moderate at this point, that we have a very tenuous existence with respect to our economy and its dependence on a continued long-term source of oil from places such as Saudi Arabia, Kuwait, the Persian Gulf, and Central Asia.

It is foolhardy for us to continue betting our future economic progress on a sustained supply of oil from the Middle East. We need to do better than the increasing reliance year after year that we place on that supply of oil. It doesn't mean perhaps that we can ever—or certainly not in the short or intermediate term—shut off that oil or find replacements. I am not suggesting that. But I am saying that the relentless march to increase our dependence on foreign sources of oil, especially on energy coming from the Persian Gulf, is not a very smart policy.

Let us determine how we can, together, Republicans and Democrats, in good public policy, begin to ratchet that back down, so we have less dependence on foreign sources of energy.

How do we do all of that? We will hear many statements about many facets of this energy policy. There are as many ideas about good energy policy as there are Members serving in the Senate. Emerson once said that common sense is genius dressed in work clothes. Common sense is what we need in putting together the components of an energy bill that work.

Simply, do we need to produce more energy to meet future energy needs? The answer is yes. We need to produce more. Let's do it in an environmentally sensitive way. So produce more in an environmentally sensitive way, No. 1.

No. 2, do we need to conserve more? Yes. We waste too much energy. Let's do that in a thoughtful way.

No. 3, can we achieve greater efficiency with all of the appliances we use every day in every way in this country? Yes, of course. That also is an element of conservation.

No. 4, and finally, turning to limitless, renewable sources of energy. That makes sense for this country as well.

These policies combined will help wean us from the overdependence on foreign sources of energy, help us develop additional sources of energy at home, and also help us become more efficient and more conservation-minded as we use energy.

Now, more than ever, we understand this is not just about energy security, but that energy security is about national security. That has to be part of this debate. Reducing our dependence on foreign oil and better protecting our energy infrastructure, that is about national security.

Financial assistance in this bill would help improve critical energy infrastructure security. That is a part of this legislation that is very important.

This legislation will increase domestic oil, gas, and coal production. It will do that in a thoughtful and environmentally sensitive way. It will help remove barriers to production on public lands in an environmentally sustainable manner, and it will authorize the construction of a natural gas pipeline from Alaska to the lower 48 States, helping to create hundreds of thousands of jobs and, more importantly, helping us move an estimated 32 trillion cubic feet of reserves of natural gas that exist in Canada, reserves that are leased and that can come into our inventory, when we are able to build the pipeline. That pipeline authorization is in this legislation.

This bill will promote research, development, and deployment of advanced clean coal technologies, something very important, including, especially, opportunities for lignite coal, because coal is going to be a part of our energy future. Lignite coal is a significant part of that opportunity as well.

One of the questions for us when we finish this debate will be: are we going to see the future through a rearview mirror? Is our energy policy a policy of yesterday forever? We have some who will come to the floor who will say: I have a new idea. Let's just drill and dig for more oil and coal.

What I say is: we support that. We need increased production. But if our strategy for tomorrow's energy supply is simply drilling and digging, that is a strategy of yesterday forever.

We had someone from the Energy Department testify before the Energy Committee. I asked them a simple question that we similarly ask about a lot of programs. On Social Security, we ask the question: What will be the stability and the financial circumstance of Social Security in 25 or 50 years? Can you tell us what is going to happen 50 years from now?

So we do charts and graphs and create the financial mechanisms to evaluate whether we will be on safe ground in 50 years with respect to Social Security.

I asked the Energy Department officials: What is your plan for 35 and 50 years from now with respect to energy? What kind of energy will we be using? What will be the energy mix? How much will we be using?

The answer was: We don't have a plan.

The reason I asked the question was, I was trying to determine, are we going to wean ourselves from this overly dependent need for foreign sources of oil? Are we going to move toward technologies that will change our use of energy, our need for certain kinds of energy? Have we decided as a country, for example, if we want to change to a goal of deciding that in 50 years we want fuel cell cars driving on the streets of the Nation's Capital and all across the country using oxygen and hydrogen and throwing water vapor out the back end? That sounds like a pretty good deal to me.

The Energy Department's answer was: We don't have a plan. We will get back to you.

My response was: We need a plan. America needs to decide its energy future, what it intends to do to with respect to energy supplies in the long term.

If we do what some of my colleagues counsel at this point, we will be back here 25 years from now, and we will have exactly the same debate. People will wear the same color shoes and shirts and suits, and they will stand up and use the same tired, worn arguments.

The solution 25 years from now? Dig more and drill more. This debate doesn't change. Only the calendar changes. The people change. You could have read this debate 25 years ago. You will be able to read it 25 years from now, unless we decide we are going to do some things differently.

My first car was a model T Ford that I restored as a young boy. It was a 1924 Model T Ford that I bought for $25. It was in an old granary and had not been driven for decades. The rats had eaten off the seat covers and all the wiring. It was a tin shell with an engine that didn't work and tires eaten off and rotted off. My father owned a service station, so I pulled it in and put it up on a hoist. I worked on it for nearly 2 years. I restored that 1924 model T Ford. It was a great thing to do as a high school boy.

Then I got interested in girls and decided a 1924 car was not the thing, and so I sold it—much to my regret. I have regretted that sale ever since. I got myself a new two-door car for a couple of hundred dollars.

My point about the Model T Ford is that you put gasoline in that 1924 car exactly the same way you put gasoline in a 2002 car. Everything else in our lives has changed. Everything has changed around us, except you drove a 1924 Ford up to the gas pump the same way you drive a 2002 Ford up to the gas pump. You take the cap off, you stick the hose in, and you start pumping. Seventy-seven years later, nothing has changed. Should it? Will it? The answer is, yes, if we decide as a matter of public policy that we want to put in place energy policies that will advance a different kind of energy future in this country.

Now, let me talk a bit about some features of this bill that I think are very important. This bill contains a series of goals that I think almost everybody would or should agree with: To ensure adequate and affordable supplies of energy from renewable sources, as well as oil, gas, coal and nuclear; improve the efficiency and productivity of energy use, including energy reliability and productivity of electricity; and to improve energy use in industry vehicles, appliances, and buildings.

I am particularly interested in renewable energy. Last week, I brought up on the floor of the Senate the 5-year extension of the wind energy production tax credit. That tax credit expired at the end of last year. The result of Congress allowing that to expire means projects are put on the shelf that are ready and funded. They are put on the shelf. There is a company that has a 150-megawatt project for North Dakota. They have the money for it—$150 million. The project is ready to be launched. However, the company shelved the project until Congress passes the extension of the wind energy production tax credit. That makes no sense. But taking energy from the wind with highly-efficient, new wind turbines and producing electricity, and putting it on lines and moving it across the country makes great sense to me.

On transmission issues, we have new technologies, such as the composite conductor technology, which can double or triple the efficiency of existing transmission lines. Putting up a wind turbine, producing electricity from this turbine, and transmitting that electricity makes great sense. I come from a State that is No. 1 in wind. The U.S. Department of Energy says North Dakota is the "Saudi Arabia of wind." The potential to develop wind energy from my State is exceeded by no other State. We are last in trees. North Dakota ranks 50th in native forest lands. But it ranks first in wind.

So, we want to put up some wind towers in North Dakota and be able to move some of this energy around the country. Renewable, limitless sources of energy—that makes good sense to me.

What we have now is all of these projects that are stalled, because Congress has not done its job. This bill contains a five-year extension of the wind energy production tax credit. And while I support it in this bill, I would like to get it done apart from this bill because, as we know, when we complete the bill in the Senate, we will be in conference with the House. This will take months.

My colleague from Wyoming, the other day, said—after I gave this presentation on extending the wind energy production tax credit—he said, yes, but we are taking that up as part of the energy bill. That is of little solace to me. It will be months and months before this energy bill is completed. Meanwhile, projects in many States will languish on the shelf when, instead, those projects should be helping to create jobs and energy.

With respect to electricity, I have just described the reliability of the transmission grid and the opportunity in this legislation to help facilitate access to and reduce constraints of the grid. This bill will help create a more seamless and national grid, and it will help States like North Dakota use its vast resources, such as coal and wind, to be able to move electricity around the country.

We also are going to repeal PUHCA and PURPA in the context of this comprehensive energy bill, while we will still retain sufficient consumer protections and safeguards, which are included in this legislation as well.

And, this bill is going to facilitate energy production and transmission on tribal lands.

It also includes measures to research and deploy transmission technologies—which I am very high on—including composite conductor wire that can dramatically increase the efficiency of existing wires to improve the efficiencies of existing lines and alleviate transmission bottlenecks.

We are going to hear a lot about the energy efficiency of appliances, such as residential air conditioners. We put into this bill what is called a SEER 13 standard with respect to air conditioners. This bill contains a number of provisions designed to save energy in buildings and save energy with more efficient appliances. The SEER 13 air conditioner standard would save an amount of energy equivalent to that produced by nearly 70 power plants. This standard also would save $3.6 billion in electric bills for consumers over a 12 SEER standard.

The Energy Department received more comments on this standard than on any other rulemaking in the agency's history. The vast majority were in support of this 13 SEER standard, and that is why we have put this standard in the bill. This bill contains Federal building performance standards, too. It requires the Government to purchase energy-efficient products, among other provisions, because the Federal Government is the single largest user of energy in the United States.

I want to talk for a moment about transportation, which is the sector in which we consume the most amount of energy in this country. If you look at the demand for energy, you see that the transportation sector is where the largest demand occurs and where that demand is increasing.

My colleague, Senator BINGAMAN, has used this chart on a good many occasions. There will be a debate in the Senate on the issue of CAFE standards. I come from a State that uses pickup trucks, SUVs, and four-wheel-drive vehicles extensively. It is not a convenience for someone in a northern State, which experiences rough weather, to need a four-wheel drive. These vehicles also are not a convenience for people that are out there operating a ranch, a farm, or living in a small town and are 50 miles from a hospital. It is not unusual for these people to want to drive a vehicle with some weight, a vehicle with four-wheel drive. I don't think any of them want someone to tell them they can't do that.

We can't address energy without addressing efficiency and without addressing the opportunity to make this transportation sector more efficient. So, some say, let's go to the old CAFE standard. I happen to prefer a pull rather than a push. Some say, let's push to 37 miles per gallon or whatever number that is being used today. I think we ought to say to consumers that we are going to empower them when they buy their vehicles. We are going to give them a very substantial tax credit to purchase more efficient vehicles—a per car credit of $4,000 or $5,000 depending on the value of the car.

So, a consumer would be able to go to a car dealership, knowing that such a credit would only exist if he or she were to buy a car that meets certain efficiency standards. If one manufacturer is not making that type of car, then the person would be able to go to another manufacturer.

I want to "pull" manufacturers to be making the kind of products that consumers would want to buy, given certain tax credits. But I don't want people, because of where they live, or because of their needs, to be penalized, if they drive a four-wheel-drive pickup truck or SUV. We are going to debate that. So, I will have more to say about that in the future.

We have a difference of opinion on whether we should provide a legislative push or pull. I believe that our future with respect to vehicles is to be able to expect that we will see the manufacture of more hybrid vehicles and hydrogen-powered fuel cell cars. I drove a demonstration car on the Capitol grounds, which was running on oxygen and hydrogen, and it was emitting water vapor out the back end of the car. That is the future. But we won't get to that future unless as a matter of public policy we pull very hard in that direction. Otherwise, we will be consigned to yesterday forever. We will keep doing what we have done forever. The past is our future. That is not what I want for an energy policy.

If that is going to be the end of this debate, we should not have it. If this is going to be the same debate we had 25 years ago—the names have changed on the floor of the Senate—but if this is our debate, then it is a thoughtless debate. This country needs to understand it has a world class economy, the strongest economy in the world. It uses a substantial amount of energy. That use continues to increase.

We are overly dependent on foreign sources for that energy, especially from areas of the world that are inherently unstable, and we would do well to remember that—especially now more than ever.

There are some who say, well, that is all really interesting. You folks who talk about renewable and limitless sources of energy, that is really great because, they will say, look at this chart. Look at the renewables used in the United States, compared to other countries. We are not doing much.

It is a very small part of our energy supply. They will say, you are focusing on the mouse in the corner rather than the lion at the door.

The fact is, this country has the opportunity right now to describe an energy policy that really does turn the corner and move us in a very new direction. If we are moving in the right direction at the end of this debate, then we will have probably passed the kind of bill that was brought to the floor of the Senate and perhaps even have improved upon that. Then we will especially be able to say: We are doing something different.

Think about this. I just described that, in over 75 years, nothing has changed with respect to the way we put a gas hose in a 1924 Model T Ford versus a 2002 Ford Explorer—nothing. Think of this country. We have, as people, written, split the atom, spliced genes, cloned animals, and invented radar, the silicon chip, and plastics. We have built airplanes and learned how to fly them. We have built rockets and flown to the Moon. We have cured polio and smallpox, and invented the telephone, television, computer and the Internet. And now we are hearing from some that perhaps, as a new energy policy, we must just adopt the same old energy policy and put it in place for the next 25 years. That is the legacy we want for our country? I do not think so. Our country will go much further, if we summon our manufacturers, scientists, and geniuses to work on this problem in the context of national security needs.

I indicated at the outset that this might not be the best time to debate energy policy, because gasoline only cost $1.08 a gallon this morning. When gas is $1.08 a gallon, there is not a lot of urgency for change. A year and a half ago, we experienced some rolling brownouts and blackouts, and price spikes in California. We had a lot of problems. There were a lot of reasons for those problems.

At the moment, though, there does not seem to be a sense of national urgency. When gas is $1.08 a gallon, there is just not that kind of urgency. As I said, I was thinking of this old country western song: "When gas was 30 cents a gallon, love was 60 cents away." When I was pumping gas at my father's service station many years ago, it was 30 cents a gallon. In constant dollars, gasoline costs about the same now. In fact, it is slightly cheaper now.

We must, it seems to me, take the product that Senator DASCHLE and Senator BINGAMAN have brought before the Senate, and work on this with an eye toward dramatically improving this country's energy future.

This Earth, according to scientists, was formed somewhere around 4.5 billion years ago. Some say that in the first nearly 4.499 billion years nothing happened, but that in the last million years, man invented use for his arms, legs, and his cave and, in the last 10,000 years, he invented language, tools, the wheel, fire, primitive warfare, and agriculture. Five thousand years later, he invented recorded history and chariots.

In the past 500 years printing occurred, the steam engine was invented, and the industrial revolution occurred. But nearly everything else has been invented in a very short period of time the last 100 years or so. Yet, we tend to think that our existence on Earth is the only existence; that this Earth was placed here for our convenience.

If we take the long view of energy policy, we will understand that this is not the case. The long view of energy policy says: Let's change what we are doing. Yes, let's produce more; but, let's also disconnect in the long term and pay more attention to opportunities for limitless and renewable sources of energy. Let's have real conservation, real efficiency, and let's, as a nation, understand that energy security is part of our national security.

I thank Senator BINGAMAN. Serving on the Energy Committee has been a source of pleasure for me. These are very interesting and important national issues. Senator BINGAMAN, Senator MURKOWSKI, and many on the Committee have exhibited great passion about these issues. I chided Senator MURKOWSKI for the number of charts he used today. It simply shows the depth of his passion, and I respect that.

Senator BINGAMAN has, with quiet, effective leadership for a long period of time, worked to bring before the Senate a bill of which we can be proud. I say to him how much I appreciate his work.

The Energy Committee has been, from time to time, a divided committee. At other times, we have worked closely together. The men and women who serve on the Energy Committee are good thinkers. They come from different parts of the country and combine to bring to the center a good, interesting, and aggressive debate about these issues.

As I indicated, I have great respect for those with whom I may disagree. But there is no more important policy we will debate this year that will have ramifications for decades and decades into the future than this energy bill. I am pleased we can finish our opening statements and go to amendments. I believe we will start on amendments tomorrow.

I thank the Senator from New Mexico and the Senator from Alaska for their earlier statements. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico. I believe under a previous order the Senator from New Mexico is scheduled to address the Senate.

Mr. DOMENICI. Madam President, are there other Senators waiting to be heard? I will not be long; maybe 7 to 10 minutes. I thank the Chair for recognizing me.

Madam President, I am pleased we are finally beginning to debate a very serious subject and that we have put together a bill that is before us that perhaps after a couple of weeks of work will be known as the Senate's comprehensive energy policy for our Nation.

As President Bush has repeatedly said, this issue is a vital component of our homeland defense and our national security. Our economic and our environmental future is directly tied to our ability to produce ample supplies of clean, reliable energy. There can be no doubt that this great Nation, which has achieved the most significant heights in terms of material wealth and material well-being, has done that because we have been able, principally with our American private sector and competition, to supply the kinds of energy that are needed for this enormous growth that affects each and every family as they go about their daily lives, as they live in their homes which have heat, which have cool air in the summer, which have kitchens with all kinds of appliances to get done what they want for their families and enjoy life.

In a very real sense, America's future is tied to whether or not we are smart enough to do the right things or, in some instances, to do nothing so that we can continue to have this supply of energy that we need for our future.

Everyone knows that without an adequate supply of energy, our modern standard of living would plummet. Long-term recession and major job losses would be the norm. In fact, America would not be the America it is today in a decade or two if, for some reason, we did not have adequate energy supplies.

We saw the impact sometime back from oil shocks and their devastation to our economy, but remember that the shock in the 1970s occurred when we were little more than one-third dependent upon foreign nations for our oil. Yet we had an enormous shock. Now we are nearly 60 percent dependent on oil.

This underscores the importance, in this Senator's opinion, of moving forward with an energy plan that the President will be a partner in and that the President can sign, and with his intervention from time to time that we can altogether say we have produced an energy plan, bipartisan in nature, under the leadership of our President.

The policy that we have must set forth the principles, should be the guideline, for our debate on a comprehensive energy policy. That is the policy the President put before us.

Specifically, that policy noted that through conservation, more production, and renewed infrastructure for distribution, the country can overcome short-term energy shortages. In addition, we can build a new approach to energy that will continue to increase the quality of life in the United States and place us in the leadership role in improving the quality of life around the world.

Conservation and efficiency clearly must be part of this comprehensive energy bill. I appreciate the emphasis the President has put in his policy proposals on these aspects of energy policy in the United States, and I compliment Senator BINGAMAN. While I do not agree with everything in the bill with reference to conservation, with reference to saving of energy, the bill has some very good ideas in it and I hope some of them will still be in the bill when we finish our 10 days to 2-week debate.

Conservation has been absolutely vital to the United States over the past decades in controlling our thirst for energy. A lot of people do not know we have done some very significant things in the area of conservation—at least the numbers show that—so let me talk about those.

Since 1973, our economy has expanded 126 percent while our energy increase has been only 30 percent. That shows, in my opinion, we have taken conservation seriously and we have already done something about it. That does not mean we have solved all the problems in conservation, that we have opened all the windows that can be opened to conservation, but clearly we know how to do it.

I also appreciate the emphasis in the President's policy on environmental protection, and that obviously finds itself in this bill also.

I think we should remind ourselves and fellow Americans that we have accomplished a lot. For example, again, since 1970 our emission of air pollutants has decreased by 31 percent while our gross domestic product grew by 147 percent and the amount of vehicle miles driven has increased by 140 percent. When one looks at those kinds of numbers, they know the United States has done a reasonably good job to date. Even though there are many who are critical, it is obvious to this Senator that if we can do again in the next decade or two what we have done in the past decade or two with reference to these two areas, we will indeed have a very good energy policy and a policy that will carry us through in good stead.

Of course, there is more to environmental protections than just the quality of air, which I have mentioned in terms of where we were and what happened to our clean air. The policy the President proposes carefully notes that modern energy exploration and extraction technology can be done with minimal environmental impact. I hope those who will listen to the debate and ultimately participate by virtue of what they think their Senator should do and letting them know about it—I hope everybody knows that modern energy exploration and extraction technology can be done with minimal environmental impact.

I am proud some of these advanced techniques have been pioneered in the State of New Mexico and are now ready to help in the exploration of ANWR, if that be the will of the Congress and of the President.

Returning to our immediate task at hand, I am not at all pleased with the way this bill got to the Senate, but I will not repeat what has been repeatedly said by the Senator from Alaska. I think the issue that divides us, ANWR, should have been voted on in committee. I think the bill should have come with ANWR in or out, with the Senate having debated it in committee and having voted. I believe if that would have been the case, ANWR would be in the bill.

Now, which ANWR? Not the ANWR we talked about a couple of years ago. The ANWR that is spoken of in the House bill, where a very small area, 2,000 acres, will be used to determine whether or not there is sufficient oil to proceed. With the new technologies from that small location, we will be able to determine tremendous information with reference to what surrounds it and where, and we can determine as a nation and as a people if we should proceed.

I believe we should have produced a bill that had all of the major issues that are now in this bill discussed and debated in the committee. On the other hand, I believe Senator BINGAMAN, who comes with the first major bill I think he has managed—I would ask the Senator, is that correct?

Mr. BINGAMAN. Yes.

Mr. DOMENICI. He will probably be here for 2 or 3 weeks managing this bill. I believe those who know what happened will understand the Senator did put in a lot of ideas and a lot of proposals that came from our side of the aisle. To mention one, there are a lot of proposals in this that are now reduced to statute form that have to do with nuclear energy for the future. They were in a bill that I introduced, along with the Senator from Louisiana who is sitting in the chair, and some of those were taken—in fact, most of them—and are in this bill that Senator BINGAMAN has brought.

I hope we will take all of the difficult issues that confront us and not dilly-dally, but get them debated and voted on. ANWR is among those. So is the CAFÉ standard. Let us get on with it. Let us proceed. Then the entire provision on electricity—there is a very elaborate provision that was put in by the distinguished Senator from New Mexico, Mr. BINGAMAN, and we will have to decide whether that is what we want, but at least the issue will be joined on another very important part of this bill. So I hope we will proceed on some areas.

It is pretty hard to make the Senate proceed with dispatch when Senators know they have an infinite amount of time on a bill. It will be hard to get them to bring amendments, but there will be plenty of them soon, and I look for myself to be participating, particularly on the nuclear part of this bill, during which time I will share a lot more with the Senate and those interested about why we should proceed with nuclear energy, at least its availability, as part of the mix in the United States for our future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Madam President, I thank the Chair for presiding in such an effective fashion.

I will take a minute in the general debate time to talk about the energy bill that is before the Senate.

No. 1, let me say I think we desperately need an energy bill. It sort of goes without saying, if there is anything both sides could probably agree with in what is otherwise likely to be a relatively contentious debate, certainly we can all agree on the fact we need an energy bill in this country.

The reasons are quite obvious. The United States prides itself in being a very strong and powerful nation, probably the most powerful nation on the face of the Earth, and perhaps the most powerful and strongest nation in the history of the world. When it comes to being self-sufficient in most aspects important to America, we are there. When it comes to the food we eat, Americans produce more than we can eat. In fact, we supply the food for a large number of countries around the world. We do very well. When it comes to medicine, America is the envy of the world. Pharmaceutical companies are the best. Medical technology and science is the best in this country. People come to America when they need very sophisticated, quality health care if they can find a way to get to our country.

So in most all of what we do, including education, we are indeed No. 1 in the world, except when it comes to energy. The facts are the opposite when it comes to energy. We are dependent on other countries to help run America, whether it is running automobiles on the highways, or the tractors in the fields, or launching a space vehicle with another satellite, or running a naval vessel, or running a tank, or supplying the men and women fighting in Afghanistan.

So much of the energy we use as a nation does not come from our country. It comes from foreign nations. I have seen the number as high as 58 percent of the energy we use in this country comes from foreign sources. Not only does it come from foreign sources, unfortunately it comes from countries on which we really cannot depend.

Our energy does not come from Canada. It does not come from people who have been allied with the United States in most difficult battles. Much of the energy supply comes from countries that themselves are not particularly the most stable countries in the world, which means the oil we get from them is not as dependable as it should be. Not only is it coming from countries in a part of the world that is one of the most dangerous, with the potential for those supplies being interrupted at a moment's notice because of some additional conflict in the Middle East, it comes from those countries through a process that, if it were engaged in in this country, people would go to the penitentiary.

What I mean by that is quite simple. The Organization of Petroleum Exporting Countries, OPEC, which supplies much of the energy and the oil we use to run America on a regular basis, has meetings at very nice places around the world. They bring in all of their oil ministers, they sit around the table, and guess what they do. They fix prices. They determine how much energy is going to cost America by sitting around the table and deciding how much they will produce. If they think the price is too low, they cut back their production, they raise the price and sell it to the United States and other countries around the world.

Between 55 and 60 percent of our oil comes from parts of the world that fix prices. If business men and women did that in this country, they could go to the penitentiary because it is illegal to fix prices. For years we have been comfortable with getting our energy from an organization that, if they operated in America, would go to jail.

It is, therefore, abundantly clear we need an energy policy that allows us to approach self-sufficiency.

I daresay if we imported half the food we ate in this country, people would be marching on the streets in our Nation's Capital saying that is unacceptable because food is critically important to this country's survival. That is, of course, true. But equally true is that critical to our Nation's survival and stability is the energy that we use. The energy that we use to engage in commerce is also critical to the security and the long-range future of the strongest Nation on Earth.

We can do no less than come up with an energy bill that addresses this most serious of problems. For the most part, I think that the energy bill before the committee is a movement in that direction. It can be improved. I hope, through the amendment process, it will be approved. We have to have a balanced energy package. We cannot be putting all of our eggs in one basket.

I remember in the not too distant past when we talked about trying to control the supply of drugs in this country. The popular phrase at that time was "just say no." It sounded good, but it only addressed half of the equation. It addressed the half of the equation of the demand side. If we do not have a demand for drugs, we will solve the drug problem. It never really worked because we did not pay enough attention to the supply side. We did not do enough to try to stop the flow of drugs illegally into this country. The answer, obviously, was we had to do both. We had to control the demand in this country and we had to control the illegal supply to this country.

The same thing is true with regard to energy. We cannot just save our way out. We cannot just rely only on alternative fuels. I have voted for over $6 billion of assistance for alternative forms of energy. I believe in it. I think we have to have renewable energy. We have to have alternative kinds of energy. I hope we can develop wind as a source of energy, as well as solar power. We need to also look at the alternative of hydrogen cell fuel utilization. We have to look at waste material, whether it is chicken waste, swine waste, or whatever have you.

I guarantee you that in the foreseeable future we are not going to run the planes of this country and the tractors on the farms with chicken waste; it is not enough.

We also have to develop our traditional oil and gas resources. I have heard some of our colleagues and I have heard some of the environmental groups say we cannot drill our way out of this problem, as if we were drilling everywhere. Just the opposite is true. The chart I have shows the light orange areas where we can not drill. The entire east coast of the United States of America, either through congressional actions or moratoriums by Presidents, both Democrat and Republican Presidents, has said we are not going to look for oil and gas from the State of Maine down to the State of Florida. It is not quite "drilling our way out of it." On the other side of the country, from the Canadian border and the State of Washington down to the country of Mexico, and all of the areas between, through moratoriums or acts of Congress, they have said: Don't do it here either.

All of this area is a potential source of oil and gas but because of the opposition of the locals along the west coast of the United States, we are not looking, we are not searching, and we are not producing energy, much of which is consumed in their respective States.

The west coast of the United States is off limits, the east coast of the United States is off limits, and the eastern part of the Gulf of Mexico, where everybody seems to want to send the offshore production, off Louisiana or Texas, we will not worry; it is also off limits, as well.

This Congress just engaged in a very bitter battle over a proposal by President Clinton to lease sale 181 in the eastern Gulf of Mexico. President Clinton made a compromise in the sale by reducing the area. This administration reduced it by two thirds further, and we had a knock-down, drag-out battle on the floor of the Senate to eliminate it completely.

All of these areas are restricted: Don't do it here; not in my backyard; do it somewhere else. And we continue to import over 58 percent in our country.

We need an energy policy. It should be balanced. And balanced does not mean just wind, solar, and hydrogen cell use; it means a combination. There will be efforts by the Senator from Alaska to address some areas of interest in his State. I remember quite well back in 1980 when we were engaged in debate on the Alaskan lands bill—1978, 1980. I was a Member of the House of Representatives, chairman of the subcommittee that handled the Alaskan lands bill over in the House. We produced a bill which said we were going to set aside a very large area in the Arctic National Wildlife Refuge and we were not going to allow any exploration in that Arctic National Wildlife Refuge except for one particular area which was designated as section 1002 of that particular part of the Arctic wildlife refuge. We said the Arctic wildlife refuge would have about 19 million acres in it. We were not going to do production in those 19 million acres, but we were going to reserve 1.5 million acres in section 1002 of the bill.

I was there when we wrote it. It was our intent to say at that time, that one section of the 19 million acres we will look at and ask USGS to do seismic work and come back to the Congress and recommend whether we should proceed in that area or not. It is interesting. The New York Times and Washington Post are totally opposed to what the Senator from Alaska is attempting to do now. But do you know what they were saying when we did this back in the 1980s? The New York Times said:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.
>
> . . . the total acreage affected by development would represent only a fraction of 1 percent of the North Slope wilderness.
>
> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

That was in the New York Times in 1987 and 1988.

The Washington Post had an equally strong comment about what we were doing back in 1987 when we set up this process. They said:

> But that part of the Arctic coast—

Meaning the coastal plains—

> is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life. . . .
>
> That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what is under the refuge's tundra.

That was in 1987. We are more dependent on foreign oil today than when they wrote those comments and remarks back in 1987. They were right then. They would be even more right if they said the same thing today. But all of a sudden, this area has become something that no one can even touch.

I understand when people say, "Not in my backyard." I don't agree with it because it is a national program, not just for one State. But if you live in the neighborhood, you ought to be listened to more than if you don't live in the neighborhood where the activity is going to occur.

We are talking about activity in the Arctic National Wildlife Refuge, the small sliver up there of 2,000 acres. The Governor of the State, who is a Democrat, supports this activity, the two Senators who represent the State support the activity, and the Member of Congress in the House of Representatives who represents that area supports that activity. I would add the Native Alaskans who live in the area also support the activity.

So if you want to look to the people who are there and who are duly elected to represent the people, they enthusiastically support the amendment to be offered by the Senator from Alaska.

Maybe there is an environmental group sitting in a fancy office in San Francisco that thinks: If we take this position, by golly, do you know how many more members we can get? This will be our cause célèbre for the next 5 years. They love the issue, but I think their position is not correct.

We just can't do it all in Louisiana. We are going to do our part. We are going to do more than our part. We will continue to do so. This has to be something that all of us participate in as a nation. We have to have more savings. We have to have more alternative sources of fuel. We have to have more exotic ways of finding energy through wind and solar power.

But we also have to do what is necessary for a number of years to come in balancing that with traditional oil and gas supplies. You cannot say "not here, not there, and not there," and solve the problem.

For those who say there is not that much up there, No. 1, no one knows how much is up there until we take a look, but the estimates we have from the USGS and the industry say there is a sufficient amount of supply up there to reduce our dependence and eliminate all our imports from Saudi Arabia for the next 30 years. They are the largest exporter of oil to the United States. We can eliminate their imports to this country for the next 30 years as a result of that activity. That, I suggest, is a very important part of our Nation's energy solution.

I hope we will have more time to debate this issue. I look forward enthusiastically to doing it. I think the Senator from the State where this would be involved has done an outstanding job of presenting this issue to this body, and I hope we listen to his recommendations.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I wonder if the Senator from Louisiana would comment briefly on the advancement of offshore drilling off the State of Louisiana and the Gulf of Mexico. I understand they are drilling in several thousand feet of water, and actually Federal leases are being sold in excess of that? That technology in deep water has risks, obviously, but the industry has an extraordinary record of success.

Mr. BREAUX. I thank the Senator for the question. I will be brief. I know my colleague is waiting to speak.

We have been doing offshore production in Louisiana in some of the most fragile areas for over 60 years. I would argue with anyone that this environment and this ecosystem down here is far more fragile than the ecosystem in the Arctic National Wildlife Refuge on the Coastal Plain. They have tundra grass that grows during the winter a couple of inches high.

We have, down here, an abundant supply of fin fish, of shrimp, of furbearing animals; it is a very fragile coastal wetland environment that is incredibly productive. Every single wildlife refuge in Louisiana has oil and gas production on it.

We have learned. We have learned by mistakes. We have benefited from science. Now the activity and the way it is conducted is the state-of-the-art technology. To say we have not learned a sufficient amount of information to be able to apply that to an ecosystem that is not nearly as complicated, not nearly as fragile, with much smaller numbers of wildlife in existence, as in this area, I think is to ignore the last 60 years of balanced development that we have experienced.

I think we ought to learn from those mistakes as well as learn from our positive accomplishment, and apply it in the area of the State of the Senator from Alaska.

Mr. MURKOWSKI. I wonder if the Senator will yield for another question. I notice there are some charts behind the Senator from Louisiana relative to what is going on in refuges. I think there is a presumption among some that refuges are off limits to oil and gas, other exploration. My understanding is that chart shows the number of activities in various wetlands.

Mr. BREAUX. The wildlife refuge law was specifically set up by Congress to protect an area that had specific significance. But other activities that were compatible were to be allowed. You have to look at each wildlife refuge and determine whether that activity is compatible.

Is farming, grazing, or oil and gas development compatible with the purposes of the refuge? In my State of Louisiana, 12 wildlife refuges—Federal wildlife refuges and State wildlife refuges—have oil and gas production, in a much more fragile environment than is on the Coastal Plain of the Arctic National Wildlife Refuge. In addition, all these other States have had the same activity in their wildlife refuges and it has been determined that it has been compatible.

Do you take special precautions? Absolutely. But the point is, it is not a blanket prohibition. What is being asked today is a blanket prohibition, which I think is not justifiable, particularly when we have as strong a need as we do.

Mr. MURKOWSKI. I believe the other chart shows all the specific areas and refuges that are identified by State. It looks like Texas, Oklahoma—a number of States.

Mr. BREAUX. I think also these are national wildlife refuges. There are a number of State wildlife refuges that States have set aside that also have production on them as well.

Congress set this up, as the Senator well knows—I helped write section 1002 over in the other body—as an area that was going to be looked to for potential exploration. The remaining 19 million acres in the rest of the wildlife refuges in ANWR was going to be set aside for no activity. But Congress specifically made a decision: Look, we are going to reserve section 1002 for potential exploration and production. That is exactly what the Washington Post and the New York Times were commending Congress for at that time.

When President Jimmy Carter signed this bill, they knew that section had been set aside for the purposes of looking at potential oil and gas exploration. Now, all of a sudden, we come back and say: No, we just can't touch it. I think that is not being fair or balanced.

Mr. MURKOWSKI. I thank my friend from Louisiana.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, let me first and foremost associate myself with the words of the Senator from Louisiana. I think he has made such a very clear and profound case that with the technologies of today, with what we now know and what we have learned in the wetlands of Louisiana or Texas and on the northern edge of Alaska, without a doubt we can now explore and develop oil reserves with little to no environmental damage to the surrounding areas; that when those oil reserves have been finalized or produced out, we can close out and leave, and Mother Nature begins the healing process in a way that within a reasonable, if not short, period of time our presence there is hardly known.

I guess I would be remiss today if I didn't say I have looked forward to this time in the Senate for a long while. I had hoped that years ago we could have debated and developed a national energy policy. I am quite confident that the chairman of the committee, who is here on the floor, feels the same way as the ranking member. The Energy Committee, on which I have served for 12 years, has literally held hundreds of hearings and maybe thousands of hours in the taking of testimony as to the character of the national energy supply of our country—where it comes from, what it means, how it is used—everything from current supplies of hydrocarbons to electrical production, coal-fired, hydro, nuclear, on the thermal side of the electrical production, and certainly oil production.

We have done really, I believe, a phenomenally thorough job of looking at the overall perspective of energy for this country, both under Republican leadership and Democrat leadership. I think it would be fair to say that the staff of this committee and Members such as ourselves have developed a level of knowledge and expertise that is really substantial.

I say that in this context: That we are capable and should have been allowed to let that committee work, under the chairmanship of Senator BINGAMAN, to craft an energy bill to bring to the floor. But because of the unique politics of today and the unique politics of the energy debate that was denied, on October 9 the majority leader of the Senate communicated to the chairman of the Energy Committee, who is now here in the Chamber, that that committee was not to send forth an energy bill.

We can all speculate as to that conversation, but I think it has been relatively open as to what was said. Certainly the Senator from New Mexico was quoted roundly in the newspapers. I will not in any way attempt to interpret what he said or what he meant. But I know the Senator well enough to know that prior to October 9, prior to the August recess of last year, after we came back in September, and after September 11, in the conversations I had with the Senator I believed he was sincere and that it was his intent to produce an energy bill.

It has certainly been the intent of the ranking member, the Senator from Alaska, to do so, and to build a comprehensive bill that this Senate could look at, debate, and amend, but most importantly that would be assembled inside the expertise of that Energy Committee with both staff, Democrat and Republicans, and Members working on it, fine-tuning through the amendment process, and ultimately coming to do the floor for another bite of the energy apple, if you will, by other colleagues who are not on that committee.

We now know that didn't happen. I must tell you I believe it is historic in the fact that it didn't happen.

I have here in my hand the bill that was not written in committee and that was not written through the normal process—some 539 pages. As I came to the floor this morning to get a copy, I was told that portions of it were still being written or rewritten because somehow they had not quite gotten it right yet, or someone had made a change, or maybe it was believed if they made a little change they might pick up another vote or two in a given title of the bill. I don't know the reason.

But I do know that on the day when we began a historic debate on national energy policy for this Nation, I had not had a chance to read the bill in detail and it was still being written.

The 539-page bill we have before us S. 517. I am told it will have another 40 or 50 pages added. OK; 579 pages. The Democrat whip is on the floor. If he allows us to debate this for a couple or 3 weeks, we might get it read, understood, and possibly crafted now in the process which is legitimately a committee of the whole instead of a committee of the authorizing to deal with national energy policy.

Am I angered by that? Well, I would like to be. I guess I am more frustrated that in a representative republic and a democratic form of government in which we craft expertise and talent in the committees of authorization, it is simply and politically wiped away. The stroke of the hand of the majority leader of the Senate says you shall not because you cannot do it the way I want it done politically.

Before the August recess, if we had crafted a bill and worked on it and passed it out of the Energy Committee, it would have had ANWR in it. The votes were there. It would have been a bipartisan energy bill. The House acted before the August recess. They narrowed what we now call the footprint in the Arctic National Wildlife Refuge on which exploration can take place to meet the political and maybe the appropriate exploration needs for that area. They got their work done. We knew we could. I don't think anybody would dispute the fact that Democrats and Republicans were working to do so. The majority leader was phenomenally fearful that his political will could not be addressed.

Others on the other side of the aisle I think were quite confident that they would have the political opportunity of a lifetime to filibuster a bill with ANWR in it and to strut their environmental stuff.

But something happened after September 11. A debate that in the minds of many Americans on national energy policy was somewhat esoteric, a future and generational economic exercise, had all of a sudden been refocused. Our Nation was at war, we had been attacked, and the American people asked: Are we so dependent upon a very unstable area of the world that overnight those sheiks could turn down their valves and up would go energy prices? Oh, my goodness, what would this country do? It was no longer this esoteric and generational economic debate. It was a debate over national energy policy in relation to national security as a policy. Somehow they came together. As the World Trade Center fell, energy policy and national security policy got melded together in the minds of most Americans.

For those who wanted to filibuster over here on the floor, I am quite sure they scurried over to the majority leader's office and said: Don't throw us in that political briar patch, because we have to honor our commitments, and we will somehow look anti-American if we stand up and deny the right to explore and develop an abundant energy supply for our country that may somehow make us less dependent upon the sheiks of the Middle East.

I do not know if that conversation happened. But I will bet it did.

As a result, on October 9 the lights went out in this Nation's Senate Energy Committee. No more were we to authorize a bill.

The lights went on in the back office of TOM DASCHLE because he was being charged. He charged himself and the chairman of the committee to send forth a bill. We have that bill on the floor at this moment. I haven't read it because I haven't had it. It is still being written. I can't read it. We will work to read it as soon as it is available. I understand a new copy is under print. This is the first book I have ever known of 539 pages in its second print in popularity and nobody has read it. That is strange. The New York Times Best Sellers List ought to try that one: You go to second print before the first one is read. That is the reality of what we are faced with. We are here now on the floor of the Senate, I would trust, in good will, to bring forth a national energy policy for this country, if we can, in a way that we can take to a conference between the House and the Senate, and then place that bill on the President's desk for him to sign and for this country and its economy to mobilize around.

One of first opportunities I had to engage with President George Bush was when he was President-elect George Bush, right after the issue in Florida had been solved. He was here on Capitol Hill to visit with all of us. We met in then-Majority Leader TRENT LOTT's office. He talked about his campaign promises: A promise to bring forth a comprehensive education bill for our country; a promise to reform and cut taxes to stimulate our economy and to affect all segments of it in a positive and beneficial way. He talked about national security and a variety of other issues. But he stopped midway through that conversation. He said: Do you know what is really important for our country right now? It is a national energy policy. The lights have gone out in California, we are buying oil from a very unstable region of the world, and gas prices are high. I believe a national energy policy is critical for this country.

That was President George Bush speaking, and I paraphrase.

He said: I am going to assign the Vice President that responsibility. We will assemble a governmental task force, and we will craft a policy and get it to the Hill as quickly as we can, and see if we can't work with you here in the Senate and in the House to develop an overall comprehensive policy.

It was one of this President's priorities, and he acted accordingly. It should have been a priority in the Senate. It was a high priority in the House. But here, months later than it should be, after the authorizing committee had been turned away and its lights turned out, we are now debating a bill that was a priority for the President, that was our Nation's high priority, and a bill that many of us have not yet read or understand all of the nuances or policy proclamations within it. That is the reality of what we are dealing with.

I hope that as we debate this issue, and as we amend it over the course of the next several weeks, we will deal with natural gas exploration and development on public lands across this country, and that we open up Federal lands to do that and put more of our own gas into the pipeline as we talk about bringing gas down from Alaska where it is currently being turned under, so that as we move toward other forms of electrical generation with gas turbines that meet the clean air standards of our country, we will have an abundance of natural gas to do that at reasonable prices.

I hope this legislation will have that. If it does not, there will be amendments to assure that the pipeline infrastructure that is necessary to deliver that resource to the Nation will be there, be available, or the incentives to do so will be allowed.

I hope that when we deal with infrastructure issues, we are able to talk about electrical transmission and RTOs and regional ways of transporting electrons from point A to point B, from New Mexico to Idaho, if that is the wish of the generator and the user.

As the chairman knows, and as the ranking member knows, some months ago we had a transmission expert before us. I think his words were something like this: The electrical transmission lines of this country today are like a bunch of country roads that every so often meet.

That was part of the problem in California when we, from Idaho, were helping supply California to keep its lights on. You just simply could not get energy there, or if you got it to California, then it plugged up along the way as it headed from north to south or south to north. So pipelines, transmission lines, infrastructure become an important part of all of that issue.

For a good number of years I have worked on the issue of hydro relicensing. In the Pacific Northwest, we are very fortunate to have a dominant amount of our electrical generation by hydroelectric, or water, dams. We know much of that has to be relicensed over the next several decades, and that licensing process is broken or cumbersome or unpredictable and very costly.

While we are trying to incorporate all of the concerns and issues of many different groups in retrofitting and modernizing 40- and 50-year-old structures, because the world around them and the wishes of that world have changed dramatically, it should not take 5 to 10 years and millions and millions of dollars and a reduction of capacity or productivity of that unit to get it relicensed.

We want to answer and adjust to the environmental concerns. At the same time, it ought to be our desire to make that unit more efficient, not less so, with new turbines and retrofits. Yet we struggle under that relicensing.

I have worked very closely with the chairman. We are awfully close to getting something, but I am not going to add more problems to the current problem. If we cannot get there, and the answer is to make it more difficult or more complicated, I am simply going to step back and say what we have got is what we are going to have to have.

If the country wants to keep on down this track of relicensing under phenomenally expensive and cumbersome processes, tragically enough, so be it. I hope, though, we can find a way out of this, to streamline it, improve it, make it more predictable, balanced, and hopefully, less costly.

Nuclear energy is 20 percent of our current electrical production in this country. If we believe in climate change, if we believe there is an environmental problem out there and somehow the gases that are produced by the energy sources today are helping complicate or exacerbate that problem of climate change, then we ought to be for the cleanest source of energy possible to fill up that energy basket that is now in deficit and growing more empty.

I believe one way of doing that is through nuclear energy and creating new prototype reactors that by public perception and reality are safer, more productive, less costly to build, and less costly to operate. We ought to be about doing that. I think we are going to reauthorize the Price-Anderson Act that deals with the liability of the development and the operation of those facilities. That is something we ought to do.

We ought to be encouraging all forms because my guess is a pretty safe one: That if we want an increasingly cleaner environment, probably over the next decade or two nuclear energy, as a percentage of the total supply, should not be 20 percent, it ought to be 25 or 30 percent. It most assuredly ought not drop below where it is. It ought to advance well beyond where it is.

I think most realistic thinkers would recognize the importance of energy as it relates to nuclear and the cleanness of that form of generation. We ought to apply the greatest technology we have to that.

I mentioned, in the context of nuclear energy, climate change. Senator HAGEL and I have worked for the last 4 or 5 years on that. So has the Senator from New Mexico. So has the Senator from Alaska. Many have become involved in that debate. The two Senators from Oklahoma have been involved in it. Why? Because we do not want a hysterical policy that shuts the world down in panic. We want a policy that would allow us to grow and produce and prosper while making our world cleaner.

The legislation the Senator from Nebraska and I have crafted, that now in part has been accepted by the President as some of his forward thinking national climate change policy, ought to be incorporated in this bill, ought to be a full part of it. We are working to get there. Frankly, it is possible to get there.

In conclusion, I began to debate energy issues well over a decade ago. I have been involved on energy issues in the Senate for 12 years. I am embarrassed to say that during that period of time we have not built a comprehensive energy policy. I used to select different forms of energy and suggest that this one ought not go forward, but maybe this one should. I must say, I am no longer there, not at all. I believe we ought to be investing in all forms of energy and all forms of conservation.

We ought to give the public a choice between green power or other power. Let them decide in the marketplace if that is the prudent selection for their use. Clearly we ought to have as much power as we can produce, recognizing that by definition, hydrocarbon use is on the decline. I do believe, most sincerely, my grandchildren will be driving electric cars. And they will be highly efficient and very capable of traveling long distances. I also know they will have to have a place to plug them in to put storage of electricity in the battery, or the hydrogen fuel cell that will be built within the car that will drive the electric motors that propel the car. That in itself is a hydrocarbon.

The cycle is not yet complete because we have not used all of our resources to produce those kinds of energies. Yes, I voted for a lot of money in the last decade for new technology. I will vote for more. I will vote for tax credits and incentives for wind and ethanol and biomass because our energy basket ought to be full and running over instead of sitting here and nitpicking and playing the political game of a little of this but not this; we can't do this, but we ought to do this; not in my backyard but in somebody else's backyard. Shame on us for that attitude.

It is the consumer, it is the taxpayer, it is the economy itself, it is the very jobs that drive the workforce of this country that are at stake.

We ought not be so selective. We want an abundant energy supply, and we ought to be prudent in the development of the policy that drives it and produces it.

What I am telling my colleagues is, I am prepared to vote for it all: Lots of conservation, LIHEAP, lots of new technology, the tax credits necessary to drive it, exploring ANWR in Alaska, exploring other public lands in our Nation. I don't want to go home and say that the Congress got bogged down in politics and failed, and your gas bill is going to double over the decade or triple or quadruple, and your energy costs are going to become an ever-increasing part of your household or business budget because politically we didn't get the job done.

Shame on us if that is the case.

Our job is to be responsible in producing a quality, energy policy for the Nation, not the political, environmental nit-picking that is going on at this moment.

I hope the real job that is done here is to offer the amendments to craft a bill that will produce something that is phenomenally clean, abundant and allows our technology to lead the rest of the world into a clean energy environment that is abundant for all and inexpensive for everyone along with it.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Nevada.

Mr. REID. Mr. President, I did not mean in any way to speed the Senator from Idaho up on his statement. I wanted to announce on behalf of the majority leader there will be no votes tonight.

I also ask unanimous consent that Senator DURBIN now be recognized and, following that, Senator BURNS be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the majority whip from Nevada for his unanimous consent request. I appreciate the opportunity to be here to speak on this issue which is so critical to the future of America.

Let me begin by commending the Senator from New Mexico, Mr. BINGAMAN, as well as our majority leader, Senator DASCHLE, for bringing this bill to the floor and keeping a promise that they would. We have been challenged for more than a year by the Bush administration and by Republicans in the Senate to bring an energy bill forward. Senator DASCHLE made it clear he would do that. But for a delay in the previous bill on election reform, it might have taken place as early as last week. He certainly kept his word.

I thought it was interesting that some of those from the other side of the aisle came to the Chamber and actually criticized the process. If I understand their argument, they think we brought it to the floor too fast. They think it should have gone through committee, should have been subject to a lot of amendments and changes. Quite honestly, if you look at the precedent of what has happened in the Senate, Senators DASCHLE and BINGAMAN have brought this bill to the Senate in the same manner the Republican leadership did 2 years ago.

They have given ample opportunity for amendments and debate. That is the way it should be. I have always felt that in a legislative body, you give it your best argument and present it to your colleagues and have a vote and move on, ultimately to final passage. I hope that is what happens with this important bill.

This is the fourth time we have debated energy policy in America since 1973. The last time was 10 years ago. When you look at what has happened to us in recent times, you can understand how timely this debate is: We faced spikes in oil prices in the spring of 1999 due to an OPEC decision to reduce production; the winter of 1999–2000 home heating problems caused by a combination of unexpected weather, depleted supply, and rising costs; gasoline price spikes in the Midwest in the summer of 2000; rolling blackouts in California in early 2001 marked the first deliberate energy cutoff since World War II.

These events were set against the backdrop of strong economic growth in the mid to late 1990s; increases in energy consumption to keep this economy moving forward; deregulation; advances in efficiency; and evolving defense and foreign policy.

As we debate this issue, our attention is focused to that part of the world again that is the source of a great portion of our energy. We have to understand that this debate is taking place in the context of an American dependence on foreign oil. I believe it is naive to think that in the near term we will be completely independent when it comes to energy sources. I wish I could say otherwise. Even with our best efforts, we are going to have to rely on some imported fuel.

I hope we can make progress in this bill in moving us forward toward less dependence on foreign energy sources. The way we approach that is the crux of this debate.

On the other side, the Bush administration and many Republicans—not all but many—in Congress believe that production is the way to answer this. They think if we can just find sources of production that are adequate, we can take care of America's future energy needs. I won't quarrel with the math, but I will quarrel with the policy.

I do have to question whether or not we want to embark on a policy that really focuses on the production of energy as the foundation and cornerstone of our energy policy. That, in my point of view, is thinking that dates back to the last century and before. We should be thinking in smarter terms about ways to not only create energy but to conserve energy in a fashion that is not only going to give us energy, move us toward energy independence, but is also kind to our environment.

That is the second half of this equation. It is not just about our economy and energy as the fuel for the economy, but the impact of our use of energy on the environment we live in, the air we breathe, the streams and rivers that may be polluted, as well as the whole question of whether or not we are going to for once invade some wilderness areas to try to drill for oil and gas.

Let me summarize what the bill says, as has been mentioned in the course of the debate. It tries to address ensuring adequate and affordable supplies of energy from renewable sources as well as oil, gas, coal, and nuclear. This element of the bill is important to speak about for a moment.

This bill creates goals and incentives to increase the amount of U.S. electricity produced from renewable energy sources.

This is an area of great potential in the United States. We are seeing, for example, alternative and renewable fuels being used to a greater extent in some parts of our country than others. California is an example. I am told that 12 to 13 percent of the electricity generated in California comes from renewable sources. Those include a lot of things—geothermal, wind power, and others. We should really embark, as part of this bill, on a national policy of encouraging these renewable sources. They not only lessen dependence on foreign energy source, but they are also kind to the environment. Solar, wind, geothermal, and biomass are all mentioned in the bill as avenues for us to explore in the use of renewable energy sources. We also need a renewable portfolio standard to increase the amount of renewable energy provided by electricity retailers.

Let me show you a chart that talks about renewable sources for electricity consumption. If we do nothing, the lower line here represents the current renewable sources in America as a per average total. You see it is slightly more than 2.5 percent. This bill moves us forward. By 2020, we are at least over 10 percent. We will debate, in the course of this bill, an amendment by Senator JEFFORDS which would even have us at a higher level as a commitment to renewable energy sources. This makes sense, it is an important debate, and it will change our way of approaching energy—but change it in an environmentally sensible way.

We also need to expand the amount of ethanol and biodiesel used in motor vehicles. This bill does it. It triples the amount that is going to be used in America during the life of the bill. That is a big issue where I live because, living in the farm belt and being in an area that is considered, I guess, the "OPEC of ethanol," we really have major ethanol production. But the good news is there are other areas in the country that are currently opening up ethanol production facilities.

Ethanol, of course is an alcohol fuel derived from grain, primarily from corn. It is a fuel that is kind to the environment. It reduces pollution and helps our farmers. I do have some bias, representing a farm State such as Illinois, but more demand for ethanol is going to create higher farm prices for corn and reduce the need for Federal expenditures in the farm program. It is a winning proposition.

I am really proud that this bill focuses on ethanol and biodiesel and makes a serious national commitment to expanding it to 5 billion gallons by 2012. We expedite the construction of the pipeline to bring natural gas from Alaska to the lower 48. This doesn't involve the Arctic National Wildlife Refuge (ANWR). It is a pipeline already in areas that have been vetted to be economically acceptable, environmentally acceptable, and it doesn't go into the wilderness areas. We increase funds to speed up the permitting of new domestic oil and gas production.

I have heard executives from oil companies tell me: You don't need to go to ANWR; there are plenty of places that are environmentally sound in the United States to turn to. ANWR is in this debate because a lot of companies have invested a lot of money in ANWR. They are being protected by some in this Chamber who want to make sure they capitalize on that investment. We ought to think twice about that, and I will address that in a moment.

The bill extends permanent authority to fill and operate the Strategic Petroleum Reserve. This is a reserve of petroleum that is available in emergency circumstances to the United States. I think it is important to fill it and have it on hand when needed. You never know when you are going to face an interruption in supply. The bill also invests in Research and Development in all fuels. That is when we exhaust the discussion of ensuring the diversity of energy supplies.

We now move to the question of improving efficiency and productivity of energy transmission and use. I learned, by my experience in my home area, in central Illinois, how important the national grid is to electricity. There is a lot that needs to be done to upgrade this grid and make certain it is really national in scope, so consumers can know they have reliable sources for energy supplies.

This bill—this legislation on the Democratic side—protects reliability of the interstate electric grid and removes barriers to adding to the electric infrastructure. It will provide consumers with more transparent information and better information on energy choices. It requires higher fuel efficiency in future Federal purchases of automobiles and other vehicles and greater energy efficiency in Federal buildings. It helps State and local governments save energy in public schools and public housing. It sets new efficiency standards for commercial and consumer products, including an increase in central air-conditioning efficiency by 30 percent, and enhancements to the Energy Star Program, to improve product label information. It increases funding for the Low-Income Home Energy Assistance Program (LIHEAP) to help low-income families make their homes more energy efficient.

I have seen the importance of this program firsthand. I just left Chicago, which I am proud to represent in the Senate, where the weather was cold—zero degrees on Sunday night, with the wind chill bringing it down below zero by about 22 degrees. I thought of all the people who are living in homes that are not adequately heated. I have visited some of those homes and have seen people struggling to keep their babies warm in a frigid atmosphere. LIHEAP provides the basic necessities of home heating and cooling. It also helps low-income families make homes more energy efficient, and it is particularly important for senior citizens.

Other things are part of this bill, but I want to move to one particular element that I think is very important for us to discuss, and that is the Corporate Average Fuel Economy (CAFE) standard. I was visited earlier today by one of my close friends in the labor movement, who came to me and urged that I oppose any increase in the fuel efficiency standards, fuel economy standards for automobiles and other vehicles in America. I really struggled in trying to understand his point of view, but to put it in the context of what I think is an important element in this debate, the way I see it is this. In 1975, we made a decision in America to basically double the fuel efficiency of cars to 27.5 miles per gallon, and to do that by 1985—a 10-year project.

At the time it was proposed—and I have seen quotes from the debate—automobile manufacturers said it was physically impossible, it could not be achieved without laying off auto workers across America, and that technologically we were going to sacrifice the safety of cars in an effort to try to put this new fuel economy standard in place.

Well, we did it. We did it by 1985, and we are better off for it. Think of the level of our dependence on energy today had we not initiated that discussion in 1975.

But since 1985, we have been absolutely stuck in the mud when it comes to improving these fuel economy standards. If we don't take the issue of fuel efficiency seriously as part of this energy debate, Congress should not be taken seriously, because if we cannot improve the efficiency of vehicles in our country, frankly, all of the technology we have demonstrated throughout our history is for nothing. I think we have the capacity to do it.

I have to tell you that it is some source of embarrassment to me that, time and again, we are two steps behind automobile manufacturers overseas—particularly those in Japan—when it comes to new technology for automobiles and other vehicles, to make them cleaner and safer. There is absolutely no excuse. We have the greatest engineers in the world. We have great minds in Detroit and other places. Why are we always two steps behind? Why would Honda and Toyota be the first companies to the market with these hybrid automobiles that offer 60 to 70 miles per gallon, while Detroit is still in a concept car and they hope by next year they might be able to offer the first vehicle?

During the Clinton administration, President Clinton and Vice President Gore said: We are prepared to basically look the other way on antitrust enforcement to give the Big Three automakers a chance to sit down, work together, and come out with a fuel-efficient car. This was the common complaint: Oh, we could do it, but as soon as we talked to one another, the Department of Justice would be on our backs. The Clinton-Gore administration said: Have no fear. Move forward.

Nothing happened. We sit here today still looking for that breakthrough in automobile technology. Quite honestly, this bill is going to move us forward in terms of fuel economy. I am going to support it. I hope to explain to my friends in labor as well as those working for the Big Three that if we don't include fuel efficiency and fuel economy in this bill, this bill is not worth the effort. If we don't do this, we are going to find ourselves continuing to be dependent on finding new sources of fossil fuels around the world and in the United States.

We are conceding the fact we are going to be so hungry for oil to fuel these gas guzzler cars on the highways that we are prepared to drill almost anywhere. Already some are saying: Let's go into wilderness areas in Alaska; we have no place else to turn. What is next? The Mall? Central Park? Yosemite?

Frankly, we have to look at our responsibility in this country as part of this debate. It is a mistake to believe we can sit here and tell the American people that we can be more fuel efficient and have a sensible energy policy that will not involve their commitment and their sacrifice.

If we look at the highways of America 10 years from now and see cars like today, or even bigger vehicles, we have failed. We have failed because, frankly, we are conceding that there is absolutely nothing we can do in energy policy that will change the habits and tastes of Americans and move us toward a more responsible course.

In this time when we are waging war and Americans are being killed overseas because of terrorism, when we are focusing on the Middle East and its instability, is it too much to ask the people of this country to join us in a collective discussion and debate about what we can do as individuals, businesses, and families to come up with more efficient vehicles? I do not think it is.

Americans are prepared to sacrifice with the right leadership if they believe the goals are right and honest. I believe these goals are. More fuel efficiency for our vehicles means less dependence on foreign energy sources and less pollution.

Let me give a comparison about what conservation means as opposed to some of the alternatives that have been suggested. This is a chart which I think tells an interesting story. Take a look at what this bill does in terms of saving millions of barrels per day of petroleum. In the industrial and home efficiency savings of this bill, look at the savings from the current debate time, 2002, to the year 2030. There is a substantial increase in the industrial and home efficiency savings area that brings us ultimately to a savings of millions of barrels per day. The largest part is in vehicle savings.

In other words, taking the basic elements of this bill, these are the millions of barrels we will save per day with the fuel efficiency of the Bingaman-Daschle bill. There are those who say we do not need to do that; what we really need to do is drill in the Arctic National Wildlife Refuge, a wilderness area.

Mr. MURKOWSKI. Mr. President, I wonder if my friend will yield for a question.

Mr. DURBIN. I will be happy to yield for a question in a moment.

This chart indicates what we can hope to bring out of the Arctic National Wildlife Refuge. The chart may be sitting too low to see because it is way down on the chart. I want to make sure that those who are following this debate with rapt attention notice that on the amount we hope to glean from the Arctic National Wildlife Refuge, even if we voted today to start it, we will not see the first barrel of oil coming out of there until 2009. Look at how little comes out. This larger amount is what we can achieve with efficiency. This smaller amount is what we are debating in a wilderness and refuge area. We should make this commitment part of our energy policy. Why do we have to turn to an area which we declared, as part of our national policy, would remain a wilderness as God created it, bring in the trucks and all of the pipelines and everything that is necessary, and risk the loss of wildlife and changing the face of that area forever, when, in fact, if we take a responsible course on vehicle fuel efficiency, as well as industrial and home efficiency, the savings far outweigh what we could possibly glean from this Arctic National Wildlife Refuge?

I will be happy to yield to my colleague from Alaska.

Mr. MURKOWSKI. Mr. President, I noted the reference by the Senator from Illinois several times to the issue of wilderness. I wonder if he understands the status of the area under consideration in the amendment that will be offered by various Members relative to opening up ANWR.

Mr. DURBIN. I certainly have heard many descriptions. I will let my colleague from Alaska explain it.

Mr. MURKOWSKI. Let me refer to the statements that have been made by the Senator from Illinois relative to this being a wilderness, to this being a refuge. Clearly, there are distinctions. I would stand with the Senator from Illinois if there were any effort to open oil and gas exploration in wilderness areas of my State.

The Senator from Illinois indicated there were proposals to even go into the wilderness in Alaska. I know of no such proposals to drill oil and gas in wilderness. As a matter of fact, the 1002 area is a refuge. As the Senator from Illinois knows, we have drilling in numerous refuges. We have about 41 refuges in the United States where we drill for oil and gas. They are in virtually every State. As a matter of fact, I think there are one or two in Illinois.

I encourage my friend from Illinois to not mix metaphors because wilderness is wilderness. We do not drill in wilderness areas. We are not proposing we drill in wilderness areas. The 1002 area is not a wilderness. It was set aside by Congress for specific action.

I am sure my friend from Illinois knows that ANWR is about the size of the State of South Carolina. I am sure he knows there are 8.5 million acres of the 19 million acres that are designated as wilderness, but that is not in the area that is proposed to be opened for competitive leasing. That is 1.5 million acres in the 1002 area.

I am sure my friend is also aware that out of the 19 million acres, 9 million acres have been set aside in a separate refuge that is managed as a wilderness which is not included.

It is important that we recognize realities and not mix metaphors because the Arctic Coastal Plain is certainly not the last remaining wilderness in Alaska.

We have 56 million acres designated wilderness that we defend. So please be careful when you mix these metaphors because if you had been up there to look at it, you would have a different appreciation.

Mr. DURBIN. I would like to reclaim my time.

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. DURBIN. I think I have been generous in allowing the Senator to interrupt this presentation.

Mr. MURKOWSKI. I was not interrupting. I was responding and asking a question about metaphors. I think we should be very careful not to mislead the public.

Mr. DURBIN. It is very gracious of the Senator from Alaska to help me with my metaphors. I thank the Senator from Alaska. I stand corrected. The use of the word "wilderness" is inappropriate. It is the Arctic National Wildlife Refuge.

I do believe it is somewhat specious to argue it is only the size of South Carolina. Three Mile Island was only the size of this Capitol Building, and when you look at some of the oil spills I have seen, when I went up to see Prince Edward Sound, the size of that tanker may not have been much longer than half the size of this building, but what it did when it ruptured caused damage far beyond the size of the tanker.

When the Senator says it is just the size of South Carolina, I think, frankly, that understates the potential damage which could be done to the environment and to the wildlife if we are not careful.

Plus, I have to tell my colleagues, I believe it is shortsighted and it is not the wisest and most prudent approach to say that if we are going to have any kind of energy independence, then we have to drill in a national wildlife refuge in Alaska.

There are so many other activities we can do by way of conservation, efficiency, and drilling for oil and gas in environmentally sound areas that would absolve us from getting into the controversy of going into this wildlife refuge. I think, frankly, that is a wrongheaded approach. I disagree with the Senator from Alaska. I was happy to yield him the time, and he made his point.

In concluding this presentation, let me say the following: I hope when we get into this debate about fuel economy and fuel efficiency standards that we can find a way to deal with some of the more vexing aspects of the problem. Part of this has to do with credits we created years ago rewarding some automobile manufacturers for the types of vehicles they made and not rewarding others.

The building up of these credits has created a secondary, but very important, argument which should be addressed as part of this energy policy debate.

What I think we should require of all manufacturers that want to sell in the United States, domestic and foreign, is that they demonstrate a real commitment to improved fuel efficiency of their vehicles.

Recently, one of the engineers in the city of Chicago at the Illinois Institute of Technology wrote an article for the Chicago Tribune in which he had a few thoughts about the whole discussion of hydrogen-fuel-cell-powered vehicles. It is an interesting concept, he said, but at least 10 years away, maybe longer; we should continue to explore, but, frankly, do not hold it out as the Holy Grail; and that just because of the possibility of hydrogen-fueled cars, we really should not avoid addressing fuel efficiency and economy in today's automobiles.

He said at the end of the article: I hope the Senators from Illinois read this article and give me a call.

So I did. I said to the Professor: What is it you would suggest we do?

He said: There are things that can and should be done now to improve the fuel efficiency of vehicles. Why Detroit and other manufacturers are holding back on it, I do not understand.

He gave us one illustration. A larger battery in a vehicle allows one to turn to more electronic equipment in that vehicle as opposed to mechanical and hydraulic, which takes weight off the vehicle but still performs the valuable function. That seems sensible to me.

He says a heavier battery where there is electronic-powered brakes, for example, could save 2 miles per gallon, and you think, well, that is a pretty sensible thing to do.

He also said looking to newer materials that are safe materials that can be used in vehicles that do not add to weight but still provide protection, all of these things have to be on the table. They will not be taken seriously by Detroit unless and until we are serious about fuel economy standards. We will continue to play the role of second best in this automobile technology race unless and until Congress has the willingness and the political courage to step up and say to Detroit and all automobile and truck manufacturers across America: We have to do better.

When I asked one of the critics of this bill today what do they think we can achieve, what is realistic when it comes to fuel economy, he said: I think we can achieve a 10-percent improvement in fuel economy by the year 2019.

I said: So we could go from 27½ miles per gallon to perhaps 31 miles per gallon by the year 2019?

Yes, he said.

So I said: From 1985 to 2019 the best we could achieve was 3 miles per gallon?

I do not buy that. I do not believe that. I really believe we proved between 1975 and 1985 that given the right incentives, we can do a lot better than that, and I sincerely hope those who are involved in this debate will not view it as a political and legal struggle but as a technological challenge, because once challenged, I think our scientists and engineers can rise to that occasion.

So I commend my colleague from New Mexico, Senator BINGAMAN, for his leadership on this bill, as well as the majority leader, Senator DASCHLE, for joining him in this effort. I look forward to this debate because I believe it is timely. I am hoping that as a result of it we will have a reliable, stable supply of energy; we will have conservation policies that make sense for our future; we will move toward renewable fuels which have such great potential; we will find ourselves using alternative fuels that, frankly, have been valuable to us and can be used even more. That is part of a balanced debate that does not have us drilling in wildlife refuges—not wilderness, as Senator MURKOWSKI has corrected me—and areas that, frankly, should be the last place, not the first place, we turn to when we are desperate for energy, especially when we have a lot of options we can consider in terms of energy efficiency.

I yield the floor.

Mr. BINGAMAN. Mr. President, I know the next order of business is to hear from the Senator from Montana, Mr. BURNS. I do not know if he is available to give his statement at this point. I think possibly we should go into a quorum call and try to locate him.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I am not going to speak long, but I want to make a point to my colleagues, and particularly their staffs, that there are certain aspects of this legislation that are very technical and certain aspects reflect on the knowledge that obviously we have in our own States, and I respect that. I want to put my colleagues on notice we are going to follow the statements very closely and we will respond in rebuttal to obvious inaccuracies relative to statements that are being made, and that is in the spirit of simply accuracy and factual information that I think is necessary to portray and project, indeed, the importance of having factual information before the Members of this body as we deliberate the bill.

I see the Senator from Montana. If there is no objection from my friend from New Mexico, I yield to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized under the previous order.

Mr. BURNS. Mr. President, I thank my good friend from Alaska, and I thank the chairman of the Energy and Natural Resources Committee for the time.

This is a great day. I think this is a good day. We have finally started talking about legislation we hope will facilitate a policy to make us a little more efficient but also increase supply, especially in case of emergency, and to keep this economy rolling. The bill we have today is 433 pages long, and it is written in legalese that most people, including me, do not easily understand.

As complicated as this bill is and as complicated as this process is, the reality is simple: This country needs a comprehensive energy policy.

Last fall, this country was shaken to its foundation. That experience has made each of us stand back and make decisions about what is really important in our lives. As I have traveled across this country and in my home State of Montana, I keep hearing the same thing over again. Everybody in America wants to protect their family, they want to provide a safe and secure living environment, they want to protect their loved ones from harm.

There is one thing that is undisputable. I represent an energy State. We have been in the production of energy for a long time in Montana so we know a little something about it. There is also something else that is indisputable and that is that a comprehensive energy policy is absolutely paramount to American freedom. Let me put it this way: Energy security is economic security is national security.

If that magic word that goes across our television screen and across our mind is "security," we cannot separate those three. Energy security is economic security is national security, so that the decisions we make here in the Senate will affect and direct the lives of every single American, without exception. The policy we set here on the Senate floor should ensure that energy is affordable, and that it is abundant. Affordable energy means businesses stay open and businesses prosper and people keep working. It means senior citizens who are on fixed incomes are able to pay their electricity bill at the end of the month without having to give up something else. It means someone can fill up their car with gas and drive their kids to school; fill up a truck and deliver goods across the country without breaking the bank; and, yes, to my State, crank up the combines, harvest a crop and put another one in, without fearing the repercussions of high fuel prices.

Every one of us will be affected no matter how basic the level. So we have to answer a lot of questions. How do we get dependable, affordable supplies of energy? That will be the focus of this debate, and the policy that carries us not through my generation but also the next generation and the next. And that is about the time we will have another policy change because technology and circumstances will change.

We have heard some of my colleagues claim Americans use too much energy, that we are greedy, that we use more than our fair share of the world's supply of energy. Would those same people stand up and argue that the United States produces more than its fair share of goods and services? Would they say we have an oversupply of American ingenuity?

Are we producing more computers, more cars, more agricultural goods than we should? I don't think so. I don't think the hard-working people who produce those goods think so either. We can do that because we are good at it and because we have used our energy with the best conservation technology known until this date.

Let's go one step beyond the economic security that affordable energy provides. Think about the security it provides this country when we improve our ability to produce different kinds of energy domestically. For example, this country buys 56 percent of its oil from other countries. Think back to the 1970s when we had the lines at the gas stations. Then it was around 35 or 36 percent from foreign countries. I don't like that kind of vulnerability. Much of that oil is produced from countries or producers that have very honest intentions, but, I will remind Americans, not all of them and not all of it.

Every drop of oil we produce domestically is one that we do not buy from Saddam Hussein. Every barrel bought from a rogue nation could mean a bomb built to hurt this country. I think it is about time we turn off the spigot of terrorist oil.

In this debate we will start talking about the Alaska National Wildlife Refuge. While at times the point may be confused, like in the colloquy that just preceded me—ANWR was a wildlife refuge created by law and that law gave express permission or grant to drill within parts of it. I can think of no other public land that was created with that express intention and law.

I would like to point out that the debate over ANWR will boil down to whether we open up 2,000 acres for exploration in Alaska. It will be examined. It will be turned inside and out, over and over again. We will debate this a long time.

I say to my good friend from Oklahoma, whose State is an energy producer like my State of Montana, that since 1997, in my State alone, the Federal Government and the executive branch have managed to shut off 727,000 acres from gas and oil development in Montana in two different decisions. There was no congressional discussion either time.

I agree with open debate and I am glad to be a part of this process, but I wonder why we only get to do it when we want to open Federal land, and not when we shut it off. Why is it that a midlevel manager in the Forest Service can make the decision to close 350,000 acres, and we don't hear a whimper or whisper on the Senate Floor.

Because of a decision made in a Federal bureaucracy or through executive order, it has been decided we are going to take that land out of production. That denies my State the ability to produce energy for a country that really needs it, and the jobs it provides and the revenue it provides to my State to build schools, build roads, provide government services.

Of course, this debate will extend beyond domestic oil and gas production, and it should. We are developing excellent technology. We are tapping resources to create energy from new sources. I heard mention today about renewables. They want to use thermal activity.

We live next to an area that has more thermal activity than any place in our country: Yellowstone Park. There is thermal potential all the way around it. You just try to develop it. It cannot be done because you have to cross Federal land to get there, which makes absolutely no sense.

We will talk about fuel cells. We will talk about biomass. We will talk about ethanol. We will talk about wind. Those are only a few of the opportunities we have to use our resources in new ways.

I am proud to support alternative and renewable energy, and will continue to do so. But we can't shortchange our energy needs today by focusing our efforts on alternative energy alone. Many of the technologies are promising but are still in the developmental and very expensive stages in comparison to our traditional energy sources. By continuing to develop and encourage alternative fuels and create markets for those technologies, we can approach this country's energy future with optimism.

It is time we go to work. It is time we debate those issues one by one. But keep in mind what I said at the beginning of this speech. I do not know of a military airplane we fly that doesn't burn oil-based fuel. And if something really bad happens in this country, I tell you something: The fire truck that shows up and the emergency vehicle will burn gasoline. In order to fight this great battle against terrorism and against people who would erode our freedoms, who work in the shadows, and who are a faceless enemy, the weapons we need still burn gasoline.

We have to think about the American people and their safety and their security. What we are asking in this is a policy that will develop those new technologies. But we cannot turn our backs on the demand for the energy sources we have used for so long in this country. Let us work to give the American people what they need—a safe, steady energy supply that will ensure economic stability and national security.

I thank the Chair. I yield the floor.

UNANIMOUS CONSENT REQUEST

Mr. DASCHLE. Mr. President, I wonder if the Senator would yield very briefly so we might propound a quick unanimous consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I ask unanimous consent the majority leader, following consultation with the Republican leader, may at any time turn to the consideration of H.R. 2356, the campaign finance reform legislation; that there be 4 hours of debate equally divided and controlled between the two leaders or their designees; that no amendments or motions be in order to the bill; that upon the use or yielding back of time the bill be read the third time, the Senate vote on passage of the bill, with this action occurring with no further intervening action or debate.

Mr. McCONNELL. Reserving the right to object, and I will object, let me say to the distinguished majority leader and to all Members of the Senate, since he last propounded this consent agreement, the senior Senator from Arizona and I have had an opportunity to sit down three times in private discussion about some technical changes to the bill that I thought would not do violence to the underlying concept. We have reached agreement in principle on 6 of the 13 suggestions I made.

Today, he and I both had an opportunity to brief our colleagues in the Republican conference on the 13 suggestions I proposed. They have now been distributed. I would like for the majority leader and the Democrats to look at them as well. I am hoping we can continue to discuss the changes in the next few days.

I remind our colleagues that this bill, which certainly will become law sometime soon, doesn't take effect until November 6. So I think to take a little more time to look at it very carefully and consider technical changes that will benefit both sides is a good idea. I encourage all Senators to take a look at the suggestions I have made. I believe virtually all of them are reasonable. I know Senator McCAIN believes that at least some of them are reasonable. Therefore, I object.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN. Will the Senator yield?

Mr. DASCHLE. I am happy to yield.

Mr. McCAIN. I thank the majority leader for propounding this unanimous consent agreement, and I thank my colleague from Kentucky for entering into good-faith discussions on this issue. We have had important discussions, and I think they have been something that Senator McCONNELL deserves to have had, given the long involvement we have had in this issue.

I must tell my colleagues, we are at an impasse. We are at a situation where we need to move the process forward because the seven areas of "disagreement" that we have are substantive in nature, could never be viewed by me and Senator FEINGOLD, with whom I have consulted constantly during this issue, my partner—could not be construed as anything but substantive amendments.

That is why I requested that the Senator from Kentucky bring up these 7 amendments, we vote them up or down, 51 votes carries, and we agree to move to final passage on the bill.

I cannot continue to discuss the amendments on the bill when we cannot agree to process on the bill. My position—and it remains my position, as propounded by the majority leader—is that we move to the bill with a consent the amendments the Senator from Kentucky or others may have be voted up or down, with an agreement on those amendments, with final passage.

As to the technical amendments, many of which are still up for discussion and would have to also be agreed to by our colleagues on the other side of the Capitol, those we would agree to by unanimous consent agreement, as far as the Senate is concerned, and if we, the majority leader, the Republican leader, Senator McCONNELL, Senator DODD, Senator McCAIN, and Senator FEINGOLD are in agreement, we would take up and pass those technical amendments to the bill. I think that is a fair disposition of this legislation.

As Senator McCONNELL is going to distribute his proposals, I will also distribute our responses. To any objective observer, a majority of those are not technical in nature, they are controversial. They need to be debated and voted on within a reasonable length of time.

Finally, I appreciate the patience of the majority leader. He is committed to the energy bill. I understand that commitment. But I also appreciate the fact that the majority leader wants this issue dispensed with. It was March a year ago that we passed this legislation. It went over to the other body with assurance of a fair rule. It was an unfair rule. They had to get 218 votes. They passed this legislation with 10 amendments. We had 3 weeks of debate—3 weeks with amendment after amendment.

This issue has been ventilated. It is time to move forward. I say with great respect and appreciation for this honorable opponent, it is time we move forward. If we have to, the majority leader needs to go through the cloture motion process. I regret that, but we cannot discuss further technical amendments that are not technical amendments unless there is an agreement on the process, and that process has to be consideration of amendments and agreement of final passage, or anticipation of a filibuster, to which one of our colleagues has already committed, no matter what.

One of our colleagues is already committed to filibuster, I say to my colleagues, no matter what happens in the discussions that Senator MCCONNELL and I may have. It is time we plan for that and move forward with cloture motions. If the Senate decides not to get 60 votes, then we will wait until the next scandal. We will wait until the next scandal, I say to the Senator from Kentucky. I don't know if it is Buddhist Temple fundraising, I don't know if it is Enron, I don't know who it is, but this system awash in money creates scandals because it makes good people do bad things. It is time we fixed it.

Mr. DASCHLE. Mr. President, I am happy to briefly yield to the Senator from Wisconsin.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I have been quiet the last few days about this because I have a lot of respect for the Senator from Kentucky, and I admire the patience of my partner, Senator MCCAIN, to go through these proposals with the Senator from Kentucky. But I have to say, in my mind, the time has run out.

The proposals the Senator from Kentucky is talking about, as he indicated, in some cases are technical. In those instances, we can simply deal with these matters in a separate piece of legislation. But the Senator from Arizona is right. The other matters are substantive; they are controversial. But I add, they do not go to the core issues of the McCain-Feingold bill.

A broad consensus in both Houses, a bipartisan consensus, has voted strongly to pass those items. That has to happen now. And given the fact that one of the Members on the other side of the aisle has indicated—not the Senator from Kentucky, but another Member—that there will be a filibuster, in any event, the time has come not to be quiet anymore but to support the majority leader, who has come out here diligently and tried to move us forward. Consistent with the other commitments he has made, consistent with all the pressures he has, he has been here and tried again today to get us to the final process.

It is regrettable, but I think we have to go now to the final stage: to represent the will of this body, the will of the House, and to finally clean up this system. I don't think any more delay is merited.

Mr. DASCHLE. Mr. President, I have said publicly, and I will say for purposes of the Record, it is my intention to back up from the final day of this particular work period for whatever length of time may be required to go through the procedural hurdles to accomplish our goal of completing our work on this bill prior to the time we go into the Easter recess. So we will do that. I just put my colleagues on notice.

I also simply note that had we been able to get unanimous consent, I would also have asked unanimous consent on behalf of Senator HOLLINGS that the constitutional amendment regarding campaign finance reform also be considered. But since that agreement could not be reached, I did not propound the other request.

I am happy to yield to the Senator from Kentucky.

Mr. MCCONNELL. If the Senator will yield for a question, I hope the majority leader might be willing to share the information now with the balance of his colleagues so that others might take a look at whether or not these suggestions are reasonable and don't go to the heart of the bill. Even Senator MCCAIN and Senator FEINGOLD have indicated that six of them we can probably reach agreement on in principle.

You are the majority leader, not I, but let me suggest on the ones that we can agree with in principle, it might be appropriate to pass a separate technical corrections bill, if it needs to be in a separate bill, in order to avoid going back to the House. Pass the technical corrections bill simultaneously; it goes back to the House, the other bill goes on down to the President.

I am a little worried about there not being much interest in the technical corrections bill after the main bill leaves the Senate.

If we can reach agreement on at least some of these, as appears possible, I hope the majority leader might consider taking up the technical corrections package simultaneously, sending it out of here and back over to the House side. It is just a suggestion.

Mr. DASCHLE. I say to the Senator from Kentucky, I know he has put a lot of time and thought into this. I am not averse to considering that approach. I think it is certainly worth our while to consider what proposals the Senator and others have suggested. We will take a look at that and entertain that possibility at such time as we take up the bill.

I yield the floor.

Mr. MCCONNELL. Mr. President, briefly, I ask unanimous consent the package I just referred to in my remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR MCCONNELL'S 6 TECHNICAL CHANGES PROPOSED—AGREEMENT IN PRINCIPAL

1. Transfer of Excess Campaign Funds—Shays-Meehan inadvertently eliminated unlimited transfers of excess campaign funds to party committees.

Solution: Include "without limitation" for transfers of excess funds so transfer will not be a "personal use" of campaign funds.

2. Not Impact 2002 Run-Offs—Effective date is before run-off elections are held.

Solution: Allow parties to operate under the current system for any 2002 run-off elections.

3. Defined Soliciation—Federal candidates and officeholders are heavily restricted in fundraising for state candidates and party committees. For example, federal candidates and officeholders could be banned from attending fundraising events for state candidates.

Solution: Clearly define what we can and cannot do.

4. Time Limit for Special Judicial Review Procedures—Plaintiffs around the country should not be forced to sue only in D.C. District Court forever, with no circuit court review (only option is discretionary appeal to the Supreme Court—practically foreclosing appellate review).

Solution: Provide a time limit for exclusive jurisdiction in D.C. District Court and lack of circuit court review.

5. Authorize Member Challenges—Shays-Meehan specifically authorizes member intervention in a suit but does not specifically authorize a member to challenge the new law.

Solution: Specifically authorize member challenges—parity for challenging and intervening.

6. State Party Building Funds—State parties will have to use hard dollars to pay for their buildings.

Solution: Clarify that state party building funds are governed exclusively by state law.

SENATOR MCCONNELL'S 7 TECHNICAL CHANGES PROPOSED—NOT AGREED TO

1. Outside groups/State Party Parity

Shays-Meehan Empowers Outside Groups and Weakens State Parties

Federal candidates and officeholders can raise soft money for outside groups: unlimited for 501(c)s whose primary purpose is not grassroots voter activities (could be used for issue ads and voter activities) and $20,000 per individual for any entity specifically for grassroots voter activities. (Not in McCain-Feingold.)

But state party grassroots voter activities are restricted: no party transfers, no joint fundraising, federal candidates and officeholders can only raise hard money and state parties can't use broadcast media for those activities. (Not in McCain-Feingold.)

Solution: Return to McCain-Feingold language and raise soft money limit to state parties from $10,000 to $20,000 to achieve parity with fundraising for outside groups.

2. Coordination Prosecution—If a candidate raises money for or meets with an outside group and that group engages in voter registration or simply discusses legislation in the candidate's state, the candidate may be civilly or even criminally prosecuted.

Solution: Require a more precise coordination standard.

3. Index Contribution Limit To State Party. The limit is increased but not indexed.

Solution: Index the hard dollar limit—critical to compete with outside groups.

4. Permit Party Coordinated And Independent Expenditures. Shays-Meehan treats all party committees (from national to local parties) as a single committee. Prohibits all committees from doing both coordinated expenditures and independent expenditures after nomination by party (contrary to S. Ct. ruling in Colorado I).

Solution: Do not treat all party committees as a single committee and do not prohibit them from doing both independent and coordinated party expenditures.

5. Do Not "Federalize" State Candidates—State candidates may not mention federal candidates in an advertisement unless they use hard dollars; state candidates doing GOTV activities together must use hard dollars, and federal candidates and officeholders are subject to the hard dollar limits and restrictions in fundraising for state candidates.

Solution: Do not "federalize" state candidates.

6. Index PAC limit—The limit is not increased or indexed.

Solution: Index, but do not increase, hard dollar contribution limits to and from PACs.

7. National Party Building Fund—Will be eliminated on 11/06.

Solution: Allow parties to spend, not raise, building funds until funds are depleted.

Mr. McCAIN. Mr. President, I ask unanimous consent an analysis of changes proposed by Senator McCONNELL be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ANALYSIS OF CHANGES PROPOSED BY SENATOR MCCONNELL TO PENDING CAMPAIGN FINANCE REFORM LEGISLATION

Twelve specific changes to the McCain-Feingold/Shays-Meehan bill have been proposed to Senator McCain. Incorporation of any of these changes in the bill itself would kill the bill by sending it to conference or back to the House.

Many of these changes are unacceptable substantive revisions of the bill. Some of these changes would upset bipartisan compromises made during floor consideration in the Senate or decisions made on the House floor. Still others would undermine central components of the reform effort, particularly the soft money ban.

Some of the suggested changes are technical corrections that are not necessary, but that could be addressed in a separate technical corrections bill as long as it does not interfere with the prompt enactment of the pending campaign finance reform legislation.

Each of the amendments is discussed below. The headings for the amendments are taken from the proposal given to Senator McCain.

1. State Party/Outside Group Parity—This is a proposed substantive change to the pending CFR legislation. It would eliminate the changes made in the House that clarified Senator Levin's amendment in order to prevent the amendment from becoming a major loophole in the soft money ban.

Under the Levin amendment, state and local parties could use up to $10,000 per year of a contribution from a corporation, union, or individual, for generic get out the vote activities (GOTV); GOTV for state and local candidates; and voter registration within 120 days of an election involving a federal candidate, so long as these activities do not refer to a clearly identified candidate for federal office. As passed by the Senate, the Levin amendment could have been interpreted to allow federal officeholders to raise these soft money funds, and to allow state parties to use these soft money funds to finance broadcast ads.

Senator Levin was very clear on the Senate floor, however, that he did not intend this soft money to be raised by federal candidates or officeholders, and the House bill clarifies this. Senator Levin also intended that the money be used for grassroots activities, and the House bill clarifies this as well. On the Senate floor, Senator Levin explained that his amendment:

"These are dollars not raised through any effort on the part of Federal officeholders, Federal candidates, or national parties. These are non-Federal dollars allowed by state law.

Senator Levin further said:

"[This provision] will allow the use of some non-Federal dollars by state parties for voter registration and get out the vote, where the contributions are allowed by state law, where there is no reference to federal candidates, where limited to $10,000 of the contribution which is allowed by state law, and where the allocation between federal and non-Federal dollars is set by the federal election commission."

The proposed revision would eliminate these clarifying provisions.

The House bill also added restrictions on joint fund-raising to prevent solicitations of large sums from a single donor, and restrictions on transfers of monies for Levin activities to state and local party committees to help prevent the federal soft money system from being shifted to the state level. The proposed revision would eliminate these protections.

The proposed revision would also double the amount of soft money that state parties can use from contributions provided by corporations, unions, or individuals for the authorized GOTV and voter registration activities. This would increase the $10,000 per year limit contained in both the House and Senate-passed bills to $20,000 per year. The $10,000 limit is the same as the limit that applies to hard money donations by individuals to state parties under the bill. Thus, under the bill, an individual donor can already give a total of $20,000 per year to a state party that can be used for voter activities, the same amount that federal candidates can solicit for outside groups for use on these activities.

2. Contribution Limit to State Parties—The proposal suggests indexing the amount that individuals can contribute to state parties. The decision not to index this amount was part of difficult bipartisan negotiations during Senate consideration of the bill that led to a package of increases in contribution limits approved by the Senate. The only change in this provision made by the House was to increase the aggregate limits.

3. Hard Dollar Candidate Support by Parties—This is a proposed substantive change to the pending CFR legislation. The proposal would allow parties to make both independent and coordinated expenditures in individual races.

The requirement that the parties choose between these expenditures was contained in both the Senate and House-passed bills and is not inconsistent with the Colorado I decision. For purposes of this provision only, national and state party committees are treated as a single entity. Otherwise, the provision would not be effective because, for example, a national party could choose to make coordinated expenditures, and then transfer additional funds to a local party to use for independent expenditures.

Parties should not be able to claim that they are independent of one of their candidates if, during the general election period, they are making coordinated expenditures with that same candidate under section 441a(d) of the FECA. Permitting both coordinated and independent expenditures by a party makes meaningless the coordinated spending limits recently upheld by the Supreme Court in Colorado II. Furthermore, since the bill provides that the choice between making independent or coordinated expenditures is made by the party only after a candidate is nominated, the national party will be able to control the decision of which kind of spending to undertake. In addition, contrary to the claim made in the proposal, there is no general restriction on transferring hard money between national and state parties.

4. Excess Campaign Funds—This is a proposed technical clarification. The proposal seeks to add the words "without limitation" to the portion of the personal use provision of the bill that deals with transfers of excess campaign funds by candidates to political parties.

There was no intention to change longstanding federal election law that permits candidates to transfer excess campaign funds without limitation to their parties. This can be clarified in a colloquy or in a technical corrections bill if there is one.

5. PAC Contribution Limit—This is a proposed substantive change. The proposal would index the limits on how much can be contributed to and from PACs.

Increasing or indexing PAC contribution limits was considered and rejected in bipartisan negotiations on contribution limits during Senate consideration of the bill. The decision represents a position that the role of PACs in financing elections should not be increased. The Senate agreement was not changed in the House.

6. 2002 Run-off Elections Unfairly Impacted—This is a proposed substantive change to the pending CFR legislation. The proposed revision suggests changing the effective date with respect to runoff elections. This would allow soft money to be raised after November 5, 2002.

In deciding to delay the effective date of the bill so that it would not apply to the 2002 elections, a very clear decision was made that no soft money should be raised after election day. With respect to other provisions of the bill, such as the spending of excess soft money and electioneering communications, the suggestion that the bill not apply to runoff elections related to the 2002 elections can be dealt with in a floor colloquy or in a technical corrections bill if there is one.

7. *Building Fund*—The proposal has two parts. One is a substantive change, the other is not. The substantive change would allow the national parties to spend their excess soft money on buildings without any time

limitation. The non-substantive portion of the proposal would make clear that state party building funds are governed solely by state law.

A provision allowing the national parties to spend their excess soft money on buildings was included in the House bill that went to the floor. It was vigorously attacked by the Republican leadership in the House, which claimed that it was a special advantage for the DNC. The provision was stripped from the bill by an amendment on the House floor that was overwhelmingly supported by Republicans. The Senate bill contained no special exemptions for national party buildings.

There is nothing in the House-passed bill that regulates state party building funds. This concern can be addressed in a floor colloquy, or a separate technical corrections bill if there is one.

8. *Ensure Unintended Litigation Does Not Result*—This is a substantive proposal that has two parts. The first part suggests defining "solicitation." Separately, the proposal would eliminate the increase in the statute of limitations from three to five years that was added to the bill by the Thompson-Lieberman amendment.

Like many other terms in the bill, "solicitation" will be subject to definition by the FEC in regulations. A statutory definition could also be included in a separate technical corrections bill if there is one and if agreement on the definition of the term can be reached.

The increase in the statute of limitations from three to five years resulted from Senators Thompson and Lieberman's concern that wrongdoing in the 1996 election was not being effectively pursued by the Justice Department. A five year statute of limitations is common in the federal criminal law. Both the House and Senate bills lengthened the statute of limitations and did not contain a definition of solicitation. No question about either of these issues was raised during floor consideration in either body.

9. *Coordination*—This is a substantive proposal. The proposal claims to offer "modest changes", but in fact would make significant changes to coordination language that was passed by the Senate, and included in the House bill.

Contrary to the proposal's claim, the bill does not provide a new definition of "coordination." The bill repeals recently adopted FEC regulations on coordination and directs the FEC to issue new regulations. It requires the FEC to address certain topics in the rulemaking, but does not dictate what the FEC should decide. The bill also specifies that "agreement" or "formal collaboration" are not required for coordination to exist.

This direction is given because the current regulations allow blatant coordination to occur between candidates and outside groups in issue ads and other campaign-related activities simply by never entering into an "agreement" or "formal collaboration."

Contrary to the suggestion in the proposal, nothing in the bill even remotely suggests that a candidate's raising money for a group would alone trigger a finding that the group's spending on voter registration activity is coordinated with the candidate.

10. *Effect on State Candidates*—The proposal suggests a non-substantive, but unnecessary change. The proposal seeks to clarify that state candidates may "align themselves" with federal candidates in their solicitations and campaign activities, including advertisements.

The bill already permits state candidates to publicize endorsements from federal candidates or align themselves with a federal candidate's views. However, the bill prohibits state candidates from spending soft money to promote or attack federal candidates through general public political advertising.

11. *Time Limit For Expedited Judicial Review*—The proposal seeks to limit the expedited judicial review provision of the bill to suits brought shortly after enactment.

The expedited review provisions in the Senate and House-passed bills were not limited in this way. The expedited review provisions assure that decisions that could affect ongoing campaigns will be made promptly. These provisions will be useful even years after enactment.

By requiring all suits challenging the constitutionality of the bill to be brought in the District of Columbia, the bill avoids the conflicts between the circuit courts that have created uncertainty in current law. The provision also requires these cases to be heard by three-judge panels. Given the importance of the election law to campaigns, there is no reason to force suits to be brought within a specific time period after enactment in order to qualify for expedited treatment. The Supreme Court can summarily affirm the lower court's decision if it chooses, so this provision need not be a burden on the Court's docket.

If agreement can be reached on revised judicial review procedures, it can be included in a technical corrections bill if there is one.

12. *Court Challenges*—The proposal would give Members of Congress a statutory right to challenge the campaign finance reform law directly.

The existing intervention provisions of the bill give Members of Congress on both sides of the issue the ability to participate equally in litigation concerning the constitutionality of the Act. Members of Congress may already have standing to challenge the Act in court, and Congress cannot grant constitutional standing where it does not already exist. Issues relating to standing by members could be addressed in a separate technical corrections bill if there is one, as long as members on both sides of the issue are treated similarly.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2002—Continued

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, when the Senator from Montana referred to me as a producer, he was referring to the State of Oklahoma which is a production State. I don't think inadvertently he also referred to me as a producer. And I was.

I started out at the age of 17 in the oil fields. At that time, I was a tool dresser. Not many people know what a cable tool rig is. I was a tool dresser on a cable tool rig. There is no harder work in the world than being a tool dresser on a cable tool rig. That was before rotaries. Mostly, they were marginal wells—shallow wells.

Mr. BURNS. Mr. President, will the Senator yield?

Mr. INHOFE. Certainly.

Mr. BURNS. The Senator must have been pretty good at it. He still has all of his fingers and thumbs.

Mr. INHOFE. I suggest to the Senator that he is one of the few Senators who know what I am talking about. When you picked up a cable tool—it weighed several hundred pounds—if you did not open up your hands in time, it went right down in there. I have a lot of friends who can't play the guitar anymore.

Frankly, I almost ended up in this business. It is a very admirable business. When we talk about economic development and economic stimulus, I think often about the oil fields in Oklahoma. I was a very young child at that time. We are talking about 50 years ago. I remember going to get lunch. You had to stand in line and wait to pay your ticket. That was back in the days when we really had economic stimulus. It came from this energy. That is something we don't talk about very much, but it is a very real thing, and it is particularly real when you personally experience it.

But I have to say that my major concern right now with our energy crisis with which we are faced—and it is a crisis—is how it affects our ability to defend America. I spent about 4 years chairing the Armed Services Subcommittee on Readiness. I am now ranking member. I see what our readiness problems are and what our military problems are as they relate to our dependency on foreign countries for our ability to fight a war. Several Members mentioned—including the Senator from Montana—that our dependency is directly related to our ability to be independent and to be strong. If we are dependent on Iraq for our ability to fight a war against Iraq, that is a crisis. That is a situation we are in right now. We are dependent upon foreign countries for our ability to fight a war.

But here are the facts. I think it is important that we talk about this from a military perspective.

First of all, the military is as dependent on foreign oil as the general public is. It takes eight times as much oil to meet the needs for each U.S. soldier as it did during World War II. In addition to that, the Department of Defense accounts for 80 percent of all Government energy use.

For all practical purposes, we are talking about the defense ramifications of this use. It is not like it was in World War II. Now it takes eight times as much oil. It is a very serious problem.

Iraq is the fastest growing contributor to our dependency. People do not understand that. They say: Wait a minute. Aren't we at war with Iraq? I guess by some definition you would have to say we are. They are shooting down our UAVs that are flying over some of the zones trying to protect us, as is required by U.N. resolution. Yet Iraq is the fastest growing source for United States oil imports. Shockingly, in the year 2000, $5 billion of American money went to Iraq to buy oil.

There is a lot of talk about sanctions. I am a believer in sanctions, if sanctions are going to really accomplish something. But how can we have sanctions against a country when we are paying them $5 billion in America money to buy the oil, particularly when that is used to defend America?

America's energy consumption is on the rise, but we are producing less domestic oil than at any time since World War II. Our dependency on foreign oil has dramatically increased since 1973, and it is projected to continue to increase—currently, about 60 percent. You hear 57 percent. You can justify some 60 percent, depending on how you calculate it. Sixty percent of U.S. oil needs are met by foreign sources.

In the mid-1980s, I traveled around the country with Don Hodel. Don Hodel was Secretary of the Interior. He was also Secretary of Energy. This was back during the Reagan administration. At that time, we were about 38 percent dependent on foreign countries for our oil. Don Hodel and I went to States that are consumption States and not production States, and explained to them that our dependency on foreign countries for our ability to fight a war was a national security issue—not an energy issue. In fact, we had a little dog-and-pony show. We would go back to, and including, the First World War. And every war since then has been won by the country that had control of the energy supply. You can't name one country that wasn't.

There were a lot of people who listened to us. We were in Illinois, in New York, in New Jersey, and in different States, trying to tell that story. It didn't sell too well then.

After the Persian Gulf war, people started listening and realizing that there is a relationship between our ability to be energy sufficient and the danger that we are facing.

In both 1995 and 1999, the Secretary of Commerce acknowledged, pursuant to a law requiring his assessment, that our oil dependency poses a threat to our national security. Keep in mind, this is before September 11. Additionally, in January of 1998, I elicited virtual consensus from all members of the Joint Chiefs of Staff that energy security was a too-often overlooked aspect of our national security needs.

After September 11, Deputy Secretary of Defense Paul Wolfowitz said that U.S. dependency on foreign oil—now, this happened in a public hearing where we were; and I asked him the question about how it relates to our national security—he said that U.S. dependency on foreign oil "is a serious strategic issue . . . My sense is that [our] dependency is projected to grow, not to decline . . . it's not only that we would, in a sense, be dependent on Iraqi oil, but the oil as a weapon. The possibility of taking that oil off the market and doing enormous economic damage with it is a serious problem."

That is the Deputy Secretary of Defense, Paul Wolfowitz.

The President made energy a top national priority. He said it over and over again. Sometimes I wonder if people are listening. In an overwhelmingly bipartisan manner, the House of Representatives adopted a comprehensive energy policy which includes provisions to modernize conservation and infrastructure, increase domestic energy supplies, and accelerate the protection of the environment.

But that is not all that H.R. 4 has. H.R. 4 is a comprehensive approach to meet our energy needs. We have nuclear in there; we have oil and gas production. Let's just take the marginal production I have been concerned about, because my State happens to be a major producer, or they used to be, of marginal wells.

A marginal well is a well that produces 15 barrels of oil or less a day. If we had all the oil that would have come from margin wells that have been plugged in the last 10 years flowing again today, it would produce more oil than we are currently importing from Saudi Arabia. That is a huge source. That is part of H.R. 4.

H.R. 4 also has renewables in it. People are talking about renewables. It has nuclear. Right now, to meet our energy needs to light our lights in America, we are only 20 percent dependent on nuclear energy. France is 80 percent dependent. Those very people who were marching and protesting back in the 1970s against nuclear plants now realize, after all the ambient air problems that have been coming up, that nuclear energy is among the safest, the cheapest, and the most abundant energy available, yet we are not using it.

That is why I offered the energy bill as an amendment to last year's Defense authorization bill. Here I am on the Armed Services Committee. I had chaired the Subcommittee on Readiness. I offered the energy bill to the Defense authorization bill so people would somehow reprogram their thinking and realize we were talking about a defense issue. We are talking about a national security issue when we talk about our energy dependence. So I offered it, and I was glad I did.

We, of course, are addressing energy legislation today. I am really highly troubled by the bizarre legislative path that this legislation has traveled. I know we have talked about this quite a bit. I hope the majority leader will allow fair up-and-down votes on issues such as ANWR. We need to vote on it.

I wish it were required for everyone who is going to bevoting on ANWR to take a trip up to the north slopes of Alaska to see what we are really talking about. It is not a pristine wilderness. We are only talking about a very small, a minuscule part of that area up there, and we are talking about an environment where the Eskimos, the local people, are begging us to come in and open it up.

So we do not need just any bill; the Senate owes our country a strong energy bill, which should include hydraulic fracturing. Hydraulic fracturing is a system where water is forced in, in order to be able to produce the oil. Some 80 percent of the wells now use hydraulic fracturing. In the last 15 years, we have had 100,000 wells that have used that process. There has never been any environmental problem with it.

Since 1940, when we started this process, there have been over 1 million wells that have used hydraulic fracturing. But some court came along and said they were going to have to look at the environmental concerns that go along with hydraulic fracturing. Wait a minute. If we have done a million wells, as we have, using that process, and there has never been a problem, why are we concerned about it?

We need to have a strong energy bill that has the tax incentives for domestic oil production. I have talked about that. We have a tremendous opportunity there. But, you see, you cannot go after marginal wells because it costs 10 times as much to lift a barrel of oil that way than it does in Saudi Arabia. So you have to have some type of protection in there so that a person who is making an investment in a well today—recognizing they are not going to have any production out of that well for a couple years—how do they know what the price is going to be when it escalates from $8 a barrel to $40 a barrel, and then goes back to $8 a barrel? There is no way they can afford to take that kind of a risk. Certainly, the Presiding Officer is someone who has been in the business world, and he understands that. You have to have an idea of what kind of investment return is going to be out there. H.R. 4 has that in it. We need to have that in our bill. It said, if the price goes down, and it starts going below $17 a barrel, as it approaches $14 a barrel, tax credits set in, so they know it is not going to go below that. It is a way of getting another large block of oil domestically.

Corporate average fuel economy, the CAFE standards, while every single Senator has sworn an oath to uphold a government of the people, by the people, and for the people, some in this body seek to thwart the will of the people who drive vehicles and who express their will every day when they purchase vehicles at auto dealerships. It is called choice. This is America. We are supposed to have freedom of choice.

In greater numbers than ever before, all across this country, and particularly in my State of Oklahoma, Americans are purchasing minivans, sport utility vehicles, light trucks, and roomy cars for their safety, comfort, and utility.

I strongly support Americans' safety and ability to select whatever vehicle we deem fit for our purposes. We are not "one size fits all." We are different people. I have 4 children and 11 grandchildren. I suggest to the Senator from Ohio, you try putting them in a compact car. They just don't fit. Our needs are different.

I think the bill should exclude renewable portfolio standards, RPS. The left again seeks to encroach upon the free market and the business of America through attempts to limit the use of coal, oil, natural gas, hydroelectric, and nuclear energy in an era when America is trying to ward off energy crises. We need all of the above. All of those things should be a part of this bill. But by shrinking the allowable percentage of power coming from these sources, we hamstring our ability to deliver needed energy and we weaken our Nation.

Price-Anderson. This is going to be controversial. It should not be controversial. This is a way that will allow us to get and expand into nuclear energy. Currently, 103 U.S. nuclear units supply about 20 percent of the electricity produced in the United States. Going forward into the future, nuclear energy must be a key component of any national energy plan. As ranking member of the subcommittee of jurisdiction, I believe the first step in that direction must be the reauthorization of Price-Anderson.

Finally, I would like to address the impact of overly burdensome regulations on our energy supply. In a recent report entitled "U.S. Downstream: The EPA Takes Another Bite Out of America's Fuel Supply," Merrill Lynch concluded that EPA's clean air regulations "will clearly have the impact of reducing existing U.S. refining capacity." In other words, the United States will have a greater dependency on foreign refineries.

When the price of gasoline goes through the roof, we all witness the incredibly irresponsible accusations that big oil companies "were colluding." Price spikes occurred last summer because of the large number of poorly implemented environmental regulations. I have sat on that committee for 8 years now. We are at virtually 100 percent refinery capacity in this country. We started having new start reviews. We started having more and more regulations that really have nothing to do with the environment, and then we wonder why the price of fuel goes up.

It is supply and demand. We should know something about that in this country. When we are at 100 percent, we have more regulations that cost more money, and then some of the refineries leave and go down to Mexico. Then we can't even meet the current needs. What is going to happen? The price is going to go up.

The solution to high prices is not found in cheap political gimmicks such as releasing oil from the Strategic Petroleum Reserve. Rather, the solution relies on a national energy policy and having a highly effective and streamlined environmental regulation.

This is not a partisan notion. Going all the way back to the Carter administration, I tried to get them to have a national energy policy. Then Reagan came along. I thought we could get it in a Republican administration. I tried to get the Reagan administration to do it. They wouldn't do it. I tried along with Don Hodel, who worked in the Reagan administration. Then along came George the 1st from the oil patch. I thought, surely we will have a national energy policy at this time. He didn't have one. Of course, we haven't had one since.

We have that opportunity now. This President is committed to having a national energy policy.

When well thought out and reflecting consensus, environmental regulations can certainly provide benefits to the American people. But when regulations are rushed into effect without adequate thought, they are going to do more harm than good.

I see the Senator from Ohio in the Chamber. I remember before he was in the Senate, I held a hearing in the State of Ohio on new source review. We had testimony from refiners that replacing a 12-inch pipe triggered a new source review which cost millions of dollars in that case.

As a Senator and a grandfather, I want to ensure the cleanest environment in our Nation. However, I am convinced that environmental regulations can be harmonized with energy policy. Our current situation demands it.

I know that the extremist environmental community opposes any of the provisions and reforms which I have discussed. However, the environmental community does not have to answer to the American people when energy prices go through the roof. Nor does the environmental community have to worry about the national security implications of greater dependency on foreign oil.

My major concern, the reason I put this on H.R. 4 as an amendment to the defense authorization bill, is because I can't think of any single thing that plays a greater role in our future national security than becoming energy independent. Again, it is ludicrous that we should have to be dependent upon Iraq oil to fight a war against Iraq. It doesn't make sense. It is time we start making some sense.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. BAYH. Mr. President, as we begin debate on comprehensive energy legislation, it is important to remember that a diversity of energy concerns has brought us to this point. Because current energy supplies are relatively high and gasoline prices are relatively low, there are those that may want to postpone the difficult decisions required by comprehensive action. I rise today to remind my colleagues of our energy history and that, to avoid repeating the energy crises of the past, we need to act now.

A quick review of just the last four years reveals the breadth of the energy issues that we must address. At the end of 1998, oil prices were so low they threatened the viability of the domestic oil industry; in the spring of 1999, they soared to record levels. Severe weather and transportation problems combined to create a home heating oil crisis in the Northeast the following winter. At the start of the summer of 2000, people in the Midwest were paying record prices for petroleum products. Later that summer, a decaying gas pipeline in New Mexico exploded, killing an entire family.

The winter of 2000 brought new challenges. Consumers were paying an average 30 percent more to heat their homes than they had the previous year. The summer of 2001 saw the collapse of the California electricity market, with blackouts and previously unthinkable electricity prices. Last fall, we began a war against terror that may impact our supplies of oil from the Middle East.

Energy policy is about more than the price of gasoline at the pump today. A comprehensive energy policy will require thoughtful, and often difficult, choices today to ensure secure, affordable and sustainable energy in the future. The bill before us addresses many of these choices. It aims to secure new, as well as traditional, energy supplies; promote investment in critical infrastructure; expand technology options; reduce energy use and promote energy markets that protect consumers and the environment.

I would like to highlight just a few of the provisions in this bill that I believe advance these objectives. Many of these are items that I worked with Chairman BINGAMAN to have included in this bill and I thank him for his assistance and support.

First, among the bill's efforts to increase our short-term energy security, is a provision that Senator LANDRIEU and I developed directing that the Strategic Petroleum Reserve be filled to capacity. It also requires a review to determine whether the size of the Reserve and our capacity for refining and transporting the Reserve oil are adequate to respond to a severe supply disruption. The bill also moves the Nation toward greater long-term security by providing incentives for development of Alaska's natural gas resources. Other provisions to expand the use of renewable fuels for transportation will ease both short- and long-term supply uncertainties, while reducing the environmental costs of petroleum.

The energy bill also acknowledges the critical role that innovation and technology deployment will play in our long-term energy strategy. The bill expands energy research and development in traditional as well as alternative energy. This bill also calls for the Department of Energy to identify ways to accelerate innovation and reduce barriers to technology development.

The tax provisions of the bill, which I understand will be added at a later date, also aim to balance incentives for increasing conventional and alternative energy supplies, including credits for marginal oil well production, clean coal technology and renewable energy production. In addition to supply incentives, the package contains provisions to address energy demand, including credits for efficient cars, homes and appliances which will help to reduce energy use while promoting technology development.

Another way that I believe that the Federal Government can play a significant role in promoting efficient technologies is by using its own purchasing power. Last year, I introduced a bill, S. 1358, to provide resources and enhance accountability for the Federal Government's efforts to improve its own efficiency and reduce its energy use. The bill would establish energy reduction goals and performance standards for Federal buildings and fleets; ensure that Federal procurement policies promote purchases of the most efficient equipment and supplies and create a Federal revolving fund, or "energy bank" to help agencies finance efficiency improvements. Many of these initiatives have been incorporated into the bill before us; I believe they will reduce the Federal energy bill and build the market for efficiency technologies.

Another area in which the bill provides assistance for advanced energy technologies is a voluntary demonstration program, which I also supported, to help schools and communities secure newer school buses that use clean diesel and natural gas technology. A growing market will help to bring down the cost of these new technologies and let communities reap the air quality benefits in the process.

The bill also recognizes the requirements of new energy markets. For instance, S. 517 replaces the archaic Public Utility Holding Company Act of 1935 with regulatory and oversight mechanisms that protect the consumer in the modern marketplace and promote investment in the energy sector. It also acknowledges that effective energy planning must occur across State lines and provides for regional energy coordination without undermining States' authority.

These are just a few of the important ideas in the bill that deserve support; there are many more. There are also many difficult issues that will need to be resolved. We will not all be able to agree on every provision in this bill, but it is critical that we work across party and regional lines to find compromise where we can and move forward with a comprehensive policy. The alternative is to persist in our national amnesia about our energy problems, ensuring that the spiking prices, infrastructure failures and energy insecurity of the past become part of our future.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

WTO DISPUTE

Mr. DODD. Mr. President, on February 1, 2002, the World Trade Organization adopted a report by its Appellate Body that concluded that a U.S. law known as Section 211 violates U.S. obligations to protect and enforce intellectual property rights under the Agreement on Trade Related Aspects of Intellectual Property Rights, TRIPS. The WTO urged the United States to take the necessary steps to bring the United States into compliance with its international obligations. This decision provides Congress with an opportunity—a chance to reaffirm our commitment to the protection of intellectual property rights by repealing Section 211 in its entirety.

Section 211 is a special interest provision that was added into the FY 1999 Omnibus Appropriations Act at the behest of Bacardi, Ltd., a Bermuda-based corporation, just prior to enactment. It was not considered in conference, in any committee, or on the floor of either House of Congress. This ill-conceived provision triggered the WTO complaint against the United States and has undermined U.S. leadership in promoting strong protection for intellectual property rights in the global marketplace.

The Appellate Body concluded that key provisions of Section 211 violate two fundamental principles of WTO rules—national treatment and most-favored-nation treatment—which prohibit WTO members from discriminating against intellectual property right holders based on nationality. For over 100 years, these principles have obligated our trading partners to protect U.S. trademark and trade name holders from discrimination abroad. The Appellate Body found, however, that Section 211 violated these long-standing U.S. obligations by imposing obstacles on foreign intellectual property right holders that do not exist for U.S. and other nationals.

The United States cannot appeal the Appellate Body's conclusion that Section 211 clearly violates WTO rules. Following last week's formal adoption of the Appellate Body report by the WTO's Dispute Settlement Body, the United States has only a short time to correct its violations and come into compliance with WTO rules. If the United States fails to do so, it will have to offer compensation or face possible retaliatory measures against U.S. intellectual property right holders and other trade interests.

Even more troubling than the threat of retaliation, however, is the fact that Section 211 and the Appellate Body decision may serve as a model for other countries that wish to make it more difficult for U.S. intellectual property holders to protect and enforce their rights abroad. While the Appellate Body concluded that Section 211 violates national treatment and MFN, it let stand other U.S. arguments that suggest that WTO members are free to deny protection to trademark right holders on grounds other than those provided in the TRIPS Agreement and Paris Convention. In other words, in order to defend Section 211 the U.S. argued that TRIPS is limited in its scope. These arguments were not only contrary to long-established U.S. international intellectual property policy objectives; they could ultimately invite arbitrary treatment and abuse of U.S. brand names overseas.

The only appropriate response to the WTO decision is to repeal Section 211 in its entirety. Repealing Section 211 will underscore that the United States abides by its international commitments. It will safeguard U.S. intellectual property rights in foreign markets, remove the threat of retaliation against U.S. exports, and restore U.S. leadership in the fight to secure strong protection and enforcement for intellectual property rights worldwide.

I call on the administration to work with the Congress to quickly repeal Section 211 in its entirety to restore the U.S. to its rightful place as the world's guardian of intellectual property rights.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred August 10, 1996 in Portsmouth, NH. A gay man was attacked outside a nightclub. The attackers, three men, yelled anti-gay epithets while they assaulted the victim.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

COMMEMORATING THE ONE YEAR ANNIVERSARY OF THE SHOOTING AT SANTANA HIGH SCHOOL

Mrs. BOXER. Mr. President, today marks the one-year anniversary of the tragic shooting at Santana High School in Santee, CA. This shooting claimed the lives of two innocent teenagers: Brian Zuckor and Randy Gordon, and sent an entire community into mourning.

The community of students, faculty, family and friends at Santana High School is still mourning. The healing process is difficult and long, and I offer my thoughts, condolences, and support to the entire community. I look with great respect at the way they have reacted to this senseless act of violence; both immediately, in the aftermath of the shootings, and in the year that has followed. Youth and adults alike have shown great compassion, strength and bravery in coping with this tragic event.

To commemorate this one-year anniversary, the school held a "Santana Safe School Tribute 5k Run/Walk" on Saturday morning. Proceeds from the walk will benefit the creation of Santana's Community/Family Resource Center, a center aimed at providing youths the physical, emotional and intellectual support they need. In addition, Santana High School will have a day of private remembrance today, with a flag ceremony in the main quad, a moment of silence, and a luncheon for the entire school community.

On this day, the anniversary of Santana High School's shooting, I once again extend my support for the families and friends affected by the tragedy. I offer special condolences and thoughts to the Zuckor and Gordon families. I assure them that I continue to hold this incident close to my heart as I fight to pass common sense gun legislation, put police officers in schools, and keep our children and communities safe.

GOD BLESS THE USA

Mrs. LINCOLN. Mr. President, I ask unanimous consent that the following poem, "God Bless the USA," written by Ms. Debbie Rogers of Danville, AR, be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

GOD BLESS THE USA

Twin Towers once stood regally, but Majestic in the sky,
Pure evil took them down today, Americans stand and cry.
Two planes marked for death, As the world observes them crash,
Once Titanic against the skyline, now scattered in debris and ash.
Four planes all together, carrying innocent lives on each one,
Leaving disbelief and carnage, when the Hellish Butchers were done.
There was no kind of warning, no message did they send,
And total devastation, is so hard to comprehend.
Emergency Crews work frantically, keeping hope always alive,
They dig with bleeding hands, Praying someone does survive.
Thousands hurt and missing, death lingers in the air,
Families in such torment, the world mourns in deep despair.
Our whole world has been disrupted, As we watch the Breaking News,
Praying they find survivors, and all the missing clues.
We need closure for the Families, and Justice for Us all,
We'll deal with this catastrophe, As Americans we stand tall.
We're proud to be Americans, We won't take this without a fight,
We won't cease in determination, till this wrong is made a right.
We'll rise above the smoke and ash, remembrance in Our heart,
Of all the innocent Families, these Monsters tore apart.
Now vengeance seems to call, like a beacon in the night,
God forgive Our thoughts, two wrongs don't make a right.
But we'll stand on Honor and Justice, there'll be a reckoning day,
This deed won't go unpunished, God Bless The U.S.A.

ADDITIONAL STATEMENTS

CHILDREN'S SPINE FOUNDATION "THE ART OF GIVING"

• Mrs. BOXER. Mr. President, on March 6, 2002, the Children's Spine Foundation will hold its Fourth Annual Gala, "The Art of Giving." I would like to take a moment to inform the Senate of the organization's great work.

Spinal deformities present a serious health problem for many children each year, and many cases are life threatening. The Children's Spine Foundation helps detect spinal deformities early and treats them effectively. The foundation has helped save many lives.

Founded in 1994 by Dr. Thomas and Salma Haider, the Children's Spine Foundation provides much needed services to people in the Riverside and San Bernardino communities who might not otherwise have access to quality spinal health care.

The foundation connects children in need with renowned orthopedic surgeons at local hospitals. It also provides screening for spinal abnormalities and raises awareness through educational programs, health fairs, workshops and conferences.

I would like to express a special word of commendation to Dr. and Mrs. Haider, whose care and compassion have made the Children's Spine Foundation a reality. CSF would not be the wonderful foundation it is today without their guidance and vision. They are truly the pioneers behind CSF's important mission.

I send my best wishes to the Children's Spine Foundation on the special day of its annual gala event, and wish the staff and volunteers much continued success.•

CONGRATULATIONS TO MIKE "DOC" HOWARD

• Mr. BUNNING. Mr. President, today I ask my fellow colleagues to join me in praising the entrepreneurial spirit of Mike "Doc" Howard of Lebanon, KY. Mr. Howard was recently named the Outstanding Businessperson of 2001 by the Lebanon/Marion County Chamber of Commerce for his progressive economic vision and innovative genius.

Doc Howard received his first lesson in economics from his Uncle Howard when he was just 12 years of age. Doc was put to work by his uncle at the Arista Theater, Lebanon Drive-In, and local gas station, where he ran the projector, operated the grill, and pumped the gas. At a young age, Doc Howard seemed to firmly grasp the simple but often elusive concept of saving money in order to make money. This economic axiom has stuck with him ever since his days of flipping burgers and pumping gas.

In the early 1970s, Howard, with the help of several business partners, opened a printing business and so began his career as an entrepreneur for Marion County. Since then, Doc has been fiscally involved in all of the following industries: entertainment, carpentry, real-estate, lumber, agriculture, produce, retail and restaurant. He has owned drive-ins, built houses, sold houses, owned grocery stores and delis, and even found time to become a farmer. Currently, Doc is attempting to build on his previous successes and bring even greater economic opportunities to the residents of Marion County. He recently bought the Lincoln Heritage Shopping Center, which now includes Sears, Dollar General, Central Kentucky Staffing, an Italian restaurant, a physical therapist, and a tobacco store. The people of Marion County will definitely benefit from these quality additions. Since the early 1970s, Doc Howard has diligently committed his efforts to making Lebanon/Marion County a more attractive place to do business. He deserves our praise for being a pillar of capitalism.

I congratulate Mr. Howard on his award and thank him for investing his time and money into the future of Marion County.•

TRIBUTE TO NEW NATIONAL FARMERS UNION PRESIDENT DAVE FREDERICKSON

• Mr. JOHNSON. Mr. President, I rise today to congratulate Dave Frederickson as the recently elected National Farmers Union, NFU, president. During the National Farmers Union 100th anniversary convention, delegates chose a true leader for their future in Mr. Frederickson. Family farmers and ranchers across America can rest assured that Dave will continue his commitment to them in his new role.

Dave brings 11 years of experience as the Minnesota Farmers Union, MFU, president to his new post. Not only is Dave committed to sustain family farmers and ranchers, he also holds the education of youth to a high standard. After graduating from St. Cloud State University with a degree in education, Dave spent 8 years teaching special education children. The Farmers Union philosophy regards education as one of their three most important principles. Having a leader with Dave's background and experience, the national organization is sure to continue its legacy of teaching our youth.

From 1986 to 1992, Dave served as a State senator in the Minnesota legislature. During this period, he served on a number of committees, including the rural development committee, the education committee, and the governmental operations committee. Because of Dave's commitment to rural development and legislation that he supported, the ethanol industry has become a primary rural development tool in Minnesota. Dave continued his commitment to rebuilding and strengthening rural communities while president of MFU. The experience that he brings to the table can only ensure that one of the most effective general farm organizations in America is in good hands.

Dave has made his first priority as president of NFU to see a good farm bill passed out of conference committee. He said, "Farmers Union has worked hard throughout the House and Senate farm bill process, and we have much more work ahead of us, let's go back to Washington and work for a farm bill so that when you go back into your fields, you will know what kind of support you have behind you."

I look forward to working with Dave on issues that not only affect South Dakota, but the entire fabric of rural America. The members of Farmers Union elected a true public servant, a leader with integrity, vision, and commitment. Again, congratulations to Dave Frederickson on his accomplishments of the past, and his commitment to the future of rural America in his new role as National Farmers Union president.•

THE DEATH OF LT. COL. HENRY "HANK" BARROWS, USAF, RET.

• Mr. McCAIN. Mr. President, I rise today to honor a great American patriot, Hank Barrows. Hank passed away unexpectedly on Monday, February 11 at his home in Washington, DC. My deepest sympathies go out to his wife, Suzanne, and his sons, Geoffrey and Brian.

Born in Bremerhaven, Germany on September 9, 1946, Hank emigrated with his family to the United States in 1960, settling in Westfield, NJ. Following his graduation from Westfields High School, Hank was accepted by Rutgers University, where he graduated in 1964 with a bachelors of arts degree in German.

Trained as a navigator following his graduation from Air Force Officers Candidate School, OCS, in 1969, Hank served two tours in Vietnam. In his first tour, Hank served as a EWO on a C–130 gunship and the second as a B–52 EWO during the Linebacker II Operations over North Vietnam. It was on December 19, 1972, during one of the Linebacker missions, that Hank was shot down and taken prisoner by the North Vietnamese. Hank was held prisoner in the infamous "Hanoi Hilton" until his release on March 29, 1973. After being released by the Vietnamese, he was assigned to the 343rd Strategic Reconnaissance Squadron at Offutt Air Force Base as an Electronic Intelligence intercept officer on the RC–135s.

His next assignment was to the 7575 Operations Group Operating Location A Support Squadron stationed at Rhein Main Air Force Base, Frankfurt, Germany flying in and out of Berlin as part of the freedom of the corridors mission. In recognition of his superior performance and expertise, Hank was reassigned in 1979 to United States Air Force-Europe, USAFE, headquarters in the office that managed airborne operations.

Hank returned to the U.S. in 1982 working in the Air Staff Intelligence Directorate in the Pentagon. He spent the last seven years of his distinguished Air Force career in the Defense Support Project Office. He finished that assignment as the Deputy Director for Airborne Reconnaissance.

Upon his retirement in 1992, Hank joined MRJ as a key member of the Mariner Support team. As a result of his superior performance on that team, he became the program manager for the Defense Airborne Reconnaissance Office, DARO, support contract. Having successfully managed that contract, Hank was promoted to the position of Division Manager. After the reorganization of MRJ, Hank was put in charge of the Development Systems Division, which later became the Development Systems Group when Veridian acquired MRJ. Hank's group consistently exceed their business goals each year.

In 2000, Hank received the Veridian Leadership Award. In nominating Hank for this award, he was cited for ". . . accepting and tackling difficult and challenging business opportunities, his unique talent, his contagious enthusiasm and a belief that winning is for those willing to give their best." He was also cited for his ". . . knack of finding and recruiting the best-qualified people for the planned growth of his division." In addition, he was recognized for ensuring that his team was kept well-informed, equipped with the right tools to do their jobs, and encouraging each individual to inject initiative and promote professional growth while increasing customer support.

Hank will be remembered in many ways by those who came to know him. We will remember Hank as an exemplary role model with vision, passion, and loyalty.•

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Health, Education, Labor, and Pension pursuant to the order of March 5, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Don V. Cogman, of Connecticut, to be a member of the National Council on the Arts for a term expiring September 3, 2006.

Katharine DeWitt, of Ohio, to be a member of the National Council on the Arts for a term expiring September 3, 2006.

Teresa Lozano Long, of Texas, to be a member of the National Council on the Arts for a term expiring September 3, 2006.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS:

S. 1985. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 1986. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Mr. SMITH of New Hampshire (for himself, Mr. FEINGOLD, and Mr. McCAIN):

S. 1987. A bill to provide for reform of the Corps of Engineers, and for other purposes; to the Committee on Environment and Public Works.

By Ms. LANDRIEU:

S. 1988. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. EDWARDS):

S. 1989. A bill to authorize the establishment of a National Cyber Security Defense Team for purposes of protecting the infrastructure of the Internet from terrorist attack; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KERRY (for himself, Mr. BOND, Mr. LIEBERMAN, Mr. BURNS, Mr. CLELAND, Mr. BENNETT, Ms. LANDRIEU, Ms. SNOWE, Mr. EDWARDS, Mr. CRAPO, Ms. CANTWELL, Mr. ALLEN, Mr. ENSIGN, Mr. WELLSTONE, Mr. HARKIN, and Mr. LEVIN):

S. Res. 216. A resolution to honor Milton D. Stewart for his years of service in the Office of Advocacy of the Small Business Administration; considered and agreed to.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 514, a bill to amend title 18 of the United States Code to provide for reciprocity in regard to the manner in which nonresidents of a State may carry certain concealed firearms in that State.

S. 548

At the request of Mr. HARKIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 592

At the request of Mr. SANTORUM, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 592, a bill to amend the Internal Revenue Code of 1986 to create Individual Development Accounts, and for other purposes.

S. 724

At the request of Mr. BREAUX, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 724, a bill to amend title XXI of the Social Security Act to provide for coverage of pregnancy-related assistance for targeted low-income pregnant women.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1220

At the request of Mr. BREAUX, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1220, a bill to authorize the Secretary of Transportation to establish a grant program for the rehabilitation, preservation, or improvement of railroad track.

S. 1375

At the request of Mr. DORGAN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1375, a bill to amend the Internal Revenue Code of 1986 to allow tax-free distributions from individual retirement accounts for charitable purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1686

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1686, a bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work in certain providers of services to which payments are made under the medicare program.

S. 1712

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 1712, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 1917

At the request of Mr. JEFFORDS, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1926

At the request of Mr. KERRY, the names of the Senator from Florida (Mr. NELSON), the Senator from Illinois (Mr. DURBIN), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mrs. MURRAY), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 1926, a bill to improve passenger automobile fuel economy and safety, reduce greenhouse gas emissions, reduce dependence on foreign oil, and for other purposes.

S. 1945

At the request of Mr. JOHNSON, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Michigan (Ms. STABENOW), and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week".

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Louisiana (Mr. BREAUX), the Senator from Idaho (Mr. CRAPO), the Senator from North Carolina (Mr. HELMS), the Senator from Colorado (Mr. CAMPBELL), the Senator from Idaho (Mr. CRAIG), the Senator from North Dakota (Mr. DORGAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Massachusetts (Mr. KERRY), the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Mr. MURKOWSKI), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Maryland (Mr. SARBANES), and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. RES. 214

At the request of Mr. SPECTER, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S.

Res. 214, a resolution designating March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

AMENDMENT NO. 2915

At the request of Ms. COLLINS, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of amendment No. 2915 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS:

S. 1985. A bill to allow Federal securities enforcement actions to be predicated on State securities enforcement actions, to prevent migration of rogue securities brokers between and among financial services industries, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Ms. COLLINS. Mr. President, today I am introducing the Microcap Fraud Prevention Act of 2001. This bill will close loopholes in the enforcement of our securities laws and furnish Federal authorities with the tools they need to combat growing fraud in the microcap securities market. While the Enron debacle has focused attention on the need for tougher and fuller financial disclosure standards to protect small investors, microcap fraud costs investors an estimated $6 billion every year.

I first introduced this bill in the 106th Congress after extensive examination by the Senate's Permanent Subcommittee on Investigations, which I chaired. I am pleased that the North American Securities Administrators Association, which is made up of our Nation's State securities regulators, has once again sent me a letter of strong support and has made passage of legislation such as this one of its top legislative priorities.

Today's securities markets are much different than they were even a decade ago. Many more people own securities than ever before. The rise of the Internet has allowed investors greater access to market information and investment advice. Unfortunately, not all of this information and advice has been sound, or even honest.

These problems are exacerbated in the microcap market. Microcap stocks are those of smaller, thinly capitalized companies. Because the individual share prices may be higher than a certain threshold, however, they may avoid regulation as "penny stocks." Because investors typically know little of these companies, their share prices are easier to manipulate due to the small amount of total capital. They are often less regulated than the securities of larger companies and, therefore, they can pose difficult challenges for law enforcement and unique opportunities for dishonest brokers.

It is this combination of a microcap company's low capitalization, making its share price more easily manipulable, and obscurity, along with high-pressure sales tactics, that make microcap stocks so appealing to the more dishonest elements in our securities markets.

Frequently, salesmen will call customers, pitching these investments with high pressure sales tactics. More sophisticated scams involve a practice known as the "pump and dump" where a securities firm that has purchased a large block of a microcap company's stock will market it aggressively and quickly to investors. As a result of the surge in demand, the share's price will rise sharply but temporarily, despite the unchanged fundamentals underlying the stock's price.

After a short time, investors will realize that the company's performance does not merit its new share price. The stock's share price will then plummet, but the firm will by then have unloaded its shares, leaving investors holding the bag. In other cases, however, dishonest brokers and firms simply fail to execute sales orders or otherwise commit garden variety theft masquerading as securities transactions, such as churning or making unsuitable recommendations.

States prosecute these criminals activities with some success and often obtain orders prohibiting further securities activities by bad actors within their jurisdiction. Because such an order ends at a State's borders, however, the defendants can simply pick up, move to a new State, and begin their schemes anew. In contrast, a Federal order would have effect nationwide. Because Federal law enforcement resources are limited, however, there is only so much it can do, and many smaller time criminals can continue to operate below the federal government's radar screen. My bill would institute several reforms to address these problems.

First, it would allow the SEC to take enforcement actions against brokers and firms on the basis of those already concluded by state agencies. Although States may base their actions on Federal actions, the reverse is not true. As a result, the SEC must duplicate the State's efforts to provide nationwide protection to investors. By allowing the SEC to base disciplinary actions on those concluded by states, the State's disciplinary actions can be given effect nationwide, when appropriate, without the SEC's having to commit significant amounts of additional resources.

Second, the bill would allow the SEC to keep those who commit any type of financial fraud from participating in the microcap market. Currently, the SEC can ban those who commit securities violations. But the SEC should have the poser to discipline those who commit other types of financial services offenses as well.

Third, this bill would broaden provisions designed to prevent fraud in the penny stock market. Under current law, the SEC can suspend or bar those who commit fraud in this market. However, brokers so barred can turn around and commit the same types of offenses in the microcap market because their individual share prices might exceed $5 per share, even though the total capitalization amount is small enough to lend itself to easy manipulation. The penny stock market ban needs to be expanded to the microcap market as well.

Fourth, the statutory officer and director bar would be expanded to cover all publicly traded companies. Currently, this bar only applies to companies that report to the SEC, leaving open the possibility that those who have been barred from serving in these companies could serve in others that are exempt from reporting. Companies involved in microcap schemes are frequently traded over the counter and are not covered by the bar. Under my bill, this bar would extend to all publicly traded companies.

Finally, the bill would allow the SEC to enforce its own orders and court injunctions against repeat offenders directly rather than waiting for the Justice Department to initiate contempt proceedings. Instead the SEC would be able to seek immediate civil penalties for repeat violations without the delay that can occur from the initiation of contempt proceedings.

These are common sense, measured steps that can make a real difference in the level of protection that we provide to investors, many of whom are new to our capital markets. I would urge the Senate to consider and pass the Microcap Fraud Prevention Act quickly. Mr. President, I ask unanimous consent that the letter of support from the NASAA be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NASAA,
Washington, DC, November 15, 2001.

Hon. SUSAN M. COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the membership of North American Securities Administrators Association, Inc. (NASAA), I commend you for recognizing and confronting the problem of fraud in the microcap securities market. We appreciate your efforts to protect the investing public from frauds in low-priced securities, and for your plans to introduce legislation to enhance enforcement efforts in this area.

As you know, several years ago, state securities administrators recognized the problem of fraud in the microcap market. Since then the states have led enforcement efforts and filed numerous actions against microcap firms. There are systematic problems in this area, but they can be addressed effectively if state and federal regulators and policymakers work together on meaningful solutions.

NASAA wholeheartedly supports the intent of The Microcap Fraud Prevention Act of 2001. It would be an important step in combating abuses in the microcap market and maintaining continued public confidence in our markets.

We applaud your leadership in the fight against microcap fraud, and I pledge the support of NASAA's membership to continue to work with you to secure passage of this important legislation.

Sincerely,

JOSEPH P. BORG,
Alabama Securities Director,
NASAA President.

By Mr. BINGAMAN (for himself and Mr. ROBERTS):

S. 1986. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties. By improving the transportation infrastructure, I believe this legislation will help attract good jobs to South, Central, and Eastern New Mexico.

The bill we are introducing today designates U.S. Highway 54 from the border with Mexico at El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for the Regional and Interstate Transportation, or the Southwest Passage, corridor. Congress has already included Highway 54 as part of the National Highway System. The bill designates the Southwest Passage as a High Priority Corridor on the National Highway System.

I am honored to have my good friend and colleague, Senator ROBERTS, as a cosponsor of the bill. Our goal with this designation is to promote the development of this 700-mile route into a full four-lane divided highway. About half of the SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas.

I continue to believe strongly in the importance of highway infrastructure for economic development in my state. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-state visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, US 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including one of the State's popular designated Scenic Byways. The Mesalands Scenic Byway is located in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. The SPIRIT corridor also passes through Alamogordo, home of the New Mexico Museum of Space History, and gateway to the stunning White Sands National Monument.

The route of the Southwest Passage starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is already increasing at the border crossings in El Paso, TX, and Santa Teresa, NM. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years. The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, I–35, I–40, and I–70. SPIRIT is also the shortest route between Chicago and El Paso, shaving 137 miles off the major alternative.

Though much of US 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day, 40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my State's efforts to complete the four-lane upgrade of US 54. The State Highway and Transportation Department now rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo is underway and will be completed in the next year. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and Vaughn to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Vista in Quay County. The cost to four-lane these two segments is estimated at $329 million and $85 million, respectively. I am committed to working to help secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other States are also moving quickly to four-lane their portion of the route. I hope designating SPIRIT as a High Priority Corridor on the National Highway System will help spur the completion of this project.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our Nation's international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of US 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico.

I again thank Senator ROBERTS for cosponsoring the bill, and I hope all Senators will join us in support of this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

"(45) The corridor extending from the point on the border between the United States and Mexico in the State of Texas at which United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.".

By Mr. SMITH of New Hampshire (for himself, Mr. FEINGOLD, and Mr. MCCAIN):

S. 1987. A bill to provide for reform of the Corps of Engineers, and for other purposes; to the Committee on Environmental and Public Works.

Mr. SMITH of New Hampshire. Mr. President, together with my friend from Arizona, Mr. MCCAIN, and my friend from Wisconsin, Mr. FEINGOLD, I am introducing the Corps of Engineers Modernization and Improvement Act of 2002. "Corps Reform", as it is frequently billed, has been the subject of much heated debate over the last two years. In fact, the Water Resources Development Act of 2000 included a provision on independent peer review, requested by Senator FEINGOLD.

Since that time, it has become clear to me that we need to aggressively address a broad range of issue endemic in the Corps. That is why I am before you today, introducing this bill. The Corps has been the subject of "the Fleecing of America" too many times. My primary goal is to ensure that Federal taxpayer dollars are spent wisely, on sound investments that are in the national interest. Our bill achieves this goal by addressing the mammoth backlog of projects that plagues the Corps; changing the cost-benefit ratio that a project must meet in order to be economically justified; updating of the Principles and Guidelines; instituting independent review of certain projects; amending some of the cost-share requirements; and limiting the waivers of non-Federal cost-shares often granted to communities.

It has been projected that there is currently a construction backlog of well over $40 billion in authorized projects, with annual appropriations for the construction account of the civil works mission averaging around $1.8 billion. As such, the majority of the projects in the backlog will never see a Federal dime. While a great number of these projects are meritorious and deserve funding, others are not in the Corps mission, are no longer economically justified, or violate non-Federal cost-share requirements.

Our bill would require the Corps to provide a list of projects in the backlog, categorizing each project as "active," "deferred," "inactive." There would be a deauthorization mechanism, more stringent than current law, for projects that have never received construction funds, for projects that have been suspended, and for those that don't pass economic muster.

In addition, there are projects "on the books" that are more than 25 years old, which have never received construction funds. These projects should be deauthorized immediately. The Environment and Public Works Committee can authorize a restudy if any of these projects are thought to have modern benefits and meet the requisite standards.

Currently, projects are only required to meet a 1:1 cost-benefit ratio. I find this appalling. No one would invest in the stock market at such a return. According to the Taxpayers for Common Sense, 36 percent of the 310 major projects authorized since 1986 have been authorized with a benefit-to-cost ratio of less than 1.5. Construction of these projects would cost more than $7 billion. Especially in these times of war and deficit spending, taxpayers cannot afford, nor should be asked to fund such projects. My bill would require that projects return benefits that are one and a half times the project costs, a vast improvement over current practice.

My friends, do not fear deauthorization. It is a cleansing process, getting the inactive projects off the books will only serve to better the chances of completed funding for those projects that remain.

I would also like to highlight the independent review provision in my bill. WRDA 2000 required the National Academy of Sciences to issue a report making recommendations on the effectiveness of independent peer review. Many will ask, why not wait until the Academy's report is issued before addressing this issue in legislation. I would like to explain to my colleagues, if the Academy makes recommendations that differ from what I have included in this bill, I am open to making refinements as this bill moves through the legislative process. But I wanted to include a provision on independent review to highlight the importance of the issue, as well as my belief that such review will help restore integrity to the Corps and its study processes.

Let me say a word about cost-shares. I think it is important that a non-Federal sponsor partner with the Federal Government in the advancement of Corps of Engineers projects. The landmark WRDA 1986 established most of the modern cost-share formulas. But some of these cost share arrangements could be stronger. For example, the benefits realized by beach replenishment projects are highly localized. The non-Federal interests should thus be responsible for a larger portion of the replenishment costs. I also believe that there should be a financial incentive, in the form of a better cost share, for non-structural flood damage reduction projects. This only seems logical from a financial sense, as well as an environmental standpoint. And as for the costs associated with the Inland Waterways system, IWS, there should be a distinction between those segments of the System that carry most of the traffic and those that are underutilized. Approximately 30 percent of the Operations and Maintenance funds are devoted to segments of the IWS that realize a mere 3 percent of the traffic. My bill attempts to address this issue by reformulating how O&M costs are paid.

I say to my friends, my intention here is not to beat up on the Corps of Engineers. As the ranking Republican on the Senate Environment and Public Works Committee, I have a great deal of respect for the Chief of Engineers and the Assistant Secretary of the Army for Civil Works. This bill should not be interpreted as a statement on their effectiveness. I merely want to implement mechanisms to make the Agency more fiscally responsible. The taxpayers deserve our attention to this matter.

I realize that many of my distinguished colleagues will oppose our efforts to improve and modernize the Corps of Engineers. I daresay, part of the problem is that any meaningful reform of the Corps will require a reform of the practices of Congress, as well. If your project is meritorious, if it has local support and adheres to cost-sharing requirements and cost-benefit ratio, if your project is in the Corps mission, you need not worry. This bill is about clearing the way for projects that warrant the taxpayers' investment.

As for where we go from here, the Senate Environment and Public Works Committee will hold a hearing on the issue of Corps Reform in the upcoming months. I expect this bill to be part of the debate of the hearing.

Average Americans toil all day long, and some, all night, trying to make meager ends meet. How can I look these Americans in the eye and say, your tax dollars pay to maintain a waterway that sees two barges a year or to replenish the sand on a beach where the median home price is $1.5 million? Taxpayers' hard-earned money should not be devoted to pouring sand on the beaches of the wealthy. Taxpayer dollars should be spent more wisely than to maintain deadbeat waterways. Particularly during this time of belt-cinching, we should show more fiscal restraint!

I would like to quote another Mr. Smith, that is, Mr. Smith of Maine, who served on the House Committee of Ways and Means in the days before this country was embroiled in Civil War. Mr. Smith, in a Report of the Ways and Means Committee dated February 10, 1836 wisely counseled: "Heedless and useless or unavailable expenditure of the public treasury are alike to be avoided in all legislation." He further noted: "Every Government . . . is susceptible of acquiring habits of lavish expenditure and extravagance in its operations." Every Government "requires constant watching to preserve its own purity." Well, folks, I am here to say, our government's practices are not pure. But there is something that we can do about it.

Corps Reform. It's going to be an uphill battle, but it's a start. I challenge, not just my fiscally conservative friends, but all my colleagues, to put aside their parochial interests for the general good of the taxpayers' hard-earned money.

As we move forward, please understand that I am open to suggestions as to how to improve upon the ideas embodied in this bill. I want to work together with my colleagues to make this bill as meaningful, responsive, and responsible as possible.

Please join me in advancing this fiscally responsible legislation.

Our bill is supported by taxpayer advocacy groups such as the Taxpayers for Common Sense, National Taxpayers Union, Citizens Against Government Waste, as well as environmental groups, for example, National Wildlife Federation and Environmental Defense. I have some letters of support and ask unanimous consent that they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL DEFENSE,
March 5, 2002.

Senator BOB SMITH,
Ranking Member, Senate Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR SENATOR SMITH: Environmental Defense strongly supports the Corps of Engineers Modernization and Improvement Act of 2002 and applauds your efforts to restore trust in the Corps' planning process and to focus scarce federal funds on economically and environmentally sound civil works projects.

The Corps has an important role to play in the management of the nation's water resources, including the restoration of ecosystems like the Everglades, Coastal Louisiana, and the Columbia, Snake, Mississippi and Missouri rivers. Unfortunately, scarce federal funds are frequently wasted on projects with few economic benefits and high environmental costs.

We believe the Corps of Engineers Modernization and Improvement Act of 2002 will move to accelerate the construction of nationally critical projects by prioritizing and shrinking the Corps' $52 million backlog, subjecting questionable projects to greater review, and by asking cost-sharing partners to share a larger portion of project costs. Too many Corps projects have failed to generate predicted benefits—including many segments of the inland waterway system—and too many projects with questionable economic benefits continue to be constructed.

We are aware that powerful special interests will oppose these changes to bring basic fiscal sense to federal funding for water projects. It takes an exceptional degree of principal and courage to take on these interests. We are confident, however, that your leadership on this issue can make a big difference.

We applaud your efforts to restore trust in the Corps' planning process and to focus scarce federal funds on economically and environmentally sound projects.

Sincerely,

SCOTT FABER,
Water Resources Specialist.
TIMOTHY SEARCHINGER,
Senior Attorney.

MARCH 5, 2002.

Senator ROBERT SMITH,
Ranking Member, Environment and Public Works Committee, Dirksen Senate Office Building, Washington, DC.

Senator RUSSELL FEINGOLD,
Hart Senate Office Building, Washington, DC.

Senator JOHN MCCAIN,
Russell Senate Office Building, Washington, DC.

DEAR SENATORS SMITH, FEINGOLD, AND MCCAIN: Taxpayers for Common Sense commends you for introducing the Corps of Engineers Modernization and Improvement Act of 2002.

This legislation could stop more than $15 billion of wasteful spending at the U.S. Army Corps of Engineers by deauthorizing wasteful and outdated projects, limiting the Corps to only building projects within its mission, requiring greater accountability in its project planning process, and increasing the non-Federal contributions to project costs. With the return of budget deficits the timing and need for this legislation could not be greater.

As early as 1836, Members of Congress started raising questions about cost overruns and mismanagement by the Corps in constructing water projects. Back then, Congressman Francis O. Smith from Maine, Chairman of the House Ways and Means Committee, rebuked the Corps for a host of problems in constructing 25 wasteful projects in the committee report on the Harbors and Rivers Act.

More than 160 years later, Taxpayers for Common Sense and National Wildlife Federation published a report criticizing the Corps for pursuing 25 other projects that would waste more than $6 billion of federal taxpayer money.

A steady stream of Congressional authorizations of new projects over the last two decades has swelled the Corps' construction backlog to $52 billion. However, despite a 50% increase in the Crops' construction backlog over the last six years, it would still take the agency more than 25 years to construct all of those projects at current funding levels assuming no new projects were authorized.

The reluctance of many Members of Congress to criticize wasteful spending has created this enormous backlog, leading to a situation where everyone loses because no projects are getting built. A Taxpayers for Common Sense analysis of the backlog found that the typical Corps project was only 24% completed, based upon the median rate of completion. Legitimate projects, like operation and maintenance of high-volume waterways, are suffering at the hands of "mission creep" projects like the $311 million Grand Prairie Irrigation project in east Arkansas, a project that even the farmers who the Corps identified as the beneficiaries oppose.

Unfortunately, the Corps has not taken measures to alleviate these problems. Instead, last week at Senate Budget Committee hearings, Assistant Secretary of the Army Mike Parker and Lt. Gen. Robert Flowers half-heartedly defended President Bush's FY03 budget request while testifying that the way to reduce the backlog was to give the Corps a raise this year from $4 billion to $6.4 billion, a 60% increase over the President's request.

The Corps has become embroiled in several scandals over the manipulated and shoddy evaluation of project studies. In the most infamous case, the Army Inspector General reprimanded three senior Corps officials for "cooking the books" to bias a study of lock expansions on the Upper Mississippi and Illinois Rivers so that the results favored a $1.2 billion project alternative. In the last two years, five other major Corps projects have been found through independent economic analyses to be unjustified: the $360 million Delaware River deepening project, the $188 million Columbia River deepening project, the $127 million Dallas Floodway Extension project, the $108 million Oregon Inlet Jetties project, and the $40 million Chesapeake and Delaware Canal deepening project.

Clearly, the Corps is incapable of producing objective analyses of projects. This is why the independent peer review provisions of your bill are so critical. Taxpayers deserve better accountability for how their hard earned tax dollars are being spent.

The Corps doesn't need a raise, it just needs a good dose of common sense. Like all taxpayers faced with a tight budget, the Corps must be forced to prioritize and focus on the projects it does best within its mission.

With pursuit of the reforms in this bill, you will be building upon a notable legacy left by President Reagan in 1986. That year, Congress agreed to his landmark cost sharing rules that required local beneficiaries to pay a share of each project. Not only will you be following in Reagan's footsteps, but you are charting a new course for the further of water resources development in America. On behalf of taxpayers, thank you for your leadership on this important matter.

Sincerely,

JOE THEISSEN,
Executive Director.

Mr. FEINGOLD. Mr. President, I rise today to join the Senator from New Hampshire, Mr. SMITH, in introducing the Corps of Engineers Modernization and Improvement Act of 2002. I am very pleased to be working with him on this issue, and admire his dedication to fiscal responsibility as embodied in this measure.

As the Senator from New Hampshire, Mr. SMITH, and I introduce this bill, we realize that Corps Reform is a work in progress. Reforming the Corps of Engineers will be a difficult task for Congress. It involves restoring credibility and accountability to a Federal agency rocked by scandals and constrained by endlessly growing authorizations and a gloomy Federal fiscal picture, and yet an agency that Wisconsin, and many other States across the country, have come to rely upon. From the Great Lakes to the mighty Mississippi, the Corps is involved in providing aids to navigation, environmental remediation, water control and a variety of other services to my state. My office has strong working relationships with the Detroit, Rock Island, and St. Paul District Offices that service Wisconsin, and I want the fiscal and management cloud over the Corps to dissipate so that the Corps can continue to contribute to our environment and our economy.

This legislation evolved from my experience in seeking to offer an amendment to the Water Resources Development Act of 2000 to create independent review of Army Corps of Engineers' projects. In response to my initiative, the bill's managers, which included the Senator from New Hampshire, Mr. SMITH, and the then Chairman, the Senator from Montana, Mr. BAUCUS, adopted an amendment as part of their Manager's Package which should help get the Authorizing Committee, the Environment and Public Works Committee, the additional information it needs to develop and refine legislation on this issue through a study by the National Academy of Sciences, NAS, on peer review.

Earlier this Congress, I introduced the Corps of Engineers Reform Act of 2001, S. 646. The measure the Senator from New Hampshire and I introduce today includes many provisions that were included in my original bill, and codifies the idea of independent review of the Corps about which we agreed in the 2000 Water Resources bill. It also provides a mechanism to speed up completion of construction for good Corps projects with large public benefits by deauthorizing low priority and economically wasteful projects. The bill put forward bold concepts. It streamlines the existing automatic deauthorization process. Under the bill a project authorized for construction but never started is deauthorized if it is denied appropriations funds towards completion of construction for five straight years. In addition, a project that has begun construction but denied appropriations funds towards completion for three straight years. The bill also preserves Congressional prerogative over setting the Corps' construction priorities by allowing Congress a chance to reauthorize any of these projects before they are automatically deauthorized. This process will be transparently to all interests, because the bill requires the Corps to make an annual list of projects in the construction backlog available to Congress and the public at large via the Internet. The bill also allows a point of order to be raised in the Senate against projects included in legislation for which the Corps has not completed necessary studies determining that a project is economically justified and in the federal interest.

The Senator from New Hampshire and I came to a meeting of the minds on the issue of independent review of Corps projects. But the bill we introduce today is much more than that. It is a comprehensive revision of the project review and authorization procedures at the U.S. Army Corps of Engineers. Our joint goal is to have the Corps to increase transparency and accountability, to ensure fiscal responsibility, and to allow greater stakeholder involvement in their projects. We are committed to that goal, and to seeing Corps Reform enacted as part of this year's Water Resources bill.

I also look forward, to the upcoming hearing process, and stand ready to work with the Senator from New Hampshire in merging the bill we introduce today with S. 646, my bill from earlier this Congress. My bill, S. 646, which is sponsored in the other body by my colleague from Wisconsin, Representative KIND, includes a number of important concepts that are central to environmental protection and that should be part of Corps Reform.

The Corps is required to mitigate the environmental impacts of its projects in a variety of ways, including by avoiding damaging wetlands in the first place and either holding other lands or constructing wetlands elsewhere when it cannot avoid destroying them. The Corps requires private developers to meet this standard when they construct projects as a condition of receiving a federal permit, and I think the federal government should live up to the same standards. Too often, the Corps does not complete required mitigation and enhances environmental risks. I feel very strongly that mitigation must be completed, that the true costs of mitigation should be accounted for in Corps projects, and that the public should be able to track the progress of mitigation projects. In addition, the concurrent mitigation requirements of S. 646 would actually reduce the total mitigation costs by ensuring the purchase of mitigation lands as soon as possible. I look forward to exploring these ideas with the Senator from New Hampshire as we work to produce a final product.

I feel that this bill is an important step down the road to a reformed Corps of Engineers. This bill establishes a framework to catch mistakes by Corps planners, deter any potential bad behavior by Corps officials to justify questionable projects, end old unjustified projects, and provide planners desperately needed support against the never ending pressure of project boosters. Those boosters, include Congressional interests, which is why I believe that this body needs to champion reform—to end the perception that Corps projects are all pork and no substance.

I wish it were the case, that I could argue that the changes we are proposing today were not needed, but unfortunately, I see that there is need for this bill. I want to make sure that future Corps projects no longer fail to produce predicted benefits, stop costing the taxpayers more than the Corps estimated, do not have unanticipated environmental impacts, and are built in an environmentally compatible way. This bill will help the Corps do a better job which is what the taxpayers and the environment deserve.

By Ms. LANDRIEU:

S. 1988. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, one hundred and thirty five years ago, before the term Homeland Security was even coined, a group of men devoted themselves to securing the frontiers of this Nation. They protected Americans in their homes; they deterred hostile invaders, and they secured the blessings of liberty to the people of this land. Even more remarkable, they secured these blessings for others, while they could not fully enjoy them themselves.

I am referring to the Buffalo Soldiers. These brave men instituted a tradition of professional military service for African Americans that stretches one hundred and thirty five years to our triumphs occurring this very day. African Americans military service is as old as our Nation. There were black soldiers during the revolution, a unit of free black men played a pivotal role in the Battle of New Orleans, and the exploits of African Americans during the Civil War have been captured in novels and on film. However, it was not until the Army Reorganization Act of 1866 that soldiering and service to country became a realistic option for African Americans seeking to improve their quality of life. In so doing, they raised the bar of freedom, and revealed the injustice of preventing the defenders of democracy from fully participating in it.

The city of New Orleans, and the State of Louisiana have a rich history, and have, over the years given more than their fair share of sons in service to their Nation. Much of this history is commemorated around the city. Yet these great sons of New Orleans remain unacknowledged in their home. For in Louisiana's great military tradition, surely one of its greatest military contributions were the 9th Cavalry Regiment and the 25th Infantry Regiment.

These two forces, recruited and organized in New Orleans, represent half of all the units of buffalo soldiers. The 9th Cavalry alone constituted 10 percent of all the American cavalry. Their list of adversaries reads like a who's who of the Old West, Geronimo, Sitting Bull, Poncho Villa. In movies, when settlers encounter Apaches, the cavalry always comes to the rescue. Yet how many times were the cavalry that rode over the horizon African Americans? Of course, the reality is that the Buffalo Soldiers comprised some of our Nations most capable and loyal troops. Despite suffering the worst deprivations known to any American soldiers of the period, their desertion rates were the lowest in the Army. The 9th Cavalry was awarded 15 Congressional Medals of Honor, including two to native Louisianians First Sergeant Moses Williams and Sergeant Emmanuel Stance.

For these reasons, I am offering legislation that would authorize the creation of a suitable memorial in New Orleans for these gallant soldiers.

There is an excellent statue to the Buffalo Soldiers at Fort Leavenworth Kansas. It commemorates the 10th Cavalry Regiment stationed there. However, I believe that these men deserve to be recognized in their home city. Furthermore, it should be in a location where thousands of visitors will have the opportunity to come to appreciate the legacy of the Buffalo Soldiers. I believe that the city of New Orleans is the perfect location.

This Nation has sadly found the need to say thank you to its servicemen and women after the fact on more than one occasion. Unfortunately, this is another. We are fortunate to have living memories of the 9th and 10th Cavalry Regiments today. The regiments were not disbanded until the conclusion of World War Two, where they served with distinction. We should take this opportunity to honor these veterans, and in so doing, honor the principles of liberty, freedom, and democracy for which they fought and sacrificed. They have given so much to their Nation, we owe them this public expression of gratitude.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 216—TO HONOR MILTON D. STEWART FOR HIS YEARS OF SERVICE IN THE OFFICE OF ADVOCACY OF THE SMALL BUSINESS ADMINISTRATION

Mr. KERRY (for himself, Mr. BOND, Mr. LIEBERMAN, Mr. BURNS, Mr. CLELAND, Mr. BENNETT, Ms. LANDRIEU, Ms. SNOWE, Mr. EDWARDS, Mr. CRAPO, Ms. CANTWELL, Mr. ALLEN, Mr. ENSIGN, Mr. WELLSTONE, Mr. HARKIN, Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 216

Whereas a vibrant and growing small business sector is vital to creating jobs in a dynamic economy;

Whereas reducing unnecessary regulatory burdens on small business promotes economic growth;

Whereas the Office of Advocacy of the Small Business Administration has been a key factor in working to minimize burdens on small business;

Whereas Milton D. Stewart, the first Chief Counsel for Advocacy, provided dynamic leadership in making the Office of Advocacy the effective voice for small business that it is today; and

Whereas Milton D. Stewart will be celebrating his 80th birthday on March 5, 2002: Now, therefore, be it

Resolved, That the Senate—

(1) honors Milton D. Stewart for his many years of service to the small business community of the United States;

(2) thanks Mr. Stewart for his leadership in creating a strong and dynamic Office of Advocacy to help carry on that service in the future; and

(3) instructs the Secretary of the Senate to transmit an enrolled copy of this resolution to Milton D. Stewart.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2979. Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHISON, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2917 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2979. Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHISON, and Mr. WYDEN) submitted an amendment intended to be proposed to amendment SA 2917 submitted by Mr. DASCHLE and intended to be proposed to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle C—Pipeline Safety

PART 1—SHORT TITLE: AMENDMENT OF TITLE 49

Sec. 741. Short title: amendment of title 49, United States Code.

PART 2—PIPELINE SAFETY IMPROVEMENT ACT OF 2002

Sec. 761. Implementation of inspector general recommendations.
Sec. 762. NTSB safety recommendations.
Sec. 763. Qualifications of pipeline personnel.
Sec. 764. Pipeline integrity inspection program.
Sec. 765. Enforcement.
Sec. 766. Public education, emergency preparedness, and community right to know.
Sec. 767. Penalties.
Sec. 768. State oversight role.
Sec. 769. Improved data and data availability.
Sec. 770. Research and development.
Sec. 771. Pipeline integrity technical advisory committee.
Sec. 772. Authorization of appropriations.
Sec. 773. Operator assistance in investigations.
Sec. 774. Protection of employees providing pipeline safety information.
Sec. 775. State pipeline safety advisory committees.
Sec. 776. Fines and penalties.
Sec. 777. Study of rights-of-way.
Sec. 778. Study of natural gas reserve.
Sec. 779. Study and report on natural gas pipeline and storage facilities in New England.

PART 3—PIPELINE SECURITY SENSITIVE INFORMATION

Sec. 781. Meeting community right to know without security risks.
Sec. 782. Technical assistance for security of pipeline facilities.

PART 1—SHORT TITLE; AMENDMENT OF TITLE 49

SEC. 741. SHORT TITLE; AMENDMENT OF TITLE 49, UNITED STATES CODE.

(a) SHORT TITLE.—This subtitle may be cited as the "Pipeline Safety Improvement Act of 2002".

(b) AMENDMENT OF TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United State Code.

PART 2—PIPELINE SAFETY IMPROVEMENT ACT OF 2002

SEC. 761. IMPLEMENTATION OF INSPECTOR GENERAL RECOMMENDATIONS.

(a) IN GENERAL.—Except as otherwise required by this subtitle, the Secretary shall implement the safety improvement recommendations provided for in the Department of Transportation Inspector General's Report (RT-2000-069).

(b) REPORTS BY THE SECRETARY.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter until each of the recommendations referred to in subsection (a) has been implemented, the Secretary shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the specific actions taken to implement such recommendations.

(c) REPORTS BY THE INSPECTOR GENERAL.—The Inspector General shall periodically transmit to the Committees referred to in subsection (b) a report assessing the Secretary's progress in implementing the recommendations referred to in subsection (a) and identifying options for the Secretary to consider in accelerating recommendation implementation.

SEC. 762. NTSB SAFETY RECOMMENDATIONS.

(a) IN GENERAL.—The Secretary of Transportation, the Administrator of Research and Special Program Administration, and the Director of the Office of Pipeline Safety shall fully comply with section 1135 of title 49, United States Code, to ensure timely responsiveness to National Transportation Safety Board recommendations about pipeline safety.

(b) PUBLIC AVAILABILITY.—The Secretary, Administrator, or Director, respectively, shall make a copy of each recommendation on pipeline safety and response, as described in sections 1135(a) and (b) of title 49, United States Code, available to the public at reasonable cost.

(c) REPORTS TO CONGRESS.—The Secretary, Administrator, or Director, respectively, shall submit to the Congress by January 1 of each year a report containing each recommendation on pipeline safety made by the Board during the prior year and a copy of the response to each such recommendation.

SEC. 763. QUALIFICATIONS OF PIPELINE PERSONNEL

(a) QUALIFICATION PLAN.—Each pipeline operator shall make available to the Secretary of Transportation, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, a plan that is designed to enhance the qualifications of pipeline personnel and to reduce the likelihood of accidents and injuries. The plan shall be made available not more than 6 months after the date of enactment of this Act, and the operator shall revise or update the plan as appropriate.

(b) REQUIREMENTS.—The enhanced qualification plan shall include, at a minimum, criteria to demonstrate the ability of an individual to safely and properly perform tasks identified under section 60102 of title 49, United States Code. The plan shall also provide for training and periodic reexamination of pipeline personnel qualifications and provide for requalification as appropriate. The Secretary, or, in the case of an intrastate pipeline facility operator, the appropriate State regulatory agency, may review and certify the plans to determine if they are sufficient to provide a safe operating environment and shall periodically review the plans to ensure the continuation of a safe operation. The Secretary may establish minimum standards for pipeline personnel training and evaluation, which may include written examination, oral examination, work performance history review, observation during performance on the job, on the job training, simulations, or other forms of assessment.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—The Secretary shall submit a report to the Congress evaluating the effectiveness of operator qualification and training efforts, including—

(A) actions taken by inspectors;

(B) recommendations made by inspectors for changes to operator qualification and training programs; and

(C) industry and employee organization responses to those actions and recommendations.

(2) CRITERIA.—The Secretary may establish criteria for use in evaluating and reporting on operator qualification and training for purposes of this subsection.

(3) DUE DATE.—The Secretary shall submit the report required by paragraph (1) to the Congress 3 years after the date of enactment of this Act.

SEC. 764. PIPELINE INTEGRITY INSPECTION PROGRAM.

Section 60109 is amended by adding at the end the following:

(c) INTEGRITY MANAGEMENT.—

(1) GENERAL REQUIREMENT.—The Secretary shall promulgate regulations requiring operators of hazardous liquid pipelines and natural gas transmission pipelines to evaluate the risks to the operator's pipeline facilities in areas identified pursuant to subsection (a)(1), and to adopt and implement a program for integrity management that reduces the risk of an incident in those areas. The regulations shall be issued no later than one year after the Secretary has issued standards pursuant to subsections (a) and (b) of this section or by December 31, 2003, whichever is sooner.

"(2) STANDARDS FOR PROGRAM.—In promulgating regulations under this section, the Secretary shall require an operator's integrity management plan to be based on risk analysis and each plan shall include, at a minimum—

"(A) periodic assessment of the integrity of the pipeline through methods including internal inspection, pressure testing, direct assessment, or other effective methods. The assessment period shall be no less than every 5 years unless the Department of Transportation Inspector General, after consultation with the Secretary determines there is not a sufficient capability or it is deemed unnecessary because of more technically appropriate monitoring or creates undue interruption of necessary supply to fulfill the requirements under this paragraph;

"(B) clearly defined criteria for evaluating the results of the periodic assessment methods carried out under subparagraph (A) and procedures to ensure identified problems are corrected in a timely manner; and

"(C) measures, as appropriate, that prevent and mitigate unintended releases, such as leak detection, integrity evaluation, restrictive flow devices, or other measures.

"(3) CRITERIA FOR PROGRAM STANDARDS.—In deciding how frequently the integrity assessment methods carried out under paragraph (2)(A) must be conducted, an operator shall take into account the potential for new defects developing or previously identified structural defects caused by construction or installation, the operational characteristics of the pipeline, and leak history. In addition, the Secretary may establish a minimum testing requirement for operators of pipelines to conduct internal inspections.

"(4) STATE ROLE.—A State authority that has an agreement in effect with the Secretary under section 60106 is authorized to review and assess an operator's risk analyses and integrity management plans required under this section for interstate pipelines located in that State. The reviewing State authority shall provide the Secretary with a written assessment of the plans, make recommendations, as appropriate, to address safety concerns not adequately addressed in the operator's plans, and submit documentation explaining the State-proposed plan revisions. The Secretary shall carefully consider the State's proposals and work in consultation with the States and operators to address safety concerns.

"(5) MONTIORING IMPLEMENTATION.—The Secretary of Transportation shall review the risk analysis and program for integrity management required under this section and provide for continued monitoring of such plans. Not later than 2 years after the implementation of integrity management plans under this section, the Secretary shall complete an assessment and evaluation of the effects on safety and the environment of extending all of the requirements mandated by the regulations described in paragraph (1) to additional areas. The Secretary shall submit the assessment and evaluation to Congress along with any recommendations to improve and expand the utilization of integrity management plans.

"(6) OPPORTUNITY FOR LOCAL INPUT ON INTEGRITY MANAGEMENT.—Within 18 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, the Secretary shall, by regulation, establish a process for raising and addressing local safety concerns about pipeline integrity and the operator's pipeline integrity plan. The process shall include—

"(A) a requirement that an operator of a hazardous liquid or natural gas transmission pipeline facility provide information about the risk analysis and integrity management plan required under this section to local officials in a State in which the facility is located;

"(B) a description of the local officials required to be informed, the information that is to be provided to them and the manner, which may include traditional or electronic means, in which it is provided;

"(C) the means for receiving input from the local officials that may include a public forum sponsored by the Secretary or by the State, or the submission of written comments through traditional or electronic means;

"(D) the extent to which an operator of a pipeline facility must participate in a public forum sponsored by the Secretary or in another means for receiving input from the local officials or in the evaluation of that input; and

"(E) the manner in which the Secretary will notify the local officials about how their concerns are being addressed."

SEC. 765. ENFORCEMENT.

(a) IN GENERAL.—Section 60112 is amended—

(1) by striking subsection (a) and inserting the following:

"(a) GENERAL AUTHORITY.—After notice and an opportunity for a hearing, the Secretary of Transportation may decide a pipeline facility is hazardous if the Secretary decides that—

"(1) operation of the facility is or would be hazardous to life, property, or the environment; or

"(2) the facility is, or would be, constructed or operated, or a component of the facility is, or would be, constructed or operated with equipment, material, or a technique that the Secretary decides is hazardous to life, property, or the environment."; and

(2) by striking "is hazardous," in subsection (d) and inserting "is, or would be, hazardous,".

SEC. 766. PUBLIC EDUCATION, EMERGENCY PREPAREDNESS, AND COMMUNITY RIGHT TO KNOW.

(a) Section 60116 is amended to read as follows:

"§60116. Public education, emergency preparedness, and community right to know

"(a) PUBLIC EDUCATION PROGRAMS.—

"(1) Each owner or operator of a gas or hazardous liquid pipeline facility shall carry out a continuing program to educate the public on the use of a one-call notification system prior to excavation and other damage prevention activities, the possible hazards associated with unintended releases from the pipeline facility, the physical indications that such a release may have occurred what steps should be taken for public safety in the event of a pipeline release, and how to report such an event.

"(2) Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, each owner or operator of a gas or hazardous liquid pipeline facility shall review its existing public education program for effectiveness and modify the program as necessary. The completed program shall include activities to advise affected municipalities, school districts, businesses, and residents of pipeline facility locations. The completed program shall be submitted to the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency and shall be periodically reviewed by the Secretary or, in the case of an intrastate pipeline facility operator, the appropriate State agency.

"(3) The Secretary may issue standards prescribing the elements of an effective public education program. The Secretary may also develop material for use in the program.

"(b) EMERGENCY PREPAREDNESS.—

"(1) OPERATOR LIAISON.—Within 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, an operator of a gas transmission or hazardous liquid pipeline facility shall initiate and maintain liaison with the State emergency response commissions, and local emergency planning committees in the areas of pipeline right-of-way, established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001) in each State in which it operates.

"(2) INFORMATION.—An operator shall, upon request, make available to the State emergency response commissions and local emergency planning committees, and shall make available to the Office of Pipeline Safety in a standardized form for the purpose of providing the information to the public, the information described in section 60102(d), the operator's program for integrity management, and information about implementation of that program. The information about the facility shall also include, at a minimum—

"(A) the business name, address, telephone number of the operator, including a 24-hour emergency contact number;

"(B) a description of the facility, including pipe diameter, the product or products carried, and the operating pressure;

"(C) with respect to transmission pipeline facilities, maps showing the location of the facility and, when available, any high consequence areas which the pipeline facility traverses or adjoins and abuts;

"(D) a summary description of the integrity measures the operator uses to assure safety and protection for the environment; and

"(E) a point of contact to respond to questions from emergency response representative.

"(3) Smaller communities.—In a community without a local emergency planning committee, the operator shall maintain liaison with the local fire, police, and other emergency response agencies.

"(4) Public access.—The Secretary shall prescribe requirements for public access, as appropriate, to this information, including a requirement that the information be made available to the public by widely accessible computerized database.

"(c) Community Right To Know.—Not later than 12 months after the date of enactment of the Pipeline Safety Improvement Act of 2002, and annually thereafter, the owner or operator of each gas transmission or hazardous liquid pipeline facility shall provide to the governing body of each municipality in which the pipeline facility is located, a map identifying the location of such facility. The map may be provided in electronic form. The Secretary may provide technical assistance to the pipeline industry on developing public safety and public education program content and best practices for program delivery, and on evaluating the effectiveness of the programs. The Secretary may also provide technical assistance to State and local officials in applying practices developed in these programs to their activities to promote pipeline safety.

"(d) Public Availability of Reports.—The Secretary shall—

"(1) make available to the public—

"(A) a safety-related condition report filed by an operator under section 60102(h);

"(B) a report of a pipeline incident filed by an operator;

"(C) the results of any inspection by the Office of Pipeline Safety or a State regulatory official; and

"(D) a description of any corrective action taken in response to a safety-related condition reported under subparagraph (A), (B), or (C); and

"(2) prescribe requirements for public access, as appropriate, to integrity management program information prepared under this chapter, including requirements that will ensure data accessibility to the greatest extent feasible."

(b) Safety Condition Reports.—Section 60102(h)(2) is amended by striking "authorities." and inserting "officials, including the local emergency responders.".

(c) Conforming Amendment.—The chapter analysis for chapter 601 is amended by striking the item relating to section 60116 and inserting the following:

"60116. Public education, emergency preparedness, community right to know.".

SEC. 767. PENALTIES.

(a) Civil Penalties.—Section 60122 is amended—

(1) by striking "$25,000" in subsection (a)(1) and inserting "$500,000";

(2) by striking "$500,000" in subsection (a)(1) and inserting "$1,000,000";

(3) by adding at the end of subsection (a)(1) the following: "The preceding sentence does not apply to judicial enforcement action under section 60120 or 60121."; and

(4) by striking subsection (b) and inserting the following:

"(b) Penalty Considerations.—In determining the amount of a civil penalty under this section—

"(1) the Secretary shall consider—

"(A) the nature, circumstances, and gravity of the violation, including adverse impact on the environment;

"(B) with respect to the violator, the degree of culpability, any history of prior violations, the ability to pay, any effect on ability to continue doing business; and

"(C) good faith in attempting to comply; and

"(2) the Secretary may consider—

"(A) the economic benefit gained from the violation without any discount because of subsequent damages; and

"(B) other matters that justice requires.".

(b) Excavator Damage.—Section 60123(d) is amended—

(1) by striking "knowingly and willfully";

(2) by inserting "knowingly and willfully" before "engages" in paragraph (1); and

(3) striking paragraph (2)(B) and inserting the following:

"(B) a pipeline facility, is aware of damage, and does not report the damage promptly to the operator of the pipeline facility and to other appropriate authorities; or".

(c) Civil Actions.—Section 60120(a)(1) is amended to read as follows:

"(1) On the request of the Secretary of Transportation, the Attorney General may bring a civil action in an appropriate district court of the United States to enforce this chapter, including section 60112 of this chapter, or a regulation prescribed or order issued under this chapter. The court may award appropriate relief, including a temporary or permanent injunction, punitive damages, and assessment of civil penalties considering the same factors as prescribed for the Secretary in an administrative case under section 60122.".

SEC. 768. STATE OVERSIGHT ROLE.

(a) State Agreements With Certification.—Section 60106 is amended—

(1) by striking "General Authority.—" in subsection (a) and inserting "Agreements Without Certification.—";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e); and

(3) by inserting after subsection (a) the following:

"(b) Agreements With Certification.—

"(1) In general.—If the Secretary accepts a certification under section 60105 of this title and makes the determination required under this subsection, the Secretary may make an agreement with a State authority authorizing it to participate in the oversight of interstate pipeline transportation. Each such agreement shall include a plan for the State authority to participate in special investigations involving incidents or new construction and allow the State authority to participate in other activities overseeing interstate pipeline transportation or to assume additional inspection or investigatory duties. Nothing in this section modifies section 60104(c) or authorizes the Secretary to delegate the enforcement of safety standards prescribed under this chapter to a State authority.

"(2) Determination required.—The Secretary may not enter into an agreement under this subsection, unless the Secretary determines that—

"(A) the agreement allowing participation of the State authority is consistent with the Secretary's program for inspection and consistent with the safety policies and provisions provided under this chapter;

"(B) the interstate participation agreement would not adversely affect the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(C) the State is carrying out a program demonstrated to promote preparedness and risk prevention activities that enable communities to live safely with pipelines;

"(D) the State meets the minimum standards for State one-call notification set forth in chapter 61; and

"(E) the actions planned under the agreement would not impede interstate commerce or jeopardize public safety.

"(3) Existing agreements.—If requested by the State Authority, the Secretary shall authorize a State Authority which had an interstate agreement in effect after January, 1999, to oversee interstate pipeline transportation pursuant to the terms of that agreement until the Secretary determines that the State meets the requirements of paragraph (2) and executes a new agreement, or until December 31, 2003, whichever is sooner. Nothing in this paragraph shall prevent the Secretary, after affording the State notice, hearing, and an opportunity to correct any alleged deficiencies, from terminating an agreement that was in effect before enactment of the Pipeline Safety Improvement Act of 2002 if—

"(A) the State Authority fails to comply with the terms of the agreement;

"(B) implementation of the agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State Authority; or

"(C) continued participation by the State Authority in the oversight of interstate-pipeline transportation has had an adverse impact on pipeline safety.".

(b) Ending Agreements.—Subsection (e) of section 60106, as redesignated by subsection (a), is amended to read as follows:

"(e) Ending Agreements.—

"(1) Permissive termination.—The Secretary may end an agreement under this section when the Secretary finds that the State authority has not complied with any provision of the agreement.

"(2) Mandatory termination of agreement.—The Secretary shall end an agreement for the oversight of interstate pipeline transportation if the Secretary finds that—

"(A) implementation of such agreement has resulted in a gap in the oversight responsibilities of intrastate pipeline transportation by the State authority;

"(B) the State actions under the agreement have failed to meet the requirements under subsection (b); or

"(C) continued participation by the State authority in the oversight of interstate pipeline transportation would not promote pipeline safety.

"(3) Procedural requirements.—The Secretary shall give the notice and an opportunity for a hearing to a State authority before ending an agreement under this section.

The Secretary may provide a State an opportunity to correct any deficiencies before ending an agreement. The finding and decision to end the agreement shall be published in the Federal Register and may not become effective for at least 15 days after the date of publication unless the Secretary finds that continuation of an agreement poses an imminent hazard.".

SEC. 769. IMPROVED DATA AND DATA AVAILABILITY.

(a) In General.—Within 12 months after the date of enactment of this Act, the Secretary shall develop and implement a comprehensive plan for the collection and use of gas and hazardous liquid pipeline data to revise the causal categories on the incident report forms to eliminate overlapping and confusing categories and include subcategories. The plan shall include components to provide the capability to perform sound incident trend analysis and evaluations of pipeline operator performance using normalized accident data.

(b) Report of Releases Exceeding 5 Gallons.—Section 60117(b) is amended—

(1) by inserting "(1)" before "To";

(2) redesignating paragraphs (1) and (2) as subparagraphs (A) and (B);

(3) inserting before the last sentence the following:

"(2) A person owning or operating a hazardous liquid pipeline facility shall report to the Secretary each release to the environment greater than five gallons of the hazardous liquid or carbon dioxide transported. This section applies to releases from pipeline facilities regulated under this chapter. A report must include the location of the release, fatalities and personal injuries, type of product, amount of product release, cause or causes of the release, extent of damage to property and the environment, and the response undertaken to clean up the release.

"(3) During the course of an incident investigation, a person owning or operating a pipeline facility shall make records, reports, and information required under subsection (a) of this section or other reasonably described records, reports, and information relevant to the incident investigation, available to the Secretary within the time limits prescribed in a written request."; and

(4) indenting the first word of the last sentence and inserting "(4)" before "The Secretary" in that sentence.

(c) Penalty Authorities.—(1) Section 60122(a) is amended by striking "60114(c)" and inserting "60117(b)(3)".

(2) Section 60123(a) is amended by striking "60114(c)," and inserting "60117(b)(3),".

(d) Establishment of National Depository.—Section 60117 is amended by adding at the end the following:

"(l) National Depository.—The Secretary shall establish a national depository of data on events and conditions, including spill histories and corrective actions for specific incidents, that can be used to evaluate the risk of, and to prevent pipeline failures and releases. The Secretary shall administer the program through the Bureau of Transportation Statistics, in cooperation with the Research and Special Programs Administration, and shall make such information available for use by State and local planning and emergency response authorities and the public.".

SEC. 770. RESEARCH AND DEVELOPMENT.

(a) Innovative Technology Development.

(1) In general.—As part of the Department of Transportation's research and development program, the Secretary of Transportation shall direct research attention to the development of alternative technologies—

(A) to expand the capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(B) to inspect pipelines that cannot accommodate internal inspection devices available on the date of enactment;

(C) to develop innovative techniques measuring the structural integrity of pipelines;

(D) to improve the capability, reliability, and practicality of external leak detection devices; and

(E) to develop and improve alternative technologies to identify and monitor outside force damage to pipelines.

(2) Cooperative.—The Secretary may participate in additional technological development through cooperative agreements with trade associations, academic institutions, or other qualified organizations.

(b) Pipeline Safety and Reliability Research and Development.

(1) In general.—The Secretary of Transportation, in coordination with the Secretary of Energy, shall develop and implement an accelerated cooperative program of research and development to ensure the integrity of natural gas and hazardous liquid pipelines. This research and development program—

(A) shall include materials inspection techniques, risk assessment methodology, and information systems surety; and

(B) shall complement, and not replace, the research program of the Department of Energy addressing natural gas pipeline issues existing on the date of enactment of this Act.

(2) Purpose.—The purpose of the cooperative research program shall be to promote pipeline safety research and development to—

(A) ensure long-term safety, reliability and service life for existing pipelines;

(B) expand capabilities of internal inspection devices to identify and accurately measure defects and anomalies;

(C) develop inspection techniques for pipelines that cannot accommodate the internal inspection devices available on the date of enactment;

(D) develop innovative techniques to measure the structural integrity of pipelines to prevent pipeline failures;

(E) develop improved materials and coatings for use in pipelines;

(F) improve the capability, reliability, and practicality of external leak detection devices;

(G) identify underground environments that might lead to shortened service life;

(H) enhance safety in pipeline siting and land use;

(I) minimize the environmental impact of pipelines;

(J) demonstrate technologies that improve pipeline safety, reliability, and integrity;

(K) provide risk assessment tools for optimizing risk mitigation strategies; and

(L) provide highly secure information systems for controlling the operation of pipelines.

(3) Areas.—In carrying out this subsection, the Secretary of Transportation, in coordination with the Secretary of Energy, shall consider research and development on natural gas, crude oil and petroleum product pipelines for—

(A) early crack, defect, and damage detection, including real-time damage monitoring;

(B) automated internal pipeline inspection sensor systems;

(C) land use guidance and set back management along pipeline rights-of-way for communities;

(D) internal corrosion control;

(E) corrosion-resistant coatings;

(F) improve cathodic protection;

(G) inspection techniques where internal inspection is not feasible, including measurement of structural integrity;

(H) external leak detection, including portable real-time video imaging technology, and the advancement of computerized control center leak detection systems utilizing real-time remote field data input;

(I) longer life, high strength, non-corrosive pipeline materials;

(J) assessing the remaining strength of existing pipes;

(K) risk and reliability analysis models, to be used to identify safety improvements that could be realized in the near term resulting from analysis of data obtained from a pipeline performance tracking initiative;

(L) identification, monitoring, and prevention of outside force damage, including satellite surveillance; and

(M) any other areas necessary to ensuring the public safety and protecting the environment.

(4) Points of contact.—

(A) In general.—To coordinate and implement the research and development programs and activities authorized under this subsection—

(i) the Secretary of Transportation shall designate, as the point of contact for the Department of Transportation, an officer of the Department of Transportation who has been appointed by the President and confirmed by the Senate; and

(ii) the Secretary of Energy shall designate, as the point of contact for the Department of Energy, an officer of the Department of Energy who has been appointed by the President and confirmed by the Senate.

(B) Duties.—

(i) The point of contact for the Department of Transportation shall have the primary responsibility for coordinating and overseeing the implementation of the research, development, and demonstration program plan under paragraphs (5) and (6).

(ii) The points of contact shall jointly assist in arranging cooperative agreements for research, development and demonstration involving their respective Departments, national laboratories, universities, and industry research organizations.

(5) Research and development program plan.—Within 240 days after the date of enactment of this Act, the Secretary of Transportation, in coordination with the Secretary of Energy and the Pipeline Integrity Technical Advisory Committee, shall prepare and submit to the Congress a 5-year program plan to guide activities under this subsection. In preparing the program plan, the Secretary shall consult with appropriate representatives of the natural gas, crude oil, and petroleum product pipeline industries to select and priortize appropriate project proposals. The Secretary may also seek the advice of utilities, manufacturers, institutions of higher learning, Federal agencies, the pipeline research institutions, national laboratories, State pipeline safety officials, environmental organizations, pipeline safety advocates, and professional and technical societies.

(6) Implementation.—The Secretary of Transportation shall have primary responsibility for ensuring the 5-year plan provided for in paragraph (5) is implemented as intended. In carrying out the research, development, and demonstration activities under this paragraph, the Secretary of Transportation and the Secretary of Energy may use,

to the extent authorized under applicable provisions of law, contracts, cooperative agreements, cooperative research and development agreements under the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.), grants, joint ventures, other transactions, and any other form of agreement available to the Secretary consistent with the recommendations of the Advisory Committee.

(7) Reports to congress.—The Secretary of Transportation shall report to the Congress annually as to the status and results to date of the implementation of the research and development program plan. The report shall include the activities of the Department of Transportation and Energy, the national laboratories, universities, and any other research organizations, including industry research organizations.

SEC. 771. PIPELINE INTEGRITY TECHNICAL ADVISORY COMMITTEE.

(a) Establishment.—The Secretary of Transportation shall enter into appropriate arrangements with the National Academy of Sciences to establish and manage the Pipeline Integrity Technical Committee for the purpose of advising the Secretary of Transportation and the Secretary of Energy on the development and implementation of the 5-year research, development, and demonstration program plan under section 770(b)(5). The Advisory Committee shall have an ongoing role in evaluating the progress and results of the research, development, and demonstration carried out under that section.

(b) Membership.—The National Academy of Sciences shall appoint the members of the Pipeline Integrity Technical Advisory Committee after consultation with the Secretary of Transportation and the Secretary of Energy. Members appointed to the Advisory Committee should have the necessary qualifications to provide technical contributions to the purposes of the Advisory Committee.

SEC. 772. AUTHORIZATION OF APPROPRIATIONS.

(a) Gas and Hazardous Liquids.—Section 60125(a) is amended to read as follows:

"(a) Gas and Hazardous Liquid.—To carry out this chapter and other pipeline-related damage prevention activities of this title (except for section 60107), there are authorized to be appropriated to the Department of Transportation—$30,000,000 for each of the fiscal years 2003, 2004, and 2005 of which $23,000,000 is to be derived from user fees for fiscal years 2003, 2004, and 2005 collected under section 60301 of this title.".

(b) Grants to States.—Section 60125(c) is amended to read as follows:

"(c) State Grants.—Not more than the following amounts may be appropriated to the Secretary to carry out section 60107—$20,000,000 for the fiscal years 2003, 2004, and 2005 of which $18,000,000 is to be derived from user fees for fiscal years 2003, 2004, and 2005 collected under section 60301 of this title.".

(c) Oil Spills.—Section 60125 is amended by redesignating subsections (d), (e), and (f) as subsections (e), (f), (g) and inserting after subsection (c) the following:

"(d) Oil Spill Liability Trust Fund.—Of the amounts available in the Oil Spill Liability Trust Fund, $8,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs authorized in this title for each of fiscal years 2003, 2004, and 2005.".

(d) Pipeline Integrity Program.—(1) There are authorized to be appropriated to the Secretary of Transportation for carrying out sections 770(b) and 771 of this subtitle $3,000,000, to be derived from user fees under section 60301 of title 49, United States Code, for each of the fiscal years 2003 through 2007.

(2) Of the amounts available in the Oil Spill Liability Trust Fund established by section 9509 of the Internal Revenue Code of 1986 (26 U.S.C. 9509), $3,000,000 shall be transferred to the Secretary of Transportation, as provided in appropriation Acts, to carry out programs for detection, prevention and mitigation of oil spills under sections 770(b) and 771 of this subtitle for each of the fiscal years 2003 through 2007.

(3) There are authorized to be appropriated to the Secretary of Energy for carrying out sections 770(b) and 771 of this subtitle such sums as may be necessary for each of the fiscal years 2003 through 2007.

SEC. 773. OPERATOR ASSISTANCE IN INVESTIGATIONS.

(a) In General.—If the Department of Transportation or the National Transportation Safety Board investigate an accident, the operator involved shall make available to the representative of the Department or the Board all records and information that in any way pertain to the accident (including integrity management plans and test results), and shall afford all reasonable assistance in the investigation of the accident.

(b) Corrective Action Orders.—Section 60112(d) is amended—

(1) by inserting "(1)" after "Corrective Action Orders.—"; and

(2) by adding at the end of the following:

"(2) If, in the case of a corrective action order issued following an accident, the Secretary determines that the actions of an employee carrying out an activity regulated under this chapter, including duties under section 60102(a), may have contributed substantially to the cause of the accident, the Secretary shall direct the operator to relieve the employee from performing those activities, reassign the employee, or place the employee on leave until the earlier of the date on which—

"(A) the Secretary determines, after notice and an opportunity for a hearing, that the employee's performance of duty in carrying out the activity did not contribute substantially to the cause of the accident; or

"(B) the Secretary determines the employees has been re-qualified or re-trained as provided for in section 763 of the Pipeline Safety Improvement Act of 2002 and can safety perform those activities.

"(3) Action taken by an operator under paragraph (2) shall be in accordance with the terms and conditions of any applicable collective bargaining agreement to the extent it is not inconsistent with the requirements of this section.".

SEC. 774. PROTECTION OF EMPLOYEES PROVIDING PIPELINE SAFETY INFORMATION.

(a) In General.—Chapter 601 is amended by adding at the end the following:

"§ 60129. Protection of employees providing pipeline safety information

"(a) Discrimination Against Pipeline Employees.—No pipeline operator or contractor or subcontractor of a pipeline may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges or employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or Federal Government information relating to any violation or alleged violation of any older, regulation, or standard of the Research and Special Programs Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any order, regulation, or standard of the Administration or any other provision of Federal law relating to pipeline safety under this chapter or any other law of the United States;

"(3) testified or is about to testify in such a proceeding; or

"(4) assisted or participated or is about to assist or participate in such a proceeding.

"(b) Department of Labor Complaint Procedure.—

"(1) Filing and notification.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may, not later than 90 days after the date on which such violation occurs, file (or have any person file on his or her behalf) a complaint with the Secretary of Labor alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary of Labor shall notify, in writing, the person named in the complaint and the Administrator of the Research and Special Programs Administration of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) Investigation; preliminary order.—

"(A) In general.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary of Labor a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary of Labor shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify in writing the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary of Labor concludes that there is reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) Requirements.—

"(i) Required showing by complainant.—The Secretary of labor shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) Showing by employer.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) Criteria for determination by Secretary.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (4) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) Prohibition.—Relief may not be ordered under subparagraph (A) if the employer demonstrates by clear and convincing evidence that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) Final order.—

"(A) Deadline for issuance; settlement agreements.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary of Labor shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into the Secretary of Labor, the complainant, and the person alleged to have committed the violation.

"(B) Remedy.—If, in response to a complaint filed under paragraph (1), the Secretary of Labor determines that a violation of subsection (a) has occurred, the Secretary of Labor shall order the person who committed such violation to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) provide compensatory damages to the complainant.

If such an order is issued under this paragraph, the Secretary of Labor, at the request of the complainant, shall assess against the person whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's and expert witness fees) reasonably incurred, as determined by the Secretary of Labor, by the complainant for, or in connection with, the bringing the complaint upon which the order was issued.

"(C) Frivolous complaints.—If the Secretary of Labor finds that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary of Labor may award to the prevailing employer a reasonably attorney's fee not exceeding $1,000.

"(4) Review.—

"(A) Appeal to court of appeals. Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation, The petition for review must be filed not later than 60 days after the date of issuance of the final order of the Secretary of Labor. Review shall conform to chapter 7 of title 5, United States Code. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) Limitation on collateral attack.—An order of the Secretary of Labor with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) Enforcement of order by Secretary of Labor.—Whenever any person has failed to comply with an order issued under paragraph (3), the Secretary of Labor may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including, but not to be limited to, injunctive relief and compensatory damages.

"(6) Enforcemence of order by parties.—

"(A) Commencemnt of action.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce such order.

"(B) Attorney fees.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award costs is appropriate.

"(c) Manadamus.—any nondiscretionary duty impose by this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28, United States Code.

"(d) Nonapplicability to Deliberate Violation.—Subsection (a) shall not apply with respect to an employee of a pipeline, contractor or subcontractor who, acting without direction from the pipeline contractor or subcontractor (or such person's agent), deliberately causes a violation of any requirement relating to pipeline safety under this chapter or any other law of the United States.

"(e) Contractor Defined.—In this section, the term 'contractor' means a company that performs safety-sensitive functions by contract for a pipeline.".

(b) Civil Penalty.—Section 60122(a) is amended by adding at the end the following:

"(3) A person violating section 60129, or an order issued thereunder, is liable to the Government for a civil penalty of not more than $1,000 for each violation. The penalties provided by paragraph (1) do not apply to a violation of section 60129 or an order issued thereunder.".

(c) Conforming Amendment.—The chapter analysis for chapter 601 is amended by adding at the end the following:

"60129. Protection of employees providing pipeline safety information.".

SEC. 775. STATE PIPELINE SAFETY ADVISORY COMMITTEES.

Within 90 days after receiving recommendations for improvements to pipeline safety from an advisory committee appointed by the Governor of any State, the Secretary of Transportation shall respond in writing to the committee setting forth what action, if any, the Secretary will take on those recommendations and the Secretary's reasons for acting or not acting upon any of the recommendations.

SEC. 776. FINES AND PENALTIES.

The Inspector General of the Department of Transportation shall conduct an analysis of the Department's assessment of fines and penalties on gas transmission and hazardous liquid pipelines, including the cost of corrective actions required by the Department in lieu of fines, and, no later than 6 months after the date of enactment of this Act, shall provide a report to the Senate Committee on Commerce, Science, and Transportation and the House Committee on Transportation and Infrastructure on any findings and recommendations for actions by the Secretary or Congress to ensure the fines assessed are an effective deterrent for reducing safety risks.

SEC. 777. STUDY OF RIGHTS-OF-WAY.

The Secretary of Transportation is authorized to conduct a study on how best to preserve environmental resources in conjunction with maintaining pipeline rights-of-way. The study shall recognize pipeline operators' regulatory obligations to maintain rights-of-way and to protect public safety.

SEC. 778. STUDY OF NATURAL GAS RESERVE.

(a) Findings.—Congress finds that:

(1) In the last few months, natural gas prices across the country have tripled.

(2) In California, natural gas prices have increased twenty-fold, from $3 per million British thermal units to nearly $60 per million British thermal units.

(3) One of the major causes of these price increases is a lack of supply, including a lack of natural gas reserves.

(4) The lack of a reserve was compounded by the rupture of an El Paso Natural Gas Company pipeline in Carlsbad, New Mexico on August 1, 2000.

(5) Improving pipeline safety will help prevent similar accidents that interrupt the supply of natural gas and will help save lives.

(6) It is also necessary to find solutions for the lack of natural gas reserves that could be used during emergencies.

(b) Study by the National Academy of Sciences.—The Secretary of Energy shall request the National Academy of Sciences to—

(1) conduct a study to—

(A) determine the causes of recent increases in the price of natural gas, including whether the increases have been caused by problems with the supply of natural gas or by problems with the natural gas transmission system;

(B) identify any Federal or State policies that may have contributed to the price increases; and

(C) determine what Federal action would be necessary to improve the reserve supply of natural gas for use in situations of natural gas shortages and price increases, including determining the feasibility and advisability of a Federal strategic natural gas reserve system; and

(2) not later than 60 days after the date of enactment of this Act, submit to Congress a report on the results of the study.

SEC. 779. STUDY AND REPORT ON NATURAL GAS PIPELINE AND STORAGE FACILITIES IN NEW ENGLAND.

(a) Study.—The Federal Energy Regulatory Commission, in consultation with the Department of Energy, shall conduct a study on the natural gas pipeline transmission network in New England and natural gas storage facilities associated with that network. In carrying out the study, the Commission shall consider—

(1) the ability of natural gas pipeline and storage facilities in New England to meet current and projected demand by gas-fired power generation plants and other consumers;

(2) capacity constraints during unusual weather periods;

(3) potential constraint points in regional, interstate, and international pipeline capacity serving New England; and

(4) the quality and efficiency of the Federal environmental review and permitting process for natural gas pipelines.

(b) REPORT.—Not later than 120 days after the date of the enactment of this Act, the Federal Energy Regulatory Commission shall prepare and submit to the Senate Committee on Energy and Natural Resources and the appropriate committee of the House of Representatives a report containing the results of the study conducted under subsection (a), including recommendations for addressing potential natural gas transmission and storage capacity problems in New England.

PART 3—PIPELINE SECURITY SENSITIVE INFORMATION

SEC. 781. MEETING COMMUNITY RIGHT TO KNOW WITHOUT SECURITY RISKS.

Section 60117 is amended by adding at the end the following:

"(1) WITHHOLDING CERTAIN INFORMATION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter requiring the Secretary to provide information obtained by the Secretary or an officer, employee, or agent in carrying out this chapter to State or local government officials, the public or any other person, the Secretary shall withhold such information if it is information that is described in section 552(b)(1)(A) of title 5, United States Code.

"(2) CONDITIONAL RELEASE.—Notwithstanding paragraph (1), upon, the receipt of assurances satisfactory to the Secretary that the information will be handled appropriately, the Secretary may provide information permitted to be withheld under that paragraph—

"(A) to the owner or operator of the affected pipeline system;

"(B) to an officer, employee or agent of a Federal, State, Tribal, or local government, including a volunteer fire department, concerned with carrying out this chapter, with protecting the facilities, with protecting public safety, or with national security issues.

"(C) in an administrative or judicial proceeding brought under this chapter or an administrative or judicial proceeding that addresses terrorist actions or threats of such actions; or

"(D) to such other persons as the Secretary determines necessary to protect public safety and security.

"(3) REPORT TO CONGRESS.—The Secretary shall provide an annual report to the Congress, in appropriate form as determined by the Secretary, containing a summary of determinations made by the Secretary during the preceding year to withhold information from release under paragraph (1).".

SEC. 782. TECHNICAL ASSISTANCE FOR SECURITY OF PIPELINE FACILITIES.

The Secretary of Transportation may provide technical assistance to an operator of a pipeline facility or to State, Tribal, or local officials to prevent or respond to acts of terrorism that may impact the pipeline facility, including—

(1) actions by the Secretary that support the use of National Guard or State or Federal personnel to provide additional security for a pipeline facility at risk of terrorist attack or in response to such an attack;

(2) use of resources available to the Secretary to develop and implement security measures for a pipeline facility;

(3) identification of security issues with respect to the operation of a pipeline facility; and

(4) the provision of information and guidance on security practices that prevent damage to pipeline facilities from terrorist attacks.

Strike section 1262.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. HARKIN. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a nomination hearing on March 6, 2002, in SD–106 at 9:30 a.m. The purpose of this hearing will be to consider the following nominations: Thomas Dorr the nominee for Under Secretary of Rural Development; Nancy Bryson, the administrations nominee to serve as general counsel for USDA; and Grace Daniel and Fred Dailey who are nominated to serve on the board of the Federal Agricultural Mortgage Corporation.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 5, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 5, 2002, at 2:30 p.m. to hold a hearing to consider the nomination of Jeanette J. Clark to be an Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The Dangers of Cloning and the Promise of Regenerative Medicine," during the session of the Senate on Tuesday, March 5, 2002, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, March 5, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, March 5, 2002, in Dirksen room 226.

Witness List

Panel I: The Honorable Orrin G. Hatch; the Honorable John Warner; the Honorable Carl Levin; the Honorable Robert Bennett; the Honorable Debbie Stabenow; the Honorable George Allen; and the Honorable Sander Levin.

Panel II: Mary Ann Solberg to be Deputy Director of the Office of National Drug Control Policy; Barry Crane to be Deputy Director for Supply Reduction, Office of National Drug Control Policy; Scott Burns to be Deputy Director for State and Local Affairs, Office of National Drug Control Policy; and John Robert Flores to be the Administrator of the Office of Juvenile Justice and Delinquency Prevention, Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, 2002, at 2:30 p.m. in open session to receive testimony on Marine Corps modernization programs in review of the Defense Authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 5, 2002, at 3:30 p.m., in open session to receive testimony on Marine Corps modernization programs in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Peter Winokur, a congressional fellow on my staff, be granted floor privileges during the consideration of S. 517, the Energy Policy Act of 2002.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Dr. Jonathan Epstein and Mr. John Kotek, who are legislative fellows in my office, be given floor privileges during the pendency of S. 517, and also that the following Finance Committee legislative fellows be afforded floor privileges during the pendency of this bill: Charles

McFadden, Jill Shore Auburn, Elmer Ransom, Julius Shapiro, Dana Costerlin, Jonathan Seibald, and Charles Doneter.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following members of my staff: Bryan Hannegan, Colleen Deegan, Christine Drager, Dan Kish, Mike Menge, Howard Useem, Dave Woodruff, Macy Bell, Shane Perkins, Jared Stubbs, Julia Gray, Kristin Phillips, Joe Brenckle, and Joshua Bowlen. I think that will suffice. I guess that about covers everybody.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. CARPER. Mr. President, I ask unanimous consent floor privileges be granted to Commerce Committee fellows Charisse Carney-Nunes and Peter Fippinger for the duration of the debate on the energy bill, S. 517.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I ask unanimous consent the privilege of the floor be granted to Peter Lyons, a fellow in our office, during debate on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the HELP Committee be discharged from further consideration of the following nominations: Don Cogman to be a member of National Council on the Arts; Katharine DeWitt to be a member of the National Council on the Arts; Teresa Long to be a member of the National Council on the Arts; that the nominations be confirmed, the motions to reconsider be laid on the table, any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

NATIONAL COUNCIL ON THE ARTS

Don V. Cogman, of Connecticut, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Katharine DeWitt, of Ohio, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Teresa Lozano Long, of Texas, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senate will return to legislative session.

HONORING MILTON D. STEWART

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 216 submitted earlier today by Senators KERRY and BOND.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 216) to honor Milton D. Stewart for his years of service in the Office of Advocacy of the Small Business Administration.

There being no objection, the Senate proceeded to consider the resolution.

Mr. KERRY. Madam President, I speak in support of a sense of the Senate Resolution honoring the work and dedication of Milton D. Stewart, the first Chief Counsel for the Office of Advocacy at the U.S. Small Business Administration. Today, March 5, 2002 Milt turns 80 years-old and it is only fitting that we pass this Resolution in honor of his commitment to America's small businesses. I am pleased to say that this bi-partisan Resolution has been sponsored by myself and Ranking Member Bond, along with a great majority of the members of the Senate Committee on Small Business and Entrepreneurship. I am also pleased that this Resolution has been cleared for passage and I thank the floor staff for their quick work in facilitating passage of this Resolution.

One of the most highly successful innovations of the House and Senate Small Business Committees came twenty-six years ago with the creation of the Office of Advocacy within the Small Business Administration. This Office was established to represent and advance small business interests before other Federal agencies and even with Congress. Congress recognized the importance of small business to the competitiveness of the American economy and understood that government sometimes can get in the way of small businesses doing what they do best—creating jobs.

Advocacy has done a commendable job looking out for the interests of small business. It is, ironically, a government agency that has the task of making sure that other government agencies take into account the special problems and needs of small businesses as those agencies go about their rulemaking activities. Over the years, Advocacy has had a great deal of success and its hand has been strengthened by further Congressional action, such as the Regulatory Flexibility Act in 1980 and the Small Business Regulatory Enforcement Fairness Act in 1996.

This success is due in no small part to the solid beginnings of the Office of Advocacy under the leadership of the very first Chief Counsel for Advocacy, Milton D. Stewart. Milt, in his tenure as Chief Counsel, laid the groundwork for the Regulatory Flexibility Act, the first White House Conference on Small Business, the Small Business Innovation Development Act, and many other programs that are now considered part of the core small business policy within this country.

He came by his small business roots honestly. He spent his youth in a family-owned small business begun and managed by his father and mother. Early on, he acquired great respect for the skill and courage of small business entrepreneurs. Later in his life, Milt served at one time or another as President of the National Association of Small Business Investment Companies, President of the National Small Business Association, and as President of the Small Business High Technology Institute.

Milt also had significant government service beginning with the Office of War Information during World War II. He was even a staff member of the original Senate Committee on Small Business. He served as special counsel to Governor Harriman of New York and to the New York State Thruway Authority. All of this preceded his tenure as the first Chief Counsel for Advocacy.

While he was Chief Counsel, his charisma and vision inspired many of those who worked with him to catch the "small business bug" and to direct their energies toward helping develop sound small business policy for our Nation. They, and we, owe Milt a deep debt of gratitude.

The Office of Advocacy is fortunate to have had such a sound beginning. Those of us who care deeply for small business policy recognized how crucial Advocacy has become to sound regulatory debate within our country. The Office is a sterling example of an experiment that worked and continues to work to this day.

Milt, who deserves all the best on his birthday, can certainly take pride in the legacy that he has left by setting all the precedents that made the Office of Advocacy what it is today—an effective voice promoting the best interests of small business within our government.

Mr. REID. Madam President, I ask unanimous consent the resolution and preamble be agreed to en bloc, the motion to reconsider be laid on the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 216) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR WEDNESDAY, MARCH 6, 2002

Mr. REID. Madam President, I note the presence of the Senator from Ohio. I will make sure the Senator from Ohio, in this unanimous consent agreement, is allowed to speak in relation to S. 517. It is my understanding the Senator from Ohio wishes to make an opening statement on this most important bill.

I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Wednesday, March 6; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 517, the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order following the remarks of the Senator from Ohio in relation to S. 517.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Ohio.

Mr. VOINOVICH. Madam President, I ask unanimous consent to speak for as much time as I may need to read my opening statement on the underlying bill that will provide a national energy policy for our country.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY

Mr. VOINOVICH. Madam President, we are facing a problem that every other nation that we share the planet with hopes it will have some day. That is, our country's economic growth will soon outpace our supply of available energy.

The growth of both the high tech and advanced manufacturing sectors in America has created jobs and has created enormous opportunity for our people, and they have created a new demand for energy. One reason these industries have flourished in America is because we have the fuel they need to succeed. We have the "people" fuel, the skilled workers with committed hearts and hands; we have the "idea" fuel, the smart minds that dream big and can take ideas from the drawing board on to the street; and we have "good old-fashioned" fuel, inexpensive, reliable sources of energy that literally make everything move and connect and work.

Other nations have some of these pieces, but they rarely have all of them. That won't always be the case. The world is shrinking, and our competitors, strategic and otherwise, are in hot pursuit. What will we do to stay ahead? What will we do to fuel America's continued success?

Our future success will require us to produce more energy to keep up with the growing demand for it. How big will that demand be? Big. You can see from this chart that there is a large gap currently in terms of the domestic production of energy and consumption. In other words, this open space on this chart is a gap between what we produce domestically and what we consume.

According to the Department of Energy, we are going to have to increase by 30 percent the amount of energy produced by 2015 in order to meet the demand of this great Nation.

In 2000, America used more than 3.8 billion megawatt hours of electricity. The Department of Energy estimates that by 2020, the demand will rise to 5.43 billion megawatts a year, an increase of 1.63 billion. To meet that new demand, the DOE says it will take 1,300 new power plants or, quite simply, the lights will begin to dim on the American dream for a lot of people.

Let's remember, needing more energy is a great problem to have. It means we are creating jobs and we are creating opportunity. The American dream is our country's economic success. It is a gift bequeathed to this generation by generations of men and women who toiled before us.

We are the stewards of this gift. History will judge us based on what this generation of Americans does right now with this gift. Will we keep America's light of opportunity shining, or will we sleep through our watch and let the light flicker out?

I am thankful to the Majority Leader for keeping his word and bringing this issue to the floor of the Senate. However, I disagree with the way it came to the Senate, since the bill should have been considered and voted out of the Energy Committee, instead of being written on the floor of the Senate.

Still, the bill presented before us at least starts the process by laying the foundation and beginning the debate. It has many things worthy about it and many things that we can build upon.

This bill is a good start because, among other things, it encourages greater use of renewable sources of energy, sources which have little or no impact on the environment.

The bill also encourages the use of ethanol, a renewable gasoline additive that helps reduce auto emissions and makes the air cleaner for us and our children to breathe.

It starts the needed debate on reauthorizing the Price-Anderson Act, which is so vital to the future expansion of our nuclear energy industry. But there is much more that we need to do. I have introduced legislation to expand the Price-Anderson reauthorization to include commercial nuclear reactors, as it must, and I hope that we will be able to include it in this bill.

What concerns me about this bill, however, is it raises false hopes. It creates the expectation that it will solve our future energy crises, protect our energy security, and sustain American opportunities. In reality, it doesn't do this. The bill does start in several good directions, but then falls short and is silent on several other key issues, such as energy infrastructure and the need to reduce our dependency on foreign oil.

The majority's bill doesn't fully deliver what America needs, and I would have to oppose it in its current form. I hope that, as we amend it, it is something that I can support and a majority of the Senate can support.

Our energy challenge demands from us the enactment of a comprehensive energy policy, the likes of which we have never seen before in this country. I think the Senator from Oklahoma, Mr. INHOFE, did a very good job in talking about the need for an energy policy. I have wanted one ever since I was mayor of the city of Cleveland in 1979, but in administration after administration, we never got one. Today, we have this golden opportunity to have an energy policy for the United States of America. It has to be a policy that harmonizes energy and environmental policies, acknowledging that the economy and the environment are vitally intertwined, a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect our national security—a policy that won't cause prices to spike, hurting particularly the elderly, disabled, and low-income families, and which won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies—technologies that can be shared with developing nations who currently face severe environmental crises.

In terms of energy security, we need to reduce our reliance on foreign sources of energy. As I pointed out, the gap between what we consume and what we produce is being met by imports—imported oil, imported gas, and other energy sources that we bring into the United States.

As we have all learned in ways too horrific for words, the enemies of freedom will go to extreme lengths to attack our country. As we seek to protect our Nation's freedom of opportunity, we should not do it in ways that make America more vulnerable to these enemies of freedom. We must do everything we can to provide for our energy need from within our Nation's borders.

We are already far too dependent on foreign energy sources. Oil imports have risen from 1973, when we imported 35 percent of our oil, to 58 percent last year. Today, we even import oil from Iraq—750,000 barrels a day. Seven percent of our oil comes from Iraq—the same country over which we fly regular combat missions. Think about that: 7 percent of our oil comes from a country that the President has described as one of the three countries in the Axis of Evil.

The political climate in the Middle East region today is more volatile than at any other time in my memory. For the United States to be so dependent on this part of the world to meet such a large portion of our energy needs makes us extremely vulnerable to being held hostage for oil. If the enemies of our country were willing to take out the World Trade Center and the Pentagon, does anyone doubt that if they had a chance to cut off, or even just disrupt, our energy supply, they would do it? There is no doubt. They would do it and we know it.

As we rely on our own strengths for the answers to the coming energy crisis, we see that no single source of domestic energy is sufficient to meet all of our Nation's needs. Though we are blessed with large reserves of coal, oil, natural gas, renewables, and nuclear fuel, no single energy source can single-handedly solve our problem. That means we have to broaden our base of energy sources. We simply cannot put all of our eggs in one basket. If we were some other nation, diversifying our energy supply might be a great challenge. But we have been blessed. God has blessed us with the resources to solve this problem.

One of our great untapped resources is nuclear energy. Over the past 40 years, we have seen how safe and reliable nuclear energy can be. We currently get 20 percent of our electricity from nuclear energy plants. But this is far below what some countries do. France derives 70 percent of its electricity from nuclear power; Sweden gets 39 percent; South Korea gets 41 percent; and Japan gets 34 percent.

What nuclear energy brings to the table, which is so positive is that it produces zero harmful air emissions. In fact, 40 years of solid waste from all of our Nation's 103 nuclear facilities would fit on a football field to a height of only 10 feet.

Since 1973, the use of nuclear energy has prevented 62 million tons of sulfur dioxide, a key component of acid rain, and 32 million tons of nitrogen oxide, a precursor to ozone, from being released in the atmosphere.

Reauthorizing the Price-Anderson program, which provides needed liability protection for the public's benefit, updating an outdated, duplicative licensing process and creating a permanent repository for nuclear waste, will make it possible for us to take full advantage of the incredible potential this clean energy source provides us. I am going to offer an amendment to help improve the licensing process to facilitate the construction of new nuclear facilities and also address the human capital crisis that is impacting the Nuclear Regulatory Commission. I will be joined by the Senator from Louisiana, Senator LANDRIEU, in this effort.

The other energy source we should turn to more is coal. It is by far our most abundant and cheapest energy resource. Right now, we have enough coal to meet our country's energy needs for the next 250 years. Because coal is so inexpensive, we can provide our vital manufacturing sector with the electricity it needs at prices low enough so that after businesses pay their energy bills, they will still have something left over for other important needs like innovation and research. Just as nuclear energy's challenge is waste storage—and I am glad we are going to debate the issue of nuclear waste storage at Yucca Mountain—coal's challenge is air emissions. Coal today is cleaner than ever before, but we need to make it even cleaner. We have the technologies available to do so. Coal's low cost makes research and installation of clean coal technology a viable investment. In addition, these technologies can be shared with emerging nations that are largely dependent on coal for electricity. We can help them learn from our experience and spare them future environmental challenges. With clean coal technology, and the incentives to guarantee it will be used, we can ensure that the more than two centuries worth of coal that we have available today can be used as an energy source.

Let's talk about natural gas. It is a key component in meeting our current and future energy needs as some 60 million American homes now use natural gas for heat. Natural gas also provides 15 percent of this Nation's electric power and nearly one-quarter of our total energy supply. These percentages are increasing because natural gas burns cleanly and because it is easier to achieve permits from the EPA for natural gas-powered electric generation facilities. In fact, it is estimated that nearly 95 percent of all new power plants are going to be using natural gas.

Even with this increased usage, production of natural gas has remained fairly stable, and to accommodate the growing demand, imports of natural gas have risen from 4.3 percent of consumption in 1981, to around 16 percent today.

To reduce our reliance on imports, we need to tap the estimated 40 percent of undiscovered natural gas that is located on lands owned by the Federal and State governments. Without this, we face steep price increases in natural gas at a time when we are becoming increasingly dependent upon it.

We saw what can happen with natural gas during last winter's especially cold temperatures. A sudden high demand caught us unprepared when supplies were low and prices shot through the roof, devastating the poor and the elderly. I will never forget holding a meeting in Cleveland with Catholic Charities, Lutheran Housing, and the Salvation Army where they presented the dramatic impact that high natural gas prices were having on the poor, the elderly, and the disabled.

We also need to be mindful that changes we make on energy policy that affect demand for natural gas directly impact on our competitive position in the world marketplace for plastics and fertilizer. In fact, the Ohio Corn Growers Association told me that the high cost of natural gas was impacting the cost of their fertilizer. They said that many of their farmers did not plant as much corn last year because of the high cost of fertilizer.

Right now in America, oil remains the primary source of energy. From heating people's homes to firing energy plants to running our automobiles, it makes up the largest portion of our energy portfolio which keeps our economy humming.

Demand for oil is expected to grow at a constant rate of 1.5 percent per year through the year 2020. To meet that demand, we need to maximize the use of the more than 22 billion barrels of proven oil reserves the United States possesses. We also need to make oil extraction from mature oilfields more economical. The Senator from Oklahoma spoke very eloquently a few minutes ago about the oil that is available if we could only find an economical way to get at it.

Of course, during the consideration of this bill, we will debate an amendment to allow oil exploration in ANWR. We have the technology today to both use our Alaskan oil and protect the region's environment. The potential for new job creation is great, up to 735,000 jobs in a variety of fields, and the added production will help strengthen our energy self-reliance.

Let's turn to conservation. Conservation has proven very successful in reducing energy demand. By incorporating technological breakthroughs into the production of energy-efficient automobiles, high-efficiency homes, and more efficient appliances and machinery, conservation has succeeded in saving us tremendous amounts of money.

I get a little concerned when I hear people say we have not done enough in the area of conservation.

This chart shows that through energy conservation, we have had enormous savings of some $2.5 trillion from 1972 to 1991. This is according to a 1995 Department of Energy report, which is the most up-to-date data we have available. One can see that we have committed this country to conservation, and it is making a big difference.

Legislation that I am working on with Senator LEVIN would encourage continued fuel conservation efforts in automobiles without the devastating blow to our automobile manufacturing jobs that a competing bill would cause. Our proposal would let the technical work of establishing new fuel conservation standards be completed by researchers at the National Highway Transportation and Safety Administration. These new standards would be established only after scientific analysis of the safety, environmental, economic, and efficiency factors involved, which is a more responsible approach than picking an arbitrary number out of thin air.

In the end, we can expect to see greater fuel efficiency without sacrificing safety or a devastating loss of auto worker jobs upon which the economies of many States depend. I can tell my colleagues that the economy in my State depends on it given the amount of auto manufacturing that goes on in Ohio.

I have heard from the United Auto Workers and from the major automobile manufacturers that the language in the majority's bill could actually cause disruption in the economy of that industry. There is another way to put in place standards that will still get the job done in terms of conservation.

Another avenue to focus on is renewable energy sources. We currently rely very little on renewable sources of energy. In fact, wind and solar together make up less than one-tenth of 1 percent of our current energy production, but they are expensive and they are heavily subsidized.

Nevertheless, we need to continue to invest in these forms of energy because they are so environmentally friendly and they contribute to meeting the requirement of national self-reliance.

On the other hand, we must also be realistic about our challenge. While a savings through conservation has reached more than $2.5 trillion over 30 years, the inherent problems of renewable sources make it impossible for them to realize similar savings or fill the growing gap between demand and supply.

In addition, because renewables make up such a small piece of our overall energy picture today, we do not have the capacity to meet our needs in the timeframe we are facing. Right now, as this chart shows, they will not get the job done. However, their growth will come, and should continue to be supported with research funding.

The point I am making is renewables currently make up only about 8 percent of our consumption. Even if we protect them for 20 years, they by themselves will not get the job done in meeting our energy needs. When I am talking about renewables, I am talking about solar, wind, hydropower, biomass, waste, and wood.

In a recent meeting I had with General Motors in Detroit, I was told the company sees fuel cell technology becoming a viable source in the next 10 to 15 years. It is not science fiction to think that our children and grandchildren—it will probably be our grandchildren—will see a time when the roads are traveled by cars run on hydrogen and give off only water.

The majority's bill mandates minimum consumption requirements for renewables and civil penalties if those minimums are not met. We should not be clubbing people for noncompliance. We should be doing everything we can to encourage the adoption of new energy technologies.

Renewables and conservation need to be a bigger part of our new energy policy, but we must also be realistic about our challenge. These two strategies do not have the capacity to meet our growing energy needs in the timeframe we are facing. Anyone who says otherwise either does not know what they are talking about or they are being intellectually dishonest.

Too often I hear people say: All we need to do is use more solar and wind power and it will take care of the problem. Here are the facts. Here is solar and wind—less than one-tenth of one percent currently. If we project it, solar and wind alone will not get the job done. We are going to need coal, oil, natural gas, nuclear and other sources of energy to meet the demands of the United States of America.

Another important issue we must address is infrastructure. As we develop these new energy sources, we must make sure we can get them to where the people need them. We saw this firsthand 2 years ago when prices for gasoline in the Midwest spiked. The freak combination of a shuttered refinery and a temporarily downed pipeline created a bottleneck that midwesterners paid for all summer long. Low-income Americans were hit especially hard at the pump, and trucking companies and airlines took a big beating.

That is why I introduced legislation last year to help streamline the permitting process for new energy facilities. I hope my legislation, S. 1590, can be added to this bill because I think it would enhance it and make it better.

The problem of distribution is especially critical to the northeastern States as they try to get additional natural gas supplies into their homes and businesses to meet a growing demand.

I encourage my colleagues from that part of the country to take a close look at my provision because I think it is something they should get behind.

The same technology which is helping to drive the demand for more energy has also equipped us with tools to provide that energy. Advanced slant drilling, super-efficient power plants, hyper-accurate seismic research, we have all of these because of our innovative high-tech research.

Technology has also given us new tools to protect our environment and public health, and we must take full advantage of these opportunities because we must be good stewards of what we have been given. I reject the arguments from those on either side of the debate who say we have to choose between the environment and the economy. We now know the success of each is linked. As I have said before, we have to harmonize our energy needs and our environmental needs if we are going to have an energy policy. Only with a thriving economy can we fund the research that will find new ways to protect the environment—the cradle for every living thing on this planet—and the world's ecosystems cannot sustain us if we do not have clean air and clean water.

A growing American economic capability is the only way we can do such things as fight our war on terrorism, provide a prescription drug benefit for seniors, save Social Security from bankruptcy, eliminate our national debt, and meet other financial challenges facing our country. We need to have a growing economy. We know the challenge. We must provide more energy to keep America going. We know we cannot keep relying on unstable foreign sources to do this. We know we have the resources domestically to meet our needs. We also know that doing this in an environmentally responsible way is critical. We know we have the technological know-how to meet these challenges.

The question that remains is whether or not Congress is going to stand in the way of this country's future success or whether we are we going to be part of the solution. As we seek to provide our country the power to succeed, does this body have the power to resist the temptation of partisanship and prove wrong those who say this debate will not end in the successful passage of a good bill? Do we have the courage to work together and do something good for our country and leave the partisan jabs and the hollow victories on the table?

I do not think it is going to be easy, but I think we can do that. I ask my colleagues to join in the constructive work of this body. Let us make it happen. I pray that the Holy Spirit inspires us to do it, for ourselves, for our children, our grandchildren and, yes, the world.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until the hour of 10 a.m. tomorrow.

There being no objection, the Senate, at 7:13 p.m., adjourned until Wednesday, March 6, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 5, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Don v. Cogman, of Connecticut, to be a Member of the National Council on the Arts for a Term Expiring September 3, 2006.

Katharine Dewitt, of Ohio, to be a Member of the National Council on the Arts for a Term Expiring September 3, 2006.

Teresa Lozano Long, of Texas, to be a Member of the National Council on the Arts for a Term Expiring September 3, 2006.

EXTENSIONS OF REMARKS

CONGRATULATING OLYMPIC MEDALIST DANNY KASS

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to pay tribute to Danny Kass, a great American Olympian from Hamburg, New Jersey. Danny thrilled America by winning a silver medal in the men's snowboarding halfpipe at the 2002 Winter Games in Salt Lake City, Utah.

Danny, the youngest member of the 2002 U.S. Olympic Men's Snowboarding Team, began his career on the slopes of Mountain Creek Ski Resort in Vernon, New Jersey, and continues to hold on to his New Jersey roots. He has made all of us so proud.

Danny's outstanding skill at the age of 19 is truly amazing. His talent was showcased for the entire world in Salt Lake this month. And although we may not all understand the intricacies of scoring the halfpipe competition, I think we can all agree that after watching Danny ride on Monday, February 11th, we knew we had seen a medal-winning performance. Sure enough, Danny was awarded the silver medal as he joined his two American teammates on the podium for a rare American sweep.

The exuberance of our American medalists was contagious. The country felt their excitement that day, and had a glimpse of how it feels to be rewarded for excelling at a sport you love. Danny Kass just couldn't stop smiling and the crowd just couldn't stop cheering.

Although this was not Danny's first win in a snowboarding competition, I'm sure it will be a memorable one for him. Since he began snowboarding in Vernon, New Jersey, and competing on the slopes of Vermont, Danny has claimed titles in several impressive events, such as the Overall Men's U.S. Grand Prix Halfpipe, the X-Games Halfpipe and the U.S. Olympic Halfpipe.

This weekend, we congratulate Danny on the New Jersey slopes where he first learned to snowboard. The Mountain Creek Ski Resort in Vernon will host a "Specialty Sport Pro/Am Halfpipe Jam" to honor Danny.

Through his dedication and pure love of the sport of snowboarding, Danny has earned the Olympic silver medal and the respect of his peers and fellow countrymen.

I urge my Colleagues to extend to Danny Kass warm wishes and congratulations. On behalf of our State of New Jersey, I extend to Danny our thanks for representing us so well in Salt Lake.

INTRODUCTION OF THE KEEPING CHILDREN AND FAMILIES SAFE ACT OF 2002

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. HOEKSTRA. Mr. Speaker, today I am pleased to introduce the "Keeping Children and Families Safe Act of 2002" to reauthorize the Child Abuse Prevention and Treatment Act (CAPTA), the Adoption Opportunities program, the Abandoned Infants Act, and the Family Violence Prevention and Treatment Act (FVPSA).

According to recent statistics, almost 3 million reports of possible child maltreatment were made to child welfare agencies in 1999. Approximately 60 percent of these reports were investigated and 826,000 children were estimated to have been victims of abuse or neglect in 1999.

While the overall number represents a continuation of a downward trend since 1993, the long-term trend in child abuse reporting has been one of substantial growth, with the number of maltreatment reports more than quadrupling since 1976. However, it should be noted that increased reporting of abuse and neglect does not necessarily mean an equivalent increase in substantiated cases of abuse and neglect. While the proportion of child maltreatment reports that are substantiated has grown smaller over time, the number of reported child abuse cases is likely higher due to improved surveillance mechanisms. Despite progress made in promoting child abuse awareness and the endless efforts made to prevent child abuse and neglect, much more work is needed.

In addition, family violence continues to be the most common, yet least reported crime in our nation. Approximately 95 percent of family violence victims are women, and it is estimated that every 11 seconds a woman is battered in the United States. It is also estimated that 70 percent of men who abuse their wives also abuse their children, and children from abusive homes are at greater risk of alcohol or drug abuse and juvenile delinquency.

Mr. Speaker, the Keeping Children and Families Safe Act of 2002 continues to provide important federal resources for identifying and addressing the issues of child abuse and neglect and family violence, and to support effective methods of prevention and treatment. It also continues local projects with demonstrated value in eliminating barriers to permanent adoption and addressing the circumstances that often lead to infant abandonment.

This legislation emphasizes the prevention of child abuse and neglect and family violence before it occurs. It promotes partnerships between child protective services and private and community-based organizations to ensure that services are more effectively provided, and supports public education on child abuse and neglect by strengthening the public's understanding of the role of child protective services and appropriate methods for public reporting of suspected incidents of child maltreatment.

This legislation also fosters cooperation between parents and child protective services workers by requiring case workers to inform parents of the their rights and the allegations made against them. Further, this legislation is designed to improve the training, recruitment and retention of individuals providing services to children and ensures the appropriate supervision of these individuals.

Mr. Speaker, I urge my colleagues to back this important legislation that supports improved services for children and families.

ON THE INTRODUCTION OF THE "INSIDER STOCK SALES EMPLOYEE NOTIFICATION ACT"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. GEORGE MILLER of California. Mr. Speaker, I rise for the purpose of introducing the "Insider Stock Sales Employee Notification Act," a measure that will require company executives who sell stock to immediately notify the company pension plan officials. The bill would allow all employees to be given early warning in cases where executives begin dumping company stock.

Unfortunately, the Enron and Global Crossing scandals have shown us that employee retirement savings are vulnerable to misconduct and abuse by company officials. In the past few months we have learned that Enron and Global Crossing executives sold millions of dollars worth of company stock while encouraging employees to keep company stock in their retirement accounts, and prohibiting some employees from selling their company matched 401(k) shares.

Employer-sponsor investment rules are rigged against employees. Companies often have one set of rules for executives—which permit windfall profits from sales of stock without restriction—and another for rank-and file employees, whose freedom to rescue their savings by selling company matched stock is often restricted by employers.

Last week, the Wall Street Journal published two shocking stories that further document the inequities that employees endure when companies confront huge losses: loyal employees see their 401(k)'s evaporate while executives continue to pocket vast fortunes. As the Journal reported:

". . . [T]op executives at many companies, including Enron, Lucent, Global Crossing,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Kmart and WorldCom have seemed intent on preserving their lush compensation even as their companies flounder and their employees lost jobs, severance, medical benefits and retirement savings."

Also, last week the Los Angeles Times reported that "Global Crossing workers lost about $250 million between 1999 and 2001 when the value of the company stock in "their 401(k) accounts tumbled," and that while the company "cut off severance pay to thousands of laid-off workers when it filed for bankruptcy * * * in the preceding months [it] forgave loans and made $15 million in lump-sum pension payments to certain executives."

I am inserting complete copies of these articles in the RECORD today.

Pension reform must provide equity to employees. Employees have a right to know when their executives are dumping company stock. They should then be able to make an informed decision as to whether they want to sell any of their own company stock in their retirement accounts. They should be able to receive accurate financial information about their company. They should have a right to have equal representation on the pension administrative committee. They should have the right to sell company-matched stock after only one year. And they should certainly be assured that when company officials breach their trust, the will be held fully accountable for their actions.

I urge the members to joint me in sponsoring this new measure, and the Employee Pension Freedom Act (H.R. 3657) that I introduced earlier this year.

[From the LA Times, Feb. 27, 2002]

EX-EMPLOYEES QUESTIONED ON 401(K) PLAN

(By Liz Pulliam Weston)

The Labor Department is questioning former Global Crossing Ltd., workers about the bankrupt company's 401(k) retirement plan, apparently to determine if any pension laws were broken.

Former Global Crossing employees said this week they have been contacted by Labor Department investigators, who asked for copies of documents distributed to workers describing the company's 401(k) plan and its features.

The investigators "said that they were opening an investigation into Global Crossing's 401(k) program and [were] very interested in any additional information that they could glean from any present or former employee," said one former employee, who asked not to be identified.

Global Crossing workers lost about $250 million between 1999 and 2001 when the value of the company stock in their 401(k) accounts tumbled from a peak of $64 to 30 cents before the company filed the fifth-largest bankruptcy in U.S. history Jan. 28.

A Global Crossing spokeswoman said the company had been contacted by Labor Department investigators and was cooperating.

"Our [attorneys] will work to provide all necessary information and answer any questions [investigators] may have," said spokeswoman Janis Burenga.

The Labor Department routinely examines the retirement plans of companies that have filed for bankruptcy to make sure employees' retirement money is safe and being properly distributed as companies reorganize, said department spokeswoman Gloria Della. Della would neither confirm nor deny that such an investigation was taking place at Global Crossing.

The telecom giant, which is based in Bermuda and has executive offices in Beverly Hills, is under investigation by the Securities and Exchange Commission and the FBI for its accounting methods. In addition, members of Congress have demanded investigations into the company's retirement plans, and employees have sued over losses in their 401(k) accounts.

Global Crossing employees said labor investigators also questioned them about the company's severance packages. Global Crossing cut off severance pay to thousands of laid-off workers when it filed for bankruptcy, but in the preceding months forgave loans and made $15 million in lump-sum pension payments to certain executives.

Regulators simply may be making sure employee contributions were deposited into the 401(k) plan, said Los Angeles pension lawyer Alex Brucker. Troubled companies sometimes illegally use 401(k) contributions to pay bills, although such behavior is far more common at small, private companies than at large, publicly traded firms, pension lawyers said.

Global Crossing spokeswoman Tisha Kresler said all employee contributions have been properly deposited in the plan.

Labor investigators also may be probing whether employees were advised of the risks of investing in company stock, which at one point made up more than half the 401(k) plan's assets, pension experts said.

Rep. George Miller (D-Martinez) asked the Labor Department last week to determine whether any of the trustees of Global Crossing's savings plan were aware of the company's financial problems and what steps the trustees took, if any, to protect employees.

Miller also plans to introduce a bill today that would require executives who sell company stock to alert company employees and pension officials within 24 hours.

Rep. Louise McIntosh Slaughter (D-N.Y.) has requested a congressional inquiry into Global Crossing's decision to freeze workers' 401(k) accounts for a month before the bankruptcy.

This legal but controversial practice, known as a lockdown, was used by both Global Crossing and bankrupt energy trader Enron Corp. when the companies switched plan administrators.

Several lawmakers have introduced bills that would limit how long lockdowns can last.

Global Crossing's stock already had lost 99% of its value by the time its lockdown began Dec. 14. Global Crossing's 401(k) plan was typical for a large firm, offering a range of investment options including stock and bond mutual funds as well as company stock.

Both firms matched their employees' contributions only with shares of company stock, however, and placed restrictions on workers' ability to sell those shares. Consumer and pension rights advocates say such restrictions—also not uncommon among employers—prevented many employees from diversifying their accounts.

In December, Global Crossing lifted restrictions on employees' ability to sell company shares in their 401(k)—long after most of the shares' value had disappeared. Even then, many employees did not sell their shares, saying they were told by executives that the stock price would recover.

WAYNE R. POLAND HONORED

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. ALLEN. Mr. Speaker, in April, 2002, Wayne R. Poland will retire from the United States Postal Service and from his position as the local president of the Portland Maine Area Local #458 of the American Postal Workers Union. He has served with distinction in the Postal Service since 1967, when he began as a part time flexible clerk. After Joining the American Postal Union, he held numerous trusted positions in the union. In 1980 he became the president of the Portland Maine Local, and has remained in that position for the last 22 years.

Wayne was born in Portland on March 29, 1943. He was the eldest son of four boys and one girl of John Poland, Jr. and Phyllis Pauline Woods Poland. Wayne grew up Portland, and attended my alma mater, Deering High School.

I had the pleasure of working closely with Wayne during a difficult time for the Portland postal workers, when plans were being discussed for the relocation of the principal mail facility in the region. Thanks in large part to his able leadership, we were able to resolve the issue, ensuring that the hundreds of postal workers working at the facility would not have to relocate or leave their Jobs.

Throughout his tenure, Wayne worked hard and effectively to serve the needs of both workers and the Postal Service. He earned the respect of all who worked with him, and he will be sorely missed.

IN TRIBUTE TO JOSEPH NAVAS, PORT AUTHORITY OFFICER

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today with a heavy heart to pay tribute to one of New Jersey's finest—Joseph Navas of the Port Authority of New York and New Jersey. A resident of Paramus, New Jersey, Joseph Navas died valiantly trying to save lives during the September 11 terrorist attack on the World Trade Center. Joseph was not only a dedicated veteran police officer for the Port Authority, but also a devoted and loving father and husband. And although he may have been taken early from this life, his children will grow up knowing that their father was a hero to his family, and now a hero to his country. I am proud to pay tribute to this courageous American hero.

As forces of terror tried to extinguish the light of our nation on September 11, the heroes in our midst shined brighter than ever. For some, we know what heroic endeavors were undertaken as we hear stories from cell phones, emails, and survivors. And then there are those whose story was not told, yet we know—because of the people they were—it was a selfless courageous story. We know this because these men and women were heroes before they even entered the World Trade Center Towers to begin their rescue missions. Officer Navas was one of those people.

That Tuesday, his work and courage brought him into the lobbies of the World Trade Center as people flooded onto the streets. He was one of the men and women who ran up the stairs while instructing people to immediately get down those same stairs and outside. He was one who orchestrated safe escapes for those in the towers, while remaining in those very buildings to get people out. His efforts will never be forgotten, especially by those who were saved.

Someday we may hear the story of the lives Officer Navas saved or the comfort he provided. But for now, we can be proud: proud of the job he was doing, proud of the heroism he showed on that day, and proud of the courage he has always shown.

To his family, stories of Joseph's heroism are nothing new. A 1985 graduate of the Port Authority Police Academy, Joseph joined the Port Authority's Emergency Services Unit at Journal Square several years ago. Since then, he has rapelled off of buildings, waded through floods in search of victims, and trained for rescue diving. Officer Navas was at the World Trade Center for the first bombing in 1993 where he participated in the rescue. Recently, he saved a person prepared to jump from the George Washington Bridge. Joseph never mentioned the dramatic rescue to his family. They read about it later in the local paper.

His focus wasn't on bragging about his success. For him, it was simply part of the job. Joseph's focus was on his family—his wife of 15 years, Karen, and his children, Jessica, Joey, and Justin.

I cannot say I knew him personally—so I will not presume to elaborate on his life and times. That is for his family and friends, and we will not only hear stories of Joseph in years to come, but I believe we will also see him in the actions of his loved ones, as his spirit lives on.

Joseph has the admiration and thanks of an entire nation. His family can be assured that this nation will never forget the atrocities of September 11th or the values for which Joseph died.

Our country has come together. And we now come together to tell Joseph's family they are not alone. America stands with them—now in their hour of grief, and in the days and years to come.

Mr. Speaker, I ask my colleagues to join me in honoring Port Authority Officer Joseph Navas for his achievements in life and the legacy he leaves. Let us never forget him—a true American hero.

TRIBUTE TO THE HONORABLE EDWIN H. MAY, JR.

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Edwin H. May, Jr., of Connecticut who died February 20, 2002, at the age of 77. Mr. May represented Connecticut's First Congressional District in the 85th Congress and was a valued public servant for the State of Connecticut.

Mr. May will long be remembered for his commitment to Connecticut. As President of the Greater Hartford Jaycees, the Connecticut State Jaycees, and co-founder of the Greater Hartford Open (GHO) in 1952, his leadership and devotion to the community has distinguished him among his peers.

Throughout his life, Mr. May was intensely devoted to his family, to Connecticut, and to his country. He attended Wesleyan University, where he was an Olin Scholar and a member of the Chi Psi fraternity. Mr. May left Wesleyan in his freshman year, however, to enlist in the U.S. Army Air Corps and became a P-38 fighter pilot in California. After the war ended, he returned to Wesleyan to graduate with a B.A. in Government.

In 1956, Mr. May was elected to a single term in the U.S. House of Representatives. After leaving office, he was chosen as the Connecticut State Republican Party Chairman. He was also a member of the American Legion Boume-Keeney Post 23 in Wethersfield, Connecticut and a member of the Hartford Rotary Club.

Former Congressman May was an exemplary public servant and a model citizen. He will be greatly missed by the nation, the State of Connecticut, his family, and all who knew him.

IN MEMORY OF ED MARTIN OF NASHVILLE, TENNESSEE, FRIEND AND BELOVED BASKETBALL COACH

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. CLEMENT. Mr. Speaker, I rise today in memory of a friend and former Tennessee State University (TSU) head basketball coach Ed Martin, who passed away on Monday, February 25, 2002.

Known for his compassion by all who knew him, Coach Martin shaped and molded many young lives and numerous championship teams over 17 seasons coaching men's basketball at TSU. His impressive 290–169 overall record began in 1968.

After a successful run at TSU, Vanderbilt's C.M. Newton hired Martin as assistant coach at Vanderbilt University. He coached there for four seasons and guided the early careers of such notable players as Will Perdue and Jeff Turner of Vanderbilt, along with Leonard Turner and Lloyd Neal from TSU. Ultimately, 16 players under his supervision went on to careers in the National Basketball Association (NBA).

A native of Allentown, Pennsylvania, Martin participated in baseball while a student at North Carolina AT&T. He then went on to play in the Negro baseball leagues and the Cincinnati Reds franchise before an injury drove him to consider coaching basketball. He also served in the U.S. Navy as a young adult. Quickly making a name for himself, Martin won two South Carolina state high school championships at Avery High School in Charleston, and then began coaching at South Carolina State University. In 13 seasons at South Carolina State, he garnered a 214–87 record before moving to TSU and becoming one of the best-loved coaches in Nashville.

In 1972, he led the Tigers to the United Press International (UPI) College Division National Title, and was subsequently named Coach of the Year. His colleagues continued to recognize him throughout his career and into his retirement. Additionally, his name is recorded in the Halls of Fame at North Carolina AT&T, South Carolina State, TSU, and the Tennessee Sports Hall of Fame.

Although Martin's athletic expertise was always evident, he was just as revered for his kindness, wisdom, friendship, guidance, and encouragement to those who were fortunate enough to walk alongside of him. He recognized athletic ability, as well as human value and worth, and pointed his players toward lasting goals.

I extend my sympathy to the Martin family including his wife Ruth, and children Arnetta and Eddie. May they be comforted by the precious memories of their beloved husband and father.

TRIBUTE TO WILLIAM P. NAULTY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a good friend, William P. Naulty, who is retiring March 14, 2002 after 20 years service to the good citizens of Burlington County.

In the early 1980s, when I served in the New Jersey Assembly and Senate, Bill acted as my press secretary, utilizing his knowledge not only of the working press, but of the legislative process. He was a true asset to my staff, good natured, well-liked and loyal.

More recently, as Chief Legislative Aide to Eighth District Senator C. William Haines, Assemblymen Harold Colbum and Francis Bodine he monitored all policy put forth by the legislators. Continuing to serve in that capacity for Senator Martha Bark, and Assemblymen Bodine and Larry Chatizidakis, Bill has also been responsible for press inquiries and constituent service. In our state's capital, he is considered "dean" of legislative aides, displaying a working knowledge of major issues facing the people of the Eighth District and New Jersey as a whole.

Prior to his legislative duties, Bill worked for more than 27 years as a reporter, rewriter and make-up editor with the Philadelphia Bulletin, a daily paper which ceased operation in 1982. He covered the New Jersey beat, reporting on local, county, state and national politics and government. He made the transition, from newspaper reporter to legislative aide extraordinaire seamlessly, earning the respect of not only legislators, but constituents as well.

Honorably discharged ftom the United States Army, Bill has devoted many years to the community, both through his work with the press, and also with the legislative district he has served so faithfully for so many years. He is highly respected by people on both sides of the aisle, by the press, by those in business and industry, and most important, by the people.

It has been a pleasure working with Bill Naulty through the years as we have served our mutual constituents. May his retirement with his wife, Marie, and children be as fulfilling as his years of service have been rewarding.

HONORING ROMAN, DON AND GLORIA REED FOR THEIR EFFORTS TO FUND SPINAL CORD INJURY RESEARCH

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. STARK. Mr. Speaker, I am pleased to take this opportunity to share with my colleagues the achievements of a remarkable family in my district.

Roman Reed was a star college football player until he was paralyzed by a game injury that broke his neck. Such an injury would devastate most families, but not the Reeds. Roman's father, Don, began tirelessly searching for cures for his son's injuries. Don learned that, while research is moving closer and closer to a cure, insufficient funding is slowing our chances for success.

Roman's parents, Don and Gloria Reed, have become tireless advocates for spinal cord research. They gathered other concerned citizens and founded "Californians for a Cure," a campaign to raise funds for spinal cord injury research. Car accidents are the leading cause of spinal cord injury. Recognizing that, they sought state legislation to dedicate a portion of the state revenues collected from speeding tickets to spinal cord research.

The Reed's State Assemblyman, John Dutra, took up their cause for spinal cord research in the State Legislature. In September 2000, after three years of tremendous work, Governor Gray Davis signed the Roman Reed bill into law. For five years, this law will provide $1 million annually for spinal cord research in California.

Last Friday, March 1, the Roman Reed Laboratory for Spinal Cord Injury Research was dedicated at the University of California, Irvine. This laboratory was created through some of the funds made possible by the Roman Reed Bill. The Roman Reed Laboratory has a simple, important vision: to create a setting where scientists can rapidly translate ideas into research. Furthermore, the laboratory hopes to make it possible for any scientist with a compelling idea to immediately undertake research and experiments. The new core laboratory will help fast-track spinal cord injury research and speed up our chances of finding successful treatments to these devastating injuries.

Today, Roman has regained the use of his arms and is a proud father himself. His parents still tirelessly push for greater strides in spinal cord injury research. Most recently, I've heard from Don Reed regarding his fight to oppose new federal limitations on stem cell research. Stem cells may well be one of the answers to fighting paralysis. Don is taking his fight from California to Washington to make sure that roadblocks are not put in the way of vitally needed research.

I commend the entire Reed family for their dedication to finding a cure for spinal cord injuries—not only for their son—but for everyone who suffers from these devastating injuries. I am honored to know the Reeds, am proud to represent them in the U.S. Congress, and I am pleased to help them in this important cause.

TRIBUTE TO BISHOP WILLIAM L. JORDAN

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. BLAGOJEVICH. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Honorable Bishop William L. Jordan, Pastor of St. Mark Baptist Church in Harvey, Illinois. Since 1976, God, through him, has made and continues to make a difference in many lives. Under his leadership and vision, St. Mark's membership has grown to over seven thousand. He preaches two Sunday services each week. St. Mark operates several community based programs, a medical center and a community center. Over twenty-six years of untiring service, faithful dedication to the community and strong leadership have earned him the deserved respect and admiration of all whose lives he has touched.

Bishop Jordan has been instrumental in shaping the future of the community, state and country. I applaud his leadership and commend him for toiling so long to provide the type of guidance which has empowered so many to make meaningful contributions to the community. His accomplishments are far too numerous to list but I applaud him for each and every one of them and for having the dream and desire to use his faith as a vehicle to effect social, political and economic change. He is a true testament to his faith and an asset to our country. I commend Bishop William Jordan and wish him many more years of exemplary service to the Lord.

TRIBUTE TO JOHN BULAGA, JR., JEREMY GLICK, DEEPA PAKKALA, BRUCE REYNOLDS, JOSEPH VILARDO

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. ROUKEMA. Mr. Speaker, I rise today to pay tribute to five outstanding individuals who were killed in the attacks on our nation on September 11th. For the past four months, we have heard and read the stories of countless family members, neighbors and friends who went to work on September 11th and never came home. I ask that the names of five of these men and women be kept in our nation's CONGRESSIONAL RECORD—commemorating them as true American heroes.

Our northern New Jersey communities have been particularly hard-hit. We all know someone who was lost. Their stories are heart-wrenching, nearly unbearable in their sadness. Today, in northern New Jersey, families will gather to celebrate the strong and proud American spirits of five individuals taken from our community. ClearChannel Communications will also be present with the United Way to present the families of the victims with a donation. I thank everyone who will be taking part in this for their support and compassion for those who have lost a loved one.

I have spoken to many families in my own attempt to bring them some consolation. Even though there are no words to relieve their anguish, I told each family that they should take comfort in the knowledge they are in the hearts and prayers of an entire nation. They are truly American heroes.

Just as I have come to know the nearly 100 residents of my Congressional District who never came home on September 11, I have come to know John Bulaga, Jr., Jeremy Glick, Bruce Reynolds, Deepa Pakkala, and Joseph Vilardo.

John Bulaga, Jr. was a man who loved planning for the future. John and his wife Michelle were within days of closing on a house for a future in Haskell when he was killed while working for eSpeed, with Cantor Fitzgerald. John focused a career on preparing for the future of technology and the internet. His wife finished some of the family's plans for the future, as she recently finished the closing of the house and will move there shortly with their two children, Rhiannon and Alannah.

Jeremy Glick was one of the heroes aboard the fated United Flight 93 that crashed in Pennsylvania. Before Jeremy and other passengers decided to attack the hijackers, Jeremy was able to call his wife, Lizbeth, providing important details about the terrorists' actions over his cell phone and telling Lizbeth how much he loved her. Jeremy's newborn daughter Emerson will grow up hearing of her father's brave actions.

Deepa Pakkala never wanted to call it a day. Determined to not only succeed but excel, Deepa worked long hours in order to provide for her family. A young mother who had just begun working for Oracle Corporation, Deepa was with a client in the World Trade Center on September 11th. Last January, Deepa gave birth to a healthy baby girl, Trisha. The two months she took to spend with her daughter was the only time she has ever slowed down, according to her husband of ten years.

Bruce Reynolds was last seen helping a woman with burns in the south World Trade Center tower. Bruce's father recalls that ever since Bruce was young, he knew he wanted to be a police officer to help people. He became a Port Authority Police Officer in June of 1986. Through his service and bravery, not only did his dream come true, but he has also saved people's lives and therefore made others' dreams possible. From the way people talk about Officer Bruce Reynolds, you can tell he was a truly special husband, father, son and fellow officer. Bruce's children, Brianna and Michael, can be very proud of their father.

Joseph Vilardo loved his family more than anything. Joseph, a Senior Vice President with Cantor Fitzgerald, lived with his wife and children in Stanhope, nearby his parents and three sisters. According to his many friends, Joseph was a well-loved and well-respected individual. Regardless of how much work was required of him, Joseph always made time for his wife Patricia and their two children, Nicole and Matthew. Nicole and Matthew will have many memories of their father's love for them.

These individuals have the admiration and thanks of an entire nation. Their families can be assured that this nation will never forget the atrocities of September 11th or the values for which they died. Out of this tragedy, our nation has emerged stronger and prouder than ever. And we now come together to tell these families they are not alone. America stands with them—now in their hour of grief, and in the days and years to come.

Mr. Speaker, I urge my colleagues to join me in commemorating the lives of these noble Americans. May God bless these men and women, and those that are gathered today in their memory. And God bless America.

A BILL TO EXEMPT THE LST-325 FROM U.S. COAST GUARD INSPECTIONS

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce legislation which will assist in the preservation and promotion of the LST–325, a symbol of American heroism and patriotism.

The LST–325 is a unique ship that needs and warrants special attention. LSTs (Landing Ship Tanks) were produced by the hundreds in the Second World War, but only a few are left today. Thousands of men served on them in the critical North Africa, Italian, and Normandy invasions. The brave young men who served on the LST–325 and its sister ships are now in the golden years of their lives, and they are spearheading this campaign to restore the LST–325 to its original glory.

Many may remember that the LST–325 was brought back to the United States last year by a group of retired veterans. Against the odds, these veterans sailed the LST–325 from Greece to Mobile, Alabama, facing fierce opposition from the seas and the weather—not to mention the bureaucracies of various nations. They overcame these hardships and succeeded magnificently. I am pleased to share with you that the average age of the crew was seventy-two years old.

Now the task is to restore the ship to create a living memorial and serve as a testament to our history and the bravery of the men who served on LSTs. My bill would specifically exempt the LST–325—like similar special category vessels such as the steamship *John W. Brown* in Baltimore, Maryland, the steamship *Lane Victory* in San Pedro, California, and the steamship *Jeremiah O'Brian*—from certain current Coast Guard technical and legal requirements (U.S.C. Title 46, Subsection 3302, subpart (I)(1)(A), (B), and (C).) These regulations apply today's laws to yesterday's ships. They only impede restoration efforts of the ship, and raise costs unnecessarily without any benefit to the ship.

This is problematic because the LST–325 is to be used strictly as a not-for-profit, historical attraction. The objective is to restore the LST–325 to its original condition so that it may tour the nation as a historical vessel to educate Americans about the role these vessels played in WWII, the Korean Conflict, and the Vietnam War. In addition, the LST–125 would serve as a monument to memorialize similar ships during the Second World War, and all those who served and died on them.

Mr. Speaker, let us honor the "Greatest Generation" and America with the restoration and memorialization of LST–325. There is clear precedent—and we are only asking to include the LST–325 to this short list of distinguished historical ships. I believe that by adding the LST–325 to this category, we would be appropriately honoring the vessel and her crew, and preserving America's history.

RECOGNIZING THE 150TH ANNIVERSARY OF BORDENTOWN TOWNSHIP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. SMITH of New Jersey. Mr. Speaker, today I rise to call attention to the 150th Anniversary of the creation of Bordentown Township by the New Jersey State Legislature. Throughout all of my 21-year tenure in Congress, I have had the privilege of representing the residents of Bordentown Township, here in the United States House of Representatives.

I believe that it is fitting and proper for a community that has a long and rich tradition like Bordentown Township to periodically celebrate its history with its current residents, so that community awareness and cooperation are deepened. To understand where you are, you must first understand where you've been.

Throughout its long history, Bordentown Township has been forced to grapple with the challenges of growth, due its desirable location along the Delaware River and its well-deserved reputation as a good place to live and raise a family. Consequently, there has been a sense of commitment among Township residents about the need to create and preserve parks, recreational areas, and open spaces, in order to uphold the character of the township.

From the earliest beginnings of Bordentown, its residents have been civic-minded. Indeed, the creation of Bordentown Borough in 1825 was prompted by the growth of population in the village of Bordentown, and calls for a more representative government. When residents decided that they wanted to have a greater say on their own schools and a separate polling district, they successfully petitioned the State of New Jersey to amend its Borough Charter in 1849.

However, the arrangement of 1849 generated much dissatisfaction because the interests of the rural Chesterfield section of the borough, and the more urban Bordentown section, were mutually incompatible. In 1852 the New Jersey Legislature divided Bordentown and Chesterfield (a more rural neighbor) into two separate communities. A similar division was conducted in 1902, when the City of Bordentown, and Bordentown Township, were separated.

The first meetings of the Bordentown Township Committee were held in an unheated shed. Later, the meetings were held in a private home when it became too cold to hold them in the shed. In 1903 Township Hall was built on Cemetery Lane.

While things are much different in Bordentown Township today, the same spirit of service and willingness to make personal sacrifices for the benefit of local residents still exists in Bordentown's elected leaders. I know, because I am friends with, and work with, many of them. For instance, the current mayor of Bordentown Township, Mark Roselli, once served as my Legislative Director, Campaign Manager, and Policy Advisor.

In addition, the Director of my Burlington/Mercer Constituent Service Center, Joyce Golden, has been a proud resident of Bordentown Township for 22 years. She currently serves on the Township's County Committee, and has often told me that she and her husband, Marty, would not want to raise their family in any other community. Joyce and Marty are especially proud that their children have chosen to continue to live and work in Bordentown Township. Their daughter and her family have built a home in Bordentown Township, and their son serves the community as a career Firefighter/EMT for Fire District #2.

Mr. Speaker, I once again congratulate the people of Bordentown Township for preserving a community with a high quality-of-life for 150 years.

A TRIBUTE TO RUBEN S. AYALA FOR A LIFETIME OF PUBLIC SERVICE

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. LEWIS of California. Mr. Speaker, I would like today to pay tribute to Ruben S. Ayala, whose 45 years in elective office in California made him one of the most respected and influential political voices from San Bernardino County. Mr. Ayala, who is celebrating his 80th birthday this month, is still serving the people of California as a member of the state Unemployment Insurance Appeals Board.

Mr. Ayala began his career in politics in the same way that I and many of my colleagues became involved—as a member of the local board of education. He was elected to the Chino School Board in 1955, and he has been active in education issues throughout his career. In 1962, he was elected as a Chino City Councilman, and became the city's first elected mayor in 1964. He joined the San Bernardino County Board of Supervisors in 1966 and was chairman from 1968 to 1972. In

1974, he won a special election for State Senate, and served in that body until he retired in 1998.

I was privileged to serve in the Legislature for four years with Ruben Ayala, and found him to be a forceful advocate for the state's school children and a proud proponent of San Bernardino County. After I came to Congress, I always knew State Sen. Ayala could be counted on to work hard for the benefit and improvement of our county. We have watched it grow and mature in many ways over the years, and Ruben Ayala deserves great credit for helping foster the county's economic expansion.

The first Mexican-American to be elected to the State Senate in the 20th Century, Ruben Ayala was almost better known for his U.S. Marine Corps service and the Marine-like attitude he brought to the Legislature. When he became involved with an issue, he took action and was tenacious in pushing through legislation or demanding a response from state agencies. As chairman of the Agriculture and Water Resources Committee, he was one of the most forceful voices on water policy in California—a topic that often defines the state's political and economic agenda. He was also a primary sponsor of the legislation creating the California Conservation Corps, a very successful program that helped many cities complete parks and public works projects.

Mr. Speaker, the quality of Mr. Ayala's work, and the esteem that he has garnered, is evident from the fact that two parks, a street and a high school has been named in his honor. He was named Legislator of the Year in 1986 by the League of California Cities, and received many other awards for his work on behalf of schools, cancer victims and the local economy. I ask you and my colleagues to honor him as well with our congratulations on his 80th birthday, and our best wishes for his continuing work on behalf of Californians.

LADY HAWKS OF CARROLLTON HIGH SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to congratulate the Lady Hawks of Carrollton High School on their recent state basketball championship. The Lady Hawks defeated Augusta Southeastern, 24–20, to win their second consecutive Illinois High School Association Class A State Basketball Championship.

In addition to being crowned state champs, the Carrollton Lady Hawks finished with a record of 34 victories and only 3 losses. This team was able to reel off 24 consecutive wins en route to back-to-back titles. The Lady Hawks gave Carrollton basketball fans a thrill throughout their historic season.

I would like to personally commend the team members and coaches for a job well done. They are: Krisse Peters, Lauren Brannan, Justine Tucker, Alicia DeShasier, Tracy Stumpf, Katie Nolan, Dana Carter, Terra Stumpf, Amber Shelton, Molly Reed, Lisa Grummel, Jena Staples, Nicole Meyer, and Hannah Cunningham. Their coaches are Head Coach Lori Blade and Assistant Coach Donna Farley. I am very proud of you all.

HONORING THE LATE GERALD SOLOMON

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. BURTON of Indiana. Mr. Speaker, on Friday, October 26, my good friend Gerry Solomon passed away after suffering congestive heart failure. What a great loss for this institution and for the constituents he once served.

Gerry was a Member of this Chamber for 10 terms serving from 1979–1999. Ask anyone who served with him, and they will remember him as an outspoken and tenacious advocate for his views and constituents.

I knew Gerry well and he was second to none in this Chamber. In losing Gerry, we lost a tremendous patriot and committed public servant. He was often referred to by his fellow colleagues as "the Pit Bull of the House."

And, although he enjoyed his work in Washington and in the International arena, he always said his greatest enjoyment came from successfully helping people back home in his district cope with problems they had with the Federal bureaucracy.

He was very proud of the often repeated comments on the streets back in his district that "you may not always agree with Jerry Solomon, but you sure as hell know where he stands on the issues." His commuting back home every weekend, catapulted him to reelection usually by overwhelming 3–1 margins during his ten terms in Congress.

During his Congressional career, which spanned 20 years serving in the House of Representatives, Jerry devoted most of his time to the issues of veterans, senior citizens, foreign policy, national defense, the war on drugs, and the budget.

May he always be remembered for the good father and husband that he was, and his relentless efforts to promote pride, patriotism and volunteerism. He proudly and unabashedly showcased his love for his family and his country everyday of his life.

Mr. Speaker, H. Con. Res. 338, a resolution authoring the printing of a collection of memorial tributes made in honor of the late Gerald Solomon, is a fitting tribute to our late colleague and friend. I rise in strong support of it.

REMEMBERING TOM WHALEN, FORMER MAYOR OF THE CITY OF ALBANY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. McNULTY. Mr. Speaker, I am terribly stunned and saddened to learn of the loss of my friend, Tom Whalen. My thoughts and prayers are with his wife, their children, and the entire Whalen family.

Tom served the people of the City of Albany as Mayor for eight years with the utmost devotion and expertise. He led the effort to bring the esteemed designation of "All-America City" to Albany in 1991. In 1986, he spearheaded the restoration of the carillon at City Hall as part of Albany's Tercentennial. That same year, he formed the Community Police Relations Board to help foster relations between the Albany Police Department and the community. He also played an instrumental role in the development of the Albany-Tula Alliance.

Tom was a highly respected member of the Capital Region community who had a sincere commitment to public service—a sense of hard work and a desire to help others, especially the disadvantaged.

Tom Whalen had a love for God, his family, his community and his beloved Ireland. His loss will be felt and endured by many, and the void in our community—and our hearts—will be difficult to fill.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

SPEECH OF

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes:

Ms. McCOLLUM. Mr. Chairman, I rise today in opposition to the Tauzin-Dingell Broadband Deployment Act.

My State of Minnesota has been a pioneer in fostering competition in local telephone markets. In 1999, Minnesota implemented a ruling that required our local telephone companies to share not only its copper wires, but also upgraded lines with competitors. Following Minnesota's lead, the Federal Communications Commission (FCC) adopted this line-sharing rule, in effect making it law nation-wide for all the surviving Bell companies.

Tauzin-Dingell would eliminate this sensible approach that Minnesota initiated. By excluding competitors from the use of upgraded fiber lines, Tauzin-Dingell will create a new monopoly for the Bells. This would mean fewer choices and poorer service for consumers.

We must not gut the market-opening provisions of the 1996 Telecommunications Act before they have had a chance to take root! It is imperative that we maintain incentives for competition to ensure the best possible services for our constituents.

Free and equal access to information is vital to the strength of our democracy. However, H.R. 1542 is simply not the answer. I urge my colleagues to join me in opposing H.R. 1542.

HOUSE OF REPRESENTATIVES—*Wednesday, March 6, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, merciful and gracious God, bless Congress today. You lead all into the desert in search of salvation. There light and darkness are bold and relentless, each night falling suddenly on the Nation's brightness. For in Your presence the barren land is timeless. As the cold mountains are once again awakened by the pounding, shake us into Lenten awareness.

Forty years seems hardly a lifetime anymore. Yet Your people wandered aimlessly through purification longing for Your promises to be fulfilled.

Forty days seems far longer than a month's time now. Yet removed from the crowd, Moses and Jesus climbed the desolate stage of this mountain to seek Your face.

This year make our annual desert story victorious by Your Holy Name. May Passover and Christian Pasch bring forth the first vestiges of peace. For this we pray now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Massachusetts (Mr. NEAL) come forward and lead the House in the Pledge of Allegiance.

Mr. NEAL of Massachusetts led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

YUCCA MOUNTAIN POSES A MOVING DISASTER

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, how much more simply can I say it, that shipping nuclear waste back and forth across this country 96,000 times is simply unsafe. Sure, proponents of the Yucca Mountain Project would say that some 3,000 shipments have already been made to destinations in America without any incidents. But let me say, I am sure that the elevators in the World Trade Center operated faultlessly until September 11. We cannot use the past to predict the future.

Mr. Speaker, terrorist threats against one of these many shipments is a real danger, and it would be foolish to disregard it. Moreover, the news program "60 Minutes" last year said that train accidents due to track failure are happening at a rate of nearly 1 every 24 hours. Just a few months ago the city of Baltimore was nearly shut down due to a chemical train accident.

Mr. Speaker, I am not willing to gamble on transporting the deadliest substance known to man back and forth through 43 States, especially when DOE has no strategy or plan for the possibility of disaster. We need to protect our communities and constituents, protect our Nation. I urge Members to vote "no" on Yucca Mountain.

WHY ALL THE GIMMICKS?

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, remember the Social Security lockbox? Republican leadership had us vote on protecting Social Security with a lockbox eight times over 5 years. But now, of course, the lockbox has been ripped opened and plundered, and over the next 10 years it will finance tax cuts for the wealthiest of Americans.

Now there is a new gimmick. Hey, certificates. Certificates suitable for framing on the wall and hanging next to the Enron stock certificate. They will be just as valuable. That is their new gimmick.

Mr. Speaker, why all of the gimmicks? Because they are proposing a privatization plan that will undermine the foundations of Social Security, cut benefits, increase the retirement age; or, phenomenally, increase the debt. They have yet to say how they are going to pay for their risky privatization plans, taking 2 percent, doubling the problem that Social Security has. Instead of Social Security running out of money in 2038 and only being able to pay 73 percent of benefits after that time, they have a plan that will run Social Security out of money in 2024. That is not a great plan.

THE AXIS OF EVIL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, when the leader of the free world came to this Chamber in January to deliver his State of the Union address, he described the axis of evil governments. He mentioned them by name: Iran, Iraq and North Korea.

Since then, some people have criticized the speech. In fact, one of President Bush's predecessors said the speech was "over simplistic" and "counterproductive."

Mr. Speaker, the Government of Iran spends millions of dollars financing the murder of innocent civilians and violence in the Middle East. The Government of Iraq has used chemical weapons to kill its own citizens and has invaded its neighbors. North Korea is the only country I know of today that has concentration camps where people enter and never come home from. They literally starve their citizens.

If that is not evil, I do not know what is. Years ago another President referred to the Soviet Union as an evil empire, and some of us remember the Soviet refusenik Natan Sharansky. He was in a gulag when President Reagan gave that speech. Mr. Sharansky told me, when I met him, that news of that speech spread like wildfire through the Soviet gulags. Not until then did they realize that a leader in the West understood the nature of communism.

STOP CORPORATE EXPATRIATES

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, in the 6 months since the devastating attacks of September 11, we have seen some of the most heartwarming images of our American family pulling together to support one another. While Congress grapples with the tough decisions on how to pay for this war against terrorism and enhanced homeland security and other pressing national priorities, one member of the American family is losing its commitment. I quote, "Maybe patriotism needs to take a back seat to improving our earnings."

Mr. Speaker, these were the disturbing words of one aggressive accountant a mere 3 months ago urging her corporate clients to sneak out of the U.S. in the dark of night to avoid paying income tax. For a mere $27,000 to rent a post office box offshore, one U.S. corporation has avoided $40 million a year in corporate income taxes. If these were individuals doing this, the American taxpayers would be outraged.

Mr. Speaker, join me in shutting down this loophole exploited by corporate expatriates before one more American company decides to shelve the Stars and Stripes to save some money on the bottom line by avoiding the corporate income tax.

PAYING TRIBUTE TO CATHY LAIRD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today in deep humility to join in the shock and the grief of the citizens of Shelby County, Indiana, to pay tribute to the passing of a leader, a wife, a mother, and a distinguished local citizen, Cathy Laird, who passed away at the age of 37 yesterday following the complications from an automobile accident. Cathy Laird was not only a distinguished public servant who would have, without term limits, been permitted to run for her third consecutive term as county clerk, she was also the devoted wife of Roger, the devoted mother of Mary, 9, and Emily, 5. Emily was in the car when the accident occurred; and characteristic of Cathy, she looked after Emily making sure Emily got to her appointment while she was taken to the hospital.

Mr. Speaker, I encourage Roger and all family and friends to not grieve like the rest of men who have no hope. Cathy had the hope that is now realized, and we will pray for her husband, her children, her family, her friends, and a grieving community who take comfort in the faith, hope and love of Cathy Laird.

SOCIAL SECURITY AND THE BUDGET

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, Social Security has been a successful program. It has helped millions of seniors out of poverty. Our seniors are facing a dilemma, one that threatens their security and their trust. We must fight to preserve our Social Security trust fund and honor the country's commitment.

The President's budget does not honor the commitment to our seniors, and in turn fails all Americans. Now is the time for us to focus on a long-term budget plan that will recover as the economy recovers, returning us to an era where we can fully protect and even strengthen our Social Security trust fund. We need to recommit to the idea of Social Security surplus dollars only for Social Security and paying down the national debt.

The President's new budget raids the Social Security surplus to pay for government programs, not just 1 year but 10 years. Our seniors deserve better than gimmicks and budget tricks. They need us to lead and fight for the preservation of a historic program and for the needs of seniors. We ask Congress to reconsider their budget, reconsider their tax cuts, and reassume the responsibility, and that is to pay down our debt and take care of our seniors.

ARMY NEEDS ADEQUATE RESOURCES

(Mr. RYUN of Kansas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYUN of Kansas. Mr. Speaker, I rise today to recognize the enduring commitment the Army provides to our Nation. Throughout our history, we have relied on the Army to provide decisive force to defend America and her interests.

In the aftermath of September 11, the Army again answered the call by effectively leading efforts to support victims and secure our borders. They continue to coordinate efforts to protect our Nation throughout this country through homeland defense.

Last week General Shinseki testified about the need of the Army to increase its end strength. I believe we would do well to heed his advice.

Today America only boasts the ninth largest army in the world. Of the top eight, six are potential adversaries. We must work to increase the Army force structure. It should be obvious that we must maintain stability through strong ground forces.

Mr. Speaker, we rely on the Army to win wars and maintain the peace. Now more than ever, we must give these men and women adequate resources to meet these requirements.

□ 1015

INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise again today to talk about Ludwig Koons. Ludwig is still being held illegally by his mother in Italy.

He was born in New York City in 1992. When he was a year old, his mother, Ilona Staller, took him to Rome. After promising a quick return, Ilona delayed her return to the United States after Mr. Koons had purchased tickets for his family to return to New York. But in December of 1993 he learned that Ilona had left their son with unknown third parties and traveled to Ecuador to participate in an erotic pornographic show.

Mr. Koons quickly went to Rome to find his son. He found Ludwig confused, disoriented and abandoned by his mother, left in the care of a foreigner who spoke neither Italian nor English. Ludwig's housing environment was filled with pornography and was physically dangerous due to construction materials left strewn about. Neither the Italian nor the United States governments are helping to correct this situation.

Mr. Speaker, we would not want our own children in this kind of an environment. We should not want it for any American child. It is time to bring our children home.

DOMESTIC VIOLENCE

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I come to the floor today to address a very serious and pressing problem in our communities and in our society, domestic violence. Around the world at least one woman in every three has been beaten, coerced into sex, or otherwise abused in her lifetime. Most often, the abuser is a member of her own family. Increasingly, gender-based violence is recognized as a major public health concern and a violation of human rights.

In my home State of West Virginia, domestic violence complaints to law enforcement agencies have increased by 400 percent since 1998. Last April, Attorney General John Ashcroft announced that West Virginia would be receiving $1.1 million. I commend this effort.

We must keep in mind that battering behavior is prevalent across all lines of race, ethnicity, geography, education, social class, religion and sexual orientation and that battering has adverse, long-term psychological, emotional, physical and economic effects on women and children.

Mr. Speaker, this is Violence Against Women Week, and so I urge all of my colleagues to stand up for battered women everywhere.

RECOGNIZING INTERNATIONAL WOMEN'S DAY

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. Mr. Speaker, this week I will be introducing a bipartisan resolution recognizing and supporting the goals of International Women's Day celebrated March 8 every year. We should commemorate this day by honoring the women around the globe who have contributed enormously to the struggle for gender equality and the advancement of women. That struggle continues today. While the right to vote has been won here in the United States, there still remain women in many countries fighting for their voices to be heard and for representation in their political process. Furthermore, women still earn less, own less property and have less access to education, employment and health care than men.

Our war against terrorism should include ending violence against women. The U.N. estimates that one out of every three women and girls has been beaten or sexually abused in her lifetime. Each year there are 1 million to 2 million women and children illegally trafficked across international borders, with 50,000 transported to the United States. It is estimated that 130 million girls and young women have been subjected to female genital mutilation, with at least 10,000 girls at risk of this practice here in the United States. It is unacceptable.

I urge the Congress to pass this bipartisan resolution commemorating International Women's Day.

AGRICULTURE BILL IN CONFERENCE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute.)

Mr. SMITH of Michigan. Mr. Speaker, the conferees on the agricultural bill in both the House and the Senate are now meeting to come to an agreement on what should the agricultural policy be for the United States for the next 5 yrs. The Senate put in provisions in their bill that there should be payment limitations that limit how much money a farmer can get from price supports. The House, when we brought up my amendment, failed by 28 votes to pass such a payment limitation amendment.

I urge my colleagues to join us and call my office or the office of the gentleman from Nebraska (Mr. BEREUTER) or the office of the gentleman from North Dakota (Mr. POMEROY), sending a letter to those conferees to encourage that we have some payment limitations. There are huge farm operations receiving 15, 20, 25, 30, $35 million from 1998 until 2001. There is logic to having a farm policy that helps most of our farmers, the traditional family farms instead giving an extra $2 to $3 billion to the huge mega farms.

I would ask my colleagues to join in this effort to have a good farm policy bill with some payment limitations.

CALLING FOR AN EXTENSION OF UNEMPLOYMENT BENEFITS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, it may be great comfort to the unemployed in this country to know that we have gathered here in the House of Representatives today to debate whether or not there should be a mourning dove hunting season.

The Speaker made us very comfortable back in September saying we would do something about the unemployed. We have not done anything since then about it that can get through both the House and the Senate. The Senate sent over a clean unemployment bill that should be brought to the floor and sent back to the Senate and become law.

Since September, 1.3 million Americans have exhausted their benefits. In January alone, 356,000 people exhausted their benefits, the single largest loss of benefits in almost 10 years.

Why is it that you have to bring a bill out here today with another poison pill tied to it? There are 222 press secretaries right now in those Republican offices with their thumb right over the send button to send out the press release that we have done something about unemployment. You know it will die in the Senate because you designed it to die in the Senate. I do not think that is fair, and I think that we ought to bring the Senate bill out here and pass it with no problems.

THE WAR ON TERROR

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, yesterday Valdosta, Georgia, and Savannah, Georgia, received the sad news that four of our service members in the First Ranger Battalion were among those who were killed in Afghanistan. We join their families and the entire Nation in mourning their loss and appreciating their patriotism and sacrifice.

But even as we do that, the criticism of the policy in Afghanistan by the Democrats continues. Jimmy Carter says that Bush's approach is too simplistic. Let us review time a minute. When the Soviets invaded Afghanistan, Jimmy Carter was President, and his very complicated reply was to boycott the Olympics. I guess that is not simplification, but what George Bush is in uniting a global front against terrorists, I guess that is simplistic. It is interesting that Mr. Carter only served one term.

Meanwhile, Democrats in Congress are saying that the war will not be won or complete until we get Osama bin Laden. I guess they better explain that to World War II veterans because, after all, we never found Hitler, and they must think that we lost that war as well.

I join Democrats, and I know it is not all the Democrats, there are a lot of good Democrats who are supporting this administration, but I invite the liberal extremist fringe in their party to support the President and to support our service members. This is a matter of freedom.

AMERICAN CORPORATIONS GO TO BERMUDA

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Mr. Speaker, America goes to war against terrorism. America's fighting men and women are put in harm's way. American soldiers lose their lives. And American corporations go to Bermuda. At a time of national emergency, accountants are writing advice to their corporations saying that maybe patriotism will have to take a back seat in the opportunity to maximize their profits by avoiding American taxes on their corporation by taking up illegal residence on the island of Bermuda.

With the Republican tax cuts to the wealthy, the burden of paying for this war is falling more and more on middle-class and lower-income Americans. More and more this war is being fought out of the Social Security trust fund that is paid more and more by middle-class and lower-income Americans, but American corporations decide that they will escape any liability, any responsibility for the payment of America's efforts against terrorism by going to Bermuda and taking a tax holiday.

TEACHER TAX CREDIT ACT OF 2002

(Mrs. WILSON of New Mexico asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. WILSON of New Mexico. Mr. Speaker, today I will introduce the Teacher Tax Credit Act of 2002 to the Congress.

Over the next 10 years, America will have to recruit and train 2 million new teachers. While we do not have a teacher shortage now, we do have a maldistribution of teachers. This Tax Credit Act would provide a $2,000 nonrefundable tax credit for teachers, assistant teachers, principals and assistant principals who teach in title I eligible schools. Those are schools in our poorest neighborhoods where it is often hard to keep teachers, where the average experience level of teachers is lower than they are in other schools because it is a tougher job.

So let us give teachers in our schools that need the most help a little more support from the Federal Government by saying, yes, we want to give you the resources you need to stay in that neighborhood, teach in that school and make sure that we leave no child behind.

DOMESTIC VIOLENCE

(Ms. CARSON of Indiana asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CARSON of Indiana. Mr. Speaker, historically, domestic violence has been a silent epidemic. According to a recent study conducted by the Commonwealth Fund, almost 4 million women are physically abused each year in the United States. In my district alone, domestic violence remains unabated. We had the tragic situation where a young man went to court, was convicted of domestic violence, was allowed to leave the courtroom and go home and prepare himself for prison. Instead, he visited his wife's job and killed her and another day care provider.

Domestic violence is the leading cause of injury to women in this country, where they are more likely to be assaulted, injured, raped or killed by a male partner than by any other type of assailant. We need to expand the Call to Protect program, continue funding of VAWA and demand that the Violence Against Women Office in the Department of Justice become permanent.

Ensuring that domestic violence victims receive necessary services to protect themselves and their children is one of the most important things that this legislative body can do while we attempt to sensitize those who are guardians of law, who are sworn to uphold the meaning of the law, will be further sensitized to the violence against women and how it can be abated.

THE JOURNAL

The SPEAKER pro tempore (Mr. CAMP). Pursuant to clause 8 of rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 352, nays 43, answered "present" 1, not voting 38, as follows:

[Roll No. 48]

YEAS—352

Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Larson (CT)
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Sullivan
Sununu
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Wynn
Young (FL)

NAYS—43

Aderholt
Baird
Baldacci
Borski
Brady (PA)
Capuano
Crane
DeFazio
English
Gutknecht
Hastings (FL)
Hefley
Hilleary
Hooley
Hulshof
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Moore
Moran (KS)
Peterson (MN)
Ramstad
Sabo
Schaffer
Strickland
Stupak
Sweeney
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Towns
Udall (CO)
Udall (NM)
Visclosky
Weller
Wicker
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—38

Abercrombie
Ballenger
Bentsen
Blagojevich
Calvert
Clayton
Condit
Cox
Coyne
Cubin
DeLay
Dooley
Doolittle
Ehrlich
Filner
Gephardt
John
Kilpatrick
Lantos
Lee
Linder
Lofgren
Menendez
Millender-McDonald
Miller, George
Napolitano
Oberstar
Pickering
Roybal-Allard
Sanchez
Solis
Toomey
Traficant
Waters
Watson (CA)
Wexler
Woolsey
Young (AK)

☐ 1051

Mr. ENGLISH changed his vote from "yea" to "nay."

Messrs. JENKINS, EHLERS, and ROSS changed their vote from "nay" to "yea."

So the Journal was approved.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 48 on approving the Journal I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 48, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "nay."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3694

Mr. LAHOOD. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3694.

The SPEAKER pro tempore (Mr. CAMP). Is there objection to the request of the gentleman from Illinois?

There was no objection.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 275, SENSE OF CONGRESS ON HUNTING SEASONS FOR MIGRATORY MOURNING DOVES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 353 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 353

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall be confined to the concurrent resolution and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. During consideration of the concurrent resolution for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the concurrent resolution for amendment the Committee shall rise and report the concurrent resolution to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 353 is an open rule waiving all points of order against the consideration of H. Con. Res. 275, a sense of the Congress regarding hunting seasons for migratory mourning doves. The rule provides one hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources. The rule waives all points of order against the consideration of the concurrent resolution.

The rule also authorizes the Chairman of the Committee of the Whole to accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Finally, Mr. Speaker, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, H. Con. Res. 275 is a sense of the Congress introduced by the distinguished chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), and it expresses the sense of Congress that, one, the Migratory Bird Treaty Act of 1918 should be modified to allow for mourning dove hunting during the last week in August in areas north of 37 degrees north latitude; two, that the United States should begin discussions with the appropriate parties to ensure that all Americans have an opportunity to harvest migratory mourning doves in an equitable manner; and, three, that hunters and wildlife management agencies in the States north of 37 degrees latitude should support an earlier opening date for the mourning dove season.

Mr. Speaker, H. Con. Res. 275 was reported by unanimous consent of the Committee on Resources on February 27, 2002. Accordingly, Mr. Speaker, I encourage my colleagues to support both the rule, H. Res. 353, and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Washington (Mr. HASTINGS) for yielding me the time, and I yield myself such time as I may consume.

This is an open rule. It will allow for consideration of H. Con. Res. 375 and, as we have heard, this is a resolution regarding hunting seasons for migratory mourning doves.

As the gentleman from Washington (Mr. HASTINGS) has described, this rule provides for 1 hour of general debate that will be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have an opportunity to offer germane amendments.

Mr. Speaker, this resolution expresses the sense of Congress that the Migratory Bird Treaty Act of 1916 be renegotiated to provide a longer hunting season for mourning doves above the 37 degrees latitude. If the hunting season were extended, that would affect 22 States where mourning dove hunting is permitted. It also includes my State of Ohio.

Though this measure is important to many hunters and it is an important issue in many parts of this country, there is a far more important matter of legislation to extend unemployment insurance to out-of-work Americans that we are very concerned about. Many men and women have lost their jobs after the September 11 terrorist attack which was almost 6 months ago, and those benefits will soon run out unless we pass a bill to increase their unemployment insurance. We need to deal with this issue immediately.

Therefore, I will oppose the previous question and, if the previous question is defeated, I will offer an amendment to the rule which will permit the House to take up the Senate amendment to H.R. 3090, which would extend unemployment insurance by 13 weeks.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Utah (Mr. HANSEN), the distinguished chairman of the Committee on Resources.

Mr. HANSEN. Mr. Speaker, this is kind of a cherished thing in America, the hunting of doves. Many of us who hunt have noticed in our younger years that dove hunting was not a big thing. Deer season was always such a big thing in the State of Utah that they closed the schools, the churches, and everything else at the opening of deer season. Fishing was always a mass exodus out of town to get to various mass areas. Dove season was never considered as much.

I do not think people understand the importance of this little elusive bird that people call the mourning dove. Actually, there are millions of them. The problem we have on this particular bill is that when the days start getting shorter and when we have a cold snap, what happens is they go south because they are a migratory bird.

□ 1100

When they go south, the people who want to hunt in the northern areas do not get the opportunity to hunt, so they maybe can pick up a straggler here and there. But the folks from Florida, Texas, the southern States, Arizona, New Mexico, Southern California, they have a heyday. The folks in Mexico really have a heyday because they do not have a limit on it, and they go down there and shoot them by the thousands. That I think is another issue, not one before us today, but possibly one that should be considered.

So the people in the north who enjoy hunting, and hunting is one of the traditions of America which we all seem to enjoy, or many folks seem to enjoy, do not get the opportunity or privilege that people below the parallel that was mentioned before have.

So with this bill we are not telling them what to do; we do not have that right. We cannot set the limit. What we are merely saying is the President of the United States will then urge the people in Canada and Mexico to renegotiate and start the limit above that parallel by 1 week earlier. That week seems to be critical, because for those of us who have hunted doves, they can see literally thousands of those birds in the area the last week of August. Where do they go the last week of September? As if they knew exactly, away they go, and the hunting is rather poor.

So all this bill does is urge these countries to renegotiate. No one in this body or the other body has the privilege or the right to change the law. We can just urge that it be done, and this bill would urge the President of the United States to begin that type of a process.

Mr. Speaker, I would urge a "yes" vote on this rule and a "yes" vote on the bill.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to my friend, the great gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, House Concurrent Resolution 275 expresses the sense of Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds.

I think that the American people would have every right to ask the question: Why is Congress considering a resolution on mourning doves when 11,127,000 Americans have exhausted their unemployment benefits?

The people of this country expect a sense of proportion about what we do here, a sense of priorities. When we are coming forward to this Congress with a bill that seeks to address the Migratory Bird Treaty Act of 1918 to try to modify that act to allow for mourning dove hunting during the last week of August, while over 1 million Americans are being deprived of an opportunity to receive income into their family because they are running out of unemployment benefits, and the Federal Government has not acted to extend those benefits, people have every right to ask, What are we doing here in this Congress? Why is Congress considering a resolution on mourning doves when the recession has lasted 52 weeks so far? Why is Congress considering a resolution on mourning doves when this week and next, persons who became unemployed after September 11 will exhaust their unemployment benefits?

Now, if Members agree with many of us that this is an example of skewed priorities, it is an example of not being in tune with the real needs of the American people, then I want to ask them to join with us in opposing the motion on the previous question.

The reason is this: if we are successful in defeating the motion on the previous question, we will then have a straight debate on unemployment insurance extension without any poison pills. I urge that we keep our priorities straight.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Idaho (Mr. OTTER).

Mr. OTTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the necessary time to at least express interest not only in the passage of the rule, which I think is an important rule to accompany this resolution, but the folks in my State and in the adjoining States, all those above the 37th parallel, do not enjoy the opportunity, as was stated by several of the speakers before myself, including the distinguished Chairman of the Committee on Resources, to be able to hunt the mourning dove during our season because, as the treaty, which was established in 1916, states, we cannot open our season before September 1. All we need in Idaho and those States that are north of the 37th parallel is just a little bit of a cooling trend and all the doves immediately go south.

It is a responsible thing to do, and it is a responsible thing to do because of some of the subject matter that has been brought up by the gentleman across the aisle, that there are a lot of folks that cannot afford to go to the southern States, cannot afford to go to Mexico, cannot afford to transport the weapons or the transportation, and these people then are denied the opportunity to hunt, as well.

So I think this is an economic stimulus package, and it is also a package to help those folks who do not have the necessary resources to be able to enjoy hunting in their home State and be able to take the mourning doves, within a certain limit.

So, Mr. Speaker, I join with the good gentleman from Washington and all those others who have spoken in hopes that we will vote for the rule, pass the rule, and then vote and pass the resolution.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, today we are here to vote on the fate of mourning doves. That may be a serious matter, and people may in fact cherish the opportunity to go and shoot these birds, and that would be appropriate at some other time, I might suspect.

However, there are people mourning in America today because they are working families who have suffered record layoffs since the tragic terrorist attacks of September 11 and prior to that time.

From September 11, the date after which people exhausted their benefits, the date they would get additional benefits under the bipartisan legislation passed in the Senate 100 to nothing through January of this year, more than 1.3 million people will have exhausted their regular employment benefits, and we are here talking about doves.

In nine States, including my home State of Massachusetts, the number of unemployed workers exhausting their unemployment benefits from November to January more than doubled from the comparable period a year ago. On April 15, just a month from now, unemployed workers across this country will be paying their taxes, filing their returns to pay taxes for the money they made before September 11. Those tax dollars go to pay our salaries here in Congress. They expect us to work, and they expect us to set priorities.

Long before the priority of shooting doves, we should be doing something about the unemployment insurance for people who are out of work. We were able to work to bail out the airlines. We promised to help the laid-off workers then, and we still have not done it. Instead, we have a tax package to help corporations. The majority in this House tried first to give a 15-year break of $25 billion back to Enron and other megacorporations, but did not do anything about unemployment insurance.

They still are now trying to undermine that by taking that 100 to zero proposal from the Senate that would extend unemployment insurance and add another poison pill, this time shifting from the employer to the employee the cost of their basic health insurance, trying to undermine our employer-based health insurance system as the price for having unemployment insurance.

Well, we have suspension of the rules for mourning doves, Mr. Speaker, and we should have suspension of the rules to deal with the unemployment insurance. Oppose the motion on the previous question, bring forward that Senate bill. No more poison pills. Let us get our business done for America's working families.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Mr. Speaker, I thank my colleague from the State of Washington for yielding time to me.

While I am a freshman, I hope I never get to the point on this House floor in my time as a United States Congressman to belittle the opportunity or attempt of any other Member in the United States Congress to do something for their constituency.

Within the State of Montana, this is an important issue. Fish and game can be debated for many hours and many days in Montana because of not only the hunting experience, but the economic benefit that it provides to my residents. On my own ranch we have dove hunting. Unfortunately, because of the dates that are included here, sometimes it can only last 3 days because, as the light hours change in the day and the temperature changes, these migratory birds move south.

This is an opportunity to create some economic development for my State, a State that has been gripped for 3, 4, 5, and sometimes 6 years by drought, now. We have a new term in Montana. It is called "continuing drought."

So I will not belittle their opportunity or attempt to do something for their constituency, and I hope they will not continue to do that in this particular case, because this is an important piece of legislation for my constituency.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, by a vote of 100 to nothing, the other body voted for a 13-week extension of unemployment benefits. The purpose of our act today is we want to bring that same proposal to the floor so we can vote on it as well, and extend unemployment benefits.

We are going to hear that there will be an effort to do that later in the day put forth by the majority, and they have some things added on to it. What is wrong with that? Let me tell the Members what is wrong with the majority's health care scam that is added to the unemployment benefit extension.

A person who has been out of work for 6 months and is about to lose his or her benefits, who has $1,000 in his or her checking account, here is how they get health care under the Republican plan. They are supposed to go out and pay $7,000 or more in premiums to buy a health insurance policy, and then wait until next year, when they file their income tax return and get $4,200 back as a credit.

The Republican health insurance scam requires people to use dollars they do not have to pay a premium they cannot afford to get a tax credit they will not use until more than a year from now. That is a hoax, not a plan. The majority should join with us and defeat this previous question.

Let us have a clean up-and-down vote on whether or not to do as 100 Senators did and extend unemployment benefits for America's unemployed for 13 weeks. Vote "no" on the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to our great leader, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to urge our colleagues to vote against the previous question. Here we are on the floor of Congress at a time when our country is in a very difficult place economically. This month, a record number of people have exhausted their unemployment benefits, a record number of people. Here we are on the floor of the House; and instead of addressing that very pressing need for all of those families, we are taking up suspensions, a second day of suspensions.

I have no quarrel with our dealing with certain issues, like extending the hunting season for mourning doves, if that is necessary and that is our jurisdiction. That is something that should be a small part of what we do.

But the American people see us on TV. They see the irrelevance of what is going on on the floor of the House of Representatives. Can we not give to the workers of America the same due that we give to mourning doves, to extend, to extend the time frame? Why does that not have at least as high a priority to the Republican majority? Why do not unemployed workers receive the same priority as hunting season for mourning doves?

There was a proposal that was supposed to come to the floor today which would have extended the benefits but would have a poison pill, a very unwise provision in terms of health benefits. The Democratic proposal would have been very smart: extend the benefits at least 13 weeks, hopefully 26 weeks, again, recognizing that record numbers of Americans are exhausting their unemployment benefits, and couple that with a plan to make the COBRA benefits available to these unemployed workers.

When we had the tragedy of September 11, we immediately moved to bail out the airline industry, and we had to do that. But that happened with the promise that we would shortly be addressing the needs of those Americans who lost their jobs because of September 11.

Six months later, we are still waiting for the Republican majority to bring a bill to the floor that adequately addresses those concerns. Instead, we are here this morning talking about extending the hunting season for mourning doves.

I urge my colleagues to vote against the previous question.

Mr. HALL of Ohio. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KLECZKA).

Mr. KLECZKA. Mr. Speaker, I thank the gentleman for yielding time to me.

We do have with us today, Mr. Speaker, a group of students. I think they are probably sitting up there wondering, what is the Congress talking about today? The issue before the House is to extend the hunting season for mourning doves, little mourning doves that go whoo, whoo, whoo. In the winter they are at the bottom of the feeder. For the most part, they are ground feeders. They are pretty little birds, very, very peaceful. What we are doing today is extending the season so we can kill them.

Well, the students probably know or have talked to their folks who have indicated this is a bad economy. Maybe one of the parents is laid off, or a neighbor or an uncle or aunt; and it is Congress's authority and it is in our power to give them unemployment compensation benefits.

□ 1115

What is happening is they are running out of their original natural allotment. The U.S. Senate, your Senators, passed a bill providing a 13-week extension for unemployment compensation benefits to help people who are laid off. It is in the House, but the Republicans in this House do not want to take it up and instead bring before the House today, we have nothing else to do today, they bring before the House today a bill to extend the season on killing these little, whoo, whoo, whoo, mourning doves.

Let me tell you about the mourning dove. I come from the State of Wisconsin. When I was in the State legislature a couple years ago, back in 1971, the State legislature passed a bill naming the mourning dove a bird of peace, a bird of peace. How noble. It was befitting this little bird. Well, then the legislature and the Natural Board of Resources last year voted to open the season. It is bugging some people that this little bird which mates for life is at the bottom of some people's bird feeders cleaning up the seeds that have been knocked out of the feeder and so the response for Wisconsin is kill them. So Wisconsin says let us kill them. They are bugging someone. But then those who want to kill them are saying, Oh, but are they good eating.

Listen, after we take the feathers off that little guy, it is about this big and 4 ounces. Is that a meal? To hear the Republicans come up and say we need to kill these birds because of economic stimulus or because we need it to provide some economic development, how hungry can you be?

We know full well the bad news is the bird of peace in the State of Wisconsin is now being killed because it provides such great meals. I guess it is something like a turkey.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). Members are reminded not to introduce or bring to the attention of the House an occupant in the galleries.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I frankly believe that this legislation of the mourning doves will not help those Texans in my State. But I do know what will help them and that is a concern about unemployment benefits that need to be extended.

If you want to know what unemployment is about, just come to my home town of Houston. Although we are the can-do city, we fought against the stress of Tropical Storm Alison, the number of layoffs of our corporate friends like Continental and the disaster of Enron with some 4,500 employees being laid off, we know we can pull ourselves up by our boot straps when people are hurting. It is time for this Congress to address the question of the devastation of extended unemployment just like we went to the aid of many of those corporate friends who were devastated after September 11. Thirteen weeks, I will support that; but I also believe 52 weeks of extension because in April my State will see an exhaustion of unemployment benefits of some 175,000 individuals.

I have heard the stories of individuals who cannot pay for health coverage, cannot provide the dollars that allow them to have the COBRA. We need to respond to the crisis of Americans right now—and need to talk about unemployment to the extent that we provide the bridge and support for those who are in need.

I have my constituents talking to me about saving Social Security and the prescription drug benefit, but there are working families now who have contributed to this economy and through no fault of their own they are no longer working. I think we are wasting America's time by not coming to this floor, extending unemployment benefits like the Senate did for 13 weeks; and if we can do more we should do more. My advocacy is for the extended 52 weeks because I know in April and May there will be people in my home town who will be hurting.

We have to face reality, Mr. Speaker. Legislation that does not help all of us maybe should be reconsidered. I will be voting against this rule because I want to vote for extended unemployment benefits for Americans. I want them back on their feet. I want them to pay for tuition for the young people going to college. I want them to have health care. I want to make sure they pay their mortgages. I want them to be proud to be an American. I want to thank those men and women who are fighting in Afghanistan to help free us and free Afghanistan. Let us do something for the people here in the United States and extend the unemployment benefits.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. SLAUGHTER), a very much-distinguished member of the Committee on Rules and of this body.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, this morning the morning news from Rochester tells me that this year my district has lost 12,400 jobs. That is almost unheard of in Rochester, New York.

In 1929 when the crash came, we hardly noticed it up there. Our unemployment rate has been always steady and very good, but we are bleeding jobs. I suspect for many of you, your mail must reflect mine, Can you do something about unemployment? I have lost my unemployment. My unemployment is running out. Now to add to the rest of our woes, we also have a lot of people employed by Global Crossing.

I am embarrassed that the people in my district are seeing this morning that what we are most concerned about is the shooting of mourning doves, as the previous speaker said, the peace bird of the State of Wisconsin. I do not know if enough people in my district will be able to shoot enough birds to feed their family, but it does not look like we will be able to do much here on extending their unemployment benefits.

I am sure they understand that we do not control the agenda of this House, or it would have been done a long time ago; and we should have been taking up the Senate bill. I urge Members to vote against the previous question and the rule to try to get some unemployment insurance up here.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield back the time, I would just like to say that it has been nearly 6 months since the tragic events of September 11. Millions of American jobs have been lost since then. The unemployment benefits for 1.3 million Americans have already expired. Millions more will be losing benefits in the coming weeks. We must act.

Last month the other body passed a very clean extension of these critically needed benefits. Every day we fail to act means economic hardship for more and more Americans. In a bipartisan fashion we should not be wasting time and be together on this and vote to extend unemployment benefits.

As far as the rule is concerned, the rule is okay and it is open. We have no problem with it.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to remind Members because there is a lot of concern on both sides of the aisle regarding the unemployment benefits for those who were adversely harmed by what happened on September 11 and because of the economy, we intend to take that up and we will take that up; and I just wanted to remind my colleagues of that.

Mr. UDALL of Colorado. Mr. Speaker, this rule would clear the way for the House to debate a nonbinding resolution about changing the hunting seasons for migratory mourning doves.

That is an interesting resolution, and it could make for an interesting debate. But the fact that it is proposed for debate today on the House floor is little short of a disgrace because of what it says about the priorities of the House's Republican leadership.

In short, they have made it a priority to debate this nonbinding resolution, instead of trying to help people who have lost their jobs and are in an economic bind.

I know we are all encouraged by the signs the economy is recovering from recession. But the recovery is far from complete, and unemployment insurance is running out for thousands of people who have lost their jobs.

Extending those benefits is something they need and something that will help the economy because it will enable them to continue paying their bills. And it is what we should be doing today instead of debating whether Congress should go on record with some opinions about changing a hunting season.

There should not be any partisan disagreement about this. That is why the Senate has already twice unanimously approved bills that would extend unemployment compensation benefits for 13 weeks.

And that is what we should be doing today, instead of debating hunting seasons. We should be passing that bill—the bill supported by every Senator, regardless of party—and sending it to the President so he can sign it into law.

It's too bad the Republican leadership does not think that should have priority over this resolution. I don't share that view, and so I cannot support this rule.

Mr. HASTINGS of Washington. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 354 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 354

Resolved, That it shall be in order at any time on the legislative day of Wednesday, March 6, 2002, for the Speaker to entertain motions that the House suspend the rules relating to the following measures:

(1) The joint resolution (S.J. Res. 32) congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

(2) The bill (S. 1857) to encourage the negotiated settlement of tribal claims.

(3) The bill (H.R. 1870) to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada.

(4) The bill (H.R. 1883) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

(5) The bill (H.R. 1963) to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System.

(6) A bill to provide assistance to displaced workers by extending unemployment benefits and by providing a credit for health insurance costs, and for other purposes.

(7) A resolution expressing support for the democratically elected government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 354 is a rule providing for the consideration of motions to suspend the rules at any time on the legislative day Wednesday, March 6, 2002. This is a fair rule that will allow for consideration of several pieces of legislation.

Mr. Speaker, last night the Committee on Rules in fact had the debate and the vote about those things which we are going to choose to consider today and one of those that we talked about at the time we have now made a decision that we are not going to present at this time; and it should be noted that though, while the unemployment benefits bill is listed under the rule, it will not be called up for consideration today, meaning that it will not be a part of the package that we are seeking at this time.

Mr. Speaker, since the tragic events of September 11, the House has worked with speed and deliberation to pass much-needed legislation that will provide an extension of critical-needed unemployment benefits to dislocated workers. It is regrettable that though this bill has passed several times with bipartisan votes that there will be no action on this today and also that there has been no action by the other body on this.

As the 6-month anniversary of September 11 approaches us, there are people across the country who are still struggling to recover from the tragic events of that day, whether it be emotional, physically, financially or otherwise. It is my hope that the issue will stay at the forefront of our legislative business until we pass and enact a bill that will help each of those people.

Mr. Speaker, I have outlined those things which we will be considering, or hope to consider, today under suspension of the rules; and I urge all of my colleagues to support this rule which will allow us to consider these pieces of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend from Texas (Mr. SESSIONS) for yielding me the customary 30 minutes.

Mr. Speaker, this rule will allow us to consider a number of suspension bills today, bills that many of us had hoped would be of critical importance to our constituents. In fact, last night rumors circulated that the leadership of the body was preparing to do what we hoped it would have done long ago and extend unemployment benefits to the thousands of workers who were laid off in the wake of the September 11 attacks.

For weeks we have begged the leadership of the body time and time again to pass a clean unemployment extension bill. Recently released Labor Department data for January 2002 shows that from September 11 through January of this year more than 1.3 million workers exhausted their regular unemployment benefits. As of January, about 7.9 million Americans, or about 5.6 percent of the workforce, were unemployed. Over 12,000 people a day are exhausting their unemployment insurance. And earlier this year the Senate adopted a simple extension of unemployment benefits by unanimous consent.

The House leadership, rather than acting expeditiously, refused to pass the same extension without tying it to a package of dying stimulus plans.

□ 1130

The plan, no one was surprised to learn, consisted almost entirely of tax cuts for corporations and the wealthy. And the measure, no one was surprised to learn, went nowhere in the Senate.

We now have an opportunity to do today, or we did have, what should have been done weeks ago, pass a clean unemployment bill. Were we to pass such a measure this morning, the bill could be on the President's desk immediately. But, instead, the leadership of the body is preparing to push a measure that would augment a simple extension of jobs benefits with controversial tax provisions that will kill it in the Senate.

Why can we not simply extend unemployment benefits by an additional 13 weeks? Tax credits do little to aid the unemployed, many of whom are not paying taxes in the first place while out of work. A clean bill could go straight to the President, and the leadership in the body could signal to the unemployed that this House cares about the plight of their families. Today's confusion, however, will ensure just the opposite, more delay and not a penny of relief for impacted families.

Mr. Speaker, this is not leadership; this is petulance. Having failed three times to pass accelerated tax breaks for upper brackets and reducing the alternative tax on corporations or actually doing away with them, the leadership is taking a fourth swing at the other body. What is stunning about this maneuver is the sheer cynicism it embraces. The leadership is making it perfectly clear that it is willing to inflict further pain on desperate families in order to have another crack at a divisive, partisan agenda.

Moreover, Members of this body are being afforded little notice of what these bills contain. The House of Representatives is not a shadow government. Our rules mandate that we deliberate in the open. What aversion do we have here to regular order? Instead of informed deliberations, my colleagues are left with scant information. In fact, the bill we have been talking about has not yet been seen, and my colleagues and I have no information and no debate time on which to base decisions impacting millions of Americans.

Mr. Speaker, this extraordinary rule we are considering today is normally reserved for those times when Congress is hard at work, not when we are working 2½ days a week, and it needs flexibility to meet its commitments. But not today. The long stretches of idleness in this body can surely be replaced with meaningful deliberation on important measures.

We just got the report of people being abused in nursing homes. We should be concerned about all the corporations in America that are registering themselves over in Bermuda to avoid paying America's taxes. While we name post offices and contemplate shooting mourning doves, the measures that impact prescription drugs and saving Social Security languish.

I have a bill that would ban genetic discrimination in health insurance that has over 258 bipartisan cosponsors; and it would affect every man, woman, and child in the United States. But for over 6 years we have not been able to have that on the floor. I implore, then, if they are going to abuse the power of suspensions, to put it to good use and make a real difference in the lives of American people.

Mr. Speaker, we intend to try to defeat the previous question on the rule in order to amend the rule simply to allow what should be done, a straight 13-week unemployment benefits extension bill. I urge all my colleagues on both sides of this House to support this effort because the American public demands and deserves it.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

We are hearing a lot about this unemployment problem, and it is a problem, and the health care problems, and there are health care problems. This body has addressed this issue numerous times. This issue was prepared to be on the floor today, except there was some disagreement as to whether it would be on suspension or whether we would have long enough even to speak about it. The bottom line is, I do not believe we should be playing politics with the health and livelihood of American workers, whose families' jobs and their own jobs, their own problems, are right on the line.

But for those who would call for a clean bill, I would quote Speaker HASTERT, who yesterday said this is about as clean as you could get it. And I would add that it is also a straightforward approach to addressing the real needs of laid-off workers as we can get. That was what this bill was supposed to do. It was clean. It was about unemployment and health care tax credits. Oh, but then we find out that they simply do not like the way we have done it, and that is why the other side is opposed to what we are doing.

Mr. Speaker, we disagree on lots of issues, and they are honest disagreements that we have in Washington, about taxes, about the size of government, about how much we are going to tax the American people, about who will be paying in and who will be receiving what. But the bottom line is that this Republican Congress has attempted expeditiously and carefully to address the needs and the issues of people who are having tough times. But we also believe, as Republicans, that it is important for us to put out a plan that addresses the needs of the Nation. That is why we asked for tax cuts.

We believe that people not only want a job but they want the ability to have a secure job. Savings and investment and the opportunity for people to have more take-home pay to protect the jobs that we have is what the Republican plan is, also. It is not just about the health care needs, where we offer tax credits. It is not just about unemployment. It is about a broad, overarching idea that we believe that this government can, must and will react and respond properly to people. And that is what the Republican plan has been since September 11.

I am sorry we are not addressing that issue today. We will continue to wait for the other body as they deliberate and deliberate and deliberate on this issue, but we will keep going with the things we know are good for people.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume to respond to my friend.

I appreciate that people who are unemployed, who have families to feed, who have mortgages to pay, who have no prospects immediately of a job are not terribly interested whether or not we do away with an Alternative Minimum Tax and give money back to IBM and money back to Enron and money back to major corporations in the United States. They simply want some kind of action here.

In all times of trouble, when we have this kind of unemployment rate, it has been the policy of the government of the United States to extend unemployment. For some reason, we simply cannot seem to get that done here. I am appalled at that and urge that that be rectified.

Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, with all due respect to my colleague on the other side, he just said that we are playing politics. I would say the problem here is that the Republicans are in charge of the floor. They are in charge of the House. They are in the leadership because they are in the majority. They are playing politics because they are not allowing a clean bill on unemployment insurance extension to come up.

I cannot believe I am hearing this from my Republican colleagues, somehow suggesting that if we take action on this bill that they put in order under this rule that we will have some relief for the unemployed. It is not true. We know if this bill goes over to the other body and it includes anything other than extension of unemployment compensation it will never pass and it will die.

The other body has already taken up I do not know how many stimulus packages, tried all kinds of options, with or without different kinds of health care benefits, with or without Alternative Minimum Tax, and finally the leadership said, look, there is nothing we can pass here other than a clean unemployment compensation extension, passed, I believe, 100 to nothing.

So the lesson is learned. The only thing that will work, the only thing that will provide relief for Americans who are running out of their unemployment insurance is if we just pass a clean bill that has nothing else attached to it.

We have done the same thing over here. The Republican leadership has brought up three stimulus packages, pretty much the same. I suspect if this bill is voted down today they will bring up another stimulus package tomorrow or next week. They are playing politics because they will not allow a clean bill to pass. It passed the other body 100 to nothing. It will pass here probably unanimously. Let us just do it.

Now, let me talk about the tax credits for health care that are in this bill. My Republican colleagues know that this is a very controversial issue because the Democrats do not believe it will work. When we talk about tax credits for health care, most of the people who are uninsured, very few are going to be able to go out in the individual market and buy insurance, which is $4,000 or $5,000 a year, with the piddly tax credits the Republicans are proposing.

So the Democrats have been saying this is not going to work, this tax credit. We have talked about extending COBRA, we have talked about the need to extend Medicaid to cover more people at a little higher level of income. My own State of New Jersey, a perfect example, is suffering because they do not have the money, and so many States are not able to provide the Medicaid benefits they have now and cover the people they now have and are considering cutting back on Medicaid.

So we have a major difference here. Democrats believe COBRA extension and Medicaid extension will bring more people and provide insurance. We do not believe the Republican proposal with tax credits will work. So forget about this for the time being. We do not have agreement. Let us go with the thing we do have agreement on, which is unemployment expansion, a clean bill. We should bring it up and get it over with.

The Republican side is playing politics and not giving a fair shake to those people in my district and around the country that need these extra weeks of unemployment compensation.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

We can keep talking about this. It has passed this House four times. This body has dealt with this issue. Now what we hear is my colleagues on the other side suggesting we have to bow down to what the other body wants to do, that we must do what the other body wants to do. Well, that is not the way it works. This body has its own leadership, has the two sides of the aisle. We work on the things that we work on, just like the items that we passed and have sent to the other body.

Mr. Speaker, we have been open and clear about what we are trying to do. We are offering an opportunity to put together unemployment benefits, health care, and, at the same time, make sure that it would be done in a way which we believe would work. Now, what we understand from the other side is, we disagree that it is not going to work that way, so we are going to oppose what you are doing.

Well, Mr. Speaker, we have heard this lots of time. We heard this about the balanced budget. A balanced budget will never work. We can never have a balanced budget.

Secondly, we heard when we went to welfare reform, oh, my gosh, welfare reform will never, ever work. We heard this about the capital gains tax cut, that it is going to cost our government $9 billion. In fact, it did work and brought in $90 billion to the government and created an economic stimulus that our country has lived off for several years now.

Republican ideas are simply bad to the other side every time, and that is where they play politics, and I am sorry that it is that way. But what we are doing is proposing something that will allow families who today have to use pre-tax dollars to pay for their health care, and we are trying to make it easier to where they can then deduct this amount.

Tax credits do work. They work for the families that use them over and over and over. Tens of thousands of African Americans, tens of thousands of Hispanics, and, oh, yes, tens of thousands of Caucasians will get this same tax credit. It works for people. It works for people who have health care today by helping them pay for what they want and they need.

I am proud of what we are doing. I am sorry that my colleagues on the other side simply disagree and so they are not willing to venture in to helping anybody because they do not like what we have done. That is the politics, Mr. Speaker, and it is a real shame that it is happening again today on the floor of the House of Representatives right before our very eyes.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN).

Mr. LEVIN. Mr. Speaker, the gentleman from Texas has made it clear what this is all about. He says we are waiting for the other body. The other body has twice unanimously passed an unemployment compensation extension bill. Twice. What is my colleague waiting for? He says we should not bow down to the Senate. To whom? TRENT LOTT? Every other Republican in the Senate who voted for this extension?

□ 1145

Bowing down, this is a fight with Republicans in the Senate. It is not only a fight with us. The gentleman is all alone.

Secondly, the gentleman says this issue is not just about unemployment. That is the problem. The gentleman is ignoring the needs of the unemployed because the gentleman has another agenda. I want the gentleman to go and talk to the 356,000 people who exhausted their benefits in January and tell them this is not just about unemployment. It is the largest number of people exhausting their regular benefits without receiving additional aid in a single month, in any single month on record. So I suggest that the gentleman from Texas (Mr. SESSIONS) go to the 50 States of this Union and tell them that this is not just about unemployment. Shame.

The other side of the aisle insists on adding to this unemployment bill controversial issues, and the gentleman knows they are. The health provision is the same one that has created the controversy in the Senate. This is what Mr. LOTT said on February 7.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). Members are reminded to refrain from improper references to Senators.

Mr. LEVIN. Mr. Speaker, this is what has been said. "My recommendation is that they send just a clean bill." That is the gentleman's leader over in the Senate. I shall not name his name.

This is what this is all about. The other side wants a package, and then they change it. They want a package that essentially says to the unemployed of this country that their unemployment is not enough for Congress to act.

Mr. Speaker, my suggestion to the gentleman from Illinois (Mr. HASTERT) and Members on the Republican side, including many of the leaders who said they wanted a clean bill, is to think again. These millions of people are not getting unemployment on their watch. They are disregarding them. They have another agenda. Take up unemployment compensation today, pass it, send it to the President. I am sure he will sign it, and then we will go on to other issues.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will reiterate that Members must avoid improper references to Senators, whether specifically by name or otherwise.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we do have a broader agenda. It is about jobs in this country. It is about the ability that we have to make sure through stimulus or through tax cuts or through those things that will allow people to have more money in their own pocket. That is also what this is about.

Yes, it is bigger than unemployment. It also includes health care. It includes the things that are the essence of what will maintain the vitality of this country.

Mr. Speaker, I learned a long time ago when I came to Congress, some 6 years ago, that virtually every single bill, every single debate that takes place on this floor is about more government, more spending, more taxes, or about the reverse.

I am falling off on the side of the people who want jobs in this country, who want to make sure we have a sound economy and make sure that what this government does, it does, and is done efficiently. I am proud of what we are doing and what we have passed.

Mr. Speaker, I would remind this entire body that if we can lay aside our differences, lay aside the things that we think will not work and get to work on the things that we are going to propose that will work, that means real money to real people in the time of their need, that in fact we will achieve the things that we are after. Government should not pick the winners and losers. We should help the people that need help.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is to try to help the people that need help. I know the unemployed do want jobs. I am sure that all unemployed workers thought that, during their working years when they paid their taxes, they believed that should a catastrophe hit and they lose their jobs that this government would help them out. That has been in the best tradition, to tide them over until a new job can be found; and when that job is found, I hope it will be as good as the job they lost.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, I will offer an amendment to the rule that will allow the House to vote on a straight 13-week extension of the unemployment benefits.

Mr. Speaker, it has been nearly 6 months since the tragic events of September 11. In addition to the horrendous loss of life that occurred as a result of that day, the economic destruction has been enormous. Our economy, which was already in an economic downturn before the event, has worsened considerably. Millions of American jobs have been lost since then.

The unemployment benefits for many of these jobless workers have already expired. Many, many more will lose benefits in the coming weeks. We must act immediately. The other body has already passed a clean extension of these critically-needed benefits. Every day that we fail to act means economic hardships for thousands of Americans and their families. Let us stop wasting time and vote to extend the unemployment benefits. I urge a "no" vote on the previous question.

PREVIOUS QUESTION FOR H. RES. 354—MOTIONS TO SUSPEND THE RULES

In the resolution after "(6)" strike "the bill (H.R. 1963)" and all that follows through "health insurance costs, and for other purposes" and insert in lieu thereof the following:

"Senate amendments to the bill (H.R. 3090) to provide tax incentives for economic recovery."

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have heard it here today. Republicans have this hidden agenda. The other side of the aisle is right. Our hidden agenda is jobs and growing the economy, getting people back in their jobs, having an extension of unemployment benefits, having health care tax credits. And yet we have heard now what the other side of the aisle says about that. That is that they do not like the way that we have done it, and because they do not like the way we have done this, they oppose it.

Mr. Speaker, we are going to continue this Republican conference, and Congress is going to continue passing things that are great for people, good for workers, continues economic opportunities. We are going to keep talking about how America's greatest days lie in our future. Opportunities for people who are going to school and want jobs, people who today may not have a job. We are going to rebound this economy. It is going to head back.

I believe that the President, working with this Congress, will have a lot of success. That is what this is about. That is our hidden agenda. Our hidden agenda is simple. It is about jobs. It is about economic growth and the opportunity for people to get a job, keep a job and know that they can have more take-home pay.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic voting on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 218, nays 191, not voting 25, as follows:

[Roll No. 49]

YEAS—218

Aderholt
Akin
Armey
Bachus
Baker
Ballenger

Barr
Bartlett
Barton
Bass
Bereuter
Biggert

Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono

Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Callahan
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth

Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—191

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin

Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel

Eshoo
Etheridge
Evans
Farr
Fattah
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer

Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott

McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman

Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watt (NC)
Waxman
Weiner
Wu
Wynn

NOT VOTING—25

Abercrombie
Bentsen
Blagojevich
Buyer
Calvert
Condit
Cubin
Dooley
Doolittle

Filner
Hyde
Kilpatrick
Lantos
Lee
Lofgren
Millender-McDonald
Napolitano

Roybal-Allard
Sanchez
Solis
Traficant
Waters
Watson (CA)
Wexler
Woolsey

□ 1222

Messrs. LARSON of Connecticut, DINGELL, BARRETT of WISCONSIN, ALLEN, FORD, HINOJOSA and ISRAEL changed their vote from "yea" to "nay."

Mr. REGULA changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall No. 49, I was conducting official business in my San Diego, California, district. Had I been present, I would have voted "nay."

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 49 on ordering the previous question I was unavoidably detained. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unable to cast my vote on two rollcall votes. Had I been present, I would have voted as follows: Rollcall 48, Approval of the Journal: "aye"; rollcall 49, Previous Question: "nay."

The SPEAKER pro tempore (Mr. FOSSELLA). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6, rule XX.

Any record votes on postponed questions will be taken after disposition of House Concurrent Resolution 275 relating to mourning doves.

CONGRATULATING THE UNITED STATES MILITARY ACADEMY AT WEST POINT ON ITS BICENTENNIAL ANNIVERSARY

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 32) congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

The Clerk read as follows:

S.J. RES. 32

Whereas establishing a military academy to teach the technical arts of war was a desire of many of our founding fathers, particularly George Washington;

Whereas Congress passed legislation on March 16, 1802, to establish such a military academy to be located at West Point, New York, a site that Washington called the key to the continent because of its strategic importance during the Revolution;

Whereas President Thomas Jefferson signed the legislation establishing the United States Military Academy at West Point, an institution dedicated to promoting scientific education to benefit the Nation and to attracting a diverse array of young citizens to the Nation's military leadership;

Whereas Sylvanus Thayer, who served as Superintendent of the Academy from 1817 to 1833, established the foundation of the Academy's strong academic program, strict adherence to discipline, and emphasis on moral and ethical conduct;

Whereas, under Douglas MacArthur's leadership as Superintendent from 1919 to 1922, the Academy was modernized to prepare its graduates for the challenges of the 20th century;

Whereas the Academy, the first school in America to teach engineering, produced graduates who were responsible for the construction of the Nation's first railroad lines and many of its early harbor improvements, bridges, roads, and canals;

Whereas Academy graduates introduced engineering education to numerous colleges and universities, and carried out such monumental engineering projects as the construction of the Panama Canal project;

Whereas Academy graduates have also distinguished themselves in the leadership of such innovative scientific research and development projects as the development of atomic bombs in the Manhattan Project during World War II;

Whereas Academy graduates have served with character and distinction in all of America's wars and military actions since the War of 1812;

Whereas 74 Academy graduates have earned the Nation's highest military honor, the Medal of Honor;

Whereas 2 Academy graduates, Ulysses S. Grant and Dwight D. Eisenhower, served both as distinguished general officers and as the President of the United States, and many other graduates have served in all levels of government;

Whereas dozens of Academy graduates have been astronauts, including the Academy graduate who is the first American to walk in space and 2 Academy graduates who walked on the moon;

Whereas hundreds of Academy graduates have utilized their talents in the private sector, to provide managerial and technical expertise that is responsible, in part, for nurturing and sustaining a system of enterprise that is admired around the world;

Whereas the Academy has provided an opportunity for men and women of all races, religions, and cultures to receive a college education and to begin a life of service to the Army and the Nation; and

Whereas the motto of the Academy, "Duty, Honor, Country", exemplifies the spirit of this Republic: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress congratulates the United States Military Academy on its bicentennial anniversary, recognizes it as an outstanding leadership development institution that upholds and promotes the highest virtues of American society, and commends all those who have led and taught at the Academy for inculcating its 58,000 graduates with moral, ethical, and intellectual values and skills that are the foundations for the dedicated service so honorably given by those graduates to the Army, the Nation, and friends of freedom and liberty around the world for 200 years.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentlewoman from California (Mrs. TAUSCHER) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on S.J. Res. 32.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S.J. Res. 32 celebrates the bicentennial anniversary of one of our Nation's most valued institutions, the United States Military Academy at West Point.

I should say, Mr. Speaker, this is a particularly proud moment for me personally. As an 8-year member of the Board of Visitors at that illustrious institution and as a 10-year member of the Committee on Armed Services, I have come to know firsthand the amazing contributions and the invaluable role that West Point has played, both in our Nation's history and in our Nation's present.

The Military Academy has performed its primary objective of educating military officers with unparalleled excellence throughout its history. To understand the value of West Point, one only has to look back on the long line of great men that have led our forces in war who were the products of this tremendous institution. Perhaps the most important achievement of West Point is the "long gray line," the many graduates beneath the great names of history who have formed the foundation of the officer corps that is the bulwark of the United States Army in peacetime, as well as war.

Throughout its history, the Military Academy has molded the best and the brightest of our youth into leaders with skills, character and commitment to not just defend America, but to make it a better place throughout their lives. In my experience, the contributions and achievements of the graduates of the Military Academy extend well beyond their lives as military officers. Academy graduates have historically made and continue to make contributions to local government, business, and academia across the Nation.

Through their leadership talents and commitment to service, they have been successful in making their bedrock values, duty, honor, country, part of every community they touch.

The effectiveness of their influence is most evident in Washington, D.C., here at the seat of government. I would venture to say there is not a single government agency here in Washington that does not directly benefit from the presence of a West Point graduate.

It has been my experience that West Point graduates are more often focused on the challenges of a job and society's need for that job to be done than they are on the personal financial rewards and recognitions that any employment slot may offer. They do not shy away from the difficulties and the sacrifices we are required to work with within government, but rather they embrace the challenges and seek the reward of knowing they have made a difference in that important mission.

Mr. Speaker, our Nation has benefited in many ways from these remarkable citizens. While we treasure the graduates, we must also honor the institution that gave these wonderful Americans the opportunity to learn and grow.

Mr. Speaker, I would particularly like to extend a word of thanks to the gentleman from Illinois (Mr. SHIMKUS) for his leadership and for his hard work in helping to bring this resolution to the floor. We are all deeply in his debt.

So, Mr. Speaker, S.J. Res. 32 correctly congratulates the United States Military Academy on its 200th anniversary as a leadership institution that upholds and promotes the highest virtues of American society. I would like to also add my personal thanks to the men and women, past and present, who have made it a bastion of learning in which students may witness and assimilate the individual qualities that we have come to hold dear and view as authentically American; and specifically I speak of the professors, the faculty, the staff, and, of course, the administrative staff, who have really led this institution and have helped form it and in the process helped to form so many great young American men and women to fill an invaluable role, both in our military and our society in general.

Mr. Speaker, I reserve the balance of my time.

Mrs. TAUSCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of Senate Joint Resolution 32, which recognizes the bicentennial of the United States Military Academy, commonly referred to as West Point.

The United States Military Academy has been nurturing and developing a spirit of duty, honor, country in our Nation's Army cadets for 200 years since its founding in 1802 by President Thomas Jefferson. As a member of West Point's Board of Visitors, it is an American tradition of excellence I am honored to be proud of. During the Revolutionary War, General George Washington considered West Point to be the most important strategic position in America.

Nestled on nearly 16,000 acres in West Point, New York, along the Hudson River, the United States Military Academy is dedicated to attracting diverse young men and women to our Nation's military leadership. For 2 centuries, West Point has been both home and training academy to thousands of cadets who have committed themselves to serve our Nation and the virtues of duty, honor, and country.

□ 1230

Among the graduates of this distinguished institution are: Presidents Ulysses S. Grant and Dwight D. Eisenhower, "Stonewall" Jackson, Robert E. Lee, John J. Pershing, Douglas MacArthur, George S. Patton, Omar Bradley, Edwin E. "Buzz" Baldwin, Brent Scowcroft, and H. Norman Schwarzkopf.

Other honorable graduates include: Dennis Hart Mahan, a distinguished educator and writer who taught the science of war; Henry O. Flipper, the first African American graduate in 1877; Henry H. "Hap" Arnold, a pioneer of Army aviation; astronauts Frank Borman, who commanded the first circumlunar flight; Edward White II, the first American to walk in space and who tragically perished in the Apollo spacecraft fire; and Michael Collins, who participated in the first manned lunar landing; Roscoe Robinson, Jr., the first African American four-star Army general; Andrea Lee Hollen, the first woman to graduate from the Academy and a Rhodes Scholar; and Kristin Baker, the first woman brigade commander of the U.S. Corps of Cadets.

These and many other well-known and not so well-known graduates of West Point have made an impact on our Nation's history.

The United States Military Academy's mission is "to educate, train, and inspire the Corps of Cadets so that each graduate is a commissioned leader of character committed to the values of Duty, Honor, Country; professional growth throughout a career as an officer of the United States Army; and a lifetime of selfless service to the Nation." For 200 years, the Academy has faithfully and dutifully carried out the "West Point Experience" by challenging intellect, requiring rigorous physical stamina, and developing the military and moral and ethical character of cadets.

I urge my colleagues to join me in congratulating the United States Military Academy on its bicentennial and support S.J. Resolution 32.

Mr. Speaker, I reserve the balance of my time.

Mr. MCHUGH. Mr. Speaker, let me first commend my fellow Board of Visitors member, the gentlewoman from California (Mrs. TAUSCHER), for both her work on this resolution and for her very eloquent statement in support. I think she very effectively outlined the specific contributions of this great institution.

Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY); not just from New York but a very special part of New York who, beyond being also a member of the Board of Visitors, has the honor of representing in her congressional district this fine institution.

Mrs. KELLY. Mr. Speaker, I, too, have been a member of the Board of Visitors of West Point for 8 years.

Mr. Speaker, the freedom of this Nation was bought through the ideas of democracy and independence of our Founding Fathers, but those ideas would never have come into a reality without a commitment of men to fight for those ideals.

Throughout our country's history, we have been led through tumultuous times by the men and women of the military who are motivated by a deep patriotism and a willingness to put their lives on the line to defend our Nation and keep us safe. It is no secret that many of the great leaders of these brave men and women have been trained on the hallowed grounds of West Point.

As mentioned before, George Patton, Dwight D. Eisenhower, Ulysses Grant, and Douglas MacArthur are just a few of the names on a long list of the leading American soldiers who obtained the tools to become great American leaders as cadets on the banks of the Hudson River at West Point. Our Nation owes a continuing debt of gratitude to strong men and women who are at The Point and who have graduated from The Point and are leading our armies even now. I am proud that this illustrious institution is in my district.

The history of The Point, dating from the very first days of the revolutionary war to the present, is one of heroism and leadership. I wish a happy anniversary to the U.S. Military Academy and congratulate all of those who have had an association there on 200 years of dignified service to this Nation.

I congratulate the men and women who teach at The Point and those who have taught there. Thank you for training generations of young people to understand just what the motto "Duty, Honor, Country" stands for.

Congratulations to all of our West Point grads, past and present and future. Our Nation is grateful to you for your selfless service.

Mrs. TAUSCHER. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. MCNULTY).

Mr. MCNULTY. Mr. Speaker, I thank the gentlewoman for yielding me this time.

I am delighted to join with my colleagues in congratulating the U.S. Military Academy at West Point on the occasion of its bicentennial celebration. The reason I like West Point so much is because West Point produces veterans. If we remember to keep our priorities straight, we will recognize that, had it not been for the men and women who wear the uniform of the United States military through the years, we would not have the privilege of going around bragging, as I often do, about how we live in the freest and most open democracy on the face of the earth.

Freedom is not free. We have paid a tremendous price for it, and I try not to let a day go by without remembering with deep gratitude all of those who, like my brother, Bill, made the supreme sacrifice; and all of those who served and were willing to put their lives on the line—as servicemen and women are doing right now—for all that we hold dear. That is why, Mr. Speaker, when I get up in the morning, the first two things I do are to thank God for my life and veterans for my way of life.

So on this special day I salute and pay tribute to all of the graduates of the U.S. Military Academy at West Point through the years, including my own Albany County Executive, Mike Breslin, who went on to serve as a company commander in the Vietnam War, all the way to Colleen O'Malley, who will graduate this year. West Point is a great national treasure. May it endure for many generations to come.

Mr. MCHUGH. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. SHIMKUS), the gentleman I mentioned earlier, a graduate of West Point and someone who, to this day, returns on a regular basis and instructs in the classrooms and helps to mold those leaders that all of us have been speaking about and are in such deep admiration of. Also, of course as I mentioned, the gentleman is the primary driving force behind having this resolution before us today.

Mr. SHIMKUS. Mr. Speaker, many of our Founding Fathers, particularly George Washington, wanted to establish a military academy to teach the technical arts of war. On March 16, 1802, Congress passed legislation to establish such a military academy to be located at West Point, New York. Thomas Jefferson signed this bill into law.

The Academy daily fulfills its mission: "To educate, train and inspire the Corps of Cadets so that each graduate is a commissioned leader of character, committed to the values of Duty, Honor, Country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to the Nation."

The Academy was the first school in America to teach engineering, produce graduates who were responsible for the construction of the Nation's first railroad lines and many of its early harbor improvements, bridges, roads, and canals.

Graduates of the Academy have served with character and distinction in all of America's wars and military actions since the War of 1812.

For 200 years, the military academy has educated and trained some of the best and brightest in the Nation.

The "West Point Experience" includes a challenging academic program in the arts and sciences, military training, physical education, and moral and ethical development.

From the day of its founding, West Point has remained committed to the task of producing commissioned leaders of character for America's Army.

The Academy continues to provide men and women of all races and cultures to receive a college education and begin a life of service to the Army and to the Nation, and this resolution highlights some of the leaders that we know about from our history books.

But I want to give my colleagues a snapshot of just one class, and that is my class, the graduating class of 1980 that entered in 1976, the first class at West Point with women. We admitted 1,366 men, 119 women, for a total of 1,485 cadets. Of that, upon graduation in 1980, 855 male graduates, 62 female graduates, a total of 917. Of that class, four were Olmstead Scholars, one was a Rhodes Scholar, and one went on to be an astronaut.

In September of 2001, of that graduating class of 1980, after our 20 years of service had expired, we still have 188 males serving in the active Army of our country and 12 females serving in the active Army of our country; and we are very, very proud of all of those graduates. That is a snapshot of just a class from West Point.

But I also want to expound on those characters and attributes of those who are not always remembered and those who are not named. Dennis Michie introduced football to the military Academy and trained the first Army football team. When war broke out with Spain in 1898, Lieutenant Michie proved he was every bit of a soldier as he was an athlete. Acting as a runner with messages for the far right of the U.S. line during the battle of San Juan Hill, he traversed the entire length of the front during the morning of July 1. Somewhere along the way back from the forward battalion, Dennis Michie was killed. He was only 28 years old.

Thomas Truxtun excelled in both soccer and lacrosse. When he was not on the playing fields, Truxtun was leading the Corps of Cadets. During World War II, near Tabio on June 6, 1945, Lieutenant Colonel Truxtun went forward with the infantry unit his battalion was supporting, he commanded a field artillery battalion, to ensure the fire his men provided was doing what the infantry needed. Far forward in an exposed position, he was shot and killed by a Japanese sniper. He was only 31 years old.

Thomas Shea was born in Virginia. After serving as an Infantryman, he got an appointment to the Academy. He then excelled in track. He then made a life-changing decision upon his graduation. He had the opportunity to train as a track runner for the upcoming Olympics or continue his military training and go to Korea. He went to Korea.

On July 6, 1952 Lieutenant Shea's company was stationed on Pork Chop Hill and was attacked by a numerically superior Communist force. Shea personally led a counterattack against the enemy and held the enemy back. On July 8, the Communists came again and, despite additional wounds, Shea led the counterattack. He died in hand-to-hand combat with the enemy. Richard Shea was only 26 years old.

Thomas Hayes was an athlete and a leader at West Point. Lieutenant Hayes called for covering fire, left his covered position and ran through concentrated fire to a wounded soldier and pulled him to safety. Lieutenant Hayes then began directing his platoon's fire against the well-entrenched enemy. Lieutenant Hayes died during this fight when a Viet Cong sniper opened fire and mortally wounded Hayes. Hayes' actions that day saved the lives of two of his soldiers. Thomas Hayes was only 25 years old when he was killed in action in 1968.

More than 1,250 Academy graduates have been killed in action or died from battle wounds. At least another 500 were the victims of nonbattle deaths in military actions of our country. This is why we hold so dear our alma mater which says, in the last verse, "And when our work is done, our course on earth is run, may it be said, 'well done, be thou at peace.' E'er may that line of gray increase from day to day. Live, serve, and die, we pray, West Point for thee."

We have a national treasure in the upper highlands of the Hudson Highlands in New York. It is fitting that we recognize its bicentennial and its commitment to our country: "Duty, Honor, Country."

Mrs. TAUSCHER. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from New York (Mr. HINCHEY), another member of the Board of Visitors.

Mr. HINCHEY. Mr. Speaker, I thank the gentlewoman from California for yielding me this time.

Mr. Speaker, I am very proud to join with my colleagues in sponsoring this House Resolution to recognize the United States Military Academy on its bicentennial. This venerable institution was chartered by Congress 200 years ago on March 16, shortly after the birth of the Nation.

Known most commonly by the name of the town where it is located, West Point, New York, the United States Military Academy was born out of the experience of our Founding Fathers during the Revolutionary War. Many of the key battles in the fight for independence were fought along the banks of the Hudson River. At the time, the Hudson was the main artery of transportation and commerce as well as security in the Nation.

George Washington chose a site at the bend in the river on the bluffs overlooking the west bank about 50 miles north of New York City to establish an academy to train the military leaders of our country. Today, the view from West Point is one of the most breathtaking sites in America. Two hundred years ago, it was one of the most militarily strategic locations in America.

I grew up near West Point, near its halls. It is an important part of the Hudson valley, and the contributions that it makes are mighty to all of our communities.

□ 1245

It is more than just West Point football games in the fall. It is also the academy support for local cultural institutions, schools, and athletic programs that make it such a fine neighbor.

"Duty, honor, country," the school's motto, is the foundation of West Point education. West Point graduates have served our country with distinction. They have led our troops into battle in every war, military conflict, and police action, from the war in 1812 through the current conflict in Afghanistan. Seventy-four have won a Congressional Medal of Honor. Countless others have received numerous decorations for bravery and valor on the battlefield.

More than waging war, West Point graduates have also negotiated peace treaties and served in our Diplomatic Corps. School of Engineering West Point graduates built the infrastructure of our Nation. They constructed the first harbors, bridges, canals, roads, and railroads. They made manifest destiny a reality as America expanded westward.

West Point graduates have led our country as Presidents, Governors, Senators, Members of the House of Representatives. My colleague, the gentleman from Illinois and the sponsor of this resolution, is a fine example.

West Point graduates have walked on the Moon, headed up major corporations, written best-sellers, competed in the Olympics, and excelled in every walk of life. Every year it produces more winners of Rhodes, Truman, Fulbright, and Marshall International scholarships than nearly every other school in the country.

I am proud to serve this institution as one of the newest members of the Board of Visitors. As West Point celebrates its bicentennial, I look forward to helping lead it into the future.

Again, I wish to thank the gentleman from Illinois for sponsoring this legislation and the leadership for placing it on the calendar today. This is a fitting tribute for an institution that has served our Nation long and well. I know that everyone in this House will support this resolution.

Mrs. TAUSCHER. Mr. Speaker, I urge my colleagues to vote for this resolution, and I yield back the balance of my time.

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have a final word of praise for all those Members who are here today, and to the gentleman from Illinois for his special effort in urging our fellow Members to join us in commemorating this very worthy resolution on this 200th anniversary.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 32.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. MCHUGH. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

ENCOURAGING THE NEGOTIATED SETTLEMENT OF TRIBAL CLAIMS

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1857) to encourage the negotiated settlement of tribal claims.

The Clerk read as follows:

S. 1857

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF TRIBAL CLAIMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the date on which an Indian tribe received a reconciliation report for purposes of applying a statute of limitations, any such report provided to or received by an Indian tribe in response to section 304 of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. 4044) shall be deemed to have been received by the Indian tribe on December 31, 1999.

(b) STATEMENT OF PURPOSE.—Subsection (a) is solely intended to provide recipients of reconciliation reports with the opportunity to postpone the filing of claims, or to facilitate the voluntary dismissal of claims, to encourage settlement negotiations with the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill is a bill to encourage the negotiated settlement of tribal claims. S. 1857 allows Indian tribes to postpone the filing of lawsuits against the United States for either the loss of money held in trust for the tribe or the mismanagement of those funds, such as the loss of interest income or the crediting of the wrong tribal trust fund account.

Under present law, the statute of limitations does not run against such claims until each tribal account holder receives an accounting "from which the beneficiary can determine whether there has been a loss." Although the United States began to provide Indian tribes with reconciliation reports in early 1996, no one knows for sure whether these reports commenced the running of the statute of limitations.

The Government Accounting Office has given Congress real reason to doubt that these reports constitute a sufficient accounting to satisfy the Federal Government trust obligation. However, if, as many Indian tribes fear, the report serves to trigger the statute of limitations, a tribe may feel obligated to file a lawsuit to protect its interests. S. 1857 will help prevent a flood of litigation and the costs it will incur.

I commend my friend, the gentleman from Michigan (Mr. KILDEE), for introducing a House companion bill, H.R. 3815, of which I am an original cosponsor. As we have learned from the ongoing class action lawsuits that began as Cobell v. Babbitt in 1996, we will all be best served if there are as many of these trust fund accounting claims as possible settled through negotiation without litigation.

S. 1857 will give the Federal Government until December 31, 2005, to create a process for settling these claims. I applaud the administration for its foresight in assisting with these efforts.

Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the mismanagement of the Indian trust funds is truly one of the worse embarrassments of this Nation. Sadly, we have become the United States of broken promises to many of our first Americans.

Today, as we consider S. 1857, there is a multi-billion dollar lawsuit pending where the court has already ruled that the Interior Department is in breach of its trust responsibility to Indian account holders. Two cabinet Secretaries have already been held in contempt of court, and a third may also be found in contempt at any time.

The Federal Government has held monies in trust for the American Indians since 1820, and almost immediately the criticism started on how funds intended for the benefit of Indians were handled. In 1828, Henry Rowe Schoolcraft, a noted negotiator of several Indian treaties, wrote, "The derangements in the fiscal affairs of the Indian department are in the extreme. One would think that appropriations had been handled with a pitchfork."

In 1834, the House Committee on Indian Affairs filed a report which characterized the administration of Indian Affairs as being "expensive, inefficient, and irresponsible."

Were these warnings heeded? No. Let us fast forward almost 160 years to 1992, when the House Committee on Government Operations released a report on the mismanagement of Indian trust funds. The report detailed numerous basic problems, including the inability of the Department of the Interior to give account holders proper account balances, the lack of uniform written policies governing how accounts are to be managed, the insufficient training of personnel needed to carry out the duties required, and the inadequate automated and recordkeeping systems.

Some of us remember our response to that 1992 report. We sat down with tribal and individual Indian account holders, the Department of the Interior, banking and trust management experts, and the computer experts and together developed legislation to address these problems.

Well, Mr. Speaker, it is unfortunate but true that even after that legislation was signed into law and sent to the Department of the Interior for implementation, as of today the four basic problems I just outlined still exist. Indeed, there are no written uniform policies. Personnel charged with such an important job are not given sufficient training. The promise of a greater computer system has become a multi-million dollar disaster, and the Department cannot provide account holders with a full and complete accounting of their funds.

This last point brings me to the issues raised by the pending legislation, S. 1857. Congress appropriated $20 million, which was contracted to Arthur Andersen to provide each Indian tribe with an accounting of their federally held trust fund accounts. It was clear when these reports were sent to Indian tribes in 1996 that they were not a full and accurate reconciling of the tribal accounts.

Now, 6 years later, Indian tribes fear that a statute of limitations could run out on them and they could be precluded from challenging the accuracy of those Arthur Andersen reports.

While I think it is unlikely any court would find in favor of the government in any such case, we need to allay the concerns and put off this deadline. S. 1857 would extend the statute of limitations for another 3 years in order to give an extension of time for negotiations between Indian tribes and the Federal Government over trust fund account balances.

I am an original cosponsor of the companion legislation in the House, and I urge my colleagues to support this bill and head off dozens of additional lawsuits filed against Secretary Norton.

This is an important step to take, but it is only a temporary one. We must settle the issue of all Indian trust fund account balances, and we must set up a system where future Congresses are not quoting us when describing a still-continuing problem.

Let me be clear: the Federal Government cannot give a full and accurate historical accounting of Indian trust funds to the account holders. Members do not have to take my word for it. Numerous reports exist detailing trust fund documentation that are too damaged to read or are lost entirely. Members can read testimony from BIA employees of storing documents in a barn in Oklahoma, only to toss them out to make room for new documents. Members can ask Secretary Gale Norton, who admitted as much before the House Committee on Resources just last month.

Just this past November, Secretary Norton announced the establishment of a new agency within the Department of the Interior to handle Indian trust activities. She made a dreadful mistake by not working with the account holders before bursting forth with this proposal. I know she realizes that now, but not after precious time has slipped by.

I do not claim to have all the answers; but I do know that the answer will come only when we all stand up and face our responsibility, admit the mistakes, and work openly and honestly with Indian country.

I urge passage of the pending legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. KILDEE), a gentlemen, I might add, who has been very much on the forefront on this and other Indian issues, and a valued member of our Committee on Resources.

Mr. KILDEE. Mr. Speaker, as cochairman of the congressional Native American Caucus, I rise today in strong support of S. 1857, a bill to encourage the negotiated settlement of tribal claims.

I introduced the House companion bill, H.R. 3851. I want to thank my colleagues, the gentleman from West Virginia (Mr. RAHALL), the gentleman from Utah (Mr. HANSEN), the gentleman from Arizona (Mr. HAYWORTH), and the gentleman from California (Mr. GALLEGLY), for agreeing to be original cosponsors.

Mr. Speaker, this bill has deep bipartisan support and the support of the administration. I want to commend my colleagues in the Senate for their swift action to address the issue of tolling the statute of limitations on legal claims Indian tribes may assert against the United States relating to the management of tribal trust funds.

This issue is certainly not new to Congress. Since 1991, Congress has approved language in the Department of the Interior's appropriations acts to toll the statute of limitations until the tribal account holders have been provided an accounting of such funds.

In addition, since 1987, Congress has required the Department of the Interior to reconcile tribal trust fund accounts. By providing an accounting of these funds, Indian tribes will have the opportunity to determine whether there has been a mismanagement of trust funds. These requirements were included in the President's budget request for fiscal year 2003.

The problem this bill seeks to address relates directly to the reconciliation reports that the Department of the Interior provided to tribal account holders in 1996. Several Indian tribes believe that the reconciliation reports do not constitute an accounting.

Since the statute of limitations for filing legal claims is 6 years, the tribe's concern is that the Department may claim that the 1996 reconciliation reports commence the running of a statute that would expire this year. In an attempt to preserve their legal claims against the United States, many tribes have already filed claims in Federal courts across the country.

This bill does not address the legal issues involved in those lawsuits. This bill, however, will facilitate the voluntary dismissal of these legal claims. Also, it provides the tribal account holders an opportunity to postpone the filing of claims from 2002 to 2005 and encourage negotiations for the settlement of tribal accounting or resource management claims.

Mr. Speaker, I urge my colleagues to support this bill.

Mr. RAHALL. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE), another very valuable leader and friend of Indian country.

Mr. PALLONE. Mr. Speaker, I want to thank our chairman and our ranking member, and also the chairman of our Native American Caucus, the gentleman from Michigan (Mr. KILDEE), for their work on this legislation.

Mr. Speaker, I rise today in strong support of the bill, S. 1857. This bill gives tribal trust fund account holders the opportunity to postpone filing legal claims until 2005. Technically, the bill tolls the statute of limitations on legal claims that Indian tribes may assert against the U.S. relating to the management of tribal trust funds.

The bill is necessary, as I know my colleagues have already said, because many tribes believe their legal claims may be time-barred because the statute of limitations expires as early as this year.

I really wanted, though, to talk about the larger issue, that the BIA has grossly mismanaged the remaining tribal lands and has squandered billions of dollars worth of resources that should have gone to the benefit of often-impoverished American Indians.

□ 1300

Today, the Secretary of the Interior is faced by a mandate of Congress to clean up the accounting and management of Indian trust funds, and by a lawsuit alleging a great failure of the Secretary's trust responsibility for Indian lands. In response, the Secretary has proposed a plan to create a new Bureau of Indian Trust Asset Management and remove the trust functions from the Bureau of Indian affairs.

I am very much opposed to this proposal. I am greatly concerned that this plan is repeating the failures of the many past trust reform efforts. Recently, 193 Indian tribes unanimously adopted a resolution opposing this reorganization and the transfer of the responsibilities to the BIA. I strongly believe that this reorganization effort cannot go forward until the Department consults with Indian tribes in the development of a business processes plan for trust reform, a clear plan for performing the basic trust functions of accounting, collections, record keeping, inspections, enforcement and resource management. The plan has to include policies, procedures and control.

I know the Secretary is now saying she is doing this, but she is consulting with the tribes after the fact. The fact is many of them do not feel they are still being properly consulted even today. This criticism, as my colleagues know, came up at the hearing that we held on the issue in the Committee on Resources.

It is notable that this criticism, a lack of structural foundation, is exactly the same as has been leveled against the Department's development of the Trust Asset and Accounting Management System, TAAMS. All tribal leaders strongly support trust reform and want to work constructively with the Department and with Congress to ensure strong management of tribal assets. In fact, it is the tribes that have the greatest interest in ensuring that tribal assets and resources are properly managed.

Given such BIA and TAAMS mismanagement practices, the passage of this bill will give tribal trust fund account holders the opportunity to postpone filing legal claims until 2005. Such time is necessary in order for the tribal trust funds account holder to unravel the financial accounting mess that the BIA and TAAMS have put them in.

I think, obviously, this is the right thing to do. We have to support the bill, but I know we also have to look at the larger issue of trust reform and make sure it goes forward only with consultation with the tribes. I know my colleagues that are here all believe very strongly in that.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RAHALL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1857.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

FALLON RAIL FREIGHT LOADING FACILITY TRANSFER ACT

Mr. GIBBONS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1870) to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada, as amended.

The Clerk read as follows:

H.R. 1870

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallon Rail Freight Loading Facility Transfer Act".

SEC. 2. CONVEYANCE TO THE CITY OF FALLON, NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—Subject to subsections (b) and (c), the Secretary of the Interior shall convey to the city of Fallon, Nevada, all right, title, and interest of the United States in and to approximately 6.3 acres of real property in the Newlands Reclamation Project, Nevada, generally known as "380 North Taylor Street, Fallon, Nevada", and identified for disposition on the map entitled "Fallon Rail Freight Loading Facility".

(2) MAP.—The map referred to in paragraph (1) shall be on file and available for public inspection in—

(A) the offices of the Commissioner of the Bureau of Reclamation; and

(B) the offices of the Area Manager of the Bureau of Reclamation, Carson City, Nevada.

(b) CONSIDERATION.—

(1) IN GENERAL.—The Secretary shall require that, as consideration for the conveyance under subsection (a), the city of Fallon, Nevada, shall pay to the United States an amount equal to the fair market value of the real property, as determined—

(A) by an appraisal of the real property, conducted not later than 60 days after the date of enactment of this Act by an independent appraiser approved by the Commissioner of Reclamation and paid for by the city of Fallon, Nevada; and

(B) without taking into consideration the value of any structures or improvements on the property.

(2) CREDIT OF PROCEEDS.—The amount paid to the United States under paragraph (1) shall be credited, in accordance with section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)), to the appropriate fund in the Treasury relating to the Newlands Reclamation Project, Nevada.

(c) LIABILITY.—The conveyance under subsection (a) shall not occur until such data as the Commissioner of Reclamation certifies that all liability issues relating to the property (including issues of environmental liability) have been resolved.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. GIBBONS) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to express strong support for H.R. 1870, the Fallon Rail Freight Loading Facility Transfer Act; and I want to thank the gentleman from Utah (Mr. HANSEN) and my good friend, the gentleman from Guam (Mr. UNDERWOOD), and the Committee on Resources for moving this bill expeditiously to the floor for a vote.

H.R. 1870 will privilege the city of Fallon, Nevada, the exclusive right to purchase approximately 6.3 acres of public land located in the downtown area of the city.

The Fallon Rail Freight Loading Facility Transfer Act will enable the city of Fallon to make the necessary long-term investments and capital improvements to the property to ensure the future viability of this important municipal asset is maintained.

Fallon is a rural agricultural community of approximately 8,700 residents located in northern Nevada approximately 70 miles east of the city of Reno. Since 1984, the city of Fallon has leased approximately 6.3 acres of property from the U.S. Bureau of Reclamation that it utilizes as a rail freight yard and loading facility. The city, the State of Nevada, the U.S. Department of Transportation, and the Southern Pacific Railroad have collectively invested a significant amount of money in this rail facility, providing more than 400 jobs in the community.

On January 1 of 2000, the long-term lease between the city of Fallon and the Bureau of Reclamation expired. As negotiations began for a new long-term lease, the city of Fallon and the bureau came to the common conclusion that it would be in the best interest of both parties to have ownership of this property transferred to the city of Fallon. The city would be able to make long-term investments to a facility that it owned without having to worry about renegotiating new leases and the possibility of losing access to the property. The Bureau of Reclamation would be able to divest itself from an asset that no longer serves a purpose to its core mission, allowing more of its scarce resources to be focused on the traditional roles of the bureau.

Of course, Mr. Speaker, this transfer will be contingent upon the satisfactory conclusion of all necessary and environmental reviews, and it will be purchased by the city at fair market value.

Finally, Mr. Speaker, H.R. 1870 has strong support from Nevada's bipartisan congressional delegation. On behalf of the city of Fallon, I urge my colleagues to pass the Fallon Rail Freight Loading Facility Transfer Act, a bill which will create a win-win situation for everyone involved.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1870 would direct the Secretary of the Interior to convey to the city of Fallon, Nevada, all right, title and interest in approximately 6.3 acres of property within the Newlands project. The city would like to use the property for a planned truck-to-railroad transfer structure. The bill reflects changes recommended by the Interior Department. It would require the city to pay fair market value without regard to the value of structures or improvements in the property. I urge adoption of the bill, and I congratulate my colleague, the gentleman from Nevada (Mr. GIBBONS).

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GIBBONS. Mr. Speaker, I urge everyone to support this bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. GIBBONS) that the House suspend the rules and pass the bill, H.R. 1870, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BURNT, MALHEUR, OWYHEE, AND POWDER RIVER BASIN WATER OPTIMIZATION FEASIBILITY STUDY ACT OF 2001

Mr. WALDEN of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1883) to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

The Clerk read as follows:

H.R. 1883

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Burnt, Malheur, Owyhee, and Powder River Basin Water Optimization Feasibility Study Act of 2001".

SEC. 2. STUDY.

The Secretary of the Interior may conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. WALDEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank you for the opportunity to speak in favor of H.R. 1883.

This legislation would authorize the Secretary of the Interior to engage in a feasibility investigation for the Burnt, Malheur, Owyhee River basins in eastern Oregon. It is the next step in the United States Bureau of Reclamation process now that their initial study has been completed. The United States Bureau of Reclamation's earlier studies examined problems associated with such issues as excess nutrients in surface water, sedimentation, high-water temperatures, degraded fish habitat, low-stream flows and lack of adequate stream-side vegetation.

The feasibility study that H.R. 1883 authorizes would help find the most logical approaches to address these issues.

Mr. Speaker, the farmers and ranchers are the driving force behind this legislation. As they have proven over and over again, it is the farmers and ranchers who are some of our strongest environmentalists. They care deeply about the land and water that they use to grow the crops that feed us all. This bill will set a process in motion that will allow the farmers to leave more water in stream while maintaining their current yields.

The bill is supported by the Burnt River Irrigation District, the Power Valley Water Control District, the Baker Valley Irrigation District, the Owyhee Irrigation District, the Owyhee Ditch Company, the Vale Oregon Irrigation District, and the Warm Springs Irrigation District. It is a simple, straightforward bill that deserves our support.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1883. This bill is a simple and discretionary authorization to allow the Secretary of the Interior to conduct a feasibility study on water optimization in three river basins in northeastern Oregon. The bill would authorize appropriations as are necessary to carry out the study.

During the summer there is no remaining unappropriated water in these river basins. In low-water years, available water may be inadequate to supply junior water rights holders. The Bureau of Reclamation developed the multi-purpose irrigation facilities in these basins, but the projects are now operated by the local water users. Local interests want to continue the involvement of the Bureau of Reclamation to construct small-scale water management projects, and H.R. 1883 provides for the study of appropriate projects. I urge my colleagues to support H.R. 1883.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WALDEN of Oregon. Mr. Speaker, I thank my colleague for his support of the legislation. I appreciate the assistance of the minority in helping us move this bill forward. It will be good for fish. It will be good for farmers. I urge passage of the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 1883.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

DESIGNATION OF GEORGE ROGERS CLARK NORTHWEST CAMPAIGN TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1963) to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System.

The Clerk read as follows:

H.R. 1963

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF GEORGE ROGERS CLARK NORTHWEST CAMPAIGN TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM.

Section 5(c) of the National Trails System Act (16 U.S.C. 1244(c)) is amended by adding at the end the following new paragraph:

"(41) GEORGE ROGERS CLARK NORTHWEST CAMPAIGN TRAIL.—The George Rogers Clark Northwest Campaign Trail, tracing the water route and overland route of the 1778 and 1779 expedition of Lieutenant Colonel George Rogers Clark and his Virginia militia against the British in which he captured the British forts at Kaskaskia and Cahokia, in what is now Illinois, and twice captured Vincennes, in what is now Indiana.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1963, introduced by the gentleman from Illinois (Mr. COSTELLO), would amend the National Trail System to authorize the Secretary of the Interior to conduct the suitability and feasibility study for including the route taken by Colonel George Rogers Clark during the American Revolutionary War as part of the National Trails System.

Colonel George Rogers Clark, the older brother of William Clark of the famous Lewis and Clark expedition, led a daring and, some might say, suicidal mission 180 miles from Kaskaskia and

Cahokia, Illinois, and I probably fouled that up, through flooded prairies and freezing temperatures in 1779 to capture British Lt. Colonel Henry Hamilton in Vincennes, Indiana.

Colonel Hamilton, also known as "hair buyer," supported the Indian Nations west of the Appalachian Mountains by paying for the scalps of our pioneers.

Mr. Speaker, as a result of this historic act, the British ceded what is now Ohio, Illinois, Indiana, Michigan, Wisconsin, and the eastern portion of Minnesota to the United States. Mr. Speaker, this bill is supported by the majority and the minority of the committee and the administration. I urge my colleagues to support H.R. 1963.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1963, introduced by our colleague from Illinois (Mr. COSTELLO), provides for a study of the route used by George Rogers Clark and his troops during the military campaign of 1778 and 1779 in what is now Illinois and Indiana. From February 5 through the 23rd, 1779, Lt. Colonel George Rogers Clark and his Virginia militia marched 180 miles through freezing weather and flooded country side to defeat British Lt. General Henry Hamilton and his troops. During this campaign the Americans captured the British forts at Kaskaskia and Cahokia, in what is now Illinois, and twice captured Vincennes, in what is now Indiana.

The military campaign conducted by George Rogers Clark is regarded as an important event in the Revolutionary War.

The purpose of the trail study authorized by H.R. 1963 would be to determine whether portions of the route used in that campaign meet the criteria for designation as a national historic trail.

Mr. Speaker, the George Rogers Clark Northwest Campaign Trail would commemorate a historic march and campaign. I support a trail study of this important event in American history. I commend the gentleman from Illinois (Mr. COSTELLO) for his legislation, and I urge its passage by the House.

Mr. Speaker, I yield as much time as he may consume to the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Mr. Speaker, I thank my friend for yielding me time.

Mr. Speaker, I rise in strong support of H.R. 1963, legislation I introduced to authorize the study to include the path taken by George Rogers Clark into our National Trails System.

George Rogers Clark was born in 1752, the second oldest of 10 children and the older brother of William Clark of Lewis and Clark fame.

□ 1315

During the Revolutionary War in 1778, Clark led his troops from Redstone, Pennsylvania, to Kaskaskia, Illinois, which is in the Congressional District I am privileged to represent. They surprised Kaskaskia on the night of July 4, 1778, and occupied the fort and town without a single shot being fired. Clark offered the French settlers in Kaskaskia the privileges of American citizenship and won the support of the French in the region. He also won the neutrality of the Native Americans.

This support was key as Clark led his troops on the final leg of their journey as they moved to overtake the British in Vincennes, Indiana. Banking on the element of surprise, Clark led his troops across what is now known as the State of Illinois, from Kaskaskia to Vincennes. The journey would normally take between 5 and 6 days, but because of the freezing flood waters, the journey took 18 days. At times in icy water up to their shoulders, it was Clark's determined leadership that led his men through this incredible midwinter journey.

Once arriving in Vincennes on February 23, 1779, Clark and his men forced the British to surrender just 2 days later on February 25, 1779. As a result of Clark's outstanding military achievements, the British ceded a vast area of land to the United States, which is now Ohio, Indiana, Illinois, Michigan, Wisconsin, and a portion of Minnesota. His actions were paramount in the establishment of the upper Midwest.

The designation of the George Rogers Clark Trail would pay homage to an American hero who is seldom recognized for his contributions in American history. The designation would also promote tourism in three of Illinois' State historic sites and draw visitors to retrace Clark's historic path. Tourism is a growing and very important industry in southern Illinois, and establishing a national trail would be highly beneficial to the region.

Mr. Speaker, I strongly support this legislation and urge my colleagues to join me in authorizing a study to designate the route of George Rogers Clark during the Revolutionary War for potential addition to the National Trails System, and I thank the chairman of the committee and the ranking member for bringing this legislation to the floor today.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume to point out that our side pronounced the names correctly.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 1963.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous material in the RECORD on the four bills just considered, S. 1857, H.R. 1870, H.R. 1883, and H.R. 1963.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

SENSE OF CONGRESS ON HUNTING SEASONS FOR MIGRATORY MOURNING DOVES

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to House Resolution 353 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 275.

□ 1319

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds, with Mr. SHIMKUS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

Under the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Guam (Mr. UNDERWOOD) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I yield myself such time as I may consume.

As the author of H.Con.Res. 275, I am pleased to present this legislation to provide badly needed relief to millions of dove hunters throughout the United States.

Mourning doves are the most widely distributed and harvested game bird in North America. Dove hunting is a cherished and honored tradition in this country. Dove hunters pay millions of dollars in excise taxes each year that are deposited in the Federal Aid to Wildlife Restoration Fund. These monies are used to acquire and manage thousands of acres of critical wetlands that provide essential habitat for many species of migratory birds.

Under current law, the hunting season for doves and all migratory bird games is September 1 to March 10 of each year. I am not aware of the rationale for these arbitrary dates and there is little, if any, discussion as to why that period was selected. While these dates may be fine for dove hunters in Southern California, they have a long-term negative impact on sportsmen in dozens of northern States. In fact; because of rapidly changing weather conditions, it is not unusual to have a dove hunting that lasts less than a week or even just a day in States like Colorado, Montana, Utah, Wyoming, et cetera.

Furthermore, this is not simply a western States problem. I have been told that even States like Maryland have a very short dove hunting season.

The goal of this legislation is to allow all hunters a fair and equal opportunity to pursue doves. Under the terms of this resolution, the Bush administration would be asked to begin discussions with the other signatories of the Migratory Bird Treaty with the goal of moving the season up from September 1 to the last week of August. Thirty-four northern States would be eligible for this earlier opening in the dove season.

I have been advised by wildlife biologists that the last week of August is the traditional week that doves are not sitting on their nests, and that by advancing the hunting season it would not have an adverse effect on migratory dove populations. In addition, game managers will be free to update any regulations necessary to allow for a lengthened season and this legislation would not affect those States that do not have a dove hunting season.

This measure is supported by a number of conservation organizations, including the Grand National Waterfowl Association, Quail Unlimited, Safari Club International, and the U.S. Sportsmen's Alliance.

In summary, all hunters should have an equitable chance to harvest this tasty but apparently thin-skinned little bird. This is a common-sense solution to a problem that has frustrated northern hunters for years.

I urge an "aye" vote so that all hunters can have an equal shot.

Mr. Chairman, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, neither myself nor the ranking Democratic member of the Committee on Resources, the gentleman from West Virginia (Mr. RAHALL), have objected to H. Con. Res. 275. The nonbinding resolution of the gentleman from Utah (Mr. HANSEN), chairman of the committee, seeks to expand the hunting season for mourning doves in the United States.

As I have stated during consideration of the resolution in the Committee on Resources and again at yesterday's meeting of the Committee on Rules, the nonbinding context of the resolution does not make this a contentious matter at all.

Nevertheless, if a bird in the hand is worth two in the bush, I think it is worth repeating that even if this legislation were to pass, several important issues would have to be addressed nationally and internationally before the intent of the resolution becomes reality. Amending the Migratory Bird Treaty Act and the underlying Convention for the Protection of Migratory Birds would not be routine. In fact, no one should underestimate the potential difficulties.

The Migratory Bird Treaty Act of 1918 and the underlying Convention agreed to by the United States and Great Britain in 1916 are two of our Nation's earliest and most enduring conservation agreements; and, as I have noted in previous discussion, the Convention and MBTA has been amended only once since 1916, and that change was to allow for the subsistence taking of birds and eggs in Alaska and northern Canada. Additionally, that amendment was agreed to only after 20 years of negotiation.

Opening the Migratory Bird Convention on the MBTA amendment for amendment for a single species would require the administration, the States, and our international partners to investigate the status of the entire continental mourning doves population. No one disputes that the population of mourning doves remains abundant across its range, and for many people, including hunters, that is indeed good news, because the bird is a species favored by sportsmen and women.

If time had been available, I would have preferred for the Committee on Resources to look into this issue a little bit more. However, this is just the type of critical biological question I am sure the Flyway Councils will want to investigate before recommending any action which could conceivably impact the population in a negative way.

There are other administrative and social considerations, but, frankly, there is little need to belabor the point.

In closing, I want to reiterate that I am supportive of H. Con. Res. 275, and I urge other Members to keep in mind the nonbinding nature of this resolution.

Mr. Chairman, I reserve the balance of my time.

Mr. PUTNAM. Mr. Chairman, I rise in support of Housing Concurrent Resolutions 275.

For thousands of years before the first Europeans set foot on the continent of North America on the East Coast of Florida in 1513, Native Americans were already the great hunters and stewards of the New World that was to become America. They hunted, gathered and farmed as a way of life, which allowed them to live and prosper long before the great societies of Europe began to flourish. The native tribes of Florida fished in the great bays and estuaries, such as Tampa Bay, and hunted in the vast swamps and prairies up and down the Manatee River where Hernando De Soto landed to embark on the exploration of the new continent of America. The Native Floridian way of life depended on the game they hunted, the fish they caught and the crops they could grow. They only harvested what they needed and never took from the wild more than they could use. This was the birth of the American hunting tradition of being a steward of game and wildlife while engaging in the sport of hunting.

When Florida was acquired by the United States in 1821, Florida pioneering families, affectionately called "Crackers" for the sound their whips made when driving cattle, came to settle on the vast Florida peninsula to stake out a claim for a new life. They depended on the abundance of wildlife to support themselves and their growing families. What the Native Floridians taught the Florida pioneers was the same lesson that was taught to the Pilgrims at Plymouth hundreds of years earlier; the reward of being good stewards of the land.

These basic truths, passed down through so many generations of Americans, Native and immigrant alike, are the values of stewardship and sportsmanship involved in hunting. The stewardship of the game populations that provide a bounty of food and sport is crucial in the survival of many game animal species. The gains achieved in the scientific management of game species can be linked to the efforts of hunters to maintain the populations and quality of the game they hunt. Populations of game animals have more than flourished through proper game management by concerned and devoted hunters. The populations of deer and turkey alone are far greater now at the beginning of this century than they ever were at the beginning of the last.

It is in a hunter's best interest to maintain game populations so that they may continue to practice the tradition they love. Licensed game hunters are deeply involved in game management on many levels. They pay taxes on their arms and ammunition, stamps and permits; funds that all go to help protect and maintain the sport that they hold so dear to their hearts. The rules and code that today's sportsmen follow, serve to protect and improve the quality of game species for generations to come.

In honor of the men, women and youth who continue to practice the time honored American tradition of hunting I urge the support of this legislation.

Mr. BEREUTER. Mr. Chairman, this Member wishes to state for the RECORD that had there been a recorded vote on H. Con. Res. 275, he would have voted "nay" based on the concerns expressed by the Nebraska Game and Parks Commission.

According to the Nebraska Game and Parks Commission, dove populations have been declining and biologists are concerned that lengthening the hunting season could be detrimental. Also, many fledgling doves are still in nets around the time of the opening of the current annual hunting season. Extension of the hunting season could have an adverse effect on fledgling survival rates. It appears that further study is needed before a change such as this is made.

Mr. HANSEN. Mr. Chairman, I yield back the balance of my time.

Mr. UNDERWOOD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of House Concurrent Resolution 275 is as follows:

H. CON. RES. 275

Whereas the vast majority of mourning doves that hatch, fledge, and nest in States north of 37 degrees north latitude migrate south beyond the boundaries of those States before the national hunting season opening date of September 1, thus denying hunters in those States an equitable opportunity to harvest this species;

Whereas mourning doves are the most widely distributed and harvested game birds in North America;

Whereas current regulated hunting for mourning doves has been conclusively found to cause no significant effects on recruitment of fledglings in mourning dove populations;

Whereas sportsmen have a strong commitment to the health, conservation, and enjoyment of wildlife, as demonstrated by the millions of dollars they have voluntarily paid over the past 70 years into the Federal Aid to Wildlife Restoration Fund established by the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.);

Whereas mourning dove hunting has been a cherished and honored tradition in the United States for generations;

Whereas migratory bird hunters provide millions of dollars to wildlife conservation and local economies; and

Whereas millions of hunters in States north of 37 degrees north latitude are currently unable to experience hunting conditions similar to conditions in other regions of the country with respect to game availability because of the current unfair hunting season restrictions: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that, to provide a fair and equitable opportunity for individuals to hunt for mourning doves—

(1) the Migratory Bird Treaty Act of 1918 should be modified to allow for mourning dove hunting during the last week of August in areas north of 37 degrees north latitude, as approved by the parties to the appropriate international agreement;

(2) such an extended hunting season will—

(A) improve hunting opportunities in the United States without causing negative impacts on mourning dove populations;

(B) through the sale of hunting permits, generate additional revenue that may be used for the better management and conservation of mourning doves and other wildlife species; and

(C) continue to provide for the conservation and enhancement of mourning dove populations;

(3) the United States should take immediate steps to begin discussions with the appropriate parties to ensure that all Americans have an opportunity to harvest migratory mourning doves in an equitable manner; and

(4) hunters in all States located north of 37 degrees north latitude and the wildlife management agencies of those States should support an earlier opening date for the mourning dove hunting season.

The CHAIRMAN pro tempore. During consideration of the concurrent resolution for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the text of the concurrent resolution?

Are there any amendments to the preamble of the concurrent resolution?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BALLENGER) having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 275) expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds, pursuant to House Resolution 353, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may 5 legislative days within which to revise and extend their remarks and to include any extraneous material on H. Con. Res. 275, the concurrent resolution just agreed to.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Utah?

There was no objection.

EXPRESSING SUPPORT FOR DEMOCRATICALLY ELECTED GOVERNMENT OF COLOMBIA AND ITS EFFORTS TO COUNTER THREATS FROM U.S.-DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 358) expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

The Clerk read as follows:

H. RES. 358

Whereas the democratically elected Government of Colombia, led by President Andres Pastrana, is the legitimate authority in the oldest representative democracy in South America;

Whereas the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, is required to designate as foreign terrorist organizations those groups whose activities threaten the security of United States nationals or the national security interests of the United States pursuant to section 219 of the Immigration and Nationality Act;

Whereas the Secretary of State has designated three Colombian terrorist groups as foreign terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Forces of Colombia (AUC), and the National Liberation Army (ELN);

Whereas all three United States-designated foreign terrorist organizations regularly engage in criminal acts, including murder, kidnapping, and extortion perpetrated against Colombian civilians, government officials, security forces, and against foreign nationals, including United States citizens;

Whereas the FARC is holding five Colombian legislators, a presidential candidate, and Colombian police and army officers and soldiers as hostages and has recently escalated bombings against civilian targets, including a foiled attempt to destroy the city of Bogota's principal water reservoir;

Whereas, according to the Colombian Government, the FARC has received training in terrorist techniques and technology from foreign nationals;

Whereas, since 1992, United States-designated foreign terrorist organizations in Colombia have committed serious crimes against United States citizens, kidnapping more than 50 Americans and murdering at least ten Americans;

Whereas the Drug Enforcement Administration believes that members of the FARC and the AUC directly engage in narcotics trafficking;

Whereas individual members of Colombia's security forces have collaborated with illegal paramilitary organizations by, inter alia, in some instances allowing such organizations to pass through roadblocks, sharing tactical information with such organizations, and providing such organizations with supplies and ammunition;

Whereas while the Colombian Government has made progress in its efforts to combat and capture members of illegal paramilitary organizations and taken positive steps to break links between individual members of the security forces and such organizations, further steps by the Colombian Government are warranted;

Whereas in 1998 Colombian President Andres Pastrana began exhaustive efforts to negotiate a peace agreement with the FARC and implemented extraordinary confidence-building measures to advance these negotiations, including establishing a 16,000-square-mile safe haven for the FARC;

Whereas the Government of Colombia has also undertaken substantial efforts to negotiate a peace agreement with the ELN;

Whereas the United States has consistently supported the Government of Colombia's protracted efforts to negotiate a peace agreement with the FARC and supports the Government of Colombia in its continuing efforts to reach a negotiated agreement with the ELN;

Whereas the United States would welcome a negotiated, political solution to end the violence in Colombia;

Whereas, after the FARC hijacked a commercial airplane and took Colombian Senator Jorge Eduardo Gechem Turbay as a hostage into the government-created safe haven, President Pastrana ended his government's sponsorship of the peace negotiations with the FARC and ordered Colombia's security forces to re-establish legitimate governmental control in the safe haven;

Whereas President Pastrana has received strong expressions of support from foreign governments and international organizations for his decision to end the peace talks and dissolve the FARC's safe haven; and

Whereas the Government of Colombia's negotiations with the ELN are continuing despite the end of the negotiations with the FARC: Now, therefore, be it

Resolved, That—

(1) the House of Representatives—

(A) expresses its support for the democratically elected Government of Colombia and the Colombian people as they strive to protect their democracy from terrorism and the scourge of illicit narcotics; and

(B) deplores the continuing criminal terrorist acts of murder, abduction, and extortion carried out by all United States-designated foreign terrorist organizations in Colombia against United States citizens, the civilian population of Colombia, and Colombian authorities; and

(2) it is the sense of the House of Representatives that the President, without undue delay, should transmit to Congress for its consideration proposed legislation, consistent with United States law regarding the protection of human rights, to assist the Government of Colombia protect its democracy from United States-designated foreign terrorist organizations and the scourge of illicit narcotics; and

(3) it is the sense of the House of Representatives that the Secretary of State should designate a high-ranking official to coordinate all United States assistance to the Government of Colombia to ensure clarity of United States policy and the effective delivery of United States support.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution. In our ongoing war on terrorism, we have an extremely volatile situation in our own hemisphere that cannot be ignored any longer: the threat against democracy in Colombia.

Colombia has been beset by many years of violence that have culminated in numerous terrorist attacks in the past month. This oldest representative democracy in South America is under attack as we speak by terrorists known as the Revolutionary Armed Forces of Colombia, otherwise known as the FARC, another violent left-wing group, the National Liberation Army, known also by its Spanish acronym ELN, and illegal right-wing paramilitary groups. The Secretary of State has designated all three groups as foreign terrorist organizations that threaten the security of the United States and our citizens.

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These groups regularly engage in criminal acts, such as murder, kidnapping, extortion and narcotics trafficking. They are currently holding captive dozens of Colombian security force officers, soldiers and civilians. The FARC and the ELN have kidnapped more than 50 Americans and have murdered 10 of our citizens.

Colombian President Pastrana invested his presidency, indeed his entire political fortune, in an attempt to negotiate peace with the FARC for the past 4 years. This protracted peace process ended February 20 when the FARC hijacked a commercial airliner and kidnapped a prominent Colombian senator, the leader of the Colombian Senate Peace Commission. The senator is now the fifth legislator being held captive by the FARC.

On that same day, President Pastrana ordered the Colombian military into the 16,000 square mile demilitarized zone that he ceded to the FARC in his efforts to negotiate peace. Since that time, the FARC has waged even more bloody terrorism against the Colombian Government, its democratic institutions, and its civilian population.

In fact, in the past 5 weeks or so, there have been more than 120 separate terrorist attacks committed by the FARC, including numerous bombings, the kidnapping of a presidential candidate, and a foiled attempt to destroy the city of Bogota's principal water reservoir.

Colombia's elected representatives have been targeted by these terrorists. Seven members of the Colombian Congress have been killed in the past 4 years. This past weekend, yet another legislator, Senator Martha Catalina Daniel, was tortured and murdered.

The FARC and the paramilitary forces are destabilizing democracy in Colombia. Legislative elections are this month. Presidential elections are in May. Colombia is calling on the United States for help in defending itself against terrorism by providing intelligence-sharing, spare parts for equipment, and the unburdening of restrictions on equipment currently being used in counter-narcotics operations. The administration has decided to move forward to respond to some of these concerns. The administration must now quickly complete this policy review and work with Congress to help Colombia save itself from terrorism.

The global war against terrorism is our administration's highest priority. We are training troops in the Philippines, the former Soviet Republic of Georgia, and Yemen all in the name of fighting this global war. However, in the meantime, a conflagration is burning at the foot of the land bridge that joins North and South America.

It is imperative that we recognize the dire consequences of inaction in this horrific situation, not just for Colombians, but for the rest of the hemisphere. It is time to help the Colombian people defend themselves. As a major defender of democracy, we must try to bolster it wherever we see it seriously threatened, especially in our own hemisphere. Passing this resolution is an important first step. I urge my colleagues to join me in supporting this measure.

Mr. Speaker, I yield the balance of my time to the gentleman from North Carolina (Mr. BALLENGER) and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I commend the gentleman from Illinois (Mr. HYDE), the chairman of the Committee on International Relations, for bringing forth this measure in such a calibrated and thoughtful fashion. I would also like to express my appreciation to our colleague on the Committee on International Relations, the gentleman from Massachusetts (Mr. DELAHUNT), for his enormous contributions to this effort.

Mr. Speaker, Colombia has entered a new and brutal phase in its history. The Revolutionary Armed Forces of Colombia and the United Self-Defense Forces of Colombia, better known by their Spanish acronyms, the FARC and the AUC respectively, and other illegal paramilitary groups have launched unprecedented campaigns of terror against the people and the democratically elected Government of Colombia.

I strongly deplore these criminal acts of murder, abduction, and extortion that the terrorist organizations have inflicted upon the people of Colombia and which the resolution and the gentleman from Illinois (Mr. HYDE) so richly describe. I wish to extend our friendship and our support to President

Pastrana and his administration as they confront this menace.

Mr. Speaker, the resolution also calls upon the President to submit his legislative proposals for addressing the crisis in Colombia to Congress for our consideration and deliberation. Let me be clear with regard to this point. While I appreciate the horror of the vile acts which the FARC and the AUC are committing almost on a daily basis in Colombia, I believe that any substantial change in U.S. policy toward Colombia must occur only after we in Congress have had an opportunity to add our voices and our concerns.

Thus, while we have not made any ultimate conclusions on how to assist the Colombian Government better to deal with terrorism and narcotics, we certainly look forward to an active and spirited debate on this floor.

Mr. Speaker, I believe that future U.S. policy toward Colombia should be conditioned upon the Government of Colombia dealing with two very stubborn issues: first, the Colombian Government must decisively break all links with illegal paramilitary organizations, and it must launch a serious effort to combat them. According to the Colombian Commission of Jurists and international human rights groups, the paramilitaries account for over 75 percent of all noncombatant killings in Colombia. The just-released human rights report of our State Department echoes this fact and states: "Members of the security forces sometimes illegally collaborated with paramilitary forces last year." This link must be completely severed.

Second, the Government of Colombia must dramatically increase its own contribution to both the war and the peace effort. By most estimates, the army would need to at least triple in size to take on the FARC and the AUC effectively. Currently, the Colombian Army has about 130,000 members, but only 40,000 of them can be deployed into battle. The rest are at desk jobs or tied down to guarding static infrastructure like pipelines and power lines. The United States cannot fill this need alone, and we would be foolish to try.

Complicating matters, there are reasons to doubt the commitment of some of Colombia's political and economic elite to sacrifice for the war effort. For example, currently Colombian law excludes high school graduates, meaning all but the poor, from serving in combat units. I think that is an outrage.

Furthermore, U.S. policy toward Colombia should include more than counternarcotics and, potentially, counterterrorism support. Colombia's long-running war is deeply rooted in historical, social, and economic causes that must also be addressed if any sustainable peace is to be achieved. Here, dramatic expansion of support to the provision of basic services to the Colombian people, but particularly in the long neglected rural areas, is absolutely paramount.

Mr. Speaker, Colombia and U.S. policy toward that country is at a crossroads. How we choose to help the people of Colombia confront not only terrorism but its sources as well will determine the quality of the lasting peace we hope will be able to help them build in the region. I urge all my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I rise in support of this resolution. The gentleman from Massachusetts (Mr. DELAHUNT) and I have been to Colombia many times on many occasions since I became chairman of the Subcommittee on Western Hemisphere. I have seen a terrible situation unfold in that troubled nation. On my last trip in January, we met with President Andres Pastrana as he was forced to issue an ultimatum to the FARC in a last-ditch effort to get them to come back to the negotiating table.

No one has done more to hold the door open to a negotiated, political solution to end the violence in Colombia than President Pastrana. His perseverance and forbearance have made one thing clear: it is the FARC's willful disregard for the rule of law and human rights that led President Pastrana to make the decision to end the safe haven and send in Colombia's security forces to reestablish legitimate government authority.

Colombia today is a nation under siege by three terrorist organizations. Two of these terrorist organizations, the FARC and the ELN, have kidnapped over 50 Americans and murdered at least 10 Americans. The third, the United Self-Defense Forces of Colombia, is a vicious, violent terrorist organization that indiscriminately murders Colombians. Individuals who aid those terrorists dishonor and discredit themselves and the institutions that they represent.

All three of these terrorist groups have been designated by the Secretary of State as foreign terrorist organizations because it has been determined that they are a threat to our Nation's security. Terrorism in Colombia is financed by illegal trafficking in narcotics that kill and destroy the lives of our young people in the United States.

The FARC has, in essence, declared war on the Colombian people. This group is attacking Colombia's democratic institutions. Five Colombian legislators are being held hostage by the FARC. The FARC has been attacking the infrastructure. It attacks police stations with propane gas cylinder mortars that indiscriminately kill innocent people.

The Colombian Government is continuing its efforts to negotiate a peace agreement with the ELN, and we should support those efforts.

It is time, however, that we reassess our policy towards Colombia. This resolution expresses the sense of the House that the President, without undue delay, should transmit to Congress for its consideration proposed legislation, consistent with United States law regarding protection of human rights, to assist the Government of Colombia protect its democracy from United States-designated foreign terrorist organizations and the scourge of illicit narcotics.

We cannot afford to fail to help the people of Colombia in their darkest hour. Colombia is a democracy and an ally of the United States, and it is under attack by terrorist organizations funded by illegal drugs. Colombia is not asking us to send troops. The democratically elected Government of Colombia is asking that we make it possible for us to help them defend their democracy from these terrorists. I urge my colleagues to join me in supporting this reasonable, bipartisan resolution.

Mr. LANTOS. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DELAHUNT), who has worked tirelessly on this issue and is one of the nationally recognized authorities on Colombia.

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Mr. DELAHUNT. I thank the gentleman for his generous words and for yielding me this time.

Mr. Speaker, as others have alluded to, almost 4 years ago, President Andres Pastrana embarked on what was truly a courageous effort to bring peace to his nation. He began negotiations with the FARC and the ELN, the country's two main guerilla groups. He did so because he realized that, after almost 40 years of conflict, a negotiated agreement was the only answer to end the violence.

These efforts focused world attention on Colombia. For the first time, the international community was brought directly into the negotiations. Hope prevailed that the brutal violence that has plagued that nation for decades would at long last end. I shared that hope. At President Pastrana's request, I myself went to the so-called demilitarized zone. I met with the FARC, which is the largest party to this conflict.

I left, hopeful that the FARC was genuinely serious about the search for peace. They claimed that they were prepared to work to create a new Colombia that would embrace social and economic justice and bring peace to a population exhausted by violence.

Sadly, they have proven they were not serious. At great political cost, President Pastrana gave the FARC every opportunity to prove their good faith. But they, the FARC, could not summon the political resolve, the will, the courage, if you may, to choose peace. Sadly, they were not serious.

From an insurgency that once based its legitimacy on a promise of social and economic justice for all Colombians, the FARC have degenerated into criminal syndicates that traffic in drugs, that extort, that kidnap and that murder civilians. The FARC have failed to meet the challenge of peace. They have failed the Colombian people. So now I share what I know to be the profound disappointment felt by President Pastrana and the people of Colombia.

But, fortunately, the peace process with the ELN is still continuing. Like the FARC, the ELN claim to want to address the social inequities that are at the root of the conflict. But the ELN have actually proposed how to do that; and, at least at this point in time, they appear to have the will to make peace. However, tragically, even while negotiating, the ELN also continue their armed campaign of kidnapping and sabotage.

But what disturbs me most profoundly is the recent rapid growth of right-wing paramilitary groups, commonly referred to as the AUC. They commit more than 70 percent of the massacres in the course of the Colombian conflict, and their brutality knows no bounds of human decency. Their leadership readily admits to deriving most of their funding from drug trafficking. Klaus Nyholm, the head of the U.N. drug control program in Colombia, says that they are substantially more involved in the drug trade than the FARC.

Most significantly for U.S. policy, the AUC, as mentioned by the gentleman from California, the ranking member, have extensive links with the Colombian military, according to our own Department of State report that was issued this week. That explains the reluctance of so many of us in this body to provide unconditional military assistance to the Colombian armed forces.

While President Pastrana and Colombian armed forces chief Fernando Tapias deserve credit for taking steps to professionalize the military, unfortunately, far too many of these unsavory links remain. Until all relationships, at every level, between the military and the AUC are ended, the U.S. can and should condition its assistance.

Unbelievably, these paramilitary groups rationalize their acts of terrorism as what is needed to fight the guerillas. They say they traffic in drugs only to support that fight. They say that what they really want is peace. They even claim that they are the Northern Alliance of Colombia, ready to help the United States fight the FARC.

They are not Colombia's Northern Alliance. They are Colombia's al Qaeda.

Let us be clear. There is no place for an AUC in a democracy. In a democratic society, it is the exclusive role of the armed forces and the police, working under the legitimate government, to maintain public order, to defend the nation, and protect individual civil liberties. And there is a legitimate government in Colombia duly elected by the Colombian people. The AUC are not the answer to Colombia's problems. In a very real way, the AUC are cooperating with the FARC and the ELN in sending Colombia into chaos and more bloodshed.

We know what the FARC's position is. We have learned it the hard way. Now it is very important for us to be clear with both the ELN and the AUC. Let me say to them, now is the time to reveal your true selves, to show the world what you really want for your nation. You say you want peace. You put it on your websites. You make these public statements. Prove it. Declare an immediate, unilateral ceasefire and an immediate suspension of all criminal activities. Lay down your arms. You can do it today. Now.

That way, the Colombian military can concentrate its efforts on the FARC; and the world can see that the other parties to the conflict are willing to act for peace, not just talk about it.

So Senor Gabino, who is the leader of the ELN, and Carlos Castano, the leader of the AUC, now is the time, now, to decide which side you are on. Are you with the Colombian people who desperately want to end 40 years of horror? Or are you with those who would drown your nation in the blood of its own citizens?

This resolution today makes clear which side the United States is on. This is just the beginning of our debate. We still must have an extensive review, including hearings, on the details of any U.S. assistance, just as there should be a peaceful debate inside Colombia on how to address that country's very real problems, particularly its glaring social and economic inequities.

But there should be no doubt as to which side the United States is on. We are with the Colombian people.

Mr. BALLENGER. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. OSBORNE).

Mr. OSBORNE. Mr. Speaker, 6 weeks ago, I went with members of the Committee on Agriculture to Colombia. We were fortunate enough to have dinner one evening with President Pastrana at his version of Camp David, which is in Cartagena. During that evening, we were able to get well acquainted. He described his being kidnapped by guerillas a few years ago and all that he went through and the general lay of the land down there and his struggles with the FARC and the ELN and the AUC.

In the progress of that evening, what we learned is that there are roughly 600,000 acres of coca plants under cultivation in the country of Colombia. This allows them to provide roughly 90 percent of the cocaine that comes into the United States. As a result, FARC and these other vigilante groups are very well funded. I would imagine that their funding may exceed that of other legitimate enterprises within the country of Colombia. And so the people in Colombia have paid a great price.

Last year, we were told that 29,000 civilians lost their lives in this conflict. They are caught in between the various groups. In many cases, they have no place to go and no place to hide. As has been mentioned earlier, seven members of Congress have been killed in the last 4 years, and five lawmakers are currently hostages in that country.

So the present negotiations, or the negotiations that have gone on for the last 3 or 4 years, have broken down and now Colombia is basically under a reign of terror, where some of the things that we have seen around the world are now being perpetrated on the Colombian people. We have seen bridges blown up, water supplies such as in Bogota have been damaged and threatened.

So it appears at this time that the only solution is that the United States provide help. We already have provided quite a bit. But the big issue is helicopters, because the pilots that are doing the spraying of the coca to try to eliminate it are certainly under a great deal of duress.

So we need also some commitment from Colombia, but they need our aid.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Massachusetts (Mr. McGOVERN), an indefatigable fighter for social justice in the hemisphere.

Mr. McGOVERN. I thank the gentleman for yielding me this time and appreciate all his work on behalf of human rights.

Mr. Speaker, I rise to oppose this resolution. I want to be very clear about my concerns regarding this bill and the critical crossroads confronting U.S. policy in Colombia.

Like every Member of this House, I support the democratically elected government of Colombia. I have met with President Pastrana, including in Colombia, and I am a strong supporter of his efforts for social and economic reform. Having traveled to Colombia, I know how very complex the society and the conflict are. I have seen the harm done to the Colombian people by the guerillas, by paramilitary groups and by the Colombian army. I believe very strongly that Congress should not rush to signal support that would increase our involvement in Colombia's escalating civil war.

The Colombian civil war has been going on for nearly 40 years. The armed actors remain nearly unchanged. Leftist guerilla groups battle the Colombian army for control of the territory, while right-wing paramilitaries increase their own involvement in the war and violence against civilians. All of these armed actors, including the Colombian military, have been involved in drug trafficking. All have a history of human rights abuses. Human rights groups continue to document the close ties between the Colombian army and the paramilitaries who commit the majority of human rights abuses in Colombia.

Colombia is hardly a new front in the war on terrorism. Terrible acts of terror, assassinations, kidnappings, bombings and disappearances, are part and parcel of their 40-year civil war. But Colombia is not part of the internationally supported campaign to dismantle and destroy al Qaeda and other international terrorist networks.

So let us not hide behind euphemisms. A so-called war on terrorism in Colombia is simply a set of code words to become even more deeply engaged in a counterinsurgency war that has been going on for nearly 40 years.

Mr. Speaker, I have been a strong supporter of President Pastrana, but the message we send today will be heard and acted upon more by his successor when elections take place in the coming months. The leading presidential candidate has long rejected any type of negotiations process, and he has the support of the right-wing paramilitary groups, the very groups we rightly are condemning today.

In my opinion, Mr. Speaker, our current policy in Colombia has been a failure. It has not stemmed the production of coca. It has not provided peasant farmers with alternatives to growing coca. It has not lessened the number of internally displaced people. It has not broken the ties between the Colombian army and the paramilitaries. It has not decreased the number of civilians who are victims of human rights abuses and violence. And it has not promoted the administration of justice.

The current attorney general, unlike his predecessors, is not an advocate for human rights. He has dismissed or stopped investigations on many of the cases involving high-level military and government officials. As a result, most of the key officers and prosecutors in the Justice Ministry responsible for investigating and prosecuting human rights and corruption cases have resigned or been forced out of office.

For our part, Mr. Speaker, and I say this sadly, the United States demonstrates its commitment to human rights by consistently waiving the conditions on our aid every 6 months because the Colombian military continues to fail to comply.

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Now, in my view, Mr. Speaker, this resolution wants to give a green light to involve the United States more deeply and directly in Colombia's escalating civil war, and I simply cannot support this.

I have high regard for the gentleman from Illinois (Chairman HYDE); the ranking member, the gentleman from California (Mr. LANTOS); and the gentleman from North Carolina (Chairman BALLENGER). These Members have done a great deal to focus attention on human rights challenges in Latin America. But I must dissent, and I urge my colleagues to join with me in opposing this resolution.

Mr. BALLENGER. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in support of House Resolution 358, which expresses support for the Government of Colombia.

There were many in Colombia that criticized President Pastrana for making the peace process a priority above almost any other issue that faced the Colombian people, but none I think would criticize the commitment that he made to bringing peace to that troubled country. Now, rightly, in my opinion, he has called off the negotiations. He has moved troops into the demilitarized zone. He is facing a long struggle against a renewed urban terrorism campaign that is targeting the country's most important infrastructure assets.

But we are proceeding as nothing has changed, as if Colombia is only fighting a counternarcotics war. I believe we have to face several realities and counter with a clear U.S. policy in response.

The aggressive timetable that Plan Colombia was to follow, eradicating coca, providing alternative development, cannot be adhered to during a full scale war with the FARC and the paramilitaries. The alternative development plans were already failing from a lack of basic security for non-governmental organization workers and transport of alternative commodities, thereby putting the entire program at risk.

It is true that Colombia is a source of 90 percent of the cocaine in the United States; but conversely, the United States is Colombia's largest trading partner of legal industries. As such, it is in the interest of the United States to promote better stability in Colombia by helping it to address these longstanding approximate and more recent escalations.

I might remind my colleagues in the other body that of all the requests from the Government of Colombia, at the top of their list is the renewal of the Andean Trade Pact.

Because it shares borders with five other countries, Brazil, Peru, Ecuador, Panama, Venezuela, Colombia's instability is a threat to regional stability. While only 3 percent of U.S. oil consumed comes from Colombia, 14 percent comes from neighboring Venezuela. Oil imports from South America play a vital role in our strategy to diversify the sources of U.S. oil.

The Colombian economy has faced a number of economic shocks that have limited its ability to contribute to Plan Colombia and the defense of its own people. Oil pipelines have been bombed, the price of oil has fallen, the price of coffee has fallen, foreign investment in Colombia has fallen. The internal shocks are only going to be made worse by the escalation of war.

Colombians have traditionally shown a long-term tolerance for violence, but this is changing; and we can see evidence of this in the popularity of presidential candidates in Colombia that strongly support countering the FARC guerillas.

The deteriorating economic conditions not only have threatened the Colombian Government's commitment to Plan Colombia, but the worsening unemployment only encourages the narcotics industry in Colombia. It has become a vicious cycle.

I would urge my colleagues to recognize the changed situation in Colombia and that we must respond by clarifying U.S. policy. Let us begin an open debate about our role in Colombia and not rely on State Department lawyers to look for loopholes in current law. This resolution begins that debate, and I urge my colleagues to vote in favor of the resolution.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly urge all of my colleagues to support this carefully crafted and balanced resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. BALLENGER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to note the Colombian Army has made progress in this area, and, while not perfect, no one is. At least they are trying and have made good progress.

I also note that an alternative to a well-trained and respectful Colombian Army is the AUC, and that right-wing paramilitary respects no one's rights, engages in terrorism, illicit drugs, and kills innocent civilians.

No one here is proposing that we repeal the Leahy amendment that prohibits aid to the units of Colombian military that engage in human rights abuses. Leahy is existing law. The Leahy restriction will remain law and has my strong support, and human rights concerns will not be thrown out the window in a new Colombian policy.

I also note the counter-drug aid that we provided to the Colombian police, their antinarcotics unit, has been delivered and used in the last 2 years without even one allegation of a human rights abuse; I repeat, not even one allegation.

The Colombians can and will respect human rights if we help them and we train them and we stand shoulder to shoulder next to them in the fight. The police antinarcotics unit is a case of study for engagement.

Absent a new U.S. policy, the right-wing paramilitaries will fill the void in Colombia, and the human rights of no one, especially civilians, will be safe. We can stay on the sidelines or help our neighbor. The answer is clear, especially since September 11. We need to fight global terrorism whenever and wherever it raises its ugly head.

Mr. SERRANO. Mr. Speaker, I rise today to express my opposition to this resolution on Colombia. I am troubled as to why we are voting on this resolution today. It concerns me that the purpose of this resolution is for the Congress to give this administration the green light to become more heavily involved in the civil war in Colombia.

I have the utmost respect for President Pastrana, but at the same time I am not in favor of expanding our involvement in Colombia by using our response to the terrorism threat after September 11 as a justification to participate in Colombia's civil war. The FARC might be on the terrorist list, but the reasons that have been given for our involvement in Colombia have been counternarcotics and not counterterrorism. I do not want to erase this important distinction.

Mr. Speaker, I read the Spanish press, and let me assure you that in Latin America and in my congressional district the support does not exist for having the United States exert its military power in Colombia. There are atrocities committed on all sides of this conflict.

Today, Secretary Powell testified before the Commerce, Justice, State and Judiciary Subcommittee, on which I am the ranking member, and I told him that I understand that drug trafficking is a problem in Colombia, but that has never before been a reason to send American troops. Let me be clear that the new threat of terrorism is not and never should be a reason to change our policy toward Colombia.

Mr. GILMAN. Mr. Speaker, I move to strike the last word in support of the bipartisan resolution on Colombia and the need for a change in our policy, now before the House.

While I have long followed events in Colombia, I long gave the benefit of the doubt to the Pastrana administration in Colombia with its protracted negotiations and its Switzerland sized DMZ safe haven provided the FARC, that naivete has finally ended, hopefully not too late.

The FARC has attacked cities, towns, police stations, bridges, dams, and power lines all across Colombia since the peace talks ended last month. Let there be no mistake, the FARC are terrorists, and have been financed by illicit drug proceeds.

Along with their ELN terrorist friends in the last 10 years, the FARC and ELN have kidnaped 50 Americans in Colombia and killed at least 10 of them. Their trade in illicit drugs help take numerous American lives here at home as well from their illicit drugs. For example, it is noted that the DMZ, now abandoned in Colombia, was loaded with opium growth for heroin production eventually destined for American streets and communities.

Bogota, the capital of Colombia, is only 3 hours from Miami, and the beleaguered democratic nation of Colombia is up against the wall from these narcoterrorists and right wing paramilitaries all financed with the illicit drug trade and all engaged in terrorism per our own U.S. State Department.

While our Nation is engaged in fighting global terrorism in Afghanistan, Yemen, Georgia, and the Philippines, we still maintain the fiction that the battle in Colombia in our nearby neighborhood is only about illicit drugs, and our aid has been limited to counternarcotics

We have maintained the fiction of counternarcotics aid only for Colombia long enough. The same people who kidnap, blow up pipelines, and who kill Americans trade in illicit drugs to finance their other criminal and terrorist activities. Only our State Department maintains the drugs only fiction, on the ground the reality was different and the Colombian democracy slipped further and further away.

This resolution calls for our administration to take off its rose color glasses that President Pastrana and our State Department wore for far too long and let Colombian democracy slip away. It is time we get serious and fight terrorism and the illicit drugs that finances it in Colombia and threatens American national interests in our very back yard.

Protecting pipelines from terrorist attacks is but one way to help Colombia. It is not enough for a Colombian policy and as the Bob Novak column noted this week, it is a sorry excuse for a real antiinsurgency strategy in Colombia. We need to do more.

We must help the Colombian police antikidnaping units with helicopters to rescue victims, including Americans in the often hard to reach terrain. We ought to also restore the clarity we need by giving the anti-drug mission in Colombia mainly to the excellent antidrug police, who have a stellar human rights record.

Our assistance to the Colombian military should be antiterrorist assistance, and not operate under the failed antidrug fiction of the past. Let us bear in mind that no one here, nor anyone in Colombia has ever asked for, or called for American combat troops for Colombia.

The Colombians want and deserve the equipment and training they need to defend themselves and their democracy from the terrorist threat at their and at our door.

Accordingly, I urge support for this resolution.

Mr. EVANS. Mr. Speaker, I would like to express my support and solidarity with the people of Colombia in their pursuit of stability and peace. Along with my colleagues, I condemn the horrible violence that has been inflicted on the Colombian people by the AUC, ELN, and the FARC. But, I cannot in good faith support a resolution that expresses praise to Colombia for improving it's human rights record, when in fact it has eroded.

Many Members of Congress have joined me in expressing their profound concern to the Colombian Government over the many murders of trade union leaders that have gone without investigation or prosecution. The scourge of murders of trade unionists in Colombia is the highest in the world, thereby making Colombia notorious as the most dangerous place in the world to be a union member. The government of Colombia has over and over again demonstrated their unwillingness to pursue prosecution of these attacks on organized labor. Colombia's de facto immunity extended to these assassins has been clearly condemned by the International Labor Organization, United Nations Human Rights Commission, Amnesty International, and our own Department of State.

Colombia can drastically reduce the violence against trade unionists. It begins with effectively halting the impunity enjoyed by these perpetrators, many of which have credible ties to the military and police. Colombia must aggressively prosecute these criminals and restore its people's confidence in justice.

Mr. Speaker, this resolution fall short in condemning the impunity enjoyed by human rights violators and the violence perpetrated against all levels of society, including organized labor. Many of my fellow Members have actively engaged the Colombian Government with these concerns but without success. Passing a resolution basically congratulating Colombia on improving its human rights record is wrong and counterproductive.

It is my hope that Colombia will choose to aggressively improve it's human rights record, so in the future we may pass a similar resolution, with unanimous consent.

Mr. PAUL. Mr. Speaker, as a member of the House International Relations Committee and the Subcommittee on the Western Hemisphere, I would like to state my strong objections to the manner in which this piece of legislation was raised. I was only made aware of the existence of this legislation this morning, just a couple of hours before I was expected to vote on it. There was no committee markup of the legislation, nor was there any notice that this legislation would appear on today's suspension calendar.

This legislation represents a very serious and significant shift in United States policy toward Colombia. It sets us on a slippery slope toward unwise military intervention in a foreign civil war that has nothing to do with the United States.

Our policy toward Colombia was already ill-advised when it consisted of an expensive front in our failed "war on drugs." Plan Colombia, launched nearly 2 years ago, sent $1.3 billion to Colombia under the guise of this war on drugs. A majority of that went to the Colombian military; much was no doubt lost through corruption. Though this massive assistance program was supposed to put an end to the FARC and other rebel groups involved in drug trafficking, 2 years later we are now being told—in this legislation and elsewhere—that the FARC and rebel groups are stronger than ever. So now we are being asked to provide even more assistance in an effort that seems to have had a result the opposite of what was intended. In effect, we are being asked to redouble failed efforts. That doesn't make sense.

At the time Plan Colombia was introduced, President Clinton promised the American people that this action would in no way drag us into the Colombian civil war. This current legislation takes a bad policy and makes it much worse. This legislation calls for the United States "to assist the Government of Colombia protect its democracy from United States-designated foreign terrorist organizations . . . " In other words, this legislation elevates a civil war in Colombia to the level of the international war on terror, and it will drag us deep into the conflict.

Mr. Speaker, there is a world of difference between a rebel group fighting a civil war in a foreign country and the kind of international terrorist organization that targeted the United States last September. As ruthless and violent as the three rebel groups in Colombia no doubt are, their struggle for power in that country is an internal one. None of the three appears to have any intention of carrying out terrorist activities in the United States. Should we become involved in a civil war against them, however, these organizations may well begin to view the United States as a legitimate target. What possible reason could there be for us to take on such a deadly risk? What possible rewards could there be for the United States support for one faction or the other in this civil war?

As with much of our interventionism, if you scratch the surface of the high-sounding calls to "protect democracy" and "stop drug trafficking" you often find commercial interests driving U.S. foreign policy. This also appears to be the case in Colombia. And like Afghanistan, Kosovo, Iraq, and elsewhere, that commercial interest appears to be related to oil The U.S. administration request for FY 2003 includes a request for an additional $98 million to help protect the Cano-Limon Pipeline—jointly owned by the Colombian Government and Occidental Petroleum. Rebels have been blowing up parts of the pipeline and the resulting disruption of the flow of oil is costing Occidental Petroleum and the Colombian Government more than half a billion dollars per year. Now the administration wants the American taxpayer to finance the equipping and training of a security force to protect the pipeline, which much of the training coming from the U.S. military. Since when is it the responsibility of the American citizen to subsidize risky investments made by private companies in foreign countries? And since when is it the duty of American service men and women to lay their lives on the line for these commercial interests?

Further intervention in the internal political and military affairs of Colombia will only increase the mistrust and anger of the average Colombian citizen toward the United States, as these citizens will face the prospect of an ongoing, United States-supported war in their country. Already Plan Colombia has fueled the deep resentment of Colombian farmers toward the United States. These farmers have seen their legitimate crops destroyed, water supply polluted, and families sprayed as powerful herbicides miss their intended marks. An escalation of American involvement will only make matters worse.

Mr. Speaker, at this critical time, our precious military and financial resources must not be diverted to a conflict that has nothing to do with the United States and poses no threat to the United States. Trying to designate increased military involvement in Colombia as a new front on the "war on terror" makes no sense at all. It will only draw the United States into a quagmire much like Vietnam. The Colombian civil war is now in its fourth decade; pretending that the fighting there is somehow related to our international war on terrorism is to stretch the imagination to the breaking point. It is unwise and dangerous.

Mrs. TAUSCHER. Mr. Speaker, I rise to express my support for the people of Colombia and ask my colleagues to support this resolution.

The people of Colombia have suffered through years of violence, deprivation, and discord. They have seen their country torn apart in a violent war between their government and various rebel factions.

Despite the best efforts of President Pastrana, the murder and kidnapping of Colombian citizens, government officials, and even American visitors have increased. His efforts to reach a peaceful settlement have been rejected by the rebel groups.

Mr. Speaker, the United States has made a commitment to addressing the root cause of these problems in Colombia—the drug trade. Through Plan Colombia we are working with our Andean allies to destroy drug production and interrupt drug traffic.

Our assistance will help Colombia's Government lead the country and, eventually, end drug production and stabilize the Andean region.

As Colombia continues working to secure lasting peace, the United States should continue to offer support and assistance.

This resolution is an important expression of that support, and I urge my colleagues to vote for it.

Mr. BALLENGER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H.Res. 358.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CONGRATULATING THE UNITED STATES MILITARY ACADEMY AT WEST POINT ON ITS BICENTENNIAL ANNIVERSARY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate joint resolution, S.J. Res. 32.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the Senate joint resolution, S.J. Res. 32, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 26, as follows:

[Roll No. 50]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore

Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Conyers

NOT VOTING—26

Bentsen
Blagojevich
Calvert
Condit
Cubin
Dooley
Doolittle
Filner
Hyde
Kilpatrick
Lee
Lewis (CA)
Lofgren
Millender-McDonald
Miller, Jeff
Napolitano
Roybal-Allard
Sanchez
Sanders
Solis
Traficant
Waters
Watson (CA)
Wexler
Wilson (NM)
Woolsey

☐ 1450

Mr. TERRY and Mr. CROWLEY changed their vote from "nay" to "yea."

So the Senate joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 50 on congratulating the United States Military Academy at West Point I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. FILNER. Mr. Speaker, on rollcall No. 50, I was conducting official business in my San Diego, California district. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to business in the District, I respectfully request a leave of absence from legislative business scheduled for today, Wednesday, March 6. Had I been present, I would have voted "aye" on rollcall No. 48 on approving the Journal; "no" on rollcall No. 49, the motion to proceed to the previous question during the consideration of H. Con. Res. 275; and "aye" on the motion to suspend the rules and pass S.J. Res. 32.

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, I was attending important business in my Congressional District on March 6th, which included activities relating to the Primary election in California.

I request that the CONGRESSIONAL RECORD reflect that had I been present and voting, I would have voted "yea" on rollcall No. 48, "no" on rollcall No. 49, and "yea" on rollcall No. 50.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CEASEFIRE BETWEEN THE SRI LANKAN GOVERNMENT AND THE LTTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to bring to the attention of my colleagues a historic peace initiative between the Sri Lankan Government and the LTTE.

On February 22, 2002, the Prime Minister of Sri Lanka, the Honorable Wickremesinghe, and the leader of the LTTE, Mr. Prabhakaran, signed an agreement that established a long-term cease fire by both sides that signifies the beginning of peace talks and, simply, a new era of peace for war-torn Sri Lanka.

For nearly 2 decades now, there has been a civil war taking place between the Government of Sri Lanka and the LTTE, one of the world's most dangerous guerilla groups. The cease fire was negotiated by Norway and will be overseen by Norway, Sweden, Finland, and Denmark.

I am optimistic about this movement towards peace and feel the United States should extend its support for this agreement to end years of violent blood shed. Indeed, the LTTE will have to show great will to bring an end to its violent attacks that have claimed tens of thousands of innocent lives. However, the current global situation has provided a glimpse of hope that this cease fire will be a successful endeavor.

Mr. Speaker, since the September 11 attacks, there has been a desire throughout the world to move away from senseless violence; and clearly, we began a new campaign against terrorism. This new atmosphere may potentially foster improved relations between Sri Lanka and the LTTE. Additionally, the LTTE may have been more apt to agree to this peace agreement since their popularity and their financial support was waning through countries that formerly favored them or provided support.

We see this hope for peace in Sri Lanka is already coming to fruition. Since December, medicine, supplies and other goods are being shipped to Tamil Tiger-controlled areas. Shipment of goods to these areas has been under the control of the Sri Lankan Government, but the controls have been relaxed for the past several months.

Mr. Speaker, I should note that President Kumaratunga has been outspoken in her criticism of the terms of the cease fire. As President she has the power to suspend parliament and dismiss the government. If she is not satisfied with certain provisions within the peace agreement, the deal may be canceled.

The differences between the President and Prime Minister must be worked out so Sri Lanka can proceed with dealing with this deadly conflict between Sri Lanka and the LTTE. In any case, the Prime Minister has announced that any peace agreement would have to be supported by a referendum, which ensures that the people of Sri Lanka would be participating in the peace process.

In the upcoming months, it is important to watch closely how this peace process unfolds in Sri Lanka. The Prime Minister is willing to negotiate all forms of settlement with the LTTE, except for establishment of an independent homeland for the Tamil community.

I encourage the LTTE to shed its terrorist negotiating tactics and come to the table with the Sri Lankan Government and engage in a substantive debate that I hope will lead to a permanent cease fire, peace in Sri Lanka, and greater stability throughout the South Asian region.

FIGHTING HATE CRIMES IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Mrs. CAPPS) is recognized for 5 minutes.

Mrs. CAPPS. Mr. Speaker, it is with great sadness that I rise on the floor of the House this afternoon.

Two weeks ago in my California district, which includes Santa Barbara, a 37-year-old man named Clinton Scott Risetter was brutally murdered, burned to death in his bed. Such a killing would be tragic under any circumstances. Yet this is particularly painful because Mr. Risetter was murdered because he was a homosexual. Let me say that even in a community as tolerant as Santa Barbara, intolerance still has an ugly and evil face.

I am heartened by much of what has transpired since the tragic incident. I am proud that local law enforcement agencies have responded swiftly and thoroughly. The police department and district attorney are working closely with the community, including gay rights organizations, for which I am pleased and very grateful. But I also believe that we must confront the ugly specter of hate crimes on a national, as well as a local, level.

Last year at this time, an important bill was introduced in the House, the Hate Crimes Prevention Act. This bill, sponsored by the gentleman from Michigan (Mr. CONYERS), would strengthen the Federal response to hate crime violence which is motivated by race, color, religion, or national origin. It would also expand the law to cover hate crimes committed against people because of their gender, sexual orientation, or disability, as well as to expand Federal jurisdiction to cover the most violent of these hate crimes.

As it stands now, Federal authorities cannot act on cases involving death or serious bodily injury based on gender, sexual orientation, or disability when local law enforcement is not available. Now fortunately this does not impact the case in Santa Barbara; but even so, many people throughout the country are left without any chance for justice when their own States fail to act.

So I am pleased that Santa Barbara has, as a community, responded with outrage and compassion to this recent event, the vicious hate crime which has occurred there. But as a society we must continue to confront what lies at the root of these horrendous hate crimes, and that is where our Federal legislation comes in and why it is so very important.

The Hate Crimes Prevention Act would provide communities with important prevention tools, including grants to State and local programs designed to combat hate crimes committed by juveniles and training for local law enforcement officers in investigating, prosecuting, and preventing hate crimes altogether.

We cannot ignore the facts. Since 1996, hate crimes committed against individuals based on sexual orientation have increased nearly 28 percent. I will not remain silent on this issue. I am compelled to do whatever I can to prevent another hostile and tragic act on anyone because of his or her sexual orientation.

In a post-September 11 society, where tolerance and acceptance are strongly encouraged and promoted by our government and local communities, these types of crimes must not go unpunished or unexplored. Let us make the Hate Crimes Prevention Act a reality. Let us make a true commitment to every American citizen, be they gay or straight, Muslim, Christian, white, black, Hispanic or Asian. It should not take a brutal murder to jar the Congress out of acting out of common sense and basic human decency. It is too late to save the life of Mr. Risetter, but it is not too late to take the kind of action which will honor his memory.

HONORING DEREK PARRA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of California. Mr. Speaker, I thank my colleagues for cooperating with me in pressing calendar circumstances.

I have come to the floor because I will be inserting in the RECORD some detailed information about a young man from my hometown, San Bernardino, California, by the name of Derek Parra who won, among other things, a gold and a silver medal at the Winter Olympic Games, a fabulous young person who is an inspiration to our entire community. Not only has he made a difference to our community, he is impacting young people across the country.

It is my pleasure to mention, among other things, as I have done some homework on him, he is an employee of Home Depot. I have learned that Home Depot is doing a fantastic job of helping the Olympics by having employees who work for them have a good deal of flexibility in terms of their schedule and the way their jobs are funded, et cetera.

□ 1500

They have, in a very substantial way, demonstrated what the private sector can do to improve our ability to effectively impact a wonderful event such as the Winter Olympic games.

So my hat is off to Home Depot, and I hope all my colleagues will recognize these good works and encourage them across the country.

Mr. Speaker, the people of my hometown, San Bernardino, were specially thrilled by the Olympic heroism of Derek Parra, who became the first Mexican-American to win a medal at the Winter games when he took both a gold and silver medal in speed-skating. His story is one of making sacrifice and working tirelessly to achieve his life's dream of winning at the Olympics.

Derek Parra twice left family and home behind to pursue his dream—once moving to Florida to become an international star at inline skating races, and then again heading to Utah to train for speed-skating, a sport he had never tried as a child in sunny Southern California. Those who know San Bernardino recognize that hard-working spirit, and our hometown celebrated with daylong events that included a spirited parade and packed awards dinner.

While it is clear that Derek Parra meant to reach for his Olympic dream in any way he could, his time in Utah was made easier by The Home Depot, the national hardware chain that is known for its orange aprons. When he arrived in Salt Lake City, Parra landed a job in floors and walls at the West Valley Home Depot, which helped him provide for himself and his family during the year leading up to the Olympics.

The Home Depot company is justly proud that it has contributed to Parra's success, as well as that of fellow employee Tristan Gale, who won a gold medal in the women's skeleton event. In fact, the company has hired and given job flexibility to 140 Olympics and Paralympics hopefuls throughout the country in a display of corporate patriotism and civic involvement. Twenty of those hopefuls were in Salt Lake City.

The company's Olympic Job Opportunity Program offers full-time pay and benefits to athletes for a 20-hour week during competition and training seasons. Not surprisingly, Home Depot managers have found these dedicated athletes are also among their most hard-working employees and in most cases would be delighted to have them back after the competition has ended.

Home Depot has joined many other U.S. companies in sponsorships that have helped show the world that it is possible to stage a successful Olympics without losses to public coffers or excessive commercialization. But The Home Depot has taken this civic spirit to the next level, supporting those dedicated athletes who are the centerpiece of the Olympic Games.

Mr. Speaker, I would ask you and my colleagues to please join me in praising the American spirit of determination that led Derek Parra to shock the world and win gold and silver medals in record-breaking times at speedskating. And also in praising The Home Depot for showing the world that American business can join with athletes like Derek to bring success and pride to them both.

TRIBUTE TO FALLEN HEROES IN THE WAR ON TERRORISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. PENCE) is recognized for 5 minutes.

Mr. PENCE. Mr. Speaker, it is written that, "If you owe debts, pay debts; if honor, then honor; if respect, then respect."

I can think of no more fitting time to apply this verse than today, 1 day after we as Americans watched the flag-draped caskets of seven U.S. servicemen being off-loaded from a C–130 transport plane at Ramstein Air Force Base in Germany. We owe these men of the United States Special Forces and the 101st Airborne a great debt of honor, a debt that words on this floor cannot even begin to repay.

A century and a half ago, Abraham Lincoln spoke on another battlefield where American soldiers had spilled their blood to preserve our liberty. In his address, Lincoln charges the survivors of the conflict as follows:

"It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion."

Mr. Speaker, the soldiers who died in the mountains of Afghanistan laid down their lives for the same great task as the soldiers at Gettysburg, the preservation of our liberty and our very way of life.

Throughout our history, Mr. Speaker, America has faced enemies of her peace and her freedom. Two decades ago, President Ronald Reagan encouraged a country beset by terrorism. The words of his first inaugural address should steel the resolve of Americans today who face a similar intractable enemy.

President Reagan said, "As for the enemies of our freedom, those who are potential adversaries, they will be reminded that peace is the highest aspiration of the American people. We will negotiate for it, sacrifice for it, but we will not surrender for it now or ever. And, above all else, we must realize no arsenal, no weapon in the arsenals of the world, is so formidable as the will and moral courage of free men and women. It is a weapon our adversaries in today's world do not have. It is a weapon that we as Americans do have."

Mr. Speaker, it is especially poignant to me, as I see the sacrifices in the 101st Airborne, to reflect that twice in the last 6 months I traveled, at the invitation of Major General Richard Cody, to Fort Campbell, Kentucky, the home of the Screaming Eagles. There I met with officers and enlisted men of that fabled division, perhaps maybe even some of the very same soldiers that are coming home in the silence of death to their families, men who we can say without a doubt did not lack the will or moral courage to preserve our way of life.

I opened with a scripture verse. Allow me to close with one, Mr. Speaker. As we consider the lives of those who have had paid the ultimate price to secure our freedom, I am reminded of the verse that, "Greater love hath no man than this, that he should lay down his life for his friends."

And allow me to add these modest words on behalf of the people of eastern Indiana and a grateful Nation. To the grieving spouses, parents, children, and friends that these heroes have left behind, we commend them humbly for their sacrifice as families and for having in their midst those who have shown no greater love to that dream which is the United States of America.

LIBERAL BIAS IN AMERICA'S COLLEGES AND UNIVERSITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, it was reported last week that an invitation to author Doris Kearns Goodwin to speak at the University of Delaware's commencement exercises had been withdrawn. This invitation was pulled because Ms. Goodwin has admitted that her books contain many sentences, facts, even whole paragraphs plagiarized from other writers.

But today, Mr. Speaker, I am not concerned as much about Ms. Goodwin's plagiarism or shoddy research as about what the invitation to her says about almost all of our colleges and universities.

It is well-known that Ms. Goodwin colors her history with a very strong liberal bias. We will soon be in the season of college and university graduation ceremonies. If my colleagues have ever looked at a list of commencement speakers, they have seen almost immediately that almost all come from a very liberal or left-wing background. Two or three years ago, Evergreen State college in Washington State even invited as its speaker a man who had been convicted of killing a policeman.

Conservative speakers are almost never invited to speak at commencement or graduation exercises. People who started businesses with nothing or very little, and thus tend to be very conservative, are almost never invited to speak. The only business leaders who are ever invited are those from extremely big business and who can safely be identified as liberal or at least very politically correct. I know there are always a few exceptions, but I would guess that liberals outnumber conservatives 50 or 100 to 1 as speakers at graduation ceremonies.

This reflects the fact that there is less true academic freedom, at least for conservatives, on U.S. college campuses than anyplace else in U.S. society today. College faculties, at best, have only a few token conservatives in fields that deal with political questions. Even professors in nonpolitical fields, such as English, often work in comments or assign books that show their liberal bias.

The very liberal bias of our national news media has been well documented and is not even questioned today. However, there is a much greater or stronger liberal or left-wing bias on most college and university faculties than even in the national news media. Conservative students, unless they are unusually courageous, learn very quickly to, many times, remain silent or not express their true opinions in statements they make or papers that they write.

Most colleges and universities have gone to great lengths to make sure minorities are well represented in their faculties and that they have diversity, and that is fine. But the most discrimination today is against conservative professors and speakers, especially at very liberal schools like Antioch, Oberlin, the University of Colorado, and some of the Ivy League schools.

Mr. Speaker, I hope that colleges and universities around this Nation will strive for full diversity and true academic freedom by allowing at least a few token conservatives onto their faculties, or at least as graduation speakers.

IMPORTANCE OF SOCIAL SECURITY TO LATINO COMMUNITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today to talk about the importance of Social Security and how it impacts the Latino population throughout this country.

We must remember that the initial intent and purpose of the Social Security retirement system was to help alleviate the poverty among our elderly Americans and to meet the retirement needs of all workers. We must not forget the severe poverty that our seniors suffered prior to Social Security. Social Security has become the single most effective Federal anti-poverty program in our history, lifting more than 11 million seniors out of poverty.

Latinos are critically affected by any proposed changes in the Social Security System. A significant segment of the workforce, Latinos, and especially Latinas, women, represent a disproportionate percentage of those who lack employer pension coverage. We, as Hispanics, tend to work in small companies, small businesses, which do not have pensions. We are underrepresented in government jobs and for that reason do not have a lot of the pensions that others do. More than other segments of the population, Latinos depend heavily on Social Security to live their senior years in dignity.

The Latino population is growing rapidly. Currently, Latinos constitute 8 percent of the total U.S. workforce, and by 2010 Latinos are projected to account for 13.2 percent of all the workers. From 1997 to the year 2020, the number of Latinos that are aged 65 will double.

Unfortunately, despite the gains in education and other areas, Latinos still remain concentrated in low-wage jobs that provide few benefits. While more than 51 percent of Anglos workers have employer pension coverage, the same is true for only one-third of the Latino workers. Accordingly, Latino retirees are more than twice as likely as Anglo retirees to rely solely on Social Security benefits as a means of economic support.

In addition, Latinos are less likely than Anglos to receive incomes from interest on savings and investments. For example, in 1998, of all the persons reporting interest income, only 5.3 percent went to Latinos.

I would like to also applaud the efforts of some groups that are looking at the impact that any changes in Social Security will have on women. While reforming the Social Security System, we have serious implications for women, and especially Latinas. The women in our community, Latinas, may be the most severely impacted of all populations. The Latinas are more likely than other women to work inside the home and are less likely than other women to have retirement savings accounts.

Moreover, Latinas are less likely than other workers to have access to private pension coverage, and they tend to receive the lowest wages of any group in the work force. Relying heavily on Social Security benefits, changes in marital status or the loss of a principal wage earner places Latinas in a particularly vulnerable situations.

Given the paramount importance of Social Security to Hispanic men and women, we must approach so-called reform efforts with caution, weighing the impact on this key, fast-growing population. I am concerned that the plans to privatize Social Security would drain needed resources from the Social Security Trust Fund and jeopardize benefit payments to retirees, the blind, disabled workers and survivors.

The leading plan proposed by the administration's hand-picked Social Security commission would drain $1.5 trillion from the trust fund in just the next 10 years, money that is already being used for other purposes. Privatization of Social Security would require cuts in guaranteeing Social Security benefits. The President's Social Security commission recommended a privatization plan that cuts benefits for future retirees by up to 46 percent. Everyone would be subject to these cuts, not just workers who choose to have individual accounts, and Latinos would be hit the hardest.

Social Security privatization would expose individual workers and their families to greater financial risks. Under privatization, benefit levels would be determined by the volatile stock market, by the worker's luck in making investments, and by the timing on his or her decisions to retire. In light of the Enron disaster, we know the risks.

Latinos, who are, more than other groups, dependent on Social Security as a guaranteed income stream in retirement, would lose under privatization.

Other proposals, while well-meaning, would not help us reach our goal of ensuring future solvency. I ask that, as we look at Social Security, we make sure we look at its impact on special populations as well as the baby boomers and what we consider the baby echos, those kids of those baby boomers.

PRESIDENT BUSH STANDS TALL FOR DOMESTIC STEEL INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. ENGLISH) is recognized for 5 minutes.

Mr. ENGLISH. Mr. Speaker, allow me to take a moment to applaud President Bush for standing tall in favor of our domestic steel industry. He has, at a very critical moment, stood up for steel. If we have a domestic steel industry in coming decades, I believe it will be because of this courageous action and an administration that was willing to listen to steelworkers, listen to steel producers, and also listen to all other interested parties in order to craft a creative policy. He clearly listened to those who were calling for substantial relief for an industry in crisis. It has been running the risk of being hollowed out by unfair trade practices.

It is obvious that the President carefully weighed the issue. His judicious decision will provide breathing space to the domestic steelworkers and the industry. Enacting tariffs of up to 30 percent for most steel products provides help for those hardest hit by unfavorable conditions in the steel market. This administration has stepped up to the plate for the American steel industry and its workers, something that previous administrations, regrettably, had been unwilling to do.

Without the concrete actions taken by this President, the industry was facing a meltdown. The President recognized that the American steel industry and its workers have done their part in recent years. This is something that critics do not really willingly acknowledge, but the fact is our steel producers have taken dramatic steps to reduce inefficient capacity and modernize operations to become among the most productive steel producers in the world, with as few as one-and-a-half man hours needed per ton of steel produced.

□ 1515

That is an extraordinary transformation of an industry that was very inefficient a few decades ago.

To achieve these advances in productivity, the U.S. steel industry reduced capacity by more than 23 million tons, closed numerous inefficient mills, and significantly cut jobs. The workers have endured their fair share of pain and suffering as the workforce was reduced by hundreds of thousands of workers in an effort to become the most efficient producers of steel. But we all know that when competing with the unfair trading practices of some of our competitors, it was simply not enough.

Let us understand, Mr. Speaker, what the President did was WTO compatible. It was based on remedies approved by the International Trade Commission, and it utilized our 201 process, which the WTO contemplated. While opponents of this 201 action are crying foul, saying the cost will be prohibitive, Mr. Speaker, allow me to assure Members that their arguments are without substance.

According to a study by Professor Jerry Hausman, an economist at MIT, the assumptions from opponents such as the Consuming Industry's Trade Action Council were fundamentally flawed. Hausman's study, which unlike the CITAC study so often quoted in the media, accurately reflected the current steel market, showed the tariffs would cost the average consumer about $2 a year and have no negative impact on the U.S. economy. This was a study of stronger remedies than were actually proposed by the International Trade Commission. Hausman's study showed that the section 201 remedies would provide a net benefit of $9 billion a year to the U.S. economy. Steel constitutes only a small share of the total cost of most products that contain steel, so the cost to the consumer and the costs on a single consumer item would be minimal.

For a typical family car, the increase caused by the imposition of a 40 percent tariff would be about $60, a 30 percent tariff in the tariff structure proposed by the President would be substantially less. For a refrigerator, the increase would be less than $3.

Again, I have to congratulate the President for being engaged on these issues, looking past the cannot at the substance, and being concerned about many of the communities we have in places like western Pennsylvania, Ohio, and West Virginia where people have built a living and built living wages around a steel industry that we need to have in this country for strategic reasons, and if we are going to maintain our industrial base.

Mr. Speaker, this administration has had the courage to take on this tough issue. We need to do more in Congress. We need to look at the issue of legacy costs. We need to look at ways potentially of participating in a global effort to rationalize the industry; but in the end, we can build on this 201 decision, we can build on the President's courage, and working with the administration, we have an opportunity to lay the groundwork for a strong, healthy competitive world-class American steel industry that is allowed to compete on a level playing field.

INTEGRITY ABOVE ALL

The SPEAKER pro tempore (Mr. CRENSHAW). Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, this morning the Committee on Resources heard testimony from investigators and from the Forest Service, Fish and Wildlife and others in regards to a scheme put forward by several Federal employees to alter a lynx study in the northwestern part of the Nation.

It is very important for us as government employees to maintain the integrity of the process, and a part of that goes clear down to our field employees upon whom we depend very heavily to deliver a product that they are required by protocol to deliver. What do I mean by this? What happened is we had several biologists, Ray Scharpf, Mitch Wainright, Sarah LaMarr and Tim McCracken, Federal employees involved in a lynx study in the northwest part of this Nation. These are professional biologists or associated with professional biologists.

Their job was to go out and determine whether or not there was any evidence of lynx in a forest, to then determine whether or not further investigation was necessary. What these individuals did was go out and planted evidence. They planted evidence, just like a bad cop goes into a house and plants drugs. They planted lynx hair and submitted the lynx hair to the laboratory in hopes that the laboratory would assume that there were now lynx in this area that they had studied.

The average biologist that we have working for the Forest Service or for the Fish and Wildlife are people of high integrity. I cannot think of a biologist that I have met that I have not been fairly confident of the integrity and the standards that they rise to.

But in this case, these Federal employees brought a disgrace upon the United States Government and brought a disgrace upon these agencies by planting evidence and submitting false samples for a survey. Unfortunately, these employees are still employed by the Federal Government. Fortunately, we had a whistle blower. An employee on his last day called in the fact that false samples had been submitted to this survey.

My point in taking the floor today is that I appreciate the Members who attended the hearing today, and I especially appreciate the investigators who went out and came up with these conclusions. We know that these employees knew that what they were doing was wrong and outside their protocol, but they still carried out their actions.

Mr. Speaker, today we had a good hearing about it, and I think we will be able to install some fire walls that will prevent this type of scheme from happening again. In the meantime, it has unfortunately cast a small shadow upon the profession. What we need to do is assure that that profession has no shadow at all because their importance in our studies out there are absolutely critical. We depend on them very much, very much; and we have good reason to depend on them. They are the experts, but integrity comes first and above all.

STOP IMPENDING RAID ON SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Oklahoma (Mr. CARSON) is recognized for 60 minutes as the designee of the minority leader.

Mr. CARSON of Oklahoma. Mr. Speaker, I rise today, along with several of my colleagues, to discuss the most pressing domestic issue of our time, that of Social Security.

Let me first begin by thanking my fellow freshman Democrat, the gentleman from Rhode Island (Mr. LANGEVIN), for his leadership in organizing with me this Special Order about the impending raid of Social Security. I also want to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD) for her leadership and assistance in organizing our colleagues here today.

Our Nation faces incredible challenges; this we all know as we stand united in a war on terrorism. All of our thoughts and prayers are with our men and women in uniform today. This afternoon I stand before this House to talk about one of the most pressing domestic issues of our time, an issue that cannot be ignored even as we fight a war abroad, and that is Social Security.

Around the world as populations of developed countries grow older, the cost of paying for pension and health benefits rise. In the United States, more than 44 million people collect benefits from our Social Security system. Social Security represents one of the most important and depended-upon programs in this Nation's history.

Social Security is a great American success story, having reduced the percentage of poverty among our Nation's retirees from over 50 percent to 11 percent since the program's inception in 1935. Moreover, Social Security is not simply a retirement program; it is also a program that provides disability and survivor's benefits to over 13 million workers and their families.

Last year this House and this country had a 10-year estimated $5.6 trillion unified surplus, which included $3 trillion in non-Social Security surplus. But how times can change. In less than a year, $4 trillion of that surplus is now gone due to tax cuts, the downturn in our economy, and the war effort.

The greatest tragedy is not simply the diminution of the surplus, but also the fact that the proposed budget now before us in this House diverts $1.4 trillion of the Social Security trust fund and $556 billion from the Medicare trust fund to pay for spending and new tax cuts.

I have supported and continue to support tax cuts, specific tax cuts, but not tax cuts that undermine our ability to honor our promises and commitments. I support, as do so many Members of this House, a fiscally responsible plan for our Federal budget, a plan that recognizes the current health of the Social Security trust fund, while also recognizing the need in the future to protect it.

Because of the current strength of the trust fund, we have an opportunity before us as a Nation that we will not have too much longer to protect the reserves that will be vital in ensuring the program's survival for future generations. The question today is when are we going to stop talking about saving the Social Security trust fund and finally do it.

Legislation has been proposed, but no action has been taken. We continue to use duplicitous accounting to hide the real deficits this country faces in the coming years when the largest generation in American history, the baby boomers, begin to retire.

It is hard for me to understand how, in what is obviously the most successful and popular Federal program ever conceived, how it can be subtly cut and raided for short-term convenience. The time has come for us as a Nation and as a House to make the tough decisions to save Social Security for our children and for our children's children.

There is a very real and looming threat that we may not be able to meet all of the promised obligations unless we commit to make the prudent fiscal choices today. As I mentioned, we have been presented with a budget that proposes a spending deficit in the Social Security trust fund of $1.5 trillion. Before we even begin the debate on long-term solvency of Social Security, I find it irresponsible that the Congress is being asked to force Social Security's obsolescence by raiding the trust fund and risking the fiscal health of a system that has been so successful. When, I ask, are we going to make the hard decisions of financial prudence?

I believe that we can achieve our long-term goals of preserving our Social Security system to prevent our Nation's seniors from falling back into poverty while also updating and reforming Social Security to meet the challenges of our modern era. It is true the baby boomers are rapidly approaching retirement. The oldest will be retiring by 2008, and it is true by 2021, the Social Security system will be taking in less revenue than it pays out in benefits. But as we proved in 1983 and as we can prove again today, we can save a program that has worked so well for so many for so many years, and it is incumbent upon us to make these tough decisions.

As the recent Enron debacle reminds us, it is critical to have a safety net in place, and a solvent one at that, to protect seniors when they retire. As workers across the country have watched their life savings, their 401(k)s lose 24, 35, even 50 percent of their value, and some regrettably have seen their 401(k)s and pensions evaporate altogether, it is critical that Americans know Social Security will be there to ensure that their minimum needs are met.

Mr. Speaker, in the last election perhaps the most used phrase was the Social Security trust fund would always remain in a so-called "lockbox" unable to be touched by the spending desires or tax cuts of some in Congress or of the administration. I do not believe any American argues against making sure that there are adequate resources to fighting the war on terrorism or defending the home front. However, we cannot allow the Social Security trust fund to become the credit card on which we charge a smorgasbord of new spending for tax cuts.

□ 1530

Mr. Speaker, today is the day, finally, in which we stand on principle as a Congress to send a clear message to this generation as well as the future generations of retiring workers that there will be, forever, a solvent, secure and dependable public Social Security program in this country.

Mr. Speaker, I yield to the gentleman from Rhode Island (Mr. LANGEVIN) to also address this subject.

Mr. LANGEVIN. I thank my colleague for yielding.

I would like to begin by thanking my colleagues and friends, the gentleman from Oklahoma (Mr. CARSON) and the gentlewoman from California (Ms. MILLENDER-MCDONALD), for joining me in focusing attention on this critically important issue. Together with a number of our esteemed colleagues, we are declaring that we will not accept a budget that jeopardizes Social Security or Medicare, programs that are essential to my constituents in Rhode Island and to Americans everywhere.

As we consider this year's budget, we have a choice, to preserve Social Security and protect our Nation's elderly from poverty, or divert funds for this program to less critical priorities. To meet the needs of our country's rapidly growing senior population, I choose to prioritize Social Security and Medicare and will fight for a budget that reflects that choice.

The administration's budget, on the other hand, raids $1.5 trillion of the Social Security Trust Fund surplus, the very fund Congress voted five times to place in a lockbox to ensure its solvency. This choice is unacceptable to me, and it is unacceptable to the two-thirds of recipients who rely on Social Security for the majority of their income and the almost 20 percent who rely on it for their entire income.

Last year, the Congressional Budget Office projected a 10-year non-Social Security surplus of $3.1 trillion. Just 1 year later, the projection has plunged to a deficit of $742 billion. The administration uses a series of gimmicks and unrealistic assumptions to disguise the fact that the government will run a much larger deficit than its budget predicts, virtually guaranteeing that the Social Security surplus will disappear over the next decade, leaving 200 million Americans who currently rely on Social Security, or will in the future, with no financial security in their most vulnerable years. A raid on the Social Security Trust Fund today is a promise to cut Social Security tomorrow.

In Rhode Island, Social Security provides a vital lifeline for a significant percentage of the population. Rhode Island ranks fifth in the Nation for the percentage of residents over 75 and sixth in the Nation for those over 65. In my district alone, 110,000 people rely on Social Security for their livelihood. These Rhode Islanders worry about whether Social Security will continue to be there when they need it, and they are tired of hearing promises from politicians that are not backed up with action.

Mr. Speaker, I am proud to stand with my Democratic colleagues to fight to preserve Social Security's core structure and ensure that we do not revert to an era of overwhelming poverty among the elderly. We have a choice. I choose America's seniors. I choose a responsible, honest budget that does not sacrifice the most vulnerable among us. I know those Members who join me today have made that same choice. I urge the rest of my colleagues to do the same.

Mr. CARSON of Oklahoma. I know the gentleman from Rhode Island (Mr. LANGEVIN) has worked hard on these issues over the last few months as well. We appreciate his comments on the issue.

Mr. Speaker, I yield to the gentleman from Texas (Mr. RODRIGUEZ) who has also worked passionately on these issues and whose words are always eloquent on this subject.

Mr. RODRIGUEZ. I thank the gentleman for allowing us to talk about the important issue of Social Security. I also thank the gentleman from Rhode Island (Mr. LANGEVIN) for his efforts. I know that we are all concerned. I also wanted to take this opportunity to thank the gentlewoman from California (Ms. MILLENDER-MCDONALD), who is not here but I know who also is concerned and who might join us a little later as well as the gentleman from Oklahoma (Mr. CARSON).

Let me just indicate that, when it comes to Social Security, it is one of the issues that hits home and it is one of the areas that we forget that, during the time prior to Social Security, we had the largest problems that we had regarding poverty among our seniors. This has been one of the best programs to alleviate poverty among our seniors. So I am pleased to stand today and make some comments as we reach this critical time of reviewing and dealing with the issue of how we respond to the difficulties that we find ourselves in.

As a country, we are often faced with challenging obstacles on our quest to do what is just. The resources we have at our disposal are not infinite, as we all recognize. At these critical moments Americans expect their leaders to stand strong and make decisions that reflect all that makes this country great. Our seniors are facing a dilemma, one that threatens the security and trust they have as they reach retirement. We must fight to preserve our Social Security Trust Fund and honor our country's commitment to our seniors.

The President's budget does not honor the commitment to our seniors and, in turn, fails all Americans. The President's new budget raids the Social Security surplus to pay for other government programs, not just 1 year but every year for the next 10 years. Ultimately, the President's plan would spend $1.5 trillion in Social Security surplus dollars to fund programs other than Social Security. This year alone, $262 billion in Social Security surplus funds are redirected. In the year 2003, the President's budget projects using $259 billion. All this money would be taken out of the trust fund and used to fund other programs.

One of the things that bothers me and irritates me is that we dealt with the tax cut and at a time right now when our first response should be in terms of defending our homeland, taking care of the war, we are choosing to respond to all the problems with a tax cut, when we ought to be telling those corporations they also have an obligation to pay for defending this country, and our seniors should not be carrying the burden for that to be occurring.

Now is the time for us to focus on a long-term budget plan that will recover as the economy recovers, returning us to an era where we can fully protect and even strengthen the Social Security Trust Fund. We need to recommit to the idea of Social Security surplus dollars only for Social Security and paying down the national debt. Our national debt now stands at $3.4 trillion. Paying down the national debt will strengthen the financing of the Social Security Trust Fund over the long term and will allow us to keep our commitment to seniors.

Our seniors deserve better than a piece of paper which attempts to guarantee their rights to receive benefits.

That piece of paper means nothing. You can tell that to our veterans who have been told that they should have access to health care and we have not delivered for them. This piece of paper also will mean nothing. What we need to do is do the right thing in our budget, be able to pay down debt and be able to take care of our seniors.

As we look, and I would hope that we just do not look at those that are now receiving those benefits but we reach out and look at those baby boomers that are getting ready to reach that age, because they have also paid into the fund. In addition to them, we all recognize that the kids of the baby boomers, what we call the baby echo, we also need to consider the baby echo.

As we move forward on Social Security, there are special populations, Hispanics, for example, one out of every three Hispanics only have another pension, while one out of two Anglos have other pensions. So there are certain special populations out there that get disproportionately hit and depend on Social Security much more than other populations, especially Hispanic women who are the ones that are hit the hardest and if there is any move to privatize will be in complete jeopardy.

One of the things, and I want to thank the Members that are here tonight, because we need to talk about this. There is a great deal of talk right now, but what is transpiring and what is occurring already in the budget has a direct impact on our Social Security. I do not care, and I hate to see people come and talk about it and then they vote for those tax cuts that jeopardize not only our economy but the Nation as a whole and our fight in this war on terrorism. We are fighting this war on terrorism on the backs of our seniors.

Every single war we have had, we have always had a tax. When we had the Spanish American War, we had a tax on phones. When we had World War II, we had taxes. This is the only war that we have decided to give tax cuts to the wealthiest at the same time that we burden our seniors by taking their trust fund and their security from them. So it is unfair that we do this, but it is a good opportunity to begin to talk about where we are at.

Once again, I want to thank the gentleman for allowing me to say a few words. I know we have some additional colleagues that have come on board. I thank the gentleman for his efforts.

Mr. CARSON of Oklahoma. Mr. Speaker, I thank my friend from Texas for his impassioned words about the future of Social Security and the imperative on all of us, especially those of us with a real commitment to our seniors, and to remember that so many promises to our veterans were made more in rhetoric than in reality and that we should not do the same thing with Social Security. I thank the gentleman for his comments.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank my friend from Oklahoma for yielding and my other colleagues who have commented.

It is easy for folks who have not been in this body over a period of time or who are not old enough to realize and remember some of our folks who have had it so tough. Those of us who understand history remember that Social Security is a retirement system that has really been a bedrock. It is really that foundation that a lot of the other retirement systems were built on. Whether a person has no other plan, whether they have a 401(k), a 201(k) or no K, we always start with Social Security. If you go to a retirement planner and they want to help you if you have money, they still want to start with looking at Social Security, because that is the foundation or bedrock.

It has been that way since President Roosevelt signed it into law in 1935. It has been one of the most successful government initiatives, lifting millions of seniors and working families out of poverty in the 20th century.

But there was a time before Social Security, I remember my history, when seniors suffered in abject poverty. Too many people could not afford the basic human needs of food and shelter, and even some died homeless on the streets, far more than we see today.

The creation of Social Security is one of the landmark achievements, as I have said, of the 20th century. Together, we declared that seniors should not be forced to live in Third World poverty here in America. Together, this Congress, I was not here, but this Congress did it, a previous Congress. The House and Senate, along with the President, said that we are going to make a compact and we are going to make it with our seniors, seniors like my mother and my mother-in-law, that we are going to deal with generation to generation. The younger generation is going to help the older generation, and you are not going to be left in poverty.

My mother-in-law lost her husband when she was, I think, a relatively young lady of 59. My dad lost his life early on. People forget the survivor benefit that the wives tap into. Yes, there is a disparity now in what women draw because they are not in the workforce as long, but there is that provision to make it available. You cannot buy it with any other insurance. Congress in my opinion does not have the right to break that contract.

There is no question that Social Security is facing a serious challenge. The system has been deteriorating over recent years in terms of money available. But we made a lot of progress in the 1990s when we had a full economy, we had a growing budget, we had money available. It seems to me I remember last year that we were talking about having surpluses as far as the eye could see. What a difference a year makes. Now we are looking at deficits as far as the eye can see. But over the next few decades, we must act and we must act to make sure that it is secure, that it is safe. Otherwise, we will not be holding up our end of that compact.

There are those, including the people who served on the President's commission, who feel that privatizing Social Security is the answer to this problem. I respectfully disagree. Last year, when the President appointed his commission on Social Security, that commission, I think, was stacked and stacked with members, every one, who wanted to privatize it.

□ 1545

Now, if you want to privatize, that is one thing; but do not do it to the folks without letting the people involved be involved in it. There should have been on that commission beneficiaries. There should have been minorities on it, there should have been women, there should have been seniors. In the end, the commission offered only three flawed plans to privatize Social Security and failed to provide any kind of plan to restore the solvency of the system.

In that regard, I cannot support any privatization plan that would jeopardize the retirement security of our seniors and working families, because for many families in America, that is the only security they have. The recent Enron scandal clearly demonstrates that we cannot allow the retirement security of our working Americans to become the victims of unrestrained corporate greed and mismanagement.

Social Security was designed to be a safety net, a safety net, and a compact between generations, as I said earlier, not a privatized vehicle of massive wealth for some and massive poverty for others.

Some would say, well, you know, look at what the stock market has done. Look at those who had 401(k)s last year and 201(k)s this year, and some of them may have zero(k)s if they have it in the wrong stock. That is just absolutely not what Social Security was meant to be; and there are many problems, in my opinion, with privatizing Social Security.

First, if you take money out of the trust fund to put in private accounts, then you weaken the system. One of the plans offered by the President's commission would remove $1.5 trillion, that is with a T, from the trust fund over 10 years.

Privatization also means benefit cuts. Another of the commission's plans would have reduced the benefits promised to future retirees by as much as 46 percent. Every privatization plan that I have seen thus far has what is called a "clawback" provision. That means in a privatized system beneficiaries will not receive both the full value of their private accounts and, along with that, their full Social Security benefit, so you lose something. That is not the commitment that was made.

In addition, a system based upon individual accounts would also disproportionately hurt women because they would suffer from low account deposits and likely lose their spousal benefits, because, for a lot of women, that is how they step up to higher incomes. Minorities would be literally shortchanged because private accounts would erode the progressivity of the system. Finally, the transitional costs associated with privatization puts the system solvency and the retirement security of those who depend on it at risk at a much more rapid pace.

The majority in this House now proposes to issue what are called certificates to Social Security recipients. I call them sham certificates. That reminds me last year they also sent out letters, the administration did, to folks and said you are going to get a tax cut, $300 or $600. I held a town hall meeting a little over a month after those letters went out and this lady came in and she was quite upset. She had been expecting that $600, she and her husband were. They did not tell her you had to pay so much in income taxes. They said you are going to get the check. She got $3 and some change. She lost her job and had to sell her car to keep her family together.

This Congress has a responsibility not to play charades and sham games, not to be playing gotcha and ideology. We have a responsibility to do the people's business. People who draw a Social Security check do not want games being played. They want their check, they want their money, and they want that contract and commitment to be there. People count on their Social Security benefits too, and these certificates would only be worth no more than the paper they are written on, because if the other stuff is not worth anything, it is sort of like the locked box. You know, you can lock a box, but what happened to the locked box? It is about having the integrity to tell people the truth and then following through and doing it.

We can find something better to do with the $10 million we are talking about using to send worthless certificates. Folks in my district learned the hard way to be skeptical when they are promised something that they know does not come through.

I, like my other colleagues who have been on the floor this evening, am willing to work with anyone in good faith to strengthen the bedrock that is Social Security; but we really must put aside partisan gimmicks and ideological differences, like certificates that are not worth the paper they are written on, or privatization plans that only make Social Security budgetary problems worse. We really ought to have a major study, if we are really serious about doing what we ought to do for the people, and bring the people to the table.

I was really disappointed last year that no one from this body was on the commission. If you are going to get something done, you ought to have Members of Congress involved who ultimately are going to have to be involved in the process. I urge all my colleagues in this House to get serious about Social Security reform if we are going to do it, because the time is here.

I want to thank the gentleman from Oklahoma for putting together this Special Order this afternoon. This is an important issue. It is important not just to the people who are now drawing Social Security; it is important to a lot of folks who ultimately are going to be drawing it. But, more importantly, it is important to the young people who are paying into it. They have a right to know that we are going to keep that commitment and that contract that has been made over generations to them as they pay in. And it has to get beyond gimmicks, and who has got the best idea to play gotcha with or get ready for the next election.

It is about good policy, not good politics. It is about doing what is right for our seniors, people like my mother and mother-in-law and their friends and others like them all across America who depend on Social Security every month. If the stock market is up, they get their check. If the stock market is down, they get their check. They do not worry about where the stock market is. They know that the United States Government stands four square behind the commitment it made, and we as Members of this Congress have that same solemn obligation that Members who have stood here before us had, and we cannot drop the ball now.

I thank the gentleman for putting together this Special Order and allowing me a few minutes to participate in it.

Mr. CARSON of Oklahoma. Mr. Speaker, I would like to thank the gentleman from North Carolina for his well-informed comments, and I also appreciate the fact that he brought up the ill-conceived nature of sending certificates to millions of seniors and Americans out there, certificates that provide no new rights and are not an enforcement mechanism for any existing rights, all at the cost of more than $10 million, all of this in a year when our budgets are strapped and so many very meritorious projects are going to have to go unfunded and left on the drawing room table. So I thank the gentleman for his comments and thank him for being here this afternoon as well.

Mr. Speaker, I would like to yield to someone who is equally impassioned about the subject of Social Security, the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. CARSON) for bringing us together for this very important discussion and also want to compliment the gentleman from North Carolina (Mr. ETHERIDGE) for doing such a fine job in simplifying what could be a complicated debate.

I wanted to add my words this afternoon to the very important issue of Social Security, probably the premier program of the last century, that helped lift one-third of the Nation out of poverty. Even today, if you think about many of our seniors, certainly women, the majority receive checks in a month that average maybe around $550, $580 per month. Social Security for them is not pocket change; it is a lifeline. Without Social Security and Medicare, they simply could not survive.

So you would think America, during this period of the stunning collapse of Enron, would have learned an important lesson, and that certain Members of this Congress who are trying to tinker around with Social Security would have learned an important lesson, and that is that the vagaries of the market and the private sector's penchant for gambling with other people's money is no substitute, can never be a substitute, for the rock-solid guarantee of Social Security, an insurance program and a disability program. Any one of us, any one of our family members, can be struck by a disability. Social Security is the social safety net for this country.

Yet what we see in the Bush administration's proposal in the wake of Enron is not retirement security, but retirement insecurity. In fact, the lockbox that the gentleman from North Carolina (Mr. ETHERIDGE) referenced, where we all promised we would not touch the Social Security trust fund, in that in fact that trust fund would be there to pay dollars, the billions of dollars to our seniors across this country this year, next year, and as the baby boom generation retires, what the Bush administration is actually doing is taking these dollars and giving them away; and it is giving them away by the billions.

How is that actually happening? It is happening because this trust fund is being borrowed from now to pay tax rebates to some of the wealthiest and most profitable corporations in our country, not just this year, but over the next 10 years.

If you think about who is getting the benefit, let us take a look at Enron. If you look at the tax proposals that were passed here in this House, which I did not support, what they essentially meant was that we are taking money from the trust fund, and we are giving it to companies like Enron.

Enron, unless we stop it, is going to be getting rebates, rebates that basically are transfers from the trust fund which are the accumulated savings of the American people, taken out of every worker's check, and put there for their parents or grandparents. Those dollars are being transferred, not by the thousands, not even by the millions, but by the billions, which is the amount that is in the trust fund; and if you take Enron, for example, just in the years we are serving here, the first 3 years they probably will get $350 million in rebates.

Guess where that comes from? It comes from the one source of accumulated savings that the American people have, and that is the Social Security trust fund. So my aunt in Toledo and maybe your grandmother in Chicago, those savings that are there are being transferred because of consolidated accounting.

The Republican Party has invaded the lockbox that we promised would be there in perpetuity. Overall, the numbers show that the Congressional Budget Office projected a 10-year non-Social Security surplus of $3.1 trillion; and now, just 1 year later, that projection has plunged to a deficit of $742 billion, almost $1 trillion. So the surplus that had existed technically in the annual budgets has been turned almost overnight into a deficit, and the borrowing is continuing from the Social Security trust fund.

Now, Enron just does not get a little bit. I mean, $350 million in rebates, that is one-third of $1 billion. None of my relatives can even imagine how much money that really is. But that is what is going on here. And if there is any program that has marked the Democratic Party, and in fact it is one of the reasons I am a Democrat, is because of this Social Security program. It meant the difference for our grandmother between the poor house and being able to live out her final years in dignity. It was very meager, but at least it was something. It was something. To see this program violated for the likes of a chief executive officer like Ken Lay is absolutely abhorrent to me.

If I look at other corporations that are benefiting and the money coming out of the Social Security trust fund and going to them, we can look at General Electric, because General Electric is one of the companies that is not just going to get millions. Enron is going to get millions; General Electric is going to get billions out of the Social Security trust fund.

With the changes in the alternative minimum tax, it means that all of these little tax breaks and loopholes that the very well-paid accountants from companies like Arthur Andersen can find for these large corporations, they are going to get rebates through the Social Security trust fund, which sounds incredible because we were supposed to have put it in a lockbox and not touched it, and yet it is being drawn down to give money back to really the wealthiest people in our country and the wealthiest interests.

□ 1600

And they are not having trouble. These companies like General Electric, they are not going bankrupt. Now, Enron went bankrupt because of wrongdoing, criminal wrongdoing, it appears. And many of these other corporations, take Chevron, take Texaco, we are not talking about pennies, we are talking about hundreds of millions of dollars. The Social Security Trust Fund is being invaded to give nearly $200 million to Texaco, three-quarters of a billion dollars to Chevron. Think about that. Think about the transfer of wealth that is occurring.

So some people are saying, well, let a senior family or someone who is going to be of retirement age someday, let them put money aside. We just have to encourage responsibility in the American people. How do we do that on minimum wage? How do we do that when we do not earn a minimum wage? How do we do that when we have no health benefits?

Yesterday I sat in the Committee on Veterans Affairs thinking about this Special Order tonight and the fact that we were taking money out of Social Security Trust Fund to give it to some of the wealthiest corporations in the country, and we have a proposal from the Bush administration to charge veterans for prescription drugs. Now, we have always had a $2 copayment for various prescriptions, and many of our veterans average 10 prescriptions per month. What the Bush administration is doing is raising that copayment to $7 per prescription which, per month, would be $70, with a cap annually of over $850 for prescription drugs for veterans.

I am sitting there and thinking, well, is this not interesting. We hear all of these patriotic speeches on behalf of our military; and yet, when it comes to serving those who have put their life on the line, then, as they are very elderly and unable to fend for themselves, they say, now you have to pay additional money for prescription drugs. Is that what Lincoln had in mind when he said we would care for the veteran, his widow, his orphan? Is that the promise? Was it a false promise that was made?

So what we see happening is, why are we charging for prescription drugs for veterans, for those who have created and preserved the freedom that we have here in this country? Why are we charging them? Because we have to borrow. We have to take the money that should be placed into paying for those pharmaceuticals for those who have served our Nation. We are giving it away. We are giving it away to Enron in rebates, we are giving it away to General Motors in rebates, we are giving it away to Chevron in rebates, we are giving it away to IBM in rebates. That is where the money is going.

So I want to say to the gentleman from Oklahoma (Mr. CARSON), I am really very pleased that he has taken the leadership in pulling this together today, because this truly is; this is not a tangential issue for the Democratic Party, this is the core of the Democratic Party.

I was here in 1983 when we saved Social Security. It was the key issue in the election of 1992, along with the recession. We were able to reconstitute a healthy Social Security Trust Fund which served us well into this millennium. I am certainly one Member that will do nothing to weaken the system.

Mr. Speaker, I am proud to be a Democrat. I am proud to be holding the Social Security Trust Fund in our hands, and we literally do, and preserving it for the American people for this generation and generations to come.

I thank the gentleman again for giving this time this evening and urge him on in his efforts to inform the American public and to re-create that lockbox permanently.

Mr. CARSON of Oklahoma. Mr. Speaker, I would like to thank the gentlewoman from Ohio for her comments today. She is quite right in saying that, if the American public is wise, the upcoming election will be about this important issue, the most successful social program the United States has ever had. A social program that once, in 1935 when seniors were the poorest group in America, has lifted them out of poverty, so that those people in retirement no longer have to worry about making basic ends meet. Indeed, the election and this entire debate about the future of Social Security is between those people who would preserve this important program and those people who, in the name of reform, seek to dismantle it.

It is so important that people watching this today and those people who are across America and are going to be casting their ballots recognize the importance of Social Security. It is not as a 401(k) program is, it is not as a pension program is at a private business. Those programs are important; and I in Congress, along with my colleagues, have voted to make those more accessible to our retirees. We should encourage people to invest and to save on their own. But the genius of Social Security has been always that it is a program below which we allowed no one to fall, a safety net, below which no one was allowed to fall. We can make good on the promise of retirement and the harvest of a bountiful life.

SOCIAL SECURITY: AMERICA'S MOST IMPORTANT GOVERNMENT PROGRAM

The SPEAKER pro tempore (Mr. CRENSHAW). Under the Speaker's announced policy of January 3, 2001, the gentleman from South Carolina (Mr. DEMINT) is recognized for 60 minutes as the designee of the majority leader.

Mr. DEMINT. Mr. Speaker, I appreciate being here today to continue the discussion on this important issue, the issue of retirement security for America's seniors.

There has been a lot of discussion about the need to have an honest debate. I think that is very important. But we cannot have an honest debate when we have one side who is just criticizing with no plan, and our side who has been working diligently to develop a plan to guarantee benefits for today's seniors as well as to improve the Social Security system and guarantee even higher benefits for the next generation.

It is important that we recognize that Social Security is America's most important government program. It is a sacred promise to the American people. It is a Social Security contract that we cannot ignore.

Social Security is a plan that Republicans believe in, and we think that it cannot only make Americans free and secure, but it can secure our future indefinitely if we plan correctly. But we cannot have an honest debate, again, with a side that is full of critics, but no plans.

The Democrats at this point have put forward no plan to improve and save Social Security in the future. This is something we must challenge every day.

About two-thirds of retired Americans get their primary source of income from Social Security. It is too important to leave to chance. So our purpose here today is to talk about Social Security as it is and how it needs to be, how we can guarantee the benefits for today's seniors and improve the program for tomorrow.

In order for that to happen, there has to be more truth about the current Social Security program. It will not do to give a lot of statistics and a lot of misrepresentations.

We just heard the gentlewoman speaking of money coming out of the trust fund to go to corporations. This simply is not true. We want to refute these things today and tell Americans the truth about Social Security.

The first thing we need to do before we begin the debate is to stop this shameful frightening of senior citizens. The gentleman from Missouri (Mr. GEPHARDT) was on the floor last night and talked about a secret plan to reduce benefits after the election. They say we do not need to issue a written guarantee to seniors. We must issue a written guarantee if the other side continues to say that this plan is in jeopardy, that their benefits are in jeopardy. One moment they are saying it is a rock-solid investment; the next moment they are saying that someone is going to take it away from seniors.

We have a plan to tell every senior citizen in writing that their benefits are guaranteed. The current Social Security program will meet the promised benefits of today's senior citizens. They do not need to worry that any reform plan will change that. The President has said that he will consider no plan that reduces benefits for current seniors or those near retirement. The plans introduced by Republicans, none of them reduce benefits for seniors. The plan that the Democratic side has, which is no plan, means that we will continue with the program that we know is going bankrupt.

We need to tell people the truth. The first part of that truth is to reassure our seniors that no one will reduce their benefits.

The next thing we need to do is to clarify for today's workers the true nature of this Social Security system. The other side has just suggested that it is the only accumulated savings program for many Americans. Yes, it is the only savings program for many Americans. The problem is that, even though over 12 percent of everything workers make goes into Social Security for their retirement, not one penny of that is saved for their retirement. All of that money is spent on current retirees, paying down debt, or other government programs. The current Social Security system is not set up in a way that allows it to accumulate savings.

So, again, we work all of our lives. Many Americans, 20 percent, who do not live over 65, lose everything they put into Social Security, because there is no accumulated savings.

We need to guarantee benefits to today's seniors, but for today's workers, we need to tell the Social Security Administration something very simple and something Americans already think that we are doing for them. We tell the Social Security Administration to start saving some of the money that workers are putting into the Social Security program. We do not need to privatize anything. The same Social Security system, the same structure, the same payroll withholding, can continue just as it is. The only difference is is we begin to save some of that money for the future retirement of today's workers. We can do that without compromising in any way the security and benefits of today's seniors.

There are several reform plans on the Republican side, and I want to talk about one today that the gentleman from Texas (Mr. ARMEY) and myself have introduced here in the House. This is a plan that answers many of the questions that were posed by the other side, who has no plan. This plan is called the Social Security Ownership and Guarantee Plan.

Let us talk about the words "ownership" and "guarantee." Today's Social Security program, while it may be the only savings program for most Americans, saves no money for seniors. We need to start saving and allow individuals to own their Social Security retirement account. At the same time, we need to tell every American that no American will ever receive less from Social Security under the DeMint-Armey plan than they would have received under the existing plan. They have a choice not to leave the current plan at all. So they can stay where they are, or they can begin to save some of the money that is coming out of their paycheck for their retirement.

What will happen over the next 20, 30, 40 years is my children and folks in their 20s and 30s will begin to accumulate large sums of money in a personal Social Security account that guarantees them that they will have at least as good or better benefits than the current system. So instead of retiring after a whole life of putting money into Social Security, under the DeMint-Armey plan, Americans will retire with hundreds of thousands of dollars in a Social Security savings account that is theirs. It can be turned into a monthly income and can be used to pass on to their children and grandchildren.

We need to recognize that for many poor working Americans the only opportunity for them to leave something to the next generation is from Social Security, and the way Social Security is set up today, all of one's benefits die with them. They have no opportunity to pass along anything that one puts into Social Security.

The DeMint-Armey plan allows individuals to save, to invest in safe investments, in government bonds, and to have the money they need for retirement and money to pass on to the next generation.

Perhaps even more importantly, the DeMint-Armey plan recognizes that we need to set aside even more of the income for the working poor so that they will have enough when they retire to have their own income as well as money to leave. The DeMint-Armey plan allows folks at the lower income level to keep a larger part of their payroll withholding. They do not take out any more taxes. The taxes stay exactly the same. But they put up to 8 percent of their total salary into the savings account so that, when they retire, they will have something of their own.

This is a plan that helps the poor, it helps seniors, it helps America. Because what changes with this DeMint-Armey plan is, when the next generation arrives at retirement, they are no longer dependent on the government for their income.

☐ 1615

They do not have to listen every election that somebody is going to take their income from them, or there is some secret plan to reduce benefits. They will have their own retirement account, their own retirement income. Many Americans will be wealthy from the Social Security system.

There are a lot of folks trying to frighten us today, to say if this money is saved that somehow they will not be as secure. We need to remind Americans that if they have no savings and they are totally dependent on politicians to give them a retirement income, they are not secure at all. In fact, they will continue to be frightened and manipulated, like we have heard today.

It is critically important that we talk about the truth, that we debate real plans for Social Security reform, and that we do not continue the charade of the other side that nothing is wrong and nothing has to be changed. If we do not change Social Security, within 30 years benefits will be cut nearly 30 percent. Those cuts will continue, along with increases in payroll taxes over the years. That will happen in about 2038.

Social Security is a promise of the future. This is not a problem that we cannot solve. In fact, it is an incredible opportunity for us as a Congress to reshape the Social Security program in a way that makes people not only secure but makes them free and independent in retirement. It gives the poor an opportunity to save and pass along wealth to the next generation. This is the opportunity that we need to give to the American people during the debate on Social Security.

Mr. Speaker, I yield to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Speaker, I thank the gentleman, not only for yielding to me, but for his leadership on the issue of Social Security reform in this Congress.

Mr. Speaker, this Congress has a responsibility to inform the American people that Social Security faces serious financial problems in the not-too-distant future. We cannot afford to sit idly by while our Social Security system continues to mirror corporations that have become insolvent, like ones that have made their way onto the front pages of America's newspapers.

At present today, there are four workers supporting every one beneficiary on Social Security. By the year 2020, that ratio will dwindle to two workers for every one beneficiary. Americans will either have to endure enormous payroll tax increases or support systemic reform.

I am here today, along with the gentleman from South Carolina (Mr. DEMINT) and other colleagues, to stand in support of systemic and visionary reform that even includes the idea of personal retirement accounts. Mr. Speaker, the personal accounts proposals that are being debated in Congress today are completely voluntary, and, I would offer and emphasize, completely safe. Investments would be made in highly diversified companies plus government and corporate bonds, a popular pension plan among many Members of Congress.

If it is an option for those of us in this Chamber, it should certainly be an option for American taxpayers. Let us give workers real ownership of their Social Security by making it free from the influence and political control of Congress.

But Mr. Speaker, let us move on to some of the myths from the left that are hovering above our Social Security system today, and it makes this Special Order and this time on the House floor so urgent and so important as a beginning in this debate.

Myth number one: the President's budget raids Social Security. I offer that this is absolutely false. The President has proposed a budget well suited to this unique moment in American history when our country is at war, our homeland and our citizens have been attacked, and our economy is weak. This budget is an appropriate blueprint to craft our response to the challenges before us. In fact, Mr. Speaker, the Social Security trust fund continues to grow under the President's budget. It provides for every penny of current law benefits and full cost-of-living adjustments.

Myth number two: last year's tax cuts in some way threatened Social Security. Again, Mr. Speaker, this is entirely false. Last year's tax cuts have not affected the Federal Government's ability to pay benefits, and the trust fund remains unchanged.

Some of those in this debate can and will continue to point to tax cuts as a threat to Social Security, but the truth lies in the simple demographics of an aging population. Eliminating tax cuts will not improve worker-retiree ratios. It will not encourage seniors to delay retirement. It will not encourage workers to save more for their own retirement.

Myth number three: Social Security reform will somehow erode the trust fund. In fact, that, again, Mr. Speaker, is false. Research indicates that the creation of the proposals for personal retirement accounts actually increase benefits for retirees well above what the current Social Security system could ever imagine to pay. Without these accounts, today's workers could face as much as a 30 percent cut in benefits when they retire.

The research is accurate, and the myths have been dispelled. We as a body must now move in the direction of offering a plan; and the Republicans, Mr. Speaker, have a plan. We will save Social Security from its bankruptcy and the course upon which it is headed in the next 20 years while guaranteeing that current retirees receive their promised benefits.

Let me say again, Mr. Speaker, I think it is absolutely imperative, and I extol the leadership of the gentleman from South Carolina (Mr. DEMINT) and others in this Chamber who have said we as leaders in this country in both political parties should make an affirmative statement to the American people that we will meet our obligations in the Social Security system; that what people expect to receive from Social Security in income and in benefits they will receive, and no less. I believe the time has come for us to make this imperative statement clear to the American people, and perhaps this Congress will do so this year.

This leadership and this majority will ensure that workers are allowed to earn higher benefits than under current law, as we have before. We will give workers ultimately real ownership of Social Security when reform finally arrives. We will enable younger workers to build wealth through voluntary participation in their own personally owned accounts that they can pass along to their heirs. We will preserve the important disability and survivors components of the program. We will reduce the financial burden on children and grandchildren. We will improve the rate of return for all beneficiaries.

Mr. Speaker, the Good Book tells us that if anyone does not provide for his relatives, and especially for his immediate family, he has denied the faith and is worse than an unbeliever. I submit today that we must, in this country, make it more possible for more Americans to not only provide for themselves but to provide for their families.

We do that through strengthening Social Security today. We do that through strengthening the people's confidence in the commitments that this government has made to Social Security, that we will meet those commitments, that income and benefits from Social Security will remain firm, and we will also keep the promise of Social Security alive, Mr. Speaker, by being a reform Congress; by recognizing that if we simply allow Social Security to continue along its way, that it is headed for the shoals.

But if we will step in with the leadership that the gentleman from South Carolina (Mr. DEMINT) has provided in this Congress, that our majority leader continues to provide, and that other visionary leaders in this Congress have offered in this area, I am altogether confident that there will be one bright, shining day when we will have a Social Security system in America that builds wealth rather than dependency; a Social Security system in America that engenders confidence about those retirement years for all Americans; a bright, shining future when some day, Mr. Speaker, perhaps Americans would not look longingly to the Capitol dome hoping that their retirement security would be in place, but rather, they could look to themselves. They could look to their own retirement accounts. They could look to a system, and they could look to statements with their own resources, and be confident on their future because of the resources that they have placed in that trust.

It is a vision, it is a long-term vision; but it begins, I submit today, as the gentleman from South Carolina (Mr. DEMINT) has laid out so eloquently, it begins with a promise. It begins with strengthening the commitment that this Congress has to maintaining the income and benefits of Social Security at the level of expectation that Americans have today.

Once we reiterate this Congress's and this government's commitment to Social Security, once we have laid the foundation of confidence with the American people, then we will lead with reform that will ensure not only Social Security for our parents but also for our peers and for their children and for our grandchildren for years to come through much-needed reforms.

Mr. DEMINT. Mr. Speaker, I thank the gentleman. It is so refreshing to hear someone dispel the myths; to talk about the need to guarantee benefits, to talk about real ideas that cannot only guarantee the benefits for today's seniors, but to guarantee that no American will ever receive less from Social Security than is promised by the current system.

This is leadership, and I want to thank the gentleman from Indiana (Mr. PENCE) for being here today and helping us dispel the myths. We no longer need to listen to the fear tactics, to the manipulation.

Surely the other side does not want us to issue a guarantee because they do not want seniors to know that their benefits are safe, because in the upcoming election, Mr. Speaker, they want to run these ads that tell the seniors that someone is going to take their Social Security from them.

I can guarantee today's seniors that as long as President Bush is in the White House and the Republicans are leading the Congress, that no American will ever receive less from Social Security than is promised by the current system.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding to me, and I thank him for doing this Special Order.

If we can convey one message, it is that Social Security has real problems. I think the temptation in a political election year is for anyone that comes up with suggestions on how to solve Social Security, how to keep it solvent, to criticize them, to maybe win some points from seniors by scaring seniors that their retirement benefits might be in jeopardy with any change.

Mr. Speaker, I have a couple of charts. This chart represents the complications of the increased cost of Medicaid, Medicare, and Social Security. So as we see, the percentage of the total gross economy of the country, which is now around 7 percent, is going to go to about 15 percent in terms of the cost of these particular programs. Trillions of dollars does not have a great deal of meaning for most Americans, and probably not for most Members of Congress; but the unfunded liability of Social Security right now in today's dollars is $9 trillion. That means we would have to take $9 trillion, put it in a bank account with a return of approximately 4 percent to accommodate the money that we are going to need over and above the FICA tax, the money coming in, the Social Security tax, to pay Social Security taxes in the future. That is if we do nothing.

So if there is one message that the gentleman has been so successful in conveying, and many of us have tried to pitch in, it is the fact that the cost of doing nothing is so much greater than trying to reform the program and get a better return on some of those dollars. This just represents the portion of Social Security as it consumes the current budget. So it is one of the biggest expenditures; 21 percent of everything that government spends is now spent on Social Security.

Here is the danger. The danger is not doing anything, and we will wait until the last minute and then increase taxes and reduce benefits. That is what this country has done several times since 1934, because this Congress, in very emotional, vulnerable areas such as Social Security, waits until the last minute. They wait until it is almost a catastrophe, running out of money, and then they do something. Here is the something that they have been doing is raising taxes.

□ 1630

On this chart you see in 1940 the rate was 2 percent on the first $3,000; and the maximum tax was, of course, $60 a year. By 1960 they raised the rate again to 6 percent on the first $4,800. In 1980 they raised it to 10.16 percent on the first $25,900; and in 2000 it is 12.4 percent. In 2000 it was on a base rate of 76,200. Today it is 86,000. So it is 12.4 percent of the 86,000. So as the number of workers has declined in relation or in the ratio to the number of seniors, then you charge those existing workers more and more.

So we have got that kind of demography facing this country. In 1940 there were about 40 workers for every one retiree. Today there are three workers for every one retiree. And they expect in the next 25 to 30 years it will be two workers for every one retiree. The tremendous burden on those two workers. And what we are suggesting now, nobody is suggesting privatization, privatization is a word that the demagoguers use to try to scare people.

Every plan that I have seen by every Republican, including some of those that are joined in by Democrats, have a Social Security program that gives the protection of benefits to current and future retirees. The challenge is can we get a little better return than no return at all on the money. Right now, with a little extra surplus coming from the Social Security tax, it is put into government bonds; and when interest accrues, another IOU is written but there is no real money. So in 2016 when the revenues coming in from Social Security tax are less than what is sent out to pay benefits, look, everybody needs to know there is no account with your individual name on it as an American worker that gives you any entitlement to Social Security benefits; and that should be obvious over the past years when we have simply increased taxes and reduced benefits.

If we can get some of that in individual workers' names and limit it to certain kinds of indexed accounts, that is what the gentleman from South Carolina (Mr. DEMINT) does in his bill, that is what I do in my bill, then you own it. If you die before you are 65, then it goes into your estate because it is your money. Right now if you die before you are 65, you get $225-or-something death benefits.

Can we get a better return on the money? And how dangerous is it to keep putting this bill off? I chaired the bipartisan Social Security Task Force last session, and I introduced four Social Security bills since I came here in 1993 that were to keep Social Security solvent. Every term, every session over the last 9 years that I have introduced a bill, it had to be a little more drastic. And if we continue putting this off, then it is going to be that much more drastic later on.

It is going to cost a lot of money to pay benefits. We are going to pay benefits. The question is can we save almost 20 percent of the cost by changing the programs now and getting some real return on that investment.

Mr. DEMINT. Mr. Speaker, I thank the gentleman for taking the time to understand the problems with the Social Security system and to tell the truth about it. But even more importantly, for taking the time to develop a plan to make Social Security better in the future. That is what has been missing in this debate, truth about the current program and a plan to make Social Security better in the future and to guarantee the benefits. That is what we need to bring to this honest debate that has been requested by the gentleman from Missouri (Mr. GEPHARDT) is a plan in truth.

Again, I want to thank the gentleman. I want to thank the Speaker. I want to thank everyone here for recognizing the importance of the Social Security program, but to also recognize that it is Republicans that have a plan to guarantee the future of Social Security. Our head is not in the sand as the other side's is. We are not denying that there is a problem.

We are recognizing the problem, but we are developing plans to guarantee that no American will ever receive less from Social Security than is promised by the current program. And we want to put that in writing, and we want it put it down in a plan that will last.

Mr. SMITH of Michigan. Mr. Speaker, will the gentleman yield?

Mr. DEMINT. I will yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Just to emphasize the point, we talk about the magic of compound interest. I paid my grandson to come in and paint the fence. And I said, Look, will you put this $36 in a Roth IRA? He said, Geez, Grandpa, I want to put this in an account and buy a car with it when I am old enough. So I explained to him, Look, if you put this $36 in an IRA it doubles almost every 8 years. So I figured it out and projected it out so at age 65 he had $70,000 that that money would be worth because of the magic of compound interest; and if he waited another 7 years to age 72, then it would be worth $140,000. He said, Gosh, Grandpa, that is good; but could I just put most of it towards the car and a little bit towards the Roth IRA?

So the magic of compound interest is what can make today's workers that are modest or median income retire as rich people. That is what we are trying to do is having something more than just Social Security but promise the Social Security, but then have the opportunity with the magic of compound interest to have retirees gain even more in their retirement years.

Mr. DEMINT. Mr. Speaker, I thank the gentleman, although I do think he should have paid his grandson more than $36. But he makes an excellent point. If Americans knew that even the poorest worker, if we start now for those in their 20's and 30's, they will all have several hundred thousand dollars that is theirs that can be turned into a monthly income for their own retirement security, but even more importantly, to have some additional income for their retirement, to pay off a house, to help children or grandchildren. We need to help the poor of America develop wealth that they can pass on to the next generation and Social Security is that only opportunity.

We have plans to help them save more and at the same time guarantee that their retirement income will always be as much or more than the current Social Security system.

This has been a great start to the discussion. You will hear more from the Republicans because it is the Republicans that have the plans, and it is the Republicans that will tell you the truth.

SOCIAL SECURITY, WOMEN'S HISTORY MONTH, AND PREVENTING RECIDIVISM

The SPEAKER pro tempore (Mr. TIBERI). Under the Speaker's announced policy of January 3, 2001, the gentleman from Illinois (Mr. DAVIS) is recognized for 60 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I must confess that I have been intrigued with some of the discussion that has taken place relative to Social Security and what we need to do with it. And I count myself as one of those who believe that our Social Security system, which was actually developed and generated by Democrats, a Democratic President, of course, undergirded much of it; and, of course, Democrats want to preserve and protect it.

I am one of those who believe that at all costs we must, in fact, protect and preserve our Social Security system as we have known it. But that is not what I really came to talk about this evening. As a matter of fact, I have two things that I am going to discuss.

WOMEN'S HISTORY MONTH

Mr. DAVIS of Illinois. Last month we praised our forefathers as we observed President's Day, and this month is Women's History Month. And as it gets underway, I want to recognize some of the outstanding women; women who dared to be first; women who strove for equality and social justice; women who not only broke ceilings but shattered spheres in pursuit of rights that should have been inalienable at the time, and whose contributions continue to pave the way and continue to inspire others.

Of course, Mr. Speaker, as you know I am from Chicago, a city that is rich in women pioneers and trailblazers in both the past and the present. One such woman that I would like to mention is Ida B. Wells, who founded the first black female suffrage club in Illinois as well as the first kindergarten in a black neighborhood.

Ida B. Wells was born in 1862, was a slave for the first 6 months of her life, and spent the remainder of her life fighting for civil and economic rights for African Americans and for others. Declaring that one had better die fighting against injustice then die like a dog or rat in a trap, Wells crusaded against lynching and segregation until her death in 1931.

Another outstanding Chicagoan and another outstanding pioneer in the suffrage movement was labor activist Sylvia Woods, who was a pioneer in civil rights, a woman that I got an opportunity to actually know. During World War II she held the union organization drive at Bendix Aviation. She spent much of the 1940's organizing the United Auto Workers Local 330 and formulating the UAB resolution against sex discrimination. Following the war, she assisted women who were laid off in Chicago and co-founded the National Alliance Against Racism.

However, at present there are future history makers who are also making a tremendous impact on the lives of citizens in Chicago and throughout the Nation. Exemplary individuals from today include Reverend Addie Wyatt, Reverend Willie Taplin Barrow, Dr. Johnnie Coleman, and Ms. Mamie Bone, as well as a number of others.

Reverend Addie Wyatt has the distinction of having had active involvement with the three major movements of the 20th century: labor, civil rights, and women's rights. Her leadership roles in labor were the international vice president of the United Food and Commercial Workers International Union, and she broke ground as the first female local union president of the United Packing House Food and Allied Workers and as international vice president of the Amalgamated Meat Cutters and Butcher Workmen of North America.

One of the most eloquent spokespersons I have ever heard, Addie Wyatt also played a founding role in Operation Breadbasket and Operation PUSH, as well as her work with Dr. Martin Luther King, Jr., illustrates her commitment to civil rights.

Her involvement in the women's movement has also generated a number of worthy achievements. Reverend Wyatt is a founding member of the National Organization of Women and in the early days was appointed by Eleanor Roosevelt to serve on the Labor Legislation Committee of the Commission on the Status of Women. During her distinguished career, she advised Presidents Kennedy, Johnson and Carter and other important leaders on these causes.

She and her husband, Reverend Claude Wyatt, currently serve as pastors emeritus of the Vernon Park Church of God in Chicago, which they helped to develop and which stands as a monument to their tremendous religious and spiritual leadership.

Reverend Dr. Willie Taplin Barrow is the co-chair of Rainbow/PUSH Coalition. She is well known for breaking barriers in a male-dominated profession. She is an ordained minister and on the Governor's Committee on the Status of Women in Illinois. She is a member of the Democratic National Committee, is a dynamic preacher and inspirational speaker, and travels all over the world motivating, stimulating, activating people to realize their own potential for not only self-sufficiency, but the potential that they have to help shape and mold the society of which they are a part.

Almost any Saturday morning you can encounter Reverend Barrow at Operation PUSH where she co-leads that organization along with its founders, the Reverend Jessie Jackson.

Another fine citizen of Chicago is Reverend Dr. Johnnie Coleman, sometimes referred to as the first lady of the religious community. She is the founding minister of Christ Universal Church where 4,000 people go to hear her words of wisdom and healing every Sunday.

□ 1645

To her credit, Reverend Coleman has several organizations in Chicago; the Universal Foundation for Better Living, Incorporated, the Johnnie Coleman Institute, and the Johnnie Coleman Academy, as well as a book of teachings entitled "Open Your Mind and Be Healed."

Also, an outstanding minister is Reverend Jennie Pettis, who is the founder and pastor of the Family Altar Evangelistic Church. In a relatively short period of time, the Reverend Pettis and her parishioners have built a brand new edifice, which they expect to inhabit during the spring of this year.

Chicago is a magnificent city, a tremendous city. I represent a Congressional District that is one of the most diverse in the Nation. It includes downtown Chicago, the Gold Coast, the Magnificent Mile, outstanding museums and universities, 23 hospitals, 4 medical centers, 4 medical schools, almost anything that one can imagine. But also in that landscape, of course, I represent Chinatown, I represent Greek Town, I represent what is called Little Italy, a great Italian community, and I represent the Ukrainian Village.

I also represent a large percentage of the public housing in Chicago, more than 68 percent; and as the chairperson of the Central Advisory Council, Ms. Mamie Bone fights for the residents of public housing. She currently serves as a member of the CHA Board of Commissioners and continues to champion and continues to work and advocate for the employment, security and safety of public housing residents.

Other individuals who provide leadership in public housing are people like Deverra Beverly, who is the chairman of the local advisory council at the Abla Public Housing Complex. Also, Ms. Cora Moore at Cabrini-Green, and Ms. Carolyn Willingham. Both provide tremendous leadership in the Cabrini-Green complex. Ms. Maner Wiley and Lorena Nellum at the Hilliard Homes. Ms. Gloria Williams at the Nazariah Safe Haven. Ms. Brenda Bolden in the Lawndale area. Ms. Cora Dillard in Robert Taylor. Ms. Deborah Martin and Ms. Mildred Dennis in Robert Taylor. Ms. Mary Baldwin at Rockwell Gardens. Ms. Francine Washington at Stateway Gardens. Ms. Beatrice Harris at Wentworth Gardens. And, of course, Ms. Shirley Hammond, who has developed a business in the Cabrini area and represents the senior housing on the north side of the city; and Ms. Martha Marshall, who represents the Senior Housing Central and has developed a business which is part of the business development activity for the area.

The last woman that I will mention, as we talk about outstanding Chicago women, is one of great historical significance. Jane Addams, the mother of social work, Nobel Peace Prize recipient, and an individual extolled by President Franklin Roosevelt as Chicago's most useful citizen.

Jane Addams established Hull House, Chicago's first settlement house for the underprivileged in 1889. Hull House quickly became an innovative place for gathering, learning, obtaining a free meal, gaining employment, and even organizing union activity. She later became a vocal advocate for women's suffrage and humanitarian causes in the early 20th century and reasoned that "civilization is a method of living and an attitude of equal respect for all people."

She held leadership positions in several key organizations throughout her life, including the National Progressive Party and the International Congress of Women. Fortunately, Jane Addams was not destined to always be a suffragette, never a voter. She lived until 1931 and saw an American woman's right to vote become a reality in 1920.

In closing, Jane Addams also sagaciously stated that national events determine our ideas as much as our ideas determine national events. Indeed, Women's History Month is a national event which celebrates the ideas of our Nation and the spirit and triumph of the women's movement; and so it makes sense for us to stop, to pause, to realize and to recognize the tremendous contribution that women have made and continue to make in the development of this country.

REINTEGRATING EX-OFFENDERS INTO SOCIETY

I think I will shift at this time a bit, Mr. Speaker, and talk about an issue that I think is one of the most serious issues facing our country, and that is the issue of successfully reintegrating ex-offenders back into the normalcy of society; that is, successfully reintegrating ex-offenders back into normal life after they have been incarcerated, after they have served time and are now looking for a way to become, one might say, normal again.

On February 7, I introduced what is now called the Public Safety Ex-offender Self-sufficiency Act of 2002. The Public Safety Ex-offender Self-sufficiency Act amends the Internal Revenue Code of 1986 to reflect an ex-offender low-income housing credit to encourage the provision of housing, job training, and other essential services to ex-offenders through a structured living environment designed to assist the ex-offenders in becoming self-sufficient.

The United States Department of Justice, the National Institute of Justice, said in November of 2000 that in the United States, and I quote them, "There are virtually no systematic, comprehensive approaches to dealing with reintegrating ex-offenders." This is a comprehensive legislative initiative that will address recidivism, cost of crime to victims, and public safety. Let us see if we can make the case.

The problem of successfully reintegrating ex-offenders back into normal life is one of the major issues facing low-income and minority communities throughout the Nation. It is a serious public safety issue that requires serious public attention. While 5 percent of the world's population lives in the United States, 25 percent of the world's prison population are in United States' jails and prisons. Nationally, the United States Department of Justice reports that there are now over 2 million people in State and Federal prisons, more than a threefold increase since 1980.

This year, more than 600,000 people will leave prison and return to neighborhoods across the country. The problem of ex-offenders impacts all levels of our society. In 1998, there were 225,700 veterans held in the Nation's prisons and jails, 56,500 Vietnam War era veterans, and 18,500 Persian Gulf War era veterans. The Justice Department reports that 20 percent of those veterans in prison or jail reported seeing combat duty during their military service.

As of November 2000, 45,617 adults were incarcerated in Illinois prisons. During that same period, 29,120 were on parole. We have even looked at a study prepared by Claritas and commissioned by the Stein Family Foundation that 70 percent of men between the ages of 18 and 45 in one particular Chicago community are ex-offenders. In America, the poor and people of color are more likely to be incarcerated. Fifty-three percent of people warehoused in our Nation's prisons earned less than $10,000 a year prior to incarceration.

Although the minority population is approximately 13 percent, 66 percent of the Nation's prison population are people of color. Nearly 4.6 million adult men and women were on probation or parole at the end of 2000, an increase of almost 70,700 during that year. While 52 percent of those on probation have been convicted of committing a felony, 46 percent were convicted of misdemeanors. Of the offenders on parole, 97 percent had been sentenced to incarceration of more than 1 year. According to the Soros Institute, 72 percent of those entering State prison for the first time were nonviolent offenders.

Studies indicate that the median education level of released prisoners is 11th grade. In addition, three-fourths of those reentering prison have a history of substance abuse. Not surprisingly, 16 percent suffer from mental illness.

According to the U.S. Department of Justice Bureau of Justice statistics, at the end of 2000 State prisons were operating between full capacity and 15 percent above capacity, while Federal prisons were operating at 31 percent above capacity.

As our Nation's prison population explodes and prison operating costs skyrocket, little is done to prepare these adults for reentry. In fact, the National Institute of Justice reports that 14 States have abolished discretionary parole and the parole boards that historically managed prisoner reentry.

There is a shortage of vocational, educational and substance abuse programs in prison. In fact, like States all over the country, Illinois recently cut the post-GED programs. According to the sentencing project, more than 100,000 prisoners are being released each year without any form of community correctional supervision.

□ 1700

The recidivism rate remains high, and studies show that a direct correlation between homelessness and recidivism exists. The Chicago Continuum of Care reported that 6.5 percent of respondents noted that release from jail was a contributing factor for homelessness. In addition, 7.1 percent responded that release from incarceration was the primary factor for homelessness. According to the U.S. Department of Justice, 62 percent of those released from State prisons will be rearrested within 3 years, and 40 percent will be reincarcerated, including many for technical violation of parole.

In 1997, the Illinois recidivism rate for African Americans exceeded the national norm: blacks, 48.2 percent; whites, 35.7 percent; Hispanics, 30.9 percent; and others, 28 percent. A staggering 36.4 percent returned due to a new sentence. Ex-offenders that are truly interested in reintegrating back into community life, interested in finding employment and taking care of themselves and their families, locating housing, going to school, oftentimes have no place to go. There are very few second chances.

What happens to a man or woman who cannot find an employer willing to give them a second chance, refused TANF benefits, cannot receive subsidized housing, educational or medical assistance? We have seen over and over again that they return to prison. We hope to convince the Nation that by supporting these initiatives we begin the process of, one, saving ourselves; two, protecting our persons and property; three, reducing the human and capital costs of recidivism; and, four, we begin to seriously impact in a positive way the quality of life for everyone.

Neighborhoods across the Nation are absorbing the economic and social cost of reintegrating hundreds of thousands of ex-offenders back into society each year. In 1991, the Bureau of Justice reported that the cost of the justice system per resident was $299. In 1996, the Department of Justice reported that the cost of crime to victims rises to approximately $450 billion a year, or $1,800 per man, woman, and child.

That is to say if we could find a way to seriously reduce crime, reduce recidivism, provide opportunities for these individuals to become self-sufficient, to learn a trade, develop a skill, go to school, get a job, then not only are we providing for them, but we are in reality helping all of America. According to a poll commissioned by the ACLU, people across the Nation are not satisfied with the current prison system. In addition, the poll released in July 2001 found that six in 10 Americans believe that it is possible to rehabilitate a nonviolent offender. Other key findings of the ACLU poll support alternative punishments for many nonviolent offenses. In addition, 69 percent of respondents believe that prisons should be required to teach skills. That is, individuals ought to be able to develop to the extent that when they leave a correctional facility they are in better shape than they were when they first went in.

As these men and women transition from incarceration to freedom, what they need most are comprehensive reentry solutions. What they find instead are often cold stares, unreturned phone calls, and closed doors. The jobs are like an old man's teeth, few and far apart. Housing is scarce, and other social services are in most cases nonexistent for the serious and earnest men and women desirous of working to clean up their act and transition into productive citizens.

Mr. Speaker, with the implementation of this bill nationally, the recidivism rate just might decrease. Prevention, treatment, and rehabilitation are just as important as incarceration. These men, women, and children always must live in some communities. Increased public safety is a primary concern of communities and neighborhoods all over the country. In the Seventh Congressional District of Illinois, Ex-offenders Task Force representing a broad group, including representatives from national and local civil rights organizations, community-based organizations, ex-offenders, academicians, law enforcement officials, elected officials, community activists, faith-based organizations, block club residents, businesses and community residents, are all in serious collaboration to try and find direction and, hopefully, solutions.

The Public Safety Ex-Offender Self-Sufficiency Act addresses several serious needs and barriers this population must overcome in order to successfully reintegrate. Through the efforts of the task force, we confirmed that housing still remains a key barrier. In fact, secure and safe and affordable housing is a stabilizing force for the formerly incarcerated.

From Los Angeles to New York and in Chicago, ex-offenders are deterred from a fresh start, a second chance. These men and women face countless legal barriers. In Chicago, for example, ex-offenders are prohibited from living in public housing and from working in many public agencies. In Illinois, ex-offenders are prohibited from working in 57 occupational categories without some form of waiver. Nationally, ex-offenders that are convicted of drug offenses after 1996 are unable to receive Pell Grants.

According to a 1998 NACRO study, 13 percent of prisoners were homeless before their sentence, and 34 percent had lost homes because of prison. As a result, half the sample were therefore at risk of being homeless on release. The study also notes that prisoners that are released homeless are much more likely to offend or to reoffend. In addition, a housing research study, "The Housing Needs of Ex-Prisoners," identified three factors to determine whether ex-offenders succeeded in retaining their homes: one, the quality of family relationships; two, the availability of housing entitlements; three, current financial status.

The study also noted that ex-offenders face other problems in rehousing which includes access to independent mainstream accommodations, arranging housing accommodations other than in hotels prior to release, and very few ex-prisoners agree to live in hotels or homeless shelters because of concern about recidivism.

But the issues are much broader than housing alone: Federal Pell Grants, expungement, jobs, health care. Through our legislative initiative, we are looking at reintegrating ex-offenders from a holistic perspective, trying to address factors while acknowledging that affordable and available housing is an overarching need. This legislation will help to meet that need. But the other thing about this legislation is that it is cost effective. It is not designed to just ask the government or somebody to provide grants. It really uses the low-income housing tax credit system that we are all familiar with where States receive credits based upon population.

In this instance we simply take the number of ex-offenders who are released to a particular State, and then provide credits to that State based upon its number of ex-offenders. Private developers will be encouraged to develop the housing that is needed which they must hold for 15 years. After 10 years, they will have recouped the money that they have invested so it makes good business sense, good business sense for the private developers who will develop the housing that is needed; good business sense for the communities who will have help in aiding their ex-offenders; and good business sense because it will help a category of individuals to become self-sufficient, contributing members of society who then will be in a position to give rather than to take, will be in a position to become substantial helpers, to make America become what America has the potential of being.

Mr. Speaker, I urge my colleagues, I urge business and industry, I urge social workers and social scientists all to get behind this legislation because I believe that it could provide hope for the hopeless and help for the helpless.

Mr. Speaker, I yield to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding, and I congratulate the gentleman for touching on an issue of enormous consequence that does not get the attention that it deserves, that is, we have in this country the largest per capita rate of incarcerated people; and I think the evidence as the gentleman has just indicated is very clear that we do not do a good job of reintegrating those people into society. The result is an enormous amount of pain, human destruction, and a great deal of expense to the American taxpayer.

Mr. Speaker, what I want to touch on, and the gentleman from Illinois (Mr. DAVIS) might be interested in this issue, is another issue that does not get a great deal of attention, and that is the increasing concentration of media ownership in the United States today.

In my view we cannot be a vibrant democracy unless the people get information, unless the people know what the most important issues are that are facing them. I fear very much that in recent years what we have seen is fewer and fewer large, multinational corporations own and control the media of this country. We are seeing huge corporations like General Electric, like Disney, like Rupert Murdoch's News Incorporated control major television networks. We have seen fewer and fewer large companies control radio outlets so that increasingly it is difficult for people in various communities to get local news because their local radio stations have been bought up by large national organizations.

□ 1715

We see in terms of newspapers and in magazines fewer and fewer large corporations controlling those as well.

I think people are not aware of the degree of corporate ownership of the media in this country and the fact that recent court rulings will make that situation even worse and allow fewer and fewer large companies to own more and more of the media.

Some of the largest media conglomerates in this country are AT&T, AOL Time Warner, the Liberty Media Corporation, Viacom, Walt Disney Corporation, the News Corporation, General Electric, Vivendi, Bertelsmann and Sony. And if you add together what these 10 corporations own, one would be absolutely amazed to the degree that they own television, radio, newspapers, magazines, book publishing, movie companies and so forth.

A concern that I have is that, given this corporate control over the media, the American people get relatively little discussion about some of the most important issues facing this country. For example, Mr. Speaker, I am not aware that most Americans know that the United States of America today is the only industrialized nation on earth that does not have a national health care system guaranteeing health care to all people and yet we spend twice as much per capita on health care than any other nation. Some people may think national health care is a good idea. Some people may think it is a bad idea. But I wonder how much discussion there has been on corporately controlled media or on the radio stations pointing out that every other industrialized nation has a national health care system and we do not. That is an issue that should be discussed.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from California.

Mr. DREIER. I thank my friend from Illinois for yielding. I would like to listen attentively to my friend from Vermont for just a couple of minutes, and then I would like to briefly, if the gentleman has time, respond to the question that the gentleman just posed.

Mr. SANDERS. Mr. Speaker, what are some of the most important issues facing the vast majority of the people? The President of the United States seems to think that the most important issue is that we give huge tax breaks to the wealthiest people in this country. In fact, as a result of recent legislation passed here, some $500 billion over a 10-year period are going to be given in tax breaks to the wealthiest 1 percent, people with a minimum income of $375,000 a year.

Maybe there are some districts in this country where that is the most important issue, but it is not the case in Vermont, I doubt it is the case in Chicago, and I doubt that it is the case in most districts in this country.

I will tell you what some of the issues are that the American people are concerned about. They are concerned about health care and wondering why 44 million Americans do not have health care and why we are the only major country without a national health care program while we spend twice as much as any other country per capita on health care. They are wondering about why pensions are being cut for working people all over this country, health care benefits are being cut for workers all over this country, while the CEOs of major corporations now earn 500 times what their workers earn.

There are some people who may think, hey, that is a good idea. No problem. No problem that the United States has the most unfair distribution of wealth and income in the industrialized world, where the wealthiest 1 percent own more wealth than the bottom 95 percent. No problem.

But I just met with paralyzed veterans in this country who were in my office saying, why can we not put more money into the Veterans' Administration so we take care of the men and women who put their lives on the line to defend this country? Some people think that taking care of veterans, putting money into education, putting money into child care, paying off our national debt, might be more important than giving huge tax breaks to millionaires and billionaires.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. SANDERS. I would be happy to yield.

Mr. DREIER. I thank my friend for yielding.

Let me just say at the outset, as far as the first question that my friend posed about the control that the large media has had in preventing people from having the opportunity to engage in a debate on whether or not we should have a nationalized health care system, I would say very clearly, my friend from Vermont and I have together appeared on a number of fora on television programs that are provided because the technological advances that have been made in this country due to large investments that come from those in the media providing a wide range of choices for the American consumer and the television viewer to engage in debate.

Mr. SANDERS. Let me reclaim the time from my friend. I have appeared on national TV programs, I am going to be on one tonight, as a matter of fact, but the issue of why the United States is the only country in the world without a national health care system has never been the topic of discussion on any program that I have been on and I doubt any program that my friend has been on.

Mr. DREIER. Let me give my friend a little bit of advice. I have found, from having appeared on the different CNN and Fox News Channel and MSNBC programs, you can provide whatever answer to whatever question you have. I know that my friend who is so committed to bringing up the issue as to whether or not we should have a national health care system, that he can engage in that debate regardless of what question that they are posing to him.

Mr. SANDERS. Taking my time back, my friend is right. I can probably get 15 seconds into the debate before a moderator jumps in.

Let me ask my friend a question. I am glad that he is here.

Mr. DREIER. If I could just raise one more issue before you pose that. That is, that we at this moment, and I know that as chairman of the Committee on Rules that we are not to address those who might be outside of this Chamber viewing it, but because of technological advances that have been made in this country due to investment that has taken place into a wide range of new and innovative and creative areas, we are able to have this coverage carried beyond this Chamber. I think that by virtue of our having a discussion right now on this issue that my friend raises is a very important one, that has come about because of the level of creativity that exists in the United States.

I should say that it is a complete mischaracterization to say that we are not committed from this side of the aisle or in a bipartisan way to dealing with the concerns of veterans, because we have dramatically increased the level of funding for veterans. At the same time, the focus on education and health care continues to be a priority.

The SPEAKER pro tempore (Mr. PENCE). Respectfully, the Chair would remind Members that the time is controlled by the gentleman from Illinois.

Mr. DREIER. I thank the gentleman from Illinois for yielding to me.

Mr. SANDERS. I appreciate my friend from California being here. This is a good discussion.

The issue that I wanted to pose is, yes, I can get on national shows and I occasionally do, but we have a problem. Let us talk about the radio for a second. I would characterize the United States as being kind of a centrist country, not right wing, not left wing, kind of centrist. In the last election, as you know, Gore and Nader got more votes than did Mr. Bush and Mr. Buchanan, by a few million votes. Kind of a centrist country.

If you turned on talk radio today, would my friend agree with me that what you would hear is one extreme right winger after another right winger after another right winger? So that even a moderate or progressive voice, the gentleman from Illinois (Mr. DAVIS) and I are probably progressives, we know that our people are not going to have a radio station with Rush Limbaugh and his friends out there, Gordon Liddy and all these other folks out there.

But is it somehow interesting, I would think it is somehow interesting, that a country which is basically centrist, that one talk radio show after another is dominated by not right wingers but extreme right wingers.

Mr. DAVIS of Illinois. I yield to the gentleman from California.

Mr. DREIER. I thank the gentleman from Illinois for yielding.

I would say the answer is, number one, it has to do with the market and the listenership. The fact is those programs would not be on were it not for the fact that there is a demand for that listenership. I would say that there are other programs that are out there that do, in fact, offer a perspective. I consider myself to be very progressive myself, I should say.

Mr. SANDERS. You are a progressive?

Mr. DREIER. I consider myself a progressive, yes.

Mr. SANDERS. If you are a progressive, then I would hate to see who is conservative, with all due respect.

Mr. DREIER. It all depends on the definition. But I will tell you that I clearly do believe that there are a wide range of opportunities out there for voices from any side of the issue in this country.

Mr. SANDERS. I have suggested to you, and you do not deny it, that in the last election more people voted for Gore and Nader than voted for the President and Mr. Buchanan, suggesting that we are somewhat of a centrist country. You say that the reason is the market.

Mr. DREIER. I did not say that. That is not what I said.

Mr. SANDERS. That is exactly what you said. These stations are there. They are listened to by the people. But I am suggesting that it is not the market. The people in this country want a variety of viewpoints. Talk radio is predominantly extreme right wing. It is extreme right wing because the stations are owned by conservative multinational corporations.

Mr. DREIER. If the gentleman will yield on that point, that is just a preposterous claim, to say that it is based on the ownership. The programming that has come forward and the demand for more conservative talk radio is in large part due to a level of frustration that the American people have with what is interpreted by many to be a leftward tilt for the control of what is called the mainstream media.

Let me just say, I am not one of those harsh critics who says that. I happen to believe that we need to do everything we can to encourage a free-flowing debate on a wide range of issues and concerns. But I will say this. I know full well that the ownership of the media out there does not play a role in the editorial comment when it comes to the talk show messages that are getting out there.

Mr. DAVIS of Illinois. Reclaiming my time, let me suggest this, that ownership determines who the commentators are; and so in a sense you cannot discount the impact of ownership on what ultimately becomes the direction and content. I find that people listen to those stations more often that they relate to. And so if they relate to the right-wing station, that is where they are going to go. And so if the owner hires a right-wing commentator, then I would have to agree with the gentleman from Vermont, that ownership does play a role in what ultimately gets on.

Mr. DREIER. If my friend would yield on that point, I would say that there clearly is a leftward tilt by a lot of the ownership, then.

I represent Los Angeles. A lot of people in southern California spend a great deal of time in their automobiles. I will say that I, as I know my friends from both Vermont and Illinois, participate on these programs. There are a wide range of programs that are carried by people who my friend from Vermont would describe as progressive or very liberal. I am happy to participate on those shows. I can name them for you in Los Angeles.

Mr. SANDERS. There are a diversity of viewpoints. There is no argument about that. But I would say any objective look at what goes out there, say, in terms of talk radio, is that the tilt is not only right but extreme right.

Mr. DREIER. I disagree.

Mr. SANDERS. You would be hard-pressed to name national progressive radio talk show hosts. We could name one of the Limbaughs of the world ad nauseam on the right. But the bottom line is, as the gentleman from Illinois just indicated, when you have a multinational company like General Electric, what is General Electric's shtick? What do they do?

Mr. DREIER. The gentleman has asked the question, what does General Electric do? I am happy to tell you what they do.

Mr. SANDERS. If I could finish, please.

The SPEAKER pro tempore. The Chair reminds Members that all time is controlled by the gentleman from Illinois.

Mr. DREIER. I suspect the gentleman from Illinois wants the gentleman from Vermont to continue.

Mr. DAVIS of Illinois. I yield to the gentleman from Vermont.

Mr. SANDERS. The bottom line here is that one has got to be very naive not to understand that companies like General Electric that spend millions of dollars on lobbyists here to take jobs to China, that send money to lower their taxes, that send money to build nuclear power plants, to increase military spending and so forth are not going to, within the confines of what they own, present that point of view and discourage discussion on a whole lot of other issues.

If you are a member of a trade union in America, you make 30 percent more than workers who are not in a trade union. Frankly, I have never seen that discussion on television or radio in my life, an enormously important issue like that. The growing gap between the rich and the poor is discussed far, far too little.

I am not going to deny that there are different points of view that are heard. But I think the bottom line is, no question, that corporate ownership of this country is growing in terms of the media and that we are hearing fewer and fewer points of view that represent working people, middle-income people and minority people.

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Mr. DREIER. Mr. Speaker, if the gentleman will yield further, let me totally disagree with the assessment that my friend from Vermont has just provided. For starters, I do not think I have ever owned a share of stock in General Electric, and I have no idea whether I have received contributions from their lobbyists here. I suspect some of them may have contributed to my campaigns.

But I happen to believe that companies like General Electric have dramatically improved the quality of life for the people in the United States of America, and I say that because it is very clear that consumer products, regardless of where they are manufactured in the world, that are sold here in the United States, the best quality at the lowest possible price, is something that is very good for the United States of America.

I know that we have the most productive workers on the face of the Earth; and when it comes to technology, the United States of America is on the cutting edge, creating a wide range of new technologies. This is one of the reasons that I was so proud to work on behalf of Trade Promotion Authority, so that we can pry open new markets around the world which will create an opportunity for goods and services here in the United States to be able to move into those economies in other parts of the world.

When it comes to the issue of ownership, I am convinced that with cable television, with the multifarious radio programs that are out there representing a wide range of views, and I know from having talked with many of the owners, they do not exercise control over much of the programming. Some of them may be more sympathetic than some of the others; but I will tell you, we happen to believe that the editorial pages of the New York Times and Washington Post have a leftward tilt, and I think the success of talk radio on the conservative side is in large part a response, a response, to a level of frustration that many Americans have felt over the message that has come from the New York Times and the Washington Post editorial pages.

So I happen to believe that we have some wonderful, wonderful things taking place in this country; and we need to do more to encourage creativity. And the idea of having the government clamp down, jeopardizing the opportunity to pursue new technologies, which it will take investment to do, would just plain be wrong.

I have to go upstairs, but I thank my friend for yielding; and I very much appreciate the opportunity to engage in this discussion and look forward to again another free-flowing debate with hundreds of thousands of people following us as we talk about whether or not we should have a national healthcare system.

Mr. DAVIS of Illinois. Reclaiming my time, I think both gentlemen would, in fact, have to agree that in our country and in a democracy like ours, we live often by the golden rule; but we also have to acknowledge that whoever has got the most gold, most often makes the rules. And I am afraid that too much of the gold is becoming concentrated in too few places, which really means that corporate ownership is becoming too powerful; and when it does, then it makes for a skewed democracy or a more one-sided decision-making process, and it needs to be balanced off a little bit, which really means that more people need to become part of the ownership of America, rather than too few people owning too much.

If that is the thesis that the gentleman from Vermont is promoting, then I would agree with him, and yield for further amplification.

Mr. SANDERS. Mr. Speaker, I think my friend said it very, very well. This is a great Nation, and we have enormous things to be proud of. But I remain very, very concerned that fewer and fewer people own more and more of our economy, own more and more of our media, while, at the same time, the average person that the gentleman and I represent are working, in many cases, longer hours for lower wages just to keep their heads above water.

But the point of my remarks tonight was not just to talk about the economy and ownership in the economy, but was to talk about the media; and my deep concern is that the American people are not hearing all points of view; that corporate ownership of the media is preventing a large segment of ideas which represent the thinking of many, many Americans from getting out there, and I think that is not good for our democracy.

Mr. DAVIS of Illinois. I thank the gentleman, and, reclaiming my time, I would have to agree. I would even go beyond just the media. I mean, one of the reasons, for example, that I am so much in favor of employees reaching the point where they exercise more ownership of where they are and where they work is because the more you spread the ownership, the more you open up the process; and the more open the process, the greater the potential for this commodity that we call democracy. I think that is what we are constantly striving for, a more democratic Nation, where more people are engaged and are part of the decision-making.

I want to thank the gentleman for coming down.

Mr. SANDERS. I thank my friend for allowing me to participate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF SENATE AMENDMENT TO H.R. 3090, ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Mr. DRIER (during special order of Mr. DAVIS of Illinois), from the Committee on Rules, submitted a privileged report (Rept. No. 107–367) on the resolution (H. Res. 360) providing for consideration of the Senate amendment to the bill (H.R. 3090) to provide tax incentives for economic recovery, which was referred to the House Calendar and ordered to be printed.

PRICE SUPPORT PAYMENT LIMITATIONS

The SPEAKER pro tempore (Mr. PENCE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes.

Mr. SMITH of Michigan. Mr. Speaker, the agricultural industry in the United States over the last 100 years has contributed a great deal. As we develop this year's farm bill, we are now trying to decide, number one, how much should we pay in terms of tax subsidies to farmers, tax dollars going into subsidies to farmers, to make sure that the agricultural industry in the United States survives.

Farmers are facing record low prices compared to the last 20 years. In fact, in terms of what a bushel of wheat would buy, the wheat price today is much lower than it was 50 years ago.

What kind of policy do we want in the United States? We are now in a subsidy war, if you will, with other countries. Other countries have decided they are going to do anything necessary to keep their farmers operating, so they are subsidizing their farmers in these other countries substantially. Their extra production from Europe, from these other countries, go into what would otherwise be our markets, so the resulting overproduction from all over the world results in low commodity prices, and the low commodity prices today would not keep most farmers in business.

Subsidies in the United States represent about 17 percent of the gross income of the average farm. The average net income of an average farm is around 6 percent. So, again, without the subsidy payments, most farms in the United States would lose money every year.

Now, the irony is that farmers do not like to have this subsidy check coming from the government. They would much rather have a real marketplace, where there was real competition throughout the world, where they could compete and make good money farming. And make no mistake, our farmers in the United States can compete, if you will, excuse the expression, on a level playing field, with any other agricultural producers in the world in most commodities.

Our challenge right now is the Senate has passed one farm bill, and the House has passed another farm bill, substantially different in the concepts of where they want agriculture to go and what they want in the farm bill. That includes rural development, that includes the environment in rural areas, that includes the WIC program for food for infants and pregnant mothers, that includes the Food Stamp program.

Just as a footnote here, let me say how we have changed the U.S. Department of Agriculture over the last 50 years. USDA, that part of USDA that is involved in production agriculture, with farmers, now represents only about 25 percent of the total budget of the U.S. Department of Agriculture.

I am here tonight to talk about payment limitations to some of the huge mega-farmers in the United States. The Senate in their bill had provisions that incorporated a level of payment limitations in the hope that some of the large mega-farms would have some kind of a cap, some kind of limit on the payments they received, so there would be more money for what I would call the average mainstream farmer in the United States and some of the other programs in the agricultural bill.

We passed an agriculture bill back in 1996 that pretty much everybody supported. All of the farm organizations thought it was a good idea. What that was is the Freedom to Farm, and it was a phase-out of government subsidy programs. So over 7 years, the subsidy payments to farmers went down and down, and then in the eighth year farmers were supposed to produce strictly for the market.

What happened is the economy in Asia was tremendously disrupted and their purchases went down, and we had a glut of extra farm production; so prices went down, and even with the one subsidy phase-out payment, farmers were going broke, going out of business, going bankrupt.

Now we are developing this new farm legislation, and the question before us is should we have payment limitations on how much money any one farm operation can receive in payments from the Federal Government.

Let me give you one statistic. Right now, the top largest 5 percent of the farms receive 49 percent of the payments. Five percent almost receive half of all the payments. Some have suggested, look, we do have limits on payments. The fact is that we do not have real limits of any kind on price support payments.

Let me just spend a minute on price supports. In our farm programs, what we have is we say to a farmer that to cover at least their fixed costs, that we will guarantee a certain price, and if the market is less than that particular price, government will make up the difference between the current market price and what the Congress has thought to be a price that will at least cover most of the fixed expenses of that particular farm producing that particular crop.

Just for the record, let me throw in those price support payments. The national average now on rice is $6.50 a hundred weight; cotton is $52.9 cents a pound; wheat is $2.58 cents a bushel; soybeans are $5.26 a bushel; and corn is $1.89 a bushel.

So for example, on corn, at $1.89 a bushel, if the current market price is $1.79 in that particular county, then the government will come up with an extra 10 cents per bushel for those farmers.

In terms of my interest in this area, I am a farmer from Michigan. I was born and raised on a family farm. I was on the United States Department of Agriculture State Committee in Michigan as its chairman. I came to Washington when Earl Butz asked me to come to Washington to help phase out some of the complicated farm programs in 1970, and we went from a stack about 10 feet high of program regulations for farmers down to maybe a stack a foot high of those regulations for farmers, and sold a lot of the storage bins that the Federal Government had that tended to depress prices for farmers even more.

We did not have problems with the kind of payment limitations in those years because the price of the commodity was higher than the support price. We had crazy programs for diversions and set-asides; and ever since 1934 when we first started farm programs, it has tended to be farm programs that had more benefit for the big, richer, larger farm operations.

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So a big, larger farm operation has a lower per unit cost of production; and, therefore, the difference in price to make it up was a little more beneficial to them in terms of adding to their profit than a small family farm that had a larger unit cost of production.

So what happened from 1934 through the 1960s and into the 1970s is the very small farms went out of business, and the medium-sized farms thought, well, if I buy that small farm and I work maybe another couple of hours a day, I can make a little more money for my family so that my kids have some of the same advantages as my city cousins.

Well, it tended to be progressive; and, pretty soon, what was considered a large farm was considered a small farm and the larger farms bought out those smaller farms. Now, over the last 60 years, we have gone from an average of about 40 acres, 50 acres per farm to 460 acres per farm.

Let me just give my colleagues a report from the Environmental Working Group that went to the U.S. Department of Agriculture and got all of the payments to all of the farmers and the farm operations in the United States. As my colleagues will recall, I mentioned earlier that 5 percent of the farms are now receiving 49 percent, almost 50 percent of farm payments that go out. If we were to have the kind of payment limitations that are in the Senate bill, it would save between $2 billion and $3 billion.

I am going to move away from the mike and just write these numbers in. According to the Environmental Working Group, these are the top recipients of farm program payments between the years 1996 and 2000. I think everybody that is watching might be able to see that. They are Riceland Foods, $49 million; Farmers Rice Corporation, $38.2 million; Harvest States Co-op, $28.1 million; Tyler Farms, $23.8 million; Producers Rice Mill, $19 million. These are the mega farm operations. These are the huge landowners. These are not the 400 or the 500 or the 1,000 or the 2,000 or the 3,000 or the 4,000 acre farms. These are the 40,000, 50,000, 60,000, 70,000, 80,000 acre farms.

What I am suggesting in this short debate this evening is that my colleagues work to have a farm program that is more fair to the mainstream farmers of our country and to limit the kind of payments as we have a limit in the Senate bill. Some of the pressures, of course, come from the big operations that are getting these large payments.

Bear with me a minute and let me just go through a scenario of why there is no cap or limits on farm payments, and that has disturbed me quite a lot over the years, because we sort of fool people into saying there is a limit on price support payments. Because, in the law, it says there is going to be a limit on price support payments of $150,000 per farmer. That is what the law says. So a lot of organizations have tended to say, well, we have payment limits on price support.

Here is what happens. It is a little complicated. But once we hit the $150,000 limit, then we have another program that is called a Nonrecourse Loan Program. So any farmer can take his rice, corn, wheat, cotton, soybeans in and give the government the title to that crop. The government will give him a loan that is equal to the price support payment, and then that farmer has the option of forfeiting on that loan and keeping the money, which gives that farmer exactly the same benefit as the price support payment in the first place. So it is sort of one can do an end run and still collect millions of dollars in price support payments.

I would just urge my colleagues and I would urge the conferees from the Senate and the House to look at the kind of payment limitations that still can be fair to farmers, that still offer some loan provisions to those farmers so that we do not have to glut the market at harvest time.

I spent 5 years as a deputy administrator for farm programs with Earl Butz, and then went back home to the farm. Anyone that thinks that it is not tough, making money on a farm, has not spent a lot of time on the farm. Farmers put in those 14- and 15-hour days. They work very hard. They are desperate to try to have the kind of provisions and services and piano lessons and the ability to send their kids to college. They are trying hard in working those extra hours to try to accommodate their family in the same kind of living as their city cousins. It has been very tough.

So we are losing a lot of our farmers, and we continue the trend of farmers and farms getting bigger and bigger.

I want to make it clear that the limitation amendment will only affect the very largest of recipients. For instance, the average acreage that would have to be taken in the last 2 crop years to reach the limit that the payment limitation sets was over 6,000 acres of corn. So, again, the average farm is 460 acres, but to reach the payment limitation in relation to the price over the last 2 years was 6,000 acres of corn, almost 5,800 acres of soybeans, almost 2,000 acres of cotton and 13,000 acres of wheat, 17,000 acres of rice.

I would note that the average farm size again is 450 acres. So these are very large farms to reach that limit.

Mr. Speaker, I would ask all Americans to work with us in terms of supporting American farmers. I have suggested that, number one, we want to try to talk these other countries into reducing their subsidies, because subsidies tend to encourage overproduction that has a chain reaction of extra supply, lowering the price, and so farmers end up receiving that much lower price from the markets. So we need to work together cooperatively with other countries.

But I think it is very important that we keep our agriculture industry, we keep and we do what is necessary in these farm programs that we are going to develop over the next several weeks to make sure we have a strong agricultural industry that can continue to provide the highest quality food in the world at the lowest percentage of take-home pay of anyplace in the world.

Again, we produce the highest quality of food at the lowest percentage of take-home pay of anyplace in the world. That efficient production in agriculture has allowed so many people that used to work on the farm producing food to try to survive to go into industry and manufacturing and now into the new information technology. So the agricultural industry that has been the most efficient of any industry; if we take the automobile industry or computers or anything else, the increase in productivity of American agriculture has surpassed almost every other industry.

In conclusion, I would say, Mr. Speaker, that I ask all of my colleagues to join with me when they talk to conferees and encourage them to come up with a payment limitation that is fair to all farmers, but not to give in to some of the pressure groups and the large, huge mega farm operations that are trying to put pressure on our conferees to continue unlimited payments without restrictions. Of course, let me add to that the grain marketers who tend to make a certain profit per unit of production also gain from having large volumes produced. So those industries, the grain industries, the cotton, rice, et cetera, those industries do not want the kind of payment limitations that is going to result in fewer bushels or pounds being produced because that is where they have their margin and markup on profits.

Mr. Speaker, it is going to be a challenge. I hope we can overcome that challenge, and I hope we can have the kind of payment limitations that helps make sure that we do not have a nation of huge mega farms.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. LEE (at the request of Mr. GEPHARDT) for today before 4:30 p.m. on account of business in the district.

Ms. WATERS (at the request of Mr. GEPHARDT) for today on account of business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mrs. CAPPS, for 5 minutes, today.
Ms. NORTON, for 5 minutes, today.
Mr. MCGOVERN, for 5 minutes, today.
Mr. RODRIGUEZ, for 5 minutes, today.

(The following Members (at the request of Mr. PENCE) to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.
Mr. ENGLISH, for 5 minutes, today.
Mr. MCINNIS, for 5 minutes, today.

The following Member (at his own request) to revise and extend his remarks and include extraneous material:

Mr. LEWIS of California, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, March 7, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5748. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Brucellosis in Cattle; State and Area Classifications; Florida [Docket No. 01-020-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5749. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agiculture, transmitting the Department's final rule—Mexican Hass Avocado Import Program [Docket No. 00-003-4] (RIN: 0579-AB27) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5750. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Limited Ports of Entry for Pet Birds, Performing or Theatrical Birds, and Poultry and Poultry Products [Docket No. 01-121-1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5751. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Unshu Oranges From Japan [Docket No. 99-099-2] (RIN: 0579-AB17) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5752. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—States Approved To Receive Stallions and Mares From CEM-Affected Regions; Rhode Island [Docket No. 01-055-2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5753. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Prohibition of Beef From Argentina

[Docket No. 01–032–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5754. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Interstate Movement of Swine Within a Production System [Docket No. 98–023–2] (RIN: 0579–AB28) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5755. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commercial Transportation of Equines to Slaughter [Docket No. 98–074–2] (RIN: 0579–AB06) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5756. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Horses From Iceland; Quarantine Requirements [Docket No. 00–010–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5757. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Imported Fire Ant; Addition to Quarantined Areas [Docket No. 01–081–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5758. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Addition to Quarantined Areas [Docket No. 00–036–3] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5759. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 01–092–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5760. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Phytophthora Ramorum; Quarantine and Regulations [Docket No. 01–054–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5761. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Commuted Traveltime Periods: Overtime Services Relating to Imports and Exports [Docket No. 01–111–1] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5762. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Animals Destroyed Because of Tuberculosis; Payment of Indemnity [Docket No. 00–106–1] (RIN: 0579–AB29) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5763. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Export Certification; Canadian Solid Wood Packing Materials Exported From the United States to China [Docket No. 99–100–4] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5764. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Chronic Wasting Disease in Cervids; Payment of Indemnity [Docket No. 00–108–1] (RIN: 0579–AB35) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5765. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Germany, Italy, and Spain Because of BSE [Docket No. 01–008–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5766. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Republic of San Marino and the Independent Principalities of Andorra and Monaco [Docket No. 01–008–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5767. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—District of Columbia; Movement of Plants and Plant Products [Docket No. 00–085–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5768. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of The Netherlands and Northern Ireland With Regard to Foot-and-Mouth Disease [Docket No. 01–031–3] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5769. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of France and Ireland With Regard to Foot-and-Mouth Disease [Docket No. 01–031–2] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5770. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—States Approved To Receive Stallions and Mares From CEM-Affected Regions; Rhode Island [Docket No. 01–055–01] received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5771. A letter from the Director, Policy Directives and Instructions Branch, Department of Justice, transmitting the Department's final rule—Termination of the Designation of Argentina as a Participant Under the Visa Waiver Program [INS No. 2188–02; AG Order No. 2561–2002] (RIN: 1115–AB93) received February 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5772. A letter from the Executive Secretary and Chief of Staff, Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5773. A letter from the Acting General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5774. A letter from the Acting Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 1870. A bill to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada; with an amendment (Rept. 107–366). Referred to the Committee of the Whole House on the state of the Union.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 360. Resolution providing for consideration of the Senate amendment to the bill (H.R. 3090) to provide tax incentives for economic recovery (Rept. 107–367). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. McINNIS:

H.R. 3857. A bill to amend the Internal Revenue Code of 1986 to treat nominally foreign corporations created through inversion transactions as domestic corporations; to the Committee on Ways and Means.

By Mr. RAHALL:

H.R. 3858. A bill to modify the boundaries of the New River Gorge National River, West Virginia; to the Committee on Resources.

By Mr. BROWN of South Carolina:

H.R. 3859. A bill to suspend temporarily the duty on Allyl Cyclo Hexyl Propionate (Allyl hexahydro phenylpropionate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3860. A bill to suspend temporarily the duty on Methyl Cinnamate (methyl-3-phenylpropenoate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3861. A bill to suspend temporarily the duty on NeoHeliopan Hydro (2-Phenylbenzimidazole-5-sulfonic acid); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3862. A bill to suspend temporarily the duty on Sodium Methylate Powder (Na Methylate Powder); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3863. A bill to suspend temporarily the duty on Benzyl Acetone (Methyl-phenylethyl ketone); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3864. A bill to suspend temporarily the duty on Globanone (Cyclohexadec-8-en-1-one)

(CHD); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3865. A bill to suspend temporarily the duty on Agrumex (o-t-Butyl cyclohexanol); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3866. A bill to suspend temporarily the duty on Acetanisole (Anisyl Methyl Ketone); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3867. A bill to suspend temporarily the duty on Methyl Acetophenone-para (Melilot); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3868. A bill to suspend temporarily the duty on Majantol (2,2-Dimethyl-3-(3-methylphenyl)proponal); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3869. A bill to suspend temporarily the duty on NeoHeliopan MA (Menthyl Anthranilate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3870. A bill to suspend temporarily the duty on Allinat (Allyl isosulfocyanate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3871. A bill to suspend temporarily the duty on Frescolate (5-Methyl-2-(methylethyl)cyclohexyl . alpha-hydroxypropanoate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3872. A bill to suspend temporarily the duty on Thymol (alpha-Cymophenol); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3873. A bill to suspend temporarily the duty on Phenyl Propyl Alcohol (Benxyl ethyl alcohol); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3874. A bill to suspend temporarily the duty on Benzyl Cinnamate (Benzyl beta phenylacrylate); to the Committee on Ways and Means.

By Mr. BROWN of South Carolina:

H.R. 3875. A bill to suspend temporarily the duty on Trimethyl Cyclo Hexanol (1-Methyl-3,3-dimethylcyclohexanol-5); to the Committee on Ways and Means.

By Mr. CANNON:

H.R. 3876. A bill to establish the San Rafael Western Frontier National Heritage Area in the State of Utah, and for other purposes; to the Committee on Resources.

By Mr. CRANE (for himself and Mr. SHAW):

H.R. 3877. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to clarify rules for determining whether certain agent-drivers and commission-drivers are employees; to the Committee on Ways and Means.

By Mr. DEUTSCH:

H.R. 3878. A bill to enable the residents of the Bayshore Manor assisted living facility in Key West, Florida, to continue to receive supplemental security income benefits under title XVI of the Social Security Act; to the Committee on Ways and Means.

By Mr. EVERETT:

H.R. 3879. A bill to provide wage parity for certain Department of Defense prevailing rate employees in Alabama; to the Committee on Government Reform.

By Mr. FOSSELLA (for himself, Mr. TOWNS, Mr. MEEKS of New York, Mr. GRUCCI, Mrs. KELLY, Mr. OWENS, Mr. RANGEL, Mr. QUINN, Mr. GILMAN, Mrs. McCARTHY of New York, Mr. KING, Mr. ENGEL, and Mr. ACKERMAN):

H.R. 3880. A bill to provide a temporary waiver from certain transportation conformity requirements and metropolitan transportation planning requirements under the Clean Air Act and under other laws for certain areas in New York where the planning offices and resources have been destroyed by acts of terrorism, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY (for himself, Mr. McINNIS, Mr. SCHAFFER, and Mr. TANCREDO):

H.R. 3881. A bill to authorize the Secretary of the Interior to engage in studies relating to enlarging Pueblo Dam and Reservoir and Sugar Loaf Dam and Turquoise Lake, Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 3882. A bill to amend title XVIII of the Social Security Act to reform the Medicare physician payment update system through repeal of the sustainable growth rate (SGR) payment update system; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEAL of Massachusetts (for himself, Mr. SAWYER, Mrs. CAPITO, and Mr. MASCARA):

H.R. 3883. A bill to reduce temporarily the duty on N-Cyclohexylthiophthalimide; to the Committee on Ways and Means.

By Mr. NEAL of Massachusetts (for himself, Mr. MALONEY of Connecticut, Mr. FRANK, Mr. DEFAZIO, Mr. CONYERS, Mr. OLVER, Mr. GEORGE MILLER of California, Mr. TIERNEY, Mr. McGOVERN, Mr. MARKEY, Mr. LYNCH, Mr. ISRAEL, Mr. BROWN of Ohio, Mr. DUNCAN, Mr. CAPUANO, Mr. LAMPSON, Mr. MEEHAN, Mr. DELAHUNT, and Mr. TOWNS):

H.R. 3884. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from avoiding the United States income tax by reincorporating in a foreign country; to the Committee on Ways and Means.

By Mr. PALLONE:

H.R. 3885. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the Secretary of Health and Human Services to establish a tolerance for the presence of methyl mercury in seafood, and for other purposes; to the Committee on Energy and Commerce.

By Mr. ROTHMAN (for himself and Mr. WEINER):

H.R. 3886. A bill to require the Administrator of the Environmental Protection Agency to conduct a feasibility study for applying airport bubbles as a method of identifying, assessing, and reducing the adverse environmental impacts of airport ground and flight operations and improving the overall quality of the environment, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER (for herself, Ms. DEGETTE, Mrs. MORELLA, and Mr. GREENWOOD):

H.R. 3887. A bill to establish a public education and awareness program relating to emergency contraception; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 3888. A bill to provide for the conveyance of the National Forest System lands underlying the George Kirkpatrick Dam on the Ocklawaha River near Palatka, Florida, and related lands to the State of Florida; to the Committee on Agriculture.

By Mrs. WILSON of New Mexico (for herself and Mr. WELLER):

H.R. 3889. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for teachers and principals who work in certain low income schools; to the Committee on Ways and Means.

By Mr. DAN MILLER of Florida (for himself, Mr. DAVIS of Illinois, Mr. CLAY, and Mrs. MALONEY of New York):

H. Con. Res. 339. Concurrent resolution expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment; to the Committee on Government Reform.

By Mr. DOOLITTLE:

H. Con. Res. 340. Concurrent resolution supporting the goals and ideals of Meningitis Awareness Month; to the Committee on Government Reform.

By Ms. McCOLLUM (for herself, Mr. FARR of California, Mr. WALSH, Mr. PETRI, Mr. NADLER, Mr. McGOVERN, Mr. UDALL of New Mexico, Ms. WOOLSEY, Mr. HONDA, Mr. HALL of Ohio, and Mr. FORD):

H. Con. Res. 341. Concurrent resolution expressing the sense of Congress that Federal funding of the Peace Corps should be doubled to $550,000,000 by 2007, and for other purposes; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 342. Concurrent resolution expressing the sense of Congress that the people of the United States should be encouraged to rediscover attractions in the States in which they live; to the Committee on Energy and Commerce.

By Mr. HYDE (for himself, Mr. LANTOS, Mr. BALLENGER, Mr. MENENDEZ, Mr. GOSS, Mr. FARR of California, Mr. KOLBE, Mr. DELAHUNT, Mr. GILMAN, Mrs. TAUSCHER, and Mr. MORAN of Virginia):

H. Res. 358. A resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations; to the Committee on International Relations. considered and agreed to.

By Mr. NEY (for himself and Mr. HOYER):

H. Res. 359. A resolution providing amounts for further expenses of the Permanent Select Committee on Intelligence in the second session of the One Hundred Seventh Congress; to the Committee on House Administration.

By Mr. CAMP (for himself, Mr. BARCIA, Mr. ROGERS of Michigan, Mr. EHLERS, Mr. HOEKSTRA, Mr. SMITH of Michigan, Mr. KNOLLENBERG, and Mr. UPTON):

H. Res. 361. A resolution expressing the sense of the House of Representatives regarding the restoration and protection of the Great Lakes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on International Relations, Resources, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H. Res. 362. A resolution congratulating the 2002 United States Olympic Team, Salt Lake City, the State of Utah, the Salt Lake Organizing Committee, the International Olympic Committee, athletes from around the world, and all the security personnel who participated in the 2002 Olympic Winter Games in Salt Lake City, Utah; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 68: Mrs. Kelly.

H.R. 250: Mr. Smith of Washington.

H.R. 325: Mr. Moran of Virginia.

H.R. 476: Mr. Berry.

H.R. 563: Ms. Berkley and Mr. Duncan.

H.R. 745: Mr. Lynch, Mr. Baird, and Mr. Frost.

H.R. 792: Mr. Tiberi.

H.R. 839: Ms. Lofgren.

H.R. 853: Mr. Rothman.

H.R. 997: Mr. Foley.

H.R. 1117: Ms. McCollum.

H.R. 1186: Mr. Owens.

H.R. 1211: Ms. Berkley.

H.R. 1307: Ms. Pelosi and Mr. Mascara.

H.R. 1401: Mr. Simmons.

H.R. 1535: Ms. Roybal-Allard.

H.R. 1636: Mr. Simpson.

H.R. 1667: Mr. Dingell.

H.R. 1718: Mr. Davis of Florida.

H.R. 1720: Mr. Gutierrez.

H.R. 1763: Mr. Rothman.

H.R. 1779: Mrs. Morella, Mr. Blagojevich, Mr. Pascrell, Mrs. Napolitano and Mr. Engel.

H.R. 1810: Mr. Matsui and Mr. Pascrell.

H.R. 1904: Ms. Schakowsky, Mr. Green of Texas, Mr. Moran of Virginia, Mr. Honda, Ms. Watson, Mr. Payne, and Mr. Pastor.

H.R. 1979: Mr. Portman, Mr. Kolbe, and Mr. Osborne.

H.R. 2037: Mr. Quinn, Mr. Hill, and Mr. LaTourette.

H.R. 2073: Mr. Frank.

H.R. 2125: Mr. Delahunt.

H.R. 2235: Mr. Osborne.

H.R. 2406: Mr. Frank.

H.R. 2487: Mr. Baldacci and Mr. Filner.

H.R. 2531: Mr. Blagojevich and Ms. Lee.

H.R. 2592: Mr. Rohrabacher.

H.R. 2721: Ms. Lee and Mr. Burton of Indiana.

H.R. 2799: Mr. Ross.

H.R. 2820: Ms. Carson of Indiana, Mr. Rodriguez, Mr. Rahall, and Mr. Phelps.

H.R. 2868: Mrs. Morella, Mr. Kucinich, Mrs. Maloney of New York, and Mr. Allen.

H.R. 2874: Mr. Frost.

H.R. 2941: Mr. Gillmor, Mrs. Kelly, and Ms. Hart.

H.R. 3026: Mr. Dooley of California.

H.R. 3058: Mr. Oxley.

H.R. 3083: Mr. Duncan.

H.R. 3183: Mr. Foley, Mr. Lynch, and Ms. Brown of Florida.

H.R. 3230: Mr. Abercrombie.

H.R. 3231: Mr. Peterson of Minnesota.

H.R. 3244: Mr. Doyle, Mr. Blumenauer, Mr. Goodlatte, and Mr. Schaffer.

H.R. 3279: Ms. Lee.

H.R. 3298: Mrs. Lowey.

H.R. 3321: Mr. Clement and Mr. Carson of Oklahoma.

H.R. 3331: Mr. Hoeffel.

H.R. 3397: Mr. Wilson of South Carolina.

H.R. 3450: Mr. Owens, Mr. Sandlin, Mr. McIntyre, and Mr. Rangel.

H.R. 3479: Mr. Nethercutt, Mr. Otter, and Mr. Turner.

H.R. 3481: Mr. Kennedy of Rhode Island and Mr. Crowley.

H.R. 3524: Mr. Baldacci, Mr. Frost, and Mr. Honda.

H.R. 3533: Mr. Hastings of Florida and Mr. Rogers of Michigan.

H.R. 3547: Mr. Rohrabacher.

H.R. 3569: Mr. Gillmor.

H.R. 3605: Mr. Calvert.

H.R. 3612: Mr. Ryun of Kansas, Ms. Norton, Mr. Clay, and Mr. Mascara.

H.R. 3624: Mr. Akin, Mr. Brady of Texas, and Mr. Lewis of Kentucky.

H.R. 3626: Mr. Terry and Mr. Langevin.

H.R. 3639: Mr. Baldacci.

H.R. 3657: Mr. Langevin and Mr. Kucinich.

H.R. 3661: Mr. English and Ms. Watson.

H.R. 3670: Ms. Carson of Indiana and Ms. Brown of Florida.

H.R. 3675: Ms. DeLauro, Mr. Gilman, Mr. Larsen of Washington, Mr. Filner, Mr. Frank, Mr. Bonior, Mr. Capuano, Ms. Schakowsky, Mr. McNulty, Mr. Wynn, Mr. Stark, Mr. Blagojevich, Ms. Slaughter, Ms. Harman, Mr. Evans, Mr. Doggett, Mr. Ackerman, Mr. Hoeffel, Mr. Rush, Mr. Nadler, Mr. Brady of Pennsylvania, Mr. Borski, Mrs. Christensen, Mr. Hall of Ohio, Mr. Lewis of Georgia, Mr. Luther, Mr. LaFalce, Mr. Udall of Colorado, Mr. Kucinich, Mr. Fattah, Mr. Olver, Mr. Cummings, Mr. Jefferson, Mr. Kildee, Ms. Kilpatrick, Mrs. Morella, Mr. Udall of New Mexico, Mr. Rangel, Mr. Gordon, Mr. Rothman, Mr. Menendez, Mrs. Napolitano, and Mr. Doyle.

H.R. 3676: Mr. Frank, Ms. Kaptur, Mr. McGovern, Mr. Conyers, Mr. Gilman, Mr. Hinchey, Mr. Faleomavaega, and Mr. Doggett.

H.R. 3679: Mr. Davis of Illinois.

H.R. 3710: Mr. Filner.

H.R. 3717: Mr. Simmons and Mr. Shimkus.

H.R. 3733: Mr. Peterson of Minnesota and Mr. Lynch.

H.R. 3741: Mr. Ryun of Kansas.

H.R. 3762; Mrs. Capito, Mr. Bartlett of Maryland, Mr. Latham, Mr. Tiberi, Mr. Gibbons, Mr. Greenwood, Mr. Reynolds, Mr. Isakson, Ms. Hart, Mr. Sensenbrenner, Mr. Green of Wisconsin, Mr. Walsh, Mr. Kolbe, and Mr. Shays.

H.R. 3792: Mr. Gilman, Mr. Brown of Ohio, Ms. Baldwin, Ms. Lee, Mr. Acevedo-Vila, Mr. LaTourette, and Mr. Ferguson.

H.R. 3803: Mr. Bereuter.

H.R. 3833: Mrs. Jones of Ohio, Mr. Deal of Georgia, and Mrs. Bono.

H.R. 3839: Mr. Tiberi.

H. Con. Res. 42: Ms. Pelosi, Mr. Mascara, and Mr. Rush.

H. Con. Res. 197: Mr. LaTourette,

H. Con. Res. 238: Mr. McGovern.

H. Con. Res. 271: Mr. Cantor and Mr. Hobson.

H. Con. Res. 320: Mr. Faleomavaega.

H. Con. Res. 328: Mr. Cummings, Mr. Wynn, Mr. McGovern, and Mrs. Napolitano.

H. Con. Res. 334: Mr. Burton of Indiana, Mr. Vitter, Mr. Aderholt, and Mr. Platts.

H. Res. 225: Ms. Watson.

H. Res. 346: Mr. Walsh and Mr. Shuster.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3694: Mr. LaHood.

SENATE—*Wednesday, March 6, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, all through our history as a nation You have helped us battle the enemies of freedom and democracy. Many of the pages of our history are red with the blood of those who paid the supreme sacrifice in just wars against tyranny. They are our distinguished heroes and heroines.

Today, we feel both grief and gratitude for the seven men who lost their lives in Afghanistan in the battle against the insidious enemy of terrorism. We ask You to comfort and strengthen their families, loved ones, and friends as they experience the anguish of their loss. Death could not end their gallant lives. We do not want to forget them or lose sight of the hallowed memory of their gallantry.

Renew our resolve to press on in the battle to rid the world of terrorism. Lord God of hosts, be with us yet, lest we forget what the men and women of our military are doing to assure us of the freedom of speech and the exercise of government we will enjoy today. Lord, continue to bless America and give us victory over the forces of evil confronting our world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN E. NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 6, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN E. NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. BENJAMIN E. NELSON thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, what is the pending business before the Senate?

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

AMENDMENT NO. 2980 AS MODIFIED

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. I send an amendment to the desk and ask for its consideration.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 2980 to amendment No. 2917.

Mr. DASCHLE. I ask unanimous consent reading of the amendment be dispensed with.

Mr. MURKOWSKI. I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

The clerk will read the amendment.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following:

"(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

"(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

"(2) enters Canada at any point north of 68 degrees North latitude."

At the appropriate place, insert the following:

"(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands."

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent the call of the quorum be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask consent that the pending issue be set aside temporarily so I may make an opening statement on my leader time, without anybody losing their rights.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I thank Senator DASCHLE and Senator MURKOWSKI for allowing me to do this.

We are soon going to be proceeding with the amendments on this very important issue. I have said several times, and I believe it and mean it sincerely, that having a national energy policy is one of the two most important things we will try to accomplish this year. After providing adequate needs for the defense of our country and in the war against terrorism, having a national energy policy is the next most important. While a lot of other issues are critical and we need to address them, this is a very serious matter.

I focus today on my belief that American dependence on foreign oil directly threatens our national security and our freedom. I think it is even bigger than that. It is also about economic freedom. If we do not address this question in a very broad and comprehensive way, the time will come—maybe even this summer once again—when we will have rolling brownouts, and someday, perhaps, blackouts, as well as gas lines again. We need a comprehensive, broad, national policy to avoid that. If we do not do that, we could get to a situation where, for some reason, foreign oil imports should be cut off or a high percentage should be cut off or we decide we will not continue to be dependent on Iraqi oil, or any number of upheavals could affect us immediately. It could affect not only our lifestyles but affect the economy and the jobs on which people depend. Energy is essential to the creation of jobs, whether in the steel industry, the poultry industry, agriculture, or fisheries on the Gulf of Mexico where I live.

I am beginning to think there are people who believe when you flip the switch and the power comes on, it magically appears out of this wire. Somewhere behind that wire are a lot of things we need to have. We need to have transmission lines. We need to have a plant somewhere that is creating that power that is wheeled through those lines. And the energy that fuels that plant has to come from somewhere.

In this bill that we are starting off with, I think we have a very bad product. I am not going to belabor the process of how we got here, but it seems to be a continuing, changing process. The Energy Committee didn't act. The Commerce Committee couldn't act on the CAFE standards. The Finance Committee did finally get together and it produced a $15 billion tax incentive package, but there is some concern about whether or not that should be offset or how it would be offset. So there is going to have to be a lot of work done on this bill to make it acceptable.

I think in the bill as it starts out, far too much is dependent on conservation and alternative fuels and not wanting to sufficiently address the production side. I think we need both. I am for encouraging conservation with incentives. I am for alternative fuels. I am for renewables. I am for using tax incentives to get these marginal wells back in production. But I also want the other side of that equation. I don't think we can conserve ourselves into an energy policy or, by reducing what we use, not be threatened by this energy area.

I hope we will work to come up with a comprehensive package at the end that is worth voting on, to send it on to conference. The Senate has been developing a pattern now of starting off with bad bills or partisan bills. When you do that, you are almost destined to get to a point where you cannot get a result.

We have not been able to move forward on energy for a year but now, thank goodness, we are going to have this full debate. I am appreciative of that, although I am very worried about the way it is starting. It smells like a stimulus bill or an agriculture bill in terms of how it is written. Maybe that will not be the case. I, for one, have started out by saying: Let's not focus on the negative. Let's just go forward and do our work. Let's have amendments, let's have votes, let's improve this bill. I may be disappointed in the end and some people will come to me and say: See, I told you so, you can't fix this thing.

But I am like Nehemiah in the Bible in building the wall. He believed the wall could be built. The people didn't believe it, but they trusted him and they kept working and kept working and they built the wall. We are trying to build a wall here, and this wall is an energy policy for our country.

So I do think there is a problem that affects our national security in the first instance. There are a lot of explanations why we do not have a national energy policy. We can blame a lot of people. There will be those who quickly say: Blame your neighbor's SUV. I have one. I have three grandchildren. I like them to be able to ride in the same vehicle with me. Or blame the oil companies—oh, the polluters. What do they think we are going to drive the economy with without oil and natural gas and coal and nuclear—the whole schmear. Or the automobile makers, it is easy to blame the automobile makers.

Unfortunately, we blame the domestic ones more than we do even the international ones—I am not criticizing them because they are putting their plants in America and we are glad to have them. They can help us, perhaps, produce better automobiles that have better fuel economy. I hope it is not done just by cutting them in half, which is what you get when you go in Europe. I can't even get into those things they have over there, or any of the other usual scapegoats.

Before we do that, just consider this fact. America is one of the leading energy-producing countries in the world. This country has the technology, alternative resources, and enough oil and natural gas to make itself much more self-sufficient. America does not have to revert back to the practices of the 1970s. The country is faced with a serious problem because previous Congresses and previous administrations—blame everybody—didn't do what needed to be done in this area because it was too hard. These issues are not easy, trying to come up with an agreement that will provide a positive result. Whether it is in the fuel efficiency area, in the production area—every one of them is very difficult to work out to an agreement and compromise that will pass.

As a result, crude oil production is down significantly in this country as consumption continues to rise. America now imports 56 percent of the oil it consumes, compared to 36 percent at the time of the 1993 Arab oil embargo. We had long gas lines and we had huge debates in the Congress, particularly in the Senate, over what to do about our energy needs. We acted as if we thought maybe we had done enough. Obviously it didn't work because our dependence on foreign oil had gone up.

At the rate it is going, the Energy Department predicts America will be at least 65-percent dependent on foreign oil by 2020. That alarms me and I bet it does most Senators—and most Americans, when you think about it—when we are dependent on oil that comes from some very dangerous parts of the world, in many cases, or some cases very unstable governments.

We cannot continue down this path. This bill has to be passed so that will not be what happens. We need a national energy policy that will enhance national security by reducing this dependence on foreign energy sources. We need a policy that provides incentives for the use of natural gas—a fuel which can burn cleanly in internal combustion engines and which is abundant within our borders, especially the Gulf of Mexico, right in front of my house where I live. It is out there. Some of it is being taken out of the gulf now. A lot more could be done, but we have a huge battle to try to make use of areas such as the Destin Dome in the Gulf of Mexico, which I think is at least 100 miles from the shoreline. There is no need, no reason we should not pursue that. Natural gas is not oil, for one thing. You don't spill it.

We should also call on America to utilize other domestic resources through incentives which encourage the use of marginal oil wells and the billions of barrels of oil we have in Alaska. Likewise, we should not ignore the use of renewable energy resources such as solar power, hydropower, or wind power. Can we get a substantial percentage of our needs out of that area? I doubt it, although I think hydropower can produce significant amounts. Maybe we can get some help from solar or wind. I doubt if we will ever exceed 3 or 4 or 5 percent, but that is not small potatoes. Let's do that, too. However, Congress must acknowledge that America cannot realistically run only on renewable energy resources. We must be realistic and provide a bridge to our energy future.

Despite the most advanced technology and ingenuity, tomorrow's energy sources will not answer the energy needs of today. Coal, oil, and natural gas remain our most abundant and affordable fuels, and they can be used in environmentally sound ways.

My State doesn't produce a lot of coal. We have some lignite, and we are beginning to make use of it. But I believe clean coal technology is out there. I believe we can use coal and use it in a much cleaner way. We need to have encouragement to do that. Some 55 percent of the electricity generated in the United States comes from coal-fired, steam generating plants. Coal can make a significant contribution to U.S. energy security if the environmental challenges of coal-fired plants can be met. Congress should enact legislation which will provide credits for emissions reductions and efficiency improvements.

We are going to have that in this bill. Some are in it and I hope there will be even more. Congress must also provide incentives for independent producers to keep their wells pumping. Tax credits for marginal wells will restore our link to existing resources, including many in my own home State of Mississippi. We are not a big oil producing State, but we do have some oil and the wells are pumping now. The wells are marginal, but they can produce five barrels a day which can make a difference.

These wells are responsible for 50 percent of the U.S. production. We should give even more incentives to keep that percentage at least in place.

We also need to increase the availability of domestic natural gas, which is the clean alternative for coal in electric power plants. Federal land out West may contain as much as 137 trillion cubic feet of natural gas. Similarly there is Federal land in Alaska which is estimated to contain 16 billion barrels of domestic crude oil. None of these facts should be surprising.

There has to be a solution to this problem. Some would say that all we need to do is improve energy efficiency and reduce energy consumption.

Is that the way we do things in America? No. In America we make things better—more efficient and better. Are we saying you have to learn to live with less and that we can't have it as we did? That is not the American spirit. We can produce more. We can be more energy efficient. We can do all of it if we make up our minds to do it.

While there is a place for energy efficiency incentives in developing a natural energy policy, we must not starve our economy of the energy it needs to maintain and improve our standard of living. In the long run, a national energy policy that looks at all realistic sources of energy must be developed.

This is not the 1970s. America has better technology, more efficient and cleaner automobiles, as well as more energy options. The question is, How long will we forgo these options and be held hostage to nations abroad or extremists at home who do not want us to do what can and should be done? America must tap the vast resources we have. America can solve its energy problems but Congress must act in the interests of the entire Nation, rather than a select few, or with a defeatist attitude. Providing families the security and freedom they deserve depends upon stable, reliable, clean, and affordable energy. America badly needs a comprehensive, but realistic, national energy policy, and we need it now.

I say again that while I might object to the content of the bill we are beginning with and the process used to get here, we are on it. So let us make our opening statements. Let us get the amendments started. Let us see if we can't produce a bill that we can send to conference and get this job done.

The President of the United States wants us to do this. He knows we have to do it. He raised it in a meeting just yesterday. He didn't say you have to do it this way or that way. I know he wants us to get access to oil in ANWR and other places in this country. I know he wants us to have a realistic CAFE standard. But he is not saying you have to do it my way to get it done.

Mr. Chairman and Senator MURKOWSKI, let's roll.

I yield the floor.

Mr. DASCHLE. Mr. President, I compliment the distinguished Republican leader for his statement. While there are some things that might divide us on the issue, there is a lot he just said that I agree with wholeheartedly. This country needs an energy policy. We ought to be moving forward. We can do both in terms of comprehensive conservation and comprehensive production incentives. So I thank him for the spirit in which he has begun this debate.

For those who have expressed some concern about the way this bill came to the floor, I will just say that this is the way the last energy bill came to the floor in May and June of the year 2001. But I want to address very briefly the amendment I have just laid down.

One of the most significant, responsible ways in which to increase production and improve our Nation's energy security is to build a pipeline to bring natural gas from Alaska to the lower forty-eight states.

There are 35 trillion cubic feet of known natural gas reserves on the North Slope of Alaska. Right now, that gas is being pumped back into the ground because we have no way of getting it to people. In the energy bill we are now debating, Senator BINGAMAN and I have proposed a 2,000-mile long gas pipeline that would create 400,000 jobs, use an estimated 5 million tons of U.S. steel, and ensure that we do not become dependent on imported liquefied natural gas. If we want to create jobs, increase our energy security, and help the U.S. steel industry, building this pipeline is the way to do it.

Last week, Alaska Governor Tony Knowles suggested some refinements in the legislation that would ensure that American workers, and in particular, Alaskans, get the greatest benefit from this project.

In particular, Governor Knowles urged us to ensure that the pipeline follow what is known as the southern route down the Alaska Highway. This will ensure that much of the pipeline is constructed in Alaska and that it avoids the environmental pitfalls that construction could have on the fragile northern Alaska environment and the Beaufort Sea.

Second, he asked that we clarify the rules for State and federal cooperation, to ensure that the development of the pipeline proceed as smoothly as possible. Both of these issues are addressed in the amendment we are offering today. Other changes that Governor Knowles has requested include guaranteeing access to the pipeline for new natural gas producers that may arise in the future, protecting the ability of Alaskans to have access to the natural gas that will be transported in the pipeline, and establishing a tax incentive to reduce the risk associated with natural gas price volatility.

Senator BINGAMAN is working closely with others to develop language on these issues, and I would expect the final product of these deliberations to be added to the energy bill prior to final passage.

Energy for America, jobs and opportunity for Alaskans, and no damage to sensitive environmental areas should all be goals to which we can subscribe. This legislation, and this amendment in particular, allow us to do that with even greater confidence.

I yield the floor.

AMENDMENT NO. 2980, AS MODIFIED

Mr. DASCHLE. Mr. President, I have a modification of the amendment at the desk.

The ACTING PRESIDENT pro tempore. The amendment is modified.

The amendment (No. 2980), as modified, is as follows:

Insert the following after Section 704(d):

"(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

"(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

"(2) enters Canada at any point north of 68 degrees North latitude."

Insert the following after Section 706(c):

"(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands."

Mr. BINGAMAN. Mr. President, let me speak very briefly on the same issue that the majority leader raised.

I also believe it is very important for us in this legislation to facilitate construction of this pipeline from the

North Slope of Alaska to bring natural gas to the lower 48 States. This is an issue that my colleague from Alaska, Senator MURKOWSKI, has been urging for some time. I know Senator STEVENS, as well, strongly supports it. I know that virtually all of us on the Energy Committee have believed construction of this pipeline needed to be a priority item as part of a comprehensive energy plan. That is why we included it in the legislation that is before the Senate today.

The amendment Senator DASCHLE has now offered would change what we have in the bill in a couple of important respects. The main thing it would do is ensure that the so-called southern route be chosen. This is again something that I know all of the representatives from Alaska have urged on us. I know Governor Knowles has urged this in testimony before the Energy Committee. He urged that this be done.

The bill we have introduced did not specify that the southern route was the only option. We were route neutral in the bill that is before the Senate because we believed that was an issue and a river we weren't ready to cross. But at this stage, I think it is clear that this southern route, which was authorized in the previous legislation that was passed in Congress a couple of decades ago, is part of our international treaty with Canada. It recognizes that there are environmental advantages if we follow this existing transportation route.

I think there are substantial advantages to be argued in favor of doing this southern route. I know it has been a priority for, as I say, the Governor of Alaska and the Senators and the Representative from Alaska for a long time. I think it will improve the bill.

It will make it clear that the Senate is anxious to see the jobs created in Alaska and that it is anxious to see the economic benefits. It recognizes that the environmental benefits are substantial as well.

I will support the amendment as it is proposed. I hope we can get strong bipartisan support for it. As I say, it is one of those issues we have debated for a long time. We brought the bill to the floor with a route-neutral provision in it. Now that would change, but it would change with my support.

I yield the floor.

Mr. REID. Mr. President, I hope my name will be added as a sponsor of this Daschle-Bingaman amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I have not had an opportunity to speak on this legislation. I am going to speak generally about the legislation, but in particular to this amendment. For those who are interested, I think we have a clear description of what this legislation, as amended, would do. Basically it brings the route down through Alaska. It is a route of over 2,000 miles.

The amount of jobs it would create is very significant. It would create 400,000 new jobs. And this is an unbelievably large figure, but it is accurate. This is pipe that is more than 50 inches in diameter. We would need 5 million tons of steel. I would hope it would be U.S. steel: 5 million tons. It is hard for me to comprehend that, but that is what it would take.

The bill would provide $10 billion in loan guarantees for the construction of this pipeline and would bring 35 trillion cubic feet of natural gas to the lower 48 States. That is significant.

We can all readily agree that the United States needs to lessen its dependence on foreign oil. The best way to reduce our dependence on foreign oil is to diversify our energy supply by developing renewable energy resources. We also would hope to adopt a CAFE standard. My understanding is that there is a bipartisan agreement being worked out as we speak, if it has not already been worked out. We were close to working it out yesterday. Senator KERRY and Senator McCAIN are working out something on CAFE standards. Another way to reduce our dependence on foreign oil is to improve the energy efficiency of our homes and appliances.

That is how we can best lessen our dependence, reduce our demand on foreign oil: diversify our energy supply by developing renewable energy resources, adopt a CAFE standard, and improve the energy efficiency of our homes and appliances.

It is also obvious that the demand for natural gas is increasing worldwide. In the United States, natural gas consumption is expected to outpace current supply sources over the next 10 to 20 years, creating a shortfall of more than 6 trillion cubic feet by the year 2020. But remember, this legislation would immediately bring to the lower 48 States 35 trillion cubic feet of natural gas. So we would not have the 6 trillion cubic feet shortfall if we are able to produce this gas line.

In Nevada, 29 percent of our electricity needs are now met by natural gas, and that fraction will only grow over time. There is the construction now of a number of powerplants in Nevada to meet the needs of California and, particularly, Nevada.

Clearly, the future favors natural gas as a primary source of electricity in our country. Rightfully, many fear the United States will become as dependent on imported liquid natural gas in the future as we are on oil today. That is why this southern route is so important to our country.

I support the provisions of this act before us. I particularly support this amendment. This amendment would increase the supply of domestically produced natural gas available to U.S. consumers by expediting the construction of a natural gas pipeline from Alaska's North Slope to the lower 48 States.

I do not think there is a question of whether we are going to build the pipeline; it is a question of where we are going to build it. That is why there has been a general agreement we need to go with the southern route, not the northern route, for a number of reasons, not the least of which is the need to help Alaska as much as we can.

There is more than 35 trillion cubic feet of natural gas immediately available in the Alaskan North Slope, gas that is pumped back into the ground because we have no way of getting it to the people. That is inefficient. We save a lot of it by pumping it back into the ground, but we do not save it all.

It is estimated that the total natural gas available from the Alaska North Slope is more than 100 trillion cubic feet. The pipeline would provide natural gas to American consumers for at least 30 years, and it would be a stabilizing force on natural gas prices.

We have heard a lot from my friend, the distinguished ranking member of the Energy Committee, Senator MURKOWSKI, about how many jobs ANWR would create. But the jobs ANWR would create are simply not as great as these 400,000 new jobs. The pipeline would provide a significant opportunity for the U.S. steel industry, requiring up to 2,100 miles of pipe and, as I have indicated before, 5 million tons of steel.

The Alaska natural gas pipeline is a responsible way to address our Nation's growing demand for natural gas. It means energy independence and jobs, a winning combination.

We may have some disagreement with the distinguished Senator from Alaska on whether we should drill in ANWR, but there is no controversy, dispute, or question about the fact that we need to do everything we can, as quickly as we can, to bring the natural gas from Alaska to the lower 48 States.

That is why the Governor of Alaska is totally supportive of what we are doing. Senator STEVENS—and I am confident Senator MURKOWSKI—support what we are doing. Of course, if there is something that is wrong with this amendment that does not meet the demands of Senator MURKOWSKI, we would be happy to speak with him. But as far as I know, in the meetings that have been on his staff level, we are headed in the right direction.

This amendment has two parts. It would ban the so-called "over the top" route for the pipeline—what we are talking about is, it would ban this route shown on the chart here—by prohibiting the issuance of any of the necessary Federal permits.

Governor Knowles' testimony is significant. He testified before the Energy Committee. Among other things, Governor Knowles said:

> I respectfully suggest there are three essential components of this vitally important legislation. First, the route must be mandated along the Alaska Highway, as provided for in the 1976 Alaska Natural Gas Transportation Act. Second, this legislation must build American industry and create American jobs. Third, there must be economic incentives to attract the private capital to the project which when completed will substantially add to the national treasury.
>
> There are many reasons why the route of the gasoline must follow the existing oil pipeline from the Alaska North Slope to Fairbanks and then the Alaska Highway through Canada to Alberta.
>
> It is currently authorized in ANGTA [Alaska Natural Gas Transportation Act] and a presidential decision. It is part of an international treaty with Canada. It recognizes the environmental advantage of following existing transportation corridors. It allows vitally important access to the gas for the residents and businesses in Alaska. For these reasons, this route has the broadest support among Alaskans of any major project in recent history.
>
> Additionally, there are serious concerns over the proposed alternative route commonly known as the northern or "over the top" route. This route would originate on the Alaskan North Slope then proceed 240 miles under the ice-choked Beaufort Sea to the Mackenzie River Delta and then up that river drainage to Alberta.
>
> First and perhaps the most significant opposition to that route has come from the unanimous objections of the North Slope Inupiat Eskimos. At a recent public hearing, their corporate, community, and tribal leaders vowed they would use every resource available to them to fight this route, which would threaten their cultural and nutritional dependence on marine mammals.
>
> Second, both Alaskan and national environmental organizations have said they too strenuously oppose this ill-conceived frontier route. Calling for previously untested technologies and risky ventures underwater, this project could never be considered as a preferred alternative to an existing land transportation corridor.

This is the Governor of Alaska. I quoted him verbatim.

The southern route, as he indicated, is authorized in ANGTA and is part of an international treaty with Canada. It recognizes the environmental advantage of following the existing transportation corridors and allows access to gas for Alaskan residents.

There are serious concerns, environmentally and socially, over the northern "over the top" route. As indicated, the Northern Slope Eskimos strictly oppose this. Environmental organizations oppose this.

For these reasons, the Alaskan delegation, to my knowledge, is supportive of the southern route.

One of the myths that we have heard is the Alaskan natural gas pipeline will create less jobs than drilling in the Arctic Refuge. We do not need a battle over which creates the most jobs, but I do say that the Congressional Research Service, which is an investigative arm of this body, estimates only 60,000 jobs would be created by drilling in the Arctic Refuge—only 60,000 jobs. I recognize that is a lot of jobs.

Certainly, even for Nevada, a State that is probably three times the population of Alaska, 60,000 jobs would be a lot of jobs. I am sure the Presiding Officer, if he lost 60,000 jobs in Nebraska, would take note. He would take further note though that the Congressional Research Service reports that building the Alaska natural gas pipeline would create more than 400,000 new jobs according to industry estimates and require roughly 5 million tons of U.S. steel and 2,100 miles of pipe. The energy bill would provide $10 billion in loan guarantees for the pipeline.

This is a good amendment. It is not only a good amendment, it is a good bill. This bill does some things important for the State of Nevada. We have been very concerned about the FERC having too many new broad authorities at the expense of State authority. In reality, under this Senate bill, FERC is given limited authorities that both Democrats and Republicans have advocated for years to oversee the reliability of the grid and require that all utilities play by the same transmission rules. California and Nevada were hurt significantly during the past year by actions of FERC, and this certainly will not strengthen FERC's role.

Some loopholes in FERC's merger review authority are filled, but the bill does not deregulate the electricity industry. In fact, some needed FERC authorities are strengthened, as indicated by both Democrats and Republicans, to ensure markets can be relied upon to provide low-cost electricity.

Another myth is that the Senate energy bill fails to exploit the Nation's potential to produce and use oil and natural gas. In reality, oil and natural gas will continue to play an integral role in the U.S. energy policy. This bill before the Senate provides $4.6 billion in tax incentives for oil and natural gas and $10 billion in loan guarantees, as we have talked about this morning, to build the Alaska natural gas pipeline which will bring 35 trillion cubic feet of natural gas to the lower 48 States.

Nevada has no coal. We are rich in other minerals. We are the third largest producer of gold in the world behind South Africa and Australia. We produce large quantities of silver and other precious metals. We don't have any coal—good coal or bad coal—but we still understand the importance of coal in America.

The United States is the Saudi Arabia of coal. We have more coal than any other country. We want to overcome the myth that some are saying this legislation will limit the use of coal in the United States. Quite to the contrary, the energy bill provides $1.9 billion in tax incentives for clean coal and establishes extensive clean coal research programs. The bill will ensure the use of clean coal in the United States and clean air in the future.

Outside Reno we have a power plant that was initiated with clean coal technology. It couldn't have been built with clean coal technology without the Federal Government helping Sierra Pacific Power do that. I am a big fan of using coal but using it in a different method than we have used in the past. Clean coal technology is something we have to rely on and do more than what we have done before. This legislation crafted by Senator BINGAMAN will allow us to do that.

I hope we can move this legislation as quickly as possible. We have so much to do in the Senate. The leader has said we are going to finish campaign finance reform. We have all the many items we talked about for so long that we have to do, now that we are a little bit removed from September 11, even though that still is our first fixation. Prescription drug benefits is something we have to work on. We have all the appropriations bills to pass.

We recognize we need an energy policy. I commend and applaud the Senator from New Mexico, chairman of this committee, for this work of art, some would say, he has given to us. He has worked hard. We have a good piece of legislation. I look forward to working with him and Senator MURKOWSKI to come up with an energy policy for this country and move this legislation out of the Senate, move it to the House where we can have a conference, and come back with something for the President to sign.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the pending business before the Senate is Senator DASCHLE's amendment to the pending underlying bill, S. 517; is that correct?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MURKOWSKI. I join with Senator STEVENS and certainly our colleague on the House side, Representative YOUNG, and commend the majority for introducing this amendment that selects a southern route for the development of natural gas from the State of Alaska.

I believe that while we have supported without exception the designation of the southern route, the amendment in itself is not complete and does not represent the total interest of Alaskans. I will explain that further.

First of all, it is appropriate to note that as far as the responsibility of the Senate is concerned, we have finally met one responsibility associated with the energy bill; that is, to have bipartisan support for the designation of the southern route. It is also appropriate to recognize that the House initiated this some time ago. It is in H.R. 4, the specific designation of a southern route.

I was very glad to see the leader was so anxious to bring this up as the first amendment from the majority. It shows that Alaskans can prevail—our Governor, our Lieutenant Governor, Senator STEVENS and myself, Representative YOUNG.

On the other hand, in the interest of full disclosure, it is appropriate to note that my objection, when the majority leader asked unanimous consent to terminate reading of the amendment, was that I had not seen the amendment and believed it should have been read. I have seen the amendment and, as a consequence, believe that while the amendment, certainly in general terms, addresses the bottom line—namely, the southern route—it does not address what Alaskans want. What Alaskans want is a little broader series of alternatives.

I will be working with the majority in hopes that we can include that in the amendment. Of course, I will be a cosponsor of the amendment.

Specifically, what Alaskans want is to have alternatives for that gas, that 37 trillion cubic feet of gas that lies beneath the oil fields of Prudhoe Bay. What are those alternatives? They primarily are associated with utilizing that gas in Alaska on several alternative routes if, indeed, the economics support routing. As the President is well aware, our oil goes down to Valdez, AK, through the 800-mile pipeline and moves down the west coast of the United States to Washington, to California, where it is refined.

There has been for many years promotion of an idea that one of the potential markets for Alaska's gas—because there is every reason to believe we are going to find more gas than the 37 trillion cubic feet we found accidentally hunting for oil—is the ability to liquefy that gas and either ship it down the west coast of the United States or ship it to the Orient. There have been projects where millions of dollars have been expended exploring the route. Not too many people in this body know that in the early sixties, the first LNG in Japan came from Alaska, a million tons a year. That contract has been renewed and a new fleet of ships has been built. Alaska is no stranger to exporting LNG. It came from a field near Anchorage, and the reserves there are somewhat limited or we would be exporting more LNG from that point.

The point of this discussion is to make sure that we are not solely bound to this southern route that is offered by the Majority Leader. I might add that we are going to have some charts to show you because I think it is important that you understand that the southern route, as it is conceived, from the Prudhoe Bay area, follows an existing pipeline approximately down to Fairbanks. Then it takes off in Fairbanks and goes down toward the delta area, where it branches off and goes to Valdez.

This amendment, in general, would cover the southern route, the highway route. But we want to make sure it does not exclude, if you will—because the possibility of exporting LNG is very real, and it has been promoted for some time—I want to make sure that is included as an alternative.

Secondly, we have every reason to believe that in the area associated with Point Mackenzie in the Matanuska Valley, where they are putting in a port development, that we have the availability of gas to come down from Fairbanks, perhaps under the railroad right of way, and come into the particular area ahead of Cook Inlet and the Matanuska Valley, where there is a port being built.

Then there is the recognition that Anchorage receives most of its gas from the fields of Cook Inlet and the Kenai area. We want to make sure Anchorage has access to this gas. Further, we have large petrochemical plants in Alaska—the only year-round manufacturing facilities we have, as a matter of fact, so we think they are large, but they are small by U.S. standards, like the ones down on the Kenai Peninsula. So I don't want to see this amendment limited to strictly a southern route so that would market the gas only through Canada and into the lower 48. We want the market to dictate where this gas goes. It is important.

Unfortunately, the way this was handled, I can only assume that there is a process here that might involve a little politics. I was prepared to offer, in my amendment—which would mandate a southern route—that would specifically contain alternatives that are certainly in the interest of Alaska. I have not seen the correspondence from our Governor or Lieutenant Governor to the majority. So I cannot comment on how broad the request was from the standpoint of inclusion and having alternatives. But I know from my contacts with Alaskans they want alternatives, and they don't want to be limited by this amendment to one specific designated southern route that would not allow the availability of those alternatives.

Let me put it another way. We want to make sure the market dictates the alternatives of either bringing it down toward Anchorage, bringing it down toward the Kenai Peninsula and the Matanuska Valley and the port that is under development there, as well as having the availability of bringing it further down toward the delta and then down to Valdez, where we could liquefy it.

So I am very sensitive about this and hope that we can work with the majority to include in this amendment a comprehensive accommodation, since we are so interested this morning—I must say I am very pleased that this isn't the first amendment of the majority where they chose to be responsive to our concerns in our State. Again, I remind my colleagues that H.R. 4, of course, already designated a southern route. But I sense a certain eagerness to accommodate a gas pipeline, and I am wondering to what extent. I have the strange feeling that it is at the expense of ANWR.

We are going to have an opportunity to talk about ANWR and to provide an amendment. But I think there is an interesting point that has been overlooked. Since the majority was so anxious to accommodate us, in the sense that we have had this issue before us relative to the gas pipeline for so long, I am curious to know why it wasn't in the underlying bill. But beggars cannot be choosers, and it is in here this morning and I am very pleased.

I see my good friend seeking recognition. I will respond to his question.

Mr. BINGAMAN. Mr. President, I thought it appropriate that I try to respond to the Senator from Alaska. I tried to explain earlier that my thinking at the time we put the bill together for consideration in the Senate was that we should bring a bill to the Senate floor that was route neutral. We had received urging that we prohibit use of the northern route. But it did not seem to me, knowing what we did at that point, that was the right course. Since then, we have gotten more information from the Governor of Alaska, from the Senators from Alaska, from the environmental community, and from those who currently hold a right of way to construct the pipeline under existing law. It seems to me the weight of the evidence is clearly in favor of the amendment that Senator DASCHLE has now proposed and for which I think we have good bipartisan support. I point out also that this amendment does not limit options as far as where the pipeline goes, except that it prohibits the use of the northern route. That is what it does.

Clearly, I think the consensus now in the Senate among those I have spoken to is that is the correct course to follow, and I think that is what we are trying to do by this amendment.

Mr. MURKOWSKI. Mr. President, I appreciate the response of my good friend, Senator BINGAMAN, and he is my friend. We have worked on this issue. I appreciate his explanation. But I have to refer to the fact that route issue has been around for a while because the House had it in its bill. Of course, we were not a party to the process of developing the underlying bill as the minority, so we didn't have an opportunity to address the route issue, and the bill came in route neutral.

Today, it is no longer route neutral. We appreciate that fact. We will cosponsor it, but we are going to add a little more to it. I am sure the majority would agree it is in the interest of Alaska, since we are anxious to make that accommodation. Again, we are most appreciative. But it didn't just come up. It came from H.R. 4, and we have always been in favor because, obviously, the other alternative is simply to take the gas over the top, so to speak, as you can see, from Prudhoe Bay. You take it along the Arctic Ocean off the 1002 area of the Arctic National Wildlife Refuge, over into Canada, and then come down.

Obviously, that is in the best interest of Alaska, not in the best interest of jobs.

In any event, the amendment is the pending business. We are going to have Members talk this morning, giving their opening statements on the energy bill. I believe there is an effort to accommodate our friend from Utah for a short statement on the successful Olympics. We certainly congratulate him and his colleague for providing us that great, extraordinary experience.

There are a couple more comments I do want to make relative to the comparison between the gas line development and the prospects of whether or not some see it as a tradeoff for ANWR. I assure the majority that these two issues are not quid pro quo issues; they have to stand on their own, as they should. It is unfortunate they have come up in the same time sequence, but that is the reality of the way things happen.

Again, as we look at where we are in the debate, as we look at the reality that the majority has chosen this as their first amendment, had we had an opportunity to offer the first amendment, it would have been a similar amendment, but it would have been more inclusive for Alaska allowing for alternatives.

I want to make sure my Alaska friends know the order of preference. When you are in the minority, you are in the minority. That is the harsh reality. The majority has every right to present this as their first amendment. But I want to make it very clear, had they not, we would have presented this as our first amendment. It would have been broader. It would have been more inclusive.

I have a couple more points to make. Again, this amendment does not address the crucial underlying feature associated with this gas line. This gas is on State lands. The leases belong to Phillips, British Petroleum, and they belong primarily to Exxon. They are the companies that are going to have to build this pipeline or work with a consortium of gas line companies, such as Duke, Williams, El Paso, Foothills.

This is going to be a gigantic project. It is going to cost somewhere in the area of $15 billion to $20 billion. It will be the largest construction project in the history of North America. But it needs a safety net.

What do I mean by a safety net? If we are going to put out that kind of money and the price of gas drops below your cost, as the Presiding Officer knows as a businessman, you cannot stay in business very long.

We are not breaking new ground here. We have seen deep water royalty relief, and that is evident in the drilling that goes on in the Gulf of Mexico. We are going to need something with this pipeline.

We have been communicating with the Governor's office. In fact, we provided most of the information that has come back in a rather roundabout way to the majority because we work with the Governor's office. From Washington, it goes to Juneau and back and makes a rather circuitous route because it ends up with the majority leader of the Democratic Party. This is just politics, but much of the input is ours, and that is an obligation Senator STEVENS and I have. We will do it and continue to do it, even if it makes almost a full circle.

The crux of this is the principals have expended roughly $100 million, evaluating this project, and they say currently, because of the price of gas, it is uneconomical. Mr. President, you know what that means, and I know what that means, and I am not very happy about it. But at the current price of gas, it is not economical.

On the other hand, on the positive side, the prospects for development are good because we are pulling down our gas reserves in the United States much faster than we are finding new gas reserves. There is no question this gas will be marketed. There is a question ultimately of whether it will be just the U.S. domestic market or an LNG market in the Pacific rim. The economics dictate, but in order for this to be built now, there has to be some arrangement that if the price of gas falls below a certain level, there is a safety net.

Who is going to underwrite that safety net? Obviously, we are looking toward the Federal Government, the same as we do in deep water royalty relief in the Gulf of Mexico. In Alaska, we have a frontier area; we do not have the infrastructure. What is different about our gas is it is nearly 3,000 miles away from the Chicago market where ultimately the volume is anticipated.

It is not that our gas is different, but it has to be moved further, and to move it further costs more money. What we need in this equation is a safety net that perhaps could be paid back when the price of gas goes over a certain level.

We are not looking for a handout. But the problem we have is the mechanics are not done yet. We do not know how it scores. I do not know that the people who are in the business of scoring really understand, but the concept is fair and equitable, and we are going to pursue it. I am very happy the majority is going to pursue it with us.

While route selection is vital and important, it does not build the project. The only thing that is going to build the project is the economics, and that is what we are working on.

We have Exxon, BP, and Phillips as primary partners. However, as you know, they are not all the same size. Some are a little bigger and take a little bigger risk.

I want to make the record very clear on what we have done today as we have designated a route, and we are going to broaden it with alternatives, but the real crux is coming up with this safety net.

It is fair to close with my wariness, if you will, that suddenly we have this broad support for a gas line, but is it at the price of ANWR? As I indicated, as far as Alaskans are concerned, there is no quid pro quo; these have to stand independently. I do not want to hear Members say: I am for you on the gas line but I am against you on ANWR. Members should be making a decision on what is right for America.

As a consequence, I point out that perhaps our Governor could intervene, as he has in communicating to the majority with regard to the language designating a southern route. I suppose I could send something up asking the Governor to intervene on ANWR and maybe he could prevail upon the majority to include ANWR in the amendment, but I assume that would not stand the test of time. His support might be able to overcome the threat of a filibuster by the majority because Senator DASCHLE has already indicated they are prepared to basically filibuster, filing cloture, requiring 60 votes. I hope that if the Governor is as successful this morning on the route designation, he might be able to address the ANWR issue as well.

Again, we have to understand politics. So as we look at where we are, I think we have to recognize we have a gigantic project that is before us that is in the interest of the United States. I am talking about both projects because they are different. The majority whip has made his comments relative to jobs. The interesting thing is we import about 15 percent of our natural gas in this country, primarily from Canada, but we import 58 percent of our oil. That ought to address some concerns about the vulnerability of the country.

I hear a lot relative to jobs in this debate. The jobs in ANWR are all American jobs, but if one looks at that pipeline that the majority has in their chart, look how much goes through Canada vis-a-vis how much goes through Alaska. No question, there is probably two and a half to three times more activity that will take place in Canada. Those are going to be Canadian jobs, but opening ANWR will create all American jobs. I am sure the majority has been contacted by labor and labor has indicated how important those jobs are to America.

We need to understand the project a little better. We need to have more

Members visit the area. We need to recognize this project is designed to be constructed using 52-inch X–80 steel.

How many steel mills in the United States make this steel? Zero. This is an order that is estimated to be somewhere in the neighborhood of $3 billion to $5 billion. Do you know what they say? We are not geared up to it.

I do not know about the Chair, but I am inclined to think, as a businessman, if he had an order that big, he would start figuring out a way to try to participate. I certainly would.

What happened the last time we built an 800-mile pipeline for oil? Do you know where the pipe was built? In Japan, in Korea, and Italy. Why? Our steel mills were not geared up. In other words, they could not compete. Well, that is another argument for another day. We have quotas on steel, but clearly this is the biggest order ever contemplated associated with the natural gas issue. So I hope this will be an awakening to the American steel industry that there is some business at home, big business. They have not had a $3 billion to $5 billion order in a century. It would take the entire output of the steel mills in Korea and Japan for nearly 2 years to build this gas pipeline.

So we are going to have an interesting debate. I hopefully have cleared the air on the amendment. I look forward to the debate.

I ask unanimous consent that I be added as a cosponsor on the amendment.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered. The Senator will be added as a cosponsor.

Mr. MURKOWSKI. I hope we will be able to work with the majority to expand the amendment as Alaskans have expressed their desire to have various alternatives for the marketing of our gas. I thank the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I know there are other Senators wishing to speak, so I will be relatively brief. I say to my friend from Alaska, it would be appropriate on something this important to the State of Alaska that we have a vote on it. We want to make sure when this matter goes to the House they recognize the entire Senate supports it. So I ask my friend if he is ready for a vote, not immediately but sometime in the near future?

Mr. MURKOWSKI. If I may respond, it is very possible we may have a second degree. We have an objection on our side that we have to clear as well. So I agree with my colleague "at some point in time," but it is premature at this time on our side.

Mr. REID. What I say to my friend from Alaska is, we understand there are always things that can be improved and we will certainly look forward to working with the Senator, and Senator STEVENS, as to how we can improve this amendment, but in the near future I hope we can vote on this issue. If there is anything that the Senator needs or believes is appropriate to improve it, we can work at the staff level and then with the principals. We will be happy to do that.

I say to my friend from Alaska, for whom I have the greatest respect, this is quite interesting. I wish Nevada had the choices that Alaska has today. That is, this bill is going to give Alaska something. It is a question of how much. It is a question of whether Alaska is going to get ANWR and this pipeline or just get the pipeline. But there is no question that Alaska, after this legislation passes, is going to have the hope of a significant number of new jobs.

As the Senator from Alaska knows, I do not favor ANWR and we are going to have a debate relatively soon on that. I hope we can fix the debate on that issue and resolve it after everyone has an opportunity to say what they want and move on to the rest of this legislation. Whoever in effect wins, let us move on. It is a question of who has 60 votes, I guess, in this Chamber. So I look forward to that.

I also say that not only is Alaska looking to this legislation with favor but there are lots of others looking to this legislation with favor, not the least of which, as the Senator from Alaska has said, are the steel companies and steel workers in America.

I agree with the Senator from Alaska we can bring our steel mills back into production. With what the President did yesterday, it certainly is a step in the right direction. If we pass this legislation, hopefully they can get geared up to move forward.

One of the problems we have, of course, is companies are no longer just American companies, they are international companies, and sometimes they do not look at building things in America in the right light. So I recognize other issues are important to address with respect to the pipeline, and we want to work with the Alaska delegation, including the Governor, in good faith, in moving these matters forward.

The two items in this amendment are noncontroversial and do not prejudice other concerns that may come up at a subsequent time. We hope there can be agreement to vote on this amendment soon and continue to work on the other issues. I think it would set a great pattern for this legislation, to have a bipartisan vote moving forward with something that is extremely important.

The House bill did not address any of the other issues raised by Senator MURKOWSKI. The amendment is broader than the House language—not a lot, but it is broader. The amendment bans the northern route and does not specify where the southern route will go, but we know it will go through Alaska. So I hope the Senators on the other side will allow us to have a vote in the near future and move on to the next amendment which will be offered by Senator MURKOWSKI.

It is my understanding, based upon what Senator MURKOWSKI said, that Senator BENNETT is wishing to speak as in morning business. Is that right? And if I could ask a question of my friend from Utah, who I am sure is very proud of being able to talk about the way the Olympics went off—Utah should be very proud—how long does the Senator wish to speak?

Mr. BENNETT. Mr. President, somewhere between 15 and 20 minutes.

Mr. REID. Mr. President, I yield to my friend from Alaska.

Mr. MURKOWSKI. If I may respond, the Senator from Kentucky seeks recognition also.

Mr. REID. I was going to get to that.

Mr. MURKOWSKI. We generally agreed, subject to the Senator's concurrence, that we would do that in the order of the Senator from Kentucky and then our friend from Utah.

Mr. REID. I will bet my friend, the Senator from Kentucky, the hall of famer, is not here to brag about Alaska.

I ask unanimous consent that following the remarks of the Senator from Kentucky, the Senator from Utah be recognized as in morning business for up to 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, before I recognize my friend from Kentucky, I say I think it is rather interesting to reflect on the contentious portions that are in this bill. Everything focuses either on ANWR or the gas line. The electricity portion could be very complex. CAFE is going to be agonizing. Renewables are going to be agonizing.

I was somewhat alerted by the whip who indicated this vote will be a 60 vote. Ordinarily, on issues around here, 51 votes are enough to carry. But it is important to recognize the ground has already been laid, and the reason is interesting. It is contentious. When our national security is concerned, we should do all we can not to limit our options. I am fearful we are limiting our options.

The House bill only prohibits the "over the top" route, which is what the whip alluded to. This would clearly address this point, and it would provide the alternatives that the economics dictate.

Mr. REID. Will the Senator yield?

Mr. MURKOWSKI. I yield.

Mr. REID. I say to my friend from Alaska, I recognize the many complicated and controversial issues in this legislation that are now here, or will be through amendment.

This is not one of the weeks where we say if we finish Thursday we will have no votes on Friday. I know this will take time. I understand that.

Mr. MURKOWSKI. I am not going anywhere. I want everybody to make sure they understand that clearly from the beginning this whole process was designed—and I don't think we are fooling anybody—to ensure that the committee of jurisdiction did not get a chance to vote on it. An ANWR amendment would have been part of this bill because we had the votes. That is the bottom line.

We have gone on from there into this extended synergy, which I do not think is in the best interests of the Senate.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I rise today to talk about the pending energy bill. I am glad we're finally having this debate. It has been a long time coming.

We desperately need a commonsense energy policy. Ever since the Arab oil embargoes over a quarter of a century ago, Congress has talked about passing a serious energy bill. Now is the time.

Coming after the tragic events of September 11, it is more important than ever that we have a policy that not only helps us meet our energy needs, but also protects our national security. In the past Congress has failed to make progress on energy because we have fallen into the trap of choosing between conservation and production.

But now I think that we have escaped that trap and reached the point where most of us in the Senate understand that a balanced energy policy must do both—it must help boost production of domestic energy sources as well as promote conservation.

The bill before the Senate today is a decent starting point that attempts to strike a balance between conservation and production.

There are some parts of the legislation that I support. For instance, eventually we are going to get a chance to vote on clean coal technology and ethanol provisions that are important to my State.

I also like the tax proposals coming from the Finance Committee that would promote conservation and the expanded use of cleaner burning fuels.

But overall the bill is too weak on production and contains several provisions that must be changed before the Senate finally passes a bill.

First of all, we need to look at improving the production side. We must have an energy policy that helps reduce our dependence on foreign oil. This means that we have to finally get serious about ANWR.

We deserve to have a straight up or down vote on ANWR. It's clear that a majority of the Senate supports safe drilling in ANWR.

It is the most promising source of domestic energy we have. It is critical to our future and our national security.

But because of the procedural gymnastics from the majority, it looks like we're not going to get a fair shot at voting on ANWR.

That is wrong. ANWR is too important and the stakes are too high not to let the Senate work its will on this matter.

I know that there are some in the Senate who are desperate to stop us from opening up in ANWR. The facts are not on their side. And a few of those facts bear repeating.

ANWR is roughly the size of South Carolina, Maine, Massachusetts, Rhode Island, Vermont, and New Hampshire combined. It is absolutely enormous. But when we talk about drilling in ANWR, we are talking about clean drilling in an area of less than 2,000 acres—smaller than many airports in the United States.

To say that drilling in this limited portion of ANWR threatens the entire environment of the refuge is farfetched and alarmist.

Recent advances in technology enable us to successfully extract oil in ANWR in an environmentally sensitive way. The old stereotypes of dirty oil drilling just don't apply anymore.

In fact, if we do start exploring in ANWR, the drilling operations would be conducted under the most comprehensive environmental regulations in the world.

We all want to do what we can to protect our world. But it is just not credible to say that looking for oil in this one small, limited part of ANWR is a dangerous threat to the entire region. Many of the environmentalists fail to see that if we do not begin oil production in ANWR, oil companies in the Middle East, Russia, and elsewhere—places where environmental regulations are much less restrictive than ours or even nonexistent—will take up the slack.

Opening ANWR now might actually end up being more environmentally sensitive than the alternative. We also cannot escape the fact that drilling in ANWR, and boosting our domestic energy production, is vitally important to our national security.

Right now we import 57 percent of the oil we use and the number is expected to jump to 64 percent by 2020. There are more than 10 billion barrels of oil recoverable in ANWR. That's enough to fuel all of Kentucky's oil needs for 82 years. That is also enough oil to replace the volume we currently import from Saudi Arabia or Iraq for the next 25 years.

Drilling in ANWR provisions would not only make a tremendous difference for our domestic consumption, but would constitute a serious step toward ensuring our national security.

If the choice comes down to drilling in ANWR and lessening the chance that we will have to rely on Saddam Hussein and others in Middle East for our oil, then there is no choice at all.

Today we produce less oil than we did in World War II. We must reverse this trend. Drilling in ANWR won't change things overnight, and no single source can totally end our dependence on foreign energy.

But opening ANWR and boosting production are vital to this bill and to our national security.

On a different subject, I also think that we need to take a long look at the CAFE provisions in the Kerry/Hollings language in the bill. Currently, the CAFE standards are 27.5 miles per gallon for cars and 20.7 miles per gallon for light trucks.

The Kerry/Hollings provision in the bill would require a combined fleet fuel economy standard for cars and trucks to go to 35 miles per gallon by 2015. Their provision also would expand the definition of "light truck" to include vehicles up to 10,000 pounds. That would cover most SUVs and minivans.

Because the Kerry/Hollings provision changes current law by combining cars and trucks, that means that even if auto manufacturers can achieve 28 miles per gallon for their light trucks, some manufacturers will be forced to boost their car standards up to 50 miles per gallon just to reach the overall 35 miles per gallon average. That's a dramatic jump from the current standards, and pushes too far too fast.

The National Academy of Sciences recently studied this issue and the implications of raising CAFE standards on vehicle safety.

NAS found that rapid increases in fuel economy standards for cars in the early 1980's likely contributed to thousands of additional highway deaths.

Back then, auto manufacturers reduced the size and weight of their vehicles to help meet the new standards. But because the CAFE standards were raised too quickly, it turns out that making cars more fuel efficient also made them more deadly.

Today, one of the main ways for a manufacturer to increase its CAFE standards is to downsize its fleet. In fact, since 1978 vehicles have shrunk in weight on average by more than 1,000 pounds per vehicle.

At the same time, the death toll from car crashes has increased. Statistics show that in the last 25 years since fuel efficiency standards were first imposed, more than 40,000 people have died in crashes in which they might have otherwise survived had their vehicles been heavier.

While more people have died because of the increased fuel efficiency, our fuel economy is not much better than it was in 1970. Much of this is because consumers have chosen bigger cars. They want SUVs and minivans to haul their children to soccer games and to go on vacations. And they want larger vehicles because they are safer, more comfortable, and more powerful.

Consumers obviously are not asking for this mandate because they are choosing to continue to purchase larger vehicles despite other choices, including less expensive ones.

Kerry Hollings would overly regulate consumer choice at the expense of safety.

Because Kentucky has become one of the leading auto producing States in the country, I am also worried that the Kerry/Hollings provision would affect jobs. When the CAFE rules went into effect before, manufacturers spend huge sums of money to comply with the new rules. Because of that, many workers were layed off to help cut costs.

Today over 160,000 Kentucky workers are employed in the auto industry or in a job dependent on car manufacturing. That's almost 10 percent of my State's workforce. But many of these jobs will be at risk if the Kerry/Hollings provision in this bill becomes law.

I believe in increasing fuel efficiency in vehicles. I think we can and should do more on this front. But I do not believe that Congress picking a number out of thin air and mandating a target for manufacturers to hit is the way to go. Instead, I think we need to do what we can to encourage sound science by the industry that makes sound, incremental changes in fuel standards.

Finally, I would like to say a few words about the procedure that was used to bring this bill to the floor. The process that this bill went through to finally reach the floor was a sham. Last October, when the Energy Committee was finally going to begin marking up the bill, it was abruptly pulled at the last minute. Then the Democrats began working on their own proposal. Now almost 6 months later we finally get a chance to see their handiwork.

As I said at the beginning of my remarks, there are parts of it that represent a good starting point. But there are serious problems with the measure, problems that probably would have been fixed in the Energy Committee. But because they did not have the votes in committee, the Democrats short-circuited the committee process and brought the bill straight to the floor.

These procedural shortcomings have helped produce a flawed bill. If the legislation had gone through the usual legislative process, it would probably be a stronger, better bill. Many of us have to ask why did the majority do this. The answer appears to be that there was a fear that the energy bill coming out of the committee would include provisions such as ANWR for which we have the votes and that the majority leader decided to have this debate on the floor instead.

That is fine. That has happened before around here. But that also means that we deserve to have a fair shot with our amendments on the floor. It's one thing to shut us out in committee, but it's a whole other matter to try to do so on the Senate floor as well.

Let's have the debate on ANWR, on CAFE, and on other provisions and see where the votes are. If the full Senate is going to work its will on a sound policy, that's the least we can do. Anything else is going to produce a flawed, unbalanced bill that is not going to reflect well on the Senate and is not going to help the country.

We need a sound energy bill and we need it now, and the best way to pass a constructive bill is to have a full, healthy debate on the floor about all of the issues involved—ANWR, CAFE, and all of the rest.

If we have this debate, I think we can produce a balanced bill that increases production and conservation, produces jobs and makes a difference for our national security.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, before the Senator from Utah begins his statement, I ask unanimous consent that following the statement of the Senator from Utah, Senator JEFFORDS be recognized for up to 30 minutes, and following that, that Senator FEINGOLD be recognized to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

THE OLYMPIC GAMES IN UTAH

Mr. BENNETT. Mr. President, I appreciate the opportunity of sharing with my colleagues a summary of what happened in the Salt Lake games that took place the first 2 weeks in February, where the world came to Utah and was received in the spirit of the Olympic flame.

The Olympic Games are one of the few events, if indeed not the only event, where the world comes together in a non-political arena. There was substantial effort that went into these games, both on the part of the people of Utah and the Federal taxpayer. So I think it is appropriate that we have a summary and report to this body on that experience.

If I may, I would like to begin with some numbers. I know that is usually not the way to begin a public speech that you want anybody to listen to, but there are some numbers that outline the scope of these Olympics that I think are irreplaceable as an example of what went on.

These were the largest Winter Olympics in history, and Salt Lake City was the largest city to host a Winter Olympics. In the past, they have always been held in relatively small ski villages. This is the first time a major metropolitan area has been chosen as the host of the Winter Olympics. Some will argue with that and say Sarajevo was a major city, but Salt Lake City is the largest city that has ever been host to a Winter Olympics.

It was the largest number of athletes who have ever come to a Winter Olympics—2,500. They came from the largest number of countries ever represented at the Winter Olympics, 78, and they competed in the largest number of events—also 78. We kept adding sports to the Winter Olympics for this experience.

Three and one-half billion people watched the opening and closing ceremonies that were held in the Rice-Eccles football stadium at the University of Utah. Sixty-seven thousand people signed up to be volunteers—the largest volunteer pool ever created. Only 24,000 of them could be accommodated.

One of the interesting statistics—I don't have the final number—but far into the games, I was told, that of those 24,000 volunteers, only 77 were forced to withdraw for one reason or another: A health problem, a family emergency, what have you. The volunteers were a spectacular part of these Olympics.

There were 9,000 credentialed media that showed up to cover the Olympics. It was, as I say, the largest Winter Olympics in history.

In recognition of the size of the Olympics, it was declared for the first time as a National Special Security Event under Presidential Decision Directive 62. That directive, issued in the Clinton years, established national security events where the Secret Service would take the lead in managing the security. This is the first time the Olympics have ever been designated a National Special Security Event.

The zone of security for the Olympics covered over 900 square miles from Provo to Ogden. That was the largest coordinated area the Secret Service and other law enforcement people have ever been asked to guard—perhaps with the exception of the District of Columbia as a whole. Even at the State of the Union Message, you don't have an area as large as the area covered by these Olympics.

In order to meet the challenge of this security responsibility at these Olympics, we had 1,100 FBI agents, we had 2,000 Secret Service agents, and there were law enforcement officers from 48 different States.

As I went through one venue, I noticed on the sleeve of one of the law enforcement officers the badge of the Police Department of Gallup, NM. Law enforcement officers from 48 States came to help their Utah colleagues provide security for the games. Over 2,400 Utah law enforcement officers gathered from all over the State. There were also 2,400 military personnel—primarily National Guardsmen who came from six different States. And there were 2,200 fire and emergency response individuals. This was an incredible army of security personnel assembled to provide security for the athletes and spectators.

What did they handle? There were over 3.5 million spectators who went through magnetometers during that 2-week period—3½ million people processed on a time-frame. There were some who didn't get to their events on time. But overwhelmingly the ticket holders got to their events, went through the magnetometers, and were properly screened. There were 80,000 spectators processed each day through the magnetometers at Olympic Square. There were over 1,000 trucks processed carrying 250,000 tons of material and product. They were processed. They were screened. They got where they needed to go on time. It was an incredible security and logistical performance.

When the Attorney General was out there, I was with him, and we were checking in advance the security preparations. At one of the venues, the officer briefing us summarized how good the security really was. As he said to the Attorney General, if you are going to get anywhere near this venue during the Olympics without a credential, you are going to have to be a moose.

What happened in terms of the threat as a result of this security activity? By comparison—the Atlanta Olympics were the last that were held in the United States—in Atlanta, they routinely had between 100 and 200 bomb threats every single day by people who felt confident enough to mount some kind of hoax, or threat, or attempt to disrupt—100 to 200 every day. In the Salt Lake Olympics, there were a little over 100 of those threats through the entire 2-week period.

Those are the statistics that give you the size and scope of what we were dealing with—the size and scope of the effort.

In an effort to make sure we were getting our money's worth and that we were on top of things, I visited the venue. I went to the Olympic Village where the athletes were. That was a self-contained city of 3,500 people—the 2,500 athletes plus 1,000 coaches and other team officials. It had its own badge, it had its own health clinic, it had its own dining hall and even its own movie theater. This village had its own post office, bank, dry cleaners and convenience store—it was self-contained.

Then I went to the media center, which was another city. As I said, there were over 9,000 accredited journalists there. Here is a city with its own store and bank as well as facilities for getting on-line, filing stories, and all of the things necessary for the media.

I visited the Public Safety Command Center where over 64 different agencies were located, coordinating all of their efforts.

I went to the joint intelligence center where all of the intelligence agencies—not only from our country, the CIA, the NSA, the DEA but also from other countries—were gathered together sharing intelligence information about what kind of threat they might see.

There was the joint information center where all of the information officers were gathered so that if there were any kind of an incident that came up, everyone would know about it instantly and be able to coordinate their responses.

I visited the Olympic Square and the Medals Plaza and, of course, every one of the athletic venues.

Out of all of this, the basic question that I think we should be addressing in the Congress is, What is the legacy of the Salt Lake City games? What is the lasting result of having held this event? I want to highlight a few of the items that came out of what I have described from all of the visitations I made.

The first legacy that is the most obvious is the degree of security expertise that has come out of this experience. As I said, I went to the security center and saw these 64 agencies in a room not the size of this chamber. They were sitting at a computer roughly every four feet, side by side, watching the computer screens and manning their stations 24 hours a day throughout the entire 17 days of the Olympics. That meant that anything that came up in the form of any sort of threat would be instantly known in real time and simultaneously to all 64 agencies.

I was interested to note the labels that were on the little cardboard folders on the top of each computer. Here was a computer with a label on it that read "FEMA." It was reassuring to know that the Federal Emergency Management Administration was present. Next to it would be one that read "FBI"—that was reassuring—and on through a number of other Federal agencies. In addition, there were various State agencies—the Utah Highway Patrol, the local police agencies, and county sheriffs departments; the Davis County Sheriff's Department.

One label caught my eye which demonstrated to me just how significant an effort this was. There was a label that said "U of U Police Department." The University of Utah security guards were in the same room with the Secret Service and FEMA, because if something happened at the University of Utah—the place where the athletic village was located—the University of Utah police would have to be the first responders. But they were in the same room and were getting the same information that FEMA was getting—FEMA if it was a major fire; that the FBI was getting if there was a major law enforcement challenge; and that the Secret Service was getting if there were some kind of a threat to the President. All were in the same room. All were coordinated. It was a seamless effort, from the Secret Service at the top, all the way down to the smallest—I will not say lowest; smallest—local law enforcement agency. Nothing like this has ever been accomplished before and, certainly, nothing on the scale like this has ever been accomplished before.

The legacy that comes out of this is a degree of expertise and understanding of coordination in law enforcement that can be used as a template for homeland security and homeland defense.

I have made reference of this to Governor Ridge, when he was here, and said, "You need to look very carefully at the experience of the Salt Lake Olympic games. It will give you guidance that will be absolutely invaluable as you struggle with the problem of divided jurisdiction among law enforcement agencies."

While I was there, the man who was running the center turned to me and he said: Senator, this is boring. Nothing is happening. In the security business, boring is good. I smiled a little at that because it did look as if nobody was doing anything. Then he made an interesting comment. He said, "Senator, we think that a number of groups that would otherwise have come to Salt Lake City in an attempt to disrupt the Olympics or do even more serious damage. These groups scoped out the security pattern we had here and decided to stay away."

Indeed, he cited one activist group that, on their Web site, instructed all of their supporters around the country: Stay away. They're ready for us in Salt Lake. If you show up, you will be immediately taken care of. There is no point in coming.

So the games went on flawlessly from a security standpoint because of the incredible coordination that went on, from the Secret Service down to the smallest local law enforcement agency.

That is the first legacy that will come out of the Salt Lake City games: that degree of expertise, that understanding of how things should be done.

In connection with that legacy, I have to acknowledge the work of Brian Stafford, the Director of the United States Secret Service, who personally paid a significant amount of attention to these games. He was in Utah a number of times. Mark Camillo, the special agent in charge, practically became a citizen of Utah. He has been out in Utah for the last 24 months. The FBI, of course, under the leadership of Director Mueller, should be congratulated for an outstanding job. Bob Flowers, who is the head of the Utah Olympic Public Safety Command, was a very significant player in all of this. His right hand person, Dave Tubbs, Executive Director of the Utah Olympic Public Safety Command, deserves further commendation and congratulations.

These are the people who created this legacy from which the nation will draw benefit for years to come.

The second legacy that comes out of these Olympics are the facilities that were built. There were already ski facilities in many places in Salt Lake, but now we have built facilities that were not there before. For example, the ice skating oval in Kearns; the luge/bobsled/skeleton track and the ski jump at Utah Olympic Park—those things were created and upgraded for the Olympics.

I had lunch with the President of the U.S. Olympic Committee, Sandra Baldwin. She said to me, "All of our speed skaters historically have come from Wisconsin." That is a little bit of an overstatement, but she backed down and said, "All right, most of them have come from Wisconsin." Why? Because that is where the best training facilities are for speed skating. We expect now that many of our gold-medal-winning speed skaters will start to come from not only Utah but the entire western United States.

Then the comment made by some athletes at the lunch, and they were not necessarily Utahns, "Salt Lake City is easy to get to. Salt Lake City is accessible by a major airport. It is a major city with hotel and places to stay. Athletes from all over America can come to Salt Lake City to train far more easily than they can in existing training facilities."

One of the legacies of these games will be better prepared, better trained American athletes. These games set the record for Americans winning medals at the Winter Olympics. I expect that record will be broken in the future because of the legacy of the Salt Lake Olympic Games.

In the process of creating those facilities, we produced yet another legacy. I will talk about what was one of the more controversial aspects of the Olympic facilities: the creation of the men's and women's downhill at Snowbasin. In order for that to happen, there had to be a land exchange so that Earl Holding, who owned the Snowbasin facility, could get the land necessary to create the venue that worked so well in the Olympics and that everyone saw on television.

The Forest Service owned most of the land Mr. Holding needed. The Forest Service said, "We would be willing to deed that land to Earl Holding, but we don't want money in exchange. We want other lands." The Forest Service identified 11,000 acres of land in the State of Utah which, for management purposes, they wanted to acquire.

An appraisal was done. The 1,300 acres they deeded to Earl Holding in financial terms was worth the same amount as the 11,000 acres the Forest Service acquired. So even though the Forest Service acquired 8 or 9 times as many acres as it gave up, in financial terms the swap was equal. A careful appraisal was made by the Government to assure that the interest of the public was protected.

Without going into the details, this was the legacy that the Forest Service has as a result of that land swap. In a report they filed in May of 2000, they summarize what they received as a result of the land swap that was stimulated by the Olympics: 15.3 miles of perennial streams, 21.5 miles of intermittent streams, a 23-mile reduction in the boundaries that they have to police, consolidation of ownership, and the elimination of the threat of development of these lands.

They have acquired suitable habitat for threatened and endangered species—both plant and wildlife—as well as habitat for big game calving and fawning, in both summer and winter. They acquired three miles of existing road access that they did not have before, and there are 3.5 miles of existing four-wheel-drive road to be evaluated in Box Elder County, and 15.5 miles of existing trail access was acquired, along with a wide variety of dispersed recreation opportunities, again, for both winter and summer.

I spoke with the Forest Service personnel as I did my visits to the Olympic venues, and they told me how delighted they were with the way the Snowbasin venue had been developed.

They said it was the finest development they had seen and one which they would hope would be a model for other entities who would deal with Forest Service land. But they also described to me how delighted they were at the legacy of better management of Forest Service lands in Utah that comes as a by-product of the Olympics.

Housing, another legacy from the Olympics is that there will be more low-income housing in Utah as a result of efforts necessary to provide housing for Olympic guests. Frankly, we did not get as much low-income housing in Utah as I would have liked. We did not get as much as we originally thought we would get when we embarked on this program. However, one aspect of the housing that needs to be talked about has to do with housing on Indian reservations. Housing was provided for the press in manufactured units. They came straight from the factory. They were assembled on the place, and they became the housing units for people in the press. They were also at a distant venue in Soldier Hollow, where they were used for housing Olympic athletes who needed to stay there rather than at the Olympic Village.

The Olympics are over. What do you do with this housing? Because it is manufactured housing and can be shipped easily, these houses are now in the process of being dismantled and sent to Indian reservations in the State of Utah to provide affordable housing for Native Americans. That is another one of the legacies of these Olympics.

We have a security legacy. We have an athletic facilities legacy. We have a land management legacy, and we have a housing legacy. We should all be proud of that and grateful for that.

There is one more legacy that may be, while intangible, more important than those I have previously mentioned. Let me give an anecdote to illustrate my point. We, of course, were as warm with visitors from foreign countries. As they went around Salt Lake City, as they talked to the volunteers, they had an experience in America.

One of them described it this way, "After September 11 and then the war and the attacks in Afghanistan, we had the feeling that the Americans stood astride the world and we expected, when we were coming to America for the Olympics, that the Americans would be pretty cocky, that the Americans would be lording over the rest of us the fact that they were in charge, that the Americans could do whatever they wanted anywhere in the world, and now you are coming to our Olympics, and the Americans would be filled with overweening pride and a little bit of hubris."

They went on to say, "We have come into this Olympic atmosphere and found nothing but warmth, graciousness, willingness to be helpful, to reach out, and to form relationships around the world. We have found none of the pride and haughtiness we expected. We go away from these Olympics with a different view of America and Americans than we had before we came. We will spread that view in our home countries."

In many ways, that is the most important legacy to come out of these Olympics. Coming against the backdrop of September 11th, it was the coming together of people from 78 nations, of 9,000 journalists, to a nonpolitical arena and to find the humanity, the friendship, the fellowship, and the open nature of human beings regardless of their country that will bless the world.

After September 11, there were proposals to cancel the Olympics. I remember having a conversation with Mitt Romney, President of the Olympics, about that possibility.

I said, "What will happen if you cancel the Olympics?"

He said, "The first thing that would happen is we will go bankrupt. There will be hundreds and hundreds of millions of dollars of default because we can't pay our bills unless we get the revenue from actually putting on the games. We can't cancel the games. More importantly, we must not cancel the games because that would send a signal to the terrorists that they truly had won."

Nonetheless, there was the shadow of what would happen if the games went forward hanging over it. A number of my colleagues in the Senate expressed their concern about that.

We went forward with the games. Not only did we provide safe games in the way I have described, we provided warm, gathering, closing-of-wounds, reassuring kinds of games that told the world we are all still one family.

Enormous thanks belong to a number of people for producing that legacy. Mitt Romney, of course, stands first as the CEO who took over a situation that was challenging and produced the result I have described, along with his chief operating officer, Frazier Bullock.

I want to thank the American people for their contributions and the sense of total American participation. Driving around Salt Lake City, I saw a lot of strange buses from a lot of places I did not recognize. Finally, I saw a familiar bus. I thought: Oh, this is a hometown bus. Then I realized it was a Washington metrobus, not a Salt Lake City UTA bus. The buses came from all over the country.

On our light rail in Salt Lake, the cars are all white. Suddenly, there were a bunch of yellow cars. I wondered from where they came. The answer was, Dallas, Texas. The folks in Dallas, Texas, sent us their railroad cars to supplement ours for our light rail system.

This was truly an American effort that produced the legacy of goodwill and good feelings around the world.

I thank the American people for their help. I want to thank Governor Leavitt, the Governor of Utah; Bob Garff, chairman of the Olympics—they all deserve special thanks.

One individual I will single out, whom many of you have met, is Cindy Gillespie. She was vice president of the Salt Lake organizing committee who handled governmental relations. She was superb at it. She also represented a source that we all found valuable. She did the same job for the Atlanta games. She brought an institutional memory of what the challenges had been in Atlanta that helped us do things a little differently in Salt Lake.

Finally, among my colleagues, I must acknowledge the Senate's leading supporter of the Olympic movement, TED STEVENS of Alaska, who put his full energy in backing these games. I am sure he had some residual regret that the games did not go to Fairbanks but came to Salt Lake City, but he threw himself into support of the Olympics in a manner that was truly heroic. And other Senators: Senator INOUYE, who took over chairmanship of the defense subcommittee when there was a change in leadership, was every bit as supportive as Senator STEVENS. I want to thank Senator BYRD the chairman of the Appropriations Committee for his help. Also Senators GREGG and HOLLINGS, who had the responsibility of funding the requests that came from the President with respect to the Justice Department and the FBI. Senators CAMPBELL and DORGAN for their help in providing adequate funding for the Secret Service. I want to also thank all of my Senate colleagues for their great support. The support for the Olympics was very broad based.

Finally, while I am thanking, I must acknowledge that the Clinton administration could not have been more supportive, and could not have done a better job in seeing to it that these were in fact America's Olympic Games. When the Clinton administration left office and the Bush administration came into power, the transition was seamless. The same support that came out of the White House and all aspects of the administration made a very significant difference.

It is that final legacy, that the support of America has been recognized around the world, and that the goodwill of America will radiate from these games around the world, that is the legacy for which I am the most grateful. It was summarized at the closing ceremonies by Jacques Rogge, the new president of the International Olympic Committee. You may know that in the past it has been the habit of the president of the International Olympic Committee to give a scorecard, a report card of how well the Olympics has done. The comment that has always been looked for at every Olympics before is when the president of the IOC stands up and says, "You have given us the finest Olympics ever." That is what all of us in Salt Lake were hoping we would get, that accolade.

Jacques Rogge said, three or four days before the closing ceremony, he would not say that. He said, "I am going to remove that tradition from the IOC. Every Olympics is different. I am not going to create that expectation, and I tell you in advance, don't be expecting that." So he came and he gave his formal closing remarks. They were written in the program and they were wonderful. But he ad-libbed, as he was caught up in the same spirit of good will throughout the world that I have described as the Olympic's most important legacy. And off of his prepared remarks, he turned to all of us and he said:

> People of America, Utah, and Salt Lake City, you have given the world superb games. That is a legacy of which all Americans can be proud.

I yield the floor.

Mr. HATCH. Mr. President, I rise to pay tribute to all the men and women in the State of Utah and this nation whose hard work and diligence made the 2002 Salt Lake City Winter Olympics the best in the history of the Games.

I want to pay special tribute to the efforts of my Utah partner, Senator BOB BENNETT. We owe him a great deal of gratitude for his leadership and guidance to ensure that the 2002 Winter Olympic Games had the resources and manpower necessary to be successful.

The 2002 Olympics proved that we as a nation can conduct national events where the need for security is balanced with the spirit of the event. In this new age, where terrorism is a constant threat, securing the Olympics was a joint effort. It involved private citizens, Utah businesses, and federal, state, and local law enforcement agencies. The result was a security operation that provided a blueprint for the future.

The 2002 Winter Games were a showcase of American determination, resiliency, creativity, and resourcefulness. The challenge of planning for and executing an event of this magnitude was daunting even prior to the tragedy of September 11th. Following the September 11th tragedy, however, the security of the Winter Olympics became the subject of intense scrutiny in this country and throughout the International Olympic community. Frequently asked questions included: Can the United States still produce a first-rate event given the new security environment? Should the Games be cancelled? Should the Games be scaled back? Would the event become an armed camp?

There was never a question, however, among the organizers and planners of the Games as to whether the Olympics would go forward. They rolled up their sleeves and set out, determined to ensure that these Games were the best and safest Games ever. Law enforcement officials were confident that they already had an excellent security plan in place. Federal, state, local and private agencies developed and strengthened partnerships so the spirit of the Olympic Games could thrive.

The nation and, indeed, the entire international Olympic community were blessed that people of courage and conviction were already in place and prepared to carry out their tasks. I would like to take a moment to thank these wonderful men and women for what they did. I am very proud of all of them.

First, I want to thank all the strong, brave, and gifted Olympic athletes who participated in the Winter Games. I am especially proud of the United States' athletes who performed so magnificently and brought home 34 medals—more than double the bronze, silver and gold the United States brought home from the 1998 Nagano Winter Games. This was 28 more than were won in the 1988 Winter Games in Calgary.

I also want to thank Utah Governor Mike Leavitt and Salt Lake City Mayor Rocky Anderson, U.S. Attorney Paul Warner, Assistant U.S. Attorney Dave Schwendiman, as well as, the many other local city and county officials, and their staffs, who hosted the Games and marshaled the resources which made the Olympics such a success. They represent the great character of the people of Utah.

Utahns work very hard to preserve the beautiful natural backdrop that the world admired and enjoyed so much throughout the Games. They also worked very hard to build the modern, state-of-the-art infrastructure that made the Games possible. It was Utahns who provided the indomitable pioneer spirit which inspired the Games to reach new heights. Without the tens of thousand of Utah volunteers, the Games would not have been possible at all, let alone the unqualified success they turned out to be.

But this is only part of the success story. The 2002 Winter Olympic Games were possible because of well-conceived and well-executed partnerships among Federal, state, local, and private organizations. Not enough can be said about the way private enterprises partnered with government at all levels. Mitt Romney, President and CEO of the Salt Lake Organizing Committee, and Fraser Bullock, the Chief Financial Officer and Chief Operations Officer, are great Americans and heroes of the 2002 Olympic Games. Their collective business acumen, indomitable spirit, and eye for beauty and passion brought about a splendid production from start to finish—that was enjoyed immensely by the whole world. I want to personally thank the entire Salt Lake City Organizing Committee for 17 days of magic!

For many years, the Salt Lake Organizing Committee Board of Trustees was the backbone of planning the Games. These dedicated men and women provided critical guidance and support in developing the overall architecture and operations for the Games. We all owe a great deal of thanks to the able leadership of Frank Joklik, who was also the former CEO and President of the Salt Lake Organizing Committee, as well as former Chairman of the Board of Trustees. Under the direction and care of Bob Garff, current Chairman of the Board of Trustees, the Board has been second to none in keeping the Games on track over the years. We are very proud of every member who has ever served on the Board of Trustees.

The current Board of Trustees have every right to be proud of their accomplishments. We salute: Mr. Spence Eccles, Mr. James Beardall, Ms. Sandy Baldwin, Ms. Teresa Beck, Mr. J. Dwight Bell, Mayor Lewis K. Billings, Mr. Luke Bodensteiner, Mr. Kenneth Bullock, Ms. Camille Cain, Mr. Joseph A. Cannon, Mr. Don Cash, Mr. Keith Christensen, Mr. Forrest Cuch, Ms. Kathaleen K. Cutone, Ms. Anita Defrantz, Ms. Maria Dennis, Mr. Randy Dryer, Mr. James L. Easton, Mr. Ed Eyestone, Mr. Rocky Fluhart, Ms. Maria J. Garciaz, Mr. George Garwood, Mr. Paul George, Ms. Rachel Mayer Godino, Ms. Joan Guetschow, Mr. Jim Holland, Mr. Tom Hori, Mr. William Hybl, Mr. Nolan Karras, Mr. Karlos Kirby, Mr. Don J. Leonard, Ms. Hilary Lindh, Dr. Bernard Machen, Mr. Bill Malone, Mr. Larry Mankin, Mr. Al Mansell, Mr. Henry Marsh, Mr. Jim Morris, Ms. Carol Mushett, Mayor Brad Olch, Ms. Grethe B. Peterson, Ms. Margaret Peterson, Mr. Dave Pimm, Mr. John Price, Mr. Early Reese, Mr. Chris Robinson, Mr. Mike P. Schlappi, Dr. Gerald R. Sherratt, Mr. Bill Shiebler, Mr. William J. Stapleton, Mr. Marty R. Stephens, Mr. Gordon Strachan, Ms. Picabo Street, Mr. James R. Swartz, Ms. Lillian Taylor, Ms. Diana Thomas, Mr. Richard Velez, Mr. Lloyd Ward, Ms. Ann Wechsler, Mr. Winston A. Wilkinson, Mr. Marion Willey, Mr. C.J Young, Mr. Ed T. Eynon, Mr. Kelly J. Flint, Mr. Grant C. Thomas, Mr. Brett Hopkins, Mr. James S. Jardine, and Mr. Lane Beattie.

I want to give special thanks not only to the current board but to past board members who have also given so much to these Olympics. They include: Verl Tophan, Earl Holding, Alan Layton, Scott Nelson, Tom Welch, Dave Johnson, Fred Ball, Jack Gallivan, former Utah Governors Calvin Rampton and Norm Bangerter, former Salt Lake City Mayor, Dee Dee Corradini, Palmer DePaulis, Jake Garn and many others.

The members of the Utah Olympic Public Safety Command, known as USOPSC also deserve special recognition. I am especially proud of its Commander Robert Flowers, Vice Commander Rick Dinse, and Executive Director David Tubbs. This 20-member interagency and intergovernmental body developed and implemented all the public safety and security measures for the Games. I also want to express my appreciation to Earl Morris and former USOPSC member Craig Dearden for their tireless efforts. This unique cooperation between the public sector and the private sector, between federal agencies and state agencies should get an Olympic gold medal. Within the UOPSC structure, all these organizations focused on the task of making the Games safe and enjoyable while leaving organizational biases and petty preferences at the doorstep. I believe that this approach is the blueprint for all future National Special Security Events and the UOPSC structure may even be a model for other states as they continue to implement their plans to combat terrorism.

When the Olympics were designated a National Special Security Event, three federal agencies were primarily responsible for creating the security network for the Games. They were: the Secret Service, the FBI, and the Federal Emergency Management Agency. Attorney General John Ashcroft, FBI Director Robert Mueller, FBI Special Agent in Charge Don Johnson, Secretary of Treasury Paul O'Neill, Secret Service Director Brian Stafford, Secret Service Olympic Coordinator Mark Camillo, FEMA Director Joe Allbaugh, and the Secretary of Health and Human Services Tommy Thompson.

I also want to take this opportunity to recognize other critically important members of the Olympic Games partnership. These are the men and women, many of whom are unsung heroes, who ensured the safety, security, and welfare of the Games participants and spectators. Among these are: the active duty and reserve military personnel who stood in the cold for hours inspecting cars and manning security checkpoints; the military pilots who flew a lonely vigil over Utah venues; and those uniformed personnel who manned cold, remote radar sites.

The legions of personnel from every level of federal, state, and local law enforcement who worked 24 hours a day, seven days a week vigilantly watching, inspecting, and protecting the Games also need special recognition. I think about the fire and emergency medical personnel who, like their law enforcement brothers and sisters, were on duty around the clock, planning for the worst while praying for the best. Finally, let us not forget the private nonprofit organizations such as the American Red Cross and the AmeriCorps who cared for those that might have been forgotten in the excitement of the Games.

We also need to acknowledge the other everyday heroes whose stories often did not make the press. It is amazing that in a state as sparsely populated as Utah, there were well over 60,000 applicants for the 30,000 volunteer positions.

And we all have to pay special tribute to the inspirational performances by The Mormon Tabernacle Choir, for their presence at so many events lifted our spirits and touched our hearts. The Church of Jesus Christ of Latter-Day Saints provided the security for these events, as well as, security at Temple Square. The Church's efforts were lauded by local and federal law enforcement officials alike.

I would like to spend a few minutes discussing the preparation and execution of security for the 2002 Salt Lake City Olympic Games. There is a great story here. I hope the lessons learned in Utah from the efforts of the many men and women in the security community will help others charged with protecting their communities.

The most important lesson learned, and one which I can not emphasize enough, is that security success depends on the open and willing cooperation among agencies at all levels of government and in the private sector. If I had to point to a one thing that spelled the difference between success and failure for the Olympic Games, I would have to say that is was the open lines of communications among all law enforcement agencies, fire and emergency medical services, hospitals and universities, and private and non-profit organizations at all levels.

More than 60 federal, local, and state law enforcement agencies contributed to the public safety of the 2002 Winter Olympics. Let me tell in detail why this experience in Salt Lake City is so unique.

In August 1999, the 2002 Winter Olympics in Salt Lake City was designated as a National Special Security Event. Once this designation was made, the Secret Service became the lead federal agency for designing, coordinating and implementing security at the event. With responsibility for protecting over 2,300 athletes from 77 nations, scores of foreign officials and dignitaries, and over one million spectators, the Secret Service's Major Events Division collaborated with dozens of other federal, state, and local law enforcement agencies and public safety officials to design a multi-faceted and comprehensive security plan. They worked for nearly 16 months to establish a safe and protected environment at an assortment of venues in the Salt Lake City area.

The tragic events of September 11, 2001, ushered in a new era of heightened security, with even more emphasis on precaution and prevention. After the terrorist attacks, efforts intensified to enhance existing security plans designed and tailored to the requirements of each of the many individual venues at the Winter Olympics.

In the end, the 2002 Winter Olympics were a rousing success story for not only the United States athletes, who established a new record for American success at the Winter Games with 34 medals, but also for the thousands of athletes and hundreds of thousands of spectators who were able to compete and attend events in the safest and most secure environment possible.

The 2002 Winter Olympics represented the largest coordinated security effort in our Nation's history. While most security plans for a sporting event may typically include a large stadium and the surrounding area, the Secret Service was responsible for coordinating security at 15 different venues consisting of: the Delta Center, Medals Plaza, Main Media Center, Rice-Eccles Olympic Stadium, Olympic Village, Ice Sheet at Ogden, IOC Hotel, Snow Basin Resort, Park City Mountain Resort, Deer Valley resort, Utah Olympic Park, Soldier's Hollow, Peaks Ice Arena, E-Center Ice Arena, and Ice Oval at Kearns. There also were special security requirements implemented at the Salt Lake International Airport and Salt Lake City's downtown Washington Square.

Compounding the difficulty of securing such a large and diverse number of venues was the sprawling geographical coverage of the Winter Games. The zone of security stretched for 900 square miles, from Provo to Ogden, providing numerous operational and logistical challenges for the Secret Service.

The security plan was designed and developed to provide the most secure environment for athletes, spectators, and protected venues. There was an airspace security plan to restrict certain aircraft from approaching any protected venue. There was a cyberspace security plan to ensure that no electronic intrusions could disrupt communications and operations. In addition, there was a physical security plan, including remote poststanders, magnetometers, state-of-the-art security cameras, chain-link fences, and electronic sensors.

Notwithstanding all of the technology and electronic monitoring, the foundation of any security plan is the law enforcement personnel implementing it. At the Winter Olympics, over 10,000 federal, state and local law enforcement and public safety officers stood watch around the clock, working in a collective and collaborative effort toward one single goal: to prevent any incidents that could cause harm to athletes or spectators, or create significant disruptions of the Games themselves.

The result of this comprehensive and sweeping security plan was secure surroundings that allowed athletes and spectators alike to enjoy the atmosphere of this international gathering without having to navigate any overly burdensome or time-consuming security checkpoints.

While there were occasional evacuations or disturbances, none of these matters were deemed serious, and there were only a handful of minor arrests during the course of the 17 days of the Games. Although at the close of the Olympics, there were no medals for the Secret Service and its partners in law enforcement and the military, the thousands of men and women who participated in the execution of perhaps the most sophisticated and successful security plan in the Secret Service's 137-year history deserve recognition and gratitude for their tireless efforts and dedication to their critical jobs.

In sum, the Salt Lake City Olympics provided the opportunity to develop and execute a plan to protect a 900 square mile part of this country. I urge that we capture the lessons learned from this experience and incorporate these lesson into our national security planning process.

Following the great traditions of this country, the success of the 2002 Salt Lake City Winter Olympics was not due to any one individual, but to all who participated. From the spectators at the venues who showed patience, to the athletes who demonstrated the power of sport, to the organizers and protectors who gave us outstanding Games, and finally to the American people, including this Congress, who overwhelmingly supported the Games, we proved to the World that the events of September 11 will not deter this great Nation.

Finally, I want to take this opportunity to thank the staff who worked tirelessly with me on the Olympics: Kristine Iverson, Patricia Knight, Roslyn Trojan, Christopher Campbell, Scott Simpson, Melanie Bowen, Heather Barney, and Christopher Rosche. I also owe a special thanks to Brandon Burgon who made sure I was always where I was supposed to be, and that I was on time. I appreciate everything they did, and am very proud of them.

The PRESIDING OFFICER (Mr. REED). Under the previous order, the Senator from Vermont is recognized for up to 30 minutes.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. JEFFORDS. Mr. President, we will have before us over the next several weeks a historic opportunity to change the direction of energy use in this country.

I know you will hear from many of my colleagues that the events of September 11 have changed how we must view energy, and on that point we must all surely agree. An increasing reliance on energy imports from politically unstable areas of the world is not in America's best interests, and we must reassert our dominance over our own energy production and innovation. One of the most important ways to achieve this is to wean ourselves from foreign oil in our transportation sector, and to diversify the energy base for our electricity generation into clean, domestically produced renewable resources.

We have before us a piece of comprehensive energy legislation that quite frankly is one of the best to emerge from this body in some time. Senators DASCHLE and BINGAMAN have brought forward, in their comprehensive amendment to S. 517, legislation that would spur the development of renewable energy resources, that will advance efficiency in our transportation, building and electricity sectors, and that will begin to address global climate change. I support many of the provisions of this legislation, particularly those that encourage the production of renewable energy, and those that provide additional funding for energy assistance to low income households.

As chairman of the Committee on Environment and Public Works, I have considerable interest in several areas within the committee's jurisdiction. These include issues relating to regulation of commercial nuclear power plants, and to air and water quality issues such as global climate change, the use of reformulated fuels, and air emissions from the transportation sector. I support the bill's provisions on efficiency standards for homes, schools, and public buildings, as well as the efficiency standards for appliances and other consumer and commercial products. I also support increased funding for the Low Income Energy Assistance, LIHEAP, program, and for expanded R&D for reducing greenhouse gas emissions and promoting efficiency and renewables. I look forward to inclusion of the tax provisions passed out of the Finance Committee, particularly those provisions which extend and expand the production tax credit for renewables, and provide credit for alternative fuels and alternative fueled vehicles. As chairman of the Environment and Public Works Committee, I have particular interest in those provisions of the bill which address the protection of our environment through reductions of emissions and pollutants affecting air and water quality.

Earlier this Congress, the EPW Committee reported out S. 950, the Federal Reformulated Fuels Act. This bill provided recognition of the need to reduce MTBE contamination of water supplies and enhance fuel suppliers' flexibility in meeting market demand. We have also recognized the need to grow the renewables share of the transportation fuels market. I commend the leader, Senator DASCHLE, for convening a broad and diverse group of stakeholders to craft an agreement on these issues in the fuels section of S. 517. I support the provisions in the Daschle bill that will raise CAFE standards, a long overdue action that will dramatically decrease the amount of gasoline consumed on our highways.

Both the reformulated fuels and CAFE provisions will benefit the environment, and reduce our dangerous dependence on foreign fuels. I am supportive of the provisions in the Daschle bill that set us on a path to seriously address global climate change. I am however deeply concerned that administration of the greenhouse gas database is not placed with the EPA, the agency most clearly qualified to run this program. No other agency has the experience with air emissions data or capability to run such a program more effectively. The agency already collects detailed carbon dioxide emissions information from the utility sector, and leads the Federal agencies in preparation of the national inventory, pursuant to the Global Climate Protection Act of 1978 and other authorities. Placing this responsibility elsewhere in the Federal bureaucracy seems duplicative and illogical.

As chairman of the Environment Committee, the environmental and public health impacts of emissions are on the top of my list of concerns. These issues are not directly addressed in S. 517. As this session moves forward, the EPW Committee will be considering legislation that would cap greenhouse gas emissions from the transportation sector, which is responsible for approximately one-third of U.S. emissions. I support the inclusion in the electricity section of the bill of a net metering standard, which would give consumers credit for their own production of solar or wind energy. I am however concerned that the bill fails to include provisions, either through a public benefits fund or an electric efficiency mandate, to ensure the continuation of programs to encourage electricity efficiency innovations by utilities. Efficiency in electricity generation is a vital component of consuming less fuel, and lack of a provision addressing this issue is a major failing in the legislation. I am also concerned that the definition of biomass in various places in S. 597 does not exclude incineration of municipal solid waste, a process which results in emissions of mercury and sulfur dioxide. Measures which seek to encourage increased use of clean renewable energy should not provide new incentives for incineration of municipal solid waste.

One of the most important aspects of the legislation is its provisions for increasing the use of renewable energy in our nation. Unlike the House bill, Senator DASCHLE's bill includes a renewable portfolio standard which will guarantee that a greater portion of America's electricity needs are met by renewable energy. To date, the administration, like the House, has not endorsed this most basic of concepts, and I strongly commend Senator DASCHLE and Senator BINGAMAN for stepping forward on this crucial issue. This notwithstanding, I cannot support the Daschle renewable portfolio standard. My primary concern with his provision is that it does not go far enough to provide the level of environmental protection and market stimulation that a national renewable portfolio standard should provide.

S. 597, Senator DASCHLE's bill, contains a renewable portfolio standard requiring the generation of 10 percent of renewable energy electricity by the year 2020. While moving in the right direction, this will not provide the level of investment and growth achievable by my amendment. We must be aggressive in finding alternatives to fuels that pollute, or present unacceptable security risks. I will be introducing an amendment today that will ensure that by the year 2020, 20 percent of the electricity Americans use will be supplied by clean and safe renewable energy from wind, solar, biomass or geothermal sources.

The United States today relies heavily on coal, nuclear power, and natural gas to generate its electricity. Yet the United States is also blessed with an abundance of renewable energy resources including wind power, intense solar energy, vast sources of biomass, and geothermal energy. These renewable energy resources do not pollute, they need not be bought from foreign markets, they do not leave behind piles of toxic wastes, and they will not run out.

Because renewable energy has been with us forever, we tend to disregard it. We tend to think of it as too simplistic to meet our modern energy needs. Like this windmill pictured from the old American West, we tend to think of wind, and other forms of renewable energy as quaint, but outdated vestiges of our past. We could not be more wrong. According to the U.S. Department of Energy wind energy has been the fastest growing source of electricity generation in the world in the 1990s.

Today, the U.S. wind industry generates about 3.5 billion kilowatt-hours of electricity each year, enough to meet the annual electricity needs of 1 million people. The costs of wind energy in the United has dropped more than 80 percent in the past two decades, with today's prices being competitive with electricity being delivered by fossil and other fuels. As you can see in this picture of a modern windmill farm in Texas, times have changed. In Texas alone, wind power generation has more than doubled in the past three years, and estimates are that up to 1,000 megawatts of new renewable energy capacity will be operating by the end of this year. This jump is attributed in large part to a State renewable energy standard signed into law by Governor Bush in 1999.

Throughout the country, utilities are installing wind turbines and other renewable energy facilities as customer demand for clean energy grows, and costs drop.

These pictures illustrate but a few examples, such as this wind farm in Colorado; or the Northern States Power wind farm in Minnesota; the Vanscycle Ridge wind farm in Oregon; this wind facility providing electricity to the people of Traverse City, MI.

Wind production can be especially beneficial in rural and remote areas, as we can see by this wind turbine in remote Kotzebue, AK, which displaces diesel fuel generation.

Geothermal, biomass and solar are also making increasing contributions to local and regional electricity generation. This Nevada geothermal power plant produces electricity for 100,000 people. This geothermal facility in California has produced the energy equivalent of over 250 million barrels of oil, and currently provides electricity to over one million people. This geothermal plant in Hawaii provides electricity for 60,000 people. This modern complex in Lousiville, KY is heated and cooled by geothermal heat pumps.

Energy produced from biomass has the potential to account for almost as much renewable energy electricity production as wind. Here a biomass facility in Shasta County, CA converts wood wastes into electricity. This tractor is harvesting switchgrass in Charington Valley, IA where farmers planted over 4,000 acres of switchgrass, which when burned will generate a continuing 35 megawatt flow of clean burning energy. If successful the project will be scaled up to 50,000 acres and involve 200 to 500 farmers. This bioenergy plant in Fayetteville, AR is testing new bioconversion processes. This photovoltaic charging station in Tampa, FL recharges batteries for hybrid electric vehicles, then contribute excess generated power back to the electric grid. This cattle rancher in Idaho uses wind energy to power his home and ranch under a program sponsored by the Idaho Power Company. This shows the solar array at BP Solarex headquarters in Frederick, MD. BP solar, a subsidiary of BP International, is a leading world developer of photovoltaic technology, with offices and manufacturing sites around the world. This solar concentration system at Sandia National Laboratory in New Mexico produces utility grade electric power.

Despite these exciting advances in U.S. renewable energy, the United States and American businesses still lag far behind advances being made in Europe and the rest of the world. Compared to the roughly 1 million American homes that are served by renewable energy, installed international wind capacity is enough to satisfy the electricity needs of 23 million people. The U.S. wind industry is actively seeking to utilize marketing opportunities outside the United States.

According to the U.S. Department of Energy's National Wind Technology Center, these prospective wind energy markets could translate into several billion dollars in sales for the U.S. wind industry. U.S. firms have already installed turbines in Canada, The Netherlands, Mexico, South America, Spain, Ukraine, and the United Kingdom. Nonetheless, 90 percent of the world's wind turbine manufacturers are European, with a combined annual turnover of more than one billion Euros.

These potential markets are only likely to increase. As the European Wind Energy Association states:

> Whereas the cost of most forms of energy are bound to rise with time, the costs of wind energy are actually coming down.

Offshore European wind projects at various stages in the pipeline amount to more than 5,000 megawatts. Even accounting for the understandable enthusiasm of those in the industry, it is clear that both the international and American wind energy markets have the potential for great expansion.

The faster expansion in international markets is due in great measure to governmental policies that favor such expansion. As the U.S. Department of Energy states,

> Wind energy is the fastest growing source of electricity generation in the world in the 1990's. However, the majority of growth has been in Europe, where government policies and high conventional energy costs favor the use of wind energy.

Even with advances to date, American renewables still account for little more than 2 percent of total U.S. electricity production. There is more than enough room for them in the U.S. energy market. The United States is the world's largest single energy market, representing more than 25 percent of world energy consumption.

The real question is the extent to which we in this country will take advantage of our abundant renewable resources, and the assistance we will be willing to provide our American companies in competing in this market. Are we going to allow American companies to miss the boat? Is the United States going to lag behind while the rest of the world makes investments, develops infrastructure and outpaces us in the profitable manufacture and production of renewable technologies? Will we once more, as we are now for fossil fuels, be dependent on other nations for the means to provide our domestic energy, but this time because the technology and manufacture of renewable energy rests largely in other countries?

My amendment would provide an important step in providing market strength to U.S. renewable industries. It would create a renewable portfolio standard under which utilities would be required to gradually increase the amount of electricity from renewable energy resources sold to consumers, starting at 5 percent by 2005, and leveling out at 20 percent in 2020. This will be achieved by a system of renewable energy credits, that electric retailers can either generate themselves, or buy from someone else who has generated electricity from a renewable resource.

Those selling tradeable credits to the retailers need not themselves be connected into the grid. So long as someone has generated electricity from a listed renewable energy resource, and either used it himself or sold it to someone else to use, he can sell the credit to a retail electric supplier. My amendment would allow credits from existing renewable energy production, thereby encouraging expansion of existing facilities as well as creation of new sources of renewable energy. It would be hydropower neutral in that it would require the use of renewable energy credits to offset only production of non-hydropower electricity sold by the retailer. It would define renewable energy to include wind, solar, geothermal, landfill gas, certain biomass, and incremental hydropower added by increasing efficiency. It would not include industries which generate substantial amounts of pollution such as incineration of municipal solid waste, as renewable energy for which credits could be obtained.

This flexible, market-driven system, will help reduce market barriers for renewable energy, and stimulate domestic investment in new renewable energy throughout the nation. It will allow our companies to grow domestically, and establish sufficient stability to compete successfully in the world market. It will encourage the successful, long-term integration of these important renewable technologies into the energy sector, and will help grow the U.S. renewable energy industry into a world leader of renewable energy technology. My amendment will be good for the environment. It will improve air quality, by reducing use of fossil fuels which produce nitrogen oxides, sulfur dioxide, and mercury emissions. These harmful pollutants are linked to smog, acid rain, respiratory illness, and water contamination.

This is an urgent issue. As reported in today's Washington Post, a study recently published in the Journal of the American Medical Association concludes that long-term exposure to fine particles of air pollution from coal-fired powerplants, factories, and diesel trucks increases an individual's risk of dying from lung cancer by 12 percent.

This is particularly important to my home State of Vermont. We in the Northeast live downwind from virtually the entire nation. The prevailing wind patterns bring ozone-causing nitrogen oxide straight to our front door.

There are days I can stand on Mount Mansfield, and not be able to make out the water tower on Mount Elmore barely 20 miles away.

My amendment would cut carbon dioxide emissions, a major contributor to global warming, by almost 19 percent, or 137 million metric tons by 2020. The Daschle 10-percent standard would achieve only a 7-percent reduction, or 56 million metric tons.

A 20-percent renewable energy standard that stimulates investment in renewable energy will be good for our economy. It will create thousands of new, high quality jobs and bring significant new investment to rural communities. It will create an estimated $80 million in new capitol investment here at home and create new opportunities in the manufacturing and high-tech sectors. The market demand for renewable energy will also bring jobs to rural areas, where it is estimated that wind energy alone could provide $1.2 billion in new income for farmers, ranchers and rural landowners, and $5 billion in new property tax revenues to communities.

My amendment will advance national security. Renewable energy technologies will reduce dependence on fossil fuels, alleviating pressure on those markets. Because they are domestically produced, they will reduce our vulnerability to foreign threats. Because they are distributed in nature, they will reduce our reliance on centralized resources and the vulnerability of our energy infrastructure to terrorist attack.

Following the attacks of September 11, we can no longer afford to take this responsibility lightly.

Mr. President, on September 19, James Woolsey, former Director of the CIA, Admiral Thomas H. Moorer, former Chairman of the Joint Chiefs of Staff, and Robert C. McFarlane, former National Security Advisor to President Reagan, sent a letter to myself and other Members of this body urging in the strongest terms that we take immediate action to address our energy security. Among other recommendations, they state that they "urge the Energy Committee to immediately adopt the Renewable Portfolio Standard. . . ."

I ask unanimous consent that this letter, signed by all three, be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

September 19, 2001.

Senators Thomas A. Daschle, Tom Harkin, Robert C. Byrd, Carl Levin, Jeff Bingaman, James S. Jeffords, Max Baucus, Joseph R. Biden Jr., Trent Lott, Richard Lugar, Ted Stevens, John W. Warner, Frank H. Murkowski, Robert C. Smith, Charles E. Grassley, Jesse Helms.

Dear Senators: Americans are aware of the enormous and complicated tasks ahead in dealing with the consequences of the unprecedented September 11th attack against our nation.

There are many corrective actions that require lead-times that could be months or even years. But, there are actions that can and must be taken now. One of those critical actions is to advance America's energy security. The Congress will soon act on that issue.

It is not enough just to ensure uninterruptible supplies of transportation fuels and electricity. We must also act to advance the security of those supplies, and the nation's ability to meet its needs in all corners of the country at all times. Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks.

Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges. Fortunately, technologies to deliver these supplies have been advancing steadily since the Middle East fired its first warning shot over our bow in 1973. They are now ready to be brought, full force, into service.

But, while the U.S. Government has committed intellectual and monetary resources to developing these technologies, the status quo marketplace is unwilling to accommodate these new supplies of disbursed and renewable fuels and electricity. Speedy action by the Administration and the Congress is critical to establish the regulatory and tax conditions for these renewable resources to rapidly reach their potential.

Fortunately, such actions are under consideration by the Energy, Environment, and Finance Committees. We urge the Energy Committee to immediately adopt the Renewable Portfolio Standard (for electricity) as well as provisions to ensure ready interconnection access to the electric grid, and cost-shared funds to the state public benefit funds to continue essential support for emerging technologies and the provisions of electricity to the truly needy. We urge the Environment Committee to immediately adopt the Renewable Fuels Standard in conjunction with measures to deal with environmental issues. Finally, we urge the Finance Committee to immediately adopt residential solar credits and renewable energy production tax credits, including a provision for fuels (liquid, gaseous and solid fuels), or their Btu equivalent, similar to the fuel provision tax credit made available in Section 29 of the Internal Revenue Code.

These actions will also develop new industries and jobs, strengthen communities, enhance the environment, and assist in the stabilization of greenhouse gases. On the transportation fuels issue, ethanol, biodiesel and other biofuels will slow the flow of dollars to the Middle East, where too many of those dollars have been used to buy weapons and fund terrorist activities.

Consequently, we also recommend a major and concerted effort to assemble the talent and resources needed to launch a "Liberty Ship" type program to convert agricultural wastes and cellulosic biomass into biofuels, biochemicals and bioelectricity. The technology to do so is in place; all that is lacking is the political will to deploy it.

Sincerely yours,

R. James Woolsey,
Former Director, Central Intelligence.
Robert C. McFarlane,
Former National Security Advisory to President Reagan.
Admiral Thomas H. Moorer USN (Ret),
Former Chairman, Joint Chiefs of Staff.

Mr. JEFFORDS. A 20-percent renewable energy standard by 2020 is affordable. The Department of Energy's information administration found a 20-percent renewable energy standard by 2020 would result in only modest increases in consumer electricity bills of up to 4 percent as compared to prices if no renewable energy standard were imposed.

Polls have indicated Americans are willing to accept such moderate price increases in exchange for the benefits derived from the greater renewable energy production.

These same EIA studies showed that while households will experience modest increases in electric bills, a 20-percent renewable energy standard will actually reduce overall energy costs, which include the costs attributable to home heating and commercial and industrial energy consumption by approximately 0.1 percent by the year 2020.

With these very modest costs, the provisions in my amendment will increase renewable energy production by a total of roughly 2 million megawatts. Higher numbers are distinctly possible. In the Sacramento Municipal Utility District, for example, if every new home built in California subdivisions each year had photovoltaic energy roofs similar to the ones shown in this chart, they would produce the equivalent of a major 400- to 500-megawatt powerplant every year.

This amendment is the right thing to do. It is supported by the Consumers Union, the Consumer Federation of America, along with hundreds of businesses, associations, labor and consumer advocacy groups, environmental groups, faith-based organizations, academies, and local communities.

I ask unanimous consent a list of approximately 450 groups and individuals supporting my amendment be printed in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

Supporters of a 20% by 2020 National Renewable Energy Standard

ASSOCIATIONS

American Bioenergy Association, American Corn Growers Association, American Corn Growers Foundation, American Lung Association of Colorado, American Lung American Lung Association of Houston, American Lung Association of Maine, American Solar Energy Society, American Wind Energy Association, Angus Duncan, President, Bonneville Environmental Foundation, California Wind Energy Association, CalSEIA (California Solar Energy Industries Association, Clean Fuels Development Coalition, Clean Fuels Foundation, Colorado Renewable Energy Society.

Foundation for Communities & Environment, Heartland Renewable Energy Society, Heartland Solar Energy Industries Association, Illinois Solar Energy Association, Iowa Renewable Energy Association, Maine Nurses Association, Midwest Renewable Energy Association, Minnesota Farmers Union, Minnesota Renewable Energy Society, Inc., Missouri Native Plant Society, Nebraska Farmers Union, North American Butterly Association, Northern Great Plains Inc., Rose Foundation for Communities and the Environment, South Dakota Farmers Union, Texas Solar Energy Society.

BUSINESS

AMECO, Antares Group, Applied Agricultural Technologies, Inc., Aqua Sun International, ASE Americas, Astropower, Atlantic Renewable Energy Corporation, Automated Power Exchange, Biofine, Biorefiner, Bob Lawrence and Associates, BP Solar, BZ Products, Inc., Calpine Corporation, Cape Wind Associates, Capital Sun Group, Ltd., Cargill Dow, Carson Solar, Inc., Clean Edge, Inc., Colorado Energy Group, Inc.

Communications Consortium Media Center, EAPC Architects Engineers, Eco Energies Inc., Endless Energy Corporation, Energy Management Inc., Energyscapes, ENTECH Engineering, Environmental Services, Inc., Field and Forest Company, FlexEnergy, Future Energy Resources Corporation, Genencor International, GreenLine Paper Co., Inc., The Hamilton Group, Heliotronics, Inc., The Hendler Law Firm, Hurshtown Alternative Power, Microgy Cogeneration Systems, Inc., Micropower Corporation, Midwest Solar Solution.

Millenium Energy LLC, Moose, Inc., Mountain Energy Consulting, Ozark Solar, People's Power and Light, Pioneer Forest, Potomac Resources, Inc., Powerlight Corporation, Power Shift, Pure Energy Corporation, Renewable Energy Corporation, Limited, Sealaska Corporation, Sea Solar Power International LLC, Sol-Air Company, Solar

Energy Corporation, Solar-Fit, Solar King Supply, Inc., Solar Plexus, Solar Services, Inc., Solar Works, Inc., Spire Corporation, The Stella Group, Ltd., Sun Power Electric, Sun Systems, Inc., SUN Utility Network, Trans-Pacific Geothermal Corporation, Veizades and Associates, Vermont Energy Investment Corporation, Wisconsin Energy Conservation Corporation.

LABOR ORGANIZATIONS

AFSCME (District Council 47), SEIU #199, Maine Labor Group on Health, Communications Workers of America.

ENVIRONMENTAL ORGANIZATIONS

20/20 Vision, A World Institute for a Sustainable Humanity, Abalone Alliance Safe Energy Clearinghouse, Action for a Clean Environment, Alabama Environmental Council, Alaska Coalition of Missouri, Alaska Coalition of Pennsylvania, Alaska Wilderness League, Alliance for Affordable Energy, Alliance for Sustainability, Alliance for Sustainable Communities, Alliance for the Wild Rockies, American Council for an Energy-Efficient Economy, American Lands Alliance, American Oceans Campaign, American Public Information on the Environment, Chairton Valley RC&D (Iowa), Citizens Action coalition of Indiana, Citizen Action of Illinois, Citizens for Quality Drinking Water, Clean Air—Cool Planet, Clean Power Campaign, Clean Air Council, Clean Water Action, Clean Water Action Alliance of Michigan, Clean Water Action Alliance of Minnesota, Clean Water Action Alliance of North Dakota, Clean Water Action Alliance of Rhode Island.

Climate Action Now, Climate Solutions, Cloud Forest Institute, Coalition for Clean and Affordable Energy, Coal River Mountain Watch, Coastal Georgia Center for Sustainable Development, Colorado Environmental Coalition, Communities for Responsible Energy, Communities United for Responsible Energy, Connecticut Citizen Action Group, CTPIRG (Connecticut Public Interest Research Group), Dakota Resource Council, Defenders of Wildlife, Don't Waste Connecticut, Earth Action Network, Earth Care, Earth Day Coalition, Earth Day New York, Earth Justice Legal Defense Fund, Ecology Center of Southern California, Ecological Health Organization, Endangered Habitats League, Environmental Advocates of New York, Environmental Background Information Center, Environmental Defense, Environmental Defense Center, Environmental and Energy Study Institute.

American Rivers, Americans for a Safe Future, Anacostia Watershed Society, Arizona Audubon Council, Arizona Solar Action Network, Asian Pacific Environmental Network, Blue Heron Environmental Network, Bluewater Network, Bolingbrook Earth Watch, CALPIRG (California Public Interest Research Group), California Global Warming Campaign, California League of Conservation Voters, Center for Biological Diversity, Center for Energy Efficiency and Renewable Technologies, Center for Environmental Citizenship, Center for International Environmental Law, Center for Resources Solutions, Environmental Health Coalition, Environmental Health Watch, Environmental Law and Policy Center, Environmental League of Massachusetts, Environmental Awareness Committee, SE Iowa Synod, Florida League of Conservation Voters, Florida PIRG (Florida Public Interest Research Group), Friends of the Earth, Friends of the Moshssuck River, Friends of the River, Galveston-Houston Association for Smog Prevention, Georgia Audubon Society.

Georgians for Transportation Alternatives, Global Green, USA, Global Possibilities, Global Response, Global Exchange, Grand Canyon Trust, Great Basin Mine Watch, Greater Tucson Coalition for Solar Energy, Greater Yellowstone Coalition, Greenhouse Network, GreenPeace, Gulf Restoration Network, Heartland Operation to Protect the Environment, Hoosier Environmental Council, Illinois Audubon Society, Illinois PIRG (Illinois Public Interest Research Group), Illinois Student Environmental Network, Institute for Environmental Policy and Implementation, Iowa Citizen Action Network, Iowa Environmental Council, Iowa PIRG (Iowa Public Interest Research Group), Iowa Policy Project, Iowa SEED Coalition, Izaak Walton League of America, Izaak Walton League, Ohio Division, Kyoto Now!, Land and Water Fund of the Rockies.

League of Conservation Voters, League of Conservation Voters Education Fund, Leopold Group of the Iowa Chapter of the Sierra Club, Louisiana Audubon Society, Maryland Public Interest Research Group, Massachusetts Climate Action Network, MASSPIRG (MA Public Interest Research Group), Michael Fields Agricultural Institute, Mid-Nebraska Pride, Minnesota Center for Environmental Advocacy, Minnesota PIRG (MN Public Interest Research Group), Minnesotans for an Energy-Efficient Economy, The Minnesota Project, Missouri PIRG (Missouri Public Interest Research Group), Missouri Coalition for the Environment, MTPIRG (Montana Public Interest Research Group), Montana Environmental Information Center, MORE (Missouri Renewable Energy), National Audubon Society, National Environmental Coalition of Native Americans, National Environmental Trust, National Parks Conservation Association, National Wildlife Federation, Native American Rights Fund, Natural Resource Defense Council, NHPIRG (New Hampshire Public Interest Research Group).

New Jersey Environmental Lobby, NMPIRG (New Mexico Public Interest Research Group), New Mexico Wilderness Association, New Uses Council, NCPIRG (North Carolina Public Interest Research Group), Northwest Energy Coalition, Northwest SEED—Sustainable Energy for Economic Development, Nuclear Energy Information Service, Nuclear Information Resource Services, The Ocean Conservancy, Ohio Environmental Council, OHPIRG (Ohio Public Interest Research Group), Oregon Environmental Council, OSPIRG (Oregon State Public Interest Research Group), Pace Energy Project, PennPIRG (Pennsylvania Public Interest Research Group), Pennsylvania Environmental Network, People's Action for Clean Energy, Prairie Rivers Network, Rainforest Action Network, Redwood Alliance, RENEW Wisconsin, Renewable Northwest Project, Safe Energy Communication Council, St. Louis Audubon Society, Scenic America, Sierra Club, Sierra Club Rhode Island Chapter.

Sierra Club Rocky Mountain Chapter, Sky Island Alliance, South Carolina Coastal Conservation League, Southern Alliance for Clean Energy, Southwest Energy Efficiency Project, Southwest Environmental Center, Sustainable Energy and Economic Development Coalition, Texas Campaign for the Environment, Texas SEED Coalition, Toxics Action Center, Tulane Free the Planet!, Union of Concerned Scientists, USPIRG (U.S. Public Interest Research Group), Utahns for an Energy Efficient Economy, VPIRG (Vermont Public Interest Research Group), WAPIRG (Washington Public Interest Research Group), WISPIRG (Wisconsin Public Interest Research Group), Western Nebraska Resources Council, Western Organization of Resource Councils, West Virginia Highlands Conservancy, West Virginia Rivers Coalition, West Virginia Sierra Club, West Virginia Trout Unlimited, Wheeling (WV) Environmentalists, The Wilderness Society, Wildlife Action, Windustry Project, Wisconsin's Environmental Decade, Women for Sustainable Technologies, Women's Health & Environmental Network, World Wildlife Fund.

CONSUMER ORGANIZATIONS

Citizens Action Coalition of Indiana, Citizens for Consumer Justice, Citizen Power, Citizens Protecting Ohio, Consumer Federation of America, Consumers Union, Foundation for Taxpayer & Consumer Rights, Massachusetts Energy Consumers Alliance, Ohio Partners for Affordable Energy, Pressure Point, Southern Arizona Alliance for Economic Justice, The Utility Reform Network, Westchester People's Action Coalition, West Virginia Citizen Action Group.

FAITH-BASED ORGANIZATIONS

Coalition on the Environment and Jewish Life, Coalition on the Environment and Jewish Life of Southern California, Commission on Religion in Appalachia, DFW Disciples Peace Fellowship, Earth Ministries, Eco Justice Ministries, Episcopal Diocese of Missouri, Episcopal Power and Light, First Presbyterian Church of Kirkwood, Interfaith Center for Peace and Justice, Interfaith Global Climate Change Coalition of WV, Lutheran Campus Ministry, Maine Interfaith Climate Change Initiative, National Coalition of Jewish Women of Los Angeles, New Mexico Council of Churches, North Highland Assembly of God, Inc., Pennsylvania Central Conference United Church of Christ, Pennsylvania Council of Churches, Philadelphia Coalition on the Environment in Jewish Life, Southern California Ecumenical Council, Temple Emanu-El, (Dallas, Texas), United Methodist General Board of Church and Society, United Methodists—Iowa Conference, Board of Church and Society, Yellow Springs (OH) Unitarian Universalist Church.

ACADEMICS, DOCTORS, POLITICIANS & OTHER INDIVIDUALS

Dr. Paul Arnold, Biology Dept., Young Harris College, Dr. J.R. Bak, University of Washington, Dr. Douglas Bachtel, Institute of Ecology, University of Georgia, Dr. Sarah Badran, University of Southern California, Dr. Ray Barber, Chair, Division of Science & Mathematics, Abraham Baldwin Agricultural College, Dr. David Bechler, Department of Biology, Valdosta State University, Dr. Linda Bell, Department of Women Studies, Georgia State University, Dr. Dianne Benjamin, Assistant Professor of Educational Psychology, University of Missouri—Kansas City, Dr. Brad Bergstrom, Department of Biology, Valdosta State University, Dr. Ross Bowers, Program Director Respiratory Therapy Program, Armstrong Atlantic State University, Lon Burman, Texas Representative (District 90), Dudley J. Burton Ph.D., P.E., Professor, Baylor University, Linda Calvert, Director—New Orleans Mayor's Office of Environmental Affairs, Dr. Richard Coles, Professor of Ecology, Washington University, Antony Cooper, Assistant Professor of Biology, University of Missouri—Kansas City, Douglas Crawford, Associate Professor of Biology, University of Missouri—Kansas City, Dr. Ben Dennis, Professor of Economics, University of the Pacific, Dr. Alexander Dent, Indiana University, Paul R. Epstein, M.D., Center for Health and the Global Environment, Harvard Medical School, Dr. Lyle

Fagnan, Oregon Health and Science University, Alan Fantel, University of Washington, Todd Forman, M.D., University of Southern California, Edward Gogol, Associate Professor of Biology, University of Missouri—Kansas City, Dr. Gary Goldbaum, King County Hospital, Dr. Brenda Hull, Dept. of Biology, Young Harris College, Mark Jacobson, Associate Professor, Stanford University Department of Civil & Environmental Engineering, Stephen J. Jay M.D., Indiana University.

Dr. Sandra Juul, University of Washington, Daniel M. Kammen, Director, Renewable and Appropriate Energy Laboratory, Dennis H. Knight, Professor Emeritus, University of Wyoming, Randy Korotev, Professor of Earth & Planetary Sciences, Washington University, Dr. Margaret Lieb, University of Southern California, Dr. Lee March, Department of Political Science, Young Harris College, Dr. Diana Matesic, School of Pharmaceutical Sciences, Mercer University, Dr. J.A.P. McCrary, Department of Natural Resources, Albany State College, Dr. Kent Montgomery, Department of Astrology, Young Harris College, Richard B. Norgaard, Professor of Energy and Resources, UC Berkeley, Margie Oleksiak, Research Associate, University of Missouri—Kansas City, Richard Ottinger, Dean Emeritus, Pace Law School, Dr. Thomas Michael Power, Professor and Chair, Economics Department, University of Montana, Don Preister, Nebraska State Senator, Dr. Ron Pulliam, Institute of Ecology, University of Georgia, Dr. Richard Rich, Professor and Chair, Institute for Environmental and Energy Studies, UVA, Dr. Gary Rischitelli, Center for Research in Occupational and Environmental Toxicology, Michael Rosenzweig, Professor of Ecology & Evolutionary Biology, University of Arizona, Stephen Ruoss, M.D., Stanford University, Dr. Arnold Schecter, Professor, School of Public Health at Dallas, Everett Shock, Professor of Earth & Planetary Sciences, Washington University, Leonard Stitelman, Ph.D., Professor, School of Public Administration, University of New Mexico, Larry Waldman, Ph.D., Department of Economics, University of New Mexico.

OTHER GROUPS

American Lands, Arizona Center for Law in the Public Interest, Audubon's Appleton-Whittle Research Ranch, Better World Group, Bicycle Coalition of Maine, Center for Energy & Environmental Policy (University of Delaware), Center for Rural Affairs, Charleston Bicycle Advocacy Group, Childhood Lead Action Project, Citizens for Missouri's Children, Citizens for Pennsylvania's Future, City of Creve Coeur (MO) Recycling & Environment Committee, Coalition of Citizens with Disabilities in Illinois, Coalition to Advance Sustainable Technology, Collaborative Center for Justice, Inc., Common Cause, Concerned Citizens of Roane, Calhoun, and Gilmer Counties, WV, Concerned Citizens of Jefferson County, GA, Democratic Party of Dallas, TX, Development Center for Alternative Technologies, Downwinders at Risk.

Education for Sustainable Living, Emerald Resources Solutions, Environmental and Human Health, Inc., Friends of Merrymeeting Bay, Full Circle Environmental, Green Party of Lancaster County, PA, Green Party of York County, PA, Hispanic Political Action Committee, Indian-American Political Forum of Connecticut, Institute for Agriculture and Trade Policy, Intertribal Council on Utility Policy, Jobs with Justice, Dallas TX, Kansas Rural Center, Keystone Action Network, Local Power, Louisiana Bucket Brigade, Loyola University Enviro Action, Maine Center for Economic Policy, McKeever Institute of Economic Policy Analysis, Minuteman Media.

Missouri Botanical Garden, MoveOn.org, National Educational Resource Center, Inc., Nebraska Farmers Union, Ohio Family Farm Coalition, Oil and Gas Accountability Project, Physicians for Social Responsibility, Physicians for Social Responsibility, Maine Chapter, Physicians for Social Responsibility, Philadelphia, Physicians for Social Responsibility of South Carolina, Project Underground, Public Allies, Sautee-Nacochee Community Association, Scenic Missouri, Living Resource Center, Sierra Students at West Virginia University, Southwest Research Information Center, Springfield (IL) Urban League, State University of New York (SUNY), Students Against Violating the Earth, Sunrise Sustainable Resources Group, Texas Black Bass Unlimited, Webster Groves Nature Study Society, Western Colorado Congress.

Mr. JEFFORDS. My standard is achievable. To date, 12 States have successfully enacted renewable standards, several of which exceed the 20 percent by 2020 standard of my amendment.

States and utilities, recognizing the cost and environmental benefits of clean energy, are setting goals similar to mine for their use of renewable energy. Governor Pataki of New York, for example, recently ordered all agencies in the State of New York to produce 10 percent of their electricity from renewable energy sources by 2005 and 20 percent by 2010.

While good as far as it goes, Senator DASCHLE's amendment would result in about half of the renewable energy generation that would be achieved under my amendment. Yet a 20-percent standard by 2020 is reasonable, achievable, and will provide for the important capital investment, market security, and environmental benefits for which we should be aiming.

We have an obligation to act now to take the actions needed to secure clean, domestically produced, reliable sources of energy. We must not lag behind the weak standards or no standards at all.

I urge my colleagues to vote for me in favor of this amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has approximately 7½ minutes.

Mr. JEFFORDS. Let me share my long-term interest in this matter. I came into the Congress in 1975. In that year, this Nation was in terrible shape. The oil from the Mideast had been interdicted. We had long lines of cars, and everybody was in dire straits. A number of us at that time formed a coalition to do something about energy. The reason I bring it up is that much of what we are talking about today is much of what was proposed.

First, Norm Mineta, then in the House with John Blanchard of Michigan and me, introduced the wind energy bill. It passed. We drew lots as to how it would be named. It turned out to be Blanchard's bill. That was a major move forward in wind energy.

Photovoltaics was another great interest of mine. I have a fond memory of the coalition we put together at that time. We had over 80 members of the energy coalition, the solar coalition as it was called. So I went on to the House floor to offer an amendment. The amendment would have taken a large step forward in solar energy.

The chairman of the subcommittee came to me and said: Son, you do not offer amendments to appropriations bills unless you check with me first. He said: Come in and I will see if I can get you a couple of million dollars for this project.

I said: I am sorry, but I cannot do that.

He said: Why can't you?

I said: Because I have 80 cosponsors.

He said: You have 80 cosponsors?

Yes.

Well, I guess we are going to have to battle it out.

And we did. It passed, although they cut part of it off for other solar energy. So that was the beginning of the photovoltaics industry in the United States. It was a proud moment, and it was a fun one to look back upon, especially as to the shock on the chairman's face when I told him how many cosponsors we had.

At that time also, we went on to form the Alliance to Save Energy, which included myself, and at that time it was JEFF BINGAMAN and the Senator from Illinois who were with us on that issue, and that has proved to be a very interesting and excellent benefit to our energy situation. Chuck Percy was the Senator's name.

I commend JEFF BINGAMAN, who is in the Chamber with me, for his work over those years. Together we are still working as hard as we can to do what we can about the energy situation.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Wisconsin is recognized for up to 10 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I am delighted that we are into the energy package. We have been talking now for some time, of course, about an energy policy in this country. The President has talked about it for a very long time. He has put forth, with the help of the Vice President, an energy policy. So I am pleased that we are into that, and I hope we continue to work on it until we are able to successfully put together a bill that will meet our collective notions.

I ask unanimous consent several letters I received this morning be printed in the RECORD. This one comes from the Vietnam Veterans Institute. These are all directed to Senator DASCHLE in support of the energy program.

This one is from the Veterans of Foreign Wars of the United States, also voicing their support for energy policy. This one comes from the AMVETS, this one from the Catholic War Veterans, and this one from the American Legion.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

VIETNAM VETERANS INSTITUTE,
March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: As the Chairman and Founder of the Vietnam Veterans Institute, I write today out of a sense of urgency concerning our national security as it relates to our energy supply. Veterans groups with a combined membership of nearly 5 million support the President's energy bill. I am proud to be joined by the American Legion, the Veterans of Foreign Wars, AMVETS, and the Catholic War Veterans of the USA.

I respectfully urge you to pass the President's energy bill, H.R. 4, and the provisions it contains. Further, I agree with the President, who during the State of the Union address, said "We must act, first and foremost, not as Republicans, not as Democrats, but as Americans." He went on to say that we must continue at home and abroad with the same spirit of cooperation. I believe it is imperative to our national security that we stand together as Americans. Make no mistake, responsible exploration of ANWR is a matter of national security.

You have expressed concern with ANWR, stating that an energy plan should not include opening wilderness areas to oil drilling. Senator, do you know that exploration is already taking place in wildlife refuges in 13 states, including Senator Blanche Lambert Lincoln's state of Arkansas and in North Dakota, Senator Kent Conrad's state? It is important to note that in all of those wilderness areas, there has been no harm to the wildlife caused by the exploration in any of those states.

It is crucial for the American public to have the facts. And if the truth is told, the American public will learn that the native peoples of Alaska who actually live in the affected area are 100% supportive of exploration of ANWR—and—do not believe it will be any threat to the environment. Why is it that we are not willing to let the people who live there decide their future and the future of their lands?

The native peoples of Alaska who have opposed ANWR do not live in the affected area and have leased their own lands for oil exploration. I do not know if this has ever been reported. I believe the American public has the right to know.

Please pass the President's energy bill and help us rebuild America!

With the support of our members,
J. ELDON YATES,
Chairman and Founder.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
October 29, 2001.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: The 2.7 million members of the Veterans of Foreign Wars of the United States and its Ladies Auxiliary supports H.R. 4, the "Securing America's Future Energy Act of 2001" or SAFE Act of 2001. We applaud the House of Representatives for its bipartisan work in addressing our energy vulnerability by passing H.R. 4. We believe the Senate should consider and vote on H.R. 4 so that our nation has an energy plan for the future and can move forward quickly with a comprehensive plan to develop our domestic energy resources.

Keeping in mind the horrific events of September 11 and mindful of the threats we are facing, we strongly believe that the development of America's domestic energy resources is a vital national security priority. We need to take steps to reverse our growing dependence on Middle East oil as quickly as possible. By passing H.R. 4, the Senate will be supporting our troops serving in combat on Operation Enduring Freedom, the American people, and our national security with a comprehensive energy legislation that is desperately needed to diversify the energy for our country and chart a course for the future.

The VFW strongly urges the Senate to consider and vote on H.R. 4 as passed in the House in this session of Congress.

Sincerely,
ROBERT E. WALLACE,
Executive Director.

AMERICAN VETERANS,
Lanham, MD, March 6, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: AMVETS urges your favorable consideration of H.R. 4, the Securing America's Future Energy Act of 2001.

As you know, our current reliance on foreign oil leaves the United States vulnerable to the whim of individual oil-exporting countries, many existing in the unpredictable and highly dangerous Persian Gulf. And it cannot be overstated that energy supplies touch nearly every aspect of our lives from our economy to our national security.

H.R. 4, as approved by the House, is a critical part of an overall policy America requires to promote dependable, affordable, and environmentally sound production and distribution of energy for the future. We cannot wait for the next crisis before we act.

Thank you for your service in the United States Senate and please remember that this issue is vital to our nation's security and the brave men and women who serve in the Armed Forces.

Sincerely,
RICHARD A. JONES,
National Legislative Director.

CATHOLIC WAR VETERANS OF THE
UNITED STATES OF AMERICA,
March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: We write today on behalf of our membership to encourage you to pass the President's energy bill, H.R. 4. We support this bill because we believe our national security demands that America be less dependent on foreign oil producers.

The September 11th attacks on democracy have expedited the need for increased oil self-sufficiency. Reliance on other countries, especially during these times of war and international terrorism, threatens our national security and economic well-being.

The Catholic War Veterans of the USA respectfully urge you to support the provisions contained in the House passed version of the "Securing America's Future Energy Act of 2001." The legislation is a major step toward achieving energy independence and ensuring our national security.

Sincerely,
JOSEPH SATRIANO,
National First Vice Commander.

THE AMERICAN LEGION,
Washington, DC, March 5, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
The Capitol, Washington, DC.

DEAR SENATOR DASCHLE: On behalf of the 2.8 million members of the American Legion, I urge you to support a comprehensive energy policy that will improve the nation's energy independence and strengthen national security.

War and international terrorism have brought into sharp focus the heavy reliance of the United States on imported oil. During times of crisis, such reliance threatens the nation's security and economic well being. The import of more than 55 percent of the nation's petroleum from foreign countries further compounds our foreign trade balance. This is a time when the country's energy demands continue unabated. It is important that we develop additional reliable sources of domestic oil.

The American Legion understands the sacrifices being made by the men and women in uniform. The members of America's all-volunteer force have been tasked with the demanding mission of combating terrorism worldwide and strengthening our homeland security. In addition to active-duty forces, seventy-six thousand National Guard and Reserve members have put their lives on hold and left their families, following the terrorists' acts of September 11. Now, it is the duty of a grateful nation to ensure these brave men and women have the resources that they need to successfully carry out that mission.

The development of America's domestic energy resources is vital to national security. The American Legion respectfully urges you to support the provisions contained in the House-passed version of the "Securing America's Future Energy Act of 2001."

I thank you for considering our view on this critical national security issue.

Sincerely,
RICHARD J. SANTOS,
National Commander.

Mr. THOMAS. Mr. President, we had a meeting this morning with the veterans. Over the last several months we have had a number of press conferences and meetings with all kinds of different interests in this country that support us doing something, in a balanced way, about energy policy. We have heard from agriculture, the Farm Bureau, the Farmers' Union. Of course, the labor unions have been very much in support of what is there so we can get on with energy production. We have had small businesses. We have had Native Alaskans here and the veterans associations.

I have been impressed with the breadth of support for an energy policy. I think it indicates in some ways the depth of involvement, how this touches everyone in this country, having an affordable, adequate energy supply, and doing it in a balanced way. It touches everyone's life.

Unfortunately, in terms of moving on something, when last year we were having all the problems in California, of course, the shortage of electricity and the high prices, and gasoline prices were very high, there was great interest in it. Now gasoline prices are down. The California crisis is over. But I hope we do not lose our intensity, knowing that is not going to last unless we have a policy that leads us in the direction, in the future, of having an adequate domestic supply so we are not 60-percent dependent on foreign imports.

Beginning to move towards more diversity in energy certainly ought to be part of our plan. We ought to do that. In a balanced bill, we will have research money to be able to look for new sources of energy, to have clean coal research so we can use those resources more thoroughly, and we should have renewables. All of us are interested in that.

At the same time, we have to do something about production. I guess that is my main criticism of the bill before us, that it leans so much toward conservation and renewables, but it does not take into account what our needs are going to be in the next number of years. If nothing else, we have to look at a balanced energy policy that recognizes that we have to modernize and increase conservation, we have to modernize and expand our infrastructure, we have to have diversity in our supplies, and we have to improve environmental protection—among other things.

We have spent a good deal of time on transportation of electric energy. It is also true of gas and oil, but you can generate all the electricity of the world right here, and if you don't have a way to get it to the market, then you have not accomplished your goals. We need to do something dramatic in this whole area of transportation of electricity. We need to build a network. We have an interstate grid that moves wholesale power, and hopefully we would have regional transportation organizations, RTOs, along there to take it into areas—run by the States. These are things that are pretty much accepted as being necessary ingredients as we move forward with an energy bill.

One of the things that is troublesome—I happen to be on the Energy Committee—is the process that has brought us here. The committee did not have an opportunity to deal with these difficult and detailed questions. That should be done at least initially in committees. We did not do that. The majority leader determined to take the bill out of the committee and bring it here to do this. It has been changed several times since we have been on the floor. That makes it difficult to deal with the details of an energy bill.

Every amendment that comes up here is going to have to be dealt with in such detail, you would think, my gosh, that is the kind of thing that ought to be done in committee. But given the situation, the fact that the majority leader chose to do it that way—I happen to think it is a flawed process—nevertheless we are here. We have had no hearings, no markups, so we are going to be trying to do some of those things.

We will be dealing right now with an amendment having to do with a $20 billion pipeline from Alaska which never had a hearing, never had an opportunity to find out the facts. That is not a good way to legislate.

We will be pushing forward on those issues. I am hopeful that we can move forward. I am hopeful we will have an opportunity to deal with some of the difficult issues such as CAFE standards. I don't think anybody would argue with the idea that we would like to have vehicles that do what we need to do with better mileage. But we cannot be unrealistic, moving it over in just several years, given the costs associated with that —particularly to those who live in the West.

Live where I live and look on the road and you seldom see anything except a pickup and an SUV. I realized part of the reason for that when I was there. I would never have gotten out of my driveway without a four-wheel drive.

This is realism. This is the way it is. We can make some changes, but we can't substitute those future movements for where we need to be now.

With regard to the security of this country, military security, terrorism—these things require that we have an adequate supply of energy. Much of it comes from the Middle East. Because we are having the problems we are having over there—and foreseeably we will be having them for some time—we have to do more.

I live in a part of the country where we are one of the large energy producers in this Nation. We are the highest producer of coal. We have large reserves of gas, methane gas, and oil. But much of it is very difficult. We need to have access to public lands, among other things. We need to be able to utilize those resources in an environmentally sound way. We have done that and can do that.

So I think the idea that somehow we can substitute production with some kind of renewables or some kind of scientific process that we do not even have before us is a little bit of dreamland, I am afraid.

I am hopeful we can move forward and be realistic in what we do. We ought to have an opportunity, certainly, to be able to deal with these issues in a way in which everyone gets an opportunity to have amendments and to get something together that will be generally acceptable to all of us.

As I said, I come from a State that is rich in resources. We have very high coal and oil and gas reserves. We also have an adequate supply—sometimes overadequate supply—of wind. We can convert some of that into electricity, of course. We should, indeed, do it.

We need a realistic policy that encourages fuel diversity, that utilizes all of our domestic resources in a very broad way, that takes economic and environmental factors into account. In relation to economic factors, we need to be realistic about what we are going to do. We need to provide a cleaner and more secure energy future. We need an overall energy strategy that increases conservation and energy efficiency and boosts supply and promotes alternative energy. I think we can do that.

Some of what I hear in this Chamber, however, would indicate that we do not need to worry about increasing our gas and oil supply because we are going to take care of it with renewables or with raising the standards in mileage. Fine, but you are not going to do that immediately. There is no way. I hope we are realistic enough to deal with it.

One of the areas, of course, that is going to be very controversial is ANWR. We will all have to deal with that and see if we can't determine what the real impact is. I have been to Prudhoe Bay and out in that area particularly. I have seen the work they are doing there now, which, by the way, is very impressive. I have a little idea of what the wildlife refuge looks like.

Sometimes we hear in this Chamber it would be a brandnew idea to have production on a wildlife refuge. It is not a new idea. It is done on a number of wildlife refuges now. The proposition is to have a very small footprint to be able to have a rather large impact. That is the kind of coming together there has been that makes that a possibility, that makes it a necessity, as a matter of fact, to do something there.

We need to move forward with coal. We need to move forward with nuclear. We can do that. We can get more clean coal technology. That is our greatest reserve of energy for the future.

Everyone in this country is affected by electricity, its availability and price. So this isn't just theoretical; this is something that really impacts everyone very directly.

One of the issues we have to understand as thoroughly as we can is technology breakthrough. We need incentives for that, but they do not happen overnight. You cannot just regulate that they are going to do that. They don't just happen. That is not the way it is. Furthermore, it takes away the choices we have, where we ought to be able to do some things by incentive which I think are very possible. I am hopeful we can move forward through our differences and have legislation that will work.

One of the areas that some of us have been working on, and I suspect will continue to work on for some time, is the electric component. Again, there have been debates and discussions about this. The House bill currently does not have an electric title. But there are a number of issues, certainly, that most people would agree need to be reviewed and that we need to do some things in the electric area. We have an opportunity to deal with some of those issues.

One of them is reliability. We have talked about reliability for a very long time. We talked about it in great detail during the time we were having difficulty in California. We really have not done a great deal about that, but we have an opportunity to do so.

We are going to have to make some choices about the way we handle these matters. Quite frankly, we have been through this for some time. We have been through it in terms of reregulation and deregulation.

I thought we had come to the conclusion that those things that are clearly interstate could fairly well be defined and those things that clearly belong on the national level with FERC could fairly well be defined, that those things that have to do with retail and distribution and the unbundled distribution of electricity to homes and businesses within the State would be done by the State. Certainly, that is the way I believe it ought to be done. Having had a little bit of experience and background in the electric business through the rural electrics, I really think that is the way it ought to be. The needs you have in Pennsylvania and the needs you have in Wyoming are sometimes not the same. So we need to have some flexibility to do that. I am hopeful we will.

This bill, as presented to us now, is really heavy on FERC. It gives FERC all the decisionmaking authority in almost every aspect of electricity. Many of us do not believe that is the way we ought to proceed. Many of us believe we can fix that. There needs to be some overall jurisdiction, of course, with FERC, which is the Federal Energy Regulatory Commission, but there are also opportunities for the North American Reliability Council, for Governors, and others.

As a matter of fact, the Western Governors have put forth very detailed ideas of what they would like to do. I happen to agree generally with what they are doing.

So I hope we can deal with this language and deal with how we can best establish a reliable distribution and generation system.

Things have changed. It was not many years ago when you had an electric system, you had the service area, and whoever had that service area generated the electricity they needed. So it was sort of self-confined.

Now we find ourselves more or less deregulated in the generation aspect of it. You have many private market generators that are dealing in it by selling to the distributors. So you have to move it. That is some competition there. I think it can work.

We have to recognize times have changed and we have to do the same thing.

I think we have some unrealistic demands for renewables in this bill. We ought to be moving on renewables, but the idea to put in the bill that it is going to be this percentage or this many tons or this many kilowatt hours by renewables I don't think is a realistic way to do that. We ought to offer incentives, that type of thing. But to put those numbers in there, and say this is the way it is going to be, I think is unrealistic.

We have a number of areas in which we could modify what FERC's authorities are going to be in terms of some things that could better be done on the State level. There are a number of things in the bill that preempt States' rights. I think most of us, or many of us at least, are not of the mind that that is the way we ought to do that.

The Daschle bill basically gives FERC exclusive authority over reliability. It has a renewable portfolio mandate, billions of dollars in consumer cost. It has FERC authority over State matters. It does not need to be that way.

So I think we are in the process of developing a number of amendments which we hope to file and offer as we go forward, particularly in this area. I am sure there will be many amendments in other areas as well which is proper, particularly since we didn't have committee involvement. We are really doing committee work now on the floor, and that will take some time and effort, but it is necessary in order for us to come out of here with a bill that can be accepted by the Senate, can go to a conference committee, can come out and be accepted by the President.

We have a real challenge before us. I look forward to it and hope we can stick with this issue until it is finished and not come back to campaign finance or something in the middle. We ought to stay with it and keep working, keep as open as we can to other people's ideas, recognizing that it is going to take a long time. But the way it has been brought to us, it has to take a long time.

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from New Mexico.

Mr. BINGAMAN. Madam President, my understanding of the status of business is that we are still considering the amendment Senator DASCHLE offered earlier, of which I am a cosponsor, along with Senators REID and MURKOWSKI and others. That amendment is still pending and is being considered for possible second-degree amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I have also been informed by the floor manager for the majority it is his intention that the Senate will go into recess at 1:30 to allow Senators to attend a briefing Secretary of Defense Rumsfeld is going to conduct for Senators from 1:30 to 2:30. Then we would be back at the same place we are now. That is for the information of Senators.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Madam President, Secretary Rumsfeld will be here in less than 15 minutes. We believe all Senators should have the opportunity to attend that briefing. I checked with both leaders. They agree. Therefore, I ask unanimous consent the Senate stand in recess until 2:30 today.

There being no objection, the Senate, at 1:16 p.m., recessed until 2:30 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER.)

The PRESIDING OFFICER. The Senator from Nevada is recognized.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. REID. Mr. President, Senator LIEBERMAN is here to give an opening statement on the bill. Following his statement, we understand that Senator NICKLES will be here to give a statement. We are working our way through the statements. This is such an important bill. There are a number of Senators who have strong feelings about it, and they wish to lay out their view of what the energy policy in this country should be.

While it may appear that we are not making a lot of headway, I personally think we are making great progress. There is an amendment now pending. Senator MURKOWSKI is contemplating a second-degree amendment to the underlying Daschle amendment. If, in fact, he does offer it, and it is about what I have learned, I think we will accept that and have a vote on the amendment—not because we are concerned about where the votes are, as the measure will receive virtually every vote but we want the first amendment to come out recognizing the importance of Alaska and the southern pipeline and know that when it goes to conference, we hope there is close to unanimous support of the Senate on this measure.

Senator MURKOWSKI has indicated he is ready with an amendment. We will be ready to work on that. We hope to complete all of the statements today and have a vote on the underlying Daschle amendment. If Senator MURKOWSKI wants a vote on the second degree, we would be happy to do that also and move to whatever Senator MURKOWSKI wants to offer.

I ask unanimous consent that following the statement of the Senator from Connecticut, Senator NICKLES be recognized to offer an opening statement regarding this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, the Senate has begun a very important debate in the last few days on our national energy policy. This is a debate that will literally affect the lives and the quality of the lives of every single American, as well as affect our national security, our independence in carrying out our foreign and defense policies, and the quality of the environment and the natural resources from which we derive such pleasure as Americans. So this is a very important and timely debate.

It has been 10 years since we last passed major energy legislation. We are starting with a bill hundreds of pages long, and hundreds—or at least 100—amendments may find their way onto it. We are going to be debating some very big opportunities and some very big problems, as well as many other smaller issues associated with the bill.

I saw Senator BINGAMAN on the floor. I congratulate him and Senator DASCHLE for their superb leadership, along with that of the occupant of the chair, in developing the energy legislation that we are debating.

The bill before us out of the Energy Committee coordinates the work of many of the committees of the Senate, including the Senate Governmental Affairs Committee which I am privileged to chair, which has contributed a section of this bill. Senator BINGAMAN and Senator DASCHLE have brought before us a very well-balanced national energy policy, which does have some incentives for the development of remaining energy resources in the United States, but makes a turn and acknowledges and acts on the acknowledgment that our energy future is in new technologies being applied to create new sources of energy-efficient, environmentally protected sources of energy. Of course, that will include renewables as well.

Mr. President, this great country became an industrial power for many reasons, including, of course, the skills and ingenuity of our people. But the availability of inexpensive and abundant sources of energy also contributed to the remarkable growth and success of the American economy during the industrial age.

Prior to the mechanization of our society, we relied on wood, water, and horses for much of our energy need. "King Coal" powered the early part of our industrial development and still plays a critical role. Hopefully, it will continue, with the application of new technologies, to play a critical role in generating electricity for our homes, schools, offices, and our factories.

From the time oil was discovered in Pennsylvania in 1859, the petroleum industry has grown enormously—at first, displacing whale oil for lighting and, eventually, powering the world's transportation systems. Enormous deposits of oil spurred development of oil fields in many parts of our country, including Texas, Oklahoma, and California. The 1930s witnessed the enormous expansion of hydropower in various parts of our country, including, of course, the Tennessee Valley and the northwest section of America. In the middle part of the 20th century, we began to harness the atom and develop nuclear power, which was going to be, in the view of many at that time, "too cheap to meter." In other words, it would be so inexpensive you would not even be able to keep track of it to base costing on.

Nuclear power continues to be a significant part of our energy mix. In a State like mine, it is most significant. We have two plants up and operating that have been decommissioned. I hope we can find a way forward to build a next generation of safe nuclear powerplants.

The oil price shocks of the 1970s brought home to us our dependence on foreign markets for oil, on which so much of our country and its economy have become dependent. With those shocks came an understanding of the ability of foreign countries to seriously disrupt our economy and our lives through higher prices, bringing higher inflation, and unemployment. We began to think and do more about reversing this trend by pursuing energy efficiency and developing alternative sources of energy, including renewable energy.

Yet we have remained largely dependent on—some would say addicted to—fossil fuels, which has exacerbated our dependence. We have also found out along the way that our energy has a cost beyond that of discovering, producing, and transporting product to market. It has health and environmental costs. The smokestacks of our powerplants, factories, and the tailpipes of our cars and trucks spew out millions of tons of pollutants in great quantity, including sulfur dioxide, nitrogen oxides, hydrocarbons, mercury, and carbon dioxide. Our citizens—especially our youngest and our oldest—are subject to a variety of diseases associated with their lungs, particularly, including fine particles and ozone.

There is quite a remarkable article in the press today about a study that has been completed—I believe it appeared in the Journal of the American Medical Association—which draws a powerful and unsettling link between certain pollutants and higher degrees of disease and, in fact, projected numbers of premature deaths. That is, people would have lived longer had they not been inhaling the emissions from power plants and some of the rest of our society.

Our lakes and streams have suffered under the assault of acid rain. Our bays are being choked by nitrogen loadings that come from cars and powerplants. People throughout the country cannot eat fish out of lakes nearby because of mercury contamination. The great vistas of our national parks are despoiled by haze created by motor vehicles, powerplants, and the fossil fuels they are burning creating emissions.

We are heating up the planet through greenhouse gases. We face potentially catastrophic consequences over time associated with sea level rise and increased threats from airborne diseases that migrate north toward our country or within our country as we heat up the planet's atmosphere as a result of the use of fossil fuels.

We cannot continue to use the atmosphere as a dumping ground for waste coming out of smokestacks and tailpipes on a business-as-usual basis. It is our responsibility as stewards of the Earth that we are blessed to inhabit as temporary residents, trustees for the generations and generations that will follow us over the centuries ahead, to establish a framework, a system for meeting our energy needs without harming public health or destroying the environment in the process.

We must consider both of those important policy factors as we go forward with this energy legislation. Energy policy and environmental policy are, if you allow me to put it this way, like a gas pedal and a brake pedal. They only make sense when they are used together and used sensibly.

As we consider energy legislation, we have a clear choice between developing an innovative and independent new energy policy or continuing the same policy—a policy that will continue our energy dependence, deprive us of national independence and compromise the health of our people and the openness and condition of our environment.

We all know that America needs a lot of energy. It takes energy to move our cars and trucks, to cool our refrigerators, and power the terrific technological tools that drive our innovative economy. The challenge is—and it is a challenge—how do we get that energy in a way that does not do the kind of damage I have just described?

The biggest challenge is in transportation. Cars and trucks are responsible for two-thirds of all petroleum use in the United States. That overreliance not only harms public health and the environment, but also hastens global warming. The overreliance forces us on a course of foreign policy dependence because it entangles us in unstable regions and forces us to deal in a much less demanding way than we otherwise would with regimes that do not reflect our values, human rights, religious tolerance, openness, and democracy.

Some people think we can drill our way out of this imbalance, but we have to do the math, and the math is powerful. We have 3 percent of the oil reserves left within our control, yet we consume 25 percent of the world's oil. Two-thirds of the world's oil lies in countries in the Persian Gulf, even though we have developed other sources of energy and oil from Latin America, from Africa, and increasingly from central Asia.

We cannot just drill our way out of the problem. The more oil we use, the more dependent we will be on oil that other countries have and own. That is one of the lessons we have to learn from world events and consider as we go forward on this energy legislation.

America's strength is not in our oil reserves. That is the painful fact. America's strength is in our reserves of innovation and technical know-how. An energy strategy that is good for America will exploit those reserves of innovation and technical know-how to produce smart energy-saving technology and cleaner modern fuels.

Unfortunately, many would have us extend our dependence on oil, and because other countries overwhelmingly control the oil reserves, that means extending our dependence on foreign oil.

They have even, in addition, proposed the despoiling of some of our most precious places in the process. And for what? We will obviously have a debate, as we have had before, on the question of whether to drill in that remaining 5 percent of the North Slope of Alaska. If we opened up, God forbid, the Arctic Refuge to oil exploration, there would be, as we have said over and over, a blip of oil to meet the enormous need we would have. It just does not do it for us.

We should say no to oil development in the Arctic Refuge. We should protect a most unusual, unique, magnificent, inspiring piece of America, piece of God's creation, which is the Arctic National Wildlife Refuge. We have to go in a new direction. We need to spur aggressive development of both new and proven energy sources and technologies, which would include natural gas, the subject of the amendment before the Senate now.

We should encourage hybrid vehicles. Some of those are out and selling very well. There are waiting lists of people who want to buy them and cannot get them rapidly enough.

We must pave the way for renewables, fuel cells, and other barely imagined technologies. I am convinced we have the brain power and the economic power to develop them if we put our mind and will to it. Of course, we should develop our remaining oil deposits that can be developed without hurting the environment, and there are some remarkable new technologies that will help us do that.

Fuel cells are a particularly promising technology, and I hope we in Government will work with industry and others to develop a credible business plan, that is what I would call it, for fuel cell technology development, a business plan that would have clear goals and timetables by which we would develop and deploy fuel cells.

I support the progressive tax incentives for alternative fuels and clean and renewable energy that are part of the package that came out of the Finance Committee. I thank and commend Chairman BAUCUS and Senator GRASSLEY on crafting a responsible and forward-looking set of incentives to transform our energy mix and make us more independent and efficient.

The bill before us does open doors to innovation. It sets up a new framework for the kinds of innovative energy policy we need. That really should be the commitment of our generation, a single-minded, all-out drive to protect our security by developing a new framework for energy use in our country.

We have to start with energy efficiency standards. Over the last 20 years, we have made magnificent efficiency gains which lay a firm foundation for future progress. Increasing the fuel efficiency of cars and trucks by just 3 miles per gallon, well within our reach technologically, would save 6 billion gallons of gasoline per year. As I understand it, by the best estimates, that is about two times the oil that would come out of the Arctic Refuge if we drilled.

That 3-miles-per-gallon increase in fuel efficiency would also save Americans $9 billion a year in annual spending. Imagine that, $9 billion in savings. The increase would also reduce carbon emissions by 15 million tons a year, that much less contributing to the pollution of our air and the warming of our planet.

We can clearly do, in my opinion, better than 3 miles per gallon. That obviously will be the topic of debate that will occur on the amendment on this bill regarding so-called CAFE standards. We were all shocked in the 1970s by the steep increase in the price of oil as a result of the Arab oil embargo in 1973 and 1974 and the Iranian revolution in 1979. Gas prices were approaching a dollar a gallon, and we thought the price would only continue to rise.

We made some real efficiency gains in our economy and in our transportation fleet, but the price of oil collapsed in 1986. Despite a few price spikes along the way, gasoline is now not that much over a dollar a gallon, making it cheaper, certainly when adjusted for inflation, than it was in 1980. New sales of vehicles are increasingly characterized by sport utility vehicles and light trucks—great vehicles, but our overall fuel efficiency has therefore and thereby declined.

We are caught in a policy bind. We have less expensive fuel, providing little incentive to conserve, and industry remains opposed to increased fuel efficiency standards. So gas prices remain low, our fuel efficiency averages are declining, and therefore we continue to increase our reliance on imports of oil. I hope this legislation before us will provide the opportunity to break that gridlock and that we will support increased fuel efficiency standards for our vehicles.

I believe people who oppose the increases in fuel efficiency may well underestimate the resourcefulness and ingenuity of our researchers and/or industry. For example, the Massachusetts Institute of Technology is developing a most promising new technology for economically reducing gasoline engine vehicle emissions and fuel consumption. It could reduce smog-producing nitrogen oxide emissions from gas engines by 90 percent, and it has the potential to increase engine efficiency by 25 percent and reduce carbon dioxide emissions by 20 percent.

We should take advantage of the many advances that have been made under the aegis of the Partnership For a New Generation of Vehicles, a private-public partnership between the Federal Government and the automobile industry to improve the fuel efficiency of our vehicles. The advances we have made in these hybrid technologies that have already come out of that partnership are dramatic. The administration has embraced fuel cells fueled by hydrogen, and I welcome that, but the results are still some time away. That is why we need to make advances in fuel economy sooner, as well as later.

We must also reform our energy system to give renewables and alternative energy fair access to the market, both by ensuring they can make a physical connection to the grid and by enacting tax credits that will ensure the market is open and welcoming to them; in other words, to give consumers and businesses a tax credit for use of some of the renewable and alternative energy systems coming on board, including fuel cells.

We should also require electricity generators, I believe, to account for a portion of their output through renewable energy sources, and I support the inclusion of a renewable portfolio standard in this bill.

I understand many existing industries are resistant to change because change involves risk. Fortunately, many companies are ready to accept some risk because they know there is reward in that, that nothing ultimately ever stays the same. Many businesses have developed new technologies and are willing to do so even more if given a clear, lasting signal from our Government as to what we are going to ask and in which direction we are going. If Government leads by establishing clear goals, objectives, and incentives, as this bill does, progress will follow. Government can act as an innovation spur, not an innovation barrier.

I know there are some who will argue the energy bill is not the place to address climate change. I disagree. I see climate change as probably the biggest long-term environmental challenge that we as Americans and everyone else on the planet face. Some would argue climate change is separate from energy, but I respectfully disagree; they are inextricably linked. The overwhelming majority of greenhouse emissions come from producing and consuming energy, whether in our powerplants, our factories, or our cars and trucks.

I particularly salute the pioneering bipartisan work done by Senators BYRD and STEVENS to promote research and development on climate change, to require an office in the White House which will have the responsibility of developing and overseeing the implementation of hopefully a national climate change policy.

I am proud to say the Governmental Affairs Committee unanimously passed the Byrd-Stevens legislation and it has become part of the energy bill we are debating. The provision does not create any mandatory programs to address climate change—that debate has been reserved for another day—but it puts a strategic planning and research and development foundation in place so we can understand the nature of our problem and begin to work aggressively on solutions.

In particular, the Byrd-Stevens legislation would create a comprehensive effort within the executive branch that would provide creative thought, the creative thought that global warming requires, including a new White House office to develop a peer reviewed strategy to stabilize the levels of greenhouse gases in our atmosphere to safe levels. Now that is an objective on which I hope we can all agree. In fact, the Senate has already agreed on that goal because it is the stated objective of the 1992 Rio Treaty on Climate Change, which this body ratified.

Finally, I again compliment the comprehensive nature of the Byrd-Stevens provision. In crafting a climate change strategy, the White House office would be instructed to consider four key elements: Emissions mitigation, technology development, adaptation needs, and further scientific research. Very often in our debate on this issue all four of these topics do not make it into the discussion, but they must.

To quote Senator BYRD, his bill is meant to complement, not replace, other mitigation measures by creating a process by which we receive expert evaluation of the challenge we face. I hope this legislation will be the tree off which other critical climate change measures will branch.

This is a challenge of great import to us and to all who will follow us on the planet. As Senator STEVENS starkly reminded our Governmental Affairs Committee at a hearing last year, we can already see some deeply unsettling signs of climate change in the Arctic. Permafrost is melting, glaciers are disappearing, boreal forests are moving north, and the migrating habits of many species are being disrupted.

The provision these two leading Senators, Messrs. BYRD and STEVENS, authored is an important first step in examining and reacting to the climate change crisis. To me, it is one every Member of the Senate ought to be able to support, and I hope because it is part of this legislation before us that all will.

I am thankful for the opportunity to make this opening statement. I repeat what I said at the beginning: This is a bill whose importance to every single American and to our country in general cannot be overstated. I look forward to the debate. I hope we can find common ground to achieve what I believe is our commonly held goal, which is to make America more energy independent than it is today.

I yield the floor.

The PRESIDING OFFICER (Mr. CORZINE). Under the previous order, the assistant Republican leader is recognized.

Mr. NICKLES. Mr. President, thank you very much.

I wish to make a few remarks regarding the energy bill. Let me first compliment my colleague and the former chairman of the committee, Senator MURKOWSKI, for his leadership on this issue and for the statement he made both yesterday and today.

Let me also express my very strong displeasure with the process that leads us here today. I am glad we are debating energy. I am glad we are going to have an energy bill that will be amended and discussed. But I am very upset about the procedure and how we arrived here today.

I served 22 years on the Energy Committee. I worked with Democrats and Republicans to pass historic legislation, to deregulate the price of natural gas. I worked with Senator Bennett Johnson, Wendell Ford, Jim McClure, and other Senators. It was bipartisan, historic, important legislation. We passed other legislation.

My point is, we passed historic, meaningful legislation in a bipartisan manner through committee markups, some of which, as in the case of natural gas deregulation, took years. We worked on it, we amended it, and brought a bill to the floor. We did not do that in this case. I cannot recall in my Senate career a legislative proposal this significant where it bypassed the committee. The committee proposal we have before the Senate had no Republican input. I have not had one chance to offer one amendment to this bill. I am offended by that. I am offended by the process. I am offended by the fact that people think we do not want markup in the committee because we cannot control the committee. Since when do we say, we will not have markups if we cannot win?

That is exactly what happened. I have heard some say, that is not really what happened—we just rule 14 bills all the time. We do not, all the time, take significant legislative action and say we don't want the committee to mark it up; we do not want to have bipartisan input; we do not want to allow people to offer amendments; we do not want them to have an amendable vehicle.

The fact is we did not have a legislative markup in the Energy and Natural Resources Committee for months. I am offended by that. Why am I serving in the Senate? Why did I select the Energy and Natural Resources Committee? Why am I one of the senior members on that committee and not even have a chance to offer an amendment to express some positive or negative points about some provisions that affect every single American? I did not even have a chance to offer an amendment. I did not even have a chance to say this is good or bad. Now we have to do it on the floor.

There are a lot of items in this bill that a lot of people do not know about. I wonder if my colleagues are aware there is a $10 billion loan guarantee in this bill. Most people do not know that is included. We never had a hearing on it. We did not have a hearing on it in the House or in the Senate and it is in the bill. I understand they will change it. That is interesting. That has not been discussed.

When Senator MURKOWSKI was chairman of the committee, we had a lot of hearings dealing with the issue, and we were going to mark up the bill. We started marking up the bill last year but we stopped. Why did we stop? The Washington Post says in an October 11 headline, "Daschle Stops Panel's Consideration of Energy Bill."

Then it goes on to say: "Majority leader, TOM DASCHLE, yesterday abruptly halted further committee consideration of major energy legislation after Democrats concluded there were probably enough votes on the panel to approve the Bush administration's plan for drilling in Alaska's Arctic National Wildlife Refuge."

In the Washington Times, the headline, "Daschle Takes Control of the Energy Bill; Republicans decry bid to stall Alaskan drilling as 'partisan' maneuver."

> Daschle yesterday took control of the energy bill in a move to strengthen his opposition to the administration's proposal to drill for oil in Alaska's Arctic National Wildlife Refuge, which President Bush says is critical to national security.
>
> In an unusual legislative action . . .

It is more than "unusual." I don't remember it happening. I have been here 22 years, and maybe others who have been here longer can say it has happened, but I can't remember a majority leader saying: Stop, don't work, don't mark up, I will come up with something on my own.

That does not happen.

Mr. BINGAMAN. Will the Senator yield for a question?

Mr. NICKLES. I am happy to yield.

Mr. BINGAMAN. I recall when we saw the budget resolution last year that contained the President's enormous tax cut, that came from the Budget Committee without markup. That was brought by Senator DOMENICI to the floor, at the request of the majority leader at the time, Senator LOTT. Am I not correct that was a major piece of legislation that came to the Senate floor without ever having a committee markup?

Mr. NICKLES. Let me answer the Senator's question. I thank the Senator for the point.

There is a difference between a budget resolution that is not even law—a budget resolution does not even go to the President for signature. Budget resolutions are entirely different matters. That is not the same. A budget resolution does not have the impact. A budget resolution authorizes committees to say: Here is how much you spend. But it is not a tax cut. You still have to pass a tax cut; you still have to pass the legislation.

This is legislation. This is a bill that will become law. This is a bill that has the potential of increasing the cost of vehicles for everybody in America by $2,000 or $3,000. Are people aware of that? Do I recall a hearing on that provision, the so-called CAFÉ standards? No. Did the Commerce Committee have a hearing on it? Did the Commerce Committee have a markup on it? Did it pass by bipartisan majority out of the Commerce Committee? The answer is no.

Where is the committee report? One of the reasons we have markups in committees is to have everybody on the committee who has expertise on the issue to have input, to support it or oppose it—to issue a committee report so we can find out what is in it, so you can read what is in it in English, not just the legislative language which is difficult to decipher. Our competent and capable staff prepare a committee report explaining in English, here is what this provision does, here is what this provision means.

On most legislative issues I can remember we have had a committee report. There is no committee report because the committee did not report on this bill.

This bill has enormous potential impact on American citizens, but no one knows what is in it. I didn't know what was in it and still don't, even today. I pride myself on doing a little homework on legislative issues. I kind of like to read bills. The bill introduced by Senator DASCHLE did not come through the committee. Maybe it is supported by Senator BINGAMAN, but it is not supported by this Senator. It was introduced February 15. It is 436 pages. I wanted to get the yeas and nays because I had an idea it might be changed. I was not successful and could not do that. But it was introduced and I thought at least I can now start reading it and do homework.

The more I read, the less I liked. It is a pretty crummy energy bill, in my opinion. I started to say you couldn't do much worse, but maybe you could, surely you could. It is not much to my liking, but I had no input on this bill whatsoever. And I think I happen to be No. 3 in seniority in the Energy and Natural Resources Committee—No. 3 or 4.

Then the bill was changed. That bill was introduced on February 15, and it was 436 pages. On February 26, the bill was introduced, just a week or so ago, and it was 539 pages. It grew by over 100 pages in a couple of weeks. I don't know what the differences are. I am trying to find out. I thought, now I have a printed copy. I had to ask consent to get this copy printed, so I did. So now it would not be just in looseleaf form, and now we can get some work done. I can do my homework and take this home.

I started reading it. I didn't like this one either. And I didn't have any impact on this. I didn't get to vote on one single page of this bill—not one. I am offended by that process.

Then it was changed yesterday. We have version No. 3. This was dated March 5. It is 590 pages. That is only another 51 pages more than the bill that was on the floor a week or so ago. I have not analyzed that. I don't know what is in the 51 pages. I have not figured that out yet. But I do know I had no impact, no input, no amendment—nothing.

We have a terrible process where the majority leader shuts down the Energy and Natural Resources Committee and says: We do not care if you have 20 members who have experience on these issues. We don't care if you have had a lot of hearings in the past on these issues—issues such as electricity, CAFÉ standards drilling in Alaska. We do not care if you have expertise because we do not want your input. The Democrats are going to put together a bill. We will decide what you will mark up.

Sure, there is a reason. They said: If you want to change it, go change it. We will give you some amendments. And we will have amendments. Yes, we will just fix it. That is almost the size of the Bible, and unlike the Bible, it contains no good news.

This is a problem. Now we have to fix it. We will fix it paragraph by paragraph. There are a lot of paragraphs in 590 pages. I keep reading things in here I don't like. What is my alternative? I didn't have a chance to offer an amendment. I do not like the loan guarantee. I don't like any loan guarantee. For the most part I opposed the steel loan guarantees. I lost on that one. Now there are loan guarantees for oil companies in here. I don't like loan guarantees for oil companies either. It is in here. Now I have to strike it, I have to replace it.

I don't like the CAFÉ standards. Some people think: Let's just increase CAFÉ standards; we'll go from 27.5 to 35. Wait a minute, in this other version it was 36. But we are going to increase CAFÉ standards.

Does that include SUVs and pickups? Do they have a different standard? Yes.

How much will that cost? Some people say it costs a couple of thousand dollars a vehicle. It may cost a lot more. It may cost thousands of lives.

Who had a hearing? Where is the committee report? Where is the scientific analysis? Where is the data we have from the Department of Transportation that this is a good change? It is not here.

Where is the committee report, where you can study the pros and cons, the supporting opinions and dissenting opinions that we usually have in the back of the report? It is not here. I don't recall a committee report.

We are going to consider legislation of monumental importance, probably the most important issue we will consider this year—maybe not. Maybe it is in the eyes of the beholder. Maybe some people think campaign reform is more important. I don't. This will impact every single American because energy security is national security. If you don't have energy security, you don't have national security. If you don't have energy security, you don't have economic security.

We have seen that happen in the past. We have found ourselves, in the past, when we have not prepared properly, to have made serious mistakes, to have been really vulnerable to curtailments. We had a curtailment, I might remind my colleagues. In 1973 we had a curtailment. It was called the Arab oil embargo. Some of my colleagues might remember it. I remember it. I was in the private sector back in those days. There were lines; there were shortages; we had brownouts; we had schools that were closed; we had people lined up for blocks to buy gasoline. There was a real shortage. It was caused by an oil embargo because there was a real crisis in the Middle East.

At that particular point in time, we had gross crude oil imports of 26.1 percent. Today we are over 60 percent. In 1979 we had another shortage. It was during the Iranian hostage situation. There was an embargo. At that time we were importing 44.5 percent. Today we are importing 60 percent.

Today we have a real problem in the Middle East. It is flaring up every day in Israel. It could expand. I hope and pray it does not. But we are a lot more vulnerable today than we were back in 1973 and 1979. So now, finally, we have an administration that has put together a package after a lot of work, promoted that package, passed that package, by and large, in the House of Representatives.

Did the Senate have a hearing on the House-passed package and use that as a markup vehicle? We do that a lot, but we didn't in this case.

Did we hold the House-passed bill at the desk and use that as a markup vehicle? We do that a lot. No, we didn't do it in this case.

We started with an entirely different bill, one that has never seen the light of day, one that has never gone through a legislative markup, one that has never had a Republican amendment considered.

Basically, what you have is a couple of people who put this bill together, making a whole lot of special interest groups very happy in the process. There are lot of special interest groups that, because of this bill, are very happy. But it is a pathetic excuse for an energy bill, and it is a very poor excuse if we want to do something that will help solve some of our national energy problems. Even worse than that, it is a terrible legislative process.

If we are going to tell two major committees—the Energy Committee for the energy components of this bill and the Commerce Committee for the CAFE standards—don't mark up, then you have just disenfranchised 47 Senators: We don't want your input; one or two people will decide what we are going to do, and if you don't like it, amend it; and, incidentally, if you try to amend, we are going to filibuster your amendments so now you have to have 60 votes to change this bill.

What is the difference? If a committee markup was held you would have input from Democrats and Republicans. You would probably come a lot closer to having consensus, a bipartisan bill. You would have a committee report so people could understand it, they could read what it is, what people are trying to do, what they are doing in the legislative language. Then, if you disagreed with what the committee did, a group of 40 Senators—in this case, 20 from the Energy Committee and 20 from the Commerce Committee; maybe 42 or 43—you could offer amendments to try to change it.

Instead, we are acting as if we have some type of totalitarian government or some type of kingdom over here that says: Committees don't operate. I'll decide what is in your bills. Maybe one or two people, maybe three—I don't know how many; a few people, not Republicans—put together the bill. It is 590 pages. Oh, we will amend but if you offer a couple of amendments, we are going to filibuster those amendments. You need 60 votes. Good luck.

If you marked it up in the committee and put ANWR in the bill—which we would have—then somebody would have to strike it out of the bill. It is totally different. Then you are talking about a majority vote, you are not talking about 60 votes. There is a big difference. Or if somebody wants to set new CAFE standards, new CAFE standards that have bipartisan support that come out of the Commerce Committee, we didn't do that. It is a terrible legislative process. Shame on the Senate for this legislative process. Shame on the Senate.

I have only been here 22 years, but we have not done this. It is not the same thing as the budget resolution. It is not the same thing as a sense-of-the-Senate resolution. This is very comprehensive, significant legislation. It is similar to legislation with which we wrestled in the last Congress dealing with the Patients' Bill of Rights. It is a tough bill.

I was in charge of a lot of it. I disagreed with a lot of the ideas that were floating around. But we had a markup in the Labor Committee. We had a markup in the Labor Committee that lasted days. We had 30, 40 votes on amendments; more amendments, that many votes.

The committee passed, with Senator GREGG's leadership, with Senator COLLINS' and others, a Patients' Bill of Rights. Senator JEFFORDS was on the committee at that time. They passed a pretty decent Patients' Bill of Rights, and we considered it on the floor and amended it on the floor, and we passed it.

I didn't agree with everything that was in it, but I agreed with the final package. It was a decent package. It brought a lot of people together. Some people said it was not enough. But anyway, it went through the legislative process. It wasn't easy. We could have said: We are in the majority, the heck with the committee; we will come up with what we have deemed is the right package and run with it.

I think that is a violation of Senate protocol, spirit—basically telling the minority they don't matter. It doesn't make any difference if there are 49 Members on the Republican side, you don't matter; you have no input.

I just very strongly disagree with that. It means a lot to people who have not looked at this legislation. Usually a lot of Senators haven't looked at it but they rely on the committee, the authorizing committee, for their expertise and for their homework, and they can rely on them for their judgments.

It is kind of hard for us, many of us on this side of the aisle, because we have not looked at this. I keep finding things in there at which I am kind of shocked: Where did this come from? Well, some lobbyist or somebody had some idea, so he stuck it in the bill. We have all kinds of mandates and subsidies and loan guarantees.

Now there is an amendment that says that we, in our infinite wisdom, are going to choose which pipeline route to go for a natural gas pipeline in Alaska. The underlying bill says there is a $10 billion loan guarantee. I question that. But I also question why we are trying to choose which pipeline route should be involved in building the Alaska natural gas pipeline.

Let me see. Let me count the number of days we have had hearings on this. This is about a $20 billion project—a pretty good size project, over which we should have held several hearings on at the least.

Did they have a hearing in the House of Representatives? No.

This language or similar language is in the House bill. I am not going to fault the House. I think they did a pretty good job.

I question the wisdom of putting this in without hearings. Should we dictate which pipeline route? I hate to say this, but what about the marketplace deciding which route? Why don't we use the route that would be most economical? Why don't we use the route that makes most economic sense? Why don't we use the most feasible route?

Is that language in here? No. The language that Senator DASCHLE is proposing now—in addition to the $10 billion loan guarantee that came from somewhere, just appeared in this bill—it says: Oh, we are going to take the southern route. The southern route—if you look at the chart; that is the one shown in orange—swings through Fairbanks and through Alaska. It is several hundred miles longer than the other route. The other route looks a lot cleaner, a lot shorter, a lot straighter, and it is also in plains, maybe marsh. It is parallel to the Mackenzie River. The other one goes through about 900 miles of mountains.

I used to work for a pipeline company. I helped lay pipe in some of my private sector days. I know a little bit about it. I know it is expensive. Man, it is a lot more expensive to do it in the mountains than it is on the plains. There may be pluses and minuses on both. I do not know all the pluses and minuses.

I know one thing: I probably do not know enough yet to say this is the right route or this other one is. I have not studied it enough. I don't recall a hearing. I have not met with all sides. I have met with a couple people. I have constituents who have an involvement. I have constituents who have some minerals or gas in the project, and they would like to get it to market. I would like to get it to market. It would be good for the economy to get it to market.

But why are we going to mandate which way to go? Why are we going to mandate which way to go under Senator DASCHLE's amendment without even a hearing? Whose special interest group is this?

I just question the wisdom of acting this way, of having this bill up in this manner. We have not had a hearing on this bill. No one knows what is in it except for a few people. And now here is an amendment that says: Oh, in our infinite wisdom, we are going to dictate you go this route. Let's go the longer route, the route that looks a lot more expensive because it is several hundred miles longer than the other route. We are going to dictate that?

I don't think we should. Maybe I am in the minority on that. I want to defer to my friend from Alaska, Senator MURKOWSKI. I have great respect for him. But I really question the wisdom of Congress trying to dictate this, and it just goes with the whole process of this bill.

I am more offended by the process and the way this has come to the floor than anything procedurally in the Senate in my career, and certainly out of this committee. I have not been on other committees. Maybe other committees have tried a little end run like this in the past, but I can't remember. But I know they have not in the Energy Committee because I have been on the committee. I would have been very outspoken. If our side tried to do it, I would say: No, that is not right. We have to run it through committee. You have to have input from Democrats and Republicans.

You may have party-line votes once or twice, but most of the time on the Energy Committee we didn't vote on party lines. We tried to vote for what was right and in the best interests of the country.

This is 590 pages of all kinds of little subsidies for alternative fuels, mandates. Oh, we already have a big mandate for ethanol, about 53 cents a gallon for ethanol. Now we are going to mandate not only the subsidy, but we are going to mandate that they have to produce so many gallons; I think it is something like 5 billion gallons in another 10 years or something. Wow. How much are we going to do? Then on and on and on.

The more I see—oh, we have subsidies for wind energy, you name it. There are all kinds of things that are in this bill, some of which are very questionable economically, some of which are going to greatly increase consumer prices.

Then let me just touch on the other side of it, and that is the issue of CAFE. The Federal Government is going to mandate that we raise the fuel average economy standards from 27.5 miles per gallon to 35 miles per gallon, and do that over the next 13 years. In a previous bill it was over 11 years. Now that has been adjusted.

My wife happens to drive a Pathfinder, an SUV. We should send out signals to SUV moms all across the country: Hey, the Senate Democrats, under this bill, are going to raise the price of your vehicle by at least a couple thousand, if not $3,000 or $4,000. Notice to soccer moms, notice to SUV vehicles: It is in here. It is going to increase the price of your vehicle.

Maybe I should have an amendment that says Senate cars should meet these standards, because they do not. But we are going to make every soccer mom in America pay for this because it is in this bill.

Oh, soccer moms: One of reasons you like these SUVs is that they are kind of big, kind of safe. My son has two kids, and he has one. He has the baby seats in it, and he likes it because it is safe. It is not going to be nearly as safe if this bill passes because this bill is going to mandate—well, the vehicle is going to have to have a much smaller engine, it is going to have to be a lot lighter, it is going to resemble something more like a Volkswagen than it is an SUV, and we are sorry about that.

Will the fatalities go up if we pass this bill? The answer is yes, by the thousands. How many? What scientific studies do we have? We don't know. We have not had a hearing. We were not able to ask the safety experts. We were not able to ask the experts who build this: Can this be done? Can it be done safely? And how much will it cost?

I would love to ask the automobile manufacturer: How much is this going to cost? Can we comply with these standards? How much more will SUVs cost in 8 years if they meet this standard?

I will tell you, it is going to be in the thousands. We do not know because we have not had the hearing. We have not asked those questions. We have not gone the legislative route. There is no committee report. There was no homework done. This is put together and changed almost on a daily basis.

It is a crummy way to legislate. And this first amendment is a crummy way to legislate, a very poor way. Shame on the Senate if, oh, we are just going to decide this is the way we are going to build this pipeline, we are going to dictate you have to take this route.

That is not the way it should be done, not when you are talking about $20 billion, not when you are talking about Federal loan guarantees that should not be in the bill in the first place. Oh, now we are going to have loan guarantees and we are going to dictate which route to go. We never had a hearing. We do not know which way is the best as far as protecting the environment is concerned. We do not know which is best as far as the economy is concerned. One might cost twice as much.

I would think to build a mile of pipeline through the mountains would probably be several times as expensive as building one on the plains. Yet we have an amendment offered by Senator DASCHLE, the first amendment up: Here is what we are going to do. Maybe there are political considerations behind his amendment. I don't know. But I am just astounded by this process.

I am very disappointed in this process. This process should not be repeated. It should not be repeated by Democrats or Republicans. We have committees for a purpose. We have committees for a purpose: So we can have bipartisan input, so we can have the legislative process work, so we can have hearings on legislation so people can know what they are voting on, to where they can try to improve it, to where any member of the committee has an opportunity to read the bill and to amend it, to change it—win or lose, at least they have the opportunity to try.

No one has had an opportunity to amend this bill—no one. A few people might have been able to get their special interest provisions in, thanks to the majority leader and to the chairman of the committee. But no one, no Member of the Senate, has offered an amendment to this bill because it has not had a markup.

Right at about half the Senate has been disenfranchised because we did not have a markup on the CAFE standard and did not have a markup on the energy package. So now we are presented with an energy bill: Here it is. Go get it. Have at it. See if you can improve it. Oh, yes, if you have an amendment we don't like, get 60 votes. That is not the way the Senate is supposed to work.

The Senate is a great institution. People are violating the thrust of the

Senate. Totally ignoring the committee process should not be done lightly. So I am critical of it.

I want my colleagues to know of the problem of how we are situated. So we have a bad bill. Some of us are going to try to make it better. It may take a while. We may have to ask a lot of stupid questions: What is this in here for? How much is it going to cost? I would like the proponents to know I am going to be asking those questions because I did not have a chance to ask them yet. I did not have that chance to ask them in committee, so I am going to ask them on the floor. So this markup may take a little while.

This amendment may take a little while. I do not want to filibuster this amendment, but I want to know how much it is going to cost. I want to know why this route is preferred over the other route. I want to know why there is a $10 billion loan guarantee in the bill. Why? Who benefits from that? What is the purpose? Is that the best way to do it? Should it be done? Is it necessary for it to be done? Could we build the other route even without a loan guarantee? Without price supports? Is that possible? Does it need to be? Or does the marketplace dictate we have to go this way?

Aren't those decent questions? Shouldn't those questions be asked? They have not been asked before. Yet we are getting ready to commit to a $20 billion project? This is a crummy way to legislate. The Senate leadership should know this is not the way to operate.

We should not disenfranchise 40 some Senators from the committee process. I hope we won't do it in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I wonder if I could respond to some questions that the Senator from Oklahoma, the minority whip, brought up because I certainly agree with his contention that these matters have not been addressed in a committee process. They are being addressed on the floor.

As I indicated earlier in my opening statement, we have quite a responsibility before us to educate Members. I think the questions my friend from Oklahoma posed deserve consideration. I wonder if I could perhaps offer an explanation as to why the proposed route that has been supported by the State of Alaska is the preferred route.

As my colleague knows, the concentration of capital necessary to build either route is going to be substantial, somewhere in the area of $15 to $20 billion. Clearly, the companies that are going to build this pipeline are interested in a return on their investment. I don't think my colleague is aware of the particulars associated with the northern route.

It would require roughly 400 miles of pipeline at sea. If I can refer to the map, I think it is important to recognize that this is an area that is extraordinary because it runs roughly from Prudhoe Bay, where the gas has been discovered about 400 miles off the Arctic coast. This is an area that is only ice free about 40 days of the year. We are well above the Arctic Circle here. As a consequence, the technology is obviously achievable, but there is still a question of at what price.

As the Senator from Oklahoma is well aware, we have been trying for decades to get permits and the authority to open up ANWR, which is on land, for oil and gas exploration. The consideration has been whether we could do it safely. The problem we have in laying this pipeline in this particular body of water is access because much of the year it is covered with very heavy ice.

Theoretically, most pipelines are laid with a trench being dug on the ocean floor and then covered up, and so forth. We are talking probably about this pipeline being 3 to 4 miles offshore where you would get the adequate depth. The unique problem you have with the engineering is this scouring of the bottom when the ice moves because, as you know, about seven-tenths of the ice is underwater. So these present some engineering problems.

They also present some problems associated with the concern over the Native people, the Eskimo people of Alaska and their concern over the migratory bullhead whale which they are dependent on from the standpoint of subsistence. They support drilling on land and support activity on land, but they are reluctant to see activity offshore that may change the route of the migratory whale movement of the bullhead whale. So they are opposed.

I can cite for the record comments I received in opposition to anything out at sea that might affect them.

I ask unanimous consent to print the comments in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Comments on Proposals for a Natural Gas Pipeline From the North Slope of Alaska by George N. Ahmaogak, Sr. Mayor, North Slope Borough, Barrow, Alaska

(Submitted to the United States Senate, Committee on Energy and Natural Resources, October 2, 2001)

I want to thank Chairman Bingaman and the Committee for inviting comments on North Slope natural gas development from residents of the regions, because we will be most affected by the impacts of development. As Mayor of the North Slope Borough, I represent the people who live in eight communities scattered across the top of Alaska. The majority of our residents are Inupiat Eskimos, whose ancestry is traced back thousands of years along this stretch of the Arctic Ocean coastline.

For more than a quarter of a century, the people of the North Slope have played an active role in Alaska's oil and gas development. After our initial fears about the environmental safety of oil and gas operations were calmed by experience, we struck a stance on development that has not wavered. We have supported onshore projects when they contain adequate environmental safeguards for the land and animal populations and when they do not jeopardize our traditional subsistence hunting and fishing activities, which are so crucial to the continuation of our Native culture.

We have pursued these goals in our interactions with the oil industry largely through our local powers of planning and zoning within the oil fields. We have also sponsored extensive biological research and worked with state and federal agencies to gauge the continuing health of wildlife species in the region.

Twenty-five years later, we remain committed to the stewardship of our homeland as we work in partnership with state and federal agencies and the industry to extract the oil and gas resources our nation so clearly needs. Our commitment to a culturally sensitive development approach leads us to a very firm position on natural gas development. We recognize the need to export the North Slope's vast natural gas supplies, and we believe there is only one environmentally sensible transportation path—along the route of the existing Trans-Alaska oil pipeline. Most of the issues associated with pipeline routing have already been identified and successfully resolved through years of experience with the TAPS oil pipeline. Using the existing corridor is more environmentally efficient than any alternative and is unlikely to result in significant surprise impacts related to land or wildlife. It is clearly the safest and most acceptable transportation plan in our opinion.

For these reasons, we support the State of Alaska's insistence on a southerly (Alaska Highway) route. We also are adamant in our opposition to any project that would involve an offshore pipeline to the McKenzie Delta on the Canadian side of the border. We believe this "over-the-top" scenario is technologically arrogant and offers substantially greater risk of environmental and cultural damage.

Our elders and our subsistence whalers are the true experts on the seasonal movements of sea ice along the arctic coast. They have spent decades studying the forces of pack ice as it piles upon itself to create huge pressure ridges the size of tall buildings. They have witnessed the results of current-driven ice scouring the ocean floor. They have heard stories about these forces, stories that represent the oral preservation of empirical science handed down from generation to generation.

At the same time, the industry has repeatedly tried and failed to show its ability to clean up an oil spill in broken ice conditions. Demonstration of such ability should be an absolute requirement before any offshore oil development is allowed to occur.

Our opposition to an over-the-top route is not conceived lightly. We have proven ourselves to be both willing partners and environmental stewards. When we stand up against a proposal, our objection cannot be dismissed as environmental dogmatism. Nor can our support for a project be written off as pro-development fanaticism. Ours is a more complex position, stemming from a cultural perspective that acknowledges the advantages of development, clings to an inherent environmental ethic, and has as its highest goal the continued health of the original culture attached to this part of the world. The southerly route offers the best solution in light of this trio of concerns.

While we support the southern route, we do not believe that a natural gas pipeline should be supported at any and all cost. A successful project must have the inherent fiscal strength to preserve existing arrangements for local property taxation of energy infrastructure. We have heard rumors of tax concessions associated with a gas pipeline project, but we have not been asked for our opinion on such a scheme. We do not support tax concessions at the local level.

Additionally, we are concerned about the cumulative impacts of oil and gas development. Federal project permits are based in part on an analysis of potential environmental impacts on land, wildlife and human inhabitants of the area. However, this analysis is project specific, and while it has been discussed for years, no provision has ever been made for alleviating the cumulative effects of industrial activity on local communities.

We see the effects in a constant level of stress in our villages. Health problems, family dysfunction, alcohol abuse and other symptoms require intervention. We need help in assessing and addressing these impacts, and we look to the government for impact aid or some other form of assistance aimed at combating these social stresses.

Discussion of a natural gas pipeline necessarily exists in the larger context of North Slope resource development. With that in mind, I would like to reiterate our support for careful exploration in a small portion of the Arctic National Wildlife Refuge (ANWR). This is in keeping with our belief that activity in onshore areas of strong potential is more responsible than offshore exploration and development. Directional drilling and other technical improvements make low-impact activity on the edge of ANWR feasible. Accommodations for seasonal caribou migration can be achieved in ANWR as they have been elsewhere in the region.

Again, I appreciate the committee's interest in the perspective of people who live on the North Slope. I hope my comments assist you in your deliberations. Ours is certainly not the only perspective, but it is a view that springs from the landscape whose future you are considering. I honor the difficulty of your task, and I hope that faith, determination and the good of the people guide you.

Mr. MURKOWSKI. As the Senator from Oklahoma has expressed, we have not had any hearings. We don't know what the scientific answer is. But there is the fear of the people and therefore an objection to any offshore activity.

Then there is the question of trying to get permits to do something for which we don't know what the impact will be. We have never been able to get permits even on land, let alone the difficulty of offshore.

There is also a considerable discussion that has taken place in the engineering community about the prospects of having to loop the line at sea because if you had a break or a fracture and the tremendous amount of volume of somewhere in the area of 4 to 6 billion cubic feet a day flowing through that into a market in the Midwest, perhaps in Chicago, if there was a fracture, you would have a devastating supply situation. And your ability to get at it in the winter with the heavy ice, which is 4 and 5 and 6 and 9 feet thick, would mandate a duplicate route. These are all theoretical, but nevertheless they are concerns expressed.

I will highlight the concern associated with this route. It is certainly a route that is less from the standpoint of distance. There are a couple other aspects we should point out. This is not necessarily a mountainous route. This is a route that parallels the highway and also is a route proposed in 1941 for a railroad to Alaska. The Senator from Oklahoma knows we don't have a connection with the transcontinental railroads of the United States or Canada. But this route is a relatively low elevation. There is one pass in here where the pipeline goes. But as the Senator knows, you increase pressure, and it is not nearly as bad at picking up friction as an oil pipeline.

There are a couple other points I do want to make that are relevant to our consideration. That is the realization that since this is Alaska gas, not found on Federal land but Alaska State land, we obviously want access to the gas for petrochemical and development within our own State, as opposed to the northern route which would simply move the gas offshore with very little secondary industry opportunities for Alaska petrochemical employment, and so forth.

Furthermore, we have been exporting gas out of Kenai to Tokyo, to Tokyo Gas and Electric since about 1966. That gas has come from Cook Inlet. The reserves are running lower now, and we are concerned in Anchorage about only two year-round manufacturing plants for urea and ammonia, and an LNG plant having access to gas. If it goes this way, the majority population centers will not be afforded the opportunity of this gas.

I don't disagree with the Senator from Oklahoma. I think he knows me well enough to recognize, as businessmen, the market dictates. But Alaska is a little different than Oklahoma. We are isolated from the United States by Canada. If we don't put our foot forward in the area of development, we are simply going to be a State where our resources are exported. We have no residential capital base of any kind so capital comes in, exploits the resources, takes them out, and leaves nothing. Our oil companies are good citizens that come to Alaska. They support our efforts. But they are not domiciled in Alaska.

The Senator from Oklahoma is fortunate in having oil companies domiciled in his State even though I guess some of them are moving to a little bigger State—not the biggest State. I would like to see them move to Alaska rather than Texas. He has a lot of independent oil companies, oil and gas. We don't have that in Alaska because we have never been able to accumulate residential wealth nor the availability of private land.

This is a public lands State. As you know, the wealth that is accumulated in our State is public wealth. It is not private. So we don't have domiciled capital ventures that develop our State. We are dependent on outsiders coming in with a lot of money. When they take the resource out, they don't leave much more for it.

This has been the constant history of Alaska. It has been exploitation. First, it was the copper at Kennicott near Cordova. They took the copper out for years and left nothing, absolutely nothing except an abandoned railroad. The canned salmon industry exploited the fishing in southern Alaska. It was all controlled out of Seattle. They left, and there is nothing left in Alaska. We have had the oil industry, and we see our oil going down to Valdez and shipped out of the State. It benefits Washington and Oregon and California.

We are at the point of saying: Wait a minute. We have a resource in our State. We want to make sure we are involved in utilizing this resource to employ our people. We had 30,000 of our young people, ages roughly 19 to 35, leave our State in the last 10 years because we are not able to offer good paying jobs in blue-collar resource development. Yet we are the State with the largest resource base: Oil, gas, timber, the fish, the minerals. But as the Senator from Oklahoma notes, in our effort to open up ANWR, we are taking on the whole public posture of America's environmental community. It is a different set of circumstances.

I trust that my friend from Oklahoma will get a little better understanding.

This isn't just a simple matter of a shorter pipeline. It is a matter of jobs in Alaska, resident opportunities in Alaska because, as this route goes, the jobs and activity are virtually all in Canada. You have the Yukon Territory, Northwest Territory, Alberta, British Columbia, and so forth.

I don't dispute the reality that economics dictate how things happen. But remember one thing, and this has been overlooked in this debate: This gas belongs to the State. It doesn't belong to Exxon; it doesn't belong to BP; it doesn't belong to Phillips. They hold the leases. When this gas is developed, one-eighth of the gas can be taken by the State in kind. We should have something to say about where our gas goes and how it benefits our State.

So that is the action that was taken in the House of Representatives and they designated the route that would be most beneficial to the State of Alaska. That is why I have cosponsored the amendment offered by the majority leader this morning.

But I totally agree with my friend from Oklahoma about the manner in which the majority leader circumvented the committee process and, as a consequence, we are here now educating one another on the merits of this bill.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. NICKLES. Will the Senator yield for 1 minute?

Mr. REID. Yes.

Mr. NICKLES. I thank my friend and colleague, Senator MURKOWSKI. I understand his situation. We are dealing with $20 billion projects, $10 billion worth of loan guarantees, and we haven't had nearly the number of hearings necessary to consider proponents of both sides and environmentalists. In addition, we should have people who are going to be granting permits, and so on, to give us some input and some estimates on how much it will cost and what the time delays would be, and so on. I haven't seen that being done.

The chairman of the Energy Committee is not here, but I want to have this hearing—and I may not get this hearing before this bill is taken care of, but I want to have a hearing on this before we get a conference report. So he is not here, but I will insist on it. We are not going to have a conference report until we get to have some hearings. I think if we get to the conference, I might have something to do with what is going to be in the conference report. To have this kind of issue and ask Senators to vote on it when we haven't properly reviewed its substance in committee, that is a real procedural mistake. We need to have more significant input from many more experts before making these decisions. I think it is a mistake for us to dictate which pipeline we should be building, without more information.

With that comment, I yield the floor and thank my colleague from Nevada.

Mr. MURKOWSKI. Mr. President, if I may make one clarification.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, before my two dear friends leave—and perhaps they are not leaving—I would like to have the opportunity to clear the record on a few things. First, my friend from Oklahoma, for whom I have the greatest respect, talked about a number of bills. We know that last time we talked about the energy bill. It got to the floor the same way this bill got here. We know that on the budget resolution the same thing happened, and also on the Patients' Bill of Rights. They got to the floor the same way.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I will in a minute. I want the record to reflect the fact that after Senator BINGAMAN took charge of the committee, a number of hearings were held: June 26 of last year, July 12, July 13, July 17, July 19, July 24, July 25, July 26, August 1, August 2. On August 1 and 2, there was a markup of provisions of this bill.

I also say to my friend from Oklahoma, there have been hearings on this. We have had extensive hearings on this.

Mr. NICKLES. Will the Senator yield?

Mr. REID. I will in a second. I am trying to lay out something on the record, and we can elaborate on it later.

In fact, we had just one hearing where we had 15 witnesses, including the Governor of Alaska, the State Senators from Alaska. We had people from Exxon and BP. Senator MURKOWSKI told us how important this is to them. We have had 15 people talk about this. We had 4 different panels.

Senator BINGAMAN is doing something now and is out of the Chamber momentarily, but I want everybody to understand that Senator BINGAMAN has done an outstanding job of holding hearings. My friend from Oklahoma should not in any way feel that people have not had knowledge of what goes on.

Mr. NICKLES. I think there are factual inaccuracies here.

Mr. REID. I will be happy to talk about that in a second.

H.R. 4, which they say is a great bill, has the same stuff in it that we are talking about today. I don't understand why they are upset when we are following the example that the Republicans used when they were in control of the Senate. If the Republicans are wrong and we are wrong in doing that, the bill is here and it is open for amendment. People can talk as much as they want.

As I said, I will bet Oklahoma wished they were in the quandary that Alaska is in today. Alaska has a chance of getting the southern route pipeline that would create 400,000 jobs. That is a pretty good deal for a small State like Alaska, or even a big State like New York. It would be a great deal for Nevada.

This is an economic development program for Alaska that I support. I think it is great. But I want everybody to know that I think Senator BINGAMAN has done an outstanding job. I think he is an exemplary chairman and we should not complain about how we got here; we are here.

Mr. NICKLES. Mr. President, the Senator mentioned that we had hearings. Can he give me the dates? Have we had a hearing on the two alternatives for pipelines for Alaska?

Mr. REID. We had a hearing to receive testimony on the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States, and on legislation that may be required to expedite the construction of a pipeline from Alaska, Tuesday, October 2, 2001, 10 a.m.

Mr. NICKLES. I am surprised. I don't recall that. I don't recall considering the two alternatives. I asked staff did we have a hearing and they said no. I asked if there was a House hearing; they said no. On something this controversial, I am just not so sure we did. Maybe my memory is short, but for a $20 billion project, I kind of think I would know about it. Maybe that is not the case. Maybe I am wrong, but I doubt that hearing was set up in a way that said let's consider these two alternatives.

I will do a little more homework to find out what happened on October 2. I want to find out if we were in session. This doesn't ring a bell.

The Senator said the Republicans brought up Patients' Bill of Rights under this procedure. That is wrong. We had a committee markup on Patients' Bill of Rights. It was marked up, amended, voted on. It was tough, difficult, and it was a very challenging thing, but we marked up the Patients' Bill of Rights. We passed it in committee and on the floor.

The Senator mentioned a budget resolution. That is not a law; that is a guideline for the Congress. Maybe my colleague is right. Maybe we should not have done that. But, at least in my 22 years in the Senate, we have never had substantive, major, significant legislation out of the Energy Committee where we had a day or two of markup and the majority leader said "no more" and we have no more input or consideration of amendments. That has not been done, I am absolutely certain, in my 22 years in the Senate.

Mr. MURKOWSKI. I wonder——

Mr. REID. Mr. President, I had the floor.

Mr. MURKOWSKI. May I ask my friend a question?

Mr. REID. In a minute. I want to explain that we have here from the CONGRESSIONAL RECORD the fact that the hearing was held on the Alaska natural gas pipeline. The committee concluded hearings to examine the status of proposals for the transportation of natural gas from Alaska to markets in the lower 48 States, and on legislation that may be required to expedite the construction of a pipeline from Alaska. After receiving testimony from—and it lists well over a dozen people, including the Governor of Alaska, whose testimony I read into the RECORD today.

So this was shortly after September 11. We all had a lot of things on our minds, and I know how heavily involved the Senator from Oklahoma was on matters that leadership was involved in. Maybe he missed this, but this was an extensive hearing that took a long time.

Mr. NICKLES. I may well stand corrected, and October 2 is pretty close to September 11. Maybe I missed it. My guess is that hearing did not consider the two alternatives. It may have been promoting one alternative. It may have been promoting the alternative that the Governor wanted, but other people—I don't know.

I happen to think there is a lot of interest in two alternatives, and I do not know which is right. I will readily admit that I do not have the answer to which is the best, which is the most economical, which is feasible. My colleague from Alaska was saying we may have to go offshore and build that pipeline; it is a challenge. I do not know that we have to go offshore. These are things that need to be discussed and need to be explored. We did not do that.

My point is, though, we began markup on this bill and that markup was stopped. Again, I will go back to my little 22 years; I cannot remember a substantive legislative item, certainly in the Energy Committee, where we started a markup and then were stopped and were told: No more committee markup; i.e., we do not want input from other people; we are just going to come up with a bill on the floor.

That has not been done, and the process is terrible. I am going to maintain my criticism of it. I look at the 590 pages, and it has grown 100 pages—actually it has grown 154 pages in the last 3 weeks—and I do not know what is in it because we did not have it in committee. There is no committee report. I am fumbling around here. I do not see a committee report. There is no minority report.

That is very unusual for something that is going to increase people's bills, that is going to increase the cost of electricity. We ought to know something about it. It is not out there.

I stand corrected. I always want to be factual. I may have strong passions, but I want to be factual. If we had the hearing and I said we did not, I stand corrected, and I thank my colleague.

Mr. REID. Mr. President, also, there were witnesses talking about the northern route at the hearing. Among those testifying was Forrest Hoglund, chairman and CEO of Arctic Resources Company in Houston, TX.

Maybe the Senator is upset about the procedure, but he should back off a little bit because he has clearly been wrong in the statement about not having a hearing. It was a long hearing; it took a long time.

I state again we are in the Senate working on this most important legislation. I have in my hand S. 1344, which is the Patients' Bill of Rights. This came to the Senate without a single hearing. There were hearings on the Patients' Bill of Rights but not this bill. It was the same with the energy bill we had on the floor when the Republicans were in control of the Senate.

We went one step further than they did. My friend from Oklahoma said: I have never known in 22 years they started a markup and then got the bill here this way. The Republicans would not allow us to even start a markup. We at least started one.

Mr. President, this seems to be getting a little silly. We are here. It is Wednesday. We have to move this legislation. We have other things we need to do. We only follow the lead of the Republicans. If they were wrong, then maybe we should have followed somebody else's lead. The fact is we are here; let's do the best we can on this legislation. If there is something people do not understand—and I am sure my friend from Oklahoma, who is an astute legislator, and he does read legislation and understands it—that he may not have had the time. He has one of the best staffs in the Senate. I am sure very quickly they can bring him up to snuff.

Mr. NICKLES. Will the Senator yield for a question? Since there was a hearing and my able staff pointed out that, yes, there was a hearing, it happened to be on October 2, did that hearing involve the necessity of loan guarantees? Where did the $10 billion loan guarantee come from? This is a surprise and, to my knowledge, was not considered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I do not believe there was substantial testimony on the issue of loan guarantees. Frankly, this is a proposal we included to make the point to the Senate that some type of risk sharing might well be possible if this project was going to be viable, if the construction of a pipeline was going to be viable.

As I understand it, the ranking member of the committee is in favor of pursuing a different course. I am certainly working with him jointly to see if there is any other way to reduce the risk involved to the companies, if they decided to go ahead with a pipeline.

I can understand there are different points of view about whether or not that would be an appropriate thing to do. We will have an opportunity for a debate on that, I am sure, if the bill finally does contain some kind of financial incentive or support provision like that.

If the Senator from Oklahoma is opposed to that loan guarantee, he ought to propose to delete it. That is certainly an option.

Mr. NICKLES. Will the Senator yield?

Mr. REID. Mr. President, I think I still have the floor.

The PRESIDING OFFICER. The Senator from Nevada has the floor.

Mr. REID. Mr. President, while the Senator from New Mexico is here, I say to him that I very much enjoyed telling everyone what a great chairman he is in his absence. I think he has done a tremendous job getting the bill to this point. This bill and this provision is so important to people of Alaska and our country.

I agree with the Senator from New Mexico. If someone does not like parts of this very important amendment, then move to delete it. But I think we are going to have the support of Senator STEVENS and Senator MURKOWSKI on this, as they should support this.

I say to my friend from Oklahoma, I repeat, maybe there is blame to go around about how legislation happens, but we only follow the example set by my friends in the minority. However we got here, we are here now. It is legislation that is important for this country, and I acknowledge changes probably should be made. It is imperfect, but I think it is really a strong step forward.

I look forward to working with my friend from Oklahoma in any way he thinks is appropriate to improve this legislation.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, before my friend from Nevada leaves, let me clarify a couple things. One, he referred once or twice to the Patients' Bill of Rights. We had a markup on the Patients' Bill of Rights. I am absolutely positive of that. No matter how poor my memory is, I know there was a markup on it.

Mr. REID. Not this one.

Mr. NICKLES. I do not care how many times the Senator from Nevada waves that bill around, I remember there was a markup. I remember putting several people in our committee through a very difficult markup to pass legislation, which they did.

My colleague says, if you do not like the loan guarantees, strike it. The point is, we did not have a committee markup. If we had had a committee markup, I would have had an opportunity to strike it in committee. We would have had 20 people around the committee who would have maybe participated in this hearing and maybe had some impact, but we did not have that chance. I pointed out the $10 billion loan guarantee because I do not know where it came from.

The point is, it would have been nice to have a markup so we could have discussed it. Maybe I would support it. I do not doubt it is a real national energy plus if we can get all the gas reserves that are just being pumped into the ground to the lower 48. That would give us some energy security. That is positive. I would like to see that happen. But I know one thing: I did not have any chance in committee to debate should we have a loan guarantee? Should we have cost shares? what kind of protection do we have for the Government? Is that the best way to go? I am interested in these things. Is this the correct alternative?

I do not believe the hearing was to consider which alternative is the best. Maybe it was, and maybe it was just too close to September 11 and there were other things going on. I am not sure.

We did not have a markup, and I know if we had a markup and somebody offered amendments which said we are going to dictate which route we go, I think I would say why not let the marketplace decide which route to go.

My colleague from Alaska may be exactly right, maybe the southern route is the way to go, but I am saying let's let the marketplace decide.

We have pipelines running all over my State, and I have never voted once on where they should go. We have sort of let the marketplace work. Alaska is a little unique, but should we not find out how much these two routes cost?

My colleague says if I do not like the $10 billion, strike it. Part of our problem right now is we are taking this whole bill up on the floor and now we have to try and fix it. It would have been nice to have had a markup where we could have debated this in committee instead of, oh, I am reading through the bill and, oh, there is a $10 billion loan guarantee. That is interesting. I wonder where that came from?

It is very interesting some of the things one will find in this bill. I am going to be reading more of the bill, much to the chagrin of the manager of this bill. I hope we do not pass a bad bill. I question the wisdom of a $10 billion loan guarantee, but my point is we should have had a markup on it so these issues would have been resolved. If in the committee markup a loan guarantee was supported, I might have been convinced in the process it was the right thing to do so we would have bipartisan support for it, and maybe we do.

The problem is no one knows. I asked my caucus: How many of you know there is a loan guarantee? Nobody, except for Senator MURKOWSKI. The point is, we should have had a markup so we would not have to go through an educational process on the floor and go through a lot of this. Again, clearly the Senator from Alaska knows what he is talking about but I would imagine about 90-some percent of the rest of the Senate does not, and that is kind of unfortunate.

I wish we would have had a markup on the entire bill. It would have eliminated a lot of the process and a lot of the mess that we are in trying to pass an energy package that is 590 pages and, in my opinion, still needs a lot of improvement before we are finished.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Maybe I can enlighten my two colleagues. I see the majority whip has left our midst. He told me he is going to talk to a Republican Governor. That may help his frame of mind, but maybe not.

In any event, in reviewing what took place in October, it was not addressing the issue specifically of routing. It was to consider how to market Alaska's natural gas, and there were proposals for LNG, there were proposals for the boroughs of the North Slope, the Fairbanks borough, the Valdez borough, to come together. There were about half a dozen proposals. It is fair to say, and I want the RECORD to note, that I was not aware, nor did I request, the $10 billion guarantee that is in the underlying bill. This was put in, I think, as an explanation offered by my good friend from New Mexico, to try and address some kind of a safety net that was expressed primarily by one producer from the State of Oklahoma.

That being what it is, I was of the opinion, after talking to the producers—Exxon, BP, and Phillips—that this $10 billion loan guarantee that was put in—and I assume it was put in probably by staff in their willingness to try to come up with something that would provide a safety net—would not provide the assurance they need relative to the magnitude of this project. This is a $20 billion project. So I think the record should note we are going to have to address the necessity of this, and the Senator from Oklahoma has already indicated he questions it.

There has not been a hearing held on it. I hope before this debate is over, we could get a position from the producers, namely the companies that hold these gas leases, on whether they think it is necessary and whether it would be beneficial. That is pretty important relative to a determination of this nature.

I intended to ask, and I will for the record, my good friend from Nevada, who indicated we kind of had a choice—we had a curtain that we could have an ANWR, we could have a gas line, and that sounds very encouraging. I ask if he would give us an up-or-down vote on either one, a 50/50 vote. I will have an opportunity to pose that to him later, or maybe Senator DASCHLE can provide that.

I also ask him, since he was so accommodating, to provide me with an answer of what the position of the committee was on ANWR. What was the position of the Energy and Natural Resources Committee on ANWR? I think the RECORD should reflect it. I do not think we are going to get an answer, and I think the Senator from Oklahoma would agree with me that we are not going to get a committee position on ANWR, which is as a consequence of the manner in which the whole bill was constructed, eliminating the committee process and eliminating the opportunity to have a debate and voting on it one way or another out of committee. It was designed to circumvent the committee process.

I ask the majority whip if he could provide us, in his opinion, what the committee position was on ANWR. I think that may enlighten some of my colleagues.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, to answer the question, I think it was obvious the reason why we did not complete markup on the bill is because the votes were in the committee to have an ANWR provision, and I think obviously the majority leader did not want that to happen. So he basically told the committee not to mark up the bill.

I ask for the yeas and nays on committee amendment No. 2917.

The PRESIDING OFFICER. It takes unanimous consent to ask for the yeas and nays.

Mr. NICKLES. I ask unanimous consent that the yeas and nays be ordered on amendment No. 2917.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak on the bill for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I want to make a few comments on the energy policy in the form of an opening statement. It is something which should take a couple of weeks for us to decide given the bill was not taken through committee. We need to do a lot of work, and I hope we can have a very open amendment process so we can work through the issues and at the end of the day arrive at a bill we are all satisfied with, one that we can be proud of for an energy policy because I think an energy policy has been neglected for too long. It is too important, and it is something we need to act upon.

We are driving a lot of foreign policy based on our lack of an energy policy, and we are having to do some things in regions of the world we probably should not do because we lack that energy policy, because we are so dependent upon the foreign sources.

I particularly point out that the areas upon which we are so dependent for oil are so volatile, we could almost count on the fact that at some time within the next couple of years we are going to see energy disruptions from the Middle East.

We are having some difficulties with Saudi Arabia now, a key place of energy supplies. If we do not act to diversify and get more domestic sources of oil and energy, we are setting ourselves up for a problem that we know is coming, so we need to get a bill through.

We need to get a bill through this Congress.

Our energy policy has been neglected for far too long. We see the effects of this neglect in the sporadic high gas prices at the pump during the summer, in the fact that we import 57 percent of the petroleum we use, and in the complexities we must endure in our foreign policy because of that energy dependency. To alleviate these problems, the U.S. must produce more domestic oil and natural gas while diversifying our energy sources with renewable energy sources, as well. Accomplishing this goal means we engage in a thorough debate on the matter.

I am pleased the Senate is finally addressing such an important issue. I urge my colleagues to resolve our differences so we can get a bill passed.

The Democratic bill before the Senate has some noble goals, particularly with regard to increasing renewable energy, encouraging conservation, fuel efficiency, and addressing global climate change.

However, I am concerned that the specifics in this bill will not get the United States to the shared goal we all have: greater energy independence and improving our energy infrastructure. At issue is a real philosophical difference between the two parties as to how we should meet these goals. As I look at the bill before me, I am concerned the main objectives are accomplished through mandates that may not be achievable by the industry we are trying to grow. Whether it is the CAFE issue or climate change, we need to focus more on incentives, market-based mechanisms, to meet our shared goals.

There are some basic tenets that our conservation energy policy should address that are not included in this bill. The prime issue is our domestic oil and gas production. The bill has some positive measures encouraging renewable energy, particularly ethanol, biomass, and biodiesel, of which I am very supportive. It neglects to address that we need to expand oil and gas in this country. As a result of not having that base in this country, we are forced for reliance on foreign energy. That has numerously dangerous consequences. Increasing our domestic production of oil and gas cannot be left out of the energy security equation. Conservation is important, but it will not solve the problem alone.

The problem is larger than just our domestic situation. It greatly affects our foreign policy, as I noted at the outset. If we were freed from our Middle East dependency on oil, there would be important security benefits for our Nation. Regrettably, at this point, renewables alone cannot accomplish this task, but a combination of increased focus on renewable energy, along with increased domestic production and increased imports from new energy exporters such as the central Asian countries—and I hope we will be working with other nations, too—can yield a formula for accomplishing our mutual energy security and independence goals. It is not a simple equation, but I do think we can see through to a solution.

I commend the work done by the Finance Committee in putting together what looks to be a very positive energy tax package. The tax component is a critical part of making this work. My friend, Senator GRASSLEY, has worked hard to ensure a positive approach to achieving the goals I have described, particularly in support of renewable fuels such as ethanol. Specifically, I am pleased to see the inclusion of tax credits for marginal oil and gas production as part of our important need to increase domestic production. We have many of the marginal oil and gas wells in my State, and this will help bring those online or, in some cases, keep them in production.

We must encourage an infrastructure to serve as a barrier against high prices OPEC may inflict. Independent oil and gas producers are this country's safety net for energy security, and it is in our national interest to preserve and enhance that infrastructure.

Further, the bill provides tax incentives to consumers to buy hybrid vehicles which pollute less and consume less energy. These are positive measures. I am hopeful we can push them through this body, along with some support for other alternative methods of energy production.

As I mentioned, regarding biomass, we can have coal-fired plants that can burn a portion of biomass in their energy production. That can help with our carbon dioxide emission problems but also help having localized sources for energy.

Securing comprehensive energy policies is one of the most important efforts this Congress should undertake this year. We should take the time, we should take the effort, and we should not just vote along partisan lines but work back and forth in the amendment process to come up with a good bill at the end of the day. Let the body work its will.

Regarding how this bill got to the floor, we need to have the body itself work its will and not get tied down on partisan lines. Then at the end of the day we can come up with a national energy strategy that is as broad based as this Nation and the desires here—although our end objective for all of us, energy security, is shared by every Member of this body.

Energy is a key engine that drives our economy. Neglecting it forces us into international dilemmas that can conflict with our security and counterterrorism agenda. I urge my colleagues to work out our differences and pass legislation on this vital topic.

I am hopeful in one other area that I would like to discuss, the area of carbon dioxide emissions. There are important parts of the bill, and I will submit amendments with other Senators, to reduce carbon dioxide loading into the atmosphere. I strongly believe we should go forward with a policy of a trading system, where we go to least cost methods and we put in place a marketplace to reduce carbon dioxide emissions in this country. We have done it previously on issues such as acid rain. We need to do this with carbon dioxide so we can reduce the CO_2 level at the least cost base as others trading for those carbon credits.

There have been innovative programs put in place. I traveled to Brazil to look at one program, the Nature Conservancy is implementing there. It is innovative, helping the environment by reducing carbon dioxide. We should incorporate it as part of our energy strategy. I look forward to this process. I think it is important.

As I noted, this is one of the most important bills we can consider this year.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2982 TO AMENDMENT NO. 2980

Mr. MURKOWSKI. Mr. President, on behalf of Senator STEVENS and myself, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI], for himself and Mr. STEVENS, proposes an amendment numbered 2982 to amendment No. 2980.

Mr. MURKOWSKI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect the jurisdiction of the State of Alaska and provide for workforce training)

At the end of the amendment insert the following:

On page 142 after line 20 insert a new section as follows and renumber all following sections accordingly:

"SEC. 708. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

"(a) Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act, and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

"(b) Nothing in this Subtitle, except as provided in subsection 704(e), shall preclude or affect any future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenas peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.".

On page 148 after line 2 insert:

"SEC. 714. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.

"(a) Within six months after enactment of this Act the Secretary of Labor (hereinafter referred to as the 'Secretary') shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for changes. For purposes of this section Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

"(b) Within 1 year of the date the report is transmitted to Congress, the Secretary shall, directly or through grants or cooperative agreements, establish within the State of Alaska, at such locations as the Secretary deems appropriate, training center(s) for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. The training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

"(c) In implementing the report and program described in this section, the Secretary shall consult with the Alaskan Governor.

"(d) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000 for the purposes of this section.".

Mr. MURKOWSKI. Mr. President, if I may just give a brief explanation.

This amendment makes it explicitly clear that the State of Alaska has complete authority when it comes to regulating in-state distribution of natural gas coming off the Alaska Gas Transportation System.

It also directs the Secretary of Labor to design and establish a program in the State of Alaska to train Alaska residents in the skills and crafts necessary to enhance their ability to compete for jobs and contracts associated with gas pipeline construction.

These amendments are needed because the first degree amendment offered this morning by the majority leader falls short of protecting Alaskan's prerogative to regulate in-State distribution of gas coming off the Alaska Natural Gas Transportation System. I want to highlight in-State distribution.

This ability to control their own destiny is critical to the long-term creation of jobs and the establishment of a gas based industry in my State.

The economic future of Alaska rests with the development of its natural resources—key to the utilization of these resources is the ability of the State to manage their in-State use.

My amendment accomplishes this with respect to North Slope natural gas—it puts Alaskans in a position to guide their own future.

They will decide how and under what conditions gas will be distributed within the State of Alaska.

It will provide locations across Alaska like Anchorage, Fairbanks, the Kenai Peninsula, Delta Junction, and Valdez and Point Mackenzie in Manuska Valley, with the opportunity to pursue gas based opportunities when, and if, they work out the economics.

Like the remaining states of the union, Alaska needs access to a reliable and economic source of clean burning energy. North Slope gas answers this need for the Nation and my State.

The second part of my amendment directs the Secretary of Labor to design and establish a program in the State of Alaska to train Alaska residents in the skills and crafts necessary to enhance their ability to compete for jobs and contracts associated with gas pipeline construction.

Because the impact of this project will fall upon Alaskans in a disproportionate manner, it is only fair that they be provided with the training necessary to compete for pipeline jobs in the State.

These training opportunities will be available to all Alaskans regardless of where they live in the state.

I point out to my colleagues that there is nothing in this amendment that gives Alaskans a priority selection right for pipeline related jobs. Rather, it gives them the training which will allow them to "compete" for those jobs.

My amendment calls on the Secretary of Labor to come up with a plan on how to best accomplish the goal of enhanced employment opportunities for Alaska residents.

This plan will be transmitted to the Congress for our review. This will ensure that this investment will produce the desired results.

The greatest investment we can make in any project is investment we make in the people who will design, build, and operate the system.

Senator REID said this morning that Alaskans should be grateful that they are likely to end up with at least the gasline. That comment demonstrates a fundamental lack of understanding of the economy of Alaska. Our economy does not rely on one resource any more than this Nation can rely on a single energy source. The gas pipeline, if constructed, will provide the foundation for the potential development of a petrochemical industry in my State. ANWR, on the other hand, is a resource destined for consumption in the lower 48. In addition, ANWR is critical to the economic, health, and education future for the peoples of northern Alaska, especially the Inupiat who live on the Coastal Plain. These are entirely separate issues and both offer considerable benefits to the State and to this Nation if we simply have the understanding and courage to do what is right.

While this amendment will rectify some of the shortages in the original proposal put forward by the majority leader, it will be necessary to offer several additional amendments that we are still trying to work out.

For the moment, however, I urge my colleagues to join with me in support of this second-degree amendment.

Mr. BINGAMAN. Mr. President, let me speak in favor of the amendment Senator MURKOWSKI is offering. I think it does improve the underlying Daschle amendment. I strongly support it.

I note one thing with regard to the job training aspect. There is a Federal job training program that is set up under the Workforce Investment Act that makes funds available to each State for job training. I think we are in agreement that is a very important activity. We need to be aware of that as we put the budget together this year and as we do the appropriations bills because those job training programs are being threatened with major budgetary cuts under the administration's proposed budget. I hope the program authorized in this amendment that Senator MURKOWSKI and Senator STEVENS have offered will be consistent to the maximum extent possible with the existing workforce training programs in the State of Alaska.

I was requested to ask unanimous consent that Senator STEVENS be added as a cosponsor of the underlying Daschle amendment. I do not believe he has been so listed as yet.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. As far as I know, there is strong support for the amendment on our side and we could proceed to a vote.

Mr. MURKOWSKI. I thank the committee chairman.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I do not think I overlooked adding Senator Stevens on this morning. So he is on both the second-degree and the Daschle amendment.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2892) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, if I could address my friend from Alaska and the manager of the bill, Senator BINGAMAN, we now have the Daschle amendment pending. We have been talking about it most all the day. I am wondering if we can agree on some time to vote on it. We have a number of people wishing to speak, but we cannot do that until we have this amendment disposed of, or at least a time set for the vote. The Senator from Georgia wishes to speak. The Senator from South Carolina has an extremely important piece of legislation he wants to introduce and speak about that for awhile. Until we have a time to vote, I don't think we can move off this legislation.

Mr. MURKOWSKI. I have no objection to trying to set a time.

Mr. President, we understand there is another Member coming over who may offer a second-degree. I guess we will have to wait.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have checked with my counterpart, Senator NICKLES, and the two managers of the bill, and they are in agreement that the Senator from Nevada, Mr. ENSIGN, can speak as in morning business for a period up to 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. ENSIGN and Mr. REID are printed in today's RECORD under "Morning Business.")

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the Republican manager of the bill and my friend the Senator from Oklahoma. They have graciously consented to allow the chairman of the Commerce Committee to speak for up to 15 minutes as in morning business relative to introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I thank the most distinguished assistant majority leader.

(The remarks of Mr. HOLLINGS pertaining to the introduction of S. 1991 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HOLLINGS. Mr. President, I thank Senator REID, Senator BINGAMAN, and Senator MURKOWSKI for their courtesy. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the previously agreed to amendment No. 2982 be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

Mr. REID. Madam President, the Senator from Georgia, Mr. MILLER, wishes to make a statement now in regard to this bill, and he has an amendment which he is not going to offer but wishes to talk about. I ask unanimous consent that he be allowed to speak—we have received permission from the Senator from Alaska, even though we probably do not need it other than to call off the quorum; we appreciate his courtesy—for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Georgia.

Mr. MILLER. Madam President, I rise today in defense of that great American workhorse: The pickup truck. I am proud to sponsor, along with my friend, Senator GRAMM of Texas, an amendment that would exempt all pickup trucks from the higher CAFÉ standards that have been proposed.

This is a very simple and short amendment. Pickups are now required to meet a standard of 20.7 miles per gallon, and our amendment would simply freeze pickups at that standard. All pickups would be exempt from any higher mileage standard proposed in this legislation.

Some have said we should only exempt the very largest pickups from the higher standards. That would only cover a small percentage of the pickups that are on the road, and I do not think that is good enough. Our amendment says all pickups will be exempt from the higher CAFÉ standards.

We absolutely should not impose these higher mileage standards on our pickups. We absolutely should not impose the undue safety risk and extra cost of these CAFÉ standards on our farmers, our rural families, and our small businesses that rely so heavily on the pickup.

We have had a lot of conversation about the state of the economy these days, and we hang on every word of Alan Greenspan, Robert Rubin, and the like, about the recession and when we are coming out of it. I knew a fellow back in Georgia. He did not have a Ph.D. in economics; he would have thought Ph.D. stood for "post hole digger." But he was one of the wisest men I ever knew. He told me years ago that if you really want to know when times are bad, take notice of the number of people having to sell their pickups. Look at the ads in the paper and the "for sale" signs in the yards. The more you see, the worse it is because pickups are the very symbol of the working man. As the pickup goes, so does the working man and the very heart of this country.

Madam President, a pickup truck has two ends to it: A working end and a thinking end. Of course, the working end is the engine in the front. I would like to tell you about the thinking end in the back.

I submit that the back of a pickup is the think tank of rural America. I suspect more problems have been solved on the tailgates of pickup trucks after a long day's work than have been solved anywhere.

I do not rise to speak often in this hallowed Chamber. I am still learning the complexities of being a Senator. I envy my learned colleagues who can speak with such great assurance on so many subjects. But, Madam President, on this one you can trust this man from the mountains of North Georgia. If this amendment fails, the tailgates of rural America are going to drop, and it will be a clank that will reverberate from now through November because then the conversation at the end of the day on the back of a pickup as the Sun goes down will not be about the farm or the family or the State or the Nation; the subject will be how to get rid of us in the next election.

Every election year we talk a lot about all those soccer moms out there and how they vote in such high percentages. Well, there is another group out there that votes in a very high percentage. They are the pickup pops. In fact, I would bet pickup pops go to the polls in higher percentages than any other Democratic group out there, and they also have long memories.

If these higher CAFÉ standards are applied to pickups, they will be made unaffordable for many, and unsafe for all, and that will hurt those pickup pops. It will hurt the working man. It will hurt rural America.

We are big on acronyms in Congress, and quite frankly they can be a little deceiving and confusing. I cannot even keep up with all of them. When we talk about CAFÉ and CAFÉ standards, most folks think we are talking about restaurants.

People in rural America also understand what an acronym is, and I think on this issue they would say that "pickup," P-I-C-K-U-P, is an acronym for "People in Congress Keep Us Perplexed." Let us not keep them perplexed anymore.

One of the first things I noticed when I came to Washington, DC is that you hardly ever see a pickup. They are scarce in Washington, DC, but they are not scarce outside the beltway, out there in middle America.

I want to show this chart. In 1999, pickup trucks accounted for almost 18 percent of all registered vehicles in this country. In 29 States, these red and blue States—that is more than half of our States, of course—pickups amounted to as much as 20 to 37 percent of all the registered vehicles. In the year 2000, drivers in this country bought 3.18 million pickup trucks. That makes pickups the third most popular choice of vehicle for American drivers.

So pickups may not be prevalent in Washington, DC, but pickups are popular across the rest of America. When all this talk about CAFÉ started last year, I got worried Washington was going to stick it to the pickup owners of this Nation, so I tried to write a song about it. I am no ORRIN HATCH, but I tried to write a song about it with my good friend, Jack Clement, in Nashville. It is called the "Talking Pickup Truck Blues." I will spare everyone the agony of my singing, but I want to share one verse. It goes something like this:

> Sure, an SUV is classy travel, but it ain't much good for hauling gravel, or hay seed or bovine feces. So please do not make my pickup truck an endangered species.

Now, I will be the first to admit that song has not climbed to the top of the charts, but here is the point we are making: Do not mess with the working machine of the American road. Do not mess with pickups. Farmers depend on them. Families in rural America depend on them. Small businesses across this country depend on them, small businesses such as construction companies and home builders.

One of the greatest economic engines we have in this country is the housing industry. You can go to any construction site across America and see at least a half dozen pickups. Plumbers drive them. Electricians drive them. Painters drive them. Carpenters drive them. Raise the cost of a pickup truck and more than just pickup owners will be harmed; entire industries will be hurt—the housing industry and others that rely heavily on pickups.

Folks buy pickups not because they are affordable and they are safe. They buy them because they get the job done, whatever that job may be, whether it is pulling a trailer full of cattle or hauling lumber to a construction site or driving on gravel and dirt roads in rural America. There are times when only a pickup will do.

So I urge my colleagues, who represent the millions of pickup owners across this country, when this amendment comes up at a later date to vote for this amendment. We must exempt the American workers, the pickup truck, from these higher CAFÉ standards.

Like the last verse in my song goes:

> So help us, Lord, and let there be a little wisdom in D.C.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Madam President, I ask unanimous consent that I be permitted to speak for 3 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, we are in the process of getting agreement for a vote in the next few minutes on the underlying Daschle-Murkowski amendment. We hope that will be accomplished soon. We are waiting to hear from one person whether or not we can proceed with that vote. Members should be alerted we are going to see if we can have a vote this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I would like to express my appreciation to everyone for their cooperation at this point in this debate. There has been some very good debate. It has been heartfelt on both sides. But I think we are moving forward with this legislation.

As Senator MURKOWSKI said earlier today, this is only preliminary. We have many difficult issues on this bill that are going to come forward in the next few days. So we have to recognize we may have some late nights. We may have to work long and hard on this legislation.

I ask unanimous consent the time until 5:50 today be divided equally and controlled for debate with respect to the Daschle amendment No. 2980, as modified and amended, and at 5:50 p.m. today the Senate vote on the amendment, with no further second-degree amendments in order thereto.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered. Who yields time?

Mr. REID. Madam President, I ask unanimous consent the unanimous consent agreement I just propounded be amended to begin the vote at 5:45 p.m. today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2980, AS MODIFIED

Mr. BINGAMAN. Madam President, what is the regular order?

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2980, as modified and amended.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, for the information of our colleagues, we are going to be voting momentarily. I appreciate the cooperation of my friend from New Mexico for postponing the vote for just a moment.

I urge my colleagues to vote against the Daschle amendment, which was also modified by my friend and colleague, Senator MURKOWSKI, because it mandates that we pick the southern route for a major gas pipeline to go through Alaska. That may be the best route. There are other possibilities, other alternatives.

There is a northern route. It is several hundred miles shorter. It may be more economical. Most of the northern route goes through the Mackenzie River Delta which is on a pretty flat plain and would not require going through 900 miles of mountains.

I do not know which one we should choose. I do not think that Congress should choose it. I do not think we should mandate it without more significant oversight and discussion.

I would like to hear the experts. I would like to hear the environmentalists. I would like to have some input from a lot of people. And I would like to have an idea how much the alternatives would cost.

I have heard that the pipeline route that Senator DASCHLE is trying to mandate, the southern route—going through Alaska, and then going through Canada—would cost about $20 billion. I do not know. I do know that in the underlying bill there is a $10 billion loan guarantee. We have never had a hearing on the loan guarantee. We have never had a hearing on how this is going to be financed, whether it needs governmental assistance or not.

I think it is wrong for us to dictate we go this particular way and other options cannot be considered. I would like to think we believe in the free market system enough to where we would let the marketplace decide what is the best route, what is the most economical route, what is the route that will do the least environmental damage. Instead, we have people coming up and saying: Oh, wait a minute, I have talked to a couple politicians. We are going to mandate the southern route with very little discussion or debate.

Let's let the marketplace decide. Let's get some input from a lot of people. I do not think we are doing that in this case. I do not think this is a good way to legislate.

I do not think we know how much it will cost. I do not think we have an idea of the environmental impact. Instead, we are just going to have a 2-hour debate on the floor, and then we are going to say: Let's go make a decision on a $20 billion pipeline.

Do we need a loan guarantee? Do we need Federal assistance? Do we need to have Federal financing for this project?

I think we are moving pretty quickly here. I would hope we would be silent and assume we could go through the regulatory process.

We have built hundreds of miles of pipeline through my State, and we have never had Federal legislation designating what you have to do, nor have we had State legislation designating what you have to do.

I question the wisdom of us mandating one particular route at this particular time. So I urge my colleagues to vote no on the Daschle amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, I am sad to disagree with my friend from Oklahoma. I point out to the Senate that this oil and gas is produced on State lands, with State leases. And our State law prohibits the rights-of-way for this gas to be moved on the northern route. It is within our province to guide the course of this asset of our State so that we might enjoy part of it.

If this gas goes east from Alaska, Alaskans will never enjoy one single benefit from it except a portion of the wellhead price coming to us as royalties. We will not have any right to use it in our second largest city, in Fairbanks, along the Alaska highway going out of Alaska into Canada. This is a very dynamic area from the point of view of tourism.

In addition to that, we have two major bases there, Wainwright and Eielson, and the national missile defense system is right alongside that road. This gas must come south. My State has recognized that and has now passed legislation, signed by the Governor, that specifies that no route will be allowed going east on these State lands. This gas must exit State lands before it can go either east or south.

We have spoken as a State. We understand there may be some problem for us downstream. The Senator from Oklahoma would know, it may well be that the wellhead price of this gas will be lower and our share of that wellhead gas will be lower. But we will have access to the gas. We will have a chance to build the industry that might well utilize this gas in our State.

This is the same problem that came up in the oil pipeline. When the pipeline route came through, there was an argument whether we should be able to take oil out of that pipeline around Fairbanks. As a matter of fact, we have won that argument. We do take out oil. We run it through two different refineries, and it is one of the greatest sources of aviation fuel for our country. It is available in the Nation's largest cargo landing port at the international airport at Anchorage.

I disagree with my friend from Oklahoma. I think we have every right to say we should enjoy a portion of this resource that comes from under our own State lands and to utilize it in a way that will mean a future job base and future low energy costs for the one area of our country that pays the highest energy costs, and that is the area that this pipeline will come through and down to the border of Canada.

That is the only route that is going to be built. I hate to tell my friend this. I told the industry that that line would go east over my dead body. I am not about ready to leave this world.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding there has been a vote ordered at 5:50; is that right?

The PRESIDING OFFICER. Yes, that is correct.

Mr. REID. So the regular order would be for us to begin voting; is that right?

The PRESIDING OFFICER. The Senator is correct.

The Senator from Oklahoma.

Mr. NICKLES. Madam President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Madam President, I ask unanimous consent that the Senator from New Mexico be given 2 minutes. So Senator NICKLES, 1 minute; Senator BINGAMAN for 2 minutes; and then we vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. I thank my friend and colleague.

I tell my friend from Alaska, I have no desire whatsoever for him to depart this world at this particular moment or any time in the not too distant future. Also, it is not my intention to say that the northern route is preferable to the southern route. I just don't think we should mandate that it be the southern route. It may well be, due to the information our colleagues have had, the southern route is the preferred route. I am not saying it is not. I just don't think it should be mandated by this legislation that it be the southern route, when we may find out that it costs twice as much as some other alternative.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I strongly support the amendment on which we are about to vote. It has the support of the Alaska delegation, as Senator STEVENS indicated, as Senator MURKOWSKI has indicated. It has the support of the Governor of Alaska. It is totally consistent with the action this Congress took in 1976 with the Alaska Natural Gas Transportation Act. It is clear to me that this is the correct policy for the Congress to adhere to at this point. I urge my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank my colleagues, Senator BINGAMAN and Senator REID, the majority leader, and others for their cooperation in seeing that the basic Daschle amendment, which was laid down, and the second degree, which was accepted, clearly make this project much more feasible because it gives Alaskans the option on the southern route that suggests we will benefit the State in many ways, not only for Fairbanks but for all utilization of gas within the State, for Point Mackenzie, for the Kenai area, for Valdez, and for the Matanuska Valley.

As Senator STEVENS indicated quite strongly in his opinion on the necessity of this happening, it clearly gives us an opportunity to have some secondary industries in Alaska to support our young people, the greatest natural resource we have—I am most appreciative—as well as the job training that is provided in this bill. I encourage my colleagues to vote in favor of it.

The PRESIDING OFFICER (Ms. CANTWELL). All time has expired. The question is on agreeing to amendment No. 2980, as modified, as amended.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Virginia (Mr. WARNER) and the Senator from Kansas (Mr. ROBERTS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 5, as follows:

[Rollcall Vote No. 41 Leg.]

YEAS—93

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Wellstone
Wyden

NAYS—5

Gramm
Hutchison
Kyl
McCain
Nickles

NOT VOTING—2

Roberts
Warner

The amendment (No. 2980), as modified, as amended, was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mr. KYL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. The Senator from Arizona has been patient during the day, and he wishes to speak on the bill for up to 10 minutes. Although we need to leave, he has indicated he has a very difficult day tomorrow. I ask unanimous consent the Senator from Arizona be allowed to speak on the bill for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

Mr. KYL. I thank the Senator from Nevada for his courtesy. I will summarize my remarks and try to find another time to expand on some of my thoughts. I appreciate his courtesy.

There is a big difference between what the President has proposed in terms of an energy policy and the bill we are beginning to debate on the floor of the Senate. The President's energy policy, I believe, was a very well balanced set of recommendations that would have helped achieve the goal of energy efficiency, less dependence upon foreign sources of oil, and a series of steps of progress toward changes in our policy that would result in more environmentally friendly fuels and a variety of reforms almost everybody is willing to support.

Unfortunately, the President's proposals were not met with support by many on the other side of the aisle. As a result, even though I believe there was sufficient support in the Energy Committee, on which I sit, for many of the reforms that the President has proposed, our committee was not allowed to deal with this matter. The only hearings held were a long time ago and did not deal with most of the specifics of the legislation. We were never permitted to mark up the legislation. In fact, the bill that is on the floor today has undergone iterations, and I am not precisely sure I have the very last version.

In terms of process, we are suffering under an inhibition of the primary committee of jurisdiction never having had the opportunity to work out details, to try to smooth out rough edges, and resolve differences that probably could be resolved if we had taken the time to do that in the committee structure. It is hard to write a complex bill during its consideration on the floor of the Senate. Yet that is what we will have to do. As a result, I am afraid we are not going to end up with a product that would be nearly as good as it would have otherwise been.

Let me mention several aspects of the bill that are going to need a lot of work. I will briefly address four or five of them. The bill is written to restructure the electric energy industry. This is a very complex and difficult subject. I think it is done in a very clumsy way. It preempts a lot of State authority. It gives a lot of authority to FERC, largely at the expense of the States. It gets the Federal Government involved in retail matters, with a utility serving its customers in matters such as real-time pricing, net metering, and consumer protection issues. That is not the business of the Federal Government.

It gives FERC broad authority with respect to the interstate transmission grid. There is some authority here. One can make the case that on interstate matters FERC should be able to help open up the market for easier transmission of energy. I think we can work some provisions out that provide broader authority to FERC even in that area. We have to be careful that we do not "socialize the costs," which is the term used by one official, with respect to how the costs will be allocated. We are going to have to treat the costs in a very fair way and make sure the existing customers are not the losers, that a utility that currently serves them can continue to do that, and they will not have to pay the cost of someone else coming to connect to the grid.

There are a lot of issues with respect to this electric restructuring to which we are going to have to pay attention that we could have resolved in committee if we had the opportunity.

The second has to do with nuclear power. The bill itself, unfortunately, does not adequately deal with the need to modernize the law with respect to the provision of nuclear power. It does extend the Price-Anderson Act for 10 years but only for DOE contractors. For those not aware, that is the liability protection that has historically been provided to nuclear generators to ensure that they would be able to provide the power and not have to worry about the insurance costs for some catastrophic accident.

There will be an amendment offered to add the NRC licensees, which are the commercial powerplant operators, to this Price-Anderson protection. I believe that will pass. I think most recognize that is going to be necessary.

There are 103 nuclear powerplants operating in the United States today, including 3 in my home State of Arizona. They supply almost a quarter of the power in the United States in a very environmentally safe manner—no emissions, no gases such as nitrogen oxide, sulfur dioxide, or other gases that threaten the environment. Nuclear energy, of course, is the most efficient. It costs 1.83 cents per kilowatt hour compared to 2.08 per kilowatt hour for coal-fired plants. We need to work to ensure that the nuclear provisions of the bill are modernized. We will have amendments to present to do that.

One of the most contentious parts of the bill relates to increasing our ability to generate oil and gas production in the United States so we do not have to rely so much on foreign sources of oil. This gets primarily into the question of whether we should be able to explore for oil in an area of Alaska that was set aside for that purpose by the U.S. Government some years ago, an area called the Arctic National Wildlife Refuge or ANWR.

The facts have gotten very confused by people who do not support this proposal. The area we are talking about is about the size of the State of South Carolina. But the amount of land that would actually be exposed to exploration is no larger than the footprint of an airport in most of our communities, including, if you want the exact acreage, Dulles Airport outside of Washington, DC, or Sky Harbor Airport in my home State of Arizona. Out of an area the size of South Carolina, we have an area the size of an airport in which the drilling would occur.

It is simply not possible to have the degradation of the environment that some claim with the modern technology that would be used to provide for this production and the small area and the environmentally friendly ways in which it would be done. The drilling pads are 80 percent smaller than they were a generation ago. You can literally get oil 6 miles away by drilling down 2 or 3 miles and drilling out 2 or 3 miles and in that way keep your footprint to a very small area.

The critics have said there is not very much oil, so it is not worth the effort. I will state how much: It is 600,000 barrels of oil per day, which is almost the same amount of oil we are importing from the country of Iraq. It is the supply of oil we get from the country of Iraq for 40 years. That is a lot of oil. If we get into a conflict with Iraq, we will wish we had an alternative source so we would not have to rely upon purchasing it from Iraq.

Suffice it to say, if we are going to be serious about increasing our energy production, we are going to have to be able to drill for oil in Alaska.

There is a provision of the bill dealing with CAFÉ standards, setting the miles per gallon that cars have to meet. While all Members are desirous of trying to improve the miles per gallon that our cars meet, the only way we have found to do that has, as a result, caused an increased number of automobile fatalities. The National Academy of Sciences, certainly an unbiased source, found that previous fuel economy measures likely resulted in 1,300 to 2,600 additional crash fatalities annually, which is the equivalent, according to the National Safety Council, of wiping out the recent hard-won gains of safety belt use, airbags, or drunk driving legislation.

The point is we have had a lot of people unnecessarily killed on our highways because we have had to make cars lighter in order to meet these CAFÉ standards. It seems to me we have to weigh the benefits that might be achieved—might be achieved—in terms of fuel savings on the one hand and the saving of lives that would be achieved on the other hand if we do not carelessly move forward with these CAFÉ standards.

Once again, we will have an amendment that will have to deal with that. I will have amendment also to deal with other subjects. There will be other amendments that will attempt to improve the underlying bill.

My bottom line is this. In this brief opening set of comments, I just want to make the point that the bill before us is not the bill that the President recommended. It is not the bill that I think could have come out of committee. It is a bill that requires a lot of work. It is going to take a lot of time. When we try to do the amending process on the floor of the Senate, we don't necessarily end up with the best of products—just because of the way we have to proceed. It is regrettable we have to do it that way, but since we are opened up to a series of amendments, then I think we will have to have the indulgence of everyone as we present and debate those amendments and hopefully get them passed.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING FORMER SENATOR HOWARD CANNON

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is a very sad day because Nevada lost one of its great citizens—Howard Cannon died today.

Howard Cannon served in the Senate for 24 years. He left the Senate in 1982. He was a wonderful man. I have great memories of him when I worked as a police officer, when I was going to law school. Howard Cannon had been a bar examiner before coming back here. He was a very fine lawyer, had a great legal mind. He tutored me, as busy as he was as a Senator, to help me pass the bar. I am always grateful for that. I am grateful for all he did for me as I moved up the political ladder to different offices.

I remember the first political office I ran for was the hospital board. His chief of staff, Jack Conlin, through Senator Cannon, gave me some money for this race. He was always very caring about me, and I cared a great deal about him. I do have, though, some satisfaction because just a couple of weeks ago, on his 90th birthday, I came to the Senate and talked about what a fine man he was, how much he had done for the State of Nevada. I talked to him that day on the telephone.

COMMEMORATING SENIOR AIRMAN JASON CUNNINGHAM

Mr. DOMENICI. Madam President, I rise today to commemorate a fallen hero from my home State of New Mexico—I see Senator BINGAMAN so I think it is appropriate to say "our home State"—Senior Airman Jason Cunningham. He lost his life this week while trying to save the life of another serviceman in eastern Afghanistan.

I express my heartfelt condolences to Jason's wife Theresa; his daughters, 2-year-old Hannah and 4-year-old Kyla; as well as his parents Larry and Jackie. I know I speak for all New Mexicans when I say how proud we are of your husband, father, and son, and that our thoughts and prayers are with you.

Jason was a member of the Air Force's elite pararescue team whose mission is to rescue downed pilots in hostile territory. He joined the 38th Rescue Squadron because it was his passion to save lives, and that is exactly what Jason and his comrades were doing this week when he came under heavy fire from the al-Qaida force.

During an attempt by our forces to land a reconnaissance team in a mountainous region known to be inhabited by al-Qaida and Taliban, one troop fell from a helicopter when it was hit by enemy fire. Later, it was Jason and his rescue team who bravely went into the area where the trooper and helicopter were down in an attempt to extricate him. A heavy fire-fight ensued and Jason and five other Americans lost their lives.

I know that words are of little consolation at such a difficult time for Jason's loved ones, but I want his family to know that all New Mexicans—this Senator, and I am certain my colleague, Senator BINGAMAN—mourn with them today. I am sure that for Jason's heroics his country will bestow upon him one of the most highly respected honors it can give, the Purple Heart. Such valor deserves no less.

The loss of such fine Americans as Jason in the war on terrorism can be heartrending, but as a nation we must honor the sacrifices of men and women like Airman Cunningham and remain steadfast in our resolve to protect our freedoms and liberty from terrorism.

President Bush has told us many times that this war would not be quick or easy, and it would be good to remember that, while we mourn the loss of a good man like Jason Cunningham.

I ask unanimous consent that a detailed statement surrounding the young man and his family headlined "New Mexican Dies Trying to Save Others" from the Albuquerque Journal, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NEW MEXICAN DIES TRYING TO SAVE OTHERS

(By Miguel Navrot)

Jason Cunningham was one of the best the Air Force had to offer.

Cunningham served as a pararescueman—trained to rescue downed pilots from the most hostile of enemy areas—in one of the military's elite teams, sometimes compared to the Navy SEALs.

Cunningham, who grew up in Carlsbad and Farmington and recently lived in Gallup, once considered becoming a SEAL as a Navy petty officer. He had passed the Navy's fitness test but decided to move to the Air Force.

"I didn't want to kill people," Cunningham told Airman magazine, an Air Force publication, in October 2000. "I wanted to save them."

Cunningham, 26, died trying to save another serviceman Monday. He was one of eight soldiers killed in renewed fighting in eastern Afghanistan.

The remains of seven of those servicemen arrived Tuesday at Ramstein Air Base, Germany.

Jason's parents, who live in Gallup, learned of their son's death Tuesday morning.

"We're very proud of our baby," Jackie Cunningham said of her son as she tried to hold back tears at a family news conference on the lawn outside their blue ranch-style home.

"Jason died doing what he liked to do, save lives," said his father, Larry "Red" Cunningham, choking on his words as he read a brief statement.

Since last summer, Cunningham, a senior airman, was stationed at Moody Air Force Base near Valdosta, Ga., with his wife, Theresa, and two daughters, 2-year-old Hannah and 4-year-old Kyla. He was deployed Feb. 1, his family said.

"We last heard from him on Saturday," the father said.

Cunningham was the middle child of the family. Standing next to his parents were his brother, Chris, 29, of Washington state, and his sister, Lori, of Farmington.

The family said memorial services will be in Georgia and in Carlsbad this week. A funeral and burial are planned for next week in Camarillo, Calif., where his wife is from.

Cunningham was born and raised in Carlsbad. The family moved to Farmington just before his high school years. After graduating from high school, Cunningham went into the Navy for four years before moving to the Air Force.

Cunningham began the Air Force's pararescue school, a grueling 21-month training program that few finish, about 2½ years ago.

Training for pararescuemen, or PJs, concludes at Kirtland Air Force Base. Cunningham graduated from the school on July 7, when he donned the group's maroon beret, Kirtland officials said.

He belonged to the 38th Rescue Squadron.

Tech. Sgt. Tim Donovan, a supervisor for air operations with the school at Kirtland, called Cunningham "kind of silly, kind of goofy," with a heart totally dedicated to the pararescue mission.

"He had several setbacks that he overcame and persevered through all the training," Donovan said. "He never quit. He was totally focused. . . .

"A lot of times you have kids who don't feel they have their hearts into it or they're just in it for the beret or they're doing it for something other than the motto (That Others May Live). That wasn't him at all."

Cunningham is the fourth pararescueman the Air Force has lost in the past three months. The Air Force has about 300 pararescuemen.

"They're a small, tight-knit community, and all of them will most assuredly feel the loss of one of their own and mourn his passing," Kirtland spokeswoman 2nd Lt. Kelley Jeter said Tuesday.

Theresa Cunningham spoke to her parents early Tuesday.

"She was hysterical. She talked to her mom and said, 'Jason is dead.' That's it," said her father, Lito D'Castro.

"He's a nice guy. He loves the service," D'Castro said from Camarillo.

D'Castro said the last time he saw Cunningham was when he visited Camarillo at Christmas-time.

Cunningham was one of seven Americans who died in the bloodiest operation of the war in Afghanistan. They were killed as troops were being taken into the battle area on two different missions, the Pentagon said Tuesday.

Early Monday, a two-helicopter team was ferrying in reconnaissance troops south of Gardez when one was hit by enemy fire, said Brig. Gen. John W. Rosa Jr., deputy director of operations for the Joint Chiefs of Staff.

One soldier fell from a helicopter and later died, Rosa told a Pentagon news conference.

Cunningham was killed during a subsequent rescue mission involving special forces on two helicopters. Once on the ground, those forces got into a firefight in which at least 11 were wounded and six died.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I join my colleague, Senator DOMENICI, in expressing condolences to the family of Jason Cunningham. I also read with great sadness the report of his death in Afghanistan. It was emphasized in the report which I read that he was part of this para-rescue team and that he had made a very conscious decision in choosing his career path in the military to be on a para-rescue team rather than on a different type of military team because he did want to commit his life to saving other people's lives. That is the exact activity he was engaged in in Afghanistan when he came under enemy fire and was killed in that combat.

This is a reminder to all who serve in the Senate, as well as, of course, to his family. It is an enormous responsibility we take on as a nation when we send our best young people into battle to do the work of this country, to put these men and women at risk, as has been the case in Afghanistan. It is an enormous undertaking. His sacrifice is the ultimate sacrifice and his family's sacrifice, as well. We join with them in mourning his death.

INTERNATIONAL CRIMINAL TRIBUNAL FOR RWANDA

Mr. FEINGOLD. Madam President, I rise today to voice my support for the International Criminal Tribunal for Rwanda which is the often-neglected sister court to the International Criminal Tribunal for the former Yugoslavia at the Hague. While the international media carries regular coverage of the Milosevic trial and the NATO efforts to arrest individuals wanted by the ICTY, much of the world, it seems, has forgotten about the ICTR. This week, as the UN's fifth committee considers the tribunal's budget, I want to make plain my continuing concerns about the tribunal, but I also want to be crystal clear about my continued support for its work.

In 1994, an unspeakable horror unfolded in the tiny central African site of Rwanda. Despite the initial references to "ancient tribal hatreds" at the source of violence, we now know that the genocide was not a series of spontaneous acts; it was not about crowds gone wild or tribal bloodlust. It was carefully planned and centrally directed. Extra machetes had been imported, militia groups were in place, and incitements to murder had become a regular element of programming on the hate-radio station. The planners targeted not only ethnic Tutsis, but also politically moderate Hutus who threatened their grip on power. We know today that individual people—leaders and planners—are responsible for the deaths of some 800,000 people, and that the blame for these atrocities cannot be heaped on some imagined cultural failing.

Two weeks ago, I had an opportunity to visit the International Criminal Tribunal for Rwanda in Arusha during a weeklong trip to Kenya, Tanzania, and Mozambique that I undertook in my capacity as Chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs. During my brief visit, I was able to meet with the Deputy Registrar, with Judge Navanetham Pillay, who is the President of the ICTR, and with some members of the Prosecutor's office. I was also able to sit in on one of the trials underway—that of Laurent Semanza, a former mayor of Bicumbi who is charged with several counts of genocide, conspiracy to commit genocide and crimes against humanity, including rape. I heard some of the wrenching testimony in that case, and was astounded at the strength of the tribunal officials, whose work requires them to confront the horrible facts of the Rwandan genocide every day of their work.

For many years, I have strongly supported accountability measures in cases where crimes against humanity have occurred, and I think that international support for such measures is particularly important in Africa, where too often the international community fails to respond to atrocities the way we would if such acts occurred in Europe or North America.

For this reason, I have been a supporter of the Special Court for Sierra Leone. I have long supported the ICTR. In the last Congress, I authored legislation that was signed into law that would extend the U.S. rewards program to allow our government to offer and pay rewards for information about individuals wanted by the tribunal. The reason that we did this is because this provision had already existed for the International Criminal Tribunal for the Former Yugoslavia—an example of how a double standard relating to the courts was at one time institutionalized in our government.

What had happened since the Arusha tribunal's inception is nothing short of groundbreaking. The ICTR was responsible for the very first international convictions for the crime of genocide.

Many people do not realize this, although the international community adopted the definition of the crime of genocide following the holocaust, it was the ICTR that launched the first successful investigation and prosecution for that crime. It was the first-ever international tribunal to convict an individual of rape as a crime against humanity and to rule that rape can be a crime of genocide. The Tribunal was the first such institution to actually convict a national leader, the former Prime Minister of Rwanda, of genocide. The court has established principles of international law that will be studied in law schools around the world for generations to come.

And more importantly, it is establishing, in the minds of African leaders and African elites and African societies, the possibility that those responsible for crimes against humanity may one day be held accountable for their actions. In central Africa in particular, this goal is essential to ending the culture of impunity for gross violations of human rights, whether they occur in Rwanda or Burundi or eastern Congo. The people who have been laboring in Arusha to hold those most responsible for the genocide and for crimes against humanity in Rwanda in 1994 deserve recognition, and respect, and support.

Now, there are a number of steps that the international community can take to help this worthy effort. First, we can ensure that the prosecutor's office is adequately staffed. It is almost appalling that the post of Deputy Prosecutor has been vacant since the middle of last year. I was informed that vacancies exist throughout the office. The UN has to speed up its recruitment process, priortizing the expeditious placement of competent applicants in important jobs, rather than starving the court of staff for the overriding goal of even geographic distribution of personnel. UN member states must also help to address another problem—that of sentence enforcement. Currently, few of the African countries willing to house persons convicted by the ICTR in their jails can meet international standards for prison conditions. Of course I am not suggesting that the international community refurbish the prisons of an entire continent. But I am suggesting that perhaps there are small and reasonable steps that we can take to help.

And the US and the rest of the international community I think should support the tribunal's request for ad litum judges. They have already supported a similar request for the ICTY for the former Yugoslavia. All observers have been concerned about the pace of the tribunal. It makes sense to provide it with the capacity to move more quickly through its work.

Mr. President, must has been made in recent days of the Administration's decision to publicly push for the ICTR and ICTY to finish their work in the next few years. And the need to wrap-up the Tribunal's work is not in dispute—in my meetings with Tribunal officials, no one suggested that the Tribunal should not aim to finish its work by 2008. This consensus, however, does not change the fact that much important still remains to be done, and the tribunals will need continued support to complete it.

Some have also suggested that the existence of tribunals has given the international community a rationale for neglecting developing of indigenous justice systems in countries subject to the tribunals. And I agree that this is a pitfall that must be avoided, and I strongly support efforts to strengthen the capacity and independence of the judiciary in countries that have suffered from wide-scale human rights violations. Last week, Ambassador-at-Large for War Crimes Pierre Prosper told the House International Relations Committee that "the United States stands prepared to assist the states in rebuilding their shattered judicial systems to make them capable of dispensing truth-based justice and establishing systematic respect for the rule of law." I certainly hope he is right, because this is an indispensable element in the global effort to bring some stability to the heart of Africa. But I am not yet convinced that our actions will match this rhetoric, and I am specifically concerned that no funding is being requested in 2003 for the Great Lakes Justice Initiative. And while I am encouraged by the Rwandan Government's efforts to address the massive backlog of genocide-related cases through a system of community courts known as gacaca and believe that the international community should help the government in Kigali to ensure the integrity and efficacy of this effort, I also respect the Rwandan's decision not to attempt to try those most responsible for the genocide—known as Category One suspects—in these untested courts in which judges have very little training and where only limited safeguards exist for victims and for the accused.

Madam President, it is important to acknowledge that much of the criticism that has been leveled at the tribunal is fair, and it reflects real, and in some cases ongoing problems with the ICTR. Too often in the past, allegations of waste and mismanagement proved to be accurate, and the tribunal must exercise constant vigilance to fight corruption and abuse. Decisive steps must be taken to address the issue of fee-splitting between those on trial and defense counsel. I was pleased to learn about some of the efforts currently underway during my visit. I have raised these issues with the Chief Prosecutor, I have raised them with U.N. officials in New York, I raised them in Arusha, and I will continue to raise them. And overall, the tribunal simply has to pick up the pace of its work. I believe that this, too, is being addressed. During my visit there were three cases being heard simultaneously. And as I have mention, providing additional judges to the ICTR will help to address this problem.

Madam President, because this tribunal is so important, the international community must keep working to get it right. The ICTR still has a great deal of work to do, and the international community, including the United States, must ensure that they are operating with all the necessary support, and operating under clear demands for accountability and integrity. These two initiatives—supporting the court and demanding an end to corruption and waste—are not contradictory, they are complementary. I urge my colleagues and the administration to pursue both with equal vigor.

The PRESIDING OFFICER. The Senator from Nevada.

TRIBUTE TO PFC MATTHEW COMMONS

Mr. ENSIGN. Madam President, I rise to speak of a brave young Nevadan, PFC Matthew Commons, who was killed in combat in Afghanistan. I am humbled and grateful that he was willing to make the ultimate sacrifice to preserve our freedom.

For he is one of the noble soldiers of whom Thomas Jefferson spoke when he warned that "the tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants."

In doing his duty for God and country, he gave up all so that we could grow and thrive and learn and love in the greatest Nation in the world.

He is our fallen hero. A grateful Nation should never forget, he had family, friends, and plans for the future. He was just 21 years of age, old enough to dedicate his life to protecting our country, but too young to have a family of his own.

His mother told me that one of the hardest burdens she now has to bear is the knowledge she will never get to hold Matthew's children.

Matthew was an all-American kid, growing up in Boulder City. He ran track and played soccer at Boulder City High. He was elected secretary of his senior class.

On September 11, al-Qaida terrorists attacked the United States.

On March 4, Matthew Commons sought to make sure that would never happen again.

He died to make sure that no American was left behind at the mercy of al-Qaida. His mission was a success. And his fellow soldiers endured heavy fire so that he, too, ultimately would come home from the front.

In fighting for our Nation, he ensured that we would be free.

In dying, he left in his wake the grief of those who knew and loved him, including his mother, Patricia Marek and his father, Greg Commons.

God bless you, Matthew Commons.

And God bless America.

Would the senior Senator from Nevada like to make some comments?

The PRESIDING OFFICER. The senior Senator from Nevada.

Mr. REID. Madam President, I certainly applaud my colleague from Nevada for making his heart-felt statement. I am not much for calling people when there is a tragedy. I tend to write letters. It is difficult for me to speak to people upon the loss of a loved one because it brings back memories of those loved ones of mine I have lost. So I normally just write a letter.

But I thought it was appropriate yesterday, when I learned about the death of Matthew, that I call and speak to the parents; and I did that. Certainly, it was not a pleasant call in the sense that you call and talk to grieving parents, but it was a call I will never forget.

His mother asked me if I would write her a letter. I said I would be happy to. She said: The reason I want the letter is because I will have that to refer to. I will not have my son anymore. And she broke down and cried a little bit about that.

As I just indicated, I talked to his mom, Patricia, who lives in Las Vegas. I also talked to his dad, Gregory. Gregory, as do most fathers, put up a very brave front during the first part of our conversation. Like all dads, toward the end of it, his emotions got the best of him. He shed a few tears, I know. I could tell by his voice that he was crying on the other end of the line.

I talked to him about Matthew's brothers. Matthew had three brothers. Matthew was the oldest. And his dad said: Matthew always looked out for his brothers, that if anyone tried, in any way, to get the better of his little brothers, he was always standing there making sure that they did not.

And I said to Mr. Commons: You have to explain to your sons that they have a great example to live up to because their brother gave his life for our country.

So I was saddened to see that one of those who died was from Bolder City, NV. As indicated in the Washington paper today, in their comments about his death, Matthew was the youngest of those who were killed, but the parents and the wives of the other men who were killed are grieving just as Matthew's parents, no matter where they live in this great country of ours.

But I do say that as a result of the courageous act of Matthew, who was actually going to the aid of one of his comrades, we are going to win the war on terrorism—because there are people all over America today like Matthew Commons willing to give their lives for their country.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2002

Mr. ENZI. Madam President, I rise today to join my colleagues in introducing the Genetic Information Nondiscrimination Act of 2002. I am particularly grateful to Senators SNOWE, JEFFORDS, FRIST and GREGG for their leadership on the extremely important policy matter of protecting individuals from genetic discrimination.

This bill would effectively and fairly protect against genetic discrimination in health insurance and employment. The group of members assembled to introduce this bill is bipartisan. We all worked together in the past on a bill that dealt strictly with genetic discrimination in health insurance, and today are introducing a bill that includes a new title to also protect individuals from genetic discrimination in employment. During the last Congress, our bill dealing with health insurance discrimination passed the Senate three times. I hope this new bill just has to pass once before the President can sign it into law.

As I have previously stated, I believe there is unanimous support for enacting legislation which prohibits discrimination in both health insurance and employment. The promise that genetic information holds for revolutionary advances in the diagnosis and treatment of diseases such as cancer, Parkinson's disease, heart disease and diabetes should not be hindered by fears about the discriminatory use of this information.

As a result of a lot of hard work and a hearing held by Chairman KENNEDY on February 13, 2002, we are able to introduce a bill today that reflects the cutting edge knowledge about genetic science and also reflects the current regulatory state with respect to medical records privacy. Both the original Snowe bill and the alternative Daschle bill were drafted years ago. The Human Genome has since been mapped. Comprehensive medical records privacy regulations, which will cover genetic information, have since been promulgated. And, the Equal Employment Opportunity Commission, EEOC, has since stated the need to expressly protect individuals from employment discrimination based on genetic information.

In other words, this bill provides the most informed policy to meet the goal of protecting individuals from discrimination without denying the promise of genetic science. Here are just a few examples of how our bill has been improved.

First, the definition of genetic information correctly reflects the science of genetics as the best minds know it today, not 4 years ago. Secondly, the medical records privacy regulation called for under the Kennedy-Kassebaum Health Insurance Portability and Accountability Act of 1996, HIPAA, is nearly final. The Kennedy-Kassebaum law clearly intended that genetic information be considered medical information, and, therefore, should be equally protected under the same privacy standards. The Snowe bill we're introducing today codifies that intent.

The President has also called upon Congress to pass legislation prohibiting discrimination on the basis of genetic information that is fair, reasonable and consistent with existing discrimination statutes when it comes to protecting individuals against employment discrimination. Consistency is mandated to protect the rights of employees and employers alike. Consistency is mandated to protect the carefully designed process for enforcing and redressing employment civil rights legislation.

Therefore, I believe that federal legislation prohibiting employment discrimination based on genetic information must not deviate from other employment discrimination laws, namely Title VII of the Civil Rights Act of 1964 and the Americans with Disabilities Act, with regard to enforcement and remedies.

Furthermore, we cannot enact new employment discrimination legislation without examining its interaction with existing laws. We must be careful to avoid enacting legislation that places employers between a rock and a hard place. That is, in order to comply with one law, an employer violates another. For example, an employer should not be placed in the impossible position of violating genetic discrimination legislation by virtue of its requirement to comply with the ADA or Family and Medical Leave Act. Nor should employers be held to conflicting standards governing the disclosure of genetic information.

Let me briefly address the issue of enforcement of employment discrimination claims on the basis of genetic information. Under Title VII and the ADA, Congress gave the Equal Employment Opportunity Commission the role of investigating and enforcing complaints of violations of these laws. Under both of these laws, a claimant must first file a complaint with the EEOC before being able to file a private suit in court.

The EEOC plays a critical role in the compliance with and enforcement of employment nondiscrimination laws. The EEOC's mediation activities also serve to expedite resolution of employment cases and reduce the backlog of such cases in our courts.

Federal legislation on genetic nondiscrimination that would allow a claimant to bypass the vital role that the EEOC plays undermines the efficacy of such legislation. Furthermore, what is the justification for allowing an individual claiming genetic discrimination to circumvent the complaint process that claimants of other basis of employment discrimination must follow?

With regard to remedies for employment discrimination based on genetic information, federal legislation should not disregard the remedy structure of other employment discrimination laws. The Civil Rights Act of 1991, which applies to remedies available under Title VII and the ADA, places a cap on consequential and punitive damages that is progressive with the size of the employer.

I cannot see the justification for allowing unlimited damages for employment discrimination based on genetic information. Why should someone claiming genetic discrimination, but who is asymptomatic, be able to recover greater damages than someone who is actually disabled in the present or who is a claimant of race discrimination? We must guard against enacting legislation that, in an effort to protect individuals who have been subjected to one type of discrimination, creates inequities for individuals who have been subjected to another type. Unfortunately, I read the alternative bill sponsored by Sen. DASCHLE to create just such an inequity.

The issue of confidentiality of genetic information in the employment context in relation to existing privacy laws might seem very complex. However, I think that the issue is not as complex as we make it out to be. First and foremost, an employer should not be held to conflicting legal requirements regarding the confidentiality of such information.

The HIPAA medical records privacy regulation I mentioned before governs the disclosure of all medical information, including genetic information, by health plans, health care clearinghouses and certain health care providers. Therefore, an employer who is acting in its capacity as a group health plan will be subject to the HIPAA privacy regulation. Federal legislation that prohibits discrimination in health insurance and employment on the basis of genetic information should not create confidentiality requirements for employers acting as group health plans that conflict with the privacy regulation. Again, Sen. Daschle's bill would create this kind of conflict.

On a subject as important as the use and disclosure of genetic information, we must understand and build from existing federal laws and regulations. With this foundation and the benefit of today's understanding of genetic science, I look forward to passing legislation to prohibit discrimination in health insurance and employment of the basis of genetic information.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred January 30, 1993 in Wilmington, NC. A gay man was dragged from a bar and beaten. The assailants, Colin C. Hunt, 20, Patric G. Gardone, 23, and Walter G. Watkins, 26, were charged with four counts of assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

TRIBUTE TO GENERAL WILLIAM H. FAIRBROTHER.

• Mr. MCCAIN. Mr. President, I rise today to honor a great American patriot, Brigadier General William H. Fairbrother, USAF, Ret. General Fairbrother passed away on January 27th at Air Force Village II in San Antonio. My deepest sympathies go out to his wife, Patricia, and his daughters, Bonnie and Nancy.

William Herman Fairbrother was born in Endicott, NY, on March 28, 1923, the son of Lieutenant Herman and Caroline Fairbrother. He grew up on a variety of Infantry Posts, to include the Panama Canal Zone and Manila, Philippine Islands. Bill entered the United States Military Academy at West Point on a Congressional appointment from the 34th District of New York. When he arrived at West Point he knew the prepared sling, the hasty sling, and had qualified with the 30-caliber water-cooled machine gun which made it easy to shoot expert with the M1 Garand plebe year. Academics, however, were something else. With the help of "Sully's Cram School" in Washington, DC the previous year he did fairly well in the first half year. But after that it was a continuing struggle to stay proficient. Because of many moves, high school had been rushed and spotty, and four years of Academy study being rushed into three because of World War II made the task even harder. On the other hand, flying, which was his first love went smoothly. Primary flight training in Texas and then Basic and Advanced at Stewart during the three years went without problems. It was during the Plebe year that he picked up the nickname "Fair-B" in keeping with the academy tradition to reduce the spoken word to its simplest form.

Fair-B graduated with the class of 1944, the D-Day class, albeit rather far down the list. On the very next day, in the Cadet Chapel, he married his childhood sweetheart, Patricia Ross of Kenmore, New York and they lived happily ever after. P–40 and P–47 training, together with those of the class selected for the Fighter business, followed with time at many different bases, as the Service endeavored to cram as much military experience into the class as they could before sending them overseas. Shortly thereafter it was off to Ie Shima Flying P–47's against the Japanese. After the war the unit moved over to Okinawa and Patricia joined him there in 1946. They, along with many other pioneer souls, set up housekeeping in a Quonset hut. , Bonnie, his first daughter, was born in Okinawa in 1947. In December 1947, Fair-B brought the family back to the U.S. to Selfridge, Michigan. The duty was with the 56th Fighter Group flying F–80's and F–86's, where he was squadron adjutant and group adjutant. It was during this time, in 1948, that his second daughter, Nancy, was born. In 1951 it was off to Minneapolis in the Air Defense Control Center business. There he was assigned as an aircraft controller and control center chief with the 31st Air Division. Flying time was cadged from the local guard squadron, which was equipped with P–51s. Then in 1953 cold weather assignments continued, this time to Rapid City, South Dakota and the 54th Fighter Interceptor Squadron at Ellsworth Air Force Base. This was probably the happiest assignment in his career, with over two years of the time there being in command of the squadron. Initially, the airplanes were P–51s, then F84Gs and finally F-86Ds. He had always said that next to being a Captain and Fighter Squadron Flight commander, the position of Fighter Squadron Commander was the best job in the Air Force.

Exchange duty with the Royal Air Force at RAF Manby, England followed in June of 1956. The assignment was attendance at the RAF Flying College. The family thoroughly enjoyed this short tour living in the small East Anglia town of Sutton-on-Sea, going to English Schools, learning the language, dealing with pounds, schillings and pence, and driving on the left side of the road. Fair-B accumulated a respectable amount of time in British Aircraft to include the Gloster Meteor, Hawker Hunter and British Electric Canberra. In January 1957 the family arrived in Rabat Morocco. The assignment here was Chief, Combat Operations in the 316th Air Division. Further broadening and true sophistication took place during this time. Not only was the Division partially manned with French Air Force personnel but also, the family lived in a French villa. In addition, flights with the family on military aircraft up to the European continent were allowed once a year.

They took full advantage of this privilege and managed to visit Spain, Portugal, Italy, France, Germany and Switzerland during their Moroccan stay. The Division Fighter Squadrons were equipped with F–86D and F–100 aircraft so Fair-B was able to keep his hand in flying. There were many trips to Wheelus Air Force Base in Tripoli, Libya, where the squadrons went TDY for gunnery and rocketry training.

The three and a half years in North Africa went by quickly, and the return to the US happened in June 1960 with attendance at the Air War College. Following graduation from the Air War College he spent a long five years in the Pentagon, first on the Air Staff in War Plans and then as Executive Assistant in the Office of the Air Force Chief of Staff. One year with Curtis LeMay and one year with John McConnell provided rare and valuable staff experience.

After the fast pace of the Washington area, duty on the CINCPAC staff in Hawaii, starting in 1966, seemed slow indeed. Here Fair-B served on the staff of the Commander in Chief, Pacific, at Camp Smith. Not only did they take off for the weekends, but Wednesday afternoons as well. The duty was good, with many evaluation trips to the MAAG supported countries in the Far East. This, together with quarters on Hickam, and the benevolent Hawaiian weather made for a delightful tour.

Patricia stayed in Hawaii when Fair-B went to the Republic of Vietnam to join the 14th Special Operations Wing. As Vice Commander and then Commander he was kept busy monitoring the varied activities of the Wing, which were performed from nine separate bases. The little command O–2 aircraft spent a lot of time touring the country. In addition to the clandestine operations, the Wing had the AC–47 and AC–119 gunships, the psychological warfare business with O–2s and C–47s and the only armed helicopter squadron in the Air Force, flying UH–1Ns. He served the Wing from September 1969, to September 1970.

After Vietnam the next assignment as Deputy Chief of Staff at Headquarters Air Force Logistics Command at Wright-Patterson Air Force Base, Ohio with the job of DCS Distribution. The assignment was not awarded because of any logistics experience buy mainly because the boss man wanted some operational talent on the staff. The job was fascinating and of enormous scope. Fair-B jumped in with his typical enthusiasm and his performance helped in getting him promoted to Brigadier General on April 1, 1972. Separation from the Air Force came in 1974 with Fair-B being allowed to keep the wife and kids and the Air Force keeping the airplanes. His decorations and awards include the Legion of Merit (2), Distinguished Flying Cross (2) with oak leaf cluster, Air Medal (3) with two oak leaf clusters and the Meritorious Service Medal. He was a command pilot.

Fair-B and Patricia, hand-in hand then returned to Hawaii, their choice of all the places they had tried throughout the years. They moved into an apartment on Waikiki beach and then took the time to read what there wasn't time for before and work on the projects that had long ago been put aside. Other activities during this eight-year idyll included working with the House Republican Whip in the Hawaii State Legislature, activities with the Retiree Affairs Council at Hickam and work with the Oahu Chapter of the Air Force Association. 1982 found them in San Antonio, Texas, and in 1987 they made their next-to-the-last move into a cottage at Air Force Village II. Fair-B served three years as a Trustee on the Board of the Air Force Village Foundation, and over three years as a Director on the Air Force Village II Board of Directors.

Fair-B is survived by his wife of 57 years Patricia; daughters and sons-in-law Bonnie and Jerold Kreidler, Nancy and James Councilor and granddaughters Katherine and Patricia Councilor.

While it can be said he never single handedly moved the world around, Fair-B certainly participated in many worthwhile events that did. As a result, those who knew him, well can look back over his busy years and say, "Not too shabby, old son, not too shabby." •

IN APPRECIATION FOR MAJOR GENERAL PHILIP G. KILLEY

• Mr. JOHNSON. Madam President, today I express appreciation for the work that Major General Philip G. Killey has done as the Adjutant General for the South Dakota National Guard. Today, General Killey and other members of the National Guard come up to the Capitol for their annual trip to Washington, and I wanted to take this time to thank the general for the terrific leadership he has provided to the Guard over the past four years.

General Killey reports that South Dakota has continued its high rankings in terms of readiness of its Guard and Reserve units. South Dakota's units are also tops in the Nation in the quality of its new recruits. I commend the South Dakota Guard for its continued excellence, and General Killey for his leadership, which has led to the maintenance of this high standard. National rankings only confirm the quality that has come to be expected of the Guard and Reserve of a great State.

Most South Dakotans know at least one of the 4,500 current members of the South Dakota Guard and Reserves or the thousands of former Guardsmen and Reservists. Sometimes, the connection is even more direct. Before joining the Army, my oldest son Brooks was a member of the South Dakota Army Guard in Yankton.

Almost every community in my State benefits from the work of these Guardsmen. Following the tragedies of September 11, Guardsmen were called to assist in the campaign against terrorism and have performed security duties at airports around the state. From Aberdeen to Yankton, the Guard and Reserves are active members of the South Dakota community.

In addition to the support the Guard and Reserves give to South Dakota, they have also supported overseas operations including those in Central America, the Middle East, Europe, and Asia. The South Dakota Air Guard performed admirably in their deployment to the "no-fly zone" over Iraq late last year.

These latest activities, and the professionalism that our South Dakota Guardsmen have shown, are a testimony to the leadership of General Killey. Before becoming the Adjutant General in 1998, General Killey served with distinction in both the active duty Air Force and in the South Dakota National Guard.

General Killey received his commission in 1963 through Officer Training School, at Lackland AFB in Texas. He served a tour in Southeast Asia in 1967–1968 flying the F–4 with the 8th Tactical Fighter Wing at Ubon Royal Thai Air Force Base, Thailand. He left active duty in 1969 and joined the Air National Guard in 1970. He held various positions with the South Dakota Air National Guard before becoming the Adjutant General. He was recalled to active duty as director of the Air National Guard from 1988 until 1994. General Killey was the first Guardsman to serve as commander, 1st Air Force, Air Combat Command, and Continental United States North American Aerospace Defense Command Region, Tyndall Air Force Base, Florida from 1994 until 1998.

I commend General Killey for his many years of service, and thank him for all that he has done for this nation and for our great state of South Dakota.•

TRIBUTE TO COLONEL EDWARD D. BISHOP

• Mr. SESSIONS. Madam President, it has come to my attention that Colonel Edward D. Bishop is retiring after 30 years of exemplary active military service in the United States Army. He served his country with dignity, honor, courage and integrity.

Colonel Bishop is concluding his career as the Chief, Congressional Affairs, U.S. Army Materiel Command, AMC, from August 2000 to May 2002. The Colonel's extraordinary insight into congressional affairs has greatly assisted the United States Army Materiel Command with the tough before the United States Congress. AMC is the one place in the Army where technology, acquisition, and logistics are integrated to assure Army readiness. Colonel Bishop as the Chief, Congressional Affairs, AMC was able to work the hard issues for the Army in order for AMC to continue to sustain the nation's defense industrial base.

Ed Bishop is a world-class logistician who served our nation in numerous logistical assignments throughout his career. From January 1996 to August 2000, he was assigned as the Director of the United States Central Command, CENTCOM, Liaison Office. He was the commands representative to the Office of the Secretary of Defense, the Joint Staff, the Service Staffs, Congress, and numerous Federal Agencies on political-military, operational, and logistics issues affecting 25 countries in Southwest Asia, Central Asia, and Horn of Africa.

Ed's other assignments included Division Chief in the Joint Logistics and Security Assistance Directorate from June 1993 to January 1996. During this period, he negotiated host nation support agreements with selected Gulf countries, monitored the readiness of prepositioned materiel, and provided interface with CENTCOM and the Joint Staff Crisis Action Team. Prior to this period, Col. Bishop was assigned to U.S. Forces Command and Joint Task Force, Somalia.

Colonel Bishop is a native of the great state of Alabama and a distinguished graduate of Jacksonville State University, Jacksonville, Alabama in 1972, and commissioned as a Second Lieutenant of Infantry. Later, he earned a Master of Business Administration, MBA, in Business Administration in 1982, from Florida Institute of Technology, and is a graduate of the Industrial College of Armed Forces at Fort McNair, Washington, D.C.

Colonel Bishop's military decorations include the Defense Superior Service Medal, Army Meritorious Service Medal with five oak leaf clusters, a Joint Service Commendation Medal, Army Commendation Medal with three oak leaf clusters, the Army Achievement Medal, the United Nations Service Medal, and the Army Humanitarian Service Medal. Throughout his career, Colonel Bishop has brought astute judgment, bold recommendations and selfless service to our Army.

Mr. President, Colonel Bishop deserves the thanks and praise of the nation that he faithfully served for so long. I know the Members of the Senate will join me in wishing him, his wife, Linda, two sons, Ryan and Troy, their daughter-in-law Sonya, and their lovely grandson Dylan, all the best in the years ahead.●

TRIBUTE TO ROBERT HODGES, THE OLDEST AMERICAN VETERAN

● Mr. EDWARDS. Madam President, today I pay tribute to an incredible North Carolinian, Mr. Robert Hodges.

On Friday, the Department of Veterans Affairs will host a ceremony in Pamlico County and officially recognize Mr. Hodges as the oldest American veteran. According to VA records, Mr. Hodges celebrated his 111th birthday last June. But if you ask Mr. Hodges, he'll tell you he is actually 114 years old.

As remarkable as his age is, it's not how long he's lived, but how he has lived those 111 or 114 years that is so inspiring.

Mr. Hodges is truly an example of living history. His life has been touched by almost every struggle this nation has endured. He was born in 1888, the same year Benjamin Harrison was elected President. His father, a runaway slave who lived to be 112 years old, often told him stories of the Civil War. He grew up on a former plantation in Beaufort County. He was never offered the chance for a formal education, so he helped his mother and father raise corn, cotton and peanuts on land that just decades before had been tended by slaves.

Shortly after America entered World War I, Mr. Hodges volunteered to serve his country. Mr. Hodges was one of nearly 20,000 African-American soldiers from North Carolina, men dedicated to protecting a nation that treated them as second-class citizens at best. Military life offered no escape from the racism and segregation of civilian life, but Mr. Hodges didn't let that deter him. He served his country with distinction as a medical corpsman, ordnance technician and supplymaster. Mr. Hodges even became friends with General John "Black Jack" Pershing, commander of the U.S. Allied Expeditionary Force.

Following his service, he returned home to his mother and father's farm. He married Malinda, and despite the economic hard times, the two eventually saved enough money to buy their own land and build a home in Stonewall. He and Malinda had eight children. Sadly, after more than 50 years of marriage, Malinda died in 1997.

Time has not touched his incredible spirit. In fact, if you ask him to, he can still describe his feelings at the moment he heard an orderly shout to the front lines "The war is over!"

Several years ago, a reporter covering a Veteran's Day celebration in Stonewall asked Mr. Hodges why it was so important for him to tell his story. Mr. Hodges replied because "so many people . . . didn't get to come home."

Mr. Hodges' story is remarkable. He overcame discrimination and prejudice and served his country with honor. He raised a loving family and has become a pillar of his church and community. I am proud to help tell his story of service and patriotism today, and I'm certain it will serve as an inspiration to all of us.●

CONGRATULATIONS TO ULUS JOHNSON OF SYMSONIA, KENTUCKY

● Mr. BUNNING. Madam President, today I congratulate Ulus Johnson of Symsonia, KY on being named by the Benton Kiwanis Club this year's Grand Marshal of events for the annual Tater Day Parade.

Mr. Johnson, who was with the Navy Seabees during WWII and served 28 months in the South Pacific, is believed to be the first non-Marshall Countian ever to be named Grand Marshal in he Parade's 159 years of existence. Like Mr. Johnson, Tater Day has survived the various twists and turns of history. During the 1950s and 1960s, many believed the parade was on the brink of being canceled. But with the help of friends, Ulus Johnson was able to revive the tradition of Tater Day for future generations.

Tater Day has its origins on the first Monday in April because this day also happened to be County Court Day and a good time for farmers to gather from across Kentucky in Benton to stock up on supplies, including sweet potatoes, for the upcoming planting season. They could also visit with neighbors, swap horses, dogs, knives and more than a few quality stories and tales. Johnson vividly remembers pretending to be ill on this day as a young boy so that he could miss school and attend the events of Tater Day. For many years, Johnson even drove his stagecoach to the parade for the sake of tradition, but now this item stands in a glassed-in enclosure at the rear of his home, where school children often come to learn about modes of transportation from the past. Ulus Johnson has been a vital figure for the Tater Day Parade almost his entire life and will certainly do a great job carrying on its tradition and legacy.

I once again congratulate Mr. Johnson for this honor and wish him and the rest of the participants a glorious Tater Day.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 5, 2002, during the adjournment of the Senate, received the following message from the President of the United States, together with the accompanying reports, which was referred as indicated:

PM-72. A message from the President of the United States, received during adjournment, transmitting, pursuant to law, a report to facilitate positive adjustment to competition from imports of certain steel products; to the Committee on Finance.

To the Congress of the United States:

In accordance with section 203(b) of the Trade Act of 1974, as amended (the "Act"), I hereby transmit documents to the Congress that describe the safeguard action that I have proclaimed on imports of certain steel products, pursuant to the authority vested in me by section 203(a)(1) of the Act and as President of the United States, and the reasons for taking that action.

George W. Bush.

The White House, *March 5, 2002.*

MESSAGES FROM THE HOUSE

At 10:49 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building."

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon.

H. Con. Res. 305. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

The message further announced that pursuant to section 2(a) of the National Cultural Center Act (20 U.S.C. 76h(a)), amended by Public Law 107–117, the Speaker appoints the following Members of the House of Representatives to the Board of Trustees of the John F. Kennedy Center for the Performing Arts: Ms. Pryce of Ohio and Mr. Kennedy of Rhode Island.

At 10:55 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendments of the Senate to the bill (H.R. 622) to amend the Internal Revenue Code 1986 to expand the adoption credit, and for other purposes, with amendments to Senate amendments pursuant to House Resolution 347, in which it requests the concurrence of the Senate.

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on today March 6, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the House has passed the following bill, without amendment:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

ENROLLED BILL SIGNED

At 6:03 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks announced that the Speaker has signed the following enrolled bill:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3789. An act to designate the facility of the United States Postal Service located at 2829 Commercial Way in Rock Springs, Wyoming, as the "Teno Roncalio Post Office Building"; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 338. Concurrent resolution authorizing the printing as a House document of a collection of memorial tributes made in honor of the late Gerald Solomon; to the Committee on Rules and Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. MURRAY (for herself, Mrs. Boxer, Ms. Cantwell, and Mr. Corzine):

S. 1990. A bill to establish a public education awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOLLINGS (for himself, Mr. Biden, Mr. Breaux, Mr. Carper, Mr. Cleland, Mrs. Clinton, Mr. Corzine, Mr. Durbin, Mrs. Hutchison, Mr. Jeffords, Mr. Kennedy, Mr. Kerry, Mr. Leahy, Ms. Mikulski, Mr. Rockefeller, Mr. Schumer, Mr. Stevens, Mr. Torricelli, Mr. Reid, and Mrs. Feinstein):

S. 1991. To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mr. Bingaman, Mr. Corzine , Mrs. Boxer, Mr. Daschle, Mr. Harkin, Ms. Mikulski, Mr. Reed, Mrs. Clinton, and Mr. Durbin):

S. 1992. A bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CARNAHAN:

S. 1993. A bill to authorize a military construction project for the construction of a Weapons of Mass Destruction Responder Training Facility at Fort Leonard Wood, Missouri; to the Committee on Armed Services.

By Mr. KERRY (for himself and Mr. Bond):

S. 1994. A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Ms. SNOWE (for herself, Mr. Frist, Mr. Jeffords, Mr. Enzi, Ms. Collins, Mr. Hagel, Mr. DeWine, and Mr. Gregg):

S. 1995. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself, Mr. Lott, Mr. Reid, and Mr. Ensign):

S. Res. 217. A resolution relative to the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada; considered and agreed to.

ADDITIONAL COSPONSORS

S. 540

At the request of Mr. DeWine, the name of the Senator from Indiana (Mr. Bayh) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 813

At the request of Mr. Santorum, the name of the Senator from New Jersey (Mr. Torricelli) was added as a cosponsor of S. 813, a bill to amend title XVIII of the Social Security Act to increase payments under the medicare program to Puerto Rico hospitals.

S. 999

At the request of Mr. Bingaman, the name of the Senator from Arkansas

(Mr. HUTCHINSON) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1007

At the request of Mr. REID, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1007, a bill to amend the Internal Revenue Code of 1986 to treat gold, silver, and platinum, in either coin or bar form, in the same manner as stocks and bonds for purposes of the maximum capital gains rate for individuals.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1062, a bill to amend the Public Health Service Act to promote organ donation and facilitate interstate linkage and 24-hour access to State donor registries, and for other purposes.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1286

At the request of Mrs. CARNAHAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1286, a bill to provide for greater access to child care services for Federal employees.

S. 1335

At the request of Mr. KENNEDY, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 1335, a bill to support business incubation in academic settings.

S. 1394

At the request of Mr. ENSIGN, the names of the Senator from North Carolina (Mr. HELMS), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1607

At the request of Mr. ROCKEFELLER, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1607, a bill to amend title XVIII of the Social Security Act to provide coverage of remote monitoring services under the medicare program.

S. 1739

At the request of Mr. CLELAND, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1739, a bill to authorize grants to improve security on over-the-road buses.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Utah (Mr. BENNETT) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Vermont (Mr. JEFFORDS), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from North Carolina (Mr. EDWARDS), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. RES. 215

At the request of Mr. CLELAND, the names of the Senator from New Mexico (Mr. BINGAMAN), the Senator from Alaska (Mr. STEVENS), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Louisiana (Mr. BREAUX), and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. Res. 215, a resolution designating the week beginning March 17, 2002, as "National Safe Place Week."

At the request of Mr. CRAIG, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. Res. 215, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. MURRAY (for herself, Mrs. BOXER, Ms. CANTWELL, and Mr. CORZINE):

S. 1990. A bill to establish a public education awareness program relating to emergency contraception; to the Committee on Health, Education, Labor, and Pensions.

Mrs. MURRAY. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1990

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Emergency Contraception Education Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) each year, 3,000,000 pregnancies, or one half of all pregnancies, in the United States are unintended, and half of all of these unintended pregnancies end in abortion;

(2) the Food and Drug Administration has declared emergency contraception to be safe and effective in preventing unintended pregnancy, reducing the risk by as much as 89 percent;

(3) the most commonly used forms of emergency contraception are regimens of ordinary birth control pills taken within 72 hours of unprotected intercourse or contraceptive failure;

(4) emergency contraception, also known as post-coital contraception, is a responsible means of preventing pregnancy that works like other hormonal contraception to delay ovulation, prevent fertilization or prevent implantation;

(5) emergency contraception does not cause abortion and will not affect an established pregnancy;

(6) it is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion;

(7) emergency contraceptive use is the United States remains low, and 9 in 10 women of reproductive age remain unaware of the method;

(8) although the American College of Obstetricians and Gynecologists recommends that doctors routinely offer women of reproductive age a prescription for emergency contraceptive pills during their annual visit, only 1 in 5 ob/gyns routinely discuss emergency contraception with their patients, suggesting the need for greater provider and patient education;

(9) in light of their safety and efficacy, both the American Medical Association and the American College of Obstetricians and Gynecologists have endorsed more widespread availability of emergency contraceptive pills, and have recommended that dedicated emergency contraceptive products be available without a prescription;

(10) Healthy People 2010, published by the Office of the Surgeon General, establishes a

10-year national public health goal of increasing the proportion of health care providers who provide emergency contraception to their patients; and

(11) public awareness campaigns targeting women and health care providers will help remove many of the barriers to emergency contraception and will help bring this important means of pregnancy prevention to American women.

SEC. 3. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) that is—

(A) used after sexual relations; and

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000 for each of fiscal years 2003 through 2007.

By Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, Mr. TORRICELLI, Mr. REID, and Mrs. FEINSTEIN):

S. 1991. To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Madam President, I rise today to introduce the National Defense Rail Act on behalf of myself and some 19 co-sponsors. This legislation will establish a strong and efficient national passenger rail system. For far too long, we have neglected investing in our Nation's passenger rail system. We have taken an active responsibility in developing the infrastructure of all other modes of transportation, whether it has been federally funding the development of the interstate highway system, subsidizing airport construction, or taking the responsibility for dredging harbors and channels or building locks and dams. Now it is time to build a world class passenger railroad system in the United States. We know it can be done. Japan and France provide two models of successful passenger railroad service. The time to move ahead is now. We cannot wait for highways and airports to become so clogged that they cannot operate any longer. Rail systems are not built in a day. We need to engage in long-term planning to address future passenger transportation growth and show forethought in crafting transportation solutions—not wait for an impending crisis. My legislation provides the vision to begin to do this.

The atrocious events of September 11, 2001, and the aftermath which followed, exposed the vulnerability of our society and our economy when transportation choices are limited and our mobility is diminished. In the aftermath of the horrific attack on the World Trade Center and the Pentagon, we were forced to adjust to a transportation system that was without access to aviation. That should make us all evaluate the problems inherent in a policy that results in overall dependence on any one particular mode of transportation. We need to have a more balanced system of transportation for passengers in this country. Our economy depends on it; our travelers deserve it; and our roads and airports could operate more efficiently in a balanced system.

After the Federal Aviation Administration grounded all flights following the terrorist attacks on September 11, 2001, travelers flocked to Amtrak. Whether people had to travel for business, to help with rescue efforts, or just to get home, Amtrak kept our American citizens moving during a time of national emergency.

The situation not only proved that Amtrak works, but that passenger rail is a critical part of our transportation infrastructure during a national emergency or security crisis. Amtrak provided a critical transportation link, carrying 35,000 passengers along the Northeast corridor every day, and hundreds of extra carloads of mail for the U.S. Postal Office in the days following the terrorist attacks.

Transportation security—an essential part of our national security—requires a balanced and competitive system of transportation alternatives. In September, we found that our dependence on the aviation system almost crippled us. We cannot afford to rely on any single mode of transportation; we need to ensure that we have a balanced system that includes a sound passenger rail system. We also know that passenger railroads use less fuel per passenger mile than highway vehicles and commercial airlines. During these times of oil-consciousness, a larger presence of passenger rail in our transportation system would reduce our Nation's dependence on foreign oil.

Passenger railroads, the interstate highway system, and our national aviation network have all taken different paths to their current roles in our national transportation system. The tales of their development stand in quite a stark contrast from each other.

The interstate highway system has received significant attention and federal funding since the construction of the Lincoln Highway in 1913 and the Rural Post Roads Act of 1916, and later during World War II with the Federal Highway Act of 1944. It was not until 1956, however, that the Government began heavily promoting highway transportation with the passage of the Federal Aid Highway Act of 1956. The act established a Highway Trust Fund based upon Federal user taxes, in order to finance up to 90 percent of State construction costs of the $25 billion plan to pay for new roads, and the construction of the Eisenhower National Interstate and Defense Highway System.

Similar policies and Federal attention for aviation resulted in a strengthened infrastructure, and follows much the same story of the highways system.

Passenger rail service was once a vital instrument in the transportation needs of our Nation. For instance, during World War II, not only did the railroads transport 90 percent of all defense freight, but also 97 percent of all defense personnel on their way to theaters of action. By the end of the war, railroads accounted for three-quarters of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic. However, with national focus turned to aviation and highways, by the late 1960s most rail companies were petitioning the Government to discontinue passenger services because of losses.

Amtrak was created as a Federal corporation in order to relieve the railroad industry of these unprofitable passenger operations, and in the interest of maintaining a national passenger rail network. But in retrospect, Amtrak was set up not to thrive and expand passenger rail service, but really to just maintain the status quo of 30 years ago. That attitude persists even today. Since 1971, Amtrak has received only $25 billion in public subsidies; during that period, the United States invested $750 billion on highways and aviation.

So one problem becomes all too clear—that U.S. passenger rail infrastructure has no stable funding source in contrast to highways, aviation, and transit. In fact, per capita spending on passenger rail is much lower than many other countries: the U.S. ranks behind Britain, France, Japan, Canada, Luxembourg, Austria, Switzerland, Belgium, Sweden, Denmark, Italy, Ireland, Spain, Norway, Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia. Imagine that of the 23 industrialized nations with rail service, we are at the bottom. Including these countries, no passenger rail service in the world has built and operated a passenger rail system at a profit. All have required Government support for construction and maintenance, or operating support, or both. That same principle holds true for highways and aviation, which have required substantial Federal spending since their beginning and continue to receive generous Federal subsidies today.

Those who want passenger rail to operate without Federal assistance—ultimately forcing more travelers onto cars, buses and airplanes—argue that we should not "subsidize" passenger rail. But we subsidize the building of roads and highways with tax dollars. We subsidize the building of airports and pay for all of the equipment and people needed to run our air traffic control system. We consider those subsidies to be worthwhile investments in our economy and our quality of life. We must make the same investment to create a world-class passenger rail system in order to see the same kinds of benefits.

While that argument should stand on its own, here's something the highway and airline crowd can take to the bank: moving more short-haul travelers to rail service reduces congestion on our already overcrowded highways and eases congestion at airports. It also provides real competition to airlines on short-haul trips.

Over the past 30 years, the lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for Amtrak: serve a public function by operating unprofitable long-distance routes, but also attempt to operate at a profit. To add insult to injury, Amtrak has been forced to delay capital improvement projects having important long-term benefits in order to attempt to meet the mandate of the 1997 Act. Congress passed this misguided law in 1997, requiring Amtrak to operate without government support by the end of fiscal year 2002. But there is no truly national passenger train service in the world that makes a profit. Requiring Amtrak to make a profit has forced the railroad to forgo long-term capital investments in favor of short-term, bond payment shell games. Instead of investing in modern trains and infrastructure upgrades, Amtrak was forced to mortgage Penn Station just to pay the electric bill.

From this, it is evident that we need to reevaluate our Nation's rail passenger policy, and clearly define a role for Amtrak. A strong Federal role was required to establish the interstate highway system and the Federal aviation network. And now Federal investment in passenger rail infrastructure is critical; once again, Federal leadership is required to address the needs of a reliable, safe, secure passenger rail network.

This legislation provides a blueprint for the future of passenger rail in the United States. The bill will help develop high-speed rail corridors, which are the building blocks for a national passenger rail system. This will allow regional transportation solutions to play a part in the national system. It will also aid in the development of short distance corridors between larger urban centers, as well as provide funding to preserve longer distance routes for those communities that do not have the population densities to merit air service—sometimes the train is their only alternative to driving. Finally, it will provide Amtrak with the tools and funding it needs to operate efficiently.

This legislation authorizes $1.255 billion in emergency spending for Amtrak's security and life safety needs. Similar language was included in the Rail Security Act, S. 1550, which was favorably reported by the committee on October 17, 2001. In that legislation, we authorized funds to be spent on immediate rail security needs, such as hiring more police officers across the entire Amtrak system and modernizing the safety infrastructure of old tunnels.

This bill will give the Federal Government the script for the role it needs to play in establishing a national rail passenger system. It would not require any State contribution, and would give preference to projects having right-of-way dedicated to passenger rail, involving high-speed passenger service of 125 mph, although operations of 90 mph speeds or more would be eligible for funding, and those connecting to other modes of passenger transportation, including airports.

The bill authorizes $1.5 billion annually for corridor development. These funds are needed for infrastructure acquisition, highway-rail grade crossing improvement/elimination, acquisition of rolling stock and track and signal equipment. Development of a national passenger rail system carries a high cost, and the Federal Government must take the lead role in funding it.

This bill will also fund $35 billion in loan guarantees. This money will dramatically expand the current Railroad Rehabilitation & Infrastructure Financing loan and loan guarantee program. But we also must restructure that program. Since it was created in 1998 as part of TEA–21 bill, the program has processed only a few loans due to unreasonable constraints imposed by OMB. Our bill eliminates the artificial limits on loan amounts, impossible collateral requirements, and unworkable loan cohort structures.

This bill identifies existing high-speed corridors in 29 States and the District of Columbia for priority consideration. Many of these corridors are in areas where people are now driving cars or taking airplanes on trips of 300 miles or less. In these areas, like the East Coast, travelers could take a high-speed train instead and arrive at about the same time. But right now they don't have that rail option, and they won't until we build it.

The passenger railroad system that has worked well in the Northeast can work in other highly-congested areas of the country: the South, the Midwest, California and the Northwest. Thirty years ago, those areas did not have the population to support high-speed intercity rail. But today those areas are growing by leaps and bounds. As the highways in those areas clog up and the planes run 3 hours late, their Governors—many of them Republicans—are asking us for help to build high speed rail.

A short-term benefit of this legislation will be stimulation of the economy by providing jobs in developing new corridors. This bill ensures that fair labor standards for all projects receiving funds under it, including payment of prevailing wages and allowance of collective bargaining over wage rates.

Another immediate benefit will be the closing/improvement of highway-rail grade crossings in high-speed rail corridors. Under this bill, funds are set aside specifically for these important safety improvements.

This legislation will provide the necessary funds of $1.31 billion for Amtrak to repair and upgrade the track it owns and operates in the Northeast corridor. This corridor is a prime example of the benefits we can attain when there are transportation choices for travelers. The Northeast corridor has become an invaluable asset to our national transportation system, and it should not be left in disrepair. This bill authorizes funds to enable Amtrak to eliminate its capital backlog of projects, maintain ongoing projects to capital infrastructure, and improve capacity to accommodate projected growth in traffic. It also allows Amtrak to reinvest revenues from operations in the Northeast corridor back into the backlog of capital infrastructure projects.

In a nutshell, this is our long term plan to make passenger rail a part of our balanced transportation system. But in the short run, we must make sure Amtrak's financial foundation is strong at a time when we are relying on them more than ever. Amtrak's ridership has increased consistently, and they now carry over 22 million passengers per year. This legislation will give Amtrak the tools and funding they need to create a modern, efficient passenger railroad. The bill reauthorizes Amtrak for 5 years, and fully funds their capital needs and the operating losses with respect to long-distance service.

This legislation repeals the unrealistic operating self-sufficiency requirements. It also authorizes funding for compliance with environmental standards, and the Americans with Disabilities Act.

This legislation will further aid Amtrak to operate more efficiently. It will require Amtrak to reinvest revenues from non-passenger operations into growth projects outside the Northeast corridor. It will require revenue from the Northeast corridor to be reinvested into capital projects on the Northeast corridor. Finally, it will require an annual independent audit of Amtrak, to be reviewed by the Department of Transportation's Inspector General.

I am pleased my colleagues have joined with me in sponsoring this bill. By developing passenger rail as part of a balanced transportation system, this legislation will lead to the creation of jobs in the short run to stimulate our economy. In the long run, high-speed rail corridors will become a key foundation for our national rail passenger transportation system, which is critical to the strong backbone of a prosperous economy.

Like the interstate highway system, the benefits of passenger rail and Amtrak could be immeasurable, so we have much at stake. While I have outlined an ambitious blueprint, I keep in mind that 50 years ago, the National System of Interstate and Defense Highways was "pie in the sky." Now our successful Dwight D. Eisenhower System of Interstate and Defense Highways and national aviation network are used by many, so much that in many places they are congested and strained to capacity. We should not wait until our current transportation problems reach epidemic proportions; our economy cannot afford it.

Madam President, I ask unanimous consent that the bill and an outline of the finances of this bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Defense Rail Act".

(b) AMENDMENT OF TITLE 49.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of title 49; table of contents.
Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Amtrak security assistance.
Sec. 102. Study of foreign rail transport security programs.
Sec. 103. Passenger, baggage, and cargo screening.
Sec. 104. Rail security.
Sec. 105. Rail transportation security risk assessment.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

Sec. 201. Interstate railroad passenger high-speed transportation policy.
Sec. 202. High-speed rail corridor planning.
Sec. 203. Implemenation assistance.
Sec. 204. Designated high-speed rail corridors.
Sec. 205. Labor standards.
Sec. 206. Railway-highway crossings in high-speed rail corridors.
Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

Sec. 301. National railroad passenger transportation system defined.
Sec. 302. Extension of authorization.
Sec. 303. Additional Amtrak authorizations.
Sec. 304. Northeast Corridor authorizations.
Sec. 305. Long distance trains.
Sec. 306. Short distance trains; State-supported routes.
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
Sec. 308. On-time performance.
Sec. 309. Amtrak board of directors.
Sec. 310. Independent audit of Amtrak operations; review by DOT IG.

TITLE IV—MISCELLANEOUS

Sec. 401. Rehabilitation, improvement, and security financing.
Sec. 402. Rail passenger cooperative research program.
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Financial investment in passenger rail infrastructure is critical, and Federal leadership is required to address the needs of a reliable safe, secure passenger rail network, just as has been used in establishing the interstate highway system and the Federal aviation network.

(2) Lack of investment and attention to the needs of passenger rail infrastructure has resulted in a weak passenger rail network, and has caused a strain on the capacity of other modes of transportation in many areas of the country. According to the Department of Transportation, in 1999 the cost of wasted time and extra fuel consumption due to delays on congested roads was estimated at $78 billion.

(3) Passenger rail is an integral part of the United States transportation system, and, as can be evidenced in the Northeast Corridor, relieves the pressures of congestion on highways and at airports, and creates a more balanced system of transportation alternatives.

(4) Passenger rail service has been a vital instrument in the transportation needs of our Nation. For instance, during World War II, the privately owned, operated, and constructed railroad industry transported 90 percent of all defense freight, and 97 percent of all defense personnel transported to points of embarkation for theaters of action. By the end of the war, railroads accounted for three quarters of the share of the common carrier share of intercity traffic, with airplanes and buses sharing the remaining quarter of traffic.

(5) Significant attention and Federal funding were required to construct the Eisenhower System of Interstate and Defense Highways. The Federal Aid Highway Act of 1956 established a Highway Trust Fund based upon Federal user taxes in order to finance up to 90 percent of the costs of the $25 billion dollar highway construction plan.

(6) Federal policies with respect to investment in aviation resulted in a strengthened aviation industry and the rapid development of air passenger service, and by the late 1960's most rail companies were petitioning the Government to discontinue passenger services because of losses.

(7) Amtrak was established in 1971 by the Rail Passenger Service Act of 1970 to provide passenger rail services in the United States as a public service; at the time of Amtrak's formation, freight railroads were losing money on unprofitable passenger rail operations. Since 1971 Amtrak has received only $25 billion in public subsidies; during that period, the United States invested $750 billion on highways and aviation.

(8) The Amtrak Reform and Accountability Act of 1997, and preceding statutes, resulted in creating conflicting missions for the National Railroad Passenger Corporation of both serving a public function by operating unprofitable long-distance routes while also attempting to operate at a profit. This policy has also restricted Amtrak's profit potential on the Northeast Corridor by limiting the capital expenditures to help defray other costs.

(9) Due to a lack of capital investment, the Northeast Corridor has accumulated a backlog of repair needs, including life safety and security needs. Investment in the capital needs of the Northeast Corridor would result

in capacity improvements which would result in greater utilization of the existing infrastructure.

(10) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's lack of available capital has impeded its efforts to achieve financial goals.

(11) In order to attempt to meet the mandate of the Amtrak Reform and Accountability Act of 1997, Amtrak has been forced to delay capital improvement projects and other projects which would produce long-term benefits.

(12) The Department of Transportation Inspector General's 2001 Assessment of Amtrak's Financial Performance and Requirements (Report #CR-2002-075) found that Amtrak's most profitable operations are on the Northeast Corridor, where Federal investment in passenger rail infrastructure has been significantly higher than anywhere else in the country.

(13) Federal investments in capital projects to support passenger rail in areas other than the Northeast Corridor would result in improved service and increase profitability.

(14) The need for a balanced interstate and international transportation system that provides a viable alternative to travel by private automobile or commercial aircraft is particularly evident after the events of September 11, 2001.

(15) As a matter of national security, a strong passenger rail network would provide travelers an alternative to highway and air travel, which could lead to reduced United States reliance on foreign oil imports.

(16) In fiscal year 2001, the United States spent less than 1 percent of all transportation modal spending on intercity passenger rail, and since 1998, Amtrak has received only $4.59 billion of the $8.42 billion it has been authorized to receive by Congress.

(17) Passenger rail in the United States has no stable funding source, in contrast to highways, aviation, and transit.

(18) Per capita spending on passenger rail is much higher in other countries than the United States and, in fact, the United States ranks behind other countries including Canada, Japan, France, Great Britain, Italy, Spain, Austria, Switzerland, Belgium, Sweden, Luxembourg, Denmark, Ireland, Norway, the Czech Republic, Finland, Slovakia, Portugal, Poland, South Africa, Greece, and Estonia.

(19) The United States needs to engage in long-term planning to foster and address future passenger transportation growth and show forethought regarding transportation solutions rather than be forced to act due to an impending crisis.

(20) It is in the national interest to preserve passenger rail service in the United States and to maintain the solvency of the National Railroad Passenger Corporation.

(21) Long-term planning and support for passenger rail will help offset the emerging problems created by transportation congestion, and contribute to a cleaner and more environmentally-friendly transportation system.

(22) A comprehensive re-evaluation of our nation's rail passenger policy is required and a clearly defined role for Amtrak and a connected rail passenger network must be established.

(23) The Federal government must take the primary responsibility for developing national railroad passenger transportation infrastructure, and help ensure that it functions as an efficient network. Privatization of the rail passenger industry in Great Britain has been disastrous and passenger service has suffered overall.

(24) The Nation should be afforded the opportunity to receive safe, efficient, and cost-effective rail passenger services, taking into account all benefits to the Nation as a whole.

TITLE I—RAIL TRANSPORTATION SECURITY

SEC. 101. AMTRAK SECURITY ASSISTANCE.

(a) INFRASTRUCTURE SECURITY.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $26,000,000 for tunnel, bridge, electric traction, and tower security, including closed circuit television cameras, vehicle barriers, lighting, and fencing, of which $19,725,000 shall be obligated or expended on the Northeast Corridor and $6,275,000 shall be obligated or expended outside the Northeast Corridor.

(2) $137,370,000 for interlocking security needs, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(3) $12,525,000 for equipment facility security, including closed circuit television cameras, lighting, and vehicle barriers, of which $4,175,000 shall be obligated or expended on the Northeast Corridor and $8,350,000 shall be obligated or expended outside the Northeast Corridor.

(4) $22,140,000 for yard and terminal security, including closed circuit television cameras, lighting, fencing and vehicle barriers, of which $9,225,000 shall be obligated or expended on the Northeast Corridor and $12,915,000 shall be obligated or expended outside the Northeast Corridor.

(5) $2,940,000 for mail and express facilities security, including closed circuit television cameras, lighting, fencing, and vehicle barriers, of which $1,470,000 shall be obligated or expended on the Northeast Corridor and $1,470,000 shall be obligated or expended outside the Northeast Corridor.

(6) $20,125,000 for station security, including closed circuit television cameras, x-ray machines, lighting, fencing and vehicle barriers, of which $7,000,000 shall be obligated or expended on the Northeast Corridor and $13,125,000 shall be obligated or expended outside the Northeast Corridor.

(7) $538,000 for employee identification systems, including improved technology for badges issued to employees and visitors controlled through a centralized database.

(8) $75,000 for bomb-resistant trash containers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(9) $5,800,000 for a passenger information retrieval system to capture security information, create watchlists, and an online history of passengers, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $6,200,000 for an incident tracking system to create and maintain an electronic database of data on criminal and operational incidents, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(11) $4,300,000 for upgrades to ticket kiosks for photo imaging for identification purposes, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(12) $16,750,000 for an incident command system to serve as a second command center and a disaster recovery command site, of which $5,000,000 shall be obligated or expended on the Northeast Corridor and $11,750,000 shall be obligated or expended outside the Northeast Corridor.

(13) $5,000,000 for train locator and tracking systems to provide GPS coordinates for all locomotives, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(14) $120,000 for a notification system for integration of GPS information into the central computer systems, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(15) $1,245,000 for mail and express shipment software to identify each shipment positively before it is transported by rail, of which $405,000 shall be obligated or expended on the Northeast Corridor and $840,000 shall be obligated or expended outside the Northeast Corridor.

(16) $1,211,000 for mail and express tracking deployment to identify the status of each rail shipment.

(b) SECURITY OPERATIONS.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) $354,000 for hiring 4 police officers, each of whom is to be dedicated to a specific region of the United States, to provide intelligence-gathering and analysis, conduct crime-mapping assessments throughout the entire system, work with law enforcement to prevent terrorist acts and reduce Amtrak's vulnerability, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(2) $10,411,000 for the hiring of 150 patrol officers and 48 specialized personnel, of whom 101 would be deployed on the Northeast Corridor and 97 outside the Northeast Corridor.

(3) $11,292,000 for the hiring of 250 security officers, of whom 147 would be deployed on the Northeast Corridor and 103 outside the Northeast Corridor.

(4) $1,828,000 for the hiring of 20 canine bomb teams, of which 14 are to be deployed outside the Northeast Corridor and 10 are to be deployed to mail and express facilities.

(5) $30,761,000 for 90 infrastructure security inspectors to inspect the rights-of-way, bridges, buildings, tunnels, communications and signaling equipment, fencing, gates, barriers, lighting, catenary system, and other security features, of which $21,000,000 is to be obligated or expended on the Northeast Corridor and $10,000,000 is to be obligated or expended outside the Northeast Corridor.

(6) $2,990,000 to expand aviation capabilities for security coverage and patrol capabilities, including equipment, staff, and facilities, of which $997,000 is to be obligated or expended on the Northeast Corridor and $1,993,000 is to be obligated or expended outside the Northeast Corridor.

(7) $1,095,000 for the leasing of 150 vehicles and 10 bicycles to support patrol capabilities, of which $569,000 is to be obligated or expended on the Northeast Corridor and $526,000 is to be obligated or expended outside the Northeast Corridor.

(8) $669,000 for 6 management level positions with responsibility for direction, control, implementation, and monitoring of security systems, including the deployment of the 250 security officers throughout the Amtrak system, of which $446,000 is to be obligated or expended on the Northeast Corridor and $223,000 is to be obligated or expended outside the Northeast Corridor.

(9) $980,000 for applicant background investigations, of which 50 percent shall be obligated or expended on the Northeast Corridor and 50 percent shall be obligated or expended outside the Northeast Corridor.

(10) $457,000 for rapid response teams to respond to and prepare for on-site consequence management, all of which shall be obligated or expended outside the Northeast Corridor.

(c) Equipment Security.—

(1) In general.—The following amounts are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(A) $1,755,000 to provide two-way communication devices for all Amtrak conductors.

(B) $3,000,000 for 2 mobile emergency command and communication units and rapid response teams, 1 to be located in the Midwest and 1 on the West Coast.

(C) $651,000 for 200 to 400 radioactive material detectors to be deployed system-wide, of which $231,000 is to be obligated or expended on the Northeast Corridor and $420,000 is to be obligated or expended outside the Northeast Corridor.

(D) $4,000,000 for hand-held bomb detectors for use by police to inspect baggage and packages.

(E) $1,400,000 to screen express packages before being placed on trains.

(F) $1,305,000 for secure locking devices on mail and express cars that have satellite-monitoring capability.

(G) $10,234,000 for video recording systems on road locomotives, of which $4,859,000 is to be obligated or expended on the Northeast Corridor and $5,375,000 is to be obligated or expended outside the Northeast Corridor.

(H) $6,712,000 to acquire and install satellite-based technology to shut down any locomotive that is not under the control of its crew.

(I) $4,320,000 to install 10 new communications stations to enable radio communications in remote locations and 12 satellite receivers.

(J) $4,000,000 for 4 self-propelled high-speed rail cars designated for selective patrol and enforcement functions, including critical incident response, dignitary protection, and roving rail security inspections.

(2) Allocation.—Except as provided in subparagraphs (B), (C), and (G) of paragraph (1), 50 percent of any amounts appropriated pursuant to paragraph (1) shall be obligated or expended on the Northeast Corridor and 50 percent of such amounts shall be obligated or expended outside the Northeast Corridor.

(d) Availability of Funds.—Amounts appropriated pursuant to subsections (a), (b), and (c) shall remain available until expended.

(e) Prohibition on Use of Equipment for Employment-Related Purposes.—An employer may not use closed circuit television cameras purchased with amounts authorized by this section for employee disciplinary or monitoring purposes unrelated to transportation security.

SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY PROGRAMS.

(a) Requirement for Study.—Not later than June 1, 2003, the Comptroller General shall carry out a study of the rail passenger transportation security programs that are carried out for rail transportation systems in Japan, member nations of the European Union, and other foreign countries.

(b) Purpose.—The purpose of the study shall be to identify effective rail transportation security measures that are in use in foreign rail transportation systems, including innovative measures and screening procedures determined effective.

(c) Report.—The Comptroller General shall submit a report on the results of the study to Congress. The report shall include the Comptroller General's assessment regarding whether it is feasible to implement within the United States any of the same or similar security measures that are determined effective under the study.

SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.

(a) Requirement for Study and Report.—The Secretary of Transportation shall—

(1) study the cost and feasibility of requiring security screening for all passengers, baggage, and mail, express, and other cargo on Amtrak trains; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing a rail security screening program to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives one year after the date of enactment of this Act.

(b) Pilot Program.—As part of the study under subsection (a), the Secretary shall conduct a pilot program of random security screening of passengers and baggage at 5 of the 10 busiest passenger rail stations served by Amtrak (measured by the average number of boardings of Amtrak passenger trains) and at up to five additional rail stations served by Amtrak that are selected by the Secretary. In selecting the additional train stations the Secretary shall attempt to achieve a distribution of participating stations in terms of geographic location and size.

SEC. 104. RAIL SECURITY.

(a) Secretary of Transportation.—Section 20103(a) is amended by striking "safety" and inserting "safety, including the security of railroad operations,".

(b) Rail Police Officers.—Section 28101 is amended by striking "the rail carrier" each place it appears and inserting "any rail carrier".

(c) Review of Rail Regulations.—Within 180 days after the date of enactment of this Act, the Secretary of Transportation, in consultation with the Federal Railroad Administration's Rail Safety Advisory Committee, shall review existing rail regulations of the Department of Transportation for the purpose of identifying areas in which those regulations need to be revised to improve rail safety and security.

SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESSMENT.

(a) In General.—

(1) Assessment.—The Secretary of Transportation shall assess the security risks associated with rail transportation and develop prioritized recommendations for—

(A) improving the security of rail tunnels, rail bridges, rail switching areas, and other areas identified by the Secretary as posing significant rail-related risks to public safety and the movement of interstate commerce, taking into account the impact that any proposed security measure might have on the provision of rail service;

(B) the deployment of chemical and biological weapon detection equipment;

(C) dealing with the immediate and long-term economic impact of measures that may be required to address those risks; and

(D) training employees in terrorism response activities.

(2) Existing private and public sector efforts.—The assessment shall include a review of any actions already taken to address identified security issues by both public and private entities.

(3) Railroad crossing delays.—The Secretary shall include in the assessment an analysis of the risks to public safety and to the security of rail transportation that are associated with long delays in the movement of trains that have stopped on railroad grade crossings of highways, streets, and other roads for motor vehicle traffic, especially in major metropolitan areas. The Secretary shall include in the recommendations developed under paragraph (1) recommended actions for preventing such delays and reducing the risks identified in the analysis.

(b) Consultation; Use of Existing Resources.—In carrying out the assessment required by subsection (a), the Secretary shall—

(1) consult with rail management, rail labor, and public safety officials (including officials responsible for responding to emergencies); and

(2) utilize, to the maximum extent feasible, the resources and assistance of—

(A) the Federal Railroad Administration's Rail Safety Advisory Committee; and

(B) the Transportation Research Board of the National Academy of Sciences.

(c) Report.—

(1) Contents.—Within 180 days after the date of enactment of this Act, the Secretary shall transmit to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure a report, without compromising national security, containing—

(A) the assessment and prioritized recommendations required by subsection (a); and

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) Format.—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM

SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.

(a) In General.—Chapter 261 is amended by inserting before section 26101 the following:

"§ 26100. Policy

"(a) In General.—The Congress declares that it is the policy of the United States that designated high-speed railroad passenger transportation corridors are the building blocks of an interconnected interstate railroad passenger system that serves the entire Nation.

"(b) Secretary Required To Establish National High-Speed Ground Transportation Policy.—The Secretary of Transportation shall establish the national high-speed ground transportation policy required by section 309(e)(1) of this title no later than December 31, 2002.".

(b) Conforming Amendments.—

(1) The chapter analysis for chapter 261 is amended by inserting before the item relating to section 26101 the following:

"26100. Policy.".

(2) Section 309(e)(1) is amended by striking "Within 12 months after the submission of the study required by subsection (d)," and inserting "No later than December 31, 2002,".

SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.

(a) In General.—Section 26101(a) is amended to read as follows:

"(a) Planning.—

"(1) In general.—The Secretary of Transportation shall provide planning assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23.

"(2) Secretary may provide direct or financial assistance.—The Secretary may provide planning assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake planning activities approved by the Secretary.

"(3) 100 percent federal funding.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

"(4) Priorities to Chicago, Atlanta, and Dallas/Fort Worth.—In determining projects to be undertaken pursuant to this paragraph, the Secretary shall give the highest priorities to undertaking planning in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.".

(b) Conforming and Other Amendments to Section 26101.—Section 26101 is further amended—

(1) by striking subsection (c)(2) and, inserting the following:

"(2) the extent to which the proposed planning focuses on high-speed rail systems, giving a priority to systems which will achieve sustained speeds of 125 miles per hour or greater and projects involving dedicated rail passenger rights-of-way;";

(2) by inserting "and" after the semicolon in subsection (c)(12);

(3) by striking "completed; and" in subsection (c)(13) and inserting "completed.";

(4) by striking subsection (c)(14); and

(5) by adding at the end the following:

"(d) Operators and Certain Service Providers Deemed Rail Carriers.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.".

(c) Conforming Amendment.—Section 511(n)(1) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 831(n)(1)) is amended by striking "125" and inserting "90".

(d) Financial Assistance To Include Loans and Loan Guarantees.—Section 26105(1) is amended by inserting "loans, loan guarantees," after "contracts,".

(e) Reinvestment of Non-passenger Operating Profit.—Amtrak shall invest any revenue from non-passenger operations in capital needs outside the Northeast Corridor.

SEC. 203. IMPLEMENATION ASSISTANCE.

(a) In General.—Chapter 261 is amended by inserting after section 26101 the following:

"§ 26101A. Implementation of corridor plans

"(a) Implementation Assistance.—

"(1) In general.—The Secretary of Transportation shall provide implementation assistance to States or group of States and other public agencies promoting the development of high-speed rail corridors designated by the Secretary under section 104(d) of title 23. The Secretary shall establish an application and qualification process and, before providing assistance under this section, make a determination on the record that the applicant is qualified and eligible for assistance under this section.

"(2) Secretary may provide direct or financial assistance.—The Secretary may provide implementation assistance under paragraph (1) directly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

"(3) 100 percent federal share.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

"(4) Contribution of land.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

"(5) Priorities to Chicago, Atlanta, and Dallas/Fort Worth.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.

"(6) Special transportation circumstances.—In carrying out this section, the Secretary shall allocate an appropriate portion of the amounts available for implementation assistance to providing appropriate related assistance in any State the rail transportation system of which—

"(A) is not physically connected to rail systems in the continental United States; and

"(B) may not otherwise qualify for high-speed rail implementation assistance due to the constraints imposed on the railway infrastructure in that State due to the unique characteristics of the geography of that State or other relevant considerations, as determined by the Secretary.

"(b) Eligible Implementation Activities.—The following activities are eligible for implementation assistance under subsection (a):

"(1) Security planning and the acquisition of security and emergency response equipment.

"(2) Operating expenses.

"(3) Infrastructure acquisition and construction of track and facilities.

"(4) Highway-rail grade crossing eliminations and improvements.

"(5) Acquisition of rights-of-way, locomotives, rolling stock, track, and signal equipment.

"(c) Criteria for Determining Assistance for Implementation Activities.—The Secretary, in selecting recipients of assistance under subsection (a), shall—

"(1) encourage the use of positive train control technologies;

"(2) require that any project meet any existing safety regulations, and give preference to any project determined by the Secretary to have particularly high levels of safety;

"(3) encourage intermodal connectivity by locating train stations in or near airports, bus terminals, subway stations, ferry ports, and other modes of transportation; and

"(4) ensure a general regional balance in providing such assistance and avoid the concentration of a disproportionate dedication of available financial assistance resources to a single project or region of the country.

"(d) Operators and Certain Service Providers Deemed Rail Carriers.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV, when so operating or performing such services.".

(b) Rulemaking Required.—Within 90 days after the date of enactment of this Act, the Secretary of Transportation shall initiate a rulemaking to create an application and qualification procedure for providing high-speed rail corridor implementation assistance under section 26101A of title 49, United States Code.

(c) Conforming Amendment.—The chapter analysis for chapter 261 is amended by inserting after the item relating to section 26101 the following:

"26101A. Implementation of corridor plans.".

SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The Secretary of Transportation shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, to designated high-speed rail corridors.

(b) Designated High-Speed Rail Corridors.—For purposes of subsection (a), the following shall be considered to be designated high-speed rail corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, Minnesota, via Milwaukee, Wisconsin.

(C) Chicago to Kansas City, Missouri, via Springfield, Illinois, and St. Louis, Missouri.

(D) Chicago to Louisville, Kentucky, via Indianapolis, Indiana, and Cincinnati, Ohio.

(E) Chicago to Cleveland, Ohio, via Toledo, Ohio.

(F) Cleveland, Ohio, to Cincinnati, Ohio, via Columbus, Ohio.

(3) Empire State Corridor from New York City, New York, through Albany, New York, to Buffalo, New York.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston, Texas, through New Orleans, Louisiana, to Mobile, Alabama, with a branch from New Orleans, through Meridian, Mississippi, and Birmingham, Alabama, to Atlanta, Georgia.

(6) Keystone Corridor from Philadelphia, Pennsylvania, through Harrisburg, Pennsylvania, to Pittsburgh, Pennsylvania.

(7) Northeast Corridor from Washington, District of Columbia, through New York City, New York, New Haven, Connecticut, and Providence, Rhode Island, to Boston,

Massachusetts, with a branch from New Haven, Connecticut, to Springfield, Massachusetts.

(8) New England Corridor from Boston, Massachusetts, to Portland and Auburn, Maine, and from Boston, Massachusetts, through Concord, New Hampshire, and Montpelier, Vermont, to Montreal, Quebec.

(9) Pacific Northwest Corridor from Eugene, Oregon, through Portland, Oregon, and Seattle, Washington, to Vancouver, British Columbia.

(10) South Central Corridor from San Antonio, Texas, through Dallas/Fort Worth to Little Rock, Arkansas, with a branch from Dallas/Fort Worth through Oklahoma City, Oklahoma, to Tulsa, Oklahoma.

(11) Southeast Corridor from Washington, District of Columbia, through Richmond, Virginia, Raleigh, North Carolina, Columbia, South Carolina, Savannah, Georgia, and Jessup, Georgia, to Jacksonville, Florida, with—

(A) a branch from Raleigh, North Carolina, through Charlotte, North Carolina, and Greenville, South Carolina, to Atlanta, Georgia; a branch from Richmond, to Hampton Roads/Norfolk, Virginia;

(B) a branch from Charlotte, North Carolina, to Columbia, South Carolina, to Charleston, South Carolina;

(C) a connecting route from Atlanta, Georgia, to Jessup, Georgia;

(D) a connecting route from Atlanta, Georgia, to Charleston, South Carolina; and

(E) a branch from Raleigh, North Carolina, through Florence, South Carolina, to Charleston, South Carolina, and Savannah, Georgia, with a connecting route from Florence, South Carolina, to Myrtle Beach, South Carolina.

(12) Southwest Corridor from Los Angeles, California, to Las Vegas, Nevada.

(c) Other High-Speed Rail Corridors.—For purposes of this section, subsection (b)—

(1) does not limit the term "designated high-speed rail corridor" to those corridors described in subsection (b); and

(2) does not limit the Secretary of Transportation's authority—

(A) to designate additional high-speed rail corridors; or

(B) to terminate the designation of any high-speed rail corridor.

SEC. 205. LABOR STANDARDS.

(a) Employee Protection.—The Secretary of Transportation shall require as a condition of any project financed in whole or in part by funds authorized by this Act that the project be conducted in a manner that provides a fair arrangement at least as protective of the interests of employees who are affected by the project so funded as the terms imposed under arrangements reached under section 141 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24706 note) on rail carriers.

(b) Labor Standards.—

(1) Prevailing wages.—The Secretary of Transportation—

(A) shall ensure that laborers and mechanics employed by contractors and subcontractors in construction work financed in whole or in part by funds authorized by this Act will be paid wages not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor under the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.); and

(B) may make such funds available with respect to construction work only after being assured that required labor standards will be maintained on the construction work.

(2) Wage rates.—Wage rates in a collective bargaining agreement negotiated under the Railway Labor Act (45 U.S.C. 151 et seq.) are deemed for purposes of this subsection to comply with the Act of March 3, 1931 (known as the Davis-Bacon Act; 40 U.S.C. 276a et seq.).

SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED RAIL CORRIDORS.

(a) In General.—The entire cost of construction of projects for the elimination of hazards of railway-highway crossings in designated high-speed rail corridors, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may be paid from sums authorized by subsection (k). In any case when the elimination of the hazards of a railway-highway crossing can be effected by the relocation of a portion of a railway at a cost estimated by the Secretary of Transportation to be less than the cost of such elimination by one of the methods mentioned in the first sentence of this section, then the entire cost of such relocation project may be paid from sums authorized by subsection (k).

(b) Classification of Projects.—The Secretary may classify the various types of projects involved in the elimination of hazards of high-speed rail corridor railway-highway crossings, and may set for each such classification a percentage of the costs of construction which shall be deemed to represent the net benefit to the railroad or railroads for the purpose of determining the railroad's share of the cost of construction. The percentage so determined shall in no case exceed 10 per cent of such costs. The Secretary shall determine the appropriate classification of each project.

(c) Liability of Railroad.—Any railroad involved in a project for the elimination of hazards of railway-highway crossings paid for in whole or in part from sums made available under this section shall be liable to the United States for the net benefit to the railroad determined under the classification of such project made under subsection (b). That liability to the United States may be discharged by direct payment to the State transportation department of the State in which the project is located, in which case such payment shall be credited to the cost of the project. The payment may consist in whole or in part of materials and labor furnished by the railroad in connection with the construction of the project. If any such railroad fails to discharge such liability within a 6-month period after completion of the project, it shall be liable to the United States for its share of the cost, and the Secretary shall request the Attorney General to institute proceedings against such railroad for the recovery of the amount for which it is liable under this subsection. The Attorney General is authorized to bring such proceedings on behalf of the United States, in the appropriate district court of the United States, and the United States shall be entitled in such proceedings to recover such sums as it is considered and adjudged by the court that such railroad is liable for in the premises. Any amounts recovered by the United States under this subsection shall be credited to miscellaneous receipts.

(d) Survey and Schedule of Projects.—Each State shall conduct and systematically maintain a survey of all high-speed rail corridor railway-highway crossings to identify those railroad crossings which may require separation, relocation, or protective devices, and establish and implement a schedule of projects for this purpose.

(e) Funds for Protective Devices.—The Secretary shall give priority under this section to the elimination of high-speed rail corridor railway-highway grade crossings, but shall make funds authorized for obligation or expenditure under this section available for the installation of protective devices at high-speed rail corridor railway-highway crossings where appropriate.

(f) Apportionment.—The Secretary shall apportion funds available for obligation and expenditure under this section between high-speed rail corridor railway-highway crossings on the Northeast Corridor and such crossings outside the Northeast Corridor in an equitable fashion, taking into account traffic volume, traffic patterns, frequency of trains, adequacy of existing hazard warnings, and such other factors as the Secretary deems appropriate.

(g) Annual Report.—The Secretary shall report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure not later than December 30 of each year on the progress being made to implement the railway-highway crossings program authorized by this section and the effectiveness of such improvements. Each report shall contain an assessment of the costs of the various treatments employed and subsequent accident experience at improved locations. The report shall include—

(1) the number of projects undertaken, their distribution by cost range, road system, nature of treatment, and subsequent accident experience at improved locations;

(2) an analysis and evaluation of the program activities in each State, including identification of any State found not to be in compliance with the schedule of improvements required by subsection (d); and

(3) recommendations for future implementation of the railway-highway crossings program under this section and section 130 of title 23, United States Code.

(h) Use of Funds for Matching.—Funds authorized to be appropriated to carry out this section may be used to provide a local government with funds to be used on a matching basis when State funds are available which may only be spent when the local government produces matching funds for the improvement of railway-highway crossings.

(i) Incentive Payments for At-Grade Crossing Closures.—

(1) In general.—Notwithstanding any other provision of this section and subject to paragraphs (2) and (3), the Secretary may make incentive payments to a local government upon the permanent closure by such government of public at-grade high-speed rail corridor railway-highway crossings under its jurisdiction.

(2) Incentive payments by railroads.—The Secretary may not make an incentive payment under paragraph (1) to a local government with respect to the closure of a crossing unless the railroad owning the tracks on which the crossing is located makes an incentive payment to the government with respect to the closure.

(3) Amount of federal incentive payment.—The amount of the incentive payment payable to a local government under paragraph (1) with respect to a crossing may not exceed the lesser of—

(A) the amount of the incentive payment paid to the government with respect to the crossing by the railroad concerned under paragraph (2); or

(B) $7,500.

(j) Coordination With Title 23 Program.—In carrying out this section, the Secretary shall—

(1) implement this section in accordance with the classification of projects and railroad share of the cost as provided in section 646.210 of title 23, Code of Federal Regulations; and

(2) coordinate the administration of this section with the program established by section 130 of title 23, United States Code, in order to avoid duplication of effort and to ensure the effectiveness of both programs.

(k) FUNDING.—Not less than 10 percent of the amounts appropriated for each fiscal year to carry out section 26101A shall be obligated or expended to carry out this section.

SEC. 207. AUTHORIZATION OF APPROPRIATIONS.

Section 26104 is amended to read as follows:

"§ 26104. Authorization of appropriations

"(a) FISCAL YEARS 2003 THROUGH 2008.—There are authorized to be appropriated to the Secretary for each of fiscal years 2003 through 2008—

"(1) $25,000,000 for carrying out section 26101;

"(2) $1,500,000,000 for carrying out section 26101A; and

"(3) $25,000,000 for carrying out section 26102.

"(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

"(c) SPECIAL RULE.—Except as specifically provided in section 26101, 26101A, or 26102, no amount authorized by subsection (a) may be used for obligation or expenditure on the Boston-to-Washington segment of the Northeast Corridor while that segment is receiving Federal funds for capital or operating expenses.".

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPORTATION SYSTEM DEFINED.

(a) IN GENERAL.—Section 24102 is amended—

(1) by striking paragraph (2);

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and

(3) by inserting after paragraph (4) as so redesignated the following:

"(5) 'national rail passenger transportation system' means—

"(A) the spine of the Northeast Corridor between Boston, Massachusetts and Washington, D.C.;

"(B) rail corridors that have been designated by the Secretary of Transportation as high-speed corridors, but only after they have been improved to permit operation of high-speed service;

"(C) long-distance routes of more than 750 miles between endpoints operated by Amtrak as of the date of enactment of the National Defense Rail Act; and

"(D) short-distance corridors or routes operated as of the date of enactment of the National Defense Rail Act, unless discontinued by Amtrak.".

(b) AMTRAK ROUTES WITH STATE FUNDING.—

(1) IN GENERAL.—Chapter 247 is amended by inserting after section 27101 the following:

"§ 24702. Transportation requested by States, authorities, and other persons

"(a) CONTRACTS FOR TRANSPORTATION.—Amtrak and a State, a regional or local authority, or another person may enter into a contract for Amtrak to operate an intercity rail service or route not included in the national rail passenger transportation system upon such terms as the parties thereto may agree.

"(b) DISCONTINUANCE.—Upon termination of a contract entered into under this section, or the cessation of financial support under such a contract, Amtrak may discontinue such service or route, notwithstanding any other provision of law.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 247 is amended by inserting after the item relating to section 24701 the following:

"24702. Transportation requested by States, authorities, and other persons".

SEC. 302. EXTENSION OF AUTHORIZATION.

(a) IN GENERAL.—Section 24104(a) is amended—

(1) by striking "and" in paragraph (4);

(2) by striking "2002," in paragraph (5) and inserting "2002; and"; and

(3) by inserting after paragraph (5) the following:

"(6) such sums as are authorized by this title and by the National Defense Rail Act for fiscal years 2003 through 2007,".

(b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

(1) TITLE 49 AMENDMENTS.—Chapter 241 is amended—

(A) by striking the last sentence of section 24101(d); and

(B) by striking the last sentence of section 24104(a).

(2) AMTRAK REFORM AND ACCOUNTABILITY ACT AMENDMENTS.—Title II of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24101 nt) is amended by striking sections 204 and 205.

(3) COMMON STOCK REDEMPTION DATE.—Section 415 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C. 24304 nt) is amended by striking subsection (b).

(c) LEASE ARRANGEMENTS.—Amtrak may obtain services from the Administrator of General Services, and the Administrator may provide services to Amtrak, under section 201(b) and 211(b) of the Federal Property and Administrative Service Act of 1949 (40 U.S.C. 481(b) and 491(b)) for fiscal year 2003 and each fiscal year thereafter.

(d) MISCELLANEOUS AMTRAK-RELATED AMENDMENTS.—

(1) FINANCIAL POWERS.—Section 415(d) of the Amtrak Reform and Accountability Act of 1997 by adding at the end the following:

"(3) This section does not affect the applicability of section 3729 of title 31, United States Code, to claims made against Amtrak.".

(2) APPLICATION OF D.C. CORPORATION ACT.—Section 24301(e) is amended by striking "title 5, this part, and, to the extent consistent with this part, the District of Columbia Corporation Act (D.C. Code 29-301 et seq.)" and inserting "title 5 and this part".

(3) APPLICATION OF BUY AMERICAN ACT.—Section 24305(f) is amended to read as follows:

"(f) DOMESTIC BUYING PREFERENCES.—The Buy American Act (41 U.S.C. 10a) and section 301 of the Trade Agreements Act of 1979 (19 U.S.C. 2511) apply to Amtrak.".

SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.

(a) EXCESS RRTA.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, an amount equal to the amount Amtrak must pay under section 3221 of the Internal Revenue Code of 1986 in fiscal years that is more than the amount needed for benefits for individuals who retire from Amtrak and for their beneficiaries.

(b) PRINCIPAL AND INTEREST PAYMENTS.—

(1) PRINCIPAL ON DEBT SERVICE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for retirement of principal on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $105,000,000.

(B) For fiscal year 2004, $93,000,000.

(C) For fiscal year 2005, $105,000,000.

(D) For fiscal year 2006, $108,000,000.

(E) For fiscal year 2007, $183,000,000.

(2) INTEREST ON DEBT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for the payment of interest on loans for capital equipment, or capital leases, the following amounts:

(A) For fiscal year 2003, $160,000,000.

(B) For fiscal year 2004, $157,000,000.

(C) For fiscal year 2005, $147,000,000.

(D) For fiscal year 2006, $142,000,000.

(E) For fiscal year 2007, $134,000,000.

(c) ENVIRONMENTAL COMPLIANCE.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, $30,000,000, of which one-third shall be obligated or expended on the Northeast Corridor and two-thirds shall be obligated or expended outside the Northeast Corridor, in order to comply with environmental regulations.

(d) COMPLIANCE WITH ADA REQUIREMENTS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for each of fiscal years 2003 through 2007, $43,000,000 for access improvements in facilities and stations necessary to comply with the requirements of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162), including an initial assessment of the full set of needs across the national rail passenger transportation system, of which—

(A) $10,000,000 shall be obligated or expended on the Northeast Corridor; and

(B) $33,000,000,000 shall be obligated or expended outside the Northeast Corridor, of which $15,000,000 shall be obligated or expended for long-distance trains.

(2) BEST EFFORTS REQUIREMENT.—If Amtrak fails to meet the period for compliance requirement imposed by section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I))—

(A) it shall not be considered discrimination for purposes of section 202 of that Act (42 U.S.C. 12132) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) if Amtrak demonstrates to the satisfaction of the Secretary of Transportation that—

(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, the following amounts:

(1) **$370,000,000** for capital backlog on infrastructure on the Northeast Corridor to bring infrastructure up to state-of-good-repair, including renewal of the South End electric traction system, improvements on bridges and tunnels, and interlocking and signal system renewal.

(2) **$60,000,000** for capital backlog on fleet to bring existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(3) **$40,000,000** for capital backlog on stations and facilities, including improvements to the facility and platform at the existing Penn Station, and bringing maintenance-of-way facilities up to state-of-good-repair.

(4) **$350,000,000** for ongoing capital infrastructure—

(A) to replace assets on a life-cycle basis;

(B) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards; and

(C) to meet current service commitments.

(5) **$40,000,000** for ongoing capital fleet investment to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(6) **$30,000,000** for ongoing capital improvements to stations and facilities to provide for regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-equipment and maintenance-of-way facilities.

(7) **$20,000,000** for ongoing technology upgrades of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

(b) LIFE SAFETY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003:

(1) **$798,000,000** for the 6 New York tunnels built in 1910 to provide ventilation, electrical, and fire safety technology upgrades, emergency communication and lighting systems, and emergency access and egress for passengers.

(2) **$57,000,000** for the Baltimore & Potomac tunnel built in 1872 to provide adequate drainage, ventilation, communication, lighting, and passenger egress upgrades.

(3) **$40,000,000** for the Washington, D.C. Union Station tunnels built in 1904 under the Supreme Court and House and Senate Office Buildings to improve ventilation, communication, lighting, and passenger egress upgrades.

(c) INFRASTRUCTURE UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, **$3,000,000** for the preliminary design of options for a new tunnel on a different alignment to augment the capacity of the existing Baltimore tunnels.

(d) CORRIDOR GROWTH INVESTMENT.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for corridor growth investments in the Northeast Corridor—

(1) For fiscal year 2003, **$200,000,000.**

(2) For fiscal year 2004, **$300,000,000.**

(3) For fiscal year 2005, **$400,000,000.**

(4) For fiscal year 2006, **$500,000,000.**

(5) For fiscal year 2007, **$600,000,000.**

(e) FINANCIAL CONTRIBUTION FROM OTHER TUNNEL USERS.—The Secretary shall, taking into account the need for the timely completion of all life safety portions of the tunnel projects described in subsection (b)—

(1) consider the extent to which rail carriers other than Amtrak use the tunnels;

(2) consider the feasibility of seeking a financial contribution from those other rail carriers toward the costs of the projects; and carriers if feasible.

(f) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to this section shall remain available until expended.

(g) REINVESTMENT OF NEC OPERATING PROFIT.—Amtrak shall invest any revenue from operations in the Northeast Corridor in capital needs of the corridor until the backlog of capital improvements are completed under Amtrak's 20-year plan.

SEC. 305. LONG DISTANCE TRAINS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$360,000,000** for operating costs associated with long distance trains.

(b) CAPITAL BACKLOG AND UPGRADES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$70,000,000** to reduce the capital backlog and to bring its existing fleet to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments.

(c) ONGOING CAPITAL INFRASTRUCTURE INVESTMENTS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$80,000,000** for ongoing capital infrastructure—

(1) to replace assets on a life-cycle basis;

(2) to ensure that a state-of-good-repair is maintained in order to meet safety and reliability standards;

(3) to meet current service commitments; and

(4) to provide funds for investment in partner railroads to operate passenger service at currently committed levels.

(d) CAPITAL FLEET NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$50,000,000** for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle of preventive maintenance, and heavy overhauls on a 4-year schedule, with interior enhancements as needed.

(e) CAPITAL STATIONS AND FACILITIES.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$10,000,000** for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities.

(f) TECHNOLOGY NEEDS.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, **$10,000,000** for ongoing technology needs to upgrade reservation, distribution, financial, and operations systems, including hardware, software, infrastructure, and communications.

SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED ROUTES.

There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak for fiscal year 2003, and each fiscal year thereafter, for obligation and expenditure on routes outside the Northeast Corridor—

(1) **$20,000,000** for capital backlog on infrastructure to bring infrastructure up to a state-of-good-repair, including improvements on bridges and tunnels that are approaching the end of their useful life and interlocking and signal system renewal;

(2) **$10,000,000** for capital backlog on its fleet to bring Amtrak's existing fleet as of the date of enactment of this Act to a state-of-good-repair, including equipment replacement and upgrades necessary to meet current service commitments;

(3) **$170,000,000** for ongoing capital infrastructure to replace assets on a life-cycle basis to ensure a state-of-good-repair is maintained in order to meet safety and reliability standards needed to deliver current service commitments, including investment in partner railroads to operate passenger service at currently committed levels.

(4) **$40,000,000** for ongoing capital fleet needs to sustain regularly scheduled maintenance, including a 120-day cycle preventive maintenance schedule, and heavy overhauls on a 4-year schedule, with interior enhancements as needed;

(5) **$10,000,000** for ongoing capital stations and facilities needs to provide regular upgrades to stations to meet current service needs, and regular improvements to maintenance-of-way equipment and maintenance-of-way facilities; and

(6) **$20,000,000** for ongoing technology needs to upgrade of reservation, distribution, financial, and operations systems, including hardware, software, infrastructure and communications.

SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.

(a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR SAFETY COMMITTEE.—The Secretary of Transportation shall re-establish the Northeast Corridor Safety Committee authorized by section 24905(b) of title 49, United States Code.

(b) TERMINATION DATE.—Section 24905(b)(4) is amended by striking "January 1, 1999," and inserting "January 1, 2008,".

SEC. 308. ON-TIME PERFORMANCE.

Section 24308 is amended by adding at the end the following:

"(f) ON-TIME PERFORMANCE.—If the on-time performance of any intercity passenger train averages less than 80 percent for any consecutive 3-month period, Amtrak may petition the Surface Transportation Board to investigate whether, and to what extent, delays are due to causes that could reasonably be addressed by a rail carrier over the tracks of which the intercity passenger train operates, or by a regional authority providing commuter service, if any. In carrying out such an investigation, the Surface Transportation Board shall obtain information from all parties involved and make recommendations regarding reasonable measures to improve the on-time performance of the train.".

SEC. 309. AMTRAK BOARD OF DIRECTORS.

(a) IN GENERAL.—Section 24302 is amended to read as follows:

"§ 24302. Board of directors

"(a) COMPOSITION AND TERMS.—

"(1) The board of directors of Amtrak is composed of the following 9 directors, each of whom must be a citizen of the United States:

"(A) The President of Amtrak.

"(B) The Secretary of Transportation.

“(C) 7 individuals appointed by the President of the United States, by and with the advice and consent of the Senate, with an interest, experience, and qualifications in or directly related to rail transportation, including representatives of the passenger rail transportation, travel, hospitality, cruise line, and passenger air transportation businesses, and consumers of passenger rail transportation.

“(2) An individual appointed under paragraph (1)(C) of this subsection serves for 5 years or until the individual's successor is appointed and qualified. Not more than 4 individuals appointed under paragraph (1)(C) may be members of the same political party.

“(3) The board shall elect a chairman and a vice chairman from among its membership. The vice chairman shall serve as chairman in the absence of the chairman.

“(4) The Secretary may be represented at a meeting of the board only by the Deputy Secretary of Transportation, the Administrator of the Federal Railroad Administration, or the General Counsel of the Department of Transportation.

“(b) Pay and Expenses.—Each director not employed by the United States Government is entitled to $300 a day when performing board duties and powers. Each director is entitled to reimbursement for necessary travel, reasonable secretarial and professional staff support, and subsistence expenses incurred in attending board meetings.

“(c) Vacancies.—A vacancy on the board is filled in the same way as the original selection, except that an individual appointed by the President of the United States under subsection (a)(1)(C) of this section to fill a vacancy occurring before the end of the term for which the predecessor of that individual was appointed is appointed for the remainder of that term. A vacancy required to be filled by appointment under subsection (a)(1)(C) must be filled not later than 120 days after the vacancy occurs.

“(d) Bylaws.—The board may adopt and amend bylaws governing the operation of Amtrak. The bylaws shall be consistent with this part and the articles of incorporation.”.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2003. The members of the Amtrak Reform Board may continue to serve until 3 directors appointed by the President under section 24302(a) of title 49, United States Code, as amended by subsection (a), have qualified for office.

SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS; REVIEW BY DOT IG.

(a) In General.—Amtrak shall employ an independent financial consultant—

(1) to assess its financial accounting and reporting system;

(2) to design and assist Amtrak in implementing a modern financial accounting and reporting system, on the basis of the assessment, that will produce accurate and timely financial information in sufficient detail—

(A) to enable Amtrak to assign revenues and expenses appropriately to each of its lines of business activity; and

(B) to aggregate expenses and revenues related to infrastructure and distinguish them from expenses and revenues related to rail operations.

(b) Verification of System; Report.—The Inspector General of the Department of Transportation shall review the accounting system designed and implemented under subsection (a) to ensure that it accomplishes the purposes for which it is intended. The Inspector General shall report his findings and conclusions, together with any recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Transportation and Infrastructure.

(c) Review of Financial Status and Funding Requirements by DOT Inspector General.—The Inspector General of the Department of Transportation shall, as part of the Department's annual assessment of Amtrak's financial status and capital funding requirements review the obligation and expenditure of funds under each such funding document, procedure, or arrangement to ensure that the expenditure and obligation of those funds are consistent with the purposes for which they are provided under this Act.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation for the use of Amtrak $2,500,000 for fiscal year 2003 to carry out subsection (a), such sums to remain available until expended.

TITLE IV—MISCELLANEOUS

SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY FINANCING.

(a) Definitions.—Section 102(7) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 802(7)) is amended to read as follows:

“(7) ‘railroad’ has the meaning given that term in section 20102 of title 49, United States Code; and”.

(b) General Authority.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking “Secretary may provide direct loans and loan guarantees to State and local governments,” in subsection (a) and inserting “Secretary shall provide direct loans and loan guarantees to State and local governments, interstate compacts entered into under section 410 of the Amtrak Reform and Accountability Act of 1997 (49 U.S.C 24101 nt),”;

(2) by striking “or” in subsection (b)(1)(B);

(3) by redesignating subparagraph (C) of subsection (b)(1) as subparagraph (D); and

(4) by inserting after subparagraph (B) of subsection (b)(1) the following:

“(C) to acquire, improve, or rehabilitate rail safety and security equipment and facilities; or”.

(c) Extent of Authority.—Section 502(d) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(d)) is amended—

(1) by striking “$3,500,000,000” and inserting “$35,000,000,000”;

(2) by striking “$1,000,000,000” and inserting “$7,000,000,000”; and

(3) by adding at the end the following new sentence: “The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.”.

(d) Cohorts of Loans.—Section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)) is amended—

(1) in paragraph (2)—

(A) by striking “and” at the end of subparagraph (D);

(B) by redesignating subparagraph (E) as subparagraph (F); and

(C) by adding after subparagraph (D) the following new subparagraph:

“(E) the size and characteristics of the cohort of which the loan or loan guarantee is a member; and”; and

(2) by adding at the end of paragraph (4) the following: “A cohort may include loans and loan guarantees. The Secretary shall not establish any limit on the proportion of a cohort that may be used for 1 loan or loan guarantee.”.

(e) Conditions of Assistance.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended—

(1) by striking “offered;” in subsection (f)(2)(A) and inserting “offered, if any;”and

(2) by adding at the end of subsection (h) the following: “The Secretary shall not require an applicant for a direct loan or loan guarantee under this section to provide collateral. The Secretary shall not require that an applicant for a direct loan or loan guarantee under this section have previously sought the financial assistance requested from another source. The Secretary shall require recipients of direct loans or loan guarantees under this section to apply the standards of section 22301(b) and (c) of title 49, United States Code, to their projects.”.

(f) Time Limit for Approval or Disapproval.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822) is amended by adding at the end the following:

“(i) Time Limit for Approval or Disapproval.—Not later than 180 days after receiving a complete application for a direct loan or loan guarantee under this section, the Secretary shall approve or disapprove the application.”.

(g) Fees and Charges.—Section 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 823) is amended—

(1) by adding at the end of subsection (k) the following: “Funds received by the Secretary under the preceding sentence shall be credited to the appropriation from which the expenses of making such appraisals, determinations, and findings were incurred.”; and

(2) by adding at the end the following new subsection:

“(l) Fees and Charges.—Except as provided in this title, the Secretary may not assess any fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 502.”.

(h) Substantive Criteria and Standards.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Transportation shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822).

(i) Operators and Service Providers Deemed Rail Carriers.—Section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822), as amended by subsection (f), is amended by adding at the end the following:

“(j) Operators and Certain Service Providers Deemed Rail Carriers.—A person that conducts rail operations, or performs catering, cleaning, construction, maintenance, or other services for rail operations, funded or otherwise receiving assistance under this section is deemed to be a rail carrier for purposes of part A of subtitle IV of title 49, United States Code, when so operating or performing such services.”.

SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PROGRAM.

(a) In General.—Chapter 249 is amended by adding at the end the following:

“§ 24910. Passenger rail cooperative research program

“(a) In General.—The Secretary shall establish and carry out a rail passenger cooperative research program. The program shall—

"(1) address, among other matters, intercity rail passenger services, including existing rail passenger technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

"(2) give consideration to research on commuter rail, regional rail, freight rail, and other modes of rail transportation that may affect rail passenger transportation due to the interconnectedness of the rail passenger network with other rail transportation services; and

"(3) give consideration to regional concerns regarding rail passenger transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

"(b) CONTENTS.—The program to be carried out under this section shall include research designed—

"(1) to develop more accurate models for evaluating the indirect effects of rail passenger service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

"(2) to develop a better understanding of modal choice as it affects rail passenger transportation, including development of better models to predict ridership;

"(3) to recommend priorities for technology demonstration and development;

"(4) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

"(5) to explore improvements in management, financing, and institutional structures;

"(6) to address rail capacity constraints that affect passenger rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on freight and commuter rail operations; and

"(7) to improve maintenance, operations, customer service, or other aspects of existing intercity rail passenger service existing in 2002.

"(c) ADVISORY BOARD.—

"(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger transportation.

"(2) MEMBERSHIP.—The advisory board shall include—

"(A) representatives of State transportation agencies;

"(B) transportation and environmental economists, scientists, and engineers; and

"(C) representatives of Amtrak, the Alaska Railroad, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

"(d) NATIONAL ACADEMY OF SCIENCES.—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.".

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 249 is amended by adding at the end the following:

"24910. Passenger rail cooperative research program".

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation $5,000,000 for fiscal year 2003, and each fiscal year thereafter, to carry out section 24910(d) of title 49, United States Code.

SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 REFLECTING ICC TERMINATION ACT.

(a) SECTION 307.—

(1) Section 307 is amended—

(A) by striking "**Interstate Commerce Commission**" in the section heading and inserting "**Surface Transportation Board**";

(B) by striking "Interstate Commerce Commission" in subsection (a) and inserting "Surface Transportation Board"; and

(C) by striking "Commission" each place it appears and inserting "Board".

(2) The chapter analysis for chapter 3 is amended by striking the item relating to section 307 and inserting the following:

"307. Safety information and intervention in Surface Transportation Board proceedings".

(b) SECTION 333.—Section 333 is amended—

(1) by striking "Interstate Commerce Commission" each place it appears and inserting "Surface Transportation Board"; and

(2) by striking "Commission" in subsection (c) and inserting "Board".

(c) SECTION 351.—Section 351(c) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(d) SECTION 24307.—Section 24307(b)(3) is amended by striking "Interstate Commerce Commission" and inserting "Surface Transportation Board".

(e) SECTION 24308.—Section 24308 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (a)(2)(A) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (a) and (b) and inserting "Board".

(f) SECTION 24311.—Section 24311 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(1) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

(g) SECTION 24902.—Section 24902 is amended—

(1) by striking "Interstate Commerce Commission" in subsections (g)(2) and (g)(3) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsections (g)(2) and (g)(3) and inserting "Board".

(h) SECTION 24904.—Section 24904 is amended—

(1) by striking "Interstate Commerce Commission" in subsection (c)(2) and inserting "Surface Transportation Board"; and

(2) by striking "Commission" each place it appears in subsection (c) and inserting "Board".

SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAILROAD RIGHT-OF-WAY PROPERTY.

Section 601(b) of the Alaska Railroad Transfer Act of 1982 (45 U.S.C. 1209(b)) is amended—

(1) by inserting "(1)" after "(b)";

(2) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively; and

(3) by adding at the end the following new paragraph:

"(2)(A) The State-owned railroad may convey all right, title, and interest of the State in any land within the right-of-way to a third party in exchange for other land that, in substitution for the land conveyed, is to be utilized as part of the right-of-way if the continuity of the right-of-way corridor for transportation, communications, and transmission purposes is provided by such use of the substituted land.

"(B) The provisions of this section that require reversion shall apply to the substituted land, as of the effective date of the exchange of that land in a transaction authorized by subparagraph (A), as fully as if the substituted land had been rail properties of the Alaska Railroad as of January 13, 1983.

"(C) Upon the conveyance of land in a transaction authorized by subparagraph (A), any reversionary interest in the land under this section shall terminate.".

NATIONAL DEFENSE RAIL ACT

One-time FY 2003 authorization for Security Funds: $1.26 billion.

Total funds authorized annually for FY 2003 through FY 2007: $4.61 billion.

SECURITY PROVISIONS ($1.26 B IN FY 2003)

$360M for Amtrak security needs, evenly divided between the Northeast Corridor and Non-Northeast Corridor.

$5M for DOT to perform a security assessment of all rail, including freight needs.

$895M for life safety upgrades to tunnels in NY, Balt, DC.

$3M for preliminary design work for the Baltimore tunnels.

FEDERAL HIGH SPEED CORRIDOR DEVELOPMENT ($1.55 B ANNUALLY)

$25M to DOT for Research and Development Activities.

$25M to DOT for Planning.

$1.5B to DOT for Implementation/Construction.

Must be a designated corridor to receive funding. The Northeast Corridor is designated, but not eligible to receive funds under this program if receiving other federal funds.

NORTHEAST CORRIDOR (NEC) ($ .310 B ANNUALLY)

Requires any operating profit on the NEC to be reinvested in NEC infrastructure.

$720M for infrastructure.

$100M for fleet.

$70M for stations/facilities.

$20M for technology upgrades.

$400M for growth (annual average).

COOPERATIVE RESEARCH PROGRAM ($5 M ANNUALLY)

Establishes R & D program at National Academy of Sciences similar to highway and transit cooperative research programs.

NATIONAL RAILROAD PASSENGER CORPORATION (500 M ANNUALLY)

Requires profits from non-passenger activities to be invested in growth activities outside the NEC.

$160M (est.) for mandatory excess Railroad Retirement Payments.

$267M for debt payments (avg.).

$30M for environmental compliance.

$43M for ADA compliance.

$2.5M for onetime external assessment of Amtrak cost accounting.

LONG-DISTANCE TRAINS ($580 M ANNUALLY)

$360M for operating.

$120M for fleet.

$80M for infrastructure.

$10M for stations/facilities.

$10M for technology.

SHORT DISTANCE & STATE-SUPPORTED ROUTES ($270 M ANNUALLY)

$190M annually for infrastructure.

$50M annually for fleet.
$10M annually for stations.
$20M annually for technology.

RAIL PROJECT FINANCING ($350 M ANNUALLY)

Expansion of the DOT's Railroad Rehabilitation and Improvement Financing Program.

$35B authorization for DOT to provide loans and loan guarantees (annual estimated 10% credit risk premium).

Mr. BIDEN. Madam President, as my good friend Senator HOLLINGS has just stated, we are on the brink of a very important decision. Do we continue to underfund a national passenger rail system? Or do we finally stand behind the system, committing to it once and for all?

I agree with my good friend, the chairman of the Commerce Committee, and that's why I joined him in introducing this important bill. For 30 years, I have witnessed Congress dangling a carrot in front of Amtrak's eyes, funding it just enough for it to limp along. And I'll tell you, this has to stop. Now is the time to commit politically and financially to a strong, safe, and efficient passenger rail system. And now is the time to determine once and for all, what exactly it is that we want out of passenger rail service in the country. Should this be a truly national system? And should we devote the resources necessary to maintain and expand this networks?

Senator HOLLINGS and the rest of my colleagues know that I support funding the highway and aviation networks, our Nation has relied upon them for years, and they have served us well. But I look around today and I see crowded skies and congested roads. At the very same time, I see empty rails, with the potential to relieve this transportation burden and serve as a useful alternative for Americans.

As Senator HOLLINGS discussed just now, the events of September 11 further demonstrated, in stark and rigid terms, the necessity of transportation choices. For years I have argued that we need to sit down together and begin an honest and frank discussion in order to create a blueprint for the future of passenger rail.

And, let me tell you this, this bill that I am introducing with Senator HOLLINGS is a good, solid start. Instead of maintaining the status quo, the bill offers a vision and a set of priorities for the future of passenger rail in this country. It says: we need to make sure this system is safe, as September 11 demonstrated it must be. It says: we need to seriously invest in the future of this system, which is high-speed rail. And it says: the Federal Government will need to adequately fund a national passenger rail network, no matter how the system is structured.

And that is something that has always mystified me. When it comes to other forms of transportation, highways and airplanes, we have given them all they ask for, consistently providing full Federal backing. Since 1971, in fact, we have given $750 billion to highways and aviation. In the same period of time, since the birth of Amtrak, we have only given $25 billion to our national passenger rail system. That's only 3 percent of all transportation funding in that period. That is appalling.

If we want a national passenger rail system, and most Americans do, as all the polls indicate, then we are going to have to pay for it, and understand the long-term commitment it takes to get this kind of system up and running. Passenger rail in this country has never had a stable funding source instead, it has been subjected to the whims and follies of the political process, and it has lost this battle time and time again.

Every single industrialized country, France, Japan, Germany, subsidizes a national rail system. For years, we have been living in a fantasy - that somehow, we can have our cake and eat it too: that we could mandate Amtrak to be self-sufficient without giving it nearly enough money to do so. But Amtrak cannot run a national rail network, without adequate levels of Federal investment, and still be expected to be commercially self-sufficient. That is just not rational.

There are two steps, then, in ensuring the future of passenger rail. Short-term, we have got to make sure that we do not allow Amtrak to go bankrupt, or worse, mortgage off their future in a desperate attempt to stay afloat. That is why, alongside many of my colleagues, I have pushed for the full $1.2 billion appropriations amount that Amtrak has requested for next year. This bare-bones minimum will give them the ability to maintain the current state of passenger rail, nothing more, nothing less.

And in the long-term, we need a new vision for the future of national passenger rail so these one-time, bare-bones funding requests are no longer an issue. This bill represents just such a vision. It would invest seriously in the planning and implementation of high-speed rail corridors, which provides the most bang for the buck and which almost every State Governor, Democrat or Republican, has been clamoring for for years. It would provide money for debt payments, which Amtrak has incurred as a direct result of Federal underfunding. It would authorize capital investment funds, to begin to correct the $5.8 billion capital backlog Amtrak faces today. And it would fund operating costs for the long-distance trains that provide essential service to rural areas of the country.

Moreover, it would address the serious security concerns that plague our rail system today. I stood up here months ago, right after one of the worst events in our Nation's history. I stood up here in order to call attention to what I thought, and continue to think, is a dire situation. And that is this matter of rail security. The events of September 11 dramatically and starkly revealed how essential it is that the United States have a national, effective, and secure railroad passenger system. It also exposed how vulnerable that system is right now to terrorist attacks. I have traveled through the train tunnels that Amtrak uses, and let me tell you, these tunnels are just plain frightening, poor ventilation, poor lighting, inadequate evacuation routes.

This reauthorization bill would help the system deal with these tunnels and other gaps in our passenger rail security. A one-time investment of $1.4 billion would provide security fencing, closed circuit television, tunnel rehabilitation, increased security inspections, essential security-related improvements. The Department of Transportation itself has warned several times in the last few years about the necessity of quickly and fully funding Amtrak's security needs. $1.4 billion is a small price to pay to avoid a repeat of September 11.

Finally, this bill would bring a greater level of accountability to the whole structure. As Senator HOLLINGS indicated, the $1.55 billion in funds for high-speed corridor planning and implementation would be run through the Department of Transportation, so that the Federal Government can work together with state and local agencies in promoting the future of our rail system.

This bill, together with the $1.2 billion appropriations for next year, will bring us closer to the type of passenger rail system that our Nation deserves and needs. As my good friend Senator HOLLINGS alluded to, 50 years ago, our leaders had the vision and foresight to stand up and say, we need an interstate highway system, and we need to fund it appropriately. Let us today go forward with this blueprint in hand and create a similar network for passenger rail.

By Mrs. CARNAHAN:

S. 1993. A bill to authorize a military construction project for the construction of a Weapons of Mass Destruction Responder Training Facility at Fort Leonard Wood Missouri; to the Committee on Armed Services.

Mrs. CARNAHAN. Madam President, I rise today to introduce important legislation for homeland defense, the Weapons of Mass Destruction Responder Training Facility Act of 2002. America's war against international terrorism has increased the need to prepare against the threat of weapons of mass destruction, known as WMDs.

Currently the Army's frontline of defense against WMD threats, Fort Leonard Wood, does not have the ability to conduct full-scale, joint training year round. This preparation gap must be closed. Our national security depends on the ability to effectively respond to a WMD attack. That is why I have introduced legislation to create a permanent training facility at Fort Leonard Wood.

Fort Leonard Wood has no dedicated facility for training active duty and National Guard WMD responders. This prevents both joint training and the expansion of coordination among all WMD responders.

Last October, we in this body learned first hand the importance of a coordinated response to WMD attacks. When letters, filled with anthrax, were mailed to members of Congress, 50 of our colleagues in the Senate and their staffs were evicted from the Hart office building for over three months. Experts from several agencies and departments, who never prepared together to respond to a WMD attack, worked to overcome setbacks and difficulties to make sure the Hart building was safe again. I thank them for all their hard work. But we now know that to prepare for future threats, those responsible for responding to WMD attacks must train together.

Constructing of a permanent facility will enable joint training and cooperation of WMD Civil Support Teams; Department of Defense Emergency Responders; Chemical, Biological, Radiological and Nuclear Instillation Support Teams; and Active and Reserve Component Chemical Units. The need to conduct joint operations and training year round is important and immediate. It is vital to national security. This is why the Army has placed the highest priority on building a permanent facility at Fort Leonard Wood.

This legislation will compliment S. 1909, which was introduced by my friend and colleague from Missouri. Senator BOND's legislation calls for the establishment of a unified command for homeland defense, a post both the President and the Secretary of Defense support.

S. 1909 will allow the Department of Defense to more effectively manage homeland defense resources by centrally locating the unified command within the United States, away from a major population center at an Armed Forces facility already in use for WMD training.

Fort Leonard Wood meets all of these requirements and seems like an ideal candidate to fulfill this new and important national security role. But Fort Leonard Wood is not yet ready. While it has taken the lead in preparing WMD responders, there is yet another step to take. We must ensure that the country is prepared for future attacks by establishing a permanent training facility now.

By Mr. KERRY (for himself and Mr. BOND):

S. 1994. A bill to establish a priority preference among certain small business concerns for purposes of Federal contracts, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Madam President, today I am introducing legislation to help our nation's 8(a) Business Development, BD, and HUBZone firms compete more effectively in the Federal marketplace.

This bipartisan legislation, cosponsored by Senator KIT BOND, stems from a 1997 commitment Senator BOND and I made to each other to seek equality between the Small Business Administration's, SBA, 8(a)BD program and the HUBZone program.

Much has been made lately of the SBA's proposed rule to establish "parity" or equality between these two important programs. Some in the contracting community have opposed the proposed rule because they have concerns about the decline in the number of contracts and contract dollar values being awarded to 8(a)BD firms. I share the concerns of the contracting community in this regard, but I do not blame the HUBZone program for this decline. Rather, I blame the current procurement environment.

In 1997, working with then-Chairman of the Senate Committee on Small Business, Senator BOND, I took the necessary steps to protect the 8(a)BD program. In my negotiations with Senator BOND, he agreed to change the legislation creating the HUBZone program from one of HUBZone priority to one of equality between the 8(a)BD and HUBZone programs. Further, we negotiated a 3 percent increase in the Federal Government's small business goal, raising it from 20 percent to 23 percent, in order to accommodate the HUBZone program, which when fully phased in for Fiscal Year 2003 will have a 3 percent governmentwide goal. This increase was put in place specifically to accommodate the HUBZone program and ensure that 8(a)BD firms did not lose Federal contracts to the HUBZone program.

The fact remains, however, despite these protections, that 8(a)BD firms are experiencing a decline in Federal procurement, which some place as high as 34 percent since 1997. The cause of this decline has its roots in the new procurement environment created by the reforms in the mid-1990s, such as passage of the Federal Acquisition Streamlining Act and the Federal Acquisition Reform Act, the regulatory changes to procurement programs in response to the Adarand Inc. v. Pena decision, and reductions in the acquisition workforce. Because negative trends hit minority-owned firms first and hardest, these small businesses have borne a disproportionate share of the percentage decline in Federal contract dollars being awarded to small businesses.

To help combat the negative effects of procurement reform, I have been taking a very close look at the SBA's programs to assist small businesses, especially small businesses owned by socially and economically disadvantaged individuals. The legislation being introduced today is the first step in halting and reversing the decline brought about by procurement reform.

This legislation specifically addresses two critical areas of the 8(a)BD and HUBZone programs. The first deals with the relationship between the two programs when a small business has received both an 8(a)BD and a HUBZone certification, the second deals with the sole-source threshold issue for these firms.

First, an important factor in my decision to support the HUBZone legislation with the negotiated changes to protect the 8(a)BD program was the concept known as "super-priority" or "priority-preference." The priority-preference stems from Congressional intent that firms that are both 8(a)BD and HUBZone certified receive a preference over a firm that has a certification in only one program. In addition, the priority-preference was intended to allow these firms to combine the price evaluation preference available to them under each program, with the understanding that any offeror would still need to meet a "responsiveness" test in terms of their offer. Unfortunately, the new rule proposed by the SBA does not include the priority-preference, and the SBA has issued guidance that states that the priority-preference has no statutory provision to support its creation.

Although I strongly disagree with the SBA's decision to end the priority-preference, this legislation will rectify the situation by creating a statutory priority-preference for firms that have both an 8(a)BD and a HUBZone certification. Such a provision will help combine the benefits of each program and bring additional jobs and opportunities to underdeveloped areas. I view this provision as a win-win for the 8(a)BD and HUBZone contracting communities.

Second, this legislation makes an important update to both the 8(a)BD and HUBZone programs by raising the sole-source thresholds. One of the most important attributes of both of these programs is the authority for small businesses to receive contracts on a sole-source basis. This excellent benefit is limited, however, by a cap on the dollar amount for sole-source contracts. Currently, contracts for goods and services are limited to $3 million, while manufacturing contracts are limited to $5 million. This legislation updates those limits by $1 million for each category—an update that has been needed for some time and that Senator BOND and I nearly succeeded in including in the Small Business Reauthorization Act of 2000. By increasing the sole-source thresholds, the Federal government will immediately put more contract dollars into the hands of 8(a)BD and HUBZone firms.

As I mentioned earlier in my statement, this legislation is merely one step in the process to help reverse the negative trends procurement reform has had on our nation's small businesses.

It is my hope that we can move this legislation through the Senate quickly, and I would urge all of my colleagues to lend their support.

Mr. BOND. Mr. President, I appreciate the opportunity to come to the Floor once again on another bipartisan matter with the distinguished chairman of the Small Business Committee. We have such a constructive working relationship in the Federal procurement issue area, and I always welcome the opportunity to work with the Senator from Massachusetts, Mr. KERRY, to advance small business participation in Government contracting.

This bill we are introducing today will further clarify the relationship between the HUBZone and 8(a) contracting programs. This relationship has been a strongly debated topic lately, although we thought our Committee provided clear guidance on the matter in the 1997 HUBZone Act. In the matter before us, we are clarifying what happens when firms are eligible for both programs and become certified.

The original Small Business Administration regulations on the HUBZone program called for the highest contracting priority to be given to HUBZone 8(a) "dual status" firms. That is, if a firm has been certified in both programs, it moves to the head of the class in getting Government contracts. The HUBZone regulations said that, in a HUBZone set-aside, an 8(a) firm should win over non-8(a) firms. Unfortunately, a comparable change was not included in the 8(a) regulations, to give HUBZone firms a preference in 8(a) set-asides. In a letter to SBA's Acting General Counsel last year, I asked SBA to resolve this inconsistency.

Robert Gangwere, the Acting General Counsel, stated he did not think SBA had the statutory authority to grant a "superpreference" to HUBZone 8(a) dual status firms. Currently, SBA has a proposed rulemaking in progress that deletes the "superpreference" language.

This bill would restore that. In a HUBZone set-aside (a competition restricted only to firms that are HUBZone firms), an 8(a) bidder would have priority over non-8(a) HUBZone bidders. A comparable change would be made in the 8(a) set-aside, giving HUBZone firms priority. I think this is reasonable, in that it encourages firms to take advantage of both programs.

I do have one reservation with this bill. Both the HUBZone program and the Small Disadvantaged Business program, of which 8(a) is a part, offer a 10 percent price evaluation preference under certain circumstances in full-and-open competition. The old SBA rules called for HUBZone 8(a) combined firms to get a 20 percent price evaluation preference, combining both the HUBZone preference and the Small Disadvantaged Business preference. I think 20 percent is excessive.

One of the goals of the small business program is to try to help small firms stabilize and develop, so they can survive in a competitive marketplace. Government contracts are supposed to be a means toward that end. But if a firm requires a 20 percent preference to win a contract, it probably has not done what it needs to do to become efficient and ready for the competitive marketplace. I am concerned that a 20 percent preference will be an unreasonable subsidy for inefficient firms. If a small business bidder is not even able to get within 20 percent of the lowest bidder, it probably is not a viable enterprise, and subsidizing its existence is not the highest and best use of taxpayer monies.

With that reservation, I am happy to cosponsor this measure with the Senator from Massachusetts. I am confident we can come to some kind of accommodation on the price evaluation preference, and look forward to working with him to do so.

By Ms. SNOWE (for herself, Mr. FRIST, Mr. JEFFORDS, Mr. ENZI, Ms. COLLINS, Mr. HAGEL, Mr. DEWINE, and Mr. GREGG):

S. 1995. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Madam President, I rise today to introduce the Genetic Information Non-Discrimination in Health Insurance and Employment Act of 2002. I am joined in introducing this bill by Senators FRIST, JEFFORDS, ENZI, COLLINS, HAGEL, DEWINE, and GREGG.

The legislation I am introducing today is the culmination of several months work, though it is, in fact, the second part of an effort that started several years ago. Specifically, in April 1996, I introduced the Genetic Information Nondiscrimination in Health Insurance Act, legislation that was designed to protect people's genetic information and results of genetic testing, or requests for genetic testing, from being used against them by their health insurers. Back then, time was on our side as the completion of the Genome was years off.

However, four years later, in June 2000, everything changed with the announcement that the first working draft of the Human Genome was completed. And since that time, science has continued to hurry forward, further opening the door to early detection and medical intervention through the discovery and identification of specific genes linked to diseases like breast cancer, Huntington's Disease, glaucoma, colon cancer and cystic fibrosis.

Unfortunately, like so many other scientific breakthroughs in history, the completion of the Genome not only brought about the prospect for medical advances, such as improved detection and intervention, but also potential harm and abuse, as the knowledge of individual genetic information could be used against the very same person it is invented to help.

Accordingly, the need for protections against genetic discrimination by both health insurers and employers is becoming more urgent everyday. If, because of concerns about the way the information could be used, people are unwilling to use the potential unlocked by the Genome project to take proactive steps to protect their health and that of their loved ones, then we will never reap the true benefits of this discovery.

While we cannot yet prevent diseases such as breast cancer, genetic testing makes it possible for carriers of these diseases to take extra precautions. In fact, early detection is the best weapon we have to combat many of these diseases we can now identify, and for breast cancer it is a critical component when one considers that almost 192,000 women were struck by the disease last year. Technological advances in screenings coupled with the ability to identify who carries the gene linked to breast cancer can help us in our efforts to reduce this number. The possibilities for this discovery are limited only by the willingness, or unwillingness, of people to use this knowledge.

In 1997, a woman from Maine brought the reality of this dilemma home for me when she wrote of her very real fear of the repercussions associated with genetic testing. Bonnie Lee Tucker has nine women in her immediate family who were diagnosed with breast cancer, and she herself is a survivor. She wrote to me about her fear of having the BRCA test for breast cancer, because she worries it will ruin her daughter's ability to obtain insurance in the future.

Bonnie Lee isn't the only one who has this fear. When the National Institutes of Health offered women genetic testing, nearly 32 percent of those who were offered a test for breast cancer risk declined to take it citing concerns about health insurance discrimination. What good is scientific progress if it cannot be applied to those who would most benefit?

Dr. Francis Collins, the Director of the National Human Genome Research Institute, has testified before Congress about the next step for those involved in the Genome project. He explained that the project's scientists were engaged in a major endeavor to "uncover the connections between particular genes and particular diseases," to apply the knowledge they just unlocked. In order to do this, Dr. Collins said, "we need a vigorous research enterprise with the involvement of large numbers of individuals, so that we can draw more precise connections between a particular spelling of a gene and a particular outcome." However, this effort cannot be successful if people are afraid of possible repercussions of their participation in genetic testing.

The bottom line is that, given the advances in science, there are two separate issues at hand. The first is to restrict discrimination by health insurers and the second to prevent employment discrimination, based upon genetic information.

With regard to health insurance, the issues are clear and familiar, and something the Senate has debated before, in the context of the consideration of larger privacy issues. As Congress debated what is now the Health Insurance Portability and Accountability Act of 1996, we also addressed the issues of privacy of medical information. And any legislation that seeks to fully address these issues must consider the interaction of the new protections with the newly promulgated privacy rule which was mandated by HIPAA, and our legislation does just that.

Now we must ensure that we protect genetic information, genetic tests, as well as information regarding a request for genetic testing, from being used by the insurer against the patient. Genetic information only detects the potential for a genetically linked disease or disorder, and potential does not equal a diagnosis of disease. However, it is critical that this information be available to doctors and other health care professionals when necessary to diagnose, or treat, an illness. It is the difference that we must recognize as we discuss legislation to protect patients from potential discriminatory practices by insurers.

Unlike our legislative history on debating health privacy matters, the issues surrounding protecting genetic information from workplace discrimination is new. And to that end, the legislation I introduce today creates these protections in the workplace. As demonstrated by the Burlington Northern case, the threat of employment discrimination is real and therefore it is essential that we take this information off the table, so to speak, before the use of this information becomes widespread. While Congress has not yet debated this specific type of employment discrimination, we have a great deal of employment case law and legislative history on which to build.

As we considered the need for this type of protection, we agreed that we must extend current law discrimination protections to genetic information. We reviewed current employment discrimination law and considered what sort of remedies people would have for instances of genetic discrimination and if these remedies would be different from those available to people under current law, for instance under the ADA or the EEOC.

The bill we introduce today creates new protections by paralleling current law. In addition it addresses changes in the law that have occurred since the original introduction of my bill and the other bills on this subject. The momentum to address this issue has finally reached a critical mass. Clearly this is an issue whose time has come.

It has been more than eighteen months since the completion of the working draft of the Human Genome. Like a book which is never opened, the wonders of the Human Genome are useless unless people are willing to take advantage of it.

It's my sincere hope that the bi-partisan legislation I introduce today is the beginning of the end of the debate in our effort to ensure that every one of us is just as protected from discrimination because of what is in our genes as we are from our heritages, our genders and our impairments.

Mr. FRIST. Madam President, I rise once again today to speak on the critical issue of genetic discrimination and to proudly join my colleagues, Senators SNOWE, JEFFORDS, COLLINS, ENZI, DEWINE, HAGEL, and GREGG in introducing the Genetic Information Nondiscrimination Act of 2002.

The threat of genetic discrimination, both in the workplace and with respect to health insurance coverage, is one of the most troublesome Congress faces. As our scientific knowledge has improved, the threat of discrimination has increased. As a physician, as a medical researcher, and ranking member of the Subcommittee on Public Health, I have a long and deep interest in this issue, and I believe we have a unique responsibility to ensure that medical and scientific progress does not result in individual harm.

For example, I am deeply troubled by reports of women declining genetic testing out of fear that they may lose their health insurance, even though a genetic test might reveal that a woman is not at high risk and therefore allow her to make more informed health care choices. When I first joined Senator SNOWE to introduce legislation banning genetic discrimination in health insurance in 1998, almost one-third of women offered a test for breast cancer risk at the National Institutes of Health declined, citing concerns about health insurance discrimination. If unchecked and unregulated, this fear of discrimination clearly has the potential to prevent individuals from participating in research studies or taking advantages of new genetic technologies to improve their medical care.

Scientific advances hold the promise of higher quality medical care, yet there is a pressing need for federal legislation to reassure the public that learning this information will not result in a loss of health insurance coverage or in the loss of a job. I am committed to a bipartisan legislative solution, and have worked extensively towards this goal with Senator SNOWE, JEFFORDS, and a number of the members of this Committee over the past several years. I believe that, together, we have made an important step in addressing this through the Genetic Information Nondiscrimination in Health Insurance Act, which has been passed by the Senate on three separate occasions.

Today, we are building on that work, and on the solid foundations established in law by the Civil Rights Act, Americans with Disabilities Act, and Health Insurance Portability and Accountability Act. The Genetic Information Nondiscrimination Act of 2002 builds upon our progress in the health insurance area and expands our previous legislation to address the threat of employment discrimination and health insurance based on genetic information. Moreover, the bill incorporates the most recent scientific understandings in the field of genetics research in establishing protections and defining relevant terms.

I believe that it is incumbent upon us to pass legislation this year that is comprehensive, consistent, reasonable and fair. I am troubled by some legislative approaches that would place these new protections outside of the established framework of our time-tested civil rights laws and that would establish separate protections against genetic discrimination than exist for other types of discrimination. The bill today meets that standard of providing strong protections that are consistent with the current state of scientific knowledge, as well as current law.

I commend my colleagues for their commitment to this issue. I also commend President Bush for his commitment to ensuring strong protections against genetic discrimination and for calling attention to this critical matter. Through this important legislation, we have the opportunity to dispel the threat of discrimination based on an individual's genetic heritage, and I look forward to working with my colleagues to enact this legislation this year.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 217—RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON, FORMERLY A SENATOR FROM THE STATE OF NEVADA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. REID, and Mr. ENSIGN) submitted the following resolution; which was considered and agreed to:

S. RES. 217

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 2982. Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2980 proposed by Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2980. Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS and Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Insert the following after Section 704(d):

"(e) PROHIBITION ON CERTAIN PIPELINE ROUTE.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

"(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

"(2) enters Canada at any point north of 68 degrees North latitude."

Insert the following after Section 706(c):

"(d) STATE COORDINATION.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands."

SA 2981. Mr. MILLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 155, between lines 17 and 18, insert the following:

(c) AVERAGE FUEL ECONOMY STANDARDS FOR PICKUP TRUCKS.—

(1) IN GENERAL.—Section 32902(b) of title 49, United States Code (as amended by subsection (b)(3)) is further amended by adding at the end the following new paragraph:

"(6) PICKUP TRUCKS.—The average fuel economy standard for pickup trucks manufactured by a manufacturer in a model year after model year 2004 shall be 20.7 miles per gallon. No average fuel economy standard prescribed under another provision of this section shall apply to pickup trucks.".

(2) DEFINITION OF PICKUP TRUCK.—Section 32901(a) of such title (as amended by subsection (b)) is further amended—

(A) in paragraph (17), by inserting ", other than a pickup truck," after "automobile" in the matter preceding subparagraph (A); and

(B) by adding at the end the following new paragraph:

"(18) 'pickup truck' has the meaning given that term in regulations prescribed by the Secretary for the administration of this chapter, as in effect on January 1, 2002, except that such term shall also include any additional vehicle that the Secretary defines as a pickup truck in regulations prescribed for the administration of this chapter after such date.".

SA 2982. Mr. MURKOWSKI (for himself and Mr. STEVENS) proposed an amendment to amendment SA 2980 proposed by Mr. DASCHLE (for himself, Mr. BINGAMAN, Mr. REID, Mr. MURKOWSKI, Mr. STEVENS, and Mr. BAYH) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end of the amendment insert the following:

On page 142 after line 20 insert a new section as follows and renumber all following sections accordingly:

"'SEC. 708. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

"'(a) Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act, and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

"'(b) Nothing in this Subtitle, except as provided in subsection 704(e), shall preclude or affect any future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Susitna Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.'

"On page 148 after line 2 insert:

"'SEC. 714. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.

"'(a) Within six months after enactment of this Act the Secretary of Labor (hereinafter referred to as the 'Secretary') shall submit a report to the Committee on Energy and natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for changes. For purposes of this section Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

"'(b) Within 1 year of the date the report is transmitted to Congress, the Secretary shall, directly or through grants or cooperative agreements, establish within the State of Alaska, at such locations as the Secretary deems appropriate, training center(s) for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. The training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

"'(c) In implementing the report and program described in this section, the Secretary shall consult with the Alaskan Governor.

"'(d) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000 for the purposes of this section.'.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a nomination hearing during the session of the Senate on Wednesday, March 6, 2002, at 9:30 a.m. The purpose of this hearing will be to consider the following nominations: Thomas Dorr the nominee for Under Secretary of Rural Development; Nancy Bryson, the administration's nominee to serve as general counsel for USDA; and Grace Daniel and Fred Dailey who are nominated to serve on the Board of Federal Agricultural Mortgage Corporation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies; Oversight of the Accounting Profession, Audit Quality and Independence, and Formulation of Accounting Principles."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environmental and Public Works be authorized to meet on Wednesday, March 6, 2002, at 9:30 a.m., to conduct a hearing to receive testimony on S. 975, the Community Character Act of 2001; and S. 1079, the Brownfield Site Redevelopment Assistance Act of 2001.

The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 9:30 a.m., to hold a hearing titled, "Dirty Bombs".

Agenda

Witnesses

Panel 1: Dr. Steven E. Koonin, Provost, California Institute of Technology, Pasadena, CA; Dr. Harry C. Vantine, Division Leader, Counterterrorism and Incident Response, Lawrence Livermore National Laboratory, Livermore, CA; Dr. Henry C. Kelly, President, Federation of American Scientists, Washington, DC; and Dr. Donald D. Cobb, Associate Laboratory Director for Threat Reduction, Los Alamos National Laboratory, Los Alamos, NM.

Panel 2: Dr. Richard A. Meserve, Chairman, Nuclear Regulatory Commission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, March 6, 2002, at 9:30 a.m., to hold a hearing entitled "Who's Doing Work for the Government?: Monitoring, Accountability and Competition in the Federal and Service Contract Workforce."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, COMPETITION AND BUSINESS AND CONSUMER RIGHTS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Antitrust, Competition and Business and Consumer Rights be authorized to meet to conduct a hearing on Wednesday, March 6, 2002, at 10:30 a.m., in Dirksen 226.

Witness List: Jeremiah W. "Jay" Nixon, Attorney General, State of Missouri, Jefferson City, Missouri; Charles W. Ergen, Chairman and CEO, Echostar Communications, Littleton, Colorado; Edward O. Fritts, President and CEO, National Association of Broadcasters, Washington, DC; Eddy W. Hartenstein, President and CEO, DIRECTV, Inc., El Segundo, California; Gene Kimmelman, Co-Director, Consumers Union, Washington, DC; and Robert Pitofsky, former Chairman of the Federal Trade Commission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMUNICATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Communications of the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 6, 2002, at 2:30 p.m., on the Nation's wireline and wireless communications infrastructure in light of September 11.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., in open session to receive testimony on the nonproliferation programs of the Department of Energy and the Cooperative Threat Reduction Program of the Department of Defense in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Public Health, be authorized to meet for a hearing on "Health Tracking: Improving Surveillance of Chronic Conditions and Potential Links to Environmental Exposures," during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 10 a.m., in open session to receive testimony on Department of Defense financial management.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 6, 2002, at 2:30 p.m., to conduct an oversight hearing on "Reauthorization of the HUD McKinney-Vento Homeless Assistance Act Programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. THOMAS. Madam President, I ask unanimous consent that Nancy Perkins, of Senator GREGG's office, have the privilege of the floor throughout the consideration of the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Madam President, first, I ask unanimous consent that Dennis Leaf, a congressional fellow with my office, be given floor privileges for the consideration of the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Madam President, I ask unanimous consent that David Matsuda, a fellow from the Department of Transportation, be granted floor privileges during the discussion of the S. 517.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that the following members of my staff be allowed the privilege of the floor during the remainder of the consideration of the energy debate: Dave Russell, George

Lowe, Andy Givens, Mark Davis, Melany Alvord, Matt Paxton, and Justin Stiefel.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Executive Calendar No. 621, the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, any statements be printed in the RECORD, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF ENERGY

Margaret S.Y. Chu, of New Mexico, to be Director of the Office of Civilian Radioactive Waste Management, Department of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Republican leader, pursuant to Public Law 68–541, as amended by Public Law 102–246, reappoints Bernard Rapoport of Texas as a member of the Library of Congress Trust Fund Board for a term of five years, upon the expiration of his current term on March 10, 2002.

PERMITTING THE USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Madam President, I ask unanimous consent the Senate now proceed to H. Con. Res. 305 which was just received from the House and is now at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 305) permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 305) was agreed to.

RELATIVE TO THE DEATH OF THE HONORABLE HOWARD W. CANNON

Mr. REID. I ask unanimous consent the Senate proceed to consideration of S. Res. 217, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 217) relative to the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent resolution be agreed to and the motion to reconsider be laid on the table without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 217) was agreed to.

(The resolution is printed in today's RECORD under "Submitted Resolutions.")

ORDERS FOR TOMORROW, MARCH 7, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Thursday, March 7; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of S. 517, the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of S. Res. 217, as a mark of respect to the memory of the deceased Honorable Howard W. Cannon, a Senator from the State of Nevada.

There being no objection, the Senate, at 6:42 p.m., adjourned until Thursday, March 7, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 6, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

JEFFREY D. WALLIN, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE RON CHEW.

DEPARTMENT OF JUSTICE

PETER A. LAWRENCE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NEW YORK FOR THE TERM OF FOUR YEARS, VICE JOHN PATRICK MCCAFFREY, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. WILLIAM D. MASTERS JR., 7837

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. CRAIG O. MCDONALD, 8124

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID O. ANDERSON, 4824
CAPT. DAVID J. CRONK, 9384
CAPT. DIRK J. DEBBINK, 0752
CAPT. FRANK F. RENNIE IV, 3148

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DERRICK K. ANDERSON, 7877
CARL M. ANDREWS, 7741
MARION T. HARNED, 1823
JOE F. JOHNSTON, 7959
WAYNE R. KNUTSON JR., 4937
FROILAN A. SALUTA, 7123
JOSEPH R. WALLROTH, 2636

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

LORAINE H. ANDERSON, 0313
WILLIAM S. ASTLEY, 9862
MARY K. BALLENGEE, 9820
BRIAN K. DECKERT, 5776
JACKSON R. DOBBINS, 6219
ROY T. FRANKLIN, 9606
WILLIAM B. HUFF, 8650
BONNIE C. JOHNSON, 2164
MICHAEL E. JOHNSON, 4906
GEORGE NICOLAS JR., 9515
STEPHEN G. REINHART, 0990
MARK J. WELTER, 6902
MICHAEL E. YOUNG, 1118

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARY S. ARMOUR, 8763
DELORES G. FORREST, 1786
ROBERTA L. GOTT, 8016
DAWN M. HARL, 6219
DIANNE R. INUNGARAY, 8578
BARBARA J. JOHNSTON, 9665
DONNA M. LAKE, 8439
IRENE D. LARSON, 5198
GAIL MCCAIN, 8146
LORI L. MONTGOMERY, 9331
BRIAN D. MORR, 7856
STEPHEN E. PRIZER, 7550
SANDRA R. SCHMIDTBERRINGER, 3157
SHARON B. WRIGHT, 6405

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

KEVIN D. BARON, 2198
LAURA E. BATTLE, 3592
AMY M. BECHTOLD, 3639
TERRIE M. GENT, 1854
THOMAS J. HASTY III, 8914
STEVEN A. HATFIELD, 3056
THOMAS C. JASTER, 0453
EUGENE J. KIRSCHBAUM, 6191
STEWART L. NOEL, 2160
MARY V. PERRY, 1541
RONALD M. REED, 4878
JEFFREY L. ROBB, 6864
DANIEL E. ROGERS, 3633
PAMELA D. STEVENSON, 3597
PAUL E. VAN MALDEGHEM, 3771
BRIAN J. WELSH, 1741

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JORGE ACEVEDO, 5981

EDWARD N. ADDISON, 6454
LINDA S. ALDRICH, 1032
JOHN M. AMRINE, 0399
RICHARD L. ANDERSON II, 5458
SHERI W. ANDINO, 6516
STEPHEN J. APPLE, 0744
JOSE R. ARAGON, 7476
THOMAS ARKO, 0523
STEVEN E. ARMSTRONG, 9006
BRADLEY D. ARNOLD, 3339
MICHAEL W. ARNOLD, 1852
JARED A. ASTIN, 9923
LAWRENCE G. AVERY JR., 3333
PETER R. AXUP, 6280
RICHARD R. AYRES, 2640
ROBERT P. BAINE III, 7625
HOWARD B. BAKER, 5973
MICHAEL K. BAKER, 8929
SHELBY G. BALL, 3508
RAMONA G. BARNES, 0268
EDMUND L. BARNETTE JR., 5736
REBECCA L. BEAMAN, 3353
GROVER P. BEASLEY III, 0791
STEVEN J. BEATTY, 1444
ALLAN R. BECK, 9508
JEFFREY K. BEENE, 1420
ROBERT J. BELETIC, 5680
MICHAEL A. BENJAMIN, 3066
STEVEN W. BERNARD, 2357
SCOTT A. BETHEL, 7648
STEVEN K. BIBLE, 3716
GREGORY M. BILLMAN, 4915
DANIEL J. BISANTI, 4667
JEAN E. BITNER, 2401
EILEEN A. BJORKMAN, 5425
STEVEN M. BLACK, 5653
DAVID A. BLEHM, 3562
JOHN V. BOGGESS, 0696
KEVIN G. BOGGS, 9911
KIM A. BOWLING, 6948
MARK E. BRACICH, 7639
JEFFREY A. BRAND, 0054
THOMAS M. BREEN, 2953
DAVID C. BREWER, 2509
JAMES G. BREWSTER JR., 9083
DEIDRE E. BRIGGS, 8911
VENETIA E. BROWN, 4198
JAMES S. BROWNE, 5556
NORMAN J. BROZENICK JR., 5376
THOMAS J. BRUNS, 9412
DANIEL M. BRYAN, 5437
MICHAEL K. BUCK, 8445
JOHN N. BUCKALEW, 4396
HAROLD E. BULLOCK, 8303
STEPHEN L. BURGESS, 1516
DARRYL W. BURKE, 0693
RICHARD L. BURLINGAME, 5289
BRUCE A. BUSH, 7374
MICHAEL S. BUTLER, 2240
DIANE M. BYRNE, 8585
ANTHONY C. CAIN, 2455
JOSEPH T. CALLAHAN III, 9269
JAMES J. CAMPBELL JR., 6893
JESSIE W. CANADAY, 2090
DAVID K. CANNON, 5954
SAMUEL Q. CARBAUGH, 8665
DOUGLAS W. CARROLL, 2594
JOHN R. CARTER JR., 3370
THERESA C. CARTER, 4180
MICHAEL D. CARTNEY, 5197
ROBERT M. CATLIN, 7897
JEFFREY L. CATON, 8156
SCOTT D. CHAMBERS, 0292
CHRISTOPHER R. CHAMBLISS, 4300
WILLIAM J. CHANGOSE, 7974
JOHN J. CHERNIGA, 3310
CARY C. CHUN, 7232
GREGG A. CLARK, 7337
RAY M. CLARK, 7603
WILLIAM J. CLECKNER, 1616
DEAN R. CLEMONS, 6038
TERESA H. CLINE, 4821
HELEN M. COCKRELL, 3057
JEFFREY S. COHEN, 6798
JEFFREY M. COLEMAN, 4133
BRIAN J. COLLINS, 2528
GAIL B. COLVIN, 8810
TED D. CONNALLY, 5300
DOUGLAS K. COOKE, 3548
JOHN B. COOPER, 4200
JOSEPH P. CORSO, 3173
WILLIAM M. CORSON, 2075
DAVID A. CORWIN, 3857
PETER A. COSTELLO III, 3448
GARY C. COX, 9122
SAMUEL D. COX, 1231
JAMES G. CRAMP, 0670
JOHN F. CROGHAN, 4249
RONALD R. CROSBY, 9073
JOSEPH C. CROWNOVER III, 4084
CARLOS R. CRUZGONZALEZ, 8234
GEORGE L. CUNNINGHAM, 3968
PAUL A. CURLETT, 6724
EUGENE DACUS, 0684
TERESA D. DANIELL, 2428
GEORGE B. DANIELS, 4576
JOHN A. DANIELS, 7252
KEVIN S. C. DARNELL, 2894
CLIFFORD E. DAY, 4783
STEPHEN R. DECOU, 6793
DANIEL L. DEFOREST, 7512
BRADLEY S. DENISON, 5822
STEVEN J. DEPALMER, 7118
ROBERT C. DEWALD, 4013
JOHN J. DIAMOND JR., 5200
IAN R. DICKINSON, 6653
HOWARD A. DIETRICH III, 3988
VINCENT P. DIFRONZO, 7481
JOHN R. DIGGINS III, 6720
FRANK C. DIGIOVANNI, 7357
JOHN M. DOBBINS, 7321
MARTIN P. DOEBEL, 1440
CHRIS P. DORAN, 6355
ROBERT M. DOUGLAS, 4032
JACQUELINE J. DOVALE, 3024
JOHN A. DOWLESS JR., 4517
KENNETH L. DRESSEL, 4966
ROBERT D. DUBEK, 6240
PAUL A. DUNBAR, 1175
JAMES A. DUNN, 0946
BRADLEY D. DUTY, 7149
WILLIAM T. ELIASON, 9557
DAVID F. ELLIS, 2705
MICHAEL D. ELROD, 9240
JOHN L. EMICH JR., 2142
ROBERT L. ENGLISH, 0681
MATTHEW N. ERICHSEN, 8678
DOUGLAS ERLENBUSCH, 3011
KAREN A. ESAIAS, 7741
SUSAN L. ESPINAL, 5083
CARLTON D. EVERHART II, 5909
KENNETH G. EVERSOLE JR., 7496
MICHAEL FALINO, 8583
TIMOTHY J. FEELEY, 7831
SANDRA E. FINAN, 6172
LISA C. FIRMIN, 5486
MICHAEL A. FLECK, 4682
ARNOLD FLORES, 1988
DONALD A. FLOWERS, 1701
JON M. FONTENOT, 3814
ANDREW FOWKES, 1600
RICHARD M. FRAKER, 1460
NANCY E. FRYE, 6451
RICHARD L. FULLERTON, 4791
KEVIN R. GAMACHE, 2620
ROGER A. GANT, 4046
JAMES N. GAPINSKI, 1404
MICHAEL H. GECZY, 3771
STEPHEN J. GENSHEIMER, 6777
KEITH E. GENTILE, 8750
DAVID K. GERBER, 1763
BARBARA J. GILCHRIST, 8016
RODERICK E. GILLIS, 2612
DAVID B. GLADE II, 6313
DAVID S. GLOWACKI, 1747
WILLIAM F. GOAD, 6024
JAMES A. GODSEY, 4697
SCOTT E. GOEHRING, 9980
T. T. GOETZ, 4937
SUSAN J. GOLDING, 8276
FERNANDO GONZALEZ, 2693
ROBERT S. GORDON, 7424
FRANK GORMAN, 3706
KATHLEEN M. GRABOWSKI, 9308
DEBRA D. GRAY, 8485
SAMUEL A. R. GREAVES, 1741
BRIAN H. GREENSHIELDS, 0356
DOUGLAS W. GREGORY, 3828
JOHN R. GRIGGS, 4572
GINA M. GROSSO, 4823
LAWRENCE K. GRUBBS, 4933
FREDERICK I. GUENDEL JR., 8674
STEPHEN J. HAHN, 7540
TIMOTHY L. HALE, 0828
WILLIAM C. HALL JR., 2156
ROBERT L. HAMILTON JR., 8155
RUSSELL J. HANDY, 4621
SCOTT M. HANSON, 8761
TRACY A. HARDWICK, 2610
GARRETT HARENCAK, 8120
PAUL R. HARMON, 2369
KEVIN E. HARMS, 7847
MICHAEL Q. HARPER, 9658
JEFFREY P. HARRELL, 6050
JOHN P. HARRIS, 0215
RICHARD HARRIS, 3208
ROBERT D. HARVEY, 9634
STEVEN D. HATTER, 9367
JOHN S. HAVEN II, 5238
WILLIAM I. HAVRON, 3318
DALE L. HAYDEN, 4773
MICHAEL F. HAYDEN, 0106
GEORGE W. HAYS, 9461
LEONARD G. HEAVNER, 8505
DAVID B. HEININGER, 9630
BRUCE B. HEINLEIN, 3694
MITCHELL L. HEITMANN, 2827
HOWARD J. HEMEON III, 6753
HAROLD E. HEMMINGS JR., 8511
SHELIA E. HENDERSON, 2701
WARREN L. HENDERSON, 0641
ROBERT H. HENDRICKS, 4256
STEVEN W. HERRING, 8828
DEREK S. HESS, 9965
HERMAN HICKS, 0367
OTIS L. HICKS JR., 6160
KIM A. HIGH, 6129
PEGGY B. HILLEBRANDT, 6439
JEFFREY A. HODGDON, 0409
DAWN C. HODGE, 9311
MICHAEL W. HODGE, 8775
RUSSELL D. HODGKINS JR., 6000
JOSEPH H. HOFFMAN III, 2840
WILLIAM C. HOFFMAN, 9059
DEWEY A. HOLMES, 3783
JAMES R. HOREJSI, 5234
MARK A. HOWELL, 9604
DERRICK A. HOXIE III, 6508
LARRY W. HUDSON, 2503
ROBERT D. HUDSON, 2202
DIANE R. HULL, 9008
ALAN L. HUNT JR., 7330
DENNIS L. HUNT, 1746
CARL HUNTER, 8411
JAMES L. HYATT III, 9882
MICHAEL W. ISHERWOOD, 2888
GREGORY G. IUSI, 3472
FREDERICK R. JACKSON, 9025
LINDA C. JACKSON, 0010
KEVIN J. JACOBSEN, 7674
SCOTT W. JANSSON, 2715
JOYCE R. JENKINSHARDEN, 0798
KENNETH A. JETER, 3726
GLEN G. JOERGER, 8590
CHARLES W. JOHNSON, 6090
JAMES G. JOHNSON, 4026
ROBERT E. JOHNSON, 2327
SCOTT W. JOHNSON, 0352
STEVEN H. JOHNSON, 8955
DENNIS M. JONES, 9897
HARVEY L. JONES, 3584
DONALD L. JORDAN, 3845
RONALD G. JOSEPH, 5102
NANCY A. KACZOR, 2722
MELISSA R. KALLETT, 5421
MICHAEL C. KANE, 6885
KEVIN P. KAROL, 1527
KEITH A. KECK, 0631
RANDY A. KEE, 1956
LLOYD H. KEETON JR., 6791
JIM H. KEFFER, 1424
DENNIS E. KEITH, 5295
MICHAEL A. KELTZ, 2961
GARY L. KEMP, 0529
JEFFREY B. KENDALL, 4525
JEFFREY A. KENNEDY, 2360
GREG A. KERN, 0651
GARY W. KIRK, 2988
THOMAS D. KLINCAR, 0795
PENNY F. KOERNER, 3954
KENNETH M. KONICKI, 0681
GEORGE D. KRAMLINGER, 4710
STEVEN L. KWAST, 7646
MUN H. KWON, 2585
KEVIN M. KYGER, 4027
DENNIS H. LANGE, 9055
ROY G. LANIER III, 4997
DAVID R. LARIVEE, 1035
MARK S. LARSON, 5238
STEPHAN J. LAUSHINE, 3221
DAVID G. LAWSON, 0101
ANTHONY J. LAZARSKI, 3930
TIMOTHY S. LEAPTROTT, 5614
MATTHEW R. LEAVITT, 4586
IRVIN B. LEE, 0299
M. DAVID LEE, 8633
DANNY L. LEONARD, 4413
ANTHONY V. LEVY, 5141
DAVID J. LEWIS, 9474
SAMUEL LOFTON III, 7765
MARSHALL K. LOUNSBERRY III, 5573
BRUCE W. LOVELY, 2136
PHYLLIS A. LOVING, 8909
ROBERT M. LYLES, 8525
HOLLACE D. LYON, 0335
DAVID W. MADDEN, 6706
ANDREW M. MANLEY, 8499
ANDREW M. MAROTTA, 5886
REX A. MARSHALL, 5941
SCOTT W. MARSHALL, 9759
LAURA M. MARTIN, 6055
DEBRA A. MARTINEZ, 9575
RUSSELL L. MAY, 9911
DAVID B. MAYER, 7915
JEFFREY R. MAYO, 6514
BEN MCCOLLUM II, 7984
NEAL B. MCELHANNON, 8909
JOHN T. MCELHENNY, 8838
STEVEN E. MCKAY, 1055
MICHAEL A. MCKENNA, 6583
WILLIAM D. MCKINNEY, 3812
JOHN C. MCKOY, 0293
JAMES K. MCLAUGHLIN, 5694
ANNIE M. MCLEOD, 2272
WILLIAM J. MCMANUS, 2652
JIMMY E. MCMILLIAN, 4940
RICHARD B. MCNABB, 8134
MICHAEL T. MCNEELY, 0427
RON MCNEILL, 0855
KURT F. MCPHERSON, 4884
MARK A. MEHALIC, 3774
MICHAEL W. MELENDREZ, 5710
THERESA A. MEYER, 5099
LINDA S. MICHAEL, 4645
JANET R. MIDDLETON, 4052
JOHN C. MILLANDER, 6136
CHARLES F. MILLER, 1737
DENNIS M. MILLER, 9947
JOHN R. MILLER JR., 2502
DAVID G. MINSTER, 9913
ALVINA K. MITCHELL, 5525
DENNIS R. MITCHELL, 8473
HENRY MITNAUL, 8494
ELIZABETH A. MOORE, 3752
KENNETH J. MORAN, 7613
JUAN MORENO III, 4745

MICHAEL J. MORGAN, 2497
RENE L. MOSLEY, 1645
ANDREW M. MUELLER, 6992
SAMUEL S. MUMAW, 3419
KURT F. NEUBAUER, 3535
FRANCIS G. NEUBECK JR., 0523
DAVID J. NICHOLLS, 3174
KEVIN B. NOONAN, 4186
MARK C. NOYES, 8596
PHILIP M. ODOM, 8930
DAVID D. ODONNELL, 7971
BARRY N. OLSON, 9445
CRAIG A. ONEAL, 6212
ROBERT A. ONEILL, 0388
RICHARD O. OSMUN, 9893
MICHAEL W. OTTERBLAD, 5664
GREGORY S. OWEN, 3728
PAUL J. PABICH, 5627
MARC L. PAGLIARO, 5444
ANTHONY A. PANEK, 0813
ANDREW W. PAPP, 1858
MARY H. PARKER, 0280
EDWIN T. PARKS, 0668
RANDALL N. PASCHALL, 3960
JAMES W. PATTERSON JR., 7723
JEFFREY A. PAULK, 2045
JAMES R. PAVLISIN, 3028
GLENN R. PAYNE, 6285
ROBERT E. PECORARO, 8583
RICHARD J. PETRASSI, 7333
DAVID B. PISTILLI, 4381
ERIC A. POHLAND, 2056
GARY W. POND, 3377
GERILYN A. POSNER, 7097
JOHN C. POWELL, 6784
CRAIG J. PRICE, 2481
MICHAEL J. PRUSZ, 9634
BENJAMIN F. PULSIFER, 5053
CARL J. PUNTURERI, 0379
LESLIE B. QUEEN, 9836
NEIL E. RADER, 4461
BOBBIE L. RANDALL, 2742
JEFFEREY W. RAY, 1174
CHRIS A. REASNER, 6149
HELMUT H. REDA, 2971
LARRY L. REXFORD, 7040
NANCY E. RICE, 6649
MICHAEL O. RIDDLE, 1868
PATRICIA F. RIDGWAY, 7130
DAVID P. RIPLEY, 8421
RAYMOND A. ROBIDOUX JR., 7851
JANE A. ROBINSON, 5529
KENNETH F. RODRIGUEZ, 9727
BRYAN D. ROGERS, 1481
ROSS E. ROLEY, 1832
MARCIA ROSSI, 2186
RAYMOND J. ROTTMAN, 6440
R.J. ROUSE, 2231
JOHN K. RUDOLPH, 5706
WILLIAM J. RUMPEL, 0651
KEVIN E. RUMSEY, 2096
JEFFREY J. RUST, 3402
TIMOTHY J. SAKULICH, 7107
PETER G. SANDS, 4028
WILLIAM A. SCHAAKE, 2977
WILLIAM E. SCHAAL JR., 2638
CINDY L. SCHAEFER, 0208
YVONNE E. SCHILZ, 0749
CRAIG H. SCHLATTMANN, 0509
THOMAS J. SCHLUCKEBIER, 1728
BRUCE E. SCHMIDT, 2959
STEVEN C. SCHRADER, 0446
DENISE I. SCHULTZ, 0943
MICHAEL R. SCOTT, 1132
ERIC M. SEPP, 1593
JOHN G. SETTER JR., 3295
JOHNNIE SEWARD JR., 2081
JOHN N. T. SHANAHAN, 0336
DEBRA A. SHATTUCK, 5075
HOWARD R. SHELWOOD, 9525
CHRISTIAN L. SHIPPEY, 2856
DALE T. SHIRASAGO, 1116
ROBERT C. SHOFNER, 9905
JAMES T. SILVA, 2985
MARK SIME, 8843
ROBERT K. SIMM JR., 6746
DAVID A. SIMMS, 4508
BRIAN A. SIMPSON, 2236
WILLIAM R. SIMS JR., 9110
MICHAEL J. SINISI, 5547
CAROLYN V. SMALL, 2726
DEAN A. SMITH, 1212
JEFFRY F. SMITH, 2988
KEITH E. SMITH, 7244
PATRICK T. SMITH, 2313
REX K. SNIDER JR., 0503
VINCENT R. SNYDER, 9982
JOYCE F. SOHOTRA, 8260
TERRY L. SPITZMILLER, 9010
MARK A. STANK, 5159
JULIE K. STANLEY, 5692
JOHN A. STARKEY, 1433
ROBERT J. STEELE, 0041
TYRONE R. STEPHENS, 5752
ROBERT G. STIEGEL, 8200
PETER V. STIGLICH, 4966
DAN J. STIVER, 0395
JOSEPH M. STOKER, 4723
MICHAEL S. STOUGH, 1317
STEVEN C. SUDDARTH, 5442
MARK P. SULLIVAN, 3383
EDWIN C. SWEDBERG, 8421
STEPHEN M. TANOUS, 2585
MARK B. TAPPER, 4168
DENISE S. TAYLOR, 5284
HARRY J. TETI, 9044
PAUL L. THEE, 1050
THOMAS B. THOMPSON, 4924
NAT THONGCHUA, 1681
WILLIAM J. THORNTON, 0867
DAVID L. THURSTON, 6066
BRUCE C. TOWNSEND, 1790
BRIAN D. TRI, 7668
DOUGLAS K. TUCKER, 8095
GUY D. TURNER, 2708
RANDY K. TURNER, 3418
TERESA G. TURNER, 1512
TRACY E. TYNAN, 3875
JOSEPH F. UDEMI, 6349
DAVID K. UNDERWOOD, 0042
VINCENT C. VALDESPINO, 1044
JONATHAN D. VANGUILDER, 2112
PEDRO VAŠQUEZ JR., 0837
MICHAEL G. VAUGHN, 2872
MICHAEL G. VIDAL, 4932
STEPHEN G. VISCO, 9484
JOSEPH H. VIVORI, 0466
GEORGE C. VOGT, 2136
DAVID M. VOTIPKA, 7180
DANIEL R. WALKER, 0276
SAMUEL J. WALKER, 1216
THOMAS C. WALKER, 3119
KATHY D. WARD, 6461
VICTOR L. WARZINSKI, 9831
MARK R. WASSERMAN, 4236
JAMES M. WAURISHUK JR., 5545
MARK P. WEADON, 2413
GARY C. WEBB, 9938
ANTHONY M. WEIGAND, 5753
CHARLES A. WEISS, 9253
JAMES J. WENDLING, 7946
WAYNE H. WENTZ, 3917
ROBERT E. WHEELER, 8148
SCOTT L. WHEELER, 4002
YULIN G. WHITEHEAD, 2366
GREGORY S. WIEBE, 9210
DENNIS R. WIER, 4192
LEE T. WIGHT, 4867
JOHN S. WILCOX, 0330
ROBERT C. WILLIAMS, 5680
ROBERT T. WIMPLE JR., 1576
KATHLEEN M. WINTERS, 2135
CLETUS F. WITTER, 2859
CHARLES W. WOLFE JR., 6134
BEVERLY C. WRIGHT, 7142
MARK D. WRIGHT, 6126
THOMAS L. YODER, 6189
DAVID E. YOUKER, 0810
TIMOTHY M. ZADALIS, 8713
RODERICK C. ZASTROW, 4457
MICHAEL P. ZEPF, 3836
STEPHEN B. ZIEHMN, 2738
KEITH W. ZUEGEL, 7580

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MATT ADKINS JR., 6610
MARK L. ALLEN, 8465
DOUGLAS E. ANDERSON, 1013
RANDY B. BORG, 7428
ALAN R. CONSTANTIAN, 1294
KERRY M. DEXTER, 7752
DAVID L. DOTY, 5755
WILLIAM J. GAYNOR, 1340
ROBERT U. HAMILTON, 5931
MICHAEL P. HOLWAY, 4820
ROBERT C. LENAHAN, 6913
THOMAS G. MCCAULEY, 1956
JAMES F. MEYERS II, 7784
MICHAEL W. MILLER, 8647
RONALD H. PEARSON, 7780
SCOTT F. WARDELL, 3923
VIRGINIA L. WERESZYNSKI, 7549
CHARLES K. WOLAK, 4282
STEPHEN M. WOLFE, 4829

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

DAVID E * BENTZEL, 3904
WILLIAM H * BOSWORTH, 3053
BORIS * BRGLEZ, 1972
JERRY R * COWART, 6510
KELLEY L * EVANS, 3639
MARGERY M * HANFELT, 6411
SCOTT E * HANNA, 7920
LOUIS M * HUZELLA, 9632
KENNETH O * JACOBSEN, 7841
CINDY A * LANDGREN, 1280
WAYNE S * LIPOVITCH, 3521
GLORIA A * MARSELAS, 9231
DANA E * MCDANIEL, 9497
KATHLEEN A * RYAN, 9275
GREG * SATURDAY, 6400
ANN M * SCHIAVETTA, 6451
DEIDRE E * STOFFREGEN, 2668
MALLORY K * TATE, 8508
GESSEL Y * VAN, 5017
DANIEL C * WAKEFIELD, 4131
SHANNON M * WALLACE, 1882

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

ABAD * AHMED, 1869
JAMES D * ARNOLD, 2287
GARY W * ASPERA, 7451
ANTHONY C * BARE, 3629
JONATHAN H * BOSWELL, 8008
STANLEY T * BREUER, 8286
ELAINE P * BUNCH, 4450
BETHANY L * CHAPPELL, 7610
ERICA R * CLARKSON, 8150
ANNE M * COAKLEY, 5536
CHARLES V * COLEMAN, 8350
KARL A * COOPER, 1157
PHILLIP D * COSBY, 9357
PHILIP R * COX, 3349
DAVID S * DELGADO, 3329
DAVID E * DESROSIER, 5393
HENRY D * ELLINGTON III, 7891
MICHAEL E * FLAHERTY, 1175
LARRY O * FRANCE, 1772
RAUL * GIERBOLINIMARTINEZ, 9588
MANUEL * GONZALEZ, 7001
HENRY K * HATHAWAY, 1650
DONALD E * HICKS, 6774
CARLTON J * KIZZIE, 4389
JOSE G * MANGROBANG, 8080
STEPHEN P * MANLEY, 4382
ANDE C * MASS, 5624
DOUGLAS L * MCDOWELL, 7775
KELLI M * METZGER, 5569
DEBRA R * MOHNS, 8795
CHRISTINE M * MORAN, 0016
SHARON M * NEWTON, 5683
WILLIAM * NIEDING, 7041
JANET A * PAPAZIS, 3047
PATRICK C * PETRAY, 4816
ALLYSON E * PRITCHARD, 7631
DAVID R * REINSCH, 0377
JESUS R * RODRIGUEZ, 0645
SANDRA E * RODRIGUEZ, 6462
MICHAEL J * SCHIEFELBEIN, 6711
THOMAS * SCHYMANSKI, 4052
KATHY E * SCOTT, 7900
TYLER L * SEICK, 7520
HARVEY P * SMITH JR., 8718
TRACY A * SMITH, 4521
BARBARA J * SYLER, 1270
KIM N * THOMSEN, 0117
RICHARD E * WALTON, 7215
LARRY J * WOOLDRIDGE, 4496

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

KIMBERLEE A AIELLO, 5152
PAUL B ANDERSON, 0904
WILLIAM P ARGO, 4393
ADRIENNE B * ARI, 6679
SUSAN D ARNETT, 8752
GREG R * ATKINSON, 0391
TRACY L BABCOCK, 6413
ERIC E BAILEY, 5825
THOMAS R * BAKER, 0715
MICHAEL K * BARDOLF, 1509
BRIAN R BAUER, 3166
MICHELLE L * BELL, 4906
CARLENE A BLANDING, 4967
MARK J BONICA, 2319
MICHAEL D * BRENNAN, 5093
MICHAEL F BRESLIN, 1786
DEIDRA E * BRIGGSANTHONY, 1550
AMY C BRINSON, 5384
BRADLEY L * BROOKS, 1293
KEVIN D BROOM, 3544
EDWARD A * BRUSHER, 2251
JUDITH L BUCHANAN, 5782
JAMES K * BUTLER, 4386
JAMES G * CAHILL, 2509
EVA K * CALERO, 0164
DAVID J CARPENTER JR., 2360
JAMES D * CARRELL, 2838
JORGE D * CARRILLO, 4329
ANDREW D * CENTINEO, 0807
CHRISTOPHER M * CHRISTON, 7055
RHONDA B * CLARK, 3911
JOANNE M * CLINE, 4917
KEVIN E COOPER, 1594
ANDREW J * CORROW, 2617
LYNN T * CROCKETT, 1535
JULIA A DALLMAN, 1160
THOMAS D * DAVENPORT, 9622
REGINA L * DAVEY, 5716
MARVIN * DAVIS, 0226
VIVIAN K * DENNISON, 3720
DENIS G * DESCARREAUX, 0413
STEVE A * DESCHAMPS, 1625
KEVIN M * DUFFY, 9727

PETER N EBERHARDT, 2311
WILLIAM T * ECHOLS, 7484
ERIC S EDWARDS, 8384
DUSTIN K ELDER, 8786
DWAYNE A * ELDER, 1313
JAMES R * ERVIN, 4677
SANDRA * ESCOLAS, 0747
ERIC W * FALLON, 8060
CASEY D * GARMAN, 4178
ERIK J * GLOVER, 2006
CHRISTOPHER J * GRAHEK, 2296
ALFRED A * HAMILTON, 5945
DAVID P * HAMMER, 7039
JOSEPH E * HARKINS, 2755
KEVIN G * HART, 6471
JON K * HAYS, 7892
DANIEL J HEIN, 2231
PHILIP A * HOLCOMBE, 7346
JOHN D HOWE, 6695
GREGORY R HUDSON, 8493
SHEREEN R * HUGHES, 5340
NAOMI M * INGLES, 7064
MARY V * INGRAM, 5753
PRISCILLA J JACKERT, 8399
INGRID * JURICH, 9375
PETER KALAMARAS JR., 9876
WILLIAM J KAYS, 3509
VESTON M KELLY, 4497
VIBOL C * KHEIV, 0441
HEATHER A KNESS, 0051
NINA L * KNUCKLES, 8882
WILLIAM A * LATZKA, 9061
RAYMOND D * LAUREL, 7241
JOHN S * LEE, 2800
KERRY A LEFRANCIS, 2580
GARY C * LETCH, 3003
LEONARD S LIEDEL, 6988
RICHARD S * LINDSAY III, 0624
WILLIAM R LOVE, 9393
PATRICK F * LUKES, 6170
LISA M MACLAREN, 4429
MICHAEL G * MACLAREN II, 7218
STEVEN D * MAHLEN, 4551
JOSE D MANGLICMOT, 5190
PAUL B MANN, 6573
DANIEL E * MCCARTHY, 4064
DAVINA N MCDOWNEY, 8025
DANIEL C * MCGILL, 5805
JOHN A * MCMURRAY, 7757
JOHN J MELTON, 6832
CLAY R MILLER, 9875
JOHN M * MILLER, 2584
GERARDO J * MORALEZ, 7094
DANIEL J * MORONEY, 5960
DONALD R * NEFF, 8975
TIMOTHY D * NELLE, 6958
MICHAEL J NERI JR., 2760
JOSE I NUNEZ, 5184
STEPHEN L OATES, 9108
LISA L * OBRIEN, 6667
TIMOTHY G * OHAVER, 9721
MEE S * PAEK, 3117
DENNIS S * PALALAY, 1607
GABRIELLA M PASEK, 4750
KYLE A * PATTERSON, 8642
NANETTE S * PATTON, 5773
JAMES G PERKINS, 7734
DEBORAH E PEYTON, 6852
KEVIN K * PITZER, 8222
STEPHEN P * PLANCHET, 6101
FRANCISCO J * PORTALS, 5447
MICHAEL H * PRICE, 4995
PATRICIA A * RANDALL, 4503
JAMES * RICHARD III, 3229
KARLOTTA A * RICHARDS, 6003
MICHAEL C RICHARDSON, 6821
ANDREW J * RISIO, 5651
DARREN R * RITZER, 1234
ERIK G * RUDE, 8864
JOHN G * SANCHEZ, 6467
TROY D SCHILLING, 5204
PHILIP E SHERIDAN, 9151
DAVID J * SKANCHY, 6531
MELANIE A * SLOAN, 6213
DWIGHT V * SMITH, 6226
STEPHEN P SPELLMAN, 1307
MARK D SWOFFORD, 9524
JONATHAN R * SYLVIE, 7737
AARON M * TERMAIN, 6039
THOMAS C TIMMES, 2896
JAMES Q * TRUONG, 2821
JOSEPH A TUDELA, 3681
GERARD A * VAVRINA, 9677
MYRANDA L VEREEN, 8738
ANDREW J * VITT, 2457
BLAIN S * WALKER, 7544
CHRISTINE M * WATSON, 2501
JOSEPH L * WILLIAMS, 5569
JEFFREY S * YARVIS, 8580
SHANNON M ZEIGLER, 2922
CHUNLIN * ZHANG, 4744

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES R. KISH, 8102

In the marine corps

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

RAYMOND J. FAUGEAUX, 6763
JOHN J. HARVEY, 4977
MARKUS PFAHLER, 7515
ANTHONY F. WEDDINGTON, 5206
MARIANNE P. WINZELER, 4828

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 5582 AND 531:

To be lieutenant commander

JENNIFER R FLATHER, 2094
JANET G GOLDSTEIN, 2515
KATHY E GORDON, 7840
SAMANTHA J GREEN, 6758
ROBERT S HARRINGTON, 8460
BRYANT W KNOX, 3311
MARIE E OLIVER, 2625
TERESA A SCHWING, 2925
DEBORAH A STARK, 0636
CLIFFORD M WILBORN, 4731
STEPHEN J WILLIAMS, 2686

CONFIRMATION

Executive Nomination Confirmed by the Senate March 6, 2002:

DEPARTMENT OF ENERGY

MARGARET S.Y. CHU, OF NEW MEXICO, TO BE DIRECTOR OF THE OFFICE OF CIVILIAN RADIOACTIVE WASTE MANAGEMENT, DEPARTMENT OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWAL

EXECUTIVE MESSAGE TRANSMITTED BY THE PRESIDENT TO THE SENATE ON MARCH 06, 2002, WITHDRAWING FROM FURTHER SENATE CONSIDERATION THE FOLLOWING NOMINATION:

FREDERICK R. HEEBE, OF LOUISIANA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS, WHICH WAS SENT TO THE SENATE ON NOVEMBER 1, 2001.

EXTENSIONS OF REMARKS

BIPARTISAN CAMPAIGN REFORM ACT OF 2001

SPEECH OF

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform:

Mr. NEY. Mr. Chairman, The following information I wish to submit for the RECORD on this matter of Campaign Finance Reform.

NEY-WYNN IS THE EFFECTIVE SOFT MONEY BAN

Perhaps the best way to explain the difference between the "soft money bans" is to elaborate on comments by the President of Common Cause, Scott Harshbarger, panning Ney-Wynn. As you may know, Common Cause strongly supports Shays-Meehan, and was apparently heavily involved in drafting much of its language. He incorrectly asserted that Ney-Wynn is just like Senator Hagel's bill, and that Ney-Wynn continues to let in unregulated and unlimited soft money. Both are false—Ney-Wynn does ban (as opposed to cap) soft money for Federal election activity.

First, with respect to Senator Hagel's approach, I have reviewed both bills, and am of the view that any comparison to Ney-Wynn is an oversimplification. Senator Hagel's bill merely put a limit on the amount of non-federal funds the party committees could accept. It put no restriction whatsoever on how the money could be spent, and would not have dramatically altered how party committees currently operate. Party committees would have still been free to run so-called "soft money issue ads" and engage in other similar activities. It would not have forced the party committees to use federal money for federal election activity.

On the other hand, the Ney-Wynn bill would radically alter how party committees on both sides of the aisle operate. Unlike Hagel, it bans soft money for federal election activity. It bans us from doing so-called "soft money issue ads." In short, Ney-Wynn actually accomplishes what the reformers want—an end to party committee soft money being used in Federal elections via the back door.

With respect to soft money, Ney-Wynn bans the party committees from using it for any Federal election activity. As for the limited amount that party committees will be allowed to accept, all the Ney-Wynn bill does is treat party committees the same as corporate and union PACs, allowing us to use limited soft money contributions for fundraising and administration. And that's all—it can't be transferred, used for issue ads or the like. In fact, Senator McCain himself voted to let this use of soft money continue.

Moreover, Ney-Wynn is consistent with the recent decision in Colorado Republican II, where the Court said that "[a party committee] is in the same position as some individuals and PACs." It also avoids the issue presented in Jacobus v. Alaska and a recent opinion letter from the Attorney General of New Hampshire (finding total contribution bans are unconstitutional). So as to ensure that the Ney-Wynn ban is truly a ban, even voter registration and get out the vote conducted within 120 days of a federal election must be paid for entirely with federal hard dollars. But critically, this limitation still allows the party committees the ability to do voter registration and other outreach.

Several state laws already ban soft money in this way, most notably Texas and New York, and to a certain extent, Florida and California. States that have taken the Shays-Meehan approach tend to be left-of-center, and eventually try some form of public financing. The current Shays-Meehan actually mandates that public financing be studied.

As someone who has intimate knowledge of the financial and political operations of party committees, I believe Ney-Wynn is a radical change. It will force the parties to use hard dollars for our activities, but still allow us the resources to assist our candidates in getting their messages heard. The party committees will remain able to drown out special interest ads, albeit with hard dollars. In sum, Ney-Wynn achieves what ought to be everyone's common goal: allowing the candidate's voice to be the central voice in American politics.

Shays-Meehan will have the opposite effect—it simply attempts to emasculate the political parties, and leave candidates to fend for themselves. It does not make any effort to ensure that parties continue to register voters and involve people in the process. Once the Shays-Meehan experiment inevitably makes matters worse, reformers will then insist that public financing of all Federal elections is the only option left.

As for soft money, Shays-Meehan does not constitute a soft money ban with respect to federal election activity. Contrary to what has been repeated time and time again, "soft money" is neither unlimited nor unregulated. Over 30 states have passed limits or outright bans on corporate and union money, including contributions to state political parties—laws that Shays-Meehan actually preempt. In fact, when the full impact of the two bills is analyzed, particularly in light of the application (or preemption) of state law and the $30 million soft money loophole, Ney-Wynn constitutes the more effective soft money ban. It has the added advantage of requiring disclosure of third-party issue ads that is consistent with judicial precedent.

Please contact me with any questions or concerns.

[Institute of Governmental Studies and Citizens Research Foundation Policy Brief, July 6, 2001]

ASSESSING THE IMPACT OF A BAN ON SOFT MONEY: PARTY SOFT MONEY SPENDING IN THE 2000 ELECTIONS

(By Ray La Raja and Elizabeth Jarvis-Shean)

This policy brief examines how national, state and local parties of the Republicans and Democrats spent soft money in the 2000 Elections. Our findings demonstrate that the state parties, which receive about 83% of their soft money from national party transfers, are the primary venue for soft money spending. About 44% of state party soft money spending went toward media activities, while 15% was invested in mobilization and grassroots activities. Parties target their media and mobilization spending in competitive states. The Democrats rely more on soft money for campaign activity than Republicans. Spending on all campaign activities—media, mobilization and grassroots—has been increasing over the past several election cycles. If soft money is banned—or simply curtailed within 120 days of a general election—it is likely that both media and party building activity will be reduced significantly unless the parties can make up for the shorfall with hard money.

The purpose of this report is to furnish basic data about soft money spending in the 2000 elections as a way to understand the potential impact of campaign finance reform legislation being debated in the 107th Congress. In particular, we consider the effect of a ban on soft money, a provision that remains the centerpiece of a bill sponsored by Senators McCain and Feingold, and passed by the Senate on April 2, 2001. The House of Representatives will soon consider a similar version of the bill. Much of the debate over reform considers the effect of eliminating soft money on party activities. Will the parties be weakened? To what degree are parties using soft money for issue ads? In this report we assess how parties spent their soft money in past elections as a way to understand the likely consequences of banning or restricting soft money.

Soft money includes funds that parties raise that lack the contribution limits set by the Federal Election Campaign Act of 1971 and its amendments. Under federal law, soft money may be used for party building but not direct candidate support. Advocates for banning soft money argue that its elimination is essential for preserving the integrity of the electoral system. Their underlying premise is that soft money corrupts the political process by allowing wealthy donors to trade political money for favorable treatment in policymaking in Congress and the Executive branch. Some argue that even if candidates are not corrupted, voters perceive that the exchange is corrupt or that parties abuse campaign finance laws by using funds illegally to help their candidates. Such perceptions alienate voters from the political process and undermine the legitimacy of the nation's political institutions.

Others argue, in contrast, that a ban on soft money will damage American democracy. Citing several court decisions, they

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

claim that constraints on political activity run counter to the 1st Amendment. Another line of argument contends that eliminating soft money will weaken an essential political institution in American democracy—the political parties. Removing this resource will weaken parties relative to other political actors such as interest groups, and reduce the party's efforts to get voters to the polls. Rather than reinvigorate political participation, the McCain-Feingold reforms might actually reduce citizen activity.

The arguments on either side deserve rigorous empirical scrutiny. It appears, however, that Congress is poised to enact legislation without considering some basic information about soft money. Drawing on financial data about parties released by the Federal Election Commission, we try to shed some light on the uses of soft money. We are hardly prepared to provide an in-depth analysis to address the claims of either side in this upcoming reform debate in the House. Instead, our goal is to provide an empirical foundation to help policymakers consider carefully the ramifications of their decisions.

The questions we ask are simple, but to our knowledge they have not been addressed adequately. How did parties spend soft money in the 2000 elections? To what extent did they use soft money to finance "issue ads?" How much soft money went toward traditional voter mobilization efforts and other party building activity? Did parties spend differently from prior elections?

Using data provided by the Federal Election Commission we explore these questions about soft money spending. We categorized more than 500,000 entries of itemized expenditures by national, state and local parties in the 2000 elections. Our framework for examining soft money is to consider what would happen if the McCain-Feingold bill was made into law. The key provisions of the bill, as they pertain to party soft money, are the following:

National parties

May raise or spend only hard money (i.e., limited contributions, no labor or corporate contributions).

May not make contributions to non-profits.

State parties

Must use hard money to fund any "federal election activities" (defined as Get-Out-the-Vote, or voter registration in the 120 days preceding an election) during a federal election year.

May fund "federal election activities" with soft money capped at $10,000 from the same source if state laws permit.

Candidates

Banned from raising soft money for "federal election activities."

Non-profits

National parties banned from making or soliciting contributions to nonprofits; candidates banned from raising soft money for non-profits for "federal election activities."

FINDINGS I

How did parties spend soft money in the 2000 Elections?

Parties at the federal, state and local level spent almost half a billion dollars in soft money in the 2000 elections. These funds were spent primarily by the state parties because federal and state regulations are more permissive of soft money spending at this level. The 100 major state parties—Democratic and Republican—spent approximately $340 million in soft money. The national parties, in contrast, spent only $136 million. The national parties, however, raised a good portion of soft money and then transferred it to the state parties. According to the Federal Election Commission, the national committees raised approximately $496 million in soft money and transferred $280 million (56%) to the state parties.

Local parties (158 of them) spent only $4 million. It should be noted that federal, state and local parties spend additional soft money in non-federal elections. But because these funds are not related in any way to a federal election they do not have to be reported to the Federal Election Commission. Therefore, the soft money data we collected pertains only to campaign spending related to federal elections. We should also point out that we are reporting only soft money figures here. By law, parties are required to match soft money with hard money for each activity, using complex accounting guidelines provided by the Federal Election Commission. If we included the hard money figures in several of the subsequent tables, the spending in these categories would be 40% to 50% higher.

For national parties, most soft money (about 43%) is invested in overhead and basic administrative costs of maintaining the party headquarters in Washington. Unsurprisingly, the next largest expenditure is for fundraising (approximately 39%). It appears that little more than 13% of national party spending goes directly into campaigns for media and mobilization activities. Based on our analysis of party spending reports, we believe the bulk of media spending includes the cost of producing and airing television and radio ads. Mobilization spending, in contrast, includes the "ground" activity: registering and identifying voters, Get-Out-the-Vote (GOTV) phonebanks and precinct canvassing, and costs of direct mail. Although the national parties spend a small portion of their soft money on these activities, their investments are significant in absolute terms, investing $10.3 million on media-related activities and $7.4 million on mobilization activities.

State parties use soft money more than other party committees. In the 2000 Elections, they spent 2.5 times as much soft money as national parties. Through transfers, however national parties supply approximately 83% of the soft money that state parties spend for federal related activities. At the state level, 44% of soft money for federal related activities ($149.3 million) is invested in media, a significant increase from the 1996 election in absolute terms, as well as a rise in the portion of the party budget devoted to media. Clearly, state parties are major sponsors of issue ads. Another 12 percent of the budget ($41.8 million) goes toward ground mobilization activities, much of it targeted in competitive states. Only 4% of state party budgets reflect grassroots campaign activity that includes distribution of bumper stickers and pins, the staging of rallies and related volunteer work ($11.3 million). State parties rely heavily on soft money for office upkeep and general administrative expenses ($99.5 million or 29% of budget).

Finally, local parties use very limited amounts of soft money in federal elections. Among the 158 local major parties that submitted campaign finance reports to the Federal Election Commission, their total soft money spending amounted to just $4 million. More than half of this was for party administration and overhead. Only 2% was used for media, 10% was for mobilization work and 5% for grassroots activities. Local parties are obviously more concerned with local elections so it is unsurprising that they spend so little soft money in fedeal election activity. Furthermore, much of their work does not involve the costly technical aspects of modern campaigning such as broadcast media. On the other hand, it seems reasonable to expect that more soft money would make its way to the local level since the intent of amendments to the Federal Election Campaign Act was to encourage grassroots party building.

How does soft money spending in the 2000 elections compare to earlier elections?

One question that arises in the current debate is whether parties have transformed themselves into campaign media organizations through financing issue ads with soft money. The data provide evidence that state parties have become important venues for producing and airing issue ads, something they did not do prior to the 1996 elections. On the other hand, state parties continue to use soft money for party building activities as they have in the past.

In the 2000 elections, state parties invested significantly more soft money directly in campaigns than in prior elections. For example, they spent $149.1 million on media-related activity, more than double their expenditures in 1996. The portion of total party soft money devoted just to media increased from 37% in 1996 to 44% in 2000. Spending on mobilizing voters through the "ground campaign" (telephones, canvassing, direct mail) increased from $16 million in 1996 to almost $42 million in 2000, a boost of 160 percent. The share of the soft money budget devoted to this activity increased from 9 to 12 percent between 1996 and 2000.

In 1998, media and mobilization spending was more evenly distributed than during a presidential election cycle. During the 1998 elections, 17% of soft money went toward media and 12% toward ground mobilization. These figures suggest that the media strategies of presidential campaigns drive much of soft money spending. Nonpresidential contests do not always rely as heavily on a media campaign strategy as presidential contests, even though soft money has played an increasingly important role in financing issue ads for congressional campaigns.

State parties continue to rely a great deal on soft money to maintain the party headquarters, paying for staff salaries, benefits, office equipment and other basic necessities. In the 2000 elections, parties spent almost $100 million on administration, a 38% increase from 1996. Administrative costs reflected 29% of all state party soft money spending in 2000, which was a much smaller portion that in the 1996 elections.

What can we surmise from these data? To the dismay of those seeking definitive evidence to confirm their point of view, the data appear to support both reformers who favor a ban on soft money and those who highlight the virtues of soft money. Advocates of a ban are accurate in observing that the parties abuse their access to soft money by using it for thinly disguised issue ads that actually help the campaigns of particular federal candidates. The parties can hardly claim that their recent media spending is part of a conventional party building strategy when state parties spent virtually no money on issue ads prior to the 1996 elections. On the other hand, those who say a ban on soft money would weaken parties have grounds for concern. It would be wrong to claim that party soft money has not been invested in building the party. Soft money spending on mobilization and grassroots increased substantially with each election for which we have data. It is also clear that soft money pays for a significant share of maintaining the party headquarters.

What effect will the "120-Day Rule" have on party activity?

The McCain-Feingold bill allows parties to spend soft money up until 120 days before the general election, so long as contributions are capped at $10,000 per source. We assume that the motive of this provision is to enable the parties to engage in partybuilding in the early build-up to an election, without letting them use soft money directly in federal campaigns just before the election. With this in mind, we observe how much soft money was spent before and after this 120-day marker. We find that only one-quarter of soft money is spent prior to this 120 day marker. Parties invest the vast majority of soft money within the final four months of the election.

Which activities will be affected the most by the 120-day rule? If the intent of the provision is to root out much of party spending on media activities it might achieve this result. Only 7% of media spending came before the 120-day mark. Of course, under this new rule, parties could simply frontload issue ads (if they learn how to craft ads that do not violate other provisions of the new law). But undoubtedly, the impact of media advertising is strongest closer to the election and party strategists will likely seek ways to get around this new provision. Our hunch is that they will spend soft money on issue ads prior to the 120-day marker, and then invest heavily in "independent" issue ads that require hard money. Recent court decisions protec tthe party's ability to spend without limits when they operate independently from the candidates.

In the effort to eliminate soft money issue ads, it appears that party-building activities will also be affected. Only 9 percent of spending on voter registration and GOTV activities takes place before the 120-day point. Similarly, only 11% of grassroots and traditional party "hoopla" take place before this point. Unsurprisingly, the parties spend significant soft money before the four-month window on maintaining headquarters and raising funds in anticipation of the intense campaign activity to follow. A soft money ban within 120 days of an election will not only reduce party spending on media, but also curtail party building activities Congress intended to encourage through revisions to the Federal Election Campaign Act during the 1970s.

Are there partisan differences in soft money spending?

A common concern among policymakers is the relative effect of a ban on either party. Who might be hurt more by banning soft money, Republicans or Democrats? Surely, party members will not want to change campaign finance laws in ways that put their party at a disadvantage. It appears that the Democrats rely more heavily on soft money for direct campaign activity than Republicans. Democrats, for instance, outspent Republicans $87 million to $62 million on media with their soft money. Similarly, Democrats invested more than Republicans in mobilization with soft money, but the difference is not as great as for media. Republicans use more soft money for party overhead than Democrats, and use it slightly more for fundraising.

The explanation for the Democratic strategy is that the Republicans raise far more hard money than Democrats. It appears, then, that Democrats try to make up for the difference with soft money, using it in ways that might benefit their federal candidates as much as possible. While both parties use soft money to benefit federal candidates directly rather than for generic party building, the Democrats have a far stronger incentive to employ this strategy than Republicans. We can only speculate whether the large figure for "unidentified" expenditures ($18.7 million) suggests that the Democrats are reluctant to reveal the way they use soft money to influence federal campaigns.

Given these findings we expect the Democrats to suffer the most from a soft money ban in the short term, since they use it to make up for their relative deficiency of hard money. Over the long-term the Democrats might be able to reach parity with Republicans hard money fundraising, although traditionally the Democrats have been less successful soliciting small contributions than Republicans.

Table 5 (not shown) is further evidence that soft money is important to both parties in federal elections. It demonstrates that the parties concentrate their money in competitive states. The 10 party organizations that spent the most on media were in states with a highly competitive presidential or Senate campaign, or both. These included 6 Democratic and 4 Republican organizations. The average media expenditure among all 100 state parties was 63 cents per voter. Those in the top 10 spent in the range of $1.91 to $9.73 per voter.

Table 6 (not shown) provides the same analysis for party expenditures on mobilization. The average mobilization expenditure among all 100 state parties was 19 cents per voter. Those in the top 10 spent in the range of 40 cents to $1.39 per voter. Interestingly, Democratic organizations comprised the first 8 of 10 organizations in this top category, demonstrating a preference for this mobilization strategy in tightly contested races. For Democratic organizations, the average expenditure on mobilization was 24 cents per voter, while it was only 14 cents per voter for Republican committees.

SUMMARY POINTS

National parties use soft money mostly for party overhead & operations, as well as fundraising. They also transfer 55 percent of their soft money to state organizations, which perform much of the campaign work.

State parties rely on soft money to perform a variety of campaign activities: Approximately 44% was spent on media ($149.4 million); 29% on party overhead and operations ($99.5 million); and 15% on direct mobilization and grassroots ($53.1 million).

The "120-day rule" that prohibits soft money spending within 120 days of a general election could eliminate as much as 3/4 of soft money spending: 89% of spending on issue ads falls within 120 days of the general election; and 91% of spending on GOTV and registration falls within 120 days of the election.

Democrats will likely be hurt by a ban on soft money more than Republicans in the short term: Democrats spend more soft money on media and mobilization than Republicans. Democratic organizations, on average, spent 85 cents on media per voter and 24 cents on mobilization per voter. Republicans, in contrast, spent 42 cents and 14 cents on media and mobilization per voter, respectively.

The parties concentrate their soft money resources in the closest races: States with competitive presidential contests spent the most on media and mobilization per voter.

The corrupting influence of unlimited soft money contributions and expenditures, whether real or perceived, is cause for concern and perhaps legislative action. Such action should target underlying problems, while attempting to minimize harmful unintended consequences. The McCain-Feingold bill, with its 120-day amendment and $10,000 contribution limit, will eliminate most soft money spending, including spending 12 on thinly disguised candidate ads parading as "issue ads." But it is likely that voter mobilization efforts will be reduced as well. The dramatic increase in soft money media expenditures is driven by the belief that this expensive campaign activity delivers results at the polls. In an effort to prevent corrupt contributions and purge issue ads, the McCain-Feingold bill will constrain the party in other ways. State parties, particularly in states where the parties rely on major donors, will find it more difficult to pay administrative costs, even as they augment efforts to raise money from smaller donors. It is also conceivable that media expenditures will maintain current levels and be paid for with hard money as "independent" party expenditures. Given finite resources, broadly based party-building, including voter registration and mobilization, may suffer the most. Certainly there are no guarantees, but it is a plausible outcome that should be kept in mind as the House begins debate on campaign finance reform.

[Columbia Law Review, April 2000—Symposium: Law and Political Parties]

*598 SOFT MONEY, HARD MONEY, STRONG PARTIES

(Stephen Ansolabehere and James M. Snyder, Jr.)

Political parties are central to current efforts to reform campaign finance in the United States. Party money constitutes approximately half of all campaign funds raised at the national level. Limiting party money is, thus, integral to campaign finance reform. This Article examines what might be gained and lost if regulations on party money are imposed. Proponents of stronger (and better financed) parties conjecture that strong parties increase the ability of voters to hold their representative's accountable. We find that such benefits are, in practice, minimal. Instead, we argue that the main benefits of party money, especially soft money, derive from the parties' campaign activities. Soft money finances state party organizations' voter registration and mobilization efforts, which have substantial effects on turnout. Reducing party money will, thus, reduce participation. The benefits of limitations on party soft money must therefore be weighed against likely reductions in voting that would result.

INTRODUCTION

American campaign finance law is often described as more loophole than law. Congress and the courts, sometimes working at cross-purposes, continually attempt to clarify and perfect existing regulations, but as campaign practices evolve, candidates, parties, individuals, and groups devise clever, new ways to bend the rules. Today, efforts to reform campaign finance focus on the transfer of national party funds to state and local organizations. Political parties raise large sums from individuals, corporations, and other associations. They then channel these funds to state and local party organizations, which in turn conduct campaign activities that indirectly and sometimes directly affect federal elections. This was an intended consequence, a genie that Congress meant to let out of the bottle. Our concern is with the effects of putting the genie back in.

In 1979, Congress amended the Federal Election Campaign Act ("FECA"), [FN1] excluding state and local party building activities from the federal contribution limits. [FN2] The Federal Elections Commission ("FEC") further clarified the law in a series of rulings, which in essence allow individuals and organizations to give unlimited amounts of money to the national parties' "non-federal" accounts. [FN3] Funds in such accounts are intended *599 for "party activities" at the state and local levels, and may not be contributed to or spent in coordination with federal candidates. Behind this exemption, since termed "soft money," lies a simple objective: Strengthen the political parties.

The soft money loophole arose in response to two forces: the sorry state of national parties in the 1970s and the long-held belief among political scientists that stronger national parties would improve the ability of voters to hold government accountable. National parties in the U.S. have never had well-financed organizations. [FN4] and in the 1970s, their situation appeared especially dire. The national party organizations reputedly needed a greater presence in the new world of campaign finance created by FECA, which put candidates at the center of national political campaigns. [EN5] FECA imposed new restrictions on the amounts that national parties could give to candidates and on the ways that the parties could raise money. These restrictions hit the Democratic National Committee ("DNC") particularly hard, as the committee labored under debt from the 1968 and 1972 campaigns.

Soft money also answered a century of political science speculation and theorizing. Political scientists have long argued that the absence of strong national party organizations in the U.S. limits the ability of voters to hold government accountable for public policies. [FN6] In order to hold the government accountable, voters need to face clear, programmatic choices. Party money is one means to this end.

Parties are able to impose discipline on their members, acting as a counterweight to the many special interests that may chip away at the public good behind legislation. [FN7] Expanding party money might also weaken the influence of interest *600 groups by lessening the unique campaign finance advantages of incumbents, which derive substantially from interest group contributions. [FN8] This argument received its most famous expression in a report of the American Political Science Association published in 1950 and entitled "Toward a More Responsible Two-Party System." [FN9]

The committee that crafted the report recommended three concrete changes in the practice of politics that would improve accountability: more programmatic parties, greater democracy within the parties (such as primary elections), and deregulation of the parties' campaign fundraising activities. [FN10] On all three counts, American politics have moved in the direction of the committee's proposals and its vision of responsible party government. The parties within Congress exhibit much more party line voting today than they did in the 1970s, providing voters a much clearer choice. [FN11] Primary elections and other party reforms in the 1960s and 1970s created more democracy within the parties. [FN12] The consequence of those changes in our national politics is the subject of intense scholarly scrutiny. [FN13] Our concern is with the third factor in the contemporary experiment with stronger parties, the money.

Today, the American political parties are prolific fundraisers. In 1998, for example, Democratic and Republican national party organizations raised $445 million for their federal (hard money) accounts, and $224 million for their non-federal (soft money) accounts. [FN14]

Party money has not been heartily embraced by the public, politicians or political scientists. Twice, Congress has nearly closed the soft money loophole. [FN15] Campaign reform bills proposed by Representatives Shays and Meehan and by Senators McCain and Feingold passed the House of Representatives in each of the last two Congresses, and have failed in the Senate only because a minority of senators sustained filibusters. *601 [FN16] Scholarly and popular commentary has similarly turned against party finance, and against soft money in particular. The objections are not that the parties have become too strong. Rather, it is alleged that party finance practices have inadvertently increased the political leverage of interest groups [FN17] and have ruined the ability of government agencies to regulate the system of political finance. [FN18]

Specific objections to soft money emphasize the evasion of existing limits. Following Buckley v. Valeo, [FN19] contribution limits on individuals and groups became the centerpiece of campaign finance regulations in the United States. [FN20] In each election, individuals may give no more than $1,000 to a candidate, up to $20,000 to national party organizations, and a total of no more than $25,000 to all federal candidates. Organizations may give no more than $5,000 to a candidate and $15,000 to national party organizations in each election. The 1979 amendments to FECA provide an avenue through which groups and individuals can avoid these limits, giving unlimited amounts to the parties' non-federal accounts. [FN21] In addition, organizations, especially corporations, can avoid having to set up a separate and segregated fund, commonly called a political action committee ("PAC"), through which the organizations raise money for federal elections. Finally, soft money is widely seen as an evasion of presidential spending limits, as presidential candidates can raise money for the "non-federal" accounts of the DNC and RNC and those funds can be spent in battleground states.

Critics of contemporary campaign finance raise a more generic concern about party money. Interest groups might capture or corrupt the parties, just as they allegedly compromise congressional decisionmaking. Soft money is raised without contribution limits; many of the donations exceed $100,000 and come from corporations, associations, and individuals with strong interests in legislative and executive decisions facing the government. Large donations from a specific interest or industry, it is feared, might convince the party caucuses within Congress or the president to protect that interest. Our aim is to put the essential claims about party money to empirical scrutiny. First, how apt is the traditional view of parties? Does party money produce greater degrees of electoral accountability and legislative discipline? Second, how accurate are contemporary critics of parties? Is party money, especially soft money, swamping the system? Has FECA's system of contribution limits broken down? Finally, what would be the *602 practical political consequences of further constraining party money raised for state and local parties and elections? We analyze these questions through the lenses of campaign finance reforms that would end soft money.

Part I of this paper details how parties raise money and how they handle it, especially in contrast to how candidates raise money. Here we assess how much money would be affected by proposals to close the soft money loophole, and whether the rise of soft money signals the failure of the contribution limits established by FECA. Part II assesses two key claims about party money and party discipline in national politics: that party contributions and expenditures foster electoral competition and that party money creates greater party discipline within the legislature. In this Part we argue that the parties do produce more electoral competition, but that a ban on soft money would have little impact on national party politics. Part III of this paper explores how party money is used at the state level, especially for grass roots activities. Here we project that a complete ban on soft money would significantly curtail grassroots activities of state party organizations and would significantly reduce participation, a consequence that has as yet received little attention in national discussions about campaign finance reform.

I. Party Money Amounts and Accounts

Party money is extremely important: It accounts for nearly half of all campaign money raised at the national level, [FN22] But, as we document, the importance of party money has not changed much over the last twenty years.

To measure the importance of national party fund raising we contrast the resources of parties to those of candidates, rather than to interest groups. There are four reasons for this contrast. First, recent political science scholarship emphasizes that candidates have eclipsed parties as an organizing force in voting behavior and elections. [FN23] The rise of personal voting and the incumbency advantage over the last forty years suggests that many voters focus on the individual politician more and rely on party less. [FN24] Individuals and groups may choose to channel their resources either to parties or individual candidates. The decline of parties is often traced to increases in the campaign resources of individual candidates, especially incumbents, and declines in electoral resources and activities *603 of party organizations. [FN25] Do parties command substantially fewer resources than candidates do? Surprisingly, in our world of candidate-centered campaigns, parties and candidates attract approximately the same amount of money. [FN26]

Second, party committees are essentially campaign operations and are, therefore, most appropriately compared to candidates, rather than to political action committees. Parties seek to win a majority of seats in the legislatures or control of the executive office, and they do so through direct campaigning and by assisting their local campaign organizations. FEC reports reveal that parties are not primarily operations for donating money to candidates. Less than one percent of party money is contributed to federal candidates, and only about ten percent is spent on their behalf. [FN27] FEC audits of party committees reveal that the national Republican and Democratic organizations spend their funds on overhead, fundraising, and their own campaigns to win control over government, including grassroots organizing and television advertising, as well as on recruiting and training candidates and campaign organizers. An audit of the RNC's 1984 accounts revealed that approximately thirty percent of that money was spent on direct campaign activities, such as advertising and field operations; an additional third went to fundraising. [FN28] An audit of the Dukakis campaign in California, and of the California State Democratic party, in 1988 showed that half of the funds went for field operations, such as get-out-the-vote drives, canvassing, and direct mail; twenty percent went for media. [FN29] These figures are remarkably similar to the activities of federal candidates, whose reports to the FEC reveal that thirty percent of congressional campaign money goes for media advertising and about twenty percent goes for grassroots campaign activity. [FN30]

Third, candidates are the relevant benchmarks against which to compare party finance because the government is ultimately organized both by individual politicians and by parties of politicians. The U.S. House and Senate, for example, are organized into committees, which are often tailored to members' and constituents' interests, as well as party hierarchies. If contributors can influence public policy or change the composition *604 of the government with their campaign donations, then they may be able to achieve their ends either through donations to politicians or to party committees. Finally, parties and candidates draw on the same pools of donors—individuals and organizations, especially corporations. But, different restrictions apply to candidate and party fund raising. Donations to federal candidates and party committees fall under the contribution limits imposed by FECA, and individuals and groups face lower contribution limits when they give to candidates than when they give to parties. Also, non-federal party accounts are not subject to federal contribution limits. [FN31]

Table 1 contrasts the receipts of federal candidates and of national party committees over nine election cycles in the 1980s and 1990s. The first and second columns of the table display the amounts raised by congressional (House and Senate) and presidential candidates, respectively. The Presidential funds include public funds provided in the primary and general elections. The third and fourth columns display the parties' federal (hard money) and non-federal (soft money) receipts. [FN32] Official FEC reports on soft money are not available for the early 1980s, and the amounts are presumed to be small. For 1984 and 1988, we include some estimates provided by the Citizens' Research Foundation and other sources.

Table 1. Candidate and Party Funds

Some double counting exists in the table because party committees and candidates may contribute money to each other. Surprisingly little money flows between parties' and candidates' treasuries. Parties contributed only about $5 million directly to candidates in 1998, accounting for less than one percent of candidates' funds. [FN33] In addition, parties' coordinated and independent expenditures totaled $67 million in 1998. In total, parties only spent about ten percent of their funds on federal election campaigns at the national level, and almost all of these expenditures are advertising and other coordinated and independent expenditures made by the parties, rather than direct contributions to candidates. Even less money goes from candidates to parties. Federal candidates contribute only a trace of their money to national party committees. [FN34] Parties and candidates, then, represent distinct campaign fund raising venues in national politics; one does not feed the other. More money flows among the party committees. Twelve percent of soft money in 1994 and ten perent of the soft money in 1998 came from 605 other accounts of the national parties. This indicates that the FEEC reports suggest that there is more soft money than there actually is. Funds transferred from one non-federal account to another are simply double counted. Funds from federal to non-federal accounts should properly be considered federal money, as they were originally raised from individuals and corporations according to federal contribution limits. Actual soft dollars totaled $89.8 million in 1994 and $196.8 million in 1998. [FN35]

The contrast between party and candidate national fundraising helps put the parties in clearer relief. First, the data in Table 1 reveal that under FECA candidates and parties play roughly equal roles in campaign *606 fund raising. Federal and non-federal money, amounted to approximately forty percent of all money raised at the national level in the 1990s. [FN36] The fraction of all money going to candidates in Table 1 is fairly stable, averaging 60 percent, but never more than 65 percent or less than 55 percent. The equality of candidate and party money is somewhat surprising given the emphasis within political science on the rise of "candidate-centered" campaigns. The importance of parties, though, should not be seen as evidence that FECA has gradually broken down. The parties appear to be a constant in American campaign finance, and this is accommodated by FECA.

Second, the parties have changed how they handle their funds somewhat, relying increasingly on non-federal accounts. Much of the recent growth in the parties' treasuries has come through non-federal funds. The hard money accounts of parties have grown much more slowly than the hard money accounts of candidates. From the early 1980s to the late 1990s, House and Senate money (in off-year elections) grew 85 percent. Over that same time period, the federal accounts of the parties grew by only 45 percent. [FN37] Parties have kept pace with candidate fund raising through soft money.

Reports on the amounts of soft money before 1992 are highly incomplete. The Citizens Research Foundation estimated the amount of soft money in 1984 as $22 million, which amounts to about 5 percent of the party money raised that year. [FN38] The figures in Table 1 reveal that by the end of the 1990s soft money had risen to $200 million.

Third, soft money, though it has grown, is still a relatively small fraction of party money and of all money. By the end of the 1990s, non-federal accounts handled slightly less than a third of all party money. Even with this growth, non-federal accounts still handle much less money than federal accounts, and contributions to and expenditures from federal accounts must still comply with contribution limits set by FECA. Table 1 reveals that by the end of the 1990s, soft money accounted for just 15 percent of all money.

Soft money, as it is commonly discussed, has a more negative connotation than simply the amounts of money flowing into non-federal accounts. Soft money has become synonymous with money laundering. Parties, interest groups, and candidates reputedly avoid the limits on group and individual contributions to federal candidates and parties by funneling money raised in national accounts to state and local organizations. The state and local organizations serve merely as fronts for the federal candidates' and parties' campaigns. How much money exceeds the limits?

Total non-federal party money provides an upper bound estimate of the amount of money that is given in order to evade contribution limits *607 on individuals, corporations, and other associations. The figures in Table 1 suggest that the amount evading the contribution limits is small relative to the amounts subject to the limits. Even with the soft money loophole, two-thirds of all contributions to parties go to federal accounts and are subject to contribution limits. Party money constituted about 45 percent of national campaign finance in 1998; non-federal accounts handled only 15 percent of all money raised in 1998 at the national level.

Not all donors to non-federal accounts exceeded the limit that they would have been subject to had they contributed to a federal committee. In 1998, approximately 18,000 different donors gave to the national parties' soft money accounts. Only eleven percent gave more than $20,000 to soft money accounts, which is the limit on contributions to party committees. This relatively small number of donors gave 78 percent of the soft money—that is, $153 million of $196 million. This is a very large amount of money "skirting" the limits, and it is a cause for concern. However, it represents only 12 percent of all money raised by candidates and parties at the national level. [FN39]

Closing the soft money loophole will not force all of the money in parties' non-federal accounts out of politics. A sizable amount of non-federal money ($42.6 million out of $196 million) is raised within contribution limits, and we suspect that federal committees would likely attract these funds if non-federal accounts did not exist. [FN40] In addition, if soft money is banned, donors to these accounts might redirect their contributions to other accounts—to hard money accounts, to candidate accounts, or to state and local organizations directly.

II. Party Money in National Elections

Current campaign finance reform efforts, such as the McCain-Feingold bill, aim to eliminate soft money entirely. If those efforts succeed, what will be the consequences for national and state politics? We turn first to the national level. The concern for national politics, as political scientists have described it, is whether restrictions on party resources would lessen the ability of voters to hold the government collectively accountable. [FN41] Party finances may improve accountability in two ways. First, party contributions and expenditures in national elections might increase electoral competition. In particular, party money is often thought to be a counter-weight to the inequity between individual candidates' resources, most notably the discrepancies between incumbents' and challengers' financial advantages. Second, party money might produce more discipline in Congress, as leaders might be able to use contributions as inducements to keep the party's congressional delegation in *608 line on key votes. Greater discipline within Congress on votes central to the parties' programs would allow the parties to stake out clear policy or ideological positions. As a result, voters would be better able to distinguish the choices they face in the election and to reorient the government if they did not like the direction of the governing party. [FN42]

A further concern is how the parties conduct their own campaigns. If a sizable share of the money goes to voter registration and mobilization, then party money might foster accountability by encouraging people to vote and make their preferences heard. Here, we address the first two concerns; we leave the third issue to the next section, as that is more readily addressed at the state and local level.

A. Does Party Money Increase Electoral Competition?

Many students and observers of Congress complain bitterly about the lack of competition in congressional elections. They cite such facts as the high incumbent reelection rate (averaging over 95 percent since 1980): [FN43] the "vanishing marginals"; [FN44] the incumbency advantage in voteshare, around 8 percent; [FN45] and the huge advantage incumbents have in fundraising. [FN46] Weakening the fundraising capabilities of parties would probably reduce competition. [FN47] Party money flows to more competitive races. [FN48] Also, as we show here, party money flows much more freely to non-incumbents than PAC money does. [FN49] The panels on the left-hand side of Figure I show the natural log of party money (including coordinated expenditures), plotted against the Democratic vote-share, for each House race between 1978 and 1998 that was contested by both major parties. The top left panel shows the relationship between Democratic party money *609 and electoral closeness: the bottom left panel shows the relationship between Republican party money and electoral closeness. A unit change in the logarithmic scale can roughly be interpreted as a one percent change in the variable. The graphs, then, represent how a percentage point change in the Democratic vote share corresponds to a percentage chance in the amount of party and PAC money received. The symbols are "I" for races incumbents. "C" for races with challengers, and "0" for open seat races.

Parties clearly, target closer races. The curves on the left have a distinct inverted-U shape, with a peak at almost exactly .5. showing that Democratic and Republican party committees target close races. Also, the curves are relatively symmetric at about .5, suggesting that the party committees concentrate equally on vulnerable incumbents and credible challengers, and tend to ignore safe incumbents and struggling challengers.

Figure 1: Party versus PAC Contributions as a Function of Democrat's Share of the Vote Won, US House Elections, 1978 to 1998.

The panels on the right-hand side show analogous plots for PAC contributions. Although PACs also tend to target close races, there is one striking difference between PACs and parties. While party contributions drop off sharply in noncompetitive races involving incumbents, PAC contributions do not. PACs give nearly as much to safe incumbents as they give to incumbents who are in trouble. Incumbency of course, is nearly synonymous with victory, as approximately 95 percent of incumbents who *610 seek reelection win. [FN50] The asymmetry suggests that PACs are drawn to candidates who are more likely to win. Elsewhere, we have shown that this behavior is consistent with the argument that interest groups give money as an investment in politics, with some expectation of a return for their donation. [FN51] Also, though this is more difficult to discern from the graph, PACs give significantly more to incumbents than to non-incumbents, holding the vote margin constant.

Specifically, PACs give more money to incumbents than they do to open seat candidates who win by the same vote margin or who compete in districts with similar partisan levels. [FN52] What is more, PACs give more to incumbents who lose by I to 5 percent than they do to challengers who win by I to 5 percent. [FN53] This is not true for the parties. Party contributions act as something of a counterbalance to PAC contributions. A back-of-the-envelope calculation gives some sense of what might happen if party money dries up. Consider all races between 1988 and 1998. On average, Democratic challengers received 14 percent of their total campaign funds (including coordinated and independent expenditures) from party committees, and Republican challengers received almost 11 percent of their funds from parties. The corresponding figures for incumbents were 2.0 percent and 1.7 percent, respectively. In a previous paper, we estimated that the elasticity of challenger vote-share with respect to challenger spending .05 to .08 range. [FN54] Using an intermediate value of .07, a 10 percent reduction in challenger spending implies that the average challenger's vote percent will fall by about 2.5 percentage points.

The effect of this counterweight of parties in specific races for Congress is slight, primarily because parties spend so little money on individual races. We are unsure what the effects on electoral competition and turnover might be if the parties were to spend. say, five times more than they currently do on national elections. This is the world envisioned by proponents of stronger parties. such as Dan Lowenstein, who recommends heavy public subsidy of parties to counteract the incumbency advantage. [FN55] The obstacle to forecasting what this world would be like is that it is unclear what circumstances would lead the parties to shift their *611 resources more heavily into congressional campaigns and away from state and local activities.

The bottom line, though, is that significant reductions in party receipts would not change competition in the national elections appreciably. Complete elimination of party contributions and coordinated and independent expenditures would lower challengers' vote shares by 2.5 percent, but the typical challenger today only receives 35 percent of the vote.

B. Does Party Money Buy "Loyalty" to the Parties?

One way to buy loyalty is to help elect and reelect those who are known to be loyal. There is some evidence that at least for Democrats, party committees give more money to House members who vote in line with their party's leaders. [FN56] The evidence is rather weak, however, and other studies find no effects. [FN57]

Showing that party money actually affects voting records is even trickier, because it is extremely difficult to control for the "baseline" level of party support (how much a member would support the party even if he or she did not receive party money). Leyden and Borrelli claim to show an effect, but it is doubtful that have correctly controlled for the baseline. [FN58]

We find mixed evidence for the first claim. We ran a series of Tobit regressions predicting party money as a function of electoral circumstances and party loyalty in roll call voting, measured as proximity to the parties' medians. [FN59] Using the estimated relationship we can measure the *612 expected amount of party money received by loyal and maverick incumbents. Contrast a Democrat who is at the party's median with one at the 25th percentile of his party (in the conservative or moderate direction). The average Democratic incumbent over the period 1978 to 1998 received about $10,000 from the Democratic party's committees. [FN60] The more moderate Democrat received only about $6,000 from party committees. In other words, the effect of being at the 25th percentile of the Democratic party, rather than at its median, cost the more moderate member about $4,000 in party campaign funds. For Republicans, the corresponding difference between the party's median member and a member at the 25th percentile (again in the moderate direction) is just $206—essentially no effect. [FN61]

These slight effects suggest that further restrictions on federal party contributions and spending money would have relatively little effect on discipline within the party. Nevertheless, these effects measure how we predict loyalty rates to change with modest changes in party contributions. It is unclear what the consequences for party discipline might be if the party committees' presence in candidates' campaigns expanded significantly. What seems more certain is that expanding the parties' campaign activities and expenditures would aid challengers somewhat. Parties contribute and spend money in federal races in ways that foster competition. The sums, however, do not appear large enough to make an appreciable difference in the final election outcomes. If anything, the behavior of the parties in national elections suggests that, if our objective is to increase electoral competition and, thus, electoral accountability, then parties command too little of the money spent in American national elections.

One caveat to this implication is in order. Party money is not politically balanced or neutral: Republican committees regularly raise and spend more money than Democratic committees. This pattern is especially strong in hard money accounts; in 1998. Republican committees raised $285 million and Democratic committees raised $160 million in hard money. Over the last decade (1988 to 1998), Republican national campaign committees raised 65 percent of the party money in federal accounts. [FN62] Soft money is more balanced: Over the last decade, Republican *613 committees have accounted for 55 percent of soft money. [FN63] Thus, complete deregulation of party money would likely benefit Republican committees and candidates, and elimination of the soft money loophole may benefit the Democrats.

III. Party Money in State and Local Elections

Closing the soft money loophole would affect state and local party organizations and the voters they reach much more acutely than it would affect national politics. The effects would be two-fold. First, as we show here, eliminating soft money would seriously reduce the party treasuries in many states. Second, eliminating soft money will significantly reduce the campaign activities that state and local party organizations conduct. Soft money appears to subsidize a wide range of activities, including get-out-the-vote drives, broadcast advertising, and day-to-day operations of the organizations. Of particular concern, cutting federal transfers to the state party organizations will likely reduce grassroots campaign activities and produce lower voter turnout as a result.

To provide a thorough accounting of state parties' financial activities, we chose to profile three states—Idaho, North Carolina, and Ohio—across three election cycles, 1991-92, 1993-94, and 1995-96. [FN64] These states appear representative of the rest of the country. Ohio is the seventh most populous state in the U.S., and it has highly competitive elections. [FN65] North Carolina is a mid-sized state (two-thirds the population of Ohio); it too is highly competitive. [FN66]

Idaho is a small state, and leans strongly toward the Republicans, though Democrats have won statewide and federal offices over the last two decades. [FN67]

These states share some important characteristics. All three states have very complete public reporting of the receipts and expenditures of the parties. [FN68] In all three states, the parties' central or executive committees handle almost all of the parties' campaign money. Idaho's party committees raised a total of $3 million in 1996, $2.4 million of which *614 went to the state committees—the Idaho Democratic Party and the Idaho Republican Party. The remainder was distributed evenly across numerous county party, committees. [FN69] The House and Senate caucus committees controlled relatively little. North Carolina also has extremely active county committees; they tend to be recipients of state party money. [FN70] In Ohio, party money is concentrated in the state committees, though the legislative caucuses have played a relatively more important role in the past. [FN71] In terms of party money, these states span much of the observed variation in transfers from non-federal accounts. Combining the 1996 and 1998 elections, Ohio, with 11 million people, received $10.6 million in soft money, North Carolina, with 7.5 million people, received $7.6 million in soft money, and Idaho, with 1.2 million people, received $2.4 million in soft money. [FN72]

Figure 2: Repub. and Democ. Soft Money in States, 1996–1998

Tabular or graphic material set forth at this point is not displayable.

Figure 2 graphs the combined 1996 and 1998 soft money contributions to state parties of Democratic and Republican national committees. [*615 FN73] The graph shows that Democratic and Republican money increase together. In the figure, California, with 32.7 million people, receives by far the most money ($33 million). Ohio ranks with New York and Illinois as the next largest recipients of soft money over the last two election cycles. North Carolina is in a cluster of states that includes Texas, Pennsylvania, Washington, and Kentucky. Idaho is in a cluster of smaller states including Arkansas, Connecticut, and Massachusetts, which received about $2 million total over the two election cycles. The densest cluster of states in the graph is in the lower left corner. One-third of the states received less than $1 million from national parties non-federal accounts over the two elections.

The importance of soft money to state parties is readily measured as the fraction of state party committees' total receipts that come from non-federal national party accounts. How dependent are the states on non-federal accounts for their resources? Using the reports of the state election finance agencies in Idaho, North Carolina, and Ohio, we calculated the total amount of money raised by the party committees in these states, excluding transfers between state party committees. In Idaho, the Republican and Democratic state and local party committees raised a combined total of $1.4 million in 1992, of which $550,000 was soft, and a total of $3.0 million in 1996, of which $1 million was soft. In North Carolina, the state and local party committees raised a total of $10 million in 1992, of which $4.9 million was soft, and a total of $18 million, $5.7 million of which came from soft money accounts. In Ohio, the state and local party committees amassed total receipts of $24.7 million in 1992, of which $8.1 million was soft, and $19.6 million in 1996, of which $7.6 million was soft.

These figures show that state parties depend heavily on soft money transferred from the national party committees. In all of these cases, more than one-third of the state organizations' total funds came from national "non-federal" accounts. Cutting soft money would significantly reduce state parties' financial resources.

How would reduction of these funds affect state parties' activities? It is often charged that non-federal money merely takes the form of advertising for federal candidates cloaked as state and local party building. This perception appears to be wrong for three reasons.

First, national party committees (such as the DNC-State Account) contribute or transfer money directly to the state party committees rather than spend money in the states, which the national committees might do if they were advertising for federal candidates. Nor is the money that they do spend clearly earmarked. Instead, almost all of the soft money that flows into these states is transferred to the general treasuries of state committees, *616 which are controlled by state party organizations. The ultimate decision about how the money is to be spent, it seems, rests with the state committees, rather than with federal committees or federal candidates.

Second, to the extent that we observe direct national expenditures in the states or earmarked money, these funds are dedicated to overhead, such as office expenditures. Ohio is the clearest example. In 1992, the RNC and DNC spent almost ten million dollars in the state; eighty percent of these funds were dedicated to "office" expenditures.[FN75]

Third, the state party organizations spend considerable sums on field or grassroots campaigning, such as direct mail, precinct walks, and voter registration. Documenting the amounts spent on various activities takes considerable effort. Working with the public reports of the parties filed with the state elections commissions in Idaho, North Carolina, and Ohio, we classified each itemized expenditure by the parties in the 1991–92 and 1995–96 election cycles. [FN76] All told there were over 41,000 separate data entries to classify. We divided the expenditures into a fairly detailed category scheme that paralleled the format developed by Dwight Morris and his collaborators. [FN77] We then aggregated these into several broader categories: "grassroots or direct campaigning," "media campaigning," "overhead," "consulting," "contributions," "transfers," and "fundraising."

The state parties spend fairly constant proportions on each of these categories. For our purposes grassroots and media campaigning are of greatest interest. In North Carolina, in both 1992 and 1996, we estimate that the state parties spent approximately 20 percent of their funds on media advertising and 25 percent on grassroots or direct campaigning. In Idaho, we estimate that the parties spent approximately, 15 percent of their funds on grassroots campaigning in 1992 and 1996. They spent just 4 percent on media in 1992 and 9 percent on media in 1996. In Ohio, we estimate that the parties spent 7 percent on media in 1992 and 5 percent on media in 1996. They, spent 32 percent on grassroots campaigning in 1992 and 27 percent on grassroots campaigning in 1996. In each of these states, the parties spent between 30 and 40 percent of their funds on reaching voters directly, the larger category of voter contact being direct voter contact, such as direct mail and canvassing, not broadcast advertising. [FN78]

How will the elimination of party soft money affect the campaign activities that parties conduct? Between 1992 and 1996 we observe for each state changes in the total receipts of the party treasuries as well as changes in their grassroots, or direct campaign, expenditures. The ratio *617 of the change in grassroots expenditures to the change in total receipts measures how the parties translate marginal changes in their receipts into changes in their activities. From 1992 to 1996, Idaho parties' receipts rose $1.5 million. Their expenditures on direct voter contact rose $250,000. For every additional dollar raised, the Idaho parties spent an additional 16 cents on voter contact. From 1992 to 1996, North Carolina parties' receipts rose $8.4 million. Their expenditures on direct voter contact rose $2.15 million. For every additional dollar raised, the North Carolina parties spent an additional 25 cents on voter contact. From 1992 to 1996, Ohio parties' receipts fell $7 million. Their expenditures on direct voter contact shrank, $1.3 million. For every dollar lost, the Ohio parties reduced expenditures on voter contact 18 cents. [FN79] These figures suggest that every dollar lost by the parties from a reduction in federal transfers would cut expenditures on state parties' direct campaign activities by 20 cents. [FN80] Soft money transfers to these states totaled $13 million in 1996. [FN81] Elimination of these funds, we estimate, would cut the state parties direct campaign expenditures by $2.6 million dollars.

How much would turnout decline? In 1996, 7.5 million people voted in Idaho, North Carolina, and Ohio combined. [FN82] To calculate how many fewer people would have turned out without the soft money subsidy of state grassroots activities, we need to know the cost of getting an additional voter to the polls through these activities. From a series of ingenious field experiments. Alan Gerber and Donald Green have estimated the marginal cost of getting an additional person to the polls through canvassing and related means of voter contact. [FN83] They estimate that mobilizing an additional voter costs between $15 and $20. [FN84] These figures suggest that between 170,000 and 130,000 fewer people would have voted in these states in 1996 without the grassroots activities underwritten by the national parties' soft money. In other words, cutting soft money would have lowered turnout in these states by slightly more than two percentage points. [FN85]

*618 CONCLUSION

Party money poses a dilemma, both for those who advocate stronger and more responsible parties and for those who advocate elimination of soft money to reform campaign finance. Broadly speaking, political parties are thought to be instruments of greater political accountability and mass democracy.

Voters can more readily hold stronger, unified national parties responsible for their actions and redirect government if need be. At least since the 1950s, political scientists have argued that we should strengthen the parties organizationally, and that unregulated party campaign money is one of the main mechanisms through which the United States can achieve stronger parties. [FN86] The devil, though, is in the fund-raising. The parties may have to act irresponsibly toward the public in order to raise funds from wealthy individuals, corporations, and other private concerns.

We have considered the concrete tradeoffs presented by proposals to eliminate soft money. In terms of reducing corruption or undue influence, such proposals, at best, can eliminate money that exceeds existing limits. We estimate that soft money contributions that evade existing contribution limits amounted to approximately $150 million in the 1998 elections. We are unsure what that money buys.

We know of no research that provides reliable estimates of the amount of influence purchased with each additional dollar. If we assume that the influence gained from a dollar contributed within limits is the same as the influence gained from a dollar given outside the limits, then limiting contributions to non-federal party accounts would weaken interest group influence over national politics in the United States somewhat, but this money should not be presumed to have much leverage. Soft money currently accounts for only 12 percent of total national campaign fund raising.

Individual legislators do not depend on these funds at all—if anything these funds are a nuisance, as the expenditures likely go to support their opponents. Thus, if the effects are corrupting, they are not corrupting of individual legislators. Soft money might, however, unduly influence the parties. Even still, the national parties raise two-thirds of their money in hard money donations.

Against these possible consequences must be weighed the possible effects of soft money on the "responsibility" of the parties. We have focused on three of the central arguments about what responsibility means: party discipline in policy-making, national electoral competition, and party building activities, especially grassroots mobilizing.

We believe that the effects of eliminating soft money on the ability of the parties to present voters with clear, programmatic choices would be slight. Contrary to the responsible party argument, party money evidently, does not correspond with significantly more party discipline. *619 Among Democrats party, loyalty within Congress and party contributions are correlated; among Republicans, they are not. And the sums are so small that it seems unlikely that the parties have created greater discipline through their campaign finance committees.

Party money, if it continues to grow, might have substantial consequences for national elections. In particular, party money has the potential to counterbalance interest group contributions in congressional elections. PACs account for most of the incumbency advantage in campaign finance. [FN87] Parties, by contrast, give to close races, as suggested in Figure 2, and spend their money efficiently so as to have the largest effect on electoral outcomes. More party money in congressional elections, at least relative to interest group money, would probably produce much higher electoral competition. However, the parties currently give little to congressional candidates and spend little on individual races.

The most troubling effect of closing the soft money loophole is that it would significantly lessen the electoral presence of state and local party organizations. Debates in Washington on bills designed to eliminate soft money, and many political science and popular journals have discussed the many ramifications of eliminating soft money. Little mention, however, has been made of the consequences for the state parties and the voters that they reach. Closing the loophole will starve many grassroots activities of state and local parties. Eliminating all current soft money expenditures, we estimate, would lead to a 2 percent decline in voter turnout—without soft money, approximately 2 million fewer Americans would have gone to the polls in 1996.

ENDNOTES

[FN1]. 2 U.S.C. §§431–55 (1994).

[FN2]. See Elizabeth Drew, Politics and Money: The New Road to Corruption 15 (1983); Frank J. Sorauf, Inside Campaign Finance 149 (1992).

[FN3]. There are numerous FEC advisory opinions that clarify what does and does not constitute a non-federal expenditure or contribution. Three are of particular note: Allocation of Costs for Voter Registration. [1976–1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) P 5340 (FEC Advisor Opinion 1978–10); Corporate Support for Party Convention, [1976–1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) P 5348 (FEC Advisory Opinion 1978–46); Get-Out-the-Vote Drive for State Candidates, [1976–1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) P 5353 (FEC Advisory Opinion 1978–50). See also Richard Briffault, The Political Parties and Campaign Finance Reform, 100 Colum. L. Rev. 620, 629 (2000) (discussing the FEC's role in clarifying non-federal party activities).

[FN4]. See American Pol. Sci. Ass'n, Toward a More Responsible Two-Party System, 44 Am. Pol. Sci. Rev. 45 (Supp. 1950).

[FN5]. See Sorauf, supra note 2, at 28–42.

[FN6]. The intellectual history on this is long and storied. See, e.g., Austin Ranney, The Doctrine of Responsible Party, Government: Its Origins and Present State (1962) (providing an excellent history of the American writers advocating strong parties at the close of the 19th century and beginning of the 20th century, including Woodrow Wilson, A. Lawrence Lowell, Henry Jones Ford, and Frank Goodnow). Ranney also offers an assessment of the widely held belief among political scientists in the middle of the 20th century that stronger political parties in the United States are desirable, and discusses the conditions under which such "responsible" parties can be achieved. See id. at 155–63.

[FN7]. E.E. Schattschneider provides the classic description of the struggle between parties and interest groups: The real choice is between a strong party system on the one hand and a system of politics in which congressmen are subjected to minority pressures. The assumption made here is that party government is better than government by irresponsible organized minorities and special interests. The parties are superior because they must consider the problems of government broadly, they submit their fate to an election, and are responsible to the public. E.E. Schattschneider, Party Government 193 (1942). See also Morris P. Fiorina, The Decline of Collective Responsibility in American Politics, 109 Daedalus 25, 27–28 (1980) [hereinafter Fiorina, Decline] (providing a more contemporary formulation of Schattschneider's argument); Anthony King, Running Scared 181–87 (1997) (discussing various ways to strengthen American Political Parties).

[FN8]. See Daniel Hays Lowenstein, On Campaign Finance Reform: The Root of All Evil is Deeply Rooted, 18 Hofstra L. Rev. 301, 348–51 (1989).

[FN9]. American Pol. Sci. Ass'n, supra note 4.

[FN10]. See id. at 9–11.

[FN11]. See Norman Ornstein et al., Vital Statistics on Congress, 1997–1998, at 11–13 (1999).

[FN12]. See Nelson W. Polsby, Consequences of Party Reform 9–16 (1983); Austin Ranney, Curing the Mischiefs of Faction 82 (1975).

[FN13]. See, e.g., Morris P. Fiorina, Whatever Happened to the Median Voter? (May 11, 1999) (unpublished manuscript, on file with the Columbia Law Review) (providing an excellent summary of how different factors have contributed to increased party discipline in the United States).

[FN14]. See Table 1, infra.

[FN15]. See Carroll J. Doherty, Campaign Finance Crusaders Regroup After Latest Defeat, CQ Weekly Rep., Oct. 23, 1999, at 2507–09.

[FN16]. See id. at 2507.

[FN17]. See Drew, supra note 2, at 15.

[FN18]. See Michael J. Malbin & Thomas L. Gais, The Day After Reform: Sobering Campaign Finance Lessons from the American States 9–13 (1998).

[FN19]. 424 U.S. 1 (1976).

[FN20]. See Sorauf, supra note 2, at 9–11.

[FN21]. See Drew, supra note 2, at 15; Frank J. Sorauf, Money in American Elections 317–22 (1988).

[FN22]. See Table 1, infra.

[FN23]. See Martin P. Wattenberg, The Decline of American Political Parties 1952–1988, at 58, 90–91 (1990).

[FN24]. See Bruce Cain et al., The Personal Vote: Constituency Service and Electoral Independence 9–12 (1989) (providing a thorough assessment of this trend). For a statistical measure of the rise of the personal vote, see Stephen Ansolabehere et al., Old Voters, New Voters, and the Personal Vote: Using Redistricting to Measure the Incumbency Advantage, 44 Am. J. of Pol. Sci. 17 (2000).

[FN25]. On the decline of party contact, see Steven Rosenstone & Mark Hansen, Mobilization, Participation, and Democracy in America 162–63 (1993).

[FN26]. See Table 1, infra.

[FN27]. See FEC, Reports on Financial Activity, various years; Frank J. Sorauf, Money in American Elections 128–31 & tbls. 5–1 & 5–2 (1988).

[FN28]. See Herbert E. Alexander & Brian A. Haggerty, Financing the 1984 Election 102–05 (1987).

[FN29]. See Herbert E. Alexander & Monica Bauer. Financing the 1988 Election 77–79 (1991).

[FN301]. These figures are from two comprehensive studies of all expenditures by all U.S. House and Senate candidates in the 1990 and 1992 elections. See Sara Fritz & Dwight Morris, Handbook of Campaign Spending: Money in the 1990 Congressional Races 5–6 (1991); Dwight Morris & Murielle E. Gamache, Handbook of Campaign Spending: Money in the 1992 Congressional Races 6–7 (1994).

[FN31]. See Drew, supra note 2. at 1–5: Allocation of Costs for Voter Registration. [1976–1990 Transfer Binder] Fed. Election Camp. Fin. Guide (CCH) P 5340 (FEC Advisory Opinion 1978–10).

[FN32]. These figures combine the accounts of the DNC, the RNC, the Democratic Senatorial Campaign Committee ("DSCC"), the National Republican Senate Committee ("NRSC"), the Democratic Congressional Campaign Committee ("DCCC"), and National Republican Congressional Committee ("NRCC").

[FN33]. See FEC, Reports on Financial Activity, 1997–1998.

[FN34]. See id.

[FN35]. See FEC. Downloadable Databases Containing Financial Information About Candidates, Parties and Other Committees (visited Jan. 17, 2000) <http://www.fec.gov/finance/newftpl.htm> (on file with the Columbia Law Review), FEC, Reports on Financial Activity, 1993–1994, 1995–1996, and 1997–1998.

[FN36]. Calculated by the authors based on Table 1, supra.

[FN37]. Calculated from the second column of Table 1, supra.

[FN38]. See Table 1. supra: Alexander & Bauer, supra note 29, at 37.

[FN39]. See FEC. Report on Financial Activity, 1997–1998.

[FN40]. See id.

[FN41]. See. e.g, Fiorina. Decline, supra note 7, at 30–33; Lowenstein, supra note 8, at 341–51.

[FN42]. See. e.g. Morris Fiorina. Retrospective Voting in American National Elections 202–03 (1981) (arguing in the conclusion that without programmatic parties, retrospective voting is not possible).

[FN43]. See Ornstein et al., supra note 11, at 61–62.

[FN44]. David Mayhew. Congressional Elections: The Case of the Vanishing Marginals, 6 Polity 295, 295(1974).

[FN45]. See Ansolabehere et al., supra note 24, at 30; Steven D. Levitt & Catherine D. Wolfram, Decomposing the Sources of Incumbency Advantage in the U.S. House, 22 Legis. Stud. Q. 45, 46 (1997).

[FN46]. See Gary C. Jacobson, Money in Congressional Elections 105–23 (1980); Stephen Ansolabehere & James M. Snyder, Jr., Money and Office, in Continuity and Change in Congressional Elections (David Brady et al. eds., forthcoming 2000).

[FN47]. Of course, it is not clear why increasing competitiveness, per se, is a good thing—rather, it depends on why there is little competition. If it is due to entry barriers of some sort, then it is probably bad. If it is due to the effectiveness of incumbents in giving constituents what they want, then it may not be.

[FN48] This pattern is noted by Gary C. Jacobson, Party Organizations and the Distribution of Campaign Resources, 100 Pol. Sci. Q. 603, 604 (1985–86), and by Paul S. Herrnson, National Party Decision Making, Strategies, and Resource Distribution in Congressional Election, 42 W. Pol. Q. 301, 307–09 (1989).

[FN49]. See Figure 1, infra.

[FN50]. See Ornstein et al., supra note 11, at 61–62.

[FN51]. See Stephen Ansolabehere & James M. Snyder, Jr., Money and Institutional Power. 77 Tex. L. Rev. 1673. 1682–98 (1999); James M. Snyder. Jr., The Market for Campaign Contributions: Evidence for the U.S. Senate 1980–1986, 5 Econ. & Pol. 219, 219 (1994).

[FN52]. See Ansolabehere & Snyder, supra note 46.

[FN53]. See FEC, Report on Financial Activity, various years.

[FN54]. See Stephen Ansolabehere & James M. Snyder, Jr., Money, Elections, and Candidate Quality (1997) (unpublished manuscript) (on file with Columbia Law Review). Alan Gerber, Estimating the Effect of Campaign Spending on Senate Election Outcomes Using Instrumental Variables, 92 Am. Pol. Sci. R. 401 (1998), produces very similar estimates for the U.S. Senate.

[FN55]. See Lowenstein, supra note 8, at 363-64.

[FN56]. See Kevin M. Leyden & Steven A. Borrelli, Party Contributions and Party Unity: Can Loyalty Be Bought? 43 W. Pol. Q. 343, 351-52 (1990) (concluding on the basis of Tobit results that "the Democratic Party, 'rewards' its most loyal members with greater financial aid").

[FN57]. See, e.g., David M. Cantor & Paul Herrnson, Party Campaign Activity and Party Unity in the U.S. House of Representatives, 22 Legis. Stud. Q. 393, 402 (1997) (concluding from the results of regression analyses that "past party unity has no significant effect on the distribution of party assistance in campaign fundraising. . . .").

[FN58]. See Kevin M. Leyden & Steven A. Borrelli, An Investment in Goodwill: Party Contributions and Party Unity Among U.S. House Members in the 1980s, 22 Am. Pol. Q. 421, 421-52 (1994) (reporting an association between party contributions to candidates and the likelihood that the legislator voted similarly to the party leadership). The problem of baselines is that the research does not simultaneously establish how the politician would have voted in the absence of contributions. If, for example, a legislator represented a district similar to the district of a party leader, then that legislator might cast roll call votes in line with the leader not because of party contributions but because such votes represent his or her constituents.

[FN59]. Tobit regression predicts a dependent variable, in this case contributions to and expenditures on behalf of individual candidates that came from political party committees, as a linear combination of many independent variables predicting a single dependent variable. Tobit regressions correct for "censoring" effects due to many 0's in the dependent variable. See generally William H. Greene, Econometric Analysis 962-65 (3d ed. 1997). The regressions include year dummies, district partisanship, opponent total expenditures, and roll call voting scores.

[FN60]. Party money in this analysis consists of contributions and coordinated expenditures combined. The average is for incumbents who received at least some party money contributions. The average for incumbents and non-incumbents combined was $14,000.

[FN61]. In the regressions pooling all years, for Democrats, the coefficient for proximity of roll call voting to the party median is positive and highly significant, with a t-statistic over 6. Looking at each year separately, the effect of proximity to the median for Democrats is significant in all years. For Republicans, the effects in the pooled data and in each year are always insignificant, and in some years have the "wrong" sign.

[FN62]. FEC, Press Release, FEC Reports on Political Party Activity for 1997-1998, at 2, Tables 1-2 (Apr. 9, 1999) http://www.fec.gov/press/ptyye98.htm (on file with the Columbia Law Review).

[FN63]. See id.; FEC, Press Release, FEC Reports on Political Party Activity for 1995-1996, at Tables 3-4 (Mar. 19, 1997) http://www.fec.gov/1997news.html (on file with the Columbia Law Review).

[FN64]. See Idaho Secretary of State, Election Division: Campaign Finance (visited Jan. 17, 2000) <http://www.idsos.state.id.us/elect/finance.htm> (on file with the Columbia Law Review) [hereinafter Idaho Election Div. Website]; North Carolina State Board of Elections, Campaign Finance Reports Download (visited Jan. 17, 2000) <http://www.sboe.state.nc.us/cro/finance.htm> (on file with the Columbia Law Review) [hereinafter N.C. Bd. of Elections Website]. In Ohio, data are distributed by the Secretary of State, 30 East Broad Street, 14th Floor, Columbus, Ohio 43266-0418. A database was provided by the Secretary of State's office.

[FN65]. See Michael Barone & Grant Ujifusa, The Almanac of American Politics, 2000 1240-48 (1999) (statistics on page 1248).

[FN66]. See id. at 1184-93 (statistics on page 1193).

[FN67]. See id. at 506-12 (statistics on page 512).

[FN68]. See FEC, Campaign Finance Law 98, Chart 1 (1999).

[FN69]. See Idaho Election Div. Website, supra note 64 (for hardcopy versions of these data, see State of Idaho, Contributions and Expenditures of Candidates for Statewide, Legislative, and Judicial Office and Political Committees (Jan. 1, 1997-Dec. 31, 1998)).

[FN70]. See North Carolina State Board of Elections, Analysis of Contributions and Expenditures, 1998 (Jan. 15, 1999).

[FN71]. See Ohio Secretary of State, Ohio 1998, Campaign Finance Facts 65-69.

[FN72]. See Barone & Ujifusa, supra note 65 at 512, 1184, 1248 (reporting population figures). Transfers to state committees compiled by authors from FEC, Press Release, FEC Reports on Political Party Activity 1997-1998, supra note 61, at Tables 9 and 10.

[FN73]. These figures come from FEC, Press Release, FEC Reports on Political Party Activity 1997-1998, supra note 61, at Tables 9 and 10.

[FN74]. Calculated by the authors from reports of the state election commissions. See supra notes 56-56.

[FN75]. See Ohio Secretary of State, supra note 71. We were able to classify 94 percent of the 41,000 expenditure items listed in the database into categories of office and overhead, fundraising, grassroots activities, media, contributions, and payroll.

[FN76]. See id.

[FN77]. See Fritz & Morris, supra note 30, at 15-29; Morris & Gamache, supra note 30, at Chapter 2.

[FN78] These estimates are based on data sets provided by the relevant state offices.

[FN79]. These figures are calculated from the datasets provided by the relevant state offices. See supra note 50.

[FN80]. The 20 cents figure is an average of the reduction in expenditures in the three states combined.

[FN81]. FEC, Press Release, Reports on Political Party Activity for 1997-1998, supra note 61, at 2.

[FN82]. FEC, Federal Elections 96: Election Results for the US President, the US Senate, and the US House of Representatives, at tbl. 1 (1997).

[FN83]. See Alan Gerber, A Tale of Two Literatures (Mar. 1999) (unpublished manuscript, on file with Dept. of Political Science, Yale University); Alan Gerber & Donald Green, The Effect of a Nonpartisan Get-Out-the-Vote Drive: An Experimental Study (Aug. 1999) (unpublished manuscript, on file with Dept. of Political Science, Yale University) [hereinafter Nonpartisan GOTV]; Alan Gerber & Donald Green, Does Canvassing Increase Voter Turnout? A Field Experiment, 96 Proc. Nat'l Acad. Sci. 10939 (1999).

[FN84]. See Gerber & Green, Nonpartisan GOTV, supra note 83, at 220.

[FN85]. We are indebted to Alan Gerber for assisting with these calculations.

[FN86]. See, e.g., Lowenstein, supra note 8, at 351-55; Fiorina, Decline, supra note 7, at 26-27.

[FN87]. See Ansolabehere & Snyder, supra note 46.

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Soft Money Spending by State Parties: Where Does It Really Go?

(By Ray La Raja and Karen Pogoda)

SUMMARY

In this study we analyze campaign expenditures by state political parties from the 1992 through 1998 elections, which includes disbursements of soft and hard money. We find evidence to support a more complex reality about how soft money is used by parties than is typically conveyed in the news media. While party spending on issue ads increased dramatically in 1996 and 1998, so did party-building activities, such as voter mobilization and grassroots, which were encouraged by amendments to the Federal Election Campaign Act in 1979. We also find that Democratic state parties spend more soft money than Republican parties on media-related activities, such as issue ads, probably to compensate for their lack of hard relative to the Republicans. We conclude with a recommendation that reformers consider some of the positive effects on American elections of party control of campaign resources as they attempt to curb the potential for corruption by restricting or eliminating soft money contributions to parties.

INTRODUCTION

Scarcely a week passes during an election year without news reports of a corporation or wealthy individual making a large soft money contribution to one of the major parties. Election web sites sponsored by nonpartisan organizations and government agencies routinely provide access to data on campaign contributions to candidates and parties. This widespread focus on contributions to and from political committees stems from a genuine concern to expose corruption rooted in the exchange of money. Even without sufficient evidence of corruption, reform advocates continue a single-minded quest to restrict the size of political contributions, without looking at the other side of the equation. What do candidates and their parties do with campaign contributions? Are they spent in ways that encourage or dampen competition? Does party soft money spending generate any public benefits in elections, beyond its intended support for candidates?

A narrow focus on the sources of contributions prevents us from speaking to such questions. In this paper, we try to redress what we see as a one-sided approach to the study of campaign finance, particularly with respect to the soft money issue. We set out to answer a simple question: how do political parties spend soft money? By most journalistic accounts, the conclusion is that parties use soft money to pay for "issue ads" that support the presidential or congressional candidates. Our study demonstrates this partial truth, but also provides evidence to support a more complex reality. In fact, the parties continue to spend a great deal of soft money on traditional party-building functions that mobilize voters through individual contacts.

Why should we care about making such distinctions about party spending? When Congress amended the Federal Election Campaign Act (FECA) in 1979, it made provisions for parties to spend unlimited amounts on so-called party building functions. The earlier version of the FECA in 1974 inhibited state and local parties from participating in the presidential campaign through grassroots activities because of rules limiting contributions to the candidates. The 1979 amendment, which exempted generic party activity from contribution limits for the presidential campaign, was a deliberate effort to increase the party role in American elections. In this study we find that this policy, worked. State parties, in fact, increased mobilization and grassroots activities in the 1990s, largely as a result of the 1979 exemption and the increased use of soft money.

It is unlikely, however, that when Congress made changes to the FECA, members understood the role that soft money would play in paying for issue advocacy, the generic media advertising sponsored by parties that often crosses the line into direct candidate support. Reform advocates argue, with merit, that issue advocacy reduces the distinction between hard and soft money spending. By producing campaign ads that bolster a particular candidate in all but name, parties found a way to get around limits on candidate support. So long as the party avoids the electioneering phrase, "vote for," or something similar, they can pay for these ads with soft money. If parties can use soft money to help their federal candidates, then party contribution limits under FECA are rendered almost meaningless.

We find conclusively that national parties exploited an opportunity to help their nominees for federal offices by channeling funds to state parties for the express purpose of purchasing issue ads. Party-sponsored issue ads increased dramatically in the 1996 and 1998 elections, just when national parties were transferring significant sums of soft money to state parties. We also demonstrate that most media-related spending occurred in states with competitive races for the 1996 presidential and 1998 Senate campaigns.

But our analysis also reveals that party issue ads are only one part of the story. While expenditures on media-related activities surged in 1996, so did spending on grassroots and voter mobilization efforts—the kind of party campaign activity Congress wanted to encourage when it revised the FECA in 1979.

We believe our findings complicate the reform debate considerably. On the one hand, we observe parties violating the spirit, if not the letter, of the law when they pay for issue ads with soft money that help federal candidates. And yet, we also notice that soft money has been used to bolster party activities that citizens, elected officials and political scientists view as positive for democracy. The increased use of soft money is associated with greater spending on political rallies, bumper stickers and yard signs, as well as voter identification and get-out-the-vote programs.

Another healthy sign, especially from the perspective of political scientists, is that state party organizations appear to be growing stronger, if somewhat more reliant on national organizations. Our findings demonstrate that infusions of soft money have augmented activities at party headquarters, as evidenced by increased spending on staff salaries, rent, computers, telephones and other organizational maintenance necessities. For several generations, scholars have worried about the demise of party organizations that formerly played a key role in nominating candidates and pulling together coalitions. Weak parties leave the field open to single-issue interest groups and candidate-centered campaigns that tend to fragment the electorate and subsequently increase the difficulty of governing. To the extent that party organizations are increasingly active in campaigns, we take this as a positive sign of party revitalization. Beyond our preliminary analysis, future research should investigate in greater detail the degree to which party activity reflects "pass throughs" of money for specific candidates or support for a collective and unifying form of campaigning, closer to the model of responsible parties outlined by the American Political Science Association.

We make no assertions about whether soft money strengthens the party system and improves the electoral process. Our findings are merely suggestive. In part, we publish the results of this working paper to give pause to supporters of a ban on soft money from the campaign finance system. By moving too quickly to eliminate party resources, the public may forego potential benefits of stronger parties. Worse, the money that now flows through parties may simply be rechanneled through other, less visible organizations. Experience shows this is not simply plausible but probable. The prospects for effective reform are enhanced through a genuine understanding of the outputs, as well as the inputs, of campaign money.

SOME BACKGROUND

What is soft money?

Soft money is a term developed in the 1980s to differentiate contributions to the party that may be used to support federal candidates directly from those that cannot. Under federal law, the purpose of soft money is for party building and not for direct candidate support. In 1974, when Congress passed amendments to the Federal Election Campaign Act (FECA), it imposed a limit on contributions to the party, and the amount of direct support that parties could provide their candidates, either through cash or in-kind contributions. Individuals could donate no more than $20,000 to parties, and PACs were limited to $15,000. In the late 1970s, leaders of state party organizations lobbied Congress and the Federal Elections Commission (FEC) to permit them to extend the use of soft money to generic party activities that included distribution of lawn signs, bumper stickers and activities aimed broadly at mobilizing the vote. They argued that federal laws limiting party support of presidential candidates constrained them from performing generic party campaign activities that broadly benefited both federal and state candidates. Congress responded with amendments in 1979 permitting state and local parties to spend unlimited funds on "party-building" activities, such as grassroots campaign materials and voter contact activities. It is important to note that Congress did not authorize state committees to use unregulated funds to pay for these activities. State parties were required to use funds raised under the rules of the FECA.

In fact, the so-called soft money loophole did not open until the FEC was faced with the dilemma of providing accounting guidelines to state parties where state laws permitted unrestricted contributions from unions and corporations. In response to a query by the Republican State Committee of Kansas about how to allocate federal and nonfederal expenses incurred by party building activities, the FEC declared that the Kansas Republicans could use their nonfederal fund to pay a reasonable estimate of the nonfederal share of cost. This ruling effectively meant that the party could use a nonfederal fund—which had no constraints on corporate or union contributions under Kansas law—to fund activities that benefited, in part, federal candidates. A 1988 U.S. District court order, pursued by reform activists at Common Cause, required the FEC to provide detailed allocation requirements to prevent the parties from abusing their new ability to use soft money in federal elections. Yet even with the promulgation of specific allocation requirements, the national and state parties continued to seek the advantages of permissive state campaign finance laws to raise and spend nonfederal funds to support their federal candidates through party-building activities.

Since raising unregulated soft money is easier than federal (hard) money, which has contribution limits, the national parties pushed to expand the definition of party-building so they could spend soft money on more campaign activities. Perhaps the most brazen challenge to the 1974 reforms was when the Republican National Committee argued successfully in 1995 that television advertisements focusing on party themes even when candidates are mentioned, should be considered party building and therefore payable with soft money. Once the FEC assented, the major parties crafted television ads, paid for largely with soft money, to help specific federal candidates. During the 1996 presidential election, close observers of the campaigns estimated that $100 million was spent on issue ads by the parties.

Although the FEC attempted to curtail the use of issue ads and other party activities that crossed the line from party building to candidate support, they were blocked by a Supreme Court ruling, *Buckley* v. *Valeo*. In this case, the justices tried to distinguish between constitutionally-protected free speech and electioneering messages. The ruling demonstrated that the courts would narrowly define "electioneering" to include messages that clearly exhorted citizens to vote for or against specific candidates. Under a narrow definition, parties could safely use soft money for issue ads that helped candidates so long as they avoided electioneering language that constituted "express advocacy" for a candidate. Such language includes use of the words, "vote for," "oppose," "support," and the like.

One consequence of Buckley was a deliberate party strategy to funnel money to state parties where complex rules permitted them greater use of soft money. In a presidential election year, national committees must allocate hard money to at least 65 percent of administrative costs. The state parties, in contrast, might pay for the same activity with as little as 25 percent hard money, depending on a formula that considers the ratio of state and federal candidates in the election. Much has been written about party efforts to conceal campaign advertising behind the shroud of state party building, but there has been little systematic analysis to demonstrate the extent of this activity. We collected financial data on the 100 state parties over four elections to examine how parties use soft money.

METHODS

Our analysis is based on expenditure data provided by the Federal Elections Commission (FEC). Since the 1992 election cycle, parties at all levels have been required to maintain two separate accounts, federal and non-federal. The non-federal account is not reported to the FEC because these funds are applied exclusively to nonfederal activities, such as party support for state legislative candidates. The federal account, however, must include itemized expenditures that potentially benefit a federal candidate, even if the spending also helps state and local candidates as well. The FEC calls this "Joint" spending. Party treasurers are required to allocate hard and soft money for joint spending to reflect the federal-nonfederal split of benefits to candidates. To limit the discretion of treasurers—who have an incentive to claim that benefits accrue mostly to state and local candidates so as to avoid using hard money—the FEC promulgated rules determining the proper mix of hard and soft funds for a given kind of joint activity. For example, administrative costs are allocated according to the ratio of federal candidates to total candidates (state and federal) in the state. We use the federal account data, with its matching hard and soft allocations, to determine how parties spend soft money.

We believe the federal account provides us with the greater part of party expenditures. The non-federal account, according to some estimates, accounts for at least an additional 25 percent in soft money that state parties spend exclusively to benefit state and local candidates. State parties are compelled by federal law to use federal accounts whenever they perform some kind of generic party activity that might jointly benefit party candidates up and down the ticket. This requirement ensures that every expense, from routine office costs to voter identification programs, shows up in the federal account. The federal account also includes itemized expenditures on media that parties call "issue advocacy." It is precisely because parties claim that issue advocacy reflects party rather than candidate specific themes that they must report this activity as generic (or joint) in the federal account.

Our study looks at the federal reports submitted to the FEC by the 100 state parties, for election cycles 1992 through 1998. Fortunately, staff at the FEC entered, by hand, each expenditure item in database files from the hard-copy reports submitted by state parties. Using these files, we developed a coding scheme to categorize more than 300,000 itemized expenditure entries in each election cycle. The categories are the following:

Overhead: office related expenses such as rent, salaries, computers, travel, and utilities.

Media: communication expenditures for television, radio and newspaper and production and purchase costs.

Mobilization: costs of contacting individual voters through direct mail, telephone banks, canvassing and voter identification files.

Grassroots: activities that encourage citizen participation in campaigns. Expenditures for rallies, fairs, volunteer precinct walks, banners, slate cards, bumper stickers, and local party support.

Multi-candidate contributions: non-generic in-kind contributions from the party to several candidates, e.g., newspaper ads, that jointly benefit specific federal and state candidates. These are distinct from the direct contributions to candidate committees.

Fundraising: costs associated with joint fundraising for federal, state and local campaigns.

Unidentified: expenditures that could not be determined from FEC reports.

In the following sections, we provide summaries for total soft money expenditures in each of the above categories. We are able to compare the data over four election cycles, 1992 through 1998.

FINDINGS

Are the state parties spending more soft money?

There is little doubt that state parties are more active than ever in election campaigns. Combined soft and hard money spending in the state party federal accounts almost doubled between 1992 and 1996. Undoubtedly, some of this spending is the product of mere "pass throughs," the transfers from the national to state parties to purchase issue ads and other services in support of federal candidates. But as we demonstrate later, state parties have also increased spending on campaign activities that serve party building functions.

Much of this growth in spending has been spurred by additional use of soft money. In the 1996 presidential election the 100 state parties spent $178 million, almost triple the amount of soft money, spent in 1992. Similarly, between the 1994 and 1998 midterm elections the parties doubled their use of soft money, spending a record $187 million. Hard money expenditures have also risen but not at the same rate. Since FEC rules require soft-hard matching for each campaign activity, it is not surprising that hard money spending increases with soft money spending. It appears, however, that soft money pays for a larger portion of activities with each passing election cycle. In 1998, for the first time since 1992 when state parties were required to report soft money spending, they spent more soft than hard money in their federal accounts.

The apparent shift from hard to soft money is not difficult to explain. Soft money is easier to obtain since there are no limits on contributions to parties, except when state laws regulate party fundraising. A party that wants to preserve its hard money for candidate contributions and coordinated expenditures in federal elections will purchase goods and services with soft money whenever possible. Over the four most recent election cycles, the state parties have learned how to match soft and hard money expenditures to maximize the use of the former. One indication that parties behave this way is that direct state party support for federal candidates, mostly in the form of coordinated expenditures increased from $5 million in 1996 to $18 million in 1998. We suspect state parties substituted soft for hard money when paying for many kinds of campaign activities, thereby freeing up additional hard money for direct candidate support.

An important question to ask is whether soft money reported in the federal accounts of state parties is actually controlled by the national parties, whose primary interest is to elect candidates for federal office. To the extent that national party supports the state parties through transfers, we can make the inference that they have some control over state party expenditures. Table 1 (not supplied) gives a sense of how much state parties rely financially on the national parties. The national parties support a larger percentage of state party budgets in 1996 and 1998 than they did earlier, suggesting that they have more influence in state party affairs than in earlier elections. Prior to 1996, national party transfers did not account for more than 14% of the federal accounts of state committees. In the 1996 and 1998 elections, this portion grew to 42% and 31% respectively. Table 1 also illustrates that state parties rely more heavily on national parties for soft money than hard money. National parties provide just under a quarter of the hard money that state parties end up spending, but 65% of the soft money they spent in 1996 and 37% in 1998. It appears that soft money has become a primary means of intraparty support. State parties continue to raise the majority of funds on their own—indeed, they raise more money independently than ever before—but they receive significant support from the national parties. In addition to party transfers, some journalistic accounts report that state parties benefit from soft money contributors who are encouraged to donate to state parties by officials of the national party.

Since national parties provide as much as one-third of state party funds, we suspect that portions of soft money from the national parties are targeted to achieve national party goals, which may differ from the priorities of state organizations. These data demonstrate unequivocally that the direction of resource flows between parties has reversed since the 1960s, when national parties had to solicit contributions from state affiliates. Heard (1960) predicted such a change would create opportunities for party integration and growth, even as it augmented tensions among levels of party.

To summarize, soft money spending by state parties has risen each year since 1992, and outpaced hard money spending in 1998. FEC matching requirements will ensure that soft money spending does not entirely eclipse hard money spending, but it appears parties exploit allocation rules to spend soft rather than hard money. We should note, however, that state parties raise and spend increasing sums of hard money, funds that meet all the requirements of the FECA. Hard money spending doubled between the 1992 and 1996 elections and the state parties are responsible for raising three-fourths of this money themselves. The prospect of securing soft money from the national parties may spur state parties to engage more effectively in raising hard money, precisely because of the federal matching requirements. We also find preliminary evidence that soft money spent on administrative chores fires hard money for contributions and coordinated expenditures in support of federal candidates.

How do state political parties spend soft money?

We now turn to a description of how state parties use soft money in campaigns. As we stated earlier, there is anecdotal evidence, mostly from the news media, describing the use of soft money for issue ads. More systematic scholarly research demonstrates that in key races soft money is invested in the "ground war" of campaigns, through contacts with individual voters using direct mail and telephone banks. Party and campaign finance scholars continue to speculate whether the infusion of soft money in the last two decades has altered patterns of state party activity. Advocates of stronger parties have argued that providing parties with privileged access to campaign resources would reverse the long decline of party organizations. From their perspective, the introduction of soft money into the party system provides an interesting test case for this theory. How will parties behave with this new wealth generated by soft money? Will they spend additional increments to build the party through voter identification programs and grassroots activity? Or will soft money simply buttress candidate-centered campaigns, with the parties serving as pass-throughs to pay for television ads promoting individual nominees?

Our findings will hardly satisfy those who seek support for an opinion that soft money is either good or bad for the party system. In fact, we find elements of what some would consider "bad" as well as "good" spending. On the positive side, we observe that state organizations continue to use funds in ways we traditionally expect of parties: to mobilize voters, provide grassroots paraphernalia like bumper stickers and lawn signs, and, of course, for basic organizational maintenance activities such as paying rent and salaries (overhead) and fundraising. In short, soft money enables parties to spend additional resources on party-building activities.

The election in 1996, however, marked a dramatic shift toward greater spending on media related activities. Whereas the state parties spent just 3 percent of their budgets on media activities in the 1992 presidential election year, four years later this category absorbed more than one-third of their budgets. The shift is more striking in absolute terms: media spending jumped from about $2 million to $65 million. The reasons for this shift have been explained in many journalistic accounts of the 1996 and 1998 campaigns. The increase in media spending in 1996 was a result of campaign strategies pursued by the parties and presidential candidates to saturate critical electoral markets with televised issue ads that benefited the candidates in all but name. Dick Morris, the key Clinton-Gore campaign strategist, urged the DNC to begin televising issue ads in the summer and early fall as a way to shore up a faltering Clinton early in the election and undercut the presumptive GOP nominee, Bob Dole. The RNC, in support of the Dole-Kemp ticket, countered with the same strategy right before and after the convention in July. Apparently, both national parties tried to take advantage of the favorable soft-hard ratios available to state parties by delegating responsibility for purchasing the ads to the latter.

Ironically, soft money spending on issue ads might be an artifact of the sweeping reforms of 1974 that established a system of public financing for presidential candidates. If a candidate accepts public funding, in the primary he faces limits on spending in each state. A competitive race could cause candidates to bump up against these limits rather early in the primary season, especially given the trend toward front-loading of primaries, forcing them to curtail spending severely during the weeks leading up to the convention. Bob Dole, for example, faced several tough and well-funded challengers in 1996. He was forced to spend money fending off Gramm, Buchanan and Forbes. Clinton, in contrast, began using party soft money, as well as primary campaign funds, to attack the GOP and promote his campaign themes for the general election. Dole and the Republicans could only retaliate with party soft money ads, given that the candidate would not receive additional public funds for the general election until after the convention. The late timing of FEC-released public funds leaves a good part of the summer in which either candidate can harm the other through attack ads. The parties joined in the campaign, in part, to bridge the period between the point at which a nominee effectively, but not officially, wins the party nomination, and the official start of the general election season as determined by the end of the party conventions.

The increasing use of soft money for issue ads may also reflect the inadequacy of a public funding system for presidential campaigns that fails to keep pace with rising media costs. A standard thirty-second advertisement during prime time in a major media market can cost in the range of $20,000 to $30,000. Only fifteen years ago, the same ad cost approximately half that amount. Although presidential funding system adjusts for inflation, average media unit costs have risen faster than the average for all other goods and services. More importantly, according to one study, campaign strategists rely increasingly on expensive media-related activities, especially television, which drive up the cost of the entire campaign.

During midterm elections, spending on media decreases without the demands of a national campaign. In the 1998 midterm, the amount spent on media related activities by state parties was cut more than half, to $30 million from two years earlier. But this amount was ten times as much as party spending on similar activities in the 1994 midterm election. The lessons of using party soft money for issue ads in the 1996 presidential campaign had obviously been passed on for congressional elections. According to a study sponsored by the Brennan Center, party spending on issue ads—which includes both state and national organizations—amounted to $25.9 million. This spending accounted for close to 45,000 ads, reflecting about 20 percent of all campaign advertising.

Our data demonstrate clearly that soft money was transferred to state parties to fund media-related activity that comprised mostly issue ads. But assuming that every dollar transfer produced a dollar's worth of issue ads, the fact remains that state parties spent little more than 55 percent of transfers on issue ads in 1996, and 43 percent on them in 1998. Where did the rest of the soft money go? The answer is that parties used "excess" soft money to increase traditional party activities. In 1996, spending on voter mobilization almost doubled from the previous presidential election, rising from $8 million to $16 million. Over the same period, spending on grassroots activities increased sevenfold, from $1.2 to $8.3 million.

These figures, of course, are small in comparison to allocations for media-related activity. One reason is that the cost of bumper stickers, or even telephone banks, is considerably less than that of media-purchases in metropolitan markets. At about ten cents per bumper sticker, one million dollars will purchase 10 million bumper stickers. The same amount will provide about forty ads (30 seconds) on network TV in a major media market during prime time.

Importantly, media spending did not crowd out spending on traditional party activities. The portions of the party budget spent on mobilization and grassroots did not change substantially even when media spending soared. In the 1998 elections, Magleby (2000) reports that the parties, particularly the Democrats, emphasized a "ground war" strategy that involved lots of direct mail, telephone banks and other get-out-the-vote activities. It appears, according to Table 2, that parties used additional soft money in 1998 to intensify mobilization efforts, spending nearly the same portion of their budget on such activities as they did in 1992 and 1994.

Additional soft money has also been used to expand party headquarter operations. In 1992, state parties spent $42 million on overhead, which include payments for salaries, rent and other organizational maintenance costs. By 1998, this total had risen to $107 million. Certainly, we would want to know the degree to which these rising expenses at headquarters reflect sustained organizational growth or temporary surges in activity for the limited campaign season. An analysis of party budgets during the off-election year should resolve whether these costs reflect enduring investments in the party organization. At the very least, the rising costs associated with maintaining party headquarters suggests that state party organizations are a locus of increased campaign activity.

Partisan differences?

To see if parties pursue different strategies with soft money we compare them for the 1996 and 1998 elections. The parties appear to spend similar amounts on all activities except for media, which accounts for much of the Democratic lead. In 1996 the Democratic state parties allocated about $48 million for media, three times as much as the Republicans. The gap for the 1998 midterm election was not as great since neither party spent as much on media, but the Democratic state parties continued to outspend the Republicans at the state level by more than 6 million. We believe these partisan differences exist because the national Democrats, being the relatively poorer party, attempt to exploit soft money for federal races more than Republicans. They do this by transferring soft money to state parties where the spending ratios for soft and hard money are higher, meaning that the state parties can use more soft money than the national parties to pay for the same activity.

The practice of using the state parties for national party goals probably comes at a cost. State parties might dun the national parties for these services by requesting additional transfers of soft money beyond the costs of the services. At the very least, a transfer strategy imposes greater coordination costs on national parties, particularly the Democrats, who appear to do this more often. National parties must monitor the transferred funds to ensure state parties spend them properly. The national Republicans, with a significant advantage in hard money receipts, can more likely avoid this problem by producing and purchasing media services directly, even if they must pay with additional hard money. We suspect that the national committees of the Republican Party outspend their Democratic counterparts on such campaign activities.

The Democratic strategy of transferring soft money to state parties for issue ads is clearly evident from Table 4, not supplied, which lists states with the highest media-related spending. In each of these states there was a close federal electoral contest. In 1996, Ohio was not only a key swing state for the Clinton re-election, but also included six close congressional races. The Ohio Democractic Party spent 10.5 million dollars on media-related activities, almost triple the amount of any other state party. Michigan and Illinois were other key states during the 1996 presidential campaign; the latter also contained a key Senate race and several competitive House races. In Washington, there were at least five critical House elections. Neither party was willing to concede California, the state with the most electoral votes, as well as a good number of competitive congressional races. In 1998, the parties were more evenly matched on media spending with much of its focused in New York. Nevada and Kentucky, the states with highly competitive Senate races.

CONCLUSION

We began with a question about how parties spend soft money. We speculated that soft money was not simply a resource to fund issue ads, but also a primary means to support party organizations and their traditional campaigh activities. Our finding is that parties use soft money in ways that would strike many observers—including those favoring a ban on soft money—as positive. This preliminary study illustrates that parties use soft money to invest in campaign activities that promote party-building and citizen participation. If soft money permits the party to reach additional voters through telephone calls and mail, or generate enthusiasm for political campaigns through rallies and yard signs, then perhaps we are shortchanging American campaigns by cutting off this supply of money. The overemphasis in the news and by public interest advocates on the media strategies of parties obscures the fact that parties do many things with soft money.

Undoubtedly, parties also exploit soft money to fund issue ads through their state organizations. Media-related spending by state parties jumped from just $2 million in 1992 to $65 million in 1996. The Democrats appear to take advantage of a state-sponsored issue ad strategy more than the Republicans, probably because they trail the Republicans in raising hard money. Both parties, however, use most of their soft money to expand party headquarter operations during the campaign. Since 1992, they have more than doubled the amount spent contacting individual voters through various voter identification and get-out-the-vote programs. In the last midterm election, just 16% of soft money went toward issue ads, the same amount that was spent on direct mobilization and grassroots efforts.

Seeing that the lesser part of party soft money goes toward issue ads, we feel compelled to re-examine the question: how is soft money harmful in elections? The obvious answer is that soft money permits candidates, contributors and parties to circumvent federal laws limiting campaign contributions. If party soft money can help a specific candidate by using it to purchase a candidate-tailored advertisement, then corporations, unions or wealthy individuals can simply funnel contributions to candidates through the parties. The potential for the quid pro quo exchange between contributor and policymaker escalates with the increasing size of contributions to the party.

But assume for a moment that party money is "clean." Suppose party money is generated through public subsidies, or raised from contributors in increments that are small enough to prevent corrupt exchanges. Are the spending patterns of parties necessarily harmful in American elections? In this study, we observe that parties spend a significant portion of their cash to build the party as intended by the 1979 amendments to the FECA. It is primarily through soft money that parties have had access to resources that permit them to engage in activities that political scientists, for the most part, view as salutary for the electoral system. If the solution to the problem of corruption is to ban soft money fund raising, then reformers should also consider ways to ensure that parties have access to sufficient resources so they might continue occupying a central role in campaigns.

An earlier set of reforms in 1974 had the effect of weakening party role in campaigns by institutionalizing PACs as legitimate contributors to candidate campaigns. The number of PACs proliferated in the 1970s and early 1980s, providing candidates with an increasing share of their campaign funds. Candidates became more reliant on PACs than on their parties, which encouraged the candidate-centered nature of campaigns. The ever-adaptable American parties exploited the campaign finance regulations to reestablish themselves. Soft money probably helped restore the party role in campaigns, making the candidates less reliant on direct support from PACs. On the other hand, party leaders may now feel beholden to big soft money contributors, a potential problem that should not be overlooked. If the soft money regime encourages interest groups to contribute more frequently through the party leadership, then soft money may simply centralize the corrupt exchange among the most powerful political actors. If this is true we should see greater party unity in congressional voting than in the past, particularly for issues that are important to the most generous party patrons.

The type of party spending that concerns many campaign observers is issue advertisements. In our view, party spending on issue ads is not bad, per se, especially if these ads link the candidate closer to party. Scholars who desire responsible parties would argue that party-sponsored messages create more accountability by promoting themes that unify party candidates around a platform. A recent study by Krasno and Seltz (2000) appears to cast doubt on this theory since only 15 percent of the ads apparently mention the party in the text or graphics. On the other hand, these authors acknowledge that cookie cutter issue ads featuring the same graphics and text are common. We believe these generic ads encourage candidates to use similar themes and symbols across districts and states, which would tend to promote party unity and accountability. The problem, then, is not so much the issue ads themselves, but how they are funded.

The fact that party money goes toward television advertising reflects the reality of campaigning in a mass democracy. Party leaders and their consultants believe television advertising is critical to winning elections so they invest in this form of campaigning. By curtailing party resources, we doubt that party candidates will seek less of this kind of campaign activity. In fact, reform laws that cause the depletion of party resources will likely eliminate "good" spending, such as direct voter contacts, rather than "bad" spending, such as issue ads. Parties will employ a triage strategy that emphasizes media advertising over direct voter contacts and grassroots. The first activities to be shorn are those that support long-term party building and encourage volunteer participation, since these are not of critical interest to incumbents seeking reelection.

We also suspect that the placement of party issue ads encourages electoral competition. The vast literature on campaign contributions suggests that parties allocate campaign resources more efficiently than interest groups, preferring to give money to candidates in the closest races. Interest groups tend to pursue a low risk strategy by giving directly to incumbents who face little competition. Indeed, parties solve a collective action problem by moving resources to where they are needed most, since incumbents are often unwilling to transfer money from their campaign accounts to colleagues who may need it more.

Campaign resources that flow through parties, therefore, will tend to promote competition more than if resources flow directly into candidate committees, or when money is spent independently by interest groups to promote the election of a favored candidate. Using the Krasno and Seltz data for the 1998 elections, we observe a similar pattern of resource distribution in purchasing issue ads. Table 5 (not supplied) demonstrates that parties place almost 60 percent of their issue ads in competitive House elections, a greater percentage than either candidate committees or interest groups. For Senate elections, which are much more competitive, 92 percent of party issue ads appear in competitive elections, whereas 74 percent all candidate-sponsored ads appear in competitive elections. Interest groups provided less than one percent of ads in the 1998 Senate election, but all of these ads were placed in competitive campaigns. The relatively low participation of interest groups in Senate campaigns is probably because media costs are prohibitively high except for the wealthiest organizations.

Candidate-controlled advertising continues to dominate the airwaves, but interest groups and parties are more active than ever. The only institutional counterweight to outside spending by interest groups is the parties. As long as the courts prevent the FEC from regulating issue ads through *Buckley* v. *Valeo*, there is a danger from unilaterally disarming the parties by a ban on soft money. Candidates risk losing control of their campaigns in some very competitive districts. Fearful of being hit by outside spending of interest groups, candidates will no doubt enlist the support of groups favorable to them. Indeed, there is sufficient evidence in the 2000 elections that this is already occurring. The groups most able to produce campaign ads for candidates will likely be the wealthiest, skewing the candidates' obligations toward such groups even more.

We conclude with a policy recommendation that parties retain access to sufficient campaign resources to continue the activities they have pursued with soft money. Our findings suggest that soft funds encourage party-building and party integration, much as Congress desired when it passed amendments to the campaign finance laws in 1979. To reduce the potential for corruption, we recommend that Congress place a cap on soft money contributions or raise the limits on hard money contributions. On the other hand, we believe the distinction between soft and hard money is still valuable. Soft money provides an incentive for national parties to transfer funds to state and local parties, where campaign activities have increased substantially. We believe the likelihood of grassroots work is enhanced at lower levels of party, which afford more participation opportunities for amateurs and volunteers. The national parties may be more reluctant to transfer hard money to state parties for party building when they can use this money themselves for direct candidate support and issue ads.

COMMEMORATION OF THE 90TH ANNIVERSARY OF HADASSAH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. BONIOR. Mr. Speaker, last week, thousands of members of Hadassah, the Women's Zionist Organization of America, kicked off celebrations of their ninetieth anniversary.

Throughout the past ninety years, Hadassah has provided invaluable service to a wealth of communities and peoples. As America's largest female organization, this Jewish collective has provided unprecedented assistance to individuals in countless nations, regardless of race, religion or credo. Established in 1912 by Henrietta Szold, Hadassah has set an example of peaceful relations and service both here and abroad.

Founding the largest medical school in Israel, the women of Hadassah have united students from across the Middle East, building bridges through education and service and establishing friendships—all because they understand that this important work will provide a foundation for new forms of unity in the future.

Since its inception, Hadassah members have worked tirelessly to aid both their local and international communities. The Hadassah Medical Organization consistently stands on the cutting edge of technology, assisting regional patients as well as American troops, heads of state and Congressional delegations. Their reach extends throughout the world, building and staffing new hospitals in Zaire and training African and Asian doctors to work in developing nations. Their dedication to American relief work was demonstrated by the medical aid and blood banks provided in the aftermath of the Pearl Harbor attacks.

Today, Hadassah continues their work through medical and civic education, setting an example of excellence for their humanitarian efforts. A leader in community support programs, Hadassah has invested considerable time to providing information to female citizenries. The organization formed youth counseling groups and female career training in the Middle East, while creating the Hadassah Cares programs to champion efforts to raise breast cancer awareness in the United States.

Mr. Speaker, as our nations continue to work to establish a peaceful, just international community, it is my honor to commemorate the ninetieth anniversary of an organization that has demonstrated these qualities in the work they do every day.

HONORING SAL SALAZAR

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the late Sal Salazar on the occasion of the California Restaurant Association commemorating his life with the Lifetime Achievement Award. Mr. Salazar began his remarkable career in the restaurant in 1942 and his family continues the business holding fast to Sal's values and traditional recipes. This award is the Association's highest honor and marks the 60th anniversary of Sal's Mexican Restaurant and pays tribute to a successful entrepreneur, respected community leader, and beloved husband and father.

Mr. Salazar was born in Herez, Zacatecas, Mexico, and came with his parents to Selma, California, in the late 1920's. Sal worked as a farm laborer until he followed an impulse and on August 22, 1942 opened his own taco restaurant. The restaurant grew to include a full Mexican menu and earned regional acclaim.

A great Mexican restaurant was not the only thing that Mr. Salazar gave his community. Sal worked for the Selma Justice Court, Fresno County Superior Court, and California Supreme Court in Sacramento as an interpreter. He also sponsored 14 Mexican families who relocated to California, provided leadership in the formation of a West Selma improvement district that led to its incorporation into the city, and helped his siblings with their education. Sal also served on the Selma Chamber of Commerce, Selma Planning Commission, Selma High School Boosters Club, and Fresno County Grand Jury. In 1945, he served as an alternate on the interpreter staff at the first meeting of the United Nations in San Francisco.

Mr. Speaker, I rise today to honor the memory of Sal Salazar as his family accepts the California Restaurant Association's Lifetime Achievement Award on his behalf. I invite my colleagues to join me in remembering Mr. Salazar for his community service and entrepreneurial spirit and wishing his family and restaurants many more years of continued success.

TRIBUTE TO MARTY MARSHALL, PRESIDENT OF CALIFORNIA SCHOOL FOOD SERVICE ASSOCIATION

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. TAUSCHER. Mr. Speaker, Marty Marshall is President of the California School Food Service Association, with over 2,500 members, Director of Nutrition Services for Fremont Unified School District, with over 32,000 students, wife, mother, grandmother, and community volunteer. Her life has been, and continues to be, devoted to service to others. Whether to family, co-workers, friends, or fellow professional association members, Marty finds giving of her heart, energy and time to be her greatest pleasure.

As President of the California School Food Service Association, Marty Marshall has worked tirelessly to revitalize the Association by conducting strategic planning sessions, and accomplishing the resulting strategic goals in the areas of organizational structure, internal and external communication, membership, professional image, leadership development, and legislative activity. With her inclusive style of leadership, she has brought together members of all levels including site staff, management, and industry to come to consensus on the goals as well as the necessary steps to achieve them. The membership has expressed enthusiastic appreciation for bringing back some of the traditions and structure that had been lost over the past few years. In addition to her current position as President of CSFSA, Marty has served as President Elect, Chair of the Professional Development, Awards and Scholarships, and Rules and Resolutions Committees, Conference Program Chair, Conference Exhibits Chair, and President of the Josephine P. Morris and Northern California Chapter. She is also currently the Executive Committee Advisor to the Public Policy and Legislative, and Conference Committees.

Marty's theme for her Presidency, "Nutrition and Learning, Hand in Hand," depicts her commitment to children's nutrition education, and the positive effect good nutrition has on a child's learning ability. This has been a timely theme because of current interest amongst California families, schools, and Legislators in children's nutrition issues. Marty testified numerous times during the 2001–2002 session in both Senate and Assembly Committee hearings regarding nutrition and training related legislation. Her testimony contributed strongly to reaching compromise on SB 19, the Pupil Health, Nutrition, and Achievement Act of 2001, signed into law by the Governor, and authored by Senator Escutia.

Marty Marshall was born Martha Elizabeth Knecht in Berkeley, California on August 21, 1946. She grew up in Walnut Creek, where she attended Parkmead Elementary School and Del Valle High School, participating in service and leadership activities in both. In Elementary School she was active in Brownies, Girl Scouts, Job's Daughters and St. Paul's Episcopal Church, and took lessons in flute, piano, and ballet. She was a member of the Student Council, and gave the commencement speech at her eighth grade graduation ceremony. Attending a new high school, as a member of the second graduating class, Marty was in the Leadership Class and on the Student Council all four years, and was a cheer leader for three years, the last of which she was elected as Head Cheer Leader. She was a member of the Latin and French Clubs, tutored special education students, earned a life membership in the California Scholarship Federation, and was selected as Del Valle High School's "Most Outstanding Citizen" by the school staff.

After graduating from High School, Marty Marshall attended the University of California at Berkeley, where she majored in Dietetics. It is here where she met Marilyn Briggs, current Assistant Superintendent of Public Instruction for the California Department of Education Director of the Nutrition Services Division, who has become a lifelong friend and mentor in the area of child nutrition. Marty continued tutoring special education students through her college years, and volunteered in a local convalescent hospital, reading to residents and participating in holiday events. She joined the Alpha Phi sorority, which focuses nationally on activities to support heart health, and participated annually in their fundraising drive.

Before working at Fremont Unified School District, Marty worked for two years as an Assistant Dietitian for a chain of convalescent hospitals. She also worked for six years as the Food Service Instructor for a Federal Training Grant Project where she trained functionally retarded and legally blind clients to work in commercial food service. Here, she developed an Independent Living Skills program for her clients, most of who had recently been released from a state hospital that had closed. She also developed a prescreening program for the Business Enterprise Program for the Blind, to help ensure the success of her clients when they entered this business food service training program. Marty still stays in touch with two of her clients from this Federal Training Project after 30 years.

Marty has worked at Fremont Unified School District for over twenty years as the Director of Nutrition Services. She works hard to combine nutritional integrity with sound business practices, and has earned a USDA Recognition Award each time her program has been audited. She is committed to the children and is known for running her program with the highest of ethics and standards.

Marty is a member of Candle Lighters, a Fremont organization that builds and operates a ghost house each year and donates the proceeds to local charities. She has chaired the Caramel Apple booth and the scheduling of students to work in the house. Over $1,500,000 has been returned to the community over the past 25 years through the efforts of this organization. Marty's husband Steve, and her two children, Chris, 26 and Nicky, 23, participate with her in many of her volunteer activities.

HONORING SUZANNE MUBARAK, FIRST LADY OF EGYPT FOR WINNING THE STEPHEN P. DUGGAN AWARD FOR INTERNATIONAL UNDERSTANDING

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me in paying tribute to Mrs. Suzanne Mubarak, the wife of Egyptian President Hosni Mubarak, upon her receipt of the

Stephen P. Duggan Award for International Understanding on Monday evening of this week. The award, presented by the Institute of International Education and named after the organization's first president, is awarded to distinguished world leaders in the fields of government, education, business and diplomacy in recognition of their commitment to educational exchange and appreciation of other peoples and cultures.

Mrs. Mubarak is indeed a worthy recipient of this honor. She is a sociologist, having received both her bachelors and masters degrees from the American University in Cairo, and she has devoted her efforts to education at all levels. In particular, she has supported the television program Alam Simsim, the Egyptian production of the popular U.S. children's series of the Children's Television Workshop, Sesame Street. When this excellent Egyptian production began its third year in October 2001, Suzanne Mubarak participated in the opening. As in the American model, Alam Simsim helps to build literacy, number skills, education of young girls, and tolerance and understanding.

Mr. Speaker, Mrs. Mubarak's commitment to education, particularly of young women, is most worthy of recognition, and I am delighted that the Institute of International Education (IIE) has made the decision to honor her for her life's work. The Institute was founded in 1919 by two Nobel Laureates, Elihu Root and Nicholas Murray Butler. The purpose of the Institute, in the words of its Chairman Henry Kaufman and its President Allan Goodman, is to "replace ignorance of other cultures and peoples with knowledge and understanding." To this end, the IIE has fostered and supported study in the United States by foreign students and study abroad by American students.

Suzanne Mubarak's commitment to education is consistent with these worthy goals. This was acknowledged in the citation of recognizing her contributions:

"For seven millennia, the world has learned from Egypt. And, even today, we are learning much for your work about the impact that early education has on a child's ability to cope with his or her environment. You have taught us that education must encompass all of life's issues and should enhance the ability of people to interact in society. By your leadership you have demonstrated the overwhelming importance of the education of girls. You have set a new standard for respect and gender equality that will make Egypt and our world safer and more secure for all."

Mr. Speaker, I invite my colleagues in the Congress to join me in paying tribute to Mrs. Suzanne Mubarak for her contribution to international understanding and in honoring her on receiving the Stephen P. Duggan Award.

HONORING HADASSAH

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. DEUTSCH. Mr. Speaker, I rise today to congratulate Hadassah, the Women's Zionist Organization of America, on its 90th Anniversary. Since its beginning, Hadassah has contributed to worthy charities around the world both financially and through volunteer work. Hadassah's tireless efforts have aided in the creation of access to quality health care throughout the Middle East, and Hadassah has always strived for the equal treatment of women in the United States and Israel.

Today, Hadassah, with over 300,000 active members organized throughout the United States, has continued its rich tradition of volunteerism by enacting programs to fight breast cancer and other health related issues affecting women. Hadassah has also sponsored numerous programs to increase the quality of the educational system in the United States.

While Hadassah's interests are primarily education and women's rights, this group has been active in educating its membership on a variety of public policy issues and encouraging civic participation. In a time of increased violence in the Middle East, Hadassah has also remained a staunch advocate of peace and tolerance between Arabs and Jews.

Mr. Speaker, Hadassah has worked since its inception in 1912 to create a higher quality of education and equal rights for women in the United States and the Middle East. It is my sincere belief that as Hadassah continues into the Millennium and to its own hundredth birthday, it will continue to fight for women against disease, violence, and injustice.

RESCUE THE UNINSURED FROM SEA OF UNCERTAINTY

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. CARDIN. Mr. Speaker, the growing epidemic of the uninsured threatens both the social fabric and the economic stability of our nation. If Congress fails to act, soon millions more Americans will be denied their basic right to health care. The Catholic Health Association represents facilities across this country that provide a safety net for uninsured and underinsured citizens in need of medical care. Led by the Reverend Michael D. Place, its president and chief executive officer, CHA is working actively to increase awareness of this crisis. I urge all my colleagues to heed their timely call to action.

[From the Baltimore Sun, Feb. 19, 2002]

RESCUE THE UNINSURED FROM SEA OF UNCERTAINTY

(By Michael D. Place)

WASHINGTON.—In Manchester, N.H., a 6-year-old girl arrives at Catholic Medical Center unable to eat for several days because of medical complications from dental pain.

Why the wait? The little girl's family did not have health insurance.

This child, and so many others across the country, represent the crisis of vulnerability endured by 38 million Americans without any health insurance.

While the girl in Manchester was fortunate enough to live in proximity to a Catholic health facility with high quality emergency care, there are 22 million Americans who live in rural areas that the federal government calls "health profession shortage areas."

Many of these citizens are without health insurance and without access to medical care of any kind. They are at the apex of this health care crisis of vulnerability.

As we struggle to cope with burgeoning numbers of uninsured across the country, rural areas highlight a disturbing trend of funding "drift"—a drift away from subsidized health care coverage for the poor, the unemployed and the disabled.

Rural hospitals were hit hard by the Balanced Budget Act of 1997. It has been estimated that of the $118 billion that the law directed to be cut over five years, $16.8 billion was cut from Medicare funds intended for rural areas. Legislation in the past two years has restored only about $3.8 billion of this money.

For skeptics who believe that rural health care may not be as vital as has been reported, a quick look at a sample state's mortality statistics may be convincing.

In Illinois, rural death rates from all causes from 1992 to 1996 were 1,106.7 deaths for every 100,000 people. This figure compares with 853.8 deaths in Illinois' urban areas.

Sadly, the rural patient base tends to be older, poorer and less medically privileged. For such patients, the small rural hospital is indeed a lifeline in need of preservation.

Whether in rural or urban areas, our cities have no shortage of uninsured and desperate families. In Des Moines, Iowa, a single Catholic hospital—Mercy Medical Center—operates a free clinic through its House of Mercy program. More than 600 people a month come in without insurance, many with acute illness.

In the South Bronx, the Dominican Sisters Family Health Services is a safety net provider in what has been designated the nation's poorest congressional district. Hospital admission rates in that community for children with asthma and pneumonia—conditions that can be prevented with adequate primary care—are five to seven times the rates in more affluent areas of New York City.

Emergency access to basic health care is a stopgap. The emergency room or free clinic is not a substitute for health insurance coverage for access to the same health-care services enjoyed by the more privileged in our society.

And such access is critical not only to ensuring quality of life but also term of life. The heart or cancer patient, treated early and with our best tools, can be offered a much different prospect than the critical care patient who arrives without benefit of early therapy.

During this congressional legislative session, it is increasingly important that we tackle the health care needs of our nation's uninsured. When Congress failed to adopt an economic stimulus package in February, the growing numbers of the recently unemployed and uninsured were dealt a dose of legislative paralysis.

Added to the diminishing set-asides for the "permanent" uninsured, the health care outlook for our nation's poor, uninsured, and under-served population is truly bleak.

We must and can do better.

American society must ensure that each person has access to affordable health care. At a crossroads moment, let us engage in a new national conversation on systemic health care reform, a dialogue from Main Street to Pennsylvania Avenue.

It is time for our nation's public and private leadership, health care providers and faith-based groups to come together and to join all Americans in a search for real and meaningful solutions to this health care challenge.

CONGRATULATING REVEREND BOBBY RAY MORRIS

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. GRAVES. Mr. Speaker, I rise today to congratulate Reverend Bobby Ray Morris of Lawson, Missouri. Reverend Morris has been the pastor of the Lawson Assembly of God Church for the past 42 years, providing spiritual leadership to generations of Missourians.

In addition to caring for his congregation, Reverend Morris is a positive influence on the community of Lawson. During his distinguished tenure, 25 individuals became pastors, youth leaders, and missionaries. The dedication and guidance of Reverend Morris enabled these individuals to answer their calls to the ministry.

This well-loved and respected man of God is retiring on March 16. Although the Reverend will relinquish his role as leader of the Lawson Assembly of God Church, he will remain a spiritual leader in the community and continue to guide and inspire future generations. Please join me in honoring Reverend Bobby Ray Morris for his life of service to the community of Lawson.

PERSONAL EXPLANATION

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Ms. SOLIS. Mr. Speaker, during rollcall vote number 46 on H. Con. Res. 305 I was unavoidably detained. Had I been present, I would have voted “yes”.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. HINOJOSA. Mr. Speaker, I regret that I had to travel to my Congressional District for an important event on February 28, 2002. Had I been present, I would have voted “yes” on rollcall 46.

HONORING ABRAHAM FROST

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. DEUTSCH. Mr. Speaker, today I rise to honor the memory of Abraham Frost, who came to this country from Poland in 1912. Mr. Frost was an individual who was constantly in awe of everything he saw in the United States. For his entire life, he had a deep appreciation for the opportunities this great nation provided to him, and truly enjoyed his work and time spent raising his family. Mr. Frost marveled at the development of modern conveniences such as automobiles and airplanes. He was truly captivated with the possibility of realizing the American Dream. Abraham Frost died in 1976 in Miami Beach, Florida.

Mr. Speaker, the accomplishments of Abraham Frost are a testament to his dedication and his passion for life. He leaves a lasting legacy for both his family and friends.

HUNTING MADE EASY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. FARR of California. Mr. Speaker, I encourage you to read the Time Magazine article entitled “Hunting Made Easy” which describes the “slaughter” of “captive animals to mount their heads on a wall.”

It is a very disturbing article which also raises the question, “Should Congress step in?” The answer is a resounding yes. You can step in by cosponsoring H.R. 3464, the “Captive Exotic Animal Protection Act of 2001”, a bill to combat the unfair and inhumane practice of “canned hunting.” Even hunters are objecting to this gruesome practice.

Hunting Made Easy

(By Jeffrey Kluger)

The exotic Corsican ram trotting about the 100-yard-long pen in central Pennsylvania paid little mind to the men approaching across the field. People were always walking in and out of the pen, as often as not with food for the flock. So the ram didn't resist when the men drove all the animals toward one end of the enclosure. It was only when the first arrow—fired from just yards away—struck it in the haunch that it realized something was up. The ram hobbled off and was struck by a second arrow, then a third. It stood for a moment staring beyond the fence line and then settled onto its haunches, bleeding. A gunshot to the abdomen finished it off—preserving its head as a trophy.

It has never been easy being an animal at the business end of a hunt, but these days it's hard being the hunter too. Dwindling ranges and herds make the ancient business of stalking prey an increasingly difficult proposition. The answer for many Americans is to shift their shooting grounds from the wild to one of the country's growing number of hunting preserves.

By almost any measure, hunting preserves are enjoying a boom. Up to 2,000 may exist in the U.S., with 500 in Texas alone. Many advertise on the Internet and in hunting magazines, and all offer the same thing: the chance to bag a trophy, with none of the uncertainty of hunting in the wild. ‘‘No kill, no pay’’ is the promise many make.

Of course, making good on that guarantee requires bending the prey-and-predator rules. Animals at some preserves are so accustomed to humans that they wander into range at the sound of a rattling feed bucket. Elsewhere they're confined to small patches of woods where they can't elude hunters for long. At others they may never even make it out of their cages before being shot.

Most troubling, it's not just prolific-as-rabbits deer and other common prey that are being killed in such canned hunts, as they're sometimes called; it's rarer creatures too. All manner of exotics—including the Arabian oryx, the Nubian ibex, yaks, impalas and even the odd rhino, zebra or tiger—are being conscripted into the canned-hunt game and offered to sportsmen for ‘‘trophy fees’’ of up to $20,000.

Not surprisingly, these hunts have their critics. A handful of states ban or restrict the practice, and a pair of bills are pending in the U.S. Senate and House of Representatives to prohibit the interstate sale of exotic animals for hunts. Supporters of the hunts object, arguing that exotics are bred in sufficient numbers to support the industry and that many surplus zoo animals could not survive in the wild anyway. Even to some outdoorsmen, however, canned hunts are beginning to look like no hunt at all. ‘‘I started hunting when I was 7 and didn't kill my first deer until I was 16,’’ says Perry Arnold, 52, of Lake City, Fla. ‘‘What they got going on now, that ain't hunting. That's a slaughter.’’

A slaughter is precisely the way canned-hunt foes frame the practice, and the killing of the Corsican ram is not the only horror they point to. The Humane Society of the United States tells stories of its own: the declawed black leopard that was released from a crate, chased by dogs and shot as it hid under a truck; the domesticated tiger that lounged under a tree and watched a hunter approach, only to be shot as it sat. ‘‘Canned hunts are an embarrassment,’’ says California Representative Sam Farr, sponsor of the House bill.

What makes the problem hard to police is the sheer number of exotic animals for sale. There are about 2,500 licensed animal exhibitors in the U.S., and only 200 of them belong to the American Zoo and Aquarium Association, which condemns the sale of exotics to hunting ranches. Even unaffiliated zoos might be reluctant to wade into the canned-hunt market, but many do so unknowingly, selling overflow animals—often products of too successful captive-breeding programs—to middlemen, who pass them into less legitimate hands. The crowding that can result on the ranches leads to animals' being killed not just by hunters but also by diseases that occur in dense populations.

If zoos have trouble keeping track of exotic animals, Washington doesn't even try. The U.S. Fish and Wildlife Service can intervene only if animals are federally protected or if the hunt violates a state law and interstate commerce is involved. Since many cases don't meet those criteria, the animals are essentially orphaned by the feds.

Still, not all hunts on preserves provoke an outcry. Many ranch owners keep exotic animals out of their collections or conduct hunts on grounds that give prey a sporting chance. The Selah Ranch in Austin, Texas, is a 5,500-acre spread covered by Spanish dagger and prickly pear, often with no sign of the elusive animals that live there. ‘‘There are a lot of exotic animals on this place that die of old age,’’ says Mike Gardner, owner of San Miguel Hunting Ranches, which runs Selah.

Here too, however, the odds can be stacked in the hunters' favor. Deer are often lured to feeding stations, where they are serenely unaware of the men in the stilt-mounted tin shack 75 yards away. Such lying in wait—or ‘‘shooting over bait’’—is legal in Texas and defended by hunters. ‘‘It promotes a clean kill,’’ says Gardner. Other sportsmen are troubled by the practice. Stan Rauch of the Montana Bowhunters Association believes that fed animals are tame animals and should thus be off limits. "Animals become habituated to people when they depend on us for food," he says.

Even preserves with no baited killings and lots of room to roam may be less of a square deal than they seem. "If a ranch advertises itself as having 3,500 acres, you need to know if that space is open or broken down into pens and whether there's protective cover or the ground is clear," says Richard Farinato, director of the Humane Society's captive-wildlife protection program.

Concerns such as these are promoting governments to act. More states are being pressed to ban or restrict hunting in enclosures. The House bill, which parallels one introduced in the Senate by Delaware's Joseph Biden, would not drop the hammer on the hunts but would give Washington a way to control the animal traffic.

But the new laws could come at a price. In Texas alone, the hunt industry brings in $1 billion a year; a crackdown could hurt both good ranches and bad. "Cattle prices have stayed the same for 40 years," says Gardner. "To hold on to acreage, you've got to have other sources of income." Safari Club International is worried that since hunting areas are so different, it may be impossible to pass a law that covers them all. "There's no standard to say what is and what isn't fair," says club spokesman Jim Brown. "You know it when you see it."

But there may be a deeper standard than that. If the hunting impulse is as old as humanity, so is the sense of what it truly means to chase and bag an animal. Nature may have intended humans to hunt, but whether it meant to toss ranches, pens and feeding stations into the mix is a question hunters must ask themselves.

YOUNG PEACEBUILDERS ACT OF 2002

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Young Peacebuilders Act of 2002, a bill intended to help young people from regions of conflict around the world learn about conflict resolution, communication, and leadership. The legislation aims to get at one of the root causes of terrorism by enabling young people to interact with each other and gain a greater understanding of their cultures and their differences.

The goal of the Young Peacebuilders Act is to help international youth learn the value of working together to solve problems, break down barriers and mistrust, and avoid the cultural misunderstandings that have plagued their parents' generation. My hope is that the program this bill would establish can be part of a solution that will prevent another September 11 from ever happening again.

The bill would establish a program in the State Department for youth from regions of conflict around the world. The program would provide for visits in the United States of 90 days or less for training in conflict resolution and mutual understanding. Non-profit organizations and other organizations as determined by the Secretary of State would provide training, with the State Department working in conjunction with the Attorney General to establish criteria for eligibility.

With this program, Americans would have another opportunity to respond to President Bush's call for national and community service. I believe that groups like Seeds of Peace and Outward Bound, where I was an educator and director in Colorado for 20 years, could be vehicles for developing leaders of tomorrow and stewards of peace.

At the Colorado Outward Bound School, I saw first-hand how young people developed strong character and leadership skills by working in the outdoors. Our young people are our greatest resource and our future. Building peace requires an investment in new generations of young people around the world. In light of the violence and turmoil in the Middle East and the September 11 attacks, it is clear that this modest investment has never been so timely or needed more urgently.

I look forward to working with my colleagues in the House to move forward with this important initiative, and I am attaching a fact sheet on this bill.

A TRIBUTE TO JODI J. SCHWARTZ

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. LOWEY. Mr. Speaker, I rise in tribute to Jodi J. Schwartz, who will be honored on Thursday, March 14, by Kolot: The Center for Jewish Women's and Gender Studies. Jodi's kindness and generosity have made her a dear friend. Her extraordinary ability, inexhaustible devotion, and charismatic personality have made her a leader in the Jewish community.

A partner at Wachtell, Lipton, Rosen and Katz, Jodi still finds time to serve in a leadership capacity for a host of diverse community organizations, including the Jewish Agency for Israel; American Jewish Joint Distribution Committee; the Commission on the Jewish People, a New York UJA-Federation group dealing with the unity and diversity of the Jewish people; Israel Policy Forum; United Jewish Communities; Jewish Board of Family and Children's Services; Jewish Community Relations Council; and the Jewish Council for Public Affairs.

Jodi's appreciation for Jewish causes surfaced while first visiting Israel in the late 1980's with the Young Leadership Cabinet of the United Jewish Appeal. During her fellowship at the Wexner Heritage Foundation in 1990–91, she gained a more robust appreciation for Jewish philosophy and principles. Jodi was later asked to take over as the United Jewish Appeal representative for annual giving at Wachtell, Lipton, Rosen and Katz, and has since returned to Israel more than 50 times.

Jodi received her Bachelor's degree, MBA, and law degree from the University of Pennsylvania and her Master's of Law in Taxation from New York University. She resides in New York with her husband, Steven F. Richman.

Jodi's contributions to New York and the Jewish community are immeasurable. It is my pleasure and privilege to congratulate my dear friend, Jodi J. Schwartz. Kolot could not have chosen a more worthy honoree.

A TRIBUTE TO THE LIFE AND ACHIEVEMENTS OF JAMES H. McKENZIE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. ROSS. Mr. Speaker, I rise today to pay tribute to a close personal friend and a distinguished Arkansan who last week lost a courageous four and a half year battle with cancer. His name was James H. McKenzie.

Jim McKenzie was born in my hometown of Prescott, Arkansas, in 1941. After graduating from Prescott High School, he attended the University of Arkansas and was a member of Arkansas Razorback baseball team and the Student Senate and president of Sigma Alpha Epsilon fraternity. He then went on to get his law degree from the University of Arkansas School of Law and served two years on active duty as a Captain in the U.S. Army.

Upon his discharge from active duty, Jim returned to Prescott to practice law. As an attorney, he quickly earned the respect of the legal community and became a leader in the Arkansas Bar Association, serving in many capacities including president. He fulfilled appointments to several committees of the Arkansas Supreme Court and, in 1998, was named outstanding lawyer by the Arkansas Bar.

In our hometown of Prescott, to say that Jim was a respected and notable citizen would be an understatement. He was a pillar in our community. Jim served as president or chairman of the local Chamber of Commerce, the hospital board, and the Kiwanis Club. He was a lifelong, active member of the First United Methodist Church, where he was my Sunday school teacher. He was also a youth sponsor in the church, and he even coached Little League baseball.

Jim McKenzie truly exemplified the ideal of a public citizen. Throughout his life, he was a leader who never hesitated to give his time and energy to help others. For me personally, he was a role model growing up and an inspiration throughout my public service. I am grateful for all he did for our family and for his fellow citizens, and I feel privileged to have had the opportunity to call him a friend. His death is an enormous loss not only to those who knew him well, but also to our community and to our state.

My heart goes out especially to Jim's wife, Betty, their two daughters, Kris and Miki, and their five grandchildren as they deal with the pain of this difficult loss, and I am keeping all of them in my thoughts and prayers. While Jim may no longer be with us, his legacy and his spirit will always live on in all those whose lives he touched.

CLUB 20 STARTING SECOND HALF-CENTURY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Club 20 as it starts its second half-century as a forum and advocate for Colorado's majestic western slope region.

Founded in 1953 by the publisher of the Grand Junction Daily Sentinel and a number of business leaders, Club 20 took its name from the 20 counties from which its original membership came. Now it includes 22 counties, 75 incorporated cities and towns, the Southern Ute and Ute Mountain Ute Indian Tribes, 40 chambers of commerce, a number of special districts, and hundreds of businesses and individuals.

In its 50 years of service, Club 20 has been an active participant in lively debates about issues important to the economic vitality and quality of life in the communities of the western slope. From transportation, health care and other social services to the whole range of issues related to federal lands—which make up a large share of this region—Club 20 has been an effective advocate for its members. It has worked to identify issues of concern, inform its members about them, develop as great a degree of consensus as possible regarding ways to address those issues, and, most importantly, communicate to elected officials and others to make sure the voice of its members are heard on important policy matters.

As part of its work, Club 20 members make an annual visit to the nation's capital to meet with Members of Congress and their staffs and officials of the Executive Branch. These trips help inform people in Washington about the issues affecting western Colorado and the views of its citizens. They help us better understand how issues are affecting western Coloradans—people who are directly affected by federal decisions on public lands, agriculture, transportation, rural social services, and water as well as other issues. These direct contacts put a human face on the issues and are very valuable for all of us who work on these matters.

I ask all our colleagues to join me in congratulating Club 20 for its successful 50 years and in wishing them continued success for the next 50 years and beyond.

A TRIBUTE TO ALICE SHALVI

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mrs. LOWEY. Mr. Speaker, I rise in tribute to Alice Shalvi, who will be honored on Thursday, March 14, by Kolot: The Center for Jewish Women's and Gender Studies. Mrs. Shalvi, an internationally known scholar and women's rights advocate, has dedicated her life to creating a more just society in Israel.

Alice Shalvi has called Israel home for more than 50 years. Born in Germany and educated in England, she moved to Israel in 1949. The following year Mrs. Shalvi became Professor of English Literature at the Hebrew University, a post she held for 40 years. During her remarkable tenure, she established the English Department at Ben Gurion University of the Negev (1969–1973) and also served as head of the Institute of Languages and Literature at Hebrew University (1973–1976).

Her devotion to the betterment of Israeli women's lives led her to a voluntary role as Principal of Pelech Experimental High School for Religious Girls in Jerusalem, a school dedicated to ensuring equal opportunities for women in Torah study and in every aspect of civil society. She was also the founding Chair of the Israel Women's Network, the country's major advocacy organization on women's rights, and today serves as its honorary President. In 1996, Mrs. Shalvi was appointed rector of the Schechter Institute of Jewish Studies where she later served as President and as Chair of the Executive Committee.

Mrs. Shalvi lives in Jerusalem with her husband, Moshe Shalvi. They have six children, and are blessed with grandchildren.

I am proud to congratulate Alice Shalvi on her tremendous accomplishments. She has devoted her life to enriching the lives of women in Israel, and we are the better for her efforts.

A NATIONAL TREASURE

HON. MIKE ROSS

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. ROSS. Mr. Speaker, I wish to honor and congratulate a good friend and constituent on a well-deserved recognition for his unique and exemplary commitment to preserving our nation's architectural and cultural heritage.

For over 30 years, Parker Westbrook has dedicated himself to promoting the preservation and rehabilitation of countless buildings, parks, museums and monuments throughout the nation. In Arkansas, he is affectionately and aptly known as "Mr. Preservation." An active member of many states and local preservation foundations, commissions, and councils, Parker's efforts can be observed in numerous places throughout the state, perhaps most notably in the historic town of Old Washington, Arkansas, which briefly served as the state capital.

Parker spent many years in Washington, D.C. working here on Capitol Hill for several members of Arkansas's congressional delegation. His contributions to historical preservation began in 1968 while he was serving as an aide for the last United States Senator J. William Fulbright. At that time, Parker purchased and restored an old Quaker cottage in Waterford, Virginia, for which he received the Excellence in Restoration award from the Loudon County Chamber of Commerce.

His passion for restoration and preservation continued when he returned to Arkansas in the mid 1970s. In the 1980s, he helped create the Historic Preservation Alliance of Arkansas and helped pass an initiative that provides over $3 million per year for preservation in the State of Arkansas. Later, President Clinton appointed him to the National Park System Advisory Board and twice named him to the President's Advisory Council on Historic Preservation.

Friends and colleagues described Parker as dedicated and committed to "volunteerism." His leadership in preservation serves as an example to all of us at a time when our country faces new challenges that demand greater community involvement and public service.

Fittingly, in honor of his decades of work and dedication, the National Trust for Historic Preservation has recently bestowed upon him the prestigious National Preservation Award and declared him a "National Treasury." Parker Westbrook is a "national treasure," a true champion of a noble cause. His accomplishments will undoubtedly be admired and appreciated by this and future generations for many years to come.

YOUNG PEACEBUILDERS ACT OF 2002

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. UDALL of Colorado. Mr. Speaker, the Young Peacebuilders Act of 2002 recognizes that our young people are our greatest resource and our future. It also recognizes that promoting international cooperation and increased mutual understanding—in effect, building peace—requires an investment in new generations of young people.

This legislation would offer young people from regions of conflict opportunities to develop strong character, integrity, and leadership skills, and would help them to learn about conflict resolution and communication. The bill is intended to instill hope—instead of fear—in the hearts of the world's young people, as well as in the hearts of Americans who are at a loss as to how to view the months and years ahead.

For 20 years, Representative UDALL was director of the Colorado Outward Bound School, where he saw first-hand how young people developed strong character and leadership skills by working in the outdoors. Outward Bound and similar programs in the U.S. could help international youth learn the value of working together to solve problems, as well as to help them avoid the cultural misunderstanding that have plagued their parents' generation.

The Young Peacebuilders Act of 2002 would establish a program in the Department of State for youth from regions of conflict. The program would provide for visits in the United States of 90 days or less for training in conflict resolution and mutual understanding. Training would be provided by non-profit organizations and other organizations as determined by the Secretary of State. The State Department, working in conjunction with the Attorney General, would establish criteria for eligibility for participation. The bill would authorize $2 million for each fiscal year to carry out this Act.

PERSONAL EXPLANATION

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. HAYES. Mr. Speaker, due to a scheduling conflict, I was unable to be present for rollcall Nos. 41 and 42. Let the record reflect that, had I been present, I would have voted "yea" on each of these votes.

LIMITS FOR FARM PAYMENTS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 5, 2002

Mr. SMITH of Michigan. Mr. Speaker are we going to have a vote of "yea" or "nay" on limits for farm payments?

I would first offer a quote by the President from last August, "There's a lot of medium-sized farmers that need help, and one of the things that we're going to make sure of as we restructure the farm program next year is that the money goes to the people it's meant to help."

The following is a dear Colleague sent out yesterday and signed by Representatives NICK SMITH, MARCY KAPTURE, JOHN HOSTETTLER, EARL POMEROY, EARL BLUMENAUER, DAN MILLER, DOUG BEREUTER, and TAMMY BALDWIN, and I quote, As the farm bill conferees begin deliberations, I ask for your help in bringing about meaningful federal farm policy with limits on how much money a farm can receive. As President Bush has said, we should work to send him a bill that directs support to those it was meant to help, namely small and mainstream family farms.

In response to the Dear Colleague letter dated February 27, 2001 from Representatives CHAMBLISS and BERRY, one thing should be made clear: there are no effective limits for price support payments farmers may receive in current law, or in the House-passed farm bill. When the $150,000 limit is reached, any producer can continue to receive unlimited price support benefits through loan forfeitures and certificates. According to the Environmental Working Group's website (www.ewg.org) the top 5 recipients from 1996–2000 were: Riceland Foods, Inc. $49 million; Farmers Rice Corporation, $38.2 million; Harvest States Coop, $23.8 million; Tyler Farms, $28.2 million; Producers Rice Mill, Inc., $19.8 million. Do we really want federal farm policy that gives unlimited support to huge farm operations?

Last October, the Smith payment limitation amendment was brought before the House under the 5-minute debate rule. Despite the time limit on debate and organized opposition, the amendment fell just 26 votes short of passage. However, payment limitations successfully moved in the Senate farm bill by a vote of 66–31. Now we must resist the efforts of those who seek to thwart our efforts to cap farm subsidies. Unlike what has been suggested, most states do not have a single farmer who would be affected by the limitations we are trying to establish.

If you have any questions or would like to sign on to the letter of Representatives POMEROY and BEREUTER requesting payment limitations, contact Representative POMEROY's office, Representative BEREUTER's Office, or Representative SMITH's office.

HONORING REINHARDT COLLEGE

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BARR of Georgia. Mr. Speaker, there are a select group of people who reach out to make the world a better place, and truly make an impact on the lives of others. Dr. and Mrs. Floyd A. Falany are two such individuals. They worked tirelessly at Reinhardt College for 25 years, to bring students, faculty, and alumni the best they could offer as an educational and colligate experience.

Since first coming to Reinhardt in 1973, one of Dr. Falany's dreams was to bring a church to the campus. He saw that dream become a reality, when Reinhardt opened its doors to a new sanctuary in 1987. Aware of the importance of music and the performing arts, not only to a well-rounded educational facility, but also to a community, Dr. Falany's next goal became the construction of a state-of-the-art performance center. I am pleased to say that as of January 2002, Dr. Falany's second dream has also been brought to life.

The Floyd A. and Fay W. Falany Performing Arts Center was first announced in 1998, following the completion of its ambitious fund-raising campaign. An anonymous donor contributed the center's name gift, asking it be named for the former Reinhardt president and his wife. It holds eight practice rooms, six classrooms, two rehearsal spaces, two production/control rooms, four dressing areas, a green room, storage space, 15 offices, and a 350-seat auditorium with seven balcony areas. Taking 14 months to build, the project ran a total of $9 million. It houses both the music and communications departments of the college; the music department began holding classes in the building in January, and the communications and business school will join in the fall.

The first service was held in the center on Saturday, February 16, 2002, honoring the Falanys and the dedication of the center to the school. The next ceremony will be in April for the school's annual "Celebration Event," at which the college's trustees, advisors, alumni board, and ministerial association officers will meet to attend a performance by the Atlanta Symphony Orchestra.

I ask my fellow members to, please join me in congratulating Reinhardt College, on the successful completion of its new performing arts center, and in thanking Dr. and Mrs. Flanay for their continued dedication to their work, to the students of Reinhardt College, to God, and to their community.

TRIBUTE TO RETIRING WENTWORTH MILITARY ACADEMY PRESIDENT

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. SKELTON. Mr. Speaker, let me take this opportunity to pay tribute to Colonel (Ret.) Jerry Brown, former President of Wentworth Military Academy, for the service he has given to the academy for the last seven years.

Colonel Brown's time as president of the academy has been marked with many accomplishments. Some of Colonel Brown's achievements include orchestrating the building of new barracks and an accreditation visit by the Higher Learning Commission of the North Central Association. Brown was also instrumental in forming the Wentworth Foundation, created to gather funds for capital improvements at the school.

As he prepares to spend more time with his family, I know that Members of the House will join me in expressing appreciation for his dedication to Wentworth Military Academy.

HONORING THE LIFE AND ACHIEVEMENTS OF EDWARD DURELL STONE

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to honor Edward Durell Stone on the 100th anniversary of his birth.

Born in 1902, Edward Durell Stone attended the University of Arkansas before becoming one of the most celebrated architects in American history. He is famous for designing recognizable buildings including the Museum of Modern Art, The U.S. Embassy in New Delhi and the Standard Oil Building, better known as the Amoco Building in Chicago. The latter still stands as the ninth tallest building in the world.

My colleagues here in Washington, DC are very familiar with one of his designs in particular, as many of them have enjoyed concerts, plays and performances at the Kennedy Center.

Stone left Arkansas for New York City, but eventually returned to design a number of notable buildings, including the University of Arkansas's Fine Arts Center, the Medical Center Hospital in Little Rock and the Pine Bluff Civic Center.

Today, Edward Durell Stone's family are in Fayetteville, Arkansas joining the University in celebrating his life and touring the house in which he grew up in. That house, the Walker-Stone House, is on the National Register of Historic Places and is now home to my Fayetteville District Office.

Mr. Speaker, I thank you for the opportunity to honor Edward Durell Stone and I yield back the balance of my time.

A SPECIAL TRIBUTE TO JAMES BLAKE OF TIFFIN, OH, A TRUE AMERICAN HERO

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize a true hero. Since September 11, the definition of a hero has changed dramatically. People who selflessly put their lives on the line for others have always been recognized as heroes, but their deeds are even more appreciated today.

One of my constituents fits this description, James Blake from Tiffin, Ohio. Three days after the Christmas 2001 holiday, Mr. Blake, a truck driver for Fry Foods, and his son, Zach, were traveling on Interstate 80 in Pennsylvania, returning home after a trip to New York City. Over his CB radio, he heard of an accident ahead of him caused by a snow squall. When he and his son came across the accident scene, they saw that it involved a tanker truck that was loaded with powdered iron, an extremely flammable substance. Debbie Weeda and her three children were wedged in their car under the tanker. Her car on fire, her youngest trapped, she screamed for help. Mr. Blake reacted without regard for his own safety, running to the burning car to save Dominick, age 1, who was trapped in his car seat. On his first try, he was unable to extract the child. Wielding his pocketknife, he returned a second time and cut the restraints that trapped the infant. Having extricated Dominick from the burning car, the children, their mother and the Blakes fled the scene just before the tanker exploded.

Mr. Speaker, James Blake is a true hero. Today, at a time when the forces of evil have threatened our way of life, Mr. Blake exhibited the American spirit. I thank Mr. Blake, his son, and the countless fire and rescue personnel who put their lives on the line for others. Mr. Blake, you are a truly selfless American.

TRIBUTE TO MR. JAMES T. McCAIN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to a lifelong friend and mentor, Mr. James T. McCain of Sumter, South Carolina. "Nooker" as he is affectionately known, is an extraordinary man who has contributed greatly, not only to his community and state, but the entire nation. He started his professional career as an educator. But his most lasting contributions were made as a civil rights activist. An accomplished author, his long-standing commitment to the struggle for equality is legendary throughout the nation. He is married to the former Ida M. Channault of Georgia, and they have three children.

Nooker was born on March 8, 1905 in Sumter, South Carolina, where he resides. He graduated from Morris College in Sumter, and continued his education in Philadelphia, Pennsylvania where he received a Masters of Education Degree from Temple University. His talents were displayed over subsequent years as an outstanding educator. He held positions as a teacher, principal, college professor, registrar and dean. The Negro Educational Review nationally recognized Mr. McCain's unique abilities in 1952 when he was named Runner-up in a nation-wide Classroom Teacher of the Year project conducted.

In addition to his incredible contributions as an educator, Mr. McCain has dedicated his life to seeking full citizenship, civil rights and absolute equality for minorities in our country. Through his participation in such civil rights efforts as the sit-ins, Freedom Rides and picketing during the sixties, Mr. McCain displayed his willingness to put the good of the people ahead of his own safety. He served as Field Secretary and Director of Organization of the Congress of Racial Equality (CORE) for nine years. His affiliation with CORE called for him to courageously work in numerous communities throughout the South during the turbulent 60's when civil rights activities were hazardous work. He later served as Director of the Citizenship, Education, Scholarship, Education and Defense Fund for Racial Equality in South Carolina.

Mr. McCain has made his mark on the civil rights movement, not only through his actions, but also through his publications. He was an inductee into the University South Caroliniana Society, and has contributed countless volumes on the civil rights movement to the South Carolina Library. He is co-author of the publication, Political Strength: How to get it, a guide to effective community action.

Throughout his life, "Nooker" has been active in many facets of his community. His past and present professional and civic affiliations include Associate Director, South Carolina Council on Human Relations; President and Treasurer, Palmetto Education Association; Vice Chairman, South Carolina Economic Opportunity Board; Coordinator Sumter Black Political caucus; Charter President, Sumter Branch of the N.A.A.C.P.; 1st Vice Chairman, Wateree Community Actions, Inc.; Boy Scouts of America; Lay Advisory Board, Sumter High School; Sumter Count Council on Aging, and the Governor's Council on Human Affairs for South Carolina. He is a recipient of the Order of the Palmetto, the highest honor that a South Carolina Governor can bestow on an individual. He has also been recognized as the Outstanding Senior Citizen of the Year for South Carolina. Mr. McCain continues his community involvement as a trustee emeritus of the Mt. Zion Missionary Baptist Church.

Mr. Speaker, I ask that you and my colleagues join me in wishing my first baseball coach and lifelong political mentor—Mr. James T. "Nooker" McCain—a Happy 97th Birthday which, God willing, he will celebrate on Friday, March 8th. I wish him good luck and Godspeed.

PAYING TRIBUTE TO RALPH NEWBY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize a truly dedicated teacher at Otero Junior College, Mr. Ralph Newby. Ralph has dedicated countless hours to helping others understand and succeed in the field of computer studies at OJC. He has gone far beyond what is required in the classroom and touched the lives of his students in such a profound way that he was recently named OJC Teacher of the Year. Mr. Speaker, I feel that it is only appropriate during this moment of distinction for Ralph that we, as a body of Congress recognize his efforts.

For fifteen years, Ralph has remained dedicated and committed to his students in their pursuit of computer studies. He has consistently kept up on the ever-evolving world of computers in order to give his students the best skills for their future jobs. He is known to his colleagues and his students for his loyalty, his willingness to be involved in their lives and his innovative teaching style. However, he is best known for his perseverance in his teaching; he will not quit trying new methods until his students fully understand a concept. Ralph has served his fellow teachers as the Chair of the Faculty Assembly and he has served his state as the Vocational and Technology Advisor to the State Community Colleges.

Ralph is not only an extraordinary educator but also a pillar of the community. He has been involved in organizing the Arkansas Valley Career Fair, regional FBLA conferences, Kids College, and Phi Beta Lambda. Ralph also coaches recreational sports, sponsors a marching band and is involved in church activities. He is also known as a loving father and husband.

Mr. Speaker, it is a great privilege to recognize Ralph for his service to his community and the students whose life he has changed. The diligence and commitment demonstrated by Ralph Newby certainly deserves the recognition of this body of Congress, and this nation. Ralph's achievements as a teacher serves as a symbol to teachers throughout Colorado, and indeed the entire nation. The honor of OJC teacher of the year is proof that hard work is rewarded. It is people like Ralph who help to ensure that our future generations are guaranteed the opportunity to improve their lives through the resource of education. Congratulations Ralph, and thank you for all of your hard work.

TRIBUTE TO THE CARL AND GLESSIE YOUNG COMMUNITY AUDITORIUM

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. SKELTON. Mr. Speaker, let me take this means to recognize the city of Marshfield, Missouri, and the generosity of Carl and Glessie Young on the grand opening of the Carl and Glessie Young Community Auditorium. During a recent visit to Webster County, I attended the grand opening of this facility, which will serve the community and the students in Marshfield for many years to come.

The auditorium was made possible through a local bond issue and a generous donation from Carl and Glessie Young. This facility will be home to community and school plays, musical performances, concerts and speech and debate competitions. It will provide a teaching facility for the nearby schools.

Mr. Speaker, the citizens of Marshfield can be proud of their new 21,000 square foot, state-of-the-art facility. I know the Members of the House will join me in congratulating all of Marshfield on completing this fine addition to their community.

HONORING SAILING TEAMS FROM TEXAS A&M AT GALVESTON, TEXAS A&M UNIVERSITY AND UNIVERSITY OF TEXAS

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. LAMPSON. Mr. Speaker, I rise today to honor the sailing teams from Texas A&M at Galveston, Texas A&M University, and the University of Texas for their heroism. I am amazed at the selflessness that these young people displayed.

On Saturday, February 23, 2002, Texas A&M University at Galveston was hosting a sailing team-racing regatta. As the sailboats were maneuvering for the start of the race, a mini van carrying a total of six people drove at high speed off a dead-end road and flew approximately 80 feet out over the water and sank. The van landed within 30 feet of the starting line.

Participants from the regatta yelled to shore for someone to call 911 and then swam in the 60-degree water to the van and made repeated dives in an effort to rescue the people trapped inside. The rescuers called for rocks from the shore to smash the windows open and other students began swimming the rocks out to the site. An anchor from the regatta motorboat was also used to smash the windows.

Over a period of ten minutes while the van was submerged the participants successfully rescued the five unconscious occupants, brought them to shore and administered first aid/CPR. The students rescued two adult women and three children, four years old, six years old and seven months old. The driver of the van, who purposely drove the van into the water and escaped on his own, is incarcerated and faces attempted capital murder charges.

Mr. Speaker, these students, many of whom were injured themselves from broken glass, showed astonishing courage. Today, I would like to recognize them on the floor of the U.S. House of Representatives. These brave sailors are:

Coach Gerard Coleman, Brence Bedwell, Jenipher Cate, Megan Chrostowski, Kelly Cunningham, Capt. Jeffrey Daigle, Kelly Gallop, Kevin Gunn, James Loynes, Chris Noll, Robin Roger, Joseph Richardson, Bill Self, Julie Svaton, Danna Svejkosky, Lloyd Towns, Judkey Reed, Mr. Shannon Galway, Capt. Jake Scott, Jennifer Doreck, John Gross, Spencer Ogden, Mike Curtin, Sarah Lakhani, Varun Idnani, Jennifer Curtin, and Scott Marsden.

On behalf of the city of Galveston, I would like to express my thanks to these courageous sailors who showed no regard for their own safety when it came to rescuing the people trapped inside that van. They make me proud to be a Texan. God bless.

HONORING THE JUNIOR ROTC CLASS OF CASS HIGH SCHOOL, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BARR of Georgia. Mr. Speaker, at a time when the country remains understandably concerned about national and homeland security, it is reassuring to see a bring young group of students interested not only in becoming part of our military programs, but taking it upon themselves to begin one of their own. High school students who participate in Junior Reserve Officer Training Corps learn practical information that teach leadership, foster patriotism, and polish individual character; all traits that can be applied in every professional arena, whether or not they become part of the U.S. military directly.

I am proud to say that in the 7th District of Georgia, we have a wonderful program at Cass High School in Bartow County. The lengths to which the support system at Cass went in order to start their JROTC program early, is a true testament to their dedicated service. It was quite an ordeal for the students, faculty, and parents of Cass students to get JROTC classes up and running. Under normal conditions it takes five years for the application process to be completed, but in this case the school board was petitioned and the program rushed through.

The rapid implementation of the program can be attributed largely to two determined students: seniors Matt Barnes and Sarah Cavazzini. The two students recognized the need for a course that promoted maturity, discipline, and commitment. Educator Jeannie Buck says she has seen students turn a full circle due to the program. Sara Cavazzini was one of the first girls to be in the JROTC technology program, and became very involved in the engineering efforts of the program as well. She plans to continue here education at Auburn University's Navy ROTC program. Matt Barnes became interested in the military when he joined the Junior Silver Air Patrol in sixth grade. As a result of his success in that organization, he was awarded the Silver Air Patrol Award. Matt's desire to continue his education regarding the armed forces motivated him to initiate the JROTC program at Cass. Matt plans to join the military following graduation in June.

JROTC courses at Cass are under the direction of Brent Bunkley, and are support by a large network of teachers, administrators, parents, and other students. Students are responsible for purchasing their own uniforms, and parental support is the primary means by which the classes are kept afloat. Teens enrolled in JROTC earn class credit, as well as life-long lessons such as discipline, teamwork, and leadership.

The Cass High School JROTC program has made itself available for appearances at parades, and the presentation of colors for athletic events. I would like to commend the JROTC students at Cass for their foresight and dedication, as well as the parents and faculty who supply their own time and money to ensure the best for the future of their students. I hope my fellow members of the House join in applauding the JROTC program and in particular, the program at Cass High School in Bartow County, Georgia.

HONORING THE LIFE OF DARRYL FRANCIS

HON. JOHN BOOZMAN

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to the memory of Mr. Darryl R. Francis of Fort Smith, Arkansas.

Darryl Francis passed away Feb. 8, 2002 in the arms of his beloved wife, Sherrian. He was survived by a large group of family and friends who will miss his contributions to their lives dearly.

Born in 1912, Darryl Francis grew up in Ridgeway, Mo. After receiving his bachelor's degree in agriculture at the University of Missouri College of Agriculture in 1936, he began a career in banking that led him to the position of President of the Memphis branch of the Federal Reserve Bank of St. Louis.

In 1976, Mr. Francis moved to Fort Smith, Arkansas to be closer to his family. He took the position of President, CEO and chairman of the board of Merchants National Bank, from which he retired in 1982 to take care of his former wife, Loretta, who suffered from Alzheimer's disease.

Mr. Francis was responsible for the modern reputation of the Federal Reserve Bank of St. Louis. He lead them to take revolutionary steps in emphasizing the importance of inflation as a national problem. He showed that money creation held the central role in the inflation process.

In 1966 he was awarded the Golden Step Award of the Agri-Business Club of St. Louis in recognition of his achievements resulting in a major economic impact on the St. Louis area. He also received the Citation of Merit Award from the University of Missouri Agriculture Alumni Association. He was named to a special U.S. delegation to Honduras in the 1950's to help set up a new banking system. He was honored in 2000 by the Federal Reserve by their dedication of the 25th annual Economic Policy Conference to him. His contributions to the world of banking and the systems used by that world will not be forgotten.

Mr. Speaker, thank you for giving me the opportunity to honor the memory of Mr. Darryl Francis.

IN MEMORY OF MOLLY PORTER

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. CASTLE. Mr. Speaker, it is with deep sadness that I report the death of Molly Porter, 34, of Smyrna, Delaware. Molly passed away on March 1, 2002, in the prime of her life. For the past five years, Molly has been a valued employee of the Delaware Public Archives in Dover, Delaware. Molly's work ensured that the history of Delaware was preserved and available for all Delawareans, and she helped many more people, firsthand, in their desire to learn more about their family, their state and their country. Her service to the citizens of Delaware and this country was a model for public service. She worked to help others and, in so doing, contributed to the quality of life in Delaware. She will not be forgotten. The state of Delaware has lost a true public servant, and our thoughts and prayers are with her family and friends at this time.

PAYING TRIBUTE TO G. MARVIN BEEMAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Marvin Beeman and thank him for his extraordinary contributions to the National Western Horse Show. His life-long dedication to both his job, as a large animal veterinarian, and to the National Western Horse Show, as its manager, is surpassed only by the level of integrity and honesty with which he has conducted himself each and every day while at his posts. As the manager of the National Western Horse Show, he will always be remembered as a man with the utmost dedication and talent, and will continue to be known as a leader in the veterinary field. As he celebrates his retirement, let it be known that I, along with each and every person with whom he has worked and the people of Colorado, are eternally grateful for all that he has done for the National Western Horse Show and for the state.

Marvin has dedicated his entire life to the care and treatment of horses. Growing up on a 23,000-acre ranch, which was owned by the Phipps family, his father was a professional huntsman who managed the horses and hounds of the ranch and taught him how to care for and appreciate horses. At as early an age as seven years old, Marvin realized that he wanted to be a horse vet. He doggedly pursued his dream, and earned a doctorate in veterinary medicine from Colorado State University in 1957. Shortly after, he began working at the Littleton Large Animal Clinic, where he has worked ever since.

Marvin has had a distinguished career as a large animal veterinarian. He is the past president of the American Association of Equine Veterinary Practitioners, chief huntsman for the Arapahoe Hunt Club, and the only vet to be a trustee on the American Horse Council. In addition, he serves on the American Quarter Horse Association research committee and was inducted into the AQHA Hall of Fame. In 1997, Marvin took the prestigious post of Horse Show Manager at the National Western, where he served until retiring after the 2002 show. During his tenure, he markedly improved the quality of the show, as well as increased interest in it. Because of his dedication, knowledge and hard work, he will be sorely missed by everyone involved in the National Western, and by the thousands of people who enjoyed his work each and every year.

Mr. Speaker, it is clear that Marvin Beeman is a man of unparalleled dedication and commitment to the National Western Horse Show, to his veterinary practice and to the people of Colorado. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself, that I wish to bring before this body of Congress. He is a remarkable man, who has achieved extraordinary things throughout his career, and it is my privilege to extend to him my congratulations on his retirement from the National Western Horse Show and wish him the best in his future endeavors.

A SPECIAL TRIBUTE TO YVONNE N. DARLING ON HER RETIREMENT FROM THE OTTAWA COUNTY BOARD OF ELECTIONS

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to recognize a woman who has served the Fifth Congressional District with patriotism, devotion, and kindness. Today, Yvonne N. Darling of Elmore, Ohio will be retiring from the Ottawa County Board of Elections. For the last eight years, she has ensured the accuracy and sanctity of Ottawa County elections. Her dedication and optimism will not be forgotten.

Mrs. Darling's service to our country started long before she came to Northwest Ohio. She began her marriage as a military wife, making her own sacrifice while her husband, Jim, served our country. After his retirement, Mrs. Darling and her husband returned to Elmore, Ohio where she joined the Ottawa County Republican Central Committee. Taking on a leadership role, she served as Women's Club Treasurer. As an Elmore Village Councilwoman for 8 years, she again demonstrated how important it is to give back to your community. Most recently, she has served on the Ottawa County Board of Elections ensuring that our elections are safe and accurate.

Since 1975, Mrs. Darling has been an active member of the American Legion Post 269 and her efforts speaks for themselves. As the Chairman of the Americanism Committee, Mrs. Darling helps foster a sense of patriotism in high school students across Ottawa County. She motivates young people to give back to their communities and encourages them to reach for their dreams. At every opportunity she has made a positive impact on her community and the people around her.

Mr. Speaker, Mrs. Darling is an example of how American values can make a difference in each of our communities. Her passion for service and charity towards all will remain an important staple in the Elmore community for many years to come. I ask my colleagues of the 107th Congress to join me in saluting Mrs. Yvonne N. Darling and wishing her the very best in her future endeavors.

TRIBUTE TO STAN SLOSS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to ask my colleagues to join me in celebrating the 60th birthday of Stan Sloss, who serves as my Senior Legislative Counsel and heads my legislative staff.

I would not ordinarily take the time of my colleagues to thank a member of my personal staff, but Stan is so well known and beloved by members on both sides of the aisle, and his reputation is so well regarded, that I believe it is entirely appropriate to commemorate his birthday in a journal that he has known so well and to which he has contributed so much.

Many of you know Stan and have had an opportunity to work with him over the years. Stan's distinguished service has resulted in his becoming a valued resource—not only as an experienced voice on substantive policy issues, but also for his knowledge of the venerated but often byzantine procedures of the House. I heavily draw upon his experience, expertise and diplomatic operating style.

A native of Glenwood Springs, Colorado, Stan is a graduate of Amherst College and the Harvard Law School. He came to Washington, DC in the late 1960s, working first in the General Counsel's office of the Atomic Energy Commission. He next spent some time in private practice, and among other things spent some time in Alaska working on some issues related to the Alaska Native Claims Settlement Act of 1971.

Stan's congressional career started in 1975 when he joined the staff of what was then known as the Interior and Insular Affairs Committee. He served as counsel to the Mines and Mining Subcommittee, chaired by Representative PATSY MINK. He assisted with some important amendments to the Coal Leasing Act that were passed over the veto of President Ford and with a variety of other measures that came before that Subcommittee.

In 1977, Stan became a counsel to the new Subcommittee on General Oversight and Alaska Lands, chaired by former Representative John F. Seiberling. In this capacity, Stan worked with both Representative Seiberling and my father, Morris K. Udall, who was the Chairman of the full Interior Committee. Stan helped draft a number of key parts of the legislation that became the Alaska National Interest Lands Conservation Act (ANILCA), particularly those related to subsistence uses by Alaska's Native peoples. Stan staffed hearings throughout the lower 48 states and Alaska and was one of the many key professional staff who helped shape the final legislation. ANILCA was a milestone in conservation, setting aside more than 100 million acres of Alaska's most pristine, public lands—an area larger than the State of California—and more than doubling the size of the nation's systems of national parks, wildlife refuges, wilderness and wild and scenic rivers.

In addition to ANILCA, Stan has been involved with many other laws and regulations affecting the public lands and natural resources. He served as Representative Seiberling's staff counsel to the Select Committee on the Outer Continental Shelf (OCS). That Committee developed the 1978 Amendments to the Outer Continental Shelf Lands Act, which shifted the focus of debate on the OCS away from just energy production to a more balanced approach, which included greater protection for the environment. He also played a key role in connection with a variety of other measures, including the Colorado Wilderness Act of 1980 and the Military Lands Withdrawal Act of 1986.

When John Seiberling retired in 1987, Stan remained on the Interior Committee staff, serving under former Representative Bruce Vento, chairman of the Subcommittee on National Parks and Public Lands. He was involved in development of legislation, including the Arizona Desert Wilderness Act sponsored by my father, the Colorado Wilderness Act of 1993 that included legislation developed by my predecessor, Representative David Skaggs, and the California Desert Protection Act.

In 1995, Stan left the Resources Committee to become the Legislative Director for David Skaggs. Representative Skaggs was a member of the Interior Subcommittee of the Appropriations Committee, so Stan was able to use his familiarity with public lands issues to assist in connection with those issues as they arose in that new context. He also dealt with the contentious issues related to Rocky Flats and the other sites in the DOE nuclear-weapons complex.

Stan was one of the first people I hired following my election in November 1998. I was fortunate to have someone who worked for my predecessor and so was familiar with the Second Congressional District. As a newly elected Member of the Resources Committee, I also appreciated his familiarity with matters within its jurisdiction as well as the more senior members and the Committee staff.

At my office, Stan has made important contributions in drafting legislation to establish Rocky Flats as a national wildlife refuge after it is cleaned up and closed. He also has worked on the Udall-McInnis wilderness bill for James Peak, and fire prevention legislation I have proposed with my colleague, Mr. HEFLEY.

Stan's work has not been confined to the environmental arena. His keen intellect, common sense and sharp legal analysis have been invaluable on the wide range of issues and topics that face all members every day. He has been especially effective in tutoring many of the younger members of my staff on the inner workings of the House, the nuances of legislative drafting and as an example of the highest standard of professionalism for congressional staff.

Like any thoughtful and accomplished lawyer, Stan is often fond of saying that he "can argue it flat or argue it round", and his objectivity is legendary in our office. Having said that, however, I also know that beneath his always calm demeanor and his ability to see all sides of a question, there beats the heart of a man who is passionate about doing the "right thing." Stan has never compromised his firm and unswerving commitment to civil rights and liberty. He loves the absurdity that is sometimes politics, but he doesn't allow political analysis to get in the way of his strongly held views about the majesty of our constitution.

Stan is a public servant in the best sense. He brings a work ethic and code of professionalism that is always focused on the promotion of policies that best serve the environment, the public good and the values of honesty and bipartisanship that are the hallmarks of American democracy at its best. His contributions to my office, the offices of my predecessors, the House Resources Committee and the whole House of Representatives—and ultimately the people of the United States—serve as an example of a professional life that commands both respect and affection. I wish Stan a happy birthday and many productive years ahead.

THE CONGRESSIONAL GLAUCOMA CAUCUS URGES AMERICANS TO GET SCREENED THROUGH CAPITOL VISION

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. CUMMINGS. Mr. Speaker, I rise today to address the issue of glaucoma awareness and the importance of early detection to prevent blindness among Americans.

Glaucoma, a debilitating eye disease that strikes without warning and often without symptoms, blinds more than 5,500 Americans annually. While impacting all Americans, glaucoma is the leading cause of blindness in African-Americans. Because eye damage from glaucoma cannot be reversed, early detection and treatment are the only ways to prevent vision impairment and blindness.

As a member of the Congressional Glaucoma Caucus, I am pleased to announce that glaucoma will take on a renewed emphasis on March 6, as the Congressional Glaucoma Caucus, Friends of the Congressional Glaucoma Caucus Foundation and Pharmacia Corporation join forces to bring glaucoma awareness and screenings to those at risk around the United States.

Capitol Vision, the call-to-action and educational campaign, will challenge Americans to learn more about glaucoma and encourage them to take positive steps to protect their vision. Capitol Vision will especially emphasize the importance of glaucoma awareness among African-Americans, who are three to four times more likely to go blind from glaucoma than are Caucasians. We will also raise awareness of the Medicare Improvement Act—effective since January 2002—that adds Medicare coverage of annual glaucoma screenings for people who are at high risk for glaucoma.

Rep. Charles B. Rangel (D-New York); Bud Grant, CEO, Friends of the Congressional Glaucoma Caucus Foundation; Eve Higginbotham, M.D., Professor and Chair, Department of Ophthalmology, University of Maryland School of Medicine; Paul Chaney, Vice-President, Global Ophthalmology Business, Pharmacia Corporation; Herman Washington, WHUR-FM; and Sharon Matthews, a glaucoma patient, will join me to kick off the campaign with a media briefing in the Rayburn building on March 6 in Washington, D.C. Capitol Vision will then travel to communities throughout the country to provide free glaucoma screenings. The first screening will take place in Rep. Rangel's district in late March.

I am honored to join forces with such a distinguished group to tackle a very important health concern. I strongly encourage other members of Congress to join us in our efforts to promote early detection of glaucoma so that we can eradicate a disease that steals the sight of many Americans.

IN HONOR OF JAMES M. SMITH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of James M. Smith, who is retiring after 30 years of distinguished service on the Cuyahoga County District Board of Health, 28 of which he served as President. Mr. Smith's unwavering commitment to public service has been invaluable to the people of Cuyahoga County. His integrity, intelligence, and unselfish commitment will be greatly missed.

Mr. Smith grew up in Nebraska where as early as high school he displayed leadership as president of his senior class. After high school he served his country during WWII in the Navy and the Naval Corp. He went on to attend the University of Michigan where he earned a BBA degree from the School of Business Administration and a JD from the law school. He then moved to Cleveland where he opened his own law practice which he ran for many years before merging with the firm founded by William R. Van Aken in 1977. He became a senior partner in what is now called, Van Aken & Bond.

Throughout his career Mr. Smith has displayed continued leadership and community involvement in the Cleveland area. He spent 10 years beginning in 1959 as a Councilman in the city of Highland Heights, the last three as President of the Council. He has served as an officer and member of the board of directors of many Cleveland based corporations as well as a member of various civil organizations.

James M. Smith's educational background, professional experience and extensive community involvement in Cleveland made him an ideal candidate to serve as President of the Cuyahoga County District Board of Health. His leadership, vision and genuine concern for the people of Cuyahoga County have led the department to be a leader in public health issues statewide. On behalf of the residents of Cuyahoga County and the city of Cleveland I would like to express sincere gratitude to the years of devoted service by James M. Smith.

I ask my colleagues to join me in rising to honor this truly remarkable public servant for his distinguished years of service to the Cleveland community.

H.R. 1542, THE INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BOUCHER. Mr. Speaker, I rise today in full support of the Tauzin-Dingell bill, H.R. 1542. Included as a part of that bill by means of the Manager's Amendment is an antitrust savings clause. This is an important addition to the bill and the authors, the Chairman of the Committee on Energy and Commerce and the Chairman of the Committee on the Judiciary, are to be congratulated on the development of this amendment.

Regulatory and antitrust laws serve different functions. This amendment recognizes and embraces that fact as it preserves the antitrust laws and it indicates that these laws are not affected by H.R. 1542, the Telecommunications Act of 1996, nor the Communications Act of 1934. Second, and equally important, is the fact that it does not overrule nor affect any court case interpreting those laws including the Goldwasser case. The savings clause preserves this case law as well. Third, when the savings clause uses the term antitrust laws, such term includes antitrust defenses and immunities.

Congress and the courts have recognized how ill-equipped antitrust courts are to serve as regulatory agencies. That's why the 1996 Act replaced judicial supervision under the AT&T consent decree with regulatory supervision of the process through which competition in the telecom industry would be jump-started. If we had simply abolished the AT&T consent decree and left all these details to antitrust enforcement agencies, private litigants, and the courts, five bad results would have occurred.

First, the courts would have been flooded with regulatory tasks they are not suited to handle. It was a formidable task having one federal judge trying to micromanage the telecommunications industry under a consent decree. We did not repeat that experiment by authorizing many state and federal antitrust courts to undertake the same tasks.

Second, the antitrust enforcement agencies, including the Department of Justice, would have been called on to duplicate, second guess, and perhaps contradict the telecommunications policy decisions Congress instead decided to entrust to the FCC and to the state commissions. We need the enforcement agencies to enforce the antitrust laws, not establish telecommunications policy or duplicate the regulatory expertise of other agencies.

Third, incumbent carriers would not have been subject to many of the requirements they now face. By this bill, we limit regulation in the broadband segment of the industry, but we leave in place many regulatory requirements imposing on carriers duties they do not have under the antitrust laws.

Fourth, as courts reached different and inconsistent conclusions in different cases, chaos would reign in an infrastructure industry critical to our economy and our nation's security.

Fifth, we would bog down the deregulatory process through the protracted process of antitrust litigation in which cases often drag out for many years and, in some cases, decades.

The 1996 Act assigns responsibility for working out the difficult details of interconnection and other transitional arrangements to private parties, state regulators, and the FCC. Antitrust laws are not expanded or diminished in any way by the 1996 Act or this Act. Among the antitrust laws preserved by the savings clause in the Managers' Amendment are the well-crafted and carefully applied judicial doctrines that govern the manner through which antitrust courts coordinate their activities with those of the regulatory agencies to avoid potential incompatibilities that might otherwise occur. We did not expand or diminish the antitrust laws, or the manner in which the courts apply those laws, when we enacted the Telecommunications Act of 1996. We will not do so now by enacting this Act.

PAYING TRIBUTE TO CLARA HORAN

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor a woman whose passion for life and whose incredible human spirit is an inspiration to us all. Clara Horan, a Colorado resident of almost sixty years, who will soon achieve an extraordinary milestone, celebrating her one-hundredth birthday with four generations of her friends and family.

Clara was born on April 11, 1902 in Elba, Nebraska. She was raised by her parents, Peter and Katherine Andrzejewski, on a cattle, corn and wheat farm with her eight brothers and sisters. On December 7, 1921, Clara married Lloyd Horan of Cotesfield, Nebraska. The couple relocated to Mesa, Colorado in 1943, and then moved to Clifton, Colorado five years later. Her friends and family fondly refer to her as "Grandma."

Incredibly, Clara is the matriarch of a family that includes 3 children, 8 grandchildren, 16 great-grandchildren and 10 great-great-grandchildren. It is an impressive lineage of which she is extremely proud, and which, more importantly, is extremely proud of her. She has been a member of St. Ann's Church in Palisade, Colorado for nearly 25 years, and continues to volunteer on a weekly basis at the Migrant Center in Palisade. She still loves to attend to her garden, and finds time to fish on Grand Mesa. The remarkable longevity of Clara's life is a testament to the extraordinary passion for life that she has always carried with her, and her family and friends are all fortunate to be able to share in a life as rich and varied as hers.

Mr. Speaker, it is with great pleasure that I bring to the attention of this body of Congress the life and spirit of such an incredible woman. She has lived her life with extraordinary passion and kindness, and possesses an innate ability to brighten and invigorate the lives of those around her. She is truly an inspiration to all of us, and I, along with the many people whose lives she has touched, am honored to recognize her tremendous accomplishment in reaching her one-hundredth birthday, and more importantly, her passion for life and indomitable human spirit.

RECOGNIZING JOHN PLACK AS TOP STUDENT VOLUNTEER IN PRUDENTIAL FINANCIAL'S SPIRIT OF COMMUNITY AWARDS

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of John Plack, my constituent from New Hyde Park who has been chosen as a top student volunteer in Prudential Financial's Spirit of Community Awards, a nationwide program honoring young people for outstanding acts of volunteerism. John is one of only nine students from New York chosen for this award. He will receive an engraved bronze Distinguished Finalist medallion in the Prudential Spirit of Community Award ceremony.

John is a sixteen-year-old junior at New Hyde Park Memorial High School. John's project was to create the "Children Helping Children Remembrance Quilt." He headed the worldwide effort to make remembrance quilts from squares displaying personalized messages of condolence and hope for children affected by the September 11 terrorist attacks.

Thanks to John our community will always remember the support and help given by the world to New York during a desperate time. Children everywhere will always be aware of the contributions made by many to a city in need. Our community can rest assured that its future is in good hands with people like John demonstrating outstanding public service.

The awards, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honor young people for outstanding community service. This year, a record 28,000 youth volunteers across the country were considered for these awards.

John's ideas and creativity show his vision and determination to make the world a better place. It is refreshing to see such a young person with such a mature outlook and it bodes well for our future generations. I applaud John for his hard work, generosity and leadership. Long Island is proud to commend such a talented young individual.

We are fortunate to have John Plack in Nassau County.

HEART OF A CHAMPION PROGRAM

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Ms. GRANGER. Mr. Speaker, each of us shudders in horror when we hear about a school shooting or about the drug and alcohol abuse that haunts our youth. We immediately want to do something—perhaps draft new legislation—something, anything, that will make things "safe" for our children and grandchildren.

As a former teacher with three children of my own, I know the anxiety and anguish that students and their parents often experience in facing the world today—it can be a very scary place.

So, last December, I sponsored a Safe Schools Summit in Fort Worth, Texas. Five hundred middle school and high school students from across my district participated in this 3-hour session. They were students of all races and backgrounds, male and female. The purpose of this summit was to hear directly from the students about how they felt in their schools. It was an amazing day, and the students produced some remarkable and somewhat surprising results.

Today, I want to talk about what the students said about character education. The students told me that they would feel safer at their schools if there were greater attention to the development of character in those schools. We found that students overwhelmingly support character education in their school, by nearly 80%. I knew that parents and educators were supportive of quality character education programs, but I learned through that gathering of students that, these young people also know that character is the critical element for creating safer schools. Yes, there are mechanical and physical elements, of a safe school, but these students identified a "human" element of safe schools, and character is a critical aspect of that element. To simplify, these students know that in order to have safe schools, we must have safe students.

On February 4th, what I believe will be one of the most effective character education programs in the nation was launched in my district. The Heart of a Champion character development program is a one-of-a-kind curriculum that combines video, and audio, with a print curriculum, to reach today's "sight and sound" generation on a year-round basis. Heart of a Champion's founder, Steve Riach, has created a comprehensive in-class program to reinforce positive character traits and virtues, and demonstrate examples of persons with high character to students in our schools.

Using positive role models, the Heart of a Champion program tells the stories of widely known athletes—stories that demonstrate virtues such as commitment, perseverance, integrity, courage, honesty, discipline, responsibility and fairness. These stories, and the application lessons that follow, encourage students to examine these character traits, and inspire them to embrace and integrate those traits into their own lives. It is a winning formula.

The Heart of a Champion program, has already received the endorsement of several key national community and educational groups, and their representatives will meet with members of the Department of Education later this month. I believe there is nothing else like this program available for schools today. I am in full support of this program and believe it will have a dramatic impact.

President Bush has repeatedly said that character education in our nation's schools is of great importance in this day. He is aware that each year, 10 million school kids abuse alcohol or drugs; that 65 percent of youth in school say they are sexually active by the 12th grade; and that 80 percent admit to cheating in school. We know there is a problem that needs our attention. I believe that character education programs like Heart of a Champion are a solution for this generation.

My fellow members of the House, we all agree our young people are the most valuable asset we have for our nation's future. That is why I believe the Heart of a Champion program is so necessary for our country at this time. This program will provide our kids with the character our society so desperately needs; will give them direction for the future, and will create champions in our schools, homes, and communities—young men and women of character who will become leaders for the next generation. But that can only happen if leaders like you and I show our young people that we truly care about them, by getting behind this program and helping to see that no young person is "left behind" in the development of their character.

Mr. Speaker, I invite all of my colleagues to get to know the Heart of a Champion program. I am confident that you will see the powerful impact it can have on the youth of your cities and counties. Today, it is impacting my district. Tomorrow, with your help and support, it could make a difference in yours.

COMMENDING TONY MONROE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to recognize Tony Monroe for his commitment to his community through service to disadvantaged youth and gang members in the Fresno area. Mr. Monroe rides a horse in some of the roughest neighborhoods and encourages those he encounters to find a better way of life.

Mr. Monroe has made numerous personal sacrifices to continue his service. Previously, he was a Fresno reserve police officer and a Santa Cruz County deputy sheriff. Now, he offers the children and youth a chance to feed his horse and talk about God, gangs, and life in general. A young Fresnan met Tony six years ago when he was an angry and violent street fighter. This young man credits Mr. Monroe with helping him get his life turned around.

The community has also responded by helping Tony with supplies and assistance. Jensen's Armstrong Stables houses two of Mr. Monroe's horses in exchange for maintenance work. All three of his horses, Max, Gumby, and Impact, were donated when his first horse died. This generosity shows how warmly received and appreciated Mr. Monroe is in the community.

Mr. Speaker, I rise to commend Tony Monroe for his community service and dedication to helping those in need. I encourage my colleagues to join me in wishing Mr. Monroe many more years of continued success.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BECERRA Mr. Speaker, on Tuesday, March 5, 2002, I was unable to cast my floor vote on roll call number 47, on the Motion to Suspend the Rules and Agree, as Amended to H. Con. Res. 305, a Resolution Permitting the Use of the Rotunda of the Capitol for a Ceremony to Present a Gold Medal on Behalf of Congress to Former President Ronald Reagan and his wife Nancy Reagan.

Had I been present for the vote, I would have voted "aye" on roll call vote 47.

CALIFORNIA UNIVERSITY OF PENNSYLVANIA INTERMODAL TERMINAL FUNDING

HON. FRANK MASCARA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. MASCARA. Mr. Speaker, I submit to the RECORD a letter I have sent to Secretary Norman Mineta of the U.S. Department of Transportation. My letter is to clarify to the D.O.T. the intended use of an earmark I requested in TEA 21 for an intermodal transportation terminal on the campus of California University of Pennsylvania. I requested that earmark in order to fund an intermodal facility that would help connect the main campus to the new campus over one mile away. Now, the campus has an exciting opportunity to create a low speed magnetic levitation system connection between the two campuses and this intermodal facility would be a vital part of the system.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 6, 2002.

HON. NORMAN MINETA,
Secretary, U.S. Department of Transportation,
Washington, DC.

DEAR SECRETARY MINETA: I write to clarify the intended use of funding I have obtained for an important project in my district. Over the years I have been working with California University of Pennsylvania officials to acquire funding for a much needed intermodal facility on the campus. Consequently, I have secured a $1 million TEA-21 earmark and other related earmarks for the University to construct an intermodal facility/transportation improvement project.

My intent for funding the intermodal facility was to support a people-mover system to connect the main university campus to the new auxiliary campus in the Roadman Park area. This area is approximately 1.25 miles away on a mountain ridge above the main campus and the fastest growing area of the university. Ultimately, this area will house over 750 students and be the location of the University's Sports Complex.

This people-mover transportation system is critical to the intermodal center and the University's Master Plan, which identifies a need to demonstrate a safe transportation connection between these parcels of land.

California University of Pennsylvania officials have had extensive discussions with the Pennsylvania Department of Transportation and the General Atomics Urban Maglev team to demonstrate the urban Maglev people-mover technology. I am fully supportive of this initiative which is consistent with the intent of the original earmarks that I obtained for the intermodal facility at California University of Pennsylvania.

Any Federal earmarks referencing the California University of Pennsylvania intermodal project should address the Urban Maglev people-mover demonstration project. All costs incurred to date and any cost incurred in the future as part of this project should be considered eligible.

I am a strong supporter of this important project, and am firmly committed to bringing a Maglev system to the campus of California University of Pennsylvania.

Sincerely,

FRANK MASCARA,
Member of Congress.

PAYING TRIBUTE TO HOWARD ROLAND

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of the former County Commissioner and livestock auctioneer Howard Roland. His life-long dedication to both his job and the people of Mesa County is matched only by the level of integrity and honesty with which he conducted himself each and every day. As his family mourns his loss, I think it is appropriate to remember Howard and pay tribute to him for his many contributions to his community.

Howard began his service to Mesa County as County Commissioner in 1975. He served in this position with dedication and distinction until 1979. Howard was also renowned throughout the region for his honesty and integrity as an auctioneer. Using these qualities and his extraordinary knowledge of the stock show business, Howard opened the Grand Junction Livestock center in 1966. Howard will be remembered by his community as a humble man who was dedicated to both his work as a civil servant and as an auctioneer.

Mr. Speaker, it is my privilege to pay tribute to Howard Roland for his contributions to the Mesa County community. He was known for his kind heart and gentle demeanor, which he displayed throughout his life. His dedication to his fellow man certainly deserves the recognition of this body of Congress and this nation. I would like to extend my thoughts and deepest sympathies to Howard's family and friends during this time of remembrance and bereavement.

IN HONOR OF DANIEL PEARL

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Ms. ESHOO. Mr. Speaker, on February 21, 2002, the world learned of the horrific and senseless murder of Wall Street Journal reporter Daniel Pearl. An extraordinary American and a courageous and talented journalist, Pearl was killed in the pursuit of truth. Abducted in Karachi, Pakistan, Pearl was investigating potential connections between alleged shoe-bomber Richard Reid and radical fundamentalists in Pakistan. His death represents a tragedy not only for his wife Marianne, now seven months pregnant, and their family, but for all humanity.

Daniel Pearl's murder left an indelible mark on the world of journalism. A colleague who had the privilege of knowing Pearl is Don Kazak, a highly respected senior staff writer and former editor of the Palo Alto Weekly. It was at the Weekly that Pearl, then a student at Stanford University, began his career in journalism as an Editorial Intern during the spring of 1984.

Mr. Speaker, I respectfully submit for the RECORD a tribute to Daniel Pearl written by Don Kazak and published in the Palo Alto Weekly on February 27, 2002. I share it with my colleagues who I'm sure will find it as poignant and instructive as I did.

[From the Palo Alto Weekly, Feb. 27, 2002]

OUR TOWN: "IS THAT OUR DANNY?"

(By Don Kazak)

There is always distance between us and what we read in the newspaper or watch on the evening news.

These are usually events happening far away, which don't touch us.

The Sept. 11 terrorist attacks touched many, and shocked, angered or numbed the nation, but for most there was still a distance. As much as I felt for what happened, it was other people, somewhere else.

And then I heard about Wall Street Journal Danny Pearl being captured by a radical Islamist group. He had been a reporter for the Journal for 12 years. It was a big, international news story—but it touched me deeply and personally, along with others at the Weekly and at Stanford University.

Pearl was based in Pakistan and had traveled to Karachi, which is kind of the Wild West of Pakistan, to interview radical Islamists.

Then there was the photo of him sitting head bowed, hands tied, with a gun to his head.

Like many of the rest of rest of us, I have a hard time putting a label on what is right or wrong. Maybe I've covered too many stories for too many years.

The Weekly has employed editorial interns for many years. They are basically low-paid college help to get some newspaper experience as part of their education. These have been mostly terrific kids, bright and eager.

We've had so many interns over the years that they kind of blur together for me.

But I remember Danny, Stanford class of 1985. He had a bright smile and was obviously very talented. He's one of those I distinctly remember, and I recoiled at the image of him with a gun to his head.

I was the editor of the Weekly when Pearl was an intern, and when the news broke about his capture Carol Blitzer, an editor then and now, asked me, "Is that our Danny?"

Carol later received an e-mail from Kathleen Donnelly, a former Weekly reporter and Mercury News writer, now living in Seattle, which confirmed: That is our Danny.

He was so good-natured when he was here that it is hard to envision him as a hard-edged hard-news reporter. But that's what he has been and what he has been doing, chasing a difficult story in a dangerous place.

Eight journalists have already been killed trying to cover the mess in Afghanistan, because they wanted to "get the story."

I have a lavish photo book, "Requiem," about the Vietnam War, the war of my youth, the war I marched against. In it are the photos of photographers who died covering the wars in Southeast Asia, 135 of them.

I don't know if I would have had the courage to do what Danny Pearl was doing. But I sense the desire to get the story. He wanted to know—which is what drives all good journalists.

He and his wife were expecting their first child when he was kidnapped, adding to the pathos. Now that baby will grow up without ever knowing his or her father.

As a reporter, it has been bred deep within me not ever to take sides. I'm just a reporter, trying to make sense of what I see and hear for our readers. But no one can make sense of his death.

Now, it turns out he was killed not just because he was an American reporter, but because he was also a Jew.

Sometimes I think people who ignore what's going on the world around them have an easier time, because they don't have to feel for what is happening. But some things touch even the people once removed, reading a newspaper or watching the news on TV. This was one of those times.

When the World Trade Center towers collapsed, it was a tragedy for thousands of people and their families, friends, co-workers, all of us. There is still one photo which haunts me, taken on the fly by a Magnum photographer who didn't see what he shot until he looked at his film later.

In the photo, there are dozens of people outside the windows of the upper floors of one of the World Trade Center towers, fires billowing below them. They were there, looking out of the building, and they all died.

That was impersonal, because it was just people in the photo, none of whom I knew.

And then there was the photo of Danny Pearl with a gun to his head, killed for trying to get the story.

INTRODUCTION OF A BILL CONCERNING AGENT-DRIVERS AND COMMISSION-DRIVERS

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. CRANE. Mr. Speaker, I rise to announce the introduction of legislation that will clarify the rules for determining whether certain agent-drivers and commission-drivers are employees for the purpose of FICA and FUTA taxes. Under present law, the determination of whether a worker is an employee or an independent contractor for Federal tax purposes is determined under a common law facts and circumstances test. An employer-employee relationship generally exists if the person contracting for the services has the right to control not only the result to be accomplished by the services, but also the means and details by which the result is accomplished.

Under a special statutory rule in section 3121(d)(3) of the Internal Revenue Code, agent-drivers and commission-drivers, who are independent contractors but are engaged in distributing meat, vegetable, bakery, beverage (other than milk) products, or laundry or dry-cleaning services, are treated as "statutory employees" solely for FICA and FUTA tax purposes if (1) their services are part of a continuing relationship with the person for whom services are performed; (2) the distributor's service contract contemplates that he or she will perform substantially all of the services personally; and (3) the distributor does not have a substantial investment in facilities used in performance of services, excluding facilities used for transportation.

In a reversal of its long-standing ruling position, the IRS issued GCM 39853 in 1991, which held that investments in distribution rights and territories were akin to investments in the intangible assets of education, training, and experience. The legislative history to section 3121(d)(3) had indicated that investments in education, training, and experience were not to be treated as investments in "facilities." The GCM analogized an investment in a distribution right or territory to an investment in education, training, and experience, and accordingly concluded that an investment in a distribution right or territory was not to be considered an investment in "facilities." This reversal has created much uncertainty, particularly in the baking industry, with respect to independent contractor drivers, who have made substantial investments in their businesses and have been paying Social Security taxes with their federal tax returns. While the IRS may contend that the GCM is no longer in force, I believe that it is being applied by various field agents.

For example, at least four companies have endured prolonged audits in which the IRS challenged the status of bakery drivers based on the GCM. In each of those audits, the IRS agreed that bakery drivers were independent contractors under the common law test, but sought to treat them as statutory employees by ignoring their substantial investment in ownership of their routes.

This is not only an unfair result, but has caused great confusion in the bakery industry. This amendment attempts to clear up that confusion and correct that inequity.

An investment in a distribution night or territory specifically and directly relates to, facilitates, and is used in the performance of the distribution services in question. In contrast, education, training, and experience have a more general, attenuated, and indirect relationship to distribution services. Accordingly, my bill will clarify the statute to reflect Congressional intent that an investment in facilities can include an investment in a distribution night or territory, in contrast to an investment in education, training, and experience. Thus, an independent contractor driver who is engaged in distributing meat, vegetable, bakery, beverage (other than milk) products, or laundry or dry-cleaning services and who has a substantial investment in his or her distribution fight or territory will not be treated as a statutory employee.

IN HONOR OF INTERNATIONAL WOMEN'S DAY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. FARR of California. Mr. Speaker, International Women's Day began in our Nation. It was not a gift from Members of Congress, nor from the well-clothed captains of industry, but rather a victory achieved by the women who sewed the suits they wore. It was these women, garment workers, who went on strike March 8, 1857, demanding the bread of economic security and the roses of a better life.

At an international conference held fifty-three years later, German socialist Clara Zetkin asked for an international women's day to mark the strike of the garment workers in the United States. Her request was met with unanimous support, and International Women's Day was born.

More than 11,000 babies will be born in our Nation today. These children will eventually inherit many of the problems the Federal Government strives to solve. To prepare them to assume responsibility for progressive government leadership, we must ensure their health, give them adequate nutrition, educate them, allow them equal opportunities, and inspire them with knowledge of the accomplishments which generations of women have contributed to the world.

And so, as we celebrate International Women's Day this Saturday, we must recommit ourselves to the betterment of the lives of and equal opportunities for our daughters, our wives, our sisters, and our mothers. We do this to honor all women, and especially those on strike during the early spring of 1857, who remind us of our capacity to improve our lives and the lives of those around us.

THE PRESERVING PATIENT ACCESS TO PHYSICIANS ACT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, on the first of this year, a 5.4 percent across-the-board Medicare payment cut went into effect for doctors caring for seniors. Under the present payment system, further deep cuts are in store for the future. In some areas of the country doctors are no longer accepting new Medicare patients because payments no longer fairly recognize the changing health care needs of today's seniors nor the increasingly complex and difficult environment doctors must work under.

With malpractice insurance skyrocketing, nursing costs rising, diagnostic and treatment options expanding rapidly, and paperwork burdens exploding, these cuts are unjustifiable and unfair! They result from an arbitrary formula that ignores the real costs of providing health care. According to the American Medical Association, Medicare payments to doctors have increased only 18.5 percent in the last 10 years, an average of 1.1 percent per year, which pales in comparison to the skyrocketing costs of providing health care.

To now cut payment rates 5 percent for four years will, without question, force early retirements among physicians who are primarily serving our seniors, or force physicians to limit the number of Medicare patients they serve. More seriously, in the long run under-reimbursing our doctors in yet another public health care program will discourage the top quality students medicine has traditionally attracted and erode the world famous quality of American medicine.

Today, I am introducing legislation that would implement the recommendations of the Medicare Payment Advisory Commission (MedPAC) and reform Medicare's doctor payment formula. The bill repeals the Sustainable Growth Rate (SGR) system that has resulted in unpredictable payment increases and cuts. If left in place, the present SGR system is projected to cut physician payments by more than 20 percent over the next several years. My bill increases payments to physicians by 2.5 percent in 2003 and ties future updates to an index similar to the Medicare Economic Index, making the system for adjusting physician payments similar to that for adjusting Medicare payments to other providers. While much work remains to be done to understand and manage the cost of this common-sense reform, rational payment rates are essential to maintaining the quality of Medicare.

I am committed to providing physicians with a more stable, predictable, and fair payment formula. Absent such reform, we will shortchange our physicians and threaten both access to care and quality of care for our seniors.

HONORING 2002 MEN AND WOMEN OF HEART GALA HONOREES

HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. LAMPSON. Mr. Speaker, I rise today to honor the 2002 Men and Women of Heart Gala honorees. The honorees have dedicated themselves to their communities and to service. I am proud to represent them here in Washington. The recipients are: Anita Fogtman, Colin Fox, Norman Frede, Kathleen Harlan, Bette Johnson, Bill Lowes, Victor Maria, Floyd H. Myers, Charlotte Tetter, and Paula Orcutt Thomas.

These citizens were presented this award for their committed and caring service to their fellow Texans, and have helped make their communities better places for all.

NEWLY RELEASED DOCUMENTS SHOW PERSECUTION OF BELIEVERS BY CHINESE GOVERNMENT

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. WOLF. Mr. Speaker, an organization called the Committee for Investigation on Persecution in China has compiled an unparalleled trove of documents concerning religious persecution by authorities of the People's Republic of China (PRC). The organization's president, Li Shixiong, has compiled an extensive archive that documents some 22,000 testimonies about persecution of Christians in China.' This archive also contains court transcripts, internal PRC government documents and photographs.

The work of the Committee for Investigation on Persecution in China provides a unique insight into how the PRC persecutes and imprisons people of faith, and restricts religious freedom throughout the country.

Attached for our colleagues is a copy of an article about the work of the Committee for Investigation on Persecution in China that appeared in the March 11, 2002, issue of the magazine Christianity Today.

[From Christianity Today, Mar. 11, 2002]

"NEW" CHINA: SAME OLD TRICKS

TOP COMMUNISTS, DESPITE THEIR DENIALS, ENDORSE ARREST AND TORTURE OF CHINESE CHRISTIANS BY THE THOUSANDS

(By Tony Carnes)

A Chinese Christian refugee in New York, working with Christians in China, has compiled an extensive new archive documenting brutal religious persecution that has caused more than 100 deaths and thousands of injuries.

Activist Li Shi-xiong, head of the New York City-based Committee for Investigation on Persecution of Religion in China, believes these documents establish that communist rulers at the highest levels take an active role in persecuting house-church Christians. In the past, top leaders in China have blamed repression on overzealous local officials.

The New York committee timed its unveiling of the archive to influence President Bush during his February trip to China.

The archive is a 10-foot-high stack of 22,000 testimonies about persecution of Chinese Christians. It includes court transcripts, internal government documents, and photographs. Experts call it the largest collection ever assembled on the persecuted church in China.

"The secret documents alone are extremely rare and incredibly important," says Carol Hamrin, a star China analyst who recently retired from the State Department. The mammoth collection, which Li calls a "truth bomb," includes 5,000 detailed testimonies of Chinese Christians describing their arrests, interrogations, and jailings. Many account include photographs of the persecuted believers, including injuries they suffered while in custody. Some case files include official arrest and court records. The largest number of testimonies comes from central Henan Province, where persecution has dramatically escalated since 1999. Li's group has also collected partial reports on 17,000 others, mostly Christians, persecuted for their religious beliefs.

Li is also documenting the cases of 117 religious people who have died while in official custody, 700 who have been put in labor camps, and 550 who are wanted by the police but are in hiding. He is also investigating 300 police officers accused of being especially abusive.

Freedom House's Nina Shea has written that Li's archive is a "tremendous work." Shea, a member of the U.S. Commission on International Religious Freedom, marvels at Li's "dedication to the cause of religious freedom and his amazing work in the documentation of so many thousands of cases of the persecution of China's Christians." Freedom House, an advocacy organization founded in 1941 by Eleanor Roosevelt, plans to make extensive use of the archive.

China scholar Brent Fulton, head of China Source in Los Angeles, is aware of the archive but has not examined its contents. He says the documents indicate the "degree of seriousness" with which China approaches unregistered religious groups. "They see the unregistered groups as a national security threat."

Li and the New York committee believe that going public with the archive will build international political pressure on China's leaders to end their repression of religion. Fulton foresees the government searching for those who leaked the documents. He also expects more crackdowns. But, he says, "The long-term response to the release of these papers will be good."

A SENSITIVE TIME

The revelation of the archive comes at a sensitive time for China. Political leaders say that the nation of 1.3 billion people faces wrenching changes related to its entrance into the World Trade Organization (WTO) last December. WTO membership will lower trade barriers, enabling China to compete for trade on a more level playing field. Certain parts of China's economy, such as high tech, are expected to do well. Others, such as the inefficient and subsidized industrial and agricultural sectors, may be pummeled. Millions of unskilled laborers could be thrown out of work.

Seeking to maintain its grip on society, the Chinese government since 1999 has been waging a campaign against "cults," such as the Falun Gong movement. (Falun Gong adherents use physical exercise as a spiritual discipline.) China's officials are trying now to eliminate what they consider undesirable movement, because WTO membership will bring additional international pressure on China to improve its poor record on human rights. "[China's] officials spell out that the anti-cult campaign is a preparation for the further opening of society because of China joining the World Trade Organization," Hamrin says. But, Fulton adds, "There are in fact a lot of cult groups that are doing bad things."

Says Eric Burklin, president of Colorado-based China Partner, "China wants to have a positive image with the rest of the world. The government can't really discern the cults from the non-cults because [China's top leaders] are atheistic."

The archive makes it clear that repression of religion is official state policy at the highest levels—not merely a local and sporadic phenomenon, as China usually claims. In the documents, officials say the cults are "soaking into" and weakening the foundations of state authority. Officials link rising religious-influence to the increased influence of Western cultural values of democracy and equality.

In public, Chinese leaders are vague on what actually constitutes a cult. "Cults are not religions," Premier Zhu Rong Ji said in a December meeting on religion. Critics say this approach allows authorities to crack down on any groups they do not like—including many house churches. These churches typically do not register with the government-sponsored Three-Self Patriotic Movement.

While there is no consensus on the number of Christians in China, Operation World estimates the presence of 45 million people in house churches and another 40 million members and adherents in the official church. There are about 12 million Catholics in China, in both state and unofficial groups.

Hamrin, who favors improving trade relations with China, says that this latest government repression will worsen matters. "This massive campaign against millions of their people will exacerbate social tensions"

AGGRESSIVE ACTIONS

In a recent public pronouncement, China's government declared that religion has never fared better. Ye Xiaowen, the head of the Religious Affairs Bureau, toured the United States last year. Ye claimed that the government had initiated a "golden time" for religion. China's president, Jiang Zemin, recently told a U.S. congressional delegation in Beijing, "I am looking forward to seeing a church on one side of every village and a mosque on the other side."

During the second week of December, top communist leaders gathered in Beijing to discuss religion policy. Jiang led off with a speech declaring, "The influence of religion on political and social lives in today's world should never be underestimated."

In lower-profile gatherings, however, the talk tilts toward-intensive surveillance of religion, according to Li's archival materials. In a speech, a local public security official in charge of religion quoted Hu Jintao, likely to be the next leader of China, on the proper approach to a "cult": "Watch and follow its direction and deal with it by law at the proper time." As the orders filter down, local leaders often act aggressively. A provincial security chief says, "Talk less and smash the cult quietly."

Li's archive documents how the anti-cult campaign was quickly broadened to include many well-known Protestant groups. In just one example, on August 18, 2001, authorities raided three offices of the South China Church. They arested 14 people, using fists and electric clubs to obtain accusations against the pastor.

"The central government is defining whole groups as targets of extreme measures," says Hamrin, who produced the U.S. State Department's first annual reports on religious freedom and persecution in China. For example, more than 300 Chinese associated with the Falun Gong movement have died while in China's custody.

Increasingly, groups are targeted not just for breaking civil laws on registration and holding unauthorized meetings, but for their beliefs and religious doctrine. The government, the archive shows, especially dislikes preaching about "the end of the world" or teaching that "the Lord can heal a person of disease."

According to the archive, the Ministry of Public Security spells out five characteristics of a cult, ranging from the clearly defined "deifying its top leader" to the grab bag of "stirring up and deceiving others." (See "What China's Secret Documents Reveals")

The documents show that officials are especially wary of unregistered church groups that attempt to link with other unregistered groups. In such cases, the archive shows, officials are returning to the fierce battles from the era of Mao Zedong, China's first communist ruler, from 50 years ago. This has led to tremendous abuses. In April 2000, officials put Peter Xu's Born Again Movement on their cult list. Officials set quotas for arrests, putting pressure on local police to obtain confessions. Police often beat, slap, and use electric shocks to obtain those confessions.

Leaders of the large South China Church organization also have been hit hard by recent arrests. A document from a police official in the provincial religion office hints that poorly trained police in Hebei Province are resorting to abusive interrogation methods instead of quiet information-gathering. The archive reveals several recent cases of local police trying to bribe the families of people they had killed under interrogation. Leaders of the South China Church report, "On July 20, 2001, we heard the news that Yu Zongju was tortured to death. The police did not inform her family until her body started to smell. They asked her family to meet them in a restaurant. They paid them $8,000 and warned them to keep quiet."

CHRISTIAN NETWORKS "MUTATE"

Last year, the Bush administration sponsored a resolution for the United Nations Commission on Human Rights that condemned Beijing's human rights record. Amnesty International reported in 2001 that China's use of torture was widespread and systematic.

China analysts such as Hamrin say that the Chinese government, wishing to improve its image internationally, probably will respond favorably to pressure to improve human rights.

"China has really developed and they have tasted too much freedom to go back," says Eric Burklin of China Partner. "There would be major bloodshed if they tried to go back to Maoist times."

But Li's archive shows that China's emerging strategy for dealing with the house-church movement is comprehensive and difficult for outsiders to counter. Officials gain access through informants, harass leaders, block communication, and strip churches of financial assets, including church buildings and homes.

The government notes in the documents that house-church Christians already have a means to resist these new efforts at repression. House-church leaders reportedly are creating networks that constantly mutate. Leaders communicate with wireless phones and hard-to-trace Web sites. In response, the government has begun building a national computer network known as the "Golden Shield" in order to conduct Internet surveillance and information-gathering.

Meanwhile, the impact of Li's archives promises to be seismic. "It's a bombshell," Shea says.

TRIBUTE TO ABELARDO "ARBIE" VILLARREAL

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BACA. Mr. Speaker, today I pay tribute to the memory of a man who was very special to me and to the entire Inland Empire community, Abelardo "Arbie" Villarreal, a longtime professor at San Bernardino Valley College.

Like a ray of sunshine, Arbie came to San Bernardino Valley College (SBVC) in 1971 to teach English, mainly to foreign students. A tall, thin, meticulously groomed man with sharp, angular features and a ready smile, Arbie was easily recognized on campus. He was the first ESL teacher at SBVC, and he was able to reach out to the community by establishing ties between the college and the area's rapidly growing Spanish-speaking population.

Arbie was a great asset to Valley College and was recognized as "Outstanding Professor." He was awarded a Fulbright Scholarship/Fellowship to teach abroad, which allowed him to live and teach in Switzerland for two years. His knowledge of foreign languages easily opened doors for him in Europe. He spoke Spanish and Italian fluently and managed in French and Portuguese.

Last summer, Arbie was awarded a faculty fellowship to spend six marvelous weeks in Washington, D.C. working at the U.S. Department of Agriculture. He was surprised to reunite with several friends now settled in Washington who he met almost 40 years ago during a training program to join the new and exciting Peace Corps. Arbie spent two unforgettable years in Colombia with the Peace Corps.

Arbie was born in Texas but raised in Albuquerque, New Mexico. His mother, Amelia, and his older brother, Gilbert, still live in New Mexico. Arbie's twin, Hilly, also moved to California like his brother to teach at Cal State Los Angeles. Arbie's youngest brother, Albert, followed his beautiful Texan bride back to Texas.

Arbie was exuberant, well-prepared, good-looking, fun to be with, and curious about the world. He was so curious, in fact, that in order to learn more about Italy, he married his Italian student Maria, his wife of 28 years. Together they enjoyed their friends, travels, romantic candlelight dinners in their patio, the theater, music, Victorian dances, and books that they read to each other.

Arbie was loved, admired and respected by his adoring students, the faculty and staff of Valley College, and by his countless friends spread across two continents. Arbie's illness and death hit the San Bernardino Valley College campus very hard. During his hospitalization in September 2001, students organized a blood drive in his honor. More than 50 people donated blood while some people had to be turned away because turnout was so high.

Arbie's widow, Maria said that her husband loved life and battled his disease courageously. While he was in Washington over the summer, he developed pain in his lower back. Initially, this was the only symptom, and as he was a healthy man, he though it was just a strained muscle until he was diagnosed with kidney cancer.

Arbie passed away on Wednesday, February 27, 2001 surrounded by his loving family. The Villarreal family set up the Abelardo "Arbie" Villarreal Memorial Scholarship Fund for students at San Bernardino Valley College. Friday, March 8, 2001, the college will hold a memorial service in his honor.

And so Mr. Speaker, I submit this loving memorial to be included in the archives of the history our country. It is men like Arbie who make this nation great. Arbie leaves a legacy of lives filled with education and enrichment of knowledge for those whose lives he touched.

TRIBUTE TO THE COLORADO CHERRY CREEK DIVERSITY CONFERENCE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. SCHAFFER. Mr. Speaker, it is an honor to rise today to congratulate the Colorado Cherry Creek Diversity Conference Executive Council. On February 2, 2002 students from 79 schools attended the conference that was held at Cherry Creek High School in Englewood, Colorado.

The Cherry Creek Diversity Conference was created as an opportunity for Colorado high school students to come together and discuss issues of diversity in their schools. Since the first year, when 18 schools participated, the conference has grown to include over 850 student representatives from 79 high schools and 150 adult volunteers. The conference gives an annual Human Rights Award to a Colorado organization that promotes diversity, as well as a scholarship to one attendee who has worked in his or her school to foster a more harmonious school environment.

The event was almost entirely planned and coordinated by the executive council, which was co-chaired by Nicholas Ferguson of Elizabeth, Colorado, and Challona Coleman of Aurora, Colorado. To put together this year's conference, students from 22 schools met once a week to plan the one-day event that included motivational speaker Michael Simmons, small-group discussions and more than sixty workshops. Janet Sammons, a teacher at Cherry Creek High School helped guide the students into making this year's conference an overwhelming success.

I applaud the efforts of Colorado high school students to improve relations between all people no matter their race, religion, or creed. As stated in the Pledge of Allegiance, we are "one nation, under God, indivisible, with liberty and justice for all."

I ask the House to join me in thanking high school students from across Colorado who participated in the Colorado Cherry Creek Diversity Conference, and also the executive committee for their hard work and success.

PAYING TRIBUTE TO SANDRA WILKINS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Sandra Wilkins and thank her for her extraordinary contributions in the Chaffee County Treasurer's Office. Her life-long dedication to both her job and the people of Chaffee County is matched only by the level of integrity and honesty with which she has conducted herself each and every day while at her post. She will always be remembered as an employee with the utmost dedication and talent, and will continue to be known as a leader in her community. As she celebrates her retirement, let it be known that I, along with each and every person with whom she has worked and the people of Chaffee County, are eternally grateful for all that she has accomplished in her more than 30 years of public service.

Sandra went to work in the Chaffee County Treasurer's Office in 1971, working for John Hughes. After Mr. Hughes retired in 1986, Sandra ran successfully for the post of county treasurer, and was subsequently re-elected three times. For over 30 years, Sandra has selflessly given her time, energy and unrelenting commitment to the people of Chaffee County, and although Chaffee County is no doubt sad to lose her services, everyone is happy that she will now have more time to travel, relax, and enjoy her well-deserved retirement.

Mr. Speaker, it is clear that Sandra Wilkins is a woman of unparalleled dedication and commitment to both her professional endeavors and the people of her community. It is her unrelenting passion for each and every thing she does, as well as her spirit of honesty and integrity with which she has always conducted herself, that I wish to bring before this body of Congress. She is a remarkable woman, who has achieved extraordinary things in her career and for her community. It is my privilege to extend to her my congratulations on her retirement and wish her the best in her future endeavors.

CONGRESS BEARS THE RESPONSIBILITY TO ENSURE THE SOLVENCY OF SOCIAL SECURITY

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with my colleagues in expressing my concern about the Administration's budget and how it jeopardizes the Social Security Trust Fund.

I would like to begin by reminding my friends that within the last year, the overall cumulative surplus has shrunk from $5.6 trillion to about $1.6 trillion; this is a difference of approximately $4 trillion in one year. Also last month, the Administration expressed the need for legislation that would raise the statutory debt ceiling in order to prevent a national default. Add the proposal to raid the Social Security Trust Fund surplus into this mix, and we have got a situation that the Democrats have been warning about and objecting to for the last year.

Mr. Speaker, the war on terrorism and homeland security are very important, but so is the economic well being of this country. We will support the Administration in the war on terrorism, but we will oppose any legislation that disregards the economic well-being and future prosperity of our citizens. National security and homeland security can be achieved without penalizing, Social Security and Medicare.

According to a Social Security primer published in September 2001 by the Congressional Budget Office, over the next three decades, the number of people over 65 years of age will rise by 90 percent, whereas the number of people below 65 years of age will rise by only 15 percent. This is a major demographic shift that will stretch the Social Security program to its fullest.

In his budget for FY 2003, the President is seeking more than $2 trillion in spending. This implies that for the rest of his term, the government will have to consistently dip into the Social Security Trust Fund surplus to fund its day to day operations. All this, despite the promises made by the Administration last year to leave the Social Security surplus untouched. It was in February 2001, in his address to the joint session of Congress, that the President stated that his budget will protect all $2.6 trillion of the Social Security surplus. Other Republicans echoed the same promise. A promise that they are trying to break as we speak. With these facts blatantly staring us in the face, we should be ensuring Social Security benefits for the public and not dissolving them.

It is true that the American citizens are concerned about national and homeland security. But, they are also concerned about their Social Security and Medicare benefits. We cannot and should not accomplish one at the expense of the other. It is time to keep the promises we made to the American public and ensure that the Social Security surplus is intact for the benefit of the current and future workforce.

HONORING THE NEW FAITH CHURCH AND PASTOR T.R. WILLIAMS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the New Faith Church located at 4315 West Fuqua Street, Houston, Texas, and the Reverend Theodore Roosevelt (T.R.) Williams, Sr., celebrating 25 years of service to the Houston community.

The New Faith Church was organized on February 27, 1977, as the New Faith Missionary Baptist Church. Under the leadership of its original and current pastor, the Reverend T.R. Williams Sr., and an initial body of fifty-two members, adopted the church motto which came from Nehemiah 4:6, . . . "for the people had a mind to work." Beginning in March 1977, services were held in Magnolia Lodge Masonic Hall at 2792 McGowen, and less than one year later on January 15, 1978, Pastor Williams and a membership of 142 entered New Faith's present church home on Fuqua.

From its inception, New Faith's priorities have been in accord with God's directives, and members served the church through participation in Bible Study, Deacons, Brotherhood, Junior and Senior Missions, Junior and Senior Usher Board, Adult, Youth and Sunshine Choir, and Boy and Girl Scouting programs. New Faith also has a tape ministry where quality cassette recordings of all worship services and special programs are made available at nominal cost. In addition, they have a premarital course to assist engaged couples in building a life together on a spiritual foundation and a leadership course to prepare men as spiritual leaders both at home and at church.

Under the leadership of Reverend Williams, the congregation has grown to more than 1,600 members with facilities on more than ten acres of property. Reverend Williams is assisted by Reverend Drew E. Marshall, Assistant Pastor; and the Minister of Music, Reverend Ronald J. Materre; Minister of Prison Care, Reverend Christopher Lumpkin; Minister of Pastoral Care, Reverend Rosetta Whitfield; Minister of Christian Education, Reverend Lekesha Barnett; Minister of Youth and Young Adults, Reverend Howard Earle; and Minister of Children, Sheryl Williams Edmonson. Additionally, a number of dedicated and talented individuals, both paid staff and volunteers, support the broader ministries and the demands of the church family through their day to day commitment and active involvement in church operations.

Mr. Speaker, I congratulate Pastor Williams on his 25 years of service to the New Faith Church and to all the members of New Faith Church as they look back on 25 years of service to their community. I wish them continued success as they build on the strong sense of community they have established in the city of Houston.

THE FUTURE OF SOCIAL SECURITY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise to discuss the future of Social Security.

Social Security is the basis of the American worker's retirement. Given the essential role it plays for every generation, regardless of gender, race, or socioeconomic status, I believe all my colleagues join me in support of this program.

Unfortunately, that is where our common ground ends.

We all know Social Security is in danger, and we all know something must be done. We just disagree as to how we can accomplish this difficult—yet necessary—task.

Each year, more Americans retire and begin collection of Social Security, but not enough people are joining the workforce to supplement the depleting funds. We must find a way to finance the Social Security Trust Fund without cutting guaranteed benefits.

I firmly believe investment is a critical part of the American worker's future, but I don't believe the government can promote investment at the expense of current retirees. Today, as my generation approaches retirement age, and we plan our finances for the future, I count on receiving Social Security benefits.

I don't recommend the American public rely solely on Social Security for their retirement. I want every generation to think constructively about their retirement by saving and investing money outside of Social Security. Since I want my constituents to retire in comfort, I want to make sure their money is secure. That is why I support pension reform legislation, why I believe each and every American worker should be actively involved in their finances, and why I know Social Security must be saved—not replaced by an alternative and faulty solution.

There is nothing to debate—if Congress doesn't do something to strengthen and finance Social Security, the trust fund will run out in 2038. My colleagues and I are good at waiting until the last minute to solve a problem . . . but this isn't one with which we should play political games.

THE EMERGENCY CONTRACEPTION EDUCATION ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Ms. SLAUGHTER. Mr. Speaker, I am pleased to introduce today, along with my Senate colleague PATTY MURRAY, The Emergency Contraception Education Act. This bipartisan legislation will help educate women and health care providers across the nation about this important method of contraception. EC has often been called "the nation's best kept secret" because so few women in this country know that, in emergency situations, something is available that can prevent pregnancy after sexual intercourse.

It is estimated that almost 90 percent of women aged 18–44 have either never heard of emergency contraception, or don't know the key facts critical to the use of emergency contraception. Only one percent of women aged 18–44 have used emergency contraception. Were information about this important contraceptive choice readily available, the incidence of abortion could be drastically reduced. Our legislation is an attempt to get this information to precisely the women and health care professionals who need it.

One of the reasons this bill is so necessary is because there is so much confusion surrounding emergency contraception. EC is not abortion; it is not RU–486; it is contraception. Regardless of one's position on abortion, we should all be able to support emergency contraception. EC will reduce unintended pregnancies, and therefore reduce abortions.

Proof of the effectiveness of EC's ability to reduce unwanted pregnancies is found in Senator MURRAY'S home state of Washington, where emergency contraception is available without a prescription at pharmacies. In Washington State, pharmacy access to emergency contraception has helped produce the largest declines in adolescent pregnancy and in abortion rates in the last 20 years.

This legislation has been endorsed by the American College of Obstetricians and Gynecologists (ACOG). I hope that my colleagues in both the House and Senate will join Senator MURRAY and me, as well as the health professionals of ACOG, in championing this important reproductive health option for women across the country.

TRIBUTE TO LAVINIA M.C. HARTFIELD

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. KILDEE. Mr. Speaker, I rise today to offer congratulations to Mrs. Lavinia M.C. Hartfield upon her retirement from the International Free and Accepted Modern Masons and Order of the Eastern Star. Mrs. Hartfield will be honored at the National Midwest District Convention to be held in Grand Rapids, Michigan on March 9.

For the past 51 years Mrs. Hartfield has faithfully served this organization in a wide variety of positions. As one of the original founding members of the International Free and Accepted Modern Masons Mrs. Hartfield has remained a dynamic force in moving the organization forward. She is the first national district Grand Matron for the National Midwest District. The district consists of the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Wisconsin. She serves on the First Supreme Board of Directors, the Corporate Secretary, the Grand Matron of the Edith Sampson Grand Chapter Order of the Eastern Star for the State of Michigan for the past four years and Secretary of the Exalted Degree Department of the organization. She was elected Supreme Recording Secretary at the first International Masons and Order of the Eastern Star Supreme Convention in Canton, Ohio and is still serving in that position.

Lavinia Hartfield has carried the principles of the International Free and Accepted Modern Masons of charity, benevolence and education into other areas of her life. As a member of the NAACP, The Urban League, and the Greater Flint Council of Churches she has worked to bring charitable service to everyone she meets. Honored by her peers, she was honored in 1975 by the Zeta Phi Beta Fraternal Sorority as the "Zeta Woman of the Year."

Rooted in the Bible and Christian doctrine, Mrs. Hartfield has returned her God-given musical talent to the Lord's service at Macedonia Missionary Baptist Church. Since her early childhood, Lavinia has provided musical inspiration to the congregation. Working tirelessly as the choir director, music coordinator, and gospel soloist she is presently carrying on the Lord's work as the assistant choir director.

Mr. Speaker, I ask the House of Representatives to join me in honoring Mrs. Lavinia Hartfield as she retires from active service with the International Free and Accepted Modern Masons and Order of the Eastern Star. Along with her husband of 47 years, Dr. Turner S. Hartfield, Lavinia Hartfield has served God, her community, her church and her family with zeal, compassion, and courage.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 7, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 8

9:30 a.m.
Joint Economic Committee
To hold hearings to examine the employment-unemployment situation for February 2002.
311, Cannon Building

10 a.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the U. S. Army Corps of Engineers and the Bureau of Reclamation, Department of the Interior.
SD–138

MARCH 11

1:30 p.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to examine the Central Intelligence Agency national intelligence estimate of foreign missile development and the ballistic missile threat through 2015.
SD–342

MARCH 12

9:30 a.m.
Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold hearings to examine environmental enforcement.
SD–406

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of State.
SD–138

Finance
To hold hearings to examine welfare reform issues.
SD–215

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine solutions for uninsured patients.
SD–430

2:30 p.m.

Armed Services

Emerging Threats and Capabilities Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on special operations military capabilities, operational requirements, and technology acquisition.

SR–222

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on S.1800, to strengthen and improve the management of national security, encourage Government service in areas of critical national security, and to assist government agencies in addressing deficiencies in personnel possessing specialized skills important to national security and incorporating the goals and strategies for recruitment and retention for such skilled personnel into the strategic and performance management systems of Federal agencies.

SD–342

Environment and Public Works

To hold hearings to examine the President's proposed budget request for fiscal year 2003 for the First Responder Initiative.

SD–406

MARCH 13

9:30 a.m.

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense Health Program.

SR–232A

Environment and Public Works

To hold hearings to examine the economic and environmental risks associated with increasing greenhouse gas emmissions.

SD–406

Governmental Affairs

To resume hearings to examine public health and natural resources, focusing on implementation of environmental laws.

SD–342

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.

SD–116

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine the worldwide connection between drugs and terrorism.

SD–226

Banking, Housing, and Urban Affairs

To hold oversight hearings on the implementation of the Transportation Equity Act for the 21st Century (105–178).

SD–538

10:30 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Library of Congress and the Congressional Research Service.

SD–124

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings on the nominations of Robert Watson Cobb, of Maryland, to be Inspector General, and Major General Charles F. Bolden, Jr., United States Marine Corps, to be Deputy Administrator, both of the National Aeronautics and Space Administration.

SR–253

Intelligence

To hold closed hearings to examine pending intelligence matters.

SH–219

MARCH 14

9:30 a.m.

Armed Services

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the atomic energy defense activities of the Department of Energy.

SH–216

Commerce, Science, and Transportation

To hold hearings to examine.

SR–253

Commerce, Science, and Transportation

To hold hearings on the proposed National Defense Interstate Rail Act.

SR–253

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.

345, Cannon Building

Judiciary

To hold hearings to examine competition, innovation, and public policy concerning digital creative works.

SD–226

2 p.m.

Veterans' Affairs

To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.

SR–418

Foreign Relations

To hold hearings on the nomination of Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia; the nomination of James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; and the nomination of Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg.

SD–419

MARCH 15

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Energy.

SD–138

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine the worldwide threat to United States interests (to be followed by closed hearings in SH–219).

SH–216

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.

SD–138

MARCH 20

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine identity theft and information protection.

SD–226

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345, Cannon Building

MARCH 21

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.

SD–116

APRIL 10

10:30 a.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

CANCELLATIONS

MARCH 19

9:30 a.m.

Armed Services

To hold hearings on worldwide threats to United States interests; to be followed by closed hearings (in Room SH–219).

SH–216

HOUSE OF REPRESENTATIVES—*Thursday, March 7, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, ever-attentive to our deepest needs, answer the prayers of the Members of Congress and bring them closer and closer to You.

Lord, once you draw souls close to You, people desire to hold on to Your presence, and so they pray. Then to give flesh and blood to prayerful sentiments and words they enter into the realm of self-denial. Finally, personal sacrifice, Lord, never seems worthwhile until it benefits another. So there are these three practices: prayer, fasting and acts of charity. The three are really one, giving life to each other as they bring us closer to You, O Lord.

When we deny ourselves food, drink and any portion of daily life, we gain an inner reminder of being poor and in need. To sincerely petition You, Lord, one needs to first have listened to the pleas of another. Once in the simplicity of heart a person can admit the little they have and still deny self just a portion, then that person has something to offer another from the heart, be that time or a cup of water.

Transform hearts, O Lord, by the Spirit of freedom and peace, then we will have something to offer the world, now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas (Mr. TIAHRT) come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agreed to the following resolution:

S. RES. 217

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Howard W. Cannon, formerly a Senator from the State of Nevada.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

The message also announced, that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 305. Concurrent Resolution permitting the use of the Rotunda of the Capitol for a ceremony to present a gold medal on behalf of Congress to former President Ronald Reagan and his wife Nancy Reagan.

The message also announced that pursuant to Public Law 85–874, as amended, the Chair, on behalf of the President of the Senate, appoints the Senator from Nevada (Mr. REID) to the Board of Trustees of the John F. Kennedy Center for the Performing Arts, vice the Senator from Mississippi (Mr. LOTT)

The message also announced that pursuant to Public Law 68–541, as amended by Public Law 102–246, the Chair, on behalf of the Majority Leader, in consultation with the Republican Leader, reappoints Bernard Rapoport of Texas as a member of the Library of Congress Trust Fund Board for a term of five years, upon the expiration of his current term on March 10, 2002.

CONGRATULATIONS TO MIAMI DADE COMMUNITY COLLEGE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate a special educational center located in my congressional district, Miami Dade Community College, which confers more degrees than any other college in the country. Run by Dr. Eduardo Padron, the college includes the much-acclaimed School of Aviation and Visitor Services.

The School of Aviation and Visitor Services provides three Associate in Science degrees: professional pilot technology, aviation administration, and aviation maintenance management. The school's programs provides workforce development, education, and training for South Florida's number one industry, travel and tourism.

The program is growing under the leadership of Harry Hoffman, the interim campus president; Dr. Joyce Crawford-Martinez, academic and student dean; Mario Guerrier, school director; and Marjan Mazza, the chairperson of the Eig-Watson School of Aviation.

Please join me in recognizing Miami Dade Community College's School of Aviation and Visitor Services, and especially Lois and Harvey Watson for their generous donation to the school, and Dr. Eduardo Padron for his unwavering dedication to academic excellence.

MEDICARE PRESCRIPTION DRUG BENEFIT

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Madam Speaker, I was pleased to read in Wednesday's New York Times that my Republican colleagues are working on a prescription drug benefit that will encourage the use of generic drugs.

In January, the gentlewoman from Missouri (Mrs. EMERSON) and I introduced a bipartisan bill in the House that would create a voluntary, but guaranteed, Medicare prescription drug benefit for all seniors. We call it Medicare Part D.

Under our plan, seniors would pay an affordable monthly premium, an annual $250 deductible, and a 20 percent co-pay on the cost of their medicine. This 20 percent co-pay will truly promote the use of lower-cost generic drugs and provide real savings for our seniors.

Our bill gives seniors the freedom to choose their pharmacy and their medicines.

Madam Speaker, the Emerson-Ross bill is a comprehensive, common-sense plan. I urge my colleagues to join us in supporting this bipartisan legislation that will truly modernize Medicare to include medicine for all seniors.

TRIBUTE TO NEVADAN SOLDIERS WHO DIED IN BATTLE AGAINST TERRORISM

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Madam Speaker, today I rise to recognize two Nevada heroes, heroes who recently lost their

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

lives in our Nation's war to defend freedom and defeat terrorism.

Private First Class Matthew Commons is one of the most recent casualties in our war against terrorism. A graduate of Boulder City High School, Pfc. Commons was killed Monday in the mountains of eastern Afghanistan.

Last month, our State mourned the loss of Army Specialist Jason Disney. A resident of Fallon, Nevada, and a graduate of Churchill County High School, Specialist Disney was the 20th American to die in the conflict of these young heroes.

Our sympathies and condolences go out to the families of these young men. Please know that Pfc. Commons and Specialist Disney will be missed, but that their courage, valor, and patriotism will never be forgotten.

May God bless these heroes and God bless all of our fellow Americans fighting for freedom and against terror.

STOP VIOLENCE AGAINST WOMEN

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise to highlight Lifetime television's campaign to Stop Violence Against Women. This violence crosses all economic, cultural, racial, religious and educational lines. It is a multi-faceted problem with no easy solution. But prevention through education and awareness is key to ending the cycle of abuse perpetuated against nearly one-third of American women.

I will soon introduce legislation to dramatically increase the scale of intervention by urging every health care provider to screen women, age 18 and older, for domestic violence. My bill would also provide health care professionals with the training needed to assess women for signs of abuse.

In the confidential environment of a doctor's office or clinic, health care professionals would serve as a bridge to the criminal justice system. Routine screening for domestic violence would unlock options a woman may not otherwise pursue and allow her to see that shelter and advocacy services may be useful to her.

Madam Speaker, I commend all who have worked unwaveringly to bring the issue of violence against women to the forefront.

DAY OF PRAYER FOR BURMA

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, for years the people of Burma have suffered horrifying brutality, torture, rape, forced labor and destruction of homes and villages. Entire communities are forced to live in hiding in the jungles without access to medical care or education for their children because the military dictatorship of Burma continues to attack villagers who refuse to allow drug production on their land or who will not bow to the illegitimate authority of the SPDC.

Approximately 300,000 Burmese are now refugees in Thailand, Bangladesh, and India. When Rev. David Eubank visited with Daw Aung San Suu Kyi, leader of the National League of Democracy in 1997, she suggested inviting churches from around the world to pray for the people of Burma.

Since then, people from all faith backgrounds around the world now join each March to pray for peace for the people of Burma.

Madam Speaker, I urge the American people and this body to join me in praying for freedom and peace for the people of Burma.

MOURNING ARI HALBERSTAM

(Mr. WEINER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WEINER. Madam Speaker, today is the twenty-third of Adar, 5762 on the Jewish calendar, the Yahrzeit, or anniversary, of the passing of Ari Halberstam. It was 8 years ago today that he died as a result of wounds suffered in a terrorist attack on the Brooklyn Bridge March 1, 1994.

America awakened to terrorism on September 11, but for years there were Imams in mosques in the United States, who were inciting hatred and glorifying terrorism. For years, there were voices trying to bring this to our attention, one of the loudest of which was Devorah Halberstam, the mother of Ari. When she was told that her son's death was a result of simple road rage, she refused to let the authorities whitewash history. It was not just because of her son, it was because she realized back then what so many of us did not realize until September 11, that terrorism can happen in the United States and that, unless we are willing to confront terrorism, we are doomed to see it happen again.

On December 5, 2000, the FBI finally classified Ari's death as a terrorist incident. While it was heartening to see that they had abandoned their dogmatic view, this was a hollow victory. For 6 years, the FBI did not admit what it truly was. So today, as the candles burn in honor of Ari Halberstam, let us pause to remember the boy who was taken from us and let us stop to think of the lessons we should learn and let us pray that we have the wisdom to prevent attacks such as these from happening again.

CONGRESS PRAYS FOR MARTIN AND GRACIA BURNHAM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Madam Speaker, today marks day 285 that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

Yesterday, in a video made by the Abu Sayyaf group, the Muslim terrorists, they confirmed their direct connection to the al Qaeda. Martin Burnham was forced to read a statement of grievances by the Muslims. The terrorists, through Martin, said they were targeting Americans and Europeans.

Martin and Gracia are innocent Americans, God-fearing people who are simply trying to make the world a better place. In a recent letter from Paul and Oreta Burnham, Martin's parents, they wrote, "We pray that we will soon be able to pass on to you good news of Martin and Gracia's release, but until then continue praying and believing God will see their release and being reunited again with their family."

At a time when the Nation is directly confronting terrorists in Afghanistan, contending with recession and unemployment and quietly fearing an additional attack, it would be easy to lose faith. I encourage our citizens to look at the strength exhibited by the Burnham family. Their plight is grave, but their enduring optimism and faith in God is a beacon of hope for us all.

Please join me in praying for Martin and Gracia's safe release, for the welfare of their family and friends, and for all of us that we share the Burnham's strong faith and use it to make our world a better place.

BALTIMORE ZOO WELCOMES ALASKA

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, at times it seems that so much that we deal with on this floor is beyond our control. Yet it seems that there are small steps that we can take to make a difference.

One such step is a livable community promotes humane treatment of animals, whether in our community or the wild. Wild animals, such as polar bears, should be allowed to remain in their natural habitat and be contained only in spaces that directly replicate their natural environment, such as accredited zoos.

Many have been appalled at the polar bears languishing in sweltering temperatures in the Suarez Brothers Circus in Puerto Rico. I am happy to report that yesterday U.S. marshals and agents with the U.S. Fish and Wildlife

Service rescued Alaska, one of the polar bears. It turns out that the origins and identity of this polar bear may have been false on the Suarez Brothers' import permit obtained when entering the United States. If true, the circus would be violating international and domestic wildlife protection laws.

I applaud the U.S. Fish and Wildlife Service for taking this action. I understand that Alaska will be housed at the Baltimore Zoo, and I think we can look forward to welcoming her to a safe and healthy environment. We can only hope the other six will be spared a life of misery performing circus tricks in tropical climates.

□ 1015

RECOGNIZING VOLUNTEER EFFORTS OF NATIONAL ROOFING CONTRACTORS ASSOCIATION TO REBUILD PENTAGON ROOF

(Mr. GARY G. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARY G. MILLER of California. Madam Speaker, I rise to recognize the small roofing contracting companies who have donated labor, funds and supplies to rebuild over an acre of the Pentagon's roof.

On September 11, the Pentagon experienced severe structural damage when terrorists flew American Airlines Flight 77 into the building. The massive fire caused by thousands of gallons of jet fuel destroyed over 40,000 square feet of the slate roof.

At the urging of Northern Virginia Roofing, a contracting company owned by a husband and wife team in Falls Church, Virginia, the National Roofing Contractors Association negotiated an agreement with the Department of Defense to give the Pentagon a new roof. To date, nearly $400,000 in cash and supplies has been raised by small roofing contracting companies who felt compelled to defeat the terrorists in their own special way.

INTERNATIONAL WOMEN'S DAY

(Ms. BALDWIN asked and was given permission to address the House for 1 minute.)

Ms. BALDWIN. Madam Speaker, tomorrow is International Women's Day. This is a day when women from all countries come together to celebrate a common struggle for justice, equality, and peace. It is a day that celebrates the acts of bravery and determination by ordinary women who have played an extraordinary role in the history of women's rights.

Women have made incredible progress in the last 9 decades since the first International Women's Day was celebrated. However, we are still seeing overwhelming numbers of acts of violence against women. Worldwide, domestic battery is epidemic, and it is estimated that one of every three women and girls has been beaten or sexually assaulted in her lifetime. We must reaffirm our commitment to ending discrimination and violence against women.

Those who say that ending domestic violence is impossible need only look at the progress made in Afghanistan to know that we can make a difference. On this International Women's Day, we should be proud of the progress we have made, but recommit to end violence everywhere.

MOURNING LOSS OF MITCH TYLER, HOKE COUNTY, NORTH CAROLINA, SUPERINTENDENT OF SCHOOLS

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Madam Speaker, I rise today to join Hoke County, North Carolina, in mourning the loss of one of our most respected citizens, Superintendent of Schools Mitch Tyler. At the age of 46, Mitch was taken from us far too early, and we will feel the loss to our community for years to come. Mitch had been superintendent for less than 2 years, but his more than 20 years in education, from the State and university levels to Hoke and Cumberland County, made him a well-known, trusted figure and a respected role model.

Mitch, a Robeson County native, started his career in Hoke County. He was a teacher or administrator at West Hoke Elementary, J.W. McLauchlin Elementary and the Turlington School. From 1989 to 1992, he was principal of Hoke County High School. He also worked as a coordinator of Hoke County's Indian education program, a senior assistant to State Superintendent Mike Ward and a director of the University of North Carolina at Pembroke where he was a liaison to region schools.

He was a tireless and selfless advocate for children and an enthusiastic consensus-builder encouraging camaraderie, teamwork, and self-respect among teachers and staff. They knew they could trust his word and that he would do things right. Mitch was also a man of faith who served as assistant pastor and Sunday school teacher at Shannon Assembly of God.

Today we mourn the loss of Mitch Tyler, a man of great character and a leader who always strived to do what was best for children. Barbara and I join the Hoke County community in prayer for Mitch's wife and two teenage children as they grieve the loss of husband and father. Yet we celebrate the life of one who lived so well. Our thoughts and prayers are with you.

COMMEMORATING 50TH ANNIVERSARY OF FAITH COMMUNITY CREDIT UNION

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Madam Speaker, I rise this morning to celebrate the 50th anniversary of Faith Community Credit Union. Faith Community Credit Union is headed by my good friend, Rita Haynes; and in the 50 years of this credit union, this credit union has come from a small church credit union to being a community credit union where they now in fact have the opportunity to administer Small Business Administration loans to small businesses in our communities.

Last week I had the opportunity to address the National Credit Union Association, and I was introduced by my good friend Rita Haynes. I want to celebrate the great work that the Faith Community Credit Union has done for our community. It has even taken the step of trying to provide loans for people who are being subjected to predatory lenders and those payday loans that you have seen all over the TV where people come in and say to you, get a loan this week and you can pay it off next week with next week's check, and then what do you do with the money that you do not have at that time?

I am so pleased that credit unions are stepping in where many other financial institutions have stepped out. I again rise to celebrate Faith Community Credit Union's 50th anniversary.

SUSAN B. ANTHONY

(Mrs. MYRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MYRICK. Madam Speaker, I rise today to honor Susan B. Anthony and her contributions to the struggle for women's rights many, many years ago.

March is Women's History Month and the perfect time to recognize this incredible woman who truly shaped our country's history and society. She remains one of our Nation's greatest champions, not just for the rights of women but for the rights of all Americans. In addition to the work she did for women and women's rights, she was a leading advocate against the evil of slavery in her day.

Another piece of her legacy that is often brushed over but equally important is her commitment to the rights of unborn children. She opposed abortion because she championed equal rights for all. She did not see a difference in fighting for women's rights and protecting the right to life for all children. She fought for both.

As we think back on Susan B. Anthony's tireless work to promote the dignity of all life, let us renew our own commitment to fight for equal rights, especially for unborn children who have no voice to fight for themselves.

AIRLINE SAFETY

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Madam Speaker, I rise to inform my colleagues that when they get on their airplanes this evening or tomorrow morning, it is highly, highly unlikely that the checked baggage that will go into the belly of their airplanes will be checked for explosives. Despite the passage of 4 months after this House and the other Chamber and the President signed into law a requirement that 100 percent of all the checked baggage be screened for bombs, not one single bomb-detection piece of equipment in response to that legislation has been installed in an American airport. The reason for that is that finally, 6 months after September 11, the Federal Government finally this week got around to placing an order for the first 100, about 5 percent of what we need, of these machines to get this job done. We have to buy 2,000 of these machines to get this job done, and 6 months after this event the Federal Government still has only ordered 100.

We want to urge the administration to act with greater dispatch to meet this 100 percent target. We were told this week the Inspector General said the target of December will not be met. We want to make sure the administration moves and moves quickly. We need to get this job done.

WELFARE REFORM

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to endorse welfare reform in America. There was an excellent lead editorial this week in the Carolina Morning News of Savannah dated March 4, and I quote:

"The 1996 welfare reform bill, passed by a Republican Congress and signed by President Clinton, stands as one of the great social policy successes of the last 50 years. It was to the cycle of dependency on the dole what the collapse of the Berlin Wall was to communism, both literally and symbolically."

America provides more opportunities to its people than any other country in the world, and our educational system and entrepreneurial spirit are unmatched. Therefore, we should work with President Bush to ensure all Americans have jobs and can fulfill themselves to the highest of their abilities.

Madam Speaker, as the newest member of the Welfare Reform Action Team, I am confident, working together, we can assist more and more people to achieve the American dream. I fully support welfare reforms that will accomplish this important task.

CBO PREDICTS SURPLUS FOR 2003

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, the $74 billion Bush tax relief plan is already yielding benefits in the form of accelerated economic activity. According to yesterday's estimates from the Congressional Budget Office, higher economic growth added $23 billion to Federal revenue in fiscal year 2002 and $16 billion in fiscal year 2003. Congress' nonpartisan analysts now show a $5 billion surplus in fiscal year 2002; and if we exercise fiscal discipline as we consider new programs and set the budget targets, this new revenue brings a balanced budget within reach for fiscal year 2003.

That is good surplus news. CBO is changing budget estimates released just 2 months ago. I applaud their quick response to new economic information. However, we need to do more. We need real-world budget estimates that incorporate the effects of economic incentives on proposed policy changes. We need to hold our budget analysts accountable every year for the difference between what they have told us would happen and what actually happened. With that, we can improve future budget projections and make sure this economy is rolling again.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Ms. PRYCE of Ohio. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 360 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 360

Resolved, That upon adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3090) to provide tax incentives for economic recovery, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion to final adoption without intervening motion.

The SPEAKER pro tempore (Mrs. EMERSON). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS) pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 360 provides for a single motion offered by the chairman of the Committee on Ways and Means, or his designee, that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying the resolution. This resolution waives all points of order against consideration of the motion to concur in the Senate amendment with an amendment. It provides an hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. Finally, the resolution provides that the previous question shall be considered as ordered on the motion to final adoption without intervening motion.

Madam Speaker, this is this body's fourth attempt to find the middle ground. This is the House's fourth attempt to address the needs of unemployed Americans and to provide a needed boost to our economy. This House is putting forth a solution in order to build a consensus.

The amendment made in order under this resolution includes special depreciation allowances for certain property and a 5-year carryback of net operating losses. If we help businesses, we help create much needed jobs. It provides an additional 13 weeks of temporary extended unemployment benefits for those who have exhausted their regular benefits. It includes the liberty zone tax benefits for reconstruction of New York City. Finally, it extends a number of expiring, yet very important, provisions such as tax credits for electric vehicles, the welfare-to-work tax credit, the Archer medical savings accounts, tax credits for production of alternative energy sources, work opportunity tax credits, temporary assistance to needy families, or TANF, and that is to name just a few.

Madam Speaker, while the economy is currently showing strong signs of recovery, many workers still face the harsh realities of unemployment. The economic downturn that began at the end of the year 2000 and that was exacerbated by the tragic events of September 11 left many Americans unexpectedly out of work.

☐ 1030

We need to make sure this economy moves in the right direction and that these folks get the help that they need.

By adopting this motion, we will give crucial assistance to Americans who, through no fault of their own, were separated from their occupations, and will ensure that these Americans can care for their loved ones, keep their homes, and feed their children. I urge Members not to turn their backs on American workers, because it is their entrepreneurship, their risk-taking, and their strong work ethic that are driving the forces behind the greatest economy in all the world.

Accordingly, I urge my colleagues to support this rule and the motion to be offered by the gentleman from California (Mr. THOMAS). It is our hope that the other body will accept this initiative so that we can quickly move this important legislation to the President's desk for his signature.

We need to get unemployed Americans the help they need and deserve, not only in the form of extended benefits; but also it is essential that we get them jobs.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Speaker, I yield myself such time as I may consume.

Mr. HASTINGS of Florida. First, Madam Speaker, let me thank the gentlewoman from Ohio (Ms. PRYCE), my colleague and friend, for yielding me this time.

Madam Speaker, I do not plan to take much time this morning. This House well knows the views of many of us, and I certainly have expressed my views on the topic of economic recovery, job growth stimulation, and tax cuts and credits.

The amendment which we focus on this morning is fairly narrow and straightforward. It extends unemployment benefits for 13 weeks for those workers whose benefits are set to expire within the next several weeks. This amendment also includes a number of incentives for reconstruction efforts centered around Ground Zero in New York City and extends the Temporary Assistance to Needy Families supplemental grants program.

Frankly, I feel proud that we can get this assistance to these workers, and my colleagues on the other side are to be complimented in that regard, and to those who are doing all they can to assist in the revitalization of New York City.

Candidly, Madam Speaker, I am less proud, however, of what this Congress still has not done for the rest of the country and all those who have been impacted as a result of the events of September 11. I note again, as I did yesterday in the Committee on Rules, and as I have done a multiplicity of times since not long after September 11, this Congress has not done nearly enough to help those whose economic livelihood has been severely devastated since the terrorist attacks of 6 months ago.

On September 24, barely 2 weeks after the attacks, the gentlewoman from Pennsylvania (Ms. HART) and I introduced a comprehensive measure to help this country's workers. Our bill, H.R. 2946, would not only extend unemployment benefits, it would also increase job training opportunities and extend health care and insurance benefits to those who desperately need it.

Now, 5 months and nearly 160 bipartisan cosponsors later, the House has still not acted on the Hart-Hastings bill. We are doing a little this morning. But let me say this with the certainty of a clarion: we have not done enough.

I will continue to say we have not done enough until we do. I will continue to ask the chairman of the Committee on Ways and Means, and I will continue to ask the chairman of the Committee on Education and the Workforce and I will continue to ask the chairman of the Committee on Commerce to move the Hastings-Hart bill through their respective committees with alacrity and bring it to the House floor at once.

Madam Speaker, near the end of this debate, I will call on my colleagues to defeat the previous question. If the previous question is defeated, I will offer an amendment to the rule that would allow the House to vote on an amendment to provide States with a temporary increase in their Medicaid matching rate because of the increased number of people who are unemployed and, therefore, do not have health insurance. As I noted a moment ago, millions of American jobs have been lost since September 11. Far too often, with that job loss, comes the loss of health insurance.

When people get sick, they still need care, whether they can pay for it or not. The cost of this care often falls on the State through its Medicaid program. Our amendment would greatly ease the increased financial burden that many States and certainly my State of Florida now faces.

Madam Speaker, I urge a "no" vote on the previous question; and if the previous question is defeated, as I indicated, I will offer an amendment to the rule that will allow the House to vote on an amendment to provide States with a temporary increase in their Medicaid matching rate. As I said a few minutes ago, it has been nearly 6 months since the events of September 11.

Our economy, which is already in an economic downturn, has worsened considerably. The cost of this care often falls on States through its Medicaid program. This amendment will greatly ease the increased financial burden that many States now face.

Madam Speaker, I urge a "no" vote on the previous question and a vote instead to support an amendment that will help States to offset the cost of increased health costs due to the high levels of unemployment.

PREVIOUS QUESTION FOR H. RES. 360—ECONOMIC SECURITY AND RECOVERY ACT OF 2001

Strike all after the resolving clause and insert:

That upon the adoption of this resolution it shall be in order to take from the Speaker's table the bill (H.R. 3090) to provide tax incentives for economic recovery, with the Senate amendment thereto, and to consider in the House, without intervention of any point of order, a motion offered by the Chairman of the Committee on Ways and Means or his designee that the House concur in the Senate amendment with the amendment printed in the report of the Committee on Rules accompanying this resolution. The Senate amendment and the motion shall be considered as read. The motion shall be debatable for one hour equally divided and controlled by the Chairman and ranking minority member of the Committee on Ways and Means. The previous question shall be considered as ordered on the motion and on any amendment thereto to final adoption without intervening motion except the amendment specified in section 2 if offered by Representative Rangel of New York or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent.

SEC. 2. The amendment referred to in the first section of this resolution is as follows:

At the appropriate place, insert the following:

SEC. . TEMPORARY INCREASES OF MEDICAID FMAP FOR FISCAL YEAR 2002.

(a) PERMITTING MAINTENANCE OF FISCAL YEAR 2001 FMAP.—Nothwithstanding any other provision of law, but subject to subsection (d), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for fiscal year 2002, before the application of this section.

(b) GENERAL 1.50 PERCENTAGE POINTS INCREASE.—Notwithstanding any other provision of law, but subject to subsections (d) and (e), for each State for each calendar quarter in fiscal year 2002, the FMAP (taking into account the application of subsection (a)) shall be increased by 1.50 percentage points.

(c) FURTHER INCREASE FOR STATES WITH HIGH UNEMPLOYMENT RATES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to subsections (d) and (e), the FMAP for a high unemployment State for a calendar quarter in fiscal year 2002 (and any subsequent calendar quarter in such fiscal year regardless of whether the State continues to be a high unemployment State for a calendar quarter in such fiscal year) shall be increased (after the application of subsections (a) and (b)) by 1.50 percentage points.

(2) HIGH UNEMPLOYMENT STATE.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive month period beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(3) AVERAGE WEIGHTED UNEMPLOYMENT RATE DEFINED.—For purposes of paragraph (2), the

average weighted unemployment rate for a period is—

(A) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period, divided by

(B) the sum of the civilian labor force in each State and the District of Columbia for the period.

(d) 1-Year Increase in Cap on Medicaid Payments to Territories.—Notwithstanding any other provision of law, with respect to fiscal year 2002, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 3.093 percentage points of such amounts.

(e) Scope of Application.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); and

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

Madam Speaker, I yield back the balance of my time.

Ms. PRYCE of Ohio. Madam Speaker, I yield myself such time as I may consume to remind my colleagues that this body has done its job. It has looked for consensus, and it has found a solution. This motion to help unemployed workers as they look for jobs will give a boost to them and also a small boost to the businesses that can help create those jobs. I urge my colleagues to support this rule and the underlying motion so that it can be sent finally to the President for his signature.

Madam Speaker, I urge a "yes" vote, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mrs. Emerson). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 192, not voting 25, as follows:

[Roll No. 51]

YEAS—217

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—192

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Woolsey
Wu
Wynn

NOT VOTING—25

Ackerman
Barton
Bentsen
Blagojevich
Brown (FL)
Calvert
Condit
Crowley
Cubin
Culberson
Davis (IL)
Gallegly
Jackson-Lee (TX)
Johnson (IL)
Lofgren
Morella
Neal
Ross
Rothman
Sanchez
Simmons
Solis
Traficant
Wexler
Young (AK)

□ 1102

Ms. VELÁZQUEZ, Ms. ESHOO, Ms. HOOLEY of Oregon and Messrs. STUPAK, BISHOP, and JOHN changed their vote from "yea" to "nay".

Mr. EVERETT and Mr. CASTLE changed their vote from "nay" to "yea".

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 51 on ordering the previous question I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mrs. Emerson). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMAS. Madam Speaker, pursuant to House Resolution 360 I call up from the Speaker's table the bill (H.R. 3090) to provide tax incentives for economic recovery, with a Senate amendment thereto, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of the Senate amendment is as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Federal-State agreements.
Sec. 3. Temporary extended unemployment compensation account.
Sec. 4. Payments to States having agreements under this Act.
Sec. 5. Financing provisions.
Sec. 6. Fraud and overpayments.
Sec. 7. Definitions.
Sec. 8. Applicability.

SEC. 2. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this Act with the Secretary of Labor (in this Act referred to as the "Secretary"). Any State which is a party to an agreement under this Act may, upon providing 30 days written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals—

(1) who—

(A) first exhausted all rights to regular compensation under the State law on or after the first day of the week that includes September 11, 2001; or

(B) have their 26th week of regular compensation under the State law end on or after the first day of the week that includes September 11, 2001;

(2) who do not have any rights to regular compensation under the State law of any other State; and

(3) who are not receiving compensation under the unemployment compensation law of any other country.

(c) COORDINATION RULES.—

(1) TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION TO SERVE AS SECOND-TIER BENEFITS.—Notwithstanding any other provision of law, neither regular compensation, extended compensation, nor additional compensation under any Federal or State law shall be payable to any individual for any week for which temporary extended unemployment compensation is payable to such individual.

(2) TREATMENT OF OTHER UNEMPLOYMENT COMPENSATION.—After the date on which a State enters into an agreement under this Act, any regular compensation in excess of 26 weeks, any extended compensation, and any additional compensation under any Federal or State law shall be payable to an individual in accordance with the State law after such individual has exhausted any rights to temporary extended unemployment compensation under the agreement.

(d) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1)(A), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because the individual has received all regular compensation available to the individual based on employment or wages during the individual's base period; or

(2) the individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(e) WEEKLY BENEFIT AMOUNT, TERMS AND CONDITIONS, ETC. RELATING TO TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.—For purposes of any agreement under this Act—

(1) the amount of temporary extended unemployment compensation which shall be payable to an individual for any week of total unemployment shall be equal to the amount of regular compensation (including dependents' allowances) payable to such individual under the State law for a week for total unemployment during such individual's benefit year;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except where inconsistent with the provisions of this Act or with the regulations or operating instructions of the Secretary promulgated to carry out this Act; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 3 shall not exceed the amount established in such account for such individual.

SEC. 3. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this Act shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to 13 times the individual's weekly benefit amount.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of paragraph (1)(B), an individual's weekly benefit amount for any week is an amount equal to the amount of regular compensation (including dependents' allowances) under the State law payable to the individual for such week for total unemployment.

SEC. 4. PAYMENTS TO STATES HAVING AGREEMENTS UNDER THIS ACT.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this Act an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) DETERMINATION OF AMOUNT.—Sums under subsection (a) payable to any State by reason of such State having an agreement under this Act shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this Act for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

(c) ADMINISTRATIVE EXPENSES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this Act.

SEC. 5. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a))), and the Federal unemployment account (as established by section 904(g) of such Act (42 U.S.C. 1104(g))), of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a))) shall be used, in accordance with subsection (b), for the making of payments (described in section 4(a)) to States having agreements entered into under this Act.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums described in section 4(a) which are payable to such State under this Act. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification by transfers from the extended unemployment compensation account, as so established (or, to the extent that there are insufficient funds in that account, from the Federal unemployment account, as so established) to the account of such State in the Unemployment Trust Fund (as so established).

SEC. 6. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received any temporary extended unemployment compensation under this Act to which such individual was not entitled, such individual—

(1) shall be ineligible for any further benefits under this Act in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received any temporary extended unemployment compensation under this Act to which such individuals were not entitled, the State shall require such individuals to repay those benefits to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such benefits was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any regular compensation or temporary extended unemployment compensation payable to such individual under this Act or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which such individuals were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent

as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 7. DEFINITIONS.

In this Act, the terms “compensation”, “regular compensation”, “extended compensation”, “additional compensation”, “benefit year”, “base period”, “State”, “State agency”, “State law”, and “week” have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 8. APPLICABILITY.

An agreement entered into under this Act shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 6, 2003.

MOTION OFFERED BY MR. THOMAS

Mr. THOMAS. Madam Speaker, I offer a motion.

The SPEAKER pro tempore. The Clerk will designate the motion.

The text of the motion is as follows:

Mr. THOMAS moves that the House concur in the Senate amendment with an amendment, as follows:

In the amendment of the Senate, strike the matter proposed to be inserted by the Senate and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Job Creation and Worker Assistance Act of 2002”.

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—BUSINESS PROVISIONS

Sec. 101. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.
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TITLE II—UNEMPLOYMENT ASSISTANCE

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TITLE IV—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

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Sec. 402. Excluded cancellation of indebtedness income of S corporation not to result in adjustment to basis of stock of shareholders.
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Sec. 411. Amendments related to Economic Growth and Tax Relief Reconciliation Act of 2001.
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TITLE V—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

Sec. 501. No impact on social security trust funds.
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TITLE VI—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

Sec. 601. Allowance of nonrefundable personal credits against regular and minimum tax liability.
Sec. 602. Credit for qualified electric vehicles.
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Sec. 607. Taxable income limit on percentage depletion for oil and natural gas produced from marginal properties.
Sec. 608. Qualified zone academy bonds.
Sec. 609. Cover over of tax on distilled spirits.
Sec. 610. Parity in the application of certain limits to mental health benefits.
Sec. 611. Temporary special rules for taxation of life insurance companies.
Sec. 612. Availability of medical savings accounts.
Sec. 613. Incentives for Indian employment and property on Indian reservations.
Sec. 614. Subpart F exemption for active financing.
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Sec. 617. 1-year extension of contingency fund under the TANF program.

TITLE I—BUSINESS PROVISIONS

SEC. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has a recovery period of 20 years or less,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is water utility property, or

“(IV) which is qualified leasehold improvement property,

“(ii) the original use of which commences with the taxpayer after September 10, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

“(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

“(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified property’ includes property—

“(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

“(II) which has a recovery period of at least 10 years or is transportation property, and

“(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

“(ii) ONLY PRE-SEPTEMBER 11, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

“(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

“(C) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) Qualified New York Liberty Zone Leasehold Improvement Property.—The term 'qualified property' shall not include any qualified New York Liberty Zone leasehold improvement property (as defined in section 1400L(c)(2)).

"(iii) Election out.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(D) Special rules.—

"(i) Self-constructed property.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

"(ii) Sale-leasebacks.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(E) Coordination with section 280F.—For purposes of section 280F—

"(i) Automobiles.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) Listed property.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(F) Deduction allowed in computing minimum tax.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

"(3) Qualified leasehold improvement property.—For purposes of this subsection—

"(A) In general.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) Definitions and special rules.—For purposes of this paragraph—

"(i) Commitment to lease treated as lease.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) Related persons.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection."

(b) Effective Date.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 102. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) In General.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) In the case of a taxpayer which has a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.".

(b) Election To Disregard 5-Year Carryback.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

"(j) Election To Disregard 5-Year Carryback for Certain Net Operating Losses.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) Temporary Suspension of 90 Percent Limit on Certain NOL Carryovers.—

(1) In general.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

"(A) the amount of such deduction shall not exceed the sum of—

"(i) the lesser of—

"(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carryovers described in clause (ii)(I)), or

"(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

"(ii) the lesser of—

"(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses for taxable years ending during 2001 or 2002 and carryforwards of net operating losses to taxable years ending during 2001 and 2002, or

"(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and".

(2) Effective date.—The amendment made by this subsection shall apply to taxable years ending before January 1, 2003.

(d) Effective Date.—Except as provided in subsection (c), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2000.

TITLE II—UNEMPLOYMENT ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

SEC. 202. FEDERAL-STATE AGREEMENTS.

(a) In General.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) Provisions of Agreement.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) Exhaustion of Benefits.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) Weekly Benefit Amount, Etc.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 203 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 203. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970; or

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking "5" each place it appears and inserting "4".

SEC. 204. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 205. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 206. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 207. DEFINITIONS.

In this title, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 208. APPLICABILITY.

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

SEC. 209. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) Repeal of Certain Provisions Added by the Balanced Budget Act of 1997.—

(1) In general.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) Savings provision.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) Special Transfer in Fiscal Year 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

"Special Transfer in Fiscal Year 2002

"(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

"(2)(A) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

"(i) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

"(I) section 209(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

"(II) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

"(ii) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

"(B) Notwithstanding the provisions of subparagraph (A)—

"(i) the aggregate amount transferred to the States under this subsection may not exceed a total of $8,000,000,000; and

"(ii) all amounts determined under subparagraph (A) shall be reduced ratably, if and to the extent necessary in order to comply with the limitation under clause (i).

"(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

"(i) to individuals with respect to their unemployment, and

"(ii) which are allowable under subparagraph (B) or (C).

"(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

"(I) regular compensation, or

"(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

"(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

"(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

"(iii) The categories of individuals described in this clause include the following:

"(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

"(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

"(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

"(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

"(5) Transfers under this subsection shall be made within 10 days after the date of enactment of this paragraph.".

(c) Limitations on Transfers.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting "the transfer date described in subsection (d)(5)" for "October 1 of any fiscal year".

(2) By substituting "remain in the Federal unemployment account" for "be transferred to the Federal unemployment account as of the beginning of such October 1".

(3) By substituting "fiscal year 2002 (after the transfer date described in subsection (d)(5))" for "the fiscal year beginning on such October 1".

(4) By substituting "under subsection (d)" for "as of October 1 of such fiscal year".

(5) By substituting "(as of the close of fiscal year 2002)" for "(as of the close of such fiscal year)".

(d) Technical Amendments.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting "or 903(d)(4)" before "of the Social Security Act".

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting "or 903(d)(4)" after "903(c)(2)".

(e) Regulations.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE III—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

SEC. 301. TAX BENEFITS FOR AREA OF NEW YORK CITY DAMAGED IN TERRORIST ATTACKS ON SEPTEMBER 11, 2001.

(a) In General.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter Y—New York Liberty Zone Benefits

"Sec. 1400L. Tax benefits for New York Liberty Zone.

"SEC. 1400L. TAX BENEFITS FOR NEW YORK LIBERTY ZONE.

"(a) Expansion of Work Opportunity Tax Credit.—

"(1) In general.—For purposes of section 51, a New York Liberty Zone business employee shall be treated as a member of a targeted group.

"(2) New york liberty zone business employee.—For purposes of this subsection—

"(A) In general.—The term 'New York Liberty Zone business employee' means, with respect to any period, any employee of a New York Liberty Zone business if substantially all the services performed during such period by such employee for such business are performed in the New York Liberty Zone.

"(B) Inclusion of certain employees outside the new york liberty zone.—

"(i) In general.—In the case of a New York Liberty Zone business described in subclause (II) of subparagraph (C)(i), the term 'New York Liberty Zone business employee' includes any employee of such business (not described in subparagraph (A)) if substantially all the services performed during such period by such employee for such business are performed in the City of New York, New York.

"(ii) Limitation.—The number of employees of such a business that are treated as New York Liberty zone business employees on any day by reason of clause (i) shall not exceed the excess of—

"(I) the number of employees of such business on September 11, 2001, in the New York Liberty Zone, over

"(II) the number of New York Liberty Zone business employees (determined without regard to this subparagraph) of such business on the day to which the limitation is being applied.

The Secretary may require any trade or business to have the number determined under subclause (I) verified by the New York State Department of Labor.

"(C) New york liberty zone business.—

"(i) In general.—The term 'New York Liberty Zone business' means any trade or business which is—

"(I) located in the New York Liberty Zone, or

"(II) located in the City of New York, New York, outside the New York Liberty Zone, as a result of the physical destruction or damage of such place of business by the September 11, 2001, terrorist attack.

"(ii) Credit not allowed for large businesses.—The term 'New York Liberty Zone business' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

"(D) Special rules for determining amount of credit.—For purposes of applying subpart F of part IV of subchapter B of this chapter to wages paid or incurred to any New York Liberty Zone business employee—

"(i) section 51(a) shall be applied by substituting 'qualified wages' for 'qualified first-year wages',

"(ii) the rules of section 52 shall apply for purposes of determining the number of employees under subparagraph (B),

"(iii) subsections (c)(4) and (i)(2) of section 51 shall not apply, and

"(iv) in determining qualified wages, the following shall apply in lieu of section 51(b):

"(I) QUALIFIED WAGES.—The term 'qualified wages' means wages paid or incurred by the employer to individuals who are New York Liberty Zone business employees of such employer for work performed during calendar year 2002 or 2003.

"(II) ONLY FIRST $6,000 OF WAGES PER CALENDAR YEAR TAKEN INTO ACCOUNT.—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed $6,000 per calendar year.

"(b) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified New York Liberty Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified New York Liberty Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified New York Liberty Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property, or residential rental property, which is described in subparagraph (B),

"(ii) substantially all of the use of which is in the New York Liberty Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the New York Liberty Zone commences with the taxpayer after September 10, 2001,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after September 10, 2001, but only if no written binding contract for the acquisition was in effect before September 11, 2001, and

"(v) which is placed in service by the taxpayer on or before the termination date.

The term 'termination date' means December 31, 2006 (December 31, 2009, in the case of nonresidential real property and residential rental property).

"(B) ELIGIBLE REAL PROPERTY.—Nonresidential real property or residential rental property is described in this subparagraph only to the extent it rehabilitates real property damaged, or replaces real property destroyed or condemned, as a result of the September 11, 2001, terrorist attack. For purposes of the preceding sentence, property shall be treated as replacing real property destroyed or condemned if, as part of an integrated plan, such property replaces real property which is included in a continuous area which includes real property destroyed or condemned.

"(C) EXCEPTIONS.—

"(i) 30 PERCENT ADDITIONAL ALLOWANCE PROPERTY.—Such term shall not include property to which section 168(k) applies.

"(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified New York Liberty Zone property' shall not include any property described in section 168(k)(2)(C)(i).

"(iii) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—Such term shall not include any qualified New York Liberty Zone leasehold improvement property.

"(iv) ELECTION OUT.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(C)(iii) shall apply.

"(D) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(D) shall apply, except that clause (i) thereof shall be applied without regard to 'and before September 11, 2004'.

"(E) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(F) shall apply.

"(c) 5-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.—

"(1) IN GENERAL.—For purposes of section 168, the term '5-year property' includes any qualified New York Liberty Zone leasehold improvement property.

"(2) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this section, the term 'qualified New York Liberty Zone leasehold improvement property' means qualified leasehold improvement property (as defined in section 168(k)(3)) if—

"(A) such building is located in the New York Liberty Zone,

"(B) such improvement is placed in service after September 10, 2001, and before January 1, 2007, and

"(C) no written binding contract for such improvement was in effect before September 11, 2001.

"(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—The applicable depreciation method under section 168 shall be the straight line method in the case of qualified New York Liberty Zone leasehold improvement property.

"(4) 9-YEAR RECOVERY PERIOD UNDER ALTERNATIVE SYSTEM.—For purposes of section 168(g), the class life of qualified New York Liberty Zone leasehold improvement property shall be 9 years.

"(d) TAX-EXEMPT BOND FINANCING.—

"(1) IN GENERAL.—For purposes of this title, any qualified New York Liberty Bond shall be treated as an exempt facility bond.

"(2) QUALIFIED NEW YORK LIBERTY BOND.—For purposes of this subsection, the term 'qualified New York Liberty Bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs, .

"(B) such bond is issued by the State of New York or any political subdivision thereof,

"(C) the Governor or the Mayor designates such bond for purposes of this section, and

"(D) such bond is issued after the the date of the enactment of this section and before January 1, 2005.

"(3) LIMITATIONS ON AMOUNT OF BONDS.—

"(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection shall not exceed $8,000,000,000, of which not to exceed $4,000,000,000 may be designated by the Governor and not to exceed $4,000,000,000 may be designated by the Mayor.

"(B) SPECIFIC LIMITATIONS.—The aggregate face amount of bonds issued which are to be used for—

"(i) costs for property located outside the New York Liberty Zone shall not exceed $2,000,000,000,

"(ii) residential rental property shall not exceed $1,600,000,000, and

"(iii) costs with respect to property used for retail sales of tangible property and functionally related and subordinate property shall not exceed $800,000,000.

The limitations under clauses (i), (ii), and (iii) shall be allocated proportionately between the bonds designated by the Governor and the bonds designated by the Mayor in proportion to the respective amounts of bonds designated by each.

"(C) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified project costs' means the cost of acquisition, construction, reconstruction, and renovation of—

"(i) nonresidential real property and residential rental property (including fixed tenant improvements associated with such property) located in the New York Liberty Zone, and

"(ii) public utility property (as defined in section 168(i)(10)) located in the New York Liberty Zone.

"(B) COSTS FOR CERTAIN PROPERTY OUTSIDE ZONE INCLUDED.—Such term includes the cost of acquisition, construction, reconstruction, and renovation of nonresidential real property (including fixed tenant improvements associated with such property) located outside the New York Liberty Zone but within the City of New York, New York, if such property is part of a project which consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings.

"(5) SPECIAL RULES.—In applying this title to any qualified New York Liberty Bond, the following modifications shall apply:

"(A) Section 146 (relating to volume cap) shall not apply.

"(B) Section 147(d) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

"(C) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds issued under this section.

"(D) Repayments of principal on financing provided by the issue—

"(i) may not be used to provide financing, and

"(ii) must be used not later than the close of the 1st semiannual period beginning after the date of the repayment to redeem bonds which are part of such issue.

The requirement of clause (ii) shall be treated as met with respect to amounts received within 10 years after the date of issuance of the issue (or, in the case of a refunding bond, the date of issuance of the original bond) if such amounts are used by the close of such 10 years to redeem bonds which are part of such issue.

"(E) Section 57(a)(5) shall not apply.

"(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(e) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—With respect to a bond described in paragraph (2) issued as part of an issue 90 percent (95 percent in the case of a bond described in paragraph (2)(C)) or more of the net proceeds (as defined in section 150(a)(3)) of which were used to finance facilities located within the City of New York, New York (or property which is functionally related and subordinate to facilities located within the City of New York for the furnishing of water), one additional advanced refunding after the date of the enactment of this section and before January 1, 2005, shall be allowed under the applicable rules of section 149(d) if—

"(A) the Governor or the Mayor designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (4) are met.

"(2) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on September 11, 2001, and is—

"(A) a State or local bond (as defined in section 103(c)(1)) which is a general obligation of the City of New York, New York,

"(B) a State or local bond (as so defined) other than a private activity bond (as defined in section 141(a)) issued by the New York Municipal Water Finance Authority or the Metropolitan Transportation Authority of the State of New York, or

"(C) a qualified 501(c)(3) bond (as defined in section 145(a)) which is a qualified hospital bond (as defined in section 145(c)) issued by or on behalf of the State of New York or the City of New York, New York.

"(3) AGGREGATE LIMIT.—For purposes of paragraph (1), the maximum aggregate face amount of bonds which may be designated under this subsection by the Governor shall not exceed $4,500,000,000 and the maximum aggregate face amount of bonds which may be designated under this subsection by the Mayor shall not exceed $4,500,000,000.

"(4) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—

"(A) no advance refundings of such bond would be allowed under any provision of law after September 11, 2001,

"(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(f) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(i) $35,000, or

"(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and

"(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.

"(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified New York Liberty Zone property' has the meaning given such term by subsection (b)(2).

"(3) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.

"(g) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (h) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting '5 years' for '2 years' with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.

"(h) NEW YORK LIBERTY ZONE.—For purposes of this section, the term 'New York Liberty Zone' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

"(i) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the terms 'Governor' and 'Mayor' mean the Governor of the State of New York and the Mayor of the City of New York, New York, respectively.".

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—

"(A) IN GENERAL.—In the case of the New York Liberty Zone business employee credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Liberty Zone business employee credit).

"(B) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—For purposes of this subsection, the term 'New York Liberty Zone business employee credit' means the portion of work opportunity credit under section 51 determined under section 1400L(a).".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the New York Liberty Zone business employee credit" after "employment credit".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter Y—New York Liberty Zone Benefits.".

TITLE IV—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

SEC. 401. ALLOWANCE OF ELECTRONIC 1099'S.

Any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act, may electronically furnish such statement (without regard to any first class mailing requirement) to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 402. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) IN GENERAL.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period ", including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to discharges of indebtedness after October 11, 2001, in taxable years ending after such date.

(2) EXCEPTION.—The amendment made by this section shall not apply to any discharge of indebtedness before March 1, 2002, pursuant to a plan of reorganization filed with a bankruptcy court on or before October 11, 2001.

SEC. 403. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) IN GENERAL.—Paragraph (5) of section 448(d) is amended to read as follows:

"(5) SPECIAL RULE FOR CERTAIN SERVICES.—

"(A) IN GENERAL.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

"(i) such services are in fields referred to in paragraph (2)(A), or

"(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

"(B) EXCEPTION.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

"(C) REGULATIONS.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved if such computation or formula clearly reflects the taxpayer's experience.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

SEC. 404. EXCLUSION FOR FOSTER CARE PAYMENTS TO APPLY TO PAYMENTS BY QUALIFIED PLACEMENT AGENCIES.

(a) In General.—The matter preceding subparagraph (B) of section 131(b)(1) (defining qualified foster care payment) is amended to read as follows:

"(1) In general.—The term 'qualified foster care payment' means any payment made pursuant to a foster care program of a State or political subdivision thereof—

"(A) which is paid by—

"(i) a State or political subdivision thereof, or

"(ii) a qualified foster care placement agency, and".

(b) Qualified Foster Individuals To Include Individuals Placed by Qualified Placement Agencies.—Subparagraph (B) of section 131(b)(2) (defining qualified foster individual) is amended to read as follows:

"(B) a qualified foster care placement agency.".

(c) Qualified Foster Care Placement Agency Defined.—Subsection (b) of section 131 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Qualified foster care placement agency.—The term 'qualified foster care placement agency' means any placement agency which is licensed or certified by—

"(A) a State or political subdivision thereof, or

"(B) an entity designated by a State or political subdivision thereof,

for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 405. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) Amendments to the Internal Revenue Code of 1986.—

(1) Special rule.—Clause (i) of section 412(l)(7)(C) (relating to interest rate) is amended by adding at the end the following new subclause:

"(III) Special rule for 2002 and 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).".

(2) Quarterly contributions.—Subsection (m) of section 412 is amended by adding at the end the following new paragraph:

"(7) Special rules for 2002 and 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III)—

"(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).

"(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).".

(b) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Special rule.—Clause (i) of section 302(d)(7)(C) of such Act (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following new subclause:

"(III) Special rule for 2002 and 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).".

(2) Quarterly contributions.—Subsection (e) of section 302 of such Act (29 U.S.C. 1082) is amended by adding at the end the following new paragraph:

"(7) Special rules for 2002 and 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III)—

"(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).

"(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).".

(c) PBGC.—Clause (iii) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new subclause:

"(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause by any other sections or subsections shall be treated as a reference to this clause without regard to this subclause.".

SEC. 406. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

"(D) Certain expenses of elementary and secondary school teachers.—In the case of taxable years beginning during 2002 or 2003, the deductions allowed by section 162 which consist of expenses, not in excess of $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(b) Eligible Educator.—Section 62 is amended by adding at the end the following:

"(d) Definition; Special Rules.—

"(1) Eligible educator.—

"(A) In general.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

"(B) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

"(2) Coordination with exclusions.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Technical Corrections

SEC. 411. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) Amendments Related to Section 101 of the Act.—

(1) In general.—Subsection (b) of section 6428 is amended to read as follows:

"(b) Credit Treated as Nonrefundable Personal Credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.".

(2) Conforming amendments.—

(A) Subsection (d) of section 6428 is amended to read as follows:

"(d) Coordination with Advance Refunds of Credit.—

"(1) In general.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) Joint returns.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.".

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

"(2) Advance refund amount.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

"(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

"(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits)."

(b) Amendment Related to Section 201 of the Act.—Subparagraph (B) of section 24(d)(1) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart".

(c) Amendments Related to Section 202 of the Act.—

(1) Corrections to credit for adoption expenses.—

(A) Paragraph (1) of section 23(a) is amended to read as follows:

"(1) In general.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer."

(B) Subsection (a) of section 23 is amended by adding at the end the following new paragraph:

"(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years."

(C) Paragraph (2) of section 23(a) is amended by striking the last sentence.

(D) Paragraph (1) of section 23(b) is amended by striking "subsection (a)(1)(A)" and inserting "subsection (a)".

(E) Subsection (i) of section 23 is amended by striking "the dollar limitation in subsection (b)(1)" and inserting "the dollar amounts in subsections (a)(3) and (b)(1)".

(F) Expenses paid or incurred during any taxable year beginning before January 1, 2002, may be taken into account in determining the credit under section 23 of the Internal Revenue Code of 1986 only to the extent the aggregate of such expenses does not exceed the applicable limitation under section 23(b)(1) of such Code as in effect on the day before the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) CORRECTIONS TO EXCLUSION FOR EMPLOYER-PROVIDED ADOPTION ASSISTANCE.—

(A) Subsection (a) of section 137 is amended to read as follows:

"(a) EXCLUSION.—

"(1) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(2) $10,000 EXCLUSION FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the qualified adoption expenses with respect to such adoption for such year shall be increased by an amount equal to the excess (if any) of $10,000 over the actual aggregate qualified adoption expenses with respect to such adoption during such taxable year and all prior taxable years."

(B) Paragraph (2) of section 137(b) is amended by striking "subsection (a)(1)" and inserting "subsection (a)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002; except that the amendments made by paragraphs (1)(C), (1)(D), and (2)(B) shall apply to taxable years beginning after December 31, 2001.

(d) AMENDMENTS RELATED TO SECTION 205 OF THE ACT.—

(1) Section 45F(d)(4)(B) is amended by striking "subpart A, B, or D of this part" and inserting "this chapter or for purposes of section 55".

(2) Section 38(b)(15) is amended by striking "45F" and inserting "45F(a)".

(e) AMENDMENTS RELATED TO SECTION 301 OF THE ACT.—

(1) Section 63(c)(2) is amended—

(A) in subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (D)",

(B) by striking "or" at the end of subparagraph (B),

(C) by redesignating subparagraph (C) as subparagraph (D),

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) one-half of the amount in effect under subparagraph (A) in the case of a married individual filing a separate return, or", and

(E) by inserting the following flush sentence at the end:

"If any amount determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50."

(2)(A) Section 63(c)(4) is amended by striking "paragraph (2) or (5)" and inserting "paragraph (2)(B), (2)(D), or (5)".

(B) Section 63(c)(4)(B)(i) is amended by striking "paragraph (2)" and inserting "paragraph (2)(B), (2)(D),".

(C) Section 63(c)(4) is amended by striking the flush sentence at the end (as added by section 301(c)(2) of Public Law 107–17).

(f) AMENDMENT RELATED TO SECTION 401 OF THE ACT.—Section 530(d)(4)(B)(iv) is amended by striking "because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2)" and inserting "by application of paragraph (2)(C)(i)(II)".

(g) AMENDMENTS RELATED TO SECTION 511 OF THE ACT.—

(1) Section 2511(c) is amended by striking "taxable gift under section 2503," and inserting "transfer of property by gift,".

(2) Section 2101(b) is amended by striking the last sentence.

(h) AMENDMENT RELATED TO SECTION 532 OF THE ACT.—Section 2016 is amended by striking "any State, any possession of the United States, or the District of Columbia,".

(i) AMENDMENTS RELATING TO SECTION 602 OF THE ACT.—

(1) Subparagraph (A) of section 408(q)(3) is amended to read as follows:

"(A) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4)(A)(i); except that such term shall also include an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) Section 4(c) of Employee Retirement Income Security Act of 1974 is amended—

(A) by inserting "and part 5 (relating to administration and enforcement)" before the period at the end, and

(B) by adding at the end the following new sentence: "Such provisions shall apply to such accounts and annuities in a manner similar to their application to a simplified employee pension under section 408(k) of the Internal Revenue Code of 1986.".

(j) AMENDMENTS RELATING TO SECTION 611 OF THE ACT.—

(1) Section 408(k) is amended—

(A) in paragraph (2)(C) by striking "$300" and inserting "$450", and

(B) in paragraph (8) by striking "$300" both places it appears and inserting "$450".

(2) Section 409(o)(1)(C)(ii) is amended—

(A) by striking "$500,000" both places it appears and inserting "$800,000", and

(B) by striking "$100,000" and inserting "$160,000".

(3) Section 611(i) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE.—In the case of plan that, on June 7, 2001, incorporated by reference the limitation of section 415(b)(1)(A) of the Internal Revenue Code of 1986, section 411(d)(6) of such Code and section 204(g)(1) of the Employee Retirement Income Security Act of 1974 do not apply to a plan amendment that—

"(A) is adopted on or before June 30, 2002,

"(B) reduces benefits to the level that would have applied without regard to the amendments made by subsection (a) of this section, and

"(C) is effective no earlier than the years described in paragraph (2).".

(k) AMENDMENTS RELATING TO SECTION 613 OF THE ACT.—

(1) Section 416(c)(1)(C)(iii) is amended by striking "EXCEPTION FOR FROZEN PLAN" and inserting "EXCEPTION FOR PLAN UNDER WHICH NO KEY EMPLOYEE (OR FORMER KEY EMPLOYEE) BENEFITS FOR PLAN YEAR".

(2) Section 416(g)(3)(B) is amended by striking "separation from service" and inserting "severance from employment".

(l) AMENDMENTS RELATING TO SECTIONS 614 and 616 OF THE ACT.—

(1) Section 404(a)(12) is amended by striking "(9)," and inserting "(9) and subsection (h)(1)(C),".

(2) Section 404(n) is amended by striking "subsection (a)," and inserting "subsection (a) or paragraph (1)(C) of subsection (h)".

(3) Section 402(h)(2)(A) is amended by striking "15 percent" and inserting "25 percent".

(4) Section 404(a)(7)(C) is amended to read as follows:

"(C) PARAGRAPH NOT TO APPLY IN CERTAIN CASES.—

"(i) BENEFICIARY TEST.—This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than 1 trust or under a trust and an annuity plan.

"(ii) ELECTIVE DEFERRALS.—If, in connection with 1 or more defined contribution plans and 1 or more defined benefit plans, no amounts (other than elective deferrals (as defined in section 402(g)(3))) are contributed to any of the defined contribution plans for the taxable year, then subparagraph (A) shall not apply with respect to any of such defined contribution plans and defined benefit plans.".

(m) AMENDMENT RELATING TO SECTION 618 OF THE ACT.—Section 25B(d)(2)(A) is amended to read as follows:

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.".

(n) AMENDMENTS RELATING TO SECTION 619 OF THE ACT.—

(1) Section 45E(e)(1) is amended by striking "(n)" and inserting "(m)".

(2) Section 619(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "established" and inserting "first effective".

(o) AMENDMENTS RELATING TO SECTION 631 OF THE ACT.—

(1) Section 402(g)(1) is amended by adding at the end the following:

"(C) CATCH-UP CONTRIBUTIONS.—In addition to subparagraph (A), in the case of an eligible participant (as defined in section 414(v)), gross income shall not include elective deferrals in excess of the applicable dollar amount under subparagraph (B) to the extent that the amount of such elective deferrals does not exceed the applicable dollar amount under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)).".

(2) Section 401(a)(30) is amended by striking "402(g)(1)" and inserting "402(g)(1)(A)".

(3) Section 414(v)(2) is amended by adding at the end the following:

"(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.".

(4) Section 414(v)(3)(A)(i) is amended by striking "section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457" and inserting "section 401(a)(30), 402(h), 403(b), 408, 415(c), and 457(b)(2) (determined without regard to section 457(b)(3))".

(5) Section 414(v)(3)(B) is amended by striking "section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416" and inserting "section 401(a)(4), 401(k)(3), 401(k)(11), 403(b)(12), 408(k), 410(b), or 416".

(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following: ", except that a plan described in clause (i) of section 410(b)(6)(C) shall not be treated as a plan of the employer until the expiration of the transition period with respect to such plan (as determined under clause (ii) of such section)".

(7) Section 414(v)(5) is amended—

(A) by striking ", with respect to any plan year," in the matter preceding subparagraph (A),

(B) by amending subparagraph (A) to read as follows:

"(A) who would attain age 50 by the end of the taxable year,", and

(C) in subparagraph (B) by striking "plan year" and inserting "plan (or other applicable) year".

(8) Section 414(v)(6)(C) is amended to read as follows:

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to a participant for any year for which a higher limitation applies to the participant under section 457(b)(3).".

(9) Section 457(e) is amended by adding at the end the following new paragraph:

"(18) COORDINATION WITH CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OLDER.— In the case of an individual who is an eligible participant (as defined by section 414(v)) and who is a participant in an eligible deferred compensation plan of an employer described in paragraph (1)(A), subsections (b)(3) and (c) shall be applied by substituting for the amount otherwise determined under the applicable subsection the greater of—

"(A) the sum of—

"(i) the plan ceiling established for purposes of subsection (b)(2) (without regard to subsection (b)(3)), plus

"(ii) the applicable dollar amount for the taxable year determined under section 414(v)(2)(B)(i), or

"(B) the amount determined under the applicable subsection (without regard to this paragraph).".

(p) AMENDMENTS RELATING TO SECTION 632 OF THE ACT.—

(1) Section 403(b)(1) is amended in the matter following subparagraph (E) by striking "then amounts contributed" and all that follows and inserting the following:

"then contributions and other additions by such employer for such annuity contract shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such contributions and additions (when expressed as an annual addition (within the meaning of section 415(c)(2))) does not exceed the applicable limit under section 415. The amount actually distributed to any distributee under such contract shall be taxable to the distributee (in the year in which so distributed) under section 72 (relating to annuities). For purposes of applying the rules of this subsection to contributions and other additions by an employer for a taxable year, amounts transferred to a contract described in this paragraph by reason of a rollover contribution described in paragraph (8) of this subsection or section 408(d)(3)(A)(ii) shall not be considered contributed by such employer.".

(2) Section 403(b) is amended by striking paragraph (6).

(3) Section 403(b)(3) is amended—

(A) in the first sentence by inserting the following before the period at the end: ", and which precedes the taxable year by no more than five years", and

(B) in the second sentence by striking "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated".

(4) Section 415(c)(7) is amended to read as follows:

"(7) SPECIAL RULES RELATING TO CHURCH PLANS.—

"(A) ALTERNATIVE CONTRIBUTION LIMITATION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an ofganization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(ii) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(B) NUMBER OF YEARS OF SERVICE FOR DULY ORDAINED, COMMISSIONED, OR LICENSED MINISTERS OR LAY EMPLOYEES.—For purposes of this paragraph—

"(i) all years of service by—

"(I) a duly ordained, commissioned, or licensed minister of a church, or

"(II) a lay person,

as an employee of a church, a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), shall be considered as years of service for 1 employer, and

"(ii) all amounts contributed for annuity contracts by each such church (or convention or association of churches) or such organization during such years for such minister or lay person shall be considered to have been contributed by 1 employer.

"(C) FOREIGN MISSIONARIES.—In the case of any individual described in subparagraph (D) performing services outside the United States, contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such employee, when expressed as an annual addition to such employee's account, shall not be treated as exceeding the limitation of paragraph (1) if such annual addition is not in excess of the greater of $3,000 or the employee's includible compensation determined under section 403(b)(3).

"(D) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).

"(E) CHURCH, CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this paragraph, the terms 'church' and 'convention or association of churches' have the same meaning as when used in section 414(e).".

(5) Section 457(e)(5) is amended to read as follows:

"(5) INCLUDIBLE COMPENSATION.—The term 'includible compensation' has the meaning given to the term 'participant's compensation' by section 415(c)(3).".

(6) Section 402(g)(7)(B) is amended by striking "2001." and inserting "2001).".

(q) AMENDMENTS RELATING TO SECTION 643 OF THE ACT.—

(1) Section 401(a)(31)(C)(i) is amended by inserting "is a qualified trust which is part of a plan which is a defined contribution plan and" before "agrees".

(2) Section 402(c)(2) is amended by adding at the end the following flush sentence:

"In the case of a transfer described in subparagraph (A) or (B), the amount transferred shall be treated as consisting first of the portion of such distribution that is includible in gross income (determined without regard to paragraph (1)).".

(r) AMENDMENTS RELATING TO SECTION 648 OF THE ACT.—

(1) Section 417(e) is amended—

(A) in paragraph (1) by striking "exceed the dollar limit under section 411(a)(11)(A)" and inserting "exceed the amount that can be distributed without the participant's consent under section 411(a)(11)", and

(B) in paragraph (2)(A) by striking "exceeds the dollar limit under section 411(a)(11)(A)" and inserting "exceeds the amount that can be distributed without the participant's consent under section 411(a)(11)".

(2) Section 205(g) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in paragraph (1) by striking "exceed the dollar limit under section 203(e)(1)" and inserting "exceed the amount that can be distributed without the participant's consent under section 203(e)", and

(B) in paragraph (2)(A) by striking "exceeds the dollar limit under section 203(e)(1)" and inserting "exceeds the amount that can be distributed without the participant's consent under section 203(e)".

(s) AMENDMENT RELATING TO SECTION 652 OF THE ACT.—Section 404(a)(1)(D)(iv) is amended by striking "PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS" and inserting "SPECIAL RULE FOR TERMINATING PLANS".

(t) AMENDMENTS RELATING TO SECTION 657 OF THE ACT.—Section 404(c)(3) of the Employee Retirement Income Security Act of 1974 is amended—

(1) by striking "the earlier of" in subparagraph (A) the second place it appears, and

(2) by striking "if the transfer" and inserting "a transfer that".

(u) AMENDMENTS RELATING TO SECTION 659 OF THE ACT.—

(1) Section 4980F is amended—

(A) in subsection (e)(1) by striking "written notice" and inserting "the notice described in paragraph (2)",

(B) by amending subsection (f)(2)(A) to read as follows:

"(A) any defined benefit plan described in section 401(a) which includes a trust exempt from tax under section 501(a), or", and

(C) in subsection (f)(3) by striking "significantly" both places it appears.

(2) Section 204(h)(9) of the Employee Retirement Income Security Act of 1974 is amended by striking "significantly" both places it appears.

(3) Section 659(c)(3)(B) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "(or" and inserting "(and".

(v) AMENDMENTS RELATING TO SECTION 661 OF THE ACT.—

(1) Section 412(c)(9)(B) is amended—

(A) in clause (ii) by striking "125 percent" and inserting "100 percent", and

(B) by adding at the end the following new clause:

"(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).".

(2) Section 302(c)(9)(B) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in clause (ii) by striking "125 percent" and inserting "100 percent", and

(B) by adding at the end the following new clause:

"(iv) A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).".

(w) AMENDMENTS RELATING TO SECTION 662 OF THE ACT.—

(1) Section 404(k) is amended—

(A) in paragraph (1) by striking "during the taxable year",

(B) in paragraph (2)(B) by striking "(A)(iii)" and inserting "(A)(iv)",

(C) in paragraph (4)(B) by striking "(iii)" and inserting "(iv)", and

(D) by redesignating subparagraph (B) of paragraph (4) (as amended by subparagraph (C)) as subparagraph (C) of paragraph (4) and by inserting after subparagraph (A) the following new subparagraph:

"(B) REINVESTMENT DIVIDENDS.—For purposes of subparagraph (A), an applicable dividend reinvested pursuant to clause (iii)(II) of paragraph (2)(A) shall be treated as paid in the taxable year of the corporation in which such dividend is reinvested in qualifying employer securities or in which the election under clause (iii) of paragraph (2)(A) is made, whichever is later.".

(2) Section 404(k) is amended by adding at the end the following new paragraph:

"(7) FULL VESTING.—In accordance with section 411, an applicable dividend described in clause (iii)(II) of paragraph (2)(A) shall be subject to the requirements of section 411(a)(1).".

(x) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 412. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Section 469(i)(3)(E) is amended by striking clauses (ii), (iii), and (iv) and inserting the following:

"(ii) second to the portion of such loss to which subparagraph (C) applies,

"(iii) third to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

"(iv) fourth to the portion of such credit to which subparagraph (B) applies, and".

(b) AMENDMENT RELATED TO SECTION 306 OF THE ACT.—Section 151(c)(6)(C) is amended—

(1) by striking "FOR EARNED INCOME CREDIT.—For purposes of section 32, an" and inserting "FOR PRINCIPAL PLACE OF ABODE REQUIREMENTS.—An", and

(2) by striking "requirement of section 32(c)(3)(A)(ii)" and inserting "principal place of abode requirements of section 2(a)(1)(B), section 2(b)(1)(A), and section 32(c)(3)(A)(ii)".

(c) AMENDMENT RELATED TO SECTION 309 OF THE ACT.—Subparagraph (A) of section 358(h)(1) is amended to read as follows:

"(A) which is assumed by another person as part of the exchange, and".

(d) AMENDMENTS RELATED TO SECTION 401 OF THE ACT.—

(1)(A) Section 1234A is amended by inserting "or" after the comma at the end of paragraph (1), by striking "or" at the end of paragraph (2), and by striking paragraph (3).

(B)(i) Section 1234B is amended in subsection (a)(1) and in subsection (b) by striking "sale or exchange" the first place it appears in each subsection and inserting "sale, exchange, or termination".

(ii) Section 1234B is amended by adding at the end the following new subsection:

"(f) CROSS REFERENCE.—

"For special rules relating to dealer securities futures contracts, see section 1256."

(2) Section 1091(e) is amended—

(A) in the heading, by striking "SECURITIES.—" and inserting "SECURITIES AND SECURITIES FUTURES CONTRACTS TO SELL.—",

(B) by inserting after "closing of a short sale of" the following: "(or the sale, exchange, or termination of a securities futures contract to sell)",

(C) in paragraph (2), by inserting after "short sale of" the following: "(or securities futures contracts to sell)", and

(D) by adding at the end the following:

"For purposes of this subsection, the term 'securities futures contract' has the meaning provided by section 1234B(c).".

(3)(A) Section 1233(e)(2) is amended by striking "and" at the end of subparagraph (C), by striking the period and inserting "; and" at the end of subparagraph (D), and inserting after subparagraph (D) the following:

"(E) entering into a securities futures contract (as so defined) to sell shall be considered to be a short sale, and the settlement of such contract shall be considered to be the closing of such short sale.".

(B) Section 1234B(b) is amended by inserting after "or this section," the following: "or in section 1233,"

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate.

SEC. 413. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 545 OF THE ACT.—Section 857(b)(7) is amended—

(1) in clause (i) of subparagraph (B), by striking "the amount of which" and inserting "to the extent the amount of the rents", and

(2) in subparagraph (C), by striking "if the amount" and inserting "to the extent the amount".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 545 of the Tax Relief Extension Act of 1999.

SEC. 414. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 311 OF THE ACT.—Section 311(e) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 836) is amended—

(1) in paragraph (2)(A), by striking "recognized" and inserting "included in gross income", and

(2) by adding at the end the following new paragraph:

"(5) DISPOSITION OF INTEREST IN PASSIVE ACTIVITY.—Section 469(g)(1)(A) of the Internal Revenue Code of 1986 shall not apply by reason of an election made under paragraph (1).".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997.

SEC. 415. AMENDMENT RELATED TO THE BALANCED BUDGET ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 4006 OF THE ACT.—Section 26(b)(2) is amended by striking "and" at the end of subparagraph (P), by striking the period and inserting ", and" at the end of subparagraph (Q), and by adding at the end the following new subparagraph:

"(R) section 138(c)(2) (relating to penalty for distributions from Medicare+Choice MSA not used for qualified medical expenses if minimum balance not maintained).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 4006 of the Balanced Budget Act of 1997.

SEC. 416. OTHER TECHNICAL CORRECTIONS.

(a) COORDINATION OF ADVANCED PAYMENTS OF EARNED INCOME CREDIT.—

(1) Section 32(g)(2) is amended by striking "subpart" and inserting "part".

(2) The amendment made by this subsection shall take effect as if included in section 474 of the Tax Reform Act of 1984.

(b) SPECIAL RULE RELATED TO WASH SALE LOSSES.—

(1) Section 1256(f) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE RELATED TO LOSSES.—Section 1091 (relating to loss from wash sales of stock or securities) shall not apply to any loss taken into account by reason of paragraph (1) of subsection (a).".

(2) The amendment made by this subsection shall take effect as if included in section 5075 of the Technical and Miscellaneous Revenue Act of 1988.

(c) DISCLOSURE BY SOCIAL SECURITY ADMINISTRATION TO FEDERAL CHILD SUPPORT AGENCIES.—

(1) Section 6103(l)(8) is amended—

(A) in the heading, by striking "STATE AND LOCAL" and inserting "FEDERAL, STATE, AND LOCAL", and

(B) in subparagraph (A), by inserting "Federal or" before "State or local".

(2) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(d) TREATMENT OF SETTLEMENTS UNDER PARTNERSHIP AUDIT RULES.—

(1) The following provisions are each amended by inserting "or the Attorney General (or his delegate)" after "Secretary" each place it appears:

(A) Paragraphs (1) and (2) of section 6224(c).

(B) Section 6229(f)(2).

(C) Section 6231(b)(1)(C).

(D) Section 6234(g)(4)(A).

(2) The amendments made by this subsection shall apply with respect to settlement agreements entered into after the date of the enactment of this Act.

(e) Amendment Related to Procedure and Administration.—

(1) Section 6331(k)(3) (relating to no levy while certain offers pending or installment agreement pending or in effect) is amended to read as follows:

“(3) Certain rules to apply.—Rules similar to the rules of—

“(A) paragraphs (3) and (4) of subsection (i), and

“(B) except in the case of paragraph (2)(C), paragraph (5) of subsection (i),

shall apply for purposes of this subsection.”.

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(f) Modified Endowment Contracts.—Paragraph (2) of section 318(a) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–645) is repealed, and clause (ii) of section 7702A(c)(3)(A) shall read and be applied as if the amendment made by such paragraph had not been enacted.

SEC. 417. CLERICAL AMENDMENTS.

(1) The subsection (g) of section 25B that relates to termination is redesignated as subsection (h).

(2) The second sentence of section 42(h)(3)(C) is amended by striking “the amounts described in” and all that follows through the period and inserting “the amounts described in clauses (ii) through (iv) over the aggregate housing credit dollar amount allocated for such year.”

(3) Clause (ii) of section 42(m)(1)(B) is amended by striking the second “and” at the end of subclause (II) and by inserting “and” at the end of subclause (III).

(4) Section 51A(c)(1) is amended by striking “51(d)(10)” and inserting “51(d)(11)”.

(5) The flush sentence at the end of clause (ii) of section 56(a)(1)(A) is amended by striking “such 1250” and inserting “such section 1250”.

(6) Section 151(c)(6)(B)(iii) is amended by inserting “as” before “such terms”.

(7) Section 170(e)(6)(B)(i)(III) is amended by striking “2000,” and inserting “2000),”.

(8) Section 172(b)(1)(F)(i) is amended—

(A) by striking “3 years” and inserting “3 taxable years”, and

(B) by striking “2 years” and inserting “2 taxable years”.

(9) Section 351(h)(1) is amended by inserting a comma after “liability”.

(10) Section 475(g)(3) is amended by striking “sections” and inserting “section”.

(11) Section 529(e)(3)(B)(i) is amended by striking “subsection (b)(7)” and inserting “subsection (b)(6)”.

(12) Section 741 is amended by striking “which have appreciated substantially in value”.

(13) Section 857(b)(7)(B)(i) is amended by striking “subsection 856(d)” and inserting “section 856(d)”.

(14) Subparagraph (B) of section 943(e)(4) is amended by aligning the left margin of the flush language with subparagraph (A).

(15) Subparagraph (B) of section 995(b)(3) is amended by striking “International Security Assistance and Arms Export Control Act of 1976” and inserting “Arms Export Control Act”.

(16) Section 1394(c)(2) is amended by striking “subparagraph (A)” and inserting “paragraph (1)”.

(17)(A) The section heading for section 4980E is amended to read as follows:

“SEC. 4980E. FAILURE OF EMPLOYER TO MAKE COMPARABLE ARCHER MSA CONTRIBUTIONS.”.

(B) The item relating to section 4980E in the table of sections for chapter 43 is amended to read as follows:

“Sec. 4980E. Failure of employer to make comparable Archer MSA contributions.”.

(18) Section 6105(c)(1) is amended by striking “any” in subparagraphs (C) and (E).

(19)(A) Section 6227(d) is amended by striking “subsection (b)” and inserting “subsection (c)”.

(B) Section 6228 is amended—

(i) in subsection (a)(1), by striking “subsection (b) of section 6227” and inserting “subsection (c) of section 6227”,

(ii) in subsection (a)(3)(A), by striking “subsection (b) of”, and

(iii) in subsections (b)(1) and (b)(2)(A), by striking “subsection (c) of section 6227” and inserting “subsection (d) of section 6227”.

(C) Section 6231(b)(2)(B)(i) is amended by striking “section 6227(c)” and inserting “section 6227(d)”.

(20) Section 1221(b)(1)(B)(i) is amended by striking “1256(b))” and inserting “1256(b)))”.

(21) Section 159 of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–624) is amended by striking “fuctions” and inserting “functions”.

(22) The amendment to section 170(e)(6)(B)(iv) made by section 165(b)(1) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A–626) shall be applied as if it struck “in any of the grades K–12”.

(23) Section 618(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107–16; 115 Stat. 108) is amended—

(A) in subparagraph (A) by striking “203(d)” and inserting “202(f)”, and

(B) in subparagraphs (C), (D), and (E) by striking “203” and inserting “202(f)”.

(24)(A) Section 525 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106–170; 113 Stat. 1928) is amended by striking “7200” and inserting “7201”.

(B) Section 532(c)(2) of such Act (113 Stat. 1930) is amended—

(i) in subparagraph (D), by striking “341(d)(3)” and inserting “341(d)”, and

(ii) in subparagraph (Q), by striking “954(c)(1)(B)(iii) and inserting “954(c)(1)(B)”.

SEC. 418. ADDITIONAL CORRECTIONS.

(a) Amendments Related to Section 202 of the Economic Growth and Tax Relief Reconciliation Act of 2001.—

(1) Subsection (h) of section 23 is amended—

(A) by striking “subsection (a)(1)(B)” and inserting “subsection (a)(3)”, and

(B) by adding at the end the following new flush sentence:

“If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.”

(2) Subsection (f) of section 137 is amended by adding at the end the following new flush sentence:

“If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.”

(b) Amendments Related to Section 204 of the Economic Growth and Tax Relief Reconciliation Act of 2001.—Section 21(d)(2) is amended—

(1) in subparagraph (A) by striking “$200” and inserting “$250”, and

(2) in subparagraph (B) by striking “$400” and inserting “$500”.

(c) Effective Date.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

TITLE V—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

SEC. 501. NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.

(a) In General.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) Transfers.—

(1) Estimate of secretary.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) Transfer of funds.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 502. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

TITLE VI—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 601. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) In General.—Paragraph (2) of section 26(a) is amended—

(1) by striking “RULE FOR 2000 AND 2001.—” and inserting “RULE FOR 2000, 2001, 2002, AND 2003.—”, and

(2) by striking “during 2000 or 2001,” and inserting “during 2000, 2001, 2002, or 2003,”.

(b) Conforming Amendments.—

(1) Section 904(h) is amended by striking “during 2000 or 2001” and inserting “during 2000, 2001, 2002, or 2003”.

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to taxable years beginning during 2002 and 2003.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 602. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in subparagraphs (A), (B), and (C), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (e), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause:

"(iii) Application of subparagraph.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2007.".

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking "and before January 1, 2005".

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2001.

SEC. 603. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) In General.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are both amended by striking "2002" and inserting "2004".

(b) Effective Date.—The amendments made by subsection (a) shall apply to facilities placed in service after December 31, 2001.

SEC. 604. WORK OPPORTUNITY CREDIT.

(a) In General.—Subparagraph (B) of section 51(c)(4) is amended by striking "2001" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 605. WELFARE-TO-WORK CREDIT.

(a) In General.—Subsection (f) of section 51A is amended by striking "2001" and inserting "2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 606. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) In General.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking "December 31, 2001," and inserting "December 31, 2003,", and

(B) in clauses (i), (ii), and (iii), by striking "2002", "2003", and "2004", respectively, and inserting "2004", "2005", and "2006", respectively, and

(2) in subsection (f), by striking "December 31, 2004" and inserting "December 31, 2006".

(b) Effective Date.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2001.

SEC. 607. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) is amended by striking "2002" and inserting "2004".

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 608. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking "2000, and 2001" and inserting "2000, 2001, 2002, and 2003".

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 609. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking "January 1, 2002" and inserting "January 1, 2004".

(b) Effective Date.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2001.

SEC. 610. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Subsection (f) of section 9812, as amended by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, is amended to read as follows:

"(f) Application of Section.—This section shall not apply to benefits for services furnished—

"(1) on or after September 30, 2001, and before January 10, 2002, and

"(2) after December 31, 2003.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 611. TEMPORARY SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES.

(a) Reduction in Mutual Life Insurance Company Deductions Not To Apply in Certain Years.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

"(j) Differential Earnings Rate Treated as Zero for Certain Years.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company's taxable years beginning in 2001, 2002, or 2003.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 612. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking "2002" each place it appears and inserting "2003".

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended by striking "1998, 1999, or 2001" each place it appears and inserting "1998, 1999, 2001, or 2002".

(2) Subparagraph (A) of section 220(j)(4) is amended by striking "and 2001" and inserting "2001, and 2002".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 613. INCENTIVES FOR INDIAN EMPLOYMENT AND PROPERTY ON INDIAN RESERVATIONS.

(a) Employment.—Subsection (f) of section 45A is amended by striking "December 31, 2003" and inserting "December 31, 2004".

(b) Property.—Paragraph (8) of section 168(j) is amended by striking "December 31, 2003" and inserting "December 31, 2004".

SEC. 614. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) In General.—

(1) Section 953(e)(10) is amended—

(A) by striking "January 1, 2002" and inserting "January 1, 2007", and

(B) by striking "December 31, 2001" and inserting "December 31, 2006".

(2) Section 954(h)(9) is amended by striking "January 1, 2002" and inserting "January 1, 2007".

(b) Life Insurance and Annuity Contracts.—

(1) In general.—Subparagraph (B) of section 954(i)(4) is amended to read as follows:

"(B) Life insurance and annuity contracts.—

"(i) In general.—Except as provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

"(I) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

"(II) the reserve determined under paragraph (5).

"(ii) Ruling request, etc.—The amount of the reserve under clause (i) shall be the foreign statement reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer or as provided in published guidance, the Secretary determines that the factors taken into account in determining the foreign statement reserve provide an appropriate means of measuring income.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 615. REPEAL OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

(a) In General.—Subsection (e) of section 4101 is hereby repealed.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2002.

SEC. 616. REAUTHORIZATION OF TANF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES FOR FISCAL YEAR 2002.

Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended by adding at the end the following:

"(H) Reauthorization of grants for fiscal year 2002.—Notwithstanding any other provision of this paragraph—

"(i) any State that was a qualifying State under this paragraph for fiscal year 2001 or any prior fiscal year shall be entitled to receive from the Secretary for fiscal year 2002 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year in which the State was a qualifying State;

"(ii) subparagraph (G) shall be applied as if '2002' were substituted for '2001'; and

"(iii) out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2002 such sums as are necessary for grants under this subparagraph.".

SEC. 617. 1-YEAR EXTENSION OF CONTINGENCY FUND UNDER THE TANF PROGRAM.

Section 403(b) of the Social Security Act (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking "and 2001" and inserting "2001, and 2002"; and

(2) in paragraph (3)(C)(ii), by striking "2001" and inserting "2002".

The SPEAKER pro tempore. Pursuant to House Resolution 360, the gentleman from California (Mr. Thomas) and the gentleman from New York (Mr. Rangel) each will control 30 minutes.

The Chair recognizes the gentleman from California (Mr. Thomas).

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this morning one of the things that we really need to establish in this package, that we hope the

Senate will take up relatively quickly and pass without trying to amend so that we can send to the President a package which extends unemployment and which produces a modest assistance, as Chairman Greenspan indicated, perhaps a little bit of insurance to make sure that the economy moves forward.

One of the things that needs to be understood from the beginning is this is not a stimulus package. When you have an economy that generates $10 trillion a year, $41 billion over 10 years in no way can be called a stimulus. For example, the underlying bill, H.R. 3090, which the Senate amended and sent back to us which the House sent to the Senate in October was a stimulus bill. It generated $160 billion worth of assistance to individuals and to businesses over a 10-year period. The other body killed that bill. The leadership over there decided that they did not want a stimulus.

I will admit it took us a little while to fully appreciate the fact that they did not want a stimulus package to help the economy recover. We sent them three adjusted bills. We did not send the same thing each time. We examined the package. We made adjustments. We searched forever, as a governing majority is supposed to do, for something that would reach agreement; and today we have in front of us what we believe certainly should and hopefully will reach agreement.

Just several weeks ago, my colleagues on the other side of the aisle were imploring us to just pass what the Senate sent us. To remind Members of what it was the Senate sent us, it was naked, the most minimal unemployment package, irreducibly minimum, and that is what the Senate could do. And we were urged by our colleagues on the other side of the aisle, why do we not take that up and pass it? That is all we can do. That is all we should do, and we should do it now.

I am pleased to say that we are not just doing that. I think today the House will pass a package which certainly cannot in any way be called a stimulus but is certainly not the irreducible minimum, almost the affront to Americans that was contained in the Senate-passed package and which was urged to be adopted by us by our friends on the other side of the aisle.

To give Members an idea of how a number of folks have not been able to understand what is going on, I would offer today's Washington Post which begins with the headline "House GOP Relents In Fight Over Stimulus."

No, we are not relenting. We have conceded that the Senate leadership has been able to kill stimulus. They have succeeded. So we are not relenting. Ironically, it goes on in the very first paragraph that says that the bill, that we have agreed to legislation "that will focus largely on new benefits for unemployed workers." Will focus largely on benefits for unemployed workers.

The bill is $41 billion over 10 years. Over that 10-year period, out of the $41 billion, $2.7 billion is for unemployed. The $38 billion remainder is for reduction of taxes to small business, medium business, job-creating provisions. And only the Washington Post could say that 7 percent of something is largely focused on. That shows you how far off the Washington Post is.

It then goes on and says that the bill closely tracks a Senate proposal to provide unemployment. No, it does not closely track a Senate proposal. It is far better than the Senate proposal. The proposal we have for unemployment benefits not only provides the 13 weeks and uses a trigger for those benefits lower than current law, but it says if a State continues to match the 4 percent trigger rather than the 5 plus trigger in the current law, the 4 percent is President Bush's request to utilize as a trigger, and we thought that was appropriate. But if you run out of your initial 13 weeks and your State still has greater than 4 percent unemployment, there is an automatic trigger of an additional 13 weeks; and if you run out of those 13 weeks and your State finds itself above the 4 percent unemployment rate, there is an automatic trigger, et cetera, et cetera, et cetera.

What we are trying to do is to make sure that the Senate cannot continue to hold hostage unemployment insurance benefits for those who through no fault of their own cannot find employment. We sent the Senate a package in October, and here we are in March debating. Our hope is when this passes by a large bipartisan vote the Senate will take this up and send it to the President, because the House's unemployment proposal says, once we do this, it is on automatic trigger. If the conditions are there, it will be renewed automatically. The Senate does not do that.

So how in the world somebody could say that this closely tracks the Senate is beyond me. Of course, and unless what they want to do is to make it look like the Republicans in the House have "relented."

Now, obviously, there is a motive for doing that. But, most importantly, the motive should be that we help people in need, that we make sure that we create a bridge. We do a modest insurance package for growth in this economy so we can recover. I cannot believe that anyone carried out the kind of stalling tactics that occurred over on the Senate side in the hopes that the economy would stumble or that the economy would not recover as rapidly as it otherwise would, and I hope no one stands in the way of this modest package or amends it over in the Senate to try to make a point from the leadership's side over in the Senate that we want our fingerprints all over this or we want to delay any longer.

The time for delay is over. The time for passage is here, today in the House, tomorrow at the latest in the Senate, so that we can get this measure to the President and let him sign it. It is about time.

Madam Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members that during the course of this debate Members should refrain from characterizing Senate action or inaction and should refrain from urging Senate action.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me take advantage of this rare opportunity when I agree with the chairman of the Ways and Means Committee. I would like to get his attention for a moment so that I give him his usual opportunity to respond. I am so desperately trying so hard to get the gentleman from California's (Mr. THOMAS) attention. It is so difficult.

I just wanted the gentleman to know that I agree with him that the Washington Post is in serious error in suggesting that the Republicans in the House of Representatives have relented.

□ 1115

The Republicans do not know how to relent. The hostages of those 8 million people who are unemployed and without health benefits have not been freed completely by the Republican leadership. As the gentleman pointed out, he could not resist putting tax benefits that in the first 3 years cost some $100 billion, or as the gentleman pointed out, a projected $43 billion.

The glee that the gentleman takes in suggesting that we are only providing $2.7 billion for the unemployed as opposed to the incentives that we are paying for the corporate structure. No, he is not relenting; he is responding to the outrage that has been felt by people throughout this country that since 9–11 the gentleman has ignored the people who are unemployed. The gentleman has taken their pain, their misery, their loss of homes and jobs and dreams and tuition, and he has put this into what the gentleman calls a stimulus package.

Now, the stimulus package always included not relieving pain for the unemployed but always accelerating tax benefits for the rich, or repealing the alternative minimum tax or something that had nothing to do with those victims that were unemployed. So when my colleague suggests that it is the other body that has loaded up the bill, what, are we in Alice in Wonderland? Did we not just get a bill from them passed by Republicans and Senators saying to just do employment compensation? My colleague could not resist jumping on that with all of the things that make the Republican Campaign Committee happy.

So I agree with the gentleman from California (Mr. THOMAS), this is not a stimulus package, nor should the unemployed be held hostage by so-called stimulus tax cuts. The ratio of tax benefits to the corporation and easing a little pain to the unemployed, my God, would let us know there is not too much compassion here. Will we grab this and run with it, even though it is not paid for? Well, it is paid for out of the monies coming in from the Social Security Trust Fund, but we do not have that many options, considering the box that the leadership has placed us in as relates to the spend-down of the surplus.

So, let the record reflect that I agree with most all that the gentleman has said. This is not a stimulus package. The GOP, as my colleague likes it to be called, does not know how to relent. There is an area of some tiny relief here for the unemployed. The gentleman had to resist giving some decent health benefits to this, and the fact that it is not paid for, so what else is new?

Madam Speaker, I ask unanimous consent to allow the gentleman from California (Mr. MATSUI) to manage the remainder of my time.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume. And if my colleague from New York would not rapidly leave the Chamber, what I would have responded to him was that perhaps he forgets back in September, on the trade adjustment assistance package, the House placed more than $2 billion available for those individuals who lost their jobs in relation to the tragic events of September 11. Notwithstanding the fact it was on trade adjustment, we said that would be handled in the same fashion.

When the gentleman talks about relieving the pain of the unemployed, he focuses on unemployment payments, as though being more generous on unemployment payments is how he relieves the pain of the unemployed. What the President so eloquently said in his State of the Union was that what this is all about is jobs. And the last time I checked, if we want to be an employee, we need to have an employer.

What he calls benefits to the rich and the corporations, anybody else, who understands how this economy works, would say we are trying to create jobs. And when he says we do not have compassion for the unemployed, this sounds like a repeat of the welfare debate when they considered compassion holding people hostage to government payments. That is compassion? We believe compassion is making sure the economy grows so that people can have a job and have the dignity and respect of having a job, instead of making sure that we tie them to unemployment payments so we can show how compassionate we are in relieving the pain of unemployment by giving them a government check.

I think that pretty well draws the line between the President and our approach to trying to deal with these issues and our friends on the other side of the aisle. They define compassion as a government check, they define taking care of the pain of the unemployed by giving them more government money, and we define it as growing the economy, creating jobs and letting people have the dignity of work. That is real compassion for those who, through no fault of their own, have no job at the present time.

Madam Speaker, I reserve the balance of my time.

Mr. MATSUI. Madam Speaker, I yield myself such time as I may consume to just point out to the Members that the gentleman from New York (Mr. RANGEL) is leaving not as a sign of discourtesy to the Chair, but he has been summoned to the White House to talk about some of the New York issues. He is meeting with the President. In fact, he is a little late at this moment. So he does wish that people understand that he is leaving for the purpose of meeting with the President.

Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from the State of Connecticut (Ms. DELAURO).

Ms. DELAURO. Madam Speaker, at last, 6 months after the September 11 attacks, with a damaged and already troubled economy, the House is poised to extend unemployment benefits for workers in this great Nation who have lost their jobs through no fault of their own. At last.

For 6 months, Democrats have stood firm on a plan that was one part good economics and one part basic human decency. The Republican leadership balked. They have equivocated, squirmed; and they have shifted in their seats at the mere mention of passing a bill that extended unemployment benefits and health care benefits for workers of this country, something that this Nation has done historically in difficult times in our country.

And they were opposed to doing this if the bill did not include corporate tax handouts for the largest corporations, for the Enrons of the world. Since that time, over a million and a half people have seen their unemployment benefits expire. In fact, just yesterday the House was ready to consider a fourth sham bill that again had no chance of making it to the President's desk. And since that time, another 11,000 Americans have lost their benefits.

Well, my friends, time ran out on the Republican House leadership. And just as we witnessed their misguided approach to airline security last November, their stubborn effort to defy the will of the American people has again ended in defeat; a defeat for the Republicans, but, albeit belatedly, a victory for American workers.

Now, what we need to do is to undertake the effort to make sure that those who have suffered unemployment and who have lost their health benefits that what we will do is to work to make sure that we assist them and our States to provide them with the opportunity to include people who have lost their jobs and their health benefits to get those benefits. It is about time.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 1 minute to the gentleman from New York (Mr. HOUGHTON), a valued member of the Committee on Ways and Means.

Mr. HOUGHTON. Madam Speaker, first of all, I would like to thank the gentleman from California (Mr. THOMAS) for all the work he has done, and I thank the gentleman from California (Mr. MATSUI); but the chairman of the committee has been extraordinary in hanging with this program and trying to get something we could vote on.

Look, there are lots of different things, and I will not go through the litany in terms of unemployment provisions and in terms of helping small businesses, because the thing I would like to do is just say thank the gentleman to the gentleman on behalf of New York, on behalf of the liberty zone, on behalf of all those people who need your help. And that is the only thing I have to say today.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES).

Mrs. JONES of Ohio. Madam Speaker, today, we finally have an opportunity to do something for the worker. I can remember back in September talking about the airline security bill and talking about the fact that many of my family members are employed in the airline industry, my father having carried bags for United Airlines for some 38 years. And every time I go through that airport, I see these men who have been carrying bags for years making $2 an hour, and unable to get tips to supplement their families and help their families. But the discussion kept going on: we are going to help the workers, we are going to help the workers, we are going to help the workers. Well, finally, we are doing that.

And unlike some who say that we as Democrats see compassion as an unemployment check, I do not see compassion as an unemployment check. I see compassion that we ought to exhibit all during this year and years to come as Members of the House: compassion for affordable housing for people who cannot afford housing, compassion for people who need health care, who cannot afford a health care credit. Because if I do not have any money, I cannot pay for health care and then get a credit. I see compassion as giving opportunities for people to have a job at a living wage and have a job where they can work and get a health care benefit that they do not then have to pay for.

I understand compassion. I see compassion. And I am not going to give support of business to the Republican Party, because Democrats support business. I serve on the Committee on Small Business, and I am here to help business. But we cannot help business and not help the workers who help to build the business. I am glad for workers. Thank God we have got unemployment compensation.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Ms. DUNN. Madam. Speaker, will the gentleman yield for a colloquy?

Mr. THOMAS. I yield to the gentlewoman from Washington.

Ms. DUNN. Madam Speaker, I appreciate this legislation. It is going to do great things for the State of Washington, which is the second highest in unemployment in the Nation right now.

Mr. Chairman, I want to clarify a couple of points, that dislocated workers in Washington State will receive the following benefits in this order:

First, the regular State benefits of up to 30 weeks; second, the regular 50–50 shared Federal and State extended benefits up to 13 weeks, that the Governor can elect to suspend; third, the 13-week extended benefits, fully paid for by the Federal Government; and, fourth, States with high unemployment rates, like Washington State at 7.5 percent, would be eligible for an additional 13 weeks, fully paid by the Federal Government; and lastly, fifth, once all these resources are exhausted, displaced workers in Washington State will be eligible to use state-funded benefits already available under State law. Is that the gentleman's understanding?

Mr. THOMAS. Madam Speaker, reclaiming my time, I tell the gentlewoman that that is my understanding. That is the way we intended to write the legislation, and in conferring with the Department of Labor, they have indicated to us that that is the appropriate interpretation. However, we will insist on a letter from the Department of Labor assuring us that that is in fact the way they will interpret the legislation.

Ms. DUNN. Madam Speaker, I thank the gentleman.

Mr. DICKS. Madam. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Washington.

Mr. DICKS. Madam Speaker, I want to compliment the chairman and my colleague, the gentlewoman from Washington (Ms. DUNN), for their effort here. This is a very important problem. The chairman was gracious in working with us on the Trade Adjustment Assistance Act, and I want to thank him for this effort here to clarify the law.

Mr. THOMAS. Once again reclaiming my time, Madam Speaker, I tell the gentleman that our intent is to maximize the opportunities for those who are unfortunately unemployed, not to create conflict; and we believe we have done that.

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Mr. MATSUI. Madam Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. ROEMER).

Mr. ROEMER. Madam Speaker, if we were playing a baseball game, it would be three strikes and then out. This is not the third but the fourth time that we have tried to do this bill in the right and the balanced and the appropriate and the bipartisan way.

We finally have it right, and so we are playing by the House rules that we can do it three or four or five times. We finally have balance in this bill: Balance between helping our businesses in a tough time, in a recession, maybe coming out of this recession slowly, and helping them with a 30 percent first year depreciation bonus. Importantly, we have help for our families, our unemployed, our children, people across Indiana that have seen unemployment rates almost double over the past year.

Madam Speaker, we have seen nationally the unemployment rate go to 7.9 million people, almost 2 million people more than a year ago. This is important because the cost of this bill has come down, too. We are coming out of the recession. Mr. Greenspan is saying good things about recovery, and the price of this has gone down from $127 billion to $99 billion, to now $41 billion over 10 years. That is good for our budget. It is good for our families. It is good for our businesses. We have arrived at the right balance.

Madam Speaker, I intend to vote for this bill. It will be a bipartisan bill, and I am glad we finally have it right.

Mr. THOMAS. Madam Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. HAYWORTH), a valued member of the Committee on Ways and Means; and, lest we forget, somebody who represents the world champions in baseball, which was a point made by the previous speaker.

Mr. HAYWORTH. Madam Speaker, I listened with great interest to the gentleman from Indiana who started with the point of gamesmanship. He spoke about three strikes and being out. A more complete exposition on the rules on baseball, four balls and one walks.

Sadly, there are some in this town who just walked away. One definition of balance, to deprive the creation of job opportunity to strike balance for unemployment checks, that type of false compassion.

Let me suggest, Madam Speaker, this is not a game. Those who will come to this well and cry crocodile tears as to their compassion for the unemployed are missing the boat.

Our President made the point, true compassion is not an unemployment check, it is a paycheck from a job. When we turn our back on tax policy that creates economic opportunities and jobs, in the unrealistic and almost plaintive cry that somehow these are tax breaks for the rich, they fail to understand.

Madam Speaker, there are many in Arizona and across America who grow cynical with the shenanigans in Washington and grow cynical with those who would put political career advancement in front of the needs of the very people they purport to champion. Indeed, there are those in the dominant media culture who almost cheerlead for that somewhat cockeyed view of how to help people.

Good people can disagree, but once again we have taken a step today, more modest, to help those who need help, people we could have helped in October, in December, once again in December, and in February. At long last, we will rally. How sad it is that we do not get balance for economic opportunity at all, but we do take the steps necessary.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-McDONALD).

Ms. MILLENDER-McDONALD. Madam Speaker, I thank the gentleman from California (Mr. MATSUI) and also the chairman for bringing this bill to the floor, as well as the ranking member.

Madam Speaker, today we are considering amendments to H.R. 3090, the Job Creation and Worker Assistance Act. As a ranking member of the Subcommittee on Workforce, Empowerment and Government Programs, I embrace this bill. However, I would have wanted to see more for small businesses and more tax credits than what we have, especially for the unemployed. I would like to have seen a more equitable bill, but this bill that is under consideration is a drastic improvement over the first bill that was introduced into the House.

The major improvement to the bill is an extension of unemployment benefits for 13 weeks. I am sure unemployed workers throughout America will be comforted by this good news. Further, the bill reauthorizes TANF, the supplemental grant program and contingency fund, throughout the end of 2002. For families that have endured tough economic times, this reauthorization should provide some measure of relief.

I am also pleased to note that my colleagues in the House demonstrate a compassion for the long-suffering victims affected by the events of September 11 by including measures that provide temporary tax breaks and incentives for reconstruction of the World Trade Center neighborhood of New York City.

Madam Speaker, this is a bill that we can support. It does not have all of the benefits that I would have wanted to see, but as the ranking member of the Subcommittee on Workforce, Empowerment, and Government Programs, I welcome this bill. After months of wrangling over the economic stimulus bill, we have a bill that speaks to both business and unemployed workers.

Mr. THOMAS. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Madam Speaker, let me first begin by complimenting the gentleman from California (Mr. THOMAS) for his perseverance in working to get this economy going again. Today, the fourth time, will be the charm. I hope that the bipartisan support we are hearing for this legislation to help unemployed workers, as well increase investment and the creation of jobs, will go through the Senate and be signed into law.

There is an interesting headline in the paper today, "Congressional Budget Office Predicts 2 Years of Surpluses, Credits Tax Rebate for Rebound in Budget." The nonpartisan Congressional Budget Office gives credit to the President's tax cut for the improved situation with our budget, as well as the rebound we are beginning to see in this economy.

This legislation before us is important today. We have laid-off workers. They are running out of unemployment benefits. We extend them. The program that we have before us is better than what the other body has suggested.

We also answer a very important question, and that is, what drove job creation in the last decade? It was investment, investment in the creation of jobs. For example, particularly in the technology and telecommunications sector, a tremendous amount of investment in the 1990s drove the creation of two-thirds of the jobs, the new jobs in our economy. That area has been hard hit by the recession we are currently under.

Madam Speaker, there are two provisions in this legislation that are tremendous incentives for investment and the creation of jobs: the accelerated depreciation, a 30 percent expensing, what some call the bonus depreciation. It is a tremendous incentive in the creation of jobs. Some of us have auto manufacturers or pickup truck manufacturers. Others have those that produce computers or telecommunications equipment. When someone has an incentive to buy those type of assets, there is a worker who manufactures that product, installs that product, services that product, and there is a worker who operates that product. The 30 percent expensing is a tremendous incentive for investment in creation of jobs.

NOL carry-back will allow companies to go back 5 years if they are losing money. The NOL carry-back is a tremendous incentive to invest in jobs. Companies are losing money. They need an opportunity to create capital that they can invest and keep their companies moving forward. The NOL carry-back will allow them to go back 5 years, essentially get a tax refund, use that money to invest in job creation, putting workers and their companies back to work, and giving more workers the opportunity to go back to work.

Madam Speaker, this legislation deserves bipartisan support. Let us invest in new jobs and give those who are unemployed today the opportunity to go back to work.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Madam Speaker, I thank the gentleman for yielding me this time and thank the gentleman for his work on many of the issues that we are considering today.

Madam Speaker, I want to talk about three issues in this bill that are very important. One deals with unemployment insurance, and the others deal with our welfare system.

I am pleased we now have these three provisions in a package that has a good chance of not only passing this body but the other body and being signed by the President of the United States. I congratulate the gentleman from California (Mr. THOMAS), the gentleman from California (Mr. MATSUI), and the gentleman from New York (Mr. RANGEL) for bringing forward a package that can be signed into law.

The provision I am referring to is the 13-week extension of unemployment insurance. We have been in recession for the last year. People, through no fault of their own, cannot find employment. It is important that we extend the unemployment insurance benefits. This 13 weeks will help 80,000 people a week who are exhausting their current unemployment insurance benefits.

The other two provisions deal with our welfare system. We extend the supplemental grants to those States who depend upon the supplemental grants in order to fund their welfare programs. Maryland is not one of those States, so the people in my State do not benefit, but it is an important program, and I applaud the effort that will finally get that enacted into law.

The other provides for the contingency fund within the TANF welfare program.

Madam Speaker, we are in a recession. We are going to be calling upon our social safety net programs more in the coming year. It is important that we provide within the TANF program the extra resources that our States are going to need in order to deal with the people that cannot find employment during this very difficult time.

Madam Speaker, for those three reasons I compliment all that are involved. These are three important provisions and are worthy of the support of this Chamber, and I thank all who are responsible for making it possible.

Mr. THOMAS. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Madam Speaker, the inclusion of the extension of unemployment compensation benefits in this bill, of course, is the core, and it is a pretty good outcome for our unemployed.

I would have added one feature to it which I presented to the Committee on Rules but learned that it was premature to do so but which would have lifted an additional burden from the backs of our unemployed, namely a proposition that I have offered to eliminate income taxes on the receipt of unemployment compensation benefits. My proposition would make it retroactive to January, 2001.

Just as the unemployed began to creep up in numbers after the recession started, and exacerbated by September 11 when a whole new crew of unemployed Americans came before the unemployment boards, now is the time to consider lifting the burden of income taxes that applies to those benefits.

The chairman of the Committee on Ways and Means assured me that we would have discussion on this proposition; and when the time comes for that discussion, I ask the support of all of the Members because it is an unfair proposition to have our unemployed receive an unemployment compensation check and then have to calculate it in their taxes. We want to see that eliminated.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Madam Speaker, I rise in support of the bill. This is the first time I have been able to say that on the floor, and maybe the fourth time is the charm. The need is urgent to help our displaced workers and encourage investment through depreciation.

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This bill extends unemployment insurance benefits for workers who have used their benefits up without yet finding a job. In my own area in Houston, our laid-off workers are a result of September 11, the airline employees and the travel industry, and from the Enron situation. They will benefit from this. Since September 21, about 2 million families have run out of unemployment benefits, 81,000 per week.

That will help us nationwide. We should have done this months ago in a bipartisan manner, but the Republican leadership insisted three times before that the tax breaks for the wealthy and corporations be included. In previous recessions, we have always passed an unemployment extension, but this time again we held it hostage, and now I am glad we are finally going to see it happen.

The concern I have, though, is ultimately we went from last year saving Social Security first to making it last. It looks like we have put tax cuts first. Again I am glad the committee has come up with this bill. It is a good compromise. Hopefully, the Senate will adopt it.

Mr. THOMAS. I thank the gentleman for his kind words.

Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), a valued member of the Committee on Ways and Means.

Mr. SAM JOHNSON of Texas. Madam Speaker, it has been over 100 days since President Bush demanded that Congress pass legislation to create jobs and spur our economy. Today, we are trying to help the unemployed and we might finally succeed.

Republicans are asking our Senate over there to put the American people first and their political ambitions second. Nothing should stand in the way of this bill, because it targets those that need help, the unemployed, our businesses and our economy. I know the people of South Dakota and Missouri are tired of these political games and so am I. We are just trying to make America strong by creating new, high-paying, long-term jobs. This bill does just that. Vote for America's workers. Vote for this commonsense bill.

Mr. MATSUI. Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from Florida (Mrs. THURMAN).

Mrs. THURMAN. Madam Speaker, I am actually here to support the bill. I, like many of my friends, am glad we have a piece of legislation before us that does address some of the issues that many of us have been concerned about and certainly one that we can find consensus. It is good to know that we in fact can find consensus and come to agreement on some issues that are facing many, many people in this country.

I would just say that what we are hearing today is there has been about 80,000 Americans who are losing their unemployment benefits each week. According to one estimate, about 1.6 million people have totally exhausted their benefits since the September 11 tragedy. This 13-week extension certainly will go a long way to help them and their families during this crisis time.

I would say I am disappointed that we could not up some of the Medicaid dollars. I think that would have been a right direction for our States. Our States are looking to us for some leadership on this issue. They, as we all know, are in serious problems in their States; and Medicaid is an area in which they have asked for some relief. In saying that, though, I think the chairman knows that in the last couple of months, we have talked in the committee about the TANF grants and issues. In fact, we are going to be at a Federal-State conference on Monday. My State of Florida has continually brought this issue to our attention. It is my understanding we are going to get about 10 percent of our total. I do not know what exact number that is, but certainly it is going to go a long way in helping us.

I think there are also some important issues in here on the extenders. Our business partners that come in to talk to us constantly are saying to us, the extenders are something we have to go through every time. We are very concerned that this is not going to happen.

I would just say that I think that the extenders and one that I am very much interested in certainly was the wind which is also an alternative energy issue, one that we should be paying close attention to in these times.

All in all, I also think that we met some of the criteria that Mr. Greenspan and others have said that will also help us in stimulating this economy. I thank our chairman and our ranking member and members of this committee who got together and figured out that there was a way to go and get some things done around here that helps the American people. We thank them for that.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Madam Speaker, let me first start out by saying that I am very pleased that the Republican leadership dropped the bill yesterday which would have complicated matters and brought up what is essentially a clean bill today on the unemployment compensation so we can get this passed and give that extra 13 weeks to our constituents. That is so important. I am pleased at the fact that they were willing to listen to Democrats and others that were asking that that be done.

However, I did want to say that the issue of health care for people who are displaced, for displaced workers, is still very important and needs to be addressed. One of the concerns I have, which some of my colleagues have mentioned, which is that with the States piggybacking on this Federal depreciation rule, many of the States are now concerned that they are going to be losing significant amounts of money and that they will not be able to afford to keep everyone on their Medicaid rolls. In my home State of New Jersey, which faces like a 12 percent deficit from the previous Republican administration, our Governor is saying a big part of that is Medicaid. So we do not want to aggravate the situation, making it more difficult for States to provide health care for people who do not have a job or who are low income.

What I would like to see, and this is what I would ask, is that the Republican leadership allow at some point in the next few weeks the opportunity for the Democrats and all of us to address the problem of health care. Democrats have talked about expanding COBRA. Democrats have talked about giving more money to States to deal with this Medicaid problem. We have to recognize the fact that given the recession and the amount of displaced workers, there are a lot more uninsured and their problems are only going to be addressed if we deal with public programs and try to help the States with Medicaid, if we deal with COBRA, if we deal with some of these health care initiatives that actually make a difference and provide people with health insurance.

The tax credits that the Republicans have been talking about are not going to help the uninsured. Very few people are going to be able to buy into the individual market; and if anything, the Republican proposals with their tax credits undermine the employer-based system. That is why we brought it up on the previous question today that we voted "no," because we do not want to undermine the employer-based system with these tax credits that the Republican leadership has proposed.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Ohio (Mr. PORTMAN), a member of the Committee on Ways and Means.

Mr. PORTMAN. Madam Speaker, I tell my friend who just spoke on the other side of the aisle that we had an opportunity to help States in regard to health care in the previous three bills that came to this floor for economic stimulus. I do not know whether the gentleman was on those, whether he voted for them or not; but we have had that opportunity, and we will have it in the future because this House will act to deal with the issue of the uninsured.

I thought it would be helpful to talk for a second about how we got to where we are right now. Let us start with why we are here. We are here because of the recession, and we are here because of the horrible events of September 11 and the deepening of the recession that that caused. In reaction to that, the House back in October, 5 months ago, passed legislation on this floor, then again passed it in December, then again passed it in February, each time focusing on two things: one, helping those who are unemployed, including the extension of unemployment insurance; and, second, helping to get the economy back on track so we can get people back to work. That has been the focus of all the three previous efforts. Each time as the House has passed these bills with practically unanimous Republican support and some support from the other side of the aisle, these bills have been blocked by the other body. Despite the fact that we believe there is a majority of the other body that supports the legislation, at least the legislation in December and the legislation in February, the other body has chosen to block that legislation, despite the fact that during this time the recession has dragged on and on and on.

That is why we are here today, because as the other body has blocked each of these good-faith efforts again to get people back to work, the House has reacted by altering the legislation, trying to address the very concerns that were raised on the floor of the other body and some concerns that were raised on the other side of the aisle here so that the bill which was brought forward in December, the bill which was brought forward in February, was altered from the original legislation to try to be sure we could get through that Senate gauntlet, excuse me, the other body's gauntlet and get the bill to the President for signature because we care about helping people who are unemployed but also care deeply about getting people back to work and re-creating those jobs in the American economy.

The House stayed focused on that every time. The House stayed focused on helping people. Now we are here. The other body finally blocked legislation indicating to us that now we need to alter the bill again. We have once again done so. This time we have fewer incentives for jobs, but still have incentives for jobs. We kept at it. Again, I must say that I applaud the chairman's personal perseverance and patience in this effort. I think, frankly, politically many people argued we should have done something else, we should have blamed the Senate or the other body for blocking this legislation. Instead, we have persevered. We have done what we can to try to get this bill done.

Again today we are hearing on the other side of the aisle more support for this legislation. I certainly hope the other body is listening, because it is time. It is 5 months too late; but it is time for us to move to help those who are unemployed, to extend unemployment insurance, to provide other assistance but also to help get people back to work, to put in place some incentives so that new jobs can be created and folks can get back to work helping the U.S. economy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. EMERSON). The Chair would once again remind all Members that during the course of this debate, Members should refrain from characterizing Senate action, including urging Senate action.

PARLIAMENTARY INQUIRY

Mr. THOMAS. Madam Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. THOMAS. In terms of not representing or characterizing Senate action, does that also refer to characterizing Senate inaction?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MATSUI. Madam Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Madam Speaker, I am very pleased today that we finally have put together a stimulus package that will enjoy significant bipartisan support, and it will engender this significant bipartisan support because it is focused. It is focused on enacting tax cuts that will really result in increased economic activity. It focuses on providing needed benefits to New York. It focuses on providing needed benefits to our unemployed workers. And unlike some of the past stimulus bills that were brought before this House, it is focused on tax cuts that will really make a difference in the immediate term.

There has been some characterization that we did not have a stimulus bill signed into law before this or through the past 5 months because of a failure of one body or the other to take action. I think the reason we do not have a bill that is signed into law already was because we failed to work in a bipartisan fashion to structure a bill that would be focused on the immediate tax cuts that would provide that economic stimulus that was balanced to the appropriate benefits that needed to be provided to the unemployed workers in this country. I do not think we should be surprised that today when we pass this measure out of the House with broad bipartisan support that it is quite likely that we will see a bill that will be enacted and sent to the President's desk. There is a very simple lesson there, I think, that by working together and by being focused and finding a bill that can find that common ground, we can make a difference, we can advance policies that will ensure that we can see greater economic activity, and we can advance benefits that are going to provide some relief to a lot of the hard-working Americans who, unfortunately, have lost their jobs over the past few months.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2½ minutes to the gentleman from Louisiana (Mr. MCCRERY), chairman of the Subcommittee on Select Revenue Measures of the Committee on Ways and Means.

Mr. MCCRERY. Madam Speaker, I first want to talk about why Republicans have stuck to our guns on insisting that extension of unemployment benefits be coupled with tax cuts for business so that they might create jobs and pull us out of this recession.

I am going to quote from an online publication of Business Week magazine from yesterday:

"Federal Reserve Chairman Alan Greenspan has repeatedly pointed out that the current recession was triggered by business cutbacks and said he'll need to see improved corporate demand before he's convinced the recovery is sustainable.

"Surveys of corporate buyers have consistently shown they plan only a gradual pickup in spending this year. Only 15 percent of respondents to a National Association of Manufacturers survey released on February 20 said they would increase capital spending by more than 5 percent in the first half of 2002.

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"For the second half of 2002, only 25 percent of respondents said they expect to increase spending by more than 5 percent, but 54 percent said their increase would be in the zero- to 5-percent range."

There is certainly a need, if we want to get out of this recession, if we want to create jobs and put people back to work, there is a need to give corporate America an incentive to invest; capital investment. That is what Chairman Greenspan is talking about.

Therefore, we have stuck to our guns and we have won today. We have a package that is going to pass this floor and go to the other body and, hopefully, will be passed there, that will not only give some relief to the unemployed in the form of benefit checks, but it will also give them some hope in the form of a future job.

Now, let us talk about the unemployment compensation benefits in this bill, because they are important. The gentleman from Maryland touched on them, but he did not go far enough in describing what is in this bill. Besides the extension of the 13 weeks of unemployment benefits, we also do what is known as a Reed Act distribution. That means that we are finally going to give to the States adequate monies for administration of the unemployment compensation system in the States, primarily the employment services portion of that system. That is what Congress has been shortchanging the States on for years now.

In this bill, we are going to make good on our promise to give them adequate funds to administer this program to get people back to work.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Madam Speaker, when we have bills that are the result of real compromise before us, it is incumbent upon us to find real consensus. The fact is that this is a balanced bill, and extending unemployment benefits for another 3 months makes sense. We all agree on that.

I also agree on the tax incentives. The capital equipment that is going to be purchased as a result of the 30 percent accelerated depreciation probably would have happened anyway, but it is going to happen now, it is going to be concentrated, it is going to give a real jump-start to the economy, and it is going to get those folks on unemployment now back into the workforce. Even the 5-year loss carry-back makes sense.

This is the kind of thing where the money that we are providing is going to be invested immediately for the productivity of our workforce with the capital investment, and it is going to be invested in the kind of plant and equipment that will ensure that these companies will be sustainable.

We have a great thing going for us. We have had a mini recession. There are certain things that we need to do to fill gaps, to build capacity in the economy, and we need to make sure that our working families cân provide for their children.

This does it. It should be approved, and it should be approved unanimously.

Mr. THOMAS. Madam Speaker, I thank the gentleman for his kind words.

Madam Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN), a member of the Committee on Ways and Means.

Ms. DUNN. Madam Speaker, I am pleased to hear preliminary reports that indicate that our economy might be back on track, but in Washington State, recovery will take longer. Our unemployment continues to go up, not down, for each round of Boeing layoffs. At 7.5 percent, it is the second highest in the Nation. Many analysts have projected it will grow to 8 percent, the highest unemployment in the Nation. So we can see why providing the benefits that we provide for unemployed people in this bill is crucial, but it is not enough, Madam Speaker.

It is also crucial to provide some help for businesses so that they will invest in workers and keep people employed. We know it is the private sector that creates jobs. Assisting them needs to be a focus of our recovery efforts. The tax provisions in this bill will encourage Washington State companies to begin investing again and keep people employed.

I urge passage of this bill.

Mr. MATSUI. Madam Speaker, I yield 1 minute to the distinguished gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Madam Speaker, I rise in support of this bill because of what it does and what it does not do. I commend and thank the leadership of both parties for bringing us a bill that extends unemployment benefits, that provides meaningful incentives for people to invest in capital goods and get the business economy rolling again.

I also support the bill because it is not nearly as large as the other plans that were before us just a few weeks and months ago. The looming problem in this economy is the budget deficit. This bill adds only marginally to the budget deficit in the short run, and I believe it will subtract from it in the long run. But that problem is not going away. We are once again going to run this government on borrowed money, I believe because of the unduly large tax cut enacted last summer.

We have done a good job today in addressing the short-term problem, but we have a bigger job to do in the weeks and months ahead in addressing the looming train wreck with Social Security in the American economy because we are once again going to go back to the bad old days of the 1980s of running this government on borrowed money.

Let us stimulate this economy today, but let us solve the long-term problems in the future.

Mr. THOMAS. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Committee on Ways and Means.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I thank the chairman for yielding me this time.

I am here to express support for a bill that House Republicans are once again putting forward before the House in response to the pleas of American workers who have been laid off in the Arctic climate of this recession.

Mr. Speaker, it is critical that we pass this legislation, but, unfortunately, we have been missing many opportunities. Three times already we have passed the substance of this legislation with additional stimulus built in, passed it, and sent it to where it has been blocked by partisan obstructionism which I have neither the time, nor the inclination, nor the flexibility, under the rules of this House, to adequately explore.

What is important here is that we are laying forward a bill that helps American workers by extending unemployment benefits for 13 weeks. At a time when workers are having difficulty finding another job, they need that extension. It provides clear tax incentives for investment in good-paying jobs.

I represent a manufacturing district. This is precisely the sort of incentive that will allow manufacturers to pour money into capital equipment, modernize their production lines, improve productivity, and successfully compete globally. This is precisely the kind of incentive that is going to allow them to become more competitive and also boost the economy now at a critical time when it needs a boost.

The legislation that we face is the right mix in order to try to provide some relief for an economy that is still dragging and still very much at risk.

Mr. Speaker, it is critical that we pass this legislation now. If we cannot get the full-blown stimulus package that House Republicans have been advocating and that the President has been advocating, it is critical that we move this legislation forward to try to address at least some of the more obvious problems that we are facing.

Mr. MATSUI. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from the State of Washington (Mr. MCDERMOTT), a member of the Committee on Ways and Means.

Mr. MCDERMOTT. Mr. Speaker, I am really pleased that we finally got the hunting season settled for mourning doves yesterday so that we could finally get down and do something important.

Since September 12 when we tried to give $15 billion to the airline executives and stockholders, we have refused to deal directly and simply with the unemployment question. We have always had to have it wrapped with a whole bunch of tax cuts.

Now, we are out here today to pass a bill, and the price has gotten down low enough that a lot of us will support it. It will go out of here almost unanimously. We are going to give $14 billion over the next 3 years to the unemployed and $100 billion to the employers in the form of tax cuts.

We had a famous member of the other body from our State who used to say, I would like to find a one-armed economist, because on the one hand they say things are going up and on the other hand they say things are going down. I do not know whether this bill is for the going ups or the going downs, because I hear that the recession is all over, that we have pulled out of it already because of all of the great things we have done. So why do we need this stimulus package? Why are we putting in $100 billion taken from the Social Security money?

Over the next 3 years, the workers in this country are going to be paying Social Security so they can give a tax break to their bosses to buy more machines. Now, if we are out of the recession, then why do we need this stimulus package? We clearly need the money for unemployment for the 1.1 million people who have lost their jobs and lost their unemployment since 9-11. That is clear. But there is not any evidence that I see, at least from my State, that says they are all coming back to work now.

Now, if a guy has a plant and he has equipment, why is he going to go out and invest in more unless there is a market? If you have, as we have, an 8 percent unemployment rate in Seattle, anybody investing to make more, I guess it can just sit in the warehouse. That would be good business, I guess, although I have never run a business, so I would not know if it is a good idea. But it does not seem very smart to buy a bunch of machinery for something that one cannot sell. Until the economy starts and people are back working, it is going to be very hard to convince people to go and buy more high-priced electronic equipment and all of the things that have gone down.

Now, what is really aggravating about this is you will not give us a chance to have a pay-for, no chance to pay for it. No, no, no. This is the plan that says, if you are in a hole, keep digging. We are in a hole, and we are going to dig another $100 billion deeper, and we could reverse that. We could do something about that if we could have hearings and actually have meetings on this, but these things keep popping out of the committee without anybody ever having a chance to talk about them. We find out that, after all of these months, the State of Washington, we have to have a letter from the Department explaining how it is going to work.

I urge everyone to vote for a bad compromise.

Mr. THOMAS. Mr. Speaker, my understanding is the gentleman said that he was in favor of the bill? I did not hear the closing pitch. How ironic.

Mr. Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Missouri (Mr. HULSHOF), a member of the Committee on Ways and Means.

Mr. HULSHOF. Mr. Speaker, I rise in support of the Job Creation and Worker Assistance Act.

This, Mr. Speaker, is the least we could do; literally, this is the least we could do, because of the political climate in which we find ourselves. This is a pragmatic solution.

There have been a number of speakers who lament the fact that we have not provided worker assistance in the past, and I would remind my colleagues that we have provided that assistance in the three prior true stimulus bills. Perhaps we have missed some opportunities, because we also had some health assistance for displaced workers. My colleagues may recall we had some simplification of the capital gains holding period that a lot of small businesses have been asking us about. We had relief from the punitive Alternative Minimum Tax, which, I remind my colleagues, economically hits businesses at a time when they can least afford to be hit with this tax; that is, times of economic slowdown.

Interestingly, the gentleman from Texas who spoke earlier talked about tax breaks for wealthy corporations. And yet, if these corporations are so wealthy, then why are we including a net operating loss carry-back?

The fact is that these economic downtimes have caused many businesses to become awash in red ink. Ford Motor Company, for instance, that was on the top 10 recipients of additional tax relief on a chart that my colleagues on the other side of the aisle used recently, announced a layoff of a plant in St. Louis, Missouri, which is going to affect about 2,500 workers.

Notwithstanding that, I think that this is a good bill and, as I have said before, inaction is not an option. I am glad that the House is finally acting.

Mr. MATSUI. Mr. Speaker, I yield the balance of my time to the distinguished gentlewoman from the State of California (Ms. PELOSI), the Democratic whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for his leadership on this very important issue.

Well, here we are 6 months later, four legislative attempts and millions of jobs lost, finally passing a package to extend unemployment benefits for those affected by the recession and the September 11 tragedy.

□ 1215

We have to review this legislation today in the context of this past year. One year ago, when the Clinton administration left office, we had the strongest economy in the history of our country. We had the biggest budget surplus in a generation.

What a difference a year makes. Under the Bush economic package, we started into a recession, we started into reversing the tendency towards surplus and moved into deficit, and we have been advancing policies under the Republican leadership in the House to raid Social Security.

Within that context came September 11, when we already had an economy moving into a recession. What a tragedy it was in so many respects for our country. Immediately this House acted, and probably appropriately, to bail out the airline industry in a matter of days from September 11.

Many of us wanted to vote in tandem for that bill and a bill that would help bail out all of the workers who lost their jobs as a result of September 11 in the airline industry and in the related hospitality industry.

But no, the emergency was only for the industry, and the workers would have to wait. So in good spirits and with good will, we voted for the airline bailout bill with the thought that the worker bailout would shortly come before us.

Six months later, we still do not have that comprehensive worker bailout bill on the floor. What we have before us today is the very least that we could do, the very least that we could do, to extend for 13 weeks the unemployment benefit package for the workers. Now we are at record numbers, 8 million unemployed in our country, record numbers of people going on unemployment every day.

So when we talk about this bill before us today, we say that at long last we can be relevant to the pain and suffering in the families of America's working people because we will extend the benefits. But this, as I said, is the very least that we can do. Much more needs to be done.

That is why next week the Democrats will launch a discharge petition calling to expand the number of people who would be available for unemployment benefits: temporary workers, those below a certain wage scale. It would also include in it a health package benefit, so that there would be funding to allow people to take advantage of COBRA extension of their health benefits, because health benefits are a very, very important part of the job, and should be a very important part of an unemployment benefit package.

Mr. Speaker, today we certainly vote to extend the benefits for American workers' families, but we recognize that this, as I said, is the very least that we can do.

The fight continues. Next week we will continue with the discharge petition.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

First of all, Mr. Speaker, I want to thank the gentlewoman for her discordant, partisan remarks.

Mr. Speaker, I am very pleased to yield the remainder of our time to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House of Representatives.

Mr. HASTERT. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think today we have a bill that I hope we can vote for on both sides of the aisle. At least, that sounds like the debate that we have had.

Two or 3 weeks ago, we had a bill on the floor that basically did the same thing. We also had health care provisions. Last Monday, I received a letter from the minority leader that said "I don't want UI and health care benefits put together in this bill." We took it out. Now we have a bill that basically has UI benefits.

We have three things that I think are important for this country, not only helping those people who are out of work, and they need help, but also, most people who are out of work will tell us one thing: They want a job. It is our job to help create jobs in this country.

There are some fundamental things we can do. First of all, all American families that work have accumulated some kind of wealth, either through

401(k)s or mutual funds or savings accounts or pensions. They lost value after September 11. Luckily, that value is starting to come back, and people are seeing that their savings are starting to be restored.

But that is a valuable asset that we have in this country. That is a valuable asset for every American family. We need to get confidence in those markets that people will put money back in again and see that value rise.

The second thing that we needed to do is get confidence in consumers, because what this Congress has done over the past 3 years is paid down $450 billion of public debt, so we do not have the Federal Government out there competing with the private sector for capital. We have helped keep interest rates low.

I say "helped keep" because the Federal Reserve has helped us, but they have been able to help us because we have done what we have done. With low interest rates, we read that housing starts are up 6 million last year, unprecedented in a time of recession, but this helped keep the economy going. The auto industry is going. A lot of things are starting back up. We have helped that happen. This bill will give consumers confidence, also.

The third thing that we needed to do, and we will do in this bill, is to help amass capital in very crucial spots so that money will be invested in creating jobs. Creating jobs is not a hocus-pocus, or it is not something where we wave a wand over and it just happens. We have to create it. We have to make sure that there is capital amassed so people invest in new ideas, new construction, new capital equipment, and the ideas that create jobs in this country. That has been this Nation's strength. We do it in this bill.

We are going to be successful in the bill because 2 weeks ago we did not wave a white flag and say, "We will just pass UI and we will roll over dead." We fought back, we got a good piece of legislation. I think that the Senate ought to pick this legislation up and pass it.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in support of H.R. 3090, the Job Creation and Worker Assistance Act. I am pleased that we appear to be finally on our way towards giving relief to the millions of Americans who have exhausted their unemployment benefits.

I want to thank the Chairman and Ranking Democrat of the Ways and Means Committee, Representatives THOMAS and RANGEL for including the annual Tax Extenders bill in the H.R. 3090 which includes the very important extension of the Rum Cover-Over for the Virgin Islands and Puerto Rico. The Rum Rebate, as it is known in my district, is critically important because it is used to secure the bonds that the Government of Virgin Islands issues to pay for the public infrastructure needs of the territory.

Mr. Speaker, I applaud the leadership you and your fellow majority leadership members have shown in crafting an unemployment extension bill which has strong bipartisan support and which has a good chance of becoming law soon because it does not contain any of the controversial tax breaks that were included in earlier bills such as the repeal of the corporate minimum tax. On balance this is a good bill and I urge my colleagues to support its passage.

Mrs. MALONEY of New York. Mr. Speaker, I rise to express my relief that we are finally voting on legislation that will help unemployed Americans.

I have heard countless stories of working men and women who cannot find jobs in these uncertain economic times. Families have been crying out for help, and it's time that we give them the relief that they need.

The aftershocks of 9/11 have affected thousands of workers. In my state alone, unemployment has increased by almost 2 percent since last January.

More than one hundred thousand New Yorkers were displaced by the terrorist attacks, and they shouldn't shoulder the economic burden of 9/11 alone.

Federal grants to extend unemployment make sense not only for New York, but for the nation as a whole.

I am pleased that this legislation contains the 13-week extension of unemployment benefits.

However, we must continue our efforts to ensure that laid-off workers without health care benefits obtain the coverage that they need.

I only hope that this relief will not linger in conference so that workers will not have to worry about paying rent, sending their children to college, or going to the doctor.

It's time to pass this benefits package.

Mr. POMEROY. Mr. Speaker, I rise in strong support of H.R. 3090, the Job Creation and Worker Assistance Act of 2002. I only regret that it took five months for the majority to bring forward a responsible, bipartisan bill that provides assistance to unemployed workers, helps stimulate investment in our economy, but does not further harm our long-term budget outlook. Although the delay is unfortunate, we have a good bill on the floor today and I urge my colleagues to support it.

First, the bill helps unemployed workers by extending the limit on unemployment insurance from 26 to 39 weeks. Importantly, the bill also expands UI benefits by providing funds to assist part-time workers who have lost their jobs. At a time when 80,000 workers per week are exhausting their UI benefits, the 13-week extension in this bill is sorely needed. This Congress has been promising for months to help displaced workers; the bill before us finally delivers on that promise.

Second, the bill encourages new investment to help lift our sputtering economy. It provides businesses with a 30 percent bonus depreciation for plant and equipment placed in service after the terrorist attack of September 11. This will give businesses a powerful incentive to expand their operations and grow the economy. In addition, the bill extends the net operating loss carry-back from two years to five, so that businesses can take advantage of their loss deductions, freeing up funds for new investment.

Third, the bill extends expiring tax credits, including the Welfare-to-Work Tax Credit and the Work Opportunity Tax Credit. Importantly for North Dakota, the bill extends the taxable income limit for oil production from marginal wells and the tax credit for wind energy production. North Dakota is not only a major producer of oil, it is number one in the nation in the potential for energy generation from wind. Both of these provisions will be of significant benefit to my home state.

Finally, the provisions of this bill are temporary, which has two benefits. First, it will encourage businesses to act now, when new investment is needed most to boost the economy. Second, it will minimize the harm to the long-term budget outlook. As each of us knows, the 10-year budget is projected to divert $1.56 trillion from the Social Security trust fund. By limiting the term of these provisions, we stimulate the economy without setting back our efforts to balance the budget without using Social Security.

Mr. Speaker, I support this legislation and urge its adoption.

Mr. BLUMENAUER. Mr. Speaker, I rise today in strong support of the Job Creation and Worker Assistance Act of 2002. In extending unemployment benefits for 13 weeks, this legislation goes a long way toward providing critical economic assistance to workers and small businesses around the country.

The current economic downturn has had a tremendous impact on the Pacific Northwest. The State of Oregon, in particular, has the highest unemployment rate in the country. Some of our most important market sectors, such as technology, agriculture, and forestry, have been hard hit in the last year. This legislation will help our state and our nation until people get back to work.

The bill before us today strikes a balance between the need to assist our country's workers while recognizing the very real financial constraints our government is facing. The 13-week extension of unemployment benefits will help the many in my district who have had trouble regaining employment due to the events of September 11th and the economic downturn and have exhausted their regular benefits.

In addition, I strongly support the provisions of the legislation on accelerated depreciation. Under current law, the recovery period for most personal property through the depreciation process is anywhere from three to 25 years. This legislation would allow a temporary additional first-year deduction of 30 percent for property that generally has a recovery period of 20 years or less, and was purchased on or after September 11, 2001. Small businesses and individuals around the country will be able to use this provision to recover more of their capital costs more quickly, in turn allowing them to use these funds to employ more workers and purchase more goods and services.

Finally, this legislation extends a number of important tax provisions, such as welfare-to-work, the tax credit for electric vehicles, wind and bio mass and, perhaps most important, tax incentives to encourage reconstruction and redevelopment of the New York "Liberty Zone" surrounding the World Trade Center.

These tax incentives will provide further stimulus to those sectors of the economy desperately in need of assistance, while improving the livability of our communities.

Mr. Speaker, this legislation is absolutely necessary to ensure that workers in Oregon communities and across the country can provide for their families until they get back to work. I urge my colleagues to support the legislation.

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today in support of a worker assistance measure that will finally benefit the men and women who need it the most—the unemployed. I am also happy to see that we were finally able to work in a bipartisan fashion to get important legislation crafted for individuals strongly in need of help.

I cannot tell you, Mr. Speaker, how many phone calls my office received from people who were nearing the end of their unemployment benefits, and were still struggling to find employment despite constant efforts to do so. Unfortunately, since last fall, Republicans have been playing nothing more than dirty pool by pushing so-called stimulus packages with accelerated tax cuts, corporate AMT refunds running back to 1986, and poorly conceived health insurance tax credits.

Nevertheless, as the old adage goes, "it's better late than never." And, although Federal Reserve Chairman Greenspan is on the Hill today proclaiming that economic recovery is "well under way," there are thousands of Americans, and many of New Mexicans who are still not seeing the benefits of a recovering economy. That is why I am glad the majority finally decided to do what is right and bring forth a real, meaningful worker assistance bill without controversial tax breaks.

I am pleased to support this legislation and urge my colleagues to do the same. Worker assistance is long overdue.

Mr. SHOWS. Mr. Speaker, today we are considering a measure to extend unemployment benefits for an additional 13 weeks.

On Monday we will mourn the 6-month anniversary of September 11. However, with this anniversary comes issues that Congress must address. Among those is the fact that unemployment benefits will expire on Monday. Unemployed Americans are counting on us to help them get through another difficult situation.

We keep hearing about the need to stimulate our sagging economy. Tough economic times were made worse in the aftermath of September 11th, but I can tell you that back in Mississippi too many people were losing their jobs before then.

And we can only blame ourselves for enacting trade policies that have sent Mississippi jobs packing across our borders. We did it with NAFTA and I am afraid we're going to do it again with Fast Track.

Since September 2001, more than 1.3 million Americans have exhausted their unemployment benefits. In Mississippi alone, more than 7,200 men and women have exhausted their benefits since November, compared to 4,700 unemployment workers during the same time period in 2000—a 54 percent increase. And we continue to experience new factory closures every week in Mississippi.

So, while we argue over ways to jump-start our sluggish economy, it is just as important that we help the victims of that economy.

This Congress has had ample opportunity to help our unemployed—our once working American families—but the leadership of this body chose not to act. This is why I filed the discharge petition to bring this bill to the floor. It's too bad we had to resort to this measure—to bypass regular order—to force action on this essential measure.

However, at least today we will and rectify this economic situation and help American workers who need their government to work for them in this difficult time.

Mr. HINOJOSA. Mr. Speaker, I rise today in support of the Job Creation and Workers Assistance Act, H.R. 3090. On behalf of my constituents in the 15th Congressional District of Texas, which has suffered from a chronic double-digit unemployment rate for decades, this bill is long overdue. I am glad that the majority decided to bring a bill to the floor upon which we have broad agreement, and which will be well received by the other body—the Senate.

Mr. Speaker, this bill represents the kind of constructive compromise that must be the cornerstone of our efforts to create public policy that promotes job growth and economic prosperity. This bill includes provisions that will provide much-needed relief to our unemployed workers who have been losing their benefits. It also provides effective and immediate tax relief that will help businesses to survive these difficult economic times and lead our Nation to renewed economic growth.

I applaud my colleagues on both sides of the aisle for coming together to craft this "economically sound" bill in our Nation's time of need, and I urge support for the resolution and the bill.

Mr. ETHERIDGE. Mr. Speaker, I rise in strong support of H.R. 3090, the Job Creation and Worker Assistance Act. This bill, like the bill the Senate passed a few weeks ago, extends unemployment benefits for 13 weeks and provides temporary tax relief for businesses that will truly help stimulate our economy. H.R. 3090 represents the kind of temporary, immediate and affordable relief I advocated for months.

Mr. Speaker, for months, the House Leadership has continued to bring up only sham tax bills instead of relief for unemployed workers. In fact, the worker relief package we are considering today could have been law months ago if House Republicans had not insisted on attaching controversial and ineffective tax breaks for special corporate interests to previous stimulus packages.

While the relief contained in H.R. 3090 is a step in the right direction, we must not stand pat. As we approach the six-month anniversary of the terrible events of September 11, Congress must pass additional common sense legislation to jump-start our economy and put our people back to work. We must address the issue of health insurance for the unemployed. Mr. Speaker, providing health insurance for the unemployed and extending unemployment benefits must go hand in hand. And we should enact visionary policies to prompt long-term economic growth, prosperity and opportunity for all Americans willing to work hard to make the most of their God-given abilities. I am hopeful that Congress will address these important priorities in the coming months.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

Pursuant to House Resolution 360, the previous question is ordered on the motion.

The question is on the motion offered by the gentleman from California (Mr. THOMAS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. THOMAS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 3, not voting 15, as follows:

[Roll No. 52]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg

Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Boyd
Stenholm
Taylor (MS)

NOT VOTING—15

Barton
Bentsen
Blagojevich
Calvert
Condit
Cubin
Gallegly
Jackson-Lee (TX)
Lofgren
Meek (FL)
Neal
Sanchez
Solis
Traficant
Wexler

☐ 1246

Mr. BERRY changed his vote from "nay" to "yea".

So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 52 on H.R. 3090, to provide tax incentives for economic recovery I was unavoidably detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Ms. SANCHEZ. Mr. Speaker, I was attending an important business meeting in Mexico with President Vicente Fox on March 7th dealing with International Women's Day.

Had I been present and voting, I would have voted "nay" on rollcall No. 51 and "yea" on rollcall No. 52.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the motion just agreed to.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from California?

There was no objection.

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise to inquire about the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, March 12, at 12:30 p.m. for morning hour and 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow. Mr. Speaker, that list will include the Born Alive Infant Protection Act.

On Tuesday, recorded votes will be postponed until 6:30. On Wednesday and on Thursday, I have scheduled H.R. 2341, the Class Action Fairness Act of 2002, for consideration in the House. I would also like to note that the Committee on the Judiciary has completed its markup of H.R. 2146, the Two Strikes and You're Out Child Protection Act; and I will be expecting to put that bill on the floor next week as well.

I thank the gentlewoman for yielding.

Ms. PELOSI. Mr. Speaker, reclaiming my time, I thank the gentleman for the schedule, but could he be more specific about the day that the Class Action Fairness Act of 2002 will be brought up?

Mr. ARMEY. Mr. Speaker, if the gentlewoman will continue to yield, we expect that bill to be on the schedule for Wednesday. I think we would plan on that.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for that specific answer.

ADJOURNMENT TO MONDAY, MARCH 11, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 12, 2002

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 11, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, March 12, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL 7 P.M., MONDAY, MARCH 11, 2002, TO FILE A REPORT ON H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2001

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary have until 7 p.m. on Monday, March 11, 2002, to file a report to accompany the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENTS TO H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2001

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, the Committee on Rules may meet on Tuesday, March 12, 2002, to grant a rule for the consideration of H.R. 2341, the Class Action Fairness Act.

The Committee on Rules may grant a rule which would require amendments be printed in the CONGRESSIONAL RECORD prior to their consideration on the floor. Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H-312 in the Capitol no later than 1 p.m. on Tuesday, March 12.

The Committee on the Judiciary intends to file its report on the bill on Monday, March 11. The Committee on Rules will post the Committee on the Judiciary version of the bill on the Web site of the Committee on Rules as soon as it becomes available. Members should draft their amendments to the bill as reported by the Committee on the Judiciary.

Mr. Speaker, Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to make sure their amendments comply with the rules of the House.

PROVIDING AMOUNTS FOR FURTHER EXPENSES OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE IN SECOND SESSION OF 107TH CONGRESS

Mr. NEY. Mr. Speaker, I ask unanimous consent that the Committee on House Administration be discharged from further consideration of the resolution (H. Res. 359) providing amounts for further expenses of the Permanent Select Committee on Intelligence in the second session of the One Hundred Seventh Congress, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. HOYER. Mr. Speaker, reserving the right to object, I take this time to ask the distinguished chairman of the Committee on House Administration for an explanation of his unanimous consent request.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, House Resolution 359 is a supplemental funding resolution for the House Permanent Select Committee on Intelligence.

Mr. Speaker, as my colleagues know, each Congress passes a committee funding resolution to authorize committee spending. My colleague and I, the gentleman from Maryland, passed a very good and effective committee funding resolution that keeps the House in proper movement.

This process normally occurs at the beginning of each Congress. The committee funding process for the 107th Congress was completed in March of 2001 with the overwhelming passage and overwhelming bipartisan agreement of House Resolution 84, a bipartisan initiative which not only provided committees with the necessary resources to carry out their important work, but which also set new standards for allocating funds between majority and minority staffs.

I want to again thank the gentleman from Maryland and all the members of the committees, both sides of the aisle, ranking members and Chairs of the committees, for their tremendous and great cooperation.

Those funds more than adequately provided for committees to do the necessary work which they are charged to do in the 107th Congress. Unfortunately, because of the tragic and devastating attacks of September 11, we find it necessary to come to the House floor to seek additional spending authority for the House Permanent Select Committee on Intelligence.

The increased spending authority would be used to fund a joint bicameral inquiry with our counterparts from the other body into the activities of the intelligence community before, during, and since the September 11 terrorist attacks. Among the purposes of this joint effort is ascertaining why the intelligence community did not learn of the conspiracy to launch the September 11 attacks in advance and to identify what, if anything, might be done to better position the intelligence community to warn of and prevent future terrorist attacks and other threats in the 21st century.

The investigation will principally focus on the U.S. intelligence agencies and their activities, as well as the interaction between intelligence agencies and nonintelligence entities associated with our national security. Based on their findings, the committee may seek to enact changes in order to remedy any systemic deficiencies revealed by the joint inquiry.

The decision to conduct a bicameral bipartisan review by the two intelligence committees is supported by both the gentleman from Florida (Mr. GOSS), chairman, and the gentlewoman from California (Ms. PELOSI), the ranking member of the House Permanent Select Committee on Intelligence, along with the chairman and ranking member of the Senate Select Committee on Intelligence.

Review of the activities of the intelligence community through this joint effort is necessary for several reasons. To begin with, the two intelligence committees, House and Senate, are best suited by experience and practice to protect classified information. Since a significant portion of the investigation must include review and access to highly sensitive classified materials in order to fully understand intelligence actions, review by both committees is appropriate and needed.

Second, due to the fact that our Nation will be involved for some time in the war against terrorism, a bicameral review will allow the most effective use of time and manpower for those agencies that are still involved in protecting, investigating, and compiling information for our continued campaign against terror.

Third, by offering to approach the investigation in this manner, the committees have secured White House assurances that access to critical information necessary to do a thorough job will absolutely be provided.

And, finally, the unprecedented nature of the terrorist attacks demands an unprecedented response. An inquiry by the elected representatives of the people will ensure that we give the American people the explanation they deserve regarding the events of that infamous day.

The inquiry will consist of joint hearings, both open and closed, and will be conducted once the initial data gathering and interviews are completed. The inquiry is expected to last through the 107th Congress and could quite possibly extend into the next Congress, though this resolution only authorizes funds for this Congress.

Should the work continue into the 108th Congress, the House rules regarding interim committee funding will be used to continue funding the committee, the inquiry, and all other committees as usual.

So, Mr. Speaker, we come to the floor today with a resolution to authorize $1.6 million in additional spending authority for the House Permanent Select Committee on Intelligence. Although the committee already received an increase in its funding for efforts regarding terrorism, that effort is looking more broadly into terrorism and our Nation's preparedness rather than focusing in, in a comprehensive way, on the specific day of September 11. As I stated earlier, the resources made available to the committee which were allocated in the beginning of the committee funding process for the 107th could not have possibly taken into account what happened to this country on September 11. That is why it is necessary for us to augment both the funding levels and staff levels for the committee so that they may conduct a proper inquiry.

The amount being requested is approximately one-half of the total amount needed to hire staff and cover related administrative expenses, such as office supplies, travel, and computer systems. The other body, in separate action, has already allocated funds to its committees for the same purposes.

With that, Mr. Speaker, I ask for support of this resolution. We all know if we fail to learn from the mistakes of the past we are doomed to repeat them. I hope this inquiry will help us to learn from our mistakes so we can avoid a recurrence of these horrific events.

In closing, I would also note that this House was ahead of its time. Because last year, when we did the funding resolution, we gave the proper increases to the Permanent Select Committee on Intelligence before we ever could have dreamed what would have happened here in the United States. This, again, I think, is ahead of its time so that we can look back into what happened to help us in the future, not only to protect the United States but to, frankly, protect the world.

I thank the distinguished gentleman from Maryland for not only his cooperation but for yielding to me.

Mr. HOYER. Further reserving my right to object, Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI), the distinguished ranking member of the Permanent Select Committee on Intelligence and the minority whip.

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Maryland for his leadership and that of the distinguished chairman for facilitating this request and bringing it to the floor.

Mr. Speaker, I support this legislation.

Next Monday is the six-month anniversary of the terrorist attacks in New York City, Pennsylvania, and at the Pentagon. With the war against the al Qaeda network, and terrorism generally, well underway, it is important that the process of determining why the September 11 attacks were not prevented receive appropriate attention in Congress.

The performance of the intelligence agencies is an essential part of the September 11 story, and it is the responsibility of the House and Senate intelligence committees to thoroughly assess that performance. It is the judgment of the committees that a joint inquiry is the best way to get at the facts and recommend changes as supported by the facts. The committees intend that the inquiry will ascertain why the agencies did not learn of the attacks in advance and identify what, if anything, might be done to better position the agencies to warn of, or prevent, future terrorist actions against the United States.

The joint inquiry will be a considerable challenge and will require additional resources, primarily for staff. The measure now under consideration provides these resources, and I urge its adoption so that we may proceed as quickly as possible on this important task. Additional resources and staff positions have been provided by the Senate. It should be made clear that, although we intend for this inquiry to be comprehensive as far as the intelligence agencies are concerned, it will not be exhaustive of all of the issues surrounding the September 11 attacks. Other committees may want to examine matters within their jurisdiction and, at some point, it may be appropriate to consider the creation of an entity outside of Congress to take an across the board look at all of the components of the September 11 disaster. Our purpose in undertaking this joint inquiry, and in seeking funds to do it properly, is not to foreclose any other review, but to ensure that the intelligence committees properly discharge the oversight responsibility given to them by the House and Senate.

Mr. HOYER. Mr. Speaker, under my reservation of objection, I certainly join the chairman of the Committee on House Administration in strong support of this funding resolution, which I think is appropriate, and I congratulate both the chairman and the ranking member, as well as the other body for the process that they have adopted to proceed on this matter, which I think will be efficient and effective.

Mr. GOSS. Mr. Speaker, I rise today to express my strongest possible support for the passage of this resolution, which will provide urgently needed funds to support an unprecedented bipartisan and bicameral inquiry. This joint congressional inquiry, involving the Members and staff of both the House Permanent Select Committee on Intelligence and the Senate Select Committee on Intelligence, has several critical tasks: first, to review the events and the actions of our Government leading up to the terrorist attacks of last September; second, to ascertain accountability within our Government for the management of counterterrorist and homeland security functions, focusing specifically on our intelligence mechanisms; and third, to ensure that our Government is properly informed and prepared with accurate and timely intelligence to stop current and future terrorist attacks against our Nation and our people.

This joint inquiry is being handled on an urgent basis by the leadership of both parties in both Houses and with the full cooperation of the relevant agencies of the executive branch. This inquiry is critically important to enhancing our Nation's security against the threat posed by global terrorism and to strengthening public confidence that our intelligence and law enforcement agencies are fully prepared to defuse the terrorist threats that now confront our Nation.

I want to thank the Ranking Member for her participation and her counsel in structuring the joint inquiry with the other body. I also want to express my sincere appreciation to Chairman NEY and Mr. HOYER of the House Administration Committee for their close cooperation and advice in moving the joint inquiry forward on an expedited basis.

Mr. HOYER. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 359

Resolved,

SECTION 1. FURTHER EXPENSES OF THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE.

For further expenses of the Permanent Select Committee on Intelligence, there shall be paid out of the applicable accounts of the House of Representatives not more than $1,600,000.

SEC. 2. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 2002, and ending immediately before noon on January 3, 2003.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Permanent Select Committee on Intelligence, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

SEC. 5. ADJUSTMENT AUTHORITY.

The Committee on House Administration shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The resolution was agreed to.

A motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING OZARKS SOLDIERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. BLUNT) is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, in the last few days, beginning on Saturday, two individuals from my congressional district gave their lives in Afghanistan: one, a 34-year-old warrant officer in Special Forces; another, a 31-year-old sergeant, both of whom had clearly dedicated their lives and, in so many ways, dedicated their own families to protecting our freedoms and protecting our country.

As I was thinking about what I wanted to say today about them on the House floor, I read an editorial from a Springfield, Missouri, newspaper yesterday; and I think I would like to just enter that editorial in the RECORD and share it today as we think about the fact that we honor these men and women and the others who are putting their lives in harm's way for us.

Let me share that material with the Speaker and the Members here and then enter it fully in the RECORD. The editorial starts out: "From the beginning of the war in Afghanistan, President Bush has warned Americans to be prepared for casualties. Now we have them, and the pain of this war has been felt in the Ozarks. It has taken two of our neighbors: Chief Warrant Officer Stanley Harriman. Sergeant Philip J. Svitak.

□ 1300

"Harriman, a Strafford High School graduate, was the first American to die in the ground offensive on al Qaeda and Taliban strongholds in eastern Afghanistan. Svitak, of Joplin, was among the seven soldiers killed in incidents involving two American helicopters.

"They are not faceless casualties. They were flesh-and-blood men who touched others in their hometowns. Harriman was described as soft-hearted, sensitive to the suffering of others, yet a fierce competitor on the football or baseball field. Svitak was an only child who wanted to be like his parents, who both served in the Navy in the 1960s. Each leaves a wife and two young children.

"Harriman and Svitak were devoted to the Army and their country. 'Stanley died for you and you and you,' his wife, Sheila Harriman, told reporters at Fort Bragg, North Carolina, 'and for your freedom. All Stanley ever wanted to do was be an American soldier.'

"Both soldiers knew the dangers of their jobs. Both knew that by making the military their career, they could be asked to put their lives on the line for their country at any time.

"Roseann Svitak said her son 'told me before he went, Mom, the terrorists have to be stopped.' He said, 'If they send me over there and anything happens to me, I am proud to die for my country.'

"Both men were sent. Both died, leaving friends, family, children to grieve and remember. They join John Willett and Craig Amundson, Ozarks natives who died in the September 11 attacks on New York and Washington. They are, for us in southwest Missouri, the faces of this war.

"Six months after those attacks, the Nation has largely returned to life as normal. Networks seek to reduce news programming to make room for more entertainment. Crash reality shows move back up in the ratings. Politicians again plot for their advantage.

"Yet the war continues, not a mop-up action but a full-scale assault. Our neighbors are on the front line. Our neighbors are dying. That ultimate sacrifice ought to mean something. The politicians will tell us it is in defense of liberty, and they are right. But it is up to us to decide what we will do with this liberty. Will we use it to keep the government honest, to be aware of what is happening in the rest of the world, to assure all Americans equal opportunity? Or will we use it to pay more attention to contestants on Survivor than soldiers in Afghanistan?

"Ozarkers are dying for freedom. How will we honor their sacrifice?"

[From the Springfield News Leader, Mar. 6, 2002]

HOW WILL WE HONOR OZARKS SOLDIERS?

Harriman and Svitak died fighting for our freedom.

From the beginning of the war in Afghanistan, President Bush has warned Americans to be prepared for casualties. Now we have them, and the pain of this war has been felt in the Ozarks. It has taken two more of our neighbors:

Chief Warrant Officer Stanley Harriman.

Sgt. Philip J. Svitak.

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Ozarkers are dying for freedom. How will we honor their sacrifice?

ASSISTING VETERANS WITH PRESCRIPTION DRUG COPAYMENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise today to urge my colleagues in this House to sign on to a bill which I have introduced, H.R. 2820. H.R. 2820 is a bill that would help our veterans.

In the early part of February, 2002, a decision was made to increase the prescription co-payment for veterans from $2 a prescription to $7 a prescription. To me this is an unacceptable action and it hurts our veterans, many of whom live on fixed incomes and simply cannot absorb this increased cost.

To put it in perspective, the Veterans Hospital in southern Ohio, where I serve, tells me that the average veteran who gets a prescription medication there on average gets 10 or more prescriptions. So if we take $7 a prescription and we multiply it by 10, that is $70 per month. Many of these veterans receive a 3-month supply of medications at a time. Three times $70 is $210. If I multiply the cost of a 1-month supply of medication at $7 per prescription for 10 prescriptions, that is $840 per year.

Mr. Speaker, I think this is an unnecessary burden to place upon our veterans. We hear a lot of lofty rhetoric in this Chamber about how we appreciate the fact that so many American citizens are willing to serve in our military, and many of them give their lives and limb in order to protect our freedoms.

It seems so inappropriate at this time in our Nation's history to place this additional burden upon our veterans. So I have introduced H.R. 2820. I have over 75 cosponsors at this time, bipartisan cosponsors, and I am happy to say the gentleman from Ohio (Mr. NEY) has introduced this legislation with me. This legislation is very simple. It would simply return the cost of the co-payment for a prescription drug from the $7 that has been imposed down to the $2 level where it has been. It would freeze the co-payment at the $2 per prescription level for the next 5 years.

Mr. Speaker, surely when we can find the resources to give a $15 billion bailout to our airline industry, surely when we can find the resources to give tax breaks, surely when we can find the resources to do a whole host of other things in this Chamber, we can find the resources that will enable us to keep from imposing this additional burden upon our Nation's veterans.

So, once again, I ask all of my colleagues of both parties in this House to simply cosponsor H.R. 2820 so that we can remove this burden which has been placed upon our veterans.

Mr. Speaker, in closing, I would like to mention another burden for our veterans. For category 7 veterans, there is a proposal that we would place upon them an annual $1,500 deductible when they go to our veterans' health centers and clinics and hospitals to receive medical attention. This also seems like something that we should take action to prevent in this Chamber. I urge my colleagues, this is something that we can do. We ought to do it. I believe if Members talk to veterans around the country, this is something that they are keenly aware of and keenly object to.

We can solve this problem regarding the prescription co-pay by passing this very simple but important piece of legislation, H.R. 2820.

PRESIDENTIAL DECISION ON STEEL IMPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I rise to comment on President Bush's decision to levy up to a 30 percent tariff on steel imports coming into the United States. I am glad the President took a step forward, something that we hoped he would do, but he did much less than we asked. Steel companies, steelworkers, elected officials representing steel States, asked the President to levy 40 percent tariffs for 4 years, something to level the playing field for imported steel in the United States.

The International Trade Commission had found that steel companies in foreign lands, especially in Russia, Brazil, Korea, and China had violated international trade laws by subsidizing and selling into our market illegally priced steel, so-called dumping. The President had the option of levying tariffs up to 40 percent for 4 years. That is clearly what we needed for LTV in Cleveland, for RTI in Lorain, for CSC in Warren, Ohio, and steel companies all over this great country from Alabama to Ohio to Michigan, to Indiana, wherever steel is made in the United States.

Unfortunately, the President's decision to do up to 30 percent, understanding that it was not 30 percent in every case but up to 30 percent for only 3 years, fell short on that mark. It also fell short because the 30 percent is phased out during those 3 years.

The second thing that the President neglected to do was deal with the issue of legacy costs. That is those costs of health care and pensions that companies have promised to steelworkers that in many cases the commitment will not be met.

So on the one hand steelworkers with their health care are left out in the cold, those people who are retired. Second, those companies that absorbed legacy costs are in a competitive disadvantage with the rest of the world because most countries have universal health coverage provided by a government program, while in the United States in our employment-employer based health care system, the steel companies and other companies pay for the cost of the health care. So that puts us at a competitive disadvantage there.

It also is an argument for universal coverage because all American companies are at a competitive disadvantage when the government provides the health care in a Medicare-type system that most countries around the world have. Yet, in America, employers must pick up those health care costs.

The third problem with the President's decision on steel and where he fell short and the reason for my disappointment is that the President opened up several loopholes in his tariff proposals, in his tariff enactments. For instance, there is a Mexico exception which allows companies in China, Korea, Japan and other places to sell their steel into Mexico at very low or nonexistent tariff rates. Then Mexico will sell that steel into the United States at a zero tariff because of the North American Free Trade Agreement.

So that Mexico exception allows those companies which have illegally priced their steel according to the International Trade Commission to back-door their steel through Mexico into the United States at no tariff. All Mexico has to do, if even that, is a Mexican company needs to do a little value added to the steel, stamp Made in Mexico, and send it into the United States.

Mr. Speaker, that could be a difficult thing to do, except that we do not police our borders well enough. We do not have tariff and customs inspectors in as nearly a comprehensive way as we ought to have.

Those are the problems with the Bush tariff plan. One, it is not 40 percent over 4 years. It falls woefully short. Second, it does not deal with the legacy costs which is unfair to those retirees. LTV workers lose their health care March 31. Other retirees have already lost theirs. It does not deal with the legacy costs for those companies that are continuing to produce steel. And, third, it creates the Mexico exception. That will hurt our steel industry. It is a question of national security. That will hurt our steelworkers. It is a question of our communities.

TRIBUTE TO TECHNICAL SERGEANT JOHN A. CHAPMAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MCINTYRE) is recognized for 5 minutes.

Mr. MCINTYRE. Mr. Speaker, I offer my deepest condolences to the family and friends of Technical Sergeant John A. Chapman of the Twenty-fourth Special Tactics Squadron of the United States Air Force who gave his life in the service of our country. I join with his family and friends in paying tribute to him for his ultimate sacrifice on behalf of our Nation. My prayers are for his family.

John Chapman was a decorated soldier who readily and courageously participated in Operation Enduring Freedom. Among his many awards and decorations were: two Air Force Commendation Medals, two Air Force Achievement Medals, and two Joint Service Achievement Medals.

This tragedy should act as a reminder to all Americans that the liberties we hold dear are neither free nor secure. Our freedoms are earned and protected by our servicemen and women. They risk their lives so that freedom may survive.

☐ 1315

Technical Sergeant Chapman's courage in the face of danger reflects a character born of his commitment to his family as a devoted husband, father, and son, and his commitment to his many friends and to our country.

We owe Technical Sergeant John Chapman our sincere appreciation for his 17 years of committed service to our Nation. His determination, devotion, and dedication to freedom should serve as an example for us all. It is important that we not only remember John as an excellent and dedicated airman and family man but also as the American hero that he is.

May God bless him and his family and those who have served with him. May God bless our great country. We indeed are a better Nation because of John Chapman and those who serve with him in our Nation's Armed Forces.

IMMIGRATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, recently a study was conducted by the GAO, the General Accounting Office. It was to look into the degree of fraud in the immigration benefits program. I have oftentimes, Mr. Speaker, taken the microphone for the purpose of identifying what I believe to be our serious concerns in this particular agency. There are, of course, many people who work in this agency, many people who are assigned especially on the border, assigned with the task of trying to defend our borders, trying to actually make sure that people do not come into the country illegally.

This is an overwhelming task. I commend those people for doing everything they can to uphold the laws of the United States. But it is something I have likened to trying to keep back a flood with a sieve because of the variety of conflicting laws that have been passed by this Congress, because of the culture within the INS which has absolutely no support for upholding the laws, the immigration laws of this land, and because they are just overwhelmed by the numbers. I have often brought those things to the attention of the Congress. I have personally been to the border. Several Members and I took a CODEL down there just a month and a half ago or so. We observed firsthand the problems that are confronted by our people there on the border. I know and I sympathize and I understand their problems. They not only face the daunting task of trying to deal with the hundreds of thousands of people a day that come into the United States and determine whether or not they are coming here legally, for what purpose, for how long and that sort of thing, and they not only face the, as I say, conflicting laws that have been passed by Congress, some designed to enhance border security, others designed to degrade it, but they are also, it is apparent now, working within a system that is broken beyond the ability for us to fix it. In their own system, they realize that they cannot look to anyone higher up on the ladder, those people that are there today who, as I say, are in the trenches, either on the borders or the people who work in customs, all of them recognize that the system in which they are operating is broken.

Recently, I returned from overseas. As my wife and I were going through customs at JFK in New York, the lady looked up and she said, "I think I recognize you. I actually watch C-SPAN. I think I recognize you. Aren't you on?" I said, "Yes, I have been on often talking about immigration-related issues."

She just hung her head the minute I said it, she said, "Oh, yeah, that's right, it is such a mess. Don't get me started on this. I don't know where to start. It is a mess." Her brief response to the word immigration, immigration policy, is I think probably the best analogy I can give you to the whole system. It is a mess. That is the best example I can give you, the best definition of the system I can give you. It is a mess. This recent report of the GAO is just the most recent example of the problem.

We have actually had over the course of the last 10 years several reports done by a variety of different agencies all on the INS talking about the inefficiency in the organization, their inability to get the job done, even referencing their lack of a true desire to get the job done.

Mr. Speaker, the INS, as you know, is divided into two parts at the present time. They have two different functions within the same organization. Maybe that is part of the problem, because these responsibilities conflict with one another. One part of the INS, Immigration and Naturalization Service, is designed to be what I call the immigration social work side, that is, to find benefits for people coming to the United States, hopefully legally, help them get their green card, help them get visas, all the things that are attendant to people coming into the United States legally and then being able to function when they get here. All of that stuff is part of their responsibility.

Then on the other side, of course, is the enforcement arm. The INS is supposed to be the agency to which we go when we say, look, we are concerned about the number of people coming across the border illegally; we are concerned about not knowing who is here, when they are here and what they are doing here and we are supposed to rely on them to do something about it.

But, as you know, as most of the Members of this body know, the INS is completely incapable and to some extent it is not really desirous of taking on that role. There are literally scores of examples to show that. The fact that 19 of these hijackers on September 11 came here on visas, some of them, of course, then expired, some people were here illegally at the time that it happened and the inability of the INS to control that process is a dramatic example, one dramatic event that happened as a result of their inability to actually know who is in the United States, know for what purpose they are here and know when they have overstayed their visa, for instance, so that they can in fact be deported. But the INS pays little, if any, attention; and they will tell you when you call them and ask them, do you actually go out and look for people who are here illegally. Their answer is, Well, of course not. That's not our job.

I was on the radio not too long ago with a lady who is the spokesperson for the INS in the Denver area and she said, really, that is not what they do anymore. They do not go out on sites and look for people who are here illegally. Really, our job is just to explain to them why they are here illegally and then help them get benefits. That was her statement. It was almost incredible, but that was what she said. That is what they think, that it is not their job. They will say, well, we do not have the resources, we do not have the time; but what they actually should add to it is, we do not have the inclination. It is really not in our makeup. It is not what we want to do. We want to be the social work side of it. That is what we can do well. We do not really do this very well, this sort of becoming a policeman. We do not like that idea. So they shy away from it.

We have had calls in my office from incredibly frustrated INS inspectors, from INS agents, sometimes who have been on board for 30 years. The caucus that I head, the Immigration Reform Caucus, has actually held hearings bringing these people in so they can talk and vent some of their frustration. It is incredible the stories they tell. They have every reason to be frustrated, because they work for an agency that is dysfunctional; and they are trying to do a job that is not supported by the agency itself. It would drive you nuts. I can certainly understand it.

We have had calls from judges who will tell us that they are immigration law judges, and they are also frustrated by the fact that day after day after day they see people in front of them who have committed crimes in the United States besides, by the way, being here, probably many of them, illegally but they have committed crimes and they are aliens and so they are ordered to be deported by a judge. But because they turn that function over to the INS right after the gavel falls and the person is ordered to be deported, they turn that function over to the INS and the INS simply looks the other way.

So at this point in time, we have at least, and I underline at least, because when you ask the INS for specific information, they come back with the same response. In fact, it is the logo that I have designed for the INS. It should be on their letterhead. It should be on their Web site. When you click on INS, a little figure should pop up that looks like this, a guy shrugging his shoulders going, "I don't know, I'm not sure. Maybe. Could be." Because when you ask them anything, that is exactly what happens. They respond with, "I don't know. I'm not sure. Could be." When you ask them how many people have actually been ordered to be deported but have not in fact left the country, you get this: "I'm not sure. I don't know." Probably around 300,000, they will say, 300,000 people.

Remember, Mr. Speaker, we are not talking about people who are just here illegally. As we know, that is probably 10 or 11 million people here illegally. We are not talking about people who have just overstayed their visas. Certainly they number in the millions, also. We are talking about people who have violated the law. They have robbed a bank, they stole money from somebody on the street, they shot somebody, they raped somebody and then they got arrested. And because of their violation of an American law, they were ordered to be deported. But they do not get deported. They walk away. No one has the slightest idea where they are, 300,000 of them. But the INS says, well, that is not really my thing, that is not really what I am too interested in. We are really on the immigration social work side of things. That is where we concentrate our efforts and that is certainly where we concentrate all of our resources. We have quadrupled the budget for the INS over the last several years. Quadrupled. It has gone almost entirely to the social work side. Very little has gone into defending our borders.

Time and time again we have seen that the INS has absolutely no concern about the people who are here illegally. If you call right now, if a local policeman, for instance, picks somebody up on the street, it may be a traffic violation, it may be disturbance of the peace, whatever, and they find that that person is here illegally, they could, although hardly anyone does anymore because they know it is futile, they could call the INS and they could say, look, I have someone here who has done X, Y and Z and they are here illegally. What do you want me to do? The INS would say, well, go ahead, let them go. Get their name, and we will try to get back to them. Sometimes even people that have gone through this process and are ordered to be deported or who are coming up for their deportation will get a letter, it is actually called a "run letter" in the lexicon because it means the minute you get it, it says something like, look, we know you have violated the law so please report here in 2½ months for deportation.

Yes, right, thank you, of course I will be there with my bags all packed. I do not think many people show up. It is called a run letter for a purpose, because when they get it they run. It is idiotic. Why should we even waste the stamp? The local law enforcement agency calls up and says, these people are here illegally and they tell them, let them go. We have had in Colorado instances where people have been picked up on the highway for violating some traffic law, the van opens, there are 15 people inside, they are all illegal. That is when they are lucky, that is when they have not run off the road and had the van get into an accident. We have had, of course, many people killed on the highways. It ended up that they were being transported through the State of Colorado. It is a big transportation hub, I am told, for illegal immigration.

But, of course, we call the INS and nothing happens. They tell them, we really have not got the time, we have not got the people, so just forget about it. So at this time very few people actually even do anything; very few law enforcement agencies do anything like, say, call the INS because they have got somebody. They know it is futile. They know there is absolutely no reason to do it. And even after September 11, even after that, we find very little happening inside the INS that would lead us to believe there is a change of heart, a change of the culture, an emphasis on trying to actually keep people out of the country who are here illegally.

It is incredible that we can say that after the most horrific event this country has ever experienced in terms of an act of terror, and, I pray to God, the most horrific event it will ever experience. But, of course, you and I know, Mr. Speaker, we have been told over and over and over again by our Permanent Select Committee on Intelligence here in the House, by members of that committee, we have been told by members of the Armed Forces, we hear it from the Secretary of Defense almost nightly that, in fact, we probably will be experiencing other acts of violence of this nature, of terrorism.

Once again I pray to God that none of them would ever reach the level of damage as that that occurred on the 11th of September, but we do not know. We know, we believe, something will happen. We hear that all the time. There are alerts that are being offered, issued all the time. Yet even with all of that, we have not been able to get the INS, and this Congress, as a matter of fact, we have not been able to get anything out of this Congress that would force the INS to do a better job.

□ 1330

Amazing. We have responded to the President's call by increasing the budget for the armed services and for the homeland defense, and I am totally in favor of it. I vote in favor of very few budget increases on this floor, but I certainly do vote for increases in the area of defense for one reason: It is our single responsibility. It is the most important thing we do here.

I know it is hard to believe, but I certainly think the Constitution would back me up when I say it is more important; the defense of this Nation is more important than health and human services. It is more important than the education budget. It is more important than transportation. It is more important than anything else we do. So I am more than willing to increase the budget for those agencies through my vote.

But what is amazing is that we have taken very specific and very direct action in beefing up the military, and thank God we have. They will; as the President said so eloquently when he addressed the Nation, they will always make us proud, and they do. They are fighting overseas today as we speak. American blood is being shed in foreign lands in defense of this Nation, and it is the right and proper thing to do.

Who knows? We may soon be in other countries besides Afghanistan. I would agree with the proposal that we need to do something wherever terrorism raises its head or shows its tentacle, whether it is in Iran, Iraq, Georgia, or the Philippines. Wherever it is, I am willing to say we should try and go there and stamp it out.

But why is it, Mr. Speaker, that we are so willing and able as a body to do that, while we are just as unwilling to do anything significant to improve our own defenses here in this country? How is it that we can ignore the fact that we still have people coming across the borders illegally? We still have thousands of people coming across the border every single day illegally. We have not really paid much attention to that. We have paid mostly lip service to it.

It is, for one thing, a fact of political life that we are concerned about raising the issue of immigration reform for fear of the political fallout in the United States. But from whom, I ask, Mr. Speaker. From whom should we be expecting opposition?

Yes, certainly from the Democratic Party, because they recognize that massive immigration will eventually lead to what they believe will lead to more voters for the Democrat candidate. So they will do anything they can, and have done everything they can, to stop any sort of immigration reform, and they want them essentially to come in, legally or illegally, it does not matter. Eventually, they believe it will accrue to their political benefit.

On our side, we, of course, hear from people who are business owners, who say to us, I have to have these people because no one else will do the job. So turn a blind eye to illegal immigration. Let them come in. We need them.

We certainly do not want to be seen as a party that is anti-immigration, or anti-ethnic group; and certainly, I guarantee my colleagues, Mr. Speaker, I am not either of those two things. I am not anti-immigration. I certainly have nothing against any ethnic group coming into this country.

The issue is, how much, how many, for what purpose, and will we be able to control it? That is the issue. Do we want open borders? Do we want the elimination of our borders?

There are people who, in fact, do. President Vicente Fox has stated very publicly that he expects in the next 20 years to not have a border between the United States and Mexico. I have talked with members of his cabinet who share that exact same vision: The head of a newly created agency in Mexico that would translate into the Ministry for Mexicans Living Outside of Mexico, an interesting cabinet level position, I would certainly say.

I have talked to Mr. Hernandez, the newly appointed minister in this particular cabinet level department, and he has stated clearly to me that he does not believe that there are two countries. He says they are just a region. That is all. It is not two countries, he says.

Well, now, this may be a very legitimate debate topic. There may very well be people on the floor of the House and in the administration in the United States, and certainly we know in Mexico, who believe that we should not have borders, that we should meld ourselves into sort of a United States of the North American continent and beyond, perhaps, South America, too. A European Union model. I know all of these things are actually in the sights of many people. That is what they think we are going to do.

Well, okay, let us debate that issue, right here, a bill on the floor. I would like a bill to go the committee of reference to eliminate the borders and to join hands with all of the people on the North American continent in some sort of confederation, with common currency, all of the stuff that the European Union is doing.

I will vote no, I will tell my colleagues. I will vote no. But that is okay. That is just my vote. If a majority of the Members of this body and the President agree, that is the way it will be.

But what I do not like happening, Mr. Speaker, is that that is exactly where we are heading, only without any sort of legal justification, without an actual law being passed, without a decision being made by this Congress or by this President. We will look at some point in time in the future back and say, gee, how did all of this happen? We sort of eliminated the borders. They do not really exist anymore.

Well, that may be true; and, as I say, it may be a good thing. I do not think so, but let us debate. Let us at least have this issue come to the floor. Let us not pretend that we are not just expanding immigration for all of these altruistic reasons.

There are political reasons, both in the United States and in Mexico, for massive immigration. It is the hope of a number of people in Mexico, of the government of Mexico that enough people will be here to eventually influence the policy of the United States vis-a-vis Mexico. It is the hope of people in the United States that we can somehow attract these people and get them involved. It is the hope of the labor unions that they can get all of the newly arrived immigrants, whether they are legal or illegal, into labor unions, so all of a sudden we have labor in support of massive immigration.

And then there are certainly altruistic reasons why even the President of the United States will support it.

I believe that the President is a man who does speak from his heart. I believe that. I go to bed every single night thanking God that George Bush is the President of the United States. Let me get that clear and out here on the table. And especially not the alternative that we had in the last election. So that is not an issue. I am a 100 percent solid supporter. No, I am not 100 percent, because this issue is one with which I disagree with the President. But I believe it comes from his heart when he is saying that he wants to expand immigration. I just think he is wrong.

I have a responsibility here to vote my conscience, and I certainly will do that, and I will speak out against it. It is not being disloyal to the President. It is simply an issue with which I disagree that he brings up, his point of view.

I believe that there are massive implications for immigration in the United States, especially in the numbers that we are talking about today. It is something we are going to have to deal with politically, economically, culturally. There are a whole raft of fascinating topics that can be brought up when we begin to debate on immigration. But as long as we are going to have borders, however, as long as there are still lines on a map that actually divide the United States from other places in the world, from other countries, then, of course, they should be meaningful.

What is the purpose of a border, we should ask ourselves, and what is our responsibility as a national government to defend them?

It is again a unique position we find ourselves in at the Federal level, establishing immigration policy. States cannot do it. States have to deal with our decisions. With our decisions to abandon the border comes a host of problems that confront every State in the Nation, some more dramatically than others.

California, Texas, New Mexico, Arizona, Florida and other States that face massive immigration, legal and illegal, are faced with building schools as fast as they can, building highways, building hospitals, their social service budgets are busting at the seams, all because they are being inundated by people coming here, as they have come for many years, to seek a better life.

There is one unique kind of situation that is developing, however, Mr. Speaker, in that we are witnessing an interesting phenomenon with the recent arrivals into the United States. Undeniably, they are coming here because they want a better life, because they see job opportunities that are not available to them in their homeland. That is exactly why most of our relatives, most of our grandparents or great grandparents or whatever, this is why they came. That is not different.

But, in the past, the vast majority of people coming into the United States were seeking not only economic opportunity but they were seeking a new life, a new experience, a new country that they could become a part of, and they were anxious to cut the ties that bound them to the country of their origin. They were willing to speak the language for a while but very, very intent upon moving to the English language as quickly as possible, because they recognized that it was the way they could move up the economic ladder in this country. And it was also because, as my grandparents used to say to each other, they would say "speak America," not English, but "speak America." They were the immigrants of the late 1800s, early 1900s.

They would get into arguments. I remember Sunday drives, and they would get in an argument in the back seat and my grandmother would yell at my grandfather, "speak America," because it meant more to her. She knew that the word was "English," but what she was conveying was something else. She was intent, as was my grandfather, on making themselves and their children and their grandchildren American in every way that they could.

Mr. Speaker, I am a relatively new immigrant, in a way. That is to say, I was born here, but my family is only third generation. I am only third generation. My grandparents came here, as I said, in the late 1800s; and it is intriguing to me that in my life, the second generation after that, there was absolutely no attachment to the country of my grandparents' birth, other than I knew where it was. We had the cuisine that represented Italian ancestry, and that was it, really. That was it. There was certainly no political allegiance that my or my grandparents or my parents held to the country from which they came.

Today, however, we are witnessing something quite different. We are witnessing a flood of people into the United States who do not wish to cut those ties. They wish to retain the political, cultural, and linguistic ties of the country of their origin, and we encourage it in the United States. Believe me, our own policies here, this radical, what I would call radical, multiculturalism certainly encourages that kind of separate status, the Balkanization of America.

I can tell my colleagues that this is the case. We can actually show empirical evidence. This is not just theory. It is a different sort of situation today because I think that has always been brought up whenever immigration issues are discussed that, well, it is different today than it was before. Well, it is different today. Today, there are 6 million people here in the United States, at least; this is our best estimate so far, at least 6 million people in the United States who claim dual citizenship. Now, this is an interesting thing. It has never been this high.

Well, for the longest time one could not do that in the United States, and one is not really supposed to now. You cannot really become a citizen. You are supposed to swear allegiance to the United States and no allegiance to any foreign dictator or potentate, I think the word is. But, in fact, people do retain their citizenship, as a result of Mexico allowing their citizens to retain their citizenship just a few years ago, and the numbers shot up to 6 million people.

□ 1345

Now, I am stating, Mr. Speaker, that I do not believe that we would have had this same phenomenon, not even the same percentage of immigrants coming to the United States in the early 1900s, late 1800s. I do not believe we would have had the same percentage of people seeking to retain their citizenship of the country of origin. Because they came for a different purpose.

Now, I am not suggesting that this is a nefarious thing, that these are not people coming here with the intent to do us harm for the most part. That is certainly true. But it does, in fact, bode ill for the United States. It really puts the emphasis on pluribus and not on unum. Out of many, one. It puts the emphasis on many, and we really do not get to the one. And that is happening to us, and most people I think understand it. I know that most Americans understand it.

Poll after poll after poll indicates a desire on the part of the American people and, by the way, even recent immigrants to reduce the number of people coming, to take a break, take a breather here, to not let people come in illegally, and to not do something like give amnesty for those people who are here illegally.

I will get to that in just a moment because, I am afraid to say it, but I am disappointed that I have to say it, but the fact is we will probably be once again facing this proposal. I know the White House is pushing it. I understand the leadership of the Congress; at least the House anyway, has agreed to bring it up, maybe even as soon as next week.

But let me go back for a moment to the INS and talk about my concerns there.

I have already discussed the incredible degree of dysfunctionality, if you will, in that particular agency, especially on the enforcement side. They are incapable or nondesirous of actually doing anything for enforcement. I think that is blatantly clear. I cannot imagine anybody here, no matter how supportive they are of immigration, I cannot imagine anybody actually defending the INS and their ability to actually accomplish anything.

And we must not think very much of it, Mr. Speaker. We must not think very much of the agency itself, because we just appointed a guy to the head of it, a good friend of the minority leader in the other body, a good friend of a number of Members in the other body. This is a gentleman that we appointed to head the INS. A nice man. I have met him.

Let me tell what you his qualifications are for the job. He was the Sergeant at Arms of the other body. That is it. That is it. He had been a staffer, I think, some many years back. He had been the Sergeant of Arms for years. Of course, he knew many Members over there; and, lo and behold, he is the new head of the INS. So we must not think very much of the agency, I suppose. It is sort of a toss or a throwaway.

We should think more about it because it is charged with an incredibly important function. It just does not carry it out, and it really cannot because not only, as I say, is the problem with the enforcement side but now comes that GAO report that I mentioned earlier on. February 15 the report was issued, titled "GAO Report Finds 'Pervasive and Serious Problems With Immigration Benefit Fraud' ".

Now, remember, Mr. Speaker, this is the other side of what they do. This is what they are supposed to do well. This is the social work side, and this is what they tout. This is what they will state that they are really all about.

The lady that I debated who was the spokesperson for the INS in Denver, this is what she said they do. They help people. They are there to get people their benefits. That is what she said.

Well, here is what the GAO report just found. "Immigration benefit fraud is a significant problem that threatens the integrity of the legal immigration system. Aliens apply to the Immigration and Naturalization Service for such benefits as naturalization, work authorization and adjustment of status. Immigrants benefit fraud involves attempts by aliens to obtain such benefits through illegal means."

Oh, my goodness. Could that be happening? Ask the INS, how much fraud is there, and they give you the low go. I am not sure. Probably a lot.

"The report also details the Immigration and Naturalization Service failure to root out fraud in the immigration benefits application process." In other words, they know there is fraud. They do not care.

The Chairman of the House Committee on the Judiciary, the gentleman from Wisconsin (Mr. SENSENBRENNER), stated, and I quote, "This report raises a whole host of troubling homeland security threats posed by an immigration benefits process wrought with fraud. In fact, the GAO study finds the INS does not know the extent of the problem."

There we go again. Hey, who knows? Probably a lot.

The gentleman from Wisconsin (Mr. SENSENBRENNER) continues, "Based on this report I am not confident that the INS is not giving green cards to al Qaeda operatives. We have a complete failure by the INS to take the steps necessary to protect the people of the United States and the immigration system itself from criminals manipulating the benefits process. These findings support the urgent need for a comprehensive legislative restructuring of the INS."

Is that not the truth? Underline comprehensive, by the way. Underline comprehensive.

We know what will happen in this body, Mr. Speaker. I am sure you are aware as much as anyone else how difficult it is to actually reform an agency of the Federal government and do so quite significantly, comprehensively, very difficult. We will take a stab at it. We will introduce something. It will get watered down in both Houses, and we will end up thinking, was this really what we were trying to do? Is this really reform? Maybe we have changed a few names.

I am worried about it, but, nonetheless, we have got to try to do something, again, as the gentleman from Wisconsin (Mr. SENSENBRENNER) says, "comprehensively."

Here are some of the findings from the GAO report. Now, please understand that the GAO is not an agency with a given bias here. These people, if anything, we would expect them to be more on the side of the agency itself that they are investigating. But get this, Mr. Speaker. A 90 percent fraud rate. A 90 percent fraud rate was found in one review of a targeted group of 5,000 petitions. A follow-up analysis of about 1,500 petitions found only one was not fraudulent.

Please let me repeat that. I just do not know if you got that. A 90 percent fraud rate was found in the review of the targeted group of 5,000 petitions. Follow-up analysis of about 1,500 found only that one was not fraudulent.

This is what they are supposed to do well, remember. "Benefit fraud is a comparatively low priority within the INS," it went on to say. "Without improvement in its benefit fraud investigations the INS's inability to detect the number of ineligible aliens improperly applying for benefits will be hampered."

Next, "A senior INS official has testified to Congress that criminal aliens and terrorists manipulate the benefit application process to facilitate expansion of their illegal activities, such as crimes of violence, narcotic trafficking, terrorism and entitlement fraud. GAO was told by an INS official that fraud is probably involved in about 20 to 30 percent of all applications filed." They wish it was that low.

"The INS approach to addressing benefit fraud is fragmented and unfocused. There is no assurance that INS reviews are adequate for detecting non-compliance or abuse during application processing."

These are all findings of the GAO study. This is not my analysis. This is the GAO policy of the part of the activity of the INS that they are supposed to do well.

"Some adjudication officers had to sneak over to the operations unit to discuss fraud-related issues because adjudication officers are discouraged from taking the time to discuss questionable cases with investigators.

"INS officials said that fraud is rampant across the country and out of control." That is the part they are probably sure of. I know there is a lot of it, they would say. "INS officials indicate that the immigration benefit fraud problem will increase as smugglers and other criminal enterprises use fraud as other means of bringing illegal aliens, including criminal aliens, into the country."

By the way, please understand we are not talking about Mexico here for these types of problems. We are talking about Russia. We are talking about China. We are talking about countries all over the world who are perpetrating this fraud in order to advance certain illegal activities.

"The INS fails to balance its responsibility to provide immigration benefits with its duty to detect fraud in the immigration process. The GAO concluded that emphasis has been placed on timely processing of applications, allowing quality to suffer. This has contributed to the increase in benefit fraud."

Now, this is the GAO report; and it probably, as most reports of this nature, only skims the surface. This is probably just the tip of the iceberg. But even if it is the whole thing, for heaven's sake, why would we not say we have a massive problem here?

Mr. Speaker, with this in mind, with this picture I have tried to paint of an agency, dysfunctional in nature, incompetent, inefficiently run, headed by a gentleman, again, nice enough fellow but who was the Sergeant of Arms at the Senate, that is it. That is it. This is the agency to which we entrust the sanctity of our border, maintaining that, creating it, because that certainly is not a place with which you can apply that term today.

This is to whom we turn in a time when terrorism poses enormous threats to our very survival. This is the agency that we turn to.

Now, when we were on the border, Mr. Speaker, as I mentioned to you not too long ago, several Members and I went down on a congressional delegation. We talked to literally scores of people who were working on the border at the time. We talked to our immigration officials. We talked to people in the embassy, people who were important for visa processing. We talked to people right on the border, border control agents; and to a person they recognized that they were facing unbelievable challenges and that they were not really doing all that well.

But what they said to us is, please do not do anything to make the job worse. And we said, well, like what? They said, like this amnesty issue. Do not do that again. Every time you start talking about amnesty up there, meaning here, the flood turns into a tidal wave. Because, of course, what do we think would happen?

Is it illogical to assume that if we allow everybody who is here legally or even a large portion of them if they are here illegally, if we allow them amnesty, would that not simply encourage a lot of people to come across the border in hopes of obtaining exactly the same thing in a short time and not going through the regular process, not doing what millions of other people have to do, fill out the paperwork, go through the process of immigration, wait in line and wait your turn? Why would not they just simply come across?

Well, they do. Of course they do. And they said, please do not do that again.

I got back here that night to find that, in fact, we were preparing an amendment to do exactly that. The President had asked for it. The leadership was preparing it. We had quite a little tussle in our conference about that, and a decision was made shortly thereafter to not pursue it. A wise decision, I think.

But because the President is going to Mexico in just a few weeks, just a couple of weeks, there is strong desire on the part of the administration to allow him to take with him this issue, an amnesty. So I am told in a relatively short time, maybe next week, the House will be once again debating whether or not we are going to give amnesty to people here illegally.

Now, again, it is almost incredible that we have to say that this is a bad idea. Again, I support the President in almost every single one of his efforts, domestic and foreign policy combined. But on this he is wrong.

We should not reward people for breaking our laws. And whether we call it a fine or just a revenue enhancement thing, having them pay a little extra money to get in here, I am told that maybe the thinking is having them pay $1,000 and that would be the fine for having broken our laws. What does that mean to the whole world? Come up with a grand and come on in.

□ 1400

That is all it means. It means do not go through the system. Do not be a fool. Why would you actually go through the system? Why would you wait in line? Why would you do it legally? There is an easier way. Come across the border, get into the United States through a visa, by any way you can, by ship, by plane, just get here, stay here, overstay your visa, meld into the populace at large and forget about it. Because pretty soon somebody will say "Olly, Olly, Ox In Free," and we will let them in.

This is a bad idea. It may be done for political reasons; it may be done out of all truism. I do not know. It does not matter. It is a bad idea. There is a security issue we must deal with.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. TANCREDO. I yield to the gentleman from Connecticut.

Mr. SIMMONS. Mr. Speaker, I simply wanted to congratulate the gentleman on his brilliant articulation of the topic.

Mr. TANCREDO. Reclaiming my time, Mr. Speaker, I would say to the gentleman that we will see how brilliant it is once we get a vote on this issue and whether or not we are able to convince anybody, but I thank the gentleman for those kind words.

Mr. Speaker, I know there is an agreement of political muscle being applied on this. The Speaker of the House is going to bring it, the President of the United States wants it, but most people in this country do not. Even yesterday, Mr. Speaker, something very interesting happened. I was told about this, I did not witness it myself; but I understand the President was speaking to the National Hispanic Chamber of Commerce and he was getting applause in all the right places for everything he said and everything he was doing in talking about the troops, talking about our war against terrorism; and then he said, and by the way, I am going to push for 245(i) extension. There was not, as I am told, there was not a single person in the audience who put their hands together in applause.

This is not something that most people who came here legally want. They understand the problem. They do not want to encourage illegal immigration. They came here legally. They know that that is the right way to do it. We should not be pandering to any other groups or organizations, to the immigration lobbyists. We should not be doing that. We are not going to benefit from it politically. Nothing we will ever do will ever satisfy groups like La Raza and others, these immigration advocacy groups. Nothing will ever satisfy them until the complete elimination of the borders actually occurs.

It is not a good idea. Every time I go to Mexico and I talk to them in Mexico, I ask them, what is it they are looking for? They always talk to me about the circularity. They want people coming to the United States, said the foreign minister, we want people coming to the United States, we want them working, we want them sending money back to Mexico, and then, as President Vincente Fox said, I want them coming home to retire in Mexico. Well, I would say that I am all for the circularity issue, but I would narrow the time frame quite dramatically to something we call a "guest worker program."

People need a job, and people need workers. Great. We establish a guest worker program, one that really and truly is viable. People come in, they take the jobs that are available for them, and we protect their rights as workers. We do not let them be abused by employers who may want to take advantage of them because they would be here illegally under other circumstances. So we can protect their rights and also protect our own rights as a Nation by determining who comes and how many and how long they stay by establishing a good guest worker program.

But they do not want that. They simply want us to abandon the border. They do not want people just coming to the United States working and then going home; they want them just coming to the United States. And, as I say, there are political reasons for that in Mexico; there are political reasons for that here in the United States. But we should at least speak out on it. We should at least speak out against it.

For one thing, Mr. Speaker, we would be giving the task of determining who is eligible for this amnesty to the Department of Justice and, more specifically, to the, guess what, to the INS. Now, Mr. Speaker, what more do I have to say about this organization that could possibly convince the people here that this is not the right organization to give such a responsibility to?

I cannot imagine that anybody thinks that fraud would not be rampant in all of the applications, or at least a huge majority that would be approved by this organization. Because, after a while, they just get the stamp out. As the clock winds out, they just get the stamp out. I would go back to this last comment that was made about the INS, about their only real intent is to move the paperwork quickly and efficiently. That is all they care about.

So they get the stamp out, they will let people in, and they will not have gone through a background check that is the same kind of background check they would have in the country from which they originated. And, therefore, we become even more vulnerable to the kind of terrorist activity that we have seen and that we anticipate.

Mr. Speaker, there are many, many battles that we will fight with regard to this immigration issue, some very, very broad in nature, some very specific. This is a specific one. Extension of 245(i). People listening to this might hear that, but that is simply a euphemism for the word "amnesty." This is not a good thing for us to do. It is not good public policy. Most people in the United States agree with that statement.

Why are we doing it? What is the reason we are in such a rush to get this in front of us? Why is there so much pressure being placed on us to do something most people in the country are absolutely opposed to, and in their heart of hearts, I think most Members are absolutely opposed to it? How they will vote, I am not sure, because there is, of course, this element of having the administration backing it. But I assure my colleagues that whether this administration or any other supports this kind of proposal, it is the wrong thing to do. And I for one will speak out against it as loudly as I can, as vociferously as I can, and as often as I can.

I recognize fully well that there are only two things I have in this body, and that is my voice and my vote; and I will use both of them as effectively as I possibly can to stop what I believe to be a tragedy in the making, and that is the disuniting of America, as Arthur Schlesinger, Jr., puts it in his brilliant essay, "The Disuniting of America."

That is really what the issue is about here, whether this Nation will actually sustain itself. And, therefore, it is my responsibility to speak out against it regardless of who is pushing it, the President or Speaker.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1983

Mr. SIMMONS (during special order of Mr. TANCREDO). Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1983.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

APPOINTMENT OF ADDITIONAL CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the Chair appoints additional conferees on the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, as follows:

From the Committee on the Budget, for consideration of section 197 of the Senate amendment, and modifications committed to conference:

Messrs. NUSSLE, SUNUNU, and SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 453-5, 457-9, 460-1, and 464 of the Senate amendment, and modifications committed to conference:

Messrs. CASTLE, OSBORNE, and KILDEE.

From the Committee on Energy and Commerce, for consideration of sections 213, 605, 627, 648, 652, 902, 1041, and 1079E of the Senate amendment, and modifications committed to conference:

Messrs. TAUZIN, BARTON of Texas and DINGELL.

From the Committee on Financial Services, for consideration of sections 335 and 601 of the Senate amendment, and modifications committed to conference:

Messrs. OXLEY, BACHUS, and LAFALCE.

From the Committee on International Relations, for consideration of title III of the House bill and title III of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, SMITH of New Jersey, and LANTOS.

From the Committee on the Judiciary, for consideration of sections 940-1 of the House bill and sections 602, 1028-9, 1033-5, 1046, 1049, 1052-3, 1058, 1068-9, 1070-1, 1098 and 1098A of the Senate amendment, and modifications committed to conference:

Mr. SENSENBRENNER, Mr. GREEN of Wisconsin and Ms. BALDWIN.

From the Committee on Resources, for consideration of sections 201, 203, 211, 213, 215-7, 262, 721, 786, 806, 810, 817-8, 1069, 1070, and 1076 of the Senate amendment, and modifications committed to conference:

Messrs. HANSEN, YOUNG of Alaska, and KIND.

From the Committee on Science, for consideration of sections 808, 811, 902-3, and 1079 of the Senate amendment, and modifications committed to conference:

Messrs. BOEHLERT, BALLENGER, and HALL of Texas.

From the Committee on Ways and Means, for consideration of sections 127 and 146 of the House bill and sections 144, 1024, 1038 and 1070 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, HERGER and RANGEL.

There was no objection.

MIKE PARKER FORCED TO RESIGN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi (Mr. TAYLOR) is recognized for 5 minutes.

Mr. TAYLOR of Mississippi. Mr. Speaker, when I was a kid, and when a guy named Mike Parker was a kid, it was fairly common for schoolteachers to talk about a story. We do not know if it is true or not, but they certainly told kids about a young man who, as a child, had a hatchet, and he took that hatchet to his father's favorite cherry tree and chopped it down. And when his father confronted him very angrily over whether or not he had done that, he said, Sir, I cannot tell a lie, I chopped down that cherry tree.

We do not know whether or not that is true, but it certainly is an important lesson. The important lesson is that the person who is said to have told the truth went on to become the father of our country, and this town is named after him. I regret to say that that sort of reward seems missing in this town right now.

I know of another person who in this town just last week told the truth and for that he was asked to resign. That person is my fellow Mississippian, Mike Parker, a former member of this body who served in both the Democrat and Republican Parties.

Mike appeared before the Subcommittee on Energy and Water Development of the Committee on Appropriations last week. As the head of the United States Army Corps of Engineers, the Under Secretary of the Army for that job, Mike told the Members of that committee that he did not feel that the budget was enough. He went on to say that he felt like the Office of Management and Budget had intentionally underestimated the amount of money that would be needed to run the Corps of Engineers.

That is the agency that builds the levees that keeps low-lying communities from flooding; that dredges channels so that inland commerce can take place; that dredges the channels for oceangoing ships; that agency that helps people with their sewage problems, with their drainage problems. He said that the administration's budget did not have enough money in it for him to do his job.

He went on to say that he felt like the Office of Management and Budget intentionally low-balled that to try to make the President's budget look a little closer to being balanced than it really was, and knowing that Congress would put the money back in the budget. He even went so far as to say that the Constitution of the United States under article I gives Congress the power to decide where the money goes, not the administration. The administration is certainly correct to request a budget, but it is Congress' job to pass a budget.

For telling the truth, my friend Mike Parker was fired. He was actually asked to resign. And what is really interesting about this town of half truths is that it was just 3 years ago on this very floor that a majority of my colleagues and I voted to impeach a sitting President because we felt like he had lied under oath. But when someone just last week tells the truth, he is asked to resign.

Mr. Speaker, I think that is a shame, and I think it is a horrible reflection on our Nation. I think it is a horrible reflection on this administration. Mike Parker did the right thing. This town is awash in debt because we are awash in half truths. Finally, somebody came forward and said this is the way to do it. You gave me a job to do. I have left my farm in Mississippi, I have left my business in Mississippi, my wife has left a successful accounting firm to come here all so we could serve our country. I have told you the truth, and my reward for telling the truth is to fire me.

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Mr. Speaker, it is a shame. So for Mike Parker and all of the folks out there who tell the truth, I want to say I am grateful, the people in Mississippi. I deeply regret that the President of the United States did the wrong thing; but Mike, I know you did the right thing.

Just recently there was a book published called "The Dereliction of Duty." I am told it was written by a historian at West Point who researched the early stages of the Vietnam War, and makes a very compelling case that the Joint Chiefs of Staff at that time knew that President Johnson had no intention of winning that war. And what he cites as a dereliction of duty is those generals and those admirals at the time, knowing that the President had no clear plan for victory, were not willing to risk their careers and step forward and say "This is wrong. I am not going to let the kids in my command die," in what they knew to be a failed effort.

Mike Parker had the guts to say this is wrong and point out the way that it should be and tell the truth. So, Mike, they may have had a dereliction of duty, but you did not. For the sake of myself and again speaking on behalf of the people of Mississippi, we are proud of you, Mike. God bless you.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today after 11:30 a.m. on account of personal reasons.

Ms. SOLIS (at the request of Mr. GEPHARDT) for today on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. STRICKLAND) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. MCINTYRE, for 5 minutes, today.

Mr. TAYLOR of Mississippi, for 5 minutes, today.

(The following Member (at the request of Mr. BLUNT) to revise and extend his remarks and include extraneous material:)

Mr. BLUNT, for 5 minutes, today.

SENATE ENROLLED JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to an enrolled joint resolution of the Senate of the following title:

S.J. Res. 32. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

ADJOURNMENT

Mr. TAYLOR of Mississippi. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 16 minutes p.m.) under its previous order, the House adjourned until Monday, March 11, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5775. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hydrogen Peroxide; An Amendment to an Exemption from the Requirement of a Tolerance [OPP-301217; FRL-6822-7] (RIN: 2070-AB78) February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5776. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Interim Final Determination that State has Corrected the Deficiencies [CA 248-0293c; FRL-7149-7] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5777. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; State of Iowa [Iowa 0127-1127a; FRL-7151-7] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5778. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Operating Permits Program; State of Iowa [IA 0126-1126a; FRL-7151-9] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5779. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7150-6] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5780. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District [CA 169- 0323; FRL-7148-8] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5781. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, El Dorado Air Pollution Control District [CA248-0293a; FRL-7149-6] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5782. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, San Joaquin Valley Unified Air Pollution Control District [CA 250–0317c; FRL–7146–1] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5783. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, Kern County Air Pollution Control District [CA 256–0319c; FRL–7139–2] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5784. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Delaware: Final Authorization of State Hazardous Waste Management Program Revision [FRL–7149–9] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5785. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maryland Nitrogen Oxide Averaging Plan for Constellation Power Source Generation [MD121–3082a; FRL–9144–5] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5786. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Minnesota [MN64–01–7289a; FRL–7139–8] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5787. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality State Implementation Plans; Georgia: Control of Gasoline Sulfur and Volatility [GA–47–2; GA–55–2; GA–58–2–200216; FRL–7148–4] received February 21, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5788. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

5789. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–296, "Home Loan Protection Act of 2002" received March 7, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

5790. A letter from the General Counsel, Corporation For National Service, transmitting the report in compliance with the Government in the Sunshine Act for 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

5791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—VISAS: Documentation of Nonimmigrants and Immigrants under the Immigration and Nationality Act, as amended: Fingerprinting; Access to Criminal History Records; Conditions for use of criminal history records—received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5792. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 2001–NE–32–AD; Amendment 39–12606; AD 2002–01–12] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5793. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2001–NM–198–AD; Amendment 39–12607; AD 2002–01–13] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5794. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 2001–NE–32–AD; Amendment 39–12606; AD 2002–01–12] (RIN: 2120–AA64] received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5795. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model DH.125, HS.125, BH.125, and BAe.125 (U–125 and C–29A) Series Airplanes; Model Hawker 800, Hawker 800 (U–125A), Hawker 800XP, and Hawker 1000 Airplanes [Docket No. 2000–NM–373–AD; Amendment 39–12619; AD 2001–17–26 R1] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5796. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes [Docket No. 2001–NM–112–AD; Amendment 39–12620; AD 2002–01–25] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Series Airplanes [Docket No. 2001–NM–128–AD; Amendment 39–12613; AD 2002–01–19] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model Beech 400, 400A, and 400T Series Airplanes; Model Beech MU–300–10 Airplanes; and Model Mitsubishi MU–300 Airplanes [Docket No. 2001–NM–382–AD; Amendment 39–12617; AD 2002–01–23] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–81, –82, –83, and –87 Series Airplanes, and Model MD–88 Airplanes [Docket No. 2000–NM–362–AD; Amendment 39–12618; AD 2002–01–24] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5800. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Civil Asset Forfeiture (RIN: 1515–AC69) received February 25, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HANSEN: Committee on Resources. H.R. 706. A bill to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; with an amendment (Rept. 107–368). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. HANSEN: Committee on Resources. H.R. 3389. A bill to reauthorize the National Sea Grant College Program Act, and for other purposes, with an amendment; (Rept. 107–369 Pt. I) referred to the Committee on Science for a period ending not later than April 17, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(n), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GILMAN (for himself and Mr. McNulty):

H.R. 3890. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson, of Albany, New York, for acts of valor during World War I and to direct the Secretary of Army to conduct a review of military service records to determine whether certain other African American World War I veterans should be awarded the Medal of Honor for actions during that war; to the Committee on Armed Services.

By Mr. SHERMAN (for himself, Mr. McHugh, Mrs. Maloney of New York, Mr. Mascara, Mr. Frank, Mr. Honda, and Mr. Faleomavaega):

H.R. 3891. A bill to amend the Fair Debt Collection Practices Act to prohibit creditors from taking action that is adverse to the interests of a consumer with respect to certain payments that are due in or shortly after the, period of a disruption of the mail resulting from a national emergency declared under the National Emergencies Act; to the Committee on Financial Services.

By Mr. COBLE (for himself and Mr. Berman):

H.R. 3892. A bill to amend title 28, United States Code, to make certain modifications in the judicial discipline procedures, and for other purposes; to the Committee on the Judiciary.

By Mr. BURTON of Indiana (for himself, Mr. WAXMAN, Mr. DAVIS of Illinois, Mrs. MORELLA, Mr. TIERNEY, Mr. CUMMINGS, and Ms. NORTON):

H.R. 3893. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees under Federal student loan repayment programs; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Ms. ROS-LEHTINEN, Mr. GEPHARDT, Ms. JACKSON-LEE of Texas, Mr. REYES, Mr. FRANK, Mr. BERMAN, Mr. GUTIERREZ, Mr. RANGEL, Mr. ABERCROMBIE, Mr. ANDREWS, Ms. LEE, Mr. BLAGOJEVICH, Mr. DELAHUNT, Mr. FATTAH, Mr. FILNER, Mr. HONDA, Mr. LAFALCE, Mr. MCDERMOTT, Mrs. MEEK of Florida, Mr. NADLER, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. SCHAKOWSKY, Mr. STARK, Mrs. JONES of Ohio, Mr. UNDERWOOD, Ms. VELÁZQUEZ, Ms. WATERS, Mr. LANTOS, and Mr. BONIOR):

H.R. 3894. A bill to amend the Immigration and Nationality Act to restore fairness to immigration law, and for other purposes; to the Committee on the Judiciary.

By Mr. ADERHOLT (for himself, Mr. PITTS, Mr. BRYANT, Mr. SAM JOHNSON of Texas, Mr. RYUN of Kansas, Mr. WICKER, Mr. SHOWS, Mr. HILLEARY, Mr. SESSIONS, Mr. SCHAFFER, Mr. GOODE, Mr. TERRY, Mr. DEMINT, Mr. SHADEGG, Mr. SMITH of Michigan, Mr. CRANE, Mr. HERGER, Mr. BARTLETT of Maryland, Mr. TIBERI, Mr. SOUDER, Mr. BROWN of South Carolina, Mr. BUYER, Mr. ARMEY, Mr. GREEN of Texas, Mr. DELAY, Mr. CANTOR, Mr. PICKERING, Mrs. MYRICK, Mr. BACHUS, Mr. GRAVES, Mr. KERNS, Mr. LEWIS of Kentucky, Mr. KINGSTON, Mr. WHITFIELD, Ms. HART, Mr. TAYLOR of North Carolina, Mr. WAMP, Mr. HAYES, Mr. HAYWORTH, Mr. BRADY of Texas, Mr. BONILLA, Mrs. EMERSON, Mr. PAUL, Mr. SMITH of New Jersey, Mr. ISTOOK, Mr. LUCAS of Oklahoma, Mr. TIAHRT, Mr. VITTER, Mr. OXLEY, Mr. STENHOLM, Mr. HOSTETTLER, Mr. JONES of North Carolina, Mr. HOEKSTRA, Mr. DOOLITTLE, Mr. PENCE, Mr. WELDON of Florida, Mr. SHUSTER, and Mr. BARR of Georgia):

H.R. 3895. A bill to defend the Ten Commandments; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 3896. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Resources.

By Mr. BARR of Georgia (for himself, Mr. CONYERS, Mr. NORWOOD, Mr. HOEFFEL, Mr. GANSKE, Mr. NADLER, and Mr. WELDON of Florida):

H.R. 3897. A bill to ensure and foster continued patient safety and quality of care by clarifying the application of the antitrust laws to negotiations between groups of health care professional and health plans and health care insurance issuers; to the Committee on the Judiciary.

By Mrs. CAPPS (for herself, Ms. HOOLEY of Oregon, Mr. DEFAZIO, Mr. WU, and Mr. THOMPSON of California):

H.R. 3898. A bill to provide for qualified withdrawals from the Capital Construction Fund for fishermen leaving the industry and for the rollover of Capital Construction Funds to individual retirement plans; to the Committee on Ways and Means, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARSON of Oklahoma (for himself and Mrs. EMERSON):

H.R. 3899. A bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Florida (for himself, Mr. OBEY, Mr. SABO, Mr. ROGERS of Kentucky, Mr. REGULA, Mr. OLVER, Mr. PASTOR, Mr. WOLF, Ms. KILPATRICK, Mr. CALLAHAN, Mr. SERRANO, Mr. TIAHRT, Mr. ADERHOLT, Ms. GRANGER, Mrs. EMERSON, Mr. SWEENEY, Mr. CLYBURN, Ms. PELOSI, Mr. LEWIS of California, Mr. SKEEN, Mr. BONILLA, Mr. KENNEDY of Rhode Island, Mr. MORAN of Virginia, Ms. DELAURO, Ms. KAPTUR, Mr. DICKS, Mr. JACKSON of Illinois, Mr. FARR of California, Mrs. MEEK of Florida, Mr. HINCHEY, Mrs. LOWEY, Mr. PRICE of North Carolina, Mr. FATTAH, Mr. BOYD, Mr. CRAMER, Mr. MOLLOHAN, Ms. ROYBAL-ALLARD, Mr. HOYER, Mr. MURTHA, Mr. WALSH, Mr. KNOLLENBERG, Mr. DAN MILLER of Florida, Mr. KINGSTON, Mr. WICKER, Mr. NETHERCUTT, Mr. CUNNINGHAM, Mr. WAMP, Mr. PETERSON of Pennsylvania, Mr. LAHOOD, Mr. VITTER, Mr. TAYLOR of North Carolina, Mr. VISCLOSKY, Mr. ROTHMAN, Mr. GOODE, Mr. EDWARDS, Mr. SHERWOOD, Mr. DOOLITTLE, Mr. TIERNEY, Mr. BUYER, Mr. KLECZKA, Mrs. THURMAN, Mr. THOMPSON of Mississippi, Mr. MARKEY, Mr. MEEHAN, Mr. HOBSON, Mr. HOEFFEL, Mr. HILLIARD, Mr. BISHOP, and Mrs. CHRISTENSEN):

H.R. 3900. A bill to provide that certain adjustments made by the Director of the Office of Management and Budget under the Balanced Budget and Emergency Deficit Control Act of 1985 to align highway spending with revenues have no force or effect; to the Committee on the Budget, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE:

H.R. 3901. A bill to suspend temporarily the duty on triflusulfuron methyl formulated product; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3902. A bill to suspend temporarily the duty on benzyl carbazate; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3903. A bill to suspend temporarily the duty on esfenvalerate technical; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 3904. A bill to suspend temporarily the duty on Avaunt and Steward; to the Committee on Ways and Means.

By Mr. CRAMER:

H.R. 3905. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to provide a one-time abatement of interest on an underpayment or nonpayment of income tax for reasonable cause; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself and Mr. FILNER):

H.R. 3906. A bill to except spouses and children of Philippine servicemen in the United States Navy from bars to admission and relief under the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. HANSEN (for himself, Mr. MEEHAN, Mr. BROWN of Ohio, Mr. DOGGETT, Mr. FALEOMAVAEGA, Mr. FRANK, Mr. HINCHEY, Mr. HOLT, Mr. LANGEVIN, Mr. LANTOS, Mr. LIPINSKI, Ms. LOFGREN, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. GEORGE MILLER of California, Mrs. MORELLA, Mr. PALLONE, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. WAXMAN, and Mr. WYNN):

H.R. 3907. A bill to amend the Federal Cigarette Labeling and Advertising Act and the Comprehensive Smokeless Tobacco Health Education Act of 1986 to require warning labels for tobacco products; to the Committee on Energy and Commerce.

By Mr. HANSEN:

H.R. 3908. A bill to reauthorize the North American Wetlands Conservation Act, and for other purposes; to the Committee on Resources.

By Mr. HANSEN:

H.R. 3909. A bill to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes; to the Committee on Resources.

By Mr. ISRAEL:

H.R. 3910. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of certain tests to screen for ovarian cancer upon certification by the Director of the National Institutes of Health that such tests are effective; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 3911. A bill to direct the Federal Trade Commission to issue rules that establish a list of telephone numbers of consumers who do not want to receive telephone calls for telemarketing purposes, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUCINICH (for himself, Mr. OWENS, Mr. ANDREWS, Ms. SOLIS, Ms. LEE, Mr. MCGOVERN, Mr. CONYERS, Ms. KAPTUR, Mr. HINCHEY, Mr. FILNER, Mr. FALEOMAVAEGA, and Ms. CARSON of Indiana):

H.R. 3912. A bill to assist States in establishing a universal prekindergarten program to ensure that all children 3, 4, and 5 years old have access to a high-quality full-day, full-calendar-year prekindergarten education; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. DEFAZIO, Mr. BERRY, Mr. MCNULTY, Mr. PALLONE, and Mr. BLAGOJEVICH):

H.R. 3913. A bill to assure equitable treatment in health care coverage of prescription drugs under group health plans, health insurance coverage, Medicare and Medicaid managed care arrangements, Medigap insurance coverage, and health plans under the Federal employees' health benefits program (FEHBP); to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY of New York:

H.R. 3914. A bill to restore oversight of energy derivatives by the Commodity Futures Trading Commission, and maintain the 1993 energy products exemption; to the Committee on Agriculture.

By Mrs. MALONEY of New York (for herself, Mr. Tom Davis of Virginia, Mr. Hoyer, Mr. Frank, Mr. Abercrombie, Mr. Frost, Ms. Millender-McDonald, Ms. DeLauro, Ms. Baldwin, Ms. Carson of Indiana, Ms. Kilpatrick, Mr. Owens, and Ms. Norton):

H.R. 3915. A bill to amend title 5, United States Code, to provide that, of the total amount of family leave available to a Federal employee based on the birth of a child or the placement of a child with the employee for adoption or foster care, at least one-half of that time shall be leave with pay; to the Committee on Government Reform.

By Mrs. MALONEY of New York (for herself, Mr. Greenwood, Mr. Crowley, Mrs. Lowey, and Mr. Ose):

H.R. 3916. A bill to provide a United States voluntary contribution to the United Nations Population Fund; to the Committee on International Relations.

By Mr. MURTHA:

H.R. 3917. A bill to authorize a national memorial to commemorate the passengers and crew of Flight 93 who, on September 11, 2001, courageously gave their lives thereby thwarting a planned attack on our Nation's Capital, and for other purposes; to the Committee on Resources.

By Mr. PORTMAN (for himself, Mr. Cardin, Mr. Boehner, and Mr. Pomeroy):

H.R. 3918. A bill to amend the Employee Retirement Income Security Act of 1974 to simplify reporting and disclosure requirements, to provide Pension Benefit Guarantee Corporation premium relief, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTMAN (for himself, Mr. Cardin, Mr. Boehner, Mr. Pomeroy, and Mr. Sam Johnson of Texas):

H.R. 3919. A bill to amend the Internal Revenue Code of 1986 to increase the permissible range for the interest rate used in determining the additional funding requirements for defined benefit plans which are not multiemployer plans, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE:

H.R. 3920. A bill to amend the Endangered Species Act of 1973 to establish special requirements for determining whether the black-tailed prairie dog is an endangered species or threatened species; to the Committee on Resources.

By Mr. JEFFERSON:

H.J. Res. 84. A joint resolution disapproving the action taken by the President under section 203 of the Trade Act of 1974 transmitted to the Congress on March 5, 2002; to the Committee on Ways and Means.

By Mr. CLEMENT (for himself, Mr. Cunningham, Mrs. Davis of California, Mr. Phelps, and Mr. Etheridge):

H. Con. Res. 343. Concurrent resolution expressing the sense of the Congress supporting music education and Music in Our Schools Month; to the Committee on Education and the Workforce.

By Ms. SCHAKOWSKY (for herself, Mrs. Biggert, Ms. Millender-McDonald, Mr. Lantos, Ms. Pelosi, Ms. DeLauro, Mr. Conyers, Ms. Waters, Ms. Baldwin, Mr. Davis of Illinois, Mr. Crowley, Ms. Woolsey, Mr. Levin, Mr. Filner, Ms. Kilpatrick, Mrs. Jones of Ohio, Ms. Kaptur, Mr. Cummings, Ms. McCollum, Mr. Luther, Mrs. Capps, Mr. Langevin, Ms. McKinney, Mr. Blagojevich, Ms. Norton, Ms. Solis, Ms. Berkley, Ms. Sanchez, Mrs. Maloney of New York, Ms. Roybal-Allard, Ms. Brown of Florida, Ms. Carson of Indiana, Mrs. McCarthy of New York, Mrs. Davis of California, and Ms. Watson):

H. Con. Res. 344. Concurrent resolution supporting the goals of International Women's Day; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HANSEN (for himself, Mr. Matheson, and Mr. Cannon):

H. Res. 363. A resolution congratulating the people of Utah, the Salt Lake Organizing Committee and the athletes of the world for a successful and inspiring 2002 Olympic Winter Games; to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII,

208. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 85 memorializing the Congress of the United States to enact legislation to give states the authority to ban out-of-state solid waste; to the Committee on Energy and Commerce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 116: Ms. Norton and Ms. Slaughter.

H.R. 128: Mr. Ramstad, Ms. McCarthy of Missouri, and Mr. Clay.

H.R. 218: Mr. Hilliard, Mr. Taylor of Mississippi, and Mr. Platts.

H.R. 250: Mr. Inslee and Mr. Roemer.

H.R. 303: Mr. Hulshof.

H.R. 778: Mr. King.

H.R. 808: Mr. Lynch.

H.R. 858: Mr. Bonior.

H.R. 902: Mr. Rohrabacher, Mr. Sabo, and Mr. Berman.

H.R. 951: Mr. Mica, Ms. Roybal-Allard, and Mr. Goss.

H.R. 1051: Mr. Delahunt and Mr. Brady of Pennsylvania.

H.R. 1053: Mr. Bonior.

H.R. 1055: Mr. Bonior.

H.R. 1070: Mr. Smith of Michigan.

H.R. 1073: Mr. Hayes.

H.R. 1076: Mr. Grucci.

H.R. 1109: Mr. Mica and Mr. Oxley.

H.R. 1158: Mr. Shays.

H.R. 1167: Mr. Snyder and Mr. Moore.

H.R. 1168: Mr. Snyder, Mr. Wilson of South Carolina, and Ms. Dunn.

H.R. 1201: Ms. Waters.

H.R. 1213: Mr. Mascara, Mr. Gekas, and Mr. Pallone.

H.R. 1214: Mr. Gekas.

H.R. 1265: Mr. Clay and Mrs. Capps.

H.R. 1310: Mr. Frank.

H.R. 1354: Mr. Davis of Illinois.

H.R. 1400: Mr. Murtha.

H.R. 1475: Mr. Kind, Mr. Hilliard, and Mr. Tiahrt.

H.R. 1522: Mr. Lipinski.

H.R. 1609: Mr. Spratt, Mr. Kucinich, and Mr. Udall of Colorado.

H.R. 1626: Mr. Holden.

H.R. 1723: Mr. Lynch.

H.R. 1899: Mr. Lampson.

H.R. 1904: Mrs. Jones of Ohio, Mr. Blagojevich, Ms. Woolsey, and Ms. Rivers.

H.R. 1919: Mr. Hostettler.

H.R. 1987: Mr. Reynolds.

H.R. 2189: Mr. Herger.

H.R. 2219: Ms. Lofgren.

H.R. 2230: Mr. Filner.

H.R. 2254: Mr. McGovern.

H.R. 2335: Mr. George Miller of California and Mr. Oberstar.

H.R. 2341: Mr. Foley, Mr. Sullivan, and Mr. Tiberi.

H.R. 2527: Mr. Pastor, Ms. DeLauro, Mr. Capuano, Mr. Boswell, Mr. Sawyer, Mr. Sessions, and Mrs. Meek of Florida.

H.R. 2570: Mr. Blagojevich and Mr. Cummings.

H.R. 2610: Mr. Gillmor, Ms. Harman, and Mr. Ganske.

H.R. 2629: Mrs. Capito, Ms. Baldwin, and Mr. Meehan.

H.R. 2649: Mr. Gekas, Mr. Tancredo, Ms. McKinney, Mr. Pickering, Mr. Tom Davis of Virginia, and Mr. Watkins.

H.R. 2695: Mr. Matsui and Mr. Ballenger.

H.R. 2740: Mrs. Clayton and Mr. Watt of North Carolina.

H.R. 2813: Mr. Olver.

H.R. 3080: Ms. Norton and Ms. Carson of Indiana.

H.R. 3130: Mr. Goodlatte and Mr. Smith of Texas.

H.R. 3131: Mrs. Capps, Mr. Frost, Mr. Chambliss, Mr. Calvert, Mr. Costello, and Mr. Greenwood.

H.R. 3157: Mrs. Wilson of New Mexico.

H.R. 3192: Mr. Owens and Mrs. Mink of Hawaii.

H.R. 3246: Mrs. Thurman.

H.R. 3267: Mr. Clay.

H.R. 3278: Mr. Pascrell.

H.R. 3284: Mr. Clay.

H.R. 3321: Mr. John, Mr. Clay, Mrs. Mink of Hawaii, Mr. Stump, and Ms. McCarthy of Missouri.

H.R. 3324: Mr. Schiff, Ms. Woolsey, and Mr. Thompson of California.

H.R. 3356: Mrs. Tauscher and Mr. Turner.

H.R. 3363: Mr. Langevin, Mr. McNulty, Mr. Lipinski, Mr. Allen, Mr. Price of North Carolina, and Mr. McGovern.

H.R. 3374: Mr. Owens, Mr. Ford, Mr. Frost, Mr. Conyers, Mrs. Meek of Florida, Mr. Underwood, Ms. Watson, and Mr. McGovern.

H.R. 3389: Mrs. Capps, Mr. Jeff Miller of Florida, Mr. Bilirakis, Mr. Watt of North Carolina, Mr. Diaz-Balart, Ms. McCollum, Mr. Hastings of Florida, and Ms. Hooley of Oregon.

H.R. 3414: Mr. Phelps and Mr. Watt of North Carolina.

H.R. 3430: Mr. Frank.

H.R. 3486: Mr. Goode.

H.R. 3488: Mr. Towns and Mrs. Thurman.

H.R. 3524: Mr. Pastor, Ms. Velázquez, and Mr. LaTourette.

H.R. 3561: Mr. Gekas.

H.R. 3574: Mrs. Thurman.

H.R. 3581: Mr. Underwood and Ms. Millender-McDonald.

H.R. 3585: Mr. Barrett.

H.R. 3605: Mr. Souder.

H.R. 3617: Mr. Filner.

H.R. 3626: Mr. Stupak and Mr. Gutknecht.

H.R. 3659: Mr. Langevin and Mr. Kennedy of Rhode Island.

H.R. 3694: Mr. Ballenger, Mr. Moore, Mr. Putnam, Mr. Ramstad, Mr. Tancredo, Mr. Kind, Mrs. Christensen, Mr. Sherman, Mr. Davis of Florida, Ms. DeGette, Mrs. Clayton, Mr. Hilliard, Mr. Clay, Ms. Jackson-Lee of Texas, Ms. McCarthy of Missouri, Mrs. Meek of Florida, Mr. Scott, Mr. Allen, Mr. Reyes, Mr. Wynn, Mr. Hoyer, and Mr. Cooksey.

H.R. 3713: Mr. Stupak.

H.R. 3717: Mr. Holden, Mr. Keller, Ms. Watson, Mr. Combest, Mr. Boswell, Mr. Barr of Georgia, and Mr. Udall of Colorado.

H.R. 3731: Mr. Quinn.

H.R. 3733: Mr. Kucinich, Mr. Baldacci, Mr. McGovern, and Ms. Brown of Florida.

H.R. 3745: Ms. Jackson-Lee of Texas.

H.R. 3754: Mr. McNulty.

H.R. 3770: Mr. Stark, Mr. Shimkus, and Ms. Dunn.

H.R. 3792: Mr. Isakson, Mr. Johnson of Illinois, Mr. Towns, Mr. Boehlert, and Mr. Stupak.

H.R. 3794: Mr. Ferguson, Ms. Lofgren, Ms. Velázquez, Mr. Davis of Illinois, and Ms. Eshoo.

H.R. 3802: Mr. Otter.

H.R. 3818: Ms. Lee and Mr. Mascara.

H.R. 3833: Mr. Sullivan, Mr. Brown of Ohio, and Mr. Gillmor.

H.R. 3834: Mr. Gordon.

H.R. 3838: Mrs. Thurman.

H.J. Res. 6: Mr. Quinn, Mr. Gillmor, and Mr. Forbes.

H.J. Res. 40: Mr. Rahall and Mr. John.

H. Con. Res. 315: Mr. Shimkus, Mr. Pickering, Mr. Shows, Mr. Hostettler, Mr. Schaffer, and Mr. Goode.

H. Con. Res. 318: Mr. Terry and Mr. Ballenger.

H. Con. Res. 341: Ms. Eshoo.

H. Res. 302: Mr. Graves, Mr. Buyer, Mr. Norwood, and Mr. Wicker.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1983: Mr. Simmons.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

52. The SPEAKER presented a petition of the Legislature of Franklin County, relative to Resolution No. 317 petitioning the Congress of the United States to pass without delay and for the President of the United States to sign into law "The State Budget Relief Act of 2001"; to the Committee on Energy and Commerce.

53. Also,a petition of the City Council of the City of Groves, Texas, relative to Resolution 2000-17 petitioning the Congress of the United States in expressing an collective desire to rid the world of terrorism of global reach; jointly to the Committees on International Relations and Armed Services.

SENATE—*Thursday, March 7, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable HARRY REID, a Senator from the State of Nevada.

The PRESIDING OFFICER. Today's prayer will be by Rev. Leonard B. Jackson, Associate Minister of the First African Methodist Episcopal Church, Los Angeles, CA.

PRAYER

The guest Chaplain offered the following prayer:

Eternal Father, from differing ways we come to this Senate Chamber in manifold thoughts, hopes, and fears, but together we join our hearts as one to ask that You hear our humble prayers:

God of our weary years, God of our silent tears, You have brought us thus far on our way; cast Your shadow of love upon this Senate. Lord, grant us guidance that we may not betray our stewardship, neither mistaking the nature of our obligations nor taking for granted our charge. As we perform our sworn duty, may we stand with You, work for You, and bear with You the heavy yoke of righteousness and truth.

Father, our petition today is that You will bless the trailblazers who have paved the way and laid the foundation of our great Nation. Lord, alone we are not worthy but we can do all things through Him who strengthens us. Lord, we don't know what tomorrow holds, but we know the hand that holds tomorrow. Please keep us forever in the path we pray, so all people may share the reality of one nation under God, with liberty and justice for all.

God bless America.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable HARRY REID led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 7, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable HILLARY RODHAM CLINTON, a Senator from the State of New York, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mrs. CLINTON thereupon assumed the chair as Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

THE GUEST CHAPLAIN

Mrs. BOXER. Madam President, I am so delighted today to welcome Reverend Jackson to our Senate family. Senator FEINSTEIN and I are so very proud of him and of the First African Methodist Episcopal Church of Los Angeles. Anyone who has visited the First African Methodist Episcopal Church of Los Angeles comes away uplifted and comes away in many ways a changed person. It is an ecumenical experience, if I might say that, because what the Reverend said today is what guides that church—that all of us should be righteous and seek justice and seek the truth. Of course, if we did that every day in this Senate and justice prevailed and truth prevailed and righteousness prevailed, this country would be on the best course.

I thank him from the bottom of my heart for that message which he gave us so quickly, but it is a very deep message which I hope we will all take to heart.

Welcome, Reverend Jackson.

Thank you, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will again resume consideration of the energy bill. There will be rollcall votes on amendments throughout the day. We understand that the first amendment will be offered by Senator VOINOVICH dealing with Price-Anderson. That should not take too long. We hope we can complete that early on. Senator BINGAMAN will then offer the next amendment.

We hope to make significant progress on this bill today and tomorrow and complete the legislation next week.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 517) to authorize funding the Department of Energy to enhance the mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

> Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SMITH of Oregon. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMITH of Oregon. Madam President, I ask unanimous consent to speak for 2, maybe 3 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. SMITH of Oregon are printed in today's RECORD under "Morning Business.")

Mr. SMITH of Oregon. Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. VOINOVICH. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2983 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. VOINOVICH. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Ohio [Mr. VOINOVICH], for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, and Mr. CRAIG, proposes an amendment numbered 2983 to amendment No. 2917.

Mr. VOINOVICH. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reauthorize the Price-Anderson Act)

On page 115, strike line 5 and all that follows through page 119, line 10 and insert the following:

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 502. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Seciton 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Seciton 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d. (1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties assessed under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 509. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 do not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

Mr. VOINOVICH. Madam President, I rise today to offer the Price-Anderson reauthorization bill as an amendment to the Energy Policy Act. Last year, as the former chairman of the Nuclear Safety Subcommittee, I introduced the Price-Anderson reauthorization bill, S. 1360, that reauthorizes the insurance program for commercial nuclear reactors.

The Price-Anderson Act was first passed back in 1957 and has been renewed three times since then. The current authorization expires on August 1 of this year.

This amendment provides the insurance program for commercial nuclear powerplants and Department of Energy contractor employees. In my State of Ohio, this is very important for the contractor employees who are currently working at the Mound and Fernald facilities, former sites of nuclear facilities of the Department of Energy.

This is the type of must-pass legislation that keeps the trains of Government running on time.

I think it is important to note that during the previous administration, both the Department of Energy and the Nuclear Regulatory Commission issued reports to Congress recommending the reauthorization of Price-Anderson.

The DOE and the NRC reports also called for a doubling of the annual premium paid by the nuclear reactors from $10 million to 20 million.

This recommendation was made prior to the relicensing process. At that time, the Nuclear Regulatory Commission projected that up to half of our nuclear reactors would be retired instead of being relicensed. We have something like 103 nuclear reactors out there.

However, thanks to regulatory improvements made in the process, largely due to the oversight of the Nuclear Safety Subcommittee, the NRC believes that most of our nuclear reactors will be in fact relicensed. Therefore, the NRC issued a statement last year revising their projections and recommending that the annual premium not be increased. This amendment follows those recommendations.

It is important for the American public to understand how the Price-Anderson liability program works. First of all, it is important to understand it is not a Federal subsidy. The nuclear industry actually funds the program. Each nuclear powerplant purchases liability insurance to cover the first $200 million from private insurers for immediate response in the case of an accident. If the costs exceed $200 million and additional funds are needed, all the other nuclear reactors—and there are 103 of them—contribute up to $88 million each. That totals $9.3 billion.

These funds are contributed by other reactors in increments of $10 million per year. If more than the $9.3 billion would be needed, Congress could then go back to the industry and demand a larger contribution.

I know of no other industry in which all of the competitors agree up front to pay for the mistakes or acts of God that impact upon any one company.

In addition, I know of no facilities of any type anywhere in the country which are insured for $9.3 billion. It is incredible.

It is also important to note for the American public that the industry does something else that is very unusual. It waives its traditional tort defenses so that the fund begins making payments immediately instead of fighting out claims in the courts. If we had some kind of a nuclear disaster somewhere, as we did at Three Mile Island, immediately the insurance companies start paying out claims. As a matter of fact, after Three Mile Island, claims offices were on the site within 24 hours. It provides more insurance coverage for Americans and provides the coverage up front.

America's nuclear energy industry currently provides approximately 20 percent of our energy, while fossil fuels, such as oil, coal, and natural gas, provide the bulk of the remainder. Nuclear energy is particularly used in the northeast part of the United States.

Nuclear power is a safe and reliable energy source. It is also a zero-emission source of energy.

As I discussed in the Senate on Tuesday, just since the nuclear energy has prevented 62 million tons of sulfur dioxide, a key component of acid rain, and 32 million tons of nitrogen oxide, a precursor to ozone, from being released into the atmosphere. It has probably contributed more to a reduction in emissions than any other source of energy but for solar and wind and hydroelectric.

This has had a tremendous positive effect on the environment and public health. In my view and in the view of many, coal and nuclear power have been inappropriately demonized over the last few years. These characterizations are patently unfair if we look at the record.

Both are efficient and cost-effective sources of energy, and given our current energy consumption rates, we are going to be dependent upon them for the foreseeable future.

The truth is, we are not meeting our energy needs currently domestically. And if we look at 20-year projections, we are going to need another 30 percent production of energy if we are going to be competitive.

We are taking steps to make coal a cleaner burning fuel. We should also do whatever we can to promote a safe and efficient nuclear energy industry for our Nation and encourage the development of new nuclear reactors such as modular reactors which we have been discussing of late. Reauthorizing the Price-Anderson Act is a major step in that direction.

I thank my colleagues for cosponsoring this amendment: Senators BINGAMAN, BOB SMITH, INHOFE, MURKOWSKI, DOMENICI, LANDRIEU, HAGEL, CRAPO, THOMAS, BOND, CAMPBELL, and FRIST. I urge all of my colleagues to support this amendment. This should not be something that is extremely controversial. It is long overdue. It is something we have had since 1957. We should get on with it and make it part of Senator DASCHLE's energy legislation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I commend the Senator for offering this amendment. I am cosponsoring the amendment. Title V of the underlying bill we are debating renews the provisions of the Price-Anderson Act that relate to Department of Energy contractors, but it does not renew those that relate to NRC licensees.

The reason is that jurisdiction over the contractor provisions was in the Energy Committee, which was where we were largely developing this bill. The jurisdiction over the NRC licensee provisions is in the Environment Committee that Senator SMITH chaired. Some members of the Environment Committee asked us not to include provisions that were under its jurisdiction in this substitute. The pending amendment Senator VOINOVICH has offered now provides a substitute for the Price-Anderson provisions in the underlying bill.

It repeats the provisions that renew DOE contractor portions of Price-Anderson that are already there, and in addition, it adds the new provisions related to the NRC licensee part of the act.

Let me give a short summary of what the pending amendment would do. Section 502 of the amendment extends the NRC's indemnification authority for another 10 years. That has been recommended by the Nuclear Regulatory Commission, and it is part of what Senator VOINOVICH is proposing. It extends the indemnification authority of the Department of Energy indefinitely. That is also consistent with the 1998 report of the Department of Energy.

Section 503 of the amendment raises the liability limit for DOE contractors and hence the amount that DOE indemnifies its contractors up to $10 billion, which would be adjusted in the future for inflation.

Under current law, the liability limit for DOE contractors is tied to the maximum liability of Nuclear Regulatory Commission licensees, which is currently at $9 billion.

Section 504 increases the liability limits and indemnification for accidents involving government-owned nuclear facilities or devices located outside the United States from the $100 million, where it presently is, to $500 million. This increase also was recommended by the Department of Energy. It is consistent with international nuclear liability standards.

Section 505 requires both the Department of Energy and the Nuclear Regulatory Commission to submit new reports on the need to continue or modify the act in 2008.

Section 506 requires the Secretary of Energy to adjust the $10 billion liability limit every 5 years for inflation. This is consistent also with the provision in existing law that requires the Nuclear Regulatory Commission to adjust the limit for Nuclear Regulatory Commission licensees.

Section 507 repeals two provisions in current law that exempt nonprofit Department of Energy contractors from civil penalties for nuclear safety violations.

Section 507 subjects nonprofit contractors to set civil penalties. It limits the total amount of those penalties to the fee the contractor receives in any year under the contract.

Finally, section 508 provides two or more so-called "modular" reactors that are located at one site should be treated as a single nuclear powerplant for purposes of assessing premiums under the Price-Anderson Act. This provision has been added to allow for the use of some of the new advanced technology reactor designs that make use of several small reactor modules to do the work of a single large nuclear reactor. The provision will permit the NRC to treat a collection of these modules at a single site as a single reactor for Price-Anderson purposes.

In summary, the Price-Anderson Act has served this nation well for 45 years, by enabling utilities to generate 20 percent of our Nation's electricity with nuclear power, universities to conduct important nuclear research, and corporations to build nuclear weapons for our national defense without the threat of unlimited liability.

At the same time, the act has ensured that the public will be compensated in the event of a nuclear accident, that adequate funds will be available to pay claims, and that victims will be able to recover through an efficient no-fault liability system, which waives many of the legal obstacles that would confront victims in the absence of the act.

The important pending amendment renews this important law with a minimum number of changes, and in ways consistent with the strong recommendations we have received from the two agencies charged with administering it. I urge its adoption.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. SMITH of New Hampshire. Madam President, I rise in very strong support of the Voinovich-Bingaman Price-Anderson amendment.

Senator VOINOVICH has long been a leader at the EPW Committee on nuclear issues. I am proud to join him as a cosponsor of this amendment. Last year, Senator VOINOVICH introduced S. 1360 to reauthorize Price-Anderson for NRC licensees—a bill of which I was an original cosponsor, as the ranking member of the Environment and Public Works Committee. I am also pleased to be joining my colleagues on both the Energy Committee and on my own committee in cosponsoring this amendment. I especially thank Senator BINGAMAN for his cooperation with us on this issue.

Price-Anderson addresses two classes of nuclear facilities: commercial nuclear reactors and Federal nuclear facilities operated by "DOE contractors." It combines both NRC licensee and DOE contractor provisions of Price-Anderson.

I want to speak for a couple of minutes to the provisions of the amendment that deal with NRC licensees, as that is where the EPW Committee has focused its efforts. It does two very simple things. No. 1, it reauthorizes Price-Anderson for NRC licensees for an additional 10 years—consistent with NRC recommendations. Secondly, the amendment recognizes that new nuclear technologies—technologies that provide smaller, modular, cost-effective, and even safer reactors—are on the horizon. That is the future. This amendment allows for that new technology to come forth and to be used.

For the purposes of secondary protection requirements, this amendment treats modular reactor facilities containing modules of 100 to 300 megawatts, up to a total of 1,300 megawatts, as a single facility.

These modular units—now being developed—are the future of nuclear power, and it is important that Price-Anderson recognize the difference between these smaller modular units and the current larger facilities. Again, this legislation—this amendment—will allow for this modular concept to take hold and bring us into the future with nuclear power.

The background has been stated on Price-Anderson by my colleagues, but just briefly to summarize, it was a law passed in 1957 in order to provide immediate compensation in the event of a nuclear accident.

Price-Anderson is the best mechanism for providing the highest level of compensation in the shortest period of time, without having to put victims through an arduous and protracted legal process.

Equally important, it is the best deal for the taxpayer. With Price-Anderson, if there were a nuclear accident or incident, up to $9.5 billion would be available to compensate any victims. Not one dime of that money would come from taxpayers. It comes from a combination of insurance coverage and the industry itself—the entire nuclear industry pooling their collective resources—and this is compensation without having a lengthy judicial process to determine liability or culpability. So the law requires the insured and the insurers to waive most standard legal defenses. Fault does not need to be established. That is very important. Absent Price-Anderson, victims would have to rely on the court system, and damages would effectively be limited by the assets of a single company.

It is unlikely that any one company, on its own, would ever be capable of paying out $9.5 billion in damages in the case of an accident. So the bottom line is that without Price-Anderson there would be less money available and it would take years for the dollars to work their way through the courts and then to those who need immediate assistance. That assumes there would be something left after the lawyers have taken their share. We don't know whether that would be the case or not. It is likely that the taxpayer, via Congress, would already have stepped in and provided whatever financial assistance was needed. The events of September 11 showed how quickly Congress can act in a disaster situation.

Price-Anderson is a good deal for the taxpayers, for the industry, and for victims seeking damages.

I understand there are those who don't like nuclear energy and will see the Price-Anderson debate as a means to stop nuclear power. I respect the rights and integrity of those who hold this view. I don't think they are right. We will have a lot of energy needs in the coming decades, and nuclear power can provide them cleanly and efficiently.

There are enormous benefits to nuclear power. The majority of energy generated in New Hampshire is from nuclear power from the Seabrook nuclear powerplant—about 60 percent of it to be exact. I wonder where we would be today for our energy needs had that reactor not been built, in spite of the controversy and hard times we had to get it built. Seabrook Station has proven to be a safe, reliable source of power, not only for New Hampshire but for a large part of New England.

These are great benefits. They are tremendous benefits. It can't be overlooked. I have spent the better part of 2 years working to come up with a bipartisan plan for reducing utility emissions without compromising our long-term energy security. In fact, Senator VOINOVICH has been a valued partner in that effort.

Nuclear power allows us to generate enormous amounts of energy at low cost and with zero emissions. I know the issue of the waste comes up and it is very controversial; that is an issue we are going to have to confront. But when you are talking about emissions, this nuclear power is safe and efficient. It allows us to generate this power, as I said, at low cost with zero emissions, no SO_X, NO_X, mercury, and no carbon dioxide. Zero.

Nuclear provides 20 percent of our Nation's energy production, with no emissions. We need to be able to not have that diminished further as these powerplants get older and older. One way to do that is with this modular concept for which we provide. If we want clean air and energy security, nuclear has to be a part of any reasonable energy plan.

We should be encouraging the development of new, more effective and safe nuclear technologies. I am not saying this to the exclusion of other sources of power—renewables such as water, wind, solar, and others; we are not excluding those. We want to continue to do research there. I want to make it clear from this Senator's position, it is not only about nuclear power, it is all sources of power that can be efficient, clean, and produce what we need.

At a minimum, we ought not to be discouraging this kind of technology and what this nuclear industry can do. If we don't reauthorize Price-Anderson, we effectively kill all the new promising technologies that are the next generation of emissions-free power production. We can't afford to do that.

This amendment recognizes the recommendations made by the NRC, and they should be adopted. Price-Anderson enjoys strong bipartisan support in this body, as well as on the other side of the Capitol in the House.

Again, I thank Senator VOINOVICH and Senator BINGAMAN for their leadership. It has been a pleasure to work with them and Senator INHOFE on nuclear issues in the committee. They deserve a great deal of credit—Senators VOINOVICH and INHOFE—for the work they have done. I particularly thank my friends on the Energy Committee for their collective effort in bringing this bipartisan amendment to the floor—in particular, Senators MURKOWSKI, DOMENICI and, again, Senator BINGAMAN.

Madam President, I urge my colleagues to support this bipartisan amendment to reauthorize the Price-Anderson Act. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Idaho.

Mr. CRAIG. Madam President, I join my colleague from New Hampshire in thanking Senator VOINOVICH, Senator INHOFE, a good number of folks on our side of the aisle, and certainly a good number on the Democratic side of the aisle for crafting what I think is truly a bipartisan amendment to a necessary and important mix of our energy portfolio in this country.

As you know, the Price-Anderson Act provides a substantial amount of the necessary insurance protection for the commercial sector to deal with nuclear energy in our country.

The Price-Anderson Act removed the deterrent to private sector participation in nuclear activities when there was a substantial threat of liability.

As we know, the historic management of our nuclear facilities on the private side, the commercial side of the equation has proven to be very successful and very safe throughout their operation.

The kind of protection we have offered in no way has ever deterred or lessened the desire or the responsibility of good management. In fact, the Nuclear Regulatory Commission has not only ensured that by its constant and vigilant oversight—and certainly the private sector in operating these reactors for the benefit of the country has known that—but has demonstrated that very clearly. It is truly one of the great success stories of energy generation in our country that is not often told.

Why? Because when we talk nuclear, there are automatic reactions and some risks are argued even though those risks have never effectively played out in an area of effective regulation, quality management of the kind we have seen historically within the nuclear industry of this country.

Price-Anderson is an act that has been working well since its origination in 1957. We will need nuclear energy as we meet the growing energy needs of our country. My colleague from New Hampshire was just talking about clean energy and its importance. There is no cleaner energy than that which is produced by a nuclear reactor and electrical generator. That has clearly demonstrated itself historically.

All I can say today is, thank goodness that 20 percent of our energy basket in this country is nuclear. I wish it were more. If it were more, I think we would have less concern today about the climate change issue and other issues such as greenhouse gases released into the environment. That is going to push us, as it should, toward ever-increasing higher levels of technology and the application of that technology to make cleaner fuels.

While doing that, many of us in this body and the other body have recognized the value of advancing nuclear reactor design. Over the last several years, Senator DOMENICI from New Mexico, chairing the Appropriations Energy Subcommittee, and I have worked to increase budgets to allow for that kind of experimentation and development.

The administration in its new budget has come forth with a proposal called 2010 to invest money in the new technologies of nuclear reactors, to get that technology to the marketplace and to the private sector and to allow an ever-increasing amount of our energy portfolio to become nuclear generated.

As a result, reauthorization of the Price-Anderson Act is absolutely critical because without it, and without that kind of protection, the reality of expanding that energy base simply would not happen.

As we know, just in the last 3 weeks the President has proposed a new and dramatic direction for climate change in our country with the bringing together of science, the application of new computer models, and the idea of not picking winners and losers but allowing the great technology and the human mind in this country to lead the world to a cleaner environment.

We cannot get there and have an abundance of energy that will drive this wonderful economy of ours and create the jobs that it can and has created without nuclear energy as a part of it. There is no technology today that builds at those levels of commercial power production without nuclear energy being a part of it and an increasing part of that overall energy basket.

That is why we are here today. I think that is why we have arrived at a bipartisan approach to this issue. Some of my colleagues on the other side of the aisle who a decade ago were archcritics of nuclear energy are quietly saying today: We recognize that new technology in this area, new reactor design, has to come about if we are going to lead the world and have safer and more abundant forms of energy. That is why this overall energy bill is critical, with all of the new approaches that we bring, along with assuring current levels of hydrocarbon production and new levels of hydrocarbon production, and, at the same time, clearly technology and the application of that brings us to a cleaner environment that can be and must be abundant in energy.

I do appreciate the opportunity to speak briefly on the reauthorization of the Price-Anderson Act. It is an important part of any national energy policy for our country. I am confident it can pass because it has been brought before this body in a bipartisan effort.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I want to express my concern about the provisions of this amendment, and state my reasons for opposing it.

As Chairman of the Committee on Environment and Public Works, which has jurisdiction over the licensing and regulation by the Nuclear Regulatory Commission of the Nation's commercial nuclear power plants, I have a very strong interest in the application of the provisions of Price-Anderson.

Under the Atomic Energy Act of 1954, the Nuclear Regulatory Commission has the obligation to assure the safety and security of our Nation's nuclear power plants, and to oversee compensation to the public in the event of a catastrophic accident. This is the most serious of responsibilities.

My State of Vermont receives much of its power from the Vermont Yankee Nuclear Power Plant. While I am supportive of nuclear power and the many benefits it brings, I am deeply and personally aware of the potential dangers to the public that a nuclear power plant could pose, should something go wrong.

Since the events of September 11, of course, intense scrutiny has been given to security at nuclear plants, and chairman of the EPW Committee, I am committed to ensuring that our obligations to protect the public are fully met. Because this amendment fails to satisfy that responsibility,I must oppose it.

The Price-Anderson Act establishes a system of liability, and compensation to the general public for damages in the event of a nuclear accident, an "extraordinary nuclear occurrence" in the language of the Atomic Energy Act. The current language provides that every commercial reactor having a rated capacity of 100,000 electrical kilowatts or more must obtain insurance as provided in the act.

Section 508 of the amendment would make an exception for modular reactors, which are small reactors in the 100 to 110 kilowatt range, that must be clustered together in order to be economically viable. The amendment would treat them as a group of units comprising a single nuclear reactor. This would prevent each module from being treated, for purposes of liability coverage under Price-Anderson, as an individual reactor. Without this protection, construction of these modular reactors would not in all likelihood be economically viable.

The safety and performance of these reactors is still a matter of considerable speculation. I am not satisfied that these issues have been sufficiently reviewed within my committee or elsewhere to justify encouraging their continued development at this time. Particularly with the events of September 11 heavy in our hearts and in our minds, I believe we must act with due caution in authorizing activities which we are not fully satisfied meet our obligations for protection of the public health and safety.

Along those same lines, there are a number of issues relating to the adequacy of Price-Anderson that should be given greater scrutiny following the events of September 11. We must determine whether liability limits established under the Act are sufficient, given the potential for terrorist attack as we now perceive it. In so doing, we must carefully examine what are likely to be the full scale impacts to the public from a terrorist attack resulting in an "extraordinary nuclear occurrence."

We have requested this information from the Nuclear Regulatory Commission, but have not yet received a full response. I intend to work with my colleagues to develop language to address some of these concerns. I do not believe the amendment adequately addresses these issues, and for that reason, I will oppose it.

AMENDMENT NO. 2984 TO AMENDMENT NO. 2983

Mr. REID. Madam President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2984 to amendment No. 2983.

Mr. REID. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter to be inserted, insert the following:

SEC. 5 . FINANCIAL PROTECTION FOR LICENSEES.

(a) STANDARD DEFERRED PREMIUM.—Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the third sentence by striking "$63,000,000 (subject to adjustment for inflation under subsection t.), but not more than $10,000,000 in any 1 year" and inserting "$88,000,000 (subject to adjustment for inflation under subsection t.), but not more than $20,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)".

(b) . FINANCIAL HARDSHIP.—Section 170b.(2)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(2)(A)) is amended by striking "paragraph (1)" and all that follows and inserting "paragraph (1) for any facility if more than 1 nuclear incident occurs in any 1 calendar year.".

(c) NEW LICENSES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) by striking "The Commission" and inserting the following:

"(1) LICENSES ISSUED ON OR BEFORE AUGUST 1, 2002.—The Commission"; and

(2) by adding at the end the following:

"(2) LICENSES ISSUED AFTER AUGUST 1, 2002.—After August 1, 2002, as a condition to receiving a license for a utilization facility under this Act, the applicant, before receiving the license, shall obtain insurance coverage from the private insurance market for the full potential liability (including the public liability and any other liability) of the person that might arise as a result of a nuclear incident at the utilization facility.

SEC. 5 . GUARANTEE OF DEFERRED PREMIUM; FINANCIAL QUALIFICATIONS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5) GUARANTEE OF DEFERRED PREMIUM.—

"(A) CONDITION OF INDEMNIFICATION.—Not later than 180 days after the date of enactment of this paragraph, and not less frequently than each year thereafter, the Commission, in consultation with the Securities and Exchange Commission, shall, as a condition of indemnification, require each licensee to demonstrate that the licensee has the financial ability to pay the full potential retrospective premium for each reactor through 1 or more of—

"(i) a surety bond;

"(ii) a letter of credit or loan;

"(iii) an insurance policy; or

"(iv) maintenance of an escrow deposit of government securities in reserves, a trust, or an equivalent instrument.

"(B) REORGANIZATION PROCEEDINGS.—If a licensee or creditors of a licensee file a petition under chapter 11 of title 11, United States Code, for reorganization of the licensee, the Commission—

"(i) shall review the ability of the licensee to—

"(I) pay the full amount of prospective and standard deferred premiums; and

"(II) ensure that adequate funds will be available for safe operation of the licensed facility; and

"(ii) if the Commission determines that the licensee is unable to meet the requirements of clause (i), shall not renew any indemnification of the licensee under this section.

"(6) FINANCIAL QUALIFICATIONS.—

"(A) IN GENERAL.—The Commission, in consultation with the Securities and Exchange Commission, shall establish criteria and procedures for determination of the minimum financial qualifications for new licensees (including license transferees) to ensure that the new licensee has the resources and instruments necessary to—

"(i) operate safely if it becomes necessary to shut down a reactor for 12 months or longer; and

"(ii) ensure payment of prospective and deferred premiums under this subsection.

"(B) CONDITION.—A license shall be conditioned on meeting and maintaining the minimum financial qualifications established under subparagraph (A).".

SEC. 5 . PRESIDENTIAL COMMISSION ON INCIDENT CONSEQUENCES.

Section 170(l) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(l)) is amended—

(1) in paragraph (1), by striking "1988" and inserting "2002";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "not less than 7 and not more than 11 members" and inserting "6, 8, 10, or 12 members"; and

(B) in subparagraph (B), by striking "not more than a mere majority of the members are of the same political party" and inserting "there are equal numbers of members of each major political party"; and

(3) by striking paragraph (3) and inserting the following:

"(3) DUTIES.—

"(A) IN GENERAL.—The study commission shall conduct a comprehensive study of the economic, public health, and environmental impacts of nuclear incidents that may result in a full breach of containment and uncontained meltdown at a facility built in accordance with an existing design or a proposed design.

"(B) INPUTS.—The matters to be studied under subparagraph (A) include—

"(i) for each existing and proposed facility—

"(I) the public health effects; and

"(II) the economic costs attributable to public health effects, property damage, environmental damage, and evacuation and resettlement of affected populations;

of a worst-case nuclear incident; and

"(ii) the ability of the licensee of each existing or proposed facility to pay the standard deferred premium for a potential occurrence at each covered facility of the licensee and at a facility that is not covered by the licensee.

"(C) SENSITIVITY ANALYSIS.—

"(i) IN GENERAL.—In studying the matters under subparagraph (B)(i), the study commission shall conduct a sensitivity analysis based on various modeling input assumptions to determine the maximum potential consequences of a worst-case nuclear incident.

"(ii) ASSUMPTIONS.—The assumptions on which the sensitivity analysis is based shall include assumptions regarding—

"(I) nuclear incident scenarios;

"(II) weather patterns;

"(III) traffic patterns; and

"(IV) human behavior that may have an effect on evacuation of persons threatened by a nuclear incident.".

SEC. 5 . ACTS OF TERRORISM.

Section 11q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended—

(1) by striking "q. The term" and inserting the following:

"q. NUCLEAR INCIDENT.—

"(1) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(2) OCCURRENCES.—

"(A) IN GENERAL.—In paragraph (1), the term 'occurrence' includes an act that the President determines to have been an act of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code).

"(B) NO JUDICIAL REVIEW.—A determination of the President under subparagraph (A) shall not be subject to judicial review.".

SEC. 5 . TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.

Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.—Notwithstanding any other provision of this title—

"(1) any funds or other assets held by a licensee or former licensee of the Nuclear Regulatory Commission, or by any other person, to satisfy the responsibility of the licensee, former licensee, or any other person to comply with a regulation or order of the Nuclear Regulatory Commission governing the decontamination and decommissioning of a nuclear power reactor licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, other than a claim resulting from an activity undertaken to satisfy that responsibility, until the decontamination and decommissioning of the nuclear power reactor is completed to the satisfaction of the Nuclear Regulatory Commission;

"(2) obligations of licensees, former licensees, or any other person to use funds or other assets to satisfy a responsibility described in paragraph (1) may not be rejected, avoided, or discharged in any proceeding under this title or in any liquidation, reorganization, receivership, or other insolvency proceeding under Federal or State law; and

"(3) private insurance premiums and standard deferred premiums held and maintained in accordance with section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, until the indemnification agreement executed in accordance with section 170c. of that Act (42 U.S.C. 2210(c)) is terminated.".

Mr. REID. Madam President, the Price-Anderson Act was created nearly 50 years ago to stimulate the fledgling nuclear power industry by shielding owners from the full cost of an accident. The nuclear industry is now a mature electric industry and is no longer in need of liability protection.

The Price-Anderson Act has actually led to a decrease in the amount of private insurance available instead of increasing it. In the 1950s, the private insurance industry was willing to insure an accident for $50 million despite limited experience with the new technology. Today, the private insurance industry only provides $200 million in insurance. I say only, Madam President. Think about that. One accident, think what it would do.

On public radio today, there was a segment that dealt with your State, New York. What would happen if a dirty bomb were dropped on New York? What is a dirty bomb? A dirty bomb could be TNT surrounded by the same piece of equipment that is used to irradiate food. That little piece of equipment would cause 1 out of 100 people in New York City to develop cancer.

Madam President, $200 million sounds like a lot of money, but it is not very much money when we talk about the damage nuclear power can cause.

Today, Price-Anderson serves to shield the nuclear power industry from the true costs of producing power, providing an unfair economic advantage over other traditional and alternative electrical sources. For example, wind has a tax credit—or, if we extend it, will have and has had one—solar, geothermal, nothing; biomass, nothing; but yet we give this sweetheart deal to nuclear power. The nuclear power industry must assure compensation to the public in the event of an accident, as any other business. The nuclear power industry must not shirk its responsibility.

Although an event we hope is unlikely, we are also hopeful that an accident never occurs. We must acknowledge the possibility of a catastrophic event. We know that the Titanic was unsinkable but, of course, it sank on its first voyage.

To address the shortcomings I have spoken about, and more, my amendment would modernize the Price-Anderson coverage for existing reactors and would require new reactors to obtain private insurance to cover the full amount of a nuclear accident. It would raise the maximum annual contribution for reactor owners from $10 million to $20 million. The Nuclear Regulatory Commission recommended this increase in 1998 and then backed down.

My amendment also would require each reactor owner to guarantee the full financial commitment of each reactor using hard money resources such as surety bonds, letters of credit, private insurance, escrow deposit accounts. Currently, the NRC requires only a 3-month cashflow statement to demonstrate the reactor owner can pay $10 million. Based upon Enron accounting and Andersen accounting, this is not the way to do it.

My amendment would establish a Presidential commission to examine the public health and environmental consequences of a catastrophic accident. My amendment would protect the Price-Anderson payments for victims if the owner of a reactor filed for bankruptcy.

Finally, my amendment would require the President to determine if an intentional act against a nuclear powerplant was an act of terrorism covered under Price-Anderson.

Together, these amendments make Price-Anderson a viable system, perhaps, or at least a more viable system, for existing reactors and take away the training wheels for the next generation of nuclear powerplants so they can succeed on their own merits. Taken together, this amendment will let the nuclear industry stand on its own two feet. Taken together, these amendments will protect the environment and the American people for generations to come.

This is a very serious issue with which we are dealing. A resident of the Chair's State, Christy Brinkley, who is a famous woman—not only because of how she looks but how she thinks—has become really involved in things nuclear. She has testified at hearings in Washington.

Our committee, of which the Presiding Officer is a member, held a hearing on Price-Anderson. We do not have all the jurisdiction of Price-Anderson. The Energy Committee that is handling this bill has some of the jurisdiction. But if there were ever things legislative that the Environment Committee should deal with, it would be nuclear power. Christy Brinkley is one of many who recognize the problems involved.

Every environmental—I should not say every environmental group; there may be a few missing, but most environmental groups in Washington signed a letter supporting the amendment I have offered, recognizing that it is important Price-Anderson be changed. It is not fair the way things now are. Why should they have the benefit of government handouts, really, when other electricity generators do not? My amendment would give financial protection for licensees. It would be a guarantee of preferred premium. There would be financial qualifications. We would have a Presidential commission on incident consequences.

Of course, the section clarifies acts of terrorism involving nuclear licensees would be covered under Price-Anderson, but this section directs the President to determine whether an attack on a nuclear powerplant is an act of terrorism or an act of war for the purposes of paying claims for public liability.

The act and regulations under Price-Anderson are really flawed. Most operators meet the current provisions through a loophole. That is to make sure they are financially sound to respond to what largess the Federal Government has given them. But even there they "Enron" us. The acting regulations are flawed in this regard. Most operators meet the current provisions through a loophole by providing only an annual certified financial statement, which is essentially an auditor's statement. The public deserves, especially in light of what has happened since the Enron debacle, more protection than that offered by a potentially misleading certified financial statement, particularly, as I have mentioned, after the Enron mess involving its financial auditor, Arthur Andersen.

The amendment I have submitted would ensure real financial safeguards such as a bond, a letter of credit, or a loan. Escrow funds, or even insurance, would be the only measure of a nuclear operator's ability to meet its financial obligations to the public.

Under the present legislation, I repeat, all that is needed is an annual certified financial statement showing there is a cashflow or something can be generated, not then but within 3 months. All operators who propose to build new plants to produce electricity from nuclear power, particularly in the context of deregulated wholesale electricity markets, should be expected to incorporate the cost of obtaining insurance, the economics of generating electricity, but not under Price-Anderson. Many of these companies are owned by limited liability corporations, thinly capitalized, highly leveraged, legally structured to avoid exposing their parent corporate entity to liability in the event of insolvency and, of course, in the event of accident.

This amendment establishes minimal financial qualifications to ensure operators can meet their monetary obligations to the public in the event of an accident or terrorist attack. This amendment is supported by the U.S. PIRG, the Environmental Defense Fund, Union of Concerned Scientists, Defenders of Wildlife, Sierra Club, Friends of the Earth, Nuclear Information Resources, League of Conservation Voters, Taxpayers for Common Sense, National Environmental Trust, National Resources Defense Council, Public Citizens Critical Mass, STAR, Safe

Energy Communications Council, and Greenpeace.

A 1992 analysis of energy subsidies by the U.S. Department of Energy indicates a Federal regulation that continues to have a cost-reducing effect on the nuclear power industry is simply unfair. These liability limits provide a subsidy to the nuclear industry to the degree private insurance premiums paid by operators of individual plants are reduced.

In 1983—almost 20 years ago—the NRC concluded the liability limits were sufficiently significant to constitute a subsidy, and it has really been magnified during the last 19 years. However, a quantification of the amount of subsidy was not attempted at that time.

One of the questions raised is: Are acts of terrorism covered by Price-Anderson? The Nuclear Regulatory Commission indicated, in response to questions from the same hearing I have talked about earlier, on January 23, courts would likely have to settle the question. We had leading scholars present from the legal academic world, and they said it would lead to significant delay or even termination of victim compensation.

Are victims guaranteed to receive payments from reactors that file chapter XI bankruptcy? In the same hearing we had in January, the Nuclear Regulatory Commission stated that the NRC could potentially face a conflict with other claims in a bankruptcy proceeding if there were an accident sufficient to trigger these industry payments. The NRC would presumably require a licensee to pay the assessment, but the bankruptcy court could order the licensee to pay it. The NRC also indicated it would support legislation to address this concern.

In the Economist magazine, they have a very in-depth article about nuclear power generally. Among other things in this long article of May 19 of last year, they talk about when costing nuclear power, it is essential to remember the scope, scale, and subtlety of the subsidy it receives. Liability insurance is a good example of this subsidy. The American industry's official position is there is no subsidy involved in Price-Anderson. To do that, you would have to be without any common sense, let alone academic prowess.

Since there is no subsidy involved, why not let the act lapse when it comes up for renewal next year? What we were told by our Vice President is that it needs to be renewed; if not, nobody will invest in nuclear powerplants.

That answers the question.

In the end, the article continues, nuclear energy's future may be skewed by the same sword that is making it fashionable today, the deregulation of electricity markets.

Why is that? Because, Madam President, right now nuclear power is the most expensive, even with the subsidies. Yet the article continues: Liberalization is also exposing the true economics of new plants and is aiming a fierce spotlight at the hefty subsidies that nuclear power has long enjoyed. As these fade, the industry once again will be brought down to earth.

Now, this is not me speaking. This is from the Economist magazine. They say these are significant subsidies and once they are attached, nuclear power will no longer be in vogue.

The New York Times published an article entitled "Hard Questions On Nuclear Power," written last year. Among other things, they say the Congress will need to take a close look at whether it should renew one of the industry's economic underpinnings, the so-called Price-Anderson Act, that limits companies' liability in the event of an accident. If the industry is safe, they may not need such subsidized protection.

A lot of this has come to light following September 11, and whether we have to be more concerned about acts of terrorism. I know the Presiding Officer, this Senator, and the junior Senator from Connecticut, Mr. LIEBERMAN, have looked closely at the safety of nuclear powerplants. He is right. They have different standards at different plants, different companies, different private contractors. If someone going through a baggage checkpoint is examined by someone who works for the Federal Government, should we not have a system whereby nuclear powerplants have Federal employees? The answer is yes. They should not have rent-a-cops determining the safety of those facilities.

Today, thinly capitalized, limited liability corporations operate nearly half of the Nation's nuclear reactors. Taxpayers, I suggest, by default, shoulder secondary insurance costs whenever it is determined insurance claims would constitute undue hardship.

It is reported the NRC did not require the company purchasing the single largest fleet of 16 reactors to provide adequate evidence of financial stability as a condition of granting a license. Some advocates of Price-Anderson argue that because the Government indemnity has never been used, we don't need to worry about it. Price-Anderson is not a subsidy, they say. However, every legal scholar has said it is. Price-Anderson allows utilities to commit less capital to insuring nuclear plants so that the act results in a reallocation of resources away from more highly valued uses, so it is indeed a subsidy. Think of its advantage over solar, geothermal, biomass, clean coal, and certainly natural gas.

Despite continuing claims concerning the safety of nuclear power, the amount of private liability insurance available has actually declined in real terms since 1957. The reason is they figured ways to get around that. The Nuclear Regulatory Commission report states it is unlikely that the amount of available liability insurance would increase much beyond the $200 million level without strong pressure from outside the insurance industry. The obvious question is, What could be expected with repeal of Price-Anderson? One could argue, as Richard Howell does, that the more likely result is that sufficient insurance will be provided to maintain the viability of the industry.

These companies make a lot of money. As every other business, they will buy insurance to cover their liability. Why should the Federal Government have to provide that? Utilities needing more liability insurance would have an incentive to accept stricter safety standards from insurance companies. An increase in the role of the insurance industry would be a welcome development by regulators and an economic incentive for safe operating methods and not relying on the Federal Government to give them a subsidy.

If Price-Anderson were allowed to expire, the determination for what sort of tort liability, strict liability, or negligence to which the plants are subject reverts to States. We have been debating in the Senate for the many years I have been here whether or not we will have a national standard for product liability. The answer is no. We let the States determine that. That is the way it should be.

AMENDMENT NO. 2984, WITHDRAWN

I will withdraw my amendment. I hope people will vote against this amendment. I know there will be people wanting to vote for this simply because the two managers of the legislation support this legislation. I have the greatest respect for my friend from New Mexico. He has been somebody I have looked up to the entire time I have been in the Senate. I will continue to look up to him even though he is wrong on this issue. He is simply wrong. Price-Anderson needs to be changed.

I hope Senators vote against this mischievous and unworthy amendment. It is not good for the country. It is not good for the country for so many reasons, not the least of which is the liability aspect of it, not the least of which the Federal Government should get out of subsidizing nuclear power. But also, if we got rid of this amendment, people living near nuclear powerplants would know there is sufficient insurance to take care of their family if something went wrong.

I ask unanimous consent to withdraw my amendment.

The PRESIDING OFFICER (Mr. CARPER). Without objection, the amendment is withdrawn.

The amendment (No. 2984) was withdrawn.

Mr. REID. I ask for the yeas and nays on the Voinovich amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There does not appear to be a sufficient second.

Mr. VOINOVICH. Mr. President, I will mention that I have the highest regard for Senator REID. Much of what he just discussed came up in the committee hearing we had. Perhaps the Presiding Officer was at the meeting.

Mr. REID. Could I ask my friend to yield for a brief second?

I will ask for the yeas and nays on the Senator's amendment. It is my understanding everyone wants to vote on it. We did not get a second from the Republicans.

I ask for the yeas and nays on the Voinovich amendment No. 2983.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. I apologize to the majority whip and the manager of the bill. I apologize. I have not been active in the discussion this morning. But as I understand it, the Senator from Nevada offered a second degree which he intends to withdraw—or is it withdrawn? It is withdrawn, so we are on Price-Anderson. I certainly support the call for the yeas and nays.

It is my understanding the majority side will introduce the next amendment. At this time I wonder if they will indicate what that amendment might be.

Mr. BINGAMAN. Mr. President, in response to my friend from Alaska, once the debate is concluded on the Price-Anderson amendment Senator VOINOVICH has offered, it is our intent to set that aside and go to an amendment on hydraulic fracturing, which I would offer. I think Senator INHOFE and various other Senators are cosponsoring that.

Then I believe it is the whip's intent to have us stack a couple of votes on those two issues right after lunch.

Mr. REID. If the Senator will yield for a minute, we are now showing to the minority the proposal. We have two votes at 2 o'clock, with the time between now and 2 o'clock to be divided to speak on both amendments, Price-Anderson and also the hydraulic fracturing. We would have a vote on both those. We are not in a position to offer that as a unanimous consent agreement because we have to clear it with the two leaders, but that is the intention.

Mr. MURKOWSKI. Mr. President, what I am concerned about is the whip indicated 2 o'clock. Will we break for lunch or is it the intention to go right through?

I just have been alerted there are a couple of our Members who are going to want to speak on the fracturing amendment. Unless there is any extended debate, I am certainly willing to agree to a vote at 2 o'clock. Obviously, we are about through with Price-Anderson.

Mr. REID. If the Senator from Alaska will yield, I think we are just about finished on Price-Anderson. The Senator from Ohio wants to speak, and maybe the Senator from New Mexico, briefly, on it. But I think we will have quite a bit of time on fracturing.

I will propound that at a subsequent time.

Mr. MURKOWSKI. I assure the whip we want to work with him. We have a couple of more Members, I am advised, who want to speak very briefly on Price-Anderson. We are going to urge them to come here now and speak, and then we will have no objection to moving to the fracturing.

Mr. REID. If the Senator will yield, it doesn't matter if they come now or later. The agreement will be that during this next period of time they can speak on either amendment.

Mr. MURKOWSKI. Either amendment; that is certainly fair enough.

I am going to make a short statement on Price-Anderson. Since the second degree has been withdrawn, I will not belabor that other than to say I am very pleased the Senator from Nevada saw fit to withdraw it because had his amendment prevailed, clearly it would have basically amounted to the demise of the nuclear industry from the standpoint of any future facilities being built, because that is the whole justification of Price-Anderson. I will put that behind me and simply support speaking of the Price-Anderson reauthorization amendment.

I think Congress has been derelict in not resolving this issue some time ago. It is an important issue, to encourage further development of our nuclear industry.

For those who are critical of the nuclear industry, I remind you it has an extraordinary safety record, considering the hyperpublicity given to almost any irregularity associated with the operation of the plants.

The point is, to a large degree the system has worked. Any mechanical function has a certain degree of exposure. So you back it up with checks and balances. When you talk about Three Mile Island and the mistakes that were made, the reality is the system worked. If you talk about what happened in Chernobyl, you recognize human activity overrode the systems, which is just what happened when the *Exxon Valdez* went on the rocks. It was human activity—inattentive, in spite of the bells and whistles—that simply allowed this ship in a 10.5-mile-wide channel to hit a rock.

My point is I think the nuclear industry in this country deserves a fair assessment of its extraordinary record. As a consequence, I think we must recognize the significant contribution nuclear energy makes.

It is emission free. As we look at concern over global warming/emission reductions, the one area that generates tremendous potential, even further than the 20 percent of the electric power generation that comes from nuclear energy, is the nuclear industry.

The critics who would like to see this industry simply go away and not expand have to come up with an alternative, other than conservation, because conservation is simply not enough. Conservation will not pick up for the 20 percent of our energy mix that comes from nuclear energy. So we must continue to recognize the nuclear industry is going to play a greater role in the future if we want to meet our energy needs and protect our air quality.

It is interesting to look on occasion at what the Joneses do. In France, obviously, nuclear power has been accepted. It is the area of technology that has the highest recognition in the higher educational system of France. The Japanese are moving towards greater dependence on nuclear energy because of the significant advantages associated with that.

One of the problems, of course, is the nuclear waste issue. We will be getting into that at a later time. But I think it represents the frustration here in the United States with our nuclear industry, not being able to come to grips with what we do with the waste that is generated by the reactors that, of course, are subject to yearly examination when their fuel rods are removed. The question is, What is done with that high-level waste and how is it stored? It is not designed to be permanently stored necessarily in casks. We even embarked on an effort to try to find a repository. The solution appears to have been a selection in Nevada, at Yucca Mountain.

I think it should be recognized we have expended some $7 billion of taxpayers' money on this repository at Yucca Mountain in Nevada. I think we should also recognize the ratepayers have paid, for this nuclear power, into a special fund, which was supposed to fund the construction of a site, that expended approximately $11 billion. So the Federal Government entered into a contractual relationship to take that waste in 1998.

Mr. President, 1998 has come and gone and the Federal Government has not lived up to the terms of its contractual agreements. It is in violation of its contract. As a consequence, litigation associated with suits filed against the Federal Government are somewhere in the area of $40 billion. As we simply put off the decisionmaking process, what to do with this waste, clearly the liability to the taxpayer continues. So we simply have to come to grips with this issue.

I am pleased to say this administration is facing it head on with a series of steps and procedures that will eventually get us to a final decision on how and on what terms this waste is stored, so we can get on with a clear bridge, if you will, to what we are going to do with the waste. That will, to a large degree, address the expansion of nuclear energy in this country because we are not going to expand nuclear production, nuclear energy, until we resolve what to do with that waste.

It is important we get this issue behind us. But an important part of this, indeed, is Price-Anderson because that supplies, if you will, the necessary underwriting by the Federal Government of catastrophic exposure.

Solid nuclear baseload power provides our grids with stability and reliability. In California alone, nuclear supplies about 16 percent of the energy. Without it, last summer the California energy situation would have faced a collapse. High natural gas prices and low uranium prices help to make electricity produced by nuclear some of the cheapest in the country. Perhaps someday we might reach the fabled "too cheap to meter" goal. I am not sure that is going to happen, but nevertheless it is a reasonable objective.

We have had, as I have indicated, safe and efficient operation of U.S. plants. They are operating at record efficiencies as they have recognized the procedural efficiencies.

The point is that they are very efficient, and as a consequence they have become very attractive investments. We have seen more concentration by utility companies picking up some of the newer and more efficient plants.

In 1999, U.S. nuclear reactors achieved close to 90 percent efficiency. The total efficiency increase during the nineties at the existing plants was the equivalent to approximately 23 1,000-megawatt powerplants. I think that is pretty significant. During the 1990s, a 10-year period of existing plants, the equivalent efficiency was 23 1,000-megawatt powerplants. I think that more or less speaks for itself relative to the advantages and attractiveness of nuclear power. Keep in mind that this is clean, it is nonemitting generation.

With that efficiency, the industry is on an upswing. Four or five years ago, you wouldn't have thought you would hear talk about buying and selling plants, or even building new plants. Today the discussion is occurring.

By the end of the 2002, the Chicago-based Exxon corporation will have invested a total of $25 million in a South African venture to build a pebble bed modular reactor.

I see my friend from New Mexico, the senior Senator, in the Chamber. He is very familiar with this particular technology, which I think provides greater attractiveness for the nuclear industry.

If we ever hope to achieve energy security and energy independence in this country, we cannot abandon the nuclear option which is an important and integral part of our energy mix. Our economy depends on nuclear energy. Our national security depends on nuclear energy. Our environment depends on nuclear energy. And our future, to a large degree, depends on nuclear energy.

Critical to the future continuation of this industry is Price-Anderson. I have been a strong advocate of reauthorization of Price-Anderson. Senator BINGAMAN and I have worked together with our staff to agree on language in the last Congress to renew the Price-Anderson Act. Both of our comprehensive energy bills introduced in the first session of this Congress contain the same language based on recommendations from the Department of Energy and the Nuclear Regulatory Commission. Renewal of the act was supported by the last administration. Renewal of the act was also one of President Bush's 105 recommendations in the national energy policy. For over 40 years, the act has ensured ample insurance for the industry, and it will provide a mechanism for the prompt payment to victims in the unlikely event of a nuclear exposure of some kind. Renewal of this act is necessary if we are to continue nuclear energy, new plants, and ensure the relicensing of our existing plants.

I don't understand really why the majority leader excluded the NRC licensees from the substitute. But this amendment is going to rectify that oversight.

I am very pleased to see the level of support on the floor of the Senate. I thank the Senator from Ohio, Mr. VOINOVICH, for his leadership in this area, and Senator DOMENICI and Senator BINGAMAN, chairman of the Energy Committee.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I am very pleased that early in the discussion of the energy bill an amendment on Price-Anderson extension is before the Senate. I am also very pleased that it has so many cosponsors and that it is very bipartisan, in particular on the issue of nuclear power and its role in America and the world's future. If we are looking for the energy of the future and if we are looking to have clean air, obviously nuclear power has to be looked at.

I am grateful that today Senator BINGAMAN, the manager of the bill and chairman of the committee, is a cosponsor of the Voinovich amendment. It also has a number of other Senators as cosponsors, all of whom from time to time have expressed great interest in nuclear energy.

I also would like to commend the manager of the bill, even though we didn't mark up all the way through the committee. Senator BINGAMAN's staff, the majority staff, are fully aware of the nuclear power issues that confront our country.

If there are Senators who wonder why there are not a series of amendments on nuclear power and its future that are going to be offered—there will be two or three—it is because this bill contains general type language that will permit nuclear power to be a player in the future. If, in fact, there are utility companies here and elsewhere in the world privately and publicly owned that want to produce nuclear power because of its efficiency and, equally important, because clean electricity is produced, and if we are worried about underdeveloped countries developing and using a lot of energy, and because America needs more energy over the next 20 or 30 years, it is good that we have not locked out the option of nuclear energy.

There are some things that could be said about nuclear power in terms of the shortage we have found ourselves in. Just the past year, we found that of all the power sources in the country, the cheapest after hydropower is, and has been for some time, nuclear power. Per unit of electricity, the cheapest power generation of any major size in America has been nuclear power.

Nuclear powerplants have gone without incident or accident for years. As a matter of fact, they have increased productive capacity in the neighborhood of from 70 to 75 percent of capacity to the low 90s for this entire period of time when we needed more energy because we were in the position as a nation of being sort of ambivalent about our energy supply. We weren't quite sure where we were going.

There are also some exciting occurrences in terms of the next generation of nuclear powerplants. Perhaps before we finish we will have time to discuss events that are occurring around the world. Even American companies are thinking about nuclear plants in terms of future supply of electricity.

The future is very bright. New technology will make nuclear power safer, if that can be. It will make it cheaper. It will permit us to locate nuclear powerplants more easily. They won't have to be the large-megawatt plants. They can be small and rather mobile plants built much more easily than in the past, and with far less permit time with the kind of work we have to do in that regard.

Already the United States is ahead of the crisis. We have begun to build back into our Department of Energy some significant nuclear activities. We have had an Energy Department during the last 25 years when the Department was acting as if it were embarrassed about nuclear power and didn't even want it to be part of the Department of Energy. It is back, and we are now spending some money every year to help generate enthusiasm among engineers and those who would join the corps of experts in physics and chemistry and the like who will work on nuclear powerplants in the future.

In producing this bill, Senator BINGAMAN took many of the things we had appropriated and made them permanent law with reference to the future of nuclear power.

I will insert in the RECORD at a later time, rather than itemize them now, the numerous areas where the bill already takes into consideration the need for us to put nuclear power on a neutral footing with other kinds of power and to see if we can't come out winners both as to energy and as to the environment.

So I want to state my very strong support for the renewal of Price-Anderson, which is going to expire later this year—I think in August. It has been extended by Congress three times since becoming law in 1957. Price-Anderson provides a framework for payment of public liability claims for any accident at a commercial nuclear powerplant. This law is vital to ensure that our taxpayers continue to receive the benefits of nuclear energy and allows the industry to consider the construction of new plants.

The Price-Anderson amendment, as it is structured—the one that is pending—takes care of and provides coverage for future plants. Some have wanted to cover the past but not the future. I am very pleased, and am certain that those who think there is a new day for the production of energy in the United States ahead, and that it might involve nuclear power, are also strongly supportive and delighted that this amendment is the broad amendment that also covers the future, not just the past.

Many bills pending before the Senate incorporate renewal of Price-Anderson. As I indicated, I have introduced a bill, S. 472, which contained renewal provisions. I was very pleased that 18 cosponsors joined me in that bill. Earlier bills from Senator BINGAMAN and Senator MURKOWSKI had also incorporated renewal.

This renewal amendment should enjoy strong bipartisan support in the Senate. I am very pleased that it will receive strong support because that in and of itself sends a signal that was not around 10 or 15 years ago when we thought we had an abundance of energy and the supply was not a problem. There was a small cadre of those who did not like nor want us involved in nuclear power. They prevailed. It would appear that we are moving in the direction of a neutral approach and that nuclear power will have to prove itself alongside all the other energy sources as being efficient and safe and the kind of power that we would truly like to have in our country, and it would be good for the world.

In addition to coverage of commercial nuclear plants, Price-Anderson enables companies to accept the challenges that are involved in the cleanup of past nuclear weapons activities without charging the Government for insurance for coverage of very large possible, although highly unlikely, claims. It assures the availability of funds to provide prompt compensation to any member of the public who is harmed by nuclear activities. Without renewal, no new nuclear powerplants would be covered and progress on the cleanup of weapons activities could indeed be seriously jeopardized.

That will not be the case once we have reported out a bill. Hopefully, before this year ends, the Senate and the House will find a way to do that.

Since taxpayer funds are not used to pay claims resulting from a nuclear incident, there is no "subsidy" to industry, as some claim. Over the last 43 years of Price-Anderson protection, the insurance pools, never the Federal Government, have paid claims totaling $180 million. Price-Anderson, with its risk-pooling among all nuclear companies, provides a far greater measure of certainty to the public for any liabilities that any one company could provide.

Again, I appreciate Senator BINGAMAN's work on the basic bill, the underlying bill, as it pertains to nuclear power and various activities that will bring it into the future and line itself up along with other major energy sources not only for America but for the world.

One area involves the appropriate treatment for nonprofit contractors. We have agreed that these contractors should have some degree of liability, but we have carefully limited their liability to the fee they are receiving at the time of any penalty. Without such a limitation, nonprofits could undertake a contracting role with the Department, but they would have to charge excessive fees to the Government and, obviously, would not be awarded any kind of work.

There is a second provision for the treatment of modular reactors. When Price-Anderson was first drafted, it was assumed that all commercial reactors would be very large, maybe 1,000 megawatts or even more. But lately, there is growing interest in very small powerplants that might utilize modular construction and deliver much less power, perhaps only 100 megawatts per module.

These small plants have some very interesting features, of which the most important is the ability to make them absolutely safe against meltdown incidents. Yes, that is a reality. That is what those who are inventing and putting together these new modular constructed powerplants, with new technology, will be able to do. They will not, by their own physics, be able to have a meltdown.

I appreciate that this version of an extended Price-Anderson law provides equitable treatment for modular reactors to ensure that the act becomes viable in the future and is not a disincentive to considering new technology of the kind that is exciting many people.

The renewal of Price-Anderson is one of the key actions needed to ensure that nuclear energy continues to provide clean, safe power for our Nation.

Again, I am grateful for the leadership shown by the chairman of the committee. I am hoping that before this year is out, we will come out of conference with a Price-Anderson that is intact and that contains the language that is before the Senate today. We will have done something worthwhile.

For those who wonder if anything is happening on this energy bill that is good and healthy and salutary and futuristic, I hope they will join us in saying that we did one thing, and it became less and less controversial, that is to extend the underpinnings, in terms of liability coverage, the underpinnings of nuclear power for today and nuclear power for the future.

I yield the floor and thank the Chair for recognition.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I ask unanimous consent that Senator LINCOLN be added as a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VOINOVICH. I think it is significant, Mr. President, that the two Senators from New Mexico—one a Republican and one a Democrat—are both cosponsors of this amendment. I do not believe there is anyone in this country who speaks out more eloquently on behalf of nuclear power than Senator DOMENICI. This has been a cause of his for many years. I think it is important that he underscored the fact that not only does this deal with the nuclear power industry, but it also deals specifically with the cleanup of over 100 DOE facilities; that without this legislation the contractors would not be willing to go forward with the work they are now doing at those facilities. And it also provides a situation so that in the event that new reactors come on board—that is, more nuclear power facilities are built—that it would include those new facilities.

Before I conclude on this amendment, I would like to point out and clarify the fact that the $10 million this bill continues to be asked for is adequate to get the job done.

With the Presiding Officer's permission, I would like to read from the testimony of William F. Kane, who is the Deputy Executive Director for Reactor Programs because I think, in a nutshell, he can clarify to our colleagues just exactly what this is about.

In his testimony on January 23rd, he said:

> Further developments in the electric generating industry since the 1998 report to Congress have led the Commission to review its

> 1998 recommendations and to reevaluate its recommendation that Congress consider increasing the annual installment to $20 million. There is now a heightened interest in extending the operating life for most, if not all, of the currently operating power reactors, and some power companies are now examining whether they wish to submit applications for new reactors or complete construction of reactors that have been deferred. As a result, contrary to our former recommendations, the commission does not believe there is now justification for raising the maximum annual retrospective premium of $10 million. The level is adequate and does not need to be changed.

He went on to say:

> In summing up, I would like to leave these thoughts with you: To date, the United States Government has not paid a penny for claims against nuclear power licensees. In the event a serious accident were to occur, over $9 billion would be available to pay compensation for any personal injury or offsite property damage. The money will come from insurance policies bought by the industry and from retrospective premiums that will be paid by the industry. If these funds are inadequate, Congress will be called upon to decide what action is needed to provide assistance to those harmed. We believe the public is protected by the broad base of prompt funding. The Price-Anderson Act further aids the public by establishing important procedural reforms for claims arising from nuclear accidents. It channels liabilities to the licensee, establishes a single Federal form for all claims, eliminates the need to prove fault, requires waivers of other significant defenses, makes prompt settlements possible, and if litigation is needed, establishes the legal management process to assure fairness and equity and distribution of damages.

That lays it out in a nutshell in terms of why it is that we need to reauthorize Price-Anderson.

It is my understanding the Senator from New Mexico will be introducing another amendment. For the Members of the Senate, those who still would like to speak on Price-Anderson will be able to continue to do that, as well as those who will be supporting Senator Bingaman's amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, just a couple of other words about the Price-Anderson amendment: First, I thank my colleague from New Mexico for his kind words about provisions that are included in this bill. He has authored many of those provisions, particularly the ones related to nuclear power, and he has been a tireless advocate for peaceful use of nuclear power in this country for many years. We are all well aware of that.

We have included in the bill those provisions he suggested which clearly do contemplate and envision continued contributions by the nuclear power industry to our energy needs. That is certainly my purpose and, I know, the purpose of Senator Voinovich as well. We were talking in one of the asides about the fact that the Price-Anderson Act was originally proposed by Representative Price from Illinois, Mel Price, and also by Senator Clinton Anderson from New Mexico. It has served the country well for 45 years, as we have indicated before. We think it is important that it continue to do so.

Mr. President, I ask unanimous consent that the amendment be set aside, and it be in order for me to send another amendment to the desk for consideration.

The PRESIDING OFFICER. Is there objection?

Mr. INHOFE. Reserving the right to object, I would like to ask the Senator from New Mexico, could I have maybe 2 minutes to say something about Price-Anderson? I am anxious to get to the next amendment.

Mr. BINGAMAN. I withdraw my request, Mr. President.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, we have been talking about a complete energy policy for America. This is a bipartisan effort. I tried to get the Reagan administration to do it, then the Bush administration, the Clinton administration. None of them had done it. Now we have an opportunity to do it. An essential part of that is going to be nuclear energy. Maybe it has been said before, but I only want to put into the Record that after going through this long arduous thing on ambient air and the problems of other forms of energy, each year the U.S. nuclear powerplants prevent 5.1 million tons of sulphur dioxide, 2.4 million tons of nitrogen oxide, and 164 million metric tons of carbon from entering the earth's surface.

Consequently, there are many people who were out protesting against nuclear energy just 20 years ago who now realize this is an abundant and safe and cheap form of energy.

It is necessary in order to do that to have the Price-Anderson Act reauthorized.

I yield the floor

AMENDMENT NO. 2986 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report.

The bill clerk read as follows:

> The Senator from New Mexico [Mr. Bingaman], for himself, Mr. Baucus, Mr. Bond, Mr. Breaux, Mr. Campbell, Mr. Conrad, Mr. Dorgan, Mr. Inhofe, Ms. Landrieu, Mrs. Lincoln, and Mr. Thomas, proposes an amendment numbered 2986 to amendment No. 2917.

. Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To study whether there is a need to regulate hydraulic fracturing)

At the end of title VI, add the following new section:

"SEC. 610. HYDRAULIC FRACTURING.

"Section 1421 of the Safe Drinking Water Act (42 U.S.C. Sec. 300h) is amended by adding at the end the following:

"(e) Hydraulic Fracturing for Oil and Gas Production.—

(1) Study of the effects of hydraulic fracturing.—

"(A) In general.—As soon as practicable, but in no event later than 24 months after the date of enactment of this subsection, the Administrator shall complete a study of the known and potential effects on underground drinking water sources of hydraulic fracturing, including the effects of hydraulic fracturing on underground drinking water sources on a nationwide basis, and within specific regions, States, or portions of States.

"(B) Consultation.—In planning and conducting the study, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Ground Water Protection Council, affected States, and, as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations. Such study may be accomplished in conjunction with other ongoing studies related to the effects of oil and gas production on groundwater resources.

"(C) Study elements.—The study conducted under subparagraph (A) shall, at a minimum, examine and make findings as to whether—

"(i) such hydraulic fracturing has endangered or will endanger (as defined under subsection (d)(2)) underground drinking water sources, including those sources within specific regions, states or portions of States;

"(ii) there are specific methods, practices, or hydrogeologic circumstances in which hydraulic fracturing has endangered or will endanger underground drinking water sources; and

"(iii) there are any precautionary actions that may reduce or eliminate any such endangerment.

"(D) Study of hydraulic fracturing in a particular type of geologic formation.—The Administrator may also complete a separate study on the known and potential effects on underground drinking water sources of hydraulic fracturing in a particular type of geologic formation.

"(i) If such a study is undertaken, the Administrator shall follow the procedures for study preparation and independent scientific review set forth in subparagraphs (1)(B) and (C) and (2) of this subsection. The Administrator may complete this separate study prior to the completion of the broader study of hydraulic fracturing required pursuant to subparagraph (A) of this subsection.

"(ii) At the conclusion of independent scientific review for any separate study, the Administrator shall determine, pursuant to paragraph (3), whether regulation of hydraulic fracturing in the particular type of geologic formation addressed in the separate study is necessary under this part to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a state. Subparagraph (4) of this subsection shall apply to any such determination by the Administrator.

"(iii) If the Administrator completes a separate study, the Administrator may use the information gathered in the course of such a study in undertaking her broad study to the extent appropriate. The broader study need not include a reexamination of the conclusions reached by the Administrator in any separate study.

“(2) INDEPENDENT SCIENTIFIC REVIEW.—

“(A) IN GENERAL.—Prior to the time the study under paragraph (1) is completed, the Administrator shall enter into an appropriate agreement with the National Academy of Sciences to have the Academy review the conclusions of the study.

“(B) REPORT.—Not later than 11 months after entering into an appropriate agreement with the Administrator, the National Academy of Sciences shall report to the Administrator, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, on the—

“(i) findings related to the study conducted by the Administrator under paragraph (1);

“(ii) the scientific and technical basis for such findings; and

“(iii) recommendations, if any, for modifying the findings of the study.

“(3) REGULATORY DETERMINATION.—

“(A) IN GENERAL.—Not later than 6 months after receiving the National Academy of Sciences report under paragraph (2), the Administrator shall determine, after informal public hearings and public notice and opportunity for comment, and based on information developed or accumulated in connection with the study required under paragraph (1) and the National Academy of Sciences report under paragraph (2), either:

“(i) that regulation of hydraulic fracturing under this part is necessary to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a State; or

“(ii) that regulation described under clause (i) is unnecessary.

“(B) PUBLICATION OF DETERMINATION.—The Administrator shall publish the determination in the Federal Register, accompanied by an explanation and the reasons for it.

“(4) PROMULGATION OF REGULATIONS.—

“(A) REGULATION NECESSARY.—If the Administrator determines under paragraph (3) that regulation by hydraulic fracturing under this part is necessary to ensure that hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within a specific region, State or portions of a State, the Administrator shall, within 6 months after the issuance of that determination, and after public notice and opportunity for comment, promulgate regulations under section 1421 (42 U.S.C. 300h) to ensure that hydraulic fracturing will not endanger such underground sources of drinking water. However, for purposes of the Administrator's approval or disapproval under section 1422 of any State underground injection control program for regulating hydraulic fracturing, a State at any time may make the alternative demonstration provided for in section 1425 of this title.

“(B) REGULATION UNNECESSARY.—The Administrator shall not regulate or require States to regulate hydraulic fracturing under this part unless the Administrator determines under paragraph (3) that such regulation is necessary. This provision shall not apply to any State which has a program for the regulation of hydraulic fracturing that was approved by the Administrator under this part prior to the effective date of this subsection.

“(C) EXISTING REGULATIONS.—A determination by the Administrator under paragraph (3) that regulation is unnecessary will relieve all States (including those with existing approved programs for the regulation of hydraulic fracturing) from any further obligation to regulate hydraulic fracturing as an underground injection under this part.

“(5) DEFINITION OF HYDRAULIC FRACTURING.—For purposes of this subsection, the term ‘hydraulic fracturing’ means the process of creating a fracture in a reservoir rock, and injecting fluids and propping agents, for the purposes of reservoir stimulation related to oil and gas production activities.

“(6) SAVINGS.—Nothing in this subsection shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. 300i).”.

Mr. BINGAMAN. Mr. President, this is a bipartisan amendment offered by myself, Senator INHOFE from Oklahoma, and by various other of our colleagues—Senators BAUCUS, BOND, BREAUX, CAMPBELL, CONRAD, DORGAN, LANDRIEU, LINCOLN, and THOMAS. I thank my colleagues.

The proposed amendment concerns hydraulic fracturing. That is a valuable tool in reducing our dependence on foreign energy supplies. It is one that the oil and gas industry uses on a very regular basis. It is necessary if we are to develop the majority of our onshore natural gas wells. Hydraulically fractured wells produce about 10 trillion cubic feet of natural gas annually. Through injecting fluids under high pressure, hydraulic fracturing creates pathways for gas to flow to the well.

The amendment I have sent to the desk and have offered sets up a study process to determine whether high fracturing should be regulated by the Federal Government under the Safe Drinking Water Act. Let me give the context for this proposed amendment.

States already have the authority to regulate hydraulic fracturing. They do that through measures such as requiring casing or lining of oil and gas wells where those wells cross through aquifers. The State regulatory programs have been effective to date. And although there have been over a million hydraulic fracturing jobs conducted in the last 5 years, there have been zero confirmed instances of hydraulic fracturing contaminating drinking water. There is not one time that contamination has been established.

Where no one has been able to confirm any harm from hydraulic fracturing, it is sensible to study whether there is a real problem before we rush forward to impose additional Federal regulation. That is precisely what the amendment I have sent to the desk would do.

The Environmental Protection Agency must first study whether hydraulic fracturing has any effects on underground sources of drinking water. After that, the National Academy of Sciences, as an independent scientific body, would review EPA's study. Then based upon all the evidence, EPA must determine whether in addition to State regulation, Federal regulation of hydraulic fracturing under the Safe Drinking Water Act is necessary to protect underground sources of drinking water.

While the study is being prepared, States would fully retain their own existing programs and EPA would fully retain its emergency powers to prevent any contamination of drinking water that would immediately threaten public health.

The proposed amendment's reliance on existing State programs while a study is prepared has received extensive bipartisan support. It has received that support both in the Senate but also in the executive branch. During both the previous administration, the Clinton administration, and the current administration, the EPA has maintained that Federal regulation of hydraulic fracturing is not required.

In fact, the previous administration's EPA argued in Federal court—I quote from one of their briefs:

> Alabama is appropriately regulating production of methane via hydraulic fracturing. There is no need for EPA to supplant these efforts.

The previous administration's EPA also cited the absence of any evidence that hydraulic fracturing has harmed drinking water and Alabama's close regulation of hydraulic fracturing in denying a 1994 petition to impose Federal regulations on Alabama.

Mr. President, let me at this point submit for the record a letter from Carol Browner, then the head of the EPA, sent to David Ludder, general counsel for the Legal Environmental Assistance Foundation. This is a 1995 letter in which she says:

> EPA does not regulate—and does not believe it is legally required to regulate—the hydraulic fracturing of methane gas production wells under its UIC program.

Continuing the quotation:

> There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water.

I ask unanimous consent that that letter be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. BINGAMAN. Mr. President, a cautionary word. We will need to use hydraulic fracturing of gas wells over the next decade. An unneeded regulation of hydraulic fracturing could make some of these wells uneconomical to produce and could defeat our important efforts to increase our energy independence—particularly as it relates to natural gas.

My proposed amendment would sensibly allow hydraulic fracturing to assist efforts to increase our energy independence, while studying whether there is any known environmental harm that would require Federal regulation. For this reason, I urge my colleagues to vote for this amendment.

I yield the floor.

EXHIBIT 1

EPA,
Washington, DC, May 5, 1995.

DAVID A. LUDDER, Esq.,
General Counsel, Legal Environmental Assistance Foundation, Inc., Tallahassee, FL.

DEAR MR. LUDDER: The Environmental Protection Agency (EPA) has received and carefully reviewed your May 3, 1994, Petition for Promulgation of a Rule Withdrawing Approval of Alabama's Underground Injection Control (UIC) Program. Based on that review, I have determined that Alabama's implementation of its UIC Program is consistent with the requirements of the Safe Drinking Water Act (42 U.S.C. §300h, et seq.) and EPA's UIC regulations (40 C.F.R. Part 145). EPA does not regulate—and does not believe it is legally required to regulate—the hydraulic fracturing of methane gas production wells under its UIC Program.

There is no evidence that the hydraulic fracturing at issue has resulted in any contamination or endangerment of underground sources of drinking water (USDW). Repeated testing, conducted between May of 1989 and March of 1993, of the drinking water well which was the subject of this petition failed to show any chemicals that would indicate the presence of fracturing fluids. The well was also sampled for drinking water quality and no constituents exceeding drinking water standards were detected. Moreover, given the horizontal and vertical distance between the drinking water well and the closest methane gas production wells, the possibility of contamination or endangerment of USDWs in the area is extremely remote. Hydraulic fracturing is closely regulated by the Alabama State Oil and Gas Board, which requires that operators obtain authorization prior to all fracturing activities.

Accordingly, I have decided to deny your petition. Enclosed you will find a detailed response to each contention in your petition, which further explains the basis for this denial.

Sincerely,
CAROL M. BROWNER.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, first of all, I ask that Senator TIM HUTCHINSON and Senator VOINOVICH be added as cosponsors of this amendment and the Price-Anderson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, I thank my colleague from New Mexico. I am happy to join him in proposing this amendment. I think it is very important for a number of reasons. I just came from the Senate Armed Services Committee, where we had all four of the chiefs of the services. We were talking about this war that we are prosecuting right now. We were talking about the Nation's security.

I can remember all the way back in the 1980s, when then-Secretary of the Interior Don Hodel and I went around the country and talked about the fact that an energy policy is something that is important to our Nation's security. It is a national security issue, not an energy issue. Consequently—and I said this a minute ago—this has not been a partisan thing. We tried to get President Reagan to come up with an energy policy. He would not do it. I thought George "the first," coming from the oil fields, would have one, but he didn't do it either. The last administration didn't do it.

A national energy policy is really necessary for national security reasons. Right now, we are dependent upon foreign countries for 57 percent of our energy supply—something that is not acceptable, particularly right now in a time of war.

Where does this issue of hydraulic fracturing come in? I am from Oklahoma, and I understand we have a tremendous reserve down there in terms of marginal production. I started many years ago—probably before many fellow Members were born—in the oil fields in cable tool rigs—something they used before rotaries—the pounding method. I realized at that time how much this meant to the country and how much our shallow production meant.

When we talk about energy policy, we talk about nuclear, as we did in the last amendment, and we talk about ANWR—and it is necessary to get into some of the deep stuff.

In terms of marginal production—wells that have 15 barrels a day, or less, and a comparable amount for gas wells—this has a tremendous prospect to be an important ingredient in a national energy policy. If we had all of the gas wells that have been plugged in the last 10 years, or oil wells that have been plugged, producing today—marginal wells, producing 15 barrels or less—it would equal more than what we are currently importing from Saudi Arabia. So it is necessary to have these wells.

How does hydraulic fracturing fit into this equation? This system has been used—I remember using it myself—since the 1940s. In the 1940s, we had a system of injection in order to get maximum production in both oil and gas wells. Not one time in that period of time—after over a million wells have used this process—has there been any kind of damage to the environment. In the last 15 years, there have been over 100,000 wells using this, with no damage to the environment.

As the Senator from New Mexico points out, this is not a partisan thing. The Clinton administration supported this, the Bush administration supports this, and Carol Browner supported this when I served as chairman of one of the subcommittees of the Environment and Public Works Committee. This is necessary to have, and it does no harm to the environment.

I am honored to join my colleague, Senator BINGAMAN, in supporting this amendment and in saying this is a necessary part of the national energy policy.

I ask unanimous consent that a letter from Carl Smith Assistant Secretary, Office of Fossil Energy, of the Department of Energy be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF ENERGY,
Washington, DC, March 7, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As the Senate considers legislation to address our growing dependence on imported oil and to consider ways to promote the production on of our domestic energy resources, I am concerned that the impact of possible restrictions on the use of hydraulic fracturing, the most commonly used technique to stimulate domestic oil and gas wells, may not be well known or fully understood. Therefore, I thought it would be useful to provide you with some information on the essential role this technology plays in today's oil and gas industry.

Hydraulic fracturing is used on approximately two thirds of the onshore gas wells drilled in the United States today and since its inception in 1947, it has enabled the production of over eight billion barrels of North American oil reserves that otherwise would have been unrecovered. It is estimated that hydraulically fractured gas wells produce 10 Tcf of natural gas annually, or nearly sixty percent of the gas produced from domestic gas wells. Further, production of one of our fastest growing sources of onshore natural gas supplies, coalbed methane, would be seriously diminished if hydraulic fracturing was unavailable. Approximately seventy-five percent of the 1.5 Tcf of coal bed methane produced annually comes from wells that were hydraulically fractured.

I would also point out that hydraulic fracturing offers several environmental benefits. By increasing the production of oil and gas from reservoirs that have lower flow rates, hydraulic fracturing reduces the number of wells needed to deplete the reservoir, thereby protecting the environment by minimizing the waste volumes and surface disturbance associated with oil and gas drilling. Also, by increasing the amount of methane recovered from mineable coal seams prior to the start of mining activities, hydraulic fracturing promotes coal mine safety and lowers the amount of methane gas that escapes during mining operations, a significant source of greenhouse gas emissions.

On August 24, 2000, while still Secretary of Energy for the State of Oklahoma, I had the opportunity to raise these points at a workshop held here in Washington by the Environmental Protection Agency (EPA). Also speaking at that workshop was Tom Stewart, Executive Vice President of the Ohio Oil and Gas Association. I managed to find a copy of his remarks on the internet and I thought you might be interested in them. They mirrored many of the comments I heard from my colleagues during the workshop. Tom noted that, "With very limited exceptions, hydraulic fracturing was used to complete over 55,000 Ohio wells drilled since 1970. Exploitation of the tight Clinton sand would not have been possible without fracturing. The hydraulic fracturing process made the modern Ohio oil and gas industry."

In September 2001, the Department of Energy's concern with the impact of proposed restriction on the use of hydraulic fracturing, led the Office of Fossil Energy to ask the National Energy Technology Laboratory's Strategic Center for Natural Gas to conduct a study on, "Quantifying the Impact of Hydraulic Fracturing in Meeting U.S. Natural Gas Supply Requirements". The number and types of stimulation treatments (hydraulic fracturing) will be quantified, treatment costs will be identified, and natural gas production and price relationships will be reviewed and projected. Results of this study will be available in May of this year but I anticipate that some useful information regarding the important role of hydraulic fracturing will be available over the next few weeks. I will provide this information to you as it becomes available.

I welcome the opportunity to bring this very important matter to your attention. If you need more information or have any questions please contact Peter Lagiovane of my office. He can be reached at, 202–586–8116 or via email at, *peter.lagiovane@hq.doe.gov*.

Sincerely,

Carl Michael Smith,
Office of Fossil Energy.

Mr. INHOFE. I yield the floor.

Mr. JEFFORDS. Mr. President, I wish to express my opposition and deep concern to the amendment being offered from my good friend from New Mexico, Senator BINGAMAN.

This amendment would prohibit the Environmental Protection Agency from regulating hydraulic fracturing, an oil and gas operation which the U.S. Court of Appeals for the 11th Circuit has held should be regulated under the Safe Drinking Water Act. As chairman of the Committee on Environment and Public Works, which has jurisdiction over the Safe Drinking Water Act, I am very disappointed that this matter is being added to the Energy bill without my committee having held hearings on the matter. Hydraulic fracturing is a method for stimulating recovery of natural gas and coalbed methane by fracturing rock formations through the injection of highly pressurized water treated with various additives. There is substantial question as to the nature of these additives—which are not closely regulated under most state and Federal laws—and whether they have the potential to migrate to public sources of drinking water when hydraulic fracturing occurs.

The amendment would in essence overturn the finding by the Court of Appeals that hydraulic fracturing must be regulated under the Safe Drinking Water Act. The amendment would require EPA to conduct a study to determine whether hydraulic fracturing would contaminate groundwater. Only after completing the study would EPA be free to regulate the activity and protect drinking water wells, unless during the interim the EPA found emergency circumstances. I do not believe the record provides ample support for a conclusion that little harm will occur during the course of this study, and the EPA should not be barred from regulating hydraulic fracturing until the study is completed. Further, I do not believe the EPA should be the sole determiner of whether these activities should ultimately be regulaed. That issue is properly within the realm of Congress to decide. Such a decision should be made after the benefit of full congressional review. That has not occurred here.

This is not a question of blocking oil and gas development. Oil and gas development has been proceeding briskly within the State of Alabama since the EPA instituted new regulations under the Safe Drinking Water Act for hydraulic fracturing operations, pursuant to the order of the court. Nobody has gone out of business. The industry simply objects to additional costs they are incurring, costs which appear to be relatively minor, and which are directed solely to helping protect the adequacy of the public's drinking water supplies. This matter is squarely within the jurisdiction of the Committee on Environment and Public Works, and as chairman, I must object to inclusion of this amendment within the energy bill, without the matter being properly examined and dealt with within the committee.

For the above reasons, I oppose the amendment.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I ask unanimous consent that the time until 2 p.m. today be for debate with respect to the following amendments: the pending Voinovich amendment No. 2983, and a Bingaman or designee amendment regarding hydraulic fracturing to be offered; with the time to be equally divided and controlled with respect to these amendments; that there be no second-degree amendments in order prior to a vote in relation to these amendments; that the votes with respect to these amendments occur in the order offered; and that if an amendment is not disposed of, the Senate continue the vote sequence which was not disposed of previously.

Before asking that the request be agreed to, I yield to my friend from New Mexico for sending a modification to the desk.

AMENDMENT NO. 2986, AS MODIFIED

Mr. BINGAMAN. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment is so modified.

The amendment (No. 2986), as modified, is as follows:

At the end of title VI, add the following new section:

"SEC. 610. HYDRAULIC FRACTURING.

"Section 1421 of the Safe Drinking Water Act (42 U.S.C. Sec. 300h) is amended by adding at the end the following:

"(e) Hydraulic Fracturing for Oil and Gas Production.—

"(1) Study of the Effects of Hydraulic Fracturing.—

"(A) In general.—As soon as practicable, but in no event later than 24 months after the date of enactment of this subsection, the Administrator shall complete a study of the known and potential effects on underground drinking water sources of hydraulic fracturing, including the effects of hydraulic fracturing on underground drinking water sources on a nationwide basis, and within specific regions, States, or portions of States.

"(B) Consultation.—In planning and conducting the study, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Ground Water Protection Council, affected States, and, as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations. Such study may be accomplished in conjunction with other ongoing studies related to the effects of oil and gas production on groundwater resources.

"(C) Study elements.—The study conducted under subparagraph (A) shall, at a minimum, examine and make findings as to whether—

"(i) such hydraulic fracturing has endangered or will endanger (as defined under subsection (d)(2)) underground drinking water sources, including those sources within specific regions, states or portions of States;

"(ii) there are specific methods, practices, or hydrogeologic circumstances in which hydraulic fracturing has endangered or will endanger underground drinking water sources; and

"(iii) there are any precautionary actions that may reduce or eliminate any such endangerment.

"(D) Study of hydraulic fracturing in a particular type of geologic formation.—The Administrator may also complete a separate study on the known and potential effects on underground drinking water sources of hydraulic fracturing in a particular type of geologic formation.

"(i) If such a study is undertaken, the Administrator shall follow the procedures for study preparation and independent scientific review set forth in subparagraphs (1)(B) and (C) and (2) of this subsection. The Administrator may complete this separate study prior to the completion of the broader study of hydraulic fracturing required pursuant to subparagraph (A) of this subsection.

"(ii) At the conclusion of independent scientific review for any separate study, the Administrator shall determine, pursuant to paragraph (3), whether regulation of hydraulic fracturing in the particular type of geologic formation addressed in the separate study is necessary under this part to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a state. Subparagraph (4) of this subsection shall apply to any such determination by the Administrator.

"(iii) If the Administrator completes a separate study, the Administrator may use the information gathered in the course of such a study in undertaking her broad study to the extent appropriate. The broader study need not include a reexamination of the conclusions reached by the Administrator in any separate study.

"(2) Independent scientific review.—

"(A) In general.—Prior to the time the study under paragraph (1) is completed, the Administrator shall enter into an appropriate agreement with the National Academy of Sciences to have the Academy review the conclusions of the study.

"(B) Report.—Not later than 11 months after entering into an appropriate agreement with the Administrator, the National Academy of Sciences shall report to the Administrator, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, on the—

"(i) findings related to the study conducted by the Administrator under paragraph (1);

"(ii) the scientific and technical basis for such findings; and

"(iii) recommendations, if any, for modifying the findings of the study.

"(3) REGULATORY DETERMINATION.—

"(A) IN GENERAL.—Not later than 6 months after receiving the National Academy of Sciences report under paragraph (2), the Administrator shall determine, after informal public hearings and public notice and opportunity for comment, and based on information developed or accumulated in connection with the study required under paragraph (1) and the National Academy of Sciences report under paragraph (2), either:

"(i) that regulation of hydraulic fracturing under this part is necessary to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a State; or

"(ii) that regulation described under clause (i) is unnecessary.

"(B) PUBLICATION OF DETERMINATION.—The Administrator shall publish the determination in the Federal Register, accompanied by an explanation and the reasons for it.

"(4) PROMULGATION OF REGULATIONS.—

"(A) REGULATION NECESSARY.—If the Administrator determines under paragraph (3) that regulation by hydraulic fracturing under this part is necessary to ensure that hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within a specific region, State or portions of a State, the Administrator shall, within 6 months after the issuance of that determination, and after public notice and opportunity for comment, promulgate regulations under section 1421 (42 U.S.C. 300h) to ensure that hydraulic fracturing will not endanger such underground sources of drinking water. However, for purposes of the Administrator's approval or disapproval under section 1422 of any State underground injection control program for regulating hydraulic fracturing, a State at any time may make the alternative demonstration provided for in section 1425 of this title.

"(B) REGULATION UNNECESSARY.—The Administrator shall not regulate or require States to regulate hydraulic fracturing under this part unless the Administrator determines under paragraph (3) that such regulation is necessary. This provision shall not apply to any State which has a program for the regulation of hydraulic fracturing that was approved by the Administrator under this part prior to the effective date of this subsection.

"(C) EXISTING REGULATIONS.—A determination by the Administrator under paragraph (3) that regulation is unnecessary will relieve all States (including those with existing approved programs for the regulation of hydraulic fracturing) from any further obligation to regulate hydraulic fracturing as an underground injection under this part.

"(5) DEFINITION OF HYDRAULIC FRACTURING.—For purposes of this subsection, the term 'hydraulic fracturing' means the process of creating a fracture in a reservoir rock, and injecting fluids and propping agents, for the purposes of reservoir stimulation related to oil and gas production activities.

"(6) SAVINGS.—Nothing in this subsection shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. 300i).

"SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator of the Environmental Protection Agency $100,000 for fiscal year 2003, to remain available until expended, for a grant to the State of Alabama to assist in the implementation of its regulatory program under section 1425 of the Safe Drinking Water Act.".

The PRESIDING OFFICER. Is there objection to the unanimous consent request?

Without objection, it is so ordered.

Mr. REID. Mr. President, for Members, we have until 2 p.m. today to debate these two amendments. We have been told other people want to speak on Price-Anderson, and certainly others want to talk about hydraulic fracturing. We also have some people who have indicated to me and others that they wish to do so. This would be an appropriate time to do that.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. I yield the Senator from Alabama 5 minutes.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I thank the Chair and I thank Senator INHOFE for giving me this time. I particularly thank Senator INHOFE and Senator BINGAMAN for their leadership in moving forward on the hydraulic fracturing issue.

The purpose of this bill is to help us produce more energy, and cleaner energy, to meet our energy needs more at home from our domestic sources, but also to do it in a cleaner way. There are a lot of things we can do to make that happen.

One significant and important event is to deal with the hydraulic fracturing issue. I believe we can make some progress. This is a process that is used for the production of coalbed methane. They use high-pressure water, carbon dioxide and sand to create microscopic fractures in coal seams, and that releases the methane that is in that coal seam. That is the basic process.

Of course, carbon dioxide is readily available in the atmosphere. It is not a pollutant, the sand is not a pollutant, and water is not a pollutant. They have never believed that this process in any way was a polluting enterprise.

Most States in which hydraulic fracturing is used—including my State of Alabama—have implemented regulations to ensure that hydraulic fracturing continues to be used in a safe manner. The technique has been used safely by coalbed methane oil and gas producers for over 15 years, and there has never been a single event of contamination to underground drinking sources.

The history of this issue is kind of simple. Currently, EPA has directed the state of Alabama to regulate hydraulic fracturing under the Safe Drinking Water Act. Neither EPA nor Congress ever intended to be regulating this procedure. However, in 1995 a lawsuit was filed against EPA.

This was Carol Browner's EPA, which was very aggressive in regulating anything that needed to be regulated. They claimed that the hydraulic fracturing in Alabama should be regulated under not an obscure but a significant rule called the Underground Injection Control Program that was established by the Safe Drinking Water Act.

The Underground Injection Control Program was designed to regulate the disposal of hazardous waste underground, but fluids and sand used in hydraulic fracturing certainly are not hazardous waste.

The lawsuit was filed and the EPA defended it. They said we should not be regulating this. They defended it in court: It did not fit within the purposes of the UIC Program, and that the State of Alabama already sufficiently regulated the process, and the procedure itself posed little risk to underground drinking water sources or to the environment.

In 1997, the Eleventh Circuit Court of Appeals, in analyzing the statute written by Congress, found that the language in the statute, whether Congress intended to cover it or not, reading the plain wording, covered injection of carbon dioxide and sand in the ground and it is covered by the Safe Drinking Water Act. We have been trying to do something about this situation for quite some time. It has been a burdensome process.

Congress has come up with a number of ideas. The EPA pretty well indicated at the beginning they supported fixing this problem, and we have moved forward on it. I believe this compromise which Senator BINGAMAN and Senator INHOFE have talked about—a thorough scientific review—will show that there is no environmental degradation whatsoever. Once that is done, we can fix this process and get it back into the normal scheme of things.

This is a big impact on my State. We are the second-largest producer of coalbed methane in the country. It is a process that started in Alabama. The technology was developed in Alabama. I guess that is why they picked on our State to file the lawsuit. As a result, this has had a significant adverse impact on the State of Alabama.

We have had 300 new hydraulic fracturing proposals submitted since the lawsuit.

The PRESIDING OFFICER (Mr. CLELAND). The Senator's time has expired.

Mr. SESSIONS. I ask I be allowed 2 additional minutes.

Mr. BINGAMAN. Mr. President, I yield another 5 minutes to the Senator.

Mr. SESSIONS. Mr. President, I thank the Senator. That is very generous.

It has fallen particularly hard on the Alabama Department of Environmental Management whose budget is strapped at this time. Their financial problems have made a lot of news, frankly. Since this is a matter of national importance, I believe it is appropriate that Alabama, which is the

State most adversely impacted at this time within the Eleventh Circuit where the court ruling applies, be given some compensation toward the cost of administering and reviewing these 300-plus proposals.

I am pleased we were able to work out an agreement that **$100,000** will be authorized for that purpose. I am pleased Senator BINGAMAN and Senator INHOFE, as I understand it, have agreed that if this continues to be a problem or if there is sound evidence that additional moneys are required to do this—more than the **$100,000** that will be approved—they will consider that in conference as we move forward with the bill. .

Methane is one of the cleanest of all burning fuels. Methane produces good energy and, at the same time, it is very clean energy. The fact that we can draw the cleanest of all burning fuels from land within the United States is a good thing that we should be promoting. This is the kind of energy production that should be promoted in the country. I am glad we are moving forward finally to get this settled so we can enhance the production of coalbed methane throughout the country. It will be a good step forward.

In conclusion, this is a new source. Every Btu of energy we take from gas, or from gasoline and oil, that we purchase from outside our country is a drain on the wealth of this country. It generates economic activity in the country from which we purchase it. It does not generate economic activity in the United States. It is a net transfer of American wealth. That is why I believe this is not just an oil industry issue, this is not a big business issue, this is not simply an environmental or non-environmental issue. I believe we need to increase energy production in America because it is a matter of economic importance. It generates jobs and wealth in our country, not in Venezuela and the kind of government they have there, or Saudi Arabia, or Iraq. It creates wealth in the United States. It keeps our dollars here. It generates jobs here.

To me, there is no more worthwhile energy production than one of the cleanest of all: Coalbed methane. I am pleased we are moving forward, even though it is going to take a little longer than I would like, to get this regulatory matter settled and to enhance this production. It will be good for America.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Alabama. We have been working on this for a long time. For 4 years, we have actually had an amendment that would accomplish this. The approach we are taking now is the right approach because it is letting scientists decide, not people who come to this Chamber and say hysterically there is going to be harm done to the environment. We can look at history, and, as we have said several times before, of the over 1 million of these processes that have taken place, there is not one bit of evidence of a problem to the environment.

I have a letter from the Ground Water Protection Council. It is a group of EPAs throughout America. They strongly endorse this amendment.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GWPC,
Oklahoma City, OK, March 7, 2002.

U.S. Senate,
Washington, DC.

DEAR SENATOR: The Ground Water Protection Council (GWPC) strongly encourages you to support the Bingaman-Inhofe Hydraulic Fracturing Amendment.

The GWPC is a national association of state agencies who regulate the nation's ground water and underground injection control programs. Our members and Board of Directors are professional geologists, hydrologist, geo-chemists and petroleum engineers.

As the state agencies charged with protecting the nation's ground water supplies and regulating the oil and gas industry, we are very concerned that failure to pass the amendment would result in an additional and unnecessary regulatory burden on both states and the industries they regulate, with no environmental benefit.

We are aware of a March 6, 2002 letter to you opposing the Bingaman-Inhofe Hydraulic Fracturing Amendment and have the following comments:

In no state is the oil and gas industry exempt from the requirements of the Safe Drinking Water Act. A number of activities conducted as part of oil and gas exploration and production are regulated under the UIC program, including injection of produced water and some related wastes. Hydraulic fracturing is fundamentally different because it is part of the well completion process, does not "dispose of fluids" and is of short duration, with most of the fluids being immediately removed.

Fracturing fluids do not contain MTBE. Fracturing fluids may contain small amounts of other hazardous chemicals but constituents such as benzene do not appear in fluids that would be used in fracturing shallow formations. Such fluids are used in deeper formations that are usually thousands of feet below the strata that drinking water wells actually tap into.

Any "regulatory rollback" would occur only after careful EPA study and only if EPA determined, based on the study and the peer review by NAS, that federal regulation of hydraulic fracturing is not necessary.

The letter ignores the fact that states already regulate underground injection and hydraulic fracturing. In fact, the "exclusive deal" for the oil industry that is alleged in the letter was in actually a recognition by Congress in 1980 that states were already effectively regulating oil and gas exploration and production activities and had done so for years. Congress further recognized that it did not make sense to change these effective state programs by making the states comply with redundant federal regulations.

The letter alleges that hydraulic fracturing threatens underground sources of drinking water. The letter does not allege that hydraulic fracturing has actually resulted in adverse impacts to USDWs because no such impacts have ever been confirmed.

The proposed amendment would not "overturn two Court of Appeals decisions." It certainly would not overturn LEAF II. In fact, it codifies LEAF II. It doesn't even overturn LEAF I, but would allow EPA to determine that the current state/EPA regulatory partnership is working effectively and that additional federal regulation is not necessary.

The proposed amendments would not "fully suspend" regulation of hydraulic fracturing. Current state regulations would be unaffected and remain in force.

On behalf of the Ground Water Protection Council, we again urge you to support the Hydraulic Fracturing Amendment.

Sincerely,

MICHEL J. PAQUE,
GWPC Executive Director.

Mr. INHOFE. Mr. President, again, we are saying let's not get emotional about this. Let's not come up with all kinds of accusations. Instead, let's let science decide. Right now, scientific studies subjected to an independent peer review is an appropriate way to determine if Federal regulation of hydraulic fracturing is necessary. The required National Academy of Sciences review of EPA's findings approves an independent verification of the study's results. When the study does come in, it does not necessarily mean EPA has to follow the dictates, the results of this study, but they can and they may decide to do another study. At least we are letting the scientists make a decision as to who is right.

I cannot overemphasize, as the Senator from Alabama talked about how clean natural gas is, how clean it is. That is not even debatable. It is in such plentiful supply. We need this.

Eighty percent of the wells that are done have to use this technique in order to produce the natural gas that is necessary to fully utilize that source. So I think this is a very balanced approach, and it is certainly bipartisan.

I applaud our Senator from New Mexico, along with others who have joined us in supporting this amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I also commend the Senator from Alabama for his effort in this regard. I do think his proposed modification of our amendment makes a good deal of sense, and we were very pleased to accept that. He does have some peculiar problems in Alabama in trying to implement their regulatory program, and I think clearly we want to see that State succeed. That is his objective as well. So I am glad we could accommodate that concern.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the time during the quorum call be counted equally against all the Senators who are controlling time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I would like to share some thoughts as we move toward a vote on the Price-Anderson nuclear liability amendment that will be coming up later this afternoon. It is an important amendment. It represents an extension of current policy, and it is something we should do. The reason we should do that, I am so firmly convinced, is that nuclear power is an important component of our national energy mix. One out of every five times Americans turn on their light bulbs, one out every five times Americans turn on their refrigerators, or turn on anything else, one out every five times Americans use electricity, that electricity is produced thanks to nuclear power.

Currently, 20 percent of our supply comes from nuclear power. I think it is time for us to consider not only maintaining that but actually increasing that percentage. The Palo Verde Nuclear Generation Station in Arizona, for example, generates more electricity annually than any other power plant of any kind, including coal, oil, natural gas, and hydropower. We simply have to realize the potential of this energy source and join many of the other leading nations in the world in continuing to implement nuclear as a major component of our energy mix.

The Energy Information Agency predicts a 30-percent increase in the demand for electricity in this country by the year 2015—a 30-percent increase in demand over the current level. Twenty percent of our power today comes from nuclear power. France produces over 60 percent from nuclear. Japan produces nearly 50 percent of its electricity from nuclear power sources. In 10 countries, there are 29 nuclear plants currently under construction. The United States has none. We should be following suit. We simply do not need to allow the rest of the world to get ahead of us on the question of producing power by nuclear energy.

I have enjoyed visiting our nuclear plants in Alabama. The Tennessee Valley Authority is setting records for safety, reliability, and productivity at their Browns Ferry plant. They have 1,000-plus employees making high wages and producing a steady source of energy 24 hours a day. They have the time to shut down those plants for refurbishing, and the cost has been reduced quite significantly. It is an important part of our energy mix.

Shortly after I came to the Senate, I attended the 44th Annual Session of the North Atlantic Assembly in Scotland. Members of parliaments from throughout the North Atlantic nations attended. At that meeting, the Ambassador to the United Nations International Energy Agency appointed by President Clinton, John B. Ritch, III, stated in his presentation that electricity demands will double in the world by 2050 and the one technology capable of meeting a large baseload with negligible greenhouse emissions is nuclear power.

He added:

> In the century ahead, mankind must place great reliance on harnessing the nuclear genie and using it to maximum effect, if our needs are to be met and our security preserved.

In fact, he went into some detail about the cost and the benefits of alternative sources of power. He concluded that they all have some benefit but that none can even come close to meeting this huge surge in demand the world is going to be facing in the decades to come.

Nuclear energy is a clean source of energy. It is environmentally friendly. I am astounded we have the debate that we have over whether or not nuclear energy is a positive thing for the environment. It most certainly is. Nothing else can produce this kind of source of power with no air pollution from it.

We would never have air as clean as we have today if we dropped all our nuclear plants and started producing that energy with coal or oil. We could not come close to that. According to a study conducted by Energy Resources International, nuclear energy has prevented the release into the atmosphere of 219 million tons of sulfur dioxide, 98 million tons of nitrogen oxide, and 2 billion tons of carbon dioxide since 1973.

Annually, nuclear power prevents the release of 5.1 million tons of sulfur dioxide, 2.4 million tons of nitrogen oxide, and 33 million metric tons of carbon.

In Alabama, there are currently two nuclear powerplants: Browns Ferry and Farley. In 1999, those powerplants avoided the release of approximately 163,000 tons of sulfur dioxide emissions, 90,000 tons of nitrogen oxide emissions, and 6.8 million metric tons of carbon emissions.

The building blocks of ozone, that we know is not a good thing in our atmosphere, as we have created it in man-made quantities—an irritant to our lungs, a health risk to children and the elderly—are not emitted at all by nuclear powerplants. Ozone precursors are fossil fuel produced.

Implementing nuclear energy is the only way we can meet our projected energy demand while simultaneously reducing the release of sulfur dioxide and nitrous oxides. Furthermore, nuclear energy does not emit carbon dioxide, which is what people blame for global warming. That is a matter I think people cannot dispute.

It strikes me as hypocritical that those who complain most and express the most fear about global climate change are, in general—but not always—the same people who are against nuclear power. Many of these people, I believe, unfortunately, are not rational on this subject. People have referred to them as "nuke kooks." But, whatever, they are obsessed with blocking nuclear power.

A few years ago the American Society of Mechanical Engineers, a reputable professional organization composed of innovative individuals, engineers, who design solutions to meet our energy needs, issued a paper regarding climate change. In the paper, they made numerous statements regarding the importance of nuclear to our energy mix. They stated:

> It is unlikely, however, that a worldwide, stable atmospheric carbon dioxide concentration—

That is, a stable amount of carbon dioxide in the air—

> can be reached without the use of nuclear, renewable, and biomass energy for electric power generation.

Our legislation significantly promotes biomass and renewable energy. There is little in this bill to really increase nuclear power.

I continue to quote:

> Assuming that the historical trend continues in which electricity consumption follows economic growth, it becomes essential that the U.S. environmental policies include retention of existing nuclear power generation capacity. Indeed, these policies should include development and implementation of additional nuclear power reactors to meet a growing demand for electricity. . . .

Looking at this matter objectively, just at the overall picture of our energy demands, it is clear to me that nuclear energy is the only viable solution to meeting both our energy demands and our environmental objectives. It will produce power required to meet our energy needs in a safe and environmentally friendly way.

People say: It is risky. It is dangerous. The people who live near the nuclear reactors in Alabama with whom I meet and talk are very strong supporters of nuclear power. The overwhelming majority of Americans favor nuclear power. They favor the expansion of nuclear power.

But let's talk about the safety record.

The nuclear energy sector has, in any way you look at it, a stellar safety record. We have not lost one life in this country—ever—as a result of a nuclear power accident in the history of this country. How many people have we lost in accidents with trucks and trains carrying coal, or with pipelines carrying natural gas, or in coal mines, or in other ways where lives are lost in the production of other unclean sources of energy, the kind of sources of energy that produce NOx and SOx and the kind of adverse exposures to health that come from fossil fuels? So we have those kinds of unhealthy actions, too, in addition to just the safety factor in producing the energy.

The main reason the nuclear industry is so safe is that it is overseen—originally by the Atomic Energy Commission and now the Nuclear Regulatory Commission. As a member of the Environment and Public Works Committee at the time, we had a number of hearings about the oversight by NRC. They are meticulously reviewing and monitoring nuclear plants all over America. They do that on a constant basis. They are exceeding other countries in the cost of their supervision and in the minutiae of it. But we have not had any accidents.

We had the problem at Three Mile Island. A major sea change has occurred since then. A recent study has shown that no one suffered injury from the Three Mile Island accident, even though, if you asked Americans, they would probably think people were injured from it. But a scientific study has indicated there were no injuries, whatsoever, as a result of that accident.

But since then, we have learned and we have stepped up, even to a much higher degree, our supervision by the Nuclear Regulatory Commission of nuclear plants. I do not believe we will see that ever happen again. I believe we would react so much better, if anything were to begin to happen like that, that we would not see that kind of event occur again.

We are also looking at new and special ways to produce nuclear power, new kinds of reactors where it would be impossible to have a nuclear reactor explosion or break.

Last June, at the Economic Club of Chicago, in a major address, Alan Greenspan, Chairman of the Federal Reserve Board—the architect, I suppose, of our economy—talking about what America needed to do, made this statement:

> Given the steps that have been taken over the years to make nuclear energy safer, and the obvious environmental advantages it has in terms of reducing emissions, the time has come for us to consider whether or not we can overcome the impediments to tapping its potential more fully.

Doesn't he always have a nice way of saying those things?

I think it is time for us to consider the impediments to the expansion of nuclear energy. I agree with him, especially in light of our goal of cleaning up our air.

Every year, the Federal Government provides tax credits and financial incentives for solar cells and wind turbines and biomass sources. I supported many of those. We are not providing anything here for nuclear energy. I think we need to consider that.

Many people have objected, saying, you have no place to put nuclear waste, and this is, somehow, the Achilles' heel of nuclear power. They act as if the amount of nuclear waste would cover the entire State of Rhode Island, I suppose, and that nuclear waste is so hazardous, if you move it on a rail or truck, it could blow up and kill us all.

The truth is, if a truck loaded with nuclear waste were to roll over or a train were to roll over, as Senator MURKOWSKI says, it does not blow up, it does not flow off into the air; you just pick it back up, put it on the track, and send it off.

We can move nuclear waste. There is no danger in that. It is an irrational thing that we have created this idea that somehow it is greatly disastrous and risky to move nuclear waste to an acceptable site to store it.

I applaud the work of the Secretary of Energy, Spence Abraham, a former Member of this body, and President Bush who are moving forward with a decision on Yucca Mountain to store this waste. It is the culmination of decades of scientific study, consultation with science and environmental advisers, and meetings with leaders and citizens in Nevada. Finding a safe and central repository is mandated by a law passed years ago, and it is also necessary for America's homeland security. For example, 40 percent of our Navy's fleet is powered by nuclear power. The lack of a repository drives up the cost of nuclear power, rendering this clean power generation less economical than it would be and less competitive.

Certainly one of the main reasons we are not building new plants today is because of the waste problem. Of course, those who oppose nuclear energy, I strongly believe—and a fair person would agree—have used this as a tool to attack nuclear power and not allow us to proceed in a rational way.

Nuclear materials are now stored in 131 aboveground facilities in 39 States in America; 161 million Americans live within 75 miles of these sites. One central site in the Nevada desert, where we exploded nuclear bombs on the surface when we were first learning how to make nuclear bombs, provides much more protection for America, much more security, and is much cheaper than keeping all these other sites that have been ongoing.

Nobody has ever been injured from the 131 sites we now have. They are going to bury it in the ground, spending billions of dollars paid for by the nuclear energy companies, part of the rates they charge, to fund this site. We need to use that. We have the ability to solve this problem, to move ahead with it. The only objection I can see, other than some of the people in Nevada that oppose it, is that it would relieve an objection, it would remove an objection that the antinuclear supporters have used to hide behind in their opposition to nuclear power.

This nuclear liability amendment we will be voting on this afternoon is critical to helping us maintain, not expand but maintain our current clean source of 20 percent of our electricity. We ought to pass that. We ought to open our eyes to the possibilities for the world for the expansion of nuclear power.

It has been said that the lifespan of human beings on this globe who have ready access to nuclear power electricity is twice that of countries where it is not readily available. Electricity is one of the great discoveries in the history of mankind. If you don't think so, what would it be like to have to cook by fire every day or wash your clothes in the river? It is an energy system that has done so much for the world.

We have large portions of this world—think about India, China, South America, not nearly at full capacity on electricity—that could use much more electricity. How are we going to produce it? What will happen to our global warming theorists when they start using coal and other fossil fuels in huge numbers to meet their growing demands for power around the world? Do they think they are not going to expand their electricity? How could we ask them not to? How could we ask a poor country where people are dying at 40 and 45 years of age, with all the adverse consequences, not counting the quality of life, to not expand their energy? They are not going to be able to do it solely with solar and windmills and biomass. It is just not there; the numbers are not there.

Yes, we can do conservation. Yes, we can reduce our use. Yes, we could be more efficient. I visited an Alabama plant not long ago that makes refrigerators. That product they produce uses one-half the electricity of one of the same size used 10 years ago, but you can't go much lower. It takes a certain amount of electricity to run a refrigerator. We have a limit on how much we can conserve.

In fact, many of our better and easier steps toward improving efficiency have already been found. We are using them. The new steps to make ourselves more energy efficient are out there. Many more can be done. But they will not make as big an impact as the ones we have already undertaken. That is the law of science.

It would be an error of colossal proportions for our environment, for safe energy, and for low-cost power, if we do not deal with the question of nuclear liability. I believe we will do that. I am confident we will pass it later on this afternoon.

We also need to, as a nation, shake off the misinformation about nuclear power. Look at it. Consider the fact that we lost not one life in America as a result of the production of nuclear power, that we have not lost any lives as a result of breathing pollutants, as we probably have, as we certainly have, from coal and other plants, as a result of breathing the air around nuclear plants.

This is a good environmental issue. It is a good energy issue. It has the potential to move us forward. We need to be thinking about the great potential to make the plants that are more modern and more efficient and even more safe than today. In fact, some can be designed that make it impossible to release radioactive material.

I know we will be voting later on this afternoon on this amendment. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Florida). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the vote that is now scheduled for 2 o'clock today be rescheduled for 2:15 p.m. under the same conditions of the previous unanimous consent agreement, and the only change I request is between the first and second vote there be 2 minutes equally divided for those who wish to speak on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I have some further comments specifically addressing the Price-Anderson insurance program for nuclear powerplants that we will be voting on a little later this afternoon, maybe around 2:15. Making some points about the details of it, 45 years ago the nuclear power industry said if they were going to go forward with this new source of power, they wanted to be able to develop an insurance program that would work and that would assure the communities in which they are building these plants they would be operated safely, and if something bad occurred that everybody would be compensated.

Those communities have been confident in that process ever since, but the act does expire and it is time for us to extend it. It would be a terrible mistake if we did not. It would cause quite a bit of heartburn.

I will share a few thoughts about how this insurance program works. I believe people would feel good about it and want to go forward with it. The average business in America that does the things they do every day may have products on their premises that are somewhat dangerous. If a terrorist or somebody blows it up and it kills people, it is not their fault. They are not liable. They did not do anything wrong. They were not negligent. They were not irresponsible. They were not reckless, and they did business in a safe way.

Of course, the nuclear power industry operates precisely the way the Nuclear Regulatory Commission tells them to operate, in a safe fashion. At any rate, they are doing what they can to comply with the law and the regulations, and they have had this insurance policy. Each plant has a $200 million policy for which they are personally responsible. If anything happens, they carry their own $200 million policy. The entire industry has come together and pooled up to $9 billion of a policy, and this is sort of structured by the Price-Anderson Act, and it is all paid for by the nuclear power industry.

Above that, if something were to happen so badly above that, then the Federal Government would have liability to pay under Price-Anderson. That is what our American communities have had a right to expect. They were told that when the plants were built, and we need to continue that policy today. We certainly do not need to stop it. I believe the votes are there, and we will pass an extension of Price-Anderson. It would be a bad thing, cause unnecessary heartburn, would be a breach of the fundamental promises of the Federal Government that we do that if we did not extend it, and also it could weaken the nuclear power industry, further containing any hope of expansion of this 20 percent of our electric-generating capacity that produces no pollution.

As I noted earlier, the U.S. nuclear powerplants prevent 5.1 million tons of sulfur dioxide from being emitted into the atmosphere, 2.4 million tons of nitrogen oxide, NO_X, and 164 metric tons of carbon from entering the Earth's atmosphere. That is the kind of thing they do on a regular basis, producing power cleanly and safely for the benefit of humankind throughout this country.

For over 45 years, Price-Anderson has provided a guaranteed compensation to the public in the event a nuclear accident were to occur. It provided coverage for precautionary evacuations and out-of-pocket expenses, reducing delays that are inherent in any kind of lawsuit that would have been filed, maybe taking years. It guaranteed prompt payment by the insurance companies; no lawsuits. You are liable. You accept strict liability, which is not the law, as I noted, for other businesses, and it consolidated the matters in a single Federal court so promptness and efficiency and fairness can occur. That is a good policy. We ought not to end it now.

It is important for safe and clean power to be continued to be produced for America, and I believe we will have a strong vote in favor of it this afternoon. Thus, I note there is concern by people, but even in Three Mile Island the total amount expended was less than $200 million, compensating everybody and doing all the things necessary to test and examine and make sure the community was safe; $191 million. That would all be covered by that insurance company's own policy, that power company's own policy. If it went above that, up to $9 billion, then the industry would pay for it. Only above that would the taxpayers have any risk. I think it is a good bargain for America. It is a sound program. We ought to continue it.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I was with Senator LOTT during the lunch hour and was not able to hear all the remarks of the Senator from Alabama, my friend, Mr. SESSIONS, but my staff did outline for me some of the things he said.

This is not the time and the place for a discussion, debate, on things nuclear in the true sense of the word. That time will come.

Price-Anderson points up the problems we have with nuclear power. If in fact nuclear power was such a good deal, why does it need a subsidy? Wouldn't any other utility love to have the Federal Government backing its liability? That is, in effect, what Price-Anderson does.

Many years ago, when nuclear power was an experiment and was in its infancy, and we, the Government, Congress, the President, decided to give it a shot in the arm to see if it would work, even back then everyone recognized the dangers of nuclear power. We have had since then Three Mile Island and other problems. It was simply a question that they could not get the places insured.

We are now told these places are so safe, there is no reason for the subsidy. If these places are so safe, they should be able to buy insurance. If they can't buy insurance, then the amendment I offered should have been followed; that is, there should be real, true accounting in determining liability of these companies. It is clear the nuclear power industry is now a mature electricity industry that no longer needs liability protection.

Price-Anderson has actually led to a decrease in the amount of private insurance available. In the 1950s the private insurance industry was willing to insure an accident for $50 million, despite experience with the new technology. Today, the private insurance industry only provides $200 million insurance. That does not keep up with inflation.

One of the things that is wrong with Price-Anderson is, how do they determine the $200 million that they have available in case there is an accident? What they should do is have a surety bond, a letter of credit, some type of escrow account, or perhaps government securities or insurance.

If there were ever an Enron example, it is this. They have a showing that they either have a cashflow or cash reserve that can be generated and would be available within 3 months. Not now—within 3 months. That is, as far as I am concerned, sheer foolishness.

I wasn't born yesterday. I know this amendment is going to be agreed to, but it should not be agreed to. I think nuclear power should stand on its own two feet. In Nevada, we are trying to develop large windmill factories to produce electricity. They are going to put up their own money. There is no Government assurance if somebody gets hurt out there the Government will pick up the expense. The same is true with solar, geothermal, biomass, coal, and natural gas. So Price-Anderson should fail.

As I have indicated earlier today, virtually every environmental group in America is opposed to this legislation.

I offered an amendment. I talked about it this morning. Every environmental group was in favor of my amendment. But we have a situation now where this amendment is being pushed forward. As I said in the presence of my friend, the junior Senator from New Mexico, I am disappointed he is cosponsoring this amendment. I think it is wrong. I think we should follow the Friends of the Earth, Sierra Club, Environmental Defense Fund, the Union of Concerned Scientists, Defenders of Wildlife, USPIRG, Safe Energy Communications Council, Natural Resources Defense Council, National Environmental Policy Act Trust, Nuclear Information Resource Service, League of Conservation Voters, Taxpayers for Common Sense, Public Citizens for Critical Mass, and STAR. These are entities that are concerned about the environment and they say Price-Anderson is not good for the environment.

So I hope Members will look closely at what they are doing. There will be a few votes against this. There should be a lot more. I am very disappointed that we cannot slow this down.

This bill is important legislation for the country, and I recognize that. I think the work we did yesterday was so important, to allow a pipeline to come from Alaska. That would have 50 million tons of steel to construct the pipeline. It would be 2,100 miles of pipe creating 400,000 jobs. That is what we should be doing.

About 40 trillion cubic feet of natural gas can come down that pipeline. That is big. Of course, this is relatively new. It wasn't many years ago that natural gas was just pumped out into the environment. It served no purpose. Now, of course, we use it to power many of our powerplants in America today.

As I said earlier, there is going to be a time in the next several months to talk in more detail about nuclear waste, but this is not the time or the place to do it. I look forward to a vote in approximately 20 minutes to take care of the matter that Senator BINGAMAN offered dealing with hydraulic fracturing, and also the amendment dealing with the Price-Anderson legislation. I hope the Price-Anderson legislation gets a significant number of votes against it.

Mr. INHOFE. Mr. President, I ask how much time remains on both sides.

The PRESIDING OFFICER. The Senator from Oklahoma, on his side of the aisle, has no time remaining.

Mr. REID. If the Senator from Oklahoma wishes time, how much time does he wish?

The PRESIDING OFFICER. The Senator from Nevada has 21 minutes remaining.

Mr. INHOFE. Five minutes?

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. INHOFE. Mr. President, I thank the Senator from Nevada for giving me some of his time, particularly since we are not in agreement with each other on one of the two votes that will be taking place.

I spent 30 years of my life in the insurance business. I know the Chair knows a little bit about this business—he spent some time there, too. I think the Price-Anderson program as an insurance program is a good deal for the public. For over 45 years, Price-Anderson has provided immediate and substantial private compensation to the public in the event of a nuclear accident. It has provided coverage for precautionary evacuations, out-of-pocket expenses, has reduced delays that are inherent in court cases, and has consolidated all cases into a single Federal court.

I think it is also important to recognize it has never cost the Government any money. This is not a Government program.

Going back to my third point, if we didn't have something like this, then we would be dependent upon the tort system in this country. We are going to hear about the delays and the cost. This is one of the programs that has been successful for 45 years. When it gets down to some of the people who are opposing the program, they are actually opposed to nuclear energy.

I am old enough to remember back in the 1960s and 1970s, the hysteria that hit the streets when they were talking about nuclear energy and picketing and protesting. As the years went by, other problems came up with other forms of generation of energy.

We went through a long period of time during the Clinton administration with the EPA coming up with some ambient air targets that were not realistic. It created great problems. So we started talking about all the pollutants, emission problems, refineries—keeping in mind all during that discussion our refineries were at 100 percent capacity. Yet we were trying to add more and more problems to them with new source review and other programs, making it just a very expensive program.

During that time, a lot of the people who 20 years before had been picketing because they were opposed to nuclear energy, realized that nuclear energy is safe now, it is clean, and it is abundant.

The thing that I stress when we are talking about energy is we want all forms of energy—we want renewables, we want nuclear energy, we want fossil fuels, we want all the forms of energy because we do not want an energy crisis.

As far as nuclear energy is concerned, we are only dependent on that for 20 percent of our energy needs. France is 80 percent dependent. I think we will see in the future that percentage is going to have to go up until some of the renewables and other experimental systems come into play where we can depend on them for an abundance of energy. Until then, we are going to have to be using some of the energy sources that we know work and work today. Certainly this is one of them.

The assistant majority leader also mentioned we will have two votes starting at 2:15. The other is on hydraulic fracturing. I think it is important to talk about that in the same vein because there you are talking about natural gas. I am from Oklahoma. We know a little bit about natural gas. We know it is among the cleanest forms of energy out there. It is plentiful. It is inexpensive. But as far as being plentiful, one of the problems we are having is we have to be sure that we can maintain what we are doing right now in bringing natural gas out of the ground.

Right now, and for the next couple of years, we will be able to do that. However, because of the court decision that has already been discussed on the floor by a number of the Senators, we could be having a problem. The system, the procedure of hydraulic fracturing where you are forcing the natural gas or the oil out of the rock formations, is one that has been proven and has been used since the 1940s.

We are talking about 60 years we have been doing this. In 60 years and over 1 million wells where we have used this procedure, we have yet to have any environmental problem. So it kind of blows my mind there would be people, after 60 years of success, who would say there might be an environmental problem with it. There is no environmental problem with it.

The only problem right now is a court case for which we are going to have to go ahead and complete a study.

It is important for all my colleagues to realize on this vote today all we are talking about is completing the study that is underway right now. The EPA does not have to follow the guidelines of that study. They can authorize another study. But this amendment is to at least let science step in and say: Since there has not been a problem before, here are the risks of a problem in the future. If there is not a problem, we need to go ahead and eliminate that obstacle so we will be able to continue using that system.

Mr. President, 80 percent of the wells right now—and it is a higher percentage when you go to my State of Oklahoma because most of those are marginal wells, wells with 15 barrels a day or less—but 80 percent of them are going to have to use hydraulic fracturing. That system is necessary in order to come up with the natural gas we need.

Mr. REID. Mr. President, I started out my legal career as an attorney for insurance companies. I did lots of trial work representing insurers in automobile accidents, hospitals, and hotels. I have some knowledge of insurance. I have no question that Price-Anderson gives the nuclear generators a subsidy and an unfair advantage.

Having said that, I want to comment briefly on some of the things my friend from Alabama said, I am told, about nuclear power and the high-level nuclear repository that is being contemplated in Nevada.

First of all, the GAO said there are 292 scientific investigative reports for which the Department of Energy is waiting. It wasn't time to go forward with that.

In addition to that, the Nuclear Waste Technical Review Board, led by the prominent American scientist, Jared Cohon, who was dean of the forestry department at Yale and is now president of Carnegie Mellon, and his group have said that the science at Yucca Mountain is poor.

I think before we get into a long debate here on the floor, which we are not going to do—I said there will be another time to do that—Leader GEPHARDT issued a statement just 2 days ago decrying the Department of Energy's action recently dealing with nuclear waste saying that, among other things,, St. Louis passed a resolution saying nuclear waste should not be brought through their city. There are other things, and we will talk about those later.

I hope we can move forward generally on this legislation. By tomorrow we will have spent a whole week on this. I am not certain how much more time Senator DASCHLE can afford to stay on this. We have debt limits, campaign finance, and a lot of other things to deal with. I hope those who believe this bill needs a lot more work will move forward as quickly as possible and do what they think in the way of amendments will improve this legislation, of course recognizing that a conference committee will take place. I think we should do everything we can to move this legislation as quickly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INHOFE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I know our side is out of time. I would like to ask if I could have a couple minutes.

Mr. REID. Madam President, does the Senator from North Dakota wish to speak prior to the vote at 2:15?

The Senator from Oklahoma may have 3 minutes. Will that be adequate?

Mr. INHOFE. That is fine.

Madam President, I respectfully disagree with what the Senator from Nevada said about the subsidy. The Federal Government does not use taxpayer money to pay claims in the event of a nuclear incident. There has been no subsidy in the 43 years of Price-Anderson protection. The nuclear insurance pool is not the Federal Government. It has paid a total of, I believe, $191 million in claims. The Price-Anderson Act ensures that full compensation will be available in the event of a nuclear attack. In the absence of the law, members of the public filing claims would need to overcome substantial obstacles of tort law for recovery. As we all know, that is very expensive and very time consuming.

I think the key here is that no public funds have ever been paid out. For that reason, there is no way one can say this is a subsidized program.

The Federal Government provides insurance mechanisms for losses associated with agricultural disasters, floods, banks, savings and loans; to pay for home mortgages, Social Security, Medicare, crime, and maritime accidents. It is not unusual for the Federal Government to do it. But under the current law, the limitation on liability exists for oil spills, bankruptcy, and workers compensation, but not in the case of nuclear accident. While it is very common for the Federal Government to expend moneys to underwrite and to be in the insurance business many times to compete with the insurance industry, in this case it isn't true. There is no subsidy involved.

I am sure my time has expired. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, what is the regular order?

The PRESIDING OFFICER. The Senate is to vote on amendment No. 2983.

Mr. BINGAMAN. Is that vote to occur immediately or is there time to speak?

The PRESIDING OFFICER. At 2:15.

Mr. BINGAMAN. I see Senator VOINOVICH.

That is the Price-Anderson amendment, I believe.

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. I thank the chair.

VOTE ON AMENDMENT NO. 2983

The PRESIDING OFFICER. Under the previous order, the question occurs on agreeing to amendment No. 2983 offered by the Senator from Ohio. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 42 Leg.]

YEAS—78

Akaka
Allard
Allen
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Cochran
Conrad
Corzine
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Fitzgerald
Frist

Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Johnson
Kohl
Kyl
Landrieu
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NAYS—21

Baucus
Biden
Boxer
Clinton
Collins
Dayton
Ensign
Feingold
Feinstein
Harkin
Inouye
Jeffords
Kerry
Leahy
Reed
Reid
Rockefeller
Schumer
Snowe
Wellstone
Wyden

NOT VOTING—1

Kennedy

The amendment (No. 2983) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2986, AS MODIFIED

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes evenly divided prior to a vote on the Bingaman amendment No. 2986, as modified. Who yields time?

Mr. BINGAMAN. Madam President, I ask unanimous consent that Senator ROCKEFELLER be listed as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, this amendment sets up a study process to determine whether hydraulic fracturing should be regulated by the Federal Government under the Safe Drinking Water Act. It is a bipartisan amendment with many cosponsors. It is good policy. It is a policy that was supported by the Clinton administration. It is now supported by the current administration.

I yield the remainder of my time to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Madam President, I ask unanimous consent that the following Senators be added as cosponsors: Senators ENZI, MURKOWSKI, SESSIONS, and NICKLES.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I wish to add to the remarks of the Senator from New Mexico. This procedure is being used today. It has been used since the 1940s. Over 1 million wells have used hydraulic fracturing. There has never been any documented case of any environmental damage.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time in opposition?

Mr. MURKOWSKI. May I take the remainder of the time? I simply want to advise Senators that, indeed, this matter has been cleared by both the minority and majority, and we concur in its adoption. It is the right thing to do.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 2986, as modified.

Mr. THOMAS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

The PRESIDING OFFICER (Mr. CORZINE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 78, nays 21, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—78

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Chafee
Cleland
Cochran
Collins
Conrad
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Edwards
Ensign
Enzi
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wyden

NAYS—21

Biden
Boxer
Cantwell
Clinton
Corzine
Dayton
Durbin
Feingold
Feinstein
Fitzgerald
Jeffords
Kerry
Leahy
Lieberman
Mikulski
Murray
Reed
Sarbanes
Schumer
Stabenow
Wellstone

NOT VOTING—1

Kennedy

The amendment (No. 2986), as modified, was agreed to.

Mr. INHOFE. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. At this point, I believe Senator CRAIG has an amendment he wishes to offer that we can agree to and voice vote. Then I have amendments on behalf of Senator AKAKA that I would like to handle the same way.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 2987

Mr. CRAIG. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2987.

Mr. CRAIG. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for multiple-year authorization for the fusion energy sciences program)

Strike subsection (e) of section 1254 and insert the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251, the following amounts are authorized for activities under this section and for activities of the Fusion Energy Science Program:

"(1) for fiscal year 2003, $335,000,000;
"(2) for fiscal year 2004, $349,000,000;
"(3) for fiscal year 2005, $362,000,000; and
"(4) for fiscal year 2006, $377,000,000.".

Mr. CRAIG. Mr. President, this amendment authorizes outyear funding levels for the Department of Energy Fusion Energy Sciences Program.

I appreciate Chairman BINGAMAN incorporating provisions of my bill on fusion science research in the Daschle-Bingaman substitute bill. However, the Daschle-Bingaman substitute did not incorporate outyear funding authorizations for the Fusion Energy Sciences Program. This technical amendment authorizes funding for fiscal years 2003 through 2006.

While we grapple with short-term remedies to our energy problems, we need to stay focused on long-term investment in those areas which have the potential to help secure our energy future. I believe fusion energy has the potential.

I appreciate the support of the chairman on this issue. It is our understanding we might be able to voice vote this.

Mr. BINGAMAN. Mr. President, I support the amendment. I think this will improve the bill. I urge all Senators to support this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 2987) was agreed to.

Mr. BINGAMAN. Mr. President, I am informed Senator MCCAIN is ready to offer his amendment.

AMENDMENT NO. 2979

Mr. MCCAIN. Mr. President, I call up amendment No. 2979 which is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona [Mr. MCCAIN], for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHISON, and Mr. WYDEN, proposes an amendment numbered 2979.

Mr. McCAIN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment can be found in the RECORD of Tuesday, March 5, 2002, on page S 1542.)

Mr. McCAIN. Mr. President, I understand the Senator from Alaska has a second-degree amendment to the pending amendment. I know the Senator from Alaska is very busy. I have a statement which is probably about 10 or 15 minutes long, but if the Senator from Alaska wishes to propose his second-degree amendment, I am willing to delay in my statement.

Mr. MURKOWSKI. I can wait.

Mr. McCAIN. Mr. President, over a year ago the Senate passed S. 235, the Pipeline Safety Improvement Act. That bill was approved by a vote of 98–0 on February 8, 2001, and is designed to promote both public and environmental safety by reauthorizing and strengthening our Federal pipeline safety programs which expired in September 2000.

While the Senate has now passed pipeline safety legislation in both the 106th and the 107th Congresses, the other body has yet to take meaningful action to address pipeline safety. Despite efforts to encourage the other body to approve pipeline safety legislation and help prevent not only needless deaths and injuries but also environmental and economic disasters, there has been little movement by the House on this important issue. Therefore, the Senate must take whatever action we can to advance pipeline safety legislation.

Today I offer the Pipeline Safety Improvement Act as an amendment to the pending energy bill. I believe it is appropriate to consider this issue in the context of energy legislation. I believe it is appropriate to consider this issue in the context of the post-September 11 environment. I think it is appropriate to consider this issue in the context that it is an issue which really needs to be addressed.

The Senator from Alaska, it is my understanding, will be proposing an amendment that has to do with the damage to the Alaskan pipeline, which is probably an important amendment.

When one looks at this chart of the natural gas and hazardous liquid pipelines of the United States, the first conclusion one draws is that there is a need for pipeline safety and security. I don't need to draw scenarios as to what could happen in the event of the disruption or destruction of one of these pipelines, many of which carry material which is highly toxic and hazardous. I am pleased to be joined in this bipartisan effort by Senators HOLLINGS, MURRAY, BINGAMAN, BREAUX, SMITH, DOMENICI, HUTCHISON, WYDEN, and TORRICELLI. Our goal is to enact comprehensive legislation for pipeline safety for the public, the environment, and the economy.

The Office of Pipeline Safety, within the Department of Transportation Research and Special Programs Administration, oversees the transportation of about 65 percent of the petroleum and most of the natural gas transported in the United States. The Office of Pipeline Safety regulates the day-to-day safety of 3,000 pipeline operators with more than 1.6 million miles of pipeline. I repeat, 1.6 million miles of pipeline. It also regulates more than 200 hazardous liquid operators with 155,000 miles of pipelines, as depicted on this chart. This chart shows the red lines as the liquid pipelines and the dark-colored lines as natural gas pipelines.

Given the immense array of pipelines that traverse our Nation, reauthorization of our pipeline safety programs is critical to the safety and security of thousands of communities and millions of Americans nationwide. That is why it is appropriate to include pipeline safety provisions as a key component of any comprehensive energy legislation under consideration.

The amendment being offered today is the product of many months of hearings, bipartisan compromise, and cooperation that began during the 106th Congress. During the past 2 years, my colleagues and I have made repeated statements discussing the critical need to enact pipeline safety improvement legislation.

That necessity has been demonstrated by a number of tragic accidents in recent years.

For example, In June 1999, a fatal pipeline accident occurred in Bellingham, WA, when gasoline leaked from an underground pipeline and was subsequently ignited. That accident resulted in the deaths of two boys and a young man, in addition to a number of injuries and severe environmental damage to the area.

Other tragedies have occurred. On August 19, 2000, a natural gas transmission line ruptured in Carlsbad, NM, killing 12 members of two families. On September 7, 2000, a bulldozer in Lubbock, TX, ruptured a propane pipeline, resulting in the death of a police office. In total, 71 fatalities have occurred as a result of pipeline accidents over the past 3 years.

I think that number is worth repeating: 71 fatalities over the last 3 years have occurred. Meanwhile, Congress has not acted to enact legislation which, in the view of many experts, possibly could have prevented these fatalities. That is a pretty onerous burden, it seems to me, that is placed on us as legislators in our failure to act.

I regret to report that just yesterday, there was a pipeline explosion near Jeffersonville, KY. Thankfully, no fatalities have been reported, but I am informed it caused a fire so intense that it was picked up on a Federal Government satellite. Clearly, the amendment we are proposing today is not only timely but urgent.

As I mentioned, the Senate has worked to improve pipeline safety and reduce the risk of future accidents. During the last Congress, with the assistance of a bipartisan group of Senators, including Senators Slade Gorton and PATTY MURRAY, the Senate passed the Pipeline Safety Improvement Act of 2000. Unfortunately, the House failed to approve pipeline safety legislation so we were never able to send a measure to the President.

When the 107th Congress convened, one of the first legislative actions taken by the Senate was to consider and pass S. 235, the pipeline safety Improvement Act of 2001, a measure nearly identical to what we passed in the prior Congress. Early attention by the Senate demonstrated our firm commitment to improving pipeline safety. Once again, my colleagues and I are seeking to advance pipeline safety legislation by offering this amendment.

I would be remiss if I didn't point out that despite the tragic accidents I highlighted earlier, the pipeline industry generally has a good safety record relative to other forms of transportation. According to the Department of Transportation, pipeline related incidents dropped nearly 80 percent between 1973 and 1998, and the loss of product due to accidental ruptures has been cut in half. From 1989 through 1998, pipeline accidents resulted in about 22 fatalities per year—far fewer than the number of fatal accidents experienced among other modes of transportation. But this record should not be used as an excuse for inaction on legislation to strengthen pipeline safety.

The pipeline safety program expired nearly 18 months ago. Congress as a whole must address this critical public and environmental safety issue. We need to reauthorize the pipeline safety programs. We need to provide additional funding for safety enforcement and research and development efforts, as well as provide for increased State oversight authority and facilitate greater public information sharing at the local community level.

Let me describe the major provisions of the amendment which is nearly identical to S. 235:

First, it would require the implementation of pipeline safety recommendations issued in March 2000 by the Department of Transportation Inspector General to RSPA. The Inspector General found several glaring safety gaps at Office of Pipeline Safety and it is incumbent upon us all to do all we can to ensure that the Department affirmatively acts on these critical problems.

The amendment would also require the Secretary of Transportation, the RSPA Administrator, and the Director of the Office of Pipeline Safety to respond to all NTSB pipeline safety recommendations within 90 days of receipt. The Department's responsiveness to the National Transportation Safety Board pipeline safety recommendations has been poor at best. while current law requires the Secretary to respond to the NTSB no later than 90 days after receiving a safety recommendation, there are no similar requirements at RSPA. Therefore, this legislation statutorily require RSPA and Office of Pipeline Safety to respond to each and every pipeline safety recommendation it receives from the NTSB and to provide a detailed report on what action is plans to initiate in response to the recommenation.

The amendment would require pipeline operators to submit to the Secretary of Transportation a plan designed to improve the qualifications for pipeline personnel. At a minimum, the qualification plan would have to demonstrate that pipeline employees have the necessary knowledge to safely and properly perform their assigned duties and would require testing and periodic reexamination of the employees' qualifications.

It would also require the Department of Transportation to issue regulations mandating pipeline operators to periodically determine the adequacy of this pipeline to safely operate and to implement integrity management programs to reduce identified risks. The regulations would require operators to base their integrity management plans on risk assessment to periodically assess the integrity of their pipeline and to take steps to prevent and mitigate unintended releases, such as improving leak detection capabilities or installing restrictive flow devices. The integrity management provisions will not only be critical to advancing pipeline safety, but also to addressing potential security concerns, which is a shared goal among all the sponsors of this amendment.

The amendment also would require pipeline operators to carry out a continuing public education program to advise municipalities, school districts, businesses, and residents about a variety of pipeline safety-related matters, including pipeline locations. It would also direct pipeline operators to initiate and maintain communication with State emergency response commissions and local emergency planning committees and to share with these entities information critical to addressing pipeline safety and mitigating risks.

The amendment further directs the Secretary to develop and implement a comprehensive plan for the collection and use of pipeline-related data in a manner that would enable DOT to conduct incident trend analyses and evaluations of operator performance. Operation would be required to report incident releases greater than 5 gallons, compared to the current reporting requirement of 50 barrels. In addition, the Secretary would be directed to establish a national depository of data to be administered by the Bureau of Transportation Statistics in cooperation with RSPA.

In recognition of the critical importance of technology applications in promoting transportation safety across all modes of transportation, the legislation directs the Secretary to focus on technologies to improve pipeline safety as part of the Department's research and development efforts. Further, the amendment includes provisions advanced by Senator BINGAMAN, myself, and others, to provide for a collaborative R&D effort directed by the Department of Transportation with the assistance of the Department of Energy and the National Academy of Sciences.

The amendment would provide for a 3-year authorization, with increased funding for Federal pipeline safety activities, the State grant program, and research and development efforts.

Additionally, the amendment requires operators, in the event of an accident, to make available to the DOT or NTSB all records and information pertaining to the accident and to assist in the investigation to the extent reasonable. It also includes provisions concerning serious accidents that provide for a review to ensure the operator's employees can safely perform their duties. In addition, pipeline employees would be afforded the same whistle-blower protections as are provided to employees in other modes of transportation. These protections are nearly identical to the protections aviation-related employees were granted in the Wendell H. Ford Aviation and Investment Reform Act for the 21st Century, P.L. 106-181.

I want to point out this amendment includes a few minor modifications to the Senate-passed version of S. 235. It extends the authorization period for an additional fiscal year which is necessary to reflect the fact that a year has passed since we considered S. 235. The amendment would fund pipeline safety programs for fiscal years 2003, 2004, and 2005 at $64 million annually.

The amendment also includes two new provisions intended to address pipeline security concerns heightened in the wake of the September 11 attacks. While the pipeline safety provisions were not originally developed as security legislation, I believe it is our duty to address identified security concerns and will certainly consider any security-related proposals brought to our attention in the future by the administration and other interested parties.

In the meantime, the amendment seeks to strike a balance between public access to pipeline information and the need to restrict security sensitive information. It would tie the new information disclosure requirements of the legislation to the existing Freedom of Information Act standards that restrict the release of certain information based on national security and national defense concerns. Again, it would apply current FOIA exemption standards to the public disclosure provisions to protect information critical to national security and defense. As this and other security-related measures continue through the legislative process, I plan to work with my colleagues to ensure the proper handling of security sensitive data within the Federal Government. Security sensitive information must not be released into the wrong hands. This amendment should afford useful protection in the near term.

Finally, the amendment would authorize the Secretary to provide technical assistance to pipeline operators and state and local officials to ensure that they are adequately prepared to respond to terrorist attacks or threats that could impact pipelines.

We must ensure that the Department has the tools it needs to carry out its critical pipeline safety responsibilities, to advance research and development efforts, and to protect pipeline security sensitive data. I urge my colleagues to join with me in demonstrating their strong support for improving pipeline safety by voting for this amendment. I remain hopeful that the Congress will approve pipeline safety legislation before we receive another call to action by another tragic accident.

We have not reauthorized pipeline safety. It is important that we do so. It has lapsed.

We can see by this chart the miles and miles of pipeline that cross America. Many of them are perfectly safe. There are others that clearly need renewed attention and renewed regulations as embodied in this bill. There are 3,000 gas pipeline operators with more than 1.6 million miles of pipeline and 200 hazardous liquid operators with 155,000 miles of pipeline.

I don't like to refer to nor discuss various scenarios for acts of terror, but I think this chart in itself depicts the urgent need for reauthorization of this legislation. Also, it is of interest and value to put a human face on some of these issues and the importance of them.

As I mentioned in my remarks earlier, there was a tragic accident in Bellingham, WA. Two young boys were killed. I will not describe the circumstances of their deaths. It aroused the entire community.

With the assistance of Senator MURRAY and Senator Gorton, hearings were held in Bellingham on this issue, its cause, and what needed to be done. The people, the families, and the mayor of Bellingham came to Washington, DC, to testify before the Commerce Committee.

Senator MURRAY, other Senators, and I made a commitment to the people of that community who were directly impacted by the tragic deaths of these children and to the people of this Nation that we would do everything we could to enact legislation—to act as is our responsibility—to see that there wouldn't be a recurrence of the tragedy and that no other family in America would undergo the agony and pain of the families of Bellingham, WA.

We passed that bill on February 8, 2001. Yet the other body has not acted. I think that is very unfortunate. That is why I feel compelled to come today with this amendment on the energy bill in hopes that it will now either be part of this bill or the other body will act on this very important legislation which not only has to do with spillage of toxic waste, or hazardous materials, or fires, such as just happened yesterday, but which in some cases tragically endangers the lives of our citizens. I know of no greater responsibility than to try to do everything in our power to prevent a recurrence.

I thank the managers of the bill for their consideration of this legislation. I again applaud Senator MURRAY for her tremendous efforts and dedication on this issue—not only the issue but for her sympathy and the concern she showed to the families and the people in that community who were deeply impacted by the accident.

I hope we can do this to fulfill our responsibilities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I compliment Senator McCAIN and members of the Commerce Committee for bringing this matter up.

I would like to be added as a cosponsor to the amendment.

As all are aware, Senator McCAIN's amendment is similar to the one submitted last February. It passed this body by a vote of 98 to 0. I feel quite confident that we can dispose of it favorably. Certainly, Senator McCAIN and others have been diligent in making sure Congress addresses the issue. Safety is an extremely important component of energy policy.

Senator McCAIN has indicated the highlights of the legislation. I will not be repetitive.

The pipeline, as we know, provides this country with supplies of oil and natural gas in a very efficient manner. I believe we will hear from the Senator from Washington relative to the tragedy that occurred in Bellingham and New Mexico as well.

But clearly these incidents highlight that some pipelines are aging, and the increased demand for energy is putting more and more pressure on these pipelines. It is appropriate that there be oversight adequate to ensure that wear and tear does not result in tragedies such as we have already seen. The public must have confidence in safety. This legislation will facilitate that.

We are fortunate in this country to have a network of pipelines, as the Senator from Arizona has shown on the map, because it is much more efficient than moving by rail or by truck. I think it enables us to have relatively abundant and inexpensive energy in the manner in which we move it. No other country has a network as efficient as the United States as far as pipeline transfer of energy is concerned. But we cannot become complacent. We must improve the safety of these pipelines.

I certainly welcome the changes to existing law made by the legislation that will improve the overall safety of the pipelines. When this legislation is enacted, it will be the strongest and most comprehensive safety measure ever approved by Congress. At the same time, it will avoid responses that would lead to a lack of investment in pipelines without any measure to improve safety.

I think we can all agree, given our a reliance on energy in our everyday lives, that we recognize the significance of this legislation and the contribution it is going to make of ensuring the confidence of the American people that indeed the pipeline network is safe. Accordingly, I urge the Senate to agree to this amendment.

Mr. President, I am going to offer a second degree amendment, which I understand has been circulated.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 2988 TO AMENDMENT NO. 2979

Mr. MURKOWSKI. Let me outline the necessity of the second-degree amendment.

We have a unique situation in Alaska with the 800-mile Trans-Alaska Pipeline which moves about 20 percent of the total crude oil produced in this country but is not protected in the sense of the pipeline safety act because our pipeline is completely within the State's borders. I am not going to argue with those who have analyzed this. But clearly our rivers are in interstate commerce. The fish in the rivers are in interstate commerce. But even though our pipeline goes basically from the Arctic Ocean to the Pacific Ocean it apparently may not be protected under the criminal penalties of the pipeline safety act.

As a consequence, the amendment I am about to offer includes intrastate pipelines that transport gas in interstate commerce within the criminal penalty section of the pipeline safety act that currently only protects interstate pipelines.

An incident occurred in my State of Alaska last fall where an individual fired a weapon and hit the 800-mile Trans-Alaska Pipeline.

The evidence indicates that perhaps the individual fired approximately 5 or 6 shots. Ordinarily, we are told, the steel in a pipeline is such that it is very unlikely there could be a penetration by a bullet more than the circumference of the bullet, and very doubtful if that.

It is interesting to note the history of that pipeline. It has been bombed. It has had dynamite wrapped around it. And it has been shot at, and finally an individual did penetrate the surface of the pipeline with a bullet.

Now, the defendant was allegedly intoxicated at the time, so we really do not know how many times he shot at it or whether he kept moving up closer until he hit it. But despite the importance of the contribution of the pipeline to the Nation's flow of oil—as I have indicated, once contributing 25 percent, and now it is at about 20 percent; it has a capacity unused of a million barrels a day—we were unable to prosecute due to the loopholes in Federal law. Instead, the State prosecuted the individual for the wrongdoing.

We believe there is no reason the Federal Government should not have been able to prosecute this crime since it involved infrastructure that is so important to our Nation's energy. This amendment closes that loophole in the Pipeline Safety Act and ensures that the Federal Government will be able to prosecute such cases in the future. It assures that both natural gas pipeline facilities and hazardous liquid pipeline facilities that are intrastate are protected as well.

It will protect those facilities even if the facility is within the confines of one individual State's borders, as long as the pipeline is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce. I think this is important because even though some pipelines may be confined to one State, such as ours, the Trans-Alaska Pipeline, they certainly affect interstate commerce.

The amendment will enable the Federal Government to prosecute individuals who threaten infrastructure which is integral to the transportation of important energy resources throughout our country. And I think from the standpoint of our State of Alaska, it relieves some of the responsibility on our State troopers in recognizing, indeed, this would be considered a Federal responsibility as well.

So, Mr. President, I send to the desk a second-degree amendment to the McCain amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 2988 to amendment No. 2979.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . CRIMINAL PENALTIES FOR DAMAGING OR DESTROYING A FACILITY.

Section 60123(b) of title 49, United States code, is amended—

(1) by striking "or" after "gas pipeline facility" and inserting a comma; and

(2) by inserting after "liquid pipeline facility" the following: ", or either an intrastate gas pipeline facility or an intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce".

Mr. MURKOWSKI. Mr. President, my understanding is that the floor manager has indicated we would have a vote on this at some point. I do not need a rollcall vote on my second-degree. I would leave it up to the Senator from Arizona to determine his intent for a vote on his underlying amendment.

Mr. McCAIN. If the Senator will yield, I am told it is the preference of the majority leader that a vote would be set for sometime tomorrow morning.

Mr. REID. Mr. President, if my friend will yield, I have spoken to the Senator from Arizona. He has agreed to accept a vote on this in the morning. We believe that even though this vote will, I think, be overwhelmingly in support for the McCain amendment, we need to send a strong message to the House, so we want a rollcall vote on this. So the plan is to work on this as long as anyone else wants to speak on it.

It is my understanding the Senator from New Mexico will accept the second-degree amendment of the Senator from Alaska and that we will then have other people speak on the McCain amendment. When that is completed, the Senator from California will offer an amendment. We will not complete the amendment of the Senator from California because the Senator from Texas and others wish to speak on that. However, there is another amendment that the Senator from New Mexico is going to offer later today.

We would vote first on the McCain amendment in the morning, probably at about a quarter to 10, and then we would vote, subsequent to that, on the amendment of the Senator from New Mexico. But we have to work this out. The majority leader knows about this, but not the details. We will confirm that with him and the minority leader at a subsequent time.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I think this is a good second-degree amendment. I suggest we go ahead and adopt it at this point, and then, as the Senator from Nevada indicated, have the scheduled vote on the McCain amendment tomorrow.

I know Senator MURRAY from Washington is waiting to speak on the McCain amendment, as is Senator BREAUX from Louisiana.

Mr. MURKOWSKI. Mr. President, I would like to discuss with my colleagues an issue that relates to pipeline safety. I am concerned about an incident that occurred in Alaska last fall. The Senator may recall hearing in the news about an individual who fired a weapon and hit the Trans-Alaska Pipeline.

Mr. McCAINE. I do recall hearing about that incident.

Mr. HOLLINGS. I remember reading about the incident as well.

Mr. MURKOWSKI. Well, the individual was allegedly intoxicated when the Trans-Alaska Pipeline was damaged. Unfortunately, the U.S. Attorney's Office was unable to prosecute the individual for damaging the line due to some loopholes in the Federal law. One of those loopholes will be closed by my amendment to pipeline safety that includes intrastate pipelines that transport gas in interstate commerce within the criminal laws that currently only protect interstate pipelines. However, there was another problem with the case. The defendant was allegedly intoxicated at the time, and the statute requires proof that he "knowingly and willfully" damaged the pipeline pursuant to Section 60123(b) of title 49, United States Code. Therefore, due to this higher standard of intent, known as specific intent, it appears that he had a diminished capacity defense. It does not seem that this type of vandalism crime should be held to such a standard.

Mr. McCAIN. I understand the Senator's concern but also know that if we lower the intent standard in Section 60123(b) of title 49, we want to ensure that a person cannot be held criminally liable for negligence.

Mr. MURKOWSKI. I understand that concern as well and certainly do not want someone criminally prosecuted unless there was intent. I was wondering if the Senator would agree to work with me to see if we can find a compromise that would address the intent issue.

Mr. McCAIN. I would be happy to work with the Senator on the issue.

Mr. HOLLINGS. I would be interested in working on it as well.

Mr. BINGAMAN. I understand the concerns of the issue also and would agree to work with all Senators to see if we can address this intent issue prior to the end of consideration of energy legislation.

Mr. DOMENICI. Mr. President, I am pleased to co-sponsor an amendment to modernize our nation's pipeline safety programs. As you know, the Senate passed this legislation on February 8th of last year, by a vote of 98–0. Because it has not yet been acted on in the House, I am pleased to see that we are working to get this important legislation enacted in another way.

As we all remember, the issue of our country's pipeline safety came to the forefront after tragic explosions in Bellingham, Washington, and later, in my own state of New Mexico.

On August 19, 2000, twelve members of an extended family were on a camping and fishing trip along the Pecos River near Carlsbad, New Mexico. Just after midnight, a natural gas pipeline exploded, sending a 350 foot high ball of flame into the air. Six of the campers died instantly. The six remaining family members later died from their horrific injuries.

We have to make sure that tragedies like this do not occur again. What I am here to do today, is to work so that we don't have to think twice before camping with our families and friends.

Pipelines carry almost all of the natural gas and 65 percent of the crude oil and refined oil products. Three primary types of pipelines form a network of nearly 2.2 million miles, 7,000 of which lie in my own state of New Mexico.

Pipelines stretch across our country. They allow us to obtain energy resources quickly and economically.

In light of the energy crisis in California, and in the west in general, the value of our nation's pipeline system is obvious. We must have access to energy.

Therefore, pipelines and the potential hazards they pose affect us all. It is time that we do something to ensure our safety while protecting our access to energy.

This amendment:

Significantly increases States' role in oversight, inspection, and investigation of pipelines.

Improves and expands the public's right to know about pipeline hazards.

Dramatically increases civil penalties for safety and reporting violations.

Increases reporting requirements of releases of hazardous liquids from 50 barrels to five gallons.

Provides important whistle blower protections prohibiting discrimination by pipeline operators, contractors or subcontractors.

Furthermore, the legislation would provide much needed funding for research and development in pipeline safety technologies.

In fact, technology currently exists that might have detected weaknesses in pipelines around Carlsbad. Unfortunately, due to insufficient funding those products have yet to reach the market.

La Sen Corporation in my own state of New Mexico has developed technology that can detect faulty pipelines where current pipeline inspection technology is not usable. La Sen's Electronic Mapping System can be very effective even in pipelines where conventional pig devices cannot be used.

Pipeline inspection is costly and slow. Innovative new technologies could allow us to inspect all 2.2 million miles of pipeline each year in a cost effective manner. Today, pipeline inspection technology only covers 5–10 miles per day at a cost of $50 per mile. Again, La Sen's technology can survey 500 miles per day at a cost of $32 per mile.

The bottom line is that today, we can take action that will hopefully make pipelines safer.

I encourage my colleagues to recognize the potential dangers that pipelines pose and to minimize those dangers by agreeing to this amendment.

The PRESIDING OFFICER. Is there further debate on the second-degree amendment No. 2988?

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If not, the question is one agreeing to the amendment.

The amendment (No. 2988) was agreed to.

Mr. MURKOWSKI. I thank the chairman and the Presiding Officer.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 2979

Mrs. MURRAY. Mr. President, I rise today in strong support of this amendment. I take this opportunity to thank the Senator from Arizona, Mr. McCAIN, for his leadership, his perseverance, and his tremendous work on the issue of pipeline safety.

As he said, many of us became aware of this issue on June 10, 1999, when a gasoline pipeline ruptured in my home State of Washington, killing three young people and really shattering our sense of security.

The Senator from Arizona was tremendous in his work with us as we brought that family here to Washington, DC. As he stated, the community, the mayor, so many people came here. His commitment to follow through with hearings and legislation, and to pass it out of the Senate, has just been really noted and respected in the State of Washington. And like he, I have difficulty standing here and speaking to those families today and telling them the House has still not acted, which is why we are on the floor of the Senate during the energy debate, once again, passing this legislation.

As I said, when that tragedy happened, I discovered that there were inadequate laws, insufficient oversight and inspection, and a real lack of public awareness about the dangers of these pipelines. So I began to work on a national effort to raise pipeline safety standards. I testified before Congress, and I introduced the first pipeline safety bill in the 106th Congress.

As the Senator from Arizona said, we passed legislation in the Senate in September of 2000, and again in February of 2001; and those bills passed without dissent, on a bipartisan basis, with leadership from both sides.

I am proud to have worked with several Senators, including Senators HOLLINGS, INOUYE, BREAUX, WYDEN, BROWNBACK, BINGAMAN, DOMENICI, CORZINE, TORRICELLI, and my colleague, Senator CANTWELL, in this Congress, and my colleague in the previous Congress, Senator Gorton.

But, again, I especially thank Senator McCAIN for his work on pipeline safety. I have to say that without his attention to this issue over the last several years, I really doubt we would have accomplished what we have so far. I know that all of the advocates and I appreciate Senator McCAIN's leadership on this issue, and I am looking forward to continuing to work with him on this and many other critical safety issues before us.

The bill that the Senate passed was the strongest pipeline safety bill ever passed by either body of Congress. It improves the qualification and training of pipeline personnel. It improves pipeline inspections and prevention practices. It expands the public's right to know. It raises the penalties for safety violators. It increases the States' ability to expand their safety activities. It invests in new technology to improve pipeline safety. It provides whistleblower protection. It increases funding to improve pipeline safety. And it recognizes State citizen advisory committees.

Despite the Senate's quick, measured, and deliberate work on this issue, as I stated, and as the Senator from Arizona said, the House of Representatives has blocked progress on this initiative. A couple of weeks ago, the House finally held a hearing on pipeline safety; and that was the first one that was held in 2 years on this issue. I understand they intend to move to a markup very soon, and that is encouraging. I am also encouraged that House Members from the Washington delegation, especially Representative RICK LARSEN, are working really hard to make progress on this issue.

I have to say, unfortunately, that the bill they intend to mark up excludes many of the important safety measures we put into the Senate bill, including strong inspection and testing requirements and adequate operator qualification standards. So overall I remain skeptical that the House will eventually pass a comprehensive bill, and that is why I am especially pleased that Senator McCAIN has introduced this amendment. I am here to support that effort.

The amendment before us is nearly identical to the bill that has passed the Senate unanimously 2 years in a row. We did, however, make a needed change for national security purposes. September 11 has shown us that our transportation infrastructure is vulnerable to attack by terrorists, so we included a provision that would give the Secretary of Transportation the discretion to withhold public information about pipelines if the Secretary believed it would compromise national security. The standard would be the same as the current one used under the Freedom of Information Act.

I am very proud to cosponsor this amendment. We all know if we want meaningful legislation to move on to the President, it will have to be attached to a piece of legislation such as the energy bill. The history of this legislation in the House requires that we proceed in this manner.

In addition to working on this bill, I am also using my position as chair of the Senate Transportation Appropriations Subcommittee to keep the pressure up and to secure the funding we need to hire inspectors, to enforce safety regulations, and to support the States with their efforts. I have held several hearings in Washington, DC, and I have questioned the Transportation Secretary and others about our progress on pipeline safety. I have met with the new head of the office that oversees pipeline safety at the Department of Transportation, and I told her exactly what I expect the department to do to improve pipeline safety. I have not hesitated to push the department to issue new pipeline safety rules and regulations.

In my position as chair of the Senate Transportation Appropriations Subcommittee, I worked to pass a bill that provides record funding for the Office of Pipeline Safety. Overall it provides more than $58 million for that office. That is $11 million more than the fiscal year 2001 funding level. That budget included funding for 26 new staff positions, from safety inspectors to researchers. OPS requested those positions, and my bill fully funds those new hires.

Finally, it provides needed resources within OPS for critical testing, safety programs, and R&D. I plan to continue to work in the Appropriations Committee to make sure the funding is there to do the adequate testing and oversight of our pipeline infrastructure.

When it comes to pipeline safety, we have taken a major step forward, especially in funding, but we still have to raise the standards nationally with legislation.

I urge my colleagues to support our efforts to move this critical legislation forward to the President for his signature. From Carlsbad, NM, to Bellingham, WA, communities across this country are counting on us to protect them.

I yield the floor.

Ms. CANTWELL. Mr. President, I rise in support of the amendment and would like to take a few minutes to describe why this is so important.

I have stood on this floor before and described an incident that occurred in my State just 3 years ago. In a park near Bellingham, WA, an aging pipeline burst, sending a blast of flames that engulfed two 10-year-old boys. Both of those boys died in that blast and one young man drowned after being overcome by fumes. But that incident wasn't the first, nor the last. This was only one of numerous pipeline accidents in the State of Washington, which has suffered 47 reported incidents and more than $10 million in property damage in just the 15 years from 1984 to 1999.

I would like to think that many of those accidents could have been prevented if the agency responsible for regulating that industry had been more diligent. This week we begin a substantial debate about increasing the domestic supply of affordable energy, but a significant part of that debate hinges on the integrity and reliability of our Nation's energy infrastructure. And that debate must not overlook the critical importance of our citizens' safety as we work to secure and transport increasingly larger amounts of these resources. For many of us in this body, the issue of safety has hit close to home. We have seen the loss of human life; the devastation to families and communities; and the significant property damage associated with mismanagement of our pipeline infrastructure. But this is not simply about the personal tragedies in our states.

The tremendous efforts to finally pass this legislation—by the sponsor of the pipeline safety bill, Senator MCCAIN, Senator HOLLINGS, my colleague Senator MURRAY, and so many others—are based on a continuing pattern of oversight failures by the Office of Pipeline Safety. Many of my colleagues have already referenced the June 2000 report by the GAO, which found persistent failures by OPS to implement congressional mandates. That report indicated that in 22 of 49 cases, OPS ignored congressional direction and failed to follow statutory requirements. And since 1990, our Nation has suffered literally hundreds of pipeline-related deaths. Now, we have more than 2.2 million miles of pipelines traversing this nation, carrying almost all of the natural gas and 65 percent of the crude oil and refined oil products. Obviously, we don't want to hinder the effective transportation of these products that are so critical to our national economy. But we can and must do a better job of ensuring the public safety.

My colleague Senator MURRAY has been instrumental in the ongoing efforts to improve the public disclosure of pipeline information. Obviously we need to employ common sense in restricting access to information that poses a real national security threat to our communities and our nation—but I believe that we must apply the highest standards in assessing those security risks and providing the most complete information possible to our public safety officials and to the public at large, so that they can take steps to protect their own communities from potential disasters.

This amendment seeks to balance these equally important objectives—security and public disclosure—that are both intended to enhance the public safety. I am also pleased that this amendment maintains a critical provision that I had worked to pass along with my colleagues, Senator CORZINE, Senator TORRICELLI, and Senator MURRAY, which would ensure the assessments of nearly all pipeline systems at least once every 5 years. This is an issue of tremendous importance if we are going to make real strides in prevention of accidents. If we do not know the fundamental state of integrity of these systems and facilities, we cannot identify real threats to our communities. We passed this legislation by a wide margin last year and the other body has failed to finish the job. I urge my colleagues to join me in supporting this amendment and finally getting the job done to better protect our constituents, and better protect our fuel supply.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I join my colleagues in supporting the legislation and amendment pending before the Senate. This will be the third time the Senate has passed this legislation. You would think that eventually it is going to get done. It has failed to pass the House, although the House at one point had an identical provision and it passed. It passed with a majority, but they took it up under suspension of the rules, and they needed two-thirds majority, so it did not pass.

This legislation will now pass the Senate for a third time and is still waiting on the House to take action on it, which will send it ultimately to the President for his signature.

There are literally millions and millions of gas and hazardous liquid pipelines that cover the United States. Every State has natural gas pipelines and oil pipelines that traverse through various parts of individual States and carry literally billions and billions of cubic feet of natural gas every day, 24 hours a day, 7 days a week, 365 days out of the year.

Gas comes from my State of Louisiana, from the Gulf of Mexico. It goes to California. It goes to Florida, to Maine, to New Jersey. It goes all the way up to the Midwest and throughout the United States. We have gas coming from the north that serves markets in the southern lower 48. This is an intricate pattern, a complicated transportation system that is absolutely needed and necessary. Without the extent of the natural gas pipeline system, this country would simply not be able to operate.

It provides energy for plants. It provides energy for factories. It provides heat and also cooling elements to family homes, to businesses, to offices throughout the United States. This, indeed, is one of the most sophisticated, complicated systems that man has ever devised in order to transport energy.

Is there potential and likely sometimes accidents that happen? The answer is yes. There were two tragic accidents—one in the State of Senator MURRAY, Washington, one in the State of Senator BINGAMAN, New Mexico—that were tragic and unfortunate. They should never have happened. But if you look at it from the perspective of the millions and millions of miles of the transportation system, with the good that it provides, it is absolutely clear that these systems must be protected.

We need to do a better job of ensuring their safety and security, their protection from normal accidents, as well as insulate them to the maximum extent possible from terrorist activities and even from deranged activities such as of the drunk shooting out the Alaskan pipeline in the State of Senators STEVENS and MURKOWSKI. We can do that.

There is not a form of transportation in this country that does not have accidents that happen: Airplanes crash; trains run off tracks; trucks run off highways; accidents happen; people are injured; people are killed.

The answer is not to eliminate the system but to better ensure the security of the systems, to build better trucks, to better investigate the drivers, to better inspect their licenses, to build better airplanes, to correct deficiencies in airplanes, to require better training for pilots.

As we do those things for those other means of transportation, it is also incumbent that we provide better and adequate inspections and guarantee that pipelines are built to the highest standards possible from an engineering and technical capability, and also that people are involved in the decisions as to where pipelines are actually built and where they are laid in order to let the public know what is near them in order for them to be aware.

It is interesting to note that pipelines are things you never see. Every day, every hour, every minute they are providing efficiency in terms of transportation of energy. Pipelines are buried under the sea, under the ground. People don't see them. They don't know they are there. But they are there to do a very effective job to provide for the security of this country.

This legislation will also provide for better security and better safety for the general public to make sure that while we are transporting billions and billions of cubic feet of natural gas, we are also doing it as safely as we possibly can.

Previous speakers have talked about the structure of the legislation. I support it. It is good legislation. It has brought both the pipeline companies, as well as citizens, to the same table to negotiate with government officials to get a system in place that we can be proud of and will assure the system continues to work as it has in the past with the maximum degree of safety that is humanly possible. This legislation goes a long way toward doing that.

This is the third time the Senate will pass this legislation. We urge our colleagues in the other body to do it just once.

I rise in support of amendment No. 2979 to S. 517, the Pipeline Safety Improvement Act of 2002, which will enhance the safety of our interstate pipeline systems. As you may recall, the Senate passed this legislation last February as one of the first orders of business of the 107th Congress. This bill is the product of over 3 years of work and recent compromise and I urge my colleagues to join me in support.

The aim of the bill is to ensure the safety and security of natural gas and hazardous liquid pipelines. I appreciate the considerable number of hours that went into creating this bill by all of the parties. I also am satisfied by the spirit of compromise that infused the parties' diligent efforts. As a result of their cooperative work we have a bill that reaffirms our efforts to oversee the safety of gas and hazardous liquid pipelines effectively without interfering with the pipeline operators and owners ability to provide service to our nation and without compromising national security.

Last Congress, the Senate passed an almost identical version of this bill by unanimous consent. Unfortunately, in my opinion, the bill was not passed by the House of Representatives under the expedited procedures of suspension of the rules, because it did not pass with a two-thirds majority, although a majority supported the measure, 232–158.

Last February, the Senate again approved this bipartisan legislation, yet we are still awaiting action by the House on this measure. Today, we are offering this legislation as an amendment to S. 517 in an effort to focus attention on this important safety matter and work toward reconciling our legislation with the House of Representatives. I hope that we can continue to work with all of the interested parties as the legislation moves though the legislative process.

Over the past few years, we have experienced two major pipeline accidents, one in Bellingham, WA, and the other near Carlsbad, NM. While these tragic accidents happened, we need to take all necessary steps to ensure that other accidents are not waiting to happen. I think that this legislation will increase the tools available to OPS to ensure that our pipeline system is as safe as possible. I would ask that OPS use the tools that we provide to ensure the appropriate level of oversight of pipeline safety practices.

While there were many who worked with Senators McCAIN and HOLLINGS on the Commerce Committee to ensure passage of pipeline safety legislation, I would like to recognize, in particular, the efforts of Senators MURRAY and BINGAMAN. Senator MURRAY doggedly pursued changes to increase the level of safety and public participation in pipeline safety, and she worked closely with other Commerce Committee members to ensure a reasonable and fair compromise. Senator BINGAMAN was instrumental in helping bolster the bill's provisions on research and development, in fact, he authored provisions to focus our research on progressive areas that will help us develop better systems of early detection, and to ensure that we can avoid accidents such as those that occurred in Bellingham, WA, and near Carlsbad, NM.

A floor amendment which was accepted during consideration of S. 235 last February mandates a 5-year integrity inspection period for pipelines. Since passage of the S. 235 last February, I understand that studies, conducted by Batelle and Energy and Environmental Analysis, Inc., indicate that a 5-year period for integrity inspections will cause significant impacts on natural gas consumers as a result of pipeline capacity reductions resulting from such a short inspection period. I want to bring these studies to the attention of my colleagues as we prepare to move this important piece of pipeline safety legislation to conference.

Lastly, I would like to address one change to the legislation since Senate passage last year. Since September 11, we have all recognized that the way the Government has done business may change due to security concerns. In the past, we have made efforts to expand the amounts of information made available to the public, including encouraging electronic access to more data and information on pipelines. Today, we must balance the concerns of national security with the needs of law-abiding citizens who live and work alongside pipelines. We have included language which, in my opinion, fairly addresses the concerns of the public in obtaining pipeline safety information and enables the Government to safeguard information which could be used to do harm or for terrorist activities.

This bill is good legislation. It will require greater safety and oversight of our Nation's pipeline system. The bill also allows for a greater degree of public participation in the process of pipeline safety, without jeopardizing national security, updates the penalties that would be levied for misconduct and provides whistle blower protection for employees who reveal misconduct. The bill also provides for Federal investment in research which will help us be more efficient and effective in providing a safer and more secure system. I urge my colleagues to support this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I know the Senator from California is here to offer her amendment. Before we set this amendment aside, let me speak briefly about it.

It is very important that we pass the McCain amendment once again to make the point to the House of Representatives that this is a priority for our Nation and this is vitally needed legislation.

In my State, we lost 12 people as a result of a tragic breach or break in a high-pressure gas pipeline south of Carlsbad, NM. I visited the site. I saw the tremendous damage that was done when that pipeline broke without any warning and essentially killed a great many people who were there camping beside the Pecos River. This is a tragedy that should have been enough to galvanize action in Washington. When you add it to the other tragedy, which has been talked about here several times, in Washington State, it is clear to me this is legislation that should be passed quickly and moved to the President for signature.

I very much hope, when we vote tomorrow on the McCain amendment, there will be a resounding vote, as there has been in the past, and that we will finally get the House of Representatives to give attention to this issue and to pass it quickly.

As I understand it, at this point it is the desire of the Senator from California to offer an amendment. I ask unanimous consent that the pending amendment be set aside so that she may offer her amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2989 TO AMENDMENT NO. 2917

Mrs. FEINSTEIN. Mr. President, I rise to introduce an amendment on behalf of Senators CANTWELL, WYDEN, BOXER, LEAHY, and DURBIN to provide price transparency when energy derivatives are traded and to give the Commodity Futures Trading Commission oversight authority for such transactions. Let me set the framework for this amendment.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, and Mr. DURBIN, proposes an amendment numbered 2989 to amendment No. 2917.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendment, Submitted.")

Mrs. FEINSTEIN. Mr. President, I will quote from a March 5 letter of the American Public Gas Association by its president, out of Fairfax, VA:

> As you know, Enron operated in what was essentially an unregulated environment. While there will be much more to come in the wake of Enron, one thing is perfectly clear today—our Federal Government has an obligation to make sure that no important trading activities fall between the cracks, leaving some energy markets without a Federal agency with oversight authority. Your amendment remedies this glaring deficiency.
>
> The American Public Gas Association is fully committed to support our effort to reverse the action Congress took just 15 months ago in the Commodities Futures Modernization Act. The Commodities Futures Modernization Act amended the Commodity Exchange Act by allowing some energy contracts to be traded with no Government oversight. We firmly believe that the CFTC must have at its disposal the necessary jurisdiction and authority to protect the operational integrity of energy markets so that (1) transactions are executed fairly, (2) proper disclosures are made to customers, and (3) fraudulent and manipulative practices are not tolerated.

I ask unanimous consent that the full letter be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mrs. FEINSTEIN. Let me also quote from the Texas Independent Producers and Royalty Owners Association:

> [This association] believes that this measure will tend to improve price transparency in natural gas markets, leading to a more efficient and stable marketplace. The relatively modest requirements outlined above should not unduly reduce liquidity for gas traders. Accordingly, TIPRO endorses your amendment.

I ask unanimous consent that that be printed in the RECORD following my statement.

The PRESIDING OFFICER: Without objection, it is so ordered.

(See Exhibit 2.)

Mrs. FEINSTEIN. This letter is from the MidAmerican Energy Holdings Company out of Omaha, NE:

> I am writing in support of your effort to ensure that there is transparency and appropriate Federal oversight of energies futures trading markets.
>
> As I testified before the Senate Energy and Natural Resources Committee last month—

This is the chairman and CEO—

> I have long been concerned that the type of exchange run by Enron before its collapse offered opportunities for manipulation. Enron was the largest buyer, the largest seller and operator of an unregulated exchange. In view of the revelations of the last several months regarding Enron, the unregulated nature of these markets has raised serious concerns regarding the ability of the Federal Government to ensure that energy trading and futures markets are operating in the interest of the public and market participants.

I ask unanimous consent that this letter, and also a similar letter from PG&E, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3.)

Mrs. FEINSTEIN. Mr. President, this amendment would provide the same transparency and oversight that is provided for every other traded tangible commodity. All this amendment says is that electronic exchanges which change energy derivatives are subject to the same requirements as other exchanges, such as the Chicago Mercantile Exchange and the New York Mercantile Exchange. Incidentally, these two organizations support this legislation.

Additionally, it says that if you are trading energy derivatives off an exchange, you simply need to keep a record of that transaction; and if it turns out that there is a complaint, the CFTC will have a record to review.

The problem, and why we need the legislation: Presently, energy transactions are regulated by the FERC, Federal Energy Regulatory Commission, when there is an actual delivery of an energy commodity. Let me give you an example. If I buy gas from you and you deliver that natural gas to me, FERC has the authority to ensure that this transaction is both transparent and reasonably priced. That is a direct delivery. However, energy transactions have gotten so complex over just the past decade, most energy transactions no longer result in delivery; thus, with these nondelivery trades and transactions, a giant loophole has opened, where there is no oversight and no transparency.

Let me explain. Mr. President, I can purchase from you a promise that you will deliver natural gas to me at some point in the future. This is referred to as a derivatives contract. I may never really need to physically own that gas, so I can sell that gas to someone at a small profit, who can then turn around and sell it to yet someone else, and so on and so forth. This promise of a gas delivery can literally change hands dozens of times before the commodity is ever delivered. Even then, it may never get delivered if the spot market price is lower than the future price that comes due on that day.

In fact, 90 percent of energy trades represent purely financial transactions, not regulated either by FERC or the Commodity Futures Trading Commission. As long as there is no delivery, there is no price transparency. So we don't know the price or the terms for 90 percent of the energy transactions taking place.

Again, this lack of transparency and oversight only applies to energy. It does not apply if you are selling wheat, or pork bellies, or any other tangible commodity. So, as I said, there is a very big loophole here.

Why is this type of trading so important? Many of these transactions provide needed insurance so a company can lock in set prices in the future without necessarily ever having to receive delivery. For example, knowing the price of natural gas in the future allows an energy company to, in turn, contract out its electricity, since it will know the price of natural gas, the main cost of production.

These transactions are here to stay. What this amendment simply does is shed light on them. Futures transactions do affect market prices for consumers, and that is why we need this transparency. That is precisely why other commodities, except for excluded financial commodities, are already regulated by the CFTC.

One simple example of how energy derivatives can affect delivered energy prices is the long-term energy electricity contracts that California and other Western States entered into last year, which were priced according to the long-term future costs for natural gas. As soon as the future price of natural gas plummeted after the contracts had been signed, electricity prices fell substantially. All of a sudden, these States looked foolish for signing these contracts.

How did this happen? How did it come up all of a sudden? The simple answer is that the Commodity Futures Modernization Act, signed into law in 2000, exempted energy and minerals trading from regulatory oversight and also exempted electronic trading platforms from oversight.

In a sense, what that legislation did was set up two different systems treating electronic trading platforms differently from all other platforms and treating energy commodities differently from other commodities.

Up until 2000, energy derivative transactions were regulated just like other transactions, and electronic trading platforms were treated like other platforms. I repeat, these were the standards that were in place all the way up to 2000.

Up until that time, if a gas or electricity commodity was delivered, FERC had oversight. If there was not delivery, the CFTC had the authority. So the loophole arose just 2 years ago.

At the time of the 2000 legislation, nobody knew how the exemptions would affect the energy market. We have a much better idea today because of what we have learned since then.

It did not take long for Enron Online and others in the energy sector to take advantage of this new freedom by trading energy derivatives absent any regulatory oversight or transparency. Thus, after the 2000 legislation was enacted, Enron Online began to trade energy derivatives—not deliveries, but derivatives—bilaterally over the counter in a one-to-one transaction without being subject to any regulatory oversight whatsoever. If the trade has delivery, again, it is regulated by FERC. If it does not, it falls into the abyss. Enron Online was able to trade back and forth without records and in secret. The result, of course, was higher prices.

Let me give an example of how that secret trading has affected California and the western energy markets.

On December 12, 2000, the price of natural gas in southern California on the spot market was $50 a decatherm, while it was $10 a decatherm close by in San Juan, NM. A decatherm is 1,000 cubic feet or enough gas to power about 100 kilowatt hours of electricity for a typical powerplant. It is enough gas to provide electricity for about 900 homes for 1 hour.

This problem lasted from November of 2000 to the end of April 2001—a full 6 months—while energy price spikes affected the entire western energy market. And all this time, hardly anyone understood what was happening in nondelivered energy transactions.

In 1999, California's total electricity price for the entire State was $7 billion. In 2000, it was $27 billion, and in 2001, it was $26.7 billion. You can see there are serious ramifications when markets are secret without any Federal oversight or investigation of dramatic price spikes. You cannot investigate it because there is no evidence because all this trading was done in secret with no records.

The Senate Energy Committee, of which I am a member, examined this issue last year, but we were not able to piece together the pieces at that time. In the wake of Enron's bankruptcy, we are beginning to learn a lot more. By controlling a significant number of energy transactions affecting California, and by trading in secret, Enron had the unique opportunity to drive up prices. Only time will tell whether that can be proved because of the absence of records and transparency.

Let me explain how this amendment works. First, the bill repeals the provisions of the 2000 Commodity Futures Modernization Act which exempted energy derivatives from regulatory oversight. As I said before, these transactions were regulated by the CFTC until 2000, so this is not an entirely new authority for the CFTC.

As a result of this provision, all electronic trading exchanges will once again be subjected to the same oversight as other exchanges when it comes to energy transactions.

Companies trading energy commodities off the exchange will simply have to keep a record of that transaction, just as they do for other traded commodities. That is certainly not too much to ask.

The amendment also requires FERC and the CFTC to work together to ensure that energy trading markets are, one, transparent, not in secret; two, regulated, which they should be; and three, working.

This will close the regulatory loopholes that allowed entities, such as Enron Online, to operate unregulated trading markets in secret.

I have received a letter from Pat Wood, the Chairman of FERC. Chairman Wood writes that neither FERC nor CFTC has adequate authority to determine price transparency and ensure that the energy market is functioning as it should. He supports this amendment. FERC Commissioners Brownell and Massey do as well.

This amendment does one more important thing. It ensures that entities running online trading forums must maintain sufficient capital to carry out their operations and maintain open books and records for investigation and enforcement purposes.

This last point is very important. Enron saw its future as a "virtual" company. As such, it sold off many of its physical assets over the past few years. So when investors and customers lost confidence and stopped trading out of fear that bankruptcy was in the offing, they learned that Enron had no collateral to back up these trades, and this was a major factor in Enron's final spiral into bankruptcy.

Who is supporting this bill? The New York Mercantile Exchange, the Chicago Mercantile Exchange, Cambridge Energy Research Associates who asked for just this, the American Public Gas Association, the American Public Power Association, Pacific Gas & Electric, Calpine, Mid-America Energy Holding Company, Texas Independent Producers and Royalty Association, the Consumers Union, and the Consumer Federation of America, all because they believe the time has come to see there are no trading markets in secret that do not keep records, and to shine the light of day on these trades.

Now, who is opposed to the amendment? Some energy companies oppose this bill. One lesson some of these companies seem to have learned from the recent energy crisis was they make more money when they can operate without any transparency, in secret, without any reporting requirements or oversight of any kind, and that cannot continue to exist.

I am very much encouraged that not all energy companies want to operate this way. As I mentioned, PG&E, Calpine, Apache, Mid-America Energy, and others support this bill, and many other energy companies are sitting on the sidelines waiting to see what may happen.

There are still some who fail to recognize the glory days of operating in secret are over. Regardless of what happens with this amendment, I want to go on record saying I will do everything in my power to see the energy sector is exposed to the same price transparency and oversight as every other sector of our economy. Make no mistake, this debate boils down to the issue of whether energy companies should be able to operate in continued secrecy.

Some of these companies have argued this amendment creates unfair reporting and oversight over energy companies. So let us again look at what this provision would do. It would treat electronic trading exchanges like any other exchange since, as I said before, there is neither price transparency nor regulatory authority over those exchanges where there is not a direct delivery. So with this provision, the same reporting requirements that CFTC requires of the New York Mercantile Exchange and the Chicago Exchange would now be required of electronic exchanges. This means simply that CFTC would be able to assert the same oversight and require the same transparency of electronic exchanges that are already required of nonelectronic exchanges.

I have a very hard time understanding why this is so burdensome and unfair. Additionally, some of these companies have also asserted this amendment would create unfair burdens on companies engaged in bilateral transactions. Here is what they are complaining about: With our amendment, any entity engaging in bilateral transactions in energy commodities would have to keep a record of those transactions, and the CFTC would have the authority to look for fraud and manipulation.

Again, let me repeat, a company engaged in bilateral trading has to keep a record of that transaction, and the CFTC has the authority to investigate fraud. That is it. It is the same authority that was there before 2000 and the same standard that traders of all other commodities are required to meet.

So with all we now know about the energy sector and Enron, I challenge anyone to explain to me why energy companies should continue to have a loophole so they can trade in secret, not keep any records, and therefore there is no evidence that can be proven as to manipulation of price. The day has come to close that loophole.

I note one of the main original cosponsors is in the Chamber and wishes to speak to this amendment. I have had the pleasure of working with the Senator from Oregon on the Energy Committee, as I have with the Presiding Officer. The Senator from Oregon has been a leader and very focused on this issue. I want to thank him for his help, and I ask the Chair recognize him.

EXHIBIT 1

AMERICAN PUBLIC GAS ASSOCIATION,
Fairfax, VA, March 5, 2002.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: The American Public Gas Association (APGA) is very pleased that you have taken the lead to amend the Commodity Exchange Act (CEA). Your revisions to S. 517, which amends the CEA, brings the trading of energy products, including natural gas spot and forward prices, under the appropriate jurisdiction of the Commodity Futures Trading Commission (CFTC). As a result, your amendment will reduce the various risks imposed on consumers by a partially unregulated energy trading market.

As you know, Enron operated in what was essentially an unregulated environment. While there will be much more to come in the wake of Enron, one thing is perfectly clear today—our federal government has an obligation to make sure that no important trading activities fall between the cracks leaving some energy markets without a federal agency with oversight authority. Your amendment remedies this glaring deficiency.

APGA is fully committed to support your effort to reverse the action Congress took just 15 months ago in the Commodities Futures Modernization Act (CFMA). The CFMA amended the CEA by allowing some energy contracts to be traded with no government oversight. We firmly believe that the CFTC must have at its disposal the necessary jurisdiction and authority to protect the operational integrity of energy markets so that (1) transactions are executed fairly, (2) proper disclosures are made to customers, and (3) fraudulent and manipulative practices are not tolerated.

In December of 2000, when the CFMA was under consideration in the Senate, APGA submitted a Statement for the Record to the U.S. Senate Committee on Energy and Natural Resources during a hearing on the "Status of Natural Gas Markets." In the statement, we expressed a concern that the proposed legislation would codify an exemption for energy commodity transactions that would shield those energy transactions from the oversight and review of the CFTC. Enron took advantage of this gap in regulatory oversight. Your amendment will close that gap. Consumers across the country will benefit from your efforts because they are less likely to be victimized by activities that occur in a market where the CFTC exercises oversight.

Again, public gas utilities and the hundreds of communities that we serve commend you for your thoughtful and deliberate leadership on this very important issue. While there may be some who will oppose this amendment, one need not look far to see whether the opposition is looking out for the best interests of Wall Street or Main Street. We pledge to work with you in any way we can to pass this much-needed amendment. Please let me know how I can assist you.

Sincerely,

BOB CAVE,
President.

EXHIBIT 2

TEXAS INDEPENDENT PRODUCERS &
ROYALTY OWNERS ASSOCIATION,
Austin, TX., March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: We understand that later today, you will introduce an important measure designed to bring greater transparency to natural gas markets. We believe that improved transparency will reduce price-markups charged in transactions that take place after natural gas leaves the wellhead and before it reaches the burner tip. Thus your measure will benefit both consumers and producers. We support the modified version of S. 1951 that you intend to offer as an amendment to the Senate Energy Bill.

We understand that the amendment:

(1) will not grant any price control authority under the Federal Power Act or Natural Gas Act;

(2) will continue to allow energy commodities (actually all commodities other than agricultural commodities) to be traded on electronic trading facilities that currently qualify as exempt commercial markets, provided that the trading facilities register, meet net capital requirements, file reports, and maintain books and records;

(3) will require participants in such markets to maintain books and records; and

(4) will apply these requirements to electronic trading facilities which permit execution with multiple parties and non-binding bids and offers, and will require books and records to be kept by participants in facilities that permit bilateral negotiations.

TIPRO believes that this measure will tend to improve price transparency in natural gas markets, leading to a more efficient and stable marketplace. The relatively modest requirements outlined above should not unduly reduce liquidity for gas traders. Accordingly, TIPRO endorses your amendment.

Sincerely,

GREGORY MOREDOCK,
Natural Energy Policy
Committee Chairman.

EXHIBIT 3

MIDAMERICAN ENERGY HOLDINGS CO.,
Omaha, NE., March 5, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing in support of your effort to ensure that there is transparency and appropriate federal oversight of energy futures trading markets.

As I testified before the Senate Energy and Natural Resources Committee last month, I have long been concerned that the type of exchange run by Enron before its collapse offered opportunities for manipulation. Enron was the largest buyer, the largest seller and the operator of an unregulated exchange. In view of the revelations of the last several months regarding Enron, the unregulated nature of these markets has raised serious concerns regarding the ability of the federal government to ensure that energy trading and futures markets are operating in the interest of the public and market participants.

As the Senate addresses this issue, it is important to remember that electric and gas markets as a whole responded to the Enron collapse without disruption, so legislation should not compromise the liquidity of these markets. I applaud your determination to keep your amendment focused on oversight and transparency and am encouraged that you, along with Senators Cantwell and Wyden, have pledged to work with market participants to continue to perfect this proposal as debate on the comprehensive energy bill continues.

Ensuring public confidence in the integrity of energy futures markets is a critical component of establishing a modernized regulatory framework for the electric and natural gas industries. I am pleased to support your effort and commend you on your work on this important issue.

Sincerely,

DAVID L. SOKOL,
Chairman and CEO.

PG&E CORPORATION,
Washington, DC, March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing today in reference to the amendment you will be offering to the Senate Energy bill, containing the substance of legislation you and several of your colleagues introduced earlier to provide regulatory oversight over energy trading markets, as amended.

At the outset, we applaud your efforts to ensure public and consumer confidence in the operation and orderly functioning of the energy marketplace. As you know, the industry relies heavily on these markets and products to manage risk for the benefit of consumers of electricity. We thus appreciate your willingness to work with us and other market participants to address areas of interest and concern as the provisions of your amendment have been debated and refined. As presently drafted, we view your amendment as providing an increased level of oversight, while ensuring the continued ability of market participants to utilize these instruments as part of overall risk management strategies. We therefore support your amendment.

Thank you for your hard work in this area, and we look forward to continuing to work with you and others on matters of national energy policy.

Sincerely,

STEVEN L. KLINE.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I want to commend Senator FEINSTEIN for leading all of us in this critically important effort. It has been a pleasure to team up with her. She has been the catalyst in this whole effort and it is a pleasure to stand with her.

I also want to note that Senator CANTWELL has been a tremendous voice for consumers in the Pacific Northwest and our country, and I have enjoyed teaming up with her as well as Senator FEINSTEIN. I am going to be very brief because I think our colleague from California has laid it out very well.

Today, as the Senate turns to a number of important amendments that are going to relate to the consumer protection issue, I think it is important to note this is an opportunity to end the Enron exemption. For years, Enron and other energy traders have operated back room trading floors where energy has been bought and sold as a commodity while the public has been kept in the dark. I think the question that colleagues may be asking is: Had this amendment been law during the time when all of the damage associated with Enron was being perpetrated, what would have been the difference? What would have been different had the Feinstein-Cantwell-Wyden effort been law at the time?

It seems to me there would have been two very significant benefits had this legislation been law. First, I think it would have been less likely that there would have been market manipulation. Certainly, the Federal Energy Regulatory Commission is investigating that question. That has not yet been determined. Certainly, conceptually it is much tougher to manipulate a market if in fact the transparency and the openness is there that this legislation calls for.

Second, had this legislation been law, if in fact there was market manipulation it would be possible to find that out very quickly. As all of our colleagues know, as a result of the request from west coast Senators, virtually all of us have joined into it. The Federal Energy Regulatory Commission has written to the west coast Senators saying they are going to investigate whether Enron manipulated our markets, but it will take them several months to conduct this investigation.

Had Enron's energy trading been regulated, as called for in this amendment, we would not have had to wait months to determine if Enron manipulated the market. Information about energy trading operations would have been immediately available to regulators and the public instead of shrouded in secrecy.

I think it is important for colleagues to note, first, this amendment makes it less likely that anybody can manipulate a market; and, second, if there is that kind of conduct taking place, it would not take months to ascertain what went on. One could find it out much more readily because information would be made available more quickly.

Before it collapsed, Enron was the biggest energy trader in the country, controlling one-quarter of all wholesale energy trades. Despite the great impact on energy markets, they were able to hide the facts about the trading operations from public scrutiny by securing exemptions from regulation for their energy and derivatives trading.

Evidence is emerging that Enron may have secretly used its market power to manipulate prices in energy markets. A witness testified before the Senate Energy Committee that the price of forward contracts for electricity dropped as much as 30 percent after Enron filed for bankruptcy, suggesting, according to this witness, Enron was artificially inflating prices in western markets.

There is a well-regulated system in place for trading pork bellies and other commodities to protect the public from market manipulation, but energy, a commodity that we all regard as essential, has been completely exempt. It seems to me if energy is going to be bought and sold as a commodity, the public should at least have the same protections that exist for trading any other commodity. There must be transparency for the markets to work.

Let me conclude with one last point, and then I know we are going to hear from our colleague from Washington. There has been considerable discussion as to whether this is somehow granting vast new powers to Government, and that Government is in some way reacting to what happened in the Enron situation.

First of all, the Commodity Futures Trading Commission had this authority before. This is not a brand new idea. They had this authority and essentially they gave it up. What this bill does is restore authority to the Commodity Futures Trading Commission to regulate energy the same way it regulates every other commodity.

I hope when my colleagues vote on this amendment, they recognize this is something that the Commodity Futures Trading Commission used to have. It is authority that was on the books before the agency granted a blanket exemption from regulating energy as a commodity. As my colleague from California noted, Congress later went along as part of an appropriations rider. But this bill does not give the Commodity Futures Trading Commission vast new powers nobody has ever heard about, and constitute in some way a rush to judgment in reaction to the Enron situation. This is restoring a power the agency should not have given up.

I compliment my colleague from California. She has been the leader in this effort, as has the Senator from the State of Washington.

Mrs. FEINSTEIN. Madam President, before Senator CANTWELL is recognized, I ask unanimous consent Senator FITZGERALD of Illinois be added as an original cosponsor, and that he be called on to speak directly following Senator CANTWELL.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Madam President, I, too, rise in support of this very important legislation, the Feinstein-Cantwell-Wyden energy derivatives legislation. I thank my colleagues for articulating the importance passing this amendment.

It is no secret that the States of California, Oregon, and Washington have been greatly impacted by the high prices of energy that our consumers are still paying and that have had a very negative impact on our economies. That is why this legislation is so important.

I applaud Senator FEINSTEIN for her hard work in driving this legislation. Basically, this amendment closes a very dangerous loophole, which was actually created by Congress and which Enron may have used—I say "may" have used—to turn political influence into profit at the expense of consumers. That is why we must act today.

The Enron loophole created by the Commodity Futures Modernization Act actually allowed Enron Online and other companies like it to sell futures behind closed doors, without the regulatory oversight or the safeguards that this nation's ratepayers deserve.

At its core, our amendment allows the Commodity Futures Trading Commission to treat energy futures like all other regulated commodity futures. It does not give the CFTC any new powers that it does not already have when it is regulating other futures markets. This is a very important point. Our amendment places currently unregulated energy futures trading exchanges, such as Enron Online, under the CFTC's regulatory authority.

Closing this loophole, as Senator FEINSTEIN said, has the support of many organizations, such as NYMEX, Calpine, and Cambridge Energy Research Associates. But more importantly, consumers are counting on us. The Consumers Union, the Consumers Federation, and Public Interest Research Group all support this amendment. They support it for one very basic reason: They support it because it requires open books and transparency for markets that currently operate in secret. It is important because if there have been patterns of irregular energy trading, we want those patterns to be found and made abundantly clear.

What we are saying is that there should not be special rules for Enron. If agricultural products, minerals, and even certain other types of energy futures transactions are regulated by there CFTC, there is no good reason we should allow online energy trading exchanges to operate in the dark.

After all we have learned about Enron, shouldn't it be clear to all that exposing its trading activities to the light of day is essential? Closing the loopholes will open books and require transparency. It will give us the ability to do important things like compare Enron Online prices to competitors, compare forward markets with physical market pricing, and investigate the books of online traders to search for what those potential irregularities might be.

Being able to answer these questions will be incredibly valuable in reinforcing the strength and integrity of our energy markets. Why is this so important to the State of Washington? Many people may not realize that Enron continues to hold gigantic long-term contracts with utilities throughout the country, at least $900 million worth in my home State. We are now learning that these contracts may have been the result of market manipulation by Enron.

In one case alone, the Bonneville Power Administration has long-term contracts with Enron of over $700 million. At today's market price, those contracts would only cost $350 million. That means BPA—and that means, ultimately, Washington state ratepayers, who have to pay for those energy costs are paying Enron about $350 million more than the current market value.

Contracts like these have translated into unacceptably high utility bills for ratepayers throughout the West who deserve relief as soon as possible. That is why I have joined my colleagues in urging FERC to investigate and determine whether Enron manipulated these energy prices in the West, and if so, make sure that if these contracts are unjust and unreasonable, our consumers are let out of having to pay these high prices for the next 3 to 5 years.

Until we change this and require open books and transparency from Enron Online and businesses similar to it, the public will not be protected in the future for having the same kind of market manipulations, perhaps, happen to them. That is why passing this legislation is so important. We have to close the Enron loophole and restore the faith that the public needs to have in our energy markets—the faith that consumers deserve. They deserve to know that these entities are being regulated and are operating in the light of day.

I again thank my colleague from California who has worked so diligently on this important legislation, which is a key part of our energy strategy. We need to make sure and consumers need to believe that we are on the right track.

I yield the floor.

Mrs. FEINSTEIN. If the Senator from Illinois who is next under the unanimous consent agreement will yield for just a second, I thank Senator CANTWELL. She also is on the Energy and Natural Resources Committee. She also has been very concerned, very diligent, working very hard at what has been a very difficult onion to peel. I am very grateful for her leadership.

I ask unanimous consent to add Senator CORZINE as an original cosponsor. I believe he wants to speak to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. FITZGERALD. Madam President, I am pleased to rise in support of this amendment by my colleague from California. I support it and congratulate her for introducing it. Illinois, specifically Chicago, is home to some of the largest futures exchanges in the world. Certainly, I was very involved in the Commodity Exchange Act Reauthorization a couple of years ago. Since that time, in the wake of the Enron bankruptcy, the Enron exemption that allowed Enron Online to operate without any regulatory oversight has come to light, and it has drawn some criticism.

I say at the outset, I think probably Enron Online may not have had all that much to do with Enron's bankruptcy. I have also been very involved in the Enron investigations in the Senate, and as far as I can tell, Enron was running what amounts to a gigantic shell game or pyramid scheme, essentially borrowing money and booking borrowed money as income by filtering the borrowings through partnerships. They had the debt parked on the books of the off-the-balance-sheet partnerships rather than on their direct books.

At the end of the day, when Enron filed bankruptcy, it was because it had several billion dollars in indebtedness coming due that it, Enron, could not pay.

I don't know that Enron Online and their energy trading, per se, was responsible for it. I have seen many transactions that Enron engaged in that were simply borrowing money and reporting it as income. We will have to wait for a full autopsy. Nonetheless, I think it is appropriate to close the Enron exemption in the Commodities Exchange Act. That is what this bill does.

Right now, in an electronic exchange in which energy contracts are traded, that exchange is exempt from regulation under the Commodity Futures Trading Commission or by the FERC. FERC only comes in if energy is actually delivered, and in most cases energy is not actually delivered. You have contracts traded back and forth and many times an actual delivery of the commodity is put off.

I have been troubled to some extent by the wholesale exemption that is given to online futures exchanges. The exchanges at the Board of Trade and the Mercantile Exchange face a great deal of overhead to comply with their regulatory burden. I think that is appropriate. I think sometimes it is unfair to set up an offline exchange and say this is an offline exchange because online does not have any regulation. I like to see industries competing on a level playing field. I think that is what America is all about. I do not think there should be regulatory advantages given to one side or the other.

I do think this would be a protection for consumers, even sophisticated principals who may be trading energy contracts on electronic exchanges. I think there would be benefits by having some CFTC oversight. There would be greater transparency. It would be easier for prices to be discovered.

I think Senator FEINSTEIN's amendment accomplishes a great deal. It repeals the exemptions and exclusions for bilateral derivatives in multilateral markets in energy commodities. All would be again subject to direct CFTC oversight. That was the case prior to our reauthorization of the Commodities Exchange Act. We would correct that. Also, it ensures that energy dealers in derivatives markets cannot avoid full price transparency and escape regulatory oversight.

Third, the amendment subjects all multilateral markets and bilateral dealer markets in energy commodities to registration, transparency, disclosure, and reporting obligations and requires entities running online trading forums to maintain sufficient capital to carry out their operations. It seems very reasonable to me.

Fourth, parties engaging in bilateral energy transactions must keep books and records. That does not seem so onerous to me.

Fifth, all energy transactions not regulated by FERC would be regulated by the CFTC.

And sixth, the amendment requires FERC and the CFTC to meet quarterly and discuss how energy derivatives markets are functioning and affecting energy deliveries. I do think that is reasonable in light of the great runup we saw in energy prices last year, particularly in Senators FEINSTEIN and BOXER's great State of California.

It is unclear why the price rose so quickly and why then ultimately it plummeted again back to reasonable levels. Whether this amendment, had it been law at the time, would have prevented that I do not know. But I think it will promote greater price transparency. I think that can't hurt. I think there is a minimal burden here, and I think it is worthy public policy. I compliment my friend from California, and I am proud to stand in support of her amendment.

I thank the Chair.

The PRESIDING OFFICER. Who seeks recognition?

The Senator from New Jersey.

Mr. CORZINE. I thank the Chair.

I, too, rise to strongly support the amendment the Senator from California is offering to roll back this Enron exemption in the derivatives market. Being an old bond trader who operated in the derivatives markets for many years, the idea that we do not need basic registration of dealers, we do not need capital adequacy or capital rules, that there is no price transparency, whether in over-the-counter markets or on electronic exchanges, or there are not audit trails that are fundamental to any kind of regulation of financial transactions anywhere in the world, seems strange to me and offers an opportunity for those who want to take advantage of the lack of transparency and create patterns of manipulation to easily operate in these markets. It seems very strange that we pick a very narrow slice, the energy markets, to have such a gaping lack of transparency.

I have heard people say there is no creativity in markets, that they will not develop, there will not be the liquidity in overseeings. That is just flatout not the fact. If you look at the derivatives markets in financial securities, or financial instruments, you will see some of the deepest, broadest, most liquid markets in the world. As a matter of fact, confidence comes when the participants who enter into markets will know where prices are taking place, the price discovery mechanism is quite obvious, where there are audit trails, so that if there are differences of views about whether transactions were actually executed, you can go back and find out where those prices actually took place. And you know your counterparts have enough capital to be able to stand behind the transactions. And then you have some simple qualifications to be a participant in those markets.

I think all these are simple, straightforward fundamentals in finance 101 for anyone who deals with financial transactions, whether it is derivative transactions that relate to hog bellies, Treasury bills, or stocks, and no different for energy in my mind, and I find it incredibly lacking in consistency with our oversight regime which has produced maybe the broadest, deepest markets we have anywhere in the world, in the history of the world, frankly, and I see no reason why we should not have that applying to energy markets just as we do any other market.

On that basis, I strongly support the amendment. I think Senator FEINSTEIN is definitely on the right trail to produce markets that will provide consumer protection, protection against price manipulation, and a greater quality of activity in the underlying energy markets. I think they will be broader and deeper because of it.

So I am proud to stand in support of the amendment of the Senator from California.

Mrs. FEINSTEIN. Madam President, I thank the distinguished Senator from New Jersey for his support. In view of his background, his knowledge, and his expertise, I am particularly grateful for that support. It is one thing to stand here and feel in your gut what is right for the consumer, but it is another in the mystical world of finance. His wisdom and his knowledge hopefully will gain additional votes for this amendment. I am very grateful to the Senator. I thank him very much.

Madam President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask unanimous consent the pending amendment be set aside so that I can send an amendment to the desk for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2990 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The senior assistant bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. DOMENICI, proposes an amendment numbered 2990 to amendment No. 2917.

Mr. BINGAMAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To promote collaboration between the United States and Mexico on research related to energy technologies)

After section 1413 insert the following:

SEC. 1414. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) FINDING.—Congress finds that the economic and energy security of the United States and Mexico is furthered through collaboration between the United States and Mexico on research related to energy technologies.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Environmental Management, shall establish a collaborative research, development, and deployment program to promote energy efficient, environmentally sound economic development along the United States-Mexico border to—

(A) mitigate hazardous waste;

(B) promote energy efficient materials processing technologies that minimize environmental damage; and

(C) protect the public health.

(2) CONSULTATION.—The Secretary, acting through the Assistant Secretary for Environmental Management, shall consult with the Office of Energy Efficiency and Renewable Energy in carrying out paragraph (1)(B).

(c) PROGRAM MANAGEMENT.—The program under subsection (b) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(d) COST SHARING.—The cost of any project or activity carried out using funds provided under this section shall be shared as provided in section 1403.

(e) TECHNOLOGY TRANSFER.—In carrying out projects and activities under this section to mitigate hazardous waste, the Secretary shall emphasize the transfer of technology developed under the Environmental Management Science Program of the Department of Energy.

(f) INTELLECTUAL PROPERTY.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered between the United States and Mexico regarding intellectual property protection.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2003 and $6,000,000 for each of fiscal years 2004 through 2006, to remain available until expended.

Mr. BINGAMAN. Madam President, this is an amendment which tries to address some very serious health and energy production issues, environmental issues, along the 2,000-mile common border that we have with Mexico.

There are tire dumps in that region that routinely catch fire and which have been determined to breed airborne dengue fever, which is a major health risk that we will face in the next decade.

There are brick kilns that use wood and plastic and cause serious health-related problems in the metropolitan area of Juarez/El Paso. There are serious water contamination issues with regard to ground water along the United States-Mexico border.

This amendment, which I am offering on behalf of myself and Senator DOMENICI, is one which directs the transfer of Department of Energy environmental management technologies to help clean up many of these serious and pressing health-related problems along the border.

The amendment will develop joint research programs between U.S. and Mexican universities on technologies to help develop clean materials processing technologies such as leadless solders for microelectronics plants, techniques to control air pollution from border region heavy manufacturing plants, and energy-efficient methods to recover nonpotable water for irrigation.

This is an amendment that was passed unanimously as S. 397 in the last Congress, the 106th Congress. That was after we had a full markup of the legislation in the Energy Committee.

It is consistent with the current administration's views on developing close ties with Mexico in both the fields of environmental sciences and energy production.

It is a very good amendment, which I understand I will be given the opportunity to explain again tomorrow morning before a vote occurs. It is one of the amendments the majority leader has indicated he would like to have a vote on tomorrow morning.

So I will not, at this point, belabor the issue but indicate to my colleagues that it has been supported unanimously, on a bipartisan basis, in the prior Congress. It is a good piece of legislation and one that I would very much like to see added to this pending energy bill. I hope we will do that tomorrow morning when the issue comes up for a vote.

Madam President, with that, I once again yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2991 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Madam President, I send an amendment to the desk on behalf of Senator AKAKA and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The senior assistant bill clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. Akaka, proposes an amendment numbered 2991 to amendment No. 2917.

Mr. BINGAMAN. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To modify the provision requiring an assessment of the dependence of the State of Hawaii on oil)

Strike section 1702 and insert the following:

SEC. 1702. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) ASSESSMENT.—The Secretary of Energy shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system, including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of such displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of such displacement on the relationship described in paragraph (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii.

(b) CONTRACTING AUTHORITY.—The Secretary may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) REPORT.—Not later than 300 days after the date of enactment of this Act, the Secretary shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

Mr. BINGAMAN. Madam President, this amendment makes technical corrections in section 1702 of the substitute bill that is before us, which requires the Secretary of Energy to study the economic risk posed by the dependence of Hawaii on oil as the State's principal source of energy.

The changes in the original text were proposed by the minority. They are acceptable to Senator AKAKA, who was the original proponent of section 1702. They have been cleared on both sides. So I urge that they be agreed to at this point.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2991) was agreed to.

Mr. BINGAMAN. Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I know there are amendments that have been laid down and are open for discussion, but I want to take this opportunity to give a statement for the record in regard to the energy debate.

I will begin by thanking the chairman and our excellent leader, Senator BINGAMAN, for laying down a bill that is a real building block, a real stepping stone toward the kind of energy policy with which our Nation could grow and prosper. I thank him for including many of the issues I raised with him on behalf of the State of Louisiana and other petroleum- and gas-producing States, as well as provisions that Senator DOMENICI, Senator VOINOVICH, and I have worked on relating to electricity generation, expansion of nuclear energy, and others. He has been very open to many of the ideas we have suggested. The bill, however, is only a starting point.

I believe we have to build some additional provisions into this underlying bill.

To begin with, I am reminded of the words of Thomas Edison. He once said:

> Opportunity is missed by most people because it comes dressed up in overalls, and it looks like work.

I think, as we begin this energy debate, that is an appropriate quote of which to be mindful. The situation that presents itself here—energy policy—rarely captures the attention of Congress, but at this very moment it really is a wonderful opportunity for us. We have a real opportunity—an opportunity to impact our economy and our environmental and foreign policy, all through the adoption of an effective and coherent national energy policy. But getting there is going to require some real work and some real compromise.

I am concerned that this is an opportunity dressed up like hard work. I am hoping that the Senate is appropriately dressed. I am not quite sure. I know many of us have worked diligently, and, hopefully, with leadership on both sides and with strong leadership from the President, we can actually get a bill that makes sense for where our Nation is today—but, more importantly, where we need to be in the future.

The American people are ready for a different kind of energy policy. A recent poll found that three-fourths of the public believes that if we don't address our energy needs now, in 20 years Americans will not be able to live their lives in the way they choose. I think the American people, even prior to September 11, were very mindful of this fragile situation in which we find ourselves. But now, post-September 11, I know the people in my State are very concerned about our overdependence on foreign oil and energy sources. Of course, the American people are right. They recognize our vulnerability. This is the moment, and we must seize it.

I thank the chair of our committee again for his excellent work, and I thank Senator DASCHLE for bringing this bill to the floor for our consideration.

Many, including myself, have stated really inaccurately before that we don't have a national energy policy. Unfortunately, we do have one. The policy, whether expressed or implied, though, is perfectly clear. That policy, unfortunately, is that this Nation is to try to import as much cheap oil as possible. It doesn't seem to us that the sources of this imported oil matter much. All other national policies, such as human rights, conservation, and geopolitics, have seemingly taken a back seat to this overriding policy.

Let's look at the nations we are willing to deal with in order to secure cheap oil. The United States imports nearly 600,000 barrels of oil a day from Iraq. This is a country that we have been bombing an average of once a week. Can you imagine what the public would say if we were buying steel from Germany while undertaking the D-Day invasion? Yet that is the same kind of corrupting power that this short-sighted policy has on other interests.

I believe it is time—and I know many of my colleagues join me in saying this—for our country to forge a new "declaration of independence." About 226 years ago, we decided the people of our Nation needed to control their own destiny politically and economically. We need to do so again today. In order to have that control, we must have energy independence. While we will never achieve that 100 percent, we have to get much closer to that goal than we are today. Getting there is going to be tough, but that is what this debate is about. It is what it should be about; it is what the American people want this debate to be about.

While we are achieving that end, it may require efforts equal to the Manhattan project, or the Apollo project, but I believe it is within our grasp. Again, with strong Presidential leadership, with a bipartisan group of leaders on this floor and in the House, and with the support of the American people, I believe we are up to the challenge.

Our new declaration must center around three principles. I will start with the principle that I truly believe is the most important, and that is that this country must produce more energy. We must produce cleaner fossil fuels; more nuclear power generation; and, yes, more oil and gas by small and independent companies; and, as Senator BINGAMAN has advocated, significant new investments for alternative and renewable fuels. The occupant of the chair has advocated using biomass and other agriculturally-based projects.

There are tremendous incentives in this bill for us to expand our supply of energy so that we are not held hostage or captive by only one fuel supply. We have an ample and a varied supply, but that supply has to be increased, not decreased and diminished.

Secondly, we will conserve energy wherever possible, particularly in transportation and the industrial sector, and do it in a way that enhances our chances of creating jobs in America, not driving them away to other nations. We have to be more committed to a balance, of conserving our natural resources, conserving our clean environment, and making our environment even cleaner. But I strongly believe we have to focus as intently on conserving and expanding jobs here—in my State of Louisiana, in your State, Mr. President, and in all of our States—because if we are not careful, changes that we make can drive good, high-paying jobs away from our Nation to other nations. It is not fair to our workers, and it is not fair to our communities when there are good alternatives.

The principle of increased energy production really hearkens back to a principle deeply ingrained in our American culture; namely—and I remember studying this in my earliest grades—the dictum of Captain John Smith: "He who works eats; he who doesn't work doesn't eat." The Jamestown colony would not have survived without following that simple, clear and, in some ways, profound statement. We cannot allow mindless energy consumption on one hand while allowing a "not in my backyard," attitude toward energy production. We must restore balance to the equation. Louisiana makes more than its fair share of a contribution through oil and natural gas production.

We also house the Nation's Strategic Petroleum Reserve. However, while every State should be free to determine how to .make its contribution—solar energy perhaps from New Mexico, hydroelectric power from Washington, clean coal plants from West Virginia—every State should be free to make its choices, but every State must make a contribution.

If we are consuming 26 percent of the world's oil supply but producing only a fraction, we clearly are eating without working. Sixty-five percent of this Nation's energy supply comes from oil and gas. Yet States continue to express a reluctance to contribute their natural resources to our common needs. These natural resources belong to all the people of our Nation. Yet we see a policy permitting repeal of laws that were strict about using natural resources for our common need, which is real and I would say urgent.

It is important to contrast this with our allies in Europe who have a reputation for being more environmentally sensitive. While we have moratoria on drilling for oil and gas all over this Nation, from the west coast to the east coast, and in parts of the Gulf of Mexico, France has high-sulfur petroleum production in Paris—in Paris; not in the countryside but in Paris. The United Kingdom, the Netherlands, and Norway all permit offshore oil and gas drilling in their fishing grounds, some of the finest fishing grounds in the world. Yet there is a tremendous amount of environmentally sensitive, very strictly regulated production operating off those shores.

Such actions would set our environmental community in this Nation in a frenzy. In Europe, however, they have managed to accept a fundamental reality: If you need oil and gas, you must produce it. What is more, every possibility needs to be on the table. If you need more power from nuclear, you have to build the nuclear powerplants to produce it. You cannot just wish it so and turn on the lights.

Our allies have recognized this, but in this country we have not quite grasped this reality. We are seeing a trend toward creating something like Fritz Lang's Metropolis, but on a statewide scale, with some States getting to live in the clouds with an unspoiled environment, consuming to their heart's desire, while other States must live on Earth and bear the brunt of this carefree lifestyle.

This growing dichotomy must stop. We must have more domestic production to balance out our consumption. It is just as simple as that.

The second principle of our declaration, of course, is conservation. We must consume less. Everyone knows the American economy is the largest consumer of energy in the world.

Everyone also understands that we have the largest gross domestic product in the world. While we produce more goods than any other people on Earth and in the history of the world, the ratio between how much we produce to how much energy we use to produce it is the worst in the world. In other words, we are hugely inefficient when it comes to the use of energy. This is not only an environmental dilemma, but it is an economic dilemma as well.

We have squeezed efficiency out of our American workers through greater productivity gains, longer work hours, a more flexible and skilled workforce, and particularly new technologies. However, we have not squeezed enough efficiency out of our power distribution networks to make U.S. manufacturing cheaper and, as a result, more competitive.

I congratulate Senator BINGAMAN, again, for making this a focus of this legislation. It is truly one of the best pieces of this legislation, and, if we can build on this piece, it will be a real step in the right direction. I look forward to working with him in this debate. Already we have accepted several amendments toward this end that have strengthened this position so that we can make it even stronger.

We must, as I said in the first principle, we must be committed to robust domestic production. Then we also have to be committed to real efficiencies in our electric market, on which Senator VOINOVICH and others have worked so diligently.

Finally, we must institute the third principle, and that is, if you are taking on the burden of production, whether it is in Louisiana, which produces oil and gas and other energies for this Nation, or other States, our Nation should compensate those regions fairly.

Louisiana is the second-highest energy-producing State in the country. We have 16 percent of the total refining capacity, and we supply about 25 percent of all domestic petroleum, half of the imported liquefied natural gas, and about 13 percent of the crude oil shipped into the United States comes through Louisiana. Yet this contribution, while my State is proud of it, has not come without cost to our coast, to our environment, and our infrastructure.

In the past 50 years, Louisiana has lost over 1,000 square miles of its coast. Let me be clear, this loss is not 100 percent directly related to this activity. This activity has been a portion of this loss. There have been many other factors. But still the facts remain that because of the drainage and the shipping we provide for the Nation through the Mississippi River and the Delta so that all the Great Plains States and our great interior can ship products out and receive products, as well as the production taking place in this fragile environment, it has had some environmental consequences.

This loss represents 80 percent of all wetlands loss within the United States. While my State suffers these losses, we contribute to the Federal Treasury anywhere from $2 billion to $4 billion a year, just through oil and gas production. This figure does not take into account the taxes and wealth and prosperity generated for the whole Nation because of the shipping and the commerce allowed by our rivers.

In fact, since the year I was born, 1955, our State and other coastal States have contributed $120 billion to the Federal Treasury, and Louisiana has received nothing of this $120 billion directly. We have received less than 1 percent of the money that has come into the Treasury from offshore oil and gas drilling and yet bear most of the cost of the infrastructure required.

Louisiana's coastal wetlands contribute 28 percent to the total volume of U.S. fisheries. Our coastal wetlands are being lost at a rate of one football field every 15 minutes. Let me restate that: One football field every 15 minutes.

In short, we should sometimes ask ourselves: Why are we doing this? Why don't others do it? We have developed a system of retrieving our natural resources. In the old days, we did not do a very good job of it, but in these days of new horizontal drilling, directional drilling, with new technologies, new rules and regulations, some local and some national, we have learned to pool our natural resources for the benefit of our State and our Nation and minimize that environmental footprint.

We want to continue to do that, but we cannot continue under the present regime or set of circumstances unless we are more fairly compensated.

Interior States that produce their natural resources, whether it is to contribute to the energy sector or other sectors, receive 50 percent of their royalties in revenues. Two years ago the State of Wyoming, through severance taxes that levied from their mining operations, kept $200 million and spent it as they would to reinvest in their State and the local communities that supported that mining operation.

Yet Louisiana and the Gulf Coast States that bear a tremendous responsibility for the production now of oil and gas do not share a penny of those offshore revenues, and yet serve as a platform for that production.

The helicopters cannot get into the central gulf unless they take off from somewhere. The pipes, the equipment, the computers, the people, the technology are launched from the coast of Texas or Louisiana or Mississippi or Alabama.

I am going to be laying down amendments—there is already a provision in this bill, thanks to Senator BINGAMAN—that would authorize for the very first time a coastal impact assistance provision that will give Louisiana and the Gulf Coast States a share of these revenues. It is an authorization. I believe we need a direct appropriation, and I will be working to strengthen that provision. But for the first time, the Senate, I hope, will accept this responsibility and fashion part of our overriding energy principle or declaration of independence that if you are going to produce, you should be rewarded for that production. Again, produce what you will, produce what you can, produce what you choose, but whatever you do, you should be rewarded or compensated for that production.

Frankly, for those States that refuse to produce and only want to consume, then I think we should think very strongly about that situation and what we might do to encourage those States to do more to meet their obligation. It did not work 226 years ago, and that kind of attitude is not going to work today. So for producing States, I believe this is a very strong policy.

I look forward to this debate. It is a rare moment in our history. I hope there is enough pressure that can be brought to bear to move us to make the kind of compromises necessary. It is time for us to declare our independence. We will not get there 100 percent, but we need to get much closer to independence than we are today because not only is our economy at stake, our environment is as well. The security of our Nation rests on how successful we will be in getting more independent.

If another tragedy strikes or, shall I say, when another tragedy strikes, with the new and emerging threats confronting our Nation, we can make wise decisions based on our principles, based on America's economic interests, based on what is right in terms of leading the Nation, and not be held hostage because we have simply not learned how to either live within our means so we can have the kind of independence necessary to make wise decisions for ourselves as we help to lead this world.

This is a very important debate. I have really appreciated working again with Senator DOMENICI. He has almost singlehandedly reengaged us in understanding the importance of nuclear energy for our Nation—it is 20 percent of the source today—and rallied many different entities to realize we have safer nuclear reactors. The new technologies are quite promising, with the production of hydrogen as well as the traditional fuels and what that might mean to help us reach that independence.

Senator VOINOVICH and I will continue to work on building an electric grid for this Nation much like our transportation grid, our interstate system. No one would argue that without the interstate system our economy could not grow. We could not move our products. We could not build our businesses. We could not have the international trade that is now the lifeblood of our Nation. That is the kind of electricity system that we need to create.

It was not created that way initially. It was all State developed, regionally developed, and we have to now open that up so our electricity and power can get on onramps, off offramps, with limited speed bumps, and move throughout this Nation to create the kind of conservation and efficiency our businesses need to compete in the world.

As I said, there are many goals and objectives. I have laid out some of these principles, and I look forward to advocating for the people of my State and for many States that are producing oil and gas to make sure we are justly compensated so we can take those just compensations and reinvest for our children and for our grandchildren.

One day these oil and gas wells are going dry up. We wanted to make sure we were good stewards of the taxes that were levied on those oil and gas wells. Therefore, we have laid down new investments for cleaner technologies, for new opportunities for Louisiana and for our Nation.

Mr. GRASSLEY. Mr. President, I am glad to have the opportunity today to speak on the critical issue of energy security. In order to secure our country's economic and national security, we need to have a balanced energy plan that protects the environment, supports the needs of our growing economy, and reduces our dependence on foreign sources of energy.

Every man, woman, and child in the United States is a stakeholder when it comes to developing a responsible, balanced, stable, long-term energy policy.

When natural gas prices soared last winter, low-income families and the elderly were the hardest hit. Not too long ago, $2-per-gallon gas took a great toll on our economy. Trucking companies went bankrupt, small businesses and factories were forced to lay off workers, and farmers suffered a devastating blow of spiked input costs.

We found ourselves, after 8 years of inaction by the Clinton administration, without a comprehensive energy policy. I questioned officials from the Clinton administration and encouraged them to provide to Congress a plan to deal with the rising cost of energy. I even authored an amendment to require them to compile a report detailing their plan to address the energy shortage. I never received such a plan.

I was pleased that President Bush, soon after taking office, pledged to make the energy security of our country one of his highest priorities.

It is unfortunate that since the release of the President's National Energy Policy report last year, it took over 10 months for the Senate to begin this debate. Even more troubling is the process by which this bill was put together. In October, the majority leader and the chairman of the Energy Committees chose to remove this bill from further consideration by the committee, and instead put together this bill without the input of the minority members of the Senate Energy Committee, and that is also unfortunate.

The events of September 11 have made very clear to Americans how important it is to enhance our energy independence. We can longer afford to allow our dangerous reliance on foreign sources of oil to continue.

It is time to get serious about implementing energy efficiency and conservation efforts, investing in alternative, renewable fuels and improving domestic production of traditional resources.

I support a comprehensive energy policy consisting of conservation efforts, development of renewable and alternative energy resources, and domestic production of traditional sources of energy.

As my colleagues well know, I have long been a supporter of alternative and renewable sources of energy as a way of protecting our environment and increasing our energy independence.

In 1992, I authored legislation to provide the first-ever tax incentive for wind energy production. In 1997, I led the successful effort to extend for 10 years the tax credit for corn-based ethanol.

The energy bill we are currently debating includes a number of provisions regarding conservation and renewable energy development. For example, included in this legislation is a renewable fuels provision which requires a small percentage of our Nation's fuel supply to be provided by renewable fuels such as ethanol and biodiesel.

I strongly support the production of renewable domestic fuels, particularly ethanol and biodiesel. As domestic, renewable sources of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national and economic security.

I thank the majority leader and Chairman BINGAMAN for including this renewable fuels standard, which is very similar to the standard that the Senate Energy Committee Republicans supported early last fall.

The renewable fuels standard, supported by a broad coalition, is good for America's farmers, good for the environment, good for consumers, and good for national security.

However, while this bill addresses conservation efforts and alternative energy, it falls well short on domestic energy development of traditional sources. Critical provisions to support new development of nuclear energy and domestic oil and gas exploration and production were unfortunately left out of the package.

At a time when the United States is dependent on foreign countries for over 58 percent of our oil needs, this legislation does little to support development of resources on our own land. We currently import more than 750,000 barrels of oil a day from Saddam Hussein's Iraq. Yet this bill remains silent on the development of just 2,000 acres of land in Alaska that could supply the equivalent of the oil we import from Saudi Arabia for 30 years.

We must do more to develop, in an environmentally sensitive way, the resources that God gave us. I look forward to working with my colleagues to ensure that the bill before the Senate does more to protect our national security, and reduce our dependence on foreign oil.

I also look forward to debate on an amendment that I plan to offer with Senator BAUCUS. As ranking member of the Finance Committee, I have had the opportunity to work with Chairman BAUCUS to develop an energy-related tax amendment.

Unlike the underlying bill, this amendment strikes a good balance between conventional energy sources, alternative and renewable energy, and conservation.

Among other things, it includes provisions for the development of renewable sources of energy like wind and biomass, incentives for energy efficient appliances and homes, and incentives for the production of non-conventional sources of traditional oil and gas.

I believe the Finance Committee did a good job to address our nation's energy security in a balanced and comprehensive way, and I look forward to the Senate's consideration of the energy-related tax package.

In conclusion, I am please that the Senate has finally begun to address an issue with such a direct impact on our national and economic security.

For the sake of our children and our grandchildren, we must implement conservation efforts, invest in alternative and renewable energy, and improve development and production of domestic oil and natural gas resources. I hope that during this process we can develop a bill that is truly comprehensive.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. CANTWELL). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. How long does the Senator from Maine wish to speak?

Ms. COLLINS. If I could be recognized for 10 minutes.

Mr. REID. If the Senator needs more time, no problem.

Ms. COLLINS. I thank the leader for his assistance.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I also appreciate you staying in the chair. I will try not to unduly delay you.

THE ECONOMIC RECOVERY PACKAGE

Ms. COLLINS. Madam President, I rise today to express my support for the Job Creation and Worker Assistance Act, which passed the House earlier today by an overwhelming vote. I am so pleased that it appears we are on the verge of finally passing a very balanced, reasonable, and bipartisan bill to keep our economy on the road to recovery.

It has been a long struggle, back and forth, between the House and the Senate and between the two parties, and now it is great to see us all coming together on a consensus bill.

I thank the House leadership, and in particular Chairman BILL THOMAS for all the work he has done in putting together this excellent legislation.

I am particularly pleased that the bill includes two provisions about which I care a great deal.

The first is the extension of unemployment compensation for displaced workers for an additional 13 weeks. Last October, I introduced the first bipartisan bill to extend unemployment benefits for workers who had exhausted their regular State benefits and yet still have been unable to find new work or to be rehired because of the weak economy. These workers need our help.

We know that in January alone some 370,000 unemployed workers exhausted their benefits, up 63 percent from the year before. The situation is similar in Maine. We experienced a large increase in the number of unemployed workers who have been unable to find new work and have exhausted their normal 26 weeks of State unemployment benefits.

This extension could help some 3 million unemployed workers, many of whom lost their jobs either as a direct or indirect result of September 11 or have been affected by the recession that our country just now seems to be on the verge of pulling out of.

I know the Presiding Officer has been very concerned about the large number of unemployed Americans living in her State which has experienced one of the higher jumps in unemployment insurance. I know this is a provision she has been a strong advocate for as well.

The second provision on which I want to comment tonight is one that is very near and dear to me. It is a provision I have worked on for the past 3 years, originally with Senators Coverdell and KYL, and more recently with Senators WARNER and LANDRIEU.

Just Tuesday, President Bush spoke about the need to support our elementary and secondary education teachers, to help them bring out the best in their students, our children. Now we are close to passing another milestone in our journey toward the goal of supporting our teachers.

The provision to which I am referring is known as the teacher tax provision. It is a provision that has been included in the economic recovery package that would establish an above-the-line deduction of up to $250 to compensate teachers for a small part of what they invest in our children.

This tax deduction would be available to teachers who dip deep into their own pocket in order to buy supplies, materials, or books for their classrooms. This above-the-line deduction would be available for teachers, teacher's aides, principals, and counselors to help reimburse them in just a small way for the books, supplies, and equipment they purchase for their students.

I notice the Senator from Iowa is in the Chamber. He has been very helpful with this provision as well. I thank him, too.

Just last year, we passed landmark legislation reauthorizing the Elementary and Secondary Education Act. A principal goal of this bill is to promote teacher excellence. We know that other than involved parents, the most important predictor of a student's success is a quality teacher.

I have visited close to 100 schools in the State of Maine, and I have seen firsthand how dedicated our teachers are. They deserve our support. This is a way we can recognize the selfless efforts of our teachers and the financial sacrifices they make in entering the field of teaching and also in making purchases to improve the classrooms where they teach.

According to a study by the National Education Association, the average classroom teacher spends more than $400 a year out of his or her own pocket in order to buy supplies or materials or books for the classroom. This sacrifice is typical of the dedication of America's teachers to their students.

So often teachers in Maine and throughout the country spend their own money to better the classroom experiences of their students. Let me cite an example. I have spoken to dozens of teachers who have told me about their efforts to improve the quality of their teaching by giving their students access to supplies and other materials they would not otherwise have.

One example is Idella Harter. She is president of the Maine Education Association. One year, Idella saved all of her receipts from the purchases of classroom materials. She started adding up the receipts and was startled to discover she had spent over $1,000 of her own money to enrich the educational experience of her students. She told me she decided after she got to $1,000, she had better stop counting.

The relief our Tax Code now provides to our teachers is simply not sufficient because most teachers do not itemize so they do not get the benefit of the tax deduction for the supplies for their classroom. By changing the system so that we now have an above-the-line tax deduction, we will help many more teachers. By allowing them to take an above-the-line deduction for classroom expenses, this provision takes a fair, progressive approach that will provide just a bit of thanks and a little bit of incentive and financial relief to our schoolteachers. It will also encourage additional spending on classroom supplies.

The teacher tax provision of the Job Creation and Worker Assistance Act helps teachers to go that extra mile for their students. We have all seen them. We know how dedicated they are. We know the difference they have made in our own lives. As President Bush has eloquently noted, teachers sometimes lead with their hearts and pay with their wallets. This provision would reimburse educators for a small part of what they invest in our children's future.

I hope we will clear this bill very shortly and pass it either tonight or first thing tomorrow morning. I hope all of my colleagues will join in a strong vote for this important legislation.

I thank the Presiding Officer for allowing me to comment on these two important provisions. I am delighted to see two of my top legislative priorities on the verge of being signed into law.

I yield the floor.

JOB CREATION AND WORKER ASSISTANCE ACT OF 2002

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, I am about to propound a unanimous consent request. I have been in consultation with the Republican leader, with the distinguished Senator from Iowa, and I know of no objections to the request. So at this time I will make it.

I ask that the Chair now lay before the Senate a message from the House on H.R. 3090 and that on Friday, March 8, immediately following the usual opening ceremony, the Senate resume consideration of the message; that upon disposition of that message, the Senate immediately resume consideration of S. 517 and the McCain amendment No. 2979; and there be 2 minutes of debate equally divided and controlled, with no second-degree amendments in order prior to a vote in relation to the McCain amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Chair laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 3090) entitled "An Act to provide tax incentives for economic recovery", with the following House amendment to Senate amendment:

In the amendment of the Senate, strike the matter proposed to be inserted by the Senate and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Job Creation and Worker Assistance Act of 2002".

(b) REFERENCES TO INTERNAL REVENUE CODE OF 1986.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—BUSINESS PROVISIONS

Sec. 101. Special depreciation allowance for certain property acquired after September 10, 2001, and before September 11, 2004.
Sec. 102. Carryback of certain net operating losses allowed for 5 years; temporary suspension of 90 percent AMT limit.

TITLE II—UNEMPLOYMENT ASSISTANCE

Sec. 201. Short title.
Sec. 202. Federal-State agreements.
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TITLE III—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

Sec. 301. Tax benefits for area of New York City damaged in terrorist attacks on September 11, 2001.

TITLE IV—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

Sec. 401. Allowance of electronic 1099's.
Sec. 402. Excluded cancellation of indebtedness income of S corporation not to result in adjustment to basis of stock of shareholders.
Sec. 403. Limitation on use of nonaccrual experience method of accounting.
Sec. 404. Exclusion for foster care payments to apply to payments by qualified placement agencies.

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Subtitle B—Technical Corrections

Sec. 411. Amendments related to Economic Growth and Tax Relief Reconciliation Act of 2001.
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Sec. 601. Allowance of nonrefundable personal credits against regular and minimum tax liability.
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Sec. 610. Parity in the application of certain limits to mental health benefits.
Sec. 611. Temporary special rules for taxation of life insurance companies.
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Sec. 613. Incentives for Indian employment and property on Indian reservations.
Sec. 614. Subpart F exemption for active financing.
Sec. 615. Repeal of requirement for approved diesel or kerosene terminals.
Sec. 616. Reauthorization of TANF supplemental grants for population increases for fiscal year 2002.
Sec. 617. 1-year extension of contingency fund under the TANF program.

TITLE I—BUSINESS PROVISIONS

SEC. 101. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001, AND BEFORE SEPTEMBER 11, 2004.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

"(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified property' means property—

"(i)(I) to which this section applies which has a recovery period of 20 years or less,

"(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

"(III) which is water utility property, or

"(IV) which is qualified leasehold improvement property,

"(ii) the original use of which commences with the taxpayer after September 10, 2001,

"(iii) which is—

"(I) acquired by the taxpayer after September 10, 2001, and before September 11, 2004, but only if no written binding contract for the acquisition was in effect before September 11, 2001, or

"(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after September 10, 2001, and before September 11, 2004, and

"(iv) which is placed in service by the taxpayer before January 1, 2005, or, in the case of property described in subparagraph (B), before January 1, 2006.

"(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

"(i) IN GENERAL.—The term 'qualified property' includes property—

"(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

"(II) which has a recovery period of at least 10 years or is transportation property, and

"(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

"(ii) ONLY PRE-SEPTEMBER 11, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before September 11, 2004.

"(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term 'transportation property' means tangible personal property used in the trade or business of transporting persons or property.

"(C) EXCEPTIONS.—

"(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified property' shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

"(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

"(II) after application of section 280F(b) (relating to listed property with limited business use).

"(ii) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—The term 'qualified property' shall not include any qualified New York Liberty Zone leasehold improvement property (as defined in section 1400L(c)(2)).

"(iii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

"(D) SPECIAL RULES.—

"(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after September 10, 2001, and before September 11, 2004.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after September 10, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(F) DEDUCTION ALLOWED IN COMPUTING MINIUMUM TAX.—For purposes of determining alternative minimum taxable income under section 55, the deduction under subsection (a) for qualified property shall be determined under this section without regard to any adjustment under section 56.

"(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) COMMITMENT TO LEASE TREATED AS LEASE.—A commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after September 10, 2001, in taxable years ending after such date.

SEC. 102. CARRYBACK OF CERTAIN NET OPERATING LOSSES ALLOWED FOR 5 YEARS; TEMPORARY SUSPENSION OF 90 PERCENT AMT LIMIT.

(a) IN GENERAL.—Paragraph (1) of section 172(b) (relating to years to which loss may be carried) is amended by adding at the end the following new subparagraph:

"(H) In the case of a taxpayer which has a net operating loss for any taxable year ending during 2001 or 2002, subparagraph (A)(i) shall be applied by substituting '5' for '2' and subparagraph (F) shall not apply.".

(b) ELECTION TO DISREGARD 5-YEAR CARRYBACK.—Section 172 (relating to net operating loss deduction) is amended by redesignating subsection (j) as subsection (k) and by inserting after subjection (i) the following new subsection:

"(j) ELECTION TO DISREGARD 5-YEAR CARRYBACK FOR CERTAIN NET OPERATING LOSSES.—Any taxpayer entitled to a 5-year carryback under subsection (b)(1)(H) from any loss year may elect to have the carryback period with respect to such loss year determined without regard to subsection (b)(1)(H). Such election shall be made in such manner as may be prescribed by the Secretary and shall be made by the due date (including extensions of time) for filing the taxpayer's return for the taxable year of the net operating loss. Such election, once made for any taxable year, shall be irrevocable for such taxable year.".

(c) TEMPORARY SUSPENSION OF 90 PERCENT LIMIT ON CERTAIN NOL CARRYOVERS.—

(1) IN GENERAL.—Subparagraph (A) of section 56(d)(1) (relating to general rule defining alternative tax net operating loss deduction) is amended to read as follows:

"(A) the amount of such deduction shall not exceed the sum of—

"(i) the lesser of—

"(I) the amount of such deduction attributable to net operating losses (other than the deduction attributable to carryovers described in clause (ii)(I)), or

"(II) 90 percent of alternative minimum taxable income determined without regard to such deduction, plus

"(ii) the lesser of—

"(I) the amount of such deduction attributable to the sum of carrybacks of net operating losses for taxable years ending during 2001 or 2002 and carryforwards of net operating losses to taxable years ending during 2001 and 2002, or

"(II) alternative minimum taxable income determined without regard to such deduction reduced by the amount determined under clause (i), and".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending before January 1, 2003.

(d) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall apply to net operating losses for taxable years ending after December 31, 2000.

TITLE II—UNEMPLOYMENT ASSISTANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Extended Unemployment Compensation Act of 2002".

SEC. 202. FEDERAL-STATE AGREEMENTS.

(a) IN GENERAL.—Any State which desires to do so may enter into and participate in an agreement under this title with the Secretary of Labor (in this title referred to as the "Secretary"). Any State which is a party to an agreement under this title may, upon providing 30 days' written notice to the Secretary, terminate such agreement.

(b) PROVISIONS OF AGREEMENT.—Any agreement under subsection (a) shall provide that the State agency of the State will make payments of temporary extended unemployment compensation to individuals who—

(1) have exhausted all rights to regular compensation under the State law or under Federal law with respect to a benefit year (excluding any benefit year that ended before March 15, 2001);

(2) have no rights to regular compensation or extended compensation with respect to a week under such law or any other State unemployment compensation law or to compensation under any other Federal law;

(3) are not receiving compensation with respect to such week under the unemployment compensation law of Canada; and

(4) filed an initial claim for regular compensation on or after March 15, 2001.

(c) EXHAUSTION OF BENEFITS.—For purposes of subsection (b)(1), an individual shall be deemed to have exhausted such individual's rights to regular compensation under a State law when—

(1) no payments of regular compensation can be made under such law because such individual has received all regular compensation available to such individual based on employment or wages during such individual's base period; or

(2) such individual's rights to such compensation have been terminated by reason of the expiration of the benefit year with respect to which such rights existed.

(d) WEEKLY BENEFIT AMOUNT, ETC.—For purposes of any agreement under this title—

(1) the amount of temporary extended unemployment compensation which shall be payable to any individual for any week of total unemployment shall be equal to the amount of the regular compensation (including dependents' allowances) payable to such individual during such individual's benefit year under the State law for a week of total unemployment;

(2) the terms and conditions of the State law which apply to claims for regular compensation and to the payment thereof shall apply to claims for temporary extended unemployment compensation and the payment thereof, except—

(A) that an individual shall not be eligible for temporary extended unemployment compensation under this title unless, in the base period with respect to which the individual exhausted all rights to regular compensation under the State law, the individual had 20 weeks of full-time insured employment or the equivalent in insured wages, as determined under the provisions of the State law implementing section 202(a)(5) of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note); and

(B) where otherwise inconsistent with the provisions of this title or with the regulations or operating instructions of the Secretary promulgated to carry out this title; and

(3) the maximum amount of temporary extended unemployment compensation payable to any individual for whom a temporary extended unemployment compensation account is established under section 203 shall not exceed the amount established in such account for such individual.

(e) ELECTION BY STATES.—Notwithstanding any other provision of Federal law (and if State law permits), the Governor of a State that is in an extended benefit period may provide for the payment of temporary extended unemployment compensation in lieu of extended compensation to individuals who otherwise meet the requirements of this section. Such an election shall not require a State to trigger off an extended benefit period.

SEC. 203. TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION ACCOUNT.

(a) IN GENERAL.—Any agreement under this title shall provide that the State will establish, for each eligible individual who files an application for temporary extended unemployment compensation, a temporary extended unemployment compensation account with respect to such individual's benefit year.

(b) AMOUNT IN ACCOUNT.—

(1) IN GENERAL.—The amount established in an account under subsection (a) shall be equal to the lesser of—

(A) 50 percent of the total amount of regular compensation (including dependents' allowances) payable to the individual during the individual's benefit year under such law, or

(B) 13 times the individual's average weekly benefit amount for the benefit year.

(2) WEEKLY BENEFIT AMOUNT.—For purposes of this subsection, an individual's weekly benefit amount for any week is the amount of regular compensation (including dependents' allowances) under the State law payable to such individual for such week for total unemployment.

(c) SPECIAL RULE.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if, at the time that the individual's account is exhausted, such individual's State is in an extended benefit period (as determined under paragraph (2)), then, such account shall be augmented by an amount equal to the amount originally established in such account (as determined under subsection (b)(1)).

(2) EXTENDED BENEFIT PERIOD.—For purposes of paragraph (1), a State shall be considered to be in an extended benefit period if, at the time of exhaustion (as described in paragraph (1))—

(A) such a period is then in effect for such State under the Federal-State Extended Unemployment Compensation Act of 1970; or

(B) such a period would then be in effect for such State under such Act if section 203(d) of such Act were applied as if it had been amended by striking "5" each place it appears and inserting "4".

SEC. 204. PAYMENTS TO STATES HAVING AGREEMENTS FOR THE PAYMENT OF TEMPORARY EXTENDED UNEMPLOYMENT COMPENSATION.

(a) GENERAL RULE.—There shall be paid to each State that has entered into an agreement under this title an amount equal to 100 percent of the temporary extended unemployment compensation paid to individuals by the State pursuant to such agreement.

(b) TREATMENT OF REIMBURSABLE COMPENSATION.—No payment shall be made to any State under this section in respect of any compensation to the extent the State is entitled to reimbursement in respect of such compensation under the provisions of any Federal law other than this title or chapter 85 of title 5, United States Code. A State shall not be entitled to any reimbursement under such chapter 85 in respect of any compensation to the extent the State is entitled to reimbursement under this title in respect of such compensation.

(c) DETERMINATION OF AMOUNT.—Sums payable to any State by reason of such State having an agreement under this title shall be payable, either in advance or by way of reimbursement (as may be determined by the Secretary), in such amounts as the Secretary estimates the State will be entitled to receive under this title for each calendar month, reduced or increased, as the case may be, by any amount by which the Secretary finds that the Secretary's estimates for any prior calendar month were greater or less than the amounts which should have been paid to the State. Such estimates may be made on the basis of such statistical, sampling, or other method as may be agreed upon by the Secretary and the State agency of the State involved.

SEC. 205. FINANCING PROVISIONS.

(a) IN GENERAL.—Funds in the extended unemployment compensation account (as established by section 905(a) of the Social Security Act (42 U.S.C. 1105(a)) of the Unemployment Trust Fund (as established by section 904(a) of such Act (42 U.S.C. 1104(a)) shall be used for the making of payments to States having agreements entered into under this title.

(b) CERTIFICATION.—The Secretary shall from time to time certify to the Secretary of the Treasury for payment to each State the sums payable to such State under this title. The Secretary of the Treasury, prior to audit or settlement by the General Accounting Office, shall make payments to the State in accordance with such certification, by transfers from the extended unemployment compensation account (as so established) to the account of such State in the Unemployment Trust Fund (as so established).

(c) ASSISTANCE TO STATES.—There are appropriated out of the employment security administration account (as established by section 901(a) of the Social Security Act (42 U.S.C. 1101(a)) of the Unemployment Trust Fund, without fiscal year limitation, such funds as may be necessary for purposes of assisting States (as provided in title III of the Social Security Act (42 U.S.C. 501 et seq.)) in meeting the costs of administration of agreements under this title.

(d) APPROPRIATIONS FOR CERTAIN PAYMENTS.—There are appropriated from the general fund of the Treasury, without fiscal year limitation, to the extended unemployment compensation account (as so established) of the Unemployment Trust Fund (as so established) such sums as the Secretary estimates to be necessary to make the payments under this section in respect of—

(1) compensation payable under chapter 85 of title 5, United States Code; and

(2) compensation payable on the basis of services to which section 3309(a)(1) of the Internal Revenue Code of 1986 applies.

Amounts appropriated pursuant to the preceding sentence shall not be required to be repaid.

SEC. 206. FRAUD AND OVERPAYMENTS.

(a) IN GENERAL.—If an individual knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact, and as a result of such false statement or representation or of such nondisclosure such individual has received an amount of temporary extended unemployment compensation under this title to which he was not entitled, such individual—

(1) shall be ineligible for further temporary extended unemployment compensation under this title in accordance with the provisions of the applicable State unemployment compensation law relating to fraud in connection with a claim for unemployment compensation; and

(2) shall be subject to prosecution under section 1001 of title 18, United States Code.

(b) REPAYMENT.—In the case of individuals who have received amounts of temporary extended unemployment compensation under this title to which they were not entitled, the State shall require such individuals to repay the amounts of such temporary extended unemployment compensation to the State agency, except that the State agency may waive such repayment if it determines that—

(1) the payment of such temporary extended unemployment compensation was without fault on the part of any such individual; and

(2) such repayment would be contrary to equity and good conscience.

(c) RECOVERY BY STATE AGENCY.—

(1) IN GENERAL.—The State agency may recover the amount to be repaid, or any part thereof, by deductions from any temporary extended unemployment compensation payable to such individual under this title or from any unemployment compensation payable to such individual under any Federal unemployment compensation law administered by the State agency or under any other Federal law administered by the State agency which provides for the payment of any assistance or allowance with respect to any week of unemployment, during the 3-year period after the date such individuals received the payment of the temporary extended unemployment compensation to which they were not entitled, except that no single deduction may exceed 50 percent of the weekly benefit amount from which such deduction is made.

(2) OPPORTUNITY FOR HEARING.—No repayment shall be required, and no deduction shall be made, until a determination has been made, notice thereof and an opportunity for a fair hearing has been given to the individual, and the determination has become final.

(d) REVIEW.—Any determination by a State agency under this section shall be subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

SEC. 207. DEFINITIONS.

In this title, the terms "compensation", "regular compensation", "extended compensation", "additional compensation", "benefit year", "base period", "State", "State agency", "State law", and "week" have the respective meanings given such terms under section 205 of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note).

SEC. 208. APPLICABILITY.

An agreement entered into under this title shall apply to weeks of unemployment—

(1) beginning after the date on which such agreement is entered into; and

(2) ending before January 1, 2003.

SEC. 209. SPECIAL REED ACT TRANSFER IN FISCAL YEAR 2002.

(a) REPEAL OF CERTAIN PROVISIONS ADDED BY THE BALANCED BUDGET ACT OF 1997.—

(1) IN GENERAL.—The following provisions of section 903 of the Social Security Act (42 U.S.C. 1103) are repealed:

(A) Paragraph (3) of subsection (a).

(B) The last sentence of subsection (c)(2).

(2) SAVINGS PROVISION.—Any amounts transferred before the date of enactment of this Act under the provision repealed by paragraph (1)(A) shall remain subject to section 903 of the Social Security Act, as last in effect before such date of enactment.

(b) SPECIAL TRANSFER IN FISCAL YEAR 2002.—Section 903 of the Social Security Act is amended by adding at the end the following:

"Special Transfer in Fiscal Year 2002

"(d)(1) The Secretary of the Treasury shall transfer (as of the date determined under paragraph (5)) from the Federal unemployment account to the account of each State in the Unemployment Trust Fund the amount determined with respect to such State under paragraph (2).

"(2)(A) The amount to be transferred under this subsection to a State account shall (as determined by the Secretary of Labor and certified by such Secretary to the Secretary of the Treasury) be equal to—

"(i) the amount which would have been required to have been transferred under this section to such account at the beginning of fiscal year 2002 if—

"(I) section 209(a)(1) of the Temporary Extended Unemployment Compensation Act of 2002 had been enacted before the close of fiscal year 2001, and

"(II) section 5402 of Public Law 105–33 (relating to increase in Federal unemployment account ceiling) had not been enacted,

minus

"(ii) the amount which was in fact transferred under this section to such account at the beginning of fiscal year 2002.

"(B) Notwithstanding the provisions of subparagraph (A)—

"(i) the aggregate amount transferred to the States under this subsection may not exceed a total of $8,000,000,000; and

"(ii) all amounts determined under subparagraph (A) shall be reduced ratably, if and to the extent necessary in order to comply with the limitation under clause (i).

"(3)(A) Except as provided in paragraph (4), amounts transferred to a State account pursuant to this subsection may be used only in the payment of cash benefits—

"(i) to individuals with respect to their unemployment, and

"(ii) which are allowable under subparagraph (B) or (C).

"(B)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable as—

"(I) regular compensation, or

"(II) additional compensation, upon the exhaustion of any temporary extended unemployment compensation (if such State has entered into an agreement under the Temporary Extended Unemployment Compensation Act of 2002), for individuals eligible for regular compensation under the unemployment compensation law of such State.

"(ii) Any additional compensation under clause (i) may not be taken into account for purposes of any determination relating to the amount of any extended compensation for which an individual might be eligible.

"(C)(i) At the option of the State, cash benefits under this paragraph may include amounts which shall be payable to 1 or more categories of individuals not otherwise eligible for regular compensation under the unemployment compensation law of such State, including those described in clause (iii).

"(ii) The benefits paid under this subparagraph to any individual may not, for any period of unemployment, exceed the maximum amount of regular compensation authorized under the unemployment compensation law of such State for that same period, plus any additional compensation (described in subparagraph (B)(i)) which could have been paid with respect to that amount.

"(iii) The categories of individuals described in this clause include the following:

"(I) Individuals who are seeking, or available for, only part-time (and not full-time) work.

"(II) Individuals who would be eligible for regular compensation under the unemployment compensation law of such State under an alternative base period.

"(D) Amounts transferred to a State account under this subsection may be used in the payment of cash benefits to individuals only for weeks of unemployment beginning after the date of enactment of this subsection.

"(4) Amounts transferred to a State account under this subsection may be used for the administration of its unemployment compensation law and public employment offices (including in connection with benefits described in paragraph (3) and any recipients thereof), subject to the same conditions as set forth in subsection (c)(2) (excluding subparagraph (B) thereof, and deeming the reference to 'subsections (a) and (b)' in subparagraph (D) thereof to include this subsection).

"(5) Transfers under this subsection shall be made within 10 days after the date of enactment of this paragraph.".

(c) LIMITATIONS ON TRANSFERS.—Section 903(b) of the Social Security Act shall apply to transfers under section 903(d) of such Act (as amended by this section). For purposes of the preceding sentence, such section 903(b) shall be deemed to be amended as follows:

(1) By substituting "the transfer date described in subsection (d)(5)" for "October 1 of any fiscal year".

(2) By substituting "remain in the Federal unemployment account" for "be transferred to the Federal unemployment account as of the beginning of such October 1".

(3) By substituting "fiscal year 2002 (after the transfer date described in subsection (d)(5))" for "the fiscal year beginning on such October 1".

(4) By substituting "under subsection (d)" for "as of October 1 of such fiscal year".

(5) By substituting "(as of the close of fiscal year 2002)" for "(as of the close of such fiscal year)".

(d) TECHNICAL AMENDMENTS.—(1) Sections 3304(a)(4)(B) and 3306(f)(2) of the Internal Revenue Code of 1986 are amended by inserting "or 903(d)(4)" before "of the Social Security Act".

(2) Section 303(a)(5) of the Social Security Act is amended in the second proviso by inserting "or 903(d)(4)" after "903(c)(2)".

(e) REGULATIONS.—The Secretary of Labor may prescribe any operating instructions or regulations necessary to carry out this section and the amendments made by this section.

TITLE III—TAX INCENTIVES FOR NEW YORK CITY AND DISTRESSED AREAS

SEC. 301. TAX BENEFITS FOR AREA OF NEW YORK CITY DAMAGED IN TERRORIST ATTACKS ON SEPTEMBER 11, 2001.

(a) IN GENERAL.—Chapter 1 is amended by adding at the end the following new subchapter:

"Subchapter Y—New York Liberty Zone Benefits

"Sec. 1400L. Tax benefits for New York Liberty Zone.

"SEC. 1400L. TAX BENEFITS FOR NEW YORK LIBERTY ZONE.

"(a) EXPANSION OF WORK OPPORTUNITY TAX CREDIT.—

"(1) IN GENERAL.—For purposes of section 51, a New York Liberty Zone business employee shall be treated as a member of a targeted group.

"(2) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'New York Liberty Zone business employee' means, with respect to any period, any employee of a New York Liberty Zone business if substantially all the services performed during such period by such employee for such business are performed in the New York Liberty Zone.

"(B) INCLUSION OF CERTAIN EMPLOYEES OUTSIDE THE NEW YORK LIBERTY ZONE.—

"(i) IN GENERAL.—In the case of a New York Liberty Zone business described in subclause (II) of subparagraph (C)(i), the term 'New York Liberty Zone business employee' includes any employee of such business (not described in subparagraph (A)) if substantially all the services performed during such period by such employee for such business are performed in the City of New York, New York.

"(ii) LIMITATION.—The number of employees of such a business that are treated as New York Liberty zone business employees on any day by reason of clause (i) shall not exceed the excess of—

"(I) the number of employees of such business on September 11, 2001, in the New York Liberty Zone, over

"(II) the number of New York Liberty Zone business employees (determined without regard to this subparagraph) of such business on the day to which the limitation is being applied.

The Secretary may require any trade or business to have the number determined under subclause (I) verified by the New York State Department of Labor.

"(C) NEW YORK LIBERTY ZONE BUSINESS.—

"(i) IN GENERAL.—The term 'New York Liberty Zone business' means any trade or business which is—

"(I) located in the New York Liberty Zone, or

"(II) located in the City of New York, New York, outside the New York Liberty Zone, as a result of the physical destruction or damage of such place of business by the September 11, 2001, terrorist attack.

"(ii) CREDIT NOT ALLOWED FOR LARGE BUSINESSES.—The term 'New York Liberty Zone business' shall not include any trade or business for any taxable year if such trade or business employed an average of more than 200 employees on business days during the taxable year.

"(D) SPECIAL RULES FOR DETERMINING AMOUNT OF CREDIT.—For purposes of applying subpart F of part IV of subchapter B of this chapter to wages paid or incurred to any New York Liberty Zone business employee—

"(i) section 51(a) shall be applied by substituting 'qualified wages' for 'qualified first-year wages',

"(ii) the rules of section 52 shall apply for purposes of determining the number of employees under subparagraph (B),

"(iii) subsections (c)(4) and (i)(2) of section 51 shall not apply, and

"(iv) in determining qualified wages, the following shall apply in lieu of section 51(b):

"(I) QUALIFIED WAGES.—The term 'qualified wages' means wages paid or incurred by the employer to individuals who are New York Liberty Zone business employees of such employer for work performed during calendar year 2002 or 2003.

"(II) ONLY FIRST $6,000 OF WAGES PER CALENDAR YEAR TAKEN INTO ACCOUNT.—The amount of the qualified wages which may be taken into account with respect to any individual shall not exceed $6,000 per calendar year.

"(b) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER SEPTEMBER 10, 2001.—

"(1) ADDITIONAL ALLOWANCE.—In the case of any qualified New York Liberty Zone property—

"(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of such property, and

"(B) the adjusted basis of the qualified New York Liberty Zone property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

"(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified New York Liberty Zone property' means property—

"(i)(I) which is described in section 168(k)(2)(A)(i), or

"(II) which is nonresidential real property, or residential rental property, which is described in subparagraph (B),

"(ii) substantially all of the use of which is in the New York Liberty Zone and is in the active conduct of a trade or business by the taxpayer in such Zone,

"(iii) the original use of which in the New York Liberty Zone commences with the taxpayer after September 10, 2001,

"(iv) which is acquired by the taxpayer by purchase (as defined in section 179(d)) after September 10, 2001, but only if no written binding contract for the acquisition was in effect before September 11, 2001, and

"(v) which is placed in service by the taxpayer on or before the termination date.

The term 'termination date' means December 31, 2006 (December 31, 2009, in the case of nonresidential real property and residential rental property).

"(B) ELIGIBLE REAL PROPERTY.—Nonresidential real property or residential rental property is described in this subparagraph only to the extent it rehabilitates real property damaged, or replaces real property destroyed or condemned, as a result of the September 11, 2001, terrorist attack. For purposes of the preceding sentence, property shall be treated as replacing real property destroyed or condemned if, as part of an integrated plan, such property replaces real property which is included in a continuous area which includes real property destroyed or condemned.

"(C) EXCEPTIONS.—

"(i) 30 PERCENT ADDITIONAL ALLOWANCE PROPERTY.—Such term shall not include property to which section 168(k) applies.

"(ii) ALTERNATIVE DEPRECIATION PROPERTY.—The term 'qualified New York Liberty Zone property' shall not include any property described in section 168(k)(2)(C)(i).

"(iii) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—Such term shall not include any qualified New York Liberty Zone leasehold improvement property.

"(iv) ELECTION OUT.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(C)(iii) shall apply.

"(D) SPECIAL RULES.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(D) shall apply, except that clause (i) thereof shall be applied without regard to 'and before September 11, 2004'.

"(E) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—For purposes of this subsection, rules similar to the rules of section 168(k)(2)(F) shall apply.

"(c) 5-YEAR RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN LEASEHOLD IMPROVEMENTS.—

"(1) IN GENERAL.—For purposes of section 168, the term '5-year property' includes any qualified New York Liberty Zone leasehold improvement property.

"(2) QUALIFIED NEW YORK LIBERTY ZONE LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this section, the term 'qualified New York Liberty Zone leasehold improvement property' means qualified leasehold improvement property (as defined in section 168(k)(3)) if—

"(A) such building is located in the New York Liberty Zone,

"(B) such improvement is placed in service after September 10, 2001, and before January 1, 2007, and

"(C) no written binding contract for such improvement was in effect before September 11, 2001.

"(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—The applicable depreciation method under section 168 shall be the straight line method in the case of qualified New York Liberty Zone leasehold improvement property.

"(4) 9-YEAR RECOVERY PERIOD UNDER ALTERNATIVE SYSTEM.—For purposes of section 168(g), the class life of qualified New York Liberty Zone leasehold improvement property shall be 9 years.

"(d) TAX-EXEMPT BOND FINANCING.—

"(1) IN GENERAL.—For purposes of this title, any qualified New York Liberty Bond shall be treated as an exempt facility bond.

"(2) QUALIFIED NEW YORK LIBERTY BOND.—For purposes of this subsection, the term 'qualified New York Liberty Bond' means any bond issued as part of an issue if—

"(A) 95 percent or more of the net proceeds (as defined in section 150(a)(3)) of such issue are to be used for qualified project costs,

"(B) such bond is issued by the State of New York or any political subdivision thereof,

"(C) the Governor or the Mayor designates such bond for purposes of this section, and

"(D) such bond is issued after the the date of the enactment of this section and before January 1, 2005.

"(3) LIMITATIONS ON AMOUNT OF BONDS.—

"(A) AGGREGATE AMOUNT DESIGNATED.—The maximum aggregate face amount of bonds which may be designated under this subsection shall not exceed $8,000,000,000, of which not to exceed $4,000,000,000 may be designated by the Governor and not to exceed $4,000,000,000 may be designated by the Mayor.

"(B) SPECIFIC LIMITATIONS.—The aggregate face amount of bonds issued which are to be used for—

"(i) costs for property located outside the New York Liberty Zone shall not exceed $2,000,000,000, "(ii) residential rental property shall not exceed $1,600,000,000, and

"(iii) costs with respect to property used for retail sales of tangible property and functionally related and subordinate property shall not exceed $800,000,000.

The limitations under clauses (i), (ii), and (iii) shall be allocated proportionately between the bonds designated by the Governor and the bonds designated by the Mayor in proportion to the respective amounts of bonds designated by each.

"(C) MOVABLE PROPERTY.—No bonds shall be issued which are to be used for movable fixtures and equipment.

"(4) QUALIFIED PROJECT COSTS.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified project costs' means the cost of acquisition, construction, reconstruction, and renovation of—

"(i) nonresidential real property and residential rental property (including fixed tenant improvements associated with such property) located in the New York Liberty Zone, and

"(ii) public utility property (as defined in section 168(i)(10)) located in the New York Liberty Zone.

"(B) COSTS FOR CERTAIN PROPERTY OUTSIDE ZONE INCLUDED.—Such term includes the cost of acquisition, construction, reconstruction, and renovation of nonresidential real property (including fixed tenant improvements associated with such property) located outside the New York Liberty Zone but within the City of New York, New York, if such property is part of a project which consists of at least 100,000 square feet of usable office or other commercial space located in a single building or multiple adjacent buildings.

"(5) SPECIAL RULES.—In applying this title to any qualified New York Liberty Bond, the following modifications shall apply:

"(A) Section 146 (relating to volume cap) shall not apply.

"(B) Section 147(d) (relating to acquisition of existing property not permitted) shall be applied by substituting '50 percent' for '15 percent' each place it appears.

"(C) Section 148(f)(4)(C) (relating to exception from rebate for certain proceeds to be used to finance construction expenditures) shall apply to the available construction proceeds of bonds issued under this section.

"(D) Repayments of principal on financing provided by the issue—

"(i) may not be used to provide financing, and

"(ii) must be used not later than the close of the 1st semiannual period beginning after the date of the repayment to redeem bonds which are part of such issue.

The requirement of clause (ii) shall be treated as met with respect to amounts received within 10 years after the date of issuance of the issue (or, in the case of a refunding bond, the date of issuance of the original bond) if such amounts are used by the close of such 10 years to redeem bonds which are part of such issue.

"(E) Section 57(a)(5) shall not apply.

"(6) SEPARATE ISSUE TREATMENT OF PORTIONS OF AN ISSUE.—This subsection shall not apply to the portion of an issue which (if issued as a separate issue) would be treated as a qualified bond or as a bond that is not a private activity bond (determined without regard to paragraph (1)), if the issuer elects to so treat such portion.

"(e) ADVANCE REFUNDINGS OF CERTAIN TAX-EXEMPT BONDS.—

"(1) IN GENERAL.—With respect to a bond described in paragraph (2) issued as part of an issue 90 percent (95 percent in the case of a bond described in paragraph (2)(C)) or more of the net proceeds (as defined in section 150(a)(3)) of which were used to finance facilities located within the City of New York, New York (or property which is functionally related and subordinate to facilities located within the City of New York for the furnishing of water), one additional advanced refunding after the date of the enactment of this section and before January 1, 2005, shall be allowed under the applicable rules of section 149(d) if—

"(A) the Governor or the Mayor designates the advance refunding bond for purposes of this subsection, and

"(B) the requirements of paragraph (4) are met.

"(2) BONDS DESCRIBED.—A bond is described in this paragraph if such bond was outstanding on September 11, 2001, and is—

"(A) a State or local bond (as defined in section 103(c)(1)) which is a general obligation of the City of New York, New York,

"(B) a State or local bond (as so defined) other than a private activity bond (as defined in section 141(a)) issued by the New York Municipal Water Finance Authority or the Metropolitan Transportation Authority of the State of New York, or

"(C) a qualified 501(c)(3) bond (as defined in section 145(a)) which is a qualified hospital bond (as defined in section 145(c)) issued by or on behalf of the State of New York or the City of New York, New York.

"(3) AGGREGATE LIMIT.—For purposes of paragraph (1), the maximum aggregate face amount of bonds which may be designated under this subsection by the Governor shall not exceed $4,500,000,000 and the maximum aggregate face amount of bonds which may be designated under this subsection by the Mayor shall not exceed $4,500,000,000.

"(4) ADDITIONAL REQUIREMENTS.—The requirements of this paragraph are met with respect to any advance refunding of a bond described in paragraph (2) if—

"(A) no advance refundings of such bond would be allowed under any provision of law after September 11, 2001,

"(B) the advance refunding bond is the only other outstanding bond with respect to the refunded bond, and

"(C) the requirements of section 148 are met with respect to all bonds issued under this subsection.

"(f) INCREASE IN EXPENSING UNDER SECTION 179.—

"(1) IN GENERAL.—For purposes of section 179—

"(A) the limitation under section 179(b)(1) shall be increased by the lesser of—

"(i) $35,000, or

"(ii) the cost of section 179 property which is qualified New York Liberty Zone property placed in service during the taxable year, and

"(B) the amount taken into account under section 179(b)(2) with respect to any section 179 property which is qualified New York Liberty Zone property shall be 50 percent of the cost thereof.

"(2) QUALIFIED NEW YORK LIBERTY ZONE PROPERTY.—For purposes of this subsection, the term 'qualified New York Liberty Zone property' has the meaning given such term by subsection (b)(2).

"(3) RECAPTURE.—Rules similar to the rules under section 179(d)(10) shall apply with respect to any qualified New York Liberty Zone property which ceases to be used in the New York Liberty Zone.

"(g) EXTENSION OF REPLACEMENT PERIOD FOR NONRECOGNITION OF GAIN.—Notwithstanding subsections (g) and (h) of section 1033, clause (i) of section 1033(a)(2)(B) shall be applied by substituting '5 years' for '2 years' with respect to property which is compulsorily or involuntarily converted as a result of the terrorist attacks on September 11, 2001, in the New York Liberty Zone but only if substantially all of the use of the replacement property is in the City of New York, New York.

"(h) NEW YORK LIBERTY ZONE.—For purposes of this section, the term 'New York Liberty Zone' means the area located on or south of Canal Street, East Broadway (east of its intersection with Canal Street), or Grand Street (east of its intersection with East Broadway) in the Borough of Manhattan in the City of New York, New York.

"(i) REFERENCES TO GOVERNOR AND MAYOR.—For purposes of this section, the terms 'Governor' and 'Mayor' mean the Governor of the State of New York and the Mayor of the City of New York, New York, respectively.".

(b) CREDIT ALLOWED AGAINST REGULAR AND MINIMUM TAX.—

(1) IN GENERAL.—Subsection (c) of section 38 (relating to limitation based on amount of tax) is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) SPECIAL RULES FOR NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—

"(A) IN GENERAL.—In the case of the New York Liberty Zone business employee credit—

"(i) this section and section 39 shall be applied separately with respect to such credit, and

"(ii) in applying paragraph (1) to such credit—

"(I) the tentative minimum tax shall be treated as being zero, and

"(II) the limitation under paragraph (1) (as modified by subclause (I)) shall be reduced by the credit allowed under subsection (a) for the taxable year (other than the New York Liberty Zone business employee credit).

"(B) NEW YORK LIBERTY ZONE BUSINESS EMPLOYEE CREDIT.—For purposes of this subsection, the term 'New York Liberty Zone business employee credit' means the portion of work opportunity credit under section 51 determined under section 1400L(a).".

(2) CONFORMING AMENDMENT.—Subclause (II) of section 38(c)(2)(A)(ii) is amended by inserting "or the New York Liberty Zone business employee credit" after "employment credit".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after December 31, 2001.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 1 is amended by adding at the end the following new item:

"Subchapter Y—New York Liberty Zone Benefits.".

TITLE IV—MISCELLANEOUS AND TECHNICAL PROVISIONS

Subtitle A—General Miscellaneous Provisions

SEC. 401. ALLOWANCE OF ELECTRONIC 1099'S.

Any person required to furnish a statement under any section of subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 for any taxable year ending after the date of the enactment of this Act, may electronically furnish such statement (without regard to any first class mailing requirement) to any recipient who has consented to the electronic provision of the statement in a manner similar to the one permitted under regulations issued under section 6051 of such Code or in such other manner as provided by the Secretary.

SEC. 402. EXCLUDED CANCELLATION OF INDEBTEDNESS INCOME OF S CORPORATION NOT TO RESULT IN ADJUSTMENT TO BASIS OF STOCK OF SHAREHOLDERS.

(a) IN GENERAL.—Subparagraph (A) of section 108(d)(7) (relating to certain provisions to be applied at corporate level) is amended by inserting before the period ", including by not taking into account under section 1366(a) any amount excluded under subsection (a) of this section".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section

shall apply to discharges of indebtedness after October 11, 2001, in taxable years ending after such date.

(2) Exception.—The amendment made by this section shall not apply to any discharge of indebtedness before March 1, 2002, pursuant to a plan of reorganization filed with a bankruptcy court on or before October 11, 2001.

SEC. 403. LIMITATION ON USE OF NONACCRUAL EXPERIENCE METHOD OF ACCOUNTING.

(a) In General.—Paragraph (5) of section 448(d) is amended to read as follows:

"(5) Special rule for certain services.—

"(A) In general.—In the case of any person using an accrual method of accounting with respect to amounts to be received for the performance of services by such person, such person shall not be required to accrue any portion of such amounts which (on the basis of such person's experience) will not be collected if—

"(i) such services are in fields referred to in paragraph (2)(A), or

"(ii) such person meets the gross receipts test of subsection (c) for all prior taxable years.

"(B) Exception.—This paragraph shall not apply to any amount if interest is required to be paid on such amount or there is any penalty for failure to timely pay such amount.

"(C) Regulations.—The Secretary shall prescribe regulations to permit taxpayers to determine amounts referred to in subparagraph (A) using computations or formulas which, based on experience, accurately reflect the amount of income that will not be collected by such person. A taxpayer may adopt, or request consent of the Secretary to change to, a computation or formula that clearly reflects the taxpayer's experience. A request under the preceding sentence shall be approved if such computation or formula clearly reflects the taxpayer's experience.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(2) Change in method of accounting.—In the case of any taxpayer required by the amendments made by this section to change its method of accounting for its first taxable year ending after the date of the enactment of this Act—

(A) such change shall be treated as initiated by the taxpayer,

(B) such change shall be treated as made with the consent of the Secretary of the Treasury, and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period of 4 years (or if less, the number of taxable years that the taxpayer used the method permitted under section 448(d)(5) of such Code as in effect before the date of the enactment of this Act) beginning with such first taxable year.

SEC. 404. EXCLUSION FOR FOSTER CARE PAYMENTS TO APPLY TO PAYMENTS BY QUALIFIED PLACEMENT AGENCIES.

(a) In General.—The matter preceding subparagraph (B) of section 131(b)(1) (defining qualified foster care payment) is amended to read as follows:

"(1) In general.—The term 'qualified foster care payment' means any payment made pursuant to a foster care program of a State or political subdivision thereof—

"(A) which is paid by—

"(i) a State or political subdivision thereof, or

"(ii) a qualified foster care placement agency, and".

(b) Qualified Foster Individuals To Include Individuals Placed by Qualified Placement Agencies.—Subparagraph (B) of section 131(b)(2) (defining qualified foster individual) is amended to read as follows:

"(B) a qualified foster care placement agency.".

(c) Qualified Foster Care Placement Agency Defined.—Subsection (b) of section 131 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

"(3) Qualified foster care placement agency.—The term 'qualified foster care placement agency' means any placement agency which is licensed or certified by—

"(A) a State or political subdivision thereof, or

"(B) an entity designated by a State or political subdivision thereof,

for the foster care program of such State or political subdivision to make foster care payments to providers of foster care.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 405. INTEREST RATE RANGE FOR ADDITIONAL FUNDING REQUIREMENTS.

(a) Amendments to the Internal Revenue Code of 1986.—

(1) Special rule.—Clause (i) of section 412(l)(7)(C) (relating to interest rate) is amended by adding at the end the following new subclause:

"(III) Special rule for 2002 and 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).".

(2) Quarterly contributions.—Subsection (m) of section 412 is amended by adding at the end the following new paragraph:

"(7) Special rules for 2002 and 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (l)(7)(C)(i)(III)—

"(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).

"(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (l)(7)(C)(i)(II).".

(b) Amendments to the Employee Retirement Income Security Act of 1974.—

(1) Special rule.—Clause (i) of section 302(d)(7)(C) of such Act (29 U.S.C. 1082(d)(7)(C)) is amended by adding at the end the following new subclause:

"(III) Special rule for 2002 and 2003.—For a plan year beginning in 2002 or 2003, notwithstanding subclause (I), in the case that the rate of interest used under subsection (b)(5) exceeds the highest rate permitted under subclause (I), the rate of interest used to determine current liability under this subsection may exceed the rate of interest otherwise permitted under subclause (I); except that such rate of interest shall not exceed 120 percent of the weighted average referred to in subsection (b)(5)(B)(ii).".

(2) Quarterly contributions.—Subsection (e) of section 302 of such Act (29 U.S.C. 1082) is amended by adding at the end the following new paragraph:

"(7) Special rules for 2002 and 2004.—In any case in which the interest rate used to determine current liability is determined under subsection (d)(7)(C)(i)(III)—

"(A) 2002.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2002, the current liability for the preceding plan year shall be redetermined using 120 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).

"(B) 2004.—For purposes of applying paragraphs (1) and (4)(B)(ii) for plan years beginning in 2004, the current liability for the preceding plan year shall be redetermined using 105 percent as the specified percentage determined under subsection (d)(7)(C)(i)(II).".

(c) PBGC.—Clause (iii) of section 4006(a)(3)(E) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(E)) is amended by adding at the end the following new subclause:

"(IV) In the case of plan years beginning after December 31, 2001, and before January 1, 2004, subclause (II) shall be applied by substituting '100 percent' for '85 percent'. Subclause (III) shall be applied for such years without regard to the preceding sentence. Any reference to this clause by any other sections or subsections shall be treated as a reference to this clause without regard to this subclause.".

SEC. 406. ADJUSTED GROSS INCOME DETERMINED BY TAKING INTO ACCOUNT CERTAIN EXPENSES OF ELEMENTARY AND SECONDARY SCHOOL TEACHERS.

(a) In General.—Section 62(a)(2) (relating to certain trade and business deductions of employees) is amended by adding at the end the following:

"(D) Certain expenses of elementary and secondary school teachers.—In the case of taxable years beginning during 2002 or 2003, the deductions allowed by section 162 which consist of expenses, not in excess of $250, paid or incurred by an eligible educator in connection with books, supplies (other than nonathletic supplies for courses of instruction in health or physical education), computer equipment (including related software and services) and other equipment, and supplementary materials used by the eligible educator in the classroom.".

(b) Eligible Educator.—Section 62 is amended by adding at the end the following:

"(d) Definition; Special Rules.—

"(1) Eligible educator.—

"(A) In general.—For purposes of subsection (a)(2)(D), the term 'eligible educator' means, with respect to any taxable year, an individual who is a kindergarten through grade 12 teacher, instructor, counselor, principal, or aide in a school for at least 900 hours during a school year.

"(B) School.—The term 'school' means any school which provides elementary education or secondary education (kindergarten through grade 12), as determined under State law.

"(2) Coordination with exclusions.—A deduction shall be allowed under subsection (a)(2)(D) for expenses only to the extent the amount of such expenses exceeds the amount excludable under section 135, 529(c)(1), or 530(d)(2) for the taxable year.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

Subtitle B—Technical Corrections

SEC. 411. AMENDMENTS RELATED TO ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.

(a) Amendments Related to Section 101 of the Act.—

(1) In general.—Subsection (b) of section 6428 is amended to read as follows:

"(b) Credit Treated as Nonrefundable Personal Credit.—For purposes of this title, the credit allowed under this section shall be treated as a credit allowable under subpart A of part IV of subchapter A of chapter 1.".

(2) Conforming amendments.—

(A) Subsection (d) of section 6428 is amended to read as follows:

"(d) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

"(1) IN GENERAL.—The amount of credit which would (but for this paragraph) be allowable under this section shall be reduced (but not below zero) by the aggregate refunds and credits made or allowed to the taxpayer under subsection (e). Any failure to so reduce the credit shall be treated as arising out of a mathematical or clerical error and assessed according to section 6213(b)(1).

"(2) JOINT RETURNS.—In the case of a refund or credit made or allowed under subsection (e) with respect to a joint return, half of such refund or credit shall be treated as having been made or allowed to each individual filing such return.".

(B) Paragraph (2) of section 6428(e) is amended to read as follows:

"(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such first taxable year if—

"(A) this section (other than subsections (b) and (d) and this subsection) had applied to such taxable year, and

"(B) the credit for such taxable year were not allowed to exceed the excess (if any) of—

"(i) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(ii) the sum of the credits allowable under part IV of subchapter A of chapter 1 (other than the credits allowable under subpart C thereof, relating to refundable credits).".

(b) AMENDMENT RELATED TO SECTION 201 OF THE ACT.—Subparagraph (B) of section 24(d)(1) is amended by striking "amount of credit allowed by this section" and inserting "aggregate amount of credits allowed by this subpart".

(c) AMENDMENTS RELATED TO SECTION 202 OF THE ACT.—

(1) CORRECTIONS TO CREDIT FOR ADOPTION EXPENSES.—

(A) Paragraph (1) of section 23(a) is amended to read as follows:

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter the amount of the qualified adoption expenses paid or incurred by the taxpayer.".

(B) Subsection (a) of section 23 is amended by adding at the end the following new paragraph:

"(3) $10,000 CREDIT FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the taxpayer shall be treated as having paid during such year qualified adoption expenses with respect to such adoption in an amount equal to the excess (if any) of $10,000 over the aggregate qualified adoption expenses actually paid or incurred by the taxpayer with respect to such adoption during such taxable year and all prior taxable years.".

(C) Paragraph (2) of section 23(a) is amended by striking the last sentence.

(D) Paragraph (1) of section 23(b) is amended by striking "subsection (a)(1)(A)" and inserting "subsection (a)".

(E) Subsection (i) of section 23 is amended by striking "the dollar limitation in subsection (b)(1)" and inserting "the dollar amounts in subsections (a)(3) and (b)(1)".

(F) Expenses paid or incurred during any taxable year beginning before January 1, 2002, may be taken into account in determining the credit under section 23 of the Internal Revenue Code of 1986 only to the extent the aggregate of such expenses does not exceed the applicable limitation under section 23(b)(1) of such Code as in effect on the day before the date of the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(2) CORRECTIONS TO EXCLUSION FOR EMPLOYER-PROVIDED ADOPTION ASSISTANCE.—

(A) Subsection (a) of section 137 is amended to read as follows:

"(a) EXCLUSION.—

"(1) IN GENERAL.—Gross income of an employee does not include amounts paid or expenses incurred by the employer for qualified adoption expenses in connection with the adoption of a child by an employee if such amounts are furnished pursuant to an adoption assistance program.

"(2) $10,000 EXCLUSION FOR ADOPTION OF CHILD WITH SPECIAL NEEDS REGARDLESS OF EXPENSES.—In the case of an adoption of a child with special needs which becomes final during a taxable year, the qualified adoption expenses with respect to such adoption for such year shall be increased by an amount equal to the excess (if any) of $10,000 over the actual aggregate qualified adoption expenses with respect to such adoption during such taxable year and all prior taxable years.".

(B) Paragraph (2) of section 137(b) is amended by striking "subsection (a)(1)" and inserting "subsection (a)".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2002; except that the amendments made by paragraphs (1)(C), (1)(D), and (2)(B) shall apply to taxable years beginning after December 31, 2001.

(d) AMENDMENTS RELATED TO SECTION 205 OF THE ACT.—

(1) Section 45F(d)(4)(B) is amended by striking "subpart A, B, or D of this part" and inserting "this chapter or for purposes of section 55".

(2) Section 38(b)(15) is amended by striking "45F" and inserting "45F(a)".

(e) AMENDMENTS RELATED TO SECTION 301 OF THE ACT.—

(1) Section 63(c)(2) is amended—

(A) in subparagraph (A), by striking "subparagraph (C)" and inserting "subparagraph (D)",

(B) by striking "or" at the end of subparagraph (B),

(C) by redesignating subparagraph (C) as subparagraph (D),

(D) by inserting after subparagraph (B) the following new subparagraph:

"(C) one-half of the amount in effect under subparagraph (A) in the case of a married individual filing a separate return, or", and

(E) by inserting the following flush sentence at the end:

"If any amount determined under subparagraph (A) is not a multiple of $50, such amount shall be rounded to the next lowest multiple of $50.".

(2)(A) Section 63(c)(4) is amended by striking "paragraph (2) or (5)" and inserting "paragraph (2)(B), (2)(D), or (5)".

(B) Section 63(c)(4)(B)(i) is amended by striking "paragraph (2)" and inserting "paragraph (2)(B), (2)(D),".

(C) Section 63(c)(4) is amended by striking the flush sentence at the end (as added by section 301(c)(2) of Public Law 107–17).

(f) AMENDMENT RELATED TO SECTION 401 OF THE ACT.—Section 530(d)(4)(B)(iv) is amended by striking "because the taxpayer elected under paragraph (2)(C) to waive the application of paragraph (2)" and inserting "by application of paragraph (2)(C)(i)(II)".

(g) AMENDMENTS RELATED TO SECTION 511 OF THE ACT.—

(1) Section 2511(c) is amended by striking "taxable gift under section 2503," and inserting "transfer of property by gift,".

(2) Section 2101(b) is amended by striking the last sentence.

(h) AMENDMENT RELATED TO SECTION 532 OF THE ACT.—Section 2016 is amended by striking "any State, any possession of the United States, or the District of Columbia,".

(i) AMENDMENTS RELATING TO SECTION 602 OF THE ACT.—

(1) Subparagraph (A) of section 408(q)(3) is amended to read as follows:

"(A) QUALIFIED EMPLOYER PLAN.—The term 'qualified employer plan' has the meaning given such term by section 72(p)(4)(A)(i); except that such term shall also include an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) Section 4(c) of Employee Retirement Income Security Act of 1974 is amended—

(A) by inserting "and part 5 (relating to administration and enforcement)" before the period at the end, and

(B) by adding at the end the following new sentence: "Such provisions shall apply to such accounts and annuities in a manner similar to their application to a simplified employee pension under section 408(k) of the Internal Revenue Code of 1986.".

(j) AMENDMENTS RELATING TO SECTION 611 OF THE ACT.—

(1) Section 408(k) is amended—

(A) in paragraph (2)(C) by striking "$300" and inserting "$450", and

(B) in paragraph (8) by striking "$300" both places it appears and inserting "$450".

(2) Section 409(o)(1)(C)(ii) is amended—

(A) by striking "$500,000" both places it appears and inserting "$800,000", and

(B) by striking "$100,000" and inserting "$160,000".

(3) Section 611(i) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by adding at the end the following new paragraph:

"(3) SPECIAL RULE.—In the case of plan that, on June 7, 2001, incorporated by reference the limitation of section 415(b)(1)(A) of the Internal Revenue Code of 1986, section 411(d)(6) of such Code and section 204(g)(1) of the Employee Retirement Income Security Act of 1974 do not apply to a plan amendment that—

"(A) is adopted on or before June 30, 2002,

"(B) reduces benefits to the level that would have applied without regard to the amendments made by subsection (a) of this section, and

"(C) is effective no earlier than the years described in paragraph (2).".

(k) AMENDMENTS RELATING TO SECTION 613 OF THE ACT.—

(1) Section 416(c)(1)(C)(iii) is amended by striking "EXCEPTION FOR FROZEN PLAN" and inserting "EXCEPTION FOR PLAN UNDER WHICH NO KEY EMPLOYEE (OR FORMER KEY EMPLOYEE) BENEFITS FOR PLAN YEAR".

(2) Section 416(g)(3)(B) is amended by striking "separation from service" and inserting "severance from employment".

(l) AMENDMENTS RELATING TO SECTIONS 614 and 616 OF THE ACT.—

(1) Section 404(a)(12) is amended by striking "(9)," and inserting "(9) and subsection (h)(1)(C),".

(2) Section 404(n) is amended by striking "subsection (a)," and inserting "subsection (a) or paragraph (1)(C) of subsection (h)".

(3) Section 402(h)(2)(A) is amended by striking "15 percent" and inserting "25 percent".

(4) Section 404(a)(7)(C) is amended to read as follows:

"(C) PARAGRAPH NOT TO APPLY IN CERTAIN CASES.—

"(i) BENEFICIARY TEST.—This paragraph shall not have the effect of reducing the amount otherwise deductible under paragraphs (1), (2), and (3), if no employee is a beneficiary under more than 1 trust or under a trust and an annuity plan.

"(ii) ELECTIVE DEFERRALS.—If, in connection with 1 or more defined contribution plans and 1 or more defined benefit plans, no amounts (other than elective deferrals (as defined in section 402(g)(3))) are contributed to any of the defined contribution plans for the taxable year, then subparagraph (A) shall not apply with respect to any of such defined contribution plans and defined benefit plans.".

(m) AMENDMENT RELATING TO SECTION 618 OF THE ACT.—Section 25B(d)(2)(A) is amended to read as follows:

"(A) IN GENERAL.—The qualified retirement savings contributions determined under paragraph (1) shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made. The preceding sentence shall not apply to the portion of any distribution which is not includible in gross income by reason of a trustee-to-trustee transfer or a rollover distribution.".

(n) AMENDMENTS RELATING TO SECTION 619 OF THE ACT.—

(1) Section 45E(e)(1) is amended by striking "(n)" and inserting "(m)".

(2) Section 619(d) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking "established" and inserting "first effective".

(o) AMENDMENTS RELATING TO SECTION 631 OF THE ACT.—

(1) Section 402(g)(1) is amended by adding at the end the following:

"(C) CATCH-UP CONTRIBUTIONS.—In addition to subparagraph (A), in the case of an eligible participant (as defined in section 414(v)), gross income shall not include elective deferrals in excess of the applicable dollar amount under subparagraph (B) to the extent that the amount of such elective deferrals does not exceed the applicable dollar amount under section 414(v)(2)(B)(i) for the taxable year (without regard to the treatment of the elective deferrals by an applicable employer plan under section 414(v)).".

(2) Section 401(a)(30) is amended by striking "402(g)(1)" and inserting "402(g)(1)(A)":

(3) Section 414(v)(2) is amended by adding at the end the following:

"(D) AGGREGATION OF PLANS.—For purposes of this paragraph, plans described in clauses (i), (ii), and (iv) of paragraph (6)(A) that are maintained by the same employer (as determined under subsection (b), (c), (m) or (o)) shall be treated as a single plan, and plans described in clause (iii) of paragraph (6)(A) that are maintained by the same employer shall be treated as a single plan.".

(4) Section 414(v)(3)(A)(i) is amended by striking "section 402(g), 402(h), 403(b), 404(a), 404(h), 408(k), 408(p), 415, or 457" and inserting "section 401(a)(30), 402(h), 403(b), 408, 415(c), and 457(b)(2) (determined without regard to section 457(b)(3))".

(5) Section 414(v)(3)(B) is amended by striking "section 401(a)(4), 401(a)(26), 401(k)(3), 401(k)(11), 401(k)(12), 403(b)(12), 408(k), 408(p), 408B, 410(b), or 416" and inserting "section 401(a)(4), 401(k)(3), 401(k)(11), 403(b)(12), 408(k), 410(b), or 416".

(6) Section 414(v)(4)(B) is amended by inserting before the period at the end the following: ", except that a plan described in clause (i) of section 410(b)(6)(C) shall not be treated as a plan of the employer until the expiration of the transition period with respect to such plan (as determined under clause (ii) of such section)".

(7) Section 414(v)(5) is amended—

(A) by striking ", with respect to any plan year," in the matter preceding subparagraph (A),

(B) by amending subparagraph (A) to read as follows:

"(A) who would attain age 50 by the end of the taxable year,", and

(C) in subparagraph (B) by striking "plan year" and inserting "plan (or other applicable) year".

(8) Section 414(v)(6)(C) is amended to read as follows:

"(C) EXCEPTION FOR SECTION 457 PLANS.—This subsection shall not apply to a participant for any year for which a higher limitation applies to the participant under section 457(b)(3).".

(9) Section 457(e) is amended by adding at the end the following new paragraph:

"(18) COORDINATION WITH CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 OR OLDER.—In the case of an individual who is an eligible participant (as defined by section 414(v)) and who is a participant in an eligible deferred compensation plan of an employer described in paragraph (1)(A), subsections (b)(3) and (c) shall be applied by substituting for the amount otherwise determined under the applicable subsection the greater of—

"(A) the sum of—

"(i) the plan ceiling established for purposes of subsection (b)(2) (without regard to subsection (b)(3)), plus

"(ii) the applicable dollar amount for the taxable year determined under section 414(v)(2)(B)(i), or

"(B) the amount determined under the applicable subsection (without regard to this paragraph).".

(p) AMENDMENTS RELATING TO SECTION 632 OF THE ACT.—

(1) Section 403(b)(1) is amended in the matter following subparagraph (E) by striking "then amounts contributed" and all that follows and inserting the following:

"then contributions and other additions by such employer for such annuity contract shall be excluded from the gross income of the employee for the taxable year to the extent that the aggregate of such contributions and additions (when expressed as an annual addition (within the meaning of section 415(c)(2))) does not exceed the applicable limit under section 415. The amount actually distributed to any distributee under such contract shall be taxable to the distributee (in the year in which so distributed) under section 72 (relating to annuities). For purposes of applying the rules of this subsection to contributions and other additions by an employer for a taxable year, amounts transferred to a contract described in this paragraph by reason of a rollover contribution described in paragraph (8) of this subsection or section 408(d)(3)(A)(ii) shall not be considered contributed by such employer.".

(2) Section 403(b) is amended by striking paragraph (6).

(3) Section 403(b)(3) is amended—

(A) in the first sentence by inserting the following before the period at the end: ", and which precedes the taxable year by no more than five-years", and

(B) in the second sentence by striking "or any amount received by a former employee after the fifth taxable year following the taxable year in which such employee was terminated".

(4) Section 415(c)(7) is amended to read as follows:

"(7) SPECIAL RULES RELATING TO CHURCH PLANS.—

"(A) ALTERNATIVE CONTRIBUTION LIMITATION.—

"(i) IN GENERAL.—Notwithstanding any other provision of this subsection, at the election of a participant who is an employee of a church or a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such participant, when expressed as an annual addition to such participant's account, shall be treated as not exceeding the limitation of paragraph (1) if such annual addition is not in excess of $10,000.

"(ii) $40,000 AGGREGATE LIMITATION.—The total amount of additions with respect to any participant which may be taken into account for purposes of this subparagraph for all years may not exceed $40,000.

"(B) NUMBER OF YEARS OF SERVICE FOR DULY ORDAINED, COMMISSIONED, OR LICENSED MINISTERS OR LAY EMPLOYEES.—For purposes of this paragraph—

"(i) all years of service by—

"(I) a duly ordained, commissioned, or licensed minister of a church, or

"(II) a lay person,

as an employee of a church, a convention or association of churches, including an organization described in section 414(e)(3)(B)(ii), shall be considered as years of service for 1 employer, and

"(ii) all amounts contributed for annuity contracts by each such church (or convention or association of churches) or such organization during such years for such minister or lay person shall be considered to have been contributed by 1 employer.

"(C) FOREIGN MISSIONARIES.—In the case of any individual described in subparagraph (D) performing services outside the United States, contributions and other additions for an annuity contract or retirement income account described in section 403(b) with respect to such employee, when expressed as an annual addition to such employee's account, shall not be treated as exceeding the limitation of paragraph (1) if such annual addition is not in excess of the greater of $3,000 or the employee's includible compensation determined under section 403(b)(3).

"(D) ANNUAL ADDITION.—For purposes of this paragraph, the term 'annual addition' has the meaning given such term by paragraph (2).

"(E) CHURCH, CONVENTION OR ASSOCIATION OF CHURCHES.—For purposes of this paragraph, the terms 'church' and 'convention or association of churches' have the same meaning as when used in section 414(e).".

(5) Section 457(e)(5) is amended to read as follows:

"(5) INCLUDIBLE COMPENSATION.—The term 'includible compensation' has the meaning given to the term 'participant's compensation' by section 415(c)(3).".

(6) Section 402(g)(7)(B) is amended by striking "2001." and inserting "2001).".

(q) AMENDMENTS RELATING TO SECTION 643 OF THE ACT.—

(1) Section 401(a)(31)(C)(i) is amended by inserting "is a qualified trust which is part of a plan which is a defined contribution plan and" before "agrees".

(2) Section 402(c)(2) is amended by adding at the end the following flush sentence:

"In the case of a transfer described in subparagraph (A) or (B), the amount transferred shall be treated as consisting first of the portion of such distribution that is includible in gross income (determined without regard to paragraph (1)).".

(r) AMENDMENTS RELATING TO SECTION 648 OF THE ACT.—

(1) Section 417(e) is amended—

(A) in paragraph (1) by striking "exceed the dollar limit under section 411(a)(11)(A)" and inserting "exceed the amount that can be distributed without the participant's consent under section 411(a)(11)", and

(B) in paragraph (2)(A) by striking "exceeds the dollar limit under section 411(a)(11)(A)" and inserting "exceeds the amount that can be distributed without the participant's consent under section 411(a)(11)".

(2) Section 205(g) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in paragraph (1) by striking ''exceed the dollar limit under section 203(e)(1)'' and inserting ''exceed the amount that can be distributed without the participant's consent under section 203(e)'', and

(B) in paragraph (2)(A) by striking ''exceeds the dollar limit under section 203(e)(1)'' and inserting ''exceeds the amount that can be distributed without the participant's consent under section 203(e)''.

(s) AMENDMENT RELATING TO SECTION 652 OF THE ACT.—Section 404(a)(1)(D)(iv) is amended by striking ''PLANS MAINTAINED BY PROFESSIONAL SERVICE EMPLOYERS'' and inserting ''SPECIAL RULE FOR TERMINATING PLANS''.

(t) AMENDMENTS RELATING TO SECTION 657 OF THE ACT.—Section 404(c)(3) of the Employee Retirement Income Security Act of 1974 is amended—

(1) by striking ''the earlier of'' in subparagraph (A) the second place it appears, and

(2) by striking ''if the transfer'' and inserting ''a transfer that''.

(u) AMENDMENTS RELATING TO SECTION 659 OF THE ACT.—

(1) Section 4980F is amended—

(A) in subsection (e)(1) by striking ''written notice'' and inserting ''the notice described in paragraph (2)'',

(B) by amending subsection (f)(2)(A) to read as follows:

''(A) any defined benefit plan described in section 401(a) which includes a trust exempt from tax under section 501(a), or'', and

(C) in subsection (f)(3) by striking ''significantly'' both places it appears.

(2) Section 204(h)(9) of the Employee Retirement Income Security Act of 1974 is amended by striking ''significantly'' both places it appears.

(3) Section 659(c)(3)(B) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking ''(or'' and inserting ''(and''.

(v) AMENDMENTS RELATING TO SECTION 661 OF THE ACT.—

(1) Section 412(c)(9)(B) is amended—

(A) in clause (ii) by striking ''125 percent'' and inserting ''100 percent'', and

(B) by adding at the end the following new clause:

''(iv) LIMITATION.—A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).''.

(2) Section 302(c)(9)(B) of the Employee Retirement Income Security Act of 1974 is amended—

(A) in clause (ii) by striking ''125 percent'' and inserting ''100 percent'', and

(B) by adding at the end the following new clause:

''(iv) A change in funding method to use a prior year valuation, as provided in clause (ii), may not be made unless as of the valuation date within the prior plan year, the value of the assets of the plan are not less than 125 percent of the plan's current liability (as defined in paragraph (7)(B)).''.

(w) AMENDMENTS RELATING TO SECTION 662 OF THE ACT.—

(1) Section 404(k) is amended—

(A) in paragraph (1) by striking ''during the taxable year'',

(B) in paragraph (2)(B) by striking ''(A)(iii)'' and inserting ''(A)(iv)'',

(C) in paragraph (4)(B) by striking ''(iii)'' and inserting ''(iv)'', and

(D) by redesignating subparagraph (B) of paragraph (4) (as amended by subparagraph (C)) as subparagraph (C) of paragraph (4) and by inserting after subparagraph (A) the following new subparagraph:

''(B) REINVESTMENT DIVIDENDS.—For purposes of subparagraph (A), an applicable dividend reinvested pursuant to clause (iii)(II) of paragraph (2)(A) shall be treated as paid in the taxable year of the corporation in which such dividend is reinvested in qualifying employer securities or in which the election under clause (iii) of paragraph (2)(A) is made, whichever is later.''.

(2) Section 404(k) is amended by adding at the end the following new paragraph:

''(7) FULL VESTING.—In accordance with section 411, an applicable dividend described in clause (iii)(II) of paragraph (2)(A) shall be subject to the requirements of section 411(a)(1).''.

(x) EFFECTIVE DATE.—Except as provided in subsection (c), the amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

SEC. 412. AMENDMENTS RELATED TO COMMUNITY RENEWAL TAX RELIEF ACT OF 2000.

(a) AMENDMENT RELATED TO SECTION 101 OF THE ACT.—Section 469(i)(3)(E) is amended by striking clauses (ii), (iii), and (iv) and inserting the following:

''(ii) second to the portion of such loss to which subparagraph (C) applies,

''(iii) third to the portion of the passive activity credit to which subparagraph (B) or (D) does not apply,

''(iv) fourth to the portion of such credit to which subparagraph (B) applies, and''.

(b) AMENDMENT RELATED TO SECTION 306 OF THE ACT.—Section 151(c)(6)(C) is amended—

(1) by striking ''FOR EARNED INCOME CREDIT.—For purposes of section 32, an'' and inserting ''FOR PRINCIPAL PLACE OF ABODE REQUIREMENTS.—An'', and

(2) by striking ''requirement of section 32(c)(3)(A)(ii)'' and inserting ''principal place of abode requirements of section 2(a)(1)(B), section 2(b)(1)(A), and section 32(c)(3)(A)(ii)''.

(c) AMENDMENT RELATED TO SECTION 309 OF THE ACT.—Subparagraph (A) of section 358(h)(1) is amended to read as follows:

''(A) which is assumed by another person as part of the exchange, and''.

(d) AMENDMENTS RELATED TO SECTION 401 OF THE ACT.—

(1)(A) Section 1234A is amended by inserting ''or'' after the comma at the end of paragraph (1), by striking ''or'' at the end of paragraph (2), and by striking paragraph (3).

(B)(i) Section 1234B is amended in subsection (a)(1) and in subsection (b) by striking ''sale or exchange'' the first place it appears in each subsection and inserting ''sale, exchange, or termination''.

(ii) Section 1234B is amended by adding at the end the following new subsection:

''(f) CROSS REFERENCE.—

“For special rules relating to dealer securities futures contracts, see section 1256.”.

(2) Section 1091(e) is amended—

(A) in the heading, by striking ''SECURITIES.—'' and inserting ''SECURITIES AND SECURITIES FUTURES CONTRACTS TO SELL.—'',

(B) by inserting after ''closing of a short sale of'' the following: ''(or the sale, exchange, or termination of a securities futures contract to sell)'',

(C) in paragraph (2), by inserting after ''short sale of'' the following: ''(or securities futures contracts to sell)'', and

(D) by adding at the end the following:

''For purposes of this subsection, the term 'securities futures contract' has the meaning provided by section 1234B(c).''.

(3)(A) Section 1233(e)(2) is amended by striking ''and'' at the end of subparagraph (C), by striking the period and inserting ''; and'' at the end of subparagraph (D), and inserting after subparagraph (D) the following:

''(E) entering into a securities futures contract (as so defined) to sell shall be considered to be a short sale, and the settlement of such contract shall be considered to be the closing of such short sale.''.

(B) Section 1234B(b) is amended by inserting after ''or this section,'' the following: ''or in section 1233,''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Community Renewal Tax Relief Act of 2000 to which they relate.

SEC. 413. AMENDMENTS RELATED TO THE TAX RELIEF EXTENSION ACT OF 1999.

(a) AMENDMENTS RELATED TO SECTION 545 OF THE ACT.—Section 857(b)(7) is amended—

(1) in clause (i) of subparagraph (B), by striking ''the amount of which'' and inserting ''to the extent the amount of the rents'', and

(2) in subparagraph (C), by striking ''if the amount'' and inserting ''to the extent the amount''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 545 of the Tax Relief Extension Act of 1999.

SEC. 414. AMENDMENTS RELATED TO THE TAXPAYER RELIEF ACT OF 1997.

(a) AMENDMENTS RELATED TO SECTION 311 OF THE ACT.—Section 311(e) of the Taxpayer Relief Act of 1997 (Public Law 105–34; 111 Stat. 836) is amended—

(1) in paragraph (2)(A), by striking ''recognized'' and inserting ''included in gross income'', and

(2) by adding at the end the following new paragraph:

''(5) DISPOSITION OF INTEREST IN PASSIVE ACTIVITY.—Section 469(g)(1)(A) of the Internal Revenue Code of 1986 shall not apply by reason of an election made under paragraph (1).''.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in section 311 of the Taxpayer Relief Act of 1997.

SEC. 415. AMENDMENT RELATED TO THE BALANCED BUDGET ACT OF 1997.

(a) AMENDMENT RELATED TO SECTION 4006 OF THE ACT.—Section 26(b)(2) is amended by striking ''and'' at the end of subparagraph (P), by striking the period and inserting '', and'' at the end of subparagraph (Q), and by adding at the end the following new subparagraph:

''(R) section 138(c)(2) (relating to penalty for distributions from Medicare+Choice MSA not used for qualified medical expenses if minimum balance not maintained).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in section 4006 of the Balanced Budget Act of 1997.

SEC. 416. OTHER TECHNICAL CORRECTIONS.

(a) COORDINATION OF ADVANCED PAYMENTS OF EARNED INCOME CREDIT.—

(1) Section 32(g)(2) is amended by striking ''subpart'' and inserting ''part''.

(2) The amendment made by this subsection shall take effect as if included in section 474 of the Tax Reform Act of 1984.

(b) SPECIAL RULE RELATED TO WASH SALE LOSSES.—

(1) Section 1256(f) is amended by adding at the end the following new paragraph:

''(5) SPECIAL RULE RELATED TO LOSSES.—Section 1091 (relating to loss from wash sales of stock or securities) shall not apply to any loss taken into account by reason of paragraph (1) of subsection (a).''.

(2) The amendment made by this subsection shall take effect as if included in section 5075 of the Technical and Miscellaneous Revenue Act of 1988.

(c) DISCLOSURE BY SOCIAL SECURITY ADMINISTRATION TO FEDERAL CHILD SUPPORT AGENCIES.—

(1) Section 6103(l)(8) is amended—

(A) in the heading, by striking "STATE AND LOCAL" and inserting "FEDERAL, STATE, AND LOCAL", and

(B) in subparagraph (A), by inserting "Federal or" before "State or local".

(2) The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(d) TREATMENT OF SETTLEMENTS UNDER PARTNERSHIP AUDIT RULES.—

(1) The following provisions are each amended by inserting "or the Attorney General (or his delegate)" after "Secretary" each place it appears:

(A) Paragraphs (1) and (2) of section 6224(c).

(B) Section 6229(f)(2).

(C) Section 6231(b)(1)(C).

(D) Section 6234(g)(4)(A).

(2) The amendments made by this subsection shall apply with respect to settlement agreements entered into after the date of the enactment of this Act.

(e) AMENDMENT RELATED TO PROCEDURE AND ADMINISTRATION.—

(1) Section 6331(k)(3) (relating to no levy while certain offers pending or installment agreement pending or in effect) is amended to read as follows:

"(3) CERTAIN RULES TO APPLY.—Rules similar to the rules of—

"(A) paragraphs (3) and (4) of subsection (i), and

"(B) except in the case of paragraph (2)(C), paragraph (5) of subsection (i),

shall apply for purposes of this subsection.".

(2) The amendment made by this subsection shall take effect on the date of the enactment of this Act.

(f) MODIFIED ENDOWMENT CONTRACTS.—Paragraph (2) of section 318(a) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A-645) is repealed, and clause (ii) of section 7702A(c)(3)(A) shall read and be applied as if the amendment made by such paragraph had not been enacted.

SEC. 417. CLERICAL AMENDMENTS.

(1) The subsection (g) of section 25B that relates to termination is redesignated as subsection (h).

(2) The second sentence of section 42(h)(3)(C) is amended by striking "the amounts described in" and all that follows through the period and inserting "the amounts described in clauses (ii) through (iv) over the aggregate housing credit dollar amount allocated for such year.".

(3) Clause (ii) of section 42(m)(1)(B) is amended by striking the second "and" at the end of subclause (II) and by inserting "and" at the end of subclause (III).

(4) Section 51A(c)(1) is amended by striking "51(d)(10)" and inserting "51(d)(11)".

(5) The flush sentence at the end of clause (ii) of section 56(a)(1)(A) is amended by striking "such 1250" and inserting "such section 1250".

(6) Section 151(c)(6)(B)(iii) is amended by inserting "as" before "such terms".

(7) Section 170(e)(6)(B)(i)(III) is amended by striking "2000," and inserting "2000),".

(8) Section 172(b)(1)(F)(i) is amended—

(A) by striking "3 years" and inserting "3 taxable years", and

(B) by striking "2 years" and inserting "2 taxable years".

(9) Section 351(h)(1) is amended by inserting a comma after "liability".

(10) Section 475(g)(3) is amended by striking "sections" and inserting "section".

(11) Section 529(e)(3)(B)(i) is amended by striking "subsection (b)(7)" and inserting "subsection (b)(6)".

(12) Section 741 is amended by striking "which have appreciated substantially in value".

(13) Section 857(b)(7)(B)(i) is amended by striking "subsection 856(d)" and inserting "section 856(d)".

(14) Subparagraph (B) of section 943(e)(4) is amended by aligning the left margin of the flush language with subparagraph (A).

(15) Subparagraph (B) of section 995(b)(3) is amended by striking "International Security Assistance and Arms Export Control Act of 1976" and inserting "Arms Export Control Act".

(16) Section 1394(c)(2) is amended by striking "subparagraph (A)" and inserting "paragraph (1)".

(17)(A) The section heading for section 4980E is amended to read as follows:

"SEC. 4980E. FAILURE OF EMPLOYER TO MAKE COMPARABLE ARCHER MSA CONTRIBUTIONS.".

(B) The item relating to section 4980E in the table of sections for chapter 43 is amended to read as follows:

"Sec. 4980E. Failure of employer to make comparable Archer MSA contributions.".

(18) Section 6105(c)(1) is amended by striking "any" in subparagraphs (C) and (E).

(19)(A) Section 6227(d) is amended by striking "subsection (b)" and inserting "subsection (c)".

(B) Section 6228 is amended—

(i) in subsection (a)(1), by striking "subsection (b) of section 6227" and inserting "subsection (c) of section 6227",

(ii) in subsection (a)(3)(A), by striking "subsection (b) of", and

(iii) in subsections (b)(1) and (b)(2)(A), by striking "subsection (c) of section 6227" and inserting "subsection (d) of section 6227".

(C) Section 6231(b)(2)(B)(i) is amended by striking "section 6227(c)" and inserting "section 6227(d)".

(20) Section 1221(b)(1)(B)(i) is amended by striking "1256(b))" and inserting "1256(b)))".

(21) Section 159 of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A-624) is amended by striking "fuctions" and inserting "functions".

(22) The amendment to section 170(e)(6)(B)(iv) made by section 165(b)(1) of the Community Renewal Tax Relief Act of 2000 (114 Stat. 2763A-626) shall be applied as if it struck "in any of the grades K-12".

(23) Section 618(b)(2) of the Economic Growth and Tax Relief Reconciliation Act of 2001 (Public Law 107-16; 115 Stat. 108) is amended—

(A) in subparagraph (A) by striking "203(d)" and inserting "202(f)", and

(B) in subparagraphs (C), (D), and (E) by striking "203" and inserting "202(f)".

(24)(A) Section 525 of the Ticket to Work and Work Incentives Improvement Act of 1999 (Public Law 106-170; 113 Stat. 1928) is amended by striking "7200" and inserting "7201".

(B) Section 532(c)(2) of such Act (113 Stat. 1930) is amended—

(i) in subparagraph (D), by striking "341(d)(3)" and inserting "341(d)", and

(ii) in subparagraph (Q), by striking "954(c)(1)(B)(iii) and inserting "954(c)(1)(B)".

SEC. 418. ADDITIONAL CORRECTIONS.

(a) AMENDMENTS RELATED TO SECTION 202 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—

(1) Subsection (h) of section 23 is amended—

(A) by striking "subsection (a)(1)(B)" and inserting "subsection (a)(3)", and

(B) by adding at the end the following new flush sentence:

"If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.".

(2) Subsection (f) of section 137 is amended by adding at the end the following new flush sentence:

"If any amount as increased under the preceding sentence is not a multiple of $10, such amount shall be rounded to the nearest multiple of $10.".

(b) AMENDMENTS RELATED TO SECTION 204 OF THE ECONOMIC GROWTH AND TAX RELIEF RECONCILIATION ACT OF 2001.—Section 21(d)(2) is amended—

(1) in subparagraph (A) by striking "$200" and inserting "$250", and

(2) in subparagraph (B) by striking "$400" and inserting "$500".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 to which they relate.

TITLE V—SOCIAL SECURITY HELD HARMLESS; BUDGETARY TREATMENT OF ACT

SEC. 501. NO IMPACT ON SOCIAL SECURITY TRUST FUNDS.

(a) IN GENERAL.—Nothing in this Act (or an amendment made by this Act) shall be construed to alter or amend title II of the Social Security Act (or any regulation promulgated under that Act).

(b) TRANSFERS.—

(1) ESTIMATE OF SECRETARY.—The Secretary of the Treasury shall annually estimate the impact that the enactment of this Act has on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401).

(2) TRANSFER OF FUNDS.—If, under paragraph (1), the Secretary of the Treasury estimates that the enactment of this Act has a negative impact on the income and balances of the trust funds established under section 201 of the Social Security Act (42 U.S.C. 401), the Secretary shall transfer, not less frequently than quarterly, from the general revenues of the Federal Government an amount sufficient so as to ensure that the income and balances of such trust funds are not reduced as a result of the enactment of this Act.

SEC. 502. EMERGENCY DESIGNATION.

Congress designates as emergency requirements pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 the following amounts:

(1) An amount equal to the amount by which revenues are reduced by this Act below the recommended levels of Federal revenues for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011, provided in the conference report accompanying H. Con. Res. 83, the concurrent resolution on the budget for fiscal year 2002.

(2) Amounts equal to the amounts of new budget authority and outlays provided in this Act in excess of the allocations under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Finance of the Senate for fiscal year 2002, the total of fiscal years 2002 through 2006, and the total of fiscal years 2002 through 2011.

TITLE VI—EXTENSIONS OF CERTAIN EXPIRING PROVISIONS

SEC. 601. ALLOWANCE OF NONREFUNDABLE PERSONAL CREDITS AGAINST REGULAR AND MINIMUM TAX LIABILITY.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking "RULE FOR 2000 AND 2001.—" and inserting "RULE FOR 2000, 2001, 2002, AND 2003.—", and

(2) by striking "during 2000 or 2001," and inserting "during 2000, 2001, 2002, or 2003,".

(b) CONFORMING AMENDMENTS.—

(1) Section 904(h) is amended by striking "during 2000 or 2001" and inserting "during 2000, 2001, 2002, or 2003".

(2) The amendments made by sections 201(b), 202(f), and 618(b) of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not

apply to taxable years beginning during 2002 and 2003.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 602. CREDIT FOR QUALIFIED ELECTRIC VEHICLES.

(a) In General.—Section 30 is amended—

(1) in subsection (b)(2)—

(A) by striking ‘‘December 31, 2001,’’ and inserting ‘‘December 31, 2003,’’, and

(B) in subparagraphs (A), (B), and (C), by striking ‘‘2002’’, ‘‘2003’’, and ‘‘2004’’, respectively, and inserting ‘‘2004’’, ‘‘2005’’, and ‘‘2006’’, respectively, and

(2) in subsection (e), by striking ‘‘December 31 2004’’ and inserting ‘‘December 31, 2006’’.

(b) Conforming Amendments.—

(1) Subparagraph (C) of section 280F(a)(1) is amended by adding at the end the following new clause:

‘‘(iii) Application of subparagraph.—This subparagraph shall apply to property placed in service after August 5, 1997, and before January 1, 2007.’’.

(2) Subsection (b) of section 971 of the Taxpayer Relief Act of 1997 is amended by striking ‘‘and before January 1, 2005’’.

(c) Effective Date.—The amendments made by this section shall apply to property placed in service after December 31, 2001.

SEC. 603. CREDIT FOR ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES.

(a) In General.—Subparagraphs (A), (B), and (C) of section 45(c)(3) are both amended by striking ‘‘2002’’ and inserting ‘‘2004’’.

(b) Effective Date.—The amendments made by subsection (a) shall apply to facilities placed in service after December 31, 2001.

SEC. 604. WORK OPPORTUNITY CREDIT.

(a) In General.—Subparagraph (B) of section 51(c)(4) is amended by striking ‘‘2001’’ and inserting ‘‘2003’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 605. WELFARE-TO-WORK CREDIT.

(a) In General.—Subsection (f) of section 51A is amended by striking ‘‘2001’’ and inserting ‘‘2003’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to individuals who begin work for the employer after December 31, 2001.

SEC. 606. DEDUCTION FOR CLEAN-FUEL VEHICLES AND CERTAIN REFUELING PROPERTY.

(a) In General.—Section 179A is amended—

(1) in subsection (b)(1)(B)—

(A) by striking ‘‘December 31, 2001,’’ and inserting ‘‘December 31, 2003,’’, and

(B) in clauses (i), (ii), and (iii), by striking ‘‘2002’’, ‘‘2003’’, and ‘‘2004’’, respectively, and inserting ‘‘2004’’, ‘‘2005’’, and ‘‘2006’’, respectively, and

(2) in subsection (f), by striking ‘‘December 31, 2004’’ and inserting ‘‘December 31, 2006’’.

(b) Effective Date.—The amendments made by subsection (a) shall apply to property placed in service after December 31, 2001.

SEC. 607. TAXABLE INCOME LIMIT ON PERCENTAGE DEPLETION FOR OIL AND NATURAL GAS PRODUCED FROM MARGINAL PROPERTIES.

(a) In General.—Subparagraph (H) of section 613A(c)(6) is amended by striking ‘‘2002’’ and inserting ‘‘2004’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 2001.

SEC. 608. QUALIFIED ZONE ACADEMY BONDS.

(a) In General.—Paragraph (1) of section 1397E(e) is amended by striking ‘‘2000, and 2001’’ and inserting ‘‘2000, 2001, 2002, and 2003’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to obligations issued after the date of the enactment of this Act.

SEC. 609. COVER OVER OF TAX ON DISTILLED SPIRITS.

(a) In General.—Paragraph (1) of section 7652(f) is amended by striking ‘‘January 1, 2002’’ and inserting ‘‘January 1, 2004’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to articles brought into the United States after December 31, 2001.

SEC. 610. PARITY IN THE APPLICATION OF CERTAIN LIMITS TO MENTAL HEALTH BENEFITS.

(a) In General.—Subsection (f) of section 9812, as amended by the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2002, is amended to read as follows:

‘‘(f) Application of Section.—This section shall not apply to benefits for services furnished—

‘‘(1) on or after September 30, 2001, and before January 10, 2002, and

‘‘(2) after December 31, 2003.’’.

(b) Effective Date.—The amendment made by subsection (a) shall apply to plan years beginning after December 31, 2000.

SEC. 611. TEMPORARY SPECIAL RULES FOR TAXATION OF LIFE INSURANCE COMPANIES.

(a) Reduction in Mutual Life Insurance Company Deductions Not To Apply in Certain Years.—Section 809 (relating to reduction in certain deductions of material life insurance companies) is amended by adding at the end the following:

‘‘(j) Differential Earnings Rate Treated as Zero for Certain Years.—Notwithstanding subsection (c) or (f), the differential earnings rate shall be treated as zero for purposes of computing both the differential earnings amount and the recomputed differential earnings amount for a mutual life insurance company's taxable years beginning in 2001, 2002, or 2003.’’.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2000.

SEC. 612. AVAILABILITY OF MEDICAL SAVINGS ACCOUNTS.

(a) In General.—Paragraphs (2) and (3)(B) of section 220(i) (defining cut-off year) are each amended by striking ‘‘2002’’ each place it appears and inserting ‘‘2003’’.

(b) Conforming Amendments.—

(1) Paragraph (2) of section 220(j) is amended by striking ‘‘1998, 1999, or 2001’’ each place it appears and inserting ‘‘1998, 1999, 2001, or 2002’’:

(2) Subparagraph (A) of section 220(j)(4) is amended by striking ‘‘and 2001’’ and inserting ‘‘2001, and 2002’’.

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2002.

SEC. 613. INCENTIVES FOR INDIAN EMPLOYMENT AND PROPERTY ON INDIAN RESERVATIONS.

(a) Employment.—Subsection (f) of section 45A is amended by striking ‘‘December 31, 2003’’ and inserting ‘‘December 31, 2004’’.

(b) Property.—Paragraph (8) of section 168(j) is amended by striking ‘‘December 31, 2003’’ and inserting ‘‘December 31, 2004’’.

SEC. 614. SUBPART F EXEMPTION FOR ACTIVE FINANCING.

(a) In General.—

(1) Section 953(e)(10) is amended—

(A) by striking ‘‘January 1, 2002’’ and inserting ‘‘January 1, 2007’’, and

(B) by striking ‘‘December 31, 2001’’ and inserting ‘‘December 31, 2006’’.

(2) Section 954(h)(9) is amended by striking ‘‘January 1, 2002’’ and inserting ‘‘January 1, 2007’’.

(b) Life Insurance and Annuity Contracts.—

(1) In general.—Subparagraph (B) of section 954(i)(4) is amended to read as follows:

‘‘(B) Life insurance and annuity contracts.—

‘‘(i) In general.—Except as provided in clause (ii), the amount of the reserve of a qualifying insurance company or qualifying insurance company branch for any life insurance or annuity contract shall be equal to the greater of—

‘‘(I) the net surrender value of such contract (as defined in section 807(e)(1)(A)), or

‘‘(II) the reserve determined under paragraph (5).

‘‘(ii) Ruling request, etc.—The amount of the reserve under clause (i) shall be the foreign statement reserve for the contract (less any catastrophe, deficiency, equalization, or similar reserves), if, pursuant to a ruling request submitted by the taxpayer or as provided in published guidance, the Secretary determines that the factors taken into account in determining the foreign statement reserve provide an appropriate means of measuring income.’’.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SEC. 615. REPEAL OF REQUIREMENT FOR APPROVED DIESEL OR KEROSENE TERMINALS.

(a) In General.—Subsection (e) of section 4101 is hereby repealed.

(b) Effective Date.—The amendment made by subsection (a) shall take effect on January 1, 2002.

SEC. 616. REAUTHORIZATION OF TANF SUPPLEMENTAL GRANTS FOR POPULATION INCREASES FOR FISCAL YEAR 2002.

Section 403(a)(3) of the Social Security Act (42 U.S.C. 603(a)(3)) is amended by adding at the end the following:

‘‘(H) Reauthorization of grants for fiscal year 2002.—Notwithstanding any other provision of this paragraph—

‘‘(i) any State that was a qualifying State under this paragraph for fiscal year 2001 or any prior fiscal year shall be entitled to receive from the Secretary for fiscal year 2002 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year in which the State was a qualifying State;

‘‘(ii) subparagraph (G) shall be applied as if ‘2002’ were substituted for ‘2001’; and

‘‘(iii) out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal year 2002 such sums as are necessary for grants under this subparagraph.’’.

SEC. 617. 1-YEAR EXTENSION OF CONTINGENCY FUND UNDER THE TANF PROGRAM.

Section 403(b) of the Social Security Act (42 U.S.C. 603(b)) is amended—

(1) in paragraph (2), by striking ‘‘and 2001’’ and inserting ‘‘2001, and 2002’’; and

(2) in paragraph (3)(C)(ii), by striking ‘‘2001’’ and inserting ‘‘2002’’.

Mr. DASCHLE. Madam President, this unanimous consent is required in order for us to finish our work on the economic stimulus package that was just sent to us this afternoon from the House. Senator LOTT and I have discussed this matter throughout the day. As I said, I had an earlier conversation with the distinguished ranking member of the Finance Committee, as well as the chairman of the Finance Committee, and we are now in a position to proceed to a vote on the stimulus package tomorrow morning.

We haven't set a time, but I expect the votes will be taken at approximately 9:30. So there will be two votes at 9:30—one on the unanimous consent that we have just now agreed to, the so-called economic stimulus unemployment insurance extension legislation, and one on the McCain amendment.

I thank my colleagues for their participation and cooperation.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Madam President, I have worked closely with Senator COLLINS for some time now on legislation to provide much needed tax relief for our educators. Tonight, I am pleased to report that the Senate should soon pass H.R. 3090, the Job Creation and Worker Assistance Act of 2002, as previously passed by the House of Representatives. With passage of this legislation, Senator COLLINS and I will have finally achieved our shared goal of providing much needed tax relief for our Nation's teachers.

The Collins/Warner provision that is in this legislation, was crafted by Senator COLLINS and myself after months of consultations with Senator GRASSLEY, Senator BAUCUS, Senator ALLEN, and House Ways and Means Chairman THOMAS.

Simply put, the provision provides a $250 above the line deduction for educators who incur out of pocket expenses for supplies they bring into the classroom to better the education of their students. The National Education Association played a key role and its many members should look with pride and satisfaction on their constructive advice to the Congress. The President of the Virginia Education Association, Jean Bankos also helped lead this superb effort. Our teachers in this country are overworked, underpaid, and all too often, under-appreciated. In addition to these factors, our teachers expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending significant amounts of money out of their own pocket on classroom expenses—such as books, supplies, pens, paper, and computer equipment. These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment. While the primary responsibility rests with the states, I believe the Federal Government can and should play a role in helping to alleviate the Nation's teaching shortage. On a federal level, we can encourage individuals to enter the teaching profession and remain in the profession by providing tax relief to teachers for the costs that they incur as part of the profession.

Madam President, our teachers have made a personal commitment to educate the next generation and to strengthen America. While many people spend their lives building careers, our teachers spend their careers building lives. The Teacher Tax Relief provisions in this bill go a long way towards providing our teachers with the recognition they deserve by providing teachers with important and much needed tax relief.

I am proud to have had the opportunity to work with Senator COLLINS and so many others to eventually make our goal a reality.

I commend the leadership of the majority and the minority for their efforts. I have long supported the concept of having the stimulus package. While it may not be what each of us wanted, it is essential, particularly the unemployment provisions and the provisions about teachers, with which I have long been associated. I thank the leadership.

Madam President, I commend the President of the United States for his commitment, along with his several Cabinet officers who have fought so strongly for passage of a stimulus package. The American economy is, I believe, showing some signs of recovery, but I believe that this is an additional step to shore up the confidence of the people of this country in the economy.

Within the stimulus package we will vote on tomorrow are provisions that I worked on with Senator COLLINS and others for some time that relate to teachers. In my visits to educational institutions throughout the Commonwealth of Virginia, I have often learned—inadvertently, not because teachers come up to me and tell me about it, because they are rather modest—but, in fact, so many of our teachers, particularly those in the lower grades and those in schools which, for whatever reason, might not be as well financed as other institutions in our State, have taken from their own pockets, funds to buy school supplies which are needed to help their particular students in their classroom perform their educational responsibilities. Sometimes it is paper. Sometimes it is crayons, occasionally books. I find this extraordinary. As I say, they have not come to me and asked: Oh, we want this, we want that. They are very humble about it.

Senator COLLINS and I, and my colleague, Senator ALLEN, who has been very active in the entire area of education with me—I happen to serve on the committee for education in the Senate—but we have as a team, together with other Senators, have been working on this concept for some time.

The National Education Association took a pivotal role in seeing that this legislation was incorporated in the House bill. Now at long last, we do have a measure of success, and it is owed to the teachers and the National Education Association and other colleagues here who have worked on it with me.

I am delighted over the whole prospect of this being passed. It is only a $250 above the line deduction. But at long last teachers can point to something—"this is our's; we helped make it happen, and we are proud of it."

I thank the Chair. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VIRGINIA GARCIA MEMORIAL HEALTH CENTER

Mr. SMITH of Oregon. Madam President, today I rise today to give tribute to some of the health care heroes in my home State of Oregon. They are the hard-working people who staff the Virginia Garcia Memorial Health Center in Cornelius, OR.

Virginia Garcia was a 6-year-old girl who died from a treatable infection in the 1970s. She died, not because she lacked health care, but because no one spoke to her family in the only language they knew—Spanish.

Access to health care involves more than insurance. Barriers to access continue to exist even when financial problems to health care are removed. Disparities in health care and health outcomes reflect these barriers.

For example, Latinos are twice as likely as White Americans to have diabetes, and twice as likely to have cervical cancer. They also trail other ethnic groups in childhood immunizations and health insurance coverage.

The Virginia Garcia Clinic does a wonderful job at bridging the large gap between access to coverage and access to care. The clinic serves nearly 8,000 patients a year, 80 percent of whom are Spanish speaking, and 90 percent of whom are below the poverty level. Patients in the clinic pay for their services on a sliding scale, sometimes as low as $5 per visit.

Access to high quality, affordable, and culturally accessible care has saved many lives, and improved the quality of lives of many others. I have two true stories to relate to you today, though I really don't need to use their names, because they represent thousands of people across my home State. I will refer to them just as people in need of health care.

One woman who has benefitted from the good works of the Virginia Garcia Clinic came to the clinic after moving to the U.S. from Mexico. She had suffered from breast cancer, and underwent a mastectomy and a long, expensive treatment of chemotherapy that had bankrupted her family. To pay for this treatment, they lost their home.

She turned to the Virginia Garcia Health Center for help. She needed very expensive medication, and the clinic managed to provide it to her. To make matters worse, she also had diabetes and other complicated health problems. Yet the Virginia Garcia Clinic manages her care and arranges for the specialty care that she requires. Without a safety net clinic such as the Virginia Garcia Clinic, she would very likely not get the care she needs to stay healthy for her children and family.

The staff at the clinic have also told me about a farm worker who came to the Virginia Garcia Clinic for an urgent care visit about a rash on his arm. During the exam, the nurse practitioner asked about a lump she noticed on his neck. He hadn't been concerned about it, but the staff at the Virginia Garcia Clinic persisted until he agreed to have a biopsy. The lump turned out to be lymphoma, so the Virginia Garcia Clinic arranged for his chemotherapy at the Oregon Health and Sciences University, where he was treated successfully.

Without a migrant community health center such as Virginia Garcia to provide outreach, the outcome of this story would likely not have been so positive.

Spending time at the Virginia Garcia Clinic, I have met with people with stories such as these and whose lives would have changed for the worse without the efforts of the hard-working and dedicated staff.

Truly, these people, these staff workers are health care heroes, and we desperately need them in our quest to ensure that every person in this country has access to health care.

So today, I salute the work and the workers of the Virginia Garcia Clinic, true heroes in the State of Oregon.

IN RECOGNITION OF SERGEANT PHILIP SVITAK

Mr. NELSON of Nebraska. Madam President, this week during the war against terror in Afghanistan America lost eight soldiers and Nebraska lost a native son. These soldiers died valiantly protecting the rights, ideals, values, and way of life that Americans enjoy.

Sgt. Philip Svitak, a member of the Second Battalion, 160th Special Operations Aviation Regiment, was born in Lincoln and raised in Fremont. He graduated from Fremont High School in 1989 and entered the Army where he served in the Gulf War.

Sgt. Svitak's parents have said that growing up, he dreamed of a career with the military service. His favorite gifts would be colored the familiar green olive drab. But he also enjoyed fixing things, hunting, and skateboarding. He loved his wife, Laura, and their two young sons, Nolan and Ethan. Before departing for Afghanistan, he told his family that "the terrorists have to be stopped." Philip has made the ultimate contribution.

Those who knew Sgt. Svitak will remember him as a levelheaded and caring friend and father. Those of us who did not, will remember him as well, as a brave and dedicated soldier who made the ultimate sacrifice for a forever grateful nation.

We thank Sgt. Svitak for his service and his sacrifices. Our thoughts and prayers are with his family and the families of other servicemen and women as they endure their loss of their loved ones who have been killed defending our freedom.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in September 1997 in Tulsa, OK. Two gay men were severely beaten after leaving a bar. After being arrested, the assailants told police they were "only rolling a couple of fags."

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

NOMINATION OF JOE SCHMITZ

Mr. SMITH of New Hampshire. Madam President, I believe that the Department of Defense Inspector General position is among the most important in the Department, because the IG office is responsible for ensuring accountability and efficiency, and therefore is the heart of integrity in the Pentagon.

There have been numerous scandals in the IG office in the recent past, which has been rudderless, without a confirmed nominee for 3 years. With the IG office in disarray, there is the impression left that the Department is without proper and necessary oversight. I am also told that the IG office has been headless for some 10 years over the past couple of decades—which is a disgrace. Without strong leadership, direction and motivation, no office can function efficiently and effectively.

Secretary Rumsfeld needs an Inspector General. We are, after all, at war. Joe Schmitz was the choice of the Secretary of Defense and the choice of President Bush for this important post. Mr. Schmitz is an individual with a strong background for the job, and with impeccable personal and professional credentials. I hope that we can move forward expeditiously with his nomination, now that it has been cleared both by the Armed Services committee—by voice vote—and by the Government Affairs Committee.

Individuals who undergo the nomination process put their names and reputations on the line, opening themselves up to intense scrutiny of their past employment, their finances, their conduct and their associations. They fill out hundreds of documents. Mr. Schmitz has been held up for long enough—there are no ethical issues impacting his nomination, and he has received strong recommendations from those who know him and have worked with him, regardless of party affiliation.

I believe that Joe Schmitz was a superlative choice by Secretary Rumsfeld and president Bush, and that he will make an outstanding IG. The Senate needs to act now, to fill this important position at the Department of Defense and to give Secretary Rumsfeld the team he needs to do his job.

ADDITIONAL STATEMENTS

WALTER JOHANNSEN

• Mr. WELLSTONE. Mr. President, I rise today to talk about the extraordinary service of Walter "Bud" Johannsen and the extraordinary dedication he has shown to the Lake George, MN community. It is extraordinary in its duration. It is extraordinary in its selflessness. And it is a wonderful example of community service at its best.

Week after week for the past forty years Bud Johannsen has been on call twenty four hours a day, seven days a week as a volunteer firefighter for the Lake George Volunteer Fire Department, the only fire department that services this peaceful north central community and its surrounding area. And week after week he has accepted the risks inherent in a job of this nature. Week after week. For forty years. Voluntarily. Without pay.

He has done this while maintaining a full-time job, raising a family and participating in community affairs. He has done this while demonstrating a positive attitude, a wonderful sense of humor and a willingness to lend a helping hand wherever and whenever needed.

That is dedication. That is the American spirit at its best.

Now I know that Bud Johannsen is not the first individual to ever volunteer his time. Nor will he be the last. But when I hear of such a milestone, 40 years as a volunteer firefighter, I feel the need to recognize and publicly thank that individual for his service, especially in light of the events of September 11 when we saw all too clearly the sometimes tragic consequences of such courage and commitment.

So today I thank Walter "Bud" Johannsen. I thank his wife Kay and his daughter Tracy for sharing him with the Lake George community for so many years. And I thank all the members of the Lake George Volunteer Fire Department for the great work that they do. They are all truly inspiring.•

TRIBUTE TO DIANE RUMER

• Mr. BUNNING. Madam President, today I have the distinct honor of rising to share with my fellow colleagues the poetic work of Diane Rumer of Florence, Kentucky.

The tragic events of September 11 has affected us all in so many different ways. Some have lost loved ones. Some have sacrificed their lives to save others. And some have simply wept. We all have different methods of dealing with such tragic circumstances, and I personally have found a certain degree of solace in Diane Rumer's poem entitled American Angel. I am honored to share her work with you.

God Bless our country,
And all we hold dear:
Faith and our freedom,
And life without fear.

Guard her and guide her,
Protect her, we pray.
Send angels among us
To show us the way.

Every time I read these beautiful words, I find myself visualizing the American angels Diane so gracefully describes in her poem. I see a soldier fighting at home and abroad to rid the world of terrorism and oppression. I see a fireman racing into a burning building to save the life of a complete stranger. I see a blood donor. I see an aid worker. I see a family raising a flag in their front yard. After reading this, I realize there are angels surrounding us in every aspect of life, trying desperately to show us the way.

I would like to thank Diane for this inspirational piece. Her words are a truly a comfort in times of strife.•

MESSAGES FROM THE HOUSE

At 11:42 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1870. An act to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada.

H.R. 1883. An act to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

H.R. 1963. An act to amend the National Trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System.

The message also announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 32. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

The message further announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds.

ENROLLED JOINT RESOLUTION SIGNED

At 2:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 32. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

The enrolled joint resolution was signed subsequently by the President pro tempore (Mr. BYRD).

At 3:50 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the bill (H.R. 3090) to provide tax incentives for economic recovery, with an amendment, in which it requests the concurrence of the Senate.

The message also announced that the Speaker has appointed the following members as additional conferees in the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011:

As additional conferees from the Committee on the Budget, for consideration of section 197 of the Senate amendment, and modifications committed to conference: Mr. NUSSLE, Mr. SUNUNU, and Mr. SPRATT.

From the Committee on Education and the Workforce, for consideration of sections 453–5, 457–9, 460–1, and 464 of the Senate amendment, and modifications committed to conference: Mr. CASTLE, Mr. OSBORNE, and Mr. KILDEE.

From the Committee on Energy and Commerce, for consideration of sections 213, 605, 627, 648, 652, 902, 1041, and 1079E of the Senate amendment, and modifications committed to conference: Mr. TAUZIN, Mr. BARTON of Texas, and Mr. DINGELL.

From the Committee on Financial Services, for consideration of sections 335, and 601 of the Senate amendment, and modifications committed to conference: Mr. OXLEY, Mr. BACHUS, and Mr. LAFALCE.

From the Committee on International Relations, for consideration of title III of the House bill and title III of the Senate amendment, and modifications committed to conference: Mr. HYDE, Mr. SMITH of New Jersey, and Mr. LANTOS.

From the Committee on the Judiciary, for consideration of sections 940–1 of the House bill and sections 602, 1028–9, 1033–5, 1046, 1049, 1052–3, 1058, 1068–9, 1070–1, 1098, and 1098A of the Senate amendment, and modifications committed to conference: Mr. SENSENBRENNER, Mr. GREEN of Wisconsin, and Ms. BALDWIN.

From the Committee on Resources, for consideration of sections 201, 203, 211, 213, 215–7, 262, 721, 786, 806, 810, 817–8, 1069, 1070, and 1076 of the Senate amendment, and modifications committed to conference: Mr. HANSEN, Mr. YOUNG of Alaska, and Mr. KIND.

From the Committee on Science, for consideration of sections 808, 811, 902–3, and 1079 of the Senate amendment, and modifications committed to conference: Mr. BOEHLERT, Mr. BALLENGER, and Mr. HALL of Texas.

From the Committee on Ways and Means, for consideration of sections 127 and 146 of the House bill and sections 144, 1024, 1038, and 1070 of the Senate amendment, and modifications committed to conference: Mr. THOMAS, Mr. HERGER, and Mr. RANGEL.

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed today, March 7, 2002, by the president pro tempore (Mr. BYRD):

S. 1857. An act to encourage the negotiated settlement of tribal claims.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R 1870. An act to provide for the sale of certain real property within the Newlands Project in Nevada, to the city of Fallon, Nevada; to the Committee on Energy and Natural Resources.

H.R. 1963. An act to amend the National trails System Act to designate the route taken by American soldier and frontiersman George Rogers Clark and his men during the Revolutionary War to capture the British forts at Kaskaskia and Cahokia, Illinois, and Vincennes, Indiana, for study for potential addition to the National Trails System; to the Committee on Energy and Natural Resources.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 275. Concurrent resolution expressing the sense of the Congress that hunting seasons for migratory mourning doves should be modified so that individuals have a fair and equitable opportunity to hunt such birds; to the Committee on Environment and Public Works.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1883. An act to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon.

ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, March 7, 2002, she had presented to the President of the United States the following enrolled bill and joint resolution:

S. 1857. An act to encourage the negotiated settlement of tribal claims.

S.J. Res. 32. A joint resolution congratulating the United States Military Academy at West Point on its bicentennial anniversary, and commending its outstanding contributions to the Nation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5615. A communication from the Deputy Assistant Secretary for Program Operations, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Class Exemption for Cross-Trades of Securities by Index and Model-Driven Funds" (RIN1210–ZA01) received on February 12, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5616. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the Presidential Determination Number 2002–07, relative to major drug transit or major illicit drug producing countries; to the Committee on Foreign Relations.

EC–5617. A communication from the Senior Regulations Analyst, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Tariff of Tolls" (RIN2135–AA14) received on February 14, 2002; to the Committee on Environment and Public Works.

EC–5618. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Endangered Status for the Buena Vista Lake shrew (Sorex ornatus relictus)" (RIN1018–AG04) received on March 6, 2002; to the Committee on Environment and Public Works.

EC–5619. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–278, "District of Columbia Emancipation Day Fund Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–5620. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–277, "Residential Permit Parking Area Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5621. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–276, "John T. 'Big John' Williams Building Designation Act of 2002"; to the Committee on Governmental Affairs.

EC–5622. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–274, "Closing of a Portion of a Public Alley in Square 236, S.O. 01–2919 Act of 2002"; to the Committee on Governmental Affairs.

EC–5623. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–270, "North Capitol Expansion and Expansion of Business Improvement Districts Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5624. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–271, "Washington Convention Center Authority Oversight and Management Continuity Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5625. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–272, "Eastern Avenue Tour Bus Parking Prohibition Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5626. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–269, "Closing of a Public Alley in Square 528 S.O. 01–173, Act of 2002"; to the Committee on Governmental Affairs.

EC–5627. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–268, "Food Regulation Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5628. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–292, "Mental Health Commitment Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–5629. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–291, "Vendor Payment Authorization Temporary Amendment Act of 2002"; to the Committee on Governmental Affairs.

EC–5630. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–289, "Wooly Mammoth Theatre Tax Abatement Act of 2002"; to the Committee on Governmental Affairs.

EC–5631. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–290, "Square 456 Payment in Lieu of Taxes Act of 2002"; to the Committee on Governmental Affairs.

EC–5632. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–288, "Edward 'Duke' Ellington Plaza Designation Act of 2002"; to the Committee on Governmental Affairs.

EC–5633. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–279, "Towing Vehicles Rulemaking Authority Temporary Act of 2002"; to the Committee on Governmental Affairs.

EC–5634. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14–275, "Closing of a Public Alley in Square 628, S.O. 00-96 Act of 2002"; to the Committee on Governmental Affairs.

EC–5635. A communication from the Administrator of Tobacco Programs, Agriculture Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tobacco Inspection; Producer Referenda on Mandatory Grading" (Doc. No. TB–02–03) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5636. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Distance Learning and Telemedicine Loan and Grant Program" (RIN0572–AB70) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5637. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Japan Because of BSE" (Doc. No. 01–094–2) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5638. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Black Stem Rust; Identification Requirements and Addition of Rust-Resistant Varieties" (Doc. No. 97–053–3) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5639. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "West Indian Fruit Fly" (Doc. No. 00–110–4) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5640. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Poultry Improvement Plan and Auxiliary Provisions" (Doc. No. 00–075–2) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5641. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Steam Treatment of Golden Nematode-Infested Farm Equipment, Construction Equipment, and Containers" (Doc. No. 01-050-1) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5642. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Greece Because of BSE" (Doc. No. 01-065-2) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5643. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus Canker; Quarantined Areas" (Doc. No. 01-079-2) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5644. A communication from the Congressional Review Coordinator, Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Doc. No. 01-092-2) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5645. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Modifications to the Rules and Regulations Under the Tart Cherry Marketing Order" (Doc. No. FV01-930-0 FIR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5646. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Reporting Requirements for Imported Hazelnuts" (Doc. No. FV01-982-3 FR) received on March 6; 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5647. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate" (Doc. No. FV01-948-2 FIR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5648. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Olives Grown in California; Decreased Assessment Rate" (Doc. No. FV02-932-1 IFR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5649. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate" (Doc. No. FV01-987-1 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5650. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisin Produced from Grapes Grown in California; Extension of Redemption Date for Unsold 2001 Diversion Certificates" (Doc. No. FV02-989-3 IFR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5651. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, Oregon; Decreased Assessment Rate" (Doc. No. FV01-924-1 FIR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5652. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fresh Bartlett Pears Grown in Oregon and Washington; Increased Assessment Rate" (Doc. No. FV01-931-1 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5653. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Irish Potatoes Grown in Colorado; Increased Assessment Rate" (Doc. No. FV01-948-3 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5654. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Limes Grown in Florida and Imported Limes; Suspension of Regulations" (Doc. No. FV01-911-2 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5655. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Winter Pears Grown in Oregon and Washington; The Establishment of a Supplemental Rate of Assessment for the Beurre d'Anjou Variety of Pears and of a Definition for Organically Produced Pears" (Doc. No. FV01-927-1 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5656. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate" (Doc. No. FV01-929-3 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5657. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hass Avocados Promotion, Research and Information Order; Referendum Procedures" (Doc. No. FV-01-706-FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5658. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Doc. No. FV01-984-1 FIR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5659. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Doc. No. FV02-920-1 IFR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5660. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Increased Assessment Rate" (Doc. No. FV01-993-3 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5661. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Decreased Assessment Rate" (Doc. No. FV01-905-3 IFR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5662. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate" (Doc. No. FV01-966-2 IFR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5663. A communication from the Acting Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines Grown in California; Increased Assessment Rate" (Doc. No. FV01-916-2 FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5664. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Research and Promotion Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Referendum Procedures under the Watermelon Research and Promotion Plan" (Doc. No. FV01-701-FR) received on March 6, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 214: A resolution designating March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

David C. Bury, of Arizona, to be United States District Judge for the District of Arizona.

Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas.

Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska.

Paul I. Perez, of Florida, to be United States Attorney for the Middle District of Florida, for the term of four years.

Eric F. Melgren, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the term of four years.

John Schickel, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerald, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for the term of four years.

J.C. Rafferty, of West Virginia, to be United States Marshal for the Northern District of West Virginia for the term of four years.

James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

James Loren Kennedy, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Theophile Alceste Duroncelet, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

James Thomas Plousis, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

Charles R. Reavis, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Timothy Dewayne Welch, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Michael Robert Regan, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

Jesse Seroyer, Jr., of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Gregory Allyn Forest, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

John R. Edwards, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

(Nominations without an asterisk were reported with the recommendations that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SMITH of New Hampshire (for himself, Mr. Enzi, and Mr. Thomas):

S. 1996. A bill to amend title 18, United States Code, to protect citizens' rights under the Second Amendment to obtain firearms for legal use, and for other purposes; to the Committee on the Judiciary.

By Mrs. CARNAHAN:

S. 1997. A bill to require a pilot program to assess the adoption of the Air Force Expeditionary Medical Support System by the Air National Guard; to the Committee on Armed Services.

By Mr. ENSIGN (for himself and Mr. Allard):

S. 1998. A bill to amend the Higher Education Act of 1965 with respect to the qualifications of foreign schools; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. Daschle):

S. 1999. A bill to reauthorize the Mni Wiconi Rural Water Supply Project; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 2000. A bill to amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004; to the Committee on Finance.

By Mr. CAMPBELL:

S. 2001. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CRAIG (for himself, Mr. Cleland, Mr. Allen, Mr. Bayh, Mr. Bingaman, Mrs. Boxer, Mr. Breaux, Mr. Burns, Mr. Campbell, Ms. Cantwell, Mr. Cochran, Mr. Crapo, Mr. Daschle, Mr. DeWine, Mr. Domenici, Mr. Edwards, Mr. Enzi, Mr. Feingold, Mrs. Feinstein, Mr. Frist, Mr. Hagel, Mr. Helms, Mr. Hutchinson, Mr. Inhofe, Mr. Inouye, Mr. Johnson, Mr. Kennedy, Mr. Kerry, Mr. Kohl, Ms. Landrieu, Mrs. Lincoln, Mr. McConnell, Ms. Mikulski, Mr. Nickles, Mr. Sessions, Mr. Specter, Mr. Stevens, Mr. Voinovich, and Mr. Dayton):

S. Res. 218. A resolution designating the week beginning March 17, 2002, as "National Safe Place Week"; to the Committee on the Judiciary.

By Mr. GRAHAM (for himself, Mr. Helms, Mr. DeWine, and Mr. Torricelli):

S. Res. 219. A resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations; to the Committee on Foreign Relations.

By Mr. GRASSLEY:

S. Res. 220. A resolution expressing the sense of the Senate regarding the continued attacks on democracy and the rule of law in Colombia, including the kidnappings of the elected representatives of the people of Colombia; to the Committee on Foreign Relations.

By Mr. CAMPBELL (for himself, Mr. Leahy, Mr. Hatch, Mr. Allard, Ms. Cantwell, Mr. Gregg, Mr. Rockefeller, Mr. Bingaman, Mr. Biden, Mr. Bunning, Mr. Cochran, Mr. Allen, Mr. Thomas, and Mr. Hutchinson):

S. Res. 221. A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 442

At the request of Mr. Campbell, the name of the Senator from Virginia (Mr. Allen) was added as a cosponsor of S. 442, a bill to exempt qualified current and former law enforcement officers from State laws prohibiting the carrying of concealed firearms and to allow States to enter into compacts to recognize other States' concealed weapons permits.

S. 540

At the request of Mr. DeWine, the name of the Senator from South Carolina (Mr. Hollings) was added as a cosponsor of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 885

At the request of Mr. Hutchinson, the name of the Senator from Louisiana (Ms. Landrieu) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 913

At the request of Ms. Snowe, the name of the Senator from Maryland (Ms. Mikulski) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the medicare program of all oral anticancer drugs.

S. 952

At the request of Mr. Gregg, the name of the Senator from Illinois (Mr. Durbin) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1140

At the request of Mr. HATCH, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1152

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1152, a bill to ensure that the business of the Federal Government is conducted in the public interest and in a manner that provides for public accountability, efficient delivery of services, reasonable cost savings, and prevention of unwarranted Government expenses, and for other purposes.

S. 1523

At the request of Mrs. FEINSTEIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1523, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1915

At the request of Mrs. LINCOLN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1915, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from North Carolina (Mr. HELMS), the Senator from Kansas (Mr. ROBERTS), the Senator from West Virginia (Mr. BYRD), and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1933

At the request of Mr. SHELBY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1933, a bill to amend the Securities Exchange Act of 1934 and the Securities Act of 1933, to address liability standards in connection with violations of the Federal securities laws, and for other purposes.

S. 1967

At the request of Mr. KERRY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1967, a bill to amend title XVIII of the Social Security Act to improve outpatient vision services under part B of the medicare program.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1984

At the request of Mr. BUNNING, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1984, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 1991

At the request of Mr. HOLLINGS, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S.J. RES. 33

At the request of Mr. HOLLINGS, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 33, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Mexico (Mr. DOMENICI), the Senator from New York (Mr. SCHUMER), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

AMENDMENT NO. 2979

At the request of Mr. CORZINE, his name was added as a cosponsor of amendment No. 2979.

At the request of Mr. MCCAIN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of amendment No. 2979 supra.

At the request of Mr. MURKOWSKI, his name was added as a cosponsor of amendment No. 2979 supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. CARNAHAN:

S. 1997. A bill to require a pilot program to assess the adoption of the Air Force Expeditionary Medical Support System by the Air National Guard; to the Committee on Armed Services.

Mrs. CARNAHAN. Mr. President, as the last few months have shown, America's citizen soldiers and airmen are vital to Homeland Security.

Air Guard fighter pilots have patrolled the skies over our largest cities. Army Guard units police our air terminals and ports of entry.

These brave men and women stand sentry over our Nation. They are making America safer.

But we must be ready to respond if terrorists again succeed in bringing harm to American people. We must be ready to rescue the victims, care for the sick, and aid the injured. This will take cooperation from every level of government—local, State, and Federal agencies.

Dr. Jeffery Lowell is the St. Louis Mayor's Chief of a special team called the Medical Critical Incident Response Group. He is responsible for determining how the region's 30-plus hospitals will provide medical aid to the 2½ million residents of the St. Louis metropolitan area.

Dr. Lowell reports only that 70 to 80 critical care beds are available at any one time. But we need to prepare for the possibility that an attack could generate hundreds, perhaps thousands, of injuries.

Additionally, the entire St. Louis metropolitan area does not have enough emergency responders to care for so many victims. Help would need to come from other cities, other States. This would take time, many hours, even days. In situations like this, lost time means lost lives.

There is an answer to this problem, and it involves the same Guard men and women I mentioned earlier.

The answer is the Expeditionary Medical System, or EMEDS. EMEDS is a new rapid response medical system. It was created by the Air Force to rush its medics with blazing speed anywhere in the world they are needed, at a moment's notice.

Our military relies on this life-saving capability during wartime, but it could prove just as valuable to the civilian community here, in America.

The legislation I am introducing today would establish an EMEDS program in the Air Guard. This bill gives the Air Guard an EMEDS program so that we are prepared for any disaster or attack on the home front, as our troops have been on the war front.

Our Guard soldiers and airmen pride themselves on being light, lean, and lethal. EMEDS will make our Guard medics light, lean, and life-saving, able to react within minutes to an attack.

The new equipment and training that EMEDS would provide the Guard will allow it to respond to attacks or disasters within minutes. And once on site, Guard EMEDS will be able to remain there for days without re-supply, they are self-sustaining. They would assist local responders.

EMEDS will care for sick, provide emergency medicine to wounded, even perform life-saving surgery. Additionally, Guard EMEDS would be able to perform in a biological, chemical, or radiological warfare environment.

If the pilot program is successful, I would hope each State's Guard will acquire EMEDS capability. America needs this capability as its citizens grapple with the emerging threats facing them within the United States.

The National Guard is the perfect organization to provide Americans this valuable homeland defense initiative.

This bill is supported by the U.S. Air Force Surgeon General as well as several other national military organizations such as the Air Force Sergeants Association, National Guard Association and the Air Force Association.

I am proud to offer this bill. Guard EMEDS is a ground-breaking initiative. This first step toward ensuring that each State, through its Guard units, can medically respond to disasters and terrorist attacks with live-saving immediacy.

I believe this measure is of vital importance to our national security.

I urge my colleagues to support this bill's passage.

By Ms. STABENOW

S. 2000. A bill to amend the Internal Revenue Code of 1986 to provide for a special depreciation allowance for certain property acquired after December 31, 2001, and before January 1, 2004; to the Committee on Finance.

Ms. STABENOW. Mr. President, recently we passed legislation to protect families hurt in this recession by extending unemployment protection for an additional 13 weeks.

It was the right thing to do. Now let's finish the job by helping them get back to work. Let's pass a stimulus bill that will jump start the economy and create more employment.

I am introducing a bill that will encourage business investment in new equipment and technology by offering a 30-percent depreciation bonus on capital goods with a depreciation life of 20 years or less as defined by IRS.

The bonus would apply to purchases made by the end of 2003 to encourage spending now, not years from now.

This depreciation bonus is a broad-based incentive that would help businesses both large and small in almost every sector of our economy.

The IRS list of qualifying industries and equipment runs nine pages in very small type and there's not much that isn't covered.

It would help industries from autos to agriculture, from construction to computers, from energy to electronics, and more.

And not only would this bill help the manufacturing industries that make these products, spurring employment, but it would also help the businesses that buy these products by making their workers more productive.

I count this as a win/win situation. Let me give you an example of how this depreciation bonus would work. To keep the math simple, let's talk about a business that buys a computer for $1,000. Under IRS regulations, computers have a 5-year deduction life.

With the depreciation bonus, the business would immediately take a 30-percent deduction on the $1,000 computer, a deduction of $300, making the computer now worth $700.

Now the business would take all the standard depreciation deductions allowed over the 5 years, but at the $700 value. For a computer that would mean another 20-percent deduction in the first year. That's another $140.

That means a total deduction of $440, or 44 percent, in just the first year.

I support this bill because it is not targeted to specific industries or companies or individuals. Almost every business in America, large, small and in between, can benefit from this depreciation bonus.

I support this bill because it would be a needed short-term shot in the arm for the economy, without shooting holes in our long-term goal of fiscal responsibility.

I support this bill because it would create jobs, and support existing jobs, bolstering the consumer economy, which is two-thirds of our Gross Domestic Product and vital to getting us out of this recession.

This bill has the support of a broad range of business and industrial groups. I urge my colleagues to support this legislation as well. Let's rev up the economy without running up debt.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2000

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL DEPRECIATION ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.

(a) IN GENERAL.—Section 168 of the Internal Revenue Code of 1986 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

“(k) SPECIAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—

“(1) ADDITIONAL ALLOWANCE.—In the case of any qualified property—

“(A) the depreciation deduction provided by section 167(a) for the taxable year in which such property is placed in service shall include an allowance equal to 30 percent of the adjusted basis of the qualified property, and

“(B) the adjusted basis of the qualified property shall be reduced by the amount of such deduction before computing the amount otherwise allowable as a depreciation deduction under this chapter for such taxable year and any subsequent taxable year.

“(2) QUALIFIED PROPERTY.—For purposes of this subsection—

“(A) IN GENERAL.—The term ‘qualified property’ means property—

“(i)(I) to which this section applies which has a recovery period of 20 years or less or which is water utility property,

“(II) which is computer software (as defined in section 167(f)(1)(B)) for which a deduction is allowable under section 167(a) without regard to this subsection,

“(III) which is qualified leasehold improvement property, or

“(IV) which is eligible for depreciation under section 167(g),

“(ii) the original use of which commences with the taxpayer after December 31, 2001,

“(iii) which is—

“(I) acquired by the taxpayer after December 31, 2001, and before January 1, 2004, but only if no written binding contract for the acquisition was in effect before January 1, 2002, or

“(II) acquired by the taxpayer pursuant to a written binding contract which was entered into after December 31, 2001, and before January 1, 2004, and

“(iv) which is placed in service by the taxpayer before January 1, 2004, or, in the case of property described in subparagraph (B), before January 1, 2005.

“(B) CERTAIN PROPERTY HAVING LONGER PRODUCTION PERIODS TREATED AS QUALIFIED PROPERTY.—

“(i) IN GENERAL.—The term ‘qualified property’ includes property—

“(I) which meets the requirements of clauses (i), (ii), and (iii) of subparagraph (A),

“(II) which has a recovery period of at least 10 years or is transportation property, and

“(III) which is subject to section 263A by reason of clause (ii) or (iii) of subsection (f)(1)(B) thereof.

“(ii) ONLY PRE-JANUARY 1, 2004, BASIS ELIGIBLE FOR ADDITIONAL ALLOWANCE.—In the case of property which is qualified property solely by reason of clause (i), paragraph (1) shall apply only to the extent of the adjusted basis thereof attributable to manufacture, construction, or production before January 1, 2004.

“(iii) TRANSPORTATION PROPERTY.—For purposes of this subparagraph, the term ‘transportation property’ means tangible personal property used in the trade or business of transporting persons or property.

“(C) EXCEPTIONS.—

“(i) ALTERNATIVE DEPRECIATION PROPERTY.—The term ‘qualified property’ shall not include any property to which the alternative depreciation system under subsection (g) applies, determined—

“(I) without regard to paragraph (7) of subsection (g) (relating to election to have system apply), and

“(II) after application of section 280F(b) (relating to listed property with limited business use).

“(ii) ELECTION OUT.—If a taxpayer makes an election under this clause with respect to any class of property for any taxable year, this subsection shall not apply to all property in such class placed in service during such taxable year.

“(D) SPECIAL RULES.—

“(i) SELF-CONSTRUCTED PROPERTY.—In the case of a taxpayer manufacturing, constructing, or producing property for the taxpayer's own use, the requirements of clause (iii) of subparagraph (A) shall be treated as met if the taxpayer begins manufacturing, constructing, or producing the property after December 31, 2001, and before January 1, 2004.

"(ii) SALE-LEASEBACKS.—For purposes of subparagraph (A)(ii), if property—

"(I) is originally placed in service after December 31, 2001, by a person, and

"(II) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in subclause (II).

"(E) COORDINATION WITH SECTION 280F.—For purposes of section 280F—

"(i) AUTOMOBILES.—In the case of a passenger automobile (as defined in section 280F(d)(5)) which is qualified property, the Secretary shall increase the limitation under section 280F(a)(1)(A)(i) by $4,600.

"(ii) LISTED PROPERTY.—The deduction allowable under paragraph (1) shall be taken into account in computing any recapture amount under section 280F(b)(2).

"(3) QUALIFIED LEASEHOLD IMPROVEMENT PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified leasehold improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such improvement is made under or pursuant to a lease (as defined in subsection (h)(7))—

"(I) by the lessee (or any sublessee) of such portion, or

"(II) by the lessor of such portion,

"(ii) such portion is to be occupied exclusively by the lessee (or any sublessee) of such portion, and

"(iii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefiting a common area, and

"(iv) the internal structural framework of the building.

"(C) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) BINDING COMMITMENT TO LEASE TREATED AS LEASE.—A binding commitment to enter into a lease shall be treated as a lease, and the parties to such commitment shall be treated as lessor and lessee, respectively.

"(ii) RELATED PERSONS.—A lease between related persons shall not be considered a lease. For purposes of the preceding sentence, the term 'related persons' means—

"(I) members of an affiliated group (as defined in section 1504), and

"(II) persons having a relationship described in subsection (b) of section 267; except that, for purposes of this clause, the phrase '80 percent or more' shall be substituted for the phrase 'more than 50 percent' each place it appears in such subsection.

"(D) IMPROVEMENTS MADE BY LESSOR.—In the case of an improvement made by the person who was the lessor of such improvement when such improvement was placed in service, such improvement shall be qualified leasehold improvement property (if at all) only so long as such improvement is held by such person.".

(b) ALLOWANCE AGAINST ALTERNATIVE MINIMUM TAX.—

(1) IN GENERAL.—Section 56(a)(1)(A) of the Internal Revenue Code of 1986 (relating to depreciation adjustment for alternative minimum tax) is amended by adding at the end the following new clause:

"(iii) ADDITIONAL ALLOWANCE FOR CERTAIN PROPERTY ACQUIRED AFTER DECEMBER 31, 2001, AND BEFORE JANUARY 1, 2004.—The deduction under section 168(k) shall be allowed."

(2) CONFORMING AMENDMENT.—Clause (i) of section 56(a)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "clause (ii)" both places it appears and inserting "clauses (ii) and (iii)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2001, in taxable years ending after such date.

By Mr. CAMPBELL:

S. 2001. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Armed Services.

Mr. CAMPBELL. Mr. President, today I introduce the Fairness to All Fallen Vietnam War Service Members Act of 2002. Almost forty years ago, our country started sending a generation of young men off to fight in Vietnam. Over 58,000 American soldiers gave their lives to their country in and around the lands, skies, and seas of Vietnam.

The ultimate sacrifices many of these men have made are honored on the Vietnam Veterans Memorial Wall here in Washington, D.C. There are, however, names that are missing from the wall, names that rightfully should be there with their fallen fellow Americans. It is now time to correct that omission.

On the morning of June 3, 1969, the United States destroyer, U.S.S. *Frank E. Evans*, was cut in half during a training exercise by the Australian aircraft carrier, *Melbourne*. The front half of the destroyer sank in three minutes claiming the lives of seventy-four men.

While these men were not lost due to enemy fire, they were involved in serious combat only days before this tragedy. At the time of the accident, the U.S.S. *Frank E. Evans* was taking part in Operation Sea Spirit in the South China Sea which involved over 40 ships from Southeast Asia Treaty Organization Nations. These brave men were instrumental in forwarding American objectives in Vietnam.

The fact is these men died while serving their country and are due the rights and honors they deserve, including being listed on the Vietnam Memorial Wall.

Two of my fellow Coloradans, Brian Crowson and Del A. Francis were on board on that fateful morning and survived this horrible accident. Sadly, 74 of their fellow sailors were not as fortunate.

There are many cases of men and women who were killed serving their country in Southeast Asia, yet they are not eligible to have their names placed on the Wall.

At a time when we rightly honor heroes across our country, should we not also take the necessary step to ensure that our past heroes are also honored?

This legislation directs the Secretary of Defense to determine an appropriate manner to recognize and honor Vietnam Veterans who died in service to our Nation but whose names were excluded from the Vietnam Veterans Memorial Wall. It further asks for input from government agencies and organizations that originally constructed the Vietnam Veterans Memorial Wall regarding the feasibility of adding additional names. Finally, the bill asks for appropriate alternative options for recognizing these veterans should it be deemed that there is no logistical way to add these names.

As a veteran of the Korean War, I personally understand the ultimate sacrifice many of our brave men and women have made for the price of freedom. This recognition should not be taken lightly.

I am honored to introduce this companion bill to H.R. 3443, which was introduced by my good friend and colleague in the House of Representatives, Congressman STEVE HORN.

I look forward to working with my colleagues here in the Senate as well as Representative HORN and the U.S.S. Frank E. Evans Association so that we can pass this long overdue legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 2001

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness to All Fallen Vietnam War Service Members Act of 2002".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Public Law 96–297 (94 Stat. 827) authorized the Vietnam Veterans Memorial Fund, Inc., (the "Memorial Fund") to construct a memorial "in honor and recognition of the men and women of the Armed Forces of the United States who served in the Vietnam war".

(2) The Memorial Fund determined that the most fitting tribute to those who served in the Vietnam war would be to permanently inscribe the names of the members of the Armed Forces who died during the Vietnam war, or who remained missing at the conclusion of the war, on a memorial wall.

(3) The Memorial Fund relied on the Department of Defense to compile the list of individuals whose names would be inscribed on the memorial wall and the criteria for inclusion on such list.

(4) The Memorial Fund established procedures under which mistakes and omissions in the inscription of names on the memorial wall could be corrected.

(5) Under such procedures, the Department of Defense established eligibility requirements that must be met before the Memorial Fund will make arrangements for the name of a veteran to be inscribed on the memorial wall.

(6) The Department of Defense determines the eligibility requirements and has periodically modified such requirements.

(7) As of February 1981, in order for the name of a veteran to be eligible for inscription on the memorial wall, the veteran must have—

(A) died in Vietnam between November 1, 1955, and December 31, 1960;

(B) died in a specified geographic combat zone on or after January 1, 1961;

(C) died as a result of physical wounds sustained in such combat zone; or

(D) died while participating in, or providing direct support to, a combat mission immediately en route to or returning from such combat zone.

(8) Public Law 106–214 (114 Stat. 335) authorizes the American Battle Monuments Commission to provide for the placement of a plaque within the Vietnam Veterans Memorial "to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service, and whose names are not otherwise eligible for placement on the memorial wall".

(9) The names of a number of veterans who died during the Vietnam war are not eligible for inscription on the memorial wall or the plaque.

(10) Examples of such names include the names of the 74 servicemembers who died aboard the USS Frank E. Evans (DD–174) on June 3, 1969, while the ship was briefly outside the combat zone participating in a training exercise.

SEC. 3. STUDY AND REPORT.

(a) STUDY.—The Secretary of Defense shall conduct a study that—

(1) identifies the veterans (as defined in section 101(2) of title 38, United States Code) who died on or after November 1, 1955, as a direct or indirect result of military operations in southeast Asia and whose names are not eligible for inscription on the memorial wall of the Vietnam Veterans Memorial;

(2) evaluates the feasibility and equitability of revising the eligibility requirements applicable to the inscription of names on the memorial wall to be more inclusive of such veterans; and

(3) evaluates the feasibility and equitability of creating an appropriate alternative means of recognition for such veterans.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report based on the study conducted under subsection (a). Such report shall include—

(1) the reasons (organized by category) that the names of the veterans identified under subsection (a)(1) are not eligible for inscription on the memorial wall under current eligibility requirements, and the number of veterans affected in each category;

(2) a list of the alternative eligibility requirements considered under subsection (a)(2);

(3) a list of the alternative means of recognition considered under subsection (a)(3); and

(4) the conclusions and recommendations of the Secretary of Defense with regard to the feasibility and equitability of each alternative considered.

(c) CONSULTATIONS.—In conducting the study under subsection (a) and preparing the report under subsection (b), the Secretary of Defense shall consult with—

(1) the Secretary of Veterans Affairs;

(2) the Secretary of the Interior;

(3) the Vietnam Veterans Memorial Fund, Inc.;

(4) the American Battle Monuments Commission;

(5) the Vietnam Women's Memorial, Inc.; and

(6) the National Capital Planning Commission.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 218—DESIGNATING THE WEEK BEGINNING MARCH 17, 2002, AS "NATIONAL SAFE PLACE WEEK"

Mr. CRAIG (for himself, Mr. CLELAND, Mr. ALLEN, Mr. BAYH, Mr. BINGAMAN, Mrs. BOXER, Mr. BREAUX, Mr. BURNS, Mr. CAMPBELL, Ms. CANTWELL, Mr. COCHRAN, Mr. CRAPO, Mr. DASCHLE, Mr. DEWINE, Mr. DOMENICI, Mr. EDWARDS, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FRIST, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mr. INHOFE, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Ms. LANDRIEU, Mrs. LINCOLN, Mr. MCCONNELL, Ms. MIKULSKI, Mr. NICKLES, Mr. SESSIONS, Mr. SPECTER, Mr. STEVENS, Mr. VOINOVICH, and Mr. DAYTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 218

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 641 communities in 39 states and more than 11,000 locations have established Safe Place programs;

Whereas over 53,000 young people have gone to Safe Place locations to get help when faced with crises situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist;

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 17 through March 23, 2002 as "National Safe Place Week" and

(2) request that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

SENATE RESOLUTION 219—EXPRESSING SUPPORT FOR THE DEMOCRATICALLY ELECTED GOVERNMENT OF COLOMBIA AND ITS EFFORTS TO COUNTER THREATS FROM UNITED STATES-DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

Mr. GRAHAM (for himself, Mr. HELMS, Mr. DEWINE, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 219

Whereas the democratically elected Government of Colombia, led by President Andres Pastrana, is the legitimate authority in the oldest representative democracy in South America;

Whereas the Secretary of State, in consultation with the Attorney General and the Secretary of the Treasury, is required to designate as foreign terrorist organizations those groups whose activities threaten the security of United States nationals or the national security interests of the United States pursuant to section 219 of the Immigration and Nationality Act;

Whereas the Secretary of State has designated 3 Colombian terrorist groups as foreign terrorist organizations, including the Revolutionary Armed Forces of Colombia (FARC), the United Self-Defense Forces of Colombia (AUC), and the National Liberation Army (ELN);

Whereas all 3 United States-designated foreign terrorist organizations regularly engage in criminal acts, including murder, kidnapping, and extortion perpetrated against Colombian civilians, government officials, security forces, and against foreign nationals, including United States citizens;

Whereas the FARC is holding 5 Colombian legislators, a presidential candidate, and Colombian police and army officers and soldiers as hostages and has recently escalated bombings against civilian targets, including a foiled attempt to destroy the city of Bogota's principal water reservoir;

Whereas, according to the Colombian government, the FARC has received training in terrorist techniques and technology from foreign nationals;

Whereas, since 1992, United States-designated foreign terrorist organizations in Colombia have committed serious crimes against United States citizens, kidnapping more than 50 Americans and murdering at least 10 Americans;

Whereas the Drug Enforcement Administration believes that members of the FARC and the AUC directly engage in narcotics trafficking;

Whereas individual members of Colombia's security forces have collaborated with illegal paramilitary organizations by, inter alia, in some instances allowing such organizations to pass through roadblocks, sharing tactical information with such organizations, and providing such organizations with supplies and ammunition;

Whereas while the Colombian government has made progress in its efforts to combat and capture members of illegal paramilitary organizations and taken positive steps to break links between individual members of the security forces and such organizations, further steps by the Colombian government are warranted;

Whereas in 1998, Colombian President Andres Pastrana began exhaustive efforts to negotiate a peace agreement with the FARC and implemented extraordinary confidence-building measures to advance these negotiations, including establishing a 16,000-square-mile safe haven for the FARC;

Whereas the Government of Colombia has also undertaken substantial efforts to negotiate a peace agreement with the ELN;

Whereas the United States has consistently supported the Government of Colombia's protracted efforts to negotiate a peace agreement with the FARC and supports the Government of Colombia in its continuing efforts to reach a negotiated agreement with the ELN;

Whereas the United States would welcome a negotiated, political solution to end the violence in Colombia;

Whereas, after the FARC hijacked a commercial airplane and took Colombian Senator Jorge Eduardo Gechem Turbay as a hostage into the government-created safe haven, President Pastrana ended his government's sponsorship of the peace negotiations with the FARC and ordered Colombia's security forces to reestablish legitimate governmental control in the safe haven;

Whereas President Pastrana has received strong expressions of support from foreign governments and international organizations for his decision to end the peace talks and dissolve the FARC's safe haven; and

Whereas the Government of Colombia's negotiations with the ELN are continuing despite the end of the negotiations with the FARC: Now, therefore, be it

Resolved, That—

(1) the Senate—

(A) expresses its support for the democratically elected Government of Colombia and the Colombian people as they strive to protect their democracy from terrorism and the scourge of illicit narcotics; and

(B) deplores the continuing criminal, terrorist acts of murder, abduction, and extortion carried out by all United States-designated foreign terrorist organizations in Colombia against United States citizens, the civilian population of Colombia, and Colombian authorities; and

(2) it is the sense of the Senate that the President, without undue delay, should transmit to Congress for its consideration proposed legislation, consistent with United States law regarding the protection of human rights, to assist the Government of Colombia to protect its democracy from United States-designated foreign terrorist organizations and the scourge of illicit narcotics.

SENATE RESOLUTION 220—EXPRESSING THE SENSE OF THE SENATE REGARDING THE CONTINUED ATTACKS ON DEMOCRACY AND THE RULE OF LAW IN COLOMBIA, INCLUDING THE KIDNAPPINGS OF THE ELECTED REPRESENTATIVES OF THE PEOPLE OF COLOMBIA

Mr. GRASSLEY submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 220

Whereas Colombia is home to the oldest democracy in Latin America and has consistently been a friend of the United States;

Whereas Colombia has been affected by the violence generated by the terrorist acts of illegal armed groups;

Whereas the largest of these groups, the Revolutionary Armed Forces of Colombia (FARC), has used kidnapping, extortion, terrorism, and narcotics trafficking to raise money for its activities;

Whereas those most affected by the targets of these activities have been the people of Colombia;

Whereas in October 1997, almost 10,000,000 Colombians voted for a mandate for peace that asked all presidential candidates to find peace in Colombia through political negotiation;

Whereas in June 1998, 6,500,000 Colombians voted for President Andres Pastrana and his project for peace in Colombia;

Whereas, since his election, President Pastrana has worked consistently and persistently to find a peaceful solution to the ongoing conflict between the Government of Colombia and the insurgency groups operating within the borders of Colombia;

Whereas the Government of Colombia put forth several proposals for peace and made sacrifices in sovereign territory and commitments in funding in hopes of achieving peace in Colombia only to have these overtures repeatedly rejected;

Whereas, on January 20, 2002, the Government of Colombia and the FARC were able to agree on a schedule to be followed in order to define the future of the peace process;

Whereas, since this accord was signed by the FARC, the FARC has consistently and repeatedly taken violent actions against the people and the Government of Colombia in the form of terrorist attacks, including—

(1) car bombs;

(2) attacking government installations;

(3) mining new fields;

(4) homicides, including women and children;

(5) destroying electric pylons;

(6) bombing oil pipelines;

(7) destroying bridges; and

(8) attacks on the dam that provides water to Bogota;

Whereas five democratically elected representatives of the Colombian Congress are currently being held against their will after being kidnapped by the FARC, including—

(1) Representative Oscar Tulio Lizcano, a member of the Conservative Party and elected by the people of Colombia to represent the Province of Caldas, who was kidnapped in the municipality of Riosucio, Province of Caldas, on August 5, 2000, by members of the "Aurelio Rodriguez Front" of the "Jose Maria Cordoba Block" of the FARC;

(2) Senator Luis Eladio Perez, a member of the Liberal Party and elected by the people of Colombia, while visiting several municipalities on a political tour who was kidnapped in the town of Ipiales, Province of Nariflo, on June 10, 2001, by elements of the FARC, as a second attempt to kidnap Senator Eladio, the first occurring at the end of May 2001, and frustrated by his security detail;

(3) Representative Orlando Beltran Cuellar, a member of the Liberal party from the Province of Huila and elected by the people of Colombia, who was kidnapped by the FARC in the municipality of Gigante, Province of Huila, on August 28, 2001;

(4) Representative Consuelo Gonzalez de Perdomo, a member of the Liberal Party from the Province of Huila and elected by the people of Colombia, who was kidnapped by the FARC in the municipality of Hobo, Province of Huila, on September 11, 2001; and

(5) Senator Jorge Eduardo Gechem Turbay, a member of the Liberal Party from the Province of Huila, elected by the people of Colombia, and President of the Colombian Senate's Peace Commission, who was kidnapped on February 20, 2002, when four members of the FARC hijacked a commercial AIRES aircraft traveling from Neiva to Bogota with 30 passengers on board and who was removed from the aircraft after it was forced to land on a rural road in the municipality of Hobo, Province of Huila; and

Whereas Saturday, February 23, Presidential Candidate Ingrid Betancourt and her campaign manager Clara Rojas were kidnapped by the FARC as she traveled to San Vicente del Caguan: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its strong support for the democratically elected Government of Colombia and the Colombian people in their struggle to protect their democracy from terrorism and the scourge of illicit narcotics;

(2) deplores the continuing criminal terrorist acts of murder, abduction, and extortion carried out by all illegal armed groups in Colombia against the civilian population of Colombia and Colombian authorities;

(3) condemns the kidnapping of elected representatives of the people of Colombia by the FARC and extends its sympathy to the families and friends of the kidnapped members of the Colombian Congress; and

(4) urges the President to develop a comprehensive strategic policy proposal, consistent with United States law regarding human rights and the environment, to assist the Government of Colombia in defending its democracy and rule of law from illegal armed groups and the scourge of illicit narcotics.

Mr. GRASSLEY. Mr. President, I am sending to the desk a sense-of-the-Senate resolution on the current situation in Colombia.

The resolution expresses outrage over the current attacks on democracy and democratic institutions in Colombia by a gang of vicious thugs. The most recent outrage, in a long history of outrages, was the hijacking of a commercial airliner filled with innocent people that was forced to land, and then the kidnapping at gun point of a distinguished Colombian Senator. That Senator remains a prisoner, his fate unknown and uncertain. Four other members of the Colombian Congress are also prisoners, and now so is one of the candidates for president in Colombia's upcoming elections. Other members have been murdered, their families threatened, their children terrorized. These are only the most publicly visible victims of Colombia's guerrilla thugs.

There can be no clearer testimony, if further evidence was called for, of the vicious nature of the actions of Colombia's insurgent movement, the FARC. They have branded themselves, if it was not clear before, as outright terrorists. Their actions are an assault on the rule of law and on democracy.

My resolution expresses the concern over the fate of those in a companion institution. Our sympathies must go to their families, our concern to their countryman in their time of threat an menace. I hope that other members will join me in expressing our unanimous concern for the fate of democracy and the rule of law in Colombia. The other body has passed a resolution expressing its concern. I hope we will as well.

SENATE RESOLUTION 221—TO COMMEMORATE AND ACKNOWLEDGE THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. CAMPBELL (for himself, Mr. LEAHY, Mr. HATCH, Mr. ALLARD, Ms. CANTWELL, Mr. GREGG, Mr. ROCKEFELLER, Mr. BINGAMAN, Mr. BIDEN, Mr. BUNNING, Mr. COCHRAN, Mr. ALLEN, Mr. THOMAS, and Mr. HUTCHINSON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 221

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 70 peace officers died at the World Trade Center in New York City on September 11, 2001, the most peace officers ever killed in a single incident in the history of the Nation;

Whereas more than 220 peace officers across the Nation were killed in the line of duty during 2001, 57 percent more police fatalities than the previous year, and the deadliest year for the law enforcement community since 1974;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty; and

Whereas on May 15, 2002, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2002 as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. CAMPBELL. Mr. President, today I am joined by the chairman and ranking member of the Senate Judiciary Committee, Senators LEAHY and HATCH, along with several other Senators in submitting this resolution to keep alive in the memory of all Americans the sacrifice and commitment of those law enforcement officers who lost their lives serving their communities. Specifically, this resolution would designate May 15, 2002, as National Peace Officers Memorial Day.

As a former deputy sheriff, I know first-hand the risks which law enforcement officers face everyday on the front lines protecting our communities. Currently, more than 700,000 men and women who serve this Nation as our guardians of law and order do so at a great risk. Every year, about 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty. There are few communities in this country that have not been impacted by the words: "officer down."

On September 11, 2001, 70 peace officers died at the World Trade Center in New York City as a result of a cowardly act of terrorism. This single act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of this country. Thirty-seven of those fallen heroes served with the Port Authority of New York and New Jersey Police Department: twenty-three were New York City police officers; three worked for the New York Office of Court Administration; five were with the New York Office of Tax Enforcement; one was a FBI special agent; and one was a master special officer with the U.S. Secret Service. Before this event, the greatest loss of law enforcement like in a single incident occurred in 1917, when nine Milwaukee police officers were killed in a bomb blast at their police station.

In 2001, more than 200 Federal, State and local law enforcement officers give their lives in the line of duty. This represents more than a 57 percent increase in police fatalities over the previous year. And, in total, nearly 15,000 men and women have made the supreme sacrifice.

The chairman of the National Law Enforcement Officers Memorial Fund, Craig W. Floyd, reminds us:

> The level of public support and appreciation for our law enforcement officers has increased dramatically since September 11. But the incredible bravery and selfless sacrifice our officers displayed that day was no different than every other day of the year in communities across America. We owe all of our police officers a huge debt of gratitude for the invaluable work they do.

On May 15, 2002, more than 15,000 peace officers are expected to gather in our Nation's Capitol to join with the families of their fallen comrades who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities. In doing so, these heroes have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens. This resolution is a fitting tribute for this special and solemn occasion.

I urge my colleagues to join us in supporting passage of this important resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2983. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH, of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2984. Mr. REID proposed an amendment to amendment SA 2983 proposed by Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2985. Mr. BUNNING (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 2986. Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. CONRAD, Mr. DORGAN, Mr. INHOFE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. THOMAS, Mr. SESSIONS, Mr. ROCKEFELLER, Mr. ENZI, Mr. MURKOWSKI, Mr. NICKLES, Mr. HUTCHINSON, and Mr. VOINOVICH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2987. Mr. CRAIG proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2988. Mr. MURKOWSKI proposed an amendment to amendment SA 2979 proposed by Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHISON, and Mr. WYDEN) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2989. Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2990. Mr. BINGAMAN (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 2991. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2983. Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL,, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 115, strike line 5 and all that follows through page 119, line 10 and insert the following:

Subtitle A—Price-Anderson Act Reauthorization

SEC. 501. SHORT TITLE.

This subtitle may be cited as the "Price-Anderson Amendments Act of 2002".

SEC. 502. EXTENSION OF INDEMNIFICATION AUTHORITY.

(a) INDEMNIFICATION OF NUCLEAR REGULATORY COMMISSION LICENSEES.—Section 170 c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) in the subsection heading, by striking "LICENSES" and inserting "LICENSEES"; and

(2) by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

(b) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Section 170 d.(1)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(1)(A)) is amended by striking ", until August 1, 2002,".

(c) INDEMNIFICATION OF NONPROFIT EDUCATIONAL INSTITUTIONS.—Section 170 k. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(k)) is amended by striking "August 1, 2002" each place it appears and inserting "August 1, 2012".

SEC. 503. DEPARTMENT OF ENERGY LIABILITY LIMIT.

(a) INDEMNIFICATION OF DEPARTMENT OF ENERGY CONTRACTORS.—Seciton 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is amended by striking paragraph (2) and inserting the following:

"(2) In agreements of indemnification entered into under paragraph (1), the Secretary—

"(A) may require the contractor to provide and maintain financial protection of such a type and in such amounts as the Secretary shall determine to be appropriate to cover public liability arising out of or in connection with the contractual activity; and

"(B) shall indemnify the persons indemnified against such liability above the amount of the financial protection required, in the amount of $10,000,000,000 (subject to adjustment for inflation under subsection t.), in the aggregate, for all persons indemnified in connection with such contract and for each nuclear incident, including such legal costs of the contractor as are approved by the Secretary.".

(b) CONTRACT AMENDMENTS.—Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)) is further amended by striking paragraph (3) and inserting the following:

"(3) All agreements of indemnification under which the Department of Energy (or its predecessor agencies) may be required to indemnify any person under this section shall be deemed to be amended, on the date of the enactment of the Price-Anderson Amendments Act of 2002, to reflect the amount of indemnity for public liability and any applicable financial protection required of the contractor under this subsection.".

(c) LIABILITY LIMIT.—Section 170 e.(1)(B) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(1)(B)) is amended

(1) by striking "the maximum amount of financial protection required under subsection b. or"; and

(2) by striking "paragraph (3) of subsection d., whichever amount is more" and inserting "paragraph (2) of subsection d.".

SEC. 504. INCIDENTS OUTSIDE THE UNITED STATES.

(a) AMOUNT OF INDEMNIFICATION.—Section 170 d.(5) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)(5)) is amended by striking "$100,000,000" and inserting "$500,000,000".

(b) LIABILITY LIMIT.—Seciton 170 e.(4) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(e)(4)) is amended by striking "$100,000,000" and inserting "$500,000,000".

SEC. 505. REPORTS.

Section 170 p. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(p)) is amended by striking "August 1, 1998" and inserting "August 1, 2008".

SEC. 506. INFLATION ADJUSTMENT.

Section 170 t. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(t)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by adding after paragraph (1) the following:

"(2) The Secretary shall adjust the amount of indemnification provided under an agreement of indemnification under subsection d. not less than once during each 5-year period following July 1, 2002, in accordance with the aggregate percentage change in the Consumer Price Index since—

"(A) that date, in the case of the first adjustment under this paragraph; or

"(B) the previous adjustment under this paragraph.".

SEC. 507. CIVIL PENALTIES.

(a) REPEAL OF AUTOMATIC REMISSION.—Section 234A b.(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2282a (b)(2)) is amended by striking the last sentence.

(b) LIMITATION FOR NOT-FOR-PROFIT INSTITUTIONS.—Subsection d. of section 234A of the Atomic Energy Act of 1954 (42 U.S.C. 2282a(d)) is amended to read as follows:

"d. (1) Notwithstanding subsection a., in the case of any not-for-profit contractor, subcontractor, or supplier, the total amount of civil penalties assessed under subsection a. may not exceed the total amount of fees paid within any one-year period (as determined by the Secretary) under the contract under which the violation occurs.

"(2) For purposes of this section, the term 'not-for-profit' means that no part of the net earnings of the contractor, subcontractor, or supplier inures, or may lawfully inure, to the benefit of any natural person or for-profit artificial person.".

(c) EFFECTIVE DATE.—The amendments made by this section shall not apply to any violation of the Atomic Energy Act of 1954 occurring under a contract entered into before the date of enactment of this section.

SEC. 508. TREATMENT OF MODULAR REACTORS.

Section 170 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5)(A) For purposes of this section only, the Commission shall consider a combination of facilities described in subparagraph (B) to be a single facility having a rated capacity of 100,000 electrical kilowatts or more.

"(B) A combination of facilities referred to in subparagraph (A) is 2 or more facilities located at a single site, each of which has a rated capacity of 100,000 electrical kilowatts or more but not more than 300,000 electrical kilowatts, with a combined rated capacity of not more than 1,300,000 electrical kilowatts.".

SEC. 509. EFFECTIVE DATE.

The amendments made by sections 503(a) and 504 do not apply to any nuclear incident that occurs before the date of the enactment of this subtitle.

SA 2984. Mr. REID proposed an amendment to amendment SA 2983 proposed by Mr. VOINOVICH (for himself, Mr. BINGAMAN, Mr. SMITH of New Hampshire, Mr. DOMENICI, Ms. LANDRIEU, Mr. MURKOWSKI, Mr. HAGEL, Mr. CRAPO, Mr. THOMAS, Mr. INHOFE, Mr. THOMPSON, Mr. BOND, Mr. CAMPBELL, Mr. FRIST, Mr. KYL, Mr. CRAIG, Mrs. LINCOLN, Mr. HUTCHINSON, and Mr. SESSIONS) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter to be inserted, insert the following:

SEC. 5 . FINANCIAL PROTECTION FOR LICENSEES.

(a) STANDARD DEFERRED PREMIUM.—Section 170b.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(1)) is amended in the third sentence by striking "$63,000,000 (subject to adjustment for inflation under subsection t.), but not more than $10,000,000 in any 1 year" and inserting "$88,000,000 (subject to adjustment for inflation under subsection t.), but not more than $20,000,000 in any 1 year (subject to adjustment for inflation under subsection t.)".

(b) FINANCIAL HARDSHIP.—Section 170b.(2)(A) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)(2)(A)) is amended by striking "paragraph (1)" and all that follows and inserting "paragraph (1) for any facility if more than 1 nuclear incident occurs in any 1 calendar year.".

(c) NEW LICENSES.—Section 170c. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(c)) is amended—

(1) by striking "The Commission" and inserting the following:

"(1) LICENSES ISSUED ON OR BEFORE AUGUST 1, 2002.—The Commission"; and

(2) by adding at the end the following:

"(2) LICENSES ISSUED AFTER AUGUST 1, 2002.—After August 1, 2002, as a condition to receiving a license for a utilization facility under this Act, the applicant, before receiving the license, shall obtain insurance coverage from the private insurance market for the full potential liability (including the public liability and any other liability) of the person that might arise as a result of a nuclear incident at the utilization facility.

SEC. 5 . GUARANTEE OF DEFERRED PREMIUM; FINANCIAL QUALIFICATIONS.

Section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) is amended by adding at the end the following:

"(5) GUARANTEE OF DEFERRED PREMIUM.—

"(A) CONDITION OF INDEMNIFICATION.—Not later than 180 days after the date of enactment of this paragraph, and not less frequently than each year thereafter, the Commission, in consultation with the Securities and Exchange Commission, shall, as a condition of indemnification, require each licensee to demonstrate that the licensee has the financial ability to pay the full potential retrospective premium for each reactor through 1 or more of—

"(i) a surety bond;

"(ii) a letter of credit or loan;

"(iii) an insurance policy; or

"(iv) maintenance of an escrow deposit of government securities in reserves, a trust, or an equivalent instrument.

"(B) REORGANIZATION PROCEEDINGS.—If a licensee or creditors of a licensee file a petition under chapter 11 of title 11, United States Code, for reorganization of the licensee, the Commission—

"(i) shall review the ability of the licensee to—

"(I) pay the full amount of prospective and standard deferred premiums; and

"(II) ensure that adequate funds will be available for safe operation of the licensed facility; and

"(ii) if the Commission determines that the licensee is unable to meet the requirements of clause (i), shall not renew any indemnification of the licensee under this section.

"(6) FINANCIAL QUALIFICATIONS.—

"(A) IN GENERAL.—The Commission, in consultation with the Securities and Exchange Commission, shall establish criteria and procedures for determination of the minimum financial qualifications for new licensees (including license transferees) to ensure that the new licensee has the resources and instruments necessary to—

"(i) operate safely if it becomes necessary to shut down a reactor for 12 months or longer; and

"(ii) ensure payment of prospective and deferred premiums under this subsection.

"(B) CONDITION.—A license shall be conditioned on meeting and maintaining the minimum financial qualifications established under subparagraph (A).".

SEC. 5 . PRESIDENTIAL COMMISSION ON INCIDENT CONSEQUENCES.

Section 170(l) of the Atomic Energy Act of 1954 (42 U.S.C. 2210(l)) is amended—

(1) in paragraph (1), by striking "1988" and inserting "2002";

(2) in paragraph (2)—

(A) in subparagraph (A), by striking "not less than 7 and not more than 11 members" and inserting "6, 8, 10, or 12 members"; and

(B) in subparagraph (B), by striking "not more than a mere majority of the members are of the same political party" and inserting "there are equal numbers of members of each major political party"; and

(3) by striking paragraph (3) and inserting the following:

"(3) DUTIES.—

"(A) IN GENERAL.—The study commission shall conduct a comprehensive study of the economic, public health, and environmental impacts of nuclear incidents that may result in a full breach of containment and uncontained meltdown at a facility built in accordance with an existing design or a proposed design.

"(B) INPUTS.—The matters to be studied under subparagraph (A) include—

"(i) for each existing and proposed facility—

"(I) the public health effects; and

"(II) the economic costs attributable to public health effects, property damage, environmental damage, and evacuation and resettlement of affected populations;

of a worst-case nuclear incident; and

"(ii) the ability of the licensee of each existing or proposed facility to pay the standard deferred premium for a potential occurrence at each covered facility of the licensee and at a facility that is not covered by the licensee.

"(C) SENSITIVITY ANALYSIS.—

"(i) IN GENERAL.—In studying the matters under subparagraph (B)(i), the study commission shall conduct a sensitivity analysis based on various modeling input assumptions to determine the maximum potential consequences of a worst-case nuclear incident.

"(ii) ASSUMPTIONS.—The assumptions on which the sensitivity analysis is based shall include assumptions regarding—

"(I) nuclear incident scenarios;

"(II) weather patterns;

"(III) traffic patterns; and

"(IV) human behavior that may have an effect on evacuation of persons threatened by a nuclear incident.".

SEC. 5 . ACTS OF TERRORISM.

Section 11q. of the Atomic Energy Act of 1954 (42 U.S.C. 2014(q)) is amended—

(1) by striking "q. The term" and inserting the following:

"q. NUCLEAR INCIDENT.—

"(1) IN GENERAL.—The term"; and

(2) by adding at the end the following:

"(2) OCCURRENCES.—

"(A) IN GENERAL.—In paragraph (1), the term 'occurrence' includes an act that the President determines to have been an act of domestic terrorism or international terrorism (as those terms are defined in section 2331 of title 18, United States Code).

"(B) NO JUDICIAL REVIEW.—A determination of the President under subparagraph (A) shall not be subject to judicial review.".

SEC. 5 . TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.

Section 523 of title 11, United States Code, is amended by adding at the end the following:

"(f) TREATMENT OF NUCLEAR REACTOR FINANCIAL OBLIGATIONS.—Notwithstanding any other provision of this title—

"(1) any funds or other assets held by a licensee or former licensee of the Nuclear Regulatory Commission, or by any other person, to satisfy the responsibility of the licensee, former licensee, or any other person to comply with a regulation or order of the Nuclear Regulatory Commission governing the decontamination and decommissioning of a nuclear power reactor licensed under section 103 or 104b. of the Atomic Energy Act of 1954 (42 U.S.C. 2133, 2134(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, other than a claim resulting from an activity undertaken to satisfy that responsibility, until the decontamination and decommissioning of the nuclear power reactor is completed to the satisfaction of the Nuclear Regulatory Commission;

"(2) obligations of licensees, former licensees, or any other person to use funds or other assets to satisfy a responsibility described in paragraph (1) may not be rejected, avoided, or discharged in any proceeding under this title or in any liquidation, reorganization, receivership, or other insolvency proceeding under Federal or State law; and

"(3) private insurance premiums and standard deferred premiums held and maintained in accordance with section 170b. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(b)) shall not be used to satisfy the claim of any creditor in any proceeding under this title, until the indemnification agreement executed in accordance with section 170c. of that Act (42 U.S.C. 2210(c)) is terminated.".

SA 2985. Mr. BUNNING (for himself and Mr. VOINOVICH) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INDUSTRIAL SAFETY RULES FOR DEPARTMENT OF ENERGY NUCLEAR FACILITIES.

Section 170 d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d) is amended by adding at the end the following new paragraph:

"(8)(A) It shall be a condition of any agreement of indemnification entered into under this subsection that the indemnified party comply with regulations issued under this paragraph.

"(B) Not later than 180 days after the date of the enactment of this paragraph, the Secretary shall issue industrial health and safety regulations that shall apply to all Department of Energy contractors and subcontractors who are covered under agreements entered into under this subsection for operations at Department of Energy nuclear facilities. Such regulations shall provide a level of protection of worker health and safety that is substantially equivalent to or identical to that provided by the industrial and construction safety regulations of the Occupational Safety and Health Administration (29 CFR 1910 and 1926), and shall establish civil penalties for violation thereof that are substantially equivalent to or identical to the civil penalties applicable to violations of the industrial and construction safety regulations of the Occupational Safety and Health Administration. The Secretary shall amend regulations under this subparagraph as necessary.

"(C) No later than 240 days after the date of the enactment of this paragraph, all agreements described in subparagraph (B), and all contracts and subcontracts for the indemnified contractors and subcontractors, shall be modified to incorporate the requirements of the regulations issued under subparagraph (B). Such modifications shall require compliance with the requirements of the regulations not later than 1 year after the issuance of the regulations.

"(D) Enforcement of regulations issued under subparagraph (B), and inspections required in the course thereof, shall be conducted by the Office of Enforcement of the Office of Environment, Safety, and Health of the Department of Energy. The Secretary shall transmit to the Congress an annual report on the implementation of this subparagraph.".

SA 2986. Mr. BINGAMAN (for himself Mr. BAUCUS, Mr. BOND, Mr. BREAUX, Mr. CAMPBELL, Mr. CONRAD, Mr. DORGAN, Mr. INHOFE, Ms. LANDRIEU, Mrs. LINCOLN, Mr. THOMAS, Mr. SESSIONS, Mr. ROCKEFELLER, Mr. ENZI, Mr. MURKOWSKI, Mr. NICKLES, Mr. HUTCHINSON, and Mr. VOINOVICH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VI, add the following new section:

"SEC. 610. HYDRAULIC FRACTURING.

"Section 1421 of the Safe Drinking Water Act (42 U.S.C. Sec. 300h) is amended by adding at the end the following:

"(e) HYDRAULIC FRACTURING FOR OIL AND GAS PRODUCTION.—

"(1) STUDY OF THE EFFECTS OF HYDRAULIC FRACTURING.—

"(A) IN GENERAL.—As soon as practicable, but in no event later than 24 months after the date of enactment of this subsection, the Administrator shall complete a study of the known and potential effects on underground drinking water sources of hydraulic fracturing, including the effects of hydraulic fracturing on underground drinking water sources on a nationwide basis, and within specific regions, States, or portions of States.

"(B) CONSULTATION.—In planning and conducting the study, the Administrator shall consult with the Secretary of the Interior, the Secretary of Energy, the Ground Water Protection Council, affected States, and, as appropriate, representatives of environmental, industry, academic, scientific, public health, and other relevant organizations. Such study may be accomplished in conjunction with other ongoing studies related to the effects of oil and gas production on groundwater resources.

"(C) STUDY ELEMENTS.—The study conducted under subparagraph (A) shall, at a minimum, examine and make findings as to whether—

"(i) such hydraulic fracturing has endangered or will endanger (as defined under subsection (d)(2)) underground drinking water sources, including those sources within specific regions, states or portions of States;

"(ii) there are specific methods, practices, or hydrogeologic circumstances in which hydraulic fracturing has endangered or will endanger underground drinking water sources; and

"(iii) there are any precautionary actions that may reduce or eliminate any such endangerment.

"(D) STUDY OF HYDRAULIC FRACTURING IN A PARTICULAR TYPE OF GEOLOGIC FORMATION.—The Administrator may also complete a separate study on the known and potential effects on underground drinking water sources of hydraulic fracturing in a particular type of geologic formation.

"(i) If such a study is undertaken, the Administrator shall follow the procedures for study preparation and independent scientific review set forth in subparagraphs (1)(B) and (C) and (2) of this subsection. The Administrator may complete this separate study prior to the completion of the broader study of hydraulic fracturing required pursuant to subparagraph (A) of this subsection.

"(ii) At the conclusion of independent scientific review for any separate study, the Administrator shall determine, pursuant to paragraph (3), whether regulation of hydraulic fracturing in the particular type of geologic formation addressed in the separate study is necessary under this part to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a state. Subparagraph (4) of this subsection shall apply to any such determination by the Administrator.

"(iii) If the Administrator completes a separate study, the Administrator may use the information gathered in the course of such a study in undertaking her broad study to the extent appropriate. The broader study need not include a reexamination of the conclusions reached by the Administrator in any separate study.

"(2) INDEPENDENT SCIENTIFIC REVIEW.—

"(A) IN GENERAL.—Prior to the time the study under paragraph (1) is completed, the Administrator shall enter into an appropriate agreement with the National Academy of Sciences to have the Academy review the conclusions of the study.

"(B) REPORT.—Not later than 11 months after entering into an appropriate agreement with the Administrator, the National Academy of Sciences shall report to the Administrator, the Committee on Energy and Commerce of the House of Representatives, and the Committee on Environment and Public Works of the Senate, on the—

"(i) findings related to the study conducted by the Administrator under paragraph (1);

"(ii) the scientific and technical basis for such findings; and

"(iii) recommendations, if any, for modifying the findings of the study.

"(3) REGULATORY DETERMINATION.—

"(A) IN GENERAL.—Not later than 6 months after receiving the National Academy of Sciences report under paragraph (2), the Administrator shall determine, after informal public hearings and public notice and opportunity for comment, and based on information developed or accumulated in connection with the study required under paragraph (1) and the National Academy of Sciences report under paragraph (2), either:

"(i) that regulation of hydraulic fracturing under this part is necessary to ensure that underground sources of drinking water will not be endangered on a nationwide basis, or within a specific region, State or portions of a State; or

"(ii) that regulation described under clause (i) is unnecessary.

"(B) PUBLICATION OF DETERMINATION.—The Administrator shall publish the determination in the Federal Register, accompanied by an explanation and the reasons for it.

"(4) PROMULGATION OF REGULATIONS.—

"(A) REGULATION NECESSARY.—If the Administrator determines under paragraph (3) that regulation by hydraulic fracturing under this part is necessary to ensure that hydraulic fracturing does not endanger underground drinking water sources on a nationwide basis, or within a specific region, State or portions of a State, the Administrator shall, within 6 months after the issuance of that determination, and after public notice and opportunity for comment, promulgate regulations under section 1421 (42 U.S.C. 300h) to ensure that hydraulic fracturing will not endanger such underground sources of drinking water. However, for purposes of the Administrator's approval or disapproval under section 1422 of any State underground injection control program for regulating hydraulic fracturing, a State at any time may make the alternative demonstration provided for in section 1425 of this title.

"(B) REGULATION UNNECESSARY.—The Administrator shall not regulate or require States to regulate hydraulic fracturing under this part unless the Administrator determines under paragraph (3) that such regulation is necessary. This provision shall not apply to any State which has a program for the regulation of hydraulic fracturing that was approved by the Administrator under this part prior to the effective date of this subsection.

"(C) EXISTING REGULATIONS.—A determination by the Administrator under paragraph (3) that regulation is unnecessary will relieve all States (including those with existing approved programs for the regulation of hydraulic fracturing) from any further obligation to regulate hydraulic fracturing as an underground injection under this part.

"(5) DEFINITION OF HYDRAULIC FRACTURING.—For purposes of this subsection, the term 'hydraulic fracturing' means the process of creating a fracture in a reservoir rock, and injecting fluids and propping agents, for the purposes of reservoir stimulation related to oil and gas production activities.

"(6) SAVINGS.—Nothing in this subsection shall in any way limit the authorities of the Administrator under section 1431 (42 U.S.C. 300i).

"SEC. 611. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to the Administrator of the Environmental Protection Agency $100,000 for fiscal year 2003, to remain available until expended, for a grant to the State of Alabama to assist in the implementation of its regulatory program under section 1425 of the Safe Drinking Water Act."

SA 2987. Mr. CRAIG proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike subsection (e) of section 1254 and insert the following:

"(e) AUTHORIZATION OF APPROPRIATIONS.—From amounts authorized under section 1251, the following amounts are authorized for activities under this section and for activities of the Fusion Energy Science Program.

"(1) for fiscal year 2003, $335,000,000;

"(2) for fiscal year 2004, $349,000,000;

"(3) for fiscal year 2005, $362,000,000; and

"(4) for fiscal year 2006, $377,000,000.".

SA 2988. Mr. MURKOWSKI proposed an amendment to amendment SA 2979 proposed by Mr. MCCAIN (for himself, Mr. HOLLINGS, Mrs. MURRAY, Mr. BINGAMAN, Mr. BREAUX, Mr. SMITH of Oregon, Mr. DOMENICI, Mrs. HUTCHISON, and Mr. WYDEN) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . CRIMINAL PENALTIES FOR DAMAGING OR DESTROYING A FACILITY.

Section 60123(b) of title 49, United States Code, is amended—

(1) by striking "or" after "gas pipeline facility" and inserting a comma; and

(2) by inserting after "liquid pipeline facility" the following: ", or either an intrastate gas pipeline facility or an intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce".

SA 2989. Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) REPEAL OF DEFINITION OF EXEMPT COMMODITY.—Section 1a of the Commodity Exchange Act (7 U.S.C. 1a) is amended by striking paragraph (14) and inserting the following:

"(14) [Repealed.]".

(b) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

"(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.".

(c) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended by striking subsection (g) and inserting the following:

"(g) EXEMPT TRANSACTIONS.—

"(1) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), this Act shall not apply to any agreement, contract, or transaction in a commodity other than an agricultural commodity if the agreement, contract, or transaction—

"(i) is between persons that are eligible contract participants at the time at which the agreement, contract, or transaction is entered into;

"(ii) is subject to individual negotiation by the parties to the agreement, contract, or transaction; and

"(iii) is not executed or traded on an electronic trading facility.

"(B) EXCEPTIONS.—

"(i) IN GENERAL.—An agreement, contract, or transaction described in subparagraph (A) (other than an agreement, contract, or transaction in an excluded commodity) shall be subject to—

"(I) sections 4b, 4c(b), 4o, and 5b;

"(II) subsections (c) and (d) of section 6, 6c, 6d, and 8a, to the extent that those provisions—

"(aa) provide for the enforcement of the requirements specified in this paragraph and paragraphs (2), (3), and (4); and

"(bb) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(III) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(IV) section 12(e)(2); and

"(V) section 22(a)(4).

"(ii) EXCLUDED COMMODITIES.—An agreement, contract, or transaction described in subparagraph (A) in an excluded commodity shall be subject to—

"(I) sections 5a (to the extent provided in subsection (g) of that section), 5b, and 5d; and

"(II) section 12(e)(2).

"(2) BILATERAL DEALER MARKETS.—

"(A) IN GENERAL.—A person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of all other participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) if the person or group of persons meets the requirement of subparagraph (B).

"(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

"(i) register with the Commission in any capacity that the Commission requires by rule, regulation, or order;

"(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule, regulation, or order;

"(iii) maintain sufficient net capital, as determined by the Commission;

"(iv)(I) maintain books and records consistent with section 4i; and

"(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection at all times; and

"(v) make available to the public any information that the Commission determines to be appropriate for public disclosure.

"(3) REPORTING REQUIREMENTS.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may require, any information relating to the transactions of the eligible contract participant on the facility or system that the Commission determines to be appropriate.

"(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction exempt under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

"(A) sections 4b, 4c(b), and 4o; and

"(B) subsections (c) and (d) of section 6, 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

"(5) EFFECT.—This subsection does not affect the power of the Federal Energy Regulatory Commission to regulate transactions described in paragraph (1) under the Federal Power Act (16 U.S.C. 791a et seq.).".

(d) REPEAL OF GUIDELINES FOR TRANSACTIONS IN EXEMPT COMMODITIES.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsection (i) as subsection (h).

(e) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person;

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

"(3) willfully to deceive or attempt to deceive any person by any means; or

"(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person.".

(f) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2(e) (7 U.S.C. 2(e))—

(A) in paragraph (1), by striking "section 2(d)(2), 2(g), or 2(h)(3)" and inserting "subsection (d)(2) or (g)(1)(B)(ii)"; and

(B) in paragraph (3), by striking "or to comply with section 2(h)(5)";

(2) in section 2(h) (7 U.S.C. 2(h)) (as redesignated by subsection (d)), by striking "2(h) or";

(3) in section 4i (7 U.S.C. 6i)—

(A) by striking "any contract market or" and inserting "any contract market,"; and

(B) by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility";

(4) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking ", or exempt under section 2(h) of this Act";

(5) in section 5b (7 U.S.C. 7a-1)—

(A) in subsection (a)(1), by striking "2(h) or"; and

(B) in subsection (b), by striking "2(h) or"; and

(6) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking "2(h) or".

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

"(G) PERSONNEL MATTERS.—

"(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

"(ii) Compensation.—

"(I) In general.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(II) Additional compensation.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(III) Comparability.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

(b) Conforming Amendments.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) the Commodity Futures Trading Commission.".

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking "General Counsel, Commodity Futures Trading Commission."; and

(B) by striking "Executive Director, Commodity Futures Trading Commission.".

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) section 2(a)(6)(G) of the Commodity Exchange Act.".

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting "the Commodity Futures Trading Commission," after "the Farm Credit Administration, ".

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

"(i) Jurisdiction Over Derivatives Transactions.—

"(1) In general.—To the extent that the Commission determines that any contract under the jurisdiction of the Commission is not in its jurisdiction, the transaction shall be under the jurisdiction of the Commodity Futures Trading Commission.

"(2) Meetings.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

"(A) conditions and events in energy trading markets; and

"(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

"(3) Liaison.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.".

SA 2990. Mr. BINGAMAN (for himself and Mr. Domenici) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

After section 1413 insert the following:

SEC. 1414. UNITED STATES-MEXICO ENERGY TECHNOLOGY COOPERATION.

(a) Finding.—Congress finds that the economic and energy security of the United States and Mexico is furthered through collaboration between the United States and Mexico on research related to energy technologies.

(b) Program.—

(1) In general.—The Secretary, acting through the Assistant Secretary for Environmental Management, shall establish a collaborative research, development, and deployment program to promote energy efficient, environmentally sound economic development along the United States-Mexico border to—

(A) mitigate hazardous waste;

(B) promote energy efficient materials processing technologies that minimize environmental damage; and

(C) protect the public health.

(2) Consultation.—The Secretary, acting through the Assistant Secretary for Environmental Management, shall consult with the Office of Energy Efficiency and Renewable Energy in carrying out paragraph (1)(B).

(c) Program Management.—The program under subsection (b) shall be managed by the Department of Energy Carlsbad Environmental Management Field Office.

(d) Cost Sharing.—The cost of any project or activity carried out using funds provided under this section shall be shared as provided in section 1403.

(e) Technology Transfer.—In carrying out projects and activities under this section to mitigate hazardous waste, the Secretary shall emphasize the transfer of technology developed under the Environmental Management Science Program of the Department of Energy.

(f) Intellectual Property.—In carrying out this section, the Secretary shall comply with the requirements of any agreement entered between the United States and Mexico regarding intellectual property protection.

(g) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for fiscal year 2003 and $6,000,000 for each of fiscal years 2004 through 2006, to remain available until expended.

SA 2991. Mr. BINGAMAN (for Mr. Akaka) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike section 1702 and insert the following:

SEC. 1702. ASSESSMENT OF DEPENDENCE OF STATE OF HAWAII ON OIL.

(a) Assessment.—The Secretary of Energy shall assess the economic implications of the dependence of the State of Hawaii on oil as the principal source of energy for the State, including—

(1) the short- and long-term prospects for crude oil supply disruption and price volatility and potential impacts on the economy of Hawaii;

(2) the economic relationship between oil-fired generation of electricity from residual fuel and refined petroleum products consumed for ground, marine, and air transportation;

(3) the technical and economic feasibility of increasing the contribution of renewable energy resources for generation of electricity, on an island-by-island basis, including—

(A) siting and facility configuration;

(B) environmental, operational, and safety considerations;

(C) the availability of technology;

(D) effects on the utility system, including reliability;

(E) infrastructure and transport requirements;

(F) community support; and

(G) other factors affecting the economic impact of such an increase and any effect on the economic relationship described in paragraph (2);

(4) the technical and economic feasibility of using liquefied natural gas to displace residual fuel oil for electric generation, including neighbor island opportunities, and the effect of such displacement on the economic relationship described in paragraph (2), including—

(A) the availability of supply;

(B) siting and facility configuration for onshore and offshore liquefied natural gas receiving terminals;

(C) the factors described in subparagraphs (B) through (F) of paragraph (3); and

(D) other economic factors;

(5) the technical and economic feasibility of using renewable energy sources (including hydrogen) for ground, marine, and air transportation energy applications to displace the use of refined petroleum products, on an island-by-island basis, and the economic impact of such displacement on the relationship described in paragraph (2); and

(6) an island-by-island approach to—

(A) the development of hydrogen from renewable resources; and

(B) the application of hydrogen to the energy needs of Hawaii.

(b) Contracting Authority.—The Secretary may carry out the assessment under subsection (a) directly or, in whole or in part, through 1 or more contracts with qualified public or private entities.

(c) Report.—Not later than 300 days after the date of enactment of this Act, the Secretary shall prepare, in consultation with agencies of the State of Hawaii and other stakeholders, as appropriate, and submit to Congress, a report detailing the findings, conclusions, and recommendations resulting from the assessment.

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on

Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, 2002, at 9:30 a.m., in open session to receive testimony on the defense authorization request for fiscal year 2003 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 7, 2002, at 10 a.m. to conduct an oversight hearing on the "The Semi-Annual Report on Monetary Policy of the Federal Reserve."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, March 7, at 2:30 p.m. in SD-366. The purpose of this hearing is to receive testimony on the following bills:

S. 213 and H.R. 37, to amend the National Trails System Act to update the feasibility and suitability studies of 4 national historic trails and provide for possible additions to such trails.

S. 1069 and H.R. 834, to amend the National Trails Systems Act to designate the route in Arizona and New Mexico which the Navajo and Mescalero Apache Indian Tribes were forced to walk in 1863 and 1864, for study for potential addition to the National Trails System.

S. 1946, to amend the National Trails Systems Act to designate the Old Spanish Trail as a National Historic Trail.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 7, 2002 at 10 a.m. to hear testimony on Bush proposal for Medicare modernization.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 7, 2002 at 10:15 a.m. to hold a hearing on the children's protocols.

Agenda

Witnesses

Panel 1: The Honorable Michael Southwick, Deputy Assistant Secretary for International Organization Affairs, Department of State, Washington, DC; Mr. Marshall Billingslea, Deputy Assistant Secretary for Negotiations Policy, Department of Defense, Washington, DC; Mr. John Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice, Washington, DC.

Panel 2: Ms. Jo Becker, Children's Rights Advocacy Director, Human Rights Watch, New York, NY; RADM (Ret.) Eugene Carroll, Jr., USN, Vice President Emeritus, Center for Defense Information, Washington, DC; Rear Adm. Timothy O. Fanning, Jr., USNR (ret.), National President of the Navy League of the United States, Washington, DC.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 7, 2002 at 2:30 p.m. to hold a hearing on trafficking.

Agenda

Witnesses

Panel 1: The Honorable Paula Dobriansky, Undersecretary for Global Affairs, Department of State, Washington, DC; Mr. Viet D. Dinh, Assistant Attorney General, Office of Legal Policy, Department of Justice, Washington, DC.

Panel 2: Ms. Nancy Ely-Raphel, Senior Advisor, Office to Monitor and Combat Trafficking in Persons, Department of State, Washington, DC; Dr. Nguyen Van Hanh, Director, Office of Refugee Resettlement, Department of Health and Human Resources, Washington, DC.

Panel 3: Ms. Hae Jung Cho, Coalition to Abolish Slavery and Trafficking, Los Angeles, CA; Mrs. Ann Jordan, Director, Initiative Against Trafficking in Persons, International Human Rights Law Group, Washington, DC; Mrs. Carol Smolensky, Coordinator, End Child Prostitution and Trafficking—USA, New York, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Thursday, March 7, 2002 at 9:30 a.m. to hold a hearing entitled "Public Health and Natural resources: A Review of the Implementation of our Environmental Laws."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 7, 2002, at 10 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian Programs for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 7, 2002 at 10:00 a.m., in SD 226.

Final Agenda

I. Nominations

Charles W. Pickering, Sr. to be U.S. Circuit Court Judge for the 5th Circuit, Ralph Beistline to be U.S. District Court Judge for the District of Alaska, David Charles Bury to be U.S. District Court Judge for the District of Arizona, Randy Crane to be U.S. District Court Judge for the Southern District of Texas.

To be United States Attorney: Eric F. Melgren for the District of Kansas and Paul I. Perez for the Middle District of Florida.

To be United States Marshal: Theophile Alceste Duroncelet for the Eastern District of Louisiana, John Edward for the District of Vermont, Steven Gilbert Fitzgerald for the Western District of Wisconsin, Gregory Forest to be U.S. Marshal for the WD of NC, James Loren Kennedy for Southern District of Indiana, Dennis Cluff Mwerrill for the District of Oregon, James Thomas Plousis for the District of New Jersey, J.C. Raffety for the Northern District of West Virginia, Charles R. Reavis for the Eastern District of North Carolina, Michael Robert Regan for the Middle District of Pennsylvania, James Anthony Rose for the District of Wyoming, John Schickel for the Eastern District of Kentucky, Jesse Seroyer to be U.S. Marshal for the MD of AL, Timothy Dewayne Welch for the Northern District of Oklahoma, and William R. Whittington for the Western District of Louisiana.

II. Bills

S. 1615, Federal-Local Information Sharing Partnership Act of 2001 [Schumer/Hatch].

S. 1356, The Wartime Treatment of European Americans and Refugees Study Act. [Feingold/Grassley/Kennedy].

III. Resolutions

S. Res. 214, a resolution designating March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy" [Specter].

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 7, 2002, for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentations of the Paralyzed Veterans of America, Jewish War Veterans, Blinded Veterans Association, the Non-Commissioned Officers Association, and the Military Order of the Purple Heart.

The hearing will take place in room 345 of the Cannon House Office Building at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 7, 2002, at 2:30 p.m., in open session to receive testimony on the Ballistic Missile Defense Program and budget in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 8, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m., Friday, March 8; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the message from the House on H.R. 3090.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Madam President, we expect two rollcall votes beginning at 9:30 a.m., first on the stimulus bill, and second in relation to the McCain amendment to the energy reform bill.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Friday, March 8, 2002, at 9:15 a.m.

EXTENSIONS OF REMARKS

STATEMENT FOR THE INTRODUCTION OF THE WORK ENTITLED WE SHALL RISE BY DAVID STANCLIFF

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. YOUNG. Mr. Speaker, I wish to recognize Mr. David Stancliff of Tok, Alaska, for his contribution in helping our nation heal after the tragic events of September 11th, 2001. Mr. Stancliff wrote the song "We Shall Rise" in his Tok log cabin and has since traveled to Gettysburg, Pennsylvania, where he joined up with American roots singer Scott Ainslie. Mr. Ainslie performed "We Shall Rise" to its first audience at the Gettysburg National Cemetery on November 19th, 2001, the anniversary of the Gettysburg Address.

Lincoln gave birth to the healing of the nation in Gettysburg and Mr. Stancliff's words sung by Mr. Ainslie in the same place will hopefully help heal society. On this single day, November 19th, 2001, "We Shall Rise" was performed multiple times in Pennsylvania. "We Shall Rise" became the first song ever sung on the floor of the Pennsylvania House of Representatives. It was also performed at the Emergency Services Banquet in Harrisburg, Pennsylvania for the Governor and a thousand emergency service workers, and later that day at Gettysburg College.

We will never forget those who lost their lives on September 11th, 2001. As the battle against terrorism carries on, we are forever indebted to those who fight for our great nation. New challenges at home and abroad continue to test our faith, hope, and resiliency. In this time of mourning and war, we can take comfort and inspiration from the words of David Stancliff's "We Shall Rise." Here are the words to the song that will help us to renew our hopes as well as our faith in people as we face the aftermath of the plane crashes in Pennsylvania, New York, and Washington, DC, as well as the new battle against terrorism abroad:

"WE SHALL RISE"

"Here we are—left behind—when our loved ones had to go.
Here we are—left to fill—lonely spaces here below.
But we shall rise. we shall rise—past mighty towers tall.
We shall rise. we shall rise—we shall rise up from the fall.
Along our streets. when we miss their daily smiles.
Along our streets. we'll be lifted from our trials,
Along our streets. with our memories great and small,
We will rise up from the fall.
We shall rise. rise up from the fall.
We shall rise. on the wings they've given us all.
We shall rise. over every hateful wall.
We shall rise up from the fall.
With their lives. we'll be taken to new heights.
With their lives. we'll turn to darkness into light,
With their lives. when we hear the trumpet's call
We will rise up from the fall.
We shall rise. rise up from the fall.
We shall rise. on the wings they've given us all.
We shall rise. over every hateful wall.
We will rise up from the fall.
They'll all be waiting—up around the bend.
They'll be waiting—the circle never ends.
They'll all be waiting—and when we hear them call,
We will rise up from the fall.
We shall rise. rise up from the fall.
We shall rise. on the wings they've give us all.
We shall rise. over every hateful wall.
We will rise up from the fall—We will rise."

THE HEALTH CARE IMPROVEMENTS ACT OF 2002

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CONYERS. Mr. Speaker, I am pleased to introduce, along with Congressman BARR, the Health Care Improvement Act of 2002. This is the successor legislation to the Campbell/Conyers bill from last Congress, which passed the House by an overwhelming 276–136 vote. We have drafted a more narrow legislative response this Congress in the hope that the bill will be more likely to move in the Senate.

The legislation responds to two alarming anti-consumer trends—the ever increasing level of concentration among health insurers and exclusionary contracting practices by health insurance companies. The last five years have seen a massive consolidation in the health insurance and managed care market as more than a dozen health insurance competitors have been eliminated through mergers and acquisitions.

The dangers posed by this ever increasing market concentration are exacerbated by the practice of health insurers engaging in heavy-handed negotiating tactics and requiring exclusionary contractual commitments from health care providers. Such restrictive contractual terms are frequently proffered on a "take it or leave it" basis to health care providers, under the threat of the loss of the provider's patients or exclusion from their access to other patients.

Our legislation responds to the problem by allowing physicians or other health care professional to collectively negotiate with a health plan over contractual terms or plan policies. Presently, joint negotiations with a health plan by physicians or other health care professionals who are not financially integrated are illegal per se under the federal antitrust laws if they involve fees or prices. Under this legislation, such activities would be subject to review based on a more liberal "rule of reason" analysis, which could take quality of health care into account.

I have taken a particular interest in this legislation because of the unfairness of the current market situation on African American doctors. I am aware of a number of incidents in Detroit and around the country of minority physicians being threatened that they will lose all of their business unless they enter into one-sided service contracts. This bill gives physicians the ability to respond to these abuses on a collective basis.

The legislation is strongly supported by a wide array of health care professional and trade organizations, including several speaking today.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. WOOLSEY. Mr. Speaker, I was absent from the House yesterday and part of today due to California's primary elections on March 5, 2002. had I been present, I would have voted:

Rollcall No. 47—"yea".
Rollcall No. 48—"yea".
Rollcall No. 49—"nay".
Rollcall No. 50—"yea".

INTRODUCTION OF PROTECT OUR WOMEN FROM OVARIAN CANCER ACT OF 2002

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. ISRAEL. Mr. Speaker, currently, around three-quarters of women with ovarian cancer are diagnosed in advanced stages of the disease, when they have only about a 20 percent chance to surviving five years. However, if the disease is caught early, the five-year survival is around 95 percent. So providing a way to routinely identify the disease in its "Stage 1" phase could have a dramatic impact in what is now a very deadly cancer.

Scientist from the Food and Drug Administration and the National Cancer Institute reported in [Petricoin EF, Ardekani AM, Hitt BA, Levine PJ, Fusaro VA, Steinberg SM, Mills GB, Simone C, Fishman DA, Kohn EC, Liotta

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LA. use of proteomic patterns in serum to identify ovarian cancer. The Lancet 2002:261. Feb. 8, 2002.] that patterns of protein found in patients' blood serum may reflect the presence of the disease.

In the study, scientists used serum proteins to detect ovarian cancer, seven at early stages. using test that can be completed in 30 minutes using blood that can be obtained from a finger stick, researchers were able to differentiate between serum samples taken from patients with ovarian cancer and those from unaffected individuals.

However, despite the success of this preliminary research, it is only the first step in the testing process. It is incumbent that we find out as soon as possible whether protein screening is an effective preventive health-screening tool for this devastating disease. Therefore I am introducing legislation which will instruct the Secretary of the Department of Health and Human to immediately conduct or support research on the effectiveness of the medical screening technique of using proteomic patterns in blood serum to identify ovarian cancer, including the effectiveness of so using proteomic patterns in combination with other screening methods for ovarian cancer.

If the testing finds the test effective, this legislation would require that Medicare cover the cost of this preventive health-screening tool. Medicare will treat proteomic screening at the same reimbursement rate and under the same rules and restrictions as a Pap smear test.

Therefore, Medicare will cover this test fro all women starting at the age of 50 once every two years and will reimburse health care providers at exactly the same rate as pap smears.

Mr. Speaker, those of us who have been elected to Congress have been entrusted with enormous responsibility and enormous power. We must use our power wisely, for the common good. There is no issue of more importance to the people of the United States than health care, and no more poignant issue than the health off our women. Ovarian cancer is a heartbreaking disease that strikes surreptitiously and long before any symptoms are manifest. Waiting for symptoms means our mothers and sisters and daughters are extremely vulnerable to unacceptably high fatality rates. By detecting the disease in Stage 1, we will save thousands of lives. In the development of national priorities, can there be anything more important than saving lives? I think not. Let us proceed with the research, and if successful, let us implement effective early screening for ovarian cancer.

Mr. Speaker, this is medical breakthrough. Now let us breakthrough government and bureaucracy and start saving lives.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. LEE. Mr. Speaker, I was not present for votes Tuesday or Wednesday, due to official business in my district. Had I been present, I would have voted:

Tuesday, March 5, 2002: "Yea" on H. Con. Res. 305, Permitting The Use Of the Rotunda For A Ceremony To Present A Congressional Gold Medal To Former President Ronald Reagan And Nancy Reagan.

Wednesday, March 6, 2002: "Yea" on the Journal vote; "nay" on House Resolution 354, the rule for considering seven suspension bills, because I believe we should be passing meaningful unemployment insurance relief for laid-off workers first; and "Yea" on S.J. Res. 32—Congratulating the U.S. Military Academy at West Point On Its Bicentennial Anniversary.

HONORING RICHARD GONZALES, 2001 RECIPIENT OF THE YMCA DISTINGUISHED SERVICE AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our cities and county. These individuals work tirelessly to develop voluntary community action to improve the region's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Richard Gonzales. He has been active in so many community groups and activities that it is hard to imagine how he found the time to become a career law enforcement officer with the Los Angeles Police Department (LAPD), as the Chief of Police for the City of Coronoa, a husband and a father of two.

On the 9th of March, Mr. Gaonzales will be honored with the Ira. D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his innumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Mr. Gonzales for his exceptional devotion to developing community volunteerism.

Richard's career with the LAPD lasted for an impressive 26 years where he commanded many divisions. During those years, he served as a police officer, detective, sergeant, lieutenant and captain. After retiring from LAPD, Richard was named the police chief of Corona in 1998. Richard holds a Master of Arts in Public Administration and a Bachelor of Science in Criminal Justice, both from California State University, Long Beach. He is a graduate of the FBI National Academy in Quantico, Virginia and holds a POST certificate for Command Development. He is also an adjunct professor at Golden West College, where he teaches a POST Discipline course at the Criminal Justice Training Center.

With all of these career and family commitments, Richard's unselfish giving of time and energy to volunteering is all the more impressive and serves as a model to his community, neighbors and own children. His strong commitment to the Inland Empire is displayed in his participation in the Corona Police Community Partnership, Coalition for Family Preservation, Corona Rotary, as a board member for UNITY which deals with community youth sports and the Coronoa-Norco YMCA. Chief Gonzales has actively instituted partnerships with our local school district, ministerial groups and other services in keeping our community safe and raising the quality of life in Corona.

Mr. Speaker, I take this opportunity to thank Richard Gonzales for his dedication, influence and involvement in our community. I know that we will continue to benefit from his longtime experience in the 43rd congressional district and deep commitment to the region. It is a great pleasure for me to congratulate Richard on his outstanding career with the LAPD and his lifelong devotion to the community.

IN MEMORY OF MICHELE MILLS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of a wonderful woman who was taken from us well before her time. Michele Mills was called home on Monday, November 12, 2001. She was aboard American Airlines flight 587, from New York to the Dominican Republican, which seconds after take off tragically fell out of the sky and crashed into a residential neighborhood in Queens, New York.

Michele Mills was born to Priscilla and Eugene Mills on June 4, 1955 in St. Mary's Hospital in Brooklyn. Michele remained a proud resident of Brooklyn for many years living in Red Hook and Crown Heights. After graduating from the Franklin D. Roosevelt High School in 1973, she continued her education at the Fashion Institute of Technology where she majored in merchandising/buying. With encouragement from her sister, Tricia, Michele moved on to an aviation career working for Overseas National Airlines. In 1978, Michele joined American Airlines. She worked there for her remaining twenty-three years.

Michele always kept her priorities in order: God, family, work and hobbies. She realized God's presence in her life at a very early age and joined Brownsville Community Baptist Church, where she served as a faithful member. She was a very spiritual person who routinely began her day with meditation and spiritual readings.

Michele's family and friends were an extremely important part of her life. Her home was a gathering place for festive occasions. She took great pride in graciously serving others and did so with a warm smile. Her colleagues became her extended family.

Michele was an avid reader, a gourmet cook, an interior decorator and a thrifty shopper. She was rarely seen at work or around the house without her "book of the week," nearby. She became well known by her JFK co-workers, family and friends for her famous, "Michele's Fried Chicken." Every aspect of her life was orderly; and her attire was always impeccable. She took little to nothing for granted.

Michele is survived by her parents, Priscilla and Eugene Mills; her siblings, Tricia and Kenneth Mills; her fiancée, Henry Ray; two uncles:

Bob Mills of Edison, New Jersey and Freddie Holmes of Columbia, South Carolina; five aunts, Albertha Bell of Brooklyn, New York, Dezel Mallory of North Carolina, Doris Mills of Edison, New Jersey, Lysine Holmes of South Carolina, Irene Holmes of Brooklyn, New York, a great aunt, Lucille Wilkins of Brooklyn, New York, one god-daughter, Stephanie Holmes of Brooklyn, and a host of cousins and friends throughout the United States.

Mr. Speaker, Michele Mills was a woman who enjoyed her religion, her family, her work, and her hobbies. She worked hard, no matter which part of her life was her focus at any particular moment. As such I hope that my colleagues will join me in honoring the memory of this woman who was at the beginning of a truly remarkable life.

IN HONOR OF BRUCE HOCHMAN

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor the late Bruce Hochman. Mr. Hochman will be greatly missed, as he was a devoted and outstanding member of the Southern California community. Through his civic involvement, he helped affect positive change in the lives of many.

Bruce Hochman received his Bachelor of Arts degree from the University of California; Los Angeles. He later received his Juris Doctorate degree from the same university. Throughout his life, he served as an attorney in many capacities, earning acceptance to practice before the Supreme Court of the United States, Ninth Circuit Court of Appeals, United States District Court, United States Claims Court, and United States Tax Court.

Bruce was an active author and lecturer over the years, speaking on tax law and accounting at a number of prestigious universities and institutes throughout the nation. He has spoken both at the University of California, Los Angeles and the University of Southern California. He also addressed the Southern Tax Institute, Alabama Tax Institute, and the North West Tax Institute.

Bruce was set apart from so many because he devoted himself to the improvement of the lives of others. As the Chairman of the Board of the Foundation for People, Inc., he helped the organization assist federal parolees and probationers with vocational opportunities. For his work with the Anti-Defamation League as a past Regional Board President, National Commissioner and Executive Committee Member, he was honored as an Honorary National Vice Chairman.

So I ask all Members of the United States House of Representatives to pause to honor a great man who helped so many people. He will be missed not only by his family, but by all of those fortunate enough to cross his path.

TRIBUTE TO REVEREND DR. JULIUS RICHARD SCRUGGS

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize Reverend Dr. Julius Richard Scruggs of the First Missionary Baptist Church in Huntsville, Alabama. This year he celebrates his 42nd pastoral anniversary and his 25th anniversary with First Missionary Baptist. Dr. Scruggs is an incredible asset to this church and the City of Huntsville and deserves every honor on this special anniversary.

Rev. Dr. Julius Scruggs was born in Elkton, Tennessee and grew up in Toney, Alabama. He began his pastoral career at the age of 18 at Pine Grove Missionary Baptist Church in Harvest, Alabama, and has continued his work in the ministry for forty-two years. Dr. Scruggs has been at First Missionary Baptist Church since 1977 and has seen more than 2,500 new members unite with the church during that time. Under his esteemed leadership, the church has begun witnessing and evangelism teams, jail ministry teams, scholarship funds, health and recreation ministries, and has greatly enhanced its Christian Education ministry. The church has also built and paid for a house with Habitat for Humanity and the congregation continues to donate their time and money to help build other Habitat homes for the surrounding community.

Mr. Speaker, I want to express my sincere appreciation of Dr. Scruggs' service to our community in Huntsville. Dr. Scruggs is an important and active member of the national and local Christian community. He is a member and former president of the Greater Huntsville Interdenominational Ministerial Fellowship and was the 1998 recipient of their Dr. Martin Luther King, Jr. Award. Dr. Scruggs' many other accomplishments and community services include being elected Vice President at Large of the National Baptist Convention, U.S.A., Inc. in 1999. First Missionary Baptist and the Huntsville community have been very blessed by Rev. Dr. Julius Scruggs' pastoral career. I want to congratulate and thank him for his forty-two years of invaluable service in the ministry and his twenty-five years at First Missionary Baptist Church in Huntsville.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. WATSON of California. Mr. Speaker, on Tuesday, March 5, and Wednesday, March 6, I was absent due to the California State Primary Elections. During that period, I missed four recorded votes: S.J. Res. 32, Congratulating the United States Military Academy at West Point on its Bicentennial Anniversary, and Commending its Outstanding Contributions to the Nation; H. Res. 354, Providing for consideration of motions to suspend the rules; On Approving the Journal; and H. Con. Res. 305, Permitting the Use of the Rotunda of the Capitol for a Ceremony to Present a Gold Medal on Behalf of Congress to Former President Ronald Reagan and his Wife Nancy Reagan. Had I been present, I would have voted "yea" for S.J. Res. 32, H. Con. Res. 305, and Approving the Journal. I would have voted "nay" for H. Res. 354.

FILIPINO SERVICEMEN

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CUNNINGHAM. Mr. Speaker, today I, along with co-sponsor Mr. FILNER of California, introduce legislation aimed at righting a wrong that has been inflicted on a small, hard-working, patriotic segment of our population. When our immigration laws were changed in 1996, we inadvertently affected a group of people that have stalwartly defended our nation since World War II—the Filipino servicemen of the U.S. Navy, and their families.

Under the 1996 changes, life as a Filipino citizen serving our nation became much more difficult than it was in previous years. They saw their families placed in "deferred action status" in order to gain authorization to work. This status, however, is not a period of stay that gives them lawful presence in our country. As a result, they are subject to accruing time unlawfully present, thereby making it difficult for them to ever successfully apply for residency or citizenship. In short, if they want to work, they must accrue bad time. This is clearly an injustice and a remedy is long overdue. Any person who legally enlists to serve in the United States military should be allowed to have his immediate family reside here with him for the duration of his enlistment. And those family members should be authorized to work. Additionally, they should not accrue any "unlawful present time" while their husband or father is defending our nation. That is the simple purpose behind this legislation, and I urge my colleagues to swiftly pass this important legislation.

While it will not affect a great number of people—the Navy only recruited approximately 400 Filipinos per year until 1991 when this recruitment ended—the people it does impact will be greatly affected.

RECOGNIZING THE LIFE OF THE LATE DR. JOHN HOLLOMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize a great humanitarian, health executive, physician and civil rights leader—the late Dr. John Holloman who passed away on February 27, 2002.

For many years, as president of the New York City public hospital corporation in the mid-1970s, Dr. Holloman battled for increased accessibility to health care for the poor in the city. At the time he was the country's highest-ranking African-American person in health care.

Duly committed to health care for all, he served as Associated Director of Health Services of the William F. Ryan Community Health Center up until the time of his death—a job he held for the past 21 years. Many remember, that on his desk sat a plaque with the simple, but powerful motto that represented the goal of most of his life's work: "Health Care is Right."

During his years as an advocate and physician, he managed to influence policies to increase better health care for prison inmates and the inclusion of more minorities in the American Medical Association. He also was instrumental in the civil rights movement, where I remember him taking care of people's feet during the voting rights march from Selma to Montgomery, Alabama. The medical attention he gave to many was a necessity during the long journeys in the fight for civil rights.

His medical and humanitarian deeds, numerous at last count, have been recognized by organizations such as the Urban League, state and private universities, and the Bar Association.

For 50 years, Dr. Holloman political activism, community and national leadership, and provision of both care and concern to the most hard to reach and vulnerable population exemplify the will of a man to accomplish great deeds for the benefit of all human beings. I ask my colleagues to join me in celebrating the life of Dr. John Holloman a man who today we owe a great deal of gratitude for his work on ensuring equitable access to health care.

A TRIBUTE TO HADASSAH

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CLAY. Mr. Speaker, I would like to take this opportunity to pay a special tribute to one of our nation's most outstanding organizations, a group recognized as both the largest women's and the largest Jewish membership organization in the United States, Hadassah. Hadassah is a name that has come to be synonymous with strength of purpose and humanitarianism. The women of Hadassah are a force for change with an unchanging commitment to serving human needs.

Hadassah, the Women's Zionist Organization of America, recently celebrated its 90th anniversary. Throughout its long history, the women of Hadassah have exemplified the highest ideals of civic awareness and action. They have long combined an agenda of vital international and domestic issues. Proponents of a strong Israeli nation and a peaceful Middle East, they are also champions of fundamental social and domestic programs.

In many ways, Hadassah exemplifies the heart and soul of our democratic society—active involvement in public policy making and civic life. The Hadassah members have successfully channeled their remarkable energies toward an agenda that spans from education and health care, to religious freedom and social justice, to energy and the environment. They are genuinely devoted to serving the human cause.

In so many fundamental ways our nation changed forever last September 11, and we have begun a new chapter in our history. As leaders in Congress, we strive to restore the strength of the American spirit and confidence that was eclipsed by the terrorist events. In this role I am inspired by the women of Hadassah. They have long exercised a very special and unique commitment to domestic and international issues. They are an organization of courageous women whose faith, perseverance and strength of purpose flourishes and thrives in the face of challenge and adversity. I salute Hadassah for its longstanding commitment to enhancing the quality of life for both the people of the United States and the people of Israel. Hadassah members are a source of inspiration and guidance for all Americans as we strive to meet the challenges of achieving peace and domestic security in the years ahead.

INTRODUCTION OF THE "RESTORATION OF FAIRNESS IN IMMIGRATION ACT OF 2002"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the "Restoration of Fairness in Immigration Law Act of 2000," a bipartisan bill that is supported by the leaders of the Congressional Hispanic, Black and Asian Pacific Caucuses as well as over 60 immigration advocacy groups.

Since this nation's founding, more than 55 million immigrants from every continent have settled in the United States. Immigrants work hard to make ends meet and pay taxes every day. They have lived in this country for decades, married U.S. citizens, and raised their U.S.-citizen children. Laws that single these people out for no other reason than their status as immigrants violate their fundamental right to fair treatment.

Yet, for too many years, Congress has witnessed a wave of anti-immigrant legislation, playing on our worst fears and prejudices. Since 1994, we have considered proposals to ban birthright citizenship, ban bilingual ballots, and slash family and employment based immigration, as well as to limit the number of asylees and refugees. In 1996 we passed laws denying legal residents the right to public benefits and denying immigrants a range of due process and fairness protections.

Recently we have seen the tragedy of September 11th used as an excuse for even more assaults on the rights of immigrants. The Justice Department is now holding deportation hearings in secret and detaining immigrants even after they are ordered released. The Attorney General is reducing both the independence and number of judges that handle the appeals of immigration cases. We are fending off legislation almost daily intended to reduce if not eliminate immigration to this country.

Those who urge us to restrict the due process rights of immigrants forget the reason these rights were established in the first place. We grant due process rights to citizens and non-citizens alike; not out of some soft-hearted sentimentality, but because we believe that these rights form an important cornerstone to maintaining civilized society.

The "Restoration of Fairness in Immigration Act of 2002" furthers this proud legacy by restoring our nation's longstanding compassion for individuals seeking to build a better life and reunite with their families.

The bill restores fairness to the immigration process by making sure that each person has a chance to have their case heard by a fair and impartial decision maker. No one here is looking to give immigrants a free ride, just a fair chance.

Our work will not stop with the introduction of this legislation. While this bill lays the benchmark for future Congresses of what our immigration policy should be, I believe that many provisions of this bill can be passed into law, including the restoration of section 245(i), Congressman FRANK's Family Reunification Act and Senator KENNEDY's Immigrant Fairness Restoration Act.

Justice and fairness, as well as our own economic interests, demand that we take these actions.

HONORING RICHARD "DICK" DAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. WOOLSEY. Mr. Speaker, I rise today to honor the memory of Richard "Dick" Day, a man who walked his talk with both integrity and good humor, and whose life should encourage every citizen working for a better community.

Born in Idaho of a large and boisterous family 67 years ago, Dick Day matured in the hot political atmosphere of the California of the 60's. Not one to fear overwhelming odds, the young Dick Day chaired John F. Kennedy's presidential campaign in the Republican heartland of Orange County. Later, Day attended U.C. Berkeley's Boalt School of Law balancing his studies with a whimsical campaign for a seat in the California legislature, which he lost handily.

After gradation in 1968, the 32-year-old lawyer moved to the fast growing city of Rohnert Park in Sonoma County. The next year, Day moved to Santa Rosa and won election to the Sonoma County Board of Education. In 1970 he lost election to the Sonoma County Board of Supervisors. In 1979, Day was selected by Governor Jerry Brown to fill a vacancy on the Sonoma County Municipal Court, a position he lost in a mid-year election a year later.

Dick Day's destiny was not to be an officeholder, but to be a man who seized on important issues from the grassroots. Day joined with Bill Kortum, Chuck Rhinehart and others to fight against an attempt by private developers to block 13 miles of spectacular coast from coastal access. As the attorney for Californians Organized to Acquire Access to State Tidelands (COAAST), Day was able to convince the state Supreme Court to overturn a county supervisor decision favorable to developers; and later become instrumental in the passage of a statewide measure that guaranteed public access to beaches in the state and formed a new agency, the California Coastal Commission which is chartered to protect California's coastline from overdevelopment.

In an ongoing fight against unrestrained growth, Day served on the board of Sonoma County Tomorrow; was a founder of a coalition of Santa Rosa neighborhood groups and became chair of the Committee to Oppose Warm Springs Dam. Later he helped form Concerned Citizens for Santa Rosa, which became an influential player in Santa Rosa politics and a training ground for several future leaders, including current California Assemblywoman Pat Wiggins. Day was also a founder of Sonoma County Environmental Action, an effective grassroots political organization that helped elect numerous environmental progressives to Sonoma County city and county government. Fighting against sprawl, Day pushed for city-centered transit as a founder of the Sonoma County Transportation Coalition and for downtown revitalization as a member of Heart of Santa Rosa.

Dick Day provided both legal advice and political savvy to all of these groups. Always outspoken, he learned he was most effective in a background role. When there was a press release, a letter to the editor, a legal challenge to be written, Dick Day was always ready to serve. He didn't always carry the day, but working with others, he won significant victories in protecting the Russian River against dredging, limiting campaign contributions in local elections, creating greenbelts around the county's cities, and defeating tax measures to widen highways without developing public transit. Representing the Sierra Club he won a settlement from the Santa Rosa City Council in the early 90's, after charging that the Council acted improperly in providing tax incentives to the developers of a shopping center.

Dick Day had many opponents, but no real enemies. It was clear that he was coming from a place of integrity. He was a gregarious man, always armed with a quip. He loved to hold court in Mac's Delicatessen in downtown Santa Rosa, advise and josh his friends, and debate and trade barbs with folks of other political persuasions. Politics was play to Dick as much as it was serious business.

He was blessed with a long and loving relationship with his wife, Jean, who was a partner in all of his endeavors, and helped provide a home full of warmth, good conversation and books. Jean died last year, and Dick carried on bravely though his heart was broken.

We will miss Dick Day. His activism showed us that dedicated, informed citizens can make democracy work. And clearly, for all who knew him, Dick Day has been elected to our hearts for life.

BREAKING THE CONTRACT

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. ISRAEL Mr. Speaker, here is an article that I would like to submit for the RECORD.

[From the New York Times, Mar. 5, 2002]

BREAKING THE CONTRACT

(By Paul Krugman)

If converting Social Security to a system of private retirement accounts is such a good idea, why can't advocates of that conversion try, just once, to make their case without insisting that 1 + 1 = 4?

Last week George W. Bush did it again, contrasting Social Security benefits with what retiring workers would have if they had invested all that Social Security taxes in the stock market instead. As an article in The Times pointed out, this was a misleading scenario even on its own terms, financial planners strongly advise against investing solely in stocks, and diversified retirement account wouldn't have risen nearly as much in the 1990's bull market.

But there's something much more serious wrong with Mr. Bush's story. Indeed, the latest remarks perfectly illustrate how he uses bogus comparisons to make private accounts sound like a much better idea than they really are. For by emphasizing what today's 65-year-olds could have done if they hadn't paid Social Security taxes. Mr. Bush has forgotten something rather important. Without those taxes, who would have paid for their parents' benefits?

The point is that when touring its plan to privatize Social Security, the Bush administration conveniently fails to mention the system's existing obligations, the debt it owes to older Americans. As with so many other administration proposals, private accounts are being sold with deceptive advertising.

The truth—which Mr. Bush's economists understand perfectly well—is that Social Security has never been run like a simple pension fund. It's really a social contact: each generation pays taxes that support the previous generation's retirement, and expects to receive the same treatment from the next generation.

You may believe that Franklin Roosevelt should never have created this system in the first place. I disagree, but in any case Social Security exists, and older Americans have upheld their end of the bargain. In particular, baby boomers have spent their working years paying quite high payroll taxes, which were used mainly to support their elders, and only secondarily to help Social Security build up a financial reserve. And they expect to be supported in their turn.

Mr. Bush proposes to allow younger workers to place their payroll taxes in private accounts—in effect, to break this ongoing contract. But then what happens to older workers, who have already paid their dues?

There are only two possibilities. One is default: make room for the trillions diverted into private accounts by slashing the baby boomers' benefits. The other is to buy the baby boomers out—that is, to use money from other sources to replace the diverted funds.

Those really are the only alternatives. Last year the special commission on reform of Social Security, which was charged with producing a plan for private accounts, came to an ignominious end—it issued a deliberately confusing report, then slunk quietly out of town. But wade through its menu of options, and you'll find that in the end the commission grudgingly rediscovered the obvious: Private accounts won't "save" Social Security. On the contrary, they will create a financing crisis, requiring sharp benefit cuts, large infusions of money from unspecified outside sources, or both.

But nervous Republican members of Congress want to send all Social Security recipients a letter (at government expense, of course) assuring them that their benefits will never be cut. And now that the magic budget surplus has turned back into a pumpkin, the government is in no position to infuse new money into Social Security—on the contrary, the government at large is now borrowing from Social Security at a furious pace.

So why is the Bush administration reviving its push for private accounts right now? Did it really learn nothing from the implosion of the reform commission? I doubt it; the administration's economists aren't fools, though loyalty often requires that they pretend otherwise.

A more likely interpretation is that this is entirely cynical. War frenzy is subsiding, the Bush domestic agenda is stalled, and early indications for the November election aren't as good as Karl Rove expected. So it's fantasy time: tantalize the public with visions of sugarplums, then blame Democrats for snatching the goodies away. And it doesn't matter that the numbers don't add up, because the plan will never be tested by reality.

SOCIAL SECURITY

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. LEE. Mr. Speaker, I rise today in strong support of preserving Social Security and protecting millions of seniors and individuals with disabilities from the dangers of privatization and from the problems of raiding the Social Security Trust Fund.

Today, there are approximately 45 million Americans who receive Social Security benefits in our nation. Over 4 million of these individuals reside in the state of California but Americans all over our nation depend on this benefit as a major source of retirement income.

Currently, Social Security provides guaranteed, lifelong benefits. No matter what the stock market does the day you retire or in the months leading up to your retirement, your benefits will be unaffected.

While the Bush Administration's budget proposes to raid the Social Security Trust Fund, they also believe in privatizing parts of Social Security.

Unfortunately, privatization plans and cuts to the Social Security budget will hit women the hardest. Poverty among American women over 65 is already twice as severe as among men over 65. Women are also more likely to earn less than men and are more likely to live longer. Women also lose an average of 14 years of earnings due to time out of the workforce (to raise children or to care for ailing parents or spouses) and since women generally have a higher incidence of part-time employment, they have less of an opportunity to save for retirement.

The current Social Security program recognizes this problem; however, most privatization proposals make no provision for these differences and would thus make poverty among women even worse.

Many women depend on Social Security income to survive. What will happen to these individuals when the Social Security Trust Fund is completely raided and substituted by a destructive privatization plan?

This Congress has an obligation to strengthen Social Security because working people have earned and deserve Social Security.

We must work to ensure that Social Security survives for our seniors today as well as for our future generations. We owe it to the American people who have paid into the system for so long. We must increase the flow of funds into Social Security, not divert funds from it.

The Bush Administration's budget specifically proposes to divert $1.5 trillion of the Social Security Trust Fund surplus to other programs over the next ten years, effectively raiding the Social Security Trust Fund.

While the budget provides a $48 billion increase in defense spending, it calls for a $15.8 billion decrease in domestic programs. Providing for our homeland security is critical, but it cannot come at the expense of our seniors.

President Bush's proposals on Social Security directly harm our seniors' entitlement to retirement benefits.

The Bush Administration must understand that privatization does not eliminate the challenges Social Security must confront, it exacerbates them and puts millions of people at risk. If the Bush Administration continues to spend the surplus unwisely and promote privatization, our seniors will be without a retirement program. President Bush, please don't raid the Social Security Trust Fund. Our seniors are depending on you.

HONORING ROY VANDER KALLEN 2001 RECIPIENT OF THE YMCA DISTINGUISHED SERVICE AWARD

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CALVERT. Mr. Speaker, my congressional district in Riverside, California is extremely fortunate to have a dynamic and dedicated group of community leaders who willingly and unselfishly give of their time and talents to ensure the well-being of our cities and county. These individuals work tirelessly to develop voluntary community action to improve the community's economy, its education, its environment and its overall quality of life. One individual, who is a member of this group, is Roy Vander Kallen.

On the 9th of March, Mr. Vander Kallen will be honored with the Ira. D. "Cal" Calvert Distinguished Service Award by the Corona-Norco Family YMCA. The award is given in memory of my father, "Cal" Calvert, and his innumerable philanthropic gifts to the community and his efforts to encourage others to serve their community in a similar fashion. The award recognizes Roy for his exceptional devotion to developing community volunteerism.

A lieutenant in the Corona Police Department, Roy credits his upbringing and the mentors of his youth for providing an emphasis on community service for his own history of volunteerism. Losing his parents at the young age of twelve, it was through his involvement in sports programs that kept him active in school. His early love of football set the tone for the next 25 years. He was all-CIF in high school, Second Team All American in college and played fifteen years in semipro. He joined the Corona Police Department in 1978.

During regular patrols and through handling many family issues throughout his career, Roy noticed that our community includes numerous low income families. The children of these families found themselves without the financial support necessary to participate in many after school sports and organizations. Seeing a need, Roy, along with Bud Gordon, co-founded the ARC Angel Foundation to address this financial void.

Raising funds through an annual golf tournament, the program is administered by Corona police officers. Word of the foundation has spread throughout the city and it is now called upon to assist with Christmas gifts, food, clothing, funerals, after school programs and computer equipment.

Mr. Speaker, I take this opportunity to thank Roy Vander Kallen for his dedication, influence and involvement in our community. He has aided in developing and maintaining community volunteerism in the Corona-Norco area and the Inland Empire. I know that we will continue to benefit from his experience in the 43rd congressional district and deep commitment to the region. It is a great pleasure for me to congratulate Roy on his outstanding career and lifelong devotion to the community.

A TRIBUTE TO WHAT SHALL I RENDER MINISTRIES

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of "What Shall I Render Ministries" and their Pastor, Lucille P. Farrell-Scott, in recognition of their first year of ministering to the Brooklyn community.

"What Shall I Render Ministries" was founded on March 1, 2001 with seven members and a mission to nurture families and restore them to wholeness. After only a year, they are fifty-three active members strong and have helped welfare mothers obtain employment by working with those in need on a case-by-case basis. In one instance, the church paid for a nurse's assistants' course and supplied the forms for a mother to become a Nurse's Assistant.

In addition, "What Shall I Render Ministries" established education as a top priority. To demonstrate their commitment, they established a scholarship fund which has already assisted four students with a total of $9,600 in tuition assistance. They have also worked with other community organizations to hold monthly events. In March of 2001, they celebrated Women's History Month by holding a health and wellness seminar for the community. Over one hundred families received free blood pressure screening and literature on breast cancer, lupus, and high blood pressure. Last May, they joined with Alpha Kappa Sorority Sigma Psa Omega Chapter and contributed 60 shoeboxes filled with school supplies that were sent to the school children in Africa. They celebrated Father's Day in June with a celebration honoring black fathers in our community. In August, school day was celebrated by presenting eight high school students with a $300 stipend to assist parents with their student's clothing. On September 11, 2001, "What Shall I Render Ministries" opened their hearts and hands with the assistance of Kinko's, on Queens Boulevard, and distributed over 2,000 prayer cards. In October, "What Shall I Render . . . once again reached out to those in need by contributing $500 to the Annual Lupus walk which was sponsored by the Philadelphia Church of Universal Brotherhood in Brooklyn. In November, they went into the community with $300 gift certificates for needy families so that they would be able to have Thanksgiving dinner. During the Christmas holidays, the church sponsored a new clothing and toy drive to help five families in need. In February of this year, they sponsored three events all designed to help the community: a home buying seminar, a stewardship seminar, and a parenting skills workshop.

Mr. Speaker, in one year "What Shall I Render Ministries" and Pastor Lucille P. Farrell-Scott have built an organization of vast accomplishments and commitment to the community. As such, they are more than worthy of receiving this recognition and I urge my colleagues to join me in honoring this truly remarkable addition to the Brooklyn community.

TRIBUTE TO THE FINLANDIA UNIVERSITY LIONS FOR THEIR NSCAA BASKETBALL CHAMPIONSHIP

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. STUPAK. Mr. Speaker, I'd like to say a few words about a great accomplishment by a small university in my congressional district—one of the nation's newest universities, as a matter of fact.

Finlandia University in Hancock, Michigan, up on the beautiful Keweenaw Peninsula, is less than a year old. That age is deceiving, however. Finlandia is actually a new name for Soumi College, a school founded by Finnish immigrants in 1896 to ensure their children would have a better life through advanced education.

One of the qualities of Finnish culture is a respect for the quality of "sisu," translated variously as persistence, determination, drive, or stamina. The Finlandia Lions, the university's basketball team, recently demonstrated the characteristic of sisu by capturing the National Small College Athletic Association national championship in basketball.

The team entered the tourney with a 14–14 record and came up in the first round against St. Mary's College of Ave Maria University, an Orchard Lake, Mich., school. After defeating St. Mary's by a score of 76–50, Finlandia University next faced the tournament's No. I seed, Northwest Christian College from Eugene, Ore. In a comeback victory, 69–66, Finlandia won the right to meet Southern Virginia College of Buena Vista, Va., which it defeated 98–84 to take the title.

The Finlandia Lions basketball team was led by second-year coach Art Van Damme and assistant coach Duane Snell. Nine Michigan students and one student from Finland make up the roster of the National Small College Athletic Association championship team. Team members are Nick Forgette and Jacob Polfus of Carney; Jeffrey Stiefel of Capac, Jeremy Suardina of Gwinn; John Abramson, Painesdale; Mark Nolan, Watton, Jon Paul Katona, Negaunee, Pete Flaska, Ishpeming, Bill Loeks, Iron Mountain; Marcus Ylalnen of Helsinki, Finland, and Michael O'Donnell, Negaunee, the tournament MVP.

Mr. Speaker, Finlandia University is the only private university in Michigan's Upper Peninsula and one of only 28 colleges and universities in the U.S. affiliated with the Evangelical Lutheran Church in America. In its vision statement, Finlandia University says it is "committed to offering liberal arts based, globally connected, international, ecologically sensitive, spiritually engaged and career focused baccalaureate and associate degree programs as well as community education opportunities."

Clearly, Mr. Speaker, Finlandia is also offering its students an opportunity to cheer for one heck of a basketball team. I ask you and my House colleagues to join me in offering the warmest congratulations to Coach Van Damme and the Finlandia Lions for their success in capturing the NSCAA basketball crown.

TRIBUTE TO MRS. SUSAN LaCOMBE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor an outstanding citizen of California's 27th Congressional District, Mrs. Susan LaCombe. Mrs. LaCombe has served on the South Pasadena Unified School District Board of Education for nearly seventeen years and has been a positive force in my Congressional District for much longer.

Mrs. LaCombe began her journey with the South Pasadena Unified School District Board of Education in May of 1985, fresh from volunteer stints as PTA President at Arroyo Vista Elementary School and PTA Council President. When she was elected to the board, her five children were all attending South Pasadena public schools, one of whom now teaches at Eagle Rock Elementary School in Eagle Rock, California.

The consummate board member, Mrs. LaCombe has worked with fourteen board members and four superintendents during her tenure, serving as board President three times. Under her leadership, some of the board's finest accomplishments include the transition of the junior high to a middle school program eleven years ago, the formation and bonding of today's administrative team under Superintendent Adelson, and the passage of the bond measure, Measure L, in 1995.

Mrs. LaCombe is most proud of her efforts to build an excellent administrative and teaching team, establishing exceptional training programs for the teachers, and maintaining the commitment to excellence in academic programs, "so that families continue to seek out South Pasadena as a wonderful place to live and send their children to the public schools."

The South Pasadena community she served for so long will truly miss her. At this time, I ask all Members to join me in extending congratulations to Mrs. LaCombe for her dedicated service to the South Pasadena community. I am sure that each person positively affected by Mrs. LaCombe's service will also join me in wishing her much joy in the years to come and thank her for her time, her energy, and her efforts.

TRIBUTE TO SPARKMAN HIGH SCHOOL OF HARVEST, ALABAMA

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CRAMER. Mr. Speaker, I rise today to honor Sparkman High School from Harvest, Alabama for winning the statewide "We the People . . . The Citizen and the Constitution" competition. On May 4–6, 2002, they will join more than 1,200 students from across the United States in Washington, D.C. to compete in the national finals. The "We the People . . ." program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

These young scholars from Sparkman High School have worked diligently to reach the national finals and, through their experience, have gained a deep knowledge and understanding of the fundamental principles and values of our constitution. I want to congratulate these students on this outstanding achievement.

The "We the People . . . program, administered by the Center for Civic Education, provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. The three-day national competition is modeled after hearings in the United States Congress. The hearings will consist of oral presentations by high school students before a panel of constitutional scholars. The students' testimony is followed by a period of questioning by the judges to explore their depth of understanding and ability to apply their constitutional knowledge.

It is inspiring to see these young people advocate the fundamental ideals and principles of our government in the aftermath of the tragedy on September 11th. These are ideas that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles that we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from Sparkman High School is currently conducting research and preparing for their upcoming participation in the national competition in Washington, D.C. I wish these young "constitutional experts" the best of luck at the We the People . . . national finals. They represent the future leaders of our nation.

END DOMESTIC VIOLENCE WEEK

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. WATSON of California. Mr. Speaker, I'd like to commend Lifetime Television for all their efforts in putting together End Domestic Violence Week, and I thank you for inviting my colleagues in the Women Caucus to participate and lend our voices and support to this important cause. As we celebrate Women's History Month and commemorate International Women's Day tomorrow, March 8, we must applaud the progress women have made globally as we address the problems that continue to impede this progress.

The issue of domestic violence is a great concern. In the 32nd Congressional District of California, I have worked diligently with the Jenesse Center, the oldest sustaining domestic violence intervention program in South Central Los Angeles. I recently commended the Center, on the occasion of their 21 years of dedicated service to women and children.

While in the State Senate, one of my first pieces of legislation addressed domestic violence. I authored the first domestic violence training legislation, which required law enforcement officers to maintain a written report when responding to domestic violence calls. My concern was to make law enforcement sensitive to the cultural, social, economic and personal issues that complicate domestic violence cases. Today, California has implemented laws that remove the abuser from the home and to provide assistance to the victim. But Mr. Speaker, domestic violence is more than a criminal offense, it is an attack on our families and our communities.

Without question the violence in our homes has contributed to the violence on our streets. It is contributing to health care costs that are escalating, and it is tearing apart our communities.

Mr. Speaker, I encourage you to work with the House and the Senate to continue funding programs that ensure the protection of women and children, provide adequate health care for domestic violence victims and to ensure that local law enforcement has the monetary resources to tackle this problem.

Let us rededicate ourselves to continuing the fight against domestic violence.

CONGRATULATIONS TO BECKY MOWRER ON BEING NAMED OUTSTANDING COMMUNITY CITIZEN BY THE SHAVERS CREEK GRANGE

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate Becky Mowrer of Petersburg, Pennsylvania, on being named Outstanding Community Citizen by the Shavers Creek Grange. Becky was crowned as Huntingdon County's Dairy Princess last June. She was then named Pennsylvania State Dairy Princess in September. Becky has the honor of being the first Huntingdon County princess to also be named Pennsylvania State Dairy Princess.

Becky was chosen for the Outstanding Community Citizen award based on her leadership, her integrity, and her community involvement. The Shavers Creek Grange has been giving the Outstanding Community Citizen award annually for many years. The award is often given out to older recipients, but the grange members felt Becky was so deserving that they gave her the award, making her one of the youngest recipients. I commend Becky for being an active citizen in her community, and I wish her continued success in the future.

INTRODUCTION OF DUTY SUSPENSION LEGISLATION

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CASTLE. Mr. Speaker, I rise today to introduce several duty suspension bills for materials used in the production of environmentally sensitive herbicides and insecticides that improve the quality of our lives.

These duty suspension bills lower the cost of producing these products thereby lowering the cost to consumers and helping U.S. industries compete in the global marketplace. When American companies make the active ingredients for these chemicals, there is a proper role for duties to exist. However, when the active ingredients are only made by foreign companies, we needlessly increase product costs for American consumers by imposing duties on their importation. By introducing these bills, I am triggering a careful review of these proposals by the House Ways and Means Committee and the International Trade Commission to make sure there are no domestic producers of these active ingredients so no U.S. jobs will be negatively affected. In fact, these duty suspensions will make U.S. products more competitive, thus creating jobs in the U.S.

Mr. Speaker, let me take this opportunity to highlight the beneficial uses of the final products these chemicals will produce. Triflusulfuron Methyl formulated product is used in the production of a postemergence herbicide for sugar beets. Postemergence herbicides have the advantage of low application rates. The herbicide is only needed if weeds emerge around the sugar beets. Many other herbicides must be applied ahead of time to prevent weeds from developing regardless of whether they would have emerged naturally, needlessly introducing toxins into the environment. Benzyl Carbazate is a general fruit and vegetable insecticide. It has the unique ability to kill certain pests while leaving beneficial insects unharmed. Furthermore, Benzyl Carbazate is well within the margins of safety to mammalian, avian, and aquatic organisms. Esfenvalerate Technical is used in the production of pyrethroid insecticide. This environmentally sound product has significant use in Integrated Pest Management (IPM) programs offering broad-spectrum insect control across a wide range of crops. Finally, the single active ingredient, (S)-methyl 7-chloro-2, 5-dihydro-2-[[(methoxycarbonyl) [4(trifluoromethoxy)phenyl] amino]—carbonyl] indeno [1,2-e] [1,3,4] oxadiazine-4a-(3H)carboxylate and application adjuvants, produces a proprietary insecticide for use on cotton, vegetables and fruit. The formulated products demonstrate good efficacy on target insect pests while preserving beneficial insects and mites, and offer a very favorable environmental profile.

Duty suspension bills often pass with universal bipartisan support because they are common sense for consumers, for the environment, and for enhancing the competitiveness of our domestic industries. I urge support for these proposals after the appropriate committees and agencies have thoroughly vetted these measures.

INTERNET FREEDOM AND BROADBAND DEPLOYMENT ACT OF 2001

SPEECH OF

HON. SPENCER BACHUS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 27, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 1542) to deregulate the Internet and high speed data services, and for other purposes:

Mr. BACHUS. Mr. Chairman, I am in full support of H.R. 1542 including the Manager's Amendment, which includes an antitrust savings clause. That clause reaffirms that regulatory and antitrust laws play important but different roles in promoting competition in the telecom industry. The Telecommunications Act of 1996 governs the transition of local telecommunications from a heavily regulated environment historically dominated by incumbent carriers to a competitive environment in which new entrants and incumbents compete vigorously with each other. The 1996 Act imposes on carriers special duties that do not exist under the antitrust laws and compels them to take actions firms in an unregulated environment would not undertake. Antitrust laws serve a different function. They protect competition by preventing firms from entering into agreements that prevent or restrain competition. They also prevent firms from unlawfully obtaining monopoly power or unlawfully extending existing monopolies into new lines of business. There should be no confusion about the differences in these laws or the roles they play in bringing the benefits of competition to American consumers.

These laws are compatible and complementary for two reasons. First, they promote the same goal: vigorous competition in the marketplace. Second, to the extent that any potential inconsistencies may arise in the administration of these laws, antitrust courts resolve them through well-established antitrust doctrines recognizing that general antitrust laws will not be enforced in a manner that undermines the requirements of regulatory laws crafted to deal with specific industry situations. This savings clause does not repeal any portion of the antitrust laws or antitrust doctrines adopted by the courts under those laws.

Neither this Act nor the 1996 Act change the manner in which the antitrust laws are enforced by antitrust enforcement agencies and courts. Rights, duties and remedies under the antitrust laws are preserved and not diminished in any way. Also preserved are the traditional antitrust defenses, exemptions, and immunities crafted by the courts to balance antitrust and regulatory objectives for more than 100 years.

This savings clause does not overrule any portion of the Seventh Circuit decision in the Goldwasser case. This savings clause is fully consistent with the learned opinion in that case.

By not modifying antitrust laws, rights, remedies, defenses, exemptions, immunities, and procedures, we make it plain that antitrust courts should continue to do what they have always done—manage potential conflicts between the administration of antitrust and regulatory laws on a case-by-case basis with due regard for the intent of Congress in establishing specific regulatory processes. This savings clause achieves that effect.

IN HONOR OF ROBERT "BOB" HODGES

HON. WALTER B. JONES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. JONES of North Carolina. Mr. Speaker, today I speak in honor of an incredible man: A man who is believed to be our Nation's oldest veteran, a man who in 1918 joined the military so that he could serve our country during WWI, a man who worked from the time he was 8 years old, a man who has served his community well, and a man, who, above all else, has loved the Lord his God with all his heart, mind and soul. That man is Mr. Robert Hodges, of Stonewall, North Carolina. I am proud, honored and, quite frankly, privileged to speak in his honor today on the House floor.

Mr. Hodges has led a remarkable life. Considering he has seen the turn of two centuries, recounting all of his milestones would take hours. Instead, I will attempt to highlight just a few of the high points in Mr. Hodges life.

Mr. Hodges was born on June 18, 1891, in a small community called North Creek, just between Bath and Belhaven, North Carolina. His grandparents were slaves, and his mother, born into slavery, was later freed in New Bern, NC. At the age of 8, Mr. Hodges began working, just as his parents had done.

In 1918, Mr. Hodges joined the United States Army where he proudly wore the uniform of heroes as he served in France with the 702 Stevedore Battalion. A lifelong Eastern North Carolinian, Mr. Hodges returned to Beaufort County after his discharge where he married Malinda Boyd.

After moving to Pamlico County, Mr. Hodges worked his way from bookkeeper, to farm foreman, to landowner of a farm of his very own. He continued to work the land until his eyesight forced him to retire in the 1950's. His retirement, however, did not keep him from participating in his community. Mr. Hodges has remained a vital part of his hometown in Stonewall, North Carolina and his church home of Mt. Sinai Missionary Baptist Church. Church has been a part of Mr. Hodges' life since he was a young child. Growing up, young Robert used to walk 12 miles to church and back . . . barefoot.

Some of you may ask, "What is the secret to Mr. Hodges long and healthy life?" Well, my friends, I must tell you I believe it is the scripture verse he has clung to for so many years. Mr. Hodges says he gives God the glory for his long life, claiming the 5th commandment as his own. The verse reads, "Honor thy father and mother; that thy days may be long upon the land which the Lord thy God giveth thee." Mr. Hodges' life has certainly been very "long upon the land." His very history, quite frankly, illustrates what it means to live a life pleasing to the Lord, and to in turn see His blessings.

In closing, Mr. Speaker, let me say that Mr. Hodges joins so many of the men and women who served our Nation during wartime and asked so little in return. And today, those people who know him best are here to honor him, not only for his service to our great Nation but for the incredible impressions he has made on the lives of so many people as husband, father, grandfather, and a citizen of North Carolina.

It is because of the dedication and heroic courage of men like Robert Hodges that we can enjoy the many freedoms of this great land. On behalf of a grateful Nation, please accept my deepest appreciation.

DESIGNATION OF GEORGE ROGERS CLARK NORTHWEST CAMPAIGN TRAIL FOR STUDY FOR POTENTIAL ADDITION TO THE NATIONAL TRAILS SYSTEM

SPEECH OF

HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. HILL. Mr. Speaker, I rise to support H.R. 1963 and note that a George Rogers Clark Northwest Campaign Trail would not be complete without the inclusion of Clarksville, Indiana and the surrounding Falls of the Ohio area.

George Rogers Clark and his troops arrived at the Falls of the Ohio in late May of 1778, where they took possession of Corn Island. It was here that Clark trained his troops and first told them of a secret plan to attack British forts in the Illinois country. On June 24, 1778, Clark and his troops left the Falls to begin the Illinois campaign to take Kaskaskia, Cahokia and Vincennes.

Indiana takes great pride in General George Rogers Clark. State law directs the Governor to proclaim each February 25 as "George Rogers Clark Day" to mark the anniversary of the surrender of Fort Sackville at Vincennes. Not only did this great victory occur on what would later become part of Indiana, but General Clark and his men were granted 150,000 acres of land for their service by the state of Virginia in what is now Clark and Floyd counties, Indiana. One thousand acres overlooking the Falls of the Ohio River became Clarksville, Indiana. General Clark lived in Clarksville from 1803 to 1809.

Just recently, through a grant from the Ogle Foundation and individual contributions from community members, a representation cabin was placed on the site where Clark's original cabin overlooked the Falls of the Ohio. The significance of this site goes beyond General Clark. In 1803, Meriwether Lewis met General Clark's younger brother, William at the cabin to plan the Lewis and Clark Expedition.

I applaud Mr. Costello of Illinois for bringing forward this legislation because George Rogers Clark is a largely forgotten hero of the American revolution. He has been overshadowed by the success of his younger brother, William. Yet, through the sheer force of his personality, General Clark motivated his men to endure great hardship and do the impossible. His vision and leadership is credited by historians with assuring America's control of what later became the Northwest Territory.

I look forward to the establishment of the George Rogers Clark Northwest Campaign Trail and invite every American to visit the Falls of the Ohio to learn more about this important chapter of our nation's history.

HIGHLIGHTING IMPORTANCE OF INTERNATIONAL WOMEN'S DAY

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. KILPATRICK. Mr. Speaker, I rise today to support and highlight the importance of International Women's Day on March 8. International Women's Day honors the history and important work of women around the world in their fight toward equality, justice, and peace. While this day symbolizes the advancement and great strides that have been made, this day also symbolizes the work that still needs to be done to break down the barriers and injustices women continue to face day after day.

In our nation and around the world, women continue to be victims of violence. Domestic violence, sexual assault, and rape are just a few forms of the injustices perpetrated against women. The statistics are startling. In our nation, at least 1 out of 6 women and girls has been beaten or sexually abused in her lifetime. Worldwide, the percentage increases dramatically to 1 out of every 3 women. These numbers speak to the continued and gross victimization that women face.

Here at home and around the world, we need to continue our efforts to ensure that women are provided with the safeguards, services, and tools they need, namely an education, to break the cycle of violence. Education empowers individuals and would give women the opportunity to be independent and self-reliant. No woman anywhere should have to continue to be a victim of violence and discrimination. International Women's Day represents this important goal.

IN HONOR OF VINCENT "JIMMY" SUOZZI

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to congratulate Vincent "Jimmy" Suozzi, who will be honored by the Glen Cove Council of PTA at a dinner on Sunday, March 10, 2002.

Jimmy Suozzi, former Mayor and current Controller of the City of Glen Cove, NY, was bom in New York City and raised in the City of Glen Cove where he has lived ever since. Drafted into the army immediately after high school, Jimmy served our nation two years before attending St. John's University under the GI Bill. In 1950, Jimmy graduated with a BBA in Accounting and soon after began his brilliant career as a community leader in Glen Cove.

Jimmy's career in local politics began in the 1950s with his appointment to the Glen Cove Planning Board and he moved onto serve as the Deputy County Treasurer in the late 1960's. On January 1, 1973, Vincent "Jimmy" Suozzi was appointed Mayor of the City of Glen Cove, and was then elected by the citizens of his city four times between 1975 and 1984. Among his many accomplishments during his 11 years as Glen Cove's chief executive, Jimmy Suozzi centralized control of the various city departments, established celebration of Martin Luther King Day, and had Sturno, Italy declared the sister city of Glen Cove.

Jimmy has always been an active, outstanding and dedicated member of the Glen Cove Community. He recalls being one of the first altar boys at St. Rocco's Church, where today he is the chairman of the St. Rocco's Annual Feast. As a young man, Jimmy worked hard with the Glen Cove Community Chest to raise money for the Community House in the Orchard, an afterschool center servicing all the children in the neighborhood. As a father, Jimmy was active in the Coles School PTA and Glen Cove High School PTSA. Today, in addition to being a member of the Sons of Italy. Knights of Columbus, VFW and American Legion, Jimmy is a devoted father, grandfather and husband. Married to Theresa M. Cioffs since 1950, they have raised seven children, all who graduated from Glen Cove High School.

Mr. Speaker, it is with great pride that I honor such an exceptional individual. I ask all my colleagues in the House of Representatives to join me now in commending Vincent "Jimmy" Suozzi for his life-long dedication to the Glen Cove Community.

HONORING MEXICAN PAINTER RAUL ANGUIANO

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. SOLIS. Mr. Speaker, I rise today to mark the 87th birthday of Maestro Raul Anguiano, a prolific Mexican painter and muralist whose career has spanned 68 years.

Born in 1915 in Guadalajara, Mexico, Mr. Anguiano began studying painting at an early age. In 1934, he moved to Mexico City to begin his artistic career as a muralist and instructor. He quickly became part of the second generation of 20th century Mexican muralists known as the Mexican School of Painting, which attempted to make art accessible to the people and depict their reality.

Mr. Anguiano's murals portray the true heart of Mexico by depicting the indigenous people as well as the workers of the country. His murals can be found throughout North and South America and Europe, and one entitled "Crucifixion" was recently acquired by the Vatican. He has participated in both individual and public exhibitions internationally, including in Mexico, the United States, Chile, Germany, Russia, France and Cuba.

His talent led Mr. Anguiano to become not only a celebrated painter and muralist but also a literary illustrator and teacher. He has illustrated several books and taught at renowned art schools throughout Mexico, as well as in France and the United States.

In 1952, Mr. Anguiano completed one of his most famous paintings called "La Espina" or "The Thorn", which was influenced by his travels throughout the Mayan regions of Mexico. The painting portrays a woman with Indian features who is working intently to remove a thorn from her foot. Although the scene depicted is not extraordinary in and of itself, Mr. Anguiano's stunning depiction reveals the importance of everyday activities.

This acclaimed muralist's most recent work is a mural for East Los Angeles College, a community college which serves the students of my district. This mural has brought international attention to the school and the community it serves, and I am grateful for his kind contribution.

I urge my colleagues to join me in recognizing this incredible Mexican artist.

THE JUDICIAL IMPROVEMENTS ACT OF 2002

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. COBLE. Mr. Speaker, I rise to introduce the "Judicial Improvements Act of 2002." This legislation constitutes a noncontroversial fine-tuning of an existing statute, the "Judicial Conduct and Disability Act of 1980" (the 1980 Act), which permits individuals to file complaints against federal judges for inappropriate behavior.

Mr. Speaker, the Subcommittee on Courts, the Internet, and Intellectual Property conducted an oversight hearing on the operations of federal judicial misconduct statutes on November 29, 2001. The witnesses at the hearing were united in their general praise for the Third Branch. Their respect for the federal judiciary is also shared by the members of the Subcommittee. Still, no federal entity is immune from periodic evaluation.

Consistent with our obligations to conduct oversight, the Ranking Member of the Subcommittee, Representative HOWARD BERMAN, and I are introducing this bill that will reorganize the 1980 Act by re-codifying it as a new chapter of title 28 of the U.S. Code. The legislation will also clarify the responsibilities of a circuit chief judge in making initial evaluations of a complaint. In addition, section 3 of the bill resolves an existing conflict governing recused judges and whether their votes should count in determining a majority by a circuit to sit en banc.

The changes set forth in the "Judicial Improvements Act of 2002" are largely based on procedures that the judges themselves have developed through the years. The construct for the bill, based as it is on self-regulation, indicates that Congress and the American people retain great confidence in the ability of federal judges to identify and correct misconduct among their own colleagues.

Finally, Mr. Speaker, I would be remiss if I failed to highlight the contributions of three individuals who helped to draft this bill. They are Professor Arthur Hellman of the Pittsburgh School of Law; Mike Remington, former Chief Counsel of our Subcommittee; and Sandy Strokoff of the Office of Legislative Counsel. The Subcommittee appreciates the energy, time, and talent that they invested in this project.

In closing, I urge my colleagues to support the "Judicial Improvements Act of 2002," and I thank the Speaker.

HONORING THE 70TH ANNIVERSARY OF LOCAL 318 INTERNATIONAL UNION OF OPERATING ENGINEERS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 70th Anniversary of Local 318, International Union of Operating Engineers in Marion, Illinois.

Local 318 has 1125 members, which represents most of southernmost Illinois. Ron Herring, who is currently the Business Manager for 318, oversees the operations of the union. For Ron, being an operating engineer is more than just a job; it is a way of life. Ron's father, who is now retired, has been a member of the union for 53 years.

Back in 1932, during the Great Depression, a construction company came to Saline County, Illinois to do drainage work on the Saline River. They hired local people, some of them out of work coal miners. Working conditions were bad. Two workers on the job, brothers Ted and Prentiss Carathurs of Indiana, encouraged local men hired for the job to apply for an Operating Engineers Charter. It took seven names to apply, and since there were only 5 local men, the five split the fee in order to include the Carathurs brothers name to make the seven names needed for the application.

Soon, others joined in and on June 1, 1932, Laborer's International Representative William "Whitey" Stuhr came to Harrisburg, Illinois and presented the Union's charter. Local 318 was born.

Local 318's first Business Manager was Arley Sheldon, the founder. He was the Local's Business Manager from June 1, 1932 to October 12, 1948. After Arley's term, 318 has had six Business Managers; Stanley Medley 1948–1965; Wardell Riggs 1965–1980; L. Dale Choate 1980–1987; Lester D. Allen 1987–1989; Bradley O. Williams 1990–1993; Anthony Ron Herring 1993-present.

Over the years, 318 has seen plenty of changes especially in equipment. From the days of mules pulling scrapers to the use of modern computerized systems in dozers, cranes and trucks. They have come from the days of Bloody Williamson County when the UMWA was battling for workers' rights from 1949 through 1959 when this country was almost 85% union. 318 met in local kitchens, halls and rooms throughout southern Illinois. They participate in hundreds of projects across the southern portion of the state. Local 318's service area has been 100% union and continues to be under 318's leadership.

From the first project in the 30's on the Saline River, flood aid assistance in Harrisburg in 1937, construction of the Illinois Ordnance plant, the "Big Inch" pipeline project, the Joppa Power Plant, construction of Interstates 57, 24, and 64, the Dog Island Dam project and cleanup work at Crab Orchard, Local 318 has continued to provide quality work.

Founded in 1896, the International Union of Operating Engineers today has 400,000 members nationwide in some 170 local unions. It is the 12th largest union in the AFL–CIO. Further, nearly 100 apprenticeships and training programs ensure that union members are highly trained and highly skilled. The union offers employment and training opportunities to all.

Local 318, like other Building Trades, are involved in many community activities and educational programs for children. 318 has a program that begins introducing students, even at the grade school level, to the trade in hopes that they develop another dedicated operator prepared to assist southern Illinois. It was the first labor union in Illinois to take this step.

Mr. Speaker, I ask my colleagues to join me in honoring the 70th Anniversary of Local 318 of the International Union of Operating Engineers and wish their members and their families the very best for the future.

CONGRATULATING AMANDA WETZEL

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Amanda Wetzel, who was recently named a George Mitchell Scholarship recipient for 2002–2003. Amanda was 1 of only 12 scholars nationwide selected for this prestigious award. The scholarship will include a year of postgraduate study in Northern Ireland.

The George Mitchell Scholarship is awarded to American students who have demonstrated the highest standards of academic excellence, leadership, and community service. Since its inception in 1998, the Mitchell scholarship is recognized among the most prestigious fellowships for international study. The program is named in honor of former Senator George J. Mitchell and is administered by the United States-Ireland Alliance, a nonprofit organization based in Washington, DC.

In May, Amanda will receive her bachelor's degree in International Politics from Penn State University. While attending Penn State, Amanda has served as director of the Innovation and Quality Team Program at the Schreyer Institute for Innovative Learning. She directed groups who provided feedback and policy based recommendations to improve meaningful teaming in Penn State classes. She also interned at the U.S. Consulate in Belfast and as intern in the European Affairs Bureau at the State Department.

Amanda is a hard-working, dedicated student and American. I am pleased to have this opportunity to recognize Amanda Wetzel for her commitment and achievement.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, due to the California State primary on March 5, 2002, I was in my congressional district and unable to be present for rollcall votes 47–50. Had I been present I would have voted "yea" on rollcall votes 47, 48, and 50; and "nay" on rollcall vote 49.

RECOGNIZING CIVIL AIR PATROL FOR 60 YEARS OF SERVICE TO UNITED STATES

SPEECH OF

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 28, 2002

Mr. BARR of Georgia. Mr. Speaker, I am pleased to rise in support of H. Con. Res. 311, recognizing the Civil Air Patrol for 60 years of service to the United States.

The Civil Air Patrol has been involved in airborne and ground-based search and rescue for over half a century. Founded on December 1, 1941, to counter the threat of enemy submarines operating off the east coast, the Civil Air Patrol has evolved into a highly trained emergency response team of volunteer members, responding to needs of emergency preparedness agencies throughout the nation.

With more than 53,000 members, CAP manages the world's largest fleet of light, single-engine aircraft—totaling 530—which fly more than 85 percent of inland search and rescue missions.

The Civil Air Patrol also aggressively and heroically performs its other two missions mandated by the Congress: Aerospace Education and Cadet Programs. In fulfilling these missions, the CAP serves as an important liaison between today's planners of our Nation's air strength and tomorrow's pilots and air navigators.

Not only does the CAP fulfill all these missions, it also provides disaster relief services, and assists in humanitarian services and counterdrug efforts; CAP also performs many other missions in direct support of the U.S. Air Force. Many CAP members serve as aerospace education instructors, ground team members, and observers during search and rescue missions. They also serve as radio operators, mission coordinators, public affairs officers, and cadet mentors. To prepare volunteers to serve their communities, CAP provides training in 20 different specialty tracks, including technical instruction in flight operations, emergency services, and communications. In addition, members can participate in management and executive leadership training that complements Air Force professional development.

The Civil Air Patrol is structured around the core values of Integrity, Volunteer Service, Excellence, and Respect. The core values reflected in all CAP members exemplify the highest standards of personal and professional conduct.

I am proud to represent a number of squadrons, which make up the Civil Air Patrol Wing of Georgia, including: the Georgia State Legislative and the Georgia Wing Headquarters Composite Squadron which flies out of Dobbins Air Reserve Base; the Bartow-Etowah Composite Squadron; the Rome Composite Squadron; the Cobb County Composite Squadron; the West Georgia Composite Squadron; and the Gwinnett County Composite Squadron. I am proud to recognize all of them for their efforts, and I commend them for their generosity and concern for others. They reflect the commitment to voluntary community service essential in solving our nation's most pressing problems. By reaching out to those in need, they set an outstanding example to all Americans; especially our young people.

EXPRESSING SUPPORT FOR DEMOCRATICALLY ELECTED GOVERNMENT OF COLOMBIA AND ITS EFFORTS TO COUNTER THREATS FROM U.S.-DESIGNATED FOREIGN TERRORIST ORGANIZATIONS

SPEECH OF

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Ms. BALDWIN. Mr. Speaker, I rise in opposition to H. Res. 358. We are all deeply troubled by the ongoing civil war in Colombia. Efforts to attain a peace agreement have not been successful so far, but the recent setbacks to the peace process do not change the fundamental nature of the conflict and should not result in a rush to radically revise U.S. policy.

This conflict did not arise from drug trafficking. It is a forty-year-old conflict stemming from fundamental economic, political and social tensions in Colombia. All parties have been implicated in drug trafficking. And all parties have been responsible for serious and repeated human rights abuses. The Revolutionary Armed Forces of Colombia (known by their Spanish acronym FARC), the United Self-Defense Forces of Colombia (AUC), and the National Liberation Army (ELN) have all contributed to the murder, kidnapping and extortion now endemic in Colombia. This Congress is clearly on record condemning these actions.

While Congress and the United States have condemned the revolutionaries, the paramilitaries and the Colombian government for human rights abuses, we have been very careful to avoid becoming entangled in the Colombian civil war. As a very large and geographically diverse country, military action in Colombia is quite difficult and could easily drag our nation into a quagmire like Vietnam. We have wisely recognized this risk and have limited military assistance to anti-narcotic activities.

In addition to limiting the use of U.S. military assistance to anti-drug efforts, Congress has taken numerous steps to try to break the links between the Colombian military and the paramilitary forces of the AUC. U.S. and Colombian non-governmental organizations have clearly and definitively documented significant and ongoing collaboration between the paramilitaries and the Colombian military. Paramilitary violence has increased even as the record of the Colombian military has improved. Most estimates indicated the paramilitaries commit more than 75% of the non-combatant killings.

The resolution under consideration by the House states that the "Colombian Government has made progress in its efforts to combat and capture members of illegal paramilitary organizations and taken positive steps to break links between individual members of the security forces and such organizations." Well, saying it does not make it so. This simply isn't the reality. A report last month from Human Rights Watch (HRW), Amnesty International (AI) and the Washington Office on Latin America (WOLA) concluded exactly the opposite. Their report noted that President Pastrana has "failed to take effective action to establish control over the security forces and break the persistent ties to paramilitary groups." The report further noted that high-ranking officers "failed to take steps necessary to prevent killings by suspending security force members suspected of abuses, ensuring that their cases were handed over to civilian judicial authorities for investigation and prosecution, and pursuing and arresting paramilitary leaders." Despite our efforts, we have not seen any significant progress.

As part of the FY02 Foreign Operations Appropriations bill, signed by the President on January 10, 2002 (Public Law 107–115), the Secretary of State must certify that Colombia has met certain human rights conditions in order for aid to be released (Section 567). According to the HRW, AI and WOLA report, the conditions required for certification have not been met. I am very concerned that approval of this resolution by the House will be a signal to the Colombian Government and the U.S. Secretary of State that we believe these conditions have been met. I do not believe that they have been and certification should not take place at this time.

Rushing this resolution to the floor is unnecessary and a mistake. As my colleague from Massachusetts, Mr. Delahunt, has said, we need to have comprehensive hearings on Colombia. Using the war on terrorism to justify leaping into a forty-year-old civil war with little debate or consideration is the wrong thing to do. We must step back and evaluate our policy toward Colombia. The United States has become embroiled in civil wars in the past, and we've come to regret those actions. Let's not let that happen with Colombia.

TRIBUTE TO E. L. "BERT" POOSER

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to E. L. "Bert" Pooser, of South Carolina, a renowned man and respected leader of hotel development and management throughout the southeastern United States.

Mr. Pooser grew up in Orangeburg, SC, during the 1940s where he learned the value and need of hard work at an early age. He invested in his first hotel at the age of 28. Since then, his hotel empire has expanded to 33 hotels throughout six southeastern States. Many in the industry consider him a hotel giant.

Currently, Mr. Pooser is president and CEO of Interstate Management and Investment Corporation (IMIC) hotels. Mr. Pooser's company includes 1,500 employees that handle all aspects of the business from sales and marketing, to a design and property management team. IMIC assets include Sheraton Hotels, Hampton Inns, Comfort Inns, and Quality Suites. Throughout IMIC's 20 years of existence, they have purchased or built nearly 40 hotels. This past year, Mr. Pooser's firm opened two more hotels in Myrtle Beach, SC.

Mr. Pooser has received numerous awards during his building career. The University of South Carolina's School of Hotel, Restaurant and Tourism Management has honored him as the Hospitality Leader of the Year. Today, at 63, Mr. Pooser has no plans for retirement anytime soon.

Mr. Speaker, I ask you and my colleagues to join me today in honoring Mr. E. L. "Bert" Pooser for his achievements and commitments to the hotel industry in the southeastern States. I sincerely thank Mr. Pooser for his outstanding contributions, and congratulate him on becoming a recipient of the 2002 South Carolina Hospitality Leader of the Year Award, and wish him well in all of his future endeavors.

RECOGNIZING THE AMERICAN CENTURY THEATER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to acknowledge the American Century Theater, which is located in northern Virginia. Since 1995, this Arlington-based theater has been overwhelmingly successful in bringing different genres of theater to the stage, and in turn has greatly enhanced the quality of life for northern Virginians.

When the American Century Theater realized the lack of visibility American playwrights have in the Washington DC area, it strove to encourage Americans to rediscover the extraordinary vision and wisdom of our past American playwrights. Regardless of the countless masterpieces created by our country's great writers, only a handful of classics could be found in local theaters. The American Century theater recognized the lack of family-orientated shows available, and subsequently set the theater's mission to become an experience for the whole family to enjoy.

The American Century Theater focuses on plays that are at least 25 years old, under produced, and contain a variety of form and content. The plays do not contain offensive language or graphic sexual behavior, and they frequently deal with current social issues—making them suitable for the entire family. The Theater has also shown itself to be nonpartisan and apolitical.

In addition to providing northern Virginia with extraordinary plays, the Theater also maintains a strong dedication to serving our community in many other ways. StageThought is a special educational program for high school students and other youth groups that provide study guides, pre- and post-show discussions, and drastically reduced group rates that enable these students to attend plays that might otherwise be outside their means.

Mr. Speaker, in closing, I would like to congratulate the American Century Theater for its continued efforts to preserve American Culture. The American Century Theater is a local treasure and should be recognized for its integrity and laudable mission. I hope all my colleagues will join me in applauding them for their hard work in bringing American heritage to the theater.

VIOLENCE AGAINST WOMEN

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. KNOLLENBERG. Mr. Speaker, since the first celebration of International Women's Day on March 19, 1911, women have come to realize opportunities about which they then could only dream. And they have taken advantage of those opportunities, excelling in every field and task put before them. As the world has become more aware of the abilities and talents of women throughout the globe, we also have become more aware of the very real issue of violence against women and its devastating effects.

While our consciousness of violence against women has risen, the problem has not evaporated. There is still much work to do. Cases of violence against women continue to persist in our own nation and throughout the world. These vicious crimes often happen within the home and have devastating consequences for the victims personally, as well as for their families and for society as a whole.

We must continue to work together to empower women from an early age by teaching them that any form of abuse is unacceptable and encouraging them to speak out. We must also ensure that those who commit these heinous acts are appropriately punished for the crimes they commit.

I serve on the Appropriations Subcommittee on Foreign Operations where I am proud to support many foreign assistance programs that benefit women, including the microcredit program for the very poor. These program empower women by giving them the capacity to provide for themselves and become self-reliant. Economically empowering women not only reduces poverty, it also creates a sense of self-worth and importance with which women can address the many challenges they face.

Mr. Speaker, we must continue to build upon the achievements that have been made in reducing violence against women and I look forward to working with my colleagues to accomplish this goal.

PERSONAL EXPLANATION

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I was unavoidably detained earlier today while attending a closed hearing for Schism v. the United States in the U.S. Court of Appeals, here in Washington, DC. Being a closed hearing, I was unable to leave when this afternoon's vote was called and further, had the understanding that the vote would not occur until a time certain. I respectfully request the RECORD to reflect that, had I been here, I would have voted "yea" on S.J. Res. 32.

GENERATING OPPORTUNITIES BY FORGIVING EDUCATIONAL DEBT FOR SERVICE (GOFEDS)

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. DAVIS of Illinois. Mr. Speaker, listening to the inspiring thoughts of Darin Johnson, I can't help but reflect on the words uttered over 40 years ago by President John F. Kennedy:

"In the long history of the world, only a few generations have been granted the role of defending freedom in its hour of maximum danger. I do not shrink from this responsibility—I welcome it. I do not believe that any of us would exchange places with any other people or any other generation. The energy, the faith, the devotion which we bring to this endeavor will light our country, and all who serve it—and the glow from that fire can truly light the world.

And so, my fellow Americans: ask not what your country can do for you—ask what you can do for your country."

There was perhaps no more eloquent a call to government service than this speech by President Kennedy. Even though our enemies may be different than they were in 1961, we are still charged with "defending freedom in its hour of maximum danger."

In the aftermath of 9–11, many Americans, like Darin Johnson, are looking for ways to serve and "make a difference" for their country. In fact, according to data collected by the Partnership for Public Service, in the three months after September 11th, the number of applications for federal jobs received by the U.S. Office of Personnel Management's service centers increased by 14 percent. We need to seize this opportunity to hire a diverse group of the best and brightest women and men this country has to offer. However, we can't do this using outdated recruitment methods and incentives that penalize those who choose Federal service.

That's why we are here today. With college tuition costs spiraling, many college graduates are left with huge loans to repay following graduation. Even those who are attracted to government employment, out of necessity, gravitate toward the higher salaries of the private sector in order to repay their personal debt.

Although we are standing here on Capitol Hill, this is not just an "inside the Beltway issue." The reach of our Federal government is evident across our great nation. In Cook County, Illinois, for example, my home state, there are over 20,000 Federal employees. I am, therefore, pleased to be a cosponsor of Generating Opportunities by Forgiving Educational Debt for service (GOFEDS). Currently, when Federal agencies repay student loans for employees, these payments are taxable to the employees. However, many educational institutions have instituted similar loan repayment benefits to encourage graduates to go into government service or to work for nonprofit organizations—and these payments are not taxable. This bill will erase this disparity.

However, let us not see this bill as an ending, but rather, a beginning—one in a series of initiatives we need to take to ensure that our Federal government is a model employer—we own the American people no less.

SAINT PATRICK'S DAY 2002 DEMONSTRATES REAL PROGRESS IN NORTH OF IRELAND

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. GILMAN. Mr. Speaker, yet another glorious Saint Patrick's Day will soon be upon us, and all of the good, warm Irish people here, and all around the globe, will be celebrating the patron saint of the Emerald Isle on this the day when the wearing of the green means something special.

Today, in the long, difficult struggle for lasting peace and justice in the north of Ireland there is also much to celebrate. The assembly and local governing bodies are up and running. All of the people of Northern Ireland are making their own judgments on many of the contentious issues of the past, and deciding their own future through new and democratically accountable institutions as established under the Good Friday accord.

One of the most important and difficult issues for many in the nationalist community is a new beginning for policing, and in particular the issue of the new police service and the new policing board, as well as a new ombudsman along with the democratic accountability of these new institutions over the police service, once viewed by many as just a unionist dominated force.

Recently, the Irish News in Belfast published my opinion piece on the need for all those in the nationalist community to join and support the new police service and support the policing board in order that they help select a new chief constable, and further make these institutions even more democratically accountable. We must continue to struggle for protection of human rights and the redress of past injustices in the new north of Ireland as we make these changes and bring about long overdue reforms.

For your consideration, I ask that my Irish News piece, be reprinted below for the benefit of my colleagues, and all those who are concerned the progress in Northern Ireland which we are witnessing, to continue to move forward:

[From the Irish News Limited, Feb. 25, 2002]

WE MUST ALL JOIN THE SOLUTION FOR POLICING

(By Ben Gilman)

"It's time for the nationalist community to seize the moment on policing reform and fully participate in the new Northern Ireland Police institutions," says Congressman Ben Gilman.

The newly constituted Policing Board established under the Pattern reforms, which is now overseeing the Police Service of Northern Ireland (PSNI), will soon have a historic opportunity to help select the new chief constable to replace the long serving Sir Ronnie Flanagan.

The often tragic and troubling history of many in the nationalist community with policing in the north is hopefully coming to an end.

Our International Relations Committee in the House of Representatives held hearings and investigated this past and troubling record.

We know well the problems and anxieties in the nationalist community on the difficult policing issue, and we will continue to push for even more democratically accountable policing in the north.

The chief constable appointment, however, can become a historic crossroads on the nationalist community's relationship with the police service—once viewed by many as merely an arm of unionist domination in the north.

The selection of a new chief constable, with whom the nationalist community, its leadership, and its citizens will have to communicate and interact for years to come on organized crime, parades, protests, illicit drugs, and all of the fundamental rule of law problems in a democratic society, will help define the new policing relationship well into the 21st century.

All of the leaders in the nationalist community must raise their voices and be heard on the vital selection of the new police chief, as surely and rightfully the unionist community will, and should do, as well. This is the very essence of democratic accountability for policing. The key selection decision will be made by the policing board, and Sinn Fein should be part of it.

Not only should the nationalist leadership help choose a qualified, understanding and sensitive chief constable, the time has also come for all of the young people in the nationalist community to consider a rewarding police career in the new PSNI. There they can help serve all of the citizens in the north of Ireland, irrespective of tradition, location, or station in life.

Policing is very often the average citizen's only interaction with his or her government on a daily basis. It is vital that both communities be adequately represented in the police service and that the face of citizen contact should truly represent the entire community.

The "new beginning" for policing that the Good Friday agreement wisely envisioned is now becoming a reality in Northern Ireland. We have seen a new name, new badge, new flag, and new police recruits from both traditions. The GAA's island-wide vote to drop its longstanding rule excluding Northern Ireland police officers from playing Gaelic athletic games was a reflection of that new reality.

Change has occurred in policing, and it is broadly welcomed.

Along with the new police leadership in Northern Ireland, at of these new policing efforts will help better serve both communities under the new democratically accountable community policing, especially through the new policing board and district boards, for decades to come.

We in the Congress, and President George Bush in the White House, acknowledged and recognized this new beginning when the administration, at the request of myself and others finally restored our world-renowned FBI police training for the new PSNI in Northern Ireland.

In doing so, President Bush made it clear the US government officially and formally concurs with the British and Irish governments and groups like SDLP and the Roman Catholic Church in the north, that the new PSNI meets the spirit and intent of the recommendations of the Patten commission police reforms. It was a major vote of confidence on the future.

In our nation, earlier Irish emigrants to America often faced isolation, mistreatment and hostile bigotry in many of our major US cities where they embarked or journeyed in an unknown and sometimes hostile land. They did not remain isolated and withdrawn from politics and the police functioning in their newly adopted land, but rather they worked for and brought about change and reform from within these vital institutions.

These courageous and hardworking Irish emigrants to America used our political process and policing to play a key role in improving their lives and bringing themselves, their children, and future generations into the maintstream.

As a result, they have prospered and grown apart of the American melting pot, and today they staff, and in many cases lead, major police departments in several American big cities.

The lessons of Irish emigrants in the US can serve as an example to the nationalist community in the new north of Ireland in dealing with their difficult and challenging police question. The time to sit on the side lines is over.

I strongly urge young people in the north to join the new police service, without fear or favor, and become part of the solution. I also urge, as the Bush administration has urged, that Sinn Fein now in the assembly, also join the new policing board, join in picking the new chief constable, and thereafter hold him or her, and the PSNI fully and democratically accountable to all of the citizens of Northern Ireland.

We in the Congress will continue our efforts to improve and increase police accountability to the new board in areas like the ongoing loyalist attacks on the nationalist community, the Patrick Finucane murder, and the Omagh bombing investigate shortcomings, among other legitimate areas of rightful concern to the nationalist community.

All of the friends of the good, hardworking people of Northern Ireland of both traditions see the future for their children and communities as unlimited. We note that they can help ensure that continuing success by becoming part of the peace process and the new, shared governing institutions, such as the police board. The solutions now lie from within.

We here on our side of the Atlantic will continue to cheer the progress we see daily in Northern Ireland and will work to see it continue. We have helped and encouraged on that front but it is now up to all of the good people of Northern Ireland to fulfill this promise.

OVERCOMING PHYSICAL HURDLES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I want to extend my congratulations to Taina Rodriguez, a Chicago resident and member of my staff who was recently featured in "Latina" magazine. Her boundless energy and enthusiasm make Taina a star. Taina has Marfan's syndrome and has overcome a tremendous number of physical obstacles. This has made her a powerful advocate. Taina was an intern at Access Living, a Chicago group fighting for people with disabilities, and now I am proud to have her as a member of my staff. I am proud that Taina will be able to use her fighting spirit to benefit the residents of the 9th district. I urge all of my colleagues to read the inspirational article about Taina in the January/February issue of "Latina" magazine.

REAL LOVE STARTS WITH YOU

(By Anamary Pelayo)

Some people have a knack for blaming everyone but themselves when things go wrong. Others have a flair for always finding fault in something that they think they did wrong, then feel burdened by guilt. What would it take to release all of that guilt? The answer may lie in learning to love yourself, experts say. "You have to be ready to look in the mirror and see all the positives and the negatives," says Araceli Perea-Salas, a domestic-violence counselor in southern California. But that's not always easy. Once self-love disappears, it takes a lot of reflection and determination to get it back, says psychologist and author Ana Nogales, Ph.D. "The key is took within yourself to find your good qualities and build from there. If you don't you'll never be capable of extending love to others." Still, the process is difficult and can sometimes take years. It's why thousands of women find themselves stuck in unhealthy situations for long periods, unable to take control of their lives.

The following woman confronted adversity, found the strength to pull herself out of the dismal hole of self-blame, and emerged with a shared revelation: The key to turning your life around is learning love yourself. Despite this woman's hardships, she says her life is better and more hopeful than ever.

OVERCOMING PHYSICAL HURDLES—TAINA RODRIGUEZ, 21, CHICAGO

My wheelchair has been one of my accessories for 11 years now. We go everywhere together. The chair is as much a part of my life as the Marfan's syndrome that put me in it. This genetic disorder caused my spine to curve and damaged my corneas. As a child, I wore thick glasses, and my body was tall and lanky. I was a prime target for teasing. I remember being called everything from four eyes to banana back. For years I was ashamed of my appearance, my wheelchair, and my inability to do things for myself.

Then, in high school, I met Mari. She would do my hair, and she and I would go shopping together. We would even go to clubs, and I'd wiggle in my wheelchair while she danced next to me. My friend was never embarrassed by me, she didn't seem to care that I was stuck in a wheelchair, so why should I? Instead of feeling ugly, I felt lucky. Maybe I couldn't do everything Mari did, but I almost always found a way to participate, even if it had to be as a spectator at times. For the first time in my life, I felt like a normal teenager. Unfortunately, my health wasn't as resilient. Three years ago, a grueling 18-hour surgery to repair a ruptured heart valve left my in a coma for five days, near death. When I woke up and learned that I had almost died, I was shocked. I couldn't believe my body was strong enough to pull itself out of a coma. I realized what I had slowly been coming to terms with for the past two years: that I had great inner strength and that there was more to my body than its attachment to a wheelchair. Instead of hating my body for its weaknesses, I felt blessed to be alive and eager to get back to my new life.

I learned to drive and bought a car. I also got an internship at Access Living, a nonprofit organization in Chicago that champions rights for the disabled. There, two women and I started the Empowered Fe-Fes, a group for young women with disabilities to talk about issues such as body image and sexuality. I later won a national award for my service to the disabled, and my internship led to a job as an assistant in the Chicago office of Congresswoman Jan Schakowsky (D-Illinois).

I don't think my relationship with my wheelchair will ever be perfect. I still wish I could dance and drive with the full use of my legs, but I have made peace with that. My wheelchair is, after all, a source of mobility, and it doesn't hold me back from living the life I love.

STOP VIOLENCE AGAINST WOMEN CONGRESSIONAL BRIEFINGS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. DAVIS of Illinois. Mr. Speaker, The narrator in the PBS documentary written by Mary Dickson, "No Safe Place—Violence Against Women," began by relating that:

> In the early hours of a hot August morning, three men pulled a woman from her car after a minor traffic accident. The men threatened her with a crowbar, made her strip, then chased her until she jumped off a bridge to her death in the Detroit River.' None of the 40 or so passers-by tried to help the 33-year-old woman. Some reports say onlookers cheered as the men taunted her.

A judge in New Bedford, MA, sentenced the confessed rapist of a 14-year-old girl to probation. He then said that the victim ". . . can't go through life as a victim. She's 14. She got raped. Tell her to get over it."

The San Francisco Chronicle reported that:

> Cassandra Floyd was a respected physician, a single mother living in an affluent San Jose suburb, and ardent volunteer and a role model for young black women. The 35-year-old was also the victim of domestic violence . . . when her ex-husband shot and killed her as their 4-year-old daughter slept nearby and shot and wounded Floyd's mother. He then fled and killed himself.

These are not isolated incidents selected to cause sensationalism. Violence against women is a worldwide epidemic.

According to the NOW Legal Defense and Education Fund,

> Violence against women—rape, sexual assault and domestic violence—affects women worldwide, regardless of class or race. Violence not only affects women in the home, but in the workplace, school and every arena of life.

The Center for Health and Gender Equity (CHANGE) at the Johns Hopkins School of Public Health found that

> 'Around the world at least one women in every three has been beaten, coerced into sex, or otherwise abused in her lifetime. Most often the abuser is a member of her own family. Increasingly, gender-based violence is recognized as a major public health concern and a violation of human rights.

The dimensions of this issue were illustrated in a joint study by the Jacobs Institute of Women's Health and the Henry J. Kaiser

Family Foundation, which made the following conclusions:

In 1998 there were approximately 2.8 million assaults on women. The Journal of the American Women's Association reported that those most at risk are ". . . younger, separated or divorced, of lower socioeconomic status and unemployed." The risk of assault by an intimate partner increases when a woman is pregnant.

Just four in ten women who are physically injured by a partner seek professional medical treatment.

Women are more likely to be the victim of rape or sexual assaults by an intimate partner or acquaintance, rather than by a stranger.

The National Violence Against Women Survey found that one out of every 12 women, a total of 8.2 million women, has been stalked at some point in their lives.

Women are more likely than men to be killed by someone they know, and nearly one-third of women are killed by an intimate partner, compared to approximately four percent of men, according to the Bureau of Justice Statistics.

Black women are more likely than White or Hispanic women to be the victims of nonlethal violent crimes.

These statistics are appalling. Just as we have come together with our allies to declare war against terrorism, so too must we unite and declare war against this form of terrorism—violence against women.

INTRODUCTION OF THE WORLD WAR I VETERANS MEDAL OF HONOR JUSTICE ACT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. GILMAN. Mr. Speaker, I rise today to introduce H.R. 3890, a bill to facilitate the posthumous awarding of a long overdue medal of honor to Sergeant Henry Johnson, of Albany, NY, for actions he preformed in the First World War. Additionally, the legislation requests that the Secretary of the Army review the cases of other African-American veterans from World War I, who have had their accomplishments overlooked due to racism.

This legislation is not without precedent. During the 100th Congress, my former colleagues Joe Dioguardi and Mickey Leland first brought the issue of racism in the awarding of medals of honor to national prominence. In 1997, after years of study, the Secretary of the Army finally recommended that seven Black veterans from World War II have their prior Distinguished Service Cross Awards upgraded to Medals of Honor. Likewise, a similar decision was taken regarding Asian-American veterans from World War II, including that of our esteemed colleague in the Senate, DANIEL INOUYE. Furthermore, last year, I joined my colleague from Florida, BOB WEXLER, in introducing legislation to reconsider the records of several prominent Jewish veterans from World War II and Korea, who had been previously denied Medals of Honor. I was gratified that this bill, H.R. 606, was included in the fiscal year 2002 Defense Authorization Act.

Yet, despite this important progress, Henry Johnson and his colleagues from the Great War still await due recognition for their service to their country. The sole exception to this shameful legacy was the example of Corporal Freddie Stowers, who was posthumously awarded the Medal of Honor in 1991, in large part due to the tireless efforts of former Congressman Dioguardi in promoting his case to the Department of Defense from 1987–1991.

Unlike more recent conflicts, which have been promoted heavily through print and televised media, the First World War has largely receded into the mists of time. What was originally known as the Great War receives scant attention these days, primarily it has become viewed as a failure of sorts. It was, in the words of President Wilson, the "War to end all wars," yet tragically, it did nothing of the kind. World War I was the most widespread, destructive and costly conflict the world had ever seen up to that point, but it paled in comparison to the destruction of the Second World War.

Against this backdrop, the American public has, especially since 1945, forgotten the sacrifices of the generation that made the world "safe for democracy." This is no more true for the African-American veterans of World War I, and especially, for Sergeant Henry Johnson.

On May 14, 1918, Sergeant Johnson, an NCO with the 369th Infantry Regiment, a Black unit of New York National Guard troops, was stationed as part of a five-man watch in Northern France. Early that morning, Johnson and a fellow soldier were attacked by 24 Germans. Johnson's companion was wounded and captured. When his rifle subsequently jammed, Sergeant Johnson used his bayonet and a knife to kill and wound several Germans. He eventually freed his companion and drove the Germans off, before succumbing to the nearly two dozen wounds he suffered himself.

For his actions in battle, the Government of France awarded its highest military honor to Sergeant Johnson, the Croix de Guerre with Gold Palm. Yet he received nothing from his own country until 1997, when he was posthumously awarded the Purple Heart, a decoration which all U.S. personnel are entitled to if wounded in combat.

Henry Johnson returned to civilian life after the war and attempted to resume his old job as a railway porter. However, his wounds prevented this and he died penniless in 1937.

Mr. Speaker, Sergeant Johnson's case is not unique among African-American veterans of World War I, but it is the most egregious. It is not as if the U.S. Army was totally ignorant of his accomplishments. There is ample evidence that his profile and his story were used to sell war bonds in African-American communities in the closing days of the war. Moreover, in 1976, the Army had no problem featuring him in a U.S. Army recruiting poster. Yet to this day, more than 83 years after the fighting stopped on the Western Front, elements of the military are resisting awarding Sergeant Johnson the Medal of Honor.

Last year, after a 4-year long review, outgoing Secretary of the Army Caldera approved a recommendation that Henry Johnson be awarded the Medal of Honor. Last spring, Former Chairman of the Joint Chiefs General Shelton recommended against such an award stating that "proper procedure" had not been followed in the application process.

I believe that any reasonable person would be able to see that it would be impossible to follow outlined procedure in this case, 83 years after the fact. The chief requirement for the award, eyewitness testimony, is an unreachable goal in that any such persons in this instance are long dead. Moreover, it is absurd to argue that Sergeant Johnson should have submitted an application for the award within the proscribed time frame of 3 years. Given the entrenched and pervasive racism that existed in American society and the Army in 1921, it is not a stretch of logic to say such an effort would have been fruitless.

It is for this reason that this legislation further requires the Army to revisit the service records of every other African-American soldier from World War I who was awarded the Distinguished Service Cross or the French Croix De Guerre to determine if a medal upgrade or additional award of the Medal of Honor is warranted.

Mr. Speaker, our Nation has belatedly acknowledged that certain African-American and Asian-American veterans of World War II were unjustly denied proper recognition for military service above and beyond the call of duty. It is now time for us to admit that one debt remains to be paid: The proper acknowledgement of the courageous service of African-American veterans in World War I.

The American veterans of World War I have almost all departed. The VA estimated that approximately 1,000 remained alive at the start of fiscal year 2002. It is long past time for us to recognize the service of Henry Johnson and his fellow African-American soldiers in World War I. When he first brought this issue before this House in 1987, my former colleague from New York, Representative Dioguardi, in criticizing the Pentagon's aversion to review the cases of Black veterans from the World Wars for possible medal upgrades, stated that "The statute of limitations was established for criminals, not war heroes."

With this legislation, we have an opportunity to correct a longstanding injustice, a glaring blot on the noble and historic legacy of the United States Army. These cases have been referred to by some as the last loose ends of World War I. It is now time to close out this unfinished business.

TRIBUTE TO TRAVERSE CITY WEST SENIOR HIGH SCHOOL

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. STUPAK. Mr. Speaker, I rise today to pay tribute to the administration, staff, and students of Traverse City West Senior High School, a school in northern Michigan. In just four years Traverse City West has distinguished itself through the academic success of its students and through national recognition of the school's visual and performing arts programs.

Barbara M. White, a distinguished former president at Mills College in Oakland, California, is quoted as saying, "The basic purpose of a liberal arts education is to liberate the human being to exercise his or her potential to the fullest." Upon hearing those words, I'm sure most listeners would immediately think of a college or university education, but Traverse City West Senior High is preparing its students for a successful life at the high school level.

The school's fine arts curriculum includes a choral program with six performing groups, band and orchestra, an award-winning newspaper and yearbook, theater arts, video and production; there are classes in photography, pottery, ceramics, metals, jewelry, drawing and painting, sculpture, computer art and traditional American arts.

For those students not taking formal arts classes, the Humanities program includes extensive exposure to painting, sculpture, music, dance and film. The arts are incorporated into the science, math and language areas, according to the expertise of the teacher and in collaboration with the arts department. Finally, the school itself is decorated with art murals and stained glass windows designed by students, and music is incorporated into classroom study and even staff meetings.

The study of other cultures, other peoples and other times is part of the school's comprehensive learning environment. Mr. Speaker, these programs have strong parental support for projects and field trips. Accustomed as we may be to booster clubs for sports programs, this "booster" spirit for the study of arts, crafts and humanities must be viewed as unique at the high school level.

I do not rise today, Mr. Speaker, to propose that Traverse City West Senior High be taken as the model for all high schools. I rise merely to point out that a combination of hard work and a rich environment can produce academic success. For example, in 2000 Traverse City West received the Governor's Cup for the big North Conference for having the most Michigan Merit Award recipients, and its total placed it sixth in the state. The Michigan Merit Award is a college scholarship based upon performance on the Michigan Educational Assessment Program. I should note that this number is more remarkable when one considers that Traverse City West received the least amount of money per student of the top ten schools listed, and it had the highest percentage of students on the free and reduced lunch program.

Consider, too, that in the four years Traverse City West Senior High has been open, its students have scored above the state and national average on the ACT test. In 1999/2000 its composite ACT score was 21.8, compared to a Michigan average of 21.3 and a national average of 21.0. As I mentioned earlier, the school's newspaper and yearbook have been honored statewide, its theater department recognized nationally, and its music department a finalist in an international competition.

Mr. Speaker, the efforts of the administration, staff, parents and students at Traverse City West High School to acknowledge the arts an essential part of education has now been recognized nationally. The school was recently notified it is the winner of the "Creative Ticket National School of Distinction Award" from the John F. Kennedy Center for the Performing Arts. As a result of this award, a representative group of students has been invited to travel here to Washington to perform at the Kennedy Center and to perform at a congressional breakfast celebrating National Arts Day.

Mr. Speaker, I ask you and my House colleagues to join me in praise of the hard work and dedication of the administration, staff, parents and students of Traverse City West High School, a young school with a classical notion of a well-rounded education.

CONGRATULATING THE UNITED STATES MILITARY ACADEMY AT WEST POINT ON ITS BICENTENNIAL ANNIVERSARY

SPEECH OF

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. GILMAN. Mr. Speaker, "to educate, train, and inspire the corps of cadets so that each graduate is a commissioned leader of character committed to the values of duty, honor, country; professional growth throughout a career as an officer in the United States Army; and a lifetime of selfless service to the nation."

That is the mission of an outstanding institution of rich history and formidable pride, our West Point Military Academy, along the shores of our historic Hudson River.

More than 200 years ago, Gen. George Washington, recognizing the strategic importance of West Point, established fortifications in our war against the British. There, along the west bank of the Hudson River, during the founding of our Nation, West Point was born.

Further recognizing our national need to develop an institution dedicated to the arts and sciences of warfare, Thomas Jefferson signed legislation establishing the U.S. Military Academy in 1802. Over the last two centuries, West Point Military Academy has grown to become one of the most revered institutions of its kind, training young men and women to become great leaders and proud soldiers. Among the distinguished list of Academy graduates are names which have changed the history of our Nation and our world, including Grant, Lee, Sherman, Jackson, Eisenhower, MacArthur, Bradley, Arnold, Clark, and Patton.

In these trying times for our Nation, as many of the service men and women are defending freedom in Afghanistan and elsewhere around the world, it is a fitting tribute to celebrate the 200th anniversary of the U.S. Military Academy at West Point, the citadel of freedom.

The leadership which West Point has provided to our Nation and which will continue to provide for years to come is an inspiration to every American.

West Point is more than just an Academy, it is a pillar of our Nation, and a symbol of our Nation's rich past and fruitful future.

This prestigious Academy is a tribute to the strength of America and our right as free people to pursue life, liberty, and happiness.

The history of West Point is the story of America—a distinguished tale to tell.

God bless West Point and God bless America.

ADDITIONAL MATERIALS REGARDING AMENDMENTS TO FISCAL YEAR 2002 APPROPRIATIONS LEGISLATION AFFECTING THE RIGHTS OF THE WYANDOTTE TRIBE OF OKLAHOMA

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. MOORE. Mr. Speaker, on March 4, I placed in the CONGRESSIONAL RECORD an extension of remarks, that included a letter from Leaford Bearskin, the chief of the Wyandotte Tribe of Oklahoma, concerning congressional actions last year that affected his Tribe. Due to space limitations, I was unable to include correspondence from organizations in the Third District of Kansas supporting the Wyandotte Tribe Settlement Act, referred to by Chief Bearskin. I have included the nine letters below.

UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS,

Kansas City, KS, October 20, 1999.

Hon. DON YOUNG,

Chairman, House Resources Committee, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the citizens of Wyandotte County/Kansas City, Kansas, I would like to thank you for your efforts in sponsoring H.R. 1533, The Wyandotte Tribe Settlement Act, and strongly urge you to continue your efforts to move this critical piece of legislation through Congress before it adjourns.

The citizens here, overwhelmingly, endorsed gaming at the Woodlands by an 80 percent vote in 1997. The passage of H.R. 1533 and similar legislation in the Senate would allow the Wyandotte Nation the opportunity to open a gaming facility at the Woodlands and greatly enhance the economy of this city and county. There is already widespread gaming throughout the State of Kansas and in the Kansas City area. This bill would allow the citizens of Wyandotte County to realize economic gains that are currently not available to them.

Your continued efforts are greatly appreciated, and if I can be of any assistance, please do not hesitate to call me.

Sincerely,

CAROL MARINOVICH,
Mayor/CEO.

THE KANSAS CITY, KANSAS AREA
CHAMBER OF COMMERCE,

Kansas City, KS, October 20, 1999.

Hon. DON YOUNG,

Chairman, House Resources Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: I am writing to once again reiterate this organization's support for and to thank you for your efforts to expedite the passage of H.R. 1533: The Wyandotte Tribe Settlement Act of 1999.

As you know the by-product of this legislation will have a significant impact not only on the economic well being of the Wyandotte Nation, but certainly for our community as well. I believe that the passage of H.R. 1533 will allow the Wyandotte Nation to exercise certain rights afforded to them via the Indian Gaming Act of 1988. This also would create an opportunity for the Wyandotte Nation and the current ownership of the Woodlands greyhound and thoroughbred parimutuel racetrack to negotiate an agreement for a Tribal Casino. The Woodlands would be greatly aided by this arrangement.

Congressman Young, legalized games of chance and casino gaming are not unknown to our community, nor to the State of Kansas. There is already legalized gaming just across the state line in metropolitan Kansas City, Missouri, and there are several Tribal Casino operations in the State of Kansas. H.R. 1533 will allow for a win-win situation for our community, the State of Kansas as well at the Wyandotte Nation.

Thanking you in advance for your support and sponsorship of H.R. 1533, I am

Sincerely,

DERYL W. WYNN,
Chairman of the Board, Kansas City, Kansas Area Chamber of Commerce.

DAN SCHENKEIN,
President, Kansas City, Kansas Area Chamber of Commerce.

GREATER KANSAS CITY BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL–CIO,
Independence, MO October 19, 1999.

Hon. Congressman DON YOUNG,
Chairman, House Resources Committee, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing this letter in strong support of House Bill 1533, regarding the Wyandotte Tribe of Oklahoma's request for due compensation from Congress for lands and rights issues pertaining to the Treaty of 1855.

The successful passage of H.B. 1533 will create significant benefits for the Kansas City Metropolitan Area, not to mention specifically the working class community of Kansas City, Kansas and Wyandotte County. In a unique area of our metro-plex where employment opportunities are needed most, Kansas City, Kansas and its residents will significantly benefit from your efforts towards H.B. 1533's successful passage.

On behalf of the rank and file of the Greater Kansas City Building & Construction Trades Council, AFL–CIO I urge your continued diligence on H.B. 1533.

Sincerely,

GARRY KEMP,
Exec. Sec./Business Manager, Greater Kansas City Building & Construction Trades Council.

AFL–CIO TRI-COUNTY LABOR COUNCIL OF EASTERN KANSAS UNION LABEL & SERVICE TRADES—AREA COPE,
Kansas City, KS, October 20, 1999.

Hon. Congressman DON YOUNG,
Chairman, House Resources Committee, Rayburn Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing this letter in strong support of House Bill 1533, regarding the Wyandotte Tribe of Oklahoma's request for due compensation from Congress for lands and rights issues pertaining to the Treaty of 1855.

The successful passage of H.B. 1533 will create significant benefits for the Kansas City Metropolitan Area, not to mention specifically the working class community of Kansas City, Kansas and Wyandotte County. In a unique area of our metro-plex where employment opportunities are needed most, Kansas City, Kansas and its residents will significantly benefit from your efforts towards H.B. 1533's successful passage.

On behalf of the rank and file of the AFL–CIO Tri-County Labor Council of Eastern Kansas, I urge your continued diligence on H.B. 1533.

Sincerely,

JIM HADEL,
President, Tri-County Labor Council.

WYANDOT NATION OF KANSAS, INC.,
Kansas City, KS, July 11, 1998.

Re Wyandot Nation of Kansas and the Wyandotte Tribe of Oklahoma Settlement.

Hon. DON YOUNG,
Rayburn House Office Building, United States House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: On May 19, 1998, Congressman Vincent Snowbarger and Holly Zane, Attorney General of the Wyandot Nation of Kansas, authored letters which reference a controversy between the Wyandotte Tribe of Oklahoma and the Wyandot Nation of Kansas regarding the use of the Huron Cemetery. This letter advises you that this controversy has been resolved by the Wyandotte Tribe of Oklahoma and the Wyandot Nation of Kansas. The settlement prohibits the use of the Huron Cemetery for any use other than religious, cultural or those compatible with the use of the land as a burial ground.

Thank you very much for your attention to this matter.

Sincerely,

WYANDOT NATION OF KANSAS, INC.

MINORITY CONTRACTORS ASSOCIATION OF GREATER KANSAS CITY,
Kansas City, MO, October 19, 1999.

Hon. Congressman DONALD YOUNG,
Chairman House Resources Committee, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG. The House Resources Committee passed H.B. 1533 which allows the Wyandotte Tribe of Oklahoma to redeem "lost" tribal rights to land in Wyandotte County. This Bill is now awaiting action by the full House. The Minority Contractors Association would like to help educate you on the bill's impact with this letter and seek your support for it. As you may recall last year the Senate imposed a restriction on the Tribe's use and rights of their own land. H.B. 1533 restores those rights without infringing on last year's Senate action and helps meet critical needs in our community. The members of this association believe that this bill will greatly enhance economic development and construction in our community.

As you know the by-product of this legislation will have a significant impact not only on the economic well being of the Wyandotte Tribe of Oklahoma, but certainly for the people of Wyandotte County as well. The entire region will benefit from our growing economy and the opportunities for employment. We believe that the passage of H.B. 1533 will allow the Wyandotte Tribe to exercise their rights to own and operate a Tribal Casino in our community under the authority of the Indian Gaming Act of 1988.

The residents of this community in 1996 voted overwhelmingly in an advisory vote to endorse legalized gaming by nearly 80 percent. Additionally, the Wyandotte Tribe has entered into a memorandum of understanding with the Unified government of Wyandotte County, Kansas City, Kansas for the purchase and operation of the Woodlands Greyhound and thoroughbred parimutuel racetrack as a Tribal Casino. The Woodlands will be enhance greatly by this arrangement and will be revitalized to add value to our community. The citizens of Wyandotte County, the Kansas City Kansas Area Chamber of Commerce and the members of the Minority Contractors Association have gone on record of continually supporting this issue and casino-style gaming at the Woodlands. Chairman Young, as you know, legalized games of chance and casino gaming are not strangers to our community nor the States of Kansas, Missouri, Nebraska or Iowa. There is already wide-spread gaming with several Tribal Casino operations within the State of Kansas. We believe that H.B. 1533 will allow for a win-win situation for our community as well as the Wyandotte Tribe of Oklahoma. To that end the Minority Contractors Association humbly urges you to review this legislation before the adjournment of the 106th Congress.

I appreciate your time and interest in this matter and look forward to hearing from you as you review this critical issue facing this community.

Sincerely,

MIKE HUGHES,
Executive Director.

HISPANIC CHAMBER OF COMMERCE OF GREATER KANSAS CITY,
Kansas City, MO, October 21, 1999.

Hon. DON YOUNG,
Chairman, House Resources Committee, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN YOUNG: On behalf of the Hispanic Chamber of Commerce of Greater Kansas City, I would like to thank you for your efforts in sponsoring H.R. 1533, The Wyandotte Tribe Settlement Act. The Hispanic Chamber strongly urges you to continue your efforts to move this critical piece of legislation through Congress before it adjourns.

The citizens of Kansas City overwhelmingly endorsed gaming at the Woodlands by an 80 percent vote in 1997. The passage of H.R. 1533 and similar legislation in the Senate would allow the Wyandotte Nation the opportunity to open a gaming facility at the Woodlands. This in turn would improve the economy of the City and Wyandotte County. We are pleased to hear about the Wyandotte Tribe's commitment to diversity. We are certain that through the passage of this bill, that the Hispanic community will be provided economic opportunities in the areas of construction, services and employment.

Your continued efforts are greatly appreciated and if I can be of any assistance, please do not hesitate to call me.

Sincerely,

WILLIAM TORRES,
First Vice President.

WYANDOTTE DEVELOPMENT, INC.,
Kansas City, KS, October 21, 1999.

Hon. DON YOUNG,
Chairman, House Resources Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

CONGRESSMAN YOUNG: I am writing on behalf of Wyandotte Development, Inc., which serves as the lead private economic development agency for Wyandotte County Kansas serving the communities of Edwardsville, Bonner Springs, and Kansas City.

I am writing to encourage your continued efforts to pass House Resolution 1533, which would return tribal rights in our County to the Wyandotte Nation. As you know, our community and this organization are committed to the viable economic operation of the Woodlands parimutuel racetrack in our community. This organization believes that H.R. 1533 provides a unique potential for casino style gaming to be conducted at the Woodlands. Should that occur, it would allow our community to compete for tourism and gaming revenues on a regional basis and will create significant employment opportunities for our residents.

Please continue your fine efforts on House Resolution 1533.

Sincerely,

GARY D. GRABLE,
Chairman of the Board,
Wyandotte Development Incorporated.

THE WOMEN'S CHAMBER OF COMMERCE,
Kansas City, KS, October 20, 1999.

Hon. DON YOUNG,
Chairman, Housing Resources Committee, Rayburn House Office Building, House of Representatives, Washington, DC.

DEAR CONGRESSMAN YOUNG: Thank you for your efforts to expedite the passage of H.R. 1533: The Wyandotte Tribe Settlement Act of 1999. I again request that you continue to support this worthy effort.

The by-product of this legislation will have a significant impact not only on the economic well being of the Wyandotte Nation, but certainly for our community as well. I believe that the passage of H.R. 1533 will allow the Wyandotte Nation to exercise certain rights afforded to them via the Indian Gaming Act of 1988. This also would create an opportunity for the Wyandotte Nation and the current ownership of the Woodlands greyhound and thoroughbred parimutuel racetrack to negotiate an agreement for a Tribal Casino. The Woodlands would be greatly aided by this arrangement. The board of directors of the Kansas City Kansas Women's Chamber of Commerce has continually supported casino-style gambling at the Woodlands since 1995.

There are legalized casinos just across the state line in metropolitan Kansas City, Missouri, and there are several Tribal Casino operations in the State of Kansas. I believe that H.R. 1533 would benefit our own community with jobs and economic opportunities. These opportunities would have a positive effect on my community, the State of Kansas and the Wyandotte Nation.

Thanking you in advance for your support and sponsorship of H.R. 1533.

Sincerely,

LORETTA MORTON,
President, Kansas City, Kansas
Women's Chamber of Commerce.

SENATE—*Friday, March 8, 2002*

The Senate met at 9:15 a.m. and was called to order by the Honorable JON S. CORZINE, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of truth, we praise You for the revelation of Your truth to people through history. We thank You for the lodestar leadership of Nathan Hale, the courageous revolutionary patriot, who in the moments before he was hanged said, "I only regret that I have but one life to lose for my country." His grandson, Everett Hale, Chaplain of the Senate from 1903 to 1909, gave us another memorable saying that becomes the theme of our prayerful reflection this morning: "I am only one, but I am one. I cannot do everything, but I can do something. What I can do, I should do and, with the help of God, I will do!"

Father, thank You that You have a plan for each of us. Give us Everett Hale's determination to trust You for the power to follow through on what You have given us the clear conviction to do. Bless the Senators with incisive intentionality for the challenges of this day. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON S. CORZINE led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 8, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON S. CORZINE, a Senator from the State of New Jersey, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CORZINE thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

JOB CREATION AND WORKER ASSISTANCE ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of the House message on H.R. 3090. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3090) to provide tax incentives for economic recovery.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. DASCHLE. Mr. President, I move to concur in the House amendment and ask unanimous consent that the time until 9:30 this morning be for debate with respect to the motion to concur, with the time equally divided and controlled between the two leaders; that the Democratic time be equally divided between the distinguished Senator from West Virginia, Mr. ROCKEFELLER, and the Senator from North Dakota, Mr. CONRAD; that upon the use or yielding back of time, the Senate proceed to a vote on the motion to concur in the House amendment to the Senate amendment to the House bill without further intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DASCHLE. I thank my colleagues.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, I was on the conference committee on the stimulus package prior to Christmas, which failed. That was predicated on unemployment insurance, health benefits, and money to help States with Medicaid. Two of the three are left out in this stimulus package. I urge my colleagues to vote against this stimulus package, which I consider to be hurtful to the States but will no doubt get virtually everybody's vote for the wrong reasons.

I have been fighting for the stimulus package for a long time, obviously since September 11. I cannot, in any sense of conscience, support this bill. This has about $9 million to expand unemployment insurance. That is good. That is fine. That is one of the three. Two of the three we had to have we did not do; one, we did do. It also has $86 billion in corporate tax breaks and eliminates the tax cuts for those lower income Americans who missed out on last summer's rebates. In other words, the people who did not get a rebate will continue not to get a rebate.

It provides no help for States at this critical time and, in fact, hurts them. On every Senator's desk Members will find the 46 of 50 States that are hurt. Members will see how much each State is hurt.

I am outraged this $100 billion-plus bill was pushed to a vote, frankly, in the way that it was with, at best, totally inadequate notice to Senators, with no debate and discussion about the need for stimulus on a day after Alan Greenspan said that everything is going just fine.

Why are we ignoring the clear consensus among economists and our Federal Reserve chief? I cannot answer that. Maybe I can. We all say we want to defend the Nation, and we do. We want to fund a prescription drug benefit, and we do. We want to support better education for our children, and we do. But now, we are in deficit. Our surplus is gone. Critical needs remain. Are we addressing them? No. Can we afford nearly $100 billion more in corporate tax breaks right now? No. Are we even going to discuss it? No, we are not.

This bill causes 46 States to lose $14 billion in tax revenues at a time when they are already facing between $40 and $50 billion of debt. I spoke to my Governor last night. It will cost him $86 million. He will have to cut Medicaid. He does not know where he will get the money. It is another nail in the coffin of the State which is not famed for being rich.

Mr. CONRAD. Mr. President, I acknowledge this stimulus package is a dramatic improvement over what the other body sent previously. That misses the larger point.

This morning's New York Times headline is interesting: "The Federal Reserve Chief Sees the Decline Over, House passes recovery bill."

It is the irony of ironies that, once again, Congress, in trying to provide fiscal stimulus, has acted too late. That is the history of Congress trying to use fiscal policy for stimulus. In fact, when the Budget Committee did an analysis, we found every single time we tried to act, we moved too late.

In the Washington Post this morning: "Greenspan Declares An Expansion,'" it reports that economists are now largely agreed that in this quarter the economy will be growing at 4 percent. Congress comes with its recovery package too late.

I have supported a recovery package. I did when we attempted to do one last year when it would have been timely. Unfortunately, that did not occur. I would still support one if it were properly crafted. But I don't believe this legislation meets the test. CBO has stated over the next 10 years we are in deficit each and every year for the entire decade, and by big amounts. They have just told us we can expect $2.3 trillion of non-trust-fund deficits over the next decade. Every dime will be coming out of the Social Security trust fund. That means every dime of this stimulus package is coming out of the Social Security trust fund. We are headed for this future: The trust fund turns cash negative in 2016. That changes everything.

When we examine the details of this package, its centerpiece is 3 years of bonus depreciation. I strongly supported bonus depreciation for a 1-year period because every economist said if we stretch it out, we are encouraging companies to wait—not to act now, but to wait. In fact, that is exactly what one sees in the economics of this package—$39 billion of stimulus this year, but $82 billion in the future.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. I yield myself such time as I might consume.

Mr. President, I rise today to address the House bill that we will be passing on economic stimulus and aid to dislocated workers.

On a preliminary note, in normal circumstances, I would note that we should not make a practice of passing House bills as is. These are not, however, normal times and this is not a normal process.

The House bill is really the latest bipartisan product on economic stimulus and aid to dislocated workers. It is a thinner version of last December's agreement between the White House and the Senate centrists. The bottom line is this bill now enjoys Senate Democratic leadership support because it has been thinned down.

There is some good news and some bad news. Let's turn first to the good news. This bill is a bipartisan, bicameral product, that the President will sign. That's the good news. Help is on the way for unemployed workers and recovering businesses.

Mr. President, the unemployed and struggling businesses have had to wait too long for the good news we deliver today. It has been over five months of long meetings, committee action, floor debates. Finally, we, the United States Senate, will do our duty and act on economic stimulus.

Now, with the President's signature a certainty, several good things will finally happen. First off, the unemployed will get extended benefits. Businesses, large and small, will get a kick start with 30 percent bonus depreciation. That kick start will mean more jobs, so those unemployed workers will be able to go back to work. Businesses that have hit hard times will be able to carry back net operating losses for an additional three years. New York City will receive much needed tax relief for the purpose of rebuilding Lower Manhattan. In addition, tax provisions that expired this year will be extended for two years. Finally, our States will receive some relief in the form of an extension and reauthorization of portions of the TANF program. These measures are all good news for folks across America.

I said there is some bad news too. That news is derived from all of the proposals dropped from the White House-centrist agreement. As I said above, this bipartisan agreement was before us in December, but we were blocked from considering it by the Democratic leadership. Let's take a look at the things that were dropped.

First off, there was a proposal to accelerate tax relief from last year's bipartisan tax cut legislation. I'm talking about dropping the 27 percent tax rate to 25 percent.

I do not also discount the ideologically based opposition to accelerating the reduction in the 27 percent bracket. It is amazing to me that many on the other side see taxpayers in the 27 percent bracket as rich folks. A 2-percent rate cut for single folks earning between $27,051 and $65,550 is seen as a tax cut for the wealthy by the Democratic leadership. Likewise, a married couple with incomes between $45,201 and $109,250 is considered rich. But I recognize that this tax cut proposal was difficult for the Democratic leadership to accept.

In this skinnier version, the other element of individual tax relief, this one for payroll taxpayers, was dropped. I am talking about the rebate checks for payroll taxpayers. The rebate checks are gone. Some on my side will view this omission positively.

So, in terms of tax relief for individuals, forget about it. We were not able to strike the balance of the White House-centrist agreement.

There is little in the nature of corporate AMT relief in the thin package. In some ways this is a good result. As I said at the time, the original House bill was too heavy on corporate AMT relief. On the other hand, there were noncontroversial reforms in the corporate AMT that we could have included.

The most disappointing omission related to health care subsidies. We had before us revolutionary social policy in the White House-centrist agreement. For the first time, the Congress had sign able legislation that guaranteed health care benefits for laid off workers. The form of the benefit, a refundable tax credit, ran into ideological opposition by some on the other side. Because two-thirds of the Senate Democratic Caucus did not agree with the form of the benefit, unemployed workers will not receive the benefit. That's too bad. We had a chance to move the ball forward on an important bipartisan objective, improving access and affordability of health care. Instead of moving the ball, because of ideology, we had to punt.

All of these were good provisions which enjoy broad bipartisan support. They were the foundation of the White House-centrist agreement. Yet because of an ideological fixation, all of these good things went by the wayside. I believe today, as I did almost 3 months ago, that, if we had been accorded a straight up or down vote on the White House-centrist agreement, we would have prevailed. If we had prevailed, the people would be better served.

Mr. President unfortunately, it was not to be. So, here we are with a mixed bag. There is good news in terms of extended unemployment benefits, bonus depreciation, and other measures. But there is bad news in terms of missed opportunities.

Mr. President, I ask unanimous consent that the RECORD be held open until 5 p.m. today for a statement by Senators, and that they be included at this point in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I will vote for the economic stimulus package in the interest of providing temporary assistance for unemployed Americans and their families. We cannot ignore the plight of millions of Americans, who were laid off and want to get back to work. My vote for this legislation should not be interpreted as a total endorsement of all of its provisions. Indeed, I have some serious reservations about extending tax benefits given to the oil and gas industry and the industry in the business of converting poultry waste into electricity. Again, my concern is that the special interests continue to benefit at the expense of hard-working Americans everywhere. However, overall, this bill will give unemployment relief for those families who need it the most and will help stimulate our economy to help America get moving again.

Mr. DOMENICI. Mr. President, I rise in strong support of the bipartisan Job Creation and Workers Assistance Act of 2002, H.R. 3090. This economic stimulus bill has been long in coming.

I am happy this day has finally arrived, but I know those unemployed workers and their families, who became unemployed after the events of September 11, and who will soon see their 26 weeks of unemployment benefits expire, will be even more pleased that we have not forgotten them. We will provide those whose benefits will soon expire an additional 13 weeks of assistance, and I truly believe that within this additional time period, they will return to full employment.

There are clear signs that the economy is recovering, but for those nearly 1.4 million long-term unemployed workers, there is no solace to be found until they are working again and earning incomes in the private sector.

I believe the provisions of this bill that will also provide assistance to small and large businesses in the form of 30 percent special depreciation allowances, combined with conforming AMT depreciation rules and a 5-year carryback of net operation loss provisions will help to increase those employment opportunities for the unemployed so they do not have to depend on further extensions of unemployment insurance.

I am also pleased that this bill follows through—as the Administration promised it would—to help fulfill the promise of providing over $21 billion in assistance to New York City. The expansion of Worker Opportunity Tax Credits to certain employees in New York City, and special credits to property placed in the Liberty Zone along with other provisions of this bill will continue to assist that city on the road to recovery.

I am pleased that the bill also extends $12 billion in various tax provisions that expired or will soon expire including the Worker Opportunity Tax Credits, Welfare to Work Credits, a 100 percent limitation on percentage depletion for oil and gas from marginal wells, and a provision I have championed that would penalize in the form of a tax those groups health plans that fail to comply with mental health parity requirements.

There are other provisions in this bill that will allow teachers to deduct classroom expenditures and exclusions for foster care payments to qualified placement agencies. The reauthorization of the Temporary Assistance for Needy Families supplemental grants and contingency funds for states such as mine that have seen an increase in population is needed help to some hard pressed state budgets.

This bill will become law. President Bush who has pressed for congressional action will sign this needed legislation. It is not everything he wanted, and I remain convinced that the proposal I advanced last winter to provide for a payroll tax holiday would have provided additional needed stimulus. But nonetheless this bill will still inject over $50 billion into the economy immediately and over $40 billion next year.

I congratulate the chairman and ranking member of the Finance Committee, the majority and minority leader in bringing this issue finally to a conclusion. It is the right thing to do, it is the right thing for those displaced and out of work today.

Mr. WARNER. Mr. President, I have worked closely with Senator COLLINS for sometime now on legislation to provide much needed tax relief for our educators. Today, I am pleased to report that the Senate should soon pass H.R. 3090, the Job Creation and Worker Assistance Act of 2002, as previously passed by the House of Representatives. With passage of this legislation, Senator COLLINS and I will have finally achieved our shared goal of providing much needed tax relief for our Nation's teachers.

The Collins-Warner provisions that are in this legislation, were crafted by Senator COLLINS and myself after months of consultations with Senator GRASSLEY, Senator BAUCUS, Senator ALLEN and House Ways and Means Chairman THOMAS. Congressman SCOTT from Virginia was also a very good working partner on this legislation, having introduced similar legislation on the House side.

The National Education Association played a key role and its many members should look with pride and satisfaction on their constructive advice to the Congress. The president of the Virginia Education Association, Jean Bankos, also helped lead this superb effort.

Simply put, the Collins-Warner provisions provide a $250 above the line deduction for educators who incur out of pocket expenses for supplies they bring into the classroom to better the education of their students. The Joint Committee on Taxation estimates that this provision will provide almost half a billion dollars worth of tax relief to teachers all across America over the next 2 years.

Our teachers in this country are overworked, underpaid, and all too often, under-appreciated.

In addition to these factors, our teachers expend significant money out of their own pocket to better the education of our children. Most typically, our teachers are spending significant amounts of money out of their own pocket on classroom expenses, such as books, supplies, pens, paper, and computer equipment.

These out of pocket costs place lasting financial burdens on our teachers. This is one reason our teachers are leaving the profession. Little wonder that our country is in the midst of a teacher shortage.

Estimates are that 2.4 million new teachers will be needed by 2009 because of teacher attrition, teacher retirement and increased student enrollment.

While the primary responsibility rests with the States, I believe the Federal Government can and should play a role in helping to alleviate the Nation's teaching shortage.

On a Federal level, we can encourage individuals to enter the teaching profession and remain in the profession by providing tax relief to teachers for the costs that they incur as part of the profession.

Our teachers have made a personal commitment to educate the next generation and to strengthen America. While many people spend their lives building careers, our teachers spend their careers building lives.

The Teacher Tax Relief provisions in this bill go a long way toward providing our teachers with the recognition they deserve by providing teachers with important and much needed tax relief.

I am proud to have had the opportunity to work with Senator COLLINS, Senator ALLEN, and so many others to make this goal a reality.

Mr. REID. Mr. President, on behalf of Leader DASCHLE, I yield Senator BAUCUS 5 minutes of leader time, and following that, 2 minutes of leader time to Senator CONRAD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Montana.

Mr. BAUCUS. Mr. President, this bill that has come over from the House has come over quite quickly and Senators have not had a lot of time to examine it and to work through the provisions of the bill. Personally, I think it is a bit rushed.

Having said that, I will support it at this point because—the phrase I often find myself using these days—we cannot let perfection be the enemy of good.

There are some good provisions in this bill. We did not have the opportunity to amend it. But the fact is, if we do try to amend it, we will probably get wrapped around the axle, and nothing will be passed.

And there are several provisions that should definitely pass. One is the extension of unemployment insurance. To my mind, the provisions in the House bill relating to unemployment insurance do not do enough. Given the state of the economy in the last year and the number of people who are out of jobs and need help, it is unfortunate that we cannot do more. But a 13 week extension will help many people and provide an economic stimulus.

In addition, the bill includes the extension of several important tax provisions, some of which expired last year. It is an outrage, frankly, that this Senate and the House of Representatives let those provisions lapse and we did not pass them at the end of last year.

I tell my colleagues right now that I regret I did not push strongly enough last year when we passed the tax bill to make sure the extenders were included. I had an assurance that they would come up soon. But that is no way to run a railroad. It is no way for the country to run its business, to say it is OK to have an on-again/off-again policy with respect to tax law.

I tell my colleagues the next time this comes up, we are going to pass extenders so that the provisions remain continuous. It will be a seamless web. There will never be another time when extenders are not passed, if I have anything to do with it.

Unfortunately, there are not any health provisions in this bill. There should be. A lot of people lost their health insurance benefits as a consequence of lost jobs and as a consequence of the declining economy.

As you well know, more and more people are without health insurance. It is because companies are not providing health insurance, and people are laid off and can't keep their health insurance. It is a huge cost individually to the people involved, and it is a huge cost to the country. It is regrettable that this provision we are passing today does not include health insurance benefits for those people who lost their health insurance on account of lost jobs. That is too bad. I wish it were in the bill, but it is not.

The bonus depreciation provision is good. It is going to help create jobs, and it will help stimulate the economy a bit.

I note, as we all note, that Chairman Greenspan said we are turning the corner. I think he is probably right. But the bonus depreciation provision is going to help. It also is insurance, and that is going to help as well.

The long and short of it is we have a choice. It is either vote for this, or try to amend it. If we try to amend it, we will be back where we have been for the last 5 months; that is, doing a lot of talk and not much action. I regret that.

But that is the situation with which we are faced. In light of this situation, I urge my colleagues to pass this. It is going to help—particularly the provisions that I mentioned—and we will get on with health insurance and get on with the other provisions that need to be taken up later on this year.

When they come up, I urge my colleagues to work with us to be sure that they are enacted because there are a lot of people hurting and who need a lot of help.

I thank my good friend from Nevada.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. CONRAD. Mr. President, Senator BAUCUS is absolutely right. There are some good provisions in this bill. They are necessary provisions. That is what makes this vote so difficult.

I have struggled with the question of how to vote. But, again, the press reports this morning said the Chairman of the Federal Reserve said an economic expansion is now underway. It goes on to report that many economists have concluded that the economy this quarter is growing at an annual rate of 4 percent. Now the House passes a recovery package. They are too late.

This is the history of recovery packages. Every time in our history that we have tried to use fiscal stimulus, we have been too late.

The centerpiece of this package is 3 years of bonus depreciation. Look, I am a strong supporter of bonus depreciation, but not for 3 years. That encourages people to wait. That makes no sense. This is digging the hole deeper because every penny of it is coming out of the Social Security trust fund—every penny. We are already in a deep hole for the entire next decade.

I yield whatever time remains to Senator CARPER.

The PRESIDING OFFICER (Ms. STABENOW). The Senator from Delaware. There are 45 seconds remaining.

Mr. CARPER. Madam President, I thank the Senator from North Dakota for yielding.

Imagine that we are in a car driving down the road. We have an accelerator, and we have a brake.

The Federal Reserve, having launched the most aggressive monetary policy in our lives to help us get out of the recession—which will probably occur later this year—is beginning to tap down on the breaks to slow down inflationary expectations. Meanwhile, we are preparing to put our foot on the accelerator.

This plan made a whole lot of sense in October, November, and even in December. But in March, on March 8, with GDP having grown 1.4 percent in the last quarter, and is probably going to grow by 4 percent this month, this plan makes a whole lot less sense.

Mr. REID. Madam President, I ask for the yeas and nays on the pending matter before the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 85, nays 9, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—85

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Cantwell
Carnahan
Cleland
Clinton
Cochran
Collins
Corzine
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Durbin
Edwards
Ensign
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—9

Byrd
Carper
Chafee
Conrad
Dayton
Dodd
Feingold
Levin
Rockefeller

NOT VOTING—6

Breaux
Enzi
Inouye
Kennedy
Mikulski
Miller

The motion was agreed to.

Mr. REID. Madam President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance the mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

McCain amendment No. 2979 (to amendment No. 2917), to provide for enhanced safety, public awareness, and environmental protection in pipeline transportation.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Bingaman/Domenici amendment No. 2990 (to amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

AMENDMENT NO. 2979, AS AMENDED, TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. REID. Madam President, I ask unanimous consent that the 2 minutes for debate be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Louisiana (Mr. BREAUX), the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Maryland (Ms. MIKULSKI), and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—94

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—6

Breaux
Enzi
Inouye
Kennedy
Mikulski
Miller

The amendment was agreed to.

Mr. CORZINE. Madam President, I rise today in support of the amendment offered by my distinguished colleagues, Senators MCCAIN and HOLLINGS, to improve pipeline safety. This amendment would add to this legislation the text of S. 235, the Pipeline Safety Improvement Act of 2001, which previously was approved by the Senate.

As Congress debates the direction of our Nation's energy policy, we need to consider the safety of the infrastructure that transmits much of that energy. S. 235 is important legislation that would help to secure the safety and integrity of our Nation's 2.2 million mile-long hazardous liquid and natural gas pipeline system. And I want to thank Senators MCCAIN, HOLLINGS, and MURRAY for the hard work that culminated in this bill.

When S. 235 was considered on the Senate floor early last year, Senator TORRICELLI and I offered four amendments that we felt addressed important issues related to pipeline safety. We agreed with the sponsors of the bill that the most important of these amendments, related to the integrity of pipelines and their frequency of inspection, should be added to the bill. The bill then passed the Senate unanimously, 98–0. Unfortunately that bill remains stuck in the House, which so far has refused to act on the legislation.

The issue of pipeline integrity remains an important issue that must be addressed. I have a special interest in this matter because my own State of New Jersey was the site of a major pipeline explosion. On March 24, 1994, a natural gas pipeline exploded in Edison, NJ, at 12 midnight. Families living in the nearby Durham Woods apartment complex awoke to a deafening roar. They ran out of their homes to see a wall of flame hundreds of feet in the air. These flames were so high that they were seen in both New York City and Pennsylvania.

Miraculously, only one person died that night. However scores of people suffered injuries due either to burns or smoke inhalation. Many more lost their homes and all their possessions. And the explosion itself left a crater that was 60-feet deep.

This explosion was caused by a natural gas pipeline that was buried in the earth. There were no reports of digging in the area, nor were there reports of any other disturbances that could have set off this explosion. It was simply the corrosion that occurred in the pipeline as a result of natural conditions that allowed natural gas to leak, the gas to then ignite and an explosion to happen.

As harrowing as this tragedy was—it was not the only one. There have been natural gas pipeline explosions in other States, including New Mexico, which have been severe enough to cause loss of life. In New Mexico, 12 members of a family were incinerated when the natural gas pipeline they were camped next to exploded in August of 2000.

From 1986 to 2000, there have been 366 fatalities due to pipeline accidents around our Nation. Three hundred and forty of these were due to natural gas pipeline accidents.

This concerns me because there is currently no requirement for the regular inspection of natural gas pipelines in this country. The Office of Pipeline Safety already requires hazardous liquid pipelines to be inspected on a regular basis. But it has not yet promulgated a rule regarding natural gas pipelines. And we have waited long enough.

That is why I sponsored language requiring a 5-year inspection period for all pipelines, liquid and natural gas. It was this language which was added to the version of S. 235 that is included in this amendment. And it is this language, along with the rest of S. 235, that I hope we will include in the energy bill to move this matter forward and help ensure that this legislation gets to the President's desk and becomes law.

PRICE-ANDERSON ACT

Mr. KERRY. Madam President, I would like to make a brief statement about the Price-Anderson Act and our vote yesterday. The Price-Anderson Act, which was first enacted in 1957, limits the nuclear industry's liability in the case of an accident. Under current law, that limitation applies to all existing nuclear powerplants and would have continued to apply to all existing nuclear powerplants had the Senate not acted. The amendment the Senate passed yesterday extended the Price-Anderson Act's liability limitation to new nuclear powerplants. As I have said before, I support Price-Anderson for our existing fleet of reactors, and I support extending the life of those plants. However, I do question whether or not we need to extend this liability to new plants. I know that we are making progress in developing new, more economic and safer plants, such as the pebble bed reactors. Nevertheless, the jury is out. We don't know if these plants will be economical. We don't know whether they will need or should receive liability caps. We don't know what that liability cap should be. And we still have not solved the fundamental question of what we will do with nuclear waste. I believe we should answer that question before we build new plants and not simply leave that problem to future generations.

Mr. REID. The Senator from Idaho is here to offer an amendment on the bill. We thought previously it would be something we could do in about 5 minutes. I don't think we can do that, although we may be able to do it quickly on Monday or Tuesday.

I ask the Senator to be his usual gracious self and not offer the amendment today until we have a chance to look at it.

Mr. CRAIG. Madam President, the Senator from Nevada chairs the appropriating subcommittee on this issue. It is an authorization. I certainly want him to understand it. I will step back. I would like to move it as quickly as possible. Monday or Tuesday of next week would be fine.

MORNING BUSINESS

Mr. REID. I ask unanimous consent that the Senate proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

THE STIMULUS PACKAGE

Mr. DODD. Madam President, I will not take more than 10 minutes. I see my colleague from New Hampshire here as well. I voted against the so-called stimulus package a few moments ago. I didn't have a chance before the vote occurred to explain why I was going to cast that ballot, voting no.

Obviously, there are provisions that I strongly endorse and support, including: The extension of unemployment benefits; teacher expenses which is an item we argued about a number of years ago that I thought would be very worthwhile; and the New York recovery package—certainly I would like to see us do what we can to help New York City as a result of what happened September 11.

If those were the only issues, this would have been an easy vote. They were not the only issues. In fact, they were minor issues by comparison to what else was included in this package. Based on whatever estimates you want to rely on, at least over the next 10 years, there are $42 billion in revenue losses to the Federal Treasury.

Yesterday, the Presiding Officer, I, and others who sit on the Senate Banking Committee had the pleasure of listening to the Chairman of the Federal Reserve Board say their analysis at the Federal Reserve was that we are on our way out of this recession. The worrisome figures that indicated this recession could be deeper or be a double-dip recession apparently will not bear out. The country is getting stronger, the economy is getting much stronger.

While there may have been a strong case for this bill that just went through by 85–9—it is becoming the law of the land—and a strong case could have been made for it 2 or 3 years ago or even a number of months ago, but I do not think the case could be made for it today. Using the most conservative number, the $42 billion, that is $42 billion more to the deficits with which we are grappling, which according to the CBO, may be $120 billion in this coming fiscal year. The administration had initially said $80 billion. We are now told that over 10 years it is $1.8 trillion.

Well, $42 billion in a $1.8 trillion deficit may not sound like much, but it is when we are trying to see if we can do more, for instance, with the Securities and Exchange Commission, where we need maybe $100 million to $200 million to beef up enforcement and accounting divisions to deal with an Enron-type situation. It is a lot when we know, as a result of increasing the workload of working mothers, we need additional funding for child care, that we ought to do more on the child abuse treatment and prevention programs—to mention a couple. In transportation, we have an $8.6 billion shortfall. I don't know a section of the country that will not be hurt by that budget decision.

Yet we just took $42 billion off the table this morning by a 85–9 vote. State budget shortfalls will total more than $42 billion for the current fiscal year. A few months ago, we had a stimulus proposal on the table that would have included State assistance. The previous House version of this bill contained capped assistance for State Medicaid Programs and also provided dollars back to the States as a result of the revenue losses on the bonus depreciation. My State just lost $240 million this morning. New York lost more than $2 billion.

So on one hand we are giving money for relief and providing assistance on the September 11 tragedy, yet we will take $2 billion away from the State of New York. And again, in my state, this bill is taking $240 million! The Governor and others are wrestling with how to provide needed resources to our area.

I mentioned the $8.6 billion deficit reduction in the administration's budget for transportation. That is a huge issue in my State, as I know it is in the State of the Presiding Officer and others. Listen to what we have done and the analysis of this. The most expensive component of this bill that we just passed is the 3-year bonus depreciation provision that will costs close to $97 billion during the next three years, according to the Joint Committee on Taxation. The Congressional Budget Office, CBO, a nonpartisan budget office, concluded that allowing depreciation bonus for 3 years rather than 1 year—which is what we should have done—would sharply reduce the effectiveness of this proposal as an economic stimulus. These are their words. With a 3-year provision, firms can delay investment until well after the economy has recovered. This provision will worsen the financial situation in States which are facing cumulative budget deficits of more than $42 billion.

Unlike the last two stimulus bills the House passed and the stimulus bill the Senate Finance Committee approved last fall, this bill we adopted includes no fiscal assistance whatsoever to States to offset the State revenue offices that the depreciation provision would cost.

As I said, this bill might have been fine 5 months ago, but today it is a mistake. The provision calls for 3 years at 30 percent, but the 3-year period begins on September 11. So all investments since September 11 will qualify; new investments have to be made by September 10, 2004, long after the recession is over. This is overreaching and it goes too far. We have to learn to have a sense of balance about these things when we take these steps. In 2002, the bonus depreciation provision will cost $35 billion. This is unfortunate when I know there are many great demands. How do you not have interest rates go up if the deficit continues to mount?

On the net operating loss, I am sympathetic to some of the issues, but this provision allows a carryback to 1996—1996, as a stimulus package? It is overreaching, way overreaching.

There is a lot we did not include: There are no health care tax provisions. No rebates—the bill drops the $14 billion included earlier. No small business expensing. No general increase in small business expensing. And no State assistance.

I know there are provisions that Members did not want to be seen voting against, such as extension of unemployment benefits. I know we wanted to help out in the case of September 11 and what happened in New York. But typically what happens is we list all of these things as if they were of equal wait in the budget. They are not.

We just voted for a huge addition to the fiscal deficit of this country at a time when we are struggling to find payments for transportation, health care, child care, and education. We have a 2-percent reduction in the elementary and secondary education accounts, and the President's budget. We may change it. We just passed a bill with additional reforms for which we are going to have to pay.

This stimulus bill results in a tax increase for people at the local level. Local communities are going to raise taxes. States are going to have to raise taxes. We just made, I think, a mistake by voting for this so-called stimulus package.

Those are the reasons I cast a "no" vote this morning on that proposal.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

JUDICIAL NOMINATIONS

Mr. SPECTER. Madam President, I have sought recognition to comment briefly on the pending nomination of Judge Charles Pickering for the circuit court of appeals, which was heard by the Judiciary Committee yesterday, with the vote postponed until next week.

I support Judge Pickering because I think Judge Pickering, in the year 2002, is an appropriate nominee for the circuit court. If Charles Pickering were still a State Senator in the 1970s, I would vote against him because his civil rights record at that time was not good. But today he is a different man. This is a different time.

The opposition raised against Judge Pickering, in large measure, is about what he was as a Mississippi State Senator in the 1970s.

It is my hope that at a minimum we will send Judge Pickering's nomination to the floor of the Senate for a vote by the full Senate. The Constitution provides for confirmation by the Senate—not by the Senate Judiciary Committee. There are solid indicators that if Judge Pickering reached the floor, there would be 51 or more votes for his confirmation.

When you take into account an analysis of the comments within the beltway by those who oppose Judge Pickering vociferously, and those in Mississippi who know him best, they are for him. Those who talk about him in Mississippi talk in specifics about how he took a courageous stand against a leader of the Ku Klux Klan, about how he sided with an African American who was a defendant in a case where there was a white victim, something which was frequently not the case in the South.

This may be a warmup for the next Supreme Court nomination. We have already seen some indicators of that with some members of the Judiciary Committee saying that a litmus test should be applied, and, if a nominee will not pledge to uphold Roe v. Wade, that nominee is not appropriate for confirmation.

This is an effort, in effect, to equate Brown v. Board of Education on segregation, with Roe v. Wade. It is obvious that if someone did not support Brown v. Board of Education and desegregation, that person would not be considered fit for the Federal bench today. But to apply a litmus test more broadly is very troublesome, in my opinion.

It is my hope that if Judge Pickering receives a negative vote in committee along party lines, which seems almost certain, that at a minimum he would be sent to the floor for full floor consideration.

We ought to establish a truce—an armistice—on the partisan in-fighting which has been ongoing on nominations. When we had a Democrat in the White House and a Republican-controlled Senate, it was the mirror image of what we have today with Republican President Bush in the White house and a Senate Judiciary Committee in the Senate controlled by the Democrats. I said the same thing when we had President Clinton in the White House and a Republican-controlled Senate. I crossed party lines to vote for Judge Paez and Judge Berzon, Judge Gregory and Bill Lann Lee for Assistant Attorney General for the Civil Rights Division.

It is my hope that we will establish a protocol.

I think Senator McCONNELL was right when he said yesterday in the Judiciary Committee hearing that we are facing an "institutional crisis."

The American people do not like the partisan bickering—Democrats versus Republicans—especially when it comes to the selection of Federal judges and there is a judicial emergency in many circuits.

It is my hope that we will move ahead to try to end this partisanship.

There is solid precedent for submitting nominees to the full Senate when there is a negative or tied vote in committee. Judge Bork was defeated 8 to 5 in committee. Yet his nomination was sent to the floor for consideration as a Supreme Court nomination.

Justice Clarence Thomas had a tie vote in the committee of 7 to 7, but by a vote of 13 to 1 his nomination was sent to the floor.

Six nominees for district court or circuit courts have been sent to the full Senate when they did not receive an affirmative vote in committee—since 1951.

We still have time to revise the thinking on Judge Pickering. We still have time for an analysis on an appropriate way to handle Judge Pickering. But I submit that we ought to establish a principle from the Judiciary Committee that, if the vote is strictly along party lines, the matter be put before the full Senate for consideration.

I thank my distinguished colleague from New Hampshire for allowing me to precede him on the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

METHYL TERTIARY BUTYL ETHER

Mr. SMITH of New Hampshire. Madam President, I want to speak briefly on four issues this morning. Let me start, first, with the issue of MTBE, which is probably not a household word in many States. It is methyl tertiary butyl ether. I will be calling it MTBE from now on in these remarks.

Over the past few years, countless families and businesses in my State and throughout the Nation have learned firsthand the devastating effect of this gasoline additive known as MTBE. It is in our drinking water. People can't shower because of the smell. They cannot drink the water. Their homes have to have three or four huge tanks with filters in order to be able to drink and use their water. It depreciates the value of their home. This is a real problem nationally.

Fortunately, there is help on the way. I am very pleased that the energy package we are now considering finally contains a solution.

I thank the majority leader for including my legislation in the Federal Reform Leaded Fuels Act in the energy package that we are debating. This legislation was voted out of committee both last Congress and this Congress. I am pleased that it will finally get a vote, I hope, on the Senate floor.

I thank a lot of people who helped. This does not come easy. We all have strong views. We have a number of different interests: Those who produce the MTBE, those who produce ethanol, those who refine gasoline, those regions of the country that can't use ethanol for various reasons, and those who are worried about the higher cost, if they do.

It took a lot of compromise and a lot of negotiations, which we have been working on now for many months—particularly Senator REID of Nevada, Senator VOINOVICH, Senator JEFFORDS, Senator INHOFE, Senator KAY BAILEY HUTCHISON, Senator HAGEL, and Senator MURKOWSKI—there are others, but in particular their hard work and cooperation with my staff.

I also want to say that the refiners, the ethanol producers, the environmental groups—all of them—have worked with me over the last few years to reach a consensus. It was not easy, that is for sure, with so many diverse issues and views.

I thank all of them for negotiating in good faith and keeping the work product to ourselves as we went through this.

The result is good. It is a comprehensive legislative package that protects our drinking water while preserving air quality and minimizing negative impacts on gasoline prices and supply.

Understanding where we are, it is worth taking a step back to discuss how and why we got to this point.

In 1990, the Clean Air Act was amended to include a reformulated gasoline program. This program requires clean burning gasoline in specified areas with high levels of air pollution. Four counties in southern New Hampshire chose to participate. The program has been successful in achieving the air quality benefits beyond our requirements.

Unfortunately, one provision of the program mandates the use of an oxygenate in areas that use reformulated gas, requiring States to use MTBE or ethanol. Because New Hampshire is far from ethanol production, economics dictated that MTBE be chosen as the oxygenate. There was also concern with the impact ethanol could have on the air quality of New Hampshire, particularly the potential of increased smog.

So the State chose MTBE. Of course, at that time no one was aware of the looming nightmare as a result of that choice. What we put in the gasoline to clean up the air has now contaminated our water.

How does that happen? Because the tanks underground that hold the gasoline leak, or after you fill up your tank with gasoline and you take the nozzle out, a drop or two of the gasoline may hit the pavement, and then it washes away into our ground water.

I remind all who are listening to me now, think about that when you put that nozzle back: Don't let any of that gasoline drip, not even a drop, because it goes so quickly into the water supply.

MTBE is a clean, cheap gasoline additive that boosts octane. It is a very effective product. But it migrates through the ground and into the water table and the aquifer very quickly and diffuses quickly. At even low levels of contamination, MTBE renders water unusable because of its foul odor and taste.

Particularly hard hit by the MTBE contamination are the communities in the southern tier of New Hampshire, such as Salem, Derry, and Raymond. I have come to the Senate Chamber on several occasions to speak specifically about these families and small businesses that have been impacted by the MTBE contamination, continuing to reiterate the desperate need that the Senate take action. Time after time, in committee, month after month. I have almost begged the Senate to take action on this matter because it isn't fair that people, in the interests of making a profit, selling one product, should do it at the expense of those whose health is being impacted by contaminated water.

I spoke to the Miller family—Christina and Greg, and their son Nathan—who live in Derry, NH. This young family has been struggling for over 3 years with MTBE contamination in their well—not being able to drink the water, not being able to shower. I have spent time at the Four Corners Store and surrounding homes in the town of Richmond. Gasoline in those tanks spread from that location into the aquifers of the surrounding homes. This plume has contaminated a number of private wells near that store. I visited some of those families who have those wells. We went down in the basements and saw these large tanks with filters. When a prospective buyer comes to look at the house, what are they going to think? The first question is: What is this?

The Goulas and Frampton families were kind enough to invite me into their homes and show me this massive treatment system that had been installed by the State. The answer is, yes, we are getting the filters, we are getting the help, the remediation we need, but that does not take care of the problem.

We do not want more homes contaminated. Once we remove the MTBE, then it is not going to get anymore into their wells. Once it is cleaned up, they will be able to use their water again.

We take for granted, in this country, the fact we can turn that faucet on and get a clean drink of water or take a shower and not have to smell the water. These are cumbersome systems that have to be set up, and costly to operate, not to mention the concerns and fears they face on a daily basis.

There are hundreds, maybe thousands, of stories similar to these New Hampshire examples of nightmares that are the result of MTBE contamination.

We made a mistake. The Government made a mistake. They put MTBE in gasoline to clean up the air, not knowing the harm they were doing. We did not do enough research and science, and we made a terrible mistake. We have to correct it. We have to do it now.

To help understand the magnitude of the problem in New Hampshire alone, it is worth noting just a couple of statistics.

The State Department of Environmental Services in New Hampshire estimates that up to 40,000 private wells in New Hampshire have some MTBE contamination.

In the year 2000, over 16 percent of the public water supplies had detected levels of MTBE. Almost 20 percent of that public water with MTBE contamination is at levels above the State drinking water standard.

The State has had to buy bottled water. I mentioned the installation of the expensive treatment equipment with contaminated wells.

Currently, New Hampshire has two dedicated State funds and a federally funded program that are used to address MTBE problems.

During discussions with State officials, I learned that the money is running low and will soon run out if new sources of funding are not found. This is a crisis. We have to deal with it.

New Hampshire is not alone. Many other States have had to address problems from MTBE contamination. I know the distinguished Senator from California, Mrs. FEINSTEIN, and I have talked about this a number of times.

This is a bipartisan issue. It is not a partisan issue. This is a national problem. It has to be addressed at the national level because to not do so would force communities to say, we are going to ban MTBE, and they would be in violation of the Clean Air Act.

So this legislation I have written is an effective solution. I am pleased that the energy package includes the text of that legislation. Specifically, it bans MTBE, provides money for the cleanup of MTBE, eliminates the oxygen mandate in the RFG program, and maintains the current level of air quality protection. There is no backsliding.

In addition, the legislation requires the EPA to conduct an expedited review of State petitions to suspend the oxygen mandate in the RFG program. If the EPA fails to complete the review of a State petition within 30 days, the petition will automatically be granted. This provision could allow New Hampshire to begin to eliminate MTBE from the fuel system even before the oxygen mandate is lifted.

I have promised to help New Hampshire in any way possible to stop the use of MTBE and I promise those families the same thing. We owe it to them. The Senators who are not from New Hampshire owe it to them, as I would help those in other States who have similar problems. And there are those in other States who have similar problems.

Finally, the language includes $2 million for the research of techniques to clean up bedrock contamination and to establish a clearinghouse for sharing the information. This is a huge increase beyond the pilot study currently funded.

The greatest difficulty, according to Dr. Nancy Kinner, a scientist from the University of New Hampshire, is tracking and cleaning up MTBE in fractured bedrock. This research will help to address that problem. It has not been an easy deal to reach, but a lot of people participated. They came in with the right approach, understanding the desperate need those families have.

Again, I thank the majority leader, and all of the Senators involved. I particularly thank Chris Hessler and Melinda Cross from my staff for their help, and Dave Conover, of course, for his assistance in helping me to work through this.

Madam President, I see there are no other Senators in the Chamber. I ask unanimous consent to speak for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JEFFREY HOWARD

Mr. SMITH of New Hampshire. Madam President, there has been a lot of discussion about the Pickering nomination and about the delay in approving judges. It seems to be a perennial issue. Senator SPECTER just spoke about it. But there are times when we need to put some of these partisan feelings behind us and look at some of these nominations.

I rise to discuss the nomination of Jeffrey Howard to be a justice for the First Circuit Court of Appeals. Attorney Howard is like many other of President Bush's nominees who have yet to even receive a hearing. These men and women whom we nominate, their lives go on hold. They have law practices. They have responsibilities. They have families. What do you do?

Jeff Howard is a young man. He has a family. He was nominated on August 2, 2001. I was pleased to have been the prime mover and sponsor of that nomination because Jeff Howard is extremely well qualified for this position. But his nomination, with all due respect to the chairman of the Judiciary Committee, has now been pending for 217 days.

The vacancy he was nominated to fill was formerly held by Judge Norman Stahl. This vacancy was created on April 16, 2001. You may want to keep this in mind. We are almost to the first-year anniversary of the creation of the vacancy, and yet, how does he conduct his law practice? How does he take on new clients? What does he do?

His paperwork has been complete since September 20, 2001. Both Senator GREGG and I returned our blue ships—that means approval slips—on September 20, 2001. There is no reason this nomination cannot have a hearing. There is no controversy here. He should have a hearing.

Jeff Howard has an impressive array of legal experience that well qualifies him to be a Federal appellate judge. He served as U.S. attorney for New Hampshire from 1989 to 1993. In that post, he litigated numerous cases at both the trial and appellate levels and was a member of the Attorney General's Advisory Committee of U.S. Attorneys.

For his efforts, he received the Attorney General's Edmund Randolph Award as well as the U.S. Attorneys' Award.

He has Federal experience that includes a stint as principal associate deputy attorney general at the U.S. Department of Justice from 1991 to 1992. He performed this job at the request of former Attorney General Bill Barr. In addition to his work as U.S. attorney, he served as attorney general of New Hampshire from 1993 to 1997 and deputy attorney general in 1988 and 1989. In these State and Federal capabilities, Jeff Howard has been involved in thousands of litigated matters covering the full range of issues that are going to come before him as a Federal judge.

In particular, he has been either on the brief or lead counsel in more than 100 cases in the First Circuit, the court to which the President has nominated him. Over the last 10 years, he has performed approximately 2,500 hours of pro bono work for victims of domestic violence.

He grew up on his grandfather's dairy farm in Cornish, NH, and later graduated from Plymouth State College with a B.A. and later Georgetown Law School, and he was editor of the American Criminal Law Review.

This is a well qualified judge. He should be on the court. He does not deserve this kind of treatment. How are we going to get good people to come forth and take these jobs when their lives are put on hold for years, sometimes, let alone months and days?

The circuit court nomination pace is incredible. During the first year of the Clinton administration, only five court of appeals nominees were nominated. Of those five, three were reported out that same year. That is 60 percent of President Clinton's court of appeals nominees. In contrast, President Bush has nominated 29, and the committee has only reported 6. That is 21 percent. There were only two circuit court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, there were 23 of President Bush's circuit court nominees pending in committee at the end of last year.

It is unfair to compare the first years of the second Bush administration and the Clinton administration by looking only at the mere number of nominees confirmed. This approach fails to take into account the fact that President Bush chose to nominate 24 more circuit court nominees than President Clinton did. We can get lost in the numbers, and I don't want to go through it.

I just repeat that Jeff Howard is as highly qualified a judge for the First Circuit as any judge I have seen. Yet we still have the nomination pending without even a hearing. His life is on hold. His family's life is on hold. I appeal to the chairman of the Judiciary Committee to give this good, decent, honorable judge a hearing so we have the opportunity to bring his nomination forth and put him on the bench where he belongs and where I was proud to support him.

NOMINATION OF CHARLES PICKERING

Mr. SMITH of New Hampshire. Madam President, I rise to discuss the nomination of Charles Pickering. Senator SPECTER just spoke on it.

This is a tragedy, when we have to drag people through the mud when they get finally to the hearing process, as Charles Pickering has. He is a man whose name is being dragged through the mud, even though people in his hometown of all races and creeds are praising him and saying: Whatever mistakes he made in the past, we understand. He has moved beyond that. He is a good man. He ought to be on the bench. Yet here we are, stuck with probably seeing a situation where Charles Pickering will be defeated by one vote on a party-line vote and not be allowed to come to the floor.

Why not give the Senate a chance? It is done. Maybe it has not been done that often on circuit court matters, but it has certainly been done many times with Supreme Court Judges. I hate to say it because I will not get into the partisan rhetoric here, but this is a classic case of getting "Borked" again. We all know what Judge Bork went through, and Clarence Thomas. We know what John Ashcroft went through.

Is this the way to treat people? Just be fair about it. If we are going to hold people accountable for every single mistake they make in life, then we will have to have perfect people. I don't know too many perfect people walking around this Chamber. If there is anybody in this Chamber who has not made any mistakes, they probably should vote against Pickering.

This is ridiculous. He is a good man, a good judge. To have his name dragged through the mud is disgusting. I hate to see it. It reminds me of the Ashcroft hearing, of the terrible things said about Clarence Thomas and, of course, Robert Bork. Bork was probably one of the most qualified people ever to even be nominated for the Supreme Court. Whether you liked him or disliked him on his views, he was still qualified. The last time I looked, a President had the right to pick somebody of his choosing, of his philosophy.

I voted for I don't know how many Clinton nominations to the Supreme Court, to the Federal court system. I didn't expect to get Reagan-type judges out of Bill Clinton, but he was the President. I supported most of them unless there was some particular thing that, in my view, made them not qualified.

To echo what Senator SPECTER said, it is my hope we will move this nomination to the Senate floor and let the Senate make the decision. That is not unreasonable. The committee is deadlocked on a partisan vote. Bring Judge Pickering out. If he loses, fine; if he wins, fine. But let him have a vote. He deserves that. At worst, we can say maybe some of the things are true. How do you know whether what he said and did 30 or 40 years ago is over now? Can you be the judge of that? Let all 100 Senators make that judgment. I would like to have a chance to have a vote on that.

THE NOMINATION OF JOE SCHMITZ

Mr. SMITH of New Hampshire. Madam President, the final item I rise to discuss involves another nomination, but not for the judiciary. It is the nomination of Joe Schmitz. I have already submitted a statement for the RECORD, but I want to say this in the Chamber because I believe strongly in it.

Joe Schmitz was nominated for the inspector general at the DOD. This is a position among the most important in the Department because the inspector general's office is responsible for ensuring accountability and efficiency, and therefore it is the heart of the integrity of the Pentagon.

There have been numerous scandals in the IG's office in the recent past. Essentially, the inspector general's office has been rudderless without a confirmed nominee now for 3 years. With the IG's office in disarray, there is the impression left that the Department is without proper and necessary oversight. It is more than impression; it is fact.

I am also told that the IG's office has been leaderless, headless, for some 10 years—over the past couple decades, which is a disgrace when you stop to think about it. Without strong leadership, direction, and motivation, no office can function efficiently and effectively.

Secretary Rumsfeld needs an inspector general. If you stop to think about the job Donald Rumsfeld has done as the Defense Secretary in this country, the way they have responded, the way they have conducted themselves in countless briefings, and the way they have administered the war and come back after the terrible events of 9/11, he deserves an inspector general. He deserves Joe Schmitz because that is his choice. We are, after all, at war. Remember that.

It doesn't seem to bother those who are deliberately holding up the nomination of this good man. He was the Secretary of Defense's choice, the choice of President Bush in this important post.

This is not a lifetime appointment. This is not a judge. This is an appointment of who President Bush and Secretary Rumsfeld want to be inspector general for the Defense Department at a great critical time. He is an individual with a strong background for the job, with impeccable personal and professional credentials. I hope we move forward expeditiously with this nomination. It has been cleared by the Armed Services Committee by voice vote and the Governmental Affairs Committee, yet it is on the calendar with no action.

Individuals who undergo the nomination process put their names and reputations on the line. They open themselves up for intense scrutiny of their past employment, finances, conduct, associations, somebody's opening every door—everybody who wants to say something negative about you, they find. They interview you.

He has been held up long enough. There are no ethical issues impacting this nomination. He has received strong recommendation from those who know him and have worked with him, regardless of party affiliation. You will find it on both sides. Joe Schmitz was a superlative choice by Secretary Rumsfeld and President Bush, and he will make an outstanding attorney general, and that is a fact.

The Senate needs to act. Again, I put this nomination in the same box with Charles Pickering and Clarence Thomas and Robert Bork and John Ashcroft and others. Why do we have to put people through this? Why do we have to attack them publicly in nomination hearings? If you have a problem, be man enough to sit down and talk with them. If I have a problem, I bring them into my office and talk to them privately. If there is still a problem, I might have to say something publicly; but for the most part, if I know something and I need an answer, I am man enough to bring the person in, sit him or her down and say: Here is what I want to know.

It is not real bravery and courage to sit up on the dais in Senate hearings, with the nominee sitting down at the table, and you are pounding away on him, criticizing him in front of everybody. You have the gavel, you are the Senator, what is he going to say? He has to sit there and take it in order to get this job. We do it and we character-assassinate people day in and day out. It is not right. We wonder why we can't get good people to serve and why there is so much exasperation and condemnation about the people who serve in government. That is why. It is not right.

Schmitz is a good man. I say to my colleagues who have the power to make it happen: Get him on the floor of the Senate and let's vote and give Don Rumsfeld his inspector general.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ECONOMIC RECOVERY BILL

Mr. DASCHLE. Mr. President, earlier this morning, we had the opportunity to vote on the economic package that we have been working on now for some period of time. Our deliberations on this subject began almost 6 months ago.

In fact, I do not think that the timing of this action is a coincidence. Monday will mark the 6-month anniversary of September 11. It will also be the days that workers who lost their livelihoods on September 11 will exhaust their unemployment benefits.

Those who have until now opposed a bipartisan economic recovery bill, and the unemployment insurance extension it includes, have wisely decided to relent in their opposition before the anniversary of that awful day arrives.

Two months ago, I proposed a common-ground economic recovery bill that contained only provisions supported by both parties. It included a 13-week unemployment extension, tax rebates for persons left out of last year's tax cut, business tax cuts to spur investment and create jobs, and fiscal relief for the states.

In an attempt to break the logjam and bridge disagreements between the parties, Democrats agreed to give up the economic priorities we had pressed last year, but which were opposed by Republicans. In exchange, we proposed that Republicans give up their priorities which were opposed by Democrats—namely, repealing the alternative minimum tax for corporations, including Enron, and accelerating the rate cuts enacted last year.

Regrettably, Senate Republicans blocked that measure, despite the fact that when votes were taken our consensus package received 56 votes, while the Republican bill had just 48 votes.

The bill we have just approved is similar in its approach. Like the common-ground bill Democrats proposed in January, it leaves out the highly controversial proposals Republicans insisted on previously. And it includes a top priority for Democrats—an extension of unemployment insurance. For these reasons, I support this legislation—although I would point out one serious omission.

As I said, our bill included one year of fiscal relief for the states through an increase in the match rate for Medicaid. Sixty-two Senators voted for an amendment to provide this relief for 2 years. Unfortunately, the bill passed by the House does not include this important measure.

This fiscal relief provision is the top priority of the bipartisan National Governors Association. It would assist States with the serious revenue shortfalls they are experiencing as a result of the recession. Given the adamant opposition of some Republicans and the difficult time constraints under which the Senate is operating, it is not possible to address this issue in the time available to us this morning.

I say to the opponents of State fiscal relief: Dropping this provision is a serious mistake, and one I believe they will regret. In the long run, I do not believe we can avoid dealing with this problem.

There are other measures in this bill some of us might have written differently. Many of us would prefer a shorter time period for the bonus depreciation provision, for example, but on balance, the bill is a vast improvement over what Republicans and the administration advocated originally, and I believe it deserves the support it received this morning. I am grateful for its passage.

Mr. BYRD. Mr. President, today the Senate at long last passed a thirteen-week extension of unemployment benefits.

This is a relief to over 3,000 workers in my State of West Virginia who have exhausted their regular unemployment benefits since September 11, 2001, and, it is help that could have—and should have—been provided sooner, if it had not been delayed unnecessarily by those who have sought to provide tens of billions of dollars in tax cuts for a so-called "economic stimulus."

Much has changed since an economic stimulus was first proposed in response to the September 11 attacks. The economy is growing again, business investment is on the rise, and workers are returning to their jobs. Both the stock markets and the economy have proved to be more resilient than economists had expected.

And so I find it difficult to accept the argument that $43 billion in tax cuts is necessary to ignite an economic expansion that appears to be already underway.

What is more, I find it difficult to support legislation that would result in a further erosion in the budgets of state governments. I served in the West Virginia Legislature, and I understand and sympathize with their budgetary constraints. The depreciation provision that was included in the bill that was passed today is projected to cost my state $86 million in revenue. My State cannot afford to lose that revenue.

The Federal budget position is not much better, Mr. President. This year's budget and appropriations process promises to be very difficult, and tough choices will have to be made. With projected deficits for the current and upcoming fiscal years, the mounting costs of our military efforts abroad, the need to improve our homeland defenses, and the long-term financing problems facing Social Security and Medicare, I could not in good conscience vote to spend $51 billion to spur an economic expansion that, as Federal Reserve Chairman Alan Greenspan told the Senate Banking Committee yesterday, is already well underway.

What is unfortunate, is that in opposing this package of tax cuts, I was forced to oppose a number of tax provisions that would aid the City of New York. I have tried to be helpful to the people of New York State in the aftermath of the September 11 attacks. Last year, I helped to secure $11 billion through the Appropriations Committee—almost $2 billion more than was proposed by the president—to help New Yorkers rebuild their city.

Nevertheless, I am glad a thirteen-week extension of unemployment benefits has at last been approved, and am only sorry that it could not have been provided sooner and without tens of billions of dollars in what is likely to be unnecessary stimulus.

Mr. LEVIN. Mr. President, although I strongly support an extension of unemployment insurance benefits, because this bill—which is called a stimulus bill—would in reality have a detrimental impact on our economy, I cannot support it.

First, while I agree that bonus depreciation for corporations should be included in an economic stimulus package, this bill provides it for three years. The package is intended to stimulate the economy now, in 2002. Giving a company 30% bonus depreciation in 2003 and 2004 does not help stimulate the economy in 2002. The incentive to invest now, when we need it, is not just missing. In fact, since companies know that this bonus depreciation will be around for three years, they don't need to invest now when the economic picture is still uncertain. The incentive will be reversed—companies can choose to delay investments and still take advantage of the bonus depreciation in 2003 or 2004. A three year bonus depreciation provision therefore could actually encourage businesses to wait to invest, and therefore be counterproductive to the goal of jumpstarting the economy.

Not only is the bonus depreciation provision not stimulative, it is also extremely expensive. This provision will cost us about $97 billion over the next three years at a time in when we are already projected to tap into our Social Security surpluses. That's almost 80% of the three-year cost of this bill in this one provision alone. If we passed bonus depreciation for two years or one year—time periods which may actually encourage immediate investment and stimulate the economy—we would save anywhere between approximately $30 billion to $60 billion in revenue. That's money we could use to help protect Social Security, pay down the debt, pay for a prescription drug benefit, or rebuild some of our nation's crumbling schools. Instead, under the guise of "stimulus," this tax break for corporations will have real impacts long after this recession has ended. That's bad policy, and I cannot support it.

Also, this bonus depreciation provision will severely harm our states at a time when many are facing severe budget shortfalls. The bill is estimated to cost states some $14 billion over the next three years; Michigan will lose an estimated $144 million over the next three years from this bonus depreciation provision. That is money Governor Engler has argued Michigan cannot afford to lose. Instead of stimulating growth in our states, we are making the economic picture worse.

I also have concerns about the five year extension to the Subpart F exceptions concerning foreign subsidiaries of U.S. corporations located in tax havens. While many Subpart F exceptions have a valid business purpose, there are loopholes in the law that are being exploited that allow some corporations to combine the exceptions with the use of tax haven jurisdictions to avoid paying a fair share of taxes. Most extensions in this bill are for no more than two years, but the extension for Subpart F in this bill is for 5 years. That's not appropriate given concerns about loopholes in Subpart F. I had hoped we would have provided the extension for no more than 2 years during which time we would have hearings on this important issue to get to the abuses. Instead, this bill extends the exceptions, unchanged, for five years time at a cost of $9 billion. This issue is something I will continue to pursue. Tightening up Subpart F to prevent it from being used for purposes for which it was not intended requires our prompt attention.

There are some important provisions in this bill. I strongly support the extension of unemployment benefits for an additional thirteen weeks; I support the aid to New York City; and I support the extension of the Welfare to Work and Work Opportunity tax credits. Regarding the extension of unemployment benefits, I voted earlier this year for a bill to accomplish that. Congress should have taken this action months ago. As I have said previously, we have an obligation in times like these to assist Americans who have lost their jobs. Many are suffering right now and need our help. But their needs go beyond just a simple extension of UI benefits. While I am pleased that this bill contains the additional 13 weeks of benefits, it does not go nearly far enough in providing the help that is needed—it does not provide any health care assistance to our unemployed, increase weekly benefits, or expand unemployment insurance eligibility.

Because of this bill's short-term costs, the harm it causes to our states, its lengthy extension of a provision that may be being abused for tax avoidance, and the fact that over 50% of its 10 year costs go to provisions that are not really stimulative to our economy, I cannot support it.

Mrs. CARNAHAN. Mr. President, today I am pleased to vote in favor of legislation that will extend unemployment benefits for workers across America who have lost their jobs since this recession began last March. Congress ought to have acted much sooner. Thousands of people have exhausted their unemployment benefits and have had to resort to extraordinary measures to take care of their families while they look for another job. They should not have had to wait this long for assistance. I am relieved that they will not have to wait any longer.

This bill also provides tax relief to businesses in order to boost the economy and ensure a robust recovery. I have long supported provisions to provide bonus depreciation and net operating loss carry back to businesses. I believe that these steps will help our economic engine create more jobs. This legislation also includes tax provisions that have recently expired or are about to expire. It extends the Welfare to Work tax credit which is so vital to our hopes for renewed economic growth. And it provides tax deductions to construct the infrastructure necessary for the widespread use of renewable fuels such as ethanol.

In addition, I strongly support the measures included in this bill that will contribute to the recovery of New York City. The devastation suffered in lower Manhattan last September will be difficult to overcome. It will take a long time. But all Americans want to see the city reclaim its standing as a proud center of commercial activity. The measures included in this legislation are an important step in that recovery process.

Let me state for the record, I have some reservations about this bill. I do not believe that this is the best stimulus package the Senate has considered this year. I strongly supported the consensus package offered by Senator DASCHLE in January. That bill would have provided tax rebates to those low-income Americans who did not receive them last year. It would have limited the business tax incentives to a shorter timeframe, thereby really promoting investment in the near future. I have also been very supportive of efforts to help unemployed workers secure health insurance for themselves and their families. I am very disappointed that this legislation make no progress on that front.

And most important, Senator DASCHLE's bill included financial assistance to our states that are facing such dire fiscal crises. I supported increasing the Federal matching money for the Medicaid program to help states meet the additional demands for social services that are being placed on them as they respond to the economic downturn. Most states do not have the option of engaging in deficit spending, no matter what the circumstances. Yet the legislation we have before us today will make their job more difficult. Rather than lending a helping hand to states, we have just reduced their tax revenues. I believe this is the largest failing of this bill. And I will continue to work with my colleagues to find ways that we can help states cope with the pressure on their budgets.

In spite of its flaws, I support this compromise legislation. It is not the bill I would have crafted myself, but I believe that every Senator here could make the same statement. this is a compromise. And on balance this legislation will be good for our economy, and is vital for those workers who are still struggling to find new jobs.

Mr. BAUCUS. Mr. President, the Job Creation and Worker Assistance Act of 2002 contains a package of technical corrections to EGTRRA, the tax cut bill we enacted last year. Among these technical corrections is a provision that corrects an unintended drafting error that prevented increased contributions to Simplified Employer Pension plans—also known as SEPs. Congress raised the percentage of compensation limit on all defined contribution plans, but the drafters failed to make the conforming change that would also have raised the percentage of compensation limit on SEP plans by an equal amount. Clearly, we intended to include SEP plans when we raised the compensation limit for defined contribution plans. As a result, this technical correction is entirely appropriate.

There is no doubt this Congress intended for employers who sponsor SEPs for their workers to be able to contribute the maximum annual amount that we authorized under the law. However, we also intend that SEP plans comply with the law just as all other pension plans must.

The Treasury Department has authority under existing law—Internal Revenue Code Section 408(l)(1)—to impose reporting requirements on SEPs. However, such requirements have not yet been implemented through any regulation.

The Internal Revenue Service has indicated many SEP plan sponsors may not be in compliance with rules that require SEP plan contributions be provided to rank-and-file employees along with owners and key employees. Much of this noncompliance may well be the result of the absence of reporting requirements.

The tax subsidy for SEP plans is a substantial one, and under the provisions of EGTRRA and this technical correction, that subsidy will grow significantly.

Had this tax package gone through the usual legislative procedure—including a conference from which a conference report containing legislative history would have emerged—it would have included committee report language urging the Treasury Department to exercise their existing statutory authority under IRC Section 408(l)(1) to impose reporting requirements on SEPs.

In the absence of such a committee report, I urge the Treasury Department to act expeditiously to issue clear, simple SEP reporting requirements so that Congress can be confident that those working for SEP plan sponsors are getting all the pension benefits to which they are entitled.

Ms. CANTWELL. Mr. President, I rise today to impress on my colleagues just how important this legislation is to the workers in the Nation who have borne the weight of this recession that was so exacerbated by the September 11 incidents.

My colleagues have heard me say this again and again, but the Pacific Northwest has suffered extraordinarily in the past year. My State of Washington now has the dubious honor of having the second highest unemployment rate in the Nation, behind our neighboring State Oregon.

We had a seasonally adjusted unemployment rate of 7.5 percent in January—and the insured unemployment rate is above 5 percent.

I have analysts in my State who foresee a wave of layoff notices in the pipeline and estimate that the State is going to hit 8 percent unemployment when the February numbers come out later this month.

Why is this the case? Well, we have a number of factors at work. I would like to give my colleagues a better understanding of the economic circumstances affecting my State.

Even prior to the tragic events of September 11 and even prior to the recession that may have begun in the early months of last year, Washington's economy was facing hurdles.

We have seen significant layoffs in aluminum, agriculture, and high technology—due to persistent droughts, the high cost of energy, massive reductions in timber harvests, and declining export markets.

My State is the most trade dependent State in the Nation on a per-capita basis, and September 11 had a devastating impact on the aviation industry. In October, the Boeing Company announced that it will lay off an estimated 30,000 commercial division workers. Approximately 80 percent of those workers are located in the State of Washington.

The first layoff of Boeing workers—nearly 4,000—occurred on December 14, and the company set a schedule of layoff notices for the following months that predicted twelve-to-fourteen hundred job cuts per month through June of this year.

But it does not stop there. We have seen from previous recessions that when a Boeing worker is laid off, approximately two more jobs are lost further down the supply line.

So where does that leave us? When all is said and done, we will probably have at least 40,000 layoffs in our State that will be attributable to the events surrounding September 11. Some projections suggest that the number may go as high as 65,000.

I mentioned previously our statewide unemployment rate of 7.5 percent, but even more unsettling is the fact that 14 of Washington's 39 counties have unemployment rates above 10 percent. In Ferry County, we are facing 15.1 percent unemployment. That same figure is 13.3 percent in Franklin County, 16.8 percent in Adams, 12.1 in Chelan, 11.5 percent in Grays Harbor, and the topper is 17.1 percent in Klickitat.

If this is not an emergency, I do not know what is.

That is why we have insisted, for months now that the Senate pass a simple unemployment insurance extension of at least 13 weeks.

It is extremely disconcerting for me to know that so many workers displaced after September 11 have already reached or are nearing the end of their benefits eligibility. Since September 11, about 1.3 million workers have exhausted their unemployment benefits throughout this Nation. In Washington State alone, more than 42,000 workers exhausted UI claims from September 11 through the beginning of March.

And at the same time, heavily affected States and workforce areas throughout this Nation are running out of training dollars.

That is why I and my colleagues have fought for emergency training dollars; that is why we have fought against cuts in WIA funding that were proposed in budget; and why we have fought for this temporary extension in UI benefits.

This is about giving workers a chance to get back on their feet. It should also be our priority to invest in training those workers, so that we'll be ready with the highest-skilled workforce when we get the economy jumpstarted again.

My State has taken an aggressive approach to retraining our workforce, and has invested State dollars to provide the necessary support for displaced workers to put food on the table while they get skills training.

This is the direction that our Nation should be heading—and it is one that we should be encouraging as we finally take this step to get the federal aid to the States. With the help of the majority leader in February, we were able to pass a clean 13-week unemployment benefit extension that took into account the unique situation of States that have aggressively worked to provide more substantial benefits for displaced workers. The majority leader and his staff have been tremendously helpful in recognizing these concerns and ensuring that we were providing the maximum assistance to all States.

I want to be clear, I am extremely pleased that the House has finally come to the conclusion that workers are desperate for this 13-week federal support, and has finally set politics aside to do the right thing for our workers, and our Nation as a whole.

I have worked to ensure that the language of this legislation is consistent with the extended benefits offered by our State—so that one of the most heavily impacted States in the Nation is able to fully benefit from what we are doing today.

I understand that the Department of Labor has promised to provide a letter of interpretation of the House-passed legislation that is expected to clarify these issues, and specifically, the technical order of benefits that workers will be expected to receive. I urge the Secretary to get this assurance to us immediately, so that our State can plan to meet the needs of workers who have exhausted or will soon exhaust their benefits.

It was my intent, and I understand it was the expressed intent of the drafters in the House, to provide the 13-week temporary federal UI benefit immediately after the expiration of regular State unemployment insurance benefits—which is typically 26 weeks.

While I am disappointed that the House language is not explicitly clear on this matter, as was the Senate bill, I am pleased to hear that the Department understands our intent and will reportedly carry out these provisions in keeping with that intent.

I will be watching to ensure that the Secretary follows through on this commitment and puts the Department's priority where it should be—on providing as much assistance as possible to the areas of this Nation that desperately need it—and to provide it in a timeframe that truly reflects the urgency of the situation.

Again, I appreciate the phenomenal work of the majority leader and the entire Senate in doing its work on this bill months ago; and now that the House has finally come to the table, I urge that we move quickly to get it enacted and get extended benefits out to workers who need it most.

Finally, I will add that I am pleased with the targeted business tax incentives contained in this stimulus package. By providing both bonus depreciation for capital investments, and increased write-offs for business losses, we encourage economic expansion and development. By giving workers the resources to invest in themselves through training, education and health care, we provide the means for this expansion.

Additionally, I am pleased that this package contains the so-called tax extenders that promote research and development across so many industries in our country.

The country is at an economic crossroads and the choices we make today will affect us for years. We must maintain our fiscal discipline and invest in the nation's future business, education and worker needs.

The package we are approving today invests in the next generation of our economy as businesses recover from the weakened economy.

ECONOMIC STIMULUS IN THE NORTHWEST

Mrs. MURRAY. Mr. President, I rise today with my colleague from the State of Washington to impress on this body just how important elements of this legislation are to the workers in the Pacific Northwest and the Nation.

As my colleagues know, Washington and Oregon have the highest unemployment rates in the Nation right now.

The economy of the Northwest has been struggling for some time and September 11 only made things worse.

Last year, Boeing, Washington's largest employer, announced they would be cutting 30,000 jobs within a year. Most of those jobs would be out of Washington State. To date, 10,000 dedicated Boeing workers have been handed their pink slips. That number doesn't include the thousands of jobs that are being lost by those dependent on Boeing.

Washington State is also a high-tech dependent State. The downturn in that sector has left many in the Northwest without a job.

These massive lay-offs, uncertainty in the economy, and fear of another terrorist attack have crippled the economies of the Northwest.

We are expecting that the layoffs may reach 40 to 65,000 by the end of this year.

So the importance of the legislation is paramount—but the devil's in the details—and so we have worked to make sure that the language passed by the House will provide the maximum stimulus possible to workers throughout this Nation.

My colleague, Senator CANTWELL, has been diligent in monitoring this legislation and we have worked in tandem to ensure that States in such great need do not have their support decreased because those States have proactively made efforts to provide extended benefits to workers in advance of the passage of this legislation.

I understand that the majority leader has agreed to engage in a colloquy on this matter with myself and Senator CANTWELL so that we may clarify that the legislation will, in fact, have it's intended stimulative impact on our State.

At this time, I yield back to the majority leader and look forward to his response.

Ms. CANTWELL. If the majority leader yield for a question, I thank the majority leader and my colleague Senator MURRAY.

I am pleased to join her in support of this legislation.

My colleague shares my concern over the serious situation in our State and throughout the Northwest. In Washington State alone 42,070 workers exhausted UI claims from September 11 through the beginning of March; and 14 of Washington's 39 counties have unemployment rates above ten percent.

If this is not an emergency, I do not know what is.

That's why we have insisted for months now that the Senate pass a simple unemployment insurance extension of at least 13 weeks.

But, we do want to make explicitly clear how the bill will conform with state laws providing extended benefits, so that we preserve the intended purpose of this legislation.

I cannot emphasize enough how pleased this Senator is to have this legislation finally approaching enactment. I am extremely pleased that the House has finally come to the conclusion that need this 13-week Federal support, and has finally decided to do the right thing for our workers, and our nation as a whole.

But we have meticulously worked to ensure that the language of this legislation would conform with the extended benefits offered by our State, so that one of the most heavily impacted States in the nation is able to fully benefit from what we're doing today.

The distinguished majority leader worked very hard with us last year and earlier this year to craft language that would achieve this purpose. The language passed by this body in February made very clear that the temporary federal benefits would begin immediately after the 26th week, across the board. The UI provision is crafted in a less clear manner in the House bill, but I am aware that the House Ways and Means chairman yesterday expressed his intent in drafting that language that the federal benefit would begin before wholly State-financed benefits.

We understand that the Department of Labor has promised to provide a letter of interpretation of the House-passed legislation that is expected to clarify these issues, and specifically, the technical order of benefits that workers will be expected to receive. This Senator urges the Secretary to get this assurance to us immediately, so that States can adequately plan to meet the needs of workers who have exhausted or will soon exhaust their benefits.

While I am disappointed that the House language is not explicitly clear on this matter, as was the Senate bill, I am pleased to hear that the Department understands this intent and will interpret the language accordingly.

We will closely be watching to ensure that the Secretary follows through on this commitment and puts the Department's priority where it should be—on providing as much assistance as possible to the areas of this Nation that desperately need it—and to providing it in a time frame that truly reflects the urgency of the situation.

Again, I appreciate the phenomenal work of the majority leader and the entire Senate in doing its work on this bill months ago; and now that the House has finally come to the table, I urge that we move quickly to get it enacted and get extended benefits out to workers who need it most.

At this time I ask the distinguished majority leader if it is his understanding that the intent of this legislation was to provide a Federal benefit immediately after regular state UI benefits, and I will yield back for his response.

Mr. DASCHLE. The Senator is exactly right, that is the intent of the legislation.

As I understand it, the House chairman did clarify yesterday that his intent in drafting the legislation conformed to the Senator's view that the federal benefit start before any state-financed extended benefit.

As the Senators from Washington know, the Senate put forward a bill in February that provided a simple 13-week extension to all States, which would begin immediately after the exhaustion of regular UI benefits.

There are a number of States that did act in providing State-financed extended benefits before the House finally agreed to send us this compromise legislation, and those States deserve the maximum federal benefit.

This is about giving workers a chance to get back on their feet.

We have worked hard to recognize the technical concerns of the Senators from Washington and ensure that we were providing the maximum assistance to all States.

So I will say clearly that it was the Congress' intent to provide the federal benefit immediately after regular UI and I will work with the Senators to ensure that the Department conforms with that intent.

INCOME FORECAST METHOD

Mr. DASCHLE. Mr. President, I would like to engage in a brief colloquy with the distinguished chairman and ranking member of the Finance Committee, Senator BAUCUS and Senator GRASSLEY, regarding a tax issue that I had hoped to clarify as part of this legislation, which will have serious economic ramifications for several important industries.

Recently, some uncertainty has arisen regarding the proper tax treatment of residuals and participations under the income forecast method of depreciation. I would ask the distinguished chairman and ranking member if they could clarify this issue.

Mr. BAUCUS. In 1993, the United States Court of Appeals for the Ninth Circuit held in Transamerica Corporation v U.S. that, for purposes of the income forecast depreciation method, the anticipated cost of participations and residuals should be included in a property's cost basis at the beginning of the property's depreciable life.

As the Ninth Circuit determined in Transamerica, inclusion of participations and residuals in a property's initial cost basis is necessary to properly match the income and expenses associated with the property and to clearly reflect income. Yet, it is my understanding that the IRS is not currently permitting such treatment. To eliminate the current uncertainty, Senator GRASSLEY and I have encouraged Treasury to consider regulations clarifying that participations and residuals may be included in a property's initial cost basis for purposes of the income forecast method of depreciation.

Mr. GRASSLEY. I agree with Senator BAUCUS. Excluding participations and residuals from a property's initial depreciable cost basis under the income forecast method results in a mismatching of income from the property and the expenses incurred in producing the property. The Ninth Circuit reached this conclusion in Transamerica. Moreover, I would note that including participations and residuals in the initial depreciable cost basis is consistent with industry standards in computing income for financial accounting purposes. We should remove this uncertainty to avoid needless disputes and to ensure the accurate reflection of taxpayers' income.

Mr. DASCHLE. I want to thank both of my distinguished colleagues for this important clarification. I understand that Treasury is considering this issue currently as part of its 2001 Priority Guidance Plan. For the record, I would note that Senators BAUCUS and GRASSLEY previously sent a letter to Treasury Secretary O'Neill asking him to consider regulations that eliminate the current uncertainty by clarifying that participations and residuals may be included in a property's initial cost basis for purposes of the income forecast method of depreciation. I agree with my colleagues and urge Treasury to issue such regulations.

Mr. BREAUX. Mr. President, I completely agree with the previous colloquy of my distinguished colleagues on the income forecast method of depreciation. The motion picture industry presently is facing a legal cloud that has serious economic implications for the industry. The cloud concerns the tax treatment of residual and participation payments under the income forecast method of accounting, the predominant method of accounting for the industry.

In 1993, the Ninth Circuit held in Transamerica Corporation v U.S. that participations and residuals are included in the initial cost basis of a property for purposes of the income forecast method. Yet, despite this clear result, I understand that the Internal Revenue Service is beginning to challenge that treatment. Simply put, this is wrong—as a matter of law, as a matter of policy, and as a matter of fairness.

The Transamerica decision continues to remain the proper result under present law. As the Transamerica Court found, the inclusion of participations and residuals in the film's costs is necessary in order to match income and expenses property and to clearly reflect income.

I believe we must quickly lift this cloud of uncertainty from one of our most critical industries. I am in agreement with my colleagues that Treasury should issue regulations which eliminate the current uncertainty this year as part of its 2001 Priority Guidance Plan.

CLARIFICATION REGARDING THE FIVE-YEAR CARRYBACK OF NET OPERATING LOSSES

Mr. HATCH. Mr. President, the Job Creation and Worker Assistance Act of 2002, being considered by the Senate today, contains an important provision to extend the general net operating loss ("NOL") carryback provision to 5 years (from 2 years) for NOLs arising in taxable years ending in 2001 and 2002. The Joint Committee on Taxation's Technical Explanation of the Act contains a footnote indicating that the NOL provision "does not affect the terms and conditions that the Internal Revenue Service may impose on a taxpayer seeking approval for a change in its annual accounting period."

I want to clarify with the distinguished chairman of the Finance Committee, Senator BAUCUS, that this footnote was not intended to limit the Internal Revenue Service's authority to alter or modify the terms and conditions that may have been imposed on taxpayers that had already received permission to change accounting periods, particularly under circumstances where the events of September 11, 2001, have resulted in unanticipated and severe hardships, and the waiver or modification would not result in the planning activity that the NOL Condition was intended to prevent.

Specifically, I want to clarify that the IRS has authority to permit an NOL incurred in a short taxable year to be carried back notwithstanding that the taxpayer may have agreed as a condition to securing the change to carry over the NOL only to future years.

Mr. BAUCUS. I would agree that the relevant footnote merely restates the

Internal Revenue Service's present authority, and is not intended to limit that authority in cases where modification of an approval is sought, and such a modification would be consistent with the government's overall response to September 11.

AIRCRAFT

Mr. BROWNBACK. Mr. President, I would like to engage my colleagues, Senator BAUCUS and Senator GRASSLEY in a colloquy. I have a question regarding the special depreciation allowance provisions of H.R. 3090, the "Job Creation and Worker Assistance Act of 2002." Do the depreciation provisions in the bill cover all aircraft?

Mr. BAUCUS. It is our intention to cover all types of aircraft, including commercial, chartered, privately-owned, or crop-dusting aircraft, to the extent the aircraft is otherwise eligible for depreciation.

Mr. GRASSLEY. I agree with Senator BAUCUS' remarks. These special depreciation allowance provisions are intended to cover all aircraft.

Mr. BROWNBACK. I thank my colleagues for that clarification.

HATE CRIMES: WHY WE CAN'T WAIT

Mrs. FEINSTEIN. Mr. President, if you were to walk past the driveway at 222 West Micheltorena Street in Santa Barbara, California today you would see a makeshift memorial of flowers and candles. On a tree nearby, you would also see a note that reads, "United We Stand. Never be forgotten. Always to be loved. A symbol of silence that needs to be broken."

That memorial has been erected outside the home of Clinton Scott Risetter, 37, the victim of a hate crime.

On February 24, 2002, Clint Risetter awoke in his apartment engulfed in flames and then tried to escape as he was burning. When firefighters arrived, they found him dead on his patio. Two days later, Martin Thomas Hartmann walked into the Santa Barbara Police Department and admitted to entering Clint's apartment, pouring gasoline on him as he slept, and then setting him on fire.

Martin Hartmann had known Clint for several months but had learned just recently that Clint was gay. He told police about his hatred toward gays and how he ". . . decided to put [Clint] out of his misery," because he was gay. He believed that he was doing the right thing and that Clint deserved to die.

The note on the tree outside Clint Risetter's apartment expresses not only the views of its author, but also the views of the more than 500 people that joined together Monday night in Santa Barbara to light candles in a vigil for Clint. One of the vigil's attendees, Russ Chaffin, said, "I can't be silent. This is my community. I cannot stand it that something like this could happen in my community."

I simply cannot stand silent when such a violent act is committed against an innocent person. I was deeply saddened and disturbed to hear the horrific details of Clint's death. It's hard for me to imagine a more heinous act of hatred than to set another human being on fire. Unfortunately, Clint's death is characteristic of many hate crimes in America; where an attacker repeatedly beats, stabs or severely burns his victim as if he is removing whatever it is he hates out of the person. And the attacker feels justified in doing so, as if he is doing a great service to humanity by killing the person.

In California, I have seen, first-hand, the devastating impact hate crimes have on victims, their families and their communities. A hate crime divides neighborhoods and breeds a sense of mistrust and fear within a community, just like it has in Santa Barbara. This is why I have long supported legislation aimed at protecting citizens from crimes based on race, ethnicity, religion, gender, disability, or sexual orientation.

According to the FBI's latest statistics, hate crimes based on sexual orientation rose every year between 1994 and 2000. Yet, current Federal hate crimes law does not include crimes against others because of sexual orientation. It only covers crimes motivated by bias on the basis of race, color, religion or national origin. The current law also limits Federal hate crime prosecutions to instances in which the victim was targeted because he or she was exercising one of six narrowly defined federally-protected activities, such as serving on a jury, voting, attending a public school, eating at a restaurant or lodging at a hotel.

The limitations of current law prevent it from reaching many cases where individuals are killed or injured by just walking down the street, or, as we have now seen, even sleeping in their own homes. It does not extend basic civil rights protections to every American, only to a few and under certain circumstances. Updating the current law would not provide special rights, it would ensure equal protection.

"The Local Law Enforcement Act of 2001," legislation of which I am an original cosponsor, would expand current Federal protections against hate crimes based on race, color, religion, and national origin; amend the criminal code to cover hate crimes based on gender, disability, and sexual orientation; authorize grants for State and local programs designed to combat and prevent hate crimes; and enable the federal government to assist State and local law enforcement in investigating and prosecuting hate crimes.

Final passage of "The Local Law Enforcement Act of 2001," is long overdue. It is necessary for the safety and well being of millions of Americans. No American should have to live in fear because of his or her disability. No American should be afraid to walk down the street for fear of a gender-motivated attack. And certainly, no American should be afraid to sleep in their own home because of his or her sexual orientation.

We have had strong bipartisan support for this legislation in the past, and it continues to receive bipartisan support. We just have not been able to get it to the President's desk for his consideration. Today, I ask all of my colleagues to work to ensure that this legislation is not simply supported, but actually gets passed and signed into law. Let's send a signal to Clint Risetter's family, and to all Americans, that our nation will no longer turn a blind eye to hate crimes in this country.

CONFIRMATION OF SHERIFF STEPHEN FITZGERALD TO BE U.S. MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN

Mr. KOHL. Mr. President, I rise today in support of the confirmation of Sheriff Stephen Fitzgerald to be United States Marshal for the Western District of Wisconsin.

Sheriff Fitzgerald's qualifications for this position are impressive. He has served as the Sheriff of Dodge County since 1989 and as a detective and patrol officer with the Chicago Police Department before seeing the light and moving to the greener pastures of Wisconsin to continue his lifelong devotion to law enforcement and public service.

Sheriff Fitzgerald received a unanimous vote of the Judiciary Committee yesterday and deserves the support of the full Senate today. We look forward to his service to the Western District of Wisconsin.

FLORIDA'S 2002 OLYMPIC MEDALISTS

Mr. NELSON of Florida. Mr. President, I rise today to recognize five athletes who recently represented our Nation at the 19th Winter Olympic Games in Salt Lake City.

While the accomplishments of these competitors are exceptional by any measure, this group deserves special recognition; that's because Garrett Hines, Derek Parra, Jennifer Rodriguez, Brian Shimer and Chris Thorpe are Floridians. For the record, Florida sees snow a little more often than once every ice age, and the State's highest mountain is but a bunny hill compared to the terrain these athletes saw in Utah.

Nevertheless, these five Floridians won seven medals in the luge, the bobsled and on the speed skating oval.

Garrett Hines, along with teammate Randy Jones, became the first black

American males to win a medal in the Winter Olympics, as the United States took silver in the four-man bobsled. Garrett is the pride of Sanford, FL, and I'd like to wish him luck in his future endeavors.

Similarly, Derek Parra achieved a barrier-breaking milestone, becoming the first Hispanic American to medal in the Winter Olympics as he won both a gold and silver in speed skating.

These two pioneers have left a lasting mark on their sports, and I am proud to call them Floridians.

Also, Jennifer Rodriguez, known as "Miami Ice," showed the world that South Florida has a place on the Winter Olympic map. After becoming the first Hispanic American to compete for the United States Winter Olympic Team during the 1998 Games in Japan, Rodriguez not only competed in Salt Lake City, she won two speed skating bronze medals.

Brian Shimer continued the South Florida success, as the Naples native took home a bronze in the four-man bobsled. This five-time Olympian had never before won a medal, but as the driver in this year's bronze medal winning sled, he has realized a career-long goal.

Finally, Daytona Beach resident Chris Thorpe, added a bronze medal in doubles luge to the silver he won four years ago in the Nagano Games. Chris has said this will be his last Olympics, and I'd like to wish him luck as he finishes his undergraduate degree at the University of Florida, Gainesville.

I applaud the commitment these athletes have shown in reaching the pinnacle of their respective sports, and I hope their willingness to sacrifice and their determination to succeed motivates all Americans to exceed expectations and achieve the extraordinary.

I would ask to have printed in the RECORD the names and hometowns of these five athletes, along with the events they competed in and the medals they won. This group is a portrait of diversity, and as representatives of Florida and America, they have made us all very proud.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FLORIDA MEDALISTS AT THE 19TH WINTER OLYMPIC GAMES

Garrett Hines, Orlando, FL, Silver, Bobsled, Four-man; Derek Parra, Orlando, FL, Gold, Speed skating, 1,500 meters, Silver, Speed skating, 5,000 meters; Jennifer Rodriguez, Miami, FL, Bronze, Speed skating, 1,000 meters, Bronze, Speed skating, 1,500 meters; Brian Shimer, Naples, FL, Bronze, Bobsled, Four-man; Chris Thorpe, Daytona Beach, FL, Bronze, Luge, Doubles.

IN MEMORY OF HOWARD CANNON

Mr. HOLLINGS. Mr. President, I want to remember our friend, and outstanding former chairman of the Commerce Committee, Howard Cannon. I had the good fortune to serve with Senator Cannon for most of his four terms, and what set him above in my eyes was that he came from the school that the Senate is an institution where people get things done. Had it not been for this courageous vote to end a filibuster in 1964, the landmark civil rights legislation that has so dramatically changed this country would never have gotten to the Senate floor.

It is almost 20 years since he left the Commerce Committee, and I find his shoes are still difficult to fill. We called him Mr. Aviation because he ended 40 years of federal control over the airlines. Had it not been for his interest in water projects and basic infrastructure, Las Vegas would not have had the phenomenal growth it has seen.

No question, it is hard to find a Senator in the last half century whose loyalty to his convictions has made more lasting contributions to our nation and to his state. We will miss him.

My wife Peatsy, and I want to express our deepest sympathy to his charming wife, Dorothy, and to their family.

ADDITIONAL STATEMENTS

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 10, 1999 in Anchorage, AK. A gay man, Alexander Paul Nicholai, 45, was stabbed to death in his apartment. The attacker, Kenneth J. Washington, 21, who claimed he was defending himself against unwanted sexual advances, was charged with first-degree murder in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.•

THE IMPORTANCE OF ENFORCING GUN LAWS

• Mr. LEVIN. Mr. President, sadly another gun tragedy occurred in my State this past Tuesday in Mount Pleasant, MI when three people were shot and killed allegedly by the ex-husband of one of them. According to a Detroit Free Press article, the man had a recent domestic violence conviction. This case illustrates the importance of closing the loopholes in our gun laws and preventing domestic violence offenders from owning firearms.

According to a Violence Policy Center analysis, a woman is 14 times more likely to be murdered by a spouse, intimate acquaintance or close relative if there was a history of domestic violence. Having one or more guns in the home makes a woman more than seven times more likely to be the victim of homicide.

Current law prohibits the possession of firearms by any person convicted of a misdemeanor crime of domestic violence and prohibits the sale of any firearm or ammunition to a person convicted of domestic violence. But we have to do more to prevent women from being victims of gun violence.

First, we must continue to fund the National Criminal History Improvement Program, which assists States in compiling criminal records and establishing identification systems for Brady gun background checks. In addition, we need to act now to close the gun show loophole and keep domestic abusers and other criminals from buying weapons at gun shows. These critical steps will help make America safer by ensuring that the criminal background information is accurate and accessible and make it tougher for those with a domestic violence conviction to obtain a firearm by easily bypassing a background check.•

IN HONOR OF HADASSAH'S 90TH ANNIVERSARY

• Mr. CORZINE. I rise today to pay tribute to Hadassah, the Women's Zionist Organization of America, on the occasion of their 90th anniversary. Founded in 1912 by Henrietta Szold and a small study circle of American women, Hadassah was committed to bringing modern health care to the Holy Land. It has since grown to become the largest Jewish and largest women's membership organization in the nation.

In 1913, this fledgling organization sent two public health nurses to Jerusalem to set up a maternity clinic and treatment center for women and children. A short 27 years later, Hadassah established the Hadassah Hospital on Mt. Scopus. Since that auspicious milestone, Hadassah has become a leading force in providing for Israel's medical needs, opening various clinics across the country and a new center of medical excellence, the world-renowned Ein Karem Hospital. I had the chance to personally visit the Hadassah facilities when I was in Israel last August, and to see first hand the care and compassion that are provided on a daily basis to anyone in need regardless of race, color, creed, or national origin. Hadassah hospitals, in addition to serving as a model of peaceful coexistence in the Middle East, provide state-of-the-art health services ranging from emergency attention to long-term care to more than 600,000 patients a year.

As its first national domestic effort, Hadassah women sold $200 million in World War II bonds—a remarkable accomplishment by any standard. After Pearl Harbor, Hadassah mobilized its members to aid the war effort by beginning a blood bank and donating supplies. Their work continues in the United States through voter registration drives, grassroots advocacy on United States-Israel relations, volunteering in domestic violence shelters, and numerous other humanitarian efforts.

Another key component of Hadassah's mission is education. Through the College of Technology, the Career Counseling Institute, and Youth Villages, and in the United States through Young Judaca and the Hadassah Leadership Academy, they accomplish their goal to provide the people of Israel with quality educational programs and learning opportunities.

Ninety years later, the Hadassah Foundation remains true to its original mission and is dedicated to—improving the status, health and well being of women and girls; bringing their contributions, issues and needs from the margins to the center of Jewish concern; and encouraging and facilitating active participation in decisionmaking and in leadership in all spheres of life. Their strength comes from action. And their actions bring to their sisters, to their homeland, and to our Nation the precious gifts of health, education, and the power of hope. As Hadassah looks toward the next century, they see continued pioneering, continued progress, and continued innovation in health care in Israel, while continuing to share their knowledge and experience for the benefit of mankind.

For the services they have provided to Israel and across the globe, and for their dedication to the well-being of their community, I offer my sincere congratulations to Hadassah for 90 years of providing the adage that together we can make a difference and together we can change people's lives. Shalom!●

TRIBUTE TO THE HEROISM OF ISAAC HO'OPI'I

● Mr. AKAKA. Mr. President, it is with great pride that I come to the floor today to speak about the courageous and heroic acts of a dear friend and constituent, Defense Protective Service Officer Isaac Ho'opi'i. I have always said that Hawaii is a unique place not because of its beauty, but because of its people. The people of Hawaii share a special attitude, which has been referred to as the "Aloha spirit." Aloha in Hawaiian has a number of meanings, including love. The Aloha spirit can best be explained as the love of others and is illustrated through acts of kindness. Isaac Ho'opi'i exemplifies and lives the Aloha spirit.

I rise today to honor the actions of Officer Isaac Ho'opi'i, who was awarded the Office of Secretary Medal of Valor for his efforts in responding to the tragedy at the Pentagon on September 11, 2001. There have been a number of news articles and television segments recounting Isaac's heroic actions in the wake of tragic events at the Pentagon on September 11.

Isaac is most well-known as "the voice" in the dark smoke, moments after Flight 77 crashed into the Pentagon, calling for anyone who was in the blackened, smoke-filled corridors to come toward his voice. Seven people responded to his calls to head toward his voice and were guided safely out of the burning Pentagon on September 11. Isaac also physically carried at least eight individuals out of the burning building on that fateful day. He and his K-9 partner, Vito, worked 36 hours straight immediately after the plane crashed into the Pentagon—they have continued on 12-hour shifts since.

I was honored to attend the Medal of Valor ceremonies on Tuesday afternoon at the Pentagon. I witnessed Isaac receiving the Medal of Valor, the highest award in the Department of Defense for a civilian. 38 other individuals also received the award on Tuesday, and I salute their brave acts as well.

Isaac, born and raised in Hawaii, has lived in Washington, D.C., for the past twelve years and has spent the last five years as a member of the Defense Protective Service. I have known Isaac for over 12 years. I first met him when I was a member of the House of Representatives. My family and I have spent time with Isaac and his family, his wife Gigi, and their children, Emily, Bess, and Jeff, on many occasions.

When I spoke to him after September 11, and discussed his split-second decision to respond to the burning Pentagon with little concern for his personal safety, I asked him how he felt. He modestly discounted his heroic actions. I was told by others that Isaac felt badly after September 11, because he felt that he should have been able to help more people. I am sure that those 15 people who he personally helped out of the Pentagon, and their families, are very thankful for his quick thinking and willingness to risk his life. His own wife and family had no idea about his safety on September 11, because of his immediate response to the site.

Isaac is a man who is always willing to help others. During the awards ceremony, Mr. Paul Haselbush, Director of the Real Estate and Facilities Directorate, mentioned a letter he received from a woman who had been stranded on the road with a flat tire for three hours in the cold. She wrote to the Department of Defense to thank the Defense Protective Service for the actions of Officer Isaac Ho'opi'i, who saw her stranded on the road, stopped to help her, and fixed her flat tire. When she saw his name, she recognized Isaac as "the voice" that she had read about in the newspaper who had saved some of the people in the Pentagon on September 11th.

In November of last year, Isaac went home to Hawaii for a family vacation. Isaac took one week of his vacation to talk to students in schools, not about his heroic acts, but about the events of September 11th and to answer their questions about why terrorists would attack the United States. I asked Isaac why he spoke with the students. He told me that he wanted to inspire them to reach out for their goals and dreams—that if he, a Native Hawaiian boy raised in Waianae could move to Washington, D.C., become successful by helping others and sharing the Aloha Spirit, they could all do the same. He told me if he just reached one student his time would have been spent well. Isaac reached more than one student. He has received a number of letters from the students he spoke to during his trip to Hawaii.

On Tuesday, when I told Isaac that I was so very proud of him, he smiled, and told me that he was just trying to be a good Hawaiian and to share the spirit of Aloha. Isaac Ho'opi'i is indeed a wonderful man, a wonderful American, and his actions reflect the Aloha Spirit, the essence of the people of Hawaii. It is with great pride that I congratulate Isaac Ho'opi'i and the other 38 recipients of the Medal of Valor for their courageous acts on September 11, 2001.●

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. WELLSTONE (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 2002. A bill to ensure that victims of domestic violence get the help they need in a single phone call, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX, and Mr. JOHNSON):

S. 2003. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DODD (for himself, Mr. CORZINE, Ms. STABENOW, Mr. JOHNSON, and Mrs. BOXER):

S. 2004. A bill to improve quality and transparency in financial reporting and independent audits and accounting services, to designate an Independent Public Accounting Board, to enhance the standard setting process for accounting practices, to improve Securities and Exchange Commission resources and oversight, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DASCHLE (for himself and Mr. LOTT):

S. Res. 222. A resolution commending and supporting the troops; considered and agreed to.

By Mr. BIDEN (for himself, Mrs. BOXER, Mr. DODD, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. FEINGOLD, Mr. KOHL, Mr. HATCH, Mr. BREAUX, Ms. STABENOW, Mr. SCHUMER, Mr. SPECTER, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. BAYH, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. CARNAHAN, Mr. LEVIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. DURBIN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. AKAKA, Mr. KERRY, Mr. STEVENS, Mr. BURNS, and Mr. BINGAMAN):

S. Res. 223. A resolution designating March 8, 2002, as "International Women's Day"; considered and agreed to.

By Mr. JOHNSON (for himself, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. DASCHLE, Mr. CAMPBELL, and Mr. FEINGOLD):

S. Res. 224. A resolution designating September 6, 2002, as "National Crazy Horse Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 1761

At the request of Mr. DORGAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1761, a bill to amend title XVIII of the Social Security Act to provide for coverage of cholesterol and blood lipid screening under the medicare program.

S. 1860

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from South Dakota (Mr. JOHNSON), and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 1992

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1992, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

AMENDMENT NO. 2979

At the request of Ms. LANDRIEU, her name was added as a cosponsor of amendment No. 2979 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WELLSTONE (for himself, Ms. COLLINS, Mr. KENNEDY, Mr. DEWINE, and Mr. BAYH):

S. 2002. A bill to ensure that victims of domestic violence get the help they need in a single phone call, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. WELLSTONE. Mr. President, today along with Senators COLLINS, KENNEDY, DEWINE and BAYH, I am proud to introduce the National Domestic Violence Hotline Enhancement Act. Modeled after the Day One project in Minnesota, the Act would create a web site that would allow National Domestic Violence Hotline operators, shelter based advocates and relevant State and local domestic violence service providers around the country to more quickly and easily find the most appropriate shelter for families seeking safety from abuse. The highly secure and confidential web site would keep a continuously updated, nationwide list of available shelter for victims of domestic violence and their families. It would also make available to the Hotline and to advocates information about services and facilities offered by these shelters, such as language, disability, transportation and children's services.

In doing so, the new site would ensure that whenever a woman calls the Hotline or a shelter seeking help, the operator can immediately check the web site, get an up-to-the-minute listing of available shelters and services around the country, then, place the caller in the most appropriate shelter to meet her family's needs for safety, location, language and other services without the caller ever having to hang up the phone. The web site will ensure that during one of the most stressful and dangerous times of their lives, victims of domestic violence and their families can get the help they need in a single, easy phone call.

Minnesota's Day One Program, which is the model for this bill, has run a highly successful, confidential web site that links every shelter in Minnesota. Day One has shown what profound benefits this new technology can bring to the lives of battered women and their children. It has broken down barriers families face in their first attempts to find safety, resulting in faster, more appropriate placements. In fact, Day One reports that 90 percent of women and children who call are assured services and shelter in a single call. In other words, when and where they need them most. This is critical since needing to make and receive multiple followup calls to find the most appropriate shelter has been a major barrier for women trying to escape an unsafe situation.

The website helps ensure that women and children are placed in shelters that are best for them, whether that means shelters that are near transportation or a school, shelters that provide language or disability services, or shelters that have special programs for children. Finding shelter in a place where families can get the unique supports that they need also overcomes more of the traditional obstacles to safety.

Having an online network of shelters also allows survivors and their children to relocate to a broader number of areas in the state so that they can be as safe as possible from their batterer, if that is necessary.

The Network also benefits families because it benefits the service providers who help families. The new technology has saved staff time by reducing the number of calls staff has to make to find the best placement for clients. The web site has also opened lines of communication between shelters in

Minnesota and has allowed a better sharing of needs and ideas which has led to better relationships and cooperation between shelters. Further, it has led to expanded documentation of occupancy rates and services needed and provided in Minnesota. In a survey of Minnesota shelters, 95 percent of respondents said that their experience with Day One is "excellent." All of this means better service for battered women and their families.

We have used the most advanced technology to improve education, science, medicine and almost every aspect of our lives. None of us can have failed to recognize the powerful change the Internet has brought to our society. None of us can deny that we must embrace this change and use it to our greatest advantage. The National Domestic Violence Hotline Enhancement Act now will apply America's newest and best technology to help solve one of our nation's oldest, most confounding and brutal problems, domestic violence. This move is long overdue. The National Network to End Domestic Violence estimates that only 43 percent of shelters in the United States have Internet access, leaving well over half of all shelters without services the rest of us have come to think of as routine. In linking the shelters on an electronic network, this bill would help every shelter in the country have Internet access. It gives us the opportunity to use one of the century's greatest advances to save the lives of women and children.

Last year at least 32 women and 10 children were murdered as a result of domestic violence in Minnesota. Across the Nation, a woman is battered every 15 seconds. Three to 10 million children nationally are estimated to witness domestic violence each year, 70 percent of whom are abused themselves. Domestic Violence is in all of our communities. Despite its pervasiveness, there is still nowhere where violence is more isolated from view, more difficult to combat and more far reaching in its impact than violence in the home. It is a problem we cannot afford to ignore. People who will try to keep family violence quiet and hidden behind the walls of the home ignore its tragic echoes in our schools, in the workplace and on the streets.

I do not want to hear one more story about a woman being murdered by her husband or by her boyfriend. I do not want to hear one more story about a woman being beaten, or her child fighting in school because he saw fighting in his home.

If we are going to put an end to this horrible pattern, we must put an end to the pattern where women seek shelter, but give up in frustration when they find none. We must put an end to the pattern that one quarter of homeless people on any given night are victims of domestic violence and their children. This bill is one step in that direction.

Over the past six years, the National Domestic Violence Hotline has received over 500,000 calls from women and children in danger from abuse. If we ensure that a web site similar to the one in Minnesota were made available to all of these families seeking help, so that women can get shelter and services when and where they need it, we could take a strong step to ensuring the safety and well being of hundreds of thousands of families fleeing domestic violence around the country. Technology gives us the tools to help undo one of the greatest wrongs we confront as a society. We cannot turn our backs on this opportunity. I urge my colleagues' support of this important legislation.

Ms. COLLINS. Mr. President, today I join Senators WELLSTONE, KENNEDY, DEWINE, and BAYH in introducing the National Domestic Violence Hotline Enhancement Act. This legislation would authorize the Department of Health and Human Services to oversee the creation of a secure web site that would link every domestic violence shelter and service provider in the United States and the National Domestic Violence Hotline.

The objective is to enable victims of domestic violence and their families who are seeking safety from abuse to more quickly and easily find the shelter and other services they so desperately need. The secure and confidential web site would keep a continuously updated, nationwide list of available shelter and services, such as transportation and children's services, for victims of domestic violence and their families.

Once the web site is operational, whenever a woman calls the Hotline, a shelter or other domestic violence project, the operator can immediately check the site and get an up-to-date listing of available shelters and services around the country. With a single phone call, a victim of domestic violence and her family can be placed in the most appropriate shelter to meet their needs or more quickly obtain the other services that will enable them to escape a dangerous situation.

Domestic violence is the number one cause of injury to women in the United States. In this country, a woman is battered every 15 seconds. It is estimated that one in five women admitted to emergency rooms is there due to battering. Almost one-third of the American women murdered each year are killed by their current or former partners, usually a husband. In the State of Maine, the overall crime rate dropped by 12 percent in 2000, but domestic violence reports increased by 12.5 percent. It is the leading cause of murder in Maine, resulting in over half the state's homicides.

Even when children aren't the target of family violence, those who witness abuse in their homes do not escape unscathed. Tragically, they too are victims, with effects that can include physical, psychological and behavioral problems. Moreover, many of the millions of children who suffer or witness abuse in their homes grow up to perpetuate the legacy of family violence. A report by the American Psychological Association found that a "child's exposure to the father abusing the mother is the strongest risk for transmitting violent behavior from one generation to the next."

According to one estimate by the American Medical Association, domestic violence costs the nation from $5 to $10 billion annually in medical expenses, police and court costs, shelters and foster care, sick leave, absenteeism, and nonproductivity. Add the untold costs in suffering and destroyed lives caused by domestic abuse, and the need to more effectively intervene and break the cycle of violence becomes even more compelling.

Information technology has improved many aspects of our lives in recent years, and it is time we used advances in technology to help victims and break the cycle of domestic violence. The National Domestic Violence Hotline Enhancement Act will do just that by more effectively helping women and children escape unsafe and violent situations.

To achieve the goal of linking the National Domestic Violence Hotline and every domestic violence shelter and service provider on an electronic network, the legislation authorizes the use of funds to provide Internet access and training to shelters that currently do not have the necessary technology. This is a critical element of the bill because only 43 percent of shelters in the United States have Internet access, leaving over half of all shelters without services that many of us now take for granted.

The National Domestic Violence Hotline Enhancement Act would create a national domestic violence website and secure network, and it will give service providers the tools to both contribute to and benefit from that network. By doing so, the bill would help ensure that hundreds of thousands of women and children in need of help to escape violence will find the safety and well-being they deserve. I urge my colleagues to support this important legislation.

By Mr. NELSON of Florida (for himself, Mr. MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX, and Mr. JOHNSON):

S. 2003. A bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes; to the Committee on Veterans' Affairs.

Mr. NELSON. Mr. President, I rise today to introduce legislation, on behalf of Senators JOHN MCCAIN, Ms. LANDRIEU, Mr. CONRAD, Mr. BINGAMAN, Mr. BREAUX, and Mr. JOHNSON, to protect our veterans from financial predators who offer "instant cash" in exchange for future pensions or disability pay.

Current law prohibits the direct sale of a veteran's pension or disability benefits. These payments are a tax-free, monthly check from the government, meant to provide important financial support to veterans who were disabled or wounded in service to our country. In the State of Florida alone, 245,000 veterans or their survivors received such compensation last year; and the Department of Veterans Affairs paid out nearly $21.3 billion nationwide.

To get this pot of money, some companies have used a loophole that enables them to enter into contract with veterans and offer them "instant cash" in exchange for future benefits.

These contracts require veterans to sign away their disability benefits or pensions for a certain period, often 8 years. In exchange, companies give them a lump-sum cash payment, typically valued at only 30 cents per dollar and in certain cases, companies require veterans to put up collateral, such as taking out a life insurance policy, potentially leaving a veteran's family out in the cold.

The VA has called this practice a "financial scam." The VA Inspector General says: "These schemes seem to target the most financially desperate veterans who are the most vulnerable. For many unsuspecting veterans, these benefit buyouts could be financially devastating." In one case, a veteran received a lump total of $73,000 in return for his monthly benefit checks of $2,700 over 10 years. An annual interest rate of 28.5 percent.

I find this practice reprehensible. The intent of the law that prohibits the assignment of a veteran's benefits is being skirted. My bill expands the definition of assignment of benefits and makes a violation punishable by a stiff fine, and up to 1 year in jail.

The second part of my bill creates a 5-year education and outreach campaign, through the VA, to provide information to veterans about what legitimate financial services are available to them.

The Disabled American Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and AMVETS have endorsed this bill. I look forward to having the support of this body as we move to better protect our veterans from "instant cash" and other financial schemes.

I would like to conclude with a comment from one of our country's veterans. ". . . My pension isn't a lottery winning. It's an award from the American people for serving my country, and it's appalling to think there are those out there that would rob you of this honor and steal your future."

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2003

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits and Pensions Protection Act of 2002".

SEC. 2. APPLICABILITY OF PROHIBITION ON ASSIGNMENT OF VETERANS BENEFITS TO AGREEMENTS ON FUTURE RECEIPT OF CERTAIN BENEFITS.

(a) IN GENERAL.—Section 5301(a) of title 38, United States Code, is amended—

(1) by inserting "(1)" after "(a)";

(2) by designating the last sentence as paragraph (2) and indenting such paragraph, as so designated, two ems from the left margin; and

(3) by adding at the end the following new paragraph:

"(3)(A) For purposes of this subsection, in any case where a beneficiary entitled to compensation, pension, or dependency and indemnity compensation enters into an agreement with another person under which agreement such other person acquires for consideration the right to receive payment of such compensation, pension, or dependency and indemnity compensation, as the case may be, whether by payment from the beneficiary to such other person, deposit into an account from which such other person may make withdrawals, or otherwise, such agreement shall be deemed to be an assignment and is prohibited.

"(B) Any agreement or arrangement for collateral for security for an agreement that is prohibited under subparagraph (A) is also prohibited.

"(C)(i) Any person who enters into an agreement that is prohibited under subparagraph (A), or an agreement or arrangement that is prohibited under subparagraph (B), shall be fined under title 18, imprisoned for not more than one year, or both.

"(ii) This subparagraph does not apply to a beneficiary with respect to compensation, pension, or disability and indemnity compensation to which the beneficiary is entitled under a law administered by the Secretary.".

(b) EFFECTIVE DATES.—(1) Subparagraphs (A) and (B) of paragraph (3) of section 5301(a) of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to any agreement or arrangement described in such subparagraphs, whether entered into before, on, or after the date of the enactment of this Act, and any such agreement or arrangement entered into before the date of the enactment of this Act is void and unenforceable as of such date.

(2) Subparagraph (C) of such paragraph shall apply with respect to any agreement or arrangement covered by such subparagraph that is entered into on or after the date of the enactment of this Act.

(c) OUTREACH.—The Secretary of Veterans Affairs shall, during the five-year period beginning on the date of the enactment of this Act, carry out a program of outreach to inform veterans and other recipients or potential recipients of compensation, pension, or disability and indemnity compensation benefits under the laws administered by the Secretary of the prohibition on the assignability of such benefits under law. The program shall include information on various schemes to evade the prohibition, and means of avoiding such schemes.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated for the Department of Veterans Affairs for each of fiscal years 2003 through 2007, $3,000,000 for purposes of carrying out the program of outreach required by subsection (c).

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 222—COMMENDING AND SUPPORTING THE TROOPS

Mr. DASCHLE (for himself and Mr. LOTT) submitted the following resolution; which was considered and agreed to.

S. RES. 222

Whereas, Al Qaeda, which attacked the United States on September 11 and killed thousands of people, remains a threat to the national security of the United States;

Whereas, the servicemen and women of the United States, who have undertaken more than twenty weeks of courageous and successful operations, are currently engaged in the largest ground combat operation in Afghanistan since the October 7, 2001 start of U.S. and allied military efforts;

Whereas, United States military personnel face tremendous risks in Afghanistan, as evidenced by the fierce attacks that killed at least 8 American servicemen and injured more than 30 American servicemen during the conduct of Operation Anaconda;

Whereas, we are engaged in an unprecedented global conflict, one that presents many new and dangerous challenges to the men and women of the Armed Forces;

Whereas, the Senate has supported all of the President's requests to meet this deadly new threat to world peace;

Whereas, this conflict will require our unflinching resolve, and the first priority of the Congress is to provide our soldiers, sailors, airmen, and marines with the necessary resources and tools required for victory;

Whereas, the United States remains steadfastly determined to bring to justice the perpetrators of the September 11 attacks against America.

Now, therefore, be it

Resolved by the Senate, That

(1) The Senate expresses the gratitude of the Nation to:

(A) The United States Armed Forces who are participating in Operation Enduring Freedom.

(B) The families of American service men and women participating in Operation Enduring Freedom, who have borne the burden of separation from their loved ones, and staunchly supported them during this effort.

(2) The Senate expresses its condolences to the families of the brave American service personnel who have lost their lives defending America in the war against terrorism.

(3) The Senate reaffirms that it stands united with the President in the ongoing effort to defeat terrorism.

SENATE RESOLUTION 223—DESIGNATING MARCH 8, 2002, AS "INTERNATIONAL WOMEN'S DAY"

Mr. BIDEN (for himself, Mrs. BOXER, Mr. DODD, Mrs. CLINTON, Ms. CANTWELL, Mr. CARPER, Mrs. MURRAY, Ms. LANDRIEU, Ms. COLLINS, Mr. FEINGOLD, Mr. KOHL, Mr. HATCH, Mr. BREAUX, Ms. STABENOW, Mr. SCHUMER, Mr. SPECTER, Mr. SARBANES, Mr. WELLSTONE, Mr. KENNEDY, Ms. SNOWE, Mrs. FEINSTEIN, Mr. SMITH of Oregon, Mr. BAYH, Ms. MIKULSKI, Mrs. LINCOLN, Mrs. CARNAHAN, Mr. LEVIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. DURBIN, Mr. MURKOWSKI, Mr. DOMENICI, Mr. AKAKA, Mr. KERRY, Mr. STEVENS, Mr. BURNS, and Mr. BINGAMAN) submitted the following resolution; which was considered and agreed to.

S. RES. 223

Whereas all over the world women are contributing to the growth of economies, participating in the world of diplomacy and politics, and improving the quality of the lives of their families, communities, and nations;

Whereas discrimination continues to deny women full political and economic equality and is often the basis for violations of women's basic human rights;

Whereas worldwide the lives and health of women and girls continue to be endangered by violence that is directed at them simply because they are women;

Whereas worldwide violence against women includes rape, genital mutilation, sexual assault, domestic violence, dating violence, honor killings, sexual trafficking in women, dowry-related violence, female infanticide, sex selection abortion, forced pregnancy, forced sterilization and forced abortion;

Whereas worldwide at least 1 in 3 females has been beaten or sexually abused in her lifetime;

Whereas 1 in 6 women in the United States has experienced an attempted or completed sexual assault;

Whereas somewhere in the United States, a woman is battered, usually by her intimate partner, every 15 seconds;

Whereas somewhere in the United States, a woman is raped every 90 seconds;

Whereas it is estimated that 1 in 5 adolescent girls in the United States becomes a victim of physical or sexual abuse, or both, in a dating relationship;

Whereas only 17 countries consider marital rape to be a criminal offense;

Whereas worldwide, women account for almost half of all cases of HIV/AIDS, approximately 32,400,000, and in countries with high HIV prevalence, young women are at a higher risk than young men of contracting HIV;

Whereas worldwide sexual violence, including marital rape, has been denounced as a major cause of the rapid spread of HIV/AIDS among women;

Whereas ⅔ of the world's 876,000,000 individuals who are illiterate are women;

Whereas of the 125,000,000 school-aged children not in school all over the world, ⅔ are girls;

Whereas worldwide girls are less likely to complete school than boys;

Whereas in the United States, in the 3 decades since 1971, the educational attainment rates of females has increased faster than those of males, and by the year 2000, not only did females have higher rates of completing high school and some college, but there were no differences in the percentages of males and females with a bachelor's degree or higher;

Whereas it is estimated that women and their children make up more than 70 percent of the 1,300,000,000 poorest people in the world;

Whereas worldwide, women remain vastly underrepresented in national and local assemblies, accounting for less than 10 percent of the seats in parliament, on average (except for East Asia where the figure is approximately 18 to 19 percent), and in no developing region do women hold more than 8 percent of the ministerial positions;

Whereas illegal trafficking worldwide for forced labor, domestic servitude, or sexual exploitation involves between 1,000,000 and 2,000,000 women and children each year, of whom 50,000 are transported to the United States;

Whereas worldwide women still earn less, own less property, and have less access to education, employment, and health care than do men;

Whereas March 8 has become known as International Women's Day for the last century, and is a day on which people, often divided by ethnicity, language, culture, and income, come together to celebrate a common struggle for women's equality, justice, and peace;

Whereas the dedication and successes of those working all over the world to end violence against women and girls and fighting for equality should be recognized; and

Whereas the people of the United States should be encouraged to participate in International Women's Day: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 8, 2002, as International Women's Day;

(2) reaffirms its commitment—

(A) to ending discrimination and violence against women;

(B) to ensuring the safety and welfare of women; and

(C) to pursuing policies that guarantee the basic rights of women both in the United States and in the world; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe "International Women's Day" with appropriate programs and activities.

SENATE RESOLUTION 224—DESIGNATING SEPTEMBER 6, 2002, AS "NATIONAL CRAZY HORSE DAY"

Mr. JOHNSON (for himself, Mr. DORGAN, Mr. NELSON of Nebraska, Mr. CONRAD, Mr. BINGAMAN, Mr. BAUCUS, Mr. DASCHLE, Mr. CAMPBELL, and Mr. FEINGOLD) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 224

Whereas Crazy Horse was born on Rapid Creek in 1843;

Whereas during his lifetime, Crazy Horse was a great leader of his people;

Whereas Crazy Horse was a warrior and a military genius, and his battle strategies are studied to this day at West Point;

Whereas Crazy Horse was a "Shirt Wearer", having duties comparable to those of the Secretary of State;

Whereas it was only after he saw the treaty of 1868 broken that Crazy Horse defended his people and their way of life in the only manner he knew;

Whereas Crazy Horse took to battle only after he saw his friend, Conquering Bear, killed and after he saw the failure of Federal Government agents to supply treaty guarantees such as food, clothing, shelter, and necessities for existence; and

Whereas Crazy Horse was killed at Fort Robinson, Nebraska, on September 6, 1877, when he was only 34 years of age: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 6, 2002, as "National Crazy Horse Day"; and

(2) requests that the President issue a proclamation calling on the Federal Government and State and local governments, interested groups and organizations, and the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. JOHNSON. Mr. President, I rise today to submit a resolution that will commemorate the life of Crazy Horse. I submit this legislation along with Senators DORGAN, BEN NELSON, CONRAD, BINGAMAN, BAUCUS, DASCHLE, CAMPBELL, and FEINGOLD. Crazy Horse was a great leader of his people, and the designation of September 6 will be the ultimate commendation for his bravery and contribution to Native Americans.

Crazy Horse was born on Rapid Creek in 1843. He was killed when he was only 34 years of age, September 6, 1877. He was stabbed in the back by a soldier at Fort Robinson, NE, while he was under U.S. Army protection. During his life he was a great leader of his people. Crazy Horse was a warrior and a military genius. His battle strategies are studied to this day at West Point.

Crazy Horse was bestowed with the honor of becoming a Shirt Wearer. This honor is comparable to duties like that of the Secretary of State.

Crazy Horse defended his people and their way of life in the only manner he knew, but only after he saw the treaty of 1868 broken. He took to the warpath only after he saw his friend Conquering Bear killed; only after he saw the failure of the government agents to bring required treaty guarantees such as food, clothing, shelter and necessities for existence. In battle the Sioux war leader would rally his warriors with the cry, "It is a good day to fight—it is a good day to die."

Throughout recent history, a memorial commemorating the life of this great warrior is under construction in my State of South Dakota. I would like to take these efforts one step further and designate September 6, 2002, the 125th anniversary of Crazy Horse's death, as "National Crazy Horse Day."

I urge my colleagues to join me in the commemoration of this great hero.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2992. Mr. NELSON of Florida submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 16 and 17, insert the following:

SEC. 5 . REPORT ON MISSILE DEFENSE OF NUCLEAR FACILITIES.

(a) IN GENERAL.—The Secretary of Energy, in coordination with the Secretary of Defense, shall conduct a study of the feasibility and desirability of establishing ground-based air defense missile systems, integrated with the national air defense system under the North American Aerospace Defense Command, at critical nuclear facilities to protect against threats from aircraft.

(b) MATTERS TO BE ADDRESSED.—The study shall include analyses of—

(1) alternative organizations, structures, and equipment to be used in connection with the missile defense systems; and

(2) the utility, suitability, feasibility, risks, and costs of establishing the missile defense systems.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Energy shall submit to Congress a report describing the results of the study.

PRIVILEGE OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that Sarah Lennon, a fellow in the office of Senator CARNAHAN, be granted floor privileges during debate on the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DASCHLE. Mr. President, we will be taking up other business before the end of the day, but until that time, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 11:20 a.m., recessed subject to the call of the Chair and reassembled at 11:50 a.m., when called to order by the Presiding Officer (Mr. WYDEN).

Mr. DASCHLE. Mr. President, there are pieces of business we need to accommodate prior to the end of the session today. All of these matters have the approval of the distinguished Republican leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DASCHLE. I begin by asking unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 707 through 723, en bloc, that the nominations be confirmed en bloc, the motions to reconsider be laid upon the table en bloc, the President be immediately notified of the Senate's action, any statements thereon appear at the appropriate place in the RECORD, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Paul I. Perez, of Florida, to be United States Attorney for the Middle District of Florida, for the term of four years.

Eric F. Melgren, of Kansas, to be United States Attorney for the District of Kansas for the term of four years.

Dennis Cluff Merrill, of Oregon, to be United States Marshal for the District of Oregon for the term of four years.

John Schickle, of Kentucky, to be United States Marshal for the Eastern District of Kentucky for the term of four years.

William R. Whittington, of Louisiana, to be United States Marshal for the Western District of Louisiana for the term of four years.

Stephen Gilbert Fitzgerld, of Wisconsin, to be United States Marshal for the Western District of Wisconsin for a term of four years.

J.C. Raffety, of West Virginia, to be United States Marshal for the Northern District of West Virginia for a term of four years.

James Anthony Rose, of Wyoming, to be United States Marshal for the District of Wyoming for the term of four years.

James Loren Kennedy, of Indiana, to be United States Marshal for the Southern District of Indiana for the term of four years.

Theophile Alceste Duroncelet, of Louisiana, to be United States Marshal for the Eastern District of Louisiana for the term of four years.

James Thomas Plousis, of New Jersey, to be United States Marshal for the District of New Jersey for the term of four years.

Charles R. Reavis, of North Carolina, to be United States Marshal for the Eastern District of North Carolina for the term of four years.

Timothy Dewayne Welch, of Oklahoma, to be United States Marshal for the Northern District of Oklahoma for the term of four years.

Michael Robert Regan, of Pennsylvania, to be United States Marshal for the Middle District of Pennsylvania for the term of four years.

Jesse Seroyer, Jr., of Alabama, to be United States Marshal for the Middle District of Alabama for the term of four years.

Gregory Allyn Forest, of North Carolina, to be United States Marshal for the Western District of North Carolina for the term of four years.

John R. Edwards, of Vermont, to be United States Marshal for the District of Vermont for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

INTERNATIONAL WOMEN'S DAY

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 223, submitted earlier today by Senators BIDEN, BOXER, DODD, and others.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 223), designating March 8, 2002, as "International Women's Day".

There being no objection, the Senate proceeded to consider the resolution.

Mr. BIDEN. Mr. President, today I introduced a Senate resolution designating March 8 as International Women's Day. A similar resolution will be introduced in the House of Representatives by Representative SCHAKOWSKY with the support of the Women's Caucus. International Women's Day was first observed in 1909, and since then it has provided an opportunity for us to take a moment to remember, celebrate and honor the remarkable steps women have made in their fight for equality all over the globe. This year, Afghan women are the symbol of International Women's Day. Afghan women are triumphant examples of women empowered and able to transform their lives.

We have much to admire in the courage and endurance of Aghan women. Afghan women withstood for more than 5 years systemic oppression by the Taliban. For more than 5 years, women in Afghanistan—solely because they were women—were silenced, forbidden to enter public life, forbidden to be seen unaccompanied on city streets, forbidden to teach or attend schools, forbidden to seek health care and forbidden to work. If women disobeyed, they were beaten. The threat of violence kept women quiet and compliant.

Since the downfall of the Taliban, the veil has lifted for women in Afghanistan. Today we see news clips of women walking the streets of Kabul without burkas and girls learning to read in a city school. Women are resuming their jobs as teachers, government workers and doctors. The Health Minister in the new interim government is a Tajik woman surgeon from Kabul. There is a new Ministry of Women's Affairs led by Dr. Sima Samar who is steadily pushing and pulling to restore women's rights. These are enormous strides to regain women's rights in Afghanistan and a testament to the strength of Afghan women.

The collaboration, persistence and support of international women's groups to expose the Taliban's oppression should also be recognized. While the plight of Afghan women surfaced on the cover of American magazines only this year, many women's groups have been working on the situation for years—writing letters, pressing for action, and supporting refugees. Indeed, in December, an incredible array of international women's groups gathered in Brussels from all over the world to discuss and strategize ways to change Afghanistan. The international women's community understands that this is a long and complicated process for change, and they remain strongly beside Afghan women. International Women's Day gives us an opportunity to acknowledge their tireless efforts and achievements.

As we have seen in Afghanistan, an essential component to achieving gender equality is ending violence against women—an issue about which I care deeply. Women cannot fully participate in a society when they live in fear of violence. Supporting International Women's Day means supporting an end to violence against women.

Without a doubt, we must start in our living rooms. Unfortunately, there is still much to be done in the United States. But steadily we are making significant improvements. According to United States Justice Department data, the overall rate of intimate partner violence against all females decreased a dramatic 41 percent between 1993 and 1999. I am proud to say that some of the improvements come directly from my bill, the Violence Against Women Act of 1994, and its reauthorization in 2000. We have transformed a "private" family matter into a serious, public crime.

Now we are setting our sights on cultural changes and creating a society that has zero tolerance for violence against women. Men who hit or assault women must become the pariahs of our society. We need to teach our young men and boys that violence against girls is completely and utterly unacceptable. And then spread the word around the globe.

International Women's Day reminds us that as we are fighting to end violence against women in America, we need to extend our reach, and fight violence against all women. The range of gender-related violence is staggering. It occurs in every segment of society, without regard for class, color, ethnicity, or country. The violence includes honor killings, sexual trafficking in women, dowry-related violence, female infanticide, sexual assault, and domestic violence. Studies indicate that 1 out of every 3 women in the world has been battered by an intimate partner. Data on rape indicates that as many as 1 in 5 women worldwide are victims of rape, with young women as the most frequent targets. Women everywhere cannot fully participate in society until the violence ends.

We will get there. Despite the threat of violence, women have made incredible strides. Worldwide, there is a closing gender gap in primary and secondary school education. In 1998, 8 percent of the world's cabinet ministers were women, compared to 4 percent in 1994. All over the world women are actively engaged in the economy as workers, producers, traders, managers, and owners. On International Women's Day let us imagine what women can accomplish when they no longer fear violence.

Mr. President, I sincerely hope that all of my colleagues join me to support this resolution to designate March 8 as International Women's Day, to celebrate the enormous progress of women and to reaffirm our commitment to end violence and discrimination against women.

Mr. FEINGOLD. Mr. President, today I rise to commemorate International Women's Day. For nearly a century, women's groups worldwide have paused on this day to celebrate the achievements and contributions of women around the globe. It is a special occasion to remember the progress women have made and to reflect upon the injustices and hardships women still face in the struggle for total equality.

International Women's Day is recognized in many countries around the world, and in some cases, is celebrated as a national holiday. This past week, the Senate has marked this holiday with a Senate resolution urging the President to designate March 8 as International Women's Day in the United States. Also, in honor of this day, there have been a series of briefings and discussions about violence and discrimination against women for Members of Congress and their staff. I hope my colleagues have had an opportunity to participate in these discussions and view the exhibits.

Women have made tremendous strides in the last century. In the United States, more and more women are attending college and earning postgraduate degrees. Consequently, more women are entering the workforce, and starting their own companies. Women all over the world are increasingly becoming more active in the political process, having earned the right to vote, being elected to office, and appointed to positions of power. In the year 2000, 11 countries were led by women.

In our own country, while much progress has been made in the struggle for equality, there are many cases where women are still at a disadvantage. Women continue to earn less than men. Equal pay for equal work is the law of the land, but that promise remains unfulfilled for many. Although some progress has been made in narrowing the gender wage-gap since Congress enacted the Equal Pay Act in 1963, unfair wage disparities continue to be a problem. Wage discrimination is costing families thousands of dollars each year. I am proud to support legislative efforts to correct this discrepancy.

We cannot forget women and children when the Senate considers reauthorization of Temporary Assistance for Needy Families later this year. Too often, women and children fall through the cracks of the system. While many women are going to work, many have to sacrifice time spent with their children in order to afford child care, education, and health care for their kids.

Unfortunately, violence against women is still all too prevalent in our country. Domestic violence is the leading cause of injury among women of child-bearing age. One out of every six American women have been victims of a rape or an attempted rape. Many rapes go unreported, and more than half of the women attacked knew their assailant. Only recently have states begun to recognize crimes such as stalking or marital rape.

Today, we must also consider the challenges facing women abroad. Women in the developing world are more likely to live in poverty, suffer from malnutrition and lack access to education. Despite the expansion of women's health care research and practices in the last two decades, women still have unequal access to these services.

The HIV/AIDS crisis in Africa is particularly alarming. As chairman of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I have had the opportunity to travel to numerous countries in Africa and see firsthand the devastating toll that HIV/AIDS and other infectious diseases are taking on the people of this continent. According to United Nations reports, over 25 million adults and children in Africa are infected with the HIV virus, the majority of them in Sub-Saharan Africa. Sub-Saharan Africa is the only region in which women are infected with the virus at a higher rate than men. UNAIDS, the United Nations Program on HIV/AIDS, reports that women make up an estimated 55 percent of the HIV-positive adult population in this region, as compared to 47 percent worldwide. Young women are especially at risk. The United Nations reports that in the region girls age 15-19 are infected with HIV at a rate of 15 percent to 23 percent, whereas infection rates among boys of the same age group are 3 percent to 4 percent.

Women in other countries suffer tragic human rights abuses as well. They are victims of domestic violence and illegal trafficking of persons for slavery and prostitution. In some countries, women fall victim to "honor killings," a deplorable practice whereby women are murdered by male relatives for actions that are perceived to bring dishonor to the family.

Rape and sexual assault have often been used as weapons of war. The international tribunals for the former Yugoslavia and Rwanda are setting legal precedents in convicting men for rape, torture, and enslavement of women during times of war or regional conflict. These convictions set an international legal precedent for rape to be considered a crime against humanity.

In the last few months, the whole world has come to understand the treatment and status of Afghan women under the reign of the Taliban. Now, as the Afghan people begin to rebuild and reconstruct their country, it is imperative that women play an integral role in that effort. International aid should be given to help women regain their rights to an education, access to quality health care, and involvement in the political process. Women should be included in all levels of government for the future of Afghanistan. Restoring human rights, and, in particular, women's human rights, is key to Afghanistan's successful reconstruction and the transition to democracy.

The protection of women's rights is vital to the success of promoting fundamental human rights. The United States Senate can work towards protecting women's rights and improving the status of women domestically and internationally by acting upon the United Nations Convention on the Elimination of Discrimination Against Women, or CEDAW. CEDAW is the most comprehensive treaty on women's human rights addressing almost all forms of discrimination in areas such as education, employment, marriage and family, health care, politics and law. It has been over two decades since the United States signed this treaty, and it still awaits consideration before the United States Senate. Once again, I urge the Committee on Foreign Relations to take up this treaty and finally allow the Senate the opportunity to offer its advice and consent on this important convention.

In conclusion, today, as we honor women everywhere and celebrate their accomplishments and contributions to history, we must recognize that there is still more to be done in the struggle for gender equity. Discrimination and violence against women still exist here at home and abroad. The United States and the rest of the international community must reaffirm their commitment to promote gender equality and human rights around the world.

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 223) was agreed to.

The preamble was agreed to.

(The resolution is printed in today's RECORD under "Statements on Submitted Resolutions.")

GREEK INDEPENDENCE DAY

Mr. DASCHLE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 322, S. Res. 214.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 214) designating March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy."

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. I ask unanimous consent that the resolution and preamble be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 214) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 214

Whereas the ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people;

Whereas the Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy;

Whereas Greek Commander in Chief Petros Mavromichalis, a founder of the modern Greek state, said to the citizens of the United States in 1821, "it is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you";

Whereas Greece is 1 of only 3 nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict for more than 100 years;

Whereas Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece, presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II;

Whereas the price for Greece holding our common values in their region was high, as hundreds of thousands of civilians were killed in Greece in the World War II period;

Whereas President George W. Bush, in a letter to the Prime Minister of Greece, Constantinos Simitis, in January 2001, referred to the "stable foundations and common values" that are the basis of relations between Greece and the United States;

Whereas President Bush in his January 10, 2002 meeting with the Greek Prime Minister, said, "I am most appreciative of your strong stand against terror. You have been a friend in our mutual concerns about routing out terror around the world," and, "I look forward to the Olympics. It's going to be a magnificent moment for the sporting world to have the Olympics return to Athens. I'm confident your country will do a fine job";

Whereas as a member of NATO, Greece has assigned members of its air force to fly surveillance missions over the United States;

Whereas Greece is a stabilizing force by virtue of its political and economic power in the volatile Balkan region, is one of the fastest growing economies in Europe, and will hold the presidency of the European Union in 2003;

Whereas Greece, geographically located in a region where Christianity meets Islam and Judaism, maintains excellent relations with Muslim nations and Israel;

Whereas Greece has had extraordinary success in recent years in furthering cross-cultural understanding and reducing tensions between Greece and Turkey;

Whereas Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights;

Whereas those and other ideals have forged a close bond between our 2 nations and their peoples;

Whereas March 25, 2002, marks the 181st anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire; and

Whereas it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our 2 great nations were born: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 25, 2002, as "Greek Independence Day: A National Day of Celebration of Greek and American Democracy"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

HUNGER TO HARVEST: DECADE OF SUPPORT FOR SUB-SAHARAN AFRICA

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 262, H. Con. Res. 102.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 102) relating to efforts to reduce hunger in sub-Saharan Africa.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 102) was agreed to.

The preamble was agreed to.

RECORD TO REMAIN OPEN

Mr. DASCHLE. Mr. President, I ask unanimous consent that the RECORD remain open today, Friday, March 8, until 2 p.m. for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING AND SUPPORTING OUR TROOPS

Mr. DASCHLE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 222, submitted earlier today by the two leaders.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 222) commending and supporting the troops.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DASCHLE. Mr. President, in more than 20 weeks of operations in Afghanistan, our troops have liberated Afghanistan, decimated the Taliban, disrupted al Qaeda operations and captured hundreds of al Qaeda terrorists.

Their success lulled much of the world into thinking that our work in Afghanistan was done. The somber news of earlier this week—that eight of America's finest soldiers had been killed in action—reminds us that there is much to be done in Afghanistan.

Right now, our troops are doing that work. They are engaged in the largest ground offensive of the war, confronting the hardest of the hard core of al Qaeda.

The resolution that we are about to pass reminds our troops that we are thinking of them and are praying for them. The 6-month anniversary of September 11 is next week.

It expresses our condolences to the families of those who have lost loved ones in Operation Enduring Freedom.

And it makes absolutely clear on the 6-month juncture, to the al Qaeda terrorists, and to all who of those who wish to take notes, that we will not stop until they have been defeated.

But this resolution is also important for another reason. On September 14, we voted unanimously to send our troops into action against the perpetrators of the cowardly and heinous attacks on the World Trade Center and the Pentagon. That was our constitutional duty, and it is one that none of us takes lightly.

The soldiers who were killed this week—and in the last twenty-one weeks of Operation Enduring Freedom—died doing the work that we sent them out to do. It is only fitting, then, that we take a moment here in the Senate to thank them and their families and to reaffirm the commitment that we made on September 14—that we will not rest until the perpetrators of the September 11 attacks are brought to justice.

Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 222) was agreed to.

The preamble was agreed to.

(The resolution is printed in the RECORD under "Statements on Submitted Resolutions.")

ORDERS FOR MONDAY, MARCH 11, 2002

Mr. DASCHLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it adjourn until the hour of 3 p.m., Monday, March 11; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DASCHLE. Mr. President, I announced earlier that there will be no rollcall votes on Monday. Many of my colleagues have heard me make similar announcements with some concern for the lost opportunity that these days present. Not having votes means very few amendments are offered. When very few amendments are offered, we lose another critical day in accomplishing all that must be done prior to the coming recess, as well as to the end of this session of Congress.

While there are no votes on Monday, I do hope that Senators will come to the floor and offer amendments so that we might have votes on them Tuesday morning.

Senators should be notified that there will be votes on Tuesday morning. It is my sincere hope that a number of amendments can be offered, considered, and completed in debate on Monday afternoon.

The next rollcall vote will occur on the morning of Tuesday, March 12.

ADJOURNMENT UNTIL 3 P.M. MONDAY, MARCH 11, 2002

Mr. DASCHLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 11:57 a.m., adjourned until Monday, March 11, 2002, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 8, 2002:

DEPARTMENT OF JUSTICE

PAUL I. PEREZ, OF FLORIDA, TO BE UNITED STATES ATTORNEY FOR THE MIDDLE DISTRICT OF FLORIDA, FOR THE TERM OF FOUR YEARS.

ERIC F. MELGREN, OF KANSAS, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS.

DENNIS CLUFF MERRILL, OF OREGON, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF OREGON FOR THE TERM OF FOUR YEARS.

JOHN SCHICKEL, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF KENTUCKY FOR THE TERM OF FOUR YEARS.

WILLIAM R. WHITTINGTON, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

STEPHEN GILBERT FITZGERALD, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF WISCONSIN FOR A TERM OF FOUR YEARS.

J.C. RAFFETY, OF WEST VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF WEST VIRGINIA FOR A TERM OF FOUR YEARS.

JAMES ANTHONY ROSE, OF WYOMING, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF WYOMING FOR THE TERM OF FOUR YEARS.

JAMES LOREN KENNEDY, OF INDIANA, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF INDIANA FOR THE TERM OF FOUR YEARS.

THEOPHILE ALCESTE DURONCELET, OF LOUISIANA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF LOUISIANA FOR THE TERM OF FOUR YEARS.

JAMES THOMAS PLOUSIS, OF NEW JERSEY, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW JERSEY FOR THE TERM OF FOUR YEARS.

CHARLES R. REAVIS, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

TIMOTHY DEWAYNE WELCH, OF OKLAHOMA, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF OKLAHOMA FOR THE TERM OF FOUR YEARS.

MICHAEL ROBERT REGAN, OF PENNSYLVANIA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF PENNSYLVANIA FOR THE TERM OF FOUR YEARS.

JESSE SEROYER, JR., OF ALABAMA, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF ALABAMA FOR THE TERM OF FOUR YEARS.

GREGORY ALLYN FOREST, OF NORTH CAROLINA, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF NORTH CAROLINA FOR THE TERM OF FOUR YEARS.

JOHN R. EDWARDS, OF VERMONT, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF VERMONT FOR THE TERM OF FOUR YEARS.

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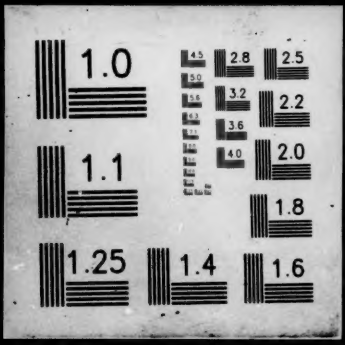
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